



Safe and Fair Migration: A Feminist Perspective of Myanmar Women Migrant Workers in Mae Sot Garment Factories on Women's Rights to Mobility and Work



A Feminist Participatory Action Research Project



Global Alliance Against Traffic in Women

Safe and Fair Migration: A Feminist Perspective of Myanmar Women Migrant Workers in Mae Sot Garment Factories on Women's Rights to Mobility and Decent Work

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Photo Credit: MAP Foundation

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GAATW and the Research Partners stand by the process and findings from the researches. Views and Opinions expressed in this report do not necessarily reflect the views of Women's Fund Asia.

About GAATW's Feminist Participatory Action Research Project on Safe and Fair Migration in Asia

In 2018-2019, the International Secretariat of the Global Alliance Against Traffic in Women (GAATW-IS), in collaboration with eleven organisations across nine countries in Asia carried out a Feminist Participatory Action Research (FPAR) focusing on 'Safe and Fair Migration: A feminist perspective on women's rights to mobility and work'.

In our study, FPAR is used as a framework and approach to capturing women migrants' complex realities and perspectives on labor and migration. What distinguishes FPAR from conventional research is that it is deliberately women-centered and participant driven, the knowledge comes from the women (community) and owned by them, and based on their lived experiences, the research participants propose solutions so the research results become a tool to collectively organize advocacy actions. Therefore, this is an outcome of deconstructing the dominant understanding of safe migration and fair migration and reshaping the concepts from a feminist perspective. We believe our approach of building knowledge from ground up and creating evidence base will add value in addressing the structural causes of power disparities that affect women's migration and mobility.

Our research community ranges across South, Southeast, and West Asia offering views from both countries of origin and destination, as well as adding the perspective of internal migration from rural to urban areas. Three distinguished sectors of work are covered in this study including domestic work, garment industry, and entertainment work.

The lead researcher groups who facilitated discussions with women migrants include Anti-Racism Movement (Lebanon), Cambodian Alliance of Trade Unions (Cambodia), International Domestic Workers Federation (Lebanon), Karmojibi Nari (Bangladesh), Legal Resources Center for Gender Justice and Human Rights (Indonesia), MAP Foundation (Thailand), Sandigan (Kuwait), Self Employed Women's Association (India), Society for Labour and Development (India), Women Forum for Women in Nepal (Nepal), and an independent researcher based in Jordan.

"Two people will shout as much as they can. But ten people are louder than two."

Borrowing from one of our FPAR research participants' words, we hope each piece of our collective study will help amplify women migrant workers' voice to bring about structural change for a safe and fair migration that works for women.

GAATW-IS gratefully acknowledges the support of Women's Fund Asia in conducting this research project. A consolidated regional report and the country research briefs are available on the GAATW (www.gaatw.org) website.

FOREWORD TO THE 'SAFE AND FAIR' RESEARCH SERIES

In the past several decades neoliberal globalisation, increasing inequality between and within countries, conflict, climate change and environmental degradation have prompted unprecedented levels of migration. We are seeing a major trend towards increasing internal migration and urbanisation within countries – by 2050, the global population living in urban areas is expected to reach 66 per cent. Meanwhile there are around 250 million international migrants worldwide, of whom half are women. In some destination countries, demographic, labour market and economic changes (the privatisation of public services, aging societies, women's increasing participation in the workforce) have created a demand for care and service sector work, with an expectation that this demand will be filled by low-wage female workers, in the domestic, care, manufacturing and entertainment sectors. In origin countries, climate change, economic restructuring and industrialisation have led to the loss of traditional livelihoods, agricultural decline, environmental degradation, wage stagnation and a growth in precarious work – resulting in gross inequalities, and creating push factors for women to seek alternative income generating activities, including through migrating for work.

While these structural changes play a huge role in shaping “push and pull factors” for migration, it needs to be acknowledged that women are not merely passive agents in their migration, but that for many, migration is a way of asserting agency and finding freedom from patriarchal societal norms. Many women choose to migrate in order to see the world and gain new experiences, find economic opportunities, to be able to support families and to exercise autonomy and social independence. Despite the many risks and the challenges in accessing information about migration processes and opportunities, women continue to migrate all over the world, including from marginalised communities and rural villages. However, there is a lack of recognition of migration as a right, and of women workers as independent economic actors. States' labour migration policies are broadly missing a human rights and gender-transformative approach to migration and work.

Activists on the left have long critiqued the exploitative nature of some cross-border labour migration schemes that employ workers on poverty wages in substandard conditions, while outsourcing the costs of social reproduction to countries of origin. In the past 20 years, feminists, including GAATW, have tried to bring attention to the particular discrimination and risks created for women migrants by laws and policies governing, and failing to govern, labour migration. Although such initiatives have tried to stress women's perspectives, the conversation about migration has sometimes backfired and produced unintended consequences. Governments of origin and destination countries have in some instances responded not by making migration protective of human rights, but by curbing it through restrictions on women's mobility on the basis of age, marital status, pregnancy and maternal status, and category of work, especially for low-wage workers, and increasing border controls. Much of this is done with the supposed aim of 'protecting' women from trafficking and exploitation; however, what these protectionist restrictions have done is open up a market for clandestine and debt-financed migration, creating or exacerbating the very vulnerability, violence, and exploitation they were intended to prevent. While non-governmental organisations (NGOs) have tried to bring issues of human rights to the table, they have, perhaps unintentionally, contributed to the repressive government agendas. Some anti-trafficking NGOs perpetuate narratives and images of migrant women as victims, and

infantilising women by portraying them as inherently vulnerable and in need of protection. As a feminist alliance, GAATW sees its role as supporting the empowerment of migrant women to move and work safely and with dignity. This feminist participatory action research project is our collective effort to deconstruct and reshape a narrative of labour migration that is safe and fair for women workers, especially those in the most marginalised segments of society. We hope that this study serves as evidence to fight for the rights of migrant workers and amplify women's voices in the local, regional, and international migration agenda.

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1.Executive Summary

The research is conducted in order to explore living and working experiences of migrant women garment factory workers from Myanmar across the border in Mae Sot in Thailand. The research reveals the denial of basic labour rights such as access to primary healthcare services, social security, right for mobility and resistance to migrant women from Myanmar. The research specifically examines on how informal systems of employment relationships between employers and migrant workers aggravate violations of migrant workers' rights, and how traditional gender norms shape the way women react to the challenges they face. The research utilizes FPAR (Feminist Participatory Action Research) method through which both women participants and the lead researcher cohesively discuss various aspects of migrant issues from a feminist perspective.

Keywords: migrant, labour, migrant worker, migrant women, migration, Myanmar, Thailand, rights, document, low wage, exploitation, resistance, mobility.

2. Introduction

There is a large number of Myanmar workers migrating for work to Mae Sot, a border city particularly close to Myawaddy in Myanmar a special economic zones of Thailand. Mae Sot, is divided by a small river between two countries and allows migrants to enter through several illegal routes. Due to economic reasons, many Myanmar migrants enter Mae Sot through irregular means and get employed in several informal sector jobs. Mae Sot has plenty of foreign investment and several informal occupations such as agriculture, factory work, and construction work, that require a massive labour force. We seek to probe how women migrants from Myanmar experience living and working in Mae Sot throughout their migration trajectory and especially how they move from being undocumented to documented workers. Despite the common belief that having documents will grant migrant workers' safety, women garment workers in Mae Sot frequently face conditions that are far from safe or just. For the employers, facilitating documentation procedures of the blue-book, a term used to refer to the border pass for migrant workers become a means to establish control over migrant and to restrict their mobility once they are in Mae Sot. The migrant workers do not get access to social welfare especially health coverage and are not allowed to travel outside Mae Sot.

This study is important also because the garment factories in Mae Sot receive work sub contracted out by factories in central Thailand or the capital city, Bangkok, that export products to larger global or multinational companies. Garment industry is considered one of the largest and most profitable export industries of Thailand. The value of Thailand's exports of garments and textiles has fluctuated over the years due to market forces. Migrant workers face many unjust working conditions and violation of basic labour rights at the workplace, despite being employed in the garment factories that are an integral parts of wider regional and global production networks and are connected with each other through formally contract. Under this capitalist system where maximizing profit outweighs workers' rights and well-being, employers want a pool of cheap labour and do not want to invest in workers. The employers exploit and benefit from migrants' vulnerability arising from their family circumstances and social status. Migrants experience different kinds of mobility trajectories, working conditions, and social and family circumstances which in turn shape their decisions as migrant workers living in Mae Sot. Their day-to-day working routines and their life circumstances limit their ability to reflect on their own lived experience in terms of their access to social justice and security.

The research was conducted in order to explore migrant women's livelihoods and living condition in the host country and to understand how aspects of these experiences were made safe or unsafe and how and in what circumstances their rights were violated. The research sought to provide a safe space for women to reflect on their own migration and working experiences and articulate their ideas regarding how migration could be made safe and fair by discovering linkages between their own circumstances and conditions of work in Mae Sot. The research also sought to find out what were the changes migrant women workers would like to see in place in order to cope with challenges they face and improve their situations.

3. Background of Myanmar migrants' status in Mae Sot, Thailand

Myanmar migrants make up 82% of all migrant workers including migrant workers from such countries as Cambodian and Laos.¹ Memorandums of Understanding (MOUs) signed between Myanmar and Thailand have further increased the number of migrant workers entering into Thailand.² According to the statistics in 2016, over 97,000 workers were sent to Thailand under MOUs.³ These migrants are employed in low-skilled informal jobs such as fishing, farming, construction, manufacturing, domestic work and other services.

Labour shortage is one of the main reasons for why Thailand allows large scale migration from its neighbouring countries. Thailand has a large demand for migrant workers for manufacturing industries which contribute to economic growth. Myanmar, on the other hand, has suffered on account of political instability, poverty and lack of social security, therefore many people have been driven to migrate to Thailand in search of livelihoods and better opportunities than are available at home. There has been sustained migration of Myanmar women because Thailand has a continuous demand for cheap and unskilled labour for hire in several industries.⁴

Many Myanmar migrant workers acquire jobs in Mae Sot and Chiang Mai where several types of informal jobs are available. Mae Sot, being a border city, is especially accessible as migrants can even get a one-day border entry pass from Myawaddy across Thai-Myanmar Friendship Bridge. Due to its location, and to benefit from the availability of cheap migrant workers from Myanmar, many factories have been set up in Mae Sot. Although there has not been any official report or statistics about the number of migrant in Mae Sot area, it has been estimated by non-governmental organisations that 70 percent of migrant workers in Mae Sot are women from Myanmar. Most of them are employed in textile, garments, cement, food processing and ceramics factories.⁵

¹ According to the statistics from Office of Foreign Workers Administration, Department of Employment, Ministry of Labour of Thailand, in 2016.

² ILO. (2016). *Triangle II Quarterly Briefing Note*. Thailand: author.

³ Shine, H. (2017). Most Myanmar migrant workers went to Thailand in 2016. Eleven Media.

⁴ Chantavanich, S., & Vungsiriphisal, P. (2012). Myanmar migrants to Thailand: economic analysis and implications to Myanmar development. *Economic reforms in Myanmar: pathways and prospects*, 213-280.

⁵ Arnold, D. (2005). The situation of Burmese migrant workers in Mae Sot, Thailand. *Asian Transnational Corporation Outlook 2004: Asian TNCs, workers, and the movement of capital*, 287.

4. Literature Review

a. Women migrant workers' situation

One of the main reasons for why Myanmar women migrant workers migrate to Mae Sot in Thailand was to get jobs and earn higher income. Myanmar women in rural areas find it difficult to get jobs in their hometowns as cultivation is the main livelihood. The society's gender norm towards women represents them as weak and subordinate and limits them largely to working in the rice fields. They are told to stay at home and do house chores for the family. The unstable political condition of the country under the military regime, on the other hand, stifled economic development and investment within the country, thereby reducing employment opportunities. Local factories though they do employ some women, are far too few compared to the large labour supply.

Therefore, women from Myanmar have been flocking to Thailand which was happy to receive cheap migrant labourers from its neighboring countries in order to cope with its labour shortage problem. As many local Thai people themselves migrate to other countries in the Middle East and East Asia in search for better jobs with higher wage payment, the country has faced a shortage of labour in production sectors which are crucial to maintain its economic growth.⁶ Moreover, the wage in factory jobs are significantly higher in Thailand compared to Myanmar. According to 2013 statistics in both countries, Myanmar garment factories paid 2600 MMK (2.35 USD)⁷ per day, while Thailand paid 300 THB (9.45 USD)⁸ which is more promising for the financial well-being of migrant families.

Despite their hopes to improve their livelihood conditions, Myanmar women who decided to migrate to Thailand face many challenges. Regardless of legal regulations, Myanmar migrant women who are working in garment factories in Mae Sot are found in the most disadvantaged and exploited position at work. They are paid below the legal minimum wages and made to work long hours in poor working condition without legal protection such as access to primary healthcare and social security.⁹ Earning below the legal minimum daily wage is the biggest problem migrant women face. Myanmar migrant women working in the garment factories in Mae Sot struggle every day to be able to earn money to support their own daily and monthly expenses as well as that of their families'. Migrant women spend their income on food, housing, communication, healthcare and other basic expenses, while they also send some remittance back to their families in Myanmar. Women whose family member also migrated to Mae Sot including parent and siblings as well as those who got married and have children living with them, face increased financial burden.

Lack of proper documentation and precarious employment in the informal sector are the main factors that make migrant women workers more vulnerable to being exploited by employers in term of wage, working condition and mobility. As Mae Sot is close to the border with Myanmar, it witnesses the inflow of a large number of cheap and unskilled labours and makes it easy for factories to hire irregular migrants exploit their situation by denying their rights. Employers do not pay the legal minimum wage and moreover, deduct documentation, accommodation and food cost from the migrant workers' salary each month.

Migrant women are exposed to dual vulnerability, as migrants and as women. The migrant women who do not obtain a legal status are the most likely to find themselves in vulnerable situations. They may be treated unequally from males in their workplace, in terms of wage and types of employment

⁶ Chantavanich, S. and Vungsiriphisal, P. (2012). "Myanmar Migrants to Thailand: Economic Analysis and Implications to Myanmar Development" in Lim, H. & Yamada, Y. (eds.) *Economic Reforms in Myanmar: Pathways and Prospects*, BRC Research Report No.10, Bangkok Research Center, IDE-JETRO, Bangkok, Thailand.

⁷ Huynh, P. (2016). Employment and wages in Myanmar's nascent garment sector. *ILO Regional Office for Asia and Pacific, Bangkok*.

⁸ Parker, J. (2013). Thailand Introduces Nationwide Minimum Wage'. *The Diplomat*, 11.

⁹ Punpuing, S., Caouette, T., Panam, A., Zaw, K. M. K., & Suksinchai, S. (2005). Migrant domestic workers: from Burma to Thailand.

and social protection. Migrant women are able to get jobs in Thailand but are unable to engage with the broader social and political structures. First of all, married migrant women have to divide time between paid work in factories and unpaid work at home, which includes house-chores and taking care of children. This becomes a barrier to full participation in the employment. But migrant women are also culturally expected to financially support their families which makes them feel responsible for the family well-being.

b. Migrant Labour Management Policy Royal Decree and its Impacts on Migrant Workers

The new migrant labour management law, officially called the 'Thailand Foreign Workers Employment Management Royal Decree', was announced in June 2017 and had as its objectives improving the management of entry of foreign workers and employing them efficiently in Thailand. Through this new regulation the Thailand government seeks to tackle human trafficking, illegal border crossing and worker abuse problems, which the international community has raised. The law enforces clear responsibilities for employers and employment agencies who bring in foreign workers to Thailand. The law stresses on authorizing workers' admission through the legal process and makes employers or the authorized employment agencies to be responsible for the recruitment and entry of the workers. The employers are required to work with the employment agencies to recruit workers and to agree that on hiring the employee they will provide the required legal paperwork and contracts which are required to sanction work permits for employees when they enter Thailand. The law also encourages authorities to manage workers' condition in workplace to prevent work abuse and trafficking.¹⁰

Regarding the regulations enforced by the new royal decree, migrant workers face challenges in following complex legal procedures to obtaining proper documents as well as difficulties in pursuing employment, while abiding by regulations addressed to them. They lack information about the legal documentation processes and, sometimes, on the advice of their employers, migrant workers receive help from brokers. Regulations have been changed frequently and there have been no campaigns to create public awareness about them therefore migrant workers suffer from lack of awareness of the updated rules. The difficulties faced by workers are compounded also by their lack access to bureaucratic service. Workers face difficulties at each step of the migration process, including obtaining documents for entry into Thailand after recruitment and then the process of registration in Thailand, which is required to obtain social protection as workers. They are exploited by brokers and employers owing to lack of access to information, lack of financial resources necessary to accomplish these requirements and because they lack the time necessary to pursue these procedures.¹¹

The new regulations urging migrant workers to obtain proper document has created room for more exploitation of workers by brokers and employers. The new regulations focus on the 'threat' perception associated with migrant workers to national security in Thailand and to the national 'image' at the cost of recognition of the benefits and the contributions migrant worker Thailand's economy. The new law will be unable to tackle the issue of human trafficking and to create routes for safe migration that would enable migrant workers to contribute more effectively to the economy unless it focuses on the long-term benefits of employment of migrant labour and creates a secure beneficial employment environment for them. Towards this end, the registration system must be implemented in ways that would enhance migrant labour rights and welfare. Without an effective mechanism for legal actions against exploitation and corruption, it is doubtful whether this new law.

MOU (Memorandum of Understanding) System

There are two primary channels under the MOU system to register workers with a passport and work permit. First is recruiting workers through recruitment agencies in Myanmar which identifies an

¹⁰ Migrant Working Group. (2017). *Statistics, Policies and Laws related to Migrant- June -October 2017*.

¹¹ Hall, A. (2012). Myanmar and migrant workers: briefing and recommendations. *Mahidol Migration Center Institute for Population and Social Research Mahidol University, Bangkok*.

employer prior to entry in Thailand and another is through the Nationality Verification System for migrants who are already in Thailand with an employer which allows them to obtain temporary passports and work permits. Workers who enter from Myanmar are recruited by local employment agencies. Employers make requests for the number of workers they want and employment agencies recruit accordingly. When the workers recruited are approved by the employers, the employment agencies submit their names to the Office of Foreign Workers Administration which is referred to Thailand Foreign Workers Administration, Department of Employment. The MOU allows authorized employment agencies to work with the migrant workers to get registration in Thailand and admission to their workplace or permission from their Thai employers.¹² The National Verification process allows undocumented workers who are already in Thailand to go back to their hometowns and return with the necessary documentation and if not, to work with brokers to get documentation. But this is easier said than done for the undocumented workers. The National Verification process is a complex and costly process for the Myanmar migrant workers. First of all, they must have national IDs and many other legal documents such as household certificate and recommendation letters from civil administration department and so on. If they do not have those legal documents in hand, they have to apply for the same which involves further processes and costs money as well as time. To enter and work in Thailand, just passing the National Verification process and obtaining a temporary passport is not enough. Workers must go through another process called 'formal verification process for employment' where the employment agencies connect the migrants with employers. After employers agree to the admission of the workers and the employment agencies receive required permits and documents from the employers, the workers can apply for non-immigrant visa in Thailand which is for a duration of two years¹³.

After the workers are admitted to work in Thailand, they are required to apply for work permit and follow the regulations of the immigration office and labor ministry in Thailand. By the regulations, the migrant workers are required to report on their residency status every 90 days, report on changing residency within 24 hours, apply for re-entry before going back to Myanmar, and report on change in employers and get permission to travel outside of province for the concerned authority; if it's required by local authorities' regulations. However, many migrant workers fail to do so, sometimes, unintentionally.

Workers who arrive under the MOU system are entitled to full legal rights including legal minimum wage, over-time shift, acquiring leave and social security as well as health insurance from their work. But for undocumented workers already working in Thailand, it is a complicated and costly process to go back and start the process. Some workers who acquired legal documents and entered under the MOU system choose to go to Bangkok to work. The main reason is because employers in Mae Sot do not hire MOU workers as they do not want to grant them full legal rights and as a way to avoid the costs for documentation process. Instead of going through the MOU system, workers can apply for the blue-book or temporary border pass document at the border immigration office only with their Myanmar identification cards. Migrants can apply for work-permit with the border pass after undertaking health screenings and buying health insurance. Still, the costs for worker to enter Thailand and get legal employment are high as it includes charges incurred to get identification card, border card registration, work permit, health checkups as well as broker fee and transportation costs.

Particularly in Mae Sot, which is a special economic zone, Thailand and Myanmar agreed to issue Temporary Border Pass and allow migrant workers to apply for work-permit with it. Migrants only need their Myanmar national verification cards to apply for the border pass. Undocumented workers who are already working and staying in Mae Sot or workers who obtained documentation under

¹² Union Aid Abroad-APHEDA. (2017). *Migrant workers in Thailand under the new decree*. Retrieved from: <http://apheda.org.au/migrant-workers-thailand/>.

¹³ Vasuprasat, P. (2010). *Agenda for labour migration policy in Thailand: Towards long-term competitiveness*. Bangkok: ILO.

Thailand's previous registration system may return to Myawaddy by boat and re-enter Mae Sot after obtaining the temporary border pass or so called 'blue book'.

After migrants arrived in Mae Sot, employers can register work permits for them within 15 days. Employers typically work with brokers both to apply for work permit and to extend documentation. Migrant workers go through health tests for the process. Migrant workers are required to extend their work permit every three months and renew their book once a month.

There is no regular recruitment process involving recruitment agencies for Myanmar migrant workers in Mae Sot. Some migrants enter Mae Sot after learning about work opportunities from their friends or relatives and some enter and look for jobs in factories by themselves. The research participants also entered Thailand after learning about the jobs available in garment factories from their friends and relatives who work there.

c. Review of social justice movements

Regarding Myanmar women's labour migration issues, a women's rights organization like MAP Foundation has been working on empowering women to increase their knowledge about labour rights and welfare issues such as regarding health, educational as well as women rights to enable them to understand their rights and challenge injustice.

On the basis of its interventions to educate migrant women from Myanmar across Thailand, MAP is part of a social justice movement. MAP organizes women and initiates discussions on several topics related to women's rights, labour's rights, and health issues. By this mean, MAP aims to provide a space for women to speak about their struggles and their views and to gain new knowledge and perspectives. Through organizing, women gain leadership skill, get involved and contribute to making changes within their own communities. This kind of movement develops migrant women's collective power which is channeled into addressing issues and making changes.

MAP Foundation has also been increasing awareness of Myanmar migrant labour issues through collaborating with other organizations that work for labour's rights and women's rights. MAP worked with APWLD (Asia Pacific Forum on Women, Law and Development) to highlight the issue of living wages for Myanmar migrant workers in Thailand. Through this, MAP foundation addressed issues of unequal pay between male and female workers, lack of labour and social protection and the burden of the documentation process that falls on the migrant workers. Labour rights organizations have been addressing the negative impacts of this new labour management royal decree, 2017 towards Myanmar migrant workers and demanding an effective and appropriate registration system for migrants and an effective policy that provides safe migration and secure human rights.

Other labour rights organizations in Mae Sot such as HRDF's (Human Rights Development Foundation) Mae Sot Law Clinic and Yong Chi Oo as well as MAP Foundation provides legal assistance for migrant workers to access and protect their rights or reports exploitation through legal processes. These organizations also educate migrant workers about labour rights and safety at workplaces. Yet, there is a limit to whether they can offer legal support for migrants who face exploitation. If migrants do not understand their own rights or do not want to discuss or report exploitation, these organizations cannot force them or interfere with their decisions. Yet, these organisations engage with migrant workers to help address exploitation at workplaces and demand rights and better working condition.

5. Rationale for conducting current research and Research Questions

Previously, MAP Foundation has conducted research on the migration process and work condition of Myanmar migrant workers' in Thailand. In 2014, we published a report focusing on Myanmar migrant workers in the context of the Clean Clothes Campaign, "Myanmar Workers in Thailand's Garment Factories" which revealed labour rights violation and exploitation within factories in Mae Sot. Another research conducted in 2017 was our first Feminist Participatory Action Research with Asia Pacific Forum on Women, Law and Development (APWLD) on migrant women workers' living wage titled, "Dream out of Reach: A Living Wage for Women Migrant Workers in Thailand". This study examined how women migrant workers perceive the term 'a living wage' and challenges they are facing in order to obtain it.

While the earlier research with Clean Clothes Campaign did not specifically focus on women migrant workers in the garment industry, our first FPAR on decent work and living wage had paved a way to examine Myanmar migrant women's particular experience across different work sectors in Thailand.

With this research on Safe and Fair Migration: Feminist Perspective of Myanmar Women Migrant Workers in Mae Sot Garment Factories on Women's Rights to Work and Mobility, MAP builds on our knowledge gained from the previous studies by looking at the conditions of migrant workers in Mae Sot's garment industry.

Overall, the research identifies the systemic linkages between the migration processes of Myanmar migrant women workers and their daily work struggles in Thailand. It identifies the linkages between local cultural factors, local political and economic conditions and migration processes, and its relation to host country's regulation systems and practices and furthermore their linkages to the global capitalized system which create impacts towards the migrant situations. It constructs a big picture by examining the involvement of several actors from different contexts to understand conditions of Myanmar migrant women workers. It also examines their decision to migrate, the unsafe/unjust conditions they face at home in Myanmar and at work in Thailand and their struggle to overcome barriers to resist injustice. Finally, it looks at how capitalist linkages of the garment production system allows employers to violate the law by engaging informal relationship in employment.

By employing FPAR framework which centers women and prioritize their needs and demands, this study aims to document Myanmar migrant women's voice and lived experiences that are often invisible and muted. Throughout the research process, research participants were invited to share their concerns and feelings as we formulated our questions to understand women's needs and experiences. This in turn helped to shape their demands for change giving them the ownership of the study process and findings. Hence, MAP Foundation aspired to amplify women migrant workers' voice to challenge power imbalance in the capitalistic system of exploitation. This also created a sense of solidarity among women migrant workers as they collectively pursuit and speak out about their challenges and demands for change.

Under the scope of Safe and Fair Migration and using FPAR principles, following are the research questions that the research seeks to find understanding of:

1. How do women migrant workers interpret the existing regulations for safe/fair migration through the lens of their own experience of working and living?
2. What changes do migrant women workers seek in order to experience safe and fair migration?

6. Research Framework and methodology

This section describes explicitly about the research method utilized by providing details about the research site and researcher's roles, participants and recruitments, data collection, data analysis, and issues of research ethics. All these subtopics will help readers get ideas about specific plans and activities researchers did associating with data collecting procedure. Readers can clearly understand about how the data are collected, what the role of researcher was during data collection, where the research data collecting procedure took place, what ethical issues are being maintained and practiced by the researcher, what were the obstacles encountered and how data are being analysed finally.

Participant and Recruitment

There are total of 30 Myanmar migrant women participants in this research who are employed in garment factories in Mae Sot. The researcher conducted a total of four FGDs (Focus Group Discussions) and 13 face-to-face in-depth individual interviews. Two FGDs had seven women participants each and two had eight each. The in-depth interviews were conducted with a sub set of participants who were involved in the FGDs in order get further information and discuss the views of the participants. Those thirteen participants for individual interviews were selected in order to get women with different backgrounds and experiences. The participants' age ranged from twenty-one to fifty-six years old. Among the 30 participants, nineteen were married and eleven were single.

MAP Foundation has an office based in Mae Sot and the MAP community radio has been one of the main channels through which the Myanmar migrant community in Mae Sot has got familiar with the organisation. Many of the participants knew about the radio and many knew about the organization as well through the radio. MAP Foundation's Women Exchange program as well as other health projects are conducted in Mae Sot, allowing migrant workers particularly women to gain awareness about labour rights, women's health and other social issues. As the researcher was a part of the organization that provides legal support to migrant workers in Mae Sot, it was easy to arrange the FGDs with the help of local contacts, who have relations with MAP. It was also easy to achieve trust with the participants by familiarizing them with MAP Foundation and its work including previous research work with migrant workers in Mae Sot. MAP Foundation also supported the researcher in preparing activities to engage with migrant women in a friendly environment as its staffs mostly work closely with the beneficiaries in different events or training. With their support, the research also gained a better perspective about the research sites and conditions of the migrant women workers. It gained insights about their working-hours and responsibilities at work as well as their responsibilities at home which included taking care of children and household chores and how they were affected by changing documentation regulations.

Through MAP, the researcher contacted the local volunteer who is familiar with the migrant community and their conditions in Mae Sot. The researcher receives help from the local volunteer, who is a local volunteer for MAP Foundation and another organization named Education Development Foundation, to mobilise the women participants. Through the volunteer help, the researcher gets entry to research sites and permission to conduct interviews in certain places with the participants. The researcher continues to maintain contact with the local volunteer for arranging the FGDs such as contacting local CBOs to facilitate meetings with migrant women workers.

Research Sites and Researcher's Roles

Through the help of the local volunteer, the participants are gathered at certain places; their own housing and a community-based organization office in Mae Sot. The first two FGDs are held at two participant's houses at Mae Tao and Huay Kalo, considering their convenience and consent. Another

two FGDs as well as the thirteen individual interviews are later conducted at a community-based organization office of Light of Generation at Ban Song Kwal 10.

Rather than focusing on just collecting data through the FDGs, the researcher aims to create a friendly and openhearted discussion space for the participants, by utilizing FPAR (Feminist Participatory Action Research). The researcher aims to encourage participation of women in the discussions and allows them to speak their minds. In the FGDs, the researcher begins by ice-breaking activities in order to make participants comfortable and familiar with each other as well as with the researcher. After that, the researcher introduces details about herself and explains the purpose of gathering the participants. When explaining the purpose, the researcher ensures that women understand their roles in the research and how it can help and impact the project. In order to create a lively discussion for the participants, the researcher creates a story-telling activity in which the participants use stationery to draw and write and explains their experiences through the drawings. During the activity, the researcher asked questions and took notes. The activity is aimed to reflect their experiences and link to the aspects of safe and fair migration to get their views of safe and fair migration. Therefore, the participants are later separated into two groups to discuss which aspects of their migration experiences were safe and unsafe and fair and unfair. During the discussion for this activity, participants from each group added their opinions of safe and fair migration according to their experiences. Next, with the aim to provide a new knowledge for the participants, the researcher shared interpretation of safe and fair migration from academic materials. For the last activity, the participants are asked to discuss their opinions on how to achieve safe and fair migration for the migrant workers. Their discussions are presented in the following section of 'Women's Interpretation on Safe/Fair Migration'.

Utilizing FPAR method, the migrant women collectively and individually participate throughout the data collection processes. The data collection is conducted in such a way that women clearly understand their contribution in the research and raise their own views as well as suggest solutions to achieve a safe and fair migration process.

Ethical Consideration

While explaining the purpose of gathering the participants, the research requests the participants' consent verbally. The researcher receives their permission to voice-record the discussions and interviews just to keep for herself in order to transcribe the data and to delete the recordings afterwards. The researcher explained her roles and job as lead researcher and the general content of the research; stating how and why the researcher wants to conduct the FGDs and individual interviews, what the participants' roles are in the research and how their contributions would benefit the research itself, to them and to general population of Myanmar migrant workers. The participants are also informed of their rights to refuse answering certain questions according to their will and to refuse to participate in the interviews. As to keep participants' confidential information, the researcher uses pseudonyms in the written research report and does not state their job positions and personal details.

7. Findings & Analysis

This section includes discussion of research's findings from interviews throughout the data collection process. After categorizing the data and issues while emphasizing on the research questions, that the research seeks to gain understanding of, three main topics are brought up. First topic discusses the forces of migration and gender impacts looking at how Myanmar migrant women workers decided to migrate to Mae Sot and factors contributing to their decisions. Second topic talks about the unsafe and unfair experiences the migrant workers face including documentation confiscating, low wage, unequal wage and long working hours, and their barriers to obtaining justice. Last topic presents the women participants' interpretation on safe and fair migration.

7.1. Forces of migration and gender impacts

Lack of job opportunities within rural areas in Myanmar is the main reason women decided to migrate. Livelihoods of people in the rural areas are based on farming and the sector is largely dominated by men. Men are culturally considered strong and more capable of rough work of farming and operating machines. As livelihoods in rural areas mainly depend on farming, women choose either to migrate to urban areas or to another country to earn money and support their families.

“Migrating was the only choice I have to make money. In my village, farming is a typical job. I either helped them with some farm work or helped cooking and doing house chores. We did not earn much from farming. We just made enough for food. We wanted to own a house and live inside the village. Apart from farming, there is not much jobs in our village, especially for women. So, I wanted to make money and decided to come here”.

The impact of political instability during the military regime on Myanmar's economic condition, is that there are few jobs that are adequate to sustain families throughout the year. Migrating to urban areas and working too is not enough to feed the families back in the rural areas; considering potential amount of incomes and expense living in urban cities. Many people migrated to Mae Sot because it was conveniently located and people could go back and forth. The women participants said they went to Mae Sot after witnessing people from their hometown who had worked there and had improved their financial situations, sending remittance to families and buying assets. The higher income, compared to Myanmar, has become a pull factor for people to go to Thailand. According to a migrant woman worker, who worked in a factory inside Myanmar before going to Mae Sot, “The main reason is because my wage is very low. I worked in the Gon-Min-Yone garment factory in Tharyawaddy. I earn only 3,600 Kyat (2.35 USD) a month. I can continue working at the factory in Myanmar. But, I really was motivated to come here, especially because the wage here is high enough. It is twice as high as the salary I got in Myanmar.”

Daughters become responsible for their families' well-being, when the main male breadwinner in their families can no longer work or get married. If the daughter is the eldest, it is more likely that she is customarily expected to support her parents as well as younger siblings. According to the married women participants, they continue to support their parent financially even after they get married and have children.

“Before my brother got married, he was the one who supported us by sending money. But now that he is married, he can no longer send money. We sold our farm to get money. We also had debt. As an eldest daughter, I feel responsible for my family's condition. I have to work and earn money to support them. So, I decided to migrate and work here to earn money and support my family.”

Married women, whose husbands first migrated to Mae Sot and had been working, tend to follow their spouses. Participants whose husbands migrate to and work in Mae Sot are advised to migrate to

the same destination and work together. As their spouses are already in the host country, married women are likely to migrate and settle there with their own family.

“I worked at a tailoring shop at my village. The wage was not good enough. And, my husband told me that I can use my skill to work in garment factories in Mae Sot and that I can get paid higher. If I migrate and work here (Mae Sot), we no longer have to divide our living expenses anymore. We can combine our incomes and spend wisely on our expenses together. With that in mind to save some money, I decided to migrate.”

Therefore, while lack of job opportunities at the home country becomes a push factor, on the other hand, having more job opportunities for women in the host country becomes a pull factor for migrant women to migrate. The traditional norms make women responsible for supporting their natal and marital families financially and physically. Traditional and cultural norms tend to restrict women’s mobility and capacity to resist injustice they face when living as migrants in a foreign land, which are discussed in further sections of this report.

7.2. Informal systems between employers and migrant workers

Workers’ rights for mobility, collective bargaining and basic rights to healthcare services and social security are being violated through the informal arrangements between the migrant workers and their employers. The informal system is structured by employers themselves to evade the law and include the creation of illegal contracts, not allowing direct communication between migrant workers, creating different structures of wages and collusion among employers to black-list workers who try to challenge their norms. This informal system with its own set of practices are contrived by employers by taking advantage of migrant worker’s vulnerability and the poor implementation of laws. Particularly in Mae Sot, where most migrants obtain temporary border passes, employers find it easier and more convenient to exploit workers’ rights.

In the contract, employers include conditions of employment that is profitable for them such as long working hours, barriers against taking sick leave or travelling, preventing gathering together of workers and other entitlements. The contracts are written by taking advantage of migrant workers’ language barrier to enable communication with factory employers and other authorities and workers’ lack of understanding about legal employment procedures.

Employers use written employment contracts that do not have legal validity and that disregard workers’ right by manipulating migrants’ documentation status and social circumstances. For instance, there is no wage structure for migrant workers under informal contracts. According to the migrant women participants, they had the same experiences of receiving salary structures based on their working experiences within the factory. The newly recruited workers are at first paid daily wages that range from the minimum of thirty-five baht (1.07USD) to the maximum of 120 baht (3.66USD). Migrant workers, who have been working at the same factory for more than two to three years are paid under the piece-rate-pay system. However, whether the migrant workers in reality receive their salary based on the quantity of work done would depend on the supervisors or employers. The women participants shared their experiences of how factory managers would purposely find mistakes in their work so that they could pay less. At the workplace in a garment factory, a group of workers are assembled according to their duties in making clothes step by step. They are supervised by their own group leaders who have to report finished products to the managers. The managers check the products, calculate payment and report to the employer.

Regardless of formal contracts and linkages with regional global production networks, the relationship between factory employers in Mae Sot and Myanmar migrant workers tend to be ambiguous and informal. Many garment factories in Mae Sot are sub-contractors of factories in central Thailand and high profile MNCs such as H&M, AIZ, Adidas and many others. Many factories are relocated to the border area precisely with the aim of reducing production cost mainly by hiring the large pool of cheap and 'unskilled' labour from neighboring countries. It can be clearly seen that factories there look to extract profits for themselves. Although the manufacturing network has a formal function on the surface and MNCs and factories have formal links in accordance with the law, the welfare of migrant workers and their rights within sub-contracted factories are overlooked. The migrant workers are not aware of what companies or brands they are working for and are not informed properly of the matter. Consequently, the employment relationship between migrant workers and employers is not transparently structured and clearly defined and power is concentrated in the hands of the employers. There even are factory workers who have never seen or communicated to their own employers. Most workplace matters, including documentation of workers, are discussed and reported by the managers. So, the managers are the ones who have influence to manage and communicate with the workers.

Some employers flout the law and confiscate their migrant workers' documents. Employers having the ability to confiscate the documents (blue books or temporary border pass) moreover are able to exploit migrant workers and deny rights especially with regard to social security. Many migrant women usually get access to primary healthcare through the local Mae Tao Clinic in Mae Sot and through healthcare services in Myawaddy just across the border. Due to financial and communication problems, migrant women choose to get treated at local Myanmar clinics either in Mae Sot or Myawaddy. Although obtaining legal documents and work-permits allows workers to apply for healthcare coverage, they are not fully informed of this. Moreover, this work-permit issued for blue books restricts mobility of migrant workers by not allowing them to travel or work outside Mae Sot. This is also the reason many employers in Mae Sot tend to hire blue-book holders, rather than MOU workers. Blue-books are specifically for workers in a special economic zone like Mae Sot and so, the holders are only allowed to work and stay within the authorized areas in Mae Sot. When migrant workers' arrive with blue books, employers exploit their labour rights with regard to wages and mobility. Employers do not have to pay legal minimum wage and respect the rights of workers. The restriction of migrant workers' mobility limits their ability to reach out to better opportunities outside that can enhance their lives in the future.

Therefore, Myanmar migrant workers in garment factories in Mae Sot face challenges regarding to documentation, wage and social welfare and face exploitations due to these informal forms of relationships between the Thai employers and Myanmar migrant workers. Employers manipulate the law and adopt informal practices that benefit them. Moreover, migrant workers' documentation status and their limited ability to mobility allow employers to take advantage and make profit for themselves by exploitation workers'

7.3. Unsafe/Unfair Experiences of working and living in Mae Sot

In this section, women migrant workers share their experiences and views of rights violations and injustices they face at the workplace. They share the challenges they confronted in getting documentation and with respect to working long hours with low wages. They also discussed the barriers they faced as women and as migrant workers in accessing labour rights.

7.3.1. Document Confiscation by Employers

In the past, migrant workers from Myanmar crossed into Mae Sot with a one-day or seven-day entry permit and continued staying and working there though it was irregular. Some migrants crossed by boat and reached Mae Sot without the legal entry permit. The undocumented workers stay inside the factories and worked there. However, when the government of Thailand issued several policies to regularize the migrant workers, employers began to apply for documents for them typically through brokers and the migrant workers paid all the costs. In many cases, brokers demand additional charges than the actual costs that migrant women would incur if employers allowed them to apply personally. Women would find it difficult to apply directly even if employers allowed them to do so because the processes is complicated and time consuming. Migrant workers, therefore, end up paying more than they are supposed to when it comes to working with brokers to get a document and work-permit. When the actual cost of obtaining a work-permit adds up to about 4,000 baht to 4,500 baht, employers work with brokers and ask for between 6,000 baht to 9000 baht. This cost is later deducted from the migrant workers' wages each month. The high costs that Thai authorities impose to get legal documentation are disproportionately borne by the migrant workers. But employers do not abide by the legal provisions and deprive workers of their entitlements such as to legal minimum wage, health coverage, day-off or sick-leave, social security and etc.

In Mae Sot garment factories, the employers confiscate the workers' document though it is against the law. By doing so, they seek to gain control over workers to prevent them from changing jobs and restricting them from travelling to other areas and participating in activities or events outside the factory. Either through the help of brokers or by themselves, employers apply for certain types of document that current regulation for registration issues including C.I (Certificate of Identification), green book, purple and now, blue book and work-permits for their workers. The cost of applying for documents is then paid by the employers at first and later reduced from the monthly salary of the workers in installments. Since the documentation costs are high, employers would first pay for the documentation costs for the workers, as they are aware that it may not be possible for workers to pay all at once. This places workers in debt and enables employers to exert control over them. Workers must continue to work for them in order to repay the debt in installments every month from their salaries. As mentioned in the previous section, workers end up paying more as the documentation fee if documents are processed through brokers opposed to what they would need to pay, if they applied directly. Moreover, the documentation processes as well as workers' rights and privileges as legal migrant labours are not clearly explained to the workers.

"I had to renew my document and it cost six thousand baht (183 USD). I had to pay three thousand baht (91 USD) in cash at once and the rest three thousand baht (91 USD) was paid in installments. So, the employer cut five hundred baht (15 USD) each month from my salary [seven thousand to eight thousand baht (221-252USD)]."

The employers keep the workers' original document, until the costs are paid back entirely. However, they may fail to return it saying that it was needed to renew the documentation and the work-permits. Migrant workers are only provided some other documentation that states that they are employed at the factory. It is normally the case that employers keep the documents as long as workers continue to work in their factories. Nonetheless, workers have to apply for new documents when they change jobs and they do so with their new employers.

"For the document, my employer applied for a type of document for me. It cost ten thousand and five hundred baht (472 USD). He has been cutting one thousand baht (31 USD) per month for that. It is the same for everyone. He keeps the original document, and I just have a copy of it. But, he told me not

to show the copy of my document, but only the paper that certifies that I work in his factory. I do not really know why.”

Workers are not fully informed or aware of what kind of rights they possess by holding certain types of documents. They are just aware that they are legally documented and permitted to work. However, when it comes to understanding about both legal documentation processes and obtaining legal rights, migrant workers are uninformed.

“When the employers told us that we have to apply for blue-book, he just asked for the required documents from us. After documents are being applied, employers told us the total cost and explained that it could be returned in installments. Since we did not apply for the documents personally, we do not really know the processes. The documents ensure that we have legal status to work here. I just know that. At least, we feel safe since we are documented. But, I don’t know what kinds of rights and services I can receive because of the documents.”

Moreover, employers from different factories ensure that their workers continue to stay and work within the Mae Sot region by prioritizing the blue-book (Section 64) and thereby avoiding the MOU documentation process as it is easier to evade legal provisions concerning wage and other rights through the former. Employers clearly announce that they will hire only workers with the border pass or blue-book. By this means, workers are obliged to work within Mae Sot area, and this has become a typical structure for all migrant workers; making the blue book a ‘must’ to be employed in factories in Mae Sot.

“Employers here apply only for blue book. Employers here are worried that migrant workers will go to Bangkok and work instead, if they obtain MOU documentation. If migrant workers obtain blue-books, they can only work in Mae Sot.”

[I have deleted a sentence because it is repetition] The most problematic consequences by document confiscation are the restriction of workers’ mobility, feeling of being ‘bonded labour’ due to the compulsion to work for a specific employer to repay the debt, and finally, lack of transparency in terms of understanding legal documentation processes and obtaining labour rights.

7.3.2. Low, unequal wage and long working hours

All the participants point out the issue of low wages and long working hour in the garment factories. Migrant workers are paid less than the legal minimum wage rate which is 310 baht (10 USD) per day. Therefore, they have to take over-time shifts in order to make more money. Yet, the over-time payment is as low as 10 baht (0.30 USD) per hour. There is also a group of workers who are paid under piece-rate-pay structure. However, piece-rate-pay does not make their life easier either. Sometimes, factory managers find mistakes in their products and pay less than what they are supposed to get.

“As piece-rate paid workers, we work really hard to finish more products. Say we finished 17,00 baht worth of clothes that day, but, the manager will try to find mistakes on the products so that he can pay less. So whether we do more or less work, we are treated unfairly.”

Apparently, the system of paying wages in piece-rate-pay is a disadvantage for migrant workers when compared to minimum daily-wage pay, which is 310 baht, that they are supposed to be paid under the law. In the previous section on ‘Informal systems between employers and workers’, it is mentioned

that workers are paid under different wage structures depending on their working experience at the factory. The following table shows the monthly income that migrant workers receive under the two payment systems – piece-rate pay and under pay- and the supposed legal payment system regulated by law. Payment under piece-rate pay or under pay, gives migrant workers less than the legal minimum wage regardless of the long daily working hours.

Table 1: Monthly income comparison under 3 different payment systems

Legal Pay	Piece-rate Pay		Under Pay¹⁴	
<i>minimum</i>	<i>minimum</i>	<i>maximum</i>	<i>minimum</i>	<i>maximum</i>
9,300baht (288.30USD)	5,000baht (155.00USD)	8,000baht (248.00USD)	1,050baht (32.55USD)	3,600baht (11.60USD)

Because of low wages, migrant workers say their financial positions has not improved after migration. With the salary they receive each month, they barely can spend it on basic necessities such as food, housing, and health care. Migrant women also expressed their frustration that so much of their salary goes to pay for the cost of the documentation. As the figure 1 suggests, nearly half of their piece-rate paid salary is spent for documentation costs.

“There are advantages and disadvantages of working in a foreign country. Wages are higher compared to Myanmar. If people can manage properly, they can save some money and send back to their family in homeland. However, workers here have to spend lots of money on expenses like housing and documents. If wage is very low and they cannot earn even enough for their own personal expenses, migrating here just becomes pointless.”

Apart from receiving low wages, migrant women workers are also facing the challenge of unequal pay between men and women in the factories. Despite working in the same position with same duties and putting in the same amount of effort and time at workplace, women are being paid lower amount of wage than male workers. According to some interviewees, when female workers are paid 160 baht per day, the male workers are paid 180 to 200 baht.

“In the factory, even if I am a woman, I always have to carry a pile of garments and move them from place to place. It requires strength. Still, we, as women, can do it. But, the employers think only male workers can do things that require strength and pay them higher”.

The logic of employers in paying higher wage to male workers is associated with the common belief of male being physically stronger and more capable than female workers. Women migrant workers therefore struggle against the gendered stereotypes and gendered discrimination taking place at the workplace which manifest in employers’ attitude and through unequal wage.

Migrant workers who have their family settle down in Mae Sot tend to face much more difficulty earning adequate income for their household expense and children’s education. Among the participants, whereas most single women are able to save up some money and send money back to their families, migrant families are unable to save money. This is due to wages, the double burden of

¹⁴ Under pay refers to low pay on the basis of lower wage rates received by women who lack long years of experience as wage rates increase with the number of years worked.

work and the number of family members they need to support in Mae Sot which also means higher documentation costs.

“When I was single, I can save up money for myself and send lots of money to my parent at home. However, now that I have my own family and have a son, it is becoming very difficult to balance our incomes and living expenses. We have to spend more on living expenses and more on documents.”

Being both a mother or housewife and a worker makes it harder for migrant women to deal with long working hour. They do not have enough time to look after their children and, therefore, some women bring their parent to Mae Sot to let them take care of the children and some quit their jobs temporarily until their children grow up. As a result, migrant women workers carry bigger financial burden in order to make enough money for increasing number of family members. The migrant women work harder for longer hour to earn more money and by doing so, it affects their health.

“I quit my job to give birth and take care of my child now. But, my mother is coming in a few weeks to take care of him instead because my family financial situation is not good just with my husband’s salary. We are in debt now. I need to work harder. And, my mother suggested to me that she will come and take care of my child so that I can work.”

This increasing family responsibilities does not just pose increasing financial challenges but also challenges in many other aspects such as documentation, education, healthcare and extra expenses of the family.

Migrant's Annual Expenditure

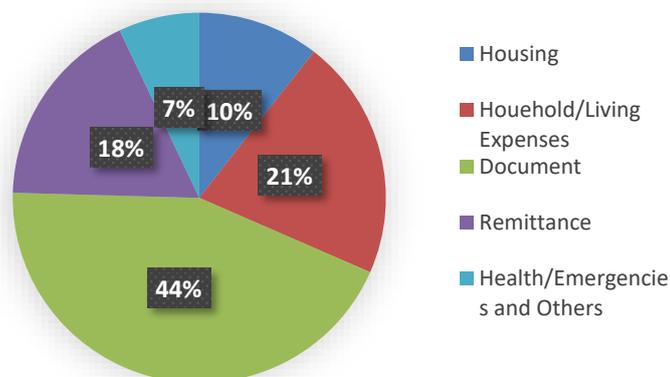


Figure 1: Migrant’s annual expenditure chart

7.3.3. Barriers to obtaining justice and to resisting injustice

Women participants explained that workers do not think about holding a protest against employers or form a labour union because they are afraid that they will get fired. The factory employers collude with one another and do not hire a worker who has been fired for doing something against their power. Therefore, workers are scared that if they get fired, they may not be hired in a new factory.

“If we get fired because we complain and report about the employer or get in an argument with people from high-positions, it is unlikely that we will get jobs in another factory. We cannot complain about the ob at all. We always have to be working except lunch time. They are always watching us over CCTV or something.”

Women find it difficult to resist injustice and violations of their rights as women migrant workers. This does not mean that they are not aware of injustice and do not wish to resist or speak up. Migrant

women, especially those who have family members depending on them, carry the burden of family responsibilities because of which they try to endure any kind of hardship, even if they are treated worse than other workers.

“I just do my work regularly. I know and experience unfair treatment towards the workers in my factory, sometimes. I just try to be patient and forgiving. My aim is just to earn money and support my family. So, I just focus on my goal and work harder.”

This situation is may be understood in association with the traditional idea that women must tolerate hardship and take care of their families’ well-being. Many women internalize patriarchal norms, prioritize their family over their own well-being and are willing to endure hardships. Moreover, their experiences in life makes them risk averse for fear of losing jobs which would deny them a livelihood.

Even a pregnant woman worker has to go to work as usual because otherwise the factory manager would threaten to fire her. Pregnant workers’ legal right to take maternal leave and sick leave are completely ignored and violated by the employers. They have to be at work unless they are giving birth and if the employers insist, they must come back to work after giving birth.

“I worked as usual when I was pregnant with my son. I had to. They told me they will fire me if I do not come work just because I am pregnant. It was very tired. My back was paining. I tried to talk to the manager and we agreed to get one-month absence. But, when there is too much work in the factory, the manager calls me back and says come or lose the job. So, I went.”

Therefore, the women tend to tolerate injustice, as they have families and children who are dependent on their income. They do not want to resist even if they are aware of the injustice due to the fear of losing their job which is made worse by the prospect of losing other opportunities in the future. Through the process of recruitment only under the blue book route and extraction of excessive documentation costs from workers, employers generate systemic vulnerability for workers and are able to exploit them in a sustained way.

7.4. Women’s Interpretation on Safe/Fair Migration

During the FGDs, women shared their understanding of safe/fair migration based on their experiences throughout the migration process and while working in Thailand. The participants reflected upon their lived experiences and analysed which aspects of their migration and working experiences were safe/fair or unsafe/unfair. According to them, their interpretation of safe/fair migration allows them to identify the challenges they face which should be recognised and provision made to improve their conditions.

First of all, the participants apparently interpret safe/fair migration as arising from the ability to obtain and keep possession of their own documents including work-permits. This would prevent employers from gaining control over their movement and thereby enhance migrants’ ability to make decisions for betterment of their future life career.

“Since my employer keeps my blue-book now, I only have a copied paper of factory statement, so, I do not feel safe. Sometimes, it is hard to talk to and get permission from them [manager/employer] to get my original book, in case I want to travel somewhere. I would like to have the right to keep my document and follow the further processes like extending visa and the book by myself. Just like that..., I will also know what the processes are”.

The new regulation makes provision for documentation processes and introduces the border pass, which allows migrant to work and stay legally in Thailand. However, there are some shortcoming of the border pass. The border pass does not allow migrants to travel outside Mae Sot, which make them

dependent on local employers, who find it easier to violate their labour rights. The border pass also requires several extensions or requires them to report to the immigration office every month. Using this as a reason, employers justify confiscation of workers' documents and further restrict their mobility even within Mae Sot which prevents them from seeking work in other factories in the area.

One of the frequent violations of labour rights by employers is not providing health coverage for workers. Women participants interpreted access to primary healthcare services with insurance coverage as a part of safe/fair migration. Without any health coverage, migrant women get access to healthcare at a local clinic for migrants which offers them primary health treatment and medicines with cheaper price. Although there is a local clinic for the migrants to get treatment for minor illnesses, when they are required in patient treatment and surgeries, migrant workers face financial challenges.

“When we get sick, we just go to the student clinic [Mae Taw Clinic]. We do not want to go to the local hospital because it is expensive and we do not have health coverage. Some people have health coverage, but they do not know how to use it. So, it would be safe and fair, if we are by law given health coverage and get access to healthcare services easily. Employers should also explain to us the use of it clearly”.

The participants interpret access to healthcare services as a basic worker's right. Although the regulation requires workplaces to provide healthcare insurance for the workers, in reality, workers are not properly informed of how to access it and use it. In some cases, employers pay for the healthcare fee at first and later cut it from workers' wages in instalment each month.

Next, the participants interpret safe/fair migration as including the rights to be paid their wages on time without delay, and also making provision for advance payments in case of emergencies, as well as provision for emergency leave. This they say could be based on a mutual understanding and discussion between person in charge and the worker and without the latter having to pay an absence fine. Although the law mandates that migrant workers be allowed to take sick leave upon a doctor's medical diagnosis with full provision of compensation, the employers do not allow them to take long leave. They would threaten to fire the workers and would not provide full compensation and in some cases, they even take fines from workers for the reason that by taking leave they had disturbed the flow of work.

“We want to have the right to ask for sick-leave without complicated processes.... just by personally talking to the manager or worker leader. We also want to be able to ask for advance salary in case of emergency. It would be good if they do not put fines or reduce money from our salary when we take leave”.

Additionally, the participants include having the right to ask for organisational help from migrant labour organizations with regard to documentation processes and travelling as a component of safe/fair migration. Most employers do not allow migrants to have contact with migrant related organisations and to get involved in external activities arranged by those organisations. The participants said getting access to knowledge and support provided by the organisations can decrease the risk of workers being exploited. The organizations that work for migrant worker issues do not just only provide knowledge through trainings and meetings, but also provide legal assistance to fight for their rights. However, employers and especially managers and worker leaders would not allow workers to gather and talk within the workplace and would not allow them to share information regarding organization support and the resources they provide.

“We want to receive trainings from social organizations. It is important for migrant workers to know their rights. When we know our labour rights, employers won't be able to exploit us. We should be able to report to and get legal assistance from the organizations”.

However, regardless of the challenges they face in terms of financial difficulties, working conditions, documentation process, and family circumstances, the migrant women participants underline the importance they attach to being able to work in garment factories, which they say gives them stability. The main reason is that the factories provide them with a stable income, a stable job, and legal documents, compared to migrants working in other informal jobs such as construction and agriculture. By working in garment factories, they can make a living, enough to feed their families as long as factories continue to run. And, they are registered by employers as required by law and thus, feel protected – meaning they no longer have to be afraid of being deported to Myanmar.

“Compared to other informal work, we think it is safe to work inside the factory. Because of the law, employers can only hire documented workers, so, we become documented. We feel safe as we no longer have to be worried or scared of getting arrested. Without considering salary reduction for documents and some problems..., at least we earn a stable income each month. So, we think it is safe and stable working in the factory”.

Regardless of exploitations and oppressions they face, Myanmar migrant women in Mae Sot garment factory understand and are aware of the need to make workers understand their rights and to unionize and demand their rights to promote safe and fair migration. Moreover, they stress on the failure of implementation of law with respect to protecting labour rights. A woman claimed that,

"We want to change the law. And, no one should be above the law. They want to hold on to the document and be able to apply independently for documents and not have to depend on the employer. Also we want to get information in Myanmar, before we go about what jobs we can get...like, what are the legal and illegal ways to travel."

The migrant women workers also pointed out their right to receive maternal leaves from work and obtain legal provisions.

"I especially want employers to allow maternal leave for pregnant women. In workplaces, if you are pregnant and become sick or cannot come to work regularly, employers either fire them or threaten them to come to work. For pregnant women, it is financially, physically and mentally difficult time. Since they want to keep the jobs, they come to work, and it is very unhealthy both for the mother and the child. Therefore, we want maternal leave and want employers to offer full legal provisions according to the law”.

A woman also mentioned the need for workers to unite and uncover the realities they are facing and demand their rights. She encourages women to unite and be aware of, and fight for justice to create a mutually benefiting working and living environment between workers and employers. She claimed that,

“For fairness workers have to be united. If we do that the country [Myanmar] will be uplifted. There needs to be a relationship between the worker and owner with mutual respect..., they need to care about each worker and treat them equally. Between the workers, there is no kindness shown to newcomers. Workers should look after each other. I want all workers to have it clear in their mind that we are working towards the same goal”.

Although the new labour management royal decree introduces a new registration process through which workers receive documents attesting to their legal status as workers in Mae Sot and makes it mandatory for employers to register their workers, there is a lack of proper inspection and employers are not penalized for not abiding by the regulations. The law tends to focus mainly on regularizing undocumented migrants and on controlling illegal migration to Thailand at the cost of aspects of importance to the migrant labour force in Thailand’s economy. Thus, the problems with the documentation processes and evasion of provision that grants rights to migrants at workplaces are not given due consideration. In reality, migrant workers are facing huge challenges in obtaining and

keeping their own documents, and in accessing the rights that are due to them under the law. Thus, the experiences of these migrant women workers in Mae Sot garment factories tell us that exploitation is still occurring regardless of legal change that is supposed to create a safe and fair migration for the migrants. Instead, legal changes have been manipulated by employers to evade their responsibilities.

8. Conclusion

According to the findings discussed above, we can clearly see that Myanmar women migrant workers in garment factories in Mae Sot are facing several challenges due to labour right abuse and use of power by employers to exploit them. The process of migration, according to the experiences of all migrant women participants, is without any legal document and migrants continue staying and working without legal permit to do so. It was very dangerous for women to migrate into Mae Sot without any legal document. They have to travel through routes to avoid police inspections across mountains and rivers. Entry without documents allows for greater exploitation because migrant women are kept inside the factories and are made to work under whatever circumstances. Their vulnerability of being illegal in the host country allows employers to exploit them even more. Their wages are barely enough for their own food and they worked through the day and night. In such conditions, without legal protection from the home or host country, exploitation brings women workers under extreme physical and mental stress.

The conditions of work and access to rights does not necessarily improve with documentation because migrant being accustomed to working in these conditions may not be aware of changed regulations and their entitlements. Thus, their legal status as well as the conditions in which they live and work (without access to information, mobility and other resources) limits migrants' ability to seek justice or to resist injustice. The larger picture is that a capitalist system of production does not provide full legal protection and welfare for migrant women workers. Workers' rights are disregarded by the management who regulate production relations through informal systems that enable them to extract profits.

Workers are unable to protest or otherwise resist exploitation because they arrive in Mae Sot in search for better paying jobs. Factory jobs are a source of stable income which migrant women desperately need to provide for their families. Understanding their vulnerability, employers take advantage of migrant women and manipulate the law to deprive the latter of minimum wages and other entitlements. They manipulate the systems to produce informal practices such as creating different types of wage payments, confiscating workers' documents, and not informing them about the use of health insurance and other social security. It is not only factory employers who exploit the vulnerability of Myanmar migrant women workers, but the benefits flow to those higher up in the capitalist production network i.e., business owners and garment factory brand company.

It has been previously mentioned in the report that the factories are established and relocated to border towns in order to attract cheap and unskilled migrant labour from the neighbouring areas and thereby reduce certain production or labour cost. These multinational companies function to maximize their profit by tapping into the most marginalized segments of the society including women, migrants, undocumented or irregular migrant, who will still take up the job even in the worst scenario. These Myanmar migrant women, therefore, becomes victims under the hands of capitalists while as well being oppressed by social norms and social circumstances.

Myanmar migrant women are subject to a patriarchal culture and social norms that orient them to act submissively. They are expected to hold family burden regardless of any hardship they face. Resisting injustice in any capacity they have is a huge risk for migrant women. Although they are aware of their conditions and rights they are entitled to, their sense of responsibility to take care of families' well-being restrict them from resisting injustice.

Looking back to how these migrant workers entered Mae Sot by crossing the border illegally without proper document, we can see that there is not a system at home that prepares them with information and other safeguards and makes them aware of the risks of illegal mobility. Prior to migration, migrants should be educated about migration processes and how to access their rights in a foreign country. Likewise, when migrants are legally documented, authorities in the host country are

responsible for providing information about migrant workers' rights and about how to access them. Moreover, the migrant workers also should demand information which is the basis of their ability to secure their rights and recognise their ability to fight for legal labour rights. However, taking risks to do so is a challenge itself particularly for women migrant workers. Even though they have enthusiasm and mind-set to take risks and fight for their rights, they cannot sacrifice their family for that.

9. Recommendations

This section presents demands or recommendations the migrant women participant claim in order to achieve safe and fair migration drawing from their own experiences. Their demands cover different aspects of migrant women workers' lives in terms of wage, documentation, legal regulations and access to organizational resources.

Changes demanded by migrant women workers

Changes demanded by these Myanmar migrant women workers range from changes in ground level to the policy level. Migrants require employers to recognize their circumstances and vulnerability as not something to utilize for their own profits but as something to improve in mutual aspects. It is also only reasonable that the employers should follow or abide by the regulations properly if they want migrant workers to work legally at their workplaces. It is also the main responsibility of the state to ensure that migrant workers are treated equally and lawfully by employers and to ensure that migrant workers receive support or resources to demand their rights under the protection of their safety and welfare.

Many participants stated that they want employers to recognize their effort and investment at work and to them pay higher wages. Women migrant workers do not just use their skill to work in these garment factories. They invest their personal autonomy, family life and health by working long hours under different kinds of pressure. They desire their employers and supervisors to have a mind-set of understanding workers' effort and giving back what they deserve.

"We have long working hour but low pay. It should be 8 to 9 hours of work. We should get paid at least the legal minimum amount of wage. They should understand that working harder to earn more money burdens us more and affect our health and family duties."

The participants also pointed out the issue of unequal payment between men and women migrant workers. Women expressed that men and women in the same factory and in the same position receive unequal wage because men are expected to lift up heavy fabric.

"There were both male and female workers in the factory. When, a male worker's wage got increased by ten baht (0.30 USD), a female's wage got increased only by seven (0.21 USD) or eight (0.24 USD) baht. There is unfair treatment even between female workers."

The participants also demanded that employers should allow non-governmental organisations to provide empowerment and labour-related education for their migrant workers. They believe that it is important for migrant workers to understand their rights and opportunities to improve their life.

"These days, many organisations are giving training to migrant workers. But, there are still many people who do not have knowledge about their rights as migrant labours here. They should receive the training so that employers cannot abuse our rights and treat workers unfairly. Some employers will not allow organisations to let these workers receive knowledge because they are afraid they might resist against the employers."

Regarding policy on legal documentation of workers, the participants also claimed that there should be a concretely structured and stable documentation processes and policy that is actually helpful to migrant workers. Along with the policy, migrant women believe that it is important to ensure that employers follow the regulations. Moreover, it is also important that the migrant workers understand and are informed explicitly about the regulations and their rights.

“We need a better structured and especially long-lasting kind of documentation processes. Since they change policies often, it is confusing for migrant workers, we do not understand what is right or wrong. So, we just follow what employers or brokers do.”

“The government should ensure that the employers are lawful. No one should be above the law. And, when policies change, workers should be informed and explained clearly of what processes are included and what kind of rights we possess.”

10. Reflection of the researcher(s) on doing FPAR

Throughout all FGDs conducted, women willingly shared their migration experiences and opinions on safe and fair migration. Compared to my research experiences before, rather than the researcher acting as interviewer asking questions to women as interviewees, by doing FPAR, researcher engages and becomes part of the participant group. The FPAR process creates a trustworthy and interactive conversation or discussion between the researcher and participants. This FPAR form of research enhances the ability of women to feel a part of the collective and share their stories willingly. The FGDs were conducted in a way of conversing and exchanges of opinions and knowledge to one another. Thus, women find it easy and comfortable to speak up and participate in activities.

Through doing the FPAR, I learned that there should be mutual benefits to both parties in the process of collecting data. For example, I shared some information of interpretation on safe and fair migration from some academic literatures I read. After FGDs, women also expressed that they feel thankful for gaining new concepts of safe and fair migration and for being able to look back their lived experiences and reflect the situations they face. With FPAR method, women contribute their own views of issues in the research through their own lived experiences. By this means, the FPAR method provides an open space for women share their views and enhances them to initiating this small form of movement by identifying and addressing issues and demanding changes and promoting safe and fair migration. While discussing about safe and fair migration during the very first FGD, women seemed to find it difficult to understand the terms themselves. So, I tried to ask them to reflect on their experiences and then link to see which aspects of their experiences were safe or unsafe, and fair or unfair. To expand their discussion regarding their definitions of safe and fair migration, I asked them their needs or any kind of support they may require from social and government organizations in order to maintain safety and fairness in the migration process and / or to cope with unsafe and unfair migration.

Women mainly focused on talking about their difficulties in following the documentation processes and obtaining documentation when asked about the challenges they faced while living in Mae Sot. The changes in regulations of Thai labour management royal decree has created financial challenges for migrant workers as they have to keep following up and then apply for new types of documents and procedures, even before they have paid back fully the debts incurred on old documents. When they have to spend most of their wages on documentation, they face difficulty managing their own household expenses and sending remittance back to families in Myanmar. This way, they feel upset and frustrated because migrating and working in Mae Sot does not significantly improve their financial situation.

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