

Regional Management of Formal Recruitment and Formal Workers in the Great Mekong Subregion*

There is a hypothesis that a government –to- government(G to G) arrangement in the recruitment of foreign workers to be employed in a country can be a solution to better manage labour migration and protect migrant workers. In the GMS countries, migrants from Cambodia, Lao PDR and Myanmar have moved into Thailand to fill in the labour shortage in the local unskilled labour market since the decade 1990s. Those workers were considered as illegal immigrants according to the Thai Immigration law. But they were allowed to stay temporarily (1-2 years) according to article 17 of the Immigration law and then they could work temporarily. The number of migrants who fell under this management was as high as 1.2 million in 2004. They could renew their work permit annually following the Thai government policy on migrant workers. However, the number of renewed registration for a work permit decreased by 30% each year which meant that more workers became undocumented. Simultaneously, new arrivals did not come for registration neither, leading to the inefficient regulation of migrant workers and poor protection of their rights due to lack of information and access to them.

In 2002-2003, the Thai government decided to seek cooperation from the three countries of origin of migrant workers. It proposed an MOU on the cooperation in the Employment of workers and the MOU had been signed. Existing workers were invited to show up and have a nationality proof process, they were given a temporary passport and a work permit, thus they became documented again. On the other hand, Thailand and Cambodia and Lao PDR agreed to implement a new system of formal recruitment through the Ministry of Labour (MOL) of both countries of origin and Thailand (as country of destination). Formal recruitment system will allow employers to request for foreign workers to Thai MOL who will proceed the request to MOL in Lao PDR and Cambodia. The latter will work out with licensed recruitment agencies in the country to recruit workers for Thai employers. Workers will be accompanied by recruitment agencies to arrive safely to Thailand and be handed over to Thai employers. They will have a work contract and will be treated according to the Thai Labour Law i.e., guarantee of minimum wage, good working and living conditions, labour welfare provided and the employment will last two years. Since December 2006, approximately 20,000 workers have been recruited formally.

It seemed that the management could prevent workers from being cheated or given false information, being smuggled or trafficked or being arrested by Thai police. It could offer a good wage and fringe benefits to workers and the period of employment was up to two years. However, formal recruitment still need more improvement : the process was too slow. Workers had to pay a high recruitment charge to licensed agencies. Salary was deducted to pay recruitment fee. Pre-departure orientation was not properly provided. Workers' freedom not fully respected i.e. their passport was mostly kept by

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employers or agencies. Findings from a three countries study indicated many weak points which need to be improved for a better management of labour migration in the GMS. The merit of formal recruitment is still rewarding.

“I fell good coming as a formal workers, I don’t have to hide like a prisoner... I can go anywhere freely and won’t be arrested.”

Female Cambodian working in the food processing in Trang Province(Southern Thailand)

“I didn’t have to take risks while traveling, there was no need to hide, and I felt safer in Thailand.”

Male Cambodian working in Construction in Bangkok

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