

JOINT STATEMENT of Migrants from Burma Working In Thailand and Malaysia

Tuesday 9 June 2009 (Date first published: 9 June 2009).

We, migrants from Burma, live in a perpetual state of crisis and the global economic crisis is further adding to our difficult and sometimes desperate situation.

We, migrants from Burma and migrant support groups, trade union leaders and human rights activists and lawyers from Thailand and Malaysia, met and discussed the impact of the global economic crisis on Burmese migrant workers at the 2nd Two Destinations One Origin Conference organized jointly by MAP Foundation (Thailand), Workers Hub for Change (WH4C) and Network of Action for Migrants in Malaysia (NAMM). We are concerned that Burmese migrants live in a perpetual state of crisis and that the global economic crisis is further adding to their difficult and sometimes desperate situation. We therefore appeal to the governments of Malaysia, Thailand and the ASEAN on the following issues.

We are concerned that Thailand and Malaysia governments' response to the situation of workers affected by the economic crisis has not been comprehensive and does not provide adequate protection for workers. Migrant workers are not even included in these programs and are thus expected to deal with the impact of the economic crisis by themselves.

We call on the Malaysian government to immediately stop the unjust, discriminatory and unconstitutional policy and practice, known as 'Foreign Workers First Out' (FWFO) principle. According to this policy migrant workers lose their jobs before local workers regardless of length of time in the job.

We call on Malaysia and Thailand to demand that all employers fulfill their contractual agreements with regard to all workers, including foreign workers. Employers must not use the economic crisis as an excuse to dismiss workers or close down factories without adequate notice to the workers. Mechanisms should be put in place to ensure that employers pay workers adequate and just compensation for any early termination of employment agreement.

The social protections provided during these times of economic crisis to retrenched workers which include payment of 50% of salary for six months in Thailand and re-training and new job placements in Malaysia should be extended to cover all workers including migrant workers.

We ask the governments to ensure that employers of migrant workers bear all the costs of employing migrant workers. Employers in Malaysia should not make deductions from migrants wages to cover the levy that employers have to pay. Employers in Thailand should not make deductions from migrants wages to cover the registration fee that employers have to pay. The only permissible deductions should be with regards to social security schemes for workers.

We are deeply concerned that all workers wages are falling below a living wage. For migrants the impact of a further reduction may have severe repercussions on the well-being of the workers and their families in Burma who rely on these wages for survival and for settling the debts incurred in the migration process.

Burmese migrants in both Malaysia and Thailand have reported accidents in the workplace due to the sub-standard occupational health and safety standards and enforcement. We call for the governments of Thailand and Malaysia to ensure that employers do not take shortcuts on matters concerning health and safety of workers and to facilitate migrants' access to the legal mechanisms to receive compensation when accidents do occur. Migrants should also have the freedom of association.

Thailand and Malaysia's health systems are trying to cope with new and different health issues such as H1NI, Chirkungya, Leptospirosis and Avian flu. In these times of economic crisis, it is imperative that no sector of society be excluded from the right to health. We call on the Thai and Malaysia government to set up effective national free universal health care systems without exceptions, and to work closely with migrant communities for health promotion.

The future of our region depends on the education of the children, and the children of migrant workers must be included in this future. We call for the governments of Malaysia and Thailand to support the education of migrant children in both formal and non-formal education systems.

All migrants have a precarious legal status in Malaysia and Thailand. The majority of migrants are completely undocumented while those with legal or semi-legal status too easily lose their status. Migrants can become illegal by reason of poor policy and practice, by negligence on the part of government officials, by irresponsible actions of the employers or when the migrants attempt to fight for their rights.

Consequently all migrants risk arrest, detention and deportation or threats thereof. We are deeply concerned about the recent reports of deaths of migrants in detention in Malaysia, deaths which could have been avoided with proper access to health care.

Due to the on-going multiple crises in Burma at the hands of an illegal regime, migrants from Burma are forced to leave the country without any preparation, information, safety or documents. The governments of Thailand and Malaysia need to recognize and respond to this reality and ensure that Burmese migrants are not criminalized.

In Thailand, the new registration is a welcome move however we are concerned that forcing migrants to work only within one sector is contrary to all labour rights principles.

We therefore call on Malaysia and Thailand to devise programs which protect the rights of migrants and ensure that migrants can exercise their labour, social, cultural, economic and political rights.

Lastly, we call on the ASEAN and its member nations to abandon their constructive engagement policy with the Burmese regime which only serves to prolong the injustice in Burma.

P.S.

Posted by Prachatai.

<http://www.prachatai.com/english/node/1249>