

**EXECUTIVE SUMMARY
OF THE REPORT**

TSUNAMI

IMPACT ON WORKERS

IN THAILAND

prepared by

**Mobile Assistance Center for
Affected Workers**



Friedrich Ebert Stiftung and Mobile Assistance Center

EXECUTIVE SUMMARY

of the draft report

“TSUNAMI IMPACT ON WORKERS IN THAILAND”

prepared and presented by

Mobile Assistance Center for Affected Workers

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The survey was conducted in six provinces in order to assess the implications for the various workers' groups in the aftermath of December's Tsunami. Also assessed was the amount of assistance provided for those people as well as the still existing needs and problems that have to be solved so that they can become self-sufficient and independent again. This information shall also serve as the basis to determine the relevant supports for the Tsunami victims.

This survey encompasses workers in both the formal and informal sectors, working in various tourist locations as well as fishing villages. The workers in the two industries are categorized as follows:

1. **Formal Sector**
Workers in the formal sector work in various businesses with the entitlement to receive benefits and legal protection as stipulated in certain social security schemes and the labour protection legislation.
2. **Informal Sector**
The informal workers in this report include various groups of workers without legal protection i.e. those in small businesses without social security insurance, hired workers in general, construction and sub-contracted workers and the self-employed.
3. **Burmese workers**
4. **Fishery workers and village fishermen**

The state assistance provided to by the disaster affected workers is as follows:

1. Immediate humanitarian aid, which includes food, shelters, survival tools, medical services and 2,000 baht cash for each person as well as 40,000 baht cash for each family faced with death or loss cases.

2. For workers in the formal sector, who are entitled to social security benefits, workman compensation and legal protection:
 - A dangerous work environment or getting sick at work entitles the worker to a medical compensation from 35,000 up to 85,000 baht, according to the severity of the case. The Office of Social Security Insurance shall be responsible to cover extra medical fees over the aforementioned limitation.
 - If a worker suffers an accident or hazardous situations, irrelevant of the work assigned, he is entitled to medical benefits within the first 72 hours. The remaining portion shall be covered by the Office of Social Security Insurance.
 - In case of sickness the worker is entitled to 50% of the wages during the recovery period. In case of work related sickness or an accident he is entitled to up to 60% of wages compensation during the recovery period.
 - If a worker passes away or is missing for more than 120 days during his or her employment, the family is entitled to a funeral compensation of 17,000 baht. The inheriting person shall be entitled to 60% of wages for a period of eight years.
 - If a worker passes away due to reasons not related to work, the family is entitled to 30,000 baht funeral compensation. The inheriting person shall be entitled to 1.5 to 5 times the salary, depending on the social security contribution period.
 - Being on unemployment scheme with required compensation of at least six months, the worker shall be entitled to 50% payment for six months while looking for new employment.

(Please note that according to the social security act the maximum insured income is 17,000 Baht. Extras such as service charges are not considered in this income).
3. Small business owners are entitled to a financial support of approximately 20,000 baht.
4. Fishermen with registered fishing vessels are entitled to either repair or a construction compensation of 10,000 baht and 66,000 baht respectively. Assistance for non-registered fishermen has been considered by the disaster committee, but is still pending.
5. Assistance for the unemployed through occupational training, job placement and provision of loan.

6. Registered migrant workers are entitled to the same benefits as are Thai citizens affected by the Tsumani.

Other problems and relevant needs faced by various groups of workers:

Workers in the formal sector: The majority of hotel workers were facing unemployment due to business close downs or lower occupancy. The affected workers applied for their unemployment benefits while trying to secure new jobs. However, several hotels did not clearly inform their staff if they were to let go in order to avoid paying dismissal compensation. Those workers look for legal compensation which they are entitled to as well as a commitment by the respective employer for rehiring when the business reopens. All hotels have already scheduled a recovery plan.

However, most of these workers have not yet organized themselves to negotiate as a strong group. Financial assistance and the compensation due to them have enabled those workers in the formal sector to support themselves and their families for a while. But they are under the pressure to find a new job as soon as possible, especially the ones with children. Pregnant women are among the most vulnerable workers. There are a lot of fears and worries of how to care for the expected child and how to survive economically.

Workers in the informal sector: These workers are mainly found in tourism-related businesses with the majority being women. Those businesses include small restaurants, resorts, entertaining places, daily wage workers, construction workers and self-employed i.e. vendors, beach traditional masseuses and others. The workers face the serious problem of not being entitled to any compensation or benefits. Especially hurt by this problem are the hired small service providers or sub-contractors, who are not recognized as the **self-employed**. They are thus entitled to the immediate humanitarian aid of 2,000 baht, however, not to the 20,000 baht for small business owners. Without employment and occupational equipment they cannot support their families. Having lost their homes, some of them have to live in temporary shelters provided by the disaster relief center for victims. They hope to be soon back on their feet. But the small vendors and beach traditional masseuses are now facing the problem of the public space utilization reform. Local authorities are in the process to reorganize the beach and tourist attraction spaces.

Burmese workers are allowed to be registered as migrant workers by their employers, who are required to pay 3,800 baht registration fee. The registered migrant workers are then entitled to health insurance and a one-year work permit. The number of registered migrant workers in the six surveyed provinces is almost 100,000 persons. They are mainly Burmese.

However, there is also large number of non-registered Burmese workers who work in the coastal disaster areas and are being hired by fishing vessels, restaurants and construction projects. The hereby most affected ones are

those who were or are still seriously injured, are without shelter and any basic living necessities. Some passed away, some are subject to repatriation be it voluntarily or involuntarily.

Some of them are so frightened that they want to go home. Some individuals sought support from one of the NGOs whose requests, however, were turned down by certain exploiting employers. They even had some NGO workers arrested, detained and beaten.

Nonetheless, most Burmese workers would like to stay and find new employment, yet they fear being arrested because the registered documents were lost in the flood. They are thus found hiding in remote rubber plantations and the areas within the Khuraburi district of Phangnga. They live under dire circumstances. Only if seriously injured they would seek medical treatment. Several organizations are aware of the problems and request that the Ministry of Interior issues free registration to substitute the lost document. Apart from the uncooperative attitude of the employers, another problem in this matter is that the workers simply cannot remember their 13 digit ID card numbers. Death cases among migrant workers are equally entitled to compensation as are their Thai counterparts. But the relatives mostly don't know how to apply or live too far away.

Fishery workers and village fisherfolk. The Tsunami destroyed thousands of small and large fishing vessels. The majority of fishing boats hired workers under various conditions e.g. by daily wage or profit sharing. Moreover, there are workers serving in aquaculture facilities, related fishing and processed foods businesses. They are mainly women and/or family members of the hired fishermen. All groups of fishery industry workers are left without the required fishing gear and legal protection under the social security schemes and labour protection laws. Hence, they are eligible for the immediate humanitarian aid of 2,000 baht for each informal worker. The registered employers who are owners of the vessels and aquaculture facilities are, however, entitled to compensation granted by the Fishery Department. The village fishermen are mainly non-registered ship owners. Therefore, in order to receive compensation they are subject to a verification process. The Andaman Coastal Community Recovery Networking is helping them in this matter and provides support from the private sector, the donations of which have helped to repair and rebuild fishing vessels. Fishery workers still need temporary support and fishing gear in order to become self-sufficient again.

In sum, various groups of workers have been provided with different levels of assistance depending on their respective legal entitlement, accessibility of the support system and differences in ethnicity or nationality. However, all workers are in desperate need of work in order to earn sufficient wages for their living. Presently they need support to ensure the economic survival of themselves and their families. They also need support regarding the entitlement to land use for farming and residing.

Assistance provided by the Center

During the survey the Center assisted the disaster victims by providing information and counsel regarding their respective entitlement as well as referral to other support groups. Humanitarian aid was rendered, e.g. to secure medical treatment fees for Burmese workers and economic support for families affected by loss of life. Here information was provided in order to ensure contact to the identity center by relatives of the passed away workers. Desperate workers were given basic living necessities. Support for boat repairs was extended to certain village fishing communities.

Recommendations for the support of workers in need.

1. Short term:

Formal sector workers

- Seek third party assistance to negotiate with the employer for required legal compensation and other relevant benefits.
- Set up the conditions to ensure rehiring of the terminated workers by the employers who reopen their businesses with state assisted loan.
- Expand assistance to cover the employees of less than six months employment. So far they are excluded from the higher compensation according to social security and workmen compensation. It is to be noted that many hotel workers in the formal sector are usually employed on a short term or seasonal basis of less than six months.

For all groups of workers

- Ensure provision of living necessities until they can start work.
- Schooling for children.
- Provide capital or equipment for relevant occupation and fair allocation of beach working areas.
- Provide loans, negotiate for temporary suspension of debt repayment.
- Education and occupational skills training, secure new jobs.
- Accelerate the search for dead persons, both Thai and Burmese.
- Assist Burmese workers to get new ID cards issued.
- Ensure effective coordination among the workers, help set up organizations.
- Organize workers to participate in various help projects.

2. Long term assistance.

- Labour protection laws for all workers and all groups of workers.