

# **LEGAL EMPOWERMENT OF THE WORKING POOR: PROGRESS REPORT**

**REPORTING PERIOD: August 1, 2012 – December 31, 2012**

## **A. INFORMATION**

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## **B. NARRATIVE REPORT**

### **B.1 Project Activities**

**i) Which activities were planned for this reporting period according to the 6 months plan? (November 1, 2011 - July 31, 2012)**

1. Seminar to identify appropriate social and legal protection for contact farmers
2. Follow up the development of subordinate legislations for the Homeworkers Protection Act
3. Prepare and support to have homeworker representatives in the “Home Work Protection Committee”
4. Deliver knowledge on the Homeworkers Protection Act and MR for DW to homeworkers and domestic workers
5. Link with at least one employer to prepare for protection of homeworkers according to the Homeworkers Protection Act
6. Document the progress of legal protection of informal workers in Thailand
7. Compile the project report

**ii) Which of these activities have actually been undertaken during this reporting period? Please include information on the scale of the activities (for instance number of participants for each activity) and content.**

**Conduct consultation meeting to identify appropriate social and legal protection for contract farmers**

The project conducted survey to interview 15 representatives from contract farmers, lawyers, economists, civil society groups, trade unionists and labour experts to collect their opinions in developing framework for social and legal protection for contract farmers in Thailand. After the survey a consultation meeting is conducted in December 6<sup>th</sup>, 2012. Its results are shared among respondents and brainstorm on strategies to move forward. Main outputs from the discussion are;

1. It is unclear status of contract farmers. They can be identified as employees, small farm entrepreneurs or business partners (a joint venture). With unclear status or multi- status, there is no law to protect them.
2. All participants agreed that there should be specific law to protect their rights and that law should base on their multi-relations with companies.
3. There are two possibility aspects of law, firstly, small farm entrepreneurs' law. Under this aspect, contract farmers will be independent, have better status with strong bargaining power. Secondly, labour law, reason supported this category is, they have similar employment relation with homeworkers.
4. There are 3 main tasks need to work together; organizing contract farmers to raise their voice, visibility and validity, law and policy advocacy work to develop legal and social protection and lastly, academic researches to support policy advocacy work.
5. In order to draft the law, they are 3 main categories need to study. Firstly, review existing relevant laws such as Sugar and Sugar cane Act and Homeworkers Act. Secondly, supporting contract farmers who have actually disputes with the companies and lastly study cases of contract farmers who was sued by the companies and was convicted and lost their land.
6. 3 main organizations will take responsible in future tasks, Sustainable Agriculture Foundation will take response in organizing contract farmers, Mr. Phaisit from Chiangmai university will take response to

- work on legal study and HomeNet Thailand will take response as focal point to maintain forums to share ideas and progress of all tasks.
7. However, there is need to getting financial support to draft the law and do policy advocacy work which need to discuss later.

### **Follow up the development of subordinate legislation for the Homeworkers Protection Act.**

2 representatives from HomeNet Thailand one from the foundation and another one from the network of homeworkers participated together with MOL representatives in the meetings to develop subordinate legislation for the Homeworkers Protection Act such as draft Ministerial Regulations on election procedure to elect homeworkers representatives and labour experts to place in the Home Work Protection Committees.. The Department of Labour Protection and Welfare plan to arrange the election next year (2013). However, up to the end of 2012, issuance of all those Ministerial regulations still delays with unclear reason.

### **Delivered knowledge on the Homeworkers Protection Act and the Ministerial Regulation for Domestic Workers to homeworkers and domestic workers**

#### **Homeworkers**

1. In December 7-8, 2012 the project conducted 2 discussions on “ Situation of informal workers situation, in particular homeworkers” and “ Social protection for informal workers” during a festival of informal workers products on “ Fair and Green Buy ” . There are representatives from ILO Bangkok office, official from MOL and Social security office, trade unionist, representative from Homenet Thailand did presentation in the discussion. More than 200 participants from the network participated in the discussions. Besides progress of legal and social protection of informal workers, participants raised the issue of impacts from Asian Economic Community in 2015 and the campaign for ratification of the ILO Homework Convention (C177) to protect homeworkers in Asia from corporate practices.
2. The project conducted a workshop on legal protection to homeworkers and leaders of informal workers’ network in the Northern part of

Thailand in December 28<sup>th</sup>, 2012. 43 participants participated in the workshop. Knowledge on important contents of the Act, information on the progress of the preparation of subordinate legislation is sharing with participants. At the same time, information on policy on social security for informal workers is delivered to participants.

### **Domestic workers**

1. On Sunday, September 28, the project organized a workshop on MBOs and organizing technique for leaders of the Network of Domestic workers in Thailand, about 30 DW leaders with 24 Thai and 4 Burmese participated in the workshop. The project got support from an IUF staff to facilitate their learning. The participants shared their experiences in organizing and evaluated the weaknesses and strength of each organizing method. After the workshop, they developed a plan to organize another 350 DWs, 300 Thai and 50 migrant in the next 3 months. They plan to evaluate their implementation again in mid-January 2013, whether they can meet their targets or not.
2. In October 30, 2012 the cabinet approved the Ministerial Regulation No. 14 (2012) proposed by Ministry of Labour which active enactment in November 9<sup>th</sup> of 2012. This is a big step in legal protection of domestic workers in Thailand. (Fact sheet attached)

Regarding to this new regulation, in November 17, 2012 the project conducted a small training to provide knowledge to 8 core leaders on the Ministerial Regulation No. 14 (2012) so that they are able to handle questions from the press and transfer their knowledge to other members. Furthermore, on December 2, 2012 about 98 members received knowledge on the regulation.

On 18 November 2012, the workshop for migrant domestic workers is held for 10 migrant domestic workers leaders. The workshop focused on the new Ministerial Regulation for domestic workers and fair employment contract.

3. The project has facilitated the Network's participation in activities organized by the IDWN in the Philippines from November 26-30, 2012, providing leaders a wealth of knowledge and the opportunity to share

their experiences with domestic workers from all over the world. They reported to the members and disseminated information on the IDWN. Upon invitation by the IDWN, the leadership discussed and agreed to become members of the international network.

4. On December 7, 2012 about 12 representatives from the foundation and the domestic workers network met with the Labour Minister to express their thanks to the ministry in passing of the Ministerial Regulation No. 14 to extend legal protection to domestic workers in Thailand. These representatives also discuss more on inclusive in social security for general formal workers, skill development, and the protection should cover women labour rights and lastly the campaign to educate employers and law enforcement.

### **Promotion of social protection floor in Thailand**

The project cooperates with ILO-Bangkok office and other civil society organization to promote social protection floor in Thailand in the following activities.

- Participated in the workshops to develop recommendations to the Thai government
- Supported setting up a core groups of civil society organization (CSO) to discuss about social protection floor in Thailand
- Conducted a discussion on social protection floor in Thailand for about 20 representatives from core CSOs in November 1, 2012
- Cooperated with other CSOs to conduct a workshop to raise understanding of CSOs and brainstorm on what should be demands for social protection in Thailand in November 26. About 40 representatives from CSOs participated.
- Participated in the meeting of core group of CSOs in December 13, 2012 in drafting and finalizing demands for social protection floor in Thailand

### **Published the studies on situation of legal protection of informal workers in Thailand**

The project edited and summarized all 4 studies, overview of legal protection of informal workers in Thailand and the details of the legal protection of domestic workers, homeworkers and contract farmers. 300 copies in English and Thai version will be published by the end of January.

### **Conduct a conference on ways forward for legal and social protection for informal workers in Thailand based on ILO standard**

In December 21, the project conducted a conference on ways forward for legal and social protection for informal workers in Thailand based on ILO standard. There were 60 participants including leaders of the informal workers network, Medias, academicians, ILO representative, representatives from MOL official, Social Security Office and Law Reform Commission, trade unionist and lawyers.

The conference started from 7 questions posted by informal worker representatives from different locations and sub-sector on the following issues; enforcement of the Homeworkers Act, obstacles to apply as insurer under social security scheme for informal workers, status of domestic workers in social security scheme, livelihood development for own account workers, occupation health and safety for informal workers, enforcement of the Ministerial Regulation for Domestic workers, parking space for taxi drivers, legal and social protection for contract farmers and problem in register as homeworkers groups.

Next session discussed about ILO standard, employment relations, and experiences of some countries have progress in extension labour law to cover informal workers such as construction workers and taxi drivers. The importance of labour standard (ILC177, ILC189) to create fundamental rights of workers. Ratification of ILO standard will ensure workers' rights and help protection from moving of investors.

Last session talked about progress of legal and social protection of informal workers in Thailand such as;

- MOL set up the office for Labour Protection and Administration of informal workers to extend legal and social protection of informal workers.
- Government set up the National Committees for informal workers and will organize the first meeting in January, 2013.
- MOL will try to elect the Homeworkers Committees in year 2013
- Number of insurers under social security scheme for informal workers reached nearly 2 million in December 2012 but consistency paying contribution fee is only about 50 %. The Social Security Office (SSO) has developed a plan to reduce the gap in dropping out.

- SSO is in the process to amend the Social Security Act to cover domestic workers.

There were recommendations from resource person to move forward such as;

- SSO should independent from MOL and Social Security Law should amend to provide the same benefits to all workers.
- MOL needs to cooperate with big industrial companies to pilot enforcement of the Homeworkers Act and should develop supporting and development measures for other sub-sector of informal workers such as street vendors and taxi drivers.
- The government needs to take care of Thai citizen from birth to death, therefore, social protection scheme need to develop to cover all citizens. All workers in any occupation, formal or informal, should be protected.
- MOL should accelerate enforcement of the laws related to domestic workers and homeworkers. Mol need to set up priority plan and should ratify ILC 177 and ILC 189.
- The informal workers need to organize and reach out to more members.

At the end of the workshop, those representatives of the informal workers who posted their questions, came out and express their opinion after listening to other stakeholders. They all agreed that at present, informal workers are more visible to the society but according to labour standard, there are still gaps in protection them. They need to reach out more workers and organize and dialogue more with the government. The network members should help each other to voice to the society for improving working condition of informal workers towards decent work.

### **Publish a campaign material**

4,000 copies of note books including summary of the Homeworkers protection Act, Ministerial regulation for Domestic Workers and HomeNet Thailand as member based organization. All these note book are distributed among HomeNet members,

- iii) ***Planned vs. Actual Accomplishments*** regarding these activities (if there are differences between what was originally planned for these activities –



**including Milestones – versus what was finally possible to accomplish, in detail):**

Planned	Accomplishments
<ol style="list-style-type: none"> <li>1. Seminar to identify appropriate social and legal protection for contact farmers</li> <li>2. Follow up the development of subordinate legislations for the Homeworkers Protection Act</li> <li>3. Prepare and support to have homeworker representatives in the “Home Work Protection Committee”</li> <li>4. Deliver knowledge on the Homeworkers Protection Act and MR for DW to homeworkers and domestic workers</li> <li>5. Link with at least one employer to prepare for protection of homeworkers according to the Homeworkers Protection Act</li> <li>6. Document the progress of legal protection of informal workers in Thailand</li> <li>7. Compile the project report</li> </ol>	<p>Most of the activities have been done as planned except two activities, Prepare and support to have homeworker representatives in the “Home Work Protection Committee” and creating linkage with at least one employer to prepare for protection of homeworkers according to the Homeworkers Protection Act. The reason that two those activities could not accomplish due to the delay of the subordinate legislations for the Homeworkers and the policy to increase minimum wage to 10 USD per day. With the wage policy many of the industrial companies delayed their production plan and some set a plan to move to other neighbouring countries which cheaper wages can be paid.</p> <p>The project spent the left budget to campaign on social protection floor and publishing a campaign material.</p>

## **B2. PROJECT RESULTS/IMPACTS**



The results and impacts from the project in this reporting period are;

- The network of domestic workers in Thailand succeeds in advocated for the Ministerial Regulation to protect their rights. The Dw leaders has a plan to organize more members and the network decided to be part of international network
- The foundation is able to identify core team and implementing plan for future work in advocating for the protection of contract farmers
- There are set of recommendations and commitment to empowering legal protection of informal workers in the next step indicated in the last conference.
- About 70 leaders of HomeNet Thailand, in particular, women leaders (DW and homeworkers) have raised their capabilities to understand and engage with legal issue.
- More than 340 homeworkers and domestic workers received knowledge on the existing laws and social security for informal workers and other 4,000 informal workers including those two sub-sectors got brief information on existing legal protection and social security scheme for informal workers.
- It is indicated from the last conference that conceptual of “work” and “workers” is gradually changed in Thai society.

### **B3. Next plan**

The Foundation will further work to strengthen legal knowledge and capacity of homeworkers and domestic. Meanwhile, it will collaborate with other CSOs, lawyers, trade unionist and academicians to move forward to advocacy for legal protection for contract farmers. However, the foundation still needs technical and financial support on this mission.