

# Challenges for Cambodian Workers in Thailand

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The following statements are my personal notes during my research on Microfinance Issues in Cambodia in 2017 and 2018. This is my personal reflection and it is not connected to Royal Academy of Cambodia.

During my trip to various districts of Banteay Meanchey and Battambang provinces, I have conversation with many Cambodian villagers who family members escaped to Thailand to work as construction workers and farmers in Thailand. I also read different articles related to Cambodian workers in Thailand since I want to know more and more about challenges of Cambodian workers in Thailand and/ or in other countries.

After talking with Cambodian workers who used to work in Thailand and their family members, and after reading different articles on Cambodian workers in Thailand, I found the following challenges taken place for Cambodian workers:

## 1. Expensive documents:

The Cambodian government, for its part, is trying to help the estimated quarter million repatriated undocumented migrant workers return to work and has introduced its own 4-dollar passport fee for students studying abroad and migrants, down from the previous 135 dollars charged. Cambodia, as a least developed country, has one of the most expensive passports in the ASEAN region, contributing to the high rate of undocumented workers. Vietnamese passports cost just 12 dollars, while Laos and Thai ones go for 35 dollars and 30 dollars, respectively. Factories in Cambodia don't pay you for two months sometimes.

In addition to passports, there are fees for foreign work permits. It costs 50 to 100 dollars to work in Thailand for two to four months, and 500 dollars for two years<sup>1</sup>.

As a matter of fact, the price for the work permit depends on the situation and the broker. The Cambodian government is allowing brokers to help Cambodians get passports, enforcing a 49-dollar broker-fee limit, but the new scheme always take several weeks.

## 2. Tough Times in Thailand

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<sup>1</sup> Cambodian Migrant Workers Pay for Thai Documentation Scramble; Mr. Kong, a young 19-year-old construction worker from Sisophon, found through: <http://www.ipsnews.net/2014/07/cambodian-migrant-workers-pay-for-thai-labour-scramble/>

Most workers whom I talked to complained they have debt in Cambodia. They need the Cambodian government to set up a minimum wage to allow them to have enough to live on. Many of Cambodian migrants in Thailand could not work in garment factory work in Thailand because they check documents and many of them went to work in Thailand illegally, so they have no documents. Other migrants work as farmers or fisher folk, another industry known for undocumented workers.

The Ministry of Labor of Cambodia released data to show how many illegal migrant workers residing in Thailand have taken the first step to register with authorities there in order to gain all their proper paperwork.

According to a statement from the ministry's Committee for Legalizing Cambodian Workers Residing and Working in Thailand, the Thai Labor Ministry registered 195,627 employees through their employers, while another 8,105 workers registered on their own.

The number of 203,732 illegal Cambodian workers is lower than expected by the Thais, who in 2016 said there were more than 300,000 illegal Cambodian workers working in Thailand<sup>2</sup>. The second step to legalize the workers will last until September 9, during which time all workers must appear at stations set up by Thai authorities to collect paperwork.

### **3. Rumors**

It is so surprised for me to hear that rumor is one of the challenges for Cambodian workers in Thailand. There is often rumor they (illegal migrants) would be killed if found without documents. A quarter million workers needing papers represents a lot of cash. Workers who fled back to Cambodia said they were cheated by taxi drivers and police to pay bribes. Several died in traffic accidents from the panic. Military fired guns at workers' vans and trucks, further increasing the hysteria.

The Thai government claims it was merely addressing the sudden downgrade by the U.S. Department of State's Trafficking in Persons (TIP) report to tier three, which resulted from reports that migrant workers were enslaved on Thai fishing boats. While various migrants said they are "very afraid" of the new Thai junta, the realization that they can't survive in Cambodia continues to drive them across the border. And so, as the Cambodian government scrambles to meet the needs of returnees by starting the untried 4-dollar passport system, migrants are trickling back to the border.

### **4. Smuggling Fees and Cheating in Thailand**

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<sup>2</sup>Khmer Times: 200,000 migrant workers register in Thailand, published on August 9, 2017, accessed on July 15, 2018, found through: <https://www.khmertimeskh.com/5077325/200000-migrant-workers-register-thailand/>

To reach job sites inside Thailand, either in Bangkok or other towns, each migrant had to pay 3,000 baht or more to guides. This is a significant amount of money to the rural poor. To be able to afford this, most migrant villagers had to sell major assets such as cows or pigs, to mortgage their land, or to take loans at extremely high rates of interest (10–30 percent per month).

Labor migration was not only expensive, but often also illegal and risky. A number of migrants reported through local media being cheated by their guides<sup>3</sup>. The guides sometimes led the migrants to somewhere close to the border and then abandoned them. The migrants were then arrested and beaten before being imprisoned for up to several weeks. Subsequently, they returned home empty-handed and in serious debt, from which it was almost impossible to recover without selling major assets. It was also reported that several other migrants had been “sold” by the Cambodian or Thai guides to their Thai employers. When working they were provided with only 30 baht per day, enough for minimal subsistence.

The case of illegal construction workers is also problematic. Migrant construction workers normally received only 15 days of wages for 20 days of work. Their supervisors kept the wages for the remaining five days, with a promise to disburse the wages when the construction was completed or when the workers wanted to leave. In practice, however, the supervisors rarely paid this amount. Moreover, in the two or three months before completion of the building, the supervisors often paid the workers only 30 baht per day, and then sometimes disappeared with the rest of the workers’ wages and accumulated savings. Having learned this, experienced workers often left projects before completion. New migrants were therefore more likely to be cheated. This kind of fraud on the part of Thai employers also affected migrants working in the manufacturing industry. It was reported that some employers would call the police to arrest their illegal migrant employees when wages were due to be paid. It was believed that by doing this, the Thai employers ended up paying less to the police than they would have done to the workers<sup>4</sup>.

Being cheated by either guides or their Thai employers not only caused the migrant laborers to lose potential earnings, but also caused their debts and vulnerability to increase. First, loan interest rates are extremely high. Although interest on paddy rice credit was considered to be relatively low, it was still 100 percent over one season. Second, members of the poor migrant households had to borrow paddy rice to meet their consumption needs while waiting for money to be sent home by their relatives working in Thailand. The outstanding cash debt, plus the paddy rice debt, forced a number of migrant households to sell land and other assets simply to repay the loans and interest. Of the 37 households covered by the survey, nine had sold their land or cows, and 17 were in serious debt due to the failure of their attempts to find work in Thailand.

The Cambodian migrants shared their accommodation mainly with co-workers and relatives. Other roommates included friends and villagers. Regarding social networks, all the migrants interviewed

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<sup>3</sup> Cambodian Labor Migration to Thailand: A Preliminary Assessment, published in 1999, page 8

<sup>4</sup> Ibid 6

said that they were in touch with other Cambodian migrants among these, co-workers represented the biggest group, and followed by relatives and other Cambodian migrants they had met in Thailand. Among the main issues reported by Cambodian migrants, the most significant was related to the condition of being an irregular migrant in Thailand and the constant fear of being arrested and perhaps abused by the Thai police. Immediately after that, in the list of concerns, was their conditions of employment, there are people dissatisfied with low payment, irregular working hours and payment schedule, being paid less than Thai workers, and having greater difficulty in finding employment in Thailand. Other migrants reported that the main problem was abuse in the workplace, followed by discrimination by Thai people toward Cambodian migrants, difficult living conditions, especially the high cost of living and, finally, the lack of support structures where they could seek help when in need<sup>5</sup>.

### **5. Access to Justice in Thailand**

Thailand has tried to develop laws and policies to promote on the rights of migrant workers for nearly two decades. However, the labor rights of Cambodian migrant workers are still very poor. Many of Cambodian migrants have limited knowledge and understanding of justice options and the justice systems in Thailand. Justice mechanisms and access to justice in Cambodia are still a distant concept for many people in their daily life. Many people indicated that they are unable to depend on the police or the justice system in Cambodia. Their experiences in Cambodia, along with a lack of knowledge and understanding of the laws and policies in Thailand, result in many of them being reluctant to try to access the justice system in Thailand. Some migrants indicated that Cambodians are unfortunately used to enduring a high level of injustice that carries over to enduring injustice in Thailand, which leads to less willingness to report abuses or seek redress.

Cambodian citizens often frame the access to justice scenario in Thailand as an unequal power balance between employers and workers, similar to the perceived power imbalance in Cambodia's justice system involving people with and without money. Cambodians view the police and the courts in Cambodia as a vehicle for people with money and power, and when in Thailand, believe this to be the case too.

The perception of Cambodian migrant workers of the Thai justice system and Thai police is not very different from the situation they experienced in Cambodia. The difference is only the situation and actors changing from the rich and the poor in Cambodia to the perceived wealthy and powerful employers in Thailand and the poor Cambodian workers they employ. Living in Thailand can also cause Cambodian workers to feel an unequal power relation as a result of discrimination by police both at work and in daily life. Hence, I saw a tendency in some former migrants in Thailand to

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<sup>5</sup> Analyzing the Impact of Remittances from Cambodian Migrant Workers in Thailand on Local Communities in Cambodia, published in 2010, page 49

have a lack of confidence in the justice system in Thailand where many share that they are afraid of Thai police and view the justice system as complicated and too costly for them to handle<sup>6</sup>.

When faced with problems of rights violations, human trafficking or non-payment of wages, Cambodian workers do not believe they can rely on the Thai justice system and police. Cambodian workers have three commonly applied methods for handling their problems:

1. Independently negotiate with the employer. With an unequal power balance between employer and employee in areas such as legal, state mechanisms, language access, perception of Thai police, and the lack of advisors or support in negotiations, many workers ask for sympathy from employers rather than make demands for justice or redress.
2. Leave and find employment elsewhere. Migrant workers often decide to move on from their problems by giving up on pursuing non-payment and to a new job with no assurances that the outcome will be any better.
3. Apply for a migrant worker card. Many Cambodian workers consider applying for a migrant worker card as a long-term solution to addressing some of their problems. However, many people said that migrant worker cards cannot protect them from being abused or provide them any justice. It does not help build their confidence to demand justice. The card may help with having more opportunities for finding jobs or reduce police harassment or bribe demands, but labor rights protection and other benefits are not acknowledged as reasons to obtain the card.

## **6. Problems in Cambodia**

I feel very sad and sometimes I drop tear automatically when I listen to hard situation of Cambodian workers in Thailand since my father used to work as migrant in Thailand as well. I just think of my father when I listen to those migrants whom I met in Banteay Meanchey province. The Cambodian migrants also had a negative impact at their home villages in Cambodia.

First, dependents, such as children and the elderly, were left alone while the migrants were in Thailand. These families depended on the earnings of the parents for their living, and were therefore left in a precarious situation because there was no-one to take care of them at home, and because the parents' work in Thailand was full of risks. In addition, some young female migrants came back from Thailand as single mothers with new-born babies. These babies were also left to the care of parents or the elderly.

Second, failure to earn money in Thailand caused the situation of the migrant's household to deteriorate. As mentioned above, migrant workers come from in poor households in the villages. If they were not able to make money from their expensive and dangerous trips to Thailand, they were left in a worse situation. Some of the migrants had sold all of their production assets.

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<sup>6</sup> Access to justice from the perspectives of Cambodian Migrant workers in Thailand, published in 2017, page 26

Third, the development planning and programs of the NGOs working in the villages were disrupted by the large movement of the local population or the target groups for the programs<sup>7</sup>.

### **7. Force to Repatriate to Cambodia**

When I was at Poipet city, Banteay Meanchey province with president of Royal Academy of Cambodia for other research project; the sound of vehicles and crowds were deafening across this bustling border town near the Poipet International Border Checkpoint. There were 1,641 migrant workers deported through the Poipet International Checkpoint for 11 days since the Thai authority closed registering undocumented migrant workers<sup>8</sup>.

Speaking to 21,000 garment workers from 14 factories in Kampong Chhnang province, prime minister of Cambodia highlighted efforts to create jobs for Cambodians apart from launching a campaign to register migrants in Thailand. We have also been negotiating with Japan. Now, step by step, Japan has accepted more Cambodians to work and study there. For Cambodian caretakers, we can send them to learn medical skills<sup>9</sup>.

There are about 30 to 40 percent of about one million Cambodian migrant workers in Thailand are still undocumented. Speaking during the general department of identification's annual meeting, secretary of state Prum Sokha said the government would continue to help undocumented workers obtain proper documentation. When I met our workers in Thailand, I just told them the government is behind all of them, whether they have documents or are undocumented.

According a general department of identification report, officials made 9,751,934 Cambodian identity cards from 2014 to 2017 while providing 273,602 living books and 174,442 family books. The report added that 1,082,916 passports and 397,838 travelling letters for laborers had also been created during that time. There were now only three places for processing passports, one in Banteay Meanchey province's Poipet town and two in Phnom Penh. The capital centres are located at the general department of identification and in Stung Meanchey district. Government policy does not charge laborers for passports, but in realities all people must pay for their passports and right now there are three different costs for those who wish to get their passport done; 115\$ for 40 days, 150 \$ for one week, and 200 \$ for two days.

The Royal Government of Cambodia asked the general department of identification to cooperate with provincial governors to monitor the registering of civil status documents at the local level, to prevent documents from being issued improperly. If they are found out, police officials that continue to issue civil status documents improperly will be fined by the law. The government

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<sup>7</sup> Cambodian Labour Migration to Thailand: A Preliminary Assessment, published in 1999, page 10

<sup>8</sup> Thousands of illegal migrant workers deported from Thailand, released on July 13, 2018, found through: <https://www.khmertimeskh.com/50511479/thousands-of-illegal-migrant-workers-deported-from-thailand/>

<sup>9</sup> PM eyes labour markets, Publication date 29 June 2018, could find through <https://www.phnompenhpost.com/national/pm-eyes-labour-markets>

planned to expand the number of passport processing centres to include border provinces such as Battambang, Koh Kong and Pailin. The government last year (2017) sent 360 officials to Thailand to implement a 100-day campaign to give illegal migrant workers proper documents. They issued legal documents to thousands of workers from September 15 to December 12, ahead of new Thai labor laws due to be enacted this year<sup>10</sup>.

Recently, the Cambodian embassy in Bangkok has called on illegal workers not to leave Thailand as officials attempt to negotiate a deal to allow migrants to stay in their jobs. A crackdown on illegal workers in Thailand has frightened many migrants, with thousands returning home following the announcement of a royal decree on controlling the presence of foreigners in the country. According to a letter signed by Cambodian ambassador to Thailand Long Visalo, the Thai government has said the decree will mean heftier fines for employers who use illegal migrant labour. The Cambodian embassy is calling for Cambodian workers not to rush home. The embassy and the Cambodian Ministry of Labor are working to find a solution with the Thai government<sup>11</sup>.

More than 200,000 Cambodian workers were forced to leave Thailand in June 2014. The deportation of the migrants came weeks after Thailand's army declared martial law and seized control of the country in a coup the month before. Banteay Meanchey provincial governor Soun Borvor said local forces must do more to stop migrant workers going to Thailand without the right paperwork<sup>12</sup>. According to the annual report of the Foreign Affairs Ministry of Cambodia, at least 1,000 Cambodian workers were deported each week from Thailand via the Poipet International Border Checkpoint in Banteay Meanchey province last year<sup>13</sup>.

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<sup>10</sup> Khmer Times: Pledge to help illegal workers in Thailand, published on January 23, 2018, found through: <https://www.khmertimeskh.com/50103715/pledge-to-help-illegal-workers-in-thailand/>

<sup>11</sup> Ibid 13

<sup>12</sup> Khmer Times: Embassy calls for calm as workers flee Thai factories, published on July 3, 2017, found through: <https://www.khmertimeskh.com/news/39903/embassy-calls--for-calm-as-workers-flee-thai-factories/>

<sup>13</sup> Khmer Times: Migrants still lacking legal documents, published on February 15, 2018, found through: <https://www.khmertimeskh.com/50108625/migrants-still-lacking-legal-papers/>