

Draft Minutes
ILO Ship to Shore Rights Project
of the Sixth Project Steering Committee (PSC)
7 March 2018 at 14.30-17.00 hrs. Sukosol Hotel

Decisions and Discussion Points

- The meeting approved the report of the fifth PSC meeting.
- The meeting took note of progress under the four objectives:
- Objective 1) Progress on policy and legal framework and ratification P. 29 and C. 188 still require more work and consultation
- Objective 2) Training series conducted by DLPW/ILO for inspectors on fishing boats and seafood processing industry, a standardized curriculum for new labour inspectors and updated manual training tools in progress
- Objective 3) Progress on joint programme between TTIA and TFFA on GLP programme; joint pilot training programme with Thai Union and ITF for fishing vessel owners; and cooperation with ETI on GLP programme and upcoming research on labour impacts of buyer sourcing strategies.
- Objective 4) Update by Union and CSO partners SERC Foundation, Stella Maris, Raks Thai, Oxfam, HRDF, ITF, and FED.
- The meeting noted the baseline findings and committed to working together towards decent work in the fishing and seafood sector.
- The meeting noted the implementation progress under M&E Framework and invited additional comments and updates.
- The meeting took note of updates on research work on effectiveness of MOU channels and labour market status (Report to be shared in April 2018) and Impact of global supply chain purchasing practices on Thai suppliers (Initial data/report to be shared in May 2018).
- The date of the next PSC meeting will be no later than September 2018, likely in July 2018.
- The meeting took note of total spent and committed to date as a percentage of total 2016 – 2019 budget is approximately 40%.
- The seventh PSC will be held earlier than September 2018, likely in July 2018.

Agenda 1 Welcoming Remarks of Co-Chairs

Mr. Jarin Jakkaphak, Permanent Secretary (PS) Ministry of Labour (MOL) and Mrs. Luisa Ragher, Chargé d’Affaires, EU Delegation, co-chaired the sixth Project Steering Committee (PSC) meeting together for the first time. Mrs. Ragher noted that substantial progress has been made since the last PSC. The sixth PSC will review the progress under each of the four Objectives, baseline research, and Mid-Term Evaluation of the Project.

Agenda 2 Summary of Fifth PSC Actions and Approval of Minutes

Ms. Anyamanee Tabtimsri, ILO National Field Coordinator, reported on key points of discussion and decisions taken at the fifth PSC. The meeting took note of progress under the four objectives including updates on research on wage projection through electronic payroll and effectiveness of migration MoUs with neighboring countries. The PSC agreed that a number of issues raised in the baseline research require further attention and could be reflected in the endline study. The meeting approved the M&E Framework. The project website at shiptoshorerights.org will be launched shortly and communication materials will be produced in neighboring country language. The meeting took note of total spent and committed to date as a percentage of total 2016 – 2019 budget is approximately 34.14%.

Decision Point

The meeting approved the report of the fifth PSC meeting.

Agenda 3.1 Update on Project Activities, Workplan, Monitoring and Evaluation

Objective 1: Strengthen Legal, Policy and Regulatory Framework

Ms. Wilaiwan Koykaewpring, Senior Expert, International Labour Standards Group, MOL, reported on the latest process and next steps towards ratification of P. 29 (Forced Labour Protocol) and C. 188 (Work in Fishing Convention). Following P. 29, the Ministry of Labour has drafted the Prevention and Suppression of Forced Labour Act based on a thorough analysis of the legal gaps in the Labour Protection Act and Anti-Trafficking Act. The Ministry of Labour organized a pre-hearing and public hearings in February in Bangkok and Samut Sakhon. At the first hearing, participants commented among other issues on the definition of compulsory versus forced labour, the setting-up of a remediation mechanism, and high penalties proposed for employers who commit forced labour. ILO has provided extensive comments on the Draft Act.

MOL has followed a similar process for amendments related to C. 188 and agreed to draft a single piece of legislation rather than amending separate laws mandated under each government agency. The Ministry of Labour hopes to finish the first draft of the Labour in Fishing Act by 15 March 2018 with a pre-hearing and public hearing scheduled for late March. In addition, the Ministry of Labour would like to request technical and financial support from ILO for the MOL-ILO Tripartite Consultative Workshop.

Mr. Jason Judd, ILO Senior Technical Officer, informed on the progress under Objective 1, noting that the ILO has:

- Completed the baseline research
- Outlined case studies for identification and prosecution of cases under forthcoming forced labour law
- Delivered formal comments and technical support to P. 29 and C. 188 drafting committees and public hearings
- Provided draft guidelines to MOL on daily food and water intake
- Continued planning discussions with government including legal framework changes and comparative studies
- Drafted research findings on effectiveness of MOU channels and labour market dynamics. As part of the MOU research, the Myanmar government accepted the offer for pre-departure training for fishing workers to follow the Thai Government's ratification of C. 188.

Plenary Discussion

In response to the question from ECOT whether the Myanmar government has also considered adoption of C. 188, it was clarified that the Myanmar government has not ratified C. 188. The project made the same offer to the Cambodian government to provide pre-departure training for workers in fishing but without result. ILO and IOM have jointly developed a VDO on labour rights for workers that can be used in training.

Discussion Point: The meeting notes the progress on policy and legal framework and ratification P. 29 and C. 188 still required more work and consultation.

Objective 2: More Effective Labour Inspection and Enforcement

Mr. Judd reported on behalf of Co-Chair from Department of Labour Protection and Welfare (DLPW) on the progress under Objective 2, as follows:

- DLPW has received approval for 186 new labour inspectors, and the project is committed to provide technical and financial support, including new national inspection curriculum for their training
- Began collaboration with ILO on fishing/seafood inspection data collection and management system
- Review of draft revision of PIPO labour inspection tool
- Three inspection technique trainings conducted in Bangkok, Songkla, and Phuket in 2017 followed by an evaluation meeting, and plans for March, May, and June 2018 advance trainings in Chonburi, Songkla, and Phuket
- Research on fishing wage protection through electronic payment. ILO is also partnering with DLPW and CCCIF to distribute leaflets and videos for workers on how to use the ATMs. ILO participated in the meeting with DLPW in Trang on how to transition from cash payment to e-payment and also to share results of the baseline research.

Discussion Points: Training series conducted in 2018 by DLPW/ILO for inspectors on fishing boats and seafood processing industry, and forthcoming revision of national curriculum for new labour inspectors including updated manuals and other training tools.

Objective 3: Improve Core Labour Standards Compliance (Good Labour Practices)

Mr. Pran Siamwalla, Director of ECOT, shared the views of Krungsri Bank which views bank accounts for migrant fishers negatively due to the strict requirements imposed by the Bank of Thailand on identification of customers with bank accounts or “Know your customers”. As most of the fishers are difficult to track, the additional reporting would be cumbersome for banks to comply with and the bank views migrants as providing a negative return given that most migrant workers do not tend to keep money in accounts for a long period. He proposed for MOL and ILO to discuss with the Bank of Thailand to relax bank reporting requirements. He invited TTIA and TFFA to report on their joint GLP programme. TTIA reported that the first trainings under the Programme (May 2018) will focus on management of Welfare Committees.

Ms. Supavadee Chotikajan, ILO National Project Coordinator, reported that the project has:

- Plans to establish a GLP oversight body under TTIA-TFFA joint programme
- Signed agreement with TTIA and TFFA for joint programme to strengthen GLP principles
- Proposed GLP/joint training programme with Thai Union and ITF for fishing vessel owners
- Proposed cooperation with Ethical Trade Initiative (ETI) on GLP Programme & research on labour impacts of buyer sourcing strategies.

Plenary Discussion

MOL suggested that GLP training should also be introduced for fishing vessels in cooperation with NFAT and prepare them for legal compliance to the C. 188 standards. TTIA explained that Thailand mainly imports tuna for processing and DOF has certified only 5% of Thai tuna exported from Thailand. It is important to engage with NFAT on the GLP programme. ECOT added that it is not difficult to adopt GLP for seafood processing, but it is more difficult for fishing vessels.

Discussion Point: The meeting took note of the progress on joint programme between TTIA and TFFA on GLP programme; joint training programme with Thai Union and ITF for fishing vessel owners; and co-

operation with ETI on GLP programme and upcoming research on labour impacts of buyer sourcing strategies.

Objective 4: Strengthen Worker Activities and Access to Support Services

Dr. Pongthiti Pongsilamane, Deputy Secretary-General, SERC Foundation, explained that SERC has made process in setting up networks among seafood processing workers in Songkla and Chonburi. SERC has disseminated knowledge and formed a network among worker leaders in Songkla to receive complaints and engage in collective negotiations to settle dispute and develop joint bargaining positions. After a year of intensive trainings, the second year will focus on policy advocacy and dialogue with the government and employers. ILO has signed several implementation agreements with other CSOs that have varied expertise related to healthcare, legal, and/or education. He invited other CSOs to provide a brief report back on field activities.

- Stella Maris established three fisherman centers in Chonburi, Rayong, and Pattani to receive complaints from workers and referred cases to DLPW, MECC, and CCCIF. In Rayong, there are few workers due to lack of licenses to operate the fishing vessels and many workers have moved to other parts of the country. Most common complaints from workers relate to wages, and Stella Maris has assisted to resolve the issue before it elevates into a legal case. They have also reporting completing a lot of training and distribution of Ship to Shore Rights communication materials during site visits.
- Raks Thai distributed Ship to Shore Rights communication materials to workers. They organized tripartite consultations in three provinces, Samut Sakhon, Suratthani, and Pattani. They are currently handling cases of 200 workers from a company that got shut down and had to transfer workers to other factories whose visas will soon expire. DLPW has already taken action to assist those cases.
- Oxfam's work with the project mainly focuses on public advocacy and campaigning among retailers and consumers. The 4th Annual Fisherfolk event was organized on sustainable fishing to create a better understanding among consumers and to raise awareness about the positive contributions of workers.
- ITF has visited 200 fishers and provided medical supplies and training on first aid medical care with support from the project. A Code of Conduct (COC) for fishing vessels was developed with Thai Union to include addressing complaints on wage violations and setting-up a model grievance mechanism for abuse cases. Trainings in Songkla with Ship to Shore Rights and TUF on code of conduct are planned and will be extended to Pattani. The COC is uploaded onto the Thai Union website.
- HRDF is producing three manuals on basic labour rights, case management, and legal proceedings. The first workshop will be on 21 - 22 March 2018. HRDF also provided support on legal counselling services.
- MWG provided policy advocacy for migrant workers and refugees as well as drafted position papers, such as the Article 83 of the Royal Ordinance on Fisheries and Royal Decree on Managing the Work of Aliens.

Ms. Anyamane Tabtimsri, ILO National Field Coordinator, reported on the progress of activities.

- Project work is being carried out under agreements with six unions and CSOs with total direct outreach to beneficiaries estimated at more than 7,000 workers since late 2016

- SERC/ITF and Raks Thai training and outreach to workers in fishing and seafood processing
- New project support to two new ITF/Fishers Rights Network Centres
- Developed pilot education advocacy project with FED
- Requested migrant family/Stella Maris proposal for pre-school education support in Pattani port
- Led initial provincial tripartite plus meetings in Chonburi, Phang-nga, Songkla, Phuket, Surat Thani & Pattani

Discussion Point: The meeting took note of the progress of field activities by each of the trade union and CSO partners.

Baseline Research Findings

Mr. Judd invited participants to discuss specific aspects of the partners' collective work that need improvements based on the baseline research findings.

Plenary Discussion

- ECOT explained that banks are also working with EU buyers and often assess credit risk based on adoption of good labour practices. Krungsri Bank previously discussed with WWF the raising of standards in the aquaculture sector, but there was still no interest from the buyers to invest in supplier's standards. There should be a premium on purchase price for buyers in return for supplier's compliance to higher labour standards. EU Foreign Trade Association has partnered with buyers who are willing to support higher level of labour compliance.
- ILO added that GLP standards and principles are being adopted in seafood processing, but not yet in fishing. ILO is planning to undertake a buyer/supplier survey in 2018 regarding labour impacts on sourcing strategies. The GLP manual will be printed and distributed in upcoming training to help industry associations raise standards in both the fishing and seafood sectors.
- SERC suggested that more collaboration and consultations among trade unions and CSOs is needed to drive the process and to build strategic cooperation.
- MOL added that baseline research findings should be translated into the voluntary GLP programme. There is room for collaboration with ITF to introduce the code of conduct for all supply chains and to leverage resources.

Workplan 2018

Mr. Judd explained the key proposed project workplan changes:

- Objective 2 Job-matching service is revised to focus on pre-departure training
- Objective 2 Tripartite inspection supervisory body is revised to PSC-designated body at conclusion of the project
- Objective 2 VMS development is revised to include support for development of the labour risk matrix

Plenary Discussion

- EU Co-Chair questioned about shifting from VMS development to labour risk matrix. She suggested for further discussion on this change in the workplan.
- Department of Fisheries (DOF) has developed a color-coding system for low to high-risk fishing vessels. Labour inspection will be made on high-risk fishing vessels.

Discussion Point: The meeting noted the proposed key workplan changes, but suggested further discussions with DOF on incorporating more labour risk measures with VMS data.

Monitoring and Evaluation Framework (M&E)

Ms. Supavadee Chotikajan, National Project Coordinator, explained that the ILO Project Team updated the implementation progress in the Monitoring & Evaluation (M&E) Framework as part of the Mid-Term Evaluation. She invited participants to share comments and updates to the M&E Framework as appropriate.

Discussion Point: The meeting notes the implementation progress under the M&E Framework and invites participants to review and provide comments to the Framework.

Agenda 3.2 Mid-Term Evaluation

ILO Project Team thanked the PSC members for their participation to the Mid-Term Evaluation and introduced Ms. Ruth Bowen and Ms. Roisai Wongsuban, Evaluation Team, to present the results and recommendations of the Mid-Term evaluation.

Ms. Bowen explained the background, purpose, and methodology of the Mid-Term Evaluation, which covered desk review, in-depth interviews with stakeholders and field visits. She assessed the Project design and progress against the evaluation criteria on relevance, effectiveness, efficiency, sustainability, coordination and visibility. She outlined the main findings under each project objectives, M&E framework, and communications and visibility. Selected recommendations as follows:

- Review project scope for the second half, especially under Objective 4: Review the scope of activities going forward, with a view to focusing on strategies aligned with the central project aim of improving working conditions and rights at work.
- Follow up planning on legal reform: To further the impact on the legislative and regulatory framework the ILO should provide support to the MOL to develop a plan and guidelines on implementing anticipated legal reforms.
- Social security access for workers in the sectors: Seek opportunities to support worker access to worker compensation through advocacy for legal amendments, training for SSO staff on the application of regulations and CSO advocacy on access to compensation in case of workplace injury.
- CSO coordination: The CSO and trade union partners should use the opportunities provided by the project to increase their joint organization and advocacy efforts; at the same time the project can provide further for opportunities for coordination and exchange of approaches and tools.
- Worker associations and organizing: As part of the exit strategy, the project should document the various approaches to worker organizing and share the models that worked well among the stakeholders and the ILO internationally.
- GLP programme: The project and participating associations should seek ways to engage the aquaculture sector in the GLP programme and work with the engaged associations to develop alternative options to establish and sustain the GLP centre.
- Coordination of services: Work with provincial partners to strengthen and sustain the provincial tri-partite coordination mechanisms and integration of services for workers.
- Gender: Finalize the gender strategy in the form of specific gender mainstreaming and gender responsive implementation guidelines.
- M&E: adjust the framework to include progressive milestone targets for the indicators and adjust selected outputs and their indicators to reflect outputs that the project is responsible for achieving.
- Project extension: ILO and EU explore options to extend the duration by minimum of 6 months either through cost or no-cost extension.

Plenary Discussion

EU noted that the project has many ambitious goals and ready to discuss with ILO on the project extension and to identify areas that additional work is necessary. CCCIF questioned what is the criteria

and areas under the Project that can be used to improve working conditions. It was explained that achievements of the four objectives will contribute to better working conditions for workers. ECOT emphasized on more engagement with buyer on their willingness to pay for a premium price in return for supplier's compliance to higher standards. Retail banks can help share the ATM materials through their respective channels.

Discussion Point: The meeting noted the results of the Mid-Term Evaluation and suggested for a follow-up meeting to discuss the findings in detail.

Agenda 3.3 Research and Communications

Mr. Judd updated on research, including effectiveness of MOU channels and labour market status (report to be shared in April 2018) and Impact of global supply chain purchasing practices on Thai supplier (initial data/report to be shared in May 2018). The research on electronic payment of fishers was circulated at the Joint Taskforce in February 2018. Key findings included outlining well-established methods of payment in seafood processing plants can be applied for migrant fishers and remittance options from migrant fishers to their families through brokers likely to change. Some short-term recommendations included organizing port campaigns with NFAT among vessel owners on new requirements and set-up of electronic systems as well as port and social media campaigns for workers.

Ms. Chonnikarn Phochanakij, ILO National Project Coordinator, presented an update on communications, including project website and worker education leaflets.

Discussion Point: The meeting took note of the updates on research work and communications.

Agenda 3.4 Financial Report

Mr. Jason Judd updated on the financial report:

- Total spent to date: US\$ 1,655,610.01; EUR 1,349,322.15; THB 52,002,710.41
- Total committed: US\$ 415,034.36; EUR 338,253.00 ; THB 13,036,229.25
- Total spent and committed: US\$ 2,070,644.37; EUR 1,687,575.16; THB65,038,971.07
- Total spent and committed to date as a percentage of total 2016 – 2019 budget is approximately 40%

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

Agenda 4 Date of Next PSC meeting

The Co-Chairs proposed to meet in mid-2018 or after but not later than September 2018. The Task Forces could be held more often to discuss the technical issues.

ECOT suggested that students studying International Business Management at ABAC could work as interns on the Project.

Discussion Point: The PSC meeting can be held in mid-2018 and no later than September 2018 with exact dates to be confirmed later.

Agenda 5 Closing Remarks

Mr. Graeme Buckley, ILO Country Director for Thailand, Cambodia, and Lao PDR shared his perspectives about the project and the PSC meeting. He commends MOL for making significant progress towards the ratification of C. 188 and P. 29. The ILO will continue to work with government and partners on awareness-raising campaigns among migrant workers on how to use the ATM. It is important to engage

buyers on the GLP and for them to pay a premium purchase price for compliance to higher labour standards. He encouraged all to share information on good practices among stakeholders. The findings of the Mid-term Evaluation Report will require more discussion, as will a justification for any extension. He explained that a new ILO project in Jakarta, led by Ms. Mi Zhou, plans to design and establish a regional body to address human trafficking and forced labour in the fishing sector. He also introduced Ms. Bharati Pflug, Senior Specialist on Fundamental Principles and Rights at Work, who can provide support on forced labour and more.

The Permanent Secretary of MOL concluded by reiterating the commitment of the Thai government to protect the rights of all workers and to ensure that all workers both Thai and migrants are entitled to their rights.

EU Co-Chair thanked members of the PSC for their participation.