

Minutes of Task Force Meeting No. 2
Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry
2 December 2016, 09:00 – 12:00 hrs. at Banglumpoo room (6th Floor)
Amari Watergate Hotel, Bangkok Thailand

Objectives: Task Force#2 is brought together to review the progress of project implementation in advance of the Third Project Steering Committee (PSC) on 20 December 2016 for Objective 2: Law enforcement and Objective 3: Voluntary compliance/GLP. The meeting provided a platform for frank and open discussions and to note on-going initiatives on the following issues:

- Stakeholder Consultations on proposed revisions to Good Labour Practices (GLP) standards and principles
- Observations to labour inspections at Port-in-Port-Out (PIPO), at sea, and in-land seafood processing.
- Employer-side shrimp supply chain project.

Agreed Follow-up Points:

- ILO concluded the discussion by noting that ILO will prepare a report of GLP consultations and turning it into a plan and then invite all stakeholders back again in February 2017 (after receiving the report). After that, a revised GLP programme that responds to the needs of all stakeholders will be prepared.
- ILO will prepare a document taking into account of the field observations on labour inspection, recommendations on current practices, and lessons learned and present it to the government.
- A report of the Task Force will be prepared for circulation at the next PSC meeting.

Agenda 1: Key Action Points by Taskforce co-Chairs

Mr Soomboon Trisilanunt, Director Labour Protection Bureau and co-chair opened the meeting by informing that the Ministry of Labour has been working with ILO for many years on the development of a training course on ‘Labour Inspection.’ The training has benefitted more than 120 personnel and provided functional and practice checklist for labour inspections. Working together with ILO on labour inspection and labour issues, a guideline will be published very soon. After the first training phase is completed, the Bureau has followed up on trained labour inspectors and carried out evaluations in cooperation with ILO. The Bureau has increased the number of labour inspectors to 500+ people but still insufficient to cover the large inflow of number of migrants entering through the long connecting border between Thailand and Myanmar. The Bureau has identified the following areas for improvement:

- 1) Further improve the course by focusing on weaknesses in implementation by labour inspectors and increase professionalism in their practice.
- 2) Interviewing technique (especially for migrants or labour working on vessels) is not deep enough – and not sufficient to get the truth out.
- 3) Most labour inspectors have insufficient knowledge in Thai law and in some cases, cannot produce a proper written order.
- 4) Law Enforcement and compliance with Thai laws remains a challenge.
- 5) Lack of translators and interpreters. At least 150 more personnel are needed. Translators need training to understand their roles and have sufficient knowledge in the topic.
- 6) Lack of proper reporting on legal proceedings/prosecutions. The collection of statistic on legal cases is done manually, which is inefficient and unreliable. Personnel needs to be trained further on proper reporting and follow up of legal cases.

7) Collaboration with CSOs in identifying potential labour violations needs to be strengthened.

Mr Pran Siamwalla, Employers' Confederation of Thailand and co-chair reported that ECOT's on-going initiatives include convening big buyers, industry, and relevant stakeholders to propose creative solutions. Discussions are good and well, but all stakeholders need to agree on the specifics at the practical level and to find solutions together. He shared an example from Japan that employers use trustworthy private sector agencies as coordinators between themselves and migrant workers who moved to Japan. The service is commercial and charges minimal and acceptable fee from migrants as users. This helps migrant workers to have better life and working conditions in Japan.

Mr Jason Judd, International Labour Organization explained that the Task Force Meeting is a good platform where all stakeholders come together to find solutions on the key questions. It presents a unique opportunity for employers, unions, CSOs, and government, for collective actions in combatting unacceptable work forms in Thai fishing and seafood industry. The project has 2 Task Forces: *Task Force 1* works on improving legal framework and supporting services for migrant workers and *Task Force 2* works on strengthening enforcement and engagement with private sector on compliance to fundamental rights and principles.

Agenda 2: Presentation and discussion of Stakeholder Consultations on proposed revisions to GLP standards and principles

ILO provided a brief recap of the discussions on the GLP, highlighting the relevancy of the GLP and the importance of revising the GLP given the changes in the industry on new Thai laws and global standards that have changed over the years. GLP shall provide a 'broad and firm' foundations for companies and associations to close the gap in current practice and the global standards. The Task Force should focus on the high-level standards and principles and not get caught in the details. He outlined the main principles of setting up a credible GLP programme, including taking a consensus-based approach, proper coaching and monitoring system coupled with due diligence and public reporting. He also presented a proposed outline of the GLP governance to cover review of standards for compliance with Thai law and global standards, strengthened tripartite governance and quality control and review of industry programmes and accountability.

Mr Ivan Idrovo, ILO consultant, presented the feedback from each of the GLP stakeholder consultations.

Standards

- GLP must make 'business case' for decent work since companies need return of investment
- Businesses and associations must be able to hold each other accountable. The associations have to bear some of these responsibilities.
- GLP has to describe clearly how the new mechanism has to look like.
- GLP has to be easy to understand without losing its rigor on Thai law and international standards.
- Companies can help each other: especially those that are bigger can support smaller ones in both capacity building and compliance which will better bargaining power in the market.

Program

- The link between principles and standards should be clearer.
- The principles should guide the industry and also provide clear incentives.
- Provide concrete mechanism and tools that will help companies reach such level of standards.

Governance

- Need more efforts from the industry on providing proper data and public disclosure.
- The original GLP lacks clear indicators.

- A credible third party institution should be established for better credibility (especially on monitoring) while the GLP should still be industry-led in terms of implementation.

Plenary discussions:

National Fisheries Association of Thailand (NFAT) suggested for the new GLP to be separated for in-land and at-sea with different scale of standards, which all improvement requires money and investment. The industry is already implementing activities to reach certain standards, ranging from GMP to SOP to SSOP, and so on. The Ministry of Labour already provides some guidelines on labour standards so applying standards for certification (ex. GMP) and the government's standards should automatically result into achieving the GLP standards.

In fishing industry, there are many types of vessels and the requirements for labour standards should be different in each sub-sector. NFAT does not agree with the adoption of all specific details of C188. Many newly passed laws lack full compliance and actual implementation. The implementation has to be step by step approach as the industry capacity is limited. The main problem is the different interpretation of the details (i.e. food, water, working hours, etc.) and no clear indicators which creates confusion on compliance to the standards. GLP is a checklist but equally important is to enforce the need for more rigorous inspection through increased technical knowledge and practices that are people-oriented beyond 'documentation.'

State Enterprise Worker's Relations (SERC) added that Thai laws already covers labour issues but GLP is different. It focuses on major topics that are easy to understand aiming at creating a good system in the industry. SERC supports GLP initiative, but the content and checklist needs improvement. There has been a lot of training for employers/companies by the government. However, awareness-building is needed to educate employees about their roles and rights to make GLP more effective. This way GLP activities can be implemented in full dimension. CSOs can assist on training for employees since they have their network and can reach out to employees better than to employers. Given voluntary nature of GLP, economic incentives should be given to employers who implement GLP, such as annual award from the industry to model employer or preferred supplier list. He also called for better monitoring GLP implementation and measurement of its impact.

Stella Maris commented that the new GLP needs to look at creating a 'system' that covers recruitment of labour from originating countries. She shared an example from the Greater Mekong Sub-Regional Task Force that addresses the problem of labour before they enter Thailand by equipping them pre-departure knowledge. GLP should empower and educate both employers and employees. Employers should stop hiring labours from agents who recruit workers from Myanmar to Thailand, which generally create a situation of bonded labour and pay wages directly to workers and not via agencies. She also proposed the establishment of Welfare Committee Center in all 22 coastal provinces that reports to the National Fishery Welfare Center. A good example is Thai Union, which already has migrant welfare committee, should be replicated and expanded to all factories in the association. She raised concerns that C188 is designed for European boats and is not always applicable to the Thai context. GLP should be carefully designed to cater to local practices and practicality.

Thai Tuna Industry Association (TTIA) informed that the industry has a follow up/monitoring mechanism to make sure the members take GLP seriously. Thai Union play an active role in compliance to the standards and ensures that the company's Code of Conduct is respected all through its supply chain. TTIA is confident that their members are following the same practice as they do not want to be blacklisted by buyers. The industry urges all stakeholders not to treat migrants as criminal as it is not their fault (i.e. illegal

status) and focus more on how to improve the situation. She also called on local news and media must be more responsible in reporting truthfully in order to protect the reputation of the country.

Thailand Overseas Fisheries Association (TOFA) Thai Union is a good example in the industry that is very open for audits and welcomes visits from all stakeholders. Both private sector and government discussed about labour issues from their own perspective and for their own agenda. However, it is important come together as ‘Team Thailand’ to jointly solve the problem rather than blame others or focus on one’s limited capacity. The detail and content of GLP (such as checklist, principles, etc.) are covered by Thai law.

In reality, Thai fishermen are complying with new regulations on IUU, labour, trafficking as a result of internal and external pressure on the industry. TOFA members are overwhelmed by over 2600 law suits, budget constraints, and the government’s harsh punishment policy in revoking or not re-issuing the licenses to vessels. In order to improve the situation, financial support is necessary. GLP lacks enforcement which is an important element in the Thai context where self-initiative is weak. The fishing industry is often ‘judged negatively’ by public as criminals and receives the blame and heavy scrutiny from the government. The industry’s opinion has not been listened to and it is critical to find ways to cooperate amongst all stakeholders and help fishing workers back into the society.

Marine Department explained that the standard inspection on safety and sanitation is being adjusted to meet international standards. The Department understands that C188 is difficult for employers to apply, but it will also lift the overall standards of safety and living conditions which is a positive thing for the industry and Thailand. The IMO will conduct an audit in 2017 against international standards. The Department has informed vessel owners about these standards and it is a general trend towards stricter standards. He added that there is a currently a cooperation project with Norwegian government on vessel design. However, financial support to the industry (i.e. TOFA and NFAT) is not yet available at this stage.

Follow-up Actions:

- ILO concluded the discussion by noting that ILO will prepare a report of GLP consultations and turning it into a plan and then invite all stakeholders back again in February 2017 (after receiving the report). After that, a revised GLP programme that responds to the interests of all stakeholders will be prepared.

Agenda 3: Presentation and discussion of Labour Inspection field observations

Ms. Kuanruthai Siripatthanakosol, ILO presented an overview of the preliminary observations on labour inspections at Port-in-Port-Out (PIPO) Centre, at sea and in-land seafood processing factories. Some of the key observations included need for triangulation of data from document review and worker testimony, improvements to inter-ministerial coordination, and conduct of multiple, private worker interviews in native languages, as well as engagement with CSO and trade unions on labour reporting.

Command Center for Combatting Illegal Fishing (CCCIF) commented that law enforcement has improved a lot recently. The government officials now have better understanding and awareness on the issues as a result of technical support from ILO. Several trainings on human trafficking, labour protection were organized. The cooperation across related agencies is improving through consultations, joint trainings, and development of a SOP on labour inspections. The latest training curriculum organized by CCCIF and MSDHS included soft-skills interviewing techniques. CCCIF welcomes technical support from ILO on setting standards on labour inspection together.

TTIA commented that labour inspections are being done rather repetitively by both the industry and the government, whose resources are already limited. This wastes both time and resources on both sides and there should be better coordination in the process. This is particularly true for smaller factories where being repeatedly scrutinized can disrupt their daily operations.

Department of Labour Protection and Welfare (DLPW) explained that the government is more concerned with labour inspection at smaller firms (1-49 employees) which poses high risks and harder to monitor due to insufficient personnel. Big companies already understand the importance of keeping up the standards and are complying with the law. Thai Union tends to receive a lot of visits by the government and foreign guests because it is a model employer of the industry.

Thai law on fishing and labour has existed over decades, but enforcement has been weak. Law enforcement has picked up recently due to the IUU but there is a lot of resistance due to misunderstanding that the industry is being punished. It is difficult to convey to vessel owners who have been practicing fishing in a certain way for long periods. The government can support the industry to follow and enforce the law.

The Department has no ‘targeted goal’ in terms of how many cases should be prosecuted per year. It is important that we aim for continuous improvements. Labour inspection personnel do not have enough knowledge in Thai law and relies only on checklist. CSOs may be better staffed with the knowledge to help us spot the risks.

Follow-up Actions:

- ILO will prepare a document taking into account of the field observations on labour inspection, recommendations on current practices, and lessons learned and present it to the government.

Agenda 4: Employer-side shrimp supply chain project

ECOT informed that several rounds of consultations with industry and buyers took place which led to the shrimp supply chain project. Krungsri Bank is providing credit finance on improvements to the shrimp supply chain that will lead to sustainability and open access to international markets.

Agenda 5: Closing remarks

The European Union expressed thanks for the efforts to come up with solutions and pointed out that the ownership and success of this project is the responsibility of the stakeholders and not the EU. The EU emphasized its role as an equal working partner. To clarify, C188 is an international standard not an EU requirement. The EU recognizes difficulties in improving the situation but would like to stress the importance of human rights as universally recognized and not just an EU agenda.

MOL concluded that DLPW welcomes collaboration with all stakeholders on labour inspections in order that will lead to continuous and successful results.

ILO expressed appreciation to the EU for its budgetary and general support in the project and to all the stakeholders for sharing candid and constructive discussions. The discussions of the Task Force meeting will be reported at the next Project Steering Committee in December 2016.