

Private Sector Role in Addressing Human Trafficking and IUU Fishing

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Topics

Part 1 : Migrant problem is the international affair

**Part 2 : Migrant problem needs international
recommendation and cooperation**

**Part 3 : NGOs work should be Constructive to the future
and the security for the migrants workers and
sustainable fishing**

***Contact Address of Labour-NGOs and Person jointly working with Fishery Industry**

**Part 4 : Migrant workers and sustainable fishing are the
backbone for THAI fishery industry.**

Part 1 : Migrant problem is the international affair

1.1 CNN edition of 11.02.2015 : “300 migrants feared dead after boats sink in the Mediterranean Sea”

Worldwide, more than 40,000 migrants have died in their journeys since 2000, IOM said in September. Over half of them were trying to get to Europe. About 6,000 deaths occurred along the US-Mexico border. The situation is getting worse in Europe. Italy has recorded at least 50 migrant deaths this year, compared with 12 by this point last year, UNHCR spokesman Andrian Edwards.

1.2 Migrants at Calais :

There are 2,500 migrants without shelter trying to cross border to UK. It is not specifically French or EU or British matter, it is "international event" The guardian 28.10.2014 Home affairs committee with Calais mayor.

Part 1 : Migrant problem is the international affair

1.3 Thailand has 3-4 millions migrant workers. **It is also ASEAN problems** that we have to work together.

For example, the 3 MOUs process with neighboring countries (Cambodia, Lao People's Democratic Republic and Myanmar) on employment cooperation.

1.4 ***“Limited opportunities for safe and regular migration drive would-be migrants into the hands of smugglers, feeding an unscrupulous trade that threatens the lives of desperate people,” IOM research chief Frank Laczko.***

“Undocumented migrants are not criminals. They are human beings in need of protection and assistance, and deserving respect.”

Part 2 : Migrant problem needs international recommendation and cooperation

2.1 IOM International Organization for Migration 2014 Report,

For examples :

Chapter 2 International Migration Policy in Thailand

by Claudia Natali, Euan McDougall and Sally Stubbington

- **MOUs on Employment Cooperation** A step forward in the history of Thailand's migration policy was taken in 2002/2003 with **the Memoranda of Understanding (MOU) on Cooperation in the Employment of Workers** signed with three neighboring countries, namely **Lao** People's Democratic Republic (signed in 2002), **Cambodia** and **Myanmar**(both signed in 2003). These MOUs established *a legal channel for low-skilled migrants* and entered into *bilateral discussions* regarding the high flows of irregular migrants across their borders and attempted jointly to address the issue.

- **Nationality Verification Process** was developed to supplement the MOUs. It was envisioned *as a mechanism to regularize all irregular migrants* who were already living and working in Thailand.

- **Regularization Process** The opening of **12 One Stop Service Centres (OSSCs)** throughout the country was *a key step* welcomed by civil society, migrant organizations and international organization, who had advocated in favour of OSSCs for a long time. (**In 2014, 1,626,235 formerly illegal migrant workers registered**)

Part 2 : Migrant problem needs international recommendation and cooperation

2.1 IOM International Organization for Migration 2014 Report,

For examples :

Chapter 3 Social Protection for Migrant Workers in Thailand

by Benjamin Harkins

- Migrants who have *completed the nationality verification process* or have entered Thailand under one of the MOU agreements with neighboring countries *are eligible to receive benefits* under both the Social Security Fund and the workmen's compensation Fund administrated by the Social Security Office.
- All migrant children in Thailand regardless of legal status are entitled to free education for 15 years, providing schooling from pre-school through secondary and vocational education.

Chapter 8 Complaint Mechanisms for Migrant Workers in Thailand

by Benjamin Harkins

- **The Labour Protection Act 1998** provides both nationals and migrant workers in Thailand - *including irregular migrants* - *with the right to register complaints* related to a broad range of offenses.
- Complaints via Thai private employment agencies, diplomatic channels and NGOs

Part 2 : Migrant problem needs international recommendation and cooperation

2.2 ILO GLP (Good Labour Practice) with private sector

The GLP program based on voluntary basis was designed to develop a foundation and promotion of Thai labor law compliance and international labor standards which have 4 GLP guidelines; for primary processing workplace (PP), seafood and tuna processing plants, shrimp farms and fishing vessels.

The program is a joint cooperation by the Social Welfare and Labor Protection Department, Fishery Department with academic support by the International Labor Organization (ILO) and jointly developed by representatives of seafood processing manufacturers.

2.3 **Private sector encourages and pushes** for the cooperation and communication between Thailand as country of destination and **Myanmar, Cambodia and Laos** as country of origin concerning **the migrant workers right protections**. Also, Thailand as country of origin with **Indonesia** as country of destination concerning **the migrant labour protection and the sustainable fishing regulation**.

Part 3 : NGOs work should be **Constructive** to the future and the security for the migrants workers and sustainable fishing

3.1 Migrant workers, we are working closely with :

Finnwatch, (Finland)

Mr. Andy Hall (British),

MWRN the Migrant Worker Rights Network (Myanmar)

and LPN Labour Rights Promotion Network Foundation (Thai)

3.2 Sustainable fishing, we are working with :

EII Earth Island Institute (USA)

FOS Friend of the Sea (EU)

ISSF International Seafood Sustainability Foundation

and MSC Marine Stewardship Council (Australia/ UK)

*Contact Address of Labour-NGOs and Person jointly working with Fishery Industry

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Part 4 : Migrant workers and sustainable fishing are the backbone for THAI fishery industry

4.1 Role of TFPC The entrepreneurs through related fishery associations have realized and placed greater importance on the legal employment of migrant workers and jointly cooperated to solve the labor problems. Therefore, they have together **formed the Thai Fishery Producer Coalition or TFPC** comprising of the Thai Frozen Foods Association(TFFA), Thai Tuna Industry Association (TTIA) , Thai Food Processors' Association (TFPA), Thai Shrimp Association (TSA), Thai Feed Mill Association (TFMA) and Thai Fishmeal Producers Association.



TFPC's Key Activities on Labour Issues

- 1) Tuna and Seafood Entrepreneurs' Policy Commitment on Ethical Code of Conduct
- 2) Good Labor Practice (GLP) for Tuna and Seafood Processing Industry
- 3) Implementation and Monitoring toward Ethical Standard Audited by Third Party
- 4) Complaint Mechanism Activity
- 5) Consultation meeting among Government, Private Sectors and NGOs
- 6) Social Accountability

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1) Tuna and Seafood Entrepreneurs' Policy Commitment on Ethical Code of Conduct

- | | | |
|---|----------------------------|-------------------------|
| (1) Child Labour | (5) Discrimination | |
| (2) Forced and Compulsory Labour | (6) Disciplinary Practices | |
| (3) Health and Safety | (7) Remuneration | (8) Welfare and Benefit |
| (4) Freedom of Association and Right to Collective Bargaining | | |

(1) Child Labour No workers under age of 18 years old is engaged or employed in the processing plants. Upon recruiting, all applicants shall provide a government-issued passport, Identity card and/ or work permit for verifying age and legality to work respectively.

(2) Forced and Compulsory Labour Workers are not required to pay deposits or recruitment fee to the company. The company shall not lodge passport, Identity card and/or work permit belonging to the workers. The company shall not withhold any part of workers' salary and benefits.

(3) Health and Safety Occupational health and safety of workers shall be of the utmost concern for the company. At minimum, all legal requirements of related laws must be fulfilled. They include to the provision of necessary personal protective equipment at the employer's expenses, first aid treatment, and assistance for follow-up medical treatment.

(4) Freedom of Association and Right to Collective Bargaining As permitted by Thai law, the company shall respect the rights of workers for freedom of association and collective bargaining.

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Policy Commitment on Ethical Code of Conduct

(5) Discrimination The company shall not allow any behavior indicating harassment, discrimination or bullying. Education and training on the fundamental of human rights shall be conducted for all personnel concerning the supervision of workers and security practice. The company shall have in place the mechanism and grievance handling to ensure fair treatment of workers.

(6) Disciplinary Practices The company shall not engage in or tolerate the use of corporal punishment, mental or physical coercion, or verbal abuse of workers. Deductions from wages as a disciplinary measure are not allowed.

(7) Remuneration The minimum daily wage shall be fully paid according to Thai law to everyworkers. Overtime work shall be reimbursed at a premium rate and paid leave shall be granted as defined by Thai Law.

(8) Welfare and Benefit Social security payments are contributed by both workers and company in accordance with Thai Labour Law – which ensure all workers are eligible for national health care coverage. The company shall register every workers to this scheme from the first day of employment. For the period where the national health care coverage is not yet in effect, the company shall provide adequate medical treatment and expenses to assist any work-related injuries and illnesses.

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2) Good Labor Practice (GLP) for Tuna and Seafood Processing Industry

On September 16, 2013, those 4 GLPs program were launched and signed commitment to implement GLP by shrimp, seafood and tuna processing enterprises: 81 PPs and 97 seafood processing plants (65 frozen and 32 canning operators).

3) Implementation and Monitoring toward Ethical Standard Audited by Third party

Most of processed tuna and seafood company are also required by their buyers and customers to have thorough and comprehensive third party audits of their processing facilities and supply chain to ensure full compliance with local and international laws and regulations regarding social and ethical standards.

List of Ethical Standards

- Thai Labour Standard: Corporate Social Responsibility of Thai Business(TLS 8001-2010 (B.E.2553) by MOL
- CSR – DIW
- Sedex Ethical Trade
- BSCI (Business Social Compliance Initiative)
- ICA (ICA SOCIAL AUDIT : Primary Production Third Party Audit)
- ICS (Initiative Clause sociale)
- ETI (Ethical Trading Initiative)
- Supplier Code of Conduct MARS
- Supplier Code of Conduct AEON
- Safeway Global Sourcing/ Intertek
- McDonald's Social Accountability
- SYSCO Corporation (BSCC)
- NGOs such as EII, ISSF, FOS, Finnwatch, NFI

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4) Complaint Mechanism Activities

- Installing a complaint box
- Training labor on good labor practices and rights
- Setting up a jointed committee on social security welfare



- **Hot Line** by TFPC in cooperation with LPN Labour Right Network Promotion Foundation, in both Thai and Myanmarese speakers.
- **Complaint Platform Workshop:** The 3 fishery associations in cooperation with Migrant Worker Right Network (MWRN) organized an *activity to promote understanding and trust among the employers and migrant workers* as well as focused on brainstorming for solutions on various labor issues on 19-20 Dec 2014 in Samut Sakhon province.



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5) Continuous consultation meeting among Government and Private Sectors

- Thai government
- Neighboring countries' government such as Myanmar and Cambodian governmental bodies



6) Social Accountability

TFPC in cooperation with the human right NGOs improve and promote the quality of life and welfare of the labour and their children who form a part of the industry.

- Supporting finance to hire teachers to teach migrant labors' children to improve their learning process and prepare them for the Thai education system.
- Supporting scholarships to students in the education project for alien child labour.
- **International Migrants Day Activities:** TFPC, MWRN and State Enterprises Workers' Relations Confederation (SERC) jointly organized activities to celebrate the UN's International Migrants Day on 18 December 2014.



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4.2 Private sector follows *THAI and International Law and Regulation* such as *RFMOs resolutions, EU Law on IUU Fishing* as well as *USA IUU Fishing guideline*.

