

Draft Report on Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry or “Ship to Shore Rights” Project
Third Project Steering Committee (PSC) Meeting
20 December 2016 at 10.00 – 12.00 hrs. at Amari Watergate Hotel, Ballroom – C

Agenda 1 Welcoming Remarks

ML Puntrik Smiti, Permanent Secretary, Ministry of Labour, welcomed the participants to the meeting. The second PSC meeting was held on 14 September 2016 which was well-attended by the government, industry associations, civil society organizations, EU delegation to Thailand, and ILO. The meeting approved the Terms of Reference for the Task Forces and selection of the field office. The main objective of today’s meeting is to review progress made within the last three months.

Mrs Luisa Ragher, Chargé d’Affaires of EU Delegation to Thailand, welcomed the progress made on Objective 1 on the gap analysis for P29 and C188 and continued efforts towards ratifications in 2017 as well as notes the government’s efforts towards the ratification of ~~C87~~ and C98. Under Objective 2, the delegation is pleased that the government plans to increase the total of labour inspectors up to 1,500 and increase number of translators for labour inspections. Under Objective 3, GLP standards is a good starting place and notes the efforts made for revisions of the GLP standards. Under Objective 4, the delegation looks forward to the delivery of the activities in the geographical areas. Lastly, the delegation thanked MSDHS for their involvement in the Project. The delegation continues to count on the active participation from all stakeholders in the coming months.

Agenda 2 Summary of Second PSC Actions and Approval of Minutes

MOL Co-Chair invited *Ms Patana Bhandhufalck, Director of International Cooperation Bureau*, as Secretariat to summarize the main points of 2nd PSC meeting. She noted that the 2nd PSC meeting endorsed the Terms of Reference of Task Forces 1 and 2. The meeting endorsed the selection of Phang-Nga for the field office and chose Chumporn as one of the priority sites over Prachuap. The meeting endorsed in principle the Monitoring and Evaluation Framework, but tasked the ILO to finalize the framework and share it in writing with the co-chairs by 30 September 2016 for review by the PSC. The meeting endorsed in principle the proposed workplan for 2016 - 2017. The meeting also took note of the overview of the communication and visibility strategy for consideration at the next meeting. The meeting noted the use of funds and committed funds and its percentage of total budget.

MOL Co-Chair invited Mr Nilim Baruah, ILO Country Director Designee, added there has been important progress on all four objectives, in particular from all stakeholders to come together to plan for the next quarter of activities. ILO welcomes proposals from CSOs/trade unions on activities at the field level. In regards to the recruitment of workers, there should be 0% recruitment fees. ILO is ready to provide support to implementation of this legislation on fair recruitment of workers and facilitate a tripartite meeting of experts for discussion. ILO

Convention 181 relates to the fair recruitment of employment. He also referred to the SDG indicators related to migration. Migrant workers within the scope of contract should be able to terminate their employment at their own will. At the 16th Asia-Pacific Meeting in Bali in December 2016, the meeting focused on implementation of fair recruitment and agreed to take steps towards freedom of movement.

The Thai Tuna Association (TTIA) proposed changes to the minutes of the 2nd PSC meeting to clarify that TTIA has promoted to members the establishment of factory-level Welfare Committees comprised of migrant workers. TTIA is supportive of GLP and looks forward to the discussions on the next steps.

Decision: The meeting approved the overall minutes. ILO to revise the minutes with TTIA's comments and to re-circulate for reference.

Agenda 3 For information

3.1 Progress reports by Task Forces 1 and 2 (Task Force Co-Chairs)

EU Co-Chair noted that Taskforce 1 did not meet before the PSC and invited Director Patana Bhandhufalck, Director of International Cooperation Bureau, to report on progress and activities under Objective 1. She informed that several consultations and focus group discussions took place to develop the gap analysis of P29 and C188. In January, Taskforce 1 will reconvene alongside the validation meeting for the P29 gap analysis. Similarly, the gap analysis of C188 will be available in end December/early January followed by a validation meeting in January/February 2017.

Dr Pongthiti Pongsilamane, SERC, reported under Objective 4, informing the PSC that SERC has submitted a proposal for support of worker organizing efforts in Chonburi and Songkla to the ILO for consideration. The two provinces were selected by SERC as they already have existing networks of trade unions and expect to be able to start in late January/February. The proposal focuses mainly on worker organizations, including advocating for Good Labour Practices, good working conditions, and bringing technological systems to facilitate worker's organization. SERC and MWG organized a meeting among the CSOs earlier to coordinate work in the field. He added that SERC and MWRN organized an event for International Migrant Day on 18 December in Samut Sakorn and Songkla. They received cooperation from the Ministry of Labour to speak about labour rights and policies towards migrant workers. In total, the event brought in over 400 persons in each province.

The ILO Project Team, on behalf of the two Co-Chairs of Taskforce 2, reported on the December 2016 meeting of Taskforce 2, which oversees Objective 2 on law enforcement and Objective 3 on Good Labour Practices. Under Objective 2, Task Force 2 discussed at length the strengthening of the capacity of the labour inspectorate, looking at the capacity challenges such as issuance of orders, staff capacity, and translation constraints. Under Objective 3, the Taskforce convened at the end of a week-long GLP consultations with stakeholders. The participants agreed in principle that the GLP programme should be enhanced with more rigor and to make it more credible. The proposed revision of GLP standards will be shared in February 2017 and followed by a second round of GLP consultations in March 2017. Convention 188 on Work in Fishing was also extensively

discussed, including how standards apply to workers, skippers, owners, and vessels, and how the conventions 'flexibility' provisions could be applied in Thailand's ratification process.

Decision: The meeting took note of the progress under the two Task Forces and noted that both will meet again before the next PSC meeting.

3.2 Update Project Activities (ILO Project Staff)

MOL Co-Chair invited ILO Project Team to update on the progress of the activities and upcoming activities under each Objective.

<i>Objective</i>	<i>Project Activities</i>	<i>Upcoming Activities</i>
1	(1.1) Terms of Reference for baseline research & GLP industry survey launched (1.2) Ten tripartite consultations completed for P29 and C188 & Draft gap analysis of P29 delivered to government (1.3) Support development of action plan with DLPW/CCCIF/MSDHS & field visits to PIPO Centers	(1.1) Design/review baseline research tools (1.2) Deliver draft gap analysis to government & Validation meetings for P29 and C188 & Technical support for Drafting Committees (1.3) Support to develop action plan and technical inputs for planning processes
2	(2.1) Review of systematic challenges to effective inspection and assessment & Taskforce 2 meeting (2.2) Review and update of labour inspection training materials	(2.1) Development of comprehensive inspection plan (2.2) Review and update of labour inspection training materials & Training plan and training for 120 officers in 22 provinces (2.3) Support inter-ministerial coordination
3	(3.1) Support coordination of GLP working groups & first quarterly newsletter (3.2) Review of GLP standards and programme; Taskforce 2 meeting (3.4) Facilitate GLP linkages and engage buyer group calls	(3.1) Database of GLP participants (3.2) Update of GLP standards and programme & final consultations in March. (3.4) Engagement with buyers
4	(4.1) Completed mapping of migrant worker services and identified partners in each province	(4.1) Union and CSO planning meeting (4.2) Support forming of worker's organizations (4.3) Facilitate educational services (4.4) Support union/CSO cooperation and dialogue

Under objective 2, ILO shared their preliminary labour inspection observations after visits to PIPO Centre in Songkla, Mahachai and Rayong. Observations included the need for multiple,

private worker interviews in native languages, the need for triangulation of worker and management data and testimony, coordination of inspection visits, and CSO/union engagement to improve reporting.

Plenary Discussion under each objective:

Objective 1: Legal, policy, and regulatory framework

- Director Patana Bhandhufalck of International Cooperation Bureau, asked for clarification on the development of the baseline research, and support for development of action plan with DLPW/CCCIF/MSDHS.
- Mr Nilim Barauh, ILO, asked for a more detailed description of the main findings of the P29 gap analysis. The ILO Project Team explained that the main gaps and challenges relate to the absence of a stand-alone forced labour provision in Thai law that could lead to jurisdiction issues for forced labour cases, and to coordination among government offices. The gap analysis was submitted to the government on 1 December 2016 for review and internal consultations towards the ratification of the protocol. By comparison, Thai law has several more gaps with C188 including coordination and enforcement issues as many government agencies are involved with standards related to fishing and worker safety and health. The TOR for the baseline research was derived from the M&E framework and the ILO Project Team is now in the process of selecting an external research group noted. The Project Team confirmed that the development of the research tool in January 2017 would include discussions with project partners.
- MOL Co-Chair emphasized that the tripartite nature of the Project that requires consultations and MOL would like to be informed of developments in order for the Project to be able to move forward together.

Objective 2: Enforcement/Labour inspection in the fishing and seafood sectors

- Thai Overseas Fisheries Association (TOFA) commented that inspection measures at PIPO have placed a lot of pressure on fishing owners to comply with new standards. He commented that the role of labour inspectorate is arrest for wrongdoings. It is equally important to educate fishing owners to understand what standards to follow and to set specific indicators for them to follow. Thai waters is a multi-species ecosystem that is different from the EU and hence different standards should be applied to fit the Thai context. He also reassured the PSC that the fishing owners now follow and implement all labour laws and regulations due to the high penalty fees imposed.
- MOL Co-Chair added that government agencies need technical support to meet international standards that define the scope and capacities of labour law enforcement. The MOL welcomes understanding more about the real situation in order to be about to bring about better standard improvements, including the payroll

of workers. MOL welcomes the feedback and comments to collectively identify solutions.

- CCCIF explained that the Marine Department has put in place safety-at-sea standards based on international norms and best practices and apply to fishing vessels that have the available capacity to adopt the standards. He clarified that labour inspection at PIPO Centres is part of law enforcement and to ensure effective implementation of policies and regulations. It is not mainly to make arrests for wrongdoings.
- TTIA explained that when labour inspection takes place by different agencies, the owner is sometimes treated in the same way as a criminal. It is important to illustrate labour inspection in a more positive manner. She emphasized that everyone is part of “Team Thailand” and should cooperate closely to address the issue.
- Mr. Nilim Baruah, ILO explained that he participated in the UN-ACT’s training of inspectors under the Anti-Trafficking Act and witnessed an Indonesian Taskforce meeting to combat IUU. The meeting invited both sending and receiving countries to jointly address the problem.
- MOL CO-Chair added that most policies focus on wrongdoings by employers rather than by the employees.

Objective 3: Compliance with the Fundamental Principles and Rights at Work

- TOFA commented that workers need to understand their own labour rights, including working hours, rest hours, and wages. Owners have to rely on workers to work, and unfortunately sometimes the workers escape after receiving the advance wages.
- Stella Maris suggested that workers should receive a pre-departure training. Stella Maris will set up three drop-in-centres and welcomed receiving information from the fishing owners on rights that they will provide and working conditions on board to the workers.
- MOL Co-Chair explained that the GLP was an effort of the MOL to encourage industries to adopt it on a voluntary basis.
- TTIA proposed that it is important for buyers to recognize the GLP as there is no certification and suggested to re-organize the Buyer Reference Group to continue promote GLP with them.

Objective 4: Support services for workers and victims of labour abuses

- An MWG member (Solidarity Center) suggested that the Project consider cross-border communications as part of its preventative measures.

Decision: The meeting noted the progress of activities under each objective.

3.3 Project Communications Strategy (ILO)

EU Co-Chair invited the ILO to present an overview on the communication and visibility strategy. The ILO Project Team highlighted the strategy's tools, target beneficiaries, project messaging, and examples of communication activities including promotional literature, e-newsletter, press conferences and events, strategic communications, and the sharing of best practices.

Plenary Discussion:

- MOL Co-Chair raised some concerns that there MOL's logo is not reflected on the brochure and folder. MOL is committed to the Project and would like to receive visibility of MOL for recognition.
- EU Co-Chair added that beneficiaries should also include both Thai and foreign consumers.
- MOL Co-Chair suggested that positive news should be promoted and that the project should share on-going developments.
- SERC suggested that the project should help develop positive attitudes towards migrant workers through social media.
- TTIA proposed that the project should work at the Provincial level and Sub-district Administrative Organizations to reach out to smaller communities.
- MWG commented that there should be separate communication strategies for different target beneficiaries and support using social media for communications.
- Director Patana Bhandhufalck of International Cooperation Bureau, MOL commented that outreach to global media is as important as Thai media.
- Stella Maris asked for support from employers and industry associations and all other stakeholders to help outreach to workers through their centres. On a separate issue, Stella Maris asked if the MOL could include a request for documentation on bone density from employers if they suspect that one of their employees is under 18.
- ECOT established the Working Group comprised of both employers and employees and will promote the Ship to Shore Project within the Group.
- An MWG member (Solidarity Center) proposed a dialogue among civil society to exchange best practices on communications to reach target beneficiaries.

Decision: The meeting took note of the communications and visibility strategy, which is a living document that can be adapted throughout the period of the project.

3.4 Project Financial Report (ILO)

MOL Co-Chair invited the ILO to present on the project's financial status. The ILO Project Team presented:

- Total spent to date: USD 420,104; EUR 395,737; THB 14,980,909
- Total committed: USD 385,161; EUR 362,822; THB 13,734,874
- Total spent and committed to date as a percentage of total 2016 – 2019 budget is approximately 18%.

Decision: The meeting took note of the financial report.

Agenda 4

4.1 Monitoring and Evaluation Framework (ILO)

EU Co-Chair invited the ILO Project Team to present the revised M&E framework. Since the last PSC meeting, the Project Team has incorporated comments on the M&E framework made by PSC participants and technical inputs from ILO Specialists in Geneva and Bangkok. Some indicators were revised considering the limitations on available data and the limited prospects for developing new sources. Remaining data gaps identified in the M&E framework will be filled by the results of the forthcoming baseline research, including a survey shared with industry associations as part of the GLP consultations. The Project Team noted that the M&E framework is designed to be an evolving/living document that can be adjusted.

Plenary Discussion:

- Director Patana Bhandhufalck of International Cooperation Bureau, MOL expressed her concern about the selection of the indicators as some data may be too complicated to collect and ultimately affect the overall results of the project. She suggested calling for M&E consultations to go through the indicators and to identify possible sources of data.
- Under indicator 1.4.1 on the number of migrant workers with regular status, MWG sought clarification on the relevancy to the project's objectives. CCCIF expressed some concerns that this indicator may imply the government's endorsement of illegal migration as all migrant workers who should not enter illegally in the first place. In response, MWG added that the objective is to assist illegal workers to achieve regular status. TOFA shared its perspective that in reality fishing owners are in need of workers as many workers that come on board often ask for advance wages, but escape afterwards. The Myanmar government should play an important role in facilitating workers' entry through the MOU process, but it is very difficult.
- Under indicator 3.1.1 on establishment of a multi-stakeholder body to govern the GLP programme, and indicator 3.2.1 on the extent to which GLP principles are reflected, MWG asked for clarification about the composition and set-up of this body to govern GLP and also how on GLP principles are reflected. Overall, MWG expressed some concerns that the Thai translation from English might have caused some confusion.

- Under indicator 4.1.1 on the number of referrals between service providers under ILO project support, and under indicator 4.1.2 on the number of operational unions and worker associations, MWG asked if these measures cover all CSOs or only those working directly with the Project.
- MOL Co-Chair agreed that it would be useful to seek clarity on the indicators.

Decision: The meeting agreed to postpone the approval of the revised M&E framework until after M&E consultations on the indicators and the data from the forthcoming baseline research data can be included.

4.2 Date of Next Project Steering Committee Meeting (Co-Chairs)

MOL Co-Chair proposed that the fourth PSC meeting be held on 4th May 2017. This proposed date was noted/accepted by the PSC.

Agenda 5 Other Business (if any)

- No comments

Agenda 6 Closing Remarks (Co-Chairs)

MOL Co-Chair closed the meeting by thanking the participants and encouraging all stakeholders to work together respecting the tripartite nature of the work.

EU Co-Chair also expressed her appreciation and provided a brief recap of the main points of discussion, overall progress under each objective, and the decisions taken.