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# Human Resource Guidebook on Employer Obligations and Cultural Sensitivity



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## LIST OF ACRONYMS

CSO	Civil Society Organization
DoE	Department of Employment
ILO	International Labour Organization
IOM	International Organization for Migration
MoU	Memorandum of Understanding
SSF	Social Security Fund

# INTRODUCTION

Migrant workers play an integral role in contributing to national economic growth of countries of origin, transit and destination, and in the development of increasingly globalized and diverse business models. The United Nations' 2030 Agenda for Sustainable Development highlights that orderly, safe, regular, and responsible migration is key in enabling these developments.

With migrant labour representing 10 per cent of the workforce in Thailand,<sup>1</sup> workplaces across the country have become more diverse. Workers and employers have different sexual orientations, gender identities and expressions, ages, nationalities, ethnicities religions, languages and education.

The United Nations Guiding Principles on Business and Human Rights (UNGPs) and Thailand's First National Action Plan on Business and Human Rights – key international and national frameworks for governments and all types of businesses in terms of their responsibilities to protect, respect and remedy human rights in international supply chains – outline business responsibility to respect the human rights of all workers, including migrant workers in their supply chains. This commitment cannot be realized without ensuring employers' understanding of migrant workers rights' and responsibilities and without their ability to communicate with these workers in a culturally sensitive and respectful manner.

Diversity in the workplace can create a better environment as long as individuals with different skills, experiences and perspectives are accepted and valued. Employers should recognize that migration and new working environments can be challenging for migrants. Migrant workers face language barriers, difficulties in accessing clear information on complex migration policies and procedures, and may avoid raising complaints due to power dynamics between workers and employers.

Workers and employers should learn how to communicate with each other and respect each other's cultures. If they can achieve this at all levels of the organization, employer-worker relationships will likely improve, leading to a more inclusive,

desirable and productive working environment. When workers know that they are respected, and that their skills, experiences and perspectives are welcomed and valued, they tend to show improved performance.<sup>2</sup> Workers choose to stay with a company when they are satisfied with their job and the company environment.<sup>3</sup>

It is therefore important for employers, Human Resource officers and interpreters to ensure that migrant workers have access to protection and that their rights and entitlements are respected according to the law. They should also help to create a workplace environment where all workers, regardless of nationality, are acknowledged, accepted and valued.

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<sup>1</sup> United Nations Thematic Working Group on Migration in Thailand, ed., Benjamin Harkins, Thailand Migration Report 2019. Available from: [https://thailand.iom.int/sites/thailand/files/document/publications/Thailand%20Report%202019\\_22012019\\_LowRes.pdf](https://thailand.iom.int/sites/thailand/files/document/publications/Thailand%20Report%202019_22012019_LowRes.pdf).

<sup>2</sup> Gallup, Three Requirements of a Diverse and Inclusive Culture and Why They Matter for Your Own Organization, 2018. Available from: [www.gallup.com/workplace/242138/requirements-diverse-inclusive-culture.aspx](http://www.gallup.com/workplace/242138/requirements-diverse-inclusive-culture.aspx).

<sup>3</sup> Vincent S Flowers, and Charles L. Hoge, Why Employee Stays, Harvard Business Review, July 1973. Available from: <https://hbr.org/1973/07/why-employees-stay>.

## OBJECTIVES

This Guidebook aims to:

- 1) Help employers, Human Resource officers and interpreters to navigate the roles and responsibilities of employers towards migrant workers that are required by Thai laws. Compliance with legal obligations and labour rights standards demonstrates a first step of a business's commitment to building a decent working environment. When workers are satisfied with their benefits, they are likely to stay longer.<sup>4</sup>
- 2) Help employers, Human Resource officers and interpreters to promote a decent and respectful working environment by providing an introduction into the workplace culture of migrant workers from diverse backgrounds.

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<sup>4</sup> Ibid.

- 3) Help businesses improve communication between employers and workers, and among workers, including Thai and non-Thai nationals, which will ultimately build trust and reduce cultural misunderstandings and conflicts in the workplace.

## OUTLINE

The Guidebook is divided into two main chapters.

The first focuses on information about the rights and responsibilities of employers as prescribed in the *Labour Relations Act B.E. 2518 (1975)*, the *Social Security Act B.E. 2533 (1990)*, the *Workmen's Compensation Act B.E.2537 (1994)*, the *Labour Protection Act B.E. 2541 (1998)*, the *Anti-Human Trafficking Act B.E. 2551 (2008)*, and the *Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2561 (2018)*.

The second chapter provides an understanding of cultural sensitivity in the workplace among workers from Cambodia, Myanmar and Thailand, with tips for employers and Human Resource officers to improve workplace communications.

## HOW TO USE THIS GUIDEBOOK

Users are encouraged to view the content of the two chapters in this Guidebook as interrelated and complementary to each other.

**The Guidebook aims to support Thai employers, Human Resource officers, interpreters and local staff working directly with migrant workers to comply with their legal obligations and with labour rights standards, and to better understand and integrate cultural sensitivity in their business operations, thus contributing to decent working conditions and an inclusive workplace.**

## Why Is this Guidebook Useful?

The information on legal obligations concerning recruitment and employment, combined with the information on communications and cultural sensitivity provided in this Guidebook, will ultimately help businesses to advance their reputation as an employer of choice among workers and customers. Businesses

can create a better, more inclusive and desirable workplace environment. Doing so will help businesses to boost their competitiveness because they will have demonstrated ability to adapt and adjust to a rapidly changing regulatory framework and to promote diversity in the workforce.

An increasing number of businesses globally have pledged to expand their corporate values to place a greater focus on social responsibility, and to serve all stakeholders and not only shareholders.<sup>5</sup> Businesses that are able to demonstrate that they have introduced policies and measures to achieve this goal are likely to fare better in a competitive environment.

## METHODOLOGY

The findings of this Guidebook are based on desk research as well as field assessments, including key stakeholder interviews and focus group discussions. This Guidebook presents a review of selected national regulations, policies and frameworks for the management of migrant workers, and the rights and responsibilities of employers and workers under Thai laws related to labour protection and labour migration.

The field assessments were conducted in Pathum Thani, Samut Prakan and Samut Sakhon provinces in the central region of Thailand. In total, 36 key stakeholders participated in the field assessments. The assessments included eight qualitative interviews with nine Human Resource officers and interpreters from the selected five companies and three with staff members of two civil society organizations (CSO). In addition, eight focus group meetings with 24 migrant workers originating from Cambodia and Myanmar were conducted. To reduce any possible bias, in-person interviews and focus group discussions with migrant workers were conducted with interpreters

<sup>5</sup> Erica Volini et al. Introduction: The Social Enterprise at Work: Paradox as a Path Forward, in Deloitte Insights, 15 May 2020. Available from: [www2.deloitte.com/us/en/insights/focus/human-capital-trends/2020/technology-and-the-social-enterprise.html](http://www2.deloitte.com/us/en/insights/focus/human-capital-trends/2020/technology-and-the-social-enterprise.html).

provided throughout the sessions. A gender balance among migrant worker respondents in the focus groups was ensured by involving an equal number of men and women.

Among the nine employers' representatives from five companies interviewed for this assessment, eight were Thai and one was a Myanmar national; seven were women and two were men. Of the three representatives from two CSOs interviewed in this assessment, one was a Thai national and two were Myanmar nationals. One CSO representative was a woman and two were men. The two CSOs are located in Bangkok and Samut Sakhon province.

Lastly, of the 24 migrant workers (12 women and 12 men) interviewed, half were from Cambodia and the other half were from Myanmar and were identified using snowball sampling. The workers varied in age (19 – 45 years), gender, and communities of origin. The workers were employed by businesses located in Pathum Thani, Samut Prakan and Samut Sakhon provinces, producing electronic parts, automobile parts, metal parts, processed seafood, furniture and upholstery, and providing retail and cleaning services. The migrant workers who participated in the assessment do not work in the workplaces operated by the five companies that took part in this assessment.



## CHALLENGES AND LIMITATIONS

Challenges and limitations were encountered while carrying out the assessment for this Guidebook. The assessment was commissioned and conducted during the coronavirus disease 2019 (COVID-19) pandemic, which limited the opportunities to conduct face-to-face interviews and focus group discussions with all key stakeholders. Therefore, interviews with company representatives were conducted by phone or on online platforms. However, it was essential to facilitate face-to-face interviews with migrant workers to overcome language barriers and workers' limited access to the internet and communications technology. Face-to-face interviews with interpreters were therefore conducted with migrant workers, while observing physical distancing guidelines including wearing of face masks, and by limiting the overall number of participants. These interviews proved to be useful not only for addressing potential language gaps but also reducing possible misunderstandings that could result from interviews via telephone. Lastly, due to the disruption in business operations as a result of the COVID-19 pandemic, access to migrant workers at their workplaces was not possible. Therefore, interaction with migrant workers was conducted through CSO networks and community engagement.

# Chapter I

Rights and Responsibilities  
of Employers and Workers  
under Thai Laws



## Rights and Responsibilities of Employers and Workers under Thai Laws

In Thailand, employers must abide by a set of labour laws and regulations including but not limited to:

- The *Labour Relations Act B.E. 2518 (1975)* and its amendments
- The *Social Security Act B.E. 2533 (1990)* and its amendments
- The *Workmen’s Compensation Act B.E.2537 (1994)* and its amendments
- The *Labour Protection Act B.E. 2541 (1998)* and its amendments
- The *Anti-Human Trafficking Act B.E. 2551 (2008)* and its amendments
- The *Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2561 (2018)*

The laws and regulations presented in this Guidebook have been identified from across these legal frameworks to provide the most relevant information on the recruitment and employment of migrant workers in Thailand. All regulations referenced in this Guidebook apply to all workers, meaning both Thai and migrant workers.

A summary of key obligations is presented in the following section. These obligations were selected by IOM from across the legal frameworks listed above. They were selected based on the frequency of subject-specific inquiries received by IOM from private sector actors. However, IOM does not endorse the regulations by presenting this summary.

This Guidebook focuses primarily on labour protection obligations under the following regulations.

Regulation	Provisions
<i>Social Security Act B.E. 2533 (1990)</i>	A key law concerning workers welfare and benefits.
<i>Labour Protection Act B.E. 2541 (1998)</i>	A key law outlining rights and responsibilities between employers and workers, including migrant workers. It outlines minimum standards with regards to wages, working hours, rest periods, holidays, gender equality, welfare, safety, committees, severance pay, occupational safety, labour inspection officers, complaint mechanisms and complaint adjudication.
<i>Anti-Human Trafficking Act B.E. 2551 (2008)</i>	A key law concerning labour protection of workers which states that all workers, including migrant workers, are entitled to protection, regardless of their work permit and documentation status.
<i>Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2561 (2018)</i>	A key law specifying the rights and responsibilities of employers in the recruitment and employment of migrant workers along with monitoring and inspection procedures.

This chapter is divided into:



A. Recruitment and Hiring of Migrant Workers



B. Prohibition of Forced Labour



C. Workplace Standards and Employment Conditions



D. Social Security Fund Benefits



E. Workmen’s Compensation Fund Benefits



F. Workers’ Rights to Freedom of Association and Collective Bargaining



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# A

## Recruitment and Hiring of Migrant Workers

Migrant workers in Thailand are required to possess two types of identification documents to work and reside in the country regularly.

- A.1 A document to demonstrate their status of residing regularly in the country, for example, a passport containing a visa.
- A.2 A document to demonstrate the status of working regularly in the country in the form of one of three work permit formats:
  - An electronic work permit card.
  - An identification card and a work permit issued by the Government of Thailand for a non-Thai citizen who underwent the National Verification exercise in the past (commonly known as a pink card).
  - A blue work permit booklet.

A work permit is valid for two years from the date of issuance. Prior to the work permit's expiry date, migrant workers can apply for renewal for another two years. The total length of uninterrupted employment in Thailand cannot exceed four years unless otherwise prescribed by the Council of Ministers. Following the four-year uninterrupted employment period, migrant workers must return home for a mandatory 30 days "cooling off period", during which they cannot re-enter Thailand.<sup>6</sup>

### What is a blue work permit booklet?

A blue work permit booklet is a work permit issued for a non-Thai citizen who is employed through a Memorandum of Understanding (MoU) scheme and who has extended the work permit for another two years in Thailand after completing the initial two-year contract.

<sup>6</sup> Since 2015, the number of days for mandatory cooling off period has been reduced from three years to 30 days.

## Recruitment and Hiring

Employers of migrant workers in Thailand have the following obligations during the recruitment process:

- A.3 Employers must ensure that only migrant workers with valid work permits are hired.
- A.4 Employers must ensure that migrant workers are hired and allowed to work only under the category of jobs and tasks specified in their work permits.
- A.5 Employers must ensure that migrant workers are not working in job categories prohibited under Thai law.<sup>7</sup>
- A.6 Employers must notify the Department of Employment (DoE) of the name, nationality and type of job of each migrant worker within 15 days of the commencement of work.
- A.7 Employers must notify the DoE of the name, nationality, and the reason for the termination of employment of each migrant worker within 15 days of termination.

## Memorandum of Understanding Contracts

An **MoU contract** is an agreement signed by the jobseeker and the Thai employer prior to the worker's departure from the country of origin. Such contract is a legal requirement of the MoU recruitment process that legally binds the employer, the worker and the recruiter (even though it is not signed by the recruiter). The MoU contract is presented in Thai, English and a language understood by workers and is equally binding in all languages. It is different from an **employment contract**, which is an agreement that governs the employment relationship between the worker and the employer, establishing benefits and rights in accordance with Thai laws and private codes of conduct followed by the employer if applicable.

- A.8 MoU contracts are written, signed and provided in Thai, English and a language understood by workers.
- A.9 Written MoU contracts are available for inspection at the workplace.
- A.10 MoU contracts clearly stipulate workers' responsibilities and hours of work, wages, benefits and rights.

*Note:* The signing of an **employment contract** (which is different from an MoU contract) is not a legal requirement under Thai law. However, if in place, it is a legally binding document between the Thai employer and the migrant worker. It is recommended that the employment contract is signed in both Thai and a language understood by the worker. However, only the Thai language version is legally binding.



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<sup>7</sup> In April 2020, the Ministry of Labour announced a revised list of occupational categories that are prohibited to migrant workers or that they can perform only under certain conditions. The forbidden occupations are divided into four categories. Twenty-seven occupations are reserved exclusively to Thai nationals. For more information see Ministry of Labour, "Announcement on forbidden job categories for foreign workers," 21 April 2020. Available from: [www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/092/T\\_0014.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/092/T_0014.PDF).





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B

## Prohibition of Forced Labour

According to the *Anti-Human Trafficking Act B.E. 2551 (2008)* and its 2018 amendments, forced labour or service means forcing a person to work or provide services:

- By putting the person in fear of injury to life, body, liberty, reputation or property of such person or another person.
- By means of intimidation.
- By use of force.
- By confiscating identification documents of the person.
- By placing the debt of the person or another person as a compulsory condition.
- By any other means similar to what is described above.<sup>8</sup>

Therefore, employers must comply with the following guidelines to prevent the use of forced labour. The guidelines presented here are based on stipulations in the *Labour Protection Act B.E. 2541 (1998)* and its amendments and the *Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2561 (2018)*.<sup>9</sup>

<sup>8</sup> Article 6/1 of the Anti-Human Trafficking Act. B.E.2551 (2008) as amended by the 2019 Royal Decree, 6 April 2019. Available from: [www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/045/T\\_0001.PDF?fbclid=IwAR30lpM3BtEFA-Aapx06y\\_I5xvMf5q6lJOtpxW42MXuwg6N8oT-GGJ7V\\_DU](http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/045/T_0001.PDF?fbclid=IwAR30lpM3BtEFA-Aapx06y_I5xvMf5q6lJOtpxW42MXuwg6N8oT-GGJ7V_DU).

<sup>9</sup> The guidelines are developed from national laws and the International Labour Organization, Good Labour Practice (GLP) Guidelines in Thailand's Seafood Industry, 2019. Available from: <https://shipto-shorerights.org/wp-content/uploads/good-labour-practices-english.pdf>.



## Recruitment and Employment

According to the *Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2561 (2018)*, employers may choose two different ways to recruit migrant workers through the MoU recruitment process.

- In the first approach, employers deploy, screen and hire migrant workers by using the services of recruitment agencies that are registered with the government in the country of origin directly. In this case, employers do not engage with recruitment agencies in the country of destination.
- In the second approach, employers deploy, screen and hire migrant workers by using the services of recruitment agencies that are registered with the governments in the country of origin and the country of destination.

Employers have the following obligations during recruitment and employment to ensure the protection of all workers, including migrant workers from forced labour:

- B.1 Violence and/or threats of violence must not be used to induce a worker to work for an employer.
- B.2 Threats of denunciation to authorities or threats of deportation must not be used to induce a worker to work for an employer.
- B.3 Workers must be free to move in and out of their workplace or dormitory according to company policy (as long as the policy complies with Thai law).
- B.4 Workers must have access to their identity documents and possessions at all times. Workers are required to present their identity documents and work permits to the authorities upon inspection.
- B.5 Employers must not confiscate or withhold workers' identity documents.

- B.6 Employers must not demand from workers a security deposit for work or damage caused in the workplace unless the nature or conditions of the work require workers to be responsible for money or property.
- B.7 Employers must not demand payment or an advance from workers to retain them in the workplace.
- B.8 Employers must comply with legal requirements for workers to enter the country, including health check-ups, support for visa applications, visas and work permits.

### Use of Recruitment Agencies<sup>10</sup>

Although not a legal requirement, employers should comply with the following good practices to prevent the risk of unethical practices when using recruitment agencies:

- B.9 Employers should be aware of the recruitment practices and policies of the recruitment agencies from whom employers obtain recruitment and deployment services.
- B.10 Employers should check that the recruitment agencies have the required valid licenses in their countries of operation.
- B.11 Employers should be aware of the terms and conditions of employment that were communicated to workers by recruitment agencies and ensure that migrant workers arriving in Thailand are not presented with terms and conditions that are different from those to which they agreed prior to departure.

### Recruitment Fees and Costs and Legal Deductions<sup>11</sup>

The following section outlines the employer's obligations to cover recruitment fees and costs for migrant workers coming to work in Thailand, as well as legal deductions.

<sup>10</sup> These standards and conditions are stipulated in the Royal Ordinance Concerning the Management of Employment of Foreign Workers.

<sup>11</sup> Ibid.

B.12 Migrant workers must not be required to cover any portion of the service fees charged by a recruitment agency in cases where employers use the services of recruitment agencies in Thailand.

B.13 Employers are prohibited from demanding or receiving money or any other in-kind contributions from migrant workers as a form of payment for facilitating labour migration into Thailand in cases where employers directly recruit migrant workers in their country of origin.

B.14 Employers are prohibited from demanding or receiving money or any other property from migrant workers coming to work in Thailand, except for fees for passports, medical clearance, work permits or other fees as declared by law. If the fees for passports, medical clearances, work permits or other fees as declared by law are advanced by an employer, these costs can be deducted from migrant workers' wages, overtime pay, holiday pay, holiday overtime pay, weekly rest day pay and weekly rest day overtime pay at a rate not exceeding 10 per cent of migrant workers' monthly salary.

*Note:* National laws in Thailand require employers to cover fewer recruitment-related costs than required by international standards such as the International Labour Organization (ILO) General Principles and Operational Guidelines for Fair Recruitment and the International Recruitment Integrity System (IRIS). Employers are encouraged to elevate their recruitment practices to match those outlined by international standards.

## Termination of the Employment Contract<sup>12</sup>

Employers and all workers, including migrant workers, have the following rights when terminating the employment contract.

<sup>12</sup> These standards and conditions are stipulated by the Labour Protection Act.

B.15 Workers may terminate the employment contract without paying a penalty if workers comply with the terms related to termination outlined in their employment contract.

B.16 Workers who terminate their employment must receive all personal belongings or documents that might be with their employer or the company, for any reason, within three days after the last day of employment.

*Note:*

- Workers must not be required to deposit any personal documents or belongings with their employer unless it is for a specific time period and for migration-related administrative purposes. For example, employers may request identity documents from workers in order to facilitate visa/work permit renewal or 90-day immigration reporting for workers.
- Workers must have access to personal documents and belongings at all times.

B.17 Workers must receive all due wages within three days of their last day of employment, regardless of the reason for contract termination.

B.18 The worker may terminate the contract if the employer relocates the workplace and if this decision may significantly affect the livelihood of the worker and their family.

B.19 The worker may terminate the contract if the employer merges the operations of the company /entity/enterprise with another company/entity/enterprise and the worker does not wish to work with the new employer and juridical person of the business.

B.20 The employer may terminate the contract if the worker violates the company's policies or the terms and conditions of their employment contract, has received two written warnings with regards to the same action within one year, and has still not complied with the first written warning (as long as the policies and/or terms and conditions of the contract comply with Thai law). In the case of a serious violation, the requirement to issue a written warning is waived.

- B.21 The employer may terminate the contract if a worker is sentenced to imprisonment as stipulated in Thai law.
- B.22 The employer may terminate the contract if a migrant worker reaches 55 years of age and the work permit cannot be extended.
- B.23 The contract is terminated when a migrant worker has completed four years of employment under the MoU scheme and the employer does not extend the contract.

### Conditions of Work<sup>13</sup>

The following section describes employers' obligations and workplace regulations according to Thai law. These provisions are in line with Thai law and apply to all workers, including migrant workers. However, they should not be considered as necessarily reflecting the views or carrying the endorsement of the IOM, IKEA and/or Laudes Foundation.

- B.24 Employers must pay wages regularly as specified in employment contracts. Wages must not be delayed, withheld or paid irregularly.
- B.25 Employers must treat all men and women workers equally except where Thai law states that the nature of the work precludes equal treatment (See Section on Women Workers).
- B.26 If workers receive advances, employers must not use these advances to coerce workers, for example to force them to work.<sup>14</sup>
- B.27 Employers are prohibited from requiring workers to work overtime unless prior consent is obtained from workers.
- B.28 All overtime must be voluntary, and evidence of the worker's agreement to perform overtime work must be signed by the worker, kept on file by their employer, and available for the labour inspector to review.

- B.29 All Thai and non-Thai nationals residing in Thailand, including employers, are prohibited from using their power inside or outside the workplace to commit sexual abuse, harassment and/or nuisance against workers. These violations are considered criminal offences under Thai law.

### Women Workers<sup>15</sup>

Employers have the following obligations when employing women workers, including women migrant workers. This section also outlines benefits and entitlements for pregnant workers, and workers who have recently given birth.

- B.30 Under Thai law, employers are prohibited from requiring women workers to perform any of the following work:
  - Mining or construction work that must be performed underground, underwater, in a cave, in a tunnel or in the crater of a mountain, except where the conditions of work are not hazardous to workers' health or bodies;
  - Lifting, carrying on their shoulders, carrying on the head and pulling or pushing loads over 25 kilograms;
  - Working on scaffolds that are 10 metre or more above the ground;
  - Producing or transporting explosive or inflammable materials unless they are safe;
  - Other work deemed hazardous as prescribed by Ministerial Regulations (See Section on Working Days and Hours for more information).
- B.31 Employers must not require pregnant workers to perform work between 22:00 and 06:00 hours, or to work overtime, work on holidays, or perform work involving:

<sup>13</sup> Ibid.

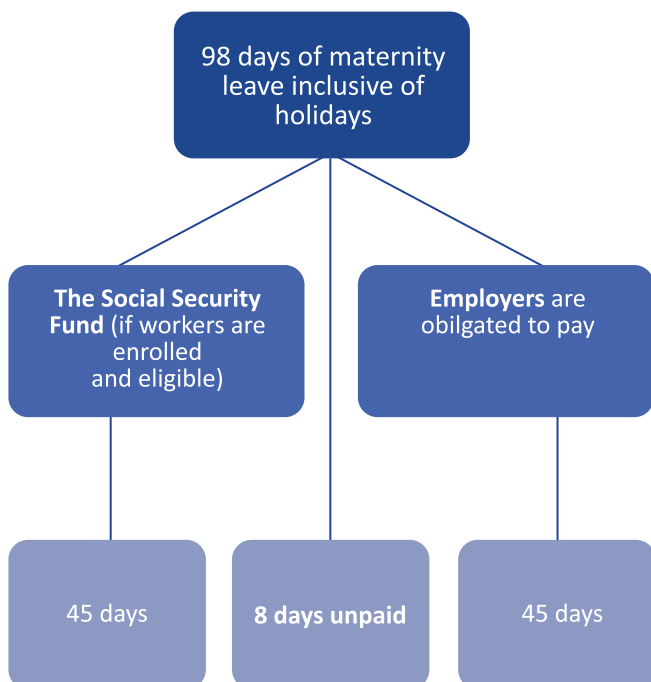
<sup>14</sup> This condition is stipulated in the Anti-Human Trafficking Act.

<sup>15</sup> These standards and conditions are stipulated in the Labour Protection Act.

- Vibration;
- Operating or riding on a vehicle;
- Lifting, carrying or bearing on the head or shoulders, or pulling or pushing loads over 15 kilograms;
- Work on a vessel;
- Other work deemed hazardous as prescribed by Ministerial Regulations (See Section on Working Days and Hours for more information).

B.32 Employers must comply with any order by a labour inspector to change and/or reduce the working hours of women workers who are required to work between 24:00 hours and 06:00 hours if the work is considered to be harmful to the health and safety of the workers.

B.33 Women workers are entitled to 98 days of maternity leave inclusive of holidays. Employers are obliged to pay the women workers' wages for 45 days, whereas wages for another 45 days are covered by the Social Security Fund (provided that workers are enrolled and eligible). The remaining eight days are unpaid.



B.34 Pregnant workers, or workers who have recently given birth and have obtained a medical certificate to demonstrate that they cannot perform their original duties are entitled to change the work temporarily either before or after childbirth, and employers must consider changing the duties to ones more suitable to pregnant workers or workers who have recently given birth.

B.35 Employers are prohibited from terminating the employment of women workers on the grounds of pregnancy.







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## C

## Workplace Standards and Employment Conditions

In addition to guidelines preventing the use of forced labour and the measures for women workers outlined in sections B. 30 – 35, the following section lays out the workplace standards and employment conditions for workers as stipulated in the *Labour Protection Act B.E. 2541 (1998)* and its amendments, and the *Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2561 (2018)*.

### Employers' Responsibilities

Employers have the following responsibilities during the employment of all workers, including migrant workers:

- C.1 To pay wages to the worker for all work performed for the employer during the employment contract.
- C.2 To issue an employment certificate to the worker on the last day of employment.
- C.3 To cover costs related to the worker's return travel to the country of origin in the case of dismissal or completion of the two- or four-year contract, or as specified in Thai law.<sup>16</sup>
- C.4 To share the worker's liability for a wrongful act committed by the worker when at work.

<sup>16</sup> See Sections 50-58 of the Royal Ordinance Concerning the Management of Employment of Foreign Workers.

## Working Days and Hours<sup>17</sup>

The following section describes working hours and days for all workers, including migrant workers, as stipulated in Thai law, including description of types of work that are considered hazardous.

- C.5 Employers must maintain regular work schedules for workers and specify the start and end time of work.
- C.6 The normal working hours in every category must not exceed eight hours per day or 48 hours per week. Hours in excess of this number are considered overtime.
- C.7 Employers must provide a weekly rest day of at least one day (24 consecutive hours) for workers. There must not be more than six intervening days between a weekly rest day.
- C.8 According to Ministerial Regulations No. 2, the following types of work are considered hazardous to workers' health and safety, and the working hours must not exceed seven hours per day or 42 hours per week:
- Work carried out underground, underwater, in a cave, in a tunnel, or in a place with limited air circulation;
  - Work with radioactive materials;
  - Welding;
  - Production and transportation of explosive and flammable materials;
  - Work with tools or machines that vibrate and may endanger workers' health;
  - Work in extreme cold or heat which may endanger worker's health.
- C.10 The minimum wage applies to all workers without discrimination.
- C.11 Wages must not be deducted for weekly rest days, traditional holidays, annual holidays and sick leave.
- C.12 Wages, overtime pay, holiday pay, holiday overtime pay, weekly rest day pay and weekly rest day overtime pay must be paid in Thai currency unless the worker consents to be paid in a foreign currency.
- C.13 Wages, overtime pay, holiday pay, holiday overtime pay, weekly rest day pay and weekly rest day overtime pay must be paid at the place of work unless the worker agrees to be paid elsewhere or by other means.
- C.14 Overtime pay, holiday pay, holiday overtime pay, weekly rest day pay and weekly rest day overtime pay must be paid in accordance with the agreement between employers and workers and must meet the minimum requirements prescribed by law (See Section on Overtime and Holiday Pay Rates).
- C.15 Wages for annual leave in the year of termination of employment<sup>19</sup> must be paid in proportion to the annual leave entitlement.
- C.16 In cases where work is suspended due to business closure, workers must be paid a wage no less than 75 per cent of their wage per working day.
- C.17 Employers must make available a record of, and documents related to the payment of wages, overtime pay, holiday pay, holiday overtime pay, weekly rest day pay and weekly rest day overtime pay and obtain the signature of each worker to acknowledge payment.

## Wages and Payment<sup>18</sup>

Employers are obligated to pay wages to all workers, including migrant workers, without discrimination, as stipulated in Thai law, as follows:

- C.9 The employer must pay the worker's wages as agreed in the employment contract and this amount must not be lower than the minimum wage, unless the law states otherwise.

<sup>17</sup> These standards and conditions are stipulated in the Labour Protection Act.

<sup>18</sup> Ibid.

<sup>19</sup> This provision applies in cases of both dismissal and resignation.

*Note:* While not required under Thai law, providing a pay slip in a language understood by the worker with detailed information on wages, overtime, deductions and other provisions or benefits is a recommended practice that increases workplace transparency, benefiting both the worker and employer.

## Wage Deductions<sup>20</sup>

The section below describes legal deductions and conditions that employers may deduct from the wages of all workers, including migrant workers, as stipulated in Thai law.

C.18 Employers must not make any deductions from wages, overtime pay, holiday pay, holiday overtime pay, weekly rest day pay and weekly rest day overtime pay unless the deduction is for the following purpose:

- Payment of taxes and fees that have been defined as the worker's responsibility, such as the monthly contribution to the Social Security Fund;
- Payment of trade union dues (with the worker's consent);
- Repayment of debts to a cooperative (with the worker's consent);
- Compensation for damages to the employer that are proven to be caused by a lack of caution by the worker (with the worker's consent);
- Contribution to a provident fund (if applicable).

C.19 Employers must not deduct more than 20 per cent of the workers' wages to cover for the purposes outlined in C.18, except for payment of taxes and fees that have been defined as the worker's responsibility. No single item can exceed a deduction of 10 per cent, except for payment of taxes and fees that have been defined as the worker's responsibility, which does not have such ceiling. This 20 per cent ceiling is inclusive of the four purposes outlined above (except for payment of taxes and fees that have

### Employers must not deduct more than 20 per cent of the wages to which the worker is entitled for the following purposes:

- Payment of trade union dues;
- Repayment of debts to a cooperative;
- Compensation for damages to the employer that are proven to be caused by a lack of caution by the worker;
- Contribution to a provident fund;
- Fees for passports, medical clearance, work permits, or other legally acceptable fees that were advanced by the employer.

been defined as the worker's responsibility), as well as fees for passports, medical clearance, work permits, or other legally acceptable fees that were advanced by the employer.

## Overtime and Holiday Pay Rates<sup>21</sup>

This section outlines employers' obligations to ensure that overtime and holiday and weekly rest day work is voluntary. It also outlines calculations of the overtime and holiday and weekly rest day pay rates that all workers, including migrant workers, are entitled to when working in addition to their normal working hours.

C.20 Overtime work must be voluntary, with prior consent from the worker for each case of overtime.

C.21 Employers are prohibited from requiring workers to work on a holiday or on a weekly rest day unless it is necessary, and the worker must give prior consent.

C.22 Employers are prohibited from requiring workers to work overtime or on a holiday or on a weekly rest day for work that is hazardous to the worker's health and safety (See Section on Working Days and Hours for more information).

<sup>20</sup> These standards and conditions are stipulated in the Labour Protection Act.

<sup>21</sup> Ibid.



- C.23 Hours for overtime work, holiday work and weekly rest day work must not exceed the number of hours prescribed by any applicable Ministerial Regulations in Thailand.
- C.24 For overtime work on a working day, employers must pay 1.5 times the hourly wage.
- C.25 For work on a holiday during normal working hours, employers must pay salaried workers and daily wage workers the standard wage for a working day. For work on a weekly rest day during normal working hours, employers must pay salaried workers the standard wage for a working day, and daily wage workers twice the hourly wage.
- C.26 For overtime work on a holiday or on a weekly rest day, employers must pay workers at least three times the hourly wage.
- C.27 Men and women workers must be paid equal wages, overtime pay, holiday pay, holiday overtime pay, weekly rest day pay and weekly rest day overtime pay for the same work.

## Rest Periods<sup>22</sup>

Employers are obligated to arrange the following daily rest periods for all workers, including migrant workers, during their employment:

- C.28 Employers must arrange for a rest period of at least one hour after workers have been working for five hours consecutively. It is possible to agree on rest periods shorter than one hour but the total time of rest periods per day must not be less than one hour.
- C.29 A rest period exceeding two hours is not considered to be part of working hours.
- C.30 Where overtime work after normal working hours is more than two hours, employers must arrange for workers to take a rest period of not less than 20 minutes before workers commence overtime work.

## Holidays<sup>23</sup>

Employers are obligated to provide different types of holidays, as prescribed by Thai law, for all workers, including migrant workers, as follows:

- C.31 Employers must announce in advance no less than 13 traditional holidays per year for workers, including National Labour Day, all of which are paid. Traditional holidays include official holidays and other holidays corresponding to religious and local traditions.
- C.32 If a traditional holiday falls on a weekly rest day, workers are entitled to take the following working day off as a substitute for the traditional holiday. The worker may voluntarily agree to work on a traditional holiday, in which case the employer must seek the worker's prior consent each time and pay at the rate of a holiday pay. (See Section on Overtime and Holiday Pay Rates for more information.)
- C.33 Workers who have worked for an uninterrupted period of one year are entitled to an annual holiday of no less than six working days per year. The dates of the annual holiday are subject to the employer's approval. Workers must receive full payment for annual holidays.

## Sick Leave<sup>24</sup>

Employers are obligated to provide all workers, including migrant workers, with paid sick leave, to which they are entitled under the following conditions:

- C.34 Workers are entitled to sick leave for all days of sickness, and to sick leave at full pay for up to 30 days per year. Workers must provide a medical certificate for sick leave of three consecutive days or more.
- C.35 Workers are entitled to leave for sterilization and to receive payment for the entire period that physician advises in a medical certificate.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.



## Other Leave<sup>25</sup>

The section below outlines other types of leave in addition to weekly rest days, holidays and sick leave to which workers are entitled:

- C.36 Workers are entitled to at least three days of paid personal leave per year for necessary business.
- C.37 Workers are entitled to paid leave for training, the duration of which is subject to employer approval.

## Severance Pay<sup>26</sup>

The section below outlines the varying levels of severance pay to which all workers, including migrant workers, are entitled when the employer terminates the employment contract for reasons for which the worker is not responsible:

- C.38 The worker is entitled to the following severance pay when the employer terminates the employment contract for reasons for which the worker is not responsible (See Section on Exceptions to Payment Severance Pay for situations in which the employer can

terminate the contract without severance pay). In all other situations, if the employer terminates the employment contract, the worker is entitled to receive severance pay:

- A lump sum equivalent to 30 days' wages, at the rate of the worker's last wage, if the worker has been working consecutively for 120 days but less than one year.
- A lump sum equivalent to 90 days' wages, at the rate of the worker's last wage, if the worker has been working consecutively for one year but less than three years.
- A lump sum equivalent to 180 days' wages, at the rate of the worker's last wage, if the worker has been working consecutively for three years but less than six years.
- A lump sum equivalent to 240 days' wages, at the rate of the worker's last wage, if the worker has been working consecutively for six years but less than 10 years.
- A lump sum equivalent to 300 days' wages, at the rate of the worker's last wage, if the worker has been working consecutively for 10 years or more.
- A lump sum equivalent to 400 days' wages, at the rate of the worker's last wage, if the worker has been working consecutively for 20 years or more.

If the worker has been working consecutively for:

1	120 days but less than one year	→	A lump sum equivalent to 30 days' wages
2	One year but less than three years	→	A lump sum equivalent to 90 days' wages
3	Three years but less than six years	→	A lump sum equivalent to 180 days' wages
4	Six years but less than 10 years	→	A lump sum equivalent to 240 days' wages
5	10 years or more	→	A lump sum equivalent to 300 days' wages
6	20 years or more	→	A lump sum equivalent to 400 days' wages

**At the rate of the worker's last wage**

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

## Special Severance Pay in the Case of Reorganization

Severance pay is mandated in cases where employment is terminated as a result of business reorganization, as outlined below. All workers, including migrant workers, are entitled to varying levels of severance pay based upon the length of their employment.

C.39 Employers who undertake reorganization of a production line, or introduce new technology resulting in the termination of employment of workers are obliged to pay:

- Severance pay, as a result of the termination of the contract without reasonable grounds (See Section on Severance Pay).
- Additional benefits, as indicated in the employment contract.
- Special severance pay for any worker who has been working for the employer for six consecutive years or more. The special severance pay is calculated starting from the sixth year of employment. For the sixth year and each subsequent year of consecutive employment after that, the worker will receive an additional lump sum equivalent to 15 days' wages per year, up to a total maximum lump sum equivalent to 360 days' wages at the rate of the worker's last wage. For example, if the worker worked for a full seven years, the special severance pay is calculated accordingly: two years of employment (year six and year seven) times 15 days of wages, at the rate of the worker's last wage.

C.40 The employer should inform the worker at least 60 days in advance of the termination date. An employer who fails to notify the worker in advance or notifies the worker less than 60 days in advance of the termination date is obligated to pay the worker a lump sum equivalent to 60 days' wages, at the rate of the worker's last wage, as severance pay.

## Special Severance Pay in the Case of Acquisition or Merger of the Business

When a business is acquired by or merged with another company/entity/enterprise and the worker does not wish to work for the new employer and juridical person of the business, the worker, including migrant worker, has the right to terminate the contract and receive severance pay.

C.41 In the event the business is acquired by, or merged with another company/entity/enterprise, the employer is required to obtain agreement from the worker for the change of employer (or the legal person where applicable\*). If the worker does not wish to be employed by the new employer or the new legal person, then the worker has the right to terminate the contract by submitting a written letter to the employer within 30 days from the date of the announcement of the change of employer or the legal person.

*Note:* A legal person is an entity formed when the company is a private limited company, public company, limited liability company, association, foundation, or otherwise as prescribed by Thai law. A legal person has its own legal rights and obligations, separate to those running and/or owned by the entity.

## Special Severance Pay in Case of Relocation

Similarly to when a business is acquired or merged with another company/entity/enterprise, if a business relocates its operations and a worker does not wish to move, the worker, including migrant worker, has the right to terminate the contract and receive severance pay on the following conditions.

C.42 If the employer relocates the workplace to a new location, the employer must provide no less than 30 days advance notice to workers. If the employer fails to inform workers at least 30 days in advance, the employer must pay a lump sum equivalent to 30 days' wages, at the rate of the worker's last wage, as severance pay to workers who refuse to relocate to a new location. The severance pay in place of advance notice must be paid within seven days after the worker's last day of employment.



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C.43 In a case where a worker refuses to relocate because moving to a new location would affect their livelihood, the worker has the right to terminate the contract without penalties by submitting a written letter to the employer within 30 days from the date the relocation was announced. In addition to the 30 days of wages that the worker is entitled to if the employer does not inform the worker 30 days in advance, the employer must also pay the worker severance pay due to termination of the contract without reasonable grounds (See Section on Severance Pay).

### Exceptions to Payment of Severance Pay<sup>27</sup>

There are certain situations in which the employer is not legally mandated to pay severance pay to the worker, which are outlined below.

C.44 Employers are not required to pay severance pay to workers whose employment has been terminated for any of the following reasons:

- Performing their duties dishonestly or intentionally committing a criminal offence against the employer;
- Intentionally causing damage to the employer;
- Gross negligence causing serious damage to the employer;
- Violation of the company's policies, or the terms and conditions of the employment contract, after the employer has already given two written warnings with regards to the same action within one year, and the worker has still not complied with the first written warning (as long as the policies and/or terms and conditions of the contract comply with Thai law), or, in the case of a serious violation, without the requirement to issue a written warning;
- Neglecting duties, without a justifiable reason, for three consecutive working days regardless of whether there is an intervening holiday;
- A final court judgment resulting in the imprisonment of the worker.

<sup>27</sup> Ibid.

C.45 According to Thai law, an employer may dismiss a worker if a criminal complaint is filed against the worker by the police. While this is a common practice amongst employers, it is an example of bad practice. In these cases, the worker has the right to appeal for unfair employment termination but remains dismissed until a court orders the employer to reinstate the worker, which could take a significant amount of time.

## Work Documents<sup>28</sup>

Employers are required to publicly display company policies and procedures and employment information when employing 10 or more workers as well as keeping records of workers' personal and employment information.

C.46 Employers employing more than 10 workers must provide a number of documents as prescribed by Thai laws. For example, they must provide company policies and procedures, in Thai, to officials of the Department of Labour Protection and Welfare and publicly display these in the workplace where they are clearly visible to workers. The documents must contain details on working hours, rest periods, weekly rest day, holidays and leave, overtime, the date and place of wage payment, payment for overtime, holidays, holiday overtime, weekly rest day and weekly rest day overtime, discipline and disciplinary measures, procedures for lodging grievances, termination of employment, severance pay and special severance pay.

C.47 Employers must make available, in Thai, the record of workers' registration, containing the given name, family name, sex, nationality, date of birth or age, current address, date of employment, work position or job description, rate of wages, other benefits and the date of termination of employment of each worker. The record of registration must be made available to a labour inspector upon request.

C.48 Employers must submit Form No. Kor Ror 11 showing details of employment and working conditions to the Director General or the authorities of the Department of Labour Protection and Welfare in January of every year. Any changes to Form No. Kor Ror 11 as submitted must be reported to the Director General or the authorities within the following month.

C.49 Employers must make available a record of, and documents related to the payment of wages, overtime pay, holiday pay, holiday overtime pay, weekly rest day pay and weekly rest day overtime pay of each worker, and obtain the signature of each worker to acknowledge payment.

C.50 Employers must retain information on each worker for at least two years from the date that employment is terminated. Records of workers' payments must be retained for at least two years from the date of each payment.

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<sup>28</sup> Ibid.





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# D

## Social Security Fund Benefits

Under the *Social Security Act B.E. 2533 (1990)*, all workers, including migrant workers, who pay contributions to the Social Security Fund (SSF) are entitled to access the benefits outlined below:



1. Health care



2. Maternity benefits



3. Disability support



4. Child benefits



5. Unemployment support



6. Retirement/Old-age pension



7. Funeral support



In order to access the SSF, eligible migrant workers must:

- Be employed full-time;
- Have entered Thailand through an MoU recruitment process or have completed the National Verification process;
- Be enrolled in the system by their Thai employer;
- Be between 18 and 55 years of age.

The SSF is available to all MoU workers except for those employed in agriculture, forestry and domestic work. Migrant workers can access benefits under the SSF after three months of paying monthly contributions.

D.1 Employers of one or more eligible migrant workers must register workers with the SSF within 30 days of hiring the first worker.

D.2 Employers are required to register eligible migrant workers from the age of 18 to 55 years with the SSF.

D.3 Employers must submit the names of migrant workers, their wages or salaries and other details that may be required by the Social Security Office within 30 days of the date that migrant workers become insured by the Fund. The Social Security Office will issue a certificate to the company and issue cards to all migrant workers.

D.4 The amount that migrant workers must contribute to the Fund is 5 per cent of the migrant worker's monthly wages, up to a maximum of Thai Baht 750. Employers contribute a matching amount and the government contributes an additional 2.75 per cent.

D.5 Employers are required to submit contributions to the Social Security Office within 15 days of the end of the month during which the payroll deductions were made.



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## E

## Workmen's Compensation Fund Benefits

According to the *Workmen's Compensation Act B.E.2537 (1994)* and its amendments, all workers, including migrant workers, who sustain an occupational injury or illness, who disappear<sup>29</sup> or pass away while performing, or as a result of performing their work, are entitled to compensation regardless of the nationality or type of documentation they hold. Migrant workers employed in domestic work or those working without a valid work permit, however, are not covered under the Workmen's Compensation Fund.<sup>30</sup> There are four types of compensation benefits:

- 1) Compensation in the case of sickness, injury, permanent impairment, permanent disability, death or disappearance;
- 2) Medical expenses;
- 3) Occupational rehabilitation expenses;
- 4) Funeral expenses.

The following section outlines employers' responsibilities to ensure that all workers, including migrant workers, have access to benefits under the Fund:

- E.1 Employers of one or more workers must register with the Workmen's Compensation Fund within 30 days of hiring the first worker and submit the register of workers to the Social Security Office annually.
- E.2 Employers are required to provide a notification of any change to their enterprise, such as address or category of industry, to the Workmen's Compensation Fund within 30 days.
- E.3 Employers are required to pay contributions to the Workmen's Compensation Fund annually according to the rate calculated by Thai law. The rate of contribution depends upon work-related risks, which differ from one industry to another.
- E.4 Employers are required to arrange for workers who are injured or sick to receive medical treatment as early as possible and notify the Workmen's Compensation Fund within 15 days of the injury or illness.

<sup>29</sup> Disappear' means that the worker has disappeared while working or acting under the instructions of the employer, who has reason to believe that the worker is dead due to suffering an injury during their work or as a result of instructions of the employer.

<sup>30</sup> See Ministry of Labour, "Announcement on category, size, locality of jobs that require an employer to pay contributions, contribution rates, interest rates, and means to calculate and collect contributions," 21 February 2019, retrieved from [www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/067/T\\_0019.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/067/T_0019.PDF).





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## F | Workers' Rights to Freedom of Association and Collective Bargaining

The rights to freedom of association and collective bargaining for workers are guaranteed under international treaties and standards and are protected by the Thai Constitution and the *Labour Relations Act B.E. 2518 (1975)*. Migrant workers are permitted to become members of and participate in trade union activities in Thailand. However, Thai law does not permit migrant workers to establish or become board members or office holders, of registered trade unions or labour unions.

### What are Trade Unions and Workers' Organizations?

Trade unions and workers' organizations play an active role in collective bargaining between employers and workers to negotiate working conditions, welfare and benefits, and resolve labour disputes for a safe and efficient workplace.

### What is Collective Bargaining?

A process in which workers, through unions, negotiate terms of employment with an employer, including pay, benefits, hours, leave, job health and safety policies and other terms.

To comply with Thai laws, employers must acknowledge the following conditions for all workers, including migrant workers:

- F.1 Workers are free to participate in trade union meetings without company management present.
- F.2 Workers are free to meet and connect with representatives from trade unions and/or workers' organizations in the workplace.



- F.3 Employers must not use blacklists to avoid hiring labour unionists.
- F.4 Employers must not punish, intimidate or harass workers for joining a union, engaging in any activities connected to trade unions or workers' organizations, or for representing workers' collective interests.
- F.5 Employers must not provide incentives to workers in order to keep them from joining a union or engaging in union activities.
- F.6 Employers must not punish workers for participating in a collective dispute, work stoppage, or strike according to Thai law.
- F.7 Employers must not terminate the worker's employment contracts if the worker participates in activities associated with collective bargaining, trade unions, or workers' organizations.
- F.8 Employers must bargain in good faith with unions or workers' organizations, and if a collective agreement is reached, the provisions must be implemented.
- F.9 Peaceful worker representation and action are allowed.
- F.10 Any and all disciplinary measures related to trade union membership, collective bargaining and workers' organizations must comply with the established legal requirements.
- F.11 Employers must resolve grievances and disputes in compliance with legal requirements.
- F.12 An employer of 50 workers or more in a workplace must arrange for a Welfare Committee comprising at least five worker representatives in the workplace and support free and fair workers' elections of their representatives. The workplace Welfare Committee is responsible for giving guidance to and consulting with the employer on the provision of welfare and benefits to workers.
- F.13 Employers are required to hold meetings with Welfare Committees at least once every three months or upon the request of more than half of the labour union members.
- F.14 Employers must clearly post announcements at the workplace regarding the provision of welfare.



# Chapter II

## Understanding Cultural Sensitivity and Behaviour in the Workplace

## Understanding Cultural Sensitivity and Behaviour in the Workplace

### Cultural Diversity

Migrant workers from Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam make up 10 per cent of the labour force in Thailand.<sup>31</sup> These workers not only contribute to Thailand's economic development but also bring their cultural identities and rich histories. As such, the diversity they bring about has the potential to benefit everyone and contribute not only to economic development but also to cultural diversity.<sup>32</sup>

To harness this diversity in the workplace, employers should create an environment that allows workers from different cultures to interact and thrive. Being proactive and open to learning about the cultures of workers helps employers build organizational trust. Cross-cultural communication is a tool to nurture this trust and workplace relations in a respectful manner. It is not enough, however, to build a respectful workplace. Employers must also ensure that the basic rights of migrant workers, at a minimum those outlined in relevant national frameworks, are met. **Cross-cultural communication can have a positive impact on employer-worker relations only when workers are provided with decent working conditions, are treated respectfully, and are not discriminated against.**

### How to Use this Chapter

This chapter is designed for company representatives communicating with migrant workers. As such, it is relevant to Human Resources officers, managers or supervisors, interpreters and other staff who come into direct contact with migrant workers.

The information provided should be used as basic guidance concerning cultural aspects that need to be taken into consideration when engaging in cross-cultural communication with migrant workers from Cambodia and Myanmar. This guide is not definitive or comprehensive and is designed to provide a basis for navigating cross-cultural

communications in the workplace. As such, it encourages employers to be proactive about understanding the cultural nuances of their workforce to build long-lasting employer-worker relations.

*Note:* Both Cambodia and Myanmar have rich histories and diverse populations. They each are inhabited by different ethnic and religious groups, which may differ significantly from each other. This guide flags to employers only general considerations when it comes to cultural sensitivity in relation to these countries. It does not accommodate differences among groups and individuals within each country, and therefore should be used with caution.

### Structure of this Chapter

This chapter is divided into:



G. Tips for Being a Culturally Sensitive Employer



H. The Culture of Cambodia - What Should You Know?



I. The Culture of Myanmar - What Should You Know?

<sup>31</sup> United Nations Thematic Working Group on Migration in Thailand, ed. Benjamin Harkins, Thailand Migration Report 2019. Available from: [https://thailand.iom.int/sites/thailand/files/document/publications/Thailand%20Report%202019\\_22012019\\_LowRes.pdf](https://thailand.iom.int/sites/thailand/files/document/publications/Thailand%20Report%202019_22012019_LowRes.pdf)

<sup>32</sup> Article 1 of the United Nations Declaration on Cultural Diversity. Available from: [www.ohchr.org/EN/ProfessionalInterest/Pages/CulturalDiversity.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CulturalDiversity.aspx).



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G

## Tips for Being a Culturally Sensitive Employer<sup>33</sup>

The section below provides tips to employers on how to engage with all workers, including migrant workers, in a culturally sensitive manner to develop an inclusive, respectful and productive workplace.



**G.1 Invest time in knowing the workers' cultures:** Understand how values, practices and beliefs affect the day-to-day behaviour of workers, including the dynamic of interactions between men and women in the workplace.



**G.2 Hear what the workers have to say:** Before implementing any significant changes or decisions that will affect migrant workers, seek their opinion on the topic. This can help in building employer-worker trust and generate workers' ownership over their areas of responsibility. Organize regular staff meetings to improve the flow of information between employers and workers, and to create a common understanding of the company's goals, productivity targets and expectations.



**G.3 Seek to be understood:** Employ well-qualified interpreters designated to provide translation and interpretation in the workplace and on production lines, including orientations, briefings, guidance and instructions. Make sure

that interpreters are neutral and professional in performing their duty. Provide an accurate translation of all announcements, rules and regulations, handbooks, safety signs and working instructions, and other necessary documentation in languages understood by all workers. Use simple and non-technical language when communicating with workers.



**G.4 Show respect:** Think of ways to show workers respect for their culture, roles and functions. Avoid negative attitudes or language that may be perceived as patronizing. Be respectful when discussing religion, and exercise caution when discussing political issues. Learn how to pronounce names correctly and show interest in learning about workers' cultures as well as sharing your own culture.

<sup>33</sup> United Nations Population Fund, Guide to Working from Within: 24 Tips for Culturally Sensitive Programming, Programming. 2004. Available from: [www.unfpa.org/sites/default/files/pub-pdf/24tips\\_eng.pdf](http://www.unfpa.org/sites/default/files/pub-pdf/24tips_eng.pdf) ; Montserrat, Fonseca Estrada, Cultural Sensitivity in the Workplace. 6 May 2015. Available from: <https://extension.psu.edu/cultural-sensitivity-in-the-workplace> and Government of Newfoundland and Labrador, Department of Education ; and Early Childhood Development, Presentation on Cultural Sensitivity, Sensitivity. 2009. Available from: [www.gov.nl.ca/education/files/k12\\_curriculum\\_guides\\_esl\\_cultural\\_sensitivity.pdf](http://www.gov.nl.ca/education/files/k12_curriculum_guides_esl_cultural_sensitivity.pdf).





**G.5 Be patient:** Dedicate enough time to understanding workers' concerns, clarifying issues and addressing any doubts. Unaddressed questions will likely resurface later and impact the workplace.



**G.6 Be inclusive:** Build trust with workers by being transparent and engage respectfully with all stakeholders of all genders, ethnicities, religions, nationalities or status. Support social, cultural and religious activities that workers voluntarily initiate, organize and participate in.



**G.7 Seek out verified sources and rely on evidence:** When discussing work-related topics or dealing with questions raised by workers, it is always a good idea to present physical evidence or verbal testimony to support your words. Showcase results showing that actions previously committed to have been taken.



**G.8 Do not be judgmental:** Avoid judging workers' behaviour or beliefs. Try to put aside personal values or biases and explore workers' views and cultures. When speaking, try to clearly differentiate between facts and your judgement, interpretation, rumors or gossip.



**G.9 Use language sensitively:** Use words and concepts with caution to avoid offending others. Learn about verbal and non-verbal gestures appreciated by workers and engage in polite and respectful communication. Demonstrate to workers the importance of day-to-day communications in the workplace. Speak slowly and clearly and ask open-ended questions to provide workers an opportunity to share their opinions, raise concerns or questions, or discuss issues.



**G.10 Work through worker representatives:** Engage with migrant workers' representatives to better understand the morale of migrant workers and find better and more productive ways to engage with them. Make sure that the opinions of different gender, ethnic, religious, language and nationality groups are reflected.



**G.11 Be the facilitator:** When dealing with new or culturally sensitive issues, assume the role of facilitator. Listen first to understand, only then seek to be understood. Allow workers to express their ideas and opinions before disclosing personal ideas.



**G.12 Respect commitments:** Put words into action and follow through on commitments given to workers.



**G.13 Find common ground:** Understand the similarities between cultures, beliefs and attitudes of local and migrant workers, and build on them to create a more inclusive workplace.



**G.14 Recognize achievements:** Publicize success to bring workers' attention to the fruits of their work and to generate a sense of pride.



**G.15 Build capacity:** Train workers regularly, regardless of their position or migration status, to improve their skills. Invest in cultural orientation and language training for migrant workers.



**G.16 Stay the course:** Operating in a multi-cultural environment is rewarding but may sometimes lead to misunderstandings. Do not expect to understand workers' cultures, opinions and attitudes at once. Building a culturally sensitive workplace is a long-term process.



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# H

## The Culture of Cambodia- What Should You Know?

The sections below contain key information to consider when employing workers from Cambodia, which will enable more respectful and effective communication between employers and workers and among workers, and therefore contribute to a more productive workplace.

### Key Facts:

- H.1 The Kingdom of Cambodia is home to 16.2 million people.
- H.2 It is home to numerous ethnic, religious and nationality groups including Chinese, Khmer, Vietnamese and other ethnic groups.<sup>34</sup>

- H.3 It is estimated that the majority of the population is Buddhist, with a smaller number of people following Islam, Christianity and other religions.<sup>35</sup>
- H.4 Family and community engagement are a strong part of Cambodian culture.

<sup>34</sup> Asian Development Bank, *Indigenous Peoples, Ethnic Minorities and Poverty Reduction*, 2002, p. 3. Available from: [www.adb.org/sites/default/files/publication/28021/indigenous-peoples-cambodia.pdf](http://www.adb.org/sites/default/files/publication/28021/indigenous-peoples-cambodia.pdf).

<sup>35</sup> U.S. Department of State, *2019 Report on International Religious Freedom: Cambodia*. Available from: [www.state.gov/rports/2019-report-on-international-religious-freedom/cambodia/](http://www.state.gov/rports/2019-report-on-international-religious-freedom/cambodia/).

## 1. Greetings and Names

This section outlines the general principles of how Cambodians greet and refer to each other.

- H.5 Many Cambodians influenced by Buddhist tradition greet by bowing with both hands placed together in front of the chest with the fingers pointing upward while standing about half a metre or one foot apart. This gesture is known in Cambodian as “sampeah”.<sup>36</sup> To be culturally sensitive, employers should observe how individual workers greet each other and mimic this behaviour. This will allow employers to be considerate of cultural nuances that may exist between different ethnic, religious and national groups of Cambodia.
- H.6 Some Cambodians may greet their counterparts by shaking hands.
- H.7 To show sensitivity about cultural aspects of gender, when greeting women, men should wait to see if they extend their hand first. Some women may prefer not to shake hands with men. In this case, smiles and nods are considered a polite gesture.
- H.8 Many Cambodians go by a family name based on their father’s given name (patronymic) followed by a given name.
- H.9 Many Cambodians address one another according to their relationship and seniority (older, younger).
- H.10 At the initial meeting, employers may wish to ask workers about their preference for name and title when being addressed.
- H.11 Assigning a new name or nickname is considered inappropriate and disrespectful by many Cambodians.
- H.12 When making conversation, talking about family, work and home country is considered polite by many.

## 2. Public Image and Communication<sup>37</sup>

This section outlines the general principles on how Cambodians approach their public image and how employers can better communicate with Cambodian workers.

- H.13 Most cultures value a positive public image, some more than others. A positive public perception is also very important to many Cambodians. To be culturally sensitive, in normal situations that do not involve danger or exploitation, employers should therefore consider:
  - Providing workers with constructive feedback in private to make sure that it can be received without any fear of public humiliation.
  - Adopting non-aggressive, non-offensive, gentle and constructive language when communicating with workers, one that focuses on solutions rather than pointing out mistakes or criticizing.
  - Praising workers for their good work in public and in private.
  - Demonstrating an effort to be friendly and showing genuine interest in individual feedback.
- H.14 Many people, including Cambodians, may not feel comfortable admitting a lack of understanding of the topic of conversation. To ensure effective communication about any topic, employers should:
  - Use simple, non-technical language.
  - Provide examples that help workers to place new knowledge in context.

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<sup>36</sup> Government of Canada, Center for Intercultural Learning, Country Insights: Cambodia, 2018. Available from: [www.international.gc.ca/cil-cai/country\\_insights-apercus\\_pays/ci-ic\\_kh.aspx?lang=eng](http://www.international.gc.ca/cil-cai/country_insights-apercus_pays/ci-ic_kh.aspx?lang=eng). Clara Scroope, Cambodian Culture, 2017. Available from: <https://culturalatlas.sbs.com.au/cambodian-culture/>.

<sup>37</sup> [culturalatlas.sbs.com.au/cambodian-culture/](https://culturalatlas.sbs.com.au/cambodian-culture/).

- Ask workers open-ended (how, what, why, when, who, where) questions to summarize/paraphrase what was said.
- Try rephrasing questions to double-check that workers have understood fully.
- Avoid “yes or no” questions as workers may not always feel comfortable disagreeing with employers in private or in public.<sup>38</sup>
- Do not always take a smile for “yes” or enjoyment.
- Do not always take a yes for agreement or understanding.

H.15 When in a group, employers should not pick on individual workers to answer their questions. After asking a question, employers should allow time for workers to answer voluntarily.

H.16 Employers should be aware that many Cambodians may hold back their opinions so as not to hurt or offend another person.<sup>39</sup> Vague or indirect terms are often used to avoid disagreement. This, combined with the worker-employer power dynamic, may make it difficult to obtain objective opinions from workers. To overcome this, employers may ask workers open questions before expressing their own opinion, for example: ‘How do you think we can improve this process?’, ‘What do you think we can do better in our workplace?’, ‘What would make you feel more comfortable?’

H.17 Maintaining periodic eye contact is considered by many a sign of attentiveness to the speaker.

H.18 Looking at the speaker straight in the eyes for an extended or uninterrupted period of time may be interpreted by many as challenging the speaker.

H.19 When being instructed or spoken to by an elder or someone in positions of authority, some Cambodians choose to lower their eyes out of respect for the speaker.

H.20 Many cultures are respectful of the elderly. Similarly, many Cambodians may change their

language, posture and behaviour when speaking to older people to show their respect.<sup>40</sup>

H.21 Before arranging mixed-gender social and/or workplace activities, it is advised to check with Cambodian workers, both men and women, if they are fine with this and how they would prefer the activities to be organized.

H.22 When resolving conflict, the use of an intermediary rather than direct confrontation is preferred by many Cambodians.

H.23 Conversations about the Khmer Rouge could evoke trauma for many Cambodians.

### 3. Physical Contact<sup>41</sup>

This section outlines the general principles of how Cambodians approach physical contact and interaction between people in public.

H.24 Touching someone’s head, cheeks or hair or passing objects over a person’s head, particularly of an older person, may be considered culturally inappropriate.

<sup>38</sup> Minister of Investment and Foreign Economic Relations. Directorate of Investment and Company Administration, Myanmar Center for Responsible Business. “Respecting Myanmar Culture in the Workplace,” 2019. Available from: [www.dica.gov.mm/sites/dica.gov.mm/files/news-files/culture\\_guide\\_e\\_0.pdf](http://www.dica.gov.mm/sites/dica.gov.mm/files/news-files/culture_guide_e_0.pdf).

<sup>39</sup> Ibid.

<sup>40</sup> Government of Canada, Center for Intercultural Learning, Country Insights: Cambodia, 2018. Available from: [www.international.gc.ca/cil-cai/country\\_insights-apercus\\_pays/ci-ic\\_kh.aspx?lang=eng](http://www.international.gc.ca/cil-cai/country_insights-apercus_pays/ci-ic_kh.aspx?lang=eng).

<sup>41</sup> Minister of Investment and Foreign Economic Relations, op. cit. and Clara Scroope, op. cit.



- H.25 Pointing to or touching objects with the feet as well as placing the feet on a table, pillow or near the head of another person may be considered culturally inappropriate.
- H.26 Pointing in general may be considered culturally inappropriate for many. Many Cambodians instead use their mouth to point towards the object or a person. This is not meant as an offensive gesture.
- H.27 Maintaining arm's length distance when having a conversation with a stranger is considered appropriate by many.
- H.28 Stepping over items, especially books, newspapers, or magazines may be considered as showing disrespect for knowledge.
- H.29 Physical contact among people of the same gender, for example holding hands and hugging, is considered acceptable, although this practice is generally not common in public.

#### 4. Dress Code

This section outlines how employers can create a more inclusive and respectful workplace environment through dress codes and dress-related practices.

- H.30 Employers should allow workers to dress as preferred unless they are required to wear protective clothing.
- H.31 To celebrate diversity, employers may wish to allow workers to wear their traditional dress on days of cultural importance.
- H.32 Taking off shoes when entering the employer's office may be a sign of respect. Similarly, before entering workers' accommodation, employers should observe whether workers take off their shoes before entering. If still unsure, employers can politely ask about taking off their shoes.

#### 5. Eating and Socializing:

This section outlines the general principles of how Cambodians approach communal gatherings and eating.

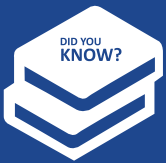
- H.33 Eating while sitting on the floor is considered by many Cambodians to be appropriate and preferable.
- H.34 During meals, elders may be served first.
- H.35 Using the right hand or both hands to pass or receive items is considered by many to be appropriate.
- H.36 Eating with hands may be preferred by some Cambodians, depending on the type of food and the people joining the meal.
- H.37 Before eating, many Cambodians may choose to offer the food to another person as a sign of hospitality. Sharing food is commonly accepted.



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## The Culture of Myanmar - What Should You Know?

The sections below contain key information to consider when employing workers from Myanmar, which will enable more respectful and effective communication between employers and workers and among workers, and therefore contribute to a more productive workplace.

### Key Facts:

- I.1 The Republic of the Union of Myanmar is the largest country in mainland South-East Asia by area.
- I.2 Myanmar is home to approximately 51.5 million people.<sup>42</sup>
- I.3 Myanmar is home to numerous ethnic, religious and nationality groups. The most populous groups include the Bamar, Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan.<sup>43</sup>

- I.4 The Bamar ethnic, religious and nationality group makes up 70 per cent of the Myanmar population.<sup>44</sup> Historically, the majority of Bamar have been Buddhist. This does not mean, however, that currently all Bamar can be assumed to be Buddhist.

<sup>42</sup> Department of Population, Ministry of Labour, Immigration and Population. "The 2014 Myanmar Population and Housing Census," 2014. Available from: <http://themimu.info/census-data>.

<sup>43</sup> Department of Foreign Affairs And Trade, Australian Government. "DFAT Country Information Report Myanmar," 2019. Available from: [www.dfat.gov.au/sites/default/files/country-information-report-myanmar.pdf](http://www.dfat.gov.au/sites/default/files/country-information-report-myanmar.pdf).

<sup>44</sup> Embassy of the Republic of the Union of Myanmar in Brazil, Myanmar General Information. Available from: [http://myanmarbsb.org/\\_site/221/](http://myanmarbsb.org/_site/221/).



- I.5 While 80 per cent of the population are reported to practice Buddhism, Myanmar hosts Christian, Muslim, Animist, Hindu populations, as well as other religions.<sup>45</sup>
- I.6 Myanmar is sometimes known as Burma. “Bamar” (or “Burman”) and “Myanmar” are different. “Myanmar” is the official name of the country, while “Bamar” is the name of the majority ethnic group, mainly from the lower region of the country.
- I.7 ‘Myanmar’ refers to citizenship or language, but people also say, “Myanmar language”.
- I.8 People from minority ethnic groups such as the Chin, Kachin, Rakhine or Shan are likely to not appreciate being mistaken as Bamar because this term refers to a different ethnic group.
- I.9 Many Myanmar people, influenced by Buddhist tradition, greet each other by bowing with both hands placed on the stomach. However, to be culturally sensitive, employers should observe how individual workers greet each other and mimic this behaviour. This will allow employers to be considerate of cultural nuances that may exist between different ethnic, religious and nationality groups from Myanmar.
- I.10 Some Myanmar people may greet their counterparts by shaking hands. When doing so, they may support their right elbow with their left hand.<sup>46</sup>
- I.11 To show sensitivity about cultural aspects of gender, when greeting women, men should wait to see if they extend their hand first. Some women may prefer not to shake hands with men. In this case, smiles and nods are considered a polite gesture.
- I.12 Many Myanmar people only have a given name and no other name.
- I.13 Many names include terms indicating seniority (older, younger) and social status including occupation.<sup>47</sup>
- I.14 At the initial meeting, employers may wish to ask workers about their preference for name and title when being addressed.
- I.15 Assigning a new name or nickname is considered inappropriate and disrespectful by many Myanmar people.
- I.16 When making conversation, talking about family, work and home country is considered polite by many.

## 1. Greetings and Names

This section outlines the general principles of how Myanmar people greet and refer to each other.

- I.9 Many Myanmar people, influenced by Buddhist tradition, greet each other by bowing with both hands placed on the stomach. However, to be culturally sensitive, employers should observe how individual workers greet each other and mimic this behaviour. This will allow employers to be considerate of cultural nuances that may exist between different ethnic, religious and nationality groups from Myanmar.
- I.10 Some Myanmar people may greet their counterparts by shaking hands. When doing so, they may support their right elbow with their left hand.<sup>46</sup>
- I.11 To show sensitivity about cultural aspects of gender, when greeting women, men should wait to see if they extend their hand first. Some women may prefer not to shake hands

## 2. Public Image and Communication

This section outlines the general principles on how Myanmar people approach their public image and how employers can better communicate with Myanmar workers.

- I.17 Most cultures value a positive public image, some more than others. A positive public perception is also very important to many Myanmar people. To be culturally sensitive, in normal situations that do not involve danger or exploitation, employers should therefore consider:

<sup>45</sup> Department of Population, op. cit.

<sup>46</sup> Minister of Investment and Foreign Economic Relations, Directorate of Investment and Company Administration, Myanmar Center for Responsible Business, “Respecting Myanmar Culture in the Workplace,” June 2019. Available from: [www.dica.gov.mm/sites/dica.gov.mm/files/news-files/culture\\_guide\\_e\\_0.pdf](http://www.dica.gov.mm/sites/dica.gov.mm/files/news-files/culture_guide_e_0.pdf).

<sup>47</sup> Sharon Pun, “The Meaning Behind Myanmar Names,” Frontier Myanmar, 4 August 2018. Available from: <https://frontiermyanmar.net/en/the-meaning-behind-myanmar-names>.



- Providing workers with constructive feedback in private to make sure that it can be received without any fear of public humiliation;
- Adopting non-aggressive, non-offensive, gentle and constructive language when communicating with workers, one that focuses on solutions rather than pointing out mistakes or criticizing;
- Praising workers for their good work in public and in private;
- Demonstrating an effort to be friendly and showing genuine interest in individual feedback.

I.18 Many people, including Myanmar nationals, may not feel comfortable admitting a lack of understanding of the topic of conversation. To ensure effective communication about any topic, employers should:

- Use simple, non-technical language.
- Provide examples that help workers to place new knowledge in context;
- Ask workers open-ended (how, what, why, when, who, where) questions to summarize/paraphrase what was said;
- Try rephrasing questions to double-check that workers have understood fully;
- Avoid “yes or no” questions as workers may not always feel comfortable disagreeing with employers in private or in public;<sup>48</sup>
- Do not always take a smile for “yes” or enjoyment;
- Do not always take a yes for agreement or understanding.

I.19 When in a group, employers should not pick on individual workers to answer questions. After asking a question, employers should allow time for workers to answer voluntarily.

I.20 Employers should be aware of the Myanmar “Ar-nah-deh” concept that encourages holding back opinions if they may hurt or offend another person.<sup>49</sup> This, combined with the worker-employer power dynamic, may make

it difficult to obtain objective opinions from workers. To overcome this, employers may ask workers open questions before expressing their own opinion, for example: “How do you think we can improve this process?”, “What do you think we can do better in our workplace?”, “What would make you feel more comfortable?”

I.21 Folding arms when listening is considered by many a sign of respect and attention to the speaker.

I.22 Maintaining periodic eye contact is considered by many a sign of attentiveness to the speaker.

I.23 Looking at the speaker straight in the eyes for an extended or uninterrupted period of time may be interpreted by many as challenging the speaker.

I.24 When being instructed or spoken to by an elder or someone in positions of authority, some people choose to lower their eyes out of respect for the speaker.

I.25 It is common for Myanmar nationals to ask where you are going, when you last ate and what you are doing.

I.26 Many cultures are respectful of the elderly. Similarly, many Myanmar nationals may change their language, posture and behaviour when speaking to older people to show their respect.

I.27 Before arranging mixed-gender social and/or workplace activities, it is advisable to check with Myanmar workers, both men and women, if they are fine with this and how they would prefer the activities to be organized.

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<sup>48</sup> Adapted from Minister of Investment and Foreign Economic Relations.

<sup>49</sup> Ibid.

I.28 When resolving conflict, the use of an intermediary rather than direct confrontation is preferred by many Myanmar nationals.

### 3. Physical Contact

This section outlines the general principles of how Myanmar people approach physical contact and interaction between people in public.

I.29 Touching someone's head, cheeks or hair or passing objects over a person's head, particularly of an older person, may be considered culturally inappropriate.

I.30 Pointing to or touching objects with the feet as well as placing the feet on a table, pillow or near the head of another person may be considered culturally inappropriate.

I.31 Many Myanmar people will use their left hand to support their right hand when handling physical objects. Alternatively, they may use both hands at the same time.

I.32 Stepping over items, especially books, newspapers, or magazines may be considered as showing disrespect for knowledge.

I.33 Many Myanmar people openly show affection, for example by holding hands, with their close friends or colleagues of the same gender. Some Myanmar people may consider public displays of physical affection between people of opposite genders inappropriate.

### 4. Dress Code

This section outlines how employers can create a more inclusive and respectful workplace environment through dress codes and dress-related practices.

I.34 Employers should allow workers to dress as preferred unless they are required to wear protective clothing.

I.35 To celebrate diversity, employers may wish to allow workers to wear their traditional dress on days of cultural importance.

I.36 Taking off shoes when entering the employer's office may be a sign of respect. Similarly, before entering workers' accommodation, employers should observe whether workers take off their shoes before entering. If still unsure, employers can politely ask about taking off their shoes.

### 5. Eating and Socializing<sup>50</sup>

This section outlines the general principles of how Myanmar people approach communal gatherings and eating.

I.37 Eating while sitting on the floor is considered by many Myanmar people to be appropriate and preferable.

I.38 During meals, elders may be served first.

I.39 Eating with hands may be preferred by some Myanmar people. Only the right hand is used.

I.40 Before eating, many Myanmar people may choose to offer food to another person as a sign of hospitality. Sharing food is commonly accepted.

I.41 Alcohol consumption may be considered inappropriate by some Myanmar people.

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<sup>50</sup> Adapted from Socialising and Eating in Nina Evason, Myanmar (Burmese) Culture, Culture. 2017. Available from: <https://culturalatlas.sbs.com.au/burmese-myanmar-culture>.

## CONCLUSIONS

With 3.9 million migrant workers from Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam,<sup>51</sup> diversity of Thai labour force is a fact.

These workers not only contribute to national economic development but also bring their cultural identities and rich histories that enrich the fabric of Thai society. By harnessing this diversity at a workplace, employers can create an environment that allows workers from different cultures to interact and thrive.

To build a respectful workplace, first and foremost, employers must ensure that the basic rights of migrant workers, at a minimum those outlined in relevant national frameworks, are met. Open-mindedness and willingness to learn about the cultures of workers are key in building

organizational trust and creating inclusive work environments. Cross-cultural communication is a tool to nurture this trust and workplace relations in a respectful manner.

**Cross-cultural communication can have a positive impact on employer-worker relations only when workers are provided with decent working conditions, are treated respectfully, and are not discriminated against.**

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<sup>51</sup> United Nations Thematic Working Group on Migration in Thailand, ed., Benjamin Harkins, Thailand Migration Report 2019. Available from: [https://thailand.iom.int/sites/thailand/files/document/publications/Thailand%20Report%202019\\_22012019\\_LowRes.pdf](https://thailand.iom.int/sites/thailand/files/document/publications/Thailand%20Report%202019_22012019_LowRes.pdf).



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