CSO Coalition
for Ethical and Sustainable Seafood
Rights above the sea level

Falling through the Net

A Survey of Basic Labour Rights among Migrants Working in Thailand's Fishing Sector

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Photo credit: Suthep Kritsanavarin/Oxfam

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About the CSO Coalition

The Civil Society Organisation Coalition for Ethical and Sustainable Seafood ("CSO Coalition") was established in 2016. It consists of national and international CSOs working to address human rights and environmental issues in the Thai seafood sector. The CSO Coalition aims to promote and empower national CSOs in Thailand to build their organisational capacities (staff, research and public advocacy capabilities) and to hold the government and private sector to account for enforcing changes made to the legal and regulatory frameworks that govern the seafood sector. The CSO Coalition focuses on coordinating data, information and networks from each member organisation to help strategise around advocacy and produce policy-oriented, evidence-based recommendations aimed at the Thai government and the private sector.

The Coalition's mission is to:

- Eradicate modern-day slavery and Illegal, Unregulated and Unreported Fishing (IUU) from Thai seafood supply chains;
- Promote sustainable fishing in Thai waters.

The Coalition's key objectives are:

- To build organisational and strategic capabilities of local Thai NGOs working in the seafood industry, and to leverage national and international networks of relevant organisations working to end modern-day slavery and promote sustainable fishery;
- To raise awareness, expose, and eradicate modern-day slavery and Illegal, Unregulated and Unreported Fishing in the Thai fishing sector through policy-oriented, research-grounded, and evidence-based advocacy reports;
- To identify root cause, gap analysis, and deliver constructive solutions from on-the-ground insights to address environmental and social problems in Thai fishery supply chains;

- To provide impartial feedback on private sector and government enforcement efforts and reforms to combat modern-day slavery and Illegal, Unregulated, and Unreported Fishing in Thai seafood industry;
- To promote the respect for human rights and a fairer share of economic benefits in the seafood's value chains and other problematic sectors;
- To connect national advocacy initiatives to international advocacy networks – empowering national CSOs in the context of a shrinking civic space.

Current national members of the CSO Coalition include:

- Labour Rights Promotion Network (LPN)
- Stella Maris Seafarers' Centre
- Migrant Workers Rights Network (MWRN)
- Foundation for Education and Development (FED)
- Human Rights and Development Foundation (HRDF)
- Raks Thai Foundation

- Thai Sea Watch Association (TSWA)
- Association of Thai Fisherfolks Federation (ATFF)
- Andaman Foundation
- Sustainable Development Foundation (SDF)

International NGOs and other supporting organisations:

- Oxfam in Thailand
- Greenpeace Southeast Asia
- TLCS Legal Advocate
- International Labour Organization
- The Freedom Fund

Summary

Thailand's fishing industry has been subject to mounting scrutiny in recent years. Concerns highlighted by a diverse range of governmental, non-governmental and industry stakeholders have focused on issues of Illegal, Unreported and Unregulated (IUU) fishing and human rights abuses, including forced labour and trafficking in persons, especially of migrants from neighbouring countries working in the sector.

The Thai seafood sector provides employment to over 600,000 people – about half of whom are migrant workers. Migrants, predominantly from Myanmar and Cambodia, are employed throughout the Thai seafood supply chain: on fishing boats, in ports and processing facilities, on farms, and in a range of ancillary industries. Seafood is widely

consumed domestically, and Thailand is a major global exporter of fish and seafood products. In 2017, the country exported 1.1 million metric tonnes of seafood worth USD 5.9 billion to world markets, making up 2.5 percent of the total value of Thailand's exports that year.[1]

In recent years, and partly in response to international concerns, the Royal Thai Government has undertaken extensive reform of the fishing sector: issuing laws and regulations, establishing new inspection frameworks and reducing the number of undocumented migrant workers in the sector, among other measures. Partner organisations from the CSO Coalition have been on the frontline of implementation efforts. This has allowed the CSO Coalition to monitor their impact on migrant workers from communities across Thailand.

Research approach

This research sought to assess some of the progress in addressing poor labour practices in Thailand's fishing sector, and to identify areas where further improvements may be required. Between December 2017 and February 2018, CSO Coalition partners surveyed 300 migrant workers employed in the Thai fishing industry in six coastal provinces. Questions addressed working conditions, terms of employment, and employer practices, focusing

1 Bank of Thailand (2018), Customs Department data compiled by the Bank of Thailand http://www2.bot.or.th/statistics/ReportPage.aspx?reportID=748&language=eng.

on issues such as working hours, occupational health and safety, and fishers' interaction with government officials. The survey instrument included questions benchmarked against Thai labour law to provide a snapshot of compliance for certain issues.[2]

Findings related to questions benchmarked against Thai labour law

Issue assessed	Percentage of respondents indicating compliance	Benchmark
Opportunity to read employment contract prior to signing	31*	Ministry of Labour fisheries employment contract (แบบ ปม. ๑) contract clause: "Both parties have thoroughly read and understood the contents of this contract."
Possess a duplicate copy of employment contract	5	Section 6, Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)
Paid at least once per month	59-63†	Section 10(1), Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)
No deductions from earnings	50‡	Section 76, Labour Protection Act, B.E. 2541 (1998)
At least 10 hours rest in a 24-hour period at sea	81	Section 5, Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)

2 See 'Research questions' for further information.

At least one uninterrupted rest period of a minimum of six hours in length in a 24-hour period at sea	64	Section 1, Ministry of Labour Guidelines on Rest Hours Management for Workers in Marine Fisheries, December 2014
Provision of sufficient food adequate for a nutritionally-balanced diet	84	Section 6, Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)
Provision of medicines and basic first aid supplies	65	Section 9, Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)
Trained in the safe operation of fishing equipment prior to work	12-22§	Sections 3(1) and 3(2), Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)
Trained in the use of personal safety equipment	92	Section 3(3), Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)
Paid sick leave	87**	Section 13, Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)
Immediate return to shore in event of serious illness or injury at sea	53††	Section 10, Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)
No retention of personal identity documents	38	Section 131, Royal Decree on Management of Foreign Workers, B.E. 2560 (2017)

* Respondents who recalled signing a contract (N=123)
† Reflecting four percent of respondents answering "other"
‡ Not all deductions are prohibited under Thai law
§ Reflecting 10 percent of respondents who said they had received training in previous employment
†† A further 32 percent of respondents said that seriously ill or injured crew had been transferred to another vessel in order to return to shore. While transfer of ill or injured crew between vessels at sea is permitted by Thai authorities, and subject to controls, for the purposes of this research it is not considered an "immediate" return to shore.

As can be seen from the above table, the data presented in this report indicate a mixed picture. Measured against the findings from a 2013 large-scale survey of fishers, the CSO Coalition's recent research suggests demonstrable improvement in some areas.[3] For instance, the large proportion of fishers who reported holding a passport or certificate of identity (62 percent) highlights a successful ongoing effort on the part of the Ministry of Labour to regularise migrants working in the fishing sector.

3 Chantavanich, S. et al (2013), Employment practices and working conditions in Thailand's fishing sector, (Bangkok: ILO) http://www.ilo.org/dyn/migpractice/docs/184/Fishing.pdf.

Recruitment

Although the overwhelming majority of respondents said that they had voluntarily entered into work in fishing, many recruitment practices – generally overseen by senior crew and unregulated third parties – continue to offer cause for concern. More than a third of fishers (42 percent) reported that they were not aware of key terms of there employment prior to starting work. At the same time, only 43 percent of respondents could recall signing an employment contract, and just 5 percent said that they possessed a copy of their contract as required by law.

Health, safety and welfare

Overall compliance with a health, safety and welfare regulation effective from 2016[4] appears to be uneven. While most fishers said that they had been trained to use safety equipment such as lifejackets now required on board commercial fishing vessels, few respondents said that they had been instructed on the safe operation of fishing gear. The majority of workers were receiving paid sick leave[5] – yet only in half of cases were vessel operators immediately returning seriously ill or injured crew back to shore to seek medical treatment. One third of fishers (35 percent) said that vessel operators failed to provide basic medicines and first aid supplies aboard the boat, while almost one in five (16 percent) reported that operators were failing to provide sufficient supplies of food.

Remuneration of workers

Wage withholding – for up to two years in the most extreme cases – and illegal deductions from fishers' earnings continue to affect many working in the sector. Unscrupulous practices and informality in wage payments – over two-thirds of workers said they receive no record of pay with their earnings – underscores the need to tighten enforcement of labour laws around remuneration and normalize reliable transaction records. In this respect, a requirement introduced in 2017 for vessel operators to pay crew by direct bank transfer is a welcome intervention on the part of the Ministry of Labour. However, this change has been implemented absent proper consultation with all stakeholders, including assessments of financial infrastructure in port areas and access to formal banking services among migrant workers.

4 Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016).

5 Section 13, Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014).

Working hours

One in five fishers said that they were working hours in excess of the legal limits, and this was more common among crew from certain types of fishing vessels such as trawlers and gill netters. Most respondents reported working, on average, five extra hours in port on arrival and departure days – highlighting an urgent need for regulators to more closely examine the relationship between hours of work at sea and onshore within the reference periods specified by law.

Barriers to changing employment

Participants in this research reported issues concerning freedom to change and terminate employment. Many workers believed that they must pay what were in some cases exorbitant fees of up to 20,000 baht in order to change employer. About one sixth of respondents referred to a number of perceived barriers to changing jobs, including: employers withholding authorisation, financial debts arising from their employment, and anxieties around losing personal identity documents.

Retention of identity documents

Just under two-thirds of fishers (62 percent) said that somebody – typically the employer or a member of the senior crew – retained their personal identity documents. There are strong incentives for vessel operators to retain the documents of fishing crew. Foremost among these

are administrative requirements for crew to produce valid identity documents, such as pink cards and Seabooks, at government inspection points each time a vessel departs or arrives port. Individual workers who lose or fail to bring identification to each inspection risk disrupting fishing operations by obstructing the timely departure of vessels from port.[6]

Interaction with government officials

The findings presented here indicate that labour inspectors still have more improvements to make. A majority of fishers said that they had not been interviewed by officials about their job during at sea or onshore inspections. Among those who said they had, it was evident that in some cases government officers continue to use fishers' colleagues and representatives of the employer as interpreters.

Awareness of labour rights

Almost three-quarters of fishers (71 percent) felt under-informed about their rights at work – and a third said they did not access any information about their labour rights. The small number of workers who reported obtaining

6 Employers often finance the upfront cost of obtaining identity documents on behalf of migrant workers, and subsequently recover the money through illegal deductions from workers' earnings – almost a quarter of fishers (23 percent) reported such deductions. Some vessel operators therefore also have financial incentive to keep hold of identity documents pending full recovery of funds advanced to workers.

information about their rights through social media (7 percent) contrasts with recent ILO research showing that most fishers own smart phones and/or subscribe to prominent social media platforms such as Facebook.[7] This suggests an opportunity for stakeholders such as local civil society organisations and the Ministry of Labour to make greater use of social media channels to inform fishers of their rights at work and other information related to their employment.

The Thai fishing industry has undergone a rapid evolution in the past few years. Important developments and interventions on the part of public, private and civil society actors have sought to extend working protections throughout the sector. In the midst of these dynamic changes, the CSO Coalition's research highlights how progress is still being impeded in some areas. It suggests in particular the need for a stronger focus on better enforcement of labour laws to tackle persistent abuses.

Photo credit: Suthep Kritsanavarin/Oxfam

7 Judd, J., et al (2018), Ship to Shore Rights Baseline research findings on fishers and seafood workers in Thailand, (Bangkok: ILO), p.12.

Approach

This research is based on a survey of 300 Burmese and Cambodian nationals working on board Thai-flagged commercial fishing vessels operating in Thai waters. Surveys were administered between December 2017 and February 2018 in six of Thailand's 22 coastal provinces: Pattani, Songkhla, Phuket, Ranong, Chonburi and Rayong.

These six provinces were selected to distribute data collection across Thailand's key fisheries (Andaman sea, lower and upper Gulf of Thailand). These provinces also include a large share of migrant workers employed in fishing, comprising 42% of all migrant worker registrations in the fishing sector between November 2016 and March 2017.[8] Several of the selected provinces feature heavy con-

8 See Table 1.

centrations of migrant workers of a particular nationality, such as Cambodians in Rayong and Burmese in Phuket.[9]

Pattani, Songkhla, Phuket, Ranong, Chonburi and Rayong are all also important hubs in the commercial fishing sector. They made up almost 40% of Thailand's total registered fishing capacity in 2015 and represented 44% of total fish landings in 2014.[10] The country's top four public ports in 2016, by both volume and value of commercial fish landed, were Pattani, Phuket, Ranong and Songkhla.[11]

Methodology

Respondents were evenly distributed across the six provinces (50 persons per province) and convenience sampling was applied for all survey participants. Interviews were conducted in local languages in port areas and migrant communities by staff from six of the CSO Coalition organisations, who attended a two-day training prior to data collection. The research coordinator observed data collection in order to monitor consistency of approach among interviewers.

All interviews were conducted with the informed consent of the individual, and participants were notified that they could decline to answer any question or end the

9 Ibid.

10 Ibid.

11 See Table 2.

interview at their convenience. Compensation equivalent to 50 baht (e.g. mobile phone top-up cards, medicine, contraceptives, laundry powder, toothpaste, etc) was provided to each participant upon conclusion of the interview.

The survey instrument was developed by the CSO Coalition partners and the research coordinator, with kind input from members of the Faculty of Political Science at Chulalongkorn University and a small test group of Cambodian and Burmese fishers.

The research was limited by several factors. Convenience sampling resulted in a high concentration of respondents from particular types of fishing vessel (e.g. surrounding nets), a reflection of the relative prevalence of fishing gear at each of the research sites as well as the fact that crewing requirements vary considerably according to gear (e.g. fishing vessels such as purse seines require relatively large crews).

Selection of research sites within the provinces was undertaken at the discretion of the local CSO Coalition partners and resulted in sampling bias. Interviewers were more likely to identify participants from communities or ports that they were familiar with from their work as field officers, case managers, advocates and interpreters, or from sites that they knew were easier to access. The intermittent and seasonal nature of fishing as an occupation

strongly influenced participant availability at all locations and throughout the research period.

The sampling method employed means that the findings detailed in this report should not be considered as representative of trends at the provincial-, national- or sectoral-levels (i.e. including those findings relating to different types of fishing gear).

Thai labour law includes a provision allowing vessel operators to order crew to work beyond regulatory limits "in cases of necessity or emergency" but fails to specify limits to such orders.

Photo credit: Suthep Kritsanavarin / Oxfam

Table 1. Registered fishing vessels, volume of marine fish landings and migrant worker registrations by province

Province	Registered vessels, 2015[12]	Registered vessels (% total), 2015	Volume (tons), 2014[13]	Volume (% total), 2014	Migrant worker registrations in fishing sector, Nov 2016 - Mar 2017[14]	Burmese nationality (% total)	Cambodian nationality (% total)
Trat	1,580	6	45,212	4	3827	5	95
Chanthaburi	793	3	1,508	0	265	30	66
Rayong	1,414	6	64,235	5	3432	2	96
Chonburi	1,591	6	26,505	2	1501	23	69
Chachoengsao	191	1	732	0	214	88	4
Samut Prakan	544	2	24,255	2	1244	45	47
Samut Sakhon	439	2	258,403	22	1682	86	12
Samut Songkhram	720	3	5,477	0	1657	97	2
Phetchaburi	1,063	4	3,287	0	1089	83	14
Prachuap Khiri Khan	2,012	8	54,445	5	2253	56	43
Chumphon	1,998	8	50,746	4	2639	94	5
Surat Thani	1,561	6	7,383	1	578	81	9
Nakhon Si Thammarat	762	3	37,539	3	1457	75	20
Songkhla	2,602	11	90,380	8	759	25	69

12 Department of Fisheries (2016) สถิติเรือประมงไทย ปี 2558, ตารางที่ 1: จำนวนเรือที่จดทะเบียนฯการมีไว้ในครอบครองซึ่งเครื่องมือทำการประมงเป็นรายจังหวัด ปี 2554 – 2558, p.25.

13 Department of Fisheries (2016) สถิติปริมาณและมูลค่าสัตว์น้ำ ณ ท่าขึ้นปลาน้ำเค็ม ประจำปี 2557, ตารางที่ 1 : ปริมาณสัตว์น้ำเค็มที่ขึ้นท่า ปี 2552 – 2557, p. 10.

14 Department of Employment (2017), Number of remaining registered migrants, fishing sector by port 2016–17, copy on file with Oxfam Thailand.

Province	Registered vessels, 20151	Registered vessels (% total), 2015	Volume (tons), 20141	Volume (% total), 2014	Migrant worker registrations in fishing sector, Nov 2016 - Mar 20171	Burmese nationality (% total)	Cambodian nationality (% total)
Pattani	2,761	11	204,431	17	3916	57	39
Narathiwat	500	2	14,137	1	40	70	30
Ranong	698	3	54,794	5	3095	100	0
Phang-nga	633	3	24,495	2	1304	90	10
Phuket	549	2	82,556	7	1505	97	2
Krabi	576	2	11,790	1	6	100	0
Trang	587	2	84,900	7	500	74	26
Satun	1,171	5	40,591	3	904	88	12

Table 2. Volume and value of commercial fish landings in the top four Thai public ports, 2016[15]

Province	Volume (tons)	Registered vessels (% total), 2015	Value (THB)
Pattani	86,064	3	8,415,571,281[16]
Phuket	40,938	2	2,036,202,833
Ranong	21,167	2	1,074,075,592
Songkhla	23,591	2	592,046,823

15 Fisheries Marketing Organization (2017) สถิติปริมาณสินค้าสัตว์น้ำ ปี พ.ศ. 2559, p. 3.

16 Includes value of freshwater fish.

Respondent Profile

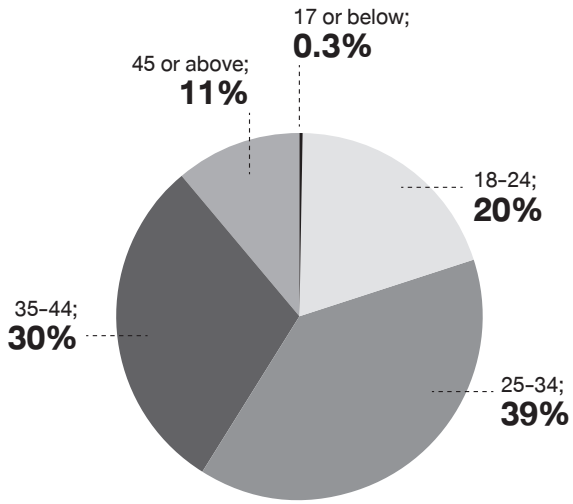
Survey participants were relatively evenly split between Burmese (52 percent) and Cambodian (48 percent) nationals.

Table 3. Nationality of survey respondents by province

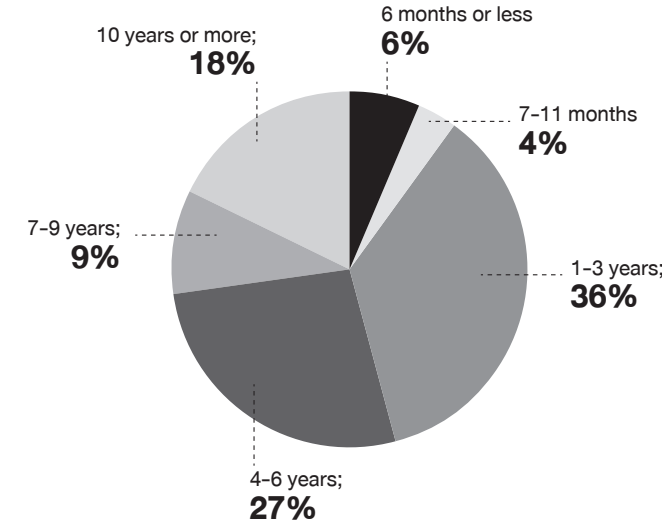
	Burmese	Cambodian	Unknown	Total
Chonburi	12	38		50
Pattani	35	15		50
Phuket	50			50
Ranong	45		5	50
Rayong		49	1	50
Songkhla	10	40		50
Total	**152**	**142**	**6**	**300**

The ages of workers participating in the survey ranged from 17 to 53 years old, with an average age of 32. Thai law prohibits the employment of persons aged under 18 on-board fishing vessels, and the research identified one underage worker, a 17 year-old Burmese migrant working on-board a falling netter in Ranong. On average, respondents had spent five years working in the Thai fishing industry, and 90 percent of them had been employed in fishing for one year or more.

Ages of survey respondents (N=295)



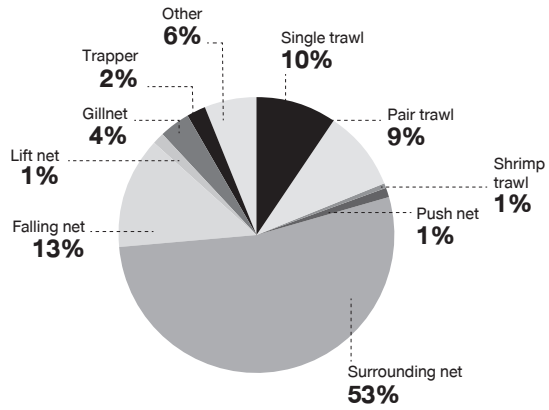
Time employed in thai fishing industry (N=275)



The majority of respondents were literate in their native language (68 percent). Roughly one in five workers were able to read and write to a limited degree (15 percent) in their native language or could read but not write (6 percent). Most workers described their Thai language aptitude as 'limited' (63 percent), with a further 29 percent saying they were unable to communicate in Thai.

Over half of survey respondents (53 percent) said that they worked on fishing vessels deploying surrounding nets.[17] One in five respondents worked on boats using trawl nets (including single, pair and shrimp trawlers) while 13 percent were working on falling netters. No survey participant said that he worked on dredgers or long line vessels.

What type of fishing boat do you work on? (N=296)



17 The survey gathered information about the type of fishing vessel that respondents worked on by asking what kind of fishing gear was in use on board the boat. The list of gear used in the survey instrument was adapted from a Department of Fisheries classification system for issuing unique vessel identifiers to Thai-flagged fishing boats (see: Department of Fisheries (2016), ประกาศกรมประมง เรื่อง กำหนดหลักเกณฑ์และวิธีการจัดทำเครื่องหมายประจำเรือประมงพาณิชย์ พ.ศ. ๒๕๕๘, http://www.ratchakitcha.soc.go.th/DATA/PDF/2558/E/352/19.PDF). Interviewers received guidance on interpreting the unique vessel identifier codes written on the prow of all Thai fishing vessels and were provided with descriptive and visual materials to aid survey respondents in identifying fishing gear where necessary.

Table 4. Type of fishing gear by province

	Chonburi	Pattani	Phuket	Ranong	Rayong	Songkhla	Total
Single trawl		3	3	19		3	28
Pair trawl	15	7	4			2	28
Shrimp trawl		1			1		2
Push net			2	1			3
Surround-ing net	35	29	30	22	23	18	157
Falling net		9	11	6	1	12	39
Lift net						4	4
Gill net					1	10	11
Trapper		1		1	4		6
Other					17	1	18
Unknown				1	3		4
Total	**50**	**50**	**50**	**50**	**50**	**50**	**300**

Research findings

Identity documents

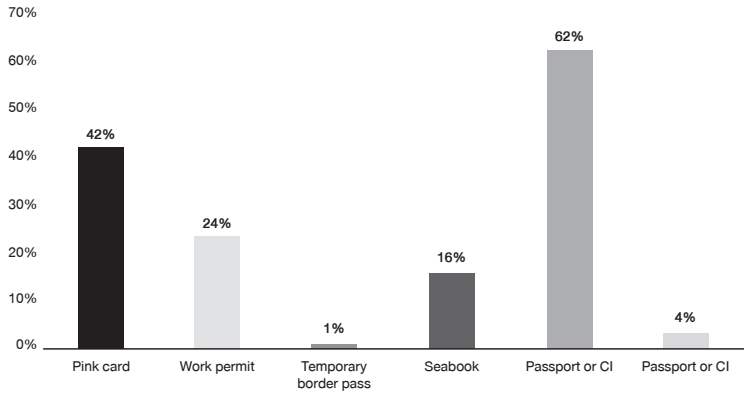
The majority of survey respondents had obtained a passport or certificate of identity (62 percent). This compares with 15 percent of fishers who reported holding a passport or certificate of identity in research conducted by the ILO roughly one year previous [18], and a large-scale ILO survey in 2013 that found over half of fishers were undocumented.[19] These findings suggest a successful ongoing effort on the part of the Ministry of Labour to regularise migrant workers in the fishing sector.

18 Judd, J., et al (2018), Ship to Shore Rights Baseline research findings on fishers and seafood workers in Thailand, (Bangkok: ILO), p.15.

19 Chantavanich, S. et al (2013), Employment practices and working conditions in Thailand's fishing sector, (Bangkok: ILO), p.36.

Seabooks are an immigration document required under law of navigation in Thai waters for foreign nationals working aboard fishing vessels, and were introduced in 2016. While only 16 percent of survey participants recounted obtaining a Seabook, it is likely that a higher number of respondents had in fact done so, and that subject recall, in addition to the routine retention and control of Seabooks by vessel operators and senior crew for purposes of inspection by government authorities, affected the responses provided during interviews.

Which of the following documents do you have? (N=293)



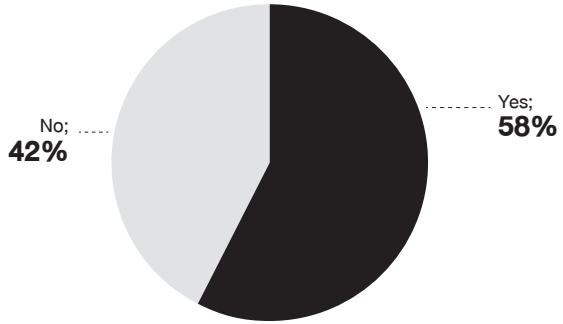
Recruitment

98 percent of respondents said that they had made their own decision to work in the fishing industry. Five individuals said that they had been tricked or coerced into the fishing industry by a broker they met in their country of origin while one person had been tricked or coerced by a broker he met in Thailand.

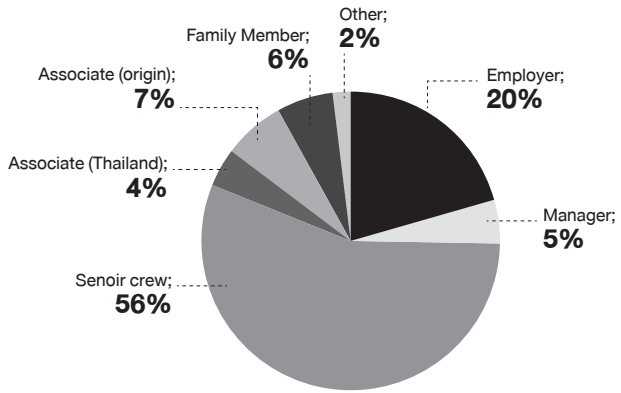
More than a third (42 percent) of respondents said that, prior to starting their current job, they had not received information about the terms of employment, such as how many hours and days they would work and how much they would be paid. Among fishers who reported that they were aware of the terms attached to their employment prior to starting work, a majority (56 percent) had received explanations from senior crew and one in five from their employer. Among a tenth of workers, terms of employment had been discussed with associates[20] whom the individual had met either in the country of origin (7 percent) or in Thailand (4 percent). A further 6 percent of respondents said that a family member had outlined the terms of employment to them.

20 In this context, an 'associate' may refer to any intermediary who helped the respondent obtain work or migrate for work, including friends, members of the same community, and labour brokers.

Prior to starting your current job,did anyone explain the terms of employment to you? (N=298)



Who explained the terms of employment? (N=165)*



*Respondents who said that someone explained terms of employment to them prior to starting work

> More than a third of fishers (42 percent) reported that they were not aware of key terms of employment prior to starting work. At the same time, only 43 percent of respondents could recall signing an employment contract.

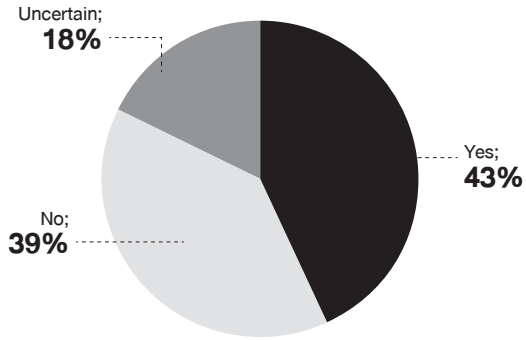
Photo credit: Suthep Kritsanavarin/Oxfam

Contract-signing

Written contracts of employment are required by law for all workers in the fishing industry and contracts must be available for inspection at departure and on arrival in port.

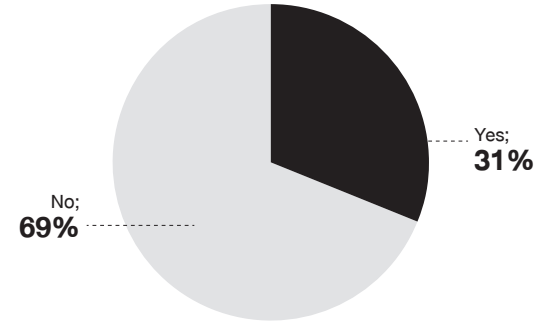
Despite these requirements, only 43 percent of respondents recalled signing an employment contract, while 39 percent could not recall signing a contract and 18 percent were uncertain about whether they had done so. That one in five respondents were not sure if they had signed a contract likely reflects the fact that workers are often not sure what documents they are signing, and are simply doing so on the instruction of employers, supervisors and intermediaries. Among respondents who said that they had signed one or more documents prior to starting their current job (N=174), over half (53 percent) said that they did not know what they had been asked to sign.

Do you recall signing an employment contract? (N=285)



Among workers who could recall signing a contract (N=123), 69 percent said that they did not have an opportunity to read the document before signing while 57 percent reported that nobody had explained the contents of the contract to them prior to signing. 45 percent of respondents who recalled signing a contract reported that they had had neither an opportunity to read it nor anyone explain its contents to them.

Did you have an opportunity to read your employment contract prior to signing it? (N=122)*

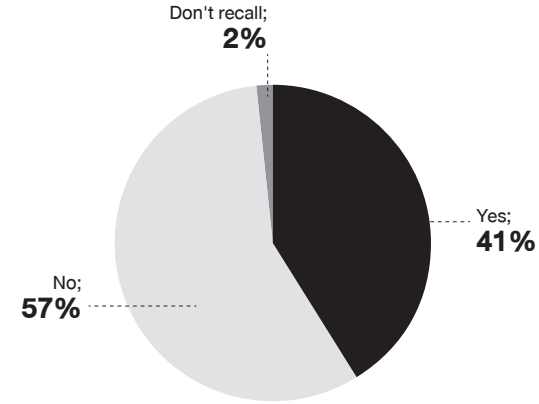


*Respondents who recalled signing an employment contract

Photo credit: Suthep Kritsanavarin/Oxfam

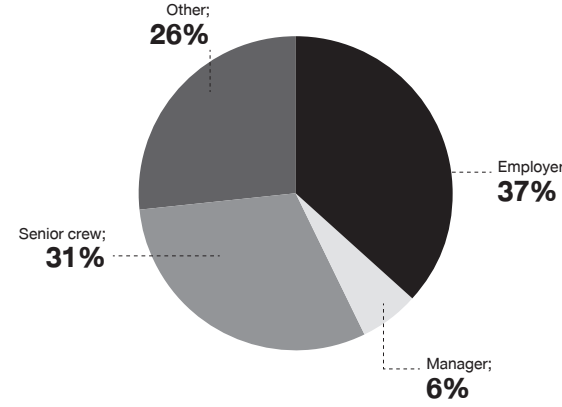
Wage withholding – for up to two years in the most extreme cases – and illegal deductions from fishers' earnings continue to affect many working in the sector.

Did anyone explain the contents of your contract prior to your singing it? (N=121)*



*Respondents who recalled signing an employment contract

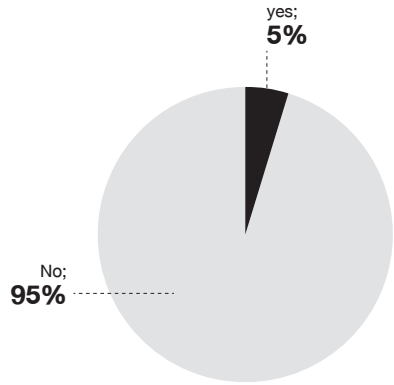
Who explained the contens of your contract to you? (N=49)*



*Respondents who had received an explanation of the contents of their employment contract

Although employers are legally obliged to provide workers with duplicate copies of signed employment contracts, 95 percent of all survey participants said that they did not possess a copy of their contract (the proportion of respondents who could recall signing an employment contract but did not possess a copy was 91 percent).

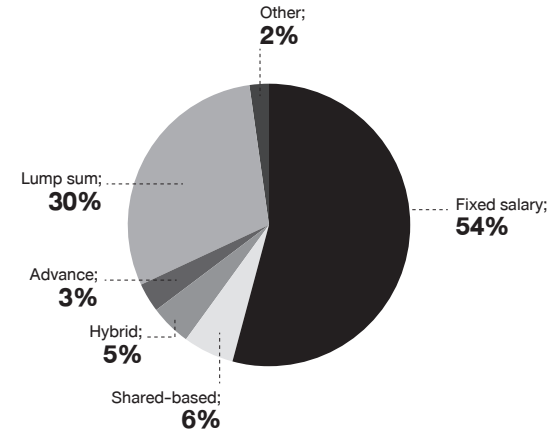
Do you posses a copy of your employment contract? (N=265)



Payment systems and payment frequency

About half of respondents (54 percent) reported receiving a fixed salary. Other respondents reported that earnings consisted of shares based on the value of the catch (6 percent); constituted a hybrid of share-based and fixed salary arrangements (5 percent); or were advanced to workers in fixed or unfixed amounts prior to periods of work (3 percent). Almost one-third of workers (30 percent) said that their earnings were calculated on a lump-sum basis.

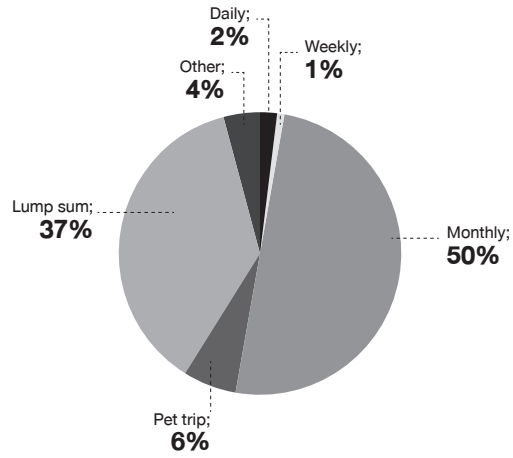
How are you paid? (N=274)



In 2017, the Ministry of Labour announced a requirement for employers to pay fishers via direct bank transfer no less than one time per month, effective from November of that year.[21] Exactly half of respondents stated that they were paid their earnings on a monthly basis, while a small fraction reported being paid weekly (1 percent) or daily (1 percent). Over a third of respondents (37 percent) said that they were paid their earnings in a lump sum at intervals spanning several months or years, while 6 percent said that they were paid on a per trip basis.

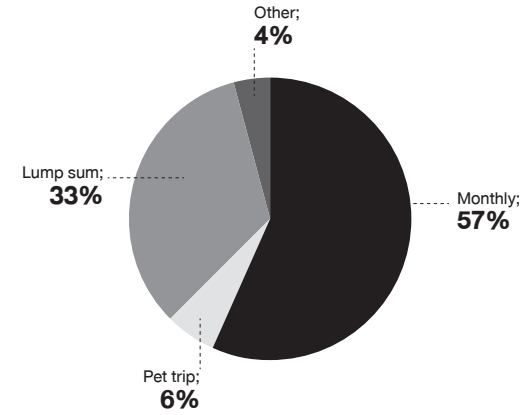
21 Under Thai law, this does not apply to earnings based on shares of the value of the catch, which must be paid once per quarter. See: http://www.oic.go.th/FILEWEB/CABINFOCENTER4/DRAWER024/GENERAL/DATA0001/00001102.PDF

How often do you collect your earnings? (N=272)

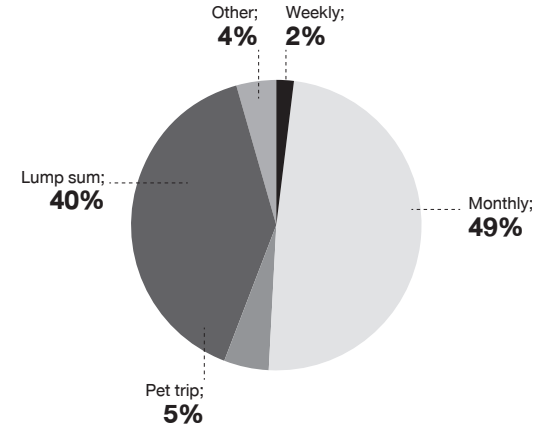


Among fishers working on trawlers, one third of respondents said that their earnings were paid less than once per month, and this proportion was higher among fishers employed on pair trawls (50 percent) than on single trawl vessels (18 percent). Lump sum payments were most common among respondents working on falling netters (50 percent) and crew from vessels deploying surrounding nets (40 percent).

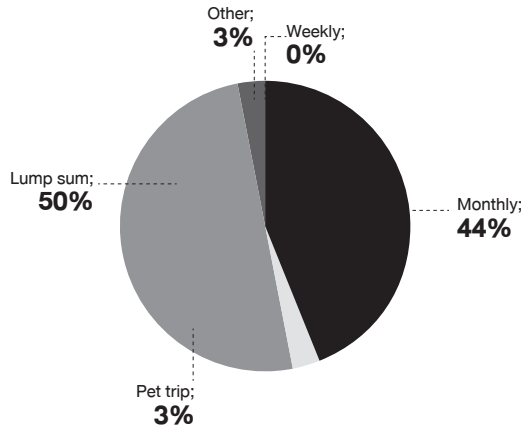
How often do you collect your earnings? Trawl nets (N=52)



How often do you collect your earnings? Surrounding nets (N=143)



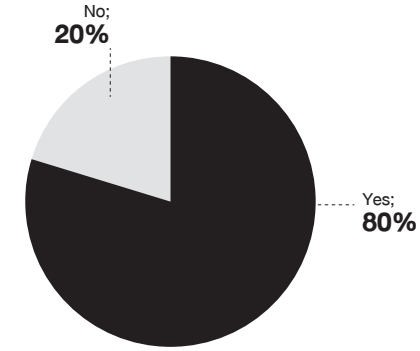
How often do you collect your earnings? Falling nets (N=34)



Fishers who said that their were earnings calculated or paid on a lump sum basis waited on average 6 months to be paid their earnings, and the longest reported period was 24 months.[22] 80 percent of these respondents said that they would prefer to be paid in a different manner.

22 Excluding respondents being paid a share of the value of the catch, or under hybrid systems that included a share-based component, who said that they were paid less than once per month (n=3).

If you could choose, would you prefer to be paid differently, e.g. a fixed monthly wage? (N=93)*



*Respondents who said their earnings were calculated or paid on a lump sum basis, excluding respondents paid a share of the value of the catch or share-based hybrid

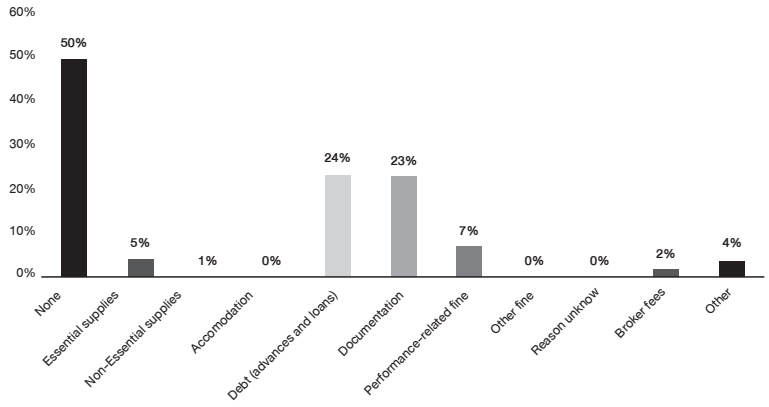
Deductions

Half of all respondents reported deductions being taken from their earnings. Illegal deductions recalled by workers included deductions for the purposes of paying documentation fees (23 percent); purchasing basic foods, drinking water and other essential supplies on-board the boat (5 percent); and financing broker fees (2 percent).

Some deductions reported by workers may or may not have been legal, including deductions for debts arising from advances on earnings and loans (24 percent) and for performance-related penalties (7 percent). Deductions linked to debt were present among exactly one third of respondents working on falling netters, and a fifth of those

working on vessels deploying surrounding (23 percent) and trawl (22 percent) nets. Among trawler crews specifically, deductions related to debt were higher (39 percent) among fishers working on pair trawlers.

Are any deductions taken from your earnings? (N=296)



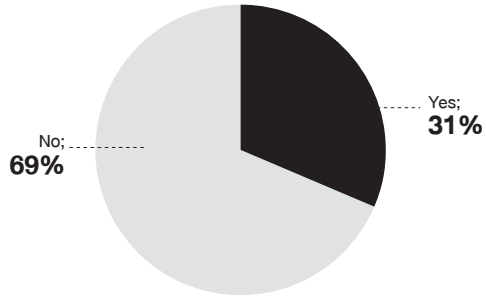
Method of payment

In most cases, survey participants were paid by their employer (68 percent), an immediate supervisor such as the bosun or skipper (23 percent) or a manger within the company (5 percent). A small number of workers said that they were paid their earnings by intermediaries, described as brokers (0.7 percent) and contractors (2.5 percent). The majority of respondents (69 percent) said that they didn't receive a pay slip or any pay record when collecting their earnings.

Photo credit: Suthep Kritsanavarin/Oxfam

While most fishers said that they had been trained to use safety equipment, few respondents said that they had been instructed on the safe operation of fishing gear.

Do you receive a payslip or a record of payment when you collect your earnings? (N=280)



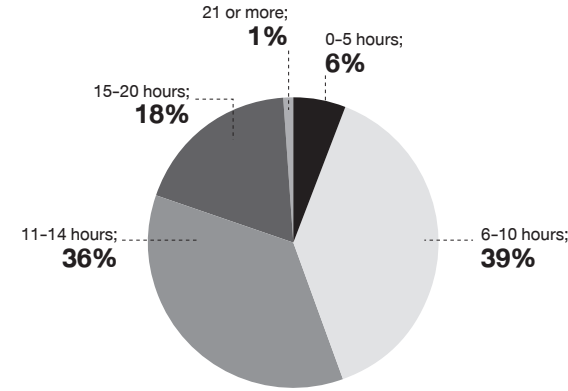
Remittances

70 percent of respondents said that they remitted funds home from earnings generated through work in fishing. On average, respondents remitted 10,430 baht every 3 months.

Working hours

Respondents were asked to estimate their typical working hours at sea, taking into account activities such as net deployment and retrieval, sorting and storing of catch, net repair, and general on-board cleaning and maintenance. On average, respondents said they worked for 11 hours per day at sea. One in five respondents (19 percent) reported daily working hours that were in excess of the 14-hour limit set by Thai labour protection laws addressing rest periods at sea.

Hours of work in a 24-hour period at sea? (N=291)



Key findings related to working hours by gear type

- A third of respondents employed aboard trawlers (32 percent) estimated working more than 14 hours per day at sea, with this proportion being slightly higher among crew working on single trawl vessels (36 percent) than those working on pair trawlers (30 percent). 40 percent of respondents employed on trawlers estimated that they worked between 11 and 14 hours per day while 28 percent estimated they worked 6-10 hours in a day.

- 16 percent of fishers working on boats deploying surrounding nets estimated that they worked more than 14 hours per day at sea, while half (47 percent) said that they worked 6-10 hours per day and 32 percent estimated they worked 10-11 hours a day.

Many workers believed that they must pay what were in some cases exorbitant fees of up to 20,000 baht in order to change employer.

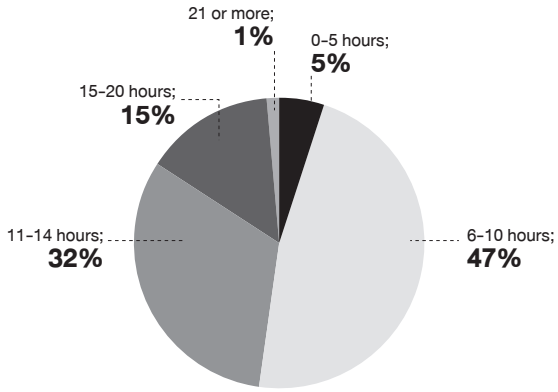
Photo credit: Suthep Kritsanavarin/Oxfam

- Only 8 percent of respondents from falling netters estimated that they worked more than 14 hours per day while at sea. The majority estimated that they worked 11-14 hours per day (45 percent), with slightly fewer respondents estimating 6-10 hour days at sea (37 percent). One in ten estimated they worked 5 hours or less per day day at sea.

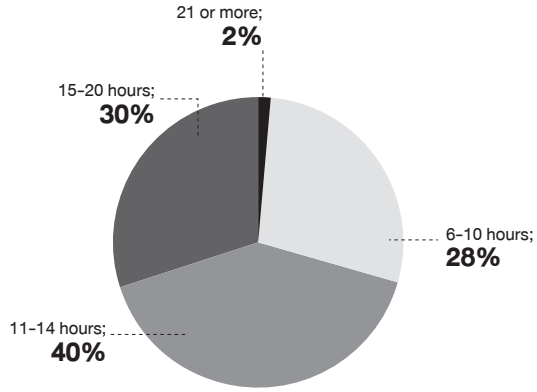
- Of the 11 respondents working on vessels using gill nets, ten individuals reported working 15-20 hours per day. This may be related to more frequent and extended periods of net repair for drifting gill nets relative to other gear types.

- Only three respondents estimated that they worked 21 hours or more per day at sea. Two of these individuals worked on vessels deploying surrounding nets and one on a pair trawler.

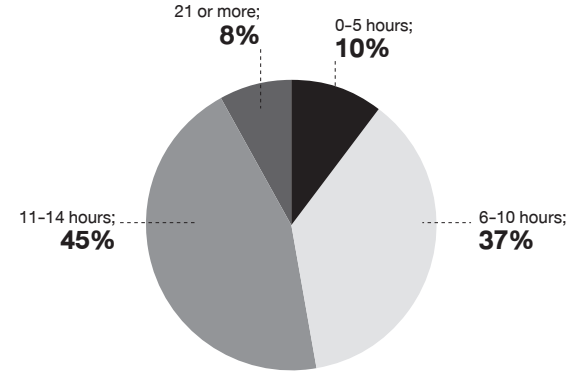
Hours of work in a 24-hour period at sea?
Surrounding net (N=153)



Hours of work in a 24-hour period at sea? trawl net (N=57)



Hours of work in a 24-hour period at sea? Falling net (N=38)



Hours of work at sea are irregular and are influenced by multiple factors (sea conditions, productivity, catch targets set by vessel operators, incentives for crew, damage to nets, etc). On certain days, fishers may be required to work more than usual. Thai labour law includes a provision allowing vessel operators to order crew to work beyond regulatory limits "in cases of necessity or emergency"[23] but fails to specify limits to such orders.

23 Section 5, Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)

Survey participants were asked to estimate how many times in any given fishing trip they worked more than 14 hours in a day. Responses were then compared against the maximum fishing trip duration provided by each respondent for three key gear types, excluding fishers who worked on boats entering and departing port on a daily basis.[24]

Table 5. Trawlers: how many times do you work more than 14 hours on an individual fishing trip?

	Never	Once	2-3 times	4-5 times	More than 6	Every-day	Total
2-5 day trip	2	1					3
6-10 day trip	2		2		1		5
11-14 day trip	6		3	2	2	1	14
15-20 day trip	10	3	7	1	2	2	25
Trip of 21 or more days	2		2		3	2	9
No data	1		1				2
Total	**23**	**4**	**15**	**3**	**8**	**5**	**58**

24 Some of these findings problematise self-reported hours of work, highlighting the need for more reliable methods of data collection that depend less on subject recall. For example, although a third of respondents working on trawlers estimated that they worked over 14 hours in a typical day at sea, less than a tenth of respondents from the same group reported working more than 14 hours for every day of any given fishing trip.

Table 6. Surrounding nets: how many times do you work more than 14 hours on an individual fishing trip?

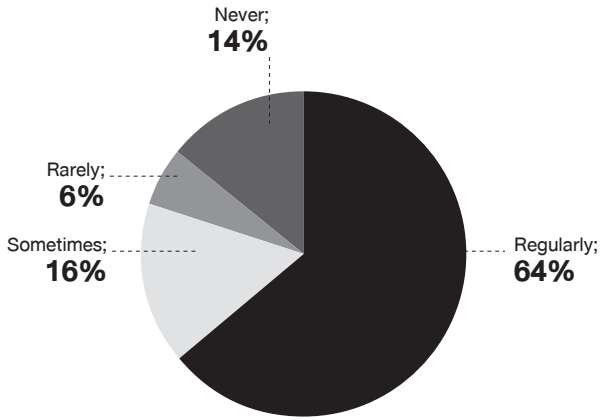
	Never	Once	2-3 times	4-5 times	More than 6	Every-day	Total
2-5 day trip	25	4	17	2	2	7	57
6-10 day trip	27	3	7	5	6		48
11-14 day trip	3			1			4
15-20 day trip	4	1	4	1	2		12
Trip of 21 or more days	6		4	1		2	13
No data	10	2			2	1	15
Total	**75**	**10**	**32**	**10**	**12**	**10**	**149**

Table 7. Falling nets: how many times do you work more than 14 hours on an individual fishing trip?

	Never	Once	2-3 times	4-5 times	More than 6	Every-day	Total
2-5 day trip	3		1		1		5
6-10 day trip	10	3	1	1			15
15-20 day trip	7						7
Trip of 21 or more days	2	1				1	4
No data	1				2	2	5
Total	**23**	**4**	**2**	**1**	**3**	**3**	**36**

In order to limit fatigue among fishing crew, guidance issued by the Ministry of Labour establishes additional standards for rest periods at sea, recommending that rest is separated into no more than two periods, one of which must be a minimum of six hours in length. The majority of survey respondents (64 percent) recounted that they regularly received 6 hours of uninterrupted rest. The highest proportion of fishers saying that they never rested for a minimum of six hours was found among respondents working aboard falling netters (33 percent), This may be due to the fact that there is more regular net deployment aboard these vessels and, therefore, a greater number of work shifts that act to obstruct longer rest periods.

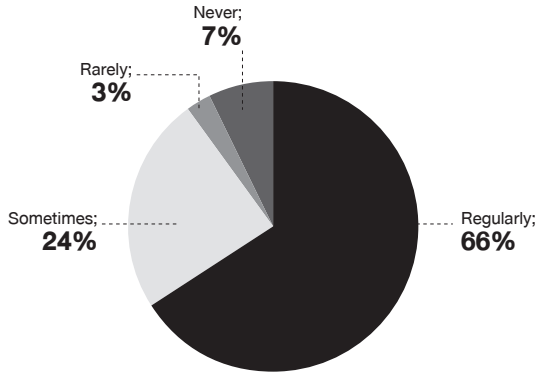
In any 24-hour period at sea, how often do you rest for a period of a minimum of six hours in length? (N=298)



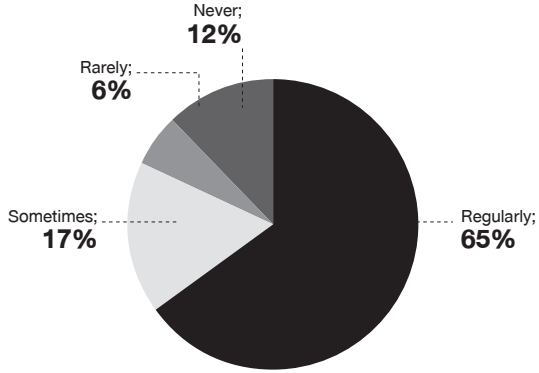
Almost three-quarters of fishers (71 percent) felt under-informed about their rights at work – and a third said they didn't access any information about their labour rights.

Photo credit: Suthep Kritsanavarin/Oxfam

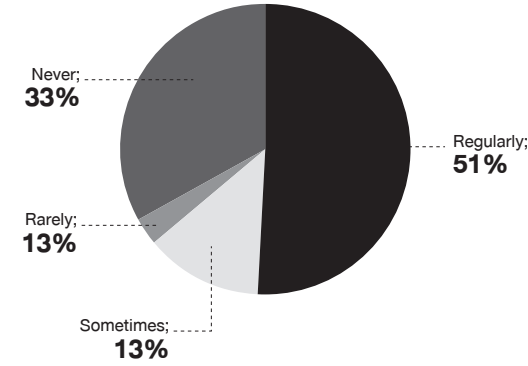
In any 24-hour period at sea, how often do you rest for a period of a minimum of six hours in length? Trawlers (N=58)



In any 24-hour period at sea, how often do you rest for a period of a minimum of six hours in length? Surrounding net (N=155)



In any 24-hour period at sea, how often do you rest for a period of a minimum of six hours in length? Falling nets (N=39)



Crew shortages

Survey participants were asked whether they felt there were sufficient deckhands working aboard the vessel on which they were employed. A large majority (70 percent) said that crew numbers were sufficient. Minor shortages were reported among 27 percent of respondents, while 3 percent said that there was a severe shortage of crew aboard the vessels on which they were employed.[25]

25 One respondent said that there was a surplus of crew on-board the boat where he worked.

Table 8. Average crew size by vessel type

	Average no. crew
Trawler (N=58)	10
Push net (N=4)	18
Surrounding net (N=157)	26
Falling net (N=39)	15
Lift net (N=4)	6
Gill net (N=11)	9
Trapper (N=6)	6
Other (N=18)	9

Working hours in port

The majority of respondents (63 percent) recalled completing on average two to three days of work for their employer between trips to sea. In addition to working in port between fishing trips, most respondents (92 percent) said that they were required to work in port on days that the vessel arrived or departed (engaged in activities such as loading ice, unloading fish, etc). On average, fishers worked an extra 5 hours in port on these days.

The majority of survey participants (58 percent) were working on boats that went to sea for a minimum of seven days, indicating that a sizeable fraction of fishers routinely work a significant number of hours in port in addition to those hours worked at sea. Further research is required to determine the relationship between hours of work at sea and onshore. This research is especially needed to learn whether the total hours of work exceed the limits set for specific reference periods in Thai legislation (24-hours and 7-days) whenever boats are both departing/arriving ports and engaged in fishing within those periods.

Provision of food and water

Survey participants were asked how many meals they typically consumed on a fishing day (i.e. a day at sea when the vessel is actively fishing). On average, respondents recounted consuming 2.5 meals per day, with over half of fishers (53 percent) saying they ate two meals, and 44 percent saying they typically consumed three meals in a day.

Thai law requires operators of fishing vessels weighing 30 gross tons and over are required to provide "food and drinking water that is hygienic, of decent quality, and of sufficient quantity for the nature of the work and duration of time on-board the fishing vessel".[26] Despite this, anecdotal evidence heard by CSO Coalition partners has noted that since supplies of fresh foods (e.g. animal meats, vegetables) are sometimes exhausted prior to the completing of a fishing trip, fishers have to subsist on a basic diet of wild-caught fish and rice.

26 Section 6, Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)

Survey participants were asked whether they thought supplies of fresh food were sufficient during fishing trips, with "sufficiency" meaning that there was enough fresh food for a balanced diet over the full duration of a fishing trip. 16 percent of respondents said that they did not have access to sufficient supplies of food. This is slightly more than a 2013 ILO survey which found 12 percent lacking adequate rations.[27] This group were further asked to estimate the number of days that supplies were sufficient on a typical fishing trip. This figure was then compared with the estimates for the minimum and maximum duration of fishing trips also provided by each worker.

For example, one respondent working on a single trawl vessel in Ranong province said that although the boat went to sea for between 15 and 30 days on each trip, fresh food provisions usually lasted for only 7 days – meaning that workers might subsist on a restricted diet for anywhere between 8 and 23 days at sea.

Among respondents reporting insufficient supplies of food, 36 percent reported a restricted diet on minimum-length fishing trips, with supplies of food being insufficient for an average of only one day per trip. This

27 Chantavanich, S. et al (2013), Employment practices and working conditions in Thailand's fishing sector, (Bangkok: ILO), pg. 60, http://www.ilo.org/dyn/migpractice/docs/184/Fishing.pdf.

contrasts with maximum-length trips, where 90 percent of respondents from the same group said that they faced a restricted diet, with supplies of food being insufficient for an average of five days per trip.

Survey participants were asked about sources of fresh drinking water aboard the vessel. In the majority of cases, respondents said that they drank bottled water (63 percent) or freshwater from on-board tanks filled by a commercial supplier (24 percent). Other sources of freshwater included water obtained from the public water supply (9 percent) and water melted from the ice used to preserve fish in the hold (4 percent). Almost half of respondents (43 percent) said that they did not drink the same type of water as senior crew.

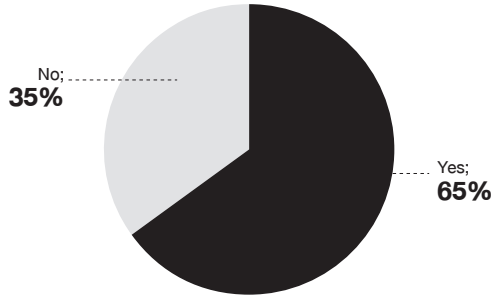
Health and safety in the workplace

Although vessel operators are required by law to provide medicines and basic first aid supplies to crew, over one third (35 percent) of fishers surveyed said that the vessels on which they worked lacked such supplies (or that crew had to bring aboard these items themselves). Despite changes to the law in 2014 requiring vessel operators to provide such supplies[28], the proportion of workers reporting in 2017/2018 that vessels lacked medicines and first

28 Section 16, Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)

aid supplies is actually higher than the proportion found by the ILO (27 percent) in a 2013 survey.[29]

Are crew provided with basic medicines and first-aid supplies by the vessel operator? (N=299)



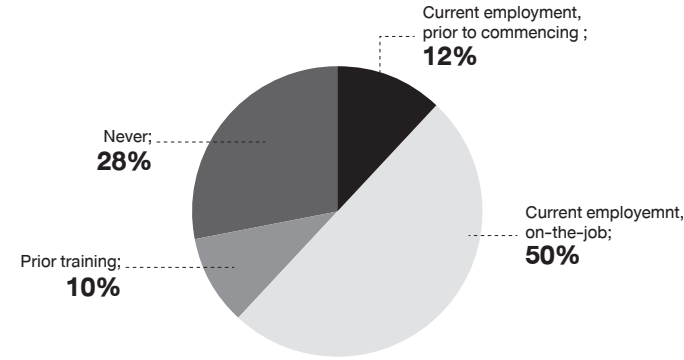
Thai law also requires that deckhands receive instruction from the skipper on the safe operation of fishing gear, tools and machinery on-board the vessel prior to commencing work. Regulations further require that a record of said training, signed by the worker, is kept.

Survey participants were asked whether and when they had received instruction on the safe operation of fishing gear. Only 12 percent of respondents said that they had received such training prior to commencing work, with the majority (50 percent) recalling that they had been trained on-the-job. A tenth of respondents said they had received

29 Chantavanich, S. et al (2013), Employment practices and working conditions in Thailand's fishing sector, (Bangkok: ILO), pg. 59, http://www.ilo.org/dyn/migpractice/docs/184/Fishing.pdf.

prior training on a different vessel while a quarter (28 percent) reported they had never received any training.

Have you ever been instructed on the safe operation of fishing gear and related equipment? (N=295)

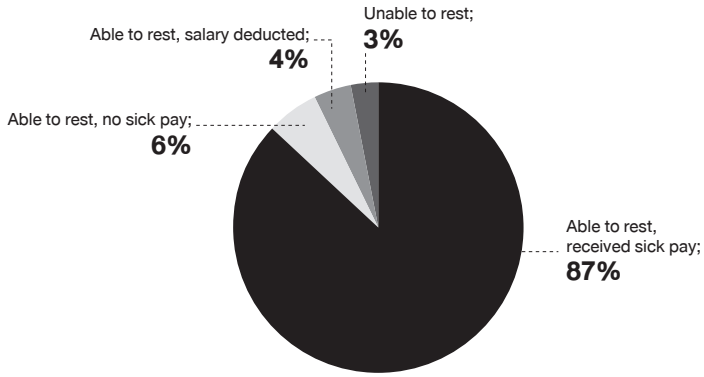


Over 92 percent of respondents said they had access to basic on board safety equipment such as lifejackets that they knew how to use. A minority of respondents said that they had access to personal safety equipment that they did not know how to use (6 percent) or were not aware of any such equipment on board the vessel (2 percent).

Around half of survey participants (47 percent) recalled contracting an illness at sea during their current employment that had inhibited them from working as required. Respondents from this group were asked whether they were able to take time off and, if so, whether they received sick pay in accordance with the law.

87 percent of respondents said that they were allowed to rest when they had fallen ill aboard the vessel and that they had received sick pay. Among the remainder, 6 percent recounted that they had been able to rest but had received no sick pay; 4 percent that they had been able to rest at sea but that deductions had been made from their earnings as a result; and 3 percent recalled that they had been denied permission to rest while ill.

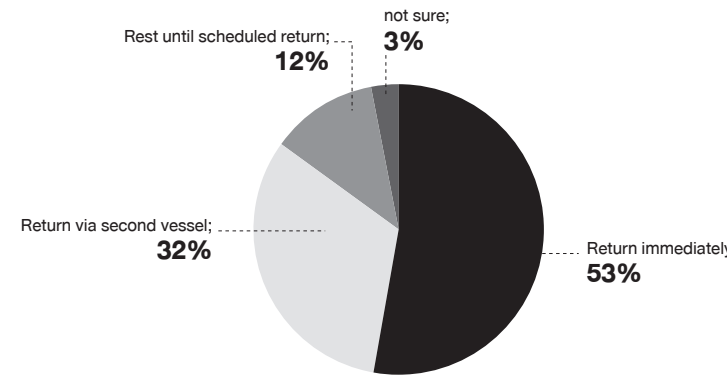
What happened after you became too ill to work at sea? (N=136)*



*Respondents who said that they had been unable to work at sea due to illness during their current employment

Just under one quarter of survey participants (N=69) said that they had witnessed a crew member suffer a serious injury or illness at sea requiring immediate medical treatment (i.e. loss of a finger) during their current employment. Among this group of respondents, 53 percent recounted that the ill or injured crew member had been immediately taken to shore to seek medical treatment. In a third of cases (32 percent), the vessel rendezvoused with another boat already returning to shore in order to transfer the ill or injured worker. Transfer of workers at sea under these circumstances is permitted, but subject to controls by Thai authorities. In 12 percent of cases, respondents reported that the ill or injured fisher rested on board until the boat completed its fishing trip before returning to shore.

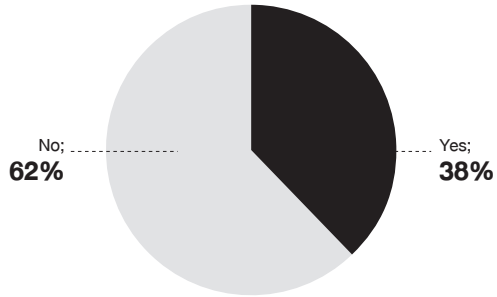
What happened after a worker suffered a serious illness or injury at sea? (N=66)



Retention of identity documents

Survey participants were asked whether they kept hold of their own key identity documents (e.g. passport, pink card, etc), and 62 percent of respondents responded that they did not keep one or more of these documents in their possession. These fishers (N=184) were asked further questions to determine: with whom the documents were kept; whether this had been done on request of the worker; and whether the individual was able to obtain said documents on request.

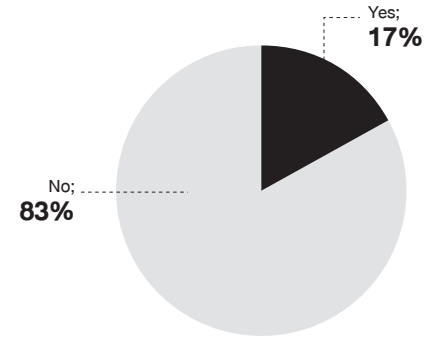
Do you keep hold of your own identity documents? (N=299)



In the majority of cases, documents were held by employers (73 percent), a member of the senior crew (22 percent) or managerial staff at the firm (3 percent). One respondent said that his identity documents were retained by a broker.

Although some vessel operators claim that workers' identity documents are retained for safekeeping, and even at the request of the individual,[30] the research findings indicate that this is typically not the case. A large majority of respondents (83 percent) reported that they had not requested another individual retain their identity document(s). Most workers reporting document retention stated that they were able to access documents on request (61 percent), while 22 percent said that they were not able to do so and 17 percent were unsure.[31]

Did you request another person retain your identity document(s)? (N=185)*

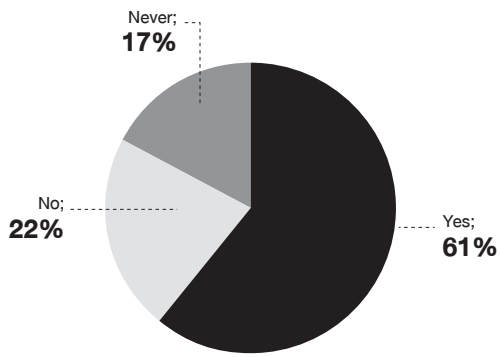


*Respondents who said that one or more of their identity documents were retained by another person

30 Human Rights Watch (2018), Hidden Chains: Rights abuses and forced labor in Thailand's fishing industry, p.44.

31 Individuals from the latter group may have never asked to access retained documents, or may have previously made this request but received inconsistent responses.

Are you able to access retained identity documents on request? (N=183)*



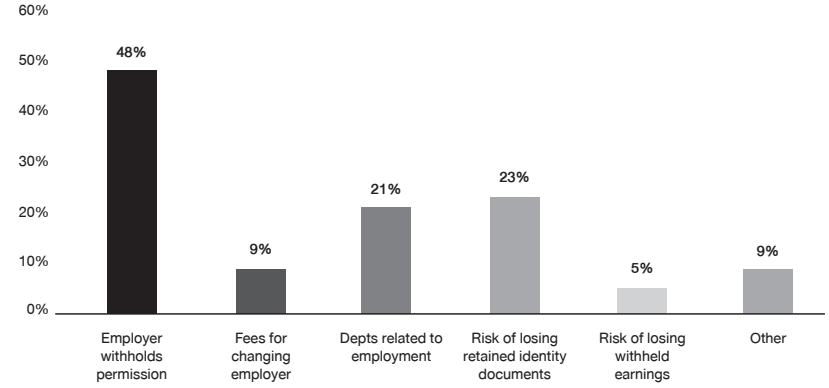
*Respondents who said that one or more of their identity documents were retained by another person

Freedom to leave employment

Survey participants were asked whether they currently wanted to change jobs, or had previously thought about changing from their current employer. The majority of respondents (68 percent) answered in the negative. Respondents who said they were thinking or had thought about changing their current employer (n=94) were asked whether they believed they had to pay a fee in order to do so. Some respondents (15 percent) believed that a fee was not required, while almost one third (30 percent) were uncertain. 54 percent of respondents believed that they had to pay fees ranging from 500 to 20,000 baht, and averaging 6,010 baht, in order to change employer.

Almost three quarters of survey participants did not feel that they faced barriers to changing or leaving employment. Among those who did perceive such obstacles (N=56), the primary issues related to employers withholding authorisation for job transfers (48 percent); the risk of losing identity documents retained by others (23 percent); and debts related to workers' employment (21 percent).

Which of the following do you feel obstruct your ability to change employer? Select all that apply. (N=56)*

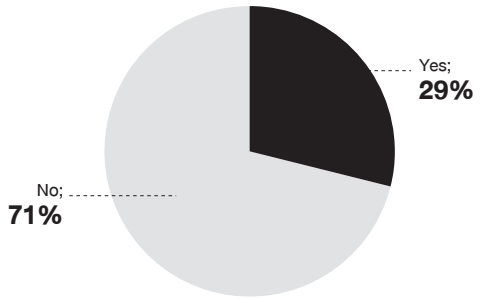


*Respondents who said they perceived obstacles to changing or leaving employment

Awareness of labour rights

Over two-thirds of survey participants (71 percent) stated that they did not feel sufficiently informed of their labour rights, while 36 percent of respondents said that they accessed no information about their labour rights. Thailand-based civil society organisations were the primary source of information on labour rights for fishers who did access such information (cited by a third of respondents), with government officials (15 percent); employers (14 percent), traditional media (10 percent) and co-workers (9 percent) cited as the other most common sources.

Do you feel adequately informed about your rights at work? (N=293)



What channels do you use to access information about your labour rights? Select all that apply. (N=299)

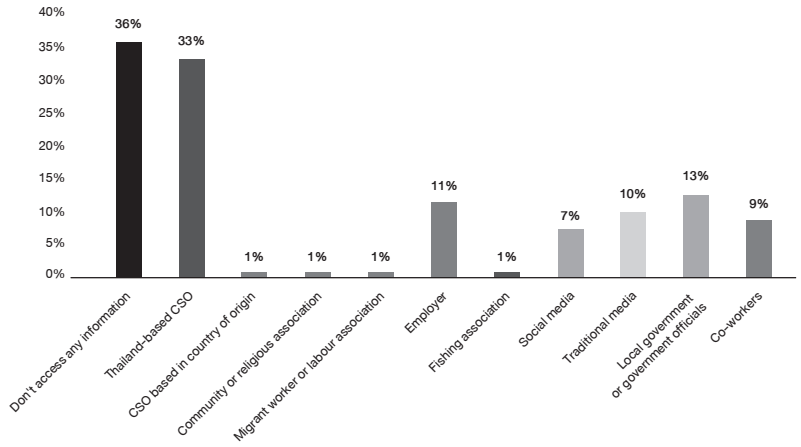
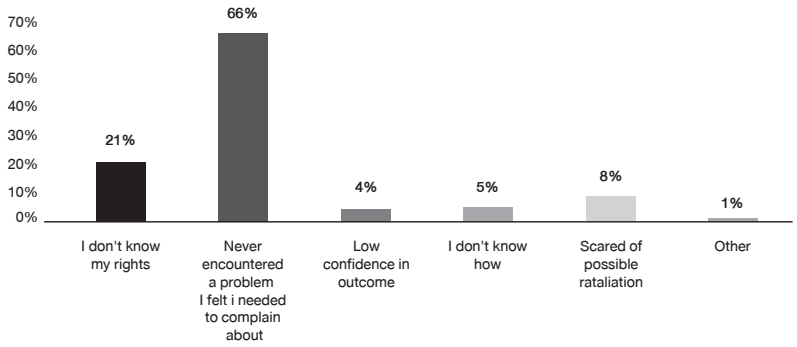


Photo credit: Suthep Kritsanavarin/Oxfam

Grievances at work

90 percent of respondents said that they had never reported a labour rights complaint. This high proportion is consistent with previous research.[32] Among these respondents, exactly two-thirds stated that the reason they had never done so was because they had not encountered an issue that they felt compelled to complain about. Other respondents said that they had never reported a complaint because they didn't feel adequately informed about their rights at work (21 percent); felt too frightened of possible retaliation to take any action (8 percent); had low confidence in the outcome of any complaint (4 percent); or didn't know how to make a complaint (5 percent).

Why have you never made a labour rights complaint (N=253)*



*Respondents who said that they had never made a labour rights complaint

32 A 2013 ILO study found that 95 percent of fishers had never filed a grievance related to a labour rights violation. Chantavanich, S. et al (2013), Employment practices and working conditions in Thailand's fishing sector, (Bangkok: ILO), pg. 77, http://www.ilo.org/dyn/migpractice/docs/184/Fishing.pdf.

Survey participants who had previously reported a labour rights complaint were asked how they had done so and whether they were satisfied with the outcome. Among these respondents (N=24), the majority recounted that they had been satisfied (71 percent). The low number of complainants accessing local authorities and PIPO officers (12 percent) may reflect a reluctance among migrant workers to seek remedy through government channels.

Table 9. Were you satisfied with the actions taken as a result of your complaint?

	Yes	No	Total
Employer	8	4	12
Local authority	2		2
PIPO	1		1
Thailand-based CSO	5	1	6
Other	1	1	2
No data		1	1
Total	**17**	**7**	**24**

Interaction with government officials

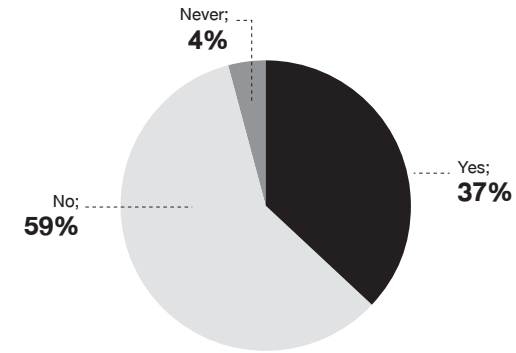
Thai-flagged fishing vessels are inspected by government officials at sea and in ports. Onshore, control and inspection activities are conducted through a nationwide network of Port in – Port out (PIPO) centres staffed by officials from key government agencies, while inspections at sea may involve interactions between officials and fishing crew under both inter-agency and lead agency frameworks.

All registered fishing vessels of 30 gross tons and over are required to undergo PIPO checks prior to departure from and arrival in port. Survey respondents were asked whether government officials inspect the vessel and/or documentation prior to the vessel's departure or arrival and 95 percent of respondents reported that such checks had occurred. There are several possible reasons why the remaining 5 percent of fishers reported that the vessels on which they worked did not undergo such checks:

- Respondent may have been working onboard a vessel weighing less than 30 gross tons;
- Respondent may have misinterpreted the regular presence of uniformed officials at the port;
- Respondent may be working on a vessel which evades PIPO controls or may themselves have been sequestered during PIPO checks.

The majority of survey participants (59 percent) said that officials at PIPO checkpoints did not ask them direct questions about their work during inspections, with 4 percent saying that they were occasionally questioned by officials. This represents an improvement on the year before, when an ILO survey of fishers found that 76 percent had not spoken with a government official about labour issues.[33]

Do government officials ask you direct questions about your job during PIPO inspections? (N=293)



33 Judd, J., et al (2018), Ship to Shore Rights Baseline research findings on fishers and seafood workers in Thailand, (Bangkok: ILO), p.41.

Workers who reported that they had been interviewed during PIPO inspections were asked whether they had understood the exchanges and who provided interpretation. Most respondents (70 percent) said that they had understood and been questioned through a government interpreter. Only 7 percent of fishers answered that they hadn't understood what labour inspectors had asked them. Other respondents pointed to ongoing issues in interview protocol, with 16 percent of fishers saying that interpretation had been provided by a co-worker and 7 percent stating that a representative of the employer had interpreted during the labour inspection.

Almost half of respondents (42 percent) recalled being interviewed by labour inspectors during an inspection at sea. Among those that had been interviewed, a majority of fishers (58 percent) reported that they had understood exchanges with government officials via a government-appointed interpreter, while a fifth (22 percent) said that co-workers had interpreted and 14 percent reported that representatives of their employer had acted as interpreters. 5 percent of respondents said that they had not understood the questions asked by officials during inspections at sea.

A majority of fishers said that they had not been interviewed by officials about their job during at sea or onshore inspections.

CSO Coalition's Recommendations

To the Royal Thai Government:

- Establish clear regulations prohibiting the collection of recruitment fees from migrant workers by employers and licenced recruitment agents.

- Coordinate with civil society organisations to improve existing complaint mechanisms, making them more transparent and accessible to migrant workers.

- Improve efforts to communicate with and disseminate information among migrant communities through closer partnerships with civil society.

- Support the establishment of a provincial network of Fishers' Welfare Centres in direct partnership with local civil society organisations.

- Establish opportunities for registered civil society organisations to observe the operations of government agencies posted to PIPO centres where notice is provided no less than 24-hours in advance.

- Simultaneously ratify the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

- The International Labour Organization (ILO) also has set of recommendations regarding labour rights issues which may be found at the following link: http://www.ilo.org/asia/publications/WCMS_619727/lang--en/index.htm

To the Seafood Task Force

- Commit to eliminating recruitment fees paid by fishers and publicly disclose progress on eliminating the payment of recruitment fees by workers employed in members' supply chains. Seafood buyers should priortise suppliers with clear policy commitment on this issue.

- Seafood buyers should support their suppliers to work in partnership with civil society, health experts and regulators to develop and update measures to enhance safety standards on board fishing vessels. We recommend the following guidelines:

  - Update the existing manuals and communication materials regarding safety standards for Thai-flagged fishing vessels, based on consultations with civil society and health experts, and take in consideration the reality of work on different types of fishing vessel;
  - Provide facilitated, certified training provided at the expense of employers to ensure that at least two crew members per vessel utilize the updated safety manuals;
  - Establish independent monitoring and post-training evaluation modules, preferably through third-party CSOs, to ensure that:
    - trainees/volunteers have appropriately applied the knowledge received from the safety training programmes.
    - volunteers are independently verified for their existence.
    - additional support and training can be provided for modules that are especially useful and relevant for crew members.
    - On board safety equipment is adequately and sufficiently provided

- Support worker access to complaint mechanisms, legal assistance and legal representation; ensure that such mechanisms are effective and responsive to urgent situations by:
  - Buyers should be more transparent about their existing worker voice/complaint mechanisms and enable national CSOs to be party to confidential/privilege information

provided by workers so that CSOs can monitor the remedial actions provided by their first- and second-tier suppliers to address complaints from workers.

- Buyers should prioritise suppliers that recognize the importance of worker voice mechanisms and also have demonstrated company-wide policy commitments on this issue. Examples of such commitments may include supporting dialogues between workers and management, establishing worker welfare committees that fairly represent workers and enabling workers to independently join unions without threat or penalty.
- Establish a 'One-Stop Centre' to centrally collect information on various cases from civil society organisations operating in different locations in Thailand. This centre will be critical in making sure that cases are shared and notified to buyers and first-tier suppliers in a timely manner.
- Engage civil society organisations to improve their understanding around of barriers to effective access to state complaint mechanisms among migrant workers;
- Enable the establishment of welfare committees at each pier in coastal provinces. Each committee should be democratically-structured with representation from fishers and should work in collaboration with decision-makers and management at each workplace. The welfare committees need to be independent from employers/industry associations and are able to fairly represent the diverse voice and concerns of workers.

- Establishing a contingency fund to offer immediate financial assistance and remedies to fishers who have been subject to violations or work-related problems.

- Commit to fair remuneration and transparent payment methods, by ensuring members' suppliers:
  - Offer fair remuneration and overtime pay in compliance with international laws and standards adopted in the fishing industry. The remuneration of fishers must reflect the working conditions, risks and vulnerabilities of those working in the sector;
  - Publicly pledge to offer a living wage by 2020. The living wage should be determined by a collective bargaining process with representation from fishers, civil society organisations and other relevant stakeholders;
  - Ensure that the fishers have access to social security and welfare commensurate to the working conditions of their employment;
  - Pay wages, overtime wages, and other welfare in a transparent and traceable manner via electronic bank transfer and as required by law.

- Encourage the Thai government to advocate for freedom of expression, assembly and association among migrant workers. In addition, members should support human rights defenders and advocate for stronger labour rights protections, which include:
  - Discourage suppliers from using Strategic Litigation Against Public Participation (SLAPP) and from taking a public stance when trading partners or the government uses SLAPP against human rights defenders;
  - Impose commercial sanctions against employers who initiate SLAPP against human rights defenders and workers;
  - Establish a Human Rights Defenders Legal Assistance Fund to provide support to labour rights defenders;
  - Encourage the Thai government to simultaneously ratify the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Acknowledgements

Regional data collection was overseen by Nattaya Petcharat, Project Coordinator at Stella Maris Seafarers' Centre Songkhla, Aye Mar Cho Office Coordinator, Samut Sakorn Office at Human Rights Development Foundation. Worker interviews were conducted by the aforementioned two individuals in addition to Thitar Oo, Field Officer at Raks Thai Foundation; Heang Bora, Field Officer Migrant at Stella Maris Seafarers' Centre Songkhla; Areefa Salae, Field Officer at Stella Maris Seafarers' Centre Songkhla; Nwe Ni Win, Health Educator/translator at Foundation for Education and Development; Tun Tun Naing, Community Liaison at Foundation for Education and Development; Than Zaw Htai, Field Officer Migrant at Migrant Workers Rights Network; Ko Zaw, Field Officer Migrant at Migrant Workers Rights Network; and Nakaret Suksawatdi, Patcharapun Wanna and Pannee Jaisawang Fishermen

Centere Volunteers at the Labor Rights Promotion Network.

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Finally, and most importantly, the CSO Coalition would like to thank each of the Burmese and Cambodian migrant workers who gave up their time to provide the information which made this report possible.

Appendix 1
Research questions

The following questions, key assessment indicators and benchmarks guided the research:

1. Are fishers provided an explanation of key terms relating to their employment prior to commencing work? Who offers such explanations?

2. Are fishers signing written employment contracts? Do they have opportunities to read contracts, or receive verbal explanations of contents, prior to signing? Do workers receive duplicate copies of contracts as required by law?

INDICATOR	BENCHMARK
Respondent does not possess a copy of their written employment contract.	Section 6, Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)
Respondent did not have opportunity to read contract prior to signing.	Bor Mor 1. (แบบ ปม. ๑) contract clause: "Both parties have thoroughly read and understood the contents of this contract."

3. What proportion of fishers are paid their earnings in accordance with the frequencies stipulated in law? How do different payment systems relate to different vessel types?

INDICATOR	BENCHMARK
Respondent is not paid their earnings in full at least one time per month, or at least one time per quarter where earnings constitute a share of the value of the catch.	Section 10(1), Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)

4. How common are illegal deductions from fishers' earnings?

INDICATOR	BENCHMARK
Respondent's earnings are deducted for purposes other than the paying of income tax, trade union dues, debts arising from a savings or other cooperative, providing guarantee money or compensation as stipulated by law, or depositing money for the employee.	Section 76, Labour Protection Act, B.E. 2541 (1998)

5. Do fishers feel there are sufficient crew working aboard fishing vessels to undertake the tasks required? How do working hours at sea differ by vessel type?

6. Do vessel operators comply with the minimum rest hours provisions stipulated by Thai law? How many additional hours must fishers work in port on certain days?

INDICATOR	BENCHMARK
Respondent reports having less than 10 hours of rest in any given 24-hour period at sea.	Section 5, Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)
Respondent does not rest a minimum of at least six consecutive hours in a 24-hour period.	Section 1, Ministry of Labour Guidelines on Rest Hours Management for Workers in Marine Fisheries, December 2014[34]

34 แนวปฏิบัติเกี่ยวกับการจัดเวลาพักของลูกจ้างในงานประมงทะเล / The guidelines for rest hours management for fishers.

7. Are fishers provided with adequate stocks of nutritious food, clean drinking water, basic first aid supplies and medicine as required by law?

INDICATOR	BENCHMARK
Respondent does not have access to sufficient food; or to a nutritionally-balanced diet; or sufficient drinking water; or to drinking water of adequate quality.	Section 6, Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)
Respondent does not have access to sufficient medicines and basic first aid supplies.	Section 9, Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)

8. Do fishers receive training on the safe operation of fishing gear prior to commencing work at sea? Are workers familiar with the use of personal safety equipment that is stowed aboard fishing vessels?

INDICATOR	BENCHMARK
Respondent has not have received training on the use of fishing gear, machinery or tools aboard a vessel.	Sections 3(1) and 3(2), Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)
Respondent has not have received occupational safety training.	Section 3(3), Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)

9. Are fishers able to access sick leave entitlements? Are workers paid for sick leave in accordance with the law? How do vessel operators respond to cases of serious illness or injury at sea?

INDICATOR	BENCHMARK
Respondent does not receive paid sick leave.	Section 13, Ministerial Regulation on Protection of Workers in Marine Fisheries, B.E. 2557 (2014)
In event of serious illness or injury, vessel operator does not immediately order boat to shore to seek medical treatment.	Section 10, Ministerial Regulation on Safety, Health and Welfare Systems in Marine Work, B.E. 2559 (2016)

10. How common is retention of identity documents among fishers? Do fishers request that vessel operators retain documents for safekeeping? In cases of document retention, are workers able to access their identity documents on demand?

INDICATOR	BENCHMARK
Respondent's identity documents are retained and the respondent is unable to access them on request.	Section 131, Royal Decree on Management of Foreign Workers, B.E. 2560 (2017)

11. To what extent are bureaucratic requirements, transfer fees, debt, withheld earnings, and retained documents considered by fishers to be obstacles to changing or leaving employment?

12. Do fishers feel adequately informed about their labour rights? What sources of information do workers access to obtain information on their labour rights?

13. What grievance mechanisms do fishers use? Are these mechanisms effective? What are the barriers to fishers accessing complaints mechanisms?

15. Do labour inspectors (onshore and at sea) interact directly with fishers to elicit information on working conditions, terms of employment and employer practices?

Appendix 2
Government and Private Sector's Progresses

There has been progress from the Thai Government tackling problems in the seafood sector from previous years, including in the following areas:

Progress on Traceability Systems

- http://www.mfa.go.th/main/en/news3/6886/88577-Thailand-%E2%80%99s-Progress-on-Traceability-Systems-for-Fi.html

Progress on Solving IUU

- http://www.mfa.go.th/main/en/news3/6886/87958-Thailand-Announced-the-Roadmap-towards-the-IUU-Fre.html
- http://www.mfa.go.th/main/en/news3/6886/86855-Thailand-is-preparing-to-declare-the-IUU-free-Thai.html
- http://www.mfa.go.th/main/en/news3/6886/86511-Thailand-%E2%80%99s-effective-fleet-management-and-the-depl.html

Progress in Laws and Regulations

- http://www.mfa.go.th/main/en/news3/6886/87833-Thai-Courts-Delivered-a-9-year-and-4-month-Prison.html
- http://www.mfa.go.th/main/en/news3/6886/87831-Thailand-Approved-Draft-Regulation-for-Sea-Fishing.html
- http://www.mfa.go.th/main/en/news3/6886/86736-Thai-court-imposed-an-11-year-prison-sentence-on-t.html
- http://www.mfa.go.th/main/en/news3/6886/86734-Thailand-prosecuted-7-Stateless-Fishing-Vessels.html
- http://www.mfa.go.th/main/en/news3/6886/86419-Thai-Court-has-fined-three-overseas-fishing-vessel.html
- http://www.mfa.go.th/main/en/news3/6886/86308-The-prosecution-of-the-fishing-vessel-%E2%80%9CChotchain-av.html

Falling through the Net:

A Survey of Basic Labour Rights among Migrants Working in Thailand's Fishing Sector

Author Daniel Murphy

Editor Wirot Sukphisan Phantawat Settawilai
Editorial staff Thiti Meetam Panis Phosriwungchai
Art director Chinatip Egkantrong
Photographer Suthep Kritsanavarin/Oxfam
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Published by The Civil Society Organization Coalition for Ethical and Sustainable Seafood

In recent years, Thailand's fishing industry has been subjected to mounting scrutiny.

This report highlights the current situation of the Thai fishery sector which covers the issues of Illegal, Unreported and Unregulated fishing (IUU) and human rights abuses, including forced labour among migrants from neighbouring countries in the sector. In addition, this research provides recommendation from the CSO Coalition for Ethical and Sustainable Seafood, the civil society organizations who work closely with migrant labours and local fishing communities with the aim to promote sustainable fishing in Thai waters.