

**Draft Report of the Ship to Shore Rights
Joint Task Forces Meeting
21 February 2018, 09.00 – 12.00 hrs.
Pullman Bangkok Kingpower Hotel, Bangkok**

Overview

The Joint Task Forces Meeting met to discuss progress and challenges under each of the four objectives. The meeting also shared the updated Monitoring and Evaluation (M&E) Framework and other recent developments for comments and as part of preparation for the sixth Project Steering Committee.

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 and outlined the areas of the discussion under each Objective. He added that the baseline research on fishers and seafood workers in Thailand is intended as one way to measure progress and to guide our work together before the end of the Project.

2. Task Force 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. Under P29, the Ministry of Labour has closely reviewed the ILO Gap Analysis and explored several options to amend their legislation to reflect the gaps taking into account ILO Forced Labour indicators. The new Draft Prevention and Suppression of Forced Labour Act was developed 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 hearing in mid-February. A second is planned for 26 February in 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.

The Ministry of Labour has followed a similar process under C188 and agreed to drafting a single legislation rather than amending separate laws mandated under each government agency. The Ministry of Labour is considering how to apply the draft Labour Fisheries Act to cover flexibility clauses for commercial fishing vessels from 10 gross tonnes up to 30 - 60 gross tonnes (less than 24 metres in length) while C188 provisions will be applied in full for commercial fishing vessels of more than 24 metres in length. The Ministry of Labour hopes to finish the first draft Labour Fisheries Act by end of February with a pre-hearing and public hearing scheduled for March. In addition, the Ministry of Labour would like to request technical support from ILO for the MOL-ILO Tripartite Consultative Workshop.

Plenary Discussion

- ILO recognizes the work of the government in putting together the two draft legislations under P29 and C188. ILO has provided formal comments to the draft Prevention and Suppression of Forced Labour Act and will be doing the same for the draft Labour Fisheries Act.

- The Bureau of International Coordination, Ministry of Labour, added that results of the case study review (funded by the EU under an ILO EIDHR project) on the identification and prosecution of cases of trafficking for labour exploitation and forced labour would be helpful to highlight the gaps in law enforcement and practices.
- MSDHS commented on the possible overlap of the new Draft law on Prevention and Suppression of Forced Labour Act with the existing Anti-Trafficking Act. The official proposed to establish different detention centres for trafficking victims and forced labour victims.
- In response to a question on penalties, ILO responded that penalties for Forced Labour and Anti-Trafficking Act do not have to be the same, but that forced labour is a serious crime and penalties for forced labour should be sufficient and adequate to deter employers from committing them.
- NFAT asked whether advances would be considered as a forced labour indicator, positing that all fishers asked for an advance first before starting work on board, and the representative asked who would be responsible when workers signed employment contracts but refused to work after receiving the advance. The Ministry of Labour added that it will have to review the intent of the employer whether the advance is provided as debt bondage or mainly as a benefit to the worker.
- Department of Employment added that new draft law should clearly differentiate between trafficking versus forced labour.
- NFAT stated that it is important to provide knowledge to workers before departure into Thailand. ILO noted that worker education is being done under Objective 4, including communication materials on shifting from cash to electronic payment.
- A question was also raised on a C188 provision that transfers of remittances should be at no cost to the fisher. ILO explained that provision is intended to protect fisher from being charged through a broker for the transfer and referred to a formal 2017 response from ILO Standards Department to the Thai government.

Food and fluid intake requirements for fishers

ILO presented on the draft guidelines on daily food and water intake provided to the Ministry of Labour in December 2017, which include:

- Quantities and quality of food and drinking water on Thai fishing vessels
- Storage and preparation practices
- Preliminary estimates of daily minimum food and water intake for fishers

Objective 4: Access to Support Services of Workers

ILO as Secretariat on behalf of Co-Chair, Dr. Pongthiti Pongsilamanee, Deputy Secretary-General of SERC, informed that a coordination meeting among trade union and NGOs was organized on 16 January to discuss how the field activities can address the key findings in the baseline research on working and living conditions in fishing and seafood industry. ILO also outlined some of the key findings of the baseline such as on recruitment fees, employment contracts, minimum wages, and forced labour indicators. Participating trade unions and NGOs provided brief updates on their work.

SERC reflected that many workers are still unaware of their rights and afraid of coming together to discuss their labour rights. SERC has approached the workers to discuss first their health and safety rights and then incorporating labour rights. Most workers, especially migrant workers, faced many access challenges to access their rights. SERC is also partnering with MWRN and ITF on workers' organizing.

HRDF is finalizing their first manual for NGOs on case management and labour rights training for workers with technical support from DOF, DLPW, MWG, and DOE. HRDF has visited several provinces to provide legal advice and met many workers who do not have access to their rights, noting that workers who do not have work permits lack protection.

ITF provided an overview of fishery workers in Thailand based on the field work and interactions working out the ITF Songkla office. Many fishers do not have an employment contracts and are not aware of the resources available at the PIPO Center, such as availability of translators. Many fishers are ignorant of the hidden fees and deductions made on their wages with many not being paid fully for up to 10-15 months. ITF estimated that 40% of fishers make less than minimum wage at 4,000 - 6,000 THB per month. ITF has provided medical kits and training on first aid kits to workers for use on board fishing vessels. ITF is also working closely with PIPO and Songkla Fisheries Association to gain access to the workers. ILO is also partnering with ILO to open two trade union centers for fishermen as part of the ITF's Fishers Rights Network.

Plenary Discussion

- Department of Employment (DOE) added that the law prohibits employers from charging workers for recruitment fees and asked for evidence for DOE to conduct further investigation of cases that recruitment fees were charged on workers.

3. Task Force No. 2: Labour Inspection, Enforcement, and Good Labour Practices (Objectives 2 and 3)

Objective 2: Labour inspection and enforcement

Department of Labour Protection and Welfare (DLPW) representative reported on behalf of Inspector-General Somboon Trisilanunt as Co-Chair, on the past three labour inspection training, translators, and November 2017 Technical Meeting on Labour Inspection and Enforcement in Fishing and Seafood Labour Inspection and Enforcement with the New Zealand chief labour inspector under the Ship to Shore Rights Project. The DLPW will partner with ILO on the upcoming series of three advanced labour inspection trainings and also training for new 186 labour inspectors. On electronic wage payment systems in fishing, she reported that DLPW discussed with several banks on opening bank accounts and set-up of additional ATM booths in native languages of migrant workers. DLPW is also working with ILO on education for workers on how to shift from cash to electronic payment and also set-up complaints booths for workers. In addition, DLPW and CCCIF will be testing ILO's revised PIPO labour inspection tool.

ILO provided a brief summary of the findings of the expert report on electronic banking payment for fishers. The report outlines existing methods of payment in seafood processing plants and applications for migrant fishers (payroll, cash card), remittances from migrant fishers to their families and existing platforms (broker, e-wallet), and recommendations and solutions to apply existing electronic payment methods and remittance for migrant fishers.

The revised labour inspection toolkit developed by the ILO and delivered to the Ministry in December 2017 is tailored to PIPO and is based on Thai law, covering issues related to wage payment (including debt/advance); recruitment and contract; discrimination; safety and medical care; holidays and leave; food and sanitation; complaints; child labour and forced labour. The draft tool includes interview protocols designed to help make concrete and timely decisions about enforcement action.

Plenary Discussion

- ECOT shared views of Krungsri Bank which negatively views bank accounts for migrant fishers due to the strict requirements imposed by the Bank of Thailand on identification of customers with bank accounts. As most of the fishers are difficult to track, the additional reporting would

be cumbersome for banks to comply and views it as a negative return given that most customers do not tend to keep money in accounts for a long period. He suggested for DLPW to discuss with Bank of Thailand to relax on reporting requirements.

- ILO responded that some banks would regard migrant workers as a long-term investment, and could be expected to respond positively to a government policy priority.
- ITF emphasized the need for transparency in wage payment for fishers and electronic payments is part of the solution to this problem.

Objective 3: Good Labour Practices (GLP)

Mr Pran Siamwalla, Director of ECOT, invited TTIA to announce the Joint Initiative on Strengthening GLP programme. TTIA informed that their joint Strengthening GLP will start in May 2018 with a workshop with HR managers on management of Welfare Committees and also ethical recruitment. The GLP programme will be extended to cover supply chains of their members.

ILO reported that ILO will be partnering with Ethical Trade Initiative (ETI) on GLP Programme development and research on labour impacts of buyer sourcing strategies. ILO has also proposed to undertake a pilot GLP/joint training programme with Thai Union and ITF for fishing vessel owners. The pilot training, if successful, can be offered to NFAT.

Plenary Discussion

- Bureau of International Coordination, MOL, proposed to for do GLP for fishing vessel owners, as a self-check list under C188.
- NFAT stressed that they are in compliance with Thai labour laws and Code of Conduct which goes further than the GLP.

4. Update on Monitoring and Evaluation Framework (M&E) and Workplan 2018

ILO informed that the implementation progress of the Monitoring and Evaluation Framework has been updated recently in preparation for the January 2018 visit of the project's mid-term evaluation team. Due to time constraints, participants are requested to send comments to ILO by 2 March 2018 for compilation. ILO also detailed three proposed changes to the project workplan:

- 1.4.3 Job-matching service to become Myanmar pre-departure training
- 2.1.4 Tripartite inspection supervisory body to PSC-designated body at conclusion
- 2.3.5 VMS development to focus on labour risk matrix

5. Update on Communications Materials

ILO provided an update on recent communications materials including leaflets produced and printed for workers on labour rights and Thai labour law, safety on board, trade unions, and use of ATMs. The full animated video on how to use ATMs was showed at the meeting. ILO is partnering with DLPW, CCCIF and NGO networks to widely distribute these communication materials face-to-face and via social media.

6. Other Business

ILO informed that the Sixth Project Steering Committee will be held on 7 March 2018. The main discussions include update under the four objectives, revised workplan, baseline findings on fishers and seafood workers, and results of Mid-Term Evaluation.