

THAILAND

Thailand's September 1992 elections have sparked optimism among foreign observers, particularly as the Chuan Leekpai government articulated its intentions to reinstate the rights of Thai citizens, including working men and women, that were stripped by the military-installed National Peace Keeping Council (NPKC) in 1991. To date these promises to the workers of Thailand remain unfulfilled.

The two proposed bills -- the House version and the Department of Labor (DOL) version -- to amend the State Enterprise Labor Relations Act, which banned state enterprise unions, fall short of reinstating the rights to freedom of association, collective bargaining, and strike for state enterprise employees.

All state enterprises are still considered "essential services" (in contradiction to the ILO definition of essential services) and industrial actions are punishable by imprisonment.

In both versions, the government/management-dominated State Enterprise Relations Committee continues to wield undue power in negotiations between employers and worker representatives. If the two parties cannot reach an agreement, the dispute is deemed "irreconcilable" and the Committee has the final say. Since in state enterprises the government and management are one and the same, workers are far outnumbered on the Committee. (This is the case in both versions: in the House version government/management controls 11 of the 16 seats and in the DOL version government/management controls 13 of the 21 seats.) With no recourse to strikes, work slowdowns, or other industrial actions, employees have no leverage in discussions with their employers. They thus have the choice of either accepting management's initial offer or having the Committee's decision imposed upon them later -- neither of which constitutes collective bargaining.

NPKC Announcement No. 54 remains on the books and private sector employees continue to be, in effect, denied access to leadership and expertise of state enterprise labor leaders. Restrictions on these employees' right to strike remain.

Regarding child labor, while there may have been words, no action has been taken by the GOT thus far to increase the penalty for violations of child labor laws from six months to one year imprisonment and to increase the fines for violators ten-fold.

In its prior petitions, the AFL-CIO noted lax government enforcement of laws governing occupational safety and health. The proof of this allegation was made tragically evident with the May 10 toy factory fire that killed some 240 employees and injured 500 more -- in the worst factory fire in history. Workers were prevented from escaping because of a lack of fire alarms, fire escapes, even the most basic safety procedures, and worse, because of exits intentionally

Violence

LEA

CHIL

MMTP

locked by the company. Despite the factory's two previous fires, to the workers' knowledge there were never any Department of Labor or safety/fire inspections of any kind at the plant. Thailand's paltry number of safety inspectors -- there are currently 50 inspectors to enforce fire regulations at 90,000 factories and businesses nationwide (Associated Press, "Thailand -- Factories," May 12, 1993) -- is unreasonable, particularly in light of the country's overall economic development.

Additional circumstances surrounding this fire shed new light on anti-worker policies not only of employers in the country, but of the government of Thailand regarding payment of the minimum wage and protections for contract employees. Of 4,000 employees in the factory, 3,900 were contract workers who had to sign on originally as probationary workers receiving between 60 to 70 baht per day for three months. This rate is below the minimum wage which has been no less than 100 baht per day for over two years. After the first three-month contract expired, workers had to sign another employment contract extending as long as a year and usually paying between 80 and 90 baht per day (still below the minimum wage). Many workers had been working at the factory for as long as two years without receiving the minimum wage.

When asked whether such a practice was legal, a representative of the DOL said that shortly after the NPKC came to power, the DOL adopted a policy of non-interference in employee-employer contracts, as long as the contracts were entered into freely. This means that workers could be paid less than the minimum wage and the DOL would not interfere. This disclosure indicates that the GOT has regressed in terms of protection of contract employees and enforcement of the minimum wage. The AFL-CIO's 1988 and 1989 petitions cited the use of employee-employer contracts which remove workers from labor protections. The USTR ruled that the GOT was taking measures to rectify the problem and GSP benefits were extended. Apparently any GOT measures to curtail the abuse of contract employees were abrogated by the NPKC and the exploitation continues. Until the GOT proves otherwise, the AFL-CIO maintains that these exploitative contracting practices are widespread.

The AFL-CIO calls on the GSP Subcommittee to revoke Thailand's GSP status until such time as the government of Thailand implements its stated plans of reinstating the rights of freedom of association of state enterprise and private sector workers, ending the exploitation of child labor, and ensuring acceptable conditions of work with respect to occupational safety and health and minimum wages.

ENDNOTES