กลยุทธ์การต่อรองเพื่อสิทธิของแรงงานข้ามชาติในจังหวัดเชียงใหม่ The Negotiation Strategies for the Rights of Migrant Workers in Chiang Mai



¹ นักศึกษาระดับปริญญาเอก สาขาวิชาสังคมวิทยาและมานุษยวิทยา คณะสังคมศาสตร์ มหาวิทยาลัยเชียงใหม่ เชียงใหม่ 50200

¹ Ph.D. Candidate, Sociology and Anthropology, Faculty of Social Sciences, Chiang Mai University, Chiangmai, 50200, Thailand

^{*} Corresponding author: E-mail address: nilchan2@yahoo.co.th (Received: January 23, 2020; Revised: March 28, 2020; Accepted: April 3, 2020)

บทคัดย่อ

บทความนี้สนใจกลยุทธ์การต่อรองสิทธิของแรงงานข้ามชาติชาวไทใหญ่ในจังหวัดเชียงใหม่ ประเทศไทย ที่มีสถานะไร้ตัวตนทางกฎหมาย ถูกเลือกปฏิบัติ และถูกเอารัดเอาเปรียบจากนายจ้างและ เจ้าหน้าที่รัฐไทย โดยสังเกตการณ์อย่างมีส่วนร่วม การสัมภาษณ์แรงงานข้ามชาติและเจ้าหน้าที่เอ็นจีโอ และ ข้อมูลที่เก็บรวมรวมจากเอกสารทางกฎหมายและรายงานขององค์กรรัฐและเอกชนพบว่า แรงงานข้ามชาติใช้ กลยุทธ์หลากหลายในการต่อรองสิทธิ ด้วยการนิยามตัวตนใหม่ว่า ขยัน อดทน อ่อนน้อมถ่อมตน และซื่อสัตย์ ช่วยสร้างการยอมรับในความเป็นพลเมืองทางเศรษฐกิจและสังคม พวกเขายังปรับใช้ทุนทางสังคมเดิม เช่น ความเป็นญาติ เพื่อนสนิท และคนรู้จักคุ้นเคย ไปพร้อมกับการสร้างทุนทางสังคมใหม่ เช่น การประสาน เข้ากับเครือข่ายความสัมพันธ์ในฐานะสมาชิกขององค์กรแรงงานข้ามชาติ องค์กรแรงงานไทย และองค์กร ด้านกฎหมาย ทั้งในระดับท้องถิ่น ระดับชาติ และข้ามชาติ นอกจากนี้ ยังพบว่า มีแรงงานจำนวนหนึ่งที่ไม่อาจ ต่อรองผ่านกระบวนการศาลและเปิดเผยตัวตนได้เฉกเช่นแรงงานกลุ่มอื่น ๆ แต่พวกเขาเลือกใช้การต่อสู่ในชีวิต ประจำวัน เพื่อการดำรงชีพต่อไปในประเทศไทย

คำสำคัญ: กลยุทธ์ แรงงานข้ามชาติ พลเมืองทางเศรษฐกิจ การต่อรอง ทุนทางสังคม

Abstract

This article focused on negotiation strategies for the rights of Tai Yai migrant workers (MW) in Chiang Mai, Thailand. The MV are invisible by Thai law, face with discrimination, and are exploited by Thai employers and officials. According to participatory observation, interview of migrant workers and NGO activists, and data collection from legal documents and reports of government and non-government organization, the MW used various strategies to negotiate for their rights. The creation of new identities, as hard working, tolerant, humble and honest people enables them to be accepted in term of social and economic citizenship. Not just re-configured the old social capital, such as relatives, friends and acquaintance, but they also invented the new one, such as being members of MW federation, the Thai Trade Union and legal organizations at the local, national and international levels. Moreover, some MW could not negotiate through court procedure and could not reveal their identity as other group of workers did, but they preferred to engage in everyday practice to make a living in Thailand.

Keywords: Strategies, Migrant Workers, Economic Citizenship, Negotiation, Social Capital

Introduction

The border crossing of Tai Yai MW into Thailand is caused by political unrest and war in the country, having an impact on people's lives at large, creating the economic hardship. This becomes the push factor of cross-border migration into Thailand. MW are attracted by

job opportunity and higher wage. Thailand's economy has been growing and needs many unskilled workers to fill the jobs. Some MW came with the hope to become modernized from what they have heard from their friends and relatives.

MW who entered illegally, they have to face the denial of self-existence or identity because of the inherent attitudes and myths related to ideologies, race bias, nationalism and authoritarianism which are inscribed behind the Thai law. In order to exploit MW for the benefit of employers and State official, MW would be classified in different categories, having to go through the registration process which bound them to certain type of employment. Others with illegal status have to live, hiding from the police along the border area. On their first arrival, they would be employed as agricultural workers in remote rural area. Successively, MW would migrate to work as construction and domestic workers. The abuse of MW's right by employer and Thai official have been frequently reported in the news media or narrated stories among MW themselves. Complaints also have been filed with the government as well as private organizations.

Before 1990, MW used to enter the country illegally and constitute the invisible population. But with time, they became an important labour force in developing the Thai economy, employed in the hazardous, 3D industries: dangerous, hard work and dirty [1]. These workers are highly demanded because employers could pay lower wage than the Thai workers or where labour law is not implemented.

To manage the flow of MW into Thailand, the government imposes restriction by adopting registration as a way to control the mobility of MW. Although most of MW have been registered according to the law, they could not get access to labour protection and welfare. The law has many exemptions on MW and sometime MW are being discriminated by employer and the Thai official. This may be caused by race bias, lack of respect of human right and discrimination.

Objective of the study

This article studies the situation of non-self existence of Tai Yai MW. It aims to explore the strategies which MW use to protect the rights and also have access to the labour rights and welfare. It explores the way MW create their identities and the practice of everyday live. This study focuses on Tai Yai MW as the social actor and their struggle against the abuse on their right by employer and Thai official by adopting various identities to change the power relation that is just to them.

Methods and Data Collection

In this research, information is collected from legal documents and summary reports of non-governmental organization, dissertations and government's documents. I interviewed 25 male and female migrant workers who were the members of the Migrant Workers Federation, the Worker Solidarity Association, and the Tai National Assisting Community, for their narrative stories and experience. Interviews were also conducted with 4 NGO activists from the MAP Foundation, Thailand and the Human Rights and Development Foundation, and also the concerned authorities such as governmental and non-governmental organizations and lawyers.

I used both participatory and observation as outsider in the campaigning activities of foreign migrant workers in Chiang Mai to pursue the policy with the Thai government to protect the rights and equal treatment as the Thai workers. The action aimed to create the public and non-public space in political, social and cultural tradition of Tai Yai migrant workers such as Tai Yai New Year, Tai Yai National Day, the celebration of which took place at Doi Tailang, the border region near Mae Hong Son.

In collecting information, the researcher has closed relation with the coordinator of migrant workers in Chiang Mai and Lumpoon province as informant. But I also became a volunteer to teach Thai language to migrant workers at the Learning Center for Migrant Workers in 2015. The Center receives complaints and has activities to develop the awareness about the rights of migrant workers. It also conducts training on language skill such as Thai, English and Burmese languages. The Center is managed both by Migrant Workers' Federation and Human Right Development Center. As quantitative research, the analysis was conducted through classification and interpretation of narratives, then conceptualized make a conclusion.

The non-self existence or identity of MW is closely related to status of citizenship. According to the Foreigner's Working Management Emergency Decree, B.E.2560, the rights of migrant workers are restricted. MW without Thai citizenship are discriminated against their rights and exploited for low wage. They also suffer from racial prejudice, the Thai nationalism and authoritarianism. This leaves a gap in the law used to exploit the economic benefit of MW. But this study found that MW also conduct struggle to defend various rights as economic citizenship.

Sociology has well elaborated the concept of citizenship. Since 1950, Marshall did a pioneer work on "Citizenship and Social Class: And Other Essays" [2] He proposed the concept of citizenship linked to social classes. He believed that in democratic society citizen may not get access to their right on equal basis because of social classes. Marshall proposed to look more at grass-root strategy of citizenship through the movement to demand various

rights and welfare. Citizenship should not be viewed only in limited scope of the law. In fact, it is related to social movement. Marshall's concept on citizenship will help us to understand the struggle of MW in this study.

Many studies on citizenship, using the case of MW in Thai society comes from critics from above which creates the basis for limitation of MW's right, Laungaramsri called this problem "Contingent Citizenship". In her opinion, the State controls and gives meaning to the citizenship of Thailand, by definition and practice of people in the country bounded by national security. What is driving behind is the ideology of nationalism and economic reason to exploit MW as cheap labour. This creates contradictions and uncertainty of the policies of the Thai State at different periods of time [3]

When MW has been prevented from being citizenship, they would be classified under various types workers through registration process and papers work. MW are regulated and controlled by tiding them to a definite kind of job. In her point of view, Laungaramsri believes that the Thai State control the non-Thai citizen especially MW through issuing temporary identity card under the system of extent a limit of stay and with short renewal period. The consequence is that MW's right has been restricted such as travelling and changing employment.

Laungaramsri's critic of the State policy has helped to get inside into the problems MW have to face while living and working in Thailand. Although the policy has changed to accommodate MW as legal immigrant by adopting registration of various types of workers but the aim is always to impose strict control. MW are still abused of their rights such as the evasion of minimum wage payment, no overtime payment, no paid leave specified by the law. Although MW fall under the labour protection law but they are often exposed to discrimination because of nationalist attitude of the Thai Official where MW are regarded as alien workers.

Sakboon, et al. [4] confirmed that racial prejudice becomes the prevalent practice among the local authorities. For example, the procurement of citizenship for Thai minorities in the high-land have to go through many process and paper work. Even if, they acquire a Thai citizenship, they are not seen as Thai but as others.

In order to regulate and control MW, their legal status is tied to definite occupation. MW are not allowed to work in certain occupation such as contractor or self-employment. In some occupations where MW are permitted to work such as domestic maid and agricultural worker but they do not have the same right as the Thai workers regarding minimum wage payment or welfare. Although the neo-liberal policy and globalization has created a borderless world, one can no longer confine MW to certain space as could be done in the past.

In the context of a borderless world, anthropologists have changed point of views to looks at citizenship as a strategy to adapt rather than a movement to demand right. Ong [5] proposed the concept of "Flexible Citizenship" with argument that the State should change its thinking and to place more important to competition in the world market. Citizenship should be defined in the era of globalization with economic reasoning. At the same time, the strategy of MW is to create identity of citizen in the same way. Rosaldo [6] another anthropologist expanded the comprehension of citizenship which is more than political dimension but include cultural dimension as well. He proposed that space should be opened up to various group of people living in the same society to express their own culture. This shows that in society based on pluralism, citizenship could have many dimensions more than political or legal citizenship.

In this study, MW has been discriminated from acquiring Thai citizenship by law but they try to define citizenship in a more complex way which correspond to the concept of flexible citizenship. MW would try to build new identity as partnership in contribution to the economy, not different from the Thai workers. They acquire a new identity as hard working, patience and honest worker.

In other study, it is found that Tai Yai MW in Chiang Mai have incentive to participate in various Buddhist activities through merit making and festival such as the Poy Sang Long festival. This is to show themselves as cultural citizen because they have common culture as the majority of Thais [7]. In the other case, MW in Maesod district, Tak province, named themselves "Yong-jee-oue" attempted to represent their identity as economic citizen. They demanded the access to labour's right and welfare, as well as fair wage [8]. Another study also showed the case of Nang-Noom Mai-Sang, the Tai MW, who fought for right to the Compensation Fund as she was crippled by the accident on work. [9]

MW struggle to build their own identity as flexible citizenship especially the economic citizenship, but they are not always accepted as economic citizenship in Thai society. From the study of Sakboon et al. [4] revealed that even when MW received citizenship, they are still treated as second-class citizen.

Sakboon believes that the concept of flexible citizenship could explain the context of western society. For Thailand, the local Thai authorities are vested with social prejudice and racism. So, MW are looked down and always considered as "the others". MW often face discrimination and gap in the application of the law.

The concept of flexible citizenship applied to Thailand are different from Ong's study of MW in western countries. Ong found that MW became the rich businessmen because they were able to construct identity as economic and political citizen of the receiving countries. But most of MW in Thailand are poor and unskilled labour. They are

subjected to the abuse of rights and imposition of strict control of their movement, having less opportunity to acquire Thai citizenship. In the same way, Sretthachau has criticized Ong that her study dealt with the businessman who come to invest in the U.S. These people belong to the upper class and cannot be generalized to include other groups of migrant workers at large.

This study highlights important of viewpoint from below, it is the point of start of this study. It examined various strategies adopted by MW to build identity of flexible citizenship. This concept is applied to Michel de Certeau's idea of practice in everyday life. He focused his analysis on "strategy" or "tactic" as the art making of the weak to bargain with the power controlling and regulating their lives [10] In the study of Sretthachau about MW in Thailand with illegal status living along the border area of Kampuchea and Laos, he found that MW adopted strategy to creates flexible identity in order to camouflage oneself in order to bargain and adjust with the power of various parties [11]

Sretthachau asserted that his study about the peasants or the weak is different from Scott [12] they fought by not revealing their identity. But Sretthachau used both the concept of de Certeau and Scott to show that MW in Chiang Mai used the strategy of building identity as economic citizenship and avoiding confrontational struggle. MW evade to engaged in official space but preferred to negotiate in the space of everyday life to change power relation with the employer.

The Invisible MW and Abuse of Migrant Worker's Right

1. The invisibility of Tai Yai MW in Chiang Mai

As MW are in position of being invisible among Thai citizens, the law also imposes a limit to their right and discriminate against them. Claiming for national security, the law fixed MW to certain occupations. MW need to be registered with the governmental department, have definite employer and possess identity cards; workers with MOU (pass post with blue cover), worker in fishery industry (orange pass-post), seasonal workers (blue license) and workers under registration (pink card) [3] The result is that workers are classified under different identities and so have different access to rights.

The study found that MW have no right to choose the occupation preferred. According to the law, MW has no right to work as a subcontractor, as such occupation is reserved for the Thai. If caught engaged in such occupation, MW will be persecuted or even if they have been cheated, they cannot bring their case to justice. Their demand for advice and help from NGOs is also turned down. For example, Mr. Wan lost about 100,000 baths because he miscalculated the cost of material and wage. [13]

Domestic work is often performed by women and is not considered as having a value. Then women worked in their own and were exploited because they performed unpaid labour. Although there is a law to protect domestic work, but the law protects only certain aspect of the right. It is known that working in a house is a space full of emotion thus, bring in conflicts between the employer and the employee for most of the time. From the study of Ehrenreich [14] on "Maid to order" in the U.S.A, the relationship between house owner and housemaid was better than in the cleaning company emerged in capitalist relationship. This was because house maid was more independent, not closely under the surveillance of house owner. In the Thai context, the employment of housemaid rests on patron-client relationship and under authoritarianism. The MW often faced with unequal power relation and fall under the patron and client relationship. Also, house maids do not have security in life and proper earning because they could be easily laid off. In many cases, the house owner exploits the house maid not different from capitalist relation. Sometime, they work more than 16 hours a day, not paid the minimum wage and without social protection, no holiday leave or work over 8 hours and not paid extra hours of work.

2. The problem of abuse of MW's right.

It is found that MW in Thailand faced the risk of being abuse of rights because employers do not apply the law and the government officials also do not enforce the law seriously. MW, themselves also lack the knowledge about their basic right as a worker. MW, thus, received unjust wage, delayed wage payment or no right to sick leave. For instance, 19 of MW in building industry at Amphoe Mae Rim were laid off without prior notification and did not received compensation according to the law.

"Worker work half an hour more than the normal working time but received the OT payment. We have one day off a week. The company would send us to work in different places such as residential homes or hotel. The company does not register workers under the Social Security Scheme. If sick, we used the 30 baht universal health insurance but will not be paid for sick leave" [15]

In summary, many problems of MW related with minimum wage, overtime work, withhold or postpone wage payment or not taking responsibility as employer. And if workers take employer to court case, the process takes too long and usually not carried out to the end by the workers.

Negotiating Strategies of Migrant Workers

This study found that MW would try to build new identity to bargain for labour right as economic citizenship. They built social networks and carried on the struggle in everyday life.

1. Economic citizenship of migrant workers.

MW created their identity as economic citizenship, as they considered themselves as contributor to the Thailand's economy. They are not different from the Thai workers but carried more burden than the Thai. MW who worked in construction for many years have accumulated the work skill and upgraded their status. They became subcontractors for a small project such as building house or repair work. These subcontractors have a network of friends, who participate as partnership in the business or hire as unskilled labour paid a daily wage.

According to Thai law, MW were not allowed to organize as trade union. However, the house-maid workers built loosely and informally network and engaged in many activities and campaigns organized by local and international NGOs. Through those networks and activities, they negotiated for their rights and social welfare. As a result, the Ministry of Labour enacted a law to protect domestic workers employed in a company or as house maid. But the law still discriminates against MW house maid whether the minimum wage payment, normal working, social security and worksmen's compensation fund have been exempted.

2. Creation of social capital and network.

MW employed social capital and networks in order to push for quick solution to their problem. For example, about 500 construction workers of Perfect Company who were not paid wage and was not warned in advance for job termination, organized themselves under MW federation and seek support from Human Right Development Foundation (HRDF). They filed their compliant with the Labour Protection Department in Chiang Mai and also employed on-line media such as Prachathai, Prachatham and Thairath to support their demand. As a result, about 200 workers were insurers of Social Security Fund and received right for unemployment compensation. And 103 workers received assistance from the Provident Fund, amounted to 9,000 baths for each person. This is the first case in which MW could get access to Provident Fund. There were also 95 migrant workers, their cases were under the scrutiny for verification. The process has to undergo a court trial. Because of the employer's irresponsibility, MW have organized themselves to take their case to the labour court. Some MW become member-of MW federation.

MW federation provides support to individual case. Individual could outreach MWF from Facebook or made appointment for consultation. Suchart's case was put forward to

the Labour Protection Department but the employer did not show up for reconciliation. Suchart took his case to the labour court. Finally, the court ordered the employer to pay him 400,000 baths with the interest rate during the 3 years to be enforced within 30 days.

In his fight against the abuse of right, Suchart could have his identity card return. Before he had the status of people from highland waiting for nationality identification. But this status was terminated in the year 2009, and so he had to use the passport as Myanmar's citizen. Subsequently, he placed demand for the Thai citizenship because he was born in Thailand and brought up in the Thai culture.

In this case, Suchart used the legal channel to solve his problem and with assistance from NGOs, he could get access to his right. In some case, MW may not get compensated but through this experience, they become more confident of their power to solve the problem. By joining the group, Suchat has been accepted by his friends and become representative of MW in carrying out the fight on various issues. He participated in the Northern Labour Network in 2017 as he was fluent in Thai language. In 2018, Suchat was elected as President of MWF. He believes that when MWF is active, the workers could get access to many rights.

"I participate in the Northern Labour Network. The demand for people without registration or living on highland is to be able to travel across the province has been fulfilled. In the past, we need to ask permission from the governmental organization and have to pay not less than 800 baths as commission. Now, in my group, we could engage in many occupations. Before, we have right to work in 27 occupations. Now, self-employed is one of the occupation that we are still exempted from" [16]

To build identity with social capital and networks, MW could succeed in negotiating for their rights. This set example to others to development self-confident and understanding of the process and mechanism in the negotiation of their right.

The experience the MW went through such as identity building, social capital and networking of MW in Chiang Mai has made them to understand how to fight to get access to labour protection as acceptable to international norm. If the employers do not implement the law such as do not sign the contract of work, unjust pay or do not provide labour protection according to law, MW would confront this problem by taking employer to court. This is one of the way to create legal identity.

3. Formation of legal status of migrant workers.

According to the law and regulation, MW could file complaint with government organization or file a change against the employer by themselves. But the court's procedure requires skill and legal knowledge which make the MW not very confident of the legal process and this discourage them to use legal mean to protect their right. Therefore, in practice, MW may seek advice from group of friends and NGOs. If the case is taken to court, the workers will have the assistance from the lawyers to conduct the case.

Mr. Tan and 18 friends were discharged from the job without pay. Five of them seek for another job rather bringing their case to the court, while the rest pursued the case in court in February 2015. They went to the court 4 times before the verdict was given on 6 October 2015. The court ordered the employer to paid compensation to 13 workers. Each received between 5,605 - 9,193 bahts.

"the money is paid by parts. The first part, each received 1,000 bahts and the second, 1,000 baht each. The third part was in December but until now, they have not received the money" [17]

In other case, 500 MW and Thai workers were laid off without pay on 16 December 2015 to 15 January 2016. Although the agreement for compensation was reached but the employer postponed the payment. The telephone line and the office of the company was closed down. The representative of the workers seek advice from HRDF and MWF for legal assistance. The wage withheld by the company amounted to 906,988.80 bahts and compensation according to the Labour Protection Act 1988 (B.E.2541) comprising of advance warning 1 part is 554,850 bahts and compensation for the lay-off amounted to 2,036,100 bahts. The total sum of money is 3,461,602.80 bahts. They handed their petition to governmental department and waited for the employer to come and settle the dispute within 30 days as set by the law. But most of the workers believed that the employer would not come because the money to be paid was very high. Therefore, 200 workers decided to pursue their case in the labour court without waiting for dispute settlement. There is a lawyer's organization in Chiang Mai providing legal assistance (Interviewed Shi Kaew the vice president of WMF). [18]

However, many MW were engaged in the job prohibited by the law. In such a case, the legal process may not be appropriate for solve the MW's problem. Mr.Sumitchai Hatsan, a lawyer, revealed that many MW did not come to the court.

"Many MW took up employment as petty employer such as subcontract work or open up trading store which is illegal according to the law. MW becomes the informal workers. If they are violated because employer does not pay for the contract work, such case cannot be pursued in court. So, MW are at the disadvantage" [19]

To take their claim through court may not be the best solution for MW due to the complicated and long legal procedure and the limitation of their official Thai language skill and knowledge about labour rights. Therefore, when MW have dispute with their employer, they would choose to seek advice from the leader of MW and labour NGOs and to struggle in everyday life.

4. Migrant Worker's Bargaining/Negotiation in everyday life

According to the Foreigners' working management Emergency Decree, B.E. 2560, if a worker with work permit leave his job, he has to find a new employer within 15 days. And he must have a letter of termination from his previous employer in order to get the new job legally. To use the legal means involve more complex power relation beyond employer and employee. Therefore, MW prefer to leave the job quietly in exchange for the letter of termination, instead of bargaining for compensation.

Unlike in Philippine and Hong Kong that the government supports MW to organize trade-union in domestic work [20] trade-union in domestic work is not permitted by the Thai law. In China, MW who migrated from rural area to cities or the Special Economic Zone, organized themselves with the assistance of NGOs to overcome the abuse of right [21]. In contrast, MW in domestic work use informal ways to negotiate with the employer in order to avoid the strategy of confrontation. For example, Mua Lang worked as housemaid in a family. She was responsible doing all the house work and looked after their daughter for more than 11 years. She was taught how to raise up the child, to prepare milk, take bath and take the child to sleep. In fact, she performed the role as a real mother. Many times, she was left alone with the child because the owner of the house has to go out to work. She became very attach to the child and family. She would call the child as her own daughter. Through this kind of relationship, she could ask for what she wanted such as holiday leave or some day off.

However, informal ways could be used to negotiate with the employer, avoiding the strategy of confrontation. For example, Mua Lang worked as housemaid in a family. She was responsible doing all the house work and looked after their daughter for more than 11 years. She was taught how to raise up the child, to prepare milk, take bath and take the

child to sleep. In fact, she performed the role as a real mother. Many times, she was left alone with the child because the owner of the house has to go out to work. She became very attach to the child and family. She would call the child as her own daughter. Through this kind of relationship, she could ask for what she wanted such as holiday leave or some day off.

For another case, Shi No Kham, an independent subcontractor, was not paid by the contractor for the work done and she could not access to the legal process because Thai Law does not permit MW to own business. Later, he asked a Thai friend to make contract for his job, so that he could take his case to the court if he is cheated by the Thai.

Conclusion

In coping up with the situation of invisibility, MW employed various strategies; building identity as economic citizenship, exploiting their social capital and networking, using both the formal and informal strategy and avoiding confrontation to negotiate for various right in everyday life.

The main strategy to create new identity is to perceive themselves as partnership in driving force of the Thai economy, not different from the Thai workers in general. But MW carried the 3D jobs where the Thai would not prefer; difficult, dirty and dangerous. With their limitation, certain MW do not yield to the problems, but defining the new identity as patience, diligence, humble and honest. These characteristics help MW to be acceptable by the public at large.

Social capital and network were also employed to define themselves as economic citizenship. They constructed personal relationship among the MW, Thai friends, NGOs, as well as their employer. The networks through Thai labour union and legal organizations help them in pushing the Thai government to extend the rights of MW. The negotiation in the public space by using networking and media could be an effective channel to reach public at large, pushing the governmental department and employer to take responsibility as well. It could be more fruitful than the formal or confrontational struggle in acquiring access to their rights. In many case the research found that MW could negotiated for their right through the network when they were abused by the employers. In everyday life, personal relationship often prevented the abuse by the superior employer as the legal procedure was not always the best resolution for them.

In the context of a borderless world, citizenship should be understood as a strategy rather than a static status. This study found that MW create identity of citizen in various

dimensions. Despite lack of legal or political citizenship, MW could afford to build their cultural and economic citizenship. In other words, citizenship could have many dimensions in society based on pluralism. And people in globalization age would define citizenship in a more complex way which correspond to the concept of flexible citizenship.

Acknowledgement

This article is a part of my dissertation entitled "Negotiation Strategies for the Rights and Social Welfare of Transnational Workers in Chiang Mai" and it is a part of requirements for Ph.D. in Sociology and Anthropology, Faculty of Social Sciences, Chiang Mai University.

References

- [1] Imudom, W., et al., (2011). Project on economic and financial information exchange between The Bank of Thailand and financial businessmen. Bangkok: The Bank of Thailand. (in Thai)
- [2] Marshall, T. H. (1950). *Citizenship and social class: And other essays*. Cambridge: Cambridge University press.
- [3] Laungaramsri, P. (2018). *Identification card: Genealogy of population control under the Thai nation-state*. Chiang Mai: Office of Research Administration, Chiang Mai University. (in Thai)
- [4] Sakboon, M., et al. (2017). "Khon Rai Sanchat: Resident aliens and the paradox of national integration in Thailand', in O. K. Gin & V. Grabowsky (Eds.), *Ethnic and religious identities and integration in Southeast Asia*, 57-104, Chiang Mai: Silkworm Books.
- [5] Ong, A. (1999). Flexible citizenship: The cultural logics of transnationality. Durham, NC: Duke University Press.
- [6] Rosaldo, R. (1994). Cultural citizenship and educational democracy, cultural anthropology, 9(3), 402-411.
- [7] Ganjanapan, A., & Samniang, C. (2014). *Transnational workers: Identity and civil rights*.

 Chiang Mai: Thai Universities for Healthy Public Policies, Chiang Mai University School of Public Policy. (in Thai)
- [8] Boonprakarn, K. (2014). The flowers of the dawn: A negotiation space for transnational workers and their relationship with the Thailand-Myanmar border economy. Thai Universities for Healthy Public Policies, Chiang Mai University School of Public Policy. (in Thai)
- [9] Andy, H., & Naphaumphorn, B. (2012). "Inaccessibility of workmen compensation fund:

- Reflection of in justice against transnational migrant workers in Thailand" in *Marginalized people and justice in Thai society*. Nakorn Prathom: Thai Health Promotion Fund and The Rocky Feller Foundation, The Population and Social Research Publication, Mahidol University. (in Thai)
- [10] de Certeau, M. (1988). *The practice of everyday life*. Berkeley, CA: University of California Press.
- [11] Sretthachau, C. (2009). Tactics of everyday life practice of Cambodian-Lao migrant workers in Thailand in the context of Mekong regionalization. *Journal of Mekong Societies*, 5(2), 23-44. (in Thai)
- [12] Scott, J. C. (1985). Weapon of the weak: Everyday forms of peasant resistance.

 New Haven: Yale University Press.
- [13] Wan, Interview, 28 September 2017, Chiang Mai.
- [14] Ehrenreich, B. (2004). "Maid to order", in B. Ehrenreich & A. R. Hochschild (Eds.), Global woman: Nannies, maids, and sex workers in the new economy. New York: Metropolitan/Owl Books.
- [15] Transnational Workers Forum, 18 December 2015, Chiang Mai.
- [16] Suchart, Interview, 24 May 2018, Chiang Mai.
- [17] Tan and 10 MW, Interview, 1 May 2016, Chiang Mai.
- [18] Shi Kaew, the vice president of WMF, Interview, 15 October 2016, Chiang Mai.
- [19] Sumitchai Hatsan, Interview, 28 May 2015, Chiang Mai.
- [20] Piper, N. (2006). Migrant worker activism in Singapore and Malaysia: Freedom of association and the role of the state. *Asian and Pacific Migration Journal*, *15*(3), 359-380.
- [21] Froissart, C. (2009). 'The rise of migrant workers' collective action: Toward a new social contract in China', in K. E. Kuah-Pearce & G. Guiheux (Eds.), *Social movements in China and Hong Kong*, 155-178, Amsterdam: Amsterdam University Press.
- [22] Shi No Kham, Interview, 28 May 2017, Chiang Mai.