

ขบวนการทางสังคมของคนพิการ
ในการขับเคลื่อนสิทธิด้านการ
ประกอบอาชีพ และการมีงานทำให้เป็นจริง
Social Movement of People
with Disabilities to Make their Rights to Work
and Employment a Reality

สุภรธรรม มงคลสวัสดิ์ (Suporntum Mongkolsawadi) ¹

จตุรงค์ บุญยรัตนสุนทร (Jaturong Boonyarattanasoonthorn) ²

¹นักศึกษาระดับปริญญาโท สาขาวิชาการบริหารงานสวัสดิการสังคม

มหาวิทยาลัยหัวเฉียวเฉลิมพระเกียรติ

Doctor of Philosophy in Social Welfare Administration, Faculty of Social Work
and Social Welfare, Huachiew Chalermprakiet University

²ผศ.ดร., อาจารย์ที่ปรึกษาวิทยานิพนธ์

Asst.Prof.Dr., Thesis Advisor

E-mail : octo_01berber@hotmail.com

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บทคัดย่อ

การมีอาชีพมีงานทำเป็นหัวใจสำคัญที่ทำให้คนพิการสามารถดำรงชีวิตอิสระ การมีงานทำของคนพิการยังเป็นประเด็นที่ท้าทายด้วยรายงานทางสถิติแต่ละปีของแต่ละสำนัก ล้วนสอดคล้องกันว่าคนพิการส่วนใหญ่ไม่มีงานทำ แม้ว่าคนพิการเหล่านั้นมีศักยภาพในการทำงาน บทความนี้มีวัตถุประสงค์เพื่อนำเสนอการรวมกลุ่มและการขับเคลื่อนของคนพิการในการทำสิทธิด้านการประกอบอาชีพและการมีงานทำของคนพิการเป็นจริงเป็นบทเรียนและแนวทางเพื่อการขับเคลื่อนงานอย่างต่อเนื่องต่อไป ผู้เขียนใช้กรอบแนวคิดขบวนการทางสังคมใหม่ (New Social Movement) ศึกษาการรวมกลุ่มและการขับเคลื่อนสิทธิคนพิการ นำเสนอเชิงประวัติศาสตร์ (Historical Approach) ถึงการต่อสู้ดิ้นรนของคนพิการแต่ละประเภทตั้งแต่ช่วงปี 2480 ถึงปี 2550

กลุ่มคนพิการมีการรวมตัวและต่อสู้ดิ้นรนแบบแยกส่วน การรวมตัวของคนพิการใช้ยุทธศาสตร์มวลชนกดดันเพื่อขอโควตาสลากกินแบ่งรัฐบาลของกลุ่มคนตาบอด บทบาทของสภาคนพิการและองค์กรของคนพิการระดับชาติเน้นยุทธศาสตร์การทำงานร่วม เพื่อให้เกิดกฎหมายและการปฏิบัติตามที่กฎหมายกำหนด ขบวนการทางสังคมของคนพิการในการทำให้คนพิการมีอาชีพและมีงานทำนั้นแผ่วเบาว่าการระดับความสำคัญของการมีอาชีพมีงานทำของคนพิการจึงเป็นอัตราส่วนที่น้อยกว่าอัตราการไม่มีงานทำของคนพิการ

ขบวนการทางสังคมของคนพิการเกิดขึ้นจากการรวมตัวและต่อสู้ดิ้นรนของคนพิการแต่ละประเภท ต่อมามีการรวมกลุ่มเป็นสภาคนพิการทุกประเภทแห่งประเทศไทย ผลักดันให้มีกฎหมาย นโยบาย และการปฏิบัติเพื่อให้สิทธิคนพิการเป็นจริง โดยใช้ 3 ยุทธศาสตร์คือ 1) การทำงานร่วม 2) การใช้มวลชนกดดัน และ 3) การใช้ความรู้ในระดับสากล การรวมกลุ่มประสบความสำเร็จในการผลักดันกฎหมายและนโยบาย แต่การปฏิบัติเพื่อให้คนพิการมีงานทำยังเป็นความท้าทายด้วยจำนวนคนพิการที่มีงานทำเพียงร้อยละ 13 ของจำนวนคนพิการทั้งหมด จึงเป็นความท้าทายของผู้นำคนพิการ กระทรวงแรงงาน กระทรวงการพัฒนาสังคมและความมั่นคงของมนุษย์ และหน่วยงานที่เกี่ยวข้อง ควรเรียนรู้ซึ่งกันและกัน สานพลัง คิดค้นแนวปฏิบัติ และขับเคลื่อนร่วมกันเพื่อให้คนพิการได้ประกอบอาชีพและมีงานทำ สามารถดำรงชีวิตอิสระและเป็นพลเมืองที่สร้างผลผลิตทางเศรษฐกิจได้เต็มศักยภาพนำไปสู่สังคมที่อยู่เย็นเป็นสุขร่วมกัน

คำสำคัญ: ขบวนการทางสังคม, คนพิการ, การประกอบอาชีพและการมีงานทำ

Abstract

Employment is a major key factor for People with Disabilities in their aim to live independently. Many statistical reports from across various sectors show that most PWD are unemployed even though they should have the ability and potential to find suitable employment.

This article illustrates a social movement of PWD to enforce their rights to work. This historical report approach shows the situation of PWD since a group was formed, 1947, to lobby the government for their rights, resulting in the government enacting the Empowerment of People with Disabilities Act 2007. New Social Movement is used as conceptual framework of the report.

The disability movement was formed by each group of disabilities later united as National Council of Persons with Disabilities called Disabilities Thailand (DTH). DTH campaigned for Law, Policy and Practice to promote employment with 3 strategies; 1) Collaborating 2) Pressure group and 3) Imply international knowledge. Collective movement of PWD success to promote law and policy, but employment rate among PWD's just only 13%. It's challenging for leaders with disabilities, Ministry of Labour, Ministry of Social Development and Human Security and related organization to learn from each other, synergy, find the practical ways and moving forward together to promote work and employment for peoples with disabilities. PWD would be able to live independently, be economy productive member with full potential to create an inclusive society.

Keywords: Social movement, People with disabilities, Work and employment

Introduction

Having profession is the key making people with disabilities: PWDs able to live independently. However, the statistical reports of each agency are all consistent that most disabled persons have no profession even though those disabled persons have the potential to work. This article introduces the main content of the dissertation on Civil Politics of People with Disabilities to Make Their Rights a Reality. The purpose is to present the collective action and the movement of the PWDs in making the rights to work and Employment a reality. It is the lesson and approach to strengthen the movement.

The author uses the conceptual framework of New Social Movement in studying the collective action and the movement of rights of the disabled persons with Historical Approach to present the fight and struggling of individual with disabilities since 1937. The fundamental structural driving was from the Act on Rehabilitation of Disabled Persons (B.E.2534) as well as enacting the law into practice for doing the career and works of people with disabilities until the enforcement of the Act on Promotion and Development of Quality of Life of People with Disabilities B.E.2550.

It is the challenge for the leader of the PWDs in bringing the lessons of the past in driving the career continually. It is the guideline for Ministry of Labor, Ministry of Social Development and Human Security, and relevant agencies to be aware of the ideas and needs of people with disabilities. If all parties have the same goal and learn about one another, it can help enabling people with disabilities to have professions and jobs more. People with disabilities can live independently and can be the citizens who produce full economic potential leading to inclusive society.

Social process of people with the disabilities

Vox Nostra or Our Voices is the declaration of the leaders with disabilities worldwide gathering in Singapore in 1982 in order to tell the society that “Nothing About Us Without Us”. When Ajarn Narong Patibatsorakit (Narong Patibatsorakit, Interview, 8th April, 2015), the one leader of people with the disabilities, returned from such conference, he invited friend with disabilities to attend the meeting to establish the Association of Physically Handicapped of Thailand: APHT in the same year. “...*Walking along the street, when I found someone I knew, I invited them to become the members of Association of Physically Handicapped of*

Thailand until I got the number of around three hundred members... The first meeting was held at the Phra Nakhon Commercial School in Bangkok to establish the Association. I told them the purpose that we would establish our group in order to claim for what should be ours but it did not...” (the Right)

The declaration of the Disabled People’s International: DPI created the feeling of fighting. There was the gathering of the disabled persons to tell or claim for public and negotiations with the government. There was the feeling of driving or social movement to open space for people with disabilities to participate and obtain opportunities equally. It is the new social movement in the social drive used in the movements on the environment, women’s rights, peace, anti-nuclear, rights of marginal groups or community rights (Pakulski, 2009 cited in Nese Seray Kurt and Sevda Kose, 2015, p. 2). It was the participation in solving the problem locally and nationally. It would be considered the important foundation in raising and generating the civil sector process. There is also the attempt to link the rural and urban sectors more and more. We will see the society with hope, new alternatives, and new methods (Suwida Thammanee Wong, 2001, p. 40)

According to the study of Watcharabon Buddharaksa (2014, p. 93), the political idea of Antonio Gramsci was proposed on the “Hegemony” and it was considered the foundation of social movement in the later era. Gramsci reflected that the original Marxist hierarchical analysis could not sufficiently explain the social phenomena. The driving force must take into account the Hegemony that can lead to changes. Gramsci emphasized the role of the upper structure, namely, state power and legal power or Political Society or Civil Society. The Sub Structure emphasizes materialistic philosophy, particularly the economy. Super Structure focuses on ideology, belief, and culture. Hegemony can only take place when the ruler can establish control over the structure of two parts of the society (Thanasak Saijampa, 2014).

The study of Phasuk Phongpajit et al. (2002) explains the starting point and the concepts of new social movement being developed under the concept of “Industrial society and advanced democratic development”. This is driven by the “middle class”. The dominant feature of middle-class driving force is that they are well-educated and skillful. This leads to the new issues and conflicts focusing on new values or issues of quality of life rather than on factors of production, wages, social welfare which are economic problems, fundamental rights, and political participation in developing or underdeveloped countries. It is a matter

of equal rights and potential of the individual. Therefore, the struggle or political area of the new social movement is fighting in the area of “Identity and culture” or in the social space rather than fighting in the area of “Politics and Economy”. Similarly to the gathering of leaders of people with disabilities that can sufficiently earn for themselves who group for the rights of people with disabilities to focus on creating the understanding with the society on the Identity and social views of people with disabilities who do not need compassion but want equal opportunity as the citizens of society with the same rights and duties as other people in the society.

The grouping of people with disabilities is for making the powerful voices reflected to the society for the authorities of the government to realize and implement the policies enabling people with disabilities to have equal rights to vote. This is consistent with the concept of the public policy process of Prawase Wasi (2004, p. 21) commenting that the public policy process should not be tentative in submitting the proposals to the authority. However, it should emphasize the participation of all parties extensively until creating the Social Understanding as the social value. It is the social practice. The proposal is a by-product as same as the concept of Paiboon Watthanasiritham (2015, pp. 23-24) stating that the factors helping creating local public policy are; 1) strength or ability to learn and manage the self-development of the community, 2) integration into a community network, 3) the collaboration of several parties in the locality, and 4) The policy or support measures from the central unit.

The phenomenon in the political democratic society is the area where most politicians have not heard the voice of the minority. The new social movement, which is driven by citizens, is important to ensure that these people have access to the right to social welfares fairly. As commented by Wiriya Namsiriphongphan (n.d., pages 1 and 5), in driving Thai society to the right-based society, it is very important for the disabled persons to know what the basic right or human right of the disabled persons is in a way acceptable to the Thai society with the law to serve and what kind of rights or human rights of the disabled persons are for Thai society to accept and to have the law serving in the future. In the latter matter, Thai disabled persons can utilize the Convention on the Rights of Persons with Disabilities ratified by Thai Government to be used primarily in driving Thai society into the privileged society for people with disabilities like other civilized countries.

However, working in rights is sometimes questioned as to who they work for and to do for which hidden goals or interests or not (Institute for Social Research Chulalongkorn University, 2003, pp. 225 - 226). Learning and adaptation of groups, support from various sectors in the society, mutual support among the groups including transparency and revelation of information or publicity, performance and public management are the challenges to the social movement in Thailand as the new Paradigm Shift based on the Marxist concept.

Grouping, establishment of organizations, and driving the rights of people with disabilities are consistent with the new social movement. It is an attempt to dominate the power of people to impose laws, plans and policies to respond to the needs of the groups. The social movement of PWDs is synergized by other sectors of the society and use the universal knowledge base.

Struggles of disabled persons

The struggles for the employment of people with disabilities are not different from those in the society such as the occupation of the blind back in the early 1937's ... *"...For the first generations, the blind could do couple of jobs such as a beggar, a fortune teller, a musician. But when Miss Genevieve Caulfield established the school for the blind, the education could help creating more careers and more chances to the blind. When having graduated, we can do many things more than we have done before... For me, I am committed that the blind will do more than anyone can think of. Miss Caulfield always gave hope that the blind could do everything and Miss Caulfield was a good example..."* (Wimon Ongamphorn, Interview, 2nd May, 2017). The education is the important foundation of having occupations and this is the important starting point in having occupation of the blind.

Miss Caulfield encouraged the blind attendance in leading private schools of the country as most public schools did not accept the blind. *"...In the past, we could not study in general schools. No school accepted us. But we changed crisis to opportunity. Saint Gabriel and Assumption accepted us so we could go to good schools without being charged (laugh). We studied in good schools and had good friends. The crisis became chance. The public schools did not accept the blind in my era..."* (Wiriya Namsiriphongphan, Interview, 29th September, 2016). Moreover, Miss Caulfield also found the scholarships to send a lot of blind to study abroad.

The blind in the early period who were leaders and successful all had the opportunity to study abroad including Mr. Phetcharat Techvatchara, the chemist businessman and Chairman of the Foundation for the Promotion of Blind Professions, Mr. Wirat Sritulanon, the first blind graduate of Thailand from Faculty of Arts, Chulalongkorn University, former President of Thailand Association of the Blind: TAB who held the positions from the janitor to the management level of the Bangkok School for the Blind, Mr. Yuttana Srimunchai, former Australian Embassy official, pianist of the five-star hotel, Mr. Vimong Ongamporn, former executive and special education teacher who is specialized in English, Mrs. Aurora Sribuaphan, founder of the Caulfield Foundation for the Blind and former director of Pattaya Redemptorist School for the Blind under the patronage of HRH Princess Maha Chakri Sirindhorn, Professor Wiriya Namsiriphongphan, former teacher of Faculty of Law, Thammasat University and former member of National Legislative Assembly and Mr. Monthian Boontan, former senator and member of National Legislative Assembly, etc. However, not only the blind people graduating from abroad were successful, the blind people who were well-educated or were committed were also successful including Dr. Prayat Phunongong, the founder of the Christian Foundation for the Blind in Thailand, Mr. Somchai Pun-eakwong, businessman and former President of TAB, Mr. Torphong Selanon, President of TAB, former member of National Economic and Social Advisory Council and member of National Reform Council, Mr. Amnuay Klinyu, President of Disabled Lottery Vendor Association of Thailand and former President of Sports Association for the Blind of Thailand, etc.

Having been well-educated, having reliable teachers, or having the authority close to the elite, the blind in the early period both graduating domestically and abroad had more career opportunities. Although many obstacles must be overcome, driving for getting jobs in that era depended on the individual's strength and the power of the group or the older generation to help the younger generation. *"...if there are some issues considered discrimination, the disabled did not understand. This must be proven to use perseverance and to use the reality without using any law whatsoever ... So I volunteered to work for the blind. As a teacher, I can't stand seeing the students have no job to do. As a teacher for the blind, I have to work as a blind job-seeker for my students...."* (Mr. Vimong Ongamporn, Interview, 2nd May, 2017). Being helped by the elite as in the case of Professor Wiriya Namsiriphongphan, he studied in the university and became the teacher of Thammasat

University in 1976 with the understanding and support from Dr. Puey Ungphakorn, Rector of Thammasat University at that time. **However, no all the blind become successful. The people with some limitations such as poor education or whichever reason become beggars, vendors, or lottery vendors.** For those who sell lotteries, the problem and obstacle of most blind is that they have no lottery quota. Therefore, they have to buy the lotteries in the expensive prices. They also face the problem of fund shortage in spending cash to buy the lotteries for selling and another problem is that there is no exact location for lottery selling. This occupation is unstable and the income is also unstable. More importantly, buying the lottery cannot be returned. If the lotteries remain, they have to bear the loss and have to sell the lotteries out. Sometimes the lotteries have been stolen. Moreover, they live in small rented room without air ventilation and light with damp and not being hygienic. It is risky for the occurrence of fire incidence which will become very severe tragedy (Jeeraphorn Phaewking and Sopha Aonokas, 2002, pp. 22-25). However, the blind leaders proudly stated that since the blind sell the lotteries, we have rarely seen the blind beggar on the roads. At least, they can depend on themselves even though the environment is not good (Supornum Mongkolsawadi, 2004, p. 36).

In selling lotteries, the main problem is having their own quota. If there is no quota, the small lottery vendors have to buy the lotteries expensively and have to sell the lotteries at the prices excessive from the prices as prescribed by law. **In 1974, the group of 71 disabled persons who sell the lotteries bought from the mediators gathered for the movement to request for receiving the rights in holding the lottery quota.** Eventually, the Cabinet of Mr. Sanya Thammasak, the Prime Minister, allotted the lottery quota for the people with disabilities through the National Council on Social Welfare of Thailand as the administrator (Wiriya Namsiriphongphan et al, 2002, p. 51). After that there are people with disabilities calling for the allocation of lotteries more and more every year.

The government of Chuan Leekpai as the Prime Minister in 1998 had the project to stimulate the grass root economy of the foundations by injecting money into the hands of the most suffering people to be hired as the labor being the loan from the World Bank and the loan from Japan also known as the Miyazawa Project. The blind leaders continue to pursue government policies without delay in negotiating the spending of this budget in the project. *“...In the period of Chuan Leekpai as Prime Minister, I was the president of the*

Thailand Association of the Blind. I went to visit the Prime Minister and tell him that I came with the condition of the capital of the World Bank that, according to Miyazawa Plan, Social Investment for the Development of the Disabled, Disadvantaged women. Why did you do not allocate it, Prime Minister? He said that he had already allotted all. So, I asked him whether I could share with the province or not. He said he would invite the director of Bureau of the Budget to discuss... We shared for 44 provinces. We rented the building and trained around 3,000 people in massaging... In fact, they were all allotted and this was I could share with them....” (Prayat Phunongong, Interview, 6th October, 2016). Prayat Phunongong, President of Thailand Association of the Blind who visited the Prime Minister at that time said, “...I had known him (Prime Minister) before, also his secretary, Ajarn Amnuay Patise.... Without connection, it could not be possible. Others would take first. Thus, if we wanted to change something, we have to get involved. We can’t wait outside...” (Prayat Phunongong, Interview, 6th October, 2016).

Massage training makes the blind come into society and make career. Importantly, it creates the strong network of blind people around the country. “... I said that in 1998, 1999, until 2015, the Association trained the career to the blind profession mostly it’s a chiropractor. There are about 20,000 people with other professions. 20,000 people is not little from the Project Base. Lastly, you can see that we got 85 million Baht. I said it was from the expansion and power decentralization. From the year 1997, the regulations of the association cause networks full around the country. It’s a good way to get in touch with local people and it can find 20,000 people. At least 20,000 people, because it must have a budget, fund budget, budget for Sub-district Administration Office. They went by themselves. Our training program is not superficial. It is a training massage and it really is rehabilitation from medical issue. They are Life skills called BMM Model with consists of Braille Mobility and Massage. The first two are Life Skills of the blind. The last can be massage, agriculture, or handicraft.... I have to say that those who had no blind friend had to stay with the blind friend from 3 to 4 months. They become intimated. They could enter the society. The good result of this project is several thousand of couple getting married and having child. This is the effectiveness in socialization. If they did not attend the ceremony, they have no choice as Independent Living. Finally, it is Self-Determination...” (Thorphong Selanon, Interview, 10th October, 2016).

*TAB held the training then leads to grouping. “... We adhere that grouping must be beneficial. This is the first philosophy. When it comes to personal benefits, it must be shared as common interest. The benefit is to group. We use the benefits with careers. So we see massage can gather the blind all. Then, we start to train the massage profession over and over until annoying people. However, they forgot that it was like pulling the blind from their parents. Do not forget that they parents were reciting spells, “I can raise the blind man alone”. Some people go so far. I do not want them to suffer. I know that some were survived. It was the sample case. When they finished the massage training, they could open the massage shop to earn money for building the house for their parents. We have to make them have the income. After having been trained on massaging, they can provide the massage services. Then they can further. Some go to computer classes to get better on the computer. Some get the lottery quotas. They can do both lottery and massage. We also try to create other occupations but the massage profession can create income for us. When the income has been created, the massage shops are opened. They become gathering in group. From grouping, we try to encourage them to earn better and earn benefits. **When the others see that gathering is beneficial, they gather. But if they feel that gathering is a loss causing them to lose money, then they do not know why they should gather...**”* (Wiriya Namsiriphongphan, Interview, 29th September, 2016).

For the deaf person, from their appearance, it looks like they do not have any disability. But the reality is the problem in working. The articles in ASEAN Wall Street Journal written in 1987 indicated that **most deaf graduates have less opportunities to find the jobs as Thai deaf students can read and write at low level**. Even the Department of Public Welfare which is the government agency responsible and working in various projects related to the disabled persons also hire only 1 person who is the deaf for typewriting clerk and 1 blind person as the official for picking up telephone calls. The most obvious occupation for Thai deaf people is selling arts and crafts items in Patphong area. Some people who have worked with the disabled persons say that deaf teenagers are caught into the whore house because the deaf people cannot complain about their work and customers (Helen E. White, 1987).

The pioneer deaf leader who attended the Public School for the Deaf in the early period mentioned about the work of the deaf, “... some of them graduated from the 4th year or the 6th year of elementary school. Some of them graduated from the 3rd year of

secondary school or graduated from high school which was the highest education of the deaf at that time. It depended on the ability of each deaf person. After leaving school, the deaf people separated. Some help continuing the family's business. Some do personal career. Some go to work in the companies or stores. Someone apply as teaching assistants in the schools for the deaf depending on the skills and abilities of each person..." (Kamphon Suwannarat, 2012, p. 97). Khun Anucha Rattanasint, former President of National Association of the Deaf in Thailand whose term had just expired in the end of 2016, stated, *"...I think most deaf people are freelancers. Only few of them work in the operational places or companies..."* (Anucha Rattanasint, Interview, 15th February, 2017).

The people with physical disability are almost half of number of disabled persons in the country. However, they are the ones who lack the most educational opportunities. In the age which blind schools and deaf schools are distributed throughout the country, there is only one school in Thailand particularly for the **people with physical disability**; Srisangwan School in Nonthaburi Province. For inclusive education with regular schools, there is no definite information. It is only noted that most schools refuse the admission to children with disabilities. *"... We always let them bully us. The right to education is equal but we don't get it. They say that your body is not complete and you can't study..."* (Narong Patibatsorakit, Interview, 8th April, 2015). **Regarding the chances in studying abroad, there are no physical disability leader graduating from overseas except Lieutenant Colonel Torphong Kulkanchit, who finished the Ranger courses at Fort Gordon, Georgia, USA, before having the accident and becoming a leader with disabilities.**

The blind and the deaf are the first group of people with disabilities who had been educated and grouped to help one another with the support from teachers, especially Miss Caulfield, the blind woman who is both teacher and a role model. This includes cultivating beliefs about the rights and potential of the blind causing the blind people to gather and dare to present their own needs to the government as well as using the mass pressure in negotiation. This is as same as the deaf people who are joined in group to visit and to help one another in the group. It is different from people with physical disabilities. There are few gatherings due to the problem of lack of educational opportunities and obstacles to travel to meet one another. However, all types of disabilities are grouped on occasion as in requesting for the lottery quotas. The gathering was successful. But striving to get the work of each group as a whole is a separate part of the group.

Fundamental Structure for Work and Employment

In driving to provide people with disabilities with decent work, the first law of the disabled was seriously enforced in 1991 by the Disabled People Council of Thailand: **DPI-Thailand**, recently changed to Disabilities Thailand: DTH. The provisions in the quota system defined the proportion of employees in private enterprises. However, even if the quota is set, the law does not oblige the establishment to accept people with disabilities to work. The employment of people with disabilities does not increase. Particularly, government agencies do not comply with the law on employment of persons with disabilities.

The results of the Disability Rehabilitation Act began in 1994 with the Ministerial Regulations on Employment. In addition, the cabinet resolution on 12th July of the same year defined the important contents for relevant agencies to do three things. **Firstly, the Department of Skill Development must accept the disabled people to attend vocational training** with general public as well as improving the curriculum, personnel, and buildings to accommodate PWDs. **Secondly, the Department of Employment should extension the services, and promote the provision of employment to the disabled people.** **Thirdly, Ministry of Education should update the curriculums,** personnel, and places for people with disabilities to receive vocational education.

In 1995, the people with disabilities could borrow the loan for being self-employed in the amount of up to 20,000 baht, without charging for interest and with the repayment period of 5 years. Later in 1997, the Cabinet had the resolutions to order public and state enterprise agencies to recruit people with disabilities to work equally to those who are non-PWDs. The physical barriers must not be used in discriminating for the job recruitment.

There are several problems in work and employment of people with disabilities whether it is the practice of government agencies and state enterprises that block opportunities for people with disabilities to apply for work. Attitudes of employers or supervisors do not believe in the potential for work of the disabled persons. There are the lack of educational opportunities, lack of vocational training, access to the physical environment, buildings, locations, travel, and access to information. These blocks the opportunity for people with disabilities to socialize with the restrictions or denial in the contract and legal act, etc. Therefore, the solution must be implemented in a consistent manner.

The main core of disability movement is still a major role of the Disabilities Thailand.

After the announcement of the Ministerial Regulations under the first law on persons with disabilities and the issuance of ID cards, the Disabilities Thailand has proposed to the government to set the policy for the agencies of the public and state enterprises to provide opportunities for people with disabilities to apply and be selected equally to the public as well as requesting the Office of the Civil Service Commission (OCSC) and the state enterprise to amend the regulations excluding the disabled to be selected to work. According to the proposal of Ministry of Labor and Social Welfare to the Secretary-General of the Cabinet on 15th November, 1996, the main contents were, *the Disabilities Thailand has complained to the Disabled Persons Rehabilitation Commission that nowadays, the Ministerial Regulation is enacted prescribing that private establishments employing two hundred employees and more must employ disabled persons who can work in the number of every two hundred people per one disabled person. There are many establishments accept people with disabilities to work. However, such Ministerial Regulation is enforced only in the private sectors. Therefore, Disabilities Thailand, associations of people with disabilities and private enterprises think that the public agencies and state enterprises should employ people with disabilities to work as role models for private enterprises.* (Ministry of Labor and Social Welfare, 1996, p. 1). Later on 8th April, 1997, the Cabinet had the resolution to set a policy for all types of government and state enterprises to practice for the disabled persons who were able to perform their duties still had the right to apply for the competition or selection to be recruited as civil officials or state enterprise officials as general people. The operation should be done equally in accordance with the system of merit proposed by the Ministry of Labor and Social Welfare.

The practical results from the report of the Office of the Rehabilitation of Disabled Persons Commission (currently is the Department of Empowerment of Persons with Disabilities) could find the works for the disabled persons from 1994 - 2000 with the total number of 6,055 persons. Each year, the employment for the disabled persons was as follows. In 1994, 1,384 people were employed. In 1995, 1,287 people were employed. In 1996, 1,017 people were employed. In 1997, 815 people were employed. In 1998, 958 people were employed. In 1999, 370 people were employed. In 2000, 224 people were employed.

The job placement services of the Department of Employment from October 1993 to the end of May 2000 showed that there were 5,716 disabled jobseekers with 29,562

vacancies. However, only 2,259 disabled persons could be recruited (Department of Employment, 2000, p. 3). Total number of disabled persons who the Department of Public Welfare and Department of Employment could send to be recruited was 8,314 persons. From the author's experiences and some information, these two agencies have duplicity in the same target group. The number of actual jobs may be lower than the sum.

Department of Skill Development reported the statistics of the service provision of skilled labor development from 1993 to 2000 totaling 1,297 persons (Department of Skill Development, 2017, p. 1). Apart from the number of the disabled persons from the Department of Employment and the Department of Skill Development, there is also the number of disabled persons who apply for the loan for self-employment from the Disability Rehabilitation Fund totaling 17,087 persons at the end of the fiscal year 2000 amounting 331.7 million baht (Office of the Disabled persons Rehabilitation Commission, 2000, p. 2). Comparing the number of disabled persons using recruitment services, skill development, and loan for self-employment with the number of disabled persons holding ID cards in 2001 totaling 231,660 persons (Office of Promotion and Development of Disabled Persons, 2014, p. 4), it means that there are a lot of disabled persons without occupation nor income. The role of Disabilities Thailand and leaders with Disabilities is to continually improve the laws, regulations and policies.

In 1997, Thailand experienced economic problems resulting in a large number of unemployed. And this problem caused direct and indirect impact on people with disabilities. The issues on people with disabilities are discussed in the Labor and Social Welfare Commission inviting the leaders of the disabled persons to discuss. After that, the seminar was organized and came to the conclusion that the problem was the legal measure and management and follow-up mechanism as well as proposing the solution to **draft the National Institute of Labor with Disabilities Act B.E....** The Subcommittee on Labor and Social Welfare who drafted this Act completed the Act since March 2000. Later, DTH set up the working group to conduct a public hearing on the draft of National Institute of Labor with Disabilities Act... and to hold public hearing in 4 regions throughout the country in October and November 2000. The results of the public hearing would be proposed in the seminar on 1st December, 2000, at Santimaitri Building, Government House (Disabilities Thailand, 2000, p. 14) on the occasion of International Day of the Disabled on 3rd December.

The main contents of the draft of this Act are to establish the institute as the legal entity managed by a board of directors from the public, private, and related disabled organizations to select the director of the institute as the experienced executive in the management of work and employment promotion for disabled persons. The main objective framework is set in 5 aspects. Firstly, the development of knowledge and the implementation of various aspects related to vocational rehabilitation, development, and increase of employment opportunities for people with disabilities. The second one is the promotion and support on the gathering of people with disabilities in occupational and professional development. The third one is the coordination in all aspects with labor agencies. The fourth one is the protection of rights and welfares. Lastly, it is the public relation disseminated about disabled persons in work and employment. The role of the institution is focused on academic work, coordination, and promotion on the agencies both public and private sectors including businesses and organizations for people with disabilities. More importantly, the fund was set for the development of people with disabilities for using the fund in vocational rehabilitation activities for all persons with disabilities (Disabilities Thailand, 2001).

The proposal of this law was unsuccessful, the author has the opinion that this Act could be seen as the draft in the era of Prachathipat Party since the Thaksin's government came to power in 2001. This disappeared even though DTH proposed this law to Prime Minister Thaksin Shinawatra. Finally, some of the essentials were set out in the Empowerment of Persons with Disabilities Act B.E.2550.

Disabilities Thailand still move forward. **In 2001, Mr. Chusak Chantayanon, President, brought more than 300 people with disabilities to gather in front of the Government House to demand the government to amend more than 50 laws and regulations that hinder the recruitment or employment of persons with disabilities.** Particularly, under the Act on the Practice of Medicine B.E.2542, the Practice of medicine for the blind caused impact to tens thousands of people who did traditional massage.

According to the news, the President of DTH filed the letter to the Prime Minister, Committee on Social Welfare, House of representative, and Parliamentary Ombudsman (Thai Post, 29th November 2001, p. 9). The gathering and demonstration of power along with proposing the letters to all concerned parties is one of the strategies in pushing the proposal to achieve the goal. After the gathering and the news, the issues are brought to the

management more quickly than filing the complaint in the bureaucratic system generally. In addition, the leaders of people with disabilities are connected to both the government and the legislature. It proposes the same issue through multiple channels at the same time. Responsible agencies must clarify all parties with leaders with disabilities to share and comment. It is the strategy in driving the leaders of the disabled persons.

The government led by Dr. Thaksin Shinawatra, Prime Minister of Thailand, Chart Thai Party had one of the most prominent disability policies, oversaw the work of the Ministry of Labor and Social Welfare. The leaders with disabilities discussed with Ms. Kanchana Silpa-acha to carry out the promotion on work and employment of disabled persons as well as previous success story to promote education for PWD. Initially, the government, by the Cabinet resolution on 9th October, 2001, agreed to set the year 2002 as “the year of employment promotion for the disabled persons” The Subcommittee on Promotion of the Employment of the Disabled Persons was established having Miss Kanchana Silpa-acha as chairperson, member of DTH and having the author as the subcommittee. The Subcommittee convened a few times and announced ways to make people with disabilities more likely to work in the workplace as well as promoting the agricultural profession. Miss Kanchana established 6 working teams; 1) promotion, development, and vocational training of the disabled persons 2) system of employment and labor protection 3) self-employment 4) research and development of technology 5) legal and 6) public relations (Matichon, 4th January, 2002, p. 7). **However, the dream was broken when politics changed because of political change.**

Political changes affect the work of the subcommittee on Promotion of the Employment of the Disabled Persons immediately. When the Ministry of Labor and Social Welfare was split into two ministries, the ministers came to the new supervision since October 2002 namely the Ministry of Labor having Mr. Suwat Limpatapanlop from the Chart Thai Pattana Party as the minister. Another ministry is the Ministry of Social Development and Human Security having Mr. Anurak Jureemas as the minister. When Chart Thai Party did not oversee the Ministry of Labor causing the work of the Subcommittee on Promotion of the Employment of the Disabled Persons disrupted. However, Mr. Suwat Limpatapanlop continued the policy for the employment promotion of disabled persons provided by the Ministry of Labor to illustrate that the disabled persons have the ability to work. Public relations were acknowledged throughout the media through all branches. The

Ministry of Labor and the Secretariat of the Social Security Office coordinated with various establishments. More than 3,000 people were motivated to work in the workplaces each year (Bangkokbiznews, 31st October, 2002, p. 9).

One of the obstacles to the employment of persons with disabilities is the law or regulation of government agencies and state enterprises. This is to prevent the recruiter from using the opportunity to recruit people with disabilities. Leaders with Disabilities who were on Advisory Committee of the Prime Minister on the Disability of Dr. Thaksin Shinawatra by Ajarn Wiriya Namsiriphongphan et al. conducted the research on “Amendment of laws excluding the disabled persons to involve in the society: Case study of law and regulations restricting the rights of disabled persons in employment”.

The research fund was given from the Office of the Council of State. This fund is important because it means the research is in line with the policy of the Office of the Council of State. This is approved by the Cabinet’s resolution on 8th January, 2002. It is the progressive development of the law which has the effect of promoting the amendment of the law after the research.

The study of Wiriya et al. (2002, pp. 176-195) found that **Thai law lacked belief in the potential of the disabled persons resulting in the definition of the law that excludes people with disabilities in their careers**, determine qualifications or prohibitions on occupation causing the unfair discrimination as well as opening the discretion to consider the qualification or prohibition. This may result in discretion that blocks the disabled persons in the application or the selection. These discriminatory provisions appear in the Act, ordinance, rule or regulations. It is the tool for Ajarn Wiriya Namsiriphongphan in leading the leaders of the disabled persons in bringing the results of the study to push to amend these laws or regulations both through the executive and legislative channels using direct power or indirect power to achieve. Especially after the seizure of power by Council for Democratic Reform under Constitutional Monarchy: CDRM in 2006.

Other Attempts to make people with disabilities have successful career is to propose to the Office of the Civil Service Commission (OCSC) to provide government funding to support the education of persons with disabilities. In 2002 – 2011, 40 disabled persons were granted the scholarships are available for undergraduate, masters, masters – doctorate, and doctoral programs, including 13 blind, 17 deaf and 10 physical disabled persons. The case proposed

by leaders with disabilities as Advisory Committee of the Prime Minister on the Disability of Dr. Thaksin Shinawatra.

Since the end of 2002, the Ministry of Labor and Social Welfare was split into two ministries. Until 2006, Ministry of Labor changed the minister every year resulting in the continuation of the workforce and employment for the disabled persons in the Ministry of Labor. At the end of the promotion of employment of persons with disabilities year, Mrs. Uraiwan Thienthong replaced the position from Mr. Suwat Limpatapanlop. After discussing with the Advisory Committee of the Prime Minister on the Disability, Mrs. Uraiwan Thienthong announced the employment policy of the disabled persons to expand the opportunities and protect right of the disabled persons as well as developing the skills and opportunities to get more jobs. The self-employment was promoted. The Job Bank was established as the center of people with disabilities in job search. The Ministry of Labor included the professional vacancies on the Internet. Mrs. Uraiwan stated that she would set up a working group having Mr. Peera Manathat, Deputy Minister of Labor, as the chair of working group (Khaosod, 6th June, 2004, p. 27). Mrs. Uraiwan announced in June 2005. The work was not concrete when Mr. Soraat Klinpathum was appointed as Minister in replacement of Mrs. Uraiwan. The policy work was not obvious.

When the Ministry of Labor and Social Welfare was split into two ministries, Chart Thai Party supervised the Ministry of Social Development and Human Security: MSDHS having Mr. Anurak Jureemas as the first Minister and supported by the Cabinet on 28th April, 2005, approving **the MSDSH to implement the Year of the Employment Promotion for Disabled Persons with 8 projects within the financial limit of 18,147,500 Baht**. The approval were Public Relations, Entrepreneurship Training, Training program for Thai handicrafts according to the Royal Initiative of Her Royal Highness Princess Maha Chakri Sirindhorn, Vocational Training for children with Autism, intellectual and Learning Disabilities, Vocational Training in Computer and Information Technology, Daisy Book Production, Cow and Buffalo Farming and Community Shops for disabled persons and families.

In 2005, the election occurred. After that, the political turmoil occurred until the political coup took place in September 2006 resulting in the government's disruption. However, when the military government came to power, the Cabinet reviewed the relevant Cabinet resolution and improved its approach promoting the work and employment of people with disabilities.

In September, 2006, Ajarn Wiriya Namsiriphongphan was nominated to be a member of the National Legislative Assembly. Any law that pending the consideration or appropriate amendment to the rights of the disabled persons as already studied under the funding from the Office of the Council of State. Ajarn Wiriya immediately accelerated the presentation and any law that entered into the consideration and deem appropriate content on the disabled persons. *“...For the law that came into, I inserted every opportunity. Many people do not understand, but if Arjarn Bowonsak talked up to support, then there is no one oppose. When discussing, the chairperson of the assembly asked if anyone had any comment. If not, it could be passed... I was lucky that many people understood the disabled persons. We need to talk before the official meeting so that it could be easily done because they had already understood. We have solution to this problem...”* (Wiriya Namsiriphongphan, Interview, 29th September, 2016).

Another movement of the Ministry of Labor after promoting about the disabled person since 2000 was on 19th June, 2007, that the Ministry of Labor has ratified the International Labor Organization (ILO) Convention on the Rights of Persons with Disabilities No. 159 on Vocational Rehabilitation and Employment (Disabled Persons) B.E.2526. This convention contains 17 clauses having 9 clauses of which enumerate the promises of the government to provide or amend the law. Regulation or rules are set as well leading to serious action to enable people with disabilities to participate in society equally. The opportunity to practice and work according to the Convention, reference is made to Recommendation 99 and Recommendation 168 stated the fundamental approaches in rehabilitating in work and employment for the disabled persons (International Labour Organization). The operation was equal in both urban and rural areas. The participation of communities, employer organizations, employee organizations, disabled persons and organizations of persons with disabilities. Recommendation also include training and provision of professional in occupation rehabilitation services under the context of social security (International Labor Organization (ILO), no date). Later, Ministry of Foreign Affairs ratified the Convention on 11th October, 2007 and entered into force on 11th October, 2008.

After the promulgation of the Empowerment of People with Disabilities Act, especially in 2011, the provisions of the Employment Quota were enforced. However, in September 2017, the Department of Empowerment of People with Disabilities found that there are

1,820,155 people in working age (between 15 and 60 years old). There are 227,924 people employed but not yet employed for 455,990 people. The majority of people with disabilities work as self-employed farmers. There are also 294,495 elderly people with disabilities who may be dependent on their family members (Department of Empowerment of People with Disabilities, 2018, p. 11)

In summary, collective action of the disabled persons has been successful in setting the quota and measures for the promotion of work and employment under the Rehabilitation Act 1991. Driving for law enforcement with the Ministerial Regulations and the Cabinet's resolution to push the law into practice in the year 1994. The new law is the Empowerment of People with Disabilities Act B.E.2550. Other laws are also amended to the discrimination against persons with disabilities. Collective action of PWDs leaders successfully met by lobbying, pressure group and also participation with politicians and civil servants. However, the employment statistics of people with disabilities have not increased significantly and lack of effective measures to promote work and employment of disabled persons.

Conclusion

The social movement of the disabled persons to drive work and employment rights occurs from the integration and struggling of each type of disabled persons to earn a living after graduation. The Disabilities Thailand has all kinds of disabilities. Later, the Disability Legislature has pushed the structure of laws, policies, and practices to make the rights of people with disabilities a reality. From a lesson learned DTH and leaders with disabilities comply 3 major strategies **1) Collaborating** with the government to push for law and regulations to promote work and employment and they work shoulder to shoulder to implement it **2) Pressure** for unfair practice such as to request for lottery quota and **3) Imply** with International Knowledge such as UN CRPD and ILO convention as a tool to push for the government and create public awareness. However, despite the successful integration of legislation and policy, the practice for people with disabilities to work is also a challenge. With the number of people with disabilities at work as of 30th September, 2017, only 13 percent of the total disabled persons have works. It is the challenge of the leaders with disabilities to review the lesson from the past. It is a way for the Ministry of Labor, Ministry of Social Development and Human Security and the relevant agencies are aware of the concept and needs of the

disabled persons. All parties should learn from one another, work together to promote work and employment for people with disabilities to live independent and be the citizen who produce economic potential to leading inclusive society.

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