

No. 6 / 2015

Mekong Institute

Research Working Paper Series 2015



Migrant Domestic Workers in Thailand: Employment Situation and Comparative Study on Regulations

Athitaya Rattanapan



PAPER NO. 6 / 2015

Mekong Institute
Research Working Paper Series 2015

**Migrant Domestic Workers in Thailand:
Employment Situation and
Comparative Study on Regulations**

Athitaya Rattanapan

December, 2015

Athitaya Rattanapan is a student of the Thammasat International Trade Law and Economic Program (TITLE) at Thammasat University.

This publication of Working Paper Series is part of the Mekong Institute – New Zealand Ambassador’s Scholarship (MINZAS) program. The project and the papers published under this series are part of a capacity-building program to enhance the research skills of young researchers in the GMS countries.

The findings, interpretations, and conclusions expressed in this report are entirely those of the authors and do not necessarily reflect the views of Mekong Institute or its donors/sponsors. Mekong Institute does not guarantee the accuracy of the data included in this publication and accepts no responsibility for any consequences of their use.

For more information, please contact the Communications and Knowledge Management Department of Mekong Institute, Khon Kaen, Thailand.

Telephone: +66 43 202411-2

Fax: + 66 43 343131

Email: library@mekonginstitute.org

Technical Editors: Dr. Kiriya Kulkolkarn, Assistant Professor, Ph.D, Faculty of Economics, Thammasat University (Tha Prachan Campus)
Ms. Phornphan Srihatthanaprom, Program Coordinator – Human Migration & Care (HMC), Mekong Institute

Language Editor: Ms. Alexandra Louise Johns

MINZAS Program Coordinator: Mr. Seang Sopheak, Project Coordinator, Mekong Institute

Photographs: นายสุริยา ผลาหาญ, นายสุรศักดิ์ วีระวงษ์, นายวินนิวัตร ไตรตรงสัจย์

Comments on this paper should be sent to the author

Athitaya Rattanapan: Faculty of Economics, Thammasat University, Bangkok. Email: athi.thailand@gmail.com

or

Communications and Knowledge Management Department, Mekong Institute

Table of Contents

List of Abbreviations	v
List of Figures	vi
List of Tables	vii
Acknowledgements	viii
Abstract	ix
1. Introduction	1
1.1. Overview	1
1.2. Research Objectives	3
1.3. Research Questions	3
1.4. Scope of the Study	4
2. Literature Review	5
2.1. Review of Theories	5
2.2. Migrant Domestic Worker in Thai Economy	8
2.3. The Legal Status of Migrant Workers and MDW in Thailand	11
3. Methodology	14
3.1. Primary Data on Employment Situation	14
3.2. Related Policies and Regulations	15
4. Results and Discussions	15
4.1. Survey of Employment Situation	15
4.1.1. Employer Characteristics	16
4.1.2. MDW Characteristics	17
4.1.3. Benefits and Welfare of MDW	19

4.1.4. Reasons for Hiring MDW	21
4.1.5. Factors Influencing the Hiring of MDW	22
4.2. Migrant Workers and MDW Management in Thailand	24
4.2.1. Policies toward Migrant Workers and MDW in Thailand	24
4.2.2. The Laws and Regulations on Migrant Workers	26
4.2.3. Hiring MDW in Thailand	29
4.3. Migrant Domestic Worker Management in Hong Kong and Singapore	32
4.3.1. International Labor Laws on MDW	32
4.3.2. Hong Kong and Singapore MDW Management	36
5. Conclusion	42
References	45
About MINZAS	48
Mekong Institute	49

List of Abbreviations

C.I.	:	Certificate of Identity
CIMWA	:	The Committee on Illegal Migrant Workers Administration
DW	:	Domestic Worker
FDH	:	Foreign Domestic Helper
FDW	:	Foreign Domestic Worker
GDP	:	Gross Domestic Product
GMS	:	Greater Mekong Sub-Region
HKD	:	Hong Kong Dollar
HKSAR	:	Hong Kong Special Administrative Region
ILO	:	International Labor Organization
MDW	:	Migrant Domestic Worker
MAW	:	Minimum Allowable Wage
MOM	:	Ministry of Manpower (Singapore)
MOU	:	Memorandum of Understanding
NV	:	National Verification
OECD	:	The Organisation for Economic Co-operation and Development
Lao PDR	:	Lao People's Democratic Republic
SGD	:	Singapore Dollar
SIP	:	Settling-in Program
SMW	:	Statutory Minimum Wage
TDRI	:	The Thailand Development Research Institute
THB	:	Thai Baht
USD	:	United States Dollar
WP	:	Work Permit
WTP	:	Willingness to Pay

List of Figures

Figure 1:	Demand for MDW	7
Figure 2:	Migrant Workers in Thailand from 2009 – 2015	12
Figure 3:	MDW in Thailand	13
Figure 4:	Reasons for Hiring MDW	22
Figure 5:	Linkages between Important Acts Related to MDW Management	27
Figure 6:	Total Number of Migrant Domestic Workers in Asia by Country	36

List of Tables

Table 1:	Employer Characteristic (55 Respondents)	16
Table 2:	MDW Characteristics (Total 46 MDW)	17
Table 3:	Working Hours and Salary	19
Table 4:	Provision of Welfare by Employer	20
Table 5:	The Influencing Factors for Hiring MDW	22
Table 6:	The Legal Work Status and Possible Channel for Employers Find MDW to Hire	29
Table 7:	Migrant Domestic Worker Legal Protection in Domestic Laws Based on ILO Framework	34
Table 8:	General Information about Requirement and Hiring MDW Comparison between Countries	37

Acknowledgements

The research topic in this paper is based in part on my master's thesis topic at the Thammasat International Trade Law and Economics (TITLE) Program. First and foremost, I would like to thank Asst. Prof. Dr. Kiriya Kulkolkarn for her warm encouragement, suggestions, and patience with me. I would like to recognize the helpful comments from my IM advisor, Khun Phornphan Srikhattanaphom. I very much appreciate the support I received from Assoc. Prof. Dr. Patamawadee Pochanukul and the colleagues at The Thailand Research Fund. My paper could not be successful without the help of all the respondents, key informants, and friends who offered their time and assistance.

Last but not least, I am grateful that I have had the opportunity to be a part of the MINZAS program. I thank the Mekong Institute and the New Zealand Embassy for this delightful program for scholars from the countries of Cambodia, Lao PDR, Myanmar and Thailand.

Abstract

In the Greater Mekong Sub-region (GMS), Thailand is a major receiving country of Migrant Domestic Workers (MDW) from neighboring countries. This study aims to examine the employment situation for MDW in Thailand and compare it with an international standard, the International Labor Organisation (ILO) C189 Domestic Workers Convention framework, as well as to compare MDW management and regulations with Hong Kong and Singapore in order to capture any lessons learned for Thailand.

This paper focuses on three main acts related to MDW management: the Immigration Act B.E. 2522 (1979), the Labor Protection Act B.E. 2541 (1998), and the Working of Alien Act B.E. 2551 (2008) to compare with ILO C189 and the regulations in Hong Kong and Singapore. The research found that while Thai regulations meet the basic criteria of fundamental international legal rights, there is a weakness in the domestic regulatory framework, and a lack of the efficiency necessary to coherently manage the situation.

Data from the research survey found that the majority of MDW in Thailand are female migrants from Myanmar. Employers expressed the necessity to hire MDW because they are unable to find Thai domestic workers at an affordable price. In addition to the scarcity of Thai domestic workers, MDW from Myanmar are seen to be more hard-working than their Thai counterparts. This research also found that the status of most MDW allowed them to stay in the Kingdom, but less than half of them have a formal Work Permit (WP). Using the Likert scale to survey the employers' qualification requirements for MDW, it was found that the factors holding the most influence over the decision to hire MDW are housekeeping skills and secondly the legal status of MDW.

1. Introduction

1.1. Overview

For decades, the Thai economy expanded through the use of cheap labor. Thai labor-intensive industries rely on a supply of unskilled and low skilled migrant workers from neighboring countries in order to stay competitive in export industries (Caouette, Sciortino, Guest, & Feinstein, 2006). Moreover, the Thai labor market is currently suffering from a shortage in the supply of labor in many sectors due to an increasingly aging population and a declining fertility rate. Additionally, increases in the educational attainment of Thais have also caused a shortage of labor supply in the low-skilled sectors. Therefore an inflow of migrant laborers from neighboring countries fills the gap caused by this shortage in the native labor supply (Caouette *et al.*, 2006). Thailand has the most attractive economic pull factors from among the Greater Mekong Sub-region (GMS) countries. Immigration from neighboring countries continues to flow into Thailand because of the comparatively higher income and more attractive career opportunities in the labor market. For instance, the legal minimum daily wage is higher in Thailand. It is 0.58 USD in Myanmar, 2.03-2.05 USD in Cambodia, 3.33-4.08 USD in Lao People's Democratic Republic (PDR), and 9.45-10.00 USD in Thailand¹. In local currency, the minimum wage in Thailand is 300 THB per day, and it covers migrant workers which has spillover effects on Thailand's migrant labor market.

According to the Working of Alien Act B.E. 2551 (2008), low-skilled migrant workers from neighboring countries are allowed to work only as *laborers*² or *domestic workers*. The government uses a "one-fit-for-all policy" even though there are differences in the characteristics of laborers and domestic workers. For example, 80 percent of MDW are female, while majority of laborers working in the construction and fishery sectors are male. Also, the location of the workplace (most of domestic workers are live-in employees, while laborers are not), risk at work, work tasks, community impact, and nationalities are different. One of the reasons that domestic work is a special area of study is due to the workplace location, as well as relationship between employer and employee (Muttarak, 2004).

¹ The rates are based on the USD exchange rate as of 2013. Available at http://www.business-in-asia.com/asia/minimum_wage/Minimum_wages_in_Asia/minimum_wage_in_asia.html

² There are 27 job types categorized as laborer, labour-intensive work such as fisheries, fishery-related, agriculture (Plant farming), livestock, Rice milling, Pottery, brick making, ice making, stevedore, construction, and mining/quarrying

Thailand has transformed from a net domestic worker labor exporter into a net domestic worker labor importer due to the growing scale of demand. Domestic laws addressing migration in an early era, for example the Foreign Employment Act B.E. 2521 (1978), the Immigration Act B.E. 2521 (1979), and the Investment Promotion Act B.E. 2520 (1977), did not allow low-skilled migrant workers to work in Thailand legally. However, there was a high demand for labor in the industrial sectors which pulled immigrant workforce from neighboring countries into Thailand. It turns out that there were 700,000-800,000 illegal migrant workers in Thailand during the mid-1990s (Martin, 2004). This includes an indeterminate number of MDW.

The new lifestyle of the single family household means that the need of households to outsource housework activities to non-family members is greater than in the past. Therefore, domestic help has become an important service sector in Asia, including in Thailand. Also a domestic worker is one of the most common job types for low-skilled female migrant workers when they migrate to more developed countries.

Similar to Thailand, countries such as Hong Kong and Singapore have a high demand for low-skilled workers in this sector. Hong Kong and Singapore are the top destinations for MDW in Asia, and in 2014, it was estimated that there were 330,650³ migrant workers in Hong Kong working as temporary MDWs, especially from the Philippines. And the third largest number of passes granted for the foreign workforce in Singapore is the type for MDW, where there are 222,500⁴ MDW.

Several researches have been undertaken previously on MDWs in Thailand, mainly in the field of anthropology and sociology (Muttarak, 2004; Panam, 2004; Punpuing, 2007). These studies indicate that the majority of MDW are female migrant workers from Myanmar. They have access to minimal social welfare (i.e. healthcare, education, justice) and face difficulties and rights violations in the workplace (i.e. verbal abuse, sexual harassment). This study will review the existing regulations related to MDW management and compare the lessons learnt from the Hong Kong and Singapore management systems, based on an International Labor Organization (ILO) framework. The direction of Thailand's policies towards MDW management focuses on supply side management by trying to control the inflow of illegal

³ Women and Men in Hong Kong Key Statistics 2015 Edition, Census and Statistics Department, HKSAR

⁴ <http://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers> (Updated 17 September 2015)

migrant workers from neighboring countries, while the policies of Hong Kong and Singapore focus on demand side management (monitoring of employers' behavior) along with supply side management (migrant workers inflow).

In order to make the management system more efficient, Thai policymakers should design specific policies for each target group. More specific policies would help to reduce the cost incurred by mismanagement. It is necessary to understand stakeholders' behavior related to MDW in Thailand. The main stakeholders include the employer, the employee or MDW, and government. Some parts of the private sector gain benefits from employing cheap migrant workers, while the government has the fiscal burden of the provision of social welfare for migrant workers and their family members.

As Thailand is a receiving country, this study will focus on *demand side management*: the employers' behavior and government policies and regulations. This study aims to determine good practices to adopt in order to improve Thailand's management system, with cooperation from key stakeholders. This study focuses on demand side management with the understanding that Thailand should benefit from the labor inflow, while respecting and protecting the human rights of migrant domestic workers.

1.2. Research Objectives

1. To study the employment situation of MDW in Thailand.
2. To study Thai regulations for hiring MDW and compare them with ILO guidelines.
3. To draw out the lessons learnt from Hong Kong and Singapore as comparative case studies for Thailand's MDW management.

1.3. Research Questions

1. What is the employment situation in terms of the benefits and welfare of MDW in Thailand and what is influencing employer's decision-making for hiring?
2. Based on international standards, the ILO guidelines, how do the current regulations for MDWs in Thailand comply?
3. What can Thailand learn about migration management systems from the cases of Hong Kong and Singapore?

1.4. Scope of the Study

This study focuses on data related to female MDW from Myanmar, Cambodia, and Lao PDR, but will not target specific details of each nationality as they all fall under the same regulations in Thailand. However, since there are some differences in the related regulations in the management system between male and female MDW, such as healthcare benefits, this study will not include male MDW. This is similar to Hong Kong and Singapore, where the policies on foreign domestic workers mainly focus on female MDW management as they are the majority group in this sector.

Definition of Terms

- 1) **Domestic Workers (DW)** – There is no definition for a domestic worker in Thai regulations, but it is generally understood that domestic workers are persons whose duties are i) housekeeping which includes housekeepers, related workers and cooks or ii) personal care and related workers, including childcare workers and home-based personal care workers (Boontinand, 2010). According to Article 1 of the ILO C189 Domestic Workers Convention (2011) the domestic worker is defined as:
 - a) the term domestic work means work performed in or for a household or households;
 - b) the term domestic worker means any person engaged in domestic work within an employment relationship; and
 - c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

- 2) **Migrant Domestic Workers (MDW)** – There are different words used for MDW in official documentation on migrant domestic workers and some research studies. In Singapore the word “Foreign Domestic Worker” (FDW) is used, while in Hong Kong government reports use the word “Foreign Domestic Helper” (FDH). In Thai official documents on migrant domestic workers including government reports, research studies and laws and regulations the term “Migrant Domestic Worker” (MDW) is used; this is in alignment with reports from the ILO. Therefore, this study will use the Thai government terminology of MDW. The term migrant worker in this study refers

to workers from Myanmar, Lao PDR, and Cambodia, who migrate from their country of origin to work in Thailand.

- 3) **Low-skilled workers** - Low-skilled workers may be classified by the educational level of the worker or career type they are engaged in (The Organisation for Economic Co-operation and Development (OECD), 2008). By education, low-skilled workers may refer to a worker who has less than upper secondary level schooling. They usually work in '3D' jobs (Dirty, Dangerous, Demanding) and are paid less in comparison to the average of other sectors. This study refers to low-skilled workers as those whom are working in 3D job sectors regardless of their educational level or working experience in that sector.
- 4) **Sending country or country of origin** - Sending country or country of origin has the same meaning as home country; the country that migrants migrate away from.
- 5) **Receiving country or destination country** - Receiving country or destination country has the same meaning as host country; the country that migrants migrate to.

2. Literature Review

2.1. Review of Theories

There are two main theories of migration. Firstly, the pull and push factors of migration; Thailand has positive pull factors as a receiving country. Secondly, the effect of the regulations on the labor market, for example the daily minimum wage.

Pull – Push Factors of Migration

The incentive for migrants traveling to work or to live in different countries can be either a function of unwanted conditions in their home country (*push factors*) or the attractive conditions in the place of destination (*pull factors*). Immigration decisions often involve economic factors such as higher income and better career opportunities in the destination country (Orn B. Bodvarsson, 2013). The incentives influencing migration can be categorized into 4 groups;

1. Negative incentives pushing people to emigrate from their home country.
2. Positive incentives pulling people to immigrate into a country of destination.

3. Positive incentives that influence people's choice to stay in their home country rather than immigrate to another country.
4. Negative incentives that influence people's choice to stay away from a foreign country.

According to previous studies (Martin, 2007; Suthisa, 2013; Punjataewakupt, 2015), migrant workers from neighboring countries immigrated to Thailand for economic reasons. Migrant workers from Myanmar migrated to Thailand due to negative incentives that pushed them to find better living conditions. On the other hand, Thailand also has positive incentives that are attractive such as higher wages, better living conditions, and better economic opportunities. As Thailand is a receiving country this paper will focus on pull factors as a positive incentive attracting immigration. The pull factors that are focused on are higher wages, employment, law and order, taxes, and social mobility.

Research by Chupak (2013) on migrant workers from Lao PDR working in the industrial sector in the north-east of Thailand found that they came to Thailand due to economic factors. The similarity in cultures helps them feel comfortable to stay in Thailand, even when staying illegally. Chupak suggested that the government should design a better management system by 1) reducing the complexity of the processes to migrate legally, 2) reducing the fees of importing migrant workers via regular channels, and 3) resolving the problem of expensive services from agencies that facilitate migration.

The north-western border of Thailand connects to Myanmar, where the majority of MDW originate. They migrate to Thailand because of the political unrest and economic situation in their home country: poverty, low wages, unemployment, religious persecution, and civil war. A survey by the World Bank in 2012 found the top three reasons that led workers from Myanmar to migrate to Thailand were: seeking employment (60 percent), joining their parents (23 percent), and escaping from internal conflict (11 percent). Therefore, the key influencing factor is economic. Also, there are pull factors associated with the demand in Thailand for a migrant workforce: labor shortage, higher wages, aging population (The World Bank, 2012).

The Effect of the Regulations

Employees in the domestic worker sector are not protected by the law on minimum wage. Nevertheless, the daily minimum wage of 300 THB affects other sectors at the same skill level and has an indirect effect on the labor market in the domestic worker sector.

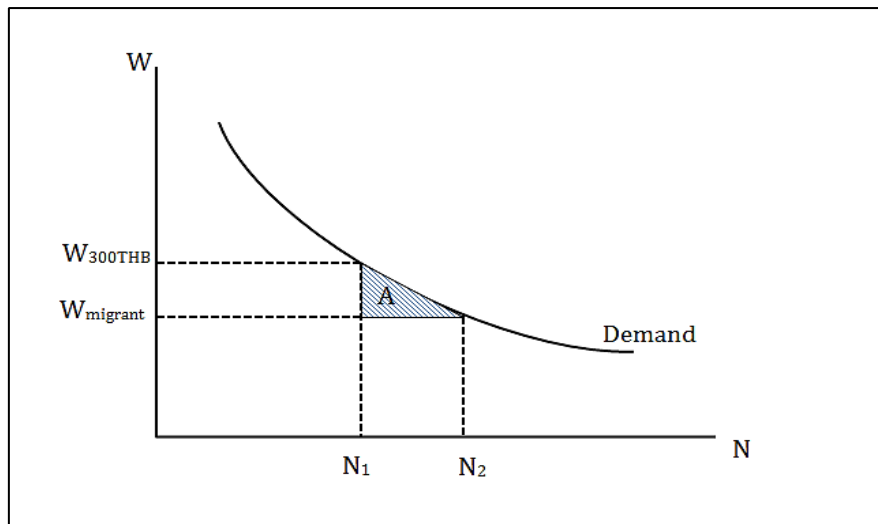


Figure 1: Demand for MDW

Usually, employers' recruitment is based on wages or the cost that they need to pay. The assumption function of the demand for hiring MDW is $\text{Demand} = f(\text{Wage})$. The minimum daily wage in Thailand is 300 THB or at least 7,800 THB per month (6 working days per week as per the requirement according to section 28⁵ in Labor Protection Act, B.E. 2541). Employers might pay MDW less than W_{migrant} because they are illegal migrant workers. If there is no other additional cost, employers will be hiring MDW at N_2 . But when MDW that are in the country illegally are also covered by the Thai legal system, the employer must pay at $W_{300\text{THB}}$. At legal minimum wage ($W_{300\text{THB}}$) employers will hire less than N_2 . Area A is the surplus that employers get from not paying the legal minimum wage ($W_{300\text{THB}}$). On the other hand, employers who hire migrant workers without a work permit will be fined 10,000 - 100,000 THB per migrant worker. From the graph in *figure 1*, if the benefit of hiring a MDW without a work permit (area A) is greater than the cost of the punishment, there would be

⁵ Section 28: An Employer shall provide a weekly holiday of not less than one day per week for an Employee, and the interval between weekly holidays shall be not more than six days the Employer and the Employee may agree in advance to fix any day as a weekly holiday

incentive for employers not to follow the rules. There is a cost to hire a MDW illegally, but there is also a chance that some employers would still choose to do so because of: 1) the legal cost or penalty is too low; lower than the benefit that the employer would receive, 2) the opportunity of being punished by the regulations is too low or the law enforcement is not effective.

The effectiveness of the regulation (or policy) can be measured by evaluating how regulations affect individuals, society, and stakeholders. The effects can be both positive and negative. Whether issuing new regulations or not, the government should be concerned with the social benefit. Society should benefit more than total cost borne by everyone. Ideally, people who gain benefit should pay for those who lose or suffer from policy changes. And the compensation should be calculated in monetary terms and not utilities.

2.2. Migrant Domestic Worker in Thai Economy

This section is divided into three main topics: 1) the migrant worker as beneficial to the Thai economy, 2) previous studies about the perspectives of employees and employers on the employment and management system, and 3) the majority of domestic workers are female migrant workers.

1) Impact of Migrant Worker on the Thai Economy

Filling a labor shortage with migrant workers has both positive and negative impacts on the economy of receiving countries. In addition, immigration causes multiple effects on both the sending country and receiving country. For instance, migrant workers help maintain the level of the Gross Domestic Product (GDP) growth rate in the receiving country, especially for the country with an economy that is reliant on labor-intensive sectors. Piriya and Pungpond (2010) mentioned that migrant workers have marked Thailand's real GDP up compared to the economy without migrant workers. A study by Tanapong (2010) also confirmed that migrant workers from neighboring countries are important for maintaining the expenditure level of the Thai economy. The number of migrant workers may possibly rise up to 6.4 million in 2030. However, 9.1 million migrant workers are needed in order to maintain the level of GDP growth rate. Several studies (Martin, 2007; Pholphirul & Rukumnuaykit, 2010; Bryant & Rukumnuaykit, 2013; Pholphirul, 2013) demonstrate that there are benefits from

immigration. Positive benefits from migrant workers or migration to the economy are due to workers being relocated to a higher productivity sector. Since MDW is not in the production sector it is hard to measure how much this sector takes part in GDP growth. However, MDW can support family members that work in other higher productivity sectors.

2) Previous studies on the perspective of employees and employers in regards to legal working status

Piyawong (2014) explored the willingness to pay (WTP) for working in Thailand in a case study on migrant workers from Myanmar in Samut Sakhon province, and found that migrant workers from Myanmar expected to pay an average of 4,440 THB (136.68 USD)⁶ to come to work in Thailand. The factors impacting migrant workers' WTP level are: income in Thailand, expenditures on food, housing, migration, and expected income and saving. The majority of the migrant workers in this study had no incentive to apply for legal working status. They thought that legal status was not beneficial to their stay in Thailand. For instance, at times it is necessary to pay bribes even when they are in possession of all the required documentation.

A study by Theerasuk (2004) on the expectations of employers for the migrant workers administration system in Chanthaburi province found that 94.7 percent of a total of 150 employers agreed that migrant workers are necessary for the success of their business. 61.3 percent of migrant workers were hired in the agricultural sector, followed by 13.3 percent in the domestic service sector. Employers had knowledge on the process of registration for illegal migrant workers, including insurance and work permits. Employers expected the registration program to be less complicated and to have more opportunities for the hiring of migrant workers for their businesses. They were less concerned about the legal status of MDW. Most of the respondents from this survey also agreed that the administration system such as the registration program for illegal migrant workers, is essential but should be more flexible.

Previous studies show that hiring low-skilled migrant workers is important for business. Employers' opinion regarding the migrant worker management system is that it is too complicated. On the other hand, employees think that it is not important to apply for legal

⁶ Average exchange rate of 2007 is 32.4841THB per 1 USD access from www.bot.or.th

working status or a work permit. The assumption in this situation is that both employers and employees have less incentive to follow the government's policy for the management of migrant workers.

3) The majority of domestic workers are female migrant workers

Migrant workers from Myanmar, Lao PDR, and Cambodia are mainly low-skilled and unskilled workers. The Ministerial Regulations declare that low-skilled and unskilled migrant workers are allowed to carry out only two jobs, either as laborers or domestic workers. In regards to domestic workers, the majority of MDW employed in Thailand are female migrant workers from Myanmar. Under Section 13 of the Working of Alien Act (2008), there were 87,926 migrant workers from Myanmar, Cambodia, and Lao PDR employed in the domestic workers sector and 71,475, or 81.29 percent, of them were female in 2010. In 2011 this figure decreased to 68,039 or 79.98 percent of 85,062 migrant domestic workers. MDW from Lao PDR had the highest proportion of the workforce engaged as domestic workers, but overall the majority of female MDW came from Myanmar (85.9 percent in 2007).

A study by Sureeporn (2007) on female migration in Thailand found that Asian female migrant workers are pushed by gender stereotypes to work as domestic workers. There are more male migrants than female migrants from the neighboring countries of Thailand and about 80 percent of female migrants were working as domestic workers. In the past, the majority of domestic workers in big cities were Thai women from the northern and northeastern parts of Thailand. There is now opportunity for MDW to replace the Thai workers as there is a demand for their services. These days, domestic helpers no longer serve only the upper class households; hiring domestic helpers has become a symbol of middle class society. Domestic workers are categorized as working-class, whereas their employers tend to belong to the middle class (Muttarak, 2004).

Legal protection in Thailand protects most of the fundamental rights of MDW, but domestic workers can be exploited easily, especially if they are female workers. There is potential for them to be abused by employers or household family members because of the working and living conditions. The workplace of the MDW is a private household and most of them are live-in domestic workers. A MDW usually has less power to negotiate with employers. They might work longer than 12 hours per day and be paid less than the minimum wage. MDW

usually have limitations on their freedom of movement for several reasons, such as restrictions from the employer, being without possession of an identity card, and communication skills. On the bright side, the legal protection of migrant workers is covered by the Labor Protection Act (1998) whether they are irregular or regular migrant workers, if they fall under the condition of an employee⁷. Migrant workers have no difference in their legal status and this leads to less incentive for migrant workers themselves to apply for legal status.

2.3. The Legal Status of Migrant Workers and MDW in Thailand

The legal working status of MDW is based on how they arrive to Thailand, as there are several channels. There are two types of migrant workers: regular and irregular; some studies refer to this as documented and undocumented migrant workers. According to the Office of Foreign Workers Administration, migrant workers in Thailand are classified into three categories based on how they migrate to Thailand:

1) Migrant workers who arrive to Thailand via illegal channels and have permission to stay in Thailand temporarily according to a Cabinet Resolution declaration. Legally, they must be deported back to their home country within one year. Migrant workers in this group are under section 13(2)⁸ of the Working of Alien Act (2008). They are allowed to apply for a work permit for employment as a laborer or domestic worker.⁹ Migrant workers in this category hold a Non-Thai Identification card (pink color) as temporary documents.

2) Migrant workers who have registered and gained legal status through the National Verification (NV) program. They are allowed to stay in Thailand while waiting to be deported. During this period, they can apply for a work permit. They must have a passport, temporary passport, or Certificate of Identification (CI) from their home country. Migrant workers in this group will get Non-Immigration L-A visa, and will be allowed to work in

⁷ Section 5 of the Labour Protection Act (1998) defines “Employee” as a person who agrees to work for an employer in return for wages

⁸ Section 13 (2) having immigrated into or stayed in the Kingdom without permission under the law on immigration, but is allowed to stay in the Kingdom temporarily while awaiting for deportation under the law on immigration;

⁹ Ministerial Regulation by Prayuth Chan-Ocha on 30 April, 2015 on the proportion of jobs available to work by migrant workers whom fall under Section 13(2), the Working of alien Act (2008)

Thailand for up to 2 years, with possibility to renew for another 2 years, and up to a maximum of 4 years.

3) Migrant workers who come to Thailand via a memorandum of understanding (MOU) program. They are documented migrant workers. They hold a work permit which is valid for two years with the same employer. Their working status permission can be renewed for another two years and up to a maximum of 4 years, but they are required to go back to their home country to renew the visa. The work permit granted for this group has the same conditions as migrants whom had completed NV program. Thailand has an MOU on Labor Co-operation in the Employment of Workers with Lao PDR, Cambodia, Myanmar, and the latest MOU with Vietnam in 2015.

This paper focuses on the number of migrant workers who are allowed, by regulations, to work as either a laborer or a domestic worker. Migrant workers in this group include MDW who are in the NV process, workers who immigrated via MOU cooperation, and irregular migrant workers who registered at a One Stop Service Center.

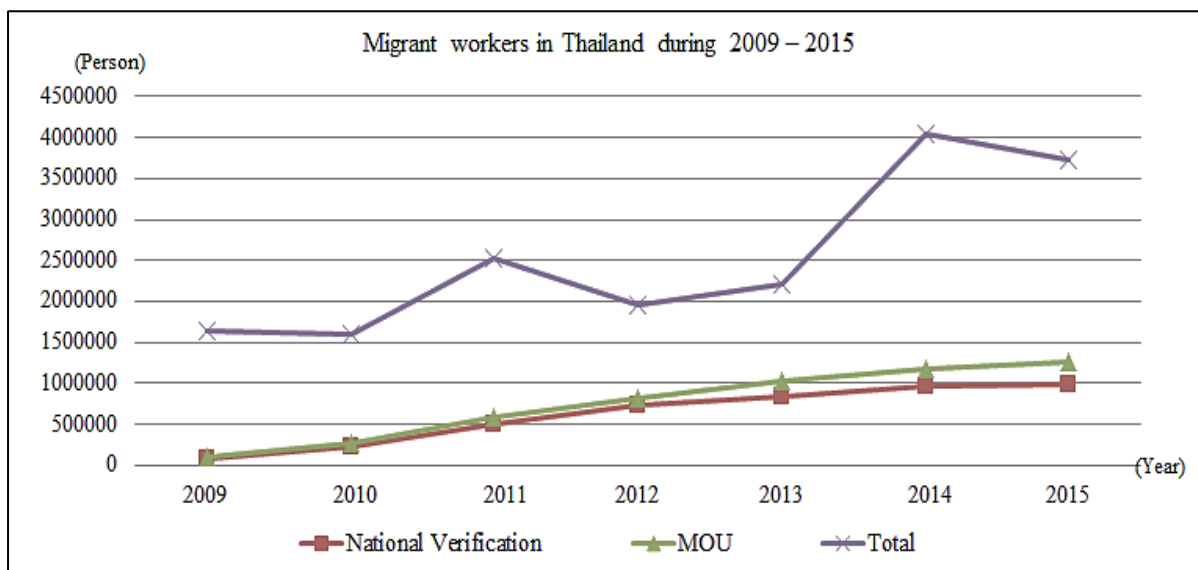


Figure 2: Migrant Workers in Thailand from 2009 – 2015

Data source: Office of Foreign Workers Administration (<http://wp.doe.go.th>)

Figure 2 is a graph that shows the number of migrant workers between 2009-2015. The number of irregular migrant workers has been in decline since 2009, and the number of workers immigrating through MOUs is increasing slightly. The number of irregular migrant

workers has been decreasing since the Working of Alien Act B.E. 2551 (2008) came out. The number dropped from 1,334,157 irregular migrant workers in 2009, to 28,009 in 2013 (it has not yet been reported for 2014 and 2015). In 2013, there was a change in the reported number of irregular migrants by government agencies. The number of irregular migrant workers is not reported but the number of registered migrant workers implies that there are still more than one million irregular migrant workers. There are workers who registered for the first time at a One Stop Service Center and some of those migrants are irregular migrant workers. Information obtained by non-governmental organizations (NGOs) indicates that the number of irregular migrant workers from neighboring countries is underestimated in Thailand. Nevertheless, overall the trend shows that the number of migrant workers is increasing.

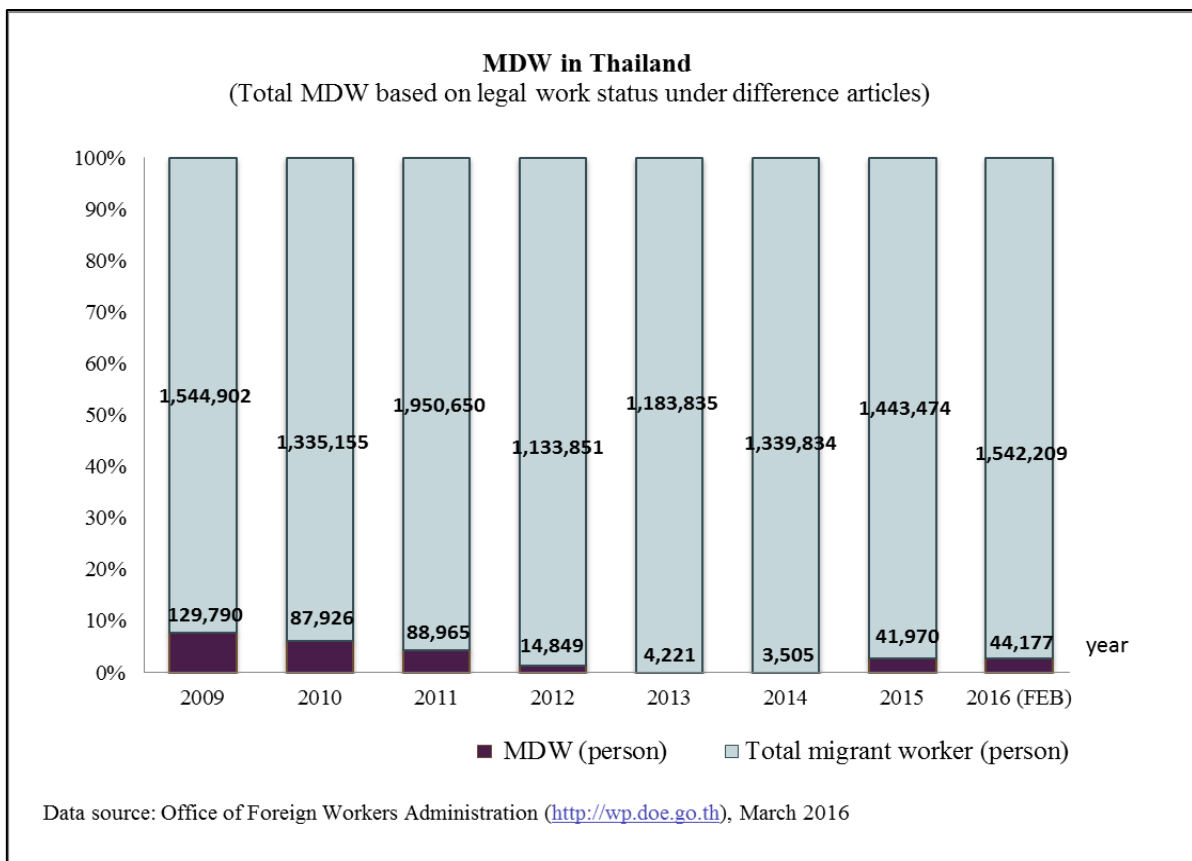


Figure 3: MDW in Thailand

Figure 3 is the number of MDW compared to the total number of migrant workers in Thailand from 2009-2016. This data is the total number based on legal work status under different articles of the Working of Alien Act. In 2009, there were more than one million migrant workers (1,544,902 persons) from neighboring countries working in Thailand, while

there were 129,790 MDW. The number of MDW in 2013 dropped to 4,221 persons and only 3,505 MDW in 2014. In 2015, the number of MDW was rising again according to the Ministerial Regulation Declaration. The majority of MDW in Thailand are migrant workers from Myanmar, followed by a number of MDW from Cambodia, and Lao PDR. In addition, the MDW from Myanmar might not actually be legal citizens of the country of Myanmar. Some ethnic groups in Myanmar, such as the Rohingya and the Panthay, are not granted citizenship and are in effect stateless.

3. Methodology

The methodology in this study contains two parts; primary data collected on the situation of employment from employers, and a review of the related policies and regulations on MDW management.

3.1. Primary Data on Employment Situation

Part one: A survey was undertaken on the behavior and opinion of households focused on information in regards to the hiring of domestic worker(s) and the factors creating incentive to hire legal MDW. The survey for data collection was limited to 55 respondents due to the time restrictions. All of the respondents were employers residing in Bangkok and have hired domestic workers.

The first step of data collection was an in-depth interview with two employers. The first person was hiring a MDW and the second person was hiring a Thai domestic worker (DW). Purposive sampling was used in this step. The second step involved reviewing information from agency companies. And the third step was the collection of data from employers by purposive sampling, with the snow ball sampling method utilized to select the respondents for the questionnaire.

Questionnaire

The questionnaire in this study was created using the concept of consumer behavior. Some questions were adapted from Piyawong's study (2014) on the willingness to pay to work in Thailand and from *A Guideline for Setting Foreign Worker Levy Rates* by Srawooth *et al*

(2007). The factors given on the questionnaire were reviewed using migrant worker agency advertisements, previous studies, and employer key informants.

3.2. Related Policies and Regulations

Part two: A review of related policies and regulations on MDW management. The policies in Thailand toward migrant workers and MDW are focused. Analysis in this part consisted of two stages: 1) comparison of Thai regulations on hiring MDW with the ILO guidelines and 2) comparative case studies of Hong Kong and Singapore on MDW management. Regulations reviewed in this part divided are into four groups, which are:

1. Thai laws and regulations related to the MDW management system with statistical data since 2009, after the Thai government passed the Working of Alien Act in 2008. The focus was on three primary legislations, the Working of Alien Act B.E. 2551 (2008), the Labor Protection Act B.E.2541 (1998), and the Immigration Act B.E.2522 (1979), along with related ministerial regulations and cabinet resolutions. In addition, bilateral MOUs on labor cooperation between Thailand-Cambodia, Thailand-Lao PDR, and Thailand-Myanmar were studied.
2. ILO C189 - Domestic Workers Convention (2011) was used as a framework for comparative study. Details from the related International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families were supplementary.
3. Hong Kong policies and regulations related to MDW management.
4. Singaporean policies and regulations related to MDW management.

4. Results and Discussions

4.1. Survey of Employment Situation

Overall, the results from this survey showed similar trends to previous studies and the literature review. The data shows significant positive signs towards a trend in employer's behavior to follow the regulations.

4.1.1. Employer Characteristics

Table 1: Employer Characteristic (55 Respondents)

		Number	Percentage
Gender	Male	11	20.00%
	Female	44	80.00%
Education	Diploma	4	7.27%
	Undergraduate	32	58.18%
	Graduate	19	34.55%
Career	Working in public sector	9	16.36%
	Working in private sector	12	21.82%
	Entrepreneur	31	56.36%
	Not working	2	3.64%
	Other	1	1.82%
Family income per month (THB)	Less than 40,000	7	12.73%
	40,001-50,000	8	14.55%
	50,001-60,000	7	12.73%
	60,001-70,000	3	5.45%
	70,001-80,000	5	9.09%
	80,001-90,000	4	7.27%
	90,001-100,000	3	5.45%
	More than 100,000	18	32.73%
DW hiring	MDW only	42	76.36%
	Both Thai DW and MDW	4	7.27%
	Thai only	9	16.36%

Data: Data from Survey

Note: Average exchange rate of 2008 is 34.2524 THB per 1 USD access from www.bot.or.th

Table 1 describes the characteristics of 55 employers who were hiring domestic worker services. The majority of the respondents were female, 44 cases or 80 percent of the respondents. And 56.36 percent of the employers were working as entrepreneurs; 21.82 percent in private sector; and 16.36 percent in the public sector. The data shows that from 55

employers, 76.36 percent were hiring MDW, 16.36 percent were hiring Thai DW, and only four cases or 7.27 percent hiring both Thai DW and MDW for the same household and they are paid the same salary.

Income is the basis of the ability to buy goods or services. Family income is an important factor for employers in their decision-making over the purchase of goods and services. 56.36 percent of employers were working as entrepreneurs; 21.82 percent working in private sector and 16.36 percent working in public sector. 32.73 percent of respondents have a total family income more than 100,000 THB per month, while an average monthly income per household in Bangkok in 2015 was 45,571.70THB per month¹⁰. Therefore, 72.72 percent were earning more than the average monthly income per household. However, the group of households with a higher family income did not indicate that they are providing more welfare to their employee.

4.1.2. MDW Characteristics

Table 2: MDW Characteristics (Total 46 MDW)

	Case	Percentage
Gender		
Male	3	6.52%
Female	43	93.48%
Country of Origin		
Cambodia	1	2.17%
Lao PDR	16	34.78%
Myanmar	29	63.04%
Age (years)		
18-25	16	34.78%

¹⁰ Statistic from The Household Socio - Economic Survey, National Statistical Office access from <http://service.nso.go.th/nso/web/statseries/statseries11.html>. on 2 June, 2016 .

	Case	Percentage
26-35	10	21.74%
36-45	10	21.74%
46-55	10	21.74%
MDW Immigration Channel		
MOU	22	47.83%
Non-MOU	24	52.17%
MDW Legal Status		
Waiting for next registration program	3	6.52%
Registered and permitted to work (pink card)	8	17.39%
Non-Thai citizen (blue card)	4	8.70%
Holding passport but no work permit	4	8.70%
Holding passport and work permit	23	50.00%
Working illegally	2	4.35%
Don't know / Not sure	2	4.35%

Data: Data from Survey

Table 2 contains the characteristics of MDW. Of the total 46 MDW in the first phase survey, there were 43 females MDWs and three males MDW. The majority of the MDW, 29 cases or 63.04 percent, came from Myanmar; 16 cases or 34.78 percent came from Lao PDR; and only one case or 2.17 percent came from Cambodia. The nationalities of MDW show a similar ratio as other studies, as well as the number of migrant workers who registered at the One Stop Service. The age of MDW ranged between 18-55 years old, and none of the employers reported hiring MDW below the age of 18 years.

The Thai government is trying to promote the MOU program in order to reduce the number of undocumented migrant workers. The numbers of migrant workers that enter via the MOU

channel continue to rise. More migrant workers including MDW have come via the MOU process since 2003. However, this channel of bringing MDW is not completely successful, in part because of the lengthy process time, and MDW are still available for hire through the black market. A total of 47.83 percent of MDW in the survey came to work in Thailand through the MOU process.

One of the survey questions in this study classified the work status of MDW as legal or illegal. Migrants working as DW in Thailand legally include:

1. Migrants who are registered as an irregular migrant worker and are allowed work (pink card)
2. Non-Thai citizens (blue card)
3. Migrants who hold a passport and a work permit, this group includes DW imported through an MOU program and those that have completed the national verification process

Migrants who stay in Thailand but cannot work in Thailand legally include:

1. Migrants who hold a passport but do not have a work permit
2. Migrant who stay and work in Thailand illegally and continue to
3. Migrants who are waiting for the next registration program

MDW who are waiting to register during the next registration program also stay and work in Thailand illegally. Some of MDW in this group have documents that are expired or invalid. From the survey, there were 46 MDW or 84.78 percent staying in Thailand legally, and only 23 MDW have a work permit and were working in Thailand legally.

4.1.3. Benefits and Welfare of MDW

Table 3: Working Hours and Salary

	Max	Min	Average	S.D.	Majority	% of Majority from Total Respondents
Working hours/day	12	5	8.521	1.242562	8 hours/day	56.52%

	Max	Min	Average	S.D.	Majority	% of Majority from Total Respondents
Working days/week	7	5	6	0.966	6 days/week	60.00%
Salary (THB/month)	14,000	5,000	8,532.61	-	9,000 THB/month	30.43%

Data: Data from Survey

Table 3 shows the working hours and salary that MDW receive. The average working hours are 8.521 hours per day, and commonly 6 days per week. The average, and majority, barely meets the legal requirement that employees work a maximum of 8 hours per day. Some MDW work up to 12 hours per day and some work 7 days per week. In these cases, it contravenes the law. The average salary of the MDW was 8,532.61 THB per month, with the maximum salary paid 14,000 THB per month to MDW from Myanmar. The minimum salary paid was 5,000 THB per month to MDW from Lao PDR.

Table 4: Provision of Welfare by Employer

Provision of Welfare by Employer		Cases	Percentage
Provide or pay for food	Yes	32	69.565%
	No	14	30.435%
Provide or pay for miscellaneous items for daily use	Yes	18	39.130%
	No	28	60.870%
Accommodation (live-in DW)	Yes	32	69.565%
	No	14	30.435%
Healthcare insurance	Employer pay for MDW	20	43.478%

Provision of Welfare by Employer		Cases	Percentage
	MDW pay by themselves	26	56.522%
Work permit / related documents	Employer pay for MDW	23	50.000%
	MDW pay by themselves	23	50.000%
Payment for working on a holiday	Paid	27	58.696%
	Not paid in cash	19	41.304%

Data: Data from Survey

Table 4 displays information about the provision of benefits by employers for MDW. These benefits are excluded from regular salary. Some employers pay additional benefits or welfare in cash, and some employers pay in-kind. 69.56 percent of employers say that they provide food; 39.13 percent provide or pay for miscellaneous items that are used daily, such as soap, detergent, toothpaste, etc; 69.56 percent provide accommodation for live-in MDW. Only 43.478 percent of employers say they are responsible for the healthcare insurance of MDW. For the cost of pursuing a work permit or documents related to the working status of MDW, only half of the employers paid for their employee. Another 50 percent of MDW pay the fee and bear the running costs by themselves.

4.1.4. Reasons for Hiring MDW

The most common problem for employers searching for a domestic worker is the difficulty in finding Thai DW willing to work at the wage offered. Employers who hired both MDW and Thai DW said they are paid same salary. However, it must be noted that DW is a job that the majority of Thai workers do not want, and so MDW fill this gap.

Figure 4 shows the reasons employers hire MDW. The reasons rank from unable to find a Thai DW, to MDW are hardworking employees, they accept a lower salary, they are available to work every day, and they are orderly.

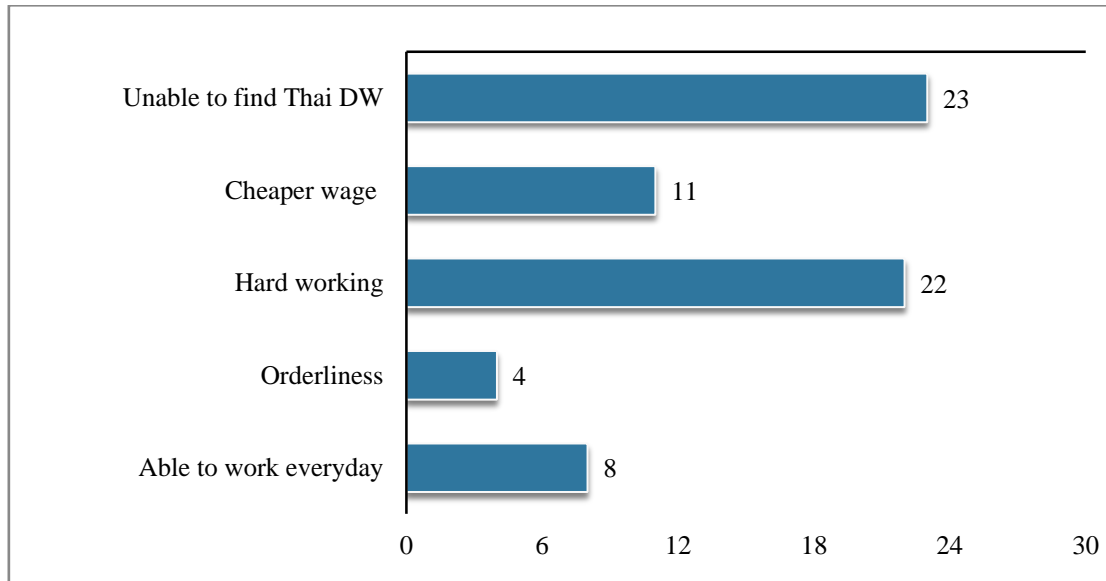


Figure 4: Reasons for Hiring MDW

4.1.5. Factors Influencing the Hiring of MDW

According to the survey, housekeeping skills and legal status both have a very high degree of influence over decision making. The data rates employer’s concern over the housekeeping skills of MDW as higher than the employee’s legal working status, as the legal status of MDW can be applied for later or they can choose to pay a bribe.

Table 5: The Influencing Factors for Hiring MDW

Influencing Skill/Factor	Average		S.D.
Thai language skills	3.978260870	Very influential	0.82970
Childcare	3.239130435	Somewhat influential	1.35294
Care for elderly people	3.456521739	Very influential	1.34506
Care for person with disabilities	3	Somewhat influential	1.41421
Cooking	3.586956522	Very influential	1.14651
Housekeeping	4.413043478	Extremely influential	0.90863

Influencing Skill/Factor	Average		S.D.
Usage of electric appliances	3.97826087	Very influential	1.04327
Ironing	4.195652174	Very influential	0.88492
Gardening	3.891304348	Very influential	1.03770
Shopping/buying	3.717391304	Very influential	1.06798
Biking/riding	2.673913043	Somewhat influential	0.99005
No motion sickness	2.826086957	Somewhat influential	0.97307
No fear of dog(s)	3.152173913	Somewhat influential	1.17317
Live-in domestic worker	3.326086957	Somewhat influential	0.76170
Legal status	4.217391304	Extremely influential	0.89226

Note: 4.21 - 5.00 = extremely influential, 3.41 - 4.20 = very influential, 2.61 - 3.40 = somewhat influential, 1.81 - 2.60 = slightly influential, 1.00 - 1.80 = Not at all influential

Table 5 shows the factors influencing the hiring of MDW. The Likert scale was used to survey employers' opinion over skills and factors influencing the hiring of MDW. The level of influence of various skills and factors can be categorized into 3 groups. Group 1, extremely influential: housekeeping skills and legal status of MDW. Group 2, very influential: ability to communicate in Thai language, skilled in caring for elderly people, cooking, familiarity with usage of electric appliances, ironing, gardening, and ability to go shopping at the market. Group 3, somewhat influential: childcare skills, care for persons with disabilities, ability to ride bicycle or motorbike, no motion sickness, no fear of dog(s), and willing to be a live-in employee.

The legal status of MDW is not the most significant qualification. The survey question on employers' opinion over the skills and qualifications of MDW found that employers were more concerned with MDW's housework skills than their legal working status. The qualification most sought after by employers was skills in house cleaning, followed by legal status, ironing, child care, and so on. The qualification second most sought after was skills in ironing, followed by the ability to communicate in Thai language and familiarity with usage of electric appliances. The least important skill was taking care of persons with disabilities.

4.2. Migrant Workers and MDW Management in Thailand

4.2.1. Policies toward Migrant Workers and MDW in Thailand

Migrant workers have continuously flowed into Thailand since prior to 1974. In the early era, mainland Chinese came to Thailand for political reasons. They mainly worked as laborers or traders. Later, economic incentives caused migrants from the neighboring countries to immigrate to Thailand. In the beginning a policy aimed at inflow immigration was pushing them back to their home countries. However, this 'push-back' policy was not successful because of the demand for laborers in many sectors. The Thai government did not acknowledge the existence of undocumented migrant workers until the situation was out of control.

In 1992, the Thai government launched its first registration program for undocumented migrants from Myanmar, Cambodia, and Lao PDR. Migrants were allowed to work in nine border provinces including Chiang Rai, Chiang Mai, Tak, and Ranong, and in twenty-seven sectors. Employers had to pay 5,000 THB per worker to gain amnesty for their illegal worker.

In 1993, migrant laborers working in the fishery industry in twenty-two maritime provinces were allowed to apply for the registration program.

In 1996, the government enacted a lenient policy allowing illegal migrant workers from Myanmar, Lao PDR, and Cambodia that were working in Thailand to stay one more year while waiting for deportation back to their countries of origin. They mainly worked in the top five sectors: agriculture, construction, fisheries, manufacturing, and domestic service.

In 1998, the economic crisis, *Tum-yum kung*, cause an migration outflow. However, there was still a demand for low-skilled workers in some industries.

In 2001, during the government of Prime Minister Thaksin Shinawatra, migrant workers in all industries and areas were allowed to register for work status. This time the registration program flourished because migrant workers were able to register independently. The Committee on Illegal Migrant Workers Administration (CIMWA) and the Office of Foreign Workers Administration were established. The Office of Foreign Workers Administration under the Ministry of Labor has been the core agency responsible for administering policy since then.

During 2002-2003, documented workers who had not gained working status were allowed to register for working status, and were allowed to work in Thailand for one more year. MOUs on labor cooperation between Thailand and Myanmar, Lao PDR, and Cambodia were signed. The MOUs declare that low-skilled workers under the agreements are only allowed to work as laborers or domestic workers.

In 2008, the Working of Alien Act B.E. 2551 (2008) came out. Migrant workers who had registered before and had been waiting for deportation were again permitted to stay in Thailand for another 2 years. There was still an opportunity for undocumented or illegal workers to immigrate into Thailand and wait for the announcement, rather than apply through an MOU.

In 2012, the Ministerial Regulation Declaration no.14 of the Labor Protection Act B.E. 2541 (1998) covered the legal protection of domestic workers, and included MDW. This Ministerial Regulation defined “workers” as “employers who are working in the household sector that is not the business sector” This declaration also covered weekly days off, holiday payment, minimum age, sick leave, and etc.

In 2015, the Ministerial Regulation declared that workers under section 13(2) of the Working of Alien Act 2008 can work only as laborers or domestic workers. This declaration emphasized that the government’s policies focusing on migrant workers shall be career-based. And low-skilled migrant workers shall only work as laborers or domestic workers.

In 2016, a Cabinet Resolution on 23 February declared the latest registration program open for migrant workers from Myanmar, Cambodia, and Lao PDR in two groups: 1) migrants who had registered and held a pink card that expired on 31 March 2016 and 2) migrants who had passed the national verification program and were certified by their country of origin to

hold valid documents such as a passport, temporary passport, other travel documents, and certificate of identity (C.I.). Migrants will be allowed to renew this permission to work every 2 years, for a maximum for 8 years, and no return to country of origin rule applies.

Homeland security has highly influenced policies towards the management of migrant workers since 1974. Economic security is of less concern, though there is still a demand for low-skilled workers. Therefore, there is the gap between management policies and the demand for employment of migrant workers in the private sector. While the reports from the Office of Foreign Workers Administration recognize the distinction between laborers and MDWs, the policies are not specific to either of these two employment types. The recorded statistics and monitoring of the two groups were separate in previous years but this changed due to government policies. The Thai government extends a short-term policy for the employment of illegal migrant workers based on a lenient measure every 1 or 2 years. This short-term policy is driven by Cabinet Resolution; therefore the direction of the policy change is according to political will. However, short-term policies can be beneficial, as this means they can be adjusted in response to a changing situation promptly. And strict policies controlling migrant workers can have the effect of lessening the number of migrant workers entering into the registration process (TDRI, 2010).

4.2.2. The Laws and Regulations on Migrant Workers

There are three main Acts related to MDW management, the Immigration Act B.E. 2522 (1979), the Working of Alien B.E. 2551 (2008), and the Labor Protection Act B.E. 2541 (1998). The laws and regulations do not separate management between laborers and MDWs, therefore this paper is reviewing holistic concepts of the regulations. A specific law aimed at domestic workers is the Ministerial Regulation no.14 of the Labor Protection Act B.E. 2541 (1998). The Labor Protection Act B.E. 2541 (1998) does not specify the nationality or legal status of worker, therefore in a broad meaning it could include migrant workers of any legal work status.

Immigration Act B.E.2522 (1979): This Act defines the status of migrant workers based on types of documents migrants are holding (or undocumented) when they arrive in Thailand. Migrants who enter into Thailand without valid documents or work in the Kingdom without a

permit must be deported. However, section 17¹¹ of this Act provides a gateway for Cabinet Resolutions to re-regulate the deportation of illegal migrants. Undocumented migrants can go through a registration program and are allowed to work legally while waiting for the verification of nationality procedure.

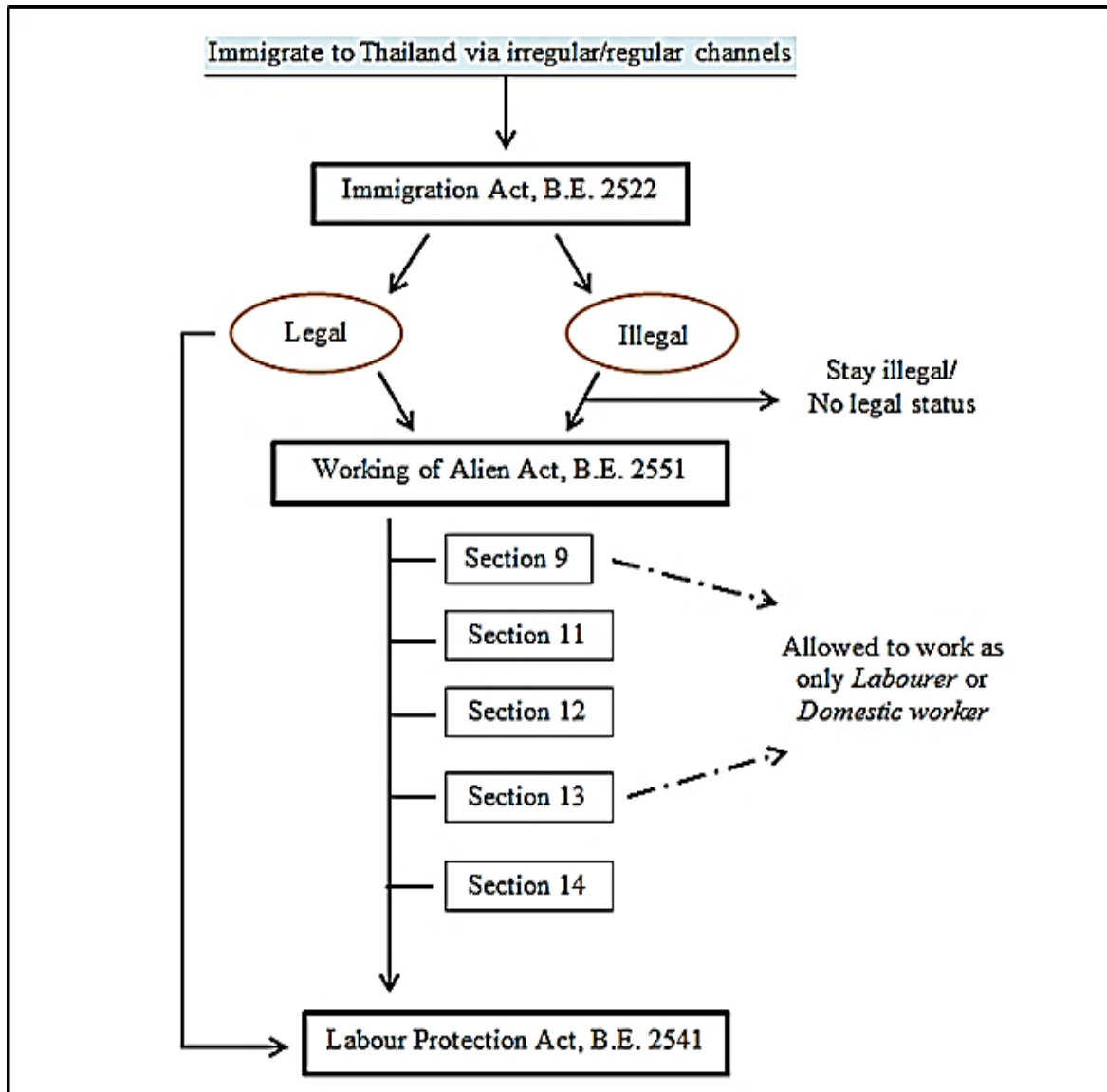


Figure 5: Linkages between Important Acts Related to MDW Management

(Source: Author)

¹¹ Section 17 : In certain special cases, the Minister, by the Cabinet approval, may permit any alien or any group of aliens to stay in the Kingdom under certain conditions, or may consider exemption from being conformity with this Act

Working of Alien Act B.E. 2551 (2008): This act defines work that low-skilled migrant workers from Cambodia, Myanmar, and Lao PDR are allowed to undertake, either as laborers or domestic workers. The Act contains four main aspects of the management of migrant workers; 1) type of work migrant workers are allowed to engage in, 2) repatriation of foreign workers' funds, 3) committees to review the employment of migrant workers, committee to review appeal on work of migrant workers, monitoring and oversight 4) penalties and provisional clause (Chalamwong & Paitoonpong, 2012).

Labor Protection Act B.E. 2541 (1998): This Act relates to the provision of rights and benefits of the worker as the employee and applies to all migrant workers. The Act does not cover occupations in the informal sectors (e.g., agriculture, transportation, fishing, and DW) but Ministerial Regulations No.14 B.E. 2555 (2012) under this Act has extended the protection to employees who are engaged in domestic work. However, this regulation still does not apply to the provision of minimum wage to DW.

Figure 5 shows the linkages between three important Acts related to MDW management. According to the Immigration Act (1979), section 12¹², migrants' status is illegal if they arrive in Thailand without valid documents and work as laborers without skills training. Illegal migrant workers have to be deported to their country of origin, as mentioned in section 55¹³. However, section 17 opens up the opportunity for the Immigration Commission to regulate permission. The Secretary of the Minister of Interior, as Chairman under the Immigration Commission, has the authority to manage the situation by issuing Ministerial Regulations to declare a registrar program or national verification period. Illegal migrant workers may (or may not) gain legal working status after they enter the country. In practice, not all illegal migrant workers have access to the registration program.

Migrants must have valid national verification documents from their home country in order to go to the next step to obtain a Work Permit. Nevertheless, many migrant workers don't possess valid documents from their home country. Some of them are unable to obtain them from their home country, especially MDW from Myanmar. Employers and entrepreneurs

¹² Section 12 : ... (1) Having no genuine and valid passport or document used in lieu of passport

(3) Having entered into the Kingdom to take occupation as a laborer or to take employment by using physical labor without skills training or to work in violation of the Ministerial Regulations.

¹³ Section 55: Aliens being deported under this Act shall be sent back by any conveyance or route as the competent official may consider appropriate.

stated that the cost is too high and the process is not flexible enough to fix the problems (Chupak, 2013; TDRI, 2010). Therefore there are large numbers of migrant workers without legal status left out of the record.

4.2.3. Hiring MDW in Thailand

Before hiring a legal MDW, the employer has to register for the employment quota at the Department of Employment. Employment quotas are categorized into the employment of laborer or domestic worker. According to the Working of Alien B.E. 2551 (2008), migrant workers working status is based on the number of migrants that have entered into Thailand and types of career. The legal status of MDW employment can be divided into those with permission to work and those without permission to work.

The group of MDW permitted to work in Thailand legally include:

1. MDW that travel via an MOU program,
2. MDW that are registered as irregular migrant workers but have not passed the verification processes yet. They hold a pink card and work permit,
3. MDW that have completed the national verification process. They have a passport or certificate of identification from their home country and have a work permit.

Table 6: The Legal Work Status and Possible Channels for Employers Find MDW to Hire

Legal Status of Employment of MDW	Possible Channel for Hiring MDW	Cost of Processing		Validity of Work Permit
		Timing	Levy/Fee	
MOU (Memorandum of Understanding on Labor Cooperation) (Section 9)	1) Employers recruit themselves 2) Through an agency or company 3) Government to Government	56-82 days	3,600 THB* for the process in Thailand, but MDW also have fees at their home countries dependent on the citizenship	1) Maximum of 2 years for WP 2) 2 years for VISA (non-immigrant LA)

Legal Status of Employment of MDW	Possible Channel for Hiring MDW	Cost of Processing		Validity of Work Permit
		Timing	Levy/Fee	
			* as of June 2015, searched from www.doe.go.th	3) Maximum of 4 years in total
Undocumented, later enter a registration program (pink card) and apply for National Verification process (Section 13(2))	1) Agency or company 2) Connection through networking or relatives	About 20 days However, processes depend on the available period of registration, based on Cabinet Resolutions every 1 or 2 years.	Approximately 3,200 THB per year with health insurance scheme Re-register from April – July 2016 at a cost of 5,600 THB for 2 years	Permitted to stay in Thailand for 1 year while waiting for deportation. However, there is the possibility of lenient policy.
Undocumented, and later can complete National Verification process (Section 9)	1) Agency or company 2) Connection through networking or relatives	Dependent on conditions of MDW's country of origin; many cases are unable to pass the	2,900 THB for Cambodian / 3,000 THB for Laotian/ 3100 THB for Myanmar	1) 1 year for WP 2) 2 years for VISA (non-immigrant LA) 3) maximum of 4 years in total

Legal Status of Employment of MDW	Possible Channel for Hiring MDW	Cost of Processing		Validity of Work Permit
		Timing	Levy/Fee	
		processes, especially Myanmar MDW		
No work permission documents (Not under the laws)	1) Connection networking and relatives connection 2) Walk-in	Possible to be within a day/ word- of-mouth from both sides	Possible to have none	

Source: Author

Table 6 shows the legal work status of MDW at the first stage of the hiring process and the possible methods for employers to identify and hire MDW. Employers seek employees to recruit through an MOU program or by hiring MDW that are available in the domestic market. There are several channels for employers to find MDW in the domestic market, such as word of mouth or a connection to a relative of a MDW. However, in many cases, the MDW in the domestic market are working in Thailand legally.

A work permit granted under an MOU and the national verification process has the same conditions. A work permit fee is 1,000 THB per year or 1,900 THB per 2 years nevertheless the validity of work permit is based on the validity of visa. Maximum total granted for a work permit is 2 years per application. Work permits can be renewed again after 2 years and the total maximum validity of a work permit is 4 years. After 4 years, the migrant might be required to return their home country in order to re-apply for a visa and work permit again.

Contacting an agency is possibly the most convenient method for employers to find their employee. An employer can choose from the available lists, interview via phone, and then the

agency delivers the MDW to the new workplace. Some agencies guarantee a replacement if the MDW leaves. There are a various prices charged by an agent, depending on the services, characteristics and skills of MDW, and the working status of MDW. The price ranges from less than 2,000 and up to 20,000 THB.

However, the problem of utilizing this channel is finding a trustworthy agency and a good employee. Employers may also go through an MOU channel but it takes longer to complete the process. The cost in term of levy and fee is not much different, however there is a delay.

The Thai government tries to promote cooperation through the MOU programs between neighboring countries. However, hiring a MDW via an MOU program takes more time and increased cost compared to hiring a MDW that is available through the domestic labor market. An extension of the registration programs every 1 or 2 years is an unstable factor that influences employers to be disinclined to pay increased costs in the legal system. It is possible for employers to hire MDW that are in the country illegally and waiting for next registration program, and an employee might then keep their illegal status rather than return home after the work permit expires.

4.3. Migrant Domestic Worker Management in Hong Kong and Singapore

This section is a comparative study of the Hong Kong and Singapore MDW management to MDW management in Thailand. It begins with a comparison of Thailand MDW management assessed through the criteria of the ILO international framework, and selected key issues from C189 - Domestic Workers Convention, 2011. The second part uncovers more specific details of migration MDW management in Hong Kong and Singapore to MDW management in Thailand.

4.3.1. International Labor Laws on MDW

The Association of Southeast Asian Nations (ASEAN) region has integrated into the ASEAN Economic Community; in addition there is a relationship with countries outside of ASEAN. Therefore, Thailand needs to look beyond its domestic laws and bilateral co-operation. In this point of view, international labor standards comprising of a series of international treaties and recommendations adopted by the ILO can serve as implementation guidelines for national regulations. In 2015, Thailand ratified 15 ILO Conventions: 5 out of 8 Fundamental

Conventions, 1 out of 4 Governance Conventions, 9 out of 177 Technical Conventions. The principles of those conventions that Thailand ratified are related to domestic regulations. And the Conventions that Thailand has not ratified but has adopted contain some core principles that are important for domestic regulations. The latest Convention came out in 2011 and addresses decent work for domestic workers, Convention no. 189, which Thailand has not yet approved.

The ILO conventions aim to function as the international standard for member countries and are all related to social and legal protection for different groups of workers in different aspects. There are three significant conventions related to MDW social and legal protection:

1. C87 - Freedom of Association and Protection of the Right to Organise Convention, 1948
2. C98 - Right to Organise and Collective Bargaining Convention, 1949
3. C189 - Domestic Workers Convention, 2011

In domestic law, the Labor Relationship Act, B.E. 2518 (1975) has allowed workers to associate and assemble, but it only allows Thai workers to form labor unions. Thailand has not yet ratified labor convention C87 and C98, and so accordingly migrant workers are not allowed to form labor unions or groups. As migrant worker issues become of higher concern in Thailand, the conventions which are not yet ratified should be in order to lower the international pressure.

The Convention no. 189 Domestic Workers Convention (2011) is the most important convention touching upon MDW. The Convention addresses the working conditions of domestic workers as mentioned: "...Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, ...". Thailand has not yet ratified Convention no.189, but follows some of its

principles in domestic law as shown by Ministerial Regulation no.14 of the Labor Protection Act B.E. 2541 (1988) in 2012¹⁴.

Table 7: Migrant Domestic Worker Legal Protection in Domestic Laws Based on ILO Framework

Selected issues from C189	MDW management in Thailand
<p>1. Contract written: DW are informed of the terms and conditions of their employment, such as: address of employer and workplace, work performance, hours of work, remuneration, daily and weekly rest, etc. (Article 7)</p>	<p>Employment contract required and government form provides information covering most of the welfare stated in C189.</p>
<p>2. Minimum wage: DW enjoy minimum wage coverage (Article 11)</p>	<p>Minimum wage (300 THB/day) does not cover employees in DW sector</p>
<p>3. Payment: DW paid directly and regularly, at least once a month, if payments are in-kind it shall be agreed by the worker but should not be less favorable than in general (Article 12)</p>	<p>Payment to MDW mainly paid by cash once a month. No strict payment method.</p>
<p>4. Working hours: Equal treatment between domestic workers and workers generally in relation to normal hours of work and taking into account the special characteristics of domestic work. Weekly rest at least 24 consecutive hours. (Article 10)</p>	<p>- No maximum working hours MDW requirement - Weekly rest at least 1 day - At least 13 public holidays /year - At least 6 days vacation/year - Paid sick leave days to a maximum of 30 days (Ministerial Regulation declaration no.14 of Labor Protection Act B.E. 2541 (1998))</p>

¹⁴ This Ministerial Regulation defines additional workers it covers as “employees who are working in household sector that not in real sector business”

Selected issues from C189	MDW management in Thailand
<p>5. Living/working conditions: DW should have decent working conditions and decent living conditions that respect their privacy. (Article 6)</p> <p>DW has the right to a safe and healthy working environment (Article 13)</p>	<p>Information of living and working conditions required to be provided in the employment contract. However, by regulations, the employer is not required to pay welfare costs.</p>
<p>6. Abolition of child labor: A minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), is not less than 15 years. (Article 4)</p>	<ul style="list-style-type: none"> - MDW must not be less than 15 years (Labor Protection Act B.E. 2541 (1998)) - If a MDW is younger than 18 years, the salary must pay to MDW themselves directly. (Ministerial Regulation no.14 of Labor Protection Act B.E. 2541 (1998))
<p>7. Discrimination: Remuneration to DW shall be established without discrimination based on sex. (Article 11)</p> <p>To promote and realize the elimination of discrimination in respect of employment and occupation (Article 13)</p>	<p>MDW is classified as a worker in the informal sector</p>
<p>8. Social security protection: To promote and realize the fundamental principles and rights at work, freedom of association and the effective recognition of the right to collective bargaining (Article 13)</p>	<ul style="list-style-type: none"> - Thailand has not yet ratified C87 and C98 - MDW are not allowed to established labor unions
<p>9. Equal treatment between domestic worker and migrant domestic worker: Member shall take the provisions of this Convention to migrant domestic workers (Article 8), (Article 15)</p>	<p>MDW entitled by the Labor Protection Act B.E.2541 (1998) to legal protection the same as Thai DW workers</p>

Source: Author

Table 7 shows that MDW management in Thailand seems to cover many of the important issues included in C189. For some issues, Thai regulations provide more than minimum standard that is mentioned in C189 such as hours of work and holidays for MDW per year. Nevertheless ratification of C189 would improve some issues in Thai domestic regulations. For example, C189 aims to promote and realize a minimum wage for MDW, privacy of MDW in workplace and accommodation, and freedom of association. However, since Thailand has not yet ratified C87 and C98, MDW cannot form a labor union. Freedom of association and collective bargaining for their welfare are not allowed. This is different from MDW in Hong Kong and Singapore, where they enjoy gathering together on their weekly rest day, Sunday. They can exchange information, discuss challenges with employers and work, and can feel that they are becoming a part of the society.

4.3.2. Hong Kong and Singapore MDW Management

This paper selected Hong Kong and Singapore to compare as model countries because they rank as top destinations for MDW in Asia. The management policies are organized in cooperation from the countries of origin of MDW.

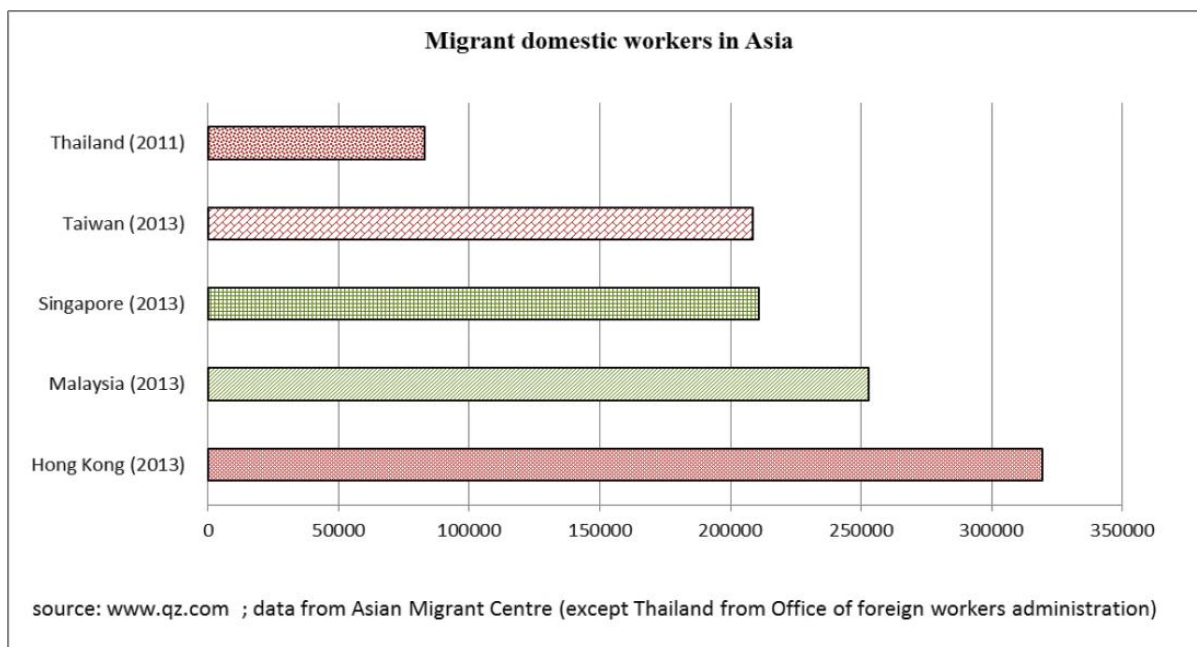


Figure 6: Total Number of Migrant Domestic Workers in Asia by Country

Figure 6 shows the popular destination countries for migrant domestic workers in Asia. Hong Kong rank at the top and Singapore is the third. Similar to Thailand, domestic help service in

these countries are necessary for many households. The availability of foreign domestic services has influenced Hong Kong women’s decisions on whether they are willing to be labor supply for the labor market or not (Cortes & Pan, 2013). In the case of Singapore, baby-sitting and/or caring for the elderly are also the main tasks for domestic workers, apart from undertaking housework tasks. Even though the Singaporean government shows major concerns over what is called the ‘maid dependency syndrome’, most Singaporeans have paradoxically reflected that the foreign workforce gathering at the malls during their day off is a kind of social nuisance (Yeoh, Huang, & Gonzalez III, 1999).

A comparative study between Hong Kong, Singapore, and Taiwan by Cheng (1996) demonstrates that domestic workers are included in Hong Kong labor law, but the perception of a domestic helper means that they are usually not treated as an employee. It is the difficulty of defining the nature of the job and the cultural tradition of hierarchy in Chinese-oriented families which is faced in Singapore and Taiwan. The relationship between female migrant domestic workers and their employers depends on the power struggle stage. This has certainly shaped how workers are expected to be and how the family members would treat them. Comparing these three countries, Hong Kong has the most progressive legal system as pertaining to providing protection for MDW. Hong Kong regulations require a minimum welfare provision to MDW. Since Hong Kong Special Administrative Region (HKSAR) ratified UN convention C87 and C98, MDW can also join labor unions. Another positive factor is the role of NGOs. NGOs in both Hong Kong and Singapore play an important role to support and advocate for human rights issues.

Table 8: General Information about Requirement and Hiring MDW, Comparison between Countries

Issue	Hong Kong (Foreign Domestic Helper: FDH)	Singapore (Foreign Domestic Worker: FDW)	Thailand (Migrant Domestic Worker: MDW)
Process prior to hiring	- Employer required to apply to employment quota before hiring.	- Employer required to apply to employment quota before hiring. - Employer has to join an	- Employer required to apply to employment quota before hiring. - Possible to hire MDW

Issue	Hong Kong (Foreign Domestic Helper: FDH)	Singapore (Foreign Domestic Worker: FDW)	Thailand (Migrant Domestic Worker: MDW)
	- Employer has to apply for the entry employment or entry visa for MDW prior to arrival	orientation program for those who hiring FDW first time. - Apply/ submit application via MOM and approval given prior to hiring.	through domestic market (including black market) and import via MOU
Employer's qualification	- Must earn at least HKD 15,000 per month	- Not undischarged bankrupt - Must be at least 21 years old - Must buy a 5,000 SGD security bond for each MDW	
Employee's qualification	- Has a minimum of 2 years working experience as domestic helper - Requires medical examination before hiring - Must be live-in DMW	- Must be 23 to 50 years old and from an approved source country or territory only. - Has at least 8 years of education - First time MDW must join the Settling-in-Program (SIP) training course - Required medical examination before hiring and strict six-month health examination	- Required medical examination before hiring - Maximum age 55 years old to permitted to renew the work permit

Issue	Hong Kong (Foreign Domestic Helper: FDH)	Singapore (Foreign Domestic Worker: FDW)	Thailand (Migrant Domestic Worker: MDW)
Levy	- Levy at HKD 400 per month was cancelled in 2013	- 265 SGD/month normal rate - 60 SGD/month concession rate for young child or grandchild scheme, aged person scheme, persons with disabilities scheme	- Levy does not apply in Thailand - Work permit fee is 1,900 THB per year
Healthcare	- Required to provide medical treatment under the Standard Employment Contract during the period of employment	- Employer has to pay for 15,000 SGD medical insurance coverage and all medical expenses for MDW - 40,000 SGD coverage for personal accident insurance (The Employment of Foreign Manpower Act)	- Government healthcare insurance required when applying for a work permit (1,600 THB/year)
Minimum salary for MDW	- Exempted from statutory minimum wage of the Minimum Wage Ordinance, Cap. 608 (HKD 32.5/hour) - Minimum allowable wage applied of HKD 4,110 per month (since 1 October 2014)	- Minimum salary does not apply in Singapore	- Minimum wage not covered by laws. However, the minimum wage of 300 THB per day is the general price for an employee at low-skilled labor level

Issue	Hong Kong (Foreign Domestic Helper: FDH)	Singapore (Foreign Domestic Worker: FDW)	Thailand (Migrant Domestic Worker: MDW)
Accommodation and food	<ul style="list-style-type: none"> - Must be live-in DW and can perform only in-house duties - Required to provide suitable accommodation and food or HKD 995 per month for food 	<ul style="list-style-type: none"> - Required to provide suitable accommodation and three meals per day 	<ul style="list-style-type: none"> - Dependent on agreement between employer and MDW
Working conditions	<ul style="list-style-type: none"> - No maximum working hours for MDW - Weekly day of rest; 12 statutory holidays; and paid annual leave. (the Employment Ordinance) 	<ul style="list-style-type: none"> - No maximum working hours for MDW - Required weekly rest day (since January 2013) 	<ul style="list-style-type: none"> - No maximum working hours for MDW but by the Labor Protection Act (1998) 8 hours per day is standard - Weekly day of rest - At least 13 public holidays a year - At least 6 days vacation per year
Other issues	<ul style="list-style-type: none"> - MDW cannot apply for Hong Kong permanent residence (Section 2(4) of the Employment Ordinance) - Ratified C87 in 1977 - Ratified C98 in 1977 	<ul style="list-style-type: none"> - Common gathering of FDW on weekly day of rest, with exchange of information - Ratified C98 in 1965 	

Source: Author

Table 8 shows general information about the requirements and process for hiring MDW in Hong Kong, Singapore, and Thailand. Both Hong Kong and Singapore set criteria for minimum requirements of employer and employee.

In Hong Kong, employers have to provide welfare including appropriate accommodation and food for MDW. MDW in Hong Kong are exempt from the Statutory Minimum Wage (SMW) of the Minimum Wage Ordinance, Cap. 608 at HKD 32.5 per hour but they are entitled to Minimum Allowable Wage (MAW) at HKD 4,110 per month. Not only is it required that MDW stay with their employer (as a live-in domestic worker) but also they can only perform work tasks inside the residence. The majority of Hong Kong migrant domestic helpers are female Filipino migrants. Legal protection of MDW is covered by labor laws, which entitle MDW to benefits. In 2003, the Immigration Department of Hong Kong required a levy for hiring a MDW of 400 HKD per month. The levy for MDW was then cancelled in 2013. However, society is currently expressing concern and debating over an overwhelming inflow of migrant workers. MDW cannot apply for Hong Kong permanent residence, unlike other careers.

Singapore requires employers to pay a levy and insurance in order to contribute to social welfare. Therefore, employers must have a sufficient amount of income to pay for salary, insurance, passage from the home country to the workplace destination, and a levy for hiring MDW in Singapore. An employer in Singapore must join the Employer's Orientation Program if he or she is hiring MDW for the first time. MDW in Singapore must be between 23-50 years old. They must have obtained a minimum of 8 years of education and must come from an approved source country only. And they must join Settling-in Program (SIP) training if it is their first time applying for work in Singapore. Migrant domestic workers in Singapore are not included in the definition of employee in the Employment Act (Chapter 91) (revised edition 2009). The levy rate is covered in the Employment of Foreign Manpower Act (Chapter 91A), which defines two types of levies for MDWs: a normal rate at 265 SGD per month or 8.72 SGD per day, and a concessionary rate at 60 SGD per month or 1.98 SGD per day. Singapore uses the foreign worker levy, paid by the employer, to control and regulate the number of migrant workers, especially low-skilled migrant workers. The levy rate for a skilled foreign worker is lower than an unskilled foreign worker. Levy rates are contingent on

the dependency of each sector. Employers are eligible to apply for a concessionary rate¹⁵ if they are under the conditions of the young child or grandchild scheme, aged person scheme, or person with disabilities scheme.

In Thailand, there are no minimum employee and employer qualifications set by government policy. Neither are there specific welfare requirements for MDW set by regulations. Regulations in Thailand do not require the employer to provide accommodation or food, as is basic for MDW in Hong Kong and Singapore. The employer is not required to pay for health insurance or accident insurance, however if a MDW is injured due to a work related cause healthcare treatment is covered by law. The basic employment contract form has MDW's welfare included, however it is open-ended and up to negotiation between employee and employer.

Hong Kong and Singapore require a quota approval and have set minimum qualifications of employers before they are permitted to hire MDW. While Singapore is using various levy rates for specific foreign workers including MDW, Hong Kong removed the levy after it had been in place for 10 years. Thailand might consider utilization of the model of employment liability by enforcing a levy. However, according to a study by TDRI (2007), the levy rates of Singapore and Hong Kong are too high for Thailand and the industry classification of the countries is different.

5. Conclusion

The Thai government tries to promote cooperation on the import of labor with countries of origin of MDW. There are several channels for employers searching for MDW services. Importing workers through the MOU system is not the most favored channel for employers, and the government policy is lenient in regards to the registrar program for those who are undocumented or are holding invalid documents. This is a disincentive for employers to hire legal MDW. The government should narrow down the choices and use more strict policies for employment of irregular migrant workers.

¹⁵ The concession rate is a reduced levy for employers hiring MDW on the basis on necessity, e.g. MDW for taking care a child, elderly person, or person with disability. The new concessionary rate for hiring MDW was launched on May 1st, 2015. The Singapore government has reduced the concessionary rate from \$120 SD per month to \$60 SD per month and increased the ages of Singaporean Children from below 12 years old to 16 years old. (Source: Ministry of Manpower, Singapore on 21st August, 2015)

A survey with 55 respondents found that Thai employers are hiring MDW because they cannot find Thai domestic workers. Some employers prefer MDW because they are seen as hard-working. There was an argument that employers choose migrant workers because of the advantage provided by lower wages. However, this study found only seven cases of MDW that were paid less than the daily minimum wage (which is 300 THB per day). Most of the MDW receive benefits such as food and accommodation from their employers, but it is based on the employer's kindness. There is no requirement for employers to provide minimum benefits; therefore the welfare given is based on negotiation between the MDW and the employer. More than half of the MDW paid for healthcare insurance and medical treatment themselves. According to the employers' perspective, the most influential factor for hiring MDW are the employee's skills in housekeeping and secondly their legal status. Some employers were less concerned with MDW's legal status because there is a possibility to seek a work permit or working documents later.

Some of the existing regulations in Thai law (either primary or secondary law) and Thai policies fundamentally meet international standards but are ineffective in practice. Compared to the ILO C189 framework, MDW in Thailand enjoy a weekly day of rest, 13 public holidays in a year, minimum age of child labor coverage, holiday payment, annual holidays, and etc.

Ratification of C189 aims to promote the rights and living standard of not only MDW but also Thai domestic workers. Thailand should ratify this Convention as a step towards covering all domestic workers who are classified as labor in the informal sector and have little power to negotiate with their employers. Thailand has not yet ratified ILO C87 and C98, but some provisions of ILO C189, Domestic Worker Convention, have been adopted by Ministerial Regulation Declaration no.14 of the Labor Protection Act B.E. 2541 (1998). MDW's legal protection is covered by the Labor Protection Act B.E. 2541 (1998). In practice, it is hard to monitor since most of the MDW are living with their employer. Although the Labor Protection Act covers MDW with illegal status, the challenge is access to justice and welfare.

Unlike Hong Kong and Singapore, MDW employees in Thailand are easily hired through the domestic market. A good proportion of MDW are undocumented, or have no work permit. Hong Kong and Singapore are good examples of countries that monitor the employer's behavior along with focusing on reducing the inflow of undocumented migrant workers. Employers in Hong Kong require the provision of a minimum welfare for MDW, including a place to live, food, free medical treatment, minimum living wage, and cost for travel to and from the MDW's home country. Employers in Singapore are required to pay a levy to obtain MDW services, security bond, and insurance. In both Hong Kong and Singapore, employers must pass certain qualification criteria to be permitted to hire MDW. Besides the work permit requirement for legal migrant workers, Thailand does not have any set criteria as a minimum requirement for either employee or employer. It should implement a minimum qualification for employers in order to make sure that they are responsible for their employees.

MDW are important to Thailand because a scarcity of Thai workers in this sector. And these services are likely to be more in-demand in the future. Leaving out the law enforcement factor; employers have little incentive to follow the government's management policies. Employers themselves do not enjoy more benefits from paying higher costs to hire MDW with legal status. While there are several choices for MDW's working status, if management regulations are not attractive enough for both the employer and the employee to follow the regulations, the management policy will not be successful in the long-term.

References

- Boonchuarau, T. (2004). *Employers' Expectation on Migrant Workers Management: A case of Chanthaburi Province*. Chanthaburi, Thailand: Department of Employment.
- Boontinand, V. J. (Producer). (2010, 20 January 2015). Domestic workers in Thailand: their situation, challenges and the way forward. Retrieved from http://www.burmalibrary.org/docs09/wcms_120274.pdf
- Borjas, G. J. (1994). The Economic Benefits from Immigration. *The Journal of Economic Perspectives*, Vol. 9, No. 2. (Spring, 1995), pp. 3-22.
- Bryant, J., & Rukumnuaykit, P. (2013). The labor market impacts of immigration to developing countries: Evidence from a registration campaign in Thailand. *The Journal of Development Studies*, 49(6), pp. 785-800.
- Cheng, S.-J. A. (1996). Migrant women domestic workers in Hong Kong, Singapore and Taiwan: A comparative analysis. *Asian and Pacific Migration Journal*, 5(1), pp. 139-152.
- Cortes, P., & Pan, J. (2013). Outsourcing household production: Foreign domestic helpers and native labor supply in Hong Kong. *Journal of Labor Economics*, Vol. 31, No. 2 (April 2013), pp. 327-371.
- Kulkonkarn, K. (2014). *Migrant workers management in Thailand and other countries*. Chiang Mai: Wanida press.
- Martin, P. (2004). *Thailand: Improving the management of foreign workers* (second edition ed.). Bangkok, Thailand: International Labor Office.
- Martin, P. (2007). *The economic contribution of migrant workers to Thailand: Toward policy development*. Bangkok, Thailand: International Labor Office.
- Muttarak, R. (2004). Domestic Service in Thailand: Reflection of conflicts in gender, class and ethnicity. *Journal of Southeast Asian Studies*, 35(03), pp. 503-529.

- Ngamwongmat, S. (2009). *Alleviation of illegal migrant workers employment: a case study of Burmese migrant workers*. Judicial Training Institute.
- Organisation for Economic Co-operation and Development. (2008). *International Migration Outlook 2008*. Paris, France.
- Orn B. Bodvarsson, H. V. d. B. (2013). *The economics of immigration: Theory and Policy* (second ed.). New York, USA: Springer.
- Panam, A. (2004). *Migrant Domestic Workers: From Burma to Thailand*. Institute for Population and Social Research: Mahidol University.
- Pholphirul, P., & Rukumnuaykit, P. (2010). Economic contribution of migrant workers to Thailand. *International Migration*, 48(5), 174-202.
- Pholphirul, P. (2013). Labor migration and the economic sustainability in Thailand. *Journal of Current Southeast Asian Affairs*, 31(3), 59-83.
- Punjataewakupt, P. (2014). *Migrant workers' willingness to pay for working in Thailand: A case study of Myanmar migrant workers in Samuthsakorn province*. Discussion paper no.32. Faculty of Economics, Thammasat University. Bangkok.
- Potipiti, T. (2009). *Final report: The Number of Unskilled Migrant Workers from Myanmar, Lao, and Cambodia in the Future and the Demand for Migrants for the Aging Society*: Bangkok: The Thailand Research Fund.
- Punpuing, S. (2007). *Female Migration in Thailand: a study of migrant domestic workers*. Paper presented at the Regional Seminar on Strengthening the Capacity of National Machineries for Gender Equality to Shape Migration Policies and Protect Migrant Women, Bangkok.
- Suthisa. C. (2013). *Final report: Migrant workers situation in Thailand: A case study of migrant workers in industrial sector in northeast of Thailand*. Bangkok: The Thailand Research Fund.

TDRI. (2010) Impact from employing migrant workers in national verification era. (pp. 11). Bangkok, Thailand: TDRI.

The World Bank. (2012). *Gaining from Migration: Migration Trends and Policy Lessons in the Greater Mekong Sub-region*. Bangkok, Thailand: The World Bank.

Yeoh, B. S., Huang, S., & Gonzalez III, J. (1999). Migrant female domestic workers: debating the economic, social and political impacts in Singapore. *International Migration Review*, pp.114-136.

World Bank. (2006). *Labor migration in the greater Mekong sub-region - synthesis report : phase 1*. Washington, DC: World Bank.

_____. Foreign Domestic Helpers. (2015). Retrieved from <http://www.immd.gov.hk/eng/faq/foreign-domestic-helpers.html#faqs> on August 21, 2015

_____. FDH employers to pay employees retraining levy. (2003). [Press release]. Retrieved from <http://www.info.gov.hk/gia/general/200308/29/0829136.htm> on August 21, 2015

_____. Employment of Foreign Manpower (Levy) Order 2007. Singapore Statutes Online. Retrieved from <http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%229392b7da-6481-4013-99ac-59a62149381b%22%20Status%3Apublished%20Depth%3A0;rec=0> on August 21, 2015

_____. *Foreign domestic worker eligibility.(last updated 29 May, 2015)*. Retrieved from <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements/fdw-eligibility> on December 1, 2015

_____. *Average Monthly Income Per Household: 1998 -2015*. The Household Socio - Economic Survey, National Statistical Office, Ministry of Information and Communication. Retrieved from <http://service.nso.go.th/nso/web/statseries/statseries11.html>. on June 2, 2016

About MINZAS

MINZAS program is a partnership program of Mekong Institute and New Zealand Embassy in Bangkok. The objective of this program is to enhance research capacity of young GMS researchers by providing a structured learning and field research application program for 36 master's degree students from provincial universities in Cambodia, Lao PDR, Myanmar and Thailand.

Through a comprehensive supports – trainings, roundtable meeting, constructive advices from MI advisors including financial supports – which are to be and have been provided to scholarship grantees, students' research skills and conduction of research deem to be developed. The completed research works will be published in 'MI Working Paper Series' and disseminated to related agents among the GMS.

The MINZAS Program is designed for 3 cycles; each cycle lasts for one year with 4 phases:

- Phase One: Training on Research Methodology
- Phase Two: Implementation of Sub-regional Research in Respective Countries
- Phase Three: Research Roundtable Meeting
- Phase Four: Publication and Dissemination of Students' Works in 'MI Working Paper Series'

The research cycle involves:

- One month training course on GMS Cooperation and ASEAN Integration, research development and methodology. The students will produce their research designs and action plans as training outputs;
- Technical assistance and advisory support to MINZAS scholars by experienced mentors and academicians in the course of the research process;
- The scholars will present their research papers in a round table meeting attended by subject experts and their peers;
- Scholars will revise their research papers and improve as necessary, based on experts and peer review during the roundtable meeting;
- Publication of reports as MI working paper series.

Mekong Institute (MI) is an intergovernmental organization with a residential learning facility located on the campus of Khon Kaen University in the northeastern Thailand. It serves the countries of the Greater Mekong Subregion (GMS), namely, Cambodia, Lao P.D.R., Myanmar, Thailand, Vietnam, Yunnan Province and Guangxi Zhuang Autonomous Region of PR. China.

MI is the only GMS-based development learning institute, chartered by the six GMS Governments, offering standard and on-demand capacity development programs focusing on regional cooperation and integration issues.

Our programs and activities focus on three main thematic areas: Trade and Investment Facilitation, Agricultural Development and Commercialization, and Innovation and Technological Connectivity. Gender equality, Environmental sustainability and Labor mobility are present throughout as cross-cutting themes.

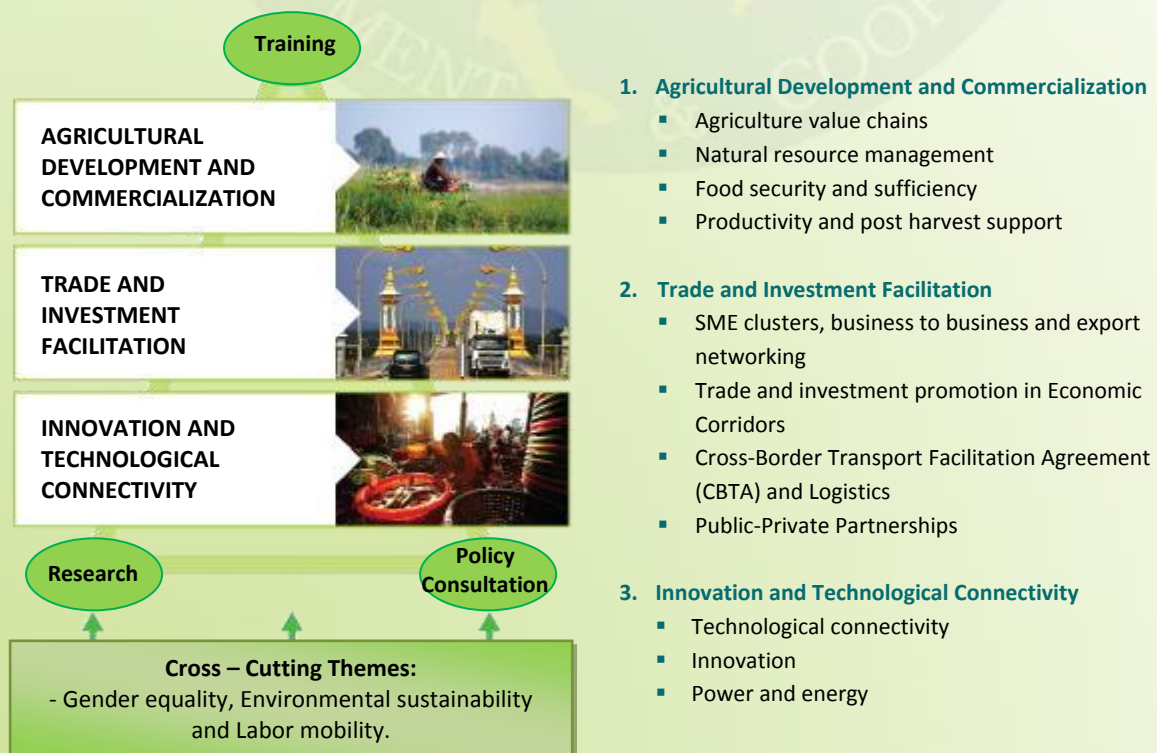
Vision

Capable and committed human resources working together for a more integrated, prosperous and harmonious GMS.

Mission

To contribute through human resource development and capacity building to the acceleration of sustainable economic and social development and poverty alleviation in the Greater Mekong Sub-region and promote regional cooperation and integration.

MI Program Thematic Areas



For more information, visit
www.mekonginstitute.org



Mekong Institute

Research Working Paper Series 2015



NEW ZEALAND
FOREIGN AFFAIRS & TRADE
Aid Programme

This publication of Working Paper Series is part of the Mekong Institute – New Zealand Ambassador’s Scholarship (MINZAS) program. A collaboration project between New Zealand Embassy in Bangkok and Mekong Institute aims to bring forth the research development within the Greater Mekong Subregion (GMS) through educational provision that will be given to master’s degree students from Cambodia, Lao PDR, Myanmar and Thailand.