

**THE IMPLEMENTATION OF THE  
PROGRAM OF COOPERATION  
BETWEEN THE STATE  
ENTERPRISES WORKERS'  
RELATIONS CONFEDERATION  
(SERC) OF THAILAND  
AND LO-NORWAY-  
AN EVALUATION**

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## Table of Contents

	Page
Executive Summary .....	3
The Cooperation Program .....	5
The Evaluation Findings .....	6
Evaluation Conclusion and Recommendations .....	20
Appendices	
A. Tables .....	28
B. Politico-Legal Landscape of Unionism in the State Enterprises Sector in Thailand.....	36
C. Evaluation Design and Instruments .....	58
D. SERC Organizational Chart .....	80
E. SERC Strategic Plan, 2002-2007 .....	81

# THE IMPLEMENTATION OF THE PROGRAM OF COOPERATION BETWEEN THE STATE ENTERPRISES WORKERS' RELATIONS CONFEDERATION (SERC)- THAILAND AND LO-NORWAY- AN EVALUATION

## EXECUTIVE SUMMARY

In addressing the question of union strength, two core elements are critical: strategic leverage and organizational capacity. Strategic leverage, according to Weil, represents a union's degree of influence or bargaining power.<sup>1</sup> It arises from the external environment in which the union operates, i.e. structure of industries, labor markets, nature of technology and work organization, and the state of regulation of labor policy. [Appendix B of this report provides the politico-legal landscape of state enterprise unionism in Thailand.] A union with low strategic leverage has little ability to affect outcomes relating to the workforce it represents.

Organizational capacity, meanwhile, pertains to all facets of a union's internal structure, i.e. organizational structure, elected people, staff, volunteer positions, and human resource system. A union's organizational structure determines how resources (people and money) are allocated and deployed, defines authority and accountability, and how information flows in the organization. According to Weil, a union with a high level of organizational capacity is capable of translating its key strategic decisions into activities undertaken by the appropriate people in the desired places.<sup>2</sup> Nonetheless and in contrast to strategic leverage, a union's organizational capacity is directly subject to preferences or desires of leaders.

Findings of the evaluation activity indicate that the State Enterprises Labor Relations Confederation (SERC) commands a relatively high level of strategic leverage in Thai society despite limitations of the State Enterprise Labor Relations Act (SELRA), the continuing privatization drive of the government, and the challenges posed by changes in the labor market in response to technological advances and structural shifts in the Thai economy. SERC's representation in state and non-state structures of decision-making and influence, its strong links with other social movements, and its ability to influence the public to take action against privatization are indicative of its strong strategic leverage in Thai society.

Maintaining and improving the organization's strategic leverage likewise require a high level of organizational capacity. Although overall, the SERC-LO Norway Cooperation Program has resulted to marked improvements in SERC's organizational capacity, there are rooms for improvement, particularly in

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<sup>1</sup> Weil, David. 2005. *Working USA: The Journal of Labor and Society*. Vol.8. USA: Immanuel Ness and Blackwell Publishing Company, pp. 327-347.

<sup>2</sup> Ibid.

resource allocation and deployment, utilization of human resources, authority and accountability, governance, and information flows in the organization.

To ensure consistency and continuity of SERC's ultimate goals and actions, there is a need to clearly articulate what SERC espouses in terms of its vision of what Thai society "ought to be" and its mission of how to get there. In this regard, a vision-mission workshop involving at the very least the SERC Board and the Central Advisory Steering Committee should merit top priority. Attempts in the past to convene this workshop failed because all the key personnel were not able to come or sit for the whole session. However, the conduct of SERC's Congress in August and the election of new officers provide an opportune time to immediately review SERC's 2002-2007 Strategic Plan, come up with vision-mission statements and draft a new Strategic Plan. [A vision-mission statement does not change with the regular change of leadership although it could be reviewed say in 5 years' time.] This should be first in the agenda of the new set of officers. Moreover, it could also be made a matter of policy that in succeeding Congresses, the outgoing Board will have to report to the General Assembly its accomplishments based on the strategic plan.

Certain organizational development processes and tools in "getting to outcomes" also require serious attention and appropriate action. These processes include strategic planning (medium-term), annual monitoring and/or evaluation of accomplishment or progress vis-à-vis the strategic plan particularly on the core components of the Cooperation Program, more formal training needs analysis, membership database, job descriptions of officers, staffing, and human resource development systems. A review of SERC's present organizational structure with attention on lines of authority and accountability and communication flows will improve the operation of the organization. Initially, functions and areas of authority and responsibility of the following structures have to be clearly defined: the various SERC Committees and Sub-committees, the Advisory Steering Committee, and the provincial branches. This report has put forth some recommendations pertaining to some of these structures.

Findings of the evaluation activity and the recommendations put forward in this report may require some amendments in the present SERC Constitution. The SERC Board is thus tasked to seriously consider this action in its next Congress in August.

The Consultants recognize that a significant part of the continuous resistance to undertaking fundamental organizational change in unions may be attributed to the inability of leadership to deal with the tension between short-term costs and long-term benefits. However, it is the political task of the leadership to articulate to the members the necessity of making decisions that would push their unions toward increased organizational capacity and gaining strategic leverage. SERC, like any other social movement, should continuously innovate and experiment with new models of organizing, representation and political activism in the context of labor revitalization.

## I. THE COOPERATION PROGRAM

The cooperation between SERC and LO-Norway started sometime in 2001. The cooperation initially started with a series of seminars and trainings to enhance the capacity of SERC leaders in response to the failed attempt of the Thai Government to pass a bill establishing a National State Enterprise Holding Company. A Cooperation Agreement (2004-2009) was eventually signed between SERC and LO-Norway that focus on the institutional development of the former in four core areas, namely: trade union finance and administration, organizing and recruitment, education and training (including gender empowerment), and trade union democracy.

The Cooperation program has identified six short-term objectives, to wit:

1. To restructure the current union dues structure from a fixed based system to a percentage based system;
2. To recruit more affiliate unions from the state enterprises from the current 42 unions as well as pursuing internal recruitment in the existing unions to attain at least 90% membership of all rank and file workers in each state enterprise affiliate union.;
3. To strengthen existing Provincial Branches and establish 15 additional provincial branches in strategic provinces;
4. To conduct education and training programs to improve the capacity and increase the skills of officers and members of SERC;
5. To develop an effective gender program for SERC members; and
6. To review and develop a more representative democratic structure for decision-making to ensure trade union democracy.

To translate the Cooperation objectives into concrete programs of action and activities, the SERC conducted a Strategic Planning Workshop on May 19-22, 2002 where leaders drew the SERC Strategic Plan for 2002 to 2007. A copy of the Strategic Plan is appended in this report (Appendix E).

To provide an assessment of the current status, progress and results of the Cooperation Program in terms of its objectives, LO-Norway commissioned two independent Consultants to do the evaluation. The evaluation activity is expected to come up with recommendations on improvements and adjustments for a possible new Cooperation Program for the period 2009-2012. Results of the evaluation will also input on LO's decision on future cooperation with SERC.

Appendix C is the Evaluation Design prepared by the Consultants which includes the evaluation framework, procedure and methodology, and the various evaluation instruments and tools used in gathering evaluation data, particularly during the conduct of evaluation on June 17 to 27, 2007 in Bangkok and Kanchanaburi, Thailand. It is important to highlight at the outset that the evaluation conducted is improvement-focused that aimed to serve the needs of stakeholders, provide valid information and offer alternative points of view.=

## II. EVALUATION FINDINGS

Two aspects of the Cooperation Program were evaluated, namely: (1) the processes involved in “getting to outcomes” that include identification of needs, articulation of goals, program implementation planning, and organizational capacities; and (2) the target outcomes or level of progress in achieving the outcomes in terms of measurable indicators. Corollary to the second aspect is an analysis of the actions or initiatives taken by SERC that attempt to address sustainability of its capability-building program in the long-term.

### **The “Getting to Outcomes” Process**

Review of organizational documents as well as interviews with key and past officers of SERC indicate that there are processes, i.e. strategic planning workshop, informal consultations with affiliates, requests of affiliates, undertaken by the confederation in identifying its needs as well as the goals and objectives of the Cooperation Program. These needs and goals and objectives are clearly articulated in the Appendix to the 2006 Cooperation Agreement between SERC and LO-Norway, 2002-2007 SERC Strategic Plan, and the yearly educational program of SERC.

However, formal monitoring of progress and accomplishments in terms of the Strategic Plan is wanting in SERC. The annual evaluation conducted by the SERC Executive Committee focuses solely on the training and education activities undertaken in the given year. The lack of a mechanism to monitor overall progress thus prevents SERC from identifying deficiencies and gaps between what has been planned and what is actually happening, immediately addressing problems by those who can make changes in programs, providing due attention to unplanned results (whether positive or negative), and isolating problems occurring when the social environment changes. Monitoring progress serves as a feedback loop to continuously improve program delivery and implementation.

As regard organizational capacity to implement the Cooperation Program, SERC officers recognize that the support from LO-Norway enables the organization to implement the core activities of the program. Nonetheless, if the targeted output in the 2002-2007 Strategic Plan were to be considered, there are deficits in progress and accomplishment to date which may mirror either some organizational limitations or over estimation of capacities when the Plan was being drawn. This may also mean that the element of “fit” – actions that need to be taken so that the selected program “fits” the organizational or membership context – was not considered in the planning process. For example, the transformation towards percentage-based dues system is primarily an undertaking of the individual affiliates. So is the internal recruitment of new members. SERC can only influence affiliate unions through training and seminar and follow-up activities. In this regard, the capacities of leaders in the affiliate unions to push for these program components are likewise important to consider.

As echoed in the interviews, leadership in the local unions should have consensus on the dues system as well as the credibility and legitimacy to encourage members to do the shift. In the case of the Labor Union of the Metropolitan Waterworks Authority (LUMWA), it took about three years of planning and campaigning for the transformation towards percentage-based system. More importantly, the leadership had consensus in pushing for the new scheme.

### **The Role of the Project Manager**

The Project Manager (PM) plays a crucial role in the “getting to outcomes” processes in SERC. The hiring of a PM addresses an organizational limitation primarily in the facility in the English language which is the medium of communication between the SERC and LO-Norway and the preparation and packaging of project proposals. Specifically, the PM:

- Translates all correspondences between SERC and LO-Norway;
- Discusses with SERC its activities;
- Writes up proposals based on discussion with SERC officers;
- Participates and/or translates in workshops if required;
- Ensures that everything is transparent;
- Ensures that projects are accomplished;
- Checks financial/liquidation reports to be submitted to LO-Norway; and
- Reviews report after every activity and forwards the same to LO-Norway.

In some of the interviews done during the evaluation activity, the Consultants noted some confusion on the role of the PM in the SERC-LO Norway Program of Cooperation despite six years of the Program. The common perception within SERC culled from interviews with union officers is that the PM was selected and hired by LO-Norway, thus she was thought to be an employee of LO-Norway and her accountability is to LO-Norway. In a number of occasions, this was clarified by Mr. Floro Francisco, emphasizing that it was SERC which selected and hired the PM and thus she is an employee of SERC and her accountability is to SERC.

The uncertainty on who is the employer of the PM may explain the confusion among many of SERC officers and unions on its role in the Cooperation Program. The confusion is exacerbated by the fact that the PM’s role and functions have not been put into writing and communicated well in the whole organization. In fact, in the organization structure of SERC (Appendix D), the PM is missing. It is the view of Mr. Floro Francisco that the SERC top officers, past and present, are remiss in clarifying this issue with the Executive Board and Council of Leaders who in turn should clarify or inform their members about the issue.

It is not surprising therefore that in view of this confusion no assessment to date has been done on the performance of the PM vis-à-vis the Cooperation Program.

## Progress in Achieving Target Outcomes

### 1. Trade Union Finance and Administration

SERC reported that for the year 2006, it was able to organize and implement all the planned programs and activities which received funding support from LO-Norway. Through close supervision and financial monitoring, SERC was able to save some funds amounting to 521,786 baht which it used to purchase office supplies and equipment and the printing of information booklets on the percentage-based dues scheme and the anti-privatization campaign.

#### Union dues

On the average, SERC collects around 37,100 baht in monthly dues, which is about 97% of the supposed total, a high collection rate. Its annual dues collection from all affiliates amount to 455,400 baht. SERC follows a varied dues schedule based on the membership of affiliates per Article 9.2 of its Constitution:

Up to 500 members	500 baht/month
501-1,000 members	900 baht/month
2,001-3,000 members	1,200 baht/month
3,001 & above	1,500 baht/month

It was found out from interviews with key SERC officers that the dues fees alone are not enough to fund SERC's operations and activities, thus the need for LO-Norway's support. SERC also experiences delay in the monthly payment of dues which run from three to six months. A number of affiliates still owe SERC dues. Although SERC's Constitution provides that failure to pay dues for three months is a ground for expulsion, this provision has never been enforced. This may be due to the fact that some of the unions represented in the Board are themselves delayed in dues payment. However, all affiliates settle their dues arrears before SERC's Congress. Moreover, there are unions which pay one year in advance.

One strategy used by a former key officer of SERC to address delay in dues payment was paying in advance one whole year's dues so that he could urge other unions to do the same.

#### Financial reporting and transparency

Transparency in financial matters is ensured through annual external audit required by LO-Norway. The SERC identifies and nominates an external auditor which LO-Norway in turn approves or accepts. The Finance Committee submits the duly audited financial report to the Executive Board and the Central/Advisory Committee meetings where affiliate unions are represented. Nonetheless, in the course of the evaluation, an issue inquiring into how funds are spent was raised not just once. Some officers of an affiliate union even claimed that they have never seen any financial report. However, if all affiliate unions attended the Central Advisory Steering Committee meeting where the financial report is submitted for discussion, the problem would have been addressed. The evaluators found out that attendance to this meeting is often only

60 to 70 percent. Nonetheless, SERC may endeavor at the very least to furnish each of its affiliates with a hard copy of the yearly financial report.

Overall, interviews with SERC officers and affiliates impressed upon the evaluators a high level of trust and satisfaction of the performance of the Treasurer.

#### Financial strengthening

Per 2002-2007 Strategic Plan, SERC would have set up different funds through the allocation of 25 percent of proceeds of its fund raising activities to support its important activities by 2007. These funds are: strike fund, social services fund, membership welfare fund, and education and research fund. To date, SERC has set up two funds: Fund for Unionists Protection and Disaster Fund. These funds have been raised through SERC donations, trainors' donations, and the public.

SERC admits that there is a strong desire to make the funds larger and set up the other funds but at the moment an effective strategy to build up funds is wanting.

#### Transformation of dues structure

To date, only one SERC affiliate, LUMWA, has been able to shift from fixed to percentage-based dues system (0.25% of basic salary). LUMWA has been following this scheme for two years now after about three years of study and continuous campaigning among its members.

With only one union to date that has shifted to percentage-based dues scheme, this falls short of the target per SERC's 2002-2007 Strategic Plan in which the Confederation targeted the shift to percentage-based dues system by 2007, with ten unions piloted for the transformation.

One strategy adopted by four of the unions interviewed is to increase the present amount of dues to bridge the shift towards percentage-based targeted in one to two years time. One of these unions, the State Enterprise Workers' Union of CAT Telecom Public Company Limited (SEWU-CAT), has in fact adopted a modified fixed rate system where the amount of dues varies according to salary groupings, the higher the salary, the higher the dues. The union also collects the dues early January when employees receive their bonuses. SEWU-CAT targets to shift to percentage-based system next year. The same is true with Thai Airways International Union.

Of the other nine unions interviewed on their dues system, three unions - the Transport Company Ltd State Enterprise Employees Union (TRAN-U), Bank for Agriculture and Agricultural Cooperative State Enterprise Trade Union (BAACSETU), and the Labor Union of Government Pharmaceutical Organization (LUGPO) - have been able to increase their fixed dues by as much as 50 percent.

At the time of the evaluation activity, the evaluators found out that more SERC affiliates and union members are now aware of the importance of the shift to percentage-based dues system. This has been facilitated by continuous seminars conducted by SERC on the topic and the printing of an information booklet on the said dues scheme.

With the plan of the Thai government to raise the salary of government workers by four percent in October this year, the unions anticipate that the move to increase union dues as an initial step towards the shift to percentage system would be facilitated.

#### Allocation of dues

Aside from allocating funds for SERC dues, regular staff, supplies, education, and members' benefits, most of the unions interviewed also pay yearly affiliation fees to their respective global union federations (GUFs), such as PSI, ITF, ICEM, and UNI.

A number of the unions provide member welfare services such as funeral, accident and medical insurance. Table 1 in Appendix A provides the present dues scheme and dues allocation of some of the unions interviewed.

A good practice in building up union funds was noted in the interview with the Airport of Thailand Airline Company Ltd State Enterprise Workers' Union (AOT SWU). The union has been able to negotiate with management for a yearly budget of 500,000 baht for travel and per diem in attending union meetings and activities. In this regard, the allowances and per diems received by Committee members for attending meetings and seminars, where these activities are likewise funded by other organizations, are donated back to the union.

## *2. Organizing and Recruitment*

### Increase in number of affiliates

SERC to date has 42 affiliates from 38 when the Cooperation Program started in 2001, an increase of 13 percent. However, per Appendix to the Cooperation Agreement between SERC and LO-Norway, the SERC would aspire to increase its affiliates by 20 percent by 2005. The SERC 2002-2007 Strategic Plan, on the other hand is more ambitious, the target was from 40 to 60 affiliates by 2007, an estimated increase of 50 percent.

The following factors may initially explain why the target has not been met by SERC:

- The lack of a coherent program and institutionalized system of recruiting new affiliates. Interviews with union leaders as well as members revealed that recruitment of new affiliates is often based on personal contact. This has prevented SERC from seizing opportunities in the past, e.g. campaign and mobilization against privatisation, to "market SERC" and win new affiliates. Moreover, it is not clear who among the SERC officers or which

specific group in the Confederation is formally tasked of recruitment of new affiliates and of individual members.

- The lack of a yearly assessment of its 5-year Strategic Plan to track accomplishments and deficiencies so that in case of the latter, adjustment of targets may be made, existing strategies modified or come up with new strategies.
- The need for regular monitoring of targets as indicated in the Strategic Plan to maintain quality of the Program as well as isolate problems occurring when there are changes in the internal and external environments.

#### Internal recruitment of new union members

Of the 14 unions interviewed about their union membership, only three unions to date – State Railway Workers’ Union of Thailand (SRUT), BAACSETU and the Port Authority of Thailand Workers’ Union (PATWU) have at least 90 percent of union membership relative to the total employees in their enterprises. Table 2 shows union membership in the unions interviewed.

As regard internal recruitment of new members in the existing unions, the Cooperation Program seeks to attain at least 90 percent membership of all rank and file workers in each state enterprise affiliate union. Per SERC’s 2002-2007 Strategic Plan, the target was 10 percent increase of membership per year. Here, the evaluator found out that because of SERC’s lack of updated data on the actual membership of its union affiliates, it is hard to track the status of this program component. SERC claims that its affiliates do not report regularly their membership data. The Electricity Generating Authority of Thailand Labor Union (EGATLU) claims that they are able to recruit 10 new members per month. In EGATLU, for example, they have about 17,000 union members out of 26,000 employees (including management), and they recruit 10 new members each month or 120 per year which is just seven percent of total membership. Meanwhile, LUGPO claims that three to four employees join the union per month.

It should be noted that in a number of these state enterprises, the decline in union membership has been attributed to the early retirement schemes offered by management (approximately 38 to 40 times the most recent salary multiplied by the number of years in service), so that most often the number of those who separate from work is more than the number of the new union member recruits. In EGATLU, for example, union members numbered 18,000 five years ago.

To increase membership, unions may allow contractual employees to join. The EGATLU was able to get the approval of the Ministry of Labor on June 12, 2007 to allow the union to amend its Constitution to include contractual employees as members. At the time of the interview about 40 contractuales have applied for union membership. Meanwhile, LUGPO takes effort to get temporary daily wage employees to full-time work and extends union benefits to non-union members

to win more union members. As a consequence, it gets three to four new union members per month.

### Provincial branches

To date, SERC has established 15 Provincial Branches. In the FGD among the representatives of 11 provincial branches that participated in the Provincial Branches Meeting on 25-26 June 2007 in Kanchanaburi, the evaluator found out that the branches do not have a clear-cut understanding of their functions/roles and responsibilities in the SERC organization. There is also confusion on how they should be funded or how they would fund their operations and activities. There was even one provincial branch (Udon) which reported no activity undertaken in the past year. The main problem identified by the branches is lack of coordination between SERC Bangkok and among affiliates in their respective provinces. Moreover, it appears that most of the activities they have been undertaking involved public relations, i.e. campaigns and activities with other civil society organizations in their areas. There were only few activities that involved affiliate unions.

In the Kanchanaburi meeting on 26 June, common problems confronting branches are the following:

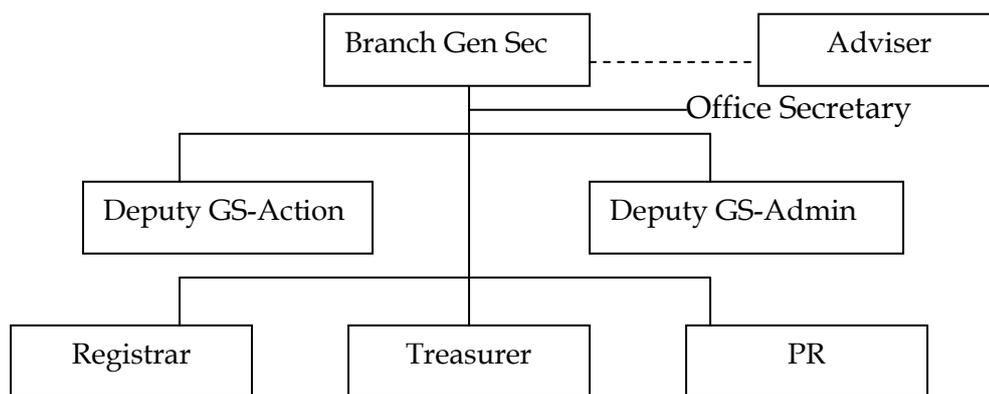
- Lack of commitment of some branch executive officers
- Lack of or limited understanding of the functions and responsibilities of branches
- Lack of awareness of the need to work for SERC branch
- Lack of communication and coordination between the branches and SERC Bangkok and among affiliates in the provinces
- Absence of linkage between outgoing and incoming officers
- Need for new younger leaders; no mechanism or program to develop young potential leaders
- Limited budget
- Lack of an official branch structure
- Lack of continuity of activities
- Local unions' limited support to branches

True, the confusion on the branches' functions and responsibilities mainly stems from the fact that SERC indeed lacks a clear-cut statement of these functions/roles and responsibilities. In fact, provisions in the SERC Constitution relating to the branches' functions are absent. Though, as gathered in the interviews with key SERC officials, the original intent for establishing branches was to enhance public awareness on SERC in the provinces by engaging with civil society, unions in the private sector, and local administration, provincial branches could play a crucial role in increasing SERC union affiliates, internal recruitment of members, and campaigning for transformation of dues system to percentage-based. Provincial branches could also serve as venue to expand affiliates' participation in decision-making in SERC by involving them in strategic planning and annual evaluation exercises. They could also assist SERC Bangkok in providing updated data on union membership and activities in the provinces.

In effect, a branch's function could be both administrative and developmental. The administrative function pertains to its coordinative role as discussed below, as well as in cascading to the unions in the provinces SERC's strategic plan. Its developmental function comprises organizing and recruitment, education and training, and venue for provincial affiliates' participation in decision-making.

To address the foregoing problems, the Kanchanaburi FGD meeting came up with several proposals which the evaluators, with some modifications, find valid and relevant to merit serious consideration by the SERC Executive Board. Firstly, a branch structure was proposed:

Branch organizational structure (as proposed by the branches)



Election, selection and statements of functions/job descriptions of branch officers

It is also important to come up with clear policies on the processes of election or selection of branch officers and statements of their respective functions and/or job descriptions. In this regard, the following recommendations are proposed:

- a. Election is the most preferred mode of choosing officers of the branches. Members (3-5) of the Organizing, Recruitment and Education Committee may however be appointed according to their qualifications.
- b. Sub-committee members of unions may likewise be qualified to be elected in the branch structure. Often, Committee members and shop stewards of unions already have much to do in their unions.

3. *Education and Training*

Interviews with union leaders and members and partner organizations of SERC revealed a general appreciation of the beneficial impact of the training activities and seminars conducted by SERC. The Education Committee is the SERC's structure that is tasked to address the education and training needs of the organization.

The Education Committee undertakes the following:

- prepares educational proposal and program for SERC based on two factors - urgent issues impacting on unions and needs of affiliates;

- prepares the yearly Education plan;
- organizes and coordinates educational activities;
- sends out invitation letters to training/seminar participants;
- invites resources persons/facilitators from other organizations for specific training activities and seminars where SERC lacks adequate expertise;
- monitors how resources for education and training are spent;
- prepares post-activity reports; and
- works with other committees in the preparation and conduct of education and training activities.

#### Training needs analysis, program planning and training evaluation

SERC to date has no formal mechanism or tool in conducting training needs analysis (TNA) of its affiliates. Training needs are identified through requests of particular affiliates and other SERC Committees, informal discussions with unions and training participants, and the latter's responses on other training needs in the training evaluation tool distributed on the last day of a training activity. The low attendance in some of the training activities and the observed absences of some participants during some of the training sessions could be partly attributed to the lack of a formal and regular TNA in SERC.

Overall, do SERC's Education activities match members' needs? A success rate of 60 percent based on turn-out of participants has been given by key SERC officers. Some of the officers interviewed complain that they encounter the same participants in various trainings (although these are not follow-up or advanced trainings). Some even allege that often unions send their "favourites". To increase serious participation and target the "right" participants, SERC started to provide in the training or seminar invitation the preferred target group. However, there is no SERC policy on proportional participation between male and female participants. Moreover, only committee members in the affiliate unions are invited (to the disadvantage of sub-committee members).

SERC conducts a yearly evaluation of trainings, seminars and workshops undertaken. The members of the Executive Committee as well as Mr. Floro Francisco, LO Norway Regional Consultant for Asia, participate in this yearly evaluation. The evaluation covers how the trainings were conducted, the number and union affiliation of the participants, and some discussion on the impact of the training activities. The results of the evaluation basically feed into the education and training plan of the following year. It should be noted however that few members of the Executive Committee provide their insights and comments during this evaluation activity.

Outside the Executive Committee, it appears that the results of the evaluation as well as the Education Plan for the following year are not communicated to the rest of the organization. Nonetheless, for the first time, the Education Plan for 2008 was discussed with the officers of the provincial branches in the Provincial Branches' Meeting on 25-26 June 2007 in Kanchanaburi, Thailand.

The yearly Education Plan may also be subject to some modifications or updating, albeit limited due to resource constraints. If there is urgent issue that necessitates raising unions' awareness for possible action, the SERC tries to organize a seminar. The most liked training activity is the Trainers' Training (TOT).

Table 3 summarizes the strong and weak points of SERC's education program gathered during the evaluation activity.

To date, there is no formal mechanism within SERC to assess the impact on the participants of the various training activities conducted. Inadequate personnel complement in the Education Committee is the commonly-cited reason. Thus, it appears that post-training impact assessment is more of an individual initiative of certain members of the Education Committee. A former member of the Education Committee for example cited that during her term, she would go to the unions who sent participants to trainings to follow up on the progress of the participants in terms of the objectives of the training.

There are two common issues highlighted in the interviews and FGDs. One is the limited opportunity available for training participants to put into practice or use their newly-acquired skills. The other one is the lack of follow-up higher level or more advanced training after the basics.

#### Empowerment impact of training activities

To get a general assessment of the training activities and some insights on their impact, the Consultants fielded a questionnaire designed for the evaluation activity. A total of 32 training participants randomly sampled from 15 affiliate unions of SERC participated in the survey. The following are the findings of the survey:

- Although most of the respondents have attended at least two of the trainings conducted by SERC, except in the gender awareness and sensitivity training, men outnumber women in terms of participation, particularly in collective bargaining and organizing and recruitment trainings.
- About 57% of the respondents claimed that there were needs analysis undertaken in planning for training activities. These TNAs however are informal in nature and mostly done within the union enterprise level. In terms of their involvement, three-fourths responded affirmatively.
- As regard selection of participants, a little over half of the respondents cited job requirement or part of their job, while nearly one-fifth cited their ability or capacity to learn as the main selection criterion.
- Rating the trainings they attended overall using a scale of 1 to 4 with 4 as the highest, nearly half (48%) of the respondents gave a rating of 3 and 34% gave a rating of 4. This can be interpreted as a good indicator of the objectives, overall content, methodology, and visual aids used in the training activities. The ratings given by both male and female respondents were almost similar. Nonetheless, there are certain areas which scored low in the rating, namely the time allocated

for topics and the organization of the courses. These areas require the most improvement in the training activities.

- Overall rating for trainers' skills scored high too: 58% and 35% of respondents gave a rating of 3 and 4, respectively.
- As regard the empowerment impact of the training activities per the indicators listed in the questionnaire, overall trend in terms of responses point to improvement. Table 4 in the Tables Section of this report shows the specific ratings per empowerment indicator. The indicators of empowerment are the following:
  - Taking on additional responsible role beyond being an ordinary "group member";
  - Initiating or leading group activities or projects;
  - Participating in group activities;
  - Recruiting additional new members;
  - Presenting the program to other potential union affiliates of SERC;
  - Engaging in dialogue and communicating with supervisors and managers at the workplace about workers' issues and concerns;
  - Engaging in dialogue and communicating with employers' groups, government agencies, and other institutions at the national level;
  - Participating in support groups, e.g. counselling and coaching co-workers; and
  - Participating in other activities to build self-esteem and interpersonal skills.

#### Human resources for education and training

As regard the human resources devoted to SERC's regular education and training program, it would augur well to the organization if job descriptions of each personnel or officer involved in SERC's education program are clearly written, starting from the Deputy General Secretary for Education and down to the full-time education staff. During the evaluation activity, the Consultants had the impression that only one of the duly elected members of the Education Committee is consistently and actively implementing the training activities of the SERC. Further inquiry into the workings of the said Committee confirmed the lack of coordination between the elected officers, resulting to misunderstanding of each other's functions and responsibilities that sometimes lead to delay in the release of funds for training, meetings and seminars. These delays however have not impeded the conduct of activities as one Education Committee member personally advances from her own pocket the initial funds needed.

#### Impact of Training on Women Empowerment

The FGD with women union members revealed that women union members who participated in various training activities particularly those designed for them were able to become more confident and as a result enhance their role and influence in their respective unions. Though the development is quite slow, there have been marked improvements. Women are now able to become union officers or members in committees or sub-committees, conduct training in their respective unions, recruit new members in the union, do public

speaking in rallies and mass actions, and dialogue with management and government officials, among others.

Nonetheless, the Executive Board is still dominated by men, with only three women. As pursued in other labor-oriented organizations, SERC may consider adopting an affirmative policy of proportional representation between women and men in decision-making structures in the organization. Initially, a 60-40 percent allocation between men and women respectively could be pursued. It is heartening to note nonetheless that some women leaders have taken the initiative to encourage at least five women leaders in SERC unions to run for the August 2007 elections. Hopefully, all five women will get to be elected.

In the FGD with women union leaders and members, the following recommendations were forwarded:

- **SERC Women Committee** and sub-committee members may visit local unions and talk with women members and non-members to facilitate internal recruitment and encourage more women to actively participate in union activities.
- Wage a campaign among local unions to demand that every workplace should observe AIDS-response Standard Organization (ASO)<sup>3</sup> model and utilize SERC women ASO trainers in launching the awareness campaign.
- Work with external organizations, i.e. Ministry of Public Health, MOL re HIV/AIDS awareness campaign.
- Do fund-raising activities for HIV/AIDS patients, i.e. TRAGO women cook food and sell them and the proceeds go to charitable activities, e.g. visiting HIV/AIDS patients in hospitals.

The results of the training impact assessment questionnaire designed and fielded by the Consultants revealed that although a significant number of the respondents noted no improvement of their status or role in the union, there is a general trend towards improvement of women's role in the unions. The survey revealed the following findings:

- Majority of the women respondents improved their capacity to take on additional responsible roles beyond being an ordinary group member.
- Half of the women respondents were able to initiate or lead group activities or projects.
- Almost half claimed that they were able to participate in group activities.
- Again, half of the respondents were able to recruit additional new members.
- While nearly half of the respondents were able to present the program to other potential union affiliates of SERC.

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<sup>3</sup> The ASO is a standardized assessment of companies/workplaces by the Thailand Business Coalition on AIDS (TBCA). The award certification is co-signed by the Director General of the Department of Labour Protection and Welfare, Ministry of Labour, and the Director General of the Department of Disease Control, Ministry of Public Health. The ASO is a tool to help companies establish effective HIV/AIDS prevention and management programs in the workplace.

- About 46% of the respondents were able to engage in dialogue and communicate with supervisors and managers at the workplace about workers' issues and concerns.
- As regard dialoguing and communicating with employers' groups, government agencies, and other institutions at the national level, 46% of the respondents indicated that such is not part of their work.
- Again, half of the respondents were able to participate in support groups, e.g. counselling and coaching co-workers.
- Finally, 68% of the women respondents were able to participate in other activities to build self-esteem and interpersonal skills.

Table 5 provides the concrete empowerment activities and involvement of women union leaders and members as a result of their participation in the SERC training activities.

Clarifications have to be made in the light of the significant responses pertaining to no improvement or not part of their work in some of the activities enumerated above. For one, some of the training activities may have failed to target the right participants, thus the "no improvement/not part of my work" responses. Secondly, opportunities for the application of knowledge and skills acquired may not have been provided to the women participants. Nonetheless, these opportunities may become available in the future. Thirdly, the inability of SERC and its affiliate unions to consistently monitor and/or follow up on the measurable impact of its training activities to its participants may have contributed to the limited effectiveness of some of these trainings on some of the participants.

#### 4. Trade Union Democracy

Based on the interviews and FGDs conducted, there is wide acceptance in SERC of a system of proportional representation in the Congress based on the number of union membership. Article 23.1 of the SERC Constitution provides the following representation and voting rights in the annual General Meeting or Congress:

Up to 500 members	1 representative and 1 vote
501-1,000 members	2 representatives and 2 votes
1,001-2,000 members	3 representatives and 3 votes
2,001-3000 members	4 representatives and 4 votes
3,001 & over	5 representatives and 5 votes

Officers in two unions interviewed voiced out the concern that in view of this type of representation, the big unions tend to dominate SERC; that proportional representation is disadvantageous to the small unions. However, if all affiliates were represented in the Central/Advisory Committee and key information is shared with this Committee, i.e. strategic plan, financial report, education plan, this concern may be properly addressed. Affiliates' representation in this Committee also follows Article 23.1 of the SERC Constitution.

There was no consensus on proportional representation in the other levels of the organisational structure, i.e. Executive Board and the Central/ Advisory Steering Committee. Most often, Executive Board meetings are attended by 60-70 percent of all Board members. The same is true with the Central/ Advisory Steering Committee.

The Consultants prepared a questionnaire that inquired into eight indicators of meeting effectiveness based on a scale of 1 to 5: 1=Poor, 2=Fair, 3=Satisfactory, 4=Good and 5=Excellent. These indicators are: clarity of meetings goals, general meeting participation level, meeting leadership, decision-making quality, cohesiveness among meeting participants, problem solving, meeting organization, and meeting productivity. Ten members of the Executive Board responded to the questionnaire. Overall, majority of the respondents gave a rating between good and excellent. [Table 6 shows how the eight indicators were rated by the respondents.]

**Summary of Results on Meeting Effectiveness Survey**

<b>Indicators</b>	<b>Satisfactory</b>	<b>Good</b>	<b>Excellent</b>
Clarity of meeting goals	20%	50%	20%
General level of participation in meetings	40%	40%	20%
Meeting leadership	20%	50%	20%
Quality of decision making	20%	30%	50%
Cohesiveness of meeting participants		77%	11%
Problem solving and conflict resolution	20%	50%	10%
Meeting organization	20%	30%	30%
Meeting productivity	40%	10%	40%

The foregoing results of the survey on meeting effectiveness at the Executive Board level indicate that the present composition in terms of number of the said body poses no problem to Board decision-making processes.

The idea of having a Central Steering Committee is an indicator of internal union democracy being put into practice. Nonetheless, if the attendance to meetings of the Steering Committee remains low, the purpose of the latter leaves much to be desired. Moreover, the extent and scope of engagement between the Board and the Steering Committee needs to be defined as well. Which information is shared with the Steering Committee? How is transparency exercised with the Steering Committee? What are the limits of action of this Committee?

##### *5. The State Enterprise Workers' Federation (SEWF)*

The establishment of SEWF is a big issue, albeit not being discussed, in SERC, leading some labor analysts to point out that the SEWF is a source of weakness of SERC as it reveals cracks on solidarity within SERC. The Petroleum Authority of Thailand (PTT) union which was a former affiliate of SERC before it was privatized led the establishment and registration of SEWF. At the time of the evaluation activity, four SERC affiliates, namely the unions in AOT, TG, TOT and CAT, which have already been corporatized, are likewise members of SEWF.

Moreover, one of SERC's Deputy Secretary Generals (from the TOT union) sits as Vice President of SEWF.

In the interviews with some officers of the SERC unions likewise affiliated with SEWF, it was found out that the main objective of establishing the SEWF is the need for a venue for voice for state enterprises that have been corporatized and eventually privatized. Privatized firms can no longer be part of SERC. Some rank-and-file members of unions affiliated both with SERC and SEWF even pointed out that this double affiliation is an advantage as there would be two sources of representation, learning, and potential benefits. Nevertheless, the establishment of SEWF also mirrors some level of power struggle within the trade union movement as each confederation or federation grapple over "juicy positions" in the Labour Court (as associate judges), the Labour Commission, and representation in the International Labour Conference, to name some.

Despite the establishment of SEWF, a number of leading labor analysts and activists still consider SERC as one of the best labor organizations in Thailand with good and incorruptible leadership. SERC is one of the leading organizations in educating the public on the privatisation issue. In fact, EGATLU's campaign established SERC's link with consumers' organizations in the fight against privatization.

Somsak Kosaisook, the former SERC General Secretary, and Sirichai Mai-ngam, the present SERC General Secretary, have in fact been identified by some labor analysts and experts interviewed as among the best trade union leaders that the Thai trade union movement has produced so far. However, a sentiment was often raised during the interviews on the limited pool of young potential leaders. It was pointed out that SERC lacks a developmental program for potential young union leaders.

### **III. CONCLUSION AND RECOMMENDATIONS**

Undoubtedly, the State Enterprise Relations Confederation (SERC) remains one of the best and strongest labor organizations in Thailand. Leadership in SERC is perceived by labor analysts and activists and the NGO community as good and incorruptible. Despite its being ad hoc in nature (it is not a registered organization), SERC and its affiliates have representation in various policy-making bodies such as the Committee Drafting Constitutional Amendments and the Labour Court. In the past Thaksin administration, SERC's proposal to publicize the call for selection of Board members in state enterprises was accepted, albeit only for the position of President. Such proposal is again echoed in the present administration.

Clearly, SERC espouses social movement unionism as it remains a core organization in the Thai Labour Solidarity Committee. It has successfully

educated the public about the ill effects of privatization, winning in the process public support and forging a strong link with the consumers' movement in Thailand. The recent success of stopping the privatization of EGAT has highlighted SERC's and the EGATLU's strong strategic leverage and organizational capacity. The outcome of the two-year SERC campaign to bring back into operation the Express Transport Organization (ETO) will again test the Confederation's strength and relative influence in Thailand's politico-economic environment.

SERC should thus endeavour to maintain its respected position in Thai society. It should continue strengthening its organizational capacity and strategic political leverage. In this regard, although progress have been made in strengthening the organization, still there are areas that need further improvement and immediate action, especially in the areas covered by the SERC-LO Norway Cooperation Program, namely: trade union finance and administration, organizing and recruitment, education and training, and trade union democracy.

In the light of the findings of the evaluation activity as discussed in the previous sections of this report, the Consultants put forth the following recommendations:

### **1. On the role of the Project Manager**

It is important for SERC, particularly the Executive Board, to properly address this issue by coming up and putting into writing the job description of the PM, draw a resolution hiring the present PM (if they so decide) and the terms and conditions of the engagement, and disseminating information on the functions of the PM throughout the organization. A yearly assessment by the Board of the PM's performance should also be considered. It is important however that at the outset the standards of performance have been mutually agreed upon by the Board and the PM.

### **2. On transformation of dues structure to percentage-based**

Enhancement of member services, transparency in union finances and operations, and rank-and-file membership involvement in union activities are key factors to push for the transformation of the dues system to percentage-based. Initiatives of individual unions as discussed earlier in this report could serve as good practices worth considering by other unions. Coming up with a union-specific progressive strategy towards the attainment of this goal is worth considering too. More importantly, a clear campaign strategy with designated personnel both at the SERC and the local union level is necessary to attain this strategic objective.

### **3. On organizing and recruitment**

To enable SERC to meet the objectives set in its strategic plan, the following are proposed:

- Come up with a coherent program and institutionalized system of recruiting new affiliates.

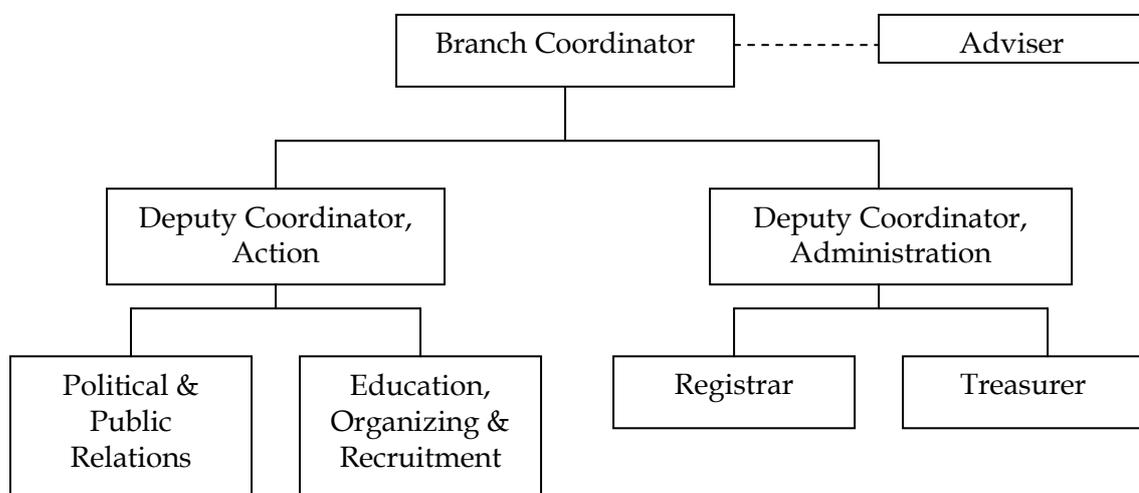
- Establish a database or register of membership per affiliate union to track progress in terms of internal membership recruitment. SERC can start developing this database by coming up with a membership survey form fielded to each affiliate. This survey should be done annually. The results of this survey form the bases of the database.
- A yearly assessment of its 5-year Strategic Plan to track accomplishments and deficiencies so that in case of the latter, adjustment of targets may be made, existing strategies modified or new strategies drawn up.
- Regular monitoring of targets as indicated in the Strategic Plan to maintain quality of the Program as well as isolate problems occurring when there are changes in the internal and external environments.

#### 4. On the provincial branches

The evaluators propose that instead of the titles Branch “General Secretary” and Deputy “General Secretaries”, Branch Coordinators and Deputy Coordinators may be used. There are already a number of General and Deputy Secretary titles/levels in SERC and its affiliate unions. Coordination is the main function of a branch as it serves as the SERC’s link to the affiliates in the provinces – to make SERC’s presence felt in these areas and to drum up support of the affiliates for SERC activities, particularly its public campaigns. Moreover, the branches’ coordinative role is in serving as venue for voice of the provincial affiliates – to bring to SERC Bangkok’s attention and relevant action their issues and concerns.

The Registrar and the Treasurer could be under the Deputy Coordinator for Administration. The PR officer could be under the Deputy Coordinator for Action. An Education, Organizing and Recruitment Committee may be set up under the Deputy Coordinator for Action.

Below is the proposed amendment to the branch structure:



#### Budget for branches

SERC may endeavour to allocate funds for the branches to operate effectively. The SERC Board has expressed commitment in the Kanchanaburi meeting that it could allocate 3,000 baht for meetings. However, there are other activities that the branches need to undertake. In this regard, SERC has to come up with a system of allocation and sharing among the national confederation, the provincial branches, and the affiliate unions. The absence of this allocation system should not however impede the conduct of activities of the provincial branches.

Initially, the budget allocation for the branches will depend on the number of locals covered in the branches. If SERC would endeavour to strengthen the education, organizing and recruitment functions of the branches, then the branches would definitely need regular budgetary allocation. Initially, a yearly allocation of, say, 20 percent of total dues collected from locals in the branches may be considered. Such allocation may be subject to review and upgrading on a yearly basis. Pegging the allocation on the dues collected from locals in the area of coverage of the branches will encourage branches to engage more in recruitment activities to increase membership. This strategy may also increase the collection efficiency of dues.

Meanwhile, sans budgetary allocation, among the first task of provincial branches should be to identify the unions in their areas that have been successful in negotiating with their respective management for funds for education and training. With proper coordination, these unions could be tapped to share their funds in conducting education and training activities involving other unions in the area which do not enjoy the same facility or support. The unions may be SERC or non-SERC affiliates. Involving non-SERC affiliates is one strategy to recruit more SERC affiliates.

The branches may also want to propose one or two training activities to SERC Bangkok for possible funding the following year. This would necessitate SERC to allocate annually a portion of its central education and training fund to branches. SERC could target two to three branches for training funding support each year and rotate the facility yearly to give access to all.

##### **5. On education and training and women empowerment**

- First, a concrete articulation of SERC's vision-mission is important in designing in the long-term an education program. This would require the conduct of a SERC-wide Vision-Mission workshop which may be part of SERC's strategic planning exercise. The present Strategic Plan ends in 2007 and with a new set of officers after the Congress in August 2007, it is but timely to undertake this activity.
- SERC may consider setting up a more formal and permanent structure, e.g. SERC Labor Education Institute or Center or SERC Workers' Education Program, to undertake regular training and address the education needs of affiliates. The affiliates may propose to this structure their specific

education and training needs. It would be appropriate to put regular staff in this structure for program continuity, especially those training programs that have been regularly offered, i.e. Trainors' Training, Public Speaking, Trade Union Finance and Administration, Collective Bargaining. The role of the Education Committee would then be to oversee and evaluate the implementation of the regular training programs, address urgent education concerns, update training curriculum as the need arises, coordinate with other SERC Committees in implementing the education program, and identify a pool of trainers and/or facilitators. SERC may also get participation from non-unionized enterprises. Initially, SERC may allocate 10% of seminar participation for non-members. This is also an effective strategy to recruit additional affiliates.

- SERC may also consider allocating a portion of its education and training funds to local unions to do their own training. However, to maximize resources, different unions can come together to undertake a similar training activity that they have commonly identified. And as much as possible, trainers should come from the affiliates themselves.
- SERC may also consider allocating some of its education budget for its branches, especially in areas where affiliates are small unions. The branch may undertake the training itself or coordinate with SERC Bangkok and involve as many affiliates in the area as possible.
- To regularly update union officers of developments in labor law, collective bargaining strategies, and union organizing strategies, the education and training institute or center may also offer once a year a short course on Labor Revitalization. This course may also include experiences and strategies from private sector unions as well as those from other countries.
- SERC may want to tap universities that send their students to do internship in various organizations for their practicum. These college students may provide administrative support/personnel complement to SERC's training activities.
- To maximize resources for education, SERC may encourage unions to negotiate with management as part of their collective bargaining agreement some funds for education activities. This has been done by the unions of NHA, MWA, and AOT. These unions may also be encouraged to invite participants from smaller unions and the non-unionized state enterprises and national government and local government units to their training activities.
- SERC's pool of trainers should be encouraged to utilize more participative and experiential approaches in training in view of the fact that participants are adult learners.
- Interviews with union officers and members indicated the following education and training needs:
  - Re HIV-AIDS seminar, incorporate current ASO as model, Code of Practice on HIV/AIDs;
  - Seminar on union rights, labor law and standards, and basic unionism (although the latter should be the responsibility of the local unions);

- Leadership development courses among rank-and-file members;
  - Comparative study on labor law for state enterprises and the private sector;
  - Grievance handling and dispute settlement;
  - Organizing and mobilizing a rally;
  - Handling confrontations in mass actions; and
  - Basic English course.
- A follow-up activity after the seminar on percentage-based dues system is required to map out the status of this initiative. This should monitor actions and strategies taken by unions toward the achievement of the scheme.
  - As an incentive for those who are diligently working in the Education Committee, opportunities for further skills advancement and enrichment may be made available to them, e.g. attendance to relevant seminars offered by other institutions whether local or abroad, study visits to benchmark with educational programs of other organizations local or abroad.
  - SERC may also endeavour to come up with clear standards on the qualifications of members of Education Committee to avoid concentration of tasks to one person.
  - To enable SERC to sustain by itself its educational program, it may consider offering to other organizations and institutions, public or private, on a regular basis and for a certain amount of registration fee the most sought-after training programs, i.e. trainers' training, public speaking, collective bargaining. Moreover, SERC has already in-house women trainers on the ASO model which may have potential market among private and public enterprises and organizations.

*On enhancing women's role in training, organizing and recruitment*

To support SERC's training activities, particularly on women, the organization may consider having a group of women volunteers to provide training or training support in affiliate unions. This strategy may also enhance the recruitment of new women union members based on the principle of "like-recruits-like". An Organizing and Recruitment Committee could be a distinct structure in the SERC organization that is linked with the Education Committee, the Action Committee, Branch Activities, and Public Relations.

**6. On trade union democracy and leadership development**

SERC may want to review the present structure and representation of its Central Advisory Steering Committee. If attendance to the meetings of this Committee has been consistently low at 60%, this is indicative of the relative low interest of affiliates on this Committee. It could also be that the function of this Committee has not been clearly articulated in SERC. Nonetheless, a Committee of at least 42 representatives is a big group if decision-making of critical issues is involved. However, if the Committee mainly serves as a venue for information sharing and voice mechanism for urgent issues and concerns, one representative

per affiliate in the said Committee is enough. The Committee is also the best venue for strategic planning and evaluation activities.

The conduct of the Kanchanaburi Provincial Branches Meeting on 25-26 June 2007 is a further step towards promoting and practicing participative democracy within SERC. In this meeting, the branch representatives were able to raise their issues and concerns, dialogue with the Executive Board, and provide recommendations on the branch structure, role and functions, and activities of branches. This venue or meeting deserves to be institutionalized in SERC.

As regard enhancing women's participation in SERC governance, the proportional representation recommendation earlier noted deserves serious attention by the SERC Executive Board, especially in the light of the fact that about 38 percent of all SERC membership are women. In the FGD with women members, the proposal was 60% men and 40% women.

One of the key responsibilities of the Executive Board is to ensure that SERC will always have a pool of young union members who have leadership potentials. A developmental program for identified potential or future leaders may be organized. Aside from seminars and trainings, SERC could consider mentoring, coaching, developmental assignments, committee or task force work, and other venues for leadership development of young union members with leadership potentials.

#### **7. On transparency of financial and operational activities**

While there is no serious issue of lack of transparency raised in SERC, to allay "unarticulated" fears and suspicions of lack of transparency, it will augur well to SERC to furnish each affiliate its yearly duly-audited financial statement at the very least. Better if said report is discussed in the Central Advisory Committee.

LO-Norway and SERC may also consider jointly coming up with specific indicators or standards of performance against which programs and activities will be evaluated. It is also important to communicate to members the outcome of evaluation activities.

## **APPENDICES**

A. Tables

B. Politico-Legal Landscape of Unionism in  
the State Enterprises Sector in Thailand

C. Evaluation Design and Instruments

D. SERC Organizational Chart

E. SERC Strategic Plan, 2002-2007

## APPENDIX A. TABLES

**Table 1. Dues Scheme and Dues Allocation of Select SERC Affiliates**

Union	Dues Scheme	Dues Allocation
National Housing Authority State Enterprise Workers Union (NHASEW)	B20/mo.; 5 yrs ago, union agreed to increase to B50 but not implemented due to members' resistance; need Board consensus re dues scheme	Total=B16,000/mo.= B192,000/yr SERC=B600/mo. PSI=B17,000/year Staff=B5,000 Supplies Dues collected not sufficient for union operations/activities
Labor Union Metropolitan Waterworks Authority (LUMWA)	0.25% of basic monthly pay since past 2 years; took 2-3 years preparing & campaigning for the shift	SERC=B1,200/mo PSI=B35,000/yr Salary of 3 staff Funeral benefit for members
State Enterprise Workers' Union of CAT TELECOM Public Company Ltd (SEWU-CAT)	Modified fixed rate based on pay groups: 1,000-9,999 = B180/yr 10,000-20,999 = B240/yr 21,000&over = B300/yr Collect dues when EEs get bonus (early January) Started campaigning on %-based dues; aim=next year	SERC fees SEWF fees Education Coordination  [The amount allocated for the foregoing accounts were not given by SEWU-CAT interviewees, even after follow-up through email.]
Thai Airways International Union (TGU)	B150/yr %-based next year Exec Committee met on 21 June to discuss the % rate	SERC fee=B1,500/mo ITF = 440 pounds/yr 3 regular staff
Airport of Thailand Airline Company Ltd State Enterprise Workers' Union (AOT SWU)	B120/yr Plans to shift to %, but raise dues first & negotiate with management, & wait for government plan to increase salary by 4%; provide better benefits to members, i.e. increase relocation allowance, uniform	ITF-London=280 pounds/yr ITF-Thai=B600/mo SERC= B1,200/mo. ITF provides B24,000 yearly for education Allocation: Salary of staff Donations to other organizations, e.g. Logistics
Electricity Generating Authority of Thailand Labor Union (EGAT-LU)	B180/yr Doing research on %-based, finding strategy	SERC=B1,500/mo ICEM=B20,000/yr PSI-Thai=B45,000/yr Admin=30%
State Railway Workers' Union of Thailand (SRUT)	B300/yr, the highest among SERC unions Members agreed in principle to shift to %-based; union is now researching on % rate, possibility of collecting more than 0.25%	

**Table 1. Dues Scheme and Dues Allocation of Select SERC Affiliates (Continued)**

<b>Union</b>	<b>Dues Scheme</b>	<b>Dues Allocation</b>
Transport Company Ltd State Enterprise Employees Union (TRAN-U)	B20/mo Increased this year from B10	Training Staff Emergency benefits (accident insurance) Funeral incentive Gets support from ITF for educational activities (60%) though not enough
Bank for Agriculture and Agricultural Cooperative State Enterprise Trade Union (BAAC SETU)	B300/yr to be increased to B30/mo as a bridge to %-based	Branch office=B700/mo Local union=B200/mo SERC=B1,500/mo
TOT Corporation Public Company Ltd Workers Union (TOTWU)	B10/mo Studying which strategy to convince members to shift to %-based	
Labor Union of Government Pharmaceutical Organization (LUGPO)	B20/mo To be increased to B30/mo re General Meeting on 28 June 2007 Campaign on %-based not yet started; focus first on enhancing members' benefits/services	SERC=B900/mo ICEM=B12,000/yr PSI=B15,000/yr Admin=B9,000/mo 10% of dues=benefits, e.g. medical Per diem of committee members

**Table 2. Union Membership in Select SERC Unions**

<b>Union</b>	<b>Membership</b>
National Housing Authority State Enterprise Workers Union (NHASEW)	53% (800/1,500 employees) 40% women
Labor Union Metropolitan Waterworks Authority (LUMWA)	80% (2,400/4,000 employees; 25% mgt) 35-40% women
State Enterprise Workers' Union of CAT TELECOM Public Company Ltd (SEWU-CAT)	70% of all employees
Thai Airways International Union (TGU)	54% (14,000/26,000 employees) 4,549 women 10 yrs ago, 7,000 members
Airport of Thailand Airline Company Ltd State Enterprise Workers' Union (AOT SWU)	78% (3,129/3,998)
Electricity Generating Authority of Thailand Labor Union (EGAT-LU)	65% (17,000/26,000 employees, including management) 2,600 women
State Railway Workers' Union of Thailand (SRUT)	95% of all employees
Transport Company Ltd State Enterprise Employees Union (TRAN-U)	69% (2,500/3,600 employees) women=not more than 500
Bank for Agriculture and Agricultural Cooperative State Enterprise Trade Union (BAAC SETU)	90% (11,736/13,000 employees)

**Table 2. Union Membership in Select SERC Unions (Continued)**

Union	Membership
TOT Corporation Public Company Ltd Workers Union (TOTWU)	86% (18,000/21,000 employees) women=no record
Labor Unions of Government Pharmaceutical Organization Union (LUGPO)	5.7% (1,200/21,000 employees) 663 are women
Port Authority of Thailand Workers' Union (PATWU)	97% of all employees 30% women
Thailand Tobacco Monopoly State Enterprise Labor Union (TSL)	47% (2,100/4,500 employees) 60% women

**Table 3. Strong and Weak Points of the Education Program**

Strong Points	Weak Points
High turnout in many of the trainings, e.g. trainers' training (TOT), public speaking	Some participants do not stay the whole time Low participation in some of the trainings Same people often attend limiting the benefits of training to a few
Varied and relevant topics that respond to the practical needs of participants, e.g. news writing, public speaking, women courses, PR, website design, team-building	Time allocated for some of the trainings is not enough to cover all topics
SERC officers serve as resource persons for non-organized enterprises interested to unionize	Follow up on seminars/training, e.g. TOT; evaluation on application of what has been learned Since 2004, 2 TOT & 1 advance course only
Support from LO Norway is vital because SERC cannot collect much dues from affiliates	Continuity of educational plan is contingent of Board's tenure (2 years)
Promote participation from everyone	Lack of personnel to monitor application of training learning in unions More people are needed in the implementation of education activities
Competent trainers	Most SERC activities directed to political issues/activities, not much on capacity-building
Adequate budget	Slow reaction of SERC to urgent issues, e.g. anti-privatisation campaign
Participation of workers of various levels	Some TOT participants have no opportunity to apply what they learned; local union has no budget to organize their own training activities
Participation of various organizations in some of the trainings	SERC uses the same pool of trainers/resource persons Insufficient personnel for training
Careful planning and systematic implementation	Training should be more cost-effective, e.g. choose modest venues

**Table 4. Empowerment impact of training activities\***

	Male				Total	Female				Total	Total Male and Female				Total
	1	2	3	4		1	2	3	4		1	2	3	4	
Take on additional responsible roles beyond merely group member		5	8	4	<b>17</b>	3	3	3	5	<b>14</b>	3	8	11	9	<b>31</b>
		<b>29%</b>	<b>47%</b>	<b>23%</b>		<b>21%</b>	<b>21%</b>	<b>21%</b>	<b>35%</b>		<b>9%</b>	<b>25%</b>	<b>35%</b>	<b>29%</b>	
Initiate or lead group activities	1	3	8	5	<b>17</b>	3	4	5	2	<b>14</b>	4	7	13	7	<b>31</b>
	<b>5%</b>	<b>18%</b>	<b>47%</b>	<b>29%</b>		<b>21%</b>	<b>28%</b>	<b>36%</b>	<b>14%</b>		<b>13%</b>	<b>22%</b>	<b>41%</b>	<b>22%</b>	
Participate in group activities	1	2	11	3	<b>17</b>	3	4	3	4	<b>14</b>	4	6	14	7	<b>31</b>
	<b>5%</b>	<b>12%</b>	<b>65%</b>	<b>18%</b>		<b>21%</b>	<b>28%</b>	<b>21%</b>	<b>28%</b>		<b>13%</b>	<b>19%</b>	<b>45%</b>	<b>22%</b>	
Recruit additional new members	1	4	7	5	<b>17</b>	2	5	5	2	<b>14</b>	3	9	12	7	<b>31</b>
	<b>5%</b>	<b>23%</b>	<b>41%</b>	<b>29%</b>		<b>14%</b>	<b>36%</b>	<b>36%</b>	<b>14%</b>		<b>9%</b>	<b>29%</b>	<b>38%</b>	<b>22%</b>	
Present program to other potential union affiliates of SERC	2	3	9	3	<b>17</b>	4	3	5	1	<b>13</b>	6	6	14	4	<b>30</b>
	<b>11%</b>	<b>18%</b>	<b>52%</b>	<b>18%</b>		<b>31%</b>	<b>23%</b>	<b>38%</b>	<b>7%</b>		<b>20%</b>	<b>20%</b>	<b>47%</b>	<b>13%</b>	
Dialogue/communicate with supervisors		8	7	1	<b>16</b>	2	5	4	2	<b>13</b>	2	13	11	3	<b>29</b>
		<b>50%</b>	<b>43%</b>	<b>6%</b>		<b>15%</b>	<b>38%</b>	<b>31%</b>	<b>15%</b>		<b>6%</b>	<b>45%</b>	<b>38%</b>	<b>10%</b>	
Dialogue/communicate with employers' group	2	4	8	3	<b>17</b>	6	3	3	1	<b>13</b>	8	7	11	4	<b>30</b>
	<b>11%</b>	<b>23%</b>	<b>47%</b>	<b>18%</b>		<b>46%</b>	<b>23%</b>	<b>23%</b>	<b>7%</b>		<b>27%</b>	<b>23%</b>	<b>37%</b>	<b>13%</b>	
Participate in support group		6	5	4	<b>15</b>	3	3	4	2	<b>12</b>	3	9	9	6	<b>27</b>
		<b>40%</b>	<b>33%</b>	<b>26%</b>		<b>25%</b>	<b>25%</b>	<b>33%</b>	<b>16%</b>		<b>11%</b>	<b>33%</b>	<b>33%</b>	<b>22%</b>	
Participate in other activities	1	4	8	3	<b>16</b>	1	3	8	1	<b>13</b>	2	7	16	4	<b>29</b>
	<b>60%</b>	<b>25%</b>	<b>50%</b>	<b>18%</b>		<b>7%</b>	<b>23%</b>	<b>61%</b>	<b>7%</b>		<b>6%</b>	<b>24%</b>	<b>55%</b>	<b>14%</b>	

\*Rating scale: 4 = Highly improved      3 = Improved      2 = No improvement at all      1 = Not part of my work

<b>TABLE 5. Concrete Indicators of Empowerment as a Result of SERC Training Activities</b>			
<b>Areas</b>	<b>Male</b>		<b>Female</b>
<b>1. Take on additional responsible role(s) beyond being an ordinary group member</b>	<p>To become General Secretary of trade union (TU)</p> <p>Education committee</p> <p>Selected to be central committee member</p> <p>Transferred what I learned to other TU members</p>		<p>Selected to be chairwoman of ICEM-AP</p> <p>Serve as women committee member. organized activities for members &amp; their families</p> <p>Assisted in team building activities</p> <p>Reported what I learned to my union</p>
<b>2. Initiate or lead group activities or projects</b>	<p>To organize seminar for branch TU</p> <p>Organized seminars, small group discussion and informal FGD.</p>		<p>Served as women sub-com of SERC</p> <p>Organized trainings to promote TU member participation</p> <p>Supported SERC women committee</p> <p>Always participated and initiated activities</p>
<b>3. Participate in group activities</b>	<p>Participated seminars and meetings</p> <p>Attended SERC working committee</p> <p>Action day with SERC</p> <p>Participated in anti-privatization campaign</p> <p>Drafting, women group activities, Women's Day</p>		<p>Campaign for ICEM - women, PSI, women &amp; constitution. Participated in national campaign about election.</p> <p>Participated in political rally eg. anti-privatization</p> <p>Participated in SERC activities.</p> <p>Participated in CSR activities</p> <p>SERC women com., privatization, logistics, TU campaign, labor day, women org.</p> <p>Achieved by other women committee members to create new activity.</p> <p>Participated in other TU and campaigns</p>

**TABLE 5. Concrete Indicators of Empowerment as a Result of SERC Training Activities (Continued)**

Areas	Male	Female
<p><b>4. Recruit additional new members</b></p>	<p>Publicized roles of SERC &amp; influence of its members</p> <p>Promoted in all stations (province). Held seminar.</p> <p>Participated in new employer training</p> <p>Wrote articles, PR, invitation letter</p>	<p>Campaigned in promoting casual workers to permanent positions. They eventually join the union (total 232 workers)</p> <p>Used the info learned from the meeting to convince my colleagues to join the union</p> <p>1) campaigned for participation in management. 2) educated members about their rights</p> <p>Recruiting new employees for my TU</p> <p>By campaigning for new workers and other TU members for women issues.</p> <p>Campaigned and informed non-members the importance of TU.</p>
<p><b>5. Present the program to other potential union affiliates of SERC</b></p>	<p>Gave suggestions on how to strengthen their labor movement</p> <p>Joined seminar with AOT, Aero Thai</p>	<p>Promoted SERC with other unions</p>
<p><b>6. Dialogue/ Communicate with supervisors &amp; managers at the workplace</b></p>	<p>Organized a meeting between management and TU</p> <p>Consulted with manager regarding personnel problems</p> <p>Considered activities to promote good relationships among members</p>	<p>Able to bridge the gap between/among members who do not understand the workers</p> <p>Served in collective bargaining panel for members</p> <p>Discussed with management on salary</p> <p>Reported to my supervisor on what I learned &amp; used this to help my colleagues</p>
<p><b>7. Dialogue/ communicate with employers' groups, government agencies, &amp; other institutions</b></p>	<p>Participated in Thai Labour Foundation</p> <p>Seminar with government sector in the province</p> <p>Participated in all SERC activities</p> <p>Campaigned for civil society &amp; political reform.</p>	<p>Participated in wage increment</p>

**TABLE 5. Concrete Indicators of Empowerment as a Result of SERC Training Activities (Continued)**

Areas	Male	Female
<b>8. Participate in support groups</b>	Helped members to prepare grievance letter / demand  Seminar with Ministry of Labor  Provided advice to members on many issues  Gave advice; produced materials	
<b>9. Participate in other activities to build self-esteem &amp; interpersonal skills</b>	Participated in SERC Central Committee. Served on working committee for TU issues.  Sport activities; community services  Joined private sector in training course  Served in meetings with other TU  Applied to participate in trainings every always; observed leaders.	Participated in CAT TU activities

**Table 6. Meeting Effectiveness**

	Total Male & Female					Total
	1	2	3	4	5	
Clarity of meeting goals		1 10%	2 20%	5 50%	2 20%	10
General meeting participation level			4 40%	4 40%	2 20%	10
Meeting leadership			2 20%	5 50%	3 30%	10
Decision-making quality			2 20%	3 30%	5 50%	10
Cohesiveness among meeting participants		1 11%		7 77%	1 11%	9
Problem solving/ conflict	1 10%	1 10%	2 20%	5 50%	1 10%	10
Meeting organization		2 20%	2 20%	3 30%	3 30%	10
Meeting productivity		1 10%	4 40%	1 10%	4 40%	10

## APPENDIX B

### Politico-Legal Landscape of Unionism in the State Enterprises Sector in Thailand

#### I. Background

A military revolt ended absolute monarchy in Thailand, paving the way for the establishment of a constitutional monarchy in June 1932. After the introduction of parliamentary democracy, however, the military had significant political power for decades including virtual dictatorship as early as 1937. It took many decades before a permanent Constitution was declared in 1968. However, with its economy in decline a military government was installed in November 1971 which eventually abolished the Constitution and dissolved the Parliament.<sup>4</sup> On 14 October 1973, a student led uprising resulted in the initial decline of military dictatorships. In 1975 the Labour Relations Act was declared, however, massive discontent was still prevalent during this period that a massacre of students led to another coup in 1976.

The Military has always interfered in Thai politics. In May 1991 another Coup took place but millions of people objected resulting in riots but also the co-optation of some labour leaders. This further resulted in the ban of all state enterprise unions and strict control of labour relations in the private sector. Military power in Thai politics declined after another people's uprising against the dictatorships in May 1992. -following the killing of demonstrators in a popular march against military intervention in politics. Following the uprising the Ministry of Labour was established in November 1993. The Ministry represents the central apparatus through which state labour policy, law and regulations are enforced and administered.

There was a period of democratization that followed after the uprising. Thai democrats became united and they pushed for more consultations and people's involvement in governance leading to the 1997 Constitution - the 16<sup>th</sup> in Thai history. This new constitution increased government transparency and accountability and the strengthening of the courts and state institutions. While the initiatives for reforms in governance were taking place, the 1997 Asian financial crisis sent shockwaves in many countries, including Thailand. To get the kingdom through the crisis, the Thai government agreed to take a standby loan from the International Monetary Fund (IMF) as well as other sources. This resulted in various policy and regulation adjustments with major impact on the welfare of workers and their solidarity.

In 2000 the State Enterprise Labour Relations Act was re-enacted after a long struggle by the workers in the state enterprises. This reinstated the right of

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<sup>4</sup> Asian Labour Update (2001) Issue No. 39, June. Hongkong: Asia Monitor Resource Center.

workers in state-owned enterprises to form unions and allow them to bargain collectively. But even as they have their union rights restored, the workers in the state enterprises remained restive because of other challenges. The 1997 Asian economic crisis has been used by the government to accelerate its policy towards market-oriented allocation of resources. The privatization of state enterprises was pursued by government to follow the conditions of the IMF structural reform program. In the private sector, workers were laid off, the national wage system was decentralized to the Regional Wage Committee at the provincial level and employment flexibility was rigorously applied. These economic conditions have weakened the bargaining power of trade unions. It is now more difficult for workers to demand wage and welfare increases.

In 2001, Prime Minister Thaksin assumed power and thereafter, his administration announced a plan to privatize 16 state enterprises. While instituting massive market and economic reforms, Thaksin was accused of using his political power to benefit his personal business dealings. In early 2006 mass actions were organized to oust him due to perceived corruption and abuse of power. The coalition of anti-Thaksin forces grew further when news of the sale of the Shin Corporation (the Telecom firm he founded) to the Temasek (the Singapore government investment firm) at a cost of \$ 1.9 billion became public. The situation was compounded by the ineffective handling of Islamic unrest in Southern Thailand as well as the movement against privatization led by the state enterprises workers unions.

The unrest led to the latest Coup staged by the military on 19 September 2006. Following the said Coup an interim government was installed. Acting in response to the “erosion of faith and trust in the country’s administration”<sup>5</sup>, the new government initiated the drafting of, yet again, a new constitution in order to attain political reform.

## **II. THE LEGAL BASES OF LABOUR RELATIONS IN THAILAND**

The legal bases of trade unionism are defined by institutional arrangements stipulated in the system of laws enacted and the administrative instructions issued by government to implement such laws. This institutional arrangements effectively defines the labour relations system – the legislated space that accords workers a range of legal rights upon which they may draw their negotiations with employers and government.<sup>6</sup>

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<sup>5</sup> Policy Statement by the Council of Ministers delivered by Gen. Surayud Chulanont to the National Legislative Assembly on 3<sup>rd</sup> November 2005.

<sup>6</sup> Brown, Andrew; Thonachaisetavut, Buundit and Hewison, Kevin (2002) “Labour Relations and Regulation in Thailand: Theory and Practice” in Southeast Asia Research Centre Working Papers Series, No.27.

This institutional arrangements also draws from the Thai Constitution as well as the international laws being ratified by government. Thailand has had 16 constitutions, the most recent being the 1997 Constitution. Under the Constitution, the King is the Head of State, and must sign all legislation into law. The Constitution establishes three arms of government. Executive power is vested in the Council of Ministers (or the Cabinet headed by the Prime Minister), while legislative power resides with Parliament (*Rattasapha*). Parliament is comprised of two houses. The elected lower house is the house of representatives known as *Sapha phuthaen ratsadon*. The party or parties in a coalition gaining the majority in this house forms the government. The upper house or Senate (*Wuthisapha*) is also elected. Judicial power is exercised through the Courts.

## A. ILO CONVENTIONS RATIFICATION

Historically, Thailand was one of the founding members of the International Labour Organisation (ILO) in 1919 but the relationship was limited between the government and the ILO and has not had a significant effect on the Thai labour movement.<sup>7</sup>

Presently, Thailand has not ratified the most essential ILO Conventions on the Right to Organize (ILO Convention 87) and the Right to Collective Bargaining (ILO Convention 98) as well as the Right for Public Sector Workers to form Unions (ILO Convention 151). It has ratified only 13 ILO Conventions including four core Conventions: Convention 29 on Forced Labour, Convention 100 on Equal Remuneration, Convention 105 on Abolition of Forced Labour and Convention 182 Worst Form of Child Labour.<sup>8</sup> This is considered low comparing to other East Asian countries. Seeking to remedy the situation, the State Enterprises Labour Relations Confederation (SERC) has made campaigning for further ratification one of its agenda in promoting workers' rights. It has worked with the International Labour Organization (ILO) to provide information to blue-collar workers as well as making the ratification its May Day demand to the Thai government.

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<sup>7</sup> Charoenloet, Voravidh; Napaporn Ativanichayong and Phan Wanabriboon (2002) "The Impact of Trade Union Solidarity Support Organizations in Thailand 1993-2002" , Political Economy Study Center, Chulalongkorn University, Bangkok, Thailand - A study commissioned by a consortium of Trade Union Solidarity Support Organizations operating in Southeast Asia namely: FES (Germany), LO-Norway, LO-Sweden, FNV-Netherlands and SASK-Finland.

<sup>8</sup> <http://www.ilo.org/public/english/region/asro/bangkok/arm/tha.htm> Employment of State Owned Enterprises, 1997, The Controller-General's Department, Ministry of Finance.

<sup>8</sup> <http://www.ilo.org/public/english/region/asro/bangkok/arm/tha.htm>.

## B. THAI CONSTITUTION

The 1997 Constitution is hailed as Thailand's best yet, increasing governmental transparency and accountability. It supposedly does this by removing key tasks from central government and installing them in 'independent' state institutions, including courts which monitor government at all levels. Some argue it proved its value by the unprecedented investigation for corruption into Thailand's richest man, telecom tycoon, and 2001 new Prime Minister, Thaksin Shinawatra.<sup>9</sup>

The 1997 charter guarantees to provide citizens with a broad range of social and political rights. Section 44 and 45 guarantee that all citizens possess the right to freely associate and establish collective organizations. However, as in most systems of governance, the manner in which such rights will be exercised is governed by specific legislations and administrative procedures and regulations. In concrete terms, a broad range of other laws and regulations define the basic social, industrial and political rights of workers in Thailand.

### The New Constitution

Following the 19 September 2006 military coup that ousted the Thaksin administration, the interim government of General Surayud Chulanont, acting in response to the "erosion of faith and trust in the country's administration"<sup>10</sup>, has put political reform as its top priority. This priority is strongly manifested in the on-going drafting of the new constitution.

The new Constitution being drafted face strong criticisms. Among the many allegations are: that it gave too much power to the Council of National Security (CNS) in selecting drafting committee members; that it provided legitimacy for the junta's post-coup announcements and orders including bans against demonstrations and political activities (Article 36); that it granted amnesty to the junta for executing the coup (Article 37); that it lacked the measures to prevent members of the CNS and its committee from running in the upcoming elections.<sup>11</sup> For security reasons, the CNS also banned political activities and political gatherings of more than five people, while limits on press freedom remained in place under the interim government.<sup>12</sup>

The SERC, together with other trade unions and congresses, have participated in the drafting of the new constitution in various ways. For example, a SERC

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<sup>9</sup> Asian Labor Update, 2001.

<sup>10</sup> Policy Statement by the Council of Ministers delivered by Gen. Surayud Chulanont to the National Legislative Assembly on 3<sup>rd</sup> November 2005.

<sup>11</sup> The Nation (2006), [Interim charter draft](#), 27 September.

<sup>12</sup> IHT (2006), [Thai junta shores up role in politics](#), 1 October.

representative sits in the Public Hearing Committee. Somkiat Rodcharoen, Secretary General of the Port Authority of Thailand, serves as a Public Hearing Committee member for Samut Prakarn province and Eastern Region, responsible for preparation and execution of public hearings. He cited in an interview with the Consultants two most important articles relevant to workers: Section 11, Article 62 (peaceful demonstrations) and Article 63 (rights to organize of civil servants).<sup>13</sup> Currently, unionists and union organizers continue to be stigmatized or threatened, while civil servants are not yet allowed to organize and form unions.

In addition, the workers demanded that their list of 15 demands be included in the Constitution. The list encompasses, among others, the right to vote near workplaces; the election of Upper House members and lifting of educational qualifications for senators; the protection for labor unions and industrial activities; workers protection through safe work environments and proper occupational health and safety; and the suspension of state enterprise privatization.<sup>14</sup>

The draft Constitution will be subjected to a referendum on August 19, 2007.

### C. LABOUR LAWS

As earlier noted, the broad range of laws defines the labour relations between the employers and workers and the kind of roles, responsibilities and rights that accrue to each party. In terms of labour rights and social safety nets, some significant laws and regulations are as follows:

**1) 1975 Labour Relations Act.** This Act governs labour relations in the private non-agriculture sector. The law contains provisions that define employee rights with respect to the establishment of trade unions, labour federations and labour councils. The legislation also establishes procedures for collective bargaining and the calling of strikes and lockouts.

**2) 1990 Social Security Act Number 1.** As amended by 1994 Social Security Act Number 2 and the 1999 Social Security Act Number 3. These pieces of legislations established a limited social security system funded through contributions by government, employers and employees. The principal aim of the system is to provide some insurance and security for employees in case of accident, illness or death for non-work related causes. Contributions to the fund are required from enterprises that employ more than 10 workers.

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<sup>13</sup> Constitution of Thailand (Referendum 2007) page 17.

<sup>14</sup> SERC (2007) *Demand on Constitution Drafting*, (in Thai) 1 May.

**3) 1994 Workplace Compensation Act.** This Act governs the compensation payable to employees who become ill, disabled or die as a result of workplace accidents. In practice, this Act is difficult to enforce, and workers seldom receive adequate compensation.

**4) 1998 Labour Protection Act.** This legislation significantly updates some of the provisions contained in the 1975 Labour Relation Act. In its 159 provisions, the Act covers such concerns as working hours, the employment of women and children, holidays and overtime pay, and occupational health and safety issues.

**5) 2000 State Enterprise Labour Relations Act (SELRA).** This Act defines the labour relations of workers in state enterprises. This will be elaborated in succeeding sections

### **Exclusions**

Under the terms of each piece of legislation, there are certain categories that are excluded from legal coverage. Both the Labour Protection Acts of 1975 and 1998 do not cover all public servants, nor does it include those employed in state enterprises as defined by the 2000 SELRA. Other enterprises not covered may be stipulated from time to time. IN 2002, the Bank of Thailand is the only enterprise stipulated as such. Likewise, those employed in agricultural labour and those employed in enterprises employing less than ten (10) workers are excluded. It is estimated that with this exclusion almost 50% of the labour force effectively have no legal right to form or join trade unions.<sup>15</sup>

In the same manner, the provisions of the Social Security Acts also exclude the following:

- a) enterprises that employ less than ten workers;
- b) public servants and those employed on hourly, daily or short term basis;
- c) government officials who work overseas or employees of international organizations;
- d) employees who work overseas for employers that have their head offices in Thailand;
- e) teachers employed in private schools;
- f) student trainees who are employed by schools, universities and hospitals;
- g) state enterprise workers covered by the 2000 SELRA;
- h) employees in enterprises involved farming, fishery, forestry and animal husbandry that do not employ labour on a regular basis;
- i) temporary, casual or seasonal employees;
- j) employees less than 15 or more than 60 years old;

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<sup>15</sup> Brown et al (2002).

- k) employees employed by the Chulabhorn Institute; and
- l) employees of the Thai Red Cross.

The 1994 Workplace Compensation Act does not cover public servants, state enterprise employees, teachers in private schools and employers in charge of non-profit organizations such as NGOs.

In addition to the above Acts, previous governments have, at various times introduced legislations which stipulated that employees in various agencies be excluded from coverage of labour and social security laws.

#### **D. THE STATE ENTERPRISE LABOUR RELATIONS ACT 2000**

State enterprise employees were originally covered under the terms of the 1975 Labour Relations Act of 1975. However following the putsch in February 1991, state employees were removed from coverage thereby outlawing the establishment of trade unions in state enterprises. Faced with continuous petitions by workers for about a decade, including pressures from the international trade union movements as well as threats of sanctions from foreign governments to withdraw trade privileges, the Thai parliament in mid-February 2000 passed the State Enterprise Labour Relations Act (SELRA). This reinstates the right of workers in state-owned enterprises to form unions and allows them to bargain collectively, but without the right to strike. The new law also bans federation of unions between the state and private enterprises.

#### **State Enterprises and Their Role in Thai Society**

A state enterprise is defined by the State Enterprise Labour Relations Act B.E. 2543 (2002) as: a) any government organization established by the government, or b) an enterprise of the State under the law establishing that enterprise, including business entities owned by the State, or c) a limited company or partnership in which the government ministry, department or equivalent body or a state enterprise under a. or b. has a share capital or ownership of at least 50 percent.<sup>16</sup> Accordingly, Thailand's state enterprises can be classified by the degree of government ownership into three categories: full ownership (100%), majority shareholder (51% or more), and minority shareholder / portfolio investor (less than 51%). These state enterprises are active in five major sectors: telecommunication, water, energy, transport, and others.

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<sup>16</sup> The State Enterprise Labour Relations Act B.E. 2543 (2000), page 2.

The roles of State enterprises in Thailand are fourfold, namely:

- To provide fundamental economic infrastructure: transportation, energy, water supply and telecommunication;
- To contribute to the country's competitiveness by providing the basic supports for private and public sectors' productivity with economic and social values;
- To serve as a source of funds for the fiscal budget: both remittance and income tax from state-owned enterprise make up a significant part of the fiscal budget; and
- To provide employment. The total state enterprise employment is approximated at 320,000 jobs. Among these, the ten largest entities combined employ over 226,000 individuals.<sup>17</sup>

### **Provisions Governing Labour Relations in State Enterprises**

The law was revised to correspond with Section 44 and 45 of the 1997 Constitution of the Kingdom of Thailand. The current State Enterprise Act contains several shortcomings. Noted below are some of the more relevant provisions and some commentaries as follows;

#### 1. Definition of employee and their rights to join a union

- "Section 6 (2) ..."employee" means any person who agrees to work for an employer (State Enterprise) in return for wages".

This section excludes subcontracted and outsourced workers, who are employed through subcontracting companies from receiving the same benefits as State Enterprise workers as well as joining the union.

- "Chapter 4, Section 41, " A person who has the right to, in concert, established a Labour Union must be: 1) an Employee in the same State Enterprise but not working at Management level; 2.) *sui juris*; and 3.) of Thai nationality".

- "Section 51... A member of a Labour Union in any State Enterprise shall be an Employee in such State Enterprise throughout the period of his Labour union membership. Management level is prohibited to be a member of a Labour Union."

These sections weaken the Union as many union activists either have to forgo their union membership and leadership roles or by some, their promotion as well as the long term opportunity to use their union experiences.

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<sup>17</sup> Employment of State Owned Enterprises, 1997, The Controller-General's Department, Ministry of Finance.

## 2. Unionist and their rights for demonstration

The State Enterprise Labour Relations Act allows the unionists to exercise their rights in many ways, yet imposes strong penalty against violation of the law.

- "Section 58... when the Labour Union acts for the benefits of its members,, the committee members of the Labour Union, the sub-committee members, and the staff of the Labour Union shall **BE** exempted from criminal or civil charge or action, upon the conduct of the following activities:

- participation in negotiation for the settlement on the demand on Conditions of Employment with employers; and
- the explanation or the publication of the facts concerning the demand or the Labour Disputes or the operation of the Labour Union.

Except if the activities constitute criminal offences in the nature of offences against the public safety, life and body, liberty ad reputation, properties, and civil offences resulting from the criminal offences thereof.

- "Section 33... In any case, there is prohibition of a Lock-out by an Employer or a Strike by Employees".

Unionists who joined in any strike or demonstration are, therefore, at risk of being charged for criminal offense as stated in Section 77 *"a person who violates Section 33 shall be punished by an imprisonment of not more than one year or a fine of not more than twenty thousand baht or by both. A person who instigates an offense under paragraph one shall be punished by an imprisonment of not more than two years or a fine of not more than forty thousand baht of by both"*.

While the civil servants represent the largest group of workers in Thailand or approximately 1.4 million jobs, their rights to organize are subjected to the national economy or security of the Kingdom.

- "Section 66 The Registrar shall issue an order to dissolve a (State Enterprise) Labour Union in the case of ... (2) when it appears the activities of the Labour Union are contrary to its objectives, laws; or jeopardize national economy or security....."

### D. Privatization Laws

The Thai government's initiatives to privatize State Enterprises began as early as 1961 under the rationale of increased competitiveness. Until 1997, nearly

half of the state-owned organizations have been privatized. The process intensified after the financial crisis, when Thailand accepted a US\$ 17.3 billion loan from the IMF under the condition of restructuring to increase private participation. As a result, the Ministry of Finance in the Chuan Administration undertook the State Enterprise reform which objectives are: i) to increase the role of the private sector, ii) to free up public resources, iii) to reduce public debt, iv) to promote competition, v) to raise productivity and vi) to improve labor welfare.<sup>18</sup> The initiatives following the 1997 crisis eventually led to the enactment of the State Enterprise Capital Reform Act of 1999.

This resulted in the initiatives to privatize 59 organizations in five sectors, namely telecommunication, water, energy, transport, and others (including industrial, social and technology, commercial and services, agriculture, and financial sectors). To that end, the government has applied divestiture of state owned enterprises or assets (ownership transfer), concession arrangements, joint ventures, management contracts, leasing, outsourcing, contracting of services, deregulation, creation of relevant regulatory bodies, and introduction of new competitors.<sup>19</sup>

### **III. THE STATE ENTERPRISES WORKERS RELATIONS CONFEDERATION (SERC), ISSUES AND CONCERNS**

#### **A. SERC AS A LABOUR ORGANIZATION**

The State Enterprises Workers' Relations Confederation (SERC) was established in 1980. It is the only national umbrella organization for the public sector workers in Thailand, where the civil servants, municipal workers and public health workers still have no rights to organize. It represents workers in State Enterprises in Thailand including those in Transportation, Electricity and Water, Banking, Health, Housing Telecommunications, Food and Agriculture and other public services. The Confederation encompasses over 200,000 workers who are members in 42 unions (out of 46) in State Enterprises spread throughout the country. At present it is the most viable trade union organization in the national level in Thailand because its membership accounts for about 80 % of the total workforce of all the state enterprises, whereas union density in the private sector is only about 1.5 %.<sup>20</sup>

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<sup>18</sup> Summary of Master Plan Contents and Guidelines, Ministry of Finance.

<sup>19</sup> Ibid.

<sup>20</sup> State Enterprises Workers Relations Confederation (SERC) (Undated) Notes from the files of Floro R. Francisco, Regional Consultant in Asia, Norwegian Confederation of Trade Unions (LO-Norway).

The State Enterprises Workers' Relations Confederation, as a free and independent organization, has defended human rights and trade unions and has played a leading role in restoring and defending democracy in Thailand. The fact that SERC was able to fight and win back, after ten years, the right to organize for workers in the state enterprises, after they were suspended by the last military regime in 1991, is a testament to SERC's importance to the Thai labour movement and its commitment to promoting democracy.<sup>21</sup> The SERC was once again recognized as a Confederation following the passage of the SELRA in 2000.

The Confederation is playing a pivotal role in the movement to guarantee workers' rights in Thailand. SERC has continued fighting against privatization policy by the Royal Thai government. A prime example is Electricity Generating Authority of Thailand State Enterprise Workers' Union (EGATWU) which has led a campaign against privatization garnering widespread public support and finally won over the government policy. At least, the government was stopped for the time being after the Supreme Administrative Court of Thailand ruled against its privatization plan.

Within SERC is a subgroup of 11 state enterprise unions calling itself the SEWFOT (State Enterprise Workers' Federation of Thailand). With an initial goal to promote the SERC as the "state enterprises' congress", the SEWFOT, aims to work in collaboration and to support the SERC for trade union education. While citing trade union education its top priority, the group faces criticism from some quarters within SERC as a break-away group and a hindrance to SERC unity. A representative of SEWFOT, however, claims that their federation is still part of SERC and that they still view the confederation as the representative in negotiation and demands of state enterprises workers.

The fear of further fragmentation is, however, felt by some leaders. Having two state enterprise representatives, according to some, weakens the bargaining power of the state enterprise workers as a whole. Some feel that already the government started implementing a "divide and conquer" strategy by promoting the SEWFOT instead of the SERC. The most significant example is that the government did not invite SERC's Secretary General to its labor function in 2007.

This situation needs to be addressed by the collective leadership of SERC. An internal dialogue needs to be initiated to discuss and define the parameters within which the SEWFOT should exist inside SERC. A clear information about this issue must be provided to all unions affiliated with SERC. Any disinformation may actually lead to disunity and could be capitalized by anti-union forces within the state enterprises to work for SERC's disintegration.

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<sup>21</sup> Ibid.

## **B. ISSUES, POSITION AND ACTIONS OF SERC ON SELRA AND THE LABOUR LAWS**

In addition to the limitations of the SELRA 2000 identified above as well as the serious concerns on the issue of Privatization which will be discussed separately, the SERC have also participated in major issues of governance including supporting the efforts to oust the former Prime Minister. Furthermore, through its representatives, it has contributed effectively in the on-going drafting of the new Constitution.

Among the major issues to which the SERC wants to play significant roles, the following has been expressed by the confederation in major policy statements as well as discussions with government:<sup>22</sup>

- a) Policies of government on state enterprise development
- b) Government policies on suppression of corruption in government agencies
- c) Policies on labour affairs

The position of SERC on the above issues has been reiterated time and again. The latest position paper submitted to the Council of National Security (CNS) led by Gen. Sonthi Boonyaratakalin on 2 October 2006.<sup>23</sup>

### **Policies of government on state enterprise development**

Aside from the clear position opposing privatization, because it views state enterprises as a means to solve the country's economic problems, the SERC opposes the interference by the political administration and parties. Specifically it has questioned the practice of appointing party members by political parties to the Board of state enterprises including interference in the selection of and appointment of chief executive officers oftentimes disregarding merit and qualifications.

The SERC also complains about interference in the formulation of priorities in project proposals, approval of government projects, approval and interpretation of contracts and other forms of political interference. They have worked in obtaining evidences where political parties have been continually exploiting the operations of state enterprises.

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<sup>22</sup> SERC (2002) A Demand Letter to His Excellency Prime Minister Thaksin Shinawatra, from the files of Floro R. Francisco, Regional Consultant in Asia, Norwegian Confederation of Trade Unions (LO-Norway).

<sup>23</sup> SERC (2006) The 5-point Demand to the Council of National Security addressed to Gen. Sonthi Boonyaratakalin on 2 October.

In its letter to the CNS, the SERC demanded the revocation of 11 pieces of legislations popularly known as “Treason Laws”, which were promulgated when Thailand was facing a historic economic crisis in the aftermath of the 1997 Asian financial crisis. They also reiterated the call for government for an earnest restructuring and recruitment of Board of Directors for state enterprises composed of qualified individuals with representatives from the civil servants, the people’s organizations, academic community with expertise in state enterprise, as well as representatives from state enterprise unions (Thanachaisethavut, 2006).<sup>24</sup>

### **Government policies on suppression of corruption in government agencies**

Prevention and suppression of corruption is a major concern of the SERC. Over the years various state enterprise unions have brought up corruption cases to their respective administrators and the government. Acting on the basis of the principles provided under Section 40 subsection 4 of the SELRA Law, they have submitted information and subsequently this were already disclosed and handed over to the accused for reactions. Consequently this resulted in threats to the union leadership as in the case of the Kurusapha Business Organization Union where an executive member of the union was attacked.

SERC claims that in almost all cases there have been no reports on the results of investigations, nor have there been punishments carried out against wrong doers.<sup>25</sup> In certain cases, the National Counter Corruption Commission (NCCC) could not conclude its findings before the retirement date of the personnel who were accused. In this regard, the SERC requested the formation of a Government Committee or Sub Committee on state enterprise counter-corruption to facilitate direct contacts with the unions since 2002. Until now even with the interim government there has been no sign of progress on this initiative. So far the government merely transferred or changed the position or discharged the executives involved in corruption cases. According to SERC, government must carry out due punishments and recall state benefits, including recovery of damages

### **Government policies on labour affairs**

The SELRA Law requires government to accommodate the role and participation of the state enterprises unions in both policy making and operational levels. Under the Ministry of Labour and Social Welfare (MOLSW), a tripartite system was established through the State Enterprise Labour Relations Committee. However, in the view of SERC, such institutional arrangements have not worked in their favour.

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<sup>24</sup> Thanachaisethavut, Bundit (2006) *Labour Development and Actions in Thailand*. Bangkok: Friedrich-Ebert Stiftung and the Arom Pompong Foundation.

<sup>25</sup> SERC (Undated).

It is the perception of SERC that the MOLSW has been negligent about their plight. Top administrators on labour affairs in various occasions have been observed to favour the employers and are protective of the capitalists' interests. Under the State Enterprise Capital Act, the intent to dissolve state enterprise unions is very obvious. The current procedure under this Act is that once a state enterprise is privatized, it shall lead to the dissolution of its respective union as an organization. Reorganization is required according to set procedures and the existing union is notified, thereby nullifying its existence. A case in point was the PTT (Petroleum Authority of Thailand) where the Department of Labour Protection and Social Welfare immediately announced the dissolution of the union even as the Ministry of Finance confirmed that PTT is still a state enterprise by its budgeting procedures and part ownership of the state. This case is an indication that government intend to break the strength of the state enterprise unions without giving due recognition to labour policy or legal intent of the law.

Government policy is also not sensitive to economic concerns of its workers. SERC observes that the government often is remiss on this aspect as in the case of government's negligence in delaying the implementation of the minimum wage in 2001. Government through the MOLSW has also often disregarded the participatory role of state enterprise unions. As required by law, a tripartite meeting shall be organized to determine the composition of the Selection Committee for the Top Executive of a State Enterprise. However, in 2002, the SERC was not properly consulted in the selection of the Director for the Thai Airways International. Likewise, the representation of the unions to sit in the purchasing and hiring committees in state enterprises to review the Terms of Reference (TOR) for various projects never takes place. Furthermore, the commitment to appoint representative of the unions to the state enterprise board as announced earlier by former Prime Minister Thaksin Shinawatr never happened.

Along with the mainstream NGOs, SERC also participates in various activities of the civil society organizations to push for social and political reforms in Thailand.

### **C. ISSUES, POSITIONS AND ACTIONS OF SERC ON PRIVATIZATION OF STATE ENTERPRISES**

Privatization was a key condition of the IMF's \$17.2 billion aid package to bail out Thailand after the 1997 crisis. The main objective is to raise cash to repay the loan and to improve efficiency, technology, and services in key state-run industries - energy, telecommunications, transport and water supply.<sup>26</sup> The State Enterprises Capital Reform Act (1999) was the institutionalization of Thailand's commitment to these IMF conditions. The compliance by Thai

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<sup>26</sup> ALU (2001).

authorities to this commitment has been manifested in many pronouncements of government. A clear example of how government shall ensure compliance to this commitment was when the Thai Parliament's Sub-Committee members of the Foreign Policy Commission Kamol Kamoltakul and Buntoon Setsiroj stated in the Foreign Policy Sub-Committee's comments that this law offered extensive rights to the Privatization Committee to decide what to privatize, place financial burdens on Thai citizens through the Ministry of Finance, and transfer assets to buyers at low prices with full protection.<sup>27</sup>

Workers resistance is a key issue facing privatization. The resistance is rooted in the workers' concerns over their job security, work conditions, and bargaining power. Those in Thailand's State Enterprises are no exception. SERC General Secretary Sirichai Mai-ngarm said his confederation of 44 state enterprises, objected strongly on privatization and the Privatization Act of 1999.<sup>28</sup>

Many Thais oppose selling state assets to foreigners - one of the likely results of privatisation. Labour activists focus on the disadvantages of privatisation—higher prices, mass lay-offs, and less access to public services for the poor.

*Contained in the State Enterprise Capital REFORM ACT* are 36 articles which focus on the selection of state enterprise to be privatized, but they remain silent on the matters of providing proper measures for foreign investors, establishing framework and qualifications in selecting the Refinancing Committee, and ensuring public participation in decision making process.

After Prime Minister Thaksin assumed power, his administration announced a plan to privatize 16 state enterprises. Partly because of this agenda, the state enterprise unions worked with civil society to oust him. However, after his ouster, the Surayud's Administration has also put privatization on its agenda. The Ministry of Finance and the Thailand Development Research Institute (TDRI) have been assigned to study the best model to promote transparent privatization and prevent monopoly.<sup>29</sup>

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<sup>27</sup> Kamoltakul and Setsiroj (2003) *"Sub-Committee's Opinions on 11 Bills of Economic Recovery,"* 6 January.

<sup>28</sup> "Workers Demand Better Conditions and New Laws, *The Nation*, 2 May 2007.

<sup>29</sup> "Surayud Govt. Reconsider Privatization," *The Manager*, 20 June 2007.

<http://www.manager.co.th/Lite/ViewNews.aspx?NewsID=950000071352>.

## A. The Petroleum Authority of Thailand (PTT & PTTEP)

The first State Enterprise to be privatized, the Petroleum Authority of Thailand (PAT) was the key state-owned organization specializing in oil and natural gas supplies and pipelines, whose assets totaled nearly US\$ 7.5 billion as of 2001.<sup>30</sup> The initial plan to deregulate the gas sector was approved by the Chuan Administration and as a result PTT and its supporting businesses were corporatized into a single conglomerate. Its shares were first offered in the Stock Exchange of Thailand in the Thaksin Administration.

PTT is Thailand's conglomerate of oil & gas and petrochemical, covering exploration and production, refining and production of olefins feedstock, and retail oil distribution. Sixty-four percent owned by PTT<sup>31</sup>, the spin-off company PTT Exploration and Production Co Ltd (PTTEP) enhances PTT's capacity in exploring, developing, and producing petroleum reserves to maximize Thailand's benefits from energy resources.

Although claimed as a success by Thaksin administration, the PTT public offering had serious transparency problems. It was reported that the majority of shares had been reserved for politicians or preferred clients. After the offering, PTT share prices skyrocketed more than five folds, from 35 to 183 baht in November 2001. The Ministry of Finance now holds only 52% of PTT shares<sup>32</sup> whose market cap, as of 31 December 2004, was approximately US\$ 12.1 million.

PTT's privatization also raised public concerns over its role. As the major gas supplier for the Electricity Generating Authority of Thailand (EGAT) accounting for 70 percent of EGAT's production capacity, PTT holds sway over EGAT and electricity prices. PTT's costly problems such as expansion of exploration to Myanmar and leakage of pipelines translate into increased overall price of gas offered to EGAT, which is in turn reflected in higher electricity prices for consumers.<sup>33</sup>

The PTT has been a member of SERC until it got privatized. Soon after their privatization and listing in the Stock Exchange of Thailand, their legal status of a public limited company became an issue that alienated them from the other SERC members. While privatization has been the core issue for SERC campaign, the PTT union found that it was not easy for them to conduct in-house campaign on this issue. A discussion of the cases of these three (3) Thai state enterprises would be useful to highlight the concerns of SERC.

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<sup>30</sup> PTT Public Company Limited (2002) *Annual Report*. PTT Public Company Limited.

<sup>31</sup> Ibid.

<sup>32</sup> Ruangrong, Pallapa (2005) *ARGC Task Force on Corporate Governance of SOEs The Case of Thailand*, 20 May, State Enterprise Policy Office, Ministry of Finance, Thailand.

<sup>33</sup> Greacen and Greacen *Thailand's Electricity Reforms: Privatization of Benefits and Socialization of Cost and Risks*.

## B. Electricity Generating Authority of Thailand (EGAT)

Following the Small Power Producer (SPP) promotion plan, the privatization of the Electricity Generating Authority of Thailand (EGAT) was first undertaken by the Chatichai administration through the establishment of the Electricity Generating Public Co Ltd (EGCO). Although EGAT was one of the more profitable state-owned organizations, the government cited its privatization as necessary in order to raise funds and improve efficiency by promoting competition and private participation in the sector. This plan was approved by the Cabinet Resolution of 5 March 1996.<sup>34</sup>

The EGAT privatization plan brought two concerns to EGAT employees, namely job security and consumer impacts such as tariff increases, neglect of unprofitable areas, and reliability of electricity supply.<sup>35</sup>

The EGAT Employees Association's advice to the EGAT management regarding plan revision resulted in a proposal of 16 April 1998 which covered three stages of privatization: i.) separating the Ratchaburi power plant and corporatizing it into a limited company to raise funds; ii.) corporatizing satellite power plants into limited companies and raising fund from private sector; and iii.) transforming the Business Units into subsidiaries fully owned by EGAT.<sup>36</sup>

To address job security concerns, the Cabinet resolution insisted that there would be no change to the status of staff or employment conditions. Yet the government has no concrete policy framework regarding job losses after the privatization or corporatization.<sup>37</sup>

The EGAT union has a long history of anti-privatization campaign. Learning from their unsuccessful 25 day-long anti-privatization campaign on Ratchaburi plants, the EGAT and SERC started their major anti-privatization campaign again on 23 February 2004 at the EGAT facility in Bangkok. The objective was to show disapproval for the two decrees to privatize the organization. The campaign received strong support from over 50,000 SERC members, EGAT union members, and other civil society group namely the Farmers' Debt Relief Group and the Federation of Consumer Organizations.

Besides submitting petition to the government and conducting demonstration, the EGAT and their strategic partners submitted their complaint to the administrative court that the decision was conducted without, as required by law, a public hearing. Practically the decrees approving EGAT privatization

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<sup>34</sup> National Energy Policy Office (1999) "Privatization and liberalisation of the Energy Sector in Thailand," 29 March.

<sup>35</sup> "10 Questions on the EGAT Privatization", answered by Dr. Piyasvasti Amranand.

<sup>36</sup> Ibid.

<sup>37</sup> Suraphon Nitikraipoj, *Rules of Law and Public Policy on State Enterprise* (in Thai).

and EGAT Asset Management only allowed a small number of people to participate in this activity.<sup>38</sup>

Citing people's participation and transparency, the Supreme Administrative court ruled against the EGAT privatization plan on 23 March 2006.<sup>39</sup> Judge Charan Hattakam said that the decision to privatize EGAT was settled to create an unfair monopoly to the new owner while public hearing on the sale was conducted in a limited time. In addition, the regulatory mechanisms were weak in preventing abuses of land and assets. The listing of EGAT would be the largest ever for public offering in the Stock Exchange of Thailand. The funds are estimated at 34.9 billion baht (US\$892.5 million).<sup>40</sup>

On 19 June 2007, the Cabinet approved a draft privatization bill which disallows the privatization of state enterprises like the EGAT, Metropolitan Water Works Authority (MWWA), and the agencies in charge of health services.<sup>41</sup> The bill also disallows privatization of the Thailand Tobacco Monopoly. This means that once the bill is enacted, any attempt to privatize EGAT and the MWWA would be unlawful. The bill will be forwarded to the Council of State, the government's legal arm, before it is tabled in the National Legislative Assembly for consideration in July 2007.

### C. Express Transport Organization of Thailand (ETO)

After 10 years of attempts to restructure, the ETO was dissolved by the Thaksin administration in early 2005, resulting in the lay-off of over 1,500 workers - mostly in advanced age - <sup>42</sup> who were compensated with 12 months' worth of last salary.

The ETO dissolution, however, raised questions among the public about the transparency of its business deals, particularly assets reselling. Over 60 provincial ETO offices have been resold to Thai Logistics Co. Ltd., founded by relatives of former Minister of Transportation.

Before this announcement, the ETO State Enterprise Workers' Union had initiated a campaign to recover their organization yet their divided voices and intervention of the Management hindered their aspiration.

In response to this announcement, the SERC, the PSI-Thailand, the ITF, the Thai Labour Solidarity Committee (TSLC), and the newly-organized State Enterprise Workers' Federation (SEWFOT) came up with a recovery campaign. To show their disapproval and to pressure the decision makers, the

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<sup>38</sup> "Administrative Court to Delist PTT," *The Bangkok Post*, 1 September 2006.

<sup>39</sup> Marwaan Macan-Markar (2006) "Thailand: Court Ruling Hits Privatization Plan," Inter Press Service, 27 March.

<sup>40</sup> Crispin, Shawn "Thai Court Sets a Powerful Precedent," *Asia Times Online*.

<sup>41</sup> "New bill will not allow EGAT privatization," *Bangkok Post*, 20 June 2007, p. 3.

<sup>42</sup> "Ministry of Transport to Discuss ETO" (in Thai) *Manager Online*, 25 April 2007. (<http://ans.manager.co.th/Around/ViewNews.aspx?NewsID=9500000046353>).

former ETO workers and supporters set up an “ETO village” in front of the government house. Other measure includes filing complaints to the Administrative Court.

Following the Court resolution, the Cabinet announced on 5 June 2007 to recover the ETO. The ETO Recovery Committee, formed by former ETO employees, stated in a meeting dated 18 June 2007 that they were collaborating with a logistics experts to prepare an ETO Recovery Plan (TU version) to be submitted to the Ministry of Finance and then government for the revival of ETO.

#### **IV. THE FUTURE OF SERC AND TRADE UNIONS IN THAILAND**

The future of SERC and the whole trade union movement in Thailand will largely depend on the results of the on-going democratization process especially the final provisions of the new constitution being drafted on issues pertaining to labour and trade union rights. The participation of SERC representatives drafting the new Constitution is a good opportunity to push for more democratic space not only for SERC itself but for the whole trade union movement.

The future of the whole trade union movement will also largely depend on their ability to form coalitions and alliances in the light of the existing fragmentation among the major players in the labour movement. The confidence building process to reestablish trust and unity among them in their united front to oust Thaksin should continue to flourish even under the new government.

The survival of SERC will also largely depend on its ability to remain united in its fight against privatization where current procedures automatically calls for the dissolution of the union once a state enterprise is privatized. The existence of the State Enterprise Workers’ Federation of Thailand (SEWFOT) as a sub-group within SERC should be addressed and defined properly so as not to lead into a fissure that could potentially divide the confederation. They should not be regarded as a break-away group that would hinder unity in the fight for SERC’s survival. As earlier pointed out, having two state enterprise representatives will drastically weaken the bargaining power of the state enterprise workers as a whole. The government and groups that are anti-union would be too happy to promote in-fighting within SERC and simply employ a “divide and conquer” strategy to weaken SERC and eventually force its demise. When the government did not invite the General Secretary of SERC to its labour functions in 2007 but invited others to represent state enterprises workers, it should be read as an indication of an effort to promote SERC disunity. The collective leadership of SERC affiliates should read this political move in the proper context and avert further fragmentation. Focus

should be made in promoting unity and strengthening SERC rather than pursuing only individual or parochial interests of its affiliates or the personal interest of some local union leaders.

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## **APPENDIX C**

### **EVALUATION OF LO-NORWAY PROGRAMME OF COOPERATION WITH THE STATE ENTERPRISES WORKERS' RELATIONS CONFEDERATION (SERC)-THAILAND**

#### **Background**

After a period of reconsolidating unions in state enterprises following the passage of the State Enterprises Labor Relations Act in Thailand in 2001, the SERC and NO-Norway forged a Programme of Cooperation in 2001, focusing on four areas of institutional development for SERC, namely:

#### **1. Trade Union Finance and Administration**

The partnership program shall focus on attaining the transformation of SERCs existing dues structure to a percentage-based dues structure and shall aspire to target 0.25% of each member's basic salary as membership dues by 2005. From a new dues collection system, SERC will study a more acceptable system of allocation and sharing between the national confederation, the affiliate unions and the provincial branches.

To attain a more effective financial administration, the SERC will endeavour to develop a proper Planning and Budgeting system in order to allocate funds for the needs of the unions such as for office administration, mobilization and campaign activities, training and education activities, organizing and recruitment and others.

#### **2. Organizing and Recruitment**

SERC will aspire to recruit more affiliate unions from the current 42 State Enterprises unions and increase this by 20% by 2005. Internal recruitment of new members in the existing unions will be pursued in order to attain at least 90% membership of all rank and file workers in each state enterprise affiliate union. The Provincial Branches shall also be strengthened and more provincial branches of SERC shall be established. Another 15 Provincial Branches shall be organised by 2005.

SERC's organisational structure shall also be reviewed with the end in view of developing a more democratic structure for decision-making.

#### **3. Education and Training**

The programs for education and training for 2004-2005 shall focus on the following areas:

- a. Skills training for union leaders on trade union administration, leadership and communication
- b. Privatization
- c. Gender Awareness for women and Gender Sensitivity for men
- d. Collective Bargaining and Negotiation

- e. Trade Union Finance
- f. Organizing and Recruitment

#### **4. Trade Union Democracy**

SERC shall develop a mechanism to establish a system of representative democracy through proportional representation at all levels of the union's organisational structures. Likewise, the system of decision-making shall be improved to develop union democracy and transparency.

SERC shall also aspire to work towards representation of the affiliate unions in the decision-making boards of the state enterprises where they are working.

Various programs, projects, activities and other forms of intervention have been implemented from 2001 to 2006 as part of the Cooperation Programme. To review the progress and results of the cooperation, the LO-Norway has engaged the services of two consultants. The evaluation to be carried out will assess the current status of SERC in terms of its organizational capabilities as well as to provide analysis and recommendations on improvements and adjustments for a possible new program phase (2009-2012).

Per the Terms of Reference (TOR) for the evaluation activity, the evaluation will focus on the following areas:

1. An evaluation of the status of the programme cooperation/partnership, focusing on the following:
  - a) An assessment of the Technical Implementation side of the cooperation/partnership especially at how the resources are allocated and spent including observations on the relevance of the activities and projects implemented.
  - b) An assessment of the Education and Training activities conducted focusing on skills training for union leaders on Trade Union Leadership and Administration; Genders Awareness; Training of Trainers; Union Dues and Trade Union Finance, Provincial Branch Union Development; Campaign Against Privatization, and others.
  - c) An assessment of the efforts by some of its affiliates in their campaign against privatization of state enterprises in Thailand.
  - d) An assessment of the improvements in terms of gender awareness and assertiveness of women members in all levels of decision-making structures in SERC
2. An evaluation of the Institutional development process in SERC (according to its Strategic Plan for 2002-2007?) especially focusing on:
  - a) An assessment of the development processes in the establishment of strategic provincial branches of SERC.

- b) An assessment of the current campaign to transform SERC's existing dues structure to a percentage-based dues structure as well as monitor the development of a system of allocation and sharing of financial resources between and among the National Confederation, the Affiliate Unions and the newly established Provincial Branches.
  - c) An assessment of the organizing and recruitment of new affiliates from the other State Enterprises Unions as well as internal recruitment of new individual union members in the existing unions.
  - d) An assessment of trade union democracy in SERC such as the mechanisms for proportional representation and transparency in decision-making. Ideas and recommendations on the review and restructuring of the organizational structure may also be included.
3. The Evaluation Report should include an assessment of the trade union and a short review of the political situation in Thailand, thereby describing the context in which the project has been operating.

## Evaluation Framework

For a more systematic, inclusive, and improvement-focused evaluation activity, the Consultants shall be guided by the concept and practice of empowerment evaluation. According to Fetterman, "empowerment evaluation is the use of evaluation concepts, techniques, and findings to foster improvement and self-determination."<sup>43</sup> It uses both qualitative and quantitative methodologies. As a collaborative activity, empowerment evaluation is designed to help people help themselves and improve their programs; an outside evaluator often serves as a coach or facilitator. As Fetterman emphasizes, an evaluator does not and cannot empower anyone; people empower themselves, often with assistance and coaching. The process of empowerment evaluation is thus fundamentally democratic because it invites participation. As a result, "the context changes: the assessment of a program's value and worth is not the endpoint of the evaluation – as it often is in traditional evaluation – but is part of an ongoing process of program improvement."<sup>44</sup>

An improvement-focused evaluation activity best meets the criteria necessary for effective evaluation by serving the needs of all stakeholders, providing valid information and offering alternative points of view. Discrepancies are noted, i.e. observed vis-à-vis planned, projected or needed. Needs that were not anticipated are likewise equally important to surface.

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<sup>43</sup> Fetterman, David M. 2001. *Foundations of Empowerment Evaluation*. California: Sage Publications, p.3.

<sup>44</sup> Ibid.

In the conduct of the evaluation of the various activities and interventions of the four components of the Cooperation Program, short-term and long-term effects of the intents and goals shall be surfaced and analyzed. It is important to note that the effectiveness of any program or activity may also be limited by the quality of other factors, i.e. equipment, different levels of skills before training, etc. so that the success of a program or activity depends on the performance of other people and factors. Stakeholders' acceptance of evaluation measures and criteria is also critical to the effectiveness of any evaluation activity because people involved in program implementation cannot identify with areas they cannot affect. In this regard, measures and criteria should reflect the efforts of the program staff.

In the light of the above, Figure 1 shall be the guiding framework of the evaluation activity.

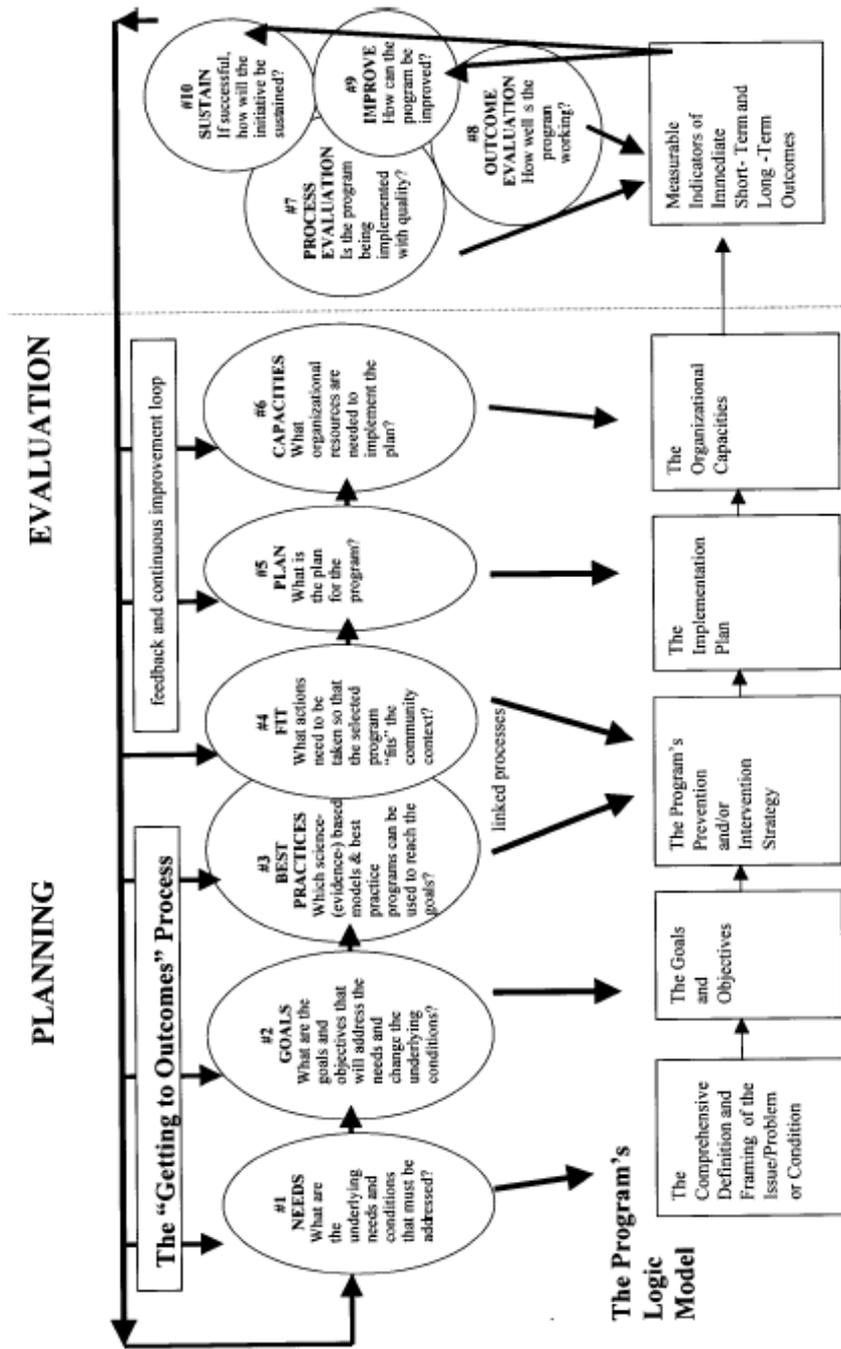
## **Methodology**

Both quantitative and qualitative techniques will be used in the evaluation activity. These are:

1. review of related literature, analysis of written documents and records
2. interviews with key informants using both structured and unstructured questionnaires or interview schedules
3. observations
4. focus group discussions

Appendix 1 lists the respective techniques proposed per evaluation area. All the results of the instruments and techniques that will be used in the conduct of the evaluation will be processed and analyzed and will form part of the final evaluation report.

# THE GETTING TO OUTCOMES FRAMEWORK



**Table 1. Evaluation Areas and Techniques**

Evaluation Areas	Techniques to Collect Evaluation Data
<b>1. Status of the program cooperation/partnership</b>	
Technical implementation <ul style="list-style-type: none"> <li>• Allocation and spending of resources</li> <li>• Relevance of activities and projects</li> </ul>	Interviews with SERC officers and members Review organizational documents and records Written questionnaires (relevance of activities)
Education and training activities conducted: <ul style="list-style-type: none"> <li>• TU leadership &amp; administration (skills training)</li> <li>• Gender awareness</li> <li>• Training of trainers</li> <li>• Union dues &amp; TU finance</li> <li>• Provincial branch union development</li> <li>• Campaign vs. privatization</li> <li>• Others</li> </ul>	Written questionnaires for participants Interviews with training implementers Observations Organizational records and documents Observations (for actual activities being conducted at the time of evaluation visit) Evaluation of trainings conducted Products (training materials, handbook, manuals, etc)
Assessment of affiliates' campaign vs. privatization	Interviews with SERC officers and members, government institutions, employers' groups, other organizations Organizational records and documents Review of secondary data (newspapers, studies)
Improvements of gender awareness & assertiveness of women members in all levels of decision-making structures in SERC	Interviews or focus group discussion Written questionnaires (optional) Observation Organizational records and documents
<b>2. Institutional development process in SERC (Strategic Plan, 2002-2007)</b>	
Development process in the establishment of strategic provincial branches of SERC	Interviews and field visits Organizational records and documents

**Table 1. Evaluation Areas and Techniques (Continued)**

<b>Evaluation Areas</b>	<b>Techniques to Collect Evaluation Data</b>
Current campaign to transform SERC's existing dues structure to percentage-based  Monitor the development of system of allocation and sharing of financial resources between and among the National confederation, the affiliate unions and newly established provincial branches	Interviews with SERC officers and union officers Organizational records and documents
Organizing and recruitment of new affiliates from other state enterprises unions  Internal recruitment of new individual union members in the existing unions	Interviews with SERC officers & local unions Organizational records and documents
TU democracy in SERC <ul style="list-style-type: none"> <li>• Mechanisms for proportional representation</li> <li>• Transparency in decision-making</li> <li>• Review &amp; restructuring of organization structure</li> </ul>	Interviews with SERC officers, local unions Organizational records and documents Observations
<b>3. Trade union and political situation in Thailand</b>	
Politico-legal context/labor relations framework	Interviews with key informants Review of related literature/secondary data Focus group discussion
State-labor relations	
Industrial relations system	
Extent of unionization	
Challenges facing unions	
Union revitalization strategies in the public sector	
<b>4. Relevance/appropriateness of LO-Norway's support</b>	
Covered actual needs and priorities of SERC?	Interviews with key informants Focus group discussion
Role of Norwegian partners	

### **Target Interviewees/Sampling Scheme**

1. The key informants targeted for interview are the following:
  - SERC Executive Board members (all 19 if possible)
  - Advisory Board Committee members/local union leaders (at least 50% should be represented or if not possible two representatives from each sub-sector)
  - Branch officers
  - Past SERC officers (2-3)
  - Key leaders (2-3) of the State Enterprise Workers' Federation (SEWF)
  - SERC partner organizations in campaign against privatization (2-3)
  - Any key government official in the Ministry of Labor
2. Training participants/rank-and file member (at least 2, one female and one male) per union or if not possible due to time constraint, at least four (two female and two male) per sub-sector

## **Evaluation Instrument (EI-1). Overall Impression on the Cooperation Programme**

[Respondents: SERC Executive Board members (all 19 if possible), Advisory Board Committee members/local union leaders (at least 50% should be represented or if not possible two representatives from each sub-sector), Branch officers, Key leaders (2-3) of the State Enterprise Workers' Federation (SEWF)]

Name (optional): \_\_\_\_\_

Name of union: \_\_\_\_\_

Number of years in said position: \_\_\_\_\_

Date of interview: \_\_\_\_\_ Time began: \_\_\_\_\_ Time ended: \_\_\_\_\_

### **I. Awareness of the Cooperation Programme**

1. What is your interest in and/or involvement in the SERC-LO Norway Program of Cooperation?
  - 1.1 Which component/s of the program are/were you involved with?
2. How much do you know about the Cooperation Program?
  - 2.1 Do you have a good idea of how the whole program works?
  - 2.2 Which of the program components are you familiar with?
  - 2.3 (If appropriate) How did you find out about the Cooperation Program?

### **II. Stakeholders' Needs and Program Planning and Design**

3. Was there a needs assessment activity undertaken prior to the identification of the various components and interventions under the Cooperation Program?  
Were SERC union affiliates involved? Up to what extent?
4. Does the Program as implemented match the needs of the people to be served?  
Have unmet needs been identified during program planning?
5. Do target beneficiaries reject the interventions?  
Are there value conflicts between the participants and goals of the Program?
6. Were the stakeholders involved in coming up with statements of outcome objectives?
7. What processes or procedures do SERC follow or conduct in preparing program proposals for submission to LO-Norway?
8. In your program plan, have intermediate steps been identified that are expected to occur between the interventions and the desired outcomes?

### **III. Program Implementation**

9. How would you assess the strengths and weaknesses of the organization vis-à-vis the implementation of the Cooperation Program?
  - 9.1 Particular strong points?
  - 9.2 Particular weak points?
  - 9.3 Suggestions for improving the organizational capacity to implement the Program
  - 9.4 Identify barriers to improving organizational capacity

10. Can you think of any program component that you would consider successful?  
Which one?

10.1 What are the indicators of success?

10.2 Reasons for success

11. Which component or activity, if any, do you consider to be a failure that is it did not achieve any of its objectives?

11.1 Reasons for failure

#### **IV. Resource Utilization**

12. Are the resources devoted to the Program being used appropriately?

Do stakeholders agree that the activities/services to be supported are needed more than any other activities/services?

Are the funds used the way they are supposed to be spent?

13. Have there been some adjustments in any of the projects or activities?

What are the reasons for these changes or adjustments?

14. Do the outcomes (short-term and long-term) justify the resources spent?

#### **V. Program Outcomes**

15. In your overall assessment, how effective has the Cooperation Program been in meeting its objectives (refer to the list of objectives if necessary)?

Which part/s of the Cooperation Program has/have been most successful in achieving its objectives?

Which part/s of the Cooperation Program has/have been least successful?

Why?

16. Have there been any unintended impacts from the Program activities? Please specify

17. Have the activities of the Cooperation Program, e.g. training, been equitably accessible to all members? What are the criteria used in the selection of training participants?

18. If you were in a position to offer your advice on re-designing the Program, which aspect would you change to make them more effective (more likely to achieve their objectives?)

What changes would you make?

What particular parts (elements) would you add?

What particular parts (elements) would you delete?

19. Taking union development as a broad issue, are there other types of programs or activities that might be more cost-effective in achieving the objectives of the Cooperation Agreement? Please provide examples.

20. Will SERC continue the activities under the Cooperation program even without support from LO-Norway?

How will SERC sustain the projects in terms of funding?

Have there been activities or programs now being undertaken by SERC to sustain its programs and projects?

Has SERC already developed its organizational capacity to continue the various activities, particularly training, in the Program even without LO-Norway's support? In what ways?

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### **CAMPAIGN AGAINST PRIVATISATION**

[Respondents: Key SERC Executive Board members, SERC partner organizations in campaign against privatization (2-3), branch offices, local union leaders.]

21. What government entities have been privatised so far? What are the pros and cons of the privatization issue?
22. What is the general position of SERC on the privatization issue? Do all affiliates share the same position? If there are diverging views, what could be the reasons?
23. How do you assess SERC's anti-privatization to date? If successful, what are your indicators?
24. Which strategies or factors contributed to the success of the campaign?
25. Which factors constrain SERC's campaign?
26. How do you see SERC's anti-privatization campaign overall? Can SERC sustain its campaign in the long-term? How?

## EI-2. Board/Committee Meeting Effectiveness Inventory

[Respondents: SERC Executive Board members (all 19 if possible), Advisory Board Committee members/local union leaders (at least 50% should be represented or if not possible two representatives from each sub-sector).]

Name: \_\_\_\_\_  
 Union: \_\_\_\_\_  
 Position in the Board/Committee: \_\_\_\_\_  
 Date: \_\_\_\_\_

Please answer the following questions about your overall experience in attending and/or participating in Board meetings. Please explain the rating you gave to each item.

### 1. Clarity of Meeting Goals

<b>Poor</b>	<b>Fair</b>	<b>Satisfactory</b>	<b>Good</b>	
<b>Excellent</b> (e.g.,unclear, diffuse, all, conflicting, with unacceptable)				(e.g.,clear, shared by endorsed enthusiasm)

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Comments: _____				
_____				
_____				

### 2. General Meeting Participation Level

<b>Poor</b>	<b>Fair</b>	<b>Satisfactory</b>	<b>Good</b>	
<b>Excellent</b> (e.g.,people seemed bored or all distracted, little participated in verbal discussion) participation)				(e.g.,all paid attention, the

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Comments: _____				
_____				
_____				

3. Meeting Leadership

<b>Poor</b> <b>Excellent</b> (e.g.,group's sense need for leadership was provided) not met)	<b>Fair</b>	<b>Satisfactory</b>	<b>Good</b>	(e.g.,clear of direction was
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Decision-making Quality

<b>Poor</b> <b>Excellent</b> (e.g.,decisions (e.g.,everyone were dominated by a few members)	<b>Fair</b>	<b>Satisfactory</b>	<b>Good</b>	took part in decision- making)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Cohesiveness Among Meeting Participants

<b>Poor</b> <b>Excellent</b> (e.g.,antagonistic (e.g.,members toward each other) well	<b>Fair</b>	<b>Satisfactory</b>	<b>Good</b>	trusted & worked with others)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Problem Solving/Conflict

<b>Poor</b>	<b>Fair</b>	<b>Satisfactory</b>	<b>Good</b>	
<b>Excellent</b> (e.g.,problems/ conflicts not resolved)				(e.g.,problems/ conflicts resolved)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If you answered 1 or 2 to Question #6, please check why the conflicts/problems were not resolved:

- \_\_\_conflicts acknowledged, but not discussed
- \_\_\_members argued with one another
- \_\_\_other

(specify \_\_\_\_\_)

In your responses to Questions #7 & #8, please provide your general impressions of the meeting.

7. Meeting Organization

<b>Poor</b>	<b>Fair</b>	<b>Satisfactory</b>	<b>Good</b>	
<b>Excellent</b> (e.g.,chaotic, poorly all organized) smoothly)				(e.g.,well organized, went
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Meeting Frequency/Regularity

<b>Poor</b>	<b>Fair</b>	<b>Satisfactory</b>	<b>Good</b>	
<b>Excellent</b> (e.g.,very irregular, too inadequate)				(e.g.,just adequate/ enough)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Meeting Productivity

<b>Poor Excellent</b> (e.g.,not much accomplished, accomplished, wasted too much time)	<b>Fair</b>	<b>Satisfactory</b>	<b>Good</b>	
				(e.g.,much  good use of time)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THANK YOU!!!**

### EI-3. Impact of Training Activities

[Respondents: Training participants (at least 2, one female and one male) per union or if not possible due to time constraint, at least four (two female and two male) per sub-sector.]

Name: \_\_\_\_\_  
 Union: \_\_\_\_\_  
 Position: \_\_\_\_\_ No. of years in union: \_\_\_\_\_  
 \_\_\_\_\_  
 Date of Interview: \_\_\_\_\_

**I. Extent of involvement**

1. Which training activities have you attended? Please check.
  - Skills training on trade union administration, leadership and communication
  - Privatization
  - Gender awareness and gender sensitivity
  - Collective bargaining and negotiation
  - Trade union finance
  - organizing and recruitment
  - \_\_\_\_\_ other, \_\_\_\_\_ please specify: \_\_\_\_\_
  
2. Were there needs analysis/assessment activities undertaken in planning for these activities?
  - Yes     No     Don't know
  - a. If yes, were you involved in the needs analysis activity?
    - Yes     No
  
3. Why were you selected to participate in the training activities? Which criteria were used?
 

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_
  
4. Course Assessment. Please check the column that best represents your views: 1 being negative, 4 being positive. Your specific comments and suggestions for improvement would be most appreciated.

<b>General Course Assessment</b>	<b>Low High</b>			
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
a. Were the course objectives clearly evident to you? Comments/Suggestions:				
b. Did you learn what you expected to learn? Comments/Suggestions:				
c. Was the material presented relevant and valuable to you? Comments/Suggestions:				

General Course Assessment	Low High			
	1	2	3	4
e. Was there adequate amount of time allotted to topics? Comments/Suggestions:				
f. Were the visual aids (powerpoint, transparencies, flipcharts, etc.) helpful to you? Comments/Suggestions:				
g. Was the course well organized, allowing a progression from one topic to another? Comments/Suggestions:				
h. How do you rate the training you attended overall? Comments/Suggestions:				
i. Were the knowledge or information you have acquired in the training beneficial in your work?				
j. Were the skills you have acquired in the training beneficial in your work?				
<b>Trainer Skills</b>				
k. Was the trainer always well prepared?				
l. Did the trainer have an expert knowledge of the course?				
m. Did the trainer have effective presentation skills?				
n. Did the trainer communicate well with the participants?				
o. Was the trainer able to stimulate group discussion?				
p. How do you rate the trainer's skills overall?				

5. Empowerment impact of training activities in enhancing role in the union. Please check the appropriate column of your response using the following rating scale of certain areas which saw improvement because of your participation in the SERC training activities:

- 4 = Highly improved**
- 3 = Improved**
- 2 = No improvement at all**
- 1 = Not part of my work**

Areas	Rate			
	1	2	3	4
a. Take on additional responsible role(s) beyond being an ordinary "group member" Please specify these roles:				
b. Initiate or lead group activities or projects Please specify:				
c. Participate in group activities: Please specify activities and your role:				
d. Recruit additional new members Please describe your activities:				
e. Present the program to other potential union affiliates of SERC				
f. Dialogue/communicate with supervisors and managers at the workplace about workers' issues and concerns Please describe these engagements:				
g. Dialogue/communicate with employers' groups, government agencies, and other institutions at the national level Please describe these engagements:				
h. Participate in support groups, e.g. counselling, coaching co-workers Please describe these support groups:				
i. Participate in other activities to build self-esteem and interpersonal skills Please list these activities:				
j. Evidence of improved self-image or improved interpersonal skills, please specify				

6. What are the strong features of SERC's training activities?

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7. What are the weak features?

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8. Additional suggestions for improvement: \_\_\_\_\_

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**THANK YOU!**

#### **EI-4. Interview Schedule on Trade Union Finance and Administration**

[Respondents: SERC finance staff, local union leaders (at least 50% should be represented or if not possible two representatives from each sub-sector), Branch officers.]

Name of Interviewee: \_\_\_\_\_

Union: \_\_\_\_\_

Position: \_\_\_\_\_

Date of interview: \_\_\_\_\_

1. Do you have union dues? How much?
2. How do you collect the dues? What is the current sharing system of the dues?
3. How does your union allocate or use the dues collected?
4. Are you in favour of the shift to percentage-based dues structure? Why or why not? What is the current thinking of SERC union affiliates about this shift?
5. (For SERC officers) Since the implementation of the SERC-LO Norway Program of Cooperation in 2001, how many unions have been successful in transforming their dues structure to a percentage-based dues system?
  - 5.1 Has the target of 0.25% of each member's basic salary by 2005 been met by those that have shifted to percentage based, per Appendix to the Cooperation Agreement between SERC and LO-Norway?
  - 5.2 Why or why not?
6. Which factors facilitated the shift by these unions to the percentage-based structure?
7. Which factors constrain unions from shifting to the percentage-based system?
8. What is now the system of allocation and sharing of dues between the national confederation, the affiliate unions and the provincial branches?
9. How soon do you see the shift to the percentage-based system would take effect in all SERC unions?
10. What has been the impact of the SERC-LO Norway Cooperation on the system of planning and budgeting of SERC? Are there any improvements? Please specify.
11. What are your suggestions to fast-track the adoption of the percentage-based dues system?

**THANK YOU!**

### EI-5. Organizing and Recruitment

[Key SERC Executive Board members, Advisory Board Committee members/local union leaders (at least 50% should be represented or if not possible two representatives from each sub-sector), Branch officers]

Name of Interviewee: \_\_\_\_\_

Union: \_\_\_\_\_

Position: \_\_\_\_\_

Years in the union: \_\_\_\_\_ Date of interview: \_\_\_\_\_

1. How many unions are now affiliated with SERC? How many were affiliated prior to the SERC-LO Norway Cooperation Program? (Note the growth of SERC affiliates)
  - 2.1 What is the average increase overall?
  - 2.2 Which sectors are growing in terms of membership?
  - 2.3 Which sectors are declining in terms of membership?
  - 2.4 Which factors could be attributed to the growth and decline of members in specific sectors?
  - 2.5 Do you attribute the increase to the Cooperation program? Why or why not?
2. How is the internal recruitment of new members in your union?
  - 2.1 What is the average increase overall?
  - 2.2 Which factors could be attributed to the growth of membership?
  - 2.3 Which factors could be attributed to the decline of membership?
3. Have the provincial branches contributed to increased organizing and recruitment? Have they been able to increase membership, especially dues-paying membership? Why or why not?  
Confederation or SERC level in terms of number of union affiliates  
Recruitment of new members in the local unions
4. Any suggestions on how provincial branches could better enhance organizing and recruitment?
5. Can you cite some good practices of SERC or its provincial branches that have considerably enhanced organizing and recruitment success and increased membership?
6. Overall, what could be the facilitating factors that could influence union growth?
7. What could be the constraining factors or obstacles?
8. What particular component of the SERC-LO Norway Program should be improved to enhance organizing and recruitment?
9. Other comments/suggestions?

**THANK YOU!**

### EI-6. Trade Union Democracy

[Key SERC Executive Board members, Advisory Board Committee members/local union leaders (at least 50% should be represented or if not possible two representatives from each sub-sector), Branch officers, select rank-and-file members.]

Name of Interviewee: \_\_\_\_\_

Union: \_\_\_\_\_

Position: \_\_\_\_\_

Date of interview: \_\_\_\_\_

1. How often do you convene your Congress?
2. How are delegates to the Congress selected considering the various levels, i.e. confederation, branches, local unions? Is there a specific policy in SERC enjoining women delegates to the Congress? Please specify
3. Please describe how representative democracy is exercised in SERC?
  - 3.1 How is the Board composed or elected?
  - 3.2 How is the Steering Committee composed?
  - 3.3 What are the respective functions of the Board and the Steering Committee?
  - 3.4 Are there any overlaps? Please specify.
4. Are the principles of democracy and transparency reflected in your organizational structure and processes? In what ways?
5. Are you satisfied about the current system of representation and decision-making in SERC? Why or why not?
  - 5.1 Does SERC have current problems related to the present system of representation? 5.2 What are these problems? Are these problems valid?
6. What is the current practice of proportional representation in the following structures?
  - 6.1 Congress
  - 6.2 Executive Board
  - 6.3 Advisory Committee
7. What are your views about the proposal to establish a system of representative democracy through proportional representation at all levels?
  - 7.1 Do you think this will merit broad acceptance in SERC? Why or why not?
8. What are your suggestions on how to further enhance trade union democracy in terms of representation, decision-making and other processes in SERC?

**THANK YOU!**

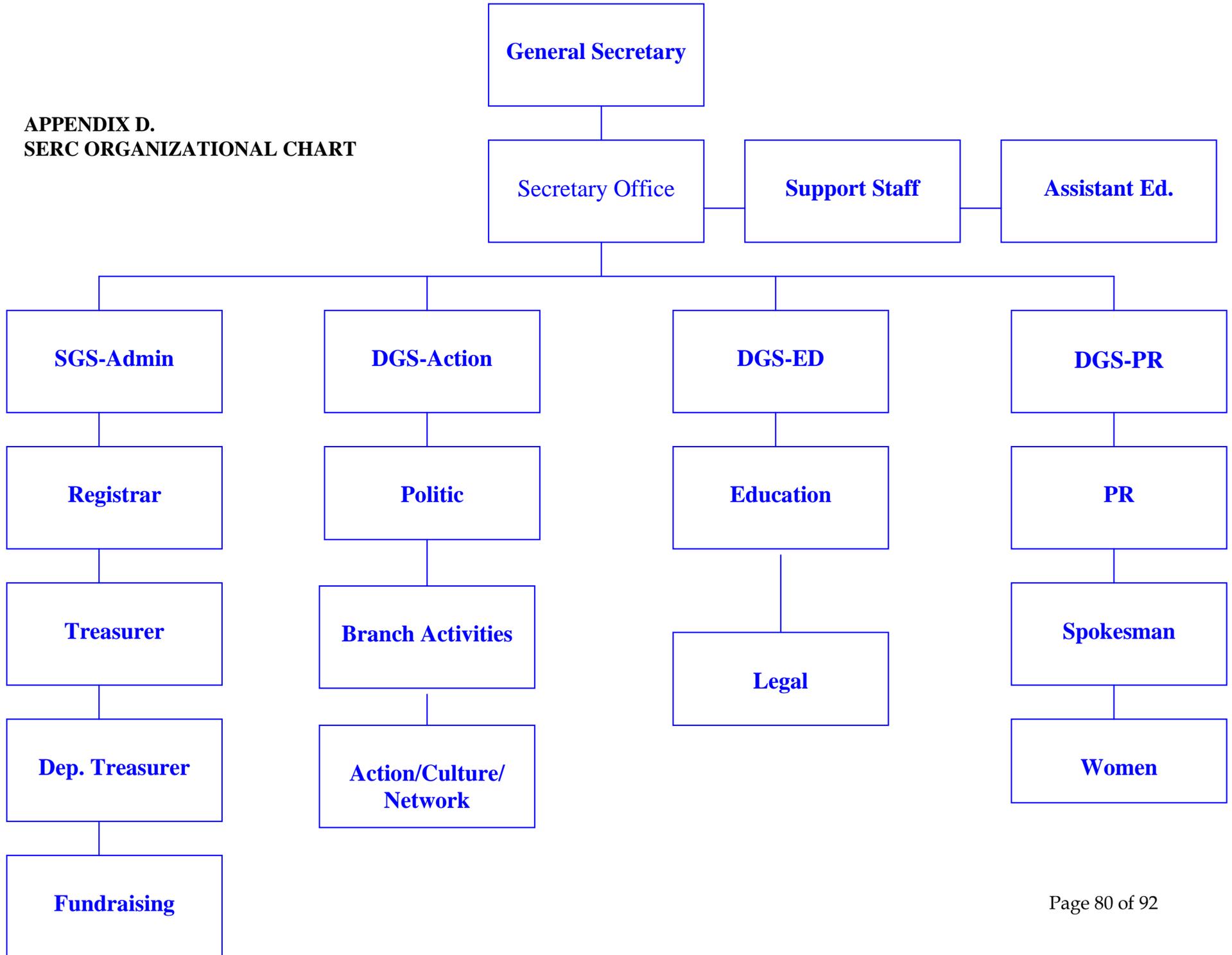
### **EI-7. Exercise for Provincial Branches Meeting**

[Respondents: Provincial branch officers/representatives in their meeting on 25-26 June 2007.]

1. Ask participants to define the goals or objectives of provincial branches. Participants will be asked to generate phrases that capture the goals/objectives and write them down on sheets of coloured cartolina paper.
2. The participants are asked to list on pieces of cartolina paper the current key activities crucial to the functioning of the branches' programs.
3. After generating the list, each participant is given five dot stickers and asks the participants to place them by the activity on which the participant wants to focus. The participant can distribute them across 10 different activities or place all five on one activity.
4. Counting the dots easily identifies the top 10 activities. The 10 activities with the most dots become the prioritized list of activities meriting evaluation at that time.
5. Now it is time to rate the activities. Participants are asked to rate how well they are doing concerning each activity on a 1 to 5 scale, with 5 as the highest level and 1 the lowest. The facilitator then takes stock of the rating given by participants for each of the 5 priority activities.
6. The rating process then sets the stage for dialogue, clarification and communication.

Note possible divergence of views between the confederation and the provincial branches of the role of the latter.

**APPENDIX D.  
SERC ORGANIZATIONAL CHART**



**SERC Strategic Plan, 2002-2007**

<b>Program/ Activity</b>	<b>Objective</b>	<b>Aim</b>	<b>Budget</b>	<b>Responsible person</b>	<b>Timeframe</b>	<b>Indicator/desired output</b>
<p>1. Recruit new members by - contact unions that are not members of SERC. -Organize trade union education -Open for new application</p>	<p>1. Strengthening SERC 2. Strengthening single union</p>	<p>1. Increase SERC members from 40 to 60. 2. Recruit new union members by 10% each year.</p>	<p>Need to calculate</p>	<p>Need to identify</p>	<p>1. 2002- 2004. 2. Between 2002- 2007</p>	<p>1. Number of memberships. 2. Number of union membership.</p>

**SERC Strategic Plan, 2002-2007**

Program/ Activity	Objective	Aim	Budget	Respon- sible person	Timeframe	Indicator/desired output
<p><b>2.Changing members fee system from fixed to percentage system according to each member salary by</b>                      -Organizing union education for labor unions.                      -Organizing membership campaign</p>	<p><b>Financial strengthen for SERC members.</b></p>	<p><b>1. Organizing labor union education and campaign in 10 unions for the first year as pilot project and expand to all unions later.</b>  <b>2. Increase SERC members fee.</b></p>	<p><b>Need to calculate</b></p>	<p><b>Need to identify</b></p>	<p><b>2002-2007</b></p>	<p><b>1. Collecting fee system.</b>  <b>2. Numbers of SERC members that change collecting fee system.</b></p>

**SERC Strategic Plan, 2002-2007**

Program/ Activity	Objective	Aim	Budget	Respon- sible person	Timeframe	Indicator/desired output
<p>3. Arranging to have the agreement with the government to get SERC representatives to participate in the Committee at the Parliament to take part in any drafting of any law which will have the impact on labor. This agreement should be able to put in practice within 2003.</p> <p>-Coordinating with politicians who are with the government at present.</p> <p>-Meeting with the government representatives.</p>	<p>1. Labor Law reform.</p> <p>2. Strengthening and building up the stability of the labor movement under the protection of the law.</p>	<p>SERC representatives sit in the committee at the Parliament which draft the law, (about 5 drafts)</p>	<p>Need to calculate.</p>	<p>Need to identify</p>	<p>2002-2007</p>	<ol style="list-style-type: none"> <li>1. List of SERC representatives who will sit in the law drafting committee.</li> <li>2. Names of the laws that SERC proposes to the government or political parties.</li> <li>3. Names of the laws that SERC proposes and are considered by the Parliament.</li> </ol>

### SERC Strategic Plan, 2002-2007

Program/ Activity	Objective	Aim	Budget	Responsible person	Timeframe	Indicator/desired output
<p>4.SERC will against and fight against the privatization and have the representatives to be the committee members at the National State Enterprises Policy which involved development and administration by</p> <ul style="list-style-type: none"> <li>-Producing the document about the ideas to propose to the government</li> <li>-Public hearing.</li> <li>-Launing the campaign with the members and public.</li> <li>-Producing document and try to get the public to understand and seek the cooperation with the media.</li> <li>-Proposing the law reform to the government and the Parliament.</li> </ul>	<ol style="list-style-type: none"> <li>1. Protecting the Nation property.</li> <li>2. Protecting the State enterprises to be the mean on economic side to provide services for the public.</li> <li>3. Protecting the employment and quality of life of workers.</li> </ol>	<ol style="list-style-type: none"> <li>1. Stopping privatization in all state enterprises.</li> <li>2. At least 2 representatives from SERC must be in the Committee at the National State Enterprise Policy to deal with all the laws concerning the development and administration.</li> </ol>	Need to calculate.	Need to identify	2003	<ol style="list-style-type: none"> <li>1. SERC representatives in the State Enterprises Policy Committee.</li> <li>2. The laws propose are relevant with the recommendation of SERC.</li> </ol>

### SERC Strategic Plan, 2002-2007

Program/ Activity	Objective	Aim	Budget	Responsible person	Timeframe	Indicator/desired output
<p>5.SERC must pressure to participate in the State Enterprises Policy Committee which the Prime Minister informed the Cabinet dated March 19, 2002 and propose to amend the legislation concerning the qualifications of the committee and State Enterprise employees by allowing at least one representatives from the union to be at the National State Enterprise Committee by 2003.</p> <p>-Each union must take the resolution of the Cabinet dated March 19, 2002 to the board of each state enterprise seeking for support.</p> <p>-Producing manual on how to participate in the administrating in the organization which all SERC members can use as the guideline.</p>	<ol style="list-style-type: none"> <li>1. Expanding SERC roles to State Enterprises Policy Level.</li> <li>2. Creating the opportunities to participate how to set the future state enterprises.</li> </ol>	<ol style="list-style-type: none"> <li>1. At least one representative from a union to be a member of the board at each state enterprise.</li> <li>2. The representative from a union must be able to participate in the meeting every time at enterprise level.</li> </ol>	Need to calculate.	Need to identify	2003	<ol style="list-style-type: none"> <li>1. Regulations that unions can participate in administering of state enterprises.</li> <li>2. Numbers of union representatives participate in the board of state enterprises.</li> <li>3. Any activity and meeting that indicate the participation of the union.</li> </ol>

### SERC Strategic Plan, 2002-2007

Program/ Activity	Objective	Aim	Budget	Responsible person	Timeframe	Indicator/desired output
<p><b>6.SERC</b>  SERC must work with other social partners to solve social problems at least one a month.  -SERC must set up a coordination section to deal with social problems.  -SERC must provide financial support and man power in assisting the movement on social issues.</p>	<ol style="list-style-type: none"> <li>1. Work with other social partners to improve the society.</li> <li>2. Try to get the public to understand the roles of labor union.</li> </ol>	<ol style="list-style-type: none"> <li>3. Able to set up one committee which complies of SERC and other groups in the society to work together within a year.</li> <li>4. Changing and building up the society by <ul style="list-style-type: none"> <li>-Eliminating cheating and corruption.</li> <li>-Building strong community.</li> <li>-Saving country currency.</li> <li>-Protecting the consumers which can be in form of the law, quality of life and save the national budget.</li> </ul> </li> </ol>	<p>Need to calculate</p>	<p>Need to identify</p>	<p>2002-2007</p>	<ol style="list-style-type: none"> <li>1. Decrease the corruption in state enterprises.</li> <li>2. Problems and corruption in Thai society.</li> </ol>

### SERC Strategic Plan, 2002-2007

Program/ Activity	Objective	Aim	Budget	Responsible person	Timeframe	Indicator/desired output
<p>7. SERC must set up special fund at least one fund each year.                      -SERC executive board members must draw up the regulations to administer the fund.                      -SERC supports financial in some part of the fund.                      -Raising fund to support the fund.</p>	<p>1. Strengthening SERC financial.                      2. Be sure that SERC has enough financial support all important activities.</p>	<p>1. Set up 5 different funds:                      -Fund that will provide the power in order to negotiate with the political.                      -Strike fund.                      -Social services fund.                      -Membership welfare fund.                      -Education and research fund.                      Total 5 different funds in 5 years.                      2. About 25% of the income is from the fund raising activity.                      3. The income from the fund raising activity must be shared to all different funds.</p>	<p>Need to calculate</p>	<p>Need to identify</p>	<p>2002-2007</p>	<p>1. Able to set up different funds.                      2. Regulations of the funds.                      3. Balance of financial of the funds.</p>

### SERC Strategic Plan, 2002-2007

Program/ Activity	Objective	Aim	Budget	Respon- sible person	Timeframe	Indicator/desired output
<p>8. Find the permanent office for SERC with all office equipments and internet by:</p> <ul style="list-style-type: none"> <li>-Seeking for support from those who are willing to assist SERC's activities or who may donate a plot of land or building to SERC.</li> <li>-SERC purchases equipments and hires profes-sional to deal with its activities.</li> <li>-SERC's members contribute financial to build or buy the office.</li> </ul>	<ol style="list-style-type: none"> <li>1. SERC has permanent office which will improve its effectiveness.</li> <li>2. Has morden equipments.</li> </ol>	<ol style="list-style-type: none"> <li>1. Permanent office where members can contact easily.</li> <li>2. Well equipped with morden equipments.</li> <li>3. Internet system where SERC can contact with its members easily.</li> </ol>	Need to calculate	Need to identify	2004(able to operate in 2 years)	<ol style="list-style-type: none"> <li>1. Permanent office.</li> <li>2. Office equipments.</li> <li>3. Sufficient staff both quantity and quality.</li> </ol>

### SERC Strategic Plan, 2002-2007

Program/ Activity	Objective	Aim	Budget	Responsible person	Timeframe	Indicator/desired output
<p>9. Providing special services for SERC's members by:                      -Drawing up the regulations on special welfare for SERC's members.                      -Set up the funds and the committee to administer the welfares.</p>	<p>1. Building up good relationship between a union and its members.                      2. Able to maintain and recruit new members.</p>	<p>3. Providing special services for SERC's members.                      4. Coordinating with other organizations such as saving cooperative to develop some special services for SERC's members</p>	<p>Need to calculate</p>	<p>Need to identify</p>	<p>2002-2007</p>	<p>1. Services.                      2. Membership participation.                      3. Fund available.                      4. Participation agencies.</p>

### SERC Strategic Plan, 2002-2007

Program/ Activity	Objective	Aim	Budget	Responsible person	Timeframe	Indicator/desired output
<p>10. Organizing education, training, field trip and inform the members by:                      -Set up the working committee to handle the issue.                      -Yearly education activities must be approved by the SERC executive board members.</p>	<p>1. Providing better information on union's activities.                      2. Building up unity among members.</p>	<p>1. Organizing seminar for SERC executive board members one a year and for unions executive board members twice a year.</p>	<p>Need to calculate</p>	<p>Need to identify</p>	<p>2002-2007</p>	<p>1. Numbers of unions executive board members attending the seminar.                      2. Budget spends.                      3. SERC's services to its members.                      4. SERC's plan which is able to put into practice.</p>

### SERC Strategic Plan, 2002-2007

Program/ Activity	Objective	Aim	Budget	Responsible person	Timeframe	Indicator/desired output
<p>11. Together with private sector unions, SERC demand that the government must set up the Shelter fund, Health fund, and education fund by:</p> <ul style="list-style-type: none"> <li>-Organizing the seminar with private sector unions.</li> <li>-SERC coordinates with the government and politicians.</li> </ul>	<ol style="list-style-type: none"> <li>1. Build up job security for employers and families.</li> <li>2. Build up the trust and acceptance by the public.</li> <li>3. Create the unity in the labor movement.</li> </ol>	<ol style="list-style-type: none"> <li>4. Shelter fund.</li> <li>5. Health fund.</li> <li>6. Education fund, by setting up within the Social Security Scheme or other government programmes</li> </ol>	Need to calculate	Need to identify	2002-2007 (organizing 1-2 different funds a year)	Names of the different funds and services

**SERC Strategic Plan, 2002-2007**

<b>Program/ Activity</b>	<b>Objective</b>	<b>Aim</b>	<b>Budget</b>	<b>Respon- sible person</b>	<b>Timeframe</b>	<b>Indicator/desired output</b>
<p>12. Together with private sector, SERC must press the government to announce the unemployment legislation by:                      -Organizing seminar with private sector unions or participating with the unemployment committee on this issue.                      -SERC coordinates with government and politicians.</p>	<p>1. Creating decent work for all.                      2. Enhance the unity in the labor movement.</p>	<p>3. Urgently requesting the government to announce the unemployment legislation.                      4. Set up the rate of insure person contribution and the compensation.</p>	<p>Need to calculate</p>	<p>Need to identify</p>	<p>2003</p>	<p>Unemployment legislation.</p>