

# กรณีศึกษา: การถูกโกงค่าแรง

## Case Study: Mrs Wimala Saeng-kaew (organza embroidery)

Mrs Wimala Saeng-kaew, known as Yui, 40, lived in Lam Salee Community, on Krungthep-Kreetha 7 Road, in Bangkok's Bang Kapi district. She finished her sixth-grade education and earned a monthly income of 5,000-6,000 baht from embroidering. Her husband was a hired motorbike driver, earning about 300-400 a day. Yui and her husband have five children. She has been doing this job at home for over 10 years. At the beginning, she took the job from Thailand Marketing Company (a fictitious name), which produced clothes for domestic sale. Yui invited her interested neighbours to form an embroidery group. The group worked together till the company got burned and went out of business in 2000. Yui then had to take embroidery orders from shops located in Bangkok's Pratu Nam area. As the number of members in the embroidery group grew, Yui had to take more work from another employer based in Nakhon Pathom.

This Nakhon Pathom-based company was a manufacturer and exporter to Nigeria of children's clothes made from organza. They provided no employment contracts. "No contract was signed. There were only simple delivery notes and a notebook documenting delivery dates, the quantity of work delivered, and delivery signatures," Yui said.

About the wages and finished work delivered to the company, she said, "Once the finished work was received, the wages will not be paid instantly. With five lots of work delivered, one lot will be paid. For instance, one lot amounts to 1,200 pieces of embroidery. We have to send 6,000 pieces so that we will get paid for 1,200 pieces. Then we'll get new lots of work to do. The pattern of payment continues like this. In terms of money, suppose we get 20 baht per piece, then we'll be paid 12,000 baht, amounting to one lot of work. There is also a QC inspector to make sure that our work meets with the criteria. With any damage found, the work will be rejected. With each rejection, our wages will be deducted at the rate of the clothes prices, ranging from 400 baht to 600 and 800 baht."

Yui recalled a very crucial experience in her homeworking life. "An order from an employer came. We distributed 1,200 pieces of embroidery to the embroiderers in Chachoengsao province and took 2,400 pieces for our group. When the delivery was due, they could not finish their work but lied that they could. This resulted in our failure to deliver the work at the appointed date, thus our total wages of 400,000 baht were not paid," Yui stated. She admitted

that it was the group's fault that the delivery of work had been delayed. "But still we should be paid as we had already invoiced the employer for each lot of the work previously done. Parts of the payment ought to be made so that I can pay the embroiderers, who have to earn their living like us. Though it was our mistake, we know that the employer could negotiate to have the work sent on to the customers. The unpaid wages might be considered as compensation for the loss of dockage."

What did she do to solve this problem? Yui said she went to meet the same employer asking for more work but was turned down, asserting that "With just one mistake, all your 10 good jobs previously done will be useless. No one will trust you." When she asked for the unpaid wages, he said he had been too seriously damaged to pay her. "I was so devastated since I had no funds to carry on, no money to pay the workers. Indeed it was our mistake. We had no good excuse to make. Neither could we demand for anything at all." After that, Yui had to work harder to support her family and children, including paying a lot of wages owed to the unpaid embroiderers. Yui's household appliances, such as television and linoleum, were taken away by her group members. Her house was nearly unfurnished.

Regarding her work-related health problems, Yui described that she had to start working at 7:00 a.m. and stop at 8:00 p.m. If there was a rush job, she had to work harder and had to spend time doing her morning chores, taking care of family and sending her children to school in the morning. Organza embroidering required her to breathe in the strong smell of kerosene, which smells like turpentine, every day. Too much inhalation of the oil would accumulate in the body and could be harmful. Moreover, the starch-based fabric stabilizer could splash into her nose. Such hazardous materials might not produce any effects instantly, but in the long run they could. Yui said when she was a home-based worker, she had to simultaneously work, take care of the family and look after her children. Even when she was pregnant, she had to do the embroidery work. "Without work, I'd be unemployed and earned no money," she added.

At the time of this interview, she had stopped doing embroidery job and become instead a cosmetics sales representative. The income she earned would help support other household expenses while her husband's income would be spent on the children's travel and food expenses for their school day. Yui earned about 200 baht a day. She was being paid on the day she worked, otherwise she earned nothing.

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