

Cambodian Labor Recruitment Process: A Case Study of Two Thai Companies

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Abstract. *This qualitative study was conducted to determine the recruitment process of Cambodian labor in two Thai companies. The participants were the employees in those two companies and the managers of the recruiting agencies. Tape recorded interviews were conducted with open-ended questions, as well as observations of the recruiting process. Data were coded using codes that were categorized using a cluster technique. The study showed that the processes of recruiting Cambodian labor were: (1) the employers in Thailand contacted an agency to recruit the labor; (2) a letter of petition was submitted to a Thai immigration office for importing immigrants into Thailand; (3) a Cambodian agency recruited the labor; then the labor had physical check-ups and the agency applied for a labor passport to achieve a name list; (4) the Cambodian agency sent the name list to Thailand for an employer request to employ the labor; (5) the employer submitted the name list to a provincial recruitment office for approval; (6) the name list was sent back to the Cambodian agency to do the labor VISA (LA) for importing labor to Thailand; (7) the employer took the labor for another physical check-up at a government hospital for a work permit; and (8) the employer requested a work permit for the labor. The study also found that the problems of recruiting Cambodian labor were as follows: (1) unclear, incorrect or false information provided for Cambodian labor by the recruitment agencies in Cambodia; (2) poor working conditions and welfare for Cambodian labor in Thailand, compared to Thai labor; and (3) slow and inefficient steps of the recruitment process. It is recommended that the recruitment processes be shortened, that relevant and sufficient professional training and orientation be undertaken by the agency for labor, and that reasonable recruitment fees be charged by the agency.*

Keywords: Recruitment Process, Cambodian Labor, and Labor Law

Introduction

A foreigner who wishes to work in Thailand needs to obtain a work permit from the Department of Employment in the Ministry of Labor prior to starting work in Thailand (A.D, 1978). All foreigners working in Thailand, regardless of nationality, are protected under Thai labor laws, which provide minimum protection for employees working in Thailand (Tilleke & Gibbins, 2007).

The Thai government signed a Memorandum of Understanding (MOU) with Cambodia in May 2003 (Andrees, 2006, p. 175). The first article of the MOU signed with the Government of Cambodia calls for “proper procedures for employment of workers” (Thailand & Cambodia, 2003) and “effective repatriation of workers, who have completed the terms and conditions of employment or are deported by relevant authorities of the other parties before completion of the terms and conditions of employment, to their permanent addresses” (International Labor Organization, 2007, p. 26).

Shortage of Unskilled Workers in Thailand

The Thai economy expanded rapidly at an average rate of 7.5% during 1990-1996, before the 1997 Asian economic crisis. The demand for workers also increased markedly during the same period (Asian Research Center for Migration, 2000). The employers in several areas and industries in Thailand still voice the view that there is a shortage of workers and they need to hire foreign workers for their enterprises. There are several areas that need additional workers, such as Tak, Ranong, Samutsakorn, Suratthani, and Panga. The reasons generally given for such labor shortages are that Thai workers are not interested in working hard in dirty and dangerous jobs (Asian Research Center for Migration, 2000).

Higher Income and Better Living Conditions in Thailand

A continually high economic growth rate for almost three decades before the Asian economic crisis in 1997 has turned Thailand into a country with higher incomes and better living conditions than her neighboring countries, such as Myanmar, Laos, Cambodia and Vietnam. Skilled and unskilled labor wages have risen quite rapidly and the legal minimum wage for unskilled workers in Thailand is much higher than the wages in these neighboring countries. This situation attracts workers in those countries to migrate and work in Thailand (Martin, 2004).

It was clear that recruiting companies were needed to provide Cambodian labor to Thai companies and the contractors. There have been many complaints both from contractors and Cambodian laborers regarding some steps of the recruiting process and legal practices. Therefore, it was considered to be necessary to utilize a qualitative approach to study the steps of the process and the problems of recruiting management, because this is a relatively new field of research.

Research Question

The research question that was addressed in this study was “How do the two selected Thai companies recruit Cambodian labor?”

Limitations of the Study

The three main limitations of this study were, first, that the researcher encountered obstacles in identifying recruiting agencies in Cambodia and sub-contractors in Thailand in order to gain enough data for the study. Second, it was difficult for the researcher to find out sub-contractor information ultimately due to illegal practices in the industry of recruiting Cambodian labor to work in Thailand. Finally, generalizability from the two selected Cambodian recruiting agencies to all recruiting agencies is not justified.

Literature Review

International Labor Organization (ILO)

The International Labor Organization (ILO) has played a key role in promoting the protection of migrant labor rights. The convention recognizes that private employment agencies can contribute to the functioning of the labor market and encourages member states to govern the operation of private employment agencies through licensing, certification, national laws, and codes of practice. The convention further encourages states to prevent abuses and fraudulent recruitment practices through bilateral agreements (Asian Research Center for Migration, 2008).

National Legislation and Policy Implementation in Thailand

Prior to the 2003 MOU with Cambodia, Thailand regulated labor migration through three laws: the Immigration Law (1979), the Employment of Aliens Law (1978), and the Labor Protection Law (1998). These laws defined the status of immigrants who look for employment, the jobs permitted to foreign labor, and the protection of all labor regardless of nationality. The Employment of Aliens Law states that a work permit is required for a foreigner to work in Thailand. Foreigners are allowed to work only in certain activities designated by law (Section 12). The Ministry of Labor in 2005 met with employers who expressed a desire to hire migrant labor through the formal recruitment system. Then, in March 2007 the Ministry of Labor published and disseminated the Guidelines of Procedures of Formal Recruitment (2007) to set standards for the conduct of government officials with regard to the new regulations and to assist employers who wanted to hire migrant labor (Ministry of Labor, 2007).

In the earlier version of this law, private recruitment companies that sent labor abroad registered and paid a deposit of five million baht to the Ministry of Labor as a security deposit. This law was passed in 2007 (Huguet, 2007).

In June 2007, 3628 Cambodians were recruited and brought to Thailand under the MOU (Asian Research Center for Migration, 2008).

National Legislation and Policy Implementation in Cambodia

The most important national legislation for the management of labor migration in Cambodia is Sub-Decree 57 on sending Khmer migrants to work abroad with the objectives of improving the living standards and vocational skills of Cambodians, generating national income through remittances, and easing unemployment pressures in the domestic labor market (Punpuing, 2006).

According to Martin (2006), the processes and procedures through which the MOLVT and private recruitment agencies cooperate to send Cambodian labor abroad and manage them need to be set out in a contract. The information that should be contained in this contract is: (1) Name and address of each party; (2) Date of commencement and termination of the contract; (3) Place of work and job specification; (4) Skills of labor; (5) Salary and allowances; (6) The portion of salary or other allowances that will be sent to the worker's family; (8) Hours of work, days off, and annual leave; (9) Accommodation, meals, clothing, and medical care; (10) Social security contributions for each worker; and (11) Delivery and receipt of labor.

Recruitment agencies shall pay the MOLVT for services and the preparation of relevant documents. Services are taken to mean the recruitment or placement of labor for overseas employment, while "relevant documents" refers to passports, visas, work permits, and other travel and identification documents required for the migrant to reside and work in Thailand legally.

Recruitment agencies that wish to obtain a license to send Cambodian labor abroad are required by Article 7 to deposit a guarantee of US\$100,000 with the MOLVT (Martin, 2006, p.16).

The Recruitment Process

The Recruitment Processes in Thailand

According to the Memorandum of Understanding (MOU), the Employment Department serves and imports immigrants to legally work in Thailand by complying with agreements made between Thailand and other countries. The Employment Department's role is to be the center for coordination of the recruitment process, but is not responsible for the direct recruitment of immigrants to work for an employer/establishment in Thailand.

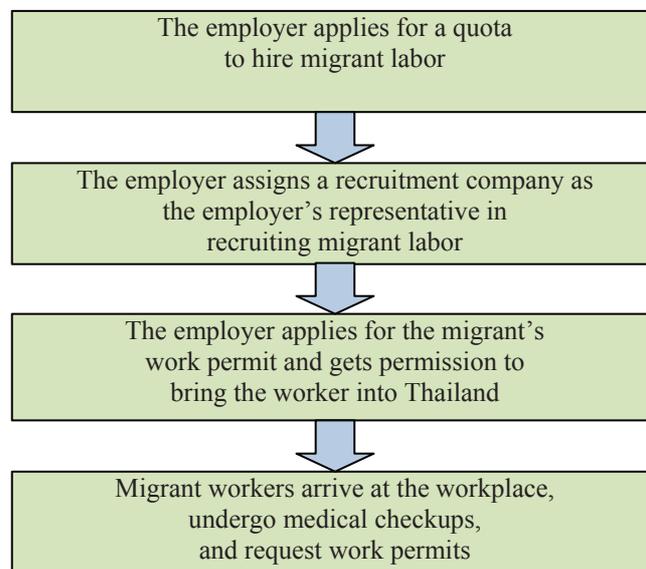
Employers that would like to legally employ immigrants to work in Thailand (Ministry of Labor, 2007) must proceed as follows:

(1) The Thai employers apply to the Department of Employment of the Thai Ministry of Labor for a quota to hire migrant labor and obtain approval, either for the requested number of labor or for a lower number, as the Ministry sees fit.

(2) The employer assigns a recruitment company to be the employer's representative in recruiting labor. This Company then collaborates with recruitment agencies in Cambodia. As of February 2007, there were eleven licensed recruitment agencies in Cambodia. The employer issues a Demand Letter that includes information about the sector of employment and working conditions for the position, as well as the age, gender, number, and wage of the migrants sought.

(3) The employer receives a list of selected labor from the recruitment agency. The employer then applies for a work permit on behalf of each worker from the Thai Ministry of Labor and gets permission to bring labor to Thailand.

(4) Labor arrives in Thailand and is received by the employer or the employer's representative. Labor undergoes a medical check and the work permit application is processed (Ministry of Labor, 2007).



Finger 2.1 Recruitment Process Summary

Recruitment Processes in Cambodia

The Cambodian study identified two types of recruiters: formal and informal. Private recruitment agencies constitute the only formal and legal means of recruitment in Cambodia (International Labor Organization, 2008, p. 24). The recruitment agency begins the process of preparing the worker's travel documents (i.e., passport and visa) and of arranging for the worker's medical checkup. Some recruitment agencies charge a fee of US\$200 in advance for these services and this is allowed by MOLVT. Other agencies absorb this fee themselves and charge the amount to the Thai employer later. The timeline for labor recruitment is as follows: (Asian Research Center for Migration, 2008): (1) An employer issues a letter to delegate a consulting company with the authority to act on the employer's behalf and submits it to the local employment recruitment office in Thailand (3 days); (2) The consulting company and employer's representative sign a contract (1 day); (3) Independent agents in Cambodia recruit labor according to the employer's specification (7 days); (4) A recruitment agency in Cambodia processes the paperwork and passport (60 days); (5) The Cambodian MOLVT sends a list of the laborers names to the Thai MOL (7 days); (6) The Thai consulting company passes the name list onto employers, then collects all documents from employers and sends these first to the Thai MOL and then to the MOLVT (14 days); (7) The recruitment agency processes the visa and work permit for labor (15 days); (8) The recruitment agency sets a date to hand over labor to the consulting company (3 days); (9) The consulting company informs employers of the date and time for the delivery of labor; and (10) Delivery of labor at the Thai-Cambodian border. The entire process takes approximately 110 days or 3-4 months.

Research Methodology

Participants

Given the goals and logic of qualitative research, "purposive" sampling is often employed. Purposive sampling strategies are designed to enhance understandings of selected individual(s) or groups' experience(s) or for developing theories and concepts. The researcher seeks to accomplish this goal by selecting "information rich" cases; that is, individuals, groups, organizations, or behaviors that provide the greatest insight into the research question (Miles & Huberman, 1994, p. 34).

Also, Crabtree and Miller (1992) showed how to select the sample by considering whether to observe or to interview, talking to individual(s), group(s), or both, recording or listening and deciding which sampling method in a qualitative inquiry should be employed.

In conclusion, purposive sampling was used in this study. The number of participants was determined 18 persons. The researcher interviewed participants in the two companies in Thailand, both human resource (HR) managers and Cambodian labor. One manager was at a Thai recruitment agency, and the other one was a recruiter in a Cambodian recruitment company.

Data Collection

There are many ways to collect data, depending on the nature of the research questions. Frankel and Devers (2000) stated that with the primary research question and resources available, the researchers can select some methods or some cases and combine several methods (e.g., study of documents and interviews).

According to Chanthvanich (2006), participant observation is the most common way of collecting qualitative data. As a result, the researcher is inserted into the daily lives of the study's participants and shares their experiences. The investigator directly observes the phenomenon under investigation. Participant observation has the advantages of mitigating some of the issues that arise with other qualitative and quantitative data collection techniques. Because participants are observed in the context of their daily lives, problems such as self-selection bias, recall and memory issues, and behavior modification do not interfere with the investigation. By observing persons as they interact in their daily lives and by taking part in those experiences, the researcher can develop a better understanding of how labor behaves and how they respond in particular situations.

Merriam (1998, p. ?) stated that different strategies for data collection normally involve "all three strategies of interviewing, observing, and analyzing documents". This study employed three strategies: interviews, document analysis, and participant observation. The researcher began collecting the data by using the participant observation technique with these companies.

Data Sources

The researcher gathered the data from face-to-face interviews, document reviews, and participant observation. The face-to-face interviews were based on a set of structured questions which allowed the researcher to explore the topic in-depth and to provide rich data for analysis and interpretation. The researcher also observed face-to-face meetings of the Cambodia recruitment company with its customers.

Interviews

An effective interview involves not only asking relevant questions, but also correctly recording the interviewee's responses (Gall, Borg, & Gall, 1996; Payne 1999). The researcher used face-to-face interviews because they allowed the researcher to collectively ask different questions. The answers were recorded using cassette tapes and written notes. Wiersma (1995) suggests that, if possible, the interviewer should pretest the questions on the respondents, so the researcher practiced interviewing and using the tape recorder ahead of time. While interviewing the participants, the researcher took notes that would assist with the data analysis. The interview data were used to answer the research questions.

Interview Procedures

First, the researcher asked the participants for face-to-face interviews with the Cambodian labor of those companies. Second, the researcher asked those who worked for Cambodian companies. Third, the researcher asked questions of the recruiters of both recruitment companies in Thailand and Cambodia. Fourth, the researcher conducted all face-to-face interviews, and the researcher used an audiotape recorder to record the interviews, each interview lasted about 45 to 60 minutes. The researcher took detailed field notes for each interview, in case the recording was not clear.

The researcher started the interviews by making the interviewee feel comfortable, and the researcher explained the aim of the study, the interview questions, and the purpose of the interview.

Participant Observation

The researcher collected data by observing Cambodian labor while performing a job, because that way the researcher was able to observe the participants and gather data in a way that the researcher could not get from interviews alone. In this way, the researcher was able to take notes and apply his own knowledge to the observations (Maxwell, 1996; Merriam, 1998)

The researcher used two types of observation in this study: participant observation and direct observation. Merriam (1998, p. 102) explained that participant observation “gives a first-hand account of the situation under study and when combined with interviewing and document analysis, it allows for a holistic interpretation of the phenomenon under investigation”. The researcher used participant observation to gather data to support the interview questions. The researcher could observe many activities between the recruiters and their Cambodian labor when they were together.

Document Review

According to Merriam (1998, p. 112), “documents are, in fact, ready-made sources of data easily accessible to the imaginative and resourceful investigator”. Stake (1995, p. 68) concurred by stating that “gathering data by studying documents follows the same line of thinking as observing or interviewing”. According to Lincoln and Guba (1985), documents and records offer the following benefits: (1) readily available and inexpensive or free of charge; (2) a stable source of data; (3) a rich source of data; (4) “legally unassailable”; and (5) always represent the original data. The documents used in this study consisted of course materials, such as newsletters, handouts, and books.

Data Analysis

In this study, the researcher focused on qualitative analytic tools. The researcher started the analysis task at the same time with the first interview, first observation, and first document provided (Merriam, 1988). Yin (1994) recommended that all researchers begin their analysis of their cases by setting two general strategies: one of which is to follow the purpose and the design of the case, and the other strategy is to develop a case description, which is less frequently recommended. Additionally, Merriam (1988) mentioned that data analysis in qualitative research depends on the investigator’s sensitivity and analytic skills.

Content analysis was used to examine the interpretations and application of the information from documents, interviews, and observations. The process of the study analysis is presented below:

(1) Tape-recorded data from interviews were transcribed and coded. Codes are labels that describe how a “unit of meaning” relates to the research problem; (2) Set up some codes from the replication; (3) Translate Thai and Khmer documents into English; (4) Prepare some data according to the issues; (5) Set up the type of data; (6) Summarize each interview session; and (7) Correlate and contrast the whole descriptive process of the data.

Trustworthiness

Three techniques to ensure reliability will be employed in this study. First, the researcher provided a detailed purpose of the study, the participant’s position for selection, and the context from which the data was gathered. Second, triangulation or multiple methods of data collection and analysis was used. Finally, data collection and analysis was reported in detail in order to provide a clear understanding of the methodology used in this study.

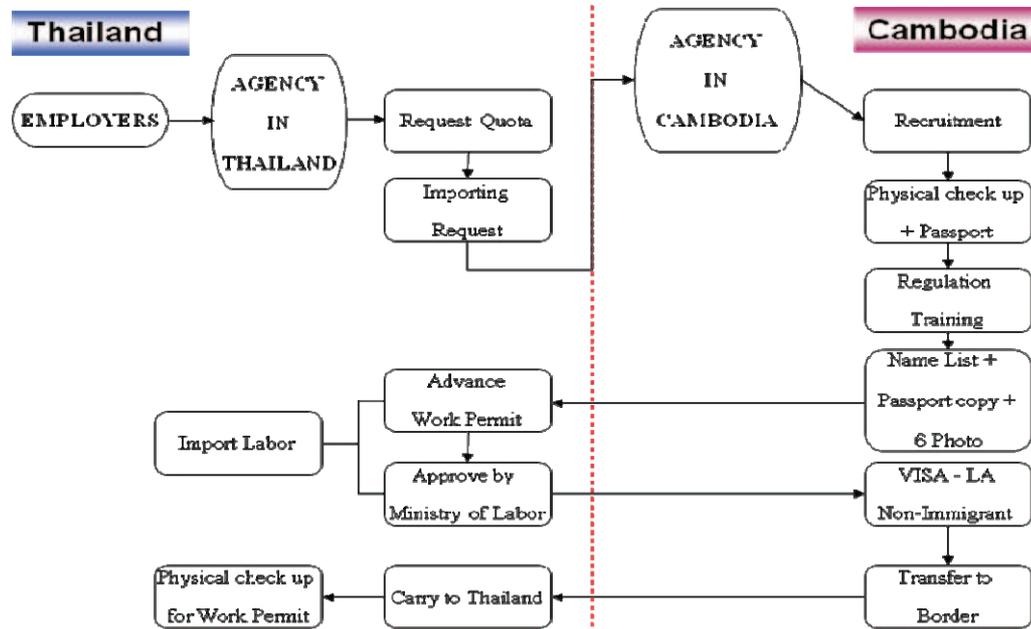
According to Lincoln and Guba (1985, p. 314), “member checks are data analytic categories, interpretations, and conclusions are tested with members of those stake-holding groups from whom the data were originally collected.” It is “the most crucial technique for establishing credibility”. The researcher shared the final results of the interviews with the participants in order to check them for accuracy. This helped the researcher come up with a study that contains “evidence of creditability the trustworthiness criterion analogous to internal validity in a conventional study” (Lincoln & Guba, 1985, p. 374).

Findings

Recruitment Process

When asking the participants about their recruitment processes, the researcher classified the data into two main kinds of recruitment processes: recruitment in Thailand and Cambodia.

Recruitment Process Summary



Recruiting Fees

Recruitment expenses and service fees ultimately become the responsibility of the laborer. These fees are paid initially by the employer or on a shared basis between the employer and the recruitment agencies. As one participant said: “Labor pay recruitment agencies approximately 24,000 baht for their passport, visa, and travel expenses”. Another participant mentioned that “In cases where initial fees are shared, employers pay the difference upon delivery of the labor at the worksite. Deductions are then made from the labor’s salary”.

Services Provided to Laborers by Recruiters

The Cambodia employment agency said that “they provided job placement, information about working and living conditions in Thailand. Moreover, they assisted labor in finding inexpensive (or free) accommodation in Thailand, as showed in table”. This company has a service to remit for labor “Labor who wish to remit money to their relatives in Cambodia can do so through my broker. Who will receive the sum of money to be remitted and make a list of the names of the labor family/relatives, their home addresses, and telephone numbers” (CR2 P3, L155-161).

Orientation and training for Cambodian labor consisted primarily of broad and brief “orientation” sessions, rather than focused training. A laborer in a company at Samut Jedee described his experience: “Before they go to Thailand the recruitment company called them for a training and orientation sessions. However, it was not about training, we were only told how to talk to our boss and how to talk to other labor” (CR2 P3, L171-175).

A laborer who was recruited and worked in a company at Samut Jedee in Thailand said that: “At Cambodia, they said when we work in Thai company we will get salary 220 baht per day and OT. A good accommodation have room for four persons in a room, diligence every month by our work performance, lunch time, transportation, and free uniform. But when we are in Thailand we get 220 baht per day including OT, transportation, accommodation is flat house no room, not enough bath room, no diligence, buy uniform 520 baht per set, and also did not get any bonus” (CR2 P4, L360-370). Another laborer who was recruited and worked in a company at King Kae in Thailand stated that: “Agency said we have free dormitory, transportation, bonus every year, but we are here in Thailand, we pay for a room 300 baht, and 500 baht for bonus per year” (CR2 P4, L371-373).

Comments from Laborers

The interviews revealed the combination of push and pull factors that commonly influenced individual decisions. One laborer, who was recruited to work in a company at Samut Jedee in Thailand for one year and five months stated that *"We are almost have a farm. We have some land and cattle and we are not poor and not rich. We went to Thailand to earn money to support my children's education. We also wanted to improve the living conditions of our families and to build a new house. Our friends worked in Thailand and they have now built a new house. They suggested that we should work in Thailand as well"* (CR2 P4, L400-408). A laborer who was recruited and worked in a company at King Kae in Thailand for ten months noted that: *"When we went to Thailand together with our friends. Back home we could not find any jobs, and we wanted to earn money. Also, we had never worked before and we just wanted to have working experience"* (CR2 P4, L409-412). *"In addition, the recruiter told us that we could get bonus every year. This all sounded good, so we decided to go"* (CR2 P4, L365-367).

Freedom of Movement and Communication

Most of the laborers could travel freely during their free time. Interviews indicated that *"labor generally remained close to the workplace, taking short trips to the market, grocery store, convenience store, etc. Some workers, particularly formal migrants from Cambodia stated that their freedom of movement was limited by employers, while a few said that it was limited by police"* (CR2 P4, L424-429).

A lack of identification documents negatively affected migrants' freedom of movement. A laborer who worked in a company at Samut Jedee in Thailand commented that: *"My employer kept my passport"* (CR2 P4, L430-432). *"When I wanted to leave the factory, I had to ask my boss for a copy of my passport so that I could go out without too much fear of being arrested by the police"* (CR2 P4, L433-437).

Similarly, a laborer working in a company at King Kae in Thailand commented that *"I could not really go outside since I did not have any legal documents and was afraid that I would be arrested by the police. So when I wanted to go outside I had to inform my employer who would then send somebody to escort me in order to avoid being arrested"* (CR2 P4, L438-443).

Discussion

The results of the study found that employers had followed all the MOU regulations, because they needed to have legal labor. The results of this study related to the Thai government's MOU with Cambodia, which was aimed, not only at the management of labor migration between the two countries, but also at the identification and return of irregular migrants (Andrees, 2006, p. 175). To honor this agreement, the private recruitment companies that sent labor abroad registered and paid a deposit of five million baht to the Ministry of Labor as a security deposit. The results of this study showed that laborers paid recruitment agencies approximately 24,000 baht for their passport, visa, and travel expenses, and most laborers who came to work in Thailand were farmers. They did not have enough income to support their families. Working in Thailand gave them a minimum wage, as provided by Thai government laws. However, if the recruitment company charges 24,000 baht every two years, they would not have enough money left over after living expenses to support their families. When the laborers are living in Thailand, they need to pay for many things such as rent, transportation, cost of living, and other expenses. As noted by the ILO in a report presented to the 85th session of the International Labor Conference in 1997, *"...a disturbing number of (private employment agencies), often not widely known, exploit both labor and the countries involved, including the host countries"* (Business for Social Responsibility, 2008, p. 6). Another important factor that hinders legal work migration under the MOUs is the fee charged by the recruiting agencies, and it does not make clear if agencies charge additional fees for passports, health checks and other costs (Lee, 2007). Once the independent agent recruits a worker to a private recruitment agency, the MOLVT allows the agent to charge a fee of US\$200 in advance for these services (Asian Research Center for Migration, 2008).

The results of this study found that Cambodian laborers got frustrated, because they need to wait 30 to 60 days for a passport. While waiting they do not have anything to do. Moreover, some laborers were confused when they arrived in Thailand, because they did not get this information from the Cambodia recruitment company.

The results of the study also found that the employer of a quota needs to apply to import labor, and then wait for a reply letter from Cambodia to get a laborer name list. Also, the Thai employer learned that to import labor takes quite a long time, so that the government should improve the recruitment processes to become a one-stop-service process. The Ministry of Labor and Labor Office has regulations for four steps in the recruitment procedures of laborers from Cambodia into Thailand, according to its MOU (Ministry of Labor, 2007).

The recruitment of labor under the MOU was not only time consuming, but also costly. In Cambodia, migrants must obtain documents from local and provincial authorities and eventually travel to the capital. This process can take three to five months. Although information about jobs and labor is transmitted by computer, sending countries have not yet developed computer systems compatible with those in Thailand (Huguet, 2007).

The results of this study revealed that the recruitment agents provided incorrect information to the laborers. For instance, when workers wanted to return home, they could not, because the recruitment agents asked the worker to commit to a contract. If the worker broke the contract, there would be charges, and the worker's house would be confiscated. However, the results of the interviews showed that laborers felt bad, because they found that the information from the Cambodian company was very different from what the Thai company provided.

All labor passports were kept by the employer; they could not go out of the province where they were working, because they did not have any legal documents to show the police. Thus, when they wanted to go outside they needed to inform their employer.

Recommendations

Based on the findings and conclusions of this study, the following recommendations are made for future research.

1. The following steps need to be reviewed:

- (1) Shorten the lengthy timeframe of recruitment procedures and simplify the process;
- (2) Subsidize private employment services to the overall placement process for migrant labor;
- (3) Lower the recruitment fee;
- (4) Provide professional pre-departure orientation and training to workers;
- (5) Provide pre-departure information according to the national laws and the MOU;
- (6) Provide laborers with all information related to their working conditions, and orientation before the Cambodian laborers come to Thailand; and
- (7) Issue written salary statements to workers about their gross salary and all deductions.

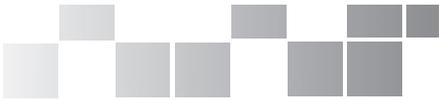
2. Recommendations for Future Studies

Two recommendations for future research studies are made:

- (1) How to manage a one-stop service for recruiting Cambodian labor; and
- (2) How to plan for Cambodian labor to migrate to ASEAN countries, beginning in 2015, to coincide with closer cooperation between ASEAN countries.

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