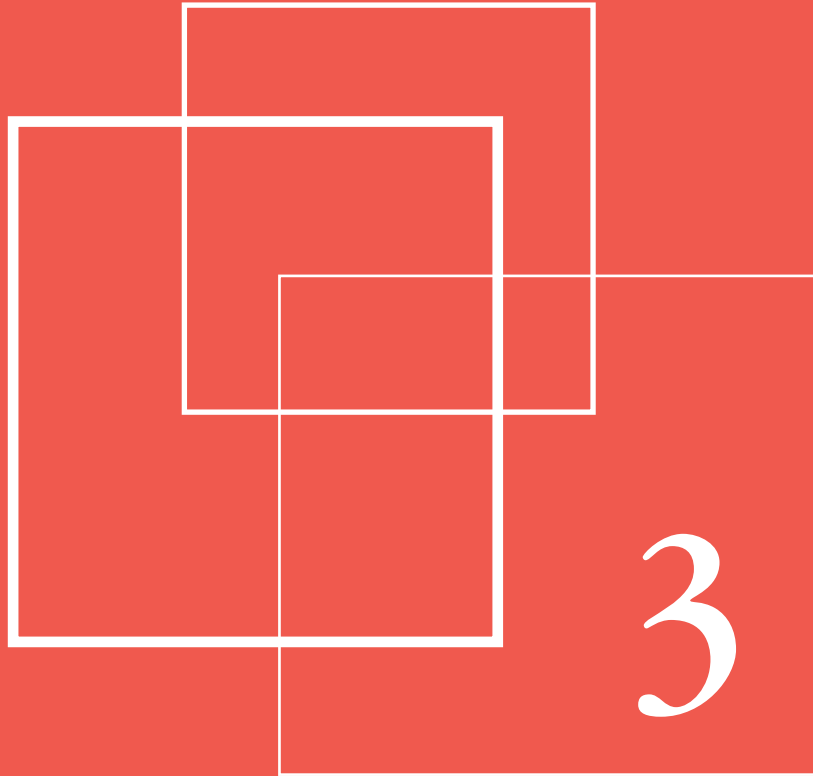


FISHING SECTOR



CHAPTER 3 : FISHING SECTOR

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3. FISHING SECTOR

1. INTRODUCTION

1.1 Background

There has been a growing demand for migrant workers in Thailand's fishing industry, both working aboard fishing vessels and in processing plants. This kind of work is often less attractive to Thai workers.³³

A remarkably high number of Thai workers have left the fishing industry over the past decade, as a result of the economic boom of the nineties, which led to better paid jobs in other sectors, as well as fears over dangerous working conditions on fishing boats, including typhoons. Estimates suggest there are up to 200,000 migrant labourers working as fishermen on boats operating from Thailand.³⁴ It is worth noting that in the fish-processing sector migrants are in great demand in factories for the onshore peeling, sorting and cleaning of seafood. Most are migrants who escaped the difficult political and economic situation in Myanmar and chronic poverty in Cambodia.

Employers also seem to like hiring migrants because they perceive migrants as being easy to control and willing to work hard.³⁵ Even more importantly, migrants can be hired at low cost. If labour costs in the fishing sector reflected the true minimum wage, the fishing industry might lose its competitive edge. Despite the assertions of employers' associations in Samut Sakhon that say they pay equal to, or above,

the minimum wage among their members, and their businesses still profit,³⁶ many migrants receive below the minimum wage. The fishing sector makes a relatively small contribution to the overall Thai economy. In 2005, fishing contributed just over 4% to Thailand's gross domestic product (GDP).³⁷ This amount does not, however, include turnover or profits made from fish processing, which comes under the broader sector of general manufacturing.

There has been some anecdotal evidence to show that the treatment of migrant fishing workers in Thailand falls below international standards. Although there are only isolated reports of trafficking and forced labour among migrants in the fishing industry, several reports exist regarding the maltreatment of migrant fishing workers in various forms. Stories about child workers virtually "held prisoner" and forced to work at sea for months or years at a time under appalling conditions have made international news headlines. According to Raks Thai Foundation in 2003, two thirds of migrant fishermen are undocumented, many suffer exploitative or abusive working conditions and few workers receive the money promised to them by employers. As migrants, they have little means to improve their vulnerable situation. This study aims to provide more information about the exploitative conditions of work migrants in the fishing industry face.

³³ Chulalongkorn University et al, 2003.

³⁴ Raks Thai Foundation, 2003.

³⁵ National Human Rights Committee, 2005.

³⁶ Pearson, 2004.

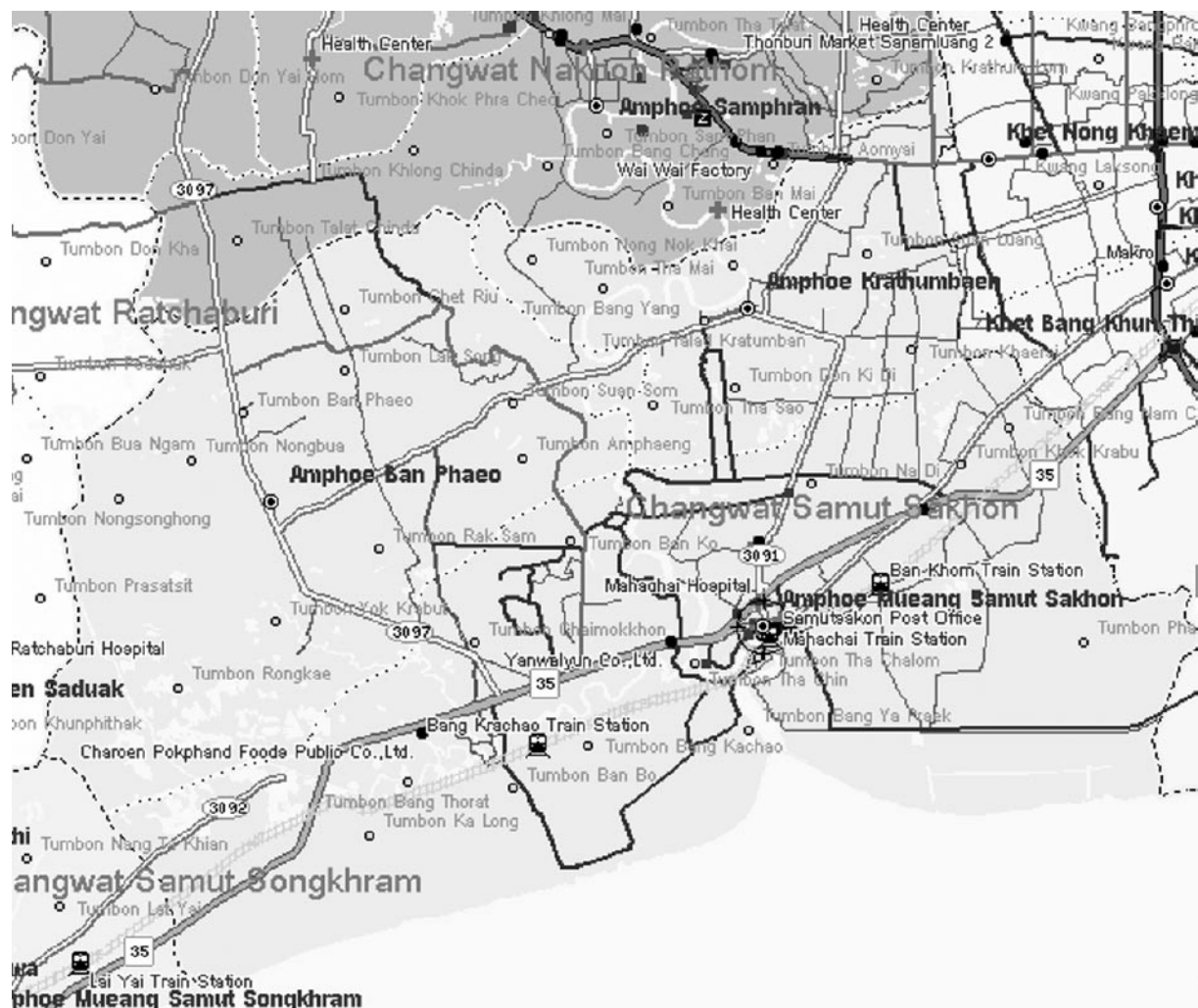
³⁷ GDP: Q4/2005, Office of the National Economic and Social Development Board (NESDB), Bangkok, 2006.

1.2 Geographical site of research

The study site is in Samut Sakhon, a province that has experienced a strong economic boom over recent years. The province is composed of three districts: Muang Samut Sakhon; Ban Phaeo and Krathumbaen (see Map 1, p139). The province borders areas of Bangkok, Ratchaburi, Nakhon Pathom, and forms

part of the coast of the Gulf of Thailand. Samut Sakhon is significant in that it is a primary destination for a large number of migrants, especially from Myanmar, who come in search of work in the seafood industry, both on fishing vessels and in fish processing factories. There are about 30,000 migrant workers working in the fishing and seafood processing industry alone in Samut Sakhon province.³⁸

Map 1 Samut Sakhon province



³⁸ Pearson, 2004

2. METHODOLOGY

2.1 Study sample

Migrants in the fishing sector involved in this study include both those working on fishing vessels and in fish processing factories. Some 117 migrants were surveyed; 21 who were working on fishing boats and 96 in fish processing. Eighty-two employers were surveyed in both sub-sectors.

As in other sectors, the study aimed to include about a third of unregistered (undocumented) migrants in the sample. This was to contrast the working conditions between registered and unregistered migrants. Although the study attempted to include migrants of different nationalities, more than 90% of migrants in Samut Sakhon come from Myanmar.³⁹ The study was unable to include Cambodian migrants due to the fact that there was a lack of Cambodians working in this form of employment in this geographical area. Few Lao migrants were also interviewed due to the language barrier (the interviewers didn't speak Thai or Lao).

2.2 Recruitment of field supervisors and interviewers

Unlike the other three sectors, the fieldwork for this sector relied heavily on staff at the Labour Rights Promotion Network (LPN), an NGO working on migrant issues in Samut Sakhon province. In particular, the director of LPN (Mr Sompong Srakaew) played a crucial role in supervising and supporting his staff to work as interviewers throughout the data-collection period. The LPN staff interviewed employers and facilitated the involvement of migrant volunteers in the Samut Sakhon area to conduct interviews with migrant workers. Mon and Burman migrant interviewers,

who currently work in Samut Sakhon, were able to approach and interview migrants much more easily than migrant interviewers from outside the province. LPN staff had better access to employers since they regularly visit communities and are familiar with local individuals. Working with a community NGO service provider improved the access to migrants and enabled migrants to speak more openly about any exploitation they may be facing.

2.3 Sampling and data collection

a) Quantitative data

The study surveyed 80 employers in the fishing sector in Samut Sakhon province. As in other sectors, the list of registered employers hiring migrant workers during July 2004-June 2005 was used as the sampling frame. However, it turned out that many employers' names in the sampling frame were not current. Many businesses had closed down, no longer hired migrants, or listed the wrong business addresses. As a result, many employers interviewed in the study are not listed with the MOL. Interviewers visited various factories, knocking on doors and requesting interviews. The same process was used for boat owners.

The study had no sampling frame for migrant workers in Samut Sakhon. Migrant interviewers interviewed any migrants of eligible age working on fishing boats or in fish processing factories. Most interviews took place at the LPN office. Only three migrants were interviewed in their homes. None were interviewed at their workplaces.

b) Qualitative data

It was even more difficult to conduct in-depth interviews with employers. Originally 10-15 employers were to be interviewed, however, it was only possible to complete six in the end. Of

³⁹ National Human Rights Committee, 2005.

these, five had taken part in the survey (structured questionnaire). As experienced in other sectors, only employers who were not facing any problems were willing to talk to the researchers. Two more employers were interviewed as key informants. As for migrants, nine were interviewed in-depth. None of these migrants had participated in the survey.

3. FINDINGS AND DISCUSSIONS

3.1 General characteristics of employers

Eighty-two employers in the fishing sector were surveyed using the structured questionnaire, 40 of them were boat owners or captains and 42 employers in fish processing (see Table 1, p117). In addition, eight employers were interviewed in-depth. Almost half the employers in fish processing (45%) were sub-contractors. About a third of the total number of employers in both sub-sectors was female.

In both sub-sectors, most employers surveyed owned the business, which was most likely to be small-scale. Qualitative information from the pre-test suggested it was common for owners of large fish processing factories to be non-Thais who leave the running of the business, including recruitment of staff, to local managers.

Half the employers questioned had completed primary education. Employers in fish processing seemed to have attained higher levels of education compared to employers on fishing boats (see Table 2, p118). For example, employers in fish processing were five times as likely as employers of workers for fishing vessels to have attained tertiary or higher (above secondary) education (36% versus 8%). Employers in general are not able to speak the languages spoken by migrant workers. Four employers (out of 82) were not able to speak English or Chinese.

Slightly fewer than half the employers were members of an employer's association. Among them, more than half had joined the Fishery Association. The next most popular organisations were the Sea Food Processing Association and the Thai Sea Club.

Table 1: Percentage distribution of employers by selected characteristics

Characteristics	Percent	Number
Total		82
Sub-sector		
Fishing boat	48.8	40
Fish processing	51.2	42
Sub-contracting (for fish processing only)		
Sub-contractors	45.2	19
Non sub-contractors	47.6	20
Both	7.1	3
Position of interviewed employers		
Fishing		
Owner	90.0	36
Boat captain	10.0	4
Fish processing		
Owner	90.5	38
Manager	4.8	2
Other (Personnel head staff, financial staff)	4.8	2
Educational level*		
Primary	54.3	44
Secondary	23.5	19
Tertiary	22.2	18
Female	32.9	27
Participate in an employer's organization	48.8	40
Type of organization		
Fishery association	56.4	22
Fish processing association	18.0	7
Thai sea club	10.3	4
Other	25.6	10
Participate in other community organization*	9.8	8

* One employer who did not respond has been excluded.

Note: Other organizations included frozen fish organisations (3), pier organizations (2), black net boat clubs (2), shrimp buyers' association (1), factory safety (1), trading organization (1) Other non-employer organizations mentioned included a walkie talkie users' group, a group concerned with safety at sea and Rotary International.

Table 2: Percentage distribution of employers grouped by educational level attained and sub-sector

Educational level	Fishing boat	Fish processing	Total (N)
Primary	69.2	40.5	54.3
Secondary	23.1	23.8	23.5
> Secondary	7.7	35.7	22.2
Total (N)	100.0 (39)	100.0 (42)	100.0 (81)*

* One employer who did not respond has been excluded.

3.2 General characteristics of migrants

In the migrant survey, 117 migrants were interviewed. Of these, 21 worked on fishing boats (12%) and 96 worked in fish processing factories (82%). Table 3 shows the ethnic backgrounds, country of birth, gender, age and registration status of the migrants interviewed. Over half the migrants surveyed in this sector were Mon, and the next largest group was Burman (35%). The rest were mainly Karen. Nearly all the migrant workers were born in Burma, while one was born in Laos.

All the migrants employed on fishing boats were males, while in the fish processing sector the

proportion of males and females stood at about the same level.

The age of the migrants surveyed ranged from 10 to 25 years old. Almost half were under 18, and as many as a fifth were under 15. Migrants working in fish processing were slightly older than those employed on fishing boats. The majority of migrants working on fishing boats were aged between 15 and 17 years old, while the majority of those employed in fish processing were 18 to 25. However, all the children aged under 15 in the survey worked in fish processing, demonstrating a wider variation in age among migrants in the fish processing sector relative to those working on board fishing vessels.

Table 3: Percentage distribution of migrants by selected characteristics (ethnicity, country of birth), grouped by age and sub-sector

Characteristics	Fishing boat		Fish processing		Total	
	Percent	Number	Percent	Number	Percent	Number
Ethnicity						
Mon	42.9	9	55.2	53	53.0	62
Burman	52.4	11	31.3	30	35.0	41
Shan	0.0	0	1.0	1	0.9	1
Karen	0.0	0	11.5	11	9.4	11
Lao	4.8	1	0.0	0	0.9	1
Other	0.0	0	1.0	1	0.9	1
Country of birth						
Thailand	4.8	1	0.00	0	0.9	1
Myanmar	95.2	20	97.9	94	97.4	114
Lao	0.0	0	1.0	1	0.9	1
Not known	0.0	0	1.0	1	0.9	1
Male	100.0	21	49.0	47	58.1	68
Age group						
<15	0.0	0	18.8	18	15.4	18
15-17	66.7	14	21.9	21	29.9	35
18-25	33.3	7	59.4	57	54.7	64
Mean age (S.D.)	17.0 (1.1)	21	17.8 (3.5)	96	17.8 (3.5)	117
Total		21		96		117

Table 4 shows the educational level of migrants interviewed for the survey. This was measured by the number of years education completed, and the migrants' ability to read and write in any language. About half the migrants interviewed had finished one to four years of schooling, 40% had completed more than four years, and a tenth had never been to school. The average number of years of schooling was about four years. Some 80% of migrants interviewed were able to read or write in at least one language. Males working on fishing boats tend to have a lower education level compared to those employed in fish

processing. In fish processing, males had studied for about a year more than their female counterparts. However, a smaller proportion of males working in fish processing were able to read or write than females (81% against 85%).

Twice as many unregistered migrants have no education than registered migrants (16% compared to 8%, respectively). However, the proportion of unregistered migrants who have completed at least five years of education and who can read or write is higher than that of registered migrants.

Table 4: Percentage distribution of migrants by education level attained, grouped by sub-sector, sex, age and registration status

Education Level	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
None	19.1	8.5	10.2	27.8	17.1	3.1	8.1	16.3	11.1
1-6	57.1	55.3	77.6	72.2	62.9	64.1	70.3	55.8	65.0
7-9	19.1	27.7	8.2	0.0	17.1	23.4	16.2	20.9	18.0
10+	4.8	8.5	4.1	0.0	2.9	9.4	5.4	7.0	6.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(N)	(21)	(47)	(49)	(18)	(35)	(64)	(74)	(43)	(117)
Mean	4.4	5.0	4.0	2.2	4.2	5.2	4.4	4.6	4.5
(S.D.)	(3.0)	(3.2)	(2.9)	(1.7)	(2.7)	(3.2)	(2.8)	(3.4)	(3.1)
Can read/write	76.2	80.9	85.4	66.7	76.5	89.1	80.8	83.7	81.2
N	21	47	48	18	34	64	73	43	116*

* One employer who did not respond has been excluded.

In terms of Thai language ability, only 8% of migrants were able to speak Thai fluently and two fifths were able to speak some words in Thai, while more than a quarter of the sample (see Table 5, p121) could not speak any Thai. More migrants working on fishing boats were not able to speak Thai at all when compared with those employed in fish processing (43% against 32%, respectively). Clearly there are fewer opportunities for migrant workers to interact with Thai people when working at sea on a fishing boat.

Some 55% of female migrants employed in fish processing were able to speak some words in Thai, compared with only 43% of the male workers. The proportion of unregistered migrants who can't speak Thai or can only speak some Thai words is double that of registered migrants (77% against 38%, respectively). The ability to speak Thai clearly seems to be based upon the length of time the worker has spent in the country.

Table 5: Percentage distribution of migrants in terms of their ability to speak Thai, grouped by gender, sub-sector, age and registration status

	Gender and sub-sector			Age			Registration		Total
	Fishing boat	Fish processing		<15	15-17	18-25	Yes	No	
	(Males)	Male	Female						
None	42.9	31.9	16.3	22.2	45.7	18.8	12.2	53.5	27.4
Little	14.3	25.5	28.6	33.3	11.4	29.7	25.7	23.3	24.8
Some	33.3	40.4	40.8	22.2	31.4	48.4	54.1	14.0	39.3
Very well but not as Thai	9.5	2.1	12.2	16.7	11.4	3.1	6.8	9.3	7.7
Fluent like Thai	0.0	0.0	2.0	5.6	0.0	0.0	1.4	0.0	0.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(N)	(21)	(47)	(49)	(18)	(35)	(64)	(74)	(43)	(117)

Migrants are employed on several different types of fishing boats but most (48%) work on board a vessel known as a rue uan dam, meaning “black net boat” (48%), or on two boats that fish together (33%), known as dual boats.

Typical jobs at sea include casting the fishing net into the sea, screening and selecting seafood based on type and size. They may also preserve some of the seafood (primary stages) on boards, repair damaged nets and cook meals.

Most migrants involved in fish processing work in shrimp processing, which includes peeling shrimp, sorting them by size or preserving shrimp. Other migrants working in fish processing carried out tasks, such as cutting, scraping, drying or moving seafood

products around the market place. In most cases fish processing involves long hours and the worker is usually standing for most of the time.

Most employers (80%) said migrant workers on board a fishing vessel usually cast nets out at sea, which takes place between five and seven times a day, depending upon how much seafood the vessel and its crew expect to catch. More than half of the employers surveyed reported that migrant workers selected and screened the seafood caught based on its type and size, while slightly fewer than half said the migrant workers had to repair damaged nets. About a third of employers assign migrants to cooking duties. Other jobs for migrants on fishing boats include carrying the catch to a freezer, drying out shrimp paste, and other primary seafood preservation tasks (Table 6).

Table 6: Percentage distribution of employers with regard to jobs assigned to migrant workers

Assigned job	Percent*	Number
Fish processing		
Cutting up fish	38.1	16
Sorting/selecting fish by size	9.5	4
Drying fish	7.1	3
Carrying fish	7.1	3
Scraping fish	2.4	1
Shrimp peeling	26.2	11
Shrimp packing	14.3	6
Sorting/selecting shrimp	11.9	5
Carrying shrimp	5.0	2
Scraping squid	7.1	3
Boiling shells	2.4	1
Number		42
Fishing boat		
Net placing	80.0	28
Seafood type selection	54.3	19
Seafood size selection	54.3	19
Repair nets	45.7	19
Cooking	37.1	13
Others	34.3	12
Number		35**

* Respondents could select more than a single response.

** Five employers who did not respond excluded.

3.3 The legal status of migrant workers

a) Registration status and other characteristics

As Table 7 (p123) illustrates, almost two thirds of the migrants surveyed were registered (63%). More males than females in fish processing are registered

(77% compared with 63%, respectively). Only 33% of migrant workers employed on fishing boats were registered. This supports the results of a previous study on migrant workers employed on fishing boats conducted by the Raks Thai Foundation in 2003. Younger migrants are less likely to have legal status to work in Thailand.

Table 7: Percentage distribution of migrants by registration status grouped by sub-sector, sex and age

Registration status	Gender and sub-sector			Age			Total
	Fishing boat	Fish processing		<15	15-17	18-25	
	(Males)	Male	Female				
Registered	33.3	76.6	63.3	27.8	42.9	84.4	63.3
Not registered	66.7	23.4	36.7	72.2	57.1	15.6	36.7
Total	100.0	100.0	100.0	100.02	100.0	100.0	100.0
(N)	(21)	(47)	(49)	(18)	(35)	(64)	(117)
Advance provided for registration fee	71.4	61.8	54.8	50.0	40.0	64.2	59.7
Number	7	34	31	5	14	53	72*

* Two migrants who did not respond have been excluded.

Information generated through the in-depth interviews clearly demonstrates how being unregistered (undocumented) might make migrants more vulnerable to exploitation and harassment by the authorities. An 18-year-old unregistered migrant lost two months of wages due to the fact that he was arrested by the authorities.

“After working for two months in a squid processing factory, police came and arrested us. I was kept in prison for 27 days. Then my boss helped me out by paying 4,500 baht to the police. I didn’t get paid for working for two months. My boss told me my wages had already been paid to the police in order to assure my release.” (FC, 18 year-old male Burman worker, employed in fish processing)

b) Type of identity documents

As illustrated in Table 8 (p124), more than a third (37%) of the migrants surveyed were completely undocumented since they do not have any type of documentation. About a third had all three types of cards related to registration - a residence card, work

permit and health card. Most migrant workers (55%) had the residence document (law 38/1) since it is the first document migrants receive when they register with the Ministry of Interior. About 53% of migrants hold a health card and about two fifths a work permit.

Fewer migrants on fishing boats had documents than males or females employed in fish processing. Three times as many fish processing workers had all three documents than workers employed on fishing boats (51% against 14%, respectively).

Of the migrant workers employed in fish processing, male migrants were twice as likely to hold all three documents as females (51% against 27%, respectively). Data also show that migrants under 15 were more likely to hold residence cards, but were less likely to have a work permit and health card than older migrants. Even though migrants under 15 are not permitted to work and have a work permit, it seems that the age restriction is not necessarily clear to all parties since about 6% of migrant workers under 15 years of age had work permits.

Table 8: Percentage distribution of migrants by type of identity documents they hold, grouped by sub-sector, sex and age

Type of identity documents	Sex and sub-sector			Age			Total
	Fishing boat	Fish processing		<15	15-17	18-25	
	(Males)	Male	Female				
Residence	23.8	72.3	51.0	44.4	34.3	68.8	54.7
Work permit	19.1	57.5	36.7	5.6	22.9	62.5	41.9
Health	28.6	68.1	49.0	11.1	31.4	76.6	53.0
All three cards	14.3	51.1	26.5	5.6	17.1	51.6	34.2
None of above	71.4	21.3	36.7	55.6	60.0	18.8	36.8
Have their country ID	65.0	53.2	40.8	5.6	51.4	61.9	50.0*
Number	21	47	49	18	35	64	117

* One migrant who did not respond has been excluded.

c) Reasons for not registering

Almost half of unregistered migrants claimed they missed the registration period, while almost a third said they had no time to register (Table 9). Some 16% of unregistered migrants did not know about

the registration process. About 16% cited other reasons for not registering, such as being ineligible for being too young, or because they were at sea at the time of registration, registration was too expensive, or because the employer would not pay for registration.

Table 9: Percentage distribution of non-registered migrants by reasons for not registering

Reason	Percent*	Number
Did not know about it	16.3	7
Employer didn't allow it	4.7	2
No time to register	30.2	13
Missed registration period	48.8	21
Other (too young, too expensive)	14.0	6
Number		43

* Respondents could select more than a single response.

About 60% of registered migrants had the costs associated with registration advanced to them by their employer (see Table 7, p123). All of them then repaid the advance through deductions from their wages. Information from the in-depth interview with migrants indicates that the amount deducted was about 5,000 baht. Deductions are usually made weekly or every 10 days.

“They [the employer] paid for it [the registration fee]. Then 500 baht was deducted from my pay every week.” (FI, 17 year-old female Burman migrant, fish processing)

According to employers, 84% paid the registration fee for migrant workers in advance. The employers confirmed that they deducted the fee from migrants’

wages, however, while the cost of registration is 3,800 baht, about a fifth of employers deducted more than that figure. The frequency deductions are made and amount deducted seem to vary between employers.

d) Migrants' and employers' attitudes towards registration

Most registered migrants have a positive attitude towards registration, an overwhelming 95% of them

felt registration gives them greater job security (Table 10). However, about 10% perceive that registration makes their lives more difficult. This might be due to the fact that registration means commitment to work with the same employer for at least a year as well as the debt migrants owe for registration costs to their employer.

Table 10: Percentage distribution of registered migrants by attitudes towards registration

Attitudes	Agree	Disagree	Do not know	Total (N)
Registration has helped me to find a job more easily	86.5	12.2	1.4	100.0 (74)
Registration provides me with greater job security	94.6	5.4	0.0	100.0 (74)
Being registered means I feel safer when I am outside the workplace	93.2	4.1	2.7	100.0 (74)
Registration has made my life more difficult	9.6	78.1	12.3	100.0 (73)*

* One migrant who did not respond has been excluded.

As for the employers' perspective, most see registration as a positive influence on their business. More than two thirds agreed that migrant registration had

helped improve their business. Just over a quarter think the registration process is complicated and it is better to avoid it (Table 11).

Table 11: Percentage distribution of employers by attitudes towards registration

Attitudes	Agree	Disagree	Do not know	Total (N)
The registration process has so many problems, it's better to avoid it (not to register workers)	28.4	67.9	3.7	100.0 (81)
The migrant registration process has improved my business	68.3	25.6	6.1	100.0 (82)

3.4 Indications of exploitation

a) Forced labour

About a fifth of migrants in the fishing sector had either been forced to work in their current job or in a previous job. Up to a tenth of fishing workers are forced to work in their current jobs, while 15% have been forced to work in previous jobs (see Table 12).

Migrants working on fishing boats are more likely than migrants working in fish processing to experience forced labour (20% against 11%, respectively) as well as in other previous employment (25% against 15%, respectively). Females are slightly less likely

to experience forced labour than male migrants, both in terms of current employment (8% against 11%, respectively) or in previous employment (10% against 15%, respectively). The gender breakdown reinforces the fact that male migrants working on fishing boats are more likely to be forced to work.

Migrants aged under 15 reported being forced to work more than those aged 15 and up. This was particularly true with regard to current employment. Unregistered migrants are more than twice as likely as registered migrants to experience forced labour both in current and previous employment.

Table 12: Percentage of migrants who experienced forced labour by sub-sector, sex, age and registration status

Forced labour	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Male	Female	<15	15-17	18-25	Yes	No	
Current job %	20	10.6	8.2	16.7	14.7	7.8	6.9	18.6	11.2
Number	20	47	49	18	35	64	73	43	116*
Previous job %	25	14.9	10.2	16.7	17.1	12.5	9.5	23.3	14.5
Number	21	47	49	18	35	64	74	43	117
Current/ previous %	30	17	14.3	22.2	23.5	14.1	13.7	25.6	18.1
Number	20	47	49	18	4	64	73	43	116*

* One migrant who did not respond has been excluded.

b) Constraints on leaving current employment

The data in Table 13 (p127) shows that almost half (46%) of migrant workers surveyed felt they could not leave their current employment due to some form of constraint. Males employed in fish processing

reported facing more constraints than both migrants employed on fishing boats and female fish processing workers (52% compared with 33% and 45%, respectively). Migrants under 15 years of age also seem to face more constraints preventing them from leaving than older migrants.

Table 13: Percentage distribution of migrants by constraints on leaving current employment, grouped by sub-sectors, sex, age and registration status

	Percent	Number
Sub-sector and sex		
Fishing boat (Males)	33.3	21
Fish processing		
Male	52.2	46
Female	44.9	49
Age		
<15	55.6	18
15-17	41.2	34
18-25	45.3	64
Registration		
Registered	50.7	73
Not registered	37.2	43
Total	45.7	116*

* One migrant who did not respond has been excluded.

As significant numbers of migrants are not registered, it would be easy to assume that the major constraint preventing them from changing workplace, whether they like it or not, would be their lack of legal status. Presumably migrants who are registered should be freer to leave jobs that they are unhappy with. However, according to Table 13, registered migrants reported having more constraints preventing them from leaving their current job than migrants who are not registered (51% versus 37%, respectively). So it would seem that being registered is not necessarily the key to ensuring migrants are free to switch jobs if they find working conditions to be unsatisfactory.

The most commonly cited constraint to changing jobs is fear of arrest by the police (see Table 14, p128). Although more unregistered migrants cited this constraint compared to registered migrants, 41% of registered migrants also feared arrest by the police despite their legal status.

More than a quarter of registered migrants were afraid their employer might report them to the authorities.

Being legal does not always prevent intimidation by authorities. This is partly because a significant number of registered migrants are not allowed to hold the original copy of their documents. More than a fifth of registered migrants reported this to be the case. Clearly, issues beyond making migrants legal are needed in order to prevent them from being vulnerable to threats and exploitation in their life and work in Thailand.

Among unregistered migrants, the most commonly cited constraint to changing job was that it would be too difficult to find another job, as well as fears over arrest by police. More than a third also reported having nowhere else to go if they left their job. Such reasons do not automatically point to any exploitation or coercion by the employer that prevent them from leaving, rather they are more general reasons related to their undocumented status. However, about a quarter of workers reported that owing a debt to their employer was a constraint preventing them from leaving their job, which is more indicative of a situation of forced labour.

Table 14: Percentage distribution of migrants who have constraints on leaving the current job by reasons and registration status

Reasons	Registration		Total*
	Yes	No	
Afraid of being arrested by police	40.5	50.3	45.3
Difficult to find another job	16.2	56.3	28.3
Employer might report me to the authorities	27.0	0.0	18.9
Nowhere else to go	10.8	37.5	18.9
In debt with employer	10.8	25.0	15.1
Employer has documents	21.6	0.0	15.1
Has to stay because of registration	16.2	0.0	11.3
Employer may use violence against worker	10.8	0.0	7.6
Wants to stay with parents/relatives	2.7	18.8	7.6
Employer might use violence against people close to me	8.1	0.0	5.7
Afraid of being sent home	0.0	12.5	3.8
Won't get paid	5.4	0.0	3.8
Personal debt	2.7	6.3	3.8
Employer owes me money	2.7	6.3	3.8
Debt owed to recruiter	2.7	0.0	1.9
Number	37	16	53

* Respondents could select more than a single response.

c) Retention of (and control over) identity documents

Whether or not migrants have control over their documents sheds light on why a migrant's legal status does not necessarily mean the worker is safe from being arrested by the authorities. Table 15 shows that almost 40% of registered migrants are not allowed to hold onto the original copy of their

documents. Migrants employed on fishing boats are about twice as likely to have their cards kept by others. Of the 29 migrants who do not possess their cards, 25 had their cards kept by their employers. Six reported that they could gain access to their cards when they so desire, while 17 were not able to gain access to the cards when they wished, or did not know whether or not they could. Six of the workers did not respond to the question.

Table 15: Percentage distribution of migrants by retention of identity documents, grouped by sub-sector, sex and age

Retention	Sex and sub-sector			Age			Total
	Fishing boat	Fish processing		<15	15-17	18-25	
	(Males)	Male	Female				
Keep original card	28.6	66.7	62.5	100.0	42.9	60.4	61.3
Kept by others	71.4	33.3	37.5	0.0	57.1	39.6	38.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(N)	(6)	(36)	(30)	(8)	(13)	(51)	(75)*

* Two out of the 74 migrants who had at least one document (residence card, work permit or health card) did not respond to the question have been excluded.

In-depth interviews with employers indicate that employers keep the original copy of migrants’ documents because they fear migrants would change jobs if they held their own documents.

“We’d better keep the original. If it is held by them [the workers], they could change jobs. They would think like they were Thais and could go anywhere they like independently.” (C, 30 year-old female employer, fish processing)

“We keep the documents, but the point is how do we make the police understand that our workers are legal and have received permission to work.” (D, 57 year-old male employer, fish processing)

“We arrange the work permit. We then make copies and give them to the migrant workers. We keep the original. When they go out, they can take it [the original] with them. When they come back, they have to return it.” (E, 50 year-old female employer, fish processing)

d) Freedom of movement

Accommodation organised by the employer is not only a fringe benefit for workers, but can also reveal to what degree migrants’ lives can be controlled, intentionally or not, by employers, particularly outside of working hours.

Data in Table 16 show that 43% of migrants live in accommodation arranged by employers. More male workers employed in fish processing live in accommodation arranged by employers than migrants employed on fishing boats (47% and 29%, respectively). Slightly more unregistered migrants live in arranged accommodation compared with registered migrants (47% and 41%, respectively).

Table 16 (p130) reveals that among migrants living in accommodation arranged by the employer, a large majority (82%) are based at the workplace (on site). Among those living on site, almost a third reported that they could not refuse to live there and keep hold of their job and 20% said they are not able to leave the premises outside working hours of their own free will.

Males employed in fish processing are more likely to live on site compared to females but females are more likely than males to report that they could not go out of their own free will. Children under 15 faced even greater restrictions on their freedom of movement than older migrants and more often live on site. A greater number of unregistered migrants than registered migrants who live on site could not refuse to live on site, and could not go out whenever they wanted to (outside of working hours).

Table 16: Percentage distribution of migrants by living arrangements, grouped by sub-sector, sex, age and registration status

	Sex and sub-sector			Age			Registration		Total
	Fishing	Fish processing		<15	15-17	18-25	Yes	No	
	boat (Males)	Male	Female						
Live in a place arranged by the employer	28.6	46.8	45.8	38.9	42.9	44.4	41.1	46.5	43.1
Number	21	47	48	18	35	63	73	43	116*
Live on site	100.0	95.5	63.6	85.7	80.0	82.1	76.7	90.0	82.0
Number	6	22	22	7	15	28	30	20	50
Cannot refuse to live on site	100.0	19.1	21.4	16.7	41.7	27.3	18.2	44.4	30.0
Number	5	21	14	6	12	22	22	18	40*
Cannot go out when ever they wish	16.7	14.3	28.6	0.0	50.0	8.7	8.7	33.7	19.5
Number	6	21	14	6	12	23	23	18	41

* One migrant who did not respond has been excluded.

Among the 12 migrants who are not able to refuse living at the work site, half are employed on fishing boats and reported that they had to accept the places to stay that employers had arranged for them. This makes sense since presumably they would be living on a fishing boat and would for all intent and purposes be influenced by work requirements.

The reasons given by migrant workers employed in fish processing for not being able to refuse accommodation located at the work site include fear of being late for work, fear of being arrested by police, the fact that the employer doesn't allow it, and that it is more convenient for employers when

they need to request migrant workers to carry out work-related tasks.

As for the reasons migrants can't leave when they wish, which applied to eight of 41 migrant workers living on site, five said it was because they do not possess any documents, so they are therefore afraid of being harassed by the authorities.

Three migrants said their employers didn't allow them to go out and, likewise, three others were told by their employer that they might get into trouble if they went out (Table 17).

Table 17: Percentage distribution of migrants who can't go out by reasons for not being able to go out when they want (outside of working hours)

Reason	Percent	Number
The employer will not allow me to go out	37.5	3
The employer tells me if I go out I might get into trouble	37.5	3
I am scared of being harassed by the authorities because I don't have my ID card	62.5	5
Number		8

* Respondents could select more than a single response.

Information from the employer survey suggests the majority of employers provide housing at the work site to migrant workers. Among those who do provide housing, most reported that migrants would have to find a place to stay by themselves should they not want to stay on the premises. A tenth of employers said migrants themselves wanted to live on site. Only one said migrants must stay wherever they are assigned to live.

About a quarter of employers who provide housing deduct money from migrants' wages for the cost of accommodation. The deductions ranged from 200 to 2,000 baht per month, the average being around 1,200 baht. A total of 43% of employees provide utilities and over a quarter charge for these services.

The cost of utilities ranges from 100-500 baht per month.

“We provide a place to stay, free of charge. They just have to pay for utilities, which is 300 baht a month, per room.” (D, 57 year-old male employer, fish processing)

Some 48% of employers agree with the statement, “We should lock migrants in at night to make sure they don't escape” (Table 18). More than half further agreed that migrants should have the right to leave the premise freely outside of work hours but less than half thought migrants have this right already under Thai law (see Table 19, p131).

Table 18: Percentage distribution of employers by attitudes towards migrants' freedom of movement

Attitude	Agree	Not agree	Do not know	Total
We should lock migrants in at night to make sure they don't escape	47.6	47.6	4.9	100.0 (82)

Table 19: Percentage distribution of employers by attitudes and knowledge on migrant rights

Right	Should have			Have under Thai law*		
	Yes	No	Do not know	Yes	No	Do not know
Migrant can leave work premises freely	57.3	40.2	2.4	42.5	23.8	33.8
Number	82					

* Two employers who did not respond were excluded.

e) Violence in the workplace

Data in Table 20 illustrates that it is common for migrant workers to experience some form of violence both in the workplace and outside. Verbal abuse, delivered either by employers or senior workers, is extremely common, and is experienced by almost two thirds of migrant workers. Migrants on fishing boats generally experience violence at the hands of employers more than migrants working in fish

processing. Somewhat surprisingly, unregistered migrants tend to experience verbal abuse and physical abuse less than registered migrants.

The information generated by the in-depth interview carried out with migrant workers suggests they would usually try their best to avoid situations that might lead to violence at the hands of employers, although they realize when they can't avoid it, they would be forced to accept it anyway.

Table 20: Percentage distribution of migrants by experiences of violence at work, grouped by sex, sub-sector, age and registration status

Violence at work	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
Verbally abused by employer /senior worker	81	53.2	67.4	66.7	71.4	59.4	66.2	60.5	64.1
Verbally harassed by others	33.3	25.5	10.2	11.1	17.1	25	20.3	20.9	20.5
Physically abused by employer/senior worker	14.3	6.4	4.1	0	5.7	9.4	8.1	4.7	6.8
Physically abused by others	9.5	10.6	2	5.6	0	10.9	8.1	4.7	6.8
Number	21	47	49	18	35	64	74	43	117

* Respondents could select more than a single response.

“I see other migrants verbally abused. I personally haven’t faced verbal abuse. I try to avoid having problems with my bosses or senior colleagues. However, if they insist on picking on me, I would have no choice other than letting them do it.” (FJ, 14-year-old male Mon migrant, fish processing)

f) False information regarding job type and working conditions

Table 21 shows that over a third of migrants were given false information or no information regarding the type of work they would do or the working conditions that they would face. Migrants employed on fishing boats were more likely to be given false information about the type of work they would be carrying out and conditions of work than migrants employed in fish processing. More female migrants than males, migrants under the age of 15 than those older, and unregistered migrant workers than registered migrants were likely to be given false information about the type of work they would be carrying out and conditions of work. The fact that nearly a quarter of migrants receive no information about their jobs reflects their desperation to work in Thailand.

Physical abuse meted out by authorities was highlighted more widely in in-depth interviews with migrant workers. One 15-year-old migrant was allegedly beaten by the police.

“About 50,000 baht of my former employer’s money went missing. I was taken to the police station, where they asked me about the missing money. They hit me in an effort to make me admit that I took it. I said I didn’t know anything about it and I didn’t take the money. They asked me lots of questions and beat me for about an hour at the police box. Then my parents came along in order to get me out.” (FE, 15 year-old male migrant worker, fish processing. His ethnic background is not known)

Table 21: Percentage distribution of migrants by degree of information given about their employment and working conditions, grouped by job and sub-sector, sex, age and registration status

Information about job	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male Female		<15	15-17	18-25	Yes	No	
Type of job									
Different from what they were told	14.3	10.6	14.3	16.7	11.4	12.5	12.2	14.0	12.8
Were not told	28.6	17.0	26.5	33.3	22.9	20.3	14.9	37.2	23.1
Number	21	47	49	18	35	64	74	43	117
Work conditions									
Different from what they were told	19.1	10.9	18.4	16.7	14.3	15.9	12.3	20.9	15.5
Were not told	38.1	13.0	28.6	33.3	28.6	19.1	13.7	41.9	24.1
Number	21	47	49	18	35	63	73	43	116*

* One migrant who did not respond has been excluded.

g) Payment

Migrants employed on fishing vessels are paid much less than they should be entitled to under Thai labour law. On average, migrants in the fishing sector receive about 4,500 baht per month (Table 22). Taking into account gender and sub-sectors, migrants working on fishing boats receive the lowest wage, an average of about 4,000 baht per month, which is about 1,000 baht per month less than the wages received by male migrants working in fish processing and about

500 baht less than female migrants working in fish processing. Migrants under the age of 15 receive less than older migrants their older counterparts, more than half earning less than 3,001 baht a month.

Registered migrants do seem to benefit from registration at least in terms of wages received. Unregistered migrants are more likely than registered migrants to receive 4,000 baht per month or less (75% compared with 39%).

Table 22: Percentage distribution of migrants by monthly wage and sub-sector, sex, age and registration status

Monthly wage (baht)	Sex and sub-sector		Age			Registration		Total
	Fishing boat (Males)	Fish processing Male Female	<15	15-17	18-25	Yes	No	
Amount								
<3,001	17.7	5.7 22.5	53.3	6.9	8.3	8.9	25.0	15.2
3,001-4,000	64.7	22.9 25.0	26.7	48.3	22.9	19.6	50.0	31.5
4,001-5,000	11.8	42.9 22.5	13.3	27.6	33.3	30.4	25.0	28.3
5,001+	5.9	28.6 30.0	6.7	17.2	35.4	41.1	0.0	25.0
Total	100.0	100.0 100.0	100.0	100.0	100.0	100.0	100.0	100.0
	(17)	(35) (40)	(15)	(29)	(48)	(56)	(36)	(92)*
Minimum	2,000	3,000 1,500	1,500	2,000	3,000	1,500	1,800	1,500
Maximum	6,000	8,000 8,000	5,500	6,000	8,000	8,000	8,000	8,000
Mean (S.D.)	3,882.4 (889.0)	4,388.8 (1518.9) 3233.3 (1105.0)	4312.1 (922.7)	4983.9 (1334.0)	3705.3 (1391.5)	4,483.6 (722.5)	4,977.9 (1328.5)	4,884 (1161.3)
Median	4,000	5,000 4,500	3,000	4,000	4,700	5,000	4,000	4,500
Number	17	35 40	15	29	48	56	36	92*
Receive minimum wage	5.0	47.2 43.2	22.2	25.0	48.2	54.2	12.2	37.0
Number	20	36 44	18	28	54	59	41	92*

* Migrants who did not respond have been excluded.

Note: All interviewed migrants receive their wages in cash.

In the current sample, most migrants in fish processing work for 12 hours per day with only four days off per month. Using the minimum daily wage for Samut Sakhon of about 170 baht, at the time of the survey, a worker would earn a base wage of 4,420 baht per month based on a standard eight hour day, six days a week (26 days x 170 baht based on a 30 day month). However, this doesn't take into account overtime payments that a worker should be paid for each hour worked over eight hours per day. Under the LPA, overtime should be paid at time and a half (32 baht) for each hour over eight hours per day worked.

For the majority of workers in our sample, overtime should result in an additional payment of 3,328 baht

per month. This is based on an average working day of 12 hours and an average working month of 24 days, or four hours overtime multiplied by 26 (working days), multiplied by 32 (baht). This would amount to a monthly wage of 7,748 baht (4,420 baht plus 3,328 baht for the overtime). This figure is considerably higher than the median wage of 4,500 baht received by fish processing workers in the sample. This shows the extent to which fishing workers are underpaid when one considers the long hours they work and what they are entitled to under the LPA.

Payment mechanisms vary between sub-sectors. According to employers, the wages for workers employed on fishing boats is generally based on the

catch and profit employers make during each trip (62%). Workers take a certain share from the profit, for example, one employer reported that a worker received 50 baht from every 10,000 baht of profit, or 0.5%. Payment by this method can easily be manipulated by boat owners who might simply lie about the amount of profit made, and does not in any case reflect the hours and days worked by the migrant.

In contrast, migrants working in fish processing usually receive wages based on piece rate, often measured by the weight of the seafood caught in kilogrammes, such as four baht per kilo of peeled prawns. Around a fifth of migrants receive a wage based on how many hours they work. All migrants under the age of 15 get paid based on piece rates. It is possible that younger migrants probably work at a slower rate than older migrants because of their comparative lack of experience and skills. This might explain in part why children under the age of 15 receive lower wages despite the fact they work for longer hours when compared with older migrants.

Since most migrants working in fish processing receive pay based on piece rates, which in turn depends on how much work is assigned to the worker by the employer every day, migrants do not usually

receive a set amount of payment. The level of payment depends on not only how hard-working or how fast the migrant labourers work, but also depends on how much work is available each day.

“On days when the workload is heavy, my brother and I get about 400 baht a day. Otherwise, we get about 200-300 baht a day”. ([EJ, 14-year-old male Mon migrant, fish processing](#))

“My boss is fine, but the work is not certain. On some days there are very few fish to cut up, and I get about 100 or 120 baht. When there are plenty of fish, I can get more than 200 baht. I am fine as long as there are plenty of fish.” ([FH, 18-year-old female Burman migrant, fish processing](#))

Migrants employed on fishing boats don't get paid as often as migrants working in fish processing plants. Most migrant workers (71%) on fishing boats get paid every month or two, and a few every six months (5%), which would seem to reflect time spent away at sea. Meanwhile, the majority of migrant workers employed in fish processing (81% and 88%, respectively) get paid either weekly, twice a month, or every ten days (81% for males and 88% for females).

Table 23: Percentage distribution of migrants by mechanism and timing of wage payments, grouped by sub-sector, sex, age and registration status

Mechanism of payment	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
Every day / 3-5 days	14.3	8.5	8.2	27.8	5.7	6.3	9.5	9.3	9.4
Every week	4.8	23.4	42.9	55.6	28.6	20.3	25.7	32.6	28.2
Every 10 days	0.0	14.9	20.4	5.6	8.6	20.3	18.9	7.0	14.5
Every 2 weeks	0.0	42.6	24.5	11.1	17.1	37.5	32.4	18.6	27.4
Every 1-2 months	71.4	6.4	0.0	0.0	37.1	7.8	8.1	27.9	15.4
Every 6 months	4.8	0.0	0.0	0.0	0.0	1.6	1.4	0.0	0.9
Irregularly	4.8	4.3	4.1	0.0	2.9	6.3	4.1	4.7	4.3
Total	100.0 (21)	100.0 (47)	100.0 (49)	100.0 (18)	100.0 (35)	100.0 (64)	100.0 (74)	100.0 (43)	100.0 (117)

h) Delayed payment and deduction for mistakes

Data in Table 24 (p136) show that delayed payment and payment deduction for mistakes are quite common (48% and 44%, respectively) in this sector. The issue of delayed payment is faced by migrants in both sectors of the fishing sector to roughly the same degree and it affects both male and female

migrants, although female migrants experience delayed payment slightly more than male migrants. Migrant workers employed in fish processing factories experience deductions for mistakes more often than those working on fishing boats. Children under 15 years of age are more likely to experience delayed payment and deductions compared with older clients.

Table 24: Percentage distribution of migrants experiencing payment delays or facing deductions for mistakes, grouped by sub-sector, sex, age and registration status

	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
Delays in wage payment	47.6	46.8	49.0	61.1	48.6	43.8	46.0	51.2	47.9
Money deducted for making mistakes	14.3	51.1	51.0	55.6	34.3	46.9	47.3	39.5	44.4
Number	21	47	49	18	35	64	74	43	117

* Respondents could select more than a single response.

i) Working hours and rest periods

Under Thai labour law, a regular working day is no longer than eight hours. However, only a quarter of migrants employed in fishing work a standard eight-hour day or less (see Table 25, p137). The average number of hours worked every day is about 12 hours. More than half the migrants surveyed work eight to 15 hours, with even about a fifth work more than 15 hours each day. Please note that 3% were not able to tell how many hours they work per day because how long they work depends on the amount of work the employer assigns them each day. Migrants employed on fishing boats work the longest hours (averaging 15 hours) compared to males and females in fish processing. All the migrants working on fishing boats work more than eight hours per day and almost half work more than 15 hours a day.

For migrants employed in fish processing, there is little difference between male and female migrants. Most work between eight and 15 hours a day. There is a greater variation in working hours among male than female migrants employed in fish processing.

Children aged under 18 work longer hours than adults (the average number of hours being 12.9 hours compared with 11 hours, respectively). Only 11% of migrants under the age of 15, and only 6% of those aged 15 to 17 work eight hours per day or less. The fact that children work for longer hours than adults is of grave concern and should be a matter of attention for the government. Unregistered migrants work longer hours than registered migrants.

Table 25: Percentage distribution of migrants by number of work hours and ability to volunteer for overtime work, grouped by sub-sector, sex, age and registration status

Number of hours working per day	Gender and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
<=8	0	31.9	26.5	11.1	5.7	37.5	31.1	11.6	23.9
8.5-12	19.1	31.9	32.7	33.3	37.1	25.0	28.4	32.6	29.9
12.5-15	14.3	19.2	30.6	44.4	28.6	14.1	23.0	23.3	23.1
15.5+	47.6	17.0	10.2	11.1	28.6	17.2	13.5	30.2	19.7
Not certain	19.1	0.0	0.0	0.0	0.0	6.3	4.1	2.3	3.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	(21)	(47)	(49)	(18)	(35)	(64)	(74)	(43)	(117)
Mean (S.D.)	15.2	11.6	11.6	12.2	13.3	11.4	11.5	13.1	12.1
	(2.9)	(3.1)	(3.1)	(3.0)	(2.9)	(3.8)	(3.5)	(3.3)	(3.5)
Voluntary OT	0	25.7	7.1	0.0	3.6	22.0	17.0	5.9	12.9
Number	16	35	42	15	28	50	59	34	93*

* Migrants who did not respond have been excluded.

Information provided by the in-depth interviews supports the survey results, which show that a standard working day of eight hours is uncommon. The work schedule is also uncertain, depending on how much work needs to be done each day.

“If there are lots of fish, I wake up at 4 am and work until 5-6 pm. If there are not many fish, I finish about 1 pm.” (FG, 17 year-old male Karen, fish processing)

“When there are a lot of squid, I work from 4 am to 11 pm. That’s the longest hours I work. When there are not many squid, I work from noon to 4 pm.” (FC, 18 year-old male Burman, fish processing)

The fact that many migrants usually work for long hours suggests they work overtime. When asked, most migrants said they did not perform overtime voluntarily, especially migrants on fishing boats and those under the age of 15. None of the migrant

workers in either of these categories said overtime was voluntary. Overall, only 13% of migrants could work overtime on a voluntary basis. Registered migrants also seem to be more likely to choose overtime than unregistered migrants.

It is interesting to consider whether those working for longer hours consistently receive a higher wage. Table 26 (p138) shows migrants’ wages for those who work for more than eight hours a day. The data clearly show that long working hours do not always lead to higher payment, especially among males employed on fishing boats and child migrant workers under the age of 15. Only about 6% of migrants employed on fishing boats receive more than 5,000 baht a month, while just under a fifth receive 3,001 baht a month or less. For migrants under the age of 15, nearly half receive only 3,001 baht a month or less. Overall, nearly 15% of all migrant workers employed on fishing boats or in fish processing receive 3,001 baht or less per month. Just over a quarter earn 5,001 baht or more a month.

Table 26: Percentage distribution of migrants who work more than eight hours a day by wage per month, grouped by sex, sub-sector, age and registration status

Amount of payment per month (baht)	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing		<15	15-17	18-25	Yes	No	
		Male	Female						
<3,001	18.8	0.0	25.0	46.2	7.4	7.4	5.7	25.0	14.9
3,001-4,000	62.5	34.8	25.0	30.8	48.2	29.6	22.9	53.1	37.3
4,001-5,000	12.5	30.4	21.4	15.4	29.6	18.5	22.9	21.9	22.4
5,001+	6.3	34.8	28.6	7.7	14.8	44.4	48.6	0.0	25.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(N)	(16)	(23)	(28)	(13)	(27)	(27)	(35)	(32)	(67)

Not only do migrants work long hours, they also start work very early in the morning. Table 27 (p139) shows that more than half (56%) start work no later than 6am, and about 13% start work before 4am.

Migrants working on fishing boats tend to start later than migrants employed in fish processing. The table

reveals that 86% of migrants employed on fishing boats start after 6am compared with only 37% of workers employed in fish processing.

ILO Recommendation 90 points out that work performed at night is a “worst form” of child labour. Alarmingly, 94% of children under the age of 15 start

work before 6am compared with only 52% of adult migrant workers. More unregistered migrants (61%) start work before 6am than registered migrants (53%).

Migrants’ start and finish times depend upon the nature of the job and how much work is to be carried out on a daily basis.

“When there are lots of shrimp, I have to wake up at about 1-2am and finish at about 6-7 pm. When there are not many shrimp, I wake up at about 4 am and finish at about 2- 3 pm.” ([EJ, 14-year-old male Mon, fish processing](#))

Table 27: Percentage distribution of migrants by time their work commences, grouped by sub-sector, sex, age and registration status

Start working time	Sex and sub-sector			Age			Registration		Total
	Fishing boat	Fish processing		<15	15-17	18-25	Yes	No	
	(Males)	Male	Female						
Before 4 am	0.0	21.7	8.3	11.8	15.2	12.1	12.9	13.2	13.0
4-6 am	14.3	41.3	52.1	82.4	27.3	39.7	40.0	47.4	42.6
After 6 am	85.7	37.0	39.6	5.9	57.6	48.3	47.1	39.5	44.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(N)	(14)*	(46)	(48)	(17)	(33)	(58)	(70)	(38)	(108)**

* Seven migrants on fishing boats who could not specify the time they start have been excluded.

** Migrants who did not respond have been excluded.

Despite long working hours and early starts, almost half the migrant workers surveyed (42%) gets less than an hour’s break time per day (Table 28). This applied to 58% of migrants employed on fishing boats compared to 43% of male migrants working in fish processing, and 37% of female migrants working in fish processing.

In terms of age, despite working longer hours, children are more likely than adults to have shorter break times (50% compared with 36%, respectively). Some 53% of unregistered migrants compared with 36% of registered migrants face this situation.

Table 28: Percentage distribution of migrants in terms of length of break time allowed and grouped by sub-sector, sex, age and registration status

Length of break time (minute)	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
<30	25.0	10.0	0.0	0.0	10.7	7.6	6.6	8.8	7.4
30	33.3	32.5	37.2	42.9	42.9	28.3	29.5	44.2	34.7
60	41.7	57.5	62.8	57.1	46.4	64.2	63.9	47.1	57.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(N)	(12)	(40)	(43)	(14)	(28)	(53)	(61)	(34)	(95)*
Enough break time	47.6	66.1	70.2	76.5	61.8	62.5	67.6	58.5	64.4
Number	21	47	47	17	34	64	74	41	115*

* Migrants who did not respond have been excluded.

In response to being asked whether or not they have sufficient break time, nearly two thirds said that the break time allotted during working hours was sufficient.

Table 29 shows that migrants employed on fishing boats generally feel they are in a worse position with regard to many of the standard conditions of work when compared with those employed in fish processing. Some 19% of migrant workers employed in fishing have sufficient rest time compared with 68% of migrants employed in fish processing plants.

Only 57% of migrant workers aboard fishing vessels have regular days off compared with 77% among migrant workers employed in fish processing.

When it comes to paid holiday, 37% of migrants employed in fish processing were in receipt of such benefits, while just 29% of migrants employed on fishing vessels could claim this to be the case. Similarly only 48% of migrant workers aboard fishing vessels got unpaid annual holiday against 80% in fish processing plants.

Table 29: Percentage distribution of migrants by leave allowance (days off and holidays) grouped by sex, sub-sector, age and registration status

	Sex and sub-sector			Age			Registration		Total
	Fishing	Fish processing		<15	15-17	18-25	Yes	No	
	boat (Males)	Male	Female						
Enough time to rest	19.1	68.1	68.8	77.8	40.0	65.1	63.0	53.5	59.5*
Regular days off	57.1	76.6	89.8	100.0	80.0	71.9	71.0	81.4	78.6
Regular paid days off	19.1	6.5	2.1	0.0	8.6	7.9	5.5	9.5	7.0
Regular weekly days off	0.0	23.4	25.5	0.0	15.2	28.6	27.4	7.3	20.2***
Regular monthly days off	36.8	25.5	26.5	5.6	32.4	31.8	32.9	19.1	27.8**
Unpaid annual Holidays	47.6	79.6	85.7	88.9	80.0	70.5	73.2	81.4	76.3***
Paid annual holidays	28.6	37.0	25.0	22.2	31.4	32.3	33.3	25.6	30.4**
Paid sick leave	42.9	8.5	6.1	0.0	22.9	12.5	10.8	18.6	13.7
Paid maternity leave	NA	NA	2.8	0.0	12.5	0.0	3.7	0.0	2.8****
Number	21	47	49	18	35	64	74	43	117

* One migrant who did not respond has been excluded.

** Two migrants who did not respond excluded.

*** Three migrants who did not respond excluded.

**** This question only applied to 36 migrants.

In contrast, 19% of migrants employed in fishing activities received regular paid days off against just 6.5% of male migrant workers employed in fish processing and just 2.1% of women employed in fish processing. It emerged that 37% of migrant workers in the fishing sector received regular monthly days off, while 26% of migrants employed in fish processing did so. In terms of paid sick leave, this was available to 43% of migrant workers in the fishing sector compared with just 9% employed in fish processing.

Migrants under 15 years of age are least likely to receive regular paid days off, regular weekly or monthly days off, paid annual holidays and paid sick leave. At the same time, they are the most likely to have regular days off and unpaid annual holidays. Unregistered migrants are less likely than registered migrants to have almost all forms of days off.

Information from the in-depth interviews suggest that in the fishing sector, it is common for migrants not to have regular days off, instead it would seem they have to apply to take days off.

“I work every day and have no days off. If I want to rest, I must ask permission in advance.” (FG, 17-year-old male Karen, fish processing)

For those who receive regular days off (78.1%), about two thirds have three to four days off a month. Only 7% enjoyed regular days off with pay.

Employers’ attitudes concerning regular days off and voluntary overtime shed some light on the working conditions of migrant workers (Table 30). More than half of employers agree that migrant workers should have regular days off and believe this right is already granted under Thai law. However, 39% still felt migrant workers should not get a regular day

off. Employers were divided fairly equally between those who agreed and those who disagreed as to whether migrants should be able to work overtime voluntarily. Just over a quarter thought Thai law provided this right for migrant workers. Some employers mentioned in the in-depth interviews that voluntary overtime would be impossible for

employment in fish processing since the job is based on the amount of fish available, which varies from day to day.

A high proportion of employers don't know whether or not migrant workers have the right to regular days off (20%) and voluntary overtime (26%).

Table 30: Percentage distribution of employers by attitudes and knowledge of migrant workers' rights

Rights	Should have			Do have*		
	Yes	No	Do not know	Yes	No	Do not know
Regular days off	54.9	39.0	6.1	55.0	25.0	20.0
Can have voluntary over time work	47.4	48.7	4.0	28.8	45.0	26.3
Number			82			

* Three employers who did not respond to either question have been excluded.

j) Written contract

Only 7% of the migrants surveyed have a written contract with their employers (Table 31). Moreover, more than a fifth do not even know if they have

a contract. Taking gender, sub-sector, age and registration status into account, those working on fishing boats, those aged under 15, and those who are not registered are the most vulnerable groups. None have written contracts.

Table 31: Percentage distribution of migrants by written contract, grouped by sex, sub-sector, age and registration status

Have written contract	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Male	Female	<15	15-17	18-25	Yes	No	
Yes	0.0	4.3	13.0	0.0	2.9	11.3	11.3	0.0	7.0
No	95.2	89.4	67.4	61.1	94.1	80.7	78.9	86.1	81.6
Do not know	4.8	6.4	19.6	38.9	2.9	8.1	9.9	14.0	11.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number	21	47	46	18	34	62	71	43	114*

* Three migrants who did not respond have been excluded.

The fact that very few migrants have written contracts appears to contradict the data from the employers' survey which asked whether employers thought a migrant worker should have a written contract and whether it was already granted to migrants under Thai law

than half think having a written contract is the right of migrant workers under Thai law (Table 32). The data implies that this attitude may not reflect actual practice. It is worth noting, however, that employers were not asked whether or not they issued their migrant workers with written contracts in practice.

The majority of employers (62%) agree that migrants should have written contracts, while slightly less

Table 32: Percentage distribution of employers in terms of their attitude and knowledge regarding migrant workers having a written contract

	Should have			Do have*		
	Yes	No	Do not know	Yes	No	Do not know
Written contract	62.2	32.9	4.9	48.8	29.3	22.0
Number			82			

* Three employers who did not respond to either question have been excluded.

3.5 Recruitment

a) Methods used and payment: the employer's perspective

Information regarding recruitment was derived from both employer and migrant surveys. The most common form of recruitment was by migrants themselves approaching employers in search of employment. About two thirds of employers attract new workers through the migrant workers they already employ. This is consistent with the information garnered through the migrant survey (Table 33). These two forms of recruitment were also the methods favoured by employers.

The use of formal recruitment agencies was far less popular (28%). Surprisingly, only an eighth of employers surveyed used informal agencies to hire migrants.

Using formal agencies was used much less (28%). Only 13% of employers surveyed used informal agents to hire migrants. It is possible that some of the employers' established workers might act as a non-formal recruiter without clearly identifying themselves as such, and without this being their sole occupation.

Table 33: Percentage distribution of employers by recruitment method used and preferred recruitment method

	Percent	Number
Method used		
Worker came on their own	70.7	57
Current workers brought them	67.1	55
Formal agent or recruitment agency	29.3	24
Worker’s parents/relatives brought them	28.1	23
Friend of operator brought them	24.4	20
Individual recruiter (informal)	13.4	11
Other (suggested by migrants’ friends)	2.4	2
Number		82
Preferred method		
Current workers brought them	38.3	31
Worker came on their own	37.0	30
Formal agent or recruitment agency	9.9	8
Individual recruiter (informal)	4.9	4
Total	100.0	81**

* Respondents could select more than a single response.
 ** One employer who did not rank the method used has been excluded.

Data generated through in-depth interviews with employers help explain their preferences in recruiting workers. There is a feeling that established migrant workers could act as a form of ‘guarantor’ for newly-recruited migrants. In contrast, using agents is costly and sometimes risky.

“Migrants bring their siblings and relatives to the business. They train those they bring in and are responsible for them. This makes it easier for us.” [\(E, 50-year-old female employer, fish processing\)](#)

“When we need workers, we tell our current workers to bring in new people. Our current workers are the ones responsible for the new workers they bring in. Fishing is the only job where a worker receives pay before they start working. After getting the money, if anyone just leaves, our current workers would be responsible

for it.” [\(E, 50-year-old, male employer, fishing boat operation\)](#)

“If we use agents, the amount we need to pay for one migrant is expensive. Agents and migrants both know that migrants do not work for long. They often go to sea for a trip or two, then leave and find a new job.” [\(E, 50-year-old, male employer, fishing boat operation\)](#)

In addition to the information listed in table format, it was found that 28% of employers surveyed are regularly in contact with people who help in the recruitment of migrants. When asked about methods used by other employers in the same sector (Table 34), the majority of employers thought that other employers’ recruitment methods would be more or less in line with their own.

Table 34: Percentage distribution of employers by perception of methods of recruitment used by other employers in the same business

Method*	Percent	Number
Worker came on their own	63.4	52
Current worker of mine brought them	58.5	48
Worker's parents/relatives brought them	35.4	29
Friend of employer brought them	19.5	16
Non-formal recruiter	18.3	15
Formal recruiter	17.2	14
Other	4.9	4
Number		82

* Respondents could select more than a single response.

Almost a quarter (24.4%) of employers paid people to help them recruit migrants (Table 35), and the rate of payment made ranged from 100 to 10,000 baht. Eleven employers paid 2,000 baht or less per

migrant, while just over a third paid between 2,001 and 5,000 baht. Only one employer paid more than 5,000 baht (in this case the employer reported paying 10,000 baht).

Table 35: Percentage distribution of employers who paid to recruit migrants and the amount of payment made

	Percent	Number
Paid person to help in recruiting migrants	24.4	19
Number		78*
Amount of payment (baht)		
<=500	36.8	7
600-2,000	21.1	4
2,001-5,000	36.8	7
>5,000	5.3	1
Total	100.0	19

* Four employers who did not respond have been excluded.

b) Methods used and payment: the migrant's perspective

While the important role played by recruiters in recruiting children and women into employment is commonly discussed in Thailand, particularly with regard to trafficking, only a tenth of migrants were actually recruited for their current job by an agent, who either brought them to Thailand and arranged

the job for them or just arranged the job for them once they were in the country. Table 36 shows that the proportion of migrants employed on fishing boats who got their jobs through agents is almost twice the level recorded for migrant employed in fish processing (15% and 8%, respectively).

Most migrants (54%) found their current job through friends or relatives or through their parents

(26%), highlighting the importance this network plays in securing the migrant workers' employment. This is consistent for all kinds of migrants, regardless of sub-sector, gender or age. It was found that 43% of migrants who did not arrange their own jobs

or through the help of their parents are still in contact with the person who helped them to secure employment. This highlights the close relationship established between this group of migrants and the agents.

Table 36: Percentage distribution of migrants by method used to find their current job, grouped by sex, sub-sector, age and registration status

Method to find the current job	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
Self	0	8.9	6.3	0.0	2.9	9.8	9.0	0.0	6.1
Parents	14.3	22.2	35.4	72.2	28.6	11.5	21.1	34.9	26.3
Relatives/friends	61.9	60.0	45.8	21.8	51.4	63.9	56.3	51.2	54.4
An agent brought and arranged for job	9.5	4.4	6.3	0.0	8.6	6.6	5.6	7.0	6.1
An agent arranged for job	4.8	4.4	4.2	0.0	2.9	6.6	5.6	2.3	4.4
Other	9.5	0.0	2.1	0.0	5.7	1.6	1.4	4.7	2.6
Total	100.0 (21)	100.0 (45)	100.0 (48)	100.0 (18)	100.0 (35)	100.0 (61)	100.0 (71)	100.0 (43)	100.0 (114)*

* Migrants who did not respond have been excluded.

Table 37 (p146) shows that about a fifth of migrants paid the person who found them a job. Migrants whose job was arranged by an informal agent paid more money than those who got their jobs through friends or relatives.

While most migrants got their jobs through friends or relatives, less than a fifth of those who used this method paid to get their job. Among those who did pay an agent, the average payment was just over 1,500 baht.

Table 37: Percentage distribution of migrants who paid to get their job, recruitment method and amount of payment (excluding those got the job with help from parents or who came on their own)

Recruiting method	Percent	Mean amount of payment (baht) (Standard Deviation)
Relatives/friends	19.4 (12)	1,103.8 (948.5)
An agent brought and arranged for job	42.9 (3)	3,833.3 (5346.3)
An agent arranged for job	40.0 (2)	200.0*
Total	21.1 (17)	1,521.9 (2167.8)
Number	80	

* Only one out of five migrants who got their current job through an agent answered this question.

Note: Payment ranges from 200 to 10,000 baht.

3.6 Migration and job history

For more than three quarters of the migrants surveyed in the fishing industry, it was their first visit to Thailand (Table 38). Of the remainder, 89% had visited the country twice (including the current visit). Only 10% had been to the country more than twice. Given that most of the migrants referred to are fairly young, this is not surprising.

The average age of migrants making their first trip to Thailand is 15 years old, and there is little variation between sub-sectors. Interestingly, female migrants came to Thailand at a younger age than male migrants.

Table 38: Percentage distribution of migrants by migration history, grouped by sex, sub-sector, age and registration status

	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
	First time in Thailand	81.0	78.8	72.3	83.8	88.6	67.7	65.8	
Number	21	47	47	18	35	62	73	42	115*
Number of visits									
2	100.0	90.0	84.6	100.0	100.0	85.0	88.0	100.0	88.9
3	0.0	0.0	15.4	0.0	0.0	10.0	8.0	0.0	7.4
4	0.0	10.0	0.0	0.0	0.0	5.0	4.0	0.0	3.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	(4)	(10)	(13)	(3)	(4)	(20)	(25)	(2)	(27)
Mean age at time of first visit	14.8	15.4	13.9	8.4	14.4	16.6	15.0	14.1	14.7
(S.D.)	(3.6)	(2.9)	(5.4)	(3.6)	(3.2)	(2.9)	(3.9)	(4.7)	(4.2)
Number	20	47	49	18	34	64	73	43	116**

* Two migrants who did not respond have been excluded.

** One migrant who was born in Thailand has been excluded.

Table 39 shows that to get to Thailand, the majority of migrants (58%) rely on informal agents (transporters), and there is little difference when comparing sub-sectors or gender. Nearly a quarter (22%) came with friends or relatives, while less than a fifth came with their parents (18%). Very few (3%) came under their own steam – and all of these migrants were employed on fishing vessels. Almost three times as many female migrants (29%) were accompanied by their parents as males (11%).

“I took a ride from my village to Meawaddy with four other migrants and two agents. There, we met up with other migrants. Altogether there were 72 of us and four agents who headed for Mae Sot. From Mae Sot, we had to walk for four days to Kampaeng Phet and Uttaradit. Then four pick-up trucks took us to different locations. I came to Samut Sakhon because my sister’s boyfriend is here.” [\(FC, 18 year-old male Burman, fish processing\)](#)

“From Mae Sot to Bangkok, we stayed hidden in the car boot for nine hours. I kept telling myself that I would soon see my mother, who got there

first. That thought helped me put up with the discomfort of the journey.” (FH, 18 year-old female Burman, fish processing)

Table 39: Percentage distribution of migrants by method used to reach Thailand, grouped by sex, sub-sector, age and registration status

Method came to Thailand	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
On his/her own	14.3	0.0	0.0	0.0	0.0	4.8	2.7	2.3	2.6
With parents	9.5	10.9	28.9	50.0	20.0	7.9	15.1	23.3	18.1
With friends/ relative	9.5	28.3	20.4	22.2	22.9	20.6	24.7	16.3	21.6
With transporter	66.7	60.9	51.0	27.8	57.1	66.7	57.5	58.1	57.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	(21)	(46)	(49)	(18)	(35)	(63)	(74)	(43)	(116)*

* Migrant who did not respond has been excluded.

Migration history is clearly related to employment history. Fewer than half the migrants surveyed had worked in Thailand before their present job (see Table 40, p148). Male migrants employed in fish processing had more experience of other jobs than

females, as well as more experience of other jobs than males working on fishing boats. Since migrants working on fishing boats are younger than those employed in fish processing, it is not surprising to discover that they are working in their first job.

Table 40: Percentage distribution of migrants by work experience, grouped by sub-sector, sex, age and registration status

Ever worked in other jobs	Percent	Number
Total	42.7	117
Sub-sector and gender		
Fishing boat (Males)	23.8	21
Fish processing		
Male	57.5	47
Female	36.7	49
Age		
<15	11.1	18
15-17	40.0	35
18-25	53.1	64
Registration		
Yes	52.7	74
No	25.6	43

Among the migrants who had worked in other jobs, most (60%) were still in the same sector but with different employers and different kinds of specific tasks. An example of this might be a worker tasked

with cutting up fish, who previously used to peel shrimp. Other sectors that migrant workers had commonly worked in were manufacturing (22%) and construction (20%).

Table 41: Percentage distribution of migrants by the type of jobs they had experience in and by the first experience of employment (type)

Type of job	Previous experience in	First experience of employment
Cultivation	8.0	4.2
Husbandry	6.0	2.1
Fishing boat	18.0	12.5
Fish processing	60.0	45.8
Manufacturing	22.0	12.5
Domestic work	6.0	4.2
Construction	20.0	14.6
Service worker	6.0	4.2
Market salesperson	2.0	0.0
Number	50	48*

* Two migrants who did not respond with sufficient detail have been excluded.

In general, it seems that most migrants who had previous work experience preferred their current job to previous employment.

Over two thirds reported that they liked their current job best when compared to other jobs they had previously worked in (Table 42).

Further insights can be gauged when comparing migrants employed on fishing boats, in fish processing,

and by gender. Only 40% of migrants employed on fishing boats are happy with their current job compared with 80.8% of male migrants working in fish processing and 63% of females employed in fish processing. Only half of child migrant workers under 15 like their current job best, which is lower than those aged 15 and up. At the same time, unregistered migrants are less happy with their current job than registered migrants.

Table 42: Percentage distribution of migrants who have previous work experience, who rank their current job as “most liked”, grouped by sex, sub-sector, age and registration status

	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
	Ranked the current job as most liked	40.0	80.8	63.2	50.0	71.4	70.6	76.9	
Number	5	26	19	2	14	34	39	11	50

3.7 Employer’s attitudes/preferences for migrant workers

a) Attitudes towards employment and migrant workers

Table 43 (p150) illustrates the attitudes of employers towards migrants and their rights as workers in Thailand. There seem to be mixed feelings regarding migrant workers among employers. About half express positive feelings towards migrant workers, while almost as many appear to express negative views.

More than half (54%) of employers think migrant workers work harder than Thai workers, while 45% think migrants are easy to control. Just under half (48%) of employers think migrants are a threat to national security.

About a fifth of employers think migrants are good for Thailand because they offer cheap labour. Information generated by the in-depth interviews shows how some employers in fact think that hiring migrants is costly as they need to pay the migrants’ registration fees, and if migrants are not registered, employers must pay large sums to the authorities should the migrants get arrested.

Table 43: Percentage distribution of employers by attitudes towards migrant workers

Attitudes	Agree	Not agree	Do not know	Total (N)
Migrants work harder than Thais	54.9	42.7	2.4	100.0 (82)
Migrant workers are easier to control than Thais	45.1	48.8	6.1	100.0 (82)
Migrants are a threat to national security	48.2	42.7	8.5	100.0 (81)
Migrant workers are good for Thailand because they are cheap	22.0	74.4	3.7	100.0 (82)
The Thai government should allow more migrants to come and work legally	76.8	22.0	1.2	100.0 (82)

“I want to hire Thai workers because hiring migrants means I need to pay the police.” (A, 51-year-old female employer, fish processing)

a statement that says the Thai government should allow for more migrants to come and work legally. This is a clear message that employers’ need migrant workers in the fishing sector.

Whether employers think of migrants in a positive or negative way, over three quarters (76.8%) agree with

Table 44: Percentage distribution of employers by attitudes towards and practices on employment

Attitudes and practices	Yes	No	Do not know	Total (N)
Seek advice from other employers when problems related to workers surface	69.5	19.5	11.0	100.0 (82)
Other employers treat their workers in the same way	69.5	19.5	11.0	100.0 (82)
If an employer increased the salary for their workers, other employers would follow suit	34.2	63.4	2.4	100.0 (82)
Employers in this area discuss the worker’s welfare	26.8	68.3	4.9	100.0 (82)

Table 44 reveals that most employers (69.5%) seek advice from other employers in the same sector when they have problems with migrant workers.

While most employers (69.5%) thought that their treatment towards migrant workers are about the same as other employers in the fishing industry, a little over a third would follow suit if other employers increased wages for their workers. Moreover, 27% of employers thought employers in the sector discuss workers’ welfare. This suggests, on the one hand, that peer pressure among employers may not be as strong as one might expect. On the other hand, employers may only discuss certain issues considered to be most relevant to them.

b) Preference by ethnicity

Table 45 shows that more than two thirds of employers currently hire ethnic Burman workers, while over half hire Mon. About a quarter hire Karen. Very few hire Lao or Cambodian workers.

More employers in fish processing (71%) hire Burman workers than in the fishing sector (68%). Mon and Karen workers are also strongly favoured in the fish processing sector. Almost five times as many Lao and Cambodian workers are employed to work aboard fishing vessels.

Table 45: Percentage distribution of employers by ethnicity of migrants currently hired

Ethnicity*	Fishing boat	Fish processing	Total
Burman	67.5	71.4	69.5
Mon	45.0	71.4	58.5
Karen	12.5	35.7	24.4
Laos	15.0	2.4	8.5
Cambodia	15.0	2.4	8.5
Tawai	0.0	2.4	1.2
Number	40	42	82

* Respondents could select more than a single response.

When asked which ethnic group employers preferred to hire (Table 46), the response more or less mirrored the current hiring pattern. Across fishing and fish processing, Mon were the most popular ethnic group of migrant workers, accounting for 50%. Mon workers were also most popular specifically in the fish processing sector, accounting for 62%.

Across both activities, Burman migrants were second most popular (42%). However, when it came to migrants hired to work aboard fishing vessels, Burman migrants were most popular (60%). At the same time, the 14% of employers who expressed a preference for Karen workers all came from the fish processing sector.

Table 46: Percentage distribution of employers by preferred ethnicity of migrants, grouped by sub-sector

Ethnicity	Fishing boat	Fish processing	Total
Burman	60.0	23.8	41.5
Mon	37.5	61.9	50.0
Karen	0.0	14.3	7.3
Laos	2.5	0.0	1.2
Total (N)	100.0 (40)	100.0 (42)	100.0 (82)

Table 47 shows the reasons why employers particularly favour hiring Burman and Mon migrant workers. Of the 41 employers who predominantly employ Mon migrants, a lack of Thai workers was cited as the most

common reason (41%), followed by a belief that Mon migrant workers are patient, diligent and willing to work hard (13%), or easy to control (13%).

Table 47: Percentage distribution of employers by ‘top-five’ reasons cited for employing Mon and Burman migrants

Reason	Percent	Number
Mon		
Lack of Thai workers	41.5	17
Patient, diligent, willing to work hard	12.2	5
Easy to control	12.2	5
Available	7.3	3
Work fast/skilful	4.9	2
Number		41
Burman		
Patient, diligent, willing to work hard	29.4	10
Available	29.4	10
Lack of Thai workers	17.7	6
Other (Thais are not hard working)	5.9	2
Number		34

Burman migrants were preferred for being patient, diligent, and willing to work hard (29%), due to their availability (29%) and because Thai workers are lacking (18%).

Although a remarkable number of employers expressed a preference for migrants over Thai workers, particularly due to the fact that they work hard, another key reason is the lack of Thai workers available to perform this kind of work. Qualitative information generated by in-depth interviews with employers supported this as a significant reason why migrants are hired as an alternative.

“Thais don’t want to work in this job. I want to hire Thais, and I don’t want to pay the police [because I hire migrants]. I don’t know when the police will come to carry out a check.” (A, 51-year-old female employer, fish processing)

“There is increasingly a lack of Thai workers because of the expansion of factories that absorb all the local workers, and also because of the economic boom. Thai people are opting to work in construction.” (B, 43-year-old male employer, fish processing)

c) Preference by age

Table 48 (p154) shows that a large majority (80%) of employers prefer to hire migrants aged 18-25. Over half also preferred to hire migrants within the 26-40 age bracket. Only 4% expressed a preference for child migrant labourers. Note that among those expressing a preference for hiring children, one reason given, besides the fact that children work hard, was because they are available. Information from the in-depth interviews confirms this point.

“The kids are even more hard-working than adults - 7-8 year-olds work fast.” (A, 51-year-old female employer, fish processing)

“Migrants aged 15-16 years old cut fish very fast. Older ones [migrant workers] would be too slow.” (B, 43-year-old employer, fish processing)

Although only a small percentage of employers said they preferred to hire child labour, this preference was also mentioned by recruiters.

“I think employers prefer child workers because they are cheap. Compared to Thai kids, migrant kids are easier to use. It is difficult for these children to find jobs, so they have to put up with working here. I think employers benefit from this situation.” (34 year-old male Karen recruiter)

“I think young kids are obedient and easy to control. Wages for them are also low. They can stay in the job for a long time. Wages only increase

once a year. I think that’s the advantage of hiring children. Some factories don’t want adult workers at all. They only want children.” (35 year-old male Karen recruiter)

“No matter how old they are, they have to tolerate working standing up because fish cutting work needs patient workers who can stand for a long period of time” (C, 30-year-old female employer, fish processing)

Table 48: Percentage distribution of employers by preference and reasons for preference for migrant workers of a particular age group

	Age of migrants prefer to employ			
	<18	18-25	26-40	40+
Prefer to employ (N=81)*	3.7	80.3	55.6	3.7
Reason for preference*				
Work harder	66.7	82.3	67.4	33.3
Cheaper	0.0	6.5	4.7	0.0
More obedient	0.0	35.5	25.6	33.3
Higher skilled	0.0	32.3	32.6	33.3
More experienced	0.0	6.5	14.0	0.0
Other****	33.3	21.5	32.6	66.7
N	3	62 **	43 ***	3

* One employer who did not express a preference has been excluded.

** Three employers did not respond or highlight reasons.

*** Two employers did not specify why they preferred a specific age range of migrant.

**** Other reasons for preference of <18 migrants: they are available.

Other reasons for preference of 18-25 migrants: work fast, legal (no problems concerning registration card).

Other reasons for preference of 40+ migrants: they are on time, they concentrate on their work because they already have family.

Note: Respondents could select more than a single response.

Data imply that the reasons behind the age preferences are always focused around employers’ perceptions of whether migrants can perform hard work, no matter which age group they express a preference for.

Among employers who don’t prefer to hire children, half pointed out that this was because they do not want to break the law (Table 49), while about two-fifths said younger migrants were not able to do the kind of job assigned. Some 15% said it was because

children do not work long-term and that they do not apply for work. It is not clear whether this implies that if more children were available to work, they would be hired. This further reinforces the view from employers that the main focus is whether or not a migrant is fit to do the job.

Note that although very few employers expressed a preference for hiring children in the survey, this may have been because they felt that hiring children to do

such work is illegal. The in-depth interviews provide more information on employers’ views about child labour in the fishing sector and reveal that hiring children is commonplace, particularly children whose parents work at the same location.

“I have no rules regarding the age of workers. If they can peel shrimp, their age doesn’t matter. We’re just a small Long [small factory]. We’re independent. We are not picky. Children come early [at about 5 am]. They come with their

parents.” (E, 50-year-old female employer, fish processing)

“We have no age restrictions. If they can work, we receive them all.” (C, 30-year-old female employer, fish processing)

For the small proportion of employers who did not prefer to hire migrant workers aged 18-25, cost was cited as the biggest reason (90% of employers).

Table 49: Percentage distribution of employers who do not prefer to hire migrants under 18 years of age and between 18-25 years of age by reasons

Reason for not preferring to hire*	Percent	Number
<18 migrants		
Against the law	50.0	39
Cannot do this kind of work	41.0	32
No children applied/children do not work long-term	15.4	12
Number		78
18-25 migrants		
Lazy	30.0	3
Trouble makers	30.0	3
Costly	90.0	9
Lack of experience)	30.0	3
Number		10**

* Respondents could select more than a single response.
 ** Six employers who did not respond have been excluded.

d) Attitudes towards migrants’ rights

As for attitudes towards migrant workers’ rights in Thailand, half of the employers agree that the government should grant migrant rights equal to those enjoyed by Thais (Table 50). The same proportion did not agree with this statement. However, only a fifth of employers believe migrants

should be allowed to join a labour union. Those two pieces of information are somewhat inconsistent, suggesting equal rights for migrants should in fact be restricted. Some employers during the in-depth interviews mentioned that if migrants joined a labour union it would lead to trouble as migrants might seek greater rights.

Table 50: Percentage distribution of employers by their attitudes towards equal rights and ability to take up trade union membership

Attitudes	Agree	Not agree	Don't know	Total (N)
Migrants should have same rights as Thai	50.0	48.8	1.2	100.00 (82)
Migrants should have the right to join labour union	20.7	64.6	13.4	100.00 (81)

3.8 Support mechanisms

a) Who migrants live with

Overall, most migrants (37%) stay with their parents, followed by relatives, friends and spouse, respectively. This is particularly the case with regard to migrants aged under 15 (nearly 78%).

Table 51: Percentage distribution of migrants who have previous work experience, who rank their current job as “most liked”, grouped by sex, sub-sector, age and registration status

Person migrants live with*	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
Parents	28.6	31.9	44.9	77.8	42.9	21.9	31.1	46.5	36.8
Spouse	0.0	2.1	22.5	0.0	0.0	18.8	16.2	0.0	10.3
Friend	23.8	19.2	14.3	0.0	22.9	20.3	12.2	27.9	18.0
Employer	0.0	2.1	2.0	0.0	2.9	1.6	0.0	4.7	1.7
Alone	4.8	4.3	0.0	0.0	0.0	4.7	4.1	0.0	2.6
Co-worker	4.8	4.3	8.2	0.0	8.6	6.3	5.4	7.0	6.0
Relative	38.1	46.8	18.4	22.2	37.1	34.4	37.8	25.6	33.3
Number	21	41	49	18	35	64	74	43	117

* Respondents could select more than a single response.

A higher proportion of migrants working on fishing boats, those aged 15 or above and unregistered migrants stay with friends. Interestingly, all migrants who stay with employers are unregistered, suggesting less non-work-related support is available to this group.

Migrant workers employed on fishing boats rely on relatives to a lesser extent, turning to workmates and friends more often than those employed in fish processing. Child migrants workers (under the age of 15), not surprisingly, turn to relatives to a greater degree than workers aged 15 or above

b) Problems at work

Table 52 shows that when encountering problems at work, the majority of migrant workers (43%) turn to relatives, followed by employers (39%), workmates (30%) and friends (26%).

Unregistered migrants tend to rely on workmates more than registered migrants. Registered migrants turn to relatives or employers more than unregistered migrants when encountering work-related difficulties.

Table 52: Percentage distribution of migrants by type of support sought when having problems at work, grouped by sex, sub-sector, age and registration status*

	Sex and sub-sector			Age			Registration		Total
	Fishing boat	Fish processing		<15	15-17	18-25	Yes	No	
	(Males)	Male	Female						
Relatives	33.3	46.8	42.9	66.7	45.7	34.4	44.6	39.5	42.7
Employer	14.3	46.8	40.8	38.9	28.6	43.8	44.6	24.9	38.5
Workmates	61.9	25.5	20.4	5.6	42.9	29.7	23.0	41.9	29.9
Friends	38.1	27.7	18.4	0.0	40.0	25.0	27.0	23.3	25.6
Number	21	47	49	18	35	64	74	43	117

* Respondents could select more than a single response.

c) Health

Table 53 shows that when feeling sick, most migrant groups rely heavily on relatives (74%). However,

this is not the case for migrants employed on fishing boats. Almost half (48%) turn to workmates, largely because there is little choice since they spend a good deal of their working time at sea.

Table 53: Percentage distribution of migrants by type of care received if sick, grouped by sex, sub-sector, age and registration status*

	Sex and sub-sector			Age			Registration		Total
	Fishing boat	Fish processing		<15	15-17	18-25	Yes	No	
	(Males)	Male	Female						
Relatives	33.3	80.9	83.7	100.0	68.6	68.8	82.4	58.1	73.5
Friends	28.6	14.9	22.5	0.0	28.6	21.9	17.6	25.6	20.5
Workmates	47.6	6.4	8.2	0.0	28.6	10.9	8.1	25.6	14.5
Number	21	47	49	18	35	64	74	43	117

* Respondents could select more than a single response.

Although migrant workers did not list employers as being a source of support during times of sickness, 80% of employers in the employer survey say they provide healthcare support. However, the service provided, in general, simply consists of taking a sick migrant worker to a clinic if they get sick. About 13% of employers charge for health-related expenses. Most could not specify how much money is deducted from the migrant's wages as it depends on the costs incurred in each individual case. Most employers

providing health services for free do so due to the fact that their migrant workers are already covered with health insurance when they apply for a work permit. The only charge is 30 baht per visit under the government's 30 baht healthcare programme.

From the migrant's point of view, another picture emerges. Table 54 (see p158) reveals that less than half (48%) of migrant workers access healthcare services provided by employers. More migrant

workers employed on fishing vessels received these health services than migrants employed in fish processing, and were not charged for the services.

Child labourers (aged under 15) appear to have the least access to healthcare services in the workplace

than other groups. Unregistered migrants reported that they more often gained access to healthcare services supplied through employers than registered migrants.

Table 54: Percentage distribution of migrants in terms of access to receipt of health services provided by employers, grouped by sex, sub-sector, age and registration status (includes information on whether or not deductions were made by employer)

	Sex and sub-sector			Age	Registration	Total	N			
	Fishing boat (Males)	Fish processing Male	Fish processing Female							
Access to health care	66.7	51.1	38.8	<15	15-17	18-25	Yes	No	48.7	117
Receive health service	70.0	44.7	39.1	11.1	60.0	53.1	46.0	53.5	46.9	113*
Deducted for health service	0.0	14.3	27.8	0.0	15.0	16.1	16.1	13.6	15.1	53

* Four migrants who did not respond have been excluded.

d) Community contacts (outside work)

Table 55 (see p159) shows that the people migrants most often meet in the community are Buddhist monks (65%), followed by medical officers (60%), demonstrating their need for moral as well as healthcare support. Almost half had been in contact with NGO or social welfare staff and up to 40% had been in contact with the police. It should be noted that migrants employed on fishing boats have less

contact with monks than those employed in fish processing. This is likely due to the fact that the former group spends a good deal of time at sea.

Children under 15 years old have less contact with the community than older migrants. However, they did meet with teachers and monks. Unregistered migrants generally have less contact with the community than registered migrants.

Table 55: Percentage distribution of migrants by community contact and sex, sub-sector, age and registration status

	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
Religious persons ****	28.6	77.8	68.1	82.4	58.8	62.9	75.0	46.3	64.6
Medical officers***	47.6	65.2	59.6	50.0	54.6	65.1	73.2	37.2	59.7
NGO/social welfare staff***	42.9	58.7	40.4	33.3	51.5	50.8	54.9	37.2	48.3
Police	23.8	53.2	34.7	16.7	37.1	48.4	48.7	25.6	40.2
Labour officials*	4.8	29.8	22.9	0.0	11.4	34.9	34.3	2.3	22.4
Teachers**	15.0	19.2	8.3	16.7	21.2	9.4	16.7	9.3	13.9
Lawyers*	4.8	4.3	10.4	5.6	5.7	7.9	6.9	7.0	6.9

* One migrant who did not respond has been excluded.

** Two migrants who did not respond have been excluded.

*** Three migrants who did not respond have been excluded.

**** Four migrants who did not respond have been excluded.

e) Communication with families at home

Table 56 (p160) shows relatives play a vital role in helping migrants keep in touch with their families at home, regardless of sub-sector, gender, age and registration status. Migrants employed in fishing are less likely than other groups to depend on relatives to contact family. They tend to use recruiters more often (38%) than relatives (24%) to arrange contact with their families.

f) Sending money home

Table 56 also shows that when it comes to sending remittances, relatives are no longer the first choice turned to by migrants. Most migrants would rather use recruiters to arrange sending money home (68%). This is consistent among all groups. Children are less likely to use recruiters when compared to adults (57% against 77%, respectively). Only 8% of migrants receive support from their employer to send remittances home. Among them, three out of the eight migrants who do so have money deducted from their wages for this purpose.

Table 56: Percentage distribution of migrants by methods of contacting family at home and sending remittances, grouped by sex, sub-sector, age and registration status

	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Male	Female	<15	15-17	18-25	Yes	No	
Contact with family									
Relative	23.8	40.4	53.1	72.2	48.6	31.3	40.5	46.5	42.7
Recruiter	38.1	29.8	20.4	5.6	25.7	34.4	27.0	27.9	27.4
By myself	14.3	21.3	10.2	0.0	5.7	25.0	21.6	4.7	15.4
Number	21	47	49	18	35	64	74	43	117
Sending remittances									
Recruiter	71.4	70.2	65.3	50.0	62.9	76.6	75.7	55.8	68.4
Relative	9.5	25.5	26.5	44.4	28.6	14.1	18.9	30.2	23.1
Other *	19.1	8.5	10.2	16.7	11.4	9.4	8.1	16.3	11.1
Number	21	47	9	18	35	64	74	43	117

* Most said “others” are those living with parents who do not need to remit or parents arrange it.

g) Social networks, groups and associations

Some migrant workers receive support from other migrants and/or participate in groups or clubs formed in destination communities. Table 57 shows that only 13% belong to a formal or informal group or club. No migrants employed in fishing are members of any group, although just under a quarter of male migrant workers employed in fish processing are members of a group. Indeed, male migrants employed in fish

processing are about three times as likely to join a group than female migrants employed in the same sector.

No child migrant workers under 15 years old are members of any group, where as 11% of those aged 15-17 and 18% of those aged 18-25 years age are members of a group. Many more registered migrants participate in groups or clubs than unregistered migrants.

Table 57: Percentage distribution of migrants by participation in groups, grouped by sex, sub-sector, age and registration status

	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Male	Female	<15	15-17	18-25	Yes	No	
Belong to any group/ club	0.0	23.9	8.2	0.0	11.4	17.5	19.2	2.3	12.9
Number	21	46	49	18	35	63	73	43	116*

* One migrant who did not respond has been excluded.

Among the 15 migrants who do belong to a group, nine are in a group composed solely of migrants, four belong to a group of migrants of the same ethnic group, while two have joined a group involving migrants and local workers employed in similar work.

As for the topics or activities engaged in by the groups, half the migrants participating are in a group that aims in general to help each other out, such as a migrant worker “self-help” group. Four joined groups focussed on culture-related activities. Three belong to a group that discusses health issues.

Although only a few migrant workers were currently participating in groups, when asked whether or not they were interested in joining any groups, many migrant workers are clearly interested in joining. Migrants’ major concern is their well-being, particularly their health. The most popular group, they noted, would be one that discusses health issues, of which over 60% of migrants expressed an interest in joining. The next most popular subject areas were education and improving social skills. About a fifth of migrants expressed an interest in joining a group discussing issues relating to worker registration.

Table 58: Percentage distribution of migrants by preferred group activity

Type of group	Percent	Number
Health	61.5	72
Education	50.4	59
Social skills	41.9	49
Registration	21.4	25
Teach in own language	14.5	17
Teach Thai language	10.3	12
Workplace problems	9.4	11
Work skills	9.4	11
Laws in Thailand	6.8	8
Number		117

h) Education

Opportunities to attend school seem scant, with only 17% of migrants able to attend, according to Table 59 (p186). This would depend on actual permission being granted by an employer and the chart shows that in practice, only about 7% of the migrant group sample currently attended school. All of these migrants are children, particularly those aged under 15. This represented more than a fifth of child migrant workers.

None of the migrant workers employed on fishing boats attend school, which is not surprising due to

the nature of their work (at sea). The major reason given for the low attendance rate is that migrant children have too much work to do (57%). This was supported by migrant workers during the in-depth interviews.

“I would like to study, but I have no time.” (FG, 17 year-old male Karen, fish processing)

“I can’t study after working hours because it’s too late and I’m too tired to learn.” (FJ, 14 year-old male Mon, fish processing)

Table 59 reveals that 16% of migrants said they didn't attend school as there was no school located nearby, or because they had no information regarding schools they would be able to attend (15%). These barriers were mentioned in particular by child workers and migrants employed on fishing boats. Almost an eighth mentioned language as a barrier in attending school. However, a fifth do not perceive schooling as a necessary or desirable option. A small number of migrant workers do not attend school because they have no card (6%) or because it is too costly (3%). Employers who directly prohibit migrant workers

from going to school came to light in the in-depth interviews, but there were very few recorded in the survey.

“Here at the LPN office, they teach English. I came to study once, but the foreman deducted money for the day's work I missed. For example, the next day I came to work, I wouldn't get paid the 200 baht for the day I went to study. So, I stopped attending classes.” (EJ, 14 year-old male Mon, fish processing)

Table 59: Percentage distribution of migrants by school attending and reasons for not attending school and sex, sub-sector, age, and registration status

	Sex and sub-sector			Age			Registration		Total
	Fishing boat (Males)	Fish processing Male	Fish processing Female	<15	15-17	18-25	Yes	No	
Can attend school	0.0	16.7	25.0	44.4	9.4	8.8	16.3	17.1	16.7
Number	18	30	36	18	32	34	49	35	84*
Currently attend school	0.0	4.3	10.2	22.2	8.6	0.0	5.4	7.0	6.0
Number	21	47	49	18	35	64	74	43	117
Reason for not attending**									
Too much work to do	61.9	57.8	54.6	14.3	65.6	62.5	71.4	32.5	57.3
No school nearby	14.3	15.6	18.2	42.9	15.6	10.9	14.3	20.0	16.4
No info on school	23.8	13.3	13.6	28.6	18.8	10.9	10.0	25.0	15.5
Don't speak Thai	19.1	11.1	9.1	7.1	18.8	9.4	2.9	27.5	11.8
Don't want to	9.5	6.7	15.9	21.4	12.5	7.8	7.1	17.5	10.9
Don't need it	4.8	15.6	9.1	7.1	3.1	15.6	10.0	12.5	10.9
Have no card	0.0	11.1	2.3	7.1	9.4	3.1	0.0	15.0	5.5
Costly	4.8	4.4	0.0	0.0	6.3	1.6	4.3	0.0	2.7
Employer does not allow it	0.0	2.2	0.0	0.0	0.0	1.6	0.0	2.5	0.9
Number	21	45	44	14	32	64	70	40	110

* Migrants who did not respond have been excluded

** Respondents could select more than a single response

4. Conclusions

4.1 Indications of labour exploitation

The findings clearly show that being forced to work is not uncommon in the fishing sector. About a fifth of migrants have either previously experienced being forced to work or are currently being forced to work. Migrants working on fishing boats, female workers in fish processing and children tend to experience forced labour more than male workers in fish processing and adult workers in general. The findings show that employment aboard fishing vessels often means working in extremely poor conditions, far worse than those in the fish processing sector. It is no surprise that migrant workers who are being forced to work are more likely to end up working aboard fishing boats. Being undocumented makes migrants even more vulnerable to forced labour.

Physical and verbal abuse by employers is common in the fishing sector, and alarmingly this seems to be more commonly faced by child workers (aged under 15). While migrants work under poor conditions, almost half of them feel they can't leave their job because of certain constraints, mostly relating to fear of arrest by the police. Migrants under 15 years of age pointed to such constraints to a greater degree than adult migrants. Somewhat surprisingly, registered migrants feel there are more constraints preventing them from leaving their current employment than unregistered migrants. About two fifths of registered migrants fear arrest by the authorities if they leave their job. This implies that being registered does not help all migrants feel any safer.

The fact that up to two thirds of registered migrants do not have control over their documents explains in part why registered migrants are still worried about getting arrested. Keeping hold of the originals of migrants' documents not only reflects a means through which employers can prevent workers from switching jobs, but it also highlights employers'

ignorance of the right migrants have to hold onto their own documents. Some employers who keep migrants' documents openly said they did not want migrants to act, "as if they were Thai nationals who could independently go anywhere, or leave their jobs if they are not happy with them". This clearly shows that many employers feel migrants should not be treated the same as Thai nationals. It is consistent with the results from the survey, which show that only half of the employers surveyed agree that migrants should have the same rights as Thai workers.

4.2 Legal status and registration

A migrant worker's legal status does not fully guarantee his or her safety from exploitation at the destination, however, it does, to a large extent, reduce the possible scope of exploitation. Being undocumented, for example, appears to increase the chance that a migrant worker would be exploited at work.

Studies reveal that compared to registered migrants, unregistered (undocumented) migrant workers tend to receive lower wages, work for longer hours, start work earlier and have less rest time than their documented counterparts. A far higher proportion of migrants employed on fishing boats are unregistered than those employed in fish processing. They live and work in vulnerable conditions partly because of their undocumented status.

Although both employers and migrants in general have positive attitudes regarding registration, there are a number of difficulties. Migrants cross the border into Thailand all the time, however, the registration period is fixed. Therefore, hiring undocumented migrants is still common since employers need to hire workers and migrants are readily available to work, no matter what their legal status happens to be. Although arranging for registration is the employers' responsibility, some employers seem to be ignoring this important step. As for migrants, it is not clear whether migrants are fully aware that this step is the responsibility of

their employers. Nevertheless, knowing their rights and the employer's responsibility does not guarantee that migrants' rights will be fulfilled as the migrant workers are unlikely to act without strong support from the Thai government.

4.3 Working conditions

Most migrants work in very poor conditions. They work for 12 hours on average, start working early, even before 4 am on days when there is a heavy workload, and almost half only get half an hour or less break time per day. While almost 80% have regular days off per month, less than a tenth are paid for these days off. Given the nature of the work in the fishing sector, it is understandable that some migrants may need to start working very early, however, working such long hours should be deemed unacceptable, as should night work for children. About a fifth of migrants work over 15 hours a day, which is intolerable for a normal person.

As well as long working hours, evidently the minimum wage is not commonly applied when hiring migrant workers. In addition, if migrant labourers work for more than eight hours a day, this does not guarantee they receive wages at a rate above the minimum. More than half the migrant workers who work for more than eight hours a day still receive less than the minimum wage. Migrant workers employed on fishing boats receive particularly low rates of pay.

Most jobs for migrant workers in the fishing sector are insecure due to variable work schedules and pay methods, such as profit-based systems or piece rates. Most migrant workers are treated the same as casual workers with no benefits.

Migrants employed on fishing boats clearly work in inferior conditions, in nearly all aspects, when compared with migrants employed in fish processing. Jobs on fishing boats are less attractive than in fish processing factories because the nature of work is tough, dangerous and it is lonely being far away from family. Fishing boat employers explained that they often had to take desperate steps to try and

recruit workers, despite offering incentives, such as payments in advance. Despite such incentives, it still seems as though jobs aboard fishing vessels are the 'last resort' for migrant workers. In light of this, migrants working aboard fishing vessels may be those who have nowhere else to go, or those who have fewer job opportunities, such as unregistered migrants or child workers. This could easily force these workers into more vulnerable situations than other migrant workers.

4.4 Child labour

Most of the children in this survey seem to be working under the 'worst forms' of child labour. Work on fishing boats by its very nature may be considered a worst form and therefore should not be performed by children under the age of 17 years in accordance with ILO Convention 182.

In fish processing, where children work for long hours or start before 6am, this might also be considered a worst form of child labour. Otherwise, under regulated conditions, children aged 15 and over may work in fish processing factories. Addressing the worst forms of child labour in the fishing sector needs an immediate response. Migrants under the age of 15 made up 15% of the fishing sample despite the fact that this contravenes Thai labour law (and the ILO Convention 138 on Minimum Age which Thailand has ratified).

Although very few employers openly admit they prefer to employ children, employers implicitly expressed a preference to hire children because they are fast workers, obedient and cheaper than adult migrants. While employers see the benefits of hiring younger migrants, they do not fully see the responsibilities. Some employers do not view child workers as 'real' workers, but more as children simply helping out their parents. However, the migrant survey clearly shows children are not simply acting in support roles. In fishing, children are working even longer hours than adult workers whilst receiving less support and lower pay.

4.5 Support mechanisms

At destination, family and relatives are central support figures for most migrants, this is especially the case for child workers and migrants employed in fish processing. Migrants employed on board fishing boats depend more on their workmates and friends and less on family members and relatives. This is due to the unique physical environment of working on fishing boats and spending long periods at sea.

Attaining a better education may help reduce the risk for migrants of being trafficked. However, migrant children have few prospects to attend school while working in Thailand given their long daily working hours. Very few migrants currently attend school and less than a fifth of migrants reported that their employers permit child workers to attend school.

In Thailand, part of a solution to address the isolation facing migrants has been for NGOs to tap into and strengthen migrants' sense of community.⁴⁰ However, very few migrants working in the fishing sector currently participate in any type of group in their community. Encouraging migrants to be part of a community organization might be worth further exploration because most migrants express an interest in joining a group or club, particularly with regard to the subject of health issues.

5. Recommendations

5.1 Working conditions

Issue:

Migrants employed in the fishing industry work extremely long hours, have inadequate break times and not enough rest days. Obligatory overtime work is very common, with especially long hours on

days where there is a heavy workload. The issue is compounded by erratic and irregular work schedules, which implies uncertain wage rates in the fish processing sector.

Recommendations:

To the Ministry of Labour

- Revise the Labour Protection Act (LPA) so migrant workers employed on board fishing vessels are fully protected under labour law, in the same way workers are in other sectors.
- Raise awareness among employers in the fishing sector (both processing and fishing) about labour rights which are equally applicable to Thai and migrant workers. In particular, focus on the issues of minimum wage, maximum working hours, regular days off, voluntary overtime work, and proper pay for overtime work. Periodically bring this to the attention of all employers.
- Encourage and facilitate employers' associations to play a more active role in 'peer pressuring' other employers to monitor their members in terms of labour protection of workers.
- Raise awareness amongst employers regarding the benefits of applying specific aspects of labour law to migrants, such as ensuring overtime is voluntary. In this case it should ensure that workers are more productive and more willing to work in the workplace for a longer period of time. This should be used as an incentive for other employers to comply with labour standards.

To employer associations

- Engage in a serious discussion about issues relating to migrants' working conditions to develop ways to guarantee a standard minimum wage for all workers both on fishing boats and in fish processing, whether local (Thai) or migrant workers.
- Regularly hold dialogue among employers to find strategies to address forced overtime and

⁴⁰ Raks Thai Foundation, 2003.

ensure a payment mechanism is in place for overtime work in line with labour law.

5.2 Child labour

Issue:

Hiring children is commonplace, particularly those under 15 years of age in the fish processing sub-sector. Almost without exception, child migrant workers under the age of 15 in the fishing sector risk a greater degree of vulnerability to poor working conditions than migrants aged 15 and up, including lower wages, longer working hours, more 'night work' (in the early hours of the morning), less voluntary overtime work, and a greater risk of abuse faced at work. Working children have less support from outside of the family and relatives.

Recommendations:

To the Ministry of Labour

- Raise awareness among employers as to the LPA provisions on child labour, namely not to employ children under the age of 15.
- Facilitate dialogue among employers to discuss the possibility of having a place in the workplace for workers' children so that they are safe while their parents are working.
- Strengthen the network of community organizations that work to protect child workers and encourage them to provide alternative opportunities for children under the age of 15, such as bridging education programmes to encourage enrolment at a later date within Thai schools.
- Ensure children aged under 18 are not hired for employment aboard fishing boats, since due to the nature of the work it might be considered a 'worst form' of child labour under ILO Convention 182.

To the Ministry of Labour and the police authorities

- Ensure employers who knowingly violate the rights of children in the workplace are punished accordingly and periodically present

information to report on action taken in specific cases of child labour.

5.3 Education

Issue:

Less than a quarter of child migrant workers surveyed under the age of 15 currently attend school. Besides having too much work to do, working migrant children also said there are no schools nearby and no information regarding where they could go to school.

Recommendations:

To the ministries of Labour and Education

- Ensure practical information about access to education for child migrants in Thailand is distributed to all in the migrant communities. Information should be published in the languages of migrant workers, should be easy to understand and should be disseminated through the various appropriate networks, including migrant-focussed radioprogrammes, for example.
- Ensure migrant children have access to Thai schools.
- Ensure all Thai schools in the vicinity of migrant communities have a 'migrant-friendly' atmosphere. For example, promote information about bridging programmes so migrant children can study Thai before enrolling in a Thai school, Promote an environment that does not discriminate against migrant children or ethnic minorities.
- Encourage potential employers to provide informal schooling on their work sites or at other safe venues where children can go while their parents are working.

5.4 Inaccessible workplaces

Issue:

Some fish processing factories, particularly informal, family-run businesses are 'closed' compounds that make it difficult for outsiders to approach and for

unions and government officials to inspect. It is also much more difficult for migrant workers to access help outside the workplace in the case of exploitation taking place. In practice, fishing boats are rarely inspected and workers employed on board the boats are even more vulnerable since they are out at sea with nowhere to escape if there is any sign of abuse or exploitation.

Recommendations:

To the Ministry of Labour

- Cooperate with local government and non-government organizations (NGOs) in order to develop practical strategies for local inspectors to be able to access small or home fish processing factories, especially if there is any indication that labour exploitation might be occurring, such as reports being filed from an NGO.
- Inspect premises regularly and communicate clearly with employers' organizations regarding the frequency and process of inspections.
- Support the provision of more personnel for local inspectorates.
- Given the limited number of labour inspectors, set up a complaints mechanism and quick complaint procedure for officials, trade unions and NGOs, so they can file complaints regarding exploitation in the workplace to local labour offices. Labour inspectors must be held accountable for taking some action to follow-up on reported cases of abuse or exploitation.

To the Ministry of Defence

- Discuss with Navy officials whether their mandate could be extended to regularly inspect conditions on fishing boats operating in Thai waters to ensure that at least the minimum working conditions are maintained, children are not employed on boats and any cases of forced labour can be identified.

5.5 A shortage of Thai workers in the fishing sector

Issues:

A significant number of employers do not prefer to hire migrants per se, but feel they have no choice other than to employ them because of a lack of Thai workers available due to the fact that work in the fishing sector is not particularly attractive to Thai workers since it is dirty, dangerous and doesn't pay well.

Recommendations:

To the Ministry of Labour

- Raise awareness of the Thai public about the high demand for workers in the fishing sector.
- Attract more Thai workers to the fishing sector by improving the living and working conditions in the fishing sector, both aboard fishing vessels and in fish processing, particularly with regard to pay and working hours.

5.6 Legal status

Issue:

Even if migrants are documented, it does not always reduce their vulnerability to exploitative working conditions, although they fare better in terms of pay, working hours and rest periods.

A third of migrants surveyed in this survey were unregistered. One of the main reasons they are not registered is the unpredictable work schedule many migrants have to comply with, particularly in the case of migrants working aboard fishing boats who easily miss out on designated registration periods.

However, being registered does not offer complete protection to the worker. A remarkably high number of documented migrants employed in the fishing sector do not have control over their identity documents, which are held by their employers.

As a result, despite the fact that they are legally working in Thailand, many documented migrants feel compelled to remain at (sometimes exploitative) workplaces and do not venture outside the workplace due to fear of being arrested by the authorities since they do not hold their documents.

Recommendations:

To the ministries of Labour, Interior, and Public Health

- Ensure a more appropriate registration process for migrants in the fishing sector, which could differ from other sectors due to the unique nature of the work, particularly in the case of fishing. For example, the registration period for migrant workers employed aboard fishing boats should be extended or made more flexible so they can easily register when they return ashore.

To the Ministry of Labour

- Generate awareness among employers that migrants have the right to keep hold of their

original documents if they want to and warn employers of the penalties they face if they do not permit migrants to hold them.

To the Police authority

- Engage in a high-level dialogue with the Ministry of Labour to ensure employers holding workers' original documents are penalized or create a mechanism where workers who hold a copy of the document can have their working status verified by checking with the employer.
- Raise awareness among police officers, particularly in migrant communities that employers who hold workers' documents without their consent should be punished
- Send a serious message to police officers that the harassment of migrants will not be tolerated and periodically share and report on the action taken by the Royal Thai Police force in such cases.

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