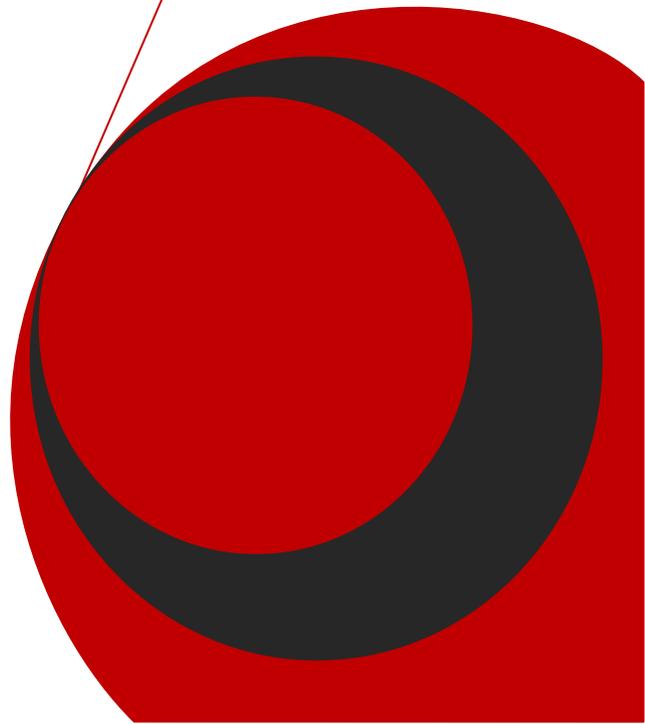
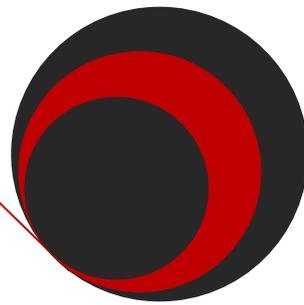
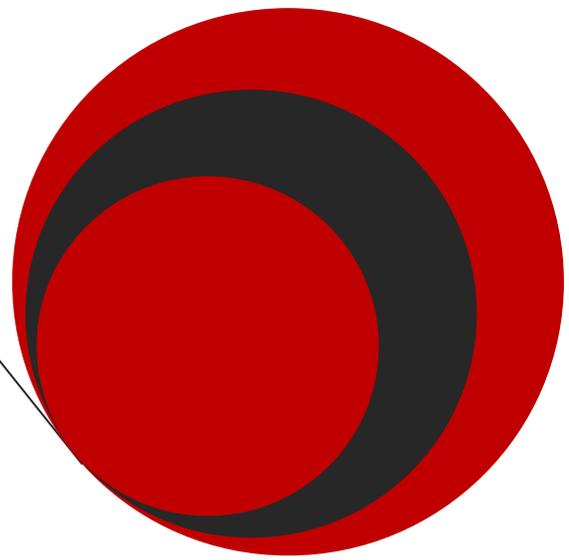




**FINDINGS FROM A MIGRATION MAPPING STUDY:
THAI MIGRANT WORKERS IN THE CZECH REPUBLIC**

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March 2011



With financial support of Ministry of Interior of the Czech Republic – Crime Prevention Department and European Commission – programme Daphne III.



Introduction

This report is an output of an interview and desktop research called “Findings from a Migration Mapping Study: Thai Migrant Workers in the Czech Republic”.

The mapping aims to describe the real picture of employment of Thai migrant workers here, in the Czech Republic. The main objective of this mapping is to assess whether the Thai workers are in need of assistance from the side of NGOs regarding the issues related to working conditions and employment generally, issues related to exploitation and access to worker’s/migrant’s/ human rights and issues related to migration status.

The findings will serve to NGOs and particularly to La Strada in order to assess, how can the NGOs offer their services to Thai migrant workers and which kind of services and information can be useful for Thai workers in the Czech Republic, mainly those who are at risk of exploitation, abuse or human trafficking and whose rights are violated.

Report should aid the readers to improve the provision of situation of Thai migrants in the Czech Republic, preventing the lack of education regarding Czech Labour Law to the CR and improving the social services to Thai migrants who are having difficulties dealing with their employers.

Special gratitude goes to Irena Konečná (Director, national coordinator, La Strada) and Michal Krebs (social worker, La Strada) for their invaluable assistance during the research and for constructive insights into the migration situation.

I hope you will find the following chapters useful.

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Chapter 1 Research, methodology and data collection

The mapping study is based on the findings from the result of desktop research and interviews with Thai labours in the Czech Republic. It is intended to provide a preliminary overview of the issues and problems related to migration of Thai workers in the Czech Republic. While the study focuses mostly on Thai women migrant workers who work as Masseuse in Prague, it identifies Thai's policy/legislation and relevant institutions.

The study explains the overview of Thai migrants employed in this country and assesses the situation if Thai workers are in need of assistance from the side of NGOs regarding working conditions; general employment, issues related to exploitation and access to worker's, migrant's and human rights. Therefore, the findings of this study will serve to NGOs and particularly to La Strada in order to assess that how the NGOs can offer their services to Thai migrant workers and which kind of services and information can be useful for Thai workers in the Czech Republic.

There were 11 interviews (collected as R1-R11) which were carried out with 10 Thai female workers and 1 Thai male worker. The interviews took place at the massage salons, fast food restaurants, workers' accommodation and Thai temple in Prague. Thai workers who were approached for the interviews work for the massage salons; there was one worker who works for other type of organization and one who owns her massage salon.

The interviews were structured to find out the information in according to the following areas:

- ✓ Demographic data and the reasons to come and work in the CR
- ✓ Procedure before travelling to the CR and the employment process
- ✓ Working conditions in the CR, any issues related to human trafficking and/or exploitation
- ✓ Comments and recommendations to the other Thai workers and the government

Information was collected after the interviews in Thai language and later interpreted by the author with ethical principles based on internationally enshrined principles⁸ on all levels as well as principles of La Strada CR. Specifically, the following was concerned:

- ✓ Obtaining an informed consent of all interviews
- ✓ Safety of those interviews as well as interviewer both during and after
- ✓ Sensitive surveying (do-no-harm questioning), offer of help
- ✓ Consequent data anonymising and confidentiality of the interviews
- ✓ Continuous consideration of ethical dilemmas

Chapter 2 List of massage salons in Prague, the Czech Republic¹

- **Ankora Hotel: (www.hotelankora.cz/en/thai-massage),**
(Opening Mon-Fri 10-21 | Sat 15-2) Traditional Thai Massage in the hotel
- **Golden Kinnaree: (www.goldenkinnaree.cz/en/), (Opening daily 10-22)**
Thai massage, Nuat Phen Boran, is an ancient art originally taught by a teacher – apprentice method in Thai Buddhist schools. It soon gained popularity and spread throughout Thailand becoming a recognized technique for promoting good health.
- **Mystic Temple: (www.mystic-temple.cz), Prague 1 (Opening Mon-Fri 9-21 | Sat-Sun 9-21)**
Traditional Thai massage, Swedish massage, aromatherapy massage, bamboo massage (using bamboo sticks), prenatal massage, honey massage, foot massage, facial massage, body wraps.
- **Sabai: (www.sabai.cz/en/contact), Prague 1 (Opening daily 10-22)**
This studio offers two types of massage; Thai and Ayurvedic. Massage types include full-body, four-hand massage; Thai facial massage with facial mask; hot stone massage with oil; “third eye” oil treatment; Tibetan massage; prenatal massage; herbal massage.
- **Namjai: (www.namjai.cz/), Prague 1 (Opening daily 10-22)**
Massages are given by qualified Thai therapists, who have many years’ experiences working in foreign spa resorts and physiotherapy facilities
- **Salon Thajka: (www.thajka.cz), Prague 4 (Open daily 09:30-22)**
Traditional Thai massage, relaxation massage, foot massage, aromatherapy massage, Thai oil massage. Locations in Prague 1 and 2 as well.
- **Shanti Thai Massage: (www.massageshanti.cz/) (Opening daily 10-21)**
Our luxury thai massage salon offers various kinds of thai massage treatments depending on the needs of the individual customers. Starting from traditional thai, herbal, coffee slim, pre-mama, baby massage and many more.
- **Som Thai Massage: (www.soms-thai.cz/), Prague 2 (Mo - Sun 9:00 a.m. - 9:00 p.m.)**
We are a small company of a family type. Our massagers have great experience not only in Thailand, but also in the Czech Republic. We prefer individual approach to meet our customers’ needs.
- **Tawan: (www.tawan.cz), Prague 8 (Open Daily 10-22)**
Classic Thai massage, foot reflexology, slim massage, detox massage, foot and hand massage, Tawan Paradise (a 3-hour treatment combining massage, exfoliation, and a body wrap, followed by a whirlpool bath), face massage, aromatherapy massage.
- **Thai Fit: (www.thaifit.cz/), (Opening daily 9-21)**

¹ Expats.cz, *Massage in Prague Relax Already!* takes a look at massage parlors in Prague, 2009. Source: <http://www.expats.cz/prague/article/sports-fitness/massage-in-prague/>

Instead of the kneading process, various pressure techniques are applied and thanks to the large number of stretching movements Traditional Thai Massage is termed "applied hatha yoga" or given the promotional name "yoga for the lazy".

- **Thai Sun: (www.thai-massages.biz/), (Opening daily 10-22)**

Our endeavour is to bring Thailand atmosphere closer to you right in the centre of Prague. Come and convince yourself that while you energize yourself during relaxation Thai massage in lovely relaxed atmosphere you will forget all the hurry and everyday worries.

- **ThaiWorld: (www.thaiworldcz.com), Prague 1 (Open Daily 9:30-21:30)**

Traditional Thai, oil, and foot massage.

- **Thajský Ráj: (www.thajsky-raj.cz/), Prague 1 (Opening Daily 9:30-10)**

Your body needs rest and relaxation. In case you cannot fully relax or your back hurts — try a Thai massage. You can be sure of the curative effects of the original Thai massage.

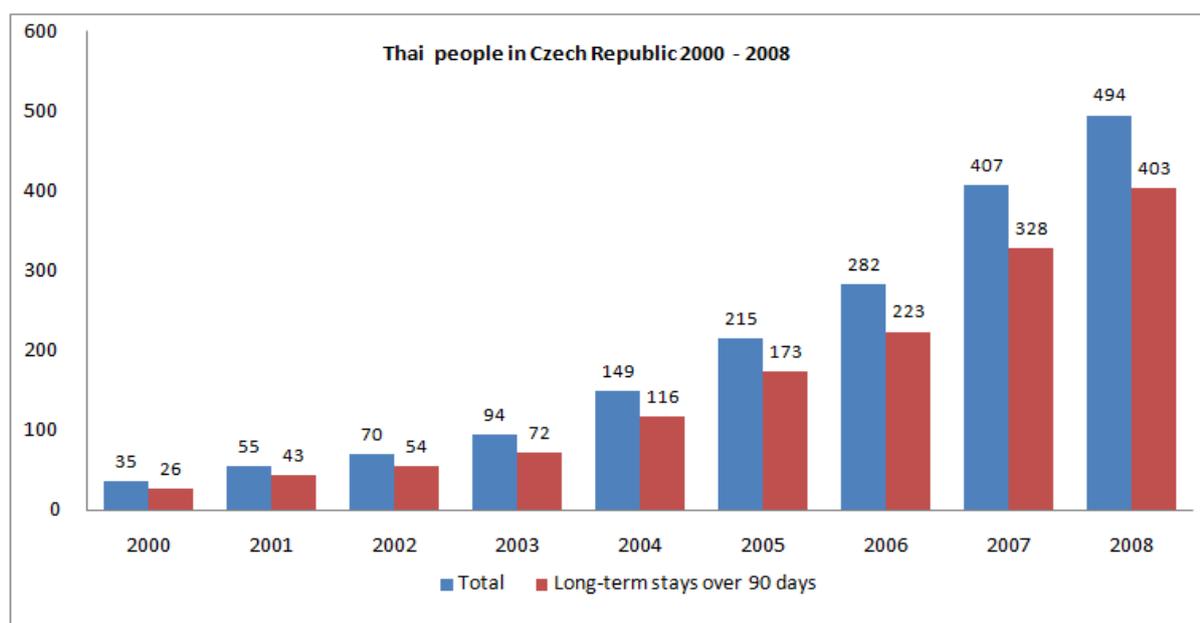
- **Wellness Rooseveltova: (www.centrum-relaxace.cz), Prague 6 (Open Daily 10-22)**

Thai, Chinese, shiatsu, prenatal, Ayurvedic, hot stone massages available. Body wraps.

- **Zen Asian Wellness: (www.planetzen.cz), Prague 1 (Open according to hotels 'locations)**

Aromatherapy massage, third eye treatment, couples massage with a hot bath to follow, body wraps, skin treatments, steam bath, and traditional Thai massage.

Chapter 3 Thais in the Czech Republic²



Regarding the data of the Czech Statistical Office, Directorate of Alien Police, Ministry of the Interior of the CR² as of 2008, the numbers of Thais arriving to the Czech Republic was increased accordingly during 2000 to 2008. At the latest information in 2008, Thais lived in the CR for long-term stays over 90 days were 403 persons and in total were 494 persons.

3.1 Thai migrant workers in the Czech Republic

3.1.1 Thai migrants in the CR: by category of residence, sex and citizenship; 31 December 2009³

Citizenship		incl.: Females (F)	% of (F)	Residence permits ≥12 months	incl.: (F)	incl.: Permanent residence	incl.: (F)	Asylum	incl.: (F)
Foreigners, total	434 600	178 976	41	423 661	174 073	180 359	84 796	2 097	879
Thai migrants	551	502	91	493	451	99	88	-	-

² Czech Statistical Office, *Foreigners by citizenship 1994-2008*. Source: [http://www.czso.cz/csu/cizinci.nsf/t/B900334BBE/\\$File/c01r02.pdf](http://www.czso.cz/csu/cizinci.nsf/t/B900334BBE/$File/c01r02.pdf)

³ Czech Statistical Office, *1-6 Foreigners: by category of residence, sex and citizenship; 31 December 2009*. Source: <http://www.czso.cz/csu/2010edicniplan.nsf/engkapitola/1414-10-2010-0900>

Regarding the information from the Directorate of Alien Police, Asylum and Migration Policies Department (MI CR), it showed that the numbers of Thais who migrates to the CR in 2009 are still in the small numbers compared to the total of foreigners and most of them are females as shown from number of Thai migrants, Resident permit and Permanent residence. This could interpret that most of Thai migrants came to the CR as to work in the massage business and maybe in the smaller numbers who follow Czech husbands and live in the CR as a housewife.

3.1.2 Numbers of Thai who have got working permit to work abroad (Divided by the type of travelling, Male (M) and Female (F)) Summary during January- December 2009⁴

Country	Self travelling		By Labor Office		By Employer		On traineeship program		By Company		Total			Re-Entry		Total
	M	F	M	F	M	F	M	F	M	F	M	F	All	M	F	
All European Countries	513	755			5602	669	29	28	456	98	6600	1550	8150	1759	1267	3026
Czech Republic	7	67									7	67	74	4	104	108

According to the statics information from the Department of Employment Overseas, Thai government, it showed that the proportion of Thai female migrant workers were in the greater numbers compared to the Thai male migrant workers in regards to the Self travelling and Re-Entry columns. This is related to the majority of migrant workers who come to the CR to work in the massage salons as the Masseuse.

Thai labours travelled to the Czech Republic to work in the small numbers compared to the total numbers from the rest of other EU countries as 0.91%. Nevertheless, looking at the Re-Entry column, we can see that Thai migrant workers liked to continue working in the CR with 104 person re-entry to the CR. The numbers were larger than the total arrival which is in the contrary compared to the Thai migrant workers to other EU countries.

⁴ Department of Employment, Thai Government, *Statistics yearly, 2009*. Source: <http://www.overseas.doe.go.th/Statistic/10.StatisticsYearly.pdf>

3.1.3 Statistic report of Thai migrant workers who had working permit to work in the CR by the types of job 2008 vs. 2009⁵

No.	Type of job	2008			2009			+/- 09-08	%
		Male	Female	Total	Male	Female	Total		
1	Masseur & Masseuse	6	59	65	6	132	138	73	48.67
2	Cleaner	-	4	4	-	-	-	-4	-2.67
3	Housewife	-	3	3	-	-	-	-3	-2.00
4	Chef	1	-	1	4	-	4	3	2.00
5	Secretary	-	1	1	-	-	-	-1	-0.67
6	Technician	-	-	-	7	-	7	7	4.67
	Total	7	67	74	17	132	149	75	50

According to Thailand Overseas Employment Administration (TOEA), Thai migrant workers came to the CR to work in the massage salons at the largest amount as 138 persons and in the restaurant and company in accordingly fewer amounts as 4 and 7 persons. There was a bigger amount of Thai workers who came to the CR in 2009 compared to 2008 for 50% growth.

3.1.4 Statistic report of Thai migrant workers who had working permit to work in the CR By regions 2008 vs. 2009⁶

Region	2008			2009			+/- 09-08	%
	Male	Female	Total	Male	Female	Total		
Northeastern	1	24	25	9	58	67	42	28.00
Central	1	16	17	5	32	37	20	13.34
Northern	2	15	17	3	25	28	11	7.34

⁵ Department of Employment, Thai Government, *Statistics Thai Migrant Labour*, 2009. Source: <http://www.overseas.doe.go.th/statistic.php>

⁶ Ibid

Eastern	2	6	8	-	13	13	5	3.33
Western	1	3	4	-	-	0	-4	-2.67
Southern	-	3	3	-	5	5	2	1.33
Total	7	67	74	17	133	150	76	50.67

Most of Thai migrant workers, who came to work in the CR, were from Northeastern part of Thailand and the fewest amounts of Thai migrant workers who came to the CR was from Southern part. The numbers of Thai migrant workers from the Northeastern part of Thailand continued to grow for 42% compared from 2009 to 2008.

Regarding U.S. Department of State's information, Northeastern part of Thailand is the poorest region in the country. There is high tendency that Thai workers from this region are likely to migrate to other parts of the country or go to work abroad.

3.1.5 Statistic report of Thai migrant workers who had working permit to work in the CR by education 2008 vs. 2009⁸

Certificate	2008			2009			+/-	%
	Male	Female	Total	Male	Female	Total	09-08	
High school	6	62	68	15	114	129	61	40.66
Bachelor	1	2	3	1	6	7	4	2.67
Vocational school	-	3	3	1	13	14	11	7.34
Others	-	-	-	-	-	-	0	0.00
Total	7	67	74	17	133	150	76	50.67

Most of Thai migrant workers, who came to work in the CR, finished their education from high school shown as 129 persons and there were 7 and 14 who finished their education in university and vocational school. The numbers of Thai migrant workers who finished their education from high school were increased for 61% compared from 2009 to 2008.

Regarding the annual report from Planning & Information Division, Department of Employment, Thai government. It was reported about the Thai migrant workers who had got work permit to work in Europe and America during 2009. There were 9,133 workers who

⁷ U.S. Department of State, *Background Note: Thailand*, 2010. Source: <http://www.state.gov/r/pa/ei/bgn/2814.htm>

⁸ Department of Employment, Thai Government, *Statistics Thai Migrant Labour*, 2009. Source: <http://www.overseas.doe.go.th/statistic.php>

went to these continents and it was 11.60% from total Thai workers which were 78,717 persons, we could present in to two groups as below:

3.1.6 Number of Thai workers who have got working permit to work in Europe and USA⁹

Travel By	Number of migrants	%
By the Employer	6,363	69.67
Self travelling	1,841	20.16
By the Company	755	8.27

3.1.7 Top five destinations for contract migrant workers¹⁰

Country	Number of migrants	%
Sweden	5,968	7.58
Canada	495	0.63
USA	364	0.46
Finland	340	0.43
Portugal	273	0.35

Most of Thai workers who have got work permit and went to Europe and USA; they were contacted directly from the employer and travelled to the destinations with them and less significant amount of Thai workers travelled by themselves and the recruitment agency.

Thai workers received more permission to work in Sweden, Canada, Finland, Portugal, Poland, Italy, Norway and Switzerland.

⁹ Department of Employment, Thai Government, *Situation of Thai Migrant Labours in Europe and America*, 2009. Source: http://www.policy.doe.go.th/ebook/020400009629_4.pdf

¹⁰ Ibid

Chapter 4 Thai government's policies on immigration abroad

Thailand started to send labour migrants in the mid-1970s¹¹; the main flow of migrants was directed towards the Middle East. Nevertheless, there was a diplomatic incident in the late 1980s with Saudi Arabia resulted in a sharp decline in that migration. The labour migration process started to resume in the early 1990s with the opening up of migration to Taiwan.

Later, due to the recovery of the world economy in 2010, demand for Thai workers overseas is likely to increase. The Ministry of Labor has instructed the Overseas Employment Administration Office to seek new labor markets for Thai workers.

On February 11th 2010¹², Labor Minister Phaithoon Kaewthong gave a policy briefing to heads of the Overseas Employment Administration offices in 13 countries and told them to create job opportunities overseas for Thai workers. He quoted the Government's policy statement delivered to Parliament, which stated that the Government would promote employment of Thai workers abroad, to ensure dignity and a decent quality of life. The Government would provide them with loans for going to work overseas and skill and language training. It would also create guarantees and protect Thai workers against exploitation while working abroad.

In seeking new markets overseas for Thai workers, Mr. Phaithoon said that emphasis should be placed on upper-end markets and the fields in which Thai workers have potential, such as technical skills and the service sector. In particular, Thai welders are well-recognized in many countries for their workmanship. Thai cooks, traditional masseurs and masseuses, and spa operators are also in great demand overseas.

There are currently around 400,000-500,000 Thai workers in foreign countries. The Labor Minister urged all Overseas Employment Administration offices to work in a proactive manner to protect Thai workers and provide assistance for those facing problems. Moreover, they were told to expand their networks, so that they would have more labor volunteers to help Thai workers.

The Overseas Employment Administration Office is under the Department of Employment responsible for providing overseas employment opportunity for Thai workers free of charge and assists the overseas employers to select appropriate and high quality of workers from Thailand¹³.

¹¹ International Organization for Migration (IOM), *Labour Migration in Asia*, 2003. Source: <http://www.iom.org.bd/publications/12.pdf>

¹² The Government Public Relations Department, *Greater Opportunities for Thai Labor Markets Overseas*, 2010. Source: http://thailand.prd.go.th/view_inside.php?id=4773

¹³ Royal Thai Embassy, Republic of South Africa, *Hiring Thai worker*. Source: <http://www.thaiembassy.co.za/Workspace/E11.%20Information%20on%20Hiring%20Thai%20Workers.pdf>

Offices of Overseas Employment Administration, Department of Employment and Thailand Overseas Employment Administration (TOEA) have their major roles as following¹⁴:

- **Promotion**

OEAO promotes and develops the existing overseas labour market for Thai workers, and identifies new overseas employment opportunities. In addition, OEAO coordinates with other government agencies to promote and expand overseas labour market opportunities.

- **Control**

Certain measures are taken to ensure that all provisions of the Recruitment and Job Seekers Protection Act B.E. 2528 (1985) are observed, e.g. the prosecution of illegal recruiters and the suspension of the license in the event that the license holder is in violation of the laws concerned.

- **Protection**

OEAO protects the rights and benefits of Thai workers while working overseas, prevents labour fraud and secures the best possible terms and conditions of employment for Thai workers abroad

- **Responsibilities**

- Administering Thai workers to work overseas
- Centralizing overseas employment information
- Protecting the rights and the benefits of overseas Thai workers.
- Promoting and developing overseas labour opportunities for Thai workers
- Respond to overseas employers' demands by providing suitable Thai workers.

Thailand Overseas Employment Administration (TOEA)'s main responsibilities are covered¹⁵:

1. Improve and manage the recruitment process of Thai workers who are going to migrate abroad
2. Serve as a registration centre for Thai migrant workers
3. Manage the helping fund for the Thai workers who are going to work abroad
4. Control, oversee and check the recruitment process of Thai workers who are going to
5. migrate through the recruitment agencies that all the processes are operated according to the law
6. Protect and assist the Thai migrant workers who should receive the protection while they are abroad

¹⁴ International Organization for Migration (IOM), *Labour Migration in Asia*, 2003. Source: <http://www.iom.org.bd/publications/12.pdf>.

¹⁵ Department of Employment, Thai Government., *List of expenses to go and work abroad*. Source: <http://www.overseas.doe.go.th>

Chapter 5 Thai Trade Union reflection towards the immigration abroad

The important group of labour that makes up the Thai labour force is Thai labour working abroad. Most of these migrant workers are not organised, except in certain countries such as Hong Kong¹⁶. These workers are usually taken advantage of by employment brokers or recruitment agencies that collect very high commission fees for their services. As these workers are working in a country that is not their own, they do not have any voice, mainly because of their inability to communicate with their employers due to language barriers. Therefore, these workers have to accept conditions the employer imposes on them. Once exploited or abused, Thai workers overseas do often not know who to turn to.

Regarding Piyasiri Wickramaseker, *Asian Labour Migration: Issues and Challenges in an Era of Globalization*¹⁷, it was mentioned that traditionally trade unions in both sending- and -receiving countries have not played an active role in the protection of migrant workers. There were numbers of problems that unions faced such as difficulty of unions in labour-sending countries to offer services to migrants while they are abroad, non-representation on decision/policy making bodies and at meetings dealing with migrant workers and migrant workers in irregular situation are not keen to contact unions for fear of detection and deportation by authorities. At the national level, the fragmented trade union movement in Thailand has hardly made any effort to provide any support to either national workers abroad or foreign workers in Thailand.

Nevertheless, there were good samples of representatives from Thai trade union who are aware of the situation of migrant workers and try to reflect the problems to the Thai government in the hope of help and better change. Ms. Junya Yimprasert, Director, Thai Labour Campaign¹⁸ is one of the examples. She spent two weeks doing the study tour with Thai berry pickers in Finland during 27 August – 14 September 2010. She discovered that Thai labours worked under poor working and living conditions. From her experience, she reflected her views to the Thai government as following¹⁹:

- There are poor policies on labour protection due to parliamentary systems
- Human trafficking and exploitation is driven by false expectations and unscrupulous recruiters
- Human trafficking is becoming more complicated with marketing and benefit scams, including techniques i.e. convincing workers' right after their harvesting period
- Corruption in Thai politics, plus multiple levels of exploitation worsens the situation for victims

¹⁶ Friedrich-Ebert-Stiftung Thailand Office, *The Thai Labour Movement: Strength Through Unity*, 2010. Source: http://www.fes-thailand.org/wb/media/documents/The%20Thai%20Labour%20Movement_Sakdina%20Chatrakul%20Na%20Ayu-dhya.pdf

¹⁷ Piyasiri Wickramasekera, *International Migration Papers "Asian Labour Migration: Issues and Challenges in an Era of Globalization"* 2002. Source: <http://www.ilo.int/public/english/protection/migrant/download/imp/imp57e.pdf>

¹⁸ Thailand – EU Service Providers Meeting, *Strengthening the Coordination and Referral System on Return and Reintegration of Migrant Worker*, 2010. Source: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/meetingdocument/wcms_143495.pdf

¹⁹ Ibid

There were added comments from Mr. Boonsong Chaletorn, Representative from Sweden to Thai Women Network²⁰, he mentioned that “In order to deal with the root causes, negotiations with the Swedish government (or any other destination government) must be held with emphasis on limitations of VISA granted, reduction of VISA fees etc. Destination countries must know how to control their employers, and not only take into account their benefits from migrant workers, i.e. job creation for locals and high VISA fees for the government, but also the origin country must know how to prevent the employees from false advertisement.”

²⁰ Ibid

Chapter 6 The National Agenda on Human Trafficking

The Government of Thailand has made best effort to deal with the issue of human trafficking through various measures. The Prime Minister (Thaksin Shinawatra) proclaimed, at the National Conference on Human Trafficking held on August 6, 2004, the fight against human trafficking as the priority of the national agenda¹⁶. He addressed in his speech that *“Victims must be regarded as victims, not criminals, and they must not be subject to prosecution. Instead, rehabilitation and services must be provided to reintegrate them into society. On the contrary, traffickers must be treated as criminals and heavy penalties must be imposed on them regardless of any forms of trafficking they are involved... Human trafficking is now a national agenda, all stakeholders should cooperate in combating all aspects of the problem in a sincere and serious manner with sympathy for trafficking victims.”*

Urgent policies announced by the Prime Minister include²¹:

- ✓ **Capacity building** for relevant personnel to enhance their understanding on the nature of the problem to ensure the efficiency of the officials’ anti-trafficking efforts.
- ✓ **Intelligence exchange** among origin transit and destination countries which can be achieved by the establishment of networks and cooperation.
- ✓ **Improvement and amendment of laws** relevant to human trafficking to be more responsive to the present situation. Appropriate legislation against human trafficking must be enforced with transparency and there must be the proper and sustained training for the police and relevant personnel should be provided with training programs on necessary legal frameworks and their applications.
- ✓ **Campaign to increase public awareness** of the problem and provision of assistance to those at risk of falling trafficking victims so that they can have more alternatives and opportunities to get away from human trafficking.
- ✓ **Remedy and rehabilitation** with an initial fund of 500 million baht to assist victims of trafficking and those afflicted by other social problems. A committee would be established to manage the fund, comprising representatives from GOs and NGOs.
- ✓ **Change of discriminatory attitudes** in the society that stigmatize victims of human trafficking to facilitate their reintegration.

²¹ National Operation Center on Prevention and Suppression of Human Trafficking, *The National Agenda on Human Trafficking*, 2004. Source: http://www.nocht.m-society.go.th/en_aboutus_org_publish.php

Chapter 7 Inter-State Cooperation / Bilateral Relations

The Kingdom of Thailand recognised the Czech Republic on January 1, 1993 and established the diplomatic relations as from the same day. The diplomatic relations between former Czechoslovakia and the Kingdom of Thailand had been established on March 15, 1974²².

Since 1988, Thailand and the CR started to have the agreements and treaties in general aspects such as aviation, investments and visa.

Regarding to the Protocol of the Third Session of the Joint Trade Committee Meeting between Thailand and the CR, it was referred under the topic of investment as follow²³:

“Joint investment in service sector, such as tourism, restaurant, health and beauty care, massage and spa, are among areas currently being encouraged by Thailand. The Thai side welcomed the participation of the Czech side in training programs for chefs and masseurs so as to gain expertise in Thai traditional cuisine and massage. The Czech side expressed its interest and would spread this information to the Czech Economic Chamber of Commerce and the Confederation of Industry and Transportation.”

²² Embassy of the Czech Republic in Bangkok, *Bilateral relations*, 2002. Source: http://www.mzv.cz/bangkok/en/bilateral_relations/relation/thailand/index.html

²³ Joint Commission CR – Thailand, 2003. Source: <http://www.mpo.cz/zprava21057.html>

Chapter 8 The decision of Thai workers to migrate to the Czech Republic

The main reason of Thai workers to come to the CR is to find better job opportunities with the higher wage. Nevertheless, as many of them once arrived to the CR, according to their environment surrounded with other Thai workers who have been in the relationship with foreigners or locals, they are motivated to find the spouse afterwards. As R3 mentioned during an interview:

“Generally, Thai labour thinks about coming here to work since most of them are from poor families and have debts to pay off or the family members that they need to take care of (...) After staying for awhile, their purposes of staying changed as they might see others got married with foreign husbands then many search for the foreign husbands in the hope that these men will financially support them.”

Nevertheless, some of them came to the CR as to follow their Czech husbands such as R6 who came to the CR in 2009 by tourist visa. Then, R6 got married with Czech husband and changed her visa to be married visa. By the help of her husband, she got a job at the massage salon.

Chapter 9 Thai migrant's working conditions in the Czech Republic

9.1 Type of labour, work environment

All Thai masseuses came to the CR as full time contract workers. Most of them were satisfied with general working environment. In general, massage salons are located in a building located in the centre of Prague.

There is no necessity to have guards to be on duty at the salons. Nevertheless, there are situations those customers who asked for the extra services and treated the masseuses as they were prostitutes. In these cases, masseuses most likely will stop massaging and ask customers to stop acting or asking these type of services from them. If the customers still don't listen, they will report them to the massage salon manger or the receptionist. As mentioned from R1

"It is quite important since often that I was disturbed by customers who acted indecently by asking questions like if I could do extra massages or even sleep with them. Well, it is a common rule for most of Thai massage salons that masseuses will not do any inappropriate services to the customers at the salon. Therefore, when I faced this type of customers I will inform the receptionist or salon owner and stop massaging the customers until they understood and behave."

9.2 Working hours

As shown from the list of massage salons in Prague, the usual opening hour is during 10-22 hrs. Most of Thai masseuses will have to be at the salon during this period of time. Many of them complained that it was not the same as they agreed with the salon owner before verbally or even in working contract. R1 and R3 mentioned that

"On the contract said that the masseuses would have to work only 8 hours daily, in fact they worked almost 12 hours every day and the salon owner explained that 8 hours were counted from the actual working hours that they did massage to the clients only (excluded the time that masseuses had to be at the salon when there were no customers.). Nevertheless, this working condition should not apply to me since I was working there as a Receptionist not a Masseur."

Therefore, clear explanation is needed to be communicating since the Thai migrant will count on their working contract issued by the Royal Thai Embassy (RTE) in Prague²⁴-Annex 1.

According to the 4. 1. Employment Contract, IV., Work time/Overtime:

The work time is set as regular in accordance with the Labour Code and it shall not exceed 8 hours a day and 40 hours a week. The scheduling of the working time shall be set the Employer in accordance with the limits set by the Labour Code."

²⁴ Royal Thai Embassy in Prague, *Employment contract*. Source: <http://www.thaiembassy.cz/>

9.3 Wages

Regarding the Department of Employment, Thai government's report, it was stated that the gross salary before deducting other expenses such as health insurance, etc. it should not be lower than 8,000 CZK for general labours. Massage workers' salary on average should not be lower than 15,000 CZK (stated on 21st December 2009)

9.4 Fees paid and debts incurred during the migration process

There were cases that some masseuses agreed to pay for the recruitment fee to the massage owner as to cover for all the cost of arrangement and travelling expenses. R4 mentioned that

"I signed 3 years contract when I was in Thailand and knew clearly about the agreement that I had to pay for the cost of the recruitment fees (included the transportation and visa fee) which was 2000 Euros (verbally agreed and not written in the contract). Due to 2000 Euros, the salon owner was automatically deducting every month 50 Euros from my salary. Later, to stop working at this massage salon completely, I needed to find 700 Euros to pay back the salon owner as to complete the 2000 Euros."

In regards to the Department of Employment, Thai government's website, there is a "List of expenses to go and work abroad" as following:

List of expenses to go and work abroad²⁵

- Obtain new passport 1,000 Baht (571 CZK), Delivered by post will be added additional cost of 35 Baht (20 CZK) (Total 1,035 Baht/ 591 CZK), Contact at Ministry of Foreign Affair
- Health check up to working abroad, not more than 1,500 Baht (857 CZK), Contact at the hospital that the Department of Employment announced in the list
- Labour skills tested, not more than 1,000 Baht (571 CZK)
- Service charge and expense in case of going to Taiwan, cost will be not more than 56,000 Baht (32,000 CZK)
- For other countries, service charge will cost as the same amount as the first month salary, in addition to other expenses, not more than 15,000 Baht (8,571 CZK)
- For example, if you wanted to work in Singapore for 8,000 Baht per month (4,571 CZK), the recruitment agency will cost you not more than 8,000 + 15,000 (not more than) = 23,000 Baht (13,143 CZK).
- In this case if we consider the minimum wage for the massage worker in the CR which is 15,000 CZK, therefore in total worker will be paying 15,000 + 8,571= 23,571 CZK or 962 EUR
- Additionally, the cost of round trip for 1 year opened air ticket²⁶ which is about 901 EUR and the fee to acquire visa to the CR is 60 EUR²⁷

²⁵ Department of Employment, Thai Government, *List of expenses to go and work abroad*. Source: <http://www.overseas.doe.go.th/>

- Therefore, the massage worker will be paying approximately about 1923 EUR or 47,113 CZK

1 Czech Koruna (CZK) = 1.75 Thai Baht (THB); 1 Euro (EUR) = 24.50 Czech Koruna (CZK); Currency exchange was last updated on January 14, 2011 from The International Monetary Fund²⁸.

From the information above, if the masseuse would have to pay for the representative of the massage salon, the total price would be more or less around 2,000 EUR as to add the additional expense which is the return tickets to Thailand.

However, referring to the Royal Thai Embassy (RTE) in Prague's Employment Contract, the masseuse does not have to bear the cost of visa and work permit issuance in the CR as referring to the working contract issued by the Royal Thai Embassy (RTE) in Prague²⁹-Annex 1.

"Employment Contract, VI., Obligations of the Employer

6.1. The Employer undertakes to create and provide reasonably favorable working conditions for the Employee, making it possible for the Employee to fulfill all his/her obligations arising from the present Contract

6.2. The Employer is obliged to pay duly the statutory payment of social and health insurance in accordance with the legal rules.

6.3. The Employer is obligated to register the Employee with the local social and health insurance offices.

6.4. The Employer is obligated to arrange for the Employee all the necessities for the visa and work permit issuance. The Employer is obliged to pay all the costs related to obtaining the visa and the work permit for the Czech Republic, and that also repeatedly"

6.5. The Employer is obliged to provide and pay all costs related to the accommodation of the Employee at the place of the work performance

6.6. The Employer is obliged to bear the costs for the air ticket Bangkok-Prague and Prague – Bangkok for the Employee upon the following cases:

- *the termination of the employment period*
- *the Employer unilaterally terminates the contract by a notice*
- *the Employer and the Employee agree to extend the employment period. In this case the Employee is entitled to have the return ticket to Thailand for holiday before the continuation in work paid by the Employer or upon their agreement."*

²⁶ Farecompare.com, *Round trip from Bangkok-Prague opened ticket for one year*. Source: <http://www.farecompare.com>

²⁷ Embassy of the Czech Republic in Bangkok, *Visa fee to the Czech Republic*. Source: <http://www.mzv.cz/bangkok>

²⁸ CoinMill.com - The Currency Converter, *Czech Koruny (CZK) and Thai Baht (THB) Currency Exchange Rate Conversion Calculator*. Source: http://coinmill.com/CZK_THB.html#CZK=1

²⁹ Royal Thai Embassy in Prague, *Employment contract*. Source: <http://www.thaiembassy.cz/>

9.5 Living conditions

The massage salon owners will normally rent an apartment or a house for the masseuses. They will have to cover the necessary cost of living for the masseuses such as the cost of mass transportation fee, meals on the working day and accommodation cost.

In general the masseuses are satisfied with their living conditions; some of them stay in an apartment which is not too far from their working place. However, some of them could not live freely as the way they wished such as R4:

“I stayed at the flat shared with other staffs. We were in an uncomfortable situation as we were guarded at night. I would say that there were many reasons why the salon owner hired someone to controlled us at night such as the salon owner might concern if any of the staffs would run away and left the job or he didn't want the staffs to go out at night with the customers which would motivate the staffs to leave the salon sooner or later as they might get married and quit the job. After working there for one month, I had a Czech boyfriend and I insisted on going out at night with him regularly. At the end the salon owner was fine with it.”

9.6 Access to the services and information

All masseuses have their own computer with internet service therefore they are reading Thai news online. Source of information in Prague, there is only one place where everyone knows in the Royal Thai Embassy in Prague which provides the basic knowledge about Czech labour law through their printing media and seminars.

Chapter 10 Working experiences and exploitation in the destination country

10.1 Processes of out-migration

The masseuses know about the job opportunities in the CR from two main contacts. The first one is hearing directly from the salon owner or the salon representative who flies to Thailand and contacts them at their home areas.

Mostly the massage salon representatives are Thai masseuses who work at that salon; some of them are the masseuses' friends or cousins. Therefore the Thai migrants are likely to trust and motivated by them easily.

Secondly, once the masseuses are already in the CR. Sometimes, the job vacancies are announced by the Royal Thai Embassy or the massage salon owner.

10.2 Prior knowledge about work and basic Czech labour law

Thai masseuses have little knowledge about basic Czech labour law; due to the difficulties of language regardless Czech language many of them don't understand English. Most of the time the working agreement were done verbally which undoubtedly Thai migrant workers found that their working condition once they arrived to the CR is different than promised.

10.3 Mechanisms and instruments of exploitation

10.3.1 Working contract

As mentioned before about lacking of proficiency on language, the trust they gave to the salon owner or the representative who might be their friends or cousins and the ignorant by not paying attention and read the working contract carefully, many of the masseuses are under threats because of their working contract.

"I found out that the salon owner let me sign working contract that the 1st version stated the good working condition and he used this version to submit to the Thai Embassy. Later, he brought the 2nd version which was to correct the 1st one and stated the poor working condition and pushed me to sign it. Therefore, I couldn't complain about anything since I already agreed and signed on both contracts."

R9 admitted that *"It was my fault that I didn't check the contract carefully as I trusted the representative from the massage salon since that person was Thai. Once I came to the CR and realized that the working condition was not that good as the salon owner should normally cover the cost of food at least cooking rice, transportation fee between the house and salon and the round trip airplane ticket but I had to cover all these expenses by myself."*

"Someday, if I was sick and couldn't come to work I won't get paid since my working hours were counted by hours. Sometime, the salon owner didn't talk nicely and a bit rude to me and got involved too much into my personal issues."

Nevertheless, once R11 found out that the salon owner changed her working contract by inserting some new pages from the contract she already signed, stating the longer working hours. Since she has been working with him for long time, she was fine with it and is willing to work longer hours.

10.3.2 Wage

R2 had a chance working in the CR because of the help of her cousin. Therefore, she gave a full trust on her and didn't mind to work hard. There was the situation that she had to keep working very hard, sometimes on her days off and over time hours without paid. She was told that the business of the salon was not running well, therefore she would get paid late and sometimes she got to wait till next month to get paid.

10.3.3 Threatening, violence, withholding of documents

R8's working contract was stated that she had to work at the salon minimum for two years then she would be able to fly back home for a visit. Moreover, there were 2000 Euros for the expenses that she had to pay for the salon owner.

Once R8 arrived to the CR, immediately the salon owner took her passport as he was afraid she would quit and ran away. First two years in the CR, R8 had worked every day from 1pm till 2 am without having any day off. If she informed the salon owner that she was sick, she could rest at staff's house but they would send someone to check if she was at the house if they couldn't find her they would fine her 300 Euros.

10.3.4 Being deceived and corrupted

R7 had worked at one massage for a year and a half and thought to quit when she had left only 2 months before her visa was going to be expired. Then, she changed to work with the new massage salon. At that time, there were two managers who were the Czech salon manager and Thai massage manager.

The salon manager verbally promised R7 that he would help prolonging her visa for 5 years on the agreement that the salon owner would pay half of the cost (48000 CZK) and she would pay the other half (48000 CZK). Nevertheless, R7 had to pay for the first deposit upfront which cost her 17000 CZK. She found out that he didn't do anything about her visa after she got caught by the police.

To be free from the police, the Czech salon manager helped her by negotiating with the police. R7's visa already expired for 7 days. Later, the salon manager told her that the salon owner didn't have enough support document to process the visa, he offered if R7 would like to move and work for his girlfriend's massage shop outside of Prague in the hope of finalizing her visa extension. Finally, they put her to work at one massage salon in Northern Bohemia by telling her that the new salon owner could help her about her visa.

R10 got a job at one Thai restaurant. The owner hired him as a Chef, besides of having salary he also got a 3% share from the restaurant profit.

The agreement was made verbally so once the restaurant was successful the restaurant owner didn't want to give him those shares any more. He was simply asked to stop working there.

10.3.5 Bullying and unfair treatment

R4 mentioned that salon owner were looking down on Thai massage staffs, he often belittled them by saying not so nice things to them. Once R4 found new opportunity to work at other massage salon which the working conditions were better, she informed her salon owner two months in advance. He let her work for one month with paid salary but the second month she worked whole month without receiving any payments.

By that time, R1 had more chance to talk with this new staff and know how other salons benefited their staffs which was much better compared to her salon. Moreover, in 2008 Thai embassy gave the supporting material to Thai labours in Prague about the basic knowledge of the law of labour and their rights in this country. Then R1 realized about other benefits she had been missing from her salon.

R5 started her job at one massage salon in Central Bohemia Region. It was long hours of working every day as R5 is one of the most experience massagers so the salon owner used her to work for him for long hours. Some days, she had to run to the train station to catch the train as to go and come back from her town to the other to give the massage to customers.

She was very tired and told this to her manager, nothing had changed. R5 was eventually sick and she had problems with her bones, the doctor said it was because she worked too hard. The salon owner sent her back to Thailand as for her to recover.

10.3.6 Vulnerable because of expired visa

R5 decided to come to Prague as she heard that the new massage salon was looking for new staff. Her former salon owner knew about this decision and immediately terminated her working visa. However, R5 left the town and moved to one town in Bohemian Region in the hope of better working condition.

This massage salon was owned by Thai manager. The owner took her passport saying that they would help prolonging her visa, 3 months after that nothing had happened. R5 asked about the update from the Thai manager who said to R5 that her visa was rejected since R5 couldn't speak Czech language.

10.3.7 Physical attack

From R4's experience to the massage salon located at West Bohemia, there were other two masseuses who had German boyfriends and both of them would complete their contracts with the salon owner within 2 months as well as the visa would be expired by that time. They had their passports with them for few days since they informed the salon owner that they would travel to Germany to visit their boyfriends.

Once they were back, at that night they did the laundry which the washing machine was nearby the bar (the same owner to the massage salon). The bodyguards who were standing

nearby noticed that and called to report the salon owner as they were thinking that these two masseuses might prepare themselves to run away.

The salon owner ordered them to approach and asked their passports back. Two ladies denied as they said they were about to finish the contracts, there were not necessary that salon owner should have their passport anymore. The bodyguard started to beat them by one of them was about to kick one of the ladies. Other masseuse came to protect her.

Finally, two masseuses gave their passports to the bodyguards. All masseuses were frightened and waited till early morning to call Thai embassy in Prague if they could send any one to pick all of them up to escape from there. Eventually, the German boyfriends to the two masseuses drove their cars to pick everyone up and dropped them at the Thai embassy in Prague.

10.3.8 Restricted the freedom

R4 mentioned that her former salon manager ordered his staffs to restrict the movement of the Thai staffs at night time. R4 could not go out anywhere at night as there would be someone spied on her. However, R4 had Czech boy friend at the first month she started working there, she kept going out at night with her boy friend.

Chapter 11 Viewpoints on Thai migrant workers and Czech massage salon owners

R3 told the story about a problem between salon owner and Thai staffs. The salon owner didn't want to prolong the working contract to the staffs while they were not ready to go home yet since they needed to earn more money to pay off their debts.

Thai staffs ran away from the salon and left their belongings behind included their passports. Salon owner called Thai embassy if he could drop the staff's belongings there. Story ended when new salon owner from other salon tried to help out these staffs by talking to the old salon owner and later hired them.

From R3's point of view, she thinks that problems between the salon owner and staffs often came from staffs as well such as

- Staffs always compare their working condition with their friends and wish their salon owners offer the same benefit such as better paid though staffs just started working in a short time.
- Communication breakdown, some of salon owners can't speak English the same as the staffs for example the case of one massage salon: the owner needed the staffs to take turn working at other branch situated outside of the city of Bohemian Region. There was the miscommunication as someone incorrectly translated the message to one staff that she had to work at that branch permanently. That staff misunderstood, cried and didn't want to work for the salon anymore. Problem solved at the end when R3 helped translating between the owner and the staff.

Chapter 12 Assistances to the exploited migrant workers

12.1. Royal Thai Embassy in Prague (RTE)

Royal Thai Embassy in Prague has very well informed the employer about the process of recruitment Thai workers to the CR. See as below the brief instruction of recruitment process of the Thai workers:

12.1.1. Recruitment of Thai workers (Updated 24 Oct.08) (Direct employment between employer and job seeker)³⁰ – Annex 2

- The Work Contract shall have its contents complied with both Thai and Czech labour laws. The Embassy reserves rights to request for the amendment, partly or completely, of the Work Contract if deems necessary.
- Once the Work Contract is satisfactorily approved by the Embassy, then it must be signed by both employer and employee before being legalized.
- The employer shall contact the Czech Ministry of Labour to obtain the Work Permit on behalf of his/her employee before asking for legalization.
- The Embassy reserves rights to request for more documents if deems necessary.
- It is important to note that the employer is also requested to prepare the place of work and worker's accommodation for the Embassy's inspection and control, as part of legalizing process.

12.1.2 RTE's support to the Thai workers in the CR

Provide basic Czech labour law to the Thai community as R1 mentioned

"In 2008, Thai embassy gave the supporting material to Thai labours in Prague about the basic knowledge of the law of labour and their rights in this country. Then I realized about other benefits that I had been missing from my salon (...)

There should be more materials given all the facts provided in Thai. Often I can see that the salon managers could threaten the staffs to not ever think about changing their jobs since they would have to pay fine to their salon owner. Some of the managers held their staffs 'passports. From my point of view regarding the website of the Royal Thai Embassy in Prague, their website provided little knowledge about these issues and often the information was out of date. "

Protect the rights of the Thai workers and avoid the risk of exploitation acts that may occur to the Thai workers as mentioned from R7-9

"There were other 8 masseuses who were deceived by the salon owner and Thai manager. These masseuses were about to report the cases to the Thai Embassy and ask if the Embassy could file the

³⁰ Royal Thai Embassy in Prague, *Employment contract*. Source: <http://www.thaiembassy.cz/>

Thai manager in the black list. The Thai manager knew about the masseuses' plan so she gave back all the money she had lied to them."

"All of the masseuses were at the Thai embassy for two weeks during that time the salon owner tried to call for the negotiation but all of them refused to go back and work with him. At that time, other salon owner was looking for the new employees, he offered to help and hire all the masseuses."

"I didn't hear about other exploitation situations from my friends lately. From my viewpoint, this might be because of the strict control of the Thai Embassy towards all massage salon owners."

12.1.3 Limits of the RTE's support

Provide help in time as R5 and R8 who complained about her trouble happened in 2004

"I don't think that Thai embassy in Prague could help much of anything. I called there once and instead of receiving help they told me to be patient and kept working."

"I once asked for help from the Thai Embassy in Prague, I believed at that time the salon owner bribed the officers therefore there were neither any actions nor helps happened."

There are strong needs of these organizations to be involved with Thai migrant workers since Thai government unit like RTE cannot provide everything. There are services that RTE cannot provide to their own people and there is still a huge gap that can only be covered by the NGOs. Therefore, referral mechanism between the Embassy and the services providers/NGOs would be extremely useful. The RTE in the CR could therefore cooperate with the Czech NGO's/ services providers to see at which part of the services they can offer directly to the Thai migrant workers.

12.2 Trade Union

Czech trade union has been reflecting to their government's policies freely and actively. As we can see that there are often strikes if the union committee agreed for example if their government has intention to cut the volume of money for salaries, Czech labours will immediately team up and strike.

Regarding Thai labours in the CR as to band together as one labour union, it would not be uncomplicated. In Thailand, workers' rights to organise and bargain with employers are not yet completely accepted. There is a lack of efficient, effective, and serious measures to promote, protect, and build legal guarantees for these essential rights. In the past, there have been numerous attempts to divide up and dissolve unions and workers, to create division among workers and their representative organisations, and to destroy the general organisation of labour in the country. In many cases, laws have been passed with the clear and undeniable intention of limiting the right of some groups of workers to organise into unions. The Thai government still refuses to ratify International Labour Organisation Conventions 87 and 98 on the right to association, the right to organise and the right to engage in collective bargaining³¹.

³¹ Friedrich-Ebert-Stiftung Thailand Office, *The Thai Labour Movement: Strength Through Unity*, 2010. Source: <http://www.fes->

Chapter 13 Future of Thai masseuses in Prague and overview of a masseuse and a prostitute

13.1 Stay in the CR?

Most of Thai masseuses responded to the interview that they still want to continue working in the CR since some of them still have debts back in Thailand, there are dependent family members they need to take care and send the money back home and some need more time to save enough money to go back and have their own business.

There are few of them mentioned their wishes to stay permanently in the CR as they are married to the Czech husbands and one is doing business with her husband and opened her own massage salon.

13.2 Conditions of Thai masseuses in sex industry?

There is a direct relationship between working as a masseuse and sex work. Most of the respondent commented that they believe that there are masseuses who are working in the massage salon and earn for themselves after work as sex workers. There are not such cases that the salon owner opened the massage salon as to cover the real business which is brothel. Mentioned by R1-R3 as below

“I believe that there is the prostitution service but I couldn’t notice so clearly. I am quite sure that it happens in some salons that masseuses did massage to the customers as well offer extra services. This has shown from the way the customers often asked if they could have my extra services as a prostitute.”

“I believe that there is the prostitution service offered through the masseuses but it is not clear to be seen.”

“I think that this type of service existed as there are the masseuses who offer the special services upon the customers’ requests then these types of customers expect to have the same thing from other salon masseuses.”

Chapter 14 Safety tips to the new potential migrants

14.1 General comments from the respondents

R1 said *“Thai workers really need to go through the contract and understand it well especially the actual working hours that we really have to cover, how much we would get from the overtime hours and what the accommodation is like. We need to have the basic knowledge of English.”*

R2 mentioned that *“Knowledge about law is very important, labour should know about this before coming. It is very necessary for us to read through the contract and understand well though we gave trust to their future manager who could be our friends or cousins. We should be able to speak the local language and know well about the massage salon and manager who we are going to work with.”*

R5 mentioned that *“The recruitment agency always never tells the truth about the real working condition since they wanted to have the service charge from us. Therefore, we need to find as much information as we can before paying for the recruitment agency. Moreover, working contract is very important to read and understand as for some of us who don’t speak either English or Czech and this is a problem.”*

R10 referred that *“Thai labours needed to read and understand the working contracts clearly especially salary stated in the contract whether that amount is before deducting tax or not. If we didn’t understand well or not sure about the contracts, we should request the salon manager to get the contract translated into Thai language.”*

R11 said *“Thai labours that came to the CR recently needed to understand the situation and their massage salon owners well. I heard that the masseuses who recently came to the CR liked to compare their salary with someone who already worked here for many years and requested to their massage salon to increase the payment to be in the same level.”*

14.2 Good practices for the new potential migrants³²

- Regarding the recruitment of Thai workers by RTE (see Annex 2), Thai labours are fully entitled to have contract sealed and signed in both English and Thai. Both versions must be authentic and true translation.
- While preparing for going abroad, it is practical to study English knowledge and try to catch some conversational Czech phrases as to understand the contract and communicate to the salon owner
- It is recommended to find out the information as much as they can about their massage salon owners as to understand what conditions they are going to face once they arrived to the host country
- Never leave your personal documents (passport, work permit, residence permit, etc.) with another person or, if you have to do so, make a copy and keep it at a safe place

³² La Strada, *Intending to work in the Czech Republic?*, 2009. Source: <http://www.strada.cz/attachments/4/4eafdb9518c3c462cfb5b421f49ab3d6.pdf>

- We recommended that you handle things such as visa extension or formalities related to residence and work permits by yourself
- Always require a labour contract from your employer
- Labour contract shall always be concluded in writing. In case you have already worked without a contract please remember that you are entitled to remuneration.
- Make sure your employer pays your health and social security insurance. It is his obligation under law
- Get informed about the applicable labour legislation; information in English, Russian, Ukrainian and other languages is available at www.portal.mpsv.cz/sz

Chapter 15 Summary & Recommendations

The study on the Thai migrant workers in the Czech Republic took place between October to December 2010. Out of total number of Thai workers in the Czech Republic, 91% are females.³³ The overall objective of this study was to describe the real picture of employment of the Thai migrant workers in the Czech Republic and to assess whether and which kind of assistance are Thai workers in need from the side of NGOs. The report is output of 11 semi-structured interviews and desk research.

Main findings:

Royal Thai Government has policies in place supporting and regulating the recruitment of Thais for work abroad. The measures includes e.g.: certification and registration of the brokering and employment agencies, regulation of the recruitment fees and the terms and conditions of the payment of the fees, control of the contract between the employer and employee. The Thai Royal Embassy supervises and certifies the (employment) contract between the employer and employee in the host country, oversees the gross salary and the working and living condition of its workers in the host country. The Thai workers often approach the Thai Royal Embassy in case of difficulties.

The interviews pointed out that the debts of the Thai workers in the Czech Republic is around 2000,- Euro. In some cases the workers owe the amount directly to their employer, who is often afraid of escape of the worker to another employer. This situation in some cases creates a bigger position of vulnerability of the Thai workers, who are in some cases looked after by guards or their documents are kept with the employer. One interviewee experienced physical violence, when she decided to change the employer. In one case the employer has created a fictive debt for visa extension. Among other problems there were: non payment of the overtimes, change of the terms and condition of the contract after the RTE has certified one.

One of the important information as regard to prevention is that most of the Thai workers have computers and access to internet. Internet is therefore the main source of information. The web sites of the RTE are quite often visited by the migrant workers while searching for information in the host country.

³³ <http://www.czso.cz/csu/2010edicniplan.nsf/engkapitola/1414-10-2010-0900>

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Annexure

Annex 1 EMPLOYMENT CONTRACT

This employment contract (hereinafter referred to as "Contract") has been concluded by and between the following Contracting Parties:

Name:
Registered office
Identification No.:
Registered in Companies Register maintained with
(Hereinafter referred to as "Employer")

and

Name:
Passport No.:
Date of Birth:
Resident at
(Hereinafter referred to as "Employee")

The Employer and Employee have agreed on the following conditions on which the Employee will work with the Employer:

I.

Kind of work/work commencement date/ Term of Employment

1.1. The Employee shall be employed with the Employer in the position.....

1.2. The agreed work commencement date is

1.3. Prior to the execution of the present Contract, the Employer acquainted the Employee with his/her rights and obligations arising here from, including employment and salary conditions of the job. Upon the beginning of work, the Employee shall be acquainted with the rules of employment and legal and other regulation providing for safety and health protection, which the Employee shall comply with his/her work (Section 35, Paragraph 2 of the Labour Code).

1.4. The employment relationship shall commence on the Employee's first day of work, as stated in above, and from that day the Employer shall be obliged to assign the Employee jobs and tasks in accordance with the Employment Contract, to pay to the Employee a salary for the work he/she has performed, and to observe other employment terms and conditions stipulated by legal regulations and/or the Employment Contract.

1.5. This Contract has been concluded for a definite period of time till

II.

Place of work/Business trips

2.1. Agreed place of work is.....

2.2. The Employer shall be entitled to send the Employee to business trips for whatever period of time may be necessary where the Employee will perform work in accordance with instruction of the Employer. All the expenses emerged from the business trip shall be borne by the Employer.

III.

Salary

3.1. Net salary is set to The salary shall be payable, in accordance with the Employee's request, by a bank transfer on the the day ... of the calendar month following the month in which the work was performed.

3.2. Depending on the quality and extent of work assignments completed by the Employee, he/she may be paid a bonus granted and determined by the Employer. The bonus is payable with the salary.

IV.

Work time/Overtime

4.1. The work time is set as regular in accordance with the Labour Code and it shall not exceed 8 hours a day and 40 hours a week. The scheduling of the working time shall be set the Employer in accordance with the limits set by the Labour Code.

4.2. If the Employee works more than the usual hours on the regular working day, the Employee shall be paid a premium for overtime at the rate of CZK per every hour overtime. (25% of average earnings of the Employee.)

4.3. If the Employee works on public holidays the Employee shall be paid a premium in the amount of the Employee's average earnings.

4.4. An employee is entitled to the attained wage and a premium of at least 10% of his/her average earnings for hours of work performed on Saturday or Sunday.

V.

Holiday

5.1. The basic allocation of holiday will be 4 weeks. The employee is entitled to his/her average wage for the period of holidays.

5.2. The day of commencement of holiday will be set by the Employer with regard to justified interests of the Employee.

5.3. Holiday should be announced at least 14 days prior to its commencement.

VI.

Obligations of the Employer

6.1. The Employer undertakes to create and provide reasonably favorable working conditions for the Employee, making it possible for the Employee to fulfill all his/her obligations arising from the present Contract

6.2. The Employer is obliged to pay duly the statutory payment of social and health insurance in accordance with the legal rules.

6.3. The Employer is obligated to register the Employee with the local social and health insurance offices.

6.4. The Employer is obligated to arrange for the Employee all the necessities for the visa and work permit issuance. The Employer is obliged to pay all the costs related to obtaining the visa and the work permit for the Czech Republic, and that also repeatedly.

6.5. The Employer is obliged to provide and pay all costs related to the accommodation of the Employee at the place of the work performance

6.6. The Employer is obliged to bear the costs for the air ticket Bangkok-Prague and Prague – Bangkok for the Employee upon the following cases:

- the termination of the employment period
- the Employer unilaterally terminates the contract by a notice
- the Employer and the Employee agree to extend the employment period. In this case the Employee is entitled to have the return ticket to Thailand for holiday before the continuation in work paid by the Employer or upon their agreement.

6.7. The Employer shall pay all the costs for mass transportation means used by the Employee.

6.8. The Employer shall provide to the Employee meals on the working day.

6.9. The Employer is obliged to provide working uniforms for the Employee if the employee is obliged to use those at the performance of work.

6.10. In the event of death of the Employee, the Employer shall manage the body to the Kingdom of Thailand at his expense.

VII.

Obligations of the Employee

7.1. The Employee is obliged to perform his/her work personally, duly and according to the instruction of the Employer. Further, the Employee is obliged to maintain working discipline, to follow the Employer's working regulations and internal regulations, health protection and occupational safety regulations related to the work performed by Employee.

7.2. The Employee is obliged not reveal confidential information or trade secrets of Employer that he/she has learned during performance of his/her work, in particular information related to Employer's know-how, Employer's system of work, its business relations and contracts and internal organization of its business activities.

7.3. The Employee is obliged to inform the Employer about the failures and defects at the workplace that might endanger the safety and health.

7.4. The Employee shall immediately inform the Employer on his/her work injury if it is possible with regard to his/her state of health, or a work injury of any other person at the workplace he/she has witnessed.

VIII.

Termination

8.1 The present Contract may be terminated by either of the Parties for any of the reasons stipulated in the Labour Code by a written two-month notice.

IX.

Final Provisions

9.1. The contents hereof can be changed or amended by an agreement between the Employer and the Employee. Any changes hereof or amendments hereto shall be made in writing

9.2. Rights and obligations of both contracting parties are governed by the Labour Code and other legal regulations of the Czech Republic.

9.3. This Contract shall come into force and effectiveness on the day of its signing by the Employer and the Employee.

9.4. This contract is drafted in two counterparts in English language and in two counterparts in Thai language, one of each shall get the Employer and one of each shall get the Employee. The English version is decisive.

9.5. The Employee hereby agrees that the Employer may process and use his/her personal data for the purpose of and in the necessary extent as set out by labour-law regulations and Act No. 101/2000 Coll. for the duration of the employment arising from the present Employment Contract.

9.6. Both the Employer and the Employee have duly read this Contract, agree with its contents and witness thereof signing it.

Date:

.....

Employee

.....

Witness

Date:

.....

Employer

.....

Witness

Annex 2 Recruitment of Thai workers

(Direct employment between employer and job seeker, Updated 24 Oct.08)

Under Ministry of Labour of Thailand's regulation 2005 (B.E.2548), any Thai workers who will be working in the foreign countries must be registered with the Ministry as well as to get the Ministry's approval prior to their departure from Thailand.

With an aim to protect Thai workers' rights and welfares, therefore, the foreign company that wishes to recruit Thai workers, is required to **have its Work Contract legalized** (stamped) by the Royal Thai Embassy or Consulate accredited to the country where the place of work is located (*in case of Czech Republic, is the Royal Thai Embassy in Prague*). The said legalization is considered as a decisive condition for the Ministry of Labour of Thailand's approving process to allow Thai workers working abroad according to the Ministry's Act.

! Conditions & documents for the legalization of Work Contract!

1. Basic requirement for the employer

1.1 The employer must be a legal business body which has its valid business registration with the Czech authorities concerned. The said business registration shall also relate to the type of work which Thai workers will be employed.

1.2 The employer must already have the place of work as well as worker's accommodation.

2. The basic documents for legalization

2.1 **Work Contract:** must be written in both Thai and English versions. Both versions are authentic and true translation.

Note:

- The Work Contract shall have its contents complied with both Thai and Czech labour laws. The Embassy reserves rights to request for the amendment, partly or completely, of the Work Contract if deems necessary.

(The sample of standard Work Contract is available at the Embassy's website www.thaiembassy.cz).

- Once the Work Contract is satisfactorily approved by the Embassy, then it must be signed by both employer and employee before being legalized.

2.2 **A Copy of employer's business registration paper** issued by Czech authorities with its official translation in English.

2.3 **A Copy of Work Permit** issued by Czech Ministry of Labour for the Thai worker.

2.4 **A Copy of Thai worker's ID or passport**

2.5 **A Copy of employer's ID or passport**

Note: The employer shall contact the Czech Ministry of Labour to obtain the Work Permit on behalf of his/her employee before asking for legalization.

Remarks:

- The Embassy reserves rights to request for more documents if deems necessary.
- It is important to note that the employer is also requested to prepare the place of work and worker's accommodation for the Embassy's inspection and control, as part of legalizing process.

3. The authorization of Thai workers' departure from Thailand

3.1 Once the Work Contract is legalized by the Embassy, it must be sent to the worker in Thailand who will submit it together with other required documents, to the Ministry of Labour of Thailand for his/her departure's approval. (See *www.doe.go.th* for more information)

3.2 Upon the worker's arrival to the Czech Republic, the employer is obliged to present the worker to the Embassy for registration within 30 days

WARNING!!!

* The Ministry of Labour of Thailand may not authorize the employee to leave the country, unless his/her work contract is legalized by the Royal Thai Embassy.

* According to the Thai labour laws, the foreign employer should recruit Thai workers through the services of Ministry of Labour itself or licensed recruitment companies or direct contact with the job seeker in Thailand. Recruitment of workers through individual person or unauthorized broker is illegal.

* The Royal Thai Embassy has no policy to support or cooperate with any employers who have shown unfair treatments to the Thai workers, such as abusing of work contract or deterioration of working conditions, etc. The employer has to be responsible to any legal charges both under the Czech laws and the Thai laws due to those unfair treatments done to the Thai workers.

* The Royal Thai Embassy will not legalize the Work Contract in the following cases;

1) The employer is being filed a lawsuit, either to the Court or Czech Ministry of Labor, by Thai employee in the case of labour law's violation or related matters and the final verdict is yet delivered.

2) The employer has previously been complained by the Thai employee either to the Embassy or Thai Ministry of Labour in relation with unfairly working treatment, labour abusing and violation of Work Contract.

3) The employer fails to submit documents as required by the Embassy for legalization.

4) The employer fails to cooperate with the Embassy for the inspection and control of the place of work and worker's accommodation either before or after the importation of worker.

5) Using business name and logo which offends to the Thai monarchy and Buddhism, as well as deteriorates a good image and moral of Thai people.
