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Narrowing the Gender Divide: Thailand's Platform Economy and Digital Work

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Executive Summary

As a large Southeast Asian economy with high internet penetration, Thailand is a valuable case to examine the rise of the platform economy and its potential for narrowing gender-based gaps in labour markets. This policy brief, produced as part of the International Development Research Centre-funded Women's Work and Platform Economy (WWPE) project, offers an overview of the platform economy in Thailand, how it is evolving, the impact of the COVID-19 pandemic on this emerging industry, and regulations which can help manage it. Given the project's emphasis on women's experience of the platform economy, this brief highlights the existing gender gaps in Thailand's labour markets and suggests ways to enhance women's access to formal job opportunities.

Thailand has a sizable platform and gig economy, and multiple types of digital platforms, including social media, e-commerce, food delivery, and freelancing/crowdwork platforms, which allow women to generate income while working from home. As a result of these and other burgeoning opportunities, women in Thailand are employed in professional and technical roles at higher rates than men but despite that gender disparities in the form of lower female labour force participation rates persist. This is true of the informal sector as well which, as of 2022, employed 9 million female workers and 11.2 million male workers.[1]

Given women's increased presence in professional and technical roles and simultaneously low rates of female labour force participation, how does the platform economy factor into Thailand's current socioeconomic realities? Firstly, the platform economy does not benefit all stakeholder groups equally. Certain civil society organizations contend that it benefits platform firms more than platform workers. Secondly, the benefits of online gig work tend to vary depending on a variety of factors, operating both individually and together: gender, education and skill level, and socioeconomic class. This leads to a differentiated impact of the platform economy on the Thai population. But while it does not benefit all workers equally, platforms played a crucial role in helping the economy recover from the COVID-19 pandemic, especially by offering income-generating opportunities in the form of home-based work.

To ensure Thai workers continue to reap the benefits of the platform economy, this brief analyses the existing and forthcoming regulations. It concludes by offering suggestions to promote women workers' rights in the platform economy as a way of advancing gender equality in the country and the region.

Introduction

The rise of the platform economy in Thailand provides opportunities for flexible work that could potentially narrow gender gaps in Thailand's labour market. This policy brief aims to describe what the existing gaps are and to identify ways in which the evolving platform economy and opportunities for digital work if managed properly, can help address them. [2]

In what follows, the first section describes the sizeable Thai platform economy, the economic sectors it spans, and the population segments that engage with it. The second section highlights existing gender gaps in the labour market including in the informal sector; it suggests that the platform economy may help increase women's access to formal job opportunities and ultimately reduce the gender gap in labour market participation. The third section shows early evidence that the benefits of the platform economy have been unevenly distributed among firms and workers, women and men, as well as women of different demographic and socioeconomic backgrounds. The fourth sheds light on the COVID-19 pandemic's impact on the platform economy and the final section elucidates the measures necessary to regulate the platform economy.

1: Opportunities in the Platform Economy

Internet Penetration and Use

Internet access is a basic pre-requisite for engaging in the platform economy, for both customers and workers. Thailand's internet penetration is high, presenting opportunities for the continued growth of its platform economy. According to the Internet User Behavior (IUB) Report 2022, the number of Internet users in Thailand more than doubled between 2013 and 2021 from 24 million to 52 million, accounting for 79.3 per cent of the population.[3] This figure, reflecting Thailand's high rate of internet penetration, indicates that many are poised to engage on platforms, although there is potential to expand internet access among the one-fifth that do not yet have it.

The prevalence of the platform economy is also evident from the popularity of various online activities. The 2022 IUB survey found that, within the past year, 83.5 per cent of Thai internet users bought products/services online, while 15.8 per cent engaged in selling products/services.[4] Additionally, 58.6 per cent ordered, and 7.8 per cent sold, food/beverages through food delivery platforms.[5] Moreover, the IUB Report spotlights the rising popularity of "live commerce," which involves real-time buying and selling of products through live video interactions. This phenomenon is becoming increasingly popular, especially among younger users. According to the report, 34.1 per cent of all internet users, and 64.7 per cent of Gen Y users, engaged in live commerce.[6] This further underscores the significant impact of the platform economy on consumer behaviour and the dynamic nature of online interactions in Thailand.

These data indicate that Thai women have significant potential to leverage digital platforms for income generation. It is worth noting that women in Thailand enjoy equal access to the internet compared to men. Women spend a daily average of 7.55 hours on the internet, slightly more than men who spend an average of 6.60 hours.[7] Furthermore, a larger percentage of women, compared to men, identified work-related activities[8] (31.2 per cent vs. 26.6 per cent), and buying and selling of goods/services (32.8 per cent vs. 24.6 per cent), as their "main" purpose of internet use.[9] This again highlights women's readiness to participate in the platform economy.

Sizes and Types of Platforms in Thailand

Thailand has a sizable platform and gig economy,[10] and multiple types of digital platforms, including social media, e-commerce, food delivery, and freelancing/crowdwork platforms, allow women to generate income while working from home. E-commerce and platformized food delivery account for a significant proportion of Thailand's revenue. In 2021, e-commerce sales generated by micro vendors, that is those without formal commercial registration, were valued at USD 11 billion, constituting approximately two per cent of the GDP,[11] while the food delivery gross merchandise value (GMV) totalled USD 4 billion.[12] Meanwhile, the size of the platform-mediated freelancing market is unclear, although Kasikorn Research Center estimated in 2018 that the Thai freelance market was valued at around USD 145 million.[13] A more

Table 1
Occupations Represented by the Federation of Informal Workers: Percentage of Total Employment by Gender in Bangkok, Urban Thailand and Thailand

Occupational Categories	Bangkok Employment			Urban Employment			Thailand Employment		
	Total	Women	Men	Total	Women	Men	Total	Women	Men
Domestic Workers	1.9	2.9	1.0	1.0	1.7	0.4	0.6	1.0	0.3
Home-based Workers	10.7	10.7	10.7	11.8	13.8	10.1	9.7	12.1	7.7
Motorcycle Taxi Drivers	3.0	0.2	5.4	1.4	0.1	2.5	0.8	0.1	1.4
Market Traders	3.2	3.9	2.6	3.1	3.9	2.4	2.4	3.0	1.8
Street Vendors – Non-Food	0.5	0.5	0.5	0.9	0.9	0.9	1.0	1.1	1.0
Street Vendors – Food	2.2	2.8	1.7	1.6	2.0	1.4	1.1	1.4	0.9
Total	21.5	21	21.9	19.9	22.4	17.7	15.6	18.7	13.1

Source: Adapted from Poonsab, Vanek and Carré (2017)[30]

recent estimate suggests that three in 10 people in the country engage in gig work.[14]

Among the social media platforms in use, Facebook is the most popular, with 91.5 per cent of Thai internet users reportedly using the networking site, followed by LINE (90.5 per cent), TikTok (83.0 per cent), and Facebook Messenger (81.5 per cent).[15] Remarkably, Thailand has the ninth largest Facebook audience size in the world, with approximately 50.1 million Facebook users recorded as of 2024.[16] Among e-commerce platforms, Shopee had the largest market share of 56 per cent in 2022, followed by Lazada with a share of 40 per cent.[17] In the food delivery sector, Grab held the largest market share of 47 per cent in 2023, followed by LINE MAN with 36 per cent; whereas Foodpanda, ShopeeFood, and Robinhood only held 8 per cent, 6 per cent, and 3 per cent, respectively.[18] Meanwhile, Fastwork appears to be the most popular homegrown freelance platform, reportedly housing over 150,000 freelancers,[19] followed by FreelanceBay with around 72,000 freelancers.[20] Foreign platforms such as Upwork, Fiverr, and Freelancer.com also find traction among Thailand-based freelancers, although their exact numbers are unclear. Notably, the services offered on these freelance platforms tend to lean towards high-skilled work such as graphic design, translation, digital content creation, and website development. Crowdwork platforms for micro-tasks do not appear to be as popular in Thailand. Nonetheless, at least one local crowdwork platform exists—Wang: Data Market, whose Facebook page has around 35,000 followers.[21] Additionally, some types of platforms like housekeeping and massage services predominantly attract female workers, although women cannot perform these types of location-based work from home.

Thailand thus has a sizable platform economy that continues to grow and diversify rapidly. Importantly. These platforms offer opportunities for self-employment that could be particularly beneficial to women. The next section explores how the platform economy could help bridge some of the gender gaps evident in Thailand's labour markets.

2: Female Participation in the Workforce

Overall Gender Gaps in Thailand

According to the World Economic Forum's Global Gender Gap Report 2023, Thailand ranked 74th out of 146 countries,[22] indicating the presence of larger gender disparities than in most countries worldwide. However, a closer examination of the gender gap sub-indexes reveals relatively commendable performance in the economic domain; the country ranked 24th in the "economic participation and opportunity" sub-index.[23] Of particular note, women in Thailand are employed in professional and technical roles at higher rates than men (59 per cent versus 41 per cent).[24]

Women's Participation in the Labour Markets

Nevertheless, the overall rates of labour force participation have been consistently lower among women than men. According to the National Statistical Office (NSO), the female workforce participation rates ranged from 60-62 per cent between 2016 and 2022 while participation rates among men ranged from 76-79 per cent, with both being on the lower end in the first quarter of 2023, at 60.89 per cent and 76.84 per cent, respectively.[25] Additionally, even though the gender income disparity in Thailand is narrower compared to most advanced economies, women's estimated earned income is still only 82.6 per cent of men's.[26]

The rates of male and female participation also vary by industry. Latest national statistics show, for instance, that there are significantly more women than men in the accommodation and food service industry (1.9 million women versus 1 million men) and education industry (800,000 women versus 300,000 men).[27] Conversely, significantly more men than women work in the construction industry (1.8 million men versus 300,000 women) and the transportation and storage industry (1.1 million men versus 300,000 women).[28]

Gendered Jobs in the Informal Sector

The informal sector is similarly gendered. In 2022, there were 9.0 million female and 11.2 million male informal workers, accounting for informal employment rates of 49 per cent and 52 per cent respectively.[29] Some areas of work, however, have a predominantly female workforce; data from Women in Informal Employment Globalizing and Organizing (WIEGO) suggest that more women than men are employed as domestic workers, home-based workers, market traders, and street food vendors in Thailand's informal sector.[30]

Women and Entrepreneurship

Entrepreneurship is also gendered. Despite Thailand's impressive 19th rank out of 65 economies in the Mastercard Index of Women Entrepreneurs 2021 Report, indicating supportive entrepreneurial conditions for women,[31] the report found that women business owners made up only 36.2 per cent of total business owners in Thailand compared to 35.2

per cent the previous year.[32] Here, business owners are defined as "owners who employ at least one employee other than themselves".[33] The finding suggests that most female entrepreneurs in the country are non-employers who operate micro businesses. This aligns with the Global Entrepreneurship Monitor (GEM) Thailand Report 2018/2019[34] and a 2019 survey by the Office of Small and Medium Enterprises Promotion (OSMEP)[35], both of which found that most women entrepreneurs operated micro and small enterprises.

In keeping with broader employment patterns, gender differences vary among these business owners according to industry, with the greater share of female entrepreneurs concentrated in lower-productivity sectors. Approximately 68 per cent of women entrepreneurs in Thailand operated in consumer-oriented sectors—e.g., retail, catering and hospitality, and personal services. [36] Meanwhile, just 19 per cent operated in transforming sectors (e.g., manufacturing and transportation); while extractive sectors (e.g., agriculture and mining) and business services sectors (e.g., professional services and information and communications technology) each saw women representation of only 6 per cent.[37] In contrast, 48 per cent, 28 per cent, 15 per cent, and 8 per cent of male entrepreneurs operated in consumer-oriented, transforming, extractive, and business services sectors, respectively.[38]

The Effects of Gender Stereotypes and Norms on Women's Labour Force Participation

The gender disparities in income, labour force participation rates, types of industries/work, and entrepreneurship are likely linked to prevailing gender stereotypes and norms. While female enrolment rates in secondary and tertiary education in Thailand are higher than that of their male counterparts,[39] the school system is found to perpetuate gender stereotypes relating to jobs and capabilities. For instance, women are often stereotyped as teachers, nurses, librarians, and housewives, while men are stereotyped as doctors, executives, police officers, soldiers, and philosophers.[40, 41] Boys are also believed to naturally have more leadership qualities than girls, and perform better in math and science.[42] Such beliefs inform choices relating to education; among graduates choosing to pursue the generally lucrative disciplines of science, technology, engineering, and mathematics (STEM), only 30 per cent are women, while the other 70 per cent are men.[43]

Gender norms surrounding unpaid domestic work are a related issue. Of the 12 million women aged 15 and over who were not part of the labour force as of 2022, nearly 5 million cited engagement in household work as the reason for non-participation in the labour force.[44] In comparison, of the 7 million men outside the workforce, fewer than 300,000 men cited the same reason.[45] Additionally, motherhood was found to be "a contributing factor" in women's decisions to drop out of the labour force.[46] Gendered expectations related to domestic and care responsibilities are thus partly responsible for gender gaps in workforce participation, and likely lead to a significantly higher percentage of female home-based workers.

In the realm of entrepreneurship, the tendency for women to operate smaller enterprises may be linked to their motivations for starting a business, which, in turn, may be related to gendered norms surrounding household work. Studies suggest that entrepreneurs with opportunity-driven motivations tend to have higher business growth aspirations than those with necessity-driven motivations.[47] Although the GEM 2018/2019 report found larger shares of opportunity-driven entrepreneurs compared to necessity-driven entrepreneurs among both women and men in Thailand, it also found that more women than men started operating businesses out of necessity (14 per cent versus 10 per cent).[48] Some women, for instance, may choose self-employment to balance their paid work and unpaid domestic responsibilities.[49] It is also possible that the gender differences in earnings compels some women to stop seeking out regular employment and run their own business instead.[50] The desire for autonomy or independence may also act as an impetus for some women; in this case, they are likely to keep the business small.[51]

The above observations indicate that many women would benefit from systems that lower the barriers to labour markets and allow them to generate income from home while keeping flexible hours. The rise of the platform economy in Thailand provides these benefits, creating more income-generating opportunities for women. Women in Thailand are seen to work in the retail, accommodation, and food industries, employment sectors in which online platforms operate; this could facilitate the adoption of such platforms. More specifically, the types of goods and services typically sold by informal female workers could be sold on online platforms, thus serving as a pathway to formalising the labour market. However, it is also imperative to examine whether online platforms reproduce or overcome existing gender disparities in conventional labour markets. To this end, an evaluation of the following is necessary: the barriers to platformized job opportunities for informal workers; women's ability to seize opportunities for business and career expansion; and the gendered expectations surrounding the balancing of unpaid domestic work with remunerated activity.

3: The Unequal Benefits of the Platform Economy

Firms Versus Workers

The platform economy does not benefit all stakeholder groups equally. Certain civil society organizations contend that it benefits platform firms more than platform workers. They argue that platform firms set the rules and algorithms that directly affect workers'/merchants' income-generating opportunities; the firms are not obligated to provide social protection or skill training for the workers; and the atomized nature of platformized work makes it difficult for workers to engage in collective bargaining.[52] This has been particularly apparent in the food delivery sector, as delivery drivers have staged many protests to demand social protection and better pay, often with little success.[53] These firms define platform workers as "partners" instead of "employees", effectively denying any responsibility for their workers.[54]

The absence of social security is particularly worrying in light of the precarious nature of gig work. Illnesses and accidents may suspend workers' ability to work, potentially robbing them of an opportunity to earn money when they need it most. While the rapid increase in newly registered platformized workers and merchants meant that platform firms could provide an expanded range of services, workers and merchants would be further disadvantaged, now encountering heightened competition among themselves.

Intersectionality and Unequal Opportunities

The benefits of online gig work tend to vary depending on a variety of factors, operating both individually and together: gender, education and skill level, and socioeconomic class. Regarding gender dynamics, Thai academics have observed that the platform economy is subject to the same gender stereotyping as is seen elsewhere, leading to the concentration of men and women in different jobs.[55] For instance, online food delivery workers are mostly men, platformized cleaners are mostly women, and higher-paid sectors within the freelance market may be male-dominated due to the gender disparities in STEM education.

Moreover, a dual labour market is likely to form within the platform economy, whereby high-skilled and low-skilled workers engage in disparate forms of labour. Those involved in high-skilled endeavours such as translation, teaching, consulting, and entrepreneurship are typically able to leverage digital platforms to foster career growth and business expansion over time, facilitated by skill accumulation. Conversely, individuals performing low-skilled tasks like cleaning, massaging, and micro-tasks confront impediments to progression due to the nature of their routine activities, which may not significantly contribute to skill enhancement.[56] The hierarchy is compounded by the fact that certain low-skilled occupations, such as cleaning and massaging services, are often associated with low social status. This, experts believe, may contribute to feelings of low self-esteem instead of empowerment.[57] Furthermore, these location-based, low-skilled platform roles may bring about more risks and challenges compared to their cloud-based, high-skilled counterparts. For instance, location-based workers contend with heightened concerns related to accidents and sexual harassment due to the necessity of physical travel to their work locations, often within precarious settings like strangers' residences.

In addition, disparities persist for women of varying demographics in accessing platform work opportunities. An array of factors influences internet use behaviour, including age, location, and occupation. Dara from the Thailand IUB Report indicates that younger internet users spend more time online, with Gen Z and Gen Y averaging more than 8 hours daily, while Gen X and Baby Boomers average only 6 and 3 hours, respectively.[58] Users in Bangkok also spend significantly more time on the internet (averaging 10.5 hours per day) compared to those outside of Bangkok (averaging nearly 7 hours).[59] Occupation further compounds these differences, with government employees and students spending the longest daily averages of nearly 12 hours and 9 hours, respectively.[60] Interestingly, retirees and homemakers spend the least amount of time online, at just 3.3 hours and 5.5 hours, respectively.[61]

These figures underscore the potential for varying degrees of opportunity for women across different demographics to partake in platform work. In particular, the occupation-related data indicate that homebound women and/or women with significant caregiving responsibilities might encounter limitations in taking up platform work, despite the apparent advantages of remote and flexible work arrangements. It is worth mentioning that women of different social strata may experience dissimilarities in domestic responsibilities. Those in higher income brackets can usually afford to hire help for household and caregiving duties, whereas their lower-earning counterparts lack such capacity.

It is evident that the burgeoning platform economy contributes to economic resilience, helping boost private consumption and providing income-generating opportunities for businesses and workers in times of crisis. However, its benefits are unevenly distributed: platform companies appear to benefit significantly more than their workers; and among platformized workers, low-skilled, lower-class women, especially those with substantial care work burden, enjoy fewer advantages. Efficient policy, streamlined regulations, and robust support mechanisms are thus necessary to ensure that the platform economy leaves no one behind.

4: Coping With the COVID-19 Pandemic Through Platformized Work

Several factors, internal and external, contribute to Thailand's economic uncertainty. Severe drought, US-China trade tensions, and political turmoil had already weakened the country's economy before COVID-19.[62] The pandemic, however, led to unprecedented global disruption.

The outbreak of the virus and related restriction measures resulted in Thailand registering a gross domestic product (GDP) contraction of 6.1 per cent in 2020, its worst economic downturn since the Asian Financial Crisis.[63] Businesses faced immediate liquidity shortages as the private consumption index plunged in April 2020, at the height of the national lockdown. The unemployment rate doubled, and the average hours worked fell by 6.5 per cent between the first and second quarters of the year.[64]

Thailand's economy has gradually recovered from the COVID-19 crisis as the pandemic improves. The country's annual GDP growth rate increased from 1.5 per cent in 2021 to 2.6 per cent in 2022, a moderate recovery pace compared to fellow developing ASEAN economies like Malaysia, Vietnam, and the Philippines.[65] Nevertheless, Thailand's economy is projected to continue growing steadily, becoming a trillion-dollar economy by 2036.[66]

The Uneven Impact of COVID-19

The economic impact of COVID-19 was felt unevenly across different socioeconomic groups (see Figure 1). A survey by The Asia Foundation reported an average monthly income decline of 47 per cent across the Thai workforce, with the lowest earning (less than THB 10,000/month pre-COVID) and least educated (primary school or lower) groups reporting the largest contractions of 60 per cent and 63 per cent on average respectively.[67] Additionally, informal workers were hit much harder than formal workers, with the former losing 63 per cent of their monthly income on average and the latter seeing a 28 per cent decrease in the same period.[68]

Gender disparities have also been observed, with women reporting an average income decline of 49 per cent, compared to men's 45 per cent.[69] A second report found that female workers lost 7.2 per cent of hours worked between the first and second quarter of 2020, while their male counterparts lost 5.7 per cent.[70] These disparities are likely a result of gender norms and stereotypes; as elaborated on in a previous brief, women bear a disproportionate burden of unpaid domestic/care work. The gender stereotyping of jobs also influences people's educational and career choices, resulting in more men pursuing lucrative jobs than women[71] and more women being employed in the sectors most affected by COVID-19,[72] including tourism.[73]

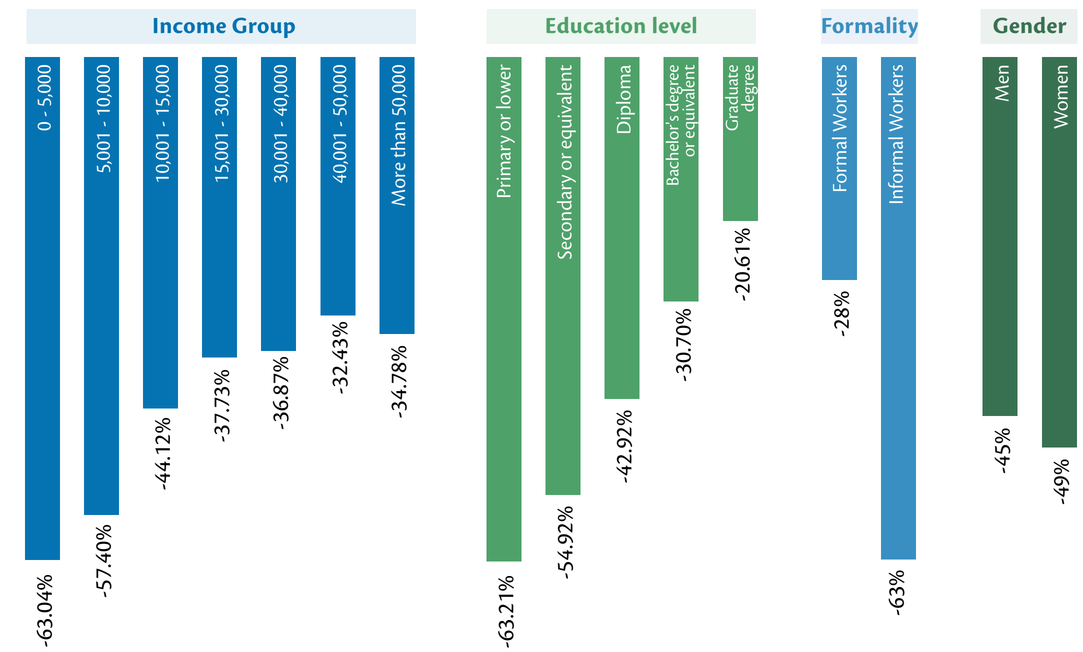
COVID-19's Impact and the Boom in the Platform Economy

Lockdown measures and fears of COVID-19 contractions have facilitated a boom in the platform economy, with e-commerce and online delivery services becoming immensely popular. Competition in the food and grocery delivery market was particularly intense through 2020 with the launch of GrabMart, Robinhood, and Pandamart;[74,75] LINE MAN's merger with Wongnai;[76] and the service area expansion of key players, viz., Grab, Foodpanda, and LINE MAN.[77] The gross merchandise value of Thailand's online food delivery services touched USD 4 billion in 2021—the highest year-on-year growth in the Southeast Asia region.[78]

Several individuals whose livelihoods were threatened by COVID-19 also turned to online gig work as a means of income generation. Some of the participants interviewed in the JustJobs Network's project Opportunities, Costs, and Outcomes of Home-Based Platformized Work (JJN project) resorted to selling products online upon being furloughed.[79] Others, who had been using online platforms to run their business even before the pandemic, reported increases in sales during the lockdown.

Figure 1

Average Income Decline Following the COVID-19 Pandemic Among Different Groups



Source: Parks, Chatsuwan and Pillai (2020)

A previous survey by Kenan also found that 39 per cent of micro-, small, and medium-sized enterprises (MSMEs) expanded their online sale channels, and 18 per cent were forced by the pandemic to sell online for the first time.[80] Similarly, freelance platforms saw an uptick in activity, with Fastwork reporting that their freelancer registration numbers doubled during the lockdown in 2020.[81]

A Longitudinal Study of COVID-19 Impacts and the Platform Economy

Online platforms seem to have contributed to the recovery and resilience of the Thai economy in the first year of the COVID-19 pandemic. Moving forward, the JJN project will continue to evaluate the platform economy's role in helping workers, especially home-based female workers, cope with the pandemic's lasting impact and explore if the platform economy continues to expand. To do so, the research team took a "Platform Pulse" every three months, from November 2020 to August 2022. This entailed mapping by type the number of online platforms available at the time of each pulse, based on a manual scrape of online data. The platform pulse provides background information to better understand the lived experiences of online workers in the context of COVID-19; this was recorded through in-depth interviews with 70 of such workers between March 2021 and July 2022. Of these online workers, four individuals agreed to a second interview in May-June 2022, now two years into the pandemic, to discuss their experience of platformized work brought about and sustained by COVID-19.

5: Regulating the Platform Economy in Thailand

As stated above, platform-mediated work is associated with a variety of challenges, including the lack of social protection for workers and their inability to engage in collective bargaining which compounded during the pandemic. In-principal approval of the draft Independent Labour Promotion and Protection Act signals the Thai government's intentions to expand labour protection, legislation is yet to catch up with the rapid expansion of the platform economy, primarily steered by foreign companies. The bill is still under consideration. It has been submitted to the Cabinet. Next, it will be considered by the House of Representatives, and subsequently by the Senate.

Fallen Between the Gaps: The Lack of Regulations for Platform Work

Despite the boom in the platform economy, partly as a result of the pandemic, no regulations specifically protect platformized or gig workers engaged in online work. The answer to the question "Who is the employer" is crucial in determining which law applies to gig workers. While various studies have shown that there is an imbalance in the labour relationship between platform providers and workers,[82] the nature of platform work, as well as the discourse put forth by platform providers, contribute to gig workers being treated as independent contractors who are responsible for their social protection (in the form of social security and health insurance).

Despite efforts at the re-classification of gig work, the term does not have a proper legal definition that would, in turn, allow for policy development. Like in many other countries in the world, gig work is interpreted under the Thai Civil and Commercial Code as a hire of services rather than an employment contract. Without the 'employee' status, gig workers are not granted protection under the Labour Protection Act and the Labour Relations Act, which lay down rules on minimum wages, benefits, working conditions, and the right to association.[83] Moreover, several elements in the Civil and Commercial Code reinforce the flexible nature of the contract, leaving workers tremendously vulnerable.[84] For example, section 582 states, "The hirer can, on giving such notice, immediately dispense with the services of the worker by paying him/her his/her remuneration up to the expiration of the notice." This allows platforms, as hirers, to terminate piece-rate employment at any given time with no prior notice or severance pay.

Thai gig workers can be voluntarily insured under the revised Article 40 of the Social Security Act (2015). The insurance for gig workers is not, however, equivalent to that of formal employees insured under Article 39 or Article 33, as they do not receive unemployment benefits, welfare, or the right to association. Additionally, "wages" received by gig workers as compensation for work are considered an "income" or "assessable income", which must be calculated for tax filing as required by law.[85] While some platforms deduct tax upon payment to the workers, primary research finds that in these cases, some workers do not receive the withholding tax certificate that is required to file taxes.[86] The Revenue Code Amendment Act (No. 48) B.E. 2562, or the "Online Merchant Tax Act" focuses on accessing information for collecting taxes specifically in online sales. Under this Act, entrepreneurs conducting business via social media platforms must pay tax if their personal accounts either 1) receive deposits or money transfers exceeding 3,000 times a year, or 2) receive deposits or money transfers for a total of 400 times and the total amount exceeds 2 million baht.[87]

Increasingly Blurred Lines Between Platform Types

Basing regimes of social protection and taxation on the type of platform on which workers engage poses certain challenges. For one, it has become increasingly difficult to separate platforms into distinct categories as they expand their services. Grab, for instance, initially began as a ride-sharing service but now offers motorcycle taxi, food delivery, grocery delivery, express parcel delivery, housekeeping, and hotel booking services.[88,89] Meanwhile, LINE, a social media application, has launched LINE Official Account and LINE MAN—together covering online retail, food delivery, grocery delivery, taxi-hailing, and messenger services.[90] Shopee, a popular e-marketplace, also started offering food delivery services under ShopeeFood in 2021.[91] Additionally, preliminary research findings by the Kenan Foundation Asia (Kenan) under JJN's Opportunities, Costs & Outcomes of Home-based Platform Work for Women project demonstrate that the majority of businesses and gig workers in Thailand use Facebook for income generation regardless of the type of products/services they offer. This is unsurprising, given Facebook's immense popularity among Thai internet users.

Issues With Policy Options Currently Under Consideration

Policies and measures that aim to protect informal workers do not encompass all gig workers. The Regulation of the Department of Employment on Home Work Promotion B.E.2560 (2017) grants home-based workers the ability to register, receive career support, and seek financial assistance from a Home-based Worker Fund.[92] However, the definition of home-based work under this Department Regulation is limited to low-skilled manufacturing jobs, such as women engaged in piece-rate sewing activities at home. Notably, it excludes the majority of gig workers, who often work in services industries.

Approximately 20.2 million Thais are employed in informal work, constituting over 51 per cent of total employment.[93] The definition of informal employment used by the National Statistical Office (NSO) includes all employed persons who are unprotected by labour laws, and/or uninsured by the Social Security Act.[94] Initially, the regulatory proposal for safeguarding independent workers adhered to a similar definition. Previously named the 'Promotion and Development of Informal Labour Act', the draft Independent Labour Promotion and Protection Act classified 'informal labour' as individuals aged 15 years and older who lacked employee status or coverage under the Social Security Act.[95] The bill aims to extend the right to registration and right to association, as well as establish a fund for matters related to informal labour protection and welfare to independent workers;[96] its principle was approved by the Cabinet in December 2021.[97] However, it has since experienced name and content modifications and is yet to be presented to the House of Representatives.[98] The transition from 'informal labour' to 'independent labour' followed a review by the Council of State,[99] highlighting that the Act is intended to protect workers who do not legally have an employer. A law lecturer interviewed by Kenan under the JJN project expressed concern that employers were missing from the equation as the bill places the onus of independent labour protection and welfare on the state.

It is important to note that the platform economy, which gig workers rely heavily on, has changed the nature of work; this may have implications for the effectiveness and reach of the legislation discussed above. Platforms have created a wide array of opportunities for many people to exchange goods and services in manners that transcend traditional labour legal frameworks. The labour relationship between platform workers and platforms is significantly different from that of non-platform informal workers, a distinction that must be taken into serious consideration.

In a commendable move, the latest iteration of the draft Independent Labour Promotion and Protection Act[100] explicitly acknowledges platform workers. Notably, the bill further classifies independent labour into "independent workers" and "semi-independent workers", with the latter category including platform-mediated workers who receive compensation for their work from platform service providers. While this classification acknowledges that such platformized workers are only "semi-independent" rather than fully independent, it continues to mask the limited agency experienced by these workers. In particular, many of these workers lack control over the rate of compensation, the process of work, and the terms and conditions of their service. In contrast, a landmark court ruling in the United Kingdom (UK) in February 2021 found that Uber drivers are not independent and that there is a clear element of subordination in the nature of their service,[101] thereby setting a precedent for gig workers' eligibility for social security and other employment benefits. While the endorsement of the Independent Labour Promotion and Protection bill signals the Thai government's interest in extending legal protection to workers in the informal (platform) economy, the bill still disregards the issue of employer identification—a monumental step in recognizing the rights and protection of gig workers.

In addition, according to an earlier JJN report on policy and regulation options, Thailand, as a maturing digital economy, needs to focus on developing regulatory frameworks specifically for the platform economy, rather than expanding legal reach to include platform workers.[102] The report makes a key recommendation that academics interviewed by Kenan also echo: the establishment of an ecosystem of support for local platforms,[103] which will in turn help strengthen the domestic economy and provide work opportunities for all.

Although the popularity of foreign platforms such as Facebook, Grab, LINE, and Shopee in Thailand has created innumerable job opportunities for Thai people, most of the financial profit made in Thailand has been sent back to the country of origin of platform creators. Industry professionals recommend that Thailand needs to develop its own national "unicorn"—a home-grown platform—that would put the country on the global map.[104, 105] However, policy restrictions in Thailand hinder the development of such "unicorn" businesses. There is therefore a need for policy to promote home-grown platforms that can cater to home-based workers who operate as individuals, or to those who lack bargaining power. This home-grown platform would not only benefit Thailand's economy but also promote informal workers' access to basic social services.[106]

Next Steps

The Independent Labour Promotion and Protection Bill is a good starting point towards the development of a regulatory framework that includes vulnerable workers like those engaged in the gig economy. However, it is imperative that the Ministry of Labor places greater emphasis on recognizing the unique nature of platform work and issue specific measures that correspond with its conditions. To this end, the final recommendations to be provided at the completion of this study will contribute productively to the discourse on laws and regulations for platform work, with a focus on promoting women workers' rights in the platform economy, and thus effectively further the global effort in advocating for gender equality.

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