

**Draft Minutes of the Ship to Shore Rights
Joint Task Forces Meeting
17 November 2017, 09.00 – 12.00 hrs.
Pullman Bangkok Kingpower Hotel, Bangkok**

Overview

The Joint Task Forces Meeting took note of the preliminary findings of two research papers on 1) Effectiveness of MOU channels for Work in Fishing and Seafood Industry in Thailand and 2) Wage protection solutions through Bank Payroll Scheme for Fishers. The draft report will be circulated for comments. As per the ILO's evaluation policy, the Ship to Shore Rights Project will be undertaking the Mid-Term Evaluation in January 2018 and will be engaging all project stakeholders throughout the process.

Summary of the Meeting

1. Welcoming Remarks and Objectives of the Joint Task Force Meeting

Mr Jason Judd, Senior Technical Officer/Project Coordinator, International Labour Organization (ILO) welcomed the participants to the Joint Task Force Meeting which brings together governments, employers, and civil society organizations. The objectives of the meeting are to update each other on developments under the four objectives and to discuss about the preliminary findings on two research papers on effectiveness of MOU channels for work in fishing and seafood industry and wage protection through electronic payroll systems.

2. Taskforce No. 1: Legal, Policy and Regulatory Framework and Access to Support Services of Workers (Objective 1 and 4)

Objective 1: Legal, policy and regulatory framework

Ms Wilaiwan Koykaewpring, Senior Expert, International Labour Standards Group, Ministry of Labour, reported on the latest process and next steps towards ratification of P29 and C188. On P29, MOL has already drafted the Forced Labour act, but the Act does not address concerns related to the definition of forced labour and role of labour inspectors across the Ministries. The contentious issues relate to the definition of forced labour versus trafficking. The Anti-Trafficking Act already includes some forced labour indicators and a new Forced Labour Act would be duplicative in part to the existing Act. The Sub-Committee on law drafting for P29 recommended to the working group revision of the Anti-Trafficking Act to include all forced labour dimensions. Additionally, MOL has requested that the ILO work on a case study analysis on forced labour cases in Thailand. On C188, the MOL has asked each government agencies to propose law amendments to be in compliance with C188. The next Sub-Committee on law drafting will be held on 8 December 2017.

Stella Maris noted that the importance of clarifying the definition of forced labour in the Thai context as the Thai language has two definitions on forced labour versus forcing labour to work which falls under trafficking.

Objective 4: Access to Support Services of Workers

Dr Pongthiti Pongsilamanee, Deputy Secretary-General of SERC on progress for worker organization, reported that ILO has signed implementation agreements with SERC Foundation, Stella Maris, Raks Thai, HRDF, FED, and Oxfam. The aim is to focus on worker's organization and increasing access to

services for migrant workers. Each of the partners has a different area of focus ranging from health care services to legal assistance.

3. Summary of Joint Task Force Meeting on 28 June 2017 and Approval of Minutes

Dr Pongthiti Pongsilamane reported that the last Joint Task Forces Meeting took place on 28 June 2017. The Joint Task Forces met to validate the results of the baseline survey of working conditions in the fishing and seafood industry conducted by RapidAsia, and to endorse the Monitoring & Evaluation (M&E) Framework before submission to the Project Steering Committee (PSC) in September 2017 for final approval.

4. Research on Effectiveness of MOU channels and Labour Markets for Work in Fishing and Seafood Industry in Thailand by Dr. Thomas Harre & Mr. Arongkot Khosshasarn

Dr Thomas Harre explained that the objective of the research was to understand the effectiveness of the MOU process and employer demands for labour and what improvements may be made. The research methodology included a desk review, semi-structured interviews, and interviews in five provinces with fishing vessel owners – a total of 36 interviewees. The interviews with governments argued that the process on the Thai side is effective, but the stumbling block is on the side of the sending countries. The vessel owners considered the MOU process expensive and difficult to manage. They felt that they haven't been consulted sufficiently and the government has forced them to make immediate changes without any leeway or sufficient time to adapt to new regulations. Other interviews found that the MOU process was overcomplicated, ineffective, and lacked transparency and oversight from Thai side. There was also no transparency on whether workers were also playing for the recruitment costs.

Plenary Discussion highlighted the following issues:

- Ministry of Foreign Affairs (MFA) questioned why the interview data focused only on commercial vessels over 30 gross tonnes and what percentage it represents in the total Thai fishing vessel fleet. There are more fishing vessels smaller than 30 gross tonnes which will also recruits migrant workers but not regulated. It is important for protection to cover workers on small fishing vessels. He shared his experience attending a Business Forum under the Bali process which the private sector exchanged views on supply chain transparency and learnt from Thai Union/Walmart's experiences on ethical recruitment.
- MFA agreed that it is important to set a proper mechanism with the private sector on recruitment of labour. It is the joint work of MOL and MFA to discuss with sending countries improvements to the MOU process. He also commented that the Singapore/Malaysia and Malaysia/Cambodia MOUs mainly focuses on domestic workers for whom the context and the role of recruitment agencies, is very different from workers from the fishing sector.
- MOL asked for an in-depth analysis of good practices from other countries and suggested that the report also make recommendations for other sending countries, International Labour Organization (ILO), EU, and US on how to make the MOU more effective.
- Several participants asked for verification of statistics presented on MOU workers, seabooks, and pink cards in the fishing sector. Dr. Harre clarified that the MOU figures are total MOUs and not just within the fishing sector. There are approximately 7,000 fishing vessels of 30 gross tonnes or more in the Thai commercial fishing fleet. Good examples from other MOUs (Singapore/Malaysia and Malaysia /Cambodian) will be closely reviewed.

- CCCIF noted that most workers voluntarily come into Thailand and a decrease in irregular migration will not improve the labour supply. Migrant workers should have some basic Thai language before entry but it is not a mandatory requirement under Thai law. CCCIF said that it is important to adjust the migrant workers' knowledge, attitudes, and behaviours before departure from sending countries.
- ILO noted the need for increased accountability in the MOU process. The Thai government will want to know that sending countries have effective controls while sending countries want to know that there is effective protection for their workers. The fleet size and technology could be part of the solution to help to right the imbalance in the demand for and supply of labour. If the government ratifies C188, the role of the vessel owner and chieu, for example, will also be clearly defined.

Next Steps:

- ILO will circulate the draft research paper in December 2017 for comments.

5. Taskforce No. 2: Labour Inspection, Enforcement, and Good Labour Practices (Objectives 2 and 3)

Objective 2: Labour inspection and enforcement

Mr Soomboon Trisilanunt, Director of Labour Protection Bureau, Department of Labour Protection and Welfare (DLPW, MOL) provided an update on labour inspections and enforcement. Given that there are fewer violations found during inspections of seafood processing factories, CCCIF has passed the lead responsibility back to DLPW. The governor allocates labour inspection targets as set by CCCIF for each province. DLPW is now consulting closely with the Royal Thai Navy and engaging with NGOs for more insider information and any reports on labour violations. Based on the most recent inspection of 101 factories, DLPW found 49 factories that violated the Labour Protection Act, mainly related to lack of declaration of national holidays for workers. As of 6 Nov. 2017, DLPW has inspected 89,000 fishing vessels and found 108 fishing vessels in violations of labour law. MOL detained 6 fishing vessels in total for having workers younger than 18 years old. DLPW partnered with ILO to organize three training courses for 100 persons and 51 translators. The advanced training course will be held in January/February 2018.

In a response to a question on identification of forced labour, Mr. Trisilanunt explained that DLPW has not found cases of forced labour in the inspection because of the lack of penalty for forced labour in the labour law, and only found violations that fall under Article 10 of Labour Protection Act, mainly for wage withholding.

Bureau of International Coordination, MOL, requested support from ILO to help organize training courses for new 186 labour inspectors on forced labour, especially once the P29 is ratified.

MSDSH reported that trafficking cases will fall under the Anti-Trafficking Act which has been revised to include some elements of forced labour: retention of documents and debt bondage. MSDHS has centers for trafficking persons, but it is not appropriate to place victims of forced labour in the same centers for rehabilitation.

Objective 3: Good Labour Practices (GLP)

Mr Pran Siamwalla, Director of ECOT, stressed the importance of having electronic payroll systems for transparency in payments to workers. Many Thai banks support this initiative. Under Objective 3, the

meeting also noted that the ILO is in the process of finalizing a Joint Proposal with TTIA and TFFA on strengthening their GLP programmes.

6. Research on Wage protection solutions through Bank Payroll Scheme for Fishers

Mr Wanik Manomaiphikul, ILO consultant provided a recap of migrant workers in Thailand by province and their access to smartphones. The research analysed the current cash payment system, looking at the consequences including lack of transparency and higher transaction costs in using cash payroll compared to electronic payment. There are currently bank payroll payment and bank cash card solution for workers. He outlined how the bank payroll payment process would work and mapped out the implementation steps for vessel owners. Based on his research, there are 85 ATMs near 22 provinces PIPO Centers and estimated that 80% of major banks ATMs have Burmese language capability. For remittances, it is estimated that more than 90% of fishing and seafood processing workers are using informal agents and the remaining (less than 10%) are using bank transfers. He also explained the different options for workers to send remittances back home.

DLPW added that only 6 PIPO Centers out of 34 centres have yet to have ATM machines installed and has scheduled the meeting with banks to facilitate this roll-out of banking payroll scheme.

7. Mid-Term Evaluation Process Outline

Ms Supavadee Chotikajan, ILO National Project Coordinator, explained that the Mid-term Evaluation is required as per ILO evaluation policy. The evaluation aims to review progress against the project outcomes and to identify achievements and lessons learned for the Project's remaining 18 months. The evaluation will be based on five evaluation criteria: relevance, effectiveness, efficiency, and sustainability, and coordination and visibility. The methodology will include a combination of desk review documents and interviews with project stakeholders. The ILO Project Team is in the process of finalizing the contract with the selected evaluator and will contact partners to request for interviews.

8. Other Business

Ms Anyamanee Tabtimsri, ILO Field Coordinator, provided an update on Provincial Tripartite Meetings to facilitate dialogue and coordination among government, employers' and workers' organizations and civil society organizations at the provincial level. The meetings identified key challenges in the fishing and seafood processing industry and discussed ways to cooperate and to find solutions. The series of meeting were held since May in Chonburi, Phang-nga, Phuket and Songkhla. The 3rd Tripartite+ meeting was recently held in Songkhla was provided as a positive example of this of dialogue and cooperation among project partners to work toward solutions on lack of medical kits on boats and lack of copies of workers' contract provided to workers.

DLPW commented that ILO should inform the MOL if there is a request for medical kits as it is role of labour inspectors to check for medical kits on fishing vessels and ensure that workers receive contracts. Director Somboon responded that he will reemphasize these issues to his staff for inspection as it's their duty to ensure the check on the medical kits on board and that worker received contracts.