

Draft Minutes
ILO Ship to Shore Rights Project
Fifth Project Steering Committee (PSC) Mtg
Friday, 8 September 2017 at 14.00 – 17.00 hrs. Ministry of Labour

Decision and Discussion Points

- The meeting approved the minutes of the 4th PSC meeting.
- The meeting took note of progress under the four objectives:
- Objective 1) Progress on policy and legal framework and ratification C29 and C188 still required more work and consultation
- Objective 2) Training series conducted by DLPW for inspectors on fishing boats and seafood processing industry required longer term planning to develop a standardized curriculum for labour inspectors and updated manual training tools.
- Objective 3) GLP event at Thai Fex event was successfully held. Joint TTIA-TFFA with ILO is being rolled-out. GLP programme needs more recognition from buyers.
- Objective 4) Update by CSO partners SERC Foundation, Stella Maris, Raks Thai, Oxfam, FED, HRDF. All cases are should promptly treated and require closer collaboration between government and CSO.
- Research updated on wage projection scheme through banking payroll and effectiveness of MoU on neighboring countries. Number of issues raised in the baseline research which require further attention and could be reflected in the end line study
- The meeting approved the M&E Framework
- Project website at shiptoshorerights.org will be launched shortly and communication materials will be produced in neighboring country language.
- The meeting took noted of total spent and committed to date as a percentage of total 2016 – 2019 budget is approximately 34.14%.
- The sixth PSC will be in first quarter of 2018.

Agenda 1 Welcoming Remarks of Co-Chairs

ML Puntrik Smiti, Permanent Secretary (PS) f Ministry of Labour and Mrs. Luisa Ragher, Chargé d’Affaires, EU Delegation, co-chaired the 5th Project Steering Committee (PSC) meeting, noting the progress on activities under the four objectives and jointly identify possible solutions to the implementation challenges.

Agenda 2 Summary of Fourth PSC Actions and Approval of Minutes

Ms. Supavadee Chotikajan, ILO National Project Coordinator, reported on key points of discussion and decision taken at the 4th PSC. The meeting took note of the reports of Task Forces 1 and 2 and the progress on activities, implementation challenges, and key changes to the workplan for the four objectives. The PSC agreed with the proposed topics for research work and noted the preliminary results of the baseline research work presented by RapidAsia as well as the importance of the gender mainstreaming in project activities. The meeting took note of the financial report that the total spent and committed equals approximately 27% of total project budget.

Decision Taken: The meeting noted the upcoming important events and the calendar of meetings.

Agenda 3.1 Update on Project Objectives: Implementation Progress and Challenges introduced by Taskforce Co-Chairs and reported on specific activities by ILO.

Objective 1: Legal, policy, and regulatory framework

Ms. Wilaiwan Koykaewpring, Senior Expert, International Labour Standards Group, Ministry of Labour, informed about MOL project activities undertaken towards the ratification of P29 and C188. For P29, MOL drafted the Forced Labour Act based on the legal gap analysis of P29, which was tabled to the Committee on Ratification. The Committee raised several comments, including the definition of forced labour versus human trafficking and the potential overlap with Anti-human trafficking Act which may create complication in law enforcement. MOL has requested for support from ILO to produce a case study on forced labour in Thailand. It is expected that the draft case study on forced labour is expected to be completed by the end of the year. For C188, the Committee on Ratification has requested for relevant government agencies to revise their laws in accordance with C188. MOL will be organizing a Drafting Committee on C188, tripartite consultations, and drafting up laws in accordance with C188.

Mr. Jason Judd, ILO Senior Technical Officer, informed on the progress under Objective 1 as follows:

- A narrative report of the baseline research will be circulated in October.
- Case studies on identification and prosecution of cases of forced labor is being undertaken.
- A special visit from New Zealand labour inspectors who is experienced in developing regime of policing at sea with comparative study extracted from New Zealand applied in Thailand.
- Research work by Australian consultant on effectiveness of MOU channels and labour market dynamics is being commissioned.

Plenary Discussion

- TOFA stressed the need to delay amendment of laws in line C188 to suit local fishery sector in Thailand as many fishers lack the knowledge. There should be a grace period indicated in c188 to allow time to review and address legal gap analysis.
- PS understands TOFA's position and any violation on workers has severe penalties for vessel owners. Additional work and assessment of the impact of laws will be needed before ratifications of new Conventions.

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

Mr. Soomboon Trisilanunt, Director of Labour Protection Bureau, Department of Labour Protection and Welfare (DLPW), Ministry of Labour, reported on that DLPW and ILO co-organized a training for inspectors with SR law's inputs in 3 rounds in Bangkok, Songkhla and Phuket. Topics covered included worker inspection, legal procedures, and training evaluation. DLPW would like to plan for additional trainings on writing orders, but will re-design the training curriculum after the stakeholder consultation. In addition, two interpreter training for staff at PIPO and provincial offices were held with financial support from ILO for the third training session. He also report that CCCIF has assigned DLPW to take the leading role in inspection at seafood processing factories due to decreased number of violation found at the workplace. The Ministry of Labour has requested 7 million THB to be allocated at provincial level authorized by local governors along with navy representatives and related partners according to assigned sector quota.

Mr. Jason Judd, ILO Senior Technical Officer, informed on the progress under Objective 2 as follows:

- Contribution to 2018 DLPW staffing and training plan & analysis of fishing/seafood inspection data collection and management system.
- Revision of PIPO and seafood processing labour inspection tools and training.
- Three inspection technique trainings organized.
- Research on fishing wage enforcement through electronic payment.

Plenary discussion highlighted the following issues:

- Department of Fisheries addressed their concern to conduct 100% inspection with the limited number of staff at PIPO to properly assess risks and to conduct quality inspections. This will require a better planning with DLPW during this transition period and for DLPW to clarify the direction and labour inspection practices. DLPW responded that seafood processing factories required plan submitted from related partners in reviewing plans and for CCCIF to agree with the procedure and plan.
- Stella Maris requested for guidelines on vessel inspection that replace Thai flag with foreign flags, but labour inspectors can't action on vessels with foreign flags. DOF explained that inspection on foreign vessels with Thai employers can be undertaken by DLPW. However, foreign vessels with foreign crew that enter Thai waters are obliged to follow the port-state measures. ILO added that under C188, labour inspectors are allowed to inspect foreign boats in Thai territorial waters. EU asked if there are long term plan and types of inspections required for foreign flag vessels.
- PS Co-Chair thanked ILO/DLPW for organizing the three trainings for labour inspection, but suggested the development of a national curriculum that builds on the existing training under the Triangle project and includes forced labour indicators.
- DLPW added that CCCIF has a new risk assessment color-coding scheme to place green flag for less risky boats and set up regulations on inspection especially in deep southern part in risky areas.
- ILO is commencing a research study on implementing the bank payroll scheme that will resolve wage protection. At PIPO Centre, Department of Fisheries will conduct a random inspection on the wages, but enforcing only electronic bank payment that might be difficult as it will depend on agreement made between workers and employers.

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

Mr. Jason Judd, ILO Senior Technical Officer, reported on behalf ECOT Director, who was unable to join the meeting. He updated the progress of Objective 3 as follows:

- Thai GLP Thaifex event secured industry association and CSO commitments to new GLP principles.
- Consultations with TTIA and TFFA for joint GLP programme which covers training, engagement with buyers and CSOs on compliant mechanism, and increased awareness about GLP.
- Continuous engagement with buyers at GLP Thaifex and Seaweb, Seattle.

Plenary Discussion

- TOFA shared that in the past 2 years that Thai fishing vessels haven't been operating in overseas waters due to the stringent legal and regulations, including installation of Vessel Monitoring System and tracking in real-time, has made a major impact on the fishers.
- TTIA reiterated that their industry association places great importance on GLP. The GLP is not widely accepted yet by buyers, but it does effect consumer perception of voluntary compliance and results lead to improvement in the long-run. TTIA called for more buyers to recognize the efforts made to comply to GLP.
- GLP; this might not be widely accepted, but it does effect consumer perception of voluntary compliance with the standards, although the result leads to improvement in the long run.

- EU added on the valuable programme of GLP and the need to discuss with buyers for their buy-in.
- PS commended TTIA and TFFA and proposed for DLPW and Ministry of Commerce to increase attention from buyers and to apply the GLP can apply to other sectors.

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

Dr. Pongthiti Pongsilamanee, Deputy Secretary-General, SERC Foundation, reported on the progress under SERC on establishment of worker organization in Chonburi and Songkla. The aim was to strengthen networks, to set-up a database on case management, and to designate worker representatives to address worker's complaints. Under the first phase, in January 2017, the meeting among CSO was held to inform about the project implementation and to explain about support assistance provision for workers. On May 17, SERC hosted for workers to introduce them to their basic rights and government policies in Chonburi. The 2nd training was among migrant organizations hosted in Songkhla on 9 July 2017 with ILO support from ITF and Stella Maris. Under Phase 2, the leaders of workers need to set-up a platform to represent their needs/concern that leads to better protection of workers to raise their concerns.

Ms. Supavadee Chotikajan, ILO National Project Coordinator, briefly explained about the ILO project activities as follows:

- Establishment of three seafarer centres in Chonburi, Rayong, and Pattani. This included increased access to services through trade unions and CSO.
- An additional agreements were signed with Raks Thai, HRDF, FED and Oxfam
- Worker association established and strengthened through SERC.
- A number of provincial tripartite meetings in Chonburi, Phang-nga, Songkla, and Phuket discuss challenges and priorities in fishing and seafood industry.
- Developed pilot education advocacy project

Plenary Discussion

- Stella Maris Seafarer's Centers in Samaesarn, Chonburi, Rayong, and Pattani are open for fishery workers and they provide training housewife of fishers on vocational training and childcare for migrant/Thai workers and family members.
- Raks Thai primarily focuses on healthcare services and now works youth migrants through the AAC with implementing areas in Samutsakorn, Surathani, Pattani. The assistance provided for workers included providing access to cases on wage and documents withholding.
- HRDF will be developing a guideline for paralegals on case referral produced along with training for civil society from different provinces to present laws and fishery.
- Oxfam will holding the first event on the Seafood Spike Campaign Event in November 2017 with a positive contribution of migrants to Thai society.
- ITF is working closely with Stella Maris and ITF in Songkhla province on outreach activities on worker organization.
- PS raised some concerns to the Triangle Project that a number of cases that have not been dissolved. The protection and rehabilitation might fall into NGOs responsibility, but cases referrals to government should be handled promptly.
- EU noted on the closure of cases need to be addressed which requires close cooperation of NGOs and government.

Discussion Points: The meeting took note of the progress under the four Objectives.

Agenda 3.2 Update on Project Research Topics (ILO)

Mr. Jason Judd, ILO Senior Technical Officer, provided an update on the planned research work:

- Baseline survey on working and living conditions and final narrative report (due in Oct. 2017)
- Wage protection through banking payroll scheme (due Nov. 2017)
- MOU channel effectiveness and labour market status (due No. 2017)
- Impact of global supply chain purchasing practices on Thai supplier competitiveness and working conditions (due. Dec. 2017)
- End line study (proposed March 2019)

Mr. Daniel Lindgren, Founder of RapidAsia, presented key findings on the baseline research on working and living conditions in the fishing, seafood, and aquaculture.

Plenary Discussion raised several questions and comments in regards to baseline research as follows:

- It was noted that deception/lump sum payment and wage violation found, but the study could not find physical violence in comparison to other forms of forced labour.
- Questions were asked on the timeframe of the baseline as several ministerial laws introduced during past 1-5 years, including the recruitment fee collected from originating countries, signature of the contracts in Thai and native languages, overtime payment, and rest hours. These still require further discussion not in terms of exact figure but finding solutions to ongoing issues.
- DOF raised concerns that the baseline results clearly indicate that training and tools developed that have not resulted in the quality improvement in the fishing and seafood sectors.
- It was commented that the study did not distinguish between workers that worked on the size of the vessel sizes at 30 gross tonnes which have to go through the PIPO inspections and their work conditions closely monitored. It is likely that workers on vessels less than 30 gross tonnes is included in the sample and did not sign a work contract and were not explained the work conditions in the contract. Rapidasia explained that they interviewed workers on smaller than 30 gross tonnes and irregularity that is common on smaller fishing vessels and on a single trawl, there are lots of reported abuse cases.
- ILO explained that the figures are meant shouldn't be interpreted as an absolute figure. A comparison with 2013 fishing report shows an improvement in signed contracts at 6% four years ago and has gone up to 23%. ILO narrative report will be ready by Oct 2017.
- PS Co-chair stressed the importance of improve quality performance of inspectors to detect labour violations.

Discussion Point:

- The meeting took note of the baseline research.
- ILO will share the narrative report with PSC once finalized.

Agenda 3.3 Approval of Monitoring & Evaluation (M&E) Framework

Ms. Supavadee Chotikajan, ILO National Project Coordinator, presented a brief overview about the process of reviewing and discussing the M&E Framework over the past year within the PSC, Taskforces, and technical meeting on M&E framework, as well as highlighted the changes to the indicators as recommended. The M&E Framework is now completed with the results of the baseline research.

Decision Point: The meeting approved the M&E framework.

Agenda 3.4 Communications/Visibility

Ms. Chonnikarn Phochanakij, ILO National Project Coordinator, presented on the communications materials produced, including the website, leaflets, water bottles and T-shirts. The meeting suggested that media and communication materials to be produced in different languages for the migrant community.

Discussion Point: The meeting took note of the communication material produced.

Agenda 3.5 Project Financial Report

Mr. Jason Judd, ILO Senior Technical Officer, reported on the project financial report as follows:

- Total spent to date: USD 1,049,159.31; EUR 888,673.94 ; THB 35,010,446.17
- Total committed: USD 643,403.28; EUR 544,962.58; THB 21,470,367.45
- Total spent and committed: USD 1,692,562.59; EUR 1,433,636.52; THB56,480,813.62
- Total spent and committed to date as a percentage of total 2016 – 2019 budget is approximately 34.14%.

Discussion Point: The meeting took note of the project financial report.

Agenda 4.1 Date of Next PSC Meeting

The date of next PSC will be held in late January or early February 2017 with new dates depending on availability with the new Permanent Secretary.

Agenda 5. Closing Remarks

Mr. Maurizio Bussi, ILO Country Director, was invited to share his viewpoints emphasizing the importance of combatting forced labour as a meaningful protection for workers. The momentum of the ratification of forced labour and C188 is needed since the delivery of the gap analysis and the ILO looks forward to reviewing the second revised draft of the Forced Labour Act. The ILO recognizes the Ministry's effort on the training among inspectors to identify violations of wage laws and other labour violations. The ILO promotes social dialogue on addressing wage protection to ensure that they received payment according to the contract and compliance with national registration in line with international standards through enforcement. This is the 5th PSC meeting among government and institutions which is unique example in Thailand to deliver sound decision. Thailand's experience in addressing labour abuses in fishing is helping move the issues as a point of reference for the region. ILO governing body is a core of decision making to present the work to do a showcase and provide visibility of the work in Thailand.

EU Co-Chair summarized the main points of discussion and decision points and PS closed the meeting.