CHAPTER 2

EXPLORING BURMESE MIGRANT DOMESTIC WORKERS IN THAILAND

This chapter provides a contextual background to the domestic workers in Thailand, including; a) the concepts and definitions around domestic workers, b) the shift from using Thai to using migrant domestic workers, c) the labor protection and registration policies in relation to migrant domestic workers in Thailand, and d) the process of migrating across the Burma-Thailand border. More specifically, this chapter explores the motivations of the migrants based on the three approaches: the modernization, economic systems and actor-based approaches, and points out that each factor can be seen as going beyond simply push and pull factors to include those who sustain the migrants in the resettlement area. The chapter concludes with some background information on the migrants.

2.1 Concepts and Definitions of Domestic Workers

This study uses the term 'domestic worker' to refer to a person who has been recruited from outside a family to perform some portion of its reproductive tasks. These tasks generally include housekeeping, cleaning, cooking, child care and personal care, and may include home-based tasks such as driving, gardening or protection. The domestic workers in this study have primarily been hired as domestic workers and are paid with wages or in-kind for their work.

Generally, people recruited to work as domestic workers are from households that are less powerful and poorer than their employers, plus are socially disenfranchised to some degree in relation to them. This reflects the differential access to power between the employers and domestic workers, something which is central to the pactice of household work. This work also imposes differences in terms of class, race, and ethnicity, or more subtle differences based on a social or geographical position, which mean the several axes of social differentiation are compounded.

Domestic work not only provides reproductive labor for the employer's family and a wage for the workers, but also reproduces relations of inequality in the local society where paid domestic work takes place. These relations of inequality include gender, age, ethnicity, race, class and migration status, and most often compound two or more of these axes of differentiation.

The reproduction and reinforcement of inequality happens in three forms. First, the relationship between domestic workers and employers is unequal, for domestic workers have less power than their employers and must obey them in order to retain their positions. Second, the value of the domestic workers' labor is at the disposal of the class which employs them, and this again affords a measure of power that reinforces or expands class dominance. Freed from the burdens of reproductive tasks, employers may put this value to productive use, invest it in an intensification of existing social relations, or use it for display or leisure activities. Third, the inherent inequality of the relationship is an overlay on the existing social difference in terms of of gender, age, ethnicity, race, class and migration status between the workers and employers. These forms of social difference matter in many social contexts beyond that of the domestic worker-employer nexus (Colen and Sanjek, 1990: 5).

Domestic work marks a difference between workers and employers because of its inequality. In all societies, domestic work, which includes housecleaning, kitchen work and the washing of clothes, comes with a stigma and is generally seen as lowly, devaluing work associated with dirt and disorder. Domestic workers are paid to do the reproductive work of their employers, the work that employers could do by themselves if they wished to. Whenever employers can afford to pay someone to do this kind of reproductive work, they no longer do it themselves but assign it to those who accept low payment and subordination, and who often have little choice but to do so (Colen and Sanjek, 1990: 6).

Not only the domestic workers and their employers are involved. When certain kinds of people do household work, and others do not, a social message is carried far beyond the workers and employers themselves, and the more widespread the practice, the more powerful the message. Domestic work reproduces the ideology of many forms of inequality, as well as reinforces culturally and physiologically the

differences that exist between those individuals who themselves do the household work, and the employers. Colen and Sanjek (1990: 7) examine the relations of inequality as structured by gender, age, ethnicity, race, class and migration status, while recognizing that these relations rarely occur separately in concrete historical situations.

Gender concepts of gender inequality are reinforced in societies where reproductive work is assigned to women, and where women are also the majority of domestic workers. The underlying sexual division of labor is maintained through the employment of domestic workers, and it is seen as "natural" in the culture at large that women perform the household work; the tasks of reproduction. This strict cultural definition is not reproduced exclusively through household work, but is certainly deepened and entrenched by its presence (Colen and Sanjek, 1990: 7).

The durability of the gender norms across space and time is a product of the fact that they have been finely and firmly stitched into the ideological fabric of everyday life, and accepted as a taken-for-granted reality (Huang et al., 2005). This ideology has been at work over long periods of time in a wide range of different societies. For examples in Japan, the idea of a good wife and wise mother advanced by the Japanese state since the Meiji period[1] promotes women's domestic responsibility and the family as the site of consumption and reproduction, while advocating the gendered division of labor as a form of gender inequality. In Canada, socially constructed notions of family altruism, where "an altruistic mother parents the ideal family", inform the appropriate behavior of men and women. In Australia, the "dominant model of a male breadwinner state" reinforced through various employment and welfare policies over the course of the twentieth century encouraged wives to remain at home as full-time mothers and housewives, defining housework as an integral component of women's proper role as wives and mothers. The ideology of domesticity and the association of women with housework, child-bearing and child-rearing in the private sphere appears to have been endemic cross-culturally over time.

[1] The Meiji period in Japan extended from September 1868 through to July 1912. This period represents the first half of the Empire of Japan, during which time Japanese society moved from being isolated and feudalistic to its modern form.

Age as an axis of inequality may be intensified in a situation where domestic workers are most frequently children. The widespread deployment of child labor reinforces notions of difference between children and adults, making a society where child domestic workers exist in large numbers more accommodating to the general use of child labor than other societies (Colen and Sanjek, 1990: 7).

Ethnicity is often a central factor when differentiating domestic workers and employers. Patterns of labor migration and uneven development have resulted in Sri Lankans doing housework in Kuala Lumpur, Filipinas in Hong Kong, and Haitians, Dominicans and St. Lucians in Martinique. Referring to an example of earlier employment in the US – the Irish domestic workers, and the movement formed out of their occupation in the context of social change, anti-Irish prejudice was reinforced by the widespread employment of Irish domestic workers. Such sentiments diminished in scope and force as the Irish left this occupation for other jobs. With the growing employment of ethnically and culturally distinguishable immigrant domestic work forces in Third World cities, the accompanying emergence or hardening of ethnic identity has occurred (Colen and Sanjek, 1990: 7).

Race is more than just ethnic difference. Unlike ethnicity, racial differences are built into the legal structures of states, and are maintained by many institutions over a long period of time. When the recruitment of domestic workers is structured by racial difference, as occurs in many settings, this institution plays a role in reinforcing racial inequalities. In the United States of America (USA), African-American women constituted much of the household work labor force during the twentieth century, a situation which helped reinforce the notion of racial inequality among white employers and black domestic workers. Nowadays, this same situation in terms of the racialism of domestic workers is happening with many Filipina women who work as migrant domestic workers all over the world.

Class differences commonly structure all household work relations, often through other axes of inequality. In a situation where an employer hiring another woman (usually non-familial, minority or migrant) into the home to perform domestic work is sanctioned, socially and economically privileged women have the option of transferring selected reproductive tasks, usually the more physically demanding and

most devalued labor, to other subordinated women, without diminishing (and often elevating) their status as mistresses, mothers or managers in the private domain. In the process, women here use their class privilege to buy themselves out of gender subordination, so that reproductive labor is commoditized, devalued and normalized as unskilled and lowly paid, but still a woman's work (Huang et al., 2005).

Migration status is frequently implicated in the recruitment of domestic workers. State policy concerning the international movement of labor and capital has created highly exploitable groups of domestic workers in several national settings (Colen and Sanjek, 1990: 9). For example, in the USA, a non-citizen and non-permanent resident migration status for undocumented workers creates vulnerabilities upon which the recruitment of domestic labor thrives. As populations grow, those whose legal employment rights are severely restricted by immigration status or by the absence of statuses permitting formal sector waged work, the relative cost of domestic labor falls. Interests of choices and of necessity are served by the perpetuation of such a situation; interests of the state, business and employers all coincide.

Domestic work always operates in situations of inequality, and the multiple axes of inequality dividing domestic workers and employers intensify and harden over time. On the one hand, social structures and attitudes, and legal structures, all serve to separate the distance between employers and domestic workers, while doing the same for exploited and marginalized domestic workers on the other. The structuring of work in the home not only provides reproductive labor to the employing households, but simultaneously reinforces relations of power and inequality within each local society in which this work is found.

Domestic work is often considered as unproductive work and as economically invisible because it takes place in households, which are seen only as consumption units. This assumes that domestic work does not create value because the productions are not directly exchanged in the market, so the market value is not recognized. More important is the fact that mostly all domestic work is done by women (girls and adults), and the value of their labor has never been calculated in economic terms. In mostly Asian cultures, domestic work is perceived as "women's work" rather than as a shared responsibility with men, the family or the state. Based on gender

perspectives, Asian women themselves often perceive that only women do domestic work and that it is a woman's work. Care-giving for young adults, the elderly and sick is also a woman's responsibility, so that men have no role in domestic work and care-giving (Huang et al., 2005). This ideal type not only reproduces the perspective that domestic work does not have an economic value within society and that women should do this work themselves; but also sustains the exploitation of women as cheap labor within a globalization process.

However, while domestic work does not produce capital directly, workers perform socially necessary household maintenance, food preparation, child care and socialization, and other reproduction tasks, for a wage. The value of household workers' labor is transferred to members of the employing household, permitting them to allocate their time and energies in other ways; to more remunerative or prestigious productive work, leisure, or investment in social relations. A domestic worker is utilized to maintain and advance the position of members of the employer household. The domestic worker, for whom the employers pay, frees them for other preferred activities.

In Chang Klan community, many households and small-scale business rely heavily on the cheap labor provided by female domestic migrants. Without this cheap labor pool, many family members could not go to school; women and men could not participate in the labor market and Thai people could not enjoy cheap food and cheap services. The cheap labor of these female migrants acts to support Thai households, Thai communities and the Thai nation.

2.2 Shifting from the Use of Thais to Migrant Domestic Workers

In Thailand as in many countries, domestic tasks such as cleaning, cooking and taking care of children, the elderly or sick is seen as a woman's work. In the past, women in families such as mothers or daughters performed household work by themselves. Due to the fact that households in Thailand in the past expanded, so families relied heavily on women to do the reproductive tasks. However, the social and economic structure has changed in Thailand with the Thai economy growing rapidly, so the family structure has become more nuclear, plus women have gained

access to higher levels of education and have participated in professional careers, leading to a lower birth rate and a greater demand for the hiring domestic workers outside of the family.

Historically, it was common for the urban middle-classes in Thailand to employ young unmarried Thai girls from rural areas such as the northern or northeast regions to do the domestic work. However, as the economy in Thailand has grown, so these women from the rural areas have no longer found domestic work as attractive. As Toyota (2005: 288) notes for these girls, domestic services were not a preferred occupation, so as soon as other opportunities became available, such as in the textiles industry and the commercial sector in the 1970s and 1990s, they left. Working in modern industries, textile factories, service industries and department stores is regarded as being a "modern occupation" which satisfies the desires of such women, while domestic work provides lower pay, less freedom and a lower status. Mills (2002) also talks about the motivations of Thai women from rural areas to leave their home villages and work in the factories in Bangkok; desiring modernity, or *thansamay*. In addition, Vachararutai (2010: 14) states that young Thai women seem to prefer working in the industrial sector because of the better status, higher salaries and greater freedoms available.

The supply of Thai women being employed as domestic workers seems to have declined, but the demand for hiring such workers has been sustained and in fact seems to have increased in the last four decades due to economic expansion and the growth of the middle class in Thailand. Migrant workers have thus come to fill this gap. On the supply side, since the 1980s, political conflicts and economic hardship in countries neighboring Thailand, such as Burma, has pushed a large number of people to flee their land and migrate to Thailand. However, most of these migrants have not been granted refugee status in Thailand, since the country has not ratified the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. Hence, the majority of these migrants have become undocumented migrants in Thailand, with the Thai government only allowing registered migrants to work in the Thai labor market legally since 1996. Vasu (2010: 98) mentions the policy gap that existsed during the period 1996 to 2000, which can be measured by the differences between registered

and non-registered migrant workers in the country. The wide gap between them was demonstrated by the fact that the number of unregistered migrant workers far exceeded the registered migrants in every registration year. In 1996, the MoL issued 293,652 work permits, while it has been estimated that 424,037 migrant workers were working illegally at the same time (Table 2.1). According to Vachararutai (2010: 15), 34,000 migrant domestic workers registered for work permits in Thailand in 1996 (Table 2.2); however, during the period 1997 to 2000, domestic work was not included in the subsequent registration process. It wasn't until 2001 that those registering were again allowed to receive work permits, and over 82,000 migrants registered as domestic workers after that time.

Table 2.1: Registered and Unregistered Migrant Workers, 1996-2000

	1996	**1998**	**1999**	**2000**
Registered	293,652	90,911	99,974	99,656
Total Migrant Workers (estimate)	717,689	986,889	663,776	760,000
Unregistered (estimate)	424,037	895,978	563,802	660,344

Source: Adapted from Vasu, 2010: "Controlling Migrant Workers: Thailand's Perspective"

The records on migrant domestic workers registered with the Office of Foreign Workers Administration at the Ministry of Labor in Thailand indicate that the number of registered domestic workers from Burma, Laos and Cambodia increased from about 52,685 in 2003 to about 106,564 by 2009, as shown in the annual report of the Office in 2003. Figures from 2009 also show that among all the registered domestic workers, the majority were from Burma (101,509), followed by Laos (21,147) and Cambodia (6,530). At this time, 107,777 of these were female and 21,490 were male domestic workers (Vachararutai, 2010: 16).

Table 2.2: Number of Migrants Registered as Domestic Workers (selected years)

Year	Total Number of Registered Migrants	Total Number of Migrants Registered as Domestic Workers
1996	303,088	34,000
1999	99,974	No registration for domestic workers
2001	568,249	82,000
2003	288,780	52,685
2009	1,289,078	129,267

Source: Adapted from Vachararutai, 2010: "Domestic workers in Thailand: their situation, challenges and the way forward"

Moreover, the decline in Thai women taking on domestic work is also due to their negative attitude towards this form of work. Toyota (2005: 289) refers to a 2001 study by the Department of Labour Welfare and Protection, which indicates that 47% of Thai housemaids consider domestic service a "job of the last resort", while about the same proportion said they would not choose to do domestic work at all. This information highlights the negative status attached to domestic workers in Thai society in general. My study uses the term 'domestic workers' to refer to people generally recognized as *look jang tam ngan ban* in Thai, or literally 'employees for house work', and whose tasks are understood to take place primarily in the household setting (Vachararutai, 2010: 4). Some scholars, such as Toyota (2005: 289), prefer to use the word "housemaid" and consider this word a polite alternative to the word for "servant". In her work, Toyota has found out that Thai housemaids refuse to be called *khon-chai* (directly translated as 'servant') or *dek-rap-chai* ('child servant'), although some people continue to use these terms to refer to and directly approach domestic workers. More common among Thai employers are the terms *khon-rap-chang-tam-ngan-baan* (paid houseworker), *luk-chang* (employee), *dek* (kid/girls) or *phi-liang* (nursemaid). In contrast, according to Toyota, most housemaids use the term *mae-baan* (literally meaning a woman who takes care of a household and organizes

domestic chores); however, this term can mean either a housekeeper or housewife. In referring to their employer, most workers use the term *chao-nai* (meaning master or mistress).

The terms used for employers and domestic workers reflect the class hierarchies that exist. Reid (1983: 6) states that vertical bonding is very ancient and central to almost all Southeast Asian societies and cannot be portrayed as an external or recent development. Reid, in his work 'Slavery, Bondage & Dependency in Southeast Asia', suggests that as soon as not only Thais in particular, but all Southeast Asians speak, they place themselves in a vertical relationship with the person to whom they are speaking. The pronoun 'I' in Thai, and in all major Southeast Asian languages, as a second person pronoun is even more finely graded. The assumption behind these speech patterns is that society, like the family, is naturally hierarchic, so that comfort and intimacy are best achieved when one can address the other party as an older or younger brother or sister, or as a father, grandfather, uncle, boss or lord. Historically, each Southeast Asian country used certain words when referring to a slave or bondsman. In Malay/Indonesia they used the word *saya,* in Javanese *kula* or *kawula,* in Thai *kha,* in Khmer *khujom,* in Burmese *kyun-taw,* and in Vietnamese *toi*. This linguistic pattern suggests that vertical bonding is at the heart of many Southeast Asian society systems. Even though today it appears that the slavery of ancient times no longer exists, so in Thailand the term *kha* should not be used in normal conversation, there are some other terms which have been added and largely continue to be used by Thais when referring to subordinated groups of people, and especially domestic workers or migrants, such as *khon-tang-dao* (alien) or *khon-rub-chai* (servant).

Linguistic patterns tell us how some groups of people have been subordinated to others. Marginalization in the linguistic realm has been reproduced across time and space, and these words are reproduced with not only meaning, but also power attached to them. As Reid (1983: 7) notes that the basis of this system is the awareness of a relationship of authority, of high over low, that one is accepted by the latter, and likewise the realization that high and low need each other in their mutual striving for higher standing.

The negative attitudes attached to domestic work also come from the idea that household work is unskilled and low-paid, which women of a higher status are not supposed to engage in. Domestic work is not seen as a formal occupation by either workers, employers or the state, and Vachararutai (2010: 4) notes that the Thai Ministry of Labour considers domestic work as belonging to the informal sector, so that workers largely fall outside the country's social protection scheme. Among the domestic workers themselves, the lower status of domestic work tends to be consistently reflected in their attitudes. Toyota (2005: 289) found also that these workers are not proud of their work, do not see worth in their work, and that most domestic workers do not dare tell anyone what they actually do. In order to avoid negative judgments from others, many domestic workers like to tell others that their employers are their relatives.

This negative attitude towards both domestic work and domestic workers is one of the key factors that has led to the lack of interest Thai women have in household work. Since in the early 1980s it became hard to find good willing Thai domestic workers, Thai employers began to employ migrant workers to do this work, and then in the late 1980s, the worsening political conflict in Burma led to a large influx of refugees and migrants into Thailand. These migrants filled the gap left by the Thai labor shortage in terms of domestic work, after which the 1990s witnessed a remarkable shift from the employment of mainly Thai domestic workers to largely migrant workers. Even though there is no official data from these years to show the shift occurring, the figures available on the total number of registered migrant domestic workers do show how their numbers more than doubled, from 34,000 in 1996 to 82,000 in 2001 (Table 2.2).

As more and more migrant domestic workers were hired, the Thai state began to worry about the situation, though demand kept increasing. Thai employers preferred to employ migrant workers instead of Thai workers, in great part due to the differences in what was seen as an acceptable wage. Toyota (2005: 291) found that in 2003, the wage for migrant domestic workers per month ranged from 1,500 to 4,000 baht, while for Thai domestic workers it was 2,000 to 5,000 baht.

The economic crisis in Thailand during 1997/1998 led to a high rate of unemployment among the Thai labor force, so at that time the Thai state began to think more systematically about how to manage (control) the number of migrant workers in Thailand. In fact, the economic crisis forced families to hire migrant domestic workers, since the both husbands and wives at the time needed to work outside the home in order to earn enough money for their families. At that time, not only middle class families employed migrant domestic workers but even less well-off lower class families had to start employing migrant domestic workers, in order to shore up the domestic sphere, as wives could no longer afford to stay home and take care of the household work (Toyota, 2005: 291).

In Thailand today, more and more families rely heavily on migrant domestic workers from neighboring countries, and in particular Burma, a phenomenon that cuts across social and economic class lines. The demand for migrant domestic workers has increased in recent years, while on the supply side, the fact that these migrant workers continue to provide cheap wage labor has made them necessary targets for Thai employers to hire. As the demand for migrant domestic workers has never declined, but instead continued to increase over the years, Thai government policies developed to manage the large number of migrant workers within the Thai labor force have never been appropriate. The failure of these policies has led to problems, as registered migrants have been increasingly replaced by larger numbers of undocumented migrants. Regardless of their status, migrant domestic workers in Thailand face many difficulties. For the registered domestic workers, Thai law does not guarantee them a minimum or fair wage, nor does it regulate or protect their working conditions (working hours or time off), their freedom of movement, their contact with others, violence or abuse at the worksite, and retention or control over ID cards. For undocumented domestic workers, their status renders them vulnerable to exploitation at the hands of both employers and the state, without recourse to Thai legal protection.

2.3 Labor Protection and Registration Policies on Migrant Domestic Workers in Thailand

Domestic work is neither clearly mentioned nor excluded under Thai law. The Labour Protection Act of 1998 can be interpreted as being applicable to domestic

work - as a category of employees whose protection is stipulated under the Act. However, also in 1998, a Ministerial Regulation was issued to exclude the application of certain protection clauses of the Labour Protection Act to workers engaged in household work, without commercial or business activities being present. This Regulation gives a very low level of labor protection to domestic workers (Vachararutai, 2010: 21).

According to Vachararutai, the Thai Labour Protection Act of 1998 and its 2007 amendment stipulate on the equal treatment of all employees, including migrant workers, irrespective of their legal status. However, in fact only limited protection clauses under this Act are extended to include domestic workers. Thus, in practice (i.e. in terms of enforcement), very few labor protection mechanisms exist for domestic workers. With regard to healthcare, migrant workers registered as employees in Thailand have to pay an annual health insurance fee of 1,300 baht, and this should cover their basic medical care and treatment at designated public hospitals. However, the large numbers of unregistered migrants are not covered by this scheme.

Moreover, Vachararutai notes that the Thai policy towards migrant workers has been implemented on a short-term and ad-hoc basis. The process of 'nationality verification' for undocumented migrant workers from neighboring countries, such as Burma, Laos and Cambodia, has been carried out since 2005, and is run under the 1998 Ministerial Regulation to provide a more sustainable solution to the problem of undocumented migrant workers. The process enables the migrant to obtain their national passports and Thai work permits on a one year basis. However, this process seems to be too costly for migrant workers from Laos, Cambodia and Burma; moreover, the process of getting a passport is very complicated for the migrant workers from Burma. Overall, it is not very clear how migrant workers can benefit from this process.

Regarding the related issues of exploitation of and human rights violations against migrant domestic workers, protection and assistance seem to be very limited. The Ministry of Labour is permitted to investigate only accused factories and migrant domestic workers in private homes. Even though migrant domestic workers are theoretically protected from trafficking and exploitation under the Trafficking Act of

1997 (amended in 2008) and the Child Protection Act of 2003, only a few cases of trafficking are reported each year. Furthermore, the attitudes to be found among employees within the law enforcement agencies are often not supportive; in practice they rarely ensure protection for the migrants (Vachararutai, 2010: 27). In the study 'Migrant Domestic Workers from Burma to Thailand', Awatsaya et al., (2004: 133) find that migrant domestic workers face many forms of exploitation and abuse; they receive sub-minimum wages, are expected to work more than eight hours a day, the majority work seven days a week without a day off, and they never received extra wages or compensation for doing overtime.

Awasasya et al., (2004: 133) also point out in their study that many of the migrants reported incidents of the withholding or non-payment of wages, while others explained that without constant reminders and requests, they would not receive their salaries. The job responsibilities of the study migrant domestic workers included a wide range of duties beyond household work, such as taking care of the children, elderly family members, the infirm, and animals, plus gardening. Some domestic workers even had to help take care of their employer's businesses. Moreover, this study went on to show that many of the study migrant workers did not have their own rooms or private space; many of them had to share rooms with their employer's children or were sleeping in open areas with no privacy. Employers also limited their contact with the outside world, even restricting contact with friends or relatives. Some employers did not allow female migrant domestic workers to leave the house and did not allow outsiders to visit them.

In order to ensure greater protection for migrant domestic workers, it was suggested that the new Domestic Violence Act that came into force in 2007 could be helpful for migrant domestic workers whose rights have been violated. The Act authorizes those officials who come across domestic violence to enter into the private household to restrain the suspect and investigate the case. The Act also stipulates that individuals who encounter cases of domestic violence have a duty to notify the relevant authorities. It is expected that this mechanism will help migrant domestic workers who suffer from violence and exploitation in private homes to receive assistance from the police or other services providers (Awatsaya et al., 2004: 27).

The Thai government continues to encourage migrants to register as legal migrants; however, not all migrants are able to do this because often they cannot afford to pay the annual fee. For each migrant, first time registration costs 3,250 baht, while subsequent registration costs are less, at 1,200 baht per year. In addition to being too expensive for many of them, registration does not necessarily grant them access to health care services, plus many employees cannot afford to pay the 1,000 baht deposit required, even if they are willing to pay, which many are not.

Prior to 1996, the Thai government refused to list domestic service as an occupation; so regulations reinforced deeply ingrained perceptions and automatically labeled migrant domestic workers as illegal workers. Loopholes in the system were compounded by the predominant perception in Thai society that rarely regards the relationship between the domestic worker and an employer as an employment contract, but more as a patron-client relationship. People consider hiring a domestic worker a purely private activity beyond the sphere of the state (Toyota, 2005: 300).

Although the Thai government officially recognized domestic service as an occupation in 1996, the policy introduced was ambiguous. Again in 1998, 1999 and 2000, the government removed the category 'domestic services' from its migration registration scheme, which again led to large numbers of female migrants who had entered the country to work as domestic workers becoming illegal. Since 2001, there have been renewed attempts to regulate domestic services; however, the system is a long way from achieving success because the idea that domestic work belongs in the private sphere remains strong in Thai society.

2.4 Migrating Across the Burma-Thai Border

Migrant domestic workers in Thailand come from neighboring countries, and in particular Burma, Lao, and Cambodia, and among all migrant domestic workers, 71% are Burmese, 22% are Laotian and 7% are Cambodian. The migrant domestic workers from Burma are all categorized as "Burmese migrants", yet not all of them are ethnic Burman. Among the Burmese migrants, ethnic backgrounds are diverse, and include Kayah (Karenni), Karen, Mon, Shan, Chin, Kachin and Rakhine, and many of them lack legal status in both Thailand and Burma. The establishment of

modern nation-states in Thailand and Burma has affected the lives of people on both sides of the border since, as people from each side can no longer cross the borders freely; however, the majority of people living in Burma's Shan State are Tai-speakers who have close historical, social and cultural ties to the northern Thais. It is also common to find that upland people still have relatives and trade networks on the other side of the border. These kinship and trade networks have spread transnationally across the China, Laos, Burma and Thai borderlands (Toyota, 2005: 292). Historically, Thailand has never been a country of homogenous ethnicity, but one of ethnic diversity; however, as a result of modern nation-state building activities, people who now cross the Thai border from neighboring countries find themselves alienated from the general Thai population.

Table 2.3: Labor Demand and Quotas for 'Alien' and Illegal Workers Granted Work, under the Resolution of the Cabinet, 2004 (1st July – 28th August 2004): The Case of Domestic Workers

Domestic Workers	**Labor Demand**	**Quotas**	**Number Granted**
Employer	106,981	48,590	3,391
Burmese	109,525	52,298	2,872
Laotian	42,928	15,917	1,012
Cambodian	10,998	5,146	294
Total	163,451	73,361	4,178

Source: Adapted from Toyota, 2005: "Unauthorised Workers: State-less Housemaids from 'Burma' in Thailand"

Even since the nation-states' borders were drawn-up, people have continued to cross borders illegally. Thailand and Burma share a 2,400 kilometer porous border which skirts nine Thai provinces. There are only six official border checkpoints along this border, which makes it impossible for the Thai border police to take full control of all cross-border movements, especially in the remote upland areas. The flow of

people from Burma into Thailand has been steady in recent times, with pull factors including better economic opportunities and higher wages in Thailand, and with the main push factor being the long-standing ethnic minority issues in Burma.

During the 1980s, the Burmese military started to fight the ethnic minorities, and due to the conflicts that resulted, many community members in these areas fled to the Thai border provinces. The Thai government allowed these ethnic minorities (mainly Karen, Kayah, Mon and Shan) to seek refuge in Thailand during the Burmese military incursion, partly in the hope that they would return home after the military retreated during the monsoon seasons. However, there was a significant change in 1984, for instead of retreating during the monsoon season, the Burmese military sustained their fighting, and as a result, a large exodus of conflict-affected individuals and families began, with most fleeing from Burma into Thailand in search of sanctuary. Moreover, the Burmese regime's crackdown on the pro-democracy movement in 1988, the uprisings that took place in the 1990s and the widespread economic hardship experienced in Burma, forced many Burmese activists and economic migrants across the border into Thailand. This steady flow of people from Burma crossing to Thailand has continued right up to the present day.

During the 'economic boom' years in Thailand in the 1980s, the Thai authorities developed a more relaxed attitude approach towards the inflow of migrant labor, as they realized that economic development in Thailand could not be achieved without the cheap labor provided by these migrant workers. However, as the number of migrant workers was steadily increasing, the Thai state decided to implement a regulation policy in order to remain in control of the number of migrants entering the country. The number of undocumented non-Thai workers increased from 525,000 in 1994, to 987,000 in 1998 (Toyota, 2005: 293). Also, in 1998, as a result of the economic crisis in Thailand, the general unemployment rate grew from 1.5 to 4%, and at this point the Thai authorities decided to tighten their control, which meant that they actually ensured existing laws on "illegal workers" were enforced. In 1998, it was estimated that around 70% of undocumented migrant workers were employed in the Thai labor force, and it was assumed that rampant unemployment among Thai people would be solved if the government could stop people from migrating in. This

led to a sudden surge in the number of deportations of illegal migrants, and it was reported that in 1999, 319,629 illegal migrants were arrested and deported, followed by 444,636 in 2000. However, more than 1,000 employers continued to hire undocumented migrant workers in 2000.

The policies set up to rigidly control, or even put a stop to illegal migration, did not fulfill their stated goals; not only did the unemployment rate among Thai workers not change, it also led to underground migration activities taking place. Strict controls at border crossings created openings for a profitable migration industry to flourish on both sides of the border, involving individuals ranging from Buddhist monks, to members of the police force and officials, who became 'secret agents'. Migration entrepreneurs emerged on both sides of the border, earning a good living by facilitating border crossings and providing recruitment and placement services in Thai villages (Toyota, 2005: 293).

In the early 1990s, agents charged a lump sum rate of 5,000 to 6,000 baht per person, which included a brokerage fee, travel expenses and bribes for Thai officials. However, by 2003, Toyota notes that some of her informants were paying around 20,000 baht to get from their village into Kachin State and then on to Chiang Mai, preventing poor people from migrating. Thai people believe that migrant workers are all poor people, but actually those people who do manage to reach Thailand tend to be better-off than others, as they are able to borrow enough money from relatives or money lenders. In the case of the Burmese Muslim female migrant workers, their migrant networks play a crucial role, as social capital; helping them before, during and after their migration.

2.5 Reasons for Migration

In the context of a shift from the use of Thais to migrant domestic workers, the illegal migrant workers face difficult conditions in Thailand due to their undocumented migration status, while those who are in Thailand legally receive limited protection from Thai labor law. Despite these challenges, Burmese Muslim migrants continue to move into Chang Klan area, so here I will examine the motivations of these migrants, those who migrate from their home villages in Burma

to the host society of Chang Klan community, and will analyze them using three approaches, the modernization, economic and actor-based approaches.

Colen and Sanjek (1990) put forward three theoretical approaches in order to understand the movements of migrant domestic workers. The first, the 'modernization' framework, proposes uniform, country-by-country stages of development and changes in household work forms. This scenario usually begins with male household workers, who are replaced in turn by females working in factories and other forms of employment, to be replaced in the end by household workers from "outside" a given area.

The second theoretical approach involves the world economic system, in which household work is viewed historically, locally and contextually within a capitalist world view. As capitalism grows and recomposes through booms and busts, and develops and under-develops, so emigration and immigration flows are triggered, cities built and villages depopulated, all helping to shape the local demand for labor. These labor demands include not only waged labor in the formal sector, but also waged labor in the informal sector, including domestic work.

The third approach takes the participants' point of view, examining work and recruitment conditions, the costs and benefits of becoming or remaining a household worker, the constraints placed on leaving the role and the social arenas the workers themselves occupy outside of work. This actor-centered approach explains why these women choose to work as domestic labor, how long they continue to do this kind of work, what kinds of social capital they use in order to find work, and how they negotiate.

2.5.1 Modernization Factors

Modernization can be seen as both a push and pull factor for the Burmese Muslim female migrants who come to Thailand in search of domestic work. On the one hand, it is a push factor, because the lack of modernity at home drives these women to leave for the city, whilst on the other, modernization can be seen as a pull factor, as the women see the resettlement area as a more 'modern' society. Modernization is one of the main reasons encouraging the women to migrate;

moreover, it is also modernization that persuades these women to stay longer (if not permanantly) in the host community, as will be revealed below through a number of case studies.

In the case of Sa, who is a Burmese Muslim woman from Myawaddy[2], she has been working as a domestic worker in Chang Klan for more than five years. She has three sisters (all of whom are married and live with their families in Burma) and one brother (who has lived and worked in Chiang Mai for over ten years). She has been married and devorced, and has one son who is seven years-old and lives with her mother in Myawaddy. She wanted to come to work in Thailand like her brother, friends and other relatives, as she thought Thailand was a modern country. Before she migrated to Thailand, she had seen pictures of the place sent home by migrants already living there. What she saw in the pictures was a more modern society than her own, and to her everything looked very sophisticated - the buildings looked modern; people dressed in very nice and fashionable clothes. The chance to experience modernity was a reason why she decided to migrate from her home village to Thailand.

My second case is Sora, another example of how modernity in Thailand has become one of the main reasons leading people to migrate. Sora and her family moved from Hpa-An[3] to Mae Sam Laep in Mae Hong Son Province around twenty years ago. Her younger brothers and sisters have Thai ID cards but she does not. She told me that at home her family lives simply; they catch fish from the nearby river and collect forest products for their food. She said life at home is easy and happy in that way. However, if she had to choose, Sora said she would always prefer to live in Chiang Mai, because the weather is cooler than in Mae Sam Laep. In her hometown, the weather is very hot and she does not like it at all. She also does not like working in the rice fields, under the hot sun, and there is still no electricity and no clean water in her village. It is these conditions that made it difficult for her to stay at home. Also,

[2] Myawaddy is a town in south-eastern Myanmar (Kayin State), close to the border with Thailand. Separated from the Thai border town of Mae Sot by the Moei River, the town is a key border trade point.

[3] Hpa-An is the capital of Kayin State in Myanmar. It has a population of about 50,000.

there were no jobs available at home prior to her move, so she could not earn money. Here in Chang Klan community, Sora has been able to find work as a domestic worker in a private home, meaning she no longer has to work outside under the sun. Although domestic work is at times difficult and tiring, she prefers it to farming. In her host community in Thailand, she can earn money for herself and her family.

According to Sora, the lifestyle choices of female migrants change after they have spent some time in the host community. In particular, they develop similar consumer patterns to the Thais - buying 'modern' products, including different kinds of food, clothes, electronic equipments, mobile phones, television sets, cosmetics and other items. The way they live shifts over time also; they begin to live like Thai people, rather than retaining their lives from 'back home', where they lived in a very simple way. At home, they may not have earned much money, but they also did not need to spend much money, whereas in Thailand, they all have jobs and can make money, but at the same time spend a lot on items for their daily lives. She said that when she first came to Thailand and worked she was able to save money, even when she earned only 1,000 baht a month. Now; however, she is no longer able to save because she spends so much on goods and services, because money is needed for everything: food, clothes, her room rent, electricity and water fees. Even with a higher monthly salary, she spends everything and cannot save.

Modernity is thus one of the main reasons pushing the Burmese Muslim female migrants to migrate from their home villages to Chiang Mai city. Once they arrive and stay in this host society for a period of time, their lifestyles change in many ways. For example, in Muslim societies women need to cover their hair and heads with veils, but in places like Chang Klan, most women do not follow this practice; only some continue to use veils/cover-up when going outside their homes to the market, mosque or other public spheres. While I am not arguing that modernity is expressed only in terms of lifestyle and dress code, the Muslim women from Chang Klan community show that once migrated and living far from the control and pressure of their families and home societies, they come to change their own lifestyle and dress in the ways they want. In term of dress, according to Suchart (2011), "the Burmese Muslim both men and women like to wear sarong or longeje (long skirt), these sarong

or longeje made from cotton and silk normally it is in colorful style. For women the sarong or longeje have specific detail at the bottom and small mark[s] along the sarong and longeje. For men, they are usually used […] plain colors or small and big gingham styles and men and women like to wear sandals" (Suchart, 2011: 53).

However, according to the Islamic dress code, Muslims around the world should follow a certain standard of dress: (i) they should cover specific parts of their bodies; for men from their navels to their knees, and for women their whole body except their faces and palms. The face cover is called a *hijab.* (ii) the cloth must not be too tight and must not show the shape of the body in a way which might be attractive sexually, (iii) the cloth must not copy that worn by the opposite sex or other religions – that linked to religious customs, (iv) Muslim men must not wear gold or wear cloth made from pure silk – these items are only for women, and (v) the dress must be based on cleanliness and thrift and not be chosen for show. All of these rules aim to keep Muslims pure in terms of their moral and religious conduct (Suchart, 2011: 32-33).

Many scholars who have studied the topic of female migrants seem to agree that migration brings more freedom and confidence to migrant women. In the case of the Burmese Muslim female migrants in Chang Klan, this sense of freedom and increased confidence can be seen in the ways they 'consume modernity'. Those migrant women who stay in the resettlement area for some time accumulate not only money and skills, but also a new way of living according to the new and freer society they are living in. These female migrants consume modern products such as clothes and cosmetics, which they did not have the chance to do at home, due to the fact that they lacked the disposable income needed to buy such items, plus there were not many modern items available in their home villages.

On the one hand, 'consuming modernity' can be seen as 'consuming freedom' for these Muslim women, as it is one way to express their desires, but for them this new freedom does not come free of charge. Therefore, in order to free themselves from the traditional ways of living, these women have to work hard and pay a lot of money to consume modernity and also enter the cycle of consumerism. As a result, they find themselves trapped on both sides; on the one hand it seems like by

consuming modernity they can free themselves from the traditional way of life, whilst on the other, they are trapped by the framework of globalization.

The three approaches above are applicable to the situations encountered by many Burmese migrant workers in Thailand. Modernization is one of the major reasons why Burmese women migrate to seek work in Thailand, as many of them see pictures of Thailand from their friends, relatives and family members. What they see in the pictures of Thailand is a more modern society than their own, and this encourages them to migrate, following their friends, relatives or family members and using their migrant networks. The level of economic hardship experienced in Burma pushes them to seek work in Thailand, while Thailand seems to offer them more opportunity to earn money. Many family members in Burma rely upon the remittances sent by these migrant workers, for without these remittances, children could not afford to go to school and parents could not access healthcare services. In addition to modernization and economic necessity, the actor-oriented approach can be used to explain why these women decide to migrate. The women use many types of social capital in order to help them migrate, with existing migrant networks being one such social capital they can use to cross the border, find accommodation and work in Thailand.

2.5.2 Economic Factors

Economics is one of the main reasons for most migrant women deciding to migrate, and can be seen as both a push and pull factor. A lack of job opportunities and money at home causes the women to migrate to seek work in Thailand; however, economic factors also play a crucial role in the lives of the migrant women while working in the host society at their destination, plus impact on their future decisions. Tangmo is a Shan woman who was born in Taunggyi[4], the capital city of Shan State, and she first came to live in Chiang Mai nine years ago. She began her migration by moving from Shan State to Mae Hong Son Province in northern Thailand, then on to Chiang Mai. She took the bus from Taunggyi to the border area of Shan State, which took about one day, then took a boat across the Salween River to Thailand. She stayed

[4] Taunggyi is the capital of Shan State in Myanmar. Taunggyi has an estimated population of 205,000 (2010), making it the fifth largest city in Myanmar.

in Mae Hong Son town for a day and then took a bus from Mae Hong Son to Chiang Mai. During her trip she came across three other women and another two families doing the same trip. According to her, life in Shan State is difficult. Her family works on a farm, but her parents are too old to work so her sister takes care of all the duties. Making money from farming is difficult; even more difficult when the Burmese military come to buy rice at a very cheap price. For example, the price for a ton[5] of rice might be between 6,000 and 7,000 baht on the open market, but the military buy it for around 1,000 baht. Sometimes, the military force farmers to work as domestic workers; however, in Chiang Mai Province it is easier to find work and earn money.

Scholars who study migrant workers always pay close attention to the issue of remittances; since remittances are involved in the migration process before, during and after it takes place. Before migrants decide to migrate, remittances are the main reason they decide to leave their home village in order to find work in other areas; to earn money for their family. This is true, particularly for poor women from Burma who migrate to work in Thailand. While working in the host country, remittances are usually sent home by female migrants to support their families in the rural areas of Burma, for without these remittances, children might not be able to go to school, parents may not be able to afford to pay hospital fees, agriculture in Burma would not be sustained and family members would hardly be able to survive. After migrating and starting work in their resettlement areas, remittances also represent the reason why they decide to continue working in the same area, or move to work in new areas where they can find a better job or better pay; they may even decide to move back home if they have already saved enough money for their future. Remittances are also important, not only in the ways in which they help maintain the relationship between the home and host countries, but also the way they sustain the migration flows from Burma to Thailand. When a family member migrates to Thailand, remittances become a source of support for the others.

Remittances can be studied on many levels, such as the individual, household, community and national levels, and are important for migrants' households,

[5] The ton is a metric system unit of mass equal to 1,000 kilograms (or 2,204.6 pounds).

communities and states. At the household level, remittances directly benefit non-migrants such as the children or parents of migrant workers (for use in their daily lives, to pay school and hospital fees, and in support of farming activities), while at the community level, remittances help to support community activities like religious or social events (such as donations to mosques). At the national level, remittances from migrants help answer the question as to why agriculture in Burma can be sustained, help reduce poverty among villagers. Most of the women in this study told me that they send remittances back home every month or every few months.

Keeta comes from Yangon[6] but has lived in Thailand for sixteen years where she works as a domestic worker in order to earn enough to raise her children. Her husband has a shop in the Night Bazaar selling watches, and she relies on the money earned by him. She sends around 6,000 to 7,000 baht home every three or four months, though her mother, who lives in Yangon, has a shop selling fertilizer, meaning her family in Burma does not require the money sent by her, because they earn enough money themselves. While Keeta's situation seems to be good, for she has many sources of income to rely on, other migrants have to work hard in order to save enough money to send some home. Sa has lived in Chang Klan for more than five years and now earns about 6,000 baht per month. She sends 3,400 baht in remittances home each month, to her mother and son in Burma. For fourteen years Sora was a maid at a beauty salon in Chang Klan, but four years ago stopped working there having got married. Her husband now sends her remittances from the USA every month, which she uses to pay all her costs, including room rent, meals and other expenses. She also sends 3,000 to 4,000 baht back home to her family every four or five months. In the past, sending remittances from Chiang Mai to Burma was quite difficult because migrants had to rely on informal contacts like brokers or friends and relatives. The brokerage fees were expensive, because the process for sending money from Thailand to Burma was complex; for example, one person carried the money from Chiang Mai to Mae Sot, and then from Mae Sot to Burma. For a 100,000 Kyat

[6] Yangon is the former capital of Burma (Myanmar) and the capital of Yangon Region. The military government officially relocated the capital to Naypyidaw in March 2006; however, Yangon, with a population of over four million, continues to be the country's largest city and the most important commercial center.

(around 3,200 baht) remittance a broker charged 1,000 or 2,000 Kyat. Nowadays, since technology has improved, migrants in Chiang Mai can transfer the money via a bank account - going to an ATM or bank to withdraw the money.

2.3.3 Actor-Based Factors

As well as taking account of modernization and economic factors, the actor-based approach is useful when attempting to understand the Burmese Muslim female migrant's decision making processes, because most of the women in this study told me it was their decision to migrate; no one elses. As mentioned, Sa came to work in Chang Klan more than five years ago, while her family still lives in Myawaddy. Before she migrated, her family did not want her to come to Thailand, even her brother, who had been working in Chiang Mai city for more than ten years. Her family wanted her to take care of their mother, who was very old and sick. Her mother and little boy did not want her to leave either, but she really wanted to move to Thailand, so though she cried a lot, her family finally allowed her to move. With support from her brother, she and one of her friends managed to leave Burma and move to Thailand through the Mae Sot border crossing.

Rather than understanding migrant flows from a push and pull perspective in relation to economic forces, the modernization view suggests that the actor-based approach is critical when trying to understand why migrant women choose to migrate. As part of the process of migration, the study women calculated the risks and capital they had at home prior to leaving, and then once arriving in the resettlement area, planned for a longer stay prior to a further move or a return home. These women are now concerned, not only for themselves, but also their dependents such as husbands, children, and parents and other relatives. The well-being of their families depends on their labors (doing domestic work), including education for their children, medical care for their parents and money to support their daily lives. These factors are important when wishing to understand why women such as these choose to migrate, how long they decide to stay in the resettlement area and continue their domestic work, and what their future plans are.

2.6 Summary

This chapter has provided background information on the Burmese Muslim female migrant domestic workers living in Chiang Mai. I started with a definition of domestic work, and then explained the shift that has taken place from hiring local village domestic workers to migrant domestic workers, after which I discussed the limited legal protection offered to domestic workers, especially to migrants. Finally, I explored the migration flows of the Burmese Muslim migrants as they move from Burma to Chang Klan community.

In this chapter, I also explored the motivations of the Burmese Muslim female migrants, those who migrate from their home villages to seek work in Thailand, based on three approaches, including the modernization, economic system and actor-based approaches. As I have pointed-out in this chapter, one cannot look only at each motivating factor as either a push or a pull factor alone, because a given factor may sometimes be both. More importantly, I have also discussed those factors leading the migrants to stay in the host society for a longer period of time.