

CSO Coalition
for Ethical and Sustainable Seafood
— Rights above the sea level —

Falling through the Net II

A SURVEY OF BASIC LABOUR RIGHTS
AMONG MIGRANTS WORKING IN
THAILAND'S FISHING SECTOR

JULY 2020



The Thai
CSO Coalition
for Ethical
and Sustainable
Seafood



CSO Coalition

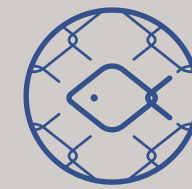
for Ethical and Sustainable Seafood

— Rights above the sea level —



For the first time,
there is a promising
exercise of employees'
fundamental right to
collective bargaining over
their employment issues
and working conditions.

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ABOUT THE CSO COALITION

The Civil Society Organisation Coalition for Ethical and Sustainable Seafood (“CSO Coalition”) was established in 2016. It consists of national and international CSOs working to address human rights and environmental issues in the Thai seafood sector. The CSO Coalition aims to promote and empower national CSOs in Thailand to build their organizational capacities (staff, research and public advocacy capabilities) and to hold the government and private sector to account for enforcing changes made to the legal and regulatory frameworks that govern the seafood sector. The CSO Coalition focuses on coordinating data, information and networks from each member organization to help strategize around advocacy and to produce policy-oriented, evidence-based recommendations aimed at the Thai government and the private sector.

THE COALITION'S MISSION IS TO:

- Eradicate modern-day slavery and Illegal, Unregulated and Unreported Fishing (IUU) from Thai seafood supply chains;
- Promote sustainable fishing in Thai waters.

THE COALITION'S KEY OBJECTIVES ARE:

- To build organizational and strategic capabilities into local Thai NGOs working in the seafood industry, and to leverage national and international networks of relevant organizations working to end modern-day slavery and promote sustainable fishing;
- To raise awareness, expose, and eradicate modern-day slavery and illegal, unregulated and unreported fishing in the Thai fishing sector through policy-oriented, research-grounded, and evidence-based advocacy reports;
- To identify root causes, do gap analysis, and deliver constructive solutions from on-the-ground insights to address environmental and social problems in the Thai fishery supply chains;
- To provide impartial feedback on private sector and government enforcement efforts and reforms to combat modern-day slavery and illegal, unregulated, and unreported fishing in the Thai seafood industry;
- To promote the respect for human rights and provide a fairer share of economic benefits in the seafood industry's value chains and other problematic sectors.
- To connect national advocacy initiatives to international advocacy networks – empowering national CSOs in the context of a shrinking civic space.

CURRENT NATIONAL MEMBERS OF THE CSO COALITION INCLUDE:

- Labour Rights Promotion Network (LPN)
- Stella Maris Seafarers' Centre
- Migrant Workers Rights Network (MWRN)
- Foundation for Education and Development (FED)
- Human Rights and Development Foundation (HRDF)
- Raks Thai Foundation
- Thai Sea Watch Association (TSWA)
- Association of Thai Fisherfolks Federation (ATFF)
- Save the Andaman Network Foundation
- Sustainable Development Foundation

INTERNATIONAL NGOS AND OTHER SUPPORTING ORGANIZATIONS:

- Oxfam in Thailand
- Greenpeace Southeast Asia
- TLCS Legal Advocate
- The Freedom Fund

FALLING THROUGH THE NET II:

A SURVEY OF BASIC LABOR RIGHTS AMONG MIGRANTS WORKING IN THAILAND'S FISHING SECTOR

EXECUTIVE SUMMARY

The purpose of this report is to document the rights situation of workers in Thailand's fishing sector, particularly in the context of recent reduced international pressure. In January 2019, the European Union lifted its 'yellow card' from Thailand, following important strides of the Government of Thailand in addressing violations of Illegal, Unreported, and Unregulated (IUU) fishing, including those related to labor rights. Nevertheless, the CSO Coalition for Ethical and Sustainable Seafood (CSO Coalition) remains concerned that reduced international pressure may lead to a gradual easing of enforcement of the strict measures and law enforcement that the government introduced. We are also wary of potential discrepancies between the hastily enacted Labor Protection in Fisheries Act 2019 and actual implementation on the ground. To prevent lapses in progress, the government needs to carefully manage the transition from policy reforms to effective policy implementation.

The report is based on surveys conducted from July to November 2019, and builds on our research from 2018 that included 300 migrant workers in six provinces. For the 2019 surveys, we employed a quantitative research method, including 475 migrants on fishing boats, mainly Burmese and Cambodian nationals, conducted in eight coastal provinces in areas of the northern and eastern coasts of the Gulf of Thailand, as well as on the Andaman Sea. The CSO Coalition's surveys are a product of collaborations between frontline organizations who are members of the coalition and who work extensively with migrant workers in the fishing and seafood supply chains. In some cases, the researchers were themselves migrants or previously workers in the fisheries. To ensure high research standards, we worked closely with Asian Research Center for Migration (ARCM), Institute of Asian Studies at Chulalongkorn University on research design and data collection methods.

Among the survey findings, we note areas of significant improvement since the last survey. First, there is a normalizing trend of regular wage payment, showing a higher proportion (52 percent in 2018 to 69 percent in 2019) of workers report regular wage payment of at least once a month, as required by the law, along with a lower proportion of workers receiving lump-sum payments on a trip basis, compared to last year's survey. Secondly, it is encouraging to find that at least 15 percent of workers had already engaged in wage bargaining with the

employers, while around one-tenth reported having joined their colleagues in doing so. Thirdly, although we find that over two-thirds of workers felt they did not receive enough information about their rights, this proportion is less than the past, and could be seen as an opportunity for proactive educational campaigns. Lastly, there are also signs of improvement in welfare-related labor practices, such as a higher proportion of workers taking paid sick leave on board than reported in previous findings.

Some positive findings highlight areas of emerging good practices. As mentioned, fishing workers have sought to engage with their employers as part of asserting their employee rights. Although the forms of collective bargaining used were largely informal, our findings show that for the first time there is a promising exercise of employees' fundamental right to collective bargaining over their employment issues and working conditions. We likewise note the positive monitoring and support role of NGOs in the effective implementation of policy reforms.

The findings reveal persistent significant gaps in the transition from policy reforms to effective policy implementation, especially those surrounding practices of vessel owners. For one, as many workers' still lack of access to an employment contract as found in previous reports, with more than half of workers receiving neither information about their job or their contract before they start their work. And even higher proportion were unable to read their contract before signing it than in 2018. With a large majority of workers (over 85%) still not able to possess their employment contracts, they remain powerless in their employment relationship. Furthermore, vessel operators continue to ignore the law on electronic payments, since most workers still receive wages in lump sum payments of cash at intervals spanning several months or years, making them dependent on loans from employers for their daily expenses between payments.

One striking finding is that the wage payment system in fishing seems to be less straightforward than we thought: while 69 percent of respondents reported receiving their payment as monthly wages in principle, in fact only 58 percent indicated that they actually received wages on a monthly basis. Moreover, 44 percent reported that they received their full wage after having worked for one month, while more than a quarter (29 percent) received the full wage only after 2–6 months. In addition, more than one-fifth (22 percent) reported they needed to have worked between 7–24 months before they were paid. Findings related to welfare and living conditions on board also indicate slow progress, with more than a third of respondents expressing a desire to see improvements in such areas as the provision of adequate sleeping quarters, of sufficient food and clean drinking water, and of hygienic toilets onboard vessels. In addition, compliance with some aspects of labor laws has not improved, as indicated by reports of inadequate rest hours and harsh punishments by employers or supervisors onboard. These findings highlight the continued insecurity of fishing workers due to unclear work agreements, payment practices that can result in debt bondage, and poor work/living conditions.

Other areas of concern relate to worker rights awareness, barriers to changing jobs, limitations in vessel inspections, and official grievance mechanisms. More than two-thirds of fishing workers felt that they were not adequately informed about their rights, indicating the need for more comprehensive work in disseminating workers'

rights information. Those who have attempted to change jobs report significant obstacles, including employers' refusal to provide approval paperwork, exorbitant costs, workers' fear of reprisal (e.g., seizure of identity documents) and employer withholding of payments. Regarding vessel inspections, more than half of respondents reported that government inspectors only focus on document verification and do not communicate much with workers about their concerns and problems. Finally, only a tiny fraction (3 percent) of workers used grievance mechanisms at work, whereas a quarter of workers were not yet aware of them. The proportion of workers who were skeptical about their effectiveness was even higher than in the previous survey. These findings suggest that aside from the problems related to employment and job conditions, there are still limitations to how workers can assert their agency in switching jobs as well as to effective channels for them to voice their concerns to government officials.

Given these findings, we propose policy recommendations (see pp. 40–42 below) for a wide range of stakeholders involved in the seafood sector of the economy, including the government, international seafood buyers, local suppliers, vessel owners and the Civil Society Organizations. Among stakeholders, we would like to see more rigorous measures and law enforcement from the Thai government, which hold vessel owners and operators accountable to legal requirements and obligations of their labor rights. Major policy recommendations focus on the following priority areas:

- Establish a comprehensive, rigorous and more inclusive vessel inspection process;
- Update laws on fishery work situations and ensure law enforcement complies with international labor standards;
- Improve the credibility, transparency, and efficiency of grievance mechanisms;
- Increase the transparency and efficiency of the e-payment system and hold employers more accountable to monitoring and inspection;
- Enhance the welfare and safety of migrant workers in fishing, and
- Commit to respecting migrant fishers' freedom of association and right to collective bargaining.

Besides these recommendations, we would also like to see a more proactive role of international seafood buyers and suppliers in supporting ongoing efforts of the CSO Coalition and the government to strengthen the rule of law and accountability, mentioned above. International seafood buyers and the seafood industry platform (i.e. Seafood Task Force and the SEA Alliance) could do so by actively engaging with both the CSO coalition and the Thai government to promote migrant workers' structural and collective power, advocate for stronger labor rights protections, and make sure no workers and rights defenders facing retaliation and reprisal from local companies while voicing their labor concerns and exercising the freedom of association. Also, the seafood buyers and retailers could demonstrate commitments to creating more responsible supply chains by taking steps in the direction of making responsible recruitment and sustainable employment a reality. Lastly, Thai seafood suppliers should take the lead in promoting efficiency and confidentiality of the grievance mechanisms by collaborating with CSOs and exercising appropriate market power vested in the supply chains to encourage vessel owners to join their initiatives.

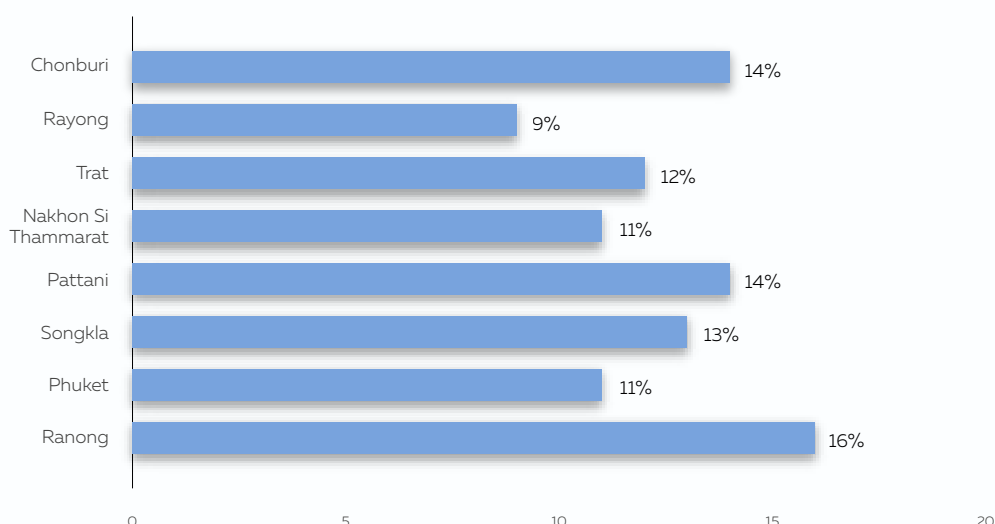


FALLING THROUGH THE NET II

CSO COALITION FOR ETHICAL AND SUSTAINABLE SEAFOOD

The CSO Coalition members which participated in this research project include the Labor Rights Promotion Network (LPN), the Stella Maris Seafarers' Center, the Migrant Workers Rights Network (MWRN), the Foundation for Education and Development (FED), the Human Rights and Development Foundation (HRDF) and the Raks Thai Foundation. This research project built on lessons learned from quantitative research conducted with migrant fishers over the past two years, as well as the decades of experience of our members in working to protect the basic rights of migrant workers on the ground. As general goals, the CSO Coalition seeks to establish a database of migrants' working and living conditions in order to develop evidence-based advocacy and capacity-building programs, and at the same time, to empower staff of the organizations in scientific research methods, with close collaboration and guidance from prominent scholars in the field.

LOCATION OF SURVEY RESPONDENTS BY PROVINCE (N = 475)



RESEARCH METHODS, STRENGTHS AND LIMITATIONS

This 2019 survey, conducted between July and November 2019, builds on our initial research, conducted in 2018, which covered six provinces and 300 migrant workers. The 2019 survey employs quantitative research methods, including 475 migrants on fishing boats, mainly Burmese and Cambodian nationals, across eight coastal provinces which span areas on the northern and eastern coasts of the Gulf of Thailand and along the Andaman Sea. These eight provinces – Chonburi, Rayong, Ranong, Songkhla, Pattani, Phuket and the two new provinces in this year's survey, Trat and Nakhon Si Thammarat – were selected based on three major criteria: the commercial significance and density of the migrant population and the practical ability to do the needed research (i.e. our available resources and access to respondents).

The 2019 survey sought to include an even distribution of respondents across eight provinces, but the final distribution of respondents, as seen in the above chart, was largely an outcome of some variables, including: sampling through social networks, degrees of vessel operators' cooperation, availability of respondents based on their familial responsibilities, and the seasonal and intermittent nature of many fishing occupations. All interviews were conducted with the informed consent of the interviewees, and research participants were notified that they could decline to answer any question or end the interview at their convenience. Compensation equivalent to THB 50 (e.g. household necessity etc.) was provided to each participant upon concluding the interview.

Staff from six of the CSO Coalition organizations mentioned above conducted interviews in the respondents' native languages via an online tool (i.e. Survey Gizmo) in port areas and migrant communities. These staff members had attended a series of training sessions in basic research methods and online tool usage prior to beginning their data collection. Interview questionnaires were translated into Thai, Burmese and Khmer. Multilingual translation is a known limitation in large-scale surveys, since working in multiple languages could cause confusion and misinterpretation among respondents. Throughout all stages of the research project, therefore, a team of researchers and consultants actively participated in the process by providing guidance and technical support, observing the data collection, and monitoring the consistency of surveys across the eight provinces.

The CSO Coalition's surveys are unique in their design, since they are products of collective collaborations between the frontline member organizations of the coalition and those who work extensively with migrant workers in the fishing and seafood supply chains. In some cases, the researchers were themselves migrants or former workers in the fisheries, a fact which helped to gain the trust of the research subjects. We also worked closely with Asian Research Center for Migration (ARCM), Institute of Asian Studies at Chulalongkorn University in order to ensure that the research design and data collection methods complied with quality research standards.

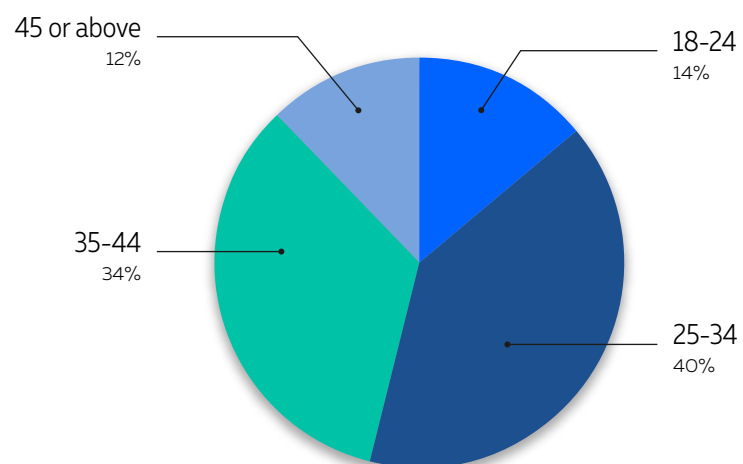


photo: Suthep Kritsanavarin/Oxfam

1. RESPONDENT PROFILE

1.1 AGE OF RESPONDENTS

AGE OF SURVEY RESPONDENTS (N=464)

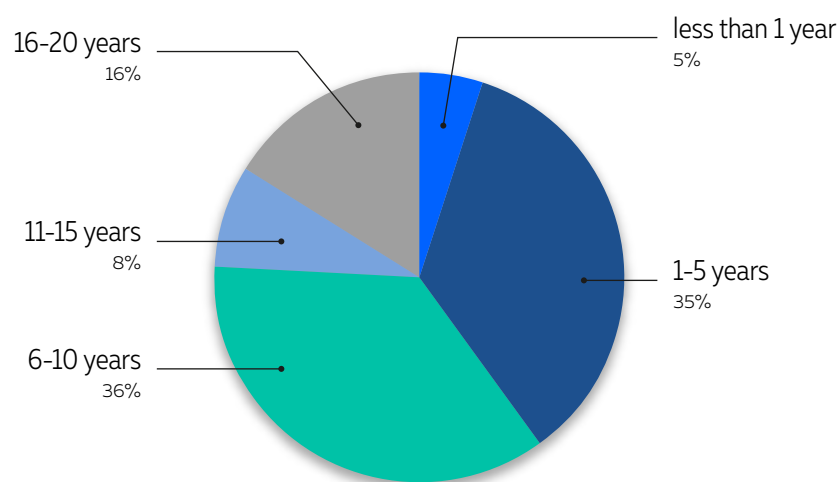


Most fishing workers participating in the survey were relatively young. Around two out of five (40 percent) of respondents were between 25 and 34 years old, whereas one third (34 percent) were between 35 and 44 years old. The next largest groups were those of respondents who had recently entered the labor market, between 18 and 24 years old (14 percent), and middle-aged workers, 45 years old or above (12 percent), respectively.

The median age of 32 years for fishery workers corresponds with that of our 2018 survey. In general, the age distribution of the respondents resembles that of the previous year, since both surveys employed similar sampling and data collection methods. It is worth noting that the survey found no respondents below the legal age of 18 years old, which is probably a step forward from the previous survey, which identified one minor worker who was 17 years old.

1.2 YEARS OF EMPLOYMENT IN THE THAI FISHING INDUSTRY

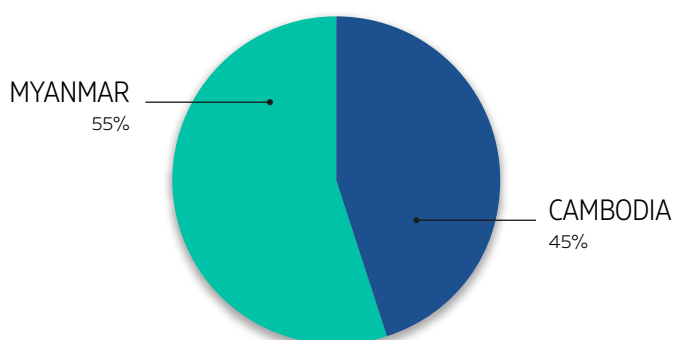
YEARS OF EMPLOYMENT ON THAI FISHING BOATS (N=470)



Most survey respondents had 1–10 years of experience in the Thai fishing industry: more than one third (36 percent) had worked on the Thai fishing boats for 6–10 years, and another third (35 percent) had worked for 1–5 years, with another fourth (24 percent) having worked on fishing boats for 11–20 years, and a small group (5 percent) of new workers with less than 1 year of experience.

1.3 COUNTRIES OF ORIGIN

WHAT COUNTRY ARE YOU FROM? (N = 475)



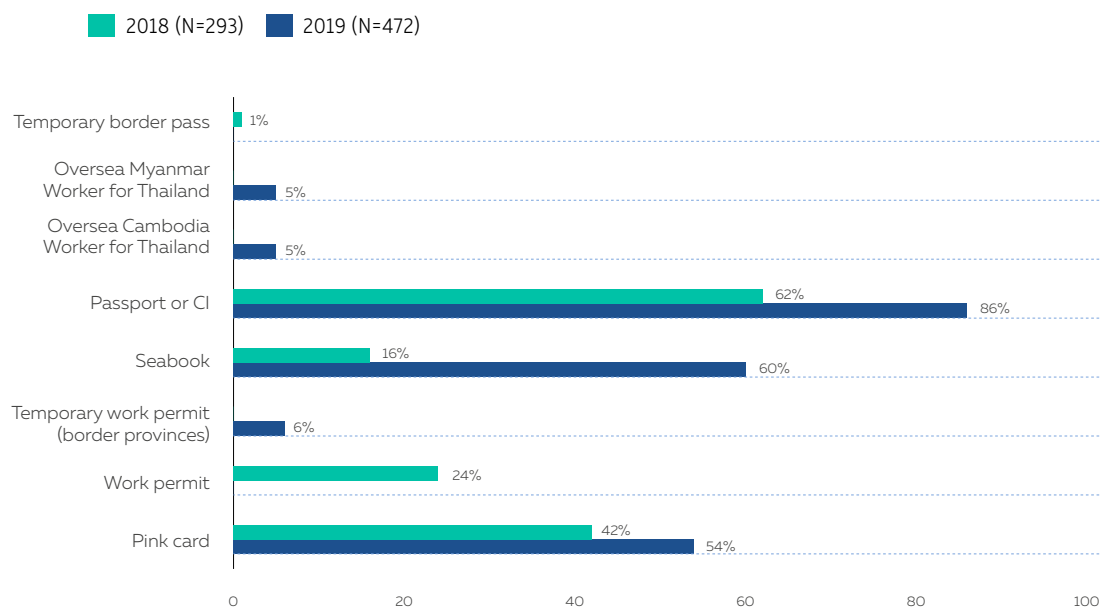
More than half of survey respondents (55 percent) were from Myanmar, while just under half (45 percent) were from Cambodia.

In terms of the country of origin of those interviewed at different locations, the survey shows that all participants interviewed in Phuket and Nakhon Si Thammarat were from Myanmar, while almost all workers interviewed in the eastern provinces – including Chonburi, Rayong, and Trat, which are nearer to the Cambodian

border, except for two respondents in Trat – were from Cambodia. In Ranong, Songkhla, and Pattani, workers from both countries were identified, with fishing workers from Cambodia outnumbered by those from Myanmar.

1.4 IDENTITY DOCUMENTS (RESPONDENTS COULD POSSESS MORE THAN ONE TYPE OF DOCUMENT)

WHICH OF THE FOLLOWING DOCUMENTS DO YOU HAVE?



The three most common types of identity documents were passports or other forms of personal identification (i.e. CI/TD/PP/TP), which were held by more than four out of five workers (86 percent); a seabook, held by three out of five workers (60 percent); and a pink Thai ID card for foreigners, held by more than half of the respondents (54 percent).

The 86 percent proportion of workers who held passports or identity documents is higher than the three out of five workers (62 percent) who held them from the previous survey. This change is possibly due to strict document verification measures put in place by PIPO officers. Nevertheless, it is worth noting that the current survey still found a few fishing workers who had no document, albeit a tiny fraction (0.6 percent) of the total. This finding suggests that there are still loopholes in law enforcement on identity verification measures.

Compared to the previous survey, one notable difference has been observed. The 2019 survey identified no migrant worker who held a temporary border pass, compared to 1 percent who held this document last year. Moreover, this survey found that 6 percent of respondents held a temporary work permit, as opposed to 24 percent who held such a work permit in the previous year. This change may be due to the enforcement of the Royal Ordinance Concerning Management of Foreign Workers (2017), which applies to all migrant workers in border provinces who are hired on a seasonal or temporary basis. This group of workers is very vulnerable, since their employers can dismiss them at any time.

1.5 THAI LANGUAGE SKILLS

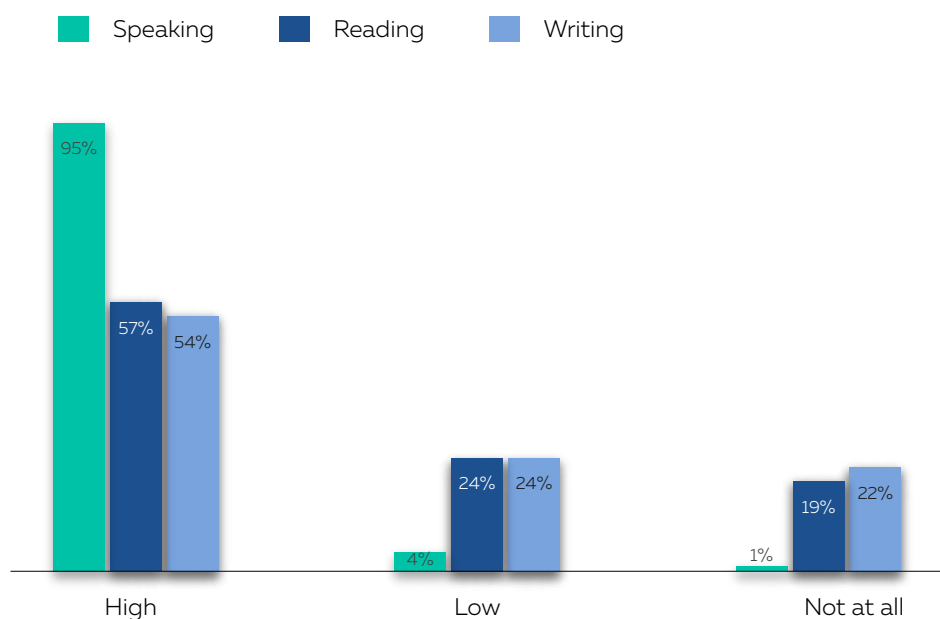
Most fishing workers (76 percent) surveyed in 2019 could not speak Thai. Almost half of the respondents (49 percent) could speak just a little Thai, while more than one fourth (27 percent) could not use Thai to communicate at all. Only one fourth (24 percent) of all respondents possess a good command of the Thai language.

More strikingly, the proportion of fishermen who have Thai reading and writing skills is even lower. More than four out of five (84 percent) lack reading skills and over 90 percent lack writing skills.

Only a small group of them, about 11 percent, stated that they could read some Thai, while a small fraction, 5 percent, could read Thai well. As for writing, a small portion, 7 percent, could write some Thai, while only 3 percent could write Thai well. These results underscore a need for the government to require fishermen's employment contracts be translated into the languages that workers read and understand so they can understand the terms of their contract.

1.6 LANGUAGE SKILLS OF THEIR MAIN LANGUAGE IN THEIR COUNTRIES OF ORIGIN

HOW FLUENT ARE YOU IN THE LANGUAGE OF YOUR COUNTRY OF ORIGIN? (N=451)

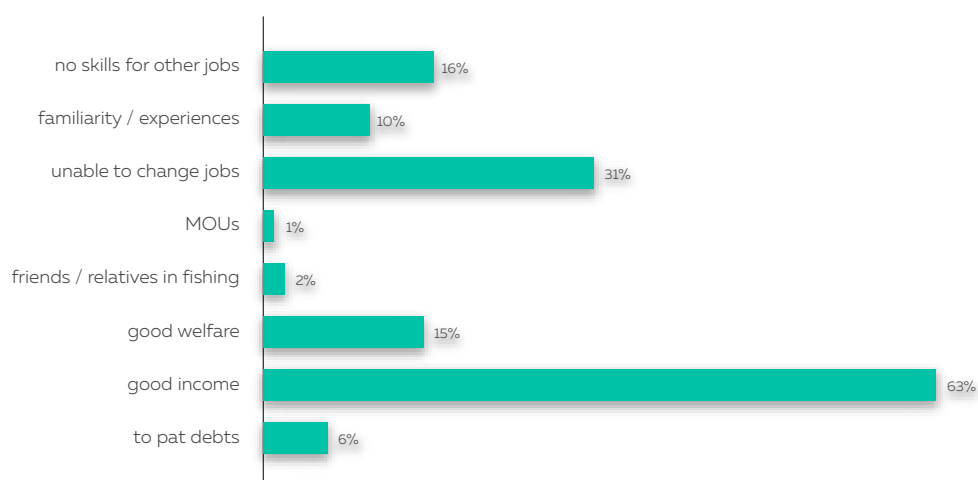


Virtually all survey respondents (95 percent) stated that they could speak the formal language of their country of origin well. A small group (4 percent) could speak poorly, and a tiny fraction (1 percent) could not speak the language at all. In terms of reading and writing, the survey shows that more than half of workers could read and write well in the language of their country of origin, with three out of five (57 percent) having good reading skills and around half (54 percent) having good writing skills.

Nevertheless, there were still many migrant workers with low literacy. Almost one fifth (19 percent) could not read the language of their country of origin, while one fourth (24 percent) could read poorly. These findings are similar to the number of fishermen who could not write in the language of their country of origin: one fifth (22 percent) could not write, and almost one fourth (24 percent) could write poorly. This group of workers, who could neither read nor write, thus, could not understand the written employment contract, unless it was verbally explained to them in their local languages.

1.7 REASONS FOR WORKING ON A FISHING BOAT (CHOOSE MULTIPLE ANSWERS)

WHY ARE YOU WORKING IN FISHING? (N=475)

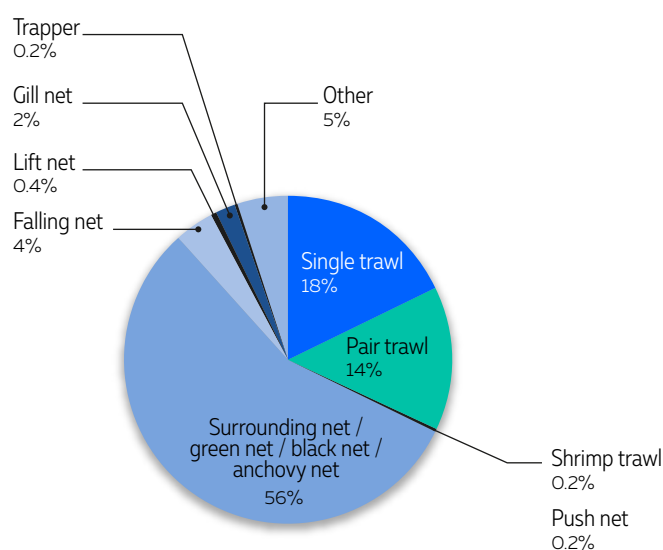


The three most important reasons provided by survey respondents for working on a fishing boat were 1) good income (63 percent), 2) inability to change jobs because their employer/supervisor does not allow it (31 percent), and 3) lack of skills for other jobs (16 percent).

Additional interviews shed more light on the meanings of “good income”: workers felt that they could save on some expenses, especially rent and food, while working on board or at sea. In other words, workers viewed work in fishing as a way to let them to save more money than they could in other jobs. Furthermore, several participants explained that fishing vessel operators usually helped pay the high registration costs prior to employment. Some respondents also indicated that employers allowed them to earn extra income by selling animals caught outside of working hours. Most importantly, the inability to change jobs is closely linked to the fact that employers help pay for document expenses. This type of dependency makes it difficult for workers to change employers when they would like to do so since employers tend to demand the money they paid for registration and documents back when workers seek to change jobs or employers.

1.8 TYPES OF FISHING GEAR ON BOATS

WHAT TYPE OF FISHING GEAR IS USED ON THE BOAT YOU WORK ON? (N = 447)

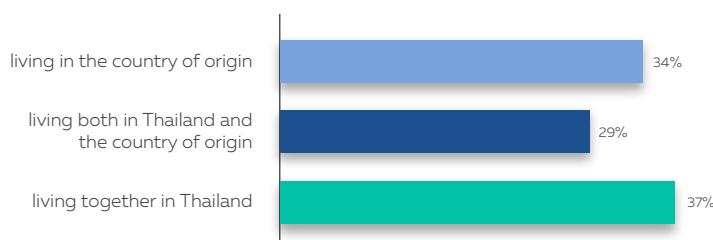


More than half of survey respondents (56 percent) said that they worked on fishing vessels using surrounding nets (including green net, black net and anchovy net). One-fifth of respondents (18 percent) worked on boats using single trawl nets, and a smaller number (14 percent) worked on boats with pair trawl nets. The remaining respondents (around 12 percent) worked on vessels employing various other types of fishing gear, including falling nets (4 percent), gill nets (2 percent), lift nets (0.4 percent), push nets (0.2 percent), shrimp trawls (0.2 percent) and trappers (0.2 percent), and other gear (5 percent).

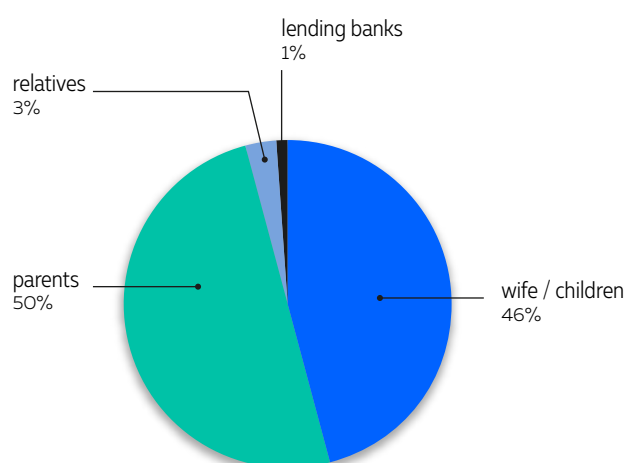
1.9 FAMILIES: SUPPORTING SYSTEM AND RESPONSIBILITIES

To further understand the working and living conditions of the fishing workers beyond the previous survey, the researchers interviewed respondents on issues tied to their families. The survey shows that more than three out of five (62 percent) workers had a family/wife, while just below two out of five (38 percent) were single.

Half of survey respondents (50 percent) said that their wives also earned income to support their families, while the other half (50 percent) said that the fishing workers were the sole breadwinners. Furthermore, a small number of fishing workers (9 percent) said that they did not have children, whereas the majority (91 percent) had children, among which nearly three quarters (74 percent) had one to two children.

WHERE ARE YOUR FAMILY MEMBERS LIVING? (N=296)

There were about as many respondents whose family members resided together with them in Thailand as those whose family members remained in the country of origin, with more than one third of survey respondents (37 percent) having family members living in Thailand and another third (34 percent) with family members living in their country of origin. The remainder, more than one fourth (29 percent), said that their family members were living in two places.

1.10 REMITTANCES AND CONTRIBUTIONS FOR WORKERS' FAMILIES**WHOM DO YOU SEND MONEY TO? (N = 370)**

All survey respondents (99 percent) sent money back home to their families, with a half sending money to their parents (50 percent), just under a half sending money to their wife or children (46 percent), and a tiny fraction sending money to their relatives (3 percent). When asked about the amount remitted, about two out of five in this group (43 percent) said that they sent between 1,000–5,000 baht to their family each time, one out of five (22 percent) sent 5,001–10,000 baht each time, and 8 percent sent 10,001–50,000 baht each time. Nevertheless, more than a quarter (27

percent) reported they could not specify the amount. This last group may send varying amounts of money to their family each time they do so or they may have no stable income and remittance patterns.

The survey asked participants about their financial contribution again after having interviewed them about income and wage deductions, and the findings were similar. More than two out of five (44 percent) said that they sent 1,000–5,000 baht to their family, while one third (32 percent) sent 5,001–10,000 baht. Less than 16 percent sent 10,001–50,000 baht, whereas the remaining 8 percent sent 50,001 baht or more.

Our research finds no clear evidence for patterns of the frequency or the amounts of money being remitted during a given period of time. Because of this, it is difficult to determine the net amounts and the regularity of remittances made by fishing workers, such as amounts remitted each month or each year.



2. EMPLOYMENT CONTRACT AND TERMS OF EMPLOYMENT

While the Labor Protection in Fisheries Act B.E. 2562 (2019) does not specify the language of employment contracts for migrant workers, Section 23 of the Emergency Decree on Management of Foreigners' Work B.E. 2561 (2018) requires that a MOU employment contract be prepared in two languages: in Thai and worker's national language. Nevertheless, since the survey findings show that many migrant workers in fishing have a low rate of literacy, it is an open question as to what degree workers can actually understand the terms of their employment contracts. Therefore, this survey seeks to study the full contracting process, including workers' exposure to employment contracts, the contract signing, the correspondence between actual working conditions and the contract terms, as well as their access to their employment contract after it has been signed.

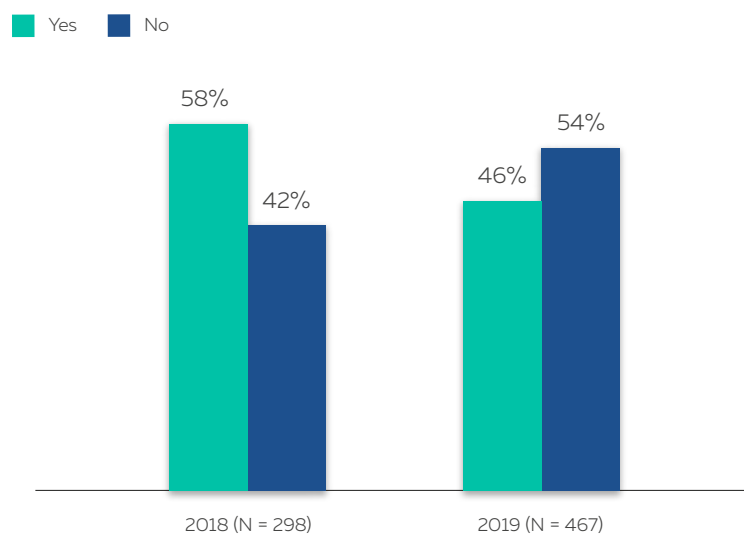


2.1 LANGUAGES OF THE EMPLOYMENT CONTRACT

More than one-third of respondents (38 percent) had contracts that were written in Burmese, while about a quarter (25 percent) had employment contracts in Thai. A small number (7 percent) said that their contracts were written in Khmer, and only a minority—less than one-fifth (19 percent)—had contracts in two languages, Thai and the language of their country of origin (Myanmar or Cambodian). The rest (11 percent) did not identify the language of the employment contracts.

2.2 EXPLANATION OF THE TERMS OF EMPLOYMENT BEFORE STARTING EMPLOYMENT

DID ANYONE EXPLAIN THE TERMS OF EMPLOYMENT TO YOU BEFORE STARTING THE JOB?

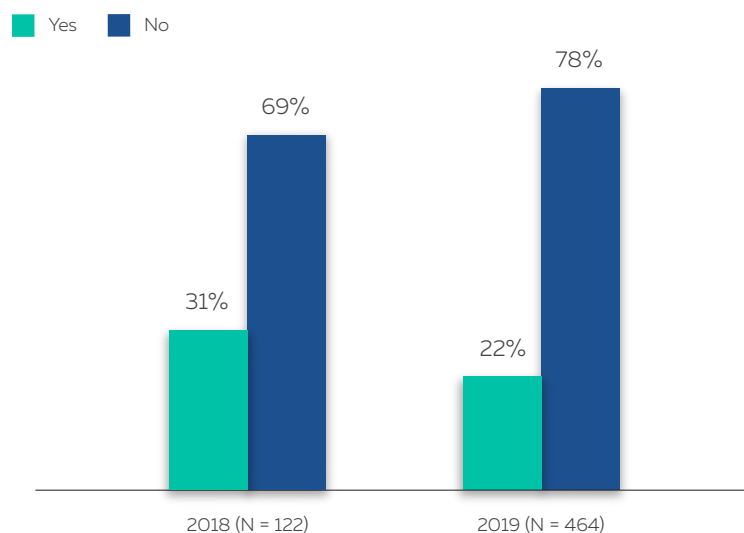


In 2019, more than half (54 percent) of survey respondents were not informed about the terms of employment before starting their job, while less than half (46 percent) were informed of these terms. For the workers who were informed, more than three in five (64 percent) identified the employers as the informant whereas the remaining respondents could not identify the informants. Compared to the previous survey (2018), the proportion of workers who had been informed about the terms of employment

was lower (46 percent compared with 58 percent), while the proportion of uninformed workers had increased (54 percent compared with 42 percent).

2.3 OPPORTUNITY TO READ THE EMPLOYMENT CONTRACT BEFORE SIGNING

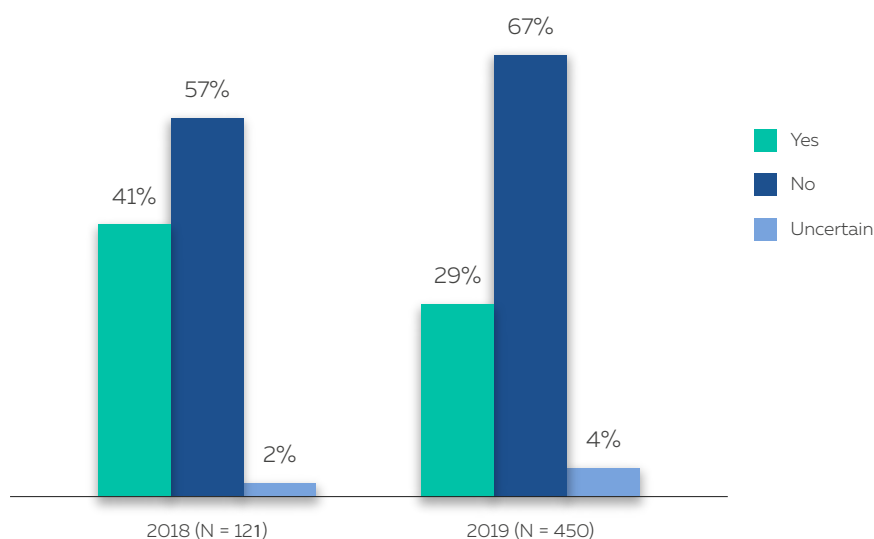
DID YOU HAVE AN OPPORTUNITY TO READ THE CONTRACT BEFORE SIGNING?



Nearly four out of five respondents (78 percent) in the 2019 survey said that they did not read the contract before signing it, while just over one in five (22 percent) had a chance to read the contract. This compares to 31 percent of fishery workers in the previous survey who replied they had an opportunity to read employment contracts before signing them. The proportion of workers who did not read the contract before signing it increased from 69 to 78 percent.

2.4 KNOWLEDGE OF THE CONTENT OF EMPLOYMENT CONTRACT

DID ANYONE EXPLAIN THE CONTENT OF YOUR CONTRACT TO YOU BEFORE SIGNING IT?

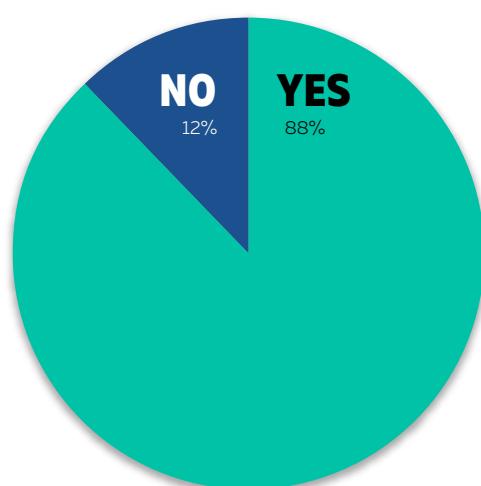


As mentioned earlier, more than half of survey respondents (54 percent) said that no one explained the terms of employment to them before starting the job, and four out of five (78 percent) did not have a chance to read the contract before signing. In addition, two-thirds of fishers (67 percent) said that no one explained the content of the contract to them before signing it, while less than a third of workers (29 percent) had someone explain it to them.

More than two-fifths (44 percent) said that the persons who explained the contract to them were supervisors or heads of the fishing crew, followed by employers (41 percent), managers in the company (10 percent), and others (5 percent). Compared to the previous survey, the proportion of fishery workers who knew about the content of the contract before signing it decreased from two-fifths (41 percent) to less than a third (29 percent), while the proportion of these workers who did not know increased from 57 to 67 percent. Therefore, the situation of workers in this matter is worse than the previous year.

2.5 WORKING CONDITIONS AND THE CONTENT OF THE EMPLOYMENT CONTRACT

DO WORKING CONDITIONS MATCH YOUR TERMS OF AGREEMENT? (N=460)



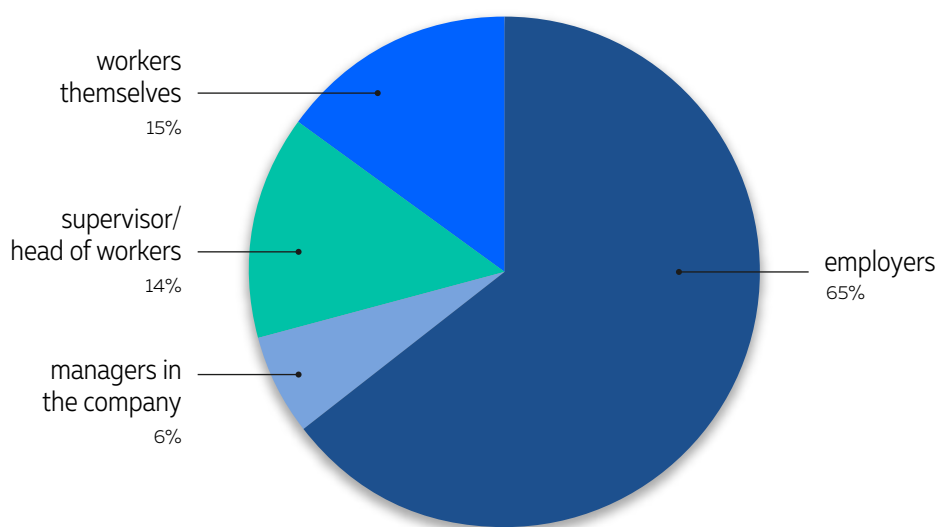
Despite the fishery workers' lack of knowledge about the terms of employment and content of the contract, nearly nine out of ten workers (88 percent) said that their employment conditions were in line with verbal agreements, whereas only 12 percent said that the employment conditions did not meet the agreements.

In addition, some workers gave examples of working conditions that did not match the agreements, such as lower wages, late payment, no overtime payment, fewer rest hours, as well as the retention of contract documents.

Again, a small number of fishing workers repeated that they did not know the content of the contract they signed because there was no opportunity to read it or they could not read and understand it.

2.6 POSSESSION OF EMPLOYMENT CONTRACT AND A DUPLICATE COPY

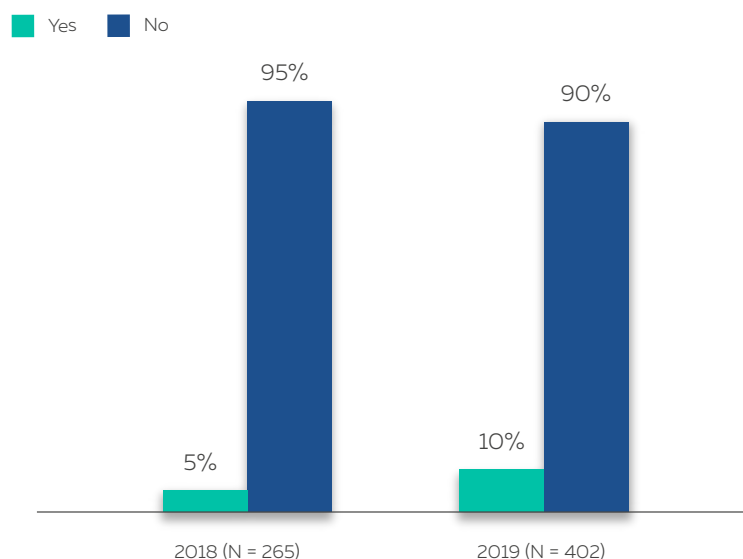
WHO KEEPS YOUR EMPLOYMENT CONTRACT? (N=443)

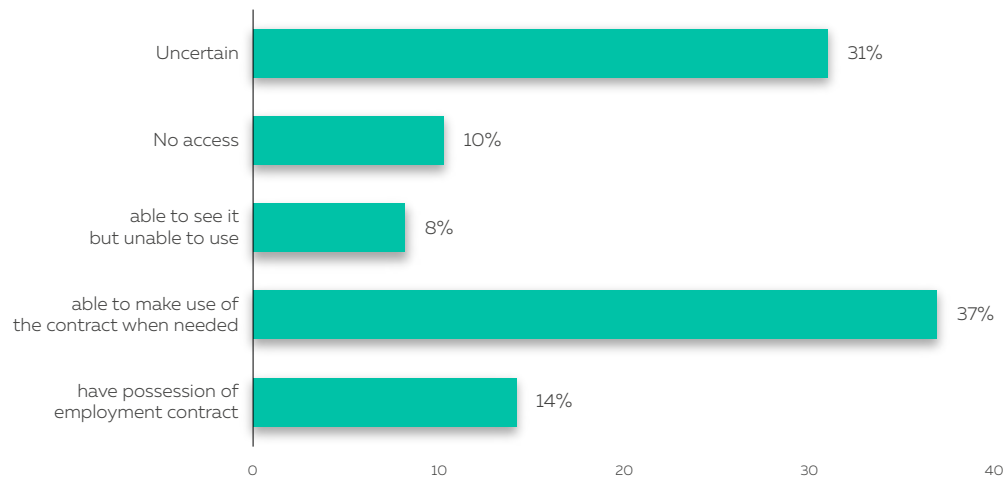


Only a small percentage of survey respondents, 15 percent, kept possession of their employment contracts, whereas more than four-fifths (85 percent) did not keep them. Within this latter group, about two-thirds (65 percent) said that the employers were the ones who kept the contract, followed by higher position crew (14 percent) and company managers (6 percent)

Among workers who did not possess the employment contract, only 10 percent held a duplicate copy; 90 percent did not possess a copy. Compared with the previous survey, the proportion of fishing workers who did not possess the duplicate copy was slightly lower. These findings suggest that the situation has slightly improved from the last survey.

DO YOU POSSESS A COPY OF YOUR EMPLOYMENT CONTRACT?



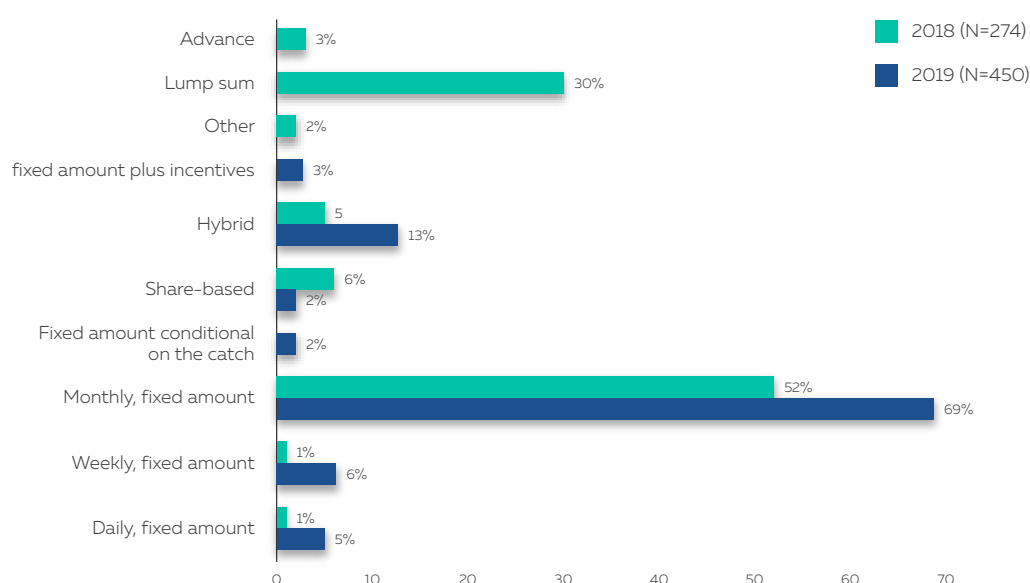
DO YOU HAVE ACCESS TO YOUR EMPLOYMENT CONTRACT IF NEEDED? (N=464)

To further investigate the level of access to employment contracts, we asked respondents about their opportunities to access the contract if needed. Almost half of the survey respondents (49 percent) gave negative responses. They were uncertain (31 percent), or they believed that they were unable to access the contracts (10 percent) or they were able to see it but unable to use it (8 percent). Therefore, apart from a minority of fishing workers (14) who had possession of their employment contracts, only one-third (37 percent) of these workers believed that they could ask for it when they needed to do so.

3. WAGES AND INCOME

3.1 WAGE PAYMENT SYSTEM

HOW ARE YOU PAID?



The survey showed that wage payment methods vary significantly, but they can be divided into three main types, containing seven sub-types, as follows:

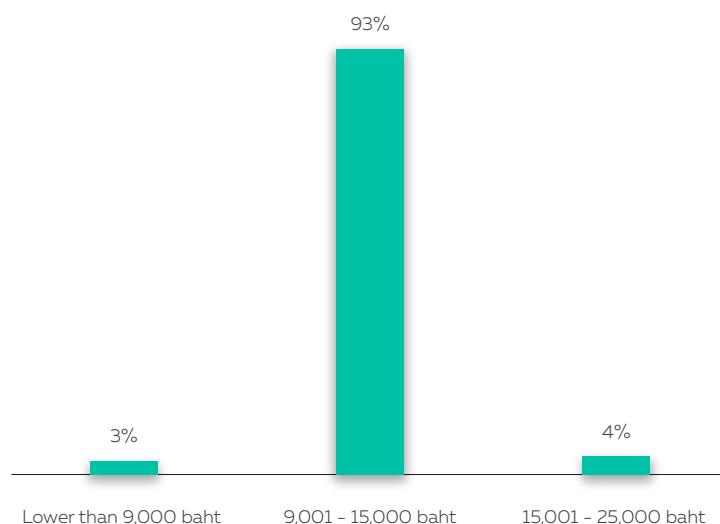
1) A large majority of survey respondents, around four-fifth (80 percent), received a fixed wage. This group consists of workers who receive monthly income represented the highest proportion – around two thirds (69 percent) – with the remainder receiving either weekly (6 percent) or daily (5 percent) wages. Notably, there was a tiny group of workers who indicated that they received a wage that was conditional on a successful catch (2 percent). The small percentage of those who are paid in this way signals a violation of the Ministerial Regulation concerning Labor Protection in Fishery Act.

2) Less than one-fifth (16 percent) received mixed wages. This group may be divided into the majority (13 percent) that received fixed income plus shares from the catch and a much smaller group (3 percent) that received fixed income plus incentives such as a diligence allowance from the supervisor.

3) A tiny fraction of workers (2 percent) still received income based on the amount of fish they catch on each trip. This form of payment does not only violate the law, but their employment shows the highest level of income uncertainty.

3.2 MONTHLY AND AVERAGE MONTHLY WAGES

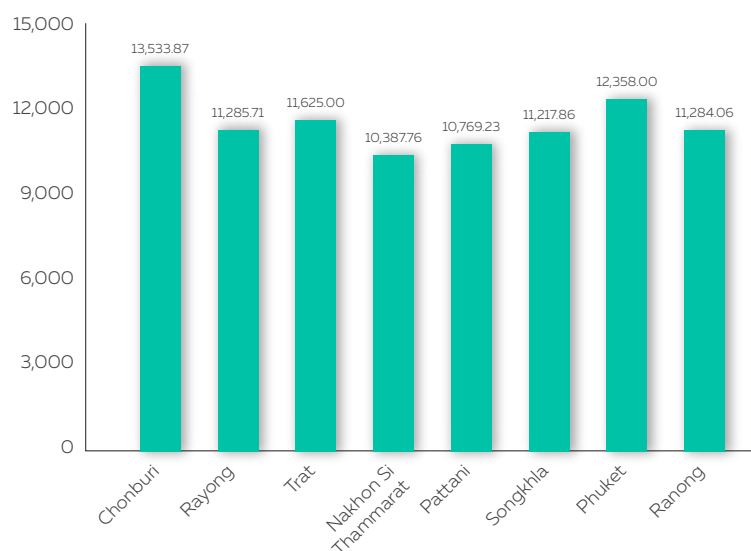
WHAT IS YOUR AVERAGE MONTHLY WAGE? (N=404)



The vast majority of survey respondents (97 percent) received more than 9,000 baht in wages per month, or about 300 baht per day before deductions. The largest group (93 percent) of these received an average wage of 9,001–15,000 baht, while a tiny percentage (4 percent) received wages between 15,001–25,000 Baht.

The proportion of workers who received more than 9,000 baht per month found in this survey is higher than the finding in the ILO's Ship to Shore (2018) report, which discovered that three-quarters of the fishing workers received more than 9,000 baht per month. It is also similar to findings in the Humanity United & Freedom Fund's (2019) survey, which reported that 97 percent of the fishing workers received equal or more than the minimum wage and that the average wage in the fishing industry is 11,600 Baht.

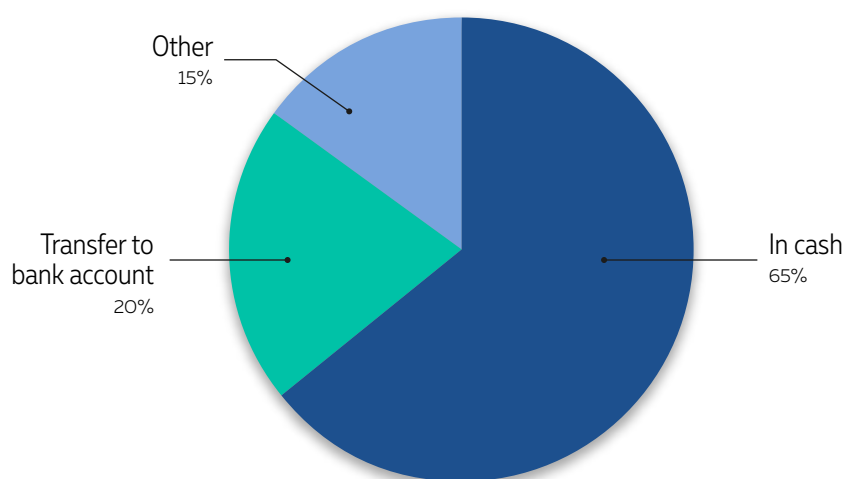
AVERAGE MONTHLY WAGE BY PROVINCE (N=404)



Compared to the findings of ILO's Ship to Shore report (2019), only Chonburi has an average wage that exceeds the average monthly wage of fishery workers at 12,730 baht.

3.3 WAGE PAYMENT METHODS

HOW ARE YOU PAID? (N=404)

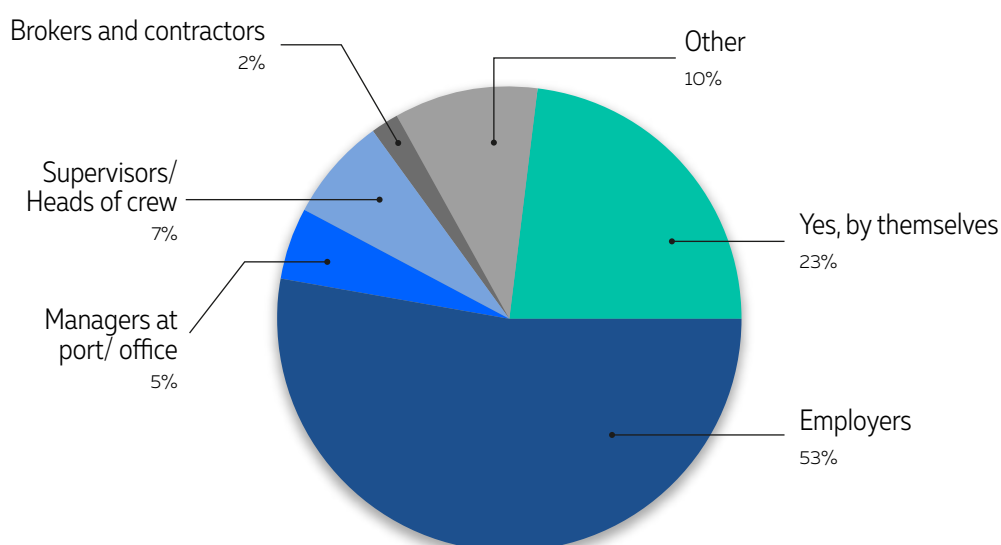


Nearly two-thirds (65 percent) still receive their wages in cash, while one-fifth (20 percent) said that they receive their wages through a transfer to their bank account, which is the legal requirement.

The remaining 15 percent said that they received wages through other means. Additional interviews suggest that some workers had an ATM card or a bank account provided by employers, yet received their wages in cash directly from the employers or heads of workers. Some workers added that while they did receive the wage through their bank account, the employers or managers were the ones who withdrew the money for them. This suggests that some fishing vessel operators continue to ignore the law requiring use of wage electronic payment in the fishery industry.

3.4 ELECTRONIC PAYMENT SYSTEM AND POSSESSION OF ATM CARDS

DO YOU KEEP THE CASH WITHDRAWAL CARD WITH YOU? (N=404)

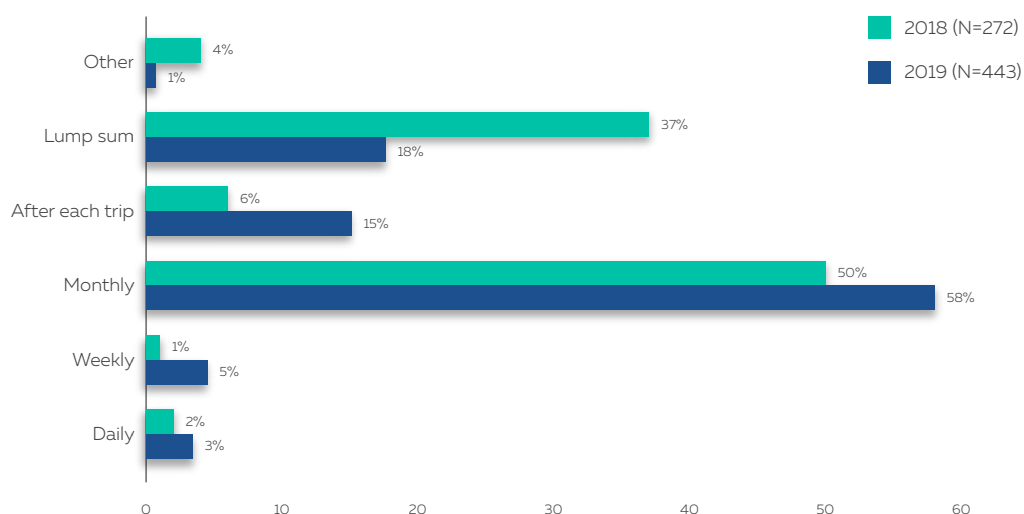


Only a quarter of survey respondents (23 percent) possessed their ATM card, while two-thirds (67 percent) responded that someone else kept it for them. About half of the workers (53 percent) who did not keep the cards on them said that the employers kept it, followed by supervisors or heads of the crew (7 percent), and managers in the company (5 percent). It is noteworthy that 10 percent did not have an ATM card or a bank account or did not know if they did or were uncertain whether they had it.

For those workers who kept their ATM card themselves, findings are similar to another survey conducted around the same time, which found that only one-fifth (21 percent) of the fishers kept the ATM card by themselves, while more than half (53 percent) did not have access to their own ATM cards (Humanity United & Freedom Fund 2019).

3.5 PAYMENT FREQUENCY

HOW OFTEN WERE YOU PAID?



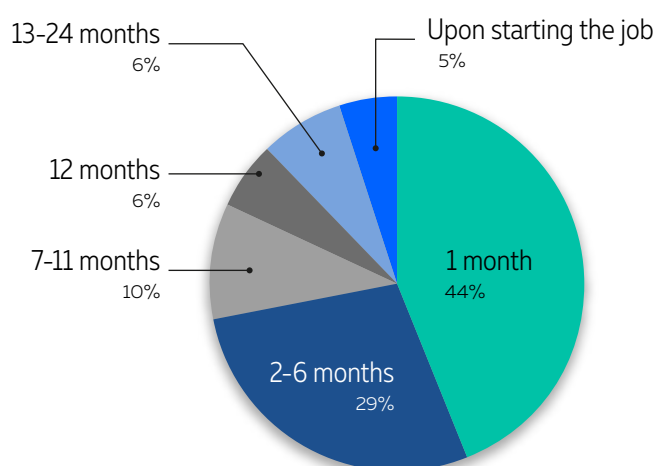
The largest group of survey respondents, almost three-fifths (58 percent), received their wages on a monthly basis. The second-largest group, almost one-fifth (18 percent), received their wages in lump sums. The third group, only slightly smaller than the previous one (15 percent), received wages upon the completion of each fishing trip. The last group (8 percent) received their wages on a daily and weekly basis.

Compared with the previous survey done in 2018, the proportion of the fishers who received wages on a monthly, weekly, and daily basis has increased, indicating more compliance with the Ministerial Regulation Concerning Labor Protection in Sea Fishery Work B.E. 2557 (2014), which requires that employers pay the fishers at least once a month.

Furthermore, the survey shows a decrease in the proportion of the workers who received wages in lump sums, which indicates an improvement in the labor situation. The new findings show an increase in the proportion of workers who receive wages after each fishing trip, the duration of which varies with the employer, and ranges between several months to years. This means some workers are paid in a lump sum at intervals spanning 2–6 months, and more than one in five respondents only received wages in a period of 7–24 months. This practice puts fishing workers in a dependent relation to the employer because they have to borrow cash from their employers for their daily expenses.

3.6 PAYMENT SYSTEM AND DEPENDENCY

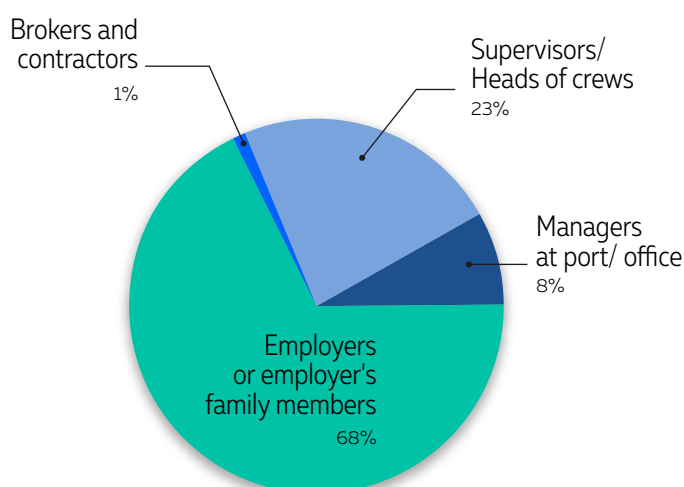
HOW LONG DO YOU HAVE TO WORK BEFORE RECEIVING THE A WAGE? (N=401)



More than two-fifths of survey respondents (44 percent) reported that they received their full wage after having worked for one month, while nearly a third (29 percent) received the wage after 2–6 months. In addition, more than one-fifth (22 percent) must work between 7–24 months before they are paid. Thus, the wage payment frequency survey suggests that, in practice, vessel owners still pay the fishery workers at intervals spanning several months, ranging from 2 to 24 months. This means that before the wages are paid, the fishery workers have to borrow cash advances from their employers to cover their daily expenses.

When asked about who paid their wages, more than two-thirds (68 percent) of workers answered that the employers or the employers' family did so. Next, almost one-third (31 percent) said employers' aids, including heads of the crews (23 percent) or managers at port or in the office (8 percent) paid them. A tiny fraction of fishery workers (1 percent) said that brokers and contractors who brought them to work paid them.

WHO DO YOU RECEIVE WAGES FROM? (N=449)



3.7 FISHERS' PREFERRED PAYMENT METHODS

As the survey shows, some fishery workers had to work as long as 2 to 14 months before receiving their full wages. This finding raises questions about the sources of money that fishing workers relied on before they were paid, and whether they received other forms of payment from employers. Our survey shows that more than four-fifths (84 percent) received advance payment from employers for their daily expenses and only a small number, less than one-fifth (16 percent), did not receive an advance payment.

For those who did receive such payments, more than half (56 percent) received an advance of 1,001–5,000 baht while one-third (31 percent) received an advance of 5,001–10,000 baht per time. About seven percent received less than 1,000 baht, and six percent received more than 10,000 baht per time.

Even though the Ministerial Regulations concerning Labor Protection in Sea Fishery Work amended in 2014 state that employers must pay wages to the workers at least once a month at the rate not lower than the minimum wage times 30 days and through an e-payment system to guarantee transparency and accountability, the findings indicate that some employers in the fishing industry continue to ignore the law.

We asked the respondents further about their preferred payment frequency and found that more than two-thirds (71 percent) preferred being paid monthly, while the remaining one-third (29 percent) preferred weekly payments. Furthermore, our interview findings discovered two important points:

First, there are two key elements in the workers' preferred forms of payment:

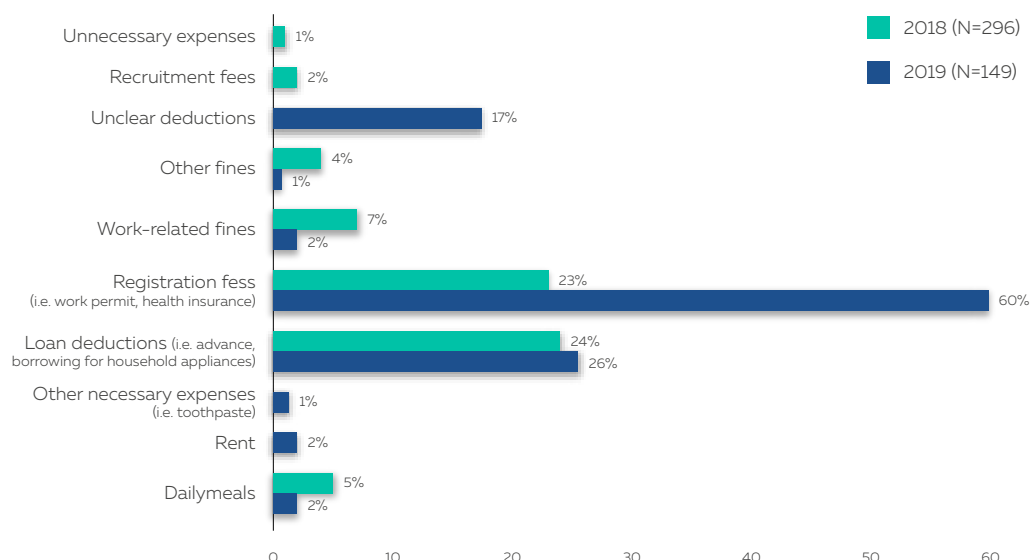
- Payment should be made through a monthly e-payment transfer to ensure workers can cover their monthly expenses and to serve as guaranteed income, since some workers are not paid once their fishing boats dock.
- Even though they are paid in cash, the workers wish to keep their own ATM card so that they can withdraw money or transfer funds to their family when needed. Some fishing workers also added that they would not dare say this to employers.

Second, more than a quarter of the workers (28 percent) felt content with the existing payment method because they had currently receive cash in full monthly or regularly. This form of payment allows them to save and regularly send money to their families.

3.8 WAGE DEDUCTIONS AND POWER DIFFERENTIALS

Over two-thirds of survey respondents (71 percent) reported deductions from their wages. When asked what the deductions were for, more than two-thirds (69 percent) did not know the answer or did not respond. Only one-third (31 percent) could answer the question.

WHAT ARE THE REASONS FOR YOUR WAGE DEDUCTIONS? (MULTIPLE ANSWERS)



The most common reasons given for wage deductions were the following: 1) registration, work permit, and health insurance fees, which the employers paid for in advance (60 percent) and 2) deductions for the advance payment that they borrowed while waiting for wages or money borrowed from the employers to buy household appliances (26 percent). It is concerning that unclear deductions constituted one-fifth (17 percent) of those paid, while around 8 percent were the deductions for everyday items, rent and work-related fines, which is a form of punishment that the employer uses on the fishing workers against their will.

The second amendment to the Royal Ordinance Concerning the Management of Foreign Workers from 2018 allows employers to deduct any expenses that they paid in advance including those for passports, health check-ups, work permits, or other costs specified by the director-general of the Department of Employment, but this must not be more than 10 percent of the workers' wages. Nevertheless, the survey shows that some respondents reported wage deductions far more than the law allows.

The survey also shows that deductions for document registration fees could be as high as 20,000 baht. Although the deduction methods used by vessel owners vary depending on their discretion, interviews indicate there are some patterns in wage deduction practices, such as the following:

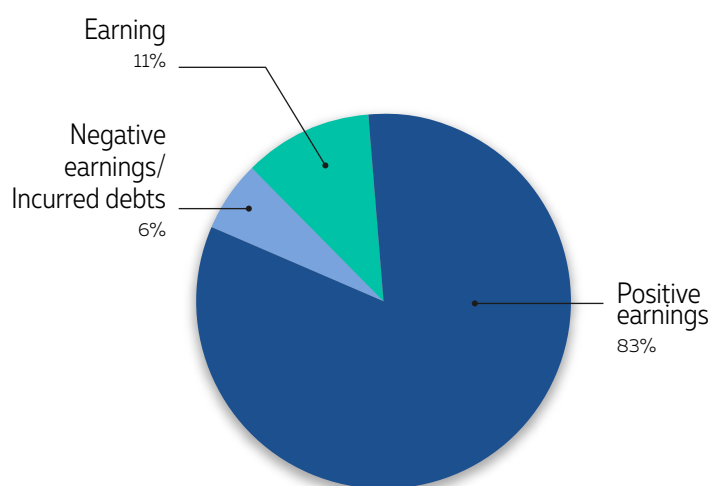
- Employers told their workers that they were willing to cover half of the registration fees, or 10,000 out of 20,000 baht, and would deduct only 10,000 baht from their wages by, for example, by deducting in installments of 500–1,000 baht each time. The employers would use the remaining debt as an incentive to ensure the workers continue to work for them.
- Employers deducted 20,000 baht from workers' wages. However, when the workers completed the required

amount of working time (say six months), they would receive 10,000 baht as a reward, or if they leave to visit home, they would receive this money upon their return.

While employers use these payment methods as leverage to guarantee there are enough workers on board to man the fishing boats, there is an unintended effect: migrant fishers generally perceive fishing vessel owners as “kind” and more flexible than employers in other sectors. The ambiguity of this practice reflects a huge gap in the bargaining power between the fishing boat owners and workers, which could allow employers to abuse their power if they wanted to and often leaves workers in vulnerable positions.

3.9 AFTER-DEDUCTION EARNINGS

DO YOU HAVE EARNINGS AFTER DEDUCTION? (N=447)



More than four-fifths of survey respondents (83 percent) retained some wages after the deduction of various costs, while 11 percent did not have any wages left after deductions, meaning they had no earnings. A very small number, 6 percent, became indebted, meaning they needed to pay some money to the employers after the deduction.

Among the workers who went into debt after their deductions, almost half of them (48 percent) reported that they needed to repay 1,000–5,000 baht to the employers, while around one-fifth (20 percent) paid

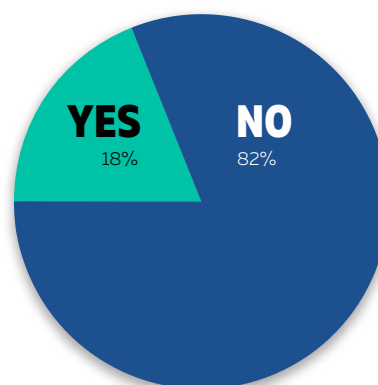
5,001–10,000 baht. Furthermore, 12 percent of the fishers owed more than 10,000 baht to their employers. It is noteworthy that up to one-fifth of the workers (20 percent) did not know the total amount of their debts.

In some cases, vessel owners allowed their workers to acquire an advance more than their wages, raising our concern about the workers’ relationships of dependency and the risk of debt bondage. One future research topic worth exploring is the implications of fishery workers’ short-term debts and the risks of a longer-term situation of debt bondage.

When asked about their debt incurred from working on fishing boats, more than four-fifths (82 percent) of respondents reported they had no debt, while less than one fifth (18 percent) said they did. An important observation is that this proportion is higher than 6 percent, the number of fishers with short-term debt or outstanding money to repay to their employer.

For the fishing workers who had debt from fishing work, about two out of five (42 percent) had between 500–5,000 baht of debt, followed by almost one third (32 percent) who owed 5,001–10,000 baht, and about one fourth (26 percent) had 10,001–50,000 baht worth of debt. Their creditors largely fell into three groups: over three-fourths (78 percent) were vessel owners, around one-fifth (22 percent) were informal lenders, although one-fourth of this group reported that they borrowed from friends, relatives, or siblings, and the remaining 8 percent were supervisors or heads of the fishing workers.

DO YOU HAVE DEBTS FROM WORKING IN FISHING? (N=395)



4. WORKING AND REST HOURS, OVERTIME AND SICK LEAVES

4.1 WORK AT PIERS AND OFF-FISHING TIME

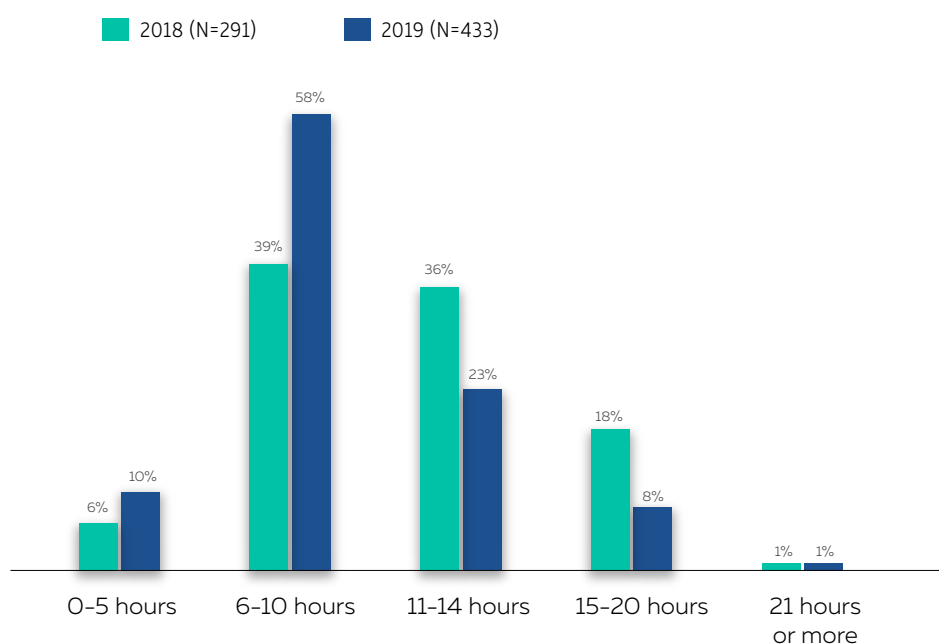
When fishing boats were docked, almost one-third of survey respondents (31 percent) said that they had no other tasks to perform, while more than two-thirds (69 percent) said that they had other work to do, such as repairing nets. Among the workers who had to work during off-fishing time, only one-fifth (21 percent) received payment for their work, while three-fifths (64 percent) did not, while the remaining 15 percent were not certain about the payment.

4.2 NUMBER OF FISHERMEN WORKING ON THE SAME BOAT

When asked about the number of fishing workers working on the same boat, almost one-third of survey respondents (33 percent) answered that there were 1–10 workers, more than one-fourth (29 percent) worked on a boat with 11–20 workers, another one-fifth (20 percent) worked with 21–30 workers, and the rest, around one fifth (18 percent), said that there were 30 people or more on board the same boat.

4.3 AVERAGE WORKING HOURS PER DAY

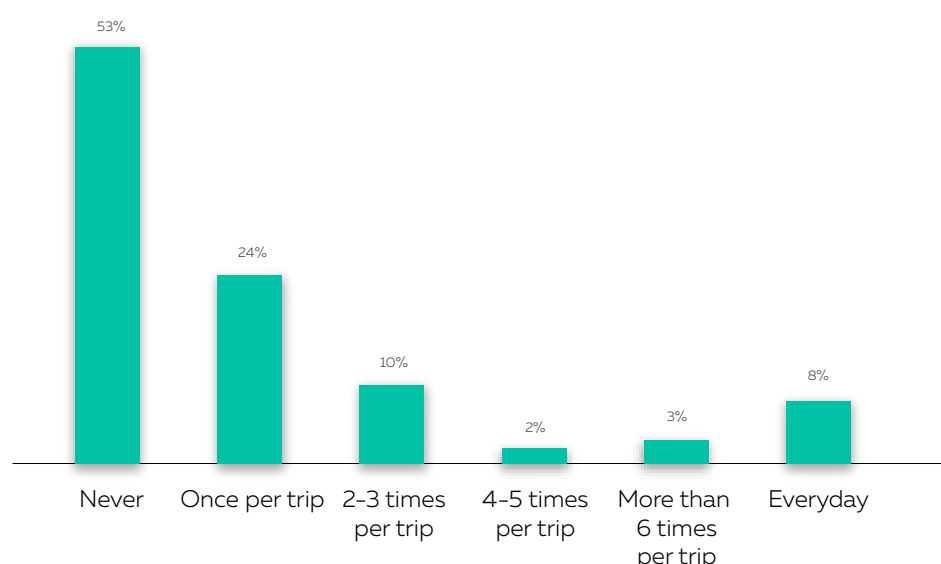
HOW MANY HOURS DO YOU WORK PER DAY?



The majority of respondents (91 percent) said that they normally worked less than 14 hours per 24-hour period. More than half of this group (58 percent) said they worked 6–10 hours per day, while 10 percent worked less than five hours. Still, a small percentage (9 per cent) worked more than 15 hours per day while a tiny fraction (1 percent) reported having worked more than 21 hours per day.

The proportion of fishing workers working more than 14 hours per day is smaller than the one-fifth (19 percent) found in the previous survey. Working more than 14 hours per day violates the ILO Work in Fishing Convention 188 and the 2019 Labor Protection in Sea Fishery Act, which requires that fishing workers have at least 10 hours of rest period per 24 hours and at least 77 hours of rest per week.

HOW MANY DAYS IN EACH TRIP DO YOU WORK LONGER THAN 14 HOURS A DAY (N=404)



Half of survey respondents (53 percent) reported that they had never worked more than 14 hours on a fishing trip. More than one-fourth (24 percent) reported working more than 14 hours once per trip, while 10 percent of fishers worked longer than required by the law 2–3 times per trip. A tiny group (2 percent) worked longer than 14 hours per day for 4–5 times per trip, while 3 percent worked this long more than 6–7 times per trip. It is concerning that up to 8 percent had to work longer than the law permitted each day at sea.

When compared with the 2018 ILO report, which found one-fifth (22 percent) of the surveyed fishers regularly working more than 14 hours per day, and most of them with average working hours of 16 hours or more, our 2019 survey points to an improvement in both the lower proportion of fishery workers working more than 14 hours and the lower number of working hours as a whole.

There appears to be a significant gap between the law (section 5, Ministerial Regulation concerning Labor Protection in Sea Fisheries requiring that employers provide at least 10 hours of rest for workers during each

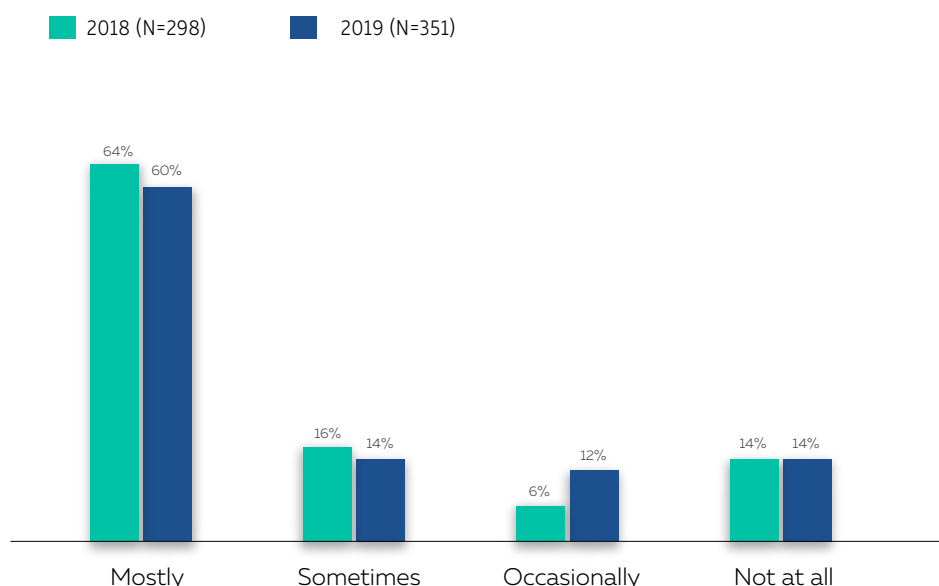
24-hour period) and actual labor practices, as a significant number of workers had to work more than 14 hours per day. Especially troubling is the reported 8 percent of workers who worked more than 14 hours per day every day at sea.

4.4 ADDITIONAL WORK AT FISHING PIERS

More than two-thirds (71 percent) of survey respondents had additional work while the boats were docked at their piers. Around two-thirds of this group (70 percent) worked extra 1–4 hours per day, and one-fifth (22 percent) worked for an additional 5–8 hours per day. Most importantly, up to 8 percent worked longer than eight hours per day. Moreover, among the workers who have additional tasks at fishing piers, only one-fifth (17 percent) said that they received overtime payment for this work, while the remaining large majority (83 percent) reported they did not receive any compensation.

4.5 REST HOURS AND THE RIGHT TO PAID SICK LEAVES

HOW OFTER DO YOU HAVE AT LEAST 6 HOURS OF UNINTERRUPTED REST IN A 24-HOUR PERIOD?

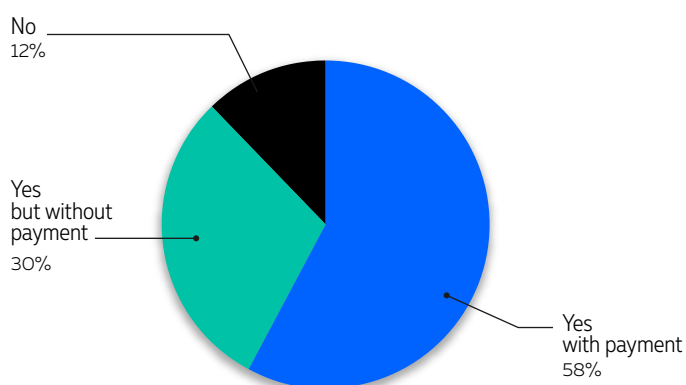


Apart from working hours, labor laws require that vessel owners provide a consecutive rest period of at least six hours within a 24-hour period. The study shows that three-fifths of surveyed fishery workers (60 percent) said that they mostly had at least six hours of rest. However, 14 percent of the fishery workers said that they never had six hours of rest, while 14 percent said that they “sometimes” had the required rest hours, and 12 percent

said that they occasionally had the six hours of uninterrupted rest.

Compared with the previous survey, the only group of workers who occasionally enjoys the legally required rest period grew, whereas fewer workers reported mostly and sometimes having the required rest period. Fewer workers currently enjoy the legally required rest period. Moreover, the proportion of workers (14 percent) who said that they never had a continuous six-hour rest period is comparable to the ILO's (2018) finding that 13 percent of workers had less than seven hours of rest per day. This finding suggests that as a whole fishing vessel owners still do not fully comply with the law on the required rest hours for their workers.

**CAN YOU TAKE SICK LEAVE
WHEN YOU NEED TO DO SO** (N = 435)



The law concerning Labor Protection in Sea Fisheries requires that employers provide at least 30 days of holiday leave in a year and paid sick leave based on actual days of sickness. However, only three-fifths of participants (58 percent) could take paid sick leaves as protected by the law; another one-third (30 percent) could take sick leaves but without pay; while 12 percent could not take sick any leave.

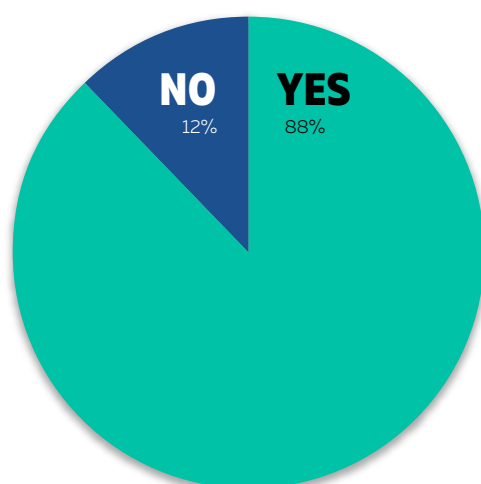
5. HEALTH AND SAFETY IN THE WORKPLACE

5.1 PROVISION OF FOOD AND WATER

Section 6 of the Ministerial Regulations on Occupational Safety, Health and Welfare System of Crews, B.E. 2559 (2016) requires that operators of fishing boats that are at least 30 tons gross weight provide workers with sufficient and hygienic food and drinking water suitable for their working conditions and their period of stay on board the fishing boat. Nevertheless, the survey shows that only half (51 percent) of workers received three meals per day on catching days, with an even smaller proportion, about two-fifths (42 percent), get three daily meals on the non-catching days.



ARE YOU PROVIDED WITH SUFFICIENT INTAKE FOR EACH TRIP AT SEA? (N=361)



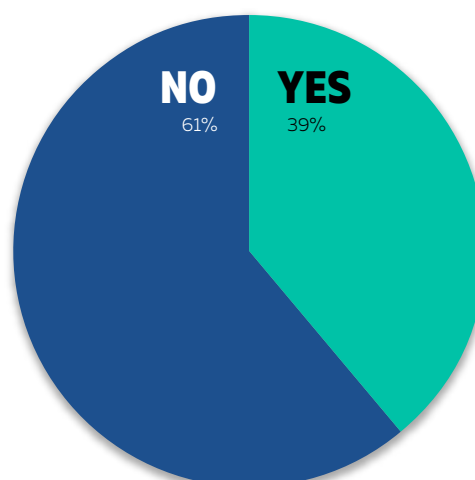
In addition, only 12 percent of our respondents felt they were not provided with enough food for each of their trips at sea. This proportion is less than the 16 percent reported in the previous survey but similar to the finding from the ILO survey in 2013 (12 percent). Therefore, since 2013 the situation of fishing workers in this regard has slightly improved.

Additional surveys with respondents indicate that insufficient food provision was sometimes due to insufficient food preparation, particularly

vegetable, meats other than fish, and ingredients, prior to the trips. As a result, the workers adapted to the lack of food by using the fish they caught as a substitute or assigning a cook to keep watch for the food supply and monitor the amount of food that each worker receives each day.

When asked about the sources of drinking water, about three-fifths (61 percent) did not consume drinking water from the same sources as their supervisors or heads of workers. This percentage (61) is higher than the 43 percent in the previous survey. The major sources of drinking water included those from a private company (40 percent), the water purchased by workers themselves (33 percent), tap water from vessel owners' houses (17 percent), and water from ice factories (10 percent). The high percentage (61) of workers who did not drink the same water as their supervisors or head indicates inadequate provision of clean drinking water by vessel owners.

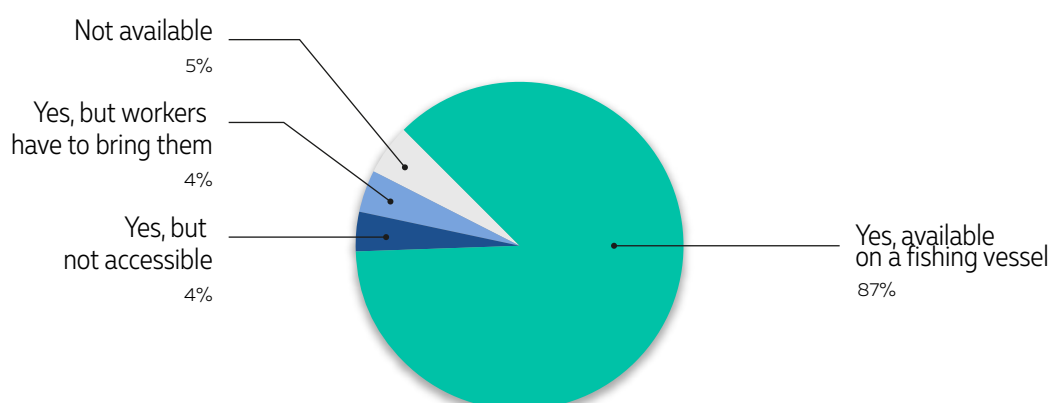
DO YOU DRINK WATER FROM THE SAME SOURCE AS YOUR SUPERVISOR/HEAD OF WORKERS? (N=338)



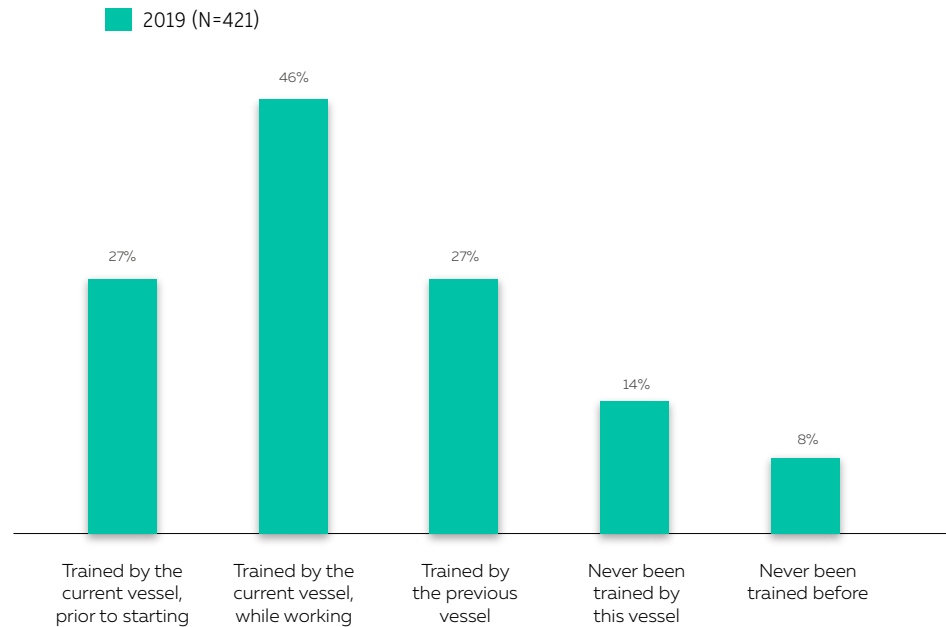
The high percentage (61) of workers who did not drink the same water as their supervisors or head indicates inadequate provision of clean drinking water by vessel owners.

5.2 PROVISION OF FIRST AID AND BASIC SAFETY EQUIPMENT

ARE FIRST AID KITS AND BASIC SAFETY EQUIPMENT (I.E. LIFE VEST) AVAILABLE ON YOUR BOAT? (N=350)



Section 16 of the Ministerial Regulation concerning Labor Protection in Sea Fishery B.E. 2557 (2014), requires an employer to provide fishing workers with adequate and hygienic food and drinking water, toilet, medical supplies, and medicines for basic first aid that is suitable for working and living conditions on fishing vessels. Nearly nine-of-ten survey respondents (87 percent) said that they had access to medical supplies and essential first aid equipment on the boats, whereas 4 percent of migrants said that they had to bring their own medical supplies and necessary first aid equipment with them. However, 9 percent reported that medical supplies or essential first aid equipment were unavailable (5 percent) or while in principle available, were not accessible (4 percent). These figures are lower than those of the previous survey, of which one third (35 percent) of migrants could not access medical supplies and necessary first aid equipment.

HAVE YOU BEEN TRAINED TO USE FISHING GEAR AND EQUIPMENT? (multiple answers)

Workers on fishing boats are entitled to obtain training to safely use fishing gear and equipment before working. Employers must also record completed training sessions with workers' signatures as evidence of having attended the training meeting. According to the survey, almost half of respondents (46 percent) said that they obtained such training, while working, from their current fishing vessels, whereas around a quarter of them (27 percent) received training before they started work on the vessels. The same proportion, or a quarter (27 percent) obtained their training while working on previous vessels, while 14 percent reported that the current vessels had not trained them. However, there is still a small minority (8 percent) who had never received any instructions or training.

5.3 PAID SICK LEAVE AT SEA

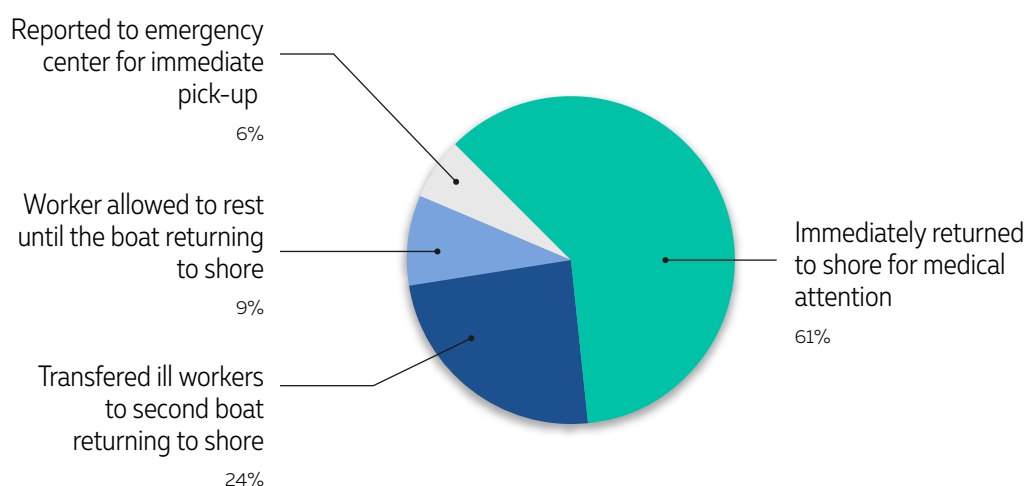
The survey shows both positive and negative signs of adhering to labor rights over guaranteed paid sick leave on fishing vessels. On the positive side, the proportion of fishing workers with paid sick leave is higher than the previous survey, while the percentage of those whose wages were deducted because of leave-taking is lower.

On the negative side, the percentages of workers who took sick leave without pay as well as those who could not take sick leave are higher than those from the previous survey. Notably, the proportion of migrants who took sick leave without pay is many times higher than before.

More than half of the workers participating in the survey (55 percent) said that they experienced being sick to the point that they could not work while at sea, among whom two-thirds (66 percent) could take paid sick leave. In the previous survey, the proportion of fishing workers getting paid sick leave was much higher (87 percent).

About one-fourth (26 percent) of workers took sick leave without pay, which is four times the rate of those in the previous survey, in which only 6 percent of workers reported to have done so. Just a few migrants (1 percent) could take sick leave with their wages deducted, whereas the proportion of migrants facing a similar situation was 4 percent in 2018. Lastly, compared to 3 percent from the previous survey, 6 percent of surveyed workers said that their sick leave rights were not granted or dependent on the discretion of the heads of fishing crews.

WHAT HAPPENED AFTER A WORKER SUFFERED A SERIOUS ILLNESS OR INJURY AT SEA? (N=91)

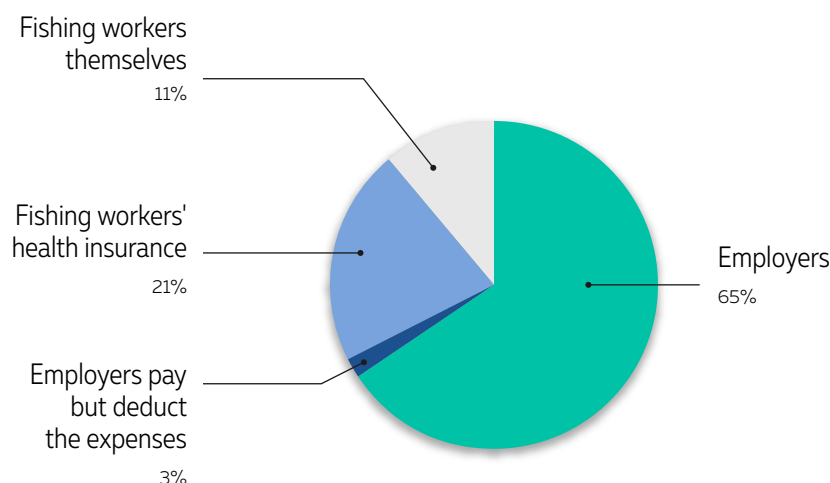


Two-thirds of survey respondents (70 percent) said that they had never witnessed a crew member suffer a serious illness or injury at sea that required immediate medical treatment, while almost one-third (30 percent) had witnessed a crew member in such a situation.

Three-fifths of the respondents (61 percent) who had witnessed or been in this situation said that the fishing vessels had immediately returned to shore to seek medical treatment. One-fourth of surveyed fishing workers (24 percent) said that the sick workers were transferred to another fishing vessel already returning to shore, while 9 percent of respondents said that the ill or injured worker would be allowed to rest on board until the fishing vessel returned to shore. Also, 6 percent of fishing workers said that the vessels would report to emergency centers for immediate pickup and medical treatment.

5.4 SERIOUS INJURY COMPENSATION AND EXPENSES

WHO PAID FOR YOUR MEDICAL EXPENSES? (N=97)



In case of serious injury causing a loss of body parts, almost two-fifths of survey respondents (38 percent) said that they did not get any compensation from the employers. Nevertheless, a third (36 percent) said that they received partial compensation, and only a quarter (26 percent) could receive full compensation.

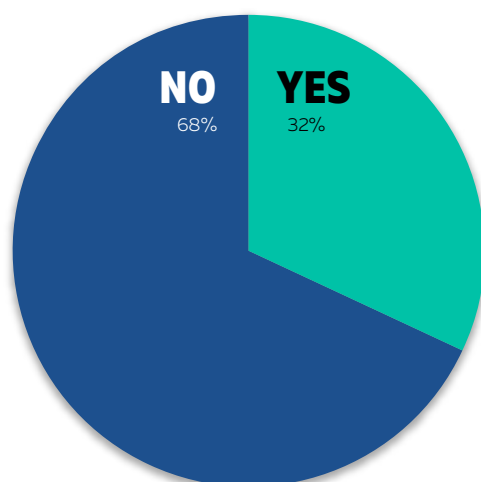
In terms of their medical treatment expenses, almost two-thirds of fishers (65 percent) said that employers would pay for it, while a small amount (3 percent) said that the employers paid for the medical treatment but later deducted these expenses from their wages. One-fifth of them (21 percent) said that they had health insurance cards that covered the expenses, while 11 percent paid for the medical treatment by themselves.

5.5 PUNISHMENT AT WORK

When asked whether fishing vessel owners ever punished the respondents, 9 percent of the fishers said yes. They said that the punishment was mainly verbal such as curses and intimidation. Interviews with workers revealed that some experienced physical punishment such as slapping and/or kicking. Moreover, some punishment was pecuniary in nature, including arbitrary fines and wage deductions. All of these, especially severe punishment and wage deductions, are considered excessive use of power and violations of labor laws.

5.6 IMPROVEMENT OF THE CONDITIONS OF FISHING VESSELS

DO YOU WANT TO IMPROVE THE CONDITIONS OF YOUR FISHING BOAT? (N=422)



One-third of survey respondents (32 percent) expressed the need to improve several aspects of the fishing vessels. For example, fishing workers said that they wanted to receive basic needs such as adequate food, clean drinking water, and fair wages. Notably, most these migrant fishing workers agreed that employers should improve the resting and sleeping quarters, as well as provide hygienic toilets on board fishing boats. However, it is not clear whether the two-thirds of the

respondents (68 percent) who answered that they did not want any improvements were satisfied with conditions on the fishing boats, afraid to express their opinions, or not aware of their fundamental rights. This question is addressed in the next section of the survey on the freedom to leave employment and awareness of labor rights.

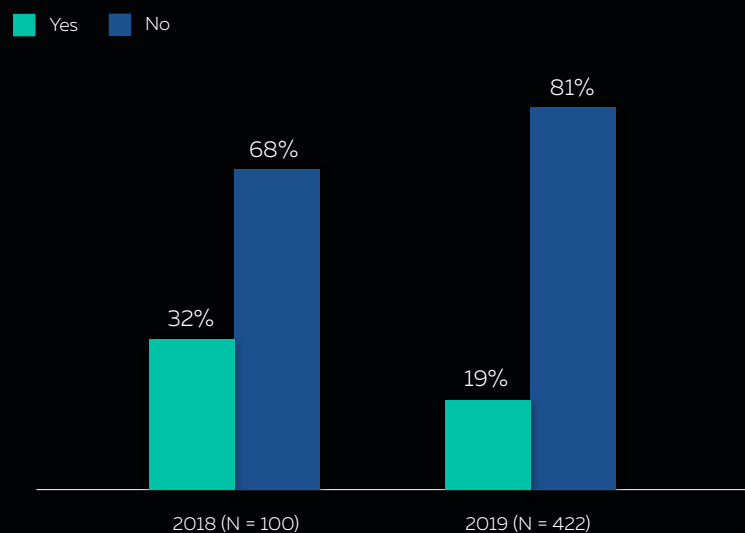


photo: Suthep Kritsanavarin/Oxfam

6. FREEDOM TO LEAVE EMPLOYMENT

6.1 FREEDOM TO CHANGE JOBS

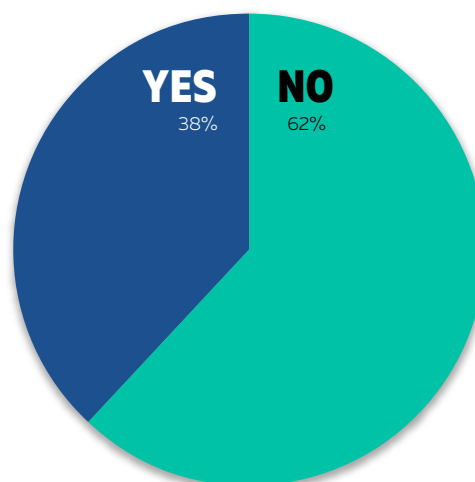
HAVE YOU EVER WANTED TO CHANGE YOUR JOB?



The survey shows that one-fifth of surveyed fishers (19 percent) wanted to leave or change their jobs. This proportion is lower than the one-third (32 percent) of workers who expressed similar desires to leave in the previous survey.

Two-fifths of survey respondents (38 percent) said that they faced obstacles to changing employers, particularly the costliness of the procedure, while another three-fifths (62 percent) reported no obstacles. Among this group, more than half (58 percent) of migrant fishing workers believed that they had to pay additional costs when changing an employer. In the previous survey, the proportion of workers who believed so was 54 percent, which is very similar. According to our interviews, the workers said that they had to pay between 1,000 and 40,000 baht to cover the fees for a new passport and work permit.

HAVE YOU FACED ANY OBSTACLES IN CHANGING EMPLOYERS? (N=386)



PERCEIVED OBSTACLES FOR CHANGING EMPLOYMENT? (multiple answers)

2018 (N=56) 2019 (N=89)

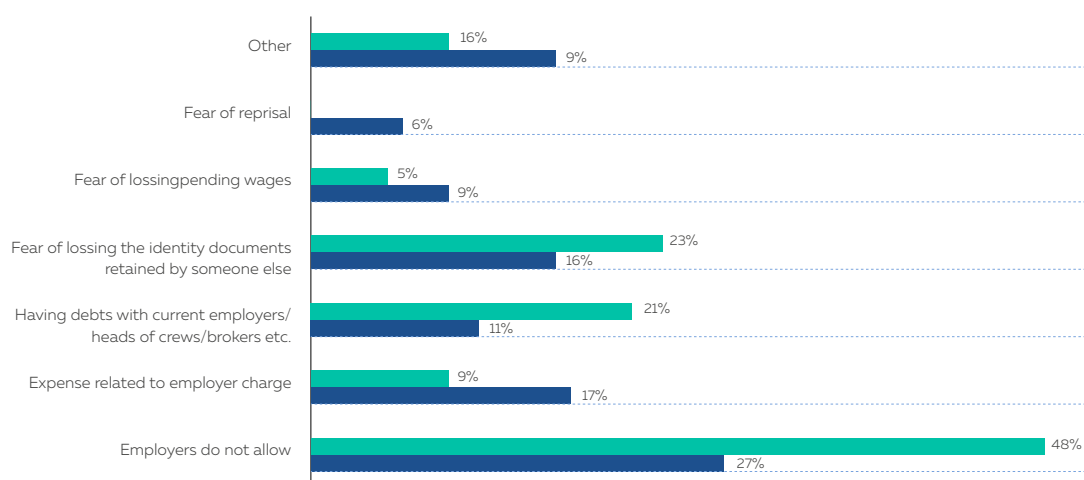




photo: Suthep Kritsanavarin/Oxfam

When the respondents were asked to choose the most relevant obstacles to changing employment, the workers chose the following answers (respondents choose multiple answers):

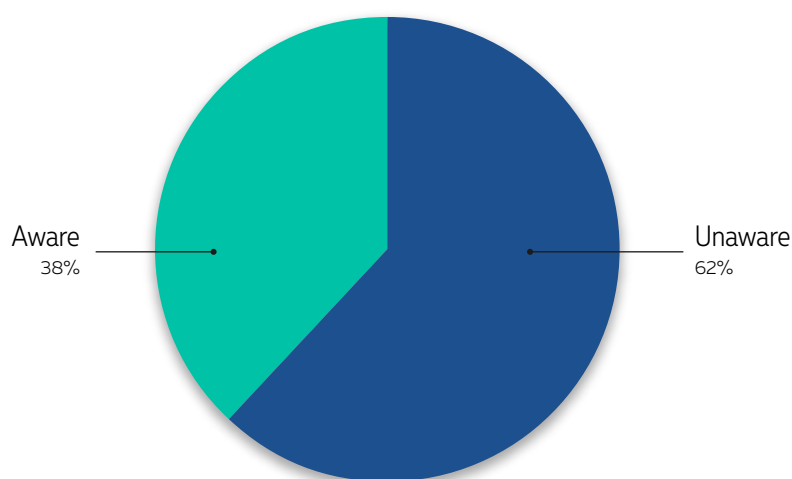
- 1) Employers do not allow them to change their jobs due to crew shortage (27 percent)
- 2) Expenses related to changing employers (17 percent)
- 3) Fear of losing the documents retained by their employers (16 percent)
- 4) Having debts with current employers (11 percent)
- 5) Fear of losing pending wages (9 percent)

The responses mentioned above reflect the obstacles or difficulties migrants face when they want to change their jobs. Some migrants indicated during the interviews that one of the significant impediments to changing jobs was human rights violations. For example, some of them felt intimidated, or some were worried that they would be physically abused if they expressed their desire to leave. More importantly, workers mentioned that the law does not allow migrants to switch from fishing to non-fishing jobs onshore.

7. AWARENESS OF LABOR RIGHTS AND ACCESS TO GRIEVANCE MECHANISMS

7.1 AWARENESS OF LABOR RIGHTS

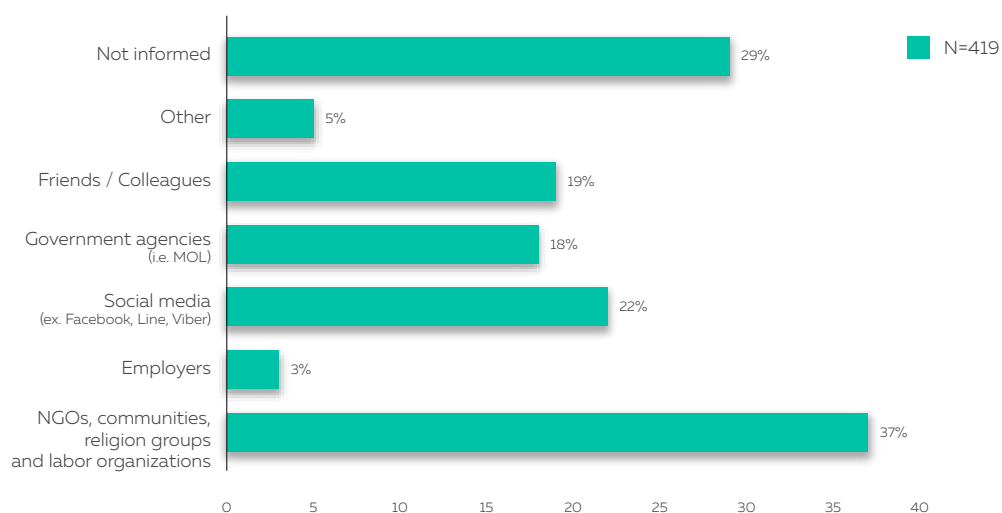
ARE YOU AWARE OF YOUR RIGHTS AS WORKERS? (N=415)



Almost three-fifths of survey respondents (62 percent) said that they were not aware of their rights as workers, which is somewhat lower than the 71 percent in the previous survey.

By contrast, nearly two-in-five of the fishing workers (38 percent) said that they were aware of their rights. In particular, they mentioned their rights to minimum wage, healthcare, workplace safety, compensation for injuries during work, as well as working and rest hours. More importantly, some migrant workers said that they knew where to file grievances if their rights were violated. However, this group of workers did not show clear knowledge of how a grievances mechanism works.

FROM WHERE HAVE YOU RECEIVED INFORMATION ABOUT LABOR RIGHTS? (multiple answers)

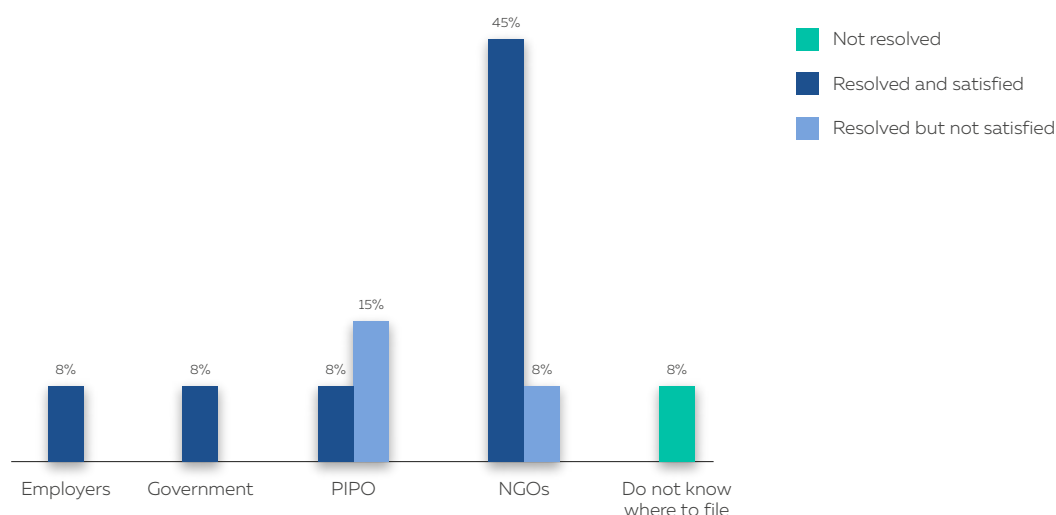


Workers consider that the most reliable sources of information regarding labor rights are: 1) NGOs, communities, religious groups, and labor organizations (37 percent); 2) social media such as Facebook, Line, and Viber (22 percent); 3) friends or colleagues (19 percent); and 4) government agencies such as the Ministry of Labor (18 percent).

7.2 GRIEVANCES AT WORK

Only 3 percent of survey respondents had used a grievance mechanism, while the majority (97 percent) never used such a mechanism. The proportion is higher than the previous survey, which showed that 90 percent of migrants never used a grievance mechanism.

**WHO DID YOU FILE GRIEVANCES WITH?
AND WERE YOU SATISFIED WITH THE OUTCOME? (N=13)**



Among respondents who had used a grievance mechanism, more than half (54 percent) sought redress with NGOs, whereas around one-fourth (23 percent) chose to report directly with PIPO officers. Among this same group, about two-thirds (69 percent) received a resolution and were satisfied with the outcome, while almost a quarter (23 percent) were not satisfied with the outcome and 8 percent did not receive any resolution.

Among those who reported directly to officials, however, the percentage of workers who were not satisfied with the outcome (15 percent) was twice as big as those who were satisfied (8 percent). On the contrary, the percentage of workers satisfied with the outcome of NGO channels was much greater than those who were not satisfied (45 percent as opposed to 8 percent).

When asked why the workers never used grievance mechanisms, over half of workers (58 percent) said that their rights have never been violated, and about a quarter (24 percent) admitted that they were not aware of their rights. Compared to the previous survey (66 percent), the proportion of workers who had never used the mechanisms is somewhat lower, while those who were not aware of their rights is about the same.

It is worth noting that some workers (6 percent) were not confident in the grievance mechanism, which is slightly higher than the 4 percent found in the previous survey, while a fraction (3 percent) feared reprisal.

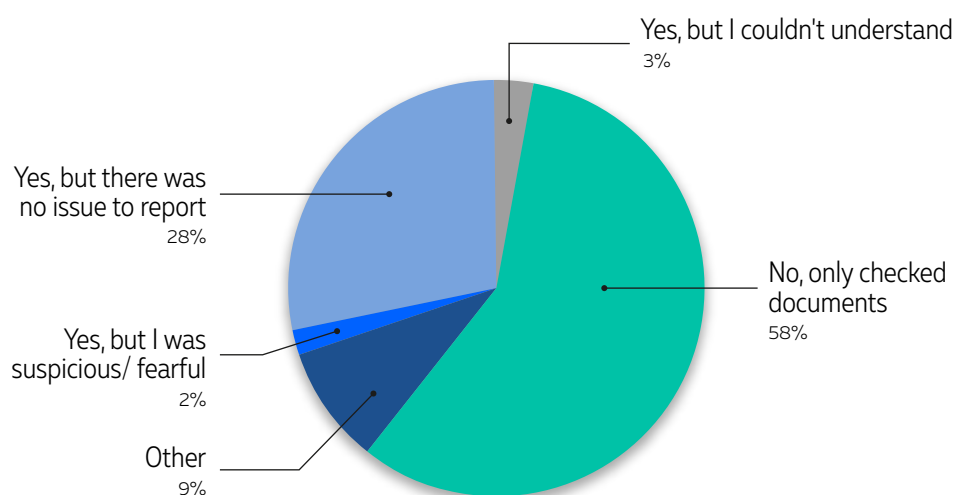
The survey findings above indicate the necessity of proactively educating migrant fishery workers on their basic labor rights and simultaneously improving the grievance mechanism system to ensure workers remain protected after filing grievances.

7.3 INTERACTION WITH GOVERNMENT OFFICERS

The vast majority of survey respondents (92 percent) said that the government officers checked their documents during the vessel inspection both at port and at sea.

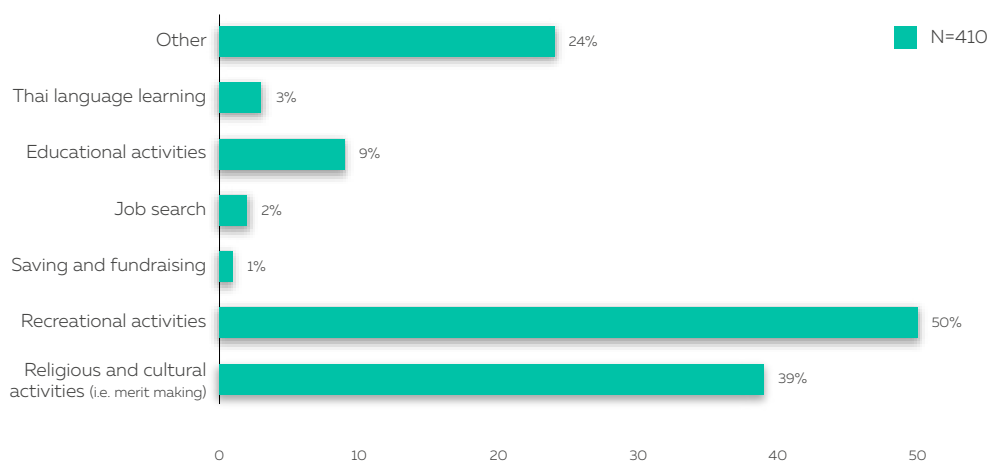
Almost four-fifths (79 percent) said that they could communicate with the government officers during the inspections, while the rest could not do so. For those who could, more than half (57 percent) communicated using interpreters provided by the government, whereas some of the workers were helped by a supervisor or head of the fishing crew (21 percent), company-related staff (14 percent), and friends (8 percent) who translated for them.

HAVE OFFICIALS TALKED TO YOU DURING BOAT INSPECTIONS? (N=372)



Moreover, more than half of survey respondents (58 percent) said that the officials did not directly engage with them but only focused on document verification. This proportion of workers (58 percent) who failed to communicate directly with the officers is similar to the 59 percent found in the previous survey. Among the one third of workers (33 percent) who had communicated with the officials, 2 percent admitted that they did not understand the questions that the officials asked them, whereas 2 percent were suspicious or fearful of the officials. This finding confirms Human Rights Watch's (2018) analysis, which emphasized that the inspection of PIPO's officers was ineffective because the officers largely focused on checking documents but could not on building relationships with and gaining the trust of the migrant fishery workers.

WHAT DO YOU DO FOR LEISURE ON BOARD THE FISHING BOAT? (multiple answers)



7.4 ACTIVITIES OF WORKERS ON BOARD THE FISHING BOATS

Half of survey respondents (50 percent) said that they spent leisure time on recreational activities such as sport (e.g., Sepak Takrew), playing games on a mobile phone, chatting with friends about everyday life and familial problems. About two-fifths (39 percent) said that they practiced religious and cultural activities, showing that religion and culture are key parts of the social lives of migrant workers on fishing boats.

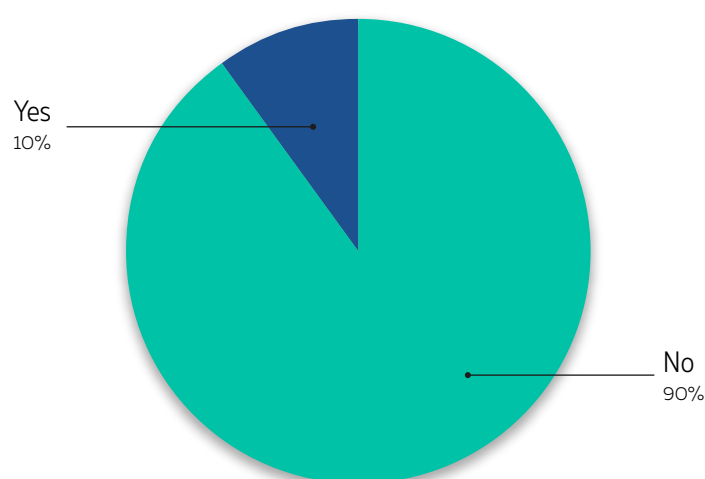
Moreover, the survey shows that workers also participate in self-improvement activities. For example, workers said that they spend some time with Thai language learning and language exchange, sharing their work experiences, and discussing personal and work-related problems while having meals. Note that some migrants refused to answer this question because they worked so hard that they did not feel they had free or leisure time onboard the fishing boats.

7.5 FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

Although more than three-fifths of workers (61 percent) said that they never participated in any formal group, a quarter was active participants in several associations, including social and religious associations (14 percent) and volunteer groups (9 percent). It is worth noting that a small group (5 percent) said that they participated in the activities of Thai trade unions (4 percent) and trade union activities in their countries of origin (1 percent).

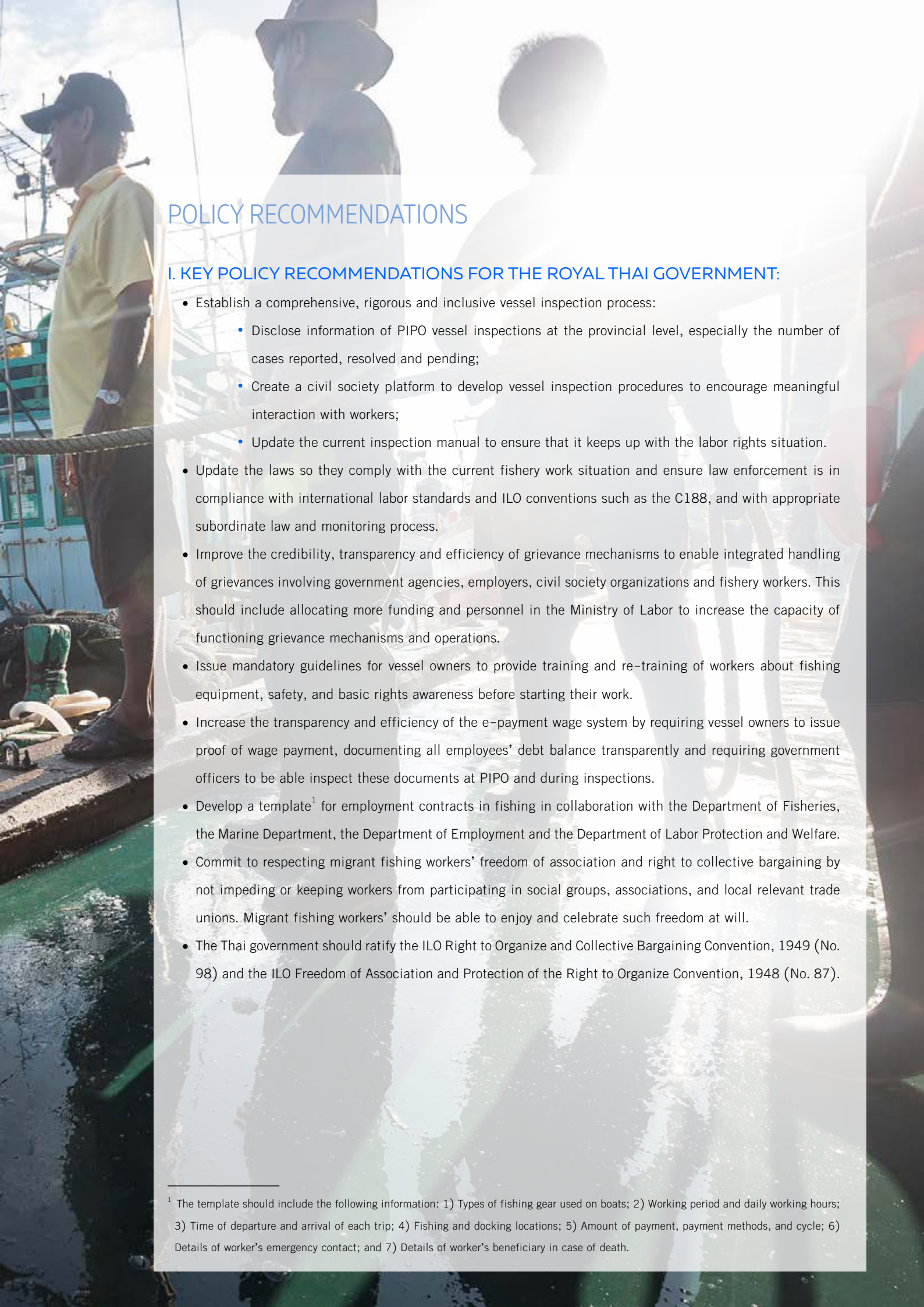
The survey likewise shows that workers were involved in other types of associations (11 percent), such as sports groups, work-related gatherings, discussion groups, and community-based groups.

HAVE YOU EVER NEGOTIATED WITH AN EMPLOYER? (N=416)



The survey shows that around one-tenth of workers have previously negotiated with employers, both personally and collectively, especially on issues of unfair wages. Almost 10 percent of survey respondents also said that they had joined their colleagues to negotiate with employers on issues such as raises and wage payment methods. Moreover, up to 15 percent said that they had individually negotiated with employers on issues of fair and punctual wage payment. Although the forms of collective bargaining were largely informal, for the first time our findings reveal the ongoing exercise of workers' fundamental labor rights—the right to collective bargaining. This is one of the basic rights of migrant workers protected by international law, but it is not yet recognized by seafood sector employers in Thailand or the Thai government.



The background image shows three men on the deck of a fishing boat. One man in the foreground is wearing a yellow shirt and a dark cap, looking towards the left. Behind him, another man in a dark shirt and a wide-brimmed hat is visible. To the right, a third man is seen from the back, wearing a light-colored shirt. They are standing on a wooden deck with various fishing equipment and ropes visible. The image is slightly faded to allow the text to be read clearly.

POLICY RECOMMENDATIONS

I. KEY POLICY RECOMMENDATIONS FOR THE ROYAL THAI GOVERNMENT:

- Establish a comprehensive, rigorous and inclusive vessel inspection process:
 - Disclose information of PIPO vessel inspections at the provincial level, especially the number of cases reported, resolved and pending;
 - Create a civil society platform to develop vessel inspection procedures to encourage meaningful interaction with workers;
 - Update the current inspection manual to ensure that it keeps up with the labor rights situation.
- Update the laws so they comply with the current fishery work situation and ensure law enforcement is in compliance with international labor standards and ILO conventions such as the C188, and with appropriate subordinate law and monitoring process.
- Improve the credibility, transparency and efficiency of grievance mechanisms to enable integrated handling of grievances involving government agencies, employers, civil society organizations and fishery workers. This should include allocating more funding and personnel in the Ministry of Labor to increase the capacity of functioning grievance mechanisms and operations.
- Issue mandatory guidelines for vessel owners to provide training and re-training of workers about fishing equipment, safety, and basic rights awareness before starting their work.
- Increase the transparency and efficiency of the e-payment wage system by requiring vessel owners to issue proof of wage payment, documenting all employees' debt balance transparently and requiring government officers to be able inspect these documents at PIPO and during inspections.
- Develop a template¹ for employment contracts in fishing in collaboration with the Department of Fisheries, the Marine Department, the Department of Employment and the Department of Labor Protection and Welfare.
- Commit to respecting migrant fishing workers' freedom of association and right to collective bargaining by not impeding or keeping workers from participating in social groups, associations, and local relevant trade unions. Migrant fishing workers' should be able to enjoy and celebrate such freedom at will.
- The Thai government should ratify the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

¹ The template should include the following information: 1) Types of fishing gear used on boats; 2) Working period and daily working hours; 3) Time of departure and arrival of each trip; 4) Fishing and docking locations; 5) Amount of payment, payment methods, and cycle; 6) Details of worker's emergency contact; and 7) Details of worker's beneficiary in case of death.

II. KEY POLICY RECOMMENDATIONS FOR INTERNATIONAL BUYERS AND THE SEAFOOD INDUSTRY PLATFORM (SEAFOOD TASK FORCE AND THE SEA ALLIANCE) VIS-À-VIS THE CSOS AND THE ROYAL THAI GOVERNMENT:

- Commit to strengthening migrant fishery workers' structural and collective power by advocating for their meaningful participation in local trade unions and engaging with the CSO Coalition to set up leadership-development programs for workers.
- Actively encourage the Thai government to promote freedom of expression, rights to assembly and association among migrant workers, including the government's ratification of relevant ILO Conventions. In addition, members should support human rights defenders and advocate for stronger labor rights protections and strongly discourage their suppliers from taking Strategic Litigation Against Public Participation (SLAPP) against human rights defenders.
- International buyers need to advocate for the CSOs' recommendations by issuing a public statement to support our demands to the Thai government, particularly on the strengthening of law enforcement, the improvement of labor rights violations detection in the process of vessel inspections, and the development of credible, accessible and efficient grievance mechanisms.

III. KEY POLICY RECOMMENDATIONS FOR SEAFOOD BUYERS AND RETAILERS IN COLLABORATION WITH THE THAI SUPPLIERS AND VESSEL OWNERS:

- International buyers should commit to fair remuneration and transparent payment methods:
 - By taking meaningful first steps toward the goal of guaranteeing a living wage in the sector through identifying a clearly defined living wage benchmark and highlighting existing gaps;
 - By ensuring that your suppliers offer fair remuneration and overtime pay in compliance with international laws and standards adopted in the fishing industry;
 - By making sure that suppliers and vessel owners provide workers with adequate information to raise awareness of their rights and to ensure they facilitate workers' access to social and legal protections (i.e. registration of social security and workmen compensation funds) and to ensure that workers who need access to grievance mechanism are not prevented from doing so.
- Seafood buyers should commit to institutionalizing responsible recruitment by:
 - Adopting the "employer-pay" principle in supply chains, encouraging their suppliers to do the same;
 - Disclosing publicly the progress of work done in your supply chains on promoting socially responsible supply chains.
- Buyers address substantial human rights risks and the labor rights situation in their seafood supply chains by:
 - Collaborating with their suppliers to complement social audit compliance in order to address substantial human rights risks in their seafood supply chains;
 - Committing to improve purchasing practices to impact labor practices in their supply chains to ensure that vessel owners have the capacity to comply with the code of conduct of vessel conditions and provisions of sanitary and safe living quarters, toilets, and adequate equipment on board for the safety of fishery workers.

- Seafood buyers should support their suppliers' work in partnering with civil society organizations, health experts and regulators to develop and update measures to enhance safety standards on board fishing vessels.

IV. KEY POLICY RECOMMENDATIONS FOR THAI SEAFOOD SUPPLIERS AND VESSEL OWNERS:

- Seafood companies should be more transparent about their existing worker voice/complaint mechanisms and enable national CSOs to be a party to confidential information provided by workers so that CSOs can monitor the remedial actions provided by their first- and second-tier suppliers in addressing complaints from workers.
- Seafood companies and vessel operators should increase worker confidence in grievance mechanisms by ensuring that workers have viable options to voice their grievances (i.e. worker welfare committees, hotline, etc.), guaranteeing appropriate protection for workers who speak up, as well as working with local CSOs to provide monitoring and supporting roles.
- Vessel owners must present written proof, upon request of officers, that they arrange for and provide workers with appropriate and accessible information regarding their work, such as their working conditions, place of work, wages, etc. before beginning to work for them. This written evidence must indicate the date, time, and location where the information was given and must be prepared both in Thai and the language that worker can understand and be signed by both the worker and his/her interpreter.



photo: Vinai Dithajohn/Oxfam

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Worker interviews were conducted by the aforementioned in addition to Polwish Subsrinunjai, Project Coordinator at Human Rights Development Foundation; Jiratheep Rerkyamde, Field Coordinator; Saroeun Se Field Officer; Pangna Pech Field Officer Migrant; Try Soeun, Field Officer Migrant; Tutsanee Tubsai, Field Coordinator; Chareefah Asaka, Field Officer; Prasong Ngiwsuban, Former Field Officer; U Myint, Field Officer; Kyaw Soe Naing, Field Officer at Raks Thai Foundation; Tatchaya Paokanta, Field Officer; Vandy Heng, Field Officer; Chaan Sokha, Field Officer at Stella Maris Seafarers' Centre, Sriracha; Rapeepun Pituksuwansarn, Project Officer; Ausman Lasoh, Mayusoh; Ba-ngosueta, Teerapong Sangtong Field Officer at Stella Maris Seafarers' Centre Songkhla; Tin Tun Bao, Field Officer; Heang Bora, Field Officer; You Vron Former Field Officer at Migrant at Stella Maris Seafarers' Centre Songkhla; Myo Min Set, Field Volunteers of the Labor Capacity Development; Tun Tun Naing, Field volunteers of the Labor Capacity Development at Foundation for Education and Development; Than Zaw Htai, Field Officer Migrant at Migrant Workers Rights Network; Natthaporn Kirdniyom, Field Officer; Kata Srijoom, Field Officer; at Labour Rights Protection Network; Chairat Rachpaksi, Former Fishermen Center Volunteer and Tun Lin Fishermen Center Volunteer at Labour Rights Protection Network.

This report was written by Kriangsak Teerakowitkajorn and was coordinated by the Asian Research Center for Migration (ARCM) led by Asst.Prof. Dr. Naruemon Thabchumphon, Samarn Laodumrongchai, Waranya Jitpong and Nithis Thammasaengadipha and Oxfam in Thailand team led by Rapatsa Trirath, CSO Coalition Project Coordinator, and Parinda Gunsakdinon Project Assistant.

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Finally, and most importantly, the CSO Coalition would like to thank each of the Burmese and Cambodian migrant workers who gave up their time to provide the information which made this report possible.

APPENDIX 1: SURVEY SUMMARY

ISSUES	BENCHMARK	FINDINGS	SURVEY RESULTS
Employment contract	Workers understand the terms of employment and content of the contract before signing it	Over half of the workers had no opportunity to read the contract before signing	• More than half of the migrant workers (54 percent) were not informed about the terms of employment, verbally or in writing before they began to work; this is a larger percentage compared to the two-fifths (42 percent) in the previous survey • More than three-quarters (78 percent) had no opportunity to read the contract before signing; this is a higher proportion compared to 69 percent in the previous survey • Two-thirds (67 percent) did not understand the contract; this is a larger proportion compared to three-fifths (57 percent) in the previous survey
	Access to an employment contract	Most fishery workers had no access to the employment contract, neither the original nor the copy	• Over four out of five workers (85 percent) had no possession to a contract, while a higher (90 percent) had no access to its copy • Approximately half (49 percent) did not know or could not access and make use of their employment contract when needed • The proportion of workers who did not have access to a copy of their employment contract is slightly changed
Payment methods	Wage payment through electronic payment	Most workers received direct cash from employers	Only one in five (20 percent) received wages through bank accounts, but nearly two-thirds (65 percent) were still paid in direct cash.

ISSUES	BENCHMARK	FINDINGS	SURVEY RESULTS
		Employers continued to pay in a lump sums, at intervals spanning 2–24 months, trapping workers in a dependency and debt cycle	• Over two-thirds (69 percent) reported receiving their payment as monthly wages while only 58 percent actually received wages on a monthly basis • Over two-fifths (44 percent) received the full amount of wages after a month of work • More than a quarter (29 percent) were paid in a lump sum at intervals spanning a period of 2–6 months, and more than one in five (22 percent) received wages in a period of 7–24 months • 11 percent of workers did not have earnings after wage deductions, while a few workers (6 percent) owed money to the employers after wage deductions
	Possession of an ATM card	Over two-thirds of migrant workers did not yet possess their ATMs	• More than two-thirds (67 percent) did not possess their ATM cards, and around half of respondents (53 percent) stated that the employers kept the cards for them • 10 percent of workers did not have a bank account or ATM card, or were not sure if they had a card
Working and rest hours	Workers enjoy uninterrupted period of 6 hours of rest per day	Situation of fishing workers regarding rest time has not improved from the previous year	Three out of five migrant workers (60 percent) stated that they “mostly” had at least one uninterrupted period of 6 hours of rest, but 14 percent reported they never had a rest period of at least 6 uninterrupted hours
	Paid sick leave	Over two-fifths did not enjoy the right to paid legal leave	• More than half (58 percent) exercised their rights to paid sick leave • 30 percent could take leaves but without pay, and 12 percent were not able to take leave at all when needed

ISSUES	BENCHMARK	FINDINGS	SURVEY RESULTS
	Overtime work (at sea)	Some workers (9 percent) had to work more than the legal limit on a regular basis	• Most respondents (91 percent) reported working less than 14 hours per day, as required by law • Some workers (9 percent) worked longer than 14 hours per day, which is less than about the one in five (19 percent) found in the previous survey
	Overtime work (at port)	Most workers worked overtime, but a small portion received overtime payment	More than two-thirds (71 percent) had to work at the port, but only one-fifth (17 percent) of this group received overtime compensation
Labor rights and grievances at work	Workers' awareness of labor rights	Situation of workers' labor rights awareness has improved from the previous survey. Nevertheless, more than half have not been informed enough about their labor rights	Three-fifths of workers (62 percent) have not been informed enough about their rights as fishing workers; a small proportion compared to 71 percent in the previous survey

ISSUES	BENCHMARK	FINDINGS	SURVEY RESULTS
	Grievances at work	Most migrant workers reported that they did not use grievance mechanisms because their rights have never been violated or they were not aware of their rights Nevertheless, some workers were not confident about grievance mechanisms and were afraid of reprisal For workers who sought redress with PIPO officials, the percentage of those who were unsatisfied was twice as large as those who were satisfied	• Over half of the workers (58 percent) stated that their rights have never been violated and about a quarter (24 percent) admitted that they did not know their rights • Some workers (6 percent) were not confident about grievance mechanisms; a larger proportion in comparison to the four percent found in the previous survey, while a fraction (3 percent) were afraid of reprisal • Only a tiny percentage (3 percent) used a grievance mechanism; more than half of this group sought redress through NGOs, while a quarter reported directly with PIPO officials • For those who reported directly to officials, the percentage of workers who were not satisfied with the outcome (15 percent) was twice as big as those who were satisfied (8 percent). By contrast, the percentage of workers satisfied with the outcome of NGO channels was far higher than those who were not satisfied (45 percent as opposed to 8 percent)
Freedom of association and right to collective bargaining	Workers' freedom of expression	Migrant workers were actively involved in religious and recreational associations	More than three-fifths (61 percent) never participated in any formal group. Of those who participate in groups, the most common forms of association are social and religious associations (14 percent) and volunteer groups (9 percent)

ISSUES	BENCHMARK	FINDINGS	SURVEY RESULTS
		A large number of workers previously negotiated with employers, both personally and collectively, especially on issues of unfair wages	10 percent of workers collectively negotiated with employers on employment and working conditions, with a higher proportion (15 percent) of workers who individually negotiated with employers
Interaction with government officials	Vessel inspection	Government officials still focused largely on document inspections and lacked adequate interaction with workers	• A large majority of workers (92 percent) in fishing recalled being inspected by officials when entering the port and at sea • More than half (58 percent) never directly communicated with officials, who only inspected documents, a percentage equivalent to the previous survey • A tiny fraction of workers (2 percent) did not understand the officials and the same proportion (2 percent) remained suspicious or fearful of them

RELATED LAWS:

1. EMPLOYMENT CONTRACT

- The Ministerial Regulation Concerning Labor Protection in Sea Fishery Work B.E. 2557 (2014) and Announcement of the Department of Welfare and Labor Protection, regarding the employment contract form for work in fishing (Por. Mor. 1 Form) specify that both employer and employee should possess a duplicate contract, and both must read and understand the terms of the contract before signing.
- Section 23, Emergency Decree on Management of Foreigners' Work B.E. 2561 (2018) requires that employers prepare a written contract with the detail as prescribed by

the Director-General and have it ready for inspection, notify the registrar within fifteen days after workers resign as well as specify the reason for their resignation.

2. WAGE PAYMENT SYSTEM

- The Ministerial Regulations Concerning Labor Protection in Sea Fishery Work B.E. 2557 (2014) and B.E. 2561 (No. 2) stipulate that employers pay wages at least once a month at a rate not lower than the minimum wage multiplied by 30 days, pay them electronically for transparency and accountability, and that employers keep a record

of all payments.

- On wage deductions, the Emergency Decree on Management of Foreigners' Work B.E. 2561 (2018) permits the deduction of expenses which the employer has paid, including for the passport fee, health examination fee, work permit fee, or other expenses as specified by the Director-General of the Department of Employment, but employers cannot deduct more than 10 percent of wages.

3. WORKING HOURS

- The ILO Work in Fishing Convention No. 188 requires that the fishing workers have at least 10 hours of rest time per day at sea and not less than 77 hours per week.
- Similarly, section 5 of the Ministerial Regulation on Protection of Workers in Marine Fisheries B.E. 2557 (2014) stipulates that employers provide workers with a rest period of no less than 10 hours in a 24-hour working period.
- Section 1 of the Ministry of Labor Guidelines on Rest Hours Management for workers in Marine Fishers (Dec 2014) requires that at least one uninterrupted rest period of a minimum of six hours in length in a 24-hour period at sea.

4. PROVISION OF FOOD, DRINKING WATER, MEDICINES AND MEDICAL SUPPLIES ABOARD

- Section 6 of the Ministerial Regulation on Occupational Safety, Health and Welfare System of Crews B.E. 2559 (2016) states that fishing vessel operators with a vessel size of 30 ton gross must provide workers with adequate and hygienic food and drinking water suitable for the working conditions and period of stay onboard the fishing boat.
- Section 9 of the Ministerial Regulation on Occupational Safety, Health and Welfare System of Crews B.E. 2559 (2016) requires the provision of medicines and basic first aid supplies.

- Sections 3(1), (2), and (3), require that workers be trained in the safe operation of fishing equipment prior to work.

5. PAID SICK LEAVE OF WORKERS IS GUARANTEED BY SECTION 10 OF MINISTERIAL REGULATIONS ON OCCUPATIONAL SAFETY, HEALTH AND WELFARE SYSTEM OF CREWS B.E. 2559 (2016).

6. WAGE DEDUCTIONS

- Section 76, Labor Protection Act B.E. 2541 (1998) states that an Employer shall not make any deductions from wages, overtime pay, holiday pay and holiday overtime pay except the deductions made for specific payments such as income tax and labor union dues, and payment of debts owed to the saving cooperatives or other cooperatives of the same description, or of debts relating to beneficial to the employee solely, with the prior consent of the employee.
- The deductions for any item shall not be made in excess of ten per cent, and in aggregate shall not exceed one fifth of the money to which the employee is entitled at the time of payment under Section 70, except with the prior consent of the employee.
- Moreover, according to Section 77, an employer is required to obtain the consent of an employee or to make an agreement with an employee concerning deductions under Section 76, and the employer shall arrange for written consent to be signed by the employee or as a particular agreement to be made.
- In terms of deductions made for recruitment fees, the employer can only deduct payment for income tax in an amount that should be paid by the employee. In case of doubt, Section 139 allows a labor inspector to issue an inquiry notice or to summon an employer, employee, or other relevant persons to give factual statements or to submit objects or relevant documents for consideration.

APPENDIX 2: KEY RELEVANT STUDIES

Based on research conducted in 17 of 22 coastal provinces between 2015 and 2017, HRW (2018) reported various forms of labor rights abuses, including deception in the key terms of employment, retention of identity documents, wage withholding, unfair payment, excessive work hours, and obstruction of freedom to change employers (p. 6).

Two comparable surveys on working conditions in the Thai fishing industry by the ILO (2018), conducted in 2013 and early 2017, highlighted both positive changes and persistent labor rights violations in the fishing industry. Similar to HRW's (2018) findings, the ILO baseline survey (2018) found common practices of wage deductions, mixed forms of payment with share of catch, significant gender wage gaps, and forced labor indicators such as deception in recruiting and contracting, wage withholding, and widespread identity document retention. Nevertheless, when compared with results from the previous research done in 2013, ILO (2018) discovered some signs of improvement, including responses suggesting that more fishery workers had signed a written contract, despite a low number of them possessing a copy of it; more workers also reported being paid by a fixed wage rather than being paid with a share of catch (for details, see the comparison table below). The report also found indications that suggest improvements in labor control enforcement, such as fewer incidents of physical violence and abuses and a very low number of younger-than-18-year old fishery workers found on board fishing vessels.

Comparison of key findings in terms of employment practices¹

CONCERNS	ILO EMPLOYMENT PRACTICES STUDY (2013)	ILO BASELINE SURVEY (2018)
Written contract	• 93.8% of respondents did not have a signed contract; 2.3% did not know; Thai fishery workers were not in a better situation • Senior crew members were in slightly better situations than deckhand fishery workers	• 36% of the surveyed workers recalled signing a contract • 43% of the fishers recalled signing a contract, compared to 29% of the seafood processing workers • Among these, 14% recalled having received a copy

¹ Due to major variations in sampling methods, sample sizes and analytical emphasis, comparison cannot be made simply via simple data juxtaposition, but only after considering the different research methodologies. This comparison table is thus made for the purpose of presenting crude cross-analysis data. While researchers in the ILO 2013 study conducted field studies with 596 fishers (49, 241, and 306 fishers from Thailand, Cambodian, and Myanmar, respectively) in 4 provinces: Samut Sakhon, Rayong, Ranong, and Songkhla, the 2018 survey included 434 workers (22, 125, and 287 workers from Thailand, Cambodian, and Myanmar, respectively), both seafood processing and fishing vessel workers (27%, 75% and 33% of the total workers from Thailand, Cambodian, and Myanmar, respectively) and was conducted in 11 provinces: Rayong, Chonburi, Samut Sakhon, Chumphon, Surat Thani, Songkhla, Pattani, Phuket, Trang, and Phang Nga.

CONCERNS	ILO EMPLOYMENT PRACTICES STUDY (2013)	ILO BASELINE SURVEY (2018)
Working hours ²	• 41.1% reported indeterminate working hours; among these, 26.5% of Thai fishery workers worked for an indeterminate number of hours • 25.8% worked >17 hours/day • More number of short-haul fishery workers worked for fewer hours (<8 hrs/day) than long haul fishery workers	• Fishers reported working 6.2 days on average per week, with a working day of average 11 hours • 22% of fishers reported working typically >14 hours per day, with most of these respondents working around 16 hours or longer • Legal provision of overtime is not defined by Thai law, which instead limits working hours and guarantees the periods of rest beyond 14 hours of work • 65% of the fishers reported no day off per week, which violated the legal guarantee of one day off per week plus sick leave
Periods of typical rest on board	Short-haul fishery workers • 38.4% had <5 hrs/day rest period • 35.1% had indeterminate rest hrs Long-haul fishery workers • 28.3% had <5 hrs/day rest period • 46.2% had indeterminate rest hrs	13% of fishers reported having fewer than 7 hours of rest per a typical day
Sufficiency of rest at sea	• 73.6% felt they had enough rest • Fishery workers with <8 hrs rest/day said they had enough rest, but fishery workers with 9–16 hours/day felt the rest was inadequate (the report noted that the latter were mostly on very labor intensive purse seine net³ fishing vessels)	n/a

² The ILO Convention on Work in Fishing (2007), or C.188, specifies that for any 24-hour period, the minimum hours of rest must be no less than 10 hours and be no fewer than 77 hours in any seven-day period. It also specifies that, “For fishing vessels, regardless of size, remaining at sea for more than three days, after consultation and for the purpose of limiting fatigue, establish the minimum hours of rest to be provided to fishers.”

³ The report defines purse-seiners as “vessels that only operate during the night. The skipper uses a sounder/sonar to search for schools of fish. When the fish are found, the vessel encircles them with the net, which is closed from underneath the fish and hauled on board. Fish are stored in the fish hold and covered with ice. In general, the skipper will set the net 3–4 times per night.”

CONCERNS	ILO EMPLOYMENT PRACTICES STUDY (2013)	ILO BASELINE SURVEY (2018)
Wages	• Most fishery workers were paid with a portion of catch • Mean wage was THB6,483, with a higher mean for Myanmar fishery workers than for Cambodian fishery workers • 47.7% received <THB5,000/month • 43.3% received THB5,001–10,000	• Average wage was THB9,980 in fishing, and THB9,270 in seafood • 66% of the workers reported being paid more than a minimum wage, THB9,000, before deduction • 73% of men received the minimum wage or more, while only 48% of women did. • 76% of fishers reported being paid the minimum wage or more, compared to 57% in seafood work
Payment conditions	• 48.3% received basic wage plus a share of the catch • 41.3% received wages based on a share of the catch • 10.4% received only a basic wage	• 22% of fishers received wages completely based on a share of catch (compared with only 3% in seafood work)
Frequency of payment	• 63.4% received payments every month • 12.9% received quarterly payments • 12.2% received payments at the end of each trip	• 52% of all workers were paid monthly • Wage withholding was common among fishery workers, of which 24% subjected to delayed and partial payment • Among the fishing workers who received partial or lump-sum payment, the average payout was THB112,000 after 11 months of working and waiting.

CONCERNS	ILO EMPLOYMENT PRACTICES STUDY (2013)	ILO BASELINE SURVEY (2018)
Wage deduction ⁴	• 57.9% reported no deductions • 42% reported a portion of their pay was deducted for (1) debt incurred or repayment of wage advances (15.4%); (2) food and drinking water (5.4%); (3) worker card fees (1.7%); (4) leave days (0.8%); and (5) accommodation (0.5%); 18.3% did not know what the deductions were for. • Fishery workers on short-haul boats were more likely to have deductions taken from their pay than workers on long-haul boats (43.9% vs. 34.0%). They were also slightly less likely to know why deductions were being taken from their pay	• 56% of all workers reported some form of wage deduction, the most common were • 13% fees for the pink Thai ID card • 15% advance payment on salary or debts • In fishing work, 48% of respondents who reported deductions were left with THB5,430 per month on average after the deductions, accounting for 45% less pay than those fishers without deductions, with an average salary of THB9,980 • 52% of fishing workers reported receiving loans or an advance payment
Food and drinking water	88.2% (N=529) reported they received sufficient food and water while 11.2% (N=67) reported they received insufficient rations	n/a
Voluntary decisions	• 16.9% (N=101) reported they were working against their will, while the rest reported working willingly	ILO (2018) instead measured indications of possible forced labor situations • More accounts of forced labor indicators were found among fishing than in seafood work. • 23% of fishers reported experience of one form of abuses indicative of forced labor • 37% of fishers reported deception in their recruitment while 40% described abusive working conditions • 24% of fishers reported partial wage withholding, while 30% reported a lack of access to identity documents

⁴ The Thai Labor Protection Act makes clear that only legal deductions include income tax payment, labor union dues, debts owed to savings cooperatives, and damages caused to the workplace and provident fund contributions.

CONCERNS	ILO EMPLOYMENT PRACTICES STUDY (2013)	ILO BASELINE SURVEY (2018)
Future plans	• 52.7% of the fishery workers surveyed intended to continue working with the current employers; another 9.2% want to continue working in fishing, but with a different employer. • 24.7% intended to shift to another industry in Thailand • 6.9% had a plan to return to their home country either temporarily or permanently	

In sum, ILO (2018) discovered overall compliance for minimum working age, work hours, and minimum wage, with less compliance on zero recruitment fees and work contract. For instance, the law⁵ requires that employers, not the fishery workers, pay recruitment fees in Thailand, yet 35 percent of fishery workers reported paying the recruitment fees in Thailand at an average of THB8,860.

The government-led IUU regulatory reforms since 2015 and most importantly the ratification of the ILO Work in Fishing Convention (2007)—or C188—has recently imposed stricter labor standards on many aspects of work in the fishing industries. Therefore, to measure the degree of legal compliance to Thai laws, besides considering the relevant questions in the pre-reform context, the ILO (2018) made further inquiries on the new benchmarks on vessel types, recruitment fees, occupational health and safety, fishers' access to benefits, social and organizational support, as well as memberships with cultural groups and labor associations. Interestingly, the survey found that the most commonly used benefit scheme was the government health insurance program, with 79 percent of respondents enrolled in the program and higher rates of enrollment in fishing than in seafood work—89 percent as opposed to 70 percent, respectively. More importantly, 57 percent of workers reported experiencing serious labor abuse, but only 26 percent sought out help, among whom 13 percent reported the problem resolved. Unfortunately, the survey did not provide the breakdown analysis of differences between workers on fishing vessels and those involved in seafood processing work.

In significant ways, the ILO (2018)'s findings are also comparable to those of the CSO Coalition (2018)⁶'s research, conducted between December 2017 and February 2018, which addressed and benchmarked issues of working conditions, terms of employment, and employer practices, focusing on working hours, occupational health and safety, and fishers' interaction with government officials. In general, the CSO Coalition (2018) found compliance in providing sufficient rest hours at sea, adequate food provision, first aid supplies and training for the safety equipment. Moreover, a large proportion of fishers (62 percent) reported possession of some form of identity documents. Nevertheless, the survey differs from the ILO's large-scale surveys in its intentional aim of demonstrating discrepancies between strict observances of the laws and "work-around" practices of the employers.

⁵ The Royal Ordinance Concerning Rules on Bringing Migrant Workers to work with Employers in the Kingdom

⁶ It is the precursor of this desk review, which surveyed 300 migrant workers employed in six coastal provinces by fishing vessels owned by Thai companies.

APPENDIX 3: THE CSO COALITION'S KEY RECOMMENDATIONS AND RECENT PROGRESS

Since September 2018, the CSO Coalition has sought to constructively engage the Thai seafood industry through continued dialogue centered on four key policy recommendations tabled by the Coalition: (1) responsible recruitment; (2) grievance mechanisms and rights of association; (3) occupational health and safety; and (4) juvenile fishery management. The CSO Coalition tabled these policy recommendations with the following key Thai companies: *Charoen Pokphand Group (CP)*, *Thai Union (TU)*, and *Seafresh*. These companies are major players in the global seafood sector. CP is the largest agri-conglomerate in Thailand and one of the world's heavyweights. Thai Union is one of the biggest global canned tuna producers and seafood companies. Seafresh is a prominent supplier of frozen shrimp to the UK market. Constructive engagement through dialogue with these companies is ongoing. This appendix aims to identify the latest progress in the key labor recommendations that the CSO Coalition made in dialogues with seafood companies since a public talk at Chulalongkorn University in August 2019, including recent brief updates from May 2020. Please note that the May 2020 updates have not been evaluated for their effectiveness; rather they seek to indicate which areas the companies are focusing on in relation to our policy recommendations. We would need to undertake systematic follow ups with companies through in-depth interviews with the companies and with relevant stakeholders to follow up on these developments.

1. RESPONSIBLE RECRUITMENT

The CSO Coalition proposes the following policies for responsible recruitment: **1) Pre-departure Training Session:** The CSO Coalition proposes that companies work with relevant CSOs in their countries of origin to offer training on labor rights and other relevant labor laws, as well as offering a grievance mechanism to workers prior to commencing their work in Thailand, so that workers know about the existing grievance channels available to them should they need them. This training session should also provide information about the expenses which will be borne by individual workers who come in groups to work with companies. **2) Post-arrival Labor Inspection:** Random interviews of workers have been proposed in collaboration with CSOs in Thailand. Such interviews could help provide insight into potential abnormal practices such as charging illegal recruitment fees. It would also help in efforts to select brokers and develop appropriate policies with clear timeframes. Furthermore, it would help to ensure an annual public disclosure of recruitment processes and their trends. The CSO Coalition further urges companies to adopt measures to support these recommendations with the company's first tier suppliers within a clearly defined timeframe.

The above three Thai seafood companies have publicly committed to providing training for migrant workers prior to leaving their home countries to ensure transparency and understanding about their expected working conditions and contracts, wages and welfare, rights and grievance mechanisms. At the same time, post-arrival interviews (done after arriving in Thailand) are now being implemented to check on employment irregularities

especially those tied to recruitment fees. This is being done in collaboration with third party organizations (national and international CSOs).

May 2020 update: CPF shared that it is recruiting migrant workers directly through its bilateral Memorandum of Understanding– without any labor subcontractor in Thailand involved in the recruitment process – and noted that it set strict selection criteria for its recruitment agency at country-of-origin. It further says that it inspects these agencies’ services for their compliance with legislation and CPF’s policies. CPF also notes that the company is responsible for: a) the recruitment service fee charged by recruitment agency; b) expenses related to recruitment process occurring in Thailand, including such expenses for work-permits, visas, medical check-ups, etc. Moreover, TU shared that in 2019–2020 it continued to implement its Ethical Migrant Recruitment Policy and is addressing areas for improvement identified in the independent evaluation report. Recent efforts by TU include the following: a) introducing an annual training program for all labor recruitment agencies to reinforce their understanding of both the Ethical Migrant Recruitment Policy and the TU Business Ethics and Labor Code of Conduct; b) introducing an outside audit of the labor recruitment agencies to further monitor compliance. The three above companies participate in the responsible recruitment program of the Seafood Task Force, which is implementing the On-the-Level-standard run by the Fair Hiring Initiative.

2. GRIEVANCE MECHANISMS AND RIGHTS OF ASSOCIATION

While Thailand has yet to ratify the ILO conventions 87 and 98, the CSO Coalition proposes that companies should ensure basic labor rights principles associated with workers’ voices and representations by following the following six principles which could be implemented through the existing Worker Welfare Committee.⁷

1. **Meeting frequency.** Currently the WWC meets once every three months. However, the long interval between such WWC meetings does not realistically meet the needs of workers, especially when urgent cases arise. The CSO Coalition therefore proposes that WWC meetings could be called and held if there are urgent cases which need immediate or urgent attention.

⁷ Important Note

- The Worker Welfare Committee (WWC) is a workers’ voice mechanism which aims to protect workers’ rights and to provide workers a safe/trusting grievance process in the workplace. The WWC should not be taken as a replacement of a genuine workers’ union that fully promotes the freedom of association and collective bargaining of workers in their workplace.
- Under the current limitations of the Labor Relations Act, migrant workers cannot legally and independently form workers’ unions. Thus, they currently are not able to legitimately voice their collective concerns/issues and not able to directly report genuine grievances arising from their employment to the Thai government. The CSO Coalition strongly encourages the provision of workers, regardless of nationalities the ability accesses the freedom of association and collective bargaining power to negotiate and share their concerns with management/employers.
- These six principles, proposed by CSO Coalition, provides practical steps which factories/companies can take to incrementally move towards the full ability of workers to organize. To enable this critical shift from a management-centered worker voice mechanism to an independent worker-centered worker voice mechanism is crucial.

2. **The presence of decision makers in the meetings.** Company management or decision makers should treat the WWC professionally. They should be promptly and well-informed of WWC decisions and discussions. The CSO Coalition proposes that those who have decision-making power should join in the meeting each time it is held to ensure a proper management buy-in.
3. **Proportional representation.** The WWC should have a proportional number of representatives in relation to the number, nationality, and gender of the workers, and establish these proportions in a clear set of guidelines which should be approved.
4. **Free & Fair election process.** There should be an established set of guidelines for how representatives are being elected to join the WWC. This includes the ability to freely campaign for what they will stand for, if they are elected as members of the WWC. Candidates should be treated fairly and openly to ensure that the process remains transparent, without intervention from either company management or influence from other vested interests about who will be or should be elected to the WWC.
5. **The Rights, Roles and Responsibilities of Training.** Once WWC members are elected, they should receive formal training/orientation about their rights, roles and responsibilities as its members. This training should be independently conducted by relevant third-party NGOs and/or trade unions.
6. If applicable, WWC should be established in ALL factories across the company's supply chains in accordance to the Labor Relations Act. The WCC should not be treated as a pilot project by companies; rather, it should be adopted and standardized throughout the company's supply chains. The company should specify its roadmap, with a clear timeline and report on the degree of coverage (in percentage terms) across its facilities for setting up the WWC.

The three above companies are committed to establishing effective grievance mechanisms, and at the same time to promoting the rights of association by having functioning Workers Welfare Committees (WWC) set up in all their factories. Functioning WWCs are particularly important since migrant labor constitutes nearly 100% of the workforce in the seafood sector, Thai law prohibits them from setting up trade unions. The principles committed to by the companies to achieve effective WWC include, for example, free and fair elections, proportional representation for nationality and gender, regular meetings with factory management.

May 2020 update: Seafresh maintains its coverage of the existing grievance mechanism/worker welfare committee with internal and external grievance channels, including collaboration with the Issara Institute. CPF shared that since Q3 2019 it has put the following measures in place on the corporate level: a) placing an additional employee representative on the welfare committee for every 400 workers throughout its entire operations; and b) forming a Welfare Sub-Committee consisting of 6 members, carefully selected from the diversity of its employees based on ethnicity, religion, gender and disability.. Concerns and complaints from any worker are voiced through this sub-committee which, in turn, reports and consults with the WWC. Besides maintaining the WWC, in 2019, TU began a project named "Tell Us" in partnership with Verité to strengthen worker voicing mechanisms in the company. Among other things, this project will raise the capacity of its human resource and related teams to effectively handle workers' complaints, feedback, or suggestions. In 2019, also TU launched a third-party global whistleblowing platform (<http://thaiunion.ethicspoint.com/>) that would allow all of its em-

ployees around the world (including both Thai workers and migrant workers in Thailand) to raise their concerns through web and phone-based intake systems.

3. OCCUPATIONAL HEALTH AND SAFETY

The CSO Coalition proposes that companies should offer training sessions to workers on health and safety like the following.

- Health and Safety training sessions at ports: The companies should support vessels that provide certified training in health and safety to ensure that at least two crew members per vessel above 30-ton gross (current law requires this for 60 -ton gross) utilize the updated health and safety manuals. Establish an independent monitoring mechanism and post-training evaluation modules.
- A post-arrival training session should be offered to prepare workers before they commence working in the companies' facilities. This training session should cover the rights and duties of employers and employees, how to safely use equipment and machinery, basic first aid, as well as provide follow-up sessions.

All three companies are committed to high-level training sessions at their own processing factories. However, a key development has been Thai Union's decision to start working with the vessel owners in its supply chain to provide all vessel crews and workers with training on health and safety.

May 2020 update: Seafresh updated its activities in 2020, noting that it has concentrated on adopting prevention measures in relation to the Covid-19 pandemic. Thai Union is also planning to hold additional workshops on health and safety training this year for its workers.

FALLING THROUGH THE NET II

A Survey of Basic Labour Rights among Migrants
Working in Thailand's Fishing Sector

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For the first time,
there is a promising
exercise of employees'
fundamental right to
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and working conditions.