



## **KEY RISKS FACED BY MIGRANT WORKERS IN THAILAND'S FASHION INDUSTRY**

This brief provides companies operating in or sourcing from Thailand's garment and textile sectors with information about the sector and the human and labour rights risks faced by migrant workers employed therein, particularly during the recruitment and employment process. It also provides companies with guidance on how they can address and mitigate these risks in line with international standards on fair and ethical recruitment and employment.

# CREST FASHION

Through CREST Fashion, IOM supports businesses, civil society and governments to forge inclusive work cultures in global fashion supply chains and migration management systems where migrant workers' careers, especially women migrants, thrive and achievements are celebrated.

In collaboration with civil society and trade unions, CREST Fashion empowers migrant workers to take informed decisions about migration by disseminating informational materials.

## OVERVIEW OF THAILAND'S GARMENT AND TEXTILE SECTORS



### 36%

of all migrant workers in Thailand are employed in the manufacturing sector, including in the garment and textile sector.



### 1.6%

of the GDP is from garment and textile sectors.

### COUNTRIES OF ORIGIN



Cambodia



Lao People's Democratic Republic



Myanmar



### 4 Tiers of Production:

raw materials and fabrics, raw materials processing, 'cut-make-trim', and finished goods.



### \$7.2

billion USD is generated through sector exports.

## KEY HUMAN AND LABOUR RIGHTS RISKS FACED BY MIGRANT WORKERS

Despite Thailand's garment and textile sectors being heavily reliant on migrant workers, these workers may face several risks and experience protection gaps throughout their migration journey, especially during recruitment and employment.



### Gaps in Legal Protections regulating Recruitment into Thailand



### Taking out Loans

Thai law does not require employers to cover the same level of recruitment-related costs as international standards do. This may lead to migrants covering their own recruitment fees and related costs. In 2018, the mean cost paid by migrant workers was USD 461.

When migrant workers cannot pay the recruitment fees and related costs up front, they may borrow from moneylenders. In 2018, it was found migrant workers paid interest rates of around 20 per cent per month. This may lead to debt bondage.



## Gender-based Violence and Discrimination

Women are more likely to use an intermediary to migrate, face movement restrictions, and face sexual abuse during recruitment. Migrant women may also be subjected to mandatory pregnancy testing during the recruitment process. The test result may be used against them to inform the hiring decision. Therefore, such testing results in discrimination against pregnant migrant women.



## Lack of Written Employment Contract

In 2018, about 52 per cent of migrant workers who migrated through regular channels were not provided written employment contracts. 87 per cent of those with contracts signed the contract only upon arrival in Thailand. Also, some migrant workers were provided with employment contracts in a language they cannot understand.



## Lack of Pre-Departure Orientation (PDO)

Undergoing PDO is not a legal requirement for seasonal workers, who are often employed in the garment and textile sector. Not having received PDO, these migrant workers lack knowledge of their rights and remediation available to them.



## Limited Access to Social Protection

Migrant workers are dependent on their employer to enroll them onto the Social Security Fund (SSF) so that they are able to access the benefits. Seasonal workers are unable to enroll in the SSF and are required to buy Migrant Health Insurance themselves, which offers fewer benefits than SSF, and costs around USD 15 for three months.



## Poor Working Conditions in Special Economic Zones (SEZs)

Many garment factories are located in the SEZs in Mae Sot. Many migrant workers employed here are irregular or seasonal, allowing employers to maintain a flexible labour force. In 2018, it was found that these workers work 6.6 days a week on average, earning a monthly wage of USD 216, which is below the legal minimum wage.



## Barriers to Accessing Legal Protections

Due to lack of employers' compliance with the Labour Protection Act 1998, migrants do not obtain knowledge of legal protections they are entitled to, and how they can report breaches of these. Irregular migrants do not report breaches due to fear of arrest and deportation.



## Gender-based Discrimination

Migrant women risk dismissal if they are found pregnant during employment. They also get paid less than men. In 2019, the gender pay gap for migrants from Cambodia and Lao People's Democratic Republic was 19 per cent, and 11 per cent for migrants from Myanmar.



## Decent Work Deficits

Employers may expect migrants to work excessive hours, limit rest days or pay below minimum wage, even though this is not in line with national legislation. This is possible due to lack of monitoring and enforcement of labour laws in garment and textile factories.



## Barriers to Accessing Effective Remediation

Migrant workers may lack understanding of the mechanisms and processes, face language barriers, discrimination or fear dismissal by their employer when filing grievances. Particular challenges are faced by women and LGBTQI+ individuals, who may not be taken seriously when filing complaints.



## Restrictions to Freedom of Association and Collective Bargaining

Under the Labour Relations Act 1975, migrant workers are not allowed to form trade unions or become board members of existing unions. Seasonal workers often do not engage in union activities due to fear of reprisal or dismissal without compensation.



## Restrictions to Freedom of Movement

The movement of seasonal migrant workers is limited to the district or province level. Many migrant workers may also face restrictions if their personal documents are retained or if they have outstanding debts.

# WHAT IS THE SOLUTION?



1



**FAIR AND ETHICAL  
RECRUITMENT**

2



**DECENT  
WORK**

3



**SAFE  
RETURN**

Learn how your company can mitigate the risks outlined above, promote respect for migrant workers' human and labour rights and contribute to these Sustainable Development Goals (SDGs):



## HOW CAN COMPANIES ADDRESS THESE RISKS?

It is the responsibility of employers that recruitment and employment of migrant workers takes place in a fair and ethical manner. To do so, it is important that they adhere to the principles laid out in IOM's Migrant Worker Guidelines for Employers, during each stage of the labour migration process.

## OVERARCHING PRINCIPLES WHICH APPLY TO ALL STAGES OF THE LABOUR MIGRATION PROCESS

**A**

Recruit and employ migrant workers in accordance with applicable laws in origin, transit and destination countries.

**B**

Treat all migrant workers equally and without discrimination.

**C**

Ensure migrant workers have access to effective remedy throughout all stages of labour migration.

**D**

Treat personal data of migrant workers as confidential and protected.

**E**

Uphold the human and labour rights of migrant workers during and after crisis.

## RECRUITMENT AND DEPLOYMENT



### 1.1

Recruit migrant workers directly or through fair and ethical labour recruiters.

### 1.2

Ensure migrant workers are not charged recruitment fees and related costs throughout the entire labour migration process.

### 1.3

Provide migrant workers with accurate information about all terms and conditions of migration and employment.

### 1.4

Select migrant workers based on merit, without discrimination or coercion.

### 1.5

Ensure migrant workers voluntarily sign a written employment contract in a language they understand prior to their departure.

### 1.6

Facilitate migrant workers' safe travel from their community or country of origin to their location of work.

## EMPLOYMENT



### 2.1

Provide migrant workers with safe, decent and respectful employment and working conditions.

### 2.2

Ensure migrant workers are free to exercise their right to freedom of association and collective bargaining.

### 2.3

Provide migrant workers with fair and regular wages and benefits.

### 2.4

Provide migrant workers with sufficient rest time and do not coerce them into work beyond legal limits on working hours.

### 2.5

Do not withhold migrant workers' personal documents.

### 2.6

Do not restrict migrant workers' movement beyond their workplace and accommodation.

### 2.7

Ensure migrant workers have access to adequate, decent and gender-responsive living conditions.

### 2.8

Provide migrant workers with full access to health and social protection.



## RETURN AND ONWARD MIGRATION



### 3.1

Ensure migrant workers are able to terminate their employment without fear of reprisal or penalties.

### 3.2

Do not prevent migrant workers from changing their employer.

### 3.3

Facilitate safe return of migrant workers to their location of origin or to another destination.

### 3.4

Prepare migrant workers for reintegration into their communities and local labour markets upon their return to location of origin.

To learn more about how these principles can be put into practice, please refer to IOM's Migrant Worker Guidelines for Employers.



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Laudes ———  
—— Foundation

For more information, please contact IOM at:  
[crestthailand@iom.int](mailto:crestthailand@iom.int)

International Organization for Migration (IOM) Thailand  
18th Floor Rajanakarn Building, 3 South Sathorn Road, Sathorn, Bangkok 10120 Thailand  
Tel: +66 2 343 9300 | Fax: +66 2 343 9399 | Web: <http://thailand.iom.int/> | E-mail: [iomthailand@iom.int](mailto:iomthailand@iom.int)