



No human being is illegal



ရခိုင်အလုပ်သမားများအဖွဲ့  
Arakan Workers Organization (AWO)



For immediate release on 7 December 2018

### Press Release

#### **201 migrant workers receiving unpaid wage and severance pay amounting to 9,991,960 baht, after enter to the process of labor protection mechanism provided for in the Labor Protection Act 1998**

On 3 December 2018, 201 former and migrant workers of Sanook Garment in Tak's Mae Sot District, have arrived at the Labour Protection and Welfare Office in Tak's Mae Sot to collect the unpaid wage and severance pay after their employers had closed down the factory. Part of the money they received was payment for their work based on minimum wage for the period of 45 days amounting to 2,775,538 baht and the rest was severance pay for 7,216,422 baht, altogether 9,991,960 baht (about 30,000 USD). This has stemmed from;

1. On 17 September 2018, 166 migrant workers employed by Sanook Garment have invoked their right per the Labor Relation Act 1975 to conduct collective bargaining demanding change to the working condition including overtime pay and wage according to the labor protection law. After two meetings, both the employers and employees could not agree on anything. As a result, the employees have sought help from the labor authority to settle the dispute.
2. On 26 September 2018, officials from the Labour Protection and Welfare Office have facilitated a meeting between the employers and the employees. An agreement has been reached and a collective bargaining memo has been made per the demands of the 166 workers on 1 October 2018.
3. On 27 October 2018, the employers put up a notice to announce the shutdown of the plant and the layoff of 201 workers. The employers have informed the Labour Protection and Welfare Office that they would shut down their operation from 31 October 2018 and offered to provide the workers compensation and a special severance pay in lieu of advance notice according to the law as well as a deposit worth fifteen days of work. The employees accepted the offer from the employers and have arrived at the labor office to collect their unpaid wage and severance pay. The money had been left with the authority prior to this since 3 December 2018.
4. By accepting the compensation per the Labor Protection Act 1998, the 201 migrant workers accept the settlement offered by the employers and they shall no longer hold the employers liable for wage, overtime pay, holiday pay, and overtime pay on holiday that the employees retain the right to demand from the employers within two years based on the statute of limitation in the Civil and Commercial Code and the Labor Protection Act 1998 according to which the employees are eligible to claim 40 million baht.

Tak's Mae Sot has been declared part of the Special Economic Zones (SEZs). Commuter or seasonal employment has been encouraged per the Royal Ordinance Concerning the Management of Foreign Workers' Employment 2017's Section 64. As a result, most migrant

workers, instead of being registered and undergoing nationality verification to obtain a legal status and to enjoy labor and social protection, have been forced to get registered as commuter or seasonal migrant workers who can be employed provisionally for up to three months even though most of them are employed in regular workplaces. Being part of a provisional employment, the workers, therefore, see a sharp decline in their labor protection, particularly their social benefit under Social Security Act 1990 and compensation under Workmen Compensation Act 1994. And many are not paid a minimum wage according to the law and are deprived of their right to freedom of association which is provided for in the Labor Relation Act even though Thailand is a founding member of the International Labour Organization Convention for nearly 100 years.

Therefore, it is very urgent that the Thai government ratify the International Labour Organization Conventions no. 87 and 98 and review border area employment, particularly in places declared part of the SEZs with incentives for the investors. This would ensure economic stability and labor protection based on the business and human rights principles as Thailand has pledged to the United Nations to develop an action plan to ensure protection, respect and remedy.

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