

**Input to the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences
for his upcoming report to the 79th session of the General Assembly**

Just Economy and Labour Institute (JELI) and the Global Alliance Against Traffic in Women (GAATW)

March 2024

About JELI and GAATW

Just Economy and Labour Institute (JELI) is a non-profit organisation working to promote social justice and ensure the protection of labour rights in Thailand. JELI supports workers and labour organisations by offering educational and capacity-building programmes. This includes supporting workers to form groups and organisations and to campaign for better protection of their rights.

JELI is a partner of the Global Alliance against Traffic in Women (GAATW) under GAATW's "Women Workers Forum" programme. GAATW is an Alliance of non-governmental organisations from Africa, Asia, Europe, Latin America and the Caribbean, and North America. Member organisations include migrant rights organisations, anti-trafficking organisations and self-organised groups of migrant workers. The Women Workers Forum creates a supportive space for workers' political education through peer-learning processes. It is premised on the belief that women workers can set their own learning agendas and articulate their own visions for change. GAATW supports workers' groups in several countries across Southeast and South Asia and Africa.

This submission shares the testimony of members of workers organisations in Mae Sot and Bangkok, Thailand following two focus group discussions held in February 2024.

Submissions

1. Challenges facing workers in Thailand.

a. Migrant workers

Migrant workers from Myanmar have been living and working in Mae Sot for many years in the agriculture, construction and garment sectors. We face frequent labour law violations. We are paid less than the legal minimum wage and the majority of us have no access to social security or the protection of the Work Injury Compensation Fund. Pregnant workers have no maternity protection and often lose their jobs.

b. Digital platform workers

In Bangkok digital platform workers experience long working hours as the minimum rates are very low. To make ends meet, we have to work more than 10 hours per day (sometimes up to 15 hours per day in central Bangkok). This can have a fatal impact for those of us working as delivery courier riders - fatigue is one of the main causes of traffic accidents and deaths.

All of us working for digital platforms (whether we are care workers or delivery courier riders) experience income insecurity as minimum rates are unilaterally reduced by the platforms at any time, and sometimes customers cancel the orders at the last minute, and we receive nothing. We also experience sexual harassment by customers with no way to seek justice.

When we experience workplace accidents, which is frequent for the delivery riders as they work on busy and crowded streets, we have many difficulties claiming accident insurance and we lose income whilst we are in hospital.

We have no access to social security. Whether we are food delivery riders, cleaners, masseuses, elderly and childcare workers, we have no access to maternity protection, the Work Injury Compensation Fund or other vital social security funds.

2. How workers' organisations play a role in preventing workers from being subjected to contemporary forms of slavery, and to move out of exploitative situations.

In Mae Sot, informal migrant workers organisations have been supporting workers to understand the Thai labour laws and advocate to the Ministry of Labour.

In Bangkok, platform workers' organisations similarly support workers to understand their labour rights and advocate to the Ministry of Labour and Members of Parliament. Our platform delivery riders' group is called the "Riders Centre."

At the Riders Centre we provide vital support to workers and their families. Last year, a 19-year old woman worker, Prae, was hit by a truck. She suffered serious injuries and died later that day at hospital. Many women members of the Riders Centre accompanied Prae to the hospital and contacted the family and the platform company "LineMan" about the accident. Prae's family is very impoverished and Prae had been working for LineMan to support her grandma who had a health condition. The Riders Centre raised a fund collected from its worker members to pay for the funeral and to support the family's legal case against the truck's company.

We also campaign for change. Since Prae's death we have also been campaigning for social security and the right to protection from the Work Injury Compensation Fund. Together with the JELI, the Riders Centre has held three national dialogue meetings with the government. The first meeting was held on 30 August 2023 at the Ministry of Labour, with the Director of 'Workmen's Compensation Fund' and the Director of Informal Labour Protection. The second meeting with the Labour Ministry was on 31 October 2023. On 14 February 2024, the Riders Centre (together with JELI) gave testimonies to the Parliament's Labour Commission and called on Members of Parliament to urgently address the labour rights and occupational health and safety protection for gig/platform worker. We specifically called on the Parliament to extend the protection of the Work Injury Compensation Fund to platform workers.

At the end of the dialogue meeting held on 14 February 2024, the Parliament's Labour Commission accepted the platform workers' grievances and the Chair of the Labour Commission stated that he would request the Labour Ministry's permanent secretary to host a national dialogue meeting involving the platform companies, the workers' groups and JELI. We are following up with the Parliament's Labour Commission on the schedule of this national dialogue.

3. The challenges experienced by workers' organisations to prevent contemporary forms of slavery and protect victims.

a. Low union density

Union density is extremely low. Out of 40 million workers, only 532,351 are registered as members of trade unions (as of January 2024). This low union density reflects the situation that for both Thai and migrant workers in

Thailand, the right to organise and to collectively bargain is very restricted and the majority of workers working in Thailand have difficulties joining trade unions due to the restrictions imposed by the government.

b. Ban on migrants forming unions

Migrant workers in Thailand are not allowed to register as a trade union or workers organisation. In Thailand we are only allowed to join existing Thai trade unions and even then, we are not allowed to hold any union office or serve on the union's executive committee.

c. Digital platform workers prevented from forming unions

Digital platform riders and care workers in Thailand are misclassified by Government agencies as "freelance workers." Due to this misclassification we are not recognised as "workers in employment relationship" which according to the Industrial Relations Act 1975 is the requirement for registering as a union. Whilst we have formed ourselves as workers organisations, we are not allowed to apply for formal registration as a union.

d. Lack of support from the Government and Trade Unions

Migrant workers organisations in Mae Sot have not had any collaboration with any Thai trade unions. The 'Workers Union' in Bangkok, which is a newly formed organisation of platform and migrant workers, is in the process of reaching out to migrant workers in Mae Sot.

Similarly, there has been a total lack of support from the Government. Whilst the Government seems to listen to us when we bring our concerns to them, there has been no serious action to address or solve these issues.

4. Recommendations

JELI and GAATW make the following recommendations to the Government of Thailand:

- I. Provide workers' organisations supporting migrant workers in Mae Sot with core funding so they can pay their staff who are carrying out vital support services for workers.
- II. Allow migrant workers and platform workers to form their own organisations and unions, and to serve on Thai unions' executive committees.
- III. Make the necessary amendments to the Labour Protection Act, Social Security Act, and Workmen's Compensation Act, to extend social security and the protection of the Work Injury Compensation Fund to all workers.
- IV. Ratify ILO Convention 87 and 98 (Right to Organise and Collective Bargaining) to pave the way for amending Thai labour laws so that the laws are in line with the international standards, particularly in relation to the right to organise and collective bargaining for all workers, including migrant workers and platform workers.
- V. Engage relevant stakeholders in labour inspections to make labour law enforcement and labour inspections more effective.