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## **ILO- RTG MULTI-STAKEHOLDER FORUM ON LABOUR CONDITIONS IN THE FISHERIES SECTOR IN THAILAND**

**22<sup>ND</sup> AND 23<sup>ST</sup> OF MAY 2014**

On the 22<sup>nd</sup> and 23<sup>rd</sup> of May, 2014 ILO-IPEC and Royal Thai Government (RTG) through its Department of Labour Protection and Welfare of the Ministry of Labour and Department of Fisheries of the Ministry of Agriculture and Cooperatives organised a multi-stakeholder forum. The meeting brought together multiple stakeholders, including representatives of the RTG, the fishing industry, workers organisations, international buyers and NGOs to discuss and share information on initiatives and progress made and in recent years in addressing critical labour conditions issues in the fisheries sector with emphasis on child labour, forced labour and trafficking in persons for labour exploitation

The Multi-Stakeholder Forum a series of recommendations and action points for participants to take forward. These are summarised in the Multi-Stakeholder Forum Framework for Action now available in PDF from this site.

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# **THE FRAMEWORK OF ACTION ON LABOUR CONDITIONS IN FISHERIES SECTOR OF THAILAND**

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MAY 22, 2014

*Intro/Preamble (to be finalized)*

**PREAMBLE**

We, representatives of the Royal Thai Government (RTG), fishery industry, international buyers, workers' organizations, and non-governmental organizations, having gathered in the *Multi-stakeholder Forum on Labour Conditions in the Fisheries Sector in Thailand* on 23 May 2014, Bangkok, to discuss ways forward for improving labour conditions in the Thai fisheries sector;

Recognizing the domestic and international attention and call for addressing labour issues in the fishery industry in Thailand;

Recognizing the importance of the fisheries industry to the overall economy and to food security;

Reaffirming the commitment of the RTG and the fishery industries to uphold the fundamental rights of workers, including migrant workers in Thailand;

Convinced that decent working conditions will enhance the competitiveness of the Thai fishery industries in a sustainable manner;

Acknowledging the recent initiatives taken by the Thai fisheries industry and the RTG towards improving the working conditions in the fisheries sector;

Bearing in mind that constructive dialogue, coordinated action and continued cooperation between all stakeholders are required to sustainably improve the labour conditions in the Thai fisheries industry;

Hereby, recognise a need to pursue improved measures by and between the four stakeholders represented here. These span the critical and intertwined areas of improving cross stakeholder communication, the right for workers to organise, establishment of grievance mechanisms at the workplace, improved enforcement of laws governing worker's rights, and formalizing the informal economy.

*The following section provides a summary of the key issues raised under each thematic session, and areas for prioritized action by each stakeholder in pursuit of these.*

# 1. FUNDAMENTAL LABOUR RIGHTS AND LABOUR MIGRATION POLICY

## A. ISSUES RAISED DURING THE SESSION

- ◆ Freedom of association and collective bargaining rights for all workers, including migrant workers
- ◆ Representation and participation of workers at the level of the workplace.
- ◆ More effective enforcement of labour law and minimum wage standards
- ◆ Coherent long-term labour migration policy, including review of MOUs on employment cooperation with neighboring countries, right to change employers, making legal entry easier, and regularizing the status of irregular migrants in the country
- ◆ Clear legislation on the regulation of recruitment agencies and brokers, including licensing and oversight, standard and transparent fees.
- ◆ Elimination of sub-contracting practices that do not adhere to labour laws, and that dilute employers responsibilities
- ◆ Elimination of forced labour practices that coerce or deceive workers into jobs which they cannot leave
- ◆ Flexibility and clarity on migrant workers ability to change employer
- ◆ Migrants' access to complaints mechanisms, including on violations related to recruitment, labour rights and social security access
- ◆ Social protection coverage to migrant workers and their family members, including those in informal sectors
- ◆ Extension of child care facilities
- ◆ Communication channels that enable buyers to receive up to date information about the status of labour standard implementation, including through GLP or other ILO channels
- ◆ Wages in fisheries industry and minimum wage are not sufficient to meet basic needs for workers
- ◆ Retention of worker documents, and workers burden to purchase work and protective equipment

## B. PRIORITY AREAS OF FOCUS MOVING FORWARDS

◆ Moving forwards the Government prioritizes:

- Stronger enforcement of labour legislation, including minimum wage, OSH, and non-discrimination
- Longer-term coherent policy on migrant workers, including access to services and the ability of migrant workers to change employer
- Strengthening oversight of recruitment agencies, brokers, and recruitment fees charged

◆ Moving Forward the Workers organizations prioritize:

- Promoting ratification of ILO conventions 87 and 98, and promoting the rights of migrant workers to establish their own unions
- Providing support to growth of migrant worker movement
- Providing services to migrant workers, including legal aid
- Provide assistance to migrant workers in negotiating with employers
- Participate in and support the implementation of the GLP
- Advocate within union movement to allow migrant workers to join

◆ Moving forward the Buyers prioritize:

- Advocacy, Training and awareness raising on labour rights throughout the supply chain
- Supporting enhanced monitoring of suppliers' compliance with national labour legislation and ILO fundamental principles and rights at work
- Supporting proactive improvements of recruitment and employment practices in the industry, with special attention to promoting regularization of migrant workers
- Commit to continue sourcing in Thailand where applicable and on the proviso that the Thai Fisheries industry continues to improve their labour standards
- Supporting creation of factory guidelines on labour standards, including through GLP
- Further, using GLP to promote FoA and CB

◆ Moving forward the Thai private sector prioritizes:

- Ensuring full compliance with national labour legislation and ILO fundamental principles and rights at work in company recruitment and employment practices

- Allowing freedom of association and organising of workers, including migrant workers
- Monitoring practices of sub-contractors, suppliers, recruitment agencies and brokers, to ensure protection of migrant workers' rights
- Upgrading primary processing units, including through implementation of GLP
- Provide safe working environment
- Denounce child labour, forced labour, discrimination, human trafficking
- Support establishment of complaints mechanism
- Support freedom of workers to change employers, within Thai law

## 2. IMPROVING WORKING CONDITIONS IN SEAFOOD PROCESSING

### A. ISSUES RAISED AT THE SESSION

- ◆ Harmful sub-contracting practices in the seafood processing industry and need for workers to be directly employed by the primary employer
- ◆ Wages and benefits should be paid directly to workers, respecting relevant regulations such as the minimum wage standards
- ◆ All workers should be registered to the social security fund and comply with the workman compensation scheme requirements
- ◆ Investment in labour inspection system with enhanced mandate, human resources and capacity to address industry specific issues
- ◆ Safety and health culture in the industry
- ◆ Child labour prevention and protect young workers rights
- ◆ Accessible and effective grievance systems and complaints mechanism
- ◆ Mechanisms for workplace cooperation and social dialogue
- ◆ Formalization of informal enterprises in the sector
- ◆ Registration of all peeling sheds/PPUs and awareness to create safe working conditions to all works, eliminate child labour and provide safe work for youth
- ◆ Establish model/sample employment contracts for factories
- ◆ Confiscation of workers' identity documents
- ◆ Suppliers only subcontracting to registered establishments
- ◆ Application of FPRW requirements throughout supply chains and GLP role in this

- ◆ Industry wide collaboration/harmonization re: monitoring efforts
- ◆ Cross border collaboration on safe migration
- ◆ Mechanisms to ensure voice of workers is heard by buyers
- ◆ Working condition improvements in small enterprises

## B. PRIORITY AREAS OF FOCUS MOVING FORWARD

- ◆ Moving forwards the Government prioritizes:
  - Implementing improved recruitment and workplace monitoring systems specific to the sector
  - Ensuring labour rights are protected without discrimination (Thais, Documented and undocumented migrant workers are equally protected)
  - Prioritizing for labour inspection enterprises where large numbers of migrant workers are employed, small enterprises, seafood, sugarcane, garments
  - Developing of the recommendations for the Hazardous Work List in shrimp and seafood industry to protect young workers 15-17 years — DOF , MOL and ILO
  - With Thai seafood industry, continuing the GLP program after the ILO –IPEC program ends in 2014.
  - GLP Platform will be established having Training Unit and Monitoring function under the cooperation and technical support by ILO.
  - Working with stakeholders, especially international buyer groups, on training programs and communication.
  - Continuing survey and registration of primary processing units
  - Making information readily available and accessible, e.g. on internet
  - Assisting in formalizing informal enterprises
  - Increased advocacy among small enterprises to participate in GLP programme
  
- ◆ Moving forward the Workers’ organization prioritize
  - Providing training to workers and their representatives on workers’ rights and collective bargaining skills
  
- ◆ Moving Forwards the Buyers prioritizes:

- Encourage RTG and Private Sector to be more proactive in registration and compliance of labor brokers
  - Support/encourage processors to conduct audits of brokers, to determine what contracts are in place, ensure Processors and Employees have copies of contracts
  - Work with industry to develop and drive improvements in labour practices
  - Work with industry peers to remove/reduce duplicative auditing, improve efficiency and increase resources available in supply chain
  - Assist and support the continuation of GLP
  - Move toward a uniform/shared independent Ethical Audit assessment framework, and share findings to improve efficiencies and transparency
- ◆ Moving forwards the Thai private sector prioritizes:
- Promoting that all workers in member enterprises are registered
  - Continue to engage members to act as mentors in upgrading the pre-processing facilities, in collaboration with DOF, to regulate the whole shrimp and seafood supply chain.
  - Continue to support the GLP programme and extend its coverage further down the supply chain

## 3. IMPROVING WORKING CONDITIONS IN FISHING

### A. ISSUES RAISED DURING THE SESSION

- ◆ Recruitment and employment practices to ensure voluntary entry for work on all fishing boats, and freedom to leave
- ◆ Working conditions and remuneration meet minimum standards of Thai labour laws, and wages are paid on a regular basis
- ◆ Coverage of Labour Protection Act for all commercial fishing boats
- ◆ A multi-disciplinary inspection regime for the fishing industry with the capacity to appropriately address labour issues
- ◆ Registration and monitoring systems of fishing boats including crew lists
- ◆ Coverage of social security and workers' compensation scheme to include all fishermen
- ◆ Elimination of forced labour in the industry
- ◆ Access to effective grievance systems and complaints mechanism
- ◆ Safety and health of all workers in the industry
- ◆ Social dialogue, worker freedom to organize, organized workers as a means to secure valuable ideas and information to improve enterprise performance
- ◆ Ratification of ILO Convention 188

## B. PRIORITY AREAS OF FOCUS MOVING FORWARDS

- ◆ Moving forwards the Government prioritizes:
  - Implement improved recruitment and workplace monitoring systems specific to the sector
  - Continuing multi-disciplinary labour inspection team/ to inspect fishing vessels in 22 coastal provinces/ composed of labour inspectors, marine police and naval officers, etc
  - Continuing to ensure that crew lists are maintained in connection with vessel registration; and improved accordance with port-out and port-in procedures for all vessels regardless of size.
  - GLP or CoC training and compliance as requirement for foreign vessels seeking to fish in Thai waters
  - Continue to strengthen Labour Coordination Centers on Fisheries through increase inter-ministerial, employer collaboration and other means
  
- ◆ Moving forward the Workers organization prioritizes:

- Provide training to workers and their representatives on workers' rights and collective bargaining skills
  - Engage in improving/diversifying the services of the Labour Coordination Centers and other channels for providing assistance for fishermen
  - Monitor government mechanisms for more effective enforcement of the law
  - Make proposals to government for legislative reform for better alignment with human rights, drawing from ILO Convention 188 on Work in Fishing
- ◆ Moving forward the Buyers prioritize:
- Form a stakeholder group with ILO to share commonly found issues with RTG for improvement (generally covering fisheries sector)
  - Encourage implementation of the law, in terms of registration of vessels, documentation of migrant workers and protection of their rights,
  - Greater visibility and traceability throughout the supply chain, including to fishing vessels
  - Promote and educate workers on their rights and enhance their access to grievance mechanisms
  - Amend the Ministerial Regulation to cover all vessels, establish a minimum wage and require training on occupational safety and health
- ◆ Moving forwards the Thai private sector prioritizes:
- Deliver training to vessel owners and captains on the industry Code of Conduct
  - Promoting wider use of formal employment contracts
  - Continue to promote better safety on boats through training on occupational safety and health
  - Compile lessons learned from initial phases to strengthen the effectiveness of the Labour Coordination Centers
  - Work toward a sustainable fisheries industry

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