

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THAILAND

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE
TRADE POLICIES OF THAILAND
(Geneva, 28 and 30 November, 2011)**

EXECUTIVE SUMMARY

Thailand has ratified five of the eight core ILO labour Conventions. In view of restrictions on the trade union rights of workers, discrimination, child labour, and forced labour, determined measures are needed to comply with the commitments Thailand accepted at Singapore, Geneva and Doha in the WTO Ministerial Declarations over 1996-2001, and in the ILO's Declaration on Fundamental Principles and Rights at Work and its 2008 Social Justice Declaration.

Thailand has ratified neither core convention on trade union rights and the law does not allow broad categories of employees the right to organise and collectively bargain. Employers make use of many anti-union practices including lockouts, dismissals, unfavourable work assignments and reductions in work hours of union members in order to limit union membership and activities.

Thailand has not ratified ILO Convention No. 111 on discrimination. The law does not protect women from gender discrimination adequately, and it discriminates against migrant workers. Many groups face discrimination in various aspects of employment, including in hiring and remuneration.

Child labour is a problem in Thailand and many children are victims of the worst forms of child labour, mainly in agriculture, shrimp farms, fisheries, prostitution and domestic servitude. The government is taking a number of measures to address the problem but there have been few prosecutions for such exploitation.

The laws do not effectively protect migrant workers, various ethnic groups, indigenous people or stateless people from forced labour and human trafficking. In practice, forced labour and human trafficking are significant problems. The government has made some efforts to improve the situation, however the state apparatus has often been found to be complicit in such crimes.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THAILAND

Introduction

This report on the respect of internationally recognised core labour standards in Thailand is one of the series the ITUC is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) in which Ministers stated: "We renew our commitment to the observance of internationally recognised core labour standards." The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed this commitment. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998 and in the Declaration on Social Justice for a Fair Globalisation adopted unanimously by the ILO in 2008.

The ITUC affiliates in Thailand are the Labour Congress of Thailand (LCT), the National Congress Private Industrial of Employees (NCPE), the State Enterprises Workers' Relations Confederation (SERC) and the Thai Trade Union Congress (TTUC) which have a membership of approximately 250,000 persons in total, covering various areas of employment in Thailand.

I. Freedom of Association and the Right to Collective Bargaining

Thailand has not ratified ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise or ILO Convention No. 98 on the Right to Organise and Collective Bargaining.

The 1975 Labour Relations Act (LRA) and the 1998 Labour Protection Act (LPA) provide for the right to organise for private sector workers. At least ten workers in the same factory or industry are needed to form a trade union. Trade unions must be registered with the Ministry of Labour (MOL). A number of standard provisions have to be included in all union charters. Only two types of union are allowed: unions formed in a single company and those formed by employees in the same trade who do not necessarily have the same employer. Limiting union structures to these two types conflicts with ILO Convention No. 87.

Non-nationals may not form a union but can only join existing trade unions. They may not be elected to union leadership posts. However, most of the migrant workers work in factories where only migrant workers work and, hence, it is virtually impossible to organise. Therefore over 700,000 documented migrant workers from Burma, Cambodia and Laos do not have the right to form a trade union.

Workers in state enterprises are subject to different legislation, the State Enterprise Labour Relations Act (SELRA) of 2000 and are entitled to organise and collectively bargain. Representation of at least 10 per cent of the workforce is needed to apply for establishment of a trade union. Each state enterprise can only have one union. If membership goes below 25 per cent of the eligible workforce the union can be dissolved administratively. Individual state enterprise unions can only affiliate to the State Enterprise Workers' Relations Confederation (SERC) and not to a national labour congress. Other civil servants are not allowed to form and join trade unions and are excluded from coverage of LRA and SELRA. Teachers and other civil servants interpret provisions of the 2007 Constitution as extending the scope of freedom of association over their professions and trades. Nonetheless, the government has refused to recognise the National Thai Teachers Union (NTTU). The government sets wages for civil servants through ordinances and decrees.

Anti-union discrimination is prohibited but workers are not protected against dismissal for any other reason, provided that they receive severance pay. In case of discriminatory dismissals the courts can decide to reinstate the workers.

The support of at least 15 per cent of the workforce is needed for employees to engage in collective bargaining, or otherwise the presence of a trade union with a membership that represents at least 20 per cent of the workforce. In order to undertake collective bargaining, the union must vote in its annual meeting on a collective bargaining mandate. Without such a mandate, which needs to be communicated to the employer and the Ministry of Labour, a trade union cannot engage in collective bargaining.

The law regarding collective bargaining procedures allows little time for negotiations. After a union mandate has been communicated to the employers, negotiations must begin within three days. If not, a conciliator from MOL must be called in and if no agreement is reached within five days, the unresolved issues are submitted to a mutually accepted independent arbitrator whose decision is binding for one year. If the two parts cannot agree on a commonly accepted arbitrator then the unresolved issues can be submitted to the Tripartite Labour Relations Committee (TLRC) which takes binding decisions. Alternatively, the union can strike with one day's notice or the employer can use a lockout.

The SELRA prohibits strikes and lockouts in state enterprises. Civil servants do not have the right to strike and are subject to disciplinary measures and dismissal if they do so. Private sector workers have the right to strike but the government can restrict strikes that "affect national security or cause severe negative repercussions for the population at large". The LRA forbids strikes in essential services, which are defined in a much broader sense than the terms set out by the ILO.

The 2008 revisions of the Labour Protection Act stipulate that "fair benefits and welfare without discrimination" should be provided to subcontracted workers. However labour brokers claim that there is no discrimination if their workers receive lower wages

than regular workers in a factory, as long as all those employed by the same contracting company are paid the same. While the labour court has ruled that “the law requires equal pay and benefits for subcontract and regular employees” in practice, more often than not, subcontracted workers are paid less than regular workers even though they perform core business activities like them.

Employers make extensive use of anti-union practices to limit membership and bargaining power. Both multinational enterprises (MNEs) and local suppliers have repeatedly participated in bad faith in collective bargaining processes and used lockouts, lawsuits, intimidation, harassment, evictions and dismissals to impede union activities. The provision of severance pay is often not respected and union leaders and members are routinely dismissed when attempting to form unions or negotiate collective agreements. Moreover, the dispute procedure for reinstatement is time-consuming and costly for the dismissed employee without any other income; these persons often settle extra-procedurally. Police have sometimes been involved in actions that facilitated employers' union busting efforts, including arresting strikers or giving legal advice to employers.

MNEs have made extensive use of lockouts to restrict unions. In January 2010, AutoAlliance Co. Ltd. (AAT), a joint venture between Ford Motor Company and Mazda Motor Corporation, locked out employees after negotiations on matters of remuneration broke down. During the lockout, the authorities sent in security forces to intimidate the locked out workers. Six union leaders were later held legally liable for damages caused by blocked traffic during the lockout and the consequent picketing. Subcontracted workers at the AAT plant joined the other workers during the dispute and requested that their contractor join the collective agreement negotiations. In response, AAT locked out the subcontracted workers and the contractor dismissed 108 employees. The TLRC ruled against the complaint of the dismissed workers.

In another incident, Goodyear Co. Ltd. locked out 620 union members. Likewise, in March 2009, the Michelin Tyre Company locked out employees who refused to remove their names from a petition against a unilaterally imposed 35% wage cut. Twenty-two union members were arrested, faced criminal charges and were suspended from their jobs. On that occasion, in June 2010 the TLRC ruled that Michelin acted in violation of the LRA.

Many MNEs and their local suppliers have sought to avoid reinstatement of workers after TLRC decisions. On 18 January 2010, Michelin dismissed 12 union members. TLRC ordered Michelin to reinstate the 12 workers but the company offered them only lower positions comparatively to those they had before.

Unfair dismissals due to union activity take place also in state-owned enterprises. For example, State Railway of Thailand (SRT) dismissed six employees after a strike in October 2009. The Minister later refused to reinstate the workers.

Further to lockouts, MNEs have made use of evictions in order to punish workers for union activities. In a dispute in 2010, Tycoons Worldwide Group Public Co., Ltd. in

Rayong Province evicted many of the 400 strikers. The workers were protesting over better wages, health and safety provisions and working conditions. During the same period of time, a union activist and his wife were seriously beaten by an unknown assailant while returning home from a union meeting.

Reports show that some enterprises have used bogus theft and other false charges against organised employees. Some employers used unfavourable work assignments and reductions in work hours and bonuses to retaliate against workers' activities.

In September 2010, the Deputy Commander of Rayong Provincial Police recommended actions and procedures for both the police and employers in cases of labour disputes. The officer advised employers to introduce closed-circuit surveillance cameras (CCTV) to monitor employee meeting places and watch for activities especially during times with labour disputes. According to the procedures, if a dispute arises, the company should deploy guards and, in the event of an industrial action, both uniformed and plainclothes police will be assigned to all demonstrations while recording and taking photographs of workers and their activities. Other procedures include the provision of information on union leaders and participants in the action, a negotiation team as well as court petition procedures. Rayong Province includes the large Hemaraj Eastern Seaboard Industrial Estate with over 220 auto assembly and parts manufacturing plants.

There are no exemptions from regular labour laws in Special Economic Zones. However, a draft bill on SEZs would establish a new national board to designate new zones and would hand the administrator of each zone powers to “set standards and bypass existing laws, including labour law”.

Summary

Thailand has ratified neither core convention on trade union rights and the law does not allow broad categories of employees the right to organise and collectively bargain. Employers make use of many anti-union practices including lockouts, dismissals, unfavourable work assignments and reductions in work hours of union members in order to limit union membership and activities.

II. Discrimination and Equal Remuneration

Thailand ratified ILO Convention No. 100 on Equal Remuneration in 1999 but has not ratified ILO Convention No. 111 on Discrimination (Employment and Occupation).

Discrimination in employment is prohibited in Thailand. The principle of equality of opportunity and treatment is recognised in the law, including with regard to remuneration. The LPA requires the employer to provide equal wages for men and women, including equal overtime pay and holiday pay. However it does not ensure equal pay for work of equal value in respect of other additional benefits in cash or in kind such as bonuses, allowances, food or accommodation. Equal pay is only required where men

and women perform work of the same nature, quality and quantity. The LPA also specifies types of work that employers cannot require women to undertake; for instance, mining or underground work, underwater work or any other type of work defined by ministerial regulations. The LPA prohibits employers or high-level employees from sexual harassment of female or child workers and prescribes a fine of THB 20,000.

In practice, women face discrimination in employment. Women are concentrated in low skilled and low paid positions: according to the Ministry of Social Development and Human Security (MSDHS), in 2007 women held 22 per cent of managerial positions in publicly listed companies and 35 per cent in commercial companies. In the government women held 16 per cent of high-level positions. Moreover, women face a 37 per cent gender pay gap. Reports also show that sexual harassment occurs and that women do not file complaints due to fear of retaliation or, if they are precarious workers, fear of non-renewal of their contract.

Thai labour laws apply to the country's 3 million migrant workers, both documented or not, except when explicit exemptions are made in law. For example, as noted above migrant workers cannot form a union but only join unions organised by Thai workers. A regulation of the Ministry of Labour requires migrant workers to contribute to a repatriation fund starting on 1 January 2011. Under the regulation, Burmese, Cambodian and Laotian workers are required to pay a monthly fee, which is not the same for the three nationalities, through payroll deductions to cover the government's expenses in the event a migrant worker is deported. Furthermore, the MSDHS imposes contraception measures on migrant workers because migrant children were prone to be victimised by human trafficking due to their illegal residence. Another discriminatory regulation gives state owned enterprises the freedom to deny compensation to migrant workers for work-related accidents and illnesses.

Almost 80 per cent of the migrant workers are from Burma and, to a great extent, Laotian and Cambodian workers comprise the remaining 20 per cent. There are also 140,000 refugees registered with the United Nations High Commissioner for Refugees (UNHCR).

Migrant workers are seriously discriminated against in Thailand. A 2006 ILO-supported survey of Thai employers shows a commonly reflected attitude that foreign migrants did not deserve the same rights as Thai workers and therefore need to be controlled. It is reported that a tactic of some employers is to claim they are paying the minimum wage and then make deductions for migrant work permit fees and associated costs, food, lodging (some factory owners have dormitories or hostels they require migrant workers to stay in) and other expenses. Among other practices are the confiscation of travel documents, even though explicitly prohibited by law, the exertion of pressure on migrants by withholding work permits and taking advantage of language barriers.

The Constitution prohibits discrimination against persons with disabilities and a law mandates that persons with disabilities have access to buildings. The laws require

that every private company hire one disabled person for every 200 employees or pay fees to a special fund for disabled persons. However it is reported that persons with disabilities who find employment are subjected to wage discrimination. Moreover, the requirement for disabled persons' employment is not enforced effectively; the Council of Disabled People of Thailand has estimated that the 35 to 45 per cent of employers complied with the requirement. Some state enterprises had discriminatory hiring policies.

The hill tribes, Akha, Hmong, Lahu, Karen and others, are discriminated against in law and in practice. Members of such tribes are not recognised as citizens, have no property rights and have no access to welfare services, as the 2008 Nationality Act provides citizenship only to people from some categories of hill tribes. Persons from the hill tribes face discrimination in employment and in some cases other violations of their labour rights have been reported.

There is continued discrimination towards homosexual persons in several aspects of life, including in employment.

There are reports of widespread discrimination against persons living with HIV/AIDS. Some employers demand mandatory testing before hiring and refuse to hire HIV/AIDS positive persons.

Summary

Thailand has not ratified ILO Convention No. 111 on discrimination. The law does not protect women from gender discrimination adequately, and it discriminates against migrant workers. Many groups face discrimination in various aspects of employment, including in hiring and remuneration.

III. Child Labour

Thailand ratified ILO Convention No. 138, the Minimum Age Convention in 2004 and ILO Convention No. 182, the Worst Forms of Child Labour Convention in 2001.

The minimum age for work is 15 years. Education is free and compulsory up to 15 years of age. The use, procuring or offering of a child for illicit activities, in particular, for the production and trafficking of drugs is not explicitly prohibited. The LPA does not apply to child domestic workers and there is no regulation of their minimum age and working conditions. Furthermore the non-application of the law means that there are many children working in informal activities who are not protected, including in some significant sectors such as fisheries, restaurants and domestic work.

A 2005 Ministerial Regulation concerning the LPA in the Agricultural Sector provides for minimum ages, welfare and safe work for young persons employed in the agricultural sector. Children 13 years or older may perform work in agriculture which is not likely to be harmful to their health, safety or development, outside school hours and

with the consent of their parents. Otherwise, the minimum age for admission to work in agriculture is 15 years of age.

The LPA prohibits the employment of children in 12 different categories of work including metal melting, work involving heat, vibration and noise, work involving exposure to hazardous chemicals, underground or underwater work, work that involves the use of an electric saw, cleaning machines while in operation, slaughterhouses, gambling places and massage salons. However, the Ministerial Regulation on hazardous work applies to persons who entered in an employment relationship with the employer. The Labour Ministry has taken steps to review and update the hazardous work list and a subcommittee on the Review and Revision of the Hazardous Work List for Minors has been established.

In practice, child labour is a problem and many children are engaged in the worst forms of child labour. In rural areas, children work in sugarcane, cassava and corn plantations, as well as in rice paddies. Children in agriculture often have to carry heavy loads, work long hours and deal with pesticides and other dangerous substances. A 2006 survey found that 12.3 per cent of working children between the ages of 5 and 14 in agriculture performed unpaid work. Children are also employed in fisheries, shrimp farms and seafood processing under conditions which are often hazardous. In urban areas, children work in restaurants, markets, street vending, domestic servitude, constructions, forced begging and entertainment. Many face long hours, night work and other harmful conditions. Girls are often employed as domestic servants where they work long hours and are vulnerable to sexual and physical abuse. Many children are also employed in textile and garment factories close to the border with Burma and they are reported to operate dangerous machinery.

Children's exploitation in prostitution and pornography is a problem. The Office of the National Commission on Women's Affairs estimates that there are between 22,500 and 40,000 children in prostitution. These figures do not account for trafficked children forced into prostitution. Child trafficking, both internal and from neighbouring countries, is common and such children are usually either forced into prostitution or domestic servitude. The children most vulnerable to trafficking are indigenous or migrant children.

Moreover, a recent study found evidence that boys were associated with village defence militias, known as *Chor Ror Bor*, in more than 10 of 19 surveyed villages and that more than 100 children have been jailed for involvement in armed insurgencies between 2004 and 2009. A Ministerial Regulation on the protection and maintenance of peace and order in villages which sets out criteria for the selection of participants and initial training fails to include a minimum age for the recruitment of the militia.

The Labour Inspectorate often fails to detect cases of children involved in hazardous work, despite indications that such cases exist. From October 2009 to September 2010, 51,344 workplaces were inspected but no cases of unlawful child labour or violations of child labour laws were reported. Between October 2002 and July 2009, only 33 persons were arrested and prosecuted for violating the ban on hiring persons

under 18 in establishments. There is no information on convictions achieved. The MOL in cooperation with international organisations provided training to labour inspectors on child labour issues.

The government implemented the ILO-IPEC “Project to combat trafficking in children and women in the Mekong subregion” (TICW II Project), which trained 306 community watchdog volunteers in 124 villages, and targets special areas or groups where child trafficking is a problem. The government also adopted specific policies which include capacity building, intelligence exchange between countries and awareness-raising campaigns. Thai authorities cooperate with other government in South-East Asia under the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) and have signed a Memorandum of Understanding and a Subregional Plan of Action. The Action Plan focuses on training and capacity building, law enforcement, victim identification, protection and reintegration.

The National Committee to Eliminate the Worst Forms of Child Labour coordinates the implementation of plans and assists cooperation among different agencies and authorities. The National Committee comprises government officials, trade unions, employers’ organisations and civil society officials.

Summary

Child labour is a problem in Thailand and many children are reported to be victims of the worst forms of child labour, mainly in agriculture, shrimp farms, fisheries, prostitution and domestic servitude. The government is taking a number of measures to address the problem but there have been few prosecutions for such exploitation.

IV. Forced Labour

Thailand ratified ILO Convention No. 29, the Forced Labour Convention in 1969 and ILO Convention No. 105, the Abolition of Forced Labour Convention, in 1962.

Forced labour is prohibited under the Constitution and by the Anti-Trafficking in Persons Act which prohibits trafficking and prescribes 4 to 10 years imprisonment for offenders. The Act on Measures to Prevent and Suppress the Trafficking of Women and Children (1997) also prohibits trafficking.

However, human trafficking for the purpose of forced labour and prostitution is a problem. An NGO study shows that about a quarter of Cambodian citizens deported to their country were identified as victims of trafficking. Laotian authorities have also reported many victims among groups of deported citizens. Many Burmese also become easy victims of trafficking in their search for employment and economic opportunity in Thailand. Moreover, many Burmese who fled their country for political reasons have been victims of forced labour and trafficking and the Thai authorities indiscriminately deport them back to Burma, where their life might be under threat.

Forced labour is widespread in the fishing industry and shrimp farms. One assessment found that 57 per cent of Burmese migrant workers in the seafood industry in Samut Sakhon province in central Thailand experience conditions of forced labour. Usually, such workers are recruited under false promises or required to pay high recruitment fees or travel expenses which bind the victims until repayment.

One of the most brutal cases of forced workers' exploitation involved 61 Burmese fishing boat workers who had been fishing in Indonesian waters for nearly three years in six different boats. When the fishing concession permits expired, the boats were ordered to stay in high seas but the supply vessels stopped bringing adequate food. Thirty nine of the crew starved to death and 37 corpses were simply thrown overboard because "*the fleet captain was concerned that returning with dead bodies would cause problems*". Those who survived were paid 3,000 THB, a bit less than 100 USD. The case was raised in a labour court instead of a criminal court and is still ongoing. There are many other reports of coerced crew members who do not receive a salary, are forced to work 18 to 20 hours per day, do not dock for years or experience extreme violence. According to the United Nations Interagency Project on Human Trafficking (UNIAP), more than half of the surveyed migrant fishermen on Thai boats have witnessed killings of other fishermen when the victims became too weak to work. A study on trafficking of fishermen in Thailand found that inspections of boats were practically nonexistent.

Companies are reported to underpay migrant workers and to seize their travel documents. In 2010, Dechapanich, one of the world's largest fishnet producers destroyed migrant workers' permits and documents in Khon Kaen city when they asked to be reinstated after being unfairly dismissed. One thousand factory workers protested against these actions and, in addition, demanded compensation for several months without daily overtime as well as for the statutory minimum wage to be applied. In September 2010, local immigration authorities reinstated the work visas for the dismissed workers and Dechapanich agreed to return work documents to all employees.

Undocumented migrants, ethnic groups, indigenous and stateless people are at greater risk of being trafficked.

Women and girl victims are often trafficked for the purpose of prostitution. About 35 per cent of Laotians trafficked to Thailand are forced prostitutes, 32 per cent end in various forms of forced labour, 17 per cent work in factories, and 4 per cent work on fishing boats.

In 2010, the Thai authorities achieved 18 convictions of traffickers out of 79 prosecutions in 70 cases. Eleven of these cases concerned forced labour. In 2010 the MSDHS identified and assisted 381 victims of trafficking, down from 530 identified victims assisted in 2009. There are only 9 provincial shelters for trafficking victims in the country. New regulations allow trafficking victims to temporarily live and work in Thailand; however, the procedures for such permits, as well as repatriation procedures, are quite time-consuming and victims sometimes ask not be recognised as victims to avoid being unemployed, or they flee the shelters. Moreover, police have been found to

be complicit with organised crime on several occasions. There are reports that members of the police force have been offering protection to brothels and sweatshops, giving early warnings for raids, participating in the profits and facilitating trafficking and forced labour in many ways. Allegedly, Thai officials are involved in the trafficking of Burmese men, women, and children. Moreover, there are allegations that immigration officials extort money or sex from Burmese migrants detained in Thailand for immigration violations, and sell Burmese unable to pay to labour brokers and sex traffickers.

In December 2010, the police raided an apartment in Bangkok and removed 12 Uzbek trafficking victims. Initially, the trafficker was detained for as long the investigation would last. In January 2011, three police officers involved in the investigation were temporarily suspended for corruption and in February, the alleged trafficker was released on bail. Reportedly, she resumed activity in Bangkok's sex industry.

Many Thai citizens are trafficked abroad and face exploitation mainly in Middle East countries like the United Arab Emirates (UAE) and Bahrain, as well as in Asia, in Malaysia, Sri Lanka and China. Thai workers fall victims of labour brokers and recruitment agencies which promise economic opportunity abroad but finally force them into work. According to a US federal indictment - that the FBI has called the largest human-trafficking case in US history - six recruiters have been accused of trafficking 400 Thai workers to the US. Four employees of the labour recruitment company Global Horizons Manpower Inc. and two Thailand-based recruiters lured the workers to the US under false promises of lucrative jobs, then confiscated their passports, failed to honour their employment contracts and threatened to deport them.

The government developed the second six-year National Policy Strategy on Human Trafficking for 2011-2016. The authorities also introduced a Nationality Verification and Granting an Amnesty Programme which has been criticised for pegging the foreign worker's immigration status to her/his Thai employer and therefore for failing to provide migrant workers the necessary protection. Moreover, the verification requires the payment of fees, in addition to what migrant workers already pay to the poorly regulated recruiters.

Summary

The laws do not effectively protect migrant workers, ethnic groups, indigenous people or stateless people from forced labour and human trafficking. In practice, forced labour and human trafficking are significant problems. The government has made some efforts to improve the situation, however the state apparatus has often been found to be complicit in such crimes.

Recommendations

1. Thailand must ratify ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise and ILO Convention No. 98 on the Right to Organise and Collective Bargaining.
2. The provision which allows unions to be organised only on enterprise or branch levels should be amended in order to allow all types of unions to be established.
3. The provision to administratively dissolve a union if membership goes below 25 per cent of the eligible workforce should be rescinded.
4. The law that allows only one union in each state enterprise and enables them to affiliate only to the State Enterprise Workers' Relations Committee (SERC) should be repealed.
5. Civil servants should be allowed to form and join trade unions and should all be covered by the Labour Relations Act (LRA), the Labour Protection Act (LPA) and the State Enterprise Labour Relations Act (SELRA). They should be granted the right to strike.
6. The government should recognise the National Thai Teachers Union (NTTU) and other public sector unions and start negotiating collective agreements with those unions.
7. The procedures for collective bargaining should be reformed to allow adequate time for collective negotiations.
8. Measures which confine strikes should be limited to essential services according to the ILO definition as services "*the interruption of which would endanger the life, health or personal safety of the whole or part of the population*".
9. The authorities should take strong measures against employers who use lockouts, harassment, evictions, dismissals and any other illegitimate, unfair and illegal actions to impede union activities and membership.
10. Employers who refuse to provide severance pay or reinstate workers after a labour court or committee decision should be prosecuted. Moreover, the procedure for filing for reinstatement and the consequent judicial process should become more rapid.
11. The government should direct the police always to be neutral in the event of demonstrations, picketing or other industrial activities.
12. The discriminatory provision which bars non-nationals from forming a union and being elected to union leadership posts should be repealed.
13. The Ministry of Labour should stop requiring migrant workers to contribute to a repatriation fund.
14. The authorities need to prosecute employers who are not paying the full minimum wage to migrant or other workers. The government needs to enforce minimum salaries and all other legal provisions in all industries.

15. State owned enterprises should provide the same compensation to migrant workers for work-related accidents and illnesses as for Thai workers.
16. The authorities need to investigate and prosecute employers, recruiters or others who confiscate migrants' travel documents intending to exert pressure on migrant workers or threaten them.
17. Thailand must urgently ratify ILO Convention No. 111 on Discrimination (Employment and Occupation). The law should be amended to give full legal expression to "work of equal value".
18. The government should take urgent measures to improve women's participation in the workforce and women's access to high skilled and high paid jobs and to close the wage gap. Measures including training and employment preferences should be taken to empower particular ethnic groups, disabled persons and other groups which face discrimination in employment.
19. The government needs to take measures to inform workers of their rights in cases of sexual harassment at the workplace and should establish a new procedure for complaints to ensure victims receive a high level of protection.
20. The government should adopt special measures, including human resources development and sensitisation measures, to alleviate discrimination against indigenous people, disabled persons, homosexuals and persons living with HIV/AIDS.
21. The authorities should actively encourage and facilitate companies and unions to adopt workplace HIV/AIDS programmes.
22. The use, procuring or offering of a child for illicit activities, in particular, for the production and trafficking of drugs must be explicitly prohibited.
23. The LPA's scope of application should be extended to young domestic workers and strong regulation of minimum age and working conditions should be introduced.
24. The scope of application of the Ministerial Regulation on hazardous work should be extended to persons who have not entered in an employment relationship with the employer and to other precarious or informal working relationships.
25. Burmese who fled their country for political reasons should not be indiscriminately deported back to Burma by Thai authorities.
26. The government should dedicate more funds to shelters and assistance for victims of trafficking.
27. The Nationality Verification and Granting an Amnesty Programme should be reformed in order to increase the protection granted to migrant workers.
28. The government should start investigations and prosecutions against labour brokers and recruitment agencies, law enforcers and state officials who are allegedly complicit in trafficking and forced labour.

29. The government should step up its efforts to create understanding of trafficking and to build the capacity of judges, prosecutors, social service workers, and law enforcement officials in recognising trafficking victims and enforcing the anti-trafficking law. Investigations should urgently start on fishing boats, the shrimping industry, textiles and garments factories and other industries identified for frequent violations.
30. The Labour Inspectorate need to be adequately funded and inspectors should be properly trained so as to ensure the application of the law, including in currently informal and unregistered economic activity.
31. In general, the government should build up its law enforcement and judicial capacities in order to monitor and enforce labour laws, including legislation on violations of trade union rights, discrimination, child labour, forced labour and trafficking, and start punishing those who commit such crimes.
32. The WTO should draw the attention of the Thai authorities to the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. It should request that the ILO intensify its work with the Government of Thailand in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

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