



The effects of the Thai government's COVID-19 response policy on migrant workers in Thailand: A case study of Cambodian migrant workers under MOU

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Abstract

After implementation of lockdown policy, there was an increase in unemployment rate among Cambodian migrant workers, especially those working in restaurant and construction sectors. This research focused on the impact on Cambodian migrant workers during COVID-19 and analyzed the Government's reaction by announcing measures to support and help Cambodian migrant workers. The research applied the semi-structure interview to highlight the experience of Cambodian migrant workers before and during the pandemic. Approximately, seven participants were interviewed. This study found that the lockdown measures placed a great impact on Cambodian migrant workers' finance and the ability to make decision. There were few of government's supportive measures for Cambodian migrant workers when compared to employers' compensation. Measures to support and protect Cambodian migrant workers under the pandemic therefore require efficient management and sustainable solutions.

Keywords: *Migrant workers in Thailand, Memorandum of Understanding, Impact of COVID-19, Cambodian migrant workers*

1. Introduction

At the beginning of ageing society, new graduates or first-jobbers were not interested in working in unskilled careers which mostly involve dangerous, dirty and difficult conditions. These result in a lack of manpower in the labor market. With the mentioned reason of shortage across sectors, most employers tend to employ migrant workers from Myanmar, Cambodia and Laos to solve the lack of workers. The reasons to employ migrant workers vary, for example, some employers prefer to hire Myanmar migrant workers rather than other nationalities because Myanmar migrant workers are famous for good quality of work and more cheaper costs to migrate them to work in Thailand when compared to the other two countries. Cambodian migrant workers meanwhile are the most famous for their diligence, hard work and high capability in which most are found working in construction sector. Lao migrant workers are well known for their long working hours and easy communication, so most of them would work in food and beverage industries.

These three countries also tend to migrate to Thailand with different reasons such as difference between cost of living and minimum wage, internal political conflict, search for sanctuary, escape from poverty and wider labor market which led to bigger opportunity for migrant workers to find jobs. The migration rate from the three countries during 2015 - 2020 was in overall on the rise. However, it dropped rapidly after the Covid pandemic began, with the number of migrant workers dropped to around 250,000 in 2020, with 100,000 of Myanmar and Cambodian workers respectively, and 50,000 of Lao migrant workers (Foreign workers Administration Office, 2021).

There are three types of work: skilled / high-skilled job; unskilled job / low-skilled job, and semi-skilled job. Unskilled job can range from construction which Cambodian migrant workers under the Memorandum of Understanding (MOU) mostly work in; farm work which most Myanmar migrant workers under MOU work in and janitor / maid jobs which Lao migrant workers prefer to work in. This research focused on Cambodian migrant workers under MOU. In this research, migrant workers who come to Thailand under the MOU refer to legal migrant workers as there are many illegal migrant workers in Thailand. Therefore, only migrant workers under MOU that is legally entrance to Thailand will be focused. The main reason why this research focuses on

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Cambodian migrant workers because the minimum wage in Cambodia is the most similar to Thailand's (around 285-300 Baht in Cambodia and 313-336 Baht in Thailand) (Business Today, 2019), but the cost of living was higher in Thailand. It was different from Myanmar which ranked the first on the cheapest minimum wage while Lao was the lowest in terms of migration numbers to Thailand.

Lagarde (2015) stated that migration, as a global issue, needed the international community's response particularly on financial support. Wu Hongbo, the United Nations' Under Secretary-General for Economic and Social Affairs, said that well management of migration would help increase economic development for both the origin country and the destination country (United Nations, 2016). Kingthong (2015) meanwhile viewed that teamwork, responsibility, and efficiency were the key crucial points to focus on when deciding to employ migrant workers. Normally, employers choose to hire employees based on cheap price under legal process to avoid complication. The next criterion for employment is the employees' own characters.

Global pandemic has occurred since the past such as Russian Flu in 1889, Spanish Flu in 1918, Asian Flu in 1957 and SARs in 2003, followed by the COVID-19 pandemic in December 2019. The first COVID-19 infection case in Thailand was detected on 8th January 2020 (Tan, 2020) and affected the tourism industry as seen from the reduced number of tourists due to the austere lockdown policy. It led to an increased unemployment rate in the business sector depending on tourists such as the service sector. The main concerns were the delayed symptoms after infection and the fact that the infected can pass around the virus without awareness of one's own condition (Healthline, 2020).

The Government of Thailand reacted to COVID-19 situation with lockdown (ILaw, 2022) and announced measures to help migrant workers with the temporary permit allowing migrant workers to stay and work in Thailand (Royal Gazette, 2020). Social security played a major role in compensating migrant workers impacted by COVID-19. When the lockdown measure was announced, it limited the movement and economic activities to prevent the spread of COVID-19. During those times, there were a lot of Cambodian migrant workers who were impacted by the spread of COVID-19 such as unemployment and high risk of living in COVID-19-prone environment. Some of the official measures to help and support Cambodian migrant workers can solve the impact for a short while, but they cannot protect Cambodian migrant workers from the root of the problems (Thailand Development Research Institute, 2021).

This research identified the impact of COVID-19 on Cambodian migrant workers under MOU by comparing the pre-COVID-19 situation in Thailand (during 2015-2019) and during the detection of the first COVID-19 case around January 2020 until the situation eased (after the lift-up of lockdown) from July 2020 to the end of October 2022.

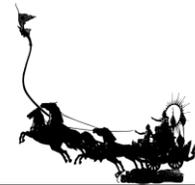
2. Objectives

- 1) To identify the impact on Cambodian migrant workers during COVID-19
- 2) To analyze Thai government's COVID-19 response policy on Cambodian migrant workers under MOU in Thailand

3. Methods

This qualitative research presents data collected from different sources such as the observation of COVID-19 measures related to Cambodian migrant workers. Using semi-structured interviews to gather information from the experiences of all seven participants, the participants were separated into three groups: Cambodian migrant workers; small-sized immigration agencies, and the public sector comprising the Foreign Workers Administration Office and the Immigration Bureau.

Five criteria were applied to select Cambodian migrant workers for participation in this research. First, they must live in Thailand for at least ten years. Second, they must migrate under the MOU and have experienced lockdown in Thailand. Third, they must speak and understand Thai language well. Fourth, they must be around



middle age or older than 35 years old. Lastly, they must register under different types of health system: 1) social security or 2) healthcare insurance.

The second group comprised small-sized immigration agencies. There are four criteria for this group, to represent the difference and the impact during COVID-19. First, the immigration agency must be a small-sized company and hire no more than 20 employees. Second, one of the immigration agencies was selected for featuring the keyword of "... (name of immigration agency) ... Importing Migrant Worker Company" in its name because such establishment condition required 5 million Baht as guarantee for the damages that may be caused by the import of migrant workers to work in Thailand (Department of Employment, 2017). Another immigration agency was selected without the keyword in its name, signifying that it imported legalized migrant workers without deposit as it guarantees the entrance to Thailand under the MOU with legal process. Therefore, both immigration agencies were small-sized companies, but their differences can reflect the impact of COVID-19 between normal situation of the recruitment of migrant workers and the easing lockdown measure after COVID-19. Third, the immigration agency must have experience of working with Cambodian workers' migration for more than 10 years. Fourth, the immigration agency must have other services apart from the import of Cambodian migrants such as processing migrant workers' status from undocumented to legal.

The third group was the public sector comprising the Foreign Workers Administration Office and the Immigration Bureau. The Foreign Workers Administration Office was an organic unit of the Department of Employment under the Ministry of Labor. There were two criteria for this group. First, the participant must have professional experience for 10 years. Second, the participant must have work experience in helping Cambodian migrant workers during COVID-19 such as issuing permit to undocumented migrant workers for their temporary stay and work in Thailand.

For the Immigration Bureau, there were two criteria. First, the participant must have 10 years of experience working in this field. Second, the participant must be responsible for controlling border entrance, stay or departure to understand the flow of Cambodian migrants leaving Thailand during lockdown and the return of Cambodian migrants after the lockdown was lifted up. This also included Cambodian migrants' stay while waiting to be sent back to Cambodia. All participants were presented in Table 1.

Table 1 List of participants

No.	Participants	Gender	Age	Experience	Occupation
1	A	Male	42	20	Cambodian waiter
2	B	Female	35	10	Cambodian waitress
3	C	Male	40	15	Cambodian construction worker
4	D	Male	55	10	Small immigration agency
5	E	Male	37	10	Small immigration agency
6	F	Female	46	10	Foreign Workers Administration Office
7	G	Male	48	10	Immigration Division 1

This paper would use the following wordings to represent each of the seven interviewees: participant A, B, C, D, E, F and G. The interview of all seven participants was conducted from April 2022 to October 2022.

4. Research Findings

4.1 Before COVID-19 pandemic

4.1.1 Employment via immigration agency

4.1.1.1) Convenience of service

There were two groups of people who can import Cambodia migrant workers under the system of MOU: From employers and from those granting permission to bring in foreigners. Most employers in Thailand used the

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service of immigration agencies because of convenience such as fast delivery of Cambodian migrant workers, management of both sides' documents and coordination with Cambodian immigration agencies. Participant A and B reported that they entered Thailand under the MOU system via immigration agencies because it was convenient and comfortable even though it was expensive. Participant B mentioned their lack of knowledge about migration to Thailand and decided to use the service of an immigration agency to enter Thailand under the MOU system.

Participant E mentioned that most of the clients preferred migrant workers under the MOU system because there was less chance that the Cambodian workers would run away. Most of the clients who used the immigration service wanted to avoid complication should there be dispute related to migrant worker issues.

Some Cambodian migrant workers used immigration agency just to legally enter Thailand. After one night of rest before starting the work, the Cambodian disappeared. As participant D (Participant D, Personal Communication, April 14, 2022) recalled, "the strange thing I have met before was Cambodian workers who ran away at night right after entering Thailand. It wasted my time to find another one to reach the number that my client had agreed".

Participant F mentioned that the new employer (whom migrant worker ran away to) had the obligation to pay the remaining MOU expenses to the runaway worker's previous employer.

4.1.1.2) Expenses of service

Cambodian passport is quite expensive when compared to Myanmar passport. However, the process to issue Cambodian passport is quite similar to Thailand. For example, both Thai and Cambodian passports can be processed and received within one day. The difference of Cambodian passport from the other two countries were that the Cambodian passport was known as Travel Document (TD) agreed by common acknowledgement between Thailand and Cambodia. The TD passport was allowed to be used under the MOU system while the other two countries did not have similar agreement. The expenses of MOU from Lao migrant workers were similar to Cambodian ones but more incidental. The duration of imported process however was faster than the Cambodian and the Myanmar ones (Horizon Principle Recruitment, 2019).

All Cambodian migrant workers reported that MOU service fees from the immigration agencies were higher than what was promoted. For example, participant B (Participant B, Personal Communication, July 23, 2022) reported that "the overall MOU expenses were around 27,000 Baht. The Cambodian passport was expensive and the wait was long. If I want to get the passport in a short time, it is necessary to pay more."

Participant E from the immigration agency reported that the rate charged for the MOU system was different in each country because the agencies in the origin country charge differently, for example, an agency in Cambodia will charge the service fee of 5,000 Baht in average.

The governmental sector was meanwhile concerned that the price of MOU would convince migrants to illegally migrate to Thailand. For example, participant F (Participant F, Personal Communication, April 11, 2022) reported that "Illegal migration to Thailand instead of entering under the MOU system is the biggest concern. With the reasons of money shortage and decision not to migrate under the MOU system, it could lead to human trafficking".

4.1.2 Overstaying in Thailand

Every 90 days, migrant workers have to notify the intention of stay in Thailand (Immigration Bureau, 2022). If the migrant workers neglect or forget to notify, the fine for overstaying will be charged 200 Baht per day until reaching the maximum of 20,000 Baht.

Participant G as the Immigration Bureau mentioned about the penalty for migrant workers who forgot to notify their stay and ended up overstaying in the Kingdom of Thailand for more than 90 days. If this was found out by an officer, the migrant worker must pay 2,000 Baht in fine. If that was found through random investigation, the migrant must pay a fine of 4,000 Baht. Should the migrant neglect to notify or overstay, the fine is 200 Baht per day.



4.2 During COVID-19 Situation

4.2.1 The Impact from Lockdown Measure

4.2.1.1) Insufficient income

One of the Thai Government's actions to manage and control the restaurant sector was to allow only takeaways and temporarily prohibit dine-in. This impacted employers' decision to temporarily close the restaurants as it was not worth opening the business for only takeaways or delivery. Some people did not want to waste money on delivery since it lacked the food experience and the enjoyable atmosphere. The temporary business closure impacted Cambodia migrants, causing them less income than usual.

Participant A (Participant A, Personal Communication, July 23, 2022) reported that, "My employer's restaurant was karaoke and restaurant which mostly targets customers who look for private celebration room. The control from the Government made my employer decide to temporarily close the restaurant and tell us to stay home. I still received half of the income which was calculated from my minimum wage".

The construction sector was far different from the restaurant sector due to the order of construction camp closure for a month. As Cambodian migrant workers under MOU were the biggest number of workers in the construction sector, it took a huge toll on their income.

For example, participant C (Participant C, Personal Communication, July 19, 2022) reported that, "During lockdown I have less income due to reduced working hours. Some days, I had no work which meant I would receive even less income since I was paid daily wage. The worst was when I had no income during that one-month lockdown of construction camps. My employer owned a big company, so he had many construction sites that required work to be done in some small areas and he tried to help me by offering small jobs just to survive day by day. However, the job did not come every day and the food that was provided to us was not enough either. I had to spend my saving on some meals and hired someone outside the camp to buy necessary things for me. Sometimes I had to buy ATK out of my own pocket due to insufficient sets provided to us".

The lockdown measure caused immigration agencies a huge loss of income since the major source of contribution for these immigration agencies came from imported migrant workers. An order of border closure put a halt on business' activities, leaving some migrant workers stranded at the final process of their legal border-crossing into Thailand.

Participant D (Participant D, Personal Communication, April 14, 2022) reported that, "There was no migration along the border during lockdown. It caused the delay in the procedure of importing Cambodian migrant worker to my clients. During the waiting period, some Cambodians decided not to wait and dropped the contact. This caused a big damage since we had already invested money while the loss of income due to the delayed process was a huge impact to my company".

However, the immigration agencies were still able to gain another big income from various services such as work permit extension service. Instead of focusing on one main source of income from imported Cambodian migrant worker during the lockdown, other services such as service provided to undocumented migrant workers seemed to be more popular and preferable.

Participant E mentioned that the loss of income from imported migrant workers can be compensated by the income from different services such as notification of staying in the Kingdom of Thailand every 90 days or new recruitment of illegal / undocumented migrant workers who stayed in Thailand.

For Cambodian migrant workers under the MOU who were trapped in Thailand during lockdown with expired work permit, they can stay and work in Thailand for two years. For example, participant F (Participant F, Personal Communication, April 11, 2022) revealed that, The Ministry's Resolution permitted migrant workers under these following cases to stay and work: 1) Illegal migrants 2) Migrants whose work permit expired, and 3) Migrants who were not allowed to work. This would help all Cambodian migrant workers to legally stay in Thailand and earn income, particularly the Cambodian workers in the construction sector.



Migrant workers who worked in Thailand were responsible for notifying their intention of continued stay in the Kingdom of Thailand every 90 days. Cambodian migrant workers who failed to notify can face necessary circumstances such as quarantine. Normally the fine for late notification or overstaying in Thailand costs 200 Baht per day, but the Immigration Bureau issued a temporary exception of this punishment regarding the pandemic circumstance. The word ‘temporary’ failed to provide an exact termination period.

Participant G as the Immigration Bureau mentioned that during lockdown, there were Cambodian migrant workers who were late in notifying their stay in the Kingdom of Thailand due to COVID-19. A compromising measure on the basis of rules and morals was put in place in which the fines that the migrants had to pay was exempted. A medical certificate, however, was required for the officer’s consideration.

Overstaying in the Kingdom of Thailand due to expired visa normally costs the fine of 500 Baht per day. The Cabinet’s Resolution on 15 March 2022 nevertheless permitted Cambodian workers under the MOU to stay for 6 months without concerns over the fine from overstaying.

4.2.1.2) Additional expense

Apart from insufficient income from temporary unemployment due to business closure, the fixed expense and the spending on personal satisfaction still occurred every month. For example, Cambodian migrant workers under the MOU who had completed 4 years under the MOU contract had to return Cambodia. But with lockdown, participant F reported that the Government had announced the exception of return by which the migrants can legally work and stay in Thailand. Those who completed the four-year-contract beginning from 1 November 2020 to 31 December 2021 can register for another one-year visa at the Immigration Bureau for the price of 1,900 Baht. Participant A and B nevertheless revealed that the measure from participant F impacted their financial management because they felt that the price for one-year duration was expensive compared to the two-year period given by the work permit. Participant B (Participant B, Personal Communication, July 23, 2022) stated that, “I have spent 3,600 Baht on work permit and around 2,500 Baht on a one-year visa”.

Furthermore, there was additional expense from COVID-19 protective equipment such as face mask, hand sanitizer, and ATK. In the beginning of the pandemic, COVID-19 protective items were hard to find and could be very expensive. A set of ATK, for instance, could be sold in drug store at the price range of 350-600 Baht, which was too expensive for Cambodian migrant workers.

Participant B (Participant B, Personal Communication, July 23, 2022) reported that, “My roommate worked as a maid at the same place with me. She got infected during lockdown and I was so afraid of getting infected by her. At that time, the price of ATK was not controlled or managed. It was a rare item to find, therefore the price of ATK rose as high as 390 Baht per set, which was what I paid”.

Participant C mentioned that free ATK was given at workplace since the employer strictly required the test result before coming in to work. But participant C got infected during the time when ATK was insufficient, resulting in participant C’s obligation to buy ATK out of his own pocket even though there was no income at all.

After the ease of lockdown and the Government’s gradual relaxed control on some business activities such as re-allowing restaurant dine-in under certain conditions, namely providing hand sanitizer at every corner of the building, compulsory face mask, and full vaccination.

Participant D from the immigration agency mentioned that he had been asked by a client to buy COVID-19 protection equipment for 200 Cambodian migrant workers, which Participant D bought and provided over 500 hand sanitizes to the client. Participant E as the immigration agency also supported Cambodian migrant workers by providing ATK kit every week.

Both participant F and G from the public sector shared similar activity in which they reported that they had gathered and collected money within their department to buy convenience food as support for Cambodian migrant workers, especially those living in construction camps.



4.2.1.3) Difficulty in finding new employment

The lockdown's impact on Cambodian migrant workers was direct and indirect unemployment to some of them. Indirect unemployment meant that all employees were still hired, yet received less income or worked less hours as mentioned previously. For example, participant C (Participant C, Personal Communication, July 19, 2022) stated that, "My friends suggested we ran away to other provinces where lockdown was less effective so we can look for a temporary new job, but I rejected".

Direct unemployment meant employees who were laid off. Unemployed migrant workers under the MOU had to find new employment within 30 days which was considered difficult, particularly during COVID-19 situation. Afterwards, the Cabinet's Resolution on 13 July 2022 announced a measure that extended the duration of finding new employment as participant F (Participant F, Personal Communication, April 11, 2022) from the Foreign Worker Administration Office reported that, "The Cabinet's Resolution decided to extend the duration of finding new employment from 30 days to 60 days to reduce difficulty and complexity".

Participant E reported that some Cambodian migrant workers who were laid off came asking for jobs. Some of them had an expired work permit due to completing the full term of MOU contract and could not find new employment. Most Cambodian workers faced complication in changing the type of work and could not find new employment within the limited time. But the extension for finding new employment helped reduce the concerns and stress of the migrants.

After the lockdown measure was gradually lifted, the lack of manpower in construction sector persisted due to the slow import of Cambodian migrant workers and that some Cambodian migrant workers who moved to another province as participant C mentioned were not back yet.

Participant D (Participant D, Personal Communication, April 14, 2022) mentioned that, "There was a demand of migrant workers in food industry and construction sectors because of the increased food consumption in the society after the ease of some business activities. The sudden increase in the new recruitment of imported migrants from original countries could be difficult since there was the problem with MOU cost incurred, namely the quarantine period of 7 - 14 days. Combining with the extension of finding new employers, it was the opportunity for immigration agencies to recruit unemployed Cambodian migrant workers who mostly looked for construction job".

The MOU expense was expensive regarding public health measures that required intensive screening process for migrant workers that included quarantine expense, ATK and RT-PCR tests. Participant F reported that a measure to reduce migration cost and duration time was implemented. However, the employers who were ready to import migrant workers after the easing lockdown had to be responsible for the cost incurred for the screening measure.

Participant F (Participant F, Personal Communication, April 11, 2022) reported that "These measures could help lessen the time and cost. They could persuade employers to import migrant workers. The employers, however, had to be responsible for all the costs incurred as it happened after lockdown was lifted.

- 1) Increasing international air border for migration;
- 2) Reducing quarantine period from 14 days to 10 days;
- 3) Changing Covid testing from twice RT-PCR test to 1 RT-PCR and 1 ATK;
- 4) Reducing visa endorsement fee from 2,000 Baht to 500 Baht;
- 5) Discounting the cost of RT-PCR Covid test from 2,300 Baht to 900-1,100 Baht, and
- 6) Discounting the cost of ATK Covid test to around 300 Baht".

4.2.2 Ineffectual support measure

Participant A and B reported that they were insured under Section 33 of the social security system. Participant C, however, reported that he did not have the social security, but was covered by health insurance. Participant A and B would benefit more from the support measure than participant C.

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4.2.2.1) Measure on contribution to the social security

A measure that reduced the amount of contribution to social security for three months (March – May 2020) was implemented. This affected employers and migrant employees under Section 33. Both participants A and B reported that they spent less on their contributions to social security than usual. It helped slightly with individual expenses. But reducing the contribution for only three months was not that helpful since the period of unemployment was more than 3 months. Participant C (Participant C, Personal Communication, July 19, 2022) reported that, “I have not received the benefit of this measure because I did not register under social security”.

The immigration agency participants group reported similarly that their companies benefited under this measure. However, the measure was not maintained long enough for those who were indirectly unemployed due to the temporary business closure.

4.2.2.2) Unemployment compensation measures

The Cambodian migrant workers who entered Thailand under the MOU system and registered under Section 33 of the social security system received 62 percent of minimum wage for 90 days as *force majeure* (Social Security, 2021).

Both participant A and B were under the social security’s Section 33. They reported that both had received an unemployed compensation under *force majeure* because of their employers’ action. They mentioned that if the employer did not follow up, they would give up on the compensation. They received around 5,000 Baht during the three months, which helped with their financial conditions. However, participant C who was registered under the MOU system reported that he decided not to receive the compensation because the procedure was complicated and difficult.

4.2.2.3) Inconvenient access to vaccination

Slow import of COVID-19 vaccine delayed business activities, especially among restaurant industry and construction sector. Most business sectors gradually resumed their business activities while all workers needed to receive at least 2 shots of Covid vaccine before returning to work as a way to prevent cluster (Kasikorn Bank, 2022). This measure impacted both employers and the employees in finding the vaccine. Both participants A and B reported that they needed to find full doses of vaccine by themselves if they wanted to return to work. They registered for the Thai Government’s free vaccination programme which required complicated procedure such as online registration via different internet platforms (Bangkok biz news, 2020). Most of them were shown in Thai language as well. The complicated procedure of registering for the free vaccination program resulted in participant A’s decision to walk in for the vaccine. But the crowd gathering to be vaccinated changed participant A’s mind. Indeed, participant A went back home and waited for another time.

Participant B (Participant B, Personal Communication, July 23, 2022) reported that, “My employer helped me with registration for COVID-19 vaccination for my first shot. After that, I knew where to go for the second shot. I got lucky as I received free COVID-19 vaccine compared to my friend who had to pay 1,000 Baht for the vaccine as her work required”.

The case of participant C was different since he waited for his employer to gather a group of Cambodian workers for vaccination. Participant C who worked in construction sector reported that he got free COVID-19 vaccine from the Thai Government through his employer’s coordination with Sub-District officer. The employer gathered migrant workers as a group for vaccination and took them to the place where the Government provided the vaccine.

Both of immigration agencies reported that their clients had requested them to find the vaccination place for the Cambodian migrant workers without concerns over the price or the types of vaccine. Participant E (Participant E, Personal Communication, October 8, 2022) stated that, “My client from construction sector believed that the vaccination was a major problem because, if the vaccine could not be found and the Cambodian migrant workers were still unvaccinated, it would be difficult to continue the construction as most of the sites were run by Cambodian migrant workers”.

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Participant F (Participant F, Personal Communication, April 11, 2022) from the Foreign Workers Administration Office reported that, “To reduce the impact on Cambodian migrant workers who were laid off as well as those who did not receive compensation from their employers, including undocumented migrant workers and seasonal migrant workers, all of them need to receive free COVID-19 treatment and COVID-19 vaccination”.

5. Discussion

Using secondary resources and research finding, the discussion was separated into two sections: COVID-19 impact on Cambodian migrant workers under the MOU system, and COVID-19 measures resulting from the Government’s policies that helped and supported Cambodian migrant workers. The first section discussed the two impacts of COVID-19 on Cambodian migrant workers: 1) Insufficient income, and 2) Additional expenses. The second section discussed COVID-19 measures related to migrant workers: 1) Remedial measures 2) Extension for changing employers 3) Permit of temporary stay and employment in Thailand, and 4) Exemption of late notification and overstaying.

5.1 COVID-19 impact on Cambodian migrant workers

Different careers were impacted differently among migrant workers. In case of Myanmar migrant workers in Thailand, Myanmar migrant workers under MOU preferred to work in agricultural industry, which faced a decline in terms of agricultural product demand, resulting in reduced price of products (Yodsin, Sornmanee, & Bodeerat, 2021). Increased cost of transportation and limited movement of workers meant the closure of factories, resulting in loss of job among Myanmar migrant workers. Combining with political situation in Myanmar that prevented Myanmar migrant workers from returning to their country prompted them to secretly work in Thailand and speed up on the spread of COVID-19 without their awareness as seen in the case of the Samut Sakhon Central Prawn Market cluster. During COVID-19, the condition of most Cambodian migrant workers was better than that of Myanmar migrant workers regarding the internal conflict in Myanmar. This indirectly forced Myanmar migrant workers to stay in Thailand due to safety concerns and lack of healthcare equipment in Myanmar at that time (Asia Foundation, 2021).

Most Lao migrant workers under the MOU in Thailand between 2015 and 2021 preferred working in food and beverage industries (Foreign workers Administration Office, 2022), which required a lot of workers as the consumer behavior during the pandemic increased. This contributed a positive impact on most Lao migrant workers in which they were still employed. Cambodian migrant worker’s situation was considered better than that of Myanmar migrant worker in which they were still able to return to their country and received COVID-19 protection and treatment.

5.1.1) Insufficient income

Cambodian migrant workers were famous for their diligence and patience; therefore, some employers preferred employing Cambodian workers. The restaurant sector was considered the most vulnerable group as the business required people gathering or participation in one place. Some restaurants depended on tourists who disappeared because of lockdown. According to an estimated monthly expense from TDRI (Chalamwong & Rattanaprathetphong, 2020), the migrant workers had to spend at least around 5,000 – 7,000 Baht per month on the fixed expense. Although some migrants had already lived together to save money, the lockdown was the push factor and impacted the migrants’ decision to move in even further to reduce the living cost. This action generated further spread of COVID-19, for example, participant B who lived with an infected roommate also got infected.

Participant A and B, as representative of karaoke restaurant, were not laid off by the employer and got half of the salary which slightly helped them through the lockdown. To give a clear picture, if participant B who worked as a maid received 9,000 Baht per month for salary, half of it which was 4,500 Baht contradicted with the monthly expenses that TDRI had estimated. Therefore, participant B required more saving to live on.

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However, both participant A and B got luckier than participant C who worked in the construction sector. The one-month camp closure ordered by the Government directly impacted Cambodian migrant workers' income as Cambodian migrant workers under the MOU system were the highest foreign workers registered in the construction sector compared to Lao and Myanmar workers from 2015 to 2021 (Foreign workers Administration Office, 2022). Although there was a number of public sector support to workers living inside the closed construction camps, the food and assistance were still not enough for everyone as participant C had mentioned. Furthermore, inability to practice social distancing inside the camps, and stress from lack of financial security and safety from COVID-19 impacted their decision to stay or return to their home country.

Participant D and E from the immigration agencies received different impact from lockdown. Participant D saw income loss due to runaway migrants during the waiting period of border re-opening between Thailand and Cambodia. Participant E benefited from this opportunity by recruiting undocumented Cambodian migrant worker who stayed in Thailand and offered other services. As a result, participant E gained more income than participant D, but the amount was not that high compared to the loss of MOU service.

After loosening the lockdown, the measure that allowed workers with expired work permit to continue to stay and work in Thailand (Government Public Relations Department, 2022) could help Cambodians gain some income, especially Cambodian migrant workers inside construction camps who went through a lot due to the camp closure. Considering the demand of unskilled workers in some sectors namely restaurant sector, this permission could help both Cambodian migrant workers and employers gain some income that had been lost due to the impact of COVID-19.

5.1.2) Additional expenses

The condition of insufficient income that Cambodian migrant workers faced during COVID-19 was different to that of Lao and Myanmar migrant workers due to the MOU expense. Cambodian passport was also the most expensive among the three countries and took more than two months to receive. When COVID-19 hit and affected the workers' source of income, Cambodian migrant workers were the most affected.

Additional expense during COVID-19 was COVID-19 protective equipment such as ATK, face mask and hand sanitizer. The price of an ATK was considered too expensive for Cambodian migrant workers who lived and worked with an average of 300 Baht per day. According to Inn News' survey, the price of an ATK between 350 to 600 Baht was due to manufacturing cost as they were made by different companies (INN News, 2021). Participant B spent more than one day's worth of income compared to the normal wage. During lockdown, participant B received half of the salary from the employer. If participant B received an average 300 Baht per day, it meant that participant B had to spend two days and a half of his income on a set of ATK.

The control and management of COVID-19 had set conditions for all workplaces that wanted to resume business activities to provide hand sanitizer and ATK screening for employees. This condition of COVID-19 protective measure impacted employers to spend a huge amount of money on the protective equipment. Participant D, as immigration agency that provided service to employers, was impacted by this condition as the agency had to find COVID-19 protective gears for these clients out of its own pocket.

The Department of Employment was in charge of providing food and food expenses to the construction camps (in Bangkok there were around 520 construction camps) during 12 - 27 July 2021 (Department of Employment, 2021b). But it could not be sufficient for everyone in every camp. Participant D and E from the immigration agencies were asked by their clients to take care of Cambodian workers inside the construction camps and to buy some necessary stuff. It cost both participants quite the amount of money as they spent more than during the normal situation.

Participants F and G also helped and supported Cambodian migrant workers inside the camps by donating instant food, canned food, drinking water, and medicine. Although there was food provided by the public sector, that help was temporary and did not last long.



After the ease of lockdown and the increased lack of workers, importing migrant workers could be the solution in which participant F mentioned that reducing the cost of MOU to encourage and help employers import migrant workers should be implemented. However, the screening measure as a way to protect public health obliged the employers to pay in which they would subsequently push the burden to migrant workers. For Myanmar migrant workers, as their country's internal conflict still went on, the possibility of illegal border-crossing into Thailand was higher than legal migration under the MOU system. The quarantine period between 7 days and 14 days meanwhile depended on the migrants' vaccine doses.

However, before entering Thailand under the MOU system, migrant workers had to receive COVID-19 vaccine and stayed in quarantine (Hfocus, 2021). Cambodian workers had the highest percentage of COVID-19 vaccination for both the first and second shots. This was different from Myanmar workers despite the fact that their country was the first to start the vaccination program but ranked the lowest in terms of both vaccine shots as shown in Table 2 (Ministry of Higher Education, 2021). Since Cambodian workers had a higher rate of vaccination within their country, Thai employers would prefer Cambodian migrant workers as to reduce time of quarantine and cost of migration to migrants from the other two countries.

Table 2 Ranking of the first date of COVID-19 vaccination program

Ranking	Country	First date of COVID-19 vaccination program	Percentage of the 1 st and 2 nd shots of COVID-19 Vaccination on 1 October 2021	
1	Myanmar	27 January 2021	14.3	6.9
2	Cambodia	10 February 2021	79.1	65.4
3	Laos	21 February 2021	40.5	28.3
4	Thailand	28 February 2021	49.2	30.0

5.2 Thai government's COVID-19 response policy on Cambodian migrant workers

5.2.1 Remedial measures of compensation

Major compensation for migrant workers came from the Social Security Fund. It can be seen that migrant workers who were registered under the social security system would benefit from the measures, as they were the most affected by the pandemic. The type of employers and career of migrant workers would determine whether migrant workers were required to register under the social security system as shown in Figure 1. The Foreigners' Working Management Emergency Decree, B.E. 2560 (Department of Employment, 2017) described the person who brought in migrant workers to work into two types: 1) Person who granted permission to bring Cambodians for work, and 2) Employer. The second type could be separated into two conditions, either by being hired as juristic person or being hired personally. Participant E was the immigration agency that represented the first type while participant D was the immigration agency representing the second type.

According to the Social Security Act B.E. 2533, Section 5, the term employee was described as "...excludes an employee who was employed for domestic work which does not involve in business work". For example, a maid who was hired by an employer as a natural person did not have to register under the social security system (Office of the Council of State, 1990). But if the said person was hired by a juristic person or as a company, then the employer had to register that person as an employee under the social security system. It meant that participant B, as a maid who worked for karaoke restaurant, had to register under the social security system and therefore was entitled to receiving COVID-19 compensation.

To benefit from the social security scheme, workers needed to fall under the following conditions: 1) Funeral compensation requiring one-month contribution to social security 2) Illness service requiring at least 3 months of contribution to social security, and 3) Unemployment requiring at least 6 months of contribution to social security (Labor Office of Ayutthaya province, 2022). This meant migrant workers under the MOU system who did not contribute to social security long enough for the benefit would not be compensated for COVID-19.

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Participant A and B who were covered under Section 33 of the Social Security Act would receive all compensation as long as they completed the required period of contribution. Participant C who reported not being registered under social security was indeed covered by health Insurance. It meant that participant C would not receive the benefit from social security scheme, which was tasked with providing compensation to migrant workers impacted by COVID-19.

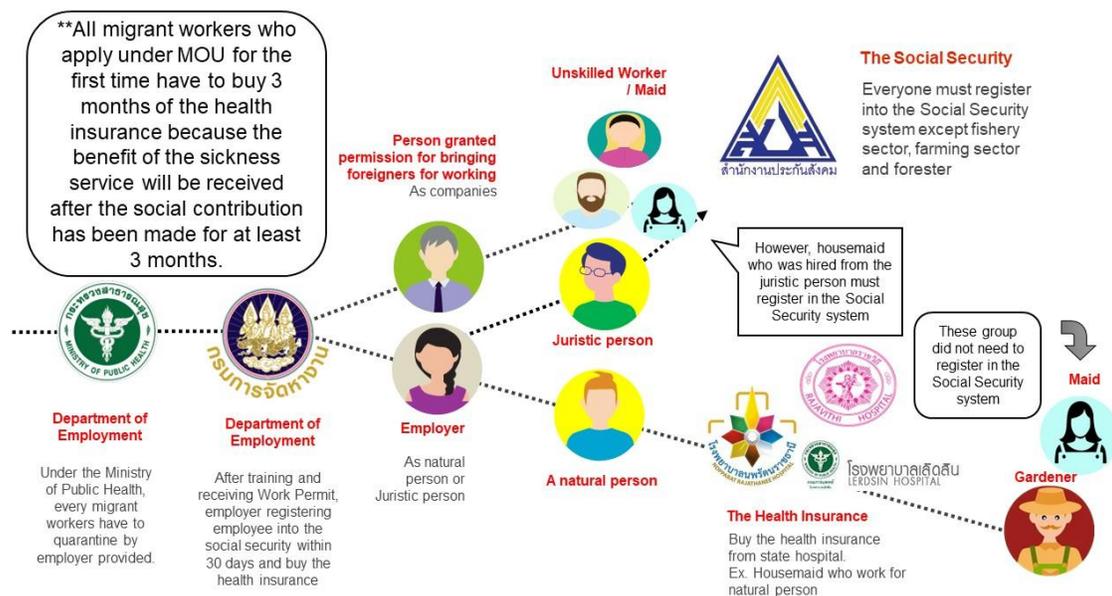


Figure 1 Type of MOU migrant workers required to register in the Social Security System and the Health Insurance

The Social Security Scheme announced three areas of the compensation measures: 1) Funeral compensation 2) Contribution to social security, and 3) Unemployment compensation measures.

5.2.1.1) Funeral compensation

Funeral compensation comes from two funds: Workmen's Compensation Fund, and Social Security Fund. According to the Ministry of Labor, there was an increase in funeral compensation from 40,000 Baht to 50,000 Baht. This remedial measure would be effective on those who registered under the Social Security's Section 33, which was a great compensation for families that lost their loved ones. The deceased' family can receive this welfare. It, however, can be difficult to receive since the Workmen's Compensation Fund would pay for the funeral compensation only for workers under Section 33 whose cause of death was due to professional reason. If the cause of death was not due to profession, the Social Security Fund would pay for workers' family instead on the condition that the deceased person must have contributed to social security at least one month prior to the death. Participant F meanwhile mentioned that this remedial measure helped reduce the burden on family members, especially for migrant workers who had insufficient income during the pandemic. Participant D from the immigration agency recalled the case of a dead Cambodian migrant worker in which participant D helped the migrant's family with money for the funeral. Participant D cannot provide exact details of the measure and the case as participant D only helped the family out of concern and sympathy. Cambodian migrant worker group had no comment on this measure because they did not experience or know someone who may have an experience related to this measure.



5.2.1.2) Contribution to social security

Reducing the amount of contribution to the Social Security scheme from 750 Baht to 375 Baht per month from June to August 2021 only helped participant A and B in reducing the amount of expenses for temporary. However, there was not much help since the measure lasted only three months and did not permanently solve the problems of insufficient income or the expense during COVID-19.

Cambodian migrant workers who did not register under the social security system could not receive this remedial measure. It was in the same manner as participant C who did not register under social security.

5.2.1.3) Unemployment compensation measures

Unemployment compensation from social security would only be paid to Cambodian migrant workers insured under Section 33. They were separated into two cases: Workers who were laid off, and workers who became unemployed under *force majeure*. The word '*force majeure*' referred to unemployment due to two cases: 1) By employer's order to go into quarantine and 2) By Government's order on temporary closure of business. Both participants A and B were considered unemployed by *force majeure* and received full benefit from this compensation measure because their employer's business was closed. But participant C's case was more complicated.

Participant C reported that he decided not to receive the benefit of unemployment because it was difficult to register. According to participant C, there were three possible explanations. First, participant C's employer may have registered participant C under the Social Security System but did not notify or declare to participant C. Participant C; therefore, misunderstood that he possessed only a health insurance card. This possibility was plausible since participant C had mentioned that his employer was a construction company. In compliance with the Social Security Act, the company, as an employer, had to register migrant workers into the social security system. If the migrant workers registered for the first time, the employer had to buy health insurance with at least 3 months of coverage for them while undergoing the waiting period for social security to ensure the worker's benefit in case of illness.

The second possibility was that the employer intentionally did not register participant C into the Social Security System. The third possibility could be the lack of knowledge. From participant C's report, he tried to register for compensation measure, but there were many so-called measures from the Government's policies, which could lead to the possibility of misunderstanding. He mistook one measure for being applicable to workers of all nationalities, when indeed the said measure was only for Thai nationals.

However, all of the three possibilities showed how ineffectual the support measure was as it left out some of the Cambodia migrant workers who did not register into the Social Security System, especially those in construction sector in which Cambodian migrants ranked the highest, yet received less compensation from COVID-19 impact. Proper explanation of each remedial measure for Cambodian migrant workers needed to be included to avoid misunderstanding.

5.2.2. Extension for changing employers

Migrant workers under MOU had to contribute to the social security in the same way as Thai nationals. Another problem, though, was the limited time in finding new employment within 30 days. The process would begin from the date of termination decided by an employer, followed by the announcement of work termination and transformation to "unemployed" status, which must be reported to the Department of Employment within 15 days. The administrative process that followed would take around one to two weeks. When combined with the COVID-19 hardship and the difficulty in finding new job during the pandemic, the 30-day-period left so little time for migrant workers to find new work.

Migrant workers who completed the full term of contract under the MOU were not allowed to receive unemployment compensation because the reason for unemployment did not fit under the COVID-19 or the *force majeure* conditions (Ministry of Labor, 2015). However, during COVID-19, there were Cambodian migrant



workers who were laid off before the contract ended. They became unemployed with little chance of receiving unemployment compensation as participant F mentioned above.

According to the Cabinet's Resolution on 13 July 2022, the duration for finding new employment changed from 30 days to 60 days. This extension can be applied only to the following groups: Migrant workers under the MOU who already completed two-year and four-year-term of contract, along with migrant workers under the Cabinet's Resolutions on 20 August 2019, 4 August 2020 and 29 December 2020. It included Cambodian migrant workers who were laid off since 8 June 2022 until 13 February 2024 with the valid work permit (Department of Employment, 2021a). This lessened the concern of becoming undocumented migrant workers as well as increasing the time for both employers and immigration agencies to arrange the recruitment of Cambodian migrant workers, particularly in the construction sector amidst the time of labor shortage.

5.2.3 Permit for temporary stay and work in Thailand

There were around 13 Cabinet Resolutions related to migrant workers, of which 9-10 focused on the migrant workers' temporary permit to stay and work in Thailand (Workpoint Today, 2021). This policy benefited Cambodian migrant workers as they can continue to work without having to return to their country. However, Myanmar migrant workers got stuck in an uncomfortable situation with political conflict within their country and unemployment problem in Thailand. Since Cambodian migrant workers returned to their home country due to COVID-19, there was a lack of workers in the construction sector after the lockdown was eased. The measure helped increase the number of workers across different sectors that demanded more workers such as the construction sector and food industries. Also, it benefited immigration agencies in which they were given the opportunity to gain more income from undocumented workers as participant F mentioned previously.

5.2.4 Exemption for late notification and overstaying fines

The exemption of fines helped lessen Cambodian migrant workers' concerns over the expense of late notification's punishment since the daily fine of 200 Baht (Immigration Bureau, 2022) was considered expensive for Cambodian migrant workers who received only 300 Baht of minimum wage. Also, the visa fine of 500 Baht per day was also considered expensive for Cambodian migrant workers who were unable to return to their country due to COVID-19.

Participant E benefited from this opportunity by earning more income from offering the service of staying notification in Thailand to Cambodian migrant workers, the service that participant B used.

The Cabinet's Resolution on 15 March 2022 permitted all Cambodian migrant workers whose term of MOU contract expired (4 years) and did not have the chance to return Cambodia to be able to stay in Thailand. It also gave the migrants the opportunity to apply for visa extension for 2 more years. This resolution benefited participants A and B as they can continue working without having to return home and rest for 30 days before returning to work again.

6. Conclusion

This research found that most employers preferred using immigration agencies to employ Cambodian migrant workers under the MOU system. The cost of MOU for Cambodian migrant worker was expensive, particularly in issuing Cambodian passport. However, most migrants and employers would choose the service due to its convenience.

After the start of COVID-19 and the announcement of lockdown measure, the impact that fell on Cambodian migrants were: 1) Insufficient income 2) Additional expense 3) Difficulty in finding new employment, and 4) Ineffectual support measure. Despite the Government's launch of measures against COVID-19 situation for Cambodian migrant workers, most of them could support and helped the workers only for a short time. The measures could not persuade Cambodians not to return to Cambodia and could not provide adequate support to Cambodian migrant workers in Thailand. Although the Government responded by reducing the price of MOU procedure, additional expenses of migration-related procedure such as quarantine, and COVID-19 test

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could not convince Cambodians to migrate to Thailand. This research focused only on the impact of Cambodian migrant workers and the measures that the Government launched for Cambodian migrant workers. The compensation measure meanwhile was mainly supported by the Social Security Scheme. Preparation and management of migrant workers for another pandemic; therefore, needed to be put in place.

Overstaying in Thailand was the Immigration Bureau's concern. During the pandemic, the fines for overstaying would not be collected from Cambodian migrant workers. The fines would nevertheless depend on their situation, such as the cause of delay, late notification, and COVID-19 infection. Preparation and management of migrant workers for another pandemic; therefore, needed to be put in place in order to gain less impact. Migrant workers should understand their basic welfare benefit that would receive under any circumstance. An immigration agency should register all types of migrant workers into the social security or the health insurance even though some careers do not require it. The Minister of Labor should reconsider the limit of finding new employers because it contrasts to the unemployment compensation rights to receive. Migrant workers under the Social Security pay for the Social Security fund every month the same amount as Thai citizens but receive the benefit differently. Reorganize the migrant workers' accommodation environment by improving accommodation standard and increasing more living space and air. Provide the inspection team or support the head of migrants' community to recheck the living standard among the accommodation. Thai government should support the migration by offering free state quarantine or free COVID-19 testing as one of the policy measures to convince migrant workers in Thailand during the situation of lacking worker.

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