
Labour Act exclusion leads to low pay and challenging conditions for migrant workers in Thai agricultural sector

ILO survey highlights how pre-COVID-19 working conditions were already difficult for migrant workers in the Thai sugarcane, rubber, oil palm and maize industries.

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BANGKOK, Thailand (ILO news) - Exclusion from the Labour Protection Act leads to low pay and challenging working conditions for large numbers of migrant workers in the Thai agricultural sector according to a new report from the International Labour Organization (ILO).

Working and employment conditions in the agriculture sector in Thailand: A survey of migrants working on Thai sugarcane, rubber, oil palm and maize farms presents the findings of a survey undertaken to better understand employment practices and working conditions for migrant workers in the maize, oil palm, rubber and sugarcane industries.

The survey, which was carried out prior to the COVID-19 pandemic, found that migrant worker income varied significantly depending on gender, crop, nationality, type of labour, and province of employment.

Of migrant worker respondents who reported working full time, 58.7 per cent made less than the statutory minimum wage of the province in which they were employed. And while 50 per cent of men were paid less than the minimum wage, the figure rises to 65.7 per cent for women migrant workers.

Migrant workers in Tak Province (all from Myanmar) are particularly badly off with 95.4 per cent reporting that they receive less than the minimum monthly wage of 7,320 baht, (based on a calculation of 305 baht x 24 days), while 39.4 per cent reported earning less than half the minimum wage. By comparison, 74.4 per cent of workers in Sa Kaeo (where all workers were from Cambodia) were paid less than minimum wage, while almost 35 per cent of workers in Surat Thani (all workers from Myanmar) and only 3.7 per cent of workers in Loei (all from the Lao People's Democratic

Republic) earned below the minimum wage.

The Labour Protection Act only gives full effect to those employed full-time for at least one year, which is estimated to apply to just 7.9 per cent of the agriculture workers included in the survey. The remaining 92.1 per cent are only covered by reduced protections as outlined in the Ministerial Regulation concerning Labour Protection in Agricultural Work. The Ministerial Regulation excludes workers from a number of important protections including minimum wage, set working hours and rest time, specific overtime wages, national holidays and paid annual leave and severance pay.

“This survey shows how the exclusion of so many migrant workers from the Labour Protection Act leads to low pay and poor conditions. Although this survey was carried out before COVID-19 hit, the already challenging situation migrant workers face is likely to have worsened during this time. To build back better from the crisis a fully inclusive recovery is vital,” said Graeme Buckley, ILO Country Director for Thailand, Cambodia and Lao People’s Democratic Republic.

Amongst other key findings of the survey were the low levels of enrollment in social security and health schemes. In line with legal provisions, all documented migrant workers in the survey (66.7 per cent of respondents) should have been enrolled in at least one of three schemes, however, only 33.6 per cent of respondents reported that they were. In Thailand, documented migrant workers who are employed with the same employer for a whole year should be insured under the Social Security Fund, while the Workmen’s Compensation Fund allows inclusion of documented migrant workers with shorter employment contracts. If workers are not allowed to enrol in the Social Security Fund, it is mandatory for them to enrol in the Health Insurance Card Scheme (HICS).

Migrant workers employed in non-border provinces or in crop production requiring continuous employment (rubber or oil palm) tended to have legal status, while the number of undocumented migrant workers was higher in border provinces, particularly in Tak.

Migrant workers paid an average of 6,448 baht to migrate to work in the Thai agricultural sector, equalling on average just above one month of wages (the median monthly income was 6,000 baht). Large variations in costs were found depending on the country of origin, the respondent’s location within Thailand, and whether a formal or informal migration channel was used.

Across the entire sample, only 10 of the 154 migrants who had experienced problems at work reported having made a complaint, and none complained through an official government channel.

Key recommendations made by the report include amending the Ministerial Regulation concerning Labour Protection in Agricultural Work so that key Labour Protection Act protections cover all workers in agriculture; developing regular migration channels that are less costly, time consuming and complex; a review the use of the border employment scheme; as well as addressing the significant gender wage gap.

The survey interviewed 528 documented and undocumented migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar working in four agricultural crops in Thailand. According to the Ministry of Labour (2019), some 317,996 registered migrant workers were employed in the agriculture sector in 2019.

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