



*Promote an enabling environment
and mechanisms*

Legally Binding: A Summary of Labour Laws in the Greater Mekong Subregion

Prepared for Consultation on GMS
MOU to reduce HIV Aids

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WHO WE ARE?



- **MMN** :- 40 member organizations including migrant organizations, NGOs, research institutes etc. Joint research, Joint Advocacy and Capacity building
- **MAP Foundation**, a registered Thai NGO, that have been working with migrant workers for the last sixteen years. Together with migrant communities, MAP works on issues relating to labour conditions, living conditions, health and women's rights.

Millions of migrant workers in the GMS continue to work and live without sufficient labour protection

- Lack of common understanding and a common regional standards hinders sub-regional efforts to address labour exploitation and social protection for migrants
- In order to formulate a coherent responses, cross-border and multi-sectoral collaboration are crucial.
- It is essential to gain an understanding of the labour protection now available to migrant workers

Legally Binding

A Summary of Labour Laws in the Greater Mekong Sub region

- **The Handbook on Labour Protection in the GMS** is a concise guide to labour standards as contained in national labour laws in the GMS countries, and to as such get an understanding of existing labour standards in the region. It will also help migrant advocates to identify relevant labour laws that they can use in responding to labour rights abuses and/or violations.

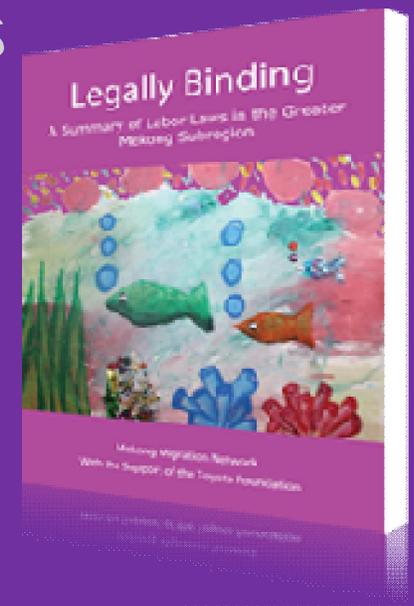


Hope that this booklet will be a useful tool

- to quickly check on labour standards in any country in the Mekong region, or to compare labour standards in different countries
- as an advocacy tool to upgrade and standardize rights and working conditions in the countries of the Mekong region.

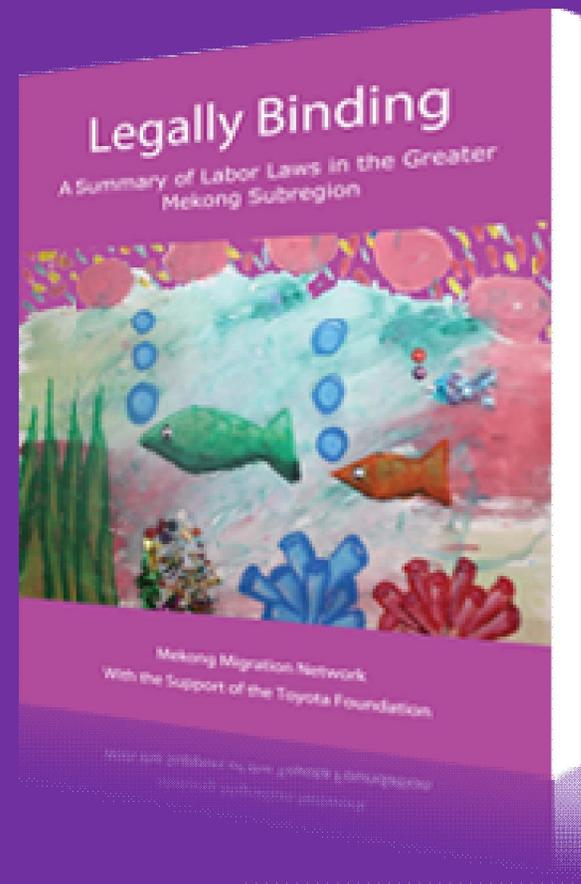
Labour protection has been classified into 14 topics. Relevant international laws are also included

- Sec 1 Scope of Application of Labour Laws
- Sec 2 Employment Contracts
- Sec 3 Working Hours and Leaves
- Sec 4 Wages
- Sec 5 OHS
- Sec 6 Women and Maternity Protection
- Sec 7 Child Labour



Labour protection has been classified into 14 topics (cont.)

- Sec 8 Collective Bargaining
- Sec 9 Trade Unions
- Sec 10 Dismissal
- Sec 11 Vocational Training
- Sec 12 Recruitment
- Sec 13 Social Security
- Sec 14 Forced Labour



Similarities and Differences

Similarities

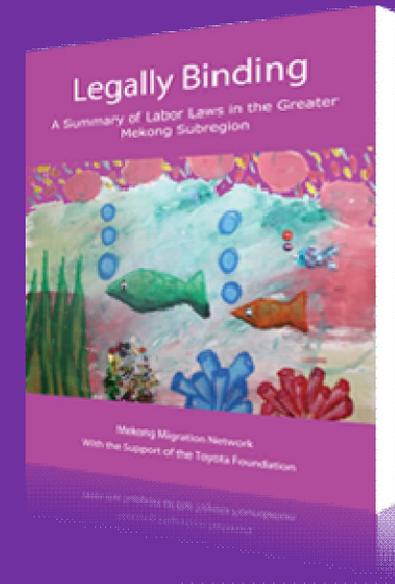
- Working Hours – Well, Thailand, Vietnam, Laos, etc...all provide for 8 hours per day, and overtime rate is 1.5 times hourly rate

Difference

- Right to unionize is absence in some country
- Wages for the same work differs in different GMS countries

The publication also have articles on...

- **Fishery Industry**
- **Domestic Work**
- **Informal Sector**
- **Workers in Special Economic Zones**
- **Reality Check!**
- **Sex Workers**



Gaps in this labour standards publication

- Throughout this project, it was impossible to find complete up-to-date information on Burmese labour laws and standards
- In recent years some efforts have been made by the Myanmar government to draft new (and hopefully better) labour laws, however these laws have not yet been made public at the time of finalizing this publication.

Reality Check!

- Do not get the impression that because of these fairly comprehensive labour laws workers are protected and living and working comfortably.
- The reality is much more harsh. The laws are good on paper, but the reality is very different. There is a major problem of implementation and this is increased many fold for migrant workers.

In some instances, good labour laws but badly implemented

- Because a **lack of information and awareness** of rights, a lack of trained good personnel, corruption, and sometimes also a **lack of political will or desire to ensure justice is done**. Not having/belonging to unions and 'controlled' trade unions are also obstacles.
- **Where migrant workers are concerned, the obstacles are greater** – a sad case of labour rights blindness with blatant abuses happening for all to see, but no one to acts to see it end.

We still have faith that the law can be effective

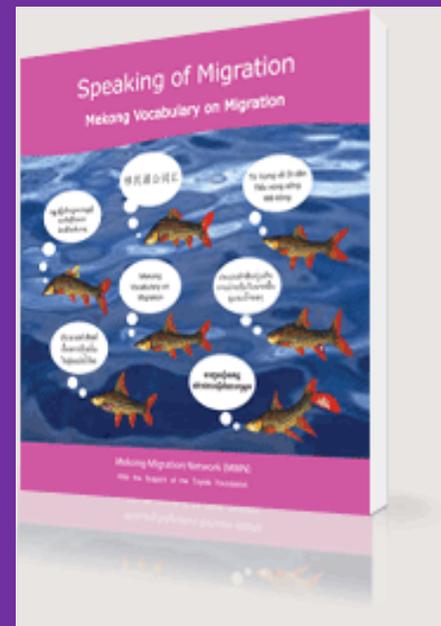
- that there can be political will to protect the lives of the millions of people, often young people, who work in manual labour and the service industry in the Mekong region.
- But at the same time, we also know that it is not enough to place all our faith on the existence of good laws – we **NEED** to take a more holistic approach to improve labour rights and conditions , reduce vulnerability including access to healthcare for workers.

Language and Vocabulary

- Language is important, for things can be misinterpreted and misunderstood by reason of language skills and vocabulary used.
- MMN has a project to produce **“Mekong Vocabulary on Labour Migration”** – to promote a common language understanding in the region and building a regional network for safe migration in the (GMS). This project aims to fill an information gap by increasing common understanding of vocabulary.

Some example of term

- **Undocumented or irregular migration** refers to the movement of people across an international border without the administrative documents required by immigration



Terms to Avoid

- *Illegal migrant / illegal migration*: often used to describe people who do not have the correct documents and visas required by the countries they may have left or entered. Using this term however promotes the idea that migrants are illegal, criminal, and not to be trusted. Migrants who do not have the correct documents are not illegal people; they simply do not have legal documents.

CONSIDER USING: undocumented migrant / irregular migration

A similar initiative could be taken relating to labour and health issues,

- **MAP radio, “Voices without Borders”** for example, is a way to reach out to migrants in their own language while also inviting officials from dept of public health or labour etc to be interviewed on the radio with live phone ins so the migrants can have a chance to chat (through an interpreter...the DJ

<http://www.mapradio.org/>

Needs for sub regional standards, improved understanding of the needs and mechanisms to protect workers in the GMS

- NOW is a critical time to step up collaboration between the countries to better increase workers', including migrant workers', social protection as our neighbor is drafting a new social protection legislation, and Thailand is increasing the coverage of its social security system.
- The **new challenge is how to link these various systems so that people who move across borders for work do not find themselves excluded from systems in different countries**, but would be able to contribute to and benefit from either one of these systems, or even better still that the systems are so linked that migrant workers can take their benefits with them to the next country **(the portable approach)**

For collaboration at sub regional levels...

- We need **commitment and sharing of responsibility** to protect all people's rights to decent work and a life of dignity
- We need to look for ways to **assist local NGOs like MAP to link with local NGOs or CBOs in Myanmar /Burma and other GMS countries**, and also **support and strengthen regional networks like MMN!**