



While importance of migrant workers determines perspective of the host country, free movement of workers in ASEAN economic community is a cross cutting issue. This requires not only cooperation from host country, home countries, and regional ASEAN; but examination of lessons learned from the rest of the world, especially the European Union.

บทนำ

มุ่งมองของประเทศไทย ในการเคลื่อนย้ายเศรษฐกิจฐานราก ประเทศไทยและประเทศไทย

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บทความนี้เป็นบทความจากงานวิจัยที่ศึกษามุ่งมองของประเทศไทยในฐานะประเทศไทยในการเคลื่อนย้ายเศรษฐกิจฐานรากในอนาคตในประเทศไทยเศรษฐกิจอาเซียน (AEC) ซึ่งจะมีการจัดตั้งขึ้นในปี 2558 โดยมุ่งเน้นไปที่แรงงานไร้ฝีมือจากประเทศไทย แม้โดยศึกษาผลกระทบทางเศรษฐกิจต่อประเทศไทย และสังคมต่อประเทศไทยที่อาจเป็นผลจากการเคลื่อนย้ายเศรษฐกิจฐานราก ปัจจัยผลักดันและปัจจัยดึงดูดที่อยู่เบื้องหลังการย้ายถิ่นจากประเทศไทยไปยังประเทศไทย นอกจากนี้ได้ศึกษาประเด็นที่ประเทศไทยสามารถเรียนรู้จากเยอรมนีหลังจากที่สหภาพยุโรปขยายจำนวนประเทศสมาชิกในปี 2547 การศึกษานี้เป็นการศึกษาเชิงคุณภาพโดยใช้ข้อมูลที่ได้จากการสัมภาษณ์เชิงลึกกับเจ้าหน้าที่ของรัฐ ผู้เชี่ยวชาญองค์กร เอกชน และนายจ้างคนงานและแรงงานข้ามชาติในจังหวัดระยอง, กรุงเทพและมหานคร ประเทศไทยเยอรมนีซึ่งได้ดำเนินการตั้งแต่เดือนมีนาคมถึงพฤษภาคม 2555

ผลของการศึกษาแสดงให้เห็นว่ามุ่งมองโดยรวมของผู้ให้ข้อมูลเป็นบางโดยเฉพาะอย่างยิ่งในเรื่องผลกระทบทางเศรษฐกิจ เพราะแรงงานข้ามชาติชาวไทยสามารถลดปัญหาการขาดแคลนแรงงานที่เกิดจากการขยายตัวของเศรษฐกิจของไทย ถึงแม้ว่าปัญหาทางสังคมอาจเพิ่มแต่การบริหารจัดการที่ดีของ

การย้ายถิ่นจะช่วยให้ปัญหาที่เกิดขึ้นสามารถแก้ไขได้ในอนาคต โดยแม้ว่าการเคลื่อนย้ายเสรีของแรงงานในสภาพปัจจุบันและในอนาคตจะเป็นภัยต่อเศรษฐกิจอาชีวินจะอยู่ในบริบทที่แตกต่างกัน แต่ผลกระทบที่เกิดจากข้อจำกัดที่ยอมรับนั่นนำมาใช้ในการเคลื่อนย้ายเสรีของแรงงานจากประเทศสมาชิกใหม่อาทิเช่น ประเทศโปลแลนด์ ก่อให้เกิดบทเรียนที่ประเทศไทยสามารถเรียนรู้ได้ โดยเป็นที่ประจักษ์ว่า ประเทศไทยและภูมิภาคอาเซียนกำลังจะเดินทางไปในทิศทางเดียวกันในการสร้างตลาดเดียวกันทั้งการเคลื่อนย้าย แรงงานที่ไม่สามารถควบคุมได้ ดังนั้นการเตรียมสำหรับการเคลื่อนย้ายเสรีของแรงงานที่มีฝีมือและไร้ฝีมือจึงเป็นประเด็นที่ควรจะนำมาพิจารณา การเตรียมการดังกล่าวสามารถทำได้โดยการกำหนดนโยบายที่เหมาะสมเกี่ยวกับ ประเด็นการเคลื่อนย้ายโดยเน้นให้ความปลอดภัยสำหรับแรงงานข้ามชาติและการบูรณาการให้เข้าสู่สังคม

Host Country Perspective on the Free Movement of Workers in an Economic Community: Germany and Thailand

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1. Introduction

Association of Southeast Asian Nations (ASEAN) has been emerging and stepping to the stage of creating ASEAN Economic Community (AEC) in the near future as the European Union (EU) has done. Its economic integration, which consists of the free flow of goods, capital, services, investment and skilled labour, aims to institute: a single market and production base; a highly competitive economic region; a region of equitable economic development; and a region fully integrated into the global economy.¹ Given that most of the current labour movement of workers within ASEAN countries is unskilled workers,² this research targets the more distant future when the AEC will perhaps allow the free movement of unskilled

¹ ASEAN Economic Community Blueprint, (Association of Southeast Asian Nations (ASEAN), 2008).

² In Thailand, unskilled workers importation are prohibited; however due to labour shortage, the Cabinet, under Article 17 of Immigration Act, was granted right to permit foreign unskilled workers especially from neighboring—Cambodia, Burma, and Lao. Sectors known to employ low skill and unskilled workers are construction industry, manufacturing, agriculture, fisheries, food processing, and domestic works, as these jobs are considered using hard labour.

workers. Regarding the mobility of workers, since 1990s, Thailand has transformed itself from a sending country into one of the major destination countries. Its fast-growing economy has served as a pull factor to attract million migrant workers³ especially those from its neighboring countries—Cambodia, Lao PDR, and Myanmar—whose economies are less developed. Foreign labour force in Thailand has increased from 2.2 percent of Thai total labour force in 1995 to 2.5 percent in 2000, and 5 percent in 2005, and their contribution stood for about 5 percent of Thai GDP.⁴ Since Thailand is one of the founding members of ASEAN, and a major destination country, its perspective as a host country on the future free movement of workers is important as positive attitude of the host country could make it easier for the future AEC, while negative perspective could create more resistances to the process of the AEC. Knowing the perspective of people could help Thai policy makers to reap the benefits of the free movement of labour while avoiding the pitfalls in order to provide benefit for receiving country, sending countries and migrant workers as a whole.

Additionally, while ASEAN is moving to the same direction of creating economic community based on single market as the EU,

³ The term “Worker” or “Labour” in the free movement of worker refers to as “migrant worker”. According to article 2 of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by General Assembly resolution 45/158 of 18 December 1990, “migrant worker” refers to person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”

⁴ Philip Martin, “Thailand: Improving the Management of Foreign Workers, Case Studies on Five Industrial Sectors,” (Internaitonal Labour Organization (ILO), 2004).

lessons learned from the EU is vital as it has allowed this kind of movement since 1950s under the Treaty of Rome. Meanwhile, it is worth looking into German experiences during EU Eastern enlargement in 2004 to accept ten lower-income countries—Poland, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia (EU-8) in 2004, and Bulgaria and Romania (EU-2) in 2007. While most of the old member states permitted the free movement of workers from those new member states, Germany opted out, and applied the restriction on the free mobility from those countries with the maximum period of seven years. Thus, it is vital for Thailand to learn from the experiences of Germany as both countries are major destination countries, founding members of each economic community, and share borders with their members whose economies are less developed.

In short, this paper examines the perspective of Thailand as a host country on the future free movement of workers in an economic community focusing on unskilled workers from Cambodia as it is the most nationality that come to work in Thailand through legal channel—Memorandum of Understanding (MOU), and there are less studies investigating the perspective of Thai people towards migrant workers mainly from Cambodia. Then it investigates lessons that Thailand could learn from Germany regarding free movement of workers from the new member states mainly Poland after the EU Eastern enlargement until recent year. Data were obtained from in-depth-interviews conducted between March and May 2012 in Rayong province, Bangkok and Munich, Germany.

2. Research Methodology

This research bases on the study of Dusmann and Ian,⁵ and Mayda⁶ that economic and non-economic impacts shape the attitude of the host country perspective. Dusmann and Ian found that perspective of host country on the immigrants depend heavily on the economic interest that each individual perceives from migrant workers such as labour market competition in the host country, taxes contribution and public burden, while Mayda found that economic and non-economic factors such as labour market concern, social and cultural concern are important in identifying the attitude of the host country perspectives. From their studies, this paper examines perspective of Thailand as a host country on future push and pull factor of migration movement from Cambodia to Thailand such as unfavourable living condition, low wage, no job in the home country, and higher wage, better living condition, more job, and network in the host country; economic impact that Thailand perceives from the future free movement of workers such as impact on wage, employment and development, and burden to the government; demographic impact that existence of migrant workers in the host country could help maintain population level, and fill in labour shortages especially in nursing resulting from aging society; social impact such as xenophobic perception of people in the host country towards migrant workers, perception on level crimes, human trafficking, and

⁵ Christian Dustmann and Ian Preston, "Is Immigration Good or Bad for the Economy? Analysis of Attitudinal Responses," *CReAM discussion paper* No. 06/04(2004).

⁶ Anna Maria Mayda, "Who is Against Immigration? A Cross-Country Investigation of Individual Attitudes toward Immigrants," *Job Market Paper, Department of Economics, Harvard University* (2004).

health once the free movement of workers might take place in the future. Following that, it will explore the experiences from Germany which is also one of the host countries to receive migrant workers within the EU. It bases on qualitative research. Secondary data focuses on the previous theoretical literatures focusing on current labour migration to Thailand and Germany, while primary data bases on the both semi-structural and in-depth interviews with various types of stakeholders: the government officials, experts, international and domestic NGOs, employers, workers, and migrant workers from March to May 2012.

Field Research: In Thailand, the interviews were conducted in Rayong province as it contained the largest number of Cambodian migrant workers and in Bangkok with Thai policy makers and experts. The interviews were conducted with Thai employers, Thai workers, police, NGOs—Foundation Aids Rights based in Rayong district, and migrant workers. In Bangkok, the interviews were organized with the Ministry of Labour, ASEAN Committee on the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in Thailand, the Ministry of Public Health, International Organization of Migration, International Labour Organization, experts in Thai economy and labour migration of Thailand Development Research Institute; expert in labour economics of Chulalongkorn University; and expert working with NGOs and bodies dealing with workers' rights. In Munich, Germany, the interviews were conducted with two experts from Ludwig-Maximilians-University in Germany who are specialized in German and Polish relations and labour migration.

3. Perspective of Thailand as a Host Country on Future Free Movement of Workers

3.1 Determinants of migration

Result of this paper suggested that higher income and labour demand in Thailand—which are the pull factors—are perceived to continue to be the pull factor for Cambodian migrant workers to work in Thailand when future free movement of workers in the AEC will be established. In Cambodia, minimum wages in all sectors have not been set up. In 2010, the Ministry of Labour and Vocational Training of Cambodia just approved daily minimum wage in textile, garment, and footwear production sectors of 6USD (approximately 180Baht), while the minimum wage in other sectors remains about 2USD (approximately 60Baht).⁷ Therefore, the daily minimum wage of 300Baht⁸ (Approximately 10USD) set up by the government of Thailand and be in forced in April 2012 would be an attractive pull factor for future migrant workers from Cambodia when the free movement of workers would be taken place. Additionally, since the economy of Thailand is improving with the GDP per capita (PPP) in 2011 is about 9,700 USD compared to Cambodia is about 2,300 USD,⁹ 300Baht daily minimum wage might not attract Thai workers to work in hard labour jobs leaving more space for the migrant workers. To echo this, two employers in fishery sector in Rayong province stated that, they are now facing

⁷ Chan Sophal, “Review of labour migration management, policies and legal framework in Cambodia,” (International Labour Organization (ILO), 2009); “Notification of Minimum Wage in Garment Sector,” Ministry of Labour and Vocational Training No. 049/10 K.B/S.C.N (2010).

⁸ “Thai Cabinet Postpones Bt300 Wage Hike To April 2012,” *Thailand Business News* Nov 23rd, 2011.

⁹ <https://www.cia.gov>

labour shortages. Because the living standard of Thai people is increasing, most of them rejected work in fishery as they consider it as hard work, and they could earn more in other jobs such as manufacturing and service sectors.¹⁰ As a result, most employers hire many migrant workers to work for them.

Existing network with the people such as their families, relatives and friends living in the host countries, and even the brokers who serve to facilitate the mobility process play an important role in pushing and pulling people to migrate.¹¹ Therefore, since countless migrant workers could now be found in Thailand, the future free movement of workers will allow the Cambodian unskilled worker to come to Thailand through their network. “Now, *Thai people and Cambodian migrant workers get on well each other. They are inter-dependent. Cambodian workers work for Thai employers, and once they have money, they buy food from Thai people.*”¹²

With regard to push factor from home country, an informant viewed that “*In the coming years, we can expect to see a high number of migrants coming from Cambodia to Thailand. Cambodia has 250,000-300,000 new entrants to the labour market each year which cannot be absorbed by the domestic labour market; while Thailand’s working age population will soon start to decline quite*

¹⁰ Interview two employers in Fishery sectors in Rayong province, 9 April 2012

¹¹ Stephen Castles and Mark J. Miller, *The age of migration : International population movements in the modern world* 4th ed. ed. (New York : Palgrave Macmillan, 2009). Page:29

¹² Interview Thai workers, Cambodian migrant workers, and senior staff of FAR in Rayong province, 10 April 2012.

rapidly.¹³ However, economic development in Cambodia will perhaps prevent Cambodian migrant workers not to migrate to Thailand. Between 2004 and 2008, the economic growth in Cambodia was 10 percent each year, while in 2010 and 2011 after the global financial crisis, the growth was about 6 percent. The National Strategic Development Plan of Cambodia 2009-2013 also focused on strengthening private sector mainly SME, attracting FDI, creation of job, while ensuring working condition.¹⁴ If this strategic plan goes on effectively, it might somehow be able to prevent the outflow of migrant workers.

3.2 Economic Impact on Thailand

3.2.1 Wages

According to Coleman and Rowthorn, migrant workers are likely to depress wage of local workers especially those working in low-skilled or unskilled job.¹⁵ Finding of this paper shows that, overwhelming migrant workers is able to depress wage as once the labour supply is over the labour demand, wage would go down, but the minimum wage could prevent wage depression. However, free movement of unskilled workers might not bring in an influx of migrant workers from Cambodia as stated above the economic growth in Cambodia is increasing, while recently countless illegal migrant workers could still be able to come to Thailand via informal border

¹³ Interview technical officer for International Labour Organization (ILO) in Bangkok, 4 April 2012.

¹⁴ "NATIONAL STRATEGIC DEVELOPMENT PLAN UPDATE 2009-2013," (Ministry of Planning of Cambodia, 2009).

¹⁵ David Coleman and Robert Rowthorn, "The Economic Effects of Immigration into the United Kingdom," *Population and Development Review* 30, no. 4 (2004).

gates between Cambodia and Thailand. Most illegal migrant workers are generally trafficked or smuggled via these gates, or other ways through jungles or rivers.¹⁶ To the view of Thai expert in human rights, and employers, unskilled migrant workers could not decrease wage of local Thai workers, as the employers should be the one to determine wage.

In general, Thai workers should oppose to the free movement of workers as it might result in the wage competition in their job. However, among the perspectives of three Thai workers, two of whom working in fishery, and one in construction sector see the free movement of workers mainly the unskilled workers from Cambodia as positive especially in regard to wage, while another worker in construction site express some fear on the wage impact. Two Thai workers in the fishery view the permission to have free movement of worker will help maintain wage rather than decrease wage. Thai worker in construction site expressed that the free movement of workers from Cambodia might decrease wage if all of them are willing to accept low wage from the employers. To the view of an informal representative of migrant worker, however, none of the workers want low wage. Moreover, since very few Thai workers work in fishery sector, the future free movement of worker from Cambodia might not affect wage.

3.2.2 Employment and Development

According to Martin, unskilled or low-skilled migrant workers are compliment to Thai workers meaning they fill in the jobs that local people do not want to work. The inflow of unskilled

¹⁶ Sravooth Paitoonpong and Yongyuth Chalamwong, *Managing International Migration in ASEAN: A Case of Thailand* (Thailand Development and Research Institute (TDRI), 2012).page34

workers could reduce labour cost, attract more foreign investment resulting in more job, and fill in labour shortages in some sectors that Thai workers do not want to do.¹⁷ Since unskilled workers from Cambodia are willing to work in the jobs rejected by Thai workers, most informants view the future free movement workers as positive. According to the interviews with Thai employers and Thai workers, FAR, and police base in Rayong where the field research is conducted, the future free movement of workers could fill in labour shortages especially in fishery sector.

Besides, free movement of unskilled workers from Cambodia could encourage Thai people to pursue higher education as we can see the level of Thai people going for higher education is increasing. *Future free movement of workers could provide better economic opportunities for Thailand. The competition is good for both Thai and migrant workers. Thai workers could scale up their education, and continue their study to higher degree as we can see now the number of Thai people who obtain higher degree are increasing.*¹⁸ Contrastingly, to the view of government official from the Ministry of Labour, the free movement of unskilled workers might encourage Thai workers to emigrate even more, and thus be exploited. This might not be the case as the number of Thai workers going abroad is only 0.002 percent of total population (162,034 emigrants of 63,878,000 total Thai population in 2008). Among this, only 23 percent of them work in unskilled job. Additionally, push and pull factor that encourage Thai workers to go abroad is not

¹⁷ Paitoonpong and Chalamwong, *Managing International Migration in ASEAN: A Case of Thailand*.

¹⁸ Interview Thai expert in Labour Economics of Chulalongkorn University, 3 April 2012.

caused by migrant workers, but they want to look for higher wage.¹⁹ *We cannot prevent Thai workers not to emigrate. Labour movement is the process. People are likely to move to higher income country to seek job or experience new environment. Thai people could go out to study or work in other countries that have better opportunities, while Cambodian workers can come to work in Thailand.*²⁰

Another view, free movement of workers might slow down the development as it discourages employers to use technology, according to the Ministry of Labour. *From the government perspective, Thailand is pushing the use of technology in order to develop itself from the middle income country to advanced country. So the need for unskilled workers will be reduced as it can be replaced by technology.*²¹ Technology usage is a good innovation; however, it cannot be afforded by all employers as 99.8 percent of business in Thailand is small and medium enterprise (SME).²² To reflect this, two employers in fishing sector view the free movement of workers as the encouragement for them to expand their business.

¹⁹ Paitoonpong and Chalamwong, *Managing International Migration in ASEAN: A Case of Thailand*.page: 61-63 <http://www.economywatch.com/economic-statistics/economic-indicators/Population/> [Accessed 20 April 2012]

²⁰ Interview Thai expert working with NGOs and bodies dealing with workers' rights, 20 April 2012

²¹ Interview Chief of Foreign Relations Section, Department of Employment, Ministry of Labour, 11 April 2012

²² Chanootporn Srichai, "Dimensions Influencing Business Intelligence Usage in Thailand SMEs," *International Proceedings of Economics Development and Research* IPEDR vol.6(2011).

3.2.3 Burden to the Government

Coleman and Rowthorn pointed out that large numbers of migrant workers will provide harmful impact on the host country because the government has to be responsible for providing migrant workers, their family and children, the social welfare—education and health—as equal to the local workers.²³ In Thailand, inflow of migration has existed for decades, thus Thailand has allowed migrant workers' children whose one of their parent is Thai citizen to enroll for school until compulsory level. At the same time, Thai decree in 2005 also allowed all migrant children to go to school.²⁴ Since migrant workers may come with their dependent such as family or children, some informants view the future free movement of workers as burden to Thailand if the workers come with their family. However, since migrant workers in Thailand are also responsible for paying taxes to the government and contributes to the economy of Thailand by their jobs and consumption in Thailand, all informants including Thai workers agreed that migrant workers should be treated the same way as Thai workers even at present time, or when the future free movement of workers is permitted. They should be given the same wage, education, health care, and their children should be permitted to get same education as Thai children, because they are also part of Thai economy.

²³ David Coleman and Robert Rowthorn, "The Economic Effects of Immigration into the United Kingdom," *Population and Development Review* 30, no. 4 (2004).

²⁴ Martin, P. (2007). The economic contribution of migrant workers to Thailand: Towards policy development, International Labour Organization (ILO).
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3.3 Demographic Impact on Thailand

According to a study by Coleman, immigration could partially maintain labour force, and replace population ageing especially when there was very large inflow of immigrants.²⁵ While Thailand has been facing ageing society and low labour force growth,²⁶ most informants expressed their concern over the aging society in Thailand, and positively consider the future free movement of unskilled workers could help maintain workforce, and to some degree provide domestic healthcare for elderly. Yet, the government officials and some experts viewed technology as more important than migrant workers' labour. For the view of the Ministry of Labour, *The only solution to tackle with the labour shortages resulted from the aging society is not merely migrant workers.* The government is finding other solutions to reduce dependence on migrant labour, and encourage the use of technology.²⁷ To the view of officer of the IOM, *Aging society should be carefully taken into consideration; technology cannot always be used to replace the labour. We need people to look after the elderly. In this way, the free movement of workers or low-skilled workers could help maintain the population,*

²⁵ Coleman, D. (2008). "The demographic effects of international migration in Europe." *Oxford Review of Economic Policy* 24(3): 452-476. Page 472

²⁶ Pracha Vasuprasat, "Agenda for labour migration policy in Thailand: Towards long-term competitiveness," (ILO/Japan Project on Managing Cross-border Movement of Labour in Southeast Asia, 2010).pp.15; *Labour and social trends in ASEAN 2008 : driving competitiveness and prosperity with decent work.* pp.78

²⁷ Interview Chief of Foreign Relations Section, Department of Employment, Ministry of Labour, 11 April 2012

*workforce, and fill in labour shortages.*²⁸ Even in advanced countries such the United States, Sweden, the Netherlands, the UK, Ireland, and France whose have equipped with modern technology are still in need for labour. The EU have called for regional policy to encourage the immigration among their member states and from third countries by introducing Blue Card, while the USA have introduced Green card to attract workers from all over the world.²⁹

3.4 Social Impact on Thailand

3.4.1 Xenophobia

According Castles and Millers, migrant workers were xenophobic against because they are regarded as threat to economic development, and public order.³⁰ For Thailand, it has long been a host country to various categories of immigrants such as refugees, asylum seekers, skilled, low-skilled and unskilled workers. Documented and undocumented migrant workers in low-skilled and unskilled jobs are always xenophobic against and thus discriminated and exploited. For instance, in 2006, in order to protect national security, Thai authorities in some provinces such as Phuket, Ranong, Chiang Mai and Tak imposed the restriction on the freedom of migrant workers from Cambodia, Lao, and Burma. They were not allowed to have cellphones, drive motorbike or car, stay outside their settler from 8 o'clock in the evening until 6 o'clock in the morning, and gather in group with more than five people when they

²⁸ Interview Officer of the International Organization for Migration (IOM), 2 April 2012

²⁹ <http://bluecardimmigration.com/new/2010-06-15/eu-blue-card-key-future-prosperity.htm> [Accessed 20 April 2012]

³⁰ Castles and Miller, *The age of migration : International population movements in the modern world* page:35

are not working. The negative perception of Thai people could also be found in ILO-UNIFEM poll in 2006. Among more than 4000 respondents, about 60 percent of them preferred the restriction on the inflow of migrant workers.³¹ However, opinion poll changed overtime, according to TRIANGLE project conducted survey in 2010 with more than one thousand ordinary people showed 55 percent of them agreed that migrant workers are needed to fill in labour shortage, while 40 percent of them agreed that migrant workers could provide positive net contribution to the economy. Factors that could influence the perception of respondents towards migrant workers are associated with their relationship between individual and migrant workers, while age, gender, income and educational level of the respondents could less influence their perception.³² Similarly, all in-depth interviews revealed that unskilled migrant workers will not be xenophobic against if the free movement of workers will perhaps be allowed. For the case migrant workers from Cambodia, since now most Thai people hired migrant workers to work for them in their factory, work place, or house, the future free movement of unskilled workers from Cambodia might not have any impact on level of xenophobia.³³ Factors that could influence the perception of respondents towards migrant workers are associated

³¹ Jonathan Crush and Sujata Ramachandran, "Xenophobia, International Migration and Human Development," (United Nations Development Programme (UNDP), 2009). page: 28-33; Philip Martin, *The economic contribution of migrant workers to Thailand: Towards policy development* (International Labour Organization (ILO), 2007). Page: 25-26

³² "Thailand Migration Report 2011," ed. Jerrold W. Huguet and Aphichat Chamratrithirong (International Organization for Migration, 2011).

³³ Interview with expert labour economics of Chulalongkorn University, 2 April 2012

with their relationship between individual and migrant workers. Thus, since the relationship between Thai employers and Thai workers and migrant workers are rooted for decades, the future free movement of unskilled workers from Cambodia might not affect xenophobia.

3.4.2 Crimes

As regard to crime issues in Thailand, most informants viewed the free movement of workers as it does not have much impact on the internal crimes such as fighting, robbery, or killing, but international crimes. According to police based in Rayong province, migrant workers as well as Thai workers produce the same crimes. It is the nature of hot-tempered-young-age people. The problem now is when there is crime happened among migrant workers, few of them reported detail information about what happened, because they afraid their illegal status would be revealed. So if the future free movement of workers is allowed, then their illegal status will be changed to legal. Then, they might be more willing to cooperate with the police to investigate root of problems, and improve it. All informants agreed that crimes can be committed by both Thai people and migrant workers. It cannot be said the level of crimes are committed more by migrant workers. However, since international crimes or terrorism are caused by the cross border movement, the future free movement of workers might increase these problems if there is not effective system. Some government officials in the Ministry of Labour and some experts are not satisfied with the permission to have free movement of workers. Contrastingly, the Ministry of Public Health viewed that the international crimes or terrorism does not have any connection to the free movement of workers with AEC. Until now, there is not any sign that terrorism is

brought by migrant workers in ASEAN or Cambodia. That was from other part of the world.³⁴ It is noted that the EU has permitted the free movement of person since 1950s, and has achieved the creation of Schengen area with its member states and some other non-EU countries such as Switzerland, Iceland, Norway and Liechtenstein,³⁵ and extended the agreement with many countries including some ASEAN countries such as Singapore and Malaysia that their citizens could travel to the EU without visa and stay their within 90 days.³⁶ The agreement was made in order to remove the barrier of movement of person, increase the security by the cooperation of police, and create Schengen Information System. Since the Schengen area was introduced, there is not any terrorism happened in those countries as yet.

3.4.3 Human Trafficking and Exploitation

At present, three forms of human trafficking can be identified. First, some migrant workers were trafficked to work in low-standard job with no salary, work overtime, and in dangerous job. Second, migrant workers were trafficked to serve as sex workers. Third, children were trafficked to serve as beggar.³⁷ According to the interviews, some informants view the future free flow of workers as a catalyst to increase the human trafficking and exploitation if the

³⁴ Interview Senior Pharmacist of the Ministry of Public Health, May2012

³⁵ The Schengen Area and Cooperation http://europa.eu/legislation_summaries/Justice_freedom_security/free_movement_of_persons_asylum_immigration/133020_en.htm [Accessed 20 Feb 2012]

³⁶ Schengen Visa, <http://www.immihelp.com/visas/schengenvisa/requirements-exemptions.html> [Accessed 30 Marc 2012]

³⁷ Paitoonpong and Chalamwong, *Managing International Migration in ASEAN: A Case of Thailand*. Page:23

management system of both sending and receiving does not work well. Once the free movement is allowed, more workers will perhaps be more willing to travel to Thailand to look for job. However, since they have less knowledge on host country, they might ask for help from brokers, and then be cheated. However, since coming to work in Thailand via MOU is costly and complicated, and the work permit is limited, many Cambodian migrant workers preferred the illegal channels provided by brokers as it is easier and cheaper compared to the legal process. At present several informal or cultural border gates between Cambodia and Thailand are loosely controlled. Most illegal migrant workers are generally trafficked or smuggled via these gates, or other way through jungles or the rivers.³⁸ If the free movement of workers will perhaps exist in the future, it might somehow help reduce the level of human trafficking, as workers could come to work in Thailand more freely and the government could control them more easily. If labour mobility is restricted through such restriction, it is likely that human trafficking practices will continued unabated.³⁹

As regards to exploitation, since the current bilateral agreement importing migrant workers from Cambodia to Thailand is restrictive as migrant workers are tied with one employer and could not change their employer unless the employer is found to be abused the labour law, pass away, or terminate their business.⁴⁰ Some

³⁸ Paitoonpong and Chalamwong, *Managing International Migration in ASEAN: A Case of Thailand*. Page:34

³⁹ Annantachai Kunanantakul, President of the Employers Confederation of Thailand (ECOT), quoted in Martin, “Thailand: Improving the Management of Foreign Workers, Case Studies on Five Industrial Sectors.” Page:55

⁴⁰ “A News Released from the Ministry of Labour, Thailand,” <http://www.mekongmigration.org/?p=245>.

migrant workers especially the illegal workers do not dare to report the mistreatment imposed by their employers, and thus being exploited. Those brokers are the cause of human trafficking and exploitation. Therefore, when the restriction is removed, migrant workers do not have to use illegal channel that cause them to be vulnerable to be victims. They could go to work in Thailand openly, while the employers might not be able to exploit them as migrant workers would no longer be tied with only one employer, and be able to report to change the exploitative employer creating more flexibility in the labour market.

3.4.4 Health Impact on Thailand

Cross border movement has always attached with health issues. At present, migrant workers in Thailand are viewed as transmission of disease such as HIV/AIDS, Tuberculosis, and Malaria. Result of this research showed that spreading of disease such as HIV is not only caused by migrant workers, but also everyone including Thai people. They all share the same responsibilities. From the perception of the Ministry of Public Health, Thailand needs migrant workers especially those in unskilled job. Recently, illegal migrant workers near the border bring some diseases that have disappeared in Thailand for decades, but the government has increased the health protection, while encouraging doctors to learn language of migrant workers and allowing the migrant workers who could speak Thai to work as volunteer workers in facilitating the communication of the foreign patients and Thai doctors. The Ministry has to ensure the healthy living for people in Thailand, and thus undocumented migrant workers could also go for health checkup in the hospital. As regard to legal workers coming through the MOU, there is not any health concern at all. *Thailand is in need for migrant labour, especially in workers in unskilled job. Current legal migrant workers do not provide*

major health impact for Thailand. Or if they do, their health insurance fund of 19,000Baht could be used to take care of them. For future free movement of workers, if only all the workers have health insurance, it might not be a problem for Thailand.⁴¹

In summary, this research is in line with the study of Dusmann and Ian, and Mayda, that economic and non-economic impacts shape the attitude of the host country. There are a mixture of perspectives among all stakeholders—the government officials, NGOs, experts, Thai employers, Thai workers, and the migrant workers. It could be concluded that the government officials and some experts are more satisfied with current bilateral agreement importing migrant workers as they considered the inflow of migrant workers could result in discouragement of employers in using technology, and might encourage Thai emigrants to go abroad, and bring about international crimes and international crimes. However, from the perspective of employers, NGOs and migrant workers, they prefer freer process of migration. However the overall perspective of the informants is positive in regard to the economic impact on Thailand because Cambodian migrant workers are believed to be able to fill in labour shortages resulting from the expansion of Thai economy and aging society. As regard to social problems such as human trafficking and international crimes, good management policy on the migration issue would help tackle all the problems that may happen in the future. Most of them view economic motivation, relationship between Thai people and migrant workers, and existing network as the future push and pull factors, while the economic development in Cambodia could serve an obstacle in preventing an influx of migrant workers coming to Thailand.

⁴¹ Interview the Ministry of Public Health, 15 May 2012

4. Lessons Learned from Germany for Thailand Concerning the Free Movement of Workers

Differences: It is undeniable that Thailand and Germany are members of different economic communities. Germany is a member of the EU which is based on supra-nationalism in most of decision making processes, and consists of several institutions to oversee the process of union integration such as the European Parliament, the European Council, the European Commission which serve as guardian of the Treaties, and the European Court of Justice to try the cases that are found to violate the rule of law set in the treaty.⁴² Thailand belongs to ASEAN whose decision is based on intergovernmentalism, and does not have specific institutions or bodies to oversee the process of integration like that of the EU.

Moreover, Germany and Thailand cannot be compared in terms of the economy. GDP (PPP) per capita of Germany in 2004 when Poland joined the EU was 2.3 times different (29,322USD and 12,700 USD respectively) while GDP of Thailand and Cambodia in 2010 was 4.2 times different (9,700USD and 2,300USD respectively). These differences showed incomparable level of development, education, and knowledge of the two sides. For Polish migrant workers in Germany, the average year that they have attended school before going to work is 13.3 years,⁴³ while average education of Cambodian migrant workers in Thailand is about 5 years.⁴⁴ The

⁴² “EU Institutions and Other Bodies” from http://europa.eu/about-eu/institutions-bodies/index_en.htm [accessed September 2011]

⁴³ Karl Brenke, Mutlu Yuksel, and Klaus F. Zimmermann, “EU Enlargement under Continued Mobility Restrictions: Consequences for the German Labor Market,” (IZA, 2009). Page:12

⁴⁴ Paitoonpong and Chalamwong, *Managing International Migration in ASEAN: A Case of Thailand*.

differences in education of migrant workers could have different impacts on the host countries especially in regard to social impact, as the immigrants who have higher education tend to be less discriminated, and exploited, while those who have less education are often exploited by the employers. Apart from that, dissimilarity in economic structure of the two countries could also represent different labour demand of unskilled work from migrant workers. In Germany, service sector stood for 69 percent, followed by 26 percent in industry, 4 percent in construction, and 1 percent in agriculture, forestry and fishery.⁴⁵ In Thailand, 39 percent of its economy was manufacturing, followed by 25 percent of service sector, 13.5 percent of wholesale and retail trade, 9.6 percent in transport, storage and communication, 8.6 percent in agriculture, and 4.3 percent in construction and mining.⁴⁶

Concerning the aging society, Germany has faced more serious demographic change than that of Thailand, and thus the demographic impact resulting from the migrant workers could provide different impact. Population growth rate in Germany has declined from 0 percent in 2005 to -0.21 in 2011, while the population growth rate in Thailand was 0.87 in 2005, and 0.57 in 2011. Meanwhile, the birth rate in Germany in 2011 was 8.3 births per 1000 population compared to Thailand 12.95 births per 1000 population. Furthermore, life expectancy of German people was 80.07 in 2011, compared to Thailand 73.6 in 2011.⁴⁷ These differences would result in different

⁴⁵ "Pocketbook: Germany." Federal Statistical Office of Germany, 2009.

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⁴⁶ "Thailand at a Glance," Bank of Thailand, http://www.bot.or.th/English/EconomicConditions/Thai/genecon/Pages/Thailand_Glance.aspx. [accessed 2 June, 2012]

⁴⁷ <http://www.indexmundi.com> [accessed 30 May 2012]

needs for healthcare providers from foreign labour.

Similarities: Since ASEAN is moving to the same direction of creating economic community based on the single market as the EU has done, there are several similarities between Thailand and Germany that should be acknowledged. First, both Thailand and Germany are the host countries that are in need for migrant labour because of the expansion of their economy, labour shortages, and aging society. Germany has permitted the inflow of migrant workers to fill in its labour shortages since 1960s during its economic boom,⁴⁸ while Thailand has expanded its economy significantly since 1990s and attracted million migrant workers from its neighboring countries. Thailand is in need for migrant workers to fill in the unskilled jobs such as agriculture, fishery, domestic, construction and garment and textile factories for at least medium or long term,⁴⁹ while Germany is in need for unskilled workers such as hotel, restaurant, agriculture and especially in domestic health care as these unskilled jobs are rejected by local people.⁵⁰ In addition, as stated above that although Germany has faced more serious level of demographic change than that of Thailand in terms of population growth and birth rate, the two countries has indeed been reaching aging society, and thus German experience could serve as lessons learned for Thailand. Concerning the cultural similarity of host and home countries, the majority of German and Polish people hold the same religion

⁴⁸ Friedrich Heckmann, Elmar Hönekopp, and Edda Currie, *Guest Worker Programs and Circular Migration: What Works?* (The German Marshall Fund of the United States (GMF), 2009).

⁴⁹ “Thailand: Improving the Management of Foreign Workers, Case Studies on Five Industrial Sectors.”

⁵⁰ Amelie F. Constant and Bienvenue N. Tien, “Germany’s Immigration Policy and Labor Shortages,” (IZA Research Report, 2011).

which is Christianity, while Thailand and Cambodia hold Theravada Buddhism. These cultural similarities could make migrant workers from the two home countries be easily integrated into the host societies of Germany and Thailand respectively. Moreover, since the economic development in Germany and Thailand are much higher than that of Poland and Cambodia, the pull factors for migration movement in these countries are the same which is for economic purpose. Because of border sharing, cross border movement between the two countries are even easy and similar.

Lessons Learned from Germany Regarding the Free Movement of Workers: The EU has long served in the front row as a model of integration. The EU Eastern Enlargement from 2004 marked a significant step of its integration process. Since most of the old member states agreed to permit the free movement of workers from those new member states, Germany opted out, and applied restriction on those new member states with the maximum period of seven years. While imposing the restriction on the free movement of workers from Poland and other new member states during the transitional period, Germany depended on work permit, and provided some special preferences to certain skilled jobs. For instance, workers in aeronautical, mechanical, electrical, and vehicle were allowed to work without going through the labour market test, while foreign company in IT and consultation services could operate freely and hire foreign skilled labour as much as needed because Germany was in need for skilled labour in that field. However, construction industry, decorating business, and cleaning companies are allowed to hire only key foreign workers who are specifically needed to work in Germany.⁵¹ These practices are somehow similar to what Thailand

⁵¹ Brenke, Yuksel, and Zimmermann, “EU Enlargement under Continued Mobility Restrictions: Consequences for the German Labor Market.”

is doing under its MOU with Cambodia. This approach is seen to be flexible because the government could limit the number of foreign workers they want. However, since movement of Polish workers depended on work permits, the mismatch between demand and supply resulted in undeclared work. German government gave much more attention to skilled migrant workers in some fields such as specialists, engineers, and managers, rather than those working in unskilled works such as care work, although the demographic change in Germany has increased the demand for care immigrants to look after elderly. The government did not issue enough work permits for the German people who are really in need for domestic household helpers. Thus, undeclared work provided by Polish workers occurred. According to German Social Economic Panel Survey in 2007, more than 11 percent of German citizen hire both regular and irregular foreign domestic helpers. Data from German Ministry of Labour and Social Affairs showed that there were 3,051 domestic helpers worked legally in Germany. However, according to the calculation of Helma and Ewa basing on the number of elderly in Germany showed that at least 150,000 to 200,000 migrant workers were needed to serve in this domestic sector. The differences in number clearly showed the significant number of undeclared work. Hiring undeclared Polish workers to work in households was the decision made by both employers and workers. For the perspective of German employers, complicated bureaucratic process, and availability of cheaper-and-easily-found-foreign labour caused them to hire irregular workers. Helpers as domestic workers were considered unskilled and thus were not allowed to come freely to work in Germany.⁵² For the Polish migrant workers, choosing to work

⁵² Ibid; Helma Lutz and Ewa Palenga-Möllenbeck, "Care Work Migration in Germany: Semi-Compliance and Complicity," *Social Policy and Society* 9,

in undeclared job could provide them more income than the declared work, because bilateral agreement importing workers is restrictive as they could serve only one employer causing them easily to be exploited and the process asking for work permit is complicated.⁵³

In addition to increasing more undeclared migrant workers, the restriction could also bring about a loss in German economy as the government was unable to control the illegal migrant workers and thus they could get rid of tax paying, but be vulnerable to be exploited. According to report supported by the European Community Programme for Employment and Social Solidarity Progress, in 2009 income from illegal work in shadow economy such as hotels, restaurants, house cleaning, and construction sector, in Germany were 350billion euros, representing almost 17 percent of German total GDP.⁵⁴ Furthermore, since the majority of EU-8 and Polish workers in Germany are male and young (the average age of migrant workers is 26 years old), and have less education, they cannot compete with local workers but instead take the jobs that German people do not want to do.⁵⁵ This showed that the existence of Polish migrant workers does not have negative impact on wage or employment in Germany, and thus the longer Germany imposed restriction on the new member states, the more they lost their economy, as migration normally could serve a role in responding

no. 03 (2010).

⁵³ Ibid; Helma Lutz and Ewa Palenga-Möllenbeck, "Care Work Migration in Germany: Semi-Compliance and Complicity."

⁵⁴ "THE ILLEGAL WORK OF MIGRANTS IN THE EUROPEAN UNION," (European Community Programme for Employment and Social Solidarity PROGRESS (2007-2013)).page: 26

⁵⁵ Brenke, Yuksel, and Zimmermann, "EU Enlargement under Continued Mobility Restrictions: Consequences for the German Labor Market."

quickly to changes in GDP and employment growth because it could adjust the fluctuation of labour supply in the labour market.⁵⁶ The restriction is due to more domestic fear than any other reasons, but that fear has never happened. It would more be more advantages for Germany to open the border faster.⁵⁷

Additionally, the restriction on the free movement of workers could not prevent inflow of unskilled workers but decrease potential migrant workers from Poland as they changed their destination to other countries such as the UK that are more welcome them since the beginning. According to report of European Commission and a study by Brenke, Yuksel, and Zimmermann, putting restriction on the free movement of workers to the last phase reduced only few thousands of initial migration, but decreased the potential migration as the immigrants will have less incentive to go to Germany in the later stage when Germany opens border for the free movement of workers.⁵⁸ It is undeniable that Germany is in need for workers as the baby boom generation will totally retire from 2020, and the fertility rate in Germany is low. The mismatch between

⁵⁶ Patricia Alvarez-Plata, Herbert Brucker, and Boriss Siliverstovs, *Potential migration from Central and Eastern Europe into the EU-15 : an update / Report for the European Commission, DG Employment and Social Affairs* (Luxembourg : Office for Official Publications of the EC, 2003).

⁵⁷ Interview senior researcher in labour migration in Ludwig-Maximilians-University (LMU), Germany, 13 March 2012

⁵⁸ Brenke, Yuksel, and Zimmermann, “EU Enlargement under Continued Mobility Restrictions: Consequences for the German Labor Market.”; Alvarez-Plata, Brucker, and Siliverstovs, *Potential migration from Central and Eastern Europe into the EU-15 : an update / Report for the European Commission, DG Employment and Social Affairs*; “Commission report on transitional arrangements regarding free movement of workers,” (Europen Commision Memo/08/718, 2008).

people who will retire and people that will enter the labour market will make Germany facing labour shortages.⁵⁹ Imposing restriction is not a good action. As soon as you are ready for the single market, you should be prepared for the free movement of workers as it is an integral part of the integration. Poll should not be trusted at all, it change over time according to the level of understanding they have towards migrant worker. The government should influence people and let people know the benefit of migrant workers.⁶⁰

This situation could be applied in Thailand, as according to the interviews, employers signal their high demand for migrant labour, while Thai workers showed their less willingness to work in unskilled job. Migrant workers are also willing to work in Thailand through either legal or illegal channels as the current legal process importing migrant workers via MOU is seen as complicated, more expensive than coming through illegal channels, and tied them to only employers. Moreover, the government seems to be interested in encouraging the use of technology, although the number of SME in Thailand is more than 90 percent, while the demographic trend in Thailand is changing badly compared to some other ASEAN countries.

In conclusion, though the free movement of workers in the EU and future AEC are in different context, implications resulting from the restriction that Germany put on the free movement of workers from new member states could be lessons learned for Thailand. The seven-year restriction resulted in an increase in undeclared workers in most unskilled jobs because of high demand for workers, loss in economy as the undeclared sectors could escape

⁵⁹ "German Population by 2060: Results of 12th Coordinated Population Projection ", (Federal Statistical Office, 2009).

⁶⁰ Interview expert in Polish-German Relations of Ludwig-Maximilians-University (LMU), Germany, 14 March 2012

from paying tax, and loss of potential migrant workers as they change their destination countries. And even after Germany opened border for the free movement of workers in 2011 there seen a double increase of migrant workers from the first month and then decreased gradually to almost the same as during the restriction period because of language barriers, and economic development of the new member states. Thus, since Thailand and ASEAN are moving to the same direction of creating the single market; and since labour mobility cannot be prevented, the preparation for all kinds of free movement mainly skilled and unskilled workers should be taken into consideration. With the free movement of workers, migrant workers would be able to seek jobs that fit their desire, whereas the employers could hire more labour to fit their requirement making more flexibility in labour market. This could be achieved through adopting appropriate policy of migration and related issues such as allowing freer process of migration, permitting the longer stay for migrant workers, and freeing them from being tied with only one employer which makes them to be vulnerable to be exploited, while making the labour market more inflexible; establishing a formal central point in both sending and receiving countries to make sure migrant workers get adequate information before their departure; integrating migrant workers into the host society by providing training courses—language and skilled classes—to migrant workers and their children; providing migrant workers equal treatment concerning social security as Thai workers without discrimination; strengthening border control to avoid human trafficking and international crimes; and informing local people about the importance of migrant workers via the media to prevent the misperception on migrant workers and constraints posed by the local people.

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