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HUMAN RIGHTS DUE DILIGENCE IN THAILAND'S CONSTRUCTION: PROTECTING MYANMAR MIGRANT WORKERS

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Abstract

This study examines the effectiveness of Human Rights Due Diligence (HRDD) and grievance mechanisms in Thailand's construction sector, focusing on the experiences of Myanmar migrant workers in Bangkok. Employing a qualitative research design, data were gathered through document analysis and interviews with key stakeholders. The findings reveal significant gaps in HRDD implementation, leading to unethical recruitment, undocumented labor, limited access to social welfare, and exploitation within the subcontractor system. Despite policy rhetoric on Environmental, Social, and Governance (ESG) impacts, there is an apparent disconnect between governmental commitments and on-the-ground realities. Non-Governmental Organizations (NGOs) play a crucial role in stakeholder engagement and driving change. The research suggests sustainable reforms, aligned with Thailand's National Action Plan on Business and Human Rights, to ensure corporate responsibility is an ethical and legal obligation. It calls for enhanced enforcement, streamlined documentation processes, and improved collaboration between government, businesses, and civil society to protect the rights and well-being of migrant workers in the Thai construction industry.

Keywords: Human Rights Due Diligence, Migrant Workers, Construction Sector, Labor Exploitation, Thailand

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Introduction

Globalization has led to increased movement and mobility due to the complex and turbulent conditions of recent times, including the COVID-19 pandemic and various domestic and international conflicts. This movement of people and trade investment allows many countries to develop their economies with the combination of local companies and global corporations. Playing a crucial role in creating jobs and income around the world by reducing the unemployment rate and stimulating infrastructure development. However, it has been observed that many multinational firms operate in impoverished and war-torn countries due to the low operational costs and access to low-wage labor. While it may be argued that these firms contribute to the local economy, some companies also negatively impact human rights. Their business activities, including cases of child labor, pollution, and corruption, harm the fundamental rights of local communities. The lack of human rights protections and compliance in corporations can be a severe problem, leading to conflicts with stakeholders, including reputational risk (Hao & Kang, 2019).

Due to the negative impact of multinational corporations on human rights in the countries where they operate, the United Nations, through its Human Rights Council, unanimously approved a resolution on the Guiding Principles on Business and Human Rights (17/4) on June 16, 2011 (United Nations, 2011). The United Nations' Guiding Principles (UNGPs) on Business and Human Rights include three pillars: protect, respect, and remedy. The United Nations strives to prevent human rights abuses by both companies and states by establishing their obligation to address and protect human rights. The fundamental principles include the following: First, the state must protect human rights, including fundamental rights and freedoms. Furthermore, all businesses, including enterprises, must respect human rights and adhere to relevant laws. Thirdly, there is a need for remedies that are both appropriate and efficient when rights are violated (United Nations, 2011). Under Article 17 of the UNGPs, Human Rights Due Diligence (HRDD) is a proactive practice for business operations to identify, prevent, and mitigate the impact on human rights throughout their activities and value chain. Under Articles 29 and 31, grievance mechanisms are tools designed to provide individuals or communities with a channel to complain and seek remedies (United Nations, 2024). Companies are encouraged to perform HRDD for several reasons, including legal compliance with local and international law in their areas of business operations, reputational management to protect and enhance the reputation of the brand by engaging with HRDD, and risk management to identify and mitigate the risks to human rights by proactively addressing them effectively (Deva et al., 2023).

Human rights abuses in the construction industry, a sector that operates under dangerous conditions and is heavily reliant on migrant labor, are one of the biggest challenges faced by migrant workers. In rapidly developing regions, the dependence on migrant workers is critical and is expected to remain the backbone of the workforce. Migrant workers encounter unique risks such as physical hazards, a lack of safety training, informal employment agreements, and forms of modern slavery that lack protections in comparison to national workers (Liu et al., 2022). For example, Qatar's World Cup 2022 became a significant showcase of human rights violations in the construction sector, and also serves as an illustration of the significant need for risk management in this industry. In preparation for the event, systemic exploitation of migrant workers from India, Nepal, Sri Lanka, Pakistan, and Bangladesh, such as forced labor, debt bondage from recruitment fees, inadequate living conditions, and the restrictive sponsorship system, occurred, highlighting significant human rights abuses. In addition, unethical practices in the recruitment system included a lack of adequate legal enforcement and corporate accountability with state and construction companies (Human Rights Watch, 2012). Construction company owners withheld migrant workers' passports and prevented them from leaving the country. All of this made Qatar's World Cup 2022 controversial and negatively

affected its reputation globally. After Qatar won the bid for the World Cup and initiated related construction projects, including building a new stadium and hotel, a total of 6,000 workers were killed during the twelve-year preparation period (British Broadcasting Corporation, 2024).

Thailand's government tries to solve human rights violations in several sectors. The central issue in the fishing sector, which faced significant criticism from the European Union for illegal, unreported, and unregulated activities, led to considerable challenges for the government in incorporating UNGPs on business and human rights into their national action plans for 2019. Still, Thailand has become the first country in Asia to adopt them into a national action plan from 2019 to 2022, and is now drafting a second national action plan for 2023 to 2027. Several important stakeholders have supported the implementation. The Ministry of Justice, for example, is leading efforts to generate a national business and human rights action plan, which will be aligned with national strategies. The Stock Exchange of Thailand plays a role in forming disclosure policies for listed companies in the stock market. The National Human Rights Commission of Thailand oversees compliance with the laws. The United Nations Development Program (UNDP) has the mandate to raise awareness about human rights issues in all business sectors worldwide. Also, the four elements of Thailand's national action plans consist of labor, community, land, nature, resources, environment, human rights defenses, and multinational cooperation in Thailand, with a total of 47 national action plans divided by issues of focus (National Action Plans on Business and Human Rights, 2024).

Thailand launched an advocacy campaign in 2021 and mandatory reporting in 2022 to evaluate environmental, social, and governance issues, including an assessment of impact on human rights (Chanatup et al., 2019). However, according to Masee (2019), HRDD is a corporate responsibility that is optional for Thailand's private sector operations. In this context, Masee criticizes Thailand's domestic laws for focusing on enforcing obligations to businesses while observing human rights in business and production through supply chain management. This is a massive flaw in existing Thai human rights norms, including international standards and the UNGPs, which are the guiding principles for businesses and human rights. Masee's study could be a strong case for adopting the best HRDD principles based on relevant laws, focusing on the integration of human rights, enforcement of corporate accountability, and protection of human rights as a necessary foundation for effective businesses. This project has initiated the direction for the compliance of Thailand's corporate sector with global human rights standards and is deemed crucial for setting up laws on HRDD.

Bangkok has the highest population by province, with a total of 5,471,588 residents (Wancharoen, 2024). Thailand ranks 20th in the world economy, with a focus on agriculture, construction, tourism, fishing, and manufacturing. From 2014 to 2023, Lumkam (2024) stated that the construction sector consistently contributed an average of 8% to Thai economic growth through infrastructure and residential development projects. The overall market value reached approximately THB 1,373.7 billion in 2023, with an expected growth of 3% to 4% between 2024 and 2026. The construction industry creates job opportunities for unskilled laborers, mainly migrant workers (Lumkam, 2024). In addition, Bangkok is Thailand's capital city, serving as the country's economic hub and fueling its growth, including infrastructure development projects. The construction sector addresses the urbanization of private and government infrastructure development and real estate in Bangkok for commercial and residential purposes (Lamphun et al., 2022).

Migrant workers significantly contribute to Thailand's economic growth and social ties. According to Shein (2021), Myanmar workers migrate to Thailand as a survival mechanism due to widespread political instability and civil war in their home country, as well as their homeland's poor economic situation and notable mismanagement by a succession of military

juntas. Migrant workers seek better economic opportunities in Thailand, as well as increased stability and security amidst political chaos.

The Department of Employment (2024) stated that the distribution of migrant workers in Thailand by country of origin from 2022 to 2024 is being analyzed. Myanmar has the dominant share with 3 million workers in the system, followed by Cambodia, with a smaller number coming from the Lao PDR, Vietnam, and others. Furthermore, it shows that the number of migrant workers in Thailand gradually increased from 2016 to 2019, with a sharp decline in 2020 and 2021, likely due to the COVID-19 pandemic's impact on global mobility. However, the number of migrant workers increased again from 2022 to 2024.

According to the Department of Employment (2024), data shows that Bangkok has the highest number of migrant workers by province, excluding the greater metropolitan area, with 782,320 people in 2024, compared to other provinces in Thailand. Additionally, the construction sector is expected to be the highest in 2024, followed by agriculture and livestock, services, and the sale of food, beverages, and garments. Also, the highest number of migrants in Thailand currently work in the construction sector. Thailand's largest group of migrant construction workers is from Myanmar, comprising 72.5% of the total, or 689,097 people, working in construction. Myanmar migrant workers are the backbone of construction companies in Bangkok. The most crucial problem with Thai construction companies is the unethical recruitment practices of subcontractors, which lead to companies having blind spots in supply chain management (Kongchasing & Sua-Iam, 2021). Due to labor shortages in this sector, it is necessary to create a standardized ecosystem for engagement and transformation (Issara Institute, 2023).

The United Nations Development Program (2023) has attempted to describe the lives and challenges faced by Myanmar migrant workers in Thailand, particularly in construction camps. The critical finding was that migration processes were complex, with an undocumented risk of human rights violations and a lack of legal protections. As a result, their undocumented status significantly hinders their access to healthcare, leading to mental health issues and symptoms of sadness and anxiety. In addition, women face gender-based discrimination from male employers and co-workers. Costs of living reveal that the income earned is often insufficient to make ends meet, significantly impacting migrants' ability to support families back home. Concisely, Thailand's National Action Plans of 2010 to 2022 describe efforts to explore the construction sector, human rights due diligence, migrant workers, and non-judicial grievance mechanisms with multinational stakeholders regarding the impact of business on human rights (National Action Plans on Business and Human Rights, 2024). This research explores the impact of adopting UNGPs on business and human rights, focusing on corporate responses to Human Rights Due Diligence in the public and private construction sectors. It evaluates the risk of exploiting a group of people, namely migrant workers from Myanmar, and explores effective grievance mechanisms. By addressing these problems, the thesis aims to contribute to the understanding and improvement of HRDD practices and grievance mechanisms, advocating for policy changes and better enforcement to safeguard the rights of migrant workers in the construction industry.

This research aims to (1) examine the effectiveness of the implementation of human rights due diligence and grievance mechanisms for Myanmar migrant construction workers in Bangkok and (2) propose actionable strategies based on an assessment of current practices to enhance human rights protections in the construction sector.

Literature Review

Definition of HRDD and Grievance Mechanisms

Human Rights Due Diligence (HRDD) consists of three principles (identify, prevent, and mitigate), which encompass how construction companies in Bangkok form human rights

policies to enhance human rights impact commitment, how the companies reconcile human rights risks with labor rights, safety standards, and mitigation of risks to vulnerable groups such as migrant workers, including the construction companies' integration of action to engage with the local community, stakeholders, and workers to participate in the decision-making process. HRDD also involves how construction companies track performance, either as mandated by law or voluntarily, using the reporting system. Effective and transparent communication regarding how the company addresses human rights issues and attempts to remedy the situation —such as whether the construction companies have internal feedback systems open to workers' voices, independent mediation, and external organizations like NGOs to access remedies—is also considered part of HRDD. Grievance Mechanism refers to a channel for migrant workers' complaints in the construction sector when human rights are violated. There are three levels of grievance mechanisms: state-based judicial mechanisms to ensure that the victim has legal remedies through the court, state-based non-judicial mechanisms, ombudsman, labor inspector, and regulatory agencies as a less formal avenue to access remedies; non-state-based grievance mechanisms; and multi-stakeholder initiatives within business operations to address grievances and access remedies (United Nations, 2011).

Strengthening Business through HRDD and Effective Remedy

There are three significant advantages of HRDD implementation: risk management, reputational management, and operational effectiveness with increased market opportunities. First, HRDD enhances risk management. It improves compliance with international norms and reduces legal and reputational risks (Buhmann, 2017). Harrison & Wielga (2023) confirm that grievance mechanisms within HRDD frameworks effectively prevent and address human rights abuses, offering remedies and resolving issues before escalation. Second, HRDD strengthens reputational management. It improves stakeholder relationships, transparency, and trust, which attracts investment and supports long-term success (McCorquodale et al., 2017; Finkbeiner et al., 2024). Chambers & Vastardis (2021) emphasize HRDD's role in increasing corporate accountability, while Nguyen (2023) highlights how grievance mechanisms reduce conflicts and support operational continuity. Third, HRDD improves operational effectiveness and opens market opportunities. It fosters cooperation between governments and corporations by integrating human rights into business operations. Elbel et al. (2023) show that legal enforcement under EU frameworks is more effective than voluntary HRDD. Sherman (2022) notes that effective HRDD enhances market appeal by ensuring ethical supply chains for consumers and investors.

Barriers to Effective HRDD and Grievance Framework

Three key challenges of HRDD implementation include high cost and resource intensity, complexity in global application, and the tension between cooperative and mandatory frameworks. First, HRDD can be costly to implement. Schleper et al. (2022) highlight unequal cost distribution across the supply chain, where upstream actors often bear a disproportionate burden, leading to inconsistent application. Nolan (2022) adds that HRDD is particularly resource-intensive for SMEs. Smit et al. (2020) also note that maintaining grievance mechanisms can be difficult for smaller organizations due to limited capacity. Second, global supply chain complexity presents barriers to effective HRDD. Diverse norms, laws, and cultural contexts across jurisdictions hinder uniform enforcement. Liu et al. (2022) emphasize the gap between strong legislation and actual enforcement. Hong (2023) points to difficulties in applying mandatory EU HRDD laws in Southeast Asia. Similarly, Nave & Lane (2023) discuss the lack of clear guidance and enforcement mechanisms, causing confusion and misalignment between corporate policies and human rights standards. Third, HRDD operates as a cooperative rather than a mandatory framework. Rogge (2022) argues that without a strong normative-ethical foundation, HRDD risks prioritizing economic over human rights concerns. Ayodele & Mayokun (2020) note that poorly designed grievance mechanisms contribute to

stakeholder mistrust. When HRDD is used merely as a box-ticking exercise, it undermines its purpose and fails to address fundamental human rights issues.

Thai Government Policy toward Myanmar Migrant Workers

According to the Migrant Working Group (2023), several Thai government policies permit foreign workers to work in Thailand. Migrant labor is divided into two main categories: those entering through the MoU process via bilateral agreements with countries like Laos, Cambodia, Vietnam, and Myanmar, and those registered under Cabinet Resolutions addressing undocumented migrants. Cabinet Resolutions are often issued in response to complex situations involving undocumented workers and are shaped by lobbying from NGOs, migrant groups, businesses, brokers, and trade unions. Their shared aim is to push for short-term legal pathways to temporarily regularize undocumented workers (Migrant Working Group, 2023). Three types of legal documentation for unskilled labor fall under: Section 59 (MoU), Section 64 (border employment), and Section 62 (Cabinet Resolutions). Migrant workers from Myanmar must hold a PJ Passport or Certificate of Identity (CI), a work permit, pink card, and other required documents to be protected under Thai labor law. The Cabinet Resolution process, which introduced the CI, enables undocumented migrants to legalize their status annually, simplifying the regularization process for smuggled individuals (FairSquare Projects, 2021).

Leading Countries in Human Rights Due Diligence (HRDD)

According to the European Council on Foreign Relations (Kifukwe, 2022), France and Germany are two countries that represent the best practices in implementing HRDD frameworks and grievance mechanisms. France is recognized for its 2017 Corporate Duty of Vigilance Law, which applies to companies with 5,000 to 10,000 employees, including subsidiaries and SMEs. It requires risk mapping, stakeholder consultations, monitoring systems, and transparency through published annual reports (Business & Human Rights Resource Centre, n.d.). Non-compliant companies can face legal penalties and are held responsible for any damages caused by the failure to implement HRDD. The law also emphasizes ongoing assessments with communities and workers to ensure accountability. Germany introduced the Act on Corporate Due Diligence Obligations in Supply Chains, effective from 1 January 2023, covering companies with at least 4,000 employees. The law requires a risk management system for human rights and environmental issues, preventive measures, compliance procedures, and annual reporting. It applies across the supply chain, including indirect suppliers. Germany enforces this law with oversight by the Federal Office for Economic Affairs and Export Control, imposing fines of up to €8 million or 2% of global annual turnover, and excluding offenders from public contracts for serious violations (Zumbansen, 2024).

Research Methodology

This research employed qualitative methods involving multiple stakeholders and rights holders in Thailand. It includes four key informants and three groups of workers from the construction sector in Bangkok. Semi-structured interviews were conducted to collect primary data on the current situation of Myanmar migrant workers in Bangkok city. This interview method combines structured questions with the flexibility to explore emerging topics in depth.

The author selected participants from key stakeholders in Thailand's construction industry, including policy implementers, compliance organizations, NGO advocates, construction company representatives, subcontractor managers, and Myanmar migrant workers. These groups offered perspectives on HRDD and grievance mechanisms across institutional and operational levels. The study employed a stratified sampling approach across five key stakeholder groups to ensure comprehensive representation of perspectives on migrant worker management in Thailand's construction sector. The participants' identities were kept

confidential, and each participant was represented by a letter (A, B, C, D, E, F) in alphabetical order.

Table 1 List of participants

No	Position	Participants	Experiences	Organization
1	Social Security Officer	A	15 years	Social Security of Thailand
2	Documentation Agency	B	4 years	Documentation Company
3	Subcontractor	C	23 years	Independent Subcontractor
4	Workers Group 1	D		Workers under a subcontractor
5	Workers Group 2	E		Workers under a subcontractor
6	Workers Group 3	F		Workers under a subcontractor
7	Company Training Manager	G	20 years	Baan Dek Foundation

Research Finding

Unethical Recruitment

The first issue is the illegal employment and unethical recruitment of migrant workers in Thailand. Myanmar migrants face challenges obtaining legal documents. Participants D and F noted that it is easier and quicker to enter Thailand illegally than to go through the MoU process. Many CI holders enter unlawfully and register later. Legal employment requires work permits, CI passports, pink cards (Thai ID for foreigners), work passports, and visas. Participants A, B, and C agreed that most Myanmar migrants arrive as walk-in workers and only later attempt to legalize their status. For instance, Participant A estimated that Thailand hosts about 3 million migrant workers, with over 1.5 million still undocumented. Participant A also noted the Thai government's commitment to reform through legislation rather than relying on temporary cabinet resolutions, which are not sustainable. Likewise, Participant G pointed out that some construction companies disregard legal standards, increasing worker vulnerability to exploitation and deportation.

The second issue concerns the high costs of obtaining legal documentation for migrant workers. There are three legal pathways for unskilled labor under Articles 62 (cross-border), 59 (MoU via companies), and 63 (Cabinet Resolutions). Participant A noted that entering illegally is often easier and cheaper than using the costly MoU process, with migrants later registering under the Cabinet Resolution. Documentation fees vary widely. Participant B stated that workers under the MoU (Article 59) process pay 20,000-30,000 baht for a PJ Passport, work permit, insurance, pink card, visa, and social security. Through broker-assisted Cabinet Resolution routes, workers pay around 15,000-18,000 baht. Participant E reported paying 45,000 baht through a recruitment agency for the MoU process. Participants E and F paid about 20,000 baht for documentation under Cabinet Resolutions. Both B and E agreed that the MoU pathway is significantly more expensive, which discourages many workers from choosing it upfront. Most migrants prefer to enter illegally and legalize later under Cabinet Resolutions to secure jobs first and defer costs. Participant B stated that 80% of migrants pay documentation fees themselves, while only 20% receive partial employer support. Participant C added that subcontractors often front the costs and deduct them from wages. Many migrants go into debt due to documentation costs, making them vulnerable to exploitation and trafficking. Participants D and F said they are still repaying deductions, while Participant E is repaying MoU-related debts.

The third issue is the language barrier in the legal documentation process for Myanmar migrants. Thai government forms are primarily in Thai and English, making it difficult for workers to complete them independently. Participant B noted that employers often prefer using agencies because of the complexity and time involved, as workers only need to visit the registration office for one day. Participant G highlighted the long process of the MoU or

Cabinet Resolution pathways, which increases living expenses during the waiting period. Baan Dek Foundation advocates for businesses to invest in long-term social risk reduction rather than short-term financial convenience. Participants D, E, and F confirmed they rely on agencies because language barriers prevent them from completing forms or communicating with officials directly.

The fourth issue is the time-consuming nature of the documentation process. Participant C explained that subcontractors often hire agencies to save time, as registering workers in person at the Department of Employment can take days. Participant A noted that the pre-COVID One-Stop Service helped streamline the process, but its removal brought back inefficiencies. Many workers also wait until the last day to register, overwhelming government capacity. Participant B added that CI centers are open for only a limited time, making document renewals difficult and causing legal uncertainty when work permits expire.

Social Welfare

The first problem related to social welfare is the restriction migrant workers face in accessing Thailand's social security system. Although the system offers several benefits, such as health care, maternity leave, sick leave, death and old-age benefits, child allowance, and unemployment support, the majority of migrant workers are unable to access them. All participants, A, B, C, D, E, and F, agreed that better access to social security is needed. Participant A pointed out that while Thailand has around 3 million migrant workers, only 1.2 million are covered by social security. By law, contributions are split between the employer (5% of monthly wages), the employee (5% of salary), and the government (2.75% of salary). Participants B and C noted that both employers and employees often try to avoid these additional costs. Meanwhile, Participants D, E, and F reported that they do not receive social security benefits and have a limited understanding of them. Participant A added that many workers are employed in sectors not required to provide social security, which leaves a significant coverage gap. He emphasized the importance of coordination between the Department of Employment and the Social Security Office. However, he also noted that the Social Security Office's limited staffing is already stretched handling daily complaints. Encouraging more migrant workers to enroll in social security would not only benefit them directly but also help the Social Security Office sustain its fund through broader contributions from millions of additional workers.

Enhancing the Accessibility and Efficiency of Grievance Mechanisms

It is a systemic issue in the construction sector that the reliance on unethical recruitment practices involving migrant workers limits their access to social welfare and grievance mechanisms, which remain inadequate. This research identified two types of mechanisms: formal and informal.

The first issue is non-state-based grievance mechanisms. Participants D, E, and F said they did not know where or how to file complaints due to language barriers, travel costs, verbal agreements, and lack of trust from stakeholders, including subcontractors. If their rights were violated, such as non-payment, they would leave the job. Participant B added that some legally documented workers still experienced wage violations but lacked access to grievance channels. Leaving often meant incurring additional costs to redo documents. Participants C, D, E, and F emphasized that construction projects involve many actors. However, companies often deflect responsibility for subcontractors' or workers' complaints by directing workers to speak with contractors instead. Participant C mentioned that subcontractors sometimes bear wage costs when unpaid by companies and, in his case, keeps a reserve fund to pay workers. The second issue concerns state-based grievance mechanisms. Participant C shared that subcontractors also experience rights violations under trust-based agreements, as contractors deny payments or declare bankruptcy during legal proceedings. Participant A stated that the Department of Welfare and Labor Protection offers multilingual hotlines and complaint centers

in migrant-dense areas. Although many migrant workers are hired without formal contracts, they are still protected by law if they can verify: 1) their workplace, 2) job type, 3) supervisor, and 4) how and by whom they are paid. Payment via bank is not required; circumstantial and witness evidence is acceptable. Workers who fail to meet these criteria, however, are unprotected.

The government continues to monitor complaint centers in areas like Mae Sot and Mahachi, with better results where NGOs are active. In Bangkok, bureaucratic delays hinder follow-up, and Social Security Officers lack data on reported cases and outcomes. Only the government can assess if KPIs were met, but case figures remain undisclosed. Participant G added that their organization does not provide direct grievance support but encourages camp managers to coordinate with legal aid organizations and NGOs.

Stakeholders Collaboration and Policies Recommendation

The first section is stakeholder collaboration. Several stakeholders play a crucial role in managing Myanmar migrant workers in Thailand. Participant A explained that Thailand is not only a destination for migrant workers from Myanmar but also a refuge for those who have lost their legal status and are political opponents of the Myanmar government. Although the Thai government formalized its foreign labor system under the 2017 Management of Foreign Workers Act, limitations remain on both sides of governance.

Participant A also pointed out weaknesses in Thailand's stakeholder collaboration system. The government tends to respond on a case-by-case basis. For instance, during COVID-19, construction sector migrants faced ongoing rights violations, and employment support was coordinated internally. Meanwhile, the Ministry of Labor collaborated with international and non-governmental organizations, such as the ILO, through working groups. However, stakeholder coordination is limited by Thailand's complex bureaucracy. Not all working groups are ILO members, and many ILO members come from state-owned enterprises, with limited union representation or direct connection to the broader labor force. These dynamics make practical cooperation difficult and create a disconnect in understanding labor rights across different employment contexts. Much depends on provincial strategies and how local stakeholders frame the issues.

Conversely, Participants E, F, and G said they were reluctant to raise concerns with employers for fear of job loss. They felt more comfortable speaking with NGO staff, who regularly discussed working conditions and challenges. Participant G emphasized that stakeholder engagement is critical for implementing projects. Their organization works with stakeholders at multiple levels—from the Ministry of Labor and the Bangkok Governor on migrant children's education, to coordinating with local authorities on construction camp emergencies. The organization also engages with the private sector, including the SET of Thailand, advocating for social risk reduction policies as a requirement for company registration.

Policies Recommendation

First, a streamlined, year-round one-stop service center for documentation should be established at the Thai-Myanmar border. Documentation fees should be reduced and fully covered by employers. These centers should offer complete services, work permits, health insurance, social security registration, and renewals to reduce dependency on brokers and subcontractors.

Second, the quota system for hiring migrant workers should be adjusted. Participants B and C noted Thailand's need for unskilled labor from Myanmar and emphasized the need for ethical recruitment systems. Participant C said the current quota is unreasonable and pushes companies to use subcontractors to avoid costs, becoming a root cause of rights violations in the construction sector. Thailand should monitor labor demand and work with companies to fill shortages. Regular cooperation with the Myanmar government through public communication about sectoral labor needs would strengthen Thailand's image on migrant rights and help

Myanmar prevent further violations. Participant A added that government departments should build capacity and coordinate to align policies and services toward the private sector.

Third, multilingual employment contracts and training programs must be mandatory. Participants B, C, D, E, and F agreed that formal contracts, including job descriptions, wages, and terms, should be in native languages, along with labor rights training, before work begins. Participant B emphasized the need for mandatory training for employers on legal rights, social security, safety standards, and reporting mechanisms. This would improve legal understanding and compliance.

Fourth, improved reporting and enforcement mechanisms with multilingual support are needed. Participant A mentioned hotlines and interpreters provided by the Department of Welfare and Labor Protection, but limitations remain. Participants B and C suggested closer collaboration with INGOs and NGOs to manage grievance mechanisms, noting trust issues with government officers. NGOs should be the first point of contact through tools like hotlines and apps, with the government stepping in at the second stage.

Fifth, inclusive collaboration across all government agencies and stakeholders is essential to address the complexity of the migrant labor issue in the construction sector. The government must ensure protection if it is part of the labor creation chain. However, broader collaboration is required. Ensuring education access, for instance, cannot rely solely on the Ministry of Education; local administrations in Bangkok must cooperate. Understanding human rights, not just for citizens but also for non-citizens, is crucial to creating a society that reduces inequality and upholds human dignity. All parties must commit to this shared responsibility.

Conclusion and Recommendations

This study examined the effectiveness of Human Rights Due Diligence (HRDD) and grievance mechanisms for Myanmar migrant construction workers in Bangkok, Thailand. The findings reveal persistent ineffectiveness, leaving workers vulnerable to exploitation due to a lack of basic labor rights protections. A key concern is the ongoing abuse linked to unethical recruitment under the subcontractor system, including high documentation fees—a problem exacerbated by the shortcomings of both the MoU and Cabinet Resolution processes (Alffram et al., 2023; International Labour Organization, 2024).

Several systemic issues undermine HRDD's effectiveness: (1) illegal employment and unethical recruitment under the subcontractor system (Kongchasing & Sua-Iam, 2021); and (2) limited access to social security benefits (Kunpeuk et al., 2022). These issues are best understood through the three-phase HRDD framework: (1) identifying human rights risks, (2) preventing those risks, and (3) mitigating their impact.

1) Identifying Human Rights Risks: The majority of Myanmar migrants are smuggled into Thailand, lacking legal documentation and facing risks like debt, limited protection, poor conditions, and isolation (Alffram et al., 2023). Recruitment agencies often facilitate this by sending workers without proper documents, potentially colluding with law enforcement (Alffram et al., 2023). Participants noted the ease of illegal entry, which is followed by later regularization. Official data confirm that most migrants bypass the MoU (Department of Employment, 2024), while brokers continue to exploit workers with excessive fees (Winrock International, 2020). Verbal agreements replace formal contracts (Phyo & Kuznetsov, 2023), and companies shift responsibility to subcontractors, leaving workers unprotected (Paitoonpong & Chalamwong, 2011).

2) Preventing Human Rights Risks: While the MoU aims to protect workers, it remains less utilized than other pathways (United Nations Development Programme, 2023; Department of Employment, 2024), due to high costs and lengthy processes. NGOs play a vital role in advocacy and education (Aung, 2021), but gaps persist in awareness and risk prevention.

3) Mitigating Human Rights Risks: Although complaint channels exist (USAID Thailand Counter Trafficking in Persons, 2020), they often prove ineffective due to language barriers, fear, and bureaucratic hurdles (USAID Thailand Counter Trafficking in Persons, 2020). Similarly, social security access is hindered by complex processes, lack of awareness, and financial burdens (Viriyathorn et al., 2022).

To address these challenges, the following actionable recommendations are proposed:

- 1) Ratify ILO Conventions 87 & 98: This would strengthen freedom of association and collective bargaining (Seifert, 2020).
- 2) Reform Employment & Recruitment: Simplify processes and reduce costs to discourage reliance on brokers (United Nations Development Programme, 2023).
- 3) Enforce Employer Pays Principle: This reduces the risk of unethical recruitment.
- 4) Ensure Multilingual Contracts & Training: All workers should receive contracts in their native languages, coupled with pre-employment rights training (Vungsiriphisal et al., 2021).
- 5) Prioritize Stakeholder Engagement: Companies should establish HRDD policies, collaborate with NGOs, and create accessible grievance mechanisms (Global Compact Network Germany, 2014; Institute for Human Rights and Business, 2016; Rumthum, 2022).

Thailand's pursuit of OECD membership and free trade agreements creates external pressure to improve HRDD. While the National Action Plan takes a voluntary approach, mandatory HRDD legislation is underway (Walk Free, 2025). Emphasizing that human rights protection is not solely the government's responsibility, greater awareness and strict enforcement are crucial for success (Deva et al., 2023).

By implementing these recommendations, Thailand can build a sustainable system that protects migrant workers' rights, enhances its international reputation, and aligns with global standards.

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