

Labour Coordination Centres for the Fishing Sector, Thailand Summary Assessment and Recommendations

Prepared by the ILO GMS TRIANGLE project
June 2014

In an effort to regularize migrant workers in the fishing sector and protect them from exploitation, the Royal Thai Government has set up seven Labour Coordination Centres for the Fishing Sector (LCCs). The LCCs were established by a Cabinet Resolution on 9 October 2012, but they were not operational until nearly a year later.

This document aims to provide reflections on the current operations of the LCCs, and recommendations on how they can be further strengthened. These findings and recommendations are based on the ILO's observations of LCC operations and interviews with key officials and staff in Samut Sakorn, Trat and Ranong. Additional information was obtained from several meetings over the past year with the Department of Employment (DOE) and the National Fisheries Association of Thailand (NFAT).

In summary, the LCCs face significant challenges to meet their intended objectives, but some initial progress has been made in getting the LCCs off the ground. Many of the actions required to make the LCCs a success depend on external factors and political will to drastically change how the sector has operated for over a decade.

Objectives of the LCCs

The LCCs have a number of objectives, but it has always been envisaged that the scope of activities carried out within the LCCs will increase over time. The regularization of irregular migrant fishers (Objective 1) has been identified as the priority, and is the basis for attracting employers and fishers to the centre – and thereby achieving the other objectives.

1. To regularize irregular migrant fishers;
2. To register employers (vessel owners and captains) of migrant fishers;
3. To conduct training for employers and migrant fishers on their labour rights and responsibilities, including occupational safety and health training;
4. To receive complaints from fishers, coordinate inspections, and make referrals to relevant authorities and service providers; and
5. To provide a pool of workers for employers facing shortages, and eliminate a role for brokers.

Location of the LCCs

The LCCs have been established in seven of the 22 coastal provinces: Samut Sakhon, Rayong, Trat, Chumphon, Songkhla, Ranong, and Satun. Initially, it was envisaged that employers from the other 15 provinces would travel to the closest LCC, but that was deemed too impractical. In some cases, mobile operations have been established. It is not clear how the law and measures are being applied in other provinces.

The LCC in Samut Sakorn initially began in the Provincial Labour Office, then at Provincial Fisheries Associations (PFATs) and is now in a rented building. The fact that this centre is not located at the pier presents challenges in terms of access, particularly given the limited amount of time fishers spend on shore. LCC staff have to conduct outreach to employers at the piers, and then make appointments for them to visit the LCC.

Regularization of Migrant Fishers

In the first three-month registration period from September to November 2013, across all seven LCCs, approximately 6,000 workers received work permits. Many more fishers registered but did not complete the regularization process. For example in Samut Sakorn, just under 1,000 fishers registered, but only 30 completed the process and obtained a work permit. In Trat, in the second window, as of 15 May 2014, only 164 Cambodian workers had contacted the LCC; 71 have been registered, of which 7 have been issued a work permit.

Employers find the complexity and time involved to regularize their crews too burdensome. To mitigate this problem, during the second window (March to May 2014), the Samut Sakorn LCC simplified the process for employers by bringing the relevant departments under one roof. In May, for the last month of registration, Ministry of Interior (MOI), Ministry of Public Health (MOPH) and Ministry of Labour (MOL) officers all convened within a one-stop service centre (although the health check requires a next-day visit). Despite a streamlined process, the Samut Sakorn LCC targeted only 1,000 workers within this last month of registration.

The other major disincentive to employers registering their workers is the cost involved. Workers in the fishing sector are highly mobile, and move not just because of the working conditions on board, but because of the attractiveness of working in other, less demanding sectors. Therefore, employers are reluctant to pay the costs for regularizing workers. Moreover, employers report that they still have to pay the local authorities for hiring migrants regardless of their legal status, so there is no advantage to regularizing them.

NFAT have indicated that despite the continued challenges in the regularization of migrant fishers, and the ongoing use of brokers, employers see the LCC method as a more viable means for them to fill their labour shortages.

The PFATs play a key role in identifying employers and encouraging them to register. The LCC staff (externally recruited) are extremely dependent on PFAT for identifying employers. Estimates on the overall number of vessels and possible workers comes solely from PFAT, and have not been triangulated with the records of the Department of Fisheries or the Marine Department.

However, there are concerns about the purpose and legality of the THB 200-300 fee that the PFATs are collecting from each member in order to sign the demand letters and authenticate them as employers in the fishing sector. One PFAT leader reported that the fee collected will be used for the association's administration and the establishment of an emergency fund for workers who face work-related accidents.



Fisher from Lao PDR provides personal information for Tor Ror 38/1 form in Samut Sakhorn.



The orange work permit is issued only to migrant fishers, to prevent movement to other sectors.

Regularization Process in Samut Sakorn LCC

	Documentation	Agency	Costs	Remarks
1.	Preparation of demand letter , signed by PFAT, and accompanying documents*	Employer / PFAT	PFAT may charge a service fee of THB 300 per employer / Photocopying costs	The rationale for the PFAT costs is not clear
2.	Tor Ror 38/1 form – upon submission of demand letter and employer information, and taking the personal information, photo and fingerprint of the worker	MOI	THB 80	
3.	Health check**	MOPH	THB 600	It takes one day for the results
4.	Work Permit – upon submission of Tor Ror 38/1 and the health check results	DOE, MOL	THB 1,000 for one year / THB 325 for 3 months	Work permit is orange, to distinguish from workers in other sectors

*Employer has to submit a demand letter signed by the Provincial Fisheries Association (PFAT) – to verify that these workers are for the fishing sector; as well and a photocopy of the employers' ID card and company / household registration.

** Health insurance is "optional" – and at a cost of THB 2,200, it is unlikely that employers or workers will take this option.

Management of the LCCs – policy, coordination and budget

The Department of Employment is the designated focal agency, and is responsible for setting up a committee to oversee LCC operations and monitor implementation. The designated support agencies in the setting up of the LCCs include the MOI, the Department of Fisheries, the Department of Labour

note that the decision on most of these incentives fall beyond the mandate of the Ministry of Labour.

3. **Commitment and coordination.** High-level leadership and political commitment is required within departments at the central level and provincial level. Various leaders within each line ministry and provincial government need to prioritize and incentivize regularization – and take appropriate action within the scope of their mandates, e.g. cracking down on corruption, reviewing the rules on license renewals, exploring alternative health insurance options, etc. At the central level and the provincial level, the responsibilities of each department and the industry association need to be clearly articulated and distributed, with focal points identified to facilitate more effective cooperation and coordination. The Governors of each province have an important role to play in this regard, in highlighting the importance of this initiative and holding the various stakeholders accountable. NGOs and migrant worker groups must also be consulted to collect the perspective of migrant fishers, to provide interpretation services, and to disseminate information to the migrant community.
4. **Monitoring performance.** At the national level and within each province, there needs to be an identification of key performance indicators and a setting of targets. In order to monitor progress, there needs to be better estimates on the number of employers and migrant fishers. This requires triangulation of information from PFAT, the DOF, the Marine Department and the Immigration Department. In addition, site visits should be conducted by the Central Committee to the LCCs, and include meetings with the provincial authorities and the fisheries associations. These visits are to monitor the performance of the LCCs and can provide guidance, based on developments in the other LCCs.
5. **Standard operating procedures and training for LCC staff.** At present, the LCC staff and officials deployed from government departments, do not have any training or guidance on their functions and responsibilities. LCC staff should be provided with instruction on how better to engage with migrant workers. The ILO has a draft set of Standard Operating Procedures (SOPs) that should be further developed through consultation based on priorities, pending a new Cabinet Resolution authorizing additional registration windows. The SOPs should also include job descriptions.

The draft SOPs Manual currently covers the following sections:

 1. Preparation of fishers’ documents and contracts
 2. Orientation for employers and fishers on labour rights and OSH
 3. Tracking fishing vessel movements (port-in/port-out)
 4. Processing changes of employer /fisher
 5. Receiving complaints and making referrals
 6. Coordinating inspections
 7. Mandates/responsibilities of partner agencies
6. **Orientation video. One of the core functions of the LCCs is to provide** fishers with information on their rights and responsibilities, and inform them on where they can go in case of rights abuses. Because of the language barrier and the limited number of interpreters, an orientation video is an effective means to provide clear, consistent and correct information in a manner that fishers can understand. The ILO is currently developing a video that will be dubbed into migrant languages, and can also be used prior to departure in migrant sending communities to better prepare workers for what conditions are like on board.

Lessons from the Samaesarn Model

In Samaesarn, Chonburi, a similar centre was established to address labour shortages and combat trafficking, pre-dating the LCCs. The centre is funded by employers who are members of the Samaesarn Fisheries Association. The centre registers both employers and workers without the involvement of the government. In addition, the change of employers is only allowed within the fishing sector in Samaesarn – in some cases, the change of employers can be limited to one of the other vessels of the same owner.

Despite the progress made in terms of the number of those registered, the centre is now facing a number of challenges. Some employers are no longer interested in participating in the programme due to the inability of the centre to address on-going labour shortages. In addition, the use of brokers is a common practice since the 1970s, when vessels employed workers from northeastern Thailand. Employers are requested to pay the broker fee and make an advance payment to the fisher, before he is recruited and placed. The estimated cost for the employer is THB 70,000 (USD 2,188), including the advance payment covering the first 15 working days. There is a lack of trust between workers and employers, due partly to the language barrier. The centre is facing budget limitations, and a lack of cooperation and coordination from government agencies.