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# RESEARCH ON BARRIERS AND OPPORTUNITIES TO IMPROVING OUTCOMES FOR WOMEN MIGRANT WORKERS THROUGH SKILLS DEVELOPMENT IN THAILAND



# Research on Barriers and Opportunities to Improving Outcomes for Women Migrant Workers through Skills Development in Thailand



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# TABLE OF CONTENTS

ACKNOWLEDGEMENT	6
EXECUTIVE SUMMARY	7
LIST OF ACRONYM	13
1. INTRODUCTION	14
Background	15
Objectives	17
Research questions	17
2. LITERATURE REVIEW	18
International norms, standards, frameworks and good practices	19
A. National level	19
B. Regional level	21
C. International level	23
The dynamics of employment, recruitment, and skills development and recognition in Thailand	27
A. Labour migration	27
B. Recruitment	28
C. Employment of migrant workers	28
Mapping of skills development for women migrant workers in Thailand	31
A. Opportunities to improve outcomes for women migrant workers	32
B. Barriers to improving outcomes for women migrant workers	32
3. RESEARCH METHODOLOGY	35
Research framework	36
Sampling	37
Research tools for data collection: mixed-method research	39
Data analysis	40
Research timeline	40
Quality assurance procedures, monitoring mechanisms	40

<b>4. WOMEN MIGRANT WORKERS' SPECIFIC SKILLS</b>	<b>42</b>
Skills development in the country of origin	43
Pre-employment skills developed in Thailand	43
<b>5. FACTORS ENABLING AND CONSTRAINING WOMEN MIGRANT WORKERS IN ACCESSING SKILLS DEVELOPMENT AND RECOGNITION</b>	<b>45</b>
Socio-cultural factors enabling and constraining women migrant workers in accessing skills development	46
A. Unpaid care work	46
B. Self-perception of women migrant workers	48
Work-related factors enabling and constraining women migrant workers in accessing skills development	49
A. Gender expectations on job opportunities and job positions	49
B. Work conditions, external incentives and information channels	50
C. Employers' attitudes	51
Key factors improving outcomes for women migrant workers	52
A. Marital status	52
B. Number of children	52
C. Type of employment	53
D. Years of employment	53
<b>6. POTENTIAL MECHANISMS AND OPPORTUNITIES TO ENHANCE THE SKILLS OF WOMEN MIGRANT WORKERS</b>	<b>55</b>
Skills development and quality of life	56
Knowledge and life skills development	57
A. Migrant welfare knowledge	57
B. Prevention of sexual exploitation and abuse and knowledge on sexual and gender-based violence	57
C. Conflict resolution knowledge	57
D. Financial management knowledge	57
Potential mechanisms	58
A. Promoting decent work through skills development	58
B. Curriculum design: topic, duration and language	58
C. Public-private partnership for skills development	58
D. Knowledge and life skills development	59

<b>7. DEMANDS FOR SKILLS DURING THE COVID-19 PANDEMIC</b>	<b>61</b>
<b>The effect of the pandemic on demands for skills development</b>	<b>62</b>
<b>Skills in demand during the pandemic</b>	<b>62</b>
<b>8. CONCLUSION</b>	<b>64</b>
<b>Policy recommendations</b>	<b>65</b>
A. To the governments of Cambodia, Lao People's Democratic Republic and Myanmar	68
B. To the Royal Thai Government	68
C. To employers and employers' organizations	69
D. To civil society and International organizations	69
E. To UN Agencies and Development Partners	70
<b>BIBLIOGRAPHY</b>	<b>71</b>
<b>ANNEX 1: QUALITATIVE IN-DEPTH INTERVIEW NOTE</b>	<b>76</b>
<b>ANNEX 2: QUANTITATIVE SURVEY QUESTIONNAIRE</b>	<b>80</b>

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# Executive summary

# EXECUTIVE SUMMARY

Labour migration is essential to the economy of Thailand and its neighbouring countries. In 2019, there were 3,005,376 migrant workers mainly from Cambodia, Lao People's Democratic Republic and Myanmar, of which 1,291,722 (43%) are women (UN Women, 2019). Migrant workers constitute over 10 per cent of the Thai labour force and comprise the majority of workers in a number of key sectors in Thailand including construction, manufacturing, and hospitality (including tourism), as well as care services and domestic work. In the past two decades the region has observed the rising feminisation of the labour force in these sectors, which is partially influenced by the lack of decent work for women in their countries of origin and the increased demand for women workers in countries of destination.

Women workers transform economies through their work in different employment sectors, including construction, manufacturing, and hospitality (including tourism), as well as care services and domestic work. A combination of discriminatory laws, policies and gendered social norms creates structural barriers for women seeking to realize their right to decent work and safe migration. This means women's economic contributions are not translated effectively into increased social and economic equality. Despite inequalities and obstacles, women migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar still consider migrating to Thailand for work with the hope to improve their quality of living and of their families. In Thailand, they earn more wages, and gain more skills, knowledge and experience than they would at home. Notably, the average salary of women migrant workers was lower than men migrant workers, at USD 250 and USD 286 per month, respectively (Harkins, Lindgren and Suravoranon, 2017).

The Royal Thai Government has taken positive steps towards recognizing the importance of skills development of migrant workers who are essential to the economy and labour force. Yet many migrant workers in lower-skilled and informal employment, especially women, experience difficulties accessing skills development opportunities which limit their access to decent employment and job promotion as their occupations are not covered in national policies.

UN Women in partnership with the International Organization for Migration (IOM) has implemented Poverty Reduction through Safe Migration, Skills Development and Enhanced Job Placement in Cambodia, Lao People's Democratic Republic, Myanmar and Thailand (PROMISE), a regional project funded by the Swiss Agency for Development and Cooperation (SDC) with the aim to promote better employment opportunities and working conditions for migrants, especially women from Cambodia, Lao People's Democratic Republic and Myanmar, through safe migration and skills development in partnership with the private sector, training institutions, civil society and governments.

Recognising gender equality in skills development and recognition is fundamental to closing the gender wage gap and ensuring all women benefit from safe migration for decent work. Under PROMISE, UN Women has commissioned the research on Barriers and Opportunities to Improving Outcomes for Women Migrant Workers through Skills Development in Thailand with the aims to understand what are gender-based barriers and opportunities to women migrant workers from Cambodia, Lao People's Democratic Republic, and Myanmar to participate in skills development and skills recognition in target sectors: construction, manufacturing, hospitality, and domestic work in Thailand, and to understand what benefits participation in these schemes offers to women migrant workers who already participate in them.

Skills development is key to economic empowerment of women migrant workers and improvements of their lives in Thailand and after returning to their countries of origin. Especially during the COVID-19 pandemic, skills development become more necessary and should be given to women migrant workers to overcome inequalities in economic and social development which are increasingly exacerbated. Skills development can improve productivity and help women migrant workers diversify their employment opportunities enhancing their possibilities to secure employment during the crisis and as part of recovery.

This research employed mix methods using a survey for collecting quantitative data from 150 women migrant workers from the three countries residing in Thailand, applying the Taro Yamane's calculation formula and



using in-depth interviews for collecting qualitative data from 16 women migrant workers, 16 employers and 6 civil society officers. The research data collection was during September – November 2020. After this process, the data analysis was proceeded in December 2020 – January 2021. Skills in this research include life skills and technical skills. Gender analysis was applied under the Women’s Empowerment Principles (WEPs) to analyse data. This process sought insights on gender-based barriers and opportunities for women migrant workers from Cambodia, Lao People’s Democratic Republic and Myanmar in terms of the development and recognition of their skills in target sectors and understanding benefits for women migrant workers participating in skills development schemes.

This research covers various legal frameworks, standards and guidelines, ranging from the national to regional and international levels related to skills development in Thailand. It looks at how Thailand’s economic boom has caused excessive labour demand in different sectors, leading to policies allowing workers from countries bordering Thailand to come to work in the country on a temporary basis. Migrant workers from Cambodia, Lao People’s Democratic Republic and Myanmar who are mostly in lower-skilled level still have fewer opportunities for employment in the formal sector, however. Overall, migrant workers from these countries can be categorized into eight types based on the Alien Employment Act B.E. 2551 (2008), which was later replaced by the Royal Ordinance on Management of Migrant Workers B.E. 2560 (2017) and the Royal Ordinance on Management of Migrant Workers (No. 2) B.E. 2561 (2018): Section 59 permanent; Section 59 general; Section 59 nationality verification; Section 59 nationality verification, make/update employment records; Section 59 memorandum of understanding (new recruitment); Section 62 under the Board of Investment of Thailand and other laws; Section 63 minority group; and Section 64 migrant workers working in daily or seasonal work. The proportion of newly recruited migrant workers through MOUs process is less than the share coming through the nationality verification due to high expense, and time-consuming and complex procedures (see Table 2).

Most women migrant workers from Cambodia, Lao People’s Democratic Republic and Myanmar are employed in occupations that are low paid and classified as “3D work”, which refers to dirty, dangerous and demeaning. Although they are in high demand among employers in many sectors, many face exploitative and discriminatory work conditions. There are dynamics of gender inequality and gender-based discrimination in relation to the prevalence of low wages and inadequate living and working conditions for women migrant workers in

Thailand. Gender equality in employment, wages and work contract termination has been mandated for Thai and non-Thai women workers according to the Labour Protection Act B.E. 2541 (1998). And even though basic rights and protections for migrant workers, including women-specific employment benefits such as maternity leave, granted since the first enactment, are stipulated the additional of 8 days (totalling 98 days of maternal leave) in the new Labour Protection Act (no. 7) B.E. 2562 (2019), and other labour laws (e.g., Skill Development Promotion Act (No. 2) B.E. 2557 (2014), Gender Equality Act B.E. 2558 (2015), Anti-Trafficking in Persons Act (No. 3) B.E. 2560 (2017), etc.) provide more opportunities for migrant workers to work. Nonetheless, there are still occupations and professions prohibited for migrants in Thailand, limiting their employment choices. Other challenges women migrant workers face include limited gender-responsive social protection, difficulties of sociocultural integration, financial exclusion, job-related gender stereotypes, modern slavery and trafficking in persons, limited exercise of rights, and the provision of gender-blind services that do not account for women migrant workers’ specific needs.

Most women migrant workers from Cambodia, Lao People’s Democratic Republic and Myanmar coming through channels based on memorandums of understanding between Governments have never received a pre-departure orientation nor received certified skills training in their countries of origin (ILO, 2016: 17; Harkins, Lindgren and Suravoranon, 2017: 29). Noting that Thailand is a destination for both employment and skills development as prioritized by four governmental organizations, including the Department of Skill Development and Department of Employment in the Ministry of Labour; the Department of International Organization in the Ministry of Foreign Affairs, and the Office of the Vocational Education Commission in the Ministry of Education. A number of organizations, such as the Office of Non-Formal and Informal Education (ONIE), the Thailand Professional Qualification Institute and civil society organizations recognize migrant workers are necessary for Thailand’s economic system, and advocate for their human rights for them to access education and skills training. They have initiated skills development programmes for women migrant workers in different sectors, such as construction, manufacturing, hospitality, and domestic work. Various factors affect the ability of women migrant workers to gain access to skills development, however. Gender stereotypes, discriminatory attitudes towards women, self-perception, unfair recruitment and employment practices, gender-biased work conditions and gender-blind policies all need to be scrutinized to understand the issues they face.

## Women migrant workers' specific skills

Only 5 per cent of women migrant workers participating in this research confirmed that they received some skills training in their countries of origin before coming to Thailand. The Department of Employment recognizes this limitation and fills the gap through providing not only basic labour rights but also occupational skills in the orientation at Post-Arrival and Reintegration Centres for migrant workers at the border. The length of the orientation at these centres is only within half a day which is always too short, however. A lack of skills development in countries of origin and at these centres leads to women migrant workers' access to decent employment and skills development.

Some women migrant workers in each sector already have some established capacities valuable to their employment in Thailand, but many need more time, support and other resources to strengthen their existing knowledge and skills. Greater skills development requires collaboration among stakeholders including governmental organizations, employers, civil society organizations, skills providers, both non-profit and private, and importantly women migrant workers themselves.

## Gender-based factors enabling and constraining women migrant workers in accessing skills development and recognition

There are gender-based factors that enable and constrain women migrant workers seeking the development and recognition of their skills in Thailand. These factors are often influenced by sociocultural contexts. Key socio-cultural factors include unpaid care work, which often linked to marital status, parental status and maternity, and childrearing practices. Work-related factors encompass gender-related expectations around job opportunities and positions, work conditions (i.e., work hours, wages and sufficiency of on-site training), external incentives (such as distance and external curricula), information channels and employers' attitudes. A statistical analysis found that marital status, number of children, type of employment and years of employment all have effects on women migrant workers in terms of increasing their skills. Within the similar time scope, single women migrant workers shall gain more skills compared to married women migrant workers. Women migrant workers with a few numbers of children shall gain more skills compared to those who have many children. In other words, the smaller number of children they have, the more opportunities to upskill they have.

Moreover, women migrant workers employed by the month shall gain more skills and more opportunities to upskill compared to women employed by the day who mostly decided not to participate in off-site skill trainings for fear of lack of income on that day. In the case of years of employment, the more years of employment women have, the more skills they have gained, most of which they develop through on-the-job training.

## Potential mechanisms and opportunities to enhance the skills of women migrant workers

Skills development empowers women migrant workers to improve their lives and working conditions, and realize their economic potential. Once women gain skills, they can presumably earn more. But effective skills development builds on a variety of elements, including options for decent work, a sound curriculum design, partnership and knowledge development.

As a starting point, the amendment of migrant-related laws could promote equal employment opportunities for men and women, help overcome gender stereotypes and a gendered division of labour, and improve long-term outcomes. Second, three main components of curricula need to align with the needs of both women migrant workers and employers: training topics, training duration and language used. Third, partnerships among multiple stakeholders (women migrant workers, employers, governmental organizations, the private sector and civil society organizations) are key to building mechanisms for women migrant workers to develop skills. Lastly, multistakeholder coordination drives the development of skills in tandem with greater knowledge of migrant rights and welfare, prevention of sexual exploitation and abuse, access to reproductive health care, conflict resolution and improved capacities for financial management.

## Demands for skills during the COVID-19 pandemic

Women migrant workers have been directly affected by the pandemic in terms of wages and secure employment. Many have seen declines in work hours per day and workdays per week, decreases in overtime work and lay-offs. Schools required children to study at home, placing additional burdens on migrant mothers attempting to sustain paid work at the same time. Women who were laid off in many instances spent all their time at home performing unpaid care work.

While the pandemic has significantly impacted businesses, skills and work expertise are vital criteria for maintaining employment and working when the situation is resolved. Decreased wages can lead women migrant workers to develop new skills and seek more employment opportunities. They also see benefits from developing new skills beyond those required for their jobs in the hope that these can be used in their countries of origin. The research found that financial literacy is a widely needed skill among women migrant workers during the pandemic, especially to save money, allocate remittances and invest in their own skills development.

## Conclusion

Skills development is key to two positive changes for women migrant workers, including shifts to competency-based employment and greater economic empowerment, realization of capabilities and improved quality of living. Gender-responsive skills development can contribute to seven aspects of women's economic empowerment which are:

- 1) Promotion of gender-responsive skills development with progressive and non-stereotypical communication could help women migrant workers shift from gender-based to competency-based employment and recruitment practices, and overcome gender stereotypes.
- 2) Gender-responsive skills and knowledge of legal protections can ensure women migrant workers have sufficient information to safeguard themselves from discrimination and exploitation.
- 3) Child-friendly skills training centres and housework skills competitions among both women and men workers could raise awareness of the value of unpaid care work and shared responsibilities, leading to increasing opportunities for women migrant workers to access skills development.
- 4) Trainings on financial management and improving financial services for women migrant workers could help them manage their finance, savings and remittances more efficiently, as well as enable them to explore opportunities for investment, strategically deal with debt and make a long-term life plan.
- 5) Development and recognition of skills can improve women migrant workers' access to decent work, more job and career advancement opportunities based on competencies.
- 6) Government support for skills development and standardization such as the Thailand Professional Qualification Institute's standardization of skills for women migrant workers is key to enhance women migrant workers to achieve better outcomes of their labour migration.
- 7) In line with gender responsive guiding principles of the Global Compact for Safe, Orderly and Regular Migration (GCM), recognizing women's agency in migration, developing their leadership skills and capacities empower them which also strengthens migrant networks.

## Policy recommendations

### A. TO THE GOVERNMENTS OF CAMBODIA, LAO PEOPLE'S DEMOCRATIC REPUBLIC AND MYANMAR

- Promote recruitment and employment that are competency-based, not gender-based.
- Promote gender-specific social protection for women migrant workers.
- In pre-departure trainings for migrant workers, provide basic knowledge about rights and welfare, and Thai communications skills.
- Promote gender equality in education.
- Coordinate with multiple stakeholders to provide vocational trainings for women migrant workers.
- Before departure, certify women migrant worker's skills to align with the Association of Southeast Asian Nations (ASEAN) Qualifications Reference Framework.

### B. TO THE ROYAL THAI GOVERNMENT

- Promote recruitment and employment that are competency-based, not gender-based.
- Promote gender-specific social protection for women migrant workers.
- Guarantee all workers without distinction based on gender, race, ethnicity, nationality, migrant or status a living wage.
- Ensure that women migrant workers enjoy equal access to skills development.
- Ensure that women can obtain comprehensive, affordable, quality and gender-sensitive basic services, including health-care and justice services.

- Ensure equal wages for all workers taking the same jobs, duties, and responsibilities, and take action against employers who underpay their workers.
- Enforce equality in wages, overtime pay and holiday pay in accordance with the Labour Protection Act B.E. 2541 (1998).
- Ensure that national funds and allocation of national budget for skills development of all workers in Thailand shall be migrant-inclusive in practice.
- Ensure that all labour and migration laws shall be rights-based and gender responsive in all areas.

### C. TO EMPLOYERS AND EMPLOYERS' ORGANIZATIONS

- Participate in gender equality trainings, develop inclusive work environments and implement the Women's Empowerment Principles (WEPs) in their workplaces.
- Ensure access of women migrant workers to equal competency-based employment and promotion.
- Offer incentives or attractive working and living conditions to workers who have gained new skills.
- Encourage women migrant workers to participate in skills development schemes at any appropriate time without reductions in wages.
- Arrange for a nursery centre supporting day-care for non-school aged children of migrant workers in an industrial estate or in a public common space of a community.

### D. TO CIVIL SOCIETY ORGANIZATIONS AND SOCIAL PARTNERS

- Advocate for the human rights and labour rights of all women migrant workers to receive fair wages and protection of their rights.
- Promote the realization of benefits from skills development, and support employers in offering training programmes.
- Provide training and information relevant to skills development for migrant workers as a key service.

### E. TO UN AGENCIES AND DEVELOPMENT PARTNERS

- UN Women should work more on gender sensitization for relevant stakeholders to provide a foundation to realize gender equality, basic understanding of gender sensitive-skills development, and gender responsiveness in migration.
- Other UN agencies and development partners should join hands with relevant stakeholders in strengthening policy advocacy efforts to promote gender equality in skills development for women migrant workers leading to poverty reduction.



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# LIST OF ACRONYM

<b>AQRF</b>	ASEAN Qualifications Reference Framework
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>COVID-19</b>	Corona Virus Disease 2019
<b>CSO</b>	Civil Society Organization
<b>ECOT</b>	Employers' Confederation of Thailand
<b>GCM</b>	Global Compact on Safe, Orderly and Regular Migration
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migration
<b>MOU</b>	memorandum of understanding
<b>OECD</b>	Organization for Economic Co-operation and Development
<b>ONIE</b>	Office of Non-Formal and Informal Education
<b>OSH</b>	occupational safety and health
<b>OSS</b>	one stop service
<b>PPP</b>	public-private partnership
<b>PROMISE</b>	Poverty Reduction through Safe Migration, Skills Development and Enhanced Job Placement in Cambodia, Lao People's Democratic Republic, Myanmar and Thailand
<b>PSEA</b>	prevention of sexual exploitation and abuse
<b>SDC</b>	Swiss Agency for Development and Cooperation
<b>SDF</b>	Skills Development Fund
<b>SDGs</b>	Sustainable Development Goals
<b>THB</b>	Thai baht [currency]
<b>TPQI</b>	Thailand Professional Qualification Institute (Public Organization)
<b>UN</b>	United Nations
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women





PHOTO: UN WOMEN/Pornvit Visitoran

# 1

## Introduction

# 1. INTRODUCTION

## Background

Women's economic empowerment is essential to achieving gender equality. UN Women calls for all women across the globe to realize equality in all aspects of life and gain more opportunities for improving their lives at home, in workplaces and in societies at large. The promotion of decent work and economic empowerment among women migrant workers seeks to elevate their quality of life and working conditions.

Across Asia and the Pacific, women face barriers to decent work, ethical recruitment and employment, and equal pay for equal work. Despite guarantees of equal treatment, gender-based gaps persist in legal protections and benefits. Gendered norms create structural barriers for women in workplaces and households. Many women are left in vulnerable positions in informal employment where they cannot enjoy full protection under labour and protection laws. This occurs in Thailand despite laws that equally apply to all workers regardless of sex or migration status.

Since 2001, UN Women's Regional Programme on Empowering Women Migrant Workers in Asia has advocated for the protection and promotion of the rights of women migrant workers. The UN Women Regional Office for Asia and the Pacific's 2019-2021 Strategic Note commits to ensuring that women workers, especially women migrant workers, contribute to sustainable development, and benefit from decent work and safe migration.

Labour migration to Thailand from Cambodia, Lao People's Democratic Republic and Myanmar is a poverty reduction strategy for many women migrant workers. According to annual statistics from the Thailand Office of the Permanent Secretary, Ministry of Labour (2019), the number of migrant workers granted work permits in Thailand increases every year.

The total number of women migrant workers from 2014 to 2019, categorized by type of migration (i.e., section 59, section 62, section 63 and section 64 in the Foreigners' Working Management Emergency Decree B.E. 2560 [2017]), was lower than the number of men migrant

workers, as shown in Table 2. In total, there were 1,291,722 women migrant workers of all types in 2019, compared to 1,713,654 men migrant workers. Women migrant workers earn less, with an average salary of USD 250 per month compared to USD 286 for men.<sup>1</sup> This occurs despite women migrant workers making significant economic contributions to Thailand's economy. A study of women migrant workers in construction showed they are tasked with lower-skilled jobs and lower-wage functions (e.g., cleaning, landscaping and cooking), and are paid less than men even in the same position (Napier-Moore and Sheill, 2016)

Even though women migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar face barriers to labour migration to Thailand, they still consider it one of the most effective ways to improve their lives. They earn more wages, and gain greater skills, knowledge and experiences leading to more positive job opportunities after they return to their countries of origin.

**TABLE 1**  
**Number of migrant workers granted work permits in Thailand during 2013-2019**

Year	Number of migrant workers granted work permits in Thailand
2013	1,183,835
2014	1,339,834
2015	1,443,474
2016	1,476,841
2017	2,062,663
2018	2,120,546
2019	3,005,376

Source: Thailand Office of the Permanent Secretary, Ministry of Labour, 2019, pp. 85-86.

<sup>1</sup> According to data from the 2019 Thailand Migration Report (Harkins, 2019a; Harkins, 2019b; Harkins, Lindgren and Suravoranon, 2017).

The Royal Thai Government has taken positive steps towards recognizing the importance of skills development to the economy and labour force. Even though the Skills Development Promotion Act (B.E. 2545) makes skills development opportunities available for many workers, however, women migrant workers in low-skilled and informal employment are not covered by national policies (UN Women, 2017). Recognizing this gap, UN Women has partnered with the International Organization for Migration (IOM) on “Poverty Reduction through Safe Migration, Skills Development and Enhanced Job Placement in Cambodia, Lao People’s Democratic Republic, Myanmar and Thailand (PROMISE)”, a four-year project funded by the Swiss Agency for Development and Cooperation. It aims to ensure that migrants, especially women, from these three countries have improved opportunities and conditions, particularly in Thailand, and gain enhanced skills and protection, leading to poverty reduction in their countries of origin.

Gender equality in the development and recognition of skills is fundamental to closing the gender wage gap and ensuring all women benefit from safe migration for decent work. Skills development is also key to women’s economic empowerment and chances to improve their lives in Thailand and their countries of origin. Skills development should therefore be introduced and promoted to increase job opportunities and positive outcomes in recruitment, deployment and employment for women migrant workers.

During the COVID-19 pandemic and resulting economic downturn, many entrepreneurs had to close businesses or reduce employees. Only skilled workers could secure their employment. Skills development, already critical for women migrant workers to surmount inequalities in economic and social development, became all the more important in sustaining their livelihoods. At the same time, many were overburdened with unpaid care work in their households while their mobility was restricted by national COVID-19 prevention policies. Many were unable to develop existing skills or learn new ones, with negative impacts on living and working conditions.

To address the barriers that limit women’s access to skills development and prevent them from fully benefitting from safe migration for decent work, this research focuses on identifying and analysing gender-based challenges and opportunities that women migrant workers from Cambodia, Lao People’s Democratic Republic and Myanmar face in accessing inclusive and gender-responsive skills development within the context of labour migration in Thailand. The research aims to make a significant contribution to promoting meaningful and gender equal engagement in skills development and training, which can lead to improved development outcomes for women migrant workers. It documents actionable data and perceptions on gender-based barriers, including time use; discriminatory attitudes and practices during recruitment, wage setting and promotion; and behavioural factors (for example, confidence among women migrant workers or gender-based perceptions of competence for particular tasks, etc.) from the perspectives of both workers and employers. The research also aims to build evidence on skills development and recognition opportunities for women migrant workers, especially during the pandemic, that will support the development and implementation of inclusive and gender-responsive labour migration policies. It documents women migrant workers’ existing skills, including soft skills, and identifies gaps.

**TABLE 2**  
**Number of migrant workers granted work permits in Thailand by type of migration in 2019**

Number of migrant workers granted work permits in Thailand by type of migration in 2019	Women Migrant Workers	Men Migrant Workers
Section 59 – Permanent	113	128
Section 59 – General	37,296	84,414
Section 59 – Nationality verification	315,616	393,044
Section 59 – Nationality verification, make/update employment records	446,351	561,565
Section 59 – Memorandum of understanding (new recruitment)	431,329	574,519
Section 62 – Under the Board of Investment of Thailand and other laws	5,496	41,799
Section 63 – Minority group	22,739	24,976
Section 64 – Migrant workers working in daily or seasonal work	32,782	33,209
<b>TOTAL</b>	<b>1,291,722</b>	<b>1,713,654</b>

Source: Office of the Permanent Secretary, Ministry of Labour, 2019, p. 87.

## Objectives

The research first seeks to understand gender-based barriers and opportunities for women migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar in terms of skills development and recognition in target sectors: construction, manufacturing, hospitality and domestic work. Second, it strives to understand the benefits of skills development schemes for women migrant workers who participate in them.

The research is intended to generate evidence to inform the development of inclusive and gender-responsive policy frameworks on skills development and labour migration in the migration corridor of linking Cambodia, Lao People's Democratic Republic, Myanmar and Thailand. Also, it aims to increase awareness of gender equality in skills development and the employment of migrant workers among relevant stakeholders, supporting better outcomes from labour migration to Thailand.

## Research questions

The research study seeks to answer the following questions:

1. What specific skills do women migrant workers already have, and what skills can they further develop to increase their capacity to achieve positive migration outcomes, decent working conditions and upward labour mobility?
2. What gender-based factors enable and constrain women migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar in accessing skills development and recognition schemes in Thailand, particularly in the target sectors? Does accessing skills development and recognition schemes result in any of the following: increased income, higher positions, better work conditions or more secure employment?
3. What are potential mechanisms and opportunities to enhance women migrant workers' access to skills development and recognition in Thailand?
4. In light of the COVID-19 pandemic, are any skills in higher demand in Thailand's job market? What are they? How can women migrant workers be equipped with such skills to fill gaps in demand particularly in the target sectors?







PHOTO: UN WOMEN/Pornvit Visitoran

# 2

## Literature review



## 2. LITERATURE REVIEW

Women migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar temporarily working in Thailand find opportunities for improving their employment and livelihoods, but also face many barriers. In this chapter, legal frameworks and national, regional and international standards are presented to understand the legal context for migrant workers' rights and protection. The chapter explores the dynamics of employment, recruitment, and skills development and recognition, and identifies barriers and opportunities for women migrant workers to develop skills.

### International norms, standards, frameworks and good practices

Research on barriers to and opportunities for skills development for women migrant workers starts with various legal frameworks, standards and guidelines at the national, regional and international levels. Relevant laws and regulations are explained in the following sections.

#### A. NATIONAL LEVEL

##### Constitution of the Kingdom of Thailand B.E. 2560 (2017)

Section 27 of the Constitution stipulates that: *"All persons are equal before the law, and shall have rights and liberties and be protected equally under the law."* This means that gender equality between men and women should be included in legal protections to prevent discrimination on the grounds of origin, race, language, sex, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education or political views.

##### Skill Development Promotion Act (No. 2) B.E. 2557 (2014)

The law aims to promote the occupational knowledge and competence of employees to benefit both employees and employers. Eight chapters comprise: Chapter 1, Arrangement for Skill Training; Chapter 2, Skill Standards; Chapter 3, Skill Development Fund; Chapter 4, Rights

and Benefits of the Trainer Provider; Chapter 5, Skill Development Promotion Committee; Chapter 6, The Registrar and the Officials; Chapter 7, Revocation of the Status of Training Provider, the Suspension and the Revocation of Permit; and Chapter 8, Appeal. To ensure that all employees fairly gain opportunities to improve their skills, the law stipulates that any workplaces with 100 employees or more must arrange annual skills development programmes for at least 50 per cent of employees. Any such workplaces that cannot arrange skills development programmes or meet the minimum proportion must pay contributions to the Skill Development Fund. Even though there is no exact definition of employees in this law that could guarantee that migrant workers shall be included, they can still benefit from the fund. Apart from this scheme, however, migrant workers still have limited access to trainings provided by the Royal Thai Government.

##### Royal Ordinance on Management of Migrant Workers B.E. 2560 (2017) and (No.2) B.E. 2561 (2018)

Section 13 of this law defines the registration of migrant workers and mainly focuses on duties, responsibilities and rights of the key actors in the migrant recruitment and employment process including employers, licensed recruitment agencies and migrant workers themselves. The law specifies penalties for migrant workers without work permits (Section 51), work permit holders violating the conditions of their permits (Section 52), and work permit holders failing to notify the registrar in accordance with the law (Section 53).

##### Labour Protection Act (No. 7) B.E. 2562 (2019)

Section 9, paragraph one of the Labour Protection Act stipulates advance notice for termination of employment as follows: *"Where no period of time is specified in the contract of employment, the employer or the employee may terminate the employment contract by giving advance notice in writing to the other party on or before a due date of wage payment in order for the termination to take effect on the following due date of wage payment. The advance notice needs not be longer than three months. In addition, a probationary employment contract shall also be deemed as a contract of employment with indefinite period of time."* As further protection for employees, Section 3 notes that: *"In the case where an employer terminates an*

employment contract without giving an advance notice under section 17 paragraph two, the employer shall pay compensation for the amount of wage the employee is supposed to receive as from the date the employee is dismissed until the termination of employment contract comes into effect under section 17 paragraph two and this shall be paid on the date the employee is dismissed.” According to this, when an employer would like to terminate the employment of women migrant workers, the latter shall be protected under this law and paid for the termination of the employment contract.

Section 4 of the 2019 Act replaces Section 13 of the Labour Protection Act B.E. 2541 (1998), noting that: “Where there has been a change of employer or where the employer is a juristic person and there is a registration of change, assignment or merger with any juristic person resulting in an employee having a new employer, the employee shall grant consent to being under such new employer and the new employer shall assume the rights and duties, entitled to from their previous employer, and in connection with those employees in all respects.” According to this, the law protects the rights of women migrant workers when they have to change employers, and their consent shall be prioritized before changing employers. This could at least ensure that they would not be forced to terminate their employment. Section 6 of the 2019 Act replaces Section 34 of the 1998 Act, noting that “Employees are entitled to leave for necessary business for no less than three working days per year.” Also, women migrant workers who get pregnant shall be protected as noted in many sections. Section 7, which replaces section 41 of the 1998 Act, notes that: “A pregnant female employee is entitled to maternity leave of not more than ninety-eight days for each pregnancy. The days of maternity leave referred to in this section include leave for pregnancy check-up before delivery. The leave under paragraph one shall include holidays that occur during the leave period.” Section 10, which replaces section 59 of the 1998 Act, states that: “An employer shall pay the wage of an employee on maternity leave under section 41, at a rate equal to the wage for a normal working day, for the entire period of time the leave being taken but not exceeding forty-five days.”

Section 8, which replaces section 53 of the 1998 Act, upholds gender equality, noting that: “Where the work to be performed is of the same nature, quality and quantity or the work is in the equivalent value, the wage, overtime pay, holiday pay and holiday overtime pay shall be in fixed by the employer in the same rate regardless of whether they employee is male or female.” Section 10 of the Labour Protection Act (No. 2) B.E. 2551 (2008), which replaces Section 38 of the 1998 Act, stipulates that women workers in particular are prohibited to perform certain tasks as followed: “An Employer shall be prohibited to require a female Employee to perform any of the following work: (1)

mining or construction work to be performed underground, underwater, in a cave, in a tunnel or mountain shaft, except where the conditions of work are not harmful to health or body of the Employee; (2) working on a scaffold of ten meters or more above the ground; (3) producing or transporting of explosive or inflammable materials, except where the conditions of work are not harmful to health or body of the Employee; (4) any other work as prescribed in the Ministerial Regulations.” In terms of gender-based labour protection, Section 16 of the Labour Protection Act B.E. 2541 (1998) and Section 8 of the Labour Protection Act (No. 2) B.E. 2551 (2008) note that: “An Employer, a chief, a supervisor, or a work inspector shall be prohibited from committing sexual abuse, harassment or nuisance against an employee.”

#### **Anti-Trafficking in Persons Act (No. 3) B.E. 2560 (2017)**

The law provides criminal sanctions against human trafficking. According to Section 6, “Whoever does any of the following acts: (1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, illegal exertion of influence over others on account of their physical, psychological, educational or any kind of vulnerability, threat to take the abusive legal action against others, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or (2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child; If such act is committed for the purpose of exploitation, the person who does so is guilty of trafficking in persons..” It also prohibits the confiscation of personal identity documents and debt bondage as they are considered forced labour practices.

#### **Penal Code Amendment Act (No. 26) B.E. 2560 (2017) of Criminal Code Title XII: Offences against Property**

Sections 341-348 of this Code focus on offences of cheating and fraud, and define penalties. The Act states: “Whoever, dishonestly deceives a person with the assertion of a falsehood or the concealment of the facts which should be revealed, and, by such deception, obtains a property from the person so deceived or a third person, or causes the person so deceived or a third person to execute, revoke or destroy a document of right, is said to commit the offence of cheating and fraud, and shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.” These sections apply to deception and fraud during recruitment processes, risks that many women migrant workers face in transitioning from their countries of origin to Thailand (Harkins et al., 2013: 43).

### Gender Equality Act B.E. 2558 (2015)

Six chapters promote gender equality and protection: Chapter 1, Committee for the Promotion of Gender Equality; Chapter 2, The Committee on the Determination of Unfair Gender Discrimination and the Department of Women's Affairs and Family Development; Chapter 3, Examination of Unfair Gender Discrimination; Chapter 4, Compensation and Remedy of the Injured Person; Chapter 5, The Promotion of Gender Equality Fund; and Chapter 6, Penalties. The two committees were established to ensure that women are protected by law. The Gender Equality Fund was created to subsidize activities to promote gender equality; prevent gender discrimination; assist and compensate injured persons; make recommendations on the duties of state officials; support research and studies; communicate and coordinate with stakeholders; and other purposes.

### Penal Code Amendment Act (No. 27) B.E. 2562 (2019) of Criminal Code Title IX Offences Relating to Sexuality

Section 276 of this Code focusing on sexual offences defines penalties: *"Whoever has sexual intercourse with a woman, who is not wife, against her will, by threatening by any means whatever, by doing any act of violence, by taking advantage of the woman being in the condition of inability to resist, or by causing the woman to mistake him for the other person, shall be punished with imprisonment of four to twenty years and fined of eight thousand to forty thousand Baht."* Many women migrant workers in Thailand, especially those in domestic work in employers' households with less contact with people outside, face a significant risk of sexual offences (Thanasombat, 2004; Arora, 2017: 78). This law offers protection to ensure that migration remains safe and free from sexual abuse.

While these laws provide protections, violations occur in practice. Existing protections may not be comprehensive to sufficiently cover all needs of women migrant workers. Therefore, women migrant workers may still face discrimination and violence in the workplace and in their private life. Considering regional and international protections helps widen the scope of protection. It can improve implementation of domestic statutes and support the eradication of discriminatory laws.

### Ministerial Regulation (No.14) B.E. 2555 (2012) under the Labour Protection Act B.E. 2541 (1998)

The Regulation No.14 was enforced since 9 November 2012 aiming to protect both Thai-national and migrant domestic workers who are employed in households in Thailand (without the coverage to domestic workers who are employees in a cleaning company). This Regulation is consistent with the Domestic Workers Convention, 2011 (No. 189) to provide basic rights protection for domestic workers from all forms of human rights violations. The

10 core contents of the Regulation are including: (1) employees should have at least one day-off per week; (2) employers should determine at least 13 holidays in a year; (3) employees that are employed for more than one year should be allowed to take not more than six annual-leave days; (4) employers should pay wages in days-off, holidays, and annual leaves as equal to the payment basis of workdays; (5) if employees have to work in days-off, holidays, and annual-leave days, they should be paid; (6) employers should be allowed to take not more than 30 sick-leave days and get paid as equal to workdays; (7) employers must not employ children under 15 years old; (8) employers must pay in Thai baht currency (other currencies can be paid only if employees agree so); (9) employers must pay wages in their workplace (other places can be paid only if employees agree so); and (10) in the same type of work and quantity of work, women and men workers should be paid equally (HomeNet Thailand, 2020: 6-7).

## B. REGIONAL LEVEL

### Memorandums of understanding

Memorandums of understanding on employment cooperation between Thailand and Cambodia, Lao People's Democratic Republic, and Myanmar are bilateral instruments created to regularize the recruitment of migrant workers. Non-legally binding, they promote a mutually managed process for labour migration (Harkins et al., 2013: 46). They are the most suitable instruments to recruit and protect migrant workers following a clearly defined employment process, including obtaining a quota for migrant workers entering Thailand, submitting a petition to import migrant workers, requesting a work permit and issuing work permits (ibid: 47).

### Bangkok Declaration on Irregular Migration (1999)

This Declaration is a non-binding agreement made in an international symposium on migration in 1999 in Bangkok. It stresses the importance of the joint management of international labour migration matters, and is seen as the precursor to the memorandums of understanding between Thailand and Cambodia, Lao People's Democratic Republic, and Myanmar (Vasuprasat, 2008: 2, in ibid.: 48).

### Recommended Guidelines for Migrant Recruitment Policy and Practice in the Greater Mekong Subregion (2007)

The guidelines emphasize improving recruitment processes to encourage safe migration and reduce the potential vulnerability of migrant workers to human rights violations. They offer comprehensive steps for





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countries of origin and countries of destination in the Great Mekong Subregion to manage pre-departure procedures and services, regulation of recruitment agencies and fees for recruitment services, based on transparency, accessibility, efficiency and affordability (ibid.: 48).

#### **ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers**

This declaration is a non-legally binding instrument signed by all 10 ASEAN member States in 2007 in Cebu, the Philippines. It endorses a regional commitment to protecting migrant workers by establishing obligations for both countries of origin and countries of destination. The countries of origin shall be responsible for establishing procedures to facilitate recruitment and ensuring migrant workers' protection (Section 13). They also need to eliminate recruitment malpractice through legal contracts, regulation, licensing and blacklisting of non-compliant recruitment agencies and employers (Section 14). Countries of destination are responsible for intensifying efforts to protect the fundamental human rights of migrant workers (Section 5), facilitating access to resources and remedies for migrant workers (Section 7), promoting fair and appropriate employment protection (Section 8), and providing adequate access to the legal and judicial system for migrant workers who are victims of discrimination, abuse, exploitation or violence (Section 9). The Governments of Cambodia, Lao People's Democratic Republic, Myanmar and Thailand in particular were encouraged to establish mechanisms to facilitate the formal recruitment of migrant workers (ibid.: 49).

The 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers is based on the 2007 Cebu Declaration. As migrant workers are recognized as a driving force of economic development in the region, ASEAN member States signed the consensus to ensure their rights to decent work, fair treatment, justice, ethical recruitment, skills training and development, and information, including labour market information.

Under the Declaration, the ASEAN Qualifications Reference Framework was initiated as a regional framework for enabling comparisons of qualifications across member States. The framework is derived from the 1995 ASEAN Framework Arrangement on Services, which aimed to eradicate trade and service limitations in the region. In 2007, when the ASEAN Economic Community Blueprint (2008-2015) was officially adopted, the Qualifications Reference Framework was included. Prior to this, specific frameworks for nursing and engineering were agreed in 2005 to 2006, followed by architecture, surveying, medicine, dentistry and accounting from 2007 to 2009. Tourism was introduced as one sector-wide

Mutual Recognition Arrangements (MRA) covering 33 professions.<sup>2</sup> One of the key components of the blueprint was to establish the free flow of skilled labour through “harmonization and standardization” (ASEAN, 2007: 16).

ASEAN member States developed the Qualifications Reference Framework with support from Australia and New Zealand through the ASEAN-Australia-New Zealand Free Trade Area Economic Cooperation Support Programme. The multisectoral task force on the framework comprises officials from ASEAN ministries of trade and services, labour development, education and other relevant ministries and qualification agencies. It began operating in 2012 and developed the framework for endorsement by the ASEAN economic ministers in August 2014, the ASEAN education ministers in September 2014, and the ASEAN labour ministers through a referendum from November 2014 to May 2015 (Ibid.: 7). The framework was implemented through the committee established to take it forward beginning in 2017.

The ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) oversees a 2016-2020 workplan to uplift the quality of life and work among migrant workers. The workplan aims to: strengthen social protection systems and raise awareness on social protection, including to expand coverage, affordability, availability, quality, equitability and sustainability; and to reduce the incidence of workers in vulnerable situations, including forced labour, in ASEAN member States (ACMW, 2012). The annual ASEAN Forum on Migrant Labour is a regional platform for review, discussion and exchange of good practices and ideas among governments, workers’ and employers’ organizations, and civil society stakeholders on various issues faced by migrant workers from and within ASEAN. It is hosted by the current chair of ASEAN with support from the ASEAN Secretariat, and inputs from the International Labour Organization (ILO), IOM, UN Women and the Task Force on ASEAN Migrant Workers.

## C. INTERNATIONAL LEVEL

A number of international conventions protect the rights of women and workers. The ILO has developed a comprehensive body of international law on migrant workers’ rights. The following section provides an

2 Trade people, mechanics and welders; workers in manufacturing, agriculture, fishing and construction; and domestic workers are not yet included in ASEAN agreements to facilitate labour mobility (Huguet, 2014: 183).

overview of international labour standards and those specific to migrant workers.

### C.1 OVERVIEW OF INTERNATIONAL LABOUR STANDARDS

#### Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Discrimination against women and sexual and gender-based violence are comprehensively defined in CEDAW. Governments who commit to the convention must eliminate all forms of discrimination against women, including women migrant workers. All ASEAN member States have ratified CEDAW, which defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” The convention requires States parties to take a series of measures, including:

- To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- To establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

Further, the convention should be sufficiently known and applied by all branches of government as a framework for all laws, court verdicts and policies on gender equality and the advancement of women.

Article 11 of CEDAW calls for tackling discrimination against women in employment as follows:

**“1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings; (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment; (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and**



conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status; (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances; (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities; (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.”

CEDAW General Recommendation No. 26 (2008), on Women Migrant Workers (CEDAW/C/2009/WP.1/R), stipulates protecting women migrant workers against all forms of sexual and gender-based discrimination, and presenting more opportunities and means for women to gain economic empowerment through wider labour participation.

General Recommendation No. 36 (2017) on the Right of Girls and Women to Education (CEDAW/C/CG/36) details equal rights and equal access to education towards eliminating gender-based discrimination against women and girls in education and training throughout the life cycle and at all levels of education. Both laws and practices should ensure that women and girls, including

those belonging to disadvantaged and marginalized groups, gain access to education without any forms of discrimination.

The Committee on the Elimination of Discrimination against Women, which oversees CEDAW, provided concluding observations on Thailand’s combined sixth and seventh periodic reports in 2017. Comprehensive recommendations included:

“The Committee recommends that the State party: (a) Create more opportunities for women to gain access to formal employment, in particular by promoting the equal sharing of domestic and family responsibilities between women and men and providing sufficient and adequate childcare facilities; (b) Ensure that the rights of women in the informal employment sector are effectively protected, including by ensuring adequate coverage of labour and social security protections; (c) Combat all forms of discrimination on the basis of sex and gender in the workplace, including with regard to recruitment and promotion, and ensure that the retirement age of women in all sectors is the same as that for men; (d) Ensure that sexual harassment is prohibited by law and adopt further measures to prevent sexual harassment in the workplace, including by developing a system for filing confidential complaints and ensuring that victims have effective access to redress; (e) Strengthen efforts to protect migrant women workers from abusive and exploitative conditions, including by prosecuting and punishing those responsible, ensuring access to health-care and essential services without fear of arrest or deportation, and providing effective channels for seeking protection and redress for violations of their rights; (f) Consider ratifying the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.”

#### **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)**

The convention mainly covers non-discrimination, basic human rights and migrant rights for documented migrants or any migrants in a regular situation. Migrant workers and their families are protected from all forms of discrimination, and their rights shall be secured regardless of their sex, race, colour, language, religion or conviction,

political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status. This convention emphasizes the link between migration and human rights. Migrant children should enjoy the right to education on the basis of equality of treatment with nationals, while public pre-school educational institutions or schools shall not be refused or limited (Article 30).

#### **Global Compact on Safe, Orderly and Regular Migration**

In 2018, multilateral cooperation was promoted as key for facilitating safe, orderly and regular migration on a global scale through the nonbinding Global Compact on Safe, Orderly and Regular Migration (GCM). The GCM is the first intergovernmentally adopted framework covering all dimensions of international migration in a holistic and comprehensive manner. It encompasses 23 objectives and 10 cross-cutting and interdependent guiding principles. The Objective 18 in particular aims to foster the mutual recognition of qualifications, competences and skills, as well as to promote demand-driven skills development and ensure decent work for migrant workers. Gender-responsiveness is one of the explicit guiding principles of the GCM. This includes promoting gender equality and the empowerment of all women, recognizing their independence, agency and leadership in order to move away from addressing migrant women primarily through a lens of victimhood. UN Women provided an online tool, “Policies and Practice: A Guide for Gender-Responsive Implementation of the Global Compact for Migration”, to ensure gender-responsive implementation by addressing the specific needs, challenges and situations of women migrant workers in all migratory stages (UN Women, 2018).

#### **ILO Multilateral Framework on Labour Migration (2006)**

The framework aims to promote: *“the recognition and accreditation of migrant workers’ skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized”* as noted in Principle VI, Prevention and Protection against Abusive Migration Practices.

#### **Conclusions of the 2013 ILO Tripartite Technical Meeting on Labour Migration**

The conclusions call for multistakeholder action to: *“... explore mechanisms for mutual recognition of skills, and certification of credentials built on ILO experience and with the active involvement of the social partners; in this regard, seek to encourage and support existing institutions and initiatives that have the potential to facilitate labour market integration and improve skills matching”*.

#### **Forced Labour Convention, 1930 (No. 29)**

The convention aims to combat all forms of forced or compulsory labour, defined as *“all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”*. It also requires penal sanctions for all forms of forced or compulsory labour. Thailand ratified the convention on 26 February 1969.

#### **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**

The convention ensures the right of employers and employees to organize, and protects them against interference or restrictions by public authorities. Thailand has not yet ratified it, however.

#### **Right to Organize and Collective Bargaining Convention, 1949 (No. 98)**

Workers’ right to organize and engage in voluntary collective bargaining are protected in this convention, but Thailand has not yet ratified it.

#### **Equal Remuneration Convention, 1951 (No. 100)**

This convention promotes equal remuneration for men and women workers doing the same jobs, in the public and private sectors. Thailand ratified it on 8 February 1999.

#### **Abolition of Forced Labour Convention, 1957 (No. 105)**

This convention specifically prohibits five kinds of forced labour, including as punishment for political or ideological views, through the coercion of a workforce for economic development, for labour discipline, as punishment for strikes, and due to discrimination based on race, nationality, religion and social identities. Thailand ratified the convention on 2 December 1969.

#### **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

Discrimination is defined in this convention as “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”. The convention covers access to vocational training, employment and particular occupations, and terms and conditions of employment. It calls for national policies to eliminate all forms of discrimination. Thailand ratified the convention on 13 June 2017.



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#### **Minimum Age Convention, 1973 (No. 138)**

The convention aims to abolish child labour through the prohibition of employment or work by children under a fixed minimum age. It sets a number of minimum ages based on the type of work, such as 13 years old for light work and 18 years old for hazardous work. The minimum age in general should not be less than 15 years old or the age for completing compulsory schooling. Thailand ratified the convention on 11 May 2004.

#### **Paid Educational Leave Convention, 1974 (No. 140)**

The convention calls for formulating and applying a policy to grant paid educational leave for training. Thailand has not yet ratified this convention.

#### **Worst Forms of Child Labour Convention, 1999 (No. 182)**

The convention states that child trafficking is similar to slavery and child labour, leading to the exploitation of boys and girls. It demands effective measures to secure the prohibition and elimination of child trafficking, provide basic and legal supports to survivors, and ensure access to basic education and vocational training. It urges international cooperation and assistance to combat child trafficking. Thailand ratified the convention on 16 February 2001.

#### **Domestic Workers Convention, 2011 (No. 189)**

The convention recognizes the significant contribution of domestic workers to the global economy. The convention aims to provide basic human rights protection and specific protection to all domestic workers across the globe to ensure that domestic work is decent work. The convention calls for States to take a series of measures with a view to making decent work a reality for domestic workers. The convention defines domestic work as “work performed in or for a household or households”. This work may include tasks such as cleaning, cooking, washing, ironing clothes, taking care of children, or elderly or sick members of a family, gardening, guarding the house, driving for the family, even taking care of household pets.

#### **Human Resources Development Convention, 1975 (No. 142) and Human Resources Development Recommendation, 2004 (No. 195)**

This convention recognizes that education, training and lifelong learning contribute significantly to advancing the interests of individuals, enterprises, the economy and society as a whole, especially considering the critical challenges of attaining full employment, poverty eradication, social inclusion and sustained economic growth in the global economy. The convention also calls for support in the design, funding and implementation of appropriate education and training policies for developing countries to attain human development, economic and employment growth, and poverty eradication. Thailand has not yet ratified this convention.

#### **United Nations Guiding Principles on Business and Human Rights (UNGPs) and Thailand’s National Action Plan on Business and Human Rights**

The United Nations Guiding Principles on Business and Human Rights originated under John Ruggie, the United Nations Special Representative for Business and Human Rights from 2005-2011, and were officially adopted by the Human Rights Council on 16 June 2011. The principles are considered the first guiding the relationship between State duties and business enterprises’ responsibilities. Thirty-one principles guide implementation of the United Nations Protect, Respect, and Remedy framework on human rights and transnational corporations and other business enterprises. The framework has three pillars:

- The State duty to protect human rights
- The corporate responsibility to respect human rights
- Access to remedies for victims of business-related abuses



Thailand was the first country in South-East Asia to launch a national action plan on business and human rights in 2019. The Government accepted a recommendation from its second Universal Periodic Review in 2016 to develop, enact and implement such a plan. The Rights and Liberties Protection Department of the Ministry of Justice has led the national action plan process.

## **C.2 OVERVIEW OF INTERNATIONAL LABOUR STANDARDS ON MIGRANT WORKERS**

### **Migration for Employment Convention (Revised), 1949 (No. 97)**

The convention covers the protection of migrant workers in employment and their family members. It provides measures to regulate employment conditions and ensure equality of treatment between regular migrant workers and nationals. Four categories of migrants are excluded from the convention, however, including seafarers, frontier workers, short-term entry members in liberal professions and artists, and the self-employed. Thailand has not yet ratified this convention.

### **Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)**

This convention supplements the Migration for Employment Convention, 1949 (No. 97). It was the first attempt to address the problems of irregular migration and the illegal employment of migrants. It broadens the coverage of the Migration for Employment Convention, 1949 (No. 97) by protecting both regular migrant workers and those without official documents and stipulates protective measures for migrant workers who have lost employment (Article 8) and for those in an irregular situation (Article 9). Thailand has not yet ratified this convention.

### **Equality of Treatment (Social Security) Convention, 1962 (No. 118)**

This convention identifies nine essential branches of social security, including benefits related to medical care, sickness, maternity, invalidity, old age, survivors, employment injury, unemployment and families. While equality of treatment is designated to provide for refugees and stateless persons without any condition of reciprocity, a State that ratifies this convention may selectively provide benefits. Thailand has not yet ratified this convention.

### **Maintenance of Social Security Rights Convention, 1982 (No. 157)**

This convention maintains the Equality of Treatment (Social Security) Convention, 1962 (No. 118). A State that ratifies this convention cannot limit provision of the nine

branches of the 1962 convention. Thailand has not yet ratified this convention.

### **Private Employment Agencies Convention, 1997 (No. 181)**

This convention acknowledges the role of private employment agencies in the recruitment and placement of migrant workers and states the need to protect migrant workers from fraud and abuse. It offers guidance for combatting illegal recruitment and the trafficking of women and girls, and for upholding their basic rights under core labour standards. The convention calls for equal opportunity and treatment in access to employment and occupations. It notes that workers should be free from any charges of fees or costs, directly or indirectly, occurring in recruitment and placement processes. Thailand has not yet ratified this convention.

## **The dynamics of employment, recruitment, and skills development and recognition in Thailand**

### **A. LABOUR MIGRATION**

Thailand is one of the most prominent hubs of labour migration in Asia, especially in South-East Asia. Labour migration became key to its national economic development during the 1980s to 1990s, when an economic boom drew workers from Cambodia, Lao People's Democratic Republic and Myanmar. They worked in many sectors, including fishery and construction (Paitoonpong and Chalamwong, 2012: 39). Demographic factors, including an ageing workforce and the low rate of fertility, have reinforced in-bound labour migration since then.

Many factors attract migrant workers to Thailand, such as labour shortages, ongoing urbanization and state infrastructure. Many migrant workers are irregular,<sup>3</sup> given fewer opportunities for employment in the formal sector (ILO and UN Women, 2015, in Smith, Lim and Harkins, 2019: 15). Thailand's migration policy was relaxed to permit more irregular migrant workers to temporarily work in some sectors given labour shortages. This has led to a significant wage differentiation with neighbouring countries (Harkins, 2019b: 1). Employers started to recruit migrant workers from Myanmar in 1992 as a short-term solution based on the Cabinet Resolution on the Establishment of Migrant Worker Assistance Centers (B.E.

3 Based on the estimated non-Thai population residing and working in Thailand in 2018, prepared by IOM (Smith et al., 2019: 12), there were 811,437 migrant workers with irregular status in total. However, there is no estimated number of irregular migrant workers in Thailand disaggregated by gender.

2535) (Harkins, 2019a: XI). This resolution also permitted the registration of migrant workers from Myanmar to catch up with employers' high demand for workers. But it did not clearly cover systematic selection and regular recruitment of migrant workers.

## B. RECRUITMENT

Most non-Thai labour migrants residing and working in Thailand are low-skilled and come from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam. They can be categorized into four types: (1) those with work permits issued through memorandums of understanding, (2) those with work permits issued to migrants registered in Thailand, (3) those with seasonal work permits and (4) irregular migrants (Smith, Lim and Harkins, 2019: 12). Among these, only the first two types are fully legal channels to facilitate labour migration to Thailand. They have been promoted by the Government to regularize irregular migrant workers and include the memorandums of understanding with Cambodia (since May 2003), Lao People's Democratic Republic (since October 2002) and Myanmar (since June 2003). A second channel is the nationality verification process, permitting undocumented migrants to become regular migrants without having to return to their countries of origin. They register for an ID card at one-stop service (OSS) centres established to provide the "Tor Ror 38/1" or "pink card". This offers temporary legal status for migrant workers (Mekong Migration Network, 2018, in Grimwade and Neumann, 2019: 32).

Comparing the two channels suggests that the number of migrant workers coming through the memorandums of understanding is less than the number using nationality verification given the costly, time-consuming and complex procedures of the former (Harkins et. al., 2017, in Smith, Lim and Harkins., 2019: 16)<sup>4</sup>. Saibouyai et al. (2019: 149-150) note that the high cost of labour migration discourages migrant workers from regular migration and drives them into irregular migration. This is especially true for women migrant workers, as there is a difference in the cost of regular recruitment between men and women migrant workers. *"This may be reflective of women having less available income to cover the costs of regular migration, as well as women*

*opting for irregular migration due to a lack of recognition of their sectors of work under regular migration regimes"* (ibid.: 149). The memorandum of understanding process, besides taking time and money, also cannot guarantee that women migrant workers shall receive full labour and social protection. After the coup d'état in 2014, the Royal Thai Government improved these procedures through revised memorandums with Cambodia, Lao People's Democratic Republic and Myanmar, while initiating a new agreement with Viet Nam. It sought to widen the scope of government-to-government cooperation in labour migration, and emphasize social protection and skills development for migrant workers on an equal basis with Thai nationals (Grimwade and Neumann, 2019: 31).

## C. EMPLOYMENT OF MIGRANT WORKERS

According to the *Thailand Migration Report 2019*, there are 811,437 irregular or undocumented migrant workers temporarily residing and working in Thailand (Smith, Lim and Harkins, 2019: 12). Most are employed in occupations that are low paid and classified as "3D work", which refers to dirty, dangerous and demeaning (Rukumnuaykit, 2009: 4; Walsh and Ty, 2011, both cited in OECD and ILO, 2017: 49). Martin (2007, cited in ibid.: 53) speculates that most employers in some provinces prefer to employ migrant workers as they often work longer and harder than Thai workers, who also tend to decline to do 3D work. Demand for migrant workers is primarily in lower-skilled occupation.

A 2019 report, *Public Attitudes towards Migrant Workers in Japan, Malaysia, Singapore, and Thailand*, found that over half of Thai survey respondents said that Thailand does not need migrant workers despite increasing labour shortages as a result of global economic changes and demographic transition (ILO and UN Women, 2019: 3). Public perception of migrant workers contradicts their actual contributions (see Tunon and Baruah, 2012). Although they are in high demand by employers in many sectors, due to negative perceptions, they still face difficulties in their workplaces, with some employed under exploitative and discriminatory work conditions (Pholphirul et al., 2010; Paitoonpong and Chalamwong, 2012; both cited in OECD and ILO, 2017: 53). The Government has initiated a number of frameworks and agreements (national, bilateral, regional and multilateral) on labour migration to protect their rights. Yet many migrant workers see gaining legal status, which would advance these protections, as too expensive and complex (Harkins et al., 2013; ILO, 2015; ILO 2017).

According to the Labour Protection Act B.E. 2541 (1998), gender equality in employment, wages and work contract termination is mandated for Thai and non-Thai women

4 According to the Statistics of Remaining Migrants Legally Permitted to Work in Thailand in July 2020 (B.E. 2563), prepared by the Department of Employment, Ministry of Labour, Thailand has 958,358 migrants under memorandums of understanding, including 419,722 women and 538,636 men. There are 2,543 migrant workers under the nationality verification process, including 1,314 women and 1,229 men (Foreign Workers' Administrative Office, Department of Employment, 2020).



workers. Other key provisions of this law cover working hours, overtime work, annual leave, maternity leave and holidays as well as wages and compensation for holiday work (Paitoonpong and Chalamwong, 2012: 32).

The new Labour Protection Act (No. 7) B.E. 2562 (2019) emphasizes the same basis of rights and protection of migrant workers as Thai nationals. It provides additional protections for women on two points, including maternity leave (98 leave days [Section 41] and compensation benefits for less than 45 days [Section 59]) and gender equality in workplaces (e.g., equal opportunities for employment [Section 15, unchanged since 1998 (B.E. 2541)], equal wages [Section 53], and freedom from sexual exploitation, harassment, and abuse [Section 16, amended in No.2 since 2008 (B.E. 2551)]).<sup>5</sup> The Alien Employment Act B.E. 2521 (1978) has been replaced by the Alien Employment Act B.E. 2551 (2008), the Royal Ordinance on Management of Migrant Workers B.E. 2560 (2017) and the Royal Ordinance on Management of Migrant Workers (No. 2) B.E. 2561 (2018), successively, to improve the basis for management of migrant workers. The definition of categories of immigrants for temporary

5 Although these laws protect women migrant workers in various aspects, in reality, they still struggle to live safely in Thailand as there are still legal gaps in this regard: the Law does not recognize sexual harassment among employees nor provide a clear definition of sexual harassment and abuse in the workplace.

work permits and the provision of an occupation list for migrant workers are noted in the Occupations and Professions Prohibited for Foreign Workers List appended to the Royal Ordinance on Management of Migrant Workers B.E. 2560 (2017) and the Royal Ordinance on Management of Migrant Workers (No. 2) B.E. 2561 (2018) as noted in the Royal Gazette on 21 April 2020 (see Table 3).

Although the Royal Thai Government has a number of provisions and protections for migrant workers, especially women migrant workers, they still face a number of challenges as follows.

First, Saibouyai et al. (2019: 151) note that social protection in Thailand also covers women migrant workers. Regular migrant workers can access the Social Security Scheme or Migrant Health Insurance Scheme (if their sectors of employment are not included in the Social Security Scheme), while irregular migrant workers can enroll in the Health Insurance Scheme. For migrants who enrolled in the Social Security Fund, they can also access maternity leave and child support benefits provided by the Social Security Fund. In certain employment sectors which protection does not provide those benefits for any workers such as seasonal agricultural work and domestic work, this makes even more difficult for women migrant workers, particularly those employed in the informal sector.

**TABLE 3**  
**Occupations and Professions Prohibited for Foreign Workers List appended to the Royal Ordinance on Management of Migrant Workers B.E. 2560 (2017) and (No. 2) B.E. 2561 (2018)**

Lists of prohibited occupations and professions	Detail
List 1, strictly prohibited jobs	(1) Woodcarving; (2) driving motor vehicles, driving a non-mechanically propelled carrier or driving a mechanically propelled carrier, except for piloting international aircraft; (3) auction; (4) cutting or polishing diamonds or precious stones; (5) haircutting, hairdressing or beauty treatment; (6) cloth weaving by hand; (7) mat weaving or utensil-making from reeds, rattan, hemp, straw or bamboo pellicle; (8) mulberry papermaking hand; (9) lacquerware making; (10) making Thai musical instruments; (11) nielloware-making; (12) gold ornaments, silverware or pink gold- making; (13) bronze-ware making; (14) Thai doll making; (15) alms bowl making; (16) handmaking of silk products; (17) Buddha image making; (18) paper or cloth umbrella making; (19) brokerage or agency work, except broker or agency work in international trade; (20) Thai massage; (21) cigarette rolling by hand; (22) tour guide or sightseeing tour operation; (23) street vending; (24) typesetting of Thai characters; (25) silk reeling and twisting by hand; (26) clerical and secretarial work; and (27) legal service or lawsuit work

Lists of prohibited occupations and professions	Detail
<b>List 2, prohibited jobs under the ASEAN Mutual Recognition Arrangement (MRA) conditions</b>	(1) Control, check, perform, or provide accounting services, except for internal audit from time to time, and work on commitments or obligations that Thailand has commitments, qualified by the Federation of Accounting Professions; (2) Advise, project planning, design and calculation, construction control, production, inspection, facilitation, systematization, research, or testing, except for those who have been registered as engineering professionals and control engineering professions under the ASEAN Mutual Recognition Arrangement (MRAs) and other international agreements relating to transshipment engineering services or a licensed control engineering practice in civil engineering practice under the law of engineering; and (3) Study, design, administration and direction, inspection or advice, except for those who have been registered as architectural professionals and control architectural professions under the ASEAN Mutual Recognition Arrangement (MRAs) and other international agreements relating to cross-border architectural services, qualified by the Architect Council of Thailand or a licensed control architectural practice under the law of architecture.
<b>List 3, prohibited jobs under a condition in which migrant workers shall perform under the supervision of an employer</b>	(1) Agriculture, animal husbandry, forestry or fishery; (2) bricklaying, carpentry or building construction; (3) mattress and quilt-making; (4) knife-making; (5) shoemaking; (6) hat-making; (7) costume fabrication; and (8) moulding or pottery-making
<b>List 4, prohibited jobs under a condition which migrant workers through the MOUs shall perform under the supervision of an employer</b>	(1) Labour work and (2) shop/outlet attendance

Source: Occupations and Professions Prohibited for Foreign Workers List appended to the Royal Ordinance on Management of Migrant Workers B.E. 2560 (2017) and (No. 2) B.E. 2561 (2018), the Royal Thai Government Gazette, B.E. 2563 (2020).

Second, migrant workers find social and cultural integration in Thailand difficult as racism, xenophobia and discrimination pose barriers (Grimwade and Neumann, 2019: 34-35). Many women migrant workers from Myanmar claim that not only is the language used in their workplace a sociocultural barrier for them, but their betel-chewing and use of *thanaka* make-up are additional obstacles. This is especially the case for those who work in food-processing industries and hospitality, where they are not allowed to chew betel and apply *thanaka* on their faces as employers consider that such practices may contaminate food processing.

Third, migrant workers face obstacles to financial inclusion due to the complex process of opening a bank account in Thailand, the often-distant location of financial services and the lack of migrant-friendly services (Harkins et al., 2017; UNCDF, 2017; both cited in *ibid.*: 34). Barriers to sending remittances to their family members in the countries of origin comprise high transaction fees and the complicated process of dealing with a middle person for transactions.

Fourth, women migrant workers struggle with gender stereotypes limiting job opportunities in sectors including domestic work, manufacturing, agriculture, and construction. As work in general in these sectors is often undervalued, women working there are frequently underpaid and considered unskilled (Holliday, 2016: 3).

Fifth, both men and women migrant workers are vulnerable to modern slavery in many forms (e.g., human trafficking, slavery, forced labour, child labour, removal of organs and slavery-like practices). Men migrant workers are often more vulnerable to human trafficking in the fishing industry than women. This vulnerability begins during their migration, with most finding themselves in debt to their agents or employers, resulting in slavery-like working conditions for months or years. Some are sold to work. Wages are very low while their food supply, sleeping time and freedom of mobility are very limited. This leads to physical and mental stress and illness. Some men migrant workers who resist or become sick have been killed or thrown overboard to die in the sea (Björk and Gulzar, 2010: 9, in Chalamwong, 2011: 15).

Women migrant workers, especially those who work in the domestic work sector can also find themselves in forced labour. Some are paid less than what they are entitled to earn in an agreement with their employers. They may be forcefully burdened with more tasks apart from their work agreement, and if their work timetable is not clear enough, they may overwork each day (Arora, 2017). Different forms of exploitation arise, for example, through constraints to freedom of movement and job changing; retention of identification documents; indebtedness; various forms of violence; cheating and deceit; long working hours, and a lack of overtime and rest periods; underpayment; restrictions on mobile phone use; and so on. The reasons behind such exploitation include insufficient legal protection for domestic workers as well as public conceptions of this type of occupation. Considering that domestic work is undervalued and often perceived as lower-skilled work, this results in significant limitation on skills development opportunities for those employed in the sector.

Sixth, women migrant workers are often less equipped to exercise their rights. Those in domestic work in particular often find themselves in isolated workplaces, where it can be especially difficult to exercise their rights and lack freedom of movement and communication. Abused and violated women migrant workers may also experience discriminatory and degrading treatment as a result of their gender, nationality or ethnicity in justice processes, where they are prone to revictimization (Saibouyai et al., 2019: 152).

Finally, even though women migrant workers are protected under Thai laws, they face difficulties with government officials who tend not to understand their vulnerabilities and provide gender-blind services. Non-governmental organizations also find it difficult to fully cover all cases as they lack information and cannot access certain groups of women migrant workers, especially those in domestic work (Chalamwong, 2011: 15).

## Mapping of skills development for women migrant workers in Thailand

Apart from being trained in various topics at provincial post-arrival and reintegration centres, migrant workers coming through channels under the memorandums of understanding are required to participate in a pre-departure orientation and receive a certification of skills from the country of origin, according to Article 9 of the memorandum of understanding between Cambodia and Thailand in B.E. 2558 (2015), Article 8 of the one between Lao People's Democratic Republic and Thailand in B.E. 2559 (2016), and Article 9 of the one between Myanmar and Thailand in B.E. 2559 (2016) (Thailand, Foreign Workers Administration Office, 2018). Yet most women migrant workers coming through these channels have never been officially trained in a pre-departure orientation or received a certification of skills. In practice, Thailand has become the destination for both employment and skills development through learning on the job.

Given labour shortages in Thailand, skills development is prioritized by four main government organizations, including the Department of Skill Development, Ministry of Labour; the Department of Employment, Ministry of Labour; the Department of East Asian Affairs, Ministry of Foreign Affairs<sup>6</sup>; and the Office of Vocational Education Commission, Ministry of Education (Sakkittimalai, 2017: 11-20). Skills development requires government support, but also the involvement and willingness of multiple stakeholders, including employers, public organizations focusing on qualifications (such as the Thailand Professional Qualification Institute), civil society, migrant networks and women migrant workers.

The relationship between the Government and employers in particular could drive skills development as integral to the health of the economy. Based on the Skill Development Promotion Act B.E. 2545 (2002), the Government initiated the Skill Development Fund to mandate that any business enterprise with more than

6 However, in 2020, the Department of East Asian Affairs has been replaced with the Department of International Organization.

100 employees should provide annual skills training to at least 50 per cent of them or contribute to the fund as compensation (Saibouyai et al., 2019: 152). This law means migrant workers (regardless of gender) are eligible to receive training, but only some receive it.

In practice, women migrant workers face a number of barriers to developing their skills and improving their employability. At the same time, there are opportunities to encourage women migrant workers to improve their skills and competencies

## **A. OPPORTUNITIES TO IMPROVE OUTCOMES FOR WOMEN MIGRANT WORKERS**

Considering barriers that must be overcome to accelerate economic recovery and sustainable growth in South-East Asia, ASEAN leaders envisaged that skills development and recognition could be one of the most effective ways to improve outcomes for vulnerable workers in terms of gaining more job opportunities and increasing their wages. The ASEAN Leaders Statement on Human Resources and Skills Development for Economic Recovery and Sustainable Growth in October 2010 in Ha Noi, Viet Nam promotes regional cooperation around skills development programmes for vulnerable groups such as women, youth and persons with disabilities, and encourages the sharing of policy development experiences (challenges, policies and measures concerning employment, the labour market and skills development) among ASEAN member States.

### **A.1 MULTISTAKEHOLDER COOPERATION**

Fully realizing of the necessity of migrant workers in Thailand's economic system, and the basic human rights of migrant workers to access education and skills training, a number of organizations – for example, the Office of Non-Formal and Informal Education, the Thailand Professional Qualification Institute and civil society organizations – have initiated skills development for women migrant workers in different sectors. Some employers realize that it is compulsory for them to provide on-the-job training if they have more than 100 employees. Such opportunities mean women migrant workers can maximize their capabilities and improve their working conditions.

### **A.2 SECTOR-BASED SKILLS MATCHING**

In each sector, different needs for skills stem from varying characteristics of work. For example, women migrant workers in construction described needing life skills training on health, labour rights and language (Napier-Moore and Sheill, 2016: 47). Domestic work calls for both

life skills (e.g., self-awareness, communication, problem-solving, empathy, decision-making, interpersonal relationship skills and responsiveness to employers' demands) and technical skills (e.g., operation of household appliances) (Tayah, 2016: 3).

In terms of skills development and training, each sector also has different conditions and contexts. For example, in construction, the Employer Confederation of Thailand calls for basic construction skills in pre-departure training in countries of origin. The Confederation, however, maintains that training on life skills might not benefit women migrant workers as they are often limited to performing basic tasks (Napier-Moore and Sheill, 2016: 50). The employers in this sector prefer workers to receive technical skills training (e.g., working with concrete, plastering techniques and painting techniques). In domestic work, Tayah (2016) points out that most skills training programmes tend to only focus on technical/vocational dimensions of domestic work, and suggests that life skills should not be overlooked in order to maximize domestic workers' capabilities.

An elaboration of essential skills in each sector is required to understand gender-based barriers and opportunities for women migrant workers to develop skills and gain recognition of these. This is particularly the case for construction, manufacturing, hospitality and domestic work. It is also important to understand benefits from participating in these schemes.

## **B. BARRIERS TO IMPROVING OUTCOMES FOR WOMEN MIGRANT WORKERS**

The ability of women migrant workers to access skills development is affected by various factors. Gender stereotypes, discriminatory attitudes towards women, self-perception, a lack of fair recruitment and employment, gender-biased work conditions and gender-blind policies need to be scrutinized.

### **B.1 GENDER STEREOTYPES**

Gender stereotypes pose employment barriers to women in the ASEAN community in many ways, from limiting the types of work they can perform to obstructing chances to develop skills. Cultural norms play a crucial role in limiting women's opportunities in the workplace, as women and girls are required to mainly perform unpaid care work in their households. Women and girls tend to have fewer opportunities to access skills development, training and formal education compared to men.<sup>7</sup>

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7 According to Kusakabe and Pearson (2014: 73), there is a significant difference in average years of schooling between women and men. Women's average years of schooling is 7.23, while men's is 8.71.



As cheap migrant labour is needed to reduce labour costs in many businesses, women migrant workers are treated as a key resource (Elson and Pearson 1981; Wright 2006; both cited in Kusakabe and Pearson, 2014: 73). While women are often expected to perform reproductive work or other care-based work requiring delicacy (e.g., cleaning, cooking, laundry, etc.), their work seems undervalued compared to that of men. With the labour market still considering women's work mainly in terms of supporting that of men, women end up with lower wages and are normally considered less skilled (UN Women, 2015: 72, in Holliday, 2016: 1).

## B.2 DISCRIMINATORY ATTITUDES TOWARDS WOMEN

Apart from the discriminatory belief that women's work has lower value or is easier than men's work, women migrant workers in Thailand face other discriminatory attitudes. They are seen as compliant workers with no bargaining power or agency (ILO, 2019: 1). Some employers mainly see them as vulnerable and in need of protection, rather than as empowered independent agents. Women migrant workers tend to be more controlled in the name of protection. Their freedom of movement may be curtailed, which in turn exacerbates their vulnerability (ILO, 2019: 17).

## B.3 SELF-PERCEPTION

Knowing women migrant workers' perceptions of skills development is key to understanding how they perceive themselves in relation to it. Napier-Moore and Sheill (2016) suggested that women migrant workers do not always fully understand the concept of skills development. They also found that many women migrant workers could not imagine the benefits as they had no experience in skills training. Some suggested that they would like to be trained in reproductive health, labour rights, and communication skills in their own language, in Thai language and other regional languages. The research also affirmed that the attitude to skills development is a major component in the decision to participate in it. Most women migrant workers maintained that skills development and training should not impact their work routine (ibid.: 47) as well as their income. Apart from expectations of employers that may be framed by gender stereotypes, women's own attitudes could thus be barriers to skills development.

## B.4 LIMITED ACCESS OF MIGRANT WORKERS TO FAIR RECRUITMENT AND EMPLOYMENT

Women migrant typically encounter a multiplicity of barriers in the recruitment process. Some cannot surmount high migration costs associated with migrating through regular channels. A long chain of middle-people

(e.g., brokers and subcontractors) charge fees, leading to indebtedness and the high risk of fraud and human trafficking. Once migrant women reach employment, in many sectors, occupational hierarchies based on gender norms obstruct them from maximizing their capabilities and accessing training to develop new ones.

## B.5 GENDER-BIASED WORK CONDITIONS

There is growing demand for migrant women's labour in feminized sectors such as domestic work, hospitality, agriculture and manufacturing. In hospitality, migrant workers are essential as the sector requires a large number of staff as well as flexibility based on different seasons for tourism. Some women migrants are employed on temporary contracts, earning low salaries even under difficult working conditions, including night-shifts and work during weekends (ILO, 2012). In domestic work, women migrant workers tend to be vulnerable due to physical and social isolation in their workplace (Human Rights Watch, 2010 in Chalamwong, 2011: 15; Tayah, 2016: 2).

Although a number of women migrant workers are in the construction sector<sup>8</sup>, their status, working roles and work conditions are not reflected in current studies. Most of the literature on the sector focuses on male migrant workers as construction is seen as male-dominated. A number of documented and undocumented women migrant workers, migrating as part of couples or families, work alongside their male family members, however (Kanaganayagam and Ogunlana, 2008 in Napier-Moore and Sheill, 2016: 3). It can be a precarious work environment with multiple inequalities, such as being paid less than men (Napier-Moore and Sheill, 2016: 5).

Women migrant workers in manufacturing face similar difficulties, especially migration with debt and unfair employment. The former refers to some women migrant workers accruing debt for short-term capital to survive in Thailand. If they decide to migrate with debt and aim to send remittances back home (Harima, 2012: 2), they may be forced into trade-offs with expenses for living. Unfair employment involves some employers exploiting women migrant workers such as through overtime work without remuneration, underpayment of wages and non-contractual employment (ibid.: 6; APWLD, 2017).

8 There are approximately 199,921 women migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar disaggregated by the type of migration and nationality in Section 59 Nationality Verification (45,819 women migrant workers), Section 59 Nationality Verification, Make/Update Employment Records (91,776) and Section 59 Memorandum of Understanding (New Recruitment) (62,326). See Table 4 in Chapter 3 for more information.

## B.6 GENDER-BLIND POLICIES

Although the feminization of migration and women migrant workers' rights are gaining more attention, migration policies in the Great Mekong Subregion remain gender-blind or restrictive for women. Gender perspectives are required to understand the situation, including their intersection with gender, migrant status,

class and other factors (Napier-Moore and Sheill, 2016: 2). Skills development grounded in a clear understanding of gender dimensions and fully responsive to these is one of the most effective ways to encourage women to gain capabilities and economic empowerment, and improve their lives in Thailand and once they return to their countries of origin.



PHOTO: UN WOMEN/Pornvit Visitoran





PHOTO: UN WOMEN/Pornvit Visitoran

# 3 Research methodology

# 3. RESEARCH METHODOLOGY

## Research framework

Skills in this research include (1) life skills and (2) technical skills. “Life skills” are defined in “Life Skills Education for Children and Adolescents in Schools: Introduction and Guidelines to Facilitate the Development and Implementation of Life Skills Programmes” as *“abilities for adaptive and positive behaviour, that enable individuals to deal effectively with the demands and challenges of everyday life. Based on this definition, there is a core set of life skills, including: decision-making, problem-solving, creative thinking, critical thinking, effective communication, interpersonal relationship skills, self-awareness, empathy, coping with emotions, and coping with stress”* (WHO, 1997: 1). Meanwhile, “technical skills” are defined as the abilities and knowledge needed to perform specific tasks, which are hard to measure (Laajaj and Macours, 2017 in ILO, 2018: 18). Technical skills are differently needed in each sector based on the nature of work and the demand of the employers.

Skills development for migrant workers has often been presented as one of the most effective ways to improve work conditions, employment and rights. Most schemes are implemented in a non-gendered manner, however. As the feminization of labour migration becomes a global trend, due to the demand for labour in all sectors and amid changing gender relations and attitudes across the globe (OSCE, 2009), a gender perspective is crucial for understanding barriers to and opportunities for using skills development to improve outcomes for women migrant workers. A gender-sensitive skills development framework shall be applied in this research to understand barriers and opportunities related to work conditions, employment and rights.

According to the Food and Agriculture Organization (FAO 2017: viii), gender sensitivity means “the ability to acknowledge and highlight existing gender differences, issues and inequalities and incorporate these into strategies and actions.” Another definition (Śrubar 2015) centres on the *“aim of understanding and taking account of the societal and cultural factors involved in gender-based*

*exclusion and discrimination in the most diverse spheres of public and private life”*. The term “gender-sensitive” in this research, however, refers to the process by which gender norms, roles and relations are considered, while gender differences between men and women are recognized. The main aim of gender-sensitive programmes is to raise gender awareness so that gender inequalities can be precisely targeted based on women’s specific needs.

Gender-sensitive skills development in this research refers to recognizing women migrant workers’ skills, while emphasizing gender norms, roles and relations related to skills development to demonstrate barriers and opportunities for improving outcomes through it. This process leads to women migrant workers gaining empowerment and benefits. It also meets the needs of employers, the Royal Thai Government, Governments of countries of origin, civil society organizations, and migrant spouses and families. Women migrant workers’ specific needs are covered in the research to assess if these are met by existing resources provided by employers and the Government.

The key framework of the research is the concept of women’s economic empowerment, derived from the original feminist concept of “empowerment”, which focuses on structural and transformative change to reduce women’s social, political and economic barriers. The concept has shifted from its original meaning to the promotion of women’s access to productive resources in many areas, especially in the neoliberal labour market (Oxfam Canada, 2019: 5). Instead of addressing structural change and supporting collective action against inequalities, women’s economic empowerment mainly proposes an individualistic framework in which a particular group of women are presented as the unit of analysis and the focal point of development programmes (Ibid.: 5). Even though donors and international and other organizations agree to mainstream women’s economic empowerment in their programmes, a universal definition has not been confirmed. Key global actors define it based on their purposes.



- The Organization for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC) Network on Gender Equality defines women's economic empowerment as *"women's capacity to contribute to and benefit from economic activities on terms which recognize the value of their contribution, respect their dignity, and make it possible for them to negotiate a fairer distribution of returns"* (DAC Network on Gender Equality, 2011)
  - The Swedish International Development Cooperation Agency defines it as *"the process which increases women's real power over economic decisions that influence their lives and priorities in society"* (SIDA, 2015).
  - Oxfam defines women's economic empowerment as *"a process whereby women's lives are transformed from a situation where they have limited power as a consequence of gendered barriers, to a situation where their power is equal to that of men. Women's economic, social, personal and political empowerment is interconnected; positive change in one dimension of women's lives is unsustainable without progress in the others"* (Oxfam, 2017: 8).
- (5) Ensuring legal protections and reforming discriminatory laws and regulations;
  - (6) Recognizing, reducing and redistributing unpaid work and care;
  - (7) Building assets – digital, financial and property;
  - (8) Changing corporate culture and practice;
  - (9) Improving public sector practices in employment and procurement; and
  - (10) Strengthening visibility, collective voice and representation.

## Sampling

According to statistics on migrants legally permitted to work in Thailand in December B.E. 2562 (2019), prepared by the Department of Employment in the Ministry of Labour, 2,722,424 migrant workers from four nationalities (Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam) are legally permitted to work in Thailand, based on the Royal Ordinance on Management of Migrant Workers B.E. 2560 (2017), including Section 59, Nationality Verification, Section 59, Nationality Verification, Make/Update Employment Records, and Section 59, Memorandum of Understanding (New Recruitment). They work in various sectors such as construction, agriculture, livestock, services and so on.

The total numbers of women migrant workers based on types as noted in the Royal Ordinance on Management of Migrant Workers B.E. 2560 (2017) and the main sectors in this research are shown in Tables 4, 5, 6 and 7.

Based on the population density of women migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar, four provinces in Thailand with the highest number include: Bangkok, with 283,539 women migrant workers (42.61%) out of a total of 665,362 migrant workers; Samutsakhon, with 113,878 women migrant workers (47.58%) out of a total of 239,341 migrant workers; Chonburi, with 67,334 women migrant workers (41.59%) out of a total of 161,901 migrant workers; and Chiang Mai, with 58,595 women migrant workers (49.13%) out of a total of 119,264 migrant workers<sup>9</sup> (Foreign Workers' Administrative Office, Department of Employment, 2019).

In brief, the concept of women's economic empowerment in this research refers to the ways in which women's capabilities are recognized and promoted so that they can become valuable and self-reliant economic actors who can realize their own potential and make decisions for the best outcomes in their own lives. Especially in the case of women migrant workers, the concept shall be applied to recognizing and promoting their skills and capabilities so that they can maximize their full potential and make the best decisions for themselves and their families in terms of both their working conditions in Thailand and after they return to their countries of origin.

The concept of women's economic empowerment was promoted by former United Nations Secretary-General Ban Ki-moon, who launched the High-Level Panel on Women's Economic Empowerment at the 2016 World Economic Forum in Davos, Switzerland, claiming that achieving the SDGs and the 2030 Agenda for Sustainable Development depends on it (Oxfam, 2017: 15). The panel's first report (UNHLP, 2016) identified seven primary drivers of women's economic empowerment, including Tackling adverse norms and promoting positive role models;

9 Men migrant workers in these provinces number: 381,823 in Bangkok, 125,463 in Samut Sakhon, 94,567 in Chonburi and 60,669 in Chiang Mai (ibid.).

**TABLE 4****The number of women migrant workers in the construction sector disaggregated by type of migration and nationality**

Construction sector	Myanmar	Lao People's Democratic Republic	Cambodia	TOTAL
Section 59 Nationality Verification	35,912	1,765	8,142	45,819
Section 59 Nationality Verification, Make/Update Employment Records	41,317	2,280	48,179	91,776
Section 59 Memorandum of Understanding (New Recruitment)	20,902	6,842	34,582	62,326

Source: Foreign Workers' Administrative Office, Department of Employment, 2019.

**TABLE 5****The number of women migrant workers in the manufacturing sector disaggregated by type of migration and nationality**

Manufacturing sector	Myanmar	Lao People's Democratic Republic	Cambodia	TOTAL
Section 59 Nationality Verification	99,460	5,885	7,159	112,504
Section 59 Nationality Verification, Make/Update Employment Records	82,149	4,441	19,591	106,181
Section 59 Memorandum of Understanding (New Recruitment)	147,367	22,362	47,773	217,502

Source: Foreign Workers' Administrative Office, Department of Employment, 2019.

**TABLE 6****The number of women migrant workers in the hospitality sector disaggregated by type of migration and nationality**

Hospitality sector	Myanmar	Lao People's Democratic Republic	Cambodia	TOTAL
Section 59 Nationality Verification	28,264	3,344	2,401	34,009
Section 59 Nationality Verification, Make/Update Employment Records	25,434	1,417	9,811	36,662
Section 59 Memorandum of Understanding (New Recruitment)	15,167	11,535	16,019	42,721

Source: Foreign Workers' Administrative Office, Department of Employment, 2019.

**TABLE 7****The number of women migrant workers in the domestic work sector disaggregated by type of migration and nationality**

Domestic work sector	Myanmar	Lao People's Democratic Republic	Cambodia	TOTAL
Section 59 Nationality Verification	28,554	3,394	981	32,929
Section 59 N Nationality Verification, Make/Update Employment Records	32,029	6,261	4,995	43,285
Section 59 Memorandum of Understanding (New Recruitment)	3,410	13,546	2,296	19,252

Source: Foreign Workers' Administrative Office, Department of Employment, 2019.

The research team aimed to collect a list of entrepreneurs and employers in four main sectors, construction, hospitality, manufacturing and domestic work, in these four provinces. The research approach entailed coordinating with civil society facilitators and employers there.

Four main research samples comprised women migrant workers, employers in the four sectors, civil society officers and a public organization officer. The size of each sample was as follows.

1. Informants for the survey were women migrant workers from each sector in each province (150 persons in total). The sample size of survey informants was calculated by the use of Taro Yamane's calculation formula as follows.

$$n = \frac{N}{1 + Ne^2}$$

$n$  sample size required  
 $N$  number of people in the population  
 $e$  margin error (percentage)

The total number of women migrant workers from the three countries, 523,346, represents the total research population. The margin of error is  $\pm 10$  based on the calculation of the sample size of no less than 100 persons, derived from Taro Yamane's formula. Moreover, 50 per cent of the original sample size was added to prevent margin errors that could occur (e.g., no response, the invalidity of data, etc.).

2. Informants for in-depth interviews encompassed 16 women migrant workers in four sectors in four provinces, 16 employers in four sectors in four provinces and 6 civil society officers.

A total of 188 informants and respondents were enough to adequately reflect barriers and opportunities in improving outcomes for women migrant workers through skills development in Thailand.

### Research tools for data collection: mixed-method research

Mixed-method research was applied based on survey research for collecting quantitative data and in-depth interviews for collecting qualitative data. Two main steps were as follows.

First, the questionnaire for collecting quantitative data from 150 women migrant workers provided an overview of their working conditions, employment and rights; indicated their needs; and suggested existing barriers and opportunities in skills development. The questionnaire was designed to capture barriers and opportunities, and framed by migrant-centred values, gender sensitivity and market responsiveness. In this process, the literature review was key to identifying research variables and questions. The Index of Item-Objective Congruence was systematically applied by specialists as a basic requirement for verifying the questionnaire's validity. The Cronbach Alpha Coefficient was used to verify the reliability of the questionnaire.

In this research, a scale measurement was also used to examine relationships between various independent variables that have an effect on women migrant workers' increasing level of skills. It compared average points for increasing levels of skills, ranging from 1 to 10 points. The scale was developed from the "Wong-Baker Faces Pain Rating Scale", which is a tool used by doctors to assess

a person's pain, developed by Donna Wong and Connie M. Baker in 1983. This satisfaction scale was given to survey respondents to assess the level of their feeling representing their answer for each question.

Second, in-depth interviews helped deeply comprehend women migrant workers' experiences in recruitment, employment and skills development; provided in-depth data to support quantitative data gained from survey research; and identified potential mechanisms and opportunities to enhance women migrant workers' access to skills development and certification. The data gained can be used for improving outcomes for women migrant workers through skills development based on their experiences, perspectives and prospects. The literature review was key to designing semi-structured interview questions. The interview questions are categorized into three groups to cover the following issues:

#### **Group 1: Employers**

- Information about women migrant workers' employment
- Skills development for migrant workers
- Migrant rights and welfare
- Impact of COVID-19 on employers and migrant workers

#### **Group 2: Civil society organizations and other stakeholders (if any)**

- Updates on women migrant workers
- Skills development
- Impact of COVID-19 on employers and migrant workers

#### **Group 3: Women migrant workers**

- Women migrant workers' skills development
- Migrant rights and welfare
- Impact of COVID-19 on migrant workers

## **Data analysis**

Gender analysis was mainly applied in analysing data to identify barriers and opportunities, and evaluate if and to what extent gender relations play a crucial role in migrant workers' working conditions, employment and rights, and related policies. The gender analysis was applied to collected quantitative and qualitative data to evaluate how the roles and statuses of women migrant workers impact work conditions, employment and rights, and vice versa; how existing resources provided by employers and the Government promote gender equality and improve women migrant workers' lives; and how skills development schemes could produce better outcomes based on hearing the voices of these women and fully reflecting their needs.

## **Research Timeline**

The period of research data collection was during September – November 2020. The quantitative survey research was intensively conducted in September and October 2020, while the qualitative interview research was later conducted in November 2020. After this process, the data analysis was proceeded in December 2020 – January 2021.

## **Quality assurance procedures and monitoring mechanisms**

Considering the constraints of the COVID-19 pandemic, quality assurance of the research is noted in the table below, which demonstrates problems and resolutions to ensure completion of the research despite a changing situation.



**TABLE 8**  
**Problem Identification and Monitoring Mechanisms**

No.	Problem	Problem identification	Monitoring mechanisms and resolutions
1	Discontinuity of work routine	Participation in research may affect key informants' work routine.	The research team contacted employers to obtain permission before collecting data.
2	Validity of data and relationship between employers and employees	Data collection from employees may affect the relationship with employers as their perspectives shall be excluded.	Both employers and employees (women migrant workers in particular) were key informants for data collection to verify the validity of data from both parties.
3	Privacy and safety	The use of personal information (e.g., name, address and personal contact) acquired in the research may harm key informants' privacy and safety.	The research team did not expose personal information to protect the privacy and safety of all key informants, particularly women migrant workers. All personal documents were on personal devices and programmes shared only among members of the research team and any relevant UN Women staff. All personal documents were deleted at the end of the project.
4	Health concerns and safety of the key informants, researchers and society	Due to the pandemic, on-site data collection may harm key informants, researchers and society.	Health concerns and the safety of key informants, researchers and society were managed throughout the research process. Any close contacts with anyone who had a fever was avoided. Medical masks were used, and handwashing gel was frequently applied.
5	On-site data collection	The social distancing measures may impede on-site data collection.	On-site data collection without close contacts proceeded in accordance with the changing situation. Online/hotline data collection was also considered to replace on-site data collection on many occasions.
6	Delay of research timeframes due to COVID-19	Due to the pandemic, coordination with employers and stakeholders might be more difficult, which would obstruct the research timeframes or deliverables.	The daily situation was regularly updated to coordinate with employers and stakeholders, and to adjust the research data collection process as much as possible.



PHOTO: UN WOMEN/Piyavit Thongsai-Ard

# 4 Women migrant workers' specific skills

# 4. WOMEN MIGRANT WORKERS' SPECIFIC SKILLS

## Skills development in the countries of origin

Most women migrant workers surveyed confirmed that they have been trained on their job in Thailand. Only 5 per cent said that they were trained in their countries of origin. Less than 2 per cent gained plastering, cement-mixing and brick-laying skills (some were trained by the Government in Myanmar, funded by international organizations) and just over 3 per cent learned sewing skills from civil society organizations and a training institute in Cambodia.

Considering that skills development in countries of origin could prepare women migrant workers for employment and employers' demands, these countries, including Cambodia, Lao People's Democratic Republic and Myanmar, could take more actions to develop skills that match needs in the labour market. Civil society organizations said they were not aware of pre-departure skills development schemes in countries of origin as information is very limited. Not all women migrant workers in Thailand could access pre-departure training for reasons that included a lack of mechanisms to ensure that governments can approach and prepare them pre-departure.

The Department of Employment in the Ministry of Labour in Thailand realizes this limitation and fills the gap through provincial post-arrival and reintegration centres along the border in Tak, Sa Kaeo and Nong Khai provinces. Workers migrating through memorandum of understanding channels have to pass through these to obtain their work permits and attend a post-arrival orientation on safe migration and labour laws. The centres cannot fully focus on training women migrant workers, however, as the length of the orientation at these centres are only within half a day which is always too short.

A lack of skills development reduces prospects for women migrant workers to secure employment as they need to spend their probation period rapidly learning skills and overworking to meet their employers' needs. Women migrant workers also contended that they could not negotiate with employers in the recruitment process and the probation period to earn more wages matched with their competencies as their skills were not certified in their countries of origin. This leads to poor living and working conditions.

## Pre-employment skills developed in Thailand

To understand how women migrant workers can further develop their capacities, it is important to consider skills they already have. Chart 1 shows that in the construction sector, 28.09 per cent of women migrant workers gained skills in mixing cement from their previous workplace, but only 9 per cent were trained on tiling and plastering skills.

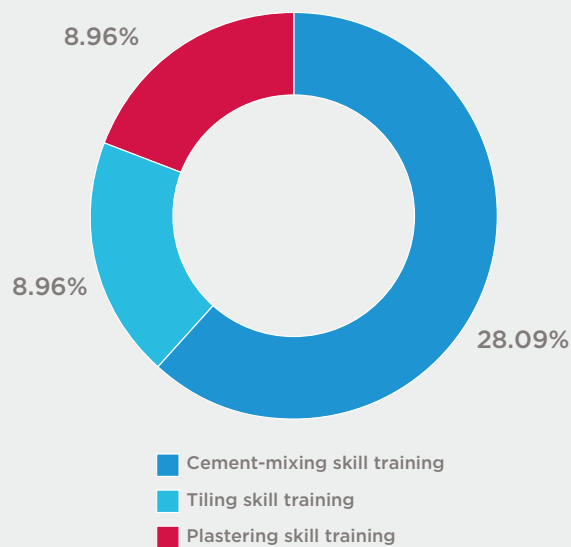
Chart 2, in the hospitality sector, shows that 42.86 per cent of women migrant workers respondents who are employed in hotel business, were trained on effective service, while 28.57 per cent and 23.86 per cent were trained to clean and cook, respectively. Only 4.71 per cent were trained to make a bed.

As revealed in Chart 3, in the manufacturing sector, 57.98 per cent of women migrant workers were trained in basic sewing skills, which are particularly needed in the garment industry. Forty per cent learned to control production machines. Only 2.02 per cent were trained on quality control, which is particularly needed in the food-processing industry.

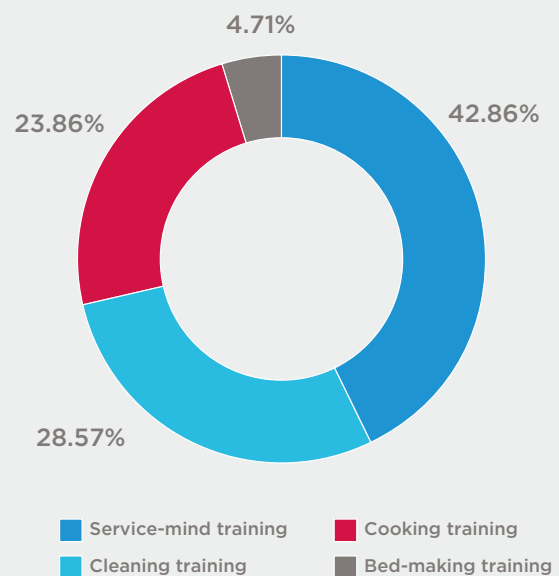
As depicted in Chart 4, in domestic work, 48.78 per cent and 46.35 per cent of women migrant workers were trained in cleaning and gardening, respectively. Just over 2.43 per cent were instructed on cleaning equipment and laundry. Overall, about 98 per cent had gone through safety skills training and migrant rights and welfare training, both on the job and through external training on weekends.

The survey confirmed that women migrant workers in each sector already have different skills vital to increasing their capabilities. But they also need more time, perseverance, and potential mechanisms and opportunities to strengthen knowledge and skills. Skills development requires partnership between them and various stakeholders, including employers, civil society organizations, government organizations and so on.

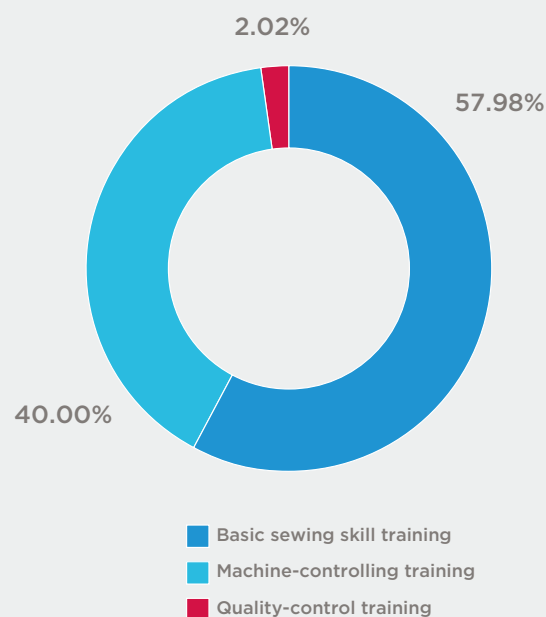
**CHART 1**  
**Technical skills in the construction sector**



**CHART 2**  
**Technical skills in the hospitality sector**



**FIGURE 3**  
**Technical skills in the manufacturing sector**



**FIGURE 4**  
**Technical skills in domestic work sector**

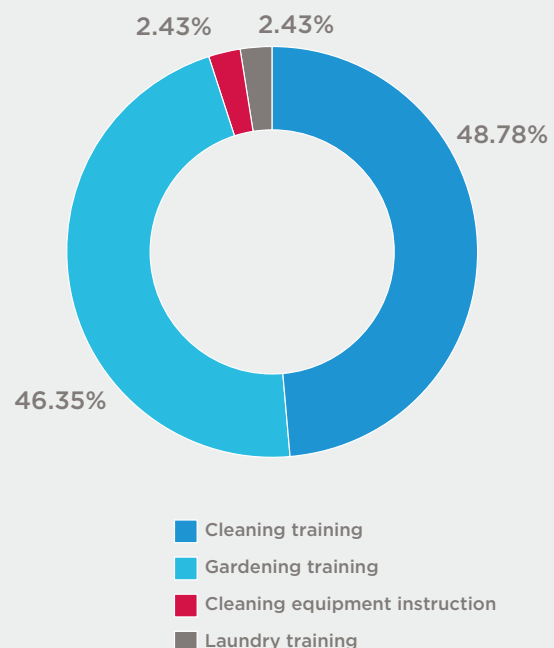






PHOTO: UN WOMEN/Pornvit Visitoran

# 5

Factors enabling and  
constraining women migrant  
workers in accessing skills  
development and recognition

# 5. FACTORS ENABLING AND CONSTRAINING WOMEN MIGRANT WORKERS IN ACCESSING SKILLS DEVELOPMENT AND RECOGNITION

Women migrant workers arrive in Thailand to earn a living and sustain their family in their countries of origin with remittances. They tend to earn less than men migrant workers than Thai workers due to gender stereotypes and gender norms as well as other intersecting factors including migration status. Skills development is thus a key condition for improving wages, quality of life and working conditions, and empowering women migrant workers to sustainably rely on themselves, make the best and most appropriate decisions for their lives, and enjoy self-esteem. The development and recognition of skills among women migrant workers can go far in advancing women's economic empowerment. Even so, women migrant workers face various gender-based factors enabling and constraining them in accessing skills.

## Socio-cultural factors enabling and constraining women migrant workers in accessing skills development

Women migrant workers, beyond paid employment, play other key roles, especially in unpaid care work, that crucially influence how they live and work, and their time to acquire more skills. Marital status and parental status as well as self-perception, shaped by sociocultural contexts, also enable and constrain skills development.

### A. UNPAID CARE WORK

Marital status, parental status, maternity and childrearing practices all have major effects on women's lives. After paid work, they have to spend most of their time doing unpaid care work. Their tight daily schedule in the workplace and at home often becomes a barrier to skills development. Among survey respondents, nearly 33 per cent said that they cannot access skills development as a result of an unmanageable timetable.

#### A.1 Marital status

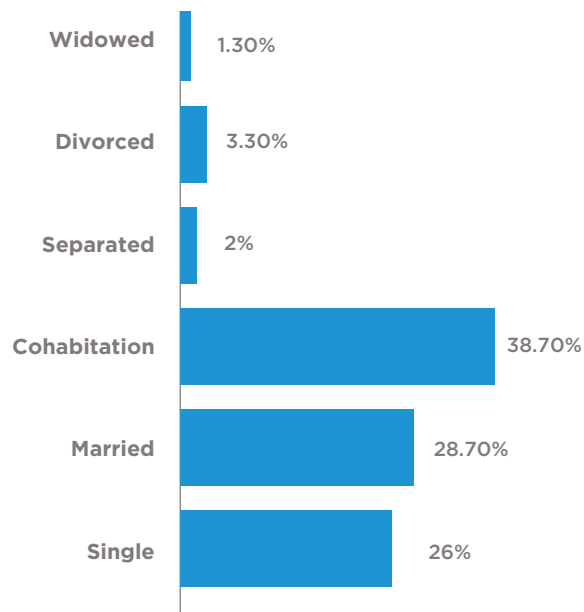
Marital status is key to the ability to access skills development, since expectations to perform housework and care for family members leaves little free time. Chart 5 shows how just 38.7 per cent of women migrant workers surveyed were cohabitating and unmarried, while nearly 28.7 per cent were married. Yat, a woman migrant worker from Myanmar living in a construction camp in Chiang Mai province, said:

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*"When I return to the [construction] camp in the evening, my husband goes play sepak takraw, I plant a lot of acacia, papaya, lime. I take care of them all. Apart from this, I clean my house and cook for my husband. I have no free time to do something else. I don't think I can join any training activities."*

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**CHART 5**  
**Marital status**



Interestingly, women migrant workers separated from their husbands for work-related reasons have relatively more time and are more actively interested in participating in skills development schemes. Single women migrant workers are the most willing to participate as they are mostly free from unpaid care work. Nil, a Laotian woman migrant worker in the hospitality sector in Chiang Mai province, said:

*"I want to learn more about doing business, especially online business. If I go back home, I think it would be very useful for me. On weekend, I have no job to do, I am free enough to join any trainings only if they are free of charge and the training places are not too far from me."*

Chart 5 shows that only 26 per cent of women surveyed were single, while around 3.30 per cent were divorced, 2 per cent were separated, and 1.30 per cent were widows. Migrant women workers do not have to worry about playing their traditional roles as daughters, since they remit their savings to their parents in the countries of origin.

## A.2 Parental status and maternity

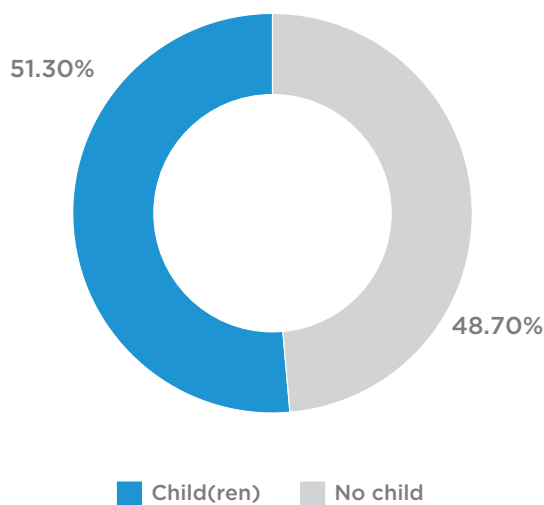
When women migrant workers get pregnant, they manage their work life differently. Employers often provide useful information about pregnancy-related benefits and offer a more appropriate job to avoid health risks. Section 39 of the Labour Protection Act B.E. 2541 (1998) notes, "An Employer shall be prohibited to require a female Employee who is pregnant to perform any of the following work: (1) work involving vibrating machinery or engine; (2) work of driving or going on a vehicle; (3) work of lifting, carrying on the back, carrying on shoulder, carrying with a pole across shoulder, carrying on a head, pulling or pushing of loads in excess of fifteen kilograms."

In some cases, once women migrant workers realize they are pregnant, they decide to quit their job before the first trimester as they consider pregnancy another obstacle to their performance at work. Some believe they should leave their children with relatives in their countries of origin as they might not be able to rear children by themselves in Thailand due to time constraints. Developing skills can be difficult during pregnancy. Neung, a Mon-ethnic Myanmar woman migrant worker working in a seafood processing factory in Samutsakhon province, said:

*"As I know that I got pregnant, I was much worried about my health and work. I don't think I can stand up and work all day like before. In my second-month pregnancy period, I decided to quit the job even though I was about to gain more wage, become head of the team, and learn about machine-control. At that moment, my husband earned wages alone while I stay at home taking care of myself and my baby."*

As shown in Chart 6, among women migrant workers who have children (51.30 per cent), 45.45 per cent stay with their children in Thailand, 48.05 per cent live away from their children who stay in the country of origin, and 6.50 per cent have children in Thailand and the country of origin. The average number of children is 0.84. For half of all women migrant workers surveyed said that pregnancy may impinge on opportunities to continuously participate in skills development programmes.

**CHART 6**  
**Parental status and maternity**



### A.3 Childrearing practices

A number of women migrant workers who live with children in Thailand said they need to dedicate most of their time every day to taking care of their children. At home, they are expected to prepare meals and do laundry. For those with infants and small children who need special attention all the time, it is very difficult to find free time or strength to further develop skills at work or participate in external training sessions on weekends. In some cases, children are still young and need more help from their mother to finish homework, so women serve as tutors after school as well as taking their children to school every weekday. Song, a woman migrant worker from Myanmar working at a Thai sweet factory in Chiang Mai province and a mother of three children, commented:

*“Working here, I earned a bit less than other workplaces. But I decided to stay here as I know that this factory is not far from my dorm and my children’s school. Three of my children are still young. I need to walk my children to school in the morning and walk them home in the evening.”*

Naw, a Cambodian woman migrant worker in the hospitality sector in Bangkok province, is different from Song and other women migrant workers as she willingly pays 4,000 THB per month for childcare service on weekdays. Her child stays with the service provider on weekdays and with her at home on weekends. As she does not have to take care of her child on weekdays, she can do overtime work every day, and is willing to join any

useful trainings as long as they are not too far from her workplace and residence. She said:

*“I pay for a childcare from Monday to Friday. I pick him up on weekend. So, I do nothing on weekend but save it for my child. If I have to join a training in the future, I think I am more comfortable with the training on evening after work. And I don’t have to hurry back home because my husband often works overtime.”*

### B. SELF-PERCEPTION OF WOMEN MIGRANT WORKERS

Women migrant workers respondents said that women and men migrant workers have similar opportunities in employment. But they hold different job positions, especially in construction and manufacturing. Jobs involving heavy physical activity (e.g., roofing jobs, lifting and holding a cement bag, controlling machines in production lines, etc.) can only be performed by men according to Thai laws. These jobs tend to offer more wages and better career advancement. Employers tend to reserve certain tasks requiring less physical effort (e.g., cleaning the construction site, quality control in production lines, etc.) for women, even though men are legally allowed to do these.

Many women migrant workers decide to limit their employment opportunities within this binary stereotype, believing that women can only do some jobs without realizing that, in fact, women can further develop their skills and potential. For instance, skills to use machinery, which are often seen as appropriate only for men workers, can also be promoted among women migrant workers as they do not require physical effort. The exclusion of women from such jobs and the belief among many women migrant workers that they have fewer skills undercuts their confidence and renders them more dependent on men workers in the workplace.

Of the women surveyed, 13.41 per cent agreed with the stereotype of women’s physical weaknesses, believing they cannot perform tasks requiring physical strength. They did not consider themselves capable of doing jobs in construction usually held by men, including woodwork, staircase building, tiling, painting, and so on. More than 5 per cent of respondents stated that women tend to lack abilities to learn new skills compared to men. This negative notion undermines agency and maintains gender inequality.

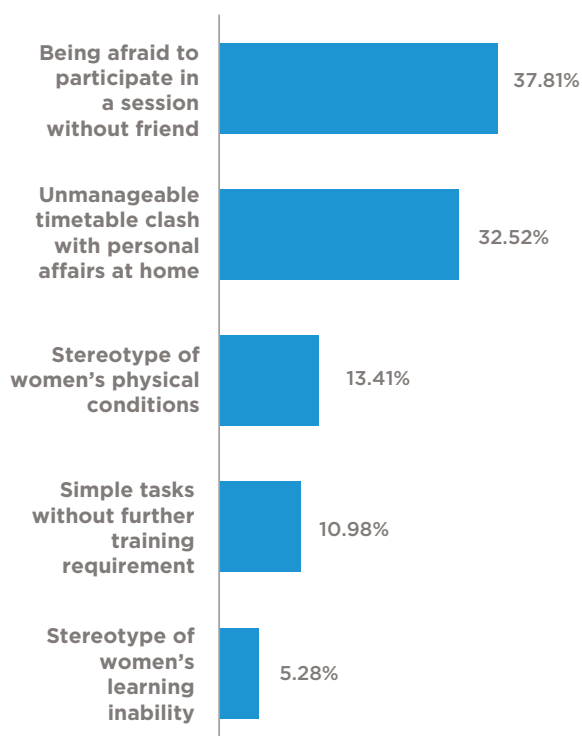


Among respondents, 10.98 per cent said that their tasks are too simple, and do not require further skills. Uht said that domestic work, in particular, is often considered a simple task that all women migrant workers know how to do. She claimed: *“I don’t think I need a training for domestic work skills anymore because I have been doing this for many years. It is just mopping; it is just toilet cleaning. Nothing else.”*

Another barrier arises from the fear, expressed by 37.81 per cent of survey respondents, of participating in training sessions without friends. Uht, a young Myanmar domestic worker in Bangkok province, emphasized: *“If I have more chance to get trained, I want to study Thai language only. But I am afraid. I don’t think I can go to study alone, not even traveling alone.”* Building a migrant network can help mitigate this obstacle and incentivize women migrant workers to participate in skills development.

Socio-cultural factors that pose barriers to accessing jobs and skills development are summarized in Chart 7.

**CHART 7**  
**Socio-cultural factors constraining women migrant workers in accessing skills development**



## Work-related factors enabling and constraining women migrant workers in accessing skills development

Work-related factors constraining skills development and recognition include gender expectations around job opportunities and positions; work conditions, external incentives and information channels; and employers' attitudes.

### A. GENDER EXPECTATIONS ON JOB OPPORTUNITIES AND JOB POSITIONS

According to the survey, 64 per cent of women migrant worker in all sectors surveyed responded that there was no difference in accessing employment opportunities between women and men when they first arrived in Thailand, but 79.33 per cent still maintained that men and women have clearly different job positions. Interviews described how women migrant workers, especially those in hospitality and domestic work, spend less time than men in finding a job as a result of the growing feminization of labour in these two sectors.

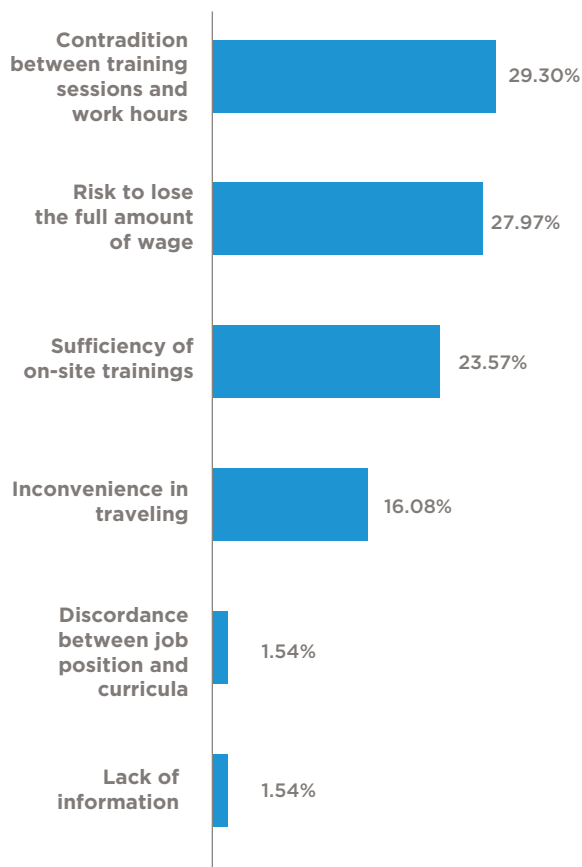
In construction, men migrant workers are still in high demand. In manufacturing, business types determine employment patterns for both women and men. For example, the garment industry increasingly demands only women migrant workers while the automotive industry exclusively demands men migrant workers to perform positions requiring physical strength.

The gendered division of labour results from different social expectations of what women and men can be and do. Certain business types depend on women's cheaper labour, while employers expect to hire only women as domestic workers, hotel room cleaners, tailors, and so on. While demand for women migrant workers has grown, employers tend to expect that they can only perform certain “feminine jobs” based on gender stereotypes around responsibility, refinement, delicacy, etc. Women migrant workers thus have fewer opportunities to diversify their jobs. Even worse, most employers surveyed stated that women migrant workers' jobs require no further development of technical skills as on-the-job training is sufficient. Especially in manufacturing, most employers consider women migrant workers as sufficiently trained by their work routine. However, life skills (e.g., Thai language, communication skill, cultural adaptation skill, etc.) are still needed in these employers' opinions.

## B. WORK CONDITIONS, EXTERNAL INCENTIVES AND INFORMATION CHANNELS

Women migrant workers, as shown in Chart 8, described a number of work-related factors constraining skills development. Among survey respondents, 29.30 per cent claimed that conflicts between training sessions and work hours is a key constraint, while 27.97 per cent noted risks around losing wages. Meanwhile, 23.57 per cent considered in-house trainings sufficient, conforming with legal requirements. Only 16.08 per cent said distance to off-site training was a barrier, while 1.54 per cent reported a disconnection between topics in external curricula and their job position. A similar share indicated they lacked information about training.

**CHART 8**  
**Work-related factors constraining skills development for women migrant workers**

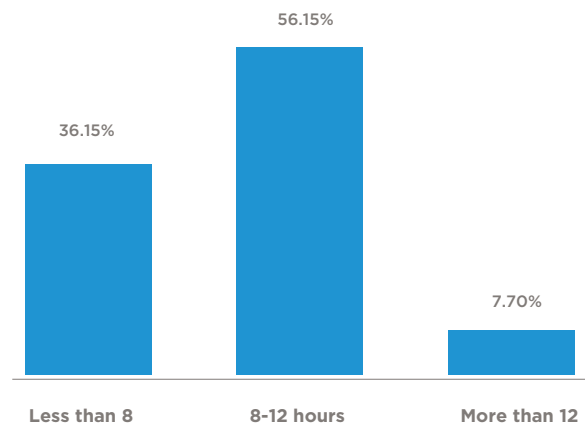


### B.1 Work Conditions

#### B.1.1 WORK HOUR

Women migrant workers face burnout as a result of their tight schedule of work hours per day and workdays per week. They need more time for rest and relaxation (compared to the amount of time that they already have), although this results in less participation in skills development schemes. As shown in Chart 9, 56.15 per cent of survey respondents spend 8 to 12 hours per day in their workplace, while 36.15 per cent spend less than 8 hours. Some women migrant workers work at night and have no chance to participate in trainings provided by civil society organizations, as those tend to be held in the evening on weekdays or all day on weekends. Sometimes, on-the-job training sessions are not sufficient to further develop skills, yet most women migrant workers opt not to participate in off-site trainings during work hours, missing chances to maximize their capabilities.

**CHART 9**  
**Total work hours**



#### B.1.2 WAGES

Wages highly influence access to skills development. Women migrant workers who are daily employees barely have a chance to participate in any skills development schemes because they are not allowed paid leave. Those paid on a monthly basis tend to have more chances to participate as training is considered part of their work.

### B.1.3 SUFFICIENCY OF ON-SITE TRAINING

On-the-job or on-site training is one of the most effective ways to provide skills development as it is part of the work routine and provides relevant skills. A strict focus on this method, however, could discourage development of other skills, such as language proficiency, digital literacy and so on. These skills may not be required for current jobs, so are better acquired through off-site trainings. If both employers and women migrant workers agree that their skills are already sufficient for a given job, this could be another barrier to exploring new skills.

Especially for those who plan to gain new skills and change their jobs, on-site training is usually not enough. For example, a group of women migrant workers in Bangkok province who work in a shoe production factory said they aspire to improve their wages and quality of life by seeking jobs in a weaving factory nearby. But they cannot change their jobs as long as they do not have good sewing skills, so they decided to join an all-day sewing skill training session every Sunday.

### B.2 External incentives

#### B.2.1 DISTANCE

Distance and training location can highly impact the decision of women migrant workers to participate in training, as many limit travel to their workplace and home. Participating in off-site training sessions also incurs extra costs for travel. As shown in Chart 8, 16.08 per cent of survey respondents described distance as a key condition for participating in skills development. Bopha, a Cambodian woman migrant worker in construction, noted:

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*“I only go two places, my house and my workplace. I don’t want to go elsewhere because I don’t know anywhere and how to get there. If there is a training and it is far away. I don’t think I would go because I would have to pay a lot for travelling.”*

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#### B.2.2 EXTERNAL CURRICULA

As shown in Chart 8, 1.54 per cent of survey respondents considered external training topics very important to skills development. Training is not consistently interesting enough for women migrant workers and does not necessarily match their job or aspirations, however. This mismatch leads employers to see no point in supporting employees to participate in training. Uht claimed that she is interested in learning more about the Thai language, stating:

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*“I want to communicate well with my employers. But if it is other topics, even it is free of charge, I don’t think I would go because I’m sure that I already know all skills in need in my job.”*

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### B.3 Information channels

As shown in Chart 8, 1.54 per cent of survey respondents claimed that access to skills development information, especially about off-site training provided by external organizations, is very difficult given language barriers and disconnections between government organizations and employers. As a result of this, employers decide not to allow their migrant workers to participate in external training sessions, which are mostly taught in Thai, just because they cannot read and understand Thai fluently.

A group of women migrant workers in hospitality in Chonburi province said they were interested in having more skills, especially in floral design. But they have no ideas about where and how to access skills development schemes. Information sharing between government organizations and employers can be one of the best ways to overcome this constraint.

## C. EMPLOYERS’ ATTITUDE

Employers play a crucial role in supporting women migrant workers to participate in skills development, both in in-house and off-site sessions. A hotel owner in Samutsakhon province expressed her support for employees to participate in off-site sessions provided by external organizations as she considers that all skills gained can benefit both her business and employees. For example, she strongly supports chefs and cooks to improve skills and learn new recipes. Women migrant workers in this hotel are supported to participate in soap-making and lotion-making training. The hotel owner provides travel assistance and a per diem on training days.

Some employers prioritize skills development by linking it with employment evaluation. An owner of an automotive parts factory in Samutsakhon province noted that as the IOM provides Thai language training for all migrant workers, she supports her employees to participate. Wage increases in turn rely on better abilities to listen to, speak and read in Thai. She stated that if migrant workers pass an evaluation of basic language skills, they can earn additional wages of 14 THB per day. Those who partially pass earn an additional 7 THB per day. The factory owner said,

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*“Our company is not business-focused only but we also aim to improve all migrant workers’ quality of living and work conditions.”*

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But skills development for migrant workers may also not be prioritized. An employer in construction in Chiang Mai province contended there is no need for off-site training sessions as the technical skills he wants can be developed on the job. His opinion is clearly different from the advice of the Employers' Confederation of Thailand that off-site training on basic construction skills is useful, especially at the pre-departure stage (Napier-Moore and Sheill, 2016: 50). He maintained that his training style, steered by a foreperson who specialize in particular tasks, can lead the team to perform in accordance with his standards and demands. This type of attitude could impede migrant workers from gaining skills and limit opportunities for employers to acquire new technical skills that advance their business.

Employers' attitudes towards skills development for migrant workers are significantly influenced by the nature of their business. The work routine in construction, manufacturing and domestic work often constrains women migrant workers from participating in off-site training during the day. The hospitality sector, by contrast, does not strictly require women migrant workers to perform their roles during the day throughout the year. High- and low-season periods allow them to take a break from their work and participate in off-site training.

### Key internal and external factors improving outcomes for women migrant workers

Among the key conditions that enable and constrain women migrant workers in improving skills and capacity, the survey and in-depth interviews found four key factors, including marital status, number of children, type of employment and years of employment. A statistical analysis based on the use of a scale measurement presented in this section affirmed these findings.

#### A. MARITAL STATUS

The marital status of women migrant workers is a barrier to skills development. Six categories of marital status in the research included single, married spouse, cohabiting spouse, separated spouse, divorced and widowed. Based on the independent-samples t-test, it can be found that only two statuses, married and single, have an effect on increased level of skills (see Table 9). Considering the skill levels of women migrant workers who differ in marital status and number of children, there is a difference in number between single and married workers at the 0.05 level in the statistical significance scale (95 per cent confidence interval). On average, single women migrant workers reach 7.26 points in terms of specific skills on

the job, compared to married spouses who earn 5.60 points. Gender expectations of married women to play roles as wives and mothers limit their avenues for skills development, while single women migrant workers are able to manage their time more freely including for skills development. Given this, skills development methods should be appropriately designed in line with women migrant workers' personal and household contexts.

**TABLE 9**  
**The independent-samples t-test comparing the average of increased level of skills of married women migrant workers and single women migrant workers**

	Mean	t	Sig. (2-tailed)	df
Married	5.60	2.400	.019	70.055
Single	7.26	2.345	.022	80

\* Significance at the 0.05 level.

#### B. NUMBER OF CHILDREN

Based on statistical testing, the number of children can be a barrier to skills development for women migrant workers. Comparing increasing skills and different numbers of children at the 0.05 level in the statistical significance scale, the number of children inversely relates to increasing skills (see Table 10). The fewer children women have, the more skills they can gain.

Following to traditional work/family related gender role beliefs, women are expected to be good mothers who dedicate their time to taking care of children, even as they are also trying to be good employees. Mew, a young woman migrant working in hospitality in Chonburi province, identified being a mother as key in curtailing chances to develop skills.

*"Now, I have little kids. After work, I have to quickly go back home to take care of them. So, sometimes I don't work overtime and my supervisor understands this. If I have to work late at night, I need to leave my kids with my neighbours... As I have young kids, I have to work hard and go back home to take care of them. I have time for nothing else."*



In contrast, Champhee, a domestic worker in Bangkok province, who has spent more than 20 years living in Thailand, expressed the benefit of being single:

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*“Normally, I go to join training sessions on weekend. I like to go and my employers always support me too because I have nothing to do on weekend. Go find more skills and knowledge would be good as I can also meet my friends and all these friends are single like me.”*

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Given that women migrant workers with children tend to have fewer opportunities to further their skills, schemes should account for their roles as mothers so that all of them can be included.

**TABLE 10**

**The independent-samples t-test comparing the average of increased level of skills of women migrant workers without children and those with child(ren)**

	Mean	t	Sig. (2-tailed)	df
No child	7.44	3.227	.002	148
Child(ren)	5.86	3.246	.001	143.942

\* Significance at the 0.05 level.

### C. TYPE OF EMPLOYMENT

Based on statistical testing, type of employment affects increasing levels of skills among women migrant workers at a statistically significant level of 0.01 (see Table 11). Based on the analysis of the difference of increased levels of skills of women migrant workers in different types of employment, it can be found that women employed by the day are different from those employed by the month at a statistically significant level of 0.05. The calculation is based on the average point of women employed by the month at 8.25 and the average point of women employed by the day at 5.08.

For the former, off-site training may conflict with work hours, and they will lose pay. Most prefer to work, as shown in the case of Naw and Dara, both Cambodian woman migrant workers in hospitality in Bangkok province. They noted that if skills development opportunities clash with their work routine, they would be unable to participate. Naw commented:

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*“In fact, I really want to learn how to cook, but if it clashes with work hours or OT, I don’t think I would go because I don’t want to lose my wage. And if there is a training during my work hour, I have to ask for permission from my supervisor who doesn’t want me to go because it might not be related to my job.”*

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Similarly, Dara stated that training sessions should not be held during her work hours. She said:

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*“If there are trainings on floral design, cooking foods and desserts, I would go. But if it clashes with my work hours, I won’t go because I have to leave without pay.”*

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**TABLE 11**

**Analysis of variance (ANOVA) examining the difference between the average of the increased level of skills of women migrant workers in different types of employment**

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	301.960	4	75.490	9.944	.000
Within Groups	1055.262	139	7.592		
Total	1357.222	143			

### D. YEARS OF EMPLOYMENT

Years of employment is statistically significant in increasing levels of skills at the 0.05 level (see Table 12). The more years of employment women have, the more skills they have gained, most of which they develop through on-the-job training. According to Da, a domestic worker from Myanmar in Samutsakhon province, most women migrant workers learn how to develop their skills in practice. She noted:

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*“At first, there are not so many things that I could do, I don’t even know how to use some equipment. But the longer I stay, the more I know. I learn how to cook from YouTube.com as well as my employer. I learn all things by doing all things.”*

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Pudjeep, a woman migrant worker from Myanmar who works in manufacturing Chiang Mai province, told a similar story. She also spent many years gaining skills from on-the-job training:

*“At home, I used to know how to manually sew. But when I work in a factory, my supervisor taught me how to use sewing machine. At first, I tried so hard. If I can’t use it to meet the product standard, I couldn’t pass the evaluation of employment. But look at me now, I can do it vigorously as I have been doing only this for years.”*

**TABLE 12**

**Correlations between Years of Employment (Q17) and Increased Levels of Skills (Q57)**

		Q57	Q17
Q 17	Pearson Correlation	.188*	1
	Sig. (2-tailed)	.024	
	N	145	145

\*Correlation is significant at the 0.05 level (2-tailed).



PHOTO: UN WOMEN/Pornvit Visitoran





PHOTO: UN WOMEN/Piyavit Thongsa-Ard

# 6

Potential mechanisms  
and opportunities to  
enhance the skills of  
women migrant workers

## 6. POTENTIAL MECHANISMS AND OPPORTUNITIES TO ENHANCE THE SKILLS OF WOMEN MIGRANT WORKERS

### Skills development and quality of life

For women migrant workers, skills are fundamental to economic empowerment, and improvements in their lives and work. Based on statistical testing in this research, as women gained skills, they earned more (see Table 13). Wad, a young woman migrant worker from Myanmar in manufacturing Samutsakhon province, testified to this as well:

*“At first, I can’t speak Thai so I got paid less than others. But as I learned Thai every Sunday, I am now getting paid as equal to others.”*

Statistical testing, however, does not show the nexus between skills development and career advancement, better work conditions and security of employment. Despite more skills, women have no guarantees of improvement. Jamphee, a domestic worker in Bangkok province, described how women migrant workers,

particularly in domestic work, learn how to perform their duties in daily practice:

*“In a house, there is only one domestic worker. No friend, no promotion, no advancement. Do the same thing every day. If we can do it vigorously, it would be quickly done, but it doesn’t mean that it would be less tasks to do nor it would be more comfortable at all.”*

Bopha, a Cambodian woman migrant worker in construction in Bangkok province, agreed that migrant workers face difficulties in career advancement, but skills development may not overcome the barriers they face. She claimed:

*“Women duties are cleaning, arranging, help carrying, we do the same as men do, but sometimes we cannot do like men. For example, we can’t climb up high, we can’t carry heavy things. We can’t get promoted, neither do men. What we can become is just head of workers, this is the furthest we can go. But it is not official as the official head should always be Thai men.”*

**TABLE 13**

**Correlations between the increased levels of skills (Q57), income (Q58), job promotion opportunities (Q59), work conditions (Q60) and security of employment (Q61)**

		Q57	Q58	Q59	Q60	Q61
Q 17	Pearson Correlation	1	.175*	-.049	.156	-.075
	Sig. (2-tailed)		.032	.548	.057	.359
	N	150	150	150	149	150

\*Correlation is significant at the 0.05 level (2-tailed).



According to Jamphee and La, career advancement, better work conditions and employment security are impacted by other factors, as reflected in the seven drivers of the women's economic empowerment framework. Among these, legal constraints on migrant workers should be particularly taken into account. Even though they improve their capabilities, women come up against a glass ceiling related to permanent legal status as a labourer, prohibited jobs, and so on. Such constraints can discourage women migrant workers from even considering the benefits of skills development. It is therefore vital to promote skills development while also advocating for policy changes, such as to stipulate clear responsibilities for each government organization in skills development, define inclusive and gender-responsive skills development and recognition for migrant workers, provide for certification of skills for migrant workers in accordance with the national and regional framework, and budget for skills development on the basis of inclusiveness and gender-responsiveness. In this way, migrant workers can gain skills and be promoted based on their competency, not just their legal status.

## Knowledge and life skills development

Knowledge and life skills, including understanding of migrant welfare, prevention of sexual exploitation and abuse, conflict resolution and financial management skills are all crucial in building the capacities of women migrant workers.

### A. MIGRANT WELFARE KNOWLEDGE

When women migrant workers are fully aware of their rights and welfare, they know the freedoms and forms of support that they are entitled to. This can encourage them to actively learn more skills outside their workplace and enhance their capacity to negotiate with employers, for example, in Jamphee's case who expresses that, the more she is aware of her rights and welfare, the more confident she is to deal with her employers.

### B. PREVENTION OF SEXUAL EXPLOITATION AND ABUSE AND KNOWLEDGE ON SEXUAL AND GENDER-BASED VIOLENCE

Women migrant workers should be aware of the prevention of sexual exploitation and abuse and the risks of sexual and gender-based violence in their workplace. Many civil society organizations consider it important for women migrant workers to learn about self-protection, risk assessment, post-harassment management, and evidence gathering and collection. Some organizations have provided related trainings. Kook, an employer

in hospitality in Samutsakhon province, affirmed the necessity of self-protection skills as most women migrant workers in hospitality work closely with customers. She points out that:

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*"It is almost unavoidable for our staff to deal with molestation and harassment. Mostly, our staff are young women who look pretty and attractive. So, we have to train every one of them to how to deal, how to react, and how to avoid, especially strategic negotiation and refusal."*

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### C. CONFLICT RESOLUTION KNOWLEDGE

Conflicts can happen in any workplaces. Conflict resolution skills are therefore important to prevent and solve issues. The in-depth interviews with women migrant workers indicated that workplace conflicts are rare, as women realize that they would be punished if they had a fight in the workplace. Among women migrant workers, most of their disputes occur in their residence areas at night when they drink alcohol.

Conflicts between employers and migrant workers usually occur when the latter advocate for migrant rights. In some cases that women migrant workers decide to negotiate with employers to improve their working conditions, and call for fundamental rights and welfare, they struggle to approach the management or spend a lengthy of time to resolve their problems with co-workers and employers. For example, in the manufacturing sector in Chonburi province, women migrant workers shared information about rights and welfare in migrant networks. They decided to compare their benefits with those of employees in other workplaces. As a result, they filed complaints with their managers that they received unfair treatment which cause tension between them and their employers. They spent more than six months negotiating with their employers before finally seeing gains in their rights and benefits. Should they have been equipped conflict resolution skills, they might have spent much less time to get their problems resolved.

### D. FINANCIAL MANAGEMENT KNOWLEDGE

Most women migrant workers come to Thailand to earn money, making financial literacy skills important. Financial literacy can inform better choices around sending money back to their families in their countries of origin, the amount of their remittances, and savings for personal purposes, emergencies and investment. Based on in-depth interviews with women migrant workers and civil society organization staff, women usually manage the finances in migrant households as men consider them better at this task.

Women migrant workers remit most of their income to their families in their countries of origin, so they have only limited savings for themselves. Studies have shown that women migrant workers tend to remit a higher proportion of their incomes than men (Harkins et al., 2017). During the COVID-19 pandemic, as work hours reduced and some workers were laid off, many realized that they needed to further develop financial management skills to earn and manage their money. Consequently, they express that they would like to be trained on financial literacy.

## Potential mechanisms

Skills development for women migrant workers requires effective and efficient mechanisms. This section covers some essentials: decent work, curriculum design, partnerships and knowledge development.

### A. PROMOTING DECENT WORK THROUGH SKILLS DEVELOPMENT

While gender-responsive skills development empowers women migrant workers, at the same time, gender stereotypes and divisions in labour must be tackled, as these obstruct women from gaining access to many jobs. Supported by the case of Lin, a domestic worker in Bangkok, those who regularly participate in skills development trainings shall gain more skills. Their profile shall be upgraded leading to more employment opportunities and job choices. Based on Lin's experience, any employers who see that domestic work is a decent work requiring various skills that can be improved through skills development trainings always allow their domestic workers to regularly participate in skills development schemes. As a result of this, Lin and her friends prioritize the participation in skills development trainings to ensure that they could gain more opportunities and better working conditions in the future while their employers also prioritize skills development to benefit themselves in return.

Tackling gender stereotypes and the gendered division of labour might not be sufficient for women migrant workers to gain promotions, better work conditions and secure employment, however. This also depends on amending migrant-related laws to ensure women migrants have more opportunities to improve all aspects of their lives and work.

### B. CURRICULUM DESIGN: TOPIC, DURATION AND LANGUAGE

A curriculum matched with the needs of women migrant workers and employers builds on relevant topics, duration and language. Training topics should include technical and life skills required in jobs in which women are predominately employed, other skills beyond the jobs but important to women themselves, and skills benefitting both employers and women migrant workers themselves. The first type is key to better wages, while the second can be beneficial in the long run, particularly when women return to their countries of origin. The last group includes, for example, occupational safety and health (OSH) skills, first aid skills, Thai communication skills, etc. Employers usually consider these crucial and encourage their employees to have them. They can improve women migrant workers' job profile, and if they change workplaces, they might attain better working conditions and higher wages.

Training duration should be balanced. If the training is too long, women migrant workers find it hard to regularly participate, negatively affecting their training evaluation. Moreover, training timetables should not clash with work routines. 87.50 per cent of all 16 interviewees in this research agree that skills development trainings should be held on weekends for not more than a four-month period.

As the education level of more than half of all women migrant workers in Thailand is at primary school or lower, training instructors should be able to use languages understood by migrant workers to facilitate learning. In Thai language training, basic speaking language should be emphasized, and combined with simplified training materials with graphics and images.

### C. PUBLIC-PRIVATE PARTNERSHIP FOR SKILLS DEVELOPMENT

Partnerships can advance mechanisms for developing the skills of women migrant workers. Stakeholders include women migrant workers, employers, government organizations, private sector firms, skill providers, civil society organizations, etc. When government organizations face legal and budget constraints in providing skills development for women migrant workers, civil society and international organizations can bridge the gap, providing technical and financial assistance. In the case of Thailand's Professional Qualifications Institute, which mainly focuses on assessing and certifying migrant workers' skills, the standardization of

skills can be further developed, given support from the IOM starting in 2020. As part of a pilot programme, both organizations have helped support skills development, assessment and certification for migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar who have professional cleaning jobs. Apart from being beneficial to women migrant workers in all sectors, standardization of skills is key to promoting decent work and women's empowerment.

Skills development should not only be based in classrooms. A variety of methods can be deployed in line with the lifestyles and limitations of women migrant workers. For example, Thai language skills training can be offered online as e-training. As noted by ILO (2019b: 45-46), women migrant workers sometimes need to share their phone with their spouse or children, making use of their phone for training potentially difficult. At the same time, sharing a phone might mean that spouses can be trained together. Otherwise, it is important for women migrant workers to manage a daily timetable for using a phone in the household, since online trainings can offer many benefits. The Thailand Professional Qualification Institute offers an e-learning site where anyone can access training modules for more than 300 occupations and accumulate course credits. The platform is free of charge for everyone including migrant workers. Yet, not many women migrant workers make use of this course due to different reasons, for example, women migrant workers do not know they can access this

course. Additionally, despite having a smart phone, not all women migrant workers know how to navigate the internet for online learning or that they have limited access to sufficient mobile data for e-learning. Therefore, specific support should be provided for them to enhance their access to online learning.

Another potential mechanism for skills development entails public-private partnerships in providing day care so that migrant children can stay in a safe space while women migrant workers are training. Accessible nursery centres supporting day care in industrial estates or in common spaces in communities should be promoted to encourage training and reduce the burden of unpaid care work. Training session providers should be aware that it is important to provide a meal for participants so that they do not have to worry about cooking at home on the training day.

As both employers and migrant workers gain benefits from skills development, building networks of employers and employees could facilitate the process. Employers' networks could access curriculum information, design training based on their demands and share experiences. Migrant networks could enhance information sharing, encourage women migrant workers to realize their rights, and closely connect to civil society organizations for more opportunities for skills development and rights protection.



PHOTO: UN WOMEN/Pornvit Visitoran



In the long run, commitment to skills development in countries of origin through international and regional cooperation and memorandums of understanding could improve women migrant workers' skills and protection along the journey to Thailand.

#### D. KNOWLEDGE AND LIFE SKILLS DEVELOPMENT

Knowledge development must accompany skills development to ensure that women migrant workers improve their quality of life and work. Knowledge development covers migrant rights and welfare, prevention of sexual exploitation and abuse, reproductive health, conflict resolution and financial management.

- **Migrant rights and welfare:** Women migrant workers should be encouraged to know their rights and welfare entitlements, and to obtain protection if needed. The participation in off-site training sessions can empower women to realize of their rights and welfare and persuade employers to see benefits from skills development. The Foreign Workers Administration Office, Department of Employment and Department of Labour Protection and Welfare could play crucial roles in promoting migrant rights and welfare.
- **Prevention of sexual exploitation and abuse:** There has never been a national standard training curriculum on prevention of sexual exploitation and abuse. The ILO can provide technical inputs on this topic for the Department of Labour Protection and Welfare, which already offers standard training on labour rights and responsibilities as well as cultural orientations for migrant workers, albeit within a limited budget. The department should encourage workplace safety committees to deliver training to workers on the prevention of sexual exploitation and abuse based on budgets from companies and/or civil society organizations.
- **Reproductive health:** Women migrant workers have limited knowledge about reproductive health and family planning, while traditional family planning beliefs may act as barriers to contraceptive use, with many women having limited capacity to negotiate this with their husbands. More reproductive health training for both women and men migrant workers is required, building on strong partnerships among the Bureau of Reproductive Health in the Department of Health, the Ministry of Public Health, civil society organizations and employers. They should ensure that women migrant workers in each workplace are empowered to claim their reproductive rights and choices.

- **Conflict resolution and negotiation skills:** Employers should prepare clear guidelines and policies on conflict resolution in the workplace and define transparent prevention and punishment measures. While conflicts are sometimes unavoidable, employees should be equipped to understand and manage them, helping to create a positive workplace for all workers.
- **Financial management:** Financial literacy is important for women migrant workers in Thailand and their countries of origin. Civil society organizations with appropriate skills and expertise should play a crucial role in promoting financial literacy among women migrant workers, including to earn more, break debt cycles and assist remittance-dependent households to attain financial independence. Measures should be taken to improve debt management, investment and asset diversification. Employers can in some cases give advice on financial management to women migrant workers to encourage them to save more money, strategically invest their savings and deliver remittances while meeting essential needs in Thailand.



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PHOTO: UN WOMEN/Pornvit Visitoran

# 7

Demands for skills  
during the COVID-19  
pandemic

# DEMANDS FOR SKILLS DURING THE COVID-19 PANDEMIC

The COVID-19 pandemic has highly affected both employers and employees. It has made some women migrant workers, particularly those facing decrease in wages and layoffs, to become more vulnerable to existing inequalities in their lives. Particularly in their employment, the majority of women migrant workers participating in this research expressed that the COVID-19 pandemic pushed them to pursue skills development as they are now aware that the more technical and life skilled, they are, the more secure their employment status could be.

## The effect of the pandemic on demands for skills development

During the pandemic, all sectors of the economy have been impacted by the deceleration of economic growth. Unfortunately, for women migrant workers, this has meant fewer hours of work, lower pay and layoffs. Naw, a Cambodian woman migrant in hospitality in Bangkok province, noted that,

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*“During the pandemic, overtime work rate and the number of workdays are lessened, the total amount of wage was apparently decreased. We had to overborrow and became indebted as we still had to deliver the same amount of remittances.”*

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Women migrant workers who have been laid-off in some cases shifted from being employees to entrepreneurs, for example, food stall owners. Even though they fully realize that migrant workers are not legally permitted to become entrepreneurs, this becomes their survival plan as they cannot return to their countries of origin given national lockdown policies.

To prevent the spread of COVID-19, schools shut down, and children had to study at home, adding to unpaid

care work burdens for migrant mothers. Some who were laid off spent all their time at home to perform unpaid care work.

## Skills in demand during the pandemic

Given significant impacts on businesses, some employers laid off both low-skilled Thai and migrant workers. Skills and work expertise have become vital for maintaining employment. Skilled migrant workers are expected to resume work when the situation is resolved.

Women migrant workers most actively interested in skills development have been highly affected by decreased wages, and increasingly realize that developing new skills could lead to more employment opportunities. Many are interested in learning new skills, including related to merchandising, cooking and baking, etc. They see benefits from developing these now and over time. Dara, a Cambodian woman migrant worker in hospitality in Bangkok province, described new skills as more needed during the pandemic,

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*“During the pandemic, my wage was decreased because there was no OT. As a result, I looked forward to developing new skills to earn money such as cooking, washing dishes, and any freelance jobs.”*

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Women migrant workers not affected by the pandemic are not as interested in developing new skills, since they still have full-time jobs and wages. Uht noted that,

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*“My work schedule is just the same as a domestic worker always do during the pandemic. Domestic work is not affected like other jobs, so it was unnecessary for us to develop new skills. If only there were no COVID-19, I would have already learned more Thai language, especially reading and writing skills. Advanced Thai language skills will be beneficial to my business when I go back to my hometown.”*

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Wanna, a Laotian woman migrant worker in a garment factory in Chonburi province, claimed that she was not really affected by the pandemic and is not interested in developing more skills. She said that,

*“During the COVID-19 pandemic, we worked the same as usual. I had no time to go out for training as I worked very hard almost every day. I have already learned what I need and I know what to do from what I have been doing here.”*

Based on in-depth interviews with women migrant workers, employers and civil society organizations, the pandemic has underscored the importance of financial literacy and financial management skills, especially for saving money in a crisis, allocating remittances and investing in skills development. Developing such skills could help women migrant workers improve and sustain their lives and work in Thailand.



PHOTO: UN WOMEN/Piyavit Thongsa-Ard





PHOTO: UN WOMEN/Pornvit Visitoran

# 8

## Conclusion



## 8. CONCLUSION

Based on the research findings, skills development for women migrant workers in their countries of origin is rare, potentially limiting employment opportunities and job diversity. Many are recruited based on gender characteristics, not competency (ILO, 2008). Skills development can be a starting point for two positive changes. First, when women migrant workers gain skills, they should be treated and promoted on the basis of

competency instead of gender. Second, skills development can advance women's economic development, realization of capabilities and improved quality of living. It enhances women migrant workers in becoming agents of change who can make decisions for their own benefits. Changes resulted from skills development can be summarized in the following table.

**TABLE 14**

**Framework for skills development matched with the seven primary drivers of women's economic empowerment**

Women's economic empowerment objective	Current situation	Skills development for women migrant workers as an intervention	Results
1. Tackling adverse norms and promoting positive role models	Job opportunities for women migrant workers are limited based on gender stereotypes.	Gender-responsive skills development trainings with progressive and non-stereotypical communication could demonstrate that women migrant workers have potential beyond gender stereotypes. Employers should be encouraged to go through gender equality trainings, develop inclusive work environments and implement the Women's Empowerment Principles (WEPs).	Employment of women migrant workers changes from gender-based to competency-based. They earn more wages on an equal basis in the same position as men migrant workers.
2. Ensuring legal protection and reforming discriminatory laws and regulations	Most migrant workers still cannot access training provided by the Government due to legal constraints. Women migrant workers tend to receive lower wages, contradictory to the law. In domestic work in particular, a number of legal gaps leave women migrant workers unprotected, for example, in terms of lack of working hours, minimum wages and social security obligations.	Gender-responsive development of skills and knowledge of legal protections for women migrant workers can encourage them to fully enjoy their rights and protections.	Women migrant workers have sufficient information about rights and protections to safeguard themselves from any forms of discrimination and exploitation. Migrant networks share experiences, information and perspectives as a basis for advocacy for policy changes and the amendment of discriminatory laws and regulations.

Women's economic empowerment objective	Current situation	Skills development for women migrant workers as an intervention	Results
3. Recognizing, reducing and redistributing unpaid work and care work	Women migrant workers are often responsible for both paid work and unpaid housework. Especially during the pandemic, they have been overburdened with more care work.	Awareness of the value of unpaid care work and shared responsibilities between men and women migrant workers should be raised. Employers/skills providers, for example, could organize housework skills competitions to promote shared household work. Child-friendly skills training centres, arranged by employers, the government and skills providers, are needed to ensure skills development opportunities for many women migrant workers.	The gendered division of labour in households is replaced with shared responsibility. The tradition of women doing most unpaid roles in households (i.e., cooking, cleaning, taking care of children, etc.) decreases. Women migrant workers can spend more time on exploring their potentials and developing skills to match their needs.
4. Building assets: digital, financial and property	Women migrant workers tend to have insufficient savings for emergency issues as they solely focus on remittances.	Trainings on financial management could help women migrant workers better understand its value. With skills beyond their work routine, they could find more job opportunities while managing longer-term life plans.	Women migrant workers have financial literacy; they know how to manage their wages in different ways. They are able to manage their savings and remittances, see opportunities for investment and strategically deal with debt. They are equipped to make a long-term life plan, and know what they need and what they would like to do to earn a living when they permanently return to the country of origin.
5. Changing business culture and practice towards gender equality and women's empowerment	Women migrant workers tend to see less need for skills development trainings provided by external agencies and skills that seem irrelevant to their work routine.	Development and standardization of skills could lead to the realization of benefits for women and their workplace. Skills development on a regular basis promotes decent work and could positively change nationality-based employment and job positions to competency-based ones. The WEPs should be included in gender equality trainings for employers and employees to raise awareness of gender equality in the workplace.	Women migrant workers' job positions tend to be more diverse as employers see more benefits from competency-based employment and job positions instead of gender-based and nationality-based ones. Limitations on job positions for women migrant workers are overcome.

Women's economic empowerment objective	Current situation	Skills development for women migrant workers as an intervention	Results
<b>6. Improving public sector practices in recruitment and employment</b>	<p>Thai laws limit women and men migrant workers to access job opportunities and job positions in a workplace. Women and men migrant workers are not promoted to leading positions in the workplace, as these are normally reserved for Thai nationals. Also, there is still a gap in development and standardization of skills provided by the Royal Thai Government as it is still unclear if women migrant workers can participate in development and standardization of skills on the same basis of Thai nationals. In the long run, women migrant workers who plan to return to their country of origin find that it is still difficult for them to become an entrepreneur and maximize their skills earned from Thailand as they still have no opportunity to access standardization of skills.</p>	<p>Job promotion and entrepreneurship can be achieved when the government and public sector support women migrant workers to access standardized skills development and promote more job opportunities. The role of the Thailand Professional Qualification Institute (TPQI), a public organization, in promoting migrants' access to various forms of skills development and in standardizing skills can ensure that skills are aligned with the national skills framework and possibly meet the ASEAN Qualifications Reference Framework.</p>	<p>Certificates obtained from the TPQI guarantee their quality of work, resulting in employers' satisfaction, increased wage and greater job security. Consequently, women migrant workers can be promoted to higher level positions in the workplace. In the long run, when they return to their countries of origin, they will have better employability as well.</p>
<b>7. Building one's agency, establishing collective voice and representation</b>	<p>Women migrant workers share information through their networks, but collective action to negotiate with employers and the Government is still rare.</p>	<p>Leadership and other relevant skills should be nurtured in women migrant workers through skills development trainings. Not only can they gain skills, but they can also have more opportunities to meet each other, which can strengthen migrant networks.</p>	<p>Increasing women's agency and strengthened migrant networks are key in empowering women migrant workers to voice their needs, especially in public forum, dealing with conflicts between employers and migrant workers in their workplaces, and playing a crucial role in advocating policy changes.</p>

Beyond the scarcity of skills development in countries of origin, women migrant workers also face difficulties in accessing skills development in Thailand, apart from on-the-job trainings. This is particularly the case for off-site skills development and skills recognition. Gender norms are a crucial impediment to women migrant workers accessing skills development, which regulate women migrant workers' self-perceptions, roles in unpaid care work at home and time management. They also have to cope with gender stereotypes in the workplace that segment them into particular jobs. As noted in the skills development framework for women's economic empowerment, this is clearly a key challenge. Promoting gender awareness to multistakeholders through gender-sensitive skills development can effectively tackle gender norms and ensure that women migrant workers have better outcomes in their lives, and gender equality can be achieved as noted in Table 14.

As more skills can lead to gains in wages, skills development trainings should be considered an effective tool to promote more opportunities for women migrant workers. Skills certification standards can help guarantee that they acquire skills that match demands in the labour market. Linking the standardization of skills with pay scales could encourage more participation in skills development. Increased wages may not guarantee career advancement, better work conditions, secure employment and life satisfaction, however. Discriminatory policies and practices need to be changed to ensure improvements in wage, job position, and responsibilities shall lead to gender equality between women and men migrant workers. Partnerships among stakeholders, including employers, civil society organizations, government organizations, the private sector and women migrant workers could advance this process.

Potential skills development mechanisms for women migrant workers require a national, international and regional multistakeholder partnership in Thailand and among countries. This rests on providing fundamental knowledge to women migrant workers to ensure that they can live safely in Thailand and understand their rights and sources of support for welfare, prevention of sexual harassment, conflict resolution and financial management.

Equal opportunities for employment and job positions for women and men migrant workers need to be in place. Competency-based employment should replace gender-based employment that sustains gender stereotypes and a gendered division of labour. Promoting competency-based employment and equality between women and men migrant workers requires regular provision of skills

development. Training curricula should be designed in accordance with the needs of employers and employees. Women migrant workers' needs should be taken into account in defining training topics, timing, duration and language.

A public-private partnership among stakeholders is key to developing knowledge and skills. This calls for building and strengthening employer and migrant networks to promote benefits for both employers and employees.

COVID-19 has impacted skills development for women migrant workers, especially new skills beyond their jobs. Yet one of the best ways for women migrant workers to survive the crisis is skills development. They can earn more money even if they are no longer employed in the same workplace, and new skills could become assets when they return to their home country.

## Policy recommendations

### A. TO THE GOVERNMENTS OF CAMBODIA, LAO PEOPLE'S DEMOCRATIC REPUBLIC AND MYANMAR

- Promote competency-based recruitment and employment to tackle gender stereotypes, emphasizing that women migrant workers can perform any tasks matched with their skills.
- Promote gender-specific social protection to support women migrant workers in all stages of migration and respond to their specific needs (e.g., access to sexual and reproductive health services).
- Provide basic knowledge about rights and welfare and Thai communication skills for migrant workers moving to Thailand. This could be offered in pre-departure trainings for workers in construction, hospitality, manufacturing and domestic work. Multistakeholder collaboration around a shared responsibility framework should be encouraged, involving government agencies, employers, recruitment agencies, skills providers and civil society organizations. All of these stakeholders should take part in the development and delivery of orientation and skills training for migrant workers.
- Promote gender equality in education to eradicate gender discrimination in schooling, and unequal access to education between men and women.



- Coordinate with multiple stakeholders (e.g., civil society organizations, international organizations, vocational institutes, ministry staff, employers, employee networks, etc.) to provide vocational training for women migrant workers.
- Ensure in the pre-departure stage that women migrant workers' skills are certified and align with the national framework and the ASEAN Qualifications Reference Framework.

## B. TO THE ROYAL THAI GOVERNMENT

- Promote competency-based recruitment and employment to tackle gender stereotypes, emphasizing that women migrant workers can perform any tasks matched with their skills.
- Promote gender-specific social protection to support women migrant workers in all stages of migration and respond to their specific needs (e.g., access to sexual and reproductive health services).
- Ensure that Thai and migrant workers are guaranteed, in law and practice, the right to earn a living wage without gender discrimination.
- Ensure that women migrant workers can get equal access to skills development, and that skills development responds to their needs.
- Ensure that women can obtain comprehensive, affordable, quality, gender-sensitive health-care and justice services, as well as sexual and reproductive health information and services on a non-discriminatory basis.
- Ensure equal wages between women and men migrant workers, and take action against employers who underpay their workers.
- End discrimination against migrant workers in the workplace. Enforce equality in wages, overtime pay and holiday pay in accordance with the Labour Protection Act B.E. 2541 (1998).
- Ensure that national funds and allocation of national budget for skills development of all workers in Thailand shall be migrant-inclusive in practice. The Department of Employment should promote mobility of migrant workers in skilled jobs in accordance with the labour market demand.
- Ensure that all labour and migration laws shall be rights-based and gender responsive truly and strictly enforced in reality and in all areas.

## C. TO EMPLOYERS AND EMPLOYERS' ORGANIZATIONS

- Participate and encourage their staff to participate in gender equality trainings, develop inclusive work environments, and implement the WEPS.
- Ensure that both women and men migrant workers can equally access competency-based employment and promotion.
- Ensure that once employees gain more skills, they are promoted and gain more wages and welfare. This requires mutual agreement and clear guidelines in advance on which enhanced skills are considered for higher wages or job promotion, and how evaluations will be conducted. Employers should clearly identify such skills and evaluation methods in their employment contracts.
- Promote women migrant workers to participate in skills development schemes at any time without reducing their wages, and offer incentives or attractive working and living conditions to workers who have gained new skills.
- Arrange for a nursery centre supporting day-care for children of migrant workers in an industrial estate or in a public common space of a community. Childcare support brings benefits for migrant families, especially women migrant workers, who are more likely than men to bear the burden of unpaid care work. This measure can increase women migrant workers' capacity to participate in skills development activities.

## D. TO CIVIL SOCIETY AND INTERNATIONAL ORGANIZATIONS

- Advocate for all women migrant workers to receive fair wages and the full protection of their rights.
- Play a crucial role in promoting the realization of benefits from skills development among employers and employees by taking stock of good practices. Support employers and government organizations in offering training programmes that enhance demand for migrant workers' skills, and improve working and living conditions.
- Include skills training for migrant workers among key services, and promote access for women migrant workers in particular to skills development programmes provided by other skills development providers.

## E. To UN AGENCIES AND DEVELOPMENT PARTNERS

- UN Women should work more on gender sensitization for relevant stakeholders to lay foundation of gender equality, basic understanding of gender sensitive-skills development, and gender responsiveness in migration.
- Other UN agencies and development partners should join hand with relevant stakeholders in strengthening policy advocacy efforts to promote gender equality in skills development for women migrant workers leading to poverty reduction.



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# Annex 1: Qualitative In-Depth Interview Note



# ANNEX 1: QUALITATIVE IN-DEPTH INTERVIEW NOTE

The objectives of this assignment are, first, to understand what are gender-based barriers and opportunities to women migrant workers from Cambodia, Lao People's Democratic Republic, and Myanmar to participate in skills development and skills recognition in target sectors: construction, manufacturing, hospitality, and domestic work in Thailand. Second, to understand what benefits participation in these schemes offers to women migrant workers who already participate in them.

The semi-structured in-depth interview research and observation shall be mainly applied in the data collection process. Open-ended questions are prepared for giving an opportunity for informants to present their personal experiences related skills development for women migrant workers in particular through their own viewpoints. There are three main sections as noted below:

## Section 1 Interview Note for Employers

### 1.1 INFORMATION ABOUT WOMEN MIGRANT WORKERS' EMPLOYMENT

- Number and proportion of women migrant workers from Cambodia, Lao People's Democratic Republic, and Myanmar in target areas
- Women and men migrant workers' job description, wage, employment characteristics (e.g., on a daily basis or on a monthly basis, full-time or part-time, etc.)
- Socio-cultural factors such as sex, age, nationality, and ethnicity likely impacting women migrant workers' employment and recruitment processes
- Skills gained from the country of origin

### 1.2 SKILLS DEVELOPMENT FOR MIGRANT WORKERS

- On-the-job skills development
- Skills on demand based on each sector

- Migrant workers' skills impacting career development (e.g., wage increase, job promotion, more welfare, better work conditions, etc.) and employers' business operations (e.g., improvement of efficiency and effectiveness)
- Skills development opportunities for migrant workers regarding ethnicity and gender
- Key supporting factors and key barriers to skills development for women migrant workers
- Women migrant workers' opportunities to career development
- Curricula and responsible units for skills development for migrant workers
- Appropriate modes of skills development to be developed as good practice guidelines
- Government and private sectors' roles in supporting skills development for migrant workers
- Skills development curricula on employers' demand and key supporting factors for permission to migrant workers' skills development
- Women migrant workers' knowledge and skills related to safety, conflict resolution, and sexual protection in the workplace
- Women migrant workers' knowledge and skills related to sexual and reproductive health

### 1.3 MIGRANT RIGHTS AND WELFARE

- Women migrant rights in employment
- Women and men migrant workers' experiences and right to maternal/paternal leave
- Education opportunities for migrant children in Thailand
- Measures for women migrant workers' safety, conflict resolution, and sexual protection in the workplace
- Sexual and reproductive health measures

- Employers' attitudes toward migrant workers' rights and welfare

## 1.4 IMPACT OF CORONAVIRUS DISEASE 2019 (COVID-19) ON EMPLOYERS AND MIGRANT WORKERS

- Overall situation of women migrant workers during the outbreak
- Impacts of COVID-19 on employers, migrant workers, and migrant families
- Prevention and protection measures for migrant workers in the organization
- Skills on demand and employers' possible approaches to skills development during COVID-19

## Section 2 Interview Note for Civil Society Organizations and Other Stakeholders (if any)

### 2.1 UPDATES ON WOMEN MIGRANT WORKERS

- Number and proportion of women migrant workers from Cambodia, Lao People's Democratic Republic, and Myanmar in target areas
- Women and men migrant workers' job description, wage, employment characteristics (e.g., on a daily basis or on a monthly basis, full-time or part-time, etc.)
- Skills and knowledge gained from the country of origin
- Women migrant workers' rights in employment
- Women and men migrant workers' sexual and reproductive health rights
- Education opportunities for migrant children in Thailand
- Updates and instructions of women migrant workers' safety, conflict resolution, and sexual protection in the workplace

### 2.2 SKILLS DEVELOPMENT

- Curricula and training contents related to skills development

- Barriers and opportunities to skills development for migrant workers
- Common problems during the process of skills development
- Benefits from skills development for women migrant workers

## 2.3 IMPACT OF CORONAVIRUS DISEASE 2019 (COVID-19) ON EMPLOYERS AND MIGRANT WORKERS

- Overall situation of women migrant workers during the outbreak
- Impacts of COVID-19 on migrant workers

## Section 3 Interview Note for Women Migrant Workers

### 3.1 WOMEN MIGRANT WORKERS' SKILLS DEVELOPMENT

- Skills acquired at the country of origin
- Skills acquired in Thailand
- Differences between women and men migrant workers' migration to Thailand
- Skills development opportunities for migrant workers regarding ethnicity and gender
- Differences between women and men migrant workers' skills development both in the country of origin and Thailand
- Skills impacting career development (e.g., wage increase, job promotion, more welfare, better work conditions, etc.) between women and men migrant workers
- Skills impacting gender roles in a household
- Key supporting factors and key barriers to skills development for women migrant workers
- Appropriate modes of skills development to be developed as good practice guidelines
- Skills development curricula on demand among women migrant workers and key supporting factors for their participation
- Women migrant workers' knowledge and skills related to safety, conflict resolution, and sexual protection in the workplace

- Women migrant workers' knowledge and skills related to sexual and reproductive health

### 3.2 MIGRANT RIGHTS AND WELFARE

- Migrant rights in employment
- Women and men migrant workers' experiences and right to maternal/paternal leave
- Education opportunities for migrant children in Thailand
- Additional rights and welfare required by women migrant workers

### 3.3 IMPACT OF CORONAVIRUS DISEASE 2019 (COVID-19) ON MIGRANT WORKERS

- Employment situation during the outbreak
- Impacts of COVID-19 on women migrant workers and their families
- Skills on demand among women migrant workers during the outbreak
- Impacts of the outbreak on gender roles in a household



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## Annex 2: Quantitative Survey Questionnaire



# ANNEX 2: QUANTITATIVE SURVEY QUESTIONNAIRE

Please read the following to respondents at the beginning of the interviews:

The objectives of this survey questionnaire are, first, to understand what are gender-based barriers and opportunities to women migrant workers from Cambodia, Lao People's Democratic Republic, and Myanmar to participate in skills development and skills recognition in target sectors: construction, manufacturing, hospitality, and domestic work in Thailand. Second, to understand what benefits participation in these schemes offers to women migrant workers who already participate in them.

Please answer the questions honestly and in accordance with the actual situation of your work conditions and employment, assisting the surveyor earnestly to complete the questionnaire. We will strictly follow the Statistics Law and keep any personal information that you provide confidential. Thank you for your cooperation.

## Section 1 Basic Information

1. Section

☐ Construction    ☐ Manufacturing    ☐ Hospitality    ☐ Domestic Work

2. Province

☐ Bangkok    ☐ Chiang Mai    ☐ Chonburi    ☐ Samutsakhon

3. Age .....

4. Nationality

☐ Cambodia    ☐ Lao People's Democratic Republic    ☐ Myanmar

5. Ethnicity, please specify .....

6. Highest level of education completed

☐ Below Primary School    ☐ Primary School    ☐ Junior High School

☐ Senior High School/Vocational Certificate    ☐ Diploma/High Vocational Certificate

☐ Bachelor's Degree    ☐ Master's Degree and Beyond

☐ Other, please specify .....

7. Marital status

- ☐ Married                      ☐ Separated                      ☐ Divorced  
☐ Single                      ☐ Widowed

8. Employment Status of Spouse

- ☐ Unemployed                      ☐ Daily Full-Time                      ☐ Monthly Full-Time  
☐ Daily Part-Time                      ☐ Monthly Part-Time

9. Number of Children .....

10. Period of Residence in Thailand ..... Year(s) ..... Month(s)

## Section 2 Employment Situation

11. Recruitment Type

- ☐ MOU                      ☐ Pink Card                      ☐ Other, please specify .....

12. Have you ever worked in the specified sectors?

- ☐ Never                      ☐ Yes, please specify .....

13. Starting Position ..... Wage ..... THB per Day / per Month

14. Present Position ..... Wage ..... THB per Day / per Month

15. Work Hour in Total .....

16. Wage Payment Basis

- ☐ Weekly                      ☐ Half-Month                      ☐ Monthly  
☐ Other, please specify .....

17. Years' Experience at the Present Company ..... Year(s) ..... Month(s)

18. How did you hear about this position?

- ☐ Spouse                      ☐ Relatives                      ☐ Friends                      ☐ Recruitment Agency  
☐ Job Advertisement                      ☐ Other, please specify .....

19. Factors in Career Change (check all that apply)

- ☐ Wage                      ☐ Welfare                      ☐ Skills Development  
☐ Career Development                      ☐ Opportunity to Stay Close to Family Members  
☐ Other, please specify .....

20. Is there a difference in the process of application for Thailand work permit between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

21. Is there a difference in the application fee between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

22. Is there a difference in employment opportunities between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

23. Is there a difference in job position between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

24. Is there a difference in wage for the same position between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

25. Is there a difference in work hour per day between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

26. Does work hour affect different amount of wage between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

27. Is there a difference in career development between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

28. Is there a difference in promotion opportunity between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

29. Is there a difference in wage adjustment between men migrant workers and women migrant workers?

☐ No ☐ Yes because ..... (if any)

### Section 3 Rights and Welfare

30. Do you have social insurance?

- ☐ No ☐ Yes, please specify .....

31. Who is responsible for accident expenses at work?

- ☐ Social Security Office ☐ Employer  
☐ Migrant Worker ☐ Both Employer and Migrant Worker  
☐ Other, please specify .....

32. Which supports do you receive? (check all that apply)

- ☐ Accommodation Costs ☐ Shuttle Bus  
☐ Food Expenses ☐ Water Bill  
☐ Electricity Bill ☐ Days on Leave  
☐ Vacation Leave ☐ Bonus  
☐ Overtime Wage ☐ Funds  
☐ Other, please specify .....

33. Which ones of the following obstruct your routine employment?

- ☐ Pregnancy ☐ Access to Childcare Services  
☐ Unpaid Care Work ☐ Other, please specify .....

34. What do you receive for delivery support?

- ☐ Delivery Expenses (13,000 THB)  
☐ Leave Allowance (50% of wages in average (No Less than 15,000 THB))  
☐ The Number of Maternal Leave (No More than 98 Days)  
☐ The Number of Paid Days during Maternal Leave (No More than 45 Days)  
☐ Job Rotation during Pregnancy  
☐ Task Changing during Pregnancy

35. In which country does your child/children stay?

- ☐ Thailand ☐ Country of Origin ☐ Other, please specify .....

36. Does your child/children get access to Thai educational system?

- ☐ Yes ☐ No ☐ No Information



37. How does your employer provide educational support for your child/children?

- ☐ No Support
- ☐ Document Preparation
- ☐ Tuition Assistance
- ☐ Other, please specify .....

38. Which one of the following is what you know about rights and welfare?

38.1 Employment Rights

- ☐ Equal Treatment
- ☐ Regular Work Hour
- ☐ Overtime Work
- ☐ Work on Holiday
- ☐ Rest Periods
- ☐ Holidays
- ☐ Leave Days
- ☐ Wage
- ☐ OT Wage
- ☐ Compensations

38.2 Social Security Benefits

- ☐ Health Services
- ☐ Social Security Fund
  - ☐ Sickness or Accident
  - ☐ Disability
  - ☐ Death
  - ☐ Delivery
  - ☐ Child Supports
  - ☐ Retirement
  - ☐ Unemployment
- ☐ Compensation Fund
  - ☐ Work-Related Hazards and Accidents
  - ☐ Work-Related Sickness
  - ☐ Work-Related Disability
  - ☐ Work-Related Disappearance
  - ☐ Work-Related Death

### 38.3 Health Insurance Benefits

☐ Health Insurance Benefits

### 38.4 Other Rights and Benefits

☐ Other, please specify .....

39. From which source of information did you learn about this information?

☐ Workplace

☐ Recruitment Agencies

☐ Post-Arrival and Re-integration Centers for Migrant Workers

☐ One Stop Service (OSS) Centers

☐ Department of Skill Development

☐ Social Security Office

☐ Government Agencies in the Country of Origin

☐ CSOs

☐ Migrant Networks

☐ Family Members

☐ Other, please specify .....

## Section 4 Training Backgrounds

40. Have you ever been trained in the country of origin?

☐ Yes

☐ No

41. Skills development curricula in the country of origin, please specify .....

Basic Skills	Technical Skills			
	Construction	Manufacturing	Hospitality	Domestic Work
Rights & Welfare	Plastering	Sewing	Service Mind	Cleaning
Safety	Tiling	Quality System (GMP/HACCP/ISO/5S)	Cleaning	Cleaning Equipment
Language	Cement Mixing	Machine Maintenance	Bed-Making	Laundry
Cultural Adaptation	Brick Laying	Machine Control	Cooking	Gardening

42. Have you ever been trained in Thailand?

☐ Yes

☐ No

43. Skills development curricula in Thailand, please specify .....

Basic Skills	Technical Skills			
	Construction	Manufacturing	Hospitality	Domestic Work
Rights & Welfare	Plastering	Sewing	Service Mind	Cleaning
Safety	Tiling	Quality System (GMP/HACCP/ ISO/5S)	Cleaning	Cleaning Equipment
Language	Cement Mixing	Machine Maintenance	Bed-Making	Laundry
Cultural Adaptation	Brick Laying	Machine Control	Cooking	Gardening

44. How did you participate in skills development trainings? (check all that apply)

☐ In-House Training by In-House Trainer

☐ In-House Training by External Trainer

☐ External/Off-Site Training

☐ Other, please specify .....

45. Who defrays the cost of the training? How much? Please specify.

☐ Government

☐ Employer (..... THB)

☐ Migrant worker (..... THB)

☐ Both yourself and the employer (..... THB)

☐ Other, please specify .....

46. Do you get paid during the training?

☐ Fully Paid

☐ Partially Paid

☐ Unpaid

47. Training Period ..... hour(s) per day for ..... day(s)

48. Factors involved in participation in skills development (check all that apply)

☐ Not Interested

☐ To increase income

☐ To promote career development

☐ To Acquire Better Work Conditions

- ☐ To Sustain Security in Employment
- ☐ To Improve Working Skills
- ☐ To Meet the Company's Criteria
- ☐ Other, please specify .....

49. What are barriers to your participation in skills development trainings?

49.1 External Factors

- ☐ Discordance between Job Position and Curricula
- ☐ Sufficiency of On-Site Trainings
- ☐ Sufficient Trainings Provided by Spouse and Relatives
- ☐ Overlapping of Work Hours and Training Sessions
- ☐ Deduction of Full Amount of Wage
- ☐ Inconvenience in traveling
- ☐ Lack of Information
- ☐ Legal Barriers
- ☐ Employer's Anxiety about Migrant's Legal Status
- ☐ Migrant Worker's Anxiety about their Own Legal Status
- ☐ Unmanageable Timetable Clash with Unpaid Care Work at Home
- ☐ Language Barrier
- ☐ No Certification

49.2 Internal Factors

- ☐ Stereotype of Women's Learning Inability
- ☐ Stereotype of Women's Physical Conditions
- ☐ Simple Tasks without Further Training Requirement
- ☐ Preservation of Male-Only Tasks
- ☐ Lack of Friend or Accompanier

49.3 Other Factors (if any)

- ☐ Other, please specify .....



50. Is there a difference in skills development opportunities between men migrant workers and women migrant workers?

☐ No ☐ Yes

51. Is there a difference in skills development curricula provided for men migrant workers and women migrant workers?

☐ No ☐ Yes

52. Please specify a skill in need for your better employment opportunity.

☐ No ☐ Yes

Please specify .....

53. Please specify a skill in need during the outbreak of COVID-19.

☐ No ☐ Yes

Please specify .....

54. To what extent do you know how to protect yourself from sexual harassment? (1 for the least, 10 for the most)

☐ No ☐ Yes

1	2	3	4	5	6	7	8	9	10
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55. To what extent does the company promote the prevention of conflict in workplace? (1 for the least, 10 for the most)

☐ No ☐ Yes

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

56. To what extent does the company provide information about financial management for migrant workers? (1 for the least, 10 for the most)

☐ No ☐ Yes

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

57. To what extent does your participation in skills development trainings improve the level of your skills? (1 for the least, 10 for the most)

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

58. To what extent does your work expertise promote more wage? (1 for the least, 10 for the most)

1	2	3	4	5	6	7	8	9	10
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59. To what extent does your work expertise encourage job promotion opportunities? (1 for the least, 10 for the most)

1	2	3	4	5	6	7	8	9	10
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60. To what extent does your work expertise improve the work conditions? (1 for the least, 10 for the most)

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

61. To what extent does your work expertise ensure the security of employment? (1 for the least, 10 for the most)

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

62. How good is your living quality in your country of origin? (1 for the least, 10 for the most)

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

63. How good is your living quality in Thailand? (1 for the least, 10 for the most)

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

64. How good is your work condition in the country of origin? (1 for the least, 10 for the most)

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

65. How good is your work condition in Thailand? (1 for the least, 10 for the most)

1	2	3	4	5	6	7	8	9	10
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Remark:

- (1) Question no. 62-65 refer to the index of quality of living of migrant workers, including (1) life expectancy, (2) education, and (3) per capita income, based on the Human Development Index (HDI).
- (2) Scale used in question no. 54-65 refers to a satisfaction scale (as shown below) developed from the “Wong-Baker Faces Pain Rating Scale”, used for assessing a person’s pain. The level of survey respondents’ feeling shall be reflected through the use of this satisfaction scale.

Satisfaction Scale<sup>10</sup>





10. Adapted from Wong et al. (2005: 1259).

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