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## ► Precarious pathways

Migration patterns and service  
needs of Lao migrant workers



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# ► Precarious pathways

Migration patterns and service needs  
of Lao migrant workers

By Siliphaithoun Xayamoungkhoun and Benjamin Harkins

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Migrant workers at a seafood processing factory in Samut Sakhon, Thailand.  
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# Foreword

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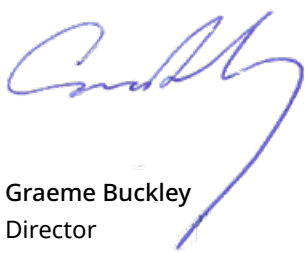
Maintaining stable economic growth in the Lao People's Democratic Republic has become increasingly challenging in recent years. Long-standing problems with diversification of livelihood opportunities have been exacerbated by the impacts of the COVID-19 pandemic, rising public debt, and inflation. For workers in the domestic labour market, the transition out of low-productivity agricultural employment has remained relatively slow. Concurrently, the faster growing sectors of the economy have not created enough jobs to make a considerable impact on the structure of employment. As a result, labour migration continues to represent a critically important livelihood option for the Lao workforce. It is estimated by the United Nations that there are 1.35 million Lao nationals living abroad, among whom 56 per cent are women.

The remittances sent by these workers are a significant source of income within the Lao People's Democratic Republic. In 2022, migrant workers sent home an estimated US\$200 million, amounting to more than 1.2 per cent of the country's gross domestic product. However, the real amount is understood to be substantially greater due to the large share of remittances being sent through informal channels. These remittances provide a critical source of financing for the daily needs of migrant households, as well as supporting longer-term improvements to education, health, livelihoods and other key socio-economic indicators.

For its part, the Lao Government has made substantial efforts to improve the country's legal framework governing labour migration in order to expand protections for migrant workers. Since 2017, it has made major legislative amendments and put in place new laws to better manage the migration process and strengthen the regulation of recruitment agencies. It has also worked to sign a new memorandum of understanding with Malaysia and strengthened the implementation of its existing bilateral agreements with Thailand and other destination countries.

At the same time, significant gaps in labour rights protection remain for Lao migrant workers. Many migrants using regular migration channels end up accruing significant debt because of the high recruitment costs involved. Because of these costs and the long and complex bureaucratic processes involved, the majority of Lao migrants continue to seek employment abroad through irregular channels. In key destination countries, migrants face continuing challenges with labour rights violations and difficulties in accessing the labour and social protections to which they are entitled. Lao women who migrate commonly experience intersectional forms of discrimination based upon their gender and nationality, as well as higher rates of violence and harassment. Upon returning home, few services are available to support migrants to successfully reintegrate into their communities of origin.

As the situation of Lao migrant workers has been relatively under-researched in comparison to other migrant populations in South-East Asia, this study by the International Labour Organization helps to fill a key knowledge gap on their migration patterns and service needs. It presents valuable findings and recommendations that will be particularly useful for organizations working to expand safe migration in the Lao People's Democratic Republic. Under the framework of the Ship to Shore Rights South East Asia, TRIANGLE in ASEAN and Safe and Fair programmes, the International Labour Organization is committed to working hand-in-hand with the Government, social partners and civil society organizations to support the realization of decent work for all Lao migrant workers.



Graeme Buckley  
Director

ILO Country Office for Thailand, Cambodia and Lao People's Democratic Republic

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# Contents

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▶ <b>Foreword</b>	<b>iv</b>
▶ <b>Acknowledgements</b>	<b>v</b>
▶ <b>Abbreviations and acronyms</b>	<b>viii</b>
▶ <b>Executive summary</b>	<b>ix</b>
▶ <b>1. Introduction</b>	<b>1</b>
1.1 Labour migration in the Lao People’s Democratic Republic	1
1.2 Labour migration of Lao women	2
1.3 Effects of the COVID-19 pandemic on Lao migrant workers	3
1.4 Research objectives	3
▶ <b>2. Research approach</b>	<b>4</b>
2.1 Research methodology	4
2.1.1 Desk review	4
2.1.2 In-depth interviews with Lao migrant workers	5
2.1.3 Key informant interviews	5
2.2 Research sample	5
2.3 Limitations	7
▶ <b>3. Research findings</b>	<b>8</b>
3.1 Legal framework for migration in the Lao People’s Democratic Republic	8
3.2 Memoranda of understanding with destination countries	9
3.3 Labour migration governance framework in Thailand	10
3.3.1 Regulation of recruitment	10
3.3.2 Labour rights protection	11
3.3.3 Social protection	12
3.4 Labour migration governance framework in Malaysia	13
3.5 Lao migration experiences	13
3.5.1 Pre-departure and transit	14
3.5.2 Employment conditions	18
3.5.3 Return and reintegration	24
3.5.4 Impact of COVID-19 on migration patterns	26
▶ <b>4. Conclusion</b>	<b>27</b>
4.1 Recommendations	28



► <b>References</b>	<b>30</b>
► <b>Annex 1. Key informant interviews</b>	<b>34</b>
► <b>Annex 2. Lao migrant workers in Thailand by sector and legal process</b>	<b>35</b>

## List of tables

Table 2.1 Lao migrant workers interviewed by sector and gender	5
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## List of figures

Figure 2.1 Lao migrant workers interviewed by home province and gender	6
Figure 3.1 Informal border crossing locations in Savannakhet province	15

## List of boxes

Box 3.1 The family of a deceased migrant fisher fights for five years to receive compensation	22
Box 3.2 Legal assistance for a child domestic worker abused in Samut Prakarn, Thailand	23

# Abbreviations and acronyms

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<b>ADWLE</b>	Association for Development of Women and Legal Education
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>CSO</b>	civil society organization
<b>DOE</b>	Department of Employment (Thailand)
<b>EPS</b>	Employment Permit System
<b>HRDF</b>	Human Rights and Development Foundation
<b>IEC</b>	information, education and communication
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migration
<b>JC</b>	Job Centre
<b>LDP</b>	Law and Development Partnership
<b>LFTU</b>	Lao Federation of Trade Unions
<b>LGBTQI+</b>	lesbian, gay, bisexual, transgender, queer, intersex and others
<b>LPN</b>	Labour Rights Promotion Network
<b>LWU</b>	Lao Women's Union
<b>MOLSW</b>	Ministry of Labour and Social Welfare
<b>MOU</b>	memorandum of understanding
<b>MRC</b>	Migrant Worker Resource Centre
<b>MWRN</b>	Migrant Workers Rights Network
<b>NV</b>	Nationality Verification
<b>PDOLSW</b>	Provincial Department of Labour and Social Welfare
<b>UN</b>	United Nations
<b>UNCDF</b>	United Nations Capital Development Fund
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNICEF</b>	United Nations Children's Fund
<b>VFI</b>	Village Focus International





# Executive summary

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In the ideal scenario, labour migration can provide a “triple win”. In such cases, migration provides benefits to migrant workers and their families, countries of origin and countries of destination. However, ensuring consistently positive outcomes for migrant workers themselves remains a challenge in the Lao People's Democratic Republic due to the common labour rights violations they experience and lack of access to adequate support services.

Labour migration has long represented an important livelihood strategy for the Lao people. United Nations (UN) estimates suggest that there are 1.35 million Lao migrants, more than half of whom are women (UNDESA 2020). However, the migration of Lao workers has received relatively less attention from researchers when compared to other countries of origin in South-East Asia. This scoping study on the migration patterns and service needs of Lao migrant workers is part of a joint effort by three regional ILO migration programmes to obtain a better understanding of their situation.

The research combined several qualitative research methods to gather data, including a desk review, in-depth interviews with Lao migrant workers, and key informant interviews with stakeholders. In total, 78 Lao migrant workers (38 women) were interviewed between December 2021 and March 2022, nearly all of whom had worked in Thailand and were employed in a broad range of economic sectors. The study also conducted 25 key informant interviews with purposively selected representatives of Lao Government agencies, international organizations, civil society organizations (CSOs), and recruitment agencies in Thailand and the Lao People's Democratic Republic.

## Key findings

### Lao labour migration governance framework

Since 2017, significant amendments have been made to the Lao legislative framework to strengthen regulation, including establishing a mechanism for dispute resolution, eliminating most worker-borne recruitment fees and costs, and clarifying language and terminology that were deemed vague and confusing for stakeholders. A major milestone in labour migration governance, Decree No. 245 on Placement of Lao Workers to Work Abroad came into effect in May 2020 following many years of consultation. The goal of the Decree is to enhance protections for workers and better regulate recruitment agencies sending workers abroad. The Decree was followed by Ministerial Agreement No. 1050 on the Management of Employment Service Enterprise, which was promulgated in March 2022 with the intention to provide more detailed guidance on implementation of the new regulations. It also put into place a dispute resolution process specifically to address migrant worker grievances.

Despite these updates to the legislative framework, considerable gaps in enforcement remain. Ministerial Agreement No. 1050 introduced regulations that prohibit charging recruitment service fees to migrant workers. The extent to which this stipulation is understood and being followed by stakeholders is unclear, and there are strong indications that more training and awareness raising are needed on the new rules. Likewise, Decree No. 245 (article 19) revised the list of prohibited occupations for Lao migrant workers, allowing for regular migration of domestic work following years of prohibition. However, regular recruitment for domestic work abroad has not yet commenced as the process has not been outlined by the government. In addition, the types of work prohibited under the Decree remain loosely defined, without sufficient detail to enable a clear understanding.

The Lao People's Democratic Republic has signed a number of memoranda of understanding (MOUs) with countries of destination, including Thailand, Republic of Korea, and Japan, to support regular migration of Lao workers to these countries. In addition, the Lao Government has been collaborating with Malaysian officials to develop an MOU on labour migration to provide opportunities for regular migration and establish better protection for Lao migrants in the country. Nevertheless, it is understood that the majority of Lao migrant workers continue to go abroad irregularly due to the lack of adequate incentives to migrate through regular channels to Thailand. Although most migrants heading to the Republic of Korea and Japan migrate regularly, they represent a relatively smaller portion of the overall labour migration flows from the Lao People's Democratic Republic.

### Pre-departure and transit

Among the 74 migrant workers interviewed who had worked in Thailand, only 12 had migrated through the MOU process. The remaining 62 said that they migrated to Thailand through irregular channels with the assistance of a broker or help from family or friends who already lived and worked in Thailand. This pattern of relying on irregular channels can be seen as a direct response to the high cost, long duration and considerable complexity of the MOU process. A number of the migrants who made use of irregular channels said that the process was much simpler, and the costs and fees involved were generally small or non-existent. However, some studies have suggested there can be a trade-off later on in terms of employment conditions (ILO 2020c).

For the 12 migrants who had gone to Thailand through the MOU process, they reported that they had been approached by local agents of recruitment agencies who had come to their villages and encouraged them to migrate for work through regular channels. They had decided to use this channel because they had been convinced that it would ensure greater legal protection during their employment, though this was not the reality they found upon arrival in some cases.

According to Decree No. 245, delivery of pre-departure training is a mandatory responsibility of recruitment agencies. However, the interviews conducted with Lao recruitment agencies demonstrated that there is no standardized approach to pre-departure orientation in the industry, with each recruitment agency detailing differing methodologies and training materials. For example, the official pre-departure orientation curriculum developed by the Ministry of Labour and Social Welfare (MOLSW) should require more than ten hours to complete. In practice, however, it is usually delivered in just two or three hours.

Pre-departure orientation is an important means for preparing migrant workers to go abroad. However, the effectiveness of this training in meeting the information needs of Lao migrant workers is questionable in its current form. As the content delivered is highly abbreviated and mostly adheres to the interests of recruitment agencies, the orientation is often less about upholding migrants' rights to labour and social protections and is instead more focused on teaching them to be compliant with employer wishes. Notably, the MOLSW is working to update the pre-departure training manual for general workers and to develop sector-specific training for the fishing and seafood processing sectors.

None of the recruitment agencies interviewed reported including any specific gender-responsive information for women, men or lesbian, gay, bisexual, transgender, queer, intersex and other (LGBTQI+) persons in the pre-departure orientation. Examples of such information would include issues more commonly faced by women and LGBTQI+ migrants when working abroad, including reporting mechanisms for gender-based violence and how to seek help and support in destination countries. More gender-responsive content should particularly focus on the information needs of women and LGBTQI+ migrant workers, raising awareness of their rights so that they can identify discriminatory practices and respond to abuses should the need occur.

## Migration costs and fees

The interviews conducted for this study took place in the months just prior to the promulgation of Ministerial Agreement 1050 and therefore show the situation before most worker-paid recruitment costs and fees were prohibited. According to interviews with recruitment agencies, the maximum recruitment fee that can be charged to Lao workers migrating to Thailand under the MOU process is 15,000 Thai baht (US\$425), as per the previous regulations of the MOLSW. However, workers who migrate via the MOU process usually have to pay other costs associated with their migration (such as for passports and domestic travel to complete the processes involved). In many cases, they also pay fees to a broker or recruitment agency in both the Lao People's Democratic Republic and Thailand.

These migration costs and fees can add up to significantly more than the official ceiling on recruitment costs stipulated in law. In a recent ILO (2020c) research that surveyed more than 300 Lao migrant workers on the costs they incurred in migrating to Thailand, the 55 migrant workers who had made use of regular channels paid an average cost of US\$543. This amount is well-above the legal limits set by MOLSW as well as significantly higher than the average paid to migrate irregularly (US\$400).

As can be seen from the major differences in costs and fees paid by migrant workers for regular and irregular migration, a key element of encouraging more Lao migrants to make use of the former is reducing the costs involved. The new rules enacted eliminating most recruitment costs and fees for migrant workers are very laudable. However, it appears that migrant workers are continuing to be charged these expenses in some cases. Training on the new rules is necessary to ensure effective implementation, as well as awareness raising for migrant workers. In addition, the penalties related to charging illegal fees to migrant workers should be more clearly outlined and strictly enforced.

## Dispute resolution

None of the migrant workers interviewed for this study had made a formal complaint to a recruitment agency in the Lao People's Democratic Republic. In addition to the well-known distrust among Lao migrant workers of formal channels for assistance, another major obstacle is that there is no standard procedure for recruitment agencies to handle such complaints. When they involve abuses occurring in destination countries, the obstacles to addressing migrant grievances are even more severe. Only one recruitment agency interviewed stated that it had established connections with a Thai CSO who could provide assistance in resolving grievances. More collaboration between stakeholders in Lao People's Democratic Republic and destination countries is needed to respond to cross-border cases.

Similar gaps in practical accessibility were also apparent for the Lao Government's complaint mechanism. Ministerial Agreement No. 1050 and Decree No. 245 broadly outlines a system for dispute resolution that offers parties access to a government-administered mediation process by the MOLSW. However, the process is very lengthy and involves three levels of required mediation, with the complaint being heard at district, provincial, and ministerial level. Only if this series of mediation attempts fails to resolve the case can the complaint be heard by the People's Court.

According to lawyers experienced with the process in the Lao People's Democratic Republic, it can take up to 18 months before cases reach a court hearing. They attributed this lengthy mediation period to a lack of capacity and confidence among mediators, leading to delays in achieving a resolution. To increase access to justice for migrant complaints, the mechanism for dispute resolution needs to be enhanced by providing mediators with the requisite training in both the law and mediation skills. In addition, the layers of mediation should be reduced to one well-executed mediation process, followed by access to arbitration by trained arbitrators if mediation fails (ILO Forthcoming).

## Employment conditions

The semi-annual registration amnesties for irregular migrant workers in Thailand enacted through cabinet resolutions have come to be viewed as just another channel of regular migration by many Lao migrants. Nearly all of the interviewees who had worked in an irregular legal status were of the belief that crossing into Thailand for work using only a passport was completely legal as they could register later on. This finding was supported by an interview with an officer from the MOLSW who explained that "Many Lao migrant workers believe that working in Thailand with [just] their passports is legal."

In general, the Lao migrant workers employed in Thailand did not express much concern about their legal status. This attitude is likely linked to the cultural and linguistic similarities that allow them to assimilate relatively easily into Thai society, as their nationality is not typically obvious to authorities. It may also be the result of a clear understanding of the significant limitations to the labour and social protections offered by regular migration channels in Thailand. Nevertheless, enrolment for some benefits associated with regular legal status has increased in recent years, with more than 1.1 million migrants now enrolled in Thailand's social security scheme (Moungsookjareoun et al. 2019).

Likely because they were working in an irregular legal status, the majority of Lao migrant workers reported that they did not have written contracts to formalize their employment. Among the 12 migrant interviewees who had migrated under the MOU process, most reported that they had received written contracts but did not clearly understand the terms of employment that they had signed. This may represent a significant problem among Lao migrants as many can usually speak Thai fluently but are not necessarily as proficient in reading and writing the Thai language.

The migrant workers interviewed received a broad range of wage amounts, not all of which were in compliance with the wage protection rules set forth in Thailand's labour laws. Some reported daily wages far below the minimum wage in Thailand, which at the time of the research ranged from 313 to 336 baht (US\$9-9.70) depending on the province. This conforms to other reports of widespread under-payment of wages for migrant workers in Thailand (Harkins, Lindgren, and Suravoranon 2017). Moreover, it was clear that women migrant workers experienced gender pay gaps, which were particularly pronounced in domestic work and other jobs traditionally viewed as "women's work".

Some of the migrant workers interviewed also said that substantial deductions were made from their salaries for various expenses. In some cases, they had paid statutory deductions to contribute to the Social Security Fund, though none of them understood the details of the benefits that they were supposed to receive as a result. A previous study conducted by IOM (2020a) revealed that many Lao migrant workers in Thailand are unaware of how to make use of their social security benefits. As they may be unfamiliar with accessing government social protection systems at home, many Lao migrants end up paying into the Social Security Fund without ever utilizing their entitlements.

With regard to remittance channels, almost all respondents reported using informal financial services provided by brokers who hold bank accounts in both Thailand and the Lao People's Democratic Republic rather than using more formalized remittance service providers. Money is paid into the broker's Thai account and a disbursement is made to the intended recipient in the Lao People's Democratic Republic. The fee charged for these services was reported to be 20–50 baht per 1,000 baht transferred, which is a highly competitive rate particularly for transferring relatively small amounts of money. Alternatively, cash was carried in hard currency to the migrant worker's home.

## Access to assistance for grievances

The migrant workers interviewed were asked whether they had accessed any official services when faced with problems in destination countries. None of the respondents said that they had tried to make use of government services, and most were not even aware that any assistance was available outside of the basic consular functions of Lao diplomatic missions. The vast majority of women and men migrant workers interviewed said that they had resolved their problems on their own.

The reluctance of Lao migrants to engage with formal service providers to seek assistance for work-related problems appears to be the result of a number of compounding factors. Some had experienced discrimination in destination countries and lacked confidence in their ability to access the services available, while others had limited knowledge of their rights or mechanisms for assistance. In addition, the migrant workers interviewed who had been working in an irregular legal status were reluctant to seek formal help for fear of the legal repercussions – despite their clearly established right to do so.

All of the CSO representatives interviewed stressed the critical importance of building trust with Lao migrants, as seeking assistance is truly an act of faith while working abroad. Previous studies have found that CSOs and trade unions play a critical role as an access point for migrants to seek redress as these organizations provide the doorway that the majority feel most comfortable walking through when they need assistance (Harkins and Ahlberg 2017). Particularly for women, the preference for CSO services highlights their importance in ameliorating the gender gap in access to justice.

Another key challenge related to legal assistance for migrant workers is that cases of severe labour rights abuses that make their way to the Thai courts typically take many months or even years to resolve. This often leaves the livelihoods of migrant workers in limbo for an extended period of time while their cases are being considered and they may have to return home before seeing them through. A major gap in support is the lack of a government focal point in the Lao People's Democratic Republic to liaise with when cases involving Lao migrant workers are being adjudicated in Thailand. Inadequate legal coordination between Thai and Lao authorities was also noted as an ongoing problem.

## Return and reintegration

The most frequent concern expressed by Lao migrant workers upon returning home was related to finding employment, whether domestically or abroad. More than half of the interviewees said they were unemployed at the time of the research. In addition, about one-third of the returned migrant workers stated they wanted to work in Thailand again because they could not find local employment opportunities. Upon return, young migrants often find themselves in the same position in the labour market as before they left due to skills gaps, mismatches and lack of recognition systems (ILO 2014).

Gender-specific patterns of unemployment were also apparent among the respondents, which are likely the result of the relatively rigid social norms for the types of work that are acceptable for women to pursue in the Lao People's Democratic Republic. Upon return, most of the women migrants who were unemployed said that they had decided they would not seek new jobs and would instead focus on unpaid household and caregiving tasks at home. In contrast, men migrants who had returned home were much more likely to state that they would continue to seek new employment opportunities.

Return migrants who had found employment were most commonly working in low-wage and informal jobs. For example, working as a day labourer or shop assistant was frequently reported, with daily wages ranging between 50,000 to 100,000 kip/day (US\$4–8). Several other return migrants had resumed working on family farms. Only one migrant interviewed stated that he had started his own business, applying the skills he had learned in Thailand to start a small barbershop. The combination of having the required financial resources, necessary business skills, and entrepreneurial spirit to start a small business appears to be relatively rare for returnees in the Lao People's Democratic Republic.

One of the key challenges identified in delivering services to return migrants is the lack of availability of accurate or gender-disaggregated data. When asked about administrative data on return migrant workers in the Lao People's Democratic Republic, an MOLSW official said that no data had been collected until quarantine centres were established during COVID-19. Even in this case, however, it was pointed out that the information is far from comprehensive because it does not include the significant share of Lao migrants who bypassed the required quarantine process upon return.

## Conclusion


Labour migration governance in the Lao People's Democratic Republic is becoming increasingly structured and formalized. New laws and policies related to labour mobility and labour protection have been adopted both in the Lao People's Democratic Republic and in countries of destination. MOUs on labour migration have been developed and updated. An emerging migration infrastructure is being established based upon recruitment through private employment agencies.

However, implementation of this governance framework remains a major challenge and many of the stipulations of the new laws and regulations have yet to be realized in practice. Lao workers continue to migrate for work largely through irregular channels due to the high cost, long duration and considerable complexity of regular migration to Thailand. There remains a lack of sufficient incentives for migrant workers to make use of the more formalized migration processes and procedures that have been established.

Fundamental to improving access to services is the need to build trust with migrant workers throughout the migration process, regardless of their legal status. Making more timely and effective mechanisms for support available to Lao migrants is critical in this regard, as many rightly feel that they cannot fully rely upon the responsiveness of government services. A better implemented, accessible and gender-responsive labour migration governance regime is needed to protect migrant workers from hazardous and exploitative employment situations.

Beneficial migration experiences can be achieved if Lao migrant workers are able to avoid high migration costs, benefit from labour rights protection and find gainful employment upon return. The lack of assurance of obtaining these conditions contributes to a situation where labour migration is often a considerable gamble for migrant workers, resulting in unpredictable outcomes. Strengthening of the relevant regulatory systems and improvement of the quality of services provided will help to ensure that migration leads to opportunities for decent work that improve the lives of Lao migrants and their family members in the long-term.





# ▶ 1

## Introduction

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### 1.1 Labour migration in the Lao People's Democratic Republic

In the ideal scenario, labour migration can be a “triple win” for migrant households, countries of origin and countries of destination. Labour migration provides benefits to migrant workers and their family members in countries of origin, including poverty alleviation and financing of education, healthcare and small businesses. Lao migrant workers send approximately US\$200 million in formal remittances per annum to the Lao People's Democratic Republic, which does not include the substantial amount remitted through informal channels (World Bank 2022). Migrant workers also frequently acquire new hard and soft skills during their time abroad, which benefit their countries of origin upon returning home. In countries of destination, migrant workers often play an important role in addressing labour shortages in key economic sectors. If integrated properly into the labour market, migrants can contribute to public finances and boost the local economy (ILO 2017).

Labour migration has long represented an important livelihood strategy for the Lao people. United Nations (UN) estimates suggest that there are 1.35 million Lao nationals living abroad, the vast majority of whom migrate for employment (UNDESA 2020). However, ensuring consistently positive outcomes for migrant workers remains a challenge in the Lao People's Democratic Republic due to the common labour rights violations they experience and lack of access to adequate support services. Limitations in the labour and social protections afforded to Lao migrant workers means that labour migration often remains a risky proposition – with many experiencing situations of exploitation and abuse (Harkins, Lindgren, and Suravoranon 2017).

Thailand is the largest country of destination for migrant workers from the Lao People's Democratic Republic, with differences in socio-economic development between the two countries driving large numbers of Lao workers to migrate to Thailand in search of better employment opportunities. According to data from Thailand's Department of Employment (DOE), there were 2,167,937 documented migrant workers in Thailand in 2022 – nearly 9 per cent (190,027) of whom are Lao nationals (ILO 2022a). These migrant workers are employed mainly in low-wage agricultural, construction, domestic work, manufacturing and service jobs. Thousands of Lao migrants are also known to work in Thailand without legal status – representing as many as half of all Lao migrant workers (Harkins et al. 2017).

Under the Employment Permit System (EPS), Lao migrant workers are able to work in the Republic of Korea. The EPS is considered an innovative scheme for temporary labour migration, which is based upon the signing of Memoranda of Understanding (MOUs) with 15 countries of origin. The programme is unique in that the Korean Government coordinates recruitment, training and oversight, with the goal of eliminating the role of private recruitment agencies in the process. This policy approach has proven successful in significantly reducing the recruitment costs and fees paid by migrant workers (Center for Global Development 2021). However, the Republic of Korea currently represents a relatively smaller destination country for Lao migrant workers, receiving only 2,487 Lao migrants between January 2022 - May 2023 (Singdala and Luangviset 2023).

Japan and the Lao People's Democratic Republic also have an MOU in place to support the employment of Lao migrant workers. Under the Technical Intern Training Programme, small and medium-size enterprises in Japan are able to recruit migrant workers for up to a five-year period. Lao migrants are considered to be "Technical Interns" during their employment, which does not provide them with the same legal protections afforded to other workers. The policy is being revised to more effectively regulate labour migration and fill key labour market shortages, marking Japan as an emerging destination country in Asia. Nevertheless, Japan is currently a fairly minor destination country for Lao migrant workers, admitting just 516 Lao migrants between January 2022 – May 2023 (Singdala et al. 2023).

Despite the absence of a formal bilateral agreement with the Lao People's Democratic Republic on labour migration, Malaysia is widely recognized as another major country of destination for Lao migrant workers. Lao migrants are employed in a variety of employment sectors in Malaysia due to the higher wages available and the relatively inexpensive process for obtaining jobs. Although most Lao migrants have limited prior experience with fisheries work, several thousand are known to be employed in the fishing and seafood processing sectors in Malaysia.<sup>1</sup> The labour shortage within the sector comes from a lack of interest among Malaysian nationals, as Malaysian young people are no longer attracted to labour-intensive employment in the fishing industry (Ahmad, Haimid, and Amir 2020).

## 1.2 Labour migration of Lao women

Lao women migrant workers often face intersectional discrimination during the migration process based upon their gender and nationality. Moreover, women migrants often have fewer decent work opportunities and less access to services in destination countries, partially as a result of the limited regular channels for migration available to them (ILO and UN Women 2020). Even so, Lao women are more likely to migrate abroad than men, with nearly 56 per cent of Lao migrants being women according to UN data (UNDESA 2020). Restrictive societal norms within the Lao People's Democratic Republic continue to encourage many women to seek better paid employment opportunities abroad.

Until May 2020, migration for domestic work was not allowed by the Lao Government, and therefore Lao women migrating for work in the sector were forced to make use of irregular channels. The Lao Government's Decree No. 245 on the Placement of Lao Workers to Work Abroad (2020) removed this prohibition but formal

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1 As per figures cited by the Director-General of the Skills Development and Employment Department of the MOLSW at the Ship to Shore Rights South East Asia programme's National Consultative Dialogue on 10 August 2021 (ILO 2021b).

recruitment of domestic workers has yet to begin in practice due to a lack of operational procedures. Another obstacle to regular migration of domestic workers is that it remains cost-prohibitive for many Lao women interested in migrating for domestic work, contributing to continuing patterns of irregular migration and expanded vulnerability to labour rights abuses, including violence and harassment in the workplace.

### 1.3 Effects of the COVID-19 pandemic on Lao migrant workers

The COVID-19 pandemic has led to a rise in unemployment, reduced income and increased food insecurity for many people in the Lao People's Democratic Republic, while aggravating pre-existing gender inequalities concerning unpaid household work, discriminatory treatment and gender-based violence (Oxfam 2021). Thousands of Lao migrant workers in Thailand and other countries lost their jobs and were forced to return to the Lao People's Democratic Republic, eliminating an important source of income for many families. Remittances to the Lao People's Democratic Republic steadily decreased from US\$297 million in 2019 to an estimated US\$200 million in 2022 (World Bank 2022). This loss of income threatens to push as many as 214,000 Lao people into poverty (out of a total population of 7.4 million). According to the MOLSW, nearly 500,000 Lao citizens were unemployed as of December 2021, including nearly 57,000 return migrant workers (Thanabouasy 2021b).

Globally, the COVID-19 pandemic has created greater economic hardships for women than men, with job losses highest in industries like tourism, retail trade and manufacturing, where women make up the majority of the workforce (ILO 2021a). In Lao People's Democratic Republic, a survey of 1,200 households by the United Nations Development Programme (UNDP) found that 32.6 per cent of women were unemployed, compared to 19.7 per cent of men (UNDP 2020). In addition, the greater socio-economic pressure on households made women more vulnerable to gender-based violence (Ministry of Planning and Investment et al. 2021). As a result of lockdowns and other restrictions, many women and children were confined at home with their abusers while services to support survivors were disrupted (Southichack, Siliphong, and Inthakesone 2020).

As the main destination country for Lao migrant workers, Thailand also faced adverse impacts from the large-scale return of migrant workers during the pandemic. The Lao Government estimated that more than 140,000 Lao migrants had returned home as of 2021 (ILO 2021b). The resulting labour shortfall in Thailand has been an issue of major concern during the country's economic recovery from the pandemic. A labour market assessment by the Thai Department of Employment in May 2021 found that Thai business operators needed more than 38,000 additional Lao workers to meet their labour needs (Thanabouasy 2021a). However, due to prolonged border closures, the first group of 236 Lao migrant workers were not admitted to Thailand under the resumed MOU process until March 2022.

### 1.4 Research objectives

This scoping study on the migration patterns and service needs of Lao migrant workers is a joint effort by three ILO labour migration programmes: Ship to Shore Rights South East Asia; Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region; and TRIANGLE in ASEAN. The three main objectives of the research are as follows:

1. Obtain a more comprehensive understanding of the migration experiences and service needs of Lao migrant workers, including gender-specific issues faced by women migrant workers.
2. Provide recommendations for interventions to help ensure safe migration into conditions of decent work for Lao migrant workers, including for expansion of service delivery by Migrant Worker Resource Centres (MRCs).
3. Contribute to an enhanced evidence base for labour migration governance in the Lao People's Democratic Republic through the publication and dissemination of the research study.

The research was conducted in close collaboration with the MOLSW, social partners and CSOs, with the intention of supporting their efforts to improve the existing policy frameworks and service systems and expand safe migration opportunities for Lao migrant workers.



# ▶ 2

## Research approach

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### 2.1 Research methodology

The study combined several qualitative methods to gather information:

- ▶ Desk review of relevant research, news media, policies and laws in Lao, Thai and English languages.
- ▶ In-depth interviews with Lao migrant workers in the Lao People's Democratic Republic and Thailand.
- ▶ Key informant interviews with government officials, international organizations, trade unions, CSOs and recruitment agencies in the Lao People's Democratic Republic and Thailand.

#### 2.1.1 Desk review

The desk review included an extensive range of published and unpublished research, government policies and legislation related to labour migration from the Lao People's Democratic Republic to contextualize the interview findings. In addition, Thai and Lao news media reports were examined, as well as the public statements of government officials and other stakeholders. The sources consulted were in Lao, Thai and English languages, enabling a broad cross-section of materials to be gathered.

## 2.1.2 In-depth interviews with Lao migrant workers

In-depth interviews with returned Lao migrant workers were conducted using a set of open-ended questions. Due to restrictions related to COVID-19 and the challenges posed by organizing in-person interviews with returned migrant workers in remote locations, all of the interviews were conducted via telephone or online. The interviews with migrant workers lasted between 30 minutes to one hour.

## 2.1.3 Key informant interviews

Key informant interviews with labour migration stakeholders were conducted by telephone and online using sets of open-ended questions. Interview responses were coded and inputted into Excel for analysis to determine how frequently interviewees cited specific issues. Keyword coding helped the researcher to compare and validate findings by triangulating among the different data sources.

## 2.2 Research sample

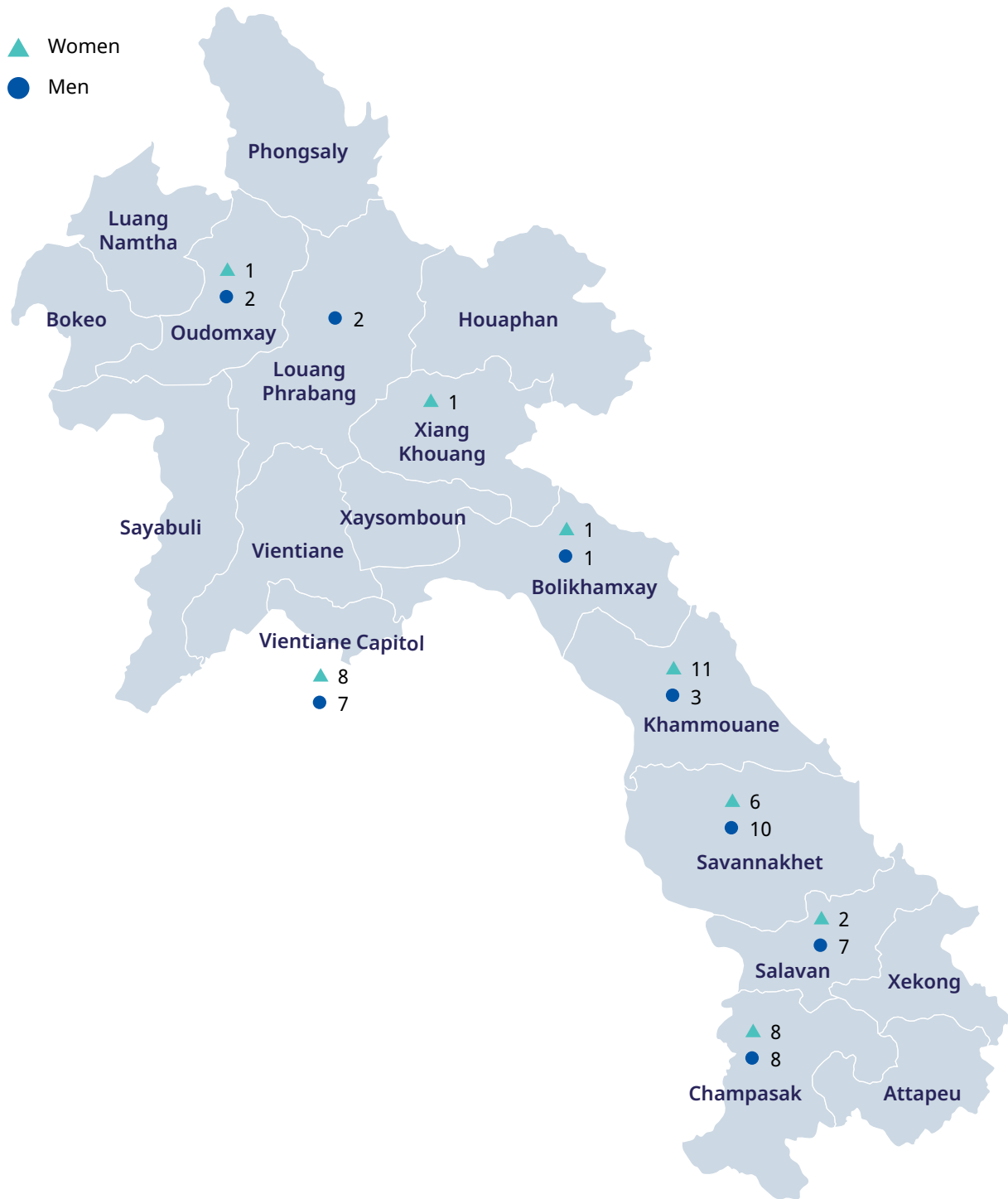
The interviews with return Lao migrant workers were conducted between December 2021 and March 2022 and included respondents from nine provinces across Northern, Central, and Southern Laos. The migrants interviewed were randomly selected from lists of returnees provided by the Lao Government quarantine centres and the MRCs in Savannakhet and Champasak provinces.

In total, 78 Lao migrant workers were interviewed. Nearly half of the sample were women (38) and nearly all of the workers interviewed (74) had worked in Thailand (with the remainder working in Malaysia and Japan). The migrant workers interviewed had worked in a wide range of economic sectors while abroad, including hospitality, retail, manufacturing, domestic work, construction, agriculture, fishing and seafood processing. Table 2.1 provides an overview of the migrant workers interviewed by gender and sector of employment, and Figure 2.1 provides a breakdown by gender and home province.

► **Table 2.1 Lao migrant workers interviewed by sector and gender**

Sector of employment	All	Men	Women
Domestic work	11	2	9
Hospitality/food service/retail	31	14	17
Construction	11	2	9
Agriculture and livestock	5	3	2
Factory and seafood processing	17	12	5
Fishing	3	3	-
<b>Total</b>	<b>78</b>	<b>40</b>	<b>38</b>

► Figure 2.1 Lao migrant workers interviewed by home province and gender



The study also conducted 25 key informant interviews with purposively selected representatives of Lao Government agencies, international organizations, civil society organizations (CSOs) and recruitment agencies in Thailand and the Lao People’s Democratic Republic (see annex 1).

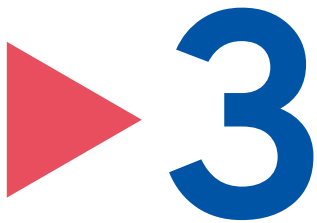
## 2.3 Limitations

The findings of the study rely on the experiences of a relatively small number of migrants and it was not possible to access interviewees from all sectors of employment or destination countries, making the research sample non-representative of the Lao migrant population as a whole. Moreover, the use of data supplied by Lao Government quarantine centres and MRCs to identify responses may introduce some biases to the research findings. However, it is clear that the sample obtained was not skewed towards the experiences of regular migrant workers as a result.

In addition, as the interviews were conducted remotely and were of relatively short duration, not all of the research questions were asked of every respondent. However, the study collected sufficient data to identify key patterns and trends, which can be used to inform interventions and further research on Lao migrant workers in the future.

Although the desk review for this study examined a considerable amount of relevant literature concerning labour migration from the Lao People's Democratic Republic, the researchers could not gain access to all pertinent data from government agencies and service providers – especially concerning returned migrants who had worked in Malaysia's fishing sector. Nevertheless, a large amount of data from reliable sources was obtained and analysed, particularly leveraging destination country data from Thailand to fill the gaps in availability of Lao data.

As the interviews could not be conducted face-to-face during COVID-19, there were some constraints to open sharing of experiences as it proved challenging to build trust with return migrant workers during a brief telephone call. There is also reason to believe that some of the interviewed migrant workers did not wish to reveal all of the details if they had experienced abuses because of the social stigma involved. Despite the clear challenges with this research modality, the interviews were still sufficiently revealing to be useful in highlighting the significant gaps in policy and service provision for Lao migrant workers.



## Research findings

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### 3.1 Legal framework for migration in the Lao People's Democratic Republic

The Lao People's Democratic Republic has one primary law governing labour migration – the Labour Law 2013 – and two key subordinate legislative instruments: (1) Decree No. 245 on Placement of Lao Workers to Work Abroad (2020); and (2) Ministerial Agreement No. 1050 on the Management of Employment Service Enterprise (2022). The MOLSW is mandated with enforcement of all three legislative instruments.

Since 2017, significant amendments have been made to the Lao legislative framework to strengthen regulation, including establishing a mechanism for dispute resolution, eliminating most worker-borne recruitment fees and costs, and clarifying language and terminology that were deemed vague and confusing for stakeholders. A major milestone in labour migration governance, Decree No. 245 on Placement of Lao Workers to Work Abroad came into effect in May 2020 following many years of consultation. The goal of the Decree is to enhance protections for workers and better regulate recruitment agencies sending workers abroad. The Decree was followed by Ministerial Agreement No. 1050 on the Management of Employment Service Enterprise, which was promulgated in March 2022 with the intention to provide more detailed guidance on implementation of the new regulations. It also put into place a dispute resolution process to provide migrant workers with a specific mechanism for resolution of their grievances.



Despite these updates to the legislative framework, considerable gaps in enforcement remain. Ministerial Agreement No. 1050 introduced regulations that prohibit charging recruitment service fees to migrant workers. The extent to which this stipulation is understood and being followed by stakeholders is unclear, and there are strong indications that more training and awareness raising are needed on the new rules. Likewise, Decree No. 245 (article 19) revised the list of prohibited occupations for Lao migrant workers, allowing for regular migration of domestic work following years of prohibition. However, regular recruitment for domestic work abroad has not yet commenced as the process has not been outlined by the government. In addition, the types of work prohibited under the Decree remain loosely defined, without sufficient detail to enable a clear understanding.

As of July 2022, there are 35 recruitment agencies in the Lao People's Democratic Republic, with 33 permitted to send Lao migrant workers abroad. Decree No. 245 outlines expanded requirements relating to the licensing of these agencies. However, it is not yet clear whether currently licensed agencies must be re-licensed after the adoption of the new Decree (ILO 2022b). More guidance is needed for authorities to ensure that the legislation is implemented according to its intent.

## 3.2 Memoranda of understanding with destination countries

The Lao People's Democratic Republic has signed a number of memoranda of understanding (MOUs) with countries of destination to manage the regular migration of Lao workers to these countries. The MOUs establish the procedures for Lao workers to migrate and seek to ensure that adequate regulations and labour protections are in place.

The first MOU on labour migration was signed with Thailand in 2002, with the aim of establishing a channel for regular migration between the two countries. As it was largely under-utilized, the MOU was later updated in 2016. Several reforms to the process were introduced, including shortening the waiting period for migrant workers who had already worked for four years to return to Thailand – from three years to 30 days (Thai Health 2017). The updated MOU was meant to encourage regular migration by removing this restriction and promote additional cooperation between the two countries on social security and skills development (ILO 2016). While there have been some increases in the number of Lao migrant workers using the MOU process since it was amended, most migrants continue to go abroad to Thailand through irregular channels and regularize their legal status later during periodic amnesties.

Recruitment costs for Lao workers vary considerably depending on the migration channel used and the intermediaries involved, which often represents a key factor influencing migrant decision-making about using the MOU process. An ILO study in 2020 found that the total cost paid by Lao migrant workers to go abroad regularly through the MOU process was US\$543, whereas it cost US\$401 to seek employment through irregular channels. In addition, Lao migrant workers who used a recruitment agency or broker at some stage of the migration process paid a premium of US\$268 more than those who had gone abroad independently (ILO 2020c). The major differences in cost provide a clear incentive for Lao migrants to go abroad irregularly and without the assistance of recruitment actors.

The costs borne by Lao migrant workers for documentation, travel, food, and lodging within the Lao People's Democratic Republic can be substantial and are not usually covered by their Thai employers. Until recently, these costs were officially to be paid by migrant workers, as well as the service fees charged by recruitment agencies. However, since the promulgation of Ministerial Agreement No. 1050 in March 2022, recruitment agencies are no longer permitted to charge such fees and costs to workers. They are prohibited from charging service fees or the documentation, travel, training, food and accommodation costs to migrants; as well as collecting any deposit or collateral from workers in exchange for services. Nevertheless, many of these fees and costs are still being paid by migrant workers and training on the new rules is necessary to ensure effective implementation, as well as developing a schedule of penalties for violations.

The Lao People's Democratic Republic has also signed MOUs with the Republic of Korea (2016) and Japan (2017) and is in discussions with Malaysia on the possibility of signing an MOU in the near future. It is notable that relatively fewer bilateral agreements on labour migration have been signed by the Lao People's Democratic Republic in comparison to other countries of origin within South-East Asia, which likely reflects the Lao Government's somewhat ambiguous policy position on labour migration. There is a perceived reluctance to send Lao migrant workers abroad given the labour shortages that exist in several industries, as well as strongly protectionist views about the potential risks for Lao migrants themselves.

## 3.3 Labour migration governance framework in Thailand

### 3.3.1 Regulation of recruitment

In recent years, Thailand has made progress on developing a more comprehensive legal framework to govern labour migration within the country. This has included the adoption of the Royal Ordinance concerning the Management of Employment of Foreign Workers, B.E. 2560 (2017), which regulates the recruitment and employment of migrant workers, as well as the licensing and monitoring of the private recruitment agencies involved.

Importantly, the Royal Ordinance incorporates the principle of zero recruitment fees for migrant workers in Section 42, which has been a positive step forward towards eliminating worker-borne recruitment costs for migrant workers – as stipulated in the Private Employment Agencies Convention, 1997 (No. 181) (ILO 2020c). Nevertheless, some significant costs are still deemed to be the responsibility of migrant workers in Section 49 of the Ordinance, particularly for documentation costs such as passports, visas, work permits, health insurance and ID cards. There also remains significant confusion about which costs are the responsibility of employers and migrant workers in practice. In many cases, the costs are currently paid upfront by employers and later deducted from the wages of migrant workers.

One of the legislative intents of the Royal Ordinance is to support the implementation of the MOU process, establishing national regulations for management of regular migration from countries of origin that have signed bilateral agreements on labour migration with Thailand. As noted above, Thailand and the Lao People's Democratic Republic have had such an MOU in place since 2002. The Royal Ordinance establishes the MOU process as the only official channel for “low-skilled” workers to migrate to Thailand, with one exception. Section 64 of the Royal Ordinance – the border employment scheme – allows Thai employers to hire migrant workers for a period of three months for temporary work (for example, in seasonal agricultural work).

However, due to the high complexity, long duration and considerable expense of the MOU process, as well as the limited practicality of the border employment scheme, it is well-known that most Lao migrant workers seek employment in Thailand through irregular channels. For the past two decades, the Thai Government has relied on periodic amnesties to regularize the status of these migrants, which is now referred to as the “Nationality Verification” process.<sup>2</sup> The Nationality Verification process allows migrants with irregular legal status to initially obtain a “Pink Card” (also known as a Tor Ror 38/1), which provides them with temporary permission to stay and work while they complete the process. It is part of the long history of short-term amnesties for irregular migrant workers, dating back on a semi-annual basis to 1992 (Harkins 2019).

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<sup>2</sup> The “Nationality Verification” process was originally initiated as a transitional measure in 2004 to register all irregular migrants from Cambodia, Lao People's Democratic Republic and Myanmar who were already living and working in Thailand prior to implementing the MOU process. After completing the process, migrants are issued with a temporary passport/certificate of identity, visa and work permit (Teeranong 2020).

Repeating similar pronouncements made in the past, the Government of Thailand announced that migrant workers could only be recruited through the MOU process or the border employment scheme by 2020, and that no further amnesties would be allowed (Harkins 2019). Nevertheless, the Government has issued four cabinet resolutions between 2020 and 2022 to support registration processes extending work permits and/or allowing irregular migrant workers already in the country to temporarily stay and work in Thailand. A total of 132,115 Lao migrant workers have been registered through these policies as of November 2022, which is notably more than the number of migrants who have made use of the MOU process (93,229) during the same period (ILO 2023a). The figures clearly demonstrate the long-standing migration pattern for most Lao migrants remains unchanged, which is primarily through irregular channels rather than the MOU process.

Because of the complexity of the registration process and the limited window of time available to complete it, migrant workers often have little choice but to pay high fees to brokers to register. In addition to the burden this process places on migrant workers, the short period of time for registration also strains the capacity of employers, who often struggle to complete the required documentation within the allowed timeframe. Private sector businesses have raised the issue of insufficient, confusing, and frequently changing guidance on the extension of stay and work permits for migrant workers in Thailand, and have expressed concerns about the lack of a more standardized and transparent process (IOM, B+HR Asia and UNDP 2022).

Since September 2016, migrant workers who wish to work in the fishing sector have been able to apply for a migrant “Seaman’s book”, which allows them to remain in Thailand for a one-year period. This “emergency measure” was stipulated in Section 83 of the Royal Ordinance on Fisheries (2015), which is enforced by the Department of Fisheries. In effect, Section 83 has allowed vessel owners to largely circumvent the recruitment regulations of the Ministry of Labour for migrant fishers. Although it is clear that significant labour shortages remain in the Thai fishing sector, the continuing use of an emergency measure to fill these labour market needs serves to undercut the enactment of more robust protections for the recruitment of migrant workers in the fishing industry.

### 3.3.2 Labour rights protection

Overall, Thailand’s Labour Protection Act B.E. 2541 (1998) makes no distinction by nationality or legal status in providing migrant workers with labour rights protection during their employment. Nevertheless, several common sectors of employment for Lao migrant workers are excluded from full coverage under the law, including domestic work, fishing and agriculture. The labour protections for these industries are stipulated in ministerial regulations, which generally provide for reduced or adapted regulation of working conditions.

A key example of this differential approach can be seen in the domestic work sector, which is exempted from full protection under the Labour Protection Act B.E. 2541 (1998) and is instead covered under Ministerial Regulation No. 14 B.E. 2555 (2012). Regulation No. 14 excludes domestic workers from a number of the key labour protections extended to other workers, including the minimum wage, limits on normal working hours, compensation for overtime hours, rest periods, or special leave. In addition, it only extends partial coverage by the Labour Protection Act’s provisions on holidays and sick leave (ILO 2023b).

Likewise for the fishing sector, the Ministerial Regulation concerning Labour Protection in Sea Fisheries Work B.E. 2565 (2022) and the Labour Protection in Fishing Work Act B.E. 2562 (2019) provide a separate set of sector-specific regulations for the industry. As Thailand recently ratified the Work in Fishing Convention, 2007 (No. 188), the labour protections for fishing workers established in law are relatively robust. The Ministerial Regulation requires that fishers be paid at least the legal minimum wage, monthly wages are paid via bank accounts, employers provide communications equipment, children under the age of 18 are prohibited from work on fishing vessels, fishers are provided with daily and weekly rest periods and other basic work requirements. However, many of these rules have proven challenging to enforce in practice due to the hard-to-reach nature of work in the fishing sector (Chotikajan et al. 2019).

Recent research by the ILO in Thailand showed some improvements in working conditions for migrant fishers and seafood processing workers, including lower recruitment fees, more formalized employment contracts and higher and more regular pay. However, severe labour rights abuses were also found to persist, such as contract substitution, retention of identification documents, debt bondage, excessive working hours, wage theft, violence and harassment, and forced labour. In addition, serious injuries remain a commonplace occurrence and provisions for a safe working and living environment on-board vessels are inadequate. Finally, freedom of association to form their own trade unions or take up leadership roles in existing trade unions is still not provided to migrant workers under Thai labour law (ILO 2020d).

### 3.3.3 Social protection

Thailand has a relatively comprehensive framework of social protection that addresses all nine recognized branches of benefits. Under the Social Security Act, B.E. 2533 (1990), both Thai nationals and migrant workers are entitled to enrol in public social protection schemes, including social security benefits. Migrant workers are also conferred equal rights to compensation for workplace accidents under the Workmen's Compensation Act, B.E. 2537 (1994).

However, the extent to which Lao migrant workers can access these benefits in practice is dependent on a number of limiting factors. Many of the eligibility requirements for receiving entitlements either explicitly exclude migrants or create significant obstacles to availing themselves of their rights, including legal documentation requirements, minimum qualifying periods, and sectoral exclusions. When compounded by the common problem of poor enforcement of compliance, a large proportion of migrants in Thailand are left without access to social protection (Harkins 2014).

For example, while most wage earners in Thailand receive mandatory coverage under Section 33 of the Social Security Act, domestic workers are specifically excluded and limited to lesser benefits through other sections of the Act. Migrant domestic workers are not eligible to enrol even in voluntary coverage by social security benefits for the self-employed under Section 40 (ILO 2023b). In addition, employers of domestic workers (of all nationalities) have no clear responsibility to provide protections for their occupational safety and health (ILO 2020b). The public perception that domestic workers are not actually workers but rather an extension of the household has limited the formal protections that they are afforded.

With regard to the fishing sector, Thailand adopted the Labour Protection in Fishing Work Act B.E. (2019) to support ratification of the Work in Fishing Convention, 2007 (No. 188), which extended some social protection benefits to fishers. The Act stipulates in Section 12 that "the vessel owner shall provide fishers with health and welfare benefits as prescribed by the Minister of Labour in the Notification." To this end, the Notification Regarding the Provision of Health and Welfare Benefits for Fishers came into force in November 2021, which stipulates that Vessel owners shall provide fishers health and welfare benefits, including (1) Health protection which is not related to work; (2) compensation from a lack of income from a non-work related sickness or injury; (3) compensation in the case of a non-work related invalidity; and (4) compensation in the case of a non-work related death.

However, the Notification still leaves a gap in the health and welfare obligations of vessel owners, in part because they are given the option to provide either social security or private health insurance to their workers. Analysis by CSOs in Thailand has pointed out that the two options offer substantively different entitlements to workers as the social security system covers seven benefits whereas health insurance only covers the right to medical care (Migrant Working Group 2021). Although the new law and associated regulations have extended coverage by certain forms of social protection to fishers, some observers have questioned whether they currently provide fishers with "social security protection under conditions no less favourable than those applicable to other workers", as required by Article 34 of Convention No. 188 (Wongrasmee 2020).

Entitlement to social security benefits is also determined by the type of legal documentation that Lao migrant workers hold in Thailand. Migrants who have entered Thailand under the MOU agreements or who have completed the Nationality Verification process are eligible for social security coverage, with those registered for pink cards or without legal documentation only eligible to enrol for medical benefits under the separate Migrant Health Insurance Scheme (Harkins 2014). Nevertheless, the enrolment and utilization of social security benefits by migrant workers has been increasing in Thailand during recent years, reaching more than 1.1 million in membership (Moungsookjareoun et al. 2019).

### 3.4 Labour migration governance framework in Malaysia

Official data from the Government of Malaysia shows that there were approximately 2 million regular migrant workers in the country as of 2019. However, estimates that include irregular migrants suggest that between 2.96 to 3.26 million migrants are working in Malaysia (ILO 2022c). The majority of these migrants are from Indonesia, Bangladesh, Nepal and Myanmar, with a relatively small number coming from the Lao People's Democratic Republic.

Policies to manage labour migration in Malaysia have mostly remained ad hoc since they were first introduced as an "interim solution" to fill labour shortages nearly three decades ago. Prominent features of the policy framework have included a detailed quota system for entry of migrant workers by nationality, sector, and gender, as well as efforts to regularize migration through temporary amnesties. These measures have often been followed by bans on new admissions and large-scale law enforcement actions to detain and deport those migrants who do not register with authorities (Harkins 2016).

Although a bilateral agreement has yet to be signed between the two governments, Lao migrant workers are permitted by the Government of Malaysia to work in the manufacturing, construction, agricultural, plantation, service and domestic work sectors. The MOLSW also announced that it officially permitted a private recruitment agency to send 70 Lao migrants to work in the Malaysia fishing sector in May 2022. The recruitment of this group was meant to serve as a pilot for broader bilateral cooperation after an evaluation of the results. The two governments have been holding ongoing discussions about entering into an MOU to support an expansion of regular migration opportunities to Malaysia and better protection of Lao migrants employed there (Wong 2022; *The Star* 2022).

Although little is known about the situation of Lao migrants employed in Malaysia, the COVID-19 pandemic highlighted some of the significant challenges they experience. According to a media report (*Benar News* 2021), up to 700 Lao fishers in Malaysia were laid off from their jobs in early October 2020 amidst fears of the virus. Finding themselves suddenly unemployed, the Lao fishers were stuck in Malaysia for several months before two flights were finally chartered to return 328 of them home – at their own expense. Others in the group decided to try to make it home on their own, with many attempting to cross the closed land border between Malaysia and Thailand. As a result, approximately 100 migrant fishers were arrested for crossing irregularly into Thailand and were eventually deported back to the Lao People's Democratic Republic.

### 3.5 Lao migration experiences

This section presents the findings from interviews with migrant workers and key informants, organizing the results into three main stages of the migration process: (1) pre-departure and transit; (2) employment conditions; and (3) return and reintegration. In addition, it presents a brief analysis of the impact of COVID-19 on migration patterns in the Lao People's Democratic Republic.

### 3.5.1 Pre-departure and transit

#### Migration through irregular channels

Among the 74 migrant workers interviewed who had worked in Thailand, only 12 had migrated through the MOU process. The remaining 62 said that they migrated to Thailand through irregular channels with the assistance of a broker or help from family or friends who already lived and worked in Thailand. This pattern of relying on irregular channels can be seen as a direct response to the high cost, long duration and considerable complexity of the MOU process. A number of the migrants who made use of irregular channels said that the process was much simpler and the costs and fees involved were generally small or non-existent. However, some studies have suggested there can be a trade-off later on in terms of employment conditions (ILO 2020c).

Brokers and other migrants within their social networks were a key source of information for those who migrated through irregular channels. Several migrants said that they had been approached by people within their social circles who already live in Thailand when there were jobs available. The journey to Thailand was then arranged after they reached an agreement to fill the job. The fees involved depended on how close their relationship was with the intermediary involved. In general, the fees were said to be small, or some in cases none at all.

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► I worked in Malaysia because my cousin lives in Klang and she proposed that I take a job at a Lao-owned restaurant there. It took me three nights to reach Malaysia by bus through Thailand. When we reached the Thai–Malaysian border, I had to sleep one night at the house of a Thai couple who are friends with my cousin. I did not know anything about the bus route or the places where we stopped. But it turned out okay and there was no fee for my travel to Malaysia.

► **Woman migrant who had worked in Malaysia**

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The informal border crossing points used to go abroad irregularly are well-known by migrant workers in the Lao People’s Democratic Republic. Among the 16 returned migrant workers interviewed in Savannakhet Province, they were able to name over a dozen established informal crossing points, as shown on the map below (see Figure 2). The locations are an open secret among Lao migrants and authorities, with very limited efforts made to restrict their use. The well-beaten tracks for irregular migration remain an attractive alternative for many Lao migrants due to the inefficiencies involved with regular channels, especially for those migrants in more urgent economic need to start work abroad (ILO and United Nations Development Programme 2018).

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► After a broker came to my village to recruit workers, I started a job as a domestic worker in Thailand. I was told very briefly about the job and the salary I would earn and I paid 5,000 baht to the broker, who arranged my journey. I left home with my brother, and there were four us in total. We crossed the Mekong River near Savannakhet and were picked up by a car waiting for us on the Thai side of the border. From there, it took us two nights to reach the employers’ place. I don’t know what happened to the other two women who were with us.

► **Woman migrant who had worked in Thailand**

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► Figure 3.1 Informal border crossing locations in Savannakhet province



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### Migration through the MOU process

For the 12 migrants who had gone to Thailand through the MOU process, they reported that they had been approached by local agents of recruitment agencies who had come to their villages and encouraged them to migrate for work through regular channels. They had decided to use this channel because they had been convinced that it would ensure that they had greater legal protection during their employment, though this was not the reality they found upon arrival in some cases.

Many private recruitment agencies in the Lao People's Democratic Republic focus their business model on deployment of Lao migrant workers to Thailand via the MOU process, particularly for work in the service and garment sectors. Interviews conducted with four recruitment agencies suggested that they face substantial challenges in finding sufficient numbers of Lao migrant workers interested in making use of the MOU channel. A key challenge is related to the time required to process all of the necessary documents before migrating under the MOU process. In a typical scenario, recruitment agencies said that it takes them from 1.5 to 3 months just to prepare all of the required legal documents involved. Previous studies have suggested that the whole process to migrate through the MOU process takes an average of approximately four months (ILO and UNDP 2018), which represents a significant delay for Lao migrant workers who may not be able to afford to wait that long to start work abroad.

### **Pre-departure orientation training**

According to Decree No. 245, delivery of pre-departure training is a mandatory responsibility of recruitment agencies. However, the interviews conducted with Lao recruitment agencies demonstrated that there is no standardized approach to pre-departure orientation in the industry, with each recruitment agency detailing differing methodologies and training materials. For example, the official pre-departure orientation curriculum developed by MOLSW should require more than ten hours to complete. In practice, however, it is usually delivered in just two or three hours. The topics covered include information about the employer, the type of work, salary, working conditions, embassy contact information, the recruitment agency point of contact, and rules and regulations for employees. In addition, some recruitment agencies also try to impart some financial management knowledge.

Pre-departure orientation is an important means for preparing migrant workers to go abroad. However, the effectiveness of this training in meeting the information needs of Lao migrant workers is questionable in its current form. As the content delivered is highly abbreviated and mostly adheres to the interests of recruitment agencies, the orientation is often less about upholding migrants' rights to labour and social protections and is instead more focused on teaching them to be compliant with employer wishes. Notably, the MOLSW is currently working to update the pre-departure training manual for general workers and develop sector-specific training for the fishing and seafood processing sectors.

None of the recruitment agencies interviewed reported including any specific gender-responsive information for women, men or lesbian, gay, bisexual, transgender, queer, intersex and other (LGBTQI+) persons in the pre-departure orientation. Examples of such information would include issues more commonly faced by women and LGBTQI+ migrants when working abroad, including reporting mechanisms for gender-based violence and how to seek help and support in destination countries. More gender-responsive content should particularly focus on the information needs of women and LGBTQI+ migrant workers, raising awareness of their rights so that they can identify discriminatory practices and respond to abuses should the need occur.

### **Migration costs and fees**

Issued in March 2022, Ministerial Agreement No. 1050 prohibits the charging of most types of recruitment fees and costs to migrant workers, including for documentation, travel, training, food, and accommodation. It also prohibits recruitment agencies from charging migrant workers "employment service fees" during recruitment. The interviews conducted for this study took place in the months just prior to the promulgation of the Ministerial Agreement and therefore show the situation before these worker-paid recruitment costs and fees were prohibited.

According to interviews with recruitment agencies, the maximum recruitment fee that can be charged to Lao workers migrating to Thailand under the MOU process is 15,000 baht (US\$425), as per the previous regulations of the MOLSW. However, workers who migrate via the MOU process usually have to pay other costs associated



with their migration (such as for passports and domestic travel to complete the processes involved). In many cases, they also pay fees to a broker or recruitment agency both in the Lao People's Democratic Republic and in Thailand.

These migration costs and fees can add up to significantly more than the official ceiling on recruitment costs stipulated in law, as illustrated in a recent ILO (2020c) research study that surveyed more than 300 Lao migrant workers on the costs they incurred for migration to Thailand. Among the 55 migrant workers surveyed in the study who made use of regular channels, the average cost paid was US\$543. This amount is well-above the legal limits set by MOLSW as well as significantly higher than the average paid to migrate irregularly (US\$400). In addition, these amounts do not take into account the income lost for migrant workers who must wait to go through the MOU process, which typically requires several months to complete due to the lengthy administrative requirements.

Several migrants who had gone abroad for work irregularly to work in restaurants and retail shops in Thailand were able to detail the typical costs associated with each step of the process. They paid a broker to arrange the border crossing, the first leg of which was to transport them by van to the border. Local authorities in their villages were generally aware of their travel arrangements, and so they needed to pay between 5,000 to 15,000 kip (US\$0.30–US\$0.80) per person to allow them to go. The van would only come to pick them up once enough people had signed on to make the journey. They would share the cost for the van to drop them off at the agreed border crossing point, which cost about 4–5 million kip (US\$342–US\$418) in total. Finally, a ferry service was provided and each person had to pay 20,000 kip (US\$1.50) as a fee for the trip across the Mekong River, where a pickup truck was waiting on the Thai side of the border.

As can be seen from the major differences in costs and fees paid by migrant workers for regular and irregular migration, a key element of encouraging more Lao migrants to make use of the former is reducing the costs involved. The new rules enacted eliminating most recruitment costs and fees for migrant workers are very laudable. However, it appears that migrant workers are continuing to be charged these expenses in many cases. Training on the new rules is necessary to ensure effective enforcement and implementation by stakeholders, as well as awareness raising for migrant workers. In addition, penalties for violations related to charging illegal fees to migrant workers should be more clearly outlined and strictly enforced.

## Dispute resolution

None of the migrant workers interviewed for this study had made a formal complaint to a recruitment agency in the Lao People's Democratic Republic. In addition to the distrust of formal channels for assistance among many Lao migrant workers, another major obstacle is that there is no standard procedure in place for recruitment agencies to handle such complaints. When they involve abuses occurring in destination countries, the obstacles to addressing migrant grievances are even more severe. Only one recruitment agency interviewed stated that it had established connections with a Thai CSO who could provide assistance in resolving grievances. More networking is needed to build collaboration between stakeholders in the Lao People's Democratic Republic and destination countries to address these types of cases when they arise.

Similar gaps in practical accessibility were also apparent for the Lao Government's complaint mechanism, though it has been established within the legal framework. Ministerial Agreement No. 1050 and Decree No. 245 broadly outlines a system for dispute resolution that offers parties access to a government-administered mediation process by the Ministry of Labour and Social Welfare. However, the process is very lengthy and involves three levels of required mediation, with the complaint being heard at district, provincial and ministerial level. Only if this series of mediation attempts fails to resolve the case can the complaint be heard by the People's Court.

According to lawyers experienced with the process in the Lao People’s Democratic Republic, it can take up to 18 months before cases reach a court hearing. They attributed this lengthy mediation period to a lack of capacity and confidence among mediators, leading to delays in achieving a resolution. To increase access to justice for migrant complaints, the mechanism for dispute resolution needs to be enhanced by providing mediators with the requisite training in both the law and mediation skills. In addition, the layers of mediation should be reduced to one well-executed mediation process, followed by access to arbitration by trained arbitrators if mediation fails (ILO Forthcoming).


### 3.5.2 Employment conditions

#### Legal documentation

As noted previously, only 12 of the Lao migrant workers interviewed for this study had migrated to Thailand under the official MOU process, with the vast majority entering the country via irregular channels. The semi-annual registration amnesties for irregular migrant workers in Thailand enacted through cabinet resolutions have come to be viewed as just another channel of regular migration by many Lao migrants. Nearly all of the interviewees who had worked in an irregular legal status were of the belief that crossing into Thailand for work using only a passport was completely legal as they could register later on. This finding was supported by an interview with an officer from the MOLSW who explained that: “Many Lao migrant workers believe that working in Thailand with [just] their passports is legal.”

In general, the Lao migrant workers employed in Thailand did not express much concern about their legal status. This attitude is likely linked to the cultural and linguistic similarities that allow them to assimilate relatively easily into Thai society, making their nationality less obvious to authorities. It may also be the result of a clear understanding that there are significant limitations to the legal protections offered by regular migration channels in Thailand (Harkins, Lindgren, and Suravoranon 2017).

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 I don’t really see much benefit to proceeding with the registration process, even though my employer has suggested it. I would rather save the money that would be required. Also, if my legal status changes in Thailand, I might not be able to leave my job when I want to because I will have debt to repay. I don’t think that it would really make much difference in terms of my working conditions. The Lao Embassy did counsel me that I should register but it seems more flexible to continue working with just my passport.

► **Woman migrant domestic worker in Thailand**

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Likely because they were working in an irregular legal status, the majority of Lao migrant workers reported that they did not have written contracts to formalize their employment. Among the 12 migrants interviewed who had migrated under the MOU process, most reported that they had received written contracts but did not clearly understand the terms of employment that they had signed. This represents a significant problem for Lao migrant workers, which largely results from the lack of easily understandable and standardized employment contracts. In addition, although many Lao migrants can speak Thai fluently, they are not necessarily as proficient in reading and writing the Thai language. Notably, Thai law does require that contracts be provided in a language that migrants can understand, though Thai employers may not view translation of employment contracts as necessary for Lao migrant workers.

## Wages and remittances

The migrant workers interviewed received a broad range of wage amounts, not all of which were in compliance with the rules for wage payment set forth in Thailand's labour laws. Some reported daily wages far below the minimum wage in Thailand, which at the time of the research ranged from 313 to 336 baht (US\$9-9.70) depending on the province. This conforms to other reports of widespread under-payment of wages among migrant workers in Thailand (Harkins, Lindgren, and Suravoranon 2017). There has been increasing media attention to wage-related abuses against migrants in recent years, including a 2019 Reuters investigation which found systematic under-payment of migrant workers employed in a garment factory producing clothes for several global brands (Wongsamuth 2020).

Among Lao migrant workers who were employed as agricultural workers, the wages reported were strikingly low – often less than one-third of the statutory minimum. The often remote and largely unregulated working conditions in the Thai agricultural sector has created vulnerabilities to wage abuses that have been well-documented. A survey of migrant workers by the Mekong Migration Network in the agricultural sector found that farm workers' pay averaged only about 150 baht per day (US\$4.30), which represents less than half of the minimum wage (Phaicharoen 2020). Similarly, an ILO study of working conditions for migrants employed on farms in Thailand found that 59 per cent of the respondents received wages below the legal minimum (Musikawong et al. 2021).

Some of the migrant workers interviewed also said that substantial deductions were made from their salaries for various expenses. In some cases, they had paid statutory deductions to contribute to the Social Security Fund, though none of them understood the details of the benefits that they were supposed to receive as a result.<sup>3</sup> A previous study conducted by IOM (2020a) revealed that many Lao migrant workers in Thailand are unaware of how to make use of their social security benefits. As they may be unfamiliar with accessing government social protection systems at home, many Lao migrants end up paying into the Social Security Fund without ever utilizing the entitlements.

With regard to remittance channels, almost all respondents reported using informal financial services provided by brokers who hold bank accounts in both Thailand and the Lao People's Democratic Republic rather than using more formalized remittance service providers. Money is paid into the broker's Thai account and a disbursement is made to the intended recipient in the Lao People's Democratic Republic. The fee charged for these services was reported to be 20–50 baht per 1,000 baht transferred, which is a highly competitive rate particularly for transferring relatively small amounts of money. Alternatively, cash was carried in hard currency to the migrant worker's home in the Lao People's Democratic Republic by themselves or someone they know.

Previous studies by the United Nations Capital Development Fund (UNCDF) have pointed out the significant comparative advantages of informal remittance services for many remittance senders and receivers in the Thai-Laos migration corridor, including the lower expense, higher trust and greater ease of use. In contrast, migrants sending money through formal channels such as banks expressed dissatisfaction at the large amount of paperwork, checks required of customer identification documents, and overall perception that they were treated poorly at banks (Gravesteyn et al. 2019).

## Labour rights abuses

Most interviewees did not report experiencing labour abuses during their stay in destination countries, despite the majority having been employed in an irregular legal status. However, there were a number of indications that migrants had regularly experienced violations of their labour rights and simply accepted these as being the status quo for migrant workers or were not fully aware they were abuses. In particular, there were significant indications of under-payment of due wages being a common occurrence, especially as a result of a lack of over-time pay.

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<sup>3</sup> Under the Social Security Act 1990, workers are supposed to pay 5 per cent of their wages into the Social Security Fund, with an additional 5 per cent paid by employers and 2.75 per cent contribution made by the Thai Government (Watinee et al. 2022).

Two of the migrant workers interviewed – both men who had worked in large factories – did express dissatisfaction with their treatment at the hands of their employers in Thailand, which included their wages being cut without any clear explanation. Another migrant worker who had been employed in agriculture in Japan did not raise any explicit complaints concerning his employer but said that his migration experience was not profitable given the low salary received and high expenses incurred to go abroad. It was clear from the interviews that even if Lao migrants were not generally facing severe forms of exploitation, many had experienced more routine labour rights abuses that detracted from the social and economic returns on their migration.

Specific to the women migrants interviewed, no experiences of gender-based violence or sexual harassment were shared, and none of the recruitment agencies said they had received reports of these types of cases. Nevertheless, it was clear that women migrant workers did experience gender-specific decent work deficits, particularly in relation to gender pay gaps. These issues are not unique to Lao migrant women, as global studies have found that women migrant workers often face a double wage penalty, both as women and as migrants. The difference in migrant wages is particularly pronounced in care work and other occupations traditionally viewed as “women’s work”, as they are under-valued in many countries (Amo-Agyei 2020).

As stated in the limitations section, the use of telephone interviews during COVID-19 restrictions may not have been fully conducive to migrants feeling comfortable sharing information about highly exploitative work experiences abroad. Likewise, it has been well-documented that women migrant workers may be unwilling to share experiences of violence or harassment with others for fear of stigmatization and shaming, especially in a scenario where the researcher has little opportunity to build trust with the respondents (Von Hase et al. 2021). Nevertheless, there is a sufficient knowledge base on labour rights abuses against Lao migrant workers available from previous research studies to suggest it remains an issue of very substantial concern (Harkins et al. 2017; ILO and UNDP 2018).

### Access to assistance for grievances

The migrant workers interviewed were asked whether they had accessed any official services when faced with problems in destination countries. None of the respondents said that they had tried to make use of government services, and most were not even aware that any assistance was available outside of the basic consular functions of Lao diplomatic missions. The vast majority of women and men migrant workers interviewed said that they had resolved their problems on their own without any support; while a few reported that they had sought informal assistance from family and friends who also live in Thailand.

The reluctance of Lao migrants to engage with formal service providers to seek assistance for work-related problems appears to be the result of a number of compounding factors. Some had experienced discrimination in destination countries and lacked confidence in their ability to access the services available, while others had limited knowledge of their rights or mechanisms for assistance. In addition, the migrant workers interviewed who had been working in an irregular legal status were reluctant to seek formal help for fear of the legal repercussions – despite their clearly established right to do so.



If we don't have any issue [that requires us] to go to the Embassy – for example, the loss of our identity documents or passports – we would not want to go there because we don't feel comfortable dealing with the consular officers. We also don't think they will really do anything to help us.

► **Woman migrant domestic worker in Thailand**

In relation to the supply side of service provision, the Lao Embassy is mandated to play a key role in assisting Lao migrant workers in Thailand, particularly through the services of its Labour Attaché in Bangkok. Some critical support has been provided in this regard, including assistance with compensation claims relating to the deaths of Lao migrant workers. However, a major obstacle in providing these services is that there is only a single Lao Labour Attaché available to support the hundreds of thousands of Lao migrant workers employed in Thailand (ILO 2021). Further investment to expand the number and build the capacity of these officials is critical to increase the effectiveness of these services. In addition, there is a clear gap in service coverage for irregular migrant workers, as many Lao Government Officials appear to view their services as only responding to the needs of migrants using regular channels to go abroad.

All of the CSO representatives interviewed stressed the critical importance of building trust with Lao migrants, as seeking assistance is truly an act of faith while working abroad. Previous studies have found that CSOs and trade unions play a critical role as an access point for migrants to seek redress as these organizations provide the doorway that the majority of migrants feel most comfortable walking through when they need assistance (Harkins and Ahlberg 2017). Particularly for women migrants, the overwhelming preference for CSO services highlights their importance in ameliorating the gender gap in access to justice. The limited availability of such providers in the Lao People's Democratic Republic is likely a key factor behind the inability to reach more women migrants with legal assistance services.

Building trust with Lao migrants requires that service providers understand their specific needs and concerns. For example, the current and former fishers interviewed in this study expressed their discomfort with the idea of being identified as victims of abuse or being considered part of a vulnerable group. They were concerned about being viewed as too weak to take care for themselves and that it would be an affront to their manhood and status as breadwinners for their families. As a result, they were not willing to seek assistance even though many had clearly experienced abuses.

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▶ I have survived by myself since I crossed the border a long time ago. There have been some Thai organizations that approached me and offered me many different kinds of assistance but I don't want their help. As long as I am still able to earn a living, I will be okay on my own.

▶ **Man migrant fisher in Thailand**

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The CSO representatives interviewed also noted that building trusting relationships requires a substantial investment of time and continuous efforts to reach out to migrants. One Thai CSO noted that it had formed peer educator groups in migrant worker communities in Chiang Mai province many years ago. Although these peer educators were not in place to directly receive complaints, their continuous presence and service provision to migrant communities over an extended periods of time made them trusted figures. On several occasions, migrant workers came to them to ask for help with labour rights abuses and they were able to refer these requests back to the CSO. The essential need for long-term engagement and relationship building has been noted in other research studies with migrant fishers: “If we talk to them for the first one to two days, the fishers will only tell us good stories about their lives. It is only after they we get to know them for a while that they tell us they don’t want to be a crew member anymore because of their poor working conditions” (Wongrasmee 2020).

Another key challenge related to legal assistance for migrant workers is that cases of severe labour rights abuses that make their way to the Thai courts typically take many months or even years to resolve. This often leaves the livelihoods of migrant workers in limbo for an extended period of time while their cases are being considered and they may have to return home before seeing them through. A major gap in support is the lack of a government focal point in the Lao People’s Democratic Republic to liaise with when cases involving Lao migrant workers are being adjudicated in Thailand. Inadequate legal coordination between the Thai and Lao authorities was noted by CSOs interviewed as an ongoing problem that further contributes to the long duration of these legal processes. In one case, the family of a Lao fisher who died while working on a Thai vessel had been seeking restitution from the vessel owner for more than five years (see Box 3.1).

► **Box 3.1 The family of a deceased migrant fisher fights for five years to receive compensation**

Borom migrated irregularly for work in Thailand more than ten years ago. Like many Lao migrants, he eventually married a Thai national. He worked as a fisher for several years but disappeared one night while working on-board his vessel. Borom’s wife told his family that she had learned that her husband was embroiled in a dispute with the fishing vessel owner and some of his co-workers, who habitually used drugs to work longer hours. She had received a call from her husband the night before his disappearance saying that he thought he was going to be killed soon. His wife was understandably shocked by the call but it later came true as she never heard from her husband again after that night.

With her husband missing and presumed dead, Borom’s wife engaged the assistance of a Thai CSO working to support migrant workers’ rights to file a case with the Thai courts and to seek compensation from the vessel owner. The initial negotiations with the vessel owner were unsuccessful, as the owner was only willing to pay 50,000 baht to close the case. He refused to accept that Borom was dead because no body had ever been found. The case was still ongoing when Borom’s wife died several years later.

To continue the legal case, the complainant had to be changed from Borom’s wife to another family member. However, with the advent of the COVID-19 pandemic, court hearings were limited and it took a long time to get the case transferred to another relative. At the same time, turnover of the prosecutor responsible for the case further slowed progress. More than five years after the case was filed, it was still ongoing.

The Thai CSO involved in the case highlighted the dispute over the status of the victim as the biggest obstacle, with the Thai vessel owner contending that this was only a case of a missing person. Together with the administrative hurdles, it took many years for the case to be identified as a crime involving the wrongful death of Borom. After this issue was finally settled, the case was referred to the Legal Affairs Division of the Department of Labour Protection and Welfare to continue proceedings to determine compensation in the case.

[Continue on the next page](#)

**► Box 3.1 (cont.)**

This case study demonstrates the need for more engagement of Lao authorities – particularly Lao embassy officials – in supporting Lao migrant workers and their families in destination countries. To provide efficient and effective assistance, Lao embassies should allocate sufficient staff, institute appropriate procedures and provide adequate training on navigating the legal systems in destination countries. In addition, local service providers offering direct assistance to Lao migrant workers should be regularly mapped and engaged to build networks for delivery of legal assistance services to Lao migrant workers and their family members.

**Vulnerable sectors of work**

Several Thai CSOs shared their experiences of providing legal assistance to Lao migrant workers in different sectors of work. They consistently stated that migrant domestic workers are the most vulnerable to abuses during their employment as they are very challenging to reach with services because they typically stay in their employers' homes with limited freedom of movement. Similarly, the fishing sector was also agreed to be one of the most difficult sectors of work for Lao migrants as they frequently struggle to adapt to conditions at sea having been raised in a land-locked country. In addition, the long fishing voyages can make it hard to provide migrant fishers with sufficient support.

To date, substantially more attention has been paid to improving conditions for migrant workers in the Thai fishing sector, while progress on addressing the abuses experienced by migrant domestic workers has been much slower despite the severity (Harkins 2019). One CSO providing legal assistance in Thailand shared the case of a Lao girl who worked as a child domestic worker and was brutally tortured by her employer, severely impacting her physical and mental health (see Box 3.2).

**► Box 3.2 Legal assistance for a child domestic worker abused in Samut Prakarn, Thailand**

A brother and sister from Salavanh province migrated for work as domestic workers in Samut Prakarn province. With assistance from a local broker, they were able to enter Thailand without any identification documents. They found work in a compound where another Lao domestic worker was employed. The girl was just 14 years old when she started working as a domestic worker, taking care of pets and cleaning the house despite being under the legal age to work in Thailand. Her brother was 16 years old and was sent to another house for work, so they did not have a chance to see each other for an extended period of time.

Initially, their wages were sent home to their family a few times. Later on, however, the children's employers stopped sending money altogether, claiming that one of them had broken a washing machine and had to work off the debt. With the support of a Lao CSO working to support victims of trafficking and domestic violence, the children's father made his way to Thailand to search for them. He was told by the employers that they had fled and were not working there any longer. The father made a complaint to the Thai police, who went to the employers' house to search for the children but were restricted from doing so because of the employers' influential connections.

[Continue on the next page](#)

## ► Box 3.2 (cont.)

A complaint was then made to the Thai Ministry of Social Development and Human Security, which resulted in a second search of the employer's home that was also unsuccessful in finding the two children. Finally, the girl was able to escape from the house on her own. During her captivity, she had suffered severe physical abuse that made her appear much older. After the police investigated her story, she was formally identified as a victim of trafficking. The case has been pending in the Thai courts for more than three years, during which time the girl has been staying in a Thai shelter for trafficking survivors while she receives reconstructive surgery.

The Human Rights and Development Foundation (HRDF), a Thai CSO providing legal support to migrant workers, then got involved in the case. Due to the extreme mental trauma suffered by the girl, the HRDF legal team was not allowed to meet with her to help prepare her testimony. During the court hearing, the girl was not able to talk or provide any information, and the trial experience re-traumatized her. In addition, several key identification documents that were required by the Thai court to confirm the girl's age and relationship with her parents were not available and proved prohibitively expensive to obtain in the Lao People's Democratic Republic.

To date, the case has continued to proceed slowly through the courts with the support of HRDF. The involvement of the Lao authorities in the legal case has been very limited to date, though they did provide some support to help the girl to obtain surgery. There is little doubt that more effective bilateral cooperation between the Thai and Lao authorities would have helped substantially in achieving more timely resolution of the court case – including allowing the girl to obtain financial compensation and return to her home should she choose to do so.

### 3.5.3 Return and reintegration

#### Employment upon return

The most frequent concerns expressed by Lao migrant workers upon returning home was related to finding employment, whether domestically or abroad. More than half of the interviewees said they were unemployed at the time of the research. In addition, about one-third of the return migrant workers stated they wanted to work in Thailand again because they could not find local employment opportunities. This finding is in line with previous ILO studies, which have found intractable problems in many countries of origin with generating sufficient job opportunities for return migrants, especially if they are young. Upon return, young migrants often find themselves in the same position within the labour market as before they left due to skills gaps, mismatches and lack of recognition systems, leading to high levels of unemployment and underemployment (ILO 2014).

Gender-specific patterns of unemployment were also apparent among the respondents, which are likely the result of the relatively rigid social norms for the types of work that are acceptable for women to pursue in the Lao People's Democratic Republic. Upon return, most of the women migrants who were unemployed said that they had decided they would not seek new jobs and would instead focus on unpaid household and caregiving tasks at home. In contrast, men migrants who had returned home were much more likely to state that they would continue to seek new employment opportunities, whether in-country or abroad. The gender employment gap remains a key labour market challenge globally, which is particularly pronounced in developing countries such as the Lao People's Democratic Republic (ILO 2023).

Return migrants who had found employment were most commonly working in low-wage and informal jobs. For example, working as a day labourer or shop assistant was frequently reported, with daily wages ranging between 50,000 to 100,000 kip/day (US\$4–8). Several other return migrants had resumed working on family



farms. Only one migrant interviewed stated that he had started his own business, applying the skills he had learned in Thailand to start a small barbershop. Though it is often assumed that labour migration is a significant contributing factor for entrepreneurship, the combination of having the required financial resources, necessary business skills, and entrepreneurial spirit to start a small business currently appears to be relatively rare in the Lao People's Democratic Republic.

The findings from the interviews broadly support the results of prior studies concerning the key difficulties faced by return migrant workers. A 2017 ILO and IOM study surveyed 450 return Lao migrants on the challenges they faced upon re-joining their communities. The results showed that difficulty in finding a job (36 per cent) was the most commonly cited concern (Harkins, Lindgren and Suravoranon 2017). Within the same study, migrant access to support services to assist with reintegration in the Lao People's Democratic Republic was found to be negligible (1 per cent).

### Reintegration services

When asked about their awareness of organizations that could support them to find jobs locally, only return migrants in Champassak province said that they knew of the availability of some government vocational training services. However, no respondents had ever tried to make use of them. Likewise, none of the migrant workers interviewed were aware of the availability of microfinance services or enterprise development training to support them in starting up new businesses.

Despite the gaps in practical accessibility, a number of interviewees were interested in participating in skills training. For example, migrant worker interviewees who had worked in factories and gained some familiarity with operating machinery expressed an interest in training to work as mechanics for motorbike repair and other purposes. Similar findings have emerged in relation to migrant interest in re-skilling opportunities in IOM research in the Lao People's Democratic Republic, which found that 36 per cent of returnees had an interest in vocational training. The most sought-after skills training opportunities were mechanic (19 per cent), sewing (12 per cent) and cooking skills (10 per cent), suggesting a need to establish additional market-oriented vocational training opportunities (IOM 2020b).

CSOs interviewed also noted the importance of supporting migrants to find stable and sufficiently paid employment opportunities back home so that remigration comes to be viewed a choice rather than a necessity. They pointed out that returning to work in Thailand is currently the expectation of most Lao returnees they assist. Once migrant workers have enough money in hand to cover the costs associated with going abroad again, they typically must do so in order to provide a decent livelihood for their family members.

One of the key challenges highlighted in delivering support services to return migrants is the lack of availability of accurate data. When asked about administrative data on return of migrant workers in the Lao People's Democratic Republic, an MOLSW official said that no data had been collected until quarantine centres were established during COVID-19. Even in this case, however, it was pointed out that the information is far from comprehensive. One CSO key informant noted that many Lao migrant workers who were forced to return to home during the pandemic had crossed into the Lao People's Democratic Republic without going through the official quarantine process.

Some initial measures are being developed in an attempt to fill the sizeable gap in official data on return migrant workers. It was reported by MOLSW that a database to aggregate data from registered recruitment agencies is currently being updated and it will soon become compulsory for these agencies to submit data on returnees who they have deployed for work abroad. Collecting and analyzing more comprehensive data is an important step towards making reintegration services more broadly accessible to return migrant workers in the Lao People's Democratic Republic. However, further data collection efforts will be needed to ensure that irregular migrants are also included in service coverage.

### 3.5.4 Impact of COVID-19 on migration patterns

All of the return migrant workers interviewed for this study had lost their jobs due to the COVID-19 pandemic and the associated restrictions that came in its wake. None of them reported receiving any financial support or compensation from their employers, including the regular migrant workers who had entered Thailand via the MOU process. Without employment or income, these workers had no choice but to return to the Lao People's Democratic Republic. They reported paying Immigration officials at the Thai border during their return between 500 and 1,000 baht, though none were fully aware of what the payment was for and whether it was legitimately an official fee.

The interviews also revealed major gaps in access to healthcare for Lao migrant workers in Thailand during the pandemic, with migrants frequently reporting that they were not provided with necessary testing or treatment services. None of the interviewed Lao migrant workers had received a COVID-19 vaccination during their residence in Thailand, although it is not clear how many left the country prior to the roll-out of Thailand's vaccination programme. Many of the migrants interviewed also reported having to pay for necessary preventative materials out of their own pocket, such as masks and hygiene supplies.

Lao Embassy officials confirmed that many Lao migrant workers in Thailand did not receive timely or sufficient health services during COVID-19, particularly as a result of delays in vaccination, inability to access healthcare facilities, and challenges in making use of health insurance entitlements. Many requests were received by the Embassy in relation to these healthcare challenges. However, the assistance they were able to provide to Lao migrants was very limited other than referring them to the respective Thai authorities.

In addition, Lao authorities in Thailand stated that they received a large number of reports of non-payment of due wages during COVID-19 – most of which remain unresolved. None of the Lao Government officials interviewed for this study were able to offer clear advice on how return migrant workers in the Lao People's Democratic Republic might be able to obtain the financial compensation still owed to them by Thai employers.

Increases in gender-based violence were also a major cause for concern for Lao migrants during the pandemic. An Oxfam study on the social and economic impacts of COVID-19 showed that the safety concerns of women returnees were particularly acute. The study reported that 59 per cent of migrants felt that they were at risk of violence in their household, and women were more likely than men to state that relatives or family members made them feel unsafe at their own home. With communities in lockdown during the pandemic, women at risk of gender-based violence found themselves in situations where it was difficult to escape their abusers. Compounding this problem, nearly half of respondents did not know where to seek assistance if they experienced a violent incident (Oxfam 2021).

Since COVID-19, the costs of labour migration to Thailand have increased substantially, irrespective of the sector of work. Based on interviews with Lao Government officials, CSOs and return migrants, the amount paid by migrants to brokers to secure an irregular border crossing into Thailand are much higher than what had been charged prior to the pandemic. In a study conducted in November 2021 by the Migrant Working Group, an undocumented Lao migrant worker said that he had to pay 6,000 baht to informally cross the border into Thailand during the pandemic, while previously he had only had to pay 1,800 baht to the same broker (Khemanitthathai 2021).

It is unclear whether the increased costs for migration will decline to their previous levels in the post-pandemic period. The flows of Lao migrants entering Thailand have gradually started to resume after it reopened its land borders in May 2022. However, with heightened border security since COVID-19, many migrant workers who had returned home during the pandemic now have little choice but to migrate through unfamiliar brokers rather than via their social networks. This increased demand for brokerage services has resulted in extortionately high fees being charged to facilitate the process in some cases.



# ▶ 4

## Conclusion

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Labour migration governance in the Lao People's Democratic Republic is becoming increasingly structured and formalized. New laws and policies related to labour mobility and labour protection have been adopted both in the Lao People's Democratic Republic and in countries of destination. MOUs on labour migration have been developed and updated. An emerging migration infrastructure is being established based upon recruitment through private employment agencies.

However, implementation of this governance framework remains a major challenge and many of the stipulations of the new laws and regulations have yet to be realized in practice. Lao workers continue to migrate for work largely through irregular channels due to the high costs, long duration and considerable complexity of regular migration to Thailand. There remains a lack of sufficient incentives for migrant workers to make use of the more formalized migration processes and procedures that have been established.

Fundamental to improving access to services is the need to build trust with migrant workers throughout the migration process, regardless of their legal status. Making more timely and effective mechanisms for support available to Lao migrants is critical in this regard, as many rightly feel that they cannot fully rely upon the responsiveness of government services. A better implemented, accessible and gender-responsive labour migration governance regime is needed to protect migrant workers from hazardous and exploitative employment situations.

Beneficial migration experiences can be achieved if Lao migrant workers are able to avoid high migration costs, benefit from labour rights protection and find gainful employment upon return. The lack of assurance of obtaining these conditions contributes to a situation where labour migration is often a considerable gamble for migrant workers, resulting in unpredictable outcomes. Strengthening of the relevant regulatory systems and improvement of the quality of services provided will help to ensure that migration leads to opportunities for decent work that improve the lives of Lao migrants and their family members in the long-term.

## 4.1 Recommendations

1. **Establish regular migration channels that are cheaper, faster and easier to access:** To encourage regular migration to Thailand, the slow, complex and expensive process involved needs to be streamlined and made less costly for Lao migrant workers. There are currently insufficient incentives to encourage migrant workers to make use of the MOU process to pursue work abroad in comparison to irregular channels.
2. **Ratify the Private Employment Agencies Convention, 1997 (No. 181):** The Lao legal framework already incorporates many of the labour standards set forth in the Private Employment Agencies Convention, 1997 (No. 181). The Government should strongly consider ratifying the convention to take the next step forward in improving labour protection for Lao migrant workers during their recruitment.
3. **Provide training to key stakeholders on Agreement 1050, particularly in relation to the prohibition on the charging of recruitment fees and related costs to migrant workers:** The Ministerial Agreement No. 1050 adopted in 2022 was a major advance in labour migration governance in the Lao People's Democratic Republic, introducing regulations that migrant workers are not allowed to bear the costs of recruitment. However, many of the key stakeholders involved – particularly government officials, recruitment agencies and migrant workers – do not yet fully understand the new regulations. Further capacity building and awareness raising is needed to improve implementation and enforcement.
4. **Develop a standard employment contract for Lao recruitment agencies to support greater transparency on wages and working conditions:** The employment contracts currently signed by Lao migrant workers often provide inadequate, opaque, and confusing information. These contractual documents should provide a more easily understandable outline of the terms of employment and a copy should be given to Lao migrant workers to keep with them during their time abroad. In addition, employment contracts should be provided to migrants in the Lao language even if signed with employers after arrival in Thailand.
5. **Develop rights-based procedures for regular migration of domestic workers and clarify the remaining sectoral restrictions:** The revision of Decree No. 245 (article 19) to allow for regular migration of domestic workers is an important policy development following many years of prohibition. However, the development of procedures to facilitate the deployment of domestic workers remains pending. A rights-based recruitment process that is in line with the articles of the Domestic Workers Convention, 2011 (No. 189) should be developed as soon as possible to allow for regular migration to resume. In addition, the remaining sectoral prohibitions included in the legal framework should be more carefully defined, clearly justified, and made the responsibility of private employment agencies rather than migrant workers themselves.
6. **Expand access to justice through effective complaint mechanisms and enforce stricter penalties for violation of labour rights:** Several improvements are needed to strengthen complaint mechanisms in the Lao People's Democratic Republic, including shortening the duration for resolving complaints, developing standard procedures for dispute resolution, improving access for women, reducing the mediation attempts required, establishing an arbitration process, and ensuring adequate training for the stakeholders involved. The impunity of recruitment agencies who abuse the rights of migrants should also be reduced through enforcement of appropriately severe sanctions, including increasingly stringent penalties for repeat violations.
7. **Increase collaboration between government agencies, trade unions and CSOs within the Lao People's Democratic Republic:** The MOLSW and Lao Federation of Trade Unions (LFTU) should expand practical cooperation with CSOs delivering safe migration information and services to Lao migrant workers. In particular, many CSOs in Lao People's Democratic Republic have established trusting relationships with migrants and their family members in communities of origin that can be leveraged to improve their access to public services, including those provided by MRCs.

- 8. Strengthen the delivery of pre-departure orientation training:** The curriculum and modality of the pre-departure training for Lao migrants needs to be revised to ensure that: (1) Sector and country-specific information is provided; (2) the training has a heightened focus on labour rights and social protections; (3) gender-responsive information about the concerns faced by men, women and LGBTQI+ migrants are addressed (including discrimination, violence and harassment); (4) a participatory and student-centred approach is applied; and (5) trade unions, CSOs and return migrants are engaged in its delivery.
- 9. Expand cross-border networks between key stakeholders in the Lao People's Democratic Republic and destination countries:** MOLSW, LFTU and CSOs should build productive and sustainable relationships with their counterparts working to support Lao migrant workers in countries of destination. These networks should seek to improve collaboration on delivery of assistance services to Lao migrant workers while abroad, as well as facilitate regular exchange of knowledge and information. In addition, a Lao Government focal point should be clearly designated to facilitate official bilateral cooperation on resolution of cross-border legal cases.
- 10. Ensure adequate training and investment in labour attachés in key destination countries, such as Thailand:** The Lao Government should recruit additional labour attachés to be stationed in major destination countries for Lao migrants, including expanded opportunities for women officials. For example, it is an impossible task for a single labour attaché to support the hundreds of thousands of Lao migrant workers employed in Thailand. In addition, further capacity building is needed for these officials to support increased effectiveness of their services, particularly related to lodging grievances, accessing social protection benefits, obtaining legal documentation, providing gender-responsive services and other common needs.
- 11. Clearly communicate that Lao migrants are entitled to access government services regardless of their legal status:** A major obstacle in utilizing Lao Government services is that many migrants with irregular legal status are unsure whether they are lawfully allowed to benefit from them. The message should be clearly communicated that access to these services is not dependent upon migration through regular channels or holding valid legal documentation in destination countries.
- 12. Improve the collection of official data on Lao migrants, particularly for returnees:** To support better targeted and responsive government, trade union and CSO services, the collection and analysis of official data on Lao migrants needs to be improved. This should include disaggregated data (particularly by gender), as well expanded collection of data on returnees. At the same time, data protection concerns must be more thoroughly addressed, including obtaining informed consent from migrant workers on the collection and use of their personal data.
- 13. Increase the availability of return and reintegration services for Lao migrants, particularly in relation to skills training and job matching:** Many Lao migrants struggle to reintegrate socially and economically upon returning home. Expanded availability of responsive support services is needed so that re-migrating is a choice rather than a necessity, especially in relation to vocational training and labour market information. In addition, targeted outreach efforts are needed for return migrant workers to inform them of the services that are available, particularly for women returnees to provide them with greater opportunities to remain in the job market.
- 14. Establish peer groups among return migrant workers to support successful reintegration, particularly among women:** Expanded peer support is needed to help returnees to re-establish themselves upon returning home. Support groups should be formed organically based upon the needs and interests of return migrants but may address such issues as assistance with finding employment, starting businesses, money management, psycho-social support and childcare services. In particular, expanding support for women returnees through the formation of women's groups has proven effective in many countries of origin within South-East Asia.

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# Annex 1. Key informant interviews

Organization	No. of interviewees	
	Total	Women
Migrant Worker Resource Centres	2	1
Social Security Fund Organization	1	1
Job Centres	1	-
Skill Development and Employment Department	2	-
Labour Attaché (Lao Embassy in Thailand)	1	1
International Labour Organization	4	2
Labour Rights Promotion Network	1	-
Human Rights and Development Foundation	3	2
Oxfam	1	1
Sengsavang Shelter	1	1
Village Focus International	1	1
Alliance Anti Traffic	3	2
Recruitment agencies	4	2
<b>Total</b>	<b>25</b>	<b>14</b>

## Annex 2. Lao migrant workers in Thailand by sector and legal process (as of 30 December 2021)

Sector	Royal Ordinance, section 59 (MOU process)			Cabinet Resolution, 20 August 2019			Cabinet Resolution, 4 August 2020			Cabinet Resolution, 29 December 2020		
	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
<b>Total</b>	<b>116 372</b>	<b>50 638</b>	<b>65 734</b>	<b>36 694</b>	<b>15 159</b>	<b>21 535</b>	<b>12 764</b>	<b>5 690</b>	<b>7 074</b>	<b>47 373</b>	<b>20 140</b>	<b>27 233</b>
<b>A. Agriculture, hunting and forestry</b>	<b>12 997</b>	<b>7 198</b>	<b>5 799</b>	<b>7 471</b>	<b>3 901</b>	<b>3 570</b>	<b>1 663</b>	<b>953</b>	<b>710</b>	<b>8 573</b>	<b>4 777</b>	<b>3 796</b>
Cultivation and livestock activity	12 997	7 198	5 799	7 471	3 901	3 570	1 663	953	710	8 573	4 777	3 796
<b>B. Fishery</b>	<b>887</b>	<b>629</b>	<b>258</b>	<b>527</b>	<b>482</b>	<b>45</b>	<b>125</b>	<b>79</b>	<b>46</b>	<b>90</b>	<b>80</b>	<b>10</b>
Fishery activity	887	629	258	527	482	45	125	79	46	90	80	10
<b>C. Mining and stones</b>	<b>46</b>	<b>32</b>	<b>14</b>	<b>19</b>	<b>18</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>27</b>	<b>20</b>	<b>7</b>
Mining and stone activity	46	32	14	19	18	1	4	1	3	27	20	7
<b>D. Production</b>	<b>25 107</b>	<b>12 550</b>	<b>12 557</b>	<b>6 491</b>	<b>3 104</b>	<b>3 387</b>	<b>2 882</b>	<b>1 420</b>	<b>1 462</b>	<b>6 599</b>	<b>3 410</b>	<b>3 189</b>
Marine fishery continuing activity	147	71	76	116	47	69	12	3	9	64	27	37
Agricultural continuing activity	6 927	3 666	3 261	1 388	749	639	808	415	393	1 731	985	746
Livestock continuing activity	2 134	1 104	1 030	324	164	160	178	92	86	436	247	189
Aquatic processing activity	245	119	126	114	39	75	10	5	5	87	36	51

Sector	Royal Ordinance, section 59 (MOU process)			Cabinet Resolution, 20 August 2019			Cabinet Resolution, 4 August 2020			Cabinet Resolution, 29 December 2020		
	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
Recycling activity	975	580	395	318	179	139	122	69	53	535	308	227
Production and soil product activity	126	68	58	42	22	20	7	4	3	48	28	20
Building materials activity	1 560	977	583	426	260	166	272	164	108	565	373	192
Stone processing activity	68	36	32	78	39	39	13	7	6	48	22	26
Finished clothes activity	6 539	2 599	3 940	2 221	874	1 347	746	287	459	1 726	691	1 035
Production or distribution of plastics activity	3 971	2 018	1 953	862	420	442	442	230	212	860	447	413
Production or distribution of paper activity	727	388	339	260	119	141	89	48	41	215	92	123
Production or distribution of electronics	1 688	924	764	342	192	150	183	96	87	284	154	130
<b>E. Construction</b>	<b>7 695</b>	<b>4 638</b>	<b>3 057</b>	<b>2 463</b>	<b>1 382</b>	<b>1 081</b>	<b>1 011</b>	<b>578</b>	<b>433</b>	<b>3 437</b>	<b>2 052</b>	<b>1 385</b>
Construction activity	7 695	4 638	3 057	2 463	1 382	1 081	1 011	578	433	3 437	2 052	1 385
<b>F. Wholesale and retail activity</b>	<b>37 458</b>	<b>15 706</b>	<b>21 752</b>	<b>9 460</b>	<b>3 761</b>	<b>5 699</b>	<b>3 876</b>	<b>1 652</b>	<b>2 224</b>	<b>16 617</b>	<b>6 394</b>	<b>10 223</b>
Production or distribution of metal activity	4 056	2 604	1 452	1 183	700	483	491	308	183	1 030	653	377
Food and drink activity	26 996	10 105	16 891	5 560	1 872	3 688	2 635	988	1 647	11 660	3 964	7 696
Shops in markets	6 406	2 997	3 409	2 717	1 189	1 528	750	356	394	3 927	1 777	2 150
<b>G. Warehousing and transportation</b>	<b>453</b>	<b>315</b>	<b>138</b>	<b>126</b>	<b>84</b>	<b>42</b>	<b>44</b>	<b>35</b>	<b>9</b>	<b>178</b>	<b>117</b>	<b>61</b>
Warehousing and transportation activity	453	315	138	126	84	42	44	35	9	178	117	61

Sector	Royal Ordinance, section 59 (MOU process)			Cabinet Resolution, 20 August 2019			Cabinet Resolution, 4 August 2020			Cabinet Resolution, 29 December 2020		
	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
<b>H. Real estate, rental and business services</b>	<b>3 511</b>	<b>2 112</b>	<b>1 399</b>	<b>828</b>	<b>506</b>	<b>322</b>	<b>380</b>	<b>221</b>	<b>159</b>	<b>1 376</b>	<b>862</b>	<b>514</b>
Car repairs, car wash activity	1 502	979	523	460	295	165	149	100	49	959	637	322
Petrol and gas station activity	2 009	1 133	876	368	211	157	231	121	110	417	225	192
<b>I. Healthcare services and social work</b>	<b>322</b>	<b>93</b>	<b>229</b>	<b>49</b>	<b>24</b>	<b>25</b>	<b>22</b>	<b>8</b>	<b>14</b>	<b>47</b>	<b>19</b>	<b>28</b>
Education, foundation or nursing activity	322	93	229	49	24	25	22	8	14	47	19	28
<b>J. Community and personal services</b>	<b>13 287</b>	<b>5 837</b>	<b>7 450</b>	<b>2 804</b>	<b>1 208</b>	<b>1 596</b>	<b>1 211</b>	<b>573</b>	<b>638</b>	<b>3 863</b>	<b>1 776</b>	<b>2 087</b>
Service activities, except construction	13 287	5 837	7 450	2 804	1 208	1 596	1 211	573	638	3 863	1 776	2 087
<b>K. Domestic work</b>	<b>14 609</b>	<b>1 528</b>	<b>13 081</b>	<b>6 456</b>	<b>689</b>	<b>5 767</b>	<b>1 546</b>	<b>170</b>	<b>1 376</b>	<b>6 566</b>	<b>633</b>	<b>5 933</b>
Domestic work activity	14 609	1 528	13 081	6 456	689	5 767	1 546	170	1 376	6 566	633	5 933

Source: Thailand, Office of Foreign Workers Administration 2021.





## Precarious pathways: Migration patterns and service needs of Lao migrant workers

Labour migration governance in the Lao People's Democratic Republic is becoming increasingly structured and formalized. New laws and policies related to labour mobility and labour protection have been adopted both in the Lao People's Democratic Republic and in countries of destination. MOUs on labour migration have been developed and updated. An emerging migration infrastructure is being established based upon recruitment through private employment agencies.

However, implementation of this governance framework remains a major challenge and many of the stipulations of the new laws and regulations have yet to be realized in practice. Lao workers continue to migrate for work largely through irregular channels due to the high costs, long duration and considerable complexity of the regular channels. There remains a lack of sufficient incentives for migrant workers to make use of the more formalized migration processes and procedures that have been established.

The outcomes of these migration experiences are far from guaranteed in the Lao People's Democratic Republic due to the high prevalence of labour rights violations against migrant workers and their lack of access to adequate support services. Limitations in the labour and social protections afforded to Lao migrants means that labour migration remains a risky proposition – with many experiencing exploitation and abuse.

As the situation of Lao migrant workers has been relatively under-researched in comparison to other migrant populations in South-East Asia, this study by the International Labour Organization helps to fill a key knowledge gap on their migration patterns and service needs. It presents valuable findings and recommendations that can be applied to improve the existing policy frameworks and service systems – expanding the opportunities for safe migration in the Lao People's Democratic Republic.

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