The Roles of Agencies Involved in Allowing Philippine Skilled Laborers to Work in Thailand

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Abstract

This research aims to 1) study the tasks and the roles of agencies involved in managing the migration of Philippine skilled laborers to work in Thailand, 2) study the working processes relating to the migration of Philippine skilled laborers to work in Thailand. In this study, the researchers used qualitative research methods by studying documents concerning the roles and the processes of agencies involved in allowing Philippine skilled laborers to work in Thailand and in-depth interviews with executives, government officers / staff, administrators of establishments that possesses Philippine skilled laborers and administrators involved in professional councils, including the Council of Engineers and the Teachers' Council of Thailand. For data collection, the researchers used tools to collect data, which included structured interviews and a research tool quality investigation by using three experts to check content validity. For the analysis of qualitative data, the research used method to interpret and summarize the data in the form of induction.

The research results indicated that if Philippine skilled laborers would like to come to work in Thailand, they must deal with three major sectors, namely, establishments which have officers whose responsibilities include hiring laborers, government sectors whose responsibility it is to issue work permits to laborers and professional councils that Philippine laborers are working under (in case those laborers need to use professional licenses).

The suggestions from this research are as follows: 1) Government sectors should improve the working processes of service for alien laborers by reducing procedures or setting up one stop service that can perform comprehensive services at a single point. At any rate, the improvement will support laborers to obtain services conveniently and rapidly; 2) There should be the development of information systems for alien laborers who came to work in Thailand to be more effective which would include linking laborers information between agencies by creating a unique system to enable involved agencies to mutually use updated labor information efficiently with the most benefit for management.

Keywords: Philippine Skilled Laborers / Department of Employment and the Ministry of Labor, Thailand

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Introduction

At present, there have been many social, economic and political changes occurring. These changes are accompanied by benefits or some things that some countries or societies have received, no matter how advantageous or disadvantageous they have been. Nonetheless, while considering the results that can follow from these changes, one factor is the migration of laborers from several countries in order to seek opportunities in other destinations by attempting to escape from their existing problems in their societies (Sunee Chattrakom, 1980, pp.38-48).

From the rapid economic growth since the 1990s until the present, there have been negotiations of liberalization of trades and services in all levels, namely global, regional and sub-regional level. This has led to increased labor migration flows. For the countries in Asia, international labor migration flows have been expending dramatically since the 1970s. Countries in Asia are a major source of migration. The major countries are India, Bangladesh, China, Pakistan, the Philippines, Afghanistan, Vietnam, Indonesia, South Korea and Nepal respectively. All these 10 countries have had the number of migrants out of their countries totaling 37.4 million migrants. Conversely, destination countries of international migrants from Asia are the USA, India, Saudi Arabia, Pakistan, Hong Kong, Iran, Canada and Malaysia, respectively (World Migration Report, 2010, p.166)

International labor migration in the ASEAN region might have been caused by population structures and different levels of economic development in ASEAN so that the countries with their large population and social structures with a high proportion of agricultural laborers have labor migration from the agriculture sector to the industries or service sectors within their countries and the rest are international migrants. In any case, International Labor Organization (ILO) has estimated that, until the year 2008, the Asian region had an accumulation of international migrants of approximately 13.5 million migrants with 5.3 million migrants in this approximated number being labor migration between ASEAN countries (Sukkarin Niyomsin, 2011).

It can be found that Thailand is a main destination for migrants who migrated from their countries to work. The information from the Department of Employment (2010) indicated that foreign laborers who came to work in Thailand legally had 6 priority nationalities, namely 23,994 Japanese, 9,021 Chinese, 8,606 British, 8,152 Indians, 7,029 Americans, and 8,198 Filipinos. It can be seen that the Philippines was the only country in the region which had alien laborers who came to work in other countries legally and mostly came to work in Thailand as skilled laborers, including teachers, professors, The number of Philippine skilled laborers was approximately 5,227 persons.

Therefore, studying the tasks and the roles of the agencies involved in managing the migration of Philippine skilled laborers to work in Thailand, including looking at the working processes related to the migration of Philippine skilled laborers to work in Thailand, is essential for preparing support for Philippine skilled laborers who will come to work in Thailand in the future.

Purposes of Research

1. To study the tasks and the roles of agencies involved in managing the migration of Philippine skilled laborers to work in Thailand.
2. To study working processes relating to the migration of Philippine skilled laborers to work in Thailand.

Research Methodology

In this study, the researcher used qualitative research methods with the study details as follows.

1. Documentary research: The researchers have studied the documents concerning structures, tasks and working processes of agencies involving in allowing Philippine skilled laborers to work in Thailand.

2. In-depth interviews with various sectors involved in allowing Philippine skilled labors to work in Thailand: The researchers had defined the criteria for selecting key informants for Thailand as follows. 1) Officers who work in agencies involved in allowing Philippine skilled laborers to work in Thailand 2) Stakeholders involved in enforcing policies and regulations for migration of Philippine skilled laborers to work in Thailand. This criteria used for selecting groups of the key informants provided the researchers with a group of in-depth interviewees as follows;

2.1 Administrators in government agencies or representatives involved in assigning various measures for allowing Philippine skilled laborers to work in Thailand, including the administrators in the Office of Labor
2.2 Government officers / staff involved in implementation policies and measures for allowing Philippine skilled laborers to work in Thailand, including employment in various provinces that had working Philippine laborers (Nonthaburi, Nakorn Pathom, Samut Prakarn, Ranong and Nakhon Ratchasrima)
2.3 Administrators in the establishments which have working Philippine skilled laborers
2.4 Administrators in related professional councils, including the Teachers' Council of Thailand

For collecting data from the interviews, the researchers used a tool for collecting data, that is, structured interviews and a research tool quality investigation by three experts to check content validity.

For analysis of qualitative data, the researchers used a method to interpret and summarize the data in the form of induction from documents and in-depth interviews as mentioned above.

Research Results and Discussion

1) The roles of agencies involved in allowing Philippine skilled laborers to work in Thailand

From studying documents and in-depth interviews with representatives from government agencies, the private sector (enterprises) and professional councils, it could be found that the main agencies involved in allowing Philippine skilled laborers to work in Thailand had three main groups: 1) government sectors 2) establishments or employers 3) professional councils. The roles of the various sectors involved in allowing Philippine skilled laborers to work are as follows.

1.1 The government agencies consist of the Provincial Employment Office, the Department of Employment and the Ministry of Labor have 3 main roles as follows;

1.1.1 Management concerning the issue of work permits to alien laborers to perform their duties according to laws and policies, especially the Alien and Immigration Act B.E. 2551 and the Immigration Act B.E. 2522, which relate to the performance of issuing work licenses by government sectors, will be considered by separate authorities. If the establishment is located in Bangkok, the body who has the authority to consider will be the Alien Labor Management Agency, while other regions or provinces will be under the jurisdiction of the Provincial Employment Office. The process will be started from establishments that employ Philippine skilled laborers to work in Thailand and which have sent a work permit to hire Philippine laborers they have employed. After that, the government sector will consider whether the hiring of Philippine skilled laborers is contrary to the Alien and Immigration Act B.E. 2551 and in accordance with the Immigration Act B.E. 2522 or not. If it is not contrary to the mentioned acts, the government sectors will issue work permits for Philippine laborers.

However, when considering the issuing of work permits for alien labors it is necessary to look at the number of days or time period that immigration officers will stamp or seal for allowing Philippine laborers to live in Thailand.

1.1.2 Management on monitoring and setting policies is important when related to alien laborers, such as checking that alien labors are actually working in the establishments that requested work permits for them or checking work permits for

alien labors. Nonetheless, if any agency which has working Philippine skilled laborers does not cooperate with inspection by the government sector, the agency will be punished as prescribed in the Alien and Immigration Act B.E. 2551. For issuing policies and regulations, including requirements relating to authorization or working of alien laborers who came to work in Thailand, the government sector will be considered as the important agency in setting policies, regulations and rules, including policy improvement and existing laws, in order to comply with changes to the standards and practices pertaining to alien laborers.

1.1.3 Collection information concerning alien laborers is done by preparing a database of alien laborers who have come to work in Thailand. At any rate, the process of collection data is divided into regional units, which have responsibilities to collect information of laborers in their respective provinces and forward this to the central office, that is, the Alien Labor Management Agency. However, the interviewees mentioned that Thailand has still been experiencing problems of managing information about alien laborers due to unclear information, inadequate staff and small budgets for information collection development**.**

1.2 Establishments

Establishments are considered as the primary and important agencies for Philippine laborers who come to work in Thailand since establishments have responsibilities to coordinate work between establishments and Philippine laborers or between establishments and government agencies in Thailand in allowing the Philippine laborers to work in Thailand.

In terms of the relationship between establishments and Philippine laborers who come to work in Thailand and coordination with government agencies, it can be found that establishments will have responsibilities to recruit Philippine laborers and evaluate the qualifications of laborers. If the laborers have passed the evaluation or meet the demands of labor, the establishment will prepare the documents for work visas for Philippine laborers. After the Philippine laborers have received the visas and come to Thailand, the establishment will act on the issue of work permits for them. In addition, if Philippine laborers come to work in the profession of teachers or engineers, the establishment will issue work licenses from professional councils as well.

In addition to this, when laborers have been allowed or have come to work in the country, the establishment will implement the document work concerning labor protection, such as dealing with the social security or the welfare for laborers. Additional welfare depends on the policy of each establishment.

Nonetheless, with the implementation for allowing Philippine laborers to work in Thailand, the establishment shall be conducted in accordance with certain laws.

The law which has priority and the main regulation is Migrant Workers Act B.E. 2551 which defines characteristics, including methods of working practices of laborers. The Immigration Act B.E. 2522 is the main act to define the type and living period in Thailand. However, when Philippine laborers have entered into Thailand already, the implementation of welfare needs to be in accordance with the Labor Protection Act and The Social Security Act.

In addition to this, another main responsibility of the establishment is to prepare a report regarding laborers who are working in the establishment. Philippine laborers who come to work in an establishment shall be reported to provincial unit which the establishment will be responsible for issuing this report.

1.3 Professional Councils

For the professions in which Philippine laborers are needed to work, some require professional licenses. In the study of documents related to the tasks and the roles of professional councils, the researchers has studied only the documents relating to the Teachers' Council of Thailand. In the case of Philippine laborers who come to work as teachers in Thailand, They have to ask for professional licenses prior to obtaining the work permit. At any rate, the establishment has to prepare documents for requesting professional licenses for Philippine laborers. When the Teachers' Council of Thailand has received documents, they will consider issuing professional licenses. If qualifications of laborers are consistent or have passed the standard specified in the Act, the Teachers' Council of Thailand will issue professional licenses to the Philippine laborers.

Not only does the Teacher' Council of Thailand consider the issue of professional licenses to Philippine laborers they need to also follow the Migrant Workers Act B.E. 2551 whether it is contrary to the act and duration of the visa stamped by the immigration office is suitable.

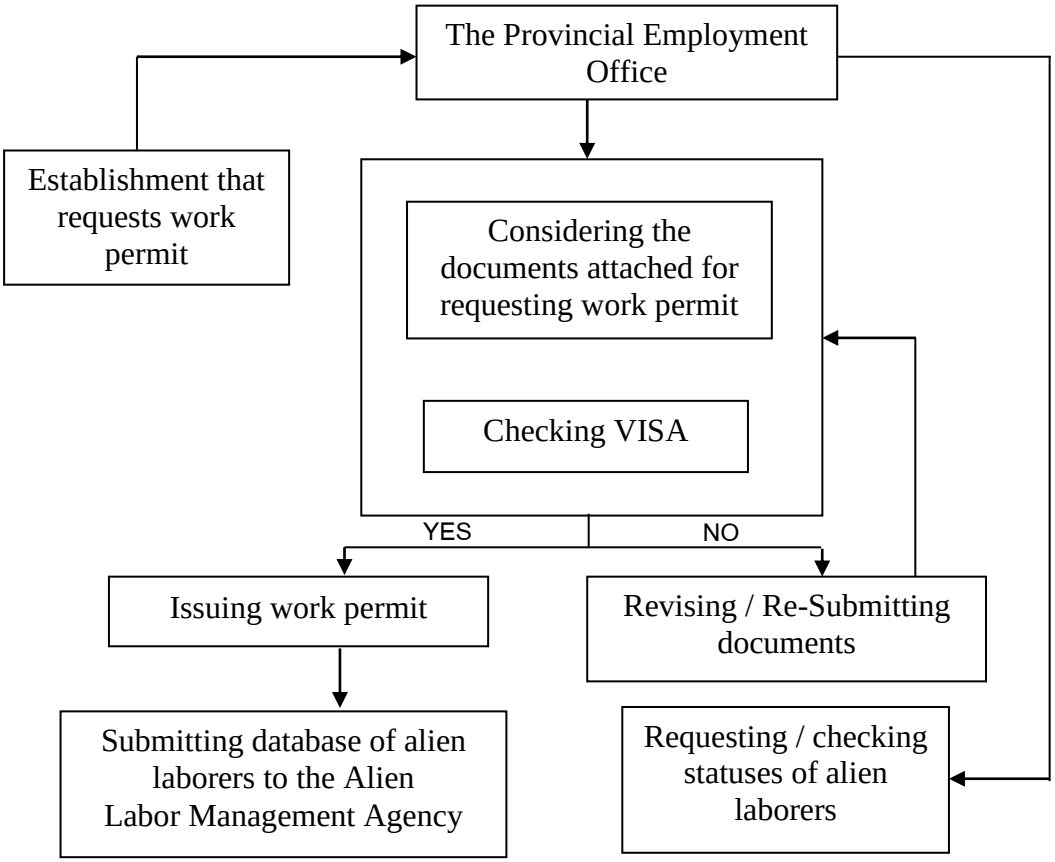
In addition, Philippine skilled laborers who need to work as teachers must possess standards of knowledge and professional experience with language skills, Thai cultured recognition, and knowledge in the practice of teaching in accordance to the standard of knowledge specified by the Teachers' Council of Thailand and professional ethics. The standard of professional experience must be represented by an international professional license of teachers and by passing a teaching in course an educational institute in the education system for at least one year. If they have not completed one year of teaching, the educational institute has to issue memorandum to the Teachers' Council of Thailand requesting professional licenses to be able to perform teaching and attend training.

If the Philippine skilled laborers have received the professional license already, they have to take the professional license to be used with a work permit to be in accordance with the regulations of the Office of Foreign Workers Administration, the Department of Employment and the Ministry of Labor.

2) Working process involved in the migration of Philippine skilled laborers to work in Thailand

From the study of related documents and in-depth interviews about the working process of Philippine skilled labors to work in Thailand, it could be analyzed by classifying each agency as follows:

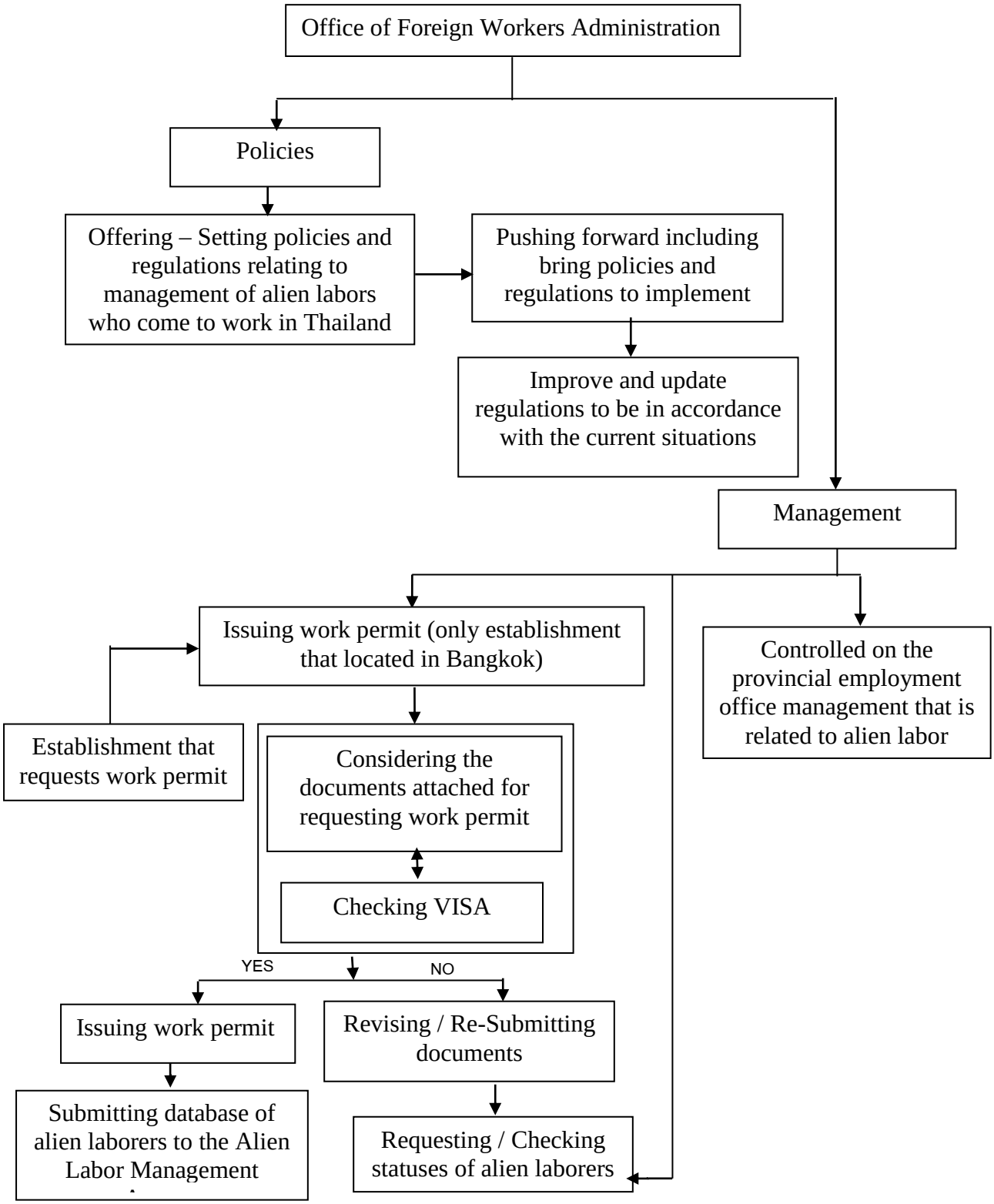
2.1 The working process of the Provincial Employment Office



The study results indicate that the working process of the Provincial Employment Office starts from requesting work permits for alien laborers who come to work for the establishment. After that, the Provincial Employment Office will consider the attached documents and the type of visa if it is the type of NON-IMMIGRANT-B as defined in the Migrant Workers Act B.E. 2551 or not. If it is approved, it will be processed in the next procedure, which is issuing a work permit.

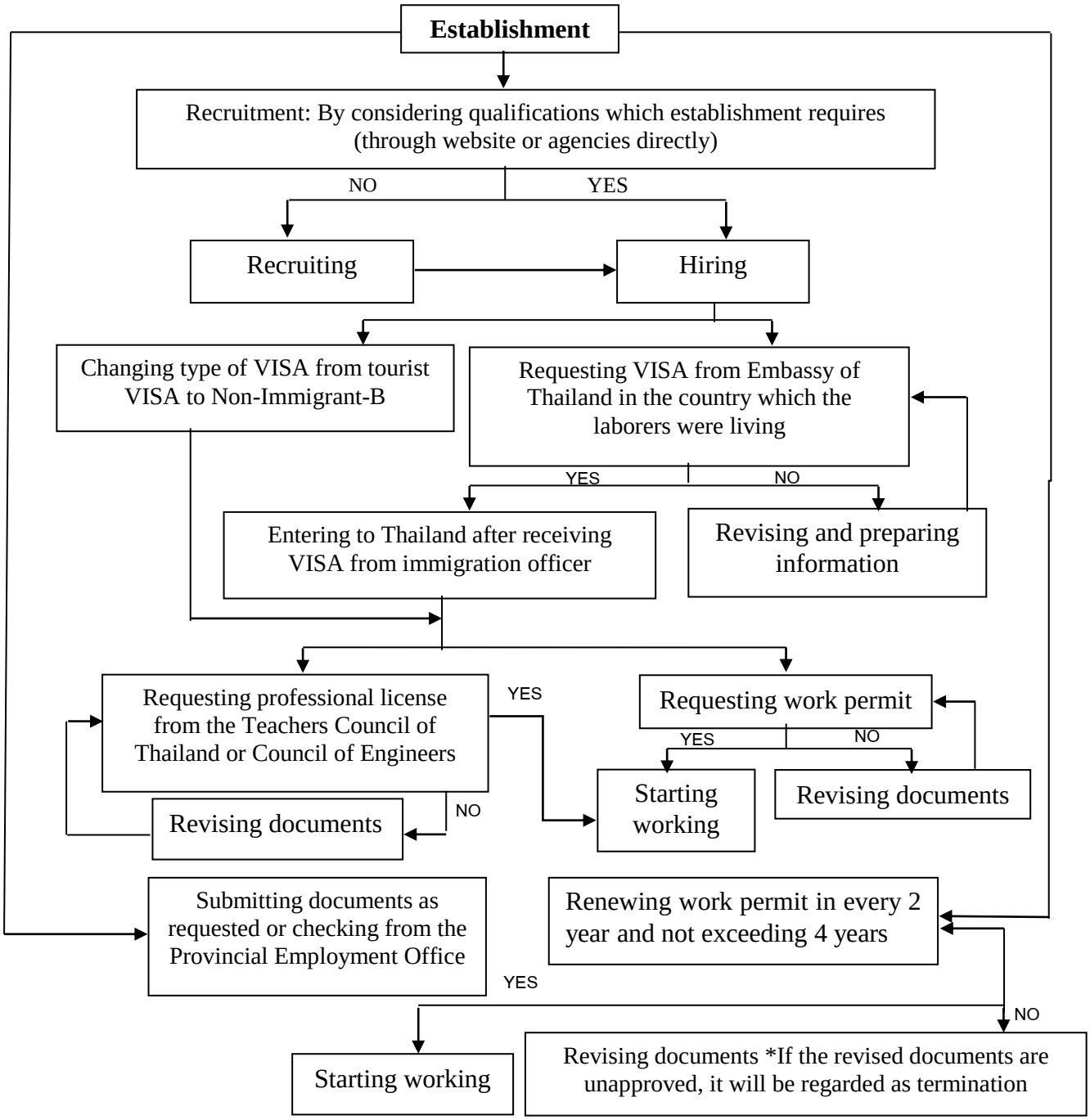
At any rate, the Provincial Employment Office is also responsible for two other important tasks, namely submission of laborers information who received work permits to the Alien Labor Management Agency, as well as reclaiming and auditing reports of alien laborers in the establishments that the labors are working.

2.2 The working process of Office of Foreign Workers Administration



The study results could be described in the working process relating to the labor migration of the Alien Labor Management Agency which has a working process similar to the Provincial Employment Office. But there are two main parts: 1) The role of policy: It could be found that the Alien Labor Management Agency will take part in offering, customizing, and pushing forward improvement of policies and regulations related to the management of alien laborers who come to work in Thailand. 2) The role of management: Besides the similar process of the Provincial Employment Office, one thing that the Alien Labor Management Agency has additionally to do is management control of provincial employment in the part relating to alien laborers to create the same direction of work standard.

2.3 Working Process of Establishment



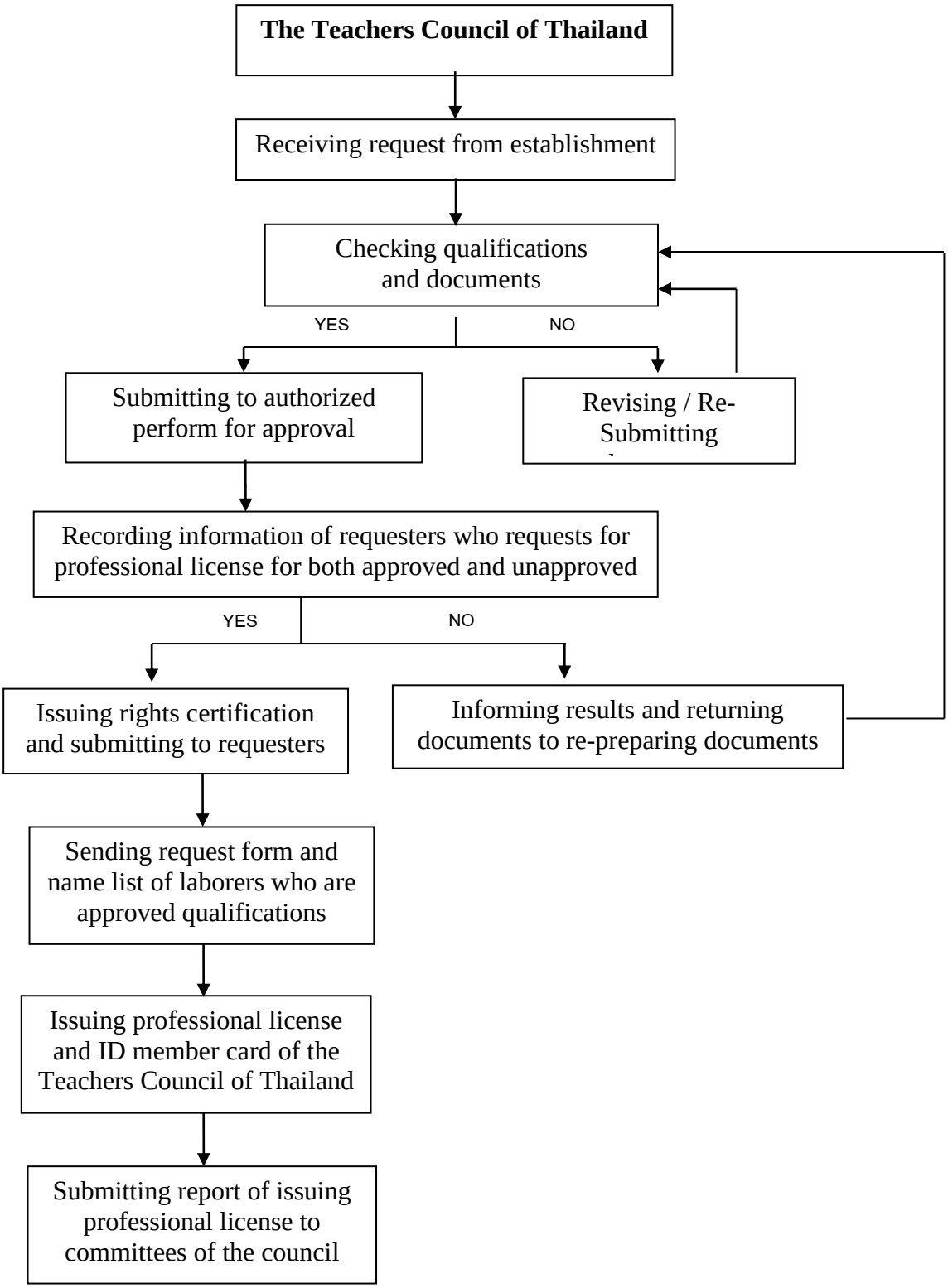
The study results could be found that the work processes relating to the labor migration of establishments will be started from the process of recruitment. This process will consider from qualifications that the establishments require. The recruiters may use publicity through websites or announcements within the establishments. If they have had applicants into the establishment and are not satisfied with the applicants, they can return to the process of recruitment once again. If they have had the right applicants, it will continue to the next process, namely hiring.

The next process for establishments is issuing visas to new laborers. The type of visa is NON-IMMIGRANT-B from the Embassy of Thailand which is located in the countries that the laborers are living. If the hired laborers who have been employed when they were living in Thailand and did not get a visa in type of NON-IMMIGRANT-B, the establishments have to request changing the type of visa from the immigration office first. The next process is to check if the laborers are in a foreign country, as they must enter into Thailand within 30 days from the date of receiving visas.

After that, the establishments will perform the next process, which is to request a professional license in case their laborers need to work for the careers that require professional licenses. If laborers do not need to use professional licenses, the establishment will continue the process by requesting work permits for alien laborers from the Provincial Employment Office. If the establishments are located in Bangkok, they can request work permits from the Alien Labor Management Agency instead. When those laborers have had their work permits, they can then start working. However, even if they have had work permits already but the expiry date of work permit is only 2 years. If those laborers need to continue working, the establishments must submit renewals of work permits from the Provincial Employment Office or the Alien Labor Management Agency to continue employment. Alien laborers can request renewal of work permits just one time and not exceeding 2 years.

In addition, establishments have also another working process, namely preparing documents and reports relating to alien laborers in their establishments as requested by the Provincial Employment Office or the Alien Labor Management Agency.

2.4 Working Process of Professional Council (The Teachers' Council of Thailand)



The working processes of the Teachers Council of Thailand concerning labor migration starts with receiving a request from establishments. After that, the Teachers' Council of Thailand will check qualifications and documents submitted to request for professional licenses. when the investigation of qualifications and documents has been completed, all the documents will be presented to the authority for approval. When all the documents have been considered, the Teachers' Council of Thailand will record the information of the persons who requested permit works to be either approved and disapproved for using in the database in the future.

For those who have been approved for the license, the Teachers Council of Thailand will print the license, the rights certificate and an ID member card of the council and send the documents to requesters to be used for requesting a work permit. furthermore, another working process of the Teachers Council of Thailand is reporting the results of issuing professional licenses to committees of the Teachers Council of Thailand.

3) Summary of studying the roles and the working processes of agencies involved in the migration of Philippine skilled laborers to work in Thailand

The study results of the roles and the working processes of all involved agencies can be summarized by starting from of recruiting Philippine skilled laborers by establishments. When they have already employed their laborers, the establishments must prepare documents for requesting visas for their alien laborers who come to work in Thailand by making requests from the Embassy of Thailand in those countries which the laborers are living (in this case is the Philippines). This is the first process where private sectors start to coordinate with government sectors. When the laborers have received visas, the next process is entering into Thailand. When the Philippine skilled laborers have entered into the country they will get a stamp for approval to live in Thailand. The time for migration allowed by immigration officers will affect the timing period that appears in a work permit. Nonetheless, when the alien laborers have already entered into Thailand, the establishments will be responsible for requesting work permits for the alien laborers who came to work in their establishments by coordinating with the Alien Labor Management Agency in cases where the establishment is located in Bangkok. But if the establishments are located in other provinces, they must request work permits from the Provincial Employment Office.

When government agencies have received the provided documents, including the requirements of work permits for establishments or private agencies,

they will consider if the purposes of Philippine skilled laborers who have come to the work in the country are contrary to the regulations of the Alien and Immigration Act B.E. 2551 and if the document are considered as correct. They also need to consider the document are complete as scheduled or not together with checking the correctness and completeness of the received document by considering time allowed for the laborers to stay in Thailand following visas from the immigration officers. The labors will receive the duration of the work permit as specified in the visas and this will not exceed 2 years as stated in the Alien and Immigration Act B.E. 2551.

While the Alien Labor Management Agency or the Provincial Employment Office has approved to issue work permits, the laborers can start working immediately. In the government sector, another main process is that the Provincial Employment Office has to be responsible for submitting a database of alien laborers to the Alien Labor Management Agency to compile it as a reference and audit establishments which have requested work permits for new alien laborers and working alien laborers. The purpose is to make sure that those alien laborers have work permits with available expiry dates.

For establishments that need their alien laborers to work in professions, such as the teaching profession, the establishments need to request teaching licenses by preparing and submitting documents requested to request teaching licenses to the Teachers' Council of Thailand. While the Teachers' Council of Thailand has already received the documents, they will primarily check completeness and correctness of the submitted documents for work permits of the alien laborers and the number of days that they can live in Thailand together with qualifications specified by the Teachers' Council of Thailand. If all the qualifications have been approved, they will issue teaching licenses for those laborers and continue the process of reporting issued teaching licenses to committees of the council. However, the study results have indicated that the working processes of the agencies, especially the government agencies, are not directly coordinated. It can be found that the work of the government agencies are taking over from the decisions of one agency to be used for their own decision for making allowances, such as issuing VISAS, which affects immigration officers who specified the length of allowing laborers to live in Thailand. This also affects duration of issuing work permits for alien laborers by the Alien Labor Management Agency or the Provincial Employment Office. Moreover, it may affect Philippine labor management by establishments.

Suggestions from Research Results

1.For the work operations of government agencies in Thailand, the research results indicate that if Philippine skilled laborers need to work in the country, they

must pass several processes and agencies which are far from each other, such as asking for professional license, work permit and etc. Also, working processes for alien laborers are complicated and several processes which are not facilitated for laborers. Therefore, it should improve the processes which are not facilitated for laborers by reducing procedures or setting a process that can implement a comprehensive service at a single point (One Stop Service). This improvement will help laborers to obtain services easily and quickly in the future.

2. The research results can be found to show that the database system of alien laborers who come to work in Thailand is still not adequately complete. Therefore, it should have development of the information system of alien laborers who come to work so it is more effective including linking labor information between agencies to be a unique system to enable involved agencies to mutually use updated labor information efficiently for the most benefit in management.

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