

Draft Report
ILO Ship to Shore Rights Project
of the Eighth Project Steering Committee (PSC)
12 December 2018 at 14.00 - 17.00 hrs. Ministry of Labour

Overview of Decisions and Discussion Points

- The meeting approved the report of the seventh PSC and took note of the latest progress, challenges, and recommendations under the four objectives:
- **Objective 1:** National Legislative Assembly (NLA) approval for the ratification of C. 188, but work remains on effective enforcement of amendments to Anti-Trafficking Act and finalization of the draft Labour Protection of Work in Fishing Act.
- **Objective 2:** Advanced training for labour inspectors, drafting of national inspection training curriculum, and comparative data on enforcement actions in fishing. Trade unions and NGO partners face challenges in accessing workers at PIPO Centers.
- **Objective 3:** Joint TTIA/TFPA on strengthening GLP programme, included revisions of GLP manual and roundtable discussions on GLP, and approval of the establishment of the 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. Fishery workers represented the Fisher's Rights Network to share their concerns, including lack of employment contracts in native languages.
- The meeting endorsed changes to the M&E Framework including annualized targets per the Mid-term evaluation recommendations.
- The meeting agreed to support an ILO-proposed no-cost extension of the Project for five months (until 31 December 2019) and proposed 2019 workplan changes, and took note of proposed topics for research and the upcoming release of project videos.
- The meeting took note of total funds spent and committed to date. The total as a percentage of the overall Project budget (2016 – 2019) is approximately 75%.

Agenda 1 Welcoming Remarks of Co-Chairs

Mr. Somsak Apiwantanakul, Assistant Permanent Secretary, opened the meeting on behalf of the Permanent Secretary and thanked the EU for the financial support for the Ship to Shore Rights Project. The PSC serves as the forum to review progress achieved under the four Objectives, especially updates on new laws and regulations and labour inspector training.

Mr. Giuseppe Busini, Deputy Head of EU Delegation, commented that the Ship to Shore Rights Project is a flagship Project. Today is an important meeting to review results achieved since June 2018 and to engage in open and frank consultations on progress and plans under all four objectives. The Mid-Term Evaluation is now completed and the next year marks the final year of project implementation. The EU-Thai labour dialogue acknowledged the higher labour standards in fishing and seafood. Thailand as the 2019 Chair of ASEAN will be a role model for other countries being the first country in Asia to ratify both Conventions.

Agenda 2 Summary of Seventh PSC Actions and Approval of Minutes

Ms. Anyamanee Tabtimsri, ILO Field Coordinator, reported on the key points from the seventh PSC meeting including Mid-term evaluation recommendations, proposed changes in the Project work plan, a new partners' gender checklist, a proposed no-cost extension of the project, Project finances update, as well as ongoing research and communication projects.

Decisions

- The meeting approved the report of the seventh 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 that the Minister of Labour submitted the instrument of ratification for P. 29 on 4 Jun 2018. The Cabinet approved amendments to the Elimination and Suppression Forced Labour in Nov 2018. The National Legislative Assembly (NLA) approved the ratification of C. 188 in Dec 2018. The Ministry of Labour is in the process of preparing the Declaration for C. 188 ratification to the ILO. The Council of State opened a website for public comment on the draft Labour Protection Fisheries Labour Act. There is a need to raise public awareness about the new draft Act and the use of flexibility clauses allowed under the C. 188. She briefly outlined the timeline for both P. 29 and C. 188.

Ms. Thitaree Uamnuay, ILO Project Team, informed on the progress under Objective 1, noting that the ILO has:

- Provided extensive technical comments for the Thai government on application of C. 188 and C. 29
- Published forced labour case studies (English and Thai, for ILO/EU EIDHR Project)
- Organized exchanges with New Zealand MBIE regarding fishing enforcement
- Supported improved data collection and analysis for inspection and enforcement planning
- Begun case study on vessel renovation for inclusion in research on labour market needs
- Led Myanmar MOLIP tripartite consultations on training for migrant fishers

Objective 2: More Effective Labour Inspection and Enforcement

Mr. Jaranchai Korsriphitakkul, Labour Protection Director and Legal Division (DLPW), reported that the Department has partnered with ILO to develop tools for labour inspection at PIPO Centres. The third (final) advanced training was organized for 36 labour inspectors in Nov 2018, bringing a total of 96 labour inspectors who have participated in training over two years. A new regulation issued on 26 Jun 2018 created clarity for labour inspections on standard procedures and duties at PIPO inspections. MOL will co-organize with ILO pilot training sessions for 186 new labour inspectors in Feb 2018.

Ms. Anyamanee Tabtimsri and Ms. Thitaree Uamnuay, ILO Project Team informed on the progress under Objective 2, noting that the ILO has delivered:

- Strategic labour inspection and enforcement assessment with New Zealand MBIE expert
- Draft labour inspection curriculum
- Analysis of DLPW data collection
- Labour inspection advanced trainings
- Technical support on labour risk assessment

ILO Project Team highlighted the results of New Zealand labour inspector's visits, key lessons of DLPW data collection including new enforcement figures, and labour risk measures to improve targeting. Topics for core and supplemental training modules in the national training curriculum were outlined for discussion.

Plenary Discussion

- Fishers Rights Network/ITF requested cooperation from the government to allow them, per existing policy, to observe and support PIPO inspections at the PIPO Centres. Recently, FRN reported that staff were not allowed to enter some Centres when the head of PIPO changed. In the past, ITF and the ILO have sent letters to the government requesting access.
- CCCIF responded that FRN/ITF is welcomed to enter PIPO Centres at the ports and they have standardized operations at PIPO Centres using the same set of tools. They set-up a FIT team to

- inspect all 30 PIPO Centres for quality control. They found some problems, such as mismatch of crew lists, but use of facial/iris scans prevents any smuggling of workers.
- DLPW welcomed cooperation with NGOs and ITF can always participate as an observer and translator.
 - SERC also shared concerns that there should be a common policy on access even when there is a change of the head of PIPO Centres. SERC encouraged information-sharing, but there are still enforcement issue despite having ratified P. 29 and C. 188.
 - ECOT noted that the retention of ATM cards is an issue and a violation of laws against wage withholding. DLPW replied that it tries to interview workers to prevent the retention of ATM card.
 - Stella Maris commented that when labour abuses are found at PIPO Centres in Chonburi and Rayong, the government is reluctant to fine employers. Workers still do not receive their full wage payments even though wages are transferred to workers accounts. Employers take cash out of their ATMs for workers, but only a portion of their wages are given to them. There is still a labour shortage and the exercise of Article 83 of the Royal Ordinance of Fisheries to issue seabook process has not effectively addressed the labour shortage.
 - HRDF also shared the same concerns regarding retention of fishers' ATM cards by employers.

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

Ms. Attapan Masrungson, Secretary-General of the Thai Tuna Industry Association, updated the meeting on the revision of the GLP manual for the seafood processing industry. The Nov 2018 Roundtable Discussion on GLP reviewed the GLP manual and the revised tools including new supply chain mapping and factory checklists. She commented that the GLP is voluntary and called for buyers' recognition and rewards for Thai suppliers for their participation in their associations' GLP programmes.

Mr. Pran Siamwalla, Director of ECOT, commented that banks would support supply chain improvements with loans but buyer prices and returns on investments are too unpredictable for some banks. ECOT partnered with WWF to support shrimp farms for ASC certification. He reported that banks are willing to fund their certification but buyers who want to buy ASC products are not willing to pay more for it.

Ms. Supavadee Chotikajan, ILO National Project Coordinator, ILO Project Team informed on the progress under Objective 3, noting that the ILO has:

- Proposed establishment of the GLP Advisory Committee
- Revised the GLP manual
- Organized the Roundtable Discussion on GLP

She outlined the objectives, mandate, and the composition of the GLP Advisory Committee and asked for the meeting to approve the establishment of the Committee.

EU noted that the EU-Thai labour dialogue focused on regionalization of labour standards related to fishing. The GLP will serve as the groundwork to launch into an ASEAN-wide initiative. ECOT asked how EU would pressure buyers to pay for higher standards at Thai suppliers. EU replied that consumers place a lot of emphasis on respecting environmental and labour standards, and on responsible supply chains. EU has a responsible supply chains in Asia Project which has cross-linkages with the GLP.

Decisions

The meeting endorsed the proposed Terms of Reference for the GLP Advisory Committee

Objective 4: Strengthen Worker Activities and Access to Support Services

Mr. Sawit Kaewvarn, Secretary-General of the State Enterprises Workers' Relations Confederation (SERC) reported that SERC has established a "Southern Seafood Industry Workers Group (SSWG)" in Songkla and "Working Class Labourers" in Chonburi. It is important to focus on building effectiveness of worker organizing to be able to negotiate for their wages. SERC faces challenges in asking permission from employers for workers to attend trainings. MOU channels bringing workers into the country do not provide sufficient labour protection and many migrant workers still cannot access social security. Communications materials for workers should be in their native languages. SERC urges the government to ratify C. 87 and C. 98 which will allow sustainable negotiations by workers.

Objective 4 partners described recent and upcoming project activities:

- *Stella Maris'* three seafarer's centres in Chonburi, Rayong, and Pattani have reached 11,900 workers, mainly on health services. They reported that some workers still do not receive their full wages. It is important that workers know their rights. Even though child labour is no longer or rarely found, employers need to know how to deal when child labour is found. The Pattani Migrant Children Learning Center was established to protect children's rights, including provide basic education services and prevent them from harm playing near the ports.
- *HRDF* has produced three manuals on basic labour rights, case management, and international labour standards. They have trained NGOs in Thailand and also in Cambodia. They also shared some examples of labour violations found in the provinces.
- *ITF/Fishers Rights Network* informed that Oct 2018 training was organized for fishers in Trat with HRDF and MWG providing information to workers. In Jun 2018, ILO, ITF, and Thai Union organized a training for 100 fishers on safety and CPR. In Nov 2018, they organized a Fisher's Assembly in Rayong and worked with HRDF and Raks Thai to support legal cases for eight workers there.
- *Raks Thai* Foundation provided training for seafood workers and dependents, building community networks, and tripartite consultations. Labour abuses still happens due to limited worker knowledge, lack of access to justice, lack of protection even for workers that enter through the MOU process, and lack of negotiating power.
- *ILO reported on behalf of Oxfam* that organized a 'Humans of the sea' event to promote sustainable ethical seafood via panel discussions with CSOs at Chulalongkorn University in Jun 2018, and coordinated advocacy work through the CSO Coalition on Sustainable and Ethical Seafood.

Plenary Discussion

- Social Security Office (MOL) reported that social security was a major concern of the C. 188 discussions and MOL is working closely with employers and NGO partners to raise awareness about this issue. Employers are concerned about paying for it and MOL has reached agreement for progressive implementation of social security.
- Fishers Rights Network leaders from Songkla, Ranong, Trat called for employment contracts in their native languages and sufficient water and food on board. They supported the ratification of C188, C87 & C98, higher wages, and improved working conditions. DLPW added that they are in the process of translating the employment contracts.
- SERC reported that there are several incidents of labour violations and will compile the key list of issues to share.

Ms. Supavadee Chotikajan informed on the progress under Objective 4, noting that in the last quarter the ILO and partners have delivered:

- Direct assistance to workers via partners
- Support for worker support manuals
- Identification of union/CSO partners for pre-arrival training for new Myanmar
- Tripartite meetings at the provincial level

- Around 54,000 persons outreached total (in-person and online)

3.2 Consideration of workplan and M&E changes (Mid-term evaluation)

Ms. Chotikajan reported on Mid-term Evaluation recommendations on changes to the Monitoring & Evaluation Framework to include targets for end of 2018 and end-of-project as well as annualized targets.

Mr. Jason Judd explained that the ILO and EU are exploring options to extend the Project by five months through no-cost extensions and explained the rationale for extension to complete unfinished activities. He also detailed the proposed changes to the workplan, including the proposed pre-departure training for fishers and the shifting of field activities from the Phang-nga office to Bangkok.

Decisions

The meeting endorsed the proposal for a no-cost extension of the Project, related changes to the proposed workplan, and changes to the M&E framework.

3.3 Update on Project Research and Communications

Mr. Judd updated on research papers, including labour market research including a vessel renovation case study, rapid assessment of electronic payment, labour impacts of buyer sourcing options, and endline survey. He also briefly explained the project video series documenting ratification of P. 29, union and CSO support for worker activities, and PIPO enforcement best practices.

3.4 Project Financial Report

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

- Total spent to date: US\$ 2,496,277.99; EUR 2,201,991.78; THB 81, 728,141.39
- Total committed: US\$ 672,151; EUR 592,912; THB 19,411,939
- Total spent and committed: US\$ 3,168,430; EUR 2,794,903; THB 101,140,080

The total spent and committed to date as a percentage of total 2016 – 2019 budget is approximately 75%.

Agenda 4 Date of Next PSC meeting

The ninth PSC meeting will be held either in late March or late April 2019.

Agenda 5 Closing Remarks

Mr Graeme Buckley, ILO Country Director, noted a lot of work on implementation with on-target delivery. It is the final year of work in which to establish a common understanding on ratification of C. 188 and on roles and responsibilities. A lot of capacity-building is needed for worker organizing. Good Labour Practices gives effect to Decent Work Agenda to establish the minimum standards and market access into the EU markets. There are some good processes and best practices to document.

Mr. Giuseppe Busini summarized the main discussion points of the meeting, noting:

- Objective 1. Timeline for legislation and need to raise awareness about C188.
- Objective 2. New Zealand labour inspectors, data collection, and comprehensive access to PIPO operations. DLPW to ensure access to ports for NGO partners.

- Objective 3. Update on GLP manual, role of the EU in sharing expertise with building responsible supply chains, and intention to raise issues in Brussels on EU buyers' recognition for GLP. The approval of the GLP Advisory Committee was agreed.
- Objective 4. SERC, ITF, Raks Thai, HRDF, and Oxfam updated on progress of activities.

The meeting took note of the changes to the M&E Framework adding in the annualized targets as per the Mid-term evaluation recommendations. The meeting also agreed to the no-cost extension of the Project for five months (until 31 Dec 2019) and the proposed workplan changes. The Committee took note of the proposed topics for research, upcoming project videos, and the financial report showing the total spent and committed to date as a percentage of total 2016 – 2019 budget at approximately 75%.

Mr. Somsak Apiwantanakul, Assistant Permanent Secretary, thanked the participants and closed the meeting.