



ILO urges more tripartite dialogue in addressing migrant labour issues

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Statement

BANGKOK (ILO news) - A series of changes to migrant worker policy in a short period of time have shown the potential to create difficulties for workers and industry as they face challenges in internalizing new rules. These challenges have direct implications on planning for businesses, and ensuring labour protection for migrant workers.

The most recent developments confirm that consultations with stakeholders and social dialogue are of critical importance. The ILO reiterates the importance for policymakers of engaging in regular tripartite dialogue, and the need to develop evidence-based policy and implementation. The planned 'grace period' announced by the Royal Thai Government is an opportunity to take into account through solutions based on tripartite dialogue the interests of employers in terms of business continuity needs and of workers for protection of their basic rights and stability in their employment and work status.

Transition from one policy regime to another requires direct engagement and dialogue with workers and employers through consultative mechanisms as well as early and well targeted information campaigns.

On 22 June, 2017, the Royal Ordinance, titled the Management of Employment of Migrant Workers was gazetted and has taken force since 23 June 2017, just a day after its adoption. The enactment of the law outlines a number of well-developed provisions relating to recruitment practices such as zero fee for migrant workers. In addition, the migrant repatriation fund is replaced by the Management of Employment of Migrant Workers' Fund which has a broader application and does not impose fees on workers.

Despite these key developments, the law does enact some provisions which can impinge the rights of migrant workers for instance the power to limit the freedom of movement through a zoning provision. Also the law imposes tough penalties for employers who employ an irregular migrant worker, and retains previous financial and criminal penalties for workers which may be excessive.

The International Labour Organization is closely monitoring the situation and calls for consultation and dialogue with key stake-holders including employers and workers organizations. While the ILO welcomes well developed provisions which are in line with the international labour standards, it also recommends that the Royal Thai Government undertake an impact analysis of the law, review zoning requirements and reconsider the extent of penalties imposed on employers and workers.

The ILO continues to encourage the Royal Thai Government and the social partners to work together in improving the legal framework on the basis of relevant international standards. The government's commitment to add legal protections against forced labour found in the ILO's Forced Labour Protocol and new capacity for labour inspection services will be important tests of the durability of changes introduced over the last two years. Organizing and bargaining rights for workers found in core ILO Conventions such as Conventions No. 87 and No 98 are also an integral and critical part of the solution.

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