



Tracking Progress:

Assessing Business Responses to Forced Labour and Human Trafficking in the Thai Seafood Industry

SUPPORTED BY



CREDITS AND ACKNOWLEDGEMENTS

This report was researched and written by Hannah Boles of Praxis Labs, supported by a team of international consultants and regional research assistants and translators, who provided invaluable contributions to the fieldwork and editorial stages of the report. Praxis Labs (www.praxis-labs.com) is a collective of humanitarian and development practitioners providing research for field solutions, with experience across Asia, south and east Africa, eastern Europe and the Middle East.

The Praxis Labs team thanks Humanity United and The Freedom Fund for commissioning the research and for all their support throughout the process. We would like to extend a special thanks to all the interviewees for their time and contributions and to the regional experts who provided guidance and support.

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Executive Summary and Recommendations

Thailand is the fourth-largest exporter of seafood globally. For over a decade, labour abuse, particularly of migrant workers from Myanmar, Cambodia, and Lao PDR, has been widely documented within the Thai seafood industry.

Media exposés linking forced labour and trafficking in persons on Thai fishing vessels with shrimp and pet food sold to Western consumers, and the threat of European Union (EU) trade sanctions, spurred responses from the Royal Thai Government (RTG) and the private sector (involving both Thai suppliers and international buyers). This report examines how seafood buyers (retailers and multinational brands) have responded to the human rights abuses highlighted. It identifies prominent private sector actions taken to address labour abuse, areas of good practice, remaining gaps, and ongoing issues impeding decent work at the base of seafood supply chains.

A follow-up to a 2016 report assessing the Thai seafood industry's response to forced labour and human trafficking, this report provides an update on progress made and gaps that still remain. The findings in this report are based on 49 interviews with representatives from the private sector, civil society organisations (CSOs), and the RTG, a review of the policies and publications of 28 seafood companies and retailers, and focus group discussions, surveys, and interviews with 280 Myanmar and Cambodian workers involved in seafood capture and production. Some of the key findings are outlined below.

Finding 1: Despite publicly committing to change in Thailand, the business model remains unchanged. Few seafood buyers are building social and environmental compliance into the buying price of an order, which undermines efforts to promote labour rights.

Seafood buyers have engaged with Thai producers to increase awareness of, and apply pressure to implement, international labour standards. Implementing buyer requirements, such as end-to-end traceability, and proving compliance through social auditing have become a necessary business expense of entering the export market. Yet, buyer/supplier relations and sourcing decisions are still underpinned by competitive price. Pushing social compliance initiatives down onto suppliers and thus increasing production costs while continuing to make sourcing decisions based on the cheapest price is an unviable business model. This business model limits, and can even undermine, efforts to reform working conditions; workers' reports of increased production quotas, jobs losses, and delayed wage payment suggest that workers are directly affected by sourcing practices.

Without addressing the rising production costs and shrinking profit margins in Thailand or their limited loyalty to suppliers that demonstrate efforts to improve, buyers face a significant barrier to durable change. Addressing forced labour and institutionalising change requires working collaboratively with suppliers by building social and environmental considerations into price negotiations and committing to long-term supplier contracts. Although this study identified positive examples of this happening, it is not yet the norm across the industry.

Recommendations for Seafood Buyers

Change how sourcing decisions are made.

Seafood buyers, at every tier of the value chain, should conduct a thorough assessment of the impact of their sourcing decisions on human rights and working conditions in the seafood industry. Negotiate purchase agreements based on this assessment; at a minimum, buying price should account for the costs involved in meeting legal requirements (e.g. minimum wage payment, provision of potable water, sufficient food, and health and safety equipment) and the increased production costs related to product traceability, legal reforms, and buyers' social and environmental requirements, to ensure that suppliers are not operating at a loss and to reduce the likelihood that the cost of reforms are borne by workers.

Commit to long-term contracts with suppliers that demonstrate concerted efforts to improve their social and environmental impact. Develop key performance indicators for social and environmental compliance against which to monitor, and then reward, suppliers.

Support suppliers to come into compliance with legal and buyer requirements. Work collaboratively with suppliers to increase awareness, knowledge, and understanding of legal frameworks and obligations to respect the rights of workers. Support the Royal Thai Government (RTG) to effectively implement and enforce legal reforms by holding sourcing partners accountable for meeting legal requirements, at a minimum.

Finding 2: The private sector response has focused on supply chain oversight and governance, but it is unclear how insights into operations are being utilised to mitigate human rights abuse in the seafood industry.

International buyers and Thai suppliers have invested in understanding labour abuses in the seafood industry through research, supply chain mapping, third-party vessel, farm, and factory assessments, and partnerships with CSOs. This improved understanding of labour issues has resulted in greater commitments to socially sustainable seafood and has enabled the private sector to increase its supply chain oversight through the implementation of seafood traceability, human rights due diligence, and a variety of worker voice mechanisms. International buyers have sought to introduce stricter supply chain governance through a variety of policies, against which suppliers must demonstrate compliance via self-assessed questionnaires or social audits. There are examples of good practice: corporate engagement with the issue of forced labour at board level; triangulated human rights due diligence; long-term, committed buying relationships with suppliers; building social and environmental compliance into product pricing; and direct hiring of migrant workers to ensure that they are informed of working conditions prior to employment. These examples of good practice are far from the norm across the industry but could serve as an initial roadmap to companies seeking tried and tested means of improving their business practices.

Business, legal, and reputational risk management underpin the focus on supply chain operations. How policies and commitments are translating into changed practice remains unclear. Seafood traceability focuses primarily on product attributes with limited consideration given to how to utilise this data to identify and mitigate human rights risks; knowing where a product originates does not equate to the absence of worker exploitation. Traceability has also not translated into public supply chain transparency; although slowly improving, transparency in terms of the vessels and suppliers sourced from, and thus corporate accountability, remain minimal. Exerting and sustaining oversight of fishing vessels, particularly at sea, remains a significant

challenge, which limits the potential that social auditing or certification will identify labour violations at vessel level.

Recommendations for Seafood Buyers

Ensure buy-in for responsible sourcing practices at the Board level. It is challenging for procurement teams to change purchasing practices without the independent decision-making power to do so. Sustainability departments can also struggle to move beyond corporate social responsibility pilots without a mandate – and financial commitments – from the Board or CEO.

Proactively adopt a human rights due diligence approach to supply chain governance, in collaboration with, and verified by, trade unions, worker associations, and CSOs. Social compliance audits and certifications struggle to sustain oversight and do not properly engage workers. To obtain a broader overview of human rights impact, multiple sources of data are required. Consulting workers and collaborating with local CSOs can triangulate audit findings, enable more accurate representations of issues in supply chains, and ensure companies are better able to make corrective action. Consider adopting worker-driven social responsibility models based on binding agreements with workers' representatives, to implement worker-led monitoring and enforcement mechanisms that could better guard against labour abuses.

Map all tiers of seafood supply chains, including vessels, pier operations, and aggregators to obtain a clearer picture of the businesses supplying the company. Many fit-for-purpose technological options exist for tracing seafood supply chains, which companies can adapt to their needs and operations. Once mapped, explore ways of utilising the data to identify and mitigate human rights violations.

Increase transparency in terms of where seafood originated. A good first step is to sign on to the Ocean Disclosure Project, where retailers and seafood brands can list the origins of seafood products. All seafood-derived products, including pet food, should be publicly listed. Companies can also increase transparency by incorporating vessel ID numbers into Trace My Catch mechanisms, which would enable consumers and CSOs to cross-check whether catch is landed by vessels on the RTG vessel registry or the vessel watchlist to increase public accountability and consumer trust.

Recommendations for Thai Suppliers and Companies with Operations in Thailand

Develop direct buying relationships with vessel owners. Reducing the number of aggregators along the supply chain increases the possibility of exerting oversight at vessel level and of increasing compliance with the International Labour Organization (ILO) Work in Fishing Convention (C188). Select Thai suppliers are already buying directly from specific vessels, which enables them to interview the captain and crew at port and verify legal compliance. This should be adopted more widely.



Finding 3: Workers are not being actively consulted. Buyer engagement with migrant workers and with CSOs in Thailand stops short of consulting workers on supply chain policy changes or supporting unionisation.

There are a number of examples of Thai suppliers engaging with workers' organisations and local CSOs, to remedy workers' grievances or collaboratively develop Codes of Conduct. However, currently, buyer engagement with workers is solely through grievance channels. Although a necessary starting point for enabling workers to self-report abuse, grievance channels do not account for migrant workers' reluctance to report issues. Furthermore, grievance channels do not consult workers on the changes they wish to see in their workplaces. During this study, fishers identified clean drinking water, access to a toilet, and a wage increase as their primary desires for change. To incorporate workers' perspectives into reforms and long-term business strategies, public buyer and supplier support for migrant workers' fundamental rights at work, particularly freedom of association and the right to collective bargaining, is imperative.

Recommendations for Seafood Buyers, Thai Suppliers, and the Seafood Task Force

Consult workers on the changes they wish to see and on the impact of corporate actions, by supporting existing efforts to unionise migrant workers, promoting unionising during discussions with Thai suppliers, and encouraging independent worker welfare committees. The freedom to organise and bargain collectively with management is vital for incorporating workers' views into corporate policy and for verifying the impact of reforms.

Improve efforts to empower workers to utilise grievance channels, including by ensuring that workers who speak up do not face retaliation and through effective remedial action for grievances raised.

Ensure worker welfare committees are fully operational. Partner with local CSOs to provide external oversight and to support the effective resolution of grievances raised. It is important to acknowledge that an increase in reported grievances is a positive outcome when measuring the success of any grievance mechanism.

Involve worker organisations and CSOs in monitoring factories. One possibility for increasing worker input is to include worker and CSO representatives in the monitoring already conducted by industry associations through the ILO Good Labour Practices program.

Finding 4: The private sector is increasingly looking at how to tackle entry into situations of forced labour, through commitments to responsible recruitment. Ongoing issues related to work and life under duress and workers' inability to leave, however, remain overlooked and deserve further attention.

A few seafood companies with operations in Thailand have implemented direct hiring of migrant workers to reduce the use of unauthorised labour brokers. A number of large buyers are making commitments to the Employer Pays Principle for recruitment, based on the concept that 'no worker should pay for a job'; however, there appears to be a reluctance to factor into consideration the associated costs of the Employer Pays Principle, particularly in a legal context that permits employers to deduct documentation fees from workers' salaries.

In recent years, undocumented migrant workers already working in Thailand have gone through the Nationality Verification process to obtain identity documents and work permits. 80% of workers surveyed for this study, who obtained their documents in Thailand, reported that their employer was financially involved in this process; 45% reported that the fees were deducted from their salary and 20% reported that they owe their employer a lump sum debt due when they leave the job, although they are not aware of the exact sum. 18% of all workers surveyed reported debt to their employer as a barrier to leaving their job. Greater efforts are needed to ensure that workers are not indebted due to the cost of obtaining the documents required to work in Thailand. Although responsible recruitment is gaining increased attention from buyers, efforts to improve working conditions remain largely limited to pilot projects with little financial support for widespread implementation. Ensuring access to remediation and compensating workers who have experienced forced labour is currently overlooked.

Recommendations for Seafood Buyers

Support suppliers to transition to responsible recruitment by advocating for the Employer Pays Principle with consideration given to how to distribute the associated increase in costs along the value chain. Enter into longer term contracts with suppliers and demonstrate buyer commitment, so that suppliers can be confident that they will benefit from investments in responsible recruitment practices. Reward and incentivise suppliers who demonstrate good practice.

Recommendations for Thai Suppliers and Companies with Operations in Thailand

Adopt the Employer Pays Principle to ensure that no worker is indebted or experiencing wage deductions due to fees for a passport, work permit, or health check. Undertake direct hiring, where feasible. Commit to long-term agreements with registered recruitment agencies to build a marketplace for responsible recruitment.

Commitment to responsible recruitment needs to include the documentation fees paid by migrant workers already in Thailand, particularly as another round of document changes for migrant workers will occur by 31 March 2020. Currently, the cost of obtaining the documentation needed to work in Thailand is still being borne by workers.

Ensure every worker has a contract in a language that they understand. Make sure that the nature of the work and the terms of employment are understood before contract signing and that workers retain a copy of the contract.

Provide pre-employment skills training for all workers prior to starting the job. This is particularly important for newly-recruited fishers with limited experience operating dangerous and difficult equipment. International buyers could fund pre-employment training centres to improve workers' knowledge of employment conditions, machinery usage, and their labour rights.

Ensure working conditions are in line with international labour standards and all workers are treated with respect. Ongoing labour shortages and challenges in retaining workers underpin the 'business case' for upgrading facilities and ensuring decent work; workers who reported liking their job and feeling fairly treated claimed to have never changed factories.

Increase focus on remediation and compensation for workers who experience forced labour. Utilise insights into supply chain operations to increase efforts to remediate situations of abuse once uncovered. Involve unions, workers' associations, or NGOs in the development of corrective action plans when grievances are identified during human right due diligence processes or by external auditors. Support social reintegration through the provision of decent work opportunities for survivors.



Finding 5: The Seafood Task Force is the primary mechanism through which companies are collectively talking about forced labour in the Thai fishing industry and has the potential to drive industry-wide change; however, it faces challenges in translating policy into practice.

The Seafood Task Force (STF) is an industry-led initiative that seeks to address forced labour and illegal, unreported and unregulated (IUU) fishing in Thailand by utilising commercial pressure to drive change. The STF has demonstrated some progress since its establishment in 2014. It has brought together competing seafood buyers and large Thai exporters to start pre-competitively discussing shared strategies, increased corporate knowledge of fisheries management and labour abuses, encouraged supply chain mapping, introduced a traceability system for shrimp feed, developed a shared Code of Conduct, financially supported the RTG's vessel monitoring, and expanded private sector involvement beyond a select few corporate 'leaders'.

Recently, however, the STF has shifted from being an industry response to forced labour to focusing more on supply chain oversight. Limited transparency and accountability (internally and externally), the slow pace of reform, and minimal engagement with external stakeholders, particularly workers, CSOs, and Thai vessel owners, have led to external disillusionment with the STF. Having brought together some of the largest seafood buyers and suppliers, the STF nevertheless has the potential to drive systematic industry-wide change by embracing alternative forms of supply chain governance and re-focusing some of its objectives on outcomes for workers.

Recommendations for the Seafood Task Force

Consult workers on the future strategic direction of STF efforts. Establish a labour sub-group that includes migrant workers and their representatives. A labour sub-group could be tasked with asking workers about the changes they wish to see, incorporating workers' views into policy development, and creating a mechanism for regular updates on working conditions in Thailand.

Establish stricter membership criteria and obligations, including data sharing requirements. Introduce an internal

accountability mechanism to hold individual companies accountable for their commitments to tackle forced labour and IUU fishing, with consequences for lack of action. Incorporate a data sharing agreement into membership criteria; data sharing is imperative for consolidating the market power of buyers and reducing audit fatigue and the duplication of corporate efforts. In turn, the STF Board could increase internal STF transparency with member companies.

Evaluate impact in terms of changes experienced by workers. The STF could develop industry-wide key performance indicators for improvements in working conditions, that can be externally validated by CSOs and workers' organisations.

Improve transparency by publicly and frequently sharing information on STF activities and initiatives. External verification of progress, an objective of sub-group 6, requires improving public transparency to enable wider stakeholder participation. Engaging with critics and collaborating with local civil society to achieve shared labour and environmental objectives would facilitate continuous learning, which could strengthen the STF's work and improve its credibility.

Engage with the Ministry of Labour, not just the Department of Fisheries, to better understand and support RTG efforts to regulate labour standards in the industry. The problems in Thailand's seafood sector are not isolated to IUU fishing or activities at sea. Engage with the Department of Labour Protection and Welfare and the Department of Employment to demonstrate corporate support for a strong legal framework that protects labour rights, particularly in the face of ongoing employer pushback against labour reforms.

Collectively commit to changing seafood purchasing practices and to supporting Thai suppliers that make sustained efforts to improve working conditions, to deliver on the promised market rewards. Devise a mechanism for more equitably distributing the costs of reform along the value chain.

Finding 6: Pushing down compliance to the vessel level without sufficient support has resulted in employer pushback in Thailand. For change to be effectively implemented and durable, consideration needs to be given to the concerns of employers in the lower tiers of the seafood supply chain, coupled with education on legal and buyer requirements, financial support to incentivise compliance, and penalties for non-compliance.

Most buyer engagement, including through the STF, has focused on large Thai suppliers with less attention given to the concerns of employers and vessel owners in the lower tiers of the seafood supply chain. Legal reform has resulted in some pushback from vessels owners in Thailand, who argue that the cost of reform will put them out of business. Some employers have found ways to get around reform measures. For example, the RTG introduced mandatory electronic wage payments for fishers to improve payment transparency, but many vessel owners have responded by withholding and controlling workers' ATM cards. Ongoing issues inhibiting decent work on board fishing vessels, at ports, and in small processing factories need further multi-stakeholder action to correct, which requires engaging with employers at the base of seafood supply chains.

The STF is in the prime position to engage with the concerns of vessels owners and employers, having demonstrated its capacity to work collaboratively with aquaculture farm owners to provide education on, and support the implementation of, a traceability mechanism for shrimp feed.

Recommendations for Seafood Buyers, Thai Suppliers, and the Seafood Task Force

Engage with business owners, including vessel owners, in the lower tiers of seafood supply chains to understand their concerns and to challenge attitudes towards migrant workers. Listening to the concerns of Thai employers, providing education on new requirements, supporting phased implementation, and more equitably distributing the costs of upgrading working conditions are necessary for implementing durable change, particularly at vessel level. Both incentives for compliance and strict penalties for non-compliance (e.g. withholding employees' ATM cards) are needed.

To effectively implement the STF Code of Conduct and upgrade working conditions, the STF needs to work with and incentivise employers in the lower tiers of seafood supply chains, evaluate how much implementation will cost, and distribute the costs along the value chain. One possible approach would be to increase the annual membership fee (USD30,000) by 20% for large corporations, to establish an annual fund (of over USD190,000) that could be made solely available to employers who demonstrate efforts to upgrade working and living conditions on board their vessels.



Finding 7: Having advocated for a stronger legal framework, the private sector has a part to play in promoting the effective implementation of the reforms introduced by the Royal Thai Government.

Governments have a duty to uphold and protect labour rights and to ensure that actors, including the private sector, adhere to laws concerning the rights of workers. Since 2015, the RTG has introduced sweeping changes to the seafood industry. The RTG has overhauled the legal framework governing fishing, regulated recruitment agents, updated anti-trafficking laws to cover forced labour, ratified ILO C188, and implemented more stringent fisheries monitoring, control, and surveillance. The shift from a weakly-regulated to highly-regulated industry is an important one for both Thai companies and international buyers to support to ensure legal reform translates into changed practices. Given the shortcoming of social audits of vessels, support for the RTG's at sea inspections and the PIPO process are vital safeguards for fishers. Effective implementation requires multi-stakeholder action, including from seafood buyers and Thai suppliers.

Recommendations for Seafood Buyers and the Seafood Task Force

Support the Royal Thai Government to implement reforms. Seafood buyers can play a significant role in promoting effective implementation by holding their suppliers accountable for meeting minimum legal requirements, by making compliance integral for entry to the export market and rewarding compliance with business. Moreover, buyers can encourage suppliers to view minimum legal requirements as the starting point, not the end goal, for protecting labour rights.

Publicly advocate for strong legal protections for workers. Develop and publish a public government advocacy policy to promote adherence to international labour and human rights conventions. Publicly advocate that the RTG ratify ILO core conventions C87 on freedom of association and C98 on collective bargaining, and legally allow migrant workers to form and lead trade unions.

Recommendations for the Royal Thai Government

Strictly and uniformly implement and enforce legal changes, including penalties for employers who violate the law by withholding workers' documents or ATM cards. Provide further education and incentives to Thai business owners and vessel owners to increase understanding of the legal changes, to reward compliance, and to institutionalise change.

Amend the Labour Relations Act and ratify ILO Conventions 87 and 98 to enable migrant workers to hold leadership positions in independent unions and to collectively bargain for improved working conditions. Remove all remaining restrictions on migrant workers' freedom to change employers, including the requirement to prove the employer is at fault and the requirement to pay damages to the employer for early termination of employment.

Make social security provisions applicable to migrant fishers, in line with C188, and provide social security payments to fishers who are affected by loss of income due to fishing quotas and restrictions on fishing days, to reduce the negative impact of existing debts on fishers when vessels do not go to sea and the financial burden on vessel owners.

Finding 8: Hazardous working conditions and labour abuses, including forced labour, continue to be reported in fishing industries around the world and are not confined to Thailand. Stronger international regulation that holds seafood companies and retailers accountable for their global supply chains is needed.

Governments around the world, particularly in the Global North where the majority of international seafood buyers examined in this report are headquartered, have a critical role to play in protecting labour rights in global supply chains. As corporate sourcing decisions are largely motivated by price, governments have a vital role to play in holding companies accountable for their business practices, to promote decent working conditions across the global seafood industry and not solely in countries under the spotlight. By making seafood traceability mandatory for all seafood products regardless of country of origin, governments can help level the playing field for suppliers. Many companies will only take appropriate action if there is a legal risk attached to non-compliance. To ensure the long-term protection of workers in global supply chains, governments need to greatly strengthen legal frameworks that regulate corporations domiciled within their jurisdictions to ensure that basic human and labour rights are not jeopardised in the pursuit of profit. In turn, retailers and seafood companies have a responsibility to obey the law and hold their suppliers accountable for doing likewise.

Recommendations for Global North governments (e.g. United States of America (US), EU, United Kingdom (UK), Japan, Canada, Australia)

Introduce mandatory corporate Human Rights Due Diligence legislation with sufficient punitive penalties for non-compliance. As part of this, hold all seafood buyers accountable for supply chain traceability (as the Seafood Import Monitoring Process does in the US), regardless of the catch country of origin.

Strengthen supply chain disclosure legislation to include penalties for non-compliance to increase corporate transparency and public accountability.

Clarify what businesses can collectively discuss in terms of incorporating sustainability costs into pricing, without being liable under competition law.

The study found that 83% of surveyed fishers and 32% of surveyed seafood processing workers believed that there has been an improvement in their working conditions in recent years; this is partly due to the different baselines against which improvements are being measured. Fishers reported an increase in salary (before deductions) and a reduction in violence and the killing of workers while at sea. Seafood processing workers in formal export orientated factories mostly reported receiving minimum wage (before deductions) and working hours that comply with Thai labour laws. However, the rapid changes to Thailand's seafood industry have led to some unintended consequences, notably an increase in debt to employers through the regularising of undocumented

migrant workers, which has been a source of anxiety and hardship for workers. Moreover, there are a number of ongoing challenges that continue to impede decent work at the base of seafood supply chains, including limitations on workers' ability to change employers, the withholding of fishers' identity documents and ATM cards, limited opportunities to rest while at sea, lack of clean drinking water and toilets on board fishing vessels, systems of power and control over a migrant workforce, and precarious informal work in the lower tiers of seafood processing, including gender inequality and temporary work dependent on the volume of catch. Thus, while progress has been made, much more needs to be done to ensure decent work in seafood supply chains.

Acronyms

ASC	Aquaculture Stewardship Council
ATIPD	Anti-Trafficking-in-Persons Division
BAP	Best Aquaculture Practices
C188	Work in Fishing Convention, 2007 (No. 188)
C29	Forced Labour Convention, 1930 (No. 29)
C87	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
C98	Right to Organisation and Collective Bargaining Convention, 1949 (No. 98)
CGF	Consumer Goods Forum
CI	Certificate of Identity
CoC	Code of Conduct
CSO	Civil Society Organisation
DoE	Department of Employment
DoF	Department of Fisheries
ETI	Ethical Trading Initiative
EU	European Union
FAO	United Nations Food and Agriculture Organization
FGD	Focus Group Discussion
FIP	Fisheries Improvement Projects
FMC	Fisheries Monitoring Centre
GLP	ILO Good Labour Practices
GT	Gross Tonnes
IHRB	Institute for Human Rights and Business
ILO	International Labour Organization
IO	International Organisation
IUU	Illegal, Unreported and Unregulated Fishing
KPI	Key Performance Indicator
MCS	Monitoring, Control, and Surveillance
MoL	Ministry of Labour
MOU	Memorandum of Understanding
MSC	Marine Stewardship Council
NFAT	National Fisheries Association of Thailand
NGO	Non-Governmental Organisation
NV	Nationality Verification
P29	Protocol of 2014 to the Forced Labour Convention, 1930
PIPO	Port In Port Out
PSMA	Port State Measures Agreement
RTG	Royal Thai Government
STF	Seafood Task Force
TFFA	Thai Frozen Foods Association
THB	Thai Baht *
TIP	Trafficking in Persons
TTIA	Thai Tuna Industry Association
UK	United Kingdom
UN	United Nations
UNGP	United Nations Guiding Principles on Business and Human Rights
US	United States of America
USD	United States Dollar
VMS	Vessel Monitoring System

* (1THB = approximately US\$0.032. This is an average from 1 October 2018 – 31 March 2019, when the primary data was collected)

Executive Summary and Recommendations	3
Acronyms	14
Introduction	16
Context	17
Chapter 1: Company Responses to Forced Labour and Trafficking in Persons	20
Greater Awareness and Acknowledgement of Labour Issues	21
Supply Chain Mapping and Traceability	22
Supply Chain Oversight and Governance	23
Engagement with Suppliers	25
Responsible Recruitment	28
Worker Voice Channels	29
Pilot Projects	31
Pre-Competitive Collaboration	32
Barrier to Reform: The Business Model	32
Conclusion	33
Chapter 2: Collective Industry Response: The Seafood Task Force	34
Seafood Task Force: An Industry-Led Response	35
Positive Outcomes of the Seafood Task Force	38
Remaining Challenges and Barriers to Success	40
Conclusion	43
Chapter 3: The Role of Governments	45
Overview of the Royal Thai Government Response	46
Private Sector Engagement with the Royal Thai Government	49
Global North Governments	50
Conclusion	52
Chapter 4: Labour Conditions in the Thai Seafood Industry in 2019	53
Changes within the Seafood Industry	54
Unintended Consequences of Legal Reform	57
Persisting Challenges Impeding Decent Work	59
Conclusion	62
Conclusion	63
Appendix 1: Methodology	67
Appendix 2: Interviewees	68
Appendix 3: Worker Research Participants by Sector, Gender, and Nationality	69
References	70

Fishing is considered ‘one of the most challenging and hazardous occupations’.¹ Forced labour² and trafficking in persons (TIP) have been reported in the capture or production of seafood in Ghana, South Africa, Uganda, Indonesia, Thailand, Malaysia, Timor-Leste, Bangladesh, India, Pakistan, New Zealand, Ireland, the United Kingdom (UK), and Canada.³ In 2013, research by the International Labour Organization (ILO) found that 17% of the 596 fishers interviewed in Thailand were in a situation of forced labour.⁴ In 2014, *The Guardian* linked several large corporations with forced labour on Thai fishing vessels, which spurred an immediate private sector response.⁵ The implicated companies convened in Thailand and agreed to establish a taskforce to tackle the forced labour involved in the production of Thai shrimp feed.⁶ The following year, the *New York Times* linked the largest pet food brands to Thai seafood caught under forced labour.⁷

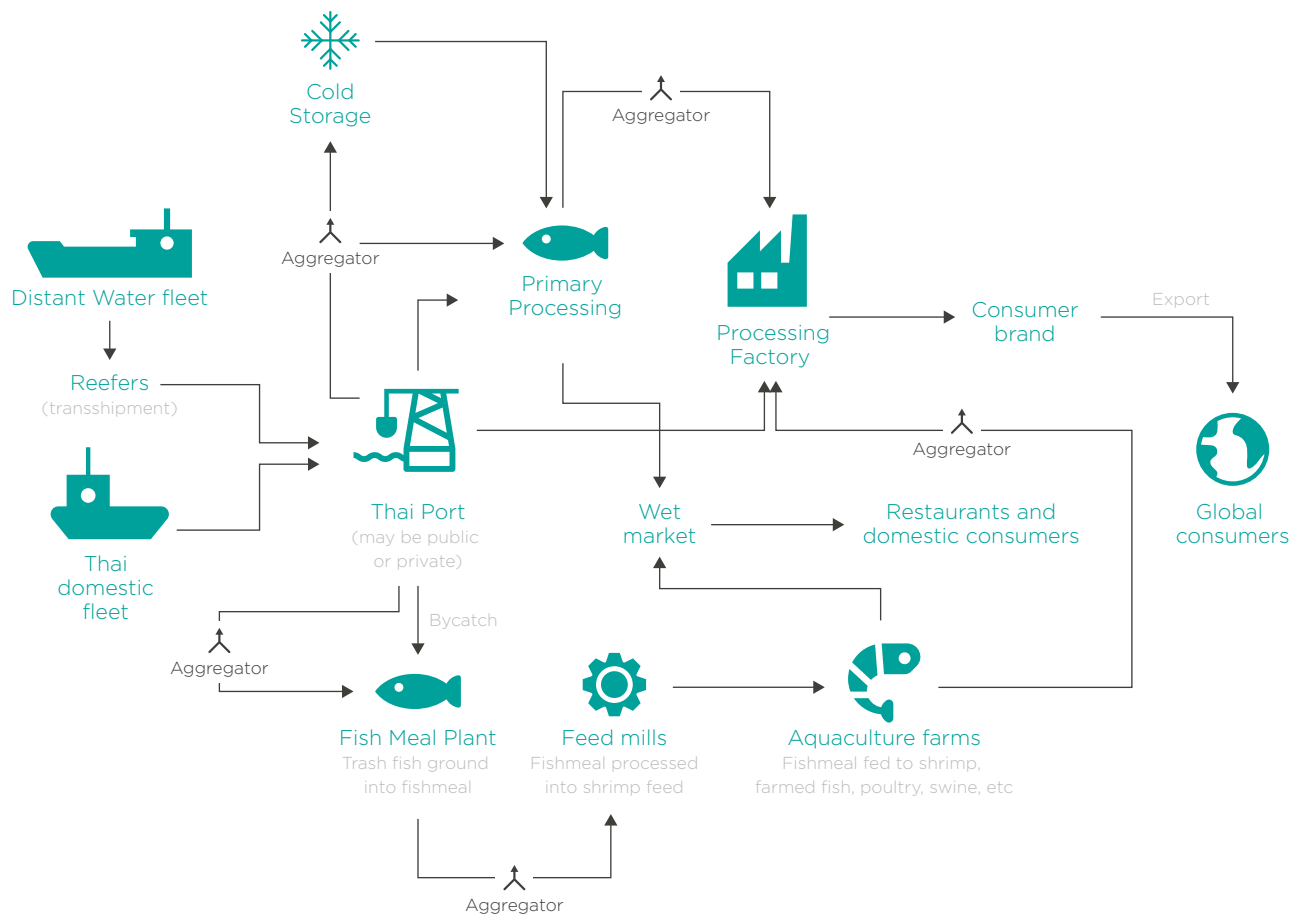
Five years after *The Guardian* exposé, this report explores how multinational brands and retailers have responded to the labour abuses highlighted. It builds on a report published in 2016 by Humanity United and the Freedom Fund, which assessed the response of the Royal Thai Government (RTG) and the private sector in the immediate aftermath of being put in the media spotlight.⁸ As companies have had time to consider their long-term responses and strategies, this independent follow-up study explores what companies, both in their capacity as individual entities and collectively through the Seafood Task Force, have and haven’t done to address forced labour conditions in their seafood supply chains.

Chapter one examines the policies and actions of 28 companies, to identify the prominent corporate responses to human rights abuse in the Thai seafood industry, examples of good practice, and remaining gaps. Chapter two explores the collective industry response to forced labour

in seafood supply chains through the establishment of the Seafood Task Force (STF), where the STF has been successful in achieving its goals, and the challenges that impede greater impact. Drawing on the *UN Guiding Principles on Business and Human Rights* (UNGP), chapter three examines the role of the State: both the RTG’s legal reform and the extent to which the RTG reports private sector engagement, and the role of governments around the world in regulating corporations domiciled in their jurisdiction. Chapter four seeks to provide an update on working conditions within the seafood industry in Thailand by asking migrant workers what they believe has changed and what they would still like to see change, and explores some of the unintended consequences of reform and the remaining challenges that impede decent work. While the report demonstrates that there have been changes within the Thai seafood sector, much remains to be done to ensure the empowerment and rights of workers in seafood supply chains.

This report is informed by 49 interviews with representatives of civil society, the private sector, and the RTG, and interviews, focus group discussions (FGDs), and worker surveys with 280 Myanmar and Cambodian workers involved in the capture and production of seafood in Thailand. All companies and interviewees are anonymised throughout the report to ensure confidentiality. All worker data is uncited for protection reasons. For a full methodology and the limitations of the study see Appendix 1.

SEAFOOD SUPPLY CHAIN MAP



Context

Supply Chain Overview

International seafood supply chains rely on a number of elements of Thailand's seafood industry including shrimp aquaculture, marine capture fisheries, and seafood processing (e.g. the canning of tuna, the freezing and packaging of shrimp, and the production of dog food). Seafood landed at Thai ports is either caught in Thai waters by the domestic fleet or is imported from vessels fishing in international waters. Tuna canned for export is mostly imported from fleets in the Central and Western Pacific.⁹ Seafood caught by Thai-flagged vessels for human consumption is primarily sold on the domestic market but enters the supply chains of multinational companies via "trash fish" ground into fishmeal and fed to shrimp (or

other livestock) or as pet food (e.g. canned cat and dog food, 35,063.97 tonnes of which were exported between January and June 2017).¹⁰ Once landed into port, seafood is unloaded from the vessel and is often sorted at the pier. It can pass through a network of small production facilities and aggregators before being sold either at local markets or to large processing factories (or can be sold directly to the factory) where it is processed and packaged. Processed seafood is sold to brand name companies for export and distribution, and then to supermarkets for retail.

Social

For over a decade, the United Nations (UN) and non-governmental organisations (NGOs) have documented labour abuse in the Thai seafood industry, both on board fishing vessels and in the processing stages.¹¹ In 2014, reports of TIP led the US annual TIP Report to downgrade Thailand to tier 3, its lowest ranking.¹² An ILO baseline study of 196 fishers and 200 seafood processing workers surveyed in Thailand in 2017 found that, in the previous 12 months, 71% of fishers and 44% of seafood processing workers had experienced one or more indicator of forced labour, notably deception, isolation, intimidation and threats, retention of identity documents, withholding of wages, abusive working conditions, or excessive overtime.¹³

Economic growth in Thailand, hazardous conditions on vessels, and low wages have led to an industry dependent on a migrant workforce that is often stigmatised and vulnerable to labour exploitation.¹⁴ Ongoing labour shortages have fuelled employer concerns about worker retention and spurred Memorandums of Understanding (MOUs) between Thailand and neighbouring countries as the official channel for recruiting migrants workers. Migrant workers work at multiple tiers of the Thai seafood supply chain including aquaculture, seafood capture, and production.¹⁵ In 2018, Thailand was upgraded to tier 2 in the US TIP report.¹⁶

Environmental

A recent UN biodiversity report argued that 66% of the world's oceans have been altered by human behaviour, the leading cause of which is commercial fishing.¹⁷ Since the introduction of trawl fishing in Thai waters in the 1960s, fish stocks have declined dramatically; the UN Food and Agriculture Organization (FAO) reported a catch rate of 300kg/hour in 1960, prior to the introduction of trawlers, but 24.20kg/hour in 2005.¹⁸ Overfishing, illegal, unreported and unregulated (IUU) fishing, pollution, environmental destruction, and population growth have resulted in declining fish stocks, driving fishing vessels further out to sea for longer periods of time, requiring more fuel and increasing operations costs, while the value of the catch has decreased.¹⁹

The lack of fisheries oversight and the widespread reports of IUU fishing resulted in the European Union (EU) issuing Thailand with a Yellow Card in 2015, threatening access to the EU import market. In January 2019, in acknowledgement of the introduction of stricter fisheries monitoring and control, Thailand received a Green Card to trade with the EU.²⁰ This report does not examine private sector responses to environmental degradation, nevertheless the analysis is based on the understanding that social and environmental issues are intrinsically linked.

Market

For decades, Thailand has been one of the largest exporters of seafood in the world and is the largest producer of canned tuna globally.²¹ In 2018, Thailand exported 1.56 million tonnes of seafood, 35% of which was canned tuna and 28% was shrimp.²² Other seafood products exported from Thailand for human consumption include anchovies, scallops, bream, squid, octopus, cuttlefish, and crab.

In recent years, Thai shrimp sales have declined; in 2018, Thailand exported 179,772.77 tonnes of frozen shrimp, a 13.6% reduction from 2017 when 208,067.65 tonnes were exported.²³ In 2012, an outbreak of Early Mortality Syndrome (EMS), a disease affecting shrimp aquaculture, damaged Thailand's ability to meet buyer demand.²⁴ As a result, buyers started sourcing elsewhere, notably from India.²⁵ Despite recovery from EMS, the cost of reforms, high import tariffs for processed products, and preferential trade agreements in competing markets have impacted the competitiveness of the price of Thai shrimp and undermined its market share. A recent Oxfam report states that between 2000 and 2015 the consumer price of shrimp doubled, increasing the share of the profits accumulated by retailers (from 13% to 44%), yet the share captured by Thai producers fell from 44% to 10%.²⁶

The reliance on a migrant workforce, continued labour shortages, depleted seas, and smaller profit margins for producers underpin the dynamics of exploitation within the Thai seafood industry.



Chapter 1: Company Responses to Forced Labour and Trafficking in Persons



This chapter explores the prominent corporate responses to labour abuse in Thai seafood supply chains, highlights examples of good practices, and identifies remaining gaps and challenges. Twenty-eight companies, including tuna, pet food, and shrimp suppliers, manufacturers and consumer brands, and retailers, were selected for inclusion on the basis of an existing commitment to sustainably sourced seafood and country of operation, to ensure a sample of brands and retailers from Thailand, the US, the EU, and Australia.²⁷

Greater Awareness and Acknowledgement of Labour Issues

Investment in Understanding

In 2013, eight private sector interviewees described forced labour in seafood production as ‘isolated and aberrant problems.’²⁸ Awareness of the social impact of seafood production has since evolved significantly. No company that agreed to participate in this study denied that access to fundamental labour rights is an ongoing and widespread challenge across the Thai seafood industry. Companies have engaged with organisations and initiatives such as the STF, the Ethical Trading Initiative (ETI), Stronger Together, FishWise, Seafish, the Issara Institute, and the Institute for Human Rights and Business (IHRB), to foster collective learning or provide internal awareness raising and training for employees on indicators of forced labour and TIP. Some companies, with operations in Thailand, commissioned third-party vessel and feed mill assessments to identify the prevalent challenges that impede labour rights; one company made these findings public. A small number of companies have funded independent research reports into forced labour and TIP in the Thai fishing industry; only one has publicly linked the findings to its direct supply chain.²⁹ This learning exercise has been at the heart of the private sector response; now that companies know

that there is a problem, this chapter discusses what they are, and are not, doing to remedy it.

Sustainable Seafood Commitments

Of the companies reviewed for this study, 93% (n=26) have a public commitment to environmentally sustainable seafood. Over the past five years, labour and human rights commitments (grouped as “social”) have been included to varying degrees.³⁰ The majority of these sustainable seafood policies (82% (n=23)) mention social compliance, adhering to responsible sourcing standards, or respect for human rights; however, only 43% (n=12) mention the risk of forced labour, TIP, or other human rights abuses in the context of responsible seafood sourcing.³¹ Unlike environmental commitments, which include concrete actions,³² social commitments remain less defined. The lack of concrete social commitments is partly due to companies grappling with how to quantifiably measure, and develop key performance indicators (KPIs) for improvements in labour conditions. Commitments to specific actions aiming to directly improve working conditions, and thus to promote decent work, in sustainable seafood policies therefore remain limited.

Example of Good Practice: Engagement at Board Level

The companies demonstrating leadership on addressing forced labour in global supply chains are the ones with a mandate from their Board; the ETI argue that 'Leadership makes all the difference in an effective response'.³³ Private sector interviewees noted internal company support as an enabling factor for driving efforts to improve conditions in the seafood industry.³⁴ Similarly, giving those working to develop sustainable sourcing practices the power to make the necessary changes was identified as an enabler of reform.³⁵ One company noted that it has a mandate from its CEO to prevent the sourcing of any product that the sustainability team has concerns about.³⁶ During interviews, it was argued that if a CEO hasn't written responsible sourcing into the company objectives, it is harder to integrate into business practice and to socially embed a culture that respects the rights of all workers across global supply chains.³⁷

Image: Josh Stride



Supply Chain Mapping and Traceability

The private sector has engaged in mapping where marine capture fish enter global supply chains. In 2014, 11% (n=3) of the companies in the study sample had traceability to vessel level; all of which were for tuna to comply with International Seafood Sustainability Foundation traceability requirements. In 2019, 82% (n=23) of the companies report some degree of traceability to the vessel of origin; however, to what extent this includes insight into the myriad of actors between the vessel and consumer is unclear.³⁸ The RTG has played a significant role in the development of a seafood traceability system, mandating Catch Certificates and Marine Catch Purchasing Documents for all catch landed by vessels over 30 gross tonnes (GT).³⁹ Large Thai fishmeal producers have introduced traceability mechanisms for the Thai domestic fleet supplying trash fish.⁴⁰ **The implementation of end-to-end traceability is a remarkable shift in the industry; as it is a growing norm for companies to know where their seafood products originate, partly due to the risk of selling illegally caught fish. the argument that the length and complexity of seafood supply chains inhibits private sector action is less tenable.**

Traceability to vessel equips the private sector with the knowledge and insight needed to act. One of the ways the private sector is harnessing traceability data is to focus vessel assessments and audits on their own supply chains.⁴¹ Select companies are partnering with organisations specialising in vessel assessments to verify that the vessels supplying the company comply with Thai fisheries laws. Currently, the labour component of these assessments remains limited.⁴²

Remaining Gap: Incorporating Labour Indicators into Traceability Data

For the most part, corporate concerns with supply chain traceability concentrate on product origins with limited consideration for how to utilise this information to mitigate risks to human rights. Despite acknowledging that traceability can help address human

rights concerns, the *Australian Seafood Traceability Statement*, signed by Australian retailers in August 2018, stipulates that the minimum Key Data Elements to be collected are the species name, the flag State, fishery, and vessel of origin, and the date of landing.⁴³ This was echoed by Thai suppliers who acknowledged that the information requested by international buyers focuses on vessel attributes, such as the name of the vessel, the gear type, where it is operating, and the license number.⁴⁴ Thus, although seafood traceability is improving, insights into the working conditions under which the fish were caught or processed remain limited.⁴⁵ Companies are grappling with how to incorporate indicators on labour conditions into traceability data, particularly which ones to adopt and how to monitor them (e.g. working hours at sea).⁴⁶ It is nevertheless an area for greater private sector attention.

Remaining Gap: Transparency and Accountability

Supply chain traceability does not equate to supply chain transparency. There are a number of examples of companies slowly moving towards transparency;⁴⁷ however, by and large, public transparency is minimal. Unlike in other industries,⁴⁸ no company is publicly listing the Thai vessels it sources from, despite the investment in supply chain mapping and the enabling environment created by the RTG's publicly available registry, and 'watch list', of licensed Thai-flagged commercial vessels. Moreover, the current examples of increased transparency focus solely on seafood exported for human consumption. However, much of the seafood products landed by Thai-flagged vessels is exported in the form of pet food or indirectly via shrimp feed, for which transparency remains absent despite traceability mechanisms in place. As transparency enables accountability by external actors, it can be viewed by companies as a risky endeavour.⁴⁹ This lack of transparency remains a key barrier in holding companies accountable for their human rights and environmental impact.⁵⁰

Supply Chain Oversight and Governance

Supplier Codes of Conduct

Most companies (89%, n=25) have their own Supplier Code of Conduct (CoC), or have adopted the ETI Base Code, which sets out a list of obligations that suppliers are required to sign and expected to meet; the basic tenets of which involve upholding human rights and ensuring no forced labour within the company's operations, in line with international conventions and standards.⁵¹ For retailers, this is not a recent development; supply chain governance through the proliferation of Supplier CoCs started in the 1990s.⁵² In addition to a Supplier CoC, many companies also have either a Responsible Sourcing Policy or an Ethical Trading Policy (64%, n=18), a separate human and labour rights policy or statement (50%, n=14), or both (39%, n=11). While they bring social and environmental considerations into relations between buyers and suppliers, these policies do not guarantee implementation or adherence.

Human Rights Due Diligence

All seafood buyers reviewed in the study report to be conducting a degree of human rights due diligence on their supply chains, with public commitments to working with suppliers to continuously improve. Not conducting some form of human rights due diligence is no longer an option for multinational companies; the potential business and legal risks of not knowing who its tier one suppliers are, and any potential link to human rights abuse, could damage a company's reputation and profits. The quality and level of human rights due diligence still differs dramatically across the study sample. Some companies adopt SEDEX or Amfori Business Social Compliance Initiative risk assessment tools to assess the level of human rights risk, require supplier self-assessment questionnaires, or request access to supplier audit history. Others conduct their own in-house or third-party social audits of suppliers. For many companies, particularly large retailers with thousands of product supply chains, human rights due diligence remains concentrated on tier one suppliers; however, labour abuses in the Thai fisheries sector are predominantly in the lower tiers. [Human rights due diligence based solely on a self-assessment survey completed by tier one suppliers, particularly where language](#)

barriers exist, or a once-off audit is, arguably, more akin to a tick-box exercise than a thorough assessment of human rights impact.

Good Practice: Triangulated Human Rights Due Diligence

Positive examples of human rights due diligence undertaken by companies that participated in the study include categorising each supply chain tier and seafood production facility as either low, medium, or high risk. Risk ratings are based on a combination of factors, including internal and third-party assessments, reports from governments, NGOs, and the media, and country specific risks (e.g. based on the US TIP report or the Corruption Perceptions Index) and labour protection laws and mechanisms (e.g. the enforcement of ILO conventions). For more proactive companies, human rights due diligence is increasingly shifting to assessment of risks in lower tiers in source countries, which often requires partnering with external organisations to evaluate human rights risks. Good practice when evaluating human rights impact is to seek the input of NGOs and worker representatives into the assessment. Once suppliers have been identified as medium or high risk, strong due diligence processes involve supporting suppliers to move up a risk category via education regarding international labour standards, capacity building, and remediation. Where human rights risks are identified, corrective action plans, against which improvements can be and are monitored, are established.

Social Auditing and Certification

Third-party auditing and seafood certification are a popular response to forced labour.⁵³ The industry has witnessed a trend towards seafood certified as sustainable.⁵⁴ 96% (n=27) of the companies in the study either source or produce seafood products certified by the Marine Stewardship Council (MSC), the Aquaculture Stewardship Council (ASC), or Best Aquaculture Practices (BAP); there are currently 49 MSC certified fisheries, and nine ASC and nine BAP certified aquaculture farms, in Thailand but the percentage of Thai seafood that is certified is unclear.⁵⁵ While ASC and BAP address social compliance

within their certification requirements, capture fisheries certification primarily focus on environmental sustainability with limited attention to labour conditions. Given the widespread reports of exploitation in fisheries globally, certification standards, such as the MSC, are expanding to address labour conditions on vessels. This has met with backlash from labour protection advocates due to the lack of proof that certification can tackle forced labour in fisheries.⁵⁶ Moreover, the proliferation of certification standards is widely critiqued for causing confusion and driving up production costs for primary producers.⁵⁷

Remaining Gap: Oversight and Impact at Vessel Level

The weakness of supply chain governance through CoCs and social auditing in lower tiers of supply chains is well-documented.⁵⁸ Private governance is insufficient for monitoring vessels at sea or ensuring accountability for working conditions on board, even for companies that have mapped their supply chains to this tier. Verifying labour conditions on board a fishing vessel through an annual audit while the vessel is at port is unlikely to comprehensively identify labour violations or remedy them; audits conducted at port do not sustain long-term oversight nor reflect conditions while fishing.⁵⁹ Auditors are not in a position to inspect vessels at sea to verify compliance, nor do they have the legal power to hold non-compliant vessel captains or owners accountable. [Seafood certification has thus been critiqued for offering the private sector an alibi behind which to hide without addressing the underlying issues.](#)⁶⁰ Aware of their shortcomings, some companies are no longer considering vessel assessments and audits best practice.⁶¹ Given the weaknesses of private governance, the effective implementation of the ILO Work in Fishing Convention (C188) and of RTG fisheries oversight are vital safeguards for fishers' rights.

Remaining Gap: Worker Representation in Corporate Supply Chain Governance

Research on the impact of CoCs has repeatedly shown that although policies are a necessary starting point for discussions regarding social and environmental impact, they do not necessarily lead to actions to address the root causes of labour

exploitation, nor do they empower workers to collectively bargain for better wages or working conditions.⁶² Similarly, while some form of oversight is needed in order to hold the industry to account, social audits do not empower workers and are unlikely to address the root causes that create a disempowered and exploited workforce.⁶³ One factory worker noted “Sometimes visitors would come to interview us. We were taught how to answer. The leaders would ask if we faced any problem in the workplace, but would never hear an answer.” Supply chain governance would benefit from stronger worker representation, with guaranteed non-retaliation mechanisms in place for workers who speak up. One company demonstrated leadership by engaging workers’ representatives in the design of its CoC, but this is not yet the norm.

Engagement with Suppliers

Pressure on Thai Suppliers to Conform to International Standards

Confirming compliance with international social and environmental standards is increasingly a requirement for access to Western markets. One interviewee noted that pressure from multiple buyers for similar standards, for example responsible recruitment models, emphasised to Thai suppliers that international standards are a growing market trend that they need to embrace in order to secure business.⁶⁴ In addition to buyer standards, Thai suppliers have faced pressure to support supply chain mapping, implement traceability mechanisms, ensure vessel assessments, be audited, and become certified. As one company noted, buyer requirements are “considered a cost of doing business now”.⁶⁵ This top-down market pressure on Thai seafood suppliers, both to conform to standards and to report back to buyers, is a significant change to an industry that has historically been poorly regulated.

Educating and Supporting Suppliers

In 2012 the ILO acknowledged the ‘starting point’ of ‘relatively low awareness of local labour laws and of international labour standards at the level of the primary processing workplaces’.⁶⁶ Similarly, research conducted in 2017 with 75 Thai vessel owners and operators demonstrated the disconnect between employers’ use of the language

of TIP and forced labour and their practical understanding of labour exploitation within their operations.⁶⁷ Increasing awareness and understanding of labour laws is thus imperative to institutionalising change and protecting workers’ rights. Engaging with suppliers, to understand their concerns and perspectives, is also a necessary step for contextualising CoCs.⁶⁸ Although the level and nature of support varies, buyers have engaged with Thai seafood suppliers to increase their awareness of and capacity to ensure labour rights; examples include education and training for direct suppliers, capacity building among HR staff at a factory level, and introducing suppliers to third party grievance mechanisms. One example offered of strong support from retailers in the UK was funding Stronger Together to equip suppliers with practical business tools for implementing procedures, detecting incidences of forced labour, and accessing information.⁶⁹ An example of practical support for vessel owners in Thailand is the provision of medical kits to simultaneously improve worker health and safety while at sea and reduce the costs of returning to shore for treatment of minor illnesses.

One of the avenues positively identified by buyers as a starting point for engaging with suppliers to increase awareness of labour rights and improve working conditions in seafood processing facilities is the ILO’s Good Labour Practices (GLP) programme.⁷⁰ Launched in 2012, in collaboration with the RTG’s Ministry of Labour, the GLP is an educational toolkit that provides standards, employer checklists, guidelines and tips on good practices for respecting labour rights.⁷¹ Central to the GLP is the involvement of Thai industry associations, such as the Thai Tuna Industry Association (TTIA) and Thai Frozen Foods Association (TFFA), which set out criteria and expectations for member companies, supporting them to come into compliance via a twelve month cycle of training sessions, advice on remediation, due diligence, and member accountability.⁷² Industry associations visit factories to assess labour practices, identify critical gaps in labour practices, provide training to HR staff, and provide technical tools for improvement.⁷³

Example of Good Practice: Long-Term Supplier Relationships

Short-term, hyper-flexible, and non-committal buying agreements have been identified as closely linked with labour exploitation in global supply chains.⁷⁴ Good practice by multinational companies is thus to demonstrate support for suppliers through long-term buying relationships, particularly where suppliers have demonstrated concerted efforts to safeguard labour rights. One interviewee stated that “our strategy is based on long-term commercial relationships with partners who share the same values.”⁷⁵ Committing to long-term relationships with suppliers both improves accountability and incentivises good practice; one company argued that “we have a long relationship with our suppliers so it is easier to develop compliance”.⁷⁶ Moreover, as noted by another company, “the backbone of the business is having good suppliers”.⁷⁷ Inherent to this is a relationship of mutual respect built up over time, where sustained efforts to improve are rewarded with business.

Example of Good Practice: Direct Relationships with Vessels

To source tuna—and in some cases, fish used in pet food—a number of companies buy direct from the vessel to ensure catch-to-counter traceability. Establishing buying relationships with vessel owners greatly increases a company’s direct oversight and thus ability to cascade a culture of compliance with labour standards. It enables the possibility of assessing vessels against international standards (e.g. ILO C188) to identify gaps and support the owners to come into compliance.⁷⁸ Instituting oversight through direct buying relationships increases the power of the private sector to mitigate and remediate human rights abuse. One Thai pet food supplier noted that it goes to the ports to inspect conditions on board and conducts interviews with the captain and crew of the vessels it directly buys from, suggesting that where the will exists direct buying relationships and increased oversight are possible.⁷⁹

Remaining Gap: Vessel Upgrades and Who is Going to Pay?

Upgrading working and living conditions on board Thai-flagged domestic vessels is a highly sensitive political issue in Thailand.⁸⁰ During talks regarding the possible ratification of C188, the RTG experienced pushback from the National Fisheries Association of Thailand (NFAT), which argued that upgrading working and living conditions on commercial fishing vessels over 30GT to meet international labour standards would be a costly process that could put them out of business.⁸¹ Despite buyer endorsement of C188 ratification, financial support from the private sector to help vessel owners upgrade facilities remains absent; as one interviewee noted “who is going to pay is the conversation no one is willing to have”.⁸² [Pushing down the cost of improvement to vessel owners, without some form of support, will not drive industry-wide change.](#) The dwindling fish stocks in Thai waters have already affected the profitability and viability

of the industry and the livelihoods of those who depend on it.⁸³ Ensuring the future sustainability of the industry, both environmentally and socially, requires financial investment.

Remaining Gap: Rewarding Compliance

Despite most buyers asserting that they stand by their suppliers in a process of continuous improvement, suppliers report a decline in sales of Thai seafood, particularly of shrimp. Interviewees argued that buyers are leaving the Thai market due to price competition, and to a lesser extent the capacity to reach production quotas due to EMS, rather than in response to ongoing labour issues.⁸⁴ The Thai private sector noted the rising costs of production due to complying with buyer demands and legal requirements (e.g. end-to-end traceability), but reported a lack of financial support from international buyers.⁸⁵ Demonstrating compliance also drives up production costs as suppliers are required to pay for the audit to be conducted, pay to address

any non-compliances, and pay to have the non-compliances signed off. Suppliers that do not want to be tied to one buyer are required to invest in multiple audits and certification labels.⁸⁶ As the Department of Fisheries (DoF) argued during an interview, the costs thus make it prohibitive for small scale fisheries.⁸⁷ Asserting a commitment to stand by suppliers to improve labour conditions rather than abandoning the commercial relationship on the basis of human rights abuse, then transferring business to cheaper suppliers when the costs of complying with Thai law and buyer standards increase production costs, is an inherent contradiction that needs to be addressed.

As suppliers respond to pressure to meet buyer requirements, they have expressed the desire to see compliance rewarded through support for businesses that operate ethically and to apply this rule globally, to create a level playing field.⁸⁸ One Thai supplier noted its expectation that “if you go into a supply chain and make commitments, you have to buy from them.”⁸⁹ While there are exceptions, for the most part limited business loyalty to suppliers that demonstrate sustained efforts to reform is currently a significant barrier impeding the long-term success of measures to improve labour rights in the Thai seafood industry.

Pushing down demands for reform, without some form of market reward or incentive will not create a culture of respect for labour rights in an industry where margins are diminishing.

During an interview, one Thai supplier requested that the research team “motivate the companies to not only look at the cost of the products – they always buy the cheaper products – but at the ethical codes of the company.”⁹⁰

Another Thai supplier recommended that international buyers should not “buy from those that cheat on standards. Don’t just look for the lowest price. Lower price comes with a big risk. It is a commitment at every level.”⁹¹

Example of Good Practice: Building Social and Environmental Compliance into Price Negotiations

Institutionalising support for suppliers requires going beyond ad hoc training and support for social audits, to building social and environmental considerations into business models. The current best practice in this regard is to ensure that social and environmental compliance are part of the buying price: “It has to be part of the product, part of the product attributes. When we negotiate prices it is all in there, it isn’t an add on”.⁹² Building social and environmental considerations into the price of a product is imperative for enabling compliance.⁹³ As one buyer noted “sustainability expectations have to be part of the price. If buyers push suppliers on price too far then they have to find ways of covering the production costs somehow; it doesn’t necessarily mean at the expense of employees but of something, for example, quality”.⁹⁴

Image: Josh Stride





Responsible Recruitment

Commitment to Responsible Recruitment

Commitment to responsible recruitment is a growing private sector trend that is gaining attention from multinational brands and retailers globally, as evidenced by the Consumer Goods Forum's (CGF) Priority Industry Principle that 'no worker should pay for a job'.⁹⁵ Many companies are still grappling with definitions to understand what this commitment entails, particularly in legal contexts where some fees are permissible; research demonstrates that the fees legally incurred by migrant workers entering Thailand through the MOU channel can be higher than those paid to informal brokers.⁹⁶ The two prominent concepts currently being discussed by companies are zero additional fees, in line with Thai law, and the Employer Pays Principle. The former refers to employers paying the direct recruitment fees while related costs, such as passports, visas, and health checks, remain the obligation of workers.⁹⁷ The IHRB advocates for the Employer Pays Principle, whereby all related costs are borne by the company and not the worker.⁹⁸ However, despite these commitments, there appears to be a reluctance by retailers to financially support responsible recruitment models or to factor in how much they will cost.⁹⁹

Example of Good Practice: Direct Hiring

An emerging practice is direct company involvement in the recruitment of workers to ensure no third-party brokers are unknowingly charging workers high fees for the job. A couple of companies with operations in Thailand have created their own recruitment models. One company sends staff to Myanmar to provide pre-departure information to workers regarding the job, the recruitment process and the associated costs. Another company has its own agent in Myanmar responsible for recruiting workers and sorting work permits, via the MOU channel, to ensure that they can control costs charged to workers.¹⁰⁰ Companies are also partnering with CSOs that work with a network of community based organisations in labour sending countries to increase potential workers' knowledge of legal recruitment processes and the costs involved. Knowing what a job will involve is key to consent; as one company argued "it is a fundamental ethical expectation that people are fully informed before they apply for the job".¹⁰¹

Remaining Gap: Lack of Pre-Employment Skills Training

The Ministerial Regulation on the Protection of Workers in Sea Fisheries B.E. 2557 (2014) stipulates that ‘An employer shall provide knowledge on working conditions, tool usage, health and hygiene, living conditions on fishing boats and safety equipment, for an employee before any work performances’.¹⁰² During FGDs the lack of pre-employment skill training was identified by both fishers and seafood processing workers as contributing to their initial dislike of their job; one factory worker noted that over time working conditions improved as “now I know how to do the job so it is getting easier”. Training on what kind of work to expect and how to undertake it would greatly improve both workers’ knowledge of their employment conditions and ensure their informed consent on the type of job they are accepting. It would also improve their ability to undertake the work required, their occupational safety and health, particularly for fishers operating dangerous gear. Representatives of the Department of Employment (DoE) expressed their desire for buyer support for pre-employment training centres as a means of closing this gap.¹⁰³

Remaining Gap: Limited Supplier Support for the Responsible Recruitment

Not all suppliers in Thailand currently see the business case for responsible recruitment models and paying for the costs of recruitment, particularly as many buyers are not yet factoring it into price negotiations.¹⁰⁴ Nor do they necessarily support pre-employment training; during an interview, one Thai business representative argued that fishers don’t need much pre-employment training because “if you train them they don’t like it. They are not accustomed to this lifestyle. Going out to sea for 3 months¹⁰⁵ is not very pleasant.”¹⁰⁶ To stand by their commitments to responsible recruitment, buyers need to work with suppliers to increase awareness among employers regarding Thai law, particularly the Royal Ordinance on Managing Migrant Workers B.E. 2561 (2018) which mandates that neither employers nor recruiters can charge migrant workers additional fees for bringing them into Thailand,¹⁰⁷ and ultimately to challenge how migrant workers are perceived by employers. **In addition to supplier education, this will require buyers demonstrating a strong business case for adopting the Employer Pays Principle by bearing a portion of the related costs or sourcing solely from businesses that can demonstrate that workers are not in debt due to recruitment practices.**

Worker Voice Channels

Identifying forced labour and exploitation requires talking to those experiencing it. Good practice, particularly at a producer level, involves establishing channels through which workers can voice complaints and seek redress in a safe environment, free from retaliation. Given the legal restrictions barring migrant workers from creating or leading unions, the private sector has focused on introducing complaints mechanisms through which workers can self-report abuse rather than collective bargaining agreements. 89% (n=25) of companies included in the study currently have one or more of the following channels through which workers in the Thai seafood industry can report grievances. It is worth noting that worker voice channels are primarily available to seafood processing workers as fishers’ ability to access grievance mechanisms remains a challenge, particularly while at sea.

Worker Welfare Committees

Factories in Thailand with 50 or more workers are legally required to have a worker welfare committee that meets once every three months, at a minimum.¹⁰⁸ Worker welfare committees are designed to a) jointly consult with the employer regarding welfare provision, b) make recommendations, c) inspect, control, and supervise welfare arrangements, and d) comment and propose guidelines for these welfare arrangements.¹⁰⁹ They are designed to be a channel through which workers can raise grievances with factory management to seek a resolution. Suggestion boxes, in which workers can leave anonymous notes, are also available in factory canteens. When asked about internal grievance channels during FGDs, many workers had never heard of their worker welfare committee. Those who had voiced concerns about the consequences of speaking up, having witnessed fellow workers get fired for doing so. There is thus

a need to further strengthen worker welfare committees and to guarantee non-retaliation for workers who speak out.

Local Thai NGOs

A couple of Thai producers fund the work of NGOs or workers' associations with a presence in Thai ports so that workers can report grievances or seek support regardless of whether they work in the company's supply chain. While there are several organisations that partner with Thai companies to provide assistance to workers, a specific example of a worker voice channel is a grievance hotline, arising from a partnership between an NGO and a large Thai company. The company can directly distribute the hotline number to workers or put up posters in factories. If workers ring the hotline, the NGO is responsible for mediating the grievances raised.¹¹⁰

Issara Institute

Ten companies included in the study have a strategic partnership with the Issara Institute (hereafter Issara), which runs a hotline for workers to report grievances or seek advice from Issara staff. Consumer brands and retailers provide Issara with confidential supply chain information linking specific production facilities to the buyers sourcing from them. When a worker rings the hotline, Issara notifies their employer and gives the supplier a short grace period in which to remedy the situation before sending a confidential report to the global buyer. In addition to the hotline, Issara's app for workers contains information on legal recruitment fees and provides an opportunity to rate service providers (including recruitment agencies, employers, and NGOs), and raise grievances. During interviews, buyers mostly reported satisfaction with partnering with Issara. However, as the reports sent to retailers are subject to a non-disclosure agreement (NDA), concerns were raised by suppliers about their impact on buying relationships as Thai companies are not aware of the contents of the confidential reports. Nevertheless, Issara is currently the primary mechanism through which retailers, or buyers without a presence in Thailand, can engage with the concerns of seafood workers in Thailand on a regular basis.

Ethics Point Whistleblowing Portal

Large buyers report a company specific whistleblowing mechanism available for all suppliers globally via Ethics Point, a third-party domain hosted by NAVEX Global. A number of companies noted that, in theory, it is available to workers but it is not actively promoted. Grievances can be lodged through an online form, accessible through the buyers' website which requires knowing where seafood products are sold, or via a hotline. One company reported that Thai, Khmer, and Burmese language posters are put up in factories displaying the hotline number; however, not all companies' Ethics Point webpage list a Thai phone number. Largely unheard of in Thailand, this whistleblowing mechanism is unlikely to identify human rights abuses in the Thai seafood industry.

Mechanisms through which workers can raise grievances and seek remedy are undoubtedly needed and serve a valuable function in identifying specific cases of exploitation and facilitating corrective action. The growing number of options through which workers can raise concerns is a positive sign. **However, most worker voice channels presuppose a workforce empowered to use them and do not address the high level of distrust among migrant workers in Thailand, many of whom do not trust the authorities, employers, or Thai NGOs and continue to fear retaliation if they speak up; this distrust is compounded when reported cases are not satisfactorily resolved. Further efforts are needed to build workers' trust and to ensure that grievances raised are remediated.** Moreover, grievance channels require an acknowledgement – both from companies in Thailand and their multinational buyers when evaluating their suppliers – that a rise in the numbers of grievances reported is a successful, rather than negative, outcome.

Remaining Gap: Support for Unionisation

The importance of worker participation is enshrined in the eight ILO Fundamental Principles and Rights at Work, two of which specifically address the right of the worker to freedom of association and to collective bargaining. The current worker voice channels do not facilitate structural change within the industry nor do they allow workers an input into the direction of the reforms which directly impact their lives.

The recognition that workers have agency and can offer valuable insights into how to improve working conditions and worker freedom is still largely absent from the Thai seafood industry.

This is partly due to the political context, which currently prohibits migrant workers from holding leadership positions in trade unions. One company has demonstrated leadership by supporting workers' rights to organise by endorsing the Fishers' Rights Network's efforts to unionise migrant workers in the Thai fishing industry, and by holding joint health and safety training.

Remaining Gap: Remediation and Compensation

The third pillar of the UNGP asserts that 'where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.'¹¹¹ Currently, ensuring access to remediation and compensating workers who have experienced situations of forced labour remains overlooked in the corporate response. Only 9 out of 28 companies examined mention remediation in the context of labour abuse in Thai seafood; companies with operations in Thailand were found to be more likely to fund remediation than retailers.¹¹² Companies that do address remediation fund either Issara or local NGOs working in ports to provide remediation to anyone who seeks it, without linking remediation to their supply chain. Discussions of compensation are scarce.

Pilot Projects

The one avenue through which multinational brands are funding efforts to improve working conditions in Thailand is through pilot projects. However, the question of who will cover the costs of scaling these pilots to widespread adoption remains unanswered.

Connectivity at Sea

Two companies have invested in piloting phone connectivity at sea for fishers. In partnership with USAID Oceans and the DoF, an electronic catch data and traceability system was trialled for Thai fisheries in 2017.

Included in this pilot was an app to enable fishers to message a family member on land. The 36-week pilot was conducted on four vessels and explored the possibility of two-way communication being incorporated into the VMS transmitter.¹¹³ Access to connectivity with land while at sea was credited with boosting crew morale.¹¹⁴ However, the pilot ran into several challenges around usability; an independent evaluation identified the high costs involved (USD4,409 for installation and USD733/month for data), the limited size of the data package (5MB), the poor performance of devices that were only operational 30-50% of the time, the need for fishers to have someone in Thailand as relatives in Myanmar were unable to access to the app, and vessel owners nervousness 'of false accusations of crew abuse' by enabling fishers to communicate with land.¹¹⁵ Two further private sector funded pilots, led by Issara and Winrock International respectively, are reportedly in the pipeline.

CSOs identified the possibility of connectivity at sea as a game changer for fishers' welfare, globally.¹¹⁶ Currently fishers have limited access to phone signal while at sea, making them isolated and far from help in the event of abuse. This is particularly true for fishers on the overseas fishing fleet, on board which significant abuse has been documented.¹¹⁷ Although Thailand recalled its distant water fishing fleet in 2015,¹¹⁸ overseas vessels are preparing to relaunch, subject to stricter regulation, including access to very limited phone connectivity.¹¹⁹ Currently, the prohibitively high airtime costs limit at sea connectivity to a safety net for reporting abuse rather than providing regular communication with land.¹²⁰ To scale beyond pilot projects to widespread adoption, questions remain around who will pay, particularly for the domestic fleet.

Demonstration Boat

In December 2017, two companies, in collaboration with the DoF, SEAFDEC, and Verité, launched a refurbished trawl fishing vessel designed to demonstrate what renovations to improve working and living conditions on a fishing vessel can look like.¹²¹ Vessel owners and operators were invited by the relevant authorities to participate in study tours of the demonstration boat.¹²² A second demonstration boat, a purse seine, is reportedly ready to launch.¹²³ However, the limited practicality of the renovations, for example reduced storage space for

catch, resulted in employer pushback. While these demonstration boats highlight what improvements could look like, so far no companies report to be financially supporting upgrade projects for existing vessels.


Pre-Competitive Collaboration

Recent years have witnessed an increase in industry forums in which companies can pre-competitively discuss how to collectively address forced labour in seafood; for example, the STF, the ETI's Thai Seafood Working Group, Seafish's Seafood Ethics Action Alliance, and the Consumer Goods Forum. Pre-competitive industry forums do not necessarily equate to action to respect labour rights, particularly where they lack accountability frameworks or commitments are voluntary.¹²⁴ The rise in pre-competitive collaboration does, however, indicate greater corporate engagement with forced labour in global supply chains in recent years; one company noted that "here it is about addressing challenges that are not necessarily to their interest and that are complex to solve and not under their direct control."¹²⁵ Collaborative business initiatives take the spotlight off one company and acknowledge the industry-wide nature of the issues, which are systemic and not isolated to specific supply chains. It thus opens the door to collective private sector action to drive change across the entire industry, rather than remaining limited to a select few corporate 'leaders'.

Barrier to Reform: The Business Model

Although there are examples of sustainability considerations being built into price negotiations as discussed above, this is not the norm across the industry. Currently, price and volume of production still underpin sourcing decisions and buyer/supplier relations.¹²⁶ A recent ETI report argued that commercial buying teams are trained foremost in aggressive price negotiation, with an exclusive focus on cost and quality, while CSR training, if included, remains a side conversation.¹²⁷ One seafood company noted "when it is all about price competition it is different thinking. That's where ethical considerations don't have room".¹²⁸ Downward pressure for the cheapest price has a knock-on effects; of 1,454 suppliers¹²⁹ surveyed by the ETI and ILO across 87

Downward pressure for the cheapest price has a knock-on effects; of 1,454 suppliers surveyed by the ETI and ILO across 87 countries in 2016, 39% reported accepting an order below production cost, with 29% subsequently struggling to pay employees.



countries in 2016, 39% reported accepting an order below production cost, with 29% subsequently struggling to pay employees.¹³⁰ The buying decisions of multinational companies have a direct effect on the lives of workers, whether through demands for increased productivity or the loss of jobs; one seafood processing worker interviewed for this study reported that "the owner always told us that the company is not making any profit so we need to work harder" while two shrimp processing workers noted that there used to be over 1,000 workers in their factory but now there are only 200. Where buyers do not offer support to suppliers to incorporate the financial burden of implementing buyer requirements into purchasing agreements, there is a real potential that workers will shoulder the burden of increased business costs; "We don't get paid regularly. They also postpone the pay day...Sometimes, we have to beg our landlords if we cannot pay rent on time. We all are indebted to money lenders here... They always told us to wait patiently until the company's situation gets better. They tell us the company is facing losses. But it has been for a long time. We cannot wait any longer."

Until the costs associated with ethical sourcing are built into the product price, the current business model based on high volume at low price remains an inherent challenge to advancing human rights in seafood supply chains. Pushing down demands for social and environmental compliance while simultaneously seeking cheaper prices is an unviable business model that forces suppliers to contend with increased production costs in the face of smaller margins, which in the case of seafood is compounded by the dwindling

fish stocks and decline in the value of the catch landed. These costs have to be borne somewhere by someone. Thus, not only does the current business model hamper efforts to end labour abuse, it is a key factor in the perpetuation of forced labour.¹³¹

Conclusion

The response of multinational corporations to forced labour and TIP in the Thai seafood industry has focused on understanding the problems, mapping supply chains to improve product traceability and human rights due diligence, increasing pressure on tier one suppliers, conducting social audits, and funding pilot projects such as connectivity at sea and demonstration vessels. There are examples of good practice that have the potential to drive more sustained improvements, including support for suppliers through direct, long-term buying relationships, building environmental and social considerations into price negotiations, creating mechanisms through which workers can raise grievances, and introducing direct hiring to ensure workers are informed of their working conditions and are not recruited through unregistered brokers. These are all necessary first steps for harnessing the market power of the private sector to demand and drive changes in working conditions in Thailand's seafood industry; however, they remain 'examples of good practice' and are not yet the industry norm. Moreover, there are still a number of remaining gaps that need to be closed to strengthen the corporate response to labour abuses in seafood supply chains and to protect labour rights.

Legal reform and buyer requirements, particularly end-to-end traceability and social auditing, have driven up the cost of seafood production in Thailand. Thai suppliers note haphazard financial support for social auditing but none for improving working conditions and report no increase in price. A recent report by Oxfam demonstrated that the share of value captured by Thai seafood producers fell from 44% in 2000 to 10% in 2015.¹³² Despite publicly committing to and demanding change in Thailand, support stops short of the investment needed to improve conditions for workers. Buyers state their intention to work with suppliers to continually improve, yet the lack of

financial support and the demand for the cheapest price is reducing the international competitiveness of, and thus buyer loyalty to, Thai producers. This points to the inherent contradictions in the current business model. While demonstrating social and environmental compliance, whether through a self-assessment or a third-party audit, is increasingly necessary for entry to the export market, the global market, with its demand for large volumes of cheap goods, creates the conditions in which profits are accrued through the exploitation of workers and the environment. If suppliers are simultaneously pushed to improve conditions, at increased overhead costs to their businesses, but do not see it coupled with sales, it would be naive to think workers will not see a negative knock-on effect.

For the most part, private sector responses remain largely protectionist, focused on supply chain oversight and risk management, and stop short of addressing the underlying root causes of exploitation in global supply chains.

It has been argued that identifying and mitigating forced labour requires an alertness and level of engagement at odds with conventional supply chain management.¹³³ Currently, few companies appear to be re-evaluating supply chain management practices to embed social considerations. Where companies have taken measures to engage with the structural issues underpinning labour abuse, for example through commitments to the Employer Pays Principle, the focus is primarily on unfree recruitment with little attention given to life and work under duress or workers' inability to leave a situation of exploitation. As key indicators of forced labour, both of these require further attention; however, this would require an acknowledgement of the central role of the business model in the continued presence of forced labour in the industry.

Chapter 2: Collective Industry Response: The Seafood Task Force



This chapter explores the collective private sector response to forced labour on fishing vessels through the establishment of the Seafood Task Force (STF), the only industry-led initiative specifically dedicated to addressing forced labour and IUU fishing in Thai fisheries. The chapter presents an overview of the organisation’s aims and objectives, explores where it has been successful, and examines the remaining challenges and barriers that it faces in institutionalising long-term change across the seafood industry.¹³⁴

Current Seafood Task Force Members:

Previous members of the STF include Ao Foods, Aqua Star, Eastern Fish Company, Morrisons*, Publix, and Tesco.

Ahold Delhaize	Nestle Purina
Aldi	Rubicon Resources
Asian Seafoods	Safeway (Albertsons)
Beaver Street Foods	Seafresh Group
Bumble Bee Seafoods	Sodexo*
Cargill	Smucker’s
Charoen Pokphand Foods / CP Foods*	Southeast Asian Packaging and Canning Co.
Costco*	StarKist
Export Packers	Sunnyvale
F.C.F. Fishery	Sysco Corporation*
Grobest	Target
INTEQC	Thai Royal Frozen Food Co.*
Lyons Seafoods*	Thai Union Group*
Marine Gold Products*	The Fishin’ Company
Mars Petcare	Tri Marine
Mazzetta	Walmart

*indicates early members of the STF.

Note: A variety of companies, both members and non-members of the Seafood Task Force, were examined in the study sample. The chart above is not necessarily reflective of study participants



Seafood Task Force Board:

(current from Seafood Task Force website as of October 2019)

Ken Kimble
Chairperson – Costco

Martin Thurley
Executive Director

Isabelle Aelvoet
Mars Petcare

Pitipong Dejjarakul
Charoen Pokphand Foods

Choopong Luesukprasert
Marine Gold

Nuntawn Rujiwong
Thai Royal Frozen

Gavin Bailey
Walmart

Kevin McClain
Bumblebee

Dave Martin
Non-Director Treasurer
– Sustainable Fisheries
Partnership

Seafood Task Force: An Industry-Led Response

Aims and Objectives

Founded in 2014 in response to *The Guardian's* investigation into shrimp feed supply chains, the STF initially included four Thai suppliers and five multinational buyers.¹³⁵ Its original objectives were to 1) Implement verifiable track and trace systems for trash fish used in shrimp feed from feed mill to vessel; 2) Drive Thai port codes of conduct with international recognition; and 3) Drive fisheries improvement projects (FIPs).¹³⁶

Over time, the goals of the STF have been revised. In addition to the shrimp feed supply chain, the STF has expanded its focus to tuna entering Thailand to be canned for export. In 2017, the STF reported that its aim is to 1) secure labour rights in seafood supply chains, and 2) significantly reduce illegal fishing.¹³⁷ To secure labour rights, the STF set out a four-step approach. Step one is traceability, to track seafood from vessel to end product, for all seafood supply chains. Step two is

to conduct audits to establish a baseline against which to measure improvement. Step three is to establish a central data management system for the findings of all audits conducted in seafood production facilities and on board vessels, and of the labour supply chain. The fourth and final step is action and accountability, including remediation, performing corrective action, reporting, and holding members to account.¹³⁸ As will be explored in the coming pages, the STF has had successes in achieving steps one and two, however, the implementation of steps three and four, scheduled to commence in 2018, continue to pose challenges which, until overcome, limit the impact of the STF.¹³⁹

Mode of Operation

Thirty-two companies are currently members of the STF, including 17 processors and feed mills representing approximately 80% of Thai shrimp exports and 80% of feed producers.¹⁴⁰ Retailers make up 22% of the STF membership and manufacturers constitute 46%, supported by NGOs (15%) and Advisors (17%). Membership is renewed on an annual basis. STF meetings are held in person in Bangkok biannually and online every six weeks. Each participating company is obliged to join at least one sub-group.

The STF is governed by a Board of Directors consisting of representatives of seven companies, including Thai producers, multinational manufacturers, and US retailers, and a full time Executive Director based in the UK. The board is supported by a treasurer, an external stakeholder advisory group, and three full time staff.¹⁴¹ Each sub-group has its own head who chairs its meetings and reports on the sub-group's progress to the board.



Image: Josh Stride

Sub-Groups

The STF operates eight sub-groups based on a system of deliverables with defined KPIs.¹⁴² They are:

1 Verification of Progress
The first sub-group aims to 'define, develop, and deliver tools, processes and systems for independent verification, measurement and demonstrable impact.'¹⁴³ Included in this is the development of a system of Mutual Recognition of existing audits to reduce audit fatigue at factory level, the creation of a standardised CoC and a 'sustainable audit verification management model'.¹⁴⁴ In 2016, third party assessments of over 200 vessels, ports, fishmeal plants, and feed mills supplying the initial members of the STF were conducted.¹⁴⁵

2 Electronic Traceability and Surimi Supply Chain
The second sub-group is divided into two parts. Sub-group 2a is developing a smart phone app to digitalise the paper-based seafood traceability system.¹⁴⁶ Sub-group 2b focuses on the surimi supply chain, to facilitate the reintroduction of Thai surimi by-product as a sustainable ingredient for fishmeal production through lobbying the RTG to improve oversight of fish markets and smaller vessels (less than 10GT).¹⁴⁷ Progress in sub-group 2b is described as 'in its infancy'.¹⁴⁸

3 Vessel Behaviour Monitoring
The vessel behaviour monitoring sub-group aims to strengthen the Monitoring, Control, and Surveillance (MCS) capacity of the DoF to tackle IUU fishing.¹⁴⁹ During an interview, the success of this sub-group in collaborating with the RTG was commended by the Director General of the DoF.

4 Fisheries Improvement Projects (FIP)
The FIP sub-group aims to enhance the progress of two FIPs, one in the Gulf of Thailand and one in the Andaman Sea, and to provide the necessary support and fisheries expertise.¹⁵⁰ The long-term goal of each is to improve fisheries management and eliminate IUU fishing; FIPs do not generally contain a labour component.¹⁵¹

5 Independent Validation
The independent validation sub-group is tasked with engaging with external stakeholders to validate the work of the STF and ensure its credibility. Unlike sub-group one, which seeks to validate progress internally, this sub-group seeks to engage with civil society and workers, to 'mainstream the value of the worker's voice as a critical driver of change in the seafood sector', and to validate measurable impact on the lives of workers.¹⁵² The success of this sub-group has so far been limited.

6 Tuna Oversight
The tuna oversight sub-group seeks to develop a system of assurance that the tuna landed in Thailand is caught legally. It focuses on verifying product traceability and ensuring labour standards on the long haul tuna fleet through compliance with the STF CoC. To assess social compliance, an Auditible Standard was devised and tested by the sub-group to ensure it is fit-for-purpose for tuna vessels.¹⁵³

7 Farm to Plant
The farm to plant sub-group is responsible for driving traceability between the aquaculture farms where shrimp are cultivated to the factory in which they are processed and packaged for export and to drive improvements in farm working conditions.¹⁵⁴ The aim is to integrate this traceability stage with the traceability system introduced from vessel to feed mill to enable end-to-end supply chain traceability for Thai farmed shrimp, including what they have been fed.

8 Responsible Recruitment Oversight
The final sub-group was established in February 2017 to 'leverage the power of the membership to build demand for responsible recruitment practices throughout all member supply chains'.¹⁵⁵ It is the only group that specifically says 'it will address the issues of debt bondage and forced labour throughout seafood' supply chains through a systematic and step-by-step approach.¹⁵⁶ Its goals include mapping the chain of actors involved in recruiting workers for vessels, processing factories, and aquaculture farms, adopting the Employer Pays Principle, and developing a 'white list' of accredited recruitment agencies to be used by the STF membership.¹⁵⁷

There is no sub-group tasked with improving working conditions or including the perspectives of workers into reforms, as recommended in the previous report.¹⁵⁸ The STF would greatly benefit from a sub-group specifically dedicated to worker representation and addressing labour issues.

Positive Outcomes of the Seafood Task Force

Pre-Competitive Collaboration

The STF has brought competitors, with different corporate cultures and business models, together to work on the same issues. Convening a group with inherent vested interests, who are used to competing over and profiting from the same natural resources, to start collectively working on labour issues and IUU fishing in a pre-competitive environment has been one of the major successes of the STF.¹⁵⁹ Fishing is inherently competitive, particularly as fish stocks become increasingly depleted. Yet addressing environmental destruction and labour abuses requires collective market power and joint action – no one entity will solve them alone. **The strength of the STF lies in starting to put aside part of the competitive element and igniting a discussion among its members about tackling these pressing and complex issues.**

Education and Increased Awareness

The STF has played an important role in educating private sector representatives on IUU fishing and labour abuse in the fishing industry.¹⁶⁰ Most businesspeople are not experts in labour rights, fisheries management, or maritime law. Thus the STF has facilitated key learning opportunities, particularly for companies that do not have the capacity or resources to dedicate to building this knowledge base in house or for those responsible for multiple product lines. In one of the STF's early meetings, a vessel expert started a presentation by asking the membership who had heard of the Port State Measures Agreement (PSMA) – the vast majority had not.¹⁶¹ The STF has provided a space in which to start from the basics to create greater awareness of legal requirements related to IUU fishing and labour rights and, to an extent, close the knowledge gap between companies actively working on the issues and those just getting started.

Supply Chain Mapping

The STF has helped drive efforts to map seafood supply chains back to the vessel level in two seafood supply chains: 1) wild capture tuna caught in the Western and Central Pacific and 2) trash fish coming off vessels fishing in Thai waters. The original members of the STF now have traceability to vessel level for trash fish, or by catch, sourced from Thai-flagged vessels.¹⁶² The STF is in the process of designing a new membership agreement, which would place obligations on all members to follow suit and demonstrate full traceability to vessel level within the next five years.¹⁶³ The STF supported a partner NGO to develop an open source Android based traceability system to remove cost as a barrier to widespread implementation of digital traceability mechanisms.¹⁶⁴ Supply chain mapping is a necessary starting point for enabling private sector action, **but greater consideration still needs to be given to how best to utilise this insight to mitigate human rights abuse.**



“Much of the [private sector] work is happening through the Seafood Task Force.”

CSO Interviewee, November 2018

Farm to Plant Traceability

The Farm to Plant sub-group was cited by multiple sources as one of the big successes of the STF.¹⁶⁵ The sub-group developed a track and trace mechanism for the fishmeal fed to farmed shrimp, across thousands of aquaculture farms in Thailand, through to the point of sale to consumers. The system is based on mandatory feed lot numbers for all bags of feed produced and fed to specific ponds of shrimp and the completion of a Feed Information Form (FIF).¹⁶⁶ Implementing the traceability system has involved engaging with and training thousands of farm owners, farmers, and aggregators, on how to complete the FIFs, to ensure widespread local adoption through supported introduction.¹⁶⁷ By the end of 2018, 90% of shrimp farmers supplying STF members were completing FIFs. [By training and supporting farm owners and farmers, and making FIFs mandatory in order to sell to its members, the STF has demonstrated its ability to collaborate with suppliers in the lower tiers of global supply chains, to increase the likelihood of effective implementation.](#)¹⁶⁸ The digitalisation of this paper trail is being piloted.¹⁶⁹

Building Capacity within the Department of Fisheries

The STF partially fund a partner NGO, OceanMind, to support the DoF's Fisheries Monitoring Centre (FMC) to process Thai vessel tracking data. Hourly VMS data is fed through a machine learning algorithm to detect abnormal behavioural patterns based on gear type and produce alerts; for example, to detect fishing inside closed areas and to identify possible transshipment at sea when two vessels come close together. For transshipment alerts, the FMC can then check whether the vessel has submitted a Marine Catch Transfer Document in line with the national regulations. If it has not, the surveillance division can inspect the vessel when it comes into port.¹⁷⁰ The system does not prove illegal activity but rather acts as a mechanism for identifying indicators of risk and non-compliance with Thai fisheries laws. OceanMind also provides technical support with PSMA implementation, particularly for refrigerated carriers delivering tuna from vessels fishing in the Pacific and Indian Oceans, by cross-checking data contained in the Advance Request for Entry to Port with the vessel's logbook and the AIS tracking data of the reefer and the fishing vessels

it collected catch from.¹⁷¹ By financially contributing towards the processing of this data, the STF has increased capacity within the DoF to enforce the Royal Ordinance on Fisheries B.E. 2560 to reduce IUU fishing, thus contributing to the lifting of the EU Yellow Card. Thus far, this data analysis focuses on IUU risk identification. However, OceanMind is exploring means of incorporating labour risk identification alerts by exploring the use of VMS data to determine work and rest hours while at sea.¹⁷²

Code of Conduct and Vessel Auditable Standard

To avoid pushing multiple different regulatory requirements down on vessel owners and Thai producers, the STF has developed its own CoC that applies to aquaculture farms, processing facilities, and vessels. The STF CoC addresses child labour, forced labour, employment contracts, freedom of movement and personal freedom (including access to clean drinking water), retention of personal documents (including IDs and ATM cards), recruitment fees, humane treatment, workplace equality for migrant and national workers, freedom of association (notably in accordance with national law), grievance procedures, wage and benefits, working hours, worker awareness and training, direct hiring and the use of recruitment agencies, and health and safety (including access to medical kits and sanitary facilities). [One seafood supplier that has adopted the STF CoC for all the vessels it buys from globally noted the large number of different CoCs coming from buyers and argued that the acceptance of a common one among member companies is a positive outcome from the STF.](#)¹⁷³ The Vessel Auditable Standard adapts the CoC for vessels to create a framework for assessing compliance, which has the potential to reduce some of the audit fatigue and associated costs for suppliers. Whether compliance will be self-assessed or conducted by a third party, however, remains under discussion.

Remaining Challenges and Barriers to Success

Incorporating Workers' Views

The voices of workers are absent from STF meetings. The STF was always designed to be top-down and to push changes from above; however, as a body whose founding aim was to improve labour rights in the seafood industry, workers deserve an opportunity to provide input into strategies related to their wellbeing. Safeguarding workers through a human rights-based approach requires, first and foremost, listening to the workers themselves. To achieve its stated aim to 'prioritize worker voice as both a key instrument and marker of change',¹⁷⁴ the STF needs to move beyond worker voice mechanisms as technical requirements for suppliers, to inviting workers to the table and giving them a say at policy level. To incorporate workers' views, the STF could create a dedicated labour sub-group, that engages with workers and worker representatives, and advocate for legal reform to permit unionisation for migrant workers.

Engaging with and Incentivising Lower Tiers of the Supply Chain

With the exception of aquaculture farm owners through the Farm to Plant sub-group, the STF does not currently engage with employers in the lower tiers of the supply chain, such as vessel owners or employers overseeing pier operations. To effectively harness the power of the STF to drive change on board vessels, working collaboratively with boat owners is imperative. Power and control over migrant workers is at the heart of the abuses on board fishing vessels. Changing these power structures will require mutually beneficial partnerships with suppliers at all tiers to establish shared sustainability goals that bring about fairly distributed costs and benefits across the supply chain. Demanding top-down changes as a pre-requisite for staying in business will likely make vessel owners feel powerless and result in retaliation, as can be seen with NFAT's reaction to C188. [To avoid this, the STF needs to engage more with the concerns of vessel owners, provide education on new requirements, support phased implementation, and re-evaluate the distribution of value across the seafood supply chain.](#)

Achieving compliance with the STF CoC will require a significant investment by vessel, aquaculture farm, and factory owners. Pushing the cost of improvements down the supply chain without some form of support or market reward will not drive industry-wide change; arguably it is more likely to incentivise deception, which would undermine self-assessed compliance.¹⁷⁵



The STF needs to address the pressing question of how to support vessel owners to come into compliance with the STF CoC and to conduct the required self-assessment. Without addressing the monetary investment required for vessel, farm, and factory owners to comply with the CoC, the STF faces a significant barrier in its successful introduction. The STF is in the prime position to discuss how to financially support vessel upgrades, to support more effective implementation of the STF CoC. One possible approach would be to increase membership fees¹⁷⁶ by 20% (an additional USD6,000) for large corporations, to establish an annual fund that could be made solely available to employers that demonstrate efforts to upgrade working and living conditions on board their vessels to comply with the STF CoC and C188.

Engaging Local NGOs and Workers' Associations

There are no local NGO or workers' representatives on the advisory group of the STF. As businesspeople, the STF needs the expertise that local civil society organisations offer. CSOs can also provide up-to-date information on the reality facing seafood workers.¹⁷⁷ [One of the challenges facing the STF is how to develop a mechanism for consulting the different CSOs operating around Thailand.](#) In 2016, the CSO Coalition for Ethical and Sustainable Seafood was founded to unite organisations advocating for human rights and environmental protection in Thai fisheries. In 2018, the CSO Coalition produced a report containing an update on working conditions which included recommendations for the STF.¹⁷⁸ A follow-up report is forthcoming. Engaging with the Coalition is one way that the STF could engage with a number of CSOs at once, but currently the STF doesn't have a formal way to do this comprehensively, nor with individual worker associations or NGOs.



Distribution of Costs Among Buyers and Suppliers

STF membership costs USD30,000 per annum, involves travel-related costs to attend biannual meetings in Bangkok, and time commitments to participate in online meetings every six weeks.¹⁷⁹ One private sector interviewee estimated that STF membership costs the company over USD100,000 annually.¹⁸⁰ The STF is exploring a revised membership fee structure for smaller businesses and those at lower tiers of the supply chain to enable wider membership.¹⁸¹ These costs do not, however, cover the financial investment required to map supply chains, conduct compliance assessments and third-party audits, correct non-compliances identified, or invest in facility upgrades. The costs of reform are disproportionately being borne by Thai suppliers who report very limited (if any) consideration of these reforms in price negotiations with buyers.¹⁸² **The STF needs to develop a more equitable distribution of implementation costs, to support Thai suppliers to meet their human rights obligations while staying competitive. If suppliers cannot stay competitive, nor see market rewards for compliance, they will shift to buyers not making such demands and the STF will lose its ability to push for change.**

Membership Accountability

One of the major challenges that industry collaborations such as the STF face is member accountability.¹⁸³ The STF must ensure that membership goes hand-in-hand with changes in business behaviour to avoid 'free riders' seeking to benefit from the good publicity. Aside from membership dues and board approval, there are no strict criteria for joining the STF.¹⁸⁴ As a result, the level of engagement among members varies dramatically; interviewees report that while some companies are keen to take the lead, are embracing STF tools, and are going beyond the minimum requirements, other companies are not doing anything yet.¹⁸⁵ To drive industry wide change, membership of the STF can only be the starting point. What companies opt to do with that membership and how it changes sourcing behaviour is far more important, and a much more telling indicator of responsible business activity, than simply paying membership dues. Without an accountability mechanism, commitments to the ethos of the STF could just be a PR and risk management exercise. Companies thus need to be held accountable for their commitments and actions to end forced labour and IUU fishing.¹⁸⁶ The STF is aware of this challenge and is working to revise the terms of membership to introduce an accountability framework that recognises companies as either Entry, Improver, Achiever, or Leader, which has the potential to strengthen the effectiveness and credibility of the STF.¹⁸⁷

Transparency

The STF polarises opinion. Those on the inside argue that it has made significant progress, while those on the outside say the STF has not achieved anything. Two of the main reasons for this are the NDAs in place and the limited public discussion detailing the STF's activities. One of the strengths of the STF was the conscious decision to avoid being a vehicle for corporate publicity, yet conversely this lack of transparency has resulted in the organisation being labelled a "talk shop" lacking visible results on the ground.¹⁸⁸ **The lack of transparency reduces external recognition and acknowledgement of the efforts undertaken by the private sector.** Moreover, without transparency, drawing any causal links between the improvements within the seafood industry and the collective actions of the private sector remain tentative. The board of the STF has also been criticised for its lack of internal transparency with STF members; member companies expressed a desire for greater transparency at board level, particularly regarding the decision-making process.¹⁸⁹ Improving transparency, both publicly in terms of what has been achieved, and internally in terms of how decisions are made, could strengthen the STF.

Data Sharing

The strength of pre-competitive collaboration lies in reducing silos of individual corporate efforts and collectively addressing issues. Breaking down these silos requires transparently sharing supply chain information to identify common risks. While STF members are learning to talk pre-competitively at a policy level, competition and fear of the impact of disclosure on business relationships continue to impede sourcing related data sharing. Data sharing is imperative for reducing audit fatigue, consolidating the market power of buyers, and reducing the duplication of corporate efforts. Pre-competitive collaboration thus needs to extend beyond the policy level to include supply chain data sharing; for example, to support suppliers and vessel owners proactively working to improve conditions on board vessels and to identify the ports where abuse is still prolific.

Pace of Reform

The STF has been widely criticised for the slow pace of reform and how that has translated into impact on the ground. Those inside the STF argue that the growing membership and formalisation of the governance structures resulted in increased bureaucracy and a tendency to pivot towards the lowest common denominator.¹⁹⁰ Organisations on the outside critique the fact that the high-level changes introduced by the STF have yet to impact the lives of workers. Institutionalising change takes time; it would be naive to expect it to happen overnight. However, when compared with the immediate response to the collapse of Rana Plaza and the signing of the Bangladesh Accord, a legally binding agreement between 200 companies and labour unions to improve safety and promote transparency, the frustration of seafood stakeholders with the pace of reform is unsurprising.¹⁹¹ The perceived slowness of the STF in responding to the continued presence of forced labour within the industry leaves it open to criticism and remains an ongoing challenge for the organisation's credibility.

Evaluating Impact

The STF asserts that it will be judged by what it achieves and not by what it says it is doing.¹⁹² This is an honourable sentiment and testament to the real desire, among some members, to realise change. The STF board argue that STF's impact is already being recognised by the US government and donor organisations eager to fund its work. However, it must also consider the views of CSO critics that argue that the impact on workers in the fishing industry has been minimal.

The key measure of the success of the STF should be its impact on the lives of workers who are affected on a daily basis by the business practices of the members of the STF.

The STF is in a unique position to develop common labour related KPIs against which the industry could measure its impact – an issue that was flagged as a struggle for individual companies¹⁹³ – that could be externally verified by unions, workers' associations, and CSOs in Thailand.



Thai Market Competitiveness

As Thailand loses its market competitiveness due, in part, to the increased costs of production related to industry reform, buyers are shifting to Indonesia, Vietnam, and India, where IUU fishing and labour exploitation have also been reported.¹⁹⁴ The STF faces the challenge of holding members accountable, not just for their practices in Thailand but across the region. **STF members demanding reform and then moving to cheaper suppliers elsewhere in the region is a significant barrier to durable change, as it removes any incentive to comply.** Similarly, implementing traceability mechanisms in Thailand but not

in Indonesia or Vietnam betrays corporate efforts as a risk management exercise to distance companies from reputational damage by the media spotlight on Thailand. To address these issues, the STF is exploring the possibility of expanding into Vietnam and India.¹⁹⁵ While some have questioned the wisdom of expanding before the work in Thailand has been completed, the intention of levelling the playing field at least acknowledges the burden imposed on Thai producers and the need to hold member companies accountable for their sourcing decisions.

Conclusion

The strength of the private sector arises from its ability to determine market access and dictate the terms of trade. Consolidating the market power of the private sector through collaboration between multinational buyers and Thai suppliers is imperative for utilising commercial pressure to drive change at a national and international level. The STF is a necessary starting point that brings together some of the biggest industry players to pre-competitively learn about the complexities underpinning forced labour and IUU fishing in Thailand and to develop shared strategies for addressing them. As an industry-led response, the STF plays an important role in placing IUU fishing and labour exploitation on the corporate agenda, applying pressure on competing companies to get involved, and expanding private sector engagement beyond a select few industry 'leaders'. The STF has brought competitors to the same table to increase corporate understanding of fisheries management and labour abuses and to encourage supply chain mapping. It has achieved two of its three original goals of implementing a track and trace system for shrimp feed, and improving vessel MCS by funding capacity building within the DoF and developing a common Code of Conduct.

Along the way the STF's objectives and purpose have shifted from being an industry response to forced labour and IUU in the Thai fishing industry to an exercise of supply chain oversight. In 2015, it described itself as 'tasked with ensuring Thailand's seafood supply chain is free from illegal and forced labour through accountability, verification and transparency'.¹⁹⁶ As of 2018, the stated goal of the STF is to 'drive oversight of seafood supply chains across Asia. Thailand first. Vietnam and India to follow. Mitigate risk, assure traceability and improve social and environmental performances'.¹⁹⁷ This shift towards supply chain oversight has resulted in the STF being viewed primarily as a risk management exercise.

Limited transparency, both internally and externally, the lack of data sharing or visible impact, the slow pace of reform, and minimal engagement with external stakeholders, particularly workers and CSOs, has exacerbated the perception that the STF is first and foremost a business association seeking to protect its members.

Encouragingly, the STF leadership are aware of most of these challenges. Whether the challenges will be overcome and the STF strengthened remains to be seen.

The success of the Farm to Plant sub-group demonstrates that the STF has the potential to engage with employers to implement change in lower tiers of the supply chain. The latest STF progress report asserts that there are 'clear signals that a greater number of commercial members could benefit from a more-streamlined and non-conventional approach to social and environmental supply chain management'.¹⁹⁸ The STF is in a unique position to trial and implement new approaches to social and environmental supply chain management that ensure business decisions respect, rather than undermine, the rights of workers in the seafood industry; for example, through worker-led social responsibility. To do this, the STF will need to harness its collective commercial clout to further engage with Thai employers in lower tiers, to change attitudes towards reform and increase education on the rights of migrant workers, to support implementation and to discuss the related costs, and to incentivise compliance by making it a requirement for market access coupled with continued sourcing commitments. Markers of success of a re-imagined approach to supply chain management must be derived from its impact on the daily lives of workers.

Chapter 3: The Role of Governments



The *UN Guiding Principles on Business and Human Rights (UNGPR)* set out a clear division of responsibility between the State (country) and the private sector, asserting that it is the duty of the State to protect against human rights abuse within its territory by taking steps to prevent, investigate, punish and redress abuse through effective legislation.

Moreover, States around the world have 'to set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations'.¹⁹⁹ This study was not designed to assess the effectiveness of State responses; for a detailed assessment of the RTG response, see the previous report.²⁰⁰ However, to contextualise the private sector response, this chapter briefly explores key actions undertaken by the RTG to formalise the seafood sector, the levels of private sector engagement with the reforms reported by RTG officials, and the role of Global North governments in ensuring that seafood buyers respect human rights globally.

Overview of the Royal Thai Government Response

Legal Reform

In 2015, the Royal Ordinance on Fisheries B.E. 2558 (2015) updated Thai fisheries laws for the first time since 1947, introducing major legal reforms for Thai commercial fishing vessels (currently classified as those over 10GT). Since then, the RTG has introduced several key regulations and amendments including the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017), which is supported by 138 Ministerial Regulations, and the Royal Ordinance on Thai Vessels B.E. 2561 (2018).²⁰¹ The updated legal framework governing the fisheries sector has introduced more stringent fisheries management systems and improved oversight of Thai fishing

operations by introducing the fishing license system, vessel registration, VMS, vessel, catch, and crew inspections, and seafood traceability.²⁰²

The Royal Ordinance on Fisheries B.E. 2558 (2015) is primarily concerned with combatting IUU fishing, however, as Section 4 notes, it also seeks to 'protect the welfare of seamen and prevent all forms of forced labour in the fisheries sector' and contains one provision on the requirement to provide proper working conditions.²⁰³

The Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017) expands its remit to cover seafood processing and factory operations, including the packing, processing, preserving and transferring of seafood, noting that all operations must be registered with a competent official.²⁰⁴

The primary regulation governing labour rights is the Labour Protection Act B.E. 2541 (1998), most recently updated under the Labour Protection Act B.E. 2560 (2017), which covers working hours, wages, welfare, occupational safety and health, and complaints channels. The Act primarily applies to land-based workers; however, clauses on wages, lodgement and consideration of complaints, employee welfare fund, labour inspectors, and delivery of resignation notice are also applicable to fishers.²⁰⁵ The Ministerial Regulation on the Protection of Workers in Sea Fisheries B.E. 2557 (2014) stipulates that 'employers shall provide adequate hygienic food and drinking water, toilet, medical supplies and medicine

for basic first aid for work and living on a fishing boat'.²⁰⁶ In 2018, the Ministerial Regulation on Protection of Workers in Sea Fisheries B.E. 2561 (2018) mandated that fishers be paid via a bank account and introduced limited communication channels on the Thai overseas fleet.²⁰⁷ In April 2019, the RTG strengthened anti-trafficking legislation to include '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. 2551.²⁰⁸ The amendment includes fines of up to 400,000THB and prison sentences of up to 4 years for offenders.²⁰⁹

Ratification of ILO P29 and C188

In June 2018, Thailand ratified the ILO's Protocol of 2014 (P29) to the Forced Labour Convention of 1930 (C29).²¹⁰ P29 sets out the international framework for combatting forced labour, including measures to prevent it, protect victims, and provide access to remediation and compensation. Although Thailand ratified C29 in 1969, P29 seeks to update legal frameworks to account for the nature of forced labour in today's economy. P29 passed into law in April 2019, through amendments to the Anti-Trafficking Act B.E. 2551 (2008).²¹¹

In November 2018, the RTG voted to ratify the ILO Work in Fishing Convention (C188). The same month, the STF wrote a private letter to the Prime Minister of the RTG voicing guarded support for C188, to align Thai law with international labour standards.²¹² However, [the limited public corporate support for C188, particularly relative to the vocal public opposition within Thailand, has been a source of criticism of the STF as the RTG could have benefitted from a stronger public stance in the midst of employer pushback.](#) Thailand became the first country in Asia to ratify C188 in January 2019. In May 2019, the provisions of C188 passed into law under the Fisheries Labour Protection Act B.E. 2562, which will be enforceable from 17 November 2019.

PIPO Inspections

Under Section 81 of the Royal Ordinance on Fisheries B.E. 2558 (2015), every commercial fishing vessel over 30GT, or with trawler, purse seine or anchovy falling net gears types, must report to a Port In Port Out (PIPO) Control Centre every time it leaves or enters port. The RTG operates 30 PIPO centres and 21 Forward Inspection Points at ports around Thailand,²¹³ with multi-disciplinary inspection teams, consisting of representatives of the Royal Thai Navy, the DoF, the Marine Department, the Department of Labour Protection and Welfare, and the DoE, that inspect vessel documentation as it disembarks and returns to port. [Independent reports have repeatedly highlighted the inconsistencies and limitations of PIPO inspections, particularly in terms of identifying labour abuse.](#)²¹⁴ International organisations (IOs), such as the ILO, and CSOs have worked with the RTG to strength the capacity and techniques of PIPO teams to increase the labour protections incorporated into inspections and have been invited to independently observe PIPO inspections. Fishers attributed positive changes in their working conditions to PIPO: when asked what has changed in the industry one fisher responded that "PIPO now takes real action. Previous, what they did was only for show", while another fisher reported that "captains and *chievs* are not as bad as before. They are scared of organisations and PIPO."

Although there are still further improvements PIPO can make, particularly around identification of forced labour, reports by fishers indicate reason for optimism.

Fisheries Monitoring, Control, and Surveillance System


To strengthen fisheries management, in 2016 the RTG set up the Fisheries Monitoring Centre (FMC), which sits within the DoF. Commercial fishing vessels over 30GT are required to have a functioning VMS on board, which reports the vessel's position to the FMC at hourly intervals (or every 15 minutes for anchovy vessels), enabling the FMC to conduct 24 hour surveillance of their fishing practices.²¹⁵ The DoF has developed a Common Risk Assessment which classifies vessels based on 12 risk indicators. Three of the 12 indicators relate to labour: risk of committing labour violations, having the wrong crew number on board, and illegal or undocumented crew. Based on the risk assessment, vessels are colour coded as 'normal', 'watchlist', or 'high risk', making it easier to visually track higher risk vessels during remote monitoring at the FMC and enabling PIPO to specifically target medium and high risk vessels for inspection. It is worth noting that VMS requirements only apply to vessels over 30GT, despite vessels 10GT and above classified as commercial; of the 10,195 commercial vessels on the DoF's public vessel registry approximately 5,400 are 30GT and above, while the 4,786 commercial vessels between 30GT and 10GT are subject to lesser oversight.²¹⁶ The potential for more cost-efficient VMS systems for smaller commercial vessels is currently being explored.

Regulating Recruitment Agencies and Regularising Migrant Workers

In 2017, the RTG passed the Royal Ordinance on the Management of Foreign Workers Employment B.E. 2560 which regulates recruiters and labour brokers, making it illegal to 'demand or receive any money or other property from foreigners' for recruitment fees.²¹⁷ Recruitment agencies must register with the DoE, and leave a deposit of THB5 million, to be legally allowed recruit foreign workers through MOUs with neighbouring labour sending countries.²¹⁸ The DoE must approve all recruitment requests for migrant workers before they can be legally placed with an employer.²¹⁹ The Fisheries Labour Protection Act B.E. 2562 specifies that vessel owners must pay the recruitment costs for migrant fishers from November 2019 onwards; many of whom have not been recruited through the MOU channel.²²⁰ Although the definition of recruitment fees covers the costs of bringing a worker to

Thailand, they do not include the costs of the worker's passport, work permit, or health check.²²¹

In a bid to reduce irregular migration, the Royal Ordinance on the Management of Foreign Workers Employment B.E. 2560 also introduced large fines for migrant workers without a work permit and employers who employ them.²²² To prevent an exodus of undocumented workers, as previously happened, penalties were suspended until 30 June 2018.²²³ A new round of the Nationality Verification (NV) process was initiated to regularise undocumented migrant workers already working and living in Thailand. In collaboration with neighbouring governments, workers could register for identity documents and work permits at One Stop Service centres during specific windows of time.²²⁴ The type of identity documents migrant workers are required to hold have changed a number of times in recent years; required to obtain a 'pink card' to work and live in Thailand since 2014, Myanmar workers must now have a Certificate of Identity (CI) while Cambodians must have a Travel Document.²²⁵ After 31 March 2020, Myanmar and Cambodian workers will be required to have passports to work in Thailand.²²⁶ In addition, under Section 83 of the Royal Ordinance on Fisheries B.E. 2558 migrant fishers must hold a Seabook.



Although the RTG has made extensive revisions to the laws governing the fisheries sector, implementing and enforcing these changes have proven to be a challenge, limiting the positive impact experienced by workers.²²⁷ Until the laws are effectively implemented, there will continue to be a gap between the legal framework and the reality faced by workers.²²⁸ Institutionalising change to ensure the rights of workers are respected requires action by both the government and the private sector.

Private Sector Engagement with the Royal Thai Government

Private governance is insufficient for monitoring conditions at sea or ensuring accountability for conditions on board fishing vessels, which require State governance. The effective implementation of labour and anti-TIP laws, C188, PIPO checks, and Royal Thai Navy at sea inspections are thus vital safeguards for fishers' rights. The private sector has a key role to play in supporting the RTG to effectively implement legal reforms. This section briefly explores the extent to which the RTG reports that the private sector has supported its legal overhaul and implementation of stricter oversight of the seafood industry. Private sector engagement as reported by the DoF, responsible for reforming fisheries management and vessel MCS, the Ministry of Labour (MoL), responsible for protecting labour rights and inspecting working conditions, and the Ministry of Social Development and Human Security's Anti-Trafficking-in-Persons Division (ATIPD), responsible for remediation, are explored below.

Engagement with Department of Fisheries

The DoF noted that, to an extent, the private sector and the DoF have collaborated on their respective efforts to formalise oversight of Thai fisheries: "we have the same idea and the same goal, so we support each other".²²⁹ The DoF identified specific Thai companies as playing a significant, and collaborative role, in driving change in the fisheries sector. The relationship between the DoF and the STF, however, is limited by the short timeframes international buyers spend in Thailand and the closed nature of STF meetings.²³⁰ The introduction to and partnership with OceanMind to strengthen the DoF's MCS capabilities was the one notable exception, which was credited as a close and productive outcome from DoF collaboration with the STF.²³¹ The power of the private sector to drive and sustain change was flagged by the DoF, which acknowledged that the success of the STF lies in the collaboration between the Thai and international private sectors.

Engagement with Ministry of Labour

The private sector has engaged with the Ministry of Labour (MoL) to a lesser extent than with the Department of Fisheries (DoF).

The MoL's Department of Employment noted a couple of examples of prominent Thai companies and industry associations actively engaging with the MoL to improve labour conditions in the fisheries sector.²³² The DoE asserted the important role of trade, and the market power of buyers in pushing compliance with international labour standards, noting that if Thai companies do not comply they cannot trade.²³³ It was also argued that companies that export are more inclined to comply with labour standards and to collaborate with the RTG on labour issues, indicating the significant power international buyers hold in demanding change within Thailand. Limited knowledge of or engagement with the STF, however, was notable; it was argued that RTG engagement with the STF has primarily been via the DoF.²³⁴

Engagement with the Anti-Trafficking-in-Persons Division

The ATIPD, responsible for overseeing the remediation process, noted very limited private sector engagement in remediating labour abuse in fisheries, and expressed no knowledge of the STF.²³⁵ This is partly due to the very low numbers of fisheries workers formally identified as trafficked; the ATIPD assists those formally identified as victims of TIP. Given the recent incorporation of forced labour within the Anti-TIP laws, the ATIPD's remit now extends to providing remediation to those formally identified as in a situation of forced labour, however this was not the case at the time of interview. Despite limited private sector involvement in the remediation phase, it was asserted that the private sector, particularly buyers, have a key role to play in protection against TIP by ensuring all workers are legally recruited.²³⁶ Officials also expressed their desire to see future private sector engagement in remediation efforts through the provision of decent work opportunities for survivors, to support social reintegration through job creation.²³⁷

Thai Suppliers and International Buyers

One of the founding objectives of the STF was to call for and support legal reform of the fisheries sector. **Currently, however, the RTG reported greater private sector engagement and support for implementing change from export orientated Thai companies than from international buyers or the STF.** This was evident during debates around the ratification of C188; while Thai employers' organisations, particularly NFAT, commanded a strong public voice, international buyers privately voiced support, reducing the weight of buyer support for the RTG's push to ratify the convention. When multinational companies, particularly the STF, do actively engage with the RTG it is more closely with the DoF than the MoL, suggesting that tackling IUU is a bigger private sector priority than reforming labour conditions; an EU red card would have directly impacted profits.

All three government agencies interviewed asserted that seafood buyers could further support the RTG to implement reforms by holding their suppliers accountable for meeting minimum legal requirements. Both MoL and DoF expressed a desire that multinational companies work with and support Thai seafood suppliers, by making compliance with international labour standards integral for entry to the export market and then rewarding compliance with business.

Global North Governments

Governments where seafood buyers and retailers are domiciled, for example, the EU, US, Japan, Australia, and Canada, have a role to play in regulating multinational corporations and their impact on human rights and the environment. This section briefly examines three areas of legislation that impact corporate behaviour in relation to sourcing Thai seafood: modern slavery disclosure, trade related regulation, and competition law.

Modern Slavery and Supply Chain Legislation

Legislation requiring some degree of corporate reporting on efforts to investigate and acknowledge human rights abuse in supply chains is growing. The *California Transparency in Supply Chains Act* (2010) requires retailers and manufacturers with a turnover of USD100million or above to make a once-off public disclosure regarding

the extent of its efforts to evaluate forced labour risks within supply chains, to conduct supplier audits, to obtain certification of legal compliance from suppliers, to maintain internal accountability mechanisms, and to train supply chain management staff on TIP risks and mitigation.²³⁸ The *UK Modern Slavery Act* (2015) requires companies with a turnover of GBP36million or above to make an annual public statement, approved by the board, signed by a director, and publicly available on the company website, disclosing the steps it has taken, if any, to ensure that TIP is not taking place in its supply chains or direct operations.²³⁹ The *French Duty of Vigilance Law* (2017) requires companies with 5,000 employees in France or 10,000 globally to devise, publish, and implement an annual vigilance plan, detailing measures to identify and prevent risks of serious violations to human rights and the environment arising from the activities of the company, its subsidiaries, or within its supply chains.²⁴⁰ The *Australian Modern Slavery Act* (2018) requires companies with an annual revenue of AUS100 million or above to annually publish a description of the company's structure, operations and supply chains, the risks of slavery within its direct operations and supply chains, actions taken to address these risks (including due diligence and remediation), and how the effectiveness of these strategies is measured; the first report is due by 31 December 2020.²⁴¹ Countries considering similar legislation include Canada, Germany, Switzerland, and Finland.

In 2018, 23 of the 28 companies in the study sample (82%) had a public statement detailing its forced labour and TIP policies and procedures; those that didn't are not yet legally required to. The length and quality of the statements varied dramatically. Of the 23 statements, 15 (65%) contain a reference to fish and seafood and 13 (57%) to Thailand as broad risk categories that the company is monitoring. However, only 10 statements (45%) specifically state that Thai seafood products carry a risk of forced labour. An additional 3 statements mention involvement in the STF but do not mention the risk of forced labour in its seafood supply chains. One company's commendable modern slavery statement, however, breaks down its supply chain to tier 4, indicating the level of risk at each tier, by source country, and how the issues are being addressed. Another company provides a breakdown of human

rights issues, including forced labour and debt bondage, identified at different tiers of its supply chain, including on vessels, in animal feed, and on farms.

Although it is argued that disclosure legislation has led to more open corporate discussion about forced labour at a policy level,²⁴² the extent to which this translates into tangible remedial action is less clear.

Disclosure legislation often stops short of corporate liability for the practices of suppliers, and has been critiqued for encouraging corporate self-regulation over legal accountability.²⁴³

However, unlike the California, UK, and Australian Acts, the *French Duty of Vigilance Law* includes liability for non-compliance; if victims of human rights and environmental violations can demonstrate that the harm caused by a company could have been prevented by the implementation of an effective vigilance plan, they can file a claim for compensation.²⁴⁴ It has been argued that the *French Duty of Vigilance Law* is a step towards strengthening the legal framework for holding corporations accountable in the context of long, complex supply chains with its myriad of subsidiaries and suppliers, and in starting to overcome some of the barriers faced by victims in accessing remedy.²⁴⁵

Trade Related Regulation

Governments can influence the actions of the private sector through trade requirements. By demanding seafood traceability, trade regulations place responsibility with companies to know where the seafood products being sold in its name originated. The EU's *Regulation to End Illegal, Unreported and Unregulated Fishing* (EC No. 1005/2008) requires a catch certificate attesting the legal origins of seafood consignments, validated by the flag State of the vessel landing the catch, in a bid to prevent illegally caught seafood from entering the EU market.²⁴⁶ Although it does not address labour rights, the EU Yellow Card and the threat of being barred from the EU market spurred the private sector and RTG to implement traceability mechanisms; the imposition of trade sanctions would have had a direct economic impact on corporate profits.²⁴⁷

In February 2016, the US *Trade Facilitation and Trade Enforcement Act of 2015* (H.R. 644) closed a loophole in the *Tariff Act of 1930*, to prohibit the importation of any goods made with convicted, forced, or indentured labour into the United States.²⁴⁸ The Act empowers US Customs officials to block the import of specific shipments based on a 'reasonable' indication of ties to forced labour.²⁴⁹ To disprove any claims of forced labour, companies are required to have full supply chain traceability for imported products and to be able to demonstrate labour conditions at each stage of production.²⁵⁰ Despite increasing seafood traceability, these regulations have not improved public transparency; indeed, fears of specific supply chains being linked to forced labour appear to be limiting public disclosure.

Competition Law

While regulation can be utilised to hold businesses to account, some laws can undermine efforts to reform the business models that give rise to labour exploitation in global supply chains. Competition, or anti-trust, laws have been cited as inhibiting multi-stakeholder discussions around pricing.²⁵¹ Collective discussion regarding the costs of complying with C188 and of sourcing a depleted natural resource are needed to ensure the future social and environment sustainability of the seafood industry.

While companies can discuss funding individual upgrade projects, the fear of violating competition law appears to be limiting meaningful discussion around systematic change to the structures that push for the cheapest price within forums such as the STF.

The reluctance to collectively discuss embedding social and environmental considerations into the price is not unjustified, given the extensive lawsuit taken by a US retailer against tuna companies for price fixing.²⁵² In line with the UNGP, there is a need for governments to ensure that legal frameworks support, and do not undermine, efforts to protect and respect human rights globally.

Conclusion

The State has a duty to uphold and protect labour rights and to ensure that actors, including the private sector, adhere to international, regional, and national legislation concerning the rights of workers. Over the past four years the RTG has introduced sweeping change, overhauling the legal framework governing the seafood industry. Reforms include the introduction of more stringent fisheries MCS, ratification of C188, regularisation of undocumented migrant workers, regulating recruitment agents, and the revision of labour protection and anti-trafficking laws. The transition from a poorly regulated to a highly regulated industry is vitally important for protecting labour rights in seafood supply chains; the challenge now is implementation.

Laws can be introduced and can be updated, but in order for workers to realise the benefits they have to be effectively implemented so that practices also change. Effective implementation requires multi-stakeholder support, including from the private sector. The rapid pace and scale of regulatory reform (e.g. 138 Ministerial Regulations to the Royal Ordinance on Fisheries (No.2) B.E. 2561) has resulted in pushback in Thailand, particularly from vessel owners and employers, who until recently operated within a largely informal space. Having advocated for a stronger legal framework, multinational companies have a part to play in publicly supporting the RTG and promoting effective implementation by educating suppliers on legal requirements and stipulating compliance as a prerequisite for market access. Moreover, buyers can support suppliers to view minimum legal requirements as the starting point, not the end goal, for protecting labour rights. As explored in previous chapters, demanding compliance from suppliers needs to go hand-in-hand with awareness raising and support for implementation, which requires acknowledging that a more regulated environment will increase the cost of production.

The level of legal requirement directly impacts operation costs and in turn the price of seafood. Seafood buyers are thus faced with the option of continuing to source from Thailand's reformed seafood industry, which the private sector advocated for, at a higher price or sourcing from alternative, cheaper markets where the legal framework may not offer as many safeguards against labour exploitation and IUU fishing. As private sector decisions are largely underpinned by price, regulating business practice is essential for ensuring labour rights and for promoting corporate accountability. Given their influence on trade, and the presence of labour abuse in seafood industries across the globe, governments in the Global North can play an important role in levelling the playing field. This can be done, for example, by introducing mandatory human rights due diligence legislation with sufficient penalties for non-compliance, requiring seafood traceability regardless of catch country of origin and strengthening supply-chain disclosure legislation.

To ensure the long-term protection of workers in global supply chains, governments around the world need to greatly strengthen legal frameworks to ensure that basic labour rights are not jeopardised in the pursuit of profit. In turn, the private sector has a responsibility to obey the law and hold suppliers accountable for doing likewise.

Chapter 4: Labour Conditions in the Thai Seafood Industry in 2019



To explore the impact of the rapid formalisation of the industry, the introduction of extensive legal reform, and the proliferation of responses by the private sector, UN agencies, international NGOs, and local CSOs on those working in the industry, migrant workers were asked what has changed in recent years.

Based on 179 surveys and 25 focus group discussions (FGDs) with 105 seafood processing workers and fishers from Myanmar and Cambodia, this chapter presents an overview of labour conditions in the Thai seafood industry in 2019.²⁵³ It explores the changes reported by workers, along with the unintended consequences of reform, and the ongoing issues that continue to inhibit decent work in the industry.

Changes within the Seafood Industry

Contrasting information reported by workers during fieldwork for this study in late 2018 and early 2019 with data collected by the ILO in 2013 and in 2017 creates reason for quiet optimism that the situation in Thailand has, to an extent, improved. Attributing these changes to a specific actor is untenable, given the variety of stakeholders involved in efforts to improve working conditions. Moreover, cautious optimism is warranted due to the continued presence of indicators of forced labour.

Greater Awareness of Labour Rights Among Workers

81% (n=140) of workers surveyed identified a channel through which they had heard about labour rights, the most popular of which were via NGOs, other workers, government representatives, friends, or social media. The language of labour rights was widespread among research participants, suggesting a successful outcome from efforts to increase knowledge of labour rights among workers. When asked if there was anything they would like relayed to companies sourcing Thai seafood, one FGD asserted that “educated or uneducated, Thai or migrant, they want their basic rights as workers regardless”. During one FGD, fishers attributed the positive changes in their working conditions to learning about their labour rights from Buddhist monks at religious gatherings. However, as summarised by one fisher, greater awareness of their labour rights has not necessarily equated to the realisation of these rights; “PIPO told us about our rights and we also got the pamphlets about employees’ rights. We know that we have rights but we don’t get them.”



Increased awareness of labour rights has not always been coupled with empowerment. One worker, who reported to have learned about labour rights on social media, commented “Since we are living in a stranger’s land, we have no right to ask for our rights.” Similarly, fishers in one FGD noted that it was not their place to have opinions on what could improve their working conditions as “changes can only come from the employer – they won’t happen otherwise”. There is thus a need to continue efforts to educate workers regarding their rights, with a greater focus on empowerment.

Improvements in Working Conditions

83% (n=65) of fishers and 32% (n=22) of seafood processing workers who were asked if working conditions have changed in recent years (n=146) believed that there has been an improvement. The contrast in responses by fishers and seafood processing workers run contrary to widely held opinions that conditions in factories have improved but that changes have yet to reach the boats.²⁵⁴ One important factor unpinning this finding is the very different starting baseline between the two industries, against which the level of improvements made are being judged. One former fisher summed up one of the changes within the fishing industry: “The captains are still strict but they are not going to use as much violence as before. They are afraid of the law now. Before, they would just shoot someone if they were mad at them, but now they cannot.” During FGDs in Ranong, Songkhla, and Phuket, fishers cited the reduction in killings as an improvement within the industry. One fisher noted that he is very satisfied with the current laws as now fishers get paid. Despite noting improvements, one FGD concluded “as a fisherman, life is dangerous and tough”; fishing remains an inherently hazardous occupation.

Working conditions in seafood processing factories, by external metrics, have improved. In formal, export orientated factories, workers reported set eight hour working days plus 1-2 hours of overtime, mostly receiving minimum wage, and only documented workers over 18 being hired. However, the low percentage of workers who reported improvements suggests that they do not entirely corroborate these measures of success. Female factory workers expressed upset at not having sufficient time for bathroom breaks. Others reported experiencing verbal abuse; one FGD argued that workers are increasingly leaving the factories due to being shouted at by supervisors to meet increased production targets and threatened with deductions if they do not meet them.



Workers argued that the volume of work expected has increased but with limited financial reward; one worker reported that “now we are forced to work like robots and finish as much work as possible within 8 hours every day. We are all exhausted.”

Image: Josh Stride

Increase in Salary (before deductions)

One of the most positive changes identified by fishers during FGDs was the increase in salary before deductions. The legal minimum wage for a fisher currently varies between THB 9,240 (approximately US\$287) and THB 9,900 (approximately US\$307) per month, depending on the province.²⁵⁵ Two fishers, who have both been working on fishing vessels for ten and thirteen years respectively, reported that when they first started they were getting THB 2,000/month (US\$62), on a three monthly basis, and are now earning THB12,000 and THB10,000 per month each.²⁵⁶ 84% (n=80) of the fishers surveyed report that their salary is the legal minimum (before deductions), while 16% (n=15) earn less than minimum wage.²⁵⁷ In 2013, the average salary reported by fishers was THB 6,483/month.²⁵⁸ Today, based on the 87 fishers who indicated an approximate value of their salary, the mean salary reported was THB 11,435/month, indicating an approximate THB 4,950 (approximately US\$154) increase over the last six years.²⁵⁹ It also indicates an improvement since 2017, when the ILO baseline study reported that 76% of fishers were paid over THB 9,000 (before deductions), with an average of THB 9,980/month.²⁶⁰

Although wages have increased, fishers continue to experience wage deductions, making it hard to ascertain the value of take-home pay. 45% (n=39) indicated that they have their wages deducted either for outstanding debts, for documentation, as disciplinary penalties, or for days their vessel does not fish, on orders of the employer.²⁶¹ Two fishers reported that if they sleep before their tasks are complete, even after 24 continuous hours of work, they will experience wages deductions as a penalty. This echoes the 2017 ILO data which identified that 48% of fishers are experiencing significant wage deductions.²⁶²

For seafood processing workers, the minimum wage in the provinces visited by the research team varied from THB308/day to THB330/day.²⁶³ 76% (n=35) earned the legal minimum wage or above (before deductions), while 24% (n=11) earned less than minimum wage.²⁶⁴ This suggests an improvement since 2017 when only 57% of seafood processing workers receiving the legal minimum wage (before deductions).²⁶⁵

However, 37% (n=27) of seafood processing workers surveyed report wage deductions either for accommodation, safety equipment, outstanding debts, documentation, or penalties.²⁶⁶ This also indicates an improvement from the 56% of respondents who reported deductions from their salary in 2017.²⁶⁷ Under the Labour Protection Act B.E. 2541, employers can only legally make wage deductions for income tax, union fees, debts to the employer (e.g. for documents) not exceeding 10% of the wage, for damages caused by gross negligence, or for social security.²⁶⁸

Reduction in Undocumented Workers

In 2013, the ILO reported that 55.3% of the 547 migrant fishers interviewed were undocumented.²⁶⁹ In 2017, the majority of workers (65%) surveyed held a pink card while 1% remained undocumented.²⁷⁰ Now, the majority of workers hold a CI (77%, n=135) or passport (19%, n=34), suggesting that efforts to reduce the number of undocumented migrant workers in the fisheries sector have been largely successful.²⁷¹ They also highlight the continuous changes in documentation that migrant workers have experienced in recent years; the UN's 2019 Thailand Migration Report notes that 'Thailand's migration policy is in an almost constant state of fluctuation, with significant shifts that can have immediate and severe impacts at ground level.'²⁷²

As of April 2019, 111,119 migrant workers in the seafood sector have gone through the latest nationality verification process.²⁷³ Of the survey sample, 93% (n=97) of fishers and 79% (n=59) of seafood processing workers obtained their documents in Thailand through the NV process.²⁷⁴ Many workers are aware that being documented brings with it an increase in their rights while in Thailand. Fishers noted a causal relationship between their status as legal migrant workers and the reduction in the workplace violence, abuse, and bullying they previously experienced. Some workers spoke of a reduced fear of the police coupled with greater freedom of movement, as they no longer feel the need to remain in their accommodation out of fear of arrest. For others, even with the required documents, the clamp down on irregular migrant workers and increased police checks have created anxiety and fear. The frequent changes in migrant documentation

requirements have resulted in significant confusion and misinformation over the type of IDs workers are currently expected to hold.

Unlike the 2017 ILO baseline that found that 55% of workers paid a recruitment fee,²⁷⁵ only 7% (n=13) of survey participants reported having paid a direct fee to obtain their current job.²⁷⁶ While the finding indicates that there have been changes in recruitment practices in Thailand, this may be due to differences in the definition of a 'recruitment fee.' **Although many workers, both in FGDs and survey respondents, claim that they paid no recruitment fees, the majority (65%, n=95) paid or owe their employers for their identity documents and work permits.** The costs of the documentation required to work in Thailand continue to be borne by workers.

Unintended Consequences of Legal Reform

Migrant Documentation and Rise in Debt to Employers

The NV process has been expensive, causing significant hardships for workers including forgoing food; "we can eat only fish paste but we cannot stay without documents". Survey participants reported payments of up to THB31,000, but many are unsure of the exact sum.

Of the 156 surveyed workers who obtained their documents in Thailand, only 9% (n=12) reported paying for the NV process through personal savings or with the help of family members, 9% (n=12) took out loans, and 2% (n=2) went directly to a broker. The vast majority, 80% (n=102), report that their employer was involved in the documentation process.²⁷⁷ 45% (n=58) of those surveyed reported that the cost of their documents was borne by their employer who then deducts it from their salary. This is a significant increase from the 13% who experienced wage deductions to pay for their pink card in the 2017.²⁷⁸ 20% (n=26) reported that they owe their employer for the documents and will have to pay when they wish to leave the job, while 14% (n=18) reported that the employer paid for everything (although many do not know if they have to repay the costs). During FGDs, fishers largely noted lump sum debts that they need to pay off in order to leave their job while land-based workers mostly reported

ongoing salary deductions. Under the Royal Ordinance on the Management of Foreign Workers Employment B.E. 2561, employers can legally make deductions, up to 10% of the worker's salary, to cover passport, health check, and work permit fees.²⁷⁹

Large fines for employers who hire undocumented workers have likely contributing to employer involvement in the NV process. During FGDs, workers noted that their employers "sorted everything for them" by outsourcing it to a broker, leaving workers with little understanding of the true costs which limits their ability to challenge wage deductions. **Where employers have been involved in the NV process, particularly where workers owe outstanding debts, the fees can form a barrier to exit; 18% (n=32) of all workers surveyed expressed an inability to change jobs due to debt.** Fishers are unaware of the exact sum of their debt but will be told by their employer if they request permission to leave. Fishers noted two options for leaving a vessel a) they pay back the cost of the documents from any savings they have, or b) the current and new employers must negotiate until the new employer agrees to "buy" the debt, which will then be deducted from their salary over the following 18 months to two years.

A major unintended consequence of regularising migrant workers has thus been an increase in debt to employers and the associated restrictions on workers' ability to change or leave their job.

Limitations on Freedom to Change Employer

Workers feel tied to their employer due to being legally documented; previously they could "just leave". Fishers argued that now employers have to "talk to each other and agree" or must "investigate their potential employees to make sure that they do not *belong* to another employer". Under Section 70 of the Royal Ordinance on the Management of Foreign Workers Employment B.E. 2560 (2017), work permits were tied to a specific employer, with the employer's name printed on the document. In March 2018, the RTG approved amendments to the Royal Ordinance to lift some of the restrictions on foreign workers changing



employers, notably Section 70.²⁸⁰ However, the ability to legally change jobs is still dependent on a number of factors. If workers don't find a new job within 30 days they must leave Thailand.²⁸¹ Furthermore, workers must demonstrate that the employer is at fault, or have paid off the damages (recruitment costs) incurred by the employer, to be legally allowed to change jobs.²⁸² In a situation where only 37% (n=64) of the survey sample received a written contract and only 22% (n=38) received a contract in a language they understood,²⁸³ proving an employer is at fault remains a largely impossible clause which in practice continues to tie workers to their employer.

Misinformation is rife. Most workers believe that they will need to apply for a new work permit in the event that they leave their current job, which has created a sense of being tied; "We will get arrested if we work for a different boss than the one in our CI. In order to quit our job, we need prior consent from our current boss. This is really burdensome for us." The prospect of having to leave Thailand if they don't immediately find a new job, coupled with the high fees they have been charged to obtain their work permit and the strong likelihood that they are indebted to their employer as a result, act as a barrier to exit that continues to restrict workers' freedom of movement and ability to change employers. Work permits tied to an employer have been critiqued elsewhere in the world, for example the Irish fishing industry, for their role in reducing workers' freedom of movement.²⁸⁴

As one fisher noted, restrictions on changing employers are particularly problematic in the context of fisheries reforms; "It is very hard to make any money when the boats don't go out as we cannot change employers." In a situation where fishers are unable to work due to the legal restriction on permitted fishing days but cannot change employer, their likelihood of going deeper into debt to their current employer greatly increases, further restricting their ability to leave.

There is an urgent need to reduce the restrictions on migrant workers' ability to change jobs, and to develop a means of compensating workers affected by reforms, for example through social security payments for days that vessels are barred from fishing, to reduce the financial burden shouldered by employers and the likelihood of fishers experiencing debt bondage.

Formalisation of Payment, Deception, and Continued Wage Deductions

In 2018, amendments to the Ministerial Regulation on Labour Protection in Sea Fishing Work B.E. 2557 mandated that fishers be paid on a monthly basis via a bank account to improve transparency and accountability in wage payments.²⁸⁵ Currently, 79% (n=66) of fishers surveyed are paid in cash with 21% (n=18) now paid via a bank account; a number of fishers noted their personal preference for cash when given the option.²⁸⁶ The majority (55% (n=46)) reported that they do not possess their ATM card, which is held by either their employer or captain.

Fishers recounted how their vessel owner transfers money into their bank account and then withdraws their wages. One FGD of Myanmar fishers noted that they are each paid a cash lump sum at the end of their six-month contract. During the six months, their vessel owner deposits their salary into their bank account on a monthly basis and the fishers can then “borrow” from their employer, who withdraws the money from their account.²⁸⁷ Following the completion of the six month contract they are permitted access to their ATM card and the remaining sum. The vessel owner therefore has financial statements that demonstrate legal compliance, despite maintaining previous payment structures in practice. Another FGD noted that they are all on 10-month contracts and receive a THB120,000 lump sum at the end, if they complete the 10 months. However, in reality they have never received THB120,000 due to the deductions based on what they have “borrowed” from their employer, who holds their ATM cards; one fisher noted deductions of THB48,700 (40.6% of his lump sum). Thus, despite the RTG’s efforts to improve accountability in payment, vessel owners have developed a mechanism through which to continue paying fishers in cash and making deductions while maintaining a paper trail that indicates otherwise.

The formalisation of payment methods for fishers met with backlash from NFAT, which argues that the lack of ATM machines around ports make bank transfers impractical.²⁸⁸ This has been refuted by the ILO, which demonstrated that, as of December 2017, there were 85 ATM machines nearby the then 32 PIPO centres.²⁸⁹ Further education

for vessel owners, captains, supervisors, and fishers regarding legal changes, coupled with stricter enforcement and steep penalties for violations, are needed to ensure that the electronic payment system is effectively implemented and benefits workers.

Persisting Challenges Impeding Decent Work

Withholding of Workers’ Documents

During FGDs, participants were asked if they hold their identity documents. The vast majority of seafood processing workers reported that they hold their ID, while three pier-based workers had their documents withheld. The frequency of police checks in migrant communities, including in their homes, necessitates that land-based workers possess their documents or face arrest; moreover, any employer found to be withholding the documents of a migrant worker faces a prison sentence of up six months or a fine of up to THB100,000.²⁹⁰

The majority of fishers, however, indicated that their documents are kept by their employer. In many cases fishers reported that employers withhold their CIs but allow fishers to hold their Seabook, due to the possibility of at sea inspections. The withholding of documents greatly restricts the freedom of movement of fishers, particularly given the police clamp down on irregular migrants. In one FGD, all participants had their documents withheld by their employer, which they reported bars them from visiting their friends or family, even in the event of a family tragedy. They have worked on fishing vessels in the area for an average of 14.6 years each, having arrived in Thailand in search of any job and subsequently becoming fishermen, which they described as “a cycle they cannot get out of”. They noted that as employers fear that fishers will “swap boats” they make it very difficult for fishers to access their documents. To visit Myanmar, the fishers reported that they must pay a THB3,000-4,000 deposit, while to return to home permanently they must pay THB10,000. If they mention they want to change boat, their employer will “not permit it” and their documents will not be returned.

Working and Living Conditions at Sea

Working hours remain long with rest periods sporadic; rest time is generally while the nets are down and the fish from the previous trawl have been sorted. Some fishers report that they can now rest if they are sick, however many still identify being unable to rest when sick as one of their main grievances. Asked about working hours, most fishers indicated the impossibility of stipulating an average or indicated a wide range. Working hours, and in turn rest hours, depend on the sea and on the catch; rest is dependent on the work being finished. The Ministerial Regulation on the Protection of Workers in Sea Fisheries B.E. 2557 (2014) states that fishers are entitled to at least 10 hours of rest within 24 hours and no less than 77 hours of rest within a 7 day working week.²⁹¹ Rest hours, however, remain minimal due to additional duties, such as mending broken nets. One fisher reported that he works from 7pm to 4am fishing, while between noon and 7pm he fixes nets (approximately 16 hours of work). He indicated that the situation has improved as he now gets 5 hours of sleep, whereas previously he got only 2-3 hours.

During FGDs, fishers were asked what they would like to see change that could improve their working and living conditions at sea. The three most common requests were for clean drinking water, a toilet on board, and an increase in salary.

Fishers identified access to clean drinking water as one of the biggest problems; there are two water tanks on board, one with water for washing and general use and one with potable water for drinking. Numerous fishers noted that there are separate sources of drinking water for the captain and

for the crew, who only have access to the former tank; the CSO Coalition similarly found that 43% of respondents have a separate water source to senior crew.²⁹²

One FGD spoke of dirty water, particularly during the rainy season, leading to outbreaks of diarrhoea among fishers while at sea. Several fishers spoke of spending a portion of their salary on bottled water, but noted that this is not an option for many fishers.

Systems of Control

Relationships on board fishing vessels are entrenched in systems of power and control, based on a strict top-down hierarchy of command. The crew answer to their boatswain or '*chiev*', who usually speaks the language of the crew and translates the Thai captain's commands. The Thai captain of the vessel has the ultimate authority on board and determines where, when, and for how long they fish. This rigid hierarchy formalises the inequality of power, which is further exacerbated by the divergent options for career progression based on nationality: Myanmar and Cambodian fishers can progress to a *chiev* but no higher as first and second captains must be Thai. The responsibilities of the *chiev* can include recruitment of fishers, discipline, catch preservation and quality control, payment of wages, and mediating grievances. A number of FGD participants spoke of needing to stay "in favour" with their *chiev*, who routinely selects someone to bully each trip by scolding, yelling, or beating them. Answerable to the captain, and often the vessel owner, the *chiev* is caught in a difficult position; claiming to "be like brothers" to the fishers, acting as a grievance channel between them and the employers, while simultaneously reinforcing the system of abuse and setting wages at his "own discretion, based on the quality of their work". **Captains and *chievs* are a key target group for further training on labour rights, to highlight how they themselves have rights at work and how in turn they need to respect those of their crew.**

The systems of control within the fishing industry are intensified by widespread drug and alcohol dependencies.²⁹³ One Myanmar *chiev* explained that fishers on his vessel are paid a month's salary in advance, which, he claimed, many spend on drugs. Addiction is therefore entwined with debt to employers, further inhibiting fishers' ability to leave, and is a part of the system of control over workers that creates a vicious cycle that they struggle to escape from.

Workers in Lower Tiers of Seafood Supply Chains

Significant differences in the experiences of formal factory workers and pier-based or informal seafood processing workers were identified during FGDs.²⁹⁴ For the 34,045 migrant workers employed unloading vessels, loading catch into vehicles, sorting and grading fish, and gutting, beheading, cleaning, boiling, and drying seafood at the pier or in garages, work continues to be precarious, despite falling within the remit of the Royal Ordinance on Fisheries B.E. 2560 (2017).²⁹⁵

Informality

Work at the piers remains largely informal. Many pier workers do not have set working hours which range from 2-2^{1/2} hours to 10-15 hours. Pier workers report less days off than factory workers (two rather than four days per month). Unlike in factories where the majority of workers are paid a fixed salary every 15 days (based on the minimum wage), large numbers of pier workers continue to be paid daily, often on a piece rate basis. One piece rate worker, responsible for beheading fish, gets paid THB1.5/kg of beheaded fish, meaning she would have to produce over 207kg of fish per day to reach the province's daily minimum wage. Pier workers also recounted how they do not have access to the same benefits despite being legally registered as migrant workers and entitled to social security.

Work “depends on the boats”

For many pier workers, whether they will have work that day “depends on the boats”; they report having to keep an eye out for the return of the boats, which signals the start of their working day – often in the early hours of the morning (one FGD reported starting at 2am, another at 3am). Working hours are dependent on the quantity of catch landed; in one FGD working hours ranged from 5 hours when there are ‘less fish’ to 13 hours. For those on a piece rate income the volume of seafood has a direct impact on their livelihoods; large volumes can create the opportunity to earn more than in a formal setting, however small catch sizes result in below minimum wage. Environmental destruction and depleted fish stock have a knock on effect on the everyday lives of those working around Thailand's fishing piers, making income levels precarious and unpredictable.

Gender inequality

In the large seafood processing factories men and women reported earning the same fixed rate salary. This was not the case for pier workers. In one port, the men are paid THB 12,000/month plus a THB 5,000 bonus (total approximately of US\$527) while one woman spoke of being paid a piece rate of THB 5/kg of squid she slits. Another woman, at the same port, works in a factory 15 days a month for THB 350/day (approximately US\$10.9) and beheads fish at home for THB 120/day (approximately US\$3.70) when there is no work at the factory. Some women spoke favourably of the home-based nature of informal work as it gives them more time with their children, a reminder that in addition to longer working hours for less pay female pier workers also have unpaid duties of care.²⁹⁶ Workers described how a man's salary is for saving while a woman's is for living off. The daily nature of their income, while men receive monthly salaries, mean that women are disproportionately bearing the brunt of the precarious interdependent relationship between the volume of catch landed by vessels, the depleted fish stocks, and the amount of work available.



Conclusion

83% (n=65) of fishers surveyed believe that conditions in the industry have improved, 6% (n=5) report no change, and 10% (n=8) that it has gotten worse. Meanwhile, 32% (n=22) of seafood processing workers believe that their working conditions have improved, while 41% (n=28) claim that nothing has changed, and 26% (n=18) report that it has gotten worse. Thus, to an extent, workers reported improvements in their working conditions, much of which they attribute to the changing laws; it is worth noting the different baselines against which fishers and land-based workers are measuring improvements, fishers, for example, report a reduction in killings at sea as one of the big improvements. Workers also indicated greater awareness of labour rights, a necessary step towards empowering workers to report when their labour rights are not being met and to voice grievances to PIPO, and an increase in salary (before deductions). However, there continue to be significant gaps inhibiting decent work, notably the retention of fishers' IDs and ATM cards, working conditions and minimal rest hours at sea, systems of power and control over a migrant workforce, and informal, precarious works in the lower tiers of seafood supply chains.

There have been various unforeseen and unintended consequences of recent reforms of the fishery sector. The regularisation of undocumented migrant workers has been an important means of increasing their legal protection, their access to social security, and their freedom of movement, yet it has simultaneously caused confusion and anxiety for workers and reinforced their ties to employers. Many workers who believed that their working conditions have deteriorated attributed it to being legally documented and the associated costs. Of the 156 workers surveyed who went through the NV process, 80% reported that their employer covered the related costs, leading to salary deductions and outstanding debts; 18% of all workers surveyed felt unable to leave their job due to debt. Despite the removal of some of the legal restrictions on migrant workers' right to change employers, the impractical clauses continue to leave workers feeling tied and unable to change job, which workers attribute to holding a work permit. Few

workers reported paying broker fees to obtain their current job, however, the financial involvement of employers in obtaining migrant workers' documents suggests a shift in the nature of entry into debt rather than the successful reduction of recruitment related debts. To stand by commitments to responsible recruitment, buyers need to expand the Employer Pays Principle to migrant workers already in Thailand, and not just those newly recruited, to ensure that no worker is indebted due to the cost of obtaining an ID and work permit.

Millions of migrant workers have migrated to Thailand to improve their livelihoods and those of their families in neighbouring countries. In turn their labour underpins the Thai economy and is essential to the seafood industry. It is the legal obligation of the private sector to ensure that the migrant workers vital to their profits can work in an environment free from exploitation and can exercise their labour rights. Most workers spoken to during FGDs are in Thailand to save money and have high financial targets they are aiming towards, targets that will likely take years to meet at the current salary rates.

Many workers who reported liking their job have never changed factories. Given the ongoing labour shortages and challenge of worker retention, to retain workers, the outlook of employers will need to shift towards respecting the dignity and rights of migrant workers to close the remaining gaps in decent work.

Conclusion



The private sector – both Thai suppliers and international buyers – has engaged with the reforms of the Thai seafood industry both in their capacity as individual companies and collectively through the Seafood Task Force.

Media exposés linking forced labour and TIP on Thai fishing vessels with shrimp and pet food sold to Western consumers spurred a corporate response that has included efforts to understand the complexities of labour abuse in seafood supply chains through education, supply chain mapping, vessel, feed mill and factory assessments, and worker grievance channels. The STF has brought together competing companies to collectively discuss IUU fishing and labour abuses, to agree on a common CoC, to implement traceability from vessel of origin for fish ground into shrimp feed to the shrimp pond that consumes it, and to support capacity building within the RTG to improve fisheries monitoring, control, and surveillance. The gulf between seafood production facilities where buyers have enough oversight to demand legal compliance, resulting in set working hours and minimum wage payment, and those in lower tiers or geared towards domestic consumption suggests that market power can be harnessed to improve adherence to labour laws.

The private sector response, however, remains grounded in the business imperative for action: notably business, legal, and reputational risk management.

While traceability is a vital starting point, knowing where seafood originates does not guarantee that it was caught or processed by workers free from exploitation. Until the private sector adequately engages with working conditions at each tier of the supply chain, traceability mechanisms may be used only as a means of distancing specific supply chains from allegations of IUU fishing and forced labour, in order to protect companies from scrutiny or lawsuits. Commitments to responsible recruitment need to go hand-in-hand with ensuring workers are in situations of decent work once recruited and are free to leave as desired. Greater focus on support for remediation and access to compensation once human rights abuses have been identified is still needed, particularly as traceability mechanisms enable the identification of where corporate activity caused or contributed to breaches of human rights.

This report is a follow-on from a report published by Humanity United and the Freedom Fund in 2016, which assessed RTG and private sector responses and included recommendations for future action. Since 2016, a number of the gaps identified in the RTG response have been addressed. The RTG has implemented several of the recommendations; it has introduced digital monitoring of transshipment risks, has created the Common Risk Assessment to focus PIPO inspections on higher risk vessels, and has collaborated with IOs and CSOs to incorporate greater labour protections into PIPO inspections. Of the recommendations set out for the private sector, the STF has succeeded at increasing awareness of the prevalence of labour abuse and the need for long-term business strategies to address it. It has also funded OceanMind to support the DoF to identify potential violations of fisheries laws. Supporting RTG reforms is vitally important for effective implementation and for closing oversight gaps that private governance cannot address. However, the STF has yet to prioritise direct worker representation or to develop an accountability system for suppliers who fail to comply with its CoC.²⁹⁷

While there have been improvements, there are persistent challenges and problems for migrant workers in the Thai seafood sector. Many are indebted to their employer, due in part to the costs associated with the regularisation of undocumented workers – a situation that will likely get worse as workers will once again have to change their IDs by 31 March 2020.²⁹⁸ Furthermore, despite legal changes, workers still feel tied to their employer due to work permits carrying the employer's name, and the limitations on their ability to change jobs. These findings emphasise the need for greater attention on workers' inability to leave situations of exploitation.

Ensuring decent work requires a deeper level of engagement than most companies are currently demonstrating. It requires going beyond policies, paper trails, and pilot projects, to consulting workers and supporting suppliers. Enabling the agency of workers to call for the improvements they wish to see, not only through channels for self-reporting abuse but through unionisation and collective bargaining agreements, is central to consulting workers. To strengthen its ability to listen to workers, the private sector could wield the significant power it holds to advocate for legal reform, to publicly urge the RTG to ratify the ILO Convention on the Freedom of Association and Protection of the Right to Organise Convention (C87) and the Right to Organisation and Collective Bargaining (C98). Buyers also need to bring these fundamental labour rights into discussions with suppliers, to increase support for ratification within Thailand and improve the likelihood of implementation.

Reform will only be effectively implemented if suppliers at all tiers of the supply chain are supported to come into compliance.

Pushing down reform without the education and infrastructure required to institutionalise change has resulted in deceptive practices that meet the letter of the law but evade the true intent behind it, for example the withholding of ATM cards.

As P29 and C188 pass into law, vessel owners and employers will need greater training and financial support to ensure that the remaining gaps in access to basic labour rights for migrant workers, such as potable drinking water, toilets, adequate rest hours, and pay without deductions, can be successfully closed. Thai suppliers and international buyers can improve implementation by working collaboratively with employers' organisations, such as TTIA, TFFA, and NFAT, to increase their knowledge of labour laws and to change attitudes towards migrant workers by demonstrating the business imperative for respecting the rights of workers: market access.

The private sector cannot change many of the factors that underpin forced labour in the global economy; for example, the socio-cultural context, workers' relations with the State, geographic isolation (particularly while at sea), or the entrenched systems of power and control over a migrant workforce.²⁹⁹

The private sector can, however, address the underlying economic structures that enable and perpetuate forced labour in global supply chains. Currently, the private sector response stops short of supporting the rising production costs that suppliers face in the wake of increased buyer demands and Thai legal reform. Rather, as the costs increase, some international buyers are seeking out cheaper markets, particularly for shrimp. By sourcing elsewhere, buyers lose their leverage to demand change by removing any incentive to comply. Moreover, this business model actively undermines efforts to promote industry-wide labour rights. Suppliers that have invested in improving working conditions are faced with the options of a) selling to a high-end niche market that incorporates the costs of social and environmental compliance into the price negotiations, b) taking a hit to their profit margins, or c) pushing the costs of compliance down onto workers. Reports from workers indicate that the reluctance to discuss the associated costs has led to increased production quotas in export-orientated seafood factories, which, coupled with the threat of deductions for not meeting them, is resulting in workers feeling exploited and leaving their jobs, thus fuelling the challenge of worker retention. To meaningfully address labour exploitation in its seafood supply chains, buyers need to start shouldering a portion of these costs, through long-term business relationships where compliance is incorporated into the buying price.

Despite ongoing efforts by the RTG, the private sector, and other actors, indicators of forced labour still exist in the Thai seafood sector. To strengthen its response to forced labour and exploitation in its seafood supply chains, the private sector needs to more closely examine the impact of its business models on human rights and to reconsider the social and environmental costs that underpin its profits.

Appendices



Image: Brent Lewin

Appendix 1: Methodology

This independent, mixed-methods research study included fieldwork in Thailand, a desk review of corporate literature, and 49 interviews with key stakeholders from civil society organisations working on issues related to labour rights in the Thai seafood sector or with the private sector in its response, the Royal Thai Government, and the private sector, including industry associations, suppliers, buyers of Thai seafood, and board members of the Seafood Task Force (see Appendix 2).

Private Sector Analysis

Twenty-eight companies were examined for the study. Companies were approached three times to participate. No response was received from seven companies. Three declined the invitation to participate in the study. Eight companies were actively involved in the research, completing a private sector questionnaire, participating in interviews, or both. Following a desk review of publicly available policies and corporate reports, all companies were offered a final opportunity to comment on the findings, which were compiled into company-specific profiles. An additional eight companies provided feedback on, and answered follow-up questions regarding information in the profile compiled by the research team. Two companies indicated an inclination to participate but did not provide feedback, complete the questionnaire, or participate in a formal interview.

Worker Focused Data Collection

Between November 2018 and February 2019, research was conducted in ten coastal provinces in Thailand: Rayong, Chonburi, Trat, Samut Sakhon, Ranong, Prachuap Khiri Khan, Phang Nga, Phuket, Songkhla, and Pattani. These ten provinces were selected on the basis of accounting for 77% of the catch landed in Thailand in 2014.³⁰⁰ In 2018, they accounted for 59% of the catch landed by commercial vessels in Thailand.³⁰¹ A pilot study was undertaken in two provinces in November 2018, after which the research materials, including the worker survey, were revised. 25 FGDs were held with a total of 105 workers from Myanmar and Cambodia; participants were selected by NGOs based on gender, nationality, and job description to ensure a mix of seafood processing workers and fishers. In addition, Myanmar and Cambodian research assistants conducted 179 worker surveys; survey respondents were identified through snowball sampling.

In total, 280 migrant workers involved in catching or processing seafood were consulted in Thailand, either during FGDs, individual interviews, or a worker survey. Research materials were translated into Thai, Burmese, and Khmer. Informed consent was obtained at the start of every FGD and worker survey. For an overview of participants by sector, gender, and nationality see Appendix 3.

Limitations

The research for this report was limited by a number of factors. As the data collected during surveys conducted with migrant workers in Thailand did not constitute a representative sample, the statistics included in this report are not designed to be taken as indicative of the state of the industry. Rather, the survey data was used to identify where there have been changes and where challenges nevertheless persist. Interviews could only be conducted on land and during workers' time off, limiting access to the most vulnerable workers. It was not possible to access workers on overseas vessels supplying the tuna imports that make up the majority of seafood exported from Thailand, thus only working conditions on board Thai domestic vessels are examined within the report, despite reports of forced labour on board tuna fleets.³⁰² To limit the scope of the report, aquaculture farm workers were not included within the study sample.

The study is further limited by the limited access to the private sector and the lack of transparency within the industry. While the report draws trends in corporate responses, based on publicly available information and interviews conducted with private sector representatives, the lack of transparency limits the possibility of verifying corporate reports and may obscure further efforts that are being made but not publicised. Furthermore, without access to supply chain information, assessing the impact of corporate responses was not feasible. Although interviews with the Thai private sector were conducted, the analysis in the report focuses primarily on the export industry and the efforts of multinational manufacturers, brands, and retailers – these various organisations are anonymised in the report to conform with defamation laws in Thailand.

Appendix 2: Interviewees

Interview1	Local CSO	Interview26	International NGO / IO
Interview2	Local CSO	Interview27	International NGO / IO
Interview3	Local CSO	Interview28	International NGO / IO
Interview4	Local CSO	Interview29	International NGO / IO
Interview5	Local CSO	Interview30	International NGO / IO
Interview6	Local CSO	Interview31	International NGO / IO
Interview7	Local CSO	Interview32	International NGO / IO
Interview8	Local CSO	Interview33	International NGO / IO
Interview9	Local CSO	Interview34	International NGO / IO
Interview10	Local CSO	Interview35	International NGO / IO
Interview11	Local CSO	Interview36	Private Sector
Interview12	Local CSO	Interview37	Private Sector
Interview13	Local CSO	Interview38	Private Sector
Interview14	International NGO / IO	Interview39	Private Sector
Interview15	International NGO / IO	Interview40	Private Sector
Interview16	International NGO / IO	Interview41	Private Sector
Interview17	International NGO / IO	Interview42	Private Sector
Interview18	International NGO / IO	Interview43	Private Sector
Interview19	International NGO / IO	Interview44	Private Sector
Interview20	International NGO / IO	Interview45	Private Sector
Interview21	International NGO / IO	Interview46	Private Sector
Interview22	International NGO / IO	Interview47	Royal Thai Government
Interview23	International NGO / IO	Interview48	Royal Thai Government
Interview24	International NGO / IO	Interview49	Royal Thai Government
Interview25	International NGO / IO		

Appendix 3: Worker Research Participants by Sector, Gender, and Nationality

	Worker Surveys	Percentage of total sample (n=179)
Fishers	104	58%
Seafood Processing Workers	75	42%

Male	128	72%
Female	51	28%

Myanmar	129	72%
Cambodian	50	28%

Total Participants (Surveys, Interviews, FGDs)	Percentage of total sample (n=280)
158	56%
122	44%

198	71%
82	29%

191	68%
89	32%

Endnotes

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- 53 Marscke, M. & Vandergeest, P. (2016) 'Slavery scandals: Unpacking labour challenges and policy responses within the off-shore fisheries sector', *Marine Policy*, No.68, p43.
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140	Seafood Task Force (2018) Progress Report 2018: Not letting perfection get in the way of progress, p19.	165	Interview25; Interview31; Interview36.
141	Interview36.	166	Seafood Task Force (2018) Progress Report 2018: Not letting perfection get in the way of progress, p16.
142	A list of these KPIs, and the timeframe within which the STF hopes to achieve them, can be found in its November 2017 progress report. Although each sub-group's progress is reported internally on a six weekly basis, the November 2017 report is the most recent public update on progress against each KPI.	167	Interview31.
143	Seafood Task Force (2017) Fueling the Task Force Engine and building foundations for longer term success, p37.	168	Due to the focus on fishers and seafood processing workers, rather than aquaculture, the research team did not have an opportunity to observe the process in practice, so assessing the effectiveness of the implementation was not feasible.
144	Ibid, p37.	169	Interview25.
		170	Interview32.
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		172	Ibid.
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		175	For example, as happened with the formalisation of payment for fishers, as explored in Chapter 4.
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