

THE SOLIDARITY CENTER PODCAST

Migrant Worker Rights in COVID-19

Host: Shawna Bader-Blau, Solidarity Center Executive Director

Guest: Preeda, migrant rights attorney, Thailand

Preeda:

We can work well with the Thai partners and the unions to continue to promote the labor rights and human rights in Thailand. We hope and ensure that the workers who get less pay receive the equal treatment under the international and ILO standard.

Shawna Bader-Blau:

Hello, sisters and brothers. And welcome to The Solidarity Center Podcast, an interview show that highlights and celebrates the individuals working for labor rights, unionization, and democracy across the globe. I'm your host, Shawna Bader-Blau. I'm also the Executive Director of the Solidarity Center, the largest international worker rights organization in the United States. Solidarity Center works in more than 60 countries to assist unions and worker organizations and empower workers to raise their voice for dignity on the job, for justice in their communities, and for greater equality in the global economy, and for one just future.

Shawna Bader-Blau:

As we pass the grim milestone of living with the COVID-19 pandemic for a year, the inequalities for workers have been laid even more bare. The wealth gap continues to widen and the economic security of workers worldwide has been devastated. Among the hardest hit are migrant workers. Their labor, the labor of millions of migrant workers fuels the global economy. They are domestic workers, construction and agricultural workers, factory and service workers, teachers and professionals.

Shawna Bader-Blau:

Today, we are taking a look at the struggles of migrant workers in Thailand, where up to 2.3 million workers from countries like Myanmar, Cambodia, and Vietnam have come with hopes of supporting themselves and their families. Like migrant workers everywhere, they have made the difficult decision to leave their homes, and sometimes their families, often enduring dangerous journeys to find jobs. Coronavirus lockdowns and quarantines mean many have no income and no way to get back to their countries of origin. Migrant rights groups estimate that since COVID-19 hit last year, 700,000 workers in Thailand are either unemployed or not receiving full pay.

Shawna Bader-Blau:

Thai unions have stood up for migrant workers, helping them organize to better advocate for their rights and negotiate with their employers for better working conditions. They also push for legislation that would provide migrant workers with the same rights all workers should have, regardless of immigration status or where they come from, decent work, safe jobs, and access to basic protections like health care. And throughout the COVID 19 crisis, they have helped connect migrant workers who have lost their jobs with aid organizations and other vital support.

Shawna Bader-Blau:

My guest today, Preeda, joins us from Thailand where she has dedicated her skills as a lawyer to improving migrant worker rights. Preeda has been Assistant to the Secretary General at the Human Rights and Development Foundation, HRDF, which is based in Thailand. And for the past several years, the Solidarity Center has been so fortunate to have Preeda on our staff, working with us in our Bangkok office. Our conversation begins with a look back at the Thai government's response to COVID-19 in

THE SOLIDARITY CENTER PODCAST

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Host: Shawna Bader-Blau, Solidarity Center Executive Director

Guest: Preeda, migrant rights attorney, Thailand

March 2020, which like so many countries created chaos for migrant workers and left them without access to the social and economic programs that were attempting to provide relief.

Preeda:

Thailand announced to lockdown the country in March 2020, and the first sector that listed the big effects is the tourist industry. And the government announced about how the worker, including migrant worker access to compensation. And we found that the compensation provided by the government is through Social Security System.

Shawna Bader-Blau:

Oh no. So, the same system that is excluding migrant workers are being told they have to go to.

Preeda:

Yeah.

Shawna Bader-Blau:

So, how has that affected migrant workers? You were talking about the tourism industry deeply affected by the lockdown. How has that affected migrant workers in Thailand?

Preeda:

First, they lost the opportunity to find a new job when the employer left them behind, right? There is no access to the compensation. They cannot access labor protection mechanism. So the first thing that SSA and other networks are working together is first how to provide humanitarian aid to those who are unable to move out because of the lockdown.

Preeda:

People lost the job from last year. And another thing is about access to compensation during the lockdown. So only one program that provide for that migrant worker is about unemployment compensation through the Social Security system that put many of the migrant workers unable to access the compensation. And another program from the Thai government is called No One Left Behind to access to the compensation. However, when we access to the online applications, the system required the Thai identification card number. So it's not possible for the migrant worker to access to that. So this tie up, the program that raise the discriminate against the migrant worker and the foreign worker in Thailand.

Shawna Bader-Blau:

So, the Solidarity Center and other organizations have helped connect migrant workers who have lost their jobs during the COVID-19 crisis and the lockdown with the Red Cross for humanitarian aid. I wonder if you could just give us an example of how much money does the average migrant worker in the hotel sector make each month.

Preeda:

THE SOLIDARITY CENTER PODCAST

Migrant Worker Rights in COVID-19

Host: Shawna Bader-Blau, Solidarity Center Executive Director

Guest: Preeda, migrant rights attorney, Thailand

Minimum wage. In the hotel industry, the payment is okay. At least they receive the minimum wage, unlike the other sector.

Shawna Bader-Blau:

And what is the minimum wage in Thailand?

Preeda:

The minimum wage right now is about... It's a higher minimum wage in the country, is about 336 baht, 100 plus plus USD.

Shawna Bader-Blau:

So the highest wage, minimum wage that migrant workers in the most famous part of Thailand, Phuket, is just over a hundred dollars a day. So when you were interviewing some workers, tell me what are some of the stories you heard. What did they share with you? How were they feeling? What did they experience?

Preeda:

I think the main demand from the migrant worker industry is they don't want to lose their job. They want to continue to work, right? The thing is because the order of the governments that order the employer in the hotel industry to close down, right, for temporarily. And even they reopen the hotels, but the operation is not the same in the area, many of the hotels have to reduce the number of the worker, reduce the number of the day of work. So this is effect to our worker in the hotel, not only the migrant workers.

Preeda:

But for the case that we interview, it seemed like there is no clear say from the employer. So finally, the worker decided to file the complaint through the Labor Protection Office in Phuket. And after that, that is the process of the recruiting agent. And the employer decided to file the lawsuit against the worker and argue that the worker failed to come to the office after three days without proper notice, something like that. So this is a kind of the issue that the employer wants to prevent them to pay compensation, if they lay off the worker.

Shawna Bader-Blau:

I'm trying to picture how this must have felt for foreign workers, migrants, in Thailand. They're far from home. They come from other countries to Thailand seeking a better life, more wages. The COVID crisis hits.

Preeda:

Yeah.

Shawna Bader-Blau:

Thailand is one of the first countries to experience the crisis in the world. And there are swift lockdown orders and they lose their jobs. They try to get compensation. And even though nobody is supposed to

THE SOLIDARITY CENTER PODCAST

Migrant Worker Rights in COVID-19

Host: Shawna Bader-Blau, Solidarity Center Executive Director

Guest: Preeda, migrant rights attorney, Thailand

be left behind in the Thai system, they are having to rely on the Red Cross for basic humanitarian needs like food.

Preeda:

Yeah.

Shawna Bader-Blau:

I'm trying to imagine what that must feel like to be a worker from Laos or Myanmar or Cambodia in beautiful Phuket.

Preeda:

Yeah.

Shawna Bader-Blau:

Suddenly relying on the Red Cross for basic needs. When you interviewed these workers, they were afraid of losing their jobs. How else did they feel?

Preeda:

I saw the movement of the worker and I still unable to get information to verify. Because after the lockdown in our whole country last year, in September, I went to Phuket because we can connect to the local network to organize about the management of the migrant worker in the area of Phuket province. And our main intention is we want to track down about how people who affect from the COVID-19 access to the compensation, right? Because we have opportunity to talk with the local authority that involved with the issue of the migrant worker. So we talked a lot in the panel about the situation of the migrant worker. And I learned that the 150,000 worker in Phuket register with a Social Security Office in Phuket. And about 140,000 of worker claim for compensations in Phuket.

Shawna Bader-Blau:

Wow. That's almost everybody.

Preeda:

Yeah. Almost everybody that's affected from the pandemic. When we go to details about number of 140,000, how many migrant worker are able to claim for the compensation under the system, we got no answer.

Shawna Bader-Blau:

Oh, no.

Preeda:

Yeah.

THE SOLIDARITY CENTER PODCAST

Migrant Worker Rights in COVID-19

Host: Shawna Bader-Blau, Solidarity Center Executive Director

Guest: Preeda, migrant rights attorney, Thailand

Shawna Bader-Blau:

It makes you wonder if people are disappearing or losing hope.

Preeda:

I checked out the database of the Ministry of Labor about how many migrant worker in Phuket. So I found that it's about 72,000 migrant worker registered and working over there legally. So from 140,000, I don't know how many people can claim for the compensation.

Shawna Bader-Blau:

I wonder if you could share with us a little bit about the role of the companies in the COVID crisis. When the government of Thailand is not always able to provide support for migrant workers, how are the companies responding? Are the companies helping? Are they providing compensation?

Preeda:

Let me clarify first that from the government policy to lockdown and temporary shutdown the work sector, seafood processor industry, not affected from the shutdown. So the migrant worker still able to continue to work in that workplace. Yeah.

Shawna Bader-Blau:

So the seafood industry are essential workers, we call it. They kept working.

Preeda:

That happening from the first lockdown. But in December 2020, there was the case of the Thai people in Samut Sakhon and got the COVID-19. I think that was the first case after a year that the COVID-19 happened in the country. Normally the report of the people receive the COVID-19, they normally travel from different country and after the medical check-up and the doctor find out. But in December, it was the first case that's happening in Samut Sakhon. And people keep talking about migrant worker. So right now seafood industry got affected from the second wave of the pandemic.

Shawna Bader-Blau:

Preeda, in many countries, there is a sense that migrant workers are being blamed for the COVID crisis. And I wonder if that has happened in Thailand.

Preeda:

So linked to the situation that happened in Samut Sakhon in December, because when the Thai people got COVID-19, where 100,000 of the migrant workers are there. And also, there was the media report about some of the migrant workers come back to Thailand through the illegal channel. So a lot of chat of happening at that time. And the government's announced to lockdown the migrant community in Samut Sakhon. But the Thai society is more focused to the role of the Thai authority, that they may have the issue of the corruption that facilitates people from outside the country come back to Thailand, illegally.

Shawna Bader-Blau:

Corruption.

THE SOLIDARITY CENTER PODCAST

Migrant Worker Rights in COVID-19

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Preeda:

Yeah.

Shawna Bader-Blau:

Tell me more about the corruption.

Preeda:

Before the second wave of the COVID-19, there was the report of some number of the Thai people who work in the neighboring country. For example, in Malaysia, in Myanmar, come back to Thailand illegally. Because this time, people already know that they got COVID-19 and there was no way of treatments in another country. So they want to come back to get a better treatment, but the process to return back to Thailand legally, much more complex.

Shawna Bader-Blau:

After the break, we'll discuss how unions are stepping in to support migrant workers today, and the changes that Preeda and the workers of Thailand want to see in the future. (silence)

Shawna Bader-Blau:

Hi there, it's Shawna again. I just wanted to take a minute to invite you to check out RadioLabour, the International Labour Movements Radio Service. RadioLabour produces daily newscasts about union events and issues, and it also produces special programs to support labor campaigns around the world. Check out RadioLabour at R-A-D-I-O-L-A-B-O-U-R dot net, and find out more about worker rights struggles around the world and how the movement is supporting their efforts for decent wages, fair treatment, and strong communities. Follow and subscribe at radiolabour.net.

Shawna Bader-Blau:

Preeda, how do unions fit into this picture? Do they protect the rights of migrant workers?

Preeda:

For the unions, last year, another program of the SSA also worked with the Thai labor unions. And the unions, they are open the complaints center for all the worker. So that center actually received the complaint, not only for the Thai worker, but include the migrant workers. And also Thai labor union, they have very close connection with Thai authorities, especially people in the Ministry of Labor. And sometimes a member of the union accompany the case to bring them to file a complaint through the labor protections system in the provincial level.

Shawna Bader-Blau:

So even though Thai law restricts the right of migrants to be part of unions, unions are still supporting Thai workers and migrant workers during the COVID crisis. Well, why Preeda? Why do they do that?

Preeda:

Because we are the worker, that's all. We are the worker. We are the same. Before the pandemic of COVID-19, we already connect with the labor unions, especially for those sector, that path, migrant

THE SOLIDARITY CENTER PODCAST

Migrant Worker Rights in COVID-19

Host: Shawna Bader-Blau, Solidarity Center Executive Director

Guest: Preeda, migrant rights attorney, Thailand

worker in that workplace and the labor union try to encourage the migrant worker to become a member of the union so they can have the same right, and the same demand, and to learn about the being the labor unions in the democracy's system. A lot of international days that labor unions advocate, every year, they try to engage migrant worker to participate. For example, like International Labor Day, Women Day, Decent Work Day, even for the international migrants, they also organize the activity for migrant workers.

Shawna Bader-Blau:

Well, so on the most important days for workers around the world, like International Workers day, May Day, or Women's Day, or the day celebrating and honoring the right to decent work globally, Thai unions work directly with migrant workers to come out and advocate for their rights.

Preeda:

The first year we filled is most of the migrant workers involved in the May Day with the labor union is the Myanmar worker. Right? But when I can manage to connect more with the union group who have worker from Cambodia, so we just try to communicate and encourage them to being more Cambodian workers, to participate in the May Day. So this is the kind of the successful work that we try to engage with the labor union and migrant workers.

Shawna Bader-Blau:

Preeda, do the migrant workers from neighboring countries have their own home experience with unions? Do they come from countries where they have active labor movements? Or are migrant workers being introduced to unions in Thailand?

Preeda:

Some of them have been engaged with the union in their own country. For example, like a fishing worker, but this is a kind of the experience that some of them used to be a victim and get the support by the union in their own country. And later on, they come back and work as activists.

Shawna Bader-Blau:

Is it common in Thailand for migrant workers to share with their employers when they feel they are not getting fairly paid?

Preeda:

Actually, it's not really common that worker came out to advocate for their rights. However, since we have the migrant worker in the country for up to 30 years already, and some of the migrant workers gathering themselves as a group, and some of them already organized labor unions, and some of them work in their own communities and found themselves as the community-based organization. So to that group, migrant worker can raise their voice about what happening to them.

Preeda:

And clearly because of the development of the technologies, most of the people know about how to use the social media. So the local NGO like HRDF and other partners, they use the social medias to raise

THE SOLIDARITY CENTER PODCAST

Migrant Worker Rights in COVID-19

Host: Shawna Bader-Blau, Solidarity Center Executive Director

Guest: Preeda, migrant rights attorney, Thailand

more awareness and connect with the migrant worker in the communities. And especially during the pandemic of the COVID-19, we cannot go to the fields, but because of the more development on the online system, we use the survey, right. But we changed the number of the question into the case complaint so that we can get numbers of the complaints to the online system.

Shawna Bader-Blau:

Well, so moving online during COVID, but making sure that migrant workers still have access to the right to file complaints, moving online, to keep people safe. Preeda when you mentioned before the union support the migrant workers, because we are all workers.

Preeda:

Yes.

Shawna Bader-Blau:

That's a really powerful idea. I wonder with your experience working in Thailand as an activist, a lawyer, a human rights specialist, when you think about the future, and you think about the idea that we are all workers, what is your idea for what changes should happen in the future to achieve that goal?

Preeda:

Well, Thai worker and the foreigner migrant workers have the same demand. First, they want Thailand to ratify the ILO Convention, number 87 and 98, because Thailand, actually is one of the countries to file the ILO. I think 100 years already that ILO established with the support of the Thailand, but Thailand still not decided to ratify this core convention.

Shawna Bader-Blau:

Core conventions of the International Labor Organization, 87 and 98, Thai workers and migrant workers both want Thailand to ratify these conventions. Can you remind us what are Conventions 87 and 98?

Preeda:

Convention number 87 is about the freedom of associations for our workers to file the unions. And 98, is refer to the collective bargaining. So consider to the Thai domestic law, we have Labor Relations Act that include the issue of the freedom of association and collective bargaining. However, that domestic law is still have an issue to discriminate foreigner migrant worker to file the union.

Shawna Bader-Blau:

What other changes would you and the workers of Thailand like to see?

Preeda:

Adopt the national action plan on business and human rights. And we learned that the propaganda from the business sector, number one, is to promote the union, the labor unions. Right? So we want to use that authority that if private sector already promote the rights of the freedom of associations, we should put the government to more active on the ratification. And the second one is, Thailand also promote the

THE SOLIDARITY CENTER PODCAST

Migrant Worker Rights in COVID-19

Host: Shawna Bader-Blau, Solidarity Center Executive Director

Guest: Preeda, migrant rights attorney, Thailand

ILO standard on the fair recruitment. That a lot of the campaign from the Thailand side to prevent the issue of the human trafficking in Thailand is about fair recruitment.

Shawna Bader-Blau:

Preeda, as we wrap up here, I want to ask you, this work is really intense and important, and I wonder what sustains you in this difficult work. Why do you do this?

Preeda:

As of now, I see that even though the policy of the migrant worker in Thailand is very weak, but I saw that there is still low number of the unions, CSOs working on the human rights and access to testing for the migrant workers. And I saw that Solidarity Center is one of the organization that promote the social justice and labor movements. We can work well with the Thai partners and the union to continue to promote the labor rights and human rights in Thailand. We hope and ensure that workers who get less pay receive equal treatment under the international and ILO standard.

Preeda:

And also in the past, why I have confidence about this issue is because we have a lot of successful stories that we worked in Thailand. For example, like some of the law that the government plans to issue that involves to the right of the migrant worker. We most are involved in the discussion of the draft. And if the draft is not really in line of the protection of the migrant workers, we have to issue a lot of press release to pressure the government to change the policy.

Preeda:

Yeah, a lot of the case that we can help migrant worker access to the protection and liberty. And also, especially in the area of the special economic zone, that migrant workers are not eligible to access social security programs. In the past few days, we also received a positive response from the Social Security Office that the Social Security Office sent a letter to all industry in special economic zone mentioned about the right of the migrant worker be able to access the social security.

Shawna Bader-Blau:

Wow, that's an amazing accomplishment.

Preeda:

Yeah.

Shawna Bader-Blau:

Well, Preeda, I'm so proud of the work you do. I'm proud to have the chance to talk to you today. I really admire your vision of social justice, equality, and liberty for all of us. Thank you so much for sharing.

Preeda:

Thank you.

THE SOLIDARITY CENTER PODCAST

Migrant Worker Rights in COVID-19

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Guest: Preeda, migrant rights attorney, Thailand

Shawna Bader-Blau:

We can see a theme developing when it comes to the conventions of the international labor organization, starting with episode one in South Africa. While the adoption of these conventions by the ILO is extremely important and often momentous, real change doesn't begin until national governments, pushed by workers, ratify them and turn them into laws and create real accountability. Thailand, in this case, is unfortunately just one more example. One last thing to keep in mind, where the government is failing migrant workers in Thailand, the sisters and brothers of organized labor are picking up slack. The rights of corporations to move freely across borders have grown exponentially. Contrast that with the lack of labor rights and protections for migrant workers. In countries like Thailand and around the world, the labor movement supports the fundamental principle that you don't lose your human rights, your worker rights, just because you cross a border.

Shawna Bader-Blau:

Thanks one more time to our colleague, Preeda, who is doing important work, ensuring migrant workers achieve their rights on the job. And thanks to you for listening. Tune in next week, when we'll talk to worker rights lawyer and labor activist, George Sandul, about gig economy and informal workers in Ukraine and their creative campaigns to push back against low wages and dangerous working conditions.

Shawna Bader-Blau:

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