Social Justice and Inequality Journal 3 (2) (May-August 2022)

วารสารความเป็นธรรมทางสังคมและความเหลื่อมล้ำ

การรับรู้และความเป็นจริงของอำนาจต่อรองของแรงงานข้ามชาติในภาคส่วนที่ต้องพึ่งพาการเคลื่อนย้าย: กรณีแรงงานข้ามชาติกัมพูชาในการประมงและการก่อสร้าง

Perceptions and reality of bargaining power among migrants in mobility-dependent sectors: The case of Cambodian migrants in fishery and construction

ซายรี่ เซง[ก1], ศยามล เจริญรัตน์[ก] และ ฮาร์ท เอ็น ฟิวเลอร์[ข]

Sary Seng[a1], Sayamol Charoenratana[a], and Hart N. Feuer[b]

[ก]หน่วยปฏิบัติการวิจัยความมั่นคงของมนุษย์และความเท่าเทียม
สถาบันวิจัยสังคม จุฬาลงกรณ์มหาวิทยาลัย
[ข]มหาวิทยาลัยเกียวโต

[a]Human Security and Equity Research Unit, Social Research Institute, Chulalongkorn University
[b]Kyoto University

บทคัดย่อ

เอกสารนี้ประเมินการเปลี่ยนแปลงเชิงโครงสร้างที่ก่อตัวอย่างรวดเร็วในกระบวนการย้ายถิ่นของกัมพูชา-ไทย เพื่อพิจารณาว่าการเปลี่ยนแปลงระยะยาวของอำนาจต่อรองที่เอื้อประโยชน์แก่ชาวกัมพูชาได้รับผลกระทบจากการจำกัดการเคลื่อนย้ายอย่างกระทันหันเนื่องด้วยการระบาดใหญ่ของโควิด-19 อย่างไร ประเทศไทยเริ่มส่งเสริมการย้ายถิ่นของแรงงานภายในพื้นที่ภูมิภาคเพื่อตอบสนองการขาดแคลนแรงงานในช่วงฟื้นตัวจากวิกฤตการเงินในเอเชียในปี พ.ศ. 2540 โดยได้รับการสนับสนุนอย่างเฉื่อยเนื่อยจากตลาดแรงงานกัมพูชาที่เต็มใจและอายุน้อย ทฤษฎีคลาสสิกอธิบายกระบวนการที่ตามมาได้ดี: ประเทศต้นทางมีภาวะทางเศรษฐกิจดีขึ้นในขณะที่ประเทศไทยมีความต้องการแรงงานสูงขึ้น ทำให้เกิดการยกระดับปัจจัยที่นำไปสู่การย้ายถิ่นมากขึ้น อย่างไรก็ดี จุดอ่อนของทฤษฎีการย้ายถิ่นดั้งเดิมที่มีลักษณะจำเพาะก็คือ แนวคิดที่ลื่นไหลว่าด้วยการเคลื่อนย้ายแรงงาน ซึ่งเกิดขึ้นจากการเปิดเสรีให้มีการเดินทางในกลุ่มประเทศเอเชียตะวันออกเฉียงใต้ รวมถึงกระบวนการบูรณาการในภูมิภาคอาเซียน ในบทความนี้ เราอธิบายลักษณะชีวิต

[1]Corresponding author, E-mail address: saryacp@gmail.com

Received: January 2022 Revised: June 2022 Accepted: July 2022

ความเป็นอยู่ของแรงงานข้ามชาติในภาคส่วนที่จำเป็นต้องมีการเคลื่อนย้าย โดยเฉพาะอย่างยิ่ง ในภาคการประมงและการก่อสร้าง รวมทั้งแนวทางที่ผู้คนเหล่านั้นปรับเปลี่ยนแรงบันดาลใจและความคาดหวังให้สอดคล้องกับการเปลี่ยนแปลงโครงสร้างประชากรและโอกาสทางเศรษฐกิจ เราพบว่า ก่อนที่การระบาดใหญ่ของโควิด-19 จะเริ่มขึ้น ดุลอำนาจต่อรองระหว่างแรงงานข้ามชาติ นายหน้า และบริษัทของไทยเป็นคุณต่อแรงงานข้ามชาติแม้ว่าแรงงานข้ามชาติจำนวนมากยังมิได้ตระหนักถึงอำนาจที่เพิ่มขึ้นจากเดิม การเริ่มต้นของการระบาดใหญ่ได้เผยให้เห็นความไม่มั่นคงของอำนาจต่อรองจากที่เคยยกระดับมาอย่างต่อเนื่อง แต่ปัจจุบันได้ลดต่ำลง

คำสำคัญ: ไทย; กัมพูชา; การอพยพ; ความไม่แน่นอน; โควิด-19

Abstract

This paper evaluates the rapidly evolving structural changes in Cambodian-Thai migration pathways to determine how long-term shifts in bargaining power favoring Cambodians intersect with the abrupt restrictions on mobility imposed by the Covid-19 pandemic. Thailand began encouraging inward labor migration to respond to gaps in the workforce during its recovery from the 1997 Asian financial crisis, and was supported passively by a willing and young labor market in Cambodia. Classical theories describe the ensuing process well: economic conditions in sending countries improved while the need for labor in Thailand increased, causing conditions to improve for inward migrants. However, more poorly characterized by classical migration theories has been the fluid ideas of mobility for workers arising from the liberalization of travel within Southeast Asia and regional integration processes within the ASEAN bloc. In this paper, we characterize migrants' livelihoods in mobility-dependent sectors, namely fishery and construction sector, and how they have adjusted their aspirations and expectations to match structural shifts in demography and economic opportunity. We find that, until the Covid-19 pandemic began, the balance of bargaining power between migrants, brokers, and Thai companies was in favor of migrants, although many migrants did not realize their increasing leverage. The onset of the pandemic exposed a degree of precarity that has further buried notions of bargaining power that were incrementally developing among migrants.

Keywords: Thailand; Cambodia; migration; precarity; Covid-19

Introduction

In some respects, the evolution of Cambodian immigration to Thailand fits squarely with numerous theories of worker mobility, in that economic development in Cambodia and deteriorating

labor demographics in Thailand have incrementally given Cambodian workers a more pluralistic outlook on if, how, and why to migrate. Neoclassical economic theory alone, in which economic disparity is the basic necessary condition for migration (Sjaastad, 1962), could have generally explained macro-level labor flows between the two countries until around 2010. A number of other frameworks could effectively be engaged to illuminate the dynamics of migration networks (de Haan, 1999), return migration (Cassarino, 2004), remittance-led development (de Haas, 2005; Olesen, 2002), and transnationalism (Castles & Miller, 1998). Although these frames would indicate an overall positive trajectory, in which increasing "pull" factors coupled with decreasing "push" factors would steadily improve the migrant experience of Cambodians in Thailand, exploitive and precarious conditions stubbornly persist (Bylander, 2019; Chaisuparakul, 2015). A recurring explanation has been that migration crises precipitated by political changes frequently reshuffle and complicate the migration outlook (Nurick & Hak, 2019). And indeed, the migration disruptions following the seizure of power by Thailand's military in 2014, and the outbreak of the Covid-19 pandemic in early 2020, have put this dimension of precarity into even sharper relief (Bylander, 2018). In this article, however, we argue that the functional precarity associated with crises, and with the migration process in general, is often overshadowed by perceived precarity. In this frame, Cambodian migrants do not readily, or necessarily, become conscious of their growing economic importance, and are thus hesitant to take advantage of their improved bargaining power even as *potential* conditions improve.

It is commonly known that Cambodian immigrant workers, especially those in mobility-dependent sectors such as fishery and construction, experience recurring precarity (Human Rights Watch, 2018). Critical to an understanding of the current status of migration is a discussion of historical narrative of Cambodian and Thai socio-economic development, which has informed the current incentives and rationales of Cambodian migrants. At present, many of the difficulties faced by Cambodian migrant workers is attributable to disadvantageous power relations with Thai employers and migration brokers. To understand the extent to which these power relations are representative of real, as opposed to perceived, vulnerabilities and disparities, we evaluated migrants' insights about travel and employment relations over a 15-year period (2005-2021) in which economic conditions in Cambodia improved dramatically as the Thai labor shortage sharpened. We found that Cambodians' capacity for navigating the migration process had improved significantly, mostly thanks to improved migration networks, experience, and recurring phases of integration in Thailand. We also found that working conditions had improved incrementally in many respects, but still fell short by subjective assessments, especially in comparison to conditions for Thai employees.

However, considering how the balance of economic power had shifted in favor of Cambodians over this period, many migrants were not aware, or unable to take advantage of, their improving leverage.

In this paper, we consider the role of real vs. perceived perceptions of bargaining power and the factors playing a role in suppressing this economic empowerment. First, we outline some of the relevant migration theories, and what they say about evolving power relations as development proceeds. Second, we provide background on the migration flows and history of Thai-Cambodian labor mobility. Third, we present empirical data and findings about working conditions and perceptions of bargaining power as migrants. Finally, we conclude with explanations for the slow pace of economic empowerment in the migratory process.

Beyond theories of migration

Theories explaining the macro- and micro-level flows of people across national borders have both a cumulative and competitive character – they both build upon one another to capture increasingly differentiated migration processes, while also contradicting each other on various key features. The tangle of theories that have emerged since the middle of the 19th Century has encouraged some observers to step back from immigration-specific frameworks to more expansive theories, such as systems theory (Sciortino, 2000). This paper takes a heuristic approach to immigration theories, engaging them to facilitate description and illuminate specific processes, while building toward a more empirically embedded framework.

To begin with, the neo-classical approach is often considered a reference point in describing macro-level migratory flows (Castles, 1995: 1-23). Its “Push and Pull” model has become iconic in this respect, viewing migration as being caused by push factors (poverty, employment scarcity, natural disasters, etc.) in the sending countries, and pull factors (mostly economic opportunities) in the host countries. The theory proposes a simple trajectory, in which migration flows continue until the real wages are equalized Savitri (1974: 12-44). This is particularly relevant to the case in this paper as it covers a period in which a sending country (Cambodia) experienced rapid economic growth and narrowed the economic disparity with Thailand. Also relevant in this approach, Borjas (1989) emphasizes that the migrant is understood as having primary agency here:

In the immigration market several types of information are exchanged and the various options are compared. In a sense competing host countries make migration offers from which individuals compare and choose. (461)

Naturally, such a choice assumes that the choices are transparent and capacity of the migrant to assess and choose between them is sufficient – two factors that this paper will problematize. Indeed, the neo-classical approach has long been criticized for its focus on individual agency, strict economic rationality, and disregard for historical context (Castles & Miller, 1998), but subsequent theories have often swung the pendulum too far in the opposite direction. The historical-structuralist school suggests that not only do inequalities in resources and power between different countries influence migration flows, but also historical exchange and entry policies of immigration countries (Zolberg et al., 1989, pp. 14–17). This reliance on structural factors and the emphasis on policy has often been an avenue of critique of the historical-structuralist school, as most immigration policies, regardless of historical context, have been unable to comprehensively control flows and typically experience numerous unintended effects.

Concerning the question of agency, the New Economics of Labor Migration (NELM) model proposed a different approach, in which migration decisions are not individual, but group-based strategic responses for diversifying risk and allocating labor (Stark, 1991). Here, agency is expressed within migrant networks considering primarily "push" factors. Emigration is largely objective-oriented, with a speedy return seen as the consequence of success in achieving the target earnings (Cassarino, 2004; Dustmann & Kirchkamp, 2002). However, anomalous to NELM are feelings of socioeconomic prestige, accumulation of human capital, and social attachments in the host country (Constant & Massey, 2002, pp. 15–16), which have increasingly been shown to play roles in the migration experience.

The limited attention paid to the co-evolution of social lives and identity between sending and host country contexts has initiated a turn toward the theory of transnationalism. In contrast to structuralist approaches, transnational theory is agency-oriented, but in a broader sense than the strict economic rationality of the neo-classical approach. It positions migrants as able to reflexively negotiate their economic, social and cultural existences simultaneously (Castles & Miller, 1998, p. 29). In particular, repeat migrants (or those following well-worn migration chains) are able to use all of experiences and tools to continuously re-assess (the need for) migration (Levitt, 1998). Migrants with a transnational orientation may not necessarily view return as the end goal, preferring to remain de-territorialized to some degree so as to benefit from the "best of both worlds" (Razum et al., 2005, p. 735). This relates to a broader model of migration centered around social networks and social capital, in which accumulated networks or relationships improve conditions abroad (Massey et al., 1993, pp. 42–45). Broadly, such networks have been documented for making the migratory process

safer and more manageable in many dimensions (Castles & Miller, 1998, p. 26). And in theory, this should apply to mobility-dependent sectors such as fishery and construction, in which worksite changes and seasonality require frequent internal and domestic migration.

However, social networks can be ambivalent in character. Migrant groups often develop their own social and economic infrastructure: place of worship, associations, shops, and cafés, and even professional services like legal and medical assistance. Such infrastructure can facilitate migration and initial convenience, but may serve to inhibit integration or encourage complacency. The growth of networks can also coincide with the development of a "migration industry", consisting of recruitment organizations, lawyers, agents, smugglers and other middlemen, which can operate according to its own logic of reproduction (Harris, 1996, pp. 132–136). Such networks can be come to exploit, or at least suppress the bargaining power of migrants. In general, it can be concluded that, because networks are continually reinforced by mutual exchange, they are defined by their *circularity* (Cassarino, 2004, p. 11). While the circulatory of networks has been documented to help create a migratory industry or infrastructure, it is important to question whether this opens space for innovation and timely response to new economic and social realities, or whether such networks sap the dynamism of migratory agency.

Historical background of Thai-Cambodian migration

Since the Paris Peace Accords in 1991, which re-opened Cambodia to more normalized international relations, the opportunity for higher-paying waged labor in Thailand remained the pull factor for both legal and illegal migrant workers from Cambodia, Lao PDR, and Myanmar. Thailand is often the first choice for migration in mainland Southeast Asia, as it is commonly perceived to be a more advanced capitalist economy than neighboring countries. As of December 2019, there were an estimated 3.9 million foreign workers in Thailand, representing around 10% of the workforce (*Thailand Migration Report*, 2019). Although freer mobility to Thailand is a nominal goal of the Association of Southeast Asian Nations (ASEAN) Economic Community, this excludes most migrant workers as they are employed in low-skilled work, particularly in the construction, fishery sector. Nevertheless, migrant workers make a substantial contribution to Thailand economic performance: 4.3% of Thailand's GDP in 2010 and around 4.7% in 2017 (*Thailand Migration Report*, 2019). Although often unwilling to admit to it publicly, many sectors of the Thai economy directly or indirectly are dependent on migrant labor, a condition often "revealed" during various political or public health crises (Ducanes, 2013).

In the previous decade, sudden exoduses of foreign laborers exposed gaps in the domestic labor market. The sudden departure in 2014 of more than 250,000 Cambodian migrants, following the military seizure of power, brought several major industries to a standstill. A strict immigration policy issued in 2017 caused a similar outpouring of migrants, repeating the labor gap (Nurick & Hak, 2019). A variation of this crisis was repeated in early 2020, with the onset of the Covid-19 pandemic. In this case, however, migrants fearful of economic pauses, border closures, and lockdowns led to a mass mobilization of tens of thousands towards Thailand's land borders. Crowding at the borders and strict quarantine controls led to crowds gathering on the borders, raising concerns about the spread of the pandemic. Ultimately, at least 300,000 migrants returned to their country of origin, including more than 90,000 to Cambodia (Engblom et al., 2020). Although the shock to the labor market was muted by economic slowdowns associated with the pandemic, the construction and fisheries industries struggled to maintain their labor forces. In each of these labor crises, Thai dependency on migrant labor was revealed and this dependency is exacerbated with each passing year, as birth rates plateau and willingness of Thais to take unpleasant jobs declines (Bylander, 2018). This continues a trend in which planned, presumably temporary, migration cycles have reverted into more permanent dependency.

Following the economic crisis of 1997, the Thai Government was faced with the urgent task of restructuring its labor field to make room for the masses of newly unemployed Thai nationals. While this resulted in the deportation of nearly 250,000 illegal migrants in 1998, the Royal Thai Government (RTG) was unable to find Thais willing to replace workers in so-called "3D jobs".[2] Although official Thai calculations show that roughly 231,000 positions needed to be filled, only 99,974 migrants had registered by December of 1999 (Thai Ministry of Labour and Social Welfare, 2003, p. 13). The void required the RTG to readjust its labor policy to facilitate a more effective registration of undocumented migrant workers (from Myanmar, Cambodia and Lao People's Democratic Republic) from September to October of 2001. This would begin a recurring, and largely futile, attempt at creating an encompassing system of formal labor registration (Chaisuparakul, 2015).

A number of problems have limited the success of this registration system, many of which have been incrementally resolved over time as the RTG tried to maintain, and rationalize, sufficient labor immigration. First, the fees (totaling around USD 200 in 2003) were extremely high for migrants and were usually deducted from the workers' initial wages. Second, the system made it difficult to

[2]3D jobs are considered Dirty, Dangerous and Difficult

change employers, forcing migrant worker to make a choice of staying with an abusive employer or changing employers, and risk potentially losing their documentation. Third, for fishermen especially, the limited period for registering may not coincide with shore leave. In this case, fishermen may miss the registration or re-registration periods and drop out of the system. Finally, many employers and migrant laborers fail to see any benefit from registration. This is especially true amongst migrants whose employers keep their registration card as a form of insurance to prevent their employee from fleeing, thus effectively nullifying the rights granted by registration in the first place. Lifting some requirements and tinkering with others during recruitment drives has remained a hallmark of Thai immigration policy (Castles, 2003).

Although punctuated by periods of retrenchment, the formal and informal process of migrating to Thailand has largely become simpler over the ensuing decades, reflecting the RTG's desire to woo migrants to fill critical labor gaps (Bylander, 2018). Together with broader processes of regional integration under the aegis of ASEAN, the increasing institutionalization (through networks) and rationalization (through registration) have nominally led to improved rights and transparency in migration process. However, this type of change within immigration countries comes reluctantly because the acceptance of a multicultural immigrant state implies a reformulation of national identities, which are hard-fought by states and citizens of the dominant culture (Castles, 2003, p. 2018). Transnationalism, arising from long-term and repeated cycles of integration, can thus be viewed in ambiguous terms; it is efficient from a labor point of view, but also problematic as it challenges the binary separation between citizen and migrant. Immigration policy, and primarily different forms of restrictionism, also operate as a kind of 'defense mechanism' deployed to publicly accommodate domestic social pressures, while limiting the disruption to important labor flows. Crackdowns are thus instrumentalized as appeasement for anti-immigrant forces in society, even as they are considered undesirable from an economic point of view. Furthermore, flurries of enforcement and compromise often follow public relations crises, in which the poor working conditions in a sector rise to international awareness and create impetus for action.

Over a period of decades, the conditions for Cambodians to transfer and work in Thailand have improved from both the sending side (stronger networks and transnationalism) and receiving side (easier registration, better work conditions), yet there is an argument to be made that further improvements are lagging behind. Thailand's dependence on labor migrants in numerous sectors, and its own declining workforce, suggests that migrant workers should be in a good bargaining position. At the same time, economic improvements in Cambodia mean that migrants can be more

selective. Yet, in this research migrants often perceive their economic leverage to be minimal. Unraveling this perception is the primary empirical goal of the data presented below.

Methods and materials

The primary source of information drawn upon for the preparation of this paper is ethnographic research deriving from the fieldwork. Recent data, collected in the second half of 2021 are compared to field notes, memos, photos, and analyses completed in 2006 in the same basic locations, rendering a 15-year comparison of migrant perceptions. Fishery boat workers were studied in Rayong, while construction workers were studied in Bangkok. In both time periods, fifteen individuals from each case were interviewed in-depth with an additional six key informants, including managers, brokers, local provisioners, and local authorities. This approach, used in 2005, was basically repeated in a symmetrical way in 2021.

Participant observation preceded formal interviews, usually in natural settings such as in construction camps or on fishing boats. The observation focused mainly on the living and working conditions, with a particular focus on comparable elements such as housing, food provision and preparation, safety, and labor conditions. A day of participant observation typically ended with semi-structured covering various aspects of the participants' background, life in Cambodia, the migration journey, living and working condition, legal status, health problems, aspirations, and migration history.

Although more structured data gathering methods were considered, due to the sensitivity and ethical considerations associated with working with irregular immigrants, it was important to build rapport and facilitate introductions in ways that ruled out systematic sampling (eventually following a snowball sampling approach). Initially, Cambodian migrants were introduced by worker leaders who spoke Khmer or local Buddhist monks who were familiar with migrant populations. The role of such interlocutors cannot be overstated; they played a critical role in accessing communities and forming rapport with the workers. These interlocutors often became key informants who were interviewed with an open-ended method, seeking to triangulate the workers' views or illuminate macro-level processes in the migration experience. While this triangulation has diminished the possibility for erroneous findings, it cannot overcome the small informant group and potential selection bias of participants.

Results

Migration narratives

A cursory review of the empirical data would largely align with the expectations of various immigration theories. Cambodian mobility to Thailand remains correlated to the economic conditions of life in their homeland (neo-classical), perceived benefits of migration to Thailand within extended family (NELM), utility of networks facilitating border crossing (social networks), and desire to be associated with a “modern” country like Thailand (transnationalism). More in detail, the motivations for migrating can be both structural and aspirational in nature. While in 2005, seeking high wage opportunities, escaping underemployment, and compensating for debt, sickness, or natural disaster, were commonly cited, the prominence of these economic dimensions declined by 2021. Instead, in 2021, more idiosyncratic factors were cited as push factors, such as escaping from personal problems like criminal history, divorce, and disputes within the family. In 2005 aspirational goals were more focused around a specific goal, such as being newly married and wanting to support a new family, buying farming tools for the parents, building a house, or saving money for schooling. In 2021, meanwhile, more diffuse aspirations were mentioned, such as enjoyment of the work, adventure of travel abroad, ease of saving money, and desire to emulate peers who had successful sojourns in Thailand. Over the period of 15 years, economic motivations and tangible goals have given way to more feelings of transnationalism and appreciation of lifestyle dimensions of working abroad, which is often indicated by the difficulty encountered when trying to reintegrate into home communities.

While many factors influence the decision about whether to migrate as an individual or as part of a group, once the decision has been made, a self-fulling process of rationalization and familiarity can reduce future barriers to migration significantly. New migrants in 2005 consistently cited fears about being cheated, ending up in an exploitive job, and integrating into a new culture and language. By 2021, however, the migration process had become transparent and routine, with even new migrants disclosing confidence in their perceived capacity to navigate migration routes. This conviction represented a number of factors, notably a wider sense of trust in regional integration, the maturity of migration networks, the stability of Thai immigration laws, and the low cost of a return trip. In addition, by 2021, many migrants represented their decision to come to Thailand as a positive choice based on careful reflection of options available in Cambodia. In 2005, in contrast, migration to Thailand was associated with some shame and referred to as a last resort.

Although many Cambodians feel more self-assured about the process of migration circulation in 2021, does this confidence translate to improved conditions for travel and work? Are they able to

take advantage of favorable conditions to negotiate incremental improvements to work and life conditions? In the sections below, we attempt to answer these question both for the travel experience and the final work conditions.

Interaction with migration brokers and gatekeepers

Endemic to the development and differentiation of migration networks is the emergence of migration brokers, as part of a broader "migration industry". Brokers can be recruiters, contractors, or migrant workers themselves, who have forged useful connections with the police and local authorities, both on the Cambodia and Thai sides, as well as with employers, who reward recruitment. Highly differentiated Cambodian broker networks are very systematic and cooperate very well to align Thai brokers, employers, police, and local authorities to channel workers to suitable job destinations. The role of such brokers could not be underestimated in 2005, as the logistical challenges and unknowns associated with a sojourn in Thailand were still arduous and opaque. However, by 2021, migrants themselves, either through experiences or familial networks, could often bypass many broker services except border transport. In this case, experienced or well-networked migrants have recognized that the balance of power has shifted in favor of the migrant, making many formerly exploitive broker services redundant (such as debt-financed transport, and commissions for paperwork workplace introductions). By providing payment up front for transport, reducing information asymmetries, and having more confidence to navigate language barriers, migrants in 2021 have turned the tables on brokers.

Comparing to the conditions in 2005, most critical aspects of the migration route have objectively improved, leaving only a few vulnerable spaces in which migrants can be exploited. In 2005, migrants feared being cheated by brokers, or the prospect of physical violence, sexual violence or trafficking. What remains are corrupt police/soldiers on both side of the border who solicit bribes. There are various illegal crossing points along Thai-Cambodia border, including both land and water crossing points, depending on whether one is traveling to a fishery job, or inland to work in another sector. Among land crossing points, Poipet is the most popular because it is close to Bangkok and Rayong Province, where the construction and fishing sectors are located, respectively. Generally, the illegal border crossing has become routinized and efficient, with ala carte service options for border crossing, onward travel to final destination, and paperwork. With the exception of the uncertain cost for bribes to various gatekeepers, the migration route has become an efficient circulation with few risky or exploitive moments. As migrants proceed along the migration pathway,

however, their ability to wield their experience and networks to change this balance of power declines.

Living Conditions and Daily Life of Migrant Workers

While the experience of transitioning to Thailand is generally similar for those seeking to be fishermen or construction workers, upon arrival day-to-day conditions of life will diverge significantly. Housing, work risks and hours, contract arrangements, presence of female workers, police intervention, and the extent of substance abuse differ greatly between construction sites and fishing communities. Each of these factors, as we will illustrate, impacts the relative risk of working in that sector. Although many work conditions have objectively improved between 2005 and 2021, migrants are not linearly satisfied with the pace of advancement. Although complaining about work conditions was a dominant narrative in 2005, it was arguably more prevalent in 2021 as Cambodians have higher relative standards from which to compare. Because wages in Cambodia have nearly converged on Thai wages in many low-skill sectors by 2021, and awareness of differing conditions is facilitated by mobile phone use, migrants subjectively less satisfied with conditions in construction camps and on fishing boats Thailand. A discussion about why this occurs will be taken up in the conclusion, with the empirical evidence below revealing the scope of improvement in conditions over the past 15 years (or lack thereof).

Fishermen

Rayong is a coastal province on the Gulf of Thailand, which is easily accessible from western Cambodia. It is a hub for fishery activity in the gulf, much of which is conducted in 2-3 week forays, returning for 1 week to resupply provisions and ice, and to relax. The port area, therefore, is organized to provide services for fishing vessels unloading and relaxing in on the docks. Perhaps because of the unique pace of work, there have been few meaningful differences in the working and living conditions of migrant fisherman between 2005-2021.

Notably, boats serve as the fisherman's home, kitchen, and relaxing place, in addition to their workplace. Considering the illegal status of the workers, the boats are also considered to be a refuge from police scrutiny. Generally, immigrant workers' mobility within Thailand is constrained, and this is more pronounced in the more rural province of Rayong. Illegal migrants have a limited domain, such as around the port, in which they can live and travel freely. As a consequence, migrant fishermen find it difficult to access certain services, including health care and juridical services. They also rarely have a chance to join in Buddhist ceremonies for the holidays. By contrast, they have

abundant access to various forms of entertainment, such as karaoke bars, and brothels, as these businesses are located nearby purposively for fishermen on land. These forms of entertainment are simultaneously considered a valuable dimension of quality of life, as well as an instigator of social problems, including physical violence.

The lack of mobility of fishermen means that they are tendentially over-exposed to entertainment and underserviced. In particular, there are no reasonable outlets for health care within their domain, and there are many barriers to accessing the health services resulting from their illegal status. For fishermen without a working permit, they can go back to Cambodia if their condition is sufficiently serious or they can self-medicate on the advice of a pharmacist for milder conditions. Due to their exposure to sun, spoiled food, and unbalanced meals during fishing forays, health problems are common among fishermen of all ages. Local non-governmental organizations have, however, mobilized since 2005 to provide some essential facilitation for migrant fishermen, including teaching awareness about HIV/AIDS, birth control, migrant workers' rights, and self-care during the Covid-19 pandemic.

Another consequence of fishermen's limited mobility is the difficulty in changing their job. However, despite repeated admission of violence and unhealthy conditions, the fishermen rarely wish to change their job because they perceive that fishing carries with it the most 'free' benefits. They always emphasize the amount of time for relaxation, the free accommodation and free food. These perks seem to counterbalance the physical strain and dangers inherent to their work and limited mobility. At most, if they are dissatisfied with their job, they can change the boat they are on. This occurs especially when the fishermen think they are being cheated or forced to work too much by the employers. The fishermen also endure their situation because, unlike other jobs where long-term settlement might be viable, they expect to return to Cambodia.

As with many low-skill jobs, fishermen are not required to come with prior skills, nor will they leave with any useful skill. They simply begin work and are informally trained on the job. Employers hardly ever provide formal training because they believe that there is nothing particularly difficult about working as a crew member on a fishing boat. The work timetables are dependent on the situation at the sea, the season and the captain's orders. The working and living conditions on the boat are circumstantially related to the size of the boat. Accidents are common in the fishermen's working environment and no safety equipment is provided to the fishermen. This model of fishing has barely shifted since 2005.

If the fishing sojourn continues for a number of years, migrant workers must carefully consider the well-being of their family. In contrast to construction workers, fishermen cannot easily stay in touch with family at home because they have no mobile phone coverage during fishing forays. One option, depending on the family's land and assets in Cambodia, is to relocate their family and children to Rayong. One reason is to save money by locating everyone in Rayong. In 2005, school-aged children typically returned to Cambodia for education but by 2021, it became possible to send the children to local schools in Rayong. For those who relocate their family to Rayong, it is more common in 2021 to find fishermen families more actively attempting to integrate. At first, this involves trying to speak, dress and act Thai rather than Cambodian. Integration of this nature, and growing accustomed to lifestyle in the port, often makes it difficult for young Cambodians reintegrate back to their own community.

Even for fishermen who return to Rayong for years, and who have integrated into Thai society, obtaining a formal working permit is hardly ever sought. By 2021, numerous fishermen professed to wanting to apply for a working permit but there remain significant barriers. Firstly, they do not want to go through the application process or may not be literature. Secondly, the permit seems meaningless to them for the kind of fishery work they do, and at the same time they are unlikely to be granted permission by their employer to hold onto the original card, which is required for travel. Yet, in theory the fishermen would like to gain travelling privileges and immunity from the police but they are unlikely to convince their employer to agree to formalizing their employment.

Construction workers

One of the largest destinations for low-skilled migrants in Thailand is the construction sector, with Bangkok serving as the main destination for Cambodia. Unlike the fishery sector, in which low and stagnant wages are compensated by free accommodation and free food, the construction sector has room to advance (to become a foreman) and occasionally enjoy urban lifestyle. Between 2005 and 2021, the wages have increased but many other basic rights have not been catered to, such as basic on-the-job safety and suitable housing for families.

The daily wage for Cambodian illegal construction workers, according to our survey, ranges between 300 baht to 700 baht (USD 10 to 23), depending their profession and skill. Because they live in Bangkok, they can also access a wide range of services without attracting attention from authorities. However, to save money and limit accidental encounters with the police, construction workers often remain in the camp or barracks provided by the construction company. In practice,

these places are simply large worker camps that look and feel like mini slums. Mobile food trucks are a common source of convenience food and workers can usually buy food from the Thai sellers on credit and then reimburse the shopkeepers on payday. Effectively, such practices serve to appropriate workers' wages within the camps.

Due to real and perceived restrictions on mobility, Cambodian construction workers often cannot fulfil many social and spiritual needs, such as going to a pagoda or visiting friends. Between 2005 and 2021, this restriction on mobility has remained but a few new innovations in the living environment have occurred. For example, workers are freely able to celebrate wedding ceremonies and other events in their slum. Otherwise, entertainment in construction work camps is of a very different nature than that in fishermen's ports, primarily due to the availability of private accommodation. Television and karaoke videos are the favorite form of entertainment. Another key difference between fishermen's and construction workers' livelihoods is that partners, but also children, can assist in construction and earn additional income. Due to the provision of private housing income generation opportunities for partners, most of the construction workers bring their families along with them. This helps make the social environment in the slum more balanced than that of the fishermen. However, the presence of children in the construction slums creates dilemmas for education and hygiene that have not been resolved since 2005. The children live in squalid and dangerous conditions, with poor supervision and with no access to education and medical care due to their parents' illegal immigrant status.

Similar to the fishery sector and other 3D jobs, construction workers are not often instructed to wear any safety equipment, allegedly because it inconveniences the worker. Cambodian foreman, who are generally longstanding employees of Thai companies, hardly ever provide safety equipment, whereas many Thai foreman do. Cambodian foremen have worked in these slum conditions for so long, it appears they have internalized many negligent practices, which they transmit to the workers under them. This compromises the potential for higher safety standards and improved an improved safety culture to become normalized over time. This is unfortunate, as respondents often reported accidents at the workplace because of negligent practices and the lack of provision of safety equipment. Furthermore, even with access to the services of the capital and numerous supportive organizations, construction workers, like the fishermen, avoid hospitals if possible and rely on anonymous medical services such as pharmacies or drug stores for medical services and advice. However, more recently, it has become common for employers to take migrants, who become

seriously ill or have a serious accident on the job, to a hospital, even if it means that the worker might deported thereafter.

Public health crisis response

Although the initial stages of the Covid-19 pandemic, including lockdowns, impacted some workplaces that migrants relied on, the ongoing recovery from the pandemic quickly created more demand for workers. Many employers in the fishery and construction sector were desperate for labor, as they have repeatedly during previous migration crises (Bylander, 2018; Ducanes, 2013). The crisis for employers in Thailand could have been much worse but many migrants who wished to return to their home countries had been unable to do so because of restrictions on mobility imposed by their home countries and Thailand (Engblom et al., 2020). These “stranded migrants” who were left unemployed and without recourse during the first months of the pandemic, were available to refill some of the labor shortages emerging in the post-lockdown periods.

Nevertheless, by mid-2020, more than 10% of the labor force had managed to return to their home countries and, due to severe public health restrictions, they were finding it more challenging and expensive for migrants to return to workplaces in Thailand (Engblom et al., 2020). According to a key informant (a migrant broker), before Covid-19 pandemic the service fee for guided border crossing and travel from border to destination was 2,500-3,000 baht (USD 70-100), but during the restrictive phases of the pandemic (2020 and most of 2021), the service fee doubled to 5,000-8,000 baht (USD 170-270). Although the cost was higher, available laborers were so scarce that any migrants who could make the journey would certainly receive a suitable job at their destination. Although not characterized directly as such by informants working as migrant brokers, many implied that migrants could be in a strong negotiating position with their employers in Thailand. Migrants interviewed about this were not generally aware that the labor scarcity in Thailand could be understood as an opportunity to ask for better conditions or pay, but rather saw the pandemic primarily as a disruption of their usual cycles of mobility.

Discussion and conclusion

The living conditions of Cambodian migrant workers in Thailand have remained relatively constant over a 15-year period from 2006-2021, despite numerous attempts by government to improve circumstances and an increasingly advantageous balance of economic power in favor of migrants. The limited success of policy is not surprising within migration scholarship, as regulatory changes intended to formalize migrant flows and raise working standards have proved elusive in

most contexts (Bylander, 2019; Nyberg-Sørensen et al., 2002; Sciortino, 2000). The high prevalence of mobility in the construction and fishery sectors has led to some strategic behavior by workers, but not directly led to increasing awareness of one's economic value as a worker in labor-dependent Thailand. The apparently low capacity of migrants to recognize, and take advantage of, their increasing bargaining power to improve working conditions, is the primary contention taken up in this paper. With economic conditions in Cambodia improving rapidly and, in some sectors, reaching a degree of pay parity with Thailand (even according to workers themselves), why would laborers voluntarily opt for a more precarious job abroad, and why do they not negotiate better standards? This paper, which compares the working conditions and perceptions of Cambodian migrant workers in the fishery and construction sectors between 2006 and 2021, reveals that, despite objectively more advantageous conditions for migrants over time, they continue to perceive power relations as firmly skewed in favor of Thai employers and brokers.

One hypothesis for this state of affairs is that power relations between employers and migrants crystallize over time, reproducing themselves in a way that prevents migrants from recognizing their growing economic importance. We reflect on this in light of the numerous migration crises that have recurred in Thailand, in which regulatory, political, or public health shocks have openly revealed the dependence of Thai employers on migrant laborers (Bylander, 2018; Ducanes, 2013). Although this labor dependency implies more bargaining power for laborers, migrants perceive themselves to be the disadvantaged party in such crises, vulnerable to arbitrary political changes and mobility curtailment. In short, the power of the Thai government and police is projected onto employers, allowing them to obscure the fact that they are dependent on their migrant employees. This phenomenon is not dissimilar to tactics used to discourage organized labor by pre-empting awareness and recognition of the value of one's labor (Feurer & Pearson, 2017).

Although limited to qualitative assessments and research observations, this multi-stage ethnographic research demonstrated that, even after 15 years, surprisingly little had changed in terms of real working conditions and the overall precarity of the migrant experience. The continued perception of employer power allows construction industry employers to set up dangerous work camps, overwork their employees, appropriate employees' spending on basic goods and services, and leave them vulnerable to frequent deportation. It allows fishing industry employers to provide poor housing, unfair work hours, inadequate safety measures and to limit workers' domain to port areas populated by slums, karaoke bars, and brothels. These micro-conditions and the perception

of vulnerability to authority, have effectively disempowered migrant workers and forestalled any incremental process of exercising worker rights.

The inability of migrant laborers to convert their growing economic importance into improved pay and working conditions represents not only a limitation of neo-classical theories, which assume that agents are self-aware and possess the information they need to make rational decisions, but also other migration theories that predict that social networks or group collective action will overcome the shifting barriers to economic empowerment. Transnationalism, also, in crystallizing the notion of a precarious migrant experience, has seemed to discourage critical reflection by migrants on the persistence of poor conditions.

References

Bylander, M. (2018). Migration Disruption: Crisis and Continuity in the Cambodian Mass Returns. *International Migration Review*, *52*(4), 1130–1161. https://doi.org/10.1111/imre.12342

Bylander, M. (2019). Is Regular Migration Safer Migration? Insights from Thailand. *Journal on Migration and Human Security*, *7*(1), 1–18.

Cassarino, J.-P. (2004). *Theorising Return Migration: A revisited conceptual approach to return migrants* (RSCAS No 2004/02). European University Institute.

Castles, S. (2003). Why migration policies fail. *Ethnic and Racial Studies*, *27*(2), 205–227.

Castles, S., & Miller, M. J. (1998). *The Age of Migration: International population movements in the modern world*. Palgrave.

Chaisuparakul, S. (2015). Life and Community of Cambodian Migrant Workers in Thai Society. *Journal of Population and Social Studies*, *23*(1), 1–16.

Constant, A., & Massey, D. S. (2002). Return Migration by German Guestworkers: Neoclassical versus New Economic Theories. *International Migration*, *40*(4), 5–38.

de Haan, A. (1999). Livelihoods and poverty: The role of migration - a critical review of the migration literature. *The Journal of Development Studies*, *36*(2), 1–47. https://doi.org/10.1080/00220389908422619

de Haas, H. (2005). International Migration, Remittances and Development: Myths and facts. *Third World Quarterly*, *26*(8), 1269–1284.

Ducanes, G. (2013). *Labour shortages, foreign migrant recruitment and the portability of qualifications in East and South-East Asia*. International Labor Organisation.

Dustmann, C., & Kirchkamp, O. (2002). The optimal migration duration and activity choice after re-migration. *Journal of Development Economics*, *67*, 351–372.

Engblom, A., Lephilibert, N., & Baruah, N. (2020). *COVID-19: Impact on migrant workers and country response in Thailand*. International Labor Organisation.

Feurer, R., & Pearson, C. (2017). *Against Labor: How U.S. Employers Organized to Defeat Union Activism*. University of Illinois Press.

Harkins, B. (Ed.). (2019). *Thailand Migration Report*. United Nations Thematic Working Group on Migration in Thailan.

Harris, N. (1996). *The New Untouchables: Immigration and the New World Worker*. Penguin Press.

Human Rights Watch. (2018). *Hidden Chains: Rights Abuses and Forced Labor in Thailand's Fishing Industry*.

Levitt, P. (1998). Forms of Transnational Community and their Implications for Immigrant Incorporation: Preliminary Findings. *Conference on Integrating Immigrants in Liberal States*.

Massey, D. S., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A., & Taylor, J. E. (1993). *Worlds in Motion: Understanding International Migration at the End of the Millennium*. Clarendon Press.

Nurick, R., & Hak, S. (2019). Transnational migration and the involuntary return of undocumented migrants across the Cambodian–Thai border. *Journal of Ethnic and Migration Studies*, *45*(16), 3123–3140. https://doi.org/10.1080/1369183X.2018.1547024

Nyberg-Sørensen, N., Van Hear, N., & Engberg-Pedersen, P. (2002). The Migration-Development Nexus: Evidence and Policy Options. State-of-the-Art Overview. *International Migration*, *40*(5), 4–43.

Olesen, H. (2002). Migration, Return, and Development: An Institutional Perspective. *International Migration*, *40*(5), 125–149.

Razum, O., N. Sahin-Hodoglugil, N., & Polit, K. (2005). Health, Wealth or Family Ties? Why Turkish Work Migrants Return from Germany. *Journal of Ethnic and Migration Studies*, *31*(4), 719–739.

Sciortino, G. (2000). Toward a political sociology of entry policies: Conceptual problems and theoretical proposals. *Journal of Ethnic and Migration Studies*, *26*(2), 213–228.

Sjaastad, L. A. (1962). The Costs and Returns of Human Migration. *Journal of Political Economy*, *705*, 80–93.

Stark, O. (1991). *The Migration of Labor*. Basil Blackwell.

Thai Ministry of Labour and Social Welfare. (2003). *Statistical Data of Irregular Migrant Workers Registration*. Office of the Administrative Commission on Irregular Migrant Worker, Department of Employment.

Zolberg, A. R., Suhrke, A., & Aguayo, S. (1989). *Escape from Violence: Conflict and the refugee Crisis in the Developing World*. Oxford University Press.