



International
Labour
Organization



Draft Minutes of the Second Task Force Meeting No. 1
Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry
9 March 2017, 14:00 – 16:30 hrs.
Room C, 7th floor, Amari Watergate Hotel, Bangkok Thailand

Co-Chair opening remarks by Ms Wilaiwan Koykaewpring, Senior Expert on International Cooperation, International Cooperation Bureau, Ministry of Labour, on behalf of Director of International Cooperation Bureau, MOL. and Dr Pongthiti Pongsilamane, Deputy Secretary-General of SERC reflected the 2 project objectives under this Task Force, which are Objective 1 “Strengthen the legal, policy and regulatory framework in the fishing and seafood sectors by raising labour standards and facilitating more legal migration into the sectors”, and Objective 4 “Increase access to support services for workers and victims of labour issues, including women and children, through engagement and empowerment of civil society organizations and trade unions”.

MOL Co-chair summarized that the first Task Force #1 was held on 29 July 2016 to approve its Terms of Reference. She provided a brief summary of the key decisions taken by the 3rd Project Steering Committee on 20 December 2016. SERC co-Chair welcomed the participants to the meeting and informed that consultations with CSOs/Trade Unions took place in the morning and will be giving an opportunity to partners to present under Objective 4.

ILO opening remarks by Mr Jason Judd, ILO Project Manager, included updates from ILO on project action, but more importantly, updates on actions by partners including government on legal framework and unions and CSOs on worker activities. As noted in the first Task Force meeting in July 2016, the results of this project do not belong only to the ILO but to all of us.

Ms Kuanruthai Siripatthanakosol, National Project Coordinator, reported on the main key findings of P29 gap analysis, highlighting that Thailand has adopted a number of positive measures and laws and standards that meet P29 standards. However, challenges and gaps identified included legal definitions and victims screening; monitoring and regulating recruitment; and coordination and collaboration. Under C188 gap analysis, Thailand has existing legal and regulatory framework, but scattered and overlapping and coordinating body is not clarified. Thai laws has some higher standards than C188 and has general provisions but not in line with C188 standards.

1. Progress and Next Steps towards Ratification of P29 and C188, reported by MOL Co-chair

1.1 P29

The MOL Co-chair informed the Task Force that the Gap Analysis on P29 has been finalized. The Ministry is awaiting the Notification on the Appointment of Subcommittee on Ratification of P29 and the Drafting Subcommittee to be signed by the Deputy Prime Minister by March 2017. It is anticipated that the Subcommittee meetings will be held between March and May 2017. Regulatory Impact Assessment (RIA) will be conducted from June to July 2017 before



International
Labour
Organization



submitting to the Cabinet to approve in principle and to the Council of State to review the draft bill by August 2017. The MOL will propose the Protocol and draft bill, reviewed by the Council of State, to the Cabinet for the National Legislative Assembly to consider the draft bill in September 2017.

1.2 C188

The ILO will submit the final report on Gap Analysis of C188 by March 2017. The Working Group will then hold tripartite meetings in March and April 2017 to draft the bill. RIA will be conducted in May 2017 before submitting to the Cabinet to approve in principle and to the Council of State to review the draft bill in June 2017. Relevant laws will be reviewed by the Council of State and the bill will be drafted from July to August 2017. The MOL will propose the Convention and the draft bill, reviewed by the Council of State, to the Cabinet for the National Legislative Assembly to approve in principle, and appoint Extraordinary Commission to review the draft bill in September 2017.

After the review by the Extraordinary Commission, the draft bill will be submitted to the National Legislative Assembly for approval. Once approved by the National Legislative Assembly, an official letter to ratify the Convention will be submitted and the Ministry of Foreign Affairs inform the ILO Director-General to ratify the Convention.

Plenary Discussion

- Industry association representatives commented that it is important for government to involve the private sector when laws are being drafted and expressed overall concern that many new regulations have a major impact, resulting in any fishing vessel owners, to go out of business.

Discussion Points: The meeting took note of the key findings of the gap analysis and timeline towards the ratification of P29 and C188.

2. Summary of CSOs Activities under the project, reported by SERC Co-chair

SERC Co-Chair informed that coordination among CSO partner is key to the maximum use of shared resources for optimum efficiency and effectiveness to bring about changes that we envision in the next 2 years under the project. The SERC Co-chair also emphasized the importance of conveying information from the government to workers or CSOs in the field. The CSO/trade union consultations took place in the morning to strategize and coordinate field activities.

Mr Judd provided a brief recap of the project activities under Objective 4, including mapping of migrant worker services and trade unions, signature of implementation agreements with partners, and consultations with CSO/trade unions. A CSO mapping in project focus areas were also shared with the meeting.



International
Labour
Organization



2.1 Activity Update by CSO/Trade Unions

State Enterprise Workers Relation Confederation (SERC) has signed implementation agreement with ILO on 16 January 2017.

- SERC's activities focus on establishment of worker association. Provinces include Chonburi and Songkhla (Hat Yai) where a work plan is being discussed among the workers' networks to initiate the organizing of trade unions/worker associations in the fishing and seafood processing industry.
- Capacity-building and awareness-raising for worker leaders and migrant workers.
- Tripartite policy dialogue at the provincial level will be launched in Songkhla and Chonburi before the national consultation.

Stella Maris signed the implementation agreement with ILO on 16 December 2016

- Stella Maris provides support with a focus on providing welfare assistance to workers, including health and labour rights, providing information about new labour laws such as registration of migrant workers, nationality verification process etc. Migrant workers are not well informed about the laws and new regulations and recommended circulating leaflets in the area.
- Stella Maris has set up offices in Rayong, Chonburi and Pattani.
- In Chonburi, signboards should be in either Myanmar or Cambodian languages as migrant workers do not read Thai or English. Discussion is ongoing with the Subdistrict Administration Organization to support education for migrant children to prevent child labour practice. Currently, 40 children need official support as costs to nurture each child is 400 baht per day.
- In Pattani, Stella Maris has been supporting child education. The agency's work and activities try to add more to Occupational Safety and Health (OSH). A training on OSH should be re-organized as many workers have rotated from other employment sectors to the fishing sector.
- Stella Maris suggested producing a common set of documents/materials to be distributed instead of having each NGO to produce their own to ensure consistency. Most materials distributed by Stella Maris are produced by other agencies, preferably in the languages that migrant workers understand. It was suggested that information materials on OSH should be waterproof so that workers can keep them for long period. They recommended concerned authorities to conduct a training on application of safety equipment on fishing vessels.

HRDF is in the process of discussion with ILO on finalization of the implementation agreement.

HRDF now has a network of 15 lawyers. Activities aim to conduct under the project include 3 main components as follows:

- 1) Production of manual for paralegals – this will be adapted from the manual for lawyers on human-trafficking
- 2) Capacity building on case management and referrals of forced labour and human trafficking cases
- 3) Legal impact cases



International
Labour
Organization



Raks Thai Foundation is in the process of discussion with ILO on finalization of the implementation agreement. Raks Thai looks to build and strengthen the capacity of migrant leaders via capacity building and legal assistance in Samut Sakhon, Surat Thani, Pattani, Chumphon, Ranong and Trang. In Pattani, Raks Thai will reach out to workers on shore in seafood processing and Stella Maris in fishing. Under the project, Raks Thai will cover issues

of health, reproductive health, OSH and worker community. The agency has developed a manual on OSH for shrimp processing factories.

SERC Co-Chair reported on behalf of Oxfam Thailand and Foundation for Education and Development (FED) who could not attend the Taskforce, which the implementation agreement is being discussed and finalized with ILO.

Oxfam Thailand

Oxfam is having a discussion with the ILO for a potential collaboration with Oxfam Thailand as the coordinator of the Thai Civil Society Platform on Sustainable and Ethnical Seafood on developing a national campaign for consumers and retailers on seafood supply chains.

Foundation for Education and Development (FED) has created a mobile phone application in Myanmar language to provide information for Myanmar-speaking migrants.

Plenary Discussion

- The MOL informed that a manual on OSH has been produced under the ILO Triangle Project, which already went through a multi-agency review. The document and tools should be shared with Stella Maris for their work on OSH.
- NFAT suggested that inspection on vessel should be conducted by all 8 relevant agencies at PIPO to ensure transparency and recommended for Stella Maris to access to workers for training through the PIPO Center.
- MWG also raised questions about this possibility for training by CSOs at the PIPO which CCCIF agreed to raise the issue internally for approval.

Discussion Points/Follow-up Actions

- The meeting took note of the field activities across project focus areas.
- CCCIF to explore the possibility of facilitating worker training by NGOs at the PIPO Center.

3. Baseline Study

Ms Supavadee Chotikajan, ILO National Project Coordinator, explained the rationale of conducting the baseline study to capture data in line with the Monitoring & Evaluation (M&E) Framework and to develop a data on employment and working conditions which corresponds to Objective 1 & 4. She provided a brief update on the progress of the baseline research which will cover 430 workers across 5 priority zones. The will be conducted by Rapid Asia in the field in March and April 2017 with preliminary results expected in May 2017. The questionnaire covers 67 topics, ranging from demographics, recruitment, working conditions, employment, access to services, and living conditions. According to timeline presented, the



International
Labour
Organization



baseline research is expected to be completed by June with preliminary results shared at the next Project Steering Committee

NFAT commented that the 200 surveyed fishing workers should be categorized between those registered at PIPO and those who are not.

4. Next Task Force Meeting No. 1 (2/2017)

MOL Co-Chaired informed that the next Task Force Meeting No. 1 (2/2017) will be held in September 2017.