

008-CP-87

American Federation of Labor and Congress of Industrial Organizations

EXECUTIVE COUNCIL



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

LANE KIRKLAND PRESIDENT

- Thomas W. Gleason
- Albert Shanker
- Charles H. Pillard
- William W. Wimpfinger
- Wayne E. Glenn
- Frank Drozak
- Richard I. Kilroy
- William H. Bywater
- Owen Bieber
- Morton Bahr
- Milan Stone

THOMAS R. DONAHUE SECRETARY-TREASURER

- Frederick O'Neal
- Edward T. Hanley
- Kenneth T. Blaylock
- William H. Wynn
- Joyce D. Miller
- James E. Hatfield
- Vincent R. Sombrotto
- Marvin J. Boede
- John T. Joyce
- Larry Dugan Jr.
- Gene Upshaw

- Murray H. Finley
- Angelo Fosco
- Alvin E. Heaps
- John DeConcini
- John J. Sweeney
- Barbara Hutchinson
- Gerald W. McEntee
- Patrick J. Campbell
- Lynn R. Williams
- Robert A. Georgine
- Jay Mazur

"Worker Rights Violations Abroad"

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

June 1, 1987

Thailand

KN
800/9871
Rev 1
Out 4

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

Called
Force

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.

FOIA

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.

Force

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.

Child

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. vignette

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.)

