"Worker Rights Violations Abroad"

A Submission by the AFL-CIO regarding the Generalized System of Preferences

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Submitted to:
David P. Shark
Chairman, GSP Subcommittee
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20506
THAILAND

Thailand violates a wide range of internationally recognized worker rights, most flagrantly the prohibition against child labor, which for many boys and girls in their early teens amounts to involuntary servitude. Accordingly, Thailand should be declared ineligible for any GSP benefit.

1. Freedom of Association/Right to Organize

Although the right to form unions is guaranteed by law, it is subject to severe restrictions:

a. Civil servants and local government employees are an exception and are denied the right by law.

b. Workers in the private business sector face harassment and even discharge when they start organizing unions. They have no effective legal recourse against such reprisals.

c. Under the law, union officials must be workers in the plants they represent and must remain in that capacity full time. This requirement, although ignored in some instances, is a severe hindrance to the growth and the development of labor organizations, both at local and at national levels.

d. Under the law, as few as 10 workers can constitute themselves into a union—and even in the same work place where another union already exists. This provision makes it easy for employers themselves to create company unions. Moreover, the provision promotes multiple unionism and enables employers to play one union group against another. The government is also able to play one union off against another through its power to appoint union representatives to decision-making commissions.

2. Right to Bargain Collectively

The restrictions on union organization have their impact on the exercise of the right to bargain. Consequently, most bargaining on wages has a very minimal goal—to win wage increases pegged to the legal minimum wages (see section on minimum wages below).

The right to bargain, as well as the right to organize, is undermined further by a growing practice to force employees, especially new ones, to sign individual work contracts that have the effect of taking them outside a union's jurisdiction and depriving them of many legal benefits and protections, such as severance pay and sick leave. One company near Bangkok, for example, has put 60 of 250 workers on individual work contracts and thereby has weakened a recently organized labor union.
Under the circumstances, the right to strike, permitted in
the private sector under legally established procedures (but not
for civil servants or in state-owned enterprises), is a feeble
weapon. Furthermore, the government has available a powerful
weapon against strikes: it may, under the law and at its own
discretion, order an end to any strike that "may affect the
economy of the country or cause hardship to the public or
endanger the security of the country or be against public order."
Although this legal weapon is not frequently used, its existence
does have an inhibiting effect on collective actions.

3. **Forced or Compulsory Labor**

Compulsory labor by children in commercial enterprises is
widespread enough to arouse the concern of the daily press and
child welfare organizations. The practice of child labor
warrants consideration both as forced labor and as willful
refusal to implement child labor standards.

4. **Child Labor**

Legal prohibitions against child labor are scant, and even
these minimum standards are often flagrantly ignored, to the
extent that thousands of children are bound to a near-slave
status in commercial enterprises.

A summary of the loose laws and looser practices follows:

a. No child under 12 years old may be employed, but they
   often are, especially in the informal sector.

b. Children aged 12 to 15 are legally permitted to work in
   stores, in other "light work" (defined as carrying no more than
   22 pounds), and elsewhere at the discretion of the Labor
   Department. According to one estimate (considered low by some
demographic experts), 100,000 children from ages 12 through 15
work in factory occupations in the Bangkok area alone, some in
hazardous jobs such as the manufacture of firecrackers.

c. Children from 16 through 18 may work anywhere, with the
   exception of dangerous occupations, but, like 12 to 15-year-olds,
   they too, are frequently found in such jobs.

Children, including those under 15, do repetitive manual
work in hundreds of factories in the textile, garment, plastic,
leather, toy, candy, and other industries, including those
engaged in export. Most come from rural areas, "leased" by their
parents for two or three years, in return for 3,000 to 6,000 Baht
($118 to $236) in payments to parents. No payment is given to
the children except for small irregular allowances. Children
live on the work site 24 hours a day, seven days a week, working
on one floor and sleeping on another or on an elevated platform,
sometimes with only corrugated cardboard as a mattress. They work long hours, often from 7 a.m. to 10 or 11 p.m., or even later. They commonly are prohibited from leaving the work site at any time, and sometimes are forbidden even to see their parents.

Some girls, usually the prettier ones, do get a break of sorts from this routine. Evenings, they are given lipstick and led over to massage parlors for late hour apprenticeships in prostitution.

For thousands of boys and girls, these jobs go beyond child labor abuses and are actually forms of compulsory labor. The facts, though shocking, are beyond dispute, documented by the press, the Thai Labor Department, and by private organizations, including the Children Rights Protection Center in Bangkok. However, enforcement of even the law's low standards is weak because of inadequate labor inspection and the willingness of many, even in high places, to tolerate the exploitation and to profit from it.

The existence of this involuntary servitude is sometimes rationalized as existing "only" in small businesses. However, small business firms employing 20 or fewer persons are a large component of the Thai economy, and they produce not just for domestic consumption but for export. Moreover, children can be found working even in factories employing more than 20 persons. In any case, the large presence of children in the Thai labor market has a depressing impact on adult standards and is undoubtedly one reason for the low wages paid throughout Thailand.

Employers who violate Thailand's minimal prohibitions against child labor face no penalties under the labor code but must be prosecuted under criminal law, a more difficult procedure. Violators usually get fines so low that they can afford to pay them and still easily continue exploiting children in exactly the same way. Thus the fines are simply a cost of doing business.

5. **Hours of Work**

The maximum hours of work—48 hours a week in industry—are often exceeded, and without payment of the legally established premiums of 50% to 200% for overtime. This is particularly the case in small business firms.

6. **Occupational Safety and Health**

Occupational safety and health laws contain large gaps in protection, and even minimal explicit standards are often ignored. The daily press frequently reports on factory fires in
which workers die because they are trapped by locked doors and barred windows. On February 7, 1987, for instance, the Bangkok press reported the death of 19 persons, including a family of four, who could not escape from a burning leather goods factory because they were locked inside the building. The employees had worked from 8:30 a.m. to 1 a.m., and were asleep in the factory when the fire broke out. Police said the victims died from inhaling lethal sulphur dioxide gas from the burning of paint thinner stored in the factory.

**Conclusion**

Thailand's social policies and practices, individually and collectively, have seriously lagged behind the pace of its economic growth. The lag is so serious that Thailand does not merit privileges of GSP. Continuing GSP for Thailand is to subsidize its backward policies and practices, especially the exploitation of children.