



# Thailand Hotspot Annual Report

## 2019



# Thailand Annual Report 2019

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## 1. Operating Context

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In January 2019, the Royal Thai Government ratified the ILO Convention on Work in Fishing (C188), becoming the first country in Asia to do so. Whilst the domestic Thai law implementing the provisions of the Convention came into effect in November 2019, operational regulations and guidelines had not been finalised by the end of 2019. In 2018, the government also ratified the ILO Protocol to the Forced Labour Convention, and in April 2019, the national Anti-Human Trafficking Act was amended to incorporate a new stand-alone criminal offence of forced labour, thus providing the possibility for prosecution of forced labour independent of the crime of human trafficking. Whilst this is a positive step, it is not a stand-alone law as some civil society organisations had advocated for. As the offence is incorporated into the Anti-Human Trafficking Act it is as yet unclear how regulation and procedures under this Act, as managed by the Ministry of Social Development and Human Services, will be implemented for the distinct crime of forced labour and how responsibilities will be divided between Ministries and Departments. The regulations underneath the Act had not been enacted at the end of 2019, and therefore operating procedures and guidance have not been developed for local officials.

Following on from the ratification of international treaties in 2018 and early 2019, the European Union removed the Yellow Card against Thailand for illegal, unreported and unregulated fishing in January 2019. In March 2019, national elections were held in Thailand and coalition government was formed, made up of several political parties, with the previous head of the military government (Prayut Chan-o-cha) continuing as the elected Prime Minister. Parties differ on their policies related to fishing and labour, so the various political parties that make up the coalition government are all important. Throughout 2019 there was continued strong opposition to labour reforms in the fishing industry by the National Fisheries Association of Thailand (NFAT). NFAT held protests and lobbied various key political parties and stakeholders demanding a different migration process for migrant fishers, a reduction in labour protections for workers and reduction of penalties for any infringements by employers, a change the regulation from 100% electronic payment of fishers to 50% cash, and 50% electronic payment and removal of charges related to port-in and port-out inspections. Hotspot partners tried to counter the requests of NFAT in different ways, through direct engagement with political parties and advocacy to government. In December 2019, the government announced a special Committee to oversee fishing, and committed to maintain the reforms.

A labour shortage continues in the fishing sector in Thailand. In October 2018, Myanmar and Thailand agreed to recruit 42,000 Myanmar workers by the end of the year to address labour shortages, however, by the end of 2019 only approximately 7,000 workers from Myanmar, Laos and Cambodia had been recruited via this agreement. In August 2019, the government agreed to allow migrant workers in Thailand to renew their registration. In December 2019, the Thai government also agreed that, under Article 83 of the Royal Ordinance on Fisheries (2015), that the Department of Fisheries could issue work permits to new migrant workers to work in the fishing sector. Partners have consistently noted that migrant workers usually have to rely on their employer to register them, and employers often charge illegal costs resulting in workers going into debt to employers.

In November 2019, the Royal Thai Government amended social welfare policies for fishers: it expanded eligibility to enrol in the Social Security Fund and instituted automatic entitlement to the Workmen Compensation Fund which covers all work-related injuries and death.

The United States Trafficking in Persons Report was released in June 2019. Thailand remained ranked as a Tier 2 country, with the report citing that legislative progress had been made, however, minimum standards were



still lacking. One area that was specifically highlighted was the government inadequate response to labour trafficking. In October 2019, the U.S. Trade Representative (USTR) suspended US\$1.3 billion in preferential tariffs for many Thai imports due to concerns about violations and weak protection of labour rights, particularly freedom of association, collective bargaining and judicial harassment of activists. Thailand has until April 2020 to take steps to have the trade privileges reinstated. As at end of 2019, there was no reported changes to the relevant key pieces of legislation or policy.



## 2. Progress Towards Systems Change

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### Policy/legislative

In January 2019, the Royal Thai Government ratified the ILO Convention on Work in Fishing (C188). The national law implementing this Convention became law in November 2019. This is a significant step forward for Thailand, the first country in Asia to ratify the Convention. In April 2019, the Anti-Human Trafficking Act was amended to incorporate a new stand-alone criminal offence of forced labour, thus providing the possibility for prosecution of forced labour independent of the crime of human trafficking. This amendment implemented ILO Protocol 29 into domestic law. The hotspot contributed strongly to both of these legislative outcomes, with a high number of international and local partners carrying out evidence-based advocacy to the Thai government, as well as to international governments and business, in order to push for international ratification of these treaties and relevant national law. However, as yet the national laws have not been implemented on the ground in Thailand as the regulations that set out how departments will operationalise the law have not been enacted. There is also a need for a public campaign to educate employers, employees and local authorities on the effect of the new laws.

### Government performance

The government has continued to work with OceanMind to improve monitoring of vessels and subsequent enforcement action by both land and sea officials. OceanMind has also started to work on an algorithm to help identify vessels more likely to have infringed labour laws, including forced labour legal sections. In a different area, the government has agreed to work with a partner under the project, Save the Children, to improve the implementation of case management guidelines in government human trafficking shelters. Significantly, the Division of Anti-Trafficking have agreed to fund part of the training required and requested the training be extended to all government shelters, demonstrating substantial buy-in.

In November 2019, the hotspot published an evaluation of the mandatory electronic payment system<sup>1</sup> that was introduced by the government to try and improve payment transparency and accountability in the fishing industry. Previously, fishers were often paid at the end of a season, and in a lump sum, minus both legal and illegal pay deductions and loan repayments. The report found that, whilst it seems that more fishers are now paid a minimum wage monthly, many employers were setting up bank accounts for fishermen themselves and controlling their ATM card. This means that, in many cases, workers were still being paid cash and transparency and accountability were still limited. The report set out key findings, with recommendations for action. Another partner, the Environmental Justice Foundation, had also produced a briefing with recommendations on how to improve implementation of the system. One recommendation of both reports related to improved labour inspections as part of the Port-In and Port-Out process to check control of ATM cards. To prompt the Ministry of Labour to take action, partners organised meetings to discuss the findings with the Ministry of Labour, as well as sending the report and summary to the Ministry. In December 2019, the Minister of Labour sent a letter to the Department of Labour and Welfare (DPLW) asking them to improve checks in relation to fisher ATM cards. After this letter, the DPLW sent letters to the Port-In and Port-Out authorities urging strengthening of the process of monitoring and verifying payments and use/control of ATM cards.

<sup>1</sup> <http://www.rapid-asia.com/news/publication/baseline-study-evaluation-electronic-payment-system-thai-fishing-industry/>

## Business performance

The Fair Hiring Initiative has initiated a recruitment pilot under the hotspot. Companies involved had mapped their labour supply chains, had a greater understanding of the costs for workers involved in recruitment, and had agreed to a range of policies required to implement responsible recruitment in future. They have agreed to implement a model that will likely significantly reduce recruitment-related costs for thousands of workers. Up to 12 recruitment agencies will be included in the pilot and will benefit from improved processes and oversight as well.





## 3. Hotspot Outputs & Outcomes

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### 3.1 Headline Results

In 2019, the hotspot shifted more towards working to ensure comprehensive implementation of new laws, policies and processes to enable the promise of the seafood reforms in Thailand to be fully realised on the ground by workers. This included a focus on grants to partners that can accompany government and business in moving to implement better policies. At the community level, partners worked to support migrant worker community networks and leaders, building skills and knowledge to enable migrant worker leaders to assist and represent their community moving forward. Partners also directly supported migrant workers facing high vulnerability or exploitation at work through provision of legal and social services.

#### ***Critical domestic legislation passed and became operational***

Two key pieces of legislation were passed and became operational in 2019: an amendment to the Anti-Human Trafficking Act to incorporate an offence of forced labour; and a new Work in Fishing law to regulate and improve working and living conditions of fishers in line with ILO Convention 188 on Work in Fishing. Many international and Thai partners were involved in advocacy to government pushing for these outcomes.

#### ***Focus on both oversight and accompaniment***

The hotspot worked to both independently monitor implementation of reforms as well as provide tools and assistance to enable reforms to be realised on the ground. In relation to monitoring and oversight, the hotspot published critical research in 2019 including: an analysis of the electronic payment system for fishers with recommendations for action to improve it<sup>2</sup>; an analysis of an ethical recruitment model used in Thailand, with recommendations for companies to learn and build on<sup>3</sup>; and an evaluation of the progress of business (and the Seafood Task Force) to reform their practices to address vulnerability to forced labour with recommendations for action<sup>4</sup>. The Thai CSO Coalition on Ethical and Sustainable Seafood are also in the process of publishing a report on working and living conditions in fishing, to track how reforms have actually affected workers' conditions in reality. In relation to the accompaniment and assistance, the hotspot focused on: assistance to government to implement a strong vessel monitoring, control and surveillance system; monitoring and also providing advice in relation to the operation of Port-In and Port-Out centres; assisting the government to improve case management at human trafficking shelters; and starting a pilot with a number of large seafood companies to improve responsible recruitment.

#### ***Improving migrant worker organising and representation to employers and local authorities***

Migrant worker networks and leaders were trained on labour rights and leadership, strengthening the ability of workers collectively seek change and provide support to each other. At least 254 migrant worker leaders were supported to represent their community members and fellow migrant workers either through negotiating with employers or through facilitated meetings with local government officials.

#### ***Providing services to migrant workers affected by or vulnerable to forced labour***

<sup>2</sup> <http://www.rapid-asia.com/news/publication/baseline-study-evaluation-electronic-payment-system-thai-fishing-industry/>

<sup>3</sup> [https://impactlimited.com/wp-content/uploads/2019/11/Revised-final-version\\_Impactt-Thai-Union-report-Ethical-Recruitment-Translating-Policy-into-Practice\\_31-Oct-2019.pdf](https://impactlimited.com/wp-content/uploads/2019/11/Revised-final-version_Impactt-Thai-Union-report-Ethical-Recruitment-Translating-Policy-into-Practice_31-Oct-2019.pdf)

<sup>4</sup> [http://www.praxis-labs.com/uploads/2/9/7/0/29709145/09\\_hu\\_report\\_final.pdf](http://www.praxis-labs.com/uploads/2/9/7/0/29709145/09_hu_report_final.pdf)



In 2019, 12,857 new migrant workers were provided with legal and social services when either affected by a situation of forced labour or vulnerable to forced labour. These services included: providing legal assistance with human trafficking, labour rights and immigration legal matters; assisting workers to access administrative and government services such as social security and migration documents; training migrant workers leaders to provide legal and social assistance directly to workers in their community; providing temporary shelter to those that had to leave their workplace and are vulnerable; and pre-department and post-arrival training for migrant workers.

### 3.2 Progress towards hotspot objectives

**Hotspot Objective 1: To incentivise and support the private sector to improve transparency and adopt ethical labour practices leading to an eradication of forced labour in the seafood supply chain.**

Work with the private sector focused around improving reforms throughout the entire supply chain and work to improve responsible recruitment of migrant workers. In order to monitor progress of business to implement reforms throughout entire supply chains, the hotspot commissioned and published research by Praxis Labs, *Tracking Progress: Assessing Business Responses to Forced Labour and Human Trafficking in the Thai Seafood Industry*.<sup>5</sup> The report found that business actors, and specifically international seafood retailers, had implemented changes that improved traceability and oversight, but that overall, they had not changed their business model to comprehensively address forced labour in supply chains. Along with seven other key recommendations, the report called for international retailers to change their purchasing practices in order to take environmental and human rights concerns into account, and ensure they take responsibility for and support reforms along their entire supply chain. The report was covered in the international media, and reportedly has been taken seriously by large seafood companies, international retailers and the Seafood Task Force.

In relation to recruitment, as reported above The Fair Hiring Initiative continues work with a number of Thai seafood companies to improve recruitment related processes, through changes in company policies and process and development and use of certified responsible recruitment agencies. Whilst not implemented as yet, significant progress was made in policies, contracts and trainings to ensure responsible recruitment can become operational in the near future. Once operational this should result in reduced recruitment-related costs and improved migration experiences for a large number of workers. Complementing this work, an evaluation published by Impactt in 2019 assessed the implementation of Thai Union's ethical recruitment program and highlighted learnings from this program which other companies can draw from to improve responsible recruitment.

In 2019, Verite also assisted companies to understand their labour supply chains and take action. Verite also as released a report setting out various regular and irregular migration methods used by job seekers from Myanmar, Cambodia and Laos into Thailand. The report found that often, due to cost and restrictions on movement under regular processes, irregular migration methods were preferred. In improving regular migration, therefore, costs to migrant jobseekers must be reduced, along with ensuring maximum freedom of movement and employment in Thailand.

The CSO Coalition on Ethical and Sustainable Seafood, made-up of Thai-based labour and environmental NGOs, continued to engage with three leading Thai seafood companies: CP Foods, Thai Union and Seafresh.

<sup>5</sup> [http://www.praxis-labs.com/uploads/2/9/7/0/29709145/09\\_hu\\_report\\_final.pdf](http://www.praxis-labs.com/uploads/2/9/7/0/29709145/09_hu_report_final.pdf)

The CSO Coalition made recommendations to these companies regarding responsible recruitment, freedom of association, grievance mechanisms and health and safety. A public forum was held in July 2019 with representatives of the companies and the Coalition. The companies have taken action in relation to the recommendations in different ways. In relation to worker welfare committees (WWCs), some have agreed to ensure open elections and proportional representation. In relation to recruitment, some have implemented post-arrival interviews for all migrant workers to monitor whether excessive recruitment fees had been paid. One company also invited one of the CSO Coalition members to randomly interview fishers in their supply chain, involving around 1,800 migrant workers, and agreed to conduct pre-departure training in countries of origin. Moving forward, the CSO Coalition plans to have more frequent meetings to monitor implementation of agreed areas and to put forward further recommendations.

**Hotspot Objective 2: To strengthen civil society organisations to monitor the situation on the ground and to empower migrant workers. Migrants workers will be better able to access relevant services and those who escape forced labour will be more likely to seek and access compensation and redress.**

**Provide critical legal rights knowledge, advice and assistance to workers**

Throughout 2019 partners continued to provide legal assistance to migrant workers in relation to forced labour, trafficking, labour and migration matters, assisting 14,274 workers in relation to new legal cases and access to social services. Partners often reach out to migrant workers through worker leaders and volunteers. In one example, one partner – MAP Foundation – reached 657 people through trained migrant worker paralegals that provide advice and counselling at the local level and refer to MAP Foundation when required.

Building on successes in previous years, notably, the Kantang case, partners also collaborated on key strategic cases. In one case, Human Rights and Development Foundation (HRDF), Stella Maris and legal assistance provider Social Responsibility Law office (SR Law) are working together on a case involving forced labour of Thai fishers on an overseas fishing vessel with a flag of convenience. Through this case, the partners are aiming to establish a beneficial ownership link back to Thailand, as well as establish the role of the Thai recruitment agency.

One big outcome was due to multi-year dedicated efforts of two of the hotspot implementing partners, HRDF and Migrant Workers Rights Network (MWRN). In 2019 two brokers were convicted of human trafficking and the survivors were provided compensation. In 2017, MWRN came into contact with a family of migrant workers who had been trafficked from Myanmar into Thailand and were currently in a situation of debt bondage. From the 12 family members, 10 were identified as victims of trafficking, including both adults and children. MWRN worked with HRDF to provide specialist legal services to the family and worked to ensure that they could stay together through an alternative housing option rather than be separated in different government shelters. Given the evidence presented, two brokers confessed and received an 18-year prison sentence. The court also requested Thailand's Department of Special Investigation (DSI) to assist the survivors in receiving just compensation. MWRN and HRDF were able to advocate on behalf of the survivors and work with DSI to secure \$61,000 USD for the family in compensation. They were also able to secure financial support for the survivors from DSI while the case was ongoing. Since compensation has been received, the family has returned to Myanmar and set-up a new home.

**Hotspot partners expand work in Southern Thailand**

In 2019, the hotspot expanded work into the southern province of Pattani. This is in addition to work already being done in the southern provinces of Songkhla, Phang Nga and Ranong. Through implementing partner Stella Maris, 1,066 migrant fishers and seafood processing workers were engaged in information sessions to

raise awareness of labour and migration rights and occupational health and safety. In addition, Stella Maris has trained 61 worker leaders in-depth, to enable them to provide informal advice to others in their community about labour, migration and occupational health and safety and to refer to Stella Maris when necessary. Freedom Fund is also supporting Raks Thai Foundation's (RTF) work in Pattani in the South, in addition to work in the port of Samut Sakhon. This follows from their work on the Ship to Shore project under the ILO. In the second half of 2019, RTF provided rights information to 355 fishers and seafood workers, and also provided one-on-one coaching to 63 migrant worker leaders from the fishing and seafood sector to improve their skills and confidence in representing workers and their community.

### Migrant workers trained to represent community

To strengthen sustainability and worker-led monitoring and collective action, the hotspot partners trained 254 migrant worker leaders to represent their community. Partners undertook this training in different ways. In addition to the training Stella Maris and RTF undertook as set out in the above paragraph, MAP Foundation trained 86 members of workplace groups, MWRN trained 44 core migrant volunteer leaders. After training, some worker leaders were able to assist other workers and put their training into practice. Examples of such assistance include two migrant worker leaders in Samut Sakhon that helped workers get relevant identity documents from the Myanmar Embassy in Bangkok, and five migrant leaders that assisted workers to file complaints and follow up on compensation due to them with the relevant authority. Migrant worker leaders also participated in meetings with provincial authorities in their region – in Pattani and Samut Sakhon at least 23 migrant worker leaders participated in such sessions and raised issues of concern on behalf of their community. In addition to specialised training for migrant workers, MWRN reached out to and added 1,473 new members to their network.

### Hotspot Objective 3: Increase pressure on the Thai government to reform the regulatory framework, uphold migrant rights, and challenge the impunity of traffickers.

In order to continue to provide a regular, comprehensive update on conditions in the fishing sector in Thailand, the CSO Coalition on Ethical and Sustainable Seafood decided to publish a second version of the "Falling Through the Net" report for 2019/2020. In 2019, research into conditions at key ports across Thailand was undertaken, after a questionnaire was developed and training on data collection was undertaken. Key civil society partners in the CSO Coalition took part in the training and data collection, improving their skills on evidence collection. The data was then analysed by a consultant and collated into a report. The report is due to be published in the first half of 2020. The report is a critical monitoring tool, providing a reality check as to whether the reforms are resulting in real change in the ground for workers. Importantly, both the Seafood Task Force and government view the Coalition as having authority and expertise, which translates to the report having weight and credibility.

In 2019, the CSO Coalition also conducted advocacy meetings with different political parties and actors to try and influence their opinion in relation to fisheries and labour related reforms. Before the election in March, the CSO Coalition ran a media campaign aimed at engaging voters on labour and fishery issues, and after the election the Coalition began to hold meeting with relevant political parties, some of which form the coalition government post-election.

The local Thai civil society partners continued to advocate to the Thai government to ensure that national laws implementing the Protocol to the Forced Labour Convention and the Work in Fishing Convention were strong and in compliance with the international laws. For example, HRDF met with the Ministry of Labour, as part of the wider Migrant Working Group coalition, to advocate for: comprehensive and sensitive victim screening

processes for forced labour; training for labour inspectors to identify and collect evidence in relation to forced labour; and to improve grievance mechanisms at the provincial level. By the end of 2019, even though the regulations under these laws have been developed, the partners continue to feed in and push for clear SOPs and processes for provincial authorities to use to enable these laws to be really operational. In May, hotspot partners participated in a joint Committee for the Management of Migrant Worker meeting between the Thai, Myanmar and Cambodian governments. Various partners submitted recommendations and obtained agreement in three areas: the variation and overcharging of MoU fees will be investigated; Certificate of Identification (CI) holders in Thailand are able to extend the duration of this card at least until March 2020 without returning to their country of origin; a five-year National Action Plan will be developed by the relevant governments, consulting with NGOs and CSOs. Partners also participated in other key meetings at the Myanmar-Thailand border with cross-border officials, explaining key challenges.

Partners also frequently engaged provincial authorities to implement laws and processes in a better way – for example, in November 2019, Foundation for Education and Development met with the Phuket provincial social security office to encourage them to use their powers to ensure fair social security payments for migrant workers rather than just accepting employer/employee negotiated payments that are unfair for the worker. Challenges continue to remain in relation to the migration laws and processes, with partners noting that most migrant workers do not understand the new MoU process for fishing workers between Thailand and Myanmar, and many request their employers to process required migration documents leading to them being indebted to employers.

Other international partners, including International Labour Rights Forum and Environmental Justice Foundation, continued to engage with international governments to place pressure on international seafood retailers. Additionally, these partners encouraged the Thai government to continue to implement reforms and not to agree to any demands of the National Fisheries Association to weaken laws, regulations and policies. The Department of Fisheries agreed to encourage more liaison and collaboration between provincial PIPO offices and our local hotspot partners. In addition to improving this collaboration, other Bangkok-based partners, including the Environmental Justice Foundation and Human Rights and Development Foundation, continue to work with the Maritime Enforcement Command Centre (Thai-MECC) to oversee the effectiveness of PIPO offices.

The hotspot also worked to improve the areas of provision of shelter care and compensation to victims of trafficking. Save the Children continued work with the Department of Anti-Trafficking to improve rights-based implementation of case management guidelines in government human trafficking shelters, whilst HRDF held a public forum on compensation in August with government attendance to push for clarity from the government on the execution of compensation awards. In the vast majority of cases where the court has ordered compensation, the victim actually has not received the award. Whilst there is now an MOU between relevant agencies to make execution easier, it was still unclear which agency would lead in assisting victims to actually access the compensation once ordered. The public event was successful and also resulted in a media article that attracted significant attention.<sup>6</sup>

<sup>6</sup> <https://www.reuters.com/article/us-thailand-trafficking-compensation-exc/exclusive-thailands-human-traffickers-flout-99-of-court-orders-to-compensate-victims-idUSKBN1WU00P>



## 4. Supporting a Community of Practice

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### Legal training of both CSO and migrant worker leaders

The Social Responsibility Law Office (SR Law), continued to provide legal services (training and assistance with cases) to the local Thai partners (FED, HRDF, MAP Foundation, MWRN, Raks Thai and Stella Maris). In addition to this role, which they have undertaken since the beginning of the hotspot, SR Law also focused on working with the partners to train migrant worker leaders on key areas of the law, in an accessible format. In determining what training would be of use, SR Law worked with each partner to determine needs of the migrant worker leaders and the CSO itself. Then it formulated and provided the training. At the end of 2019, SR Law had provided training to migrant worker leaders associated with MWRN (4 MWRN volunteers, 10 seafood processing worker leaders from 4 different companies and 6 fish processing workers from the informal sector at the market) and Stella Maris (35 migrant worker leaders, including 14 fishing vessel workers).

### International and local partner coordination – the Thai Seafood Working Group & Thai CSO Coalition on Ethical and Sustainable Seafood

In 2019, the hotspot continued to support the Thai Seafood Working Group, coordinated by the International Labour Rights Forum, and made up of almost 60 labour, environmental and human rights organisations. Whilst members of this group are primarily international NGOs, focused on coordinating for advocacy to international governments (i.e. US and EU) and mechanisms, the Thai government and international businesses, the coalition also collaborates closely with many Thai local NGOs. In 2019, the Seafood Working Group made submissions to the US government Trafficking in Persons report, to the Marine Standards Council regarding social aspects of their certification scheme, participated in policy advocacy regarding the US government Seafood Import Monitoring Program and coordinated press releases regarding possible roll-back of reforms in Thailand and the need for labour law reform. The SWG is working to improve governance (working groups and advisory committee) and researching expansion to other countries in South-East Asia.

The local Thai CSOs also have come together in coalitions for joint advocacy, including through the Thai CSO Coalition on Ethical and Sustainable Seafood (discussed above). In order to participate in the research for reporting monitoring conditions in the fishing sector, the CSO participants collecting the data from fishers were trained by researchers at Chulalongkorn University. This built on the training the CSO participants had received during the first data collection phase, strengthening skills. In 2019, the hotspot also started to fund the work of the Migrant Working Group, a CSO coalition which undertakes advocacy to the Thai government on key issues affecting migrant workers. All of our hotspot partners (FED, HRDF, MAP Foundation, MWRN, Raks Thai and Stella Maris) are members of the Migrant Working Group.

## 5. Case Study

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### Case studies highlighting migrant worker leaders and volunteers

**Case 1:** In November 2019, a Burmese migrant seafood worker (“M”) reported to a Raks Thai migrant worker leader that his passport was being retained by his recruitment agent in Thailand. Although he was working for a large seafood company, M had entered Thailand legally under the MoU process, his Thai agent had said that he would not return his passport until the worker paid 3500TBH (110USD). When he was fired by the seafood company, he contacted the Raks Thai migrant worker volunteer leader to obtain help to get his passport back. In the meantime, the recruitment agent had reported him to the police, and M was even charged 1,000 TBH (30USD) by the police. The migrant worker volunteer leader and Raks Thai staff convinced the police to free M and returned the money they had seized from him. They then proceeded to contact his agent and ask for his passport. Initially, the agent refused to return the passport, but the migrant worker leader and staff member told him that they would report him to the police and pursue a prosecution. He then agreed to return the passport, and M got his passport back. This case demonstrates that, unless seafood companies implement comprehensive ethical recruitment with worker checks at multiple stages of the process, including after arrival, workers can be exploited. It also highlights the role of migrant worker volunteer leaders, and how worker networks, strengthened through rights training and empowerment projects, can help others in their community and start to address power imbalances.

**Case 2:** In 2013, “AMT” migrated to Thailand from Myanmar, with assistance from his sister. AMT started work in a shrimp factory at packing department, carrying and arranged the packing boxes. He had to work in the packing department as he knew no Thai language. One day, he saw an announcement regarding Migrant Worker Rights Network (MWRN) Thai Language and Basic Computer training. He contacted MWRN and began the training immediately the training. Through this program, he also learnt about the wider work of MWRN. AMT thought that if he became a member of MWRN he could do more to help other migrant workers, and he applied to become a member. Over the coming years, he became a committee member of MWRN as well, taking the role of documenting the meetings (secretary) due to his computer skills, which he acquired through the MWRN computer training. He regularly comes to MWRN office and joins in MWRN activities. At the seafood factory, he is now working in an office role due to his computer skills and one the weekend he teaches an MWRN computer course for migrant workers. He said *“I am very proud to be a member of MWRN, it is better to looking for better opportunity by improving ourselves by learning and study things that useful in our workplace and or our daily file. If so we can also help others as well as protect ourselves”*.

## 6. Independent Research and Evaluation

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As noted above, in 2019 the hotspot published three key reports on the Thai Union ethical recruitment program, the evaluation of the electronic payment system for fishers, and an assessment on the progress of business, particularly international retailers, to reform their processes in order to reduce vulnerability to forced labour. These reports are critical to learning what works: what has happened to date, challenges faced and positive outcomes, to then identify key learnings and recommendations for the way forward.

### Evaluation of the Thai Union ethical recruitment policy

In an attempt to share learnings and prompt action by seafood companies on practically implementing ethical recruitment practices, Humanity United and The Freedom Fund commissioned an independent report by ethical trade consultancy Impactt Limited into Thai Union's ethical recruitment model. Impactt's report, *Ethical Recruitment: Translating Policy into Practice*<sup>7</sup>, explains how Thai Union, the largest shelf-stable tuna company in the world, developed and implemented its policy, the positive impacts and outcomes, and the challenges it encountered. The report also provides a set of guidelines for other companies keen to improve their migrant recruitment practices. The hotspot also provided some support for the Seaweb Seafood Conference that was held in Thailand in 2019. A panel was held at the conference to discuss ethical recruitment, including the following speakers: a female seafood worker that had migrated without an ethical recruitment policy and paid very high recruitment-related costs, a representative from the Migrant Worker Rights Network explaining their role in monitoring Thai Union's ethical recruitment policy, the HR manager from Thai Union explaining their policy and reduced recruitment-related costs for workers and a representative from the recruitment agency Thai Union uses in Myanmar. There were many questions and strong interest in the panel by seafood companies and civil society.

### Evaluation of the electronic payment system for fishers in Thailand

This evaluation, undertaken by Rapid Asia, was published in November 2019.<sup>8</sup> The report found that, whilst it seems that fishers are now paid monthly most of the time, and minimum wage, many employers were setting up bank accounts for fishermen themselves and controlling their ATM card. This means that, in many cases, workers were still being paid cash and transparency and accountability was still limited. As discussed above, the report and its key findings and recommendations were shared with the Ministry of Labour in Thailand, prompting them to direct officials to improve processes at Port-In and Port-Out authorities. The report was also shared widely to partners and contacts via email and on social media channels along with a blog by Freedom Fund Senior Program Manager and Humanity United Director of Forced Labour and Human Trafficking.

### Assessment of the business response to tackling forced labour in sector

As noted above, in order to continue monitoring different initiatives of business and provide evidence and learning as to what intervention could improve the situation, the hotspot published a report conducted by Praxis Labs, which assessed progress made by business to address the forced labour in seafood supply chains linked to Thailand.<sup>9</sup> The report also assessed the advancements of the industry body, the Seafood

<sup>7</sup> See footnote 3

<sup>8</sup> See footnote 2

<sup>9</sup> See footnote 4

Task Force. The report was a follow-up to an influential 2016 report<sup>10</sup>, providing a benchmark against progress achieved since 2016 and gaps that still remain. The report had eight main key findings with multiple recommendations related to each key finding. The report was covered in the international media, has been discussed at the Seafood Task Force and reportedly has been taken seriously by large seafood companies and international retailers. Additionally, others in the anti-slavery and business and human rights sector strongly welcomed the report, with good circulation on social media and distribution lists. Lead researcher, Hannah Boles, was also asked to present the key findings at the Seafood Ethics Common Language Group meeting in London in January 2020, which will be attended by UK retailers, seafood companies and civil society.

<sup>10</sup> <https://d1r4g0yjvcc7lx.cloudfront.net/uploads/Thai-seafood-reforms-FINAL.pdf>







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