

SOCIAL PROTECTION FOR MIGRANT WORKERS DURING COVID-19 PANDEMIC SITUATION IN THAILAND: A CASE STUDY OF SAMUTSAKORN PROVINCE

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Abstract

The pandemic situation of COVID-19 In Thailand affects social impacts on Thai people and migrant workers where working conditions and normal life have changed and worsened. In particular, migrant workers who are not only directly affected but are also considered carriers of COVID-19 as a super spreader in the country. As a consequence, those migrant workers become the vulnerable group from having to stop working, the number of working days and income have decreased but the daily expenses are the same as before COVID-19 or even it would be increasing. They tend to be out of the loop of assistance.

This article aims to show the relevance of how social protection can help migrants overcome these outbreaking situations or mitigate the problems they are facing. The social protection system for migrant workers in Thailand is still quite challenging and should provide measures for the case of migrants, child migrant workers/children on the move, and followers in Samutsakhon Province. There is only short-term assistance but still, be a question of the middle and long-term solutions. Therefore, to have Social Protection, the government should have measures and policies which can be core local community mechanisms to link with the contingency plan and prevention at the level of community and provincial levels. The methodology in this research obtains information and key messages from various related persons by conducting focus groups and addressing the issue related to social protection in the conference with relevant agencies.

Keywords: social protection, promotive measure, Preventive Measure, Protection measure, transformative measure, migrant workers, COVID-19

1. Introduction

The COVID-19 pandemic situation in Thailand has been continuously and extensively affecting Thai people and migrant workers in Thailand which makes the living and working conditions themselves worsen changing especially toward migrant workers who are blamed as a super spreader, the migrant workers are also affected by the government policies or regulations, for instance, the closing of border cross, limited traveling for migrant workers, lack of access into information from the government as there are numbers of ethnics languages, lack

of access to health services, stigma (Kluge et.al., 2020) and these factors definitely affect to the mental health condition of migrant workers. (Liem, et al., 2020)

Koh (2020) states that from these, all factors and vulnerable conditions would be the risks of COVID-19 infection but those risks are not individual reasons to infect COVID-19 but unhealthy working conditions themselves, for example, the migrant workers have long hours and need to continue work even the pandemic is occurring. Reid et al. (2021) state that because of this reason, hence, the migrant workers do not

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receive covered assistance from social security welfare e.g., sick leave, subsidies including health insurance. Therefore, vulnerable groups of migrant workers are not able to receive assistance from social security especially the irregular migrants who are not in the system and migrant workers. During the COVID-19 pandemic, it appeared that lacking social protection globally. The international governments who are holding accountable to protect the health protection services and guaranteeing minimum wage are not able to provide adequate services to the people, social protection is a linkage and it will enable the core of the social contract. (Razavi et al., 2020)

Social protection is the key solution to protect the living and safety of working conditions for migrant workers, the author reckons that the migrant workers would be in a secure situation if they have to follow all the suggestions to prevent COVID-19 and take good care of themselves. Neef (2020): states the importance of social protection during COVID-19 and points out that migrant workers are the main factors in the food chain in Thailand who drive the economic system and maintain the food production cycle in Thailand.

2. Social protection for migrant workers in Thailand

Social protection is essential for migrant workers when they work in Thailand because it would help them to gain social support for themselves. Sathinee Sirapaiboon (2561) explains that the key process of social protection is social security which mitigates the risk of being in danger while working in Thailand in regards to documentation status and race-related this issue. Sabates-Wheeler & Waite (2003) state the concept of social protection can mitigate vulnerable conditions and be a tool for risk management for those who have a low income. International Labor Organization (ILO) (2021) also mentioned that “the key messages of extending social

protection to migrant workers, refugees, and families are:

- Social security is a human right which migrant workers should enjoy throughout the migration cycle.
- Extending social protection to all, including migrant workers and their families, is key to ensuring income security for all, reducing poverty and inequality, achieving decent working conditions, and reducing vulnerability and social exclusion.
- The underlying causes of the main challenges faced by migrants in their effort to access social protection can be traced back to the principle of nationality and territoriality.
- An understanding of the legal and practical barriers that migrant workers are essential to the identification of appropriate policies, laws, and measures.
- Overcoming the difficulties faced by migrant workers and their families when seeking social protection is a major challenge for countries, but a wide range of options exist. These include ratification and application of the relevant ILO instruments, including with the regard to the principle of equality of treatment; the signing of bilateral and multilateral social security agreements; the adoption of unilateral measures, such as coverage of migrant workers under national social security legislation; and complementary measures addressing the practical obstacle that these workers face.

- The consistency of migration, employment, and social protection policies, laws, and strategies is essential if migrant workers are to have effective access to social protection benefits.
- The social partners should be actively involved in planning, designing, and monitoring social protection extension strategies, including for migrant workers”

UNICEF (n.d.) explains that social protection standard can be divided into 4 levels as follow:

- 1) Promotive measure: this includes gender-responsive social protection systems, care systems, and family-friendly policies, to respond to gendered risks and needs; support women’s and girls’ economic and social empowerment, and child development more broadly.
- 2) Preventive measure: it is to prevent the situation of lacking needs for individuals by using the social security system poses by both non-government and government services for instant social security (the collective money from the employee, employer and supported by the government) which include health insurance, unemployed insurance.
- 3) Protection measure: it contains specific measures which enable the assistance of individuals who have not received and are protected by the above measures (1) and (2), the measures are donation, legal assistance, accommodation, consultant, or counseling.
- 4) Transformative measure: this is a measure that aims to change a person's bargaining power for justice. The Individuals are protected against potential social risks, such as

discrimination. Violations. This measure aims to expand social protection to empower individuals, empowering capacity and human rights rather than income. In addition, Transformative measure seeks to address the concern of social equity and exclusion, such as collective action for workers’ rights, or upholding human rights for minority ethnic groups. Transformative interventions include changing the regulatory framework to protect “socially vulnerable groups” e.g. people with disabilities or victims of domestic violence against discrimination and abuse as well as sensitization campaigns (such as The ‘HIV/AIDS Anti Stigma - Campaign’ to transform public attitude and behavior and enhance social equity.

In 2010, ILO proposed the social protection standard for labor which consisted of:

- (1) social assistance which everyone can access and basic needs for all, they suppose to be able to access social services, possess stabilized and long-term jobs through the social welfare;
- (2) social insurance which is assurance for workers; subsidized from employee and employer which cover sickness, injury during working, pregnancy, family issue, unemployed status, disability, and death; and
- (3) voluntary insurance which is more important for migrant workers because they are now working in freelance jobs, which includes the migrant worker who could not reach the social security or daily wage the same as the migrant workers who work in the companies that are having more systematics.

In addition, ILO strongly recommends that social protection is important for migrant workers to respond to infection of COVID-19

situation as there are challenges for them to access government services, for example, health services, and income stability. Therefore, social protection is a tool to mitigate the effect of COVID-19 and enable assistance to migrant workers in a timely manner. So, in the short term, we should address the issues of access to health and wage insurance, and promote safety and security, including occupational health, proper accommodation, and prevention of COVID-19 information. In the middle and long-term solutions, it should be strengthening to social protection system and addressing it at national and global levels. Nevertheless, social protection for migrant workers is an objective for established the international organization but there are some groups of migrant workers who are left at the border (Hennebry, 2014). The social protection for migrant workers still has challenges as follows:

- The limitation and lack of ratifying the convention by the Thai Government regarding legal status and legal protection for migrant workers related to The International Convention on the protection of the Rights of All migrant workers and their families (which was adopted by General Assembly resolution 45/158 of 18 December 1990)
- There is no review of the social security legislation for migrant workers of the destination country, unclear, and no revision of qualification of migrant workers who identified and differentiate from other groups of countries.
- Limitation of Social Protection for migrant workers and their families from the country of origin and country of destination
- Struggles of accessing the rights and services from the social security as the status of 'labor' or 'worker'.
- Lack of understanding of basic human and social rights which are based on standards toward protection and access to basic rights.

In summary, from the COVID-19 situation and the response from the government in Thailand, there are limitations and challenges which are loopholes of social protection as the government cannot provide covered services for migrant workers in Thailand and there is a number of them are not in the system such as health system, social security, and because of some groups of migrant workers are undocumented. All these factors make migrant workers struggle with their living conditions and should be addressed to the government in a timely manner as there is a number of obstacles and challenges.

3. Roles and responsibilities of Labor Protection Network (LPN) Foundation in terms of social protection

LPN is a Thai NGO that has rich experiences of working with migrant workers in Thailand for decades. It is located in the center of migrant workers who are the most living in Thailand where are Samutsakorn, Pathumthani, and Rayong provinces. Its missions focus on contributing legal access to those migrant workers, promoting their rights, and providing legal assistance for migrant workers who face the struggle of unpaid wages, injured, and no assistance from the employer. LPN just has established a shelter for human trafficking survivors and provides aftercare for the children both boys and girls plus adult survivors but not limited to vulnerable groups this shelter is registered with the Department of Anti-Human Trafficking in Person (DATIP), Ministry of Social Development and Human Security (MSDHS) which is the key protection measure when needed for migrant workers and their families need protection as there is a limitation for protection measure when migrant workers face

the problem of sexual violations and other issues as there is no shelter specifically for non-Thai individuals.

In the operation areas of LPN and the areas where those migrant workers are affected by the social and economic situation. LPN has been operating its protective mandate for migrant workers for many years, in particular, to increase their quality of life, to protect the rights of migrant workers, equality, self-reliance, and peaceful living in the society. LPN has responded and attempted to find the solution in regards to social protection for migrant workers who are affected in all conditions in order to receive basic needs and adequate social protection, being protected and treat with migrant workers by the humanitarian code of conduct for instant non-discrimination with nations, races, religious, non-violation of the rights, and they should be eligible to have free movement from the place of origin to their own destinations with safeties.

LPN also holds the learning center which is supported by the private sector to provide voluntary learning for migrant children for daily learning, they provide activities to support the development of children, learning child rights, support the parents who are working as daily wage and unable to nurture the children by themselves.

During the COVID-19 pandemic, LPN operated and provided humanitarian assistance for migrant workers who were affected by COVID-19. LPN provided basic needs, and relief supplies through the system of Interpreter volunteers from Myanmar, Cambodia, and Laos who are residing in Thailand. They combined as the Migrant Labour Group (MLG) and established COVID-19 Labour Help Lines for migrant workers in Thailand. The objective of this project is to intake the needs, and understand the problem of migrant workers from Bangkok, perimeter areas of Bangkok, and expand all over Thailand. The result of this project went well and migrant workers

were able to access the services the assistance with the referral and well collaboration from the government and non-government organizations. The network of interpreters is the strong point of LPN which can connect to those migrant workers and be updated the group of them about all the latest situations and what their needs are.

On 4 June 2020, LPN launched the forum on “Hand to Hand: Human trafficking situation addressed to Social Protection Policy during COVID-19” at Rehabilitation and Training Center / Protection Shelter or LPN home at Ladlumkaeo, Pathumthani province. The objective was to exchange the experience and lessons learned from all activities conducted by LPN. The representatives from government officials, private sectors, and community service organizations. The results are as followed:

3.1 The legal status, access to assistance, and recommendation to the government

The LPN operations found that the roots cause that migrant workers are unable to access basic needs is physically remote of migrant workers because there are many migrant workers, who work in remote areas and stay far from the central official services so it is hard to obtain legal documentation and they become at risk of undocumented individuals. Most government official remains in the system which needs a hard copy of house registration, and ID card from migrant workers as consequence, the migrant worker especially female would be out of the loop of humanitarian assistance. Even though government official has tried to provide increasingly on social protection for the migrant workers but document and legal status are needed to receive medical care such as the vaccine for COVID-19 but from the Hand to Hand Project of LPN provides information and has a vaccine program for those migrant workers who willing to get a vaccine, it also found that before coordinate with the health service official, it is

necessary to register to access these vaccines by using the personal information of migrant workers e.g., date of birth, contact number, passport number, etc. Hence, undocumented migrant workers are not eligible for any vaccine. In addition, those migrant workers who are willing to have vaccines need to travel a long distance and paid the high cost of traveling to get the vaccine. Furthermore, the vaccine might cover only the first and second dose for whom has the legal document. But for the 4th and 5th waves of COVID-19 might not be able to cover and provide health services to the migrant workers.

For the issue of undocumented migrant workers, it is suggested that the national or regional level should be integrated by government officials e.g., Ministry of Labor (MOL), Ministry of Interior (MOI), and local authorities to have a standard of operation in order to provide the basic needs and the standard measure with the same direction by aware of humanitarian principles and code of conduct. The migrant volunteers or the migrant working group located in the area should be able to identify the vulnerable groups who still need assistance. The importance of volunteers is the strong mechanism to provide useful information, make understanding and invite the migrant worker to receive the vaccine as some of them have a concern regarding the effect of getting a vaccination, especially the group of undocumented migrant workers. There is a good example of the “Labour Recalibration Programme” of the Malaysian government which contributes and provide vaccine for irregular migrant workers in Thailand to be eligible for repatriation back to their homeland without any charges. In addition, the government official assistance supposes to consider the sensitivity of Gender because there is a number of female migrant workers who need to be supported on female hygiene and need specific needs. The gender role of the female is often expected to

provide care and nurture to all family members even if there is lacking access to food security, thus, providing basic needs for instant sanitary pads, food for children, or even provide women's organization services as they might be facing the domestic violence during this period of time.

3.2 Government services: criteria of the documentation process

At the present, migrant workers pay social security for matters of compensation when they are unemployed but in the crisis of COVID-19, they might not be able to receive assistance at the same level as Thai workers and are at risk to be deported at the origin country. Thus, prompt responsibility from the relevant agencies should be taking place plus the care and determining the needs of migrant workers in this crisis are important and ensure the employer undertakes and proceed with the legal process for hiring. The life journey of migrant workers is always related to documentation prior entering to Thailand, once they become workers in Thailand have to be aware of the process of changing employers once they change their job, reporting themselves, work permits, and changing documents once it is expired and so on. All these processes need to be reviewed under the principle of Customer Journey in accordance with the service provider and clients. In order to cut off the complicated step or could be a “One Stop Service” to help both employer and migrant workers. From mentioned issue, we strongly suggested that the law registration, acts, and other related laws should be strengthened and enforced against entrepreneurs, and employers to follow all steps for sake of migrant workers as mentioned earlier those document process should be shortened and more convenient by utilizing the Government Authorization Facilitation Acts B.E. 2558, Legislation and Legal Achievement Assessment Criteria Act B.E. 2562, Emergency Decree on the Management of Foreign

Workers B.E. 2560 and Immigration Act B.E. 2522, to review those steps related to migrant workers. The reviewing of the steps or all standards of operations should include meaningful participation means to include all stakeholders; government organizations, private sectors, community service organizations, and importantly migrant workers who get direct effects from all standards of operation and policies. To Create the services and criteria of MOL should be considered, in particular, the “Customer Journey” to access the services, the individual or personalization of service receiver as we aware of the different group has different condition and different ability to access the services. Once the government has a strong objective to be a 4.0 government, which means all standards must be updated and compared equally with the global standards as well.

3.3 Collaboration with all sectors for further development

Since the COVID-19 pandemic situation occurs it shows the need for collaboration from related agencies to provide assistance for migrant workers during the crisis as they are unable to go back to their homeland or work during COVID-19. This issue was addressed to the MOL, integrated with government, private sector, CSO, volunteer systematically in case of the unmanageable task by the government should empower to private or CSO manages it instead which supported and leading on evaluation of transparency and effectiveness of the project by the government.

4. Case study of migrant workers in Samutsakorn Province

There are migrant workers in Samutsakorn province 237,614 individuals (statistics from Foreign Worker Department Administration of Employment Ministry of Labor, 2564) but there is likely no exact number of them because there are numbers entering Thailand

illegally and working without any documents which can be double numbers of migrant workers mentioned or it is about 500,000 – 600,000 individuals. The group of migrant workers is residing in huge size, middle size, small, and among individuals all over the province, especially in Muang District where might be more numbers of migrant workers than Thais. The related sectors are aware and concerned regarding this situation as there are millions of Myanmar, Laos, and Cambodia nationals residing and working in Thailand. There is an assumption if COVID-19 spread among these migrant workers how Samutsakorn province would respond and find a solution in time. Or even there is a question to the government about to have prompt response policy to manage this problem. But from our observation, the local authorization to see migrant workers is not covered in the budget to respond to the crisis pandemic or in any budget management.

The strong mechanism during COVID-19 in Samutsakorn to mitigate the risk and promote health instruction for migrant workers is ‘*migrant worker volunteer*’; they are able to reach out to the migrant immediately and provide preventive COVID-19 information, promote useful information or even refer the case to LPN and to health services. As the companies those the migrant worker volunteers are working have strong instructions to prevent infection of COVID-19 by emphasizing and promoting to their employees to protect themselves before, during, and back to their residents. More important during COVID-19 the provincial governor was the key person who pay attention to and strategize systematically with the CSO and NGO network who have been working in Samutsakorn province and do have rich experiences with migrant workers so the solution to solve COVID-19 was managed well by these systems and mitigated the crisis.

Since COVID-19 was spreading in Samutsakorn province, the government and officials have tried to provide the measure to prevent and resolve the spreading then the “Center for COVID-19 Situation Administration” (CCSA) has announced a number of regulations. Firstly, Announcement No. 931/2563 on 8 March 2020 to enforce all people to wear masks and the measure for public places can deny a person who does not wear masks before entering those places, must strongly follow “social distancing”, temperature screening, and provide alcohol spray or gel. Secondly, Announcement No. 3072/2563 started to provide measuring regard to places where conduct concerts and entertainment activities must be noticed to Thai officials at least one day prior to the date. Thirdly, Announcement No. 3557/63 set up the Field Hospital called “Huang Yai Kon Sakon Center” at Samutsakorn Stadium because of the number of migrant workers infected with COVID-19 increasingly. Then, following up with Announcement No. 3563/65, several field hospitals were set up such as at Wat Krok Krak, Muang District and Na Wattana Factory, Phan Tai Norasingh Sub District as the 3rd to the 7th field hospitals in Samutakorn to assist the migrant workers and Thai resident who infected with COVID-19 by that time and closed since there situation were better.

The governmental measure for controlling COVID-19 called ‘Bubble and Seal’ especially in Samutsakorn from 19 December 2020 – 31 March 2021 was the highest controlling measure for instant closing entering the gate of Shrimp Market, Srimuang apartment, closing of business places temporary e.g., entertainment business, and restaurant where only allow buying take away, fresh market open only 6 hours per day, and movement of migrant workers which not allowed migrant workers travel to other provinces. Nevertheless, social protection is still needed for migrant workers in the short-term by providing the health service, promoting good

conditions in the workplace for migrant workers, a measure of decease control, and living areas, and providing information but those actions do not meet a proposal of ILO which is the guarantee of income, in case of closing companies and working place plus expanding of protection of migrant workers equally which is the next objective in order to be a contingency plan for the future.

From obtaining information from the ground, works of literature, statistics from officials, and coordination among related agencies to provide assistance during the COVID-19 pandemic and existing measures, we still see some room for improvement if any pandemic occurred with Thai and non-Thai residents who are living in Samutsakorn. The key person should be included the participation of migrant workers or their leaders, interpreters who can be the messenger, NGOs, CSOs, and RTG for following recommendations.

5. Recommendations for social protection aspect

From the program has been being conducted by LPN during COVID-19, there are recommendations addressed to the national level in terms of social protection as follows

- 5.1 Participation of migrant workers together with their employers and companies is the main factor solution by focusing on not only the living condition of the migrant workers but also pay attention to the condition of their accommodation condition as well.
- 5.2 It is recommended that the local management (province/ district/ sub-district/ municipality level) should be strengthened and empowered by the central government because Samutsakorn province has rich experiences and strong capacities in many aspects.

- 5.3 Accommodation management/zoning system: it is suggested that should start with participating in city plan initiation together among traders, entrepreneurs, investors, and migrant workers who can be staying in their own zones in Samutsakorn so they can stay legally in Thailand if possible.
- 5.4 Access information/data management: promotion and support of migrant workers unable to access useful information regarding their health services, prevention of disease control via migrant volunteer system integration with NGOs who have rich experiences and have been existing in the area for years. This would help migrant workers are able to access social media and gain useful information.
- 5.5 Promote and develop with full participation with CSO, private sector, and NGOs in the operation area as they are key organizations who dealing with migrant workers for years and understand the problem and concerns well.
- 5.6 Awareness raising and preventive procedures for migrant workers, from experiences working with Myanmar National migrant workers, we see they are having less to infect COVID-19 as they are mostly living in their own areas and travel less only their accommodations, working area and nearby for buying stuff. Once COVID-19 occurred they are more carefully living than before, the possible infection to have COVID-19 was there was outsider going into their areas.
- 5.7 Develop Myanmar Migrant Labor Group (MMLG) network who are residing in communities and encourage the neighboring labor, companies to have good screening prior entering into

factories or working area, compulsory wearing mask from home to home, at all time. Once they work they must strongly follow health regulations and suggestions from the health department of 'social distancing', optional measures, encouraging to access alternative vaccines for migrant workers, self-care education, home isolation, and community isolation process which all steps should be abided under the humanitarian principle.

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