

# MIGRANT WORKER GUIDELINES IN PRACTICE: THAI SEAFOOD CHAPTER

## TRAINING MANUAL FOR EMPLOYERS



*Migrant workers employed at a seafood processing factory in Phetchaburi, Thailand.  
Photo: IOM 2022/Javier Vidal*



# MIGRANT WORKER GUIDELINES IN PRACTICE: THAI SEAFOOD CHAPTER

---

TRAINING MANUAL FOR EMPLOYERS



The designations employed and the presentation of material throughout the publication do not imply expression of any opinion whatsoever on the part of International Organization for Migration (IOM) concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

This training manual was drafted by Aleksandra Lasota, Evie van Uden, Hubert Guay and Pattarada Rittang. The team would like to thank the IOM Thailand Media and Communication Team, Miko Alazas and Anushma Shrestha, who provided technical input.

This publication was funded by the European Union. Its contents are the sole responsibility of the authors and do not necessarily reflect the views of the European Union.



**Funded by  
the European Union**

---

Publisher: | International Organization for Migration  
18/F Rajanakarn Building, 3 South Sathorn Road,  
Yannawa Sathorn, Bangkok, Thailand  
Tel.: | +66 2 343 9300  
Fax: | +66 2 343 9399  
Email: | [iomthailand@iom.int](mailto:iomthailand@iom.int)  
Website: | [thailand.iom.int](http://thailand.iom.int)

---

This publication was issued without formal editing by IOM

---

**Required citation:** International Organization for Migration (IOM), 2023. Migrant Worker Guidelines in Practice: Thai Seafood Chapter, Training Manual For Employers.

---

This publication should not be used, published or redistributed for purposes primarily intended for or directed towards commercial advantage or monetary compensation, with the exception of educational purposes, e.g. to be included in textbooks.

# TABLE OF CONTENTS

About the Curriculum _____	7
Specific Objectives _____	7
How to Use the Curriculum _____	8
Training Overview and Preparation _____	8
Trainer's Profile _____	9
Training Evaluation _____	9
Training Venue _____	10
Training Agenda _____	11
DAY 1	
Module 1: Introduction to Migrant Workers and Fair and Ethical Recruitment and Employment _	13
1.1 Challenges and Risks of Migrant Workers Employed in Thailand's Seafood Processing Sector _____	13
Module 2: Addressing and preventing challenges and risks of migrant workers throughout the labour migration process _____	20
2.1 Address and Prevent Challenges and Risks during the Recruitment and Deployment Stage _____	21
2.2 Address and Prevent Challenges and Risks during the Employment Stage _____	27
2.3 Address and Prevent Challenges and Risks during the Return or Onward Migration Stage _____	32
DAY 2	
Welcome and Recap Day 1 _____	35
Module 3: Establish a Labour Migration Management System _____	36
3.1 Component 1: Policy Commitment _____	37
3.2 Component 2: Human Rights Due Diligence _____	39
3.3 Component 3: Remediation _____	41
3.4 Component 4: Engagement with Migrant Workers _____	44
Annex I: Training Assessment _____	50

# FOREWORD

Thailand's fishing and seafood processing sector contributes greatly to the country's economy. According to the World Bank, in 2021, the agriculture, forestry and fishery sector together contributed 8.5 per cent to Thailand's gross domestic product (GDP). In 2022, over 160,000 workers from Cambodia and Myanmar were regularly employed in the seafood processing sector alone.

The Royal Thai Government has made efforts to enhance the protections of migrant workers in the fishing and seafood sector such as through ratification of the Convention of the Work in Fishing Convention (C188), enactment of the Labour Protection in Fishing Work Act in 2019 and of subordinate laws under the 2015 Royal Ordinance on Fisheries. Private sector actors also made efforts through the development of the Seafood Good Labour Practices Programme, included in the *Good Labour Practices (GLPs) Guidelines in Thailand's Seafood Industry*, which have been implemented in more than 50 seafood processing factories.

Complementing and building on the Seafood Good Labour Practices Programme, the International Organization for Migration (IOM), in coordination with a local industry association, developed this training manual to support companies operating in Thailand's seafood sector to implement fair and ethical recruitment and employment standards in their operations and supply chains. This training manual is unique because it provides guidance to companies during all stages of the labour migration process, including recruitment and deployment, employment and return or onward migration.

This training manual is developed under the joint initiative "South East Asia Regional Programme on Labour Migration in the Fishing Sector" (Ship to Shore), implemented by IOM, the International Labour Organization (ILO) and the United Nations Development Programme (UNDP), and funded by the European Union.

IOM is committed to help ensure the orderly and humane management of migration to promote international cooperation on migration issues. IOM is confident that by working with relevant stakeholders, including private sector, we can promote and protect the rights of all migrant workers and foster a fair, inclusive, and sustainable future for all.



*Migrant workers employed at a seafood processing factory in Phetchaburi, Thailand.  
Photo: IOM 2022/Javier Vidal*

# ABOUT THE CURRICULUM

This training manual (referred to as “the manual”) has been developed by the International Organization for Migration (IOM), in collaboration with a local industry association.

The two-day training of trainers aims to enhance the capacity of employers of migrant workers operating in Thailand’s seafood processing sector to adhere to international standards on fair and ethical recruitment and employment, as laid out in [IOM’s Migrant Worker Guidelines for Employers](#), [IOM’s IRIS Ethical Recruitment](#) The training manual refers to and complements the [Good Labour Practices Guidelines \(GLP\) in Thailand’s seafood industry](#), developed by the ILO, the Thai Frozen Food Association, in collaboration with the Department of Labour Protection and Welfare (DLPW) under the Ministry of Labour (MoL) and the Department of Fisheries under the Ministry of Agriculture and Cooperatives. The training also supports employers to comply with their duty to respect the human and labour rights of migrant workers and to provide effective remediation when harm has occurred. The responsibility of private actors to do so is laid out in Pillar 2 and 3 of the [United Nations Guiding Principles of Business and Human Rights \(UNGPR\)](#). Moreover, the training builds on existing good practices followed by the Thai seafood processing industry such as the GLP and IOM’s Ethical Recruitment Due Diligence Toolkit.

This manual provides trainers with the tools and knowledge required to effectively facilitate a two-day training (referred to as “the training”) that is best suited for the representatives of human resources, sustainability and compliance units of participating companies.

The training complements IOM’s e-course [Introduction to the Management of Fair and Ethical Recruitment and Employment of Migrant Workers](#). In 90 minutes and free of charge, the e-course introduces key concepts and principles, and provides practical steps businesses can take to safeguard the rights of migrant workers in their operations and supply chains.

## SPECIFIC OBJECTIVES

The objectives of the training are to:

1. Enhance the understanding of employers on the **labour migration process** and **the risks and challenges that migrant workers** may face in Thailand’s seafood processing sector.
2. Enhance the capacity of employers operating in the seafood processing sectors to **implement fair and ethical recruitment standards** and **good practices in their operations and supply chains**.

The training is designed to be a highly interactive, experiential learning experience. The training is based on the four key principles of adult learning: 1) adults learn by doing; 2) adults learn by teaching others; 3) adults learn by understanding the practical uses of the material; and 4) adults learn by having a positive emotional experience. While the training consists of some presentations, it primarily includes activities and exercises that are experiential, participatory and practical. These activities are carried out in plenary, small groups, pairs and as individuals. Using practical examples, these exercises allow participants to learn by doing and apply the learnings of the training in their practice afterwards.



## HOW TO USE THE CURRICULUM

This curriculum is mainly intended for trainers and resource persons as a foundation of their preparation for a face-to-face training on applying IOM's Migrant Worker Guidelines in Practice in the Thai seafood processing sector. Based on the specifics of their training activity, trainers can use the knowledge and facts contained in this curriculum during their interventions. They can choose to cover the whole set of modules (three in total) or only use selected modules from the curriculum, depending on training participants' needs and specific training topic. The modules can also be used as self-training material.

The curriculum consists of three modules:

**Module 1:** Introduction to Migrant Workers Fair and Ethical Recruitment and Employment.

**Module 2:** Addressing and Preventing Challenges and Risks of Migrant Workers throughout the Labour Migration Process.

**Module 3:** Establishing a Labour Migration Management System.

### Module Structure

In this manual, each training session is structured along the following components:

- **Objective:** The overall goal of the training.
- **Timing:** The estimated time required.
- **PowerPoint slides:** The number of accompanying PowerPoint slides. On slides, the trainer should limit text and use the slide animations provided to ensure participants listen actively (rather than read from the screen).
- **Handouts:** Content to be provided to participants (hard copy and electronically for in-person trainings, electronically for online trainings).
- **Trainer's script:** Information to introduce each session and main information to be shared with participants, accompanied by PowerPoint presentation.
- **Instructions:** Step-by-step guidance to effectively facilitate exercises and encourage active participation.

**Note:** This manual does not include slides for end-of-day or end-of-training recap, nor does it include slides or activities to welcome participants, identify participants' expectations or concerns, or energize participants. Trainers may insert these slides and activities as appropriate for their participants and context.

## TRAINING OVERVIEW AND PREPARATION

Target audience	Employers of migrant workers in Thailand's seafood processing sectors
Number of participants	Maximum 25 participants per training
Timeframe	Two full days for in-person training Four half days for online training
Seating plan for in-person training	Four to five round tables, maximum of four to five people per table
Resources required	Laptop for facilitation Projector and screen Flipcharts (or large sheets of paper for group work) Red, green and blue markers Laptop, notebooks and pen for participants IOM's Ethical Due Diligence Toolkit: self-assessment form (the trainer should send it to the training participants at least two days before the training)
Supporting resources	PowerPoint presentation Handouts



# TRAINER'S PROFILE

During the training, it is the trainer's role to facilitate each session, guide participants, encourage them to participate and ask questions that encourage their critical thinking on the topics discussed. The trainer shall be thoroughly familiar with:

- Challenges faced by migrant workers, particularly in Thailand's seafood processing sector;
- Thailand's basic legislative framework, policies and procedures governing labour migration in the seafood processing sector;
- International conventions and standards related to labour migration, migrant workers and the seafood processing sector;
- IOM's [Migrant Worker Guidelines for Employers](#), [Human Resource Guidebook on Employer Obligations and Cultural Sensitivity](#), [Business Guidebook: How to Mediate Employment Disputes under Thai Labour Law](#), e-course and the [IRIS Ethical Recruitment](#), Ethical Recruitment Due Diligence Toolkit and concepts and principles laid out therein.
- [Good Labour Practices Guidelines \(GLP\) in Thailand's seafood industry](#), developed by Thai Frozen Food Association, in collaboration with DLPW under the MoL and the Department of Fisheries under the Ministry of Agriculture and Cooperatives, and concepts laid out therein.

The trainer should also be experienced in facilitating training using participatory methods, and must be able to:

- Facilitate and encourage participation and engagement among participants;
- Adapt the agenda and content to participants' needs;
- "Read the room" to facilitate energizers based on participants' needs.

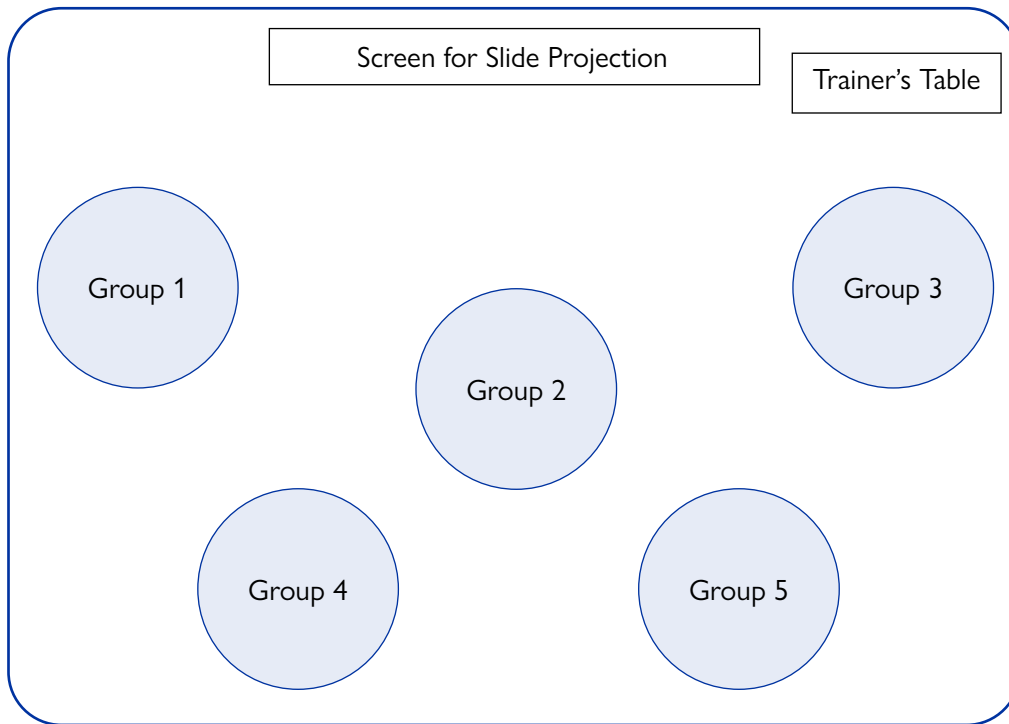
## TRAINING EVALUATION

The trainer is also responsible for carrying out a pre-test prior to commencing the training and a post-test upon completion of the training. These tests help to determine whether participants have increased their knowledge as a result of the training. The pre-test measures participants' prior knowledge level on the training's topics, while the post-test demonstrates their level upon completion. After completing both tests, the trainer compares the results for each participant and calculates the knowledge increase. The trainer shall also use these tests to evaluate the training materials and presentation. For instance, if the results reveal that many participants do not demonstrate knowledge increase on certain topics, the way information is conveyed or materials utilized may require revision and further clarification. Samples of pre- and post-tests are included in Annex I but shall be amended to match the training curriculum and materials.

In addition, upon completion of the training, the trainer is responsible for conducting an evaluation survey among participants to measure their satisfaction and gather inputs for further improvement of the training. A sample of the evaluation survey is included in Annex II.

## TRAINING VENUE

The venue should fit five tables (four to five participants per table) while allowing participants to move around freely. The following room set-up for a training session with 15 to 20 participants is suggested:



## TRAINING AGENDA

An agenda is provided for in-person trainings. However, trainers should adjust the agenda to match the specific needs and circumstances of the participants and context.

DAY 1	
9:00–9:10	Welcome & Introductions
9:10–9:15	Training Overview
9:15–10:30	Module 1: Introduction to Migrant Workers and Fair and Ethical Recruitment and Employment  <i>In this module, participants will learn about key concepts related to labour migration; challenges and risks of migrant workers employed in Thailand's seafood processing sector</i>
10:30–10:45	Morning Tea Break, followed by energizer
10:45–11:30	Module 1, continuation
11:30–12:00	Module 2: Addressing and Preventing Challenges and Risks of Migrant Workers Throughout the Labour Migration Process
12:00–13:00	Lunch, followed by energizer
13:00–15:00	Module 2, continuation: Recruitment and Employment
15:00–15:15	Afternoon tea break, followed by energizer
15:15–16:30	Module 2, continuation: Return and Onward Migration
DAY 2	
9:00–9:30	Welcome & Recap from Day 1
9:30–10:30	Module 3: Establish a Labour Migration Management System  <i>In this module, participants will learn about establishing their labour migration management system, namely: 1: Policy Commitment, 2: Human Rights Due Diligence; 3: Remediation, 4: Engagement with Migrant Workers</i>
10:30–10:45	Morning Tea Break, followed by energizer
10:45–12:00	Module 3, continuation: Human Rights Due Diligence
12:00–13:00	Lunch, followed by energizer
13:00–14:00	Module 3, continuation: Remediation and Engagement with Migrant Workers
14:00–14:15	Afternoon tea break, followed by energizer
14:15–15:15	Module 3, continuation: Engagement with Migrant Workers
15:15–15:45	Questions, summary of the workshop and closing. Post-evaluation survey

**Note for online training:** For online training, the agenda items need to be spread over four half days, with each day not exceeding four hours. To ensure engagement and prevent fatigue among participants, the trainer shall include a five-minute break after every hour of training.

## DAY 1

<b>Objective:</b> Welcome participants, get to know each other, and provide an overview of the training
<b>Timing:</b> Day 1 (9:00–9:15)
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> None
<b>Exercise:</b> None

### Instructions:

1. Welcome participants and facilitate introductions of each participant using appropriate methods for the audience and context (insert PowerPoint slides if needed).
2. Present training objectives and agenda.
3. Key points to communicate include:
  - This is a participatory and interactive training;
  - Participants are encouraged to share their perspectives and insights throughout the training;
  - Participants can ask questions at any time;
  - Participants shall be respectful of each other and their diverse backgrounds and viewpoints;
  - Participants shall recognize that each participant has valuable contributions to discussions.

### Trainer's script:

- Welcome! This is a training course for business enterprises who are seeking practical guidance on how to recruit and employ migrant workers responsibly within their operations and supply chains.
- This module is aligned with international human rights and labour standards as well as frameworks on international migration. It is informed by IOM's extensive experience working with governments, civil society, migrant workers and the private sector, as well as the collection of good practices and insights from the Thai Tuna Industry Association and other employers, and multinational enterprises.
- During this two-day training, you will learn about the labour migration process of migrant workers into Thailand's seafood processing sector, which starts in their country of origin. You will also learn about the challenges and risks migrant workers may face throughout the process and how you, as an employer, can address and prevent these risks.
- This course is underpinned by the premise that all business enterprises have a responsibility to organize and run their business and manage partnerships in a manner that respects human rights and addresses and mitigates risks of harm. It builds on the United Nations Guiding Principles on Business and Human Rights (UNGPs), the Organisation for Economic Co-operation and Development's (OECD) Guidelines for Multinational Enterprises, OECD's Due Diligence Guidance for Responsible Business Conduct, the International Labour Organization (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and related standards and guidance on responsible business conduct.
- Explain house rules.

# MODULE 1

## Introduction to Migrant Workers and Fair and Ethical Recruitment and Employment

<b>Objective for Module 1:</b> Introduce migrant workers and their vulnerabilities, concepts of fair and ethical recruitment and employment, and implications for employers
<b>Timing:</b> Day 1 (9:15–11:30) 135 minutes
<b>PowerPoint slides:</b> Specified for each session below
<b>Handouts:</b> Specified for each session below
<b>Exercise:</b> Ethical recruitment and labour migration terms matching exercise

### Trainer's Script:

- Migrant workers live and work all over the world and are employed in many sectors. Their experiences can be vastly different, but many of them face similar risks throughout the migration process.
- Employers need to make sure migrant workers are treated fairly and ethically at every stage of the labour migration process. If they do so, migrant workers will have a positive migration experience, which benefits both migrant workers and businesses. On the other hand, migrant workers, like employees, must fulfill their contractual obligations in order to enjoy their full rights - as long as these obligations are in line with national laws.
- Who are migrant workers and what is labour migration?

**Exercise:** Ethical recruitment and labour migration terms matching exercise

**Objective:** To help private sector participants learn and understand key terms related to ethical recruitment and labour migration, including modern slavery legislation.

**Timing:** 15 minutes.

**Materials needed:** Pieces of paper with terms related to ethical recruitment and labour migration and pieces of paper with corresponding definitions.

### Instructions:

1. Distribute terms and definitions among individual participants.
2. Explain that participants have five minutes to find a fellow participant with a matching definition.
3. After five minutes, stop the exercise and ask the participants to return to their seat.
4. Select a participant to read out a term and ask who has the matching definition.
5. Continue until all terms and definitions are read aloud.
6. Conclude by summarizing key takeaways.

### Key terms:

- **Forced labour:** Any work or service that a person is forced to do against their will, including through coercion or deception.
- **Human trafficking:** The recruitment, transportation, transfer, harbouring or receipt of persons by

means of threat, force or deception, for the purpose of exploitation.

- **Migrant worker:** A person who migrates from their country of origin or residence to another country to seek employment or engage in a remunerated activity.
- **Living wage:** A wage that covers basic needs, including food, housing and other essential expenses, and allows workers to maintain a decent standard of living for themselves and their families.
- **Recruitment fees** include:
  - Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment;
  - Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party and payments made in the case of direct recruitment by the employer;
  - Payments required to recover recruitment fees from workers.
- **Related costs:** Expenses integral to recruitment and placement within or across national borders, considering that the widest set of related costs are incurred for international recruitment. These costs may apply to both national and international recruitment, including: medical costs, insurance costs, costs for skills and qualification tests, costs for training and orientation, equipment cost, travel and lodging costs and administrative costs.
- **Supply chain:** The network of individuals, organizations and activities involved in producing and delivering goods or services from suppliers to customers.
- **Vulnerable workers:** Workers who face a higher risk of exploitation, abuse or discrimination due to their socioeconomic status, gender, age or other factors.
- **Fair recruitment:** The process of recruiting and hiring workers in a manner that is transparent, non-discriminatory and free from exploitation.
- **Labour exploitation:** The abuse of a worker's rights and dignity through practices such as forced labour, non-payment of wages and unsafe working conditions.
- **Modern slavery legislation:** Laws and regulations that aim to prevent and address forced labour, human trafficking and other forms of modern slavery in the supply chains of businesses and governments.
- **Employer pays principle:** The principle that the employer should cover all costs associated with the recruitment of workers, including fees, transportation and other expenses, and should not pass these costs onto the worker.
- **Human rights due diligence:** A process that involves identifying, preventing, mitigating and accounting for how a business may impact human rights in its operations, including its supply chains.

# Challenges and Risks of Migrant Workers Employed in Thailand's Seafood Processing Sector

<b>Objective:</b> To consider the challenges and risks migrant workers in Thailand's seafood processing sector may face throughout the labour migration process.
<b>Timing:</b> Approximately 60 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> To be determined
<b>Exercise:</b> Walking through the labour migration process

## Trainer's Script:

### Recruitment and deployment

- The labour migration process starts in migrant workers' community and country of origin. This process can be broken down into three stages:



- Recruitment and deployment practices vary depending on country and migration context. The three stages of the process involve many aspects and stakeholders in the country of origin, transit and destination.
- It is important for businesses to understand the experiences of migrant workers during all stages of the labour migration process and to be aware of migrant workers' vulnerabilities and the risks they may face.
- With this understanding, employers can establish a safe, fair and respectful environment for migration and employment. Do you know that recruiters, employers and buyers are all responsible for the fair and ethical recruitment of migrant workers, and that their responsibility starts in migrant workers' country of origin?

**Exercise:** Walking through the labour migration process

**Objective:** Provide employers with a hands-on experience of the labour migration process for migrant workers in the Thai seafood industry and encourage them to identify potential barriers and areas for improvement.

**Timing:** 60 minutes.

**Materials:** Flipchart paper, markers, sticky notes and pens.

### Instructions:

1. Divide the participants into four groups of four to five people.
2. Assign each group a role in the recruitment process, such as "recruitment agency," "employer," "migrant worker" and "government official."



3. Provide each group with a flipchart paper, stick notes and markers.
4. Instruct each group to draw a flowchart of the recruitment process from their assigned role's perspective, including the following steps:
  - a. Recruitment and job offer
  - b. Documentation and legal requirements
  - c. Pre-departure training
  - d. Travel and arrival in Thailand
  - e. Orientation and on-the-job training
  - f. Work placement and accommodation
  - g. Return
5. Each group has 30 minutes to discuss how the process looks like from their perspective and what can go wrong and have an impact on migrant workers. Each group puts only keywords on the flipchart.
6. After 30 minutes, when each group has completed their flowchart, have them present their recruitment process to the other groups. Each group has three minutes to present their flowchart.
7. Facilitate a group discussion by asking the participants to evaluate whether all risks have been mentioned. Ask them to propose possible solutions or improvements to the labour migration process.
8. Conclude the exercise by summarizing the key takeaways and encouraging participants to consider implementing the suggested solutions or improvements in their recruitment process.

#### Trainer's script:

- By walking through the recruitment process from different perspectives, employers can gain a better understanding of the challenges and potential barriers that migrant workers may face in the Thai seafood industry. This experience can help employers identify areas for improvement and develop more effective and inclusive recruitment strategies that benefit both the employers and the migrant workers.

#### Instruction:

1. During the exercise, the participants will likely come up with examples listed below. The trainer can further facilitate the discussion and add any of the below points that were not mentioned in the discussion.

#### Risks for migrant workers in the seafood processing sector:

**Lack of regular status to live and work in Thailand:** While migrant workers in the seafood processing sector can be legally recruited through the Memorandum of Understanding (MOU) and the Border Pass channels, in practice, many are employed irregularly, especially in the lower tiers of the supply chain. A study carried out by IOM found that, despite having resided in Thailand for numerous years, migrant workers employed in the lower tiers of the pre- and primary seafood processing sector faced challenges to obtain documentation to live and work in Thailand regularly, as the process to obtain documentation is complicated and lengthy. One out of five interviewed migrant workers, most of them employed in home-based workplaces, had never held any documentation, or held expired documents at the time of the interview. Among interviewed migrant workers who held documentation, work permit and pink card were the most common, while only some workers held a Border Pass. Lacking irregular status increases migrant workers vulnerabilities and serves as a barrier to accessing protections under Thailand's national legal framework and to State-based grievance mechanisms.<sup>1</sup>

**Absence of written employment contracts or not understood by migrant workers:** In practice, in the seafood processing sector, work agreements between workers and employers occur in various forms with very few migrant workers being provided with a written contract and even fewer with a copy of it in a language they can understand.<sup>2</sup> As such, migrant workers may not fully understand their rights and obligations, and their working conditions, which can put them in a precarious situation as well as lead to misunderstandings that could have been avoided.

<sup>1</sup> International Organization for Migration (IOM). In the Shadow of the Ships (Bangkok, 2022).

<sup>2</sup> Ibid, p. 17.

**Lack of access to rights and protections:** While broad labour rights and protections apply equally to migrant workers, regardless of their status, the migration channel or the sector of employment, migrant workers may not be aware of their rights and redress mechanisms available. This situation impedes migrant workers' effective access to rights and protection. Likewise, migrant workers may not be able to adequately or fully access the benefits they are entitled to.

**Restrictions on freedom of association and collective bargaining:** While migrant workers can join existing labour unions, they cannot form labour unions, nor can they occupy leadership positions within existing unions. This situation is compounded by the low level of unionization in the seafood processing sector, where migrant workers represent a significant proportion of the workforce. Moreover, while migrant workers can engage in collective bargaining activities, they do not benefit from adequate legal protection.<sup>3</sup> These barriers may affect migrant workers' capacity to meaningfully engage with employers.

**Occupational health and safety risks:** Working in the seafood processing sector may be dangerous and might have to be performed with sharp objects on slippery surfaces; therefore, migrant workers require personal protective equipment (PPE), such as boots and gloves. Previous studies demonstrate that workers often purchase such equipment themselves. Seafood processing workers may also suffer from illnesses related to extreme heat or cold in the factories, along with other injuries such as crashes and collisions, muscle strains, skin rashes and infections. Therefore, workers should receive training on health and safety protocols and the usage of PPE.<sup>4</sup>

**Lack of access to grievance mechanisms:** At the operational level, migrant workers in the seafood processing sector appear to have limited knowledge of grievance mechanisms available to them, if any, they do not appear to use the grievance mechanisms available to them.<sup>5</sup> Furthermore, migrant workers face challenges in accessing State-based grievance mechanisms, including lack of awareness, length of the procedures, fear of retaliation or even risks of criminalization in case of irregular status.<sup>6</sup>

**Lack of access to social security:** Access to social security among migrant workers employed in the seafood processing sector is low. The lack of access to adequate social protection leaves migrant workers vulnerable to adverse shocks – such as a work-related accident or an illness – which could push them into debt.

**Irregularities in payment of wages:** In the seafood processing sector, a significant number of migrant workers earn on a piece rate basis, where their wages are linked to the volume of seafood available to process. Although migrant workers are entitled to the provincial minimum wage, in reality, whether they earn on a piece rate basis or receive a fixed wage<sup>7</sup>, many migrant workers receive sporadic and unpredictable wages, often inferior to the minimum wage. Furthermore, a recent study revealed that women migrant workers reported earning even less than men migrant workers.<sup>8</sup>

**Deceptive and coercive recruitment:** It is not uncommon for migrant workers in the seafood processing sector not to fully understand the terms and conditions before accepting an employment, or to experience different working conditions than those that were agreed upon at the recruitment stage. For example, unexpected deductions for not reaching the daily productivity target, lower piece rate pay than agreed or excessive working hours.<sup>9</sup> This situation reflects the risk for migrant workers to experience deceptive and coercive recruitment practices, leading to involuntary work. Circumstances which may give rise to involuntary work include situations

<sup>3</sup> [International Labour Rights Forum \(ILRF\). \*Time for a Sea Change: Why union rights for migrant workers are needed to prevent forced labor in the Thai seafood industry\*, pp. 21–22 \(Washington, DC, 2020\).](#)

<sup>4</sup> International Labour Organization (ILO). [Endline research findings on fishers and seafood workers in Thailand](#) (Bangkok, 2020).

<sup>5</sup> IOM. *In the Shadow of the Ships*, p.40.

<sup>6</sup> IOM. *Accelerating Access to Remedy: Promising Practices to Enhance Access to Remedy for Migrant Workers in Southeast Asia*, p.27–28 (Bangkok, 2022).

<sup>7</sup> [National Wage Committee's Notification on the minimum wage no. 10 on 6 Dec B.E. 2562 for minimum wage by province](#) (as of 10 April 2022).

<sup>8</sup> IOM. *In the Shadow of the Ships*, p. 27.

<sup>9</sup> *Ibid*, p.18.

in which workers must perform different tasks than what was specified during recruitment without their consent; abusive requirements for overtime or on-call work that were not previously agreed with the employer; work in hazardous conditions to which the worker had not consented, with or without PPE; and work with substandard or no payment of wages, among others.<sup>10</sup>

**Debt bondage:** Migrant workers may need to borrow money from their recruiter, agent, employer or another third party to cover recruitment fees or related costs.<sup>11</sup> In some cases, these costs were paid upfront by the employer, but were then deducted from their monthly wages. In such cases, migrant workers are potentially at risk of debt bondage, through which the employers may use the debts as leverage to force workers to stay longer.<sup>12</sup>

Abuses in the workplace: Migrant workers in the seafood industry face threats, intimidation, violence, forced labour and other abuses such as poor working and living conditions, low wages, long working hours and limited social protection. While significant efforts have been made to address the issue in recent years, serious abuses persist.<sup>13</sup>

To mitigate risks to migrant workers during the labour migration process, both employers and migrant workers have specific obligations under Thailand's national legislation and international standards. The responsibility of employers is laid out throughout this manual. Among other responsibilities, migrant workers have to do the following.

In order to ensure regular status to live and work in Thailand, migrant workers shall:

- Report their presence to the immigration office every 90 days;
- Comply with the Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2560 (2017) on the conditions to change employers.

In order to enhance occupational health and safety, migrant workers shall:

- Comply with the company's safety measures, in line with the Occupational Safety, Health and Environment Act B.E. 2554 (2011).

### Exercise:

Play a video highlighting challenges and risks to migrant workers.

### Trainer's Script:

- We now have a better understanding of the labour migration process, and the risks and challenges migrant workers may face throughout this process. During this training, we will discuss how, as an employer, you can prevent these risks from occurring, in line with international human rights and labour standards and frameworks on international migration.

<sup>10</sup> ILO defines involuntary work as any work taking place without the free and informed consent of the worker. ILO. [Guidelines concerning the measurement of forced labour](#) p. 2 (Geneva, 2018).

<sup>11</sup> Recruitment fees or related costs refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection. ILO. [General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs](#) pp. 28–29 (Geneva, 2019).

<sup>12</sup> ILO. [Endline research findings on fishers and seafood workers in Thailand](#) (Bangkok, 2020).

<sup>13</sup> Ibid.

## Sources:

International Labour Organization (ILO)

- 2018 [\*Guidelines concerning the measurement of forced labour\*](#). Twentieth International Conference of Labour Statisticians, ICLS/20/2018/Guidelines, Geneva.
- 2019 [\*General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs\*](#), Geneva.
- 2020 [\*Endline research findings on fishers and seafood workers in Thailand\*](#), Bangkok.
- 2022 [\*Turning principles into pathways: The future of the Seafood Good Labour Practices programme\*](#), Bangkok.

International Labour Rights Forum (ILRF)

- 2020 [\*Time for a Sea Change: Why union rights for migrant workers are needed to prevent forced labor in the Thai seafood industry\*](#), Washington, DC.

International Organization for Migration (IOM)

- 2021 [\*Thailand Social Protection Diagnostic Review: Social Protection for Migrant Workers and Their Families in Thailand\*](#), Bangkok.
- 2022 *In the Shadow of Ships*. Bangkok.
- 2022 *Accelerating Access to Remedy: Promising Practices to Enhance Access to Remedy for Migrant Workers in Southeast Asia*. Bangkok.

# MODULE 2

## Addressing and Preventing Challenges and Risks of Migrant Workers Throughout the Labour Migration Process

<b>Objective:</b> To identify the steps and actions recruiters and employers can take to address and prevent the challenges and risks facing migrant workers throughout the labour migration process
<b>Timing:</b> Day 1 (11:30–16:30) 225 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> To be determined
<b>Exercise:</b> None

### Trainer's script:

- As discussed, migrant workers can be vulnerable to unfair recruitment practices, discrimination, abuse and exploitation, among other risks. While governments, civil society and private sector actors, including suppliers, buyers and recruiters, must work together to address these issues, there are steps recruiters and employers can take within their operations and supply chains.

In the coming sessions, we will discuss what you can do, as employer, during each stage of the labour migration process (recruitment and deployment; employment; and return or onward migration).

- All stakeholders (buyers, employers, recruiters, governments) are responsible for the fair and ethical recruitment and employment of migrant workers throughout the migration process:
  1. Employers' responsibility starts in the migrant worker's country of origin and ends when the migrant worker returns home safely, changes employment or migrates elsewhere.
  2. Recruiters' responsibility does not end once the migrant worker reaches the workplace. Recruiters are also responsible for migrant workers during the employment stage, and until the migrant worker returns home safely, changes employment or migrates elsewhere.
- Principles and practices that should be upheld throughout all stages of the labour migration process exist (See [Migrant Worker Guidelines for Employers](#)):
  - » Principle A: Migrant workers should be recruited and employed in accordance with applicable laws in countries of origin, transit and destination. To put this principle into practice, employers should ensure that all business partners, such as recruiters, obtain relevant government authorizations to operate. Furthermore, recruiters and employers should ensure that migrant workers hold valid documentation to live and work in Thailand, such as identification documents, visas and work permits. As these expire every few years, employers should also support migrant workers to renew documentation.

However, countries may face challenges in effectively implementing and enforcing their legislation. Moreover, national legislation might not always align with international human and labour rights standards and principles. Where international standards and applicable laws differ, employers should follow the higher standard to ensure the respect of migrant workers' rights.

- » Principle B: Throughout the labour migration process, migrant workers should be treated equally and without discrimination, for instance during the selection process and regarding promotion and access to training.
- » Principle C: Migrant workers have access to effective remedy at all stages of the labour migration process, not only to grievance mechanisms at the operational level, but also to channels offered by other actors, such as the State or community-based organizations (CSOs). We will discuss this later in further detail.
- » Principle D: Migrant workers' personal data are treated as confidential and are protected. Migrant workers' right to privacy should be protected, as for anyone else. This means that only information legitimately required to facilitate the migration process shall be collected. The data should be secured safely, and if sharing data with other partners is required, migrant workers' consent should be obtained.
- » Principle E: Migrant workers' human and labour rights are upheld during and after crises, for instance, during public health crises such as the COVID-19 pandemic, or the ongoing political situation in Myanmar. To support migrant workers during a crisis, employers should identify workers' needs and develop a plan to respond to these. In a crisis, it is also important that migrant workers have access to accurate information in a language they can understand.

## 2.1 Address and Prevent Challenges and Risks during the Recruitment and Deployment Stage

<b>Objective:</b> To understand and adhere to fair and ethical principles and best practices during the recruitment and deployment stage
<b>Timing:</b> Day 1 (13:00–14:00) 60 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> Official recruitment costs in Thailand
<b>Exercise:</b> Ethical recruitment due diligence

### Instruction:

Show the three stages of labour migration, using the below figure:



### Trainer's script:

- When employers need workers but cannot find Thai workers, they may seek to hire migrant workers. For migrant workers, the labour migration process starts in their community or country of origin and involves multiple actors, such as recruiters, subagents, medical centres and government departments, among others. During the recruitment process, migrant workers learn about the job opportunity, undergo screening, job interviews and medical checks, obtain documentation to travel safely to the destination where the workplace is located, as well as documentation allowing them to live and work in Thailand regularly.

- As an employer, you may already be following Good Labour Practices (GLP). What else should you be doing if you employ migrant workers?
- As an employer, you may rely on recruiters to facilitate the recruitment process; however, it is the employer's role to ensure that the recruiters you work with are ethical and follow ethical practices. How can you do this?

**Exercise:** Ethical recruitment due diligence

**Objective:** To help participants start a preliminary analysis of areas across their operations where human and labour rights risks to migrant workers that are linked to recruitment practices are most likely to be present and most significant, by carrying out broad scoping and risk-assessment exercises.

**Timing:** 60 minutes.

**Materials:** Each participant should have a laptop. The trainer should ensure that the due diligence risk assessment tool (excel file) has been sent to the participants ahead of the training.

**Instructions:**

1. Participants should undertake this exercise individually. If more than one participant represents the same company, participants can work together.
2. The trainer should ask the participants to open the Due Diligence Risk Assessment Tool, Tab 3: Operating context and Tab a., fees and costs.
3. Participants have 25 minutes to fill in sections. For the purpose of the training, they do not need to have full information about the company's workforce and can focus on the assessment of country risks. Company-specific information can be added after the training, should the participants want to complete the assessment.
4. Participants will not be required to disclose their answers in the plenary.
5. Upon completion of the exercise, the trainer should ask participants about which parts of the due diligence requirements were most surprising to them. Facilitate the discussion and where needed, complement with trainer's knowledge.
6. Distribute the handout "Official Recruitment Costs in Thailand".
7. Below is a list of possible topics and questions that the participants may address to the trainer, who might wish to provide more information on a given topic based on IOM's Migrant Worker Guidelines.

**COMMON ASPECTS**

- Government authorizations
- Screening of labour recruiters
- Recruitment fees and costs
- Advertisement and community outreach
- Screening and selection
- Medical examinations and vaccinations
- Skills testing and training
- Pre-departure orientations
- Employment contract
- Insurances and security clearances
- Travel and lodging
- Registration and work permits

**COMMON ACTORS**

- Labour recruiters and/or subagents
- Employment agencies
- Medical, training, transport and housing providers
- Government departments
- Employers



## Screening, contracting and monitoring recruiters and subagents

Where feasible, as an employer, you should hire migrant workers through available public employment services.

In the seafood processing sector, migrant workers can be recruited through various mechanisms. Migrant workers from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam can be recruited through the MOU channel. The Border Pass channel is only applicable to migrant workers from Cambodia and Myanmar who originate from certain areas near the border. While the objective of this training is not to detail the procedures underlying each existing mechanism, employers and recruiters have the responsibility to ensure that migrant workers are recruited in compliance with legal requirements and in line with fair and ethical policies and practices as outlined throughout this training.

When recruiting migrant workers, it is important to:

1. **Conduct due diligence:** Screen recruiters or subagents to make sure they are licensed (if required) and do not have any court decisions against them.
2. Sign an agreement with recruiters or subagents that requires them (and the partners they work with) to follow ethical policies and practices.
3. **Regularly audit recruiters or subagents and monitor their improvement plans** to ensure continuous compliance with fair and ethical policies and practices.

### Recruitment fees and related costs

Importantly, throughout the recruitment and deployment process, migrant workers should not be charged any recruitment fees or related costs. Instead, these costs should be borne by employers. Employers should thus make a policy commitment to implement the “Employer Pays Principle”. Ideally, migrant workers also do not have to advance any costs throughout the process.

**The trainer might ask participants this question:** Why is it important that migrant workers are not charged any recruitment fees and related costs, and do not have to advance any money?

### Answer:

1. Having to pay for recruitment fees and costs may cause migrant workers to be indebted to money lenders (banks, loan sharks, family or friends), as they may have to borrow money elsewhere in order to afford the costs. Money is often lent to migrant workers at high interest rates. Debt puts pressure on migrant workers and their family members, who may be pressured to pay off the debt. Debt of migrant workers may also lead to labour exploitation because migrant workers might feel unable to quit their job as they must pay off their debt.
2. In some cases, recruiters and employers pay the costs for migrant workers upfront, but then deduct that cost from migrant workers' wages. This practice is not in line with international standards and poses a risk to migrant workers, including being indebted to recruiters, employers or other third parties, which may lead to labour exploitation.

To ensure migrant workers do not pay any costs or fees, employers should also include an itemized list of all recruitment fees and costs they cover in the service agreement with recruiters. Recruiters should do the same in agreements with subagents.

Furthermore, recruitment fees and costs should be shared among all actors operating in the supply chain, including buyers (of suppliers). Thus, employers should ensure that the prices of the products and services they provide to buyers are inclusive of recruitment fees and related costs. Adhering to the “Employer Pays Principle” also benefits buyers, who are then able to comply with their own code of conduct.

## Transparency and access to accurate information

The recruitment process should also be transparent. This means that migrant workers should receive updated and accurate information about the migration process and their working and living conditions in Thailand. Only then can migrant workers make informed decisions about their migration and can prepare better for their new lives in Thailand.

**The trainer can ask participants this question:** As an employer or recruiter, how can you communicate this information to migrant workers?

**Answer:** Through job vacancy advertisements or sessions for jobseekers outlining terms and conditions of the labour migration process.

## Selection of candidates

When migrant workers are hired, they should be selected based on fair and objective criteria, and on whether they obtain the skills and qualifications required for the job, without discrimination.

If feasible, it is important that employers participate directly in the screening, interviewing and selection process. When selecting workers, it is also important to make sure that they meet legal age requirements to work in Thailand. In the seafood processing sector, regardless of the migration channel, migrant workers are required to be at least 18 years of age to work in Thailand. Furthermore, if job seekers are provided with additional skills or language training to qualify for the job, employers need to make sure that they do not pay additional training costs.

## Employment contracts

Migrant workers should also be provided with an employment contract in a language they can understand. This contract should outline all terms and conditions of employment in line with applicable laws.

**The trainer can ask the participants this question:** When should the contract be provided to migrant workers?

**Answer:** The contract should be provided to them well before their departure to Thailand, so that they have time to think about the offer, ask questions and clarifications to the employer and/or the recruiter, and discuss it with their family members. Importantly, all terms and conditions should be clearly explained to migrant workers, verbally as well, in case they have low literacy levels. If migrant workers agree, they should sign the employment contract voluntarily.

**Note:** In line with Thai legislation, migrant workers recruited through the MoU channel are required to sign an MoU contract. The MoU contract is different from an employment contract. While the latter governs the employment relationship between the worker and the employer, establishing benefits and rights in accordance with Thai laws and codes of conduct followed by the employer if applicable, the MoU contract will contain the migrant worker's nationality, passport number and basic rights according to Thai legislation. Given that the MoU contract covers limited aspects related to working and living conditions, it is important to ensure that migrant workers recruited through the MoU channel sign both the MoU contract as well as the employment contract prior to departing to Thailand. Moreover, it is important to ensure that migrant workers' employment contract is not substituted at a later stage for another contract with less favorable conditions. If you recruit migrant workers through the Border Pass channel or migrant workers already in Thailand, it is important that you provide migrant workers with the employment contract well before they are expected to start the work.

## Pre-departure

Prior to departure to Thailand, it is important that migrant workers receive a pre-departure orientation session in a language they can understand. Additional trainings should also be provided upon arrival in the workplace

(post-arrival orientation). Migrant workers may have never been to Thailand before, and may not be familiar with the culture, language, customs and Thai laws that apply to them. Migrant workers need to be aware of their rights and obligations under Thai law and their employment contract. Importantly, during the pre-departure/post-arrival orientation, migrant workers also need to be informed of grievance mechanisms available and how to access them if needed. Who should they reach out to when they face rights violations? Lastly, it is important that the specific needs and rights of women workers are addressed during the pre-departure/post-arrival orientation. For example, what are the impacts for migrant women if they get pregnant in Thailand? Are they entitled to maternity leave and child benefits?

Migrant workers may experience difficulties in adapting to a new environment during their employment in Thailand, such as culture shock, homesickness, stress and exclusion or isolation. To support migrant workers to fully adapt themselves to this new environment, employers can provide information about common practices, behaviour and cultural awareness in Thailand during the pre-departure/post-arrival orientation. Employers should also inform migrant workers about the company's policies and regulations during the orientation so that migrant workers are informed about their rights and responsibilities and, therefore, are better prepared for work.

Employers, on the other hand, should also be proactive in learning about different cultures of migrant workers to better engage with a culturally diverse workforce. This will not only create a respectful working environment but also a productive workplace, based on greater trust between employers and workers. For example, employers should invest time to get to know different cultures of migrant workers, including dynamics between men and women in the workplace, and they should seek opinions from workers before implementing any significant changes or decisions, such as through regular meetings with migrant workers or their representatives. Employers can consider hiring well-qualified interpreters to provide translation and interpretation in the workplace and the production line, including to provide orientations, briefings, guidance and instructions.

## Travel

Employers and recruiters should also ensure that migrant workers obtain travel documents to travel safely and regularly from their hometown to their workplace in Thailand, and are provided with accommodation during travel, if needed, and with the necessary documentation to live and work in Thailand regularly, such as a visa and work permit.

In addition, when migrant workers are required to undergo a medical examination including COVID-19 testing, recruiters and employers should monitor these tests to ensure that they are carried out in accordance with applicable laws and regulations as well as company rules that do not conflict with domestic law, particularly, that no HIV or pregnancy tests are being carried out unless required by law.

**The trainer might ask participants this question:** As an employer, how can you validate whether migrant workers were treated fairly and ethically during the recruitment and employment process?

**Answer:** When migrant workers arrive at your company, you should conduct interviews with them to learn about their recruitment process.

**The trainer might ask participants this question:** What should you do if you find that fair and ethical policies and practices are not being followed?

**Answer:** If you find that your partners, recruiters, subagents or other third parties do not adhere to fair and ethical policies and practices, it is your responsibility to act. You can investigate the issue and request your partner to provide a corrective action plan to ensure that ethical policies and practices are followed. You will then follow up with the partner to ensure the corrective action plan is being implemented in an effective manner. In case your partners do not make significant efforts to enhance their practices, you may consider taking measures, including stop doing business with them. As well, if you find that migrant workers have paid

any recruitment fees or related costs, migrant workers should be reimbursed the amount paid, within 30 days of their arrival at the workplace.

### Sources:

International Organization for Migration (IOM)

2021 [Human Resource Guidebook on Employer Obligations and Cultural Sensitivity](#). Bangkok.

2021 [Migrant Worker Guidelines for Employers](#), (M. Pottler, C. Pütz, L. Pham and H. Plumb, eds), Geneva.

## 2.2 Address and Prevent Challenges and Risks during the Employment Stage

<b>Objective:</b> To understand how employers can adhere to fair and ethical principles during the employment stage
<b>Timing:</b> Day 1 (14:00–15:00) 60 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> Six good labour practices checklists
<b>Exercise:</b> Good labour practices checklist for migrant workers

### Instruction:

Show the three stages of labour migration, using the below figure:



### Trainer's script:

- The employment stage starts when migrant workers arrive at their workplace in Thailand. During this phase, it is the duty of the employer to provide decent working and living conditions to the migrant workers, and to resolve any challenges migrant workers may face in the workplace. During this stage, recruiters are also still responsible for the migrant workers they deployed, particularly to support in resolving migrant workers' grievances.
- As with the recruitment and deployment stage, during the employment stage, employers must ensure that employment and living conditions are, at a minimum, aligned with applicable Thai legislation. However, this should not stop you from implementing fair and ethical standards and principles as outlined in this training. When Thai legislation and fair and ethical standards, principles and best practices are not aligned, employers and recruiters should follow whichever provide migrant workers with the most comprehensive protection. As well, the conditions provided to migrant workers should be the same as those provided to local workers, for aspects such as social protection, wages, working hours and leave days, among others.

**Exercise:** Good labour practices checklist for migrant workers

**Objective:** The objective of this exercise is to help participants recap the good labour practices and reflect on which provisions in the employer's checklist apply to migrant workers, as well as to explain where Thai law may vary from international labour standards, and encourage them to adhere to international standards.

**Materials:** Copies of the Good Labour Practices Checklist (one for each group) and pens.

### Instructions:

1. Divide participants into six groups of 2–4 people.
2. Assign each group a different 'Good Labour Practices Checklist' (n=6) to review (for example, Workplace Health and Safety Checklist, Recruitment and Hiring Checklist, Wage and Benefits Checklist, etc.).

3. Give each group a copy of the checklist and ask them to read through it carefully.
4. Set a timer for 15 minutes and ask each group to discuss which provisions in the checklist apply to migrant workers.
5. While the groups are discussing, circulate around the room and offer guidance and support as needed.
6. After 15 minutes, ask each group to share their findings with the rest of the participants. They have three minutes to present (18–20 minutes in total).
7. After all groups have presented, facilitate a group discussion (30 minutes) to debrief the exercise.
8. Ask participants to reflect on what they learned, and what actions they can take to ensure that good labour practices are being implemented for migrant workers in their workplaces.
9. Below is a list of possible topics and questions that the participants may address to the trainer, who might wish to provide more information on a given topic based on IOM's Migrant Worker Guidelines.

## Occupational Health and Safety

A safe work environment involves providing migrant workers with occupational health and safety training before they start work. This training should be provided in a language they can understand. As well, all work instructions relevant to workers should be translated into a language they can understand.

In addition, work may be dangerous, involving sharp objects. Therefore, it is important that employers provide all workers, including migrant workers, with PPE such as boots and gloves. During public health emergencies, they should also be provided with PPE such as masks. All these should be provided to migrant workers for free.

## Inclusion of Migrant Workers

Migrant workers may not be familiar with Thai language and culture, and may hold different beliefs and religions. Employers can support migrant workers' integration into the workplace and the local community. For example, they can provide language training and facilities for religious observance, and serve meals conforming with religious and cultural requirements migrant workers may have.

To create a safe working environment for all workers, including migrant workers, employers should define all types of behaviour that are considered violent and harassing. In addition, employers need to put in place (disciplinary) measures to prevent harassment and abuse.

In the seafood processing sector in Thailand, most migrant workers are women. Therefore, it is important that employers consider the specific needs of women migrant workers and address these accordingly, for instance taking action against gender-based violence and sexual harassment. To support women workers and ensure that they feel comfortable to report any grievances regarding gender-based violence and sexual harassment and that these are appropriately investigated, employers can establish a women's committee, constituted of trained professionals. In addition, it is important for employers to have women interpreters who can support women migrant workers.

To ensure a safe and respectful working environment, training on the policies and regulations in place should be provided to supervisors, managers and business partners.

## Freedom of association and collective bargaining [DIVERGING NATIONAL AND INTERNATIONAL LAWS]

When migrant workers can exercise their right to freedom of association and collective bargaining, they are empowered to negotiate collectively to achieve improved working conditions and enhance their labour rights, such as health and safety in the workplace. Allowing them to do so would enhance workers' well-being as well as their productivity and loyalty to the company, and consequently they would be likely to stay longer on the job.

In line with Thai legislation, migrant workers are allowed to join existing workers' unions and employees' committees. If they choose to do so, employers should ensure a safe space for migrant workers to join and

that there are no consequences, such as dismissal or retaliation, for migrant workers who join. It is also the responsibility of employers to provide information on workers' unions to migrant workers. Unionization among workers, including migrant workers, is limited in Thailand's seafood processing sectors. With a limited number of unions or workers' organizations to join, employers should also provide alternatives to migrant workers and their representatives to organize, discuss and negotiate work-related issues.

**[DIVERGING NATIONAL AND INTERNATIONAL LAWS] Unlike Thai workers, migrant workers are NOT allowed to form their own unions. However, employers are encouraged to allow migrant workers to form their own employee associations within the workplace.**

### **Remediation**

Migrant workers should have access to effective grievance mechanisms and remediation for any wrongdoings experienced not only during employment but also at the onset of recruitment and return or onward migration. To do so, employers should inform migrant workers about available grievance mechanisms, including State-based grievances, both judicial and non-judicial, and non-State-based grievance mechanisms. For example, in line with Thai legislation, it is important for migrant workers to be informed that they have the right to file a complaint for any violations of labour rights to a labour inspector of the DLPW, under MoL. They also have the right to appeal a decision of the labour inspector to the labour court or directly file complaints to the court if such complaints concern any labour disputes or performance of work under an employment contract, such as unfair dismissal, which in accordance with the law, would need to be addressed directly with the labour court.

As migrant workers may face specific challenges when accessing State-based grievance mechanisms, including language barriers, lack of written evidence to support their claims, high cost of legal assistance associated with the legal procedures, fear of retaliation or discrimination, and lack of trust in the system, employers may facilitate the use of alternative dispute resolution (ADR) as an alternative channel to improve remediation outcomes for migrant workers.

The ADR is an alternative to legal action in employment-related disputes that usually involves a neutral third party, whether in the form of an arbitrator or mediator, to assist employers and workers in reaching an agreement tailored to the needs of both parties. These ADR mechanisms, which are less formal in structure than proceedings before the labour court or labour inspector, enable employers and workers to engage more openly and in a more creative manner than in court. This, in turn, allows both parties to retain ownership of the process and reach mutually beneficial outcomes, leading to a fair and effective remedy for migrant workers, while relieving employers from some of the costs involved in litigation including financial expenses, time and bad publicity.

### **Payment of wages and benefits**

Wages should be paid regularly, on time, in a bank account and in Thai baht (THB), unless agreed otherwise with the migrant worker. Wages must be aligned with the provincial minimum daily wage, applicable to the province where the workplace is located. As of 1 October 2022, the minimum daily wage in all sectors ranges from THB 328 to THB 354 depending on the province.<sup>14</sup> If migrant workers receive payment based on the volume of catch or of work completed – for example, when workers get paid a certain amount per kilogram of shrimp peeled – the rate paid to migrant workers should be at least the minimum daily wage, within the legal daily working hours.

Wage deductions can only be made from migrant workers' wages if these are permitted by law, after migrant workers' written consent for deductions is obtained, and deductions cannot be used as disciplinary measures.

---

<sup>14</sup> The full list compiling the minimum wage per province as per 1 October 2022 can be accessed at: [www.ratchakitcha.soc.go.th/DATA/PDF/2565/E/221/T\\_0004.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2565/E/221/T_0004.PDF)



## Working hours

Working days and working hours should also be in line with legal provisions, thus should not exceed six days per week, eight hours per day for the seafood processing sector. If migrant workers are required to work overtime, these hours should not exceed 36 hours per week, in line with legal limits. Migrant workers should work overtime voluntarily, and overtime cannot be used as a disciplinary measure or for failure to meet production quotas or to meet minimum wages.

## Access to personal documents

At all times, migrant workers should keep possession of their personal documents. If migrant workers are staying in an accommodation provided by employers, they should be provided with an individual and secure place to store their personal documents, such as a locker.

In case the employer temporarily needs migrant workers' documents to facilitate administrative processes, such as the "90 days reporting", they should take the following steps: (1) explain to migrant workers why their documents are needed; (2) obtain their written consent to take their documents; (3) provide migrant workers with a receipt indicating that their documents are taken and when they will be returned; (4) immediately return the documents when no longer needed.

At all stages of the labour migration process, the same practice should be adhered to. Thus, business partners, including recruiters and subagents, should follow the same practices.

## Freedom of movement [DIVERGING NATIONAL AND INTERNATIONAL LAWS]

Company policies that require workers to be locked up or guarded to prevent escape, without free entry or exit, are strong indicators of forced labour. In contrast, restrictions of movement within prescribed limits in hazardous employment is legitimate. If there are any rules for migrant workers to enter and exit the workplace, these should be provided to migrant workers in a language they can understand.

If migrant workers reside in an accommodation provided by employers, they must be able to exit their accommodation freely at any time and should not be subject to curfews. Migrant workers should also be able to choose their own means of transportation between the accommodation and the workplace, and within the community. If the accommodation is in remote areas, migrant workers should be provided with free transportation to commute between workplaces and facilities providing basic needs such as markets. If employers provide employer-operated stores and services, products and services should be provided at a reasonable price and should be of good quality. Lastly, during migrant workers' annual or personal holidays, they should be able to return home freely.

**[DIVERGING NATIONAL AND INTERNATIONAL LAWS] Unlike Thai workers, migrant workers holding border passes are NOT allowed to move freely within Thailand. They can only move within the province they are legally employed in.**

## Living conditions

Adequate housing is a basic need, just like food and clothing, and is fundamental for guaranteeing human dignity.<sup>15</sup> Living conditions impact workers' physical and psychological well-being. Migrant workers should be able to voluntarily choose their accommodation. If migrant workers choose to live in accommodation provided by the employer, employers are responsible to provide accommodation that is safe, hygienic, gender-segregated, with adequate space and privacy. If costs are charged, these should be reasonable. Additionally, it is important to seek migrant workers' feedback on the quality of accommodation provided, to ensure decent living conditions.

## Health care and social protection

In Thailand, all workers, including migrant workers, have the right to social protection, which is available to them through the Social Security Fund (SSF), the Workmen's Compensation Fund (WCF) or the Migrant Health

<sup>15</sup> Better Work Jordan. [Dormitories Inspection/Assessment Guide](#) (Amman, 2019).

Insurance Scheme or a private insurance. When migrant workers have access to social protection and health care, they can seek treatment without worrying about the cost, allowing them to stay healthy and keep working.

Importantly, indiscriminately of the sector, no worker should be dismissed because of a medical condition, like an illness, an injury or a pregnancy. If migrant women become pregnant, they should have access to reproductive health services, and if requested by migrant workers, their working conditions should be adapted to eliminate any risks.

Lastly, employers should refer migrant workers to psychological support and counselling programmes to promote mental health and well-being if they suffer from distress or anxiety, which may be a result of their migration experience.

## Sources:

Better Work Jordan

2019 [Dormitories Inspection/Assessment Guide](#), Amman.

International Labour Organization (ILO)

2019 [General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs](#). Geneva.

2022 [Turning principles into pathways: The future of the Seafood Good Labour Practices programme](#). Bangkok.

International Labour Rights Forum (ILRF)

2020 [Time for a Sea Change: Why union rights for migrant workers are needed to prevent forced labor in the Thai seafood industry](#). Washington, DC.

International Organization for Migration (IOM)

2021 [Human Resource Guidebook on Employer Obligations and Cultural Sensitivity](#). Bangkok.

2021 [Migrant Worker Guidelines for Employers](#), (M. Pottler, C. Pütz, L. Pham and H. Plumb, eds), Geneva.

2022 Stakeholder feedback, Validation Workshops, Bangkok, June 2022.

Praxis Lab for the International Organization for Migration (IOM)

2021 [Inception Report: Research on Labour Supply Chain Dynamics – Land-based Migrant Workers in the Seafood Industry in Indonesia and Thailand](#). Bangkok.

## 2.3 Address and Prevent Challenges and Risks during the Return or Onward Migration Stage

<b>Objective:</b> To understand how recruiters and employers can adhere to fair and ethical principles during the return or onward migration stage
<b>Timing:</b> Day 1 (15:15–16:30) 75 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> None
<b>Exercise:</b> Your role in labour migration process: reflections

### Instruction:

Show the three stages of the labour migration process, using the below figure:



### Trainer's script:

- After completing their temporary employment in Thailand, migrant workers typically return home or intend to change employment. Recruiters and employers are still responsible for migrant workers at this stage. As a recruiter or an employer, what can you do to support migrant workers during this process?

### Termination of employment or change of employer

- Migrant workers' employment contracts may come to a natural ending point, but they should also be free to terminate their employment for different reasons – to return home, find new employment where they can learn new skills, or respond to situations of abuse, among others. If a request for termination is due to a human rights complaint, the employer should investigate the matter.
- Migrant workers have the right to terminate their employment contract anytime without a need to provide justification or fear of penalty. However, to do so, migrant workers are required to inform their employers within a notice period as stipulated in the contract or applicable labour laws. Migrant workers shall not leave without notice as this may result in legal actions from employers for damage caused by wrongful resignation.
- Employers should respect the right of migrant workers to seek employment and change employers, or to pursue onward migration in accordance with Thailand's applicable laws and regulations. It is also important for migrant workers to be aware of this right and how they can avail themselves of it. As such, employers and recruiters should include in their pre-departure/post-arrival orientation sessions accurate information about migrant workers' rights to change employers in Thailand in accordance with applicable laws and the company's policy, for instance after the completion of the contract and/or a given numbers of years.
- [CHANGE OF EMPLOYERS] Migrant workers are obliged to fulfill contractual obligation as per their employment contract given that these obligations are in line with Thai law, and given that their human or labour rights have not been violated.

- If migrant workers terminate their employment or would like to change employers, and if they fulfilled the above contractual obligations, there should be no penalty imposed on them by the employer. Migrant workers are not required to justify why they would like to change employers.
- Employers are expected to support migrant workers in the process. When changing employment, migrant workers need to complete the process within the time frame prescribed under Thai legislation. If they fail to do so, their work permit will be invalidated. To facilitate this process, signatures from both the 'old' and the 'new' employer are required, thus relying on the collaboration and prompt action by the respective employers. Furthermore, in the event the business is acquired or merged with another company/entity/enterprise, the employer is required to obtain workers' consent for the change of employer (or the legal person where applicable). If the worker does not wish to be employed by the new employer or the new legal person, then the worker has the right to terminate the contract by submitting a written letter to the employer within 60 days from the date of the announcement of the change of employer or the legal person. However, employers should not restrict migrant workers' possibility to change employment to the limited scenarios provided under Thai law. They should support migrant workers' change of employment where they wish to terminate their employment and avoid imposing an unreasonable financial burden on migrant workers in the process.
- Before migrant workers leave, employers must pay them all outstanding wages and benefits they are entitled to, and provide them with a letter confirming their employment period and the tasks they have carried out. The last payment must be made within three days after the termination of the contract. This letter will help migrant workers when seeking new employment, either in Thailand or back home. Before migrant workers leave, employers should encourage them to provide feedback, for example, during an exit interview.

**The trainer might ask participants this question:** Why is it important to conduct an exit interview with migrant workers?

**Answer:** Migrant workers' feedback can help employers identify operational issues or foster a better work environment, which ultimately can generate a positive impact on workers' efficacy and efficiency, and limit labour turnover.

### Returning home and reintegration support

- Migrant workers' return to their home community is part of their migration process, but it is often overlooked. For migrant workers who wish to return home, employers, in coordination with other actors such as recruiters and travel agencies, are responsible for making sure that they get there safely, with all the necessary travel documentation, and at no cost.
- Migrant workers may have been away from home for a prolonged period of time and may face challenges settling back into their community and local labour market. As such, it is important for migrant workers returning home to have a letter confirming their employment and the skills they have acquired. Employers may also be willing to rehire migrant workers at a later stage or provide referrals of migrant workers to associated companies present in the migrant workers' country or community of origin.
- By adhering to fair and ethical principles and best practices, employers not only facilitate the safe return or onward migration of migrant workers, but they can also harness the benefits of adhering to ethical practices, and minimize the risks of non-compliance. The trainer can briefly summarize the benefits, drawbacks and solutions brought forth by participants in plenary, and mention those that may have been overlooked.

**Exercise:** Your role in labour migration process: reflections

**Objective:** The objective of this exercise is to help participants reflect on their role in the labour migration process based on everything they have learnt today.

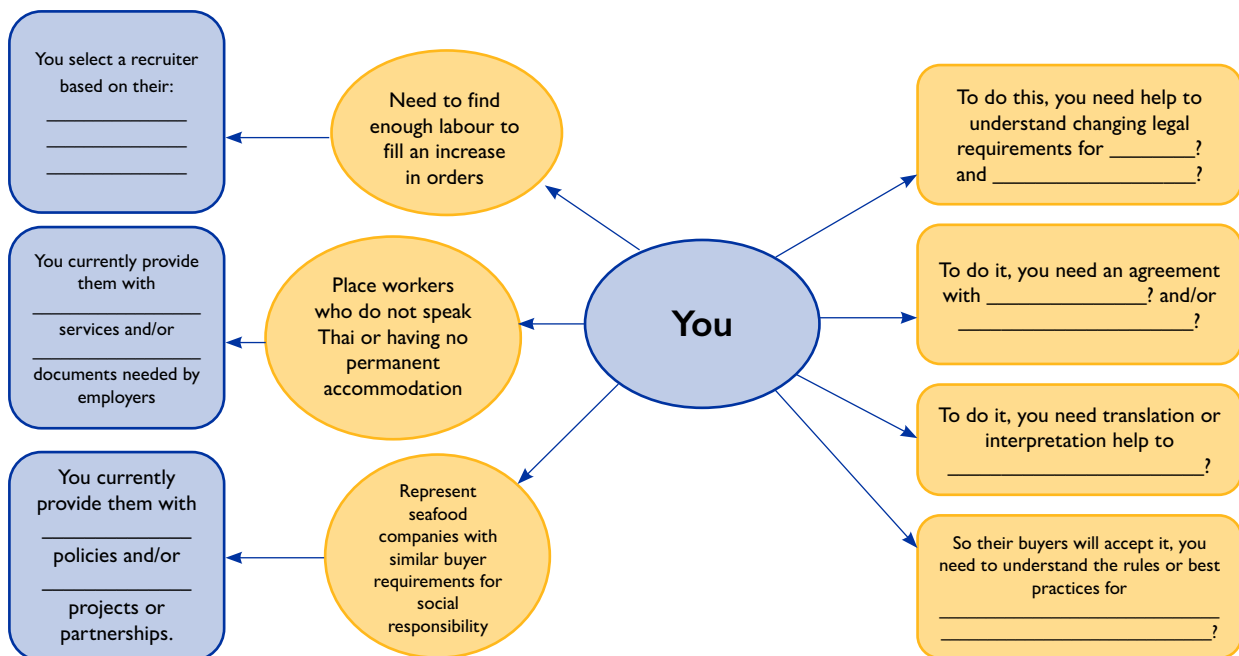
**Timing:** 20 minutes.

**Materials:** Papers and pens.

**Instructions:**

1. Recap the labour migration process, including recruitment and deployment, employment and return or onward migration.
2. Present the below figure, to be shown in four separate parts (via animation on the slide):
  - You
  - Employer’s role (yellow circles)
  - What you currently do (blue rectangles)
  - What you need to do, to do it successfully (yellow rectangles)

## Your role in recruiting or employing migrant workers



3. Ask participants to write down their thoughts, allowing 15 minutes. This exercise is for personal reflection. Participants are not required to share results with the plenary.
4. Wrap up the session by soliciting questions and recapitulating aspects that may have been less well understood if needed.

**Sources:**

International Organization for Migration (IOM).

2021 [Human Resource Guidebook on Employer Obligations and Cultural Sensitivity](#). Bangkok.  
2021 [Migrant Worker Guidelines for Employers](#), (M. Pottler, C. Pütz, L. Pham and H. Plumb, eds), Geneva.

## DAY 2

### WELCOME AND RECAP DAY 1

<b>Objective:</b> To help participants recall what they learnt yesterday.
<b>Timing:</b> Day 2 (9:00–9:30) 30 minutes
<b>PowerPoint slides:</b> None
<b>Handouts:</b> None
<b>Exercise:</b> Recall and retain

#### Trainer's script:

- Welcome to the second and last day of the training. Today we will learn about establishing the company's labour migration management system. But before we do so, let's recall what we learnt yesterday.

**Exercise:** Recall and retain

**Objective:** To reinforce learning and encourage retention of information through a fun and interactive activity.

**Timing:** 30 minutes.

**Materials:** A pen.

#### Instructions:

1. Ask participants to stand in a circle facing each other.
2. Explain that the objective of the activity is to test their ability to recall and retain information from the previous day.
3. Ask one participant to start the activity by throwing the pen to another participant across the circle.
4. The participant who catches the pen must then recall one piece of information that they learnt the previous day.
5. After sharing the information, they can then throw the pen to another participant.
6. The process continues until everyone in the circle has had a turn.
7. If a participant is unable to recall any information, they must step out of the circle.
8. The game continues until only one person is left standing.
9. Encourage participants to share their thoughts and ask questions after each recall.
10. Debrief the activity by discussing the importance of retaining and recalling information, and ways to improve retention in everyday life.

**Note:** Ensuring that the pen is thrown safely and that participants do not throw the pen too hard is important. It is also recommended to set a time limit for each turn to ensure that the activity runs smoothly.

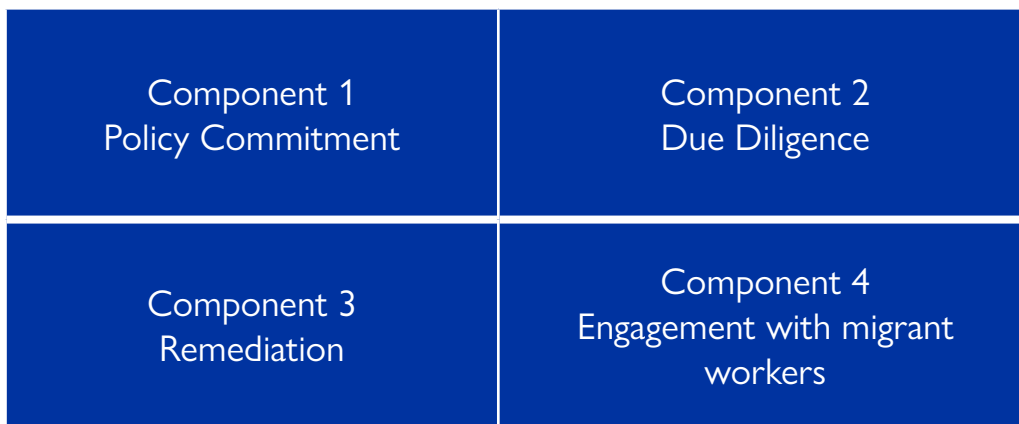
# MODULE 3

## Establish a Labour Migration Management System

<b>Objective:</b> To understand ways to establish and maintain a labour migration management system that addresses risks and generates respect for the rights of all workers, including migrant workers.
<b>Timing:</b> Day 2 (9:30–15:15) 255 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> To be determined
<b>Exercise:</b> Laid out in each session below

### Instruction:

Use the below figure to illustrate the introductory trainer’s script below, noting that you will later go into further detail to explain each of the four components:



### Trainer’s script:

- As a company, do you struggle to implement and promote fair and ethical recruitment and employment practices of migrant workers? Did you know that you can put a system in place that eases and synchronizes practices within your company, in line with international standards, and in doing so address the specific needs of migrant workers? This system is called a Labour Migration Management System, which consists of the following four components: 1) Policy commitment; 2) Due Diligence; 3) Remediation; and 4) Engagement with Migrant Workers.
- In the next sessions, we will learn how to establish such a system, and make sure you have all the necessary procedures in place.

### Sources:

International Organization for Migration (IOM)

2021 [Migrant Worker Guidelines for Employers](#), (M. Pottler, C. Pütz, L. Pham and H. Plumb, eds), Geneva.

## 3.1 Component 1: Policy Commitment

<b>Objective:</b> To understand the importance of having policies in place respecting migrant workers' human and labour rights.
<b>Timing:</b> Day 2 (9:45–10:30) 45 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> None
<b>Exercise:</b> Ethical recruitment due diligence – Policies

### Trainer's script:

- As employers, you should have a public policy commitment to demonstrate respect for migrant workers' human and labour rights throughout all stages of labour migration and in line with international standards as well as applicable laws. The development of such policy should be informed by consultations with all stakeholder groups, including migrant workers and their representatives. Let us have a look at how you can do this.

**Step 1:** Establish policies to demonstrate respect for and uphold the human and labour rights of migrant workers

As a company, the first step when establishing a Labour Migration Management System is to put the right policies in place for respecting migrant workers' human and labour rights. Policies allow a company to set clear standards that can be understood and followed by company personnel, business partners and other parties directly linked to its operations, business relationships, products or services. When companies make such public policy commitment, they should ensure that it is aligned with international standards and applicable laws, and that it is informed by external stakeholders, including migrant workers themselves.

Let us have a look at some examples of such policies. For instance, to make a policy commitment to the "Employer Pays Principle", or "migrant workers must always have possession of their personal documents, at every stage of the labour migration process". When are these policies most effective? These policies are most effective when companies make them a public commitment and when they are approved at the highest level of management in the company.

Moreover, these policies should be clearly communicated to all actors involved in the labour migration process, such as recruiters, subagents and other third parties, given that as an employer you want to make sure that all your business partners also adhere to your policies. These policies should also be effectively communicated to migrant workers, because then they will know about their rights and your commitment to respect them.

**Step 2:** Integrate policies into internal management systems to ensure consistent implementation

It is one thing to have policies in place, but another to ensure they are effective. As such, policies should also be well implemented and integrated into companies' management systems and into existing and newly established business contracts with partners. Moreover, to ensure everyone understands all policies adequately, including your personnel, training should be provided.

Finally, once you put in place policies, they should not be set in stone. As businesses and the labour migration environment keep evolving, risks to migrant workers keep changing as well. Therefore, businesses must keep reviewing and updating their policies to reflect those changes.

**Exercise:** Ethical recruitment due diligence – Policies



**Objective:** To reflect on the level of the participant's company due diligence efforts in relation to Fair and Ethical Recruitment.

**Timing:** 15 minutes.

**Materials:** Each participant should have a laptop.

### Instructions

1. Participants should undertake this exercise individually. If more than one participant represents the same company, participants can work together.
2. The trainer should ask the participants to open the Self-assessment Checklist on Fair and Ethical Recruitment. This checklist will help company representatives to assess their existing policies, processes and practices in relation to fair and ethical recruitment.
3. Participants have 10 minutes to fill in sections "Embedding fair and ethical recruitment principles into policies and management systems".
4. Participants will not be required to disclose their answers in the plenary.

### Sources:

International Organization for Migration (IOM)

2021 [Migrant Worker Guidelines for Employers](#), (M. Pottler, C. Pütz, L. Pham and H. Plumb, eds), Geneva.

## 3.2 Component 2: Human Rights Due Diligence

<b>Objective:</b> To understand the importance of conducting human rights due diligence
<b>Timing:</b> Day 2 (10:45–12:00) 75 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> IOM Common challenges and risks
<b>Exercise:</b> Ethical recruitment due diligence – Human rights due diligence

### Trainer's script:

- As a company, you are not only responsible for human rights violations in your operations but also for those linked to your operations and business partners. As employers, you can identify and manage these human rights risks by conducting human rights due diligence. As we discussed earlier, more and more governments worldwide are enforcing legislation that require companies to conduct due diligence, such as the European Union. Human rights due diligence is a process, which includes the following steps:

#### Step 1: Identify and assess risks to migrant workers during all stages of the labour migration process

First, you need to identify and assess risks: not risks to business, but risks to migrant workers, which are also indirectly risks to your business. Where such risks are unattended, they can turn into serious legal, financial and reputational risks for businesses. Risks faced by migrant workers may change over time. As such, due diligence must be an ongoing process, involve meaningful stakeholder engagement and be transparent to the public.

#### Step 2: Implement action plans that are fit-for-purpose to prevent and mitigate identified risks

For example, as employers, you note that some migrant workers you newly recruited are confused about their working hours and wages. Noticeably, all these migrant workers were recruited by the same recruitment agency. After some investigation, you find that this recruitment agency does not provide migrant workers with an employment contract in their language, but only in Thai. As employers, you note this as a risk to migrant workers, because they may not understand the terms and conditions of their employment.

**The trainer might ask participants this question:** As employers, what can you do to prevent this from reoccurring?

**Answer:** For example, you can provide training to recruiters on your company policies. As well, it is important to support them in developing and implementing action plans that will help them adhere to your policies. And remember, action plans are most effective and likely to address the challenges faced by migrant workers when they are developed in collaboration with trusted partners, such as trade unions or civil society organizations (CSO).

#### Step 3: Track implementation and results of due diligence measures

How do you know if the measures you took are successful? Indeed, by monitoring the implementation of action plans. To do so, you can engage trusted partners, such as CSOs, and you can conduct regular audits and assessments of your business partners to assess whether the identified risks are being addressed and mitigated.

#### **Step 4:** Communicate how risks are addressed

The last step of conducting human rights due diligence is ensuring transparency and communicating with all stakeholders on policies, identified risks, and on how, as employers, you address and mitigate risks relating to migrant workers and the related outcomes.

**Exercise:** Ethical recruitment due diligence – Human rights due diligence

**Objective:** Reflect on the level of the participant's company due diligence efforts in relation to fair and ethical recruitment of migrant workers.

**Timing:** 35 minutes.

**Materials:** Each participant should have a laptop.

#### **Instructions:**

1. Participants should undertake this exercise individually. If more than one participant represents the same company, participants can work together.
2. The trainer should ask the participants to open the Self-assessment Checklist on fair and ethical recruitment. This checklist will help company representatives to assess their existing policies, processes and practices in relation to fair and ethical recruitment.
3. Participants have 25 minutes to fill in sections “Identifying and assessing adverse human and labour rights impacts on migrant workers”; “Preventing and mitigating adverse human and labour rights impacts on migrant workers”; “Tracking implementation and results”; “Communicating how adverse impacts are addressed”.
4. Participants will not be required to disclose their answers in the plenary.

#### **Sources:**

International Organization for Migration (IOM)

2021 [Migrant Worker Guidelines for Employers](#), (M. Pottler, C. Pütz, L. Pham and H. Plumb, eds), Geneva.

## 3.3 Component 3: Remediation

<b>Objective:</b> To understand how to provide effective remediation to migrant workers
<b>Timing:</b> Day 2 (13:00–14:00) 60 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> None
<b>Exercise:</b> Ethical recruitment due diligence – Remediation

### Trainer's script:

- Under Pillar 3 of the United Nations Guiding Principles, employers are responsible for providing effective remediation when harm has occurred. Remediation should be seen by employers as an opportunity. By providing remediation, employers can resolve issues timely and directly with migrant workers, before these escalate.

**The trainer might ask participants this question:** What are two primary goals of remediation?

**Answer:** According to [IOM's Operational Guidelines for Businesses on Remediation of Human Rights Grievances](#), remediation has two primary goals:

- To provide proper redress for any grievance or harm experienced by a worker;
- To provide the operator of the grievance mechanism (such as a company) with ongoing information and feedback to assess and strengthen its human rights programmes.<sup>16</sup>

There are different channels through which remediation can be provided, for instance through State-based or non-State-based, judicial or non-judicial processes. However, in Thailand, migrant workers often face challenges accessing State-based judicial grievance mechanisms. As such, it is important that businesses provide effective operational-level grievance mechanisms to migrant workers as an option to resolve issues internally. Let us have a look at how you can do this.

**Step 1:** Establish or participate in a grievance mechanism that is accessible to migrant workers

The first step is to establish a grievance mechanism through which all workers, including migrant workers, can file their grievances. Your company might already have one, but you should assess whether the existing mechanism is accessible to migrant workers, and if they feel comfortable using it to file grievances, including grievances related to more sensitive topics, such as abuse and sexual harassment. Therefore, you must consider aspects such as gender, language, literacy level and potential fears of retaliation, when establishing or assessing grievance mechanisms. For example, companies often have complaint boxes. But are these boxes located in a place where migrant workers can file their grievance anonymously, unseen? And what about migrant workers who are unable to write? Another way for migrant workers to file grievances is often to directly report to the supervisor, but what if they have a complaint related to their supervisor? Or what if the employee is a woman and the supervisor is a man? Can that be a dissuasive factor?

Importantly, grievance mechanisms should have a clear scope, procedure, timeline and focal person(s) for receiving and investigating grievances and providing remediation.

<sup>16</sup> IOM, [Operational Guidelines for Businesses on Remediation of Migrant-Workers Grievances](#), p. 3. (Geneva, 2021).

## Step 2: Provide prompt and effective remediation when harm has occurred

What should you do when a migrant worker files a grievance? Take action. What do you do first? Investigate the complaint. When doing so, the worker's confidentiality should be respected and upheld. If it turns out that harm has indeed occurred, remediation should be provided. But what is appropriate and effective remediation? To determine this, the affected migrant worker should be consulted, and remediation should be provided based on the workers' needs. Remediation can take many forms and shapes; for example, it can be an apology, financial compensation or provision of mental health support. In case migrant workers are offered remediation they do not agree with, they should be able to appeal the outcome.

## Step 3: Monitor implementation of remediation and capture learnings for continuous improvements

After remediation is provided, it is important to seek feedback from affected migrant workers to ensure the issue is resolved, and that the remediation does not lead to negative outcomes. In case of negative outcomes, these should be addressed as well. When the migrant worker confirms that the issue has been resolved, the case can be closed. It is important that the case be well-documented. Also, employers should regularly seek the feedback of migrant workers and their representatives on the mechanism and the overall management system, to facilitate improvement and prevent future harm.

Importantly, to achieve effective remediation and achieve its goals, the below key principles (laid out in [IOM's Operational Guidelines for Businesses on Remediation of Human Rights Grievances](#)) shall be applied. Provide the handout, and briefly discuss points mentioned in the handout.

<b>Worker Engagement</b>	Involve and engage with workers (and their representatives) and external stakeholders in the design, operation and resolution of grievances.
<b>Technology and Reporting</b>	Leverage available technology to allow workers to easily raise grievances, to facilitate tracking and monitoring of grievances, and to analyse the information resulting from the full process of remediation.
<b>Non-Retaliation</b>	Non-retaliation against workers for raising grievances; this principle should be communicated expressly to workers and to personnel within the company. Non-retaliation should be monitored.
<b>Confidentiality and Anonymity</b>	All affected individuals must be guaranteed the option of confidentiality and anonymity throughout the process.
<b>No Waivers</b>	Workers must not be required to waive any other remedy as a prerequisite for receiving a remedy.
<b>Access to State Remedies</b>	Workers should be educated about State-based sources for relief, including, for example, court-based solutions. Companies should also be aware of State agencies that can be called upon in cases of serious grievances.
<b>Legal Representation</b>	Where possible, workers should be given access to legal counsel to guide them through the process and remind them of their rights.
<b>Whistleblowing</b>	Offer the possibility for workers and personnel to blow the whistle on illicit activities as issues arise.
<b>Non-Discrimination</b>	Assess and investigate all grievances fairly and equally for all categories and demographics of workers, including migrant workers and women, and provide effective remedies in all cases, including, for example, through enacting policies of gender sensitivity, informed consent and individual assistance.

## Exercise: Ethical recruitment due diligence – Remediation

**Objective:** To reflect on the level of the participant's company due diligence efforts in relation to Fair and Ethical Recruitment.

**Timing:** 30 minutes.

**Materials:** Each participant should have a laptop.

**Instructions:**

1. Participants should undertake this exercise individually. If more than one participant represents the same company, participants can work together.
2. The trainer should ask the participants to open the Self-assessment Checklist on Fair and Ethical Recruitment. This checklist will help company representatives to assess their existing policies, processes and practices in relation to fair and ethical recruitment.
3. Participants have 20 minutes to fill in sections “Tracking implementation and results”; “Communicating how adverse impacts are addressed”; “Providing access to remedy”.
4. Participants will not be required to disclose their answers in the plenary.

**Sources:**

International Organization for Migration (IOM)

2021 [Migrant Worker Guidelines for Employers](#), (M. Pottler, C. Pütz, L. Pham and H. Plumb, eds), Geneva.

2021 [Operational Guidelines for Businesses on Remediation of Migrant-Workers Grievances](#). Geneva.

## 3.4 Component 4: Engagement with Migrant Workers

<b>Objective:</b> To understand how to effectively engage with migrant workers to ensure their specific needs are being addressed
<b>Timing:</b> Day 2 (14:15–15:15) 60 minutes
<b>PowerPoint slides:</b> To be determined
<b>Handouts:</b> Engaging with migrant workers
<b>Exercise:</b> Engaging migrant workers

### Trainer's script:

- As employers, it is important to build relationships with migrant workers based on trust. This is beneficial to the worker as well as to the business, as it may lead to a more inclusive and productive work environment. Let us have a look at how you can do this.

**Step 1:** Include migrant workers in the design, implementation and monitoring of the enterprise's policies and management systems

Make sure migrant workers are included and are part of the design and implementation of policies and systems. The best way is by communicating with them or their representatives. Migrant workers are an important resource for employers to guide and assess the management of these policies and systems.

**Step 2:** Provide effective support services to address the specific vulnerabilities of migrant workers

As mentioned, migrant workers also have specific vulnerabilities which local workers may not have. For instance, migrant workers may experience increased anxiety due to homesickness or due to language barriers and cultural differences. To address these, employers should provide effective support services such as psychosocial support and modes of communication with support networks, either in Thailand or back home. Women migrant workers may also have gender-specific issues. It is important that women staff be available to support them.

To learn more about the specific challenges and needs of migrant workers, employers can collaborate with CSOs or trade unions. Importantly, migrant workers are not a homogenous group; they may come from different backgrounds, cultures and religions, among others. Therefore, engaging with migrant workers of various backgrounds is important.

**Step 3:** Collaborate with credible organizations that can help overcome persistent challenges

Engaging with migrant workers directly is important, but it is also helpful to engage with credible organizations, such as CSOs and migrant resource centers. These third parties have many insights into the challenges of migrant workers and often readily available information you can make use of.

**Exercise:** Engaging migrant workers.

**Objective:** To develop strategies for engaging migrant workers in the workplace.

**Materials:** Flipchart paper, markers and pens.

**Timing:** 45 minutes.

## Instructions:

1. Divide participants into four groups.
2. Assign one of the following topics to each group:
  - Group 1:** Involving migrant workers in the design and implementation of the enterprise's policies and management systems related to human rights and labour migration.
  - Group 2:** Involving migrant workers in the enterprise's policies and management systems related to human rights and labour migration and involving migrant workers in the monitoring process of policies and systems.
  - Group 3:** Effective support services to address the specific vulnerabilities of migrant workers.
  - Group 4:** Strategies to be a culturally sensitive employer.
3. Give each group 20 minutes to brainstorm ideas and strategies related to their assigned topic.

Examples of questions to guide the discussion:

- What are some of the challenges faced by migrant workers in the workplace?
  - How can we involve migrant workers in the design and implementation of the enterprise's policies and management systems related to human rights and labour migration?
  - How can we involve migrant workers to monitor the enterprise's policies?
  - What support services should be offered to migrant workers?
  - How can you be a culturally sensitive employer?
4. Ask each group to appoint a spokesperson who will present their ideas to the entire group.
  5. Reconvene the whole group and ask the spokesperson from Group 1 to present their ideas first. Give each group a maximum of five minutes.
  6. Repeat step 5 and step 6 with the spokespersons from Groups 2, 3, and 4.
  7. Encourage a discussion and ask the group to provide feedback; ask questions and suggest additional ideas to build on the presentation based on the points outline below (point 10).
  8. Summarize the key points from each presentation and encourage the participants to discuss the best strategies for engaging migrant workers in the workplace.
  9. Conclude the workshop by asking the participants to commit to implementing at least one of the strategies discussed during the workshop.
  10. Below is a list of possible topics and questions that the participants may address towards the trainer who may wish to provide more information on a given topic based on IOM's Migrant Worker Guidelines.

**Group 1:** Involving migrant workers in the design and implementation of the enterprise's policies and management systems related to human rights and labour migration.

**Group 2:** Involving migrant workers in the enterprise's policies and management systems related to human rights and labour migration and involve migrant workers in the process.

- Building on the provision of decent employment and working conditions, **make continuous investments in building employee relationships** with migrant workers that are built on respect and trust. This may involve but is not limited to the following key actions:
  - **Maintaining close communication about internal policies and external developments** affecting migrant workers, including changes in applicable laws and regulations and public information announcements during situations of crisis.
  - **Understanding the needs and challenges of migrant workers**, paying attention to the different needs and experiences of different gender groups (for instance through regular face-to-face interviews and employee satisfaction surveys) and promptly resolving the issues that have been identified.



- **Providing individual and group-based incentive and reward schemes** to all employees as part of the enterprise performance management (such as through wage increment, bonus payments, training and growth opportunities).
- **Holding managers and supervisors accountable** for the implementation of internal human and labour rights policies and procedures, for example through key performance indicators and reviews.
- **Proactively consult and engage migrant workers of different backgrounds** (for example in terms of gender, nationality, ethnicity, ability, etc.) and their representatives in the **design and implementation of relevant internal policies, due diligence processes and grievance mechanisms**.
- Ensure that all relevant internal policies, due diligence processes and grievance mechanisms **are inclusive of the specific gender needs** of migrant workers.

### Group 3: Effective support services to address the specific vulnerabilities of migrant workers.

- Address existing language barriers with migrant workers systematically. Ensure that all internal policies, trainings and briefings, grievance mechanisms, employment contracts and other relevant documents can be accessed in simple and clear languages that are understood by all migrant workers. It is recommended that the enterprise uses professional translation service providers and provides free-of-cost language training for migrant workers to learn the local language.
- Establish and maintain a comprehensive information and orientation system to help migrant workers understand employment terms and conditions and their rights during life and work abroad, and to prevent misinformation, especially during recruitment.
- Provide migrant workers with reasonable access to internet and communication services, including in dormitories, to enable unhindered contact with families and support networks.
- Support migrant workers' participation in social activities and events available in the host community.
- Facilitate access of migrant workers to training courses addressing specific identified needs such as to improve their financial education through management of savings and remittances.
- Make use of available communication technologies and social media to enhance communication with migrant workers, solicit worker feedback and improve available grievance mechanisms.

### Group 4: Strategies to be a culturally sensitive employer.

- Invest time in knowing the workers' cultures: Understand how values, practices and beliefs affect the day-to-day behaviour of workers, including the dynamics of interactions between men and women in the workplace.
- Hear what the workers have to say: Before implementing any significant changes or decisions that will affect migrant workers, seek their opinion on the topic. This can help building employer-worker trust and generate workers' ownership over their areas of responsibility. Organize regular staff meetings to improve the flow of information between employers and workers and to create a common understanding of the company's goals, productivity targets and expectations.
- Seek to be understood: Employ well-qualified interpreters designated to provide translation and interpretation in the workplace and on production lines, including orientations, briefings, guidance and instructions. Make sure that interpreters are neutral and professional in performing their duty. Provide an accurate translation of all announcements, rules and regulations, handbooks, safety signs and working instructions, and other necessary documentation in languages understood by all workers. Use simple and nontechnical language when communicating with workers.
- Show respect: Think of ways to show workers respect for their culture, roles and functions. Avoid negative attitudes or language that may be perceived as patronizing. Be respectful when discussing religion, and exercise caution when discussing political issues. Learn how to pronounce names correctly and show interest in learning about workers' cultures as well as sharing your own culture.
- Be patient: Dedicate enough time to understanding workers' concerns, clarifying issues and addressing any doubts. Unaddressed questions will likely resurface later and impact the workplace.
- Be inclusive: Build trust with workers by being transparent and engage respectfully with all stakeholders

of all genders, ethnicities, religions, nationalities or status. Support social, cultural and religious activities that workers voluntarily initiate, organize and participate in.

- Seek out verified sources and rely on evidence: When discussing work-related topics or dealing with questions raised by workers, it is always a good idea to present physical evidence or verbal testimony to support your words. Showcase results showing that actions previously committed to have been taken.
- Do not be judgmental: Avoid judging workers' behaviour or beliefs. Try to put aside personal values or biases and explore workers' views and cultures. When speaking, try to clearly differentiate between facts and your judgement, interpretation, rumors or gossip.
- Use language sensitively: Use words and concepts with caution to avoid offending others. Learn about verbal and non-verbal gestures appreciated by workers and engage in polite and respectful communication. Demonstrate to workers the importance of day-to-day communications in the workplace. Speak slowly and clearly and ask open-ended questions to provide workers an opportunity to share their opinions, raise concerns or questions, or discuss issues.
- Work through worker representatives: Engage with migrant workers' representatives to better understand the morale of migrant workers and find better and more productive ways to engage with them. Make sure that the opinions of different gender, ethnic, religious, language and nationality groups are reflected.
- Be the facilitator: When dealing with new or culturally sensitive issues, assume the role of facilitator. Listen first to understand, only then seek to be understood. Allow workers to express their ideas and opinions before disclosing personal ideas.
- Respect commitments: Put words into action and follow through on commitments given to workers. Find common ground: Understand the similarities between cultures, beliefs and attitudes of local and migrant workers, and build on them to create a more inclusive workplace.
- Recognize achievements: Publicize success to bring workers' attention to the fruits of their work and to generate a sense of pride.
- Build capacity: Train workers regularly, regardless of their position or migration status, to improve their skills. Invest in cultural orientation and language training for migrant workers.
- Stay the course: Operating in a multicultural environment is rewarding but may sometimes lead to misunderstandings. Do not expect to understand workers' cultures, opinions and attitudes at once. Building a culturally sensitive workplace is a long-term process.

## Sources:

International Organization for Migration (IOM)

- 2021 [Migrant Worker Guidelines for Employers](#), (M. Pottler, C. Pütz, L. Pham and H. Plumb, eds), Geneva.
- 2021 [Operational Guidelines for Businesses on Remediation of Migrant-Workers Grievances](#). Geneva.
- 2021 [Human Resource Guidebook on Employer Obligations and Cultural Sensitivity](#). Thailand.

**Exercise:** Business case for fair and ethical recruitment of migrant workers

**Objective:** To allow employers reflect on gains from adhering to fair and ethical recruitment.

**Timing:** 40 minutes.

**Materials:** Flipcharts, markers.

**Instructions:**

1. Divide participants in four groups and assign them a flipchart. Each participant should appoint a notetaker and spokesperson for the group.
2. Facilitate an individual visualization exercise by stating the following:

**The trainer might ask participants the following question and seek two or three brief answers:**

1. What is ethical recruitment and employment? Who participates in it?

Give participants a moment to reflect on this in the flipchart.

**The trainer might ask participants the following question and seek two or three brief answers:**

1. What does a business gain from investing in ethical recruitment and employment of migrant workers?

Give participants a moment to reflect on this in the flipchart.

Report to the plenary: Each group has five minutes to report to the plenary.

**During the exercise, the participants will likely come up with the examples listed below. The trainer can further facilitate the discussion and add any of the below points that was not mentioned in the discussion.**

- **Doing the right thing.**
- **Increased competitiveness:** Businesses who invest in identifying and addressing the risks of forced labour and exploitation in their operations will be more attractive to brands, as human rights due diligence requirements become increasingly mandatory.
- **New revenue and business opportunities:** New market trends are emerging in the global economy. Some of these trends, such as conscious consumerism (meaning that consumers demand ethically produced goods), prove that supporting fair and ethical recruitment and employment for migrant workers is a concrete business opportunity for companies.<sup>17</sup>
- **Enhanced business reputation:** Businesses with a strong positive reputation are perceived as providing more value, which often allows them to charge a premium. Their customers are more loyal and buy a broader range of products and services.<sup>18</sup>
- **Ensured trust from brands:** More brands are developing policies and codes of conduct that require all suppliers to comply with fair and ethical recruitment and employment standards. To ensure trust from their buyers (brands), suppliers must prove that they follow through with their fair and ethical commitments.
- **Improved performance of migrant workers:** Fairly and ethically recruited migrant workers whose rights are respected have demonstrably higher morale that may translate into improved quality, efficiency and productivity in performance as well as fewer workplace grievances that often lead to absenteeism, work “slowdowns” or even legal action.<sup>19</sup>

<sup>17</sup> These data refer to a 2013 research, cited in Sobhan S. and Robert de Jongh, *Business and the Sustainable Development Goals: Why it matters, in Financing the UN Development System Pathways to Reposition for Agenda 2030* (2017).

<sup>18</sup> Eccles R.G., Newquist S.C. and Roland Schatz, *Reputation and Its Risks*, Harvard Business Review, 2017.

<sup>19</sup> Washington E. and Camille Patrick, *Three Requirements of a Diverse and Inclusive Culture and Why They Matter for Your Own Organization* (Gallup, 2018).

- **Reduced employee turnover:** Migrant workers who are recruited fairly and ethically are more likely to be loyal to a company and satisfied with their job and the company's environment.<sup>20</sup>
- **Improved employer-worker dialogue:** When recruited and employed according to fair and ethical principles and standards, migrant workers are more likely to feel that their contribution is valued and that their well-being is considered, which in turn is likely to lead to higher levels of trust. This often forms the foundation for effective and meaningful employer-worker dialogue and interactions, which can translate into efficiency and productivity gain.<sup>21</sup>
- **Reduced risks of civil and criminal litigation:** All companies are required to comply with the national and local laws of the country in which they operate. Businesses risk extensive fines, criminal and/or civil prosecution if they are found to be benefiting from the exploitation of workers.

On the other hand, risks of non-compliance exist, even if your company is not directly involved. Being associated with charges of exploitation of migrant workers may have severe, long-term implications, including:

- Penalties for violating the law;
- Closure of business;
- Civil and criminal suits filed against the company;
- Loss of customers
- Decline in sales and revenue;
- Poor reputation and damage to company image.

For these reasons, it is important to learn about and to apply fair and ethical recruitment and employment standards and principles. Respecting and upholding the rights of migrant workers is in the best interest of migrant workers but also in the best financial interest of you and your company.

### Sources:

Eccles R.G., Newquist S.C. and Roland Schatz

2007 [Reputation and its Risks](#), Harvard Business Review.

Flowers V. S. and Charles L. Hoge

1973 [Why Employee Stays](#), Harvard Business Review.

International Labour Organization (ILO)

2019 [Good Labour Practices \(GLP\) Guidelines in Thailand's seafood industry](#), Bangkok.

2020 [Endline research findings on fishers and seafood workers in Thailand](#), Bangkok.

International Organization for Migration (IOM)

2021 [World Migration Report 2022](#). (McAuliffe, M. and A. Triandafyllidou eds). Geneva.

Sobhan S. and Robert de Jongh

2017 [Business and the Sustainable Development Goals: Why it matters, in Financing the UN Development System Pathways to Reposition for Agenda 2030](#).

Washington E. and Camille Patrick

2018 [Three Requirements of a Diverse and Inclusive Culture and Why They Matter for Your Own Organization](#), Gallup.

<sup>20</sup> Flowers V. S. and Charles L. Hoge. [Why Employee Stays](#), Harvard Business Review, July 1973.

<sup>21</sup> International Labour Organization, [Good Labour Practices \(GLP\) Guidelines in Thailand's seafood industry](#), (Bangkok, 2019).

## Annex I: Training Assessment

- Pre-test
- Post-test
- Evaluation survey





International Organization for Migration (IOM) in Thailand  
18<sup>th</sup> Floor Rajanakarn Building, 3 South Sathorn Road, Sathorn, Bangkok 10120 Thailand  
Tel: +66 2 343 9300 | Web: [thailand.iom.int](http://thailand.iom.int) | Email: [mediathailand@iom.int](mailto:mediathailand@iom.int)