



## LABOUR RIGHTS OF INFORMAL LABOUR IN RURAL KHON KAEN, THAILAND: THE HOME WORKERS' PERSPECTIVES

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### ABSTRACT

The objectives of this research were to study the home working production process and to study labour rights understanding of the home workers in the rural area of Khon Kaen province, Thailand via the qualitative research methodology. Data collection was based on an in-depth interview and observation to 18 home workers, which conducted during March – August 2010. The content analysis was employed to data analysis. The results indicated that the formation of the home workers was driven by the demand from the producers from neighboring villages. These producers were operating within the chain of production associated with other producers from the central part. Due to their formation as a group, their existing skills in garment and tailoring, and their increased labor management skill, they had the ability to get order directly from the outside producers. Despite their limited negotiation capacity regarding benefits, the informal labours considered the home workers as economically rewarding and beneficial to their family. As regards understanding on the labour rights, the home workers define the "labour rights" as the right to social insurance, the right to safe work place, the right to medical services, and the right to increased wages. The majority of them had a limited understand about the labour rights as it was related to the rights and duty of the employees and employers.

### Indexing terms/Keywords

Informal Labour; Home Workers; Labour; Labour Rights; the Home Workers Protection Act; B.E.2553 (2010).

### Academic Discipline And Sub-Disciplines

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### TYPE (METHOD/APPROACH)

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## INTRODUCTION

Informal labour is an important component of the economic system in developing countries especially in Asia where informal labour or labour outside the agricultural sector accounts for 65 percent [1]. Both the informal and formal labours are important in the globalized economy. Similarly in Thailand, home working informal labour aged over 15 years recorded by the National Statistics Bureau in 2005 accounted for 549, 803, over 70 percent of whom were females [2]. More than half of the labours were informal labours. In 2005, there were 22 million informal labours in Thailand or 62 percent of the total labours in the country scattered in different regions. In Bangkok, the lowest number of informal labours were recorded, i.e., roughly 2.8 million (30% of the total labours). This shows that formal labours account for a high number in Bangkok. Compared to Bangkok, the Northeast had the greatest informal labours or 80 percent [2]. The number also has an increasing trend [3].

The recent economic growth brought with it expansion of industrial factories and employment in urban areas. Along with this, there was an increase in informal economy, which was related to and caused formal economy to continually grow. However, since labours in the Northeast were unskillful and not highly educated [4], they entered the low-end market and were employed in dangerous, unsafe, and dirty jobs, or the so-called "3D". They were not paid on schedule, but did not dare to make a plea because being employed is more important to them. At present, various attempts are made to decrease the cost of labour, for example, giving low wages and no welfare or only as necessary. The working conditions are lower than safety standard and the factories are located in the region where wages are low. Employers also choose to employ low-waged labours that are easy to control such as female, child, and alien labours. Although the government has been trying to enforce the labour law to control employers' treatment over their employees, investors still find a means to decrease labour cost by flexible employment, such as temporary employment, short-term employment, sub-contracting, turn-key contracting, avoiding certain jobs from the factory, and hiring informal labours to work at home. This kind of employment involves informal labours who work without any contract or without any employer according to the labour law since they do not work at the workplace. The wages are not stable. The labours are freelance or temporary [5].

Meanwhile, the government has attempted to protect informal labours. In 2004, two laws were enacted to protect informal labours, one was the 2004 ministerial law protecting home workers and the other the 2004 ministerial law protecting agricultural labours. Still, these laws did not entitle informal labours to their rights. Most of the labours had no warranty in terms of working stability, justified wages, health and safety ergonomics. As a consequence, the lives of informal labours lacked security [5]. Later, a new home worker law was enacted as the principle law called the Home Worker Protection Act, 2010. An interesting research question thus emerged as to how home working informal labours understand labour rights they are entitled to under the Home Worker Protection Act, 2010. However home workers are seen in much of the literature as among the most vulnerable of workers, with few rights, low pay, prone to self-exploitation and often suffering from poor working conditions. Drawing on research in Northeast Thailand, this paper shows how notwithstanding Thailand's progression to middle income status, home working remains marginal and precarious. Few of the rights bestowed on workers through recent legislation have filtered through to home workers and employers do little if anything to meet their obligations under the law. While home workers may feel beholden to their employers, this only hides what remains a highly exploitative system of relations. The research results would indicate the understanding situations of informal labours towards their rights, which are useful for developing the understanding of labour rights among informal labours.

## CONCEPTS AND LITERATURE REVIEW

The concept of informal labour protection has been an issue since 1991 with the International Labour Organization promoting employment of informal labours and extending the labour protection [6]. Although labour rights is a fundamental concept in protecting labours to have better quality of life and receive righteousness, most academics say that labour rights are basic rights an employee is entitled to from an employment system or labour standard. No definition has been discussed of labour rights. All through the past 20 years, the International Labour Organization led by the United States including ICFTU (International Confederation of Free Trade Unions), have campaigned via GATT (Agreement on Tariffs and Trade) and WTO (World Trade Organization) [7] by defining labour rights as the rights under human principles from relation between an employer and employee with the latter using negotiation in acquiring benefits they are rightfully entitled to justice. [8]

In Thailand, The Thai Royal Institute responsible for definition of terms has not clearly defined labour rights. Only the term "Labour Standard" was defined as something set as a principle or benchmark related to labour for example wages, working hours, education, training, health and hygiene, safety, and working conditions. Labour standard can be determined by the government and enforced as a general law, or can be agreed between the management and labour or the labour union, or can be stipulated by the International Labour Organization [9]. Nevertheless, it is said that labour rights are human rights that cover 5 aspects of rights and freedom, namely, citizen rights, political rights, economic rights, social rights, and cultural rights [10]; [11]. Hence, the researchers defined labour rights in this research work as the benefits stated in Thai labour protection law that employees are entitled to justified wages, social security, working protection, medical treatment in case of injuries from work, compensation or indemnity for different cases, and services and assistance from the 2 governmental organizations: the Office of Labour Welfare and Protection and the Office of Social Security if an employer violates labour rights.

However, considering the scope of labour rights involves relevant laws. In this research, the researchers studied the labour rights of informal labours, especially the home workers. Therefore, our study was on the labour rights under the Home Worker Protection Act, 2010 monitored and enforced by the Department of Labour Welfare and Protection, the



Ministry of Labour. The Home Worker Protection Act, 2010 defined “work taken to do at home” as the work an employer of an industry gives to a home worker to produce or assemble outside the work place of the employer or other work stated by the Ministry. A home worker is an individual or a group of individuals who have an agreement with an employer to take the work to do at home, and the employer is an entrepreneur who agrees to hire the home worker to take the work to do at home. The work can directly be assigned by the employer or through an agent or by contracting [12]. This research was aimed at studying the labour rights entitled to informal labours according to the said Act. The study was performed on the understanding of informal labours in 4 sections of the Act which are directly relevant to them: (1) The rights and duty of employers and home workers including documents used in taking the work home, details of the documents, details of criteria, approaches and conditions in taking the work to do at home; (2) Payment – conditions of payments for the work done at home and stipulation of remuneration or payment rates; (3) Work safety – with restriction on pregnant women or children younger than 15 years of age do jobs dangerous to their health, types of work under the ministerial regulations, welfare and protection entitled to home workers; and (4) Penalty in case of employer’s violation or failure to conform to the different articles in the Home Worker Protection Act, 2010. A study on the understanding of laws related to labour rights of informal labours was also conducted.

Nevertheless, the researchers believe that the rural community context is an important element leading to hiring of informal labours. Each type of production informal labours work for involves ergonomics, risks, and health problems, and also their social network and understanding of labour rights. Therefore, the understanding of labour rights of labourers in this research means the home workers understand their rights under the Home Worker Protection Act, 2010.

## RESEARCH METHODOLOGY

The qualitative research method was applied in a purposively selected rural community in Khon Kaen. In this area, there are a great number of home workers whose history of home working is over 15 years. The community gave their consent to participate in the research. The analytical units included both the group level, i.e., informal labour network and the individual level, i.e., the home workers. In-depth interview was conducted in order to collect the data. The interview comprised the system of production of home workers, working conditions, risks and health problems, and understanding of labour rights under the Home Worker Protection Act, 2010. Additionally, non-participatory observation was performed. The data was collected during the period from March to August, 2010. Important informants included sewing home workers (mass sewing group and academic gown sewing group). These groups take the work home and have a long history of production activities. They evidently formed into groups with members acting as their network of external entrepreneurs. The total number of informants was 18 cases. The qualitative data analysis was content-based.

## RESEARCH FINDINGS

Presentation of the research findings include 1) the areal context for understanding of related background of home working, 2) production system of home workers in the rural community in Khon Kaen, and 3) understanding of labour rights of informal labours who were home workers in Khon Kaen as follows:

### 1. The Community Context

The community under study was a sub-district unit consisting of villages. It is a large-sized sub-district and has a long history. The sub-district is governed in a municipality system situated in the governing area of Nong Rua District. All households have tap water and electricity supply. 129 households were under the study, and 68 households were home workers at the period of study. The number of home working households changes with season. The community is 5 kilometers from the district and 48 kilometers from Khon Kaen. They are able to contact other areas conveniently with buses passing the community all the time, both for a short-distance, i.e, Khon Kaen-Ban Thaen, and a long-distance, i.e., Bangkok-Nong Bua Lampoo, Uonthani-Nongkhai. It can be seen that it is convenient for the research community people to contact people outside such as cloth merchants or entrepreneurs from the central part.

The main occupation of the people is agriculture and hiring labour. Owing to convenient transportation and communication, more factories are founded in the vicinity of the sub-district. Some labours work outside the community. Besides, 15 groups of different occupations were formed in order to receive monetary support from the municipality, for example the sewing group, animal farming group, cultivating group, construction and maintenance group, weaving group, handicraft group, and other groups, with the sewing group having the highest number of members. Registration of informal labours at the Sub-District Health Promotion Hospital shows that there were more than 200 home workers here. The major groups were the mass sewing group and the academic gown sewing group, which were the target of our research.

### 2. Production System of Home Workers in the Rural Area of Khon Kaen

#### 2.1 Working Conditions of Informal Labour Home Workers

Sewing as an occupation of the villagers has a long history until they have accumulated experience and developed their working processes in accordance with the ever-changing socio-economic situations. Learning and changing of work and administration and management by community labours began from making clothes for the community people or neighbouring villages, or sewing ready-made clothes to meet the demand of outside markets. This has developed until now they receive work to do at home from garment companies, factories, shops, or entrepreneurs. Many sewing labours are able to contact factories or dressmaking shops, bring cloth and materials already cut and designed to sew at home. Besides, entrepreneurs outside the community also bring materials to home workers to sew with agreement on



management made. Labours have different working patterns, production systems, incomes from the work, welfare, and health risks.

This article is presenting only the mass sewing group, which is a large-sized informal labours that emerged and spread in the sub-district a long time ago in 1947. Since the villagers saw the dress makers or tailors receive better incomes and have better ways of living than farmers, their value changes from agriculture to sewing [13]. Sewing ability has become a community heritage handed on from generation to generation until in 1992, a women group was formed in the community to sew and sell garments as a community product with profits shared among the group members. In addition, **cloth merchants** from other villages brought materials to hire the villagers to sew, resulting in an informal job of home working. However, with flexible demand of ready-made clothes depending on the economic condition, the amount of garment production and wage rates were not stable. The number of cloth merchants was not always stable. All of these made the production group unsustainable, and the sewing group disintegrated in 1999. In 2010, there was only one cloth merchant in the community and 4 cloth merchants from other sub-districts of the same district, compared to 10 merchants in the past. The decrease of cloth merchants reflected the decrease of the quantity of garments produced.

**(a) Investment** Cloth merchants invested in materials, design-cut cloth and threads for the production of the ready-made clothes. Informal labours invested in production equipment including the sewing machine, needles, sewing threads, repair and maintenance of the sewing machine, water tariff, electricity tariff, production place and hazard-protecting gadgets such as dust-mask, cloth shoes to protect against short circuit. These informal labours took work home instead of joining in group and work together as in the past. Therefore, the merchant contacted each informal labour one by one. Sometimes, the cloth merchant might contact certain informal labour who was capable of managing a production group to act as a "small merchant" and take a lot of cloth to distribute to small informal labours who usually were relatives (Figure 1). Small merchants enabled small labours who were hired to do something else to sew clothes at some other time in order to increase their income for their family and themselves. At present there is no more team leader like this since the small merchant has to take a lot of responsibility in contacting cloth merchants and other informal labours.

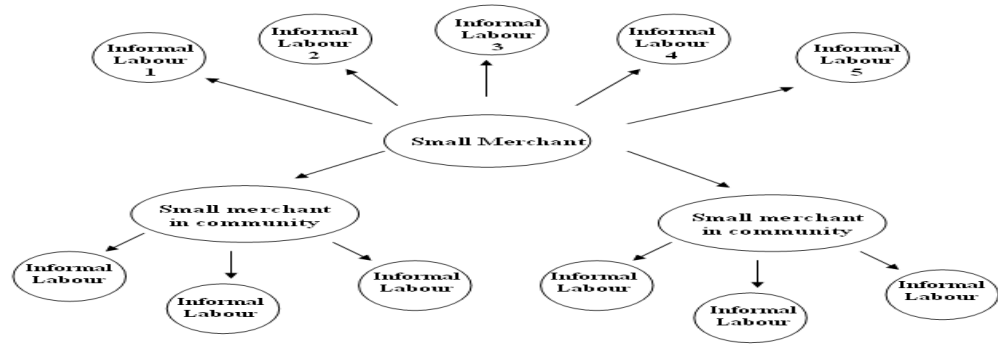


Figure 1: Working Process of the Sewing Group

**(b) Production steps** In the production process, the cloth merchant sends the materials to each informal labour twice a month, 50 dozens of materials each time. The materials sent include design-cut cloth, elastic threads, threads, trouser rims, and tying rags. Labours have the duty to spin the threads (threads come in reels so the labour needs to spin into smaller rolls for use with the sewing machine), sew into garments, check the quality, fold the garments, count and tie in dozen (Figure 2). If the sewing does not meet the quality standard, the sewer has to buy the article cheaply, for example 30 baht a piece from the wholesale price of 35 baht. It can be seen that this production process sometimes requires the producer to pay for the products, which mostly are shorts and bags. In addition, informal labours have to check and maintain their production equipment, including the sewing machine and electricity cord. In this respect, the informal labours do not receive any wages or added income.

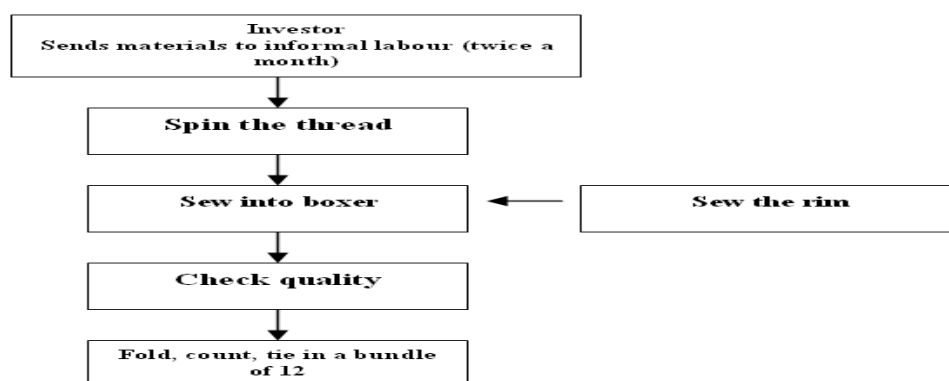


Figure 2: Production Steps of Mass-Sewing Group



**(c) Income from the job** Presently (2010), most informal labours are paid 60 baht per dozen of shirts, 20-40 baht per dozen of boxers. The income per month is 3,000-6,000 baht depending on the quantity of products made. (The minimum wage in Khon Kaen is paid up 233 baht per day or 6,990 bath per month) [14] It can be seen that home working by sewing at home means employment [15]. Since the wage is low and unstable, this group of informal labours has to take other jobs. Therefore, there are incoming and leaving labours from the mass-sewing group, making the number not certain. At present there are about 20-30 informal labours sewing clothes in dozens. Although the wages or prices of each type of articles of clothing are set, they also change according to the quantity of work at each period of time or the demand of market. One informal labour reported:

*"I got 25 baht from sewing a dozen of boxers. This doesn't include hemming, which together with button sewing, will be higher. Each month I take two lots of materials, 100 dozen each. So I make around 4,000 to 5,000 baht a month. But if I damage it, I have to buy it for 30 baht a piece from a total of 35 baht. I can mend it for my children or sell at a low price."*

## 2.2 Risk and Health Problems

It has been seen that the working condition of these informal labours is risky in terms of the physical and social environment. The risk affect the labourers' health and their living in the community although some organizations have an attempt to promote health and social service systems so that the informal labours have access to the services. The working conditions have been improved along with their occupation and welfares. Still, the conditions and community environment cause physical risks. There is dust from the production system, especially the spinning of thread and hemming, which cause a lot of dusts in the house. Moreover, since most labours work at home, the work place is confined. The labours also lack understanding and efficient management. They do not know how to deal with or check the safety of electrical appliances used in their job. Some have been injured from short circuit. Although this is not serious, it makes the labours worry. Other physical risks are heat from the atmosphere and light. Most cannot manage appropriate lighting system and ventilation. It is concluded that informal female labours are the risk group even though they contribute to economic growth [16].

Besides, it has been seen that inappropriate working conditions regarding time and position were major risks of sewing informal labours. The long period of the hard "long working hours" resulted in their health problems. The labours developed backache, shoulder ache, respiratory tract infection, cough, sneeze, and frequent cold from lack of sleep and inhalation of dusts from cloth. Compared to the present, however, the former risky working conditions have decreased. Part of this was due to the sluggish economic situation of garment business resulting in reduced amount of work. The risk is however found among those sewers sewing for some cloth merchants and those who take jobs during the busy period of the production season. These informal labours said:

*"My back, legs and hips ache towards the knees when working. Sometimes the backbone, waist, and shoulder ache. My children frequently has cold. Me too. We have to take medicine."*

*"Working for a long time makes my eyes ache like there is dust in them. My eyes start to blur now."*

*"Most of us who sew have health problems. First there is dust from threads or cloth making us cough and sneeze. Sometimes we are allergic and have rashes."*

## 2.3 Social Network of Informal Labours

Social network of informal labours are very important to home working informal labours. The first network is their family. Since entering this occupation and take the work home brings incomes to them, the informal labours rather choose this occupation. They can take care of the family when they work at home. The family is important to their ways of living and health care besides assisting them in many aspects.

Colleagues or community labour network is the learning and dependable source close to them. The network assists them in the occupation and solves their daily living problems. Normally, at least two labours take the job or learn how to do their work from the merchant simultaneously. This is done so in order to guarantee employment and to negotiate with the merchant in wages and due date. Labour or labour group relations have an effect on the development and sustaining of sewing occupation. Besides, the network is the learning and depending source for their health care and social relations. The apparent activities found are the regular gathering of these informal labours on the due date of work submission. The home workers usually talk about their jobs, their health and living. The relationships built develop into mutual dependence and care in various aspects.

The relation with the merchant is rather low. Most labours do not know or are not acquainted with the merchant. They only know the name and what village the merchant is from. Most informal labours explained that the relationship with the merchant is in terms of economic benefits rather than social. Each side expects as much as possible benefits from the other. In general, the merchant is more able to allocate profits from the work than the labour. Only some merchants are respected by labourers and the relationship is more social, with a greater feeling of care like a relative. For example, the academic gown sewing group of Pannee, where the merchant takes care about the expense of the group members, pays bonus, and assists when the labours have problems especially money. The merchant advances the wage or lends money to the labour who has problem. One informal labour reported:

*"I work with the merchant like a sister and brother. We care. When my child's term starts, he supports the school tuition. He always helps when I'm in trouble. So I work with my heart and think of him as a relative."*



### 3. Attitude and Understanding in Labour Rights of Informal Labours (the Case of Home Workers)

From the in-depth interview in the understanding of informal labour rights, the home workers were found not to really understand what labour rights mean in terms of the scope and rights they are entitled to. The definition most gave for informal labour rights was, "Informal labour rights means receiving social security and free medical treatment, safety at work and higher wages." One informal labour said:

*"I think labour rights means having social security, safety at work, and higher wage. My employee has negotiated for a higher wage from me when the work is complicated."*

*"I haven't heard about income security and compensation after retirement. I haven't thought about safety and don't know what we should get for protection. My employees work at their own home. I only have few employees and haven't thought about this."*

However, informal labours reported that they never receive the mentioned rights. The medical treatment received is only under the National Health Insurance (30 baht for all diseases). It can be seen that informal labours understand that informal labour rights are related to social security and correlate it to health insurance before other things. This reflects their perception of information and news from various media. Nevertheless, some labours believe that their production at a hard period when they work long hours is not different from the work of formal labours [17]. Another reason behind the attitude of informal labours was their working condition as discussed under Item 2. It reflects that home workers work under risk, health problems and danger. Therefore, they correlate the rights with these aspects. The impact they have is quite clear on their health, and so they think they should receive a higher wage from the profit made. It should also be noted that home workers do not think of their rights to negotiate in case of damaged or under-standard garment they have to be responsible for. Although the home working informal labours perceive working safety as their rights, they have never plead the merchant to take responsibility in improving the production place since it is their house where they work, as shown in the interview above.

Additionally, home workers said that the merchant did not tell them about danger from materials and tools used in the production. They believe the relation between informal labours and the merchant is for profit although sometimes there is care. Moreover, even though the labours understand the health risk from work, they could do little to improve the production conditions.

Although governmental and private organizations recently tried to support informal labours to receive more fringe benefits or welfare, they still are not much informed of what they are entitled to. Some informal labours are interested in or wish to receive rights and welfare in different aspects even though they have to contribute to the fund. They want to have an equal right to factory or other entrepreneurial workers who receive the rights for the lowest wages, working facilities, medical treatment services and different labour protection. One informal labour said:

*"I want higher wages. If I'm injured I would like to receive compensation for the income. There should be fringe benefits, just like at factories. Paying 100 baht a month for social security is fine, but I have to ask my friends if they are paying or not. I need medical welfare when I get sick or when I get older and cannot work I can stop and receive pension like an elderly."*

The interview of home working informal labours on the understanding of informal labour rights shows that most of the informal labours are not well informed of their rights. They only know certain things such as an informal labour working at home and earn income can enter the social security system. However, the majority of informal labours are not social security system members, and thus do not use their rights such as in medical treatment in which they are entitled to use the gold card and receive medical care at a community health station or at hospital. In terms of wages, informal labours are not able to request for an increase of wages when the work assigned them is urgent.

*"In general, all groups of home workers do not know their labour rights. I am not clear myself. Communication in the sub-district and village head meetings are not clear if this exists. So they haven't told the villagers. Because we don't know, we don't use our rights. What right should I have. We're hired to harvest rice or cut sugar cane. When it finishes, we receive the money. That's it, isn't it?"*

For connection with the employers, most labours contact their employer when they take the job and when they are paid. If something urgent occurs such as a request for advancement of payment or an urgent job, the employer will call an acquainted labour and this labour will contact the others. Communication is only on work. For other issues such as safety of work, medical treatment or higher wages for overtime, the employer and labourers rarely talk about.

*"I meet my employer only when he brings the work and then when we finish and submit the work and get paid. We normally greet each other. Sometimes he praises the neat piece of work and sometimes complains if it's not neat."*

However, there are some groups of informal labours who understand labour rights. The interview results show that most are informed of some items from various media including newspapers, radio, television and village news announcing hall. They know that an informal labour working at home and earning income is entitled to register in the social security system. To the question if they want to enter the social security system, all of the 18 informal labours who work at home said they do not want to do so because their income is not stable and cannot afford to pay the fund. Working at home is already good enough for it brings supplementary income after the farming season. Moreover, they already receive rights for





medical care from the health insurance for all (the golden card) from the government. This finding correlates to the study of [18] who found that only roughly 1 out of 5 of informal labours want to enter the social security system while others do not wish to because of unstable income, unable to afford monthly installment, and having other welfare. From what has been discussed, it can be concluded that the understanding of labour rights of informal labours is limited. This corresponds to Singh, A., and Zammit, J.A. [19], who said that the trouble to achieve in protecting informal labour in developing countries is the slowness. This information is in accordance with community leaders who reported that the achievement of informal labour protection in developing countries is slow. Most home working informal labours are not informed of details of informal labour rights and explained it differently. It can be concluded that home workers are labours who work without an official contract, have no employer according to the labour law, do not work at the employer's workplace, do not receive regular payment, or in other words are freelance or temporary workers. Therefore, informal labours are not under the coverage of law governing labour.

## CONCLUSION AND SUGGESTIONS

The recent growth within the industry sector of various regions in Thailand has led to an increase of the informal labour employment, which includes the home workers. Although considering these home workers to be an informal labour, the government realizes the importance of the sector and has created a provision to protect these labours in accordance with the Home Workers Protection Act, B.E.2553 (2010). Therefore, it is interesting to reveal how the labours within the home workers sector have been accessing their legal entitlements and rights based on the particular act.

The results of the study indicated that within the research areas, the formation of the home workers was driven by the demand for labours from the producers (garment factory and sewing gowns) from neighboring villages. These producers were operating within the chain of production associated with other producers from the central part or from Bangkok. Due to their formation as a group, their existing skills in garment and tailoring, and their increased labor management skill, the informal labours of the home workers had the ability to get order directly from the outside producers. Despite their limited negotiation capacity regarding benefits, the informal labours considered the home workers as economically rewarding and beneficial to their family. As regards understanding on the labour rights, the informal labours from the home workers define the "labour rights" as the right to social insurance, the right to safe work place, the right to medical services, and the right to increased wages. The majority of the respondent in the study had a limited understand about the labour rights as it was related to the rights and duty of the employees and employers – and also as it was related to the protection and promotion of the rights itself. However, there were some respondents from the informal labour sector who were interested in having their rights and social benefits despite some relevant costs that could incur.

Therefore, the government should publicize and intensively enforce the law related to informal labour. In 2004, two important laws were issued to protect informal labours, namely, the Home Worker Protection Act, 2004 and the Ministerial Rule Protecting Agricultural Labour, 2004. These laws, however, still do not entitle informal labours to the rights, notwithstanding if they are job stability, justified wages, or health and safety at work. The impact is on the lack of security of life and hence most informal labours have no insurance in labour rights and work security although another Act has been issued to protect the home workers in 2010. People and the home working informal labours are still not informed of the details of the law. Relevant governmental and private organizations should promote and support education in labour rights of informal labours especially for the home working case. A centre should be established to provide consultation or instruction that assists home workers. The centre's roles may include screening of jobs for home workers so that they can work continuously, negotiation for wages, support in capital sources, support in setting groups of home workers, organization of training, and instruction on health care in order for them to work with safety.

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