**Draft Minutes of the Joint Taskforce Meeting**

**Taskforce#1: Legal, Policy and Regulatory Framework and Access to Support Services of Workers and Victims of Labour Abuses (Objectives 1 and 4) and Taskforce#2: Labour Inspection, Enforcement, and Good Labour Practices (Objectives 2 and 3)**

**17 November 2017, 09.00 – 12.00 hrs.**

**Eternity Ballroom, Ground floor, Pullman Bangkok Kingpower Hotel, Bangkok**

**Overview**

The Joint Taskforce 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 by December 2017. As per the ILO’s evaluation policy, the Ship to Shore Rights Project will be undertaking the Mid-Term Evaluation 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 banking payroll scheme.

1. **Taskforce#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 doesn’t 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 forced labour indicators and new Forced Labour Act would be duplicative to the existing Act. The Sub-Committee on law drafting for P29 agreed for the working group to consider revising the Anti-Trafficking Act to include all forced labour dimensions. MOL has requested ILO to work on a case study analysis on real cases to supplement the law drafting process. 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 and ITF, 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 have a different area of focus ranging from health, education, and legal assistance.

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

Dr Pongthiti Pongsilamanee, Deputy Secretary-General of SERC, reported that the last Joint Taskforce Meeting took place on 28 June 2017. The Joint Taskforce meeting are to validate the results of the baseline survey of working conditions in the fishing and seafood industry conducted by RapidAsia and also endorse the Monitoring & Evaluation (M&E) Framework before submission to the Project Steering Committee (PSC) for final approval.

1. **Research on Effectiveness of MOU channels 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 covered a desk review, semi-structured interviews, and interviews in five provinces with fishing vessel owners – a total of 36 interviewees. The interviews with governments reported 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 time to adapt to new regulations. Other interviews found that the MOU process was overcomplicated, ineffective, and lack of transparency without 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 ethnical 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 to improve on the MOU process. He also commented that the MOU between Singapore and Malaysia and Malaysia – Cambodia mainly focuses on domestic worker, which the context and the role of recruitment agency, is very different from workers from the fishing sector.
* MOL asked for an in-depth analysis of good practices from other countries and suggested for the report to also make recommendations for other sending countries, International Labour Organization (ILO), EU, and US on how to make the MOU more effective.
* The meeting suggested to double-check on the statistics on MOU, seabook, 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. 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 deficit. Migrant workers should have some basic Thai language before entry but it is not a mandatory requirement under Thai law. It is important to also 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 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 indicate the shape of labour market. If the government ratifies C188, then role of the vessel owner and chiew will also be clearly defined.

Next Steps:

* ILO will circulate the draft research paper by December 2017 for comments.
1. **Taskforce#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) provided an update on labour inspections and enforcement. Given that there are fewer violations found during inspectors 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 navy and engaging with NGOs for more insider information and any reports on labour violations. Based on the most recent inspection of 101 factories, they found 49 factories that violated labour protection act, mainly related to lack of declaration of national holidays for workers. As of 6 Nov. 2018, they have inspected 89,000 fishing vessels and found 108 fishing vessels for wrong doing. They have detained 6 fishing vessels in total and quarantined for basis of 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 question on identification of forced labour, Mr. Trisilanunt explained that they haven’t found cases of forced labour in the inspection because of the lack of penalty for forced labour during current laws, and only found any violation that falls under Article 10 of Labour Protection Act, mainly for wage withholding.

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

MSDSH reported that trafficking cases will fall under Anti-Trafficking Act which the Act has been revised several to include elements of forced labour on 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 center for rehabilitation.

*Objective 3: Good Labour Practices (GLP)*

Mr Pran Siamwalla, Director of ECOT, stressed the importance of having the bank payroll scheme for payment transparency in which many Thai banks do 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 the GLP programme.

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

Mr Wanik Manomaiphibul provided a recap of overall migrant workers in Thailand by province and access to smartphones. The researched analysed the current cash payment system, looking at the cons related to the lack of transparency and higher transaction costs compared to electronic payment. There are currently the 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 80% of major banks ATMs have Burmese language capability. It is estimated that more than 90% of fishery & seafood processing workers are using informal agents and the remaining less than 10% using bank transfer. He also explained the different options for workers to send remittances back home.

DLPW added that only 6 PIPO Centers out of 34 centres don’t have ATM cards and has scheduled the meeting with banks to facilitate this roll-out of banking payroll scheme.

1. **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 learnt for the Project’s remaining half. The evaluation will be based on four evaluation criteria on relevance, effectiveness, efficiency, and sustainability and another 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 selected evaluator consultant and will contract partners to request for interviews.

1. **Other Business**

Ms Anyamanee Tabtimsri, ILO Field Coordinator, Phang-ngha provided an update on Provincial Tripartite Meetings to facilitate dialogue and coordination among government, employers’ and workers’ organization and NGOs at the provincial level. The meeting identified key challenges in fishing and seafood processing industry and discussed ways to cooperate and to find solution. The series of meeting were held since May in Chonburi, Phang-nga, Phuket and Songkhla. The 3rd Tripartite+ meeting was recently held in Songkhla demonstrating a positive example of this dialogue and cooperation among tripartite and CSOs partners to solve issues on medical kits and workers’ contract.

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.