



Thailand Hotspot Annual Report 2021

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Acronym Key

CSO:	Civil society organisation
DLPW:	Department of Labour Protection and Welfare
EJF:	Environmental Justice Foundation
EU:	European Union
FED:	Foundation for Education and Development
FIT:	Flying inspection teams
GLJ-ILRF:	Global Labour Justice - International Labour Rights Forum
HRDF:	Human Rights and Development Foundation
ILO:	International Labour Organization
IOM:	International Organization for Migration
LAC:	Legal Aid Centre on Human Trafficking
LRF:	Labour Rights Foundation
MWG:	Migrant Working Group
PIPO:	Port-in port-out
RTF:	Raks Thai Foundation
RTG:	Royal Thai Government
STM:	Stella Maris
TIP:	Trafficking in persons

1. Operating context

Significant events that impacted the operating context of the Thailand hotspot in 2021 include:

- The emergence of large-scale transmission of covid-19, following the spread of the Delta variant (December 2020 - October 2021);
- A wave of Omicron variant covid-19 cases (December 2021 onwards);
- The military coup in Myanmar in February 2021.

1.1 Covid-19 pandemic and its impact on the Thailand hotspot

A new wave of covid-19 cases emerged in December 2020 in Thailand. Infections were initially clustered around communities in Samut Sakhon and Bangkok that include many migrant workers.¹ On 7 January 2021, the Royal Thai Government (RTG) issued decree No. 17 on public administration and instituted emergency measures in seven red zone provinces.² Decree No. 17 applied to three provinces (Samut Sakhon, Rayong and Trat) where five out of six Thailand hotspot partners operate. In red zones, migrant workers and Thai nationals were subject to restrictions on movement. Additionally, group activities with more than 20 participants were prohibited.

In light of the new wave of covid-19 cases connected to migrant workers, the Ministry of Labour announced a special exemption on 6 January 2021 intended to reduce the entry of new migrant workers and alleviate local labour shortages by enabling irregular migrants already located in Thailand to obtain working permissions. More than 650,000 migrant workers from Myanmar, Cambodia and Laos have registered under the exemption scheme for foreign workers during the pandemic.

On 26 June 2021, RTG introduced a new directive that included the expansion of red zones to 37 provinces and the closure of all construction sites. The directive itself became an unintentional influence in the spread of covid-19 across Thailand, with large numbers of workers returning to their home provinces from Bangkok and its five adjoining provinces.

As medical facilities reached maximum capacity, people had to wait longer for hospital admission. Covid patient reception centres were no longer admitting migrant workers exhibiting symptoms. In general, the rollout of public vaccinations in the first six months of 2021 excluded migrant workers, and only a small number of migrants had access to vaccinations. This situation began to improve in the latter half of the year with the emergence of the government-backed Thai Red Cross vaccination program for migrant workers.

Migrant workers were more severely impacted by restrictions and control measures in Thailand due to various factors. Dismissal from employment affected access to the social security system while, without employers, many migrants were excluded from public vaccination schemes. Many migrants lacked access to public health information and, for Burmese nationals, the option to return home. As of 3 September 2021, there were a total of 1,478,513 confirmed covid-19 cases in Thailand, of which 128,034 were migrants from Myanmar, Laos and Cambodia.

Due to the above circumstances, partners invested their efforts in responding to the vulnerability and immediate needs of migrant communities throughout the first half of 2021.

¹ Details at : <https://reliefweb.int/report/thailand/coronavirus-disease-2019-COVID-19-who-thailand-situation-report-19-january-2021-enth> ; <https://ddc.moph.go.th/viralpneumonia/eng/file/situation/situation-no386-290164.pdf>

² Thailand operates a colour rating for provinces based on the number of covid-19 cases. Red zone provinces are defined as 'strict controlled areas'.

On 16 October 2021, RTG relaxed covid-19 restrictions in the maximum control zones and allowed businesses and most activities (except entertainment venues including pubs, bars and karaoke) to resume.³ However, on 6 December 2021, Thailand's Ministry of Public Health announced the country's first case of the Omicron variant of the coronavirus and began re-instituting controls.⁴

In summary, the pandemic has severely obstructed the regular operations and activities of Thailand hotspot partners.

1.2 Coup d'état in Myanmar and its impact on the Thailand hotspot

Covid-19 preventive measures (especially border closures) and the Myanmar coup in February 2021 left Burmese migrant workers in Thailand in limbo, with no legal pathway to return home (and/or re-migrate) and, in many cases, facing the loss of employment. Consequently, migrants have chosen irregular pathways to reach their desired destinations; engaging smugglers and taking on risk, including exposure to and transmission of covid-19 throughout their journey. These issues have been compounded by covid-related impacts on migration management in Thailand, including delays to one-stop service centre operations for migrant worker registration.

Various news sources have reported an increase in arrests of irregular migrants from Myanmar⁵ and corruption of officials in relation to the return of Myanmar migrants from Thailand and those transiting Thailand en route to third countries. In some cases, stranded Myanmar migrants with no (financial) means to return home took their own lives.⁶ From January to early May 2021, Thailand's Immigration Bureau reported that over 15,000 irregular migrants were arrested (including 6,000 from Cambodia).

The crisis in Myanmar has disrupted remittance flow via formal banking channels since the second quarter of 2021. In combination with income loss arising from covid-19 preventive measures, the virtual collapse of the banking system in Myanmar has had severe implications, particularly in heightening the economic vulnerability of communities in Myanmar reliant on remittances from Thailand and elsewhere.

Overall, the coup in Myanmar has had a pronounced psychological effect on migrant workers in Thailand, which has in turn adversely impacted program partner activities such as empowerment training and worker organising. The majority of Burmese migrant workers in Thailand are preoccupied with the political situation, income loss and the insecurity of family members back home.

³ <https://www.tatnews.org/2021/10/more-COVID-19-restrictions-are-relaxed-in-thailand-from-16-october-2021/>; Thailand eases more COVID-19 curbs - TAT Newsroom

⁴ [Thailand Reports First Case of Omicron Variant - The New York Times \(nytimes.com\)](https://www.nytimes.com/2021/12/06/asia/thailand-omicron.html)

⁵ See for example, <https://www.bangkokpost.com/thailand/general/2125127/smugglers-illegal-migrants-caught>; <https://www.bangkokpost.com/thailand/general/2129363/myanmar-workers-caught-en-route-to-malaysia>

⁶ See for example, <https://www.irrawaddy.com/news/burma/without-work-fearing-arrest-undocumented-myanmar-migrants-malaysia-take-lives.html>.

2. Progress towards systems change

2.1 Policy/legislative change and political will

Shadow report and public seminar on the progress of Thailand's implementation of the International Labour Organization (ILO) Work in Fishing Convention, no.188 (2007)

Hotspot partners Stella Maris, Raks Thai Foundation (RTF) and Human Rights and Development Foundation (HRDF) as well as other partners - Migrant Working Group (MWG) and Environmental Justice Foundation (EJF) - jointly observed the port-in port-out (PIPO) assessments conducted by the government Flying Inspection Teams (FIT) in 17 coastal provinces of Thailand. After the observations, each hotspot partner submitted a field trip report and organised briefing sessions to share observations with the FITs. The reports were also shared with Thai-Maritime Enforcement Coordinating Centre, the agency which oversees PIPO inspections.

The findings from these observations were fed into the MWG shadow report on the progress of Thailand's implementation of the ILO Work in Fishing Convention, no.188 (2007). MWG hosted a public seminar in February 2022 to disseminate findings and exchange information on the progress of Thailand's implementation of C188 with key national stakeholders including: the Permanent Secretary of the Ministry of Labour; chair of the working group to increase the efficiency of the audit and control on illegal, unreported and unregulated fishing; chair of the Labour Sub-Committee from the House of Representatives.

Raising awareness of the impact of the proposed Act on Operations of Not-for-profit Organisations on freedom of association and transparency in supply chains

A new draft law on Operations of Not-for-profit Organisations is raising huge concern among civil society due to its extensive powers

of surveillance and financial control. Hotspot partners and the Freedom Fund joined forces with international organisations and other civil society organisations (CSOs) to alert international and private sector actors to the potential impact of the proposed law on freedom of association and supply chain risk management. Some of these efforts are set out below.

- On 17 June 2021, three local partners (FED, HRDF, LRF - formerly MWRN) joined signatories on a joint letter to Antony J. Blinken, US Secretary of State. The letter was coordinated by international partner Global Labour Justice - International Labour Rights Forum (GLJ-ILRF) and is available for download [here](#).⁷
- On 15 July 2021, the Freedom Fund's Program Advisor contributed to a webinar organised by the Foreign Correspondents' Club of Thailand to raise awareness about the impact of the proposed law on Thailand's effort to eradicate slavery and trafficking in persons.
- The Freedom Fund facilitated discussions and briefings within the Seafood Task Force to highlight the impact of the proposed law on supply chain transparency and the task force's shared goals.
- The Freedom Fund Program Advisor addressed the Embassy of Finland on the spill-over effect from the proposed law on Thailand's first National Action Plan on Business and Human Rights.

When first published, the draft Act proposed that the government would have the authority to enter the office of a not-for-profit organisation to inspect the use of money or materials or the implementation of activities, and have the power to obtain and make copies of electronic communications for further investigation (Section 6). Furthermore, any

⁷ https://www.hrw.org/sites/default/files/media_2021/06/210617%20SWG%20Letter%20on%20Thai%20NGO%20Bill_English.pdf

person who operated an unregistered non-profit organisation faces punishment of up to five years of imprisonment or a fine of up to 200,000 baht, or both (Section 10).⁸ However, in a positive development, in the second half of 2021 (following the awareness-raising activities above), the drafting committee dropped provisions from the draft Act related to criminal penalties and electronic surveillance. The Freedom Fund will continue to monitor the progress of this draft Act through the legislature in 2022, and risk-assess any promulgated Act for implications on our operations and those of our partners.

Thailand ranked Tier 2 Watch List

The US State Department downgraded Thailand from Tier 2 to Tier 2 Watch List in its 2021 Trafficking in Persons (TIP) Report released on 2 July 2021. Its recommendations for Thailand included three main areas for improvement:

- strengthening law enforcement and capacity of government officers concerning enforcement of new provisions in Thai law criminalising forced labour in all its forms;
- ensuring adequate protection for survivors through victim-centred operation of government shelters; and
- addressing labour rights violations and protection of migrant workers.

In 2020, local partners had collaborated with GLJ-ILRF to provide inputs to the Thailand TIP report submission for 2021, which recommended that Thailand be downgraded to Tier 2 Watch List in the US State Department TIP Report.⁹ Having reviewed the language used by the State Department to justify Thailand's downgrade in the 2021 report, partners felt that the content reflected civil society inputs provided through the Seafood Working Group (coordinated by GLJ-ILRF, including local and international civil society) submission.

On 1 July 2021 – the day before the publication of the State Department's report on tier ranking – the RTG Ministry of Foreign Affairs responded to recommendations submitted by the Seafood Working Group.¹⁰ On 6 December 2021, hotspot partners met with officials from the US Embassy to share concerns on forced labour issues, the criminalisation of irregular migrants, misidentification of TIP cases, and the impact of covid-19 on trafficking and forced labour.

A survey on wage issues and covid-19 impacts among migrant seafood workers in Thailand

Hotspot partners contributed to and supported a survey on wage issues and covid-19 impacts among migrant seafood workers in Thailand. The survey was led by the Civil Society Organisation Coalition for Ethical and Sustainable Seafood (CSO Coalition), facilitated by Oxfam Thailand. The survey report focuses on the issue of low wages, the gender pay gap and the impact of the covid-19 pandemic on these issues and the workers who experience them. It also aims to develop a national discussion around the issues of a living wage and a decent living for the migrant workers who produce food for wealthy companies and consumers around the world. The CSO Coalition was established in 2016 and consists of national and international CSOs working to address human rights and environmental issues in the Thai seafood sector. Its activities are supported by Humanity United and the Freedom Fund. The survey report is available for download.¹¹

Research on the cost of documentation and debt load of migrant workers

MWG and GLJ-ILRF conducted joint research on the cost of documentation and debt load among registered and regularised migrant workers during the covid-19 pandemic. The report will be finalised in 2022 and presented to the Ministry of Labour.

⁸ More information is available at <https://prachatai.com/english/node/9358>

⁹ Details are available at: Statement from organizations in the Seafood Working Group on Thai Government announcement that it will ban the practice of using forced prison labor to make fishing nets, <https://laborrightrights.org/releases/statement-organizations-seafood-working-group-thai-government-announcement-it-will-ban>

¹⁰ <https://www.mfa.go.th/en/content/tip07012564-2?page=5d5bd3da15e39c306002aaf9&menu=5d5bd3cb15e39c306002a9b0>

¹¹ <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621193/bp-precarity-pandemic-thailand-seafood-workers-300721-en.pdf?sequence=1&isAllowed=y>

2.2 Business performance

The 2021 Responsible Business and Human Rights Forum

Thailand hotspot Program Advisor, Roisai Wongsuban, attended the 2021 UN Responsible Business and Human Rights Forum¹² as a guest speaker to discuss the role and forms of worker organizing in Thailand as well as grievance and remediation mechanisms. The Forum took place virtually in June 2021 and was convened by International Organization for Migration (IOM) Thailand.

Communicating transposition of the European Union Directive 2019/633 on unfair trading practices among Thai business community

A European Union (EU) directive¹³ established in 2019 prohibits unfair trading practices between retailers/buyers and food, agricultural and seafood suppliers. This is an important step toward addressing unfair trading practices and ensuring suppliers are treated fairly in the European market. Our international partner, the Fair Trade Advocacy Office funded by Humanity United and the Freedom Fund, monitored EU member state transposition of the directive and developed explanatory awareness materials for international suppliers and farmers. The Thailand hotspot facilitated the translation of these materials and the attendance of Thai export associations at an Fair Trade Advocacy Office webinar in November 2021. Participating export associations included the Thai Frozen Foods Association, the Thai Tuna Industry Association, Thai Broiler Processing Exporters Association, Thai Food Processors Association, and Thai Rice Exporters Association. In 2022, the hotspot plans to deepen its engagement around EU unfair trading practice laws with specific Thai industry associations.

Investigating links between Thailand and Malaysia

In 2021, our local partners received complaints from 43 Thai nationals working in the Malaysian fisheries sector. Together with an international partner, they continue to work with the Thai police to investigate the links between Thai and Malaysian fishing vessel operations connected to forced labour. However, this investigation has been obstructed by covid-19 restrictions in both countries.

¹² <https://www.rbhrforum.com>

¹³ Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain; https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.111.01.0059.01.ENG

3. Hotspot outputs & outcomes

3.1 Headline results of local partner work

2,329 individuals provided with social or legal services

When the covid-19 transmission rate peaked in the first half of 2021, partners faced community lockdowns as well as “bubble and seal” policies (in which migrant workers residing within company compounds were restricted from leaving) imposed by employers on migrant workers across Thailand.

Training and worker organising activities, such as recruitment of new members to migrant worker organisations, were suspended and replaced by online information campaigns and targeted outreach to migrant fishers and seafood processing workers. For example, when the implementation of bilateral recruitment guidelines was delayed due to covid-19 and the political situation in Myanmar, our partner Foundation for Education and Development (FED) replaced its pre-departure training for migrant workers with training on safety awareness and fisheries regulations for migrant fishers and their families in Kuraburi fishing village and Ban Nam Khem fishing village in Phang Nga.

Despite the challenges posed by the pandemic and related restrictions, our partners provided forms of social and legal support to a total of **2,329 individuals** through remote and in-person services. The number of individuals who received assistance also included those supported by the provision of emergency assistance by FED and Stella Maris, especially for migrant worker registration following the January 2021 special measures introduced by the Ministry of Labour (see section 1.1). The forms of social and legal services provided to migrant workers in Thailand during the reporting period included:

- administrative assistance on matters relating to accessing covid-19 treatment (for example, quarantine facilities, medicine, test kits, etc);
- compensation and severance claims for termination of employment;
- migrant worker (online) registration processes and related costs;
- legal aid and advice on document confiscation, occupational fatalities, and physical abuse in the workplace; and
- training on occupational safety, basic labour rights and covid-19 prevention measures.

The use of social media for information campaigns in 2021 has allowed partners to reach more migrants than in-person information campaigns. For example, FED’s Facebook page has received more than **8,200 new followers** since June 2021.

571 new workers joined worker groups or networks

In 2021, our partner Labour Rights Foundation (LRF) recruited 66 new members to join its organisation, while our partners RTF and Stella Maris (STM) recruited 494 and 11 migrant volunteers, respectively. LRF membership sign-ups have declined significantly from 12,180 in 2020 to 66 in 2021, mainly due to the suspension of border crossings and bilateral migrant worker recruitment during the covid-19 pandemic. LRF engaged its members as peer educators on labour rights and related issues. FED, RTF and STM engaged members of worker groups in worker organising and outreach on labour rights training and related issues.

Partners assisted with 257 legal cases

Our partners assisted workers in a total of **257 legal cases**, ensuring workers’ legal rights were represented and defended, particularly concerning labour and migration matters. A sample of legal cases undertaken by the partners is detailed under Objective 2 in section 3.2 below.

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

Despite the covid-19 pandemic, our partners managed to carry out some program implementation initiatives, with the following highlights:

MAP Foundation: Worker organisation and collective bargaining

As a technical assistance partner in 2021, MAP Foundation continued to share good practices related to worker organising and collective bargaining among hotspot partners. In the last quarter of 2021, MAP Foundation began coaching FED and co-developing a work plan for worker organising at a seafood processing facility in 2022.

LRF: Worker Welfare Committee

LRF has invested significant effort in its engagement with human resources and worker representatives at the Unicord PLC, Thai Union and Golden Prize Canning factories to encourage employers to respond to and address migrant workers' vaccine hesitation. For example, LRF has conducted visits to worker dormitories to raise awareness about the risk of covid-19 and provide vaccine education. As a result, most workers agreed to vaccination while employers agreed to improve the quality of workers' food and accommodation during the so-called "bubble and seal" lockdown of workers within factory compounds. Companies ordered vaccines for distribution among factory workers, and LRF also succeeded in remote outreach and negotiations with businesses on issues such as vaccine access and sick pay for employees who contracted covid-19.

Hotspot objective 2: To strengthen civil society organisations to monitor the situation on the ground and to empower migrant workers. Migrant workers will be better able to access relevant services and be more likely to seek and access compensation and redress

Technical Assistance Partners: Strategic litigation and capacity building

Overall, there has been limited progress on strategic litigation in 2021, mainly due to ongoing covid-19 restrictions and delays in court hearings. SR Law and HRDF continued the strategic case against a Thai recruiter who sent Thai fishers to work on a foreign fishing vessel (Wadani case). The trial has been postponed until 2022 due to covid-19. From 2017-2021, Legal Aid Centre on Human Trafficking (LAC) has conducted six strategic cases, and five of them have completed legal proceedings. In addition, HRDF has supported ongoing litigation of a forced labour case in the Sichon district involving five Myanmar migrant workers. This case has resulted in significant compensation to the survivors.

In relation to case management and case analysis capacity building, in the first half of 2021, HRDF carried out assessments of partners to determine capacity areas for strengthening. These assessments fed into trainings in the latter half of the year, delivered in collaboration with the law department of Chiang Mai University, on case management processes, case documentation and fact-finding, and preparing official communications.

Local Hotspot Partners: Progress on legal cases

Our partners assisted a total of 257 legal cases under the new grant commencing April 2021, ensuring workers' legal rights were represented and defended. These included: reports on illegal wage deductions; claims for social/health insurance coverage in relation to covid-19; completion of document renewals; reports on poor working and living conditions; reports on document confiscation; and reports of physical abuse and murder. Under the previous grant cycle, which ended March 2021, the following cases received financial compensation:

- Cases supported by MAP Foundation included a mediation regarding a two-year battle for unpaid wages and improved conditions for 464 workers, which resulted in 9,000,000 Thai baht (US \$285,028) paid in compensation; and a dispute related to a large number of workers in which the employer agreed to renovate the worker

dormitories, improve safety measures, and introduce a fixed cost for uniforms.

- LRF assisted 91 cases of labour violations for 314 male workers and 181 female workers, enabling them to claim financial compensation of 3,513,365 Thai baht (US \$117,000) via state-based and private sector grievance mechanisms.

Local Hotspot Partners: Worker trainings and awareness raising

There was a heightened focus on occupational health and safety during the grant period due to both the covid-19 pandemic and increased attention to reports of fatalities and missing persons at sea in the fishing sector. Stella Maris delivered certified training on occupational health and safety and first aid to fishers in Songkhla, while RTF and FED undertook similar trainings in Pattani and Phang Nga. In addition, SR Law assisted hotspot partners in developing guidelines on assisting relatives of fishers lost at sea to access the relevant compensation fund.

Due to the pandemic, many training activities were postponed in Q2 and Q3 2021. However, partners still provided key information to migrant workers through online platforms such as Facebook, particularly on labour rights, immigration procedures, and health rights. Partners have also provided legal assistance and administrative advice to workers, including face-to-face and online information sessions on matters relating to covid-19, severance pay, migrant worker registration processes and related costs and fees. Some of the partners' work under this activity was funded under our Emergency Response Fund (see section 4.1 below).

Local Hotspot Partners: Strengthening worker agency

Partners undertook online and face-to-face training with worker leaders on fundamental labour rights and entitlements in line with the ILO Work in Fishing Convention, female empowerment, and meetings with employers and local authorities regarding covid-19 related measures. An example of such activities includes the organisation of a migrant worker committee in Phang Nga province by FED comprising Ministry of Labour officials, NGOs

and community leaders to work directly with relevant authorities on migrant worker health issues.

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

Throughout the reporting period, the following key activities took place to monitor and hold the Thai government to account:

- Following the release of the 2021 US State Department TIP report in July 2021, the Office of the Attorney General held a meeting with civil society organisations working on human trafficking. The Department of Labour Protection and Welfare (DLPW) has also made an effort to collaborate with concerned CSOs to address recommendations in the 2021 TIP report by holding two workshop meetings in Surat Thani and Bangkok in December 2021. Local partners such as HRDF were engaged in both of these meetings.
- In Q1 2021, HRDF carried out workshops with the DLPW, focusing on strengthening the role of labour inspectors in detecting and addressing cases of forced labour. They have subsequently observed that the DLPW has conducted additional internal training on this topic.
- On 18 October 2021, FED facilitated a meeting between a newly appointed Myanmar Labour Attaché and multi-disciplinary members of the Kuraburi PIPO operation centre, Phang Nga. During the meeting, multi-disciplinary members from different departments, including the DLPW and Department of Employment, recognised the needs and concerns of Myanmar migrant fishers and workers in the provinces. During the meeting, general issues such as eradicating drug abuse among Myanmar migrant fishers and collaborating for the repatriation of fishers in case of emergency were also discussed.

4. Emergency Response Fund and other initiatives

4.1 Emergency Response Fund

Partners in Thailand received a fourth round of emergency response funding to address the immediate assistance needs of migrant workers in hotspot locations. ERF round 4 commenced in July 2021 and ended in September 2021, with Thailand partners allocated a total of US \$67,395 for covid-19 emergency response activities. A total of 10,619 migrants received emergency assistance designed by local partners in Thailand that included but was not limited to: food and hygiene kits, logistical support to vaccination sites, rent/accommodation support, rapid test kits and assistance with online labour registration according to the 28 September 2020 Cabinet Resolution.

4.2 Collaboration to assist migrant workers impacted by covid-19

Following the emergence of large-scale transmission of covid-19 in Thailand in 2021, our partners RTF and STM worked with Thanyarak Pattani Hospital and Pattani Provincial Fishing Association in delivering active testing, case referral, covid-19 vaccination and interpretation support for government health authorities. From September 2021, this was extended to include the provision of self-quarantine facilities for migrant workers who were otherwise residing in overcrowded accommodation where the risks of transmission were significantly higher. Thai Union and Mars Pet Care contributed additional funds to these efforts.

From late July up until mid-August 2021, a total of 3,204 fishery and seafood processing workers received covid-19 testing through this model. All positive cases were then referred to medical facilities. The Pattani model was able to provide vaccines to migrants in port areas and reached 90% of the population living in that area. Vulnerable migrant communities affected by the pandemic also received household relief packages.

4.3 Supporting a Community of Practice

In 2021, SR Law built a lawyers and jurists' network to give a chance for young lawyers to work with senior lawyers on forced labour and human trafficking cases. In addition, the SR Law organised a workshop for lawyers to exchange techniques and address common issues in conducting strategic litigation. Nine lawyers participated, comprising lawyers who participated in the SR Law's project and lawyers from HRDF. Guidelines and techniques in conducting the strategic litigation cases were also presented to young lawyers to develop their capacity in prosecuting forced labour and human trafficking cases.

Local partners participated in an International Migration Day event on 16 December 2021 organised by the MWG where HRDF presented findings related to smuggling, forced labour and human trafficking trends during covid-19.

5. Case study

The case of Company A in Songkhla and the efforts of our partner LRF to protect migrants during the covid-19 pandemic

The following case study showcases a common (negative) company response to the situation of covid-19 in relation to its migrant worker workforce, the negative outcome for workers and the impact on their health and movement. It also highlights the work of partners in trying to improve conditions or obtain compensation and ensure companies are held accountable for following correct procedures and laws.

More than 3,000 workers, including some 1,500 Myanmar migrant workers and some 1,500 Thai workers, are working at Company A. In May 2021, a Thai employee tested positive for covid-19 after exposure at a noodle restaurant in the city of Songkhla. Without knowing that he was infected, he went to work at the factory as usual and spread the virus to many other employees. As a result, the Songkhla Provincial Communicable Disease Control Committee ordered the temporary closure of the business on 17 May 2021.

LRF staff in Hat Yai compiled information and sent it to the relevant industry association to force its member, Company A, to pay compensation to all workers during the temporary closure. Whilst Company A initially refused to pay compensation to workers, after the request of LRF they applied to the Social Security Fund and secured some compensation for workers during the closure. The migrant workers also requested the company screen all employees for covid-19 since only Thai workers had been screened. Even after LRF requested that Company A screen all workers, the management declined and said it would screen high-risk groups only.

Company A tried to prevent further community transmission by bringing in workers who rent houses outside the company premises, resulting in entire families being moved into

company-managed accommodation within the compound. However, the accommodation was already overcrowded, and the addition of more people made the situation worse. Company A forbade workers to leave the compound after moving in and provided food to the workers, including some meat that was past its use-by date. LRF helped the workers raise a complaint about the food, and Company A agreed to recall the expired frozen chicken meat and bring fresh supplies to the workers.

During this period a female migrant worker died in the Company A compound. It is possible that poor disease prevention and management controls were a factor. LRF ensured that Company A, which had originally only filed for compensation for the woman's family from the Social Security Fund, also paid additional compensation to the deceased's family.

6. Independent evaluation and research

The hotspot completed and produced a research report on worker organisation and a project impact evaluation report in the first quarter of 2021.




The **research on worker organisation models** was conducted to understand and evaluate different methods of worker organising in Thailand; to evaluate the different community or worker organising methods undertaken by local Freedom Fund partners; and, drawing from these learnings, to provide recommendations for ways the Freedom Fund program and partners could improve organising in the future work of the program. The Just Economy Labour Institute conducted the research.

The **Project Impact Evaluation** was conducted to assess structural changes and impacts related to project interventions. The impact review findings are being used to improve the implementation of the hotspot program from 2021-2023.



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