

A decorative background consisting of a grid of grey dots of varying sizes, with several larger red dots scattered throughout, creating a pattern that resembles a stylized map or data visualization.

The Thai Labour Movement: Strength Through Unity

Challenges and Recommendations

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- Throughout their long history, Thai labour unions have maintained a precarious existence under various governments. At present, there are no signs for a major shift in labour policies.
- The 2006 military coup and the comeback of conservative elites and the military that have always been suspicious of labour organisations and a welfare state can be expected to have detrimental effects on Thai labour. The political crisis and social division following the coup has also contributed to the split within the Thai labour movement
- The increased pressure of regional and global competition on Thai companies as a result of the global financial crisis has increased employer resistance to unionisation and further weakened Thai labour's bargaining position.
- One of the main challenges for the Thai labour movement remains its weakness in terms of internal democratic and efficient structures as well as unity and coordination within the labour movement.



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1. Political and Economic Context

When the capitalist system began to develop in Thailand in the mid 1850's, the majority of Thai people were living and working under the state corvée or government's labour recruitment systems. These systems did not give people freedom to become employees of factories or enterprises which at that time were being established in growing numbers in Thailand. This situation led to a mass importation of Chinese labour migrants in order to meet the Thai economy's growing demand for hired workers.

The Thai State viewed Chinese as a serious threat to the prevailing system of governance. For this reason, the Thai government tried to control and limit Chinese workers' rights rather than supporting and protecting them.

Even after World War I when Thailand became one of the founding members of the International Labour Organization (ILO), Thailand's government still refused to enact laws protecting labour rights in accordance with the ILO's resolutions because the government was afraid of organised labour in a situation where the majority of workers were of Chinese descent. The right for workers to organise was first accepted officially in Thailand only after the governance system changed from absolute monarchy to constitutional monarchy in 1932.

However, policies favorable to labour have been abruptly revoked time and time again as a result of repeated military coups, after which labour's rights to organise and collectively bargain have often been revoked.

The lack of continuity in democratic rule in Thailand resulted in the maintenance of a conservative political culture where values concerning freedom and equality of human beings in society are not widely accepted. On the contrary, the patronage culture, which is long standing in Thai society, has created an ideology of submission and dependency, of acceptance of stark vertical differences in status, and an acceptance of governing and decision making by a minority elite who have a higher social status. These traditional ideas do not facilitate the development of a culture of acceptance of trade unions, worker organising and collective bargaining. In effect, a culture, social values and political landscape that had been under the influence of non-democratic governance for so long enabled the Thai state to use the idea of "national security" as an overarching framework for setting labour policies. Such a landscape exists even until today.

After the military coup of 1958, Thailand was led by Field Marshal Sarit Thanarat. Field Marshal Thanarat was under the influence of and given full support by the American government during the Cold War when the US sent military forces to Southeast Asia. As

a consequence of this coup, Thailand adjusted its economic nationalist policy to a liberal free-enterprise economy, as advised by the US and the World Bank.

Subsequently, Thailand initiated a national economic development plan and many other measures aimed at creating a "good investment atmosphere" for the private sector, with particular emphasis on foreign investors. The result of this change of economic policy was increased investment by the private sector in Thailand, with a large number of multinational companies attracted to invest in manufacturing and hiring substantial numbers of workers. During this new era of economic development, the Thai government devoted its energy and resources to the development of industrial, commercial and service sectors in urban areas at the expense of development of the agricultural and rural sector. These latter two sectors were left to gradually wilt away and then collapse. As a result, masses of people began to leave the rural areas to find work in the cities and towns. The Thai state's economic development plan emerged from an industrial promotion policy, aimed at import substitution.

From 1976 onwards, Thailand shifted to a development strategy emphasising exports that made the Thai economy less stable as it now had to depend on exports and foreign investment. Today, Thailand's exports account for a high proportion of GDP at 68%.

The policy has also led to the migration of female labour into the industrial sector where conditions of employment are characterised by flexibility in hiring and job insecurity. The economic growth of Thailand has been fuelled through an approach to labour which adhered to the "3 Ls Work" approach meaning low wage, low productivity and long working hours. The result was that Thai labour had to endure a low quality of life also. Most workers do not obtain sufficient income for their sustenance and thus have to work overtime to generate enough income to cover their expenses.

Labour and Thailand's Political Crises

Thailand has been a constitutional monarchy since 1932, but the political system has not undergone development in a continuous manner. Throughout nearly 80 years of democracy, numerous coups aimed at seizing state power by the military and other dictatorially inclined groups took place. As a result, a political culture of democracy has been unable to develop and take root in Thai society.

The right of the people to participate in both political and economic decision making processes has not been accepted, even after the mass uprising by the people to overthrow a military



dictatorship in 1992. This 1992 overthrow was followed by a reform of the political system that led to the drafting in 1997 of a new Thai 'people's constitution' which was eventually overthrown by a military coup in 2006.

The ongoing political crisis that followed the 2006 coup has had a massive impact on Thai society and labour. Since 2005, Thai governments had to use most of their time in office to try to resolve political conflicts and issues important for labour were hardly looked into seriously or ignored entirely. The social split into two opposing sides with little tolerance for different points of view has also brought about a split within the Thai labour movement, with some of its members supporting either the so-called 'yellow-shirts' or 'red-shirts', and some wanting to remain above the conflict altogether. The consequence was that these labour groups became cautious and hesitant in working together.

The Economic Crisis: New Challenges for Thai Labour

When the current economic crisis took hold across the world, Thailand was severely affected for the Thai economy had become dependent on exports and foreign investment. Moreover, Thailand's continuous political conflict has also contributed to a loss of confidence from both Thai and international investors. Investment thus slowed down, projects by both the state and private sectors were postponed, and economic growth turned negative for four consecutive quarters since the fourth quarter of 2008. This situation caused a high number of factory closures and labour dismissals. It had also been estimated that the economic crisis could have resulted at its peak in as high as two million unemployed and underemployed persons, which would be higher than during the 1997 economic crisis when 1.5 million workers were unemployed. Research also showed that industries affected by this economic crisis were industries related to exports: vehicle and spare parts, electronics, jewelry, decoration, furniture, hotel and tourism, textiles and garment industries. In addition, sub-contract labour and outsourced workers have increased significantly in number since the economic crisis in 1997. These workers were the first ones to be affected by the economic downturn as many enterprises decided to dismiss these workers first. These workers could not do anything about this situation as they had very limited bargaining power and most were unskilled.

It was also found that many employers used the crisis as an excuse to cut down on workers' wages and welfare, as a way to unfairly reduce business expenses. Some enterprises even used the crisis as an excuse to dismiss labour leaders and committee members of trade unions in order to undermine trade unions activity in their companies.

In such economic crisis conditions, the labour movement faced much difficulty in moving forward. A number of employers took the opportunity to refuse to negotiate with trade unions. Demands made by labour also tended to be viewed negatively by society. Many people said it was fortunate enough that workers had a job and so they should not make demands. Workers themselves were also afraid of losing their jobs so many did not dare to initiate demands.

The Thai labour movement, through both the labour congresses and the Thai Labour Solidarity Committee (TLSC), submitted a number of demands to the government during this crisis, including demands to establish a national committee to solve the economic crisis. Other demands included that there should also be set up a tripartite committee to consider unfair dismissals of workers; a risk-insurance fund should be set up, so as to guarantee that employees would receive compensation as specified by law if they were dismissed by their employers; and finally that there should be an extension of coverage of social security to informal sector workers who had been hard hit by the economic crisis but had not received any assistance from the State.

It seems that these demands have not been sufficiently addressed as recent governments focused instead on solving problems on the macro economic level, such as trying to increase people's purchasing power and money circulation in the economy, rather than considering the specific problems of labour. This is the same method used by the government towards approaching economic and labour problems during the last economic crisis in 1997. This approach is deemed to be a quick way to rejuvenate the economy but it can also be found to be deficient in directly solving the problems of labour. As a result of these policies, many laid off workers are now unable to return to work in the formal sector.

2. Labour and Employment

The National Statistical Office reports that the working population in Thailand consists of 36.54 million people. But statistics from the Social Security Office show that there are only 8, 89 employees who are contributing to and are members of Thailand's social security system.

Each group of the Thai labour faces different conditions of work in terms of employment, wages, welfare, security of work and quality of life.

For example, as a group, the 3.23 million civil servants (both civilian and military) have more job security and better welfare than that of those working in the private sectors, in spite of their lower salaries. Although civil servants are not supported legally to have rights of assembly and collective bargaining, they are very



well taken care of by the state due to the fact that the civil service is a long-established institution subject to continuous and sustained development.

Public enterprise sector workers are a group of workers who can be said to receive high wages and good welfare services. These workers have developed the capability to organise and negotiate to improve their working conditions. As public enterprises have strong labour organisations, their methods of struggle to demand higher wages and better welfare have become a model for private sector workers to emulate.

In the private sector, there are approximately 9 million employees working in various companies, businesses and factories. This group of workers receives protection under the Labour Relations Act, the Labour Protection Act and the various social security laws. Yet, although the right to assembly and engage in collective bargaining is provided by the Labour Relations Act, only 3.73% of workers are members of trade unions, with the rest, or over 96% of the workforce, having no access to trade unions and collective bargaining. All in all, private sector workers are vulnerable and even though they are covered by the minimum wage law, in practice, infringement occurs regularly and the law is not effectively enforced.

The informal economy sector has over 23 million workers and is divided into two large groups. The first group is full time workers consisting of those who work from home and those who work on their own account without an employer. The second group is mainly farmers with either their own land or who rent their land, hawkers, street stall vendors and taxi drivers (both vehicle and motorcycle drivers). Workers in the informal economy lack comprehensive protection by the state, and as a result they receive unfair or below minimum wages, and no health insurance or social welfare unlike formal sector counterparts. In addition, informal sector workers are not strongly organised and, therefore, do not have effective bargaining power.

There are currently approx. 500,000 migrant workers registered with the Thai government. However, most migrant workers enter Thailand illegally and are not registered. It has been estimated by various Thai research institutes and by international organisations that there are at least two million migrant workers in Thailand doing the type of work that most Thai people refuse to do - the "3D" type of jobs – work that is dangerous, dirty, and difficult- for wages much lower than Thailand's minimum wage.

Migrant workers risk being drawn into a cycle of human trafficking or are often badly exploited due to their illegal status. Migrants also work under sub-standard conditions and lack mechanisms to protect them and enable them to truly attain their

basic human, social and labour rights. Research consistently shows widespread illegal exploitation of these migrant workers.

The last important group of labour that make up the Thai labour force is Thai labour working abroad. Most of these migrant workers are not organised, except in certain countries such as Hong Kong. These workers are usually taken advantage of by employment brokers or recruitment agencies that collect very high commission fees for their services. As these workers are working in a country that is not their own, they do not have any voice, mainly because of their inability to communicate with their employers due to language barriers. Therefore, these workers have to accept conditions the employer imposes on them. Once exploited or abused, Thai workers overseas do often not know who to turn to.

3. The Thai Labour Movement

In Thailand, workers' rights to organise and bargain with employers is not yet completely accepted. There is a lack of efficient, effective, and serious measures to promote, protect, and build legal guarantees for these essential rights. In the past, there have been numerous attempts to divide up and dissolve unions and workers, to create division among workers and their representative organisations, and to destroy the general organisation of labour in the country. In many cases, laws have been passed with the clear and undeniable intention of limiting the right of some groups of workers to organise into unions. The Thai government still refuses to ratify International Labour Organisation Conventions 87 and 98 on the right to association, the right to organise and the right to engage in collective bargaining.

Although the current constitution of 2007 does contain a provision guaranteeing the rights to organise by all groups of labour, no organic laws have been passed to ensure the serious implementation of this right. An important law that has been used as a framework to manage labour relations in Thailand, and to support the right to organise and collectively bargain, is the 1975 Labour Relations Act. However, this Act does not apply to all groups of labour but only to private sector labour who work under employers - about nine million workers. Public enterprise workers are excluded from the protection of this Act. Since the military coup in 1991 no provisions in any labour law have supported civil servants and state employees rights to organise and bargain, while for labour in the agricultural sector and in the informal economy, there is no law at all that supports their right to organise.

As stated, the Labour Relations Act grants the right to organise into formal trade unions, labour federations or labour congresses



only to workers with employers or those in the formal sector. From a total of 8.89 million workers who can exercise their right to organise in accordance with the Labour Relations Act, only 330,000 workers, or roughly 3.7% of total labour in the formal sector, are members of trade unions.

Besides the three forms of labour organisations allowed by the law, workers in Thailand have also organised themselves in other ways beyond the law's provisions, such as by forming groupings of area based trade unions, labour federations, or in the form of special purpose working groups. Those workers in the informal sector also have formed organisations, but not for the purpose of bargaining as the case with workers in the formal sector. Some examples of such informal organisations are: associations of taxi drivers in the form of societies or cooperatives, associations of motorcycle taxis, and associations of labour in the agricultural sector.

Many networks of informal economy workers also have been set up, but similarly they do not have much bargaining power. As for migrant workers, they have not been permitted to set up their own trade unions or become committee members of trade union on the basis of their non-Thai nationality. While migrants are permitted to apply to become a member of an existing Thai trade union, most migrant workers do not join existing Thai trade unions for fear of further retaliation by their employers. As a result, migrants particularly have very low bargaining power with their employers to enable them to improve their existing work conditions.

In the past, the Thai labour movement has been broadly based, extending its reach to represent both formal and informal economy workers. However, after the passing of the 1975 Labour Relations Act and then its respective enforcement, the trade union organisation became an organisation specifically catering only to those workers with employers. As a result, informal sector workers have been pushed out of the Thai labour movement, resulting in an increased weakness of the movement ever since.

Labour Unions

There are labour unions present in only 39 out of the 76 provinces of Thailand. Most labour unions (951 or roughly 76% of all unions) are concentrated in the Bangkok Metropolitan area and its five adjacent provinces. These unions have approx. 247,000 employees, or 74 % of those members of unions working in the private sector.

Although Thailand has not adopted a policy of having an export processing zone (EPZ) that is also designated a trade union free

zone, as has been seen in other developing countries, in reality in many areas of Thailand trade unions have been prohibited as a result of sustained obstruction by both the State and business owners. This is particularly the case in the recently established industrial estates where initiatives to set up trade unions are very risky for the leading trade unionists and the concerned workers. These individuals have to face opposition not only by state officials and business operators, but also local "influential persons" who have connections with these local business owners. There have been increased efforts to build up a mutually beneficial symbiotic relationship between employers and these "influential persons" whereby in many places influential persons take responsibility for looking after the safety of the factories for employers, and in many cases also find workers for these factories in exchange for certain personal benefits.

Organising of workers is also a difficult task because most employees in rural areas lack knowledge and understanding of trade unions. In addition, the image of trade unions in Thailand has been conjured up to be something frightening so that some workers do not dare to be associated with unions, fearing that it might endanger their lives in various ways. Finally, existing labour laws do not have provisions protecting those who initiate new trade unions. Whenever a trade union is in its initial stage of formation, employers can fire the concerned workers involved in a legally acceptable way to prevent them from successfully setting up the unions. This move also provides an additional veiled threat to other workers not to associate with unionists and unions.

In sum, in many areas of Thailand trade unions do not exist, and in areas where unions do exist the number of workers joining these organisations in most cases is only a very small proportion of the total number of workers in these areas. The result is very low bargaining power for workers in general.

As can be seen from the 2008 annual review of labour relations issued by the Department of Labour Protection and Welfare, only 234 demands for improvement of working conditions were made country-wide by workers. Most of these demands (174 cases or 74.79%) were made by labour unions. The remaining 25 cases were direct demands made by the workers themselves, and another 30 cases were demands made by employers.

All this reflects the fact that if there were no labour unions in Thailand, it would be difficult for workers to exercise their collective bargaining rights under the Labour Relations Act. The situation is becoming even more important nowadays, considering that industry has proliferated in many more areas of the country. These newly established industrial zones generally do not yet have labour unions established and have thus become areas with great levels of labour exploitation and abuse.



From the 1258 trade unions registered with the Ministry of Labour in Thailand, many trade unions are in fact not active any more. So in reality, the trade union movement in Thailand, already small in itself as shown by the official figures, is even smaller.

Moreover, some of these existing unions were set up as “paper unions” merely to function as a group or power base for labour leaders to use in competing for positions in the tripartite labour structure. In these organisations, the method of election is such that the number of trade unions controlled by the contenders is a deciding factor, irrespective of the size of such unions or by membership numbers (one union one vote system). Thus labour leaders hoping to gain a majority vote in their contest for a seat in tripartite bodies set up small trade unions to support themselves in these contests.

Most existing labour unions in Thailand collect membership fees at a fixed and very low rate. In addition, most are unions operating in small enterprises with few members. This means that there is not enough income for the unions to efficiently organise activities for their members and hence unions are not able to stand on their own feet.

As for the union members, often they don't feel a sense of union ownership and do not show a keen interest in participating in union activities. This leads to a situation where existing unions are not strong and work ineffectively. Once ineffective, unions lose acceptance and support from their members.

The fact of weak trade unions makes all other labour organisations at all levels weak too. Whether it is labour federations looking after the interests of workers in a particular industry, or national level labour organisations such as labour congresses, these organisations do not receive sufficient membership fees to efficiently organise activities. The Thai labour movement overall suffers.

The weaknesses mentioned above have also resulted in the lack of a strong relationship between Thai labour organisations and the international labour movement, a relationship that is one of dependency rather than solidarity. Thai labour organisations affiliated with international labour organisations can only afford to pay low fees. Many other Thai unions are just members of international unions as they cannot afford to pay the membership dues at all.

The widespread employment of wage labour in small enterprises as a distinctive feature of Thailand's industrialisation has significantly hampered the growth of labour unions. Even today, roughly 70% of Thailand's approximately 381,500 enterprises are hiring less than 10 workers. Workers in these small business establishments find it hard to set up trade unions because the

Labour Relations Act specifies for collective bargaining to be done at the enterprise level, and in small enterprises workers have little bargaining power because employers are closer to the workers than union activists and thus have more direct influence over them.

Therefore, the best type of trade union for such small enterprises is industry-wide trade unions where membership is open to all workers in a given industry, irrespective of which establishment in that industry they work for.

For these reasons, there needs to be campaigning undertaken at the national level to change attitudes of society, of the state, of employees and of employers, to get all stakeholders to understand and accept the idea of organising and collective bargaining by workers. This campaigning should be elevated to the status of a national agenda for the labour movement, to be acted upon with all seriousness in order to lay the right conditions for future work to be undertaken in organising of workers.

Labour Federations

According to the Labour Relations Act 1975, two or more trade unions are entitled to register to become a labour federation. The role of labour federations in Thailand tends to be limited to organising education for and giving advice to the unions and their members, rather than playing a clear and unambiguous collective bargaining role. This is because in the Thai labour relations system, collective bargaining is still limited to the enterprise level only so as to not provide an opening for negotiating for rights at the industry level.

At present there are 18 labour federations affiliated with the Ministry of Labour, with varying degrees of strength and level of activity. Only 212 trade unions out of a total of 1258 in Thailand are members of these labour federations.

Federation membership fees vary, but in general they are low. Many unions are federation members but do not pay any membership fees at all, or pay them lower than the advertised rates. Most federations are funded by the stronger unions that are its members. As each union pays membership dues in varying amounts and not on an equitable and regular basis, participation in federation affairs is also limited. Those paying less participate at a lower level.

Most labour federations are not strong enough to negotiate effectively with the government and employers to provide and accept a role for them at the bargaining table. Labour federations therefore have a limited role to negotiate to bring about beneficial policies or measures for their particular industries at the national level.



Labour federations that have been able to engage in activities on a continuing basis tend to be those affiliated with global union federations (GUF) in their respective industries. The result is that these federations are able to gain financial support from the global federations to fund technical or academic activities. Out of the 18 existing labour federations in Thailand, 12 are members of or engage in activities with GUFs. One issue to consider is how far the cooperation between Thai federations and GUFs, one which has developed continuously over many decades, has enhanced the strength and self-reliance of the federations. Unfortunately such cooperation seems to have resulted in a sense of separateness and isolation of the federations from the mainstream Thai labour movement.

Labour federations in Thailand must try harder to seek ways to strengthen their self-reliance. Federations need to accelerate efforts to expand their membership and play a greater role to help increase the bargaining power of their members unions. Federations must also strengthen themselves to uplift their status to one of being a negotiating party with the government and employers in order to determine policies and measures at the national and industrial level of their respective industries.

If federations can play this important role, this will also help to bring back faith amongst the federation's union members. Another role for labour federations that should be developed is one that enhances relations between the Thai labour movement and international labour bodies and unions in order to build up solidarity at the global level to assist to overcome the challenges facing Thai workers. Such linkages will also enable the Thai federations to utilize the knowledge and mechanism available abroad to promote the interest of their Thai members.

Labour Congresses

A Labour Congress is a national labour body. As specified in the Labour Relations Act, a labour congress must consist of at least 15 labour unions and/or labour federations who must register to set up the congress.

At present, 12 labour congresses have been registered in Thailand, reflecting the split or lack of unity within the Thai labour movement.

Gathering data and information about the congresses is a big problem because some congresses want to conceal the true number of their members. For some congresses, no clear and unambiguous data can be found because of their incomplete data base, whilst some labour congresses doctor their membership figures to show higher than real membership.

These congresses have a key role to play in speaking on behalf of their members in tripartite organisations. Without transparency in the labour congresses, labour leaders can exploit the congresses to gain positions and benefits for themselves and their followers. For these reasons, news of corruption in labour congresses surfaces regularly but this news has never been subject to serious investigation and in no instance has there been persecution of the individuals concerned.

As there are 12 labour congresses, the work of these congresses, which is supposed to include making policy decisions and designing measures for labour at the national level, are characterised by a lack of unity and a lack of one voice for all workers. The result is that the Thai government is able to make decisions on labour policies freely without having to take into account the demands of these congresses, or else the government can choose to listen to only those congresses whose voice is in accord with its policies. As labour congresses collect low membership fees, they are, similar to labour organisations at other levels, neither strong nor efficient labour organisation bodies.

There are now three labour congresses that are members of the International Trade Unions Congress (ITUC) - the Labour Congress of Thailand (LCT), the Thai Trade Union Congress (TTUC) and the National Congress of Private Industrial Employees.

Area based Industrial Trade Unions

In Thailand, trade unions set up in the same vicinity or close by one another have formed groupings to help each other out. These groupings have been called industrial zone labour unions or industrial area based union groupings. These industrial area based union groupings have been in existence for a long time since the student led overthrow of a previous military dictatorship on 14th October 1973.

These groupings, even though they do not have legal underpinning, nevertheless play a significant role in labour relations because their formation is a natural one with members that have a strong commitment to each other. These industrial groupings have the characteristic of a community organisation because in addition to functioning as a labour organisation, they also engage in social activities with the communities in which they are situated. For this reason, these union groupings are able to mobilise workers with great efficiency. But because their formation is an informal one without legal basis, the collection of membership dues is also not too strict. Normally, the bigger unions take responsibility as regards the major expenses of all



the union groupings in the area. There are also a number of industrial zones however where no such groupings exist.

Currently, eight area based union groupings are in operation, the strongest being in the Eastern part of the country. This latter grouping has undergone growth recently after this area of the country was opened up as an industrial base for exports during the last two decades. The eastern area union grouping comprises of many large trade unions with many young and new generation labour leaders in its midst. Currently the grouping consists of 76 trade union members consisting of 26, 870 workers.

The problem for the area unions is similar to that faced by other types of labour organisations in that they are weak because of low income which is due to low membership dues. These organisations are however the labour organisation physically closest to workers. Their important role is that they can form a power base for workers so that workers can bargain with politicians in the area who would welcome their votes once election time comes around.

State Enterprise Workers' Organisations

In the past, Thailand used to have many public enterprises as a result of nationalist economic policies adopted by various governments since the change from the absolute monarchy system of governance in 1932. Successive governments took responsibility for investing in public utilities and large scale enterprises where Thai capital itself couldn't compete with the more heavily endowed foreign capital. Public enterprise as a sector in Thailand has been traditionally labour intensive. Public enterprise workers have a long history of success and progress in their fight for labour rights, and thus state enterprise unions have consistently played an extremely important role in the Thai labour movement. State enterprise unions have a large membership base, their members are quite educated, and many have committees and staff that work full time to further their cause. State enterprise unions and their counterparts in the private sector have worked together with some unity, as they were previously governed by the same set of laws, which contributed to strengthening the Thai labour movement as a whole.

This level of progress displeased successive governments, and the state therefore tried to destroy and undermine this organisational progress in whatever ways it could. In 1991 the military dictatorial government dissolved state enterprise unions altogether. After this, even though state workers were later given back their right to organise under the *State Enterprise Labour Relations Act* issued in 2001, this law contained provisions which separated state enterprise workers from private sector workers. The 2001 law stated that for each state enterprise only one union

is allowed. While this might be seen as a restriction of the right of state enterprise workers to organise, it has also made the state enterprise unions stronger and more united than ever before.

State enterprise unions have formed themselves into the State Enterprises Workers Relations Confederation (SERC) which is seen as a national level organisation of state enterprise workers. SERC does not have a legal standing but is very strong and plays a very important role in the Thai labour movement because of its large membership base. However, internally there is no great sense of unity, with struggle for power and positions being quite frequent.

The Thai Labour Solidarity Committee

Since the end of the past decade, the labour organisation playing the most prominent role in terms of action to fight and make demands for the rights of labour in Thailand as a whole has been the Thai Labour Solidarity Committee (TLSC).

The TLSC was founded in 2001 amidst a situation where the Thai labour movement was weak, labour organisations were split and focused on competing for power in tripartite organisations, where the labour movement was suffering from a lack of solidarity, and when Thai labour were unable to speak with one voice. As a result of these challenges, the government did not feel it needed to attend to workers' wishes. A situation existed whereby the labour movement lacked a lead organisation to campaign on a sustained basis to solve labour problems. In addition, this period coincided with the 1997 economic crisis when a number of industries collapsed and many factories had to shut down and dismiss large number of workers. Many workers consequently became unemployed or else were pushed into the informal economy sector- and the labour movement in general lost most of the little bargaining power they already had.

TLSC has selected key cross-cutting labour issues that affect all workers to study and campaign on. These issues are those affecting workers both in public enterprises, the formal and informal sectors as well as migrant workers. As a result of these studies and this campaigning, TLSC has made demands on behalf of all workers in Thailand, on a continuing basis, to the government of Thailand.

The setting up of TLSC has changed the labour political landscape from one characterised by an insignificant trade union movement to one of a broad-based labour movement covering cross-cutting problems as well being inclusive of a broader range of labour groupings than ever before. Even though it has achieved a measure of success in its work, TLSC has found its organisational structures deficient. The Committee is in effect a



coordinating committee of federation level labour organisations, area-based union groupings and NGOs, all which do not have significant income from fees or membership dues. Moreover, there is no structure that reaches out to engage labour union members in the factories and other workplaces. Hence, it seems clear that the existing structure cannot create sustained strength nor success, being too loose, too unofficial, and too ad hoc.

In 2009, the General Meeting of TLSC unanimously resolved to change its statute in a way that labour organisations at the level of trade unions were to directly be members of the TLSC, as this would open up a direct link between workers on the shop floor and the Committee, which is a national policy body. As a result, labour problems could be directly communicated to the Committee.

The management committee of TLSC now comprises elected representatives from all areas and all industrial sectors. Apart from members that are trade unions, the new structure is open to other types of organisational members such as informal sector worker networks, taxi and motorcycle taxi networks, as well as employee organisations in the state sector.

4. Recommendations and Outlook

The main problem today facing the Thai labour movement is *weakness* both in terms of quantity and quality.

Weakness in terms of **quantity**: there are very low rates of labour participation in labour organisations i.e. only 1.3% of total labour.

Recommendations for increasing Thailand's union density

- Existing labour organisations have not been successful in the performance of their tasks so that workers have not been sufficiently impressed and thus have not given acceptance to these organisations.
- There must be joint efforts to set strategies and engage in large scale campaigns to change attitudes and values of Thai people on the issue of rights to assembly, negotiation and collective bargaining. Reference must be made to universally accepted international conventions in order to create social acceptance that these rights are basic human rights that need to be accepted and are inviolable.
- Support must be provided to push to improve curriculum in schools and universities so that courses have comprehensive content about and provide understanding of the above mentioned rights so

students understand such rights before they enter the labour market.

- Support must be given to campaigns that push for Thailand to ratify ILO Convention Nos. 87 and 98. The latest development is that 12 labour organisations at the labour congress level, SERC, industrial area-based trade unions and TLSC have together demanded that the government ratify these two conventions. Such activity should receive earnest support from various other parties also.
- Support must be given to campaigns that promote amendments of the Labour Relations Act such that it could guarantee, promote, and protect the right of all labour organisations to organise and collectively bargain.
- The study of organisational forms suitable for some labour groupings should be promoted. International experiences and lessons learned from other countries would be very beneficial for this kind of search.
- Surveys that gather basic data on enterprises and their employees should be undertaken so as to support the goal of expanding labour organisation into every geographical area and into every industrial sector.
- Studies should be undertaken to assist in developing strategies and guidelines to expand labour organisations so they can be established widely in all parts of the economy.
- Teams of trade unionists should be trained to enhance their skills and also help them to work more efficiently.

Weaknesses in terms of **quality**: the divisions and split within the labour organising community, corruption, lack of transparency, lack of democracy in organisational structures, inability to be self-reliant in both financial terms and in the realm of ideas, lack of knowledgeable and capable staff that are dedicated and willing to sacrifice for the worker cause.

Recommendations for addressing internal problems

- Support a campaign to build a system to monitor labour leaders in order to achieve transparency.
- As 90% of workers have not formed or joined labour organisations, they do not have bargaining power. Therefore, in the context of such weakness at the ground level, there has to be a joint effort among interested parties to strengthen labour organisations that are engaged in campaigning work at the level of policies and laws that affect *all* working people.

- Support reform of the tripartite organisations' electoral system so it becomes transparent and democratic.
- Support adjustment of the structure of the various labour organisations in order to increase efficiency.
- Join with others to support campaigning for a membership fee collection system that sets fees on a percentage basis, in order to make the labour organisations stronger and self-reliant.
- Preparation of a manual of ethics for trade unionists should be promoted
- Supporting organisations must find the opportunity to review their support and cooperative projects to see if they actually contribute to the strengthening of the labour bodies, or if they in fact contributed to making the organisations weak and dependent. Also, supporters should review and end any type of support that leads to helping corrupt labour leaders.
- Research and data collection on the issues that are the subject of demands and campaigns of the labour movement should be promoted so the quality of demands and campaigns can be improved.

Causes related to the Economic Crisis

As Thailand's economy is largely export-driven, it is especially volatile to external shocks such as the ongoing global financial crisis. The pressure on Thai companies following the crisis has increased employer resistance to unionisation and further weakened the bargaining power of the Thai labour movement. Some of the immediate problems resulting from the crisis as well as recommendations can be summarised as follows:

- A lack of data and academic studies sufficient to understand problems and impacts of the crisis.
- Labour as a group has not been accepted to participate in the determination of policies and the solving of problems that have arisen from the crisis.
- Most vulnerable labour groups include contract workers, informal economy workers, workers not affiliated with trade unions and migrant workers. These are the groups that have been affected by the crisis in the first instance. However these groups are not in a position to help themselves. Most lack a body of knowledge on their legal rights and also lack access to such rights.
- Labour support centers for those affected by the crisis have been established by networks of the TLSC. Nevertheless, most centers lack the required human resources, budget and experience to provide support to those who use the centres.

- Research and surveys on problems resulting from the economic crisis and their effects on labour should be carried out in order to address the problem more adequately.
- Support should be given to set up forums to exchange ideas among various parties connected with these problems.
- The labour support centres that have been set up should receive support so that they can work with efficiency. Doing so will enable them to provide basic aid to the workers and also create acceptance of the centres among those in the labour movement.

Outlook and Recommendations for the TLSC

The structural adjustment of the TLSC is an important opportunity for the Thai labour movement to arrest its decline and rejuvenate itself. The nature of the problems for TLSC is as follows:

- TLSC has attempted to restructure its organisation in order to pave the way for building a labour movement that is strong and unified. But the people involved are still used to the old structure. This restructuring, if successful, will be equivalent to a revolution in the movement. Certainly, any major change would have to face many obstacles and success would therefore require support from many related parties. In the process of restructuring, studies will have to be done to find ways to make the new structure umbrella-like, covering all problems and more labour groups.
- TLSC is usually viewed and questioned as an organisation which is not supported by law. For this reason, many agencies lack confidence in it and are reluctant to give cooperation to its work and campaigns. Some even refuse to work with TLSC, even though the Committee is the true representative of labour and has much more transparency than many other organisations which are registered and have legal status.
- This organisational restructuring of TLSC should be supported seriously, and such support should be carried out by all organisations in the same way and towards the same direction, so as to form a critical mass to push the process to achieve the goals set. Eventually the labour movement will be stronger and can stand on its own feet.



Suggestions for International Support Organisations

- One of the major problems faced is insufficient agreed upon strategies and objectives between various international organisations and Thai labour organisations. In the past, cooperation was at times fragmented whereby Thai organisations would go their separate ways in forming relationships with certain international organisations.
- International organisations receive information about Thai labour in separate chunks. In some cases, they have a too narrow focus on certain industries or areas which reflect their members' interest rather than the Thai labour movement as a whole. Also, some international organisations' capacity to access data and information is limited. Most of these organisations do not have an office in Thailand and the data and information received has sometimes been selected and subject to prior interpretation by intermediaries
- There should be more coordination of the organisations' various activities.
- A strategy for working together between the various support organisations and the Thai labour movement as a whole should be determined so that the support efforts are moving in the same direction and are in tune with the needs of the labour movement.
- Projects which could cause a split within the labour movement should be revised
- Urgent solutions must be found for communicating problems of labour organisations to supporting organisations. There needs to be less reliance on intermediaries.



About the Author

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