

The Development of Public Policy and Administration on Social Security in ASEAN: A Case Study of Social Insurance for Thai Migrant Workers

Wilailak Yoosamran^a, Chokchai Suttawet^b, ^{a,b}Faculty of Social Sciences and Humanities, Mahidol University, Thailand,

This research was aimed at studying the development of public policy and social security administration, including the study of operational conditions and problems of protecting social insurance benefits for Thai migrant workers working abroad (Singapore, Malaysia and Brunei) along with developing schemes and guidelines on protecting social insurance benefits for such migrants. This study was a mixed-method research that employed concurrent procedures using a qualitatively-driven core component coupled with the simultaneous QUAL+quan method. Qualitative data were collected using in-depth interviews with 55 key informants and focus groups with 30 Thai migrant workers in Singapore, Malaysia and Brunei. Quantitative data were collected from 275 Thai migrant workers working in those three countries by using questionnaires. The results revealed that development of social security protection policy and administration for migrant workers in ASEAN had no clear measures for cooperation between ASEAN member countries. In the meantime, work conditions and problems of the social insurance protection for Thai migrant workers were found to have numerous limitations, especially on the topic of benefits, which were usually short-term benefits, including obstacles imposed by different countries. This created inferior treatments for Thai migrant workers as compared to the country own citizens. Regarding protection schemes and social security benefit protection guidelines for Thai migrant workers who work abroad, unilateral measures of Thailand or the country of origin had the highest suitability and likelihood of implementation, followed by bilateral measures of countries in dispute and multilateral measures in the name of ASEAN.

Key words: *Social security, Social insurance, Thai migrant workers, ASEAN.*



Introduction

Social insurance is part of the social security systems used by various governments to provide protection and guarantees in life for workers in order to relieve suffering when income is disrupted or stopped due to illness, danger, disability, retirement, lack of caregivers, unemployment and accepted expenses. In 1952, the International Labor Organization (ILO) ratified C102 – Social Security (Minimum Standards) Convention) by specifying broad principles of social security that member countries must achieve with broad content covering potential events that directly affect workers and families.

International social security, including the grouping of countries at the regional level, is a phenomenon that is clearly visible in globalization. One such phenomenon is ASEAN, which was founded on 8 August 1967 as the Association of South East Asian Nations (ASEAN) (Sonsri, 2012: 1-2). In late 1995, ASEAN formed the ASEAN Community. In addition, international migration in developing countries is clearly changing. In particular, in the 1980s, many sending countries became receiving countries and many new destination countries were created such as Middle-Eastern countries, Taiwan, Hong Kong, Singapore and Brunei, etc. (Castles, Haas & Miller, 2014: 1-20). Furthermore, when international migration in developing Asian countries was considered, changes were also found. In other words, more Asian workers have migrated to look for work in other Asian countries. These workers come from old countries of origin such as India, Pakistan, the Philippines, Indonesia and Sri Lanka, etc., and from new countries of origin such as Bangladesh, Cambodia, Indonesia, Laos and Vietnam, etc. These workers migrated to work in other Asian countries. The main destination countries are Japan, South Korea, Malaysia, Singapore, Thailand, Brunei, Hong Kong and Taiwan (International Labor Organization, 2007:4).

At the ASEAN Summit held in Cebu, the Philippines, in January 2007, the leaders and governments of the ten ASEAN countries ratified the Declaration on the Protection and Promotion of the Rights of Migrant Workers with emphasis on obligations between ASEAN member countries, which are required to have measures for the protection of migrant workers' rights. However, migrant workers were found to have many legal and administrative disadvantages preventing them from accessing social security programs in host countries. Previous assessments of social insurance protections in ASEAN countries summarized, "Migrant workers normally have less access to fully-provided basic social services and social protections than the workers of the host country" (Cuddy et al., 2006; quoted in Tamagno, 2008: 1).

As an ASEAN nation, Thailand recognizes the importance of social security protections under the social security system for workers as evident from the creation of government agencies to take responsibility for social security work, particularly the Social Security Office in 1990,



which had the primary mission to manage the Social Security Fund and the Workmen's Compensation Fund. Furthermore, government agencies and private agencies have coordinated to drive social insurance to provide protection and promote workers' quality of life. However, social insurance laws overlooked protections for Thai migrant workers working abroad (Lasongyang, 2010: 104) until the Social Security Act (4th Edition) 2015 was enacted with amendments to laws to create protection for workers of employers with offices in the country who work abroad.

Development of a social security system for ASEAN migrant workers to enforce the system on ASEAN member countries is a topic requiring considerable time with limitations. However, Thailand, as an ASEAN member using social insurance to provide social security protections for workers, needs to have studies on development of public policies and social security administration for ASEAN migrant workers including studies on work conditions and problems in order to provide social security protections for Thai migrant workers working abroad, which will lead to development of protection schemes and guidelines for protecting social security benefits of Thai migrant workers working abroad in the future.

Literature Review

Social Security Concepts for Workers

Society began to have social security concepts and sought methods for maintaining income security before the word "social security" was created. These methods are comparable to resource allocation and creating income guarantees for people. Kannan (2004) presented the opinion that a social security system focused on income security is the view of developed countries while developing countries should have concepts that consider disasters and risks including unexpected adversity and deficiency. Jutting (2000) stated projects were created under many social security systems. When considered, many institutes/organizations can be seen to be responsible for projects and can be divided into four systems consisting of: 1) the state; 2) the market; 3) member-based organizations; and 4) private households.

While social insurance is part of social security, the International Labor Organization defined "social insurance" in the World Social Security Report (International Labour Office, 2010: 13-15) as social insurance covering all measures that provide benefits such as cash or items to prevent damage from: a) loss of income caused by illness, disability, childbirth, work-related injuries, unemployment, age or death of a family member; b) lack of access or inconvenient access to healthcare services; c) supporting families especially for children and adults; and d) poverty. Therefore, social security can be seen to have two main dimensions consisting of income security and preparation of medical services. The International Labor Office (2004: 5-11) specified social insurance principles to be used as guidelines in designing social security consisting of principles for the protection of the insured or members of social insurance

projects, principles for determining contributions, principles of benefits and compensation for members and principles of administration.

Concepts of Policies and Social Security Administration for Migrant Workers

Transnationalism is related to globalization and the nation state. Schiller & Fouron (2017: 130-161) explained the differences between globalization and transnationalism and stated globalization is the flow of capital, concepts, materials and culture at the global level while transnationalism flows across the nation state's borders at a more limited number and transnationalism actors are non-state actors. Soysal (1994: 137-138) stated citizenship in the era when the concept of the nation state prospered was tied with borders and national security forged from the concept of xenophobia, causing controls, regulations, oversight and prevention of access to rights by migrant workers. However, citizenship was challenged in concepts after the end of World War 2 or the post-war era or the post-national era. whereby membership in society replaced the nation's model of membership in society with the national citizen and the alien opposite to one another.

Changes from the aforementioned concept of transnationalism have effects on policy designs and social security administration for migrant workers with three main measures: 1) unilateral measures may be measures of the origin country or the destination country; 2) bilateral measures may be joint measures of the origin country and the destination country by preparing social security agreements (SSAs) or protective measures of the origin country and the destination country that are independent of one another to create protection of social security rights for migrant workers; and 3) multilateral measures which are clearly apparent in social security protections for citizens of the European Union from social security agreements (SSAs).

Concepts in Implementing Public Policies

Policy implementation is a highly important process. Many academics studied policy implementation such as Almond & Powell (2004), Kraft & Furlong (2004), Howlett & Peal (2009), Dye (2011), Theodoulou & Cahn (2013), etc. From processing definitions of policy implementation, policy implementation was concluded to mean steps or processes between policy determination and policy assessment to bring changes toward desirable outcomes. When policy is determined, policies must be implemented by changing policies, objectives or policy goals to create plans, projects and activities including procuring resources for operations. However, policy implementation may not be successful according to specified policy objectives at some times because uncontrollable factors became involved in policy implementation.

When any policy is determined, the associated agencies need to implement policies in practice. This was divided into two steps consisting of macro policy implementation and micro implementation. However, interesting points in current policy implementation were found such as diversity of agencies in policy implementation including collaborative efforts in government in the form of networks by linking organization relationships in order to lead to power in policy implementation (Knill & Tosun, 2012: 150-151).

Collaborative governance is a model of cooperation for public benefit. Missions are driven by reliance on horizontal relationships and interactions as partnerships or networks with a scope covering cooperation between government agencies in the form of administration across agencies' areas of responsibility (McQuaid, 2010: 127-162). Furthermore, collaborative governance covers the creation of collaborative mechanisms between the government sector and other non-government sectors with a goal to collaborate in policy implementation to attain goals in responding to problems and facilitate benefits for the public (Ansell & Gash, 2008: 544).

Based on the aforementioned concepts and theories used as the aforementioned conceptual framework in the study, this study can be seen to have focused on public policy research guidelines by using the explanatory approach as research guidelines to respond to research questions on two main issues. The first issue is a study on social security policy content for migrant workers at the ASEAN Community level and at the level of ASEAN member countries. The last issue is a study on policy products. The aforementioned concepts and theories explained and analyzed policy implementation processes at the macro and micro levels, working conditions and problems of protecting social security of Thai migrant workers working abroad in order to lead to protection schemes and guidelines on social insurance benefit protection for Thai migrant workers working abroad including recommendations.

Research Methodology

This study is a mixed methods research with a qualitatively-driven core component or a QUAL-QUAN mixed method design with a concurrent procedure. Data analysis was separate in each part. Integration occurred in the step of data interpretation (Creswell, 2014: 16) to improve clarity in explaining phenomena (Morse & Niehaus, 2009: 85-88).

The qualitative part of the research used a documentary approach. Furthermore, field research was conducted to obtain in-depth data. Data collection at this stage used the following techniques: 1) In-depth Interviews – This researcher selected representatives and key informants by increasing the sample size and using snowball-based selection. Data were collected from 55 key informants; and 2) Focus Group Discussions – Focus group discussions were organized among Thai migrant workers in Singapore, Malaysia and Brunei who entered

countries legally and had work permits for no less than six months. The sample was considered and selected by criterion-based selection of ten key informants from each country or a total of 30 key informants. Furthermore, data were tested by triangulation (Denzin, 2009: 390) to obtain the most accurate and reliable data. In qualitative data analysis, the researcher used data analysis presented by Berg (2009) as a model for building a conclusion.

In the meantime, quantitative research data collection was performed using surveys with questionnaires and purposive sampling based on the Non-probability Sampling Theory. The researcher collected 275 sets of questionnaires. Furthermore, quantitative data were tested by testing questionnaires for accuracy, determining questionnaire completeness and testing coding accuracy. Quantitative data analysis was processed using the SPSS for Windows program to analyze data on working conditions and problems of providing social security protection for Thai migrant workers working abroad including problems and social insurance needs of Thai migrant workers working abroad. Analysis used descriptive statistics such as frequency distribution, percentage distribution, mean and standard deviation.

A combination of qualitative and quantitative research findings occurred in the step of discussing the findings. Quantitative data was used to support clearer explanations of qualitative data, which led to responses to research questions on working conditions and problems of government agencies and related organizations to provide social security protection for Thai migrant workers working abroad in Thailand and ASEAN member countries where many Thai migrant workers went to work along with seeking protection plans and guidelines on social insurance benefit protection for Thai migrant workers working abroad which meet international labor standards and objectives in the founding of the ASEAN Community.

Research Results

Development of Public Policies and Social Security Administration for ASEAN Migrant Workers in the ASEAN Community

ASEAN obligations and policies in the area of social security for ASEAN migrant workers were divided into two main periods. In the first period from the founding of ASEAN in 1967 to 1997, no mention or existence of collaboration in the area of obligations and policies of ASEAN in the area of social security for ASEAN migrant workers. ASEAN placed much significance on political and security collaboration throughout (Department of ASEAN Affairs, Ministry of Foreign Affairs, 2009: 10-12). The same is similar for the economic dimension. In the meantime, the social and cultural dimension was categorized as collaboration in specific areas without importance given to labor issues specifically including security in life for migrant workers.

The second period from 1997 to the present day was the founding period of the ASEAN Community. Obligations and policies in the area of social security for ASEAN migrant workers were found under the ASEAN Community. Obligations and general social security policies for migrant workers under the ASEAN Community consisted of the following: 1) Declaration of ASEAN Concord II [Bali Concord II]; 2) The ASEAN Charter; 3) the ASEAN Socio-Cultural Community Blueprint – ASCC Blueprint; and 4) ASEAN 2025: Forging Ahead Together. Specific obligations and policies on social security administration for ASEAN migrant workers under the ASEAN Community consisted of the following: 1) The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, Cebu, Philippines, 13 January 2007 and 2) The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.

ASEAN's socio-cultural collaboration in the area of labor was under the responsibility of the ASEAN Labor Ministers' Meeting (ALMM). Mechanisms supporting work in the area of labor consisted of the Senior Labor Official Meeting Working Group (SLOM) and the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) (<http://www.mol.go.th/anonymouse/nsc>, accessed on December 20, 2017).

Efforts in policy development and creation of supporting mechanisms to build social security for ASEAN migrant workers can be considered to have not been as successful as should be because ASEAN member countries, including sending and receiving countries, had different opinions and needs on the topic of providing protection for migrant workers. ASEAN member countries' thinking remained primarily based on national interests, reflecting a lack of political ideals to truly collaborate on driving the ASEAN Community.

Working Conditions and Problems of Provide Social Security Protections for Thai Migrant Workers Working Abroad

General Information

The quantitative study showed general information of the sample composed of 275 Thai migrant workers in three countries consisting of Singapore, Malaysia and Brunei. The findings reflected some interesting information. Malaysia was one of three countries in this case study with more female Thai migrant workers than male Thai migrant workers while Singapore and Brunei had more male Thai migrant workers than female Thai migrant workers at 41.8% and 18.9%, respectively. In the area of age, Thai migrant workers in the sample had distribution in the same direction. The sample who went to work were middle-aged and had a mean age of 42.25 years. The youngest age for workers was 19 years and the oldest age was 63 years. Regarding religion, most of the sample (90%) were Buddhists. Concerning marital status, most of the sample was married (62.9%). In the area of education, most of the sample's education attainment was at the elementary level (48.0%).

Working Conditions and Problems of the Protection of Social Security for Thai Migrant Workers Working Abroad

In the area of security in life when working abroad among Thai migrant workers, all of the sample who traveled to work abroad was found to have security in life in Thailand and/or destination countries. When security in life in Thailand was considered, the sample (80%) was found to have universal health guarantee benefits. In addition, some of the sample (5.1%) reported being members of the Social Security Fund pursuant to Article 39 and Article 40. However, none of the sample were insured persons in the Social Security Fund pursuant to Article 33 even though social security laws have been amended, particularly the Social Security Act (4th Edition) 2015, to expand protection to migrant workers working abroad whose employers have offices in Thailand and workers sent to work abroad.

Table 1: Number and percentage of samples, classified by insurance, collateral, and overall life stability

Variables	Brunei		Malaysia		Singapore		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
1. Life stability in Thailand								
1.1 Social insurance	1	0.4	11	4.0	2	0.7	24	5.1
1.2 Universal Health Coverage	53	19.3	71	25.8	96	34.9	220	80.0
1.3 Private Insurance	23	8.4	21	7.6	61	22.2	105	38.2
1.4 Money in various funds	39	14.2	19	6.9	65	23.6	123	44.7
1.5 Savings in bank	45	16.4	52	18.9	98	35.6	195	70.9
1.6 Other forms of stability in life	1	0.4	1	0.4	2	0.7	4	1.5
2. Life stability in destination country								
2.1 Stability in life in	56	20.4	65	23.6	120	43.6	241	87.6

accordance with local law								
2.2 Private Insurance	1	0.4	8	2.9	9	3.3	18	6.5
2.3 Savings in bank	0	0.0	25	9.1	15	5.5	40	14.5
2.4 Other forms of life stability	1	0.4	16	5.8	3	1.1	20	7.3

Regarding guarantees for security in life among Thai migrant workers working abroad in the sample, most of the sample (87.6%) reported receiving various forms of protection required by foreign laws such as insurance for work-related illnesses and injuries, health insurance and insurance for accidents outside of work and provident funds, etc. In the meantime, some of the sample (12.4%) reported having no knowledge of these rights.

On the topic of experience as insured persons in Thailand's Social Security Fund among the Thai migrant worker sample working abroad in this case study, 119 out of 275 Thai migrant workers in the sample were found to have been and/or remain insured persons in Thailand's Social Security Fund (43.3%). Almost all of the insured persons were insured persons in Article 33 (116 migrant workers or 97.5%). However, during the survey, only 14 Thai migrant workers were insured persons (11.8%) and 105 migrant workers were no longer insured persons (88.2%).

When destination countries were considered, most of the Thai migrant workers who traveled to work abroad in this case study (86.9%) were aware of guarantee for security in life pursuant to the laws of the country where Thai migrant workers went to work. More than half of the sample (137 Thai migrant workers or 57.3%) were aware of guarantees for security in life pursuant to the laws of the country where the sample went to work after traveling to work. On use of benefits from guarantees for security in life pursuant to the laws of the country where the sample went to work, the sample (49.8%) was found to have used benefits from guarantees for security in life pursuant to the laws of the country where the sample went to work in the area of treatment when sick and endangered at work and outside of work.

While the sample had many problems in using benefits from guarantees for security in life pursuant to the laws of the country where the sample went to work such as insufficient insurance money for treatment fees if the sample went to see a doctor, inability to go to be reimbursed for treatment fees, difficulties from many steps, loss of time, treatment fees can be reimbursed but the sample had to pay, which created burdens, government hospital delays, cleanliness issues and communication/language problems with doctors.

Protection Schemes and Guidelines for the Protection of Social Insurance Rights of Thai Migrant Workers Working Abroad

Protection schemes and guidelines for the protection of social insurance rights of Thai migrant workers working abroad can be done in accordance with Social security agreements (SSAs). Which is the objective to allow migrant workers from the origin country who traveled to the destination country to work to receive social security protection from the origin country of the worker's citizenship and the destination country. Because social security laws of each country have specifications and benefits which may be barriers or limitations to migrant workers' access, bilateral social security agreements will expand protections for migrant workers with several countries protecting workers or citizens working or living abroad. SSAs had any or all significant contents agreed by the countries party to the agreement and consistent with the following associated ILO Conventions (International Labour Office, 2008: 9-19):

1) Application of legislation to provide social security protection for migrant workers working in destination countries such as application of legislation for workers sent to work abroad as a detachments. Based on principles, persons sent by the employer to work in a company in the group in another country must follow laws in that country according to the principle of territoriality by sending contributions and accepting benefits according to terms of the country where migrant workers went to work. However, the employer may ask for exceptions to not be required to send contributions to destination countries where migrant workers work in order to prevent dual coverage and reduce contribution payment expenses of employers and employees and clearly indicate which laws apply. Exceptions must be limited to no more than five years and may be renewed on a case-by-case basis and contributions must be sent to the social security system of the origin country to prevent evasion of laws and refusal to send contributions in the origin country and the destination country.

2) In the area of exportability of benefits internationally between countries party to agreements, when migrant workers worked and sent contributions into the social security system, the aforementioned workers may have rights in some cases if migrant workers sent contributions according to specified conditions. However, when the aforementioned migrant workers worked in other countries, the aforementioned rights may not be transferred to the destination country. If the SSA had stipulations concerning transferring compensation benefits entitled to the insured person to countries party to the agreement where the insured person lives or works, the insured person may receive the aforementioned rights even though the insured person works or lives in destination countries. For example, Thai insured persons have rights in cases where insured persons receive pensions for old age and live in countries with which Thailand has an SSA. In such a case, Thai insured persons will have the right to receive pensions for old age when living in countries party to SSAs or a third country.

3) In totalization of time in paying contributions to social security funds in origin and destination countries where migrant workers go to work, to calculate time requirements for workers to have rights based on the social security principle, especially in the case of old age, insured persons must pay contributions according to specified time conditions to create rights in each case. For example, in the case of pensions for old age in Thailand's social security systems, insured persons must pay contributions for at least 180 months in order to have rights. This caused migrant workers to have insufficient time to pay contributions in the country and may cause migrant workers to be unable to fulfill the conditions for rights because migrant workers will not pay contributions in the origin country when working abroad. Therefore, migrant workers' time spent paying contributions in the country where migrant workers went to work was not totaled. In the aforementioned case, this usually caused migrant workers to be missing certain rights or have rights at lower rates. SSAs with totalization conditions will help to combine time from the country party to SSAs where migrant workers worked to add missing time in order to complete contribution time requirements such as in the case of pensions for old age.

Discussion

Development of Social Security Policies for ASEAN Migrant Workers in the ASEAN Community

The development of general social security obligations and policies for migrant workers in ASEAN under the ASEAN Community made interesting observations that these general obligations and policies had no clear content mentioning labor movement policies and principle. Emphasis was placed on human rights and building equality between groups in the ASEAN Community without specific focus on migrant workers. In addition, although some degrees placed importance on workers, guidelines were specified broadly to provide protection for migrant workers and other groups of people in ASEAN without emphasizing social security promotion for migrant workers as a key issue (Pinitpuwadon, Taweejamsap & Tassanaipitakkun, 2016: 54-55; The Department of ASEAN Affairs, Ministry of Foreign Affairs, 2016: 246).

Specific obligations and policies on social security administration for ASEAN migrant workers under the ASEAN Community consisted of the following: 1) The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, Cebu, Philippines, January 13, 2007, required ASEAN member countries to protect basic rights of migrant workers in ASEAN countries and promote benefits and dignity of migrant workers. The Declaration had content covering specification of wages, basic protection rights for workers, facilitating news and information, employment, education and worker skill training. However, the aforementioned agreement had no legal effects. Thus, the aforementioned agreement cannot lead to amendments to laws and enforcement on migrant workers (Kanchanadit, know and understand

the Cebu declaration on the protection and promotion of the rights of migrant workers, available at: <https://prachatai.com/journal/2008/10/18685>, accessed on July 15, 2017). 2) The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers is a document aimed at creating binding effects on Item 22 of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. However, because this consensus was signed in 2018, practical effects of this consensus need more time for implementation.

In summary, operations concerning social security protection for migrant workers in ASEAN have not progressed as much as should be due to lack of clear collaborative measures between member countries and ASEAN member countries continue to view this dimension as a national security and economic security issue. Therefore, social security protections for migrant workers remain decisions at the level of each country's government. Each ASEAN member country has different policies and operating guidelines, causing international collaboration on social security protection for migrant workers to remain at a low level and causing problems and quality of life improvements for migrant workers to not be truly solved. As Lae Dilokvidhayarat, the famous economist in Thailand, who had spoken on July 23, 2008 at the Faculty of Economics, Chulalongkorn University, at the end, that; (Jermsittiparsert, Sriyakul & Pamornmast, 2014).

“In the course of development of capitalism, the production capacity would expand and widely expand unstoppably. But, circumstances have revealed that what most of labors and mass get for their livelihood is of a lesser amount and continue to lessen further in a totally contradictory fashion with the production power which is growing and will continue to grow”.

Social Security Administration for ASEAN Migrant Workers

Social security administration mechanism for ASEAN migrant workers, the important is the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). Jerrold W. Huguet (2014: 227) stated that the ACMW proposed creating the AFML as a forum for joint development of guidelines to manage complex needs of migrant workers in ASEAN member countries. The AFML was formed to move forward according to the principles of the ASEAN Charter, which was an objective connected to ASEAN people, society and culture. The meeting included major stakeholders and participants from the ILO's tripartite constituents (governments, employers and workers' organization) including the social sector. The AFML was considered an ASEAN institutional activity with special characteristics. Annual meetings were held to discuss and exchange experiences, create consensus on the issue of protections under the Charter and forge ahead with cooperation on issues related to the duties of origin and destination countries. The three pillars of the ASEAN Community had one guideline that is the same, which was priority of national laws over regional agreements. Therefore, guidelines on open communication with

the public, policy coordination and exchanges of knowledge between ASEAN member countries and social partners, particularly policies in accepting workers and protection strategies, were vital angles in controlling and managing migration at the regional level.

Limitations of Social Security Protections under Social Insurance of ASEAN Member Countries

A study conducted by Tamagno (2008: 31-40) summarized that social security protection under social insurance by ASEAN member countries had many limitations in the following content:

- 1) Limitations from scope of protection dependent on citizenship and/or residence. Some countries limited protection to provide protection only for workers who are permanent residents in that country (a citizen or a person of that country). This reflected citizenship limitations that were a barrier for migrant workers in accessing rights because migrant workers cannot stay indefinitely or for a sufficiently long period to be considered as a permanent resident.
- 2) Limitations from the scope of protection dependent on worker types. In particular, informal migrant workers usually receive no protection or less labor protection and social insurance than formal workers. Informal migrant workers receive almost no protection from the social security system.
- 3) Limitations in exporting compensation benefits. Every country had provident funds. Members who emigrated permanently were permitted to withdraw all money in provident fund accounts when emigrating without consideration given to age. In the meantime, of the countries which use a social security system, only the Philippines was found to have permitted export of compensation benefits in case of old age, disability and dependents without limitations while several countries such as Thailand, etc., have laws that do not permit export of benefits and compensation.
- 4) Limitations from the minimum time required to create rights. Provident funds had no minimum time requirements to create rights to accept benefits and compensation. On the contrary, social security had minimum time requirements to create rights. Although minimum time requirements create security for social security funds on one hand, minimum time requirements limit the rights of citizen workers and migrant workers to access workers' benefits and compensation on the other hand.

From the foregoing, it can be seen that the limitation of coverage depending on nationality and / or residence has a negative impact on migrant workers. This can be clearly seen in the case of health protection when workers have injuries, illnesses or injuries. Destination countries require employers to buy private insurance for foreign employees. Therefore, various risks,



including burden of medical expenses, fall on the private sector. While if being a citizen, the government will require higher benefits than the insurance that employers buy from the private sector to employees. Since it is "rights as citizens" and providing higher welfare for their own labor than migrant workers is also considered to improve the quality of life of the population. This fact is consistent with the study Dechprom & Jermsittiparsert (2018: 2086) that states government health expenditure, remittances, trade has been found important determinants of social development of countries. Therefore, the high cost of government health care in each country is mainly aimed at its citizens.

Besides from the quantitative research findings, when the policy implementation process was considered, the policy implementation process can be divided into two main steps consisting of macro implementation and micro implementation. Macro policy implementation had a broad scope covering micro policy implementation and was centered on ministries responsible for various areas at the national level. Furthermore, independent organizations were found to have been created with autonomy from ministerial directives and many experts performing the duty of implementing complex or new policies (Knill & Tosun, 2012: 150). This created many problems and a major problem where higher agencies were unable to direct lower agencies or government service providing agencies to implement policies according to policy intent, causing failure or delays in policy implementation.

From the aforementioned conceptual framework, the agencies responsible for providing social security protection for Thai migrant workers working abroad were seen to be divided into two parts consisting of government agencies responsible for Thailand such as the Department of Employment and the Social Security Office while the Office of Labor Affairs was a Thai government agency responsible for protections in foreign countries. Both parts were government agencies. When performing policy implementation duties, the agencies were found to have problems such as delays, resource shortages and communication barriers between agencies or organizations involved with Thai migrant workers working abroad. Furthermore, destination countries had government agencies responsible for implementing social security policies for migrant workers. In the case of these three destination countries, government agencies were seen to have acted only as regulators without implementing policies directly as in Thailand. Significant differences were found from higher implementation speed and strictness in law enforcement including less resource consumption in terms of budgets and personnel because agencies in this country did not have to work in the field and were able to distribute implementation to other sectors such as employers and private insurance companies, etc.



Protection Plans and Guidelines on Social Insurance Benefit Protection for Thai Migrant Workers Working Abroad that Meet International Labor Standards and Objectives for the Founding of the ASEAN Community

Unilateral Measures

Unilateral measures were the most basic measures with feasibility for immediate implementation. However, a study by Jermittiparsert, Sriyakul & C. Pamornmast (2012: 198) states that the Thai government, as the authority in the formulation of public policy, has to be prudent in its formulation in order to alleviate the problems of poverty, inequality and injustice, which is one of the major problems in the Thai society. If this can be done, it will lead to efficient of schemes and guidelines that coverage of social security benefits for Thai workers who go to work abroad.

Policy and Administrative Measures Consisted of the Following

(1) Policy measures use laws as instruments in forcing migrant workers to enter insured person status in Thailand's Social Security Fund. Furthermore, Thailand should enact more significant policy measures such as by making MOUs with the governments of various countries on the issue of building security for workers' lives and providing protection for all Thais working abroad with income such as housewives who have private businesses, etc.

(2) In the area of administrative measures, Thai migrant workers working abroad did not have much information or knowledge on Thailand's social security. Therefore, advertisement of news and information was an important administrative measure. Furthermore, Thailand had other administrative measures such as by building knowledge and systems for flexible management of contribution payments along with organization of instant service/support systems.

Models for Entering Protection Consisted of the Following Models

(1) In cases where Thai migrant workers' employers have offices in Thailand and migrant workers were sent to work abroad, Thai migrant workers were able to enter social security under Article 33 by continuing insured person status because the Social Security Act (4th Edition) of 2015 provided protection for this group of workers.

(2) In the case of other Thai migrant workers, Thai migrant workers can enter protection provided by Thailand's Social Security Fund. Migrant workers who were never insured persons in the Social Security Fund or were insured persons under Articles 33 and 39 but are no longer members may apply for membership in the Social Security Fund under Article 40.

1.3) In the area of scope of protection for Thai migrant workers, protection must be provided for all Thai migrant workers regardless of whether Thai migrant workers were working legally.

1.4) The following guidelines were used to protect social security benefits for Thai migrant workers working abroad in case study countries:

(1) Concerning principles for collecting contributions from Thai migrant workers working abroad, the Social Security Office can be seen to have developed many more convenient channels for sending contributions. However, although there are many more channels for paying contributions, Thai migrant workers working abroad remained limited, particularly by fluctuations in exchange rates which pose a significant barrier for sending contributions.

(2) In the area of protection benefits and conditions, Thai migrant workers expected membership in Thailand's Social Security Fund will provide the same benefits as Thais in Thailand. If benefits wanted by migrant workers were considered, the workers can be seen to have need for both short-term and long-term benefits.

(3) Compensation benefits must be the same as Thais insured under various articles in Thailand because, if contributions are paid equally, Thai migrant workers should receive the same compensation benefits to prevent discrimination even though Thai migrant workers working abroad may encounter more problems in accessing compensation benefits than people living in the country.

Bilateral Measures

Bilateral measures were joint measures of the origin and destination countries by preparing social security agreements (SSAs) or by carrying out independent protection measures in origin and destination countries in order to provide social security right protection for Thai migrant workers.

However, the researcher believed bilateral (two-party) social security agreements with these three ASEAN countries may not be necessary because protection systems of these three countries are different from Thailand's social security system and benefits are different. In particular, these three countries have almost no suitable long-term benefits for social security agreements. Furthermore, workers in these countries are not required to make payments to destination countries in this part and workers already receive production under the law. Therefore, unilateral measures on the part of the origin country may be more suitable and feasible for implementation at this time.

Multilateral Measures

Multilateral measures were created from collaboration by many countries. In theory, ASEAN is able to enact multilateral measures to provide social security protections for migrant workers in the form of regional collaboration with social security agreements (SSAs).

However, the researcher believes multilateral policies and administration to be extremely difficult in practice because ASEAN member countries have many political, economic, social, cultural and development differences. This creates extreme difficulty for developing social security agreements and significant resources would need to be dedicated to carrying out measures. ASEAN's current status may not be suitable for multilateral measures.

Conclusion

Based on the development of social security obligations and policies for migrant workers in ASEAN, ASEAN can be said to have agreement on the topic of providing social security protection for ASEAN migrant workers throughout the period of ASEAN's existence and collaboration as the ASEAN Community since 1997. However, ASEAN is not the main organization with influence in determining policies and laws in the area of providing social security protection for ASEAN migrant workers. When this was considered in terms of administrating social security for migrant workers in ASEAN's context, ASEAN's lack of influence on ASEAN member countries' social security policies can be clearly seen to have come from adherence to ASEAN's administrative principle of non-interference in member countries' domestic affairs along with governance by consensus among member countries. In addition, ASEAN has no mechanism of authority to inspect and regulate for each country to carry out social security policies for migrant workers according to international obligations signed and made at the level of the ASEAN Community.

According to the study of working conditions and problems of provide social security protection for Thai migrant workers working abroad, the dimension of labor protection, particularly in building social security for migrant workers, was found to have many limitations and benefits were short-term benefits. Benefits for creating long-term security in life were almost non-existent in the case study's countries. When this study returned to consider Thailand's part as the origin country of Thai migrant workers working abroad in this study, Thailand can be seen to have made efforts to develop the Social Security Fund to provide protection for this group of people from the past to the present day. However, Thailand encountered significant problems on the topic of delays to amendments of the law, rights and compensation benefits. In addition, Social Security Fund conditions remained limitations preventing Thai migrant workers working abroad from accessing the Fund's protection. However, major limitations found in this study were on the topics of knowledge and attitude

of Thai migrant workers working abroad, which were major factors in accessing the Fund's protection.

In the area of developing protection schemes and guidelines for the protection of social security rights for Thai migrant workers working abroad that meet international labor standards and objectives for the founding of ASEAN, unilateral measures are the most suitable and feasible for implementing social protection measures for Thai migrant workers working abroad in the countries in this case study. Because bilateral and multilateral measures in the form of social security agreements (SSAs) require amendments to domestic laws in each country. Furthermore, each country gives priority to national interests and each country has various political, economic, social, cultural and development differences. Therefore, bilateral and multilateral measures will need time to negotiate in the long-term.

Recommendations

Policy Recommendations at the Regional Level

1.1) ASEAN member countries, particularly sending countries and receiving countries, should negotiate and reach agreements on how to collaborate on social security protection for ASEAN workers in order to lead to security in life for workers and families.

1.2) ASEAN member countries need to unite and push for member countries to agree to creating legal mechanisms at the regional level, which will provide more protection in the dimension of social security for ASEAN migrant workers and specifications of minimum or collaborative measures in treating these workers.

1.3) There should be collaboration in storing and relaying relevant information to workers with a central agency responsible for coordinating and storing the aforementioned information to allow ASEAN member countries to use information to prepare policies or agreements in ASEAN.

Policy Recommendations at the National Level

2.1) Policies and laws should be reviewed for Thai workers working abroad. In addition, laws should be amended or new laws should be drafted with specific mention of Thai workers working abroad.

2.2) Modify registration systems and give migrant workers legal status in addition to systematically managing documents and evidence to prevent risk of losing benefits and access to workers' rights in the area of security in life.



2.3) Communicate with Thai migrant workers working abroad including the general public to create understanding and recognition of the importance of guarantees of security in life by developing and prioritizing communication channels, models and content presented to Thai migrant workers working abroad including the general public by related agencies in order to promote true social security protections for workers in the target group.

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