

1 Factors Affecting the State of Empowerment of Migrant Workers
2 through Complaints Mechanisms: Comparative Study of Migrant
3 Workers in Thailand and Japan

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7

8 **Abstract**

9 Migrant workers, one of vulnerable worker population, are likely to live and spend their lives in
10 poverty an expose to limited chances and options. This study aims to identify factors affecting
11 different state of empowerment using migrant workers? decisions to promptly respond to
12 labour-related problems as a proxy. This study uses a quantitative approach, Multinomial
13 Logistic Model, as well as a qualitative approach, an analysis of interviews. The study applies
14 Thailand and Japan, as developing and developed countries where sharing same characteristics
15 as net immigrant countries in East and South East Asia. During 2013-2015, a total of 150
16 migrant workers, 75 migrants in Thailand and 75 migrants in Japan, were interviewed with
17 the focus on low-skilled migrant workers. Though the characteristics of migrant workers in
18 these two countries are generally different, factors affecting migrant workers being in the state
19 of empowerment are indifferent. The result of the regression suggests that an additional year
20 of schooling and holding a proper working permit increase the probability to be empowered. It
21 is clear that those who know what to do but take no action consider themselves having
22 alternative options. The current scheme in promoting labour rights should not only outreach
23 and disseminate about complaint mechanisms to migrant workers, but also emphasize on the
24 effectiveness of the mechanisms, and labour market analyses. Promoting the accessibility of
25 migrant workers to Information and Communication Technology is also a key to better
26 understanding in labour rights, widening their job options in countries of destination and their
27 home country though an easy and timely accessibility and escalating their skills to ensure
28 their better job options and better individual bargaining power with their employers.

29

30 *Index terms*— Complaints mechanisms, empowerment, migrant workers.

31 **1 I. Introduction**

32 he labour market is one of key determinants of leaving poverty since jobs create income and eventually increase
33 the consumptions and leverage living standards. However, a number of workers are working in less formal work
34 arrangements, and therefore lack decent working conditions. They are characterized by inadequate earnings,
35 and low productivity and also embedded by inadequate social security and normally do not join an effective
36 representation by trade unions and similar organizations.

37 Migrant workers, one of amongst vulnerable worker population, are likely to live and spend their lives in
38 poverty an expose to limited chances and options.

39 Migrant workers, especially low-skilled workers, are facing the exploitation and inequality in various ways.
40 Many groups of migrants around the world who face human rights abuses and exploitation, and who live in very

41 vulnerable situations (IOM, 2013) , while trends of global migrant is increasing globally. Among the number
 42 of the migrant workers, the estimated number of migrants in an irregular situation was roughly 20-30 million
 43 globally As a result of trafficking. The total of 2.45 million was estimated to be forced labour, where 1.36 million
 44 people or 55.5 per cent are in the Asia Pacific region ??ILO, 2005: 14).

45 The working conditions of migrant workers, in particularly low-skilled workers, are widely recognized on their
 46 inferior working conditions with multiple disadvantages. Most of them can find employment only in sectors
 47 where wage are tightening up because producers are at the highly competitive end of global production chains.
 48 Their employment is likely to find according to their network which mostly located in low productive sectors,
 49 resulting in their low wages (Eurofound, 2007). Trends towards more flexible employment relationships, gender
 50 discrimination, abuses in recruitment and irregular status compound these disadvantages and have increased the
 51 vulnerability of most migrant workers ??ILO, 2010: 113). They are also more likely to be over-qualified for their
 52 work, because the lack of recognition of educational credentials acquired by migrants in their country of origin
 53 (Eurofound, 2007). Temporary migrant workers are likely to bear in the less job security. In some countries,
 54 residence permits are only valid if they work, T

55 2 (E)

56 so that losing a job means losing the right to live in the country. Therefore, they are likely to be more tolerating in
 57 unfavorable working conditions. The temporary migrant workers in some countries are allowed to seek alternative
 58 employment for the duration of their residence permit. In some countries, there are restrictions to keep them from
 59 looking for another job, since migrants are not allowed even to change their employer While in most countries
 60 native workers can expect some form of protection if they lose their employment, such as redundancy payments
 61 or unemployment insurance. A number of literatures approved that the temporary foreign workers are one of
 62 the vulnerable workers (e.g. Law Commission of Ontario 2012; Kamibayashi, 2013). Wage disparities between
 63 national and migrant workers, as well as a high level of segmentation in the labour market are found in the Middle
 64 East (Sabban, 2002) and in some Asian destination countries (Wickramasekara, and Abella, 2003; ILO & ARCM,
 65 2013 1 Under such vulnerable situations, laws on labour protections and existence of grievance mechanisms open
 66 to migrant workers' opportunities to protect themselves and urge for their justice properly. It also works as a
 67 protective measurement to labour rights' violation and promotes the labour productivity (Chevalier, Siebert, and
 68 Viitanen, 2003). In addition to paying migrant workers low wages, their employers may fail to give them their
 69 full wage payments, delay paying them, or refuse to pay them at all (ILO, 2010: 76).

70 2 Nevertheless, it is clear that this mechanism does not practically perform well. A survey conducted by ILO
 71 & ARCM (2013) in the fishing industry in Thailand reflected the inadequate protection available to fishers, in
 72 particular to migrant fishers. Only 5.2 per cent of fishers surveyed filed a grievance of any sort, and most directly
 73 engaged with their employer or approached non-government organizations (NGOs), rather than Complaints to
 74 government authorities. Interestingly, among those who are forced laborers). ??ord and Hutchison (1993: 7)
 75 classified the concept of empowerment into 3 levels: the personal level, the interpersonal level, and the community
 76 level. Some literatures define community as political empowerment e.g. ??utierrez and Ortega (1991: 25).

77 3 1 Most migrant fishers working on Thai vessels are paid at least a portion of their wages according to the
 78 catch. Still, Myanmar fishers received a higher mean wage than Cambodian fishers but both groups were paid
 79 roughly half of what Thai fishers received 2 The study shows that negative selection conflicts with human capital
 80 so that the relationship between employee turnover and productivity is U-shaped. 3 Some of the key questions
 81 asked in determining cases of forced labour included: (1) Are you working in the fishing sector against your will?;
 82 (2) If not willingly, why are you working in the fishing sector?; (3) If you've ever tried to leave your employer,
 83 what type of obstacles or threats made you unable to leave? only 8.9 per cent made grievance and the rest
 84 indicate that more people wanted to complain but did not.

85 The previous literatures reflect challenges of migrant workers and their difficulties in accessing Complaints
 86 mechanisms. However, the key questions remain on how to empower migrant workers to tackle the labour rights'
 87 violation if they face such problem. In addition, key factors shaping their decision to access to Complaints
 88 mechanisms are not been discussed in the previous literatures.

89 This study then investigates factors affecting migrant workers in defining their state of empowerment using
 90 Complaints mechanisms. It also explores opinions of the workers and finds ways to enhance the migrant workers'
 91 accessibility to Complaints mechanisms. The results of the study will fill existing gaps of as well as propose the
 92 framework to tackle with this prevailing problem. It discusses how to empower their accessibility to labour rights
 93 and thus reduces the prevailing inequality in exercising basic human rights.

94 In order to elaborate on those factors in both developing and developed countries, the study applied Thailand
 95 and Japan, where sharing same characteristics as net immigrant countries in East and South East Asia4 for
 96 comparative analysis. Between October 2012 and March 2015, the in-depth interviews, surveys, questionnaires
 97 and focus groups were conducted in Bangkok and Tokyo and its surrounding prefectures with 75 migrant workers
 98 in Japan and 75 migrant workers in Thailand. Migrant workers in this study are those who are working in the
 99 low paid occupations in the service and manufacturing sector; for example, being a worker in a production line,
 100 a waiter. These sectors are key economic sectors in the targeted area and to avoid the sampling variation of
 101 agricultural sector.

102 Generally, average wages in the city are higher than the surrounded area drive and attract both domestic and

international labour migration. It also accounts for about 10-12 per cent of national country population (Table 1). Year 2015

3 II. Framework and Methodology

Based on the literature reviews and developed during the interview, Figure 1 Observing factors affecting the state of empowerment and the difference among groups, the Multinomial logistic regression (MLR) is used to analyse relationships between a non-metric dependent variable and metric or dichotomous independent variables. Multinomial logistic regression compares multiple groups through a combination of binary logistic regressions.

The state of empowerment the base case of the MLR is represented by the state of acknowledge what to do and take any action in tackling labour problems that they face. The other cases of the MLR are the cases where migrant workers do not know what to do and the case where the migrant workers acknowledge but take no action. For each independent variable, there would be two comparisons. The key benefit of this method is to observe whether the case of being in the state of empowerment (base case) and the other two cases are different due to which factors.

The Multinomial Logit Model, the score can directly be converted to a probability value, indicating the probability of observation i choosing outcome k given the measured characteristics of the observation.

Logistic analysis can be extended to multinomial dependents by modeling a series of binary comparisons: the lowest value of the dependent compared to a reference category (by default the highest category), the next-lowest value compared to the reference category, and so on, creating $k - 1$ binary model equations for the k values of the multinomial dependent variable. f_{ki} to predict the probability that observation i has outcome k , of the following form:

$$f_{ki} = \frac{e^{\beta_k x_i}}{1 + \sum_{j=1}^{k-1} e^{\beta_j x_i} + e^{\beta_k x_i}}$$

where β_k is the set of regression coefficients associated with outcome k , and x_i (a row vector) is the set of explanatory variables associated with observation i . The list of variables is described as follows: Y_{Emp} denotes the state of empowerment. It represents the state of empowerment of migrants who know their rights and will take action in solving the problem. The question in responding to this question is "If there is a Complaints about labour rights violation/ or about problems at work, do you know where to get help/ consultation?". The migrants who know where are seek for consultation/ filing Complaints and will go is given as an indicator as those who are empowered. On the other hand, migrant workers who are disempowered are those who answer as follows: I don't know, I know where but do not want to because I don't want problem/ I don't believe that filing a complaint can change anything. (1=Don't know, 2=Don't want to be in trouble/ no change after all, 3=Know where/ how to tackle with the problem at work.) X_{Fam} denotes the family needs. The question is "Are you the main source of income for your household in the home country?". Those who are the main source of the income is given to be represented by 1, otherwise is 0.

X_{age} denotes years of age of the interviewee. X_{sex} denotes gender of the interviewee. Male is represented by 1, female is 0.

$X_{wsector}$ denotes to the working sector of the migrants. Those who are working in manufacturing sector are represented by 1, while those in service sector are 0.

X_{workps} denotes legal status of the interviewee. In Japan, holders of proper legal working status are holding the work-related visa i.e. working or intern status. While those who are not holding legal working status are holding non work-related visa. In Thailand, those who do not hold valid work permits yet they are working are accounted as irregular workers. The migrant workers with regular status are represented by 1, 0 is otherwise.

X_{edu} denotes years of age of the formal study of the interviewee.

$X_{speakll}$ denotes the ability in speaking local language in the country of destination. Migrant workers with poor ability are represented by 0, while those with fine ability are represented by 1.

X_{wskill} denotes the working skills. Migrant workers, who respond to the question "Which of the following alternatives would best describe your skills in your own work?" as "I need further training to cope well with my duties", are regarded as those who might consider themselves to have insufficient skills working with the current jobs. Those who responded that "My present skills correspond well with my duties" and "I have the skills to cope with more demanding duties" are categorised as those who have sufficient skills to cope with the work in their own capacity. Migrant workers who earn sufficient skills are symbolized as 1, while the migrant workers with insufficient skills are denoted by 0.

X_{sur} represents where the interviews were conducted. Those who were interviewed in Japan is given by 1, 0 for those who were interviewed in Thailand. It is to reflect the institutional and working environmental difference

X_{bddis} denotes to those who experienced any kind of bad practices (eg verbal abuses, wages withholding) or any kind of discrimination (eg. gender, nationality). This group is represented by 1, while the other group is denoted by 0. between Thailand and Japan.

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4 (E)

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Comparative Study of Migrant Workers in Thailand and Japan X formals denotes to the accessibility to grievance system through formal/ and legal mechanisms. The question in response to the following question "In your opinion, which mechanics or means would be the effective consultation regarding legal, living condition, and general cases". If the responder answered government authorities, their embassy, or overseas employment offices of their own country, it implies that they know this mechanism and will go through, at least, the formal consultation process. This group is denoted by 1, otherwise is denoted by 0.

X network denotes to the accessibility to Complaints mechanisms through informal mechanisms. The question in response to "If you face problems at work, who will you talk to?". If the responder answered no one, it means that that migrant worker does not have any network to seek consultation, or at least to talk about those problems. This group is denoted by 0, which means the lack of networking Channels, otherwise is denoted by 1.

X jobopt denotes to job options available to migrant workers' opinion. The question in response to the following question "If I were to lose or quit my current job, it would be easy for me to find a job of similar salary". It is the ranking answers rated from "strongly agree", "agree", "indifferent", "disagree" and "strongly disagree". Those who responded strongly agree and agree, reflect that they have certain confidence in finding jobs in compatible occupations. Their perceived knowledge on the job options implies if they encounter problems at the current work. They may consider changing the job. It may be considered as a proxy of the labour market flexibility in migrant workers perspective. It also reflects a legal barrier in changing their jobs due to national laws and regulations. In addition, the job options in migrant's view also indicate the possibility in accessing employment services in the country of destination and the country of origin. Those who consider finding other jobs easily are denoted by 1, while those who considered difficult to find a new job are denoted by 0.

5 III. Result and Discussion

6 a) Interviewee Profile

Interviews and focus groups were conducted to collect at the total of 150 respondents. In Japan, there were 10 Thai male migrants and 65 Thai female migrants, while in Thailand, 23 male Burmese migrants, and 52 female Burmese migrants. The targeted areas are Tokyo and Bangkok, the metropolitan of Japan and Thailand.

The migrant workers in both countries are the main source of income of the countries of origin at reported at 70 per cent in Japan and 88 per cent in Thailand.

Average age and average years of schooling of migrant workers in Japan are higher than those of migrant workers in Thailand. In Thailand some migrant workers in Myanmar do not experience formal schooling at all.

- It is clear that most migrant workers in Japan consider that they can find a new job more difficult than those in Thailand. Moreover, networking of migrant workers in Thailand is more extensive than that of in Japan (Table 2).Year 2015 (E)

7 IV. State of Empowerment

Interestingly, the majority of migrant workers in Thailand and Japan are in the state of disempowerment, but because of different reasons. The migrant workers in Japan believe that though they file Complaints no change after all, while majority of migrant workers in Thailand do not know what to do, and the second majority is that they afraid of problems incurred by their employers incurred at the workplace (caused by their employers and, some cases, by their employers and their work colleagues (Table 3). (Hosmer and Lemeshow, 2000). The total number of observations is expected to be at least 100 (Long, 1997). Source Author's estimations

V. actors Affecting being in the State of Empowerment

Interestingly, the place to conduct the survey does not significantly affected on being in the state of empowerment. Those, who are in the state of disempowerment of which they do not know what to do, are differentiated to those, who are in the state of empowerment, due to individual factors. Holding a proper work permit, and additional year of schooling increase the probability to being in the state of empowerment.

On the other hand, those, who are in the state of disempowerment of which they know what to do but do not want to take any action, are differentiated to those, who are in the state of empowerment, due to individual and institutional factors. The key positive individual factors, similar to the first group, are holding a proper work permits and additional year of schooling. In addition, they also consider their job option as a key priority whether they should tackle the problem. On the contrary, they consider that having the network will reduce the probability to file formal Complaints since it provides initial consultation to other possible options.

8 VI. Conclusion and Recommendations

This study aims to explore factors affecting migrant workers in defining their state of empowerment through Complaints mechanisms. It emphasizes on how to empower migrant workers to tackle the labour rights' violation if they face such problem. A total of 150 migrant workers in Thailand and in Japan were interviewed employing the qualitative and quantitative analysis.

It can be implied from the results of the study that, In complementary to the traditional view which emphasizes on the existence of Complaints mechanisms, job options and networking are also key components that drive migrant workers in taking any action. Therefore, in order to empower migrant workers, the scheme to promoting

220 labour rights should emphasize on labour market analyse and widen their job options. In this regard, the outreach
221 activities and Information and Communication Technology are taking critical roles in promoting knowledge on
222 labour rights, visualizing them successful case studies in a simple format, and at the same time, widening their
223 job options in countries of destination and their home country an easy and timely accessibility and rational
224 alternatives to change employers and easy, timely, accessible employment services, as well as escalating their
225 skills ensuring their better job options and a better individual bargaining power with their employers if their
labour rights are violated. ^{1 2 3}



Figure 1:

226

¹The net migration, the total number of immigrants less the annual number of emigrants, is found consistent to international migrant population. United Nations Population Division, World Population Prospects. World Development Indicators. Available online

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8 VI. CONCLUSION AND RECOMMENDATIONS

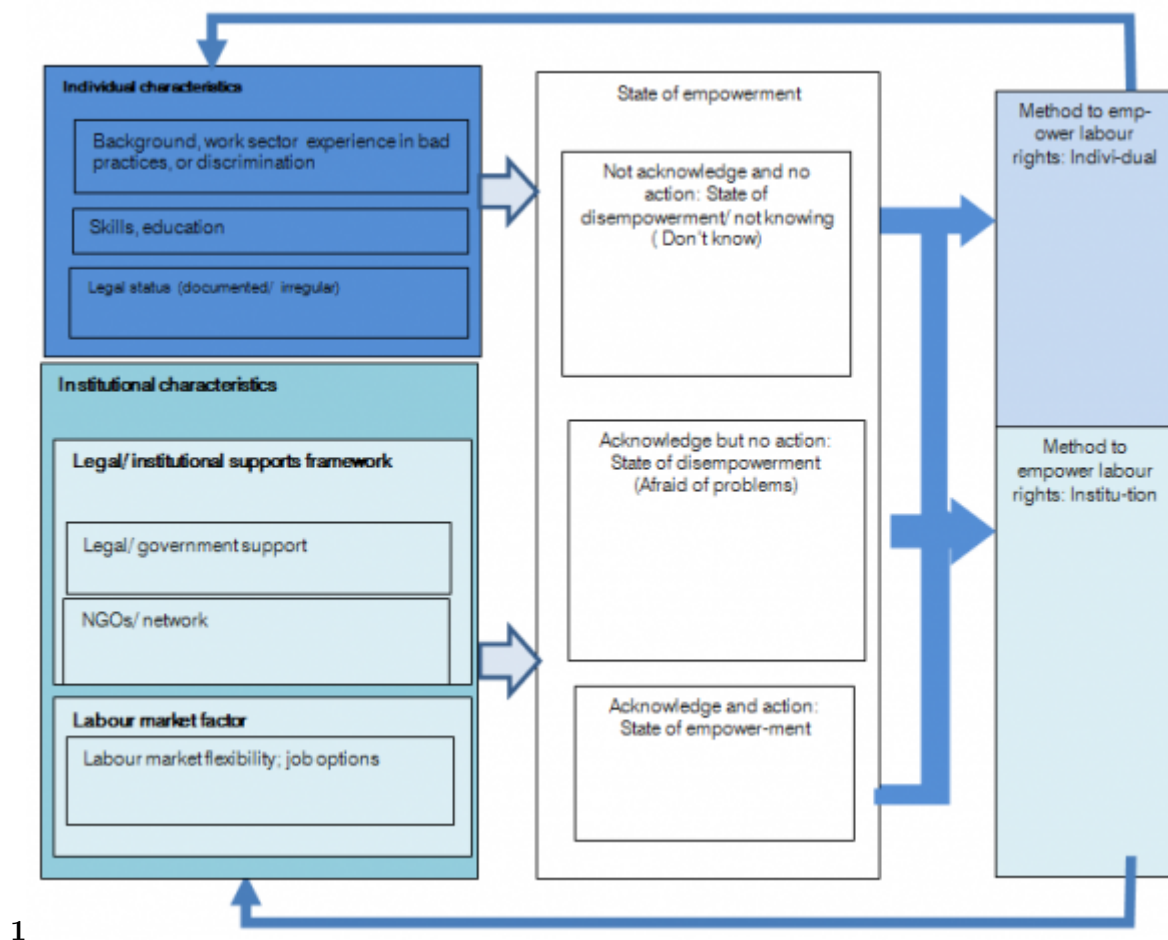


Figure 2: Figure 1 :Factors

	Model I				Model II				Model II			
	Exp(B)		Exp(B)		Exp(B)		Exp(B)		Exp(B)		Exp(B)	
	Don't know		I know, but I don't want to		Don't know		I know, but I don't want to		Don't know		I know, but I don't want to	
	B	Exp(B)	B	Exp(B)	B	Exp(B)	B	Exp(B)	B	Exp(B)	B	Exp(B)
Intercept*	33.396*** (6.780)	-	30.663*** (6.853)	-	27.402*** (2.851)	-	26.248*** (2.748)	-	24.371*** *(1.849)	-	24.164*** (1.829)	-
Place of work	-4.839** (2.405)	0.008	2.905 (2.450)	10.027	-2.753** (1.283)	0.064	0.419 (1.261)	1.521	-2.271** (1.082)	0.1032	0.706 (1.003)	2.0261
Age	0.06 (.112)	1.008	-1.33 (.127)	0.876								
Sex	-2.019 (1.826)	0.337	.151 (2.105)	0.943								
Year of schooling	-1.069*** (.409)	0.337	-960** (.385)	0.375	-.691*** (.229)	.501	-.663*** (.224)	0.505	-.462*** (.159)	.6297	-.539*** (.164)	0.5832
Main source of income	-5.067** (2.685)	0.006	.039 (2.696)	1.040	-1.569 (1.051)	0.208	-0.506 (1.052)	0.601				
Work Sector	4.752** (1.893)	115.861	.616 (1.741)	1.852	2.411** (1.168)	11.145	.176 (1.187)	1.193	1.646 (1.003)	5.168	-.126 (0.909)	0.882
Work permit	-18.862*** (.966)	0.000	-19.517*** (0.000)	0.000	-19.376*** (.587)	.000	-19.171*** (.000)	0.000	18.913** *(.544)	.000	-18.659*** (.000)	0.000
Ability to speak local language	.053 (1.679)	1.054	-2.545 (1.913)	0.184	0.124 (1.108)	0.883	-.221 (1.148)	0.802				
Working skills	.472 (.968)	1.603	.518 (1.012)	1.679								
Experience bad practice	3.103** (1.581)	22.260	.730 (1.609)	2.076	.1566 (0.870)	4.790	.632 (0.877)	1.881				
Gov assistance	-.730 (1.584)	0.482	2.453** (1.400)	11.620	0.743 (1.033)	2.102	0.345 (0.951)	1.411				
Network	1.849 (1.978)	6.355	6.695*** (2.172)	808.259	-1.621 (0.899)	0.198	2.239** (.951)	9.383	0.974 (0.716)	2.6483	1.883*** (.718)	6.570
Labour market flexibility	-2.246 (1.606)	0.106	-6.571*** (1.932)	0.001	-1.621 (0.899)	4.790	-3.155*** (.946)	0.043	-1.489* (0.762)	0.2257	-2.826*** (.832)	0.059
	Cox and Snell 0.642		Nagelkerke 0.740		Cox and Snell 0.458		Nagelkerke 0.529		Cox and Snell 0.418		Nagelkerke 0.482	

Figure 3:

1

Geological background	Tokyo and vicinity	Bangkok and vicinity	
Area (The capital city)	1,104 kilometres (Tokyo)	1,568.7 kilometres	square
Economic perspective			
Population	Approx 13 Million (2011)(10 percent of the total population)	Approx 8.5 million (2011) (12 percent of the total population)	
Labour Force	A total labor force of 6.387 million persons, of whom 8.17 million employed persons (2010).	A total labor force of 5.33 million persons, of whom 5.25 million employed (2014). 2/	persons
Economic sectors	Manufacturing and transport 11.1% Sales, services, and others 88.9% (2010) 1/	Agri-(0.08%) Manufacturing and transport (28.0%) Sales and services-(71.9%) (2012)	

[Note: Source 1/ Bureau of Finance, Tokyo Metropolitan Government, *The Financial Position of the TMG and TMG Bonds*. Tokyo Metropolitan Government, November 2013 Available online: http://www.zaimu.metro.tokyo.jp/bond/en/ir_library/ir/ir_document/ir_document2013.pdf Retrieved on 5 March 2015. 2/National Statistical Office of Thailand (2014) *Labour Force Survey*. National Statistical office, Office of the Prime Ministry, Bangkok.]

Figure 4: Table 1 :

2

Migrant workers in Japan	Min	Max	Mean	Std. Deviation
Main source of income	0.00	1.00	0.698	0.463
Age	24.00	48.00	38.088	4.874
Holding a proper work permit	0.00	1.00	0.905	0.296
Year of schooling	9.00	16.00	10.381	1.938
Ability to speak local language	0.00	1.00	0.206	0.408
Working sector	0.00	1.00	0.730	0.447
Working skill	0.00	1.00	0.556	0.501
Experience bad practices and discrimination	0.00	1.00	0.381	0.490
Government mechanism	0.00	1.00	0.413	0.496
Labour market flexibility	0.00	1.00	0.143	0.353
Networking	0.00	1.00	0.540	0.502
Migrant workers in Thailand	Min	Max	Mean	Std. Deviation
Main source of income	0.00	1.00	0.875	0.333
Age	17.00	35.00	24.935	5.063
Holding a proper work permit	0.00	1.00	0.634	0.485
Year of schooling	0.00	16.00	8.431	3.135
Ability to speak local language	0.00	1.00	0.694	0.464
Working sector	0.00	1.00	0.153	0.362
Working skill	0.00	1.00	0.417	0.496
Experience bad practices and discrimination	0.00	1.00	0.472	0.503
Government mechanism	0.00	1.00	0.028	0.165
Labour market flexibility	0.00	1.00	0.347	0.479
Networking	0.00	1.00	0.819	0.387

Source: Authors' estimations

Figure 5: Table 2 :

3

	Survey in		
	Japan	Thailand	Total
State of disempowerment	78.7%	88.0%	83.3%
I don't know	17.3%	54.7%	36.0%
Afraid of problems	17.3%	30.7%	24.0%
No change after all	44.0%	2.7%	23.3%
State of empowerment	21.3%	12.0%	16.7%
I know where and what to do and I will do	21.3%	12.0%	16.7%
Total	100.00%	100.00%	100.00%

Source: Authors' estimations

*[Note: Note: Std. Error is shown in the parenthesis. *** Significance at 1%, ** Significance at 5% , * Significance at 10%. The base case represents those who know what to do and will take action. It must be noted, again. That the small sample sizes should primarily become of concern for multinomial regression analyses when the standard error presented in the parameter estimates is exceptionally high. The acceptable standard error of the study should less than 2. In addition, sample size guidelines for multinomial logistic regression indicate a minimum of 10 cases per independent variable]*

Figure 6: Table 3 :

4

Figure 7: Table 4 :

227 Acknowledgement: We are grateful to the financial support from KDDI foundation. We sincerely appreciate
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