



Global Nonviolent Action Database

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Burmese migrant workers strike for equal pay and the right to hold their own documents, 2010

Time period notes: 8 September 2010-14 September 2010

September

2010

to: September

2010

Country: Thailand

Location City/State/Province: Khon Kaen

Location Description: Province in northeastern Thailand

Methods

Methods in 1st segment:

- 117. General strike > Burmese factory workers strike at a Thai fishing net factory

Methods in 2nd segment:

- 117. General strike > Burmese factory workers strike at a Thai fishing net factory

Methods in 3rd segment:

- 117. General strike > Burmese factory workers strike at a Thai fishing net factory

Methods in 4th segment:

- 117. General strike > Burmese factory workers strike at a Thai fishing net factory

Methods in 5th segment:

- 117. General strike > Burmese factory workers strike at a Thai fishing net factory

Methods in 6th segment:

- 117. General strike > Burmese factory workers strike at a Thai fishing net factory

Classifications

Classification:

Change

Cluster:

Economic Justice

Human Rights

Group characterization:

- Burmese migrant workers in Thailand

Leaders, partners, allies, elites

Leaders:

Zaw Min Naing, Moe Htet

Partners:

Migrant Assistance Program (MAP) Foundation

Involvement of social elites:

The Thai Lawyers Society was present at the signing of the agreement between the Burmese workers and their employer.

Joining/exiting order of social groups

Groups in 1st Segment:

- Burmese migrant workers
- Migrant Assistance Program (MAP) Foundation

Groups in 2nd Segment:

- Labor Protection Office

Groups in 3rd Segment:

- Government officials
- Government officials (exit)

Groups in 4th Segment:

Groups in 5th Segment:

Groups in 6th Segment:

- Burmese migrant workers (exit)
- Labor Protection Office (exit)
- MAP Foundation (exit)

Segment Length: 1.3 days

Opponent, Opponent Responses, and Violence

Opponents:

Dechapanich Fishing Net Factory

Campaigner violence:

Not known

Repressive Violence:

Some reported beatings by migrant security guards against other migrants.

Success Outcome

Success in achieving specific demands/goals:

3 points out of 6 points

Survival:

0 points out of 1 point

Growth:

2 points out of 3 points

Notes on outcomes:

Though the campaigners did manage to reach an agreement with their employer, it was short-lived. The campaign did grow over the week to include more migrants and more allies, such as MAP and the Lawyers Society.

In December 2009, 948 Burmese migrant workers who had entered Thailand legally began work at the Dechapanich Fishing Net Factory in Khon Kaen. Their employer confiscated the workers' passports and personal documents, and for nine months, they worked in poor conditions. Additionally, the employer forced the Burmese workers to work without pay for an hour and a half each day to cover the cost of a recruiter for Burmese laborers.

On 6 September 2010, the factory fired six of the Burmese workers for taking more than three consecutive days off in one month due to illness. When these workers asked for their documents to be returned to them, they discovered that someone, perhaps the employer, had written "cancel" next to their visas. Moreover, the information and photos on their Overseas Workers Identification Cards no longer matched, and someone had tampered with the stamps. As a result, the six workers faced deportation.

Two days later, on 8 September 2010, the factory workers went on strike to support their peers. The workers made four demands: "1) For the visas of the six workers to be reinstated and for their Overseas Workers ID cards to be verified, 2) For all workers to have possession of their personal documents, including passports, Overseas Workers ID cards, and work permits, as required by law, 3) For the shops in their labor camp to be reopened, and 4) Proper payment of the minimum wage and overtime in compliance with labor laws, as well as an immediate end to the bonded labor system of working for one and a half hours free each day for a year."

Over the first two days of the strike, a number of meetings occurred. Representatives of the Migrant Assistance Program (MAP) presented the workers' demands at a meeting including the employer, and the Labor Protection Office. However, the employer held that the Thai immigration authorities were responsible for canceling the workers' visas, not him. However, visas can only be canceled if the employer contacts the Labor Protection Office, who then is required to inform the immigration department. Furthermore, any cancellation of a visa required an explanation as well as the signature of an officer. Then, the employer justified the withholding of personal documents by saying that he was only trying to prevent them from leaving before paying off their debt. He also stated that it was easier to comply with immigration regulations (that required every migrant to report to immigration authorities every 90 days) if he held onto their documents. The employer had made the same point to the local Department of Employment earlier in the day. The employer insisted that his company paid its workers more than minimum wage, and he said he was not aware of the daily 1.5 hours of unpaid work.

With their employer failing to respond to their demands, the workers continued to strike. On the third day, 10 September, they heard that a Burmese official from the embassy was traveling to Khon Kaen, though it was unclear whether this official would help negotiate for the workers or would initiate their deportation. At 6 PM on that same day, officials that the workers believed to be from the Department of Employment offered to fix the documents of five of the fired workers, whose documents the

employer had initially changed. However, the migrants feared that any further changes to their passports would invalidate them and make matters worse, so they did not accept the officials' proposition. Instead, they asked for Burmese authorities to witness any changes to their documents.

By 11 September, the fifth day of the strike, the workers and their employer were no closer to reaching an agreement. In response to the continuing strike, the head of the factory increased security presence at the factory and designated some of the factory workers security guards. The striking workers feared potential violence from the guards and they reported beatings at the factory and that some of the guards were given knives and guns. Also on the 11th, the employer informed the migrants that they would be permitted to strike until Sunday 13 September without punishment, but did not provide any information concerning the workers' demands or the consequences if they did not return to work on Monday, 14 September.

At 4 PM on the 14th, the workers sat down with their employer, and after several hours of negotiations, reached a conditional agreement and ended their strike. The workers and their employer signed the agreement in the presence of the Labor Protection Officer, the Department of Employment, the Thai Lawyers Society, and NGOs such as MAP. The employer agreed to allow any workers who wished to hold their own documents, but noted that workers who did so would be held responsible for the loss of their passports. The employer also agreed to comply with Thailand's 1998 Labor Protection Law, which stipulates that workdays last from 8 AM to 5 PM, and that the Burmese workers would be paid equally with Thai workers. He did note that if their work was not of sufficient quality, they would be fired. The employer also agreed to pay the Burmese workers overtime at the same rate as the Thai workers, but he reserved the right to decide to whom he would offer overtime work. Finally, he assured the workers that there would be no repercussions for participating in the weeklong strike. The workers agreed to return to work the following day and learned that an official from the Myanmar (Burma) Embassy would be visiting them as well.

Though their demands were met, the workers were nonetheless cautious about all of the conditions their employer had placed on the agreement. Furthermore, the agreement was only valid until the end of current workers' employment contracts, which ended in most cases three months after the agreement. Nevertheless, the agreement was a small victory for migrant laborers, and MAP and other similar organizations viewed it as a step towards ensuring that Thailand respected the provisions of the 2005 UN International Covenant on Civil and Political Rights.

Research Notes

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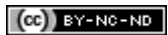
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Name of researcher, and date dd/mm/yyyy:

Caroline Dreyfuss, 10/26/2015

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