

STUDY ON POLICIES RELATED TO THE FLOW OF LABOR IN ASEAN THAT HAVE IMPACT TOWARDS SME BUSINESS OF THAILAND FROM A CASE STUDY: BURMESE AND LAOS MIGRANT WORKERS

PATTARAVIS YOOWATTANA

College of Innovation and Management, SuanSunandhaRajabhat University Thailand
Email: pattaravis.yo@ssru.ac.th

Abstract: There are large numbers of migrant workers coming to work in Thailand, especially from neighboring countries that have borders connected with Thailand. Mostly, they are choosing to enter into the country illegally, and they are commonly conducting SME business in Thailand as government officers have detected. This SME business is unlike a big business that is strictly monitored on illegal labors. Thus, the cause that these labors are separately living in Thailand is one of problems towards society control. On the other hand, if the government uses too strict method, these labors will not want to come to work in Thailand, and it leads to the lack of workers in this type of business. SME business is a low-cost business; therefore, migrant workers are important for this business as they accept lesser remuneration than domestic workers.

Currently, the government has seen the importance of this issue, so there are measures regulated as remedies to the problems in order to guide these workers to choose to enter the country legally or lessen the operation guideline to solve illegal workers to be legal as much as possible. Even though the government has produced several measures to reduce problems, it is only a short-term basic problem-reduction guideline towards workers. However, this research has suggested a long-term solution, divided into 3 issues which are 1) strictly focused on recruiters as it should be cut out, 2) reduce document preparation fee for migrant workers, and 3) emphasized on professions and skills of imported migrant workers.

Keywords: SME Business of Thailand, Burmese and Laos Migrant Workers

I. INTRODUCTION

Thailand is a member of Association of South East Nations (ASEAN) with the objective for economic cooperation by establishing ASEAN Free Trade Area (AFTA), ASEAN Framework Agreement on Services (AFAS), ASEN Investment Area, and stepped into the ASEN Community (AC) in 2015 [1].

The ASEAN Charter consisted of organizations such as ASEAN Political – Security Community (APSC), ASEAN Economic Community (AEC), and ASEAN Socio – Cultural Community (ASCC). After become a member of ASEAN community, there are investments on both cooperation and competition from Member States. There is more free flow on movements of machines, raw materials, goods, services, investments, and skilled labor than before. Additionally, AC has negotiation plan on East Asia Free Trade Area (EAFTA) and Comprehensive Economic Partnership in East Asia (CEPEA). Therefore, it is necessary to have measures or actions to help Thai entrepreneurs to increase capability on competition by amending laws and regulations to facilitate the industrial business and develop competitive capability of private sectors in Thailand. Thus, under the ASEAN Economic Community Blueprint (AEC Blueprint), AC will be fully effective in 2015 with the main target to lead ASEAN to be a Single Market and Production Base. Under such principle, ASEAN will have free flow in 5 branches which are 1) goods, (2)

services, 3) investments, 4) funds, particularly on 5) skilled workers [2-5].

The free flow of skilled labor that are under negotiation of movement of natural persons, and it is related to professional personnel that need to have mutual agreement in order to accept the qualification of a license holder without reducing rights of the parties as per the profession agreement. In 2015, free flow of skilled labor is taken place in seven professional fields, including physicians, dentists, nurses, architects, engineers, accountants and survey technicians. For other professions/careers, the free flow of skilled labor will be gradually applied in the future. The Coordination For International Cooperation has arranged a project to support the flow of skilled labor to AC with the goal to study, review, and analyze information on the flow of skilled labor as well as factors, and problems/obstacles related to the free flow of skilled labor in AC, particularly in SME business sector that international skilled labor is needed to determine the direction of development and the preparation for the readiness on management to support coordination of the AC [6-10].

Thailand is a destination country for migrant workers to find work, and there are both legal and illegal migrant workers who work illegally or escape to the city. Legal migrant workers are those who enter into the city legally with visa or those who are permitted to temporarily stay in the Kingdom as per the

immigration law, or those who are permitted to enter into the Kingdom as per the Investment Promotion Law or other laws. These aliens are mostly come as skilled workers or semi-skilled workers, including those who are working as management officers, engineers, technicians, experts, etc. These aliens are Japanese, British, Chinese, American, Indian nationalities, etc. For illegal migrant workers or those who come to work illegally are those who enter into the Kingdom by violating immigration law and violating Working of Alien Act, especially those from Myanmar, Laos, and Cambodia who come to work in Thailand, and the numbers of those aliens are unclear at the present.

The important causes that large group of migrant workers from Myanmar, Laos and Cambodia come to work in Thailand in both Push and Pull factors, including:

1. There are differences on the level of economic development and employment rates between Thailand, Myanmar, Laos and Cambodia. That is, the average gross domestic product per capita in Thailand is 6 times higher than Myanmar, 7 times higher than Laos, and 12 times higher than Cambodia.

2. The change on population structure in Thailand has declining growth rate. Working population from 15-18 years of ages is not quite increased. However, the growth rate of population in Myanmar, Laos, and Cambodia are 1.2-2.4 per year, and working population is increased for 1.3 percent in Myanmar and 3.0 percent in Cambodia and Laos. Moreover, most of workers in Thailand have higher knowledge and expertise as well as quality. They have potential to work for complex industry and technology, so they rarely work for lower class works such as difficult works, dirty works, dangerous works, or it is called as 3D works. Wages of 3D works are not high, and these works are available in SMEs business group such as workers in fisheries and maritime businesses, general workers, hotel and restaurant business, factory business, workers in agriculture and horticulture crops, livestock, etc. In addition, it is popular for some of Thai workers to work abroad, so employers and entrepreneurs are met with a problem of lower class labor shortage, so they need to employ migrant workers from neighboring countries where wages are lower instead.

3. As the social and political conditions in the destination country where the social development fallen behind Thailand with uncertainty of political conditions, and most of population lives in rural areas, lacking of social services, education, and health care, economic environment on the border of a neighboring country does not facilitate for lives, it pushes migrant workers from neighboring countries to emigrate to find work in a country where there is

an opportunity on economic and better society. Because Thailand has a long boarder connected with neighboring countries with the length of more than thousands kilometers, surrounding by natural channel which is difficult to prevent, the migrant workers are illegally move into the country easily. The entry of escaped migrant workers has caused a negative impact in the economic, social, political, and international relations, and it affects the overall security of the country. In this case, the government has tried to solve problems of escaped migrant workers throughout the time. Upon the extension of staying in the Kingdom temporarily and the permission to work under the cabinet resolution, it is determined to register escaped migrant workers into the system that can be controlled by the government agencies. It has been operated since 1996, and in 2004, Thai government has migrant workers management policies for the whole system with the major goal to employ legal migrant workers [11].

Research question

What are the problems associated with the flow of labor workers in ASEAN that affects small- and medium-sized enterprises of Thailand from a case study: Burmese and Laos workers?

II. DETAILS EXPERIMENTAL

2.1. METHODOLOGY

A. Research Objective

Purpose of the study

To study on policies associated with the flow of labor workers to be a perfect ASEAN COMMUNITY

B. Scope of the Study

In this research, it is emphasized on problems and obstacles on the flow of workers in the country between two population groups, needs, current effect, different views on problems of work and the flow of workers at present.

C. Research Methodology

This time, the research team collected variety of data formats through the study on the basic information from documents and collected data in the community by using the following steps:

1. Secondary data from the document for study and the Internet.

1.1 Study for information from documents containing community basic information, policy goals of the organization, and community justice related law.

1.2 Study for information from structure documents and missions of the organization

2. The primary data by collecting data from the community that the research team collected from the community.

2.1 For the interview obtained research team in the area, the study on the history of the community, and the change of community from the past to present, the team interviewed seniors and leaders in the community.

2.2 The in-depth interview on the thought belief, tradition, culture and community crime conflict management.

2.3 Observation divided into the observation without participation and participatory observation.

III. RESULTS AND DISCUSSION

Laws and regulations related to the escaped migrant workers system management. There are related laws on the implementation on escaped migrant workers system management for Burmese, Laotian, and Cambodian which are Thai Immigration Law, Registration Law, and Working of Aliens Law. Moreover, several regulations are relied on, such as Regulations of the Office of the Prime Minister on escaped migrant workers management, including the Notifications from Ministry of Interior and Ministry of Labor. Hence, the immigration law related to aliens who temporarily enter into the Kingdom or stay as a residence in the Kingdom should comply with Thai Immigration Act B.E. 2522, which is the law related to the entry of aliens. The main points of Thai Immigration Act B.E. 2522 associated with the entry to work of aliens are as follows:

1. Aliens who are entering into or departing the Kingdom must other and leave by way of immigration check points, designated landing, stations or areas and in accordance to the prescribed time as published in the Government Gazette by the Minister.

2. Aliens who have no passport or document used in lieu of passport; or having a valid passport or have but without Visa issued by the Royal Thai Embassies or Consulates in Foreign countries; or from the Ministry of Foreign Affairs, excepting if a visa is not required for certain types of aliens in special instances.

3. Have no appropriate means of living following entrance into the Kingdom.

4. It is prohibited for aliens to enter into the Kingdom to take occupation as a laborer or to take employment by using physical without skills training or to work in violation of the Ministerial Regulations.

5. Aliens entering into the kingdom for investing or other activities relating to investing subject to the provisions of the law on investment promotion are permitted to enter into the kingdom for a temporary stay, and the Director General or the competent official deputized by the Director General, and shall

have the authority to permit the alien, who entered to stay temporarily in the Kingdom to remain in the Kingdom under any prescribed conditions as it deems appropriate.

6. An alien having received a temporary entry permit into the Kingdom must not engage in the occupation or temporary or employment unless they are authorized. Whoever fails to comply with the provisions of this act will have a minimum penalty as a fine not exceeding one thousand baht or maximum penalty as to be imprisoned for not exceeding ten years and a fine for not exceeding one hundred thousand baht, which include those who bring aliens into the Kingdom or support or provide assistance to facilitate aliens to enter into the Kingdom.

At present, Thailand has an implemented measure which leads to the goal of employing migrant workers legally, and the operation is specified into two phases. The first phase is to temporary permit escaped migrant workers who are Burmese, Laotian, and Cambodian in Thailand to report for data registration, and identify personal identification number of non-Thai in order to ask for work permit.

The second phase is to change a status of escaped migrant workers who reported themselves and had their data recorded as mentioned in the first phase to be legal migrant workers. In this case, Burmese, Laotian, and Cambodian should come to proof their nationality to certify the status and to receive Certificate of Identity or passport to their aliens, and Thailand's government will issue visa and stamped visa for migrant workers to stay in the Kingdom to change from the illegal migrants to be legal migrants, including a permission to work legally. Additionally, there is also a measure established to bring new migrant workers legally as per the Memorandum of Understanding (MOU) signed by the Thai government with Myanmar, Laos, and Cambodia's governments.

However, for the registration process for escaped migrant workers who are Burmese, Laotian, and Cambodian each year, it is found that there are always some migrant workers disappeared from the extension of staying system to become illegal migrant workers who work without permission, and some escaped migrant workers who are Burmese, Laotian, and Cambodian are also disappeared from the extension of staying system. Therefore, the researcher is interested to study about the registration on escaped migrant workers who are Burmese, Laotian, and Cambodian of Foreign Workers Administration Office, Department of Employment, in order to know the process of implementation, result of implementation, and problems to register escaped migrant workers based on the process. The study is selected only on the registration process of escaped

migrant workers who are Burmese, Laotian, and Cambodian.

1. There are 3 announcements by the Ministry of Interior related to the registration of escaped migrant workers in 2008, which are

1.1 Announcements by the Ministry of Interior on the permission for some groups of aliens to have Special Entry Visa to stay in the Kingdom dated 19 January 2008, enforced with escaped migrant workers who are Burmese, Laotian, and Cambodian and entered into the Kingdom as well as registered as aliens (have Tor.Ror. 38/1), but the current status is aliens who are revoked to stay because they did not comply with conditions of the Ministry of Interior (for new round of migrant workers registration group). These aliens shall report themselves to district registrar or local registrar from 21 January, 2008 until 19 February, 2008 to create background data and receive work permit from officers as per Working of Aliens Act according to conditions and periods that determined and announced by Director-General of Department of Employment.

1.2 Announcements by the Ministry of Interior on the permission for some groups of aliens to have Special Entry Visa to stay in the Kingdom (for those who registered their background data in 2004) dated 19 January, 2008, enforced with escaped migrant workers who are Burmese, Laotian, and Cambodian and permitted to work in 2007 with work permit visas that will be expired on 30 June, 2008. They should report themselves to the officers as per Working of Aliens Act for the work permit within 30 June, 2008

1.3 Announcements by the Ministry of Interior on the permission for some groups of aliens to have Special Entry Visa to stay in the Kingdom (for those who registered their background data in 2006) dated 19 January 2008, enforced with escaped migrant workers who are Burmese, Laotian, and Cambodian and permitted to work in 2007 with work permit visas that will be expired on 28 February, 2008. They should report themselves to the officers as per Working of Aliens Act for the work permit within 28 February, 2008.

All 3 announcements of the Ministry of Interior determined conditions of the termination of permission to stay in the Kingdom of aliens in case that those migrant workers have prohibited diseases as specified by the Ministry of Public Health, those who have incomplete health conditions and such health conditions are obstacles of work under the discretion of the physician, those who have been imprisoned by judgment of the Thai Court; unless, it is the offense that committed through negligence or a petty offense, or leave the province without permission.

2. There are 2 announcements from the Ministry of Labor related to the employment of escaped migrant workers who are Burmese, Laotian, and Cambodian, which are:

2.1 Announcement of the Ministry of Labor on designated that aliens under Section 12 of Working of Aliens Act B.E 2521 (Volume 14) dated June 30, 2004, and it is limited that escaped migrant workers who are Burmese, Laotian, and Cambodian can work for 2 works which are labor and housekeeping.

2.2 Announcement of the Ministry of Labor on Demands for hiring alien laborers dated 23 February, 2007, determined that employers, both individual and juristic person, who want to hire migrant workers, shall inform their needs to allocate quotas for aliens before hiring aliens.

CONCLUSIONS

Legal mechanism of Thailand is counted as helping to facilitate a flow of migrant workers, and it is deemed to be another way to attract these workers' attentions to work in Thailand. However, quite large numbers of people choose to come to Thailand illegally, so it leads to the high risk of entering in the cycle of trafficking. Therefore, another factor of this research is to take more focus on some facts in order to find the answer why these groups of workers chose to enter into the country illegally.

The long-term labor problems and labor shortage reduction proposed to the government, focusing on labor conditions and strictly comply with the regulation of enterprises to the workers. In this case, the overall problems should be seen and solved for both numbers of labors and the quality and social welfare supervision. Thus, the question asking whether operators still need to employ migrant workers or not, in fact, they are needed, so they need to rely on a large number of migrant workers.

The major long-term labor problem reductions towards government should be basically

1. Strict about recruitment brokers. These brokers should be cut out
2. Reduce the fees for the preparation of documents for migrant workers
3. Import workers should be focused on skills and professions

ACKNOWLEDGMENTS

This research was supported by the research and development institute, SuanSunandhaRajabhat University, Thailand.

REFERENCES

- [1] W. Suridechakul, (2016). The Study of Factors Affecting The Development Community Using The Philosophy of Sufficiency Economy : A Case Study of Banbangkrasan Community PhraNakhon Si Ayutthaya Province. J. International journal of systems applications, engineering & development. pp.14-19.
- [2] C. Tanasugarn, C. Kanchanasuttisang, V. Roma, and M. Samnuanklang, (2005). "Community Development Power Network to solve drug problems, Community Justice Network Development, Department of Probation, Ministry of Justice". Bangkok; Thai Health Promotion Foundation.
- [3] C. Chanrojanakij, (2000). The participation of the public on crime prevention in the area of responsibility of the Hoi Kwang Police Station. Master Thesis in Political Science, Graduate School, Ramkhamhaeng University.
- [4] Department of Labor Protection and Welfare, working conditions on works and problems of those who have works to be done at home, 1999.
- [5] Department of Labor Protection and Welfare, Labor Protection Act B.E. 2541, 2nd edition, 2001.
- [6] KittipatNonthapattamadul . Power relations in the area of social welfare. Journal of Social Science, 12 (1), 27-60, 2547Kor.
- [7] KittipatNonthapattamadul. Social policy and social welfare. 3rd Edition. Bangkok :Thammasat University Press, 2001.
- [8] Department of Employment . Labor market situation, 2002.
- [9] KannikarAngsathanasombut. Lives and Changes of Thai workers after came back from work overseas. Research report on welfare system development for poor and underprivileged people in Thai society, TRF (Copied Version), 2002.
- [10] KattiyaKannasoot and JaturongBoonyarattanasunthorn. welfare system development for poor and underprivileged work forces. Bangkok: Center for Political Studies, Chulalongkorn University, 2003.
- [11] PatcharinBerk et al. 2001 Basic Manual for SMEs Businesses. National Metal and Materials Technology Center. Bangkok

★ ★ ★