

A piece of Justice

Migrants' Experiences Fighting for Justice



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Foreword

There are potentially more than four million migrant workers from Burma in Thailand. The majority are not aware that their labour rights are protected under the Thai legal system. As a result, most of these workers are exploited by employers who regularly flaunt the law by failing to pay wages, violating minimum wage and overtime regulations, and providing unsafe working and living conditions. The few who are aware of the legal protections are often afraid to take any action because they believe it will result in deportation or imprisonment. However, migrants are increasingly taking a stand and exercising their rights.

Since 2002, MAP Foundation, also known as Migrant Assistance Program, has been helping migrant workers take legal action to protect their labour rights. One of the main roadblocks in achieving this goal is the lack of knowledge among the migrant population about their rights and how to access the legal system aid. To help alleviate this problem, MAP has developed educational materials to show that protection under the law is available to all.

This handbook serves to provide relatable examples of real stories where migrant workers have sought legal recourse against exploitation and have been successful. The aim is to educate other migrant workers about the legal process and show that not only are they entitled to protection under the law, but that they can be successful in their pursuit of justice.

By educating more migrant workers about their rights, MAP hopes that an increasing number of workers will stand up and take action against unfair conditions, setting an example to their peers and employers that the exploitation of migrant workers will not be tolerated.

If We Don't Try, We'll Never Know

Miamo migrated from Mawlamyine, Burma. In Burma, she had worked on a farm. Because of her family's poverty, she decided to follow a friend's recommendation to work at a factory in Mae Sot, Thailand. Unfortunately, she and her 33 friends were fired from the factory. They filed a claim for compensation at the Labor Protection Office and received 832,431.48 baht.

Miamo was at a local bazaar buying clothes for herself and her parents who were still living in Burma. She had an appointment with her close friend, who works at a different place from her. Both of them had the day off and enjoyed hanging out and shopping together.

"Miamo"

"Hi! Tucha. Today you brought Techii with you."

"Yes, my sister just crossed the border over to Mae Sot this morning, so I asked her to come hang out with us."

"Hi, Techii. How have you been? You have grown up so fast. Did you come here to work?"



"Yes, I want to work here so I can send money back home"

"That's great. Work hard! Are you going to live with Tucha?"

"Of course, I got a job at the same place as her."

"That's good. If you need any help, feel free to call me anytime."

"You know Miamo once filed a claim at the Office of Labor Protection and welfare and received compensation from her ex-employer who had fired her without notice. We can consult her about labor laws."

"Really? But, what is that about? I know nothing about the law"

"I will leave you two to talk about it. Miamo, can you take care of my sister for me?"

"No problem."

Tucha went to the toilet, and Miamo looked for a place to sit down and talk with Techhi.

"Techhi, we should go have some khamomjeen over there and talk about the law."

Miamo and Techhi walked to a nearby khamomjeen stall and sat down.

"You just asked what the law is, right? So, let me explain. The law is set of rules which define what our rights are

and what kind of protection we are entitled to. I have some experience about labour law that I can share with you."

"What is labour law?"

"Labour law is a set of regulations which define the rights for anyone who works. For example, labour law says that if your employer abuses or takes advantage of you, such as refusing to pay your wages, you have the right to sue and request the employer to pay the wages they owe you."

"That's good to know. My mother was very worried that my work would be bad because she had heard stories of many unlucky people who have been taken advantage of – getting no money for their work or living in an overpopulated house with no tap water and electricity. At first, I didn't feel comfortable about coming to work here."

"So why did you decide to come?"

"I just wanted to have a chance for a better life. There is no chance back at home. We can't earn enough to live. Our paddy field and farms just don't produce enough food for all of us."

"Same here. I decided to come to work here for the sake of my family. I also used to live in a cramped house like you described."

"Really?"

"Yes. It was actually worse than that! They let us use tap water and electricity only until 11 p.m. If some days we worked overtime until around 9 p.m., they would allow us to use electricity until midnight. It was very tough for us because we had to hurry to take a bath before the water turned off."

"Do you still work at that place now?"

"Not anymore. It was with this employer that we filed a claim for severance pay because they fired us without proper compensation."

"I thought when we are fired, we are fired and can't get anything. I have never heard that we are entitled to severance pay."

"We do have rights to get compensation if we are fired without prior notice. I also just learned that last time when I was fired."

"How did you find out about it then?"

"Staff from VCOWA and MAP told me. My friends and I consulted them when we were laid off. And they also have Burmese people working there. They told us about our rights as a worker and that we can choose to exercise our rights to claim for compensation."

"We can choose to exercise our rights?"

"Yes, it is up to us. MAP staff and Yaung Chi Oo can only give us the information and help as needed, but we had to decide whether or not to seek protection under the law"

"That means we have to do everything ourselves, doesn't it?"

"Yes, because it is our rights so we have to exercise them on our own. I got the payment because I chose to fight through the justice system."

"This is the first time I have heard that migrant workers like us can win a lawsuit against a Thai employer."

"Yes, we can. I wouldn't know if I hadn't tried. However, my case did not even get to the court because it ended before that. I filed a claim at the Labor Protection office, and then I received my money."

"Why were you fired anyway?"

"It was because my friends and I argued with the supervisor, who went to tell the factory owner and said that we were stubborn and were likely to lead other workers to demonstrate. Two months after that, the supervisor told the owner that we were about to cause chaos in the factory. The owner then fired us. He claimed that they had warned everyone that if he/she was about to organise a strike, he/she would be fired."

"What did you do then?"

"We consulted Yaung Chi Oo. When we learned about our rights, we filed the Kor Ror 7 form at the Labor Protection Office."

"What is the Kor Ror 7?"

"It is a form which contains information about us including who we are, who we have worked for, why we are making a claim, what the claim is for and how much money we are owed. But the form is written in Thai. So, we needed staff from MAP or Yaung Chi Oo to help translate."

"Is the form available in Burmese now?"

"Not yet. Since the Labor Protection officers are all Thai it has to be written in Thai for them to be able to read it. But, the situation is getting better. There used to be no branch office here but now they have opened one in Mae Sot. Because there are a lot of cases with us Burmese migrant workers, they realized that an office in Mae Sot is necessary. The office even has Burmese-Thai interpreting staff."

"Wow! Your fight really helped to make a change."

"That's right. One person may not be able to achieve much. But when we unite we can definitely make changes for the better."

"How many people were fired together with you and did they all get paid?"

"There were 33 people and we all got compensated. But even if it is only one person, he/she is entitled to compensation."

"Did you get the money right after filling the Kor Ror 7 form?"

"We had to wait for awhile. In order to follow the office's procedures it takes some time. After waiting for awhile, the office informed us that they ordered the ex-employer to compensate us. We then received the money. I was paid 250,000 baht."

"That is great."

"Yes. So, from now on, if any migrants are fired without prior notice, they can request the employer directly for severance pay. I have done it, and so can others."

"While you were waiting for the money, could you work?"

"Yes. But, my friends who were the leaders among us couldn't find a job because the ex-boss showed their photos to other employers and told them not to hire them. The rest of us workers had to help them. When we earned money we shared it with them. We knew that without them we wouldn't have been strong enough to fight for compensation."

"Were there any other problems for them apart from finding a new job?"

"The ex-boss sent someone to threaten to hurt them if they didn't drop the case. But they were not afraid. My friend told them that the employer could do whatever he pleased but we were not going to stop fighting. We wanted other employers to see that workers can make a claim for our rights when we are exploited."

"I'm so lucky you shared your story with me."

"Gladly. I also want to let other workers know that they have to unite. If we are exploited by our employer, we have to get together to fight for our rights. We can't let them take advantage of us or else they will continue to treat us more and more unfairly."

"I just started working so I don't know much about working and living here. When you first started, how much did you get paid?"

"I earned 30 baht for every dozen pieces I made. I once completed six dozen in one day and I was very happy. But, some days I could make less and had to stay up until late to rework rejected pieces."

"How was the environment? Was it good?"

"Some places are good but some aren't. I think that if we want a good working environment, we have to negotiate with the employer."

"What do you think is a good working environment?"

"Well, everything about the workplace should be appropriate for the workers as human beings. For example, the working hours should be appropriate, not too long. The place should be safe and clean. We should have enough holiday and receive reasonable wages. I'm interested in this issue and will keep studying it to learn more. If I learn anything new and interesting, I will let you know."

"Thank you. So, do you think we can really demand a better working environment? Do you think it will work?"

"Definitely. Remember we were successful in getting compensation. We need to stick together, be patient and brave, and the fight for our rights will surely pay off. The question is: are we brave enough to start?"

"Can I take part in your fight too?"

"Sure, for the rights of workers like us. Let's do it together."

"Yes, let's do it!"

Tucha came back to join their chitchatting. They all enjoyed eating khanomjeen together and continued talking cheerfully.

Remarks:

Miamo and 33 friends, 9 are male and 24 are female.

- The Kor Ror 7 form to claim for 838,770.83 baht termination compensation from the ex-employer was submitted on 9 January 2009.
- On 19 February 2009, the Office of Labor Protection and Welfare issued order 14/255, instructing their ex-employer (Ms. Metta Jirasaengmuangma) to pay 832,431.48 baht in compensation.
- The workers received the order from the office on 21 March 2009.
- They were satisfied with the order and waited for the payment.
- Their ex-employer has paid the compensation.



It's Only 20 Baht but It's Still Our Money

Muang is a migrant worker from Kholom Township in Shan State, Burma. Back home he was a farmer, which was an insecure livelihood based on the weather and market prices. Therefore he decided to move to Thailand in search of better career opportunities. The first work he found was as a hired-hand in farms near the border. Then he got a job with a construction company in Chiang Mai, that contracted him to work in Phuket Province. The company paid his travel expenses but then part of his salary was deducted by the employer as a guarantee that he would fulfill his contract. He was told that this money would be returned to him when the job was completed. However, in the end the employer did not keep the promise. Therefore, Muang and his colleagues decided to take this matter up with the Office of Labour Protection and Welfare. Eventually, all 35 employees received the total payment of 157,340 baht.

At a construction site, a group of workers enjoy a break after their lunch. Jingna, who learned that Muang and his friends had taken legal action to get an employer to pay compensation for unpaid wages, started a conversation with Muang.

"Hi Muang. Come sit with us."

"Hi there. What's the matter?"

"We heard that you successfully got your wages back from the employer through the legal process. Can you tell us how you did that?"

"Well, before J came to work here, my former employer deducted some of our wages, and promised to pay me and my colleagues when the whole work was completed. We asked for the money but the employer ignored us. So we decided to talk to the Labour Protection Office and we finally got the money."

"Wow! Could you explain more in detail because J have no idea how migrant workers like us are able to use the law to protect our rights?"

"Sure. At that time, my friends and J were working for a very big construction company here in Chiang Mai. Then, they were contracted to build an airport in Phuket, and they took about 70 of us to work there. The employer said he would keep 20 baht from our daily wage everyday. He described it as a kind of guarantee."

"Guarantee? Guarantee for what?"

"He said it was to make sure that all of us would work until all of the construction was finished. Maybe he was afraid we would leave for a better job during the construction."

"I think it would be better if there had been some kind of insurance policy for us instead, you know, something that ensures we are safe at work."

"Yeah. That would be good."

"Anyways, what happened after that?"

"Right. As I've told you that 20 baht of our daily wage was collected as a guarantee. But if we worked overtime or if we worked a double shift, more money was deducted."

"And you said your employer did not return the money. Do you know why?"

"He told us that we would get the money after the construction was finished. As I remembered, we spent almost a year working there. After the work was finished, we were taken back to Chiang Mai. During that time, some of us asked him about the payment but he said he had no money at the moment and told us to wait."

"So how long did you wait for the money?"

"Around six months, I think. Every time we asked him about the money, he just kept telling us to wait."

"But he didn't get angry about that or fire you, right?"

"Well, he didn't do that directly. Some of us couldn't stand it and decided to leave."

"Really? Why, what did he do?"

"We were moved into new housing after that, but there was no water supply or electricity there. And new employees started living in the place we had stayed before. It was too much for us. That's why some decided to quit. However, the rest of us, including me, decided to hang on, hoping to get the payment."

"How much did the guarantee amount to?"

"Altogether for 70 of us. I think it came to around 700,000 baht."

"What? That's nearly a million baht! And was it the amount the same for female workers?" asked a female worker who had joined the conversation.

"Yeah, it was the same for both male and female workers."

"Did they get the same wage?" asked the female worker.

"No. Men were paid more than women."

"That's not fair. Both man and women work hard; the women are paid less,

but have the equal amount deducted for guarantee." The other female worker argued.

"Right. If the wages were equal, there would be more income for the family," another female worker added.

"If I knew about labor rights, I would have known that both female and male workers are equally entitled to earn the minimum wage."

"That would be even better if we would have been paid the minimum wage."

"And what do we do to get it?"

"It totally depends on all of us. We need to get united against such unfair treatment and of course, be patient. I believe that we will be able to achieve justice one day."

"What makes you so confident?"

"Because my friends and I took legal action once and we got our money back."

"Yeah, you're right. So, what happened after the six months of waiting?"

"Oh, I forgot to tell you one thing. It's not only some employees who got frustrated and quit the job. Some leaders of the workers were fired. So 35 people who had been fired got together and decided to get some advice from MAP Foundation."

"MAP? I've heard that they work with migrant workers. How did they help you?"

"Well, they explained the rights of migrant workers to us. Also they suggested that we submit a complaint to the Office of Labour Protection and Welfare, right here in Chiang Mai. So we did just that, and after four or five days, they called us in to discuss a settlement with the employer."

"Just four or five days? That's fast!"

"Yeah, we didn't expect it to be that quick. Anyways, in the first meeting with the employer, we did not reach a settlement."

"Why?"

"Because he refused to pay the total amount we'd requested. So another meeting was scheduled."

"How much did you guys demand?"

"Around 200,000 baht. It was for 35 workers."

"Wow! It's a huge amount accumulating from just 20 baht per day per worker. And did you get the money this time?"

"Yeah, we did, but less than the requested 200,000 baht. I remember we received exactly 157,340 baht."

"I would like to know what the negotiation was like. Did you get paid immediately after you made the deal?"

"The talk involved the employer and us, and was mediated by officials from the Office of Labour Protection and Welfare. In the first meeting, we said we expected to be paid 200,000 baht but the employer refused. Since we couldn't come to a resolution in the first meeting, a second negotiation was scheduled."

"How many days did the second talk happen after the first?"

"Not long, only six days after the first talk. This time, the employer agreed to pay the sum of 157,340 baht. However, he said he didn't have enough cash, and had to pay in six installments. We refused it at first because we preferred the whole amount in one payment. Unfortunately, the employer insisted he could not afford that so, we had to accept it. And we all got paid afterwards."

"Tell me, how did you come up with the amount for 200,000 baht?"

"Actually, we stated such amount of money in the Kor Ror 7 form we had to fill at the Office. We had to provide personal information and work information such as the kind of job and employer's name. We had to declare the reasons we wanted to submit this request, and the particular amount of

money we were demanding. It was here that we had to remember the exact details of the money they deducted, such as the period and how many times they deducted, and how much at a time. We calculated how much each of us would get back, and it added up to about 200,000 baht."

"I see."

"And why didn't you get the entire 200,000 baht finally? Isn't that the amount of money you all should have been paid?"

"We wished we could get the entire amount, but we didn't have sufficient evidence against the employer. That was why we agreed to the reduced amount, which is better than nothing."

"So that means we should keep evidence now, in case we will need it in the future."

"Absolutely. At least, you should keep a record about your employer and the company you've been working for. Again, your working profile such as the start date of work also needs to be recorded, together with your wage per day, the OT payment rate, the holiday and even the deposits."

"This is very useful information for us, indeed. Thank you for letting us know what our rights are."

"With pleasure. Actually, certain groups of migrant workers in Chiang

Mai have been formed. Sometimes, there are useful talks about the legal rights of migrant workers. I'll let you know when the next talk will be."

"That's great! It's a good opportunity to learn more. We won't be taken advantage of anymore."

Remark:

In this case, the 35 migrant workers including Muang and his friends had the case processed very quickly. The first negotiation meeting was held only five days after the Kor Ror 7 was filed. However, since the employer refused to pay 200,000 baht as requested, the second meeting was held six days afterwards. This time, both parties settled for 157,340 baht and agreed for the payment to be paid in six installments. The workers have already received the full amount owed.



They Blame Us

Mei Sa is a migrant worker from Burma. Originally from Yangon, her income was insufficient because the economy had been bad, and so she and her husband came to work in Thailand. They began working for a factory in Bangkok. Then, after the factory laid them off they had to look for a new job. They kept moving from place to place because either they were dismissed or the employer paid a very low wage. Eventually they moved to work in a factory in Mae Sot. The employer here also paid an extremely low wage, which caused the workers to strike. These workers were later dismissed. They took legal action and filed a claim with the Office of Labor Protection and Welfare who ordered their employer to pay them termination compensation.

After work, Mei Sa stopped to have *khanomchin* (vermicelli) and fried peas before going home. Her husband was visiting family in Burma. She did not join him because she wanted to save money and was planning to visit Burma with him during New Years break. When she was finishing up, she was greeted by one of her long lost friends.

"Mei Sa, great to see you here!"

"Ma Tung Sa! How have you been?"

"I'm good. I have a child now, how about you?"

"I'm fine, but no child yet. If I collect enough money I plan to go back home. I want to have a child once I'm more financially secure. Are you working here? Is anyone taking care of your child for you?"

"My husband's parents are. He is from Myawaddy. It's not too far so we can go home quite often."

"Good for you. My house is very far away; we can't go home very often."

"By the way, I heard that you and your husband went to the Office of Labor Protection and welfare. Is that true?"

"Yes. We and our coworkers at the factory went to file a complaint."

"Did you get any money?"

"Of course."

"I have often heard stories about Burmese labor strikes and taking legal action for justice at the Office of Labor Welfare and Protection or that some migrants even go to court. Unfortunately I never hear the stories in much detail. Can you tell me your story and what you did there? How did it all begin?"

"Well my husband and I were working in a sewing factory at the time. They gave us a very low salary, and sometimes there was no assignment for us at all. So we got together and tried to negotiate with the boss."

"Can workers like us negotiate with the employer?"

"Yes we can. If we feel that the working conditions are not good, such as the salary is too low or we don't get holidays, then we can inform the employer and request them to comply with our demands. It is up to them to give us what we want. If they don't want to do anything, then there is always a next step."

"Really? And at that time, what did you ask for? Did you get it?"

"We asked them for two things. First, we asked them to pay the same rate as other factories. Secondly, we

asked that employees on daily payroll get an extra 20 baht for a meal. We told them that we would strike if these demands were not met. They didn't grant us either of our demands, but asked us to consider their offer instead."

"What was the offer? Did you take it?"

"They proposed to switch the salary basis to be daily, and offered us the official minimum wage of 139 THB/day. However, the factory said then they would no longer provide us housing and other benefits. We agreed to that and consented to move out."

"Then?"

"We just continued to work as normal. But from that point, they asked us to sign-in before we worked. The job was still the same. Some days we were working but some days we were idle. Once a month passed, the factory fired 71 workers."

"Why?"

"In writing, they accused us of three charges. The first charge was that we had caused damage to the employer and the factory. The second claimed that after adopting the new option for basis of payment, we got lazy and were not finishing our work. And the third charge said they had given us verbal and written warnings but we disobeyed."

"Well, were the accusations true?"

"Not at all! How were we supposed to work when they did not give us any assignments? The other accusations were also false. All we wanted was to make more money. No damage was done to them. It was just impossible. We had to do something to protect our rights."

"Did you form a group again?"

"Definitely. Once we were fired, we got together and went to see Young Chi Oo, who gave us legal advice and told us what kind of rights we had. They said we could file a claim for compensation at the Office of Labor Protection and Welfare."

"What do you have to do there to get money from the employer?"

"We had to fill in the forms. They are written Thai though. The officials there did fill in the form for us, but we had to give them the information such as our names, our jobs, the name of our employer, why we were filing the claim, what we were claiming, and how much in total our demand was."

"And what did you claim?"

"Well my colleagues and I were requesting salary and severance pay because they did not pay us the minimum wage, and they did not give us one month notice before dismissing us."

"Did you get the money right away?"

"No. The Office had to investigate the employer to find out more, because they had to get the information from both parties before they issued the order stating whether the employer had to pay us, and if so, how much they had to pay us." This means you could never be sure whether you would get this money, right?"

"Yes. However, once the order is issued, if we disagree with the ruling, we can appeal it in court. But this will only prolong the case."

"And how did your case turn out?"

"A few months after we filed the claim, the officers informed us that they ruled in our favor."

"Really? And how did your employer pay you? Did you get what you asked for?"

"Well, they said they didn't have enough money, and asked that the payment be delayed for a month. Then they gave us the money."

"During the legal proceeding, did you get a job? Did you face any trouble?"

"Well we actually did find a job, but it was in a small factory. I only worked for two months then I needed to look for another job because they did not have that much work. It was hard

too - we did not dare to go outside for fear that the police would arrest us. Some of us were even beaten up by thugs. I was lucky I did not get beaten."

"Wow, it was not an easy fight, was it?"

"Yeah. It required a lot of patience and unity."

"You must have felt very satisfied once you got the money from your employer. How much did you get?"

"Yes, we were very happy. I got about 25,000 baht. But more importantly my friends and I were happy to teach the employer a lesson. They needed to know what happens when you violate someone's rights."

"What's the most important thing you gained from this whole experience?"

"I gained an understanding of the law. Before, I had no idea how legal stuff worked. But now, I can give advice about what to do for those whose rights have been violated. I can tell you what kind of rights you have."

"You seem to have learned a lot from your legal endeavor."

"Yes, and I am very happy that I pursued it. The knowledge I gained will be with me until the day I die. I will also tell my story to as many people as I can, so that workers like us will know that we are entitled to protection of our labor rights and we should demand it."

"Thank you so much for sharing your legal knowledge with me."

"Gladly, it makes me happy if you or other people can benefit from it."

"I need to go now. Is there anything else you would like to tell me?"

"If you want justice, don't just think about it. You have to take action. If you feel exploited or wronged, you have to stand up and ask for justice. You can help yourself better than any organization can help you, because it is you who knows best what you have been through. That's why you have to do it yourself."

"Thank you so much. I am so impressed with your story. I will surely use it in the future. I hope we run into each other again."

"Me too. See you soon."

One Step at a Time

Gomong came from Pyay township, in Bago Division, Burma, where he worked in the logging industry. Other members of his family were wage laborers and his father makes and sells sugar cubes for a living. Due to his family's poverty, he moved to work in Mae Sot, Thailand. He secured a job in a sewing factory, which later fired him without prior notice. As a result, he and his friends brought this case to justice by filing law suits in both criminal and civil court. The employer refused to pay them compensation for their severance pay and consequently the employer's properties were seized and auctioned to fulfill the judgment against the employer.

Gomong had a chance to share his experience fighting for justice with a group of his peers at a labor conference. The story of his labour rights case received a lot of attention at the meeting. He began telling his story by introducing himself, where he came from and why he came to work in Thailand. His story is similar to numbers of other migrant workers from Burma who come to Thailand with the hopes of earning high wages and returning home after only a short stay. Before moving to Thailand, Gomong had dreamed of earning enough to afford a piece of land in his hometown. He hoped that it would provide his family a better life. Unfortunately, his labor rights were violated. He and his friends united to bring their case to justice. His relentless fight provided valuable experience for himself, as well as for other workers. That is why Gomong was very excited to share his experience with labor law.



"Gomong, could you tell us about your story, and why you and your friends brought the case to court?"

"I was working at a sewing factory. Before we were fired, we were told the factory wanted to recruit more people, and we were asked to persuade our friends or relatives to apply for jobs there. We invited many of our friends and families to work there. Unfortunately, one month later, the factory fired all workers, old and new."

"Why did they fire you? Did they give you any reason?"

"They didn't tell us anything. I remember it was pay day. Right after we received our salary, they fired us all. We found out later that they did not have any work for us to do."

"It must have been difficult, getting fired so unexpectedly."

"Yes. We could have looked for other jobs had they told us in advance. What was even worse was it happened during the time we needed to renew our work permits. When we were fired, the factory also refused to renew our work permits. It was very difficult for us."

"Why didn't you find a new employer to renew your work permits?"

"We could not because the employer had also taken our JD cards. We only

had a copy. We asked him to return our original Tor Ror 38/1 to us, but they demanded that we pay them 500 baht in exchange for the original cards."

"Did any of you really pay for it?"

"No. We didn't believe that that we would get the original card back if we gave them 500 baht. Besides, we did not have any money and we already had the copies."

"How many people were fired?"

"Around 200. We had a discussion and some people in the group knew what our labor rights were. They told us we should take up a legal case and fight for justice. About 100 of us finally went to see Yaung Chi Oo for support."

"How did Yaung Chi Oo help you?"

"They provided us information about our labor rights. They counseled us on the the pros and cons of legal proceedings, and told us about how long the entire process would take."

"Did all of you decide to go forward then?"

"Not all. Some felt discouraged after knowing that it would take a long time. Only 36 of us still wanted to continue."

"So, what did you do to actually initiate the case?"

"First, we went to the Office of Labor Protection and welfare to file the complaint and filled the Kor Ror 7 form to request back wages and overtime payment because the factory had been paying us less than the official minimum wage and had never paid us overtime work."

"What was the next step?"

"After we submitted the form, the officers at Labor Protection office contacted the employer and asked them to pay us the requested amount. But, the employer simply refused to pay."

"That's bad. What did the officers do?"

"They took the case to court."

"Then were they willing to pay?"

"No, not yet. It was actually a criminal charge that the Office filed for their disobeying the official order. We had to file another case under civil law if we wanted to get the money."

"I see."

"Yes, so we brought the case to Labor Court. Then there were legal procedures with fact-finding and all that. Then the court gave the judgment against the employer to give us the money."

"So, did that make them pay?"

"Not yet. So, we took another step."

"What step is that?"

"It is the legal execution process, it forces the employer to follow the court order."

"How did the process work?"

"We requested that the court appoint a legal execution team, and then the employer's assets were seized and auctioned, to get the money to pay us."

"How did they seize those assets?"

"The team just went to his house to identify the assets and then literally took his belongings."

"Who had to go to his house that day?"

"There were officers from the legal execution department, police officers, a lawyer and representatives of the workers."

"Can they seize a piece of land as well?"

"Yes. They can confiscate anything that is in the employer's name or is present in his premises and can be sold. If it is a piece of land, they have to make sure that it belongs to the employer, and then they can take it."

"After they seized the asset, how did they sell them?"

"The Department of Legal Execution will publicize the sale of assets. People can buy them in an auction. After all the assets are sold, the money is transferred to the workers."

"Have you received the full amount as requested so far?"

"Not yet, because the money raised from everything that has been seized and sold is still not enough to pay all of us. The department has started investigating whether the employer has any other assets that can be seized."

"This employer is really stubborn, even resisting the court order."

"We are no less stubborn than he is. We are still insisting that he must pay us."

"But this will take a long time, won't it?"

"Yes, it will. But, we all trust in the justice system so we will not give up."

"You all are great. Besides the prolonged period of the proceedings, did you face any other problems during the time?"

"Thank you. In fact, we are not that great. We are just ordinary workers like you are, but we were very determined to fight for our rights. Another problem we had during the process was trying to find a new job. Once they knew that we used to work in this factory, they simply turned us down."

"Did you get a new job eventually?"

"Yes. After a few months, I got a job. Then, I shared the money I earned with the rest of the worker who hadn't found a new job yet."

"How did you live during that time?"

"Yaung Chi Oo helped us with accommodation and food. They believed that if we won, other factories would stop taking advantage of other workers."

"Your story is very admirable. What you have done will surely have a great, immediate and long-lasting impact on the working conditions of other workers."

"I believe that if we don't give up, we will surely get what we want. The most important thing for workers are our labor rights. We have to exercise our rights, and protect them. Do not ever let anyone violate our rights."

"Yes, we must protect our rights and exercise them."

Remarks:

Gomong and 19 other workers (14 male and 5 female)

- The total amount claimed in the Kor Ror 7 form as submitted to the Mae Sot District Office of Labor Protection and Welfare was 759,684 baht.
- On 11 August 2005, the Office of Labor Protection and Welfare ordered the employer was to pay the employees a total of 759,684 baht.
- The employer resisted the order of the Labor Protection office , who then took legal action by filing a criminal case at Mae Sot District Police Station for resisting the Labor Investigator's order and instructed the employer to pay the employees.
- On 29 May 2007, the lawyer of Mae Sot's Provincial Court advised the workers to file a civil case.
- The Provincial Court forced the employer to pay the workers by seizing the employer's assets and auctioning them off.
- The case is still under the legal execution process.

The Impossible Proves to be Possible

Kham, a 23-year-old woman, left her hometown in Shan State in Burma when she was only 13. Since she first came to Thailand nine years ago, she has worked as a domestic employer for a single employer without getting paid. When she was able to finally leave her employer, she received only 18,000 baht. After receiving legal advice, she decided to exercise her rights through the legal system. As a result, she received an additional 30,000 baht, thus earning a total of 48,000 baht for her nine-year tenure as a domestic worker.

Kham was waiting for her friends at a conference, when she glanced upon a familiar person walking towards her. She thought, "could that be my old friend that I have longed to see again?"

"Kham, is that you?" she asked with excitement.

"Ngern. It's really you!" replied Kham who, overwhelmed with delight, held her old friend's hands tightly.

"Look at you. We haven't seen each other for almost 10 years now. You haven't changed much at all." Kham said as she recalled a distant memory of her childhood friend.

"You too. I heard that you won a case against your employer who hadn't paid you any of your salary. Is that true?" Ngern asked eagerly.



"Yes. Do you know what happened?"

Kham was glad that someone knew her story.

"I do. I'm so lucky to run into you today. Can you tell me how domestic workers like us can get employers to pay back our wages?"

"I didn't believe that I had the right to get my employer to compensate me, but I just received over forty thousand baht from him."

"Forty thousand baht?"

"Yes. If you ask me, it's definitely not how much I deserved. I had worked for him for nine years and seven months. But it is better than nothing, isn't it?"

"Yes, but more importantly employers will learn their lesson. If they don't pay what they owe, we have the right to make them pay."

"What about you? Is anyone helping you?"

"It's a long story. Come. Let's sit together. I have quite a lot to tell you." Both strolled around to look for a good place to sit, and Kham started to share her experience.

"I left home when I was only thirteen. My aunt took me to Thailand. She made all the arrangements to get me from my home to the door of my

employer's house. I worked for this employer for almost ten years."

"And during that whole time he never gave you any salary?"

"Yes."

"Why?"

"Well, when I started, he told me he would give me one thousand five hundred baht per month. But in the beginning, he said had to deduct one thousand baht from my salary each month."

"For what?"

"When my aunt brought me here she asked for 7,800 baht from my employer to cover the costs. She said it was for the hotel, the food, and the traveling. So, I had to let him take that amount first before I could receive the full salary."

"So you had to give him one thousand baht for eight months?"

"Yes, I had to pay back the debt."

"What about the remaining five hundred per month?"

"My employer said he would keep it for me, and he would give it to me when I wanted to quit."

"Really? Well, you worked for almost ten years. Did you try asking for the money?"

"Yes I did. After about three years, I wanted to have some savings for myself, so I tried to ask for it. Do you know how much he gave me?"

"How much?"

"Two hundred."

"WHAT? Two hundred?"

"Yes, two hundred. He said I was a live-in domestic worker. There would always be clothes to wear, food to eat, a place to stay. So he said I didn't need any money, because he would get anything for me if I just asked. So, I didn't know how to respond. But I asked for money from him again. Each time I would get two hundred baht."

"Why didn't you just quit and get a new job?"

"I didn't want to lose my salary from all those years. I was afraid I wouldn't be able to get the money. Also, I was afraid to go anywhere alone."

"Really? You couldn't go out of the house?"

"I wouldn't dare. I would only go with my employer because I had no documents or ID. I was afraid I would be deported if I went out alone."

"That's true. If you were deported, you would not get any money to take home."

"Yes. And coming back here would cost a lot also. If I couldn't bring some money back home, then I would lose everything."

"Why didn't you talk with anyone about this then? If you had gotten in touch with MAP, you wouldn't have had to suffer for so long."

"But you know I wouldn't even dare leave my employer's house. How could I get to know any other people?"

"Oh, you are right."

"And since day one, he told me to speak Thai and not Shan. So, when I went out with him, I was speaking Thai. Perhaps I had met other migrants, but nobody would have known since I only spoke Thai."

"Yes. Well, you are very patient to have worked for him for almost ten years."

"Well, he made me believe in him too."

"What do you mean?"

"He said I was like a daughter to him. He told me he would send me to study at beauty school when I got older. I believed him, but again I also didn't have the courage to look for other job. Like I said, I had no other choices and I didn't know what to do. I had no one really. So I had to stay with him."

"And how did you eventually leave?"

"Well, in 2004, the Thai government announced that employers had to take migrant workers to register for an ID or they would face punishment. So I went to register, and fortunately I met my elder brother."

"Really? You must have been so happy that day, to see your brother after almost ten years."

"Yes. I rushed to my brother. You know, I wasn't fluent in Shan. I hadn't spoken it for more than nine years, but I still understood everything. I was trying to tell him that I didn't get paid, but after exchanging a few words, my employer saw me speaking to him and immediately took me home. I only had enough time to get my brother's phone number."

"So when you arrived home you could easily call and ask him to pick you up. Is that what happened?"

"Yes, but I couldn't reach him on the phone."

"Why not?"

"Well, my employer saw me taking his number. So he kept the number and wrote it down for me later."

"So when he asked, you for the number you just gave it to him?"

"He was my employer. I believed everything he said."

"So what did you do when you couldn't make that call?"

"I tried several times, but it was always busy. So then I thought my employer might have given me a wrong number. So when he was away, I sneaked in his room and searched for his phone book. There I found the note my brother wrote. The number he wrote me had a few digits switched around. That was when it really dawned on me that my employer was not actually treating me well. He had tricked me to work for him for free. That was all."

"I just started working as a domestic worker recently. It's really good to know all this. So I will not easily trust anyone. Anyways, keep going. What did you do after you had your brother's correct number?"

"I called him right away, and told him where the house was. Then he immediately came over. We told my employer that I had to go home and I would like to withdraw all my salary."

"Wow, and how much did you get?"

"Actually, he didn't allow me to go out with my brother. He told me to wait a bit longer and he himself would take me home by plane, but I wouldn't be fooled again. So we told him our parents were really sick and I had to leave urgently. That got him, and he gave me 18,000 baht."

"For nine years and seven months' work?"

"Yes, that was all he gave me. J was stunned too. So J told him that it was not enough for me to go home. J even asked why it was so little since J had worked for almost ten years."

"What did he have to say then?"

"He said that was all he had. He had invested all the money in building dormitories, and he told me to take that amount to begin with. Once J returned to Thailand he would give the rest to me. J didn't know what to do, so J just took that money and left."

"And what did you do to get more money?"

"My brother knew that MAP Foundation provides support to migrant workers like us, so he took me to MAP. They advised me that J was entitled to request for the total salary J had earned, but J needed to fill in the Kor Ror 7 form at the Chiang Mai Labour Protection office. And that was where J went."

"It's great that we have this office to take care of this for us."

"In fact J was not at all convinced that J would be able to get more money. But then seven days after J filed the request at the Office, my employer and J were summoned to negotiate the outstanding balance."

"What was the outcome of the negotiation?"

"J started to ask him to pay the entire amount owed to me. My salary for nine years and seven months would have amounted to 128,700 baht. He refused to pay this, and so a second negotiation was scheduled. This time he agreed to pay me another 30,000 baht. This is without charging me for the JD registration fee that he had paid for me. J thought that was the best solution for me. J thought about taking this to court, but, according to the advice J received, it seemed to be a very long process. Also, there is no law that protects live-in domestic workers like us and there is no minimum wage for us. All in all, there was nothing to make sure that J would win in court. Besides, J wanted to get a new job and didn't want to lose time. That was why J decided to take the 30,000 baht offer, which makes it 48,000 baht in total that J received from him."

"Hmm. It's actually better than nothing."

"Yes. I'm so happy to see you today. I hope you don't end up like me."

"J need to thank you for sharing this with me. J won't easily trust anyone. If the employer doesn't pay my salary then J will get a new job right away. J have learnt from you that we are entitled to receive the accumulated salary, even without having an JD card."

"Yes. Everybody is entitled to receive their unpaid salary."

Kham wrapped up the story as the group work activity was about to begin. Both Kham and Ngern then joined other friends in the group. Kham hoped to share this experience to even more people and that others would find it useful.

Remarks:

- 14 July 2006, Kham sought legal advice from MAP staff.
- Kor Ror 7 form was filed at the Office of Labor Protection and Welfare.
- 03 August 2006, Kham testifies to Labor Protection official.
- 11 August 2006, the employer testifies to Labor Protection official.
- 30 August 2006, negotiation between employer and worker.
- 30 August 2006, employer and worker agree to a 30,000 baht settlement (A previous payment of 18,000 baht was made on 8 July 2006.)

The requested amount in Kor Ror 7 form 128,700 baht

The total money the worker received 48,000 baht



Raising the Standard

Chidra formerly worked in a factory in Yangon, but migrated to Thailand for a factory job in Mae Sot. He and his colleagues did not receive the minimum wage or overtime. When they tried to negotiate with the employer for compliance with labour standards, they were unsuccessful. They then took the case to the Office of Labour Protection and Welfare, and later to Labour court. The case lasted for a year and a half, from April 2006 to October 2007, ending with the workers finally receiving the compensation they deserved.

While waiting for a bus travelling to Myanmar, Toon caught glimpse of Chidra, an old friend from the same hometown who used to work in the same factory with him.

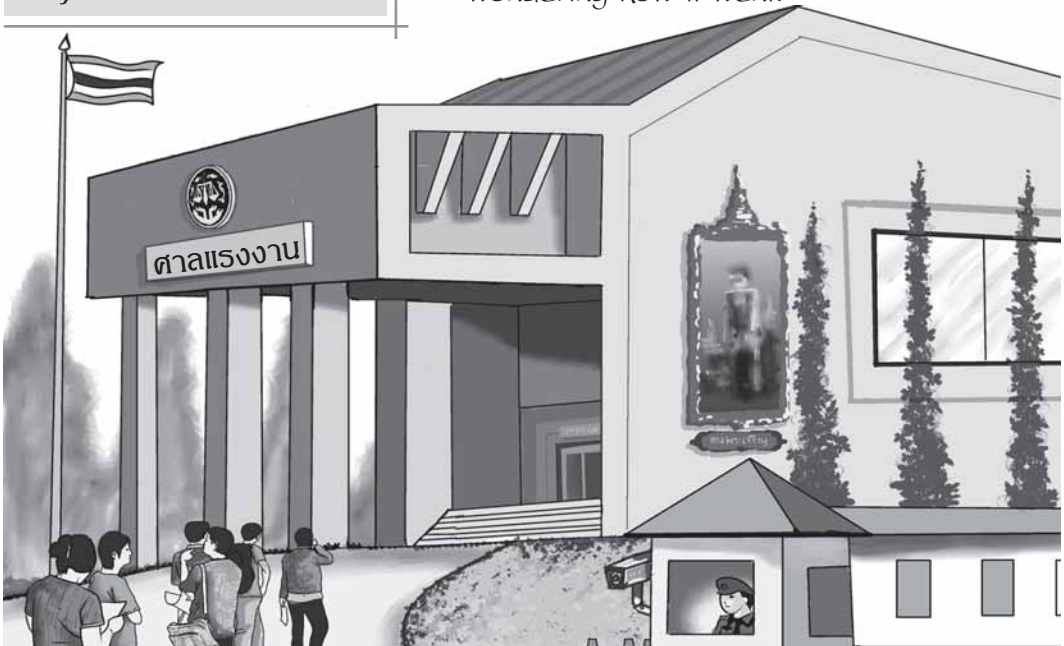
"Chidra, are you going home?"

"Yes. You too?"

"Yeah. How have you been? I've been wanting to talk to you about something."

"Please go ahead."

"I want to take legal action. My wage is very low now, and my friend and I were talking about it. We think that it may be possible to ask for the minimum wage, but we are not so sure whether it will actually work or whether it is worth fighting for. I know you went to court before, so I was wondering how it went."



"Oh, of course, I can tell you about it. It took a long time, but I finally won compensation for my unpaid wages. In the beginning, I was also skeptical whether we would get the money. But, I am telling you now that Thai law can definitely protect us."

"Migrant workers like us?"

"Yes. Thai law protects all workers alike. However, to take legal action, you and your friend need to be patient and stick it out to the end."

"Really? But you just said Thai laws provide protection to all. What do we need to be so patient for? Don't we endure enough hardship already?"

"Well, the process involves a lot of small details which takes time. You need to prove your case with witnesses and all that. You also have to make a very exact calculation of your actual start date, and how much the daily wage you earned was for how many days, plus how many hours you worked overtime, and so on. All of this just takes time."

"How much time did you spend on it?"

"A year and a half."

"A year and a half? For how much money?"

"Just over ten thousand baht."

"Do you think it was worth it? I don't think so."

"The amount doesn't seem like it was worth all the trouble and the time. But in the long run, it is worth it."

"Why?"

"Well, it's raising a new bar for the employers. They are learning that we can always file charges against them if they violate our rights."

"New bar? Rights violation? What are these terms?"

"I mean, before this, migrant workers like us have always been taken advantage of, like being paid below the minimum wage. In spite of that, none of us thought of forcing the employers to pay us back. But now there are actual cases where workers are winning and the employers really have to pay the compensation. The employers are becoming aware that we have the right to sue them for exploiting us. For workers like us, we should know that we have the right to pursue justice too."

"Well, that's true. And how did you feel during the trial? It must have been very tough for you, right?"

"It was. It was hard to get a new job, and I had to watch out for police all the time when going to court. But my friends and I gave each other moral support. We depended on each other until we all won the case. If I could turn back time, I would still choose to pursue this case."

"Besides supporting one another, who else helped you?"

"We received support from MAP Organization and Yaung Chi Oo Workers Association (YCOWA) who provided us with food and housing. They also gave us legal advice and informed us what our rights are and what we could do. But I have to tell you that the most important factor of our victory was not these organizations."

"What's more important?"

"It's the solidarity and the patience of all of us workers, and keeping faith in the law. No matter how long or how difficult it gets, if we have enough patience then justice will be served."

"So tell me how you and your friends started the process together."

"At the beginning, I just wondered why my salary never went up, why I kept getting less money. When I realized others shared this frustration at the factory, my colleagues and I formed a group. The group grew as big as 160 people before we took the case to court. At that time we were hired, we earned 100 baht per dozen, and it took us two full days to make a dozen pieces. We were never paid overtime. The best thing we got was a pack of instant noodles if we worked until 11pm. All of these awful conditions made us decide to approach the employer, to ask for a

raise to 140 baht per dozen pieces. He refused us."

"Then what did you do?"

"So, we proposed that they pay us 8 - 10 baht per hour for overtime work. This was turned down as well."

"Overtime means working in the evening, right?"

"Yes, working after five o'clock can be considered overtime, and we are entitled to receive extra payment."

"Wow, I never knew that! For a long time I've been working overtime for nothing. This is good. We will demand our rights for OT. Then maybe I can start saving some money."

"OK, let's get back to the story. After the employer refused to pay for overtime, we went to talk to Yaung Chi Oo, who recommended that we file a claim at the Office of Labour Protection and Welfare."

"Where is this office? Did you have to travel far?"

"No, it's right here in Mae Sot. In fact, there is an office of Labour Protection and Welfare in every province."

"What about the court? Didn't you go to court?"

"Not at first. You can start the process at the Labour Protection Office."

"And how come you ended up going to court?"

"Well, the Office of Labour Protection and Welfare arranged a negotiation between the employer and us. We requested the employer pay minimum wage, which was 139 baht a day. The employer said that they could do that, but they would need to deduct other costs including electricity, tap water, food, and accommodation, which came to 80 baht. This would leave us with a 59 baht wage. We couldn't accept this, and told them to pay us overtime, if they wanted to deduct these costs."

"With the OT, you would get more money per day than the minimum wage?"

"Yes. After we proposed this, the employer did not take any action. So the Labor Protection Office took the case to the court."

"They did that for you?"

"Yes. It's their job."

"And what did the court say?"

"The judge proposed that the employer pay 50% of the actual wage plus the overtime payment, and asked if we could accept that. Then we agreed to this offer."

"Did you get the money right away?"

"The employer asked to pay us in three installments. But in the end, everybody received the money."

"Now I feel more confident that migrant workers like us can take legal action to demand justice."

"Of course. Every worker, regardless of their nationality, is entitled to protection under Labour Law. It is up to you to exercise your rights."

"Thanks to you, I get it now. Although nothing comes easy; if we stand up together for what we deserve, everything is within our reach. More importantly this will have a positive long-lasting impact for our children and the next generation. I will talk with my friends at the factory about this."

"Yes. We can make the change and contribute to fair employment practices. I am very happy to share my story with you today. Please feel free to ask me anything. I will be more than happy to give you some advice. I really believe you will receive justice if you take your case to court."

"I believe in my own rights, too."

Remarks:

Chidra and friends. 129 people (50 male, 79 female)

- Total amount requested at the Office of Labor Protection and Welfare: 21,298,212 baht.
- The Office instructed the employer to pay 1,872,140.72 baht, according to order 3/2549 issued by Labor Inspector.
- 07 March 2007, in the first court session, the employer proposed to pay 30% of the amount instructed, but the workers disagreed. A settlement contract was made on 03 May 2007 (129 workers) at Mae Sot District Labor Court. Both parties agreed to reduce from the instructed amount of 1,872,140.72 baht to 1,162,980.17 baht. The payment was reduced in varying degrees as follows.

Payments	Percentage to be paid	Number of workers
over 20,000 baht	55%	16
10,000-20,000 baht	65%	81
5,000-10,000 baht	85%	24
5,000 baht and below	100%	8

The employer took the money for distribution at Mae Sot District Office of Labour Protection and Welfare. The workers collected the money in person at the Office of Labour Protection and Welfare on 25 October 2007 at 10:00am. The payment was made in two installments. The first installment totaling 494,266.57 baht was paid on 25 October 2007, and second for 668,713.59 baht was paid on 08 November 2007. The workers received the remainder of the agreed amount on 28 November 2007. The case is closed.

We are Also People with Rights

Sumianmu is from Yangon, Burma. In Burma, she worked as a seamstress and earned very little income. She and her husband agreed to move to work in Mae Sot, Tak Province. Both of them got their first jobs in a knitting factory. Then they moved to a garment factory, where they earned very low wages. In addition, the factory had a strict policy on the use of electricity and tap water, which created great difficulties for all the workers. The workers gathered together and requested a raise to receive proper income and asked the employer to provide them with better amenities. As a result, they were fired. The workers filed a complaint at the Labour Protection Office, which then ordered the employer to pay them compensation. Sumianmu participated in a Thai and migrant worker conference. During a tea break, a Thai worker came to talk to her. Sumianmu can understand and speak Thai fluently, so she could communicate with her.

"Hi. My name is Porn. What is your name?"

"My name is Sumianmu. It is nice to meet you."

"It is nice to meet you too. I work as a construction worker. You are a factory worker, aren't you?"

"Yes. How do you know?"

"I have heard about you. I know that you have used the Labour Protection Office."

"That's right."

"Can you tell me what it takes to get compensation from an employer?"

"Well, if you think you have been exploited or that an employer has violated your rights, you must file a complaint at the Labour Protection Office."

"What happened to you and how did you end up at the Labour Protection Office?"

"My husband and I were working at a garment factory where we got paid very low wages and they had very strict rules concerning the use of electricity and tap water."

"How did they control it?"

"The employer turned off the electricity and tap water very early. They were very stingy. Sometimes they turned off the tap water while one of the workers was still taking a bath."

"That's terrible. How much did you guys earn at that factory?"

"Just 80 baht a day"

"That is so low, even lower than the minimum wage."

"Exactly. We could not save any money because there was no money left each month. That's why we could not return home."

"What does your family do and how many people are in your family?"

"We have 7 people altogether. My brother and sister also work here in Thailand. My younger sister is still very young and lives with my mom and dad. I want to send them some money."

"How often do you go home?"

"Not so often. Just once or twice a year."

"Are you homesick?"

"Yes, I miss them so much. My parents are also very worried about us. We have to be patient and fight for a better life. We want to take good care of our parents and want to have enough money to have a good life. Come what may, we have to be very patient."

"You are great! So, tell me, what did you do after they were exploiting you like that?"

"We formed a group to negotiate with the employer to be more lenient with our use of electricity and tap water. But they turned us down."

"What did you do next?"

"We had a discussion and came up with an idea to write a formal letter to explain to them our difficulties."

"What did the letter say?"

"Generally speaking, we demanded two things. Firstly, that they give us a raise from 80 to 100 baht a day and secondly they had to provide us ample amount of electricity and tap water for use. We also gave them the deadline to fulfill our requests or else we would go on strike."

"Was it successful?"

"No. So we went on strike."

"How did the employer react?"

"They cut off electricity and water right after they read that letter. That was very difficult for us. A day after that our group leaders went to consult Yaung Chi Oo who gave us legal advice. But there was nothing we could do at that time because some of our friends were still in the factory and would get into trouble as a result of our actions."

"What happened next?"

"Two days after that the employer called the police to force all of us who joined in the strike off of the premises."

"How many people were dismissed?"

"118. We all moved out. Some of us moved to live with their relatives who were already working in Thailand. However, 80 people did not have anywhere to go so we went to stay with Yaung Chi Oo."

"After that, you filed the complaint at the Labour Protection Office, didn't you?"

"Yes. But before we went to the Office, Yaung Chi Oo and MAP counseled us on the legal process and our labor rights. They said we could make a claim to defend our rights at the Labour Protection Office."

"And what do you have to do at the Office?"

"We just informed the officers that we wanted to file a claim against the employer for wages, payment for overtime and holidays, as well as for the insufficient amenities they provided to us."

"What happened next?"

"They asked us to fill out a form and told us they would call the employer for questioning."

"Did all of you go to file the claim?"

"Not all of us. Only 80 of us went there. But gradually less people stayed in the case."

"Why?"

"We had many problems during the process. Some of them could not wait, so they decided just to quit and get a new job. Some accepted the money which the employer offered to drop the claim."

"Is that so? How much did the employer pay them?"

"They paid 5,000 baht each. This money was for them to drop the claim. After getting the money, these people returned to their homes in Burma."

"Were there any other problems during the process?"

"Yes. After we filed the claim at the Labour Protection Office, they sent someone to threaten us into dropping the claim. But we did not let them scare us. Then they proposed the offer of 5,000 baht to us. We could not get a new job easily because our ex-employer had told other places not to hire us. It was very difficult to live because we did not have enough money. Anyway, we were lucky that Yaung Chi Oo and MAP helped us with food and a place to stay."

"Did you get the compensation as a result of the complaint?"

"Yes. The Office of Labour Protection and Welfare issued the order which forced our former employer to pay us 15% of the amount we requested."

"Why is the amount so low?"

"Yes, it was very low. But it is better than getting nothing. But more importantly, it gave employers a lesson that they have to pay for exploiting us. Next time, they won't dare exploit us because we will file a claim against them."

"What if you hadn't wanted to accept the amount of compensation in the order?"

"We could continue appealing but it would take longer. So, we decided to take it."

"How did you feel after all these?"

"I felt both happy and sad. I am happy that the Office finally ordered them to give us the compensation. On the other hand, I felt sad that only 20 of us could stand the pressure and get that money. If more of us had stuck together, I would have felt much better."

"It is just because they could not stand the pressure, isn't it?"

"Yes. You see, our fight was very tough. And we couldn't get a job, so we did not have money. There were people at home that needed our remittances and they faced financial difficulties as well. It was a prolonged process. So, many workers ended up accepting that 5,000 baht offer instead of fighting."

"Well, all of you were patient."

"Thank you. We all had to support one another spiritually. That's why we didn't get discouraged to fight."

"That's a very good story and example to hear about. If someone takes advantage of me, I will stand up and demand my rights like you have done."

"I'm also glad to share this with you."

"Thank you. No matter what nationalities we are, we all have equal rights. We will fight together."

"Yes. We will fight together for our rights."

Standing Up for Our Rights

Matian Tae is originally from Mon State in Burma. She moved to work in Mae Sot to earn money in order to follow her dream of opening a shop in her hometown. Unfortunately, her employer did not allow its employees to take leave during Songkran festival. As a result, the workers went on strike. The employer asked the police to arrest and send these workers back to Burma. However, Matian Tae and her friends came back to Mae Sot to exercise their rights as protected by law. They demanded their wages, overtime payment, severance pay and possession of their migrant ID cards which had been confiscated when they were working in the factory. They fought for 3 years and finally obtained a partial amount of the requested compensation.

Matian Tae returned home to visit her parents in Burma during the Songkran holiday. All of her relatives were very glad to see her again because she had been away for so long. So they gathered to have dinner together at her home and conversed cheerfully. They asked her many questions about her life in Thailand such as her living conditions, her work, her wages, and how her employer treated her. Then she spoke about her experience with the Thai justice system when she exercised her rights to demand compensation from her old workplace. All of her relatives were very interested in this story, especially her cousin who was considering working in Thailand.

"Is that true? It's hard for me to believe that we are protected under Thai law."

"I did not believe it at first either. But, I have proved it and I can confirm that Thai laws provide equal protection to all workers in Thailand regardless of their nationality."

"Really? Have you been to the court as well? What was it like? It sounds terrifying to me."

"Yes. I hadn't expected to go to court. It was very intimidating for me at first, but once I was in the courtroom, there was nothing to be scared about. The court is a place to provide justice for all. It is neither horrible nor terrifying."

"So what happened? Why did you have to go to court?"

"It is a long story. It started when I saw one of my friends arguing with the supervisor. I thought it was probably about work but I didn't know for sure. I overheard the supervisor tell her that if she did not do what he said, she would no longer be able to work there. A few days later I saw them fighting again but it seemed more serious than the first time."

"And what happened next?"

"I saw them fighting in the morning, and I saw that the supervisor went to the manager's office. In the

afternoon, some police officers came to the factory to arrest my friend."

"Police? Why?"

"I did not know, and my friends also did not have a clue. The rest of us in the factory then got together and asked the manager to bail my friend out."

"Did he do that?"

"Yes. I think the manager helped bail her out because he probably did not want the trouble with the workers to escalate."

"So, the situation was better after her release, wasn't it?"



"No. On the contrary, it got worse."

"Why?"

"The factory set an even stricter rule that we had to work on holidays, even during Songkran (water festival)."

"That's awful! With that rule, you couldn't come home."

"Yes. Anyhow, everyone needs holidays. We need to have a break from work and a chance to see our family."

"What did you do after they announced the rule?"

"We went on strike. How could we allow them to exploit us? If we let them do this, they would have kept taking advantage of us and we would never be able to have a better life."

"What did you do in your protest?"

"There were seven leaders who organized the protest. The owners then asked the police to come arrest us."

"Police again?"

"Yes, the police came and tried to arrest the leaders, but we did not let them. So the owner asked the police to arrest all of us, claiming that we had caused damage to his factory. We stopped working and he could not deliver his orders. But if we didn't fight

together, we were never going to get the fair treatment we deserve. We have the right to demand our rights."

"What do you mean by 'rights'?"

"Rights are something we are entitled to have or receive."

"Can you give some examples?"

"For example, as an employee, I have labor rights. The labor rights say we are, to be paid at least the minimum wage as established by the law. When we work more than 8 hours, we are entitled to receive overtime payment. Other than that, there are holidays, time to rest, clean and safe places to work and live, among other rights. If you are interested, I will give you something to read and let you know when we have any meetings or activities."

"Thank you. Anyway, were all your rights you just mentioned being protected?"

"No. That's why we had to protest and go to court. Let me continue the story. After we were arrested, we were detained at the immigration office for a night. Our JD cards were confiscated. We were sent back to Burma via the Friendship Bridge path on the following day. We did not go back home but stayed around the Moey River for a few days. Then we crossed the border back to Mae Sot again."

"Why did you go back to Mae Sot?"

"We wanted to consult with Yaung Chi Oo."

"What is Yaung Chi Oo?"

"Yaung Chi Oo is a Burmese organization which works with Burmese people. It mainly provides consultation on labor rights. After we met with them, we learned that we were protected by the law. Yaung Chi Oo explained what rights we are entitled to, and told us we could initiate a legal claim asking for our wages, overtime payment and compensation for being fired by the employer."

"What did you do after knowing about your rights?"

"We had a discussion and we all agreed that we would file a lawsuit against our ex-boss."

"How did you do that?"

"We went to the Office of Labour Protection and welfare to fill the form to claim for our wages, overtime, severance pay and for return of our confiscated JDs."

"What else did Yaung Chi Oo help you with?"

"Yaung Chi Oo took us to the Office of Labor Welfare and Protection, and its staff told us what we needed to do and how to do it. Its network partner

called MAP Foundation was also there. Both organisations provided legal advice about our rights, and other information we needed to know. They gave us a lot of information. Anyway, to win the case or to get our demands, we had to rely on ourselves."

"Really? Can you tell me more about your fight?"

"We got together, cheered each other up, and fought side by side. We did not give up until we achieved what we wanted."

"How long did it take to win?"

"3 years."

"Why did it take so long?"

"Each process was quite complicated. I also thought that it was long. But, then on second thought, it wasn't too long; these things don't come easy. And, if we won and the ex-boss had to pay us, then employers would learn that they can't take advantage of us anymore. I also think that the whole process might be shorter in the future."

"I see. During your trial in court, were there any troubles?"

"No. While the case was being sent to court for trial, I got a new job. I was lucky that my new boss understood my situation and allowed me to go to court. Although I had not

gotten my JD card back, I used the TorRor 38/1 paper (migrant worker registration certificate) to apply for a new job."

"Thank you very much for sharing your story with me, otherwise I would have never known about labor rights. I've always thought that we just have to give in to the employer."

"I'm also happy to share my valuable experience with you. Now we all know that all of us have rights and we have to protect our rights."

"Yes, we do have rights."

After finishing the story, Matian Tae continued having dinner with her relatives, and happily spent her holidays with her family.

Remarks: Matian Tae and other 84 female workers.

- The total amount claimed in the Kor Ror 7 form as submitted to the Mae Sot District Office of Labour Protection and welfare was 14,563,603 baht.
- On 27 July 2007, the Office of Labor Protection and welfare by Order 14/2549 issued by the Labour Inspector, ruled that the employer did not need to pay the money claimed.
- On 10 April 2007, the workers took the case to the labour court to cancel the Order 14/2549 issued by Labor Inspector.
- The labor court arranged a negotiation between the employer and the employees, but it was unsuccessful. On 19 June 2007, it was agreed that the employer would pay each employee 23,500 baht, and would have to deliver the total amount of 1,974,000 baht to the Mae Sot District Office of Labour Protection and welfare within 30 days. In November 2007 the employer brought the total amount to the Office, and so far 1,668,500 baht has been paid to 71 laborers. The ex-employer asks that the remaining 13 workers who have not claimed their payment yet should contact Labour Protection Office in person in order to receive their 305,500 baht settlement.

In the End We Will be Paid

Mio is from Yangon, Burma. In Burma, she earned 12,000 kyat (around 360 baht) a month as a tailor. She wanted to support her family financially and to help pay for her brother's education. With that in mind, Mio and her husband decided to move to and work in Mae Sot in Thailand's Tak province. They got a job at a knitting factory, but shortly afterwards; a group of workers including Mio and her husband were fired. As a result, they made a collective effort to file a claim at the Labour Protection Office for their unpaid wages, overtime payment, and severance pay from their employer. In the end, the Office ordered the employer to pay Mio and all other workers. Individually, Mio received approximately 20,000 baht.

International Migrants Day is celebrated in several locations in Thailand including Mae Sot. The event attracts a large number of migrant workers, especially Burmese. This past year the organizers presented a history of the International Migrants Day along with information concerning labor rights. Several migrant workers who had exercised their rights by taking legal action spoke at the event to share their experience with others. The participants were divided into smaller groups, each with a migrant worker who shared his/her experience. Mio was one of the workers who was willing to share.

"If you would like to know anything about the problems I experienced, please feel free to ask."

"How did your story begin?"

"It started when my husband and I were still working at a knitting factory. We were paid lower wages than other comparable factories. Sometimes, there was no work to do at the factory. We asked if they could let us work in other factories during those periods but they not not let us. So we decided to propose our demands to the employer."

"What were they?"

"We asked for two things. First, within seven days the employer had to raise our wage for every dozen items we made. Second, during the idle period, they had to pay an extra 20 baht per person for our lunch."

"Did they agree to your demands?"

"No. But they offered something else. They told us they couldn't afford what we had asked, but they could pay the minimum wage, under the condition that they would no longer provide us the factory's housing and we had to move out. They would also cancel other benefits too."

"Did you accept that?"

"Of course. We moved out of the factory housing."

"And what happened afterwards?"

"They let us continue working. But this time, they had us sign in when we came to work although they didn't give us any assignments. And after one month, we got fired."

"Fired? Just like that?"

"Yeah. They put up a notice about it.

It said we were fired because we didn't follow the employer's order and had caused damage to the company. There were 4-5 other allegations but I cannot remember what they were."

"What did you do?"

"We had to leave the job. After that 72 of us got together, and we voted five people as leaders. Then we agreed to go get advice from Yaung Chi Oo."

"What kind of advice?"

"Mainly about our labor rights. So we learned more about what we are entitled to, and which of our rights had been violated. We also learned that we could demand the unpaid wages from the employer."

"That sounds great. But how could you do that?"



"First of all, we went to Office of Labour Protection and Welfare. There, the official told us we needed to fill in the KorRor 7 form, and they did this for us. After that, they made an appointment for us to revisit and fill in another document called KorRor 3 form."

"What are these documents?"

"They are the documents that register our personal information and the details of our case. So it is necessary to try to accurately remember when we started with this factory and how much the total payment owed was. You need to know how much the employer had already paid and the amount of money he still owes you."

"Sounds complicated. How did you calculate the unpaid amount?"

"It's not that hard. You can calculate the total owed using the official minimum wage. Then you subtract what the employer has already paid and you'll get the exact amount of unpaid money you should get."

"What did you have to do after filling these forms?"

"We waited for the response from the Office of Labour Protection and Welfare, whether they would order the employer to pay us and how much."

"How long did that take?"

"In our case, it took around three months. The employer was ordered to pay us."

"Did they pay immediately?"

"No. They said they couldn't afford it right away, and asked to delay the payment for six weeks."

"And you got the requested amount, right?"

"No. We were paid less than that. But it's better than getting nothing."

"How much did you get?"

"I got around 20,000 baht."

"Did the others get the same amount of money?"

"No. It depends on the period of employment for each worker."

"Were there any problems during the time you were waiting for the result?"

"Of course there were. It was hard to find a new job because the employer told other factories not to hire us. They also sent someone to threaten us into dropping the claim."

"How did you deal with that?"

"We had made up our mind so we didn't give up. That way they would learn that they can no longer take advantage of us."

"Were there any other problems?"

"Yes. Some of us who did not have a work permit had to be very careful and avoid getting arrested by the police. Otherwise, they would be sent back to Burma."



"That's terrible."

"It is. I think this is also an issue that needs to be solved. For example, the deportation should be on hold, until the trial is finished."

"Right, but how can we fix that?"

"I think if we all stick together and are relentless in our demands, it will eventually work."

"Is there anything else that you would like to share with us?"

"Beyond our victory and the payment we finally received, another important aspect of my experience was working with my coworkers to fight for our rights. I also learned about what my labor rights are, which is important to me. I will never forget what I learned and I will keep telling other workers about their rights."

"As today is the International Migrants Day, could you say something about it?"

"It is an important day, certainly. It shows how the whole world recognizes the importance of migrant labor. However, everyday is our day. We must keep in mind that labor rights are ours. To fully enjoy them, we have to protect our own rights. No one else can do that for us. Do you agree with me?"

"Yeah!" shouted all the workers.

"Do you agree with me?"

"Yeah!" The workers cheered again even louder. Each of them was in great spirits and felt determined to protect and exercise their rights to the best of their ability.

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