

# Migrant workers excluded from maternity leave



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**In August, long time CCC partner the MAP Foundation in Thailand publicized the outrageous proposal by a senior official at the Thai Ministry of Labour. The proposal states that migrant workers should be excluded from the right to maternity leave, child allowance and unemployment benefits.**

The idea was that this would discourage migrant workers from settling in Thailand and in particular, according to MAP, that female migrants would know the importance of birth control as they are only in Thailand for a temporary period of time.

These proposed amendments represent discriminatory practices, which are not permitted under UN and ILO conventions. Migrant workers are entitled, under international human rights and labour conventions, to receive equal remuneration and benefits to local workers.



The CCC wrote to the Thai Prime Minister and the ILO in an attempt to deter the government from implementing the proposals.

In addition, the proposals represent particular discrimination against women garment workers, given the decision to limit in particular migrant workers rights to maternity and child allowance. This is in direct violation of Thailand's obligations to the Convention to Eliminate all forms of discrimination against Women (CEDAW). Indeed, under CEDAW a state is legally obliged to take all appropriate measures to eliminate discrimination against women and advance gender equality.

Migrant workers make a significant contribution to the society and economy of Thailand and form the backbone of much of the Thai garment industry. These proposed amendments would put the Thai government and the

Thai garment industry in direct contravention of human and labour rights conventions and lead to discriminatory practices that are forbidden under established conventions and under the codes of conduct of many of international buyers.

**CCC believe that these amendments should be dropped and migrant workers treated equally with local workers in respect to pay, working conditions and access to social security rights – indeed the Thai government should ensure that discrimination against migrant workers in regards to pay and conditions is challenged and reversed, rather than institutionalized.**

## Background

In 2010, the Thai government committed to ensuring that all workers would be entitled to the legal minimum wage and the same employment benefits as Thai workers. Migrant workers were led to believe that this would include access to all seven social security benefits as well as access to the Workman's Compensation Fund. Thousands of workers applied for the temporary passports which they believed would entitle them to equal treatment with local workers. However so far, this commitment appears to have been a false promise.

The 300 baht minimum wage, effective from 1 January 2013 which is supposed to apply to all workers, is not being enforced in the case of migrant workers.

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