

Revising the Good Labour Practices Programme May 2017

A. Background and Summary

Reports in recent years have shed light on the serious human and labour rights abuses committed in the Thai commercial fishing and seafood processing industries, particularly against migrant workers coming from neighboring Myanmar and Cambodia. To respond to this critical situation, the ILO's EU-funded Ship to Shore Rights Project ('Combating Unacceptable Forms of Work in the Thai Fishing and Seafood Industry') works with the Thai Government, employer associations, unions, and civil society organizations to reduce forced labour, child labour and other unacceptable forms of work, and progressively eliminate the exploitation of workers—particularly migrant workers—in these sectors.

To achieve this overarching goal, the project aims to address labour abuses via four inter-related objectives. At the foundation is improvements to the Thai legal and regulatory framework, which currently suffers from significant gaps in application and needs to be strengthened in line with international standards (Project Objective 1). Given the extent of serious rights violations, effective enforcement of Thai labour law (Objective 2) is also central to the programme. These are complemented by industry-led capacity and accountability initiatives (Objective 3) developed through a broad partnership with unions, government, global buyers, and civil society organizations. Finally, it is critical to invest in building the capacity of unions and civil society organizations to serve, organize, and educate workers, and to hold government and industry accountable for higher standards (Objective 4).

The Ship to Shore Rights Project is charged with a revision and expansion of the 2012 Good Labour Practices Programme (GLP) which taught workplace labour standards in the Thai shrimp-peeling industry. A revised programme must respond to the urgent changes in the Thai and global seafood industries in the last few years. A short list of recent changes in the seascape includes new Thai law and enforcement regimes for work in fishing and seafood, the ILO's Forced Labour Protocol (P. 29) and Work in Fishing Convention (C. 188), higher forced labour standards for U.S. and U.K. importers, closer scrutiny of Thai agro-industry from global buyers, a 'yellow card' from the European Union for illegal and unregulated fishing, and 'watch list' status on the U.S. Trafficking in Persons report.

In the short years since the design of the GLP shrimp programme, the talk of global labour standards in seafood has shifted. Instead of soft-focus discussions of ethical sourcing strategy, parties now have harder-edged discussions about keeping major-market access and complying with criminal codes.

The seafood industry, like apparel, chocolate, and consumer electronics before it, has responded with a profusion of codes and benchmarks, protocols, and multi-stakeholder initiatives to find and suppress the worst abuses in the supply chain. Helping Thai industry—as well as government, unions, and civil society—make sense of these initiatives is a priority for the project.¹ A December 2016 ILO comparison of eight labour standards with GLP guidelines showed:²

¹ Lessons learned here can be useful to actors in the larger Thai agricultural and food sectors where abusive labour practices have been publicized, most recently in 2016

² The eight are: GAA-BAP-2014, SA8000:2014, ETI, FLA, BSCI, OHSAS 18001:2007, FAO Code of Conduct for Responsible Fisheries/Towards Sustainable Shrimp, and Marks & Spencer Code of Conduct for Responsible Supply Chain/Plan A

- Convergence of standards. Labour codes and workplace standards covering seafood are broadly similar and consistent with ILO core labour standards
- Upstream suppliers stranded. Global audit- and certification-level standards can seem out-of-reach for some upstream suppliers
- Fishing standards lag. Workplace standards for work in fishing (and due diligence programmes) lag badly behind processing and aquaculture standards
- Industry-wide impact is small. Most initiatives by design focus on key individual suppliers and engagement between industry, workers, government, civil society, and buyers is episodic.

The ILO's analysis fits closely with the results of two rounds of consultations in 2016 among Thai and global partners on the future of the GLP programme.

First, the convergence of labour codes and standards is welcome news. It allows a new GLP programme to focus not on defining exhaustive workplace standards but on designing a process that leads to measureable change for employers and workers in the industry.

Second, a revised GLP programme run by an independent, Thai-based body is the right place for a supplier 'on-ramp' that aims to help employers fill basic gaps in their knowledge, systems, and labour performance. The goal is to move them from where they are—following prevailing labour standards and attitudes—to where they want to be: prepared to undergo certification or pass a BSCI audit, for example.

Three, the proposed programme must cover seafood industry labour practices from 'boat to bag'—on board vessels, aquaculture farms, and processing. Looking up and down the entire supply chain brings retailer/buyer sourcing practices into view, and GLP should detail ways in which buyers support or undermine better labour practices among their suppliers.



Four, the industry must take responsibility for raising standards in order to be credible to buyers as well as government, workers, and civil society. (Buyers, for their part, must be willing to act on their obligations to workers and reward higher standards in order to be credible to suppliers). Credible industry programmes must embrace higher workplace standards but also coaching, evaluation, discipline for wayward members, internal due diligence and independent external due diligence, tripartite governance, effective grievance mechanisms, meaningful social dialogue, and transparency including the public reporting of results. We recognize that these are not standard roles for industry associations and they will require some re-orienting to make it work.

These are core elements of an industry-led capacity and accountability initiative like GLP. Their importance for credible and effective programmes are supported by recent research on the impact of voluntary labour standards efforts. Richard Locke in *The Promise and Limits of Private Power* (2013) sees a good fit between robust capacity-and-accountability programmes, active government enforcement, and public pressure for change. A 2015 report by the U.K.-based RSPB, "Using regulation as a last resort?" warns that voluntary schemes must be part of a "coherent policy mix" to bring change, and names four must-haves for GLP-style voluntary initiatives:

- Clear incentives for participation
- Clear incentives for performance improvement
- Clearly defined and measurable targets to assess performance
- Independent monitoring with robust and transparent reporting requirements

Finally, “Redesigning enforcement in private labour regulation” from Axel Marx and Jan Wouters in the September 2016 ILO *International Labour Review* argue that supply chains are more dynamic and “increasingly dominated by intermediate firms in emerging economics which are less inclined to pursue corporate responsibility strategies in regard to labour rights... supplement audit-based monitoring with bottom-up monitoring approaches that localize monitoring and compliance” such as grievance or dispute-resolution mechanisms open to workers and stakeholders.³

Taken together, this recent research and the experience of ILO and our partners point to the need for a robust and tripartite programme—based in Thailand and led by Thai institutions—that with targeted support can develop into an effective oversight body. This report outlines proposed changes needed to bring the GLP programme into the new era:

- A. Consultations. Reactions from ILO consultations in April and December 2016.
- B. Programme. Outline of an industry programme that teaches workplace standards, supports enterprise-level change, and helps hold accountable member companies for progress
- C. Governance. Proposed structure to help ensure credibility of programmes

B. Consultations

The ILO organized consultations on a revision of the GLP programme in early and late 2016. An April 2016 ILO letter sets out the terms for cooperation between the project and industry associations for a revised GLP programme. They include an expansion to all tiers of the Thai seafood supply chain, with special emphasis on:

- Systems for measuring changes in labour conditions, supply chain traceability, independent due diligence, and transparency including public reporting/disclosure
- Stronger worker-management dialogue—the heart of a sustainable and credible voluntary compliance mechanism—including more effective and representative welfare committees within enterprises that are supported by trade unions and civil society organizations
- Establishment of an independent Thai institution responsible for training, grievance and dispute resolution, monitoring, and public reporting
- Larger-scale participation by industry. ILO would like to see the number of enterprises actively participating in the GLP programme increase

The December 2016 consultations confirmed these objectives and elaborated on two counts. One, a programme should be adaptable for use in the poultry and other Thai food industries confronting similar issues. Two, the number of participating vessels, farms, and factories should be at least 100 in the first 12-month cycle of the new programme. The December and subsequent consultations

³ Locke, Richard M. (2013). *The Promise and Limits of Private Power: Promoting Labor Standards in a Global Economy*. Cambridge University Press: New York.

McCarthy, D. & Morling, P. (2015). “Using Regulation as a Last Resort: Assessing the Performance of Voluntary Approaches”. Royal Society for the Protection of Birds: Bedfordshire, U.K. http://www.rspb.org.uk/Images/usingregulation_tcm9-408677.pdf

Marx, Alex and Jan Wouters (2016). “Redesigning enforcement in private labour regulation”. *International Labour Review*, v. 155. ILO: Geneva.

also looked at the elements of the original GLP programme to determine which should be added, built out, or scrapped.⁴

Among the elements to keep were the relatively simple workplace standards, appropriate for employers beginning to work towards global standards. It was agreed that GLP programmes should target the vast middle of Thai industry—those enterprises needing a solid introduction to global labour standards to help them bridge the gap between prevailing labour practices and the expectations of reputation-sensitive buyers. The programme should be on offer to small, medium and large enterprises—as well as their upstream suppliers—and aiming for continuous improvement at all levels.

Participants except for unions and some CSOs felt that easily understood workplace standards and goals—as opposed to detailed audit- or certification-level standards—were needed for enterprises and supply chains to understand and start to close the gap with global standards. All agreed that a good fit between the programme’s content and more detailed labour certification and audit requirements is important to avoid confusion and waste of resources.

Second, participants confirmed the need for industry associations to play a leading role, but credibility requires collaborative action with stakeholders including Thai and global buyers, civil society organizations, trade unions, and government. Participants also wanted to see programmes make the business case for better working conditions, and emphasize creating simple and lasting workplace systems over simply getting into compliance.

Third, the existing GLP programme was seen to lack credibility to outside observers. A revised programme requires clearer measures of progress, independent due diligence, public reporting, and engaged, tripartite governance.

Finally, participants including industry noted the need for accountability for measurable and continuous improvement inside industry groups. Sourcing practices of buyers and Thai exporters—by virtue of their leading roles in Thai seafood and agriculture supply chains—send powerful signals to suppliers and the proposed institute or centre should engage constructively the debate about how these players can help speed (or slow) adoption of global labour standards among suppliers.

C. Programme

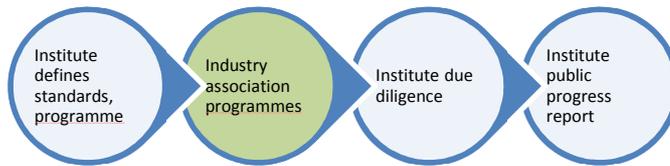
Building these core elements into GLP programmes gives them a new shape and the potential for greater impact and credibility. Here is a list of the eight indispensable elements of an association-led programme:

1. **Clear workplace standards.** Original GLP workplace standards are amended to reflect recent changes to Thai law, and kept up-to-date. In keeping with the notion of GLP programme as ‘bridge’ or ‘on-ramp’, the relatively simplicity of the guidelines is maintained. ILO labour standards are designed to apply up and down the supply chain but exceptions such as rest hours or repatriation requirements for fishers are noted.

⁴ Participants included NFAT, TOFA, TTFA, TFPA, TTIA, trade unions and civil society organizations, and government agencies (Ministry of Labour’s Department of Labour Protection and Welfare and Department of Employment, Department of Fisheries, Royal Thai Navy, Marine Department). The consultations culminated with a Task Force 2 Meeting on 2 December 2016. Summaries of consultations are appended here as Annex 3.

2. CEO-level commitment and dedicated staff. Industry programmes without regular engagement by top-level executives fail. Similarly, industry improvement regimes must have dedicated staff with the ability to evaluate conditions, coach member companies, challenge prevailing attitudes and practices, and report without fear or favour.
3. Tools and learning focused on systems. Training and workplace evaluation tools should emphasise root causes of labour violations and illustrate remedies with a focus on simple management systems and continuous improvement rather than compliance. Capacity-building means more than training: association programmes must invest in coaching that helps member companies build and keep up the basic systems needed to meet global labour standards.
4. Industry internal due diligence and remediation. Programmes must conduct their own due diligence of members' labour practices, and help them remedy violations.
5. Engagement with workers, civil society. Regular engagement with worker organizations and civil society as well as government are little-used muscles that need to be intentionally developed by industry associations and their member companies. Serious social dialogue can help Thai seafood avoid shocks and rebuild its reputation and market access.
6. Enterprise- and industry-level grievance and remediation. Workers and other stakeholders must have a credible and responsive body to hear and act promptly on collective complaints.
7. Accountability mechanisms
 - a. Rewarding high performers and major improvement. Companies that embrace higher standards and set positive examples should be recognized.
 - b. Pressing chronic low performers for significant improvement. Associations must be prepared to put private and public pressure on member companies that hurt workers and jeopardize the industry's efforts to rebuild its reputation.
8. Independent external due diligence and public reporting on labour practices. In a high-stakes effort to rid an industry of long-standing human rights abuses, the industry itself or national government is not a credible messenger. Credible programmes require regular and robust independent analysis and public disclosure of the programme's aggregate results. This process has to be led by a credible tripartite body that includes independent worker and civil society organizations as well as government.
9. Sourcing choices and incentives that reward good labour practices. Sourcing choices by buyers—Thai and non-Thai—can impact Thai suppliers and their workers positively and negatively. These choices, including price, must reflect the buyers' commitments to decent work in fishing and seafood.

Employer associations that wish to build (or revise) GLP programmes will incorporate these core elements. Their programmes are envisioned as 12-month long cycles of training, coaching remediation, due diligence, and industry accountability. They are offered by the industry association to employers committed to moving away from prevailing practices and systems that may violate basic labour standards—wage law violations or unsafe workplaces, for example—towards global labour standards. The programmes do not audit or certify companies but teach suppliers the standards, management habits, and simple systems needed to close the gap between prevailing labour practices and audits or certification systems.



Who delivers the programmes? These programmes are delivered by major fishing and seafood industry associations with technical support and oversight from the centre. Each association designs a programme for its target members that enacts the programme elements listed above and adheres to GLP workplace standards. The industry associations can employ their own staff to lead the programmes and/or contract with the centre to deliver aspects of the programme—e.g. labour standards training, enterprise-level coaching, industry association internal due diligence.

Association programmes that meet and continue to meet these requirements will be GLP programmes and will have the support of the centre. The ILO participates in the governance of the independent GLP body that defines the process and curricula, conducts overall quality control on industry programmes, independent due diligence on enterprise- and industry-level changes, and public reporting on the programmes.⁵

Larger firms. Direct-to-buyer firms already certified by a credible independent body or that meet global audit standards are not ‘on-ramp’ candidates. Their programmes—like the one developed by the Thai Tuna Industry Association (TTIA)—need to be more closely tailored to drive continuous improvement among member companies, and to develop and test the muscle needed to move wayward suppliers.

SMEs

In consultations, this target group was described as the ‘vast middle’ of market suppliers who recognize the need to improve labour practices but need a solid grounding in global labour standards before investing in the detailed preparations needed to pass a BSCI audit or win BAP certification, for example. There are recent global efforts aimed at pulling along these same segments of the industry include the Global Aquaculture Alliance’s iBAP (Improver) and MSC ITM programmes.

How do they benefit?

- Improve management systems to track their operations, gauge productivity, reduce recruitment and training costs with higher worker retention rates, monitor working conditions which can result in cost savings
- Pair programme with ILO In Business training modules to upgrade business skills in parallel with higher labor standards, as well as strengthen networks among firms for peer support and cooperation to facilitate improvements
- Stay ahead of national regulations and work to be ‘certification-ready’
- Enhance productivity and quality through better worker-management relationships, increased workforce retention, safer workplaces, focus on continuous improvement
- Improve their image and reputation

⁵ Similar industry programmes in poultry and other agricultural industries can be built to include these programme elements, and if successful, to share its tripartite governance structure.

How do they benefit?

- Drive supply chain alignment and harmonization by ensuring that all upstream suppliers are engaged and follow a common labor standard performance system
- Fairer and better organized workplaces lead to improved efficiency, higher level of trust and lower worker turnover, and reduce the complexities and cost of monitoring
- Meet global best practices and reduce cost of compliance to various certification systems by ensuring that internal management system covers requirements of major codes and go beyond core labour standards
- Improved understanding of their supply chain and procurement practice
- Explore premium-price products and appeal to better buyers
- Embed culture of continuous improvement through improved due diligence, worker-management engagement, and establishment of a grievance mechanism
- More effective reputational risk management. Facilitate the establishment of system to mitigate supply chain risk and respond to social and ethical interest of civil society, financial institutions, and consumers

D. Governance

Independent and results-based oversight of the overall GLP programme is essential to its credibility and the credibility of individual industry programmes. We propose the creation of a small Bangkok-based centre responsible for:

- Up-to-date workplace standards
- Training and coaching curricula
- Training of trainers
- Independent due diligence/research (employers and workers)
- Evaluation and quality control of industry-led GLP programmes
- Public reporting on programmes and progress (aggregate)
 - Recognition of companies making significant progress
 - Notification of companies making insufficient progress
- Design and management of grievance mechanism
- Communications
- Review reports/proposals from industry associations for compliance with GLP principles

The table below outlines the roles and responsibilities of the centre/programme's constituencies.

Organization	Role/Responsibility
Thai seafood and fishing associations	<ul style="list-style-type: none"> - Inaugurate centre with government, and unions and civil society - Leading role in centre governance - Contributions/funding in proportion to annual membership/revenue or other sources - Design and delivery of GLP capacity building services - Coordination and delivery of industry due diligence services/products - Co-design and delivery of IN BUSINESS training services⁶
Government	<ul style="list-style-type: none"> - Leading role in centre governance - Contribute facilitators/assessors/trainers

⁶ This would be done in conjunction with an employers association such as Employers Confederation of Thailand (ECOT).

	<ul style="list-style-type: none"> - Work with grievance unit of industry association in the deliberation, remediation, and resolution of grievance cases - Alternative venues where individuals or organizations can file complaints - GLP awareness campaign particularly on Thai legal requirements, grievance mechanism
Trade Unions, CSOs	<ul style="list-style-type: none"> - Leading role in centre governance - Contribute facilitators/assessors/trainers - Work with grievance unit of industry association in the deliberation, remediation, and resolution of grievance cases - Alternative venues where individuals or organizations can file complaints - GLP awareness campaign particularly on organizing rights, grievance mechanism
ILO	<ul style="list-style-type: none"> - Overall strategic direction - Technical assistance in the development and piloting of systems and tools - Contribute facilitators/assessors/trainers - Capacity-building support to industry associations - Quality control on industry GLP programmes - Quality control on annual impact research and public reporting - Support in the marketing of GLP - Financial support to industry associations in the operationalization of revised GLP (e.g. initial cost sharing for programme staff) - Advisor to industry for design of programmes
[Advisory] Overseas buyers, global multi-stakeholder initiatives	<ul style="list-style-type: none"> - Support programme design, provide market and policy information - Contribute to research on labour impacts of buyer sourcing strategies

In the table above, we spell out advisory roles for two key constituencies—overseas buyers and multi-stakeholder initiatives. What are the roles and responsibilities of overseas buyers of Thai seafood in programmes to eliminate unacceptable forms of work in Thai fishing and seafood? Major Thai buyers including CPFoods, Thai Union, and Kingfisher and overseas buyers have a clear interest in changes in Thai seafood and should have a role in the centre. This advisory role is a way to keep a key question for the industry in front of the centre, How do buyer sourcing choices and incentives reward good labour practices?

We also recommend a role for a global multi-stakeholder initiative with a background in food and agriculture supply chain labour issues to help shape the new centre’s programme, contribute to the content of the programme, keep an eye on the global perception of Thailand’s progress, and help maintain the centre’s independence and hence its credibility.

The oversight body should include representatives of:

- Seafood and fishing industry associations committed to the programme/centre (3)
- Royal Thai Government (Ministries of Labour and Agriculture) (3)
- Unions and labour rights CSOs working in the industry (3)
- Major buyer/supplier (1)
- ILO Country Office (1)
- Global multi-stakeholder initiative (1)

Representatives from industry, worker, and civil society organizations will be chosen by agreement among their associations/coalitions. The initial oversight body will be appointed by the Project Steering Committee of the Ship to Shore Rights Project, and thereafter according to centre bylaws. Other industries that propose to support and join the centre’s programme can add representatives to the oversight body provided that the industry-government-union/CSO ratio is maintained, up to a total membership of 20.

The centre staffing plan is minimal, with a small office and staff composed of:

- Executive Director responsible for strategic direction, programme design, oversight body secretariat, and programme results
- Programme officer responsible for training, coaching, and due diligence activities
- Administrative staff responsible for office and financial administration

The proposed annual budget of up to USD 150,000 is appended here as Annex 1 along with a proposed distribution of the costs among institutional partner and a timeline for design, launch, and initial 12-month programme cycle.

Programme Due Diligence and Reporting

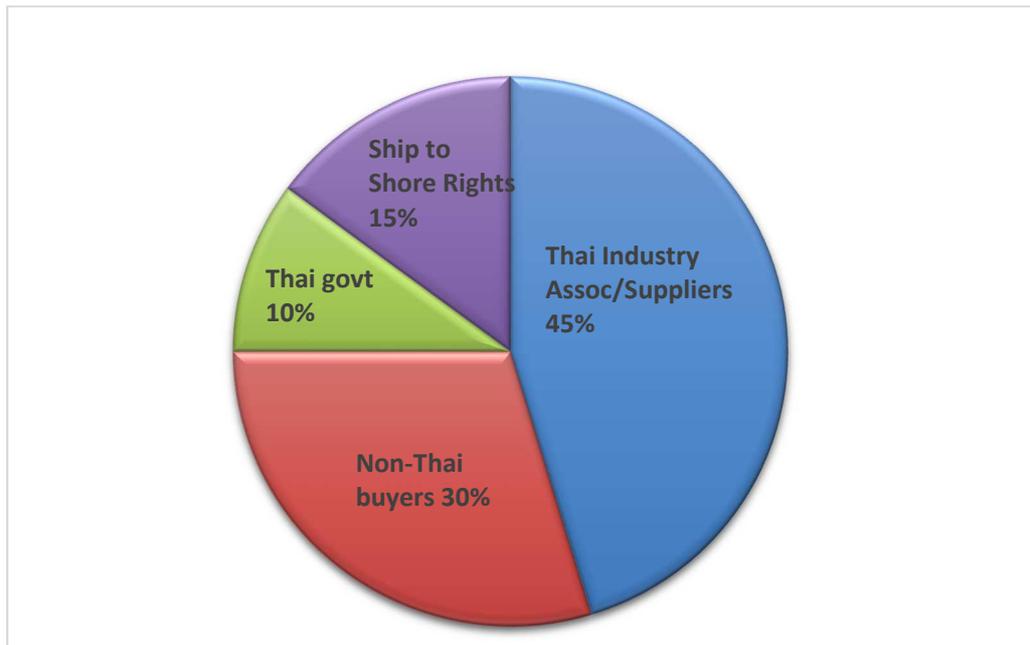
The centre’s tripartite board will commission and publish an annual report on industry- and enterprise-level progress by GLP programme participants. The report will survey management and workers in a sample of participating employers with a focus on enterprise-level change and impact rather than traditional labour compliance. Reporting will be initially be aggregate—that is, the published findings will not identify individual employers—and serve as the basis for the board’s annual review and public report on the health and impact of industry associations’ programmes.

Industry associations may choose to produce their own periodic updates on progress on labor standards performance, emerging good practices, and summary of performance metrics which could include impact on productivity, workers’ satisfaction, product quality improvement, absenteeism rate, and worker turnover.⁷

⁷ As a contribution to greater transparency and traceability in the Thai seafood industry, the centre may create an online portal where all those who enrolled in GLP programmes can upload their assessment report (version agreed by both internal and external team). The assessment result can be viewed by their own industry association labour staff, GLP staff, and by permission only, with downstream suppliers/buyers as well as other compliance reporting platforms.

Annex 1

Proposed Financial Contributions to GLP Centre budget



Draft GLP Centre budget (one year)

Costs	USD	Income	%	USD
Executive Director	35,000	Thai Suppliers/Industry Assoc.	45	67,500
Programme staff	25,000	ILO Ship to Shore Rights	15	22,500
Administrative staff	10,000	Non-Thai buyers	30	45,000
Workshops/trainings (est. 8)	23,000	Thai government (In-kind)	10	15,000
Indep. due diligence and report	27,000			
Travel for training/due diligence	10,000			
Production of GLP materials	5,000			
Office rental, supplies	15,000			
Total	150,000	Total	100	150,000

[Annex 1, cont.]

Proposed GLP Centre timeline

Activity	Q2 17	Q3 17	Q4 17	Q1 18	Q2 18	Q3 18	Q4 18	Q1 19
Final GLP Report Consultations and Report								
Funding commitments, Thaiflex GLP event								
Draft curricula, finalize workplace standards								
Ship to Shore PSC approval of center governance, hire staff								
Launch of Centre, announce initial participants								
Begin 12-mo training cycle, dispute resolution design								
Independent due diligence survey and report								
Begin (second) 12-mo training cycle								

Annex 2

Outline of GLP Workplace Guidelines for Work in Fishing and Seafood in Thailand

The draft guidelines below are based on Thai labour laws and ILO standards as well as knowledge of working conditions and labour practices up and down the Thai seafood supply chain from commercial fishing vessels and farms to processing plants. Where the ILO labour standard is higher, that standard is used.

The objective of the guidelines is to provide useful workplace standards for GLP programmes led by industry associations. These programmes use training and coaching—as well as internal due diligence and accountability—to help member companies bridge the gap between prevailing labour practices and the requirements of global audit and certification schemes.

The guidelines below are a draft update of the 2014 Good Labour Practices Guidelines, and are organized here by Core Labour Standards:

1. Forced Labour and Recruitment
2. Child Labour
3. Freedom of Association, Collective Bargaining and Workplace Cooperation
4. Discrimination (Equal Employment Opportunity and Treatment)

And Working Conditions:

5. Wages, Compensation and Working Time
6. Occupational Safety and Health

Core labour standards and basic conditions of decent work are global, by design, and can be applied to work on vessels, farms, and in seafood processing plants. These standards are detailed in the left-hand column below.

There are, however, important differences in labour practices and rules for work in fishing and work in processing and aquaculture. Key differences based on recent changes in Thai law and on the ILO Work in Fishing Convention (C. 188) are noted in the right-hand ‘Fishing’ column below.

1. **Forced Labour**

What is it?

Forced labour is work for which the person has not entered of his or her own free will and that is exacted under the threat of penalty. This threat of penalty may occur during recruitment and result in the individual being forced to accept a job. Or, it can occur once the person is working as a means of forcing a worker to perform tasks that were not initially agreed upon.

Forced labour violates the basic human right to work in freedom and freely choose one’s work. Two elements must be present: The first element is that the worker must be subject to threat of penalty. The second element of forced labour is that the worker has not accepted the work voluntarily.

Recruitment and Hiring	Fishing
1. Violence and/or threats of violence are not used to induce work	

2. In the case of migrant workers threats of denunciation to authorities and on deportation are not used to induce work	
3. Workers are free to move in and out of and of their workplaces or dormitories	
4. Workers have access to their identification documents and possessions	
5. [Draft] Employer ensures that only workers (national and migrants) with valid work permit are hired	
6. Employer does not demand payment for recruitment or demand or receive security deposits for work (for tools or damages etc.)	
Contracts	
7. [Draft] Employer does not permit debt bondage. Security deposits or advances are not taken to ensure that workers stay on the job	
8. Contracts are written and provided in workers' native language	C.188 Article 18 and Annex 2. Fisher keeps copy of agreement
9. In the case of workers with limited literacy, contracts are explained verbally in the workers' native language	
10. Contracts clearly stipulate worker responsibilities and hours of work	C.188 Annex 2. Terms of fisher's agreement
11. Contracts clearly stipulate wages, benefits, and worker rights	C.188 Annex 2. Terms of fisher's agreement
Using Recruitment Agencies or Brokers	
12. Employer knows the recruitment practices and policies of the recruitment agencies from which employer hires	
13. [Draft] Comply with the legal requirements including applying for quota, arranging for a medical check, assisting the worker in obtaining a visa, stay permit and a work permit	C.188 Article 12. Fisher medical exam and certificate required
14. [Draft] Employer is responsible for recruitment fees. No fees paid directly or indirectly by workers [Royal Ordinance]	C.188 Article 22.3 No recruitment charges direct or indirect
15. Employer knows what terms and conditions of employment were conveyed to workers by recruitment agencies and employer ensures that workers are not presented with terms and conditions that are different from those they agreed to prior to departure when they arrive in Thailand.	
Termination of Contracts	

16. Workers may terminate contracts without excessive penalties	C.188 Article 21.2. Owner pays repatriation costs if contract ends
17. Workers who terminate employment have access to identification documents, and possessions, and are paid all due wages in a timely manner within 3 days of termination	
Conditions of Work	
18. Wages are paid monthly—not delayed, withheld or paid irregularly. Forced labour may arise if wage payments are delayed or withheld in order to coerce workers to stay on the job, or to exact unpaid work.	
19. Wages are paid directly to the worker	C.188 Article 24. Fisher has means to transmit funds to family at no cost
20. Food and dormitory prices are valued appropriately and do not impose substantial debt on workers	
21. Salary advances and any interest on advances are not excessive	
22. Overtime and holiday work is only required on temporary basis for business reasons only	
23. Workers are not compelled to work overtime beyond 36 hours per week	C.188 Article 14.1 At least 10 hrs rest/24 hrs (77 hrs rest/wk)

2. Child Labour

What is it?

Child labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by depriving them of the opportunity to attend school, by obliging them to leave school prematurely, or by requiring them to combine school attendance with excessively long and heavy work.

Not all work done by children is classified as child labour that should be eliminated, but Thai law prohibits any one under 18 years old from working in the fishing or seafood industry.

Recruitment, Hiring and Documentation	Fishing
1. Age of potential workers is verified using both government-issued document(s) and interviews with workers about their age	
2. No one younger than 18 years of age is hired	

3. Freedom of Association, Collective Bargaining and Work Place Cooperation

What is it?

Freedom of association means the right of workers to join together to create organizations (including trade unions) that represent them. Collective bargaining is the process of negotiation between workers, unions and employers, usually on working conditions and terms of employment. Both are fundamental labour rights, and they are linked together. Without freedom of association, collective bargaining cannot work well because the views of workers cannot be properly represented. Workers themselves must be free to choose how they are to be represented, and employers must not interfere in this process.

In the Thai fishing and seafood industry—including many informal workplace and small and medium enterprises—there may not be trade unions at the workplace. It is important that the key worker right to organize and collectively represent their interest’s vis-à-vis the employer is respected and not in any way interfered with by the employer. Employers need to signal to workers that their right to organize and represent their interests will be respected.

Freedom of Association, Collective Bargaining and Workplace Cooperation	Fishing
1. Workers are free to meet without management presence	
2. Trade Union and worker rights organization representatives have access to the workers in the workplace	
3. Workers can freely form a union or an association of their choice	
4. Employer does not use blacklists to avoid hiring trade unionists.	
5. Employer allows worker organizations to form and operate independently, and does not interfere with or control them.	
6. Employer does not punish, intimidate or harass workers for joining a union, engaging in any worker association activities, or representing collectively workers interests.	
7. Employer does not provide incentives to workers in order to keep them from joining a union or engaging in union activities.	
8. Employer does not punish any workers for participating in a collective dispute, work stoppage or strike.	
9. Employer will refrain from not renewing or terminating worker's employment contract due to the worker's union membership or activities to represent workers	
10. Employer bargains in good faith with the union or worker representatives	
11. If a collective agreement is reached, the provisions are implemented.	
12. Peaceful worker representation and action is allowed	
13. Disciplinary measures comply with legal requirements	
14. Employer resolves grievances and disputes in compliance with legal requirements	

4. Discrimination (Equal Employment Opportunity and Treatment)

What is it?

Discrimination includes any distinction based on race, color, sex, religion, political opinion, national extraction or social origin that results in unequal treatment. Other grounds of discrimination may be included in national law, such as disability, HIV/AIDS status, age and sexual orientation. Discrimination may be direct or indirect and does not have to be intentional. Indirect discrimination refers to apparently neutral practices, which in fact result in unequal treatment of people with certain characteristics.

Concerns over discrimination apply to all workers, including those applying for work, nationals, non-nationals, migrant workers, and home-based workers. Worker should not be subject to physical, verbal, or non-verbal conduct of a sexual nature that is unwelcome, unreasonable, or offensive to them.

An important element concerning discrimination is equal pay for men and women doing work of equal value. In addition, Thai and migrant must be provided equal conditions and pay for same work.

Discrimination (Equal Employment Opportunity and Treatment)	Fishing
1. Hiring, remuneration, and promotion criteria are based on genuine occupational requirements and the worker's qualifications, competency and experience.	
2. Job announcements do not refer to applicant's race, color, social origin, national extraction, religion political opinion, or sex.	
3. Job functions and working conditions are not determined based on a worker's race, color, social origin, national extraction, religion political opinion, or sex.	
4. Workers receive equal remuneration for equal work	
5. [Draft] All security practices shall be gender appropriate and nonintrusive, so that the dignity of workers concerned is protected when a search is undertaken.	
6. Employer has a policy prohibiting harassment, including sexual harassment, and procedures to address it if it occurs.	
7. Decisions regarding termination of workers do not take into account the worker's race, color, social origin, national extraction, religion political opinion, or sex.	
8. Policies and practices do not prohibit workers from becoming pregnant. Employer does not terminate workers who are pregnant or on maternity leave or force them to resign.	
9. Workers are granted maternity leave, and this leave is included as part of their period of service.	
10. At the end of maternity leave, workers have the ability to return to the same work with the same pay and benefits.	
11. Disabled workers who apply for work are evaluated according to their ability to perform the job. Required job functions do	

not unnecessarily limit a person with disabilities' ability to obtain or maintain employment

5. Wages, Compensation and Working Time

What is it?

Workers should receive pay on time and in full for ordinary and overtime hours as well as during paid leave. Workers should be told about their wages as well as any wage deductions. Deductions should be made only on conditions and within the limits prescribed by law or collective agreement.

Workers should be informed about their wages in a language they can understand and in a way that explains how their wages are calculated. This is usually done by providing clear wage statements, which include days worked, wages or piece rate earned per day, hours of overtime at each specified rate, bonuses, allowances and authorized deductions. The lack of individual wage statements is a strong indicator that workers may not be adequately informed about their wages.

Limits on hours of work help to ensure safety and health at work, provide enough rest between shifts, and enable workers to balance family and work responsibilities. For industrial enterprises, there are often limits to regular (pre-overtime) working hours such as 8 hours a day, 48 hours a week, subject to exceptions. Workers must also have at least one day off during a normal week. On vessels, the standard is different—at least ten hours rest in a 24-hour period. Minimum standards on regular and overtime hours and weekly rest are regulated under national laws. There can be additional agreements between worker(s) and employer(s).

Wages and Compensation	Fishing
1. Employer pays at least minimum wage for ordinary hours of work to regular and temporary workers.	
2. Employer pays workers for all overtime, public holidays, night time and weekly rest time hours worked. Overtime is compensated at a rate of 1.5 times the normal rate.	C.188 Article 14.1. At least 10 hrs rest/24 hrs (77 hrs rest/wk)
3. Any in-kind wage payments comply with national law	
4. Workers are paid at least once per month, and paid regularly and on time	
5. Wages are paid directly to workers on work days at the work place.	MOL Fishing Reg. and C.188 Article 24. Fisher has means to transmit funds to family at no cost
6. Employer pays workers correctly for paid public holidays and leave	
7. Employer uses a pay slip and informs workers about wage payments and deductions in a manner they can understand.	

8. Employer has registered workers to social insurance and pays the required employer contribution to social insurance funds	
9. Workers can use their wages as they choose	
10. Compensation is paid to terminated workers according to the law	
Hours of Work	
11. Normal working hours do not exceed 8 hours per day or 48 hours per week	C.188 Article 14.1. At least 10 hrs rest/24 hrs (77 hrs rest/wk)
12. Workers are not compelled to work overtime beyond 36 hours per week	C.188 Article 14.1
13. Overtime and holiday work is only required on temporary basis for business reasons only	
14. Minimum one day per week holiday is provided	C.188 Article 14.1

6. Occupational Safety and Health and Worker Welfare

What is it?

Improvements in occupational safety and health enhance productivity by reducing the number of interruptions in fishing, farming, and the manufacturing process, by reducing absences, by decreasing the number of accidents and by improving work efficiency. Safety is preventative. The cooperation of workers and employers is essential.

Both employers and workers have responsibilities and rights to ensure occupational safety and health. However, fishing is among the world's most dangerous jobs. In Thailand, safe and reliable equipment, strong safety training, emergency protocols, and reasonable hours of work are urgent needs.

The issues in the seafood processing industry are also known: installation of proper machine guards, mats for standing workers and chairs for seated workers, and the use of personal protective equipment. Emphasis should be placed on the introduction of systems to maintain adequate awareness on safety and health.

The employer must provide appropriate training to workers and provide them with adequate information about risks and hazards and how to ensure safety and health at work.

Managing Safety and Health	Fishing
1. Workplace has a written OSH policy	C.188 Article 32.3. Adequate protective equipment and training
2. Employer has performed an assessment of general occupational safety and health issues in the workplace	C.188 Article 33. Risk evaluation with fishers or representatives

3. Employer has developed mechanisms to ensure cooperation between workers and management on OSH matters (e.g. joint safety and health committee)	
4. Employer records work-related accidents and diseases and reports this information to authorities	
Control of Hazardous Substances	
5. Employer keeps an inventory of chemicals and hazardous substances used in the workplace	
6. Chemicals and hazardous substances are properly stored	
7. Employer has effectively trained workers who work with chemicals and hazardous substances	
8. Employer provides adequate washing facilities and cleansing materials in the event of exposure to hazardous chemicals	
9. Employer provides workers with all necessary personal protective clothing and equipment	
Machine Safety	
10. Materials, tools, switches, and controls are within easy reach of workers	
11. Workers are effectively trained to use machines and equipment safely	
12. Proper guards are installed and maintained on all dangerous moving parts of machines and equipment	
13. Appropriate safety warnings are posted in the workplace	
14. Put the symbolic sign of hazard warnings in the workplace.	
Work Station and Organization	
15. Standing workers are properly accommodated (feet support, standing mats)	
16. There are sufficient measures in place to avoid heavy lifting by workers	
17. Seated workers have suitable chairs	
Work Environment	
18. The temperature in the workplace is acceptable	
19. The workplace is adequately ventilated	
20. The noise levels are acceptable	
21. The workplace is adequately lit	
22. Employer has arranged for prompt first-aid treatment of injuries likely to occur during the course of work	C.188 Articles 29 – 30, 38 – 39. Owner ensures adequate medical supplies and care
23. First aid equipment is accessible in an easy to see location	
Welfare/Facilities	
24. The workplace has adequate accessible toilets	
25. The workplace has adequate hand washing facilities and soap	

26. Employer provides workers enough free safe drinking water	C.188 Article 27. Food/water of sufficient quality and quantity
27. The workplace has an adequate eating area	C.188 Article 26. Accommodations of appropriate size and quality
28. The workplace is clean and tidy	C.188 Article 26. Accommodations
Worker Welfare and Community Engagement	
29. Workers should be informed and know how to access health care and know what to do in case of an emergency	C.188 Article 29 – 30. Sufficient medical training, equipment, protocols
30. Workers with families and children may benefit from employers organizing and promoting child care	
31. Workers should have a hygienic place for preparing and eating meals which is separate from the workplace	C.188 Article 26. Accommodations
32. Worker should have a place where they can convene for social purposes	C.188 Article 26. Accommodations
33. Special attention should be given to pregnant women, workers with disabilities, older and young workers	
34. Pregnant workers should be allowed to access pre-natal care, a system to reduce their workload and after giving birth their needs for breast feeding should be considered	
35. Providing training and organizing joint events with workers are a good way to promote workplace welfare. Such events can focus on public health issues, promotion of education of children etc. These types of occasions provide informal opportunities to communicate and build trust between workers and employers.	
36. Community cooperation and considering the impact of the workplace on the neighbourhood in terms of garbage disposal, sewage, smell, noise, traffic etc. are important considerations. Management and workers can positively address these.	
In Case of Employer Provided Accommodation	
37. The accommodation complies with minimum space requirements	C.188 Article 26. Accommodations
38. The accommodation has enough safe water	C.188 Article 27. Food/water of sufficient quality and quantity
39. The accommodation has adequate toilets, showers, sewage and garbage disposal systems	C.188 Article 26. Accommodations
40. The accommodation has adequately protected against disease carrying animals or insects.	
41. The accommodation have adequate cooking and storage facilities	C.188 Article 26. Accommodations

42. The accommodation is sufficiently protected against fire, and there has been adequate preparation for emergencies.

Annex 3

Stakeholders December 2016 Consultations Summary

Stakeholders	Key Points			
	Governance	Principles	Programme	Standards
Civil Society Organizations/ Trade Unions	<p>Voluntary nature of GLP poses challenges in promoting its adoption.</p> <p>Need for incentives and to make these incentives clear to companies</p> <p>Industry led but, with active participation of CSOs, workers union, and government to enhance credibility and transparency</p> <p>Transparency/ public disclosure needs to be enhanced</p> <p>Self-assessment should continue to be promoted. However, there may be a need for validation of compliance but question remains on who should do it</p>	<p>Not clear on the link between standards and principles</p> <p>International buyers should be encouraged to buy only or give preference to GLP compliant companies to provide incentives</p>	<p>In cases where compliance to standards is not supported by an enabling environment (g.g., FoA), incremental steps were taken (e.g., set-up of welfare committee where migrants were invited to participate)</p> <p>Need to capture info and lessons learned from pilots</p> <p>“Root cause analysis” needed to better understand constraints in promoting compliance to standards and in designing interventions</p> <p>Promote incremental adoption</p> <p>Buy-in of big firms can help accelerate progress</p>	<p>GLP “wording” adjusted to the law, and should not be a repetition.</p> <p>Function/subsector specific standards rather than one standard for the whole fishing and seafood industry</p> <p>Detailed standards – more like a checklist and, if possible, with examples on compliance measures</p> <p>Should be simple and easy to understand but retain rigor --- going more than just compliance to laws</p>
Government	<p>Phase 1: Committee (primarily advisory) established by the Ministry of Labour comprised of representatives from government, private, CSOs, international organization – and</p>	<p>Lack of emphasis on labor issues</p> <p>Incentive component of GLP to promote compliance</p>	<p>Factors that hindered implementation:</p> <ul style="list-style-type: none"> - Lack of personnel with sufficient knowledge and understanding 	<p>GLP bridges the ‘gap’ between Thai law and provides the company the platform to achieve compliance to international standards</p>

	<p>each played its role primarily as advisors. Four separate subsector committees --- varying level of GLP engagement.</p> <p>Industry-led monitoring is good especially when members (of associations) play a key role in checking on each other. However, there is a need to enhance credibility.</p> <ul style="list-style-type: none"> - Poultry sector industry led monitoring is one of the more successful initiative. Buyers / primary processing plants buy only from compliant companies; cancellation of licenses of non-compliant companies <p>Voluntary nature of GLP makes it difficult to encourage compliance among majority of enterprises. There may be a need to look at government based mechanisms to promote compliance but still retaining voluntary nature</p> <p>There is a lack of clear indicators and no monitoring body.</p>	<p>Disclosure may be difficult; some companies afraid of fines/penalties as result of disclosure</p>	<ul style="list-style-type: none"> - Insufficient budget for capacity building / training program to help support personnel in applying GLP - Small companies cannot afford cost of compliance. - Small companies do not see benefit of compliance <p>Some of the constraints to promotion of GLP are rooted to deeper problems and even to problems outside of Thailand (e.g., forced labour – minimum wage higher in Thailand vis-à-vis origin countries making it an attractive destination).</p> <p>Another way of looking at GLP: Government, Labour, and Producers. Need for a greater focus on Labour</p> <p>Ways to scale up GLP:</p> <ul style="list-style-type: none"> - Peer-to-peer learning - Coaching by big buyers - Involvement of buyers <p>Need for “models” and “pilots” to demonstrate benefit</p> <p>Pole vaulting among smaller enterprises may undermine</p>	<p>A sector level GLP may be sufficient with differences in implementation measures noted</p> <p>Another way is a GLP guideline and from which the industry associations can prepare specific standards and/or implementation measures as they see fit.</p>
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	<p>GLP was perceived as the responsibility of employers only, however, the government also needs to recognize its role in order to ensure the success.</p>		<p>supply chain approach to capacity building</p> <p>GLP roadmap vague; better planning needed</p>	
<p>Aquaculture</p>			<p>Big business can provide coaching to small business but utmost consideration needed on applicability to situation of enterprises.</p> <p>Promotion of good relationship between big and small enterprises/ big and small farms; big buyers to help monitor compliance</p> <p>Learning and feedback loop via cheap technology.</p>	<p>Not particularly useful for international buyers; not well known and does not respond to detailed requirements like other certification schemes.</p> <p>GLP too basic for 20% of members (big companies) as many of them are already certified (SA 8000, etc.)</p> <p>Some standards in GLP not applicable to small enterprises/family owned --- for example, working hours. Focus on main topics; details of standards should be customized to nature of subsector</p> <p>GLP can help farmers reach international standards incrementally. Labour issues are not that big in this sector per se except for migrant workers hired as harvesters.</p>

				Child labour: need to raise awareness but not a problem.
SEAFOOD/TUNA/ FISHING ASSOCIATIONS	Third party institution with credibility on technical knowledge/issues and capacity development experience is necessary	<p>All principles are fine in theory but the challenge lies in financial investment and the return of such investment</p> <p>Principles and standards for GLP both need enforcement to succeed in the Thai context</p> <p>Associations can exert some influence to their members in achieving these principles</p> <p>ILO needs to convince buyers and make them recognize GLP (economic incentives for the industry)</p> <p>Not all principles are applicable right away and there need to be more considerations to local context, lag in legal compliance, etc. – and give appropriate time for the industry to change</p> <p>Public and written commitment at CEO level is important for the industry to improve itself</p>	<p>Training is still necessary</p> <p>Financial support from donors/ILO/associations/buyers is required for mid to small sized companies</p> <p>Past activities (training) is not enough and needs improvement in order to make GLP a sustainable initiative</p> <p>Due diligence process / program on employees' sides and not only documentation</p> <p>Must look at buyers/demand and adapt the program accordingly (i.e. who has the negotiation power).</p>	<p>Despite GLP being a voluntary guideline, associations encouraged and trained their members on GLP as part of associations' mission in upholding high standard</p> <p>Everyone has their own version of GLP which is confusing and the GLP program itself became less active recently</p> <p>GLP does not fit buyers' requirements on standards since it offers no certification</p> <p>It is largely about economic incentives. GLP needs to 'brand' itself to the right target since its current position is ambiguous</p> <p>Many certification or private audit schemes are following the same principles as GLP on labour issues</p> <p>GLP standards seem to gear toward in-land industry and may need to reconsider its</p>

All principles and standards must be very clear and produced by close and sincere consultations with the industry

detailed guideline vs. actual practices in the fishing industry.

The standards set by GLP, EU, and others are high and demanding – to achieve such standards, the fishing industry needs sufficient time.

Fishing industry current solution of CoC covers all items that GLP demands, however, compliance is also an issue since CoC is voluntary

Big companies can help smaller ones in achieving GLP standards

GLP should be separated into two – in land and at sea GLPs

Current guidelines are not entirely clear and not applicable in complicated situation due to the nature of business

GLP should take into account local cultural thinking and practice

