

IN THE SHADOW OF THE SHIPS: THAILAND

Migrant workers in the lower tiers of the seafood processing sector in Thailand



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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 sectors 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, while this number is likely higher when considering irregular migrant workers.

The Royal Thai Government has made significant efforts to enhance the protection of migrant workers in the sector, such as through the ratification of the Work in Fishing Convention (C188) and enactment of the Labour Protection in Fishing Work Act in 2019. Private sector actors have also made progress 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.

Following these regulatory developments, medium enterprises operating in tier 1 and tier 2 of the seafood processing supply chain demonstrated improved recruitment and employment conditions of migrant workers. However, due to the complex nature of supply chains, there is often less oversight on workplaces in lower tiers and on those supplying to local markets.

This study assesses the labour migration process of Cambodian and Myanmar migrant workers employed in the lower tiers of Thailand's seafood processing sector, as well as the specific challenges faced by women migrant workers.

The study finds that land-based migrant workers in the lower tiers of the seafood processing supply chain continue facing human and labour rights abuses, and are excluded from basic labour protections, such as minimum wages, maximum hours of work, paid sick leave and social security. Based on the evidence presented, this study offers constructive recommendations to the Royal Thai Government and the private sector, aligning with the Royal Thai Government's National Action Plan on Business and Human Rights.

At IOM, we remain committed to supporting the Royal Thai Government, the private sector and partners to ensure the orderly and humane management of migration to better protect migrants. I am confident that, together, we can promote and protect the rights of all migrant workers, so that we can foster a fair, inclusive, and sustainable future for all.

Géraldine Ansart

Chief of Mission, IOM Thailand

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ACRONYMS

KHR	Cambodian riel
CI	Certificate of Identity (Myanmar)
CSO	Civil society organization
DoE	Department of Employment
DoF	Department of Fisheries
DLPW	Department of Labour Protection and Welfare
EU	European Union
FGD	Focus group discussion
ID	Identity card
ILO	International Labour Organization
IOM	International Organization for Migration
KII	Key Informant Interview
MoU	Memorandum of Understanding
MoL	Ministry of Labour
MoLVT	Ministry of Labour and Vocational Training
MMK	Myanmar kyat
NV	Nationality Verification
NGO	Non-governmental organization
OSH	Occupational safety and health
PPE	Personal protective equipment
PIPO	Port-In Port-Out
SME	Small and medium enterprise
SSF	Social Security Fund
SDG	Sustainable development goal
THB	Thai baht
TD	Travel Document (Cambodia)
UN	United Nations
UNDP	United Nations Development Programme
UNGP	United Nations Guiding Principles on Business and Human Rights
USD	United States dollar

EXECUTIVE SUMMARY



Thailand has long been a regional migration hub within Southeast Asia. Before the outbreak of COVID-19 pandemic, 3.9 million migrant workers constituted over 10 per cent of the country's workforce.¹ One of the sectors most reliant on migrant workers is the fishing and seafood processing sector, in which over 160,000 workers from Cambodia and Myanmar were regularly employed in 2022. However, this number is likely higher, noting that the sector also employs irregular workers who do not hold documentation. Although these migrant workers make essential contributions to Thailand's economy and society, as well as to their countries of origin, they have been facing multiple challenges related to unsafe migration and decent work deficits, which have been well documented over the years.²

Guided by the [United Nations Guiding Principles on Business and Human Rights](#) (UNGP), the [Global Compact for Safe Orderly and Regular Migration](#) (GCM) and drawing on ILO's [Framework for Measuring Decent Work](#), this research aims to assess the labour migration process of Cambodian and Myanmar workers employed in Thailand's pre- and primary seafood processing sector, to inform constructive recommendations to the Royal Thai Government and private sector actors. The study particularly focuses on four types of workplaces, including Small, Medium Enterprises (small factories), pier-based operations,³ processing garages⁴ and homebased workplaces.⁵ The research applied mixed research methods, including surveys among 201 Cambodian and Myanmar migrant workers (36 male and 165 female) employed in the pre- and primary seafood processing sectors in nine coastal provinces,⁶ Focus Group Discussions (FGD) and in-depth interviews with migrant workers, complemented by Key Informant Interviews (KII) with representatives of government agencies, private sector actors and civil society organizations (CSOs), in addition to desk review and an analysis of Thailand's relevant legal framework. Upon completion of the research, findings have been validated with public and private sector actors. Noticeably, this study focuses on the perspectives of workers, not of employers in the sector. As such, employers have not been interviewed as part of this study. Private sector actors, both at the international and national levels, have however been consulted upon validation of the research findings and the development of recommendations. In addition, due to high irregularity, the sampling strategy used to identify workers was not designed to provide a statistically representative sample of the pre- and primary seafood processing sector. Instead, data illustrates a snapshot of trends and key challenges faced by internal migrant workers in the sector.

¹ United Nations Thematic Working Group on Migration in Thailand. Thailand Migration Report 2019, 2019. Available at: <https://thailand.un.org/sites/default/files/2020-06/Thailand-Migration-Report-2019.pdf>

² CSO Coalition, *Falling through the Net II: A Survey of Basic Labour Rights among Migrants Working in Thailand's Fishing Sector* (2020); Praxis Labs, *Tracking Progress: Assessing business responses to forced labour and human trafficking in the Thai seafood industry* (2019); CSO Coalition, *Falling through the Net: A Survey of Basic Labour Rights among Migrants Working in Thailand's Fishing Sector* (2018); ILO Baseline research findings on fishers and seafood workers in Thailand (Geneva, 2018); Human Rights Watch *Hidden Chains: Rights Abuses and Forced Labor in Thailand's Fishing Industry* (New York, 2018); Issara & IJM *Not in the same boat: prevalence and patterns of labour abuse across Thailand's diverse fishing industry* (2017).

³ The definition of pier-based operations is provided for conceptual clarity and does not derive from specific national legislation or international instrument since an official definition of pier-based operations is not available.

⁴ The definition of processing garages is provided for conceptual clarity and does not derive from specific national legislation or international instrument since an official definition of processing garages is not available.

⁵ Thailand has not ratified the ILO Home Work Convention which defines "home work" as: "work carried out by a person, to be referred to as a homeworker, i) in his or her home or in other premises of his or her choice, other than the workplace of the employer; (ii) for remuneration; (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used." However excluding if, "this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions." ILO, Home Work Convention, 1996 (No. 177), Geneva, 83rd ILC session (20 Jun 1996), Article 1. Instead, Thailand's legislation defines "Home work" as "work assigned by a hirer in an industrial enterprise to a home worker to be produced or assembled outside of the work place of the hirer or other works specified by the ministerial regulations," where a "Home worker" is defined as "means a person or group of persons who agrees with a hirer to accept work which is to be carried out at home" Home Workers Protection Act B.E. 2553 (2010), Section 3.ILO, C177 – Home Work Convention, 1996 (No. 177), available at: www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO::P12100_ILO_CODE:C177

⁶ Nine coastal provinces where data collection took place include Samut Sakhon; Samut Prakan; Songkhla; Nakhon Si Thammarat; Surat Thani; Chumphon; Prachuap Khiri Khan; Ranong; Rayong.

Supply Chain Dynamics

Cambodian and Myanmar migrant workers interviewed for this study are engaged in pre- and primary seafood processing activities in the lower tiers of the supply chain (in Figure 1, steps 3 and 4). These workers are employed in various workplaces, including small and medium enterprises (SMEs), pier-based operations, processing garages and home-based workplaces. Tasks these workers carry out include for instance unloading fishing vessels or sorting, cleaning, peeling and drying seafood. During a workshop with private sector actors to validate study findings, workshop participants noted that the seafood caught in Thailand is supplied to the local market in Thailand through retailers, such as to local restaurants, markets and street vendors. On the other hand, larger seafood processing factories who export their produce internationally use imported tuna and farmed shrimp (opposed to sea-caught shrimp), and undertake pre- and primary seafood processing tasks such as sorting and peeling seafood in their facilities.⁷ As such, migrant workers interviewed for this study and employed in pier-based operations, processing garages and home-based workplaces are most likely to process seafood supplied to local markets, while migrant workers employed in SMEs may process seafood supplied to either local markets or larger factories.⁸

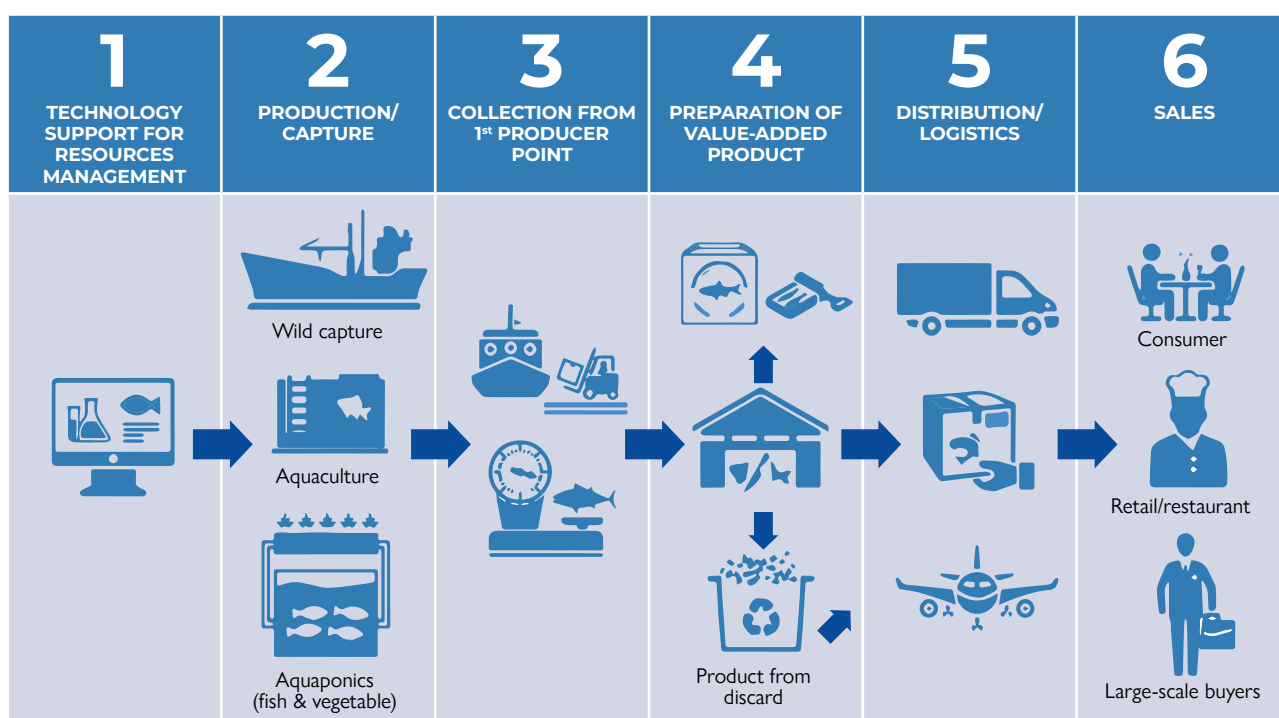


Figure 1: Supply chain dynamics in sector

Governing the labour migration process

The Royal Thai Government put in place legislation to protect the rights of all workers, including migrant workers, in Thailand's pre- and primary seafood processing sectors, including in SMEs and processing garages. Particularly through the Royal Ordinance, Labour Protection Act, the Labour Relations Act B.E. 2518 (1991) (Labour Relations Act), the Social Security Act B.E. 2533 (1990) (Social Security Act), the Occupational Safety, Health and Environment

⁷ Input received during validation workshop of study findings with private sector actors at the national level.

⁸ Because employers of migrant workers were not identified, it cannot be determined whether SMEs where interviewed migrant workers were employed supply their produce to local markets or larger factories.

Act, B.E. 2554 (2011) (Occupational Safety, Health and Environment Act), the Workman's Compensation Act B.E. 2537 (1994) (Workman's Compensation Act) and its amendments; and the Gender Equality Act B.E. 2558 (2015) (Gender Equality Act). However, protections of migrant workers in home-based workplaces are laid out in the Homeworker Protection Act, which offers basic labour protections in relation to remuneration, contract requirements, and the provision of Personal Protective Equipment (PPE). Also, Section 22 of the Labour Protection Act specifies that the labour rights of workers loading and unloading marine cargo at the pier can be regulated by a Ministerial Regulation. As such, Ministerial Regulation No. 11 B.E. 2541 (1998) establishes specific protections for workers involved in the loading and unloading of goods on sea vessels while allowing employers and workers to agree on different terms in relation to some sections of the Labour Protection Act. This ambivalent situation can cause confusion as to which types of work carried out by pier-based workers are covered by the Labour Protection Act, and can lead to varying degrees of labour rights protection of workers engaged in specified tasks. Migrant workers are not legally permitted to undertake homebased work. While the Homebased Worker Protection Act does not specify that homebased work can only be carried out by Thai workers, under the Foreigners' Working Management Emergency Decree B.E. 2560 (2017), migrant workers can only work if they have a 'legal employer' which is not the case for homebased workers, under the Homebased Worker Protection Act. As such, migrant workers carrying out homebased work is against section 8 of the Foreigners' Working Management Emergency Decree B.E. 2560 (2017), under which they are subject to a fine and deportation.

It can be concluded that, while legislation offers protection to migrant workers during the recruitment and employment stages, in practice, it is insufficiently enforced in the lower tiers of the supply chain.

Migration Journeys

Most surveyed Cambodian and Myanmar migrant workers employed in SMEs, pier-based operations, processing garages, and home-based workplaces in the pre- and primary seafood processing sectors have lived in Thailand for over 10 years. They found employment in the sector upon their arrival in Thailand, through family members, friends or neighbours. To facilitate their migration from their country of origin to Thailand, half of surveyed workers used an (informal) intermediary who supported them to arrange transportation from their country of origin to Thailand, indicating that migrant workers have migrated irregularly rather than through the Memorandum of Understanding (MoU) channel.

Migrant workers who used an (informal) intermediary generally paid higher costs (Table 1). High migration costs were particularly reported by migrant workers who migrated during the COVID-19 pandemic when Thailand's land borders were closed, and by those who migrated in 2015–2016. The years 2015–2016 coincided with growing ultra-nationalism and increased discrimination and threats against ethnic minority groups in Myanmar⁹ and with an impeding human rights situation¹⁰ and severe weather events¹¹ in Cambodia, which may have caused increased outbound migration to Thailand. Overall, the cost paid by Myanmar migrant workers was between 11 and 56.4 per cent higher over the last 15 years compared to cost paid by Cambodian migrant workers, indicating that more Myanmar migrant workers had used (informal) intermediaries and had migrated over 15 years ago, when the MoU channel was less used.

⁹ Reliefweb. Burma : Events of 2015, January 2016. Available at : <https://reliefweb.int/report/myanmar/burma-events-2015>.

¹⁰ Reliefweb. Cambodia : Events of 2016, January 2016. Available at : <https://reliefweb.int/report/cambodia/cambodia-events-2015>.

¹¹ Save the Children. El Nino-induced Drought in Cambodia : Rapid assessment report, 2016. Available at: <https://resourcecentre.savethechildren.net/document/el-nino-induced-drought-cambodia-rapid-assessment-report/>.

Over half of surveyed migrant workers went into debt to pay for migration costs; however over time, most had paid off their initial debts.

Table 1: Migration costs¹² disaggregated by when migrant workers migrated, (informal) intermediary involvement, and nationality

Time of migration to Thailand	Average migration costs reported by all surveyed migrant workers		Average migration costs reported by migrant workers who used an informal intermediary		Myanmar workers		Cambodian workers	
Prior to 2008	7 832	THB	9 053	THB	8 097	THB	6 641	THB
2008 - 2012	7 954	THB	9 255	THB	10 019	THB	6 589	THB
2013 - 2014	7 997	THB	7 921	THB	9 962	THB	2 923	THB
2015 - 2016	17 388	THB	16 337	THB	18 175	THB	16 209	THB
2017 - 2018	10 831	THB	12 022	THB	12 216	THB	8 336	THB
2019 - 2020	10 738	THB	17 463	THB	12 069	THB	9 406	THB
Dec 2020 - Mar 2021	9 033	THB	No data		9 033	THB	No data	
Mar - June 2021	15 690	THB	19 233	THB	15 690	THB	No data	
June - Sept 2021	16 027	THB	16 027	THB	19 740	THB	8 604	THB

Documentation

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 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 migrant workers who held documentation, work permit and pink card¹³ were most common, while only some workers held a Border Pass. This finding indicates that many migrant workers had regularized their migration status through one of the Nationality Verification (NV) processes.¹⁴ However, during a workshop with private sector actors to validate study findings, they added that during the COVID-19 pandemic, when data collection was conducted, many migrant workers in Thailand had lost their legal status. They added that, although the Government provided a registration window for irregular migrant workers to register themselves and obtain legal status, many migrant workers had not made use of this opportunity. Migrant workers were not aware of this opportunity, lacked information about the process, or were hesitant to approach Thai authorities, fearing deportation due to their irregular status. Due to these challenges, in order to obtain documentation interviewed migrant workers were often supported by (informal) intermediaries, to whom they paid high fees for their services, reportedly, up to 15,000 Thai Baht (THB) (455 United States dollars, USD) to arrange documentation, which is significantly higher than the official costs for documentation of THB 4,400–7,600 (USD 133–230) for two years.¹⁵ While the Royal Ordinance

¹² The inflation rate over the years has been calculated in the migration costs. Inflation was calculated in May 2022, from: www.worlddata.info.

¹³ A pink card can be granted to foreigners who enter the Kingdom without permission under the Immigration Act, and to children who born in the Kingdom and have not been granted a Thai nationality by birth under the law of nationality, as outlined in the Ministerial Regulation of Section 5 of the Civil Registration Act, BE 2534 (1991), as amended by the Civil Registration Act (No.2), BE 2551 (2008). Isaan Lawyers International, Pink ID Card for Foreigners in Thailand (2022). Available at: <https://isaanlawyers.com/pink-id-card-for-foreigners-in-thailand/>

¹⁴ Nationality Verification processes are migrant worker registration windows held every couple of years by the Royal Thai Government, through which undocumented migrant workers are granted permission to live and work in Thailand without having to return to their country of origin. Mekong Migration Network, Regularization of Migrants in Thailand (2020). Available at: http://mekongmigration.org/?page_id=13509.

¹⁵ According to an interviewed representative of the Department of Employment (DoE), the costs involved to work in Thailand regularly as a migrant worker are THB 2,000 (USD 57) for a two-year visa, THB 1,900 (USD 54) for a two-year work permit, and THB 500 (USD 14) for a health check. For migrant workers

regulates which recruitment fees and costs can be borne by migrant workers migrating through the MoU channel, such framework is absent for migrant workers recruited directly in Thailand. Additionally, (informal) intermediaries, who charge excessive fees and costs to migrant workers, are not regulated under the Royal Ordinance.¹⁶

Employment contract and working hours

Except for surveyed migrant workers employed in SMEs, most migrant workers did not obtain a written employment contract. Instead, most surveyed workers made a verbal agreement with their employer, often on 'no work, no pay' terms,¹⁷ which is in violation of the Home Worker Protection Act. One out of six respondents did not understand the terms of their employment before starting work and some workers experienced different working conditions from what was agreed upon prior to accepting the work. Absence of written employment contracts is likely interlinked with the nature of work in the sector, as the availability of work in the pre- and primary processing seafood sector is dependent on the volume of seafood available to process. Consequently, employers hire a core workforce, which is supplemented by daily workers and home-based workers. As such, most surveyed migrant workers, especially those employed in processing garages and home-based workplaces, were employed as daily workers, only getting paid when work is available. Thus, their working days and working hours per day fluctuate. Surveyed workers employed in processing garages and homebased workplaces, who were primarily women, reported the least consistent work, with working days per month varying between 4.9 and 16.5 days (Table 2 & Table 3).

Table 2: Average number of working days reported by interviewees

	Number of working days a week	Least number of working days a month	Most number of working days a month
SME factory	6.0	21.1	26.6
At the pier	5.8	19.9	25.3
Processing garage	4.7	11.2	20.0
Homebased	2.9	4.9	16.5
All workplaces	4.9	13.2	21.4
Men workers	6.2	21.7	27.3
Women workers	4.6	11.4	20.2
Myanmar workers	5.3	15.1	22.4
Cambodian workers	3.2	7.4	18.2

who are ineligible for enrolment in the Social Security Fund, there is an additional cost of THB 3,200 (USD 90) for migrant health insurance for two years.

¹⁶ Government Interview 1.

¹⁷ 'No work, no pay' terms means that workers do not earn wages on days when there is no work available.

Table 3: Estimated average working hours per day, on shortest and longest day of work, by workplace and gender

	Average working hours: Women	Average working hours: Men	Shortest working day: Women	Shortest working day: Men	Longest working day: Women	Longest working day: Men
SME factory	8.6	8.6	6.1	6.3	10.5	9.5
At the pier	7.0	7.0	3.5	4.1	8.4	9.1
Processing garage	7.3	10.4	4.7	7.0	10.4	12.3
Homebased	8.7	10.0	4.3	5.0	11.5	10.0
All workplaces	7.8	8.7	4.8	5.7	10.5	10.4

“There is no set time that we will be called to work. It depends on when they buy the squid and then the employer calls us. When the employer calls, then we go.” (Myanmar processing garage worker). Another garage worker reported that she has “no fixed working hours. The manager will call me for work. I could start at midnight, at 3 a.m., or during the day. The manager will call me when the boats come in. The working hours will depend on the volume of fish.”

Wages

Migrant workers' wages are intrinsically linked to the volume of seafood available to process, as three out of four surveyed migrant workers earned on a piece rate basis (Table 4). Over half of surveyed workers reportedly did not receive the minimum wage¹⁸ the last time they were paid, with workers in processing garages and homebased workplaces reporting the lowest wages, 60 per cent less than the minimum wage. This wage is in violation of the Labour Protection Act and Homeworker Protection Act, which include that workers are entitled to minimum wage. Home-based workers earning piece-rate also reported facing severe wage deductions in case of late delivery or missing items, exceeding legal limits specified in the Home Worker Protection Act.

Table 4: Wage payment type by gender and workplace¹⁹

	Women earn fixed wage (n=159)		Men earn fixed wage (n=35)		Women earning piece rate (n=159)		Men earning piece rate (n=35)	
	Actual nr	% women per workplace	Actual nr	% men per workplace	Actual nr	% women per workplace	Actual nr	% men per workplace
SME factory	14	47%	5	63%	16	53%	3	38%
At the pier	2	18%	6	43%	8	73%	8	57%
Processing garage	10	11%	8	62%	79	84%	4	31%
Homebased	0	0%	0	0%	30	100%	1	100%
All workplaces	26	16%	19	53%	133	81%	16	44%

¹⁸ In December 2019, the national Wage Committee recommended the increase of minimum wage for 'unskilled labour' from THB 308–330 to THB 313–336, effective 1 January 2020. Minimum wage differs per province, with the lowest rate of THB 313 in the Southern border provinces, and the highest rate of THB 331 in Bangkok

¹⁹ Note: 3 per cent (n=6) are paid hourly and one worker did not know how their wage was calculated.

One woman in her late sixties reported that her 95-year-old mother often helps her. As they both work slowly, the day she was interviewed they worked from 10.30 a.m. to 3 p.m., during which they produced two kilograms of crab meat, earning THB 80 (USD 2.42) between them.

Available work depends on the amount of seafood available to be processed, resulting in unstable working hours and wages of workers and in lack of human resources to process available seafood when volume is high. However, the legislative framework governing labour and migration does not match the needs of migrant workers and employers in the lower tiers of the seafood processing supply chain. Under the Emergency Decree, migrant workers are prohibited from working for multiple employers, limiting their ability to work in multiple workplaces when the volume of seafood to process is low. To circumvent this situation, some interviewed workers paid an (informal) intermediary to be registered as their employer on their work permit. Although this practice is not aligned with Thai legislation, this provides them with the necessary flexibility to work for multiple employers and earn sufficient income to make ends meet. While this is also to the advantage of employers, enabling them to recruit daily workers when they are needed, it limits the protection of migrant workers, who lack minimum wage, an employment contract and access to social security.

“In this area, if you get paid monthly, you only get THB 6,000–7,000 per month. That’s why we do piece rate work, to try and move between employers to earn more. I had to pay THB 18,000 (USD 505) for my Certificate of Identity²⁰ and for the work permit with the agent’s name on it” (Myanmar processing garage worker).

Gender equality

Overall, gender inequality in the workplace was persistent, with women workers mostly employed in the most precarious workplaces – seafood processing garages and homebased workplaces – which provide the least consistent work. Women migrant workers in the sector also earned less compared to men migrant workers, and they undertook more care responsibilities and unpaid household work than men.

Occupational safety and health

Interviewed workers also reported having limited access to occupational safety and health protections, and a quarter of surveyed workers had previously had an accident at work. Also, most workers had to buy their own personal protection equipment (PPE) such as gloves and boots.

Access to social security

Surveyed migrant workers also reported that they were unaware of or struggled to access health-care services and social protections. Reportedly, two out of every five surveyed workers held neither a Social Security Fund (SSF) card, nor a migrant health insurance card. While most surveyed workers, except for those employed in homebased workplaces or holding a Border Pass, were entitled to SSF, most of them noted that their employer had not enrolled them into SSF, although some workers’ wages were deducted for mandatory SSF contributions.

²⁰ Certificates of Identity can be provided in Thailand to irregular Myanmar migrants at certificates of identity centres in Thailand. Available at: www.gnlm.com.mm/certificate-of-identity-ci-issued-to-migrant-workers-in-thailand/

This limits migrant workers' access to health-care facilities without going into debt and leaves them vulnerable to adverse shocks – such as a work-related accident or an illness. This vulnerability was amplified during the COVID-19 pandemic, as migrant workers were not eligible for wage subsidies when their workplaces were ordered to close.

Access to effective remediation

Migrant workers' access to social protections and to effective remediation in case of rights violations is further limited due to their lack of knowledge of grievance mechanisms available to them. One out of five surveyed workers reported knowing of some form of grievance mechanism within their workplace. Most workers would discuss work-related issues with family members or friends, and some said they would report the issue to a local civil society organization (CSO). Furthermore, due to legal barriers to migrant workers' freedom of association laid out in the Labour Relations Act and a lack of established unions in the seafood processing industry for workers to join, unionization among surveyed workers was almost non-existent. However, one third of surveyed workers said they would like to join a worker's union in the future.

Debt

Migrant workers' financial situation is further complicated due to the rising living costs in Thailand and the impacts of COVID-19, in addition to the low wages they earned. The pandemic caused lower volumes of catch landed, business closures and the need to quarantine at home, which all led to less work available, a fall in earnings, a loss of savings and an increase in debt. Over half of surveyed workers were in debt at the time of interview, borrowing money primarily to pay for food or rent (Table 5). They also reported significant debts related to applying for their documentation and to cover costs of health care.

"Income is never enough. I don't want to be rich, I just want to have food to eat and to be able to donate to the monks at the temple. But I want my children to have a better future" (Myanmar processing garage worker).

Table 5: Prevalence of debt compared to minimum wage earnings, by workplace, by gender, and by nationality

	Currently owe money (n=201)		In debt and earn minimum wage (n=201)		In debt and don't earn minimum wage (n=201)	
SME factory	19	50%	10	26%	9	24%
At the pier	12	48%	8	32%	4	16%
Processing garage	57	53%	20	19%	37	35%
Homebased	18	58%	3	10%	15	48%
All workplaces	106	53%	41	20%	65	32%
Men workers	17	47%	10	28%	7	19%
Women workers	89	54%	31	19%	58	35%
Myanmar workers	83	55%	35	23%	48	32%
Cambodian workers	23	46%	6	12%	17	34%

While migrant workers face challenges accessing their human and labour rights, they are likely to remain in their current employment. For some workers, such as those with care responsibilities, the flexibility of employment was an important pull factor. For others, informal work was the only employment opportunity available as they felt unable to find formal work or had lost their formal employment.

“Why would I want to quit? I need to eat and no one else would accept me because I am old” (Myanmar SME worker)

Conclusion

The findings presented in this report seek to provide better insights on an important, yet often overlooked population of Thailand's workforce. As shown in this report, Thailand's seafood processing sector is comprised of multiple forms of workplaces and arrangements ranging from more formal factories to semi- or informal work settings at piers, garages and at home. Many of the workers employed in these labour markets are temporary migrants from Cambodia and Myanmar, of which large proportions are women. In addition, many migrant workers have spent longer periods of time working in Thailand but continue to face difficulties in obtaining or maintaining their documentation linked to their legal status in Thailand. This report has compiled a comprehensive overview on the situation of migrant workers' work and life in Thailand, including the challenges and needs as well as gaps in protection of migrant rights.

Thailand has a robust regulatory framework on migration and labour in place, including in the seafood processing sector. Migrant workers are generally entitled to receive equal protection of their labour rights as local workers do; however, gaps remain in relation migrant workers' freedom of association, change of employment and social protection, among others. These gaps are further exacerbated by risks related to their documentation and legal status in Thailand. Migrant workers in Thailand often use irregular channels or lose their documentation status while in Thailand. While these situations have been well reported, the lack or loss of regular status often has adverse impact on the protection of migrant-rights and the overall socioeconomic outcomes of labour migration.

Furthermore, the report shows that existing rights and entitlements of migrant workers are often not realized. These challenges can be linked to non-compliance by employers, such as in relation to the low rates of enrolment of migrant workers in Thailand's social security system. The report also identifies opportunities for relevant authorities, such as the Department of Labour Protection and Welfare under the Ministry of Labour (MoL), and the Department of Fisheries under the Ministry of Agriculture and Cooperatives to strengthen the enforcement of existing laws in all segments of the seafood processing labour markets.

Ensuring adequate protection of migrant workers would require stronger oversight regarding payment of minimum wage and access to social protections, health care and remediation for migrant workers employed in the lower-tiers of the seafood processing supply chain. Monitoring of compliance by Thai authorities in the lower tiers of the supply chain is especially significant as most of the produce may be supplied to local markets, where pressure from buyers to follow international recruitment and labour standards is lower or absent altogether.

To facilitate migrant workers' access to documentation to live and work in Thailand regularly, access to information on the process to obtain documentation needs to be enhanced and should be provided to workers

through outreach activities and channels they are familiar with. In addition, the process should be simplified, so that migrant workers can complete it without involving (informal) intermediaries and at no additional cost to the worker, in line with ILO's international standard definition on recruitment fees and related costs.

The report presents important findings in relation to the regulation of Thailand's labour market vis-à-vis the needs of the seafood processing sector for a flexible workforce while depending on migrant workers whose participation in Thailand's labour market faces certain restrictions. The Foreigners' Working Management Emergency Decree B.E. 2560 (2017) does not allow migrant workers to carry out homebased work, and migrant workers are subject to a fine and deported for undertaking such work. In addition, the Emergency Decree does not allow for migrant workers to work for multiple employers, whereas the seafood processing sector has a need for daily workers. However, uncertain working hours and low wages earned by daily workers and thus the need to work for multiple employers pushes migrant workers to pay (informal) intermediaries to be registered as their employer on their work permit. This practice limits the protection of migrant workers, who lack minimum wage, an employment contract and access to social security. As such, there is a need to revise legislation, in order to match the reality on the ground and fulfil the needs of both companies and migrant workers, which also contributes to migrant worker protection.

Multinational enterprises sourcing seafood from Thailand may not always be aware of the realities facing migrant workers employed in the lower tiers of their supply chains. Increasing transparency and collaboration between producers, processors and multinational enterprises as well as establishing effective human rights due diligence will be important factors to improve working conditions for migrant workers and better realize labour migration outcomes. As such, multinational companies should further review the impact of their purchasing practices on the lives of the migrants working in the shadows of the ships.



Myanmar migrant workers in the fisheries sector in Ranong, Thailand. © IOM 2021/Javier VIDAL

Recommendations

Recommendations based on the study findings are provided for the Royal Thai Government and private sector actors.

To take a human-rights based approach to labour migration governance and enhance effectiveness of regular migration pathways in line with labour market needs in Thailand, IOM recommends the Royal Thai Government to:

Enhance migrant workers' access to information on the application process to obtain and/or renew documentation necessary to regularly live and work in Thailand and simplify the application process.

Comprehensive information on the process of obtaining and renewing required documents needs to be provided to migrant workers in a language they can understand, and through channels they are familiar with, such as through social media and community outreach activities. In addition, comprehensive guidance on the process needs to be provided to migrant workers and employers, and these need to be available in migrant workers' languages and in locations easily accessible by migrant workers. The Department of Employment (DoE) and governments of countries of origin should also scale up their collaboration and publicize official costs for all migration related documents, including passports, work permits and visas, among others, and ensure that migrant workers are aware of these costs.

Amend the definition of 'no recruitment fees' in the Royal Ordinance to align with international standards and develop guidance on payment of recruitment fees and related costs for migrant workers recruited in Thailand. It is recommended to amend the Royal Ordinance and align with the definition of "recruitment fees and related costs" and the party responsible for covering these costs as well as an updated comprehensive list of costs paid by migrant workers recruited into Thailand, in line with ILO's [Definition of Recruitment Fees and Related Costs](#) and IOM's [IRIS Standard on Ethical Recruitment](#). In addition, it is recommended to provide guidance on the payment of recruitment fees and related costs for migrant workers who are recruited within Thailand, as well in line with ILO's [Definition of Recruitment Fees and Related Costs](#) and IOM's [IRIS Standard on Ethical Recruitment](#).

Enhance and simplify regularization processes: Consider further enhancing and simplifying the design, planning, and implementation of the regularization process, to provide undocumented migrant workers already in Thailand with a possibility to formalize their employment, particularly in sectors that experience acute labour shortages. These programmes can be mutually beneficial to employer and migrant workers.

Ratify ILO Convention C181 on Private Employment Agencies (C181): It is recommended to ratify ILO C181, as to ensure recruitment agencies follow ethical recruitment practices, including refraining from charging migrant workers recruitment fees and related costs, as laid out in C181 Article 7.

IOM reiterates the recommendation by ILO²¹ to develop regular migration channels that are less costly, time consuming and complex: Thailand, together with neighbouring countries should work to simplify labour migration processes. There should be clear incentives for migrant workers and employers to use regular channels.

IOM reiterates the recommendation by ILO²² to allow MoU workers to work for multiple employers:

The DoE should permit migrant workers on MOU arrangement to work for multiple employers while ensuring that migrant workers' working hours do not exceed legal limits.

Allow migrant workers to change their employer on their own volition: It is recommended to remove the conditions under which migrant workers can change their employer, as to allow them greater flexibility to change employers, like local workers.

To tackle protection gaps and decent work deficits experienced by migrant workers in the lower tiers of the seafood processing factor, IOM recommends the Royal Thai Government to :

Conduct regular labour inspections of Small and Medium Enterprise (SME) factories, pier-based operations and processing garages as to enhance compliance with relevant labour laws: To enhance compliance of private sector actors in the lower tiers of the supply chain, the Department of Labour Protection and Welfare (DLPW) should enhance monitoring, through conducting regular labour inspections, among others, to verify that maximum working hours and rest days of migrant workers are provided, that migrant workers are paid the minimum wage, and that they have adequate access to Occupational Safety and Health (OSH) protections and are provided free of charge with all necessary work and safety equipment. During inspections, labour inspectors should be accompanied by interpreters who speak migrant workers languages, enabling them to interview migrant workers. In addition, it is recommended to implement firewalls between labour inspectors and immigrations officials, which would allow for migrant workers to come forward with complaints of labour exploitation irrespective of their legal status.

Revise the legal framework to reflect the reality of migrant workers carrying out homebased work:

In reality, in the seafood processing sector, migrant workers are carrying out homebased work. However, under the Homebased Worker Protection Act, homebased workers do not have an 'employer' despite having an 'employer' being a requirement for migrant workers in Thailand under the Foreigners' Working Management Emergency Decree B.E. 2560 (2017). As such, migrant workers carrying out homebased work violate the Emergency Decree B.E. 2560 (2017) and shall be subject to fines and deportation. As such, it is recommended to revise the legal framework to allow migrant workers to carry out homebased work, to reflect the reality.

Revise the Homebased Worker Protection Act to enhance protection of workers: Currently, the Homebased Worker Protection Act does not stipulate minimum age. As such, it is recommended to revise the Act as to align with international standards.

To take a gender-responsive approach to advancing decent work for migrant workers in the seafood processing factor, IOM recommends the Royal Thai Government to:

Close the gender pay gap in the pre- and primary seafood processing sector: The Ministry of Social Development and Human Security and the DLPW could collaborate to improve enforcement of the Gender Equality Act B.E. 2558 (2015) and provisions laid out in the Labour Protection Act B.E. 2541 (1998), particularly

²¹International Labour Organization (ILO). Working and Employment Conditions in the Agriculture Sector in Thailand, p. 85 (Geneva, 2021). Available at: www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_844317.pdf

²²ILO. Working and Employment Conditions in the Agriculture Sector in Thailand, p. 85 (Geneva, 2021). Available at: www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_844317.pdf

section 15 and section 53 of the Labour Protection Act B.E. 2541 (1998), which entitle men and women workers to equal treatment and equal remuneration for equal work. MOL, international organizations and CSOs should monitor the gender pay gap, educate employers on unconscious bias during recruitment and promote gender equality within the workplace.

Ratify ILO Violence and Harassment Convention, 2019 (C190) and ensure that women workers can access grievance mechanisms, support services, and remediation processes that consider their specific needs: Align national legislation, particularly the Labour Protection Act and Gender Equality Act, with articles laid out in the Convention.

In addition, the Ministry of Social Development and Human Security, CSOs and international organizations should ensure that women are enabled to access support services, particularly if they experience gender-based violence (at home or at work) or sexual harassment. The DLPW, with support from international organizations, should also ensure that labour inspectors are trained in issues related to gender-based discrimination, how to identify them, and how to satisfactorily remediate them in consultation with victims.

To improve wage-levels and wage-protections in the pre- and primary seafood processing sector, IOM recommends the Royal Thai Government to:

Enforce payment of minimum wages: The DLPW should ensure that all employers pay all workers the provincial minimum wage, including piece rate workers. In line with their rights under the Labour Protection Act, all migrant workers should be able to bring a grievance to the DLPW when their right to minimum wage is not being respected without fear of arrest. Employers who continuously pay workers below the minimum wage should be prosecuted, in accordance with penalties laid out in Section 144 of the Labour Protection Act.

To reduce and eliminate financial debt among migrant workers, IOM recommends the Royal Thai Government to:

Investigate and prosecute (informal) intermediaries charging migrant workers excessive fees for processing and obtaining documents to regularly live and work in Thailand: The DoE and the Police Department could enhance their collaboration to investigate (informal) intermediaries who charge workers excessive fees to process and obtain documentation required to live and work in Thailand regularly or who fail to deliver migrant workers documents they have paid for. When such cases are identified, these (informal) intermediaries should be prosecuted for operating without license, in line with Section 104 of the Royal Decree on Managing the Work of Foreigners B.E. 2560 (2017).

To ensure social protection coverage among all migrant workers, IOM recommends the Royal Thai Government to:

Enhance migrant workers' access to social protection, including the Social Security Fund and the Workman's Compensation Fund: The Social Security Office could collaborate with industry associations to educate employers operating in the pre- and primary seafood processing sector on their obligation to enrol all workers they employ in the SSF. The Social Security Office should also reduce the paperwork involved in making claims from the SSF or the Workmen's Compensation Fund, particularly the need to provide two copies of all

documents in workers' language and Thai language. Employers of migrant workers who cannot be enrolled in the SSF should be held legally responsible for covering the cost of migrant workers health insurance.

Increase interdepartmental collaboration to identify where workers are not enrolled in the Social Security Fund: The DoE and the Social Security Office could collaborate to identify employers operating in the pre- and primary seafood processing sector that hire migrant workers but have not enrolled them in the SSF. The Social Security Office, under its mandate and authority, has the power to issue warning letters and fines to employers who fail to submit the employee list of workers to be enrolled within 30 days of the workers commencing employment. The Social Security Office could also improve its collaboration with labour inspectors under the DLPW to hold employers accountable for failure to enrol migrant workers in the SSF or for failing to remit employer contributions for workers who are enrolled. Similarly, the Social Security Office and DLPW should hold accountable any employer who deducts workers' wages but fails to remit the money to the Social Security Office. Moreover, the Social Security Office could be more pro-active in conducting inspections on employers who fail to submit the list of employees registered under the social security system to the Office. These measures will help the Royal Thai Government to achieve an increase of at least 60 per cent of the ratio between registered workers and total workforce to be registered under the social security system, which is one of the goals laid out in the five-year action plan (B.E. 2566-2570) of the Ministry of Labour.

Ensure that all workers enrolled in the Social Security Fund can access health-care services free of charge: The Social Security Office could develop a system similar to the migrant health insurance, whereby migrant workers only have to present their SSF card in order to receive free health care, and are not required to cover the costs of health care upfront, and get reimbursed later, as this could push migrant workers in debt. The Ministry of Public Health should also ensure that every hospital employs interpreters who can speak migrant workers' languages, preventing migrant workers from having to pay for an interpreter to accompany them to the hospital. Moreover, emergency and maternity health care should be accessible to all migrants, irrespective of their legal status.

To improve migrant workers access to timely remediation, IOM recommends the Royal Thai Government to:

Ensure that all migrant workers, regardless of their migration status, can bring a complaint to a DLPW or DoE office without fear of deportation or penalty when their labour rights are not respected: The DLPW needs to ensure that any grievances that are filed by migrant workers are satisfactorily remediated in a timely manner, and that migrant workers do not face retaliation for speaking out against issues or violations they have experienced, either from the Immigration Office or from employers. The DLPW could also ensure that interpreters are available in every provincial office to support migrant workers throughout the remediation process.

Promote freedom of association among migrant workers in the pre- and primary seafood processing sector: The Royal Thai Government should ratify the ILO Freedom of Association and Protection of the Right to Organize Convention (C87) and ILO Right to Organize and Collective Bargaining Convention (C98) and amend Section 88 of the Labour Relations Act B.E. 2518 (1975) to enable migrant workers to form their own independent unions and to hold leadership positions in existing unions.

This section lays out the recommendations that private sector actors proposed to address the challenges identified.

To enhance supply chain transparency and identify risks facing migrant workers employed in the supply chain, IOM recommends the business community to:

Increase supply chain transparency to identify involved actors and understand human and labour rights risks: To ensure buyers are enabled to carry out due diligence throughout the supply chain as a whole. Buyers are encouraged to increase supply chain mapping exercises and ensure information regarding supply chain dynamics is shared with colleagues responsible for due diligence.

Revise auditing policies to include actors in lower tiers of the pre- and primary seafood processing sector in social audits: To enhance monitoring in the lower tiers of the supply chain, in addition, audits should also cover subcontracted and home-based workers. To ensure that actors operating in the lower tiers are able to participate in audits, buyers should apply a cost-sharing model to facilitate the audit.

To improve wage-levels and wage-protections in the pre- and primary seafood processing sector, IOM recommends the business community to:

Ensure that the price paid for seafood products enables all actors in their supply chain, including in the lower tiers, to pay all workers at least the minimum wage: Buyers need to conduct human rights due diligence at every tier of their supply chain and verify that their product pricing enables production costs inclusive of minimum wage payment at all tiers of production, in line with workers' rights under national legislation and with the UNGP to respect human rights throughout their supply chains. Buyers also need to verify that the price their supplier charges them is inclusive of these costs.

To tackle decent work deficits experienced by migrant workers in the lower tiers of the seafood processing sector, IOM recommends the business community to:

Long-term agreements with suppliers may enhance working conditions of all workers, including migrant workers, so that they are guaranteed an income and do not need to squeeze cost, for example on workers' salary or PPE, in order to save money for periods when they would receive less orders.

To enhance migrant workers' access to remediation, IOM recommends the business community to:

Collaborate with local networks and CSOs to enhance migrant workers' access to effective remediation: To build their capacity to effectively receive migrant workers' grievances and provide them with the required support, such as legal assistance.

To enhance awareness and capacity among businesses on human rights and labour standards, IOM recommends the business community to:

All actors, including private sector actors, should enhance awareness raising and capacity building efforts among businesses, including in the lower tiers of the seafood processing supply chain: On national and international human rights and labour standards, best practices and challenges in case of non-

compliance to migrant workers and businesses. Particularly, larger seafood processing factories in Thailand that implement the Seafood Good Labour Practices Programme in their supply chain should enhance monitoring of SMEs they supply from, as to ensure that they also follow the Guidelines. In addition, larger seafood processing factories should work with the government to ensure these Guidelines are also implemented in the lower tiers of the seafood processing supply chain, particularly in workplaces and supply chains which supply their produce to local markets.

To achieve meaningful change and address challenges faced by migrant workers in the lower tiers of the seafood processing supply chain, at the policy level, IOM recommends the business community to:

Private sector actors should collectively engage in dialogues with relevant government agencies to address challenges facing workers in their supply chain: The business community should use its leverage on government actors by engaging in dialogue and discussing challenges faced by migrant workers in the lower tiers of the seafood processing supply chain, as well as required actions by both public and private sector actors, in order to mitigate challenges and enhance the situation of migrant workers.



Pier near the Thai-Myanmar Friendship Bridge in Mae Sot, Thailand. © IOM 2018/Visarut SANKHAM

INTRODUCTION



Migrant workers in the seafood processing sector in Rayong, Thailand.
© Photo IOM 2022/Anat DUANGCHANG

Rationale

Thailand has long been a regional migration hub within Southeast Asia. Before the outbreak of the COVID-19 pandemic, 3.9 million migrant workers constituted over 10 per cent of the country's workforce.²³ One of the sectors most reliant on migrant workers is the fishing and seafood processing sector, in which over 160,000 workers from Cambodia and Myanmar were regularly employed in 2022.²⁴ However, this number is likely higher, noting that the sector also employs irregular workers who do not hold documentation. These migrant workers make essential contributions to Thailand's economy and society. The remittances they send to their countries of origin are critical for poverty reduction and support their communities of origin with better access to health, education and housing, among others. Despite their important contributions to Thailand's economy and society, migrant workers employed in this sector have been facing multiple challenges related to unsafe migration and decent work deficits, which have been well documented over the years,²⁵ including in the United States Department of State Trafficking in Persons Reports of 2021²⁶ and 2022.²⁷

In recent years, the Royal Thai Government has made efforts to enhance the protections of migrant workers in the fishing and seafood sector: among others, through the enactment of the Labour Protection in Fishing Work Act in 2019 and of subordinate laws under the 2015 Royal Ordinance on Fisheries. In 2019, the Seafood Good Labour Practices Programme,²⁸ included in the *Good Labour Practices (GLPs) Guidelines in Thailand's Seafood Industry*,²⁹ were implemented in more than 50 seafood processing factories. The GLPs were initiated in 2012 by the Department of Fisheries (DoF) with technical support of the International Labour Organization (ILO) and developed with involvement of industry associations: the Thai Tuna Industry Association and Thai Frozen Food Association.³⁰

Following these regulatory developments, research has been conducted on migrant workers employed in medium enterprises operating in tier 1 and tier 2 of the seafood processing supply chain, and an improvement in the recruitment and employment conditions of migrant workers was observed over time. However, a knowledge gap remains on the recruitment and employment conditions facing migrant workers employed in lower tiers of seafood processing supply chains, such as in pier-based operations, processing garages, Small and Medium Enterprises (SME), and homebased workplaces. In these workplaces migrant workers are often engaged in tasks such as unloading and sorting catch, grading, beheading, boiling, salting, filleting and drying fish, peeling and

²³ United Nations Thematic Working Group on Migration in Thailand. Thailand Migration Report 2019, 2019. Available at: <https://thailand.un.org/sites/default/files/2020-06/Thailand-Migration-Report-2019.pdf>

²⁴ Department of Employment, Ministry of Labour, Royal Thai Government. 2022. Available at: https://www.doe.go.th/prd/assets/upload/files/alien_th/9412bdc28b9d24aa32d9f2bd07c85619.pdf

²⁵ CSO Coalition *Falling through the Net II: A Survey of Basic Labour Rights among Migrants Working in Thailand's Fishing Sector* (2020); Praxis Labs *Tracking Progress: Assessing business responses to forced labour and human trafficking in the Thai seafood industry* (2019); CSO Coalition *Falling through the Net: A Survey of Basic Labour Rights among Migrants Working in Thailand's Fishing Sector* (2018); ILO Baseline research findings on fishers and seafood workers in Thailand (2018); Human Rights Watch *Hidden Chains: Rights Abuses and Forced Labor in Thailand's Fishing Industry* (2018); Issara & IJM *Not in the same boat: prevalence and patterns of labour abuse across Thailand's diverse fishing industry* (2017).

²⁶ United States Department of State. *Trafficking in persons report 2021*. Available at: www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf.

²⁷ United States Department of State. *Trafficking in persons report 2022*. July 2022. Available at: www.state.gov/wp-content/uploads/2022/04/337308-2022-TIP-REPORT-inaccessible.pdf

²⁸ ILO. *Turning Principles into Pathways: The future of the Seafood Good Labour Practices Programme*. 2022. Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_848445.pdf

²⁹ ILO. *Good Labour Practices Programme*. Available at: www.ilo.org/asia/WCMS_221455/lang--en/index.htm

³⁰ Ministry of Agriculture and Cooperatives. *Action Plan and Implementation by the Department of Fisheries in Addressing Labour Issues and Promoting Better Working Conditions in Thai Fisheries Industry* by Department of Fisheries. , Thailand, January 2013. Available at: www.thaianti-humantraffickingaction.org/Home/wp-content/uploads/2014/12/2013-Action-Plan-and-Implementation-Dept-of-Fisheries-20131.pdf

deveining shrimp, skinning, cleaning and drying squid, removing the meat from shellfish, and packing or freezing seafood for onward distribution.³¹ In lower tiers of international supply chains, the recruitment and employment conditions of workers are often difficult to monitor. In addition, programmes such as the Seafood Good Labour Practices Programme are less likely to reach smaller enterprises that are unlikely to join trade associations.³²

To support the Royal Thai Government and private sector actors in their efforts to enhance the rights of migrant workers in Thailand's seafood processing sector, this study aims to address the existing knowledge gap related to the labour migration process and the protection of migrants working in the lower tiers of supply chains in the pre- and primary seafood processing sector. Guided by the [United Nations Guiding Principles on Business and Human Rights](#) (UNGPR), the [Global Compact for Safe Orderly and Regular Migration](#) (GCM) and drawing on ILO's [Framework for Measuring Decent Work](#), this study assesses the labour migration process of migrant workers employed in Thailand's pre- and primary seafood processing sector.

This study is conducted under the “[South East Asia Regional Programme on Labour Migration in the Fishing Sector](#)” (Ship to Shore), a joint initiative carried out by ILO, the International Organization for Migration (IOM) and the United Nations Development Programme (UNDP), funded by the European Union (EU). Through this study, IOM aims to gather insights on the challenges faced by these migrant workers and provide constructive recommendations to the Royal Thai Government to support them in enhancing its legislation and policies protecting the rights of these migrant workers. IOM also aims to provide constructive recommendations to private sector actors who operate in and/or source seafood products from Thailand's seafood sector, to support them to conduct responsible business throughout their supply chain and align their policies and practices with international standards on fair and ethical recruitment and employment of migrant workers. By supporting fair and ethical recruitment and decent work for all workers, including migrant workers, companies can build better, more inclusive and sustainable supply chains, in line with the Sustainable Development Goals (SDG), especially SDG 8 Decent Work and Economic Growth, SDG 10 Reduced Inequality, and SDG 12 Sustainable Production and Consumption.

In addition, when businesses uphold the human and labour rights of all workers, including migrant workers, throughout all tiers of their supply chains, they are able to align with legislation and regulations on human rights due diligence and forced labour, which are increasingly enacted by governments, including the Royal Thai Government. On 29 October 2019, Thailand's cabinet adopted the National Action Plan on Business and Human Rights (2019–2022), which in Pillar 1 – Labour, aims to uphold the rights of migrant workers.³³ In May 2022, the Rights and Liberties Protection Department under the Ministry of Justice and the National Institute of Development Administration under the Ministry of Education finalized the draft of Thailand's second National Action Plan (2023–2027) which is under review at the time of writing. Other legislation enforced globally includes the Australian Modern Slavery Act (2018), the French Loi de Vigilance (2017), the United Kingdom Modern Slavery Act (2015), the California Transparency in Supply Chains Act (2012) and the Executive Order “Strengthening Protections Against Trafficking In Persons In Federal Contracts” (2012), along with the regulations included in the Federal Acquisition Regulation and the Customs; last, in 2021, the German Federal

³¹ ILO. Endline research findings on fishers and seafood workers in Thailand. Ship to Shore Rights Project (Geneva, 2020).

³² ILO. ILO Asia-Pacific Working Paper Series, Global supply chains: Insights into the Thai seafood sector. April 2016. Available at: www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_474896.pdf

³³ Office of the United Nations High Commissioner for Human Rights (OHCHR). First National Action Plan on business and human rights (2019–2022). Available at: www.ohchr.org/sites/default/files/Documents/Issues/Business/NationalPlans/NAPThailandEN.pdf.

Parliament passed its Supply Chain Due Diligence Act, which entered into force on 1 January 2023.³⁴ Most recently, in 2022, the European Commission adopted a proposal for a Directive on corporate sustainability due diligence, which once enforced, applies to all large companies who wish to enter the EU internal market and its 450 million consumers.

Only when relevant stakeholders are aware of challenges faced can these be effectively addressed, benefiting both migrant workers and businesses.

Research scope

This research assesses the labour migration process of Cambodian and Myanmar migrant workers employed in Thailand's land-based pre- and primary seafood processing enterprises, operating in the lower tiers of the seafood processing supply chain. The research does not include migrant fishers employed on fishing vessels nor migrant workers in seafood processing factories employing over 200 workers. The study particularly focuses on four types of workplaces, defined as following for the purpose of this study:

SME factories: Registered factories with less than 200 workers. Small enterprises are legally defined as those with a net income of less than 1.8 million Thai baht (THB) and less than five employees; small to medium enterprises are legally defined as those with a net income of less than THB 100 million and less than 50 employees; and medium enterprises are legally defined as those with a net income of THB 100 million–500 million and 50–200 employees.³⁵ Work in SME seafood processing factories includes gutting and beheading fish, filleting fish, grading fish and peeling shrimp. The labour rights of workers, including migrant workers, employed in SME factories are protected under the Labour Protection Act B.E 2541 (1998) (Labour Protection Act).

Pier-based operations:³⁶ Pier-based operations include several types of work found adjacent to fishing vessels in ports, including unloading, sorting and freezing catch, and mending nets. Workers interviewed for this study noted that pier-based employers can be vessel owners, particularly at private piers. Pier-based operations can also be processing garages.³⁷ However, not all pier-based operations are covered under the same set of legal provisions. Ministerial Regulation No. 11 adopted under the Labour Protection Act provides for protections specific to work related to the loading and unloading of goods on sea vessels. Under this Regulation, employers and workers can agree on certain provisions, such as determination of standard working hours, start and end times of work and work during holidays, which should comply with protections provided under Ministerial Regulation No. 11.

Processing garages:³⁸ Seafood processing establishments in the form of concrete garages or wooden sheds found by fishing piers or away from the pier. Work in processing garages includes sorting, grading, boiling, salting, cleaning, skinning and drying seafood. Although these establishments are registered with the Department of Fisheries (DoF), most appear not to have been inspected and approved for food hygiene standards by the

³⁴ Simmons+Simmons, The supply chain due diligence act – part 2. Available at: www.simmons-simmons.com/en/publications/ckyvrxlwg164u0b009g6l2uov/the-supply-chain-due-diligence-act-part-2.

³⁵ Ministerial Regulations on the Designation of the Characteristics of Small and Medium Enterprises Promotion Act B.E. 2562 (2019), Sections 2–5.

³⁶ The definition of pier-based operations is provided for conceptual clarity and does not derive from specific national legislation or international instrument, since an official definition of pier-based operations is not available.

³⁷ Workers self-identified whether they work at the pier or in a processing garage by the pier.

³⁸ The definition of processing garages is provided for conceptual clarity and does not derive from specific national legislation or international instrument, since an official definition of processing garages is not available.

DoF's fish inspection and quality control division, unlike SME factories.³⁹ The labour rights of workers, including migrant workers, employed in processing garages are protected under the Labour Protection Act.

Homebased workplaces:⁴⁰ Work carried out in premises other than the workplace of the employer for remuneration, which results in a product or service as specified by the employer. Workers employed in homebased workplaces in Thailand's pre- and primary seafood processing sector typically receive work from work distributors or from an SME factory or processing garage employer, when these enterprises have higher volumes of work than their workforce can process. Workers employed in homebased workplaces surveyed for this study processed either crab meat or dried anchovies. While protections of homebased workers are governed under the Home Workers Protection Act B.E. 2553 (2010), which offers basic labour protections in relation to remuneration, contract requirements and the provision of Personal Protective Equipment (PPE), it is to be highlighted that migrant workers are not permitted to carry out any homebased work, following the Foreigners' Working Management Emergency Decree B.E. 2560 (2017).

Within these workplaces, the study focuses primarily on informally employed workers:

Informal work: The ILO 2015 'Recommendation on transitioning from the informal to the formal economy' defines informal work or informal workers as 'employees holding informal jobs'⁴¹ in, or for, formal enterprises, or in, or for, economic units in the informal economy, including but not limited to those in subcontracting and in supply chains, or as paid domestic workers employed by households; and workers in unrecognized or unregulated employment relationships'.⁴² The National Statistical Office of Thailand defines an informal worker as a person, at least 15 years old, who works with no legal protection nor social security. In addition, legally, informal work cannot be carried out by migrant workers, as migrant workers are excluded from taking jobs listed as 'informal work'.⁴³ As such, throughout this study, the term informal is used to refer to the nature of employment whereby workers do not obtain any form of formal work agreement with their employer and lack access to workers' benefits, social protection or workers' representation.

³⁹Of the 1,386 registered seafood processing facilities in Thailand, only 342 seafood companies are approved by the DoF's fish inspection and quality control division. See: Department of Fisheries (2021) 'List of Approved Fish Processing Establishments'. Available at: https://www4.fisheries.go.th/local/file_document/20211008194135_new.pdf.

⁴⁰Thailand has not ratified the ILO Home Work Convention which defines "home work" as: "work carried out by a person, to be referred to as a homemaker; i) in his or her home or in other premises of his or her choice, other than the workplace of the employer; (ii) for remuneration; (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used." However excluding if, "this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions." ILO, Home Work Convention, 1996 (No. 177), Geneva, 83rd ILC session (20 Jun 1996), Article 1. Instead, Thailand's legislation defines "Home work" as "work assigned by a hirer in an industrial enterprise to a home worker to be produced or assembled outside of the work place of the hirer or other works specified by the ministerial regulations." where a "Home worker" is defined as "means a person or group of persons who agree with a hirer to accept work which is to be carried out at home" Home Workers Protection Act B.E. 2553 (2010), Section 3.

ILO, C177 – Home Work Convention, 1996 (No. 177), available at: www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO::P12100_ILO_CODE:C177.

Thailand's Home Workers Protection Act B.E. 2553 (2010), section 3, defines "Home work" as follow: "work assigned by a hirer in an industrial enterprise to a home worker to be produced or assembled outside of the work place of the hirer or other works specified by the ministerial regulations."

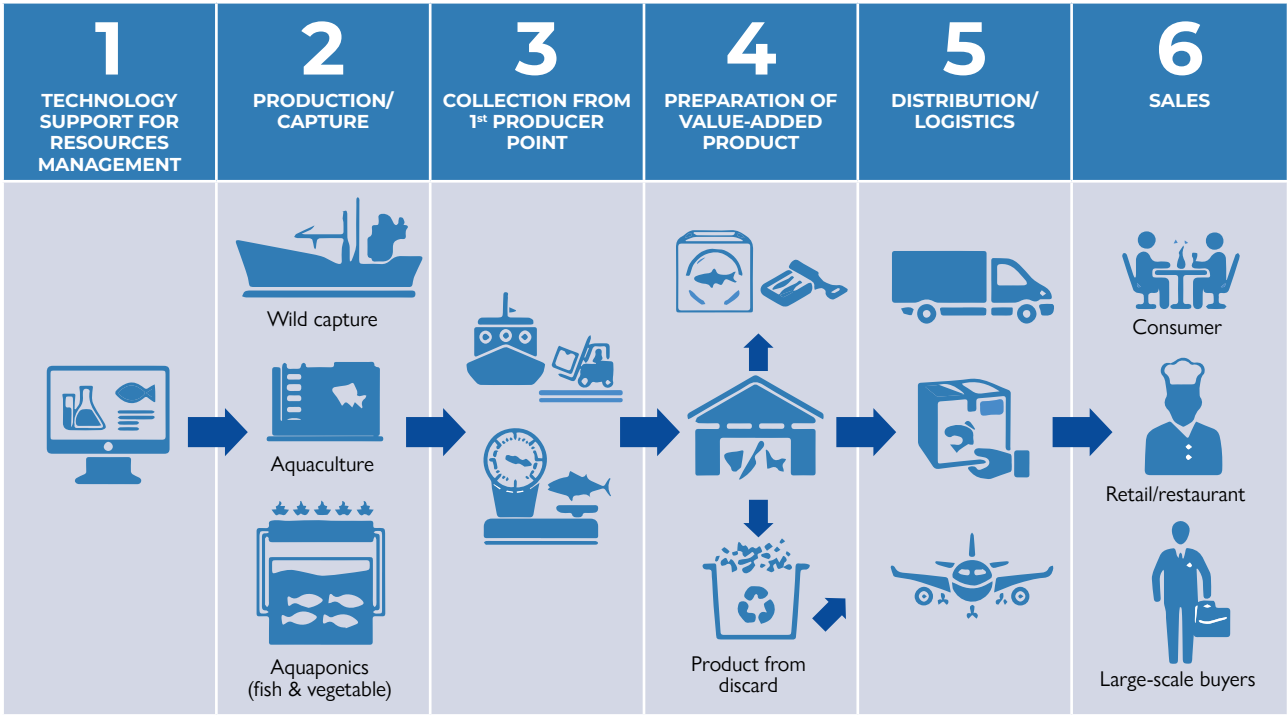
⁴¹ILO statistical definitions for informal work further clarify that "Employees are considered to have informal jobs if their employment relationship is, in law or in practice, not subject to national labour legislation, income taxation, social protection or entitlement to certain employment benefits (paid annual or sick leave, etc.) for reasons such as: non-declaration of the jobs or the employees; casual jobs or jobs of a limited short duration; jobs with hours of work or wages below a specified threshold (such as for social security contributions); employment by unincorporated enterprises or by persons in households; jobs where the employee's place of work is outside the premises of the employer's enterprise (for example outworkers without an employment contract); or jobs for which labour regulations are not applied, not enforced, or not complied with for any other reason." See *ILO Guidelines concerning a statistical definition of informal employment*. Available at: https://ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/normativeinstrument/wcms_087622.pdf.

⁴²ILO R204 Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

⁴³See Ministry of Labour, แผนยุทธศาสตร์การบริหารจัดการแรงงานนอกระบบ พ.ศ. 2555 – 2559 (Thailand Strategic plan on the management of migrant worker B.E. 2555 – 2559), page 2. Available at: www3.mol.go.th/sites/default/files/downloads/pdf/PlanStrategy_Labour55-59Minister_Dec0811.pdf.

Supply Chain Dynamics: Cambodian and Myanmar migrant workers interviewed for this study are engaged in pre- and primary seafood processing activities in the lower tiers of the supply chain, as indicated (Figure 1, steps 3 and 4). These workers are employed in various workplaces, including SMEs, pier-based operations, processing garages and home-based workplaces. Tasks these workers carry out include for instance unloading fishing vessels or sorting, cleaning, peeling and drying seafood. During a workshop with private sector actors to validate study findings, they noted that the seafood caught in Thailand is supplied to the local market in Thailand through retailers, such as to local restaurants, markets and street vendors. On the other hand, larger seafood processing factories that export their produce internationally use imported tuna and farmed shrimp (as opposed to sea-caught shrimp), and undertake pre- and primary seafood processing tasks such as sorting and peeling seafood in their facilities.⁴⁴ As such, migrant workers interviewed for this study and employed in pier-based operations, processing garages and home-based workplaces are most likely to process seafood supplied to local markets, while migrant workers employed in SMEs may process seafood supplied to either local markets or larger factories for further processing.⁴⁵

Figure 1: Supply chain dynamics in the seafood processing sector



Source: Seafood Supply Chain Summary by [Manta Consulting Inc](#) for [Fish 2.0](#) is licensed under [CC BY-NC-ND 4.0](#)

Labour migration governance: This study also takes into account key legislation governing labour migration into Thailand, including the Immigration Act B.E. 2522 (1979), the Royal Ordinance on Management of Employment of Foreign Workers B.E. 2560 (2017) and its amendment in 2018 (Royal Ordinance), and the Prevention and Suppression of Trafficking in Humans Act B.E. 2551 (2008). Applicable legislation of Cambodia

⁴⁴Input received during validation workshop of study findings with private sector actors at the national level.
⁴⁵Because employers of migrant workers were not identified, it cannot be determined whether SMEs where interviewed migrant workers were employed supply their produce to local markets or larger factories.

and Myanmar, since countries of origin are also considered, include Cambodia's Sub-Decree No. 190 (2011) on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies, and Myanmar's Law Relating to Overseas Employment (State and Peace Council Law 3/99) and its Anti-Trafficking Law of 2005.

Methodology

This study builds on mixed research methods, including surveys among 201 Cambodian and Myanmar migrant workers (36 men and 165 women) employed in the pre- and primary seafood processing sectors in nine coastal provinces, Focus Group Discussions (FGDs) and in-depth interviews with migrant workers, complemented by Key Informant Interviews (KIs) with representatives of government agencies, private sector actors and Civil Society Organizations (CSOs), in addition to desk review and an analysis of Thailand's relevant legal framework. Upon completion of the study, findings have been validated with government, private sector and civil society actors, operating in the seafood processing sector. Private sector actors also provided their inputs to recommendations, particularly targeting the business community. Table 1 provides a snapshot of the methodology. The detailed study methodology can be found in Annex 2.

Table 1: Overview of methodology

Research questions			
The study sought to answer the following research questions:			
<ol style="list-style-type: none"> 1. What are the recruitment experiences and working and living conditions for Cambodian and Myanmar migrant workers in Thailand's pre- and primary seafood processing sector? 2. How does the legal framework protect migrant workers in the pre- and primary seafood processing sector? 3. How can the protection of migrant workers in the pre- and primary seafood processing sector be enhanced? 			
Methods			
Primary data collection (December 2021–April 2022)	Worker survey	Locations Samut Sakhon; Samut Prakan; Songkhla; Nakhon Si Thammarat; Surat Thani; Chumphon; Prachuap Khiri Khan; Ranong; Rayong.	Number of interviewees 201 workers: <ul style="list-style-type: none"> • 165 women workers; • 36 men workers; • 151 Myanmar workers; • 50 Cambodian workers.
	In-depth worker interviews and focus group discussions (FGDs)	Surat Thani; Chumphon; Prachuap Khiri Khan; Ranong; Rayong.	Approximately one third of workers surveyed also participated in an in-depth interview; Four FGDs were conducted with 12 Myanmar workers (11 women and 1 man).
	Key informant interviews (KIs)	Online	11 KIs with: <ul style="list-style-type: none"> • 3 Government Departments • 4 CSOs • 3 INGOs • 1 Industry Association
	Validation workshops	Online and in person	Validation workshops held with: <ul style="list-style-type: none"> - 12 government representatives - 5 civil society representatives - 12 international businesses - 2 national industry associations

Secondary data collection (October 2021–May 2022)	Desk review	<ul style="list-style-type: none"> • A literature review, focused on informal work, recruitment and employment conditions in Thai seafood processing; • Thai seafood production and trade statistics.
	Review of the legal framework	<ul style="list-style-type: none"> • Analysis of the labour protections for migrant workers in the pre- and primary seafood processing sector; • Assessment of the gaps in the legal framework.





Limitations

This study focuses on the perspectives of workers, not of employers in the sector. As such, employers have not been interviewed as part of this study. In addition, the sampling strategy used to identify workers was not designed to provide a statistically representative sample of the pre- and primary seafood processing sector. Instead, data illustrate trends and key challenges faced by migrant workers in the sector. Survey findings were verified and further clarified during in-depth interviews and focus group discussions with migrant workers.

This chapter provides an overview of key legislation applying to migrant workers employed in Thailand's pre- and primary seafood processing sector. Key aspects of the legal framework are also examined throughout the report, in conjunction with the relevant findings from the primary data collection and a detailed analysis of the legal framework can be found in Annex 1.



Migrant workers in fishing port in Chanthaburi, Thailand. Photo: © IOM 2022/Yannick PASCAUD

Report Structure

This study report first provides an overview of key legislation in Thailand governing labour and migration. The report then presents an overview of the study's findings related to migrant workers' migration to Thailand, and their recruitment and employment experiences in the lower tiers of the pre- and primary seafood processing sector. Recommendations are provided to support the Royal Thai Government, private sector actors, international organizations and civil society actors to address and mitigate the identified challenges facing migrant workers in the sector.

CHAPTER 1:

Thailand's legal framework governing labour migration



Labour migration governance

Labour migration into Thailand is governed under the Immigration Act B.E. 2522 (1979), the Royal Ordinance, and the Prevention and Suppression of Trafficking in Humans Act B.E. 2551 (2008). Applicable legislation of Cambodia and Myanmar, countries of origin of migrant workers, include Cambodia's Sub-Decree No. 190 (2011) on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies, and Myanmar's Law Relating to Overseas Employment (State and Peace Council Law 3/99) as well as its Anti-Trafficking Law of 2005.

Under the Royal Ordinance, migrant workers can enter Thailand regularly through the MoU channel agreed to with governments of countries of origin, or on a Border Pass.⁴⁶ Furthermore, the Royal Thai Government has resorted to an ad hoc mechanism referred to as the National Verification (NV) process.⁴⁷ Implemented through Cabinet resolutions, this process gives migrant workers who originally entered Thailand irregularly the opportunity to regularize their migration status and then obtain an identity document (ID), in the form of a pink card and work permit, allowing them to live and work in Thailand regularly.⁴⁸

Labour rights protections

The labour rights of migrant workers employed in the pre- and primary seafood processing sector in Thailand are governed by several laws, including the Labour Protection Act and its amendments, the Homeworker Protection Act, the Labour Relations Act B.E. 2518 (1991) (Labour Relations Act), the Social Security Act B.E. 2533 (1990) (Social Security Act), the Occupational Safety, Health and Environment Act, B.E. 2554 (2011) (Occupational Safety, Health and Environment Act), the Workman's Compensation Act B.E. 2537 (1994) (Workman's Compensation Act) and its amendments, and the Gender Equality Act B.E. 2558 (2015) (Gender Equality Act).

The key law governing the protection of workers' labour rights is the Labour Protection Act. All workers, including migrant workers, employed in SME factories, pier-based operations⁴⁹ and processing garages are protected under the Labour Protection Act, regardless of their migration status.⁵⁰ Noticeably, Section 22 of the Labour Protection Act specifies that the labour rights of workers loading and unloading marine cargo at the pier can be regulated by a Ministerial Regulation.⁵¹ As such, Ministerial Regulation No. 11 B.E. 2541 (1998) establishes specific protection for workers involved in the loading and unloading of goods on sea vessels, while allowing employers and workers to agree on different terms in relation to some sections of the Labour Protection Act. This ambivalent situation can cause confusion as to which types of work carried out by pier-based workers are covered by the Labour Protection Act and can also lead to varying degrees of labour rights protection of workers engaged in certain tasks.⁵²

⁴⁶ Royal Ordinance on Management of Employment of Foreign Workers, Section 64.

⁴⁷ The latest round of registration for migrant workers under the National Verification process ended on 30 June 2018. For more information, see for example Thailand's Ministry of Labour press release dated 2 February 2018. Available at: <https://www.mol.go.th/en/news/ministry-of-labor-accelerating-the-verification-of-foreign-nationality-focus-on-integration-focus-on-efficiency-convenience-speed-transparency-timeliness/>.

⁴⁸ Royal Ordinance Concerning the Management of Employment of Foreign Workers, B.E.2560, Section 8.

⁴⁹ For certain types of work related to the loading and unloading of goods on sea vessels, which are included under pier-based operations for the purpose of this study, the LPA applies to the extent that employers and workers have not agreed otherwise in relation to certain protections, as prescribed in the Ministerial Regulation No. 11.

⁵⁰ Section 5, Labour Protection Act B.E. 2541. Available at: www.ilo.org/dyn/natlex/docs/ELECTRONIC/49727/125954/F-1924487677/THA49727%20Eng.pdf.

⁵¹ LPA, Section 22.

⁵² INGO Interview 3.

Protections of homebased workers are governed under the Home Workers Protection Act B.E. 2553 (2010). This Act provides for basic labour protections in relation to remuneration, contract requirements and Personal Protective Equipment (PPE). As the Act does not distinguish between Thai and migrant workers, both are protected under this Act. However, the Act does not stipulate maximum working hours, neither does it include compulsory social security. Instead, homebased workers can voluntarily register themselves for social security and pay the monthly contribution under section 40 of the Social Security Act B.E. 2533 (1990).⁵³ It is to be highlighted that migrant workers are not permitted to carry out any homebased work following the Foreigners' Working Management Emergency Decree B.E. 2560 (2017). While this Decree requires migrant workers to have 'employers' the Homeworker Protection Act B.E. 2553 (2010) stipulates the legal relationship as a 'home-based worker and a person who hires another person to work' which is different from the legal relationship between employers and employees laid out in the Foreigners' Working Management Emergency Decree. As such, if migrant workers are found to carry out homebased work, which is considered 'working outside the work which they have the right to do' in the case they have a work permit', they are in violation of section 8 the Emergency Decree and are subject to a fine and deportation.

While in theory, legislation offers protection to migrant workers during the recruitment and employment stages, in practice, it is insufficiently enforced in the lower tiers of the supply chain, particularly in SMEs, pier-based operations, processing garages and home-based workplaces, which is further elaborated upon in this report.

⁵³ Office of the Council of State, Social Security Act B.E.

CHAPTER 2:

Study findings



Migrant worker from Myanmar employed in fishing industry in Ranong, Thailand. © IOM 2017/Benjamin SUOMELA

This chapter provides an overview of the study's findings related to the recruitment and employment experiences of migrant workers employed in the lower tiers of Thailand's pre- and primary seafood processing sector, especially in SMEs, pier-based operations, processing garages and home-based workplaces.

Migrant worker dynamics

For this study, 201 migrant workers (36 male and 165 female) of whom 151 from Myanmar and 50 from Cambodia were surveyed (Table 2). The high number of women workers interviewed also demonstrates that the majority of the migrant workforce in the land-based seafood processing sector is female.

Table 2: Sex and nationality of interviewees by workplace

	All workers	Male workers		Female workers		Myanmar workers		Cambodian workers	
SME factory	38	8	21%	30	79%	37	97%	1	3%
At the pier	25	14	56%	11	44%	23	92%	2	8%
Processing garage	107	13	12%	94	88%	75	70%	32	30%
Homebased	31	1	3%	30	97%	16	52%	15	48%
Total	201	36	18%	165	82%	151	75%	50	25%

The average age of interviewed workers was 38 years; interviewed women workers were slightly younger than men workers (37 and 40 years old on average, respectively). Among interviewees, SME factory workers, particularly women workers, were the youngest, while workers in pier-based and processing garages were the oldest. Interviewed workers noted that being older could pose a challenge to finding employment in the formal seafood processing sector. When a 55-year-old woman worker was asked if she could quit her job if she wanted, she noted: "Why would I want to quit? I need to eat and no one else would accept me because I am old."⁵⁴ Other older workers noted a preference for informal work because it did not require them to stand all day, like in a factory.

Employment and workplace

Over half of surveyed workers (111/201) particularly SME factory and processing garage workers, reported that the job they held at the time of the interview was their first job in the seafood sector. Workers in pier-based operations and homebased workplaces, particularly Myanmar workers, were more likely to have worked in the sector before. For instance, some interviewed workers previously worked in a factory and decided to change their employment to informal work for personal reasons, such as care responsibilities, or because they felt compelled to do so due to injuries or health reasons.

The vast majority of surveyed migrant workers found employment in the sector upon their arrival in Thailand through family members, friends or neighbours. Thus, recruitment tends to be informal, through word of mouth within migrant communities in Thailand or through referrals from other workers already employed in the workplace. About half of surveyed workers reported that they started the job they held at the time of the interview in the last five years. However how long workers had been in their employment varied per workplace: most pier-based workers had worked in the same job for over 10 years, while most workers employed in homebased workplaces had started their job within the last three years (Table 3).

⁵⁴ Myanmar SME factory worker interview.

Table 3: Duration in current employment, by workplace, nationality, and sex

	Over 10 years		4–9 years		Less than 3 years	
SME factory	9	24%	13	34%	12	32%
At the pier	15	60%	6	24%	4	16%
Processing garage	31	29%	41	38%	35	33%
Homebased	3	10%	9	29%	19	61%
All workplaces	58	29%	69	34%	70	35%
Male workers	7	19%	12	33%	9	25%
Female workers	16	10%	61	37%	61	37%
Myanmar workers	17	11%	54	36%	52	34%
Cambodian workers	6	12%	19	38%	18	36%

Most surveyed workers reportedly were employed in enterprises employing less than 50 workers (Table 4). Most surveyed pier-based workers worked in operations with 10 workers or less, while surveyed workers in processing garages noted that their workplace employed between two and 50 workers. As workers employed in homebased workplaces usually worked in their own homes, their workplaces are classified as employing one worker.

Table 4: Size of the workforce in interviewees' workplaces

	All workplaces		SME factory		At the pier		Processing garage	
Homebased or one worker	34	17%	0	0%	1	4%	2	2%
2–10 workers	56	28%	3	8%	16	64%	37	35%
11–25 workers	44	22%	13	34%	7	28%	24	22%
26–50 workers	38	19%	8	21%	0	0%	30	28%
51–100 workers	14	7%	0	0%	0	0%	14	13%
101–150 workers	15	7%	14	37%	1	4%	0	0%

Within assessed workplaces, surveyed migrant workers reported to undertake a wide range of pre-, primary, and secondary processing tasks, such as sorting, salting, fileting or cleaning fish (Table 5). However, workers' job descriptions can involve multiple tasks.

Table 5: Work undertaken by surveyed migrant workers⁵⁵

Sorting fish	60	Peeling shrimp	18
Beheading fish	46	Cleaning squid	20
Grading fish	32	Removing crab meat from shell	17
Gutting fish	23	Drying squid	13
Unloading/loading fish	18	Packing processing seafood into boxes	13
Filleting fish	16	Freezing seafood	9
Cleaning fish	15	Deveining shrimp	8
Salting fish	4	Cooking (including boiling) fresh seafood	6
Packing fresh seafood into boxes	4	Drying seafood	5

Migration journeys

Most surveyed Cambodian and Myanmar migrant workers employed in SMEs, pier-based operations, processing garages and home-based workplaces in the pre- and primary seafood processing sectors have lived in Thailand for a period of more than 10 years (Table 6). About one third of surveyed workers had migrated internally within Thailand since their arrival in the country, but on average, surveyed migrant workers had lived in the same location at the time of the interview for 11.1 years. Surveyed Myanmar workers have lived longer in their host community than Cambodian workers; an average of 11.8 years and nine years respectively. Many migrant workers noted that they had since returned to their country of origin, such as to visit their family members.⁵⁶

Table 6: Time of migration to Thailand, by nationality and sex

	Over 10 years		4–9 years		Less than 3 years	
SME factory	29	76%	4	11%	5	13%
At the pier	21	84%	3	12%	1	4%
Processing garage	77	72%	25	23%	5	5%
Homebased	22	71%	4	13%	5	16%
All workplaces	149	74%	36	18%	16	8%
Male workers	31	86%	4	11%	1	3%
Female workers	118	72%	32	19%	15	9%
Myanmar workers	117	77%	24	16%	10	7%
Cambodian workers	32	64%	12	24%	6	12%

Surveyed migrant workers reported a variety of drivers that motivated their decision to migrate to Thailand. The most common reasons provided by workers were the potential to earn more money in Thailand than they could back home, lack of job opportunities back home, the hope to find new opportunities in Thailand, and to remit money or save money. Factors motivating their migration varied among men and women. Surveyed men were more likely to have migrated to earn more, remit money home, or save, while women were particularly motivated to migrate by the lack of job opportunities at home, hope of new opportunities in Thailand, and the

⁵⁵ Other job descriptions mentioned, but not included in Table 5, include removing mussels from their shells, pounding fish meat prior to fish ball production, removing crabs from fishing nets, and sorting and mending nets.

⁵⁶ The frequency of traveling home, and whether they crossed the border regularly or irregularly, was not captured through the data collection.

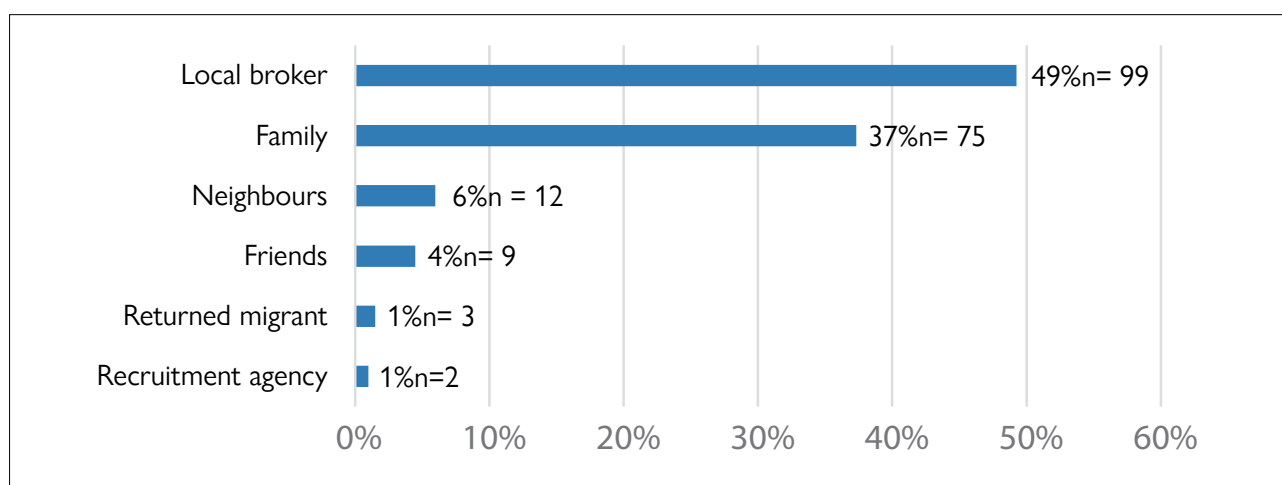
need to repay existing debts. Reasons of migration also varied per nationality. Interviewed Myanmar workers were much more likely to have migrated to remit money back home, save money or repay existing debts, whereas surveyed Cambodian workers were motivated by the potential to earn more than at home and the lack of job opportunities in Cambodia.

Migrating to follow family members already in Thailand

To cover living expenses in Thailand while remitting money, migrant workers often have more than one household member working in Thailand. During in-depth interviews and FGDs, men and women workers reported that they had migrated together with their spouse. In addition, many interviewees noted that they already had family members working in Thailand who had requested them to join. For instance, some workers were asked to join their parents or their children to support with childcare. As a result, migrant workers' decision on where to live in Thailand often appeared to be decided based on where family or friends resided in Thailand.

To facilitate their migration from their country of origin to Thailand, half of surveyed workers used an (informal) intermediary who supported them to arrange transportation from their country of origin to Thailand (Figure 2 and Figure 3). The findings indicate that migrant workers have migrated irregularly rather than through the MoU channel, as the latter is often perceived by migrants as a lengthy, complicated and costly process.

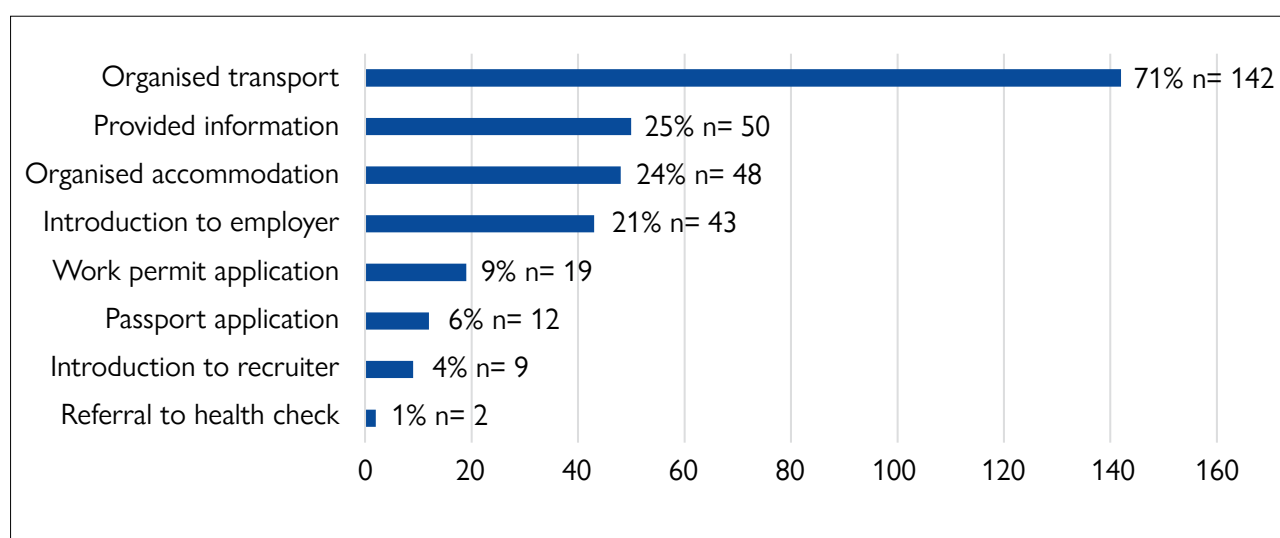
Figure 2: Actors who assisted surveyed workers to migrate to Thailand



Use of (informal) intermediaries

About half of surveyed workers reportedly received migration assistance from an (informal) intermediary, which was more common among Myanmar workers than among Cambodian workers. This finding may be related to the time of migration, as two out of five surveyed Myanmar workers migrated over 15 years ago, compared to one out of four Cambodian workers. One Myanmar worker noted “at that time no one migrated with documents, so you had to use brokers.”⁵⁶ During interviews, migrant workers also mentioned that while (informal) intermediaries primarily assisted them with crossing the border, very few supported them to secure necessary documentation to migrate regularly.

Figure 3: Forms of migration assistance reported by surveyed workers⁵⁸



Migration costs

The costs of migrating to Thailand varied based on when workers migrated, their nationality, and whether they had received assistance from an (informal) intermediary or not (Table 7). Irrespective of when they migrated, the costs involved were higher for Myanmar workers than for Cambodian workers, and migrant workers who used an (informal) intermediary generally paid higher costs as well. High migration costs were particularly reported by migrant workers who migrated during the COVID-19 pandemic, when Thailand's land borders were closed, and by those who migrated in 2015–2016. The period of 2015–2016 that was characterized by growing ultra-nationalism and increased discrimination and threats against ethnic minority groups in Myanmar,⁵⁹ an impeding human rights situation⁶⁰ and severe weather events⁶¹ in Cambodia, which may have caused increased outbound migration to Thailand. Overall, the cost paid by Myanmar migrant workers was between 11 per cent and 56.4 per cent higher over the last 15 years compared to cost paid by Cambodian migrant workers, indicating that more Myanmar migrant workers had used (informal) intermediaries and had migrated over 15 years ago, when the MoU channel was used less frequently.

⁵⁷ Myanmar processing garage worker interview.

⁵⁸ Note: workers could report multiple forms of assistance.

⁵⁹ Reliefweb, Burma : Events of 2015, January 2016.

⁶⁰ Reliefweb, Cambodia : Events of 2016, January 2016.

⁶¹ Save the Children, El Nino-induced Drought in Cambodia : Rapid assessment report, 2016. Available at: <https://resourcecentre.savethechildren.net/document/el-nino-induced-drought-cambodia-rapid-assessment-report/>.

Table 7: Migration costs⁶² disaggregated by when migrant workers migrated, (informal) intermediary involvement, and nationality

Time of migration to Thailand:	Average migration costs reported by all surveyed migrant workers		Average migration costs reported by migrant workers who used an (informal) intermediary		Myanmar workers		Cambodian workers	
Prior to 2008	7 832	THB	9 053	THB	8 097	THB	6 641	THB
2008–2012	7 954	THB	9 255	THB	10 019	THB	6 589	THB
2013–2014	7 997	THB	7 921	THB	9 962	THB	2 923	THB
2015–2016	17 388	THB	16 337	THB	18 175	THB	16 209	THB
2017–2018	10 831	THB	12 022	THB	12 216	THB	8 336	THB
2019–2020	10 738	THB	17 463	THB	12 069	THB	9 406	THB
December 2020–March 2021	9 033	THB	No data		9 033	THB	No data	
March–June 2021	15 690	THB	19 233	THB	15 690	THB	No data	
June–September 2021	16 027	THB	16 027	THB	19 740	THB	8 604	THB

To cover the costs involved in migrating to Thailand, over half of surveyed workers (112/201) reported going into debt. Corresponding with higher costs paid, Myanmar workers, and those who migrated with assistance of an (informal) intermediary were more likely to have gone into debt (Figure 4). Among surveyed migrant workers who went into debt to cover the cost of their migration, about a quarter borrowed money from a family member and about one out of 10 surveyed workers borrowed money from a friend or neighbour (Figure 5). In addition, one out of every 10 interviewed workers reported that the debt was to their employer, and few workers reportedly went into debt to a local (informal) intermediary or money lender (such as a loan shark), leaving them particularly vulnerable to risks of labour exploitation. However, as most surveyed workers had migrated to Thailand over 10 years ago, during data collection, most workers indicated that they had since paid off their initial migration related debts.

In addition, as noted before, many interviewed workers had internally migrated within Thailand since their arrival. Thus, some workers reportedly went into debt to cover the costs for their internal migration, particularly to cover transportation and accommodation costs. To cover these costs, most interviewees reported that they had borrowed money from friends, neighbours or family members. Two workers, however, went into debt to an (informal) intermediary to pay for the 'broker fees' to facilitate their internal migration.

⁶² The inflation rate over the years has been calculated in the migration costs: www.worlddata.info/asia/thailand/inflation-rates.php#:~:text=For%202021%2C%20an%20inflation%20rate,in%20the%20beginning%20of%202022. The inflation rate over the years has been calculated in the migration costs. Inflation was calculated in May 2022, from: www.worlddata.info.

Figure 4: Links between use of (informal) intermediaries and debt^{63,64}

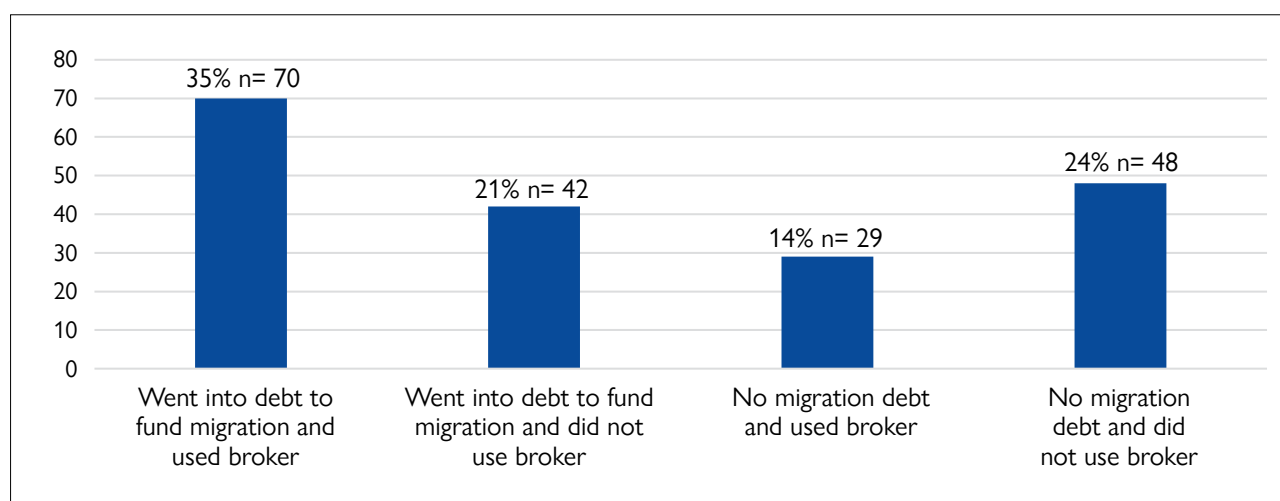
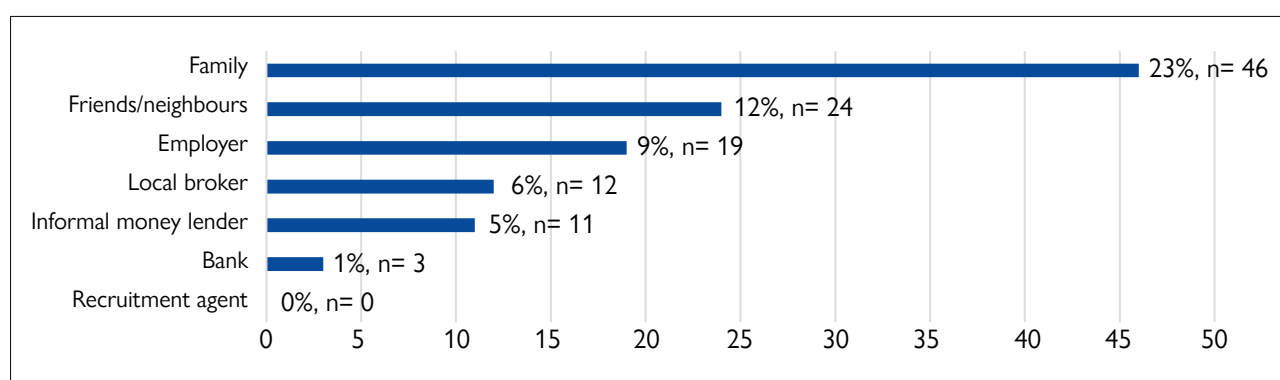


Figure 5: Workers' source of debt contracted⁶⁵



Documentation to live and work in Thailand regularly

Under the Royal Ordinance, Cambodian and Myanmar migrant workers in selected sectors, including pre- and primary seafood processing, can migrate to Thailand regularly for work through the MoU channel established with the government of their respective country or on a Border Pass.⁶⁶ In order to regularly work in Thailand, all migrant workers, whether they entered the country regularly or irregularly, are required to hold a valid work permit,⁶⁷ ID, and visa for Thailand.⁶⁸ Recognizing that workers may have migrated to Thailand irregularly and lack documentation required to work legally in Thailand, since the 1990s the Royal Thai Government conducts ad hoc NV – migrant worker registration windows – through which undocumented migrant workers are granted permission to live and work in Thailand for one or two years without having to return to their country of origin.⁶⁹ The ID migrant workers hold depends on whether they migrated to Thailand regularly or irregularly and whether, if they migrated irregularly, they regularized their migration status in Thailand through the NV process.

⁶³ The inflation rate over the years has been calculated in the migration costs. Inflation was calculated in May 2022, from: www.worlddata.info.

⁶⁴ Note: workers who reported migrating with their parents as children were not asked about migration-related debt. Total respondents = 190 (including one who refused to answer). Percentages calculated for all surveyed workers (n=201).

⁶⁵ Note: 112 workers reported going into debt, however percentages are calculated in relation to all surveyed workers.

⁶⁶ Royal Ordinance Concerning the Management of Employment of Foreign Workers, B.E. 2560, Section 63-4.

⁶⁷ Royal Ordinance Concerning the Management of Employment of Foreign Workers, B.E.2560, Section 8.

⁶⁸ Immigration Act, Section 12.

⁶⁹ Mekong Migration Network, Regularization of Migrants in Thailand, 2020. Available at: http://mekongmigration.org/?page_id=13509.

Cambodian and Myanmar workers who entered Thailand under the MOU hold a passport.⁷⁰ Migrant workers who had migrated irregularly and then completed the NV process typically obtain a pink card, a Certificate of Identify (CI) if they are from Myanmar or a Travel Document (TD) if they are from Cambodia,⁷¹ or a passport, depending on when they completed the process.

Despite having resided in Thailand for numerous years, interviewed 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. Among migrant workers who held documentation, work permit and pink card were most common, while only some workers held a Border Pass. This finding indicates that many migrant workers had regularized their migration status through one of the NV processes.⁷² However, as reported by migrant workers and CSO representatives, the process to obtain or renew documentation is complicated and lengthy; application forms are in Thai language and the process requires migrant workers to visit government offices that might be located in a different province than their province of residence, multiple times. During workshops to validate study findings, private sector actors added that although the government provided a registration window during COVID-19 for irregular migrant workers to register and obtain legal status, many migrant workers had not made use of this opportunity. They noted that migrant workers were not aware of this opportunity, lacked information about the process, or were hesitant to approach Thai authorities, fearing deportation due to their irregular status. Therefore, one out of five migrant workers, most of them employed in home-based workplaces, had never held any documentation or held expired documents. Some of the interviewed migrants who did not obtain any documentation had arrived in Thailand recently, during the border closure due to the pandemic.⁷³ At the time of data collection, these workers were not eligible to apply for documentation and regular migration status.⁷⁴

Documentation cost and involvement of (informal) intermediaries

Due to lack of awareness and information about the process to apply for or renew documentation, and due to the complexity of the process, migrant workers often feel unable to complete the process without the support of an (informal) intermediary. To complete the process, an interviewed CSO representative noted that workers may either find an (informal) intermediary by themselves or that the employer will seek an (informal) intermediary to support migrant workers.⁷⁵ According to the CSO representative, these (informal) intermediaries could be fellow migrant workers who have lived in the community for a long time and might collaborate with a Thai (informal) intermediary who used to work for a recruitment agency and now offers their own services, or a former Department of Employment (DoE) official who is familiar with the application process.⁷⁶ As illustrated above, involvement of (informal) intermediaries in the application process increases the costs charged to migrant workers to obtain or renew documentation – costs that become higher than those prescribed by the Department of Employment. One Myanmar worker noted that “agents became very rich from

⁷⁰ Government Interview 1.

⁷¹ Note: Cambodians must now hold a passport, however some still hold a black passport.

⁷² Nationality Verification processes are migrant worker registration windows held every couple of years by the Royal Thai Government, through which undocumented migrant workers are granted permission to live and work in Thailand without having to return to their country of origin. Mekong Migration Network, Regularization of Migrants in Thailand, 2020. Available at: http://mekongmigration.org/?page_id=13509.

⁷³ Forty-four per cent of workers who have never held any documents arrived in Thailand within the last year, yet only 2 per cent of those surveyed migrated in the past year.

⁷⁴ Cabinet Resolution of 29 December 2020.

⁷⁵ CSO Interview 3.

⁷⁶ CSO Interview 3.

charging Myanmar workers way too much.”⁷⁷ As the worker has four family members who have to renew their documents, she noted that “the whole year we work to pay for these documents. The cost of the documents is high partly because it [the government office] is so far away and it [the process] is all in Thai, so workers have no choice but to use a broker to do the process [for them].”⁷⁸

Reportedly, migrant workers paid (informal) intermediaries up to THB 15,000 (USD 455) to arrange for documentation, which is significantly higher than the official costs for documentation of THB 4,400–7,600 (USD 133–230) for two years.⁷⁹ As one interviewed CSO representative summarized, “so in total they should pay THB 6,000–7,000. But in reality, migrant workers pay THB 12,000 or more.”⁸⁰ One interviewed Myanmar worker noted that she had to pay THB 10,000–12,000 (USD 303–364) to extend her work permit and will have to extend her passport and migrant health insurance card, which “[she heard] will cost THB 17,000 in total.”⁸¹ During interviews, Cambodian workers also noted being charged THB 10,000–12,000 (USD 283–340) by (informal) intermediaries or employers to renew their documents. One interviewed worker employed in a homebased workplace reported that the costs involved in annually renewing her documents were higher than the yearly sum of her earnings from homebased work.⁸² An interviewed CSO representative added that due to the high costs involved in obtaining documentation, some migrant families also have to prioritize who will be documented and who will not.⁸³ As men typically earn higher wages, their working legally is often prioritized over that of women.⁸⁴

Noticeably, several interviewed migrant workers reported that they had paid an (informal) intermediary to process their documents, but subsequently had not received their documents. Some workers reported that they paid (informal) intermediaries in two instalments – one at the onset of the process and once the documents were delivered. However, some workers reported they had to pay the full amount upfront. As a result, their (informal) intermediaries absconded with the money, thus leaving the migrant worker undocumented. During a FGD, one migrant family explained how they paid THB 15,000 (USD 55) per person for three members of their household to obtain documents, but as one set of documents was not delivered, only two members were able to work regularly.⁸⁵ One Myanmar worker also described how her husband had previously borrowed money from a loan shark for a pink card, but as the (informal) intermediary failed to deliver the pink card her husband was unable to work and they then relied on her income to repay his debts. When he failed to repay his debt, the loan shark stabbed him. As a result, the woman worker had to quit her job – and took up informal work – to care for her husband. They now struggled to afford their rent and food.

While the Royal Ordinance regulates recruitment fees and costs for the MoU channel, such framework is absent for migrant workers recruited directly in Thailand. Additionally, (informal) intermediaries are not regulated

⁷⁷ Myanmar pier-based worker interview.

⁷⁸ Ibid.

⁷⁹ According to an interviewed representative of the Department of Employment (DoE), the costs involved to work in Thailand regularly as a migrant worker are THB 2,000 (USD 57) for a two-year visa, THB 1,900 (USD 54) for a two-year work permit, and THB 500 (USD 14) for a health check. For migrant workers who are ineligible for enrolment in the SSF, there is an additional cost of THB 3,200 (USD 90) for migrant health insurance for two years.

⁸⁰ CSO interview 3.

⁸¹ Myanmar worker processing garage worker interview.

⁸² Note: the homebased worker volunteered her totally monthly earnings, which were multiplied by 12 to compare her documentation costs with her yearly earnings.

⁸³ CSO Interview 3.

⁸⁴ CSO Interview 1.

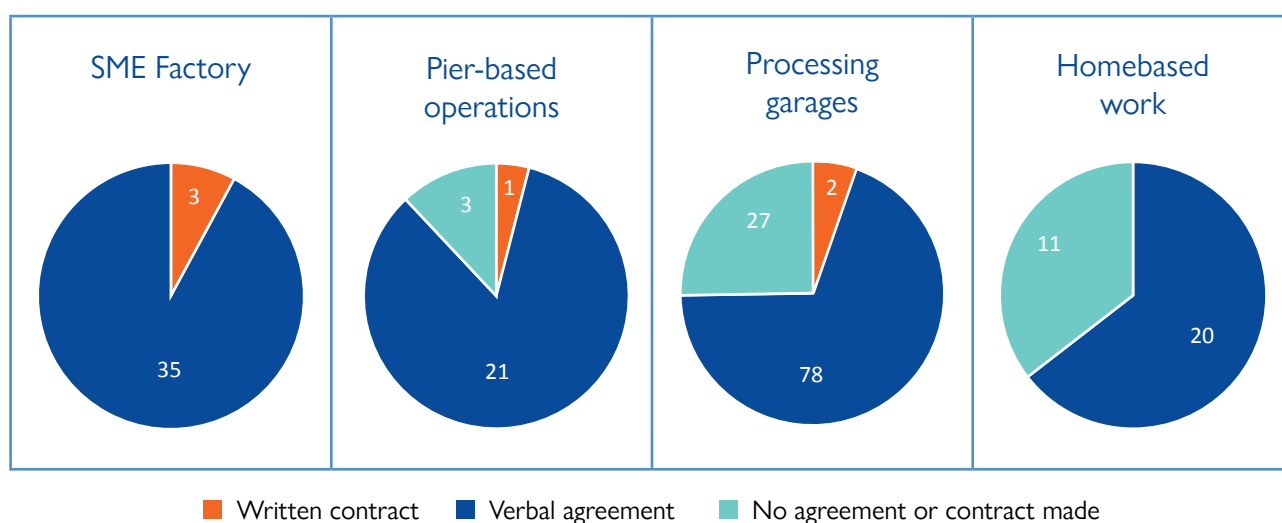
⁸⁵ Focus group discussion with processing garage workers.

under the Royal Ordinance.⁸⁶ Instead, (informal) intermediaries are regulated as service providers under the Civil and Commercial Code, under the mandate of the Police Department.⁸⁷ Thus, the informal intermediaries are considered as beyond the mandate of the DoE despite their prominent role in managing migrant workers' applications to the DoE for a work permit.⁸⁸ Thus, the lack of oversight of (informal) intermediaries' practices and the lack of accountability for overcharging or cheating migrant workers appears to be a regulatory gap. Meanwhile, as one interviewed CSO representative noted, *"the process of applying for a work permit should be easy and clear to the workers. It needs to be one short process that workers can do by themselves without involvement of a broker. Regulating brokers would not solve the root cause of the problem."*^{89,90}

Employment Contract

Except for surveyed migrant workers employed in SMEs, most migrant workers did not obtain a written employment contract (Figure 6). Only one worker had received a copy of the contract in Thai language, which she did not understand. Instead, most surveyed workers made a verbal agreement with their employer, often on 'no work, no pay' terms.⁹¹ This practice is in violation of the Home Worker Protection Act, which specifies that workers employed in home-based workplaces should receive a copy of the work agreement in Thai language. In addition, one out of five interviewed workers, mostly workers employed in processing garages and homebased workplaces, reported they did not hold a written contract or have a verbal agreement with their employer.

Figure 6: Type of employment contract reported by surveyed workers, by workplace



Absence of written employment contracts is likely interlinked with the nature of work in the sector, as the availability of work in the pre- and primary processing seafood sector is dependent on the volume of seafood available to process. Consequently, employers hire a core workforce (who hold a written employment contract), which is supplemented by daily workers and home-based workers (who have a verbal agreement or no agreement at all), when the core workforce is unable to process the volume of seafood available. During interviews, workers frequently noted that the working terms and conditions of daily wage workers were less

⁸⁶ Government Interview 1.

⁸⁷ Civil and Commercial Code, Book 2, Title 6, Sections 575-586.

⁸⁸ Government Interview 1.

⁸⁹ Ibid.

⁹⁰ CSO Interview 4.

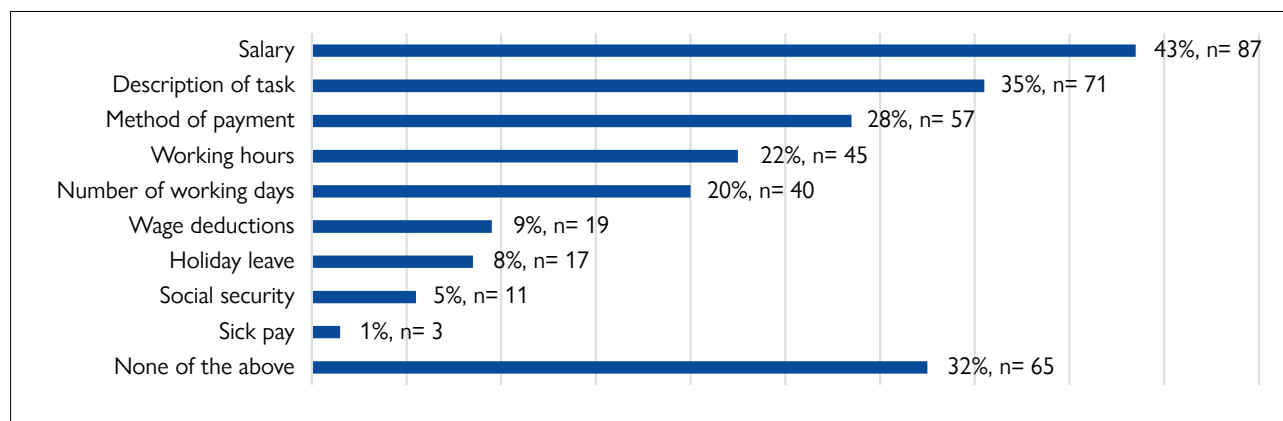
⁹¹ 'No work, no pay' terms means that workers do not earn wages on days when there is no work available.

strict than those of large seafood factories. This may mean greater flexibility for workers in determining when they want to work and can motivate some workers – for example young mothers with childcare responsibilities – to take up informal work. However, this flexibility also leads to unpredictability.

Knowledge of working conditions

The informal nature of recruitment of surveyed migrant workers in the pre- and primary seafood processing sector is also evident from the terms and conditions workers had discussed with their employer prior to commencing employment. Salary was the most discussed (Figure 7). However, one third of surveyed workers reportedly had not discussed any terms and conditions with their employer. Nevertheless, the majority of surveyed workers (159/201) understood the terms of their employment when they accepted the job. During interviews, workers asserted that they were already familiar with the working conditions and terms, the pay rate and how to do the work, because their friends and neighbours were employed in the same workplace. Among surveyed workers, workers employed in homebased workplaces were most likely to report that they understood the terms, having discussed the work with their neighbours who were already involved in homebased work.

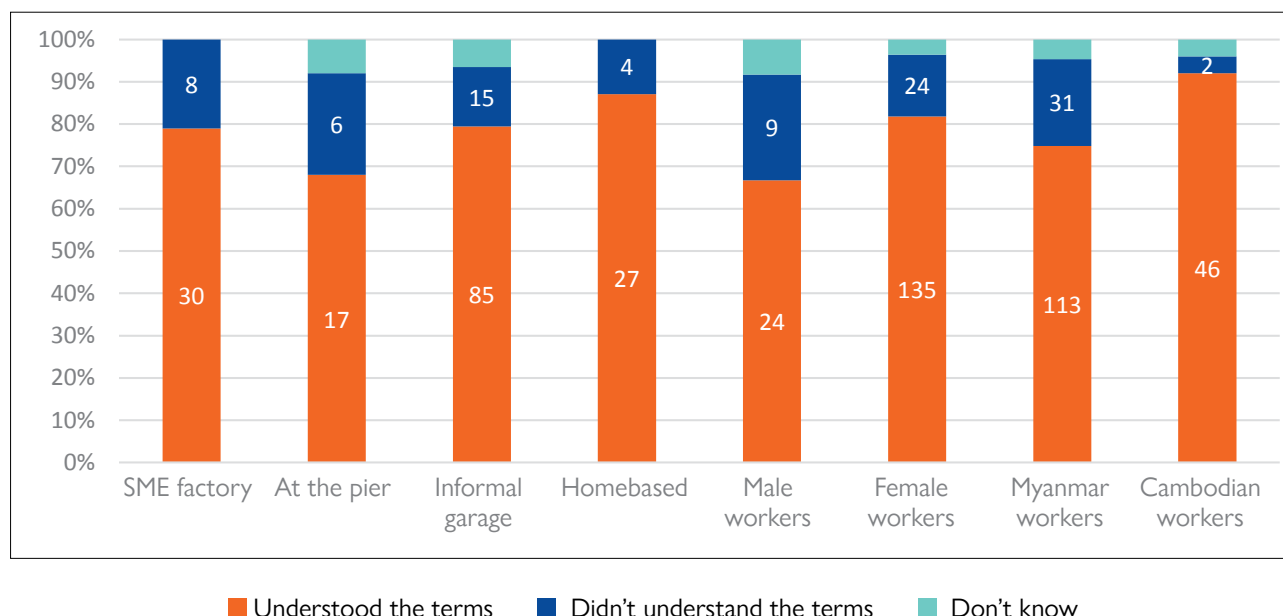
Figure 7: Employment terms and conditions discussed with employers during recruitment



Meanwhile, one out of six respondents did not understand the terms of their employment before starting work.⁹² Pier-based workers were the least likely to report that they understood the terms and conditions before accepting the employment they held at the time of the interview (Figure 8). In addition, some interviewed workers, particularly pier-based workers, reported that when they started the employment, their working conditions were different to those initially agreed upon. Differences experienced include unexpected deductions for not reaching the daily productivity target, not being paid daily as agreed, lower piece-rate pay than agreed, heavier workload than expected, fewer working days than anticipated, and excessive working hours with no time to sleep.

⁹² A further 4 per cent (n=9) were unsure.

Figure 8: Understanding of the terms and conditions of employment, prior to starting, by workplace, by sex, and by nationality



Working Conditions

Under the Labour Protection Act, standard working hours are eight hours a day and shall not exceed 12 hours a day, including overtime hours.⁹³ Employers should notify workers of their standard working hours, or where this is not possible – in industries such as seafood processing – employers and workers should agree on daily working hours with the total working hours per week not exceeding 48 hours.⁹⁴ On days that workers, including piece rate workers, have to work more than eight hours, they are entitled to overtime pay.⁹⁵ Workers are also entitled to at least one day off per week, with an interval of no more than six working days between rest days.⁹⁶

Workers' right to occupational safety and health (OSH) is protected under the Occupational Safety, Health and Environment Act and applies to employees who fall under the protection of the Labour Protection Act, and to any person who is allowed to work or to provide benefit for or in an establishment of an employer, regardless of the name used. Under the Occupational Safety, Health and Environment Act, employers are required to ensure safe and hygienic working conditions,⁹⁷ to provide PPE free of charge,⁹⁸ and to provide occupational safety and health (OSH) training to all workers prior to commencing their employment.⁹⁹ Meanwhile, the OSH of workers employed in homebased workplaces is covered by the Home Workers Protection Act, which stipulates that employers must provide workers with the necessary PPE.¹⁰⁰

⁹³ Labour Protection Act, Section 23.

⁹⁴ Labour Protection Act, Section 24.

⁹⁵ Labour Protection Act, Section 23.

⁹⁶ Labour Protection Act, Section 28.

⁹⁷ Occupational Safety, Health and Environment Act, B.E. 2554 (2011), Section 6.

⁹⁸ Occupational Safety, Health and Environment Act, Section 22.

⁹⁹ Occupational Safety, Health and Environment Act, Section 16.

¹⁰⁰ Homeworkers Protection Act, B.E. 2553 (2010), Section 15.

Working days and hours

Most surveyed migrant workers, especially those employed in processing garages and home-based workplaces, were employed as daily workers, only getting paid when work is available. Except for SME factory workers, who reported more consistent work, most interviewed migrant workers noted that their number of working days depended on the number of fishing vessels returning to port and the volume of catch landed. Thus, their working days and working hours per day are uncertain and fluctuate. Surveyed workers employed in processing garages and homebased workplaces, who were primarily women, reported having the least consistent work, with working days per month varying between 4.9 and 16.5 days (Table 8). Across all assessed workplaces, interviewed men worked more days than women, and thus had greater opportunities to earn a wage.

Table 8: Average number of working days reported by interviewees, by workplace, sex, and nationality

	Number of working days a week	Least number of working days a month	Most number of working days a month
SME factory	6.0	21.1	26.6
At the pier	5.8	19.9	25.3
Processing garage	4.7	11.2	20.0
Homebased	2.9	4.9	16.5
All workplaces	4.9	13.2	21.4
Male workers	6.2	21.7	27.3
Female workers	4.6	11.4	20.2
Myanmar workers	5.3	15.1	22.4
Cambodian workers	3.2	7.4	18.2

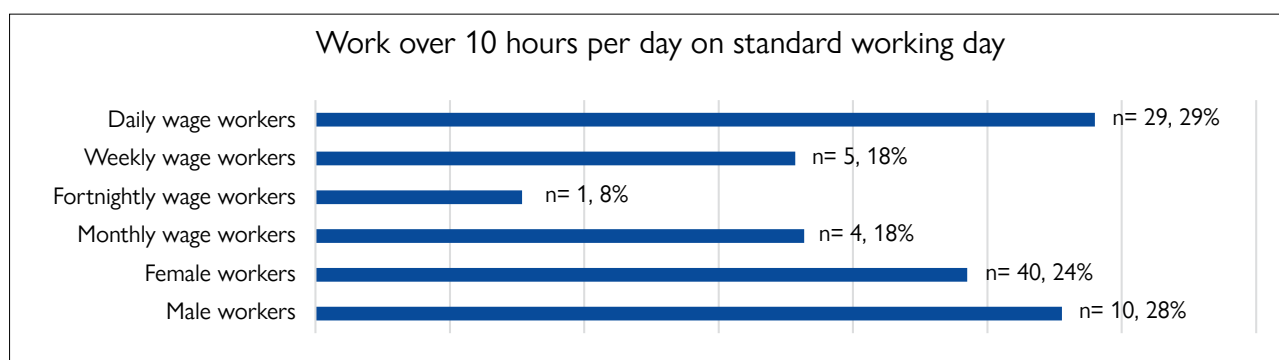
Similar to the number of working days, working hours are also determined by the volume of seafood available to process and thus vary (Table 9 and Figure 9). Surveyed workers employed in homebased workplaces and processing garages workers were the most likely to report working over 10 hours per day, and among surveyed men, about one out of every five reported a standard working day of 12 hours or more.

In processing garages producing dried squid, surveyed workers reportedly typically start work at 3 a.m. and work through the night to clean, skin and lay out squid on wracks to dry in the sunlight during the day. During interviews, two male workers reported working 15 to 19 hours and 19 to 21 hours a day respectively in squid processing garages, seven days a week. During an FGD, a man garage worker producing squid reported going to work between 1 a.m. and 3 a.m. and only returning home at 9 p.m., as his tasks included unloading the squid in preparation for the workers starting at 3am.

Table 9: Estimated average working hours per day, average working hours on the shortest day, and averages hours on the longest day of work, by workplace and sex

	Average working hours: Female	Average working hours: Male	Shortest working day: Female	Shortest working day: Male	Longest working day: Female	Longest working day: Male
SME factory	8.6	8.6	6.1	6.3	10.5	9.5
At the pier	7.0	7.0	3.5	4.1	8.4	9.1
Processing garage	7.3	10.4	4.7	7.0	10.4	12.3
Homebased	8.7	10.0	4.3	5.0	11.5	10.0
All workplaces	7.8	8.7	4.8	5.7	10.5	10.4

Figure 9: Surveyed workers who reported working over ten hours per day, by wage payment frequency and sex



Overall, interviewed piece rate workers worked longer hours than workers who earn a fixed wage (Table 11), and daily wage workers were more likely to work over 10 hours per day than workers with more consistent employment (Figure 9).

One worker employed in a homebased workplace reported: “I can basically tell the person that I do not want to work and can take a day off. But once I take the work, I need to complete it within the deadline”.¹⁰¹ When there are high volumes of seafood to be processed, workers employed in homebased workplaces work long hours. If they struggle to complete the work alone, neighbours and family members may support them to complete the work. Reportedly, children of workers employed in homebased workplaces may also help with the work. One child worker reported working an average of nine hours per day on weekends to help her grandmother with homebased work, for which she receives THB 20 (USD 0.56) per day from her grandmother. The Home Workers Protection Act does not include a minimum age requirement, but forbids children under 15 years of age to conduct any hazardous nature to the health and safety. The list of hazardous work is laid out in the Ministerial Regulation on characteristics of the work which may be hazardous to health and safety of pregnant women or any children who are under fifteen years old.^{102,103}

¹⁰¹ Cambodian homebased worker interview.

¹⁰² Under Section 20 of the Homeworkers Protection Act, child workers younger than 15 years are not allowed to carry out work that is hazardous to their health and safety. However, seafood processing work does not fall under the listed categories of hazardous work as prescribed by the applicable Ministerial Regulation.

¹⁰³ Office of the Council of State, *Social Security Act B.E.*

Table 10: Average working hours per day, by wage payment type

	Piece rate		Fixed wage	
Less than five hours	36	24%	3	7%
6 hours	17	11%	4	9%
7 hours	14	9%	4	9%
8 hours	27	18%	25	56%
9 hours	11	7%	3	7%
10–11 hours	22	15%	3	7%
More than 12 hours	20	13%	3	7%

Work call

Workers, particularly daily wage workers, often do not have a fixed time to start work. Instead, they receive a call or message from their employer or supervisor when work is available. One processing garage worker noted that “there is no set time that we will be called to work. It depends on when they buy the squid and then the employer calls us. When the employer calls, then we go.”¹⁰² Another garage worker reported that she has “no fixed working hours. The manager will call me for work. I could start at midnight, at 3 a.m., or during the day. The manager will call me when the boats come in. The working hours will depend on the volume of fish.”¹⁰³ A worker employed in a homebased workplace similarly noted that her “employer will call first and then bring work about half an hour later.”¹⁰⁴ Some workers reported that they may only get an hour notice, during which they must organize childcare. This arrangement can also lead to exploitative practices by supervisors: to secure work in Rayong, processing garages workers reported that they have to pay their supervisor THB 10 (USD 0.30) every day they are called to work.

Rest days

Among interviewees, male workers were more likely than female workers to work 30 days a month without any days off. Interviews with workers in processing garages indicated that men workers who are paid monthly may face a THB 500 (USD 14) wage deduction for every missed day of work, regardless of the reason for absence. Interviewed workers in SME factories were the only workers with scheduled days off: over half of SME workers had one day off a week, while one out of every seven interviewed SME workers had one day off every two weeks. For daily wage workers, ‘days off’ are days when no work is available, and thus these off days are unpaid.

Legal restrictions on workers’ ability to work for multiple employers

With available work depending on the amount of seafood available to be processed, resulting in unstable working hours and wages of workers and in lack of human resources to process available seafood, the legislative framework governing labour and migration does not match the needs of migrant workers and employers in the lower tiers of the seafood processing supply chain. Under the Royal Ordinance migrant workers are prohibited

¹⁰⁴ Myanmar processing garage worker interview.

¹⁰⁵ Myanmar processing garage worker interview.

¹⁰⁶ Myanmar homebased worker interview.

from working for multiple employers and their employer must be registered on their work permit, limiting migrant workers' ability to work in multiple workplaces when the volume of seafood to process is low. To circumvent this situation, some interviewed workers paid an (informal) intermediary to be registered as their employer on their work permit. Although this practice is not aligned with Thai legislation, it provides them with the flexibility to work for multiple employers and earn sufficient income to make ends meet. The practice is to the advantage of employers, enabling them to recruit daily workers when these are needed, and limits the protection of migrant workers, who lack a minimum wage, an employment contract and access to social security.

A faux employer

Not all interviewed migrant workers' work permits show the name of their true employer; instead, the name of an (informal) intermediary may be provided. There are multiple reasons for this practice. Some workers wish to work for multiple employers to earn enough to make ends meet. In other instances, employers may be unwilling to complete the required paperwork to be named on the work permit of informally employed workers.

One interviewed worker recounted earning a maximum of THB 2,000 (USD 60) a month in her primary employment in a processing garage, but by seeking additional employment elsewhere, on days when there is no seafood available to process at the garage, she can earn THB 6,000–7,000 (USD 182–212).¹⁰⁵ Another worker noted that *"in this area, if you get paid monthly, you only get THB 6,000–7,000 per month. That's why we do piece-rate work, to try and move between employers to earn more."*¹⁰⁶

During interviews, workers also noted that some employers are unwilling to complete necessary paperwork to facilitate workers' documentation. As a result, these migrant workers must find an alternative 'employer' to be named on their work permit. Workers noted that this is usually their partner's employer or an (informal) intermediary. Migrant workers have to pay the (informal) intermediary to be on their work permit: *"I had to pay THB 18,000 (USD 505) for my CI and for the work permit with the agent's name on it."*¹⁰⁷ (Informal) intermediaries who put their name on migrant workers' work permits thus appear to charge even higher fees for processing workers' documents.

As prescribed in the Emergency Decree, if migrant workers are dissatisfied with their working conditions and wish to change employment, they need to complete the change of employer process within 30 days of starting their new employment. If they fail to do so, their work permit is invalidated.¹¹⁰ To facilitate this process, signatures from both the old and new employer are required, thus relying on collaboration from and prompt action by the respective employers.¹¹¹ One interviewed pier-based worker noted that *"some employers are good and sign the form right away. Some are bad and will not sign it until your documents expire."*¹¹² If an employer is unwilling to support the process, migrant workers are tied to the employer on their work permit for the duration of the document's validity.

¹⁰⁷ Myanmar processing garage worker interview.

¹⁰⁸ Myanmar processing garage worker interview. Note: THB 6,000–7,000 per month is well below the minimum wage.

¹⁰⁹ Myanmar processing garage worker interview.

¹¹⁰ Foreign Working' Management Emergency Decree, B.E.2560, Section 51.

¹¹¹ Foreign Working' Management Emergency Decree B.E.2560, Section 51-2.

¹¹² Myanmar pier-based worker interview.

The official costs to facilitate the process to change employers is THB 1,000 (USD 30).¹¹³ However, in one FGD, migrant workers noted: *“Every time we change jobs, we have to pay THB 1,700 (USD 48)”* due to the additional broker costs involved in completing the paperwork within the 15-day timeframe. They also said: *“We heard of a young man who quit and had to give THB 5,000 (USD 140) but the employer still wouldn’t give him the form. This worker came to work every day, so the employer did not want him to leave as it is not easy to find a good worker.”*¹¹⁴ Other workers reported that they had to obtain an entirely new set of documents when they quit their previous job and found new employment.

Workplace facilities

Most interviewed workers, particularly those working in SME factories, processing garages and pier-based operations reported that they had access to a toilet (164/201) and running water (147/201) to wash their hands. However, during one FGD, processing garage workers indicated that they had to pay to access a toilet at work and that no running water was available for handwashing.¹¹⁵ Surveyed workers in SME factories were more likely to have access to free potable drinking water than other workers but were the least likely to report sufficient bathroom breaks. This finding is in line with research into formal employment in seafood factories where workers’ bathroom breaks were found to be strictly controlled.¹¹⁶ Interviewed workers at the pier and in processing garages often reported having to buy their own drinking water while at work and having greater flexibility to go to the bathroom. As piece-rate workers, they feel they can go to the bathroom – although some reported that they had to inform their supervisor – but they noted that, the longer the break they take, the greater the personal financial impact.

Occupational safety and health

OSH protections for workers in the pre- and primary seafood processing sector appear to be limited. A quarter of interviewed workers, particularly workers employed in homebased workplaces, reported that they had had an accident at work. These accidents were primarily cuts from the knife used to behead dried fish, from fish bones or from crab shells and claws. More serious accidents reported included slipping on wet floors and sustaining head, back or knee injuries; backaches from heavy lifting; rashes from melting ice used to keep shrimp and seafood fresh; and fainting from the smell. Most workers reported that they could access health-care services in case of an accident if they had sufficient money to do so.

Overall, over half of surveyed workers (108/201) reported not having received any training on how to do their work safely. As indicated in Figure 10, only in SME factories did the majority reported to have received some form of OSH training, while very few workers employed in pier-based operations, processing garages or homebased workplaces reportedly received formal OSH training. Some surveyed workers who reported having received OSH training clarified during interviews that their ‘training’ consisted solely of colleagues showing them how to undertake their work safely. About one third of surveyed workers employed in homebased workplaces reported receiving training from their neighbours.

Although employers are legally obliged to provide PPE and work equipment free of charge, without deducting

¹¹³ Ministerial regulation on fee and fee exemption for migrant worker, B.E. 2558.

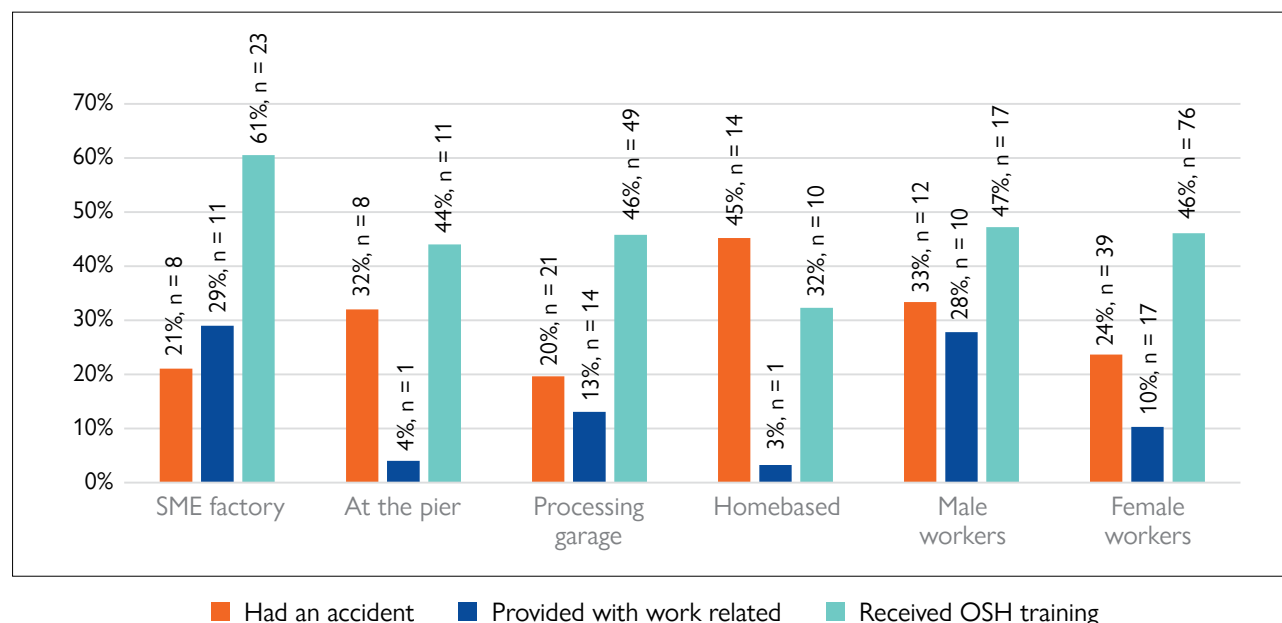
¹¹⁴ Focus group discussion, processing garage workers.

¹¹⁵ Focus group discussion, processing garage workers.

¹¹⁶ Oxfam & Sustainable Seafood Alliance Indonesia. *Supermarket Responsibilities for Supply Chain Workers’ Rights: Continuing challenges in seafood supply chains and the case for stronger supermarket action* (2018).

the costs from workers' wages,¹¹⁷ most surveyed workers reported that they have to buy their own PPE and work equipment from nearby shops, at significant cost. Only one out of every eight surveyed workers (27/201) were reportedly provided with PPE. One SME factory worker reported that her "gloves cost THB 30, overalls cost THB 45, uniform costs THB 180 (USD 5) for the outside layer and THB 120 (USD 3.4) for the inside layer, and boots cost THB 250 (USD 7)." ¹¹⁸ She had to buy new gloves and overalls three times a month while a new uniform and boots had to be bought once every five months.¹¹⁹ A processing garage worker reported that "it costs THB 20 (USD 0.5) for gloves, THB 20 (USD 0.5) for a knife, THB 20 (USD 0.5) for socks, and THB 120 (USD 3.4) for boots."¹²⁰

Figure 10: Occupational safety and health summary, by workplace and by sex



Threats and coercion

Among interviewees, particularly workers employed in homebased workplaces and processing garages, some reported that their employer held their documents at the time of the interview. Among those, five workers reported that they could not access their documents, while one was unsure. Thus, six surveyed workers, mostly processing garage workers, likely had their documents withheld. One worker reported that as their employer initially paid for the documentation process, the employer held the worker's documents until the debt was repaid.¹²¹ A processing garage worker noted that her employer did not take workers' documents but "in some garages it is full-time workers on monthly pay, who take a wage advance, who also have their documents held by the employer."¹²²

Overall, interviewed female workers were more likely than male workers to feel safe at work. Interviewed

¹¹⁷ Occupational Safety, Health and Environment Act, B.E. 2554 (2011), Section 22.

¹¹⁸ Myanmar SME factory worker interview.

¹¹⁹ Myanmar SME factory worker interview.

¹²⁰ Myanmar processing garage worker interview.

¹²¹ Myanmar processing garage worker interview.

¹²² Myanmar processing garage worker interview.

workers in processing garages, particularly those within the vicinity of the pier, were the least likely to report feeling safe. During one FGD, processing garage workers reported that *“being a Myanmar migrant is not good at all. In some workplaces they talk very badly to us and shout. We are lucky they do not beat us.”*¹²³ They also said that *“Myanmar people always lose. If you work on land or on water. We have to be afraid of the employer so much.”*¹²⁴

Threats or coercion were experienced by one out of every six interviewed workers, of whom 15 workers reported work-related threats or coercion by an employer or supervisor; and for one worker, by an (informal) intermediary involved in the recruitment. Work-related indicators of threats and coercion by employers or (informal) intermediaries reported by surveyed workers included: being shouted at in a threatening manner; threats to withhold personal documents; threats of denunciation to the authorities; threats to withhold wages; being slapped; being made to feel unsafe; and threats to the worker’s family. Processing garage workers were the most likely to report having experienced threats or coercion at work. Noticeably no interviewed SME factory workers reported having experienced a threat or coercion at work. Women workers were slightly more likely to report work-related threats or coercion, with one out of every 12 women reporting this, compared to men. Perpetrators of non-work-related threats included loan sharks, police, neighbours and husbands or former husbands.

Wage payment

All workers, including migrant workers in Thailand, are entitled to the provincial minimum wage, whether they earn on a piece rate basis or receive a fixed wage.¹²⁵ For workers earning on a piece rate basis, the employer needs to ensure that the volume of work and the remuneration per task add up to the minimum wage for a standard eight hours working day.¹²⁶ Under the Labour Protection Act, employers are permitted to deduct workers’ wages for income tax, union fees, debts owed to a savings cooperative or social security, which cannot exceed 10 per cent of the worker’s wage.¹²⁷ However, under the Royal Ordinance, employers can deduct specific migration related costs borne by the employer from migrant workers’ wages.¹²⁸

How frequently workers receive wages depends on the agreement they have with their employer. Surveyed workers in SME factories were mostly paid fortnightly, and almost half of interviewed pier-based workers were paid monthly (Figure 11), most of whom are men workers. Over half of surveyed workers in processing garages were paid daily or, to a lesser extent, weekly. Most workers employed in homebased workplaces were paid daily, while one of every seven interviewed workers in homebased workplaces were paid every three days.

¹²³ Focus group discussion, squid garage workers.

¹²⁴ Focus group discussion, squid garage workers.

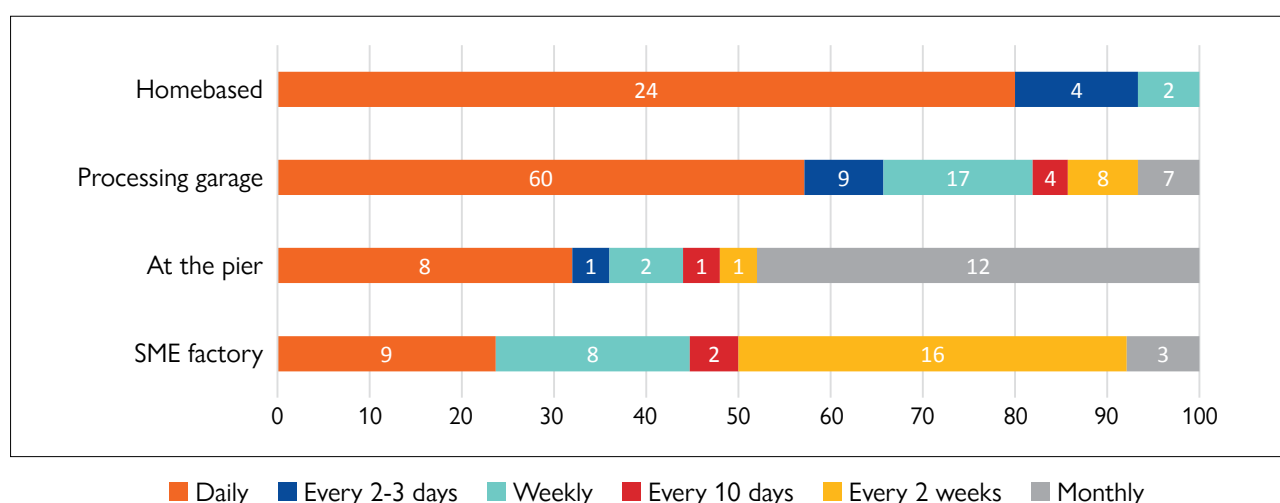
¹²⁵ National Wage Committee’s Notification on the minimum wage no. 10 on 6 Dec B.E. 2562 for minimum wage by province (as of 10 April 2022).

¹²⁶ Government Interview 3.

¹²⁷ Labour Protection Act, Section 76.

¹²⁸ Royal Ordinance Concerning the Management of Employment of Foreign Workers, B.E.2560, Section 49.

Figure 11: Payment frequency reported by surveyed workers, by workplace



Piece rate wage payments to workers are common in the pre- and primary seafood processing sector. Such payments were reportedly received by three out of every four surveyed workers, particularly workers employed in homebased workplaces and in processing garages (Table 11). Whether workers earned a fixed wage or on a piece rate basis appeared to be influenced by gender as interviewed women disproportionately earned on a piece rate basis while men were more likely to earn a fixed wage.

Table 11: Wage payment type by sex and workplace¹

	Female earn fixed wage			Male earn fixed wage		Female earning piece rate		Male earning piece rate
SME factory	14	47%	5	63%	16	53%	3	38%
At the pier	2	18%	6	43%	8	73%	8	57%
Processing garage	10	11%	8	62%	79	84%	4	31%
Homebased	0	0%	0	0%	30	100%	1	100%
All workplaces	26	16%	19	53%	133	81%	16	44%

As a result of the widespread use of piece rate wages and verbal ‘no work, no pay’ agreements, the majority of interviewed workers (165/201) reported that their income fluctuated from one week to the next. This was particularly the case for workers in processing garages and homebased workplaces. Fluctuating incomes make it particularly hard for workers to plan and leaves them vulnerable to external shocks such as COVID-19-related quarantining.

¹ Note: 3 per cent (n=6) are paid hourly and one worker did not know how their wage was calculated.



Myanmar migrant workers in fishing boats in Phang Nga, Thailand. © IOM 2006/ Thierry FALISE

Piece rate wages

Pay rates per task differed by assessed workplace and location. For instance, in Rayong province, in pier-based operations and some garages by the pier where workers sorted catch after it was landed, each worker was paid THB 50 (USD 1.40) per 10,000 kg of fish sorted by the wider group of workers working that day. However, in Chumphon province, workers reported being paid THB 120 (USD 3.40) per boat of fish sorted, while in Nakhon Si Thammarat workers sorting fish earned THB 0.22 per kg.

In processing garages where squid is cleaned, skinned and dried, interviewed workers were paid either per kilogram for cleaning, slicing and skinning squid, or per wrack for drying squid. The piece rate also depended on the size of the squid. In Prachuap Khiri Khan province, processing garages workers were paid THB 3 per kg for cleaning squid, THB 7.5 per kg for skinning big squid, THB 10 per kg for skinning small squid, and THB 5–15 per drying wrack, depending on the size of the squid.

Interviewed workers in homebased workplaces reported the lowest piece rate pay per task. In Ranong province, homebased workers removing crab meat from the shell earned THB 40 (USD 1.1) per kg of crab meat, whereas those doing the same work in Surat Thani province earned THB 100 (USD 2.8) per kg; it can take a day of work to produce two kilograms of crab meat. Similarly, in Surat Thani province, workers in homebased workplaces beheading dried and salted fish were paid THB 160 (USD 4.5) per each 10 kg bag, whereas workers in Rayong province were paid THB 40 (USD 1.1) per 10 kg bag; workers reported being able to produce one to three bags per day, depending on the number of bags available, with more work available in Rayong province than in Surat Thani province.

Wage rates

Among surveyed workers, those employed in SME factories reported earning the most, followed by pier-based workers (Table 13). Moreover, daily wage workers reportedly earned significantly less than the core workforce. These findings echo those of the CSO Coalition's 2021 report on wages across the Thai seafood supply chain, which showed that workers employed in lower tiers of the supply chain earn less.¹³⁰ Interviewed male workers earned significantly more than female workers, demonstrating in a gender pay gap of 16 per cent among interviewed daily wage workers, and of 21 per cent among fortnightly paid workers.

¹³⁰ CSO Coalition. Precarity and the Pandemic: A survey of wage issues and COVID-19 impacts among migrant seafood workers in Thailand (2021).

Table 12: Average wage in THB received by workers the last time they were paid, by payment frequency, by workplace, sex, and nationality

	Daily paid workers	Weekly paid workers	Fortnightly paid workers	Monthly paid workers
SME factory	472	2 295	4 890	9 167
At the pier	460	1 775	6 000	9 742
Processing garage	261	2 400	2 885	8 929
Homebased	225	1 100	No data	No data
All workplaces	287	2 238	4 293	9 405
Male workers	336	1 429	5 220	9 744
Female workers	283	2 298	4 117	8 500
Myanmar workers	319	2 200	4 326	9 471
Cambodian workers	230	2 420	3 500	8 000

Wages paid to migrant workers in the pre- and primary seafood processing sector often do not adhere to the provincial minimum wage. Among interviewed workers, over half (128/201) reported not being paid the minimum wage the last time they were paid, most of whom women.¹³¹ Indeed, as revealed in previous studies of the CSO Coalition, below-minimum wage payment disproportionately affects women workers.¹³² Among surveyed workers who reportedly did not earn minimum wage, workers employed in homebased workplaces earned, on average, 60 per cent less than the minimum wage. Daily wage workers and piece rate workers similarly earned significantly less than minimum wage. Cambodian workers in particular earned significantly less than the minimum wage rate, which could be due to the fact that many surveyed workers employed in homebased workplaces were Cambodian.

Only one third of interviewed workers who were paid by piece rate reported to earn minimum wage, compared to half of workers who were paid a fixed rate (Table 13). This was particularly the case in processing garages. Similarly, only about one third of daily wage workers received minimum wage, compared to over half of monthly wage workers. Interviewed workers employed in SME factories and pier-based operations were the most likely to have earned minimum wage the last time they were paid. Noticeably, only four workers in homebased workplaces reportedly earned minimum wage the last time they were paid and noted that they had family members helping them to complete the work. As such, if their reported wage was averaged out between each family member, it would entail payment below the minimum wage. For example, one of the workers employed in a homebased workplace who reported earning the most the last time she was paid an amount of THB 800 (USD 24) had three additional family members helping her to behead 20 bags (of 10 kg each) of dried fish. As she reported that her family can collectively complete one bag per hour, if THB 800 (USD 24) was divided evenly among each family member they each would have earned THB 200 (USD 6) for 20 hours of work.¹³³

¹³¹ This finding is limited to the last time the worker was paid and does not take into account their monthly earnings, which are often low due to sporadic and unpredictable availability of work.

¹³² CSO Coalition. *Precarity and the Pandemic: A survey of wage issues and COVID-19 impacts among migrant seafood workers in Thailand* (2021).

¹³³ Note: This worker reported that her family can do one bag per hour. As each bag is worth THB 40, THB 800 thus equates to 20 hours of work for the family. If divided by the four family members, it equates to THB 200 each.

Table 13: Minimum wage payment, and, among workers who did not earn minimum wage, the gap between minimum wage and surveyed workers' wages, by workplace, sex, and nationality

	Earned minimum wage		Didn't earn minimum wage		% below minimum wage, among those who do not earn minimum wage
SME factory	21	55%	17	45%	14%
At the pier	13	52%	12	48%	33%
Processing garage	35	33%	72	67%	38%
Homebased	4	13%	27	87%	60%
Male workers	19	53%	17	47%	31%
Female workers	54	33%	111	67%	39%
Myanmar workers	62	41%	89	59%	31%
Cambodian workers	11	22%	39	78%	55%

Wage Deductions

Wage deductions appear to be less common in the pre- and primary seafood processing sector than in formal factories. Among surveyed workers, two out of every five (82/201) reported wage deductions, including for contributions to the social security fund, which was reported by one out of every five surveyed workers, particularly among SME factory workers and pier-based workers. Other causes for wage deductions reported by workers included deductions for accommodation, food or for being called to work (see 'work call' in the section 'working days and hours'), which are in violation of the Labour Protection Act. Processing garages workers were the most likely to report wage deductions that are in violation the Labour Protection Act. In addition, one out of every 10 surveyed workers reported experiencing wage deductions to repay wage advances and debts related to the documentation process.¹³⁴ Under the Royal Ordinance, employers can legally deduct up to 10 per cent of workers' wages for documentation-related costs; however, the observed repayment of a wage advance appears to be a legal grey area.¹³⁵

Although most interviewed workers employed in homebased workplaces did not report wage deductions, some noted that they would face penalties if the volume of seafood they are given by the employer or work distributor does not match the volume of processed seafood they return to their employer or work distributor. Under the Home Workers Protection Act, penalties for this purpose are permitted but cannot exceed 10 per cent of the worker's remuneration.¹³⁶ One Cambodian worker employed in a homebased workplace described how the work distributor who collects their completed work weighs both the bags of fish heads and the bags of processed fish to verify that the same weight of fish is returned as was delivered.¹³⁷ If there is a discrepancy, the workers are fined THB 2,500 (USD 70),¹³⁸ an amount that equates to the payment the worker would receive for 62.5 bags of processed fish, or 125–188 hours of work.¹³⁹ Moreover, if a worker loses a full bag of fish,

¹³⁴ Under Section 3(49) of the Royal Ordinance, the employer is prohibited from demanding or receiving money from foreign workers except for the costs that are "the foreign worker's responsibility, that the employer has paid for in advance, such as passports, health check, work permit or other relevant costs [...]the employer may deduct from the wages".

¹³⁵ Royal Ordinance Concerning the Management of Employment of Foreign Workers, B.E.2560, Section 49.

¹³⁶ Home Worker Protection Act B.E. 2553 (2010), Section 19.

¹³⁷ Cambodian homebased worker interview.

¹³⁸ Cambodian homebased worker interview.

¹³⁹ Cambodian workers note that each bag takes 2–3 hours of work. Workers report being able to process 2–4 per day.

they “have to pay THB 7,000 to the employer.”¹⁴⁰ These penalties massively exceed the legal limit of a maximum of 10 per cent of the homeworker’s remuneration for the task, which would be limited to THB 4 based on a remuneration of THB 40 per bag.¹⁴¹

Do you feel that you earn enough to cover your basic needs?

More than half of surveyed workers (116/201) said that they feel that they do not earn enough to cover their basic needs. Some workers asserted that they feel they earned enough as they “only sometimes” have to borrow money to cover costs for their food or rent. One interviewed Myanmar woman worker spoke about how her “income is never enough. I don’t want to be rich, I just want to have food to eat and to be able to donate to the monks at the temple. But I want my children to have a better future.”¹⁴² Processing garage workers were most likely to report that they did not earn enough to cover their basic needs, due to the sporadic nature of work.

Many women workers reported that they could not survive with their income alone. In a statement echoed by many women workers, a Cambodian worker noted that because she “earns roughly THB 2,000 (USD 56) a month, I have to depend on my husband’s income.”¹⁴³ Women who were the sole breadwinner for their family reported the most financial hardship among those interviewed.

Living Expenses

Surveyed migrant workers reported average living expenses of THB 8,406 (USD 255), which is relatively high compared to their earnings –partly because the reported monthly expenses reflected household expenses, while workers’ reported earnings were individual. As noted above, many interviewed migrant workers felt unable to afford their necessities with their wages alone. Interviewed processing garage workers reported the highest monthly expenses, followed by workers in homebased workplaces (Table 14). Female workers noted significantly higher monthly expenses than male workers, as well as more dependents. Interviewed women were more likely to be in charge of household expenses than men and were more likely to report being in control of their earnings and the family income, than men workers.

¹⁴⁰ Cambodian homebased worker interview.

¹⁴¹ Home Worker Protection Act B.E. 2553 (2010), Section 19.

¹⁴² Myanmar processing garage worker interview.

¹⁴³ Cambodian processing garage worker interview.

Table 14: Average monthly expenses and average number of dependents, by workplace, sex, and nationality

Average monthly expenses			Average number of financial dependents ¹³
SME factory	6 731	THB	3.0
At the pier	6 174	THB	5.8
Processing garage	9 492	THB	4.4
Homebased	8 611	THB	4.5
All workers	8 406	THB	4.5
Female workers	8 856	THB	4.7
Male workers	6 034	THB	1.8
Myanmar workers	7 504	THB	4.7
Cambodian workers	11 151	THB	4.3

Surveyed migrant workers' biggest monthly expense was food, reported by half of interviewees, followed by accommodation, childcare and remittances.¹⁴⁵ During interviews and FGDs, workers pointed out high costs for food. One worker discussed how she spent THB 1,000 (USD 28) per week on fresh produce, excluding rice and oil.¹⁴⁶ A Myanmar worker employed in a homebased workplace asserted that *"we only eat what we can afford. It is important to have money to pay rent."*¹⁴⁷

During interviews, migrant workers reported that rent, inclusive of water and electricity, costs between THB 1,600–3,600 (USD 45–101) per month, depending on the type of accommodation (for instance, whether the dwelling is made out of wood or concrete) and on the province.

Child-care related costs

Migrant workers with young children in Thailand often have to pay for childcare on days that they have work; childminders are typically elderly migrant women who support mothers to work by looking after young children. Some workers reported that the cost of the childcare depends on how much they earn: for instance, if they earn THB 120 (USD 3.40), they will pay the childminder THB 40 (USD 1.10) and if they earn THB 250 (USD 7), they pay THB 60 (USD 1.70) for childcare.¹⁴⁶ Another worker noted that childcare costs a third of her income, per child, and when she has work, she has to ask someone *"[to] take care of my baby, which costs THB 100 (USD 2.8). If I earn THB 300 (USD 8.4) for one day I pay THB 100 (USD 2.8) for childcare. THB 200 (USD 5.6) is not enough to survive. When we first arrived [in Thailand] things were cheaper. A bag of rice is now THB 350 (USD 9.8) and oil is THB 55 (USD 1.5). For rice, formula and food, the costs are a lot."*¹⁴⁷ Due to the high costs involved in childcare, the interviewee noted that her older children are locked in their accommodation while she is at work.

¹⁴⁴ Note: some financial dependents live in the labour sending country. Monthly expenses in Thailand (such as food and accommodation) and remittances were discussed separately.

¹⁴⁵ Some workers reported that they do not know what their biggest expense is as their spouse or their parent controls the household's expenses. Other expenses mentioned include transport and document related costs.

¹⁴⁶ Myanmar processing garage worker interview.

¹⁴⁷ Myanmar homebased worker interview.

¹⁴⁸ Myanmar processing garage worker interview.

¹⁴⁹ Myanmar processing garage worker interview.

The rising cost of living in Thailand contributed to migrant workers' financial struggles. One interviewed Myanmar worker noted that *"income and expenses are not balancing this year at all"*, a sentiment that was often repeated.¹⁵⁰ A Myanmar processing garage worker, who earned up to THB 7,000 (USD 197) per month from sorting fish and peeling shrimp, noted that *"when I get paid there is nothing left"* as she had to pay for rent, electricity and food, and send money home.¹⁵¹ Another Myanmar worker, who had worked in a pier-based operation for 15 years, described the stress inflicted by the rising cost of living: *"Before it used to be okay working here but now it is so difficult. It is difficult in Thailand and in Myanmar. The costs are too high for food and for documents. The costs are too high. We do not earn enough. People in Myanmar are facing difficulties and people in Thailand are facing difficulties with the costs rising every day. The longer you stay in Thailand it feels like you face more difficulties. We want to support our parents but feel like we cannot."*¹⁵²

Remittances

Three out of four of interviewed workers (147/201) reported to send remittances home to family members in Cambodia or Myanmar. While they reported remitting money at various intervals, most said to send money home monthly. Over the three months prior to being surveyed, migrant workers reportedly remitted an average of THB 10,536 (USD 319) (Table 15). The amount remitted often reflected the combined remittances sent by the surveyed worker and their family members employed in Thailand.

Table 15: Average remittances sent in the last three months, by workplace, sex, and nationality

SME factory	13 788	THB
At the pier	10 791	THB
Processing garage	10 374	THB
Homebased	6 370	THB
Male workers	8 546	THB
Female workers	10 951	THB
Myanmar workers	10 050	THB
Cambodian workers	11 859	THB

Whether migrant workers can remit money influences whether they view their migration as positive. One worker reported that his migration to Thailand had not lived up to his expectations because *"at first I thought I would be able to send more money back home, but I can send money only sometimes."*¹⁵³ Pressure to remit money regularly despite earning intermittent and unpredictable wages can cause stress for migrant workers in the pre- and primary seafood processing sector. Some interviewed workers reported borrowing money to send remittances when they do not earn enough. For example, a Cambodian pier-based woman worker mentioned that she earned enough to cover her basic needs but that she had to borrow money from her husband's employer to send money home.¹⁵⁴

¹⁵⁰ Myanmar SME factory worker interview.

¹⁵¹ Myanmar processing garage worker interview.

¹⁵² Myanmar processing garage worker interview.

¹⁵³ Myanmar processing garage worker interview.

¹⁵⁴ Cambodian pier-based worker interview.

Debt

Being indebted is clearly common among migrant workers in the pre- and primary seafood processing sector, as over half of surveyed workers (106/201) reported that they were indebted at the time of the interview.¹⁵⁵ The prevalence of debt is linked to migrant workers' wage rates, as surveyed workers who earned less than minimum wage were more likely to be in debt (Table 16). Interviewed workers in homebased workplaces, who overall earned the least, were the most likely to be in debt. Surveyed women workers were more likely to be in debt than men. During one FGD, Myanmar workers asserted that everyone in their area is in debt but due to the stigma around being indebted, people struggle to acknowledge it.¹⁵⁶ As one Myanmar worker noted “when you say you are in debt society looks down on you. When I first arrived, they looked down on me, so I worked very hard to prove myself.”¹⁵⁷

Table 16: Prevalence of debt compared to minimum wage earnings, by workplace, sex, and nationality

	Currently owe money		In debt and earn minimum wage		In debt and don't earn minimum wage	
SME factory	19	50%	10	26%	9	24%
At the pier	12	48%	8	32%	4	16%
Processing garage	57	53%	20	19%	37	35%
Homebased	18	58%	3	10%	15	48%
All workplaces	106	53%	41	20%	65	32%
Male workers	17	47%	10	28%	7	19%
Female workers	89	54%	31	19%	58	35%
Myanmar workers	83	55%	35	23%	48	32%
Cambodian workers	23	46%	6	12%	17	34%

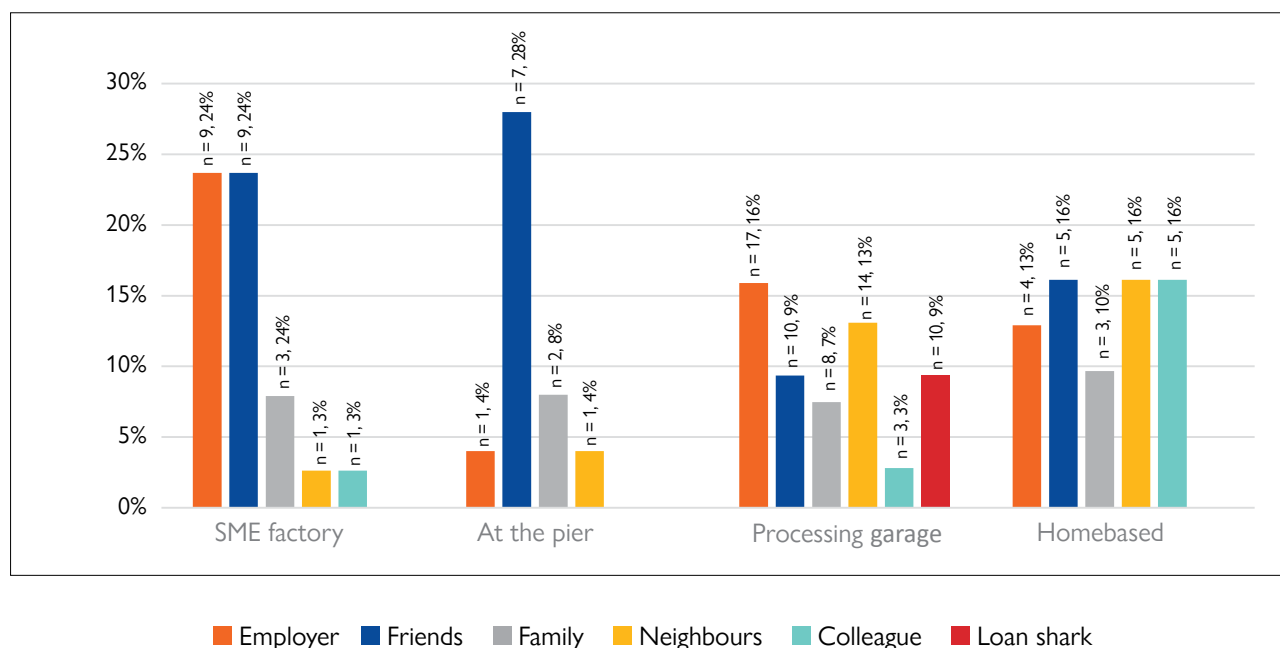
Surveyed workers reported being indebted to various lenders, including to their employer, friends, neighbours, family members, colleagues and loan sharks (Figure 12). Being indebted to employers can increase workers' vulnerability to debt manipulation. With one third of interviewed male workers being indebted to their employer, particularly those with an employment agreement, they were much more likely to be in debt to their employer than interviewed women workers, of whom one out of eight reported being indebted to their employer. This finding suggests that employers may be more willing to lend money to their core workforce than to daily wage workers, putting the core workforce at greater risk of debt manipulation.

¹⁵⁵ This may be an underestimate as some workers interviewed did not see wage deductions as a form of debt.

¹⁵⁶ Focus group discussion 3, processing garage workers.

¹⁵⁷ Myanmar processing garage worker.

Figure 12: Who surveyed workers reported current debt to, by workplace



The fact that employers operating in the pre- and primary seafood processing sector are reportedly less willing to cover the costs of daily wage workers' documentation required to live and work in Thailand regularly and then deduct it from their wages, is a source of grievance for some workers. As an alternative, migrant workers resort to borrowing money from loan sharks, often with high interest rates, to cover the costs of documentation, which puts them further in debt.

Debt to husband's employer

Many female migrant workers employed in the pre- and primary seafood processing sector are married to spouses who are fishers in Thailand. During interviews and FGDs several female workers reported that they are in debt to their husband's employer. Cambodian workers frequently reported that their husbands, fishermen, were paid once every 10 months, but that during this period, they could borrow money if needed.¹⁵⁶ After the 10-month period, the migrant fisher and their employer "settles" the worker's debts and if there is any money left over from the fisher's wages, the fisher receives it. Thus, low wages and precarious work in the pre- and primary seafood processing sector may cause women workers to borrow money from their husband's employer, which also has a knock-on effect on migrant fishers, tying them to their employer. Given the prevalence of forced labour in the fishing industry, particularly the use of debt manipulation, this finding is particularly troubling.¹⁵⁷

The main reason interviewed workers, particularly workers in processing garages, homebased workplaces and pier-based operations, reported going into debt for was to pay for food. As one worker noted, "sometimes if the boats do not go out and we do not have any income, we borrow money for food and accommodation."¹⁶⁰

¹⁵⁸ Cambodian processing garage worker interview.

¹⁵⁹ ILO. *Endline research findings on fishers and seafood workers in Thailand* (2020).

¹⁶⁰ Myanmar homebased worker interview.

Other reasons for going into debt reported by surveyed workers included to cover the cost for a work permit, accommodation, health care and documentation.¹⁶¹ The widespread debt to cover basic needs suggests that migrant workers simply cannot cope with the rising living costs in Thailand while also remitting money to their family back home. As one Myanmar migrant worker summarized, debt is “a vicious cycle. When we have money, we pay it [our debt] off. When we do not, we borrow.”¹⁶² This vicious cycle of debt is exacerbated by the unpredictable availability of work and the low wages provided to workers in the sector.

Being indebted limited interviewed migrant workers’ ability to quit their job because they need income to be able to repay the debt or interest, as reported by one out of every 10 interviewed workers. Among surveyed workers, nine reported being indebted to their employer and felt that this limited their ability to quit. This was particularly the case among processing garage workers.

Health-Care Costs

One of the reasons reported by workers for being indebted at the time of interview was to cover costs of health care, for instance to cover the costs of their elderly parent’s health care as financial dependents are not covered by the SSF. This finding suggests that being enrolled in the SSF only slightly reduced workers’ likelihood of being in debt to cover health-care costs.^{163 164}

Maternity related expenses and debt

During FGDs, female workers recounted stories about their struggles to pay for prenatal care and childbirth. One woman who recently gave birth reported receiving THB 20,000 (USD 561) from social security. However, it cost her THB 600 (USD 16.8) each month for her prenatal checks and THB 16,500 (USD 462) to give birth – she noted that the delivery would have cost THB 20,000 (USD 561) if she had needed a C-section. While she was pregnant, she was unable to continue working in a processing garage cleaning squid, thus she had no income and had to borrow money to pay for her prenatal visits. She noted that “when we got THB 20,000 (USD 561) from the social security fund it helped to pay off some of the debts related to my pregnancy but it was not enough to serve as maternity pay.”¹⁶¹

Several female workers reported significant childbirth-related debt as they had borrowed money from loan sharks at high interest rates to cover the costs of prenatal and maternity care. For migrant workers who were not enrolled in the SSF and lacked migrant health insurance, the costs were even higher. One Myanmar woman recounted paying THB 30,000 (USD 841) to give birth as she did not have any legal documents at the time, despite having already paid an (informal) intermediary to renew her documents.¹⁶² Although her child is now almost one year old, she remains in debt.

¹⁶¹ Note: percentages calculated based on the number of workers currently in debt, not all workers surveyed.

¹⁶² Myanmar processing garage worker interview.

¹⁶³ Myanmar processing garage worker interview.

¹⁶⁴ Focus group discussion 4, squid garage workers.

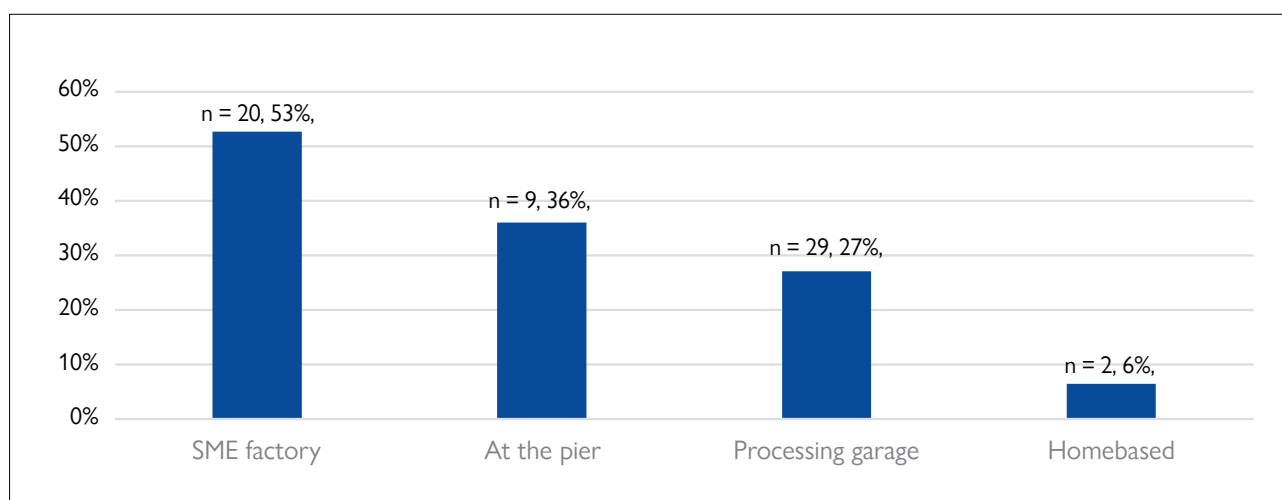
COVID-19 Related Debt

The COVID-19 pandemic also caused migrant workers to be indebted, as reported by one fifth of surveyed workers. Noticeably, workers who reported this issue were all women, particularly employed in homebased workplaces and processing garages. This may be because these workers reportedly had the lowest wages and lowest level of enrolment in the SSF. A Myanmar SME factory worker noted that when she had COVID-19, she had to borrow money to pay rent, while a Myanmar processing garage worker, who had no work for a month due to the pandemic, reported that her family had to borrow THB 45,000 (USD 1,270).¹⁶⁵ One Cambodian processing garage worker reported that her family asked her husband's employer, a vessel owner, "for an advance payment of THB 10,000 (USD 280) during COVID-19 instead of the usual advance money of THB 2,000 (USD 56)."¹⁶⁶ Debts incurred as a result of the pandemic, particularly those to workers' employers, their husbands' employers and loan sharks, have left migrant workers in an even more difficult financial position, which, in turn, makes them increasingly vulnerable to exploitation.

Social Protection

During KIs, government interviewees asserted that any employer employing more than one person is obliged to enrol all employees in the SSF within 30 days of them starting their employment.¹⁶⁷ While most surveyed workers, except for those employed in homebased workplaces or holding a Border Pass, were entitled to benefits under the SSF, most of them noted that their employer had not enrolled them into SSF. Workers in SME factories were the most likely to be enrolled in SSF, while most workers in processing garages and at the pier were not (Figure 13). Noticeably, under the Homebased Worker Protection Act, workers are not naturally entitled to social security, because they do not have a legal employer under the Act. Instead, workers can voluntarily contribute to the fund under section 40 of the Social Security Act. It is worth highlighting that section 40 of the Social Security Act only allows Thai nationals to contribute to the scheme.

Figure 13: Employer-enrolled surveyed workers in the Social Security Fund, by workplace



¹⁶⁵ Myanmar SME factory worker interview; Myanmar processing garage worker interview.

¹⁶⁶ Cambodian processing garage worker interview.

¹⁶⁷ Government Interview 2. Note: Under the Social Security Act BE 2533 several exceptions exist, including government employees, employees of international organizations or foreign governments, and school, university and hospital employees. Other workers, such as workers in market stalls, are also excluded by specific Royal Decrees.

Some interviewed workers reported that while they experienced wage deductions for social security contributions, their employer had not actually enrolled them in the SSF. One worker, for example, reported that her “*employer deducts social security [from workers’ wages] but does not actually pay it to the government so when workers seek maternity benefits, they cannot get it.*”¹⁶⁸ Another worker described how, 20 per cent¹⁶⁹ of her wages were deducted daily for social security contributions; however, she learned that she was not actually enrolled in the SSF when she visited a health-care facility. She noted that “*after that, they [her employer] went and finally registered me. So, I have only had it [social security] for three months but had over a year of wage deductions for social security.*”¹⁷⁰

About one third of surveyed migrant workers, particularly workers in processing garages and at the pier, held a migrant health insurance card instead of a SSF card (Table 17). The migrant health insurance card enables migrant workers to access health care in a public hospital for THB 30 (USD 0.85) per visit. Although the card reduces the costs of health care, whether workers are able to access health care depends on whether they have sufficient money to pay for related costs, such as transportation to the hospital or an interpreter. During interviews and FGDs, some workers highlighted their preference for migrant health insurance over the SSF, because SSF requires them to pay upfront and claim the costs afterwards.¹⁷¹ To be able to pay costs upfront, some workers noted they have to borrow the money from loan sharks at high interest rates. Nevertheless, interviewed representatives from CSOs and international non-governmental organizations (NGO) noted that the SSF offers wider social protection benefits to migrant workers, particularly during the pandemic.¹⁷²

However, two out of every five workers (82/201) reported that their employer had not enrolled them in the SSF, nor do they have a migrant health insurance card. This situation severely limits migrant workers’ access to health-care facilities without going into debt and leaves them vulnerable to adverse shocks – such as a work-related accident or an illness. Lack of access to social protection also left interviewed migrant workers less protected during the COVID-19 pandemic, as they were not eligible for wage subsidies when their workplaces were ordered to close.

Table 17: Surveyed workers who hold a social security card or a migrant health insurance card, or neither, by document type

	Social Security Card		Migrant health insurance card		Hold neither	
Passport	40	39%	33	32%	30	29%
Myanmar CI or Cambodia TD	11	30%	12	32%	14	38%
Pink Card (only)	0	0%	15	65%	8	35%
Border Pass	0	0%	1	13%	7	88%

¹⁶⁸ Myanmar processing garage worker interview.

¹⁶⁹ Note: wage deductions for social security contributions should be 5 per cent.

¹⁷⁰ Focus group discussion 3, processing garage workers.

¹⁷¹ CSO Interview 3.

¹⁷² CSO Interview 3, INGO Interview 3.

Maternity benefits

Some surveyed women workers reported having received some form of maternity benefits.¹⁷¹ One worker recounted how she used to have a migrant health insurance card but when she became pregnant her employer enrolled her in the social security fund. She recalled how her employer had told her “*not to worry*”, because they “*would sign everything for her*”.¹⁷² As a result, she received THB 26,000 (USD 729) from the SSF when she gave birth.¹⁷³ However, she noted that in order to claim social security “*you have to have the same employer on [the visa in] your passport, work permit, and social security card*” and a family registration record.¹⁷⁴ For some migrant workers in the pre- and primary seafood processing sector, the need to have details consistent across all paperwork limits their access to social security fund benefits.

Workmen’s Compensation Fund

Migrant workers in the pre- and primary seafood processing sector are covered under the Workmen’s Compensation Act, which entitles them to claim compensation in the event of an occupational-related injury or death, regardless of whether they are enrolled in the SSF or not. Although they are entitled to claim compensation, in practice migrant workers struggle to complete the necessary paperwork to successfully make a claim and to prove that an injury or death was work-related.¹⁷⁷ Completing the paperwork is particularly challenging in the event of a fisher dying at sea, which poses a significant barrier to the widow or children to receive compensation. Moreover, interviewed CSO representatives noted that migrant workers need to provide two sets of all documents – such as proof of marriage, when claiming compensation for the death of a spouse – one in the original language and one in Thai language.¹⁷⁸ If any discrepancies between the two sets of documents are found, the application process can be invalidated.¹⁷⁹ Similarly, if the employer’s name on migrant workers’ pink card is not consistent across documents (such as visa), it can similarly invalidate their application.¹⁸⁰

Accessing the Workmen’s Compensation Fund after fishers die at sea

In 2020, 68 fishers died while working on Thai fishing vessels, while a further 42 fishers died in the first half of 2021.¹⁷⁹ Many interviewed homebased workers were married to fishers, on whose income they depend. If their husband has an accident at sea or dies, workers face financial difficulties. One interviewed worker in a homebased workplace, who was unable to access compensation through the Workmen’s Compensation Fund, spoke about the challenges she faced since her husband was electrocuted onboard a fishing vessel. As her husband’s electrocution had led to significant health-care bills prior to his death, she was heavily indebted. However, she did not have consistent work and reported significant difficulties to afford food; at the time of interview, the last time she had work was three weeks ago; she had then earned THB 120 (USD 3.40). Therefore, accessing the Workmen’s Compensation Fund is a vitally important safety net for workers as they struggle to adapt to the loss of their household’s breadwinner.

¹⁷³ Note: only women with children were asked if they received any maternity benefits, not all women. Moreover, not all mothers surveyed gave birth in Thailand.

¹⁷⁴ Myanmar processing garage worker interview.

¹⁷⁵ Myanmar processing garage worker interview.

¹⁷⁶ Myanmar processing garage worker interview.

¹⁷⁷ CSO Interview 4.

¹⁷⁸ CSO Interview 4.

¹⁷⁹ CSO Interview 4.

¹⁸⁰ CSO Interview 4.

¹⁸¹ EJJ (2022) Thailand’s progress in combating IUU, forced labour & human trafficking, Volume 9, 2021, p13.

Accommodation

The majority of surveyed migrant workers (173/201) lived in accommodation independent from their employer. They lived in communities with other migrant workers, often within a two-to-three kilometres radius of fishing ports.¹⁸² Their housing usually were made of concrete or wooden structures, consisting of one or two bedrooms and a living area with a small cooking area and a bathroom at the back. Concrete houses are typically more expensive but offer a healthier living space. Wooden structures are typically the closest to the pier, built on stilts over the water or swamp land areas. Surveyed migrant workers reported paying lower rents for wooden houses but experienced comparatively worse living conditions; including rampant mosquitos, flooding and accidents caused by decaying wood. For example, one interviewed Myanmar worker employed in a homebased workplace reported being injured by a wooden plank from one of the houses in her community that flew into her eye during a storm.

Interviewed workers who reportedly lived in accommodation linked to their employer were more likely to work in pier-based operations or in SME seafood factories. Of interviewees who lived in accommodation linked to their job, over half reported paying rent to their employer.

Social Reproductive Labour

Most migrant workers undertake social reproductive labour in addition to their work in the seafood processing sector. For some interviewed workers, particularly female workers, care responsibilities can serve as a pull factor for commencing informal work. Of surveyed workers, the vast majority reported that they undertook household work before going to work, upon return home or both. The burden of household work appears to be shouldered by women, as only some surveyed female workers reported not having to do household work, compared to one out of every five interviewed men.

On average, women workers reported spending an average of 3.9 hours per day on household work, compared to the average 1.5 hours reported by male workers. Interviewed workers in processing garages and homebased workplaces reported significantly more hours of care work, respectively 4.5 and 3.7 hours a day, than pier-based workers and SME factory workers, who reported 1.9 and 1.8 hours a day respectively. The number of hours spent on care work is likely influenced by workers' age, as surveyed older women workers reported getting up early to prepare food for their daughters working in seafood factories. During interviews, women workers in processing garages and homebased workplaces were also more likely to report that they were previously housewives who took up paid work to supplement the household income. As such, their care work did not stop once they entered paid employment.

COVID-19 Pandemic

The outbreak of the COVID-19 pandemic had an adverse effect on migrant workers in the lower tiers of the pre- and primary seafood processing sector. Unlike large export factories (producing for instance canned tuna), which saw an increase in sales during the pandemic, SME factories and processing garages supplying to the domestic market faced reduced sales due to restaurants closures and a fall in tourism during lockdowns.¹⁸³ This had a knock-on effect on workers' ability to earn an income, as they experienced a decline in income opportunities. Two out of every five interviewed workers (83/201) reported a reduction in the volume of work available, and 75

¹⁸² As migrant workers were mainly approached to participate in the study in their communities this may be a selection bias.

¹⁸³ ILO (2022) *Turning principles into pathways: the future of the Seafood Good Labour Practices programme*.

respondents reportedly faced reduced working hours. During an interview, a Cambodian worker noted that all her family members had lost their jobs, so they had *“no income at all during the four months of the COVID-19 second wave [in December 2020]. As a result, we needed to borrow THB 40,000 (USD 1,122), with a 10 per cent interest rate, from a neighbour”*.¹⁸⁴ A Myanmar worker reported that her family had to quarantine twice after being a close contact and that both times they had *“no job or food to eat during those 14 days and had to borrow THB 3,000–4,000 (USD 84–112)”*.¹⁸⁵ Resulting from the lower volumes of work available and the reduction in working hours, over half of interviewed workers reported that their earnings fell during the pandemic. Moreover, about one third of interviewees reported a loss of savings, and one out of every five interviewees went into debt due to the pandemic.

At the time of interview, about one third of surveyed workers had contracted COVID-19 and had to contend with significant stress due to language barriers, misinformation regarding COVID-19, and the public health policy of hospitalizing those who test positive for the virus. During an FGD, one Myanmar migrant worker described how she was the first person in her workplace to contract COVID-19.¹⁸⁶ When she tested positive, an ambulance arrived to take her to hospital; however, due to language barriers she did not understand what was happening. Having read stories online about the high mortality rates of those hospitalized with COVID-19 overseas, she assumed that she was dying and rang her mother and daughter in Myanmar to say goodbye. The emotional stress of being taken away in an ambulance without understanding what was happening continued to upset her. Conversely, as the hospitalization policy became known among migrant communities, some workers reportedly felt neglected when the ambulance service arrived seven days after their positive test, fearing they had not received the necessary treatment.

Migrant workers also experienced discriminatory COVID-19 containment policies, which imposed harsher restrictions on their freedom of movement than on that of Thais.¹⁸⁷ A Myanmar worker who used to work in a formal seafood factory recounted the calamitous effects of these restrictions on her family. While her family relied on her income, she was unable to leave the factory to give her family the necessary cash.

Political Situation in Myanmar

Many surveyed Myanmar migrant workers have children in Myanmar. Fears for their safety due to the ongoing conflict increased the stress and anxiety experienced by migrant parents. Some interviewed workers noted that their family members had to flee their village, leaving everything behind, and became internally displaced. Job losses in Myanmar increased the financial burden on migrant workers in Thailand, while many reported that due to the rising cost of living, they are struggling to send more money home than before.

Myanmar workers reported that they felt that they could no longer go home due to the political situation, and the costs involved in traveling, due to border closures and the lack of regular routes. As workers felt that they were unable to return home, some workers perceived that it had led to deteriorating working conditions for Myanmar workers in Thailand. One worker reported that *“we want to go back to Myanmar but cannot as we heard that transport costs THB 20,000 (USD 561). If I go back to Myanmar there will be no jobs but when we stay here, we have to pay rent, electricity and water and it is very very expensive. Right now, we are between the employer and government. We are stuck in between.”*¹⁸⁸

¹⁸⁴ Cambodian homebased worker interview.

¹⁸⁵ Myanmar processing garage worker interview.

¹⁸⁶ Focus group discussion 1, SME factory workers.

¹⁸⁷ International NGO Interview 2. Workers were both restricted to their accommodation under the Bubble and Seal policy, and restricted to their community or province under regulation issued under Section 9 of the Emergency Decree on Public Administration in Emergency Situations B.E.2548 (2005) No.24.

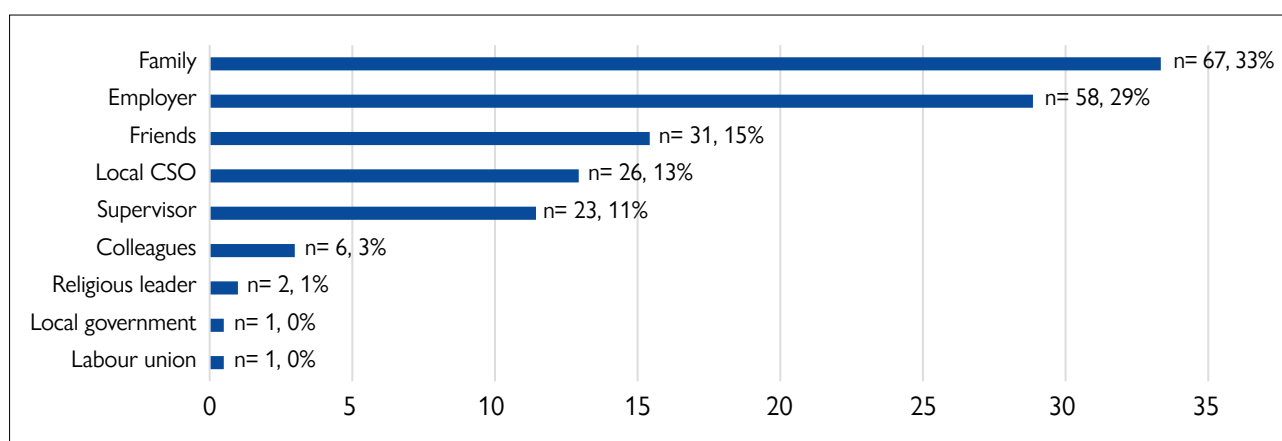
¹⁸⁸ Myanmar processing garage worker interview.

Access to Remedy and Inclusion of Migrants' Voice

Interviewed migrant workers in the pre- and primary seafood processing sector have limited knowledge of the grievance mechanisms and support services available to them if their labour or human rights are violated. Only one fifth of surveyed workers (40/201) were aware of any form of grievance mechanism within their workplace. SME factory workers were most likely to be aware of a workplace grievance mechanism. Among the 40 workers who reported having knowledge of some form of grievance mechanism, the vast majority said they trusted the mechanism, while some did not or were unsure. During interviews, workers clarified that the grievance mechanism available within their workplace consisted of reporting an issue to their employer or supervisor. However, most workers reported never having done so. In a few incidences, workers, introduced to the research team through a CSO community leader, noted that the grievance mechanism they knew is reporting to the local CSO community leader.

When asked to whom they would report a work-related issue, workers mentioned their family, their employer, their friends, a local CSO or their supervisor (Figure 14). Male workers were most likely to report directly to their employer, while female workers were most likely to report an issue to their family. Female workers were also more likely to talk to their friends about a work-related issue than male workers.

Figure 14: To whom would surveyed workers report a work-related grievance?



State-based grievance mechanisms

Migrant workers, regardless of their documentation status, can file a complaint at their local DLPW office when their labour rights are not respected.¹⁸⁹ In addition, migrant workers can reach out to the DLPW with their complaints through hotline 1546 or to the MoL through hotline 1506. When migrant workers experience rights violations, they can also opt to file a litigation with the labour court or they can file their complaint with a Damrongtham Center (under the Ministry of Interior). If employers fail to provide migrant workers with social security benefits, they are entitled to under the SSF, they can file a complaint with the Social Security Office. In case migrant workers experience rights violations of criminal nature, such as physical abuse or trafficking, migrant workers can reach out to the Royal Thai Police or to One Stop Crisis Center. However, only one interviewed worker reported that they would go to the local DLPW office to seek support with a work-related issue.

¹⁸⁹ CSO Interview 3. LPA, Section 123.

As one interviewed representative CSO noted, although the Labour Protection Act should apply to all workers, neither migrant workers nor the DLPW officers responsible for enforcing the Labour Protection Act in workplaces fully understand the rights laid out in the act. As a result, “*the interpretation of the law can be ambiguous, which leads to enforcement issues.*”¹⁹⁰ Other barriers faced by migrant workers to access DPLW complaint mechanisms and successful remediation include language barriers and the lack of interpreters, low levels of trust among migrant workers that Thai government officials will assist them, fears of deportation and lengthy procedures that fail to account for unequal power relations between workers and employers and that often do not lead to satisfactory outcomes.¹⁹¹



Freedom of association and collective bargaining

Under the Labour Relations Act, migrant workers in Thailand can join unions but are barred from forming their own unions or from holding leadership positions within existing unions registered by Thai workers.¹⁹² The restrictions on migrant workers' rights to freedom of association has led to very low levels of unionization within the pre- and primary seafood processing sector,¹⁹³ with a limited number of unions available for migrant workers to join. Only one surveyed worker reported that they would go to a labour union if they had a work-related issue and only one worker – a former fisher – reported being a member of a union.

¹⁹⁰ CSO Interview 4.

¹⁹¹ CSO Interview 3; Winrock (2020) *Labour Abuse Mechanisms Complaints Mechanisms in Thailand*.

¹⁹² Labour Relations Act, Section 88.

¹⁹³ ILRF (2020) *Time for a Sea Change: Why union rights for migrant workers are needed to prevent forced labor in the Thai seafood industry*.

Despite the barriers faced by migrant workers to unionize, about one third of surveyed workers (69/201) reported that they want to join a union in the future. One worker reported that she would like to join a union as *“if you become a member you learn about your labour rights and what benefits you are entitled to.”*¹⁹⁴ Workers, particularly men workers, in processing garage and in pier-based operations were more likely to want to join a union than workers in SME factories or homebased workplaces. For women workers, the idea of joining a union is seen as a commitment of their time, which they cannot afford, for instance because they have to take care of their children or their responsibilities linked to social reproductive labour.

Some of the surveyed workers reported having some form of collectively negotiated agreement with their employer. These are informal negotiations with the employer, rather than a formal collective bargaining agreement between an employer and a union. One Cambodian worker described how, several years ago in their workplace, their employer had promised that their income would be supplemented by a daily quota of fish for workers to bring home. However, as the employer did not provide the fish, the workers grouped together and went to their employer to demand that the fish be provided as promised. Under the Labour Relations Act, workers do not need to be a member of a union to collectively bargain with their employer but will not be legally protected from retaliation.¹⁹⁵ However, employers are only required to meet with workers, but are not legally required to negotiate in good faith.¹⁹⁶

Civil society organizations

CSOs play an important role supporting migrant workers in the pre- and primary seafood processing sector. They support workers to access to health care, provide them with information on their rights in Thailand, and work on issues related to child protection. Some CSOs have offices in migrant communities across Thailand, while others fund migrant leaders and community-based organizations, enabling them to support their communities. During interviews, only a handful of workers recounted interactions with organizations in their area. One worker in Surat Thani province noted that *“sometimes an outside organization comes in and explains about work-related dangers.”*¹⁹⁷ In Ranong province, a worker reported receiving food packages during COVID-19; however, the *“organizations do not come regularly. Sometimes two organizations will come in one month and some months none will come.”*¹⁹⁸

While CSOs play an important role, CSO activity is unevenly distributed across regions of Thailand where migrant workers are engaged in the seafood processing sector. Some big port cities, such as in the provinces Samut Sakhon, Ranong, Pattani, Trat and Rayong, have multiple organizations that work to support migrant workers, while other areas do not appear to have any. Prانبuri district located in Prachuap Khiri Khan province, for example, is a hub of squid drying garages but does not appear to have any CSOs supporting migrant workers in the area. Workers noted that *“the only organization around here is Port-In Port-Out, but we cannot rely on them”*, adding that *“we do not know what organization we can contact if we have an issue.”* Also, even in areas where CSOs are located, the services they provide may be limited. For example, there do not appear to be any gender-based violence support services available to migrant workers. Moreover, many interviewed workers reportedly did not know where to report a non-work-related issue – for example, if an (informal) intermediary charged them for documents but did not deliver these.

¹⁹⁴ Myanmar SME factory worker interview.

¹⁹⁵ ILRF (2020) *Time for a Sea Change: Why union rights for migrant workers are needed to prevent forced labor in the Thai seafood industry*, pp21–22.

¹⁹⁶ ILRF (2020) *Time for a Sea Change*, pp. 21–22.

¹⁹⁷ Myanmar SME factory worker interview.

¹⁹⁸ Myanmar homebased worker interview.

CONCLUSION



The findings presented in this report seek to shine a better spotlight on an important, yet often overlooked population of Thailand's workforce. As shown in this report, Thailand's seafood processing sector is comprised of multiple forms of workplaces and arrangements, ranging from more formal factories to semi- or informal work settings at piers, garages and homes. Many of the workers employed in these labour markets are temporary migrants from Cambodia and Myanmar, of which large proportions are women. In addition, many migrant workers have spent longer periods of time working in Thailand but continue to face difficulties in obtaining or maintaining their documentation linked to their legal status in Thailand. This report has compiled a comprehensive overview on the situation of migrant workers' work and life in Thailand, including the challenges and needs as well as gaps in protection of migrant-rights.

Thailand has a robust regulatory framework on migration and labour, including in the seafood processing sector. Migrant workers are generally entitled to receive equal protection of their labour rights as local workers, while it is important to note that gaps remain in relation to migrant workers' freedom of association, change of employment and social protection, among others. These gaps are further exacerbated by risks related to their documentation and legal status in Thailand. Migrant workers in Thailand often use irregular channels or lose their documentation status while in Thailand. While this situation has been well reported, the lack or loss of regular status often has an adverse impact on the protection of migrant-rights and the overall socioeconomic outcomes of labour migration.

Furthermore, the report shows that existing rights and entitlements of migrant workers are often not realized. These challenges can be linked to non-compliance by employers, such as in relation to the low rates of enrolment of migrant workers in Thailand's social security system. The report also identifies opportunities for relevant authorities, including the Department of Labour Protection and Welfare under the MoL, and the Department of Fisheries under the Ministry of Agriculture and Cooperatives to strengthen the enforcement of existing laws in all segments of the seafood processing labour markets.

Ensuring adequate protection of migrant workers would require stronger oversight regarding payment of minimum wage and access to social protections, health care and remediation for migrant workers employed in the lower-tiers of the seafood processing supply chain. Monitoring of compliance by Thai authorities in the lower tiers of the supply chain is especially significant as most of the produce may be supplied to local markets, where pressure from buyers to follow international recruitment and labour standards is lower or absent altogether.

To facilitate migrant workers' access to documentation so they can live and work in Thailand regularly, access to information on the process to obtain documentation needs to be enhanced and should be provided to workers through outreach activities and channels they are familiar with. In addition, the process should be simplified, so that migrant workers can complete this without the involvement of (informal) intermediaries and at no additional cost to the worker in line with ILO's international standard definition on recruitment fees and related costs.

The report presents important findings in relation to the regulation of Thailand's labour market vis-à-vis the needs of the seafood processing sector for a flexible workforce while depending on migrant workers whose participation in Thailand's labour market faces certain restrictions. The Foreigners' Working Management

Emergency Decree B.E. 2560 (2017) does not allow migrant workers to carry out homebased work, and migrant workers could be fined or deported for undertaking such work. In addition, the Royal Ordinance does not allow for migrant workers to work for multiple employers, whereas the seafood processing sector has a need for daily workers. However, uncertain working hours and low wages earned by daily workers and thus the need to work for multiple employers pushes migrant workers to pay (informal) intermediaries to be registered as their employer on their work permit. This practice limits the protection of migrant workers, who lack minimum wage, an employment contract and access to social security. As such, there is a need to revise legislation in order to fulfil the needs of both companies and migrant workers, which also contributes to migrant worker protection.

Multinational enterprises sourcing seafood from Thailand may not always be aware of the realities facing migrant workers employed in the lower tiers of their supply chains. Increasing transparency and collaboration between producers, processors and multinational enterprises as well as establishing effective human rights due diligence will be important factors to improve working conditions for migrant workers and better realize labour migration outcomes. As such, multinationals should further review the impact of their purchasing practices on the lives of the migrants working in the shadows of the ships.



RECOMMENDATIONS



Recommendations to the Royal Thai Government

This section provides recommendations based on the study findings for the Royal Thai Government.

1. Take a human-rights based approach to labour migration governance and enhance effectiveness of regular migration pathways in line with labour market needs in Thailand

Recommendation 1.1: Enhance migrant workers' access to information on the application process to obtain and/or renew the necessary documentation to regularly live and work in Thailand, and simplify the application process: Comprehensive information on the process of obtaining and renewing documents required needs to be provided to migrant workers in a language they can understand, and through channels they are familiar with, such as through social media and community outreach activities. This should include guidance on how migrants in an irregular situation can obtain legal status in the country. In addition, comprehensive guidance on the process needs to be provided to migrant workers and employers, and these need to be available in migrant workers' languages and in locations easily accessible by migrant workers. The DoE and governments of countries of origin should also scale up their collaboration and publicize official costs for all migration-related documents, including passports, work permits and visas among others, and ensure that migrant workers are aware of these costs.

Recommendation 1.2: Amend the definition of 'no recruitment fees' in the Royal Ordinance to align with international standards and develop guidance on payment of recruitment fees and related costs for migrant workers recruited in Thailand: To ensure that migrant workers are not charged any recruitment fees or related costs, it is recommended to amend the Royal Ordinance and align with the definition of "recruitment fees and related costs" and the party responsible for covering these costs as well as an updated comprehensive list of costs paid by migrant workers recruited into Thailand, in line with ILO's [Definition on Recruitment Fees and Related Costs](#) and IOM's [IRIS Standard on Ethical Recruitment](#). In addition, it is recommended to provide guidance on the payment of recruitment fees and related costs for migrant workers who are recruited within Thailand, in line with ILO's [Definition on Recruitment Fees and Related Costs](#) and IOM's [IRIS Standard on Ethical Recruitment](#).

Recommendation 1.3: Enhance and simplify regularization processes: Consider further enhancing and simplifying the design, planning, and implementation of the regularization process, to provide undocumented migrant workers already in Thailand with a possibility to formalize their employment, particularly in sectors that experience acute labour shortages. These programmes can be mutually beneficial to employer and migrant workers.

Recommendation 1.4: Ratify ILO Convention C181 on Private Employment Agencies (C181): It is recommended to ratify ILO C181, as to ensure recruitment agencies follow ethical recruitment practices, including refraining from charging migrant workers recruitment fees and related costs, as laid out in C181 Article 7.

Recommendation 1.5: IOM reiterates the recommendation by ILO¹⁹⁹ to develop regular migration channels that are less costly, time consuming and complex: To ensure regular migration channels are accessible and affordable to both migrant workers and employers, Thailand, together with neighbouring countries, should work to simplify labour migration processes. There should be clear incentives for migrant workers and employers to use regular channels.

Recommendation 1.6: IOM reiterates the recommendation by ILO²⁰⁰ to allow MoU workers to work for multiple employers: The MoU mechanism requires migrant workers to sign a two-year contract with one employer. However, due to the seasonal nature of work and work arrangements, this is impractical for both migrant workers and employers in the pre- and primary seafood processing sector. Therefore, the DoE should allow migrant workers to work for multiple employers while ensuring that migrant workers' working hours do not exceed legal limits. The flexibility to move between employers would reduce the economic hardships faced by migrant workers by creating more opportunities to earn wages. This would also reduce the pressure on employers to pay workers 30 days per month when no work is available.

Recommendation 1.7: Allow migrant workers to change their employer on their own volition: Under the MoU mechanism, migrant workers can change their employer under certain conditions, including if their employer dies, does not comply with the labour protection law, abuses them, or if a workers' contract is being canceled due to lay-offs or business closure. If workers want to change employers for other reasons, a competent official at the DoE will determine if a change is allowed. It is recommended to remove the conditions, as to allow migrant workers greater flexibility to change employers, like local workers.

2. Tackle protection gaps and decent work deficits experienced by migrant workers in the lower tiers of the seafood processing factor

Recommendation 2.1: Conduct regular labour inspections of SME factories, pier-based operations, and processing garages to enhance compliance with relevant labour law: To enhance compliance of private sector actors in the lower tiers of the supply chain, the DLPW should enhance monitoring, through conducting regular labour inspections, among others, to verify that the stipulated working hours and rest days of migrant workers are provided, that migrant workers are paid the minimum wage, and that they have adequate access to OSH protections and are provided free of charge with all necessary work and safety equipment. During inspections, labour inspectors should be accompanied by interpreters who speak migrant workers languages, enabling them to interview migrant workers. , and migrant workers in an irregular situation should be able to discuss their employment conditions without fear of repercussion. It is recommended to implement firewalls between labour inspectors and immigration officials, which would allow for migrant workers to come forward with complaints of labour exploitation irrespective of their legal status.

Recommendation 2.2: Revise the legal framework to reflect the reality of migrant workers carrying out homebased work: In reality, in the seafood processing sector, migrant workers are carrying out homebased work. However, under the Homebased Worker Protection Act, homebased workers do

¹⁹⁹ International Labour Organization, Working and Employment Conditions in the Agriculture Sector in Thailand, p. 85, 2021. Available at: www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_844317.pdf.

²⁰⁰ International Labour Organization, Working and Employment Conditions in the Agriculture Sector in Thailand, p. 85, 2021. Available at: www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_844317.pdf.



not have an ‘employer’. As migrant workers are required to have “employers”, migrant workers carrying out homebased work violate the Foreigners’ Working Management Emergency Decree B.E. 2560 (2017) and shall be subject to fines and deportation. As such, it is recommended to revise the legal framework to allow migrant workers to carry out homebased work to reflect the reality.

Recommendation 2.3: Revise the Homebased Worker Protection Act to enhance protection of workers: Currently, under the Homebased Worker Protection Act, homebased workers does not include the minimum age. It is recommended to include this, as to align with international standards.

3. Take a gender-responsive approach to advancing decent work for migrant workers in the seafood processing factor

Recommendation 3.1: Close the gender pay gap in the pre- and primary seafood processing sector: To enhance the earning opportunities of women migrant workers, the Ministry of Social Development and Human Security and the DLPW could collaborate to improve enforcement of the Gender Equality Act and



Fishing community housing migrants in Chanthaburi, Thailand. © IOM 2022/Yannick PASCAUD

provisions laid out in the Labour Protection Act, particularly Sections 15 and 53, which entitle men and women workers to equal treatment and equal remuneration for equal work. In doing so, they should also take into account discriminatory hiring practices that reduce women workers' opportunities to undertake the same work as men. In addition, MoL, international organizations, and CSOs should monitor the gender pay gap, educate employers on unconscious bias during recruitment, and promote gender equality within the workplace.

Recommendation 3.2: Ratify ILO Violence and Harassment Convention, 2019 (C190) and ensure that women workers can access grievance mechanisms, support services and remediation processes which consider their specific needs: To enhance the protection of women workers against abuse and harassment in the workplace, it is recommended to ratify the ILO Violence and Harassment Convention, 2019 and align national legislation, particularly the Labour Protection Act B.E. 2541 (1998) and Gender Equality Act B.E. 2558 (2015), with articles laid out in the Convention.

In addition, the Ministry of Social Development and Human Security, CSOs and international organizations should ensure that women are enabled to access support services, particularly if they experience gender-based violence

(at home or at work) or sexual harassment. The DLPW, with support from international organizations, should also ensure that labour inspectors are trained in issues related to gender-based discrimination, how to identify these, and how to satisfactorily remediate these in consultation with victims. CSOs, workers' organizations, and international organizations should empower women to organize themselves and raise grievances when their rights are not respected and provide women with necessary support, for example a child-care allowance, enabling women to pursue a formal labour protection complaint.

4. Improve wage-levels and wage-protections in the pre- and primary seafood processing sector

Recommendation 4.1: Enforce payment of minimum wages: The findings of this research indicated that many migrant workers in the pre- and primary seafood processing sector are not earning the minimum wage, despite being entitled to it. The DLPW should ensure that all employers pay all workers the provincial minimum wage, including piece rate workers. In line with their rights under the Labour Protection Act, all migrant workers should be able to bring a grievance to the DLPW when their right to minimum wage is not being respected without fear of arrest. CSOs and workers' organizations should support migrant workers who wish to report wage irregularities to the DLPW. Industry associations, workers' organizations, CSOs and international organizations could also support the DLPW to educate employers on their obligation to pay migrant workers at least the minimum wage – for example, through information campaigns and capacity building activities. Employers who continuously pay workers below the minimum wage should be prosecuted, in accordance with penalties laid out in section 144 of the Labour Protection Act B.E. 2541 (1998).

Recommendation 4.2: Establish a living wage rate and encourage private sector actors to pay living wages: International organizations could commission research into a living wage rate enabling migrant workers to cover their daily necessities without going into debt. This research should then inform international organizations' advocacy strategies when engaging with the private sector, particularly employers of migrant workers and seafood buyers. Seafood buyers, in turn, should make commitments to payment of living wages to all workers employed in their supply chains and support their suppliers to work towards implementing these commitments.

5. Reduce and eliminate financial debt among migrant workers

Recommendation 5.1: Investigate and prosecute (informal) intermediaries charging migrant workers excessive fees for processing and obtaining documents to regularly live and work in Thailand: The DoE and the Police Department could enhance their collaboration to investigate (informal) intermediaries who charge workers excessive fees to process and obtain documentation required to live and work in Thailand regularly or who fail to deliver migrant workers documents they have paid for. When such cases are identified, these (informal) intermediaries should be prosecuted for operating without a license, in line with Section 104 of the Royal Decree on Managing the Work of Foreigners B.E. 2560 (2017).

6. Ensure social protection coverage among all migrant workers

Recommendation 6.1: Enhance migrant workers' access to social protection, including the Social Security Fund and the Workman's Compensation Fund: The Social Security Office could

collaborate with industry associations to educate employers operating in the pre- and primary seafood processing sector on their obligation to enrol all workers they employ in the SSF. Workers' organizations and CSOs should also promote the benefits of being enrolled in the SSF among migrant communities. To enhance migrant workers' access to social protection, the Social Security Office should also reduce the paperwork involved in making claims from the SSF or the Workmen's Compensation Fund, particularly the need to provide two copies of all documents in the workers' language and Thai language. Employers of migrant workers who cannot be enrolled in the SSF should be held legally responsible for covering the cost of migrant workers' health insurance.

Recommendation 6.2: Increase interdepartmental collaboration to identify where workers are not enrolled in the Social Security Fund:

The DoE and the Social Security Office could collaborate to identify employers operating in the pre- and primary seafood processing sector that hire migrant workers but have not enrolled them in the SSF. The Social Security Office, under its mandate and authority, has the power to issue warning letters and fines to employers who fail to submit the employee list of workers to be enrolled within 30 days of the workers commencing employment. The Social Security Office could also improve its collaboration with labour inspectors under the DLPW to hold employers accountable for failure to enrol migrant workers in the SSF or for failing to remit employer contributions for workers who are enrolled. Similarly, the Social Security Office and DLPW should hold accountable any employer who deducts workers' wages but fails to remit the money to the Social Security Office. Moreover, the Social Security Office could be more pro-active in conducting inspections on employers who fail to submit the list of employees registered under the social security system to the Office. These measures will help the Royal Thai Government to achieve at least 60 per cent of the ratio between registered workers and the total workforce to be registered under the social security system, which is one of the goals laid out in the five-year action plan (B.E. 2566-2570) of the Ministry of Labour.

Recommendation 6.3: Ensure that all workers enrolled in the Social Security Fund can access health-care services free of charge:

To better protect workers from adverse shocks, the Social Security Office could develop a system similar to the migrant health insurance, whereby migrant workers only have to present their SSF card to receive free health care, whereby they would not be required to cover the costs of health care upfront and be reimbursed later. The Ministry of Public Health should require hospitals to provide interpreters who can speak migrant workers' languages and to ensure migrant workers do not have to pay for an interpreter to accompany them to the hospital. CSOs, international organizations and workers' organizations should also raise awareness among migrant communities of their entitlements to access health-care services once enrolled in the SSF, and on how to access these.

7. Improve migrant workers' access to timely remediation

Recommendation 7.1: Ensure that all migrant workers, regardless of their migration status, can bring a complaint to a DLPW or DoE office without fear of deportation or penalty when their labour rights are not respected:

To increase the level of trust among migrant workers in State-based grievance mechanisms, the DLPW needs to ensure that any grievances that are brought by migrant workers are satisfactorily remediated in a timely manner, and that migrant workers do not face retaliation for speaking out against issues they experienced, either from the Immigration Office or from employers. The DLPW could also ensure that interpreters are available in every provincial office to support migrant workers throughout

the remediation process. CSOs and workers' organizations should support migrant workers throughout the remediation process, for example by providing free legal aid, and should, along with international organizations, verify whether satisfactory outcomes are reached.

Recommendation 7.2: Promote the right to freedom of association among migrant workers in the pre- and primary seafood processing sector: To improve migrant workers' bargaining power and ability to demand that their rights under Thai law be respected, the Royal Thai Government should ratify the ILO Freedom of Association and Protection of the Right to Organize Convention (C87) and ILO Right to Organize and Collective Bargaining Convention (C98), and amend Section 88 of the Labour Relations Act B.E. 2518 (1975) to enable migrant workers to form their own independent unions and to hold leadership positions in existing unions. Workers' organizations, CSOs and international organizations should support migrant workers who wish to join a union to do so – regardless the tier of the supply chain they are employed in.

Recommendations to private sector actors

Between June and December 2022, study findings have been validated with public and private sector actors. Fourteen private sector actors, including both national and international companies operating in the seafood processing sector, shared their reflections on findings and provided inputs to recommendations, particularly targeting buyers. This section lays out the recommendations private sector actors proposed to address challenges identified.

1. Enhance supply chain transparency and identify risks facing migrant workers employed in the supply chain

Recommendation 1.1: Increase supply chain transparency to identify involved actors and understand human and labour rights risks: Due to supply chain complexities and multiple actors involved, often times, buyers are unaware of the actors in their supply chain producing the products they buy, beyond their tier-1 suppliers. As well, there might be a disconnect within companies, as technical personnel overseeing operations may be aware of supply chain dynamics, but this knowledge might not necessarily be passed on to the department in charge of due diligence measures. As such, due diligence measures taken by buyers do not include the whole supply chain, leaving out the lower tiers who undertake pre- and primary processing of seafood. To ensure buyers are enabled to carry out due diligence throughout the supply chain as a whole, buyers are encouraged to increase supply chain mapping exercises and to ensure information regarding supply chain dynamics is shared with colleagues responsible for due diligence.

Recommendation 1.2: Revise auditing policies to include actors in lower tiers of the pre- and primary seafood processing sector in social audits: Buyers usually require their suppliers to undergo a social audit in order to ensure that suppliers fulfil buyer requirements and adhere to the buyer's code of conduct. However, this audit is only carried out at their direct, tier-1 suppliers with whom they have an agreement, and is not applied to supply chain actors in lower tiers. To enhance monitoring in the lower tiers of the supply chain, buyers could revise their auditing policies to include actors in lower tiers of the supply chain in social audits. In addition, audits should also cover subcontracted and home-based workers. To ensure that actors operating in the lower tiers are able to participate in audits, buyers should apply a cost-sharing model to facilitate the audit. However, challenges to engage actors operating in the lower tiers in audits persist, as buyers carrying out audits often do not have a direct agreement with these suppliers and have thus limited leverage.

2. Improve wage-levels and wage-protections in the pre- and primary seafood processing sector

Recommendation 2.1: Ensure that the price paid for seafood products enables all actors in their supply chain, including in the lower tiers, to pay all workers at least minimum wage:

To ensure that all suppliers operating in a supply chain can pay at least minimum wage to their workers, seafood buyers need to conduct human rights due diligence at every tier of their supply chain and verify that their product pricing enables production costs inclusive of minimum wage payment at all tiers of production, in line with workers' rights under national legislation and with the UNGPs to respect human rights throughout their supply chains. Buyers also need to verify that the price their supplier charges them is inclusive of these costs. However, challenges remain for buyers to determine whether their purchasing practices affect wages of workers in lower tiers, and whether the prices they pay trickle down to the lower tiers.

3. Tackle decent work deficits experienced by migrant workers in the lower tiers of the seafood processing factor

Recommendation 3.1: Long-term agreements with suppliers may enhance working conditions of all workers, including migrant workers:

Buyers may sign short-term agreements with their suppliers to fulfill current demands. However, short-term agreements are challenging for local suppliers, as these do not guarantee a steady flow of income. With long-term agreements, suppliers are guaranteed income and do not need to squeeze cost, for example on workers' salary or PPE, in order to save money for periods when they receive less orders.

4. Enhance migrant workers' access to remediation

Recommendation 4.1: Collaborate with local networks and CSOs to enhance migrant workers' access to effective remediation:

Even though some buyers have systems and mechanisms in place that migrant workers employed in their supply chain can reach out to if they wish to report any grievances, migrant workers may not be aware of these, not trust them, or have difficulties accessing these. In addition, even when grievances are reported, buyers may face challenges addressing these, particularly in the lower tiers of their supply chain, as buyers have no direct agreements with these suppliers. To enhance migrant workers' access to effective remediation, buyers could collaborate with local networks and CSOs supporting migrant workers to build their capacity to effectively receive migrant workers' grievances and provide them with the required support, such as legal assistance. At the same time, it is important that employers, (informal) intermediaries and buyers do not discourage workers to make use of State-based grievance mechanisms.

5. Enhance awareness and capacity among businesses on human rights and labour standards

Recommendation 5.1: All actors, including private sector actors, should enhance awareness raising and capacity building efforts among businesses, including in the lower tiers of the seafood processing supply chain:

Private sector actors operating in the lower tiers of the supply chain may not be aware of national and international human rights and labour standards they are required to follow. And if they are aware of the standards, they may require technical guidance on how to adhere to these. Therefore,

all actors, including private sector actors, should enhance awareness raising and capacity building efforts on national and international human rights and labour standards, best practices and challenges in case of non-compliance to migrant workers and businesses.

Particularly, larger seafood processing factories in Thailand that implement the Seafood Good Labour Practices Programme in their supply chain should enhance monitoring of SMEs they purchase from, as to ensure that they also follow the Guidelines. In addition, larger seafood processing factories should work with the government to ensure these Guidelines are also implemented in the lower tiers of the seafood processing supply chain, particularly in workplaces and supply chains that supply their produce to local markets.

6. Achieve meaningful change and address challenges faced by migrant workers in the lower tiers of the seafood processing supply chain, at the policy level

Recommendation 6.1: Private sector actors should collectively engage in policy dialogue with relevant government agencies to address challenges facing workers in their supply chain: The business community should utilize its leverage on government actors by engaging in dialogue and discussing challenges faced by migrant workers in the lower tiers of the seafood processing supply chain, as well as the required actions by both public and private sector actors, to prevent challenges and improve the situation of migrant workers.

ANNEX 1:

Legal framework



Thailand is a Member State of the United Nations (UN), and the Association of Southeast Asian Nations (ASEAN) and is bound by a number of international standards, treaties and multilateral and bilateral agreements regarding the protection of workers, including migrant workers. Thailand ratified the International Convention on Economic, Social and Cultural Rights (ICESCR) in 1999, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in 1985, and the Convention on the Elimination of All Forms of Discrimination (CERD) in 2003. It has yet to accede to the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).

Thailand has ratified six of the eight ILO Fundamental Conventions. It has yet to ratify ILO Freedom of Association and Protection of the Right to Organise Convention (C87) and ILO Right to Organize and Collective Bargaining Convention (C98). In June 2018, Thailand ratified the ILO Protocol of 2014 to the Forced Labour Convention of 1930 (P29),²⁰¹ which sets out the international framework for combating forced labour, including measures to prevent forced labour, protect victims and provide victims with access to remediation and compensation. P29 became a law in Thailand in April 2019, through amendments to the Anti-Trafficking Act B.E. 2551 (2008).²⁰² Thailand also voted for the Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195).

Thailand's national legal framework on the protection of migrant workers

A number of national laws and regulations set out Thailand's obligations with regards to the regulation of labour migration and the protection of migrant workers, including migrant workers in Thailand's seafood processing sector. For the purpose of this legal analysis, the key laws examined below are broadly divided into those that govern labour migration (and which include some provisions regarding migrant worker protection), and those that provide labour protection provisions (to Thai nationals, as well as migrant workers).

Labour migration legislation

Several laws in Thailand govern labour migration. They include, *inter alia*, the Immigration Act B.E. 2522 (1979) (Immigration Act); Royal Ordinance; and Prevention and Suppression of Trafficking in Humans Act B.E. 2551 (2008) (Prevention and Suppression of Trafficking in Humans Act).

Immigration Act B.E. 2522 (1979)

The Immigration Act stipulates that an Alien²⁰³ who does not have a valid document and/or visa shall be excluded from entering the Kingdom.²⁰⁴ The Act also governs that when a migrant²⁰⁵ enters the Kingdom of Thailand without valid document and visa and/or acts in breach of the immigration law, he or she may be deported and/or penalized by other sanctions.²⁰⁶ The Act also designates specific channels (including MoU channels) for bringing immigrants into the Kingdom, which may be amended through Government Gazette by the Minister.

²⁰¹ ILO Thailand joins the global movement to combat forced labour, Press release 04 June 2018.

²⁰² *The Royal Ordinance amendment of Anti-Trafficking Act B.E. 2551* (B.E. 2562), announced on 6 April 2019.

²⁰³ Immigration Act defines "Alien" as any natural person who is not of Thai nationality.

²⁰⁴ Immigration Act, Section 12(1).

²⁰⁵ Section 4 defines Immigrant" as any alien who enters the Kingdom of Thailand.

²⁰⁶ Immigration Act, Section 58.

Foreign Working' Management Emergency Decree B.E. 2560 (2017) and its amendments

Between 2016 and 2018, Thailand further developed its legal framework, including the adoption of the Emergency Decree, to manage labour migration in parallel with the implementation of the MoU processes. The Royal Ordinance sets out that the MoU and border pass processes are the only official channels for lower-wage migrant workers to enter Thailand. The Emergency Decree essentially aims to regulate the management of the employment of foreign workers. The law is not a labour-rights based piece of legislation, although it does outline some worker rights. As stated in the Introductory paragraphs of the legislation, the law contains certain provisions “which have the effect of restricting a person's rights and liberties to or of life and the body, a person's liberty of dwelling, a person's liberty to write, print and publicise, a person right to property and a person's liberty to engage in an occupation, in a manner that restrictions on rights and liberties are made to the extent necessary for the purpose of foreigners' working management to achieve orderliness and efficiency”.²⁰⁷

There are nevertheless rights guaranteed to migrant workers under the Emergency Decree. These include that employers must provide migrant workers with written employment contracts²⁰⁸ and they have the right to retain their own identity documents.²⁰⁹ Section 49 includes that employers are prohibited from demanding or receiving money or property from foreign workers brought to Thailand under MoU, except for the costs that are “the foreign worker's responsibility, in which the employer has paid for in advance, such as passports, health check, work permit or other relevant costs... the employer may deduct from the wages, over time, holiday wages or over time holiday wages but shall not exceed ten percent of the foreign worker's monthly wages.”²¹⁰ In addition, recruitment agencies are prohibited from demanding placement fees from migrant workers.²¹¹ However, as the Minister of Labour is yet to develop secondary legislation specifying exactly what is meant by “recruitment costs not to be paid by migrant workers,”²¹² migrant workers can still be charged for migration related costs, such as passport and work permit fees.

Under Section 64 of the Emergency Decree, foreign workers who are citizens of countries bordering Thailand may enter the country with a border pass to work in seasonal work. Section 64 is designed as a more flexible option compared to the MoU modality, as it allows employers to hire workers for a short-term period (for instance, seasonal agricultural workers).

The Emergency Decree stipulates that employers are required to notify the Registrar of the name and nationality of migrant workers they employ, as well as the characteristic of their work, within 15 days of employment or resignation.²¹³ Migrant workers are permitted some flexibility to change their employer, particularly in the event of abusive conditions; however, the process must be completed within 30 days of leaving their previous employer, or migrant workers risk losing their legal status to work in the country.²¹⁴ The “change employment”

²⁰⁷ Preamble of Foreign Working' Management Emergency Decree B.E. 2560 (2017)

²⁰⁸ Foreign Working' Management Emergency Decree B.E. 2560 (2017), Section 3(4).

²⁰⁹ Foreign Working' Management Emergency Decree B.E. 2560 (2017), Section 131

²¹⁰ Foreign Working' Management Emergency Decree B.E. 2560 (2017), Section 49.

²¹¹ Foreign Working' Management Emergency Decree B.E. 2560 (2017), Section 42.

²¹² ILO Recruitment fees and related costs: *What migrant workers from Cambodia, the Lao People's Democratic Republic, and Myanmar pay to work in Thailand* (Geneva, 2020).

²¹³ Foreign Working' Management Emergency Decree B.E. 2560 (2017), Section 13; Section 51.

²¹⁴ Foreign Working' Management Emergency Decree B.E. 2560 (2017), Section 13.

process requires signatures from both old and new employers.²¹⁵ The penalties for failing to complete the change of employer process in 30 days include deportation as well as other sanctions as prescribed in the Immigration Act.

Prevention and Suppression of Trafficking Act B.E. 2551 (2008)

This Act establishes penalties for: engaging in trafficking in persons; incentivizing or coercing trafficked persons to not approach or cooperate with the authorities; concealing, damaging or falsifying evidence of trafficking in persons; taking any actions that would allow witnesses to be identified.²¹⁶

The Act outlines the protection provisions that must be afforded to trafficking victims. The Ministry of Social Development and Human Security is required to provide assistance to victims including: food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, repatriation to the home country, and access to legal proceedings for the purpose of claiming compensation.²¹⁷ The Act further states that victims must be placed in a shelter provided by the law on prevention and suppression of prostitution, or a shelter provided by the law on child protection, or other government or private welfare centres.²¹⁸ Victims shall not be charged legal fees for hearing proceedings for compensation.²¹⁹ Unless permission is granted by the Minister of Justice, no legal proceedings may be taken against any victim for offences they committed related to entering, leaving, or residing in the Kingdom of Thailand, giving false information to officials, using forged documentation, or engaging in sex work.²²⁰

In April 2019, the Royal Thai Government strengthened the country's anti-trafficking in persons legislation by including 'forced labour or service', including through threats, intimidation, use of force, debt bondage or the seizure of documents, as a standalone offence within the Anti-Trafficking in Persons Act B.E. 2551.²²¹ The amendment introduced more severe penalties for trafficking, including fines of up to THB 400,000, and prison sentences of up to four years for offenders, or both.²²² The Act, in its current form, is in line with the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) and mirrors the Palermo Protocol's terminology. The protocol includes a revised definition of "exploitation" to include "practices similar to slavery", and an expanded definition of "forced labour or services," which now includes seizure of identification documents and debt bondage.²²³

Legislation pertaining to the protection of migrant workers

A number of Thai laws provide protection provisions for workers – both Thai and migrant workers. These include, *inter alia*, the Labour Protection Act B.E. 2541 (1998) and its amendments; Home Worker Protection Act, B.E. 2553 (2010); Labour Relations Act B.E. 2518 (1991); Social Security Act B.E. 2533 (1990); Occupational Safety, Health and Environment Act, B.E. 2554 (2011); Workmen's Compensation Act B.E. 2537 (1994) and its amendments; and Gender Equality Act B.E. 2558 (2015).

²¹⁵ Foreign Working' Management Emergency Decree B.E. 2560 (2017), Section 51-2.

²¹⁶ Prevention and Suppression of Trafficking Act, Section 6

²¹⁷ Prevention and Suppression of Trafficking Act, Section 33.

²¹⁸ Prevention and Suppression of Trafficking Act, Section 33.

²¹⁹ Prevention and Suppression of Trafficking Act, Section 35.

²²⁰ Prevention and Suppression of Trafficking Act, Section 41.

²²¹ Royal Ordinance (as an amendment to Anti- Trafficking in Persons Act B.E. 2551) B.E. 2562, Section 6/1, Paragraph 4.

²²² Chandran, R. [Thailand ramps up fight against forced labor with stricter law](#), Reuters, 08 April 2019.

²²³ Prevention and Suppression of Trafficking Act, Section 6/1.

Labour Protection Act B.E. 2541 (1998) and its amendments

Thailand's primary law governing labour rights is the Labour Protection Act, most recently updated under the Labour Protection Act B.E. 2560 (2019). This law covers, *inter alia*, workers' working hours, wages, welfare, occupational health and safety and channels for submitting complaints.

Under the Act, all workers are protected regardless of race, nationality or any other status. Hence, all employees working in Thailand are able to enjoy protection under the Labour Protection Act, including migrant workers, regardless of their migration status. There are some exceptions to equal treatment in the Act where equal treatment is impossible because of: the nature of the work; employees in some industries (such as trading, services, academia, and management) may need to work longer hours per day; and overtime pay is not available to human resource managers, firefighters and others as described in the Act.²²⁴

Migrant workers are entitled to labour rights protections including: minimum wage;²²⁵ maternity leave;²²⁶ working weeks of no more than 48 working hours;²²⁷ protection from termination of employment during pregnancy²²⁸ and over-time pay.²²⁹ The Act prohibits employers from hiring children younger than 15 years and allows only certain types of jobs for children aged 15 to 18 years.²³⁰ Workers younger than 18 years are not allowed to work at night.²³¹

Under the Labour Protection Act, the duties and responsibilities of labour inspectors include: entering places of business in order to examine the working conditions of workers; issuing inquiry notices or summons of employers, employees or other relevant persons; and issuing written orders to employers or employees to comply with the Labour Protection Act.²³²

Chapter 13 of the Labour Protection Act covers the Employee Compensation Fund, a State compensation mechanism for workers who experience non-payment of wages.²³³ Employer and employees are required to contribute to the Fund, of up to 5 per cent of total wages.²³⁴ In the event of unpaid wages or termination of employment, migrant workers, by law, can claim their contributions from the fund under the consideration of the Employee Compensation Fund committee.²³⁵ However, several challenges remain for migrant workers to access the compensation, from the number of workers in the workplace,²³⁶ insufficient documents proving non-payment of wages as they do not usually receive any pay slips, as well as administrative procedures including opinions of the Committee fund to approve the claim.²³⁷

²²⁴ See Lexology (2020) Q&A: Labour and employment law in Thailand: www.lexology.com/library/detail.aspx?g=cc93873a-88e0-4227-980b-3fe113b53459

²²⁵ See [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).

²²⁶ Labour Protection Act B.E. 2541, Section 41

²²⁷ Labour Protection Act B.E. 2541, Section 23.

²²⁸ Labour Protection Act B.E. 2541, Section 43.

²²⁹ Labour Protection Act B.E. 2541, Section 61.

²³⁰ Labour Protection Act B.E. 2541, Section 44.

²³¹ Labour Protection Act B.E. 2541, Section 47.

²³² Labour Protection Act B.E. 2541, Section 139.

²³³ LPA, Chapter 13.

²³⁴ LPA, Section 131.

²³⁵ LPA, Section 134.

²³⁶ LPA, Section 130.

²³⁷ See ศาลสั่งกองทุนสงเคราะห์ลูกจ้าง จ่ายเงินให้แก่แรงงานข้ามชาติ 35 ราย ที่กองทุนไม่สามารถปฏิเสธสิทธิแรงงานข้ามชาติ (accessed 8 June 22).

The amendments of 2019 to the Act introduced and/or expanded a number of benefits and protections for workers. These include:

- The period of maternity leave has been increased from 90 days to 98 days (inclusive of holidays), with employers now required to pay a minimum of 45 days' worth of the employee's most recent pay rate;²³⁸
- Employers are prohibited from transferring employees from one employer to another without obtaining the employee's consent;²³⁹
- Male and female employees who are undertaking the same work must be paid equally;²⁴⁰
- Penalties for employers who fail to comply with provisions in the Act have also been increased.

While these amendments are laudable, there are limitations to this law, and criticisms regarding the implementation of the Act have been made. Under Section 22, the Labour Protection Act opens the possibility that workers engaged in agricultural work, marine fishing, the loading or unloading of goods on and from maritime vessels, homebased work and transportation may be excluded from the labour protections under the Act.

There are also concerns around the failure of labour inspectors to identify cases of forced labour and trafficking in persons. According to the 2020 Royal Thai Government's Country Report on Anti-Human Trafficking efforts, 11,177 workplaces and vessels were found to be in violation of Thailand's Labour Protection Act and other laws, yet officials did not identify a single case of forced labour or trafficking in persons.²⁴¹ NGOs argue that law enforcement officials in Thailand do not dig deeper for signs of intention, force or coercion, which are crucial in differentiating labour law violations from cases of forced labour.²⁴²

Home Worker Protection Act, B.E. 2553 (2010)

This law governs the labour protection of homeworkers. The Act defines 'Homework' as work that an employer in an 'industrial enterprise' has assigned to a person taking work for production or assembly outside the business establishment of the employer, or other work as set out in regulations.²⁴³ A 'Homeworker' means a person or a group of persons who agree with an employer to undertake homework.²⁴⁴ 'Person who hires' means a business operator who agrees to employ a homeworker, regardless of whether the assignment of the job will be made through him, his representative or by a sub-contract.²⁴⁵ However, the law does not clarify what work precisely falls under the category of 'industrial enterprise'.

The Act is divided into eight chapters, including: rights and duties of hirers and home workers; remuneration; safety in the performance of work; labour inspector.

This Act sets out the rights of homeworkers and duties of hirers, including the payment of minimum rates of pay, restrictions on deductions and provisions for health and safety. Under the Act, the hirer is responsible for preparing a work agreement and must give a copy to the homeworker.²⁴⁶ Another copy must be kept at the place of work to be readily produced during labour inspections.

²³⁸ Labour Protection Act B.E. 2541, Section 41.

²³⁹ Labour Protection Act B.E. 2541, Section 13.

²⁴⁰ Labour Protection Act B.E. 2541, Section 53.

²⁴¹ RTG (2020) *Royal Thai Government's Country Report on Anti-Human Trafficking Efforts*.

²⁴² Seafood Working Group [Comments Concerning the Ranking of Thailand by the United States Department of State in the 2021 Trafficking in Persons Report](#) (2021).

²⁴³ Homeworker Protection Act B.E. 2553, Section 3.

²⁴⁴ Homeworker Protection Act B.E. 2553, Section 3.

²⁴⁵ Homeworker Protection Act B.E. 2553, Section 3.

²⁴⁶ Homeworker Protection Act B.E. 2553, Section 9.

The remuneration of homeworkers is protected by the Act, which provides that the remuneration for the same home work (that is, the same type of work and the same amount of labour time) shall not be less than that stipulated by the labour protection law, with no discrimination.²⁴⁷ The employer shall pay remuneration to the homeworker at the homeworker's workplace, at the time of the delivery of the work or as specified in the agreement, but not more than seven days after the date of the homeworker's delivery of the work.²⁴⁸ The hirer's deduction of remuneration for the payment of damages or penalties for delayed delivery of the work shall not be more than 10 per cent of the remuneration.²⁴⁹

Under the provisions related to safety measures of the performance of work, it is forbidden for anyone to engage homeworkers to carry out work involving hazardous materials.²⁵⁰ Moreover, the hirer must provide the worker with the necessary protective and safety equipment.²⁵¹ The hirer must give a warning notice informing homeworkers of the dangers which may arise. The hirer is also responsible for medical, rehabilitation and funeral expenses in cases where the homeworker was harmed during the performance of work.²⁵²

Under the Act, cases arising from disputes between hirers and homeworkers come under the jurisdiction of the Labour Court to adjudicate.²⁵³ The Labour Court has the power to order that employment contracts, or terms in documents relating to the acceptance of work that give the hirer undue advantage over the homeworker, are to be enforced only insofar as they are fair and reasonable.²⁵⁴

The Act authorizes labour inspectors to enter an enterprise, or office of the hirer, or the place where the homework takes place, in order to examine the working conditions.²⁵⁵ The practicality of labour inspections remains in question, as the nature of homework makes it challenging to monitor working conditions of homeworkers and identify non-compliance with the Act.

There are no legal provisions on working hours or welfare under the Act. Additionally, the right to terminate the contract is solely granted to the hirer.²⁵⁶ The Act states that the hirer cannot terminate the contract if the work is still in the period agreed between the two parties.²⁵⁷ While most migrant workers employed in homebased workplaces are women, their rights to paid maternity leave are not protected under the Homeworker Act. It is thus unclear whether the Act protects migrant workers in homebased workplaces, although government interviewees assert that it does.²⁵⁸

²⁴⁷ Homeworker Protection Act B.E. 2553, Section 16.

²⁴⁸ Homeworker Protection Act B.E. 2553, Section 17 and 18.

²⁴⁹ Homeworker Protection Act B.E. 2553, Section 19.

²⁵⁰ Homeworker Protection Act B.E. 2553, Section 21.

²⁵¹ Homeworker Protection Act B.E. 2553, Section 23.

²⁵² Homeworker Protection Act B.E. 2553, Section 24.

²⁵³ Homeworker Protection Act B.E. 2553, Section 34 and 35.

²⁵⁴ Homeworker Protection Act B.E. 2553, Section 6.

²⁵⁵ Homeworker Protection Act B.E. 2553, Section 37.

²⁵⁶ Homeworker Protection Act B.E. 2553, Section 10 and 11.

²⁵⁷ Homeworker Protection Act B.E. 2553, Section 10.

²⁵⁸ Government Interview 3.

Labour Relations Act B.E. 2518 (1991)

This law contains 10 chapters, including: agreements relating to conditions of employment; settlement of labour disputes; employees' committee; employers' associations; labour unions; and unfair practices.

The LRA recognizes and regulates the rights of workers to organize and join trade unions, and the right to strike. It also guarantees trade union representatives access to the workplace. The Labour Relations Act provides migrant workers with the right to join unions.²⁵⁹ However, migrant workers cannot form a union,²⁶⁰ nor be union committee members.²⁶¹ Employers are prohibited from terminating the employment of a migrant worker due to the worker joining a union.²⁶² Employers are also prohibited from preventing an employee from joining a union.²⁶³

The Labour Relations Act also contains provisions on collective bargaining.²⁶⁴ Workers do not have to be unionized in order to collectively bargain with their employer.²⁶⁵ However, employers are not required to negotiate in good faith.²⁶⁶

Social Security Act B.E. 2533 (1990)

The Social Security Act provides migrant workers with the right to social security if they are employees aged 15 to 60 years.²⁶⁷ Employers must register employees with the Social Security Office within 30 days of the start of their employment.²⁶⁸ Employers must pay the social security contributions for all their employees.²⁶⁹ Any person not considered an employee under Section 33 – for example, workers in homebased workplaces – is entitled to register with the Social Security Office.²⁷⁰ However, the person must be a Thai national as a prerequisite for the application, thus excluding migrant workers.

Once enrolled in the SSF, the social security fund should cover sickness, maternity, disability, child allowances, old age, death and unemployment benefits. For example, after paying contributions for three of the past 15 months, employees are entitled to non-occupational injury and sickness benefits.²⁷¹ After paying contributions for seven of the last 15 months, employees are entitled to maternity leave.²⁷² Workers need to pay into the social security fund for over 12 months to be eligible for a one-off pension payment when they retire.²⁷³

Workers can lose their right to claim from the SSF if they have not paid any contributions for three consecutive months or if no contributions are made for nine months over a 12-month period.²⁷⁴

²⁵⁹ Labour Relations Act B.E. 2518, Section 95.

²⁶⁰ Labour Relations Act B.E. 2518, Section 88.

²⁶¹ Labour Relations Act B.E. 2518, Section 101.

²⁶² Labour Relations Act B.E. 2518, Section 121

²⁶³ Ibid.

²⁶⁴ Labour Relations Act, Chapter 7.

²⁶⁵ Labour Relations Act, Section 98.

²⁶⁶ ILRF (2020) Time for a Sea Change.

²⁶⁷ Social Security Act B.E. 2533, Section 33.

²⁶⁸ Social Security Act B.E. 2533, Section 34.

²⁶⁹ Social Security Act B.E. 2533, Section 46.

²⁷⁰ Social Security Act B.E. 2533, Section 40.

²⁷¹ Social Security Act B.E. 2533, Section 62.

²⁷² Social Security Act B.E. 2533, Section 65.

²⁷³ Social Security Act, B.E. 2533 Section 77/2.

²⁷⁴ Social Security Act B.E. 2533, Section 41.

Workmen's Compensation Act B.E. 2537 (1994) and its amendments

The Workmen's Compensation Act entitles workers who experience occupational injuries and/or illness due to work-related accidents, injuries or illness, to compensation from their employer.²⁷⁵ The Act covers four types of compensation: medical expenses (up to THB 2 million); compensation (up to 60% of monthly wage) in case of sickness and injuries, impairment, disability and death; funeral expenses (as prescribed in the ministerial regulations); and occupational rehabilitation expenses (up to THB 358,000).²⁷⁶ Section 48 of the Act places the responsibility on the employer to notify the appropriate authorities of the worker's injury or illness. In addition, guidance on the extent of work-related injury and compensation is provided in the 'Manual on Assessment of Physical and Mental Fitness Loss B.E. 2559 (2016)'.²⁷⁷

All workers, except domestic workers, are covered by this Act.²⁷⁸ Migrant workers working in agriculture, fishery, forestry and livestock sectors are also covered by this Act following amendments on 21 February 2019. All migrant workers, regardless of migration status or formality of employment, working in the pre- and primary seafood processing sector are therefore entitled to compensation under this Act.

Occupational Safety, Health and Environment Act, B.E. 2554 (2011)

Migrant workers have the right to occupational safety and health under the Occupational Safety, Health and Environment Act B.E. 2554.

Employers are required to provide all workers with OSH training prior to commencing their employment.²⁷⁹ Employers must provide standard personal protective equipment to workers, and the employee should be stood down from work if they do not agree to wear the equipment.²⁸⁰ The cost of PPE cannot be deducted from workers' wages.²⁸¹

The Act outlines the steps that must be taken if a worker is injured or dies while at work.²⁸² Upon the death of a worker, the employer must report the death to the safety inspector immediately.²⁸³ In the event that a worker is injured because of fire, explosion, leak or other 'severe incident', the employer must report the incident immediately to the safety inspector, in order to prevent the same incident from happening again.²⁸⁴ If the danger or illness falls under the Workmen's Compensation Act, the employer must submit a report in writing to the safety inspector within seven days of the incident.²⁸⁵

Gender Equality Act B.E. 2558 (2015)

This Act establishes the Gender Equality Promotion Committee and the Committee on Consideration of Unfair Gender Discrimination.²⁸⁶ It defines the meaning of 'gender discrimination' and sets out penalties for

²⁷⁵ Workmen's Compensation Act B.E. 2537, Section 13.

²⁷⁶ Workmen's Compensation Act B.E. 2537, Section 16, 17 and 18.

²⁷⁷ [Q](#)

²⁷⁸ Workmen's Compensation Act B.E. 2537, Section 5.

²⁷⁹ Occupational Safety, Health and Environment Act B.E. 2554, Section 16.

²⁸⁰ Occupational Safety, Health and Environment Act B.E. 2554, Section 22.

²⁸¹ Occupational Safety, Health and Environment Act B.E. 2554, Section 7.

²⁸² Occupational Safety, Health and Environment Act B.E. 2554, Section 34.

²⁸³ Occupational Safety, Health and Environment Act, Section 34(1).

²⁸⁴ Occupational Safety, Health and Environment Act, Section 34(2).

²⁸⁵ Occupational Safety, Health and Environment Act, Section 34(3).

²⁸⁶ Gender Equality Act B.E. 2558, Section 5, and Chapter 2.

offences, and compensation for affected persons.²⁸⁷ Under the Act, ‘unfair gender discrimination’ means ‘to perform or not to perform any act dividing, obstructing or limiting any direct or indirect privilege without fairness on the grounds that such person is male or female or expresses themselves differently from their inborn gender’.²⁸⁸

Any person who deems they are suffering ‘unfair gender discrimination’ – if the matter is not filed in a court or if the final judgment or order on the matter has not been passed by a court – has the right to submit a petition to the Committee on Unfair Gender Discrimination for consideration and determination of whether unfair gender discrimination occurred.²⁸⁹ If the Committee finds unfair gender discrimination, the committee can order the organization to cease the discrimination and provide compensation and remedy for the injured person.²⁹⁰

Bilateral agreements on regular labour migration, and migrant worker registration processes

Since the early 2000s, the Royal Thai Government’s labour migration management policy has increasingly shifted towards the regularization of irregular migrants through an open registration and nationality verification process of migrants and their family members. Recently, access to the nationality verification process has been improved by the establishment of One Stop Service Centres, and through closer collaboration with neighbouring countries on the issue of labour migration.²⁹¹

To facilitate the process of legalizing migrants’ entry to and employment in Thailand, MoUs between Thailand and its three neighbouring countries, Cambodia, Lao People’s Democratic Republic and Myanmar were signed in 2002–2003.²⁹² Under the 2003 MoU, the governments of Cambodia and Thailand²⁹³ agreed to take all necessary measures to ensure the following:

- Proper procedures for the employment of workers;²⁹⁴
- Effective repatriation of workers who have completed terms and conditions of employment or are deported by relevant authorities of the other party before completion of the terms and conditions of their employment to their permanent address;²⁹⁵
- Due protection of workers to ensure that there is no loss of the rights and protection of workers and that they receive the rights that they are entitled to;
- Protection of and effective action against illegal border crossings, trafficking of illegal workers and illegal employment of workers.

Under the 2003 MoU on the Employment of Workers, the governments of Myanmar and Thailand²⁹⁶ agree to the same provisions covered in the MoU between Cambodia and Thailand namely: proper procedures

²⁸⁷ Gender Equality Act B.E. 2558, Section 3.

²⁸⁸ Gender Equality Act B.E. 2558, Section 3.

²⁸⁹ Gender Equality Act B.E. 2558, Section 18.

²⁹⁰ Gender Equality Act B.E. 2558, Section 20.

²⁹¹ ILO (n.d.) [Migrant workers’ rights and welfare](#).

²⁹² Ibid.

²⁹³ [Memorandum of Understanding between Cambodia and Thailand on cooperation in the employment of workers](#).

²⁹⁴ Article 7 outlines that requirements include: A visa or other permission; work permits; health insurance; contribution into a savings fund; payment of taxes; and employment contracts.

²⁹⁵ Actual repatriation processes are not outlined in the MoU.

²⁹⁶ [Memorandum of Understanding between the Kingdom of Thailand and the government of the Union of Myanmar on cooperation in the employment of workers](#).

for employment of workers; effective repatriation of workers; due protection to workers; and prevention of trafficking in persons and illegal employment of Myanmar workers.

Despite this progress, a 2019 report by Verité discusses the limitations of the existing legislation and MoUs between Thailand, and Cambodia and Myanmar.²⁹⁷ With regards to Cambodian migrant workers, the report argues that few Cambodian workers enter Thailand through the MoU process due to the complicated, lengthy and expensive procedures involved.²⁹⁸ Verité argues that there are specific provisions in the Cambodia-Thailand MoU that, in practice, discourage formal migration. These include the lack of limit regarding the costs that can be charged by private recruitment agencies; requirements to contribute 15 per cent of salary to a savings fund managed on the Thailand side, which is refunded only under certain conditions; taxes levied by Thailand and/or Cambodia; a maximum stay limit of four years of work in Thailand; and a mandatory three-year 'cooling off period' during which a foreign migrant worker who has just returned from Thailand cannot re-enter Thailand to work.²⁹⁹ Verité further argues that while the Cambodia Sub-Decree regulating migration describes the responsibilities of private recruitment agencies, it is largely silent on the rights of workers and protection from forced labour, discrimination and restrictions on freedom of association and collective bargaining.³⁰⁰

With regards to Myanmar migrant workers, Verité argues that under the MoU between Myanmar and Thailand, a Myanmar migrant worker has no choice for legal labour migration to Thailand but to engage the services of a private recruitment agency. Verité highlights the fact that the existing MoU does not cover recruitment-related expenses, such as transportation, initial application fees, training and accommodation, and argues that this process can put many Myanmar migrant workers in debt before they travel. Myanmar nationals need to make numerous trips to the capital, Yangon, to lodge applications, process documents and attend mandatory trainings. MoU document requirements and application procedures lead Myanmar nationals to engage (informal) subagents and intermediaries, who are often costly, to organize documentation.³⁰¹

Migrant worker registration subject to Nationality Verification

Over recent years but especially since 2014, the Royal Thai Government authorities have sought to move towards a managed approach to migration governance. A variety of measures have been adopted that aim to formalize the migration process, while also partially regularizing the status of those undocumented migrants already in Thailand. These measures include: migrant worker registration windows subject to NV, MoU procedures, and the Section 64 border pass scheme.³⁰²

With regards to migrant worker registration subject to NV, the Royal Thai Government has, since the 1990s and by way of Cabinet Resolutions, sporadically permitted undocumented migrants to semi-regularize their status. Through these large-scale semi-regularization exercises, undocumented migrants are permitted to live and work in Thailand for one to two years without having to exit Thailand and return to their home country. The most recent migrant worker registration occurred in 2017 and 2018. In order to register, migrants from

²⁹⁷ Verité [Thailand bound: An exploration of labor migration infrastructures in Cambodia, Myanmar, and Lao PDR](#) (2019).

²⁹⁸ Ibid.

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ Ibid.

³⁰² See Mekong Migration Network, [Regularisation of migrants in Thailand](#).

Cambodia, Lao People's Democratic Republic and Myanmar have been required to present themselves at one of the 80 designated registration centres in Thailand, commonly known as One Stop Service Centres. At these centres, migrants undergo the NV process; provide proof of employment; undergo a medical check; and pay a fee of approximately THB 6,000 to complete the process. While this process allows undocumented migrants to remain in Thailand and work for one to two years, it does not provide a long-term solution to regularize their stay in Thailand.³⁰³

Legislation in Cambodia

The recruitment of migrant workers from Cambodia to Thailand is governed by Cambodia's Sub-Decree No. 190 (2011), in addition to the 2003 MoU between Cambodia and Thailand. Sub-Decree No. 190 (2011) on The Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies (PRA) was designed to strengthen the regulatory framework for managing labour migration. The Sub-decree identifies the Cambodian Ministry of Labour and Vocational Training (MoLVT) as having the authority to grant licences to Cambodian private recruitment agencies to send workers abroad. It outlines the conditions for obtaining a license (Article 7), and defines obligations of recruitment agencies to respect all applicable laws and regulations of Cambodia. The law requires three contracts for the recruitment and job placement of Cambodian workers:

- 1) A contract between the MoLVT and the private recruitment agencies;
- 2) A contract between the private recruitment agencies and Cambodian workers. This Job Placement Service Contract should be in Khmer, and in accordance with applicable Cambodian laws and regulations;
- 3) A contract between foreign employers and Cambodian workers. This Employment Contract must be written in Khmer, English and the language of the destination country, adhere to the applicable laws and regulations of the destination country, and clearly specify working conditions, job status and types of work, benefits and key contact details.

To support Sub-Decree 190, eight prakas were adopted in 2013 including:

- Ensuring that migration is an informed choice.
- Enabling a positive experience for individual workers, their families and communities that also contributes to the development of Cambodia.
- Recognizing and responding to the distinct needs of migrant workers with respect to their gender, sector, legal status and other individual characteristics.³⁰⁴

According to a 2020 ILO report, at the time of developing the eight prakas, there were discussions about other prakas that would specify the costs permitted to be charged to migrant workers and the maximum fees that recruitment agencies were allowed to charge.³⁰⁵ However, at present there are no official maximum service fees that recruitment agencies are allowed to charge.³⁰⁶

³⁰³ Ibid.

³⁰⁴ See Cambodian Ministry of Labour and Vocational Training (n.d.). Available at www.mlvt.gov.kh.

³⁰⁵ ILO [Recruitment fees and related costs](#): What migrant workers from Cambodia, the Lao People's Democratic Republic, and Myanmar pay to work in Thailand (Geneva, 2020).

³⁰⁶ Ibid.

The Government of Cambodia has reported applicable fees and costs related to labour migration to include the following:

- Application form to obtain passport to be signed at the village level by district and provincial police: 5,000 to 10,000 Cambodian riel (KHR).
- Issuing of passport: KHR 400,000 for normal process within 30 days; KHR 800,000 for the premier process within three days.
- Obtaining of criminal records certificate: KHR 10,000–20,000.
- Health check-up: KHR 20,000–40,000.
- Approval of name list at the Ministry of Labour and Vocational Training's Department of Employment and Manpower: KHR 10,000–20,000.
- Department of Skills Development and Employment issuing permission for sending workers and issuing of the work permit: KHR 50,000–80,000.
- Applying for work visa at the Thai Embassy based in Phnom Penh: KHR 200,000–250,000.
- Pre-departure training services: KHR 80,000–100,000.
- Insurance: KHR 40,000–80,000 for six to 12 months for migrant worker overseas employment.³⁰⁷

Legislation in Myanmar

The recruitment of migrant workers from Myanmar to Thailand is governed by two national laws, which provide protection to Myanmar overseas migrant workers in relation to job advertisement controls, fees, health insurance, contribution to a savings fund and employment controls of employers:

- 1) The Law Relating to Overseas Employment (State and Peace Council Law 3/99)** explicitly defines terms related to overseas employment of Myanmar nationals. It provides information on registration of overseas employment seekers, service agent licensee obligations, and duties and rights of workers. Under the law, a service agent is defined as a person or organization, who/which, for a prescribed service fee, acts as an agent in securing employment for those who seek overseas employment. The law states that workers have a right to claim full compensation, or damages to which they are entitled, for injury sustained at a foreign worksite through the service agent, and the right to take civil or criminal action for loss of rights and privileges relating to overseas employment. However, the law is silent on where workers should file their claims for compensation or damages.
- 2) The Anti-Trafficking Law of 2005 (Order Supplementing Order 1/1999, 2000)** criminalizes and prohibits trafficking in persons, forced labour, forced service, slavery, servitude and debt-bondage, and describes fair conditions related to labour. The law covers, inter alia, wages, working conditions and working hours.

Myanmar migrant workers seeking employment in Thailand under the MoU mechanism have to use the services of recruitment agencies in Myanmar. A directive from the Myanmar Ministry of Labour, Immigration and Population allows recruitment agencies to charge migrant workers different rates for their services depending on the country of destination but specifies that in no case may the fee be higher than the equivalent of four months' salary. The fee for recruitment to Thailand is capped at 150,000 Myanmar Kyat (MMK).³⁰⁸

³⁰⁷ Ibid. The report explains that, based on the various costs, the total costs for migrant workers from Cambodia amount to approximately USD 169–304 per worker. This excludes the cost of any service fees charged by recruitment agencies.

³⁰⁸ Ibid.

The following costs – which may or not be included in the recruitment agency fee – apply to Myanmar migrant workers going to Thailand for work:

- Passport: MMK 25,000–30,000.
- Medical check-up: MMK 15,000–23,000.
- Smart card (overseas worker card): MMK 1,900.
- Insurance: MMK 15,000–30,000 for six and 12 months, respectively.
- Visa issued at the immigration checkpoint in Mae Sot: THB 500.³⁰⁹



³⁰⁹ Ibid.

ANNEX 2:

Research methodology



The study was designed to answer three research questions:

1. What are the working and living conditions of Cambodian and Myanmar migrant workers in the pre- and primary seafood processing sector?

To understand the labour migration journey of migrant workers' working in the pre- and primary seafood processing sector in Thailand, the study examined these sub-research questions:

1. What does the migration process, particularly the recruitment and deployment stage, of land-based migrant workers employed in pre- and primary seafood processing sector in Thailand look like?
2. How does migration status impact the working conditions and experiences of migrant workers involved in land-based seafood processing in Thailand?
3. What kind of companies employ these workers and in what kind of activities are they mostly engaged?
4. What labour rights violations and practical barriers do these migrant workers face?
 - a. What are the rights violations and barriers facing women migrant workers?
 - b. What are the structural factors existing in the sectors that prevent migrant workers from accessing their rights, and that may lead to vulnerabilities and exploitation?
 - c. What are the barriers these migrant workers face in accessing effective remedy?
5. How has the COVID-19 pandemic in Thailand and countries of origin of migrant workers, as well as the current situation in Myanmar, exacerbated the challenges and violations facing workers?

2. How does the legal framework protect migrant workers in the pre- and primary seafood processing sector?

To identify gaps in the legal protections offered to migrant workers employed in pre- and primary seafood processing activities and to provide recommendations to the Royal Thai Government, the study examined the following sub-research questions:

1. Which legal frameworks apply to pier-based and home-based migrant workers employed in the Thai seafood processing industry?
2. What legislative barriers do migrant workers face throughout the migration process?
3. What laws and policies protect these workers?
4. What protection gaps exist in these laws and policies with reference to international laws and standards?

3. How can the protection of migrant workers in the pre- and primary seafood processing sector be enhanced?

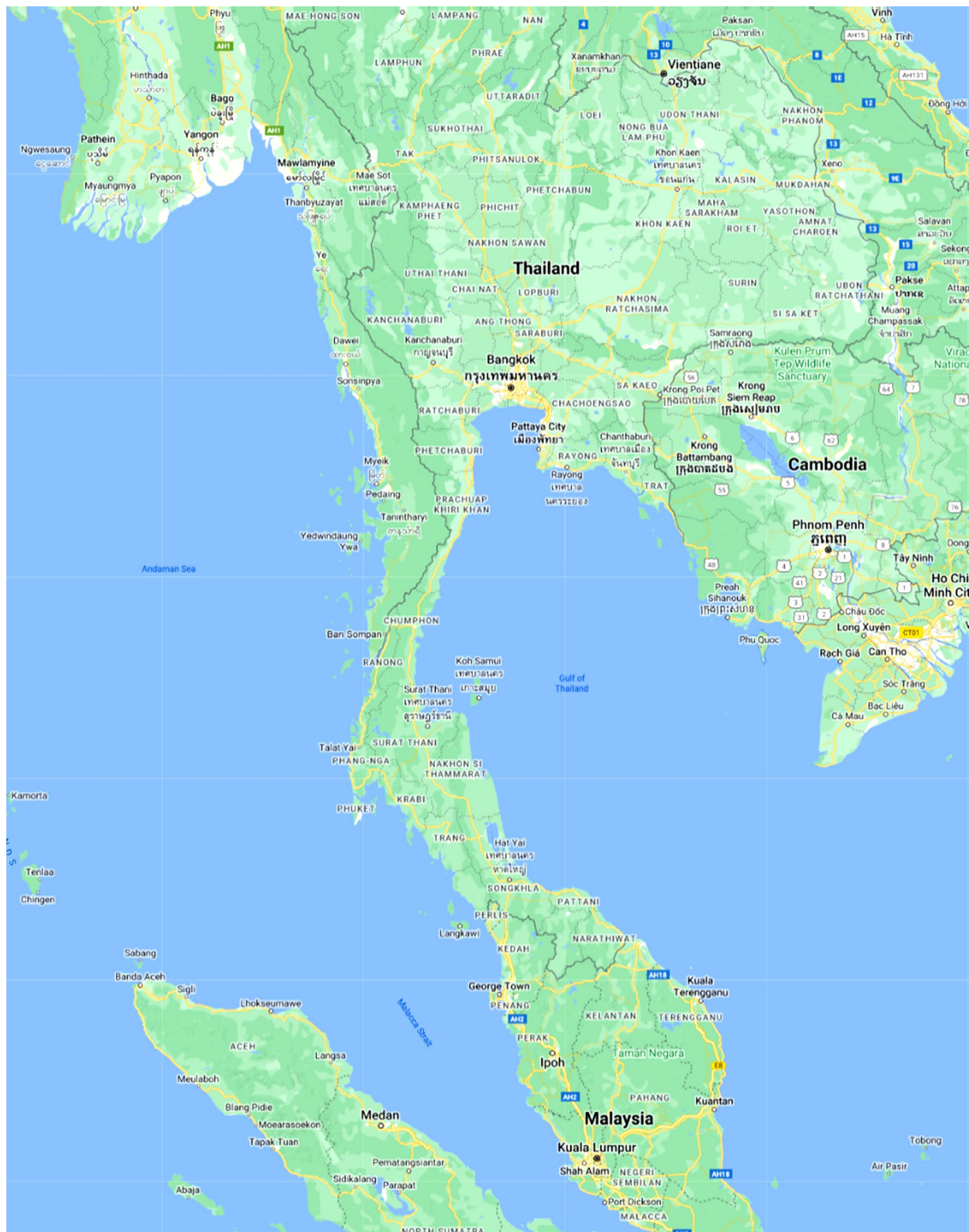
To advance the rights of pre- and primary seafood workers within the political and legal context, the study examined the following sub-research questions:

1. What efforts are relevant stakeholders currently undertaking to address the challenges and violations facing these migrant workers, throughout the migration process?
2. What political and legal barriers do stakeholders face to address challenges and human rights risks facing these migrant workers?
3. How can governments (of countries of origin and destination), civil society, private sector actors and the international development community contribute to efforts undertaken to efficiently and effectively address the challenges and violations facing these migrant workers, throughout the migration process, particularly with relation to recovery after the COVID-19 pandemic?

Methods

The research informing this report drew on a mixed methods methodology that involved primary and secondary data collection. Primary quantitative data collection included a worker survey among Cambodian and Myanmar migrant workers employed in the pre- and primary seafood processing sector, while qualitative data collection included semi-structured KIs, FGDs, and field observation methods. Secondary data collection consisted of a desk review of existing literature and trade and production statistics and a review of the legal framework.

Figure 14: Research locations





Primary data collection

Based on the findings of the desk review and an analysis of existing survey tools, a comprehensive worker survey was designed for this study. The survey included modules on migration, recruitment, documentation, income and wage deductions, expenses, working conditions, social reproductive labour, accommodation, social security, debt, coercion, grievance mechanisms and remediation, and the impact of COVID-19.

Researchers and interpreters participated in training workshops on the wording and terminology used within the survey tool, to improve the consistency of the data collection. Following a pilot in Samut Sakhon province in December 2021, the survey tool was revised and finalized.



Migrant workers transporting seafood to a factory in Ranong, Thailand. © IOM 2022/Javier VIDAL

Between December 2021 and April 2022, 201 migrant workers working in the pre- and primary seafood processing sector in Thailand were surveyed for this study by researchers of Praxis Labs. In total, 151 Myanmar and 50 Cambodian migrant workers were interviewed by the research team, using interpreters, in the provinces Samut Sakhon, Samut Prakan, Songkhla, Nakhon Si Thammarat, Surat Thani, Chumphon, Prachuap Khiri Khan, Ranong and Rayong (Figure 14). These provinces were selected because of the volume of catch landed and aquaculture produced, the prevalence of seafood processing facilities, and the concentration of documented migrant workers.

Migrant workers were identified for interview either through CSOs, through other workers, or were approached by the research team within migrant communities. About half of interviewed workers, 46 per cent, were

approached to participate in the study through a CSO, and 54 per cent, 59 workers, were approached to participate either by the researchers without a gatekeeper or through snowballing from other workers, 49 workers.³¹⁰ Surveys were conducted using KoBoToolbox, with data input directly into an electronic version of the survey tool.

Focus group discussions and in-depth interviews with workers

To contextualize the worker survey findings, in-depth interviews and FGDs were also conducted with migrant workers in the pre- and primary seafood processing sector. Approximately 30 per cent of surveyed workers also participated in an in-depth interview to provide further insight into their lives in Thailand and the circumstances that contributed to their responses to the survey questions. These interviews ranged in length from one hour to three and a half hours. Four FGDs were also conducted with Myanmar workers in SME factories, in processing garages, and in homebased workplaces. FGDs took place in Surat Thani, Chumphon, and Prachuap Khiri Khan.

Field observations

As migrant workers were primarily interviewed in their homes and communities, the research team had the opportunity to observe their living conditions. Most workers in homebased workplaces were interviewed while working in their home, which further provided opportunities for the researchers to observe the nature of homebased work. Observations were documented using fieldnotes.

Key informant interviews

Eleven semi-structured KIs with three government departments, four CSOs, three INGOs, and one private sector representative were conducted between December 2021 and March 2022. Interviews were conducted in English or in Thai, with English interpretation. KIs were used to support the contextualisation and triangulation of the worker data collected and the analysis of the Thai legal framework.

Validation workshops with government, civil society and private sector actors

Upon completion of the study, IOM held validation workshops with government, private sector (12 international businesses, and 2 national industry associations) and civil society actors, to validate the findings of the study. Private sector actors provided their inputs on the recommendations, particularly targeting the business community, on how they could contribute to enhanced protection of migrant workers employed in lower tiers of seafood supply chains.

Secondary data collection

The study started with a literature review – encompassing academic papers and reports produced by international organizations and civil society organizations. As noted above, there is limited literature focusing specifically on the pre- and primary seafood processing sector in Thailand. The literature review therefore examined wider reports on migration and working conditions for migrant workers in Thailand's seafood sector and the key indicators of vulnerability to exploitation. This review informed the research tools, particularly the worker survey, and was subsequently used to triangulate the research findings. The desk review also included an exploration of trade and production data, to understand where products processed in the pre- and primary seafood processing sector end up.

³¹⁰ One worker was referred for interview by a union.

Review of the legal framework

Existing policies and legislations, in both countries of origin and in Thailand, to protect migrant seafood processing workers were compiled and reviewed to inform the findings of this report. The analysis focused on the protections in place for migrant workers employed in the pre- and primary seafood processing sector, including processing garages, pier-based operations, and homebased workplaces, and in formal land-based SME factories. The review also focused on the gaps in their legal protections and on migration governance.

Worker survey

The quantitative data from the survey tool was downloaded from KoBoToolbox in Excel format. The data cleaning was undertaken by the Thai field researcher and reviewed by the lead researcher, both of whom were involved in collecting the data. Any queries in the data cleaning were discussed and agreed upon, with cross reference to qualitative notes made during the data collection. The data analysis was then conducted using Excel. Data was disaggregated by workplace, by gender and by nationality to assess for key trends. The findings of this analysis inform the basis of this report.

Qualitative data

Typed notes were made by the lead researcher during key informant interviews. These notes were cleaned and their accuracy verified by the Thai researcher. The anonymized interview notes were input into a OneNote notebook and a coding frame was developed. The coding frame focused on the key themes under investigation, including informal work arrangements, migration, recruitment, documentation, income, debt, working conditions, life in Thailand, gender, access to services and the impact of COVID-19. Under each theme, sub-codes were developed. The KII data was then coded in OneNote, using the coding frame, and the key findings were summarised to triangulate and contextualise the quantitative research findings.

Limitations

The nine provinces where worker data were collected were selected based on the volume of catch landed, the number of seafood processing facilities in the area and the number of registered migrant workers in the province. Areas within these provinces were identified in consultation with local CSOs and workers' organizations. The sampling strategy used to identify workers was not designed to provide a statistically representative sample. As such, the worker survey data described throughout this report is used to illustrate key issues and trends among migrant workers in the pre- and primary seafood processing sector. Survey findings were verified and further clarified during in-depth interviews and focus group discussions with migrant workers. However, the sample is not statistically representative of all migrant workers in the informal land-based seafood processing sector.

Due to an outbreak of Omicron variant of COVID-19 among Cambodian workers in January and February 2022, it was not possible to conduct FGDs with Cambodian migrant workers. Individual interviews with Cambodian workers were nevertheless conducted.

Because of safety concerns, the study focuses on the perspectives and lived experiences of migrant workers in Thailand. Although one industry association was interviewed, the study does not include the perspective of employers in the pre- and primary seafood processing sector, to protect the migrant workers surveyed.



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