



Legal Measures for Health Care of Informal Workers in Thailand

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Abstract- This study aimed to explore the innovation in legal protection for informal workers in Thailand. The study was a qualitative research which studied from ILO (International Labor Organization) Conventions, Thai labor laws related to informal workers, and labor experts. The findings indicated that the government attempted to create the main welfare system for informal workers to fill the legal gaps through Social Security, Universal Health Care Coverage, and Community Welfare. However, these were unable to protect informal workers effectively. For this reason, labor government agencies created innovations in protection for informal workers, innovations in prevention and solutions of the protection for informal workers, and innovations in promoting protection for informal workers. These provide effective protection and access to welfare in order to guarantee the health and social security of informal workers for improving their quality of life.

Key words: Innovation, Legal Protection, Informal Workers, Quality of life

I. INTRODUCTION

As an important resource in driving the economy or society of the country, labor is a part of the means of production and is considered extremely important. If you consider labor, it can be classified into two categories: formal labor and informal labor. Formal workers are registered and retirement benefits with a clear system of care. Informal workers, such as farmers, fishermen, gardeners, small traders and stall hawkers, are unemployed workers with a high tendency to move their place of work; this includes the absence of registration or not in the tax system and most importantly, the ability to earn little and uneven income. The current global human resource issue of concern is the number of informal workers. According to the survey results in 2019, it was found that among the 37.5 million people employed, it was divided into workers who did not receive protection or social security from work. This is called the informal workers at 20.4 million people or 54.3 percent and the rest are the workers in the system, 17.1 million or 45.7 percent. For informal workers, when considering gender, it was found that males were slightly larger than females, that is, 11.4 million males, or 55.7 percent and 9.0 million women or 44.3 percent of all informal workers. In addition, informal workers work in the northeastern region the most 34.9%, followed by the central region 23.4%, the northern region 20.9%, southern region 14.0% and Bangkok have the least number of informal workers of 6.8% (National Statistical Office: 2020).

Informal workers are those employed over the age of 15 who are not protected and without social security from work, which includes not being covered by the social security system and labor protection laws. Some definitions mean that informal workers are those working in the informal sector (informal economy). This is an unconventional work and is not subject to state control regulations. In this respect, the informal sector is a group of people who are unstable at work, lack of life insurance, access to health services and other welfare that workers deserve. The term informal labor is widely used and somewhat significantly in the same way it refers to unprotected labor (Sharif, 2000) and there is no guarantee from work (Williams, Lansky, 2013). However, after careful consideration, it will be found that the term informal labor has also been defined differently. In the past, work has studied informal workers, aimed to study general information of informal workers. The focus and nature of the study began to change drastically in the late 1997s. There are several studies that have a methodology and focus on a different subject than in the previous period.

The International Labor Organization (ILO) has defined informal workers as Refers to workers employed in the informal sector, which is characterized by small, easily established businesses (Hussmanns, 2005), it is characterized as a household business that often uses domestic ingredients, labor is mainly employed and simple technology has been adapted to be independent labor in activities for survival such as street vendors, shoemakers, garbage collectors, waste paper and metal collectors, housekeepers, home workers and unregistered factory workers. They are "disguised wage workers" in production networks and self-

employed people in small establishments that are self-employed or with family members or with trainees or assistants. Measures to take care of the welfare of informal workers arising from working conditions, especially access to welfare systems, are essential for their normal life, although the government has now tried to create a primary welfare system for informal workers such as social security, universal health insurance, and community welfare. (Cheng, & Ngok, 2020). But the gap in legal policies continues to prevent these informal workers from accessing the full welfare provided by the state and still do not match with the workers in the system along with the lack of real policy implementation. Therefore, the informal labor welfare system needs to study the legal measures for accessing the health rights of informal workers. (Bhan, Surie, Horwood, Dobson, Alfors, Portela, & Rollins, 2020)

II. METHODS OF STUDY

This study was a documentary research examining laws, state policy, and in-depth interviews from labor experts. Employer representative Employee representative State health care worker Before the interview, the researcher explained the purpose of the study. And held a Focus Group meeting to hear from stakeholders, representatives from academics Labor manager representative After in-depth interviews and Focus Group, the data was analyzed and the research results were presented with a descriptive lecture.

III. RESULTS

Work is very important to human life, it can be said that work is a more active part of life than any activity, especially in industrial society. It is estimated that humans have spent at least a third of their lives in factories or offices and believes that in the near future, humans will need to spend more time in their work-related lives. The working age group is the largest group of people in the Thai population structure, which is the driving force behind the country's economy. Therefore, it is a population group that the public and private sectors give priority not only in developing potential but also on good quality of life.

When considering the 12th National Economic and Social Development Plan (2017-2021), it focuses on the outcome of the country workers to have a better and happier quality of life. At the same time, the quality of working life (Oldenkamp, Bültmann, Hagedoorn, Stolk, Wittek, & Smidt, 2014) is of great importance to our work today because people are considered an important resource and a valuable social cost. Nowadays, most people have to enter the work system and have to work to keep their lives alive and to meet their basic living needs. When a person has to work in the workplace most, it is best to have the right conditions and bring happiness both physically and mentally (Woolfson, 2007) along with ensuring a sense of stability in physical well-being, emotional well-being, spiritual well-being, and social well-being (Darvishi, Otaghi, & Mami, 2020). The quality of work life has a great effect on work, which is to create a good feeling of oneself, a good feeling of work and a good feeling for the organization. It also promotes mental health, promotes growth, self-development to be a quality person of the organization as well as helping to reduce absenteeism, resignation, accident reduction, and promotes better productivity and service in terms of quality and quantity (Sirikoon, 1999).

The quality of working life is extremely important because people are a valuable resource and very important to the organization and social policy (McVicar, Anyadike-Danes, 2002) Therefore, the environment and atmosphere in the workplace must be suitable and conducive to work, that is to make workers feel good about their work, be wealthy and happy. These things will benefit both individuals and organizations. Government efforts to tackle the informal labor problem arise in a policy, but in practice, employment in the informal sector still has disparity between wages and work, problems in terms of agreements, (Dixit, & Pandey, 2020). unfair exchanges between employers and employees, including quality of life at work (Orapin, 2015)

In addition, the Labor Relations Act contains limited provisions and applies only to businesses or employees in the labor contract relationship, that is

(1) The person who has the right to establish a labor union must be an employee, which means a person who agrees to work for the employer for wages. Therefore, self-employed people, home workers, farmers, etc., cannot form a trade union

(2) The employee who has the right to form a labor union and to be a member of the labor union's committee and subcommittee must have Thai nationality, must be at least 20 years old and work in the same business only.

(3) A migrant worker and Thai employee who is less than 20 years old and does not work in the same place of business or the same type of business shall not be able to form a labor union and be elected or appointed as a director or subcommittee. They are only entitled to apply to join a trade union such as an employee in a sugar factory business but they could not be united with self-employed sugar cane farmers because they had different forms of employment, even if they were the same feeder to sugar mills.

Therefore, informal labor groups have limitations of their access to the enforcement of the Labor Relations Act of 1975. It also has to admit that it is difficult for the informal workforce to be able to continually unite because of the nature of independent work, along with the lack of serious organization and support mechanisms and most of them do not have an employment agreement (Chung, & Van Oorschot, 2011), so they cannot form a union and demand a bargain on employment conditions and labor disputes according to the Labor Relations Act of 1975.

Even the home-based workforce whose work is conducive to gathering together and being organized in small groups in each area, as well as efforts to develop a network to cover the country. It also found that only less than 10% of the homework workers were grouped together. The lack of groups / organizations that can act as group representatives is a major obstacle in raising the level of improving the status of informal workers, both in relation to negotiations with employers and presenting and advancing policy proposals to government agencies. As a result, informal labor development progresses somewhat slowly and may not meet demand and the problem of various groups of informal workers makes it impossible to support participation in determining development direction and making decisions as it should.

The employees holding informal jobs or family business assistants by hiring here, (Hussmamns, 2004) states that informal economic jobs are considered in such a way that they are not protected by labor laws, no taxation, no social security or to be protected in work such as advance notice of dismissal, sick leave compensation or vacation paid by the working hours or low wages as required by law, working in a registered business, work at an employee's place of work outside the business office, or work in which the labor law is not enforced and those working in a group, etc.

In a democratic society, recognition for the organization of labor is regarded as the right and freedom of the person who can act and freedom of association and negotiation is guaranteed in many international laws, especially in the labor organization conventions between which the certification of Freedom of Organizationalism and Negotiation, that is, ILO Conventions 87 and 98. Foreign countries are considered an important fundamental labor convention because the union of labor is considered to be the use of their power to bring about changes in wages and working conditions in all economic and social levels. Therefore, integration is more than just an establishment level (Williams, & Lansky, 2013) but it's just a group of workers in the system. In addition, informal labor gathering is an industrial gathering, which is primarily related to the national economic development policy.

For Thailand, although Thailand was a co-founder of the International Labor Organization since the beginning, but Thailand is one of the few remaining member states that have not yet ratified the Convention.

At present, the Thai Labor Solidarity Committee and its member organizations from both formal labor, informal and migrant workers. Therefore, it has gathered and pushed in various forms for the Thai government to accelerate its ratification, with a constant campaign of calling for the past 10 years.

The Ministry of Labor classified informal workers into seven groups, with the same concept as the ILO in the sense that (1) Home workers and home workers (2) Credit Union Cooperative (3) Farmers and fishermen (4) Driver of off-duty vehicle (5) Self-employed in and non-agricultural sector. (6) An employee of the employer who has not worked all year. (7) Domestic workers

Information on informal workers for the past 10 years from 2009-2018.

Year	Number of employed persons (million)	Number of informal workers (million persons)	Number of informal workers (percent)
2009	38.4	24.3	63.4
2010	38.7	24.1	62.4
2011	39.3	24.6	62.6
2012	39.6	24.8	62.6
2013	39.1	25.1	64.2
2014	38.4	22.1	57.6
2015	38.4	21.4	55.9
2016	38.3	21.3	55.6
2017	37.7	20.8	55.2
2018	38.3	21.2	55.3

According to the National Statistical Office for 10 years, most informal workers graduated at the primary and lower levels, they are often engaged in agriculture, trade and service and manufacturing. In addition, informal workers are often unsafe and have problems at work. Therefore, if the informal worker is injured from work accidents, vehicle accidents, toxic chemical exposure and electric shock, including encountering problems in the working environment that is not suitable such as posture of work, exposure to dust, smoke and odors, and lack of lighting. These are the main problems that informal workers want the government to help. The problem can be solved by taking into account the compensation of hard work and ongoing unemployment. In addition, there are other problems such as lack of welfare, no days off and intermittent work, work not on regular hours, overworked hours and not on vacation.

The key points within the meaning of informal workers can be summarized as follows.

1) The informal sector is the type of employment in the informal sector which is a small, easily established, domestic business, often using domestic raw materials, labor-intensive, technology-based adaptation, and experience or learning expertise.

2) Legal Protection: Working is not covered by the labor law in order to obtain rights or welfare, so there is no exact form of employment.

3) Wages have no fixed rules.

Therefore, when it comes to informal workers, the importance lies in the protection of social regulations and the law on rights and welfare, as well as other benefits. It is noteworthy that in the latter period, the number of workers was not specified. Since the new labor law has been modified to provide protection even though there is only one worker. Therefore, informal workers should be divided into two large groups:

Group 1 is a group of workers working or hiring and earn income such as home workers, small-enterprise such as contractors to make products including workers that help in small businesses who do not have the power to decide on the management but will be hired by a small operator without an employment contract, unclear conditions, no welfare and helping workers or household businesses, such as grandchildren or relatives who help the household business but have no control over the business, which may have salaries or wages or are not clearly specified, other terms of employment are incomplete and therefore are not formal employment etc.

Group 2: Small self-employed people without employees such as pick-up drivers, agricultural workers, hawker vendors, barbers, fishermen, grocery store owners, pharmacies, lawyers, architects, doctors, etc.

A part of obstructions accessing rights and protections is that Informal workers work independently or have no employer to manage them. The occupations of informal workers can be divided into 3 types. The first type is the family system that does not have employees or is protected by social security. The second is the type of home worker. The last type is the contractor in the service sector. Because of independence, informal workers ignore self-management and environmental safety. In the past, the Ministry of Public Health tried to drive the Occupational Health and Safety Project (Safety Thailand) by concluding a memorandum of understanding with relevant agencies to develop work plans on the promotion and prevention of disease in the informal worker's sector and manage the environment for health promotion. In the early part of the research stage, we considered five occupations that the workers were widely in all areas and provided high risk to take action for promoting disease prevention. The five occupations were farmers, taxi drivers, sculptors, seamstress, and refuse collectors.

Disease and health control under the development plan aimed at healthy people, decrease risk behaviours, sickness, injuries, complications, and disability in the next 20 years by achieving through innovation.

The first innovation is to drive local networks to manage the risks of informal workers in the community. The indicator is that encouraging local networks to monitor, prevent, assess and manage the risks of informal workers in the community.

Local network means a group of people or representatives of government and organizations such as local government organizations, hospitals at all levels coordinated with Provincial Administrative Organization, Provincial Community Development Office, Provincial Agriculture and Cooperatives Office, Provincial Labour Office, Provincial Labour Protection and Welfare Office, Provincial Social Security Office, Provincial Skill Development Centre, Provincial Center for informal labour, Educational Institutions, Agriculture Sub-district/District Office, networks of Sub-Committee on the Management of informal Labour, and network of Local Health Assembly.

The second innovation is to expand the networks and develop the quality of occupational health service management for informal workers in the community. The indicator is that informal workers can access

occupational health services, and the community has basic health services that pass standard occupational health service management for informal workers.

Occupational health service access is the number of informal workers in the community who can receive both passive and active health care service. Passive health care services include medical history taking, medical examination based on occupational risks, diagnosis, medical treatment, rehabilitation, transfer of a patient for appropriate medical treatment, and risk communication. Active health care services include surveys, health problems, occupational environment, work risk assessment using an assessment form, conclusion, and risk management of informal/local workers who receive basic occupational health services that pass standard occupational health service management for informal workers.

Innovation in Protection for Informal Workers

-Drive the mission of informal workers protection under the Informal Labour Protection Strategy 2018-2022 to develop the efficient and effective protection and support the expansion of informal workers.

-Synthesize research results to knowledge for effective informal worker management and apply to develop Home Workers Protection Act 2010 to be complete and used in operation effectively.

-Apply technology and innovation to develop and adapt in the mission of the informal worker protection division for reducing costs and increasing efficient operations within the organization that corresponds to technology development, creating innovations and services based on digital government policies.

-Promote occupational safety for informal worker networks by integrating with relevant departments to develop knowledge and understanding about occupational safety, health, and environment Including creating a database of local informal worker networks.

Innovations in prevention and solutions of the protection for informal workers

-Control and look after employers, home workers, contactors, and agricultural workers comply with the Home Workers Protection Act, B.E. 2553 (2010), Ministerial Regulation No. 14 (B.E. 2555) issued under the Labour Protection Act B.E. 2541 and Ministerial Regulation on Labour Protection in Agricultural Work. Fri 2014 strictly.

-Develop informal labour laws by focusing on improving the quality of life of informal workers in the current situation.

-Issue a secondary law under the Home Workers Protection Act, B.E. 2553 (2010) for applying standard to control followed in the purpose of laws.

-Amendments to the Home Workers Protection Act, B.E. 2553 (2010) to ensure effective law enforcement. And keep up with the current labour situation.

-Prepare a manual for informal worker inspectors to guide the practice of the protection.

-Develop potential worker inspectors in enforcing informal labour protection laws to increase the efficient worker inspectors.

Innovations in promoting protection for informal workers

-Promote networking to assemble informal workers, including home workers, agricultural workers, contractors, and freelance to have the strength and sustain the quality of life and practice in the same direction.

-Develop the network of home workers, agricultural workers, contractors, and freelancers to have knowledge of informal labour laws and can access to social security and benefits Including the network for support and inspection when encountering illegal labour activities.

-Encourage home workers, agricultural workers, contractors, and freelancers to have additional occupations from the main occupation, have a stable income continuously, can access to the welfare, have knowledge of saving along with the sufficiency economy guideline along with the government policy to raise the quality of informal worker life.

-Promote and develop the elderly aged 60 years and over to be ready for a career and have knowledge of finance, saving and health care management.

- Reinforce capacity and support the mission of the Home Worker Protection Committee to increase efficiency in work performance according to their authority.

- Promote the participation of society by coordinating cooperation with various organizations related to the protection for informal workers, such as the International Labour Organization (ILO), the European Union Mission Office to Thailand (EU), the Foundation for Labour and Employment Promotion (FLEP), government and the private sector to provide opportunities and channels to promote and develop for informal worker protection.

IV. DISCUSSION

In Thailand, according to the National Statistical Office, it was found that the number of workers in Thailand were informal workers, which accounted for 55 percent of the entire country. These workers are not custodian under the labor and related laws. These workers must work in a charter manner, no working hours and no laws setting standards for the environment of work, it makes the group of informal workers more vulnerable to disease and health hazards. Unlike the general public, it depends on the nature of the work that the informal job is responsible for. At present, Thailand does not currently have a law to recognize and protect the rights of informal employment in particular, causing the informal sector in Thailand to lack social security and health security. Although Thailand has stipulated that informal workers can exercise their rights to the National Health Security Act of 2002 as general public and the state has also required an extension of the social security law to provide income insurance for informal workers in the form of voluntary social security but the rights of informal workers under these two acts are limited by certain rights, especially those that do not cover the right to sickness from work or disease that causes safety at work which directly affect health and social security on the informal workers. It is therefore against the principles of fundamental human rights being recognized and protected in the form of international law, agreements that many nations have prioritized them.

Therefore, in order to ensure health and social security for informal workers in the event of illness to enable equal, fair and standardized access to medical and public health services. States should recognize and protect the rights of informal workers to the same fair treatment as ordinary workers. It is prescribed as a fair certification measure in the form of a law, especially in specifying alternatives for informal workers to be insured under the Social Security Act. They are also entitled to the same protection as systematic workers, significantly reducing the gap and inequality in health rights, it also provides another way to ensure health security and life security for informal workers. It inevitably affects the quality of life of the informal workers and has a positive effect on the economy, especially those that require efficient informal labor and better economic growth.

Informal employment can be a rational economic decision. Entrepreneurs and businesses are working to voluntarily exit the formal economy in order to avoid the formal costs and efforts associated with formal employment. (E.g. Cherfi-Feroukhi, & Souam, 2020). (Becker, Emory, Nepomnyaschy, Waller, Miller, & Haralampoudis, 2020). as Torres de Oliveira, Sahasranamam, Figueira, & Paul, (2020). state, "The informal arrangement of the event is a response from small entrepreneurs when over-controlled by government officials." The state, however, is trying to create a process to control entrepreneurs and businesses.

According to the study, it was found that the 2017 Constitution of the Kingdom of Thailand, which is the current constitution, has enacted provisions that protect and recognize the rights of the general public as well as both internal and informal workers on the issue of health rights to access medical and public health services with equality. This is a social security that the state is protected and guaranteed by the highest law of the country. As shown in Article 47 of the protection of the rights of public health, it defines the right to health as a fundamental right that all peoples have equal and standardized access to medical and public health services such as treatment, health promotion, disease prevention and rehabilitation. All Thai people, including informal workers, will be guaranteed and protected this right in accordance with the constitution. States must protect and recognize such rights to the public to enjoy comprehensive, fair and standard services.

It can be seen that the 2017 Constitution of the Kingdom of Thailand, which is the highest law of that country, contains provisions for ensuring and protecting the rights of public health, this provides the right to receive equal and standardized medical and public health services. This is in line with the International Labor Organization (ILO) and several other international conventions that focus on the protection and recognition of the rights to the health of people, including informal workers. Many in Thailand are currently lacking clarity and a lack of specific protection laws. This is different from domestic workers who have specific laws for the recognition and protection of various welfare rights, especially health rights such as the Social Security Act 1990 and the National Health Insurance Act 2002.

The Social Security Act of 1990

This act is a statute that provides protection for workers as an insurer. There are currently two groups. The first group is the compulsory insurer, which are workers or employees of various establishments with or more employees. By law, employers and employees are required to have compulsory social security. The second group is the voluntary social security and the insured, which extends the social security coverage to cover the informal sector. It extends social insurance coverage to informal workers in order to be entitled to objection to sickness compensation, disability compensation, and funeral expenses. The law does not currently cover the health rights of informal workers in the areas of medical care, disease prevention, rehabilitation during illness but only the right under the National Health

Coverage Act of 2002, known as the Universal Health Coverage as the general public. This shows that informal workers in Thailand lacks rights protection when sick, which affects the social security of informal workers and it is not in accordance with the principle of social security that requires all people to have guarantees that create stability in life as well.

National Health Insurance Act 2002

Currently, this law, in addition to protecting the right to health in medical care for all Thai people, also provides protection and covers the right to health in the field of medical care, promote, prevent and restore the health of informal workers in Thailand as well. It is considered to be the largest number of workers in the country but these informal workers have not recognized and protected any legal rights, especially the health right to access medical and public health services in times of illness. These workers are required to exercise their rights under the National Health Security Program or the Gold Card Program as the general public. Currently, according to the National Health Insurance Act 2002, there are certain restrictions that affect informal workers or other self-employed people. This does not cover disease or injury caused by work in particular. Diseases caused by occupational health and safety at work, such diseases and syndromes are not protected by law. Therefore, informal workers in Thailand do not have a specific law to protect and recognize their rights, especially their rights to health, causing the informal sector to lack social security, especially health security. Although eligible under the National Health Coverage, it does not cover all services and benefits.

V. CONCLUSION

The results lead to the conclusion that innovations that the government has implemented under the plan to integrate the development of disease and health control of informal workers by creating innovation for networks to manage risks of informal workers in the community, expanding networks and developing the quality of occupational health services management, including innovation in protection for informal workers, innovations in prevention and solutions of the protection for informal workers, and innovations in promoting protection for informal workers. These innovations assist protection for informal workers effectively and access for informal workers to welfare in order to guarantee the health and social security of informal workers for improving their quality of life.

There are at least four conventions related to the setting of standards for the right to the health of workers around the world. Social Security Minimum Convention No. 102 on the Minimum Standards of Social Security, International Labor Convention No. 118 on Equal Treatment of Social Security, International Labor License No. 155 on Occupational Safety and Health and International Convention No. 187 on the Framework for the Promotion of Safety and Health. These conventions provide guidelines for the recognition and protection of the health rights of both local and informal workers; this is a guideline for creating health insurance and compensation benefits in the form of a social security fund that requires all workers. Not specifically, it must be the only formal worker who has access to the right to be the insured person. but the convention is open to informal employment or other self-employed persons, for example, agricultural workers or self-employed owners have the right to be insured and also have the right to recognize and protect the right to health in access to public medical and public health services as well as access to other benefits such as the old age fund, maternity allowance, disability allowance, etc., as well as the rights that systemic workers rely on. Unlike informal workers in Thailand that currently lacks laws that protect and recognize this specific right and informal workers in Thailand are not yet protected and recognized by the Social Security Act as their insured. In addition to the universal health rights that recognize and protect the creation of health insurance, the International Labor Convention also sets out guidelines for the reduction of morbidity and injuries from work. establishing minimum standards requires employers to have legal duties and responsibilities to provide a workplace environment that is conducive to working with workers' safety, this is another way to reduce morbidity and mortality from health threats that are all caused by work. Compared to informal workers in Thailand, it can be seen that Thailand does not provide protection against such rights because Thai non-formal employment lacks laws to recognize and protect specific rights as well as informal workers are not yet employees under the Labor Protection Act of 1998. Informal workers are not protected and guaranteed their rights as employees.

Therefore, the next stage of coverage must be expanded with compulsory social security schemes to step-by-step informal workers, especially for successful establishments.

A review of the current project in force will facilitate some members if they are registered so that the state can control them and able to increase the capacity to manage the social security program more effectively, especially the consent to pay contributions as required by law.

The implementation of education and education programs for the public to improve the image of the social security system is to expand the protection within the specified schedule within small businesses.

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