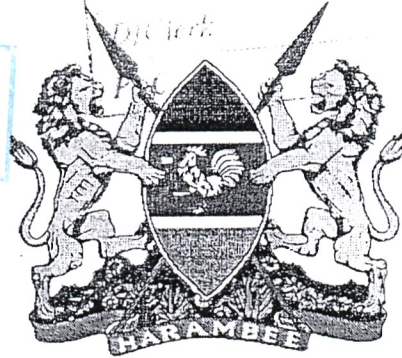


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REPORT  
OF  
THE DEPARTMENTAL COMMITTEE  
ON  
LABOUR AND SOCIAL WELFARE ON  
THE STUDY VISIT TO THAILAND IN NOVEMBER 07-14, 2010

On the;-

Children Charitable Centres / Borstal institutions  
Social Protection Programmes  
Youth Development, promotion programmes and projects.  
Gender based institutions.

Clerks Chambers  
Parliament Buildings  
Nairobi.

April 2011

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## ABBREVIATIONS

<b>DOE</b>	-	Department of Employment.
<b>DSD</b>	-	Department of Skills Development.
<b>OSS</b>	-	Occupational Skills Development.
<b>NBVTC</b>	-	National Board of Vocational Training Coordination.
<b>OWAFO</b>	-	Office of Women Affairs and Family Development.
<b>VAW</b>	-	Violence Against Women
<b>CEDAW</b>	-	Convention on the Elimination of all forms of Discrimination Against Women
<b>MDGs</b>	-	Millennium Development Goals

## **PREFACE**

**Mr. Speaker Sir,**

On behalf of the Departmental Committee on Labour and Social Welfare, I feel honoured to present to the House the Committee's Report on a fact-finding tour to Thailand in November 7-14, 2010.

### **Mandate of the Committee**

The Departmental Committee on Labour and Social Welfare is a departmental committee established under Standing Order No. 198. Its mandated to:-

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- e) To investigate, inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to them by the House or a Minister; and
- f) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

**Mr. Speaker Sir,**

In executing its mandate, the Committee oversees the following Government Ministries:

- i. Ministry of Labour and Human Resource
- ii. Ministry Youth Affairs and Sports
- iii. Ministry Gender, Children and Social Development
- iv. Ministry of State for National Heritage and Culture
- v. Ministry of State for Special Programmes

The Committee is mandated to consider the following issues; Labour, Trade Union Relations National manpower policy and development, Promotion of self employment in micro and small enterprise, National Social Security Fund (NSSF), National Productivity Centre. Gender, Children and Social Development Policies Mainstreaming, Women Enterprise Development Fund, Coordination of volunteer services, Social welfare for Vulnerable Groups, Community Development Programmes, Institutions for Children's Care and Development, Culture and National Heritage, Disaster Management Policies

and Programmes, Coordination of resettlement and mitigation programme for Internally Displaced Persons (IDPs), Youth Affairs and Sports among others.

The committee embarked on the Thailand tour to get first hand information and case study programmes and projects for Youth empowerment and development, the programmes on the social protection and insurance, the Old Persons, the Orphans and Vulnerable Children, gender mainstreaming projects and programmes beneficiaries, the Children Charitable Centres, the problems of street children, disaster preparedness, the immigrant workers and labour laws.

The following are the Members of the Committee:

The Hon. Sophia Abdi Noor, M.P. - Chairperson  
The Hon. Lenny Kivuti, M.P. - Vice- Chairperson  
The Hon. Elijah K. Lagat, M.P.  
The Hon. Joseph Oyugi Magwanga, M.P.  
The Hon. Alfred B. Odhiambo, M.P.  
The Hon. Clement Waibara, M.P.  
The Hon. Aden Keynan, M.P.  
The Hon. Gideon Konchella, M.P.

In view of the foregoing, the Committee undertook a Study Visit to Thailand in November 07-14 2010 to study programmes, projects and hold discourses in relation to its functions with the relevant Parliamentary Committees, Government Departments which dealt with the following;-

- i. Women empowerment promotion, programmes and projects.
- ii. Social Protection Programmes and Projects.
- iii. Gender based institutions.
- iv. Children charitable centres / Borstal institutions and
- v. Disaster preparedness and food security

The Committee is grateful to the Kenya Ambassador H.E. Dr Richard Titus Ekai in Thailand for facilitating the study tours and discourses. The committee was able to hold discourses with;-

### **Discourse**

The Committee on Social Welfare informed the members that the Constitution of the Kingdom of Thailand (2007) guarantees the rights, freedom and equality for all. In 1985

Thailand acceded to the Convention on the Elimination of All Forms of Discrimination against Women.

Thailand amended the Person Name Act in (2005), to allow women to choose to retain their surname and title after marriage, the Protection of Victims of Domestic Violence Act (2007), the Protection and Suppression of Human Trafficking Act (1997).

The Thai government ratified the Convention on the Rights of the Child, and promulgated a number of laws on child protection i.e., the Child Protection Act (2003), the Anti-Trafficking in Persons Act (2008), and the Memorandum of Understanding (MOU) on the Coordinated Guidelines for all Governmental Units Dealing with Human Trafficking in Women and Children (2003). The government promotes knowledge and understanding on gender equality, gender roles and respect of equal human rights and dignity.

Both government and civil society are involved at various levels in combating abuse of women and children migrant workers. Women migrant workers who are victims of human trafficking are not prosecuted on the offence of illegal entry under the Thai immigration law in order to protect trafficked labour and vulnerable persons. They stay and work temporarily in Thailand. The Department of Public Welfare provides them with all the necessary humanitarian assistance.

The Ministry of Development and Human Security promotes volunteer activities, public and private cooperation for civil protection at National and local level activities

The Ministry of Labour and Social Welfare is the backbone organization involved in proactive labour management and development. It enables the labour forces to engage in productive, decent, and secured employments and develops the labour force's potentials that support and enhance the national competitive competencies

The Department of employment is the efficient leading organization on employment promotion, job seeker protector, and have the modern labour market information service which provides and promotes employment services to the general public and systematizes the employment of foreign workers in Thailand,

The Social Security Organization (SSO), manages the social insurance program which provide benefits for workers with a wide range of work related and non work related contingencies in the changing world of competitive business. The motto is "*service minded, team work, commit to success, ethics and integrity*" is the organizations core value in running the scheme

The committee visited the Phayathai Home for the Orphaned Babies at Nonthaburi Province near Bangkok. Every child have all the rights in accordance with the law. When a child is taken from the street/abandoned, the family search service is done to send the children back to their biological parents. If the family does not wish to have the child, the Orphanage may arrange for a substitute family for the child adoption or remain at the Home.

### Visits

The Committee also visited the Skills Development Center at Chonburi where most of the Youths are trained and they can also upgrade their training skills. Their certificates and skills are recognized nationally and internationally. The centre promotes and extend working opportunity for people, including protecting job-seekers. Provides labour protection with security, occupational safety and health, to ensure secured living for workers and helps to develop labour administration capacity.

The committee further visited Youth Projects where the youths are assembling motorcycles, managing massage parlours, making clothes after being given grants and loans organised by the government through the banks.

The Committee is very grateful to:-

The Ministry of Gender Equality and Family; The Committee on Social Welfare; Chairman Mr Samai Charoenchang, First Vice Chairman LCDR Sutham Rahong, Second Vice chairman Mr Suttichai Jaroonnet, Third Vice Chairman Mr Ismail Binibrahim, Fourth Vice Chairman Mr Boonlert Kruthhuntoe, Ms Onanong anjanachusak Spokeswoman and Mr Nutchapol Tanchareon spokesman.

The Committee on children, Youth, Women, Elderly and the Handicapped; First Chairman Mr Surachet Masadit, Second vice Chairwoman Mrs Pusadee Tamithai Third Vice Chairman Mr Prasert Janntararuangtong, Fourth Vice Chairman Mr Wuit Pornprutthipan, Fifth Vice Chairman and Mr Krisdaporn Siamphakdee

The Minister ministry of Social Development and Human Security, The Social Welfare Committee Mr Chinchai Cheecharoen, Deputy director Office of the National Commission on Social Welfare Promotion.

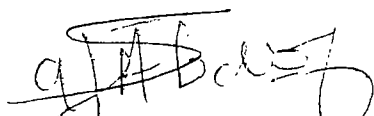
Mr Kamkai Taweasablamlert; Skills Director, Mr Kovit Buraphatanin Advisor and Ms PanidaThanaporn, Work development Skills Director and Ms. Seung Hui Sa Program Coordinator, Asian Affairs Division and all the officers.

### **Acknowledgement**

I wish to express my appreciation to Members of the Committee. The Committee is grateful to the Speaker of the Kenya National Assembly and the Office of the Clerk, for facilitating the committee Study Tour.

**Mr. Speaker,**

It is my pleasant duty and privilege, on behalf of the Departmental Committee on Labour and Social Welfare to table this Report to the House for adoption pursuant to provisions of the National Assembly Standing Order 111 (2).



**Hon Sophia Abdi Noor M.P.**

**Chairperson , Departmental Committee on Labour and Social Welfare**



## 1.0.0 INTRODUCTION

### Terms of reference

The committee embarked on the Thailand tour to gather information on:-

- The programmes and projects for youth development and empowerment, since Kenya has a big number of Youths who lacks employment.
- The Committees aim was find out how the youth unemployment problems has been addressed and which projects or programmes were more viable to curb unemployment in Kenya.
- The programmes and projects on the social protection, insurance and the pension administration, how well it may help during the old age.
- The Old Persons, the Orphans and vulnerable children cash transfer its impact in the affected families.
- How gender mainstreaming projects and programmes beneficiaries have developed.
- How the Charitable children centres are managed and the street families.
- The disaster preparedness incase of emergency and the food security.
- The employer employees relations and the labour laws.

### 1.0.1. THAILAND

- The Thailand Kingdom known among westerners as the 'Land of Smiles' lies in the heart of Southeast Asia mainland and occupies an area of 513,115 square kms.
- It borders with Myanmar to the north and west, Laos to the northeast, Cambodia to the east and Malaysia to the south. Its a major hub for trade, tourism, and convention in modern times.
- The mystic charms of a faraway Kingdom of the orient remain intact and even enhance at the threshold of the 21<sup>st</sup> century.
- Historically it has been something of a Southeast Asian migratory, cultural and religious crossroads. Bangkok is a sprawling city of more than 6 million inhabitants. The Sky-Train a new mode of transportation has been in operation in Bangkok as a solution to traffic congestion and has become a popular means of travel.

### 1.0.2 THAI DEMOCRATIC REGIME

Since 1932 Thailand adopted the Democratic regime to govern the country under the Constitution as the country's supreme law.

“The sovereignty belongs to the Thai people with the King as Head of State” On behalf of that principle of governing, the sovereignty is divided into three parts:

- Legislative power represented by the National Assembly.
- Executive power represented by the Council of Ministers.
- Judicial power represented by the courts.

### **1.0.3. CONSTITUTION OF THE KINGDOM OF THAILAND, B.E. 2550 (2007)** **SECTION 88:**

The National Assembly consists of two Houses namely:

- The House of Representatives.
- The Senate.

Section 111 The Senate consists of 150 members.

- 76 members are elected from each province.
- 74 members are selected by the Senator Selection Committee.

The House of Representatives consist of 480 members.

- 400 are elected on a constituency basis.
- 80 are elected on a proportional representation basis.

The House of Representatives has the power to:

- Select and appoints its members to constitute a standing committee.
- Select and appoint persons, being or not being its members, to constitute an ad hoc committee.
- Select and appoint persons, being or nor being its members, to constitute Sub-committees in order to perform any act, inquire into or study any matter within the powers and duties of the committee and report its findings to the committee.

### **1.0.4. Types of Committee**

When the National Assembly has a resolution to consider or investigate on any subject matters under its responsibilities. The National Assembly shall order the Committees to scrutinize laws and regulations which most of them are Motions, Organic Law Bills or other Bills.

In general, there are three types of committees namely:

- The Standing Committee.
- The Ad Hoc Committee.
- The Sub Committee.

The standing committee’s members are appointed solely from members of the House of Representatives and shall be in proportion to (or in close proportion to)

the number of members of the House of Representatives of each political party or group of political parties in the House of Representatives. i.e.

- Number of Representatives - 480 persons
- Number of Committees - 35 committees
- Members of each Committee - 15 persons.

#### **1.0.5. The Rules of Procedure (The Sitting of the House of Representatives) B.E.) 2551 (2008)**

##### **Section 4 Clause 82**

- The House of Representatives shall establish 35 committees, each of which shall consist of 15 members, with powers and duties, as follows:- Like the Committee on Affairs of Children, Youth, Women, the Elderly and the Disable shall have;-
- Powers and duties: to consider, inquire or study any matters relating to children, youth, women, the elderly and the disabled; and to coordinate with domestic and foreign organizations and the international community on guidelines of cooperation for problem solving and promotion of rights protection and development of the quality of life of children, youth, women, the elderly and the disabled.

#### **2.0.0. PHAYATHAI HOME FOR ORPHANAGE BABIES**

- Phayathai Home for Orphanage Babies is the first Orphanage in Thailand, established under the framework of the Bureau of Anti – Trafficking in women and children, Department of Social Development and Human Security. Its main objectives are to provide shelter and equal opportunities for deserted children from newborn to five years old.
- Some of the children are deserted since birth at hospital, in public places and nurseries, while others are faced with the situation whereby both parents are unable to take care of them or both parents were sentenced to imprisonment and they have contracted an HIV infection from their mother.
- The Government has taken an active role so as to solve the problem and to protect the rights of these unfortunate children.
- The Objective of the Home is to assist the unfortunate children in their physical intellectual, emotional, mental and social development.

##### **2.0.1 The Home provides;-**

- **General Care**, shelter, nurses and nannies to take care and growth recording

- **Health**, on first arrival, medical check up, professional medical treatment, immunization and isolation of seriously ill children and take them to the hospital for further medical treatment.
- **Development Activities**, basic training is provided to enhance child development with physical exercises and outdoor activities.
- **Arrangement of Adoption**, to foster home and returning the child to its own family.
- **The eligible children are;-**
  - i. Children abandoned at the hospital and public places.
  - ii. Orphans or Children of poverty-stick families and broken home.
  - iii. Homeless Children and living under unsuitable conditions.

### **2.0.2. Children raising and the four living elements**

- The Home compound covers an area of seven acres. It is composed of a group of buildings which houses ten quarters suitable for the purpose of child rearing, according to the children's different ages. Every child obtaining care must receive thorough physical and mental checkups, blood test and history check so that appropriate quarters are assigned to each of them personally
- Each building is manned with staff responsible for the taking care of children and providing equality to them with love and care.
- Other than special medical care given to children that need it, Those infected with HIV AIDS, complicated infections or other illnesses, the rest of the children are provided with required immunizations sanitary as well as nutritional care
- The Phuttachat building is devoted for medical purposes. It is manned with physicians and nurses changing shifts to provide medical care at all times to children. Besides, the Home the hospitals are always ready to provide medical services to children whose illnesses require more specialized care.
- Every children quarter is equipped with facilities and equipment for the children's development, which is provided by the government and others donated from charitable patrons.
- The children's daily routine is overseen by responsible staff who change shifts to be with the children 24 hours every day.

### **2.0.3. Development, enhancement and children's preparedness**

- The early part of childhood sets the foundation for development in life. The Home provides children with development and social workers, psychologists and staff for different age groups to enhance activities for the children.
- That they grow up with physical, mental, emotional and intellectual skills for adult life. The personnel gives close attention to the children.

#### 2.0.4. Social welfare and psychological services

- The Home arranges every child's personal records in order that the child has all the important documents, for example, birth and housing certificates and social security cards.
- Every child must have all the rights in accordance with the law. Moreover, there is the family search service to send children back to their biological parents. If the family does not wish to have the child back, the Orphanage will arrange for the substituted families which are categorized into two (2) groups; namely:
  - i. Patronizing family will adopt a child and raise him/her as their own.
  - ii. An adopting family which could be either a foreign family or a Thai family, which will adopt the child permanently.
  - iii. Strict requirements must be fulfilled prior to permission for this type of adoption. There must be the child adoption registration which will give the child all the legal rights as an adopted child.
  - iv. Moreover, family consultation is provided after an adoption has been completed to ensure the child's happiness in the family.

#### 2.0.5. Networking

- Apart from regular staff in the Phayathai Home for Orphanage Babies, there are volunteers both local and foreigners who visit and take care of the children.
- The volunteers are composed of pupils, university students and other interested people, are beneficial for the children's development to adjust themselves to living with other people. It provides the children with entertainment and realization of self worth and self importance.
- The budget of Phayathai Home for Orphanage Babies is also supported by the government. Phayathai Babies Home foundation financially support the Doctor's training staff as well as, nannies, specialist nursing support, seminars, medicines, and excursions for the children etc.

#### 3.0.0. MINISTRY OF LABOUR.

- The Ministry of Labour and Social Welfare was established in 1993 and reformed in 2002.
- The Ministry Vision is to be a backbone organization involving in pro-active labour management and development enabling the labour forces to engage in productive, decent, and secured employments and developing labour force's potentials that support and enhance the national competitive competencies.
- The Ministry mission is to promote and develop skills, increase knowledge and

capacity building for employability.

- To promote and extend working opportunity for people, including protecting job-seekers. To provide labour protection with security, occupational safety and health, to ensure secured living for workers and to develop labour administration capacity

### **3.0.1 Number of Thai Labour permitted to work overseas**

- Jan and May 2010, - 27,383
- Jan and May 2009, - 78,717
- Jan and May 2008, - 93,600

### **4.0.0. THE DEPARTMENT OF EMPLOYMENT (DOE)**

The Department Of Employment (DOE) Vision is to be “Being the efficient leading organization on employment promotion, job seeker protection, and modern labour market information service and to”-.

- provide and promote employment services to general public,
- systematize the employment of foreign workers in Thailand,
- provide vocational guidance service,
- strengthening the monitoring and the protection of job seekers and
- To develop and network the labour market information.

#### **4.0.1. Coordinating with Authorities**

- To Proceed with all legal matters according to the Recruitment and Job Seekers Protection Act, the Working of Aliens Act and other relevant law.
- To analyze the labour market situation, forecasting the trends of labour market demand and supply, and being the labour market information center.
- To develop employment service system (measures, and recruitment procedures), preparing and coordinating the Department’s action plan in accordance with the policies and strategies of the Ministry of Labour, as well as specifying the occupational and the industrial standards.
- To provide vocational guidance and career counselling to the general public.
- To perform all the duties assigned by law or the Ministry or the Cabinet.

#### **4.0.2. Core functions**

##### **Domestic employment service**

- Provide domestic employment services such as job application, job placement, and job vacancy information to general public.

- To provide its services through employment offices, mobile units, job fairs, touch screen kiosks and through website: [www.doe.go.th](http://www.doe.go.th)

#### **4.0.3. The overseas employment administration**

- To promote and expand Overseas Labour Market.
- To control, monitor and inspect the procedures of sending job seekers to work overseas.
- To assist the overseas workers in getting rights and benefits and managing the use of the Overseas Workers Aid Fund.
- To register the job seekers who wish to work overseas (Job Seekers Registration Center).
- To send job seekers to work overseas under the agreement between the States and (MOUs)
- Serving as the Information Center for job seekers who wish to work overseas.

#### **4.0.4. Vocational guidance and employment promotion**

- To Provide vocational guidance to general public, students, the unemployed, and special groups (the elderly, the disabled).
- To promote self-employment.
- To promoting home-based work.
- To classify the occupational standard and industrial standard according to the criteria and structure of United Nations and International Labour Organisation.

#### **4.0.5 Job seekers protection**

- Receiving grievances about employment from the job seekers/workers both domestic and overseas.
- Proceeding legal matters for the deceived job seekers/workers in order that they can get their money back.
- Considering and granting the approval to private recruitment agency as well as monitoring and inspecting their implementation.
- Following up the process to assist the returned workers in getting rights and benefits.

#### **4.0.6. Foreign workers administration and control**

- To consider the issuance and the renewal of work permits.
- To control and inspect the working of foreign workers.

- To systematize the working of foreign workers (irregular migrant workers from Myanmar, Laos, and Cambodia).
- To process the procedures of workers' nationality verification (irregular migrant workers from Myanmar, Laos, and Cambodia).

#### **4.0.7. labour market information publication and dissemination**

- To develop the system of labour market information.
- To compile and analyze labour market information.
- To conduct the research on labour market.
- To disseminate labour market information to general public (document, CD Rom, website: [www.doe.go.th/1mi](http://www.doe.go.th/1mi)).

### **5.0.0. THE DEPARTMENT OF SKILLS DEVELOPMENT (DSD)**

The Department of Skills Development (DSD) vision is to promote networking collaboration, conducting skills training and skill standards testing for Thai Workforce competency towards international standards. The Department of Skills Development has seventy six (76) skills development operational units, twelve (12) regional institutes for skills development and sixty four (64) provincial centers for skills development. The Mission is to;-

- Promote and develop occupational skills standards in accordance with international standards.
- Promote and develop skills training methodology to increase competitiveness.
- Promote and collaborate networking for skills development integration.

#### **5.0.1. Occupational skills standard (OSS)**

The Occupational Skills Standard (OSS) is a set of technical and occupational requirements for evaluating the skills performance of the workforce .It provides skills testing for overseas jobseekers who look forward to work overseas in skilled occupation and conducts national skills competition. The level of occupational skills standard is categorized into three (3) levels namely;-

- Basic level is equivalent to semi-skilled worker.
- Intermediate level is equivalent to skilled worker.
- Advanced level is equivalent to managerial worker.

#### **5.0.2. National Board of Vocational Training Coordination (NBVTC)**

- The National Board of vocational Training Coordination Body is mandated to strategize and plan policies on vocational training.



- The NBVTC Comprises Public and Private Agencies involved in Vocational Training chaired by the Prime Minister along with the DSD.
- The Provincial Board of Vocational Training Co-ordination (PBVTC) body is the secondary Coordinating and implementing the same in the Provincial level.
- The PBVTC comprises Public and Private agencies involved in Vocational Training chaired by the Provincial Governor along with Regional Skills Development Institute or Provincial Skills Development Centers

### **6.0.0 DEVELOPMENT OF ADVANCED SKILLS DEVELOPMENT**

The Development of Skill Development (DSD) Vision is to promote and develop potentials of the working force by developing women, youth and specific working force as well as developing self-employed persons to a degree of recognized standard and quality by;-

- Developing system and models of labour potential development.
- Promoting participation, network building conducive to potential development of the working force as well as entrepreneurial skills.

#### **6.0.1. Roles and Responsibilities**

- Promoting and enhancing development of skills and knowledge's conducive to potential development of working force.
- promoting and enhancing development of potential of entrepreneurs.
- Promoting and developing potential of woman, youth, persons with disabilities and special specific groups.
- Integrating activities or supporting programs or activities of other agencies concerned or any activities designated.

#### **6.0.2. Activities in the context of poverty elimination strategies**

##### **Skill Development for more employment opportunities**

- By enhancing and increasing opportunities so as to be qualified for reaching higher technologies.
- To complement or supplement knowledge's and competencies in other areas of occupations.
- In the context of self-employment development to develop persons intending to enter self-employed sector with potential pathways for successful activities

and be able to safeguard and support their families, earn extra income and even use it as the core income earning.

### 6.0.1 Types of Trainings

- Promotion skills and trainings both industrial, manufacturing services sectors in particular in areas of entrepreneurial skills so that the trained persons have sufficient competencies to perform self-employed activities.
- Provision of training on management skills so as to supplement business skills to those new comers and the experienced ones.

### 6.0.2. Target Groups are;

- Woman and housewife
- Persons with disabilities, aging persons.
- General disadvantaged vulnerable group of labour
- General public
- Self-employed persons
- Victim of natural disasters
- Rehabilitated drug addicts
- Those whose income is lower than 1,230 per month.
- New labour force.
- Soldiers prior to the expiration of recruitment
- Persons in prison.

### 6.0.3. Target Planned for 2011.

#### Skills trainings for more opportunities in employment.

<b>Targeted group</b>	<b>Number of persons</b>
1. Disadvantaged and vulnerable group of labour	1,150
2. General public	1,409
3. Persons with disabilities, Aging persons	150
4. Victim of Natural Disasters	16
5. Rehabilitated drug addicts	40
6. Persons in prison	214
7. Soldiers prior to expiration of recruitment	943
<b>Total</b>	<b>3,922 persons</b>

## 7.0.0 DEPARTMENT OF LABOUR PROTECTION AND WELFARE

The Department of Labour Protection and Welfare Vision is to:-

- develop Thai Labour standard in compliance with International Labour standards.
- ensure employees the protection of rights with respect to the labour standard.
- promote, develop and supervise establishments in conformity with the labour standards on occupational safety, health and environment.
- To promote and develop the labour relations and labour welfare system.

### 7.0.1. The table below indicates Thai labour force as at October 01, 2010

	Establishments	Employees	men	Women
Total	394,457	8,304,513	4,306,976	3,997,537
Bangkok	162,09	2,804,263	1,443,759	1,360,504
Surrounding Provinces	37,378	1,819,481	921,323	989,158
Central	60,178	1,970,315	1,033,707	936,608
North	42,589	563,493	293,724	269,769
North Eastern	49,590	584,317	316,090	268,227
South	42,673	562,644	298,373	264,271

### 7.0.2. Development of Industrial Relations

In 1945 after the World War Two there was:-

- Growth of industries and infrastructure.
- rural workforce seeks employment in large cities/factories.
- Workers association was formed (Bangkok Workers Association/Association of Tri-cyclists).
- In 1956 the first labour law of the country was released, The Labour Act, 1956 which included the labour protection & labour relations.
- In 1965 the Labour Dispute Settlement Act was passed to cope with the growing disputes.
- In 1972 the Ministerial Regulation allowed the employees and employers to form their associations in the companies. ( but not allowed to organize trade unions).

### 7.0.3. Current Number of Employees'

Labour Organizations (October, 2010)

Organizations	Bangkok	Provinces	Total
---------------	---------	-----------	-------

Trade Unions	310	877	1,187
Labour Federation	6	12	18
Labour Congresses	11	1	12
<b>Total</b>	<b>327</b>	<b>890</b>	<b>1,217</b>

#### 7.0.4. Employers' Organizations (October, 2010)

Organizations	Bangkok	Provinces	Total
Employers association	148	193	341
Employers Federation	1	1	2
Employers Congresses	12	-	12
<b>Total</b>	<b>161</b>	<b>194</b>	<b>355</b>

#### 7.0.5. Labour disputes are settled by the;-

- Conciliator
- Arbitrator
- Industrial action
- Strike lock-out

Industrial action prohibits hospitals, railways and electricity.

#### 7.0.5. The Tripartite mechanism is to;-

Help, prevent and solve labour relations problems and Promote industrial peace through tripartite organizations i.e.

- The National advisory council for labour development,
- Labour relations committee,
- Public enterprise labour relations committee.

### 8.0.0. THAILAND SOCIAL SECURITY SYSTEM

The Social Security Organization (SSO), is a government department inside the Ministry of Labour in charge of managing the social insurance program to provide benefits for workers with wide range of work related and non work related contingencies in the changing world of competitive business. The motto is "*service minded, team work, commit to success, ethics and integrity*" is the organizations core value in running the scheme.

#### 8.0.1. Social Insurance for Social Security

The concept of insurance is based on the principle of the pooling of risks. This requires that everyone who is involved in and covered by the scheme makes a contribution to a common fund. When and if a contributor meets the prescribed

conditions for benefit for example, suffers an illness and has paid sufficient contributions over a specific period his or her needs (or at least part of them) are met from the insurance fund.

The Social Insurance Principal Elements are:-

- They are financed by contributions, normally shared between workers and employers, often with some state participation.
- Contributions are paid into special funds, from which benefits are paid
- Surplus funds are invested to earn additional income
- Benefits are guaranteed, on the basis of the contribution record, without means testing (i.e they do not take income or wealth into account)
- Contributions and benefits are often proportionate to earnings
- Employment injury schemes are usually wholly financed by employers.

Social Security is composed of several different elements: social insurance social assistance benefits financed by the general revenues of a country; family benefits and the provident funds. These must also be linked to additional provisions which are made by employers, notably workers' compensation schemes (in respect of accidents or diseases of occupational origin) and other complementary programmes which have developed around social security.

Under both the employment related and the universal approaches, the insured, dependants, and survivors can claim benefits as a matter of right. Benefits are based on a comparison of a person's income or resources against a standard measure.

### **8.0.2 Background**

In 1954 a Social Insurance Act was framed by the Thai authorities in broad terms, the government decided not to implement the 1954 legislation but adopted a Labour Act passed in 1956 for the contingencies of employment injury, maternity and sickness placing liabilities upon employers to provide benefits directly to their employees.

Moreover, employers were made liable in 1958 under a Ministerial Decree for 30 days sick leave and maternity leave with pay. The Social Security Act passed in September 1990, and came into force on March 1, 1991. The main concept is of risk sharing and solidarity through the social insurance technique. The Act provides the basis and framework from the gradual development of a comprehensive social security system in stages.

- From March 1991, the four types of benefits are;- sickness, invalidity, maternity and death are provided for employees of enterprises with 20 or more workers.  
State enterprise employees who are distinct from the civil servants and military personnel who have their own schemes were in the programme at the start but were withdrawn in October 1991 following changes in their legal status.  
Companies with superior employee benefit schemes already established as of September 1990 were granted exemption upon request from participating in any or all of the benefit schemes.
- September 1993 the coverage extended to enterprises with 10 or more workers.  
The registration of those enterprises has been enforced since June 1993.
- September 1994 voluntary insurance service was introduced.
- December 1998 old age pension insurance and child allowance schemes was implemented.
- April 1, 2002 the coverage extended to enterprises with 1 or more workers.
- January 2004, the unemployment benefit was introduced.

### **8.0.3. Administration of the social security office**

The primary responsibility of the Social Security Office (OSS) is to manage the Social Security Fund and the Workmen's Compensation Fund according to the Social Security Act (B.E. 2533) and the Workmen's Compensation Act (B.E. 2537). The funds are administered by a tripartite body committee consisting of representatives from government, employers and employees appointed by the Minister of Labour.

## **9.0.0. SELECTION OF THE MEDICAL CARE PROVIDERS**

### **9.0.1. Public Hospitals**

According to a cabinet resolution of July 09,1991 and September 24, 1991, the cabinet approved coordination from the public hospitals to provide medical services to the insured persons under the Social Security Scheme. The public hospitals that meet the hospital standard of the Social Security scheme standard have to sign contract with the Social Security Office.

### 9.0.2. Private Hospitals

The private hospitals that wish to be the contractors have to apply to the Social Security Office and must pass the assessment from the working group on hospital accreditation of the Social Security as follows:

- i. The main contracted hospital must have a minimum of 100 beds and well management in order to be able to provide good service to the insured in having medical treatment.
- ii. The main contracted hospital have to meet the standards set by the Social Security Office accreditation manual which specifies requirements in general medical standard, accident and emergency care standard, outpatient care standard, medical record standard, inpatient care standard, intensive care standard, surgical care standard, anesthesiology standard, radiology standard, pathology standard and pharmaceutical practice standard.
- iii. The main contracted hospital must have effective referral system so that the insured can receive medical services until the end of treatment.
- iv. The main contracted hospital must provide the medical treatment for at least twelve areas as follows:-
  - Internal Medicine
  - General Surgery
  - Obstetrics & Gynecologist
  - Pediatrics
  - Orthopedics
  - Ophthalmology
  - Ear, Nose and Throat (ENT)
  - Radiology
  - Anesthesiology
  - Forensic Medicine
  - Preventive Medicine
  - Urology

### 9.0.3. Hospital potential to provide medical services to the insured persons

The private hospital which is the main contractor is assigned the proper capability in order to be able to provide appropriate medical treatment to the insured. The property capability given is to encourage the improvement in services and the quality of the hospital. It is also used for consideration together with the standard specified whether the hospital has met the standard requirement.

#### **9.0.4. What should the insured do if the medical services are not up to standard?**

The main responsibility of the Medical Coordination and Rehabilitation Division is to assess quality of medical services provided by hospitals both public and private, and to assure that the insured receives the medical treatment at the standards specified in the announcement. The Social Security Office arranges for the adviser team of doctors, pharmacists and nurses to assess quality of medical services regularly. Should there be any problems occurring in having a medical treatment, the insured can complain to Tel. 1506 or any other Social Security Area Office and Provincial Social Security Office.

### **10.0.0 WOMEN DEVELOPMENT IN THAILAND**

#### **10.0.1. Office of Women's Affairs and Family Development (OWAFD)**

The Office of Women's Affairs and Family Development (OWAFD) Vision is to be the National Focal Point for promotion of gender equality and family strength towards stable and sustainable society and the Mission is to;-

- Promote gender equality
- Strengthen family stability
- Empowerment of women and to
- Promote of women's and family networks

#### **10.0.2. The National framework**

- The 2007 constitution of the Royal Thai Government.
- Women's Development Plan in the period of the Tenth National Economic and Social Development Plan (2007-2011), gender mainstreaming by;-
  - Capacity Building of CGEOs and GFPs
  - Gender budgeting and
  - the protection of women's rights by;-
    - developing systematic protection and correction VAW in communities
    - The development of strategies in protection and correction teenage pregnancy and the amendment of discriminatory laws.
    - promotion of women's political participation.
    - development and formulation of women's development plan.

#### **10.0.3. Potentials Promotion of Working Force and Entrepreneurs Education**

- Both girls and boys have equal opportunity in basic education.



- Literacy rate of population 6 yrs old and over 91.4% of women and 94.7% of men (2005)
- Literacy rate of population 40 yrs old and over 85.2% of women and 92.7% of men (2005)

#### **Economics**

- 8.2% of women and 8.8% of men were in poverty incident in 2007
- Female headed households had less income, but fewer fell under the poverty line.
- 6% of women are unpaid workers.
- Women in outside agricultural sector got less payment than men.
- Women works longer hour than men (approximately 35 hours per week).

#### **Leadership**

- Only 11.25% of local administrative organization officers are women.
- 4.50% of head of village and a head of sub-district village are women.
- 36.64% of high level administrators are women.

### **11.0.0. THE ROYAL THAI GOVERNMENT'S COMMITMENTS ON WOMEN'S HUMAN RIGHTS AND GENDER EQUALITY**

Thailand's incorporated the women's concerns in its third (3<sup>rd</sup>) National Economic and Social Development Plan in 1972 – 1976). This was in response to the United Nations' year in 1975, and the United Nations' Women's Decade for Equality Development and Peace (1976-1985).

Thailand developed the long-term (20 yr) women's development plans, and the short term (5 yr) women development plans, to be incorporated in the 5 year National Economic and Social Development Plan. Starting from the 6<sup>th</sup> National Economic and Social Development Plan (1977-2001), Thailand is now in the period of the Women's Development plan in the 10<sup>th</sup> National Economic and Social Development Plan (2007-2011). Thailand has developed and implemented altogether seven (7) women's development plans.

#### **11.0.1. Beijing Declaration and Platform for Action**

- The Thai government was a member of the UN/CSW which prepared the draft Beijing Declaration and Platform for Action (BDPA), and had been represented in every World Conference on Women.
- The Thai government had then joined the pledge with other 1,888 countries to promote women's advancement in 12 critical areas of concern of the BDPA.

- Thailand has incorporated the BDPA, as well as the outcome of the 23<sup>rd</sup> special session of the UN General Assembly in the 8<sup>th</sup> National Economic and Social Development Plan (1997-2001)

#### **11.0.2. Women and Poverty:**

The number of poor people in Thailand has continually decreased from 14.93% in the year 2002 to 8.48% in the year 2007. The Thai government's poverty eradication policies and programmes and economic stimulus measures have no discrimination against women. Specific policies to assist poor women are the short-term plan to promote creation of jobs and income generation for women in agricultural sector, the promotion of social insurance for the elderly and needy women and the 15 year free education that increase women's personal capital and opportunities to find better jobs.

#### **11.0.3. Education and Training for Women**

Girls and boys in Thailand have equal opportunities for compulsory education, as stipulated in the Constitution of the Kingdom of Thailand (2007). This is also in line with the National Education Act (1999), and the government provides 15 years free education. The proportion of girls and boys in compulsory education is equal. This has narrowed the gap between women's and men's literacy rate, though a slight gap still remains (women 91.4%: men 94.7%).

#### **11.0.4. Women and Health**

The National Health Insurance Act (2002) specifies that women who are between thirty five (35) to sixty (60) years old are entitled to enter Pap Smear test and VIA programme as to detect cervical cancer at the initial stage. The Ministry of public Health has the policy for public health stations all over the country to promote women's reproductive health and early detection of breast cancer. The government has provided financial supplements for people living with HIV/AIDS, including a large number of women infected with HIV/AIDS.

#### **11.0.5. Violence against Women (VAW)**

- The policy and plan on the Elimination of Violence against Women and Children has been adopted by the government. The One Stop Crisis Centre (OSCC) has been established in two hundred and ninety seven (297) hospitals all over the country to provide comprehensive services for Violence against Women (VAW) victims.
- The Prevention and Correction of Domestic Act B.E. 2550 (2007) was enforced in November 12, 2007 and has promoted more multidisciplinary collaboration among different units involved in assisting VAW victims e.g. the police, medical personnel, social workers and lawyers and has given women more courage to

report their cases.

- Apart from measures to provide treatments for victims, the Act also specifies measures to rehabilitate the perpetrators so that they would not commit the act of violence again.

#### **11.0.6. Women and Armed Conflict**

There is no situation of armed conflict in Thailand, only sporadic acts of violence perpetrated by criminal elements in some parts of the country. The government has assisted those women affected by violence, essentially by promoting resources mobilization and empowerment, such as job training for women and children. A network of local women has been established to undertake a campaign to end violence in their local area and to help rehabilitate those who were affected by the violence.

#### **11.0.7. Women and the Economy**

Thai women in the workforce contribute 45% of the GDP. Combined with the contribution of work in the household normally done by women, Thai women contribute approximately half of the GDP. But women working outside the agricultural sector still receive slightly less income. Although Article 15 of the Labour Protection Act B.E. 2551 (2007), identifies that female and male labour must be treated equally.

#### **11.0.8. Women in Power and Decision Making**

The Thai government policies have been drafted to promote women's political capacity and knowledge, network creation, as well as the society's recognition of women's participation in politics and administration. Regular trainings are organized for women who wish to enter political careers, regional and national seminars on women's issues and popular campaigns. Concerts and students' motto contests to promote in high administrative levels which may be seen from the increasing percentage of female MPs from 5.6% in 1996 to 9.2% in the year 2001, 10.6% in the year 2006.

#### **11.0.9. Institutional Mechanism for the Advancement of Women**

The national women's machinery consists of the national committee, namely the National Commission on the Policies and Strategies for Women Advancement. Chaired by the Prime Minister of Thailand and composed of representatives from all ministries and specialists in various fields, with the Office of Women's Affairs and Family Development, Ministry of Social Development and Human security as the national focal point.

#### **11.0.10. Women and Human Rights**

The Constitution of the Kingdom of Thailand (2007) guarantees the rights, freedom and equality for all Thais, including elimination of gender discrimination. Thailand has acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985, and has undertaken serious efforts for its implementation since then.

**11.0.11.** A number of legislations have been promulgated and/or amended such as the Person Name Act (2005), (which allows women to choose to retain their surname and title after marriage), the Protection of Victims of Domestic Violence Act (2007), and the Protection and Suppression of Human Trafficking Act (1997).

#### **11.0.12.. Women and the Media**

The Thai government has presented awards for women in mass media profession and the mass media with outstanding roles in promoting women's advancement and gender equality in the annual celebration of the International women's Day every year. To promote women in the mass media profession, as well as to support the mass media's role in promoting women's positive images and roles.

#### **11.0.13. Women and the Environment**

The Thai government has attached great importance to environmental protection and has emphasized women's role and participation in the protection and promotion of a sustainable environment. Annual awards have been given to women with remarkable roles in environmental protection, and to units/organizations that have mainstreamed gender aspects into their projects or activities on environmental protection.

The Ministry of Natural Resources and Environment has promoted the creation of a network of women protecting the environment in Ta-Chine, Bangpakong basins and Songkhla lake areas, and has organized trainings to promote their capacity in environmental protection both theoretically and practically.

#### **11.0.14. The Girl Child**

The Thai government has ratified the Convention on the Rights of the Child and has promulgated a number of laws on child protection particular on the Child Protection Act (2003), the Anti-Trafficking in Persons Act (2008), and the Memorandum of Understanding (MOU) on the Coordinated Guidelines for Governmental Units Dealing with Human Trafficking in Women and Children (2003).

The government promotes knowledge and understanding on gender equality, gender roles, respect of equal human rights and, dignity, and balanced responsibility and burden sharing of women and men, as well as proper sex education for children.

## **12.0.0 THAI WOMEN'S ADVANCEMENT ACCORDING TO THE UN GENERAL ASSEMBLY**

### **12.0.1. Women and Globalization**

Improved communication technology, the internet and regional integration that come with globalization, has helped Thai Women to access information, knowledge, and women entrepreneurs to enter the international market.

The government is trying to promote more IT knowledge for rural women and female SME entrepreneurs who still lack opportunities because of their inferior computer and language skills. ICT Community Centre Projects of the Ministry of ICT are currently being operated in over 200 communities all over the country. Encouraging the participation of housewives and farm women

### **12.0.2. Women and Science and Technology**

The number of female students and workers in the field of science and technology is still lower than men. According to a survey in 2007, there were approximately 72% female students, and 50% of female workers in the field of science and technology. The government national plan is to promote development of technology, particularly IT technology that considers equal participation of women and men, and equal benefits for both.

### **12.0.3. Female Migrant Labour**

A number of agencies, from both government and civil society, are involved at various levels in combating abuse of women and children migrant workers, especially in cases where trafficking is conducted for the purposes of sexual exploitation of women and children.

Women migrant workers who are victims of human trafficking are not prosecuted on the offence of illegal entry under the Thai immigration law. To protect trafficked labour and vulnerable persons they are permitted to stay and work temporarily in Thailand. The officers of the Department of Public Welfare provides them with other necessary humanitarian assistance. Apart from legal measures, the Thai government also promotes gender sensitivity for officers

dealing with immigration, trafficking and empowerment of women migrant workers.

#### **12.0.4. Women and the Elderly society**

That 55% of the elderly in Thailand are women the government has considered the plan and strategies to promote active aging for elderly women in order to ensure their life security, particularly those in the rural areas.

The promotion of family and community-based care for old people and the provision of elderly clubs and multi-purpose senior citizen centres with the elderly fund and subsistence allowance.

#### **12.0.5 Women and HIV/AIDS**

As the trend of women being infected with HIV/AIDS in Thailand is growing, and most of them are of reproductive ages, the Ministry of Public Health attempts to prevent mother-to-child transmission by giving knowledge promotion, especially among children and youth, in order to promote their change of attitude, avoidance of risk behaviours and participation in preventing HIV/AIDS problems.

The Ministry of Social Development and Human Security also provide subsistence allowance for families with HIV/AIDS infected family members, and women whose husband died because of HIV/AIDS.

#### **12.0.6. Women and the Trafficking of Narcotic Drugs**

The Thai government has been observing the growing trends of women and girls involved with the trafficking of narcotic drugs. The Committee on the Prevention and Suppression of Narcotic Drugs was established. The strategy of (five) 5 Fences against Narcotic Drugs' has been launched. The five (5) Fences include:-

- i. **Border fence**, or the prevention of drug trafficking across borders by the border police,
- ii. **Community fence**, or the prevention of drug trafficking by the communities.
- iii. **Social fence**, or the prevention of drug trafficking and drug use in entertainment places, shops, dormitories, and promotion of awareness among youth to abstain from narcotic drugs;
- iv. **School fence**, or the prevention of drug trafficking by organizing creative activities in schools to promote changes of attitude among youth, and promote peer-group therapy for young addicts;
- v. **Family fence**, or the prevention of drug trafficking by promoting love, warmth and quality time-use within the family, so that its young members

do not turn to drug use. In the year 2009, 97,678 families had been involved in the project. In all these strategies, the role of women in taking care of their family members, as well as to play a part in community activities has been essentially emphasized.

### **13.0.0. THAILAND'S GENDER ROLE AND COMMITMENTS**

**Nationally**, Thailand has recognized women and gender issues among the priorities in the national agenda, which is the reason behind the stipulation of gender equality and equal rights of men and women in the national constitution.

**Regionally**, Thailand has played a crucial role in promoting women's advancement and the protection of women's human rights in ASEAN that has led to the establishment of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). This would be a regional milestone in the promotion and protection of human rights and fundamental freedoms in general and the promotion of CEDAW and CRC in particular.

**Internationally**, Thailand has been strongly committed to abide by international agreements on women's human rights and advancement, including the Convention on the Elimination of All Forms of Discrimination against women (CEDAW) and the Millennium Development Goals (MDGs).

Thailand strongly believes that with its contributions, efforts and determination as reflected in concrete commitments and pledges towards the advancement of women and gender equality, the country can be a meaningful member and effective partner in UNCSW.

### **14.0.0. OBSERVATIONS**

- The youths were working hence no unemployment for the Youths.
- The merging and rewriting of the different Acts produced a user-friendly and comprehensive labour legislation for the benefit of the people.
- The Industrial Court of Appeal overcome contradicting jurisdiction between the High Court and the Industrial Court.
- The efficient labour administration system is capable of effectively enforcing the laws;

- The election procedures for trade union officials are a system of directly electing workers' representatives.
- The establishment of an affordable, not contribution based, workers social insurance scheme complements the National Social Security Fund.
- Equity and equality promotion in employment is incorporated in anti-discriminatory (gender, HIV/AIDS) and sexual harassment laws.
- Gender mainstreaming is well catered for in the Constitution and elaborate Acts of Parliament.
- The Government takes care of all abandoned Children

#### **15.0.0 RECOMMENDATIONS**

The Committee recommends that:-

- The Ministry of Labour review the Employment Act to declare and define the fundamental rights of employees, to provide basic conditions of employment of employees and to regulate employment of children and freedom from discrimination and from sexual harassment.
- The Ministry of Labour review the Occupational Health and Safety Act: to provide for the safety, health and welfare of persons employed, and all persons lawfully present at workplaces and related matters.
- The Ministry of Labour review the Work Injury Benefits Act: to provide for compensation to employees for injuries suffered and occupational diseases contracted in the course of employment, for insurance of employees and related matters.
- The Ministry of Labour create a National Labour Board, whose main duty is to advise the Minister on Labour legislation and matters.
- The government should ensure that at least the working population covered by the pension scheme meets global standards of 30% as opposed to current which is less than 15%.
- The Government should fast track the Rehabilitation of street families.
- The Government may facilitate and ratify the convention on the elimination of all forms of discrimination against women.