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LABOUR RIGHTS IN THAILAND: Structural Inequalities Across Formal, Informal, and Migrant Workforces



Joint UPR Submission to the UN Universal Periodic Review

53rd Session of the UPR Working Group





Joint UPR Submission: Labour Rights in Thailand:
Structural Inequalities Across Formal, Informal, and Migrant Workforces
April 2026

Submission by

Women Workers for Justice Group (WJG), Thai Metal Products YMP Labour Union (YMP Labour Union), Migrant Workers Federation, HomeNet, Fair Action International Rights, Rights and Development for Migrant Workers Network, HomeNet Thailand, The Migrant Working Group (MWG), Manushya Foundation, Thai Business & Human Rights Network and the Thai CSOs Coalition for the UPR and UN Mechanisms

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Table of Contents

04 Introduction

05 International and Domestic Legal Framework on Labour Rights

07 Formal Workers: Weak Enforcement and Lack of Effective Remedies

08 Informal Workers: Structural Exclusion from Labour Rights and Social Protection

10 Migrant Workers: Legal, Administrative, and Structural Barriers

13 Cross-Cutting Structural Issues Affecting Labour Rights

14 Recommendations

16 Endnotes

1. Introduction

1.1. This submission by *Women Workers for Justice Group (WJG), Thai Metal Products YMP Labour Union (YMP Labour Union), Migrant Workers Federation (MWF), HomeNet, Fair Action International Rights (FAIR), Rights and Development for Migrant Workers Network, Migrant Working Group (MWG), Manushya Foundation, Thai Business & Human Rights Network,* and *the Thai CSOs Coalition for the UPR* examines the systemic failure of Thailand's labour regime to ensure equal protection of labour rights, in light of recommendations accepted during the 3rd UPR cycle, as well as the Concluding Observations of the Committee on the Elimination of Discrimination against Women (2025).[11] The submission highlights how labour protections in Thailand are structurally unequal, leaving informal workers and migrant workers, particularly women, excluded from effective labour protection, social security, and access to remedies.

1.2. According to the 2025 OECD Economic Surveys, Thailand's labour force comprises approximately **40.1 million workers**, of whom only **47.7% are in formal employment**, while the majority, over **52.3%, are engaged in informal work**[22] without full access to labour protections and social security systems. At the same time, Thailand relies heavily on migrant labour: as of 2024-2025, there are over **3.1 million registered migrant workers**, with total non-Thai residents estimated at over 5.3 million, primarily from Myanmar, Cambodia, Lao PDR, and Vietnam, working predominantly in low-paid and low-skilled sectors.[33]

1.3. During the 3rd UPR cycle, Thailand received at least twenty recommendations related to labour and migrant workers' rights. While seventeen were supported, key recommendations, such as ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), were noted and remain unimplemented.

1.4. This submission highlights that Thailand's labour regime operates through a structurally unequal system, where protections are stratified across:

- Formal workers (legally protected but facing weak enforcement),
- Informal workers (systematically excluded), and
- Migrant workers (subjected to structural and administrative discrimination).

1.5. Despite the existence of legal frameworks, workers across these categories face persistent barriers to labour protections, social security, and effective remedies. The submission is structured as follows:

- Section 2 examines International and Domestic Legal Framework on Labour Rights,
- Section 3 discusses the Weak Enforcement and Lack of Effective Remedies for Formal Workers,
- Section 4 addresses the Structural Exclusion from Labour Rights and Social Protection for Informal Workers,
- Section 5 examines the Legal, Administrative, and Structural Barriers for Migrant Workers,
- Section 6 analyses the Cross-Cutting Structural Issues Affecting Labour Rights,
- Section 7 provides recommendations.

2. International and Domestic Legal Framework on Labour Rights

2.1. **International Human Rights Obligations:** Thailand is a State party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which guarantees the right to work (Article 6), the right to just and favourable conditions of work (Article 7), and the right to social security (Article 9). These rights include access to safe and healthy working conditions, fair wages, and protection against unemployment.[44] However, despite these commitments, these rights are not guaranteed in practice across Thailand's labour system.

2.2. Thailand has also **not ratified key international instruments**[55] essential to ensuring equal labour protection, including:

- the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW),
- ILO Convention No. 87 (Freedom of Association),
- ILO Convention No. 98 (Collective Bargaining),[66]
- ILO Convention No. 189 (Domestic Workers Convention),
- ILO Convention No. 131 (Minimum Wage Fixing), and
- ILO Convention No. 183 (Maternity Protection).

2.4 This incomplete ratification framework contributes to legal and policy gaps that disproportionately affect formal, informal and migrant workers.

2.3. **Domestic Legal Framework Governing Labour Rights:** At the domestic level, labour rights in Thailand are governed by a fragmented legal framework that provides unequal levels of protection depending on workers' status. The core legislation includes:

- The Labour Protection Act B.E. 2541 (1998),[77] which regulates wages, working conditions, and termination of employment for formal workers;
- The Social Security Act B.E. 2533 (1990),[88] which establishes access to benefits including unemployment, sickness, and old-age protection;
- The Labour Relations Act B.E. 2518 (1975),[99] which governs collective labour relations, trade unions, and dispute resolution;
- The Bankruptcy Act B.E. 2483 (1940),[1010] which regulates insolvency and rehabilitation processes affecting workers' access to compensation.

2.4. In principle, this framework provides legal protection for workers in formal employment. However, in practice, significant gaps in enforcement and legal design undermine these protections, particularly in cases of dismissal, business closure, and access to remedies.

2.5. **Legal Framework on Informal Workers:** Thailand has adopted limited legislation addressing informal workers, most notably the Home Workers Protection Act B.E. 2553 (2010).[1111] This law was the result of long-standing advocacy by informal worker networks, including HomeNet Thailand, and formally recognises home-based workers by providing protections such as wage guarantees and equal treatment. However, more than a decade after its adoption, the law remains largely ineffective in practice. Key limitations include:

- the absence of secondary legislation on piece-rate wages,
- weak enforcement mechanisms,
- limited labour inspection capacity, particularly for home-based workplaces,
- lack of integration with broader social security systems.

2.6. Furthermore, under the Social Security Act,[1212] informal workers are not covered by the mandatory social security system applicable to formal workers (Section 33), but may instead voluntarily enroll under Section 40. This scheme requires workers to contribute individually and provides only limited benefits, with significantly lower levels of protection compared to the formal system. In particular, it offers restricted coverage in relation to maternity protection, unemployment benefits, and long-term social security. As a result, Section 40 does not operate as an equal extension of social protection, but rather as a parallel and inferior system that reinforces structural inequalities between formal and informal workers. This creates a two-tier system, where informal workers are formally recognised but substantively excluded.

2.7. **Legal Framework Governing Migrant Workers:** Migrant workers in Thailand are governed by a distinct legal and administrative framework that links their legal status directly to employment. Key legislation includes:

- The Emergency Decree on the Management of Foreign Workers' Employment (No. 2) B.E. 2561 (2018);[1313]
- Relevant Cabinet Resolutions regulating registration, work permits, and regularisation processes;
- The Social Security Act,[1414] which in principle includes migrant workers under certain conditions;
- The Labour Relations Act,[1515] which restricts migrant workers' rights to form trade unions.

2.8. Under this framework, migrant workers' right to remain in the country is contingent upon continuous employment and strict compliance with complex administrative procedures. As a result, access to rights is not guaranteed, but conditional on maintaining legal status at all times.

2.9. In practice, these legal requirements create structural barriers. For example, migrant workers who lose their jobs must secure a new employer within 30 days in order to maintain their legal status under the Emergency Decree on the Management of Foreign Workers' Employment (NO. 2), B.E. 2561 (2018).[1616] At the same time, the Social Security Office requires unemployed workers to report their unemployment within eight days in order to qualify for unemployment benefits. These overlapping requirements create practical impossibilities, effectively denying migrant workers access to their rights in practice.

2.10. Under Thailand's Social Security Act,[1717] insured workers are entitled to unemployment benefits, 30% of wages for up to 90 days in cases of voluntary resignation, and 50% for up to 180 days in cases of dismissal. In principle, migrant workers registered under Section 33[1818] are equally entitled to these benefits. However, in practice, access is severely restricted by legal and administrative barriers, including the short timelines to maintain legal status, dependency on employers for documentation, complex procedures, and language barriers. As a result, equal entitlement in law does not translate into equal access in practice.

2.11. In addition, migrant workers face legal restrictions on their right to freedom of association. Under Section 88 of the Labour Relations Act,[1919] only Thai nationals may register as founders of a trade union. This effectively prevents migrant workers from forming their own unions and limits their ability to collectively organise and advocate for their rights. When compliance becomes impossible, rights exist only on paper.

3. Formal Workers: Weak Enforcement and Lack of Effective Remedies

3.1. **Violations of labour rights in cases of business closure and restructuring:** Several cases demonstrate how Thailand's legal framework can be used to undermine workers' rights. In cases involving manufacturing companies in industrial areas such as Samut Prakan[2020] [2121] and Chonburi,[2222] hundreds of workers were dismissed without receiving legally mandated compensation after employers entered rehabilitation proceedings. In one case[2323], approximately 350-400 workers were dismissed and were owed around 70 millions baht in compensation, but the debt was placed into the company's rehabilitation plan, delaying payment indefinitely. Years after the dismissal, many workers still had not received their compensation.

3.2. **Misuse of bankruptcy and rehabilitation procedures to avoid compensation:** The misuse of bankruptcy and rehabilitation procedures has severe consequences for workers and their families. Workers can lose their income overnight while being denied legally guaranteed wages and severance. Delays in investigating fraudulent bankruptcy claims often leave workers without income for extended periods, leading to debt, loss of housing, and disruption to their children's education. These situations expose critical gaps in Thailand's legal framework, where bankruptcy processes often prioritize corporate restructuring over the protection of workers' rights and livelihoods.[2424]

3.3. Workers in some cases[2525] continue to face prolonged hardship due to legal gaps. More than five years after their dismissal, they have not received legally mandated compensation and have only been given about 500 baht per month, far below what is required and insufficient for basic living expenses. This highlights how bankruptcy and rehabilitation procedures can be misused, leaving workers without effective remedies while prioritizing corporate restructuring over their livelihoods. Employers[2626] sometimes misuse bankruptcy procedures to avoid paying workers' compensation by transferring assets before filing, making the company appear unable to pay wages or severance. This practice leaves workers without effective remedies and deprives them of compensation they are legally entitled to. Under Section 130 of the Bankruptcy,[2727] secured creditors are given priority in the distribution of a bankrupt company's assets. As a result, when company assets are sold during bankruptcy proceedings, the majority of proceeds may be used to repay secured creditors first, leaving little or no remaining funds to pay workers' wages or severance compensation.

3.4. **Socio-economic impact on workers and their families:** Some employers[2828] in Thailand use so-called "voluntary resignation" schemes to avoid paying severance pay. Workers are encouraged or pressured to resign, with promises that they will receive compensation higher than what the law requires. However, these promises are often not fulfilled. As a result, workers lose their legal protection and are left without compensation or income, causing serious financial hardship for workers and their families.

3.5. The CEDAW Committee has also highlighted persistent gender pay gaps and unequal working conditions affecting women workers, including migrant women, particularly in low-paid sectors.[2929]

4. Informal Workers: Structural Exclusion from Labour Rights and Social Protection

4.1. **Overview of informality in Thailand's labour force:** Informal employment remains the dominant form of work in Thailand. Recent data from the OECD indicates that, out of approximately **40.1 million workers nationwide, 52.3% are engaged in informal employment**,[3030] meaning that the majority of the workforce remains outside full labour protections and social security systems. This is corroborated by national data from the National Statistical Office (NSO) showing that informal workers number over 21 million people, exceeding the formal workforce and forming the backbone of Thailand's economy in 2024.[3131] The CEDAW Committee has recognized that women are disproportionately concentrated in the informal economy and face limited access to labour protections and social security.[3232]

4.2. The majority of informal workers are concentrated in agriculture, trade, and low-paid service sectors, where income is unstable and working conditions are often unregulated. Many operate without contracts, social protection, or access to benefits such as unemployment insurance, healthcare, or pensions, leaving them highly vulnerable to economic shocks.[3333] Informality is not evenly distributed. It is highest in rural and economically marginalized regions, reaching over 75% of the workforce in the Northeast and nearly 70% in the North, reflecting deep structural inequalities in access to formal employment and social protection.[3434] At the urban level, research by HomeNet Thailand and WIEGO further shows that informal workers constitute approximately 42% of the workforce in Bangkok,[3535] demonstrating that informality is not confined to rural areas but remains deeply embedded in Thailand's economic structure. Despite its scale, informality in Thailand is not treated as the norm, but as an exception, resulting in the exclusion of the majority of workers from effective labour protection.

4.3. **Home-based workers and ineffective implementation of legal protections:** Although informal workers, including home-based workers, are formally protected under legislation such as the Home Workers Protection Act,[3636] significant gaps in implementation persist, limiting the effective protection of their rights in practice. They perform paid labour within their homes yet experience some of the lowest levels of income and security in the Thai workforce. Their working environments remain largely unregulated and are often described as unknown, inadequate, and at times hostile.[3737] Respondents to interviews conducted by HomeNet noted the absence of secondary legislation on piece-rate wages, making protections ineffective. Enforcement is weak due to misunderstandings and limited labour inspection capacity, including difficulty accessing home-based workplaces.[3838] Home-based workers face worsening conditions due to rising costs, volatile fuel prices, and cheap imports. Transport costs can exceed profits, and regulations fail to address wages, training, social security, or maternity benefits.[3939]

4.4. **Unpaid care work and lack of recognition of informal caregivers:** Informal workers are on the front line in the care work sector. Thailand's ageing population (around 13 million elderly) is increasing care needs,[4040] largely met by unpaid family members, mainly women,[4141] who spend significantly more time on elder care (about 2-2.5 hours daily).[4242] The World Health Organization has pointed out the health burdens shouldered by informal caregivers, emphasizing the physical, emotional, and financial

strains associated with this role.[4343] Consequently, the Ministry of Public Health has developed caregiver certification standards through the Village Health Volunteer system[4444], providing a monthly allowance of 2,000 baht for certified caregivers of bedridden patients. However home-based workers who simultaneously perform care duties for family members are excluded from this benefit because they cannot meet the certification requirement of 180 hours of training.[4545] Workers cannot afford to suspend their productive work to attend training, and taking time away from work creates additional expenses if they must hire substitute caregivers. Institutions such as Mahidol University have developed training materials for informal caregivers, while HomeNet Thailand is evaluating them to support policy recommendations for recognizing these workers as "assistant caregivers."

4.5. **Maternity protection gaps and exclusion of informal workers:** Thailand's Labour Protection Act was amended in 2025 to extend maternity leave from 98 days to 120 days, with employers required to pay full wages for 60 days.[4646] The amendment increases maternity leave from 98 days to 120 days. Employees will receive full wages for up to 60 days during the leave period. The law also extends protection to contract workers in government agencies, ensuring they receive benefits equivalent to regular employees.[4747] However, respondents[4848] to interviews conducted by HomeNet emphasized that informal workers covered under Section 40 of the Social Security Act B.E. 2533 (1990)[4949] do not automatically benefit from these enhanced provisions. They require separate legislative action to extend similar maternity protections. Thailand has approximately 20 million independent workers who are not covered by the Social Security Fund, and it is estimated that around 10 million of them are women.[5050] This indicates that gaps in social protection disproportionately affect women in informal and independent forms of work, particularly in relation to maternity protection and income security. This creates a two-tier system in which formal sector employees gain improved maternity benefits while the majority of informal working women remain excluded from equivalent protections. The CEDAW Committee further noted that women in the informal economy are not adequately protected from dismissal during pregnancy and lack access to maternity leave and childcare support, reinforcing structural inequalities in labour and social protection systems.[5151]

4.6. **Ageing workforce and lack of social protection:** Age is also a discriminating factor. Interview data from HomeNet Thailand reveals that informal workers aged 53 and above face distinct vulnerabilities.[5252] Older home-based workers report difficulty adapting to changing market demands due to limited access to skills development programmes.[5353] Respondents cited an example during the national period following the passing of the late King Bhumibol Adulyadej, when there was high demand for black Thai fabric garments.[5454] Older garment workers lacked the updated skills to produce these items, resulting in lost income opportunities. Age-based employment practices create structural disadvantages.[5555] For domestic workers, the maximum hiring age is often set at 35 years, meaning workers above this threshold face exclusion from the sector despite having potentially 25+ years of remaining working life before reaching retirement age.[5656] Debate continues over retirement age: formal workers favor keeping it to access benefits, while informal workers must keep working due to lack of comparable pension protection.[5757]

4.7. **Climate change and occupational health risks:** Extreme heat is an escalating urban challenge in Bangkok, yet climate and labour policies remain poorly aligned with the lived realities of workers in informal employment. Research by WIEGO and HomeNet Thailand, based on a survey of over 1,000

workers, focus groups, and key informant interviews, shows that home-based workers and street vendors are already experiencing severe impacts on work, health, and income. Informal employment accounts for approximately 42% of all jobs in Bangkok, and the study found that 78% of vendors and 81% of home-based workers had to reduce their working hours because of heat. Heat also directly affects workers' health: 73% of vendors and 80% of home-based workers reported heat-related illness, while 53% of vendors and 67% of home-based workers required medical attention. The economic burden is equally severe, with 95% of vendors and 88% of home-based workers reporting additional costs to stay cool and continue working. The study further highlights that national and local climate frameworks remain technocratic and sectoral, with no explicit reference to informal livelihoods, leaving workers to rely on ad hoc, self-financed coping strategies rather than rights-based protection. These findings underscore the urgent need for coordinated action between the Ministry of Labour, the Ministry of Public Health, and climate-related agencies, including climate-responsive workplace infrastructure, targeted early warning systems, and stronger social protection for workers in informal employment, including under Section 40 of the Social Security Fund.[5858] The CEDAW Committee has also raised concerns about the lack of integration of a gender perspective in climate change policies and the limited understanding of the disproportionate impact of climate change on women, particularly those whose livelihoods depend on vulnerable sectors.[5959]

4.8. **Economic vulnerability and cost-of-living pressures:** The impacts of climate change are compounded by a broader cost-of-living crisis, which has significantly eroded the economic resilience of informal workers. Research conducted by WIEGO and HomeNet Thailand on street vendors in Bangkok shows that inflation reached 6% in 2022, the highest level in over 20 years, while low-income households spend nearly half of their income on food, making them particularly vulnerable to price shocks. A typical street vendor earns approximately 16,200 THB per month, with the majority reporting declining incomes in 2023. At the same time, vendors face rising costs of raw materials, energy, and transport, while being unable to increase prices due to reduced purchasing power among customers. As a result, workers are forced into survival strategies that undermine their right to an adequate standard of living, including reducing household food consumption, working longer hours, and taking on debt. Nearly half of those interviewed reported borrowing money, often through informal lenders charging interest rates of up to 20% per month. Structural factors further exacerbate these vulnerabilities, including restrictions on access to public space, evictions, and climate-related disruptions such as flooding and extreme heat, which damage goods and reduce demand.[6060]

5. Migrant Workers: Legal, Administrative, and Structural Barriers

5.1. **Overview of migrant labour in Thailand and dependency on state systems:** According to IOM, in January 2024, there were 3,143,120 migrant workers in a regular situation in Thailand, representing 7.2% of Thailand's workforce, and contributing to 4.3-6.6% to the GDP.[6161] The IOM report also indicates that women migrant workers represent 44%, while men migrant workers represent 56%.[6262]

5.2. Migrant workers are extremely dependent on the State because their residence permit is directly linked to their employment and administrative procedures. Yet, they are marginalized with complicated procedures and administrative barriers that make it challenging for migrant workers in Thailand to register and regularize their legal status. Language obstacles further prevent them from

completing these processes independently, forcing them to depend on agents or employers for assistance.[6363] As **Aye Aye Ma**, a migrant worker summarized: "***I am Burmese and a migrant worker, that is why the police don't care about this case… My husband and I are only migrant workers and we have no rights here***".[6464]

5.3. **Barriers to social security and welfare access:** Migrant workers face barriers in accessing social protection. As an example legal rules limit migrant workers' access to unemployment benefits: they must find a new job within 30 days[6565], and benefits stop once re-employed, leaving only a short claim period (around 22 days). Failure to find work risks loss of legal status, detention, or deportation, undermining access to protection despite their contributions.
Besides, the Ministry of Labour allows health checks and insurance through public and private facilities, but in 2025 over 400,000 cases involved fake or uncertified medical documents, including from unapproved private facilities.[6666] This undermines disease surveillance, while public hospitals lack access to the online system and no integrated platform exists, requiring manual document uploads. The system creates unequal access to health benefits and favours private providers. Limited planning and lack of coordination with the Ministry of Public Health increase risks when migrant workers' private insurance expires or is insufficient, leaving them unable to pay for treatment at public hospitals.[6767] Overall, poor coordination in implementing Cabinet measures has affected employers and workers and created risks for the national health system.

5.4. Migrant workers face additional administrative requirements when accessing child allowance benefits under the social security system[6868]. To receive the monthly child allowance of 1,000 baht, migrant workers must verify each year that their child is still alive by submitting a certification document. This document must be confirmed and signed by the employer. These procedures limit their ability to access child allowance benefits.[6969]

5.5. Migrant workers also struggle to access to old-age benefits under Thailand's social security system[7070] although they contribute to the old-age fund. They should be entitled to receive the old-age gratuity when they return to their home country but recent ministerial regulations[7171] restrict this right. Migrant workers can withdraw their benefits only if Thailand has a bilateral agreement on social security with their country of origin. In practice, this condition prevents many migrant workers from accessing their own contributions when they return home.

5.6. Disabled migrant workers becoming unable to continue working often face difficulties maintaining their legal status in Thailand. When their work permit expires, they may lose the ability to renew their labour registration, which can result in the loss of access to social security benefits and other forms of protection.

5.7. The CEDAW Committee has further highlighted barriers faced by migrant women workers, including restrictions in changing employers and limited access to labour protection and social security.[7272]

5.8. **Structural barriers in labour registration and legal status:** Regarding administrative processes, migrant workers often depend on their employers to manage important documents such as work permits and labour registration. It creates a power imbalance, as workers cannot easily manage or renew their

documents independently. As a result, migrant workers face difficulties changing employers or reporting labour rights violations, increasing their risk of exploitation.[7373] They also often rely on brokers to arrange employment and travel. Because the process for obtaining work permits and legal documents can be complex, many workers have little choice but to use intermediaries. It increases the risk of exploitation, including excessive fees, debt, and situations that lead to labour trafficking or forced labour.[7474] Policies that allow countries of origin and brokers to charge high "brokerage fees," such as for Myanmar workers, further burden employers and workers during an economic downturn.[7575] Although complaints have been submitted to the Department of Employment, there have been no measures to investigate these networks. Migrant workers are then unable to complete identity documents in time and cannot obtain visa endorsements, causing them to become undocumented workers.[7676]

5.9. **Failures in migrant worker management systems:** The transition to the e-WorkPermit system on 13 October 2025, instead of facilitating the process, has created major bottlenecks. Migrant workers and employers often cannot access their data, preventing work permit renewals and employment notifications.[7777] The system requires workers to submit notifications and complete biometric registration before employers can proceed, but long appointment queues make it difficult to meet legal deadlines. Employers face penalties if they fail to notify within 15 days, and workers risk becoming undocumented if employer changes are not completed within 60 days. Conflicts with existing legal requirements remain unresolved despite discussions. Lengthy, dual-level verification delays approvals (more than 15 days), system instability risks leaving over one million workers undocumented, and a shift to manual processes has caused confusion without resolution.[7878]

5.10. Under the Cabinet Resolution of 2 December 2025, work permits for Lao and Vietnamese workers expiring on 13 February 2026 and for Myanmar, Lao, and Vietnamese workers expiring on 31 March 2026 required renewal within very short timeframes.[7979] Lao and Vietnamese workers had only five working days (7–13 February 2026) to complete health checks, insurance, and renewal, but unclear procedures and unavailable services prevented completion, causing workers to become undocumented. Around 900,000 workers from Myanmar, Lao, and Vietnam were given only 30 working days, posing similar risks.[8080] Delays also affected Myanmar workers under the 8 July 2025 resolution, leading to missed deadlines, fines, and undocumented status due to late visa documents. These short timelines and administrative delays have burdened employers, increased undocumented workers, and exposed issues such as broker exploitation, poor coordination with origin countries, and administrative failures.

5.11. **Exclusion from labour rights and protections:** Migrant workers in Thailand face legal restrictions on their right to form and lead trade unions. Under the Labour Relations Act B.E. 2518 (1975) Section 88[8181], only Thai nationals are allowed to register as founders of a trade union. As a result, migrant workers cannot freely establish their own unions and have limited ability to collectively organise and advocate for their labour rights. Migrant workers are restricted from working in certain occupations that are reserved for Thai nationals. These restrictions limit migrant workers' employment opportunities and prevent them from working according to their skills and qualifications[8282]. As a result, many migrant workers are confined to low-paid and low-skilled jobs.

5.12. **Migrant domestic workers and exclusion from social protection:** Migrant workers are often excluded from social protection mechanisms, as Interview respondents highlighted.[8383] Unlike Thai peers who have an option to voluntarily enroll and access benefits under Article 40 of the Social Security Fund, there is no path to social security for migrant domestic workers, Article 40 applies to Thai nationals only.[8484] Even for domestic workers with clearly identified employers, legal protection remains insufficient as they are not currently covered under the mandatory social security system. Although the Social Security Board has already approved a resolution to include domestic workers in the social security system[8585], the implementation remains stalled at the executive level. The process of bringing this resolution to the Cabinet for approval has been significantly delayed by political instability, evidenced by the appointment of three different Ministers of Labour within a single year. Respondents noted that this high turnover in leadership has caused a lack of policy continuity and hindered the progress of critical labour reforms.[8686] Furthermore, migrant workers providing care for bedridden patients cannot access caregiver certification programmes due to nationality-based eligibility restrictions, despite possessing the skills and providing essential services. As one worker noted, "***No maternity protection for domestic workers is unfair... Without maternity protection, if we become pregnant, we will lose our job***".[8787]

5.13. **Access to education for children of migrant workers:** Finally, concerning migrant workers' children, they usually lack access to education systems. Under Section 10 of the National Education Act B.E. 2542 (1999)[8888] and the Cabinet Resolution of 5 July 2005, all children in Thailand are entitled to access basic education regardless of nationality or legal status. In practice, migrant children still face barriers to education, as some schools are reluctant to enroll them and instruction is mainly in Thai without support for their mother languages, limiting equal access and continuity.[8989]
Learning centres established for children of migrant workers play an important role in providing access to education. However, these centres lack clear legal recognition under Thai law. While the National Education Act B.E. 2542 (1999)[9090] guarantees the right to education, it does not provide a framework for recognising migrant learning centres. Many centres are unable to register under the Private School Act B.E. 2550 (2007)[9191] due to strict regulatory requirements. As a result, migrant learning centres often operate without legal protection and face uncertainty in providing stable educational support for migrant children.[9292] Migrant children face practical barriers to education, as school schedules and transport often do not match parents' long working hours, and lack of childcare makes attendance and continuity difficult.[9393]

6. Cross-Cutting Structural Issues Affecting Labour Rights

6.1. **Gaps in Mandatory Human Rights and Environmental Due Diligence (mHREDD) framework:** Thailand is drafting a Draft Act on the Promotion of Responsible Business Conduct, requiring businesses operating in the country to identify, prevent, and address human rights and environmental risks across their operations and supply chains.[9494] The concerns have been raised that the proposed mHREDD framework in Thailand may place greater emphasis on corporate compliance while providing limited safeguards for affected workers. In particular, the framework does not adequately ensure the meaningful participation of workers and affected communities in due diligence processes, including risk assessment, monitoring, and remediation.[9595]

6.2. **Labour shortages and economic impacts linked to migration governance:** The conflict along the Thailand-Cambodia border and the closure of border checkpoints have resulted in a severe shortage of labor in the agricultural and fisheries sectors. However, government policies have not been flexible enough to extend deadlines or provide relaxation measures for workers under Section 64 or other temporary exemption groups. Pushing these skilled workers out of the system directly disrupts the production chain of Thai businesses and has resulted in a sudden labor shortage of more than 400,000 workers.[9696]

6.3. The CEDAW Committee has emphasized the need to address intersecting forms of discrimination affecting women, including migrant women, rural women, and women in informal employment.[9797]

7. Recommendations

7.1. Strengthening the Legal and International Framework

- In line with the 2025 CEDAW Concluding Observations to Thailand, ensure the expansion of labour and social protection to all workers, particularly women in informal employment, domestic workers, and migrant workers.
- Ratify key international labour standards, including: ILO Convention No. 189 (Domestic Workers), ILO Convention No. 87 and 98 (Freedom of Association and Collective Bargaining), ICRMW.
- Ensure that the Draft Act on Responsible Business Conduct guarantees meaningful participation of workers and affected communities, and access to effective remedies.

7.2. Ensuring Access to Justice and Effective Remedies for Formal Workers

- Reform the Bankruptcy Act B.E. 2483 (1940) to prioritize workers' claims (wages, severance) over secured creditors and prevent abuse of rehabilitation procedures.
- Establish a Workers' Compensation Guarantee Fund to ensure immediate payment of wages and severance in cases of company closure or insolvency.
- Strengthen enforcement mechanisms to prevent forced resignations, wage theft, and delayed compensation, ensuring effective access to remedies.

7.3. Expanding Labour Rights and Social Protection for Informal Workers

- In line with the 2025 CEDAW Concluding Observations to Thailand, extend full labour protections and social security coverage to workers in the informal economy, including through reform of Section 40 of the Social Security Act to ensure equal benefits.
- Ensure equal maternity protection for informal workers, including paid leave and income security equivalent to formal sector standards.
- Recognize and support unpaid care work, including: expanding caregiver allowances, introducing flexible certification pathways, integrating care work into social protection systems.
- Strengthen implementation of the Home Workers Protection Act by: adopting piece-rate wage standards, improving labour inspections adapted to home-based work.
- Integrate climate-related occupational risks into labour and public health frameworks, ensuring protection for informal workers exposed to extreme heat and environmental hazards.

7.4. Guaranteeing Rights and Protection for Migrant Workers

- In line with the 2025 CEDAW Concluding Observations to Thailand, remove legal and administrative barriers restricting migrant workers' access to labour rights, including the ability to change employers and access social protection independently.
- Reform the Social Security Act and related regulations to ensure equal access for migrant workers to unemployment benefits, healthcare, pensions, and child allowances.
- Ensure inclusion of domestic workers, including migrant domestic workers, in the mandatory social security system without delay.
- Amend the Labour Relations Act B.E. 2518 (1975) to guarantee freedom of association for migrant workers, including the right to form and lead trade unions.
- Simplify labour registration and regularisation procedures to reduce dependency on employers and brokers and prevent exploitation.

7.5. Addressing Structural Inequalities and Intersectional Discrimination

- In line with the 2025 CEDAW Concluding Observations to Thailand, adopt targeted measures to address intersecting forms of discrimination affecting women, including migrant women, rural women, and women in informal employment.
- Ensure that climate, labour, and economic policies integrate a gender-responsive and worker-centered approach, particularly for those in vulnerable and informal sectors.
- Decriminalize sex work and ensure access to labour protections, social security, and protection from violence and exploitation.

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Joint UPR Submission: Labour Rights in Thailand: Structural Inequalities Across Formal, Informal, and Migrant Workforces
April 2026

Submission by

Women Workers for Justice Group (WJG), established for the first time in 2016 consists of a wide variety of women workers in Chiang Mai and provinces nearby. We work with many networks and many organisations who work on similar issues such as women's rights, violence against women. Female labour and child sexual abuse. We strongly continue to drive our voices in both national and International.

Thai Metal Products YMP Labour Union (YMP Labour Union) is a labour union representing workers in the metal manufacturing sector in Thailand. The union works to protect workers' rights, promote fair labour conditions, and advocate for justice and compensation for workers affected by labour rights violations.

HomeNet Thailand is the Network of Homeworkers, formed through the gathering of homeworkers and non-governmental development organisations in Bangkok, the Northern region, and the Northeastern region since 1992. It was established under the Social Protection Promotion Project for homeworkers, implemented by the International Labour Organization (ILO). After the project ended in 1996, the network has continued its work until the present and is known as the "Informal Workers Network" or Homenet Thailand.

The Migrant Working Group (MWG) was established in 2006 in response to shared concerns among member organizations over the injustice faced by migrant workers, particularly regarding their exclusion from the social security system. Recognizing the power of collective action, MWG has held monthly meetings since February 2006 as a sustained platform for information exchange, problem analysis, policy advocacy, and coordinated action. Collaborating with government agencies, academia, and civil society, MWG focuses on three core areas: health, education, and labor rights. Its overarching goal is to ensure that migrant populations can access their rights and live with dignity, equality, and without discrimination.

Manushya Foundation is a women-led, decolonial and intersectional feminist organisation building cross-border safety nets of protection, solidarity, and accountability across Asia. We strengthen the political power and decision-making leadership of feminists, youth movements, and frontline communities. Our work shifts power by bridging emergency protection for activists facing repression and transnational repression, movement lawyering to confront corporate abuse and false climate solutions, defense of digital rights and civic space in increasingly surveilled environments, and grassroots-led advocacy engaging international accountability systems to advance structural justice.
For more, see https://www.manushyafoundation.org/.

The Thai Business and Human Rights Network is an informal, inclusive and intersectional coalition of human rights defenders, community leaders, researchers, academics, and non-governmental organisations from the local, national and regional spheres, who are joining hands to ensure local communities are central to the business and human rights response in Thailand. The Network engages in advocacy, dialogue, and monitoring of business and human rights commitments made by the Royal Thai Government, in particular in engaging in the development and monitoring of the National Action Plan on Business and Human Rights.

The **Thai CSOs Coalition for the UPR and UN Mechanisms (Universal Periodic Review)**, established during Thailand's Second UPR cycle, is a people-led, intersectional feminist movement bringing together local communities and national civil society organisations across all human rights sectors. As one of the largest intersectional grassroots-led movements in Thailand, it engages with the UPR and UN treaty bodies, connecting struggles from Indigenous Peoples' rights, land and environmental justice, and labour rights to digital rights, freedom of expression, transnational repression, and the protection of human rights defenders, migrants, political refugees, youth, LGBTIQ+ individuals, and communities facing systemic marginalization. It fosters solidarity among communities facing shared challenges and strengthens collective action to demand accountability from the state and companies for their international human rights obligations.

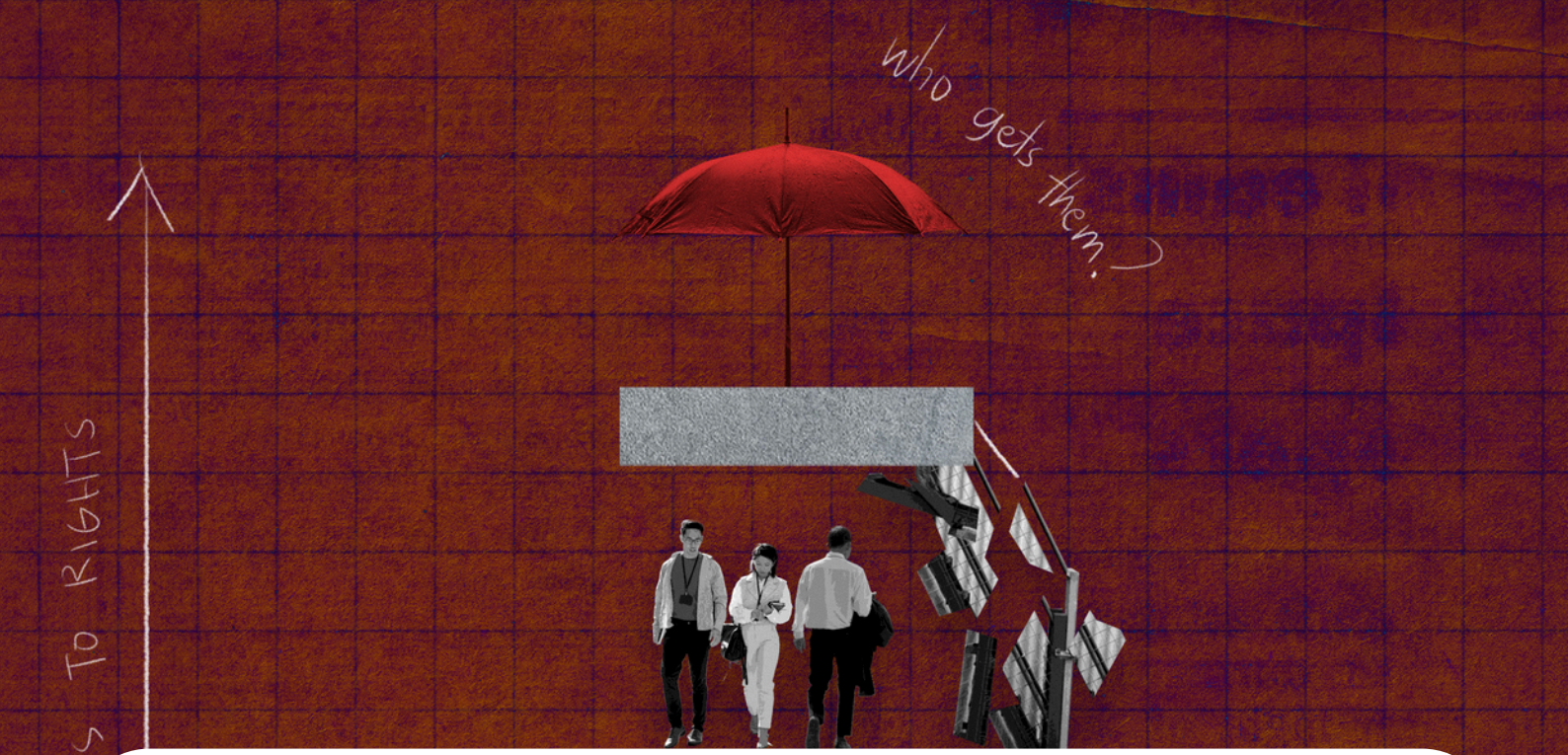
Other submitters include:

- **Migrant Workers Federation**
- **Fair Action International Rights (FAIR)**
- **Rights and Development for Migrant Workers Network**

Methodology: This submission is based on a participatory, evidence-based methodology combining primary and secondary sources. It draws on first-hand testimonies and targeted interviews with Thai formal, informal, and migrant workers, and policy inputs from the Migrant Working Group (MWG) on migrant labour governance and registration systems. The submission centres the voices and lived experiences of workers, and is complemented by legal analysis of domestic frameworks and relevant international human rights standards.

MANUSHYA #ThaiBHRNetwork

THAILAND UPR IV
2026



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