



DEVELOPING A FINANCIALLY VIABLE ETHICAL RECRUITMENT MODEL

PROSPECTS FOR THE MYANMAR-THAILAND RECRUITMENT CHANNEL



FOCUS ON ETHICAL LABOUR RECRUITMENT IN SUPPLY CHAINS | SERIES PAPER 1

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Issara Institute

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Issara Institute is an independent U.S. not-for-profit corporation based in Thailand, Myanmar, and the United States tackling issues of trafficking and forced labour through data, technology, partnership, and innovation. People—including worker voice and feedback—are at the center of Issara’s data and intelligence work, and at Issara Labs we conduct a wide range of research, analytics, and technology development related to human trafficking in global supply chains—the people, the policies, the impact, and how to eliminate it.

Informed consent: The respondents featured in this report have all provided fully informed consent for their stories and photos to be shared.

Front cover: Burmese migrant workers prepare for migrating to Thailand by loading their smartphones with Issara Golden Dreams and liking Issara Myanmar Facebook.

Back cover: Issara Institute Outreach and Empowerment Officer Aye Nyein Thu provides critical information to migrant workers at a pre-departure training in Yangon.

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CONTENTS

Executive Summary	1
Taking a market systems development approach to ethical recruitment	1
Data from within global supply chains and recruitment channels as they currently function	3
Key findings and recommendations	3
A Market Systems Development Approach to Ethical Recruitment	5
Background and Context: Migration from Myanmar into Thailand’s Global Supply Chains	7
Economic migration in Southeast Asia	7
Recruitment agencies entering the spotlight	8
Global trends toward employer-pays models and fee-free recruitment	8
Domestic labour shortages and foreign labour in Thailand	9
The Myanmar-Thailand formal MOU channel	10
The competitive landscape for recruitment agencies in Myanmar	14
The Myanmar business enabling environment	16
Thai employers and agents: shifting greater responsibility to employers	18
Cost and Fees Analysis	20
Understanding and developing a financially viable model	20
Official process for employers	21
Official process for workers	21
Ethical recruitment for employers	22
Ethical recruitment for workers	24
Current situation for employers	24
Current situation for workers	25
Key Challenges and Recommendations for Ways Forward	26
Endnotes	32

EXECUTIVE SUMMARY

This paper provides analysis and perspective of labour recruitment along the Myanmar-Thailand corridor – the largest source and destination countries for migrant workers within the intra-ASEAN region.¹ It seeks to advance our understanding of current practices and proposes steps to drive Thailand and Myanmar along a more ethical recruitment track. The paper also aims to help advance the growing commitments of leading global brands and retailers seeking to implement ethical recruitment in their supply chains in Thailand and in Southeast Asia, as well as globally. It presents the work of Issara Institute and how its structure and approach enables ethical recruitment on the ground.

It is increasingly recognized that much of the exploitative labour practices and risk in global supply chains is occurring during the recruitment process of workers, whether through formal labour providers, sub-agents, or informal broker arrangements, as well as in both the source and destination countries. Poor and informal recruitment practices affect millions of vulnerable workers globally, resulting in serious human rights violations including forced labour and debt bondage.

Ethical recruitment is an exciting and promising approach to address risks and vulnerabilities in the hiring process. The key principles of ethical recruitment are clear, even though the definition may differ slightly by user or organization. As Migrant Forum Asia states,

“There is no official definition of ‘ethical recruitment,’ but the term is used broadly to describe those recruitment agencies that do not charge fees to workers – a cornerstone of ethical recruitment practices – and that adhere to codes of conduct that strive to protect workers in the recruitment process and throughout the supply chain.”²

The World Employment Confederation further defines ethical recruitment as

“Employment agencies should not charge, directly or indirectly, in whole or in part, any fees or cost to jobseekers and workers, for the services directly related to temporary assignment or permanent placement. They shall also not require workers to provide a monetary deposit or other collateral as a condition of employment, and shall not withhold workers’ identification card, passports or other residency papers, or other personal belongings.”³

And as the International Recruitment Integrity System summarizes, it is about “[hiring workers] lawfully, and in a fair and transparent manner that respects their human rights and dignity.”⁴

Building or implementing a well-executed and impactful ethical recruitment system is, unfortunately, not an easy undertaking. The ethical recruitment space is nascent and the number of labour employment providers that currently practice ethical recruitment, as defined above, are few. To spur greater adoption and advance ethical recruitment efforts, we must give attention to developing the business case and the financial viability of ethical labour recruitment models, which is directly tied to demand. Business not only needs more options to be able to source ethically, but also they must be willing to source ethically.

Taking a Market Systems Development approach to ethical recruitment

This paper advocates for taking a market systems development perspective to build and mainstream ethical recruitment practices. Fundamentally this means that if you are trying to change the situation for workers in supply chains – to stimulate ethical recruitment and access to ethical recruitment – you must understand and transform the systems around jobseekers, in addition to building jobseeker

empowerment and inclusivity.

A single company can make ethical recruitment advancements in its own supply chain, but those actions may not be sustainable over the long term if efforts are also not being made to foster broader industry change and adoption. Ethical recruitment needs to demonstrate the business case, whereby stakeholders see a viable, sustainable model that is not reliant on subsidies. Examples of savings from reduced worker turnover and increased productivity, positive impact to brand and reputation, and validation from workers that outcomes are being achieved, will be key to driving more ethical recruitment practices.

To achieve this, the approach needs to be both bottom-up and top-down. Jobseekers need to trust the approach and be willing to go through formal channels, as well as have outlets for remedy if needed. Participating labour providers need to see genuine business opportunity that will incentivize desired ethical recruitment behaviour change. Employers/suppliers need a pool of participating recruitment agencies to work with, as well as to receive and to pay for these new higher value added services. Government needs to support policy and enforce regulations to sustain the ethical recruitment ecosystem. And global buyers and responsible sourcing teams need to recognize and reward suppliers who pursue an ethical recruitment track, as well as communicate the benefits and value to relevant government counterparts and industry.

Because various parties need to come together to transform current recruitment practice—bringing greater transparency, accountability, and innovation—a multi-stakeholder approach will be needed. The good news is that leading global brand, retailers, and importers/agents are already signaling strong desire to change recruitment practices in their supply chains. Commitments and pledges to implement ethical recruitment include backing by CEOs of the world’s largest companies, such as with the ‘employer pays principle’ that set out to reduce vulnerabilities and costs to migrant workers. Employers/suppliers appear supportive as well, but since ethical recruitment is a relatively new concept, there are genuine concerns about the associated increased costs of recruitment and operating on a level supplier playing field if peers are not upholding similar standards.

In summary, this paper utilizes Issara Institute’s ongoing program data supplemented with key informant in-depth interviews to examine the prospects for building an impactful pilot ethical recruitment program for the Thailand-Myanmar corridor, and shares steps that the Issara Institute and its partners are taking to attempt to drive change. It looks at core supply and demand dynamics, actual current costs and fees, and some of the rules and supporting functions that are impacting how and why current recruitment practices are taking place. It also underscores key themes believed instrumental to build or implement ethical recruitment channels in global supply chains in reality:

- Having “on-the-ground” partners that can provide a nuanced understanding of the competitive landscape and business enabling environment that labour providers, employers/suppliers, and jobseekers are operating in;
- The importance of empowered worker voice to build trust and to hear directly from migrant workers about actual experiences during the recruitment journey, so lessons learned and adjustments can be fed back to business on the path to building more ethical recruitment practices; and,
- The importance of taking a multi-level (top-down and bottom up) and multi-player (global brand and retailer, employer/supplier, recruitment agency, worker, government, NGO, and industry body) approach to understand business drivers that will move ethical recruitment from being a project to a financially viable model that other recruitment agencies strive to emulate and

evolve, and that employers are willing to pay for.

This paper is not meant to be an exhaustive analysis, but presents key complexities, risks, and potential opportunities that will hopefully advance ethical recruitment initiatives and thinking along this corridor, as well as throughout Southeast Asia and globally.

Data from within global supply chains and recruitment channels as they currently function

The findings presented here are based on the work of the Issara Institute. The Institute is an independent not-for-profit corporation based in Thailand, Myanmar, and the United States tackling issues of trafficking and forced labour through data, technology, partnership, and innovation. People—including empowered worker voice and feedback—are at the center of Issara’s data and intelligence work. Issara conducts a wide range of research, analytics, and technology development related to human trafficking in global supply chains—the people, the policies, the impact, and how to eliminate it.

The data and perspectives in this paper come from a wide variety of stakeholders. It has been collected through the Issara team’s direct experiences working on labour issues within supply chains of global brands and retailers, and implementing corrective and preventive actions with third party labour providers, brokers, agents, and suppliers/employers, including within the seafood, pet care, poultry, agriculture, garment, and footwear industries. Issara also receives direct feedback from thousands of workers annually through its worker voice channels, which include a multilingual helpline and a range of social media channels regularly utilized by migrant workers. In addition to this ongoing program-generated data, semi-structured key informant interviews were also conducted between January 2017 and February 2018 with more than 10 Thai and 13 Myanmar recruitment agencies and informal brokers, officers from the Myanmar Ministry of Labour, Immigration and Population (MOLIP), and over 50 Thailand-based businesses regarding recruitment. Regular personal communications and calls were made to relevant officers in the MOLIP, the Myanmar Overseas Employment Agency Federation (MOEAF), and Thai Ministry of Labour (MOL) to ensure accurate interpretation of the changing legal and policy landscape. While the Issara Ethical Recruitment Program is still in its beginning stages, we are sharing the insights gained from the analysis of this multi-dimensional primary data in the hopes that it is useful in informing the policy, programming, and advocacy work of other government, civil society, and corporate actors working on ethical recruitment in Asia and beyond.

This paper also builds upon the three-day Issara Global Forum, which took place in November 2017 and brought together a mix of leading global brands and retailers, suppliers, government, NGOs, and migrant workers. Day Three of the Forum focused entirely on ethical recruitment where the various perspectives and pathways to advance the sector were discussed, and elements of this analysis were presented. Issara’s Ethical Recruitment Program was also announced, which is currently being rolled out and integrated into the Issara Strategic Partners Program.

Key findings and recommendations

At present, the market demand for and understanding of ethical recruitment is low in Thailand and Myanmar. However, the environment is poised for rapid change, especially given the commitments and requirements of a growing number of global brands and retailers sourcing a diversity of products from Thailand. Eight key challenges found during the course of this analysis, and addressed in the

final recommendations section, are as follows:

- **Challenge 1:** The MOU process is currently expensive, time-consuming, and confusing for jobseekers.
- **Challenge 2:** Most Myanmar recruitment agencies are reliant on informal brokers and agents to find workers – jobseekers generally do not think to find and contact recruitment agencies directly.
- **Challenge 3:** Risk to jobseekers is greatest at the first mile, upstream to recruitment agencies, due to high informal fees and debts to broker and agents (licensed and unlicensed).
- **Challenge 4:** Many employers are reliant on Thai recruitment agencies to manage demand paperwork and interface with Myanmar recruitment agencies, reducing transparency and accountability. But even despite this reliance, due diligence in selecting Thai agencies is typically lacking, as are transparent service agreements and contracts.
- **Challenge 5:** Bargaining power is heavily skewed to Thai employers or their agents, due to competition amongst Myanmar recruitment agencies and an oversaturated market that is not focused on value added services – which makes the competition almost entirely about price and not value.
- **Challenge 6:** Oversight of Thai recruitment agencies is minimal, compounded by the fact that there is no Thai industry association for recruitment and employment agencies.
- **Challenge 7:** Workers are bearing the brunt of recruitment costs, because many employers are not paying any recruitment fees for their foreign migrant workforce and in fact may receive kickbacks from Thai agents.
- **Challenge 8:** Information asymmetries abound throughout the labour recruitment process. There are significant information gaps in the current recruitment system that need to be reduced in order for the ecosystem to change and fair and ethical recruitment to be successful.

For each of these challenges, the final section of the paper outlines Issara responses and programs, and also suggests recommendations for other stakeholders to consider as well to contribute to a strengthened ecosystem that could foster more ethical recruitment. There are clear steps to advance ethical recruitment within the Myanmar-Thailand corridor. Transforming the current recruitment ecosystem to have more transparency and accountability would occur most successfully through the efforts of a range of stakeholders, with global brands and retailers being a driving force, but with a role for Asian businesses and governments, and civil society as well to promote and drive measurable behaviour and systems change.

A MARKET SYSTEMS DEVELOPMENT APPROACH TO ETHICAL RECRUITMENT

A market systems development framework is used to examine the opportunities and challenges of building an efficient ethical recruitment model along the Myanmar-Thailand corridor. The approach requires a solid empirical base, sound analysis, and a realistic understanding of the actors to drive action in the ecosystem. To implement the approach successfully, there needs to be a clear understanding of what one wants to achieve at the end of the process. For this paper, and the Issara ethical recruitment program, the goal is a smoothly functioning, sustainable, fair, and transparent recruitment system for the benefit of migrant workers and for the businesses involved. It also recognizes that ethical recruitment is much more than zero fees / employer pays, and focuses on the following seven key areas:

ISSARA ETHICAL RECRUITMENT PRINCIPLES

1. Legal compliance: respecting all relevant laws
2. Ethical and professional conduct toward workers and each other
3. Free-of-charge services to jobseekers and workers
4. Transparent, ethical terms of engagement
5. Transparent wages, deductions, and benefits
6. Healthy, safe, exploitation-free working and living conditions
7. Access to remedy and functional, credible grievance mechanisms

The crux of a market systems approach is discovering how the market system works in order to affect change. In the context of recruitment, this is the core supply and demand dynamics taking place between employers, recruitment agencies, and jobseekers. The business models, decision making, and actions of these key stakeholders are also directly impacted by the supporting functions and rules that influence the overall recruitment system, as shown in Figure 1 below.

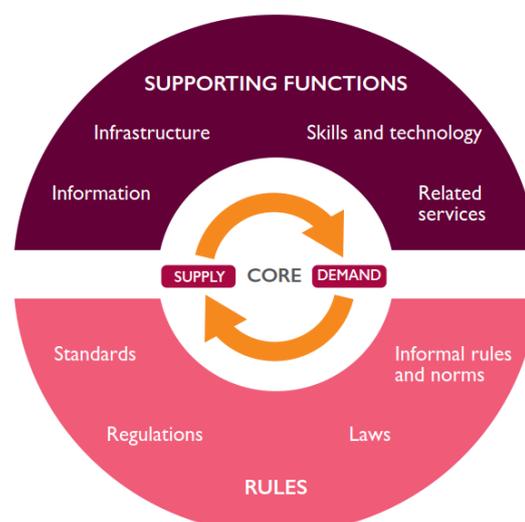


Figure 1. Market Recruitment System. Source: The M4P Approach⁵.

Understanding the incentives and disincentives of the ethical recruitment actors involved is also crucial if interventions and tools are to catalyze positive sustained behaviour change. Incentives drive behaviour and are shaped by attitudes towards risk and reward, such as financial loss or gains, competitiveness, status, reputation, and opportunity. Additionally, the capacities of the actors need to be understood to determine their ability to perform the desired functions in the recruitment system.

Over time, positive behaviour change towards ethical recruitment should lead to a steady upgrading of labour provider and employer/HR practices, including greater professionalization and higher value added services that meet responsible sourcing requirements. This hopefully will have a positive demonstration effect and crowd-in other labour providers and employers, making the entire sector more efficient and competitive. The process, moving from an initial pilot program phase to a crowding-in phase, is illustrated in Figure 2 below in the systemic change framework.

FIGURE 2. SYSTEMIC CHANGE FRAMEWORK: TOWARD ETHICAL RECRUITMENT IN SOUTHEAST ASIA

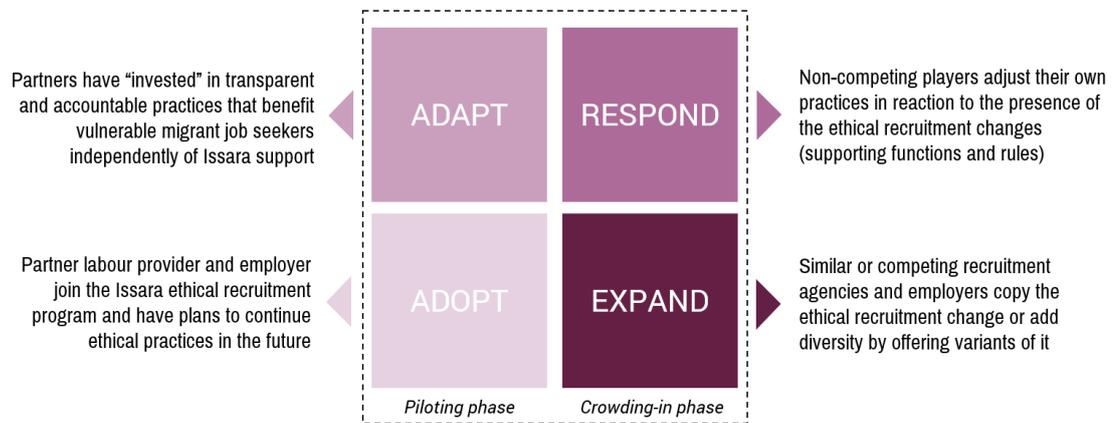


Figure 2. Systemic Change Framework graphic adapted from the M4P Approach⁶.

The systemic change framework follows Issara’s ethical recruitment program and Inclusive Labour Monitoring (ILM) collaboration goals, starting off as a program with select businesses to prove the causal model, and then having the interventions and systems taken to scale by crowding-in other businesses.

BACKGROUND & CONTEXT: MIGRATION FROM MYANMAR INTO THAILAND'S GLOBAL SUPPLY CHAINS

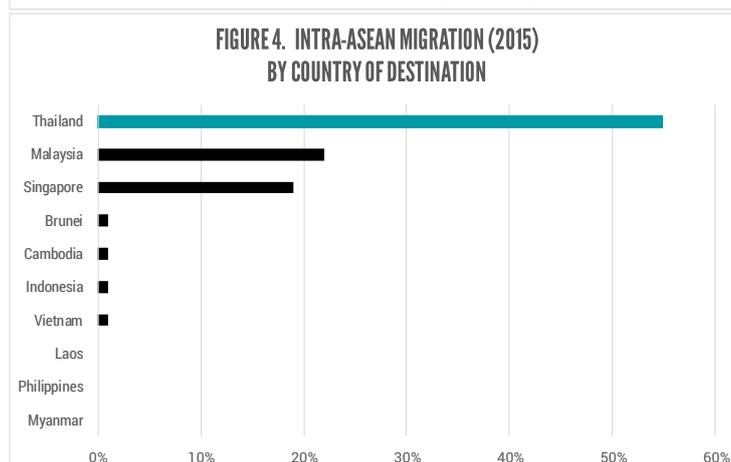
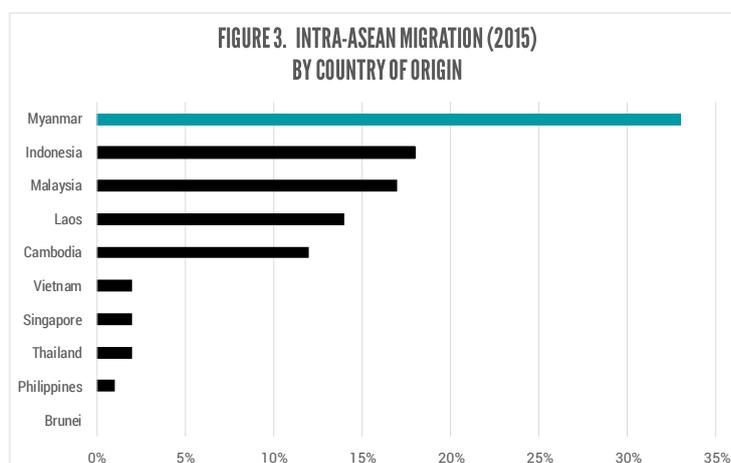
Economic migration in Southeast Asia

Throughout Southeast Asia, labour migration is providing new employment and livelihood opportunities, remittances to support families, a competitive workforce for employers, and less expensive products and services for consumers. Most migration in the Association of Southeast Asian Nations (ASEAN) region is economic, with workers seeking better-paying jobs and opportunities than what is available in their home area.

The migration circumstances and experiences that migrant workers face can vary significantly. Some migrants have very positive experiences; others face serious labour rights abuses including human trafficking, forced labour, and debt bondage, both within and outside of the official government-to-government labour recruitment channels.

In most cases migrant workers are filling low-skilled jobs, yet government efforts across Southeast Asia to reduce barriers and inefficiencies in the recruitment process has largely focused on high-skilled workers, who account for only 5% of employment in the region.⁷

As illustrated in Figures 3 and 4, the main source countries of migrant workers in the intra-ASEAN region,⁸ according to a 2017 World Bank study,⁹ are Myanmar (33%) and Indonesia (18%), and the major destination countries for migrant workers are Thailand (55%), Malaysia (22%), and Singapore (19%). This paper thus focuses on the two main source and destination countries in the ASEAN region, Thailand and Myanmar, and prospects and steps of their moving towards ethical recruitment.



Source for Figures 3 and 4: World Bank (2017).¹⁰

Recruitment agencies entering the spotlight

Global brands and retailers are increasingly looking to reduce supply chain risk and improve working conditions within their global supply chains. This is in part due to advancing sustainability practices, commitments to a stronger ethical business ethos, as well as new legislation requiring business to disclose steps taken to prevent human trafficking in their global supply chains. Not having visibility of the actors in one's supply chain and the working conditions within can result in negative public exposure, leading to erosion of shareholder value, brand and reputational risk, and financial penalties.

As corporations map their supply chain and gain knowledge about the actors and practices in their supply chain beyond the primary processor/exporter level, and new worker voice tools and feedback mechanisms empower workers (allowing greater insight about working conditions than traditional audit compliance approaches have been able to uncover), there is a growing awareness of the risks that can occur outside of the factory or worksite premises. It is now widely understood that much of the exploitative labour practice in supply chains occur during the process of recruiting migrant workers through formal and informal brokers and recruitment agencies. And while many migrant workers may have generally positive experiences, risks in the labour recruitment industry can include human trafficking, debt bondage, exploitation, physical abuse, excessive fees, threats and intimidation, and document retention, to name a few.

Recruitment agencies (and the employers working with the agencies) that are able to demonstrate more ethical practices and protections for vulnerable migrant jobseekers, and provide transparent and fair hiring practices, will be in high demand. Recruitment agencies practices, good or bad, will increasingly be in the spotlight.

Global trends towards Employer Pays principles and Fee-Free recruitment

Selecting and working with transparent and ethical labour providers is thus becoming of greater importance for suppliers/employers and the responsible sourcing teams/commercial buyers whose supply chains they operate in. With potential risks occurring at both the source and destination side—and debt bondage situations taking place at the beginning of migrant workers' journeys, long before they even arrive at the factory doorstep—stronger due diligence and clearer expectations of stakeholder responsibility is needed. This has led to pledges for fee-free or "Employer Pays" model of recruitment, whereby migrant workers are not charged fees to work at a facility, and all related costs are covered by the employer.

These initiatives generally follow the norms and practices of institutions set up to tackle forced labour globally, such as the UN Guiding Principles on Business and Human Rights (also known as Ruggie Principles),¹¹ the Dhaka Principles,¹² and guidelines from the International Labour Organization (ILO).¹³ Examples of industry-specific initiatives supporting ethical recruitment include: The World Employment Confederation's Code of Conduct,¹⁴ the Responsible Labour Initiative (RLI) of the Responsible Business Alliance (formerly the Electronics Industry Citizenship Coalition),¹⁵ the Consumer Goods Forum (CGF),¹⁶ and the IHRB's Leadership Group for Responsible Recruitment.¹⁷

The latter two industry efforts, CGF and IHRB, seek to spur global industry change through progressive businesses adopting an employer pays principle. The Consumer Goods Forum (CGF) is a global association of over 400 retailers, manufacturers and service providers who in 2016 developed its Priority Industry Principles to address forced labour. The Principles state: (i) Every worker should have freedom of movement; (ii) No worker should pay for a job; and (iii) No worker should be indebted or coerced to work. The employer pays principle was developed by the IHRB Leadership Group for

Responsible Recruitment, which has commitments from leading companies such as Walmart, Mars, Tesco, HP, M&S, Coca Cola, Ikea, and others. The Leadership Group's aim is the total eradication of fees being charged to workers to secure employment, throughout global supply chains.

Domestic labour shortages and foreign labour in Thailand

Thailand's reliance on a foreign migrant workforce has grown five-fold over the last two decades, starting with estimates of 700,000 migrant workers in 1995, increasing to 1.7 million in 2005, to over 4 million at present. Approximately 75% of Thailand's current foreign migrant workers are from Myanmar.¹⁸ The rapid increase started in the early 1990's when Thailand was experiencing labour shortages and the country was recording double digit growth, fueled by cheap labour from neighboring countries.

Successive governments then began to put in place recruitment and job placement systems for foreign migrant workers, although they generally proved inefficient. Over the last decade, the formal process for Myanmar nationals to work in Thailand (including the registration program, memorandum of understanding agreement on cooperation in the employment of workers [MOU process], and nationality verification) has been characterized as time consuming, unclear, and prone to abuse. In many instances it has driven jobseekers towards irregular migration, relying on illegal brokers and smuggling networks, and increasing their vulnerability. At present, Issara estimates that less than 2% of the Myanmar workforce currently residing in Thailand entered via the formal MOU channel.¹⁹

Thailand has sought to regularize its large population of undocumented foreign workers through successive amnesty periods and the issuance of pink cards. Pink cards are Thai-issued documents that were provided to foreign migrant workers (with minimal identity documentation required), allowing workers to legally work in Thailand. The sheer number of existing workers and influx of new migrants, however, has been difficult to manage, and complicated by the fact that many foreign migrant workers lack proper identity documents from their home country. In the case of Myanmar, there are a host of reasons why some workers have difficulty with the Myanmar National Verification Process and obtaining a passport, including political (sensitivities with government regarding ethnic minorities), financial (poverty), and natural disasters (such as Cyclone Nargis destroying original records).

With a small percentage of workers utilizing the formal MOU channel and a large population of workers already in Thailand and not able speak Thai language, fill out employer and government paperwork, or navigate the changing migrant worker registration system, opportunities mushroomed for brokers and Thai recruitment agencies. Many brokers and agencies were not licensed or had minimal oversight by authorities. This led to a wide range of informal arrangements between brokers/agents and employers that often resulted in workers being taken advantage of, with varying degree of severity. It also put in motion practices where many Thai employers became accustomed to not paying recruitment fees for its foreign migrant labour force, not conducting due diligence, and not establishing formal service agreements. Brokers were glad to play the role of the middleman, providing recruitment services for business and taking care of paperwork (often at no cost to the employer and even sometimes paying kickbacks to the employer's staff), under a model which further decreased transparency and resulting in fees increasingly being shifted to the workers.

The environment, however, is changing. The Royal Thai Government has passed new labour laws which include addressing weaknesses with the accountability and oversight of Thailand recruitment agencies, such as workers essentially being tied to the recruitment agency rather than the employer, which often amplified foreign migrant worker vulnerability and position of control over workers by some agencies.²⁰ The Royal Thai government is moving towards having all BOI registered businesses use the MOU channel, and is currently phasing out pink cards (31 March 2018) and making Certificate of Identity (CI) documents required for all workers

in Thailand who do not hold a passport, or for employers to utilize the MOU U-turn process. New legislation is also cracking down on undocumented workers, and imposing heavy penalties for both employers and workers alike.

The process for workers to receive CI documents at the CI Centers located throughout the country has highlighted how massive an undertaking the effort is, as well as how brokers continue to be involved in the process, especially with changing deadlines and limited information and communications channels for migrant workers. NGOs, such as Issara Institute, seek to assist and empower workers by providing up-to-date information in their own native language about their rights, options, and how to navigate these official processes. But the sheer volume and demand for processing has been more than the CI Centers have been able to handle (similar to other amnesty periods in the past following changing migrant worker policy), which opens the door for broker activity and corruption. Workers regularly report the practice of unofficial fees being paid and brokers charging high fees to expedite processing.

The Royal Decree on Managing the Work of Aliens B.E. 2560 (2017) came into effect on 23 June 2017. It provides severe penalties if undocumented workers are found – business paying ~\$22,800 USD for each worker, and workers fined ~\$3,000 USD and possibly jailed. While the Decree seeks to address issues around debt bondage and undocumented workers, the timing and communications process was not smooth. The change sparked confusion for employers and migrant workers. In the week that followed, over 60,000 migrants were estimated to have fled Thailand and employers were laying off migrant workers. These actions led to a grace period for employers and workers to comply with the new law.

The Myanmar–Thailand formal MOU channel

Thailand's first memorandum of understanding (MOU) on employment with Myanmar was signed in 2003 and became active in 2009.²¹ It aimed to manage migration flow, stop irregular migration, and cover the full migration process from start to finish. The MOU channel was envisioned as a government-to-government process but recruitment agencies are used in both the sending and receiving countries. A new bilateral MOU was then signed in 2016 to attempt to address some of the gaps and inefficiencies within the original agreement.

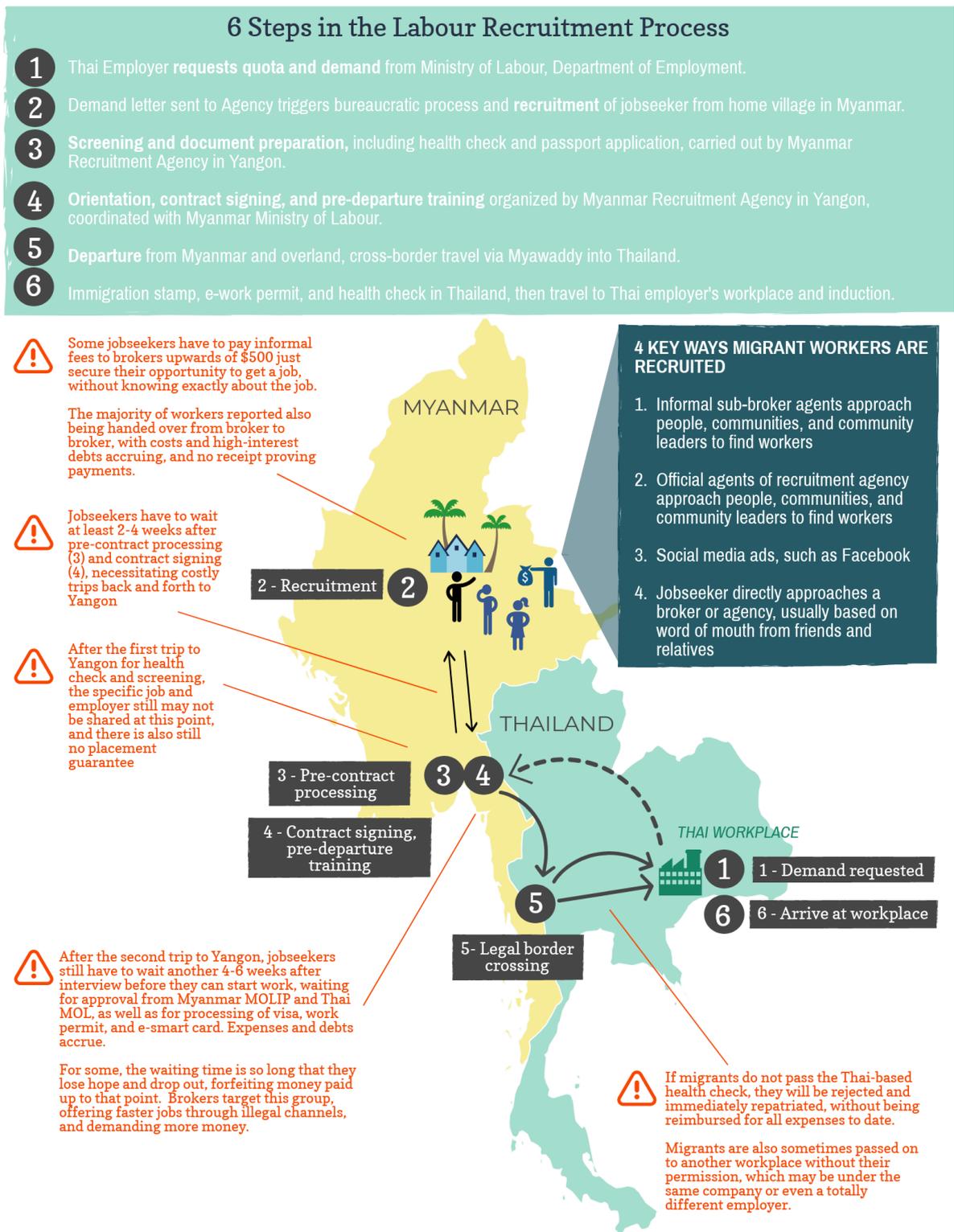
The formal MOU process, however, can still take two to three months (or more) to complete. For many jobseekers, this wait is simply too long and informal pathways to find employment in Thailand are sought. Some jobseekers enter the MOU process but then drop out due to frustration and delays, as well as need to find work quickly to remit money home, potentially heightened due to debt from the recruitment process in the first place.

Only employers in Thailand or licensed operators can initiate the process for migrant workers to come to Thailand through the formal MOU channel. The process is complex and lengthy, and there are no official resources that clearly outline the entire scheme in detail. Issara Institute has researched the process and summarizes the steps of the MOU process as outlined in Table 1 and Figure 5:

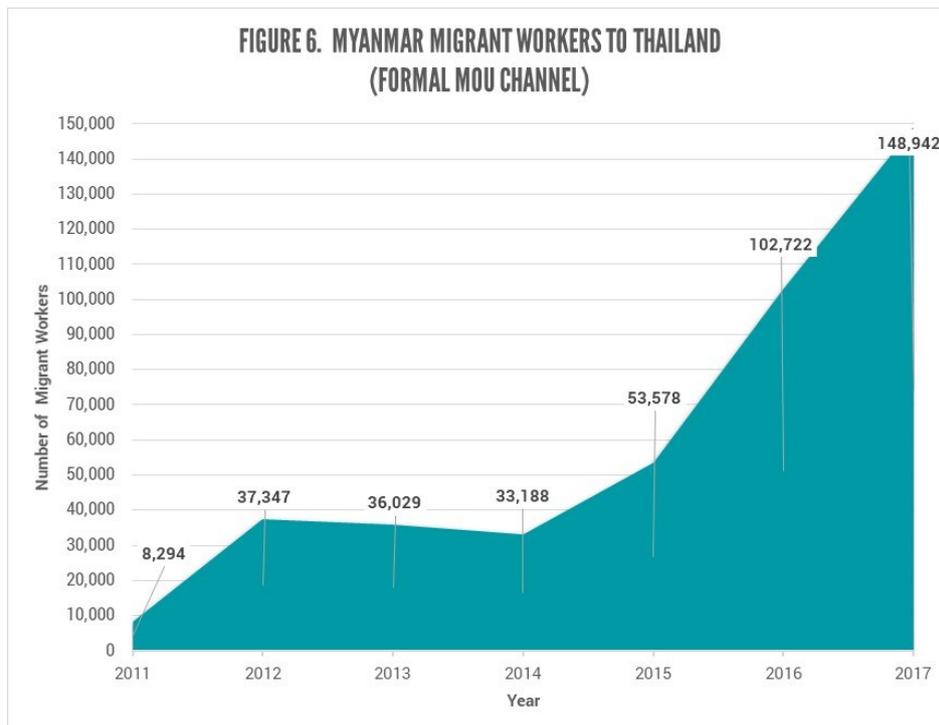
TABLE 1. THE MYANMAR–THAILAND MOU PROCESS

- 1. THAI EMPLOYER REQUESTS QUOTA AND DEMAND FROM THE GOVERNMENT.**
 - 1a. The Employer files a request to hire migrant workers (Nor Chor 1) at the Provincial Department of Employment (DOE) Office.
 - 1b. After documents are submitted and approval received, the Employer files the next round of paperwork to request to hire migrant workers (Nor Chor 2). This includes a copy of the contract with the Thai agency (TA) (if used) and its recruitment license, a copy of the quota approval and confirmation of quota to employ migrant workers, and other related employer documents.
- 2. DEMAND LETTER SENT TO AGENCY TRIGGERS RECRUITMENT OF JOBSEEKERS AT SOURCE.**
 - 2a. After the documents are approved by the DOE, the Employer or TA prepares documents to submit to Myanmar. The Myanmar Recruitment Agency (MRA) at this stage, unofficially, begins preparing for the recruitment process.
 - 2b. The MRA sends the letter issued by Thai DOE to the Labour Attaché (LA) located in the Myanmar Embassy in Bangkok, enclosing the Demand Letter and other supporting documents. The LA receives the documents for review and approval.
 - 2c. The LA reviews the demand and prepares an approval letter to the attention to Director General of the Department of Labour, Nay Pyi Taw, along with the letter from Thai DOE and the Demand Letter and other supporting documents.
 - 2d. The MRA then sends the LA's approved Demand to Migration Department of the Myanmar Ministry of Labour, Immigration and Population (MOLIP).
 - 2e. Demand is pre-approved at the Board of Director General (BoDG) meeting, and then approved by the Education & Health Committee of the Cabinet.
 - 2f. The MRA forwards the approved Demand to the Employer or TA, and the Employer or TA communicates with the Thai DOE for further processing.
- 3. SCREENING, DOCUMENT PREPARATION, HEALTH CHECK, PASSPORT PROCESSED.**
 - 3a. In Yangon, the MRA conducts worker interviews, arranges health checks, and supports the passport application process of the workers.
 - 3b. The MRA coordinates the Contract Signing Date and other planning details with Myanmar DOL and Employer or TA, and workers are contacted by the MRA to attend a contract signing ceremony.
- 4. CONTRACT SIGNING, ORIENTATION, AND PRE-DEPARTURE TRAINING.**
 - 4a. A Thai-Myanmar bilingual contract is signed by workers and the Thai Employer or their representative, endorsed by the Yangon-based Deputy Director of Labour.
 - 4b. The MRA prepares a cover letter for the name list of the workers, and receives a signature and seal from DOL official who signed on the contract.
 - 4c. The MRA sends an original approved letter and attached the name list to the LA in Bangkok.
 - 4d. The LA reviews, signs and places a seals on the worker name list.
 - 4e. The MRA forward the documents to the Employer or TA.
 - 4f. The Employer or TA requests and receives approval (sign and seal) from the Thai DOE.
 - 4g. The Thai DOE's Sending Letter is sent to the Myanmar Embassy/LA via the MRA staff.
 - 4h. The Sending Letter is also sent to Thai Immigration (Central), and then to Head of Provincial Immigration and Mae Sot immigration office, for approval for the named workers to enter Thailand.
 - 4i. The MRA sends the Sending Letter to MOLIP in NPT with the proposed departure date.
 - 4j. MOLIP issues the Approved Letter of Sending to the Myawaddy DOL Office and the MRA at least 3 days prior the actual worker departure date.
- 5. DEPARTURE OVERLAND TO THAILAND VIA MYAWADDY-MAE SOT CROSSING.**
 - 5a. Workers are informed about the departure date and travel to Myawaddy through arrangements by the MRA.
 - 5b. In Myawaddy, workers receive their smart card, visa, and other documentation.
- 6. IMMIGRATION STAMP, WORK PERMIT, AND OVERLAND TRAVEL TO THAI WORKSITE.**
 - 6a. Workers receive orientation from Thai DOE related to work and life skills in Thailand and then get e-work permit.
 - 6b. Officers inform the Provincial Health Office and Division of Personnel, providing the name list of migrant workers.
 - 6c. Migrant workers complete their health check-ups and receive Medical Certification to obtain a work permit at the Provincial Health Office.
 - 6d. Induction at Thai company employing the workers.

FIGURE 5. PROCESSES, COSTS, AND RISKS OF LABOUR RECRUITMENT FROM MYANMAR TO THAILAND



The demand for foreign migrant workers to support key industries in Thailand, such as in agriculture, manufacturing, construction, and services, has steadily increased over the past decade. In the past five years, on a year-on-year basis, the number of Myanmar workers sent to Thailand through the formal government to government MOU channel has more than quadrupled, with nearly 149,000 workers sent to Thailand in 2017 compared to 37,347 in 2012²² – as illustrated in Figure 6 on the following page.



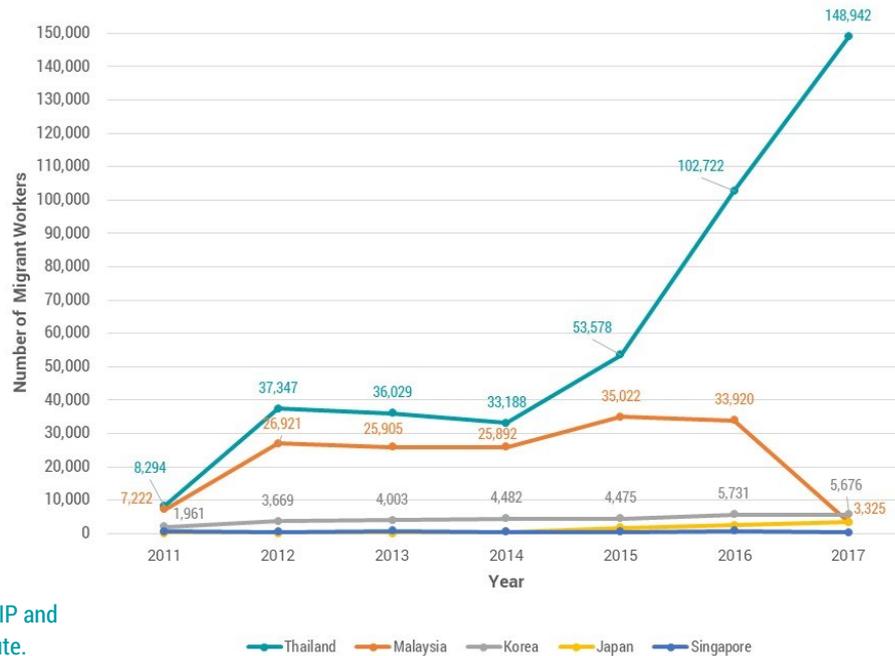
Yet estimates place the total population of Myanmar workers in Thailand to be approximately 4 million legal workers and 1 million illegal workers, with the exact numbers are not known due to high volumes of undocumented workers and porous borders. This means that the total number of Myanmar workers in Thailand that have gone through the MOU channel is actually very small, around 1-2%.²³ Thailand's demand for Myanmar migrant workers has been accelerating rapidly, in particular over the past four years. The demand from other countries, by comparison, has been relatively modest.

Malaysia, for example, is the second largest receiving country of Myanmar migrant workers, and saw declines in 2016 due to the Myanmar government's five-month ban (July to December 2016) based on conflicts between the two countries.²⁴

In 2017, the top 5 destinations for Myanmar migrant workers through the formal government channels were: (1) Thailand with 148,942 migrant workers; (2) Korea with 5,676 migrant workers; (3) Japan with 3,331 migrant workers; (4) Malaysia with 3,325 migrant workers—down from 33,920 migrant workers the year before; and (5) Singapore with 355 migrant workers,²⁵ as illustrated in Figure 7.

The experiences and working conditions of migrant workers in Thailand vary significantly, including factors such as the employer's location, industry, size, and workforce composition/demographics. At the farm level, for example, there are generally higher levels of informality compared to large scale processors, and seasonality and peak harvesting periods increase demand for daily and temporary workers. Farms in close proximity to neighboring countries Cambodia, Lao PDR, and Myanmar typically see larger foreign migrant workforces compared to inland farms, and sometimes provincial-level arrangements such as special economic zones and border passes simplify cross-border labour mobilization. Size of business also impacts the ability of some aquaculture and agriculture employers to engage recruitment agencies. Some agencies reportedly have minimum headcount placement requirements—that is, smaller farms have great difficulty competing for the interests of recruitment agencies. In aquaculture, the hiring practices of foreign migrant workers in more hidden jobs, such as shrimp harvesters/sizers or pond cleaning crew, reveal consolidation of mobile operators and teams servicing larger areas, and a switch to using more Thai workers due to fewer options to hire documented foreign migrant workers as pink cards phase out.

**FIGURE 7. MYANMAR MIGRANT WORKERS, BY TOP 5 RECEIVING COUNTRIES
(FORMAL MOU CHANNEL)**



Source: MOLIP and Issara Institute.

In both poultry and shrimp production, there were instances of farms using migrant workers who were hired through the MOU process, but under the name of large processors that were their customers. Workers on these farms were told that they were going to work in a factory through the MOU process, then they were asked (or forced) to work at a supplier farm instead. Interestingly, the same arrangement was never found to be the case for fishing vessels—that is, no fishermen were ever found to have been hired to work in a seafood processor through the MOU process then passed onto the smaller upstream business, the fishing vessel, as with some aquaculture and poultry farm workers.

The competitive landscape for recruitment agencies in Myanmar

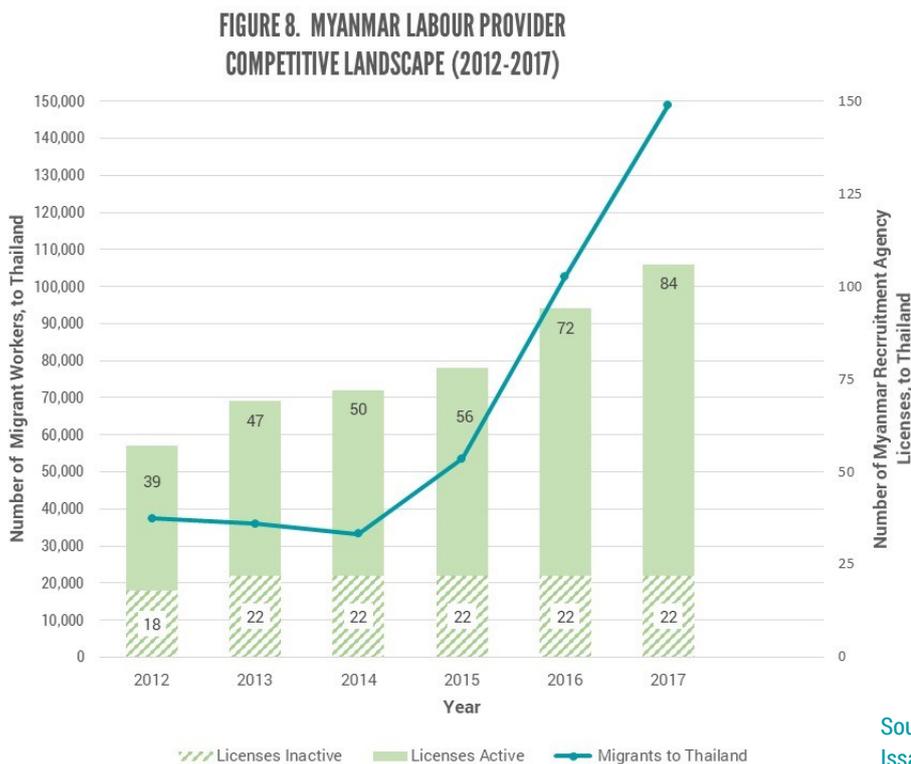
The competitive landscape for Myanmar recruitment agencies is changing. The number of formal registered recruitment agencies in Myanmar with licenses to send workers to Thailand has doubled in the past few years. In 2012 there were 39 registered agencies (57 if including inactive licenses) allowed to send workers to Thailand, compared to 84 registered agencies (106 if including inactive licenses) in 2017²⁶, as outlined in Figure 8.

In the Myanmar-Thailand context, the increase in number of Myanmar recruitment agencies has amplified weaknesses in the system, as well as costs and vulnerabilities for jobseekers. Ethical recruitment initiatives need to consider the power dynamic between employers/agents and Myanmar recruitment agencies and the demand for their services and professionalization. Myanmar recruitment agencies sending workers to Thailand face three major issues:

1. **Price undercutting.** Intense competition among Myanmar recruitment agencies is driving down costs and service fees. Myanmar recruitment agencies report that their margins are being squeezed in large part due to fellow recruitment agencies undercutting prices to win contracts. Cost is the main driver for recruitment agency selection and, as competition heats up, it is being driven downward to unsustainable levels. Yet the arrangement can still prove profitable for the Myanmar recruitment agency due to informal arrangements with brokers and high fees

charged to jobseekers.

2. **Limited bargaining power.** With more Myanmar recruitment agencies in the market, Thai employers or their agents shop for the lowest price and have significant influence in the negotiation process. The majority of Myanmar recruitment agencies do not have access to the Thai employer or visibility of upcoming demand orders, further limiting their bargaining power. There is significant information asymmetries and Thai agents leverage their “gatekeeper” role.
3. **Low demand for higher value-add services.** To date, most Thai employers or their agents have not invested in proper due diligence of source-side recruitment agencies. There has been little demand for it. There is also a lack of service agreement contracts between the employer and the recruitment agency (if there is a contract it often does not include minimum standards and protections for migrant workers), or investment in long-term relationships. Switching costs for employers or their agents are therefore very low, especially when Myanmar recruitment agency selection is based almost entirely on cost and not on higher value-added services, such as addressing migrant worker vulnerabilities and risks that employers will need to address in ethical recruitment schemes.



Source: MOLIP and Issara Institute.

Ethical recruitment has potential to rebalance the power and level the playing field. It provides a clear path for Myanmar recruitment agencies to differentiate their service offering and model from their peers. It segments competition among Myanmar recruitment agencies between those targeting employers who focus almost entirely on price and those targeting employers who seek price and increased standards, safeguards, and professionalization. The latter will likely increase an employer’s switching costs in the near-term and mid-term, as both the employer and recruitment agency need to have more accountability and transparency with regards to the recruitment process, the treatment of jobseekers/migrant workers, and the arrangements the two parties have agreed upon.

The Myanmar business enabling environment

There are a number of factors that have led to this current cross-border labour recruitment situation. Chief among them are the rules and policies that shape how Myanmar recruitment agencies can operate, and the enforcement of regulations and recruitment practices. The Myanmar Overseas Employment Agency Federation (MOEAF) and MOLIP have made attempts to provide additional protections to jobseekers/migrant workers and to rein in poor behaviour of some Myanmar recruitment agencies, but it is a significant undertaking and the results have been mixed. Three key factors influencing the recruitment business-enabling environment include:

1. **Price controls.** Since 2015, Myanmar authorities have placed a limit of 150,000 Kyat (approx. \$110 USD) on the amount that Myanmar recruitment agencies can charge jobseekers on the Myanmar side, and 10,000 Thai Baht on the Thailand side²⁷. The intent is to protect workers from exploitation. The reality for jobseekers, however, is very different. Despite the price control ceiling, workers often pay four to five times this amount to brokers or (informal) agents of recruitment agencies at the very beginning of their journey at the village-level. It is at this stage, the first mile, where workers often go into debt and workers receive the information and promises made by brokers that often do not end up being fulfilled. The price controls also have not been adjusted since the Thai Government's Royal Ordinance came into effect, which is currently causing confusion among recruitment agencies and employers since Myanmar and Thai regulations do not align. Nonetheless, the price controls do provide a means to punish unscrupulous recruitment agencies and brokers/agents when workers are confident and motivated to report abuses, which is happening more frequently.
2. **Oversight of licensed agents and enforcement of legal brokering.** A fundamental weakness of the current system is that a high percentage of Myanmar recruitment agencies rely upon brokers to find workers. Myanmar recruitment agencies are based in Yangon and there is a general trust deficit between recruitment agencies and jobseekers at the village level. Once a jobseeker has paid a broker for an MOU job opportunity, there is pressure for that broker to deliver, or to face potential backlash from the worker reporting to government or police. Myanmar recruitment agencies have confided that brokers will typically (unofficially) pay Myanmar recruitment agencies to place workers in the interview process and the formal government-to-government MOU channel—not vice versa, as one might expect under a “finders fee” arrangement. This also explains the current competitive environment and why some recruitment agencies can severely undercut prices and still be profitable. Informal channels and brokers continue to play a significant role in both the operations and the debt and vulnerabilities of jobseekers within the recruitment process.

Myanmar authorities have recently taken additional steps to strengthen inspection and enforcement of recruitment practices, including to make public which Myanmar recruitment agencies actually use licensed agents. The Myanmar MOLIP has also blacklisted 33 agencies and 9 persons for failing to protect the workers. But it is a challenging situation from a law enforcement perspective. The level of informality is very high and jobseekers are nervous to report illegal practices and payments, in fear of losing their job opportunity and the high costs/debt they have just undertaken.

On 8 August 2017 the Code of Conduct Monitoring Committee (CMCC) was formed in an attempt to prevent abuses and protect migrant workers from unscrupulous employment agencies. The Committee members include a representative from MOLIP, an anti-trafficking

police officer, a legal expert, a labour expert, a representative from MOEAF, a migrant labour representative, and an independent representative. This is a positive step and can help to build awareness raising of desired conduct within the MOEAF membership. The extent to which the Code is adopted by members, monitored, enforced, and can bring financial and reputational benefits still needs to be demonstrated. One vital component missing from the CMCC process is worker voice and feedback on recruitment agency performance, at scale. New initiatives such as the Issara Golden Dreams smartphone app, a Burmese-language platform for migrant workers to rate and review recruitment agencies, employers, and service providers, would hopefully be able to plug into and support the Code, and other industry strengthening work, as a comprehensive and independent data source.

- 3. **Barriers to entry.** In an attempt to reduce violations by Myanmar recruitment agencies, MOLIP has ordered all overseas employment agencies to pay a 50 million Kyat (\$37,500 USD) deposit fee for their business licenses. This is a significant deposit hike from the previous fee of 5 million Kyat (\$3,750 USD). The fee to apply for new business licenses has also increased from 300,000 Kyat (\$225 USD) to 500,000 Kyat (\$375 USD), and those extending existing licenses must pay 300,000 Kyat (\$225 USD) every year, up from 200,000 Kyat (\$150 USD) previously charged.²⁸

Myanmar recruitment agencies sending workers to Thailand also need to send at least 300 workers per year or risk not getting their license extended, on the grounds that they do not have the capacity to recruit and send workers. Some recruitment agencies, receive a six-month extension to demonstrate capacity. This also places pressure on some agencies to accept demand from Thai employers or agents, perhaps even with less favourable terms and conditions.

Foreign investors are also not able set up foreign-owned recruitment agencies in Myanmar, unless in partnership with a Myanmar national. This reduces competition from abroad and protects the nascent industry.

The MOEAF has also commented that it may set limits on the number of migrant workers sent overseas by each employment agency per year, according to an MOEAF interview in November 2017. This would be concerning if it were to take place. Such regulation would remove key elements of market competition, and stifle investment in professionalization and more ethical recruitment practices. While ethical recruitment has the potential to even the playing field and incentivize behaviour change, the business enabling environment will shape, for better or worse, the business models and investments those actors make. The Myanmar recruitment ecosystem needs to be advocating for proactive, rather than reactive, rules and laws that will attract progressive recruitment agencies to invest in delivering higher standards of service and providing greater safeguards for jobseekers.

The Myanmar Anti-Trafficking Task Force police are a key partner in getting the word out to migrants about how to avoid being trafficked and migrate safely. Officers such as the one shown here provide Issara’s information on how to find recruiter and job information online, as well as information on rights of migrant workers in destination countries like Thailand. The waterproof document holder contains booklets with information on rights and benefits as a migrant worker in Thailand, as well as information on key worker voice channels and information sources (such as Issara Golden Dreams, Facebook, and toll-free 24-hour hotlines). They also serve as a place to securely store their documents such as contracts and payslips.



Thai employers and agents: Shifting greater responsibility to employers

Many Thai employers have been outsourcing the recruitment and hiring of their foreign migrant workforce to Thai agencies. For MOU channel workers, these Thai agencies/agents often select the source-side Myanmar recruitment agency and negotiate arrangements. It is not uncommon for a Myanmar recruitment agency to have never communicated with the Thai employer that they are sending workers to, or for the Thai employer to not have basic information about the Myanmar recruitment agency, such as its name, fees or protocols. Many Thai employers only know who their Thai agent is.

For employers who seek more information / due diligence or are more aware of worker vulnerabilities in the recruitment process, the situation is mixed. Some employers communicate source-side standards or fees for their Thai agents to adhere to, yet do not follow up to check if it is being carried out. Other employers take a more proactive approach and seek feedback directly from workers. Ideally, the employer is working directly with the Myanmar recruitment agency. And if the employer relies on a Thai agent, the employer should still be proactive, informed, and independently confirm that arrangements are being carried out as agreed upon.

We are beginning to see a handful of Thai employers take serious steps toward fair or ethical recruitment of workers. This is taking place across a number of industries, including in seafood, garments, and electronics.

Key factors influencing Thai employer / agent recruitment practices and steps needed to advance an ethical recruitment ecosystem include:

1. **Establishment of a Thai Recruitment Agency Association.** Thailand does not have a recruitment agency association and there has been limited formal oversight of recruitment agency activities. Thus the Myanmar Overseas Employment Association Federation (MOEAF) and the Association of Cambodian Recruitment Agencies (ACRA) do not have counterparts on the Thailand side to engage with, as compared with other regional destination countries like Malaysia which has Pikap (Malaysian National Association of Employment Agencies) to liaise and negotiate with. Thai employers also do not have access to an equivalent recruitment agency body.
2. **Due diligence and contracts.** Under Thai law, employers need to work with licensed recruitment operators and pay relevant fees. Most Thai employers are not conducting proper due diligence, if any, of their Thai agents and/or source-side recruitment agencies. There is also a lack of formal contracts with the Myanmar recruitment agencies that the employers/agents are working with. The level of informality and investment in labour recruitment systems needs to change. To assist this, buyers can provide clear signals regarding the importance of risk mitigation and strengthened visibility and accountability of worker recruitment practices. Global brands, retailers and importers have a clear role in setting expectations and recognizing and incentivizing desired supplier behaviour.
3. **Employer fees for migrant workers.** Many employers are paying little to no fees for the recruitment and processing of their foreign migrant workforce. Thai labour law has recently been changing to address risks to workers from many existing practices. Whether an employer is open and ready to follow an “employer pays” model or gradually move in a direction of fair recruitment, there needs to be recognition of the value and interconnectedness of business success with its labour force, whether foreign or domestic workers, and that recruitment practices and standards are evolving.



Outreach and awareness raising is done by the Issara team and CSO partners at pre-departure trainings in Yangon, which are often organized by the recruitment agency in conjunction with the signing ceremony.



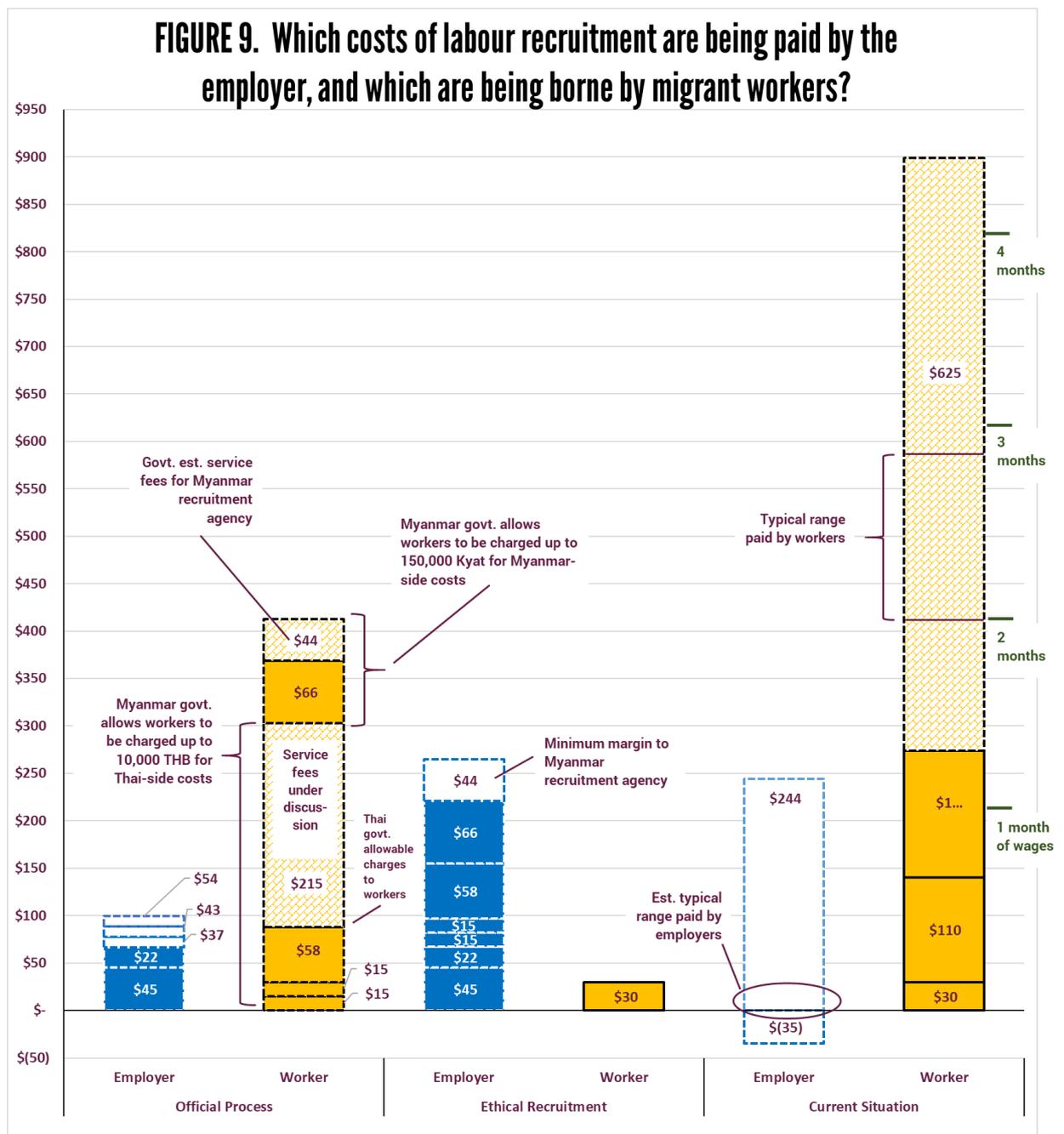
Outreach and awareness raising targets outbound migrant workers in Myawaddy, who are only days away from entry into Thailand while they await final document processing. At this point, their mindset is very different than that of prospective migrants at Yangon signing ceremonies: they are already *en route*, have already left their homes and families, and are already getting their phones and SIM cards ready for use in Thailand. There is more openness to and critical thinking about life and work in Thailand.

COSTS & FEES ANALYSIS

Understanding and developing a financially viable model

Unpacking the actual costs of labour recruitment, who is paying fees for what services and at what time, and the structures in place that influence this environment, is crucial to drive behaviour and systems change. It is also essential for having meaningful, practical discussions about a viable financial model for ethical recruitment, and transparency and accountability.

Figure 9 highlights the different costs for employers and workers, grouped by Official Process, Ethical Recruitment, and the actual Current Situation, and is discussed in greater detail below.



The foreign exchange rate used in these financials is 33 Thai Baht/USD and .00073 Kyat/USD.

Official process for employers

Thai employers, under the Announcement from Department of Employment and the Thai Royal Gazette 17 November 2016 (Article 25), are responsible for paying document preparation, certification, and translation fees for foreign migrant workers. It is a sliding scale fee based on the number of workers hired, ranging from <12 workers (\$54.55 USD), 13-45 workers (\$43.64 USD), 46-90 workers (\$32.73 USD) and >91 workers (\$21.82 USD). This is calculated at a daily rate of ~300 Baht/day times the number of working days in one-month period (24) multiplied by the relevant percentage (25%, 20%, 15% and 10% respectively). Employers are also responsible for transportation and meals on the Thai side. Actual costs vary depending on the location of the employer's facilities, estimated here at 1,500 Thai Baht (\$45.45 USD). The estimated minimum an employer has to pay is therefore \$67.27 USD and the maximum is \$100.00 USD per head.

Official process for workers

Thailand side: On 26 July 2016, the Thai Cabinet approved the Royal Ordinance on Bringing Migrant Workers to Work with Employers in Thailand B.E.2559. It later entered into force on 16 August 2016. The law sought to regulate the conduct and management of recruitment agencies bringing migrant workers to work in Thailand and to prevent exploitation, trafficking in persons, debt bondage and forced labour. It stated that, "The authorized recruitment agencies can only collect services and charge other related expenses from the employers only and at the rates set by Director-General of the Department of Employment" and "Collection of any fees from migrant workers is prohibited with no exception."

The Department of Employment then announced in the Thai Royal Gazette (Article 25), 17 November 2016, that workers are responsible for paying all other fees (per above, Official process: Employer) and costs incurred on the source side. The legislation does not specifically state who is responsible for paying for visas, health checks and work permits, but standard practice in Thailand is that workers, not employers, pay these fees: visa/service fee (500 Thai Baht; \$15.15 USD), health check (500 Thai Baht; \$15.15 USD), and work permit (1,900 Thai Baht; \$57.58 USD) in total amount to \$87.88 USD.

Myanmar side: Following Myanmar's Ministerial Directive issued in September 2015, recruitment agencies sending workers to Thailand are not allowed to collect over 150,000 Kyat and 10,000 Thai Baht for costs in Thailand. The Myanmar-side expense breakdown, below, provides rationalization for the 150,000 Kyat ceiling if all parties (workers, brokers, recruitment agencies, and employers) were operating transparently and following formal processes, which they are not. Also, when the 60,000 Kyat margin for Myanmar recruitment agencies was being considered, the landscape was quite different than it is today – competition was less fierce and Myanmar recruitment agencies were also receiving some portion of the 10,000 Thai Baht. Myanmar recruitment agencies now report that they rarely receive any portion of the 10,000 Thai Baht, and thus the 150,000 Kyat ceiling is no longer feasible. Additionally, Myanmar agencies report having to pay other expenses (service fees, accommodation, transport, hospitality, dinners, entertainment, etc.) to Thai businesses and/or their agents to win their business.

The Myanmar Government has not changed its 2015 policies since the new Thai Royal Ordinance came into effect. Myanmar recruitment agencies and Thai employers / Thai recruitment agencies are therefore unclear on the amount that workers can legally be charged due to these conflicting government regulations. Myanmar recruitment agencies also report a "push-down, pop-up" effect whereby many Thai recruitment agencies seek to recoup lost margins under the Thai Royal

TABLE 2. COSTS OF LABOUR RECRUITMENT ON THE SOURCE AND DESTINATION SIDES

MYANMAR-SIDE EXPENSES (*maximum to workers: 150,000 Kyat*)

Service fee for Myanmar recruitment agency	K 60,000	\$ 43.80
Health checks, document processing and signing	K 40,000	\$ 29.20
Costs during stay in Yangon	K 10,000	\$ 7.30
Transportation (Yangon-Myawaddy)	K 12,500	\$ 9.13
Costs while staying and waiting in Myawaddy	K 20,000	\$ 14.60
Communications and stationery	K 4,900	\$ 3.58
E smart card	K 2,600	\$ 1.90
Sub-total	K 150,000	\$ 109.50

THAILAND-SIDE EXPENSES (*maximum to workers: THB 10,000*)

Visa	THB 500.00	\$ 15.15
Medical check	THB 500.00	\$ 15.15
Transportation to workplace and food	THB 1,500.00	\$ 45.45
Work permit	THB 1,910.00	\$ 57.88
Document preparation, certification, and translation	THB 720.00	\$ 21.82
<i>Remaining allowable expense, currently under negotiation</i>	<i>THB 4,870.00</i>	<i>\$ 147.58</i>
Sub-total	THB 10,000.00	\$ 303.03

Grand Total (excluding all service fees)	\$ 221.15
Grand Total (with Myanmar service fees only)	\$ 265.00
Grand Total (with Myanmar and Thailand service fees, maximum allowed)	\$ 412.53

Ordinance from the source side. This has resulted in workers being charged more in Myanmar and/ or squeezing additional margins from Myanmar recruitment agencies. The \$215 USD service fees (10,000 Thai Baht less 2,900 Thai Baht for visa, health check and work permit) are therefore noted in the graphic as “service fees under discussion.”

Ethical recruitment for employers

Under an ethical recruitment model, the employer pays all costs of recruitment. Issara excludes the cost of a jobseeker’s passport (\$30 USD) as this is a personal identity document.

As outlined in Table 2 above, typical Myanmar and Thailand expenses excluding margins total approximately \$220 USD, or \$265 USD with Myanmar-side margins included. Ethical recruitment financial models and discussions between the employer and recruitment agency would build from these figures. Some of the potential additional costs or savings/gains to consider are outlined below.

Employer costs considerations

- Depending on the capacity of the employer’s human resources, additional costs may be incurred if the services of a Thai agency are required, for example for document processing. Over time, Thai employers can evaluate the scope of services and costs of using Thai recruitment agencies versus scaling back or bringing those practices in house.

- Ethical recruitment will encourage employers to assess the current capabilities of, and future investment in, their human resource team and systems.

Employer savings and productivity gain considerations

- Employers may be able to attract higher skilled / more seasoned workers due to a larger pool of qualified jobseekers to draw from. Jobseekers will actively seek out employers who undertake ethical recruitment practices, due to savings from the recruitment process alone.
- With debt and debt bondage situations significantly removed by ethical recruitment, worker vulnerabilities also decrease. This may lead to more satisfied workers and reduced turnover, providing cost saving to the business in hiring and training.
- Improved worker retention can also result in more productive and high performing workers.

Myanmar recruitment agency cost considerations

- Depending on the current capacity and aspirations of the Myanmar recruitment agency, additional costs may be incurred to meet desired levels of professionalization, operational transparency and safeguards, and customer service to jobseekers.
- A major change will likely include how recruitment agencies find workers. The cost implications will be impacted by the use of licensed agents, sub-agents, or other means to find workers (compared to the common existing practice of using brokers), the strategy and effectiveness of advertising practices (more advertising is beginning to take place online and via Facebook), business reputation (workers are becoming more empowered, connected, and will have access to better information about the performance and reputation of recruitment agencies), and connections with NGOs or local civil society partners who may be willing to link ethical recruitment with jobseekers at community levels (opportunities to forge new partnerships).
- Revenue streams (unofficial) may also be altered. If the Myanmar recruitment agency is receiving informal fees from brokers (a fairly common but secretive practice; the payment comes from the jobseeker's up-front payment to the broker) in order to place jobseekers through the official channels, these informal "kick-backs" would no longer be received.

Myanmar recruitment agency savings and efficiency gain considerations

- Myanmar recruitment agencies entering into ethical recruitment arrangements will have clear service agreement contracts, outlining the responsibilities of each party—both employer and recruitment agency. At present, when unexpected events take place such as worker-employer disputes at destination, in most cases the recruitment agency ends up paying for the majority of the associated expenses to fly out and try to resolve issues.
- Under ethical recruitment arrangements, both parties are investing more in the relationship and the recruitment process. This would likely lead to increased demand and volume of workers being placed by the same Myanmar recruitment agency over time, as compared to current practices.
- The ability to have improved forecasts and better lead times and planning can generate cost savings and economies of scale.
- Through these processes, recruitment agencies should gain a better understanding of their actual costs, such as the often overlooked time and expense that a recruitment agency

owner traveling to Thailand incurs when managing disputes and addressing issues between workers and employers.

Additional benefits

- Global brands, retailers, and importers are beginning to require ethical recruitment systems in their supply chains. Employers and recruitment agencies who can demonstrate good ethical recruitment practice will not only be able to retain strategic customers, but differentiate their business from competition. This can potentially lead to increases in sales to buyers or services to employers, along with improved brand and company reputation.

Ethical recruitment for workers

Under an ethical recruitment model, the employer pays all costs of recruitment. Issara's position is that workers should pay the cost of their passport since it is a personal identity document and should be viewed by the worker, the employer, and all other parties as the property of the worker (technically, the property of the Myanmar Government being used and held by the Myanmar citizen) and not something tied to or controlled by the employer or any agents. The passport fee can vary by worker, such as if the passport was lost or if there were proper entry stamps. The typical range is between 30,000 and 60,000 Kyat or \$21.90 to \$43.80 USD. An average of \$30.00 USD is therefore used in the calculations above.

Current situation for employers

Employers in Thailand currently use a wide range of recruitment practices. A few employers are embarking on an employer pays model. A few are moving towards fair recruitment schemes. Some employers are working directly with Myanmar recruitment agencies. Yet most do not. According to U Kyaw Zaw, Joint Secretary of the MOEAF,

*“In Myanmar, there are currently over 100 agencies sending workers to Thailand, but only half of the registered agencies are running the process properly. Only 30% of Myanmar agencies have direct contact with Thai employers. 70% have to deal with Thai recruitment agencies who have arrangements with Thai employers. This means most of the recruitment arrangements are dictated by Thai agents.”*²⁹

Many employers use Thai recruitment agencies and pay for some processing and recruitment services, but have limited visibility of who the Myanmar-side recruitment agency or agencies are, and what, if any, payment schemes have been agreed upon. A small percentage of employers specify the amount that both the Thai and Myanmar recruitment agency should receive but most do not follow up to confirm that this is actually taking place. In addition, many employers pay no fees to Thai agencies at all, including some instances of human resource staff receiving kick-backs of 1,000 Thai Baht per head from the Thai agency for the ability to fulfill the demand for workers, underscoring the extent to which profit can still be made from the worker payment alone. In general, employers and Thai recruitment agencies have significant bargaining power and cost is still the main decision factor for Myanmar recruitment agency selection.

Current situation for workers

The reality is that almost the entire cost of recruitment is currently borne by workers. They pay for all or the vast majority of Thailand-side expenses (\$145 USD), and Myanmar-side expenses (\$110 USD), and significant fees to brokers and licensed and unlicensed agents at the outset of their journey, ranging upwards to an additional \$615 USD depending on the type of job, reputation of the business, and location of work. Debt and debt bondage situations are frequent. Workers typically pay between three to four months of salary on the recruitment process alone, not including additional costs arising from high interest rates to service the debt.

Typically jobseekers make payment under two schemes. The first is to pay between 150,000 and 300,000 Kyat (\$110 to \$220 USD) up-front to the broker at the village-level, and then pay an additional 10,000 Thai Baht (\$303 USD) to the Thai agent at the border, amounting to \$413 to \$523 USD. The second is paying 100% of the amount in advance to the Myanmar broker/agent at the village-level, typically between 500,000 and 800,000 Kyat (\$365 and \$584 USD), and then paying no additional fees to the Thai agent. Fees can vary significantly depending on the situation of the individual jobseeker and the broker/agent, but the range typically falls between the \$415 to \$585 USD. Fees have also changed significantly due to the Thai Royal Ordinance and lack of clarity regarding the 10,000 Thai Baht cap for Thai-side charges.



Issara Ambassador Khin Win Maw capitalizes on her experience as a successful migrant worker in Thailand and Singapore to raise awareness of jobseekers and their relatives in Myanmar source communities about the safest and most reliable ways to research job opportunities and migrate for work abroad—including through the Issara Golden Dreams app, whose app icon image she is holding. Ambassadors with ‘street cred’ are vital in shifting the knowledge, attitudes, and behaviours of jobseekers, and are important in disrupting the exploitative brokering that occurs in the first mile. Jobseekers who know how to research recruitment agencies and job opportunities online, read the reviews and experiences of their peers, and contact Yangon-based recruitment agencies directly without going through an informal broker—can avoid paying the broker fees that often turn into debt. Currently, Issara has over 25 CSO partners and Ambassadors conducting awareness raising on an ongoing basis in the provinces of Myanmar with high out-migration flows.

KEY CHALLENGES AND RECOMMENDATIONS FOR WAYS FORWARD

At present, the market demand for and understanding of ethical recruitment is low in Thailand and Myanmar. However, the environment is poised for rapid change, especially given the commitments and requirements of a growing number of global brands and retailers sourcing a diversity of products from Thailand. Eight key challenges found during the course of this analysis are summarized below, along with recommendations for next steps to be considered by a range of stakeholders. It is noteworthy that while the challenges are significant, they are all addressable—each has at least one recommended solution. Ethical recruitment can provide the catalyst to transform existing practices for the benefit of workers and for business.

Challenge 1: The MOU process is currently expensive, time-consuming, and confusing for jobseekers. Both the Thai and Myanmar governments need a long-term migration policy to address the large population of undocumented migrant workers in Thailand and to reduce the time and costs required for all parties involved, which still drives many workers to choose informal channels. Nationality verification is a challenge for too many jobseekers. It is in the national interests of Myanmar and Thailand, the largest source and destination countries for migrant workers in ASEAN, to further streamline MOU processes, and have a clear roadmap and vision that reduces this ongoing short-term cycle of policy interventions which business and workers alike find it difficult to operate in. Over the last five years, for example, new worker registration initiatives and amnesty periods in Thailand as well as different worker passport schemes such as “purple”, PV, and PJ passports from Myanmar, portray a system in a constant state of flux.

- **Recommendation 1: Business-government dialogue on labour management policy.** Plans of action and bilateral inter-ministerial negotiations regarding migration policy are ongoing. These need to be hastened and made more public—discussion is largely taking place behind closed doors without sufficient industry input or involvement in policy reform. To support those efforts, business and government need dialogue and a forum for stakeholders to come together to earnestly discuss the impact of the current recruitment ecosystem and the specific steps needed for improvement. From a global responsible sourcing perspective, buyers are looking to have stronger protections for vulnerable migrant workers, strengthen supplier practices, and mitigate brand risk that might arise from labour recruitment issues in their own supply chains as well as from the perception of sourcing from “brand” Thailand. Migration policy underpins all three. Issara Institute’s data analytics and technical support could assist in promoting such an initiative to support worker and business participation, but such a dialogue would best be led by the Myanmar and Thai Governments, with more significant participation from business. Examples of past public-private sector dialogues have had various degrees of success with the Cambodia-Lao-Myanmar-Thailand-Vietnam (CLMTV) region, with support from the Asian Development Bank (ADB), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), and World Bank/International Finance Corporation (IFC), and national industry bodies.³⁰

Challenge 2: Most Myanmar recruitment agencies are reliant on informal brokers and agents to find workers – jobseekers generally do not think to find and contact recruitment agencies directly. However, reflecting on the situation in 2018 that the Myanmar population has a rapidly growing level of smartphone penetration, including both jobseekers and recruitment agencies alike, opportunities for mass online advertising—and education—are plentiful. Recent reporting by Ericsson

named Myanmar the fourth-fastest-growing mobile market in the world.³¹

- **Recommendation 2. Strengthened online education of jobseekers, quality advertising by recruitment agencies, and forums for customer feedback to drive professionalization of employment services over time.** Issara's Golden Dreams smartphone app for migrant workers is one contribution to this, as it includes a platform for migrant worker feedback on their recruitment agencies, employers, and job outcomes, as well as updated information for jobseekers and migrants regarding their rights and the law. Some recruitment agencies are increasing their online advertising as well (as are informal brokers!). However, just because the focus of this recommendation is online, the offline, on-the-ground efforts to drive usage of and trust in such tools and new relationships is critical. Therefore, support to and engagement with trusted community-based organizations in spreading the word on these tools and building more direct bridges between jobseekers and recruitment agencies is vital, if digital efforts are to successfully empower jobseekers and address the trust deficit between jobseekers and these new resources and systems. This is already taking place with the CSO-NET initiative³² in Myanmar, whereby empowerment and behaviour change of jobseekers is resulting in migrant workers proactively contacting Yangon-based recruitment agencies, local CSOs, and Issara to ask questions and receive confirmation about job opportunities and their rights, rather than relying on information provided by brokers. Recruitment agencies are encouraged to embrace online advertising and to be as comprehensive as possible when sharing information about available jobs—which requires cooperation from the Thai employer as well, to share more detailed and accurate information about the exact jobs being recruited for.

Challenge 3: Risk to jobseekers is greatest at the first mile, upstream to recruitment agencies, due to high informal fees and debts to broker and agents (licensed and unlicensed). As the cost and fees analysis highlighted, jobseekers are paying the bulk of the costs of migration, including informal fees, up front to informal brokers, who promise swift placement based on their networks and connections with a number of recruitment agencies. Without access to information regarding the range and details of offerings from recruitment agencies and employers, jobseekers accept what brokers present to them, commonly paying high fees up front, and going into debt. Myanmar recruitment agencies and Thai employers may have limited visibility of these costs, fees, and debts due to poor due diligence or turning a “blind eye”. While in the minds of a growing number of global brands and retailers, the employers have responsibility for ensuring that these debts do not exist, local laws as they currently exist allow for (though they do limit) charging recruitment fees to workers, and national law is typically the standard to which suppliers refer first and foremost.

- **Recommendation 3. Multi-stakeholder efforts to create a market for ethical recruitment.** Global brands and retailers sourcing from Thailand, including industry initiatives such as the Consumer Goods Forum (CGF) and Responsible Business Alliance (RBA), can help to create a market for ethical recruitment by communicating their commitment to and expectations of ethical recruitment by suppliers, encouraging suppliers to participate in ethical recruitment programs (such as Issara's), and giving suppliers and their recruitment agency partners the space to identify and resolve labour risks in order to strengthen recruitment practices over time.
- **Recommendation 4. Incorporating jobseeker empowerment and worker voice.** Jobseeker empowerment should be a component of ethical recruitment programs, to give information to jobseekers so that they can look out for, avoid, and report labour risks and make more informed

decisions. Worker voice mechanisms more generally should be a cornerstone of ethical recruitment programs, to provide direct verification from workers of whether or not their migration was fee-free and professionally managed, and to ensure that workers have a role in and power to drive more ethical recruitment.

Challenge 4: Many employers are reliant on Thai recruitment agencies to manage demand paperwork and interface with Myanmar recruitment agencies, reducing transparency and accountability. But even despite this reliance, due diligence in selecting Thai agencies is typically lacking, as are transparent service agreements and contracts.

- **Recommendation 5. Professionalization and monitoring of the recruitment agency-employer relationship and performance.** Thai recruitment agencies are currently providing services to employers who do not have the human resource infrastructure or a desire to manage the process in-house. But this arrangement does not mean that accountability has shifted from the employer to the Thai agency. Behaviour change is needed among Thai employers and agencies to enable strengthened recruitment practices, fee transparency, and due diligence across all stages of the recruitment process, and to have service agreements and contracts in place that clearly reflect its importance. The motivation for including worker safeguards and transparent ethical standards may come directly from the employer or from the employer's customers (See recommendation 3). For accountability and transparency purposes, it is strongly recommended that the employer have open, direct lines of communication with the source-side recruitment agency regardless if the Thai recruitment agency's scope of service includes managing all source-side relationships and due diligence. In these cases, the employer's selection and due diligence process for the Thai agency needs to be even more robust and the employer should have an independent means of verification to ensure requirements are being effectively implemented. Issara's Inclusive Labour Monitoring program (ILM) includes source and destination side empowered worker voice to support independent verification for ethical recruitment. For any ethical recruitment initiative, there is a clear need for NGOs and trade unions or other labour organizations who can provide independent means of verification, and have a clear and safe mechanisms to communicate with workers and be in a position to support change and remediation when action is needed.

Challenge 5: Bargaining power is heavily skewed to Thai employers or their agents, due to competition amongst Myanmar recruitment agencies and an oversaturated market that is not focused on value added services – which makes the competition almost entirely about price and not value.

- **Recommendation 6. Strengthened due diligence and focus on value added services.** Thai employers should conduct proper due diligence and work directly with Myanmar recruitment agencies, clearly communicating expectations and establishing service agreements to improve transparency, accountability, and fee structures for all parties (including jobseekers). Employer demand for due diligence and higher value added recruitment services will help level the playing field for many Myanmar recruitment agencies by differentiating businesses who have strong worker safeguards and fair, transparent recruitment practices, thereby elevating their brand and bargaining power, as summarized in the box text below. This demand also makes it practical for recruitment agencies to invest in more ethical recruitment practices as a core business model.

POSSIBILITIES FOR RECRUITMENT AGENCY VALUE ADDED SERVICES

1. Improving support/access for jobseeker questions and navigating the migration process
2. Monitoring systems to ensure fair or ethical recruitment practices are upheld, including a grievance mechanism
3. Being on call 24/7 for employers and workers
4. Risk mitigation at each step of the recruitment process - including collaboration with NGOs for greater transparency and independent means of verification
5. Source and destination-side support (many recruitment agencies already have a representative on the destination side) to provide a seamless experience and single organization focal point
6. Training and use of dedicated licensed agents as an alternative to informal brokers
7. Capability to find workers with specific labour skills and experience by industry
8. Building of candidate pipelines
9. Higher-quality advertising (including online)
10. Supporting tailored skills testing or assessments of jobseekers
11. Higher-quality pre-departure training
12. Customized trainings aligned to employer requirements
13. Support and services for employer's on-boarding
14. Negotiation and follow-on support with workers and employers

As noted earlier, buyers can help incentivize employer behaviour change and ecosystem strengthening by communicating their expectations and requirements for more ethical sourcing across their supply chain.

- **Recommendation 7. Strengthened ethical business-enabling environment in Myanmar.** MOEAF, MOLIP and lead-firm Myanmar recruitment agencies need to be working in tandem with buyers and employers to build a dynamic ecosystem. This includes: reviewing the effectiveness of the current price ceiling and allowable fees given new regulatory environment; strengthening oversight of licensed agency practices; promoting greater transparency of licensed agents operating at the village level and enforcement steps taken to ensure legal brokering; and incentivizing Myanmar recruitment agency professionalization through a positive business enabling environment that ensures fair competition and stimulates good practice.

Challenge 6: Oversight of Thai recruitment agencies is minimal, compounded by the fact that there is no Thai industry association for recruitment and employment agencies.

- **Recommendation 8. Establish a Thai recruitment agency association.** As Thailand is a leading employer of foreign migrant workers in ASEAN, it is surprising that there is no Thai industry association for recruitment and employment agencies as there is for countries throughout Southeast Asia. Establishment of a well-functioning association should be considered. Stronger coordination and oversight would benefit Thai employers looking to embark on a more ethical track as well as counterparts from source-side countries looking to increase transparency and build dialogue around bilateral emerging trends, issues and opportunities.

Challenge 7: Workers are bearing the brunt of recruitment costs, because many employers are not paying any recruitment fees for their foreign migrant workforce and in fact may receive kickbacks from Thai agents. This also has led to an environment where Myanmar recruitment agencies receive minimal service fees from Thai employers or agents, and in order to maintain operations, rely on informal payments from brokers to place workers through formal channels.

- **Recommendation 9. Multi-stakeholder commitment to overhaul current recruitment practice.** The current recruitment process for the Myanmar-Thailand corridor can be summed up as a “worker pays” model and needs to be overhauled. Worker vulnerabilities and debt is pervasive and not in alignment with the codes of conduct and business ethos of responsible buyers. Implementing (or moving towards) an employer pays or fee-free approach to recruitment will substantially alter current practices of almost all players involved. The timing, however, is ripe for change with greater supply chain transparency, traceability, and attention on labour issues providing the conditions to move forward with ethical recruitment. Many employers are nervous about additional costs they may have to pay to recruit workers but simply meeting current Thai and Myanmar legislation will substantially reduce fees that migrant workers are paying, and there are early signs in Thailand of a demonstrated financially viable business case for employers adopting fair recruitment practices. Increasing transparency and reducing information asymmetries, coupled with worker empowerment, also has the potential to remove many of the informal fees and vulnerabilities that workers face during their migration journey. Financially viable ethical recruitment models are thus still being tested but a few key changes to current practices coupled with growing market demand can unlock the current system. Ethical recruitment provides the catalyst to transform the recruitment ecosystem.

Challenge 8: Information asymmetries abound throughout the labour recruitment process. There are significant information gaps in the current recruitment system that need to be reduced in order for the ecosystem to change and fair and ethical recruitment to be successful. These information asymmetries impact employers, recruitment agencies, and jobseekers.

- **Recommendation 10. Empowering jobseekers.** Jobseekers need to be empowered about their options and rights throughout each stage of the recruitment process. This includes being able to vet brokers, agents, and potential employers, understand their rights under Thai and Myanmar labour law, and know who to contact if they have questions or concerns about their situation. Jobseekers typically have limited information at key decision points, such as relying on word of mouth from other workers or promises provided by unlicensed agents or brokers at the very outset of their journey (village level). Networks of NGOs and civil society in Myanmar, such as the CSO-NET (as mentioned in Recommendation 2), are beginning to change this scenario, by supporting jobseekers with access to unbiased up-to-date information for safer migration and empowerment, as well as (re)integration of returnees. Tools like the Burmese-language smartphone app, Golden Dreams, provide a platform for current and prospective workers to share information about recruitment agencies, employers, and services providers and to receive notifications and support.
- **Recommendation 11. Connecting source country recruitment agencies directly with employers.** Source country recruitment agencies such as those in Myanmar need direct access to the employers where they are placing workers. The MOEAF estimates that only 30% of Myanmar

recruitment agencies currently have direct access to the Thai employer, despite having responsibilities for ensuring good working conditions for the migrant workers they are placing in those businesses. At a minimum, requiring designated employer and recruitment agency focal points can help improve access and information flow, with potential involvement from MOEAF, MOLIP or Labour Attachés if there are communication breakdowns.

Taking a market systems development approach, Issara's Ethical Recruitment Diagnostic and Program provides an example of a new system that supports many aspects of this ethical recruitment ecosystem transformation and addresses key challenges through collaboration with business and workers. It enables recruitment agencies and employers to discuss and develop mutually agreed upon priorities and pathways to ethical recruitment, guided by 7 main pillars. It will support further development and analysis of viable ethical recruitment financial models in practice, as well as share tools, ethical recruitment findings, and opportunities to crowd-in suppliers and recruitment agencies that want to advance fair recruitment practices (part of the systemic change framework), rather than picking "winners" - subsidizing a single recruitment agency can actually distort the marketplace despite good intentions. Global brand and retailer buyers/responsible sourcing teams are now beginning to take action to implement fee-free or employer pays commitments by encouraging participation among their supplier base (Thai employers), and recognizing genuine efforts to implement stronger recruitment practices. And throughout this process, job seekers and migrant workers are being empowered and provide additional verification of the value and quality of the services provided by recruitment agencies. Worker feedback is also informing due diligence and strengthening specific employer-recruitment agency ethical recruitment channels and broader ecosystem changes. For the latter, Issara's Golden Dreams smartphone app contains anonymous, publicly shared feedback in a Yelp-like platform where migrant workers rate their recruitment agencies and employers across six scales (treatment, costs, etc.).

There are clear steps to advance ethical recruitment within the Myanmar-Thailand corridor and to test and develop financially viable models. Transforming the current recruitment ecosystem to have more transparency and accountability would most successfully occur through the efforts of a range of stakeholders, with global brands and retailers being a driving force, but with a role for Asian businesses and governments, and civil society as well to promote and drive measurable behaviour and systems change.

ENDNOTES

1. Testaverde, Mauro, H Moroz, C Hollweg, and A Schmillen (2017). *Migrating to Opportunity: Overcoming Barriers to Labour Mobility in Southeast Asia*. Washington DC: World Bank.
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4. IRIS / IOM: <https://iris.iom.int/fair-workers>
5. The Springfield Center (2015). *The Operational Guide for the Making Markets for the Poor (M4P) Approach*, 2nd edition. Funded by SDC and DfID.
6. Ibid 5.
7. Ibid 1.
8. ASEAN is the Association of Southeast Asia Nations, comprising Thailand, Vietnam, Indonesia, Malaysia, Philippines, Singapore, Myanmar (Burma), Cambodia, Lao PDR, and Brunei.
9. Ibid 1.
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11. United Nations Office of the High Commissioner (2011). *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*. New York and Geneva: United Nations.
12. <https://www.ihrb.org/dhaka-principles>
13. <http://www.ilo.org/global/topics/fair-recruitment/lang-en/index.htm>
14. Ibid 3.
15. <http://www.responsiblebusiness.org/initiatives.rli/>
16. <https://www.theconsumergoodsforum.com/initiatives/social-sustainability/key-projects/priority-industry-principles/>
17. <https://www.ihrb.org/employerpays/leadership-group-for-responsible-recruitment>
18. Martin, Philip (2007). *The Contribution of Migrant Workers to Thailand: Towards Policy Development*. Bangkok: International Labour Organization (ILO).
19. Using MOLIP MOU statistics (2018), there were 420,100 MOU workers from 2011 to 2017. This represents only approximately 1% of the current estimated 4,000,000+ Burmese workers in Thailand.
20. The list of laws and policies relevant to this issue continues to grow; key references include: Department of Labour, Labour Protection Act 1998; Department of Labour, Labour Protection Act 2008; Department of Labour, Labour Protection Act in Sea Fishery Work 2015; Council of State, Thai Ministerial Regulations on Labour Protection 1998; Council of State, Thai Ministerial Regulations on Labour Protection 2000; Ministry of Labour, Ministerial Regulations on Labour in Agriculture Protection 2004; Ministry of Labour, Ministerial Regulations on Labour in Agriculture Protection 2014; Ministry of Labour, Labour Protection Act in Sea Fishery Work 2014; Ministry of Labour, Ministerial Regulations on Employing Workers Under 18 Years Old 2016; Ministry of Labour, Royal Ordinance on Migrant Management 2017.
21. Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on cooperation in the employment of workers. http://www.ilo.org/asia/info/WCMS_160932/lang-en/index.htm
22. MOLIP MOU statistics (2018).
23. Ibid 19.
24. <https://www.mmtimes.com/national-news/yangon/26675-ban-lifted-on-going-to-malaysia-for-work.html>
25. Ibid 22.
26. MOEAF statistics (2018).
27. Pers. Comm. MOEAF, MOLIP, and Myanmar recruitment agencies.
28. Pers. Comm. MOLIP.
29. The statement of U Kyaw Zaw, Joint Secretary for MOEAF, can be seen in Issara Institute's documentary *Building Ethical Recruitment Channels*, which can be found on the Issara Institute Youtube channel at <https://www.youtube.com/watch?v=09QEaqlfMIQ>. Bangkok: 2017.
30. <http://www.publicprivatedialogue.org>
31. <https://www.mmtimes.com/business/technology/17727-myanmar-named-fourth-fastest-growing-mobile-market-in-the-world-by-ericsson.html>
32. CSO-NET consists of approximately 25 Myanmar NGOs working together to support jobseekers and returned exploited migrants from Thailand, and is enabled by Walmart Foundation's support to the Issara Empowerment Incubator.



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