



**Draft Report**  
**ILO Ship to Shore Rights Project**  
**of the Seventh Project Steering Committee (PSC)**  
**25 June 2018 at 14.30-17.00 hrs. Ministry of Labour**

**Overview of Decisions and Discussion Points**

- The meeting approved the sixth PSC and took note of progress, challenges, and recommendations under the four objectives:
- Objective 1: Recognition for Thailand as the first country in Asia to ratify P29 and improvement of legal framework, but work remains on effective enforcement of P29 and consultations on C188 ratification
- Objective 2: Advanced training for labour inspectors and drafting of national training curriculum for new labour inspectors along with ATM educational materials. Challenges remains for labour inspectors on identification of violations and fishers need to be encouraged to report directly to inspectors without threat or fear of losing their jobs.
- Objective 3: Joint TTIA/TFPA on strengthening GLP programme, included revisions of GLP manual and roundtable discussions on Business Case for GLP, and plans to establish a GLP Advisory Committee.
- Objective 4: Update by Trade Union and CSO partners, including SERC Foundation, Stella Maris, Raks Thai, Oxfam, HRDF, ITF/FRN, and FED. Systematic coordination with CSOs was discussed to sustain efforts and tripartite meetings at the provincial level should continue after the end of the project. The importance of ‘Right to Organize’ is an important part of any long-term solution.
- Mid-term evaluation recommendations were presented and proposed changes adopted in project work plan, including the pre-departure training for migrant workers. Gender checklist to be discussed further at the Joint Task Force in September 2018. No-cost extension of the project will be discussed further with the EU Delegation.
- Ongoing and completed research projects were presented, including electronic payment research (2018), MOU Channels and Labour Market Status (2018) and Impact of Global Supply Chain Purchasing Practices on Thai supplier (2018)
- Communication materials were produced to disseminate knowledge on labour rights protection
- The meeting took note that total spent and committed is approximately 40% of the total 2016 – 2019 budget.
- The eighth PSC will be held in the third quarter of 2018.

**Agenda 1 Welcoming Remarks of Co-Chairs**

*Mr Vivathana Thanghong, Deputy Permanent Secretary, Ministry of Labour, on behalf of the Permanent Secretary, and Mrs. Luisa Ragher, Chargé d’Affaires of the EU Delegation, co-chaired the Seventh Project Steering Committee (PSC).*

Mr. Thanghong noted that the frequency of meetings organized will allow members to learn more about the progress of project activities. He noted Mrs Ragher’s planned departure to take up a position in Brussels and her commitment to the Project. Mrs Ragher expressed thanked to all the committee’s members and congratulated the Royal Thai Government on the ratification of P. 29 and its leading role as the first country in Asia to do so. The challenge remains on legal compliance and penalties with the forthcoming amendments to Thai law. She urged adoption of C. 188 and C. 98 as next steps, and urged stronger enforcement after regulations have been finalized. She encouraged the application of GLP on



fishing vessels and praised the mobilization of CSOs from different provinces for efforts to reach working families and their children.

*Mr. Graeme Buckley, ILO Country Director for Thailand, Cambodia, and Lao PDR* congratulated the Government on the ratification of P. 29 and noted that the ILO is working closely with MOL by providing technical support including the May 2018 C. 188 consultative meeting to help bridge the gaps in existing regulations and solve issues in fishing. Thailand is a leading nation in ratifying ILO conventions and is recognized as a role model at the regional level for other countries in the region to adopt similar practices. The Project's recent visit to Ranong with Mr Buckley and Mrs Beate Andrees of ILO Fundamentals showed solid coordination among stakeholders. He noted difficulties for vessel owners in adapting to new regulations and maintaining their profits, but hopes that a second phase of the project will see stronger enforcements and wider use of GLP. He closed by expressing his gratitude to Mrs Ragher for her efforts.

## **Agenda 2 Summary of Sixth PSC Actions and Approval of Minutes**

*Ms. Chonnikarn Phochanakij, ILO National Programme Officer*, reported on the Sixth PSC meeting: progress on objectives, research work on labour and seafood supply chains, and launch of ILO baseline findings on working conditions. The meeting approved changes to the M&E Framework and noted the mid-term evaluation results, including key recommendations to be discussed at the Seventh PSC meeting.

### Decision Point

The meeting approved the report of the Sixth PSC meeting.

## **Agenda 3.1 Updates of activities and discussion by objective and responses to recommendations**

### **Objective 1: Strengthen Legal, Policy and Regulatory Framework**

*Ms. Wilaiwan Koykaewpring, Senior Expert, International Labour Standards Group, MOL*, reported on recent steps towards ratification of P. 29 (Forced Labour Protocol) and C. 188 (Work in Fishing Convention). Following P. 29 ratification in June 2018, MOL drafted a standalone Prevention and Suppression of Forced Labour Act now under reviewed by the Council of State. Accurate English translation is important to avoid misinterpretation of laws. A public hearing is planned for July 2018.

For C. 188, a tripartite consultative meeting was organized in May 2018 to generate inputs and comments from stakeholders as well as via the MOL website. A round of small group meetings is proposed to finalize proposed uses of progressive implementation and flexibility clauses on social security and medical certificates.

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

- Delivered formal comments on the Draft Suppression and Prevention of Forced Labour and technical support on the application of C188
- Joined discussions with government on legal framework changes and comparative studies
- Met with the Bank of Thailand to address issues in electronic wage payment for fishers
- Provided support for MOL planning and data collection as well as risk assessment measures for MOL, CCCIF and DOF.

### Plenary Discussion



Similar to the P. 29 ratification process, MOL will respond to questions from the legislative body about C. 188, and the Bureau for International Coordination asks for continued ILO technical support regarding application of C. 188 and proposes a manual that is simple to follow.

MOL suggested that forthcoming ILO forced labour case studies can be used in the P. 29 process. SERC noted that enforcement is what matters and writing new laws is important but not the measure of success. Educational materials for Thai law applications of P. 29 and C. 188 prior to the effective date of new regulations can help understanding among stakeholders, particularly vessel owners and officials.

The involvement of CSOs during the C. 188 consultative meeting was mentioned by MWG, and Mr Thanghong responded that a revision of ministerial laws to allow CSO/NGOs partners to take part in small group meetings needs to be taken into account. EJF suggested that consultative meetings should allow fishers to contribute to draft acts without fear of retribution. Raks Thai recommended that a neutral environment should be provided for public hearings without one party dominating the meeting.

## **Objective 2: More Effective Labour Inspection and Enforcement**

*Ms. Angkana Techagomen, Director of International Labour Standards Unit, MOL* reported on behalf of the Task Force 2 Co-Chair from the Department of Labour Protection and Welfare (DLPW) on the progress under Objective 2:

- DLPW is leading development of a national inspection curriculum and advanced trainings with the ILO, involving DLPW staff from the central office as well as 22 coastal provinces
- National training sessions will be conducted for 186 newly recruited inspectors
- ATM knowledge and information have been disseminated in the field with video and printed materials provided by ILO. ATM videos for fishers and officials can be accessed via QR codes
- Outline of education materials for NFAT was reviewed by DLPW and a leaflet will be developed and shared with NFAT to create the understanding of new regulations and best practices for fishing vessel owners

*Ms Phochanakij* informed on activities under Objective 2, noting that the ILO had:

- Contributed to DLPW 2018 training plan including advanced training for work in fishing and seafood as well as national training for new inspectors
- Began analysis of fishing/seafood inspection and enforcement data collection and management system
- Conducted two advanced labour inspection inspector trainings (DLPW) in Pattaya and Songkhla for 60 coastal province labour inspectors and planned a third for August 2018
- Provided technical inputs for revisions of PIPO Protocol (CCCIF), 'core violations' manual (DLPW), forced labour curriculum (CCCIF), and common risk assessment tool review (DOF)

## Plenary Discussion

Mrs Ragher stated that conducive environments for workers are needed to identify violations and improve enforcement record. Spontaneous inspections by government leading to enforcement actions are needed along with NGO support for individual cases. Mr. Thonghong responded that information sharing with NGOs is needed since the fishers might not report to competent officers directly. He suggested that the capacity of labour inspectors needs to be strengthened along with revision of inspection tools and curriculum to help produce more findings and effective enforcement.



ITF, EIJ, and Stella Maris raised enforcement issues with new electronic payment requirements for fishers including worker control of bank accounts. Since access to ATM pin codes and cards is restricted for some fishers and they only have access to them during PIPO inspection. Bank fees and travel to ATMs are issues. EIJ also noted false rest hours records that fishers signed before boarding. SERC mentioned that workers need a mechanism to protect their interests—a union. The right to organize is a fundamental right and does not wait on a change in the law.

Mrs. Ragher agreed that labour inspection should be carried out effectively through development of curriculum and training, and that they need to be updated and revised in accordance with new laws. The labour inspectors should enforce related laws accordingly and the number of violations should reflect the effectiveness of enforcement. Inspector practices should be monitored to ensure that they are able to create trust with fishers so that they can receive complaints directly.

TTIA expressed concern that one key employers' organization (NFAT) did not join the meeting and thus members with close links are urged to get their involvement in the next meeting.

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

*Mrs. Attapan Masrungson, Secretary-General of the Thai Tuna Industry Association* updated the meeting on the GLP Joint Programme in the seafood processing industry. Recent round table reviewed updated GLP manual and programme, and stakeholders especially DLPW and CSO partners were invited to participate in May 2018 meeting.

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

- Revisions of GLP manual following comments from DLPW and others to help ensure that content is accurate in June/July 2018 and updated regulations are included.
- Planned to establish a GLP oversight body under TTIA-TFFA joint programme.
- Organized a Roundtable Discussion on Business Case for Good Labour Practices for members of TTIA and TFFA in May 2018.
- Joined pilot vessel owners training programme with Thai Union, ITF in Pattani in June, 2018.
- Partnered with Ethical Trade Initiative (ETI) on GLP Training Program and new research on supply chain purchasing practices to launch in Sep 2018.

### Plenary Discussion

SERC and TTIA raised core ILO standards regarding freedom of association and collective bargaining regarding (C87 and C98) among workers and fishers in seafood processing and fishing. The form of associations is established according in Thai law, but the next GLP meeting to generate inputs from unions and CSOs can discuss this further.

In response to SERC comments, she stated that 'Right to Organize' is indicated in C87 and C98, but Thai Labour Protection Act creates welfare committee to protect worker's rights.

### **Objective 4: Strengthen Worker Activities and Access to Support Services**

*Mr. Sawit Kaewvarn, Secretary-General of the State Enterprises Workers' Relations Confederation (SERC)* explained that collaboration with ITF was established to implement activities, and it is a good opportunity to work together in Chonburi and Songkhla. They work together to provide information on social security and rights to association including other related labour's rights. Due to restriction of Thai law, the 8



conventions should be adopted to encourage workers to form an association, they should be entitled to protection of their rights to association. The information dissemination was carried out on labour rights, however fishing vessel owners restrict fishers from joining the session particularly in Chonburi Province. In the field, there are a joint coordination among related NGOs/CSOs and meetings organized to update legal progress. At the end of the project, the information should be gathered among NGOs/CSOs to create a lesson learned in terms of solutions and collaboration to tackle the problems and sustain the implementation.

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

- Developed with HRDF a manual for labour rights case 'in-take' for unions and CSOs in order to transfer cases to lawyers and government agencies.
- Supported ITF launch of Fishers Rights Network in Songkhla in May 2018 and expansion of Fishers Rights Network (ITF) to Trad and Ranong.
- Officially opened Stella Maris Pattani Fishers Center and migrant children's learning center on World Day Against Child Labour (June 2018)
- Organised provincial tripartite meetings in Chonburi, Phang-Nga, Songkla, Phuket, Surat Thani and Pattani (June 2018).
- Convened trade unions/CSO partners for coordination on P29/C188, joint advocacy, and field activities (May 2018)

*Objective 4 partners described recent and upcoming project activities:*

- *Oxfam* organized a 'Humans of the sea' event to promote sustainable ethical seafood via panel discussions with CSOs, Chulalongkorn University in June 2018, and coordinated advocacy work through the CSO Coalition on Sustainable and Ethical Seafood.
- *ITF/Fishers Rights Network* has reached 300 fishers and launched the Fishers Rights Network in Songkhla on 29 May 2018. They agreed with SERC on mitigating the fears of fishers to use complaint channels and exercise their right to organize. The new centers will take in and refer cases, and provide first aid kits and training for fishers. ITF reported that it found Project ATM education materials useful.
- *Raks Thai* provided legal information for volunteers among female seafood workers, and highlighted involvement by women migrants in their activities. The next plan is to produce educational materials and disseminate knowledge among their partners and migrant leaders.
- *Stella Maris* provided welfare for fishers and door-to-door education on legal processes such as fees for documents for registration and changing employers. Concerns were raised about the deadline for registration of 30 June for migrant fishers, and the need for rapid response from the government to worker complaints. Stella Maris seeks funding from the government via a port/docking fee for fishing vessels.
- *HRDF* is producing three manuals on basic labour rights, case management, and legal proceedings to provide information for fishers and help lawyers and stakeholders coordinate cases. A case referral form was developed and circulated to CSOs.
- *FED* migrant rights mobile app has reached up to 40,000 users and was updated with Project education materials on fishing and labour rights. The FED team has also conducted home visits to encourage migrant parents to send their children to school in their neighbor.

### Plenary Discussion

Complaint channels for workers and freedom of association need to be granted and discussed further. Formation by CSOs of a coordinating body to handle labour cases will strengthen work among CSOs in the



field and provide consistent dialogue. After the end of project, a sustainable approach could be to set up a governing body with funding sources to ensure implementation will be sustained.

### 3.2 Implementation of Mid-term Evaluation Recommendations

Ms. Chotikajan reported on Mid-term Evaluation recommendations for implementation in 2018-2019. Changes to the work plan can be discussed further in the Task Force meeting in Sep 2018 as follows:

- Review Objective 4 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.
- Revise Objective 4 activities on education of children of migrant workers.
- ILO should provide support to the MOL to develop a plan and guidelines on implementing anticipated legal reforms to ensure that effective enforcement will be in place.
- Seek opportunities to support worker access to social security and worker compensation.
- Coordination meetings among worker organizations and CSOs should be organized frequently.
- GLP shall be introduced in seafood processing plants first then to be implemented in fishing in a next stage.
- Maintain coordination of regular tripartite meetings and gain involvement from CSOs at provincial level
- Finalize the gender strategy with specific gender mainstreaming and gender responsive implementation guidelines. Adopt a gender checklist that aligns with M&E indicators.
- Select M&E indicators of activities should be reassessed.
- Extension of the project for six additional months needs to be discussed further with the EU.
- Sustainability of CSO implementation after the end of the project needs to be examined.

#### Plenary Discussion

SERC noted that sustainability of projects needs to be discussed and information collected at field level by unions and CSOs on sustainable programmes will be essential. A new committee can coordinate and MOL can monitor and receive information on the ground. *Dr Darian McBain* of Thai Union noted that sustainability depends too on fish stocks and work for the industry. Thai fishing is losing economic viability and Thailand seafood, especially frozen shrimp, is losing export business to India and others. Thailand can lose its competitiveness due to depleted resources.

#### **Monitoring and Evaluation Framework (M&E) Revisions**

*Ms. Chotikajan* reported on Monitoring and Evaluation Framework (M&E) updates. She explained that the ILO Project Team updated the M&E Framework to reflect progress and in response to the recommendations in the mid-term evaluation:

- Output 1.4: 'Increased number of migrant workers who obtain legal status in the sector' is an impact/outcome, not at the output level so the Team proposed changes to the output and indicators
  - Proposed Output 1.4: Improvements made to migration MOU channels and pre-migration support for migrants into the sectors
  - Proposed Indicator 1.4: Pre-departure training in place for migrants to the sectors in selected sending countries
- Output 2.2.2: Indicator: Percentage of fishing/seafood labour inspections that identify labour violations, disaggregated by type of violation.



- Proposed indicator 2.2.2: An increase is expected at least for the duration of the project, even though compliance may also be increasing at the same time in the two main industry sectors
- Output 3.2.1: Output 3.2 GLP training and improvement programme
  - Proposed Indicator 3.2.1: Extent to which GLP principles are reflected/present in Industry Association labour programmes

### Plenary Discussion

*Mrs Ragher* recommended that enforcement actions should increase as a percentage of inspections. The ILO referred to baseline research findings re violations and noted that enforcement actions as a percentage of inspections in fishing was effectively 0% in 2017 and 1.89% in 2018 (to date).

*DLPW* proposes to revise its indicators of labour violations and adjust its work plan. Indicators regarding Objective 2 need to be looked into since a decrease in violations can be caused by stricter enforcement. Likewise, the compliance should be increased as well due to competent officers being able to take action resulting in an increase in the number of violation cases. The types of violations need to be broken down and compared with data from previous years to analyse results of the changes to quantity and quality of inspections. *ILO* noted that the indicator of labour inspection effectiveness should be measured by the number of violations recorded as a percentage of inspections.

Pre-departure was also suggested to provide information for migrant workers before they start working on board.

### **3.3 Implementation of Gender Mainstreaming in Project Activities**

*Ms. Chotikajan* explained that the gender mainstreaming checklist was developed in response to baseline survey results on gender, particularly regarding wage payments, assignment of tasks at work and home, and access to services. The gender checklist for partners will be introduced in the upcoming Task Force meeting. Data collection broken down by gender for all activities is important.

### **Agenda 3.4 Research and Communications**

*Mr. Judd* updated on research including the electronic payment of fishers report posted on the Project website and circulated to related stakeholders in March 2018. A new survey tool to measure the impact of global supply chain purchasing practices on Thai suppliers and workers was circulated for comment. The survey begins in Sep 2018. The Project endline research will be carried out in 2019 to measure changes in the industry in the past two years. Lastly, EIDHR case studies on forced labour adjudication in Thailand will be completed by that EU-funded project and shared.

*Ms. Phochanakij* presented an update on communications, including new worker education materials, project films and new employer educational materials. MWG and MOL raised the need to circulate EIDHR case studies that will benefit related stakeholders and provide recommendations for further amendment.

### **Agenda 3.4 Synergies with other ILO projects**

*Mr. Judd* reported on ILO projects related to the work of the Ship to Shore Project including EIDHR, Safe and Fair, and TRIANGLE.

### Agenda 3.5 Financial Report

*Mr. Judd* updated the meeting on project spending to date:

- Total spent to date: US\$ 2,000,374.20; EUR 1,727,953.24; THB 65,592,270.02
- Total committed: US\$ 609,314.61; EUR 526,335.10; THB 19,979,426.06
- Total spent and committed: US\$ 2,609,688.81; EUR 2,254,288.34; THB 85,571,696.08
- Total spent and committed to date as a percentage of total 2016 – 2019 budget is approximately 65%

### Agenda 4 Date of Next PSC meeting

The Co-Chairs proposed to meet in October or after following the naming of a successor to Mrs Ragher as EU Co-Chair.

### Agenda 5 Closing Remarks

*Mrs. Ragher* summarized the main discussion points of the meeting, noting:

- Importance of P29 ratification and recognition for Thailand as the first country in Asia to ratify
- Accepted the Sixth PSC meeting report and updates of activity progress
- Improvement of legal framework highlighted the work that needs to be done for effective enforcement of P29 and consultations on C188 ratification/application
- Translations of legal documents need to be undertaken for accuracy, with ILO support
- Progress on advanced training for labour inspectors, ATM educational materials, new inspector training
- MOL reflects the difficulties of labour inspections to identify violations. Fishers need to be encouraged to report directly to inspectors without threat or fear of losing their jobs. Compliant channels need to be effective
- Right to organize for migrant fishers has been addressed by employers and CSO partners
- TTIA emphasized the importance of collaboration from major player (NFAT) to be informed about implementation progress by their members
- ITF stressed the importance of right to organize as part of any long-term solution
- Stella Maris and Raks Thai implement field outreach activities to target groups proactively
- Mid-term evaluation recommendations were presented and adopted in project work plan
- Ratification progress was updated and MOL expects to gain ongoing technical support from ILO
- Systematic coordination with CSOs was discussed to sustain tripartite efforts and tripartite meeting should continue after the end of the project
- Mid-term evaluation: M&E framework now shows pre-departure training for migrant workers before arriving in Thailand and addresses the expectation of increased violations in response to intensive inspections. GLP should cover all related sectors not only in seafood processing industry. Gender checklist to be discussed further in September 2018
- Ongoing and completed research projects were presented--electronic payment research (2018), MOU Channels and Labour Market Status (2018) and Impact of Global Supply Chain Purchasing Practices on Thai supplier (2018)
- Communication materials were produced to disseminate knowledge on labour rights protection
- Extension of the project will be discussed further

*Mrs Ragher* thanked members of the PSC for their participation. She expressed gratitude toward participants who took part during the two years that she has been a Co-Chair. At present, the participants are willing to share experience more freely in comparison to the first meeting.





*MOL Co-Chair* agreed that PSC meeting allowed participants to express their opinion and benefit all members. He thanked all members and Luisa for support that has resulted in progressive implementations of the project.

*Mr Buckley* presented Mrs Ragher with a gift on behalf of the ILO for her dedication to this Project and these issues.