

Winning Legal Rights for Thailand's' Homeworkers

HomeNet Thailand, with support from WIEGO and other partners, campaigned for more than a decade to win legislative protection for homeworkers. Both the Homeworkers Protection Act B.E.2553 and a social protection policy came into force in May 2011. The law mandates fair wages—including equal pay for men and women doing the same job—be paid to workers hired to complete work at home for an industrial enterprise. It also obliges the hirer to provide a contract, to ensure occupational health and safety, and to establish a committee that provides access to the courts in labour disputes and gives women a place at the decision-making table.

Profile of an Organza Embroiderer

Mrs Wimala Saengkaew, known as Yui, lives in Bangkok with her husband, a hired motorbike driver, and five children. For 10 years, she has worked as an embroiderer, earning a monthly income of 5-6,000 baht from this work. At the beginning, she took work from a national company which produced clothes for domestic sale. Yui invited interested neighbours to form an embroidery group. When the company went out of business in 2000, Yui sought orders from shops in various regions. As the number of members in the embroidery group grew, Yui had to find more work from more companies, including one that exported children's clothes made from organza to Nigeria.

Yui described long days that went from 7:00 a.m. until 8:00 p.m. If there was a rush job, she had to work harder. Organza embroidering required her to breathe in the strong smell of kerosene every day. Too much inhalation of the oil would accumulate in the body and could be harmful. Moreover, the starch-based fabric stabilizer could splash into her nose.

The company never provided an employment contract, only simple delivery notes and a notebook documenting delivery dates, the quantity of work delivered, and delivery signatures, Yui explained. "Once the finished work is received, the wages will



After a prolonged struggle, Thailand has put in place some labour protection for homeworkers like this embroiderer.

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While a survey by Thailand's National Statistical Office found at least 440,000 homeworkers, three-quarters of them women, HomeNet Thailand believes the actual number is close to two million.

HomeNet Thailand and its parent organization, Foundation for Labour and Employment Promotion (FLEP), fought arduously to bring about legal improvements for homeworkers. They began by examining existing laws, noting relevant paragraphs in the country's Constitution and in legislation relating to workers' rights. With the help of their allies, they lobbied to have these laws applied to homeworkers issues. Their long-running campaign had the support of the International Labour Organization (ILO), HomeNet Southeast Asia, the FNV (the Federation of Dutch Labour), and WIEGO.

In 2004, a Ministerial Regulation on Protection of Homeworkers was put in place. Although it contained positive elements, the regulation failed to address key issues such as unfair wages and the inability to access social security systems. HomeNet Thailand continued to demand improvements from the Ministry of Labour. A draft act was approved by the Thai Cabinet in 2007. FLEP/HomeNet Thailand worked tirelessly to urge parliamentarians to support the bill. After the bill was approved in principle in 2009, an ad hoc committee to review the legislation had three representatives of FLEP/HomeNet Thailand on it.

In 2010, the Thai Parliament passed the Homeworkers Protection Act. While there are still some weaknesses in its scope and provisions, the Act is a major achievement and benefit for homeworkers.

Following its passage, HomeNet Thailand helped groups register to get the right to vote for representation on a homemaker committee. It also advocated for enforcement and met with the Legal Reform Commission and the Labour Commission of the House to accelerate the process.

Because rights can only be exercised if they are known, HomeNet Thailand, in collaboration with the Formal Sector Group and Health Promotion Foundation, organized public seminars to ensure homeworkers understood their new rights. They had the Act translated into English and disseminated online and in newsletters. In addition, 3,000 booklets were published to get vital information to homeworkers in various regions, and training sessions were provided.

The challenge now is to ensure the Act's provisions are implemented and to work towards improvements.

Access to the Social Security Scheme

Another important result of HomeNet Thailand's advocacy saw the Thai government introduce, in 2011, a policy to pay about 30 per cent of the contributor's fee for a social security fund for informal workers, making social security accessible to home-based and other informal workers. Contributions occur in two categories. The government will provide 30 baht of a 100-baht monthly payment to entitle a worker to sickness, disability and death benefits. For sickness, disability, death benefits and old-age pension (accessible when a worker completes at least 15 years of payments and is 60 years of age) the government will provide 50 of the 150-baht monthly payment. This development could assist as many as 24 million informal workers.

WIEGO's Role

WIEGO's close relationship with HomeNet Thailand dates back a decade when we co-organized an Asia Social Protection Dialogue in Bangkok in 2004 and co-produced the publication *Tools for Advocacy: Social Protection for Informal Workers* (Lund, Francie and Jillian Nicholson, 2006). In recent years, two WIEGO projects—**Organized Strength for Home-Based Workers and Law & Informality**—have partnered with and supported HomeNet Thailand in their advocacy work.

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not be paid instantly," she said. "With five lots of work delivered, one lot will be paid." One lot amounts to 1,200 pieces of embroidery; the group must send 6,000 pieces to get paid for 1,200 pieces. The pattern of payment continues like this—despite the fact that the Homeworkers Protection Act (2010) mandates prompt payment.

The embroiderers are also at the mercy of a quality control inspector. If any damage or substandard work is found, the work is rejected. With each rejection, wages are deducted at the rate of the clothing's price, which can range as high as 800 baht.

Once, Yui gave a large amount of work to an outside group that failed to meet the suppliers' timeline. Wages totalling 400,000 baht were thus not paid. Although she tried to negotiate with the hirer, he claimed he was badly damaged by the few days' delay and refused to pay. After that, Yui had to work harder to support her family and pay wages owing to the embroiderers. Her household appliances, television and linoleum were taken away by group members. Her house was nearly unfurnished.

*Worker profile abridged from
WIEGO's Law & Informality project.*

**Meet other informal workers and learn about their lives:
wiego.org/informaleconomy/workerstories**

Organized Strength for Home-Based Workers was a research and advocacy collaboration between the WIEGO Network and HomeNet Thailand from 2008-2011. WIEGO provided funding to HomeNet Thailand's legislative advocacy though funding secured from the Government of the Netherlands' MDG3 funds to build women's economic empowerment.

Over the past 10 years, we have dedicated our efforts, energy and resources to push for the passage of this law. So its enactment brought us such pride and joy ...

~Poonsap Tulaphan, HomeNet Thailand

Collective voice can more effectively demand improved income, better legal status and working conditions and more secure livelihoods. WIEGO lent its expertise in organizational development to the project, helping HomeNet establish a more democratic, membership-based organization (MBO) model. Throughout 2009-10, strategic meetings were held with participants from all regions of Thailand to focus on membership recruitment, campaigning for legal and social protection, and network management.

Training to promote organizational and economic sustainability was provided in response to identified needs of MBO members. Leaders were trained in organization, policy advocacy, group management, and gender. WIEGO helped six Thai representatives visit India to learn from the well-established Self-Employed Women's Association (SEWA). Evidence of the project's impact is found in the increased ownership and commitment of HomeNet Thailand members. More than 3,000 now pay membership fees.

MDG3 funds also allowed HomeNet Thailand to work with its MBOs, ensuring that at least 1,300 homeworkers applied to the scheme entitling them to sickness, disability and death benefits and pensions. In 2011, the project was granted an extension by the Dutch Government to continue compiling lessons learned for dissemination. Materials were produced in both English and Thai to increase the impact of the project by reaching key target audiences globally.

The Informality & Law Project tracked the implementation of the Homeworkers Protection Act legislation and focused on refining it through an examination of current conditions. The research team selected instances where homeworkers tried to access their rights to understand the obstacles encountered in implementing the law. A set of discussion papers and case studies was completed. These illuminate the ground realities and identify imprecisions and constraints within the Act. The research also revealed most homeworkers and hirers still are not aware of the Act. HomeNet Thailand is using these findings to advocate for improvements, and to strongly urge the Ministry of Labour to urgently and widely disseminate information.