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Evaluation

# ILO EVALUATION

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*This evaluation has been conducted according to ILO’s evaluation policies and procedures. It has not been professionally edited, but has undergone quality control by the ILO Evaluation Office.*

**Combatting Unacceptable  
Forms of Work in the Thai  
Fishing and Seafood  
Industry: Final Evaluation**

**THA/15/03/EUR (105548)**

Final Report



Submitted by

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## Acronyms and Abbreviations

ASEAN	Association of South East Asian Nations
CCCIF	Command Centre for Combatting Illegal Fishing
CPO	Country Programme Outcome
CSO	Civil society organization
CTA	Chief Technical Advisor
DLPW	Department of Labour Protection and Welfare (Ministry of Labour)
DOE	Department of Employment (Ministry of Labour)
DOF	Department of Fisheries (Ministry of Agriculture and Cooperatives)
DWCP	Decent Work Country Programme
DWT-BKK	Decent Work Team for East Asia, South East Asia and the Pacific (Bangkok)
ECOT	Employers' Confederation of Thailand
EIHDR	EU European Instrument for Democracy and Human Rights
EU	European Union
EVAL	ILO Evaluation Office
FED	Foundation for Education and Development
FRN	Fishers' Rights Network
FUNDAMENTALS	ILO Fundamental Principles and Rights at Work Branch
GDP	Gross domestic product
GLP	Good labor practices
GOVERNANCE	ILO Governance and Tripartism Department
HRDF	Human Rights and Development Foundation
ILO	International Labour Organization
IRIS	Integrated Resource Information System
ITF	International Transport Workers' Federation
IUU	Illegal, unreported and unregulated
LABADMIN/OSH	ILO Labour Administration, Labour Inspection and Occupational Safety and Health Branch
M&E	Monitoring and evaluation
MD	Maritime Department (Ministry of Transport)
MECC	Maritime Enforcement Coordination Centre
MFA	Ministry of Foreign Affairs
MOAC	Ministry of Agriculture and Cooperatives
MOL	Ministry of Labour
MOLIP	Ministry of Labor, Immigration and Population (Myanmar)
MOT	Ministry of Transport
MOU	Memorandum of understanding
MSDHS	Ministry of Social Development and Human Security
MWG	Migrant Working Group
MWRN	Migrant Workers Rights Network
NFAT	National Fisheries Association of Thailand
NGO	Non-governmental organization
NORMES	ILO International Labour Standards Department
NPC	National Project Coordinator
PDO	Pre-departure orientation
PIPO	Port-in Port-Out Control Centre
PSC	Project Steering Committee
RTG	Royal Thai Government
SECTOR	ILO Sectoral Polices Department
SERC	State Enterprises Workers' Relations Confederation
SSO	Social Security Office (Ministry of Labour)
TFFA	Thai Frozen Foods Association
TFPA	Thai Food Processors Association
Thai-MECC	Thailand Maritime Enforcement Coordinating Center
TIP	Trafficking in Persons

TOFA	Thai Overseas Fisheries Association
TOT	Training of trainers
TRIANGLE	Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers
TTIA	Thai Tuna Industry Association
TTUC	Thai Trade Union Congress
UNEG	United National Evaluation Group
VMS	Vessel monitoring system

## Executive Summary

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### Introduction

#### *Evaluation background*

1. In February 2016, with the support of the European Union (EU), the International Labour Organization (ILO) launched a project titled, *Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry (THA/15/03/EUR - 105548)*, hereafter referred to as the *Ship to Shore Rights* project. The project was scheduled to run for 42 months through 31 July 2019, but was extended for eight months to 31 March 2020 through two no-cost extensions.<sup>1</sup> The project budget was set at €4.2 million, with €3.7 million slated to come from the EU and €500,000 from the ILO regular budget in the form of ILO staff time. Roughly, 20 percent of the budget was allocated to civil society organizations (CSOs).
2. The project aims to “prevent and reduce forced labour, child labour and other unacceptable forms of work and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood processing sectors.” It focuses on four related objectives: (i) strengthening the legal framework, (ii) enhancing the capacity of the labor inspectorate to enforce the laws, (iii) promoting greater compliance with labor standards through the implementation of an industry-led Good Labor Practices (GLP) program, and (iv) expanding services to migrant workers and their families. In addition to nationwide initiatives, 12 of the 22 coastal provinces in Thailand were selected for “focused interventions” – Chonburi, Chumphon, Pattani, Phang Nga, Phuket, Ranong, Rayong, Samut Sakhon, Songkhla, Surat Thani, Trang, and Trat.
3. The purpose of the final evaluation is to assess the extent to which project objectives have been achieved, identify lessons learned, and offer recommendations for future initiatives. The principal audience for the evaluation consists of the national tripartite constituents in Thailand; the EU Delegation to Thailand; and ILO management in Thailand and Geneva.

#### *Evaluation methodology*

4. The evaluation was carried out by a two-person team consisting of an international lead evaluator and a national consultant. It considers a series of questions related to six evaluation criteria: relevance, coherence, efficiency, effectiveness, impact, and sustainability. It is based on qualitative research, drawing on an in-depth review of project files, written responses provided by the project staff to questions posed by the evaluation team, more than 60 hours of interviews with roughly 80 key informants, and direct observation of port-in, port-out (PIPO) operations in Chonburi and Songkhla. Fieldwork was carried out 07-22 November 2019. Preliminary findings were presented for discussion with the Project Steering Committee and other interested parties at the end of the mission. The evaluation adheres to the United National Evaluation Group (UNEG) evaluation norms, standards and ethical safeguards.

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<sup>1</sup> The first no-cost extensions extended the project until 31 December 2019; the second pushed the final date to 31 March 2020,

## Conclusions and Lessons Learned

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### Conclusions

5. Conclusions with respect to each of the evaluation criteria are summarized below:
- **Relevance.** The project addresses a critical issue in Thailand and is consistent with ILO policy, the decent work agenda, and constituent needs and priorities. At the time the project was designed, Thailand faced the prospect of significant consumer backlash and trade sanctions, particularly in the United States and Europe. Trafficking issues in the fishing and seafood processing sectors (as well as other sectors) led the US State Department to downgrade Thailand from Tier 2 to Tier 3 status in the Trafficking in Persons Report 2014. On 21 April 2015, the European Commission put Thailand on formal notice (“Yellow Card”) for not taking sufficient measures to combat illegal, unreported and unregulated (IUU) fishing, requiring the country to implement corrective measures in order to avoid a ban on exports of fishery products to the EU. While IUU standards do not make explicit mention of employment or working conditions, it was generally understood that the EU expected Thailand to take action on this front as well. While significant steps had been made to address problems in these sectors between 2013 and 2015, additional effort was needed to strengthen the legal framework, enhance enforcement of labor laws, improve voluntary compliance initiatives, and expand services available to migrant workers and their families. The project is aligned with the ILO strategic framework and policy outcomes. While the Ship to Shore Rights project predates Thailand’s first Decent Work Country Programme (DWCP), which covers the period 2019-21, from the beginning, it has been tracked against ILO Policy 8: Protecting workers from unacceptable forms of work. The Royal Thai Government (RTG) has expressed its support for the project in a formal letter, continued participation in the Project Steering Committee, and requests for specific assistance over the past four years. Overall, the evaluation found broad support for the project among government officials and representatives of industry associations, trade unions, and civil society organizations, with the notable exception of the National Fisheries Association of Thailand (NFAT).
  - **Coherence.** For the most part, the design of project is sound, focusing on activities for which the ILO is best suited. The relationship between the overall development objective and efforts to strengthen the legal framework, enhance enforcement of laws, and promote voluntary efforts to adopt good labor practices is logical and consistent. However, the provision of welfare services to migrant workers and their families is tangential to the overall development objective. The project is fully consistent with the main aims of the ILO and was able to draw on ILO technical expertise, methods, tools and financial support.
  - **Efficiency.** Expenditures are in line with the budget and are consistent with the scope and scale of activities. Through 1 November 2019, roughly €3.9 million (had been spent on the project accounting for 93 percent of the total available budget. Approximately €1.6 million is reported to have been spent across the four objectives, with Objective 4 accounting for the bulk of this total; however, this does not include ILO project or staff expenses. The project faced delays in hiring project staff and significant turnover. It drew on ILO staff in the Bangkok office from FUNDAMENTALS and LABADMIN/OSH as well as other specialists based in Geneva (including from NORMES and SECTOR). Staff co-location in the Bangkok ILO regional office for Asia in the South Pacific facilitated ready access to specialists at key points in the project. The project also

coordinated activities with other ILO projects and collaborated where appropriate, particularly with the TRIANGLE and SEA Fisheries projects.

- **Effectiveness.** The project has accomplished a great deal over four years and has established a foundation for further progress. The work carried out under Objective 1 primarily focused on ratification and implementation of the 2014 Protocol to the Forced Labor Convention (P29) and the Work in Fishing Convention (C188), which was accomplished in June 2018 and January 2019, respectively. Efforts to enact requisite national laws proceeded apace. Amendments to the Prevention and Suppression of Human Trafficking Act were enacted in April 2019. Despite significant opposition from some industry groups, the Protection of Fishing Workers Act was passed in May 2019 and went into effect on 18 November 2019. While some subsidiary legislation has been passed, ministerial regulations required to fully implement the laws are still being developed.

With respect to Objective 2, there has been a significant improvement in the inspection of fishing vessels, but there are still significant challenges to ensuring that the rights of workers are fully protected. Labor inspection activities in the fishing sector take place at Port-in, Port-out (PIPO) centers, which were established in May 2015 under the direction of the Command Center for Combating Illegal Fishing (CCCIF). Currently, 85 labor inspectors from the Department of Labor Protection and Welfare (DLPW) are assigned to PIPO duty. The project offered advice on labor inspection policy, planning and procedures as well as provided training to labor inspectors and other government officials. The evaluation team visited the PIPOs in Chonburi and Songkhla to interview officials and observe inspections. The team found that inspections focus primarily on procedural compliance, particularly with respect to required documentation. National data show labor law violations have been identified in only a small fraction of inspections. While the law mandates direct deposit of worker pay into bank accounts, the potential for wage theft still remains.

With respect to Objective 3, the Thai Frozen Foods Association (TFFA) and the Thai Tuna Industry Association (TTIA) have established a joint Seafood GLP Program, which aims to encourage factory owners to adopt good labor practices of their own volition, including greater worker engagement through legally mandated welfare committees. The GLP program does not include certification of factories based on performance audits carried out by independent parties. Guidelines for the program were published in early 2019. These state guiding principles, set out specific GLP workplace standards built around ILO core labor standards and relevant national laws, and provide guidance on the establishment and operations of welfare committees, the implementation of grievance/remediation mechanisms, and the process for conducting annual assessments and factory visits by the associations. So far, 56 factories have been assessed. Results are encouraging, but it is too early to say whether the effort will result in better employment and working conditions. TFFA/TTIA have discussed the potential to expand the GLP program to suppliers; however, there are no plans to include their upstream suppliers of shrimp or fish. This is seen as the responsibility of the shrimp and fishing associations. However, these associations have turned down offers to help set up similar GLP programs.

Significant strides have been made in organizing workers per Objective 4, but bargaining power is limited and migrant workers are prohibited from forming or leading unions under the Labor Relations Act. Until their right to organize unions is legally recognized, migrant workers in the fishing sector have created informal organizations. With the support of the International



Transport Workers Federation (ITF), the Fishers' Rights Network (FRN) was publicly announced in May 2018. At this point, more than 2000 fishers in Ranong, Songkhla and Trat have signed membership cards. Another 150 workers in Songkhla have registered as members of the Southern Seafood Industry Workers Group (SSWG) with the support of the State Enterprises Relations Confederation (SERC).<sup>2</sup> While these organizations are still fragile, migrant leaders report that training and peer-to-peer discussions have given them a better understanding of their rights under Thai law. So far, much of the activity of the organizations has focused on political advocacy; their ability to negotiate with employers for better pay and working conditions is still to be demonstrated.

The Human Rights Development Foundation (HRDF) and the Raks Thai Foundation have fielded requests for assistance from migrant workers on administrative matters with government agencies such as filing for social security and health benefits as well as with potential violation of the law by employers. Cases have resulted in compensation totalling at least 2.7 million baht.

- **Impact.** While there is evidence that employment and working conditions have improved in the targeted sectors since 2015, the impact of the project with respect to reducing forced labor remains to be determined. Based on a survey of 470 workers conducted in 2019, ILO estimates that 14 percent of fishers and seven percent of seafood workers are potential victims of forced labor (involuntary work and coercion). However, there are no comparable figures for previous years. (Note: the baseline survey did not measure forced labor directly.) In materials provided to the US State Department, the RTG reported investigating 43 cases of trafficking in 2018 — including six cases in the fishing sector—compared to 47 in 2017 and 83 in 2016.
- **Sustainability** Some aspects of the project are likely to be sustained, but the prospect for others is uncertain. In terms of Objective 1, with ratification of ILO Conventions, the RTG has an obligation to establish and enforce relevant laws. The Protection of Fishing Workers Act came into force in mid-November 2019 and regulations are still in the process of being finalised. While government, trade unions and CSOs have supported reforms, opposition to this law and other related laws from vessel owners has been strong. While repeal is unlikely, the potential for watering down specific provisions and/or limiting enforcement cannot be discounted, particularly in the absence of the threat of trade sanctions or significant buyer pressure. Concerning Objective 2, the RTG is committed to the continued operations of the PIPOs. That said, the full implication of the recent shift in responsibility for operating the centers from CCCIF under authority of Royal Navy to Thai MECC under the authority of Department of Fisheries is still to be seen. DLPW has allocated more than 10 percent of all labor inspectors to PIPOs and has neither authority nor budget for additional positions. As such, it may find it difficult to conduct more robust inspections and increase enforcement activities. TFFA and TTIA have expressed a commitment to continuing the Seafood GLP program in keeping with Objective 3. Both associations will need to devote adequate resources for training, factory assessments, annual reports, and communications campaigns. Officials have noted the importance of maintaining the ILO name and logo on GLP materials; ILO will need to decide whether this is appropriate when its involvement in the program ends. With respect to Objective 4, the ability of CSOs to continue operations after the end of the project varies. Some have been able to

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<sup>2</sup> ITF and SERC have had a close working relationship for many years on matters related to labor issues in the transport sector and the respective project staffs have had extensive discussions on organizing activities in the fishing and seafood processing sectors in Thailand

secure additional funding, but may need to shift focus, reduce staff, or cease operations in some locations.

## Lessons learned

6. Several lessons can be distilled from the results of the evaluation that have implications for ILO, EU, RTG and other constituents going forward: i) political pressure is important.; ii) success is dependent on the capacity of implementation partners; iii) projects need to be tailored to conditions in each country, recognizing the specific political situation and capacity of existing institutions; and iv) ILO and donors need to be prepared to work in country over a long period of time.

## Recommendations

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7. The results of the evaluation lead to four recommendations:
  - **Recommendation 1. Develop an explicit strategy to achieve legal reforms that takes advantage of leverage points and mobilizes constituents to undertake coordinated activities (Objective 1).**

Responsibility	Priority	Time Implication	Resource Implication
ILO, trade unions, CSOs and other advocates	High	Near-term	Medium

- **Recommendation 2. Set explicit performance targets for the labor inspectorate, monitor results, and take corrective action if targets are not achieved (Objective 2).**

Responsibility	Priority	Time Implication	Resource Implication
ILO and Labor Inspectorate	High	Near-term	Low to Moderate

- **Recommendation 3. Assess the impact of the industry-led GLP program on employment and working conditions in targeted sectors (Objective 3).**

Responsibility	Priority	Time Implication	Resource Implication
ILO and industry associations	High	Near-term to Mid-term	Low to Moderate

- **Recommendation 4. Narrow the focus of migrant services, emphasizing the establishment of well-functioning worker organizations and the provision of legal assistance to migrant workers (Objective 4).**

Responsibility	Priority	Time Implication	Resource Implication
ILO, trade unions and CSOs	High	Near-term	High

## Introduction

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### Evaluation background

8. In February 2016, with the support of the European Union (EU), the International Labour Organization (ILO) launched a project titled, *Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry* (THA/15/03/EUR - 105548), hereafter referred to as the Ship to Shore Rights Project. The project aims to “prevent and reduce forced labour, child labour and other unacceptable forms of work and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood processing sectors.”<sup>3</sup> It focuses on four related objectives: (i) strengthening the legal framework, (ii) enhancing the capacity of the labor inspectorate to enforce the laws, (iii) promoting greater compliance with labor standards through the implementation of an industry-led Good Labor Practices (GLP) program, and (iv) expanding services to migrant workers and their families. Originally scheduled to end 31 July 2019, ILO received two no-cost extensions to 31 March 2020.
9. ILO is required to conduct a final evaluation in keeping with ILO’s policy guidelines on results-based evaluation. The principal audience for the evaluation consists of the national tripartite constituents in Thailand; the EU Delegation to Thailand; and ILO management in Thailand and Geneva. As noted in the *Terms of Reference* (TOR) for the final evaluation, the purpose of the review is to assess the extent to which project objectives have been achieved, identify good practices and lessons learned, and offer recommendations on “sustaining the impact generated through this project” going forward.<sup>4</sup> As detailed below, the evaluation considers a series of questions related to six evaluation criteria: relevance, coherence, efficiency, effectiveness, impact, and sustainability. The evaluation was managed by an independent ILO official, Ms. Harpreet Bhullar, ILO Country Office New Delhi, who has no prior involvement in the project.
10. It should be noted that the evaluation focuses on the Ship to Shore Rights project, it is not an evaluation of the overall effort of the RTG and other parties to combat illegal, unreported and unregulated (IUU) fishing, regularize migration, and/or improve employment and working conditions in the fishing and seafood sectors.

### Evaluation methodology

11. The evaluation was carried out by a two-person team consisting of an international lead evaluator and a national consultant. The evaluation centers on an assessment of performance with respect to the criteria defined in Table 1.<sup>5</sup> It is based on qualitative research, drawing on an in-depth review of project files,<sup>6</sup> written responses provided by the project staff to questions posed by the evaluation team, more than 60 hours of interviews with roughly 80 key informants,<sup>7</sup> and direct observation of port-in, port-out (PIPO) operations in Chonburi and Songkhla. The two provinces were selected based on the location of implementation partners and the type of services rendered through local

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<sup>3</sup> *Project Document*, 15 Dec 2015.

<sup>4</sup> The *Terms of Reference* and *Inception Report* are attached as an Addendum

<sup>5</sup> Key evaluation questions were developed by the evaluation team and approved by the evaluation manager. These were informed by the TOR and an initial review of project documents.

<sup>6</sup> A list of project documents is included in Annex A.

<sup>7</sup> A list of the interviews is included in Annex B. It should be noted that DOF officials at the central level were unable to meet during the mission due to scheduling conflicts; the head of the National Fishing Association of Thailand opted not to participate.

offices. All types of services provided by implementation partners were represented in the two provinces. Fieldwork was carried out 07-22 November 2019. A debriefing meeting to present preliminary findings was held with members of the Project Steering Committee and other interested parties on 22 November 2019. The 45-minute session afforded stakeholders an opportunity to comment on findings, seek clarification of particular points, and provide additional information. The evaluation adheres to the United National Evaluation Group (UNEG) evaluation norms, standards and ethical safeguards.

**Table 1. Evaluation Criteria and Associated Evaluation Questions**

Criteria and Definition	Questions
<p><b>Relevance and strategic fit</b> The extent to which the objective of reducing forced labor, child labor and other unacceptable forms of work in the Thai fishing and seafood processing sector is consistent with ILO policy, the decent work agenda, and constituent needs and priorities.</p>	<ul style="list-style-type: none"> <li>▪ Is the project aligned with the ILO strategic framework and policy outcomes (particularly Outcomes 2, 7 and 8) as well as “cross-cutting policy drivers” on international labor standards, social dialogue, and gender equality and non-discrimination?</li> <li>▪ Is the project aligned with needs and priorities in Thailand as reflected in Decent Work Country Programmes, specific requests for technical assistance from the Royal Thai Government, and views expressed by project stakeholders, including government officials and representatives of employers’ organizations, workers’ organizations, and civil society organizations?</li> </ul>
<p><b>Coherence (validity)</b> The extent to which the strategy adopted by the Ship to Shore Rights project has been logical and consistent, focusing on activities for which the ILO is best suited.</p>	<ul style="list-style-type: none"> <li>▪ Is the relationship between project activities and stated objectives clear and logical? Are activities necessary and sufficient to reduce forced labour, child labour and other unacceptable forms of work, and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood processing sectors?</li> <li>▪ Have project activities been properly sequenced and undertaken in coordination with parallel projects?</li> <li>▪ How have project activities addressed gender and inclusion issues as they relate to unacceptable forms of work?</li> </ul>
<p><b>Efficiency (a)</b> The extent to which resources made available to Ship to Shore Rights project have been used to generate results at the least cost</p>	<ul style="list-style-type: none"> <li>▪ How well has the Project Steering Committee functioned?</li> <li>▪ Has project management and staffing been adequate? Has the project received adequate technical backstopping from the ILO?</li> <li>▪ How much money has been spent on different activities/outputs? Do these expenses appear reasonable in relation to results achieved so far?</li> <li>▪ To what extent has the project leveraged resources from other ILO projects?</li> </ul>
<p><b>Effectiveness</b> The extent to which planned activities for the Ship to Shore Rights project have been undertaken, outputs have been produced, and the four strategic objectives have been achieved.</p>	<ul style="list-style-type: none"> <li>▪ Have project activities been implemented as planned, resulting in intended outputs?</li> <li>▪ What progress has the project made toward achieving strategic objectives? <ul style="list-style-type: none"> <li>▪ What changes have been made in the legal framework as a result of the project? Are the laws that have been passed aligned with ILO recommendations and consistent with ILO standards?</li> <li>▪ What changes have been made in enforcement policy, procedures, tools and the competencies of labor inspectors as a result of the project? Have these changes strengthened enforcement? Have inspectors been able to identify forced labor as evidenced by an abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions, and/or excessive overtime? What enforcement actions have been taken and how were these resolved?</li> <li>▪ What changes have been made in GLP programs adopted by TFFA/TTIA and NFAT as a result of the project? Does the GLP reflect international labor standards and national laws? Have effective dispute resolution mechanisms been established? Have grievances been resolved?</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>▪ To what extent have services available to migrant workers and families been expanded and/or improved? In particular, what progress has been made in organizing migrant workers, providing legal services to migrant workers, and strengthening dialogue among tripartite constituents?</li> <li>▪ Has the project dealt adequately with gender and inclusiveness?</li> <li>▪ What factors have advanced or hindered success?</li> </ul>
<p><b>Impact</b></p> <p>The progress that has been achieved with respect to the overall development objective of the Ship to Shore Rights project with respect to reductions in forced labor, child labor and other unacceptable forms of work in the Thai fishing and seafood processing sectors</p>	<ul style="list-style-type: none"> <li>▪ To what extent, has the project led to a reduction in forced labour, child labour and other unacceptable forms of work in the Thai fishing and seafood project?</li> </ul>
<p><b>Sustainability</b></p> <p>The likelihood that any changes brought about by the Ship to Shore Rights project will persist after the project ends and result in permanent reductions in forced labor, child labor and other unacceptable forms of work in the Thai fishing and seafood processing sectors</p>	<ul style="list-style-type: none"> <li>▪ What progress has been made in laying the foundation for sustainability, including stakeholder ownership; establishment of requisite legal framework, and the development of institutions that have the capacity to perform requisite functions without additional ILO assistance or donor funding?</li> </ul>

Notes: (a) The ILO evaluation framework includes issues related to management under the topic of efficiency.

12. Every evaluation is subject to caveats and limitations. In this instance, these are related primarily to data limitations and resource constraints. The evaluation relies on programmatic data provided by ILO and partner organizations, which, in some instances, lack robust information systems. With respect to ILO, limitations of the Integrated Resource Information System (IRIS) preclude a thorough analysis of expenditures by objective. In terms of resources, the terms of reference (TOR) for the evaluation allowed only 25 person-days for the international consultant and 20 person-days for the national consultants. Fieldwork, including the debriefing meetings, was limited to 12 workdays between 7 and 22 November. Fieldwork was limited to Bangkok, Chonburi and Songkhla. These caveats and limitations do not affect the principal conclusions of the evaluation.

## Description of Ship to Shore Rights Project

### Project objectives and strategy

13. As stated in the *Project Document*, the overall development objective of the project is “to reduce forced labour, child labour and other unacceptable forms of work, and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood processing sectors.” The logical framework included in the *Project Document* delineates four immediate objectives – i) strengthening the legal framework, ii) enhancing the capacity of the labor inspectorate to enforce the laws, iii) establishing an industry-led Good Labor Practices (GLP) program to promote compliance with core labor standards, and iv) expanding services to migrant

workers and their families.<sup>8</sup> Beginning in September 2016, annual work plans were developed, detailing planned activities. The most recent work plan (dated December 2018) lists planned activities from the inception of the project through December 2019.<sup>9</sup>

14. In addition to nationwide initiatives, 12 of the 22 coastal provinces in Thailand were selected for “focused interventions” as shown in Table 2, based on the relative size of the fishing and seafood processing sectors and the location of the then current activities of implementation partners.<sup>10</sup>

**Table 2. Coastal Provinces Selected for Focused Interventions**

Coastal zones	Provinces
Zone 1: East	Rayong, Trat
Zone 2: Central	Chonburi, Samut Sakhon
Zone 3: Upper Gulf	Chumporn, Surat Thani
Zone 4: Lower Gulf	Pattani, Songkhla
Zone 5: Andaman	Phang Ng, Phuket, Ranong, Trang

Source: Minutes of PSC Meeting and other project documents

### Governance and project staffing

15. The project has been undertaken under the direction of the ILO Country Office (CO) for Thailand, Cambodia and Lao PDR with principal responsibility for technical backstopping assigned to the Decent Work Team (DWT) in Bangkok.<sup>11</sup> A Project Steering Committee (PSC) was established to advise ILO on matters related to the design and implementation of the project, with representatives of government, employer organizations, worker organizations, and civil society organizations.<sup>12</sup> It does not have authority with respect to financial matters and its decisions are non-binding. The PSC is co-chaired by the Permanent Secretary of the Ministry of Labor and Deputy Head of Delegation to the EU Delegation for Thailand.
16. A chief technical advisor (CTA) based in Bangkok was appointed to manage a small, full-time project staff, including a project field office in Phang Nga.<sup>13</sup> The project has drawn on staff co-located in the Bangkok office from FUNDAMENTALS and LABADMIN/OSH as well as other specialists based in

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<sup>8</sup> The logical framework included in the *Project Document* delineates four “specific objectives” as follows: “(i) The legal, policy and regulatory framework in the fishing and seafood sectors strengthened by raising labour standards and facilitating more regular migration into the seafood and fishing sectors; (ii) Enhanced capacity of the Thai Government, including the labour inspectorate, to more effectively identify and take action against human trafficking and other labour rights abuses in the fishing and seafood processing sectors; (iii) Compliance with the fundamental principles and rights at work (core labour standards) in the seafood and fishing industries improved through the implementation of the Good Labour Practices (GLP) Programme, featuring an effective dispute resolution mechanism and with increased awareness and ownership for action across the supply chain; and (iv) Access to support services of workers and victims of labour abuses, including children, enhanced through engagement and empowerment of civil society organizations and trade unions. The *Project Document* lists “expected results” under each objective and includes a discussion in the main narrative of the related “main activities” that were planned at that time. The four objectives and expected results were subsequently relabelled as outcomes and outputs in the M&E framework.

<sup>9</sup> See Annex C.

<sup>10</sup> At the 2nd PSC meeting (14 Sep 2016), members endorsed plans to focus on 11 provinces; a 12th province – Trat – was added at a later date.

<sup>11</sup> As stipulated in PARDEV Approval Corrigendum, 25 Jan 2016

<sup>12</sup> See Annex D. The National Fisheries Association of Thailand (NFAT) stopped attending PSC meetings in 2018.

<sup>13</sup> The Chief Technical Advisor (CTA) started work in June 2016; the contract ended in June 2019. The field office was opened in early 2017 and closed in February 2019. See section on Efficiency for more detailed discussion of project staffing.

Geneva (including from NORMES and SECTOR), particularly with respect to Objectives 1 and 2.<sup>14</sup> Much of the work under Objective 3 and 4 was carried out by industry associations, trade unions, and civil society organizations (CSO) under implementation agreements or service contract with ILO (Table 3).<sup>15</sup> External collaborators were employed for specific tasks.

**Table 3. Summary of Implementation Agreements with CSO**

Organization (a)	Scope	Period (a)
Foundation for Education and Development (FED)	<ul style="list-style-type: none"> <li>Development of a mobile application to disseminate information on migration policy, labor laws, employment opportunities and other matters of interest to migrant workers</li> <li>Facilitate access to educational services by children of migrant workers in the fishing and seafood sectors.</li> </ul>	08/2017 – 07/2018
Human Rights and Development Foundation (HRDF)	<ul style="list-style-type: none"> <li>Development of manuals on case management and legal referrals and provision of associated “paralegal” training for CSOs</li> <li>Provision of legal counseling to migrant workers</li> </ul>	06/2017- 11/2019
International Transport Workers Federation (ITF)	<ul style="list-style-type: none"> <li>Organization of Fishers’ Right Networks in Songkhla, Ranong and Trat</li> <li>Training on labour rights, labor organizing, worker safety and first aid (including distribution of medical kits)</li> </ul>	04/2018 - 10/2019
Oxfam GB in Thailand	<ul style="list-style-type: none"> <li>Building the capacity of the CSO Coalition of Sustainable and Ethical Seafood to undertake public awareness/advocacy campaigns (b)</li> <li>Development of content and organization of campaigns</li> </ul>	08/2017- 02/2019
Raks Thai Foundation	<ul style="list-style-type: none"> <li>Training for migrant leaders</li> <li>Community outreach sessions on labour rights and immigration issues</li> <li>Provision of legal assistance to migrant workers through Raks Thai Migrant Worker Supporting Centres</li> <li>Organization of provincial tripartite meetings</li> </ul>	07/2017 – 11/2019
State Enterprises Workers’ Relations Confederation Foundation (SERC)	<ul style="list-style-type: none"> <li>Organization of worker associations in the fishing and seafood sectors in Chonburi and Songkhla</li> <li>Training of workers in Chonburi and Songkhla on labor rights and labor organizing</li> <li>Establishment of a complaint mechanism and provision of legal assistance</li> <li>Engagement in political advocacy at the national and provincial levels on fundamental principles, including freedom of association and collective bargaining</li> </ul>	01/2017 - 11/2019
Stella Maris Seafarers Centre	<ul style="list-style-type: none"> <li>Establishment of three drop-in centers for fishers</li> <li>Provision of training to migrant workers on immigration, labor rights, safety and health.</li> <li>Provision of welfare services</li> <li>Establishment of Pattani Learning Center for Children</li> </ul>	12/2016 – 07/2019

Notes: (a) Multiple agreements were executed with some CSO. In those instances, the dates refer to the start date of the first agreement and the end date of the last agreement. (b) Member of the CSO Coalition include ten domestic organizations: Labour Rights Promotion Network (LPN), Stella Maris Seafarers Center, Migrant Workers Rights Network (MWRN), Foundation for Education and Development (FED), Human Rights and Development Foundation (HRDF), Raks Thai Foundation, Thai Sea Watch Association (TSWA), Association of Thai Fisherfolks Federation (ATFF), Andaman Foundation, and the Sustainable Development Foundation (SDF). International members include: Oxfam in Thailand, Greenpeace Thailand, TLCS Legal Advocate, Freedom Fund, and the ILO (observer).

Source: Evaluation team based on Implementation Agreement, technical progress reports, and key informant interviews

<sup>14</sup> ILO is organized by departments and branches. In this case, staff were drawn from International Labour Standards Department (NORMES), Sectoral Policies Department (SECTOR), and two branches of the Governance and Tripartism Department (GOVERNANCE) – Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), and Labour Administration and Labour Inspection and Occupational Safety and Health Branch (LABADMIN/OSH)

<sup>15</sup> The number of potential partners in Thailand is fairly limited. As part of due diligence, the project staff reviewed necessary documentation and conducted interviews and site visits with potential partners. Agreements were not renewed with organizations that did not meet expectations.

### **Project duration and budget**

17. The project was originally scheduled to run for 42 months from 1 February 2016 through 31 July 2019, but was extended for an additional eight months under two no-cost extensions. The total budget for the project was set at €4.2 million, with €3.7 million slated to come from the EU and €500,000 from the ILO regular budget in the form of ILO staff time. Roughly, 20 percent of the budget was allocated to CSOs under implementation agreements.



## Chronology

18. Table 4 presents a chronology of the key events leading up to and during the project.

**Table 4. Chronology**

Event	Date
<b>Before Project</b>	
Publication of ILO, Employment Practices and Working Conditions in Thailand’s Fishing Sector	2013
US State Department TIP status downgraded from Tier 2 – Tier 3	April 2014
Yellow card issued by EU	April 2015
Royal Ordinance on Fisheries	May 2015
Command Center for Combating Illegal Fishing (CCCIF) created and PIPOs established	May 2015
Ministerial Regulation on the Protection of Labour in Sea Fisheries	Dec 2015
Grant Agreement signed by ILO and EU (including <i>Project Document</i> )	Dec 2015
<b>During Project</b>	
Project start	01 Feb 2016
Letter of Intent between RTG and ILO	17 Mar 2016
1st Project Steering Committee Meeting	10 May 2016
CTA starts work	20 Jun 2016
Work plan endorsed by PSC at its 2 <sup>nd</sup> meeting	07 Sep 2016
Ratification of the ILO 2014 Protocol to the Forced Labour Convention (P29)	04 Jan 2018
Ministerial Regulation on the Protection of Labour in Sea Fisheries amended re direct deposit	02 Apr 2018
Establishment of FRN	01 May 2018
Yellow card lifted	08 Jan 2019
Ratification of the ILO Convention on (C188)	30 Jan 2019
Publication of GLP Guidelines for Seafood	Mar 2019
Royal Ordinance on the Suppression and of Prevention of Human Trafficking amended	06 April 2019
Protection of Fishing Workers Act gazetted	19 May 2019
Protection of Fishing Workers Act into effect	18 Nov 2019
Project ends	31 Mar 2020

Source: Evaluation Team

## Principal Findings

### Relevance<sup>16</sup>

*The project addresses a critical issue in Thailand and is consistent with ILO policy, the decent work agenda, and constituent needs and priorities.*

19. The rationale for the project was well discussed in the *Project Document*. While noting the significant economic importance of the fishing and seafood sectors in Thailand in terms of their contribution to gross domestic product (GDP) and employment, the *Project Document* calls attention to a various reports published in 2013-2015 by the ILO and other organizations that documented “serious human and labour rights abuses committed in the Thai commercial fishing and seafood processing industries,”<sup>17</sup> particularly with respect to migrant workers from Cambodia,

<sup>16</sup> Definition. The extent to which the objective of reducing forced labor, child labor and other unacceptable forms of work in the Thai fishing and seafood processing sector is consistent with ILO policy, the decent work agenda, and constituent needs and priorities.

<sup>17</sup> These include the following: i) ILO (2013). *Employment Practices and Working Conditions in Thailand’s Fishing Sector*; and ii) The Asia Foundation and ILO (2015). *Migrant and Child Labor in Thailand’s Shrimp and Other Seafood; Supply Chains: Labor Conditions and the Decision to Study or Work*. Around that same time, there were a series of articles published in the *Guardian* and the *New York Times* on labor conditions in Thailand. Various advocacy groups had also issued numerous reports.

Lao PDR, and Myanmar.<sup>18</sup> (The Ship to Shore Rights 2017 Baseline Survey showed that problems still remained in 2017 – 71 percent of fishers reported one or more indicators of forced labour; the comparable figure for workers in the seafood processing sector was 44 percent.)

20. At the time the project was designed, Thailand faced the prospect of significant consumer backlash and trade sanctions, particularly in the United States and Europe. Trafficking issues in the fishing and seafood processing sector (as well as other sectors) led the US State Department to downgrade Thailand from Tier 2 to Tier 3 status in the Trafficking in Persons Report 2014.<sup>19</sup> On 21 April 2015, the European Commission put Thailand on formal notice (“Yellow Card”) for failing to combat illegal, unreported and unregulated (IUU) fishing, requiring the country to implement corrective measures in order to avoid a ban on exports of fishery products to the EU.<sup>20</sup> While IUU standards do not make explicit mention of employment or working conditions, it was generally understood that the EU expected Thailand to take action on this front as well.
21. While significant steps had been made to address problems in these sectors between 2013 and 2015, the *Project Document* notes that additional effort was needed to strengthen the legal framework, enhance enforcement of labor laws, improve voluntary compliance initiatives, and expand services available to migrant workers and their families. With respect to the legal framework, the document highlights the importance of ratifying Protocol of 2014 to the Forced Labor Convention (P29) and Work in Fishing Convention (C188).<sup>21</sup>
22. The project is aligned with the ILO strategic framework and policy outcomes. While the Ship to Shore Rights project predates Thailand’s *first* Decent Work Country Programme (DWCP), which covers the period 2019-21, from the beginning, it has been tracked against ILO Policy 8: Protecting workers from unacceptable forms of work, as defined in Table 5.<sup>22, 23</sup>

**Table 5. ILO Policy Outcome**

Outcome	Outcome Statement	Alignment with SDG
Outcome 8. Protecting workers from unacceptable forms of work	Member States develop or enhance laws and policies, strengthen institutions, and foster partnerships to protect women and men from unacceptable forms of work.	5.2, 8.5, 8.7, 8.8 and 10.3

<sup>18</sup> There are two main processes that allow migrant workers to work in Thailand legally. The first is through a memoranda of understanding (MOUs) with neighboring countries; the second approach is through a registration system known as the nationality verification (NV) process, which allows migrant workers, who entered the country illegally to regularize their status, secure necessary documentation, and continue to work in the country on a temporary basis..

<sup>19</sup> Tier 3 is reserved for those nations whose governments do not fully comply with minimum human trafficking abatement efforts and are not making significant efforts to comply with those standards.

<sup>20</sup> The country was given six month to comply with stated requirements; however, the deadline was subsequently extended.

<sup>21</sup> As of December 2015, Thailand had ratified five of the eight ILO fundamental (core) conventions. The status of these and other relevant Conventions is included as Annex E.

<sup>22</sup> The biennial Programme and Budgets (P&B) approved by the International Labour Conference are based on the overall ILO strategy and results-framework. The programme of work is delivered in Member States mainly through Decent Work Country Programmes (DWCP). DWCP include country programme outcomes (CPO), which are aligned to outcomes defined in the P&B. Under the ILO system, each project can only be associated with one policy outcome. While Outcome 8 is most applicable, given the nature of project activities, other outcomes also appear germane, including “Outcome 2: Ratification and application of international labour standards;” Outcome 7: Promoting safe work and workplace compliance including in global supply chains; Outcome 9: Fair and effective international labour migration and mobility; and Outcome 10: Strong and representative employers’ and workers’ organizations.

<sup>23</sup> The corresponding Country Policy Outcome (CPO) code in Thailand is “THA153. Governments and social partners in Thailand develop and implement policies to protect women, men and children from unacceptable forms of work.”

23. The Royal Thai Government (RTG) signalled its support for the project in a formal letter, continued participation in the Project Steering Committee, and requests for specific assistance over the past four years. Overall, the evaluation found broad support for the project among government officials and representatives of industry associations, trade unions, and civil society organizations. (The notable exception is NFAT, which has been vocally opposed to the ratification of C188 and to the enactment of the Protection of Fishing Workers Act.)

## Coherence<sup>24</sup>

*For the most part, the design of Ship to Shore Rights project is sound, focusing on activities for which the ILO is well suited.*

24. The relationship between the overall development objective and efforts to strengthen the legal framework, enhance enforcement of laws, and promote voluntary effort to adopt good labor practices is logical and consistent. However, a few issues merit highlighting:
- General. While a compressed schedule can help focus attention and spur action, it was unrealistic to expect that all objectives (notwithstanding delays) would be achieved within the 42-month timeframe.
  - Objective 1. While some countries address gaps in the legal framework before moving to ratify conventions, in this case, ratification of P29 and C188 preceded legal reforms. Advocates were able to rally around ratification, which was then used to help push for enactment of new laws.
  - Objective 2. As designed, the project focused on building the capacity of the labor inspectorate. It was expected that labour inspectors would be able to carry out inspections and take appropriate action to enforce by issuing warnings and administrative orders and, where appropriate, imposing penalties or other sanctions for violations. However, responsibility for enforcement extends beyond the labor inspectorate to include other government authorities, particularly at the provincial level, and adjudicative bodies including the courts. The effort to engage provincial officials through tri-partite meetings intended to change attitudes toward migrant workers, resulting in policy reforms, and on occasion, increasing attention to particular cases. However, the project did not include activities directed toward the courts.<sup>25</sup>
  - Objective 3. The third objective focused on establishing an industry-led GLP program. The design for the GLP program has evolved over time in light of experience. In May 2017, the project issued a report, which laid out the principles and broad contours of a GLP Programme as well as the governance, staffing, and budget for a proposed GLP “centre”. However, this plan was shelved due to the lack of support by some industry associations, including NFAT. Currently, the GLP program centers on activities by TFFA/TTIA, including the development of GLP Guidelines, delivery of training, performance of factory assessments, and the publication of annual reports. The design of the program emphasizes engagement with workers through

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<sup>24</sup> Definition. The extent to which the strategy adopted by the Ship to Shore Rights project has been logical and consistent, focusing on activities for which the ILO is best suited.

<sup>25</sup> ILO provided some training, albeit limited, under a project funded by the EU European Instrument for Democracy and Human Rights (EIHDR). The project centered on a review of forced labor cases in Thailand. The report was discussed at a workshop for stakeholders, including court officials. Key informant interviews.

legally mandated Welfare Committees. The design assumes that the industry associations will be able to ensure members' compliance with labor standards and that member's involvement in the GLP program will yield tangible benefits to participating companies. This assumption may be yet to be tested. Further, some people in the labor union movement would argue that efforts to strengthen company-formed worker committees may run counter to the objective of establishing strong independent unions.

- Objective 4. As originally designed, the fourth objective lacked focus and included a wide range of disparate activities. The relationship between welfare services, including better access to education, to the overall development objective may not be valid. The implicit assumption is that migrant services help build trust within the community, which may increase the likelihood that migrant workers will seek help to exercise their legal rights and/or engage in political advocacy. This may be a bit of a stretch. While affording children better educational opportunities is typically a central element of child labor projects, in this case, the problem of child labor in seafood processing had been largely addressed by the time the project began. The RTG had enacted a new law on minimum age, the Royal Thai Police had cracked down on offenders, major seafood processing companies had brought shrimp-peeling operations in-house, and disease in shrimp farms had resulted in a fall in production and demand for labor. The project ended support for FED after the mid-term evaluation due to a change in direction,<sup>26</sup> but continued to fund the Stella Maris Learning Center in Pattani.
  - Finally, some activities included in the logical framework and work plan do not fall within the boundary of the project, including the design and implementation of a national child labour survey (1.1.3), the development of a Master Plan on Labour 2017-2022 (1.3.1), and the design of Vessel Monitoring Systems (2.3.5 - dropped after mid-term). Neither the RTG nor other parties, including the ILO, made specific requests for assistance from the project. While project staff tracked these activities and brought them up for discussion at PSC meetings, the project did not have a substantive role in carrying them out.
25. As noted above, the project is fully consistent the main aims of the ILO -- promote rights at work, encourage decent employment opportunities, enhance social protection, and strengthen dialogue on work-related issues through tri-partite engagement. The Project was firmly embedded within the organization, allowing it to draw on technical expertise, methods, tools and financial support from ILO.

*The project developed and implemented a gender strategy and gender mainstream guidelines.*

26. The *Gender Strategy* was prepared by the project staff in late 2017 and draws heavily on the results of the baseline survey.<sup>27</sup> It notes that the fishing and seafood processing sectors are highly gender segregated: men constitute the entire labor force aboard fishing vessels, whereas the seafood processing sector is predominately women. The strategy lays out a series of principles – design activities to respond to the different needs and interest of men and women, ensure that data are disaggregated by gender, track and ensure gender balance in activities, and be mindful of disparate gender impacts. It goes on to delineate issues that should be considered under each objective. *Mainstreaming Guidelines* prepared in September 2018 reiterate these principles and present a

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<sup>26</sup> Key informant interview

<sup>27</sup> Gender Strategy for the Ship to Shore Rights Project, 30 Oct 2017.

checklist for each objective.<sup>28</sup> In general, the evaluation team found that the principles and guidelines were followed. One issue that arose during the course of the project was the limited role of women among leadership of worker organizations in the seafood processing sector. The project staff discussed this issue with organizers and efforts have been made to reach out to more women and encourage their participation.

## Efficiency<sup>29</sup>

*Expenditures are in line with the budget and are consistent with the scope and scale of activities.*

27. Table 6 provides detail on the budget and expenditures. The total budget for the project is roughly €4.2 million, of which approximately €3.9 million (93%) had been spent through 1 Nov 2019. Salaries (including project staff and support provided by ILO staff), travel, office expenses, communications and other direct expenses not assigned to specific components constitute roughly half of the budget and 54 percent of expenses incurred. All told, approximately €1.6 million is reported as having been spent on the four objectives, with Objective 4 accounting for the bulk of this total. However, the amounts shown understate resource commitments; as noted above, the figures for the components do not include the time of project or DWT/CO staff.

**Table 6. Budget and Expenditures**

Item	Budget (€)	As of 1 November 2019	
		Actual + Encumbrances (€)	Balance (€)
Salaries	1,558,327	1,555,744	2,582
Travel	126,218	106,779	19,438
Equipment and supplies	24,488	18,867	5,621
Local office	86,473	76,019	10,454
Evaluation	91,594	83,644	7,950
Translation	39,006	24,619	14,387
Conferences/seminars/advisory committees	39,723	31,623	8,100
Communications	193,162	165,348	27,814
Sub-total	2,158,989	2,062,643	96,346
Objective 1	294,169	246,341	47,828
Objective 2	289,118	236,603	52,514
Objective 3	185,911	162,604	23,307
Objective 4	992,022	912,430	79,592
Sub-total	1,761,220	1,557,978	203,242
Provision for contingency reserves	32,881	-	32,881
Indirect costs	316,080	230,894	85,186
Total	4,269,170	3,851,515	417,655

Note: Financial statements refer to the four objectives as components.

Source: evaluation team based on data provided by ILO

28. A look at implementing agreements with CSOs sheds more light on how monies have been committed under Objective 4 (see Table 7).

<sup>28</sup> Gender Mainstreaming Guidelines for the Ship to Shore Rights Project, 14 Sep 2018.

<sup>29</sup> Definition. The extent to which resources made available to Ship to Shore Rights project have been used to generate results at the least cost.

**Table 7. Budgeted Support for CSOs**

Organization	Amount (USD)
Stella Maris Seafarers Centre	234,794
State Enterprises Workers' Relations Confederation Foundation (SERC)	202,584
International Transport Workers Federation (ITF)	127,496
Human Rights and Development Foundation (HRDF)	91,423
Oxfam GB in Thailand	77,465
Raks Thai Foundation	71,756
Foundation for Education and Development (FED)	15,874

Source: Implementation Agreements and input from CSOs

### *The project faced delays in staff hiring and staff turnover*

29. While overall expenditures are reasonable, delays in staff hiring and staff turnover affected the efficiency of the project given the time required to bring new staff up to speed. As shown in Table 8, a full-time CTA was brought on board until in June 2016 – five months after the initiation of the project.<sup>30</sup> (In the interim, a member of the TRIANGLE project team managed the project). Staffing issues were not limited to the CTA. Three people have served as the National Project Coordinator (NPC) over the course of the project.<sup>31</sup> The first split her time with between TRIANGLE and the Ship to Shore Rights project before shifting back to TRIANGLE full-time in December 2016. The second NPC left to take a position outside ILO in early February 2019; it took three months to find a replacement. The person serving as Program Officer left in November 2018; the position was filled in February 2019, when the field office in Phang Nga was closed and the person who had served as the Project Field Coordinator relocated to Bangkok. Finally, five different people have filled the position of finance and administration assistant; the average tenure was roughly eight months.

**Table 8. Project Staffing**

Number	Position	Name	Duration	Grade	Station
1	Chief Technical Advisor	Jason Judd	20 June 2016 – 10 July 2019	P4	Bangkok
1-1.5	National Project Coordinator	Kuanruthai Siripatthanakosol	1 July 2016 – 31 Dec 2016 (a)	NOB	Bangkok
	National Project Coordinator	Supavadee Chotikajan	22 Aug 2016 -8 February 2019	NOB	Bangkok
	National Project Coordinator	Vasu Thirasak	16 May 2019 – Present	NOB	Bangkok
1	Programme Officer	Chonnikarn Phochanakij	24 July 2017 – 19 November 2018	NOB	Bangkok
	Programme Officer	Anyamane Tabtimsri	1 February 2019 – Present	NOB	Bangkok
1	Project Field Coordinator	Anyamane Tabtimsri	1 February 2017 – 31 January 2019	NOA	Phang Nga
1	Project Officer	Thitaree Uaumnuaay	1 August 2018 – 31 July 2019	NOA	Bangkok
1	Finance and Admin. Assistant	Nachagahn Satiensotorn	1 June 2016 – 16 July 2017	G5	Bangkok
	Finance and Admin. Assistant	Chadapa Krailassuwan	17 July 2017 – 31 May 2018	G5	Bangkok
	Finance and Admin. Assistant	Thitikorn Poolkhao	1 June 2018 – 3 February 2019	G5	Bangkok
	Finance and Admin. Assistant	Kanit Theeratumasakul	1 February 2019 - 30 June 2019	G5	Bangkok
	Finance and Admin. Assistant	Wasu Vipoosanapat	1 August 2019 – Present	G5	Bangkok
1-2	Administration Assistant	Jitvadee Thonglim	1 March 2017 – 28 February 2019	G3	Phang Nga
	Administration Assistant	Thitikorn Poolkhao	1 Nov 2017 - 31 May 2018	G4	Bangkok

Notes: (a) shared cost 50% with TRIANGLE

Source: Evaluation team based on data provided by ILO

<sup>30</sup> The CTA left in July 2019 to return to the United States, five months before project is schedule to end under the extension. He has continued to be involved on the project on a consulting basis, returning to Thailand for short periods in October, November and December 2019.

<sup>31</sup> As part of the job, the NPC had responsibility for M&E.

*The Ship-to-Shore Project has drawn on DWT/CO staff and has worked closely with other ILO projects*

30. As noted above, the project has drawn on DWT/CO staff based in Bangkok for technical support. The co-location of staff has facilitated ready access to these specialists at key points in the project. It has also coordinated activities with other ILO projects and collaborated where appropriate, particularly with the TRIANGLE and SEA Fisheries projects (Table 9). The TRIANGLE project focuses on labor migration issues in the ASEAN region, including migration policy, legal reforms, and migrant assistance. In Thailand, activities are concentrated in Bangkok, Chiang Mai, and Mae Sot. To avoid duplication of effort, the TRIANGLE project does not include activities aimed at the fishing and seafood processing sectors. The SEA Fisheries project focuses on regional coordination of initiatives to combat trafficking in the fishing sector.<sup>32</sup> The Ship to Shore Rights project has shared information and offered advice on project design, provided links to Thai partners, and supported meetings in Thailand, Indonesia and South Africa.<sup>33</sup>

**Table 9. Relevant ILO Projects**

Project Title	Project Code	Geographical Coverage	Duration	Funding
TRIANGLE	RAS/15/05/AUS RAS/16/01/CAN	Greater Mekong Sub-region and Malaysia	1 Nov 2015 - 31 Oct 2025	<ul style="list-style-type: none"> <li>• Australian Government Department of Foreign Affairs</li> <li>• Trade (DFAT) - Global Affairs Canada (GAC)</li> </ul>
SEA Fisheries Project		Southeast Asia	1 Apr 2017 - 31 Aug 2020	<ul style="list-style-type: none"> <li>• United States Department of State</li> </ul>

*The PSC has operated in keeping with its agreed terms of reference.*

31. As noted above, a Project Steering Committee was established, consisting of representatives of government, employers and industry associations, workers’ organizations and CSOs. The PSC is an advisory body. Project staff served as the secretariat for the PSC, responsible for organizing meetings, preparing agendas and related documents, drafting minutes, and maintaining communication with members. The PSC has held ten meetings: the first meeting was held on 10 May 2016; the most recent was held in 22 November 2019. A review of minutes shows that meetings were well attended by members and other observers. Agendas were well structured and minutes were written clearly. Members of the PSC that were interviewed as part of this evaluation indicated that meetings provided an opportunity to discuss project activities and share relevant information; however, some had hoped that the PSC would play a more active role, particularly with respect to securing RTG funding for NGOs and coordinating specific joint activities.

*While generally sound, the monitoring and evaluation (M&E) framework has several weaknesses*

32. The project staff developed an M&E framework, which was endorsed by the PSC in June 2017. The framework was subsequently modified based on recommendations offered in the mid-term evaluation report. While the framework is generally sound, there are several weaknesses with respect to its design and implementation. The distinction between activities, outputs and outcomes is not always consistent. Moreover, some indicators are not necessarily relevant, valid or

<sup>32</sup> [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/projectdocumentation/wcms\\_624194.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/projectdocumentation/wcms_624194.pdf)

<sup>33</sup> Written response from project staff.



reliable. Finally, the review suggests some results may have been misstated. Specially, various reports refer to the number of people that have received services through the project. The latest report places this figure at 24,010, including workers, spouses and children. Stella Maris accounts for almost 80 percent of the total. A review of the data submitted by Stella Maris and discussions with key informants indicates that this figure refers to the number of person-engagements rather than the number of unique beneficiaries.<sup>34</sup> The actual number of unique beneficiaries is unknown.

## Effectiveness<sup>35</sup>

### *Component 1 – The project played a significant role in the ratification of ILO conventions and promulgation of new national laws addressing forced labor and the protection of fishers*

#### **The project builds on earlier legal reforms.**

33. The Royal Thai Government (RTG) passed a number of laws between 2013 and 2015 to address IUU and afford workers, including migrants, greater legal protection. These include, inter alia, the enactment of the Royal Ordinance on Fisheries (2015), Ministerial Regulation on Occupational Safety, Health and Welfare of Crew in Fisheries (2016) and the Ministerial Regulation on the Protection of Labour in Sea Fisheries (2014). Issued under the Labour Protection Act (1998), the latter regulation provides minimum standards for the protection of workers in the fishing industry. Pursuant to the regulation, all workers in commercial fishing, regardless of the number of fishers and crew members on board vessels, are entitled to minimum wage payment, rest periods, and monthly and annual paid leave. Employers are also obliged to provide written employment contracts to all workers<sup>36</sup> and the employment of persons under 18 years of age on board fishing boats is prohibited. As noted in the two gaps analyses conducted for P29 and C188, while more work was needed, much of the requisite legal framework was already in place prior to the start of the project.

#### **ILO provided significant assistance to the RTG with respect to the ratification of P29 and C188 and drafting of associated national legislation.**

34. The work carried out under Objective 1 primarily focused on ratification and implementation of the 2014 Protocol to the Forced Labor Convention (P29) and the Work in Fishing Convention (C188).<sup>37</sup>

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<sup>34</sup> For example, if a particular person attended three training events it would represent three person-engagements, but only one unique beneficiary. Similarly, if a particular person received different services – training, counselling, and help with interpretation at a hospital, each engagement would have been counted as a separate person-engagement. Similarly, the total does not account for the likelihood that some people received services from more than one CSO.

<sup>35</sup> Definition. The extent to which planned activities for the Ship to Shore Rights project have been undertaken, outputs have been produced, and the four strategic objectives have been achieved.

<sup>36</sup> The legal requirement for employment contracts to be in Thai and native languages has been dropped.

<sup>37</sup> ILO has also provided assistance to the RTG on issues related to the Royal Ordinance on the Management of Foreign Workers (2017) as amended in 2018. Assistance has been coordinated by the TRIANGLE project with the support of the DWT migration specialist. The Royal Ordinance on Management of Migrant Workers, which took effect in March 2018, required employers to provide workers a copy of their employment contracts and to cover recruitment fees and transportation costs (excluding personal expenses such as passports, work permits, and medical checks,). The decree prohibited employers from deducting more than 10 percent of workers' monthly salaries for personal expenses and the retention of travel or other personal documents; the law prescribed penalties of fines ranging from 10,000-100,000 baht (\$309-\$3,090) and up to six months' imprisonment for employers who violated these rules. ILO has indicated that the 2018 amendment brought the law "largely in line with the ILO standard on labor migration." (See letter from G. Buckley, Director ILO Country Office for Thailand, Cambodia



The Ship to Shore Rights project served as the conduit for ILO assistance requested by the RTG,<sup>38</sup> coordinating input from specialists in FUNDAMENTALS, NORMES and SECTOR as well as the Country Office Director. Major activities included, but are not limited to, reviews of existing laws to identify changes needed to comply with the Conventions (“gap analysis”),<sup>39</sup> extensive support for a series of consultations with key constituencies,<sup>40</sup> written responses to questions posed by RTG, technical comments on draft laws prepared by the RTG,<sup>41</sup> testimony in public hearings,<sup>42</sup> letters of support urging government action, and informal discussions with key policymakers and interest group representatives. Several research studies were undertaken by the project to inform debate, including the *Baseline Survey* released in March 2018,<sup>43</sup> which found that there were still unresolved labor issues in the fishing and seafood sectors despite the significant efforts undertaken over the preceding three years.<sup>44</sup> The Government and industry associations challenged certain aspects of the report;<sup>45</sup> however, the report reinforced the need for further reforms and was used by advocates to call for ratification of P29 and C188.

**A stronger legal framework has been put in place, but regulations and administrative rules still need to be developed**

35. Aided by the ILO, but driven by the concerted efforts of a broad range of advocates inside and outside government, P29 and C188 were ratified by the RTG in June 2018 and January 2019, respectively. Thailand is the first country in Asia to ratify either of these instruments.
36. Efforts to enact requisite national laws proceeded apace. As shown in Table 10, the amendment to the Prevention and Suppression of Human Trafficking Act was done through a Royal Ordinance enacted in April 2019. The amendment (Section 6/1 and 6/2) established forced labor as a crime separate from trafficking. It defines forced labor as “compelling another person to work or provide services by any of the following means: (1) threatening to cause injury to life, body, liberty, reputation or property of the person threatened or any other person; (2) intimidating; (3) using

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and Lao to the Permanent Secretary, MOL (dated 20 Sep 2019). In August 2019, the Cabinet approved a new policy on the process for the renewal of work permits for migrant workers – *Guidelines for Migration Management 2019-2020*. On a positive note, the Guidelines allow workers to renew work permits without having to return to their country of origin and reduce the administrative burden on employers. However, as indicated in the ILO letter (ibid), the Guidelines place the burden of paying recruitment-related costs on migrant workers, which runs counter to ILOs General Principles and Operational Guidelines for Fair Recruitment. Further, the letter points out that this provision is not aligned with the Royal Ordinance. Finally, the ILO letter notes that the government increased the cost of visas and work permits.

<sup>38</sup> Request for assistance from RTG regarding conventions/legislation were submitted to ILO and then routed to project.

<sup>39</sup> ILO, *Forced Labour Protocol (P29) Thailand Situation and Gap Analysis*, Feb 2017 and ILO, *Work in Fishing Convention (C188) Gap Analysis*, March 2017

<sup>40</sup> According to the project staff, these consultations drew more than 1,720 participants from government, employer organizations, worker organizations, and civil society organization. See *Third Interim Technical Progress Report*.

<sup>41</sup> ILO *Response on C188 to Royal Thai Government*, 19 Feb 2018 and *Compilation of ILO Thailand’s Technical Responses on C188*, Dec 2018.

<sup>42</sup> ILO *Remarks for Draft Thai Prevention of Forced Labour Act Public Hearing*, 15 Feb 2018 and ILO *remarks for MOL Online Comment regarding Draft Prevention and Elimination of Forced Labour Act*. 6 July 2018

<sup>43</sup> ILO, *Baseline Research Findings on Fishers and Seafood Workers in Thailand*, March 2018. The report was also shared with government authorities in Myanmar and Cambodia.

<sup>44</sup> Other research studies conducted by the project include “*Moving to Electronic Payment in the Thai Fishing Industry*,” “*MOU Channel Effectiveness and Labour Market Status*” and *Case Study on Vessel Reconfiguration*.” Another report titled, “*Case Studies related to Forced Labour in Thailand: Support The Application of ILO Fundamental Conventions and Human Rights in Thailand, With a Focus on the Forced Labour Convention, 1930 (No. 29)*” was funded by the EU under the European Instrument for Democracy and Human Rights (EIDHR) project.

<sup>45</sup> Key informant interviews.

force; (4) confiscating identification documents; (5) using debt bondage incurred by such person or any other person as the unlawful obligation; and (6) using any other means similar to the above acts.” The law imposes significant penalties for committing the offense.<sup>46</sup>

**Table 10. Status of ILO Instruments and National Laws**

Convention	Legislation	Regulations
2014 Protocol to the Forced Labor Convention (P29) Ratified 04 Jun 2018 (in force)	Royal Ordinance Amending the Prevention and Suppression of Human Trafficking Act (2008) as amended 2019 06 Apr 2019 (effective 07 Apr 2019)	Not yet issued
Work in Fishing Convention (C188) Ratified 30 Jan 2019 (not in force) (a)	Protection of Fishing Workers Act 22 May 2019 (effective 18 Nov 2019)	Regulations related to some, but not all, provisions have been issued

Notes (a) Comes into force on 31 January 2020.

37. The National Assembly passed the Protection of Fishing Workers Act in May 2019 in the face of stiff opposition from industry groups, particularly the National Fisheries Association of Thailand (NFAT). It went into effect on 18 November 2019. The law names the MOL as the competent authority for many, but not all, provisions. It addresses, inter alia, the repatriation of fishers who are outside of Thai waters in foreign countries when employment contracts expire (Section 9-10), responsibility of the vessel owner to pay recruitment fees (Section 11), responsibility of vessel owners to provide fishers health and welfare benefits as prescribed in a Notification by the Minister of Labour (Section 12), and the requirement for decked fishing vessel with 300 or more gross tons to provide accommodation on board in accordance with rules prescribed in the law on navigation in Thai Water (Section 13). Penalties for failing to comply with the law are punishable by a prison term of up to one year and/or a fine of 20,000 to 50,000 baht.
38. While some subsidiary legislation has been passed, ministerial regulations required to fully implement the laws are still being developed. (Project staff have attended meetings held to discuss regulations, but ILO has not received a formal request for assistance.<sup>47</sup>) People interviewed as part of the evaluation attribute the delay to a number of factors, including the change in government, retirement of key government officials, lifting of the yellow card in January 2019, and with respect to implementing regulations for the Protection of Fishing Workers Act, continued opposition from NFAT. The absence of regulations and administrative rules make enforcement of provisions of the two laws difficult.
39. While it has, perhaps, received less attention, the project also played a role with respect to an amendment to the Ministerial Regulation on Labor Protection in Sea Fishing Work B.E. 2557 (2014), which was introduced in March 2018 that requires fishers to be paid via direct deposit to bank account.<sup>48</sup> In addition to providing advice on the provision during the drafting process, roughly six months after the measure was put into force, the project conducted a “rapid assessment” of the

<sup>46</sup> “Any person commits an offense under section 6/1 shall be liable to imprisonment for a term of six months or four years or or to a fine of 50,000 to 400,000 baht. If the offense committed under 6/1 results in the victim being seriously injured to having a fatal disease, such person shall be liable to imprisonment for a terms of eight to 20 years and a fine of 800,000 to 2 million baht. If the offense results in the death of the victim, the person shall be liable to life imprisonment or death penalty.”

<sup>47</sup> Key informant interviews and written response from project staff.

<sup>48</sup> See, for example, correspondence between J. Judd (CTA) and T. Laohathai (MOL) in September 2017, which discusses findings from the Baseline Survey with respect to problems with wage payments and provides advice on the establishment of an e-payment system. ILO offered to provide further technical assistance on this matter.

results of the regulation.<sup>49</sup> It offered a series of recommendations for regulatory reforms, the expansion of ATM systems, implementation of payroll systems, and worker training and public awareness campaigns.

40. Finally, in concert with TRIANGLE, the project has conducted research on MOU channels<sup>50</sup> and engaged in discussions with government authorities in Myanmar and Cambodia. These discussions led to the provision of pre-departure orientation sessions for fishers in Myanmar (see below).

*Component 2 – There has been a significant improvement in the inspection of fishing vessels, but there are still significant challenges to ensuring that the rights of workers are fully protected.*

#### Labor inspection activities in the fishing sector take place through the PIPOs<sup>51</sup>

41. Port-in, port-out (PIPO) centers were established in May 2015 under the direction of the Command Center for Combating Illegal Fishing (CCCIF).<sup>52</sup> In October 2019, responsibility for the PIPOs was transferred to the Thailand Maritime Enforcement Coordinating Center (Thai-MECC) under the authority of the DOF (MOAC).
42. There are 30 PIPOs plus an additional 21 Forward Inspection Points in 22 coastal provinces.<sup>53</sup> The PIPOs are staffed with officials from multiple government departments. The composition of the teams has gone through a number of iterations and currently consists of officials from the Royal Navy, DOF (MOAC), Marine Department (MOT), and DOE and DLPW (MOL).<sup>54</sup> Currently, 85 labor inspectors from DLPW are assigned to PIPO duty.<sup>55</sup> It should be noted, prior to 2015, the DLPW had no jurisdiction over employment in the fishing sector. In fact, there was no government agency with clear responsibility for the protection of fishers. DLPW inspections are carried out pursuant to Ministerial Regulation on the Protection of Labour in Sea Fisheries B.E. 2557 (2014) as amended.
43. The PIPOs are responsible for inspecting registered commercial fishing vessels greater than 10 gross tons. According to DOF data, roughly 11,000 commercial fishing vessels have been registered.<sup>56,57</sup> However, a significant proportion of these vessels are tied up in ports due to a shortage of fishers, seasonal fishing patterns, and market conditions. As such, the number of operating vessels that are subject to PIPO inspection at any point in time is put at roughly 7,000.<sup>58</sup> The total crew of commercial fishing vessels is estimated at 60,000 to 100,000.<sup>59</sup> While there are significant

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<sup>49</sup> *Moving to Electronic Payment in the Thai Fishing Industry*, January 2019. The report was presented to the PSC on 30 Apr 2019.

<sup>50</sup> ILO, 'MOU Channel Effectiveness and Labour Market Status. Also see TRIANGLE 2017 baseline report on migration, and 2019 UN Thailand Migration Report.

([https://thailand.iom.int/sites/default/files/document/publications/Thailand%20Report%202019\\_22012019\\_HiRes.pdf](https://thailand.iom.int/sites/default/files/document/publications/Thailand%20Report%202019_22012019_HiRes.pdf))

<sup>51</sup> The Royal Navy operating under the CCCIF had responsibility for inspections of seafood processing facilities from 2015 to 2017, when responsibility was returned to DLPW under the existing Labor Protection Act.

<sup>52</sup> CCCIF was established by as established by the National Council for Peace and Order (NCPO) and reports directly to the Office of the Prime Minister.

<sup>53</sup> Plus an additional 21 Forward Inspection Points

<sup>54</sup> For example, the Marine Police were dropped from the PIPO team in Jan 2016.

<sup>55</sup> Key informant interviews. This represents roughly 11 percent of all labor inspectors (781) in the country.

<sup>56</sup> See Annex F for distribution by province.

<sup>57</sup> Another 26,000 fishing vessels less than 10 gross tonnes are deemed non-commercial and are not subject to PIPO inspections. Some of these vessels employ migrant fishers.

<sup>58</sup> Key informant interviews

<sup>59</sup> Key informant interviews. As of November 2018, the Department of Fisheries had issued 68,659 seaman's books to migrants under the Royal Ordinance on Fisheries, which are required to work on fishing vessels over 10 gross tons.

variations across ports, nationwide, migrant workers are estimated to constitute 85 - 90 percent of all fishers.<sup>60</sup> Roughly two-third of migrant fishers are Burmese; most of the rest are Khmer.

44. When the PIPOs were first established, the intention was to inspect all commercial fishing vessels upon entry and departure from the port. This proved untenable. In late 2017, a new approach was adopted whereby vessels are explicitly targeted or randomly selected for inspection based on a risk assessment.<sup>61</sup> The system – Common Risk Assessment (CAR) – takes a variety of factors into account such as the type of boat, fishing equipment used, vessel monitoring system (VMS), and past infractions. Vessels found to be in violation of pertinent laws are placed on a watch list and inspected repeatedly over a designated period. The frequency of inspections depends on the severity of the infraction.<sup>62</sup>

**The project offered advice on labor inspection planning, rules and procedures, and provided training to labor inspectors and other government officials.**

45. The project staff conducted extensive reviews of the labor inspectorate and provided advice through various forums over the course of the past four years on steps needed to strengthen inspection and enforcement.<sup>63</sup> Examples follow:<sup>64</sup>
  - Over the past four years, Project staff spent considerable time observing operations at PIPOs in the 12 provinces targeted for focused interventions, particularly in the southern provinces where the project had opened a field office. Project staff also joined at-sea inspections in 2016 and participated in two inspections of PIPOs carried out by the CCCIF in 2018.
  - In June 2017 and December 2018, at the request of CCCIF, the project staff outlined a series of risk measures that could be used to target fishing vessels for inspection.<sup>65</sup> As noted above, the CCCIF/DOF has adopted a risk assessment protocol; details on the specific factors and algorithm used to target vessels are not available.
  - The project arranged for the National Manager of the New Zealand Labour Inspectorate to visit Thailand on multiple occasions, including a two-day workshop for MOL and CCCIF officials on 21-22 November 2017 and follow-up meetings in September 2018.<sup>66</sup> The 2017 workshop covered labour inspection challenges and solutions, ILO’s Work in Fishing Convention (C188), and port state inspection and enforcement.

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<sup>60</sup> Written response from project staff and key informant interviews.

<sup>61</sup> Around the time, a new digital PIPO system was launched called ePIPO, which includes information on vessels, crews, and results of past inspections.

<sup>62</sup> Not able to get information on the specific algorithm.

<sup>63</sup> Under Objective 2.3.8, the members of the project staff have also engaged with the Bali Process (2018), Interpol (2017, 2018), US CBP (2017, 2018), and MCS groups (2019) on issues related to labour abuses in fishing. Worked closely with PMO on two forced labour cases in non-Thai waters.

<sup>64</sup> Under objective 2.1, it was envisioned that the project would lead to the “adoption of a comprehensive, multi-year labour inspection plan that addresses the systemic challenges to effective inspection;” this has not happened yet. Note: labour inspections in the fishing sector are carried out pursuant to the overall plan for PIPOs, which are not under the authority of the DOF.

<sup>65</sup> See letter dated 4 Dec 2018 from Jason Judd (CTA) to Adm Naris Pratoomsuwan. (See objective 2.3.5)

<sup>66</sup> See *Report on Technical Meeting on Labour Inspection and Enforcement*, 20-22 November 2017.

- The project staff (together with the LABADMIN specialist) offered general advice on DLPW rules and procedures, but was not asked by the RTG to provide technical comments on drafts.<sup>67</sup> It also provided advice to the Royal Thai Navy on at-sea inspection.
  - On two occasions, ILO requested in writing that CCCIF allow CSOs to observe PIPO operations as a matter of policy and have the opportunity to meet with fishers to discuss legal rights and other related matters.<sup>68</sup> While CCCIF has permitted such access, in practice, permission has varied by PIPO based on the willingness of the commanding officer to accede to the request.
  - One objective of the project was to help DLPW develop and analyse data on labor inspections. In this regard, in response of a letter from ILO,<sup>69</sup> DLPW forwarded statistics on the number of inspections and violations found in 2016 and 2017.<sup>70</sup> Similar statistics were provided for 2018. While there were significant problems with data quality, the project staff used these statistics to calculate key performance measures, including the percentage of PIPO inspections that led to “enforcement actions.”<sup>71</sup> This was the first time that this metric had been used in Thailand.
46. The project also organized training workshop for labor inspectors.<sup>72</sup> As shown in Table 11, the duration of the training workshops has ranged from two to five days. The curricula for the workshops in 2017 and 2018 varied, but typically covered international labor standards, forced labor indicators, national laws, DLPW administrative rules, and inspection procedures, including interview techniques.<sup>73</sup> The Nov 2018 workshop centered on the amendment to the anti-trafficking act that dealt with forced labor and the 2018 DLPW Fishing Order. It also included a session on engagement with CSOs and trade unions. The workshops involved presentations, panel discussion and group exercises. Participants in the training events conducted in 2017-18 were primarily from DLPW; however, a small number of officials from the Royal Navy,<sup>74</sup> DOF and DOE also attended. Training in 2019 was limited solely to new DLPW labor inspectors. The national curriculum covered similar topics as above, but devoted more time to evidence collection and fact-finding, determining enforcement actions, and preparing for administrative court cases. Two sessions (roughly three hours in total) were devoted specifically to inspection in the fishing sector.

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<sup>67</sup> In this regard, the DLPW issued an administrative rule in June 2018 governing how it would implement a key ministerial regulation -- “Rule of the Department of Labour Protection and Welfare on Labour Inspection and Criminal Proceeding against Offence under the Ministerial Regulation on the Protection of Labour in Sea Fisheries B.E. 2561 (2018) Various project documents refer to this rule as the “DLPW Fishing Inspection Protocol (2018).”

<sup>68</sup> See letter from M. Bussi to Adm. N. Arreenich (dated 18 April 2017) and letter from J. Judd to Adm. N. Pratoomsuwan (dated 10 September 2018).

<sup>69</sup> See Letter from J. Judd, (CTA) to the Director General, DLPW (dated 22 August 2017)

<sup>70</sup> At that time, DLPW also sent information on six cases, which resulted in orders to detain fishing vessels until fines were paid.. These involved child labor (2), non-payment of wages (3), and failure to provide a record of wage payments (1)

<sup>71</sup> The analysis showed that an increase in the percentage from 0.3% in 2017 to 1.9% in 2018.

<sup>72</sup> During the previous ILO projects (TRIANGLE and IPEC), the ILO and DLPW worked together to develop labour inspection training curriculum, including tools and checklist for inspection of fishing vessels. Roughly 120 labour officials and representatives of agencies from 22 coastal provinces were trained between 2014 and 2015. (See Labour Inspection: Needs Analysis Workshop, 29 September 2016.)

<sup>73</sup> The project staff created an interview guide for DLPW officials to use during interviews with fishers based on Ministerial Regulation on the Protection of Labour in Sea Fisheries, B.E. 2557 (2014) as amended 2017/2018 as well as ILO forced labor indicators and provisions in C188. Various project documents refer to this as the “PIPO Tool.” The tool itself is in the form of an Excel spreadsheet. This was introduced at the training workshop in May 2018.

<sup>74</sup> In this regard, the Royal Navy and other maritime enforcement agencies have delegated authority to inspect working conditions on vessels at sea. (See Objective 2.3.2)

**Table 11. Labor Inspector Training**

Dates	Duration	Location	No. of Participants
May 2017	2 days	Bangkok/Samut Sakhon	120
July 2017	2 days	Songkhla	
Sept 2017	2.5 days	Phuket	
Mar 2018	2 days	Chonburi	117
May 2018	2 days	Songkhla	
Nov 2018	2 days	Phuket	
July 2019	4.5 days	Bangkok	186
Sep 2019	4.5 days	Bangkok	
Nov 2019	4.5 days	Songkhla	

Source: Evaluation team based on review of project documents.

47. In interviews, without prompting, DLPW inspectors who attended training reported that they learned about indicators of human trafficking and forced labor as well as how to conduct interviews, collect evidence, and write orders.<sup>75</sup> This view was echoed by senior DLPW officials, who also added that the training has contributed to changing the attitudes of labor inspectors, reinforcing the message that labor inspectors are charged with protecting the legal rights of workers.<sup>76</sup> Direct observation of DLPW inspectors at two PIPOs (Chonburi and Songkhla) showed inspectors were polite when talking to fishers and tried to obtain information on potential violations of applicable laws (see below for more detail). However, some inspectors complained that DLPW wasn't doing enough to address the concerns of owners/captains about the behaviour of some fishers, including laziness, alcohol and drug use, feigning illnesses to obtain paid sick leave, and quitting without cause (sometime pocketing advances without working).

**Labor inspection at the PIPOs focuses primarily on procedural compliance.**

48. The evaluation team visited the PIPOs in Chonburi and Songkhla to interview officials and observe inspections. The visits were prearranged. A few observations follow:
- Inspectors used a standard checklist – Fishing Vessel Inspection Form (PIPO.1-MOL/2019) – to record findings from the inspection and recommended enforcement actions.<sup>77</sup> The form is signed by the officials conducting the inspection. A hard copy of form is kept at the PIPO. The form itself is not shared with DLPW: DLPW inspectors use a separate e-system developed for the department to record and upload information to DLPW.<sup>78</sup>
  - Crew information was pulled from the ePIPO system and verified through a physical examination of identification documents and biometric data (only at Songkhla). Inspectors confirmed the existence of required documents including work permits, employment contracts,<sup>79</sup> rest hour logs, and ATM cards or bank books. (In both PIPOs, inspectors reported that they do not

<sup>75</sup> Key informant interviews. The agenda of some training workshop indicated that time has been set aside for some sort of test and the end of the workshops. Data on the results of test was requested, but were not provided.

<sup>76</sup> Key informant interviews.

<sup>77</sup> According to DLPW, the *Fishing Vessel Inspection Form* and the *"Fishing Worker Interview Form"* were introduced prior to the Ship to Shore Project and have not been modified.

<sup>78</sup> The system used by DLPW covers all sectors for which it is responsible. The PIPO system is limited to the fishing sector and focuses primarily on information related to IUU.

<sup>79</sup> Employment contract are not required to be in the native language of the fisher.

conduct detailed analyses of rest time, holiday pay, sick leave pay or wage payments unless a worker complains. However, complaints are rarely made during PIPO interviews (see below).<sup>80</sup>

- Crew members were asked to wear their life jackets to ensure that there was a sufficient number and fishers knew how to use them. Inspectors also checked whether there were fire extinguishers and a first aid kit aboard the vessels. With respect to the latter, inspector indicated that there was no legal requirement with respect to its contents. The evaluation team was told that DOF officials check whether adequate food and water was on board, but again requirements are not specified in regulations.<sup>81</sup>
- In addition to those noted above, the Fishing Vessel Inspection Form includes a checklist for other potential labor law violations, including underpayment / withholding of wages, insufficient holiday and sick leave pay, document retention, and human trafficking.<sup>82</sup> (There are no items on the checklist that specifically address broker fees or debts). Inspection findings are based on an examination of documents and interviews with crew members. Fishers from each vessel were selected for a group interview carried out by a DLPW labor inspector with the help of an interpreter. (In Chonburi, all interpreters are Thai national “due to potential bias and security concerns.”<sup>83</sup> Songhla employs a mix of Thai and foreign nationals.) Further, in Chonburi, the group interview took place on an open truck parked on the pier within earshot of the captain, crew members, and other people milling about. In Songkhla, the interview was done in a private room. In both PIPOs, inspectors generally sought simple yes/no responses from fishers with little follow-up. Inspectors in Chonburi relied solely on the Fishing Vessel Inspection Form as an interview guide. In Songkhla, inspectors used a more extensive “Fishing Worker Interview Form,” which fishers were asked to sign. Interviews lasted about 10 minutes

49. Many fishers are reluctant to provide information to DLPW officials during the PIPO interviews either because they are unaware of their rights, are accepting of their situation, or fear retaliation by owners/captains/supervisors or other crew members.<sup>84</sup> Some approach CSOs for assistance when conditions are intolerable or after they leave employers, particularly when they are owed money. In those cases, workers have to file grievances at the DLPW office rather than the PIPO.

#### Significant opportunities for wage theft remain

50. All fishers are required to be paid at least the minimum wage through direct deposit to bank accounts established for each worker on a monthly or more frequent basis. Inspectors are

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<sup>80</sup> As discussed below, some workers have raised potential labor law violations with CSOs. Still, the endline survey suggests that potential violations are significantly unreported to both PIPO and CSOs. For example, 49% of fishers do not recall signing a contract and of the 51% who did, 11% reported that they had not received a copy. Four percent of fishers reported that they had been paid less than the minimum wage, and 15% and 11% reported that non-allowable salary deductions were made for food and accommodation, respectively.

<sup>81</sup> Project staff provided draft standards for food/water and medical kits to MOL in 2018. (Written responses from project staff.)

<sup>82</sup> This include three item: (i) Worker was treated in the element of procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receiving; ii) (Worker) was treated by means of the threat or use of force, abduction, fraud, deception, abuse of power by giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; and (Worker) was abused for the purpose of slavery forced labour or services, or any other similar forcible extortion. The form has not yet been modified to reflect the amendment of the anti-trafficking ordinance.

<sup>83</sup> Key informant interviews.

<sup>84</sup> Key informant interviews.

supposed to check whether bank accounts have been established and examine the frequency and amount that has been deposited into each account; they are also supposed to check whether deductions from pay are valid. This is, in itself a difficult task requiring a careful examination of pay slips or bank statements. Moreover, a deposit does not necessarily signify that fishers received all that was owed. Fishers are asked whether ATM cards are withheld without their permission. They are not asked whether they actually withdraw monies on their own. In this regard, key informant interviews with fishers, union and CSOs suggests that some vessel owners, captains, or crew supervisors have access to the accounts and pay workers in cash at the ATM or pier.<sup>85</sup><sup>86</sup> In this respect the payment system is still cash based. There are a number of other complications that make it difficult to determine whether fishers are receiving agreed compensation, including: i) differences between written contracts and verbal agreements, including catch share; ii) lack of documentation of loans/advances; iii) the existence of transactions that do not go through bank actions including loan proceeds, debt repayments, advances, and other payments made to fishers; and iv) even if all transactions were done through bank accounts, fishers do not have ready access to bank statements and/or are not able to understand them.

**A very small fraction of inspections have found violations.**

51. Table 12 presents data obtained from DLPW on the results of inspections conducted at the PIPOs. In general, inspections have found relatively few violations. The significant increase in violations found in 2018 corresponded to the introduction of the new regulation in March of that year, requiring employers to pay workers through direct deposits to banks.<sup>87</sup> The number of orders fell in 2019 as employers took steps to comply with this requirement. In 2019 (through July), a total of 29 violations were found, resulting in 20 orders being issued and sanctions levied in 10 instances. Six vessels were sanctioned for not paying fishing workers via banking transfer, three for not providing employment contracts to fishers, and one for not preparing payment documentation.<sup>88</sup>

**Table 12. Number and Result of DLPW Inspections at PIPOS**

Fiscal Year Ending Oct	No. of Labour Inspections (a)		Violations Found		Further Proceedings/Actions			
	No. of Vessels	No. of Fishers	No. of Vessels	No. of Fishers	Reported Request	Advice	Orders	Sanctions
2015	13,995	259,600	83	1,277	2	81	0	0
2016	36,913	633,900	0	0	0	0	0	0
2017	92,221	1,016,678	13	108	0	0	10	5
2018	70,771	858,740	544	5,702	0	0	521	23
2019 (a)	50,284	591,614	29	320	0	0	20	10
Total	264,184	3,360,532	669	7,407	2	81	551	38

Notes: (a) A vessel is counted each time it is inspected as it enters or leaves the port. The same vessel (unique registration number) could be inspected multiple times in any period. The number of fishers represents the crew onboard the boat at the time of the inspection.

Source: DLPW.

<sup>85</sup> This is consistent with finding from the Ship to Shore Rights Endline Survey – 66% of fishers reported that had “no control [over their ATMC cards] or were paid cash.” The comparable figure for workers in the seafood sector was 10%.

<sup>86</sup> While ATM coverage has improved since the regulation went into effect, there are still reports of limited access to ATMS near piers and areas where migrant live.

<sup>87</sup> Detailed statistics on the subject of orders was not available.

<sup>88</sup> DLPW



52. Zero cases of human trafficking/forced labor are shown to have originated through the PIPO inspection process; however, two caveats should be kept in mind. First, the DLPW protocol requires inspectors to bring suspected trafficking cases to the Royal Thai Police and MSDHS for further investigation: as such, they would not show up in PIPO data because responsibility for prosecution of these cases does not rest with DLPW. Second, there are instances where suspected cases had been identified by inspectors and reported to authorities, but were subsequently reduced to lesser charges or ignored.<sup>89</sup>

*Objective 3 – With the support of the project, TFFA/TTIA have established a GLP Program that is designed to encourage greater worker engagement through legally mandated Welfare Committees.*

**The current GLP Program builds on an earlier initiative managed by the DLPW, which focused on shrimp peeling.**

53. With the support of the ILO International Programme on the Elimination of Child Labour (IPEC), a Good Labor Practices (GLP) Program was established in 2012 under the direction of DLPW in response to serious labor abuses in the shrimp-peeling industry. In light of changing circumstances, discussions to consolidate and expand the program to the entire fishing and seafood processing sector began in 2014. A roadmap developed in late 2014 called for, among other things, the establishment of a tripartite+ GLP task force; the development of GLP guidelines; the preparation of a series of training manuals and creation of an independent training unit; the establishment of a “complaint and referral mechanism” in workplaces, and extensive engagement with international buyers.<sup>90</sup> Many elements of the roadmap were subsequently incorporated into the plan for Objective 3 under the Ship to Shore Rights project.<sup>91</sup>
54. Numerous consultations were held with stakeholders under the auspices of the Project in 2016, culminating with a Task Force Meeting at the end of that year. In May 2017, the project issued a report, which laid out the principles and broad contours of a new GLP Programme, including its governance structure and staffing plan. With regard to the latter, the document called for the establishment of a “centre” with a small staff and a proposed first year budget of US\$150,000 paid for by industry (45%), international buyers (30%), RTG through in-kind support (10%) and the Ship to Shore Project (15%).<sup>92</sup> Plans for the GLP program were presented in various forums, including the GLP Thaifex event in May 2017. At that time, five industry associations – TTIA, TFFA, TFPA, NFAT and TOFA – all signalled their commitment to the stated GLP principles, but when financial commitments were sought only TFFA and TTIA pledged association funding.<sup>93</sup>
55. Building on previous activities under the IPEC project, the *Project Document* envisioned the continuance of a “Reference Group” of international buyers/retailers.<sup>94</sup> This was maintained during the first year of the project; however, interest subsequently waned.<sup>95</sup> In general, companies have

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<sup>89</sup> Written response from project staff

<sup>90</sup> *Thai Sea Fishery, Shrimp and Seafood Industry Good Labour Practice Programme. Draft GLP Roadmap*, Draft, 20 November 2014,

<sup>91</sup> See the *Project Document* and 2016 *Work Plan*.

<sup>92</sup> *Revising the Good Labour Practices Programme*, May 2017

<sup>93</sup> Key informant interviews. Also see Joint proposal with TTIA-TFFA.

<sup>94</sup> This is also included in the agreed work plan under Activity 3.4.1 -- Facilitate linkages with European, US and Australian buyers and retailers through GLP buyer reference groups.

<sup>95</sup> The project has kept buyers informed through newsletters and other communications. The project has also shared information at SEA Fisheries forums (2018, 2019) Thaifex (2017, 2019), and SeaWeb Conferences (2017, 2019).

focused their attention on the industry-led Seafood Task Force (formerly the Shrimp Sustainable Supply Chain Task Force). The Ethical Trading Initiative (ETI) has filled this void,<sup>96</sup> participating in GLP Roundtables, providing advice on the design of the program, and agreeing to serve on the Working Committee. Project staff stopped seeking buyer funding for the GLP programme after plans for “centre” fell through.<sup>97</sup>

#### The GLP program for the seafood industry revolves around activities undertaken with TFFA/TTIA

56. It is important to note that the GLP program is not intended to be a certification program based on performance audits conducted by external parties. The intention is for the industry association to take ownership of the program, encouraging factory owners to adopt good labor practices through their own volition. As described below, a major element of the program is fostering greater worker engagement through legally mandated Welfare Committees.
57. ILO entered into a service contract with TFFA and TTIA to cover activities associated with the Seafood Processing GLP program. A summary of the status of the program follows:<sup>98</sup>
  - **Good Labour Practices (GLP) Guidelines for Seafood Processing have been developed.**<sup>99</sup> Published in early 2019, the document outlines the guiding principles of the program, sets out specific GLP workplace standards built around ILO core labor standards and relevant national laws, and provides guidance on the establishment and operations of enterprise-level welfare committees,<sup>100</sup> the implementation of grievance/remediation mechanisms, and the process for conducting annual assessments and factory visits by industry associations.<sup>101</sup> In addition to capturing information on the demographics of the workforce, the factory visit checklist covers recruitment and hiring practices, child labor, non-discrimination, workplace cooperation, wages and compensation, hours of work, and occupational safety and health. During the factory visits, association representatives bring issues requiring action to the attention of the owner or manager. Accountability is to the association, but serious labor law infractions that have not been resolved after warnings being issued by the association could lead to expulsion from the organization.<sup>102</sup> The intention is for TFFA and TTIA to prepare an annual report focusing

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<sup>96</sup> ETI members that are sourcing seafood in Thailand include Tesco, Co-op, Morrisons, Sainsburys, Aldi, and ASDA. ETI has proposed that TESCO serve on the new GLP Committee.

<sup>97</sup> Written response from project staff.

<sup>98</sup> Under the contract, ILO agreed to pay TFFA/TTIA roughly 1.9 million baht for service rendered, including meetings of the GLP Advisory Committee, training workshops, factory visits, preparation of the annual reports, and communications. While the agreement was predicated on TFFA/TTIA contributing roughly US\$30,000 to the program to “ensure the sustainability of the programme in the long-term;” it is strictly speaking not a cost-sharing arrangement.

<sup>99</sup> The Guidelines were drafted by the project staff and staff of the Food School. ETI provided technical comments.

<sup>100</sup> The Labour Protection Act requires enterprises that have 50 or more workers to establish a “welfare committee” consisting of at least five elected employee representatives. The duty of the Welfare Committee is to supervise welfare arrangements made for employees and provide advice and recommendation to employers on welfare issues in the place of business. As stipulated in the law, welfare includes access to clean water, restrooms, first aid and medical supplies, medical care, canteens, work clothes or uniforms, transportation, and health insurance as well as monetary benefits provided as incentives. The Welfare Committee is not intended to address wages, collective bargaining, or other issues covered under the Labour Relations Act.

<sup>101</sup> The document includes various tools, including a template for a corrective action plan and factory assessment checklist.

<sup>102</sup> See Guidelines (page 69). According to written response from the project staff, this happened prior to the establishment of the GLP program: one of the founding members of TTIA -- Golden Prize Canning – was forced out of the association following legal proceeding related to serious labor abuses of workers from Myanmar. See [www.theguardian.com/global-development/2016/mar/01/myanmar-migrant-workers-win-13m-compensation-thailand-tuna-firm](http://www.theguardian.com/global-development/2016/mar/01/myanmar-migrant-workers-win-13m-compensation-thailand-tuna-firm)

primarily on the “effectiveness” of the welfare committee and results with respect to key labor performance metrics.<sup>103,104</sup>

- **56 seafood processing factories have been assessed.** Voting members of TTIA operate 26 tuna processing factories, including three owned by the Rubicon Group and three owned by Thai Union. These factories employ between 200 and 10,000 workers. Voting members of TFFA operate 137 seafood processing factories; these include 15 factories owned by the Rubicon Group, five by Thai Union, and three by Charoen Pokphand Foods PLC.<sup>105</sup> Factories range in size from 40 to 3,000 employees.<sup>106</sup>

Given the capacity of the associations, the decision was made to limit participation in the first round of training and factory assessments to roughly 50 factories drawn equally from the two associations. This was slightly expanded to cover all 26 TTIA factories and 30 TFFA factories. The TFFA factories were selected based on factory characteristics (product, size and location) and willingness to participate.<sup>107</sup> As part of the process, factories were invited to attend a two-day training workshop. As shown in Table 13, roughly two-thirds of factories accepted the invitation and sent representatives to these workshops, which were held in late 2019. While in principle training should have preceded the factory visit, in practice it was not a pre-requisite. TFFA/TTIA found it difficult to get many companies to attend. However, TFFA/TTIA officials visited all 56 factories to conduct assessments. Factory visits lasted about four hours, including meetings with managers, worker interviews, and data collection.<sup>108</sup>

**Table 13. Participation in the Seafood GLP Program**

Association	No. of Factories that Attended GLP Training	No. of Factory Assessments Completed
TFFA	19	30
TTIA	16	26
Total	35	56

TFFA/TTIA has discussed the potential to expand the GLP program to suppliers; however, there are no plans to include their upstream suppliers of shrimp or fish. This is seen as the responsibility of the shrimp and fishing associations.

- **Results of the assessments have not yet been published.** The annual GLP Report from TFFA/TTIA is still in the process of being drafted. However, according to TFFA/TTIA officials, issues that were raised during factory visits included the inclusion of migrant workers in welfare committees, employment contracts in language of ethnic minorities, posting of signage in factories in Burmese, provision of safety equipment at no cost to workers, provision of adequate rest time when workers are engaged in overtime, prohibition on pre-employment pregnancy tests, and the provision of paid maternity leave as mandated under the amended Labour

<sup>103</sup> Written response from the project staff.

<sup>104</sup> The Guidelines include “examples” of labor performance metrics that might be included in the assessment such as the percentages of contracts in workers’ native languages, employee turnover rates, the number and type of worker grievances; the number and type of workplace accidents; and the number and type of labor law violations reported by MOL.

<sup>105</sup> Key informant interviews.

<sup>106</sup> Under the law, factories with less than 50 employees are not required to have a welfare committee.

<sup>107</sup> Key informant interviews.

<sup>108</sup> Key informant interviews.

Relation Act. Information on the operations of the Welfare Committees will be presented in the report, but association officials note that many committees are not yet effective.<sup>109</sup> In the absence of a baseline, the report will reflect the status of factories at the time of the assessment rather than the changes that have resulted from participation in the GLP program.

- A Seafood Good Labour Practice (GLP) Working Committee is in the process of being established.** At its November 2018 meeting, the Project Steering Committee endorsed plans to establish a new 12+ member tripartite GLP Committee to oversee the implementation of the GLP program. This was intended to replace the committee that had been formed in early 2015, which operated under the direction of the MOL. However, the proposal for the new committee subsequently ran into opposition within the MOL, which wanted to maintain its position as chair of the committee along with the existing membership structure.<sup>110</sup> It noted that government officials could only sit on government-led committees.<sup>111</sup> A revised TOR for the renamed Seafood Good Labour Practice (GLP) Working Committee was drafted in July 2019. As noted in the TOR, the Working Committee supports the Ministry’s GLP Committee...” and will be chaired by a DLPW official with tripartite representation. (See Table 14.) TFFA/TTIA staff will act as Secretariat. The Working Committee held its first meeting on 24 July 2019; its second meeting is scheduled for 9 December 2019 at which time the full committee will be appointed and TOR formally approved. While the role of the committee is specified in the TOR, its specific responsibilities with respect to the TFFA/TTIA-led initiative are yet to be worked out.

**Table 14. Membership of Seafood GLP Working Committee**

<b>Government</b>	Department of Labour Protection and Welfare, Ministry of Labour (a)	Chair
	Department of Fisheries, Ministry of Agriculture and Cooperatives (a)	Member
<b>Industry Association</b>	Thai Tuna Industry Association (TTIA) (a)	Vice Chairs
	Thai Frozen Foods Association (TFFA) (a)	
<b>Workers’ Organizations (plus CSO)</b>	State Enterprise Relations Confederation (SERC)	Rotating Vice
	Raks Thai Foundation	Chair /Member
<b>Employers’ Organization and Seafood Supplier</b>	Employers’ Confederation of Thailand (ECOT)	Member
	Association’s member factory	Member
<b>Global Multi-Stakeholder Org.</b>	Ethical Trading Initiative	Member
<b>Intergovernmental Organization</b>	International Labour Organization (ILO), Thailand Country Office (a, b)	Member

Notes: (a) designated as permanent members, (b) The ILO member will be a designee of the country director, probably the Fundamentals specialist or possibly an ACTEMP specialist.

Source: TOR

**It was envisioned that the project would result in the establishment of a similar GLP program for the fishing sector, but there has been little interest by the relevant associations.**

58. Fishing associations (including NFAT) turned down the opportunity to establish a GLP program in conjunction with ILO, contending that the industry had already adopted a code of conduct to which

<sup>109</sup> The evaluation team asked to interview members of the Welfare Committees of factories that had participated in the first round of training/factory visits in Songkhla. Instead, TTIA arranged for the team to meet with the chairperson of the welfare committee of a Thai Union factory located in Samut Sakorn. She indicated that the new GLP program had no impact on the operations of the committee; it had been operating successfully since its establishment more than six years ago.

<sup>110</sup> Written response from project staff.

<sup>111</sup> Written response from project staff.

all members ascribe. NFAT has been vocally opposed to the ratification of C188 and to the enactment of the Protection of Fishing Workers Act.

59. In the absence of association support, ILO has pursued other avenues to encourage better labor practices in the fishing sector. In this regard, the third Technical Progress report notes, “ILO has built a partnership with ITF/FRN and Thai Union Foods to pilot training on Good Labor Practices for fishing vessel owners.”<sup>112</sup> In June 2018, a workshop was held in Pattani with crew from vessels that were suppliers to TUF. The half-day workshop covered the TUF code of conduct, first aid, medical kit requirements (ILO purchased medical kits for distribution to participants), fire safety, and the use of ATM cards. Staff of the Ship-to-Shore Rights project discussed international labor standards and related national legislation.<sup>113</sup> According to ITF/FRN, three similar workshops were held over the next 12 months without ILO’s direct participation.<sup>114</sup> In addition to providing useful information to fishers on the subjects noted above, these sessions afforded ITF/FRN an opportunity to introduce fishers to the FRN and encourage their participation in the union.<sup>115</sup>

*Objective 4. CSOs have undertaken a wide range of activities with differing outcomes.*

**Partners have small project staffs in seven of 12 provinces targeted for “focused interventions”**

60. The CSOs and unions focused on activities in provinces where they had a physical presence as shown in Table 16. These offices were generally small with one to five staff members. As discussed below, the activities conducted by partners can be grouped under five broad headings: worker organizing, worker training, legal counselling, welfare services, and social dialogue.

**Table 16. Staff Assigned to Project Activities**

	FED	HRDF	ITF/FRN	SERC	Raks Thai	Stella Maris
<b>Services (a)</b>	<b>D</b>	<b>C</b>	<b>A, B</b>	<b>A, B</b>	<b>B, E</b>	<b>B, D</b>
<b>Province</b>						
Chonburi				☐		☐
Chumporn						
Pattani					☐	☐
Phang Ng	☐(b)					
Phuket						
Ranong		☐(c)	☐			
Rayong						
Samut Sakhon					☐	
Songkhla			☐	☐		☐
Surat Thani					☐	
Trang						
Trat			☐			

Notes: (a) A=worker organizing, B=worker training, C=legal counselling, D=welfare services, and E=social dialogue (b) FED had staff working in Phang Nga under the project through 2018. (c) HRDF opened an office in Ranong in September 2019.

<sup>112</sup> 3<sup>rd</sup> Technical Progress Report submitted to EU

<sup>113</sup> Written response from project staff.

<sup>114</sup> Key informant interview

<sup>115</sup> Key informant interviews.

Significant strides have been made in organizing workers, but bargaining power is limited and migrant-led unions are not allowed under the law.

61. Under the Labor Relations Act, B.E. 2518 (1975) as amended, migrant workers may join unions but are prohibited from forming or leading unions. Until their right to organize unions is legally recognized, migrant workers in the fishing sector have formed informal worker “networks” or organizations with the support of the International Transport Federation (ITF) and the State Enterprises Relations Confederation (SERC).<sup>116</sup> Details follow:
- **ITF/FRN.** ITF began organizing activities aimed at migrant fishers in Songkhla in June 2017,<sup>117</sup> roughly 10 months prior to entering into an implementation agreement with ILO under the Ship to Shore Rights project.<sup>118</sup> ILO funding allowed the organization to add staff in Songkhla and open new organising offices in Ranong and Trat on 1 May 2018 and 1 August 2018, respectively. The current staffing is shown in Table 17.<sup>119</sup>

**Table 17. ITF/FRN Staffing**

Songkhla	Operations coordinator (1), strategic campaigner (1), organizers (2), administration (1)
Ranong	Organizers (4), administration (1)
Trat	Organizers (2)

Outreach and organizing activities are carried out daily through multiple channels, including informal meetings and social media. As part of its organizing activities, ITF/FRN has also conducted a series of training workshops on labor organizing and labor rights as well as safety and first aid on board fishing vessels. ITF/FRN has also referred fishers requiring legal assistance to HRDF and Raks Thai (see below) and advocated for the interest of fishers at the national and provincial level.<sup>120</sup>

Following ratification of the organization’s constitution and bylaws, the establishment of the Fishers’ Rights Network (FRN) was publicly announced in May 2018 along with a statement of demands.<sup>121</sup> At this point, more than 2000 fishers have signed membership cards<sup>122</sup> – split among Ranong (40%), Songkhla (35%) and Trat (25%).<sup>123</sup> Roughly 500 members across the three

<sup>116</sup> ITF and SERC have a long history of working together.

<sup>117</sup> Key informant interview

<sup>118</sup> The initial implementation agreement was signed on 4 May 2018.

<sup>119</sup> Migrant organizers are technically employed by HRDF under an MOU with ITF to provide some degree of legal protection.

<sup>120</sup> As an example, leaders of the FRN in Ranong attended the PSC meeting on 22 Nov 2019 and after reading a short statement presented a petition signed by its members asking for the full implementation of C188 to the MOL Permanent Secretary.

<sup>121</sup> “i) The elimination of debt bondage including passport, pink card, work permit, agent, broker or recruitment permit fees; ii) Initial increase in the minimum wage to 12,000 THB (USD 375) per month; iii) All fishers to be paid monthly, with bank book, ATM card and pin number in their possession (not retained by the owner or captain); iv) All fishers to be provided with written contracts in their own language; v) Every fisher to have access to basic first aid training and access to a comprehensive medical kit on board each vessel; vi) Every vessel to have an emergency medical procedure in place; vii) Vessel Code of Conduct in place for all vessels operating in Thai waters; viii) Amendment of Thai Labour Law to allow migrant workers to form and be active in their union; and ix) Thai Government to ratify ILO Conventions 87, 98 and 188.

<sup>122</sup> The card reads, “I stand together with my fellow fishers to protect our rights, regardless of where we come from or what type of boat we work on. I also authorize the IFR/ITF to represent me for all purposes related to freedom of association and collective bargaining.”

<sup>123</sup> While activities in Ranong started later than in Songkhla, member recruitment has benefitted from lessons learned and simply having more organizers in the field.

chapters are considered active, including the elected leaders. The total number of members is significantly higher than the original target of 1000.

- **SERC/SSWG.** With project support, the State Enterprises Relations Confederation (SERC) began organizing seafood processing workers in Songkhla in 2017 with a small team. Organizing activities centred on the following: i) building awareness of legal rights and the role of unions among workers through informal meetings at community gathering places; ii) holding meetings with workers who exhibit potential leadership abilities; iii) training leaders on how to obtain information on grievances from workers and encourage their involvement in a union; and iv) using information to advocate for policy reforms. At this point, roughly 150 workers in five seafood processing factories have registered as members of the Southern Seafood Industry Workers Group (SSWG).<sup>124, 125</sup> The demands are similar to those put forth by FRN.
62. While these organizations are still fragile, migrant leaders reported that training and peer-to-peer discussions have given them a better understanding of their rights under Thai law and boosted their confidence when dealing with employers.<sup>126</sup> Workers take comfort in knowing organizations are there to support them, if needed. The ability of the organization to negotiate with employers for better pay and working conditions is still to be demonstrated. Migrant worker unions lack legal protection. As such, these organizations have called for changes in the Labour Relations Act and ratification of Convention 87 and 98.

**CSOs provided training on immigration policy and labour laws to migrant workers often coupled with health and safety training and instructions on how to use an ATM.**

63. Various workshops have been held for migrant workers, including the following:
- **Leadership training for community volunteers.** The training conducted by Raks Thai was based on a curriculum that the organization had developed for community volunteers involved in health initiatives.<sup>127</sup> Roughly 100 people participated in workshops held in Chomporn, Pattani, Ranong, Samut Sakhon, Surat Thani, and Trang. However, according to the Raks Thai, very few of those who attended are currently serving as volunteers.<sup>128</sup> Of those that are, some have taken an active role in encouraging people in the community to attend community sessions led by project staff (see below), and, in a few instances, referred migrants to the Raks Thai field office in Pattani for assistance.
  - **Training and awareness raising activities on immigration policy, labour rights and other topics for migrant workers.** Raks Thai and Stella Maris worked with migrants in eight provinces as described below:
    - Raks Thai organized a series of “community sessions” migrants in Champorn, Pattani, Ranong, Samut Sakhon, Surat Thani, and Trang; each session had 10-15 participants and

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<sup>124</sup> According to information provided by SERC, these include Kiang Huat Seagull Trading Frozen Food PCL, Lee Heng Seafood Co. Ltd., Siam International Food Co. Ltd., Songkhla Canning PCL; and S2K Marine Product Co. Ltd. Three of these factories are members of TFFA.

<sup>125</sup> SERC has also been working with fishers in Chonburi and their wives who are engaged in informal seafood processing. These activities have taken place under the rubric of the Working Class Laborers Group. The effort is more informal than in Songkhla.

<sup>126</sup> Key informant interviews.

<sup>127</sup> Key informant interviews.

<sup>128</sup> Key informant interviews.

- lasted one to two hours.<sup>129</sup> These meetings were used to provide information on various topics, including birth-death registration, MOU process, changing employers, minimum wage, health insurance benefits, social security benefits, and the use of ATMs.<sup>130</sup> ATM training focused on how to withdraw cash from an ATM machine; it did not include how to check balances or examine transaction recorded in a passbook.
- Stella Maris conducted 27 “classroom-style” training sessions for migrant workers in Chonburi, Pattani, and Rayong. These sessions typically had 15-20 participants and lasted a half-day. They focused on “safe migration” but also covered a variety of other topics including human trafficking, labor rights, health and safety (including sexually transmitted infections), and the use of ATMs.<sup>131</sup> In addition, Stella Maris staff had numerous, brief informal meetings with small groups of migrants at the three drop-in centers as well as at fish markets/piers and other community gathering places. The purpose of these meeting was to raise awareness of the issues noted above and gain the trust of workers and their families.<sup>132</sup>
  - **Post-arrival and pre-departure orientation.** In September 2018, project staff attended the opening of the DOE Post Arrival and Integration Centre in Ranong Province and provided “ad hoc” training to 67 fishers entering Thailand under the MOU.<sup>133</sup> ILO offered to continue to work with DOE; however, nothing further came of this – the volume of migrant workers processed through the center was low and MOL made the decision to work directly with CSOs with whom it had relationships.<sup>134</sup> In late 2018, with the support of the ILO Liaison Office in Myanmar, project staff met with the Myanmar Ministry of Labor, Immigration and Population (MOLIP) to discuss conditions in the fishing sector<sup>135</sup> and the potential for offering pre-departure orientation (PDO) specifically for fisher who planned to work in Thailand under the MOU process.<sup>136</sup> In February 2019, using an ILO-developed curriculum, ITF, Raks Thai and FED staff conducted a PDO session for 27 fishers in Kawthaung. This was repeated three more times for a total of more than 250 fishers. In August 2019, the project conducted a training of trainers (TOT) workshop for government officials, worker organizations, and CSOs in Myanmar; however, follow-on PDO sessions have yet to be held.

**CSOs have provided legal counselling; some cases have resulted in compensation for complainants and sanctions on employers.**

64. Under the agreement with ILO, HRDF initially focused on building the capacity of CSOs to provide assistance on legal issues within migrant communities. The intention was to enable the staff of CSOs to serve as “paralegals” with the ability to collect information from aggrieved workers, deal directly with government authorities on simple matters, and serve as intermediaries with legal counsel on more complex cases. With input from stakeholders, HRDF produced three manuals on

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<sup>129</sup> Key informant interviews.

<sup>130</sup> Key informant interviews and technical progress reports submitted by Raks Thai.

<sup>131</sup> Key informant interview and technical progress reports submitted by Stella Maris

<sup>132</sup> Key informant interviews.

<sup>133</sup> Written response from project staff.

<sup>134</sup> Key informant interviews

<sup>135</sup> The report was shared and discussed with tripartite constituents in Myanmar and Cambodia.

<sup>136</sup> MOLIP has established centers in different parts of the country, which provide two days of PDO for migrant workers. Centers are staffed by MOLIP officials



basic labour rights (March 2018), procedures for dealing with grievances (June 2018), and international labour standards, including C188 (October 2018).<sup>137</sup> The full manuals were made available in Thai; a case intake form that was included in the second manual was translated into Burmese, Khmer and Lao.<sup>138</sup> Following the release of the manuals, HRDF organized three, two-day training workshops for representatives of CSOs on case management and referrals, including the use of the intake form. A total of 100 people attended the workshops, which were held in Bangkok between March and October 2018.<sup>139</sup> Additional “paralegal” workshops were held in 2019 – in Ranong and Songkhla – which were attended by 55 people, including law professors and students from Thaksin University.<sup>140</sup> While informative, CSO representatives that were interviewed as part of this evaluation suggested that the use of the manual and training has been limited, noting that the material was too sophisticated for the audience and not germane to the work that the CSO actually perform on a day-to-day basis. Most organizations are not set up to provide this type of service, which would require them to conduct interviews, investigate claims, and compile documentary evidence.<sup>141</sup> CSOs, including HRDF, are not using the intake form.<sup>142</sup>

65. Between December 2017 and May 2019, the HRDF staff spent two days in each of the targeted provinces. All told, staff met with more than 200 people to raise awareness of legal rights, field complaints and provide legal counselling. Raks Thai, Stella Maris and other CSO organized the meeting on behalf of HRDF. The technical progress report submitted to ILO states that 117 complainants sought legal assistance (it is not clear how many cases this represents), the bulk of claims (80) relate to fishing in prohibited areas or using illegal equipment. The rest deal with a wide range of employment issues, including underpayment of wages (12), retention of documents (12), employment registration (3), change of employers (2) and unpaid sick leave (1).<sup>143</sup> According to HRDF, legal assistance offered to workers was limited and complete records on the resolution of cases is lacking.<sup>144</sup> However, HRDF was involved in a case in Satun referred by ITF, which resulted in two migrant fishers receiving 140,000 baht.<sup>145</sup> With ILO support, the organization opened a small office (staffed with a single lawyer) in Ranong in September 2019 – three months before the scheduled end of the project. In the short time that it has been opened it has received 10 referrals, primarily from ITF/FRN.
66. With the support of the project, Raks Thai has also fielded requests for assistance from migrant workers on various legal matters, not all deal with potential violation of labor laws. These have

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<sup>137</sup> The three manuals were subsequently combined and published in one volume.

<sup>138</sup> See page 50 of the HRDF manual.

<sup>139</sup> HRDF also led a training session in Cambodia for trade unions and CSOs.

<sup>140</sup> The participation of professors and students was support by a grant from Freedom Fund. The intention is to build a broader network of legal service providers in the southern provinces.

<sup>141</sup> Key informant interviews.

<sup>142</sup> ITF/FRN does, however, collect information from FRN members who are seeking legal assistance using a template that it has developed on its own. This information is then shared with HRDF as part of the referral process. One of these cases involved a fisher in Pattani, whose pay had been withheld and was the subject of verbal and physical abuse. He had participated in a PDO session prior to coming to Thailand and contacted ITF/FRN for assistance.

<sup>143</sup> Evaluation team based on reports submitted by HRDF.

<sup>144</sup> Another document prepared by HRDF list ten examples of “lawsuits receiving legal support by the foundation.” These deal with non-payment of wages, debts, physical abuse, and accidents on board vessels and as well as arrests for fishing in restricted areas, theft, possession of counterfeit documents, and working with a valid work permit, , ( See Activity Report Legal Counseling and Reception of Complaints for Civil Society Organization Networks (undated) Ship to Shore Rights Project

<sup>145</sup> HRDF Technical Progress Report.

been handled by migrant advocates on the Raks Thai staff as well as by outside counsel, including HRDF. An analysis of data provided by Raks Thai conducted by the evaluation team shows that between November 2018 and July 2019 the organization worked on 57 cases related to workers in the fishing sector (23 cases) and seafood processing sector (34 cases). Two provinces accounted for the vast majority of cases -- Samut Sakhon (53%) and Pattani (42%). The remaining five percent were from Champorn and Surat Thani. There were a total of 123 complainants across these 57 cases: 48 of the cases involved a single complainant, the others ranged from two to 18. Roughly, 71 percent of all complainants were men; 29 percent were women. It is important to note that not all cases entailed grievances with employers. While coding is inconsistent, it appears that the largest share of cases (roughly 30%) involved issues related to social security and health benefits. Others dealt with document retention (roughly 15%), underpayment or withholding of wages (roughly 10%), physical abuse (roughly 3%), and myriad matters such as birth-date registration, car accidents, missing persons, and arrests. Records show that 44 cases have been completed, 2 were dropped and 11 are pending. Of the completed cases, 32 were resolved informally, 11 through administrative channels, and one through the courts. Records also show that 19 cases resulted in compensation for complainants – 33 people received a total of 1.4 million baht. The largest single award was 323,700 baht for 16 complainants that had been paid less than the minimum wage. This was resolved informally. Five cases resulted in fines levied on employers.

67. As a faith-based organization, Stella Maris views its role as ministering to the welfare of fishers and their families and does not want to get embroiled in legal cases.<sup>146</sup> If help is requested, it tries to settle cases as quickly as possible through personal interventions with employers and government authorities. In this regard, the organization points to the role that it played in securing a settlement of 1.2 million baht in back pay for a group of 18 Cambodian workers, who had already left their employer and returned to Cambodia.<sup>147</sup> Stella Maris has reported that it has identified a few possible underage workers over the past few years, which were referred to DLPW for further investigation.<sup>148</sup>

#### **Migrant welfare services.**

68. Stella Maris has been providing services to migrant communities for years, including the provision of transportation and interpreting services for migrants seeking medical care and or help in dealing with the police, DLPW, DOE and other government authorities. The organization also provides temporary shelter, clothing and food assistance to migrant workers and their families. In addition to the training described above, the project enabled Stella Maris to expand these services through three new drop-in Seafarers Centers established in Chonburi, Pattani, and Rayong.<sup>149</sup>
69. The *Project Document* and agreed work plan called for the Ship to Shore Rights project to provide migrant children better access to educational services and specifically “establish child care centres at factories and in the vicinity of peeling sheds to lessen the burden on migrant girls, in particular, to stay away from school to care for siblings.”<sup>150</sup> In this regard, with project support, Stella Maris established a Learning Center in Pattani for migrant children. It also entered into an agreement

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<sup>146</sup> Key informant interviews.

<sup>147</sup> Key informant interviews.

<sup>148</sup> Written response provided by project staff.

<sup>149</sup> The organization has established similar drop-in centers in more than 340 ports in 53 countries.

<sup>150</sup> See objectives 4.1 to 4.3.4

with FED, which focused on the establishment of an “educational advocacy program” in Phang Nga. The latter entailed door-to-door outreach to encourage parents to send their children to school. As noted above, FED support was discontinued in 2018.

**Public awareness building and promotion of dialogue.**

70. Oxfam was tasked with working with the CSO Coalition of Sustainable and Ethical Seafood to strengthen its capacity to mount public awareness campaigns and launch aimed at retailers and consumers in Thailand. With respect to the latter, the organization produced two videos – “Calling Home” and “Rising Tide” – reported to have been viewed online by 30,000 people.
71. As shown in Table 18, 23 tripartite meetings have been held in nine provinces to date: project staff organized 11 meetings and Raks Thai organized the other 12. In 2017 and 2018, meetings were fairly ad hoc; beginning in 2019, an attempt was made to establish a regular meeting schedule, focusing on five provinces. All meetings have been chaired by DLPW. Participants included government officials as well as representatives of industry associations, worker organizations, and civil society organizations. The total number of participants ranged from 16 to 53 (mean=23).<sup>151</sup> The meetings provided the first opportunity for fishers to voice their concerns in a public forum. This is itself a major accomplishment. Meetings have led to direct engagement between FRN and vessel owners in Songkhla, Ranong and Trat. They have also provided a mechanism for bringing specific complaints to the attention of government officials (particularly in Pattani) and for helping CSOs to gain access to the PIPOs (particularly in Songkhla).

**Table 18. Number of Provincial Tripartite+ Meetings Held by Province and Year**

	Total	2017				2018				2019			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Chonburi (a)	1												
Chumporn	0												
Pattani	5					2	1				1		1
Phang Nga	2		1	1									
Phuket	1			1									
Ranong	2										1		1
Rayong	0												
Samut Sakhon	3				1						1		1
Songkhla	4			1	2		1						
Surat Thani	3				1						1		1
Trang	0												
Trat	2										1		1
<b>Total</b>	<b>23</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>5</b>

Notes: (a) Date of the meeting was not provided. (b) the meeting organized by project staff and Raks Thai are shaded in yellow and red, respectively. Two meetings were held in Pattani in 2018 Q -- one organized by project staff, the other by Raks Thai.

Source: Evaluation team based on data provided by the project staff

<sup>151</sup> Based on data available for 18 of 23 meetings.

## Impact<sup>152</sup>

*While there is evidence that employment and working condition have improved, the impact of the project on forced labor remains to be determined.*

72. The question of impact centers on whether the prevalence of forced labor, child labor and other unacceptable forms of work in the fishing and seafood processing sectors has diminished as a result of the project. Unfortunately, hard data are unavailable. Based on a survey of 470 workers conducted in 2019, the project estimates that 14 percent of fishers and seven percent of seafood workers are potential victims of forced labor (involuntary work and coercion).<sup>153</sup> However, there are no comparable figures for previous years. (Note: the baseline survey did not measure forced labor directly.)
73. The only other source of historical data is the government. The Thai government reported investigating 43 cases of trafficking in 2018—including six cases in the fishing sector—compared to 47 in 2017 and 83 in 2016.<sup>154</sup>

## Sustainability<sup>155</sup>

*Some aspects of the project are likely to be sustained, but the prospect for others is uncertain.*

74. Objective 1. With ratification of ILO Conventions, the RTG has an obligation to establish and enforce relevant laws. As noted above, the Protection of Fishing Workers Act came into force in mid-November 2019 and regulations are still in the process of being finalised. Enactment of regulations and systematic enforcement (including the imposition of sanctions) will require significant political will. Sanctions are needed not only to punish violators, but also to deter future non-compliance. While government, trade unions and CSOs have supported reform efforts, opposition to this law and other laws from vessel owners has been strong. While repeal is unlikely, the potential for watering down specific provisions and/or limiting enforcement cannot be discounted, particularly in the absence of the threat of trade sanctions or significant buyer pressure.
75. Objective 2. The RTG is committed to the continued operations of the PIPOs. That said, the full implication of the recent shift in responsibility for operating the centers from CCCIF under authority of Royal Navy to Thai MECC under the authority of DOF is still to be seen. Resource requirements are significant. As noted above, DLPW has allocated more than 10 percent of all labor inspectors to the PIPO and has neither authority nor budget for additional positions. As such, it may find it difficult to conduct more robust inspections and increase enforcement activities.
76. Objective 3. TFFA and TTIA have also expressed a commitment to continuing the Seafood GLP program. As noted above, all factories owned by TTIA member are already participating in the

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<sup>152</sup> Definition. The progress that has been achieved with respect to the overall development objective of the Ship to Shore Rights project with respect to reductions in forced labor, child labor and other unacceptable forms of work in the Thai fishing and seafood processing sectors.

<sup>153</sup> Endline Survey of Working and Living Conditions (Draft), September 2019.

<sup>154</sup> United States Department of States, *Trafficking In Persons Report*, June 2019

<sup>155</sup> Definition. The likelihood that any changes brought about by the Ship to Shore Rights project will persist after the project ends and result in permanent reductions in forced labor, child labor and other unacceptable forms of work in the Thai fishing and seafood processing sectors

program; in the case of TFFA, the program has reach 22 percent of factories owned by members. Both TTIA and TFFA will need to devote adequate resources for training, factory assessments, annual reports, and communications campaigns. Officials have noted the importance of maintaining the ILO name and logo on GLP materials; ILO will need to decide whether this is appropriate when its involvement in the program ends.

77. Objective 4. The ability of CSOs to continue operations after the end of the project varies. Some have been able to secure additional funding, but may need to shift focus, reduce staff, or cease operations in some locations.

## Conclusions and Lessons Learned

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### Conclusions

78. The project has accomplished a great deal over four years and has established a foundation for further progress. Conclusions with respect to each of the evaluation criteria are summarized below:
- **Relevance.** The project addresses a critical issue in Thailand and is consistent with ILO policy, the decent work agenda, and constituent needs and priorities.
  - **Coherence.** For the most part, the design of Ship to Shore Rights project is sound, focusing on activities for which the ILO is best suited. That said, the provision of welfare services to migrant workers and their families is tangential to the overall development objective.
  - **Efficiency.** Expenditures are in line with the budget and are consistent with the scope and scale of activities. The project faced delays in staff hiring and significant staff turnover. The project has drawn on DWT/CO staff and worked closely with other ILO projects.
  - **Effectiveness.**
    - Objective 1. The project has played a significant role in the ratification of ILO conventions and promulgation of new national laws that address forced labor and the protection of workers. Some regulations and administrative rules still need to be developed.
    - Objective 2. There has been a significant improvement in the inspection of fishing vessels, but there are still significant challenges to ensuring that the rights of workers are fully protected.
    - Objective 3. With the support of the project, TFFA/TTIA established a Seafood GLP Program that is designed to encourage greater worker engagement through legally mandated Welfare Committees. Results are encouraging, but it is too early to say whether the effort will result in substantive changes in behavior and better conditions for workers.
    - Objective 4. Significant strides have been made in organizing workers, but bargaining power is limited and migrant-led unions lack legal protection. Counselling provided by CSOs has helped workers deal with administrative matters with government agencies as well as with potential violation of the law by employers. Cases have resulted in compensation totalling at least 2.7 million baht.

- **Impact** – While there is evidence that employment and working conditions have improved, the impact of the project with respect to reducing forced labor remains to be determined.
- **Sustainability**. Some aspects of the project are likely to be sustained, but the prospect for others is uncertain.<sup>156</sup>

## Lessons learned

79. There are several lessons that can be distilled from the results of the evaluation that have implications for ILO, EU, RTG and other constituents going forward:

- **Political pressure is important.** Pushing through legislation and ensuring strong enforcement takes political will. The threat of trade sanctions is a powerful motivator, but the concerted action of policy advocates is also needed. Similarly, voluntary compliance initiatives generally require significant pressure from buyers to be effective.
- **Success is dependent on the capacity of implementation partners.** Effectiveness is dependent on the ILO's ability to forge relationship with implementation partners that are committed to the same objectives and have the institutional capacity to carry out programs, including governance, leadership, management, staffing and systems. Field staff is critical to organizing efforts. Whether the focus is on community organizing or union organizing, success requires an ability to build trust. Trust is often built around personal relationships sustained over many years.
- **Projects need to be tailored to conditions in each country, recognizing the specific political situation and capacity of existing institutions.** The ability to effect reforms is dependent on the strength of political support and the absorptive capacity of relevant institutions. While activities may draw on the same body of knowledge on international best practices, projects need to be shaped to fit each country.
- **ILO and donors need to be prepared to work in a country over a long period of time.** In general, significant changes require a significant commitment of time and money. Recognizing that the pace of change is often outside the direct control of projects, ILO needs to put staff in the field for extended periods to work hand-in-hand with counterparts in government and civil society, particularly in countries with limited capacity and/or entrenched bureaucracies. Efforts to effect changes in policy, institutions, and culture are likely to take longer than four years.

## Recommendations

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80. The results of the evaluation lead to several recommendations:

- **Recommendation 1. Develop an explicit strategy to achieve legal reforms that takes advantage of leverage points and mobilizes constituents to undertake coordinated activities (Objective 1).** Efforts undertaken by ILO, trade unions, CSOs and other advocates need to be coordinated and directed toward key policymakers as well as individuals outside government who have substantial political influence. Public awareness campaigns should be integrated with

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<sup>156</sup> The mobile app developed by FED is no longer operational.

political advocacy. Campaigns should be directed toward a specific audience, convey key messages and aim to motivate specific actions. To be effective, campaigns need to be sustained. While reform has a technical dimension, it is inherently political. That said, ILO operates under certain limitations: it does not typically become involved in reform efforts unless it is requested to do so by government and cannot be involved in partisan politics.

Responsibility	Priority	Time Implication	Resource Implication
ILO, trade unions, CSOs and other advocates	High	Near-term	Medium

- Recommendation 2. Set explicit performance targets for the labor inspectorate, monitor results, and take corrective action if targets are not achieved (Objective 2).** Expectations should be set and communicated clearly and consistently to all levels of the organization. This should include specific targets with respect to the number and nature of enforcement actions based on historical data, international benchmarks, or rules of thumb (heuristics). The performance of PIPOs should be measured against targets regularly. The root causes of poor performance should be identified and appropriate actions should be taken. While the foundation for this type of analysis may take some time to establish, a number of technical issues merit immediate attention including the following: gaps in the inspection protocol with respect to occupational safety and health (OSH), inconsistent application of the inspection protocol (including policies with respect to interpreters), the need to move from procedural compliance to more robust assessments, and the need to conduct interviews with randomly selected fishers in private on an individual basis rather than as a group. Consideration might also be given to conducting an experiment to determine whether having CSO representatives observe and/or participate in interviews encourages fishers to talk more freely. Finally, greater attention should be given to determining whether workers are in control of bank accounts held in their name and are receiving agreed compensation. (This should be coupled with financial management training for workers.)

Responsibility	Priority	Time Implication	Resource Implication
ILO and Labor Inspectorate	High	Near-term	Low to Moderate

- Recommendation 3. Assess the impact of the industry-led GLP program on employment and working conditions in targeted sectors (Objective 3).** At the time of this evaluation, TFFP/TTIA has not yet released its first annual report on the results of the GLP program. Thorough consideration should be given to determining whether welfare committees are operating as intended and whether workers are better off as a result. Attention should be paid to whether factories are compliant with relevant national labor laws. Over time, it may make sense to include a third-party certification scheme to provide buyers with more certainty that standards are met. Given parallel efforts to establish independent labor unions in the seafood sector, the relationship between welfare committees and emerging unions should be examined. Finally, ILO will need to determine the conditions, if any, under which ILO will allow TFFA/TTIA to continue to use the ILO name and logo on GLP materials.

Responsibility	Priority	Time Implication	Resource Implication
ILO and industry associations	High	Near-term to Mid-term	Low to Moderate

- **Recommendation 4. Narrow the focus of migrant services, emphasizing the establishment of well-functioning worker organizations and the provision of legal assistance to migrant workers (Objective 4).**
  - **Support worker organizations.** The activities of union organizers like ITF/FRN and SERC/SSWG should be supported. Unions have the potential to change employer-worker dynamics within the fishing and seafood processing sectors, allowing workers to have a direct role in securing their legal rights and advancing their economic interests. This should be coupled with efforts to promote legal reforms related to freedom of association and the right to collective bargaining.
  - **Provide legal assistance to migrant workers, focusing specifically on potential violations of law by employers.** Much of the activities carried under the banner of legal counselling actually deals with helping migrant workers navigate government administrative procedure. These might be better handled by migrant worker assistance centers or CSOs that focus on migrant services and are supported by other funders. Project resources should be allocated to help migrants understand their rights and seek legal redress in the event that employers violate the law. Given the need for an on-going physical presence, legal assistance centers, staffed by lawyers, would need to be established in all port areas targeted for this type of assistance. These centers should employ case management systems and prepare publicly available reports on the intake, status, and resolution of cases. This type of public report is needed to advance systemic change. If this type of organization does not exist, effort should be made to build it.
  - **Do not incorporate welfare services in future projects.** These services, while important, are not central to the achievement of project objectives and given finite resources should not be funded through the project. Charitable organizations might be better supported through charitable foundations.

Responsibility	Priority	Time Implication	Resource Implication
ILO, trade unions and CSOs	High	Near-term	High



## Annex A. Document List

<b>Project Document</b>
Project Document, 15 December 2015
Budget
<b>Work Plans</b>
Annual Work Plans 2016 – 2017, as of Sept 2016
Annual Work Plans 2016 – 2018, as of Feb 2018
Annual Work Plans 2016 – 2019, as of Dec 2018
<b>Gender Strategy</b>
Gender Guidance Note & Strategy
Gender Mainstreaming Guidelines
<b>Communications Strategy</b>
Communication and Visibility Strategy
<b>Technical Progress Report and M&amp;E Frameworks Updates</b>
1 <sup>st</sup> Interim Technical Progress Report, Feb 2016 – Jan 2017
2 <sup>nd</sup> Interim Technical Progress Report, Feb 2017 – Jan 2018
3 <sup>rd</sup> Interim Technical Progress Report Feb 2018 – Jan 2019
Monitoring & Evaluation Framework Updates, Sep 2016, Sep 2017, Jan 2018 Mar 2018, Sep 2018, Dec 2018 and July 2019
<b>Project Steering Committee and Task Forces</b>
Terms of Reference (TOR) for Project Steering Committee (PSC)
Minutes of 1 <sup>st</sup> PSC Meeting, including presentations and registration list
Minutes of 2 <sup>nd</sup> PSC Meeting, including presentations and registration list
Minutes of 3 <sup>rd</sup> PSC Meeting, including presentations and registration list
Minutes of 4 <sup>th</sup> PSC Meeting, including presentations and registration list
Minutes of 5 <sup>th</sup> PSC Meeting, including presentations and registration list
Minutes of 6 <sup>th</sup> PSC Meeting, including presentations and registration list
Minutes of 7 <sup>th</sup> PSC Meeting, including presentations and registration list
Minutes of 8 <sup>th</sup> PSC Meeting, including presentations and registration list
Minutes of 9 <sup>th</sup> PSC Meeting, including presentations and registration list
Minutes of Task Force Meetings, 9 Mar 2017, 28 Jun 2017, 17 Nov 2017, 24 Feb 2018, 22 Mar 2019
<b>Prior Evaluations</b>
EU ROM Report Jan 7, 2019
Mid-Term Evaluation Report
<b>OBJECTIVE 1</b>
Forced Labour Protocol (P29) Thailand Situation and Gap Analysis, Feb 2017
Work in Fishing Convention (C188) Gap Analysis, March 2017
Ministry of Labour's P29 and C188 Plan, March 2017
ILO Public Hearing and Remarks on Forced Labour Act, Feb 2018
ILO Remarks for Draft Thai Prevention of Forced Labour Act public hearing, 15 Feb 2018
ILO Response on C188 to Royal Thai Government, 19 Feb 2018
ILO remarks for MOL Online Comment regarding Draft Prevention and Elimination of Forced Labour Act. 6 July 2018
Compilation of ILO Thailand's Technical Responses on C188, Dec 2018
Case Studies Related to Forced Labour in Thailand: Support the Application of ILO Fundamental Conventions and Human Rights in Thailand, with a Focus on the Forced Labour Convention, 1930 (No. 29) by Chayanich Thamparipattra
<b>OBJECTIVE 2</b>
Basic and Advanced Training Curriculum for Labour Inspectors Developed by ILO
National Curriculum for Labour Inspectors Developed by DLPW, with input from ILO
PIPO Inspection Tool Developed Under ILO
Memoranda/Reports by New Zealand MBIE Following Thailand Visit
Report on Data Mapping of DLPW and other Government Agencies
Back to Office Report on ILO Meeting with Bank of Thailand Regarding Electronic Wage Payment
ILO Technical Inputs on Revisions of PIPO Protocol, and Core Violation Manual
New Regulation Issued on June 26, 2018 to Clarify Labour Inspections on Standard Procedures

ILO Letters to Government Requesting CSO Access to PIPO Centers
1 <sup>st</sup> National Curriculum for Labour Inspector, Draft Programme (EN/TH)
2 <sup>nd</sup> National Curriculum for Labour Inspector, Draft Programme (TH)
3 <sup>rd</sup> National Curriculum for Labour Inspector, Draft Programme (EN/TH)
Request Letter to DLPW for Fishing Labour Inspection Data, Aug 2017
Letter from DLPW – Information on Labour Inspection in Thai Fishing and Seafood Processing Industry, Oct 2017
Risk Letter to CCCIF, Dec 2018
DLPW Enforcement Action – 2017 vs. 2018 (spreadsheet)
DLPW Fishing Inspection Protocol, 2018
<b>OBJECTIVE 3</b>
GLP Roadmap for 2015 - 2017
ILO, Revising the Good Labour Practices Programme, May 2017
Good Labour Practices (GLP) Guidelines in Thailand's Seafood Industry, 2019
TOR For Tripartite GLP Working Committee (Draft)
GLP Training Curriculum, developed by ETI and Food School
GLP Training Curriculum, developed by TTIA and TFFA
TFFA/TTIA Progress Report, Jan – Dec 2018
<b>OBJECTIVE 4</b>
Terms of References (TOR) for Partners (a)
Training Materials Used by ITF and SERC for Workers in Thailand
Training Materials Used by Raks Thai Foundation
Legal Manuals Developed by HRDF along with Case Referral Form
Description of mobile application developed by FED
Mapping of CSOs prepared by Migrant Working Group
Position papers on policies and legislation by Migrant Working Group
Links to Oxfam's VDOs: Calling Home and Rising Tide
Back to Office Report on Myanmar MOLIP-led Tripartite Consultations on Migrant Training
Training Curriculum used by ITF in the Pre-Departure Orientation training at Kawthaung, Myanmar (March 2019)
HRDF Technical Progress Report, Feb – June 2019
ITF/FRN Technical Progress Report, May 2018 – Feb 2019
Oxfam Technical Progress Report, Aug 2017 – Feb 2019
SERC Technical Progress Report, Jan - April 2019
Stella Maris Technical Progress Report, Jan - June 2019
<b>Research Reports</b>
ILO, Baseline Research Findings on Fishers and Seafood Workers in Thailand, ILO, March 2018
ILO, Endline Survey Presentation used for Joint Task Force Meeting on Sept 30, 2019 (also survey instrument)
ILO, Moving to Electronic Payment in the Thai Fishing Industry, undated
ILO, MOU Channel Effectiveness and Labour Market Status
ILO, Case Study on Vessel Reconfiguration

## Annex B. List of Interviews

Organization	Name	Position
European Delegation	Mr. Giuseppe Busini,	Deputy Head
	Mr. Jerome Pons	Counsellor/Head of Operations Section
	Ms. Francesca Gilli,	Attaché, Programme Officer Cooperation
	Ms. Pichaya Fitts	Political Officer – Political, Press & Information Section
ILO Country Office – DWT Thailand	Mr. Graeme Buckley	Director, ILO Country Office for Thailand, Cambodia, and Lao PDR
	Ms. Jittima Srisuknam	Programme Officer
	Ms. Bharati Pflug,	Senior Specialist on Fundamental Principles and Rights at Work (Project Officer in Charge)
	Mr. René Robert	Labour Administration and Labour Inspection Specialist
	Mr. Nilim Baruah	Regional Migration Specialist
	Ms. Anna Engblom	Chief Technical Advisor, TRIANGLE in ASEAN Project
	Ms. Anna Olsen	Technical Specialist, TRIANGLE in ASEAN Project
	Ms. Kuanruthai Sisipattanakosol	National Project Coordinator
Ship to Shore Rights Project	Ms. Pamornrat Pringsulaka	ROAP M&E Coordinato
	Mr. Jason Judd	Chief Technical Advisor
	Mr. Vasu Thirasak	National Project Coordinator
Department of Labour Protection and Welfare (DLPW), Ministry of Labor (MoL)	Ms. Anyamane Tabtimsri	National Programme Officer
	Mr. Somboon Trislanunt,	Deputy Director-General, DLPW
	Mr. Jaranchai Korsriphitakkul,	Director, Labour Protection Division, DLPW
	Ms. Sukanna Pornpati	Representative of Strategy and Planning Division and Representative of Foreign Workers Administration Office, Department of Employment, (DoE)
	Ms. Chalothorn Liewchavalit	ILO Section, International Cooperation Div., Bureau of International Cooperation, Office of the Permanent Secretary
	Mr. Manote Presutputthiyan,	Assistant Chief, DLPW Provincial Office, Chonburi
	Mr. Sompop Khongrod	DLPW Provincial Office, Songkhla
Ms. Samorn Kumnee	DLPW Provincial Office, Songkhla	
Command Center for Combating Illegal Fishing (CCCIF)	Captain Dorne Tipnant	Director
PIPO Chonburi	Mr. Pattawee Sukkasem	Director of Fishing and Fleets Management, Department of Fisheries (DoF), Ministry of Agriculture and Cooperatives (MoAC)
	Mr. Kittisak Jaiklang	Technical Specialist, Department of Labor Protection and Welfare (DLPW), Ministry of Labor (MoL)
	Ms. Supattra Tepparas	Technical Specialist, Department of Employment (DoE), MoL
	Mr. Sirapop Suwanich	Technical Specialist, DoE, MoL
	Mr. Wiraruth Saesim	Technical Specialist, DoE, MoL
	Mr. Krittee Pavadee	Technical Specialist, DLPW, MoL
	Ms. Chomtisa Thabthimhin	Technical Specialist, Marine Department, MOT
PIPO Songkhla	Mr. Watcharin Ratanachu	Director of Fishing and Fleets Management, Department of Fisheries (DoF)
	Mr. Sompop Kongrod	Senior Technical Specialist, DLPW
	Ms. Boonsri Mongkolrat	Technical Specialist, Marine Department
	Mr. Preecha Saengkaew	Technical Specialist, DLPW
	Mr. Chawanond Dilok	Technical Specialist, DoF
	Mr. Pairat Boonmas	Technical Specialist, Department of Employment (DoE)
	Mr. Amree Aitae	Fishery Technical Specialist, DoF
Mr. Sompong Tengchiang	Thai-Myanmar Language Coordinator, DLPW	
Thai Tuna Industry Association (TTIA)	Ms. Attapan Masrungson	Executive Advisor, TTIA
	Ms. Varaphon Patananukit	Officer
Thai Frozen Foods Association (TFFA)	Ms. Watchrawan Chomdong	Labor Advisor, TFFA
	Ms. Nareerat Junthong	Assistant Executive Director, TFFA
	Kamol Sak Lertpaiboon	Vice President
Songkhla Fisheries Association (NFAT)	Mr. Suradech Ninubon,	Head of NFAT, Songkhla
	Four (4) fishing vessel owners	Songkhla Fisheries Association members
Stella Maris	Ms. Apinya Thajit	Stella Maris
	Mr. Napassorn Thajit	Project Coordinator, Stella Maris
Raksthai Foundation	Mr. Wasurat Homsud,	Senior Program Officer
Human Rights Development Foundation (HRDF)	Ms. Chonticha Tangworamongkon	Director
	Mr. Polwish Subsrisunjai	Assistant Manager

<b>Organization</b>	<b>Name</b>	<b>Position</b>
SERC Foundation/ Working Class Laborers Group (WCLG), Chonburi/ Southern Seafood Industry Workers Group (SSIWG), Songkhla	Mr. Satien Thanprom	Project Manager, SERC, Bangkok
	Mr. Saneh Janthong	Project Coordinator, Bangkok
	Mr. Wiroon Sangkham	SERC- Songkhla Secretariat, Songkhla Office
	Mr. Hmeng Aour, (Cambodian)	Field Coordinator, Cambodian migrant communities in Chonburi
	Ms. Puttarn Sangkham	SERC Foundation Coordinator, Songkhla Office
	SERC- MWRN (Burmese) (Female)	Field Coordinator, Burmese migrant communities in Songkhla
	SERC- MWRN Burmese Interpreter (Male)	SERC Songkhla Office
	Cambodian migrant workers (fishing) in Chonburi) (6)	
The International Transport Workers' Federation (ITF)/ Fishers' Rights Network, Songkhla	Burmese migrant workers (seafood processing) in Songkhla (6)	
	Mr. Jon Hartough	Thailand Project Lead (currently in Bangladesh)
	Ms. Ussama Kaewpradap,	Organizing Operations Coordinator, FRN
	NA	Strategic Campaigner
Ethical Trading Initiative (ETI)	Migrant workers/FRN member (7)	
	Mr. Nick Kightley	Strategic Lead, Food, Farming and Fisheries
Welfare Committee, Samut Sakhon (Thai Union-TFFA/TTIA member)	Ms. Kitinan, Thai Worker Welfare Committee	Quality Control Officer, Thai Union (Seafood processing factory in Samut Sakhon)
	Mr. Aung Min Htay, Burmese Worker Welfare Committee	Burmese Language Facilitator, Human Resource Department, Thai Union (Seafood processing factory in Samut Sakhon)

## Annex C. Work Plan 2016-2019

	Objectives/Outputs/Activities
1.1	Enhanced knowledge base on employment and working conditions in the fishing and seafood processing sectors is generated and serves as a baseline against which to measure progress and determine areas for more focused policies and interventions.
1.1.1	Baseline research on employment, working conditions, and living conditions in selected project areas. <i>Endline research planned for 2019</i>
1.1.2	Conduct research and analysis on the industry on external or enabling factors that may contribute to poor working conditions. <i>Supplier and Endline research planned for 2019</i>
1.1.3	Provide support to a national child labour survey and other issues related to child and young workers.
1.2	Greater protection to workers and reduced forced and child labour in the fishing and seafood sectors through strengthening of national legal and regulatory framework in line with international labour standards.
1.2.1	Situation and gap analysis research on Convention 188 and the Forced Labour Protocol.
1.2.2	Technical support to improve national legal and policy framework on labour protection in the fishing and seafood sector. <i>Extended to match govt drafting/ratification schedule</i>
1.2.3	Practical tools and awareness raising to support effective implementation of laws and regulations. <i>In conjunction with ILO EIDHR Project.</i>
1.2.4	Information and knowledge exchange of international comparative experiences with legislative frameworks and policy measures. <i>In conjunction with ILO SEA Fisheries Project</i>
1.3	A coherent and comprehensive policy or action plan to combat forced labour, child labour and other unacceptable forms of work in the fishing and seafood industry with multi-stakeholder involvement
1.3.1	Support to develop an action plan to combat forced labour, child labour and other unacceptable forms of work in the fishing and seafood industry.
1.3.2	Provide technical inputs to policy dialogues and planning processes at the national and provincial levels, on trafficking, child labour, labour migration and protection of migrant workers, other relevant issues. <i>Extended to match govt drafting schedule</i>
1.4	Increased number of migrant workers who obtain regular status in the seafood processing and fishing sectors.
1.4.1	Research and assessment into the effectiveness of existing MOU channels (in cooperation with the ILO TRIANGLE project on labour migration management). <i>Extended to follow govt MOU Channel implementation</i>
1.4.2	Advocate for greater efficiency in the MOU channels and regulated recruitment practices, and for the regulation of recruitment actors, including brokers, in Thailand (in cooperation with the ILO TRIANGLE Project) <i>Extended to follow govt MOU Channel implementation</i>
1.4.3	Development of a <del>job matching service and supporting parallel</del> mechanisms to improve outcomes of recruitment and employment of migrant workers in the sector (in cooperation with the ILO TRIANGLE ASEAN) <i>Extended to follow govt MOU Channel implementation (a)</i>
2.1	Adoption of a comprehensive, multi-year labour inspection plan that addresses the systemic challenges to effective inspection.
2.1.1	Conduct a review of the systemic challenges to effective inspection
2.1.2	Develop a comprehensive plan based on the assessment. <i>Extended to accommodate DLPW planning and evolving strategy</i>
2.1.3	Design and development of an integrated database for labour inspection planning and monitoring.
2.1.4	Development of tripartite project supervisory body to support and participate in labour inspection. <i>Shifted to accommodate late 2019 transition of Project Steering Committee</i>
2.2	More effective application and enforcement of anti-trafficking and labour laws through labour inspection on board fishing vessels in ports and in seafood processing factories.
2.2.1	Update training materials, guidelines and tools for labour inspection. <i>Extended to accommodate national new inspection training</i>
2.2.2	Provide training and coaching to the approximately 120 provincial labour officers in the 22 coastal provinces
2.2.3	Assessment of remedial action, penalties, and prosecution/legal actions resulting from labour inspection. <i>Extended to provide updated analysis of enforcement actions</i>
2.3	Expand the reach of inspection services at sea to monitor working conditions through inter-agency cooperation; bilateral cooperation; and the use of data, information and technology
2.3.1	Support inter-ministerial coordination and cooperation to conduct inspections of vessels at sea through sustained longer-term structure. <i>Extended to follow govt CCCIF/MECC transition planning</i>
2.3.2	Training and coaching for Navy and other maritime enforcement agencies with delegated authority to inspect working conditions on vessels at sea. <i>Extended to follow CCCIF/MECC planning process and Work in Fishing Act</i>
2.3.3	Build capacity of inter-departmental inspection team at the central level to conduct inspections of specific cases where serious abuses are reported
2.3.4	Develop standard operating procedures and practices for cooperation between government and non-government actors to improve the collection, sharing and analysis of labour inspection information
2.3.5	<del>Develop and build capacity on technology for Vessel Monitoring System</del> Support MOL/CCCIF use of VMS and more targeted data to support risk analysis, planning and monitoring of labour inspection

2.3.6	Promote models for more closely monitoring the supply ships involved in the transshipping of fish while at sea, and giving them the burden of responsibility to share information on the vessels they are in contact with at sea. <i>Extended to accommodate Work in Fishing Act</i>
2.3.7	Enhance dialogue and cooperation with port-state authorities. <i>Extended to accommodate Work in Fishing Act</i>
2.3.8	Cooperate with AAPTIP, INTERPOL and other relevant actors working on criminal justice responses to forced labour and human trafficking to support the investigation and prosecution of cases in the sector. <i>Ongoing, also with ILO SEA Fisheries Project, ILO EIDHR Project and UNODC</i>
3.1	Governance of the GLP programme is operational, credible, transparent and sustainable
3.1.1	Provide support to the coordination meetings of the GLP Task Force and Working Groups. <i>Extended to support standing-up of GLP Advisory Committee</i>
3.1.2	Support the development of a results framework with targets, and measurement criteria to systematically monitor workplace improvements. <i>Extended with TTIA, TFFA and support from ETI (partner)</i>
3.1.3	Support the development of a training / labour advisory unit established and funded by the Thai industry associations. <i>Extended to support TTIA, TFFA programmes and possibly NFAT&gt;C188</i>
3.1.4	Maintain a database of enterprises signed up to the GLP and COC, and make it easily accessible in Thai and English. <i>Update on Project website yearly</i>
3.1.5	Disseminate a quarterly newsletter to all stakeholders and posted online
3.1.6	Share the GLP model with relevant actors nationally, regionally and internationally to identify areas of improvement, or possible expansion or replication. <i>Extended to reflect new lessons learned and development of model..</i>
3.2	GLP training and improvement programme builds capacity of employers throughout the supply chain to comply with higher standards, with results and progress reported on a regular basis.
3.2.1	GLP training provided by DLPW and DOF to peeling sheds, shrimp farms, and enterprises not previously enrolled, as well as those enrolled firms that are yet to complete the programme.
3.2.2	Update and deliver GLP training curriculum to member firms of industry associations in the fishing sector, including vessel owners and captains. <i>Fishing programme waits for owners and C188 ratification</i>
3.2.3	GLP training delivered by industry associations.
3.2.4	Post GLP follow up for performance appraisal and delivery of advisory services and support.
3.2.5	Vertical integration of GLP through the supply chain led by graduated firms.
3.3	Conciliation and complaints mechanism established and functions to provide appropriate and timely responses and remediation.
3.3.1	Support enterprise-level dispute resolution mechanisms, in addition to employer-worker dialogue that aim to prevent disputes arising in the first place.
3.3.2	Establish a dispute resolution mechanism at the industry level to receive and respond to complaints and requests for conciliation from workers, trade unions, NGOs and enterprises.
3.3.3	Documentation of case studies and success stories to raise awareness and promote the dispute resolution mechanism/s.
3.3.4	Representation made available to workers who want to lodge a grievance and use the dispute resolution mechanisms.
3.4	Strengthened awareness and commitment of buyers from Europe, US and Australia by actively engaging them in the GLP programme.
3.4.1	Facilitate linkages with European, US and Australian buyers and retailers through GLP buyer reference groups. <i>Extended to cover transition of GLP Advisory Committee to industry</i>
3.4.2	Engagement and communication with buyers reference groups for regular information sharing and knowledge exchange.
3.4.3	Support for a multi-stakeholder platform for dialogue on labour conditions within the fishing and seafood sector. <i>GLP Advisory Committee and In conjunction with ILO SEA Fisheries Project</i>
4.1	Workers in the sector have greater access to a range of support services provided by NGOs, trade unions and government.
4.1.1	Conduct a mapping of specific service providers in terms of the type of assistance made available to workers in the industry and their family members as appropriate, as well as the geographical coverage
4.1.2	Support NGOs, trade unions and migrants' associations that provide women and men, particularly migrant workers, with information, counselling and legal assistance. <i>Transition to alternative funding in mid-2019</i>
4.1.3	Provide specific assistance to workers and children that have been exploited
4.1.4	Organizational development and capacity building of service providers.
4.1.4	Information and education communication (IEC) campaigns in Thai ports and communities of origin.
4.2	Worker associations are established and strengthened to represent workers in the fishing and seafood processing industries.
4.2.1	Support workers in forming workers' organisations (including associations) in fishing and seafood processing sectors. <i>Transition to alternative funding in mid-2019</i>
4.2.2	Build up union to union cooperation and cooperation with NGOs.
4.2.3	Support unions' advocacy and campaign activities on fundamental principles and rights at work in fishing and seafood processing industries.
4.3	Mechanisms for facilitating access to a range of educational services, and providing children (including girls and boys; working children and/or child labour with appropriate support services are developed.
4.3.1	Facilitate access to educational services for target children. <i>2019 Pattani port area only. Change proposed following mid-term</i>

	<i>evaluation</i>
4.3.2	Provide referrals / access to quality and inclusive education services (formal, non-formal, life-skills) and other alternatives to child labour for children.
4.3.3	Establish child care centres at factories and in the vicinity of peeling sheds to lessen the burden on migrant girls, in particular, to stay away from school to care for siblings. <i>2019 Pattani port area only. Change proposed following mid-term evaluation.</i>
4.3.4	Lobby with responsible authorities and strengthen partnerships with like-minded partner organisations to promote access to educational services for children, in particular, in affected areas, with special focus on migrant children.
4.3.5	Provide specific return and reintegration services to assist victims of child labour. All services will be gender-responsive and consider the specific needs of children.
4.4	Strengthened relations between the Government and NGOs, trade unions and workers' associations on service delivery that leads to more informed policy, sustainable models of service provision leading to greater security for workers and their families.
4.4.1	Promote the gradual 'integration' of services provided by NGO, migrants' associations and trade unions with the services provided by the government offices at provincial levels.
4.4.2	Convene regular meetings to facilitate the sharing of information, developments, trends, etc. and coordinate with the wider community of service providers to ensure greater coherence in policy advocacy, and an amplification of efforts rather than a duplication.
4.4.3	Facilitate dialogue between and among workers (workers' associations, trade unions and NGOs), industry associations, and the government, at central and provincial levels – on a bilateral and multilateral basis. <i>Extended to support transition from ILO to govt leadership in provinces</i>
PM 1	Coordination
PM 1.1	PSC meetings
PM 1.2	PSC Taskforce meetings for coordination, information sharing, and guidance. Task Force 1 (Objectives 1 and 4) and Task Force 2 (Objectives 2 and 3)
PM 1.3	Buyers Reference Group Meetings/Calls ( <i>Part of ongoing GLP work</i> )
PM 2	Communications and Visibility
PM 2.1	Develop Project 'Communications, Advocacy, and Visibility Strategy' to prioritize and set communication objectives, develop messages, identify main activities, and evaluate communications outcomes.
PM 2.2	Develop a Joint Communications Action Plan with the Project Steering Committee (PSC) and Task Forces to mobilise support from stakeholders;
PM 2.3	Support campaigns to assist workers organizations and civil society to communicate information and tools with workers, using peer networks and leveraging key events (WADCL, World Migrants Day, World Day for Decent Work etc)
PM 2.4	Disseminate a quarterly newsletter to all GLP programme stakeholders and posted online.
PM 3	Monitoring and Evaluation
PM 3.1	Development of a comprehensive Monitoring and Evaluation (M&E) Framework with clear indicators and targets.
PM 3.2	Identification of Key Performance Indicators (KPI) and strategy for monitoring and reporting.
PM 3.3	Mid-term and final project evaluations.

Notes: Crossed-out text shows where objectives were changed

Source: Project Work Plan

## Annex D. Composition of Project Steering Committee

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<b>Government</b>	<ul style="list-style-type: none"> <li>• Department of Employment, Ministry of Labour:</li> <li>• Department of Labour Protection and Welfare, Ministry of Labour:</li> <li>• Social Security Office, Ministry of Labour</li> <li>• Department of Fisheries, Ministry of Agriculture and Cooperatives</li> <li>• Royal Thai Navy, Command Centre to Combat Illegal Fishing (CCCIF)</li> <li>• Marine Department, Ministry of Transport</li> <li>• Office of the Permanent Secretary, Ministry of Foreign Affairs</li> </ul>
<b>Employers and Industry</b>	<ul style="list-style-type: none"> <li>• Employer’s Confederation of Thailand (ECOT)</li> <li>• National Fisheries Association of Thailand (NFAT)</li> <li>• Thai Tuna Industry Association (TTIA)</li> <li>• Thai Frozen Foods Association (TFFA)</li> </ul>
<b>Trade Unions</b>	<ul style="list-style-type: none"> <li>• State Enterprises Workers’ Relations Confederation Foundation (SERC)</li> <li>• Thai Trade Union Congress (TTUC)</li> </ul>
<b>Civil Society</b>	<ul style="list-style-type: none"> <li>• Stella Maris</li> <li>• CSO representative nominated by the Migrant Workers Group</li> </ul>

Source: PSC TOR



## Annex E. Status of Relevant ILO Conventions

**Table 5. Status of Relevant Conventions**

#	Convention	Ratified	Status
	<b>Fundamental</b>		
29	Forced Labour Convention, 1930 Protocol of 2014 to Convention 29	26 Feb 1969 04 Jun 2018	In Force In Force
87	Freedom of Association and Protection of the Right to Organize Convention, 1948		
98	Right to Organize and Collective Bargaining Convention, 1949		
100	Equal Remuneration Convention, 1951	08 Feb 1999	In Force
105	Abolition of Forced Labour Convention, 1957	02 Dec 1969	In Force
111	Discrimination (Employment and Occupation) Convention, 1958	13 Jun 2017	In Force
138	Minimum Wage Convention, 1973	11 May 2004	In Force
182	Worst Forms of Child Labour Convention, 1999	16 Feb 2001	In Force
	<b>Governance (priority)</b>		
81	Labour Inspection Convention, 1947 Protocol of 1995 to C81		
122	Employment Policy Convention, 1964	26 Feb 1969	In Force
129	Labour Inspection (Agriculture) Convention, 1969		
144	Tripartite Consultation (International Labour Standards) Convention, 1976		
	<b>Technical</b>		
14	Weekly Rest (Industry) Convention, 1921 (Technical Convention: No. 14)	05 Apr 1968	In Force
19	Equality of Treatment (Accident Compensation) Convention, 1925 (Technical Convention: No. 19)	05 Apr 1968	In Force
88	Employment Service Convention, 1948 (Technical Convention: No. 88)	26 Feb 1969	In Force
95	Protection of Wages Convention, 1949		
97	Migration for Employment Convention, 1949		
143	Migrant Workers (Supplementary Provisions) Convention, 1975		
155	Occupational Safety and Health Convention, 1981 Protocol of 2002 to C155		
181	Private Employment Agencies, 1997		
187	Promotional Framework for Occupational Safety and Health Convention, 2006	13 Mar 2016	In Force
188	Work in Fishing Convention, 2007	30 Jan 2019	Not in Force (c)
MLC	Maritime Labor Convention, 2006 Amendments of 2014 to MLC Amendments of 2016 to MLC Amendments of 2018 to MLC	07 Jan 2016 18 Jan 2018 08 Jan 2019 06 Dec 2020 (b)	In Force Not in Force (a) In Force Not in Force (b)

Notes: Notes: (a) "Awaiting Declaration of acceptance; (b) Formal disagreement period until 26 Jun 2020. (c) The Convention will enter into force on 20 June 2020.

Source: Date of ratification and current status from <https://www.ilo.org/dyn/normlex/en/f?p=1000:11001:::NO::>

## Annex F. Number of fishing vessels and seafood processing factories

Province	Number of Registered Commercial Fishing Vessels > 10 gross tonnes (b)	Number of Approved Seafood Processing Establishments (c)
Bangkok	1,018	8
Chachoengsao	591	6
Chanthaburi	95	3
Chonburi (d)	262	14
Chumphon (d)	807	7
KoPhangan	11	0
Krabi	105	0
Nakhon Si Thammarat	403	3
Narathiwat	85	1
Pattani (d)	792	4
Pattaya (d)	58	0
Phang nga (d)	246	4
Phetchaburi	276	2
Phuket (d)	329	6
Prachuap Khiri Khan	547	0
Ranong (d)	443	14
Rayong (d)	879	16
Samut Prakan	81	28
Samut Sakhon	319	122
Samut Songkhram	1,059	0
Satun	231	2
Songkhla (d)	965	27
Surat Thani	354	8
Trang (d)	343	5
Trat (d)	418	2
Missing	10	0
Sub-total coastal Provinces	10,727	282
Non-coastal provinces (a)	NA	25
Total	10,727	357

Notes (a) includes, Kalasin, Kanchanaburi, Khonkaen, Nakhon Phanom, Nakhon Ratchasima, Nonthaburi, Pathum Thani, Phra Nakhon Si Ayutthaya, Prachinburi, Ratchaburi and Saraburi (d) Selected for focused interventions

Source: (b) Excel file provided by ITF/FRN based on data downloaded from [https://analytics.md.go.th/fisheries\\_whitelist](https://analytics.md.go.th/fisheries_whitelist) (c) Department of Fisheries

## Annex G: Lessons Learnt

### ILO Lesson Learned Template

**Project Title: Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry**

**Project TC/SYMBOL:** *THA/15/03/EUR*

**Name of Evaluator:** Eric Oldsman, PhD and Napapan der Kinderen

**Date:** 20 February 2020

The following lesson learned has been identified during the course of the evaluation. Further text explaining the lesson may be included in the full evaluation report.

LL Element	Text
<b>Brief description of lesson learned</b>	1. Significant political pressure is needed to effect major legal reforms.
<b>Context and any related preconditions</b>	<p>In February 2016, with the support of the European Union (EU), the International Labour Organization (ILO) launched a four-year, €4.2 million project titled, Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry (THA/15/03/EUR - 105548).</p> <p>The project aimed to “prevent and reduce forced labour, child labour and other unacceptable forms of work and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood processing sectors.” In this regard, one of the project objectives was to strengthen the applicable legal framework, including the ratification and implementation of the 2014 Protocol to the Forced Labor Convention (P29) and the Work in Fishing Convention (C188.)</p> <p>At the time the project was designed, Thailand faced the prospect of significant consumer backlash and trade sanctions, particularly in the United States and Europe. A series of reports on poor conditions within the fishing and seafood-processing sector began to appear in 2012. Trafficking issues in the fishing and seafood-processing sector (as well as other sectors) led the US State Department to downgrade Thailand from Tier 2 to Tier 3 status in the Trafficking in Persons Report 2014. On 21 April 2015, the European Commission put Thailand on formal notice (“Yellow Card”) for failing to combat illegal, unreported and unregulated (IUU) fishing, requiring the country to implement corrective measures in order to avoid a ban on exports of fishery products to the EU.<sup>157</sup> While IUU standards do not make explicit mention of employment or working conditions, it was generally understood that the EU expected Thailand to take action on this front as well, including the ratification of the P29 Protocol and C188. The country was initially given six month to comply with stated requirements; however, the deadline was subsequently extended. Advocates for policy change used the potential trade ban to call for significant reforms in laws protecting the rights of fishers, including migrant workers.</p>
<b>Targeted users / Beneficiaries</b>	The lesson is relevant for the ILO, donors, and tripartite partners in participating countries.

<sup>157</sup> The country was given six month to comply with stated requirements; however, the deadline was subsequently extended.

<b>Challenges /negative lessons - Causal factors</b>	See below
<b>Success / Positive Issues - Causal factors</b>	<p>The pressure exerted by the EU was instrumental to the ratification of the P29 Protocol and C188.</p> <p>However, it should be noted that the project built on earlier reforms. The Royal Thai Government (RTG) passed a number of laws between 2013 and 2015 to address IUU and afford workers, including migrants, greater legal protection. These include, inter alia, the enactment of the Royal Ordinance on Fisheries (2015), Ministerial Regulation on Occupational Safety, Health and Welfare of Crew in Fisheries (2016) and the Ministerial Regulation on the Protection of Labour in Sea Fisheries (2014). Issued under the Labour Protection Act (1998), the latter regulation provides minimum standards for the protection of workers in the fishing industry. As noted in the two gaps analyses conducted for P29 and C188, while more work was needed, much of the requisite legal framework was already in place prior to the start of the project.</p> <p>Moreover, ILO provided significant technical assistance to the RTG on legal reform. The project served as the conduit for ILO assistance requested by the RTG, coordinating input from specialists in FUNDAMENTALS, NORMES and SECTOR as well as the Country Office Director. Major activities included, but were not limited to, reviews of existing laws to identify changes needed to comply with the Conventions (“gap analysis”), extensive support for a series of consultations with key constituencies, written responses to questions posed by RTG, technical comments on draft laws prepared by the RTG, testimony in public hearings, letters of support urging government action, and informal discussions with key policymakers and interest group representatives. Several research studies were undertaken by the project to inform debate, including the Baseline Survey released in March 2018, which found that there were still unresolved labor issues in the fishing and seafood sectors despite the significant efforts undertaken over the preceding three years. The Government and industry associations challenged certain aspects of the report; however, the report reinforced the need for further reforms and was used by advocates to call for ratification of P29 and C188.</p> <p>The P29 Protocol and C188 were ratified by the RTG in June 2018 and January 2019, respectively. Thailand is the first country in Asia to ratify either of these instruments.</p> <p>Advocates were able to rally around ratification, which was then used to help push for enactment of new laws. A Royal Ordinance enacted in April 2019 amended the Prevention and Suppression of Human Trafficking Act. It establishes forced labor as a crime separate from trafficking and imposes significant penalties for committing the offense. The National Assembly also passed the Protection of Fishing Workers Act in May 2019 in the face of stiff opposition from industry groups, particularly the National Fisheries Association of Thailand (NFAT).</p> <p>While some subsidiary legislation has been passed, ministerial regulations required to fully implement the laws are still being developed. People interviewed as part of the evaluation attribute the delay to a number of factors, including the change in government, retirement of key government officials, lifting of the yellow card in January 2019, and with respect to implementing regulations for the Protection of Fishing Workers Act, continued opposition from NFAT.</p>
<b>ILO Administrative Issues</b>	Design / implementation

## ILO Lesson Learned Template

**Project Title: Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry**

**Project TC/SYMBOL:** *THA/15/03/EUR*

**Name of Evaluator:** **Eric Oldsman, PhD and Napapan der Kinderen**

**Date:** *20 February 2020*

The following lesson learned has been identified during the course of the evaluation. Further text explaining the lesson may be included in the full evaluation report.

LL Element	Text
<b>Brief description of lesson learned</b>	2. Success is dependent on the capacity of implementation partners.
<b>Context and any related preconditions</b>	<p>In February 2016, with the support of the European Union (EU), the International Labour Organization (ILO) launched a four-year, €4.2 million project titled, Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry (THA/15/03/EUR - 105548).</p> <p>The project aims to “prevent and reduce forced labour, child labour and other unacceptable forms of work and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood processing sectors.” One of the objectives of the project was to expand services to migrant workers. Roughly, 20 percent of the budget was allocated to civil society organizations (CSOs) to expand migrant services under implementation agreements with the ILO. Services can be grouped under five broad headings: worker organizing, worker training, legal counseling, welfare services, and social dialogue.</p>
<b>Targeted users / Beneficiaries</b>	The lesson is relevant for the ILO, donors, and tripartite partners in the participating countries.
<b>Challenges /negative lessons - Causal factors</b>	See below
<b>Success / Positive Issues - Causal factors</b>	<p>Effectiveness was dependent on the ILO’s ability to forge relationship with implementation partners that are committed to the same objectives and have the institutional capacity to carry out programs, including governance, leadership, management, staffing and systems.</p> <p>While it was envisioned that services would be provided in 12 coastal provinces, in practice the project reached seven. The principal limitation was the lack of adequate staffing and resources. Partners had small field staffs in some, but not all targeted provinces. Field staff is critical to organizing efforts and the provision of migrant services, including legal counseling.</p> <p>Migrant workers are prohibited from forming or leading unions under the Labor Relations Act. Still, the project achieved some success in organizing migrant workers. With the support of the International Transport Workers Federation</p>

	<p>(ITF), the Fishers’ Rights Network (FRN) was publicly announced in May 2018. At this point, more than 2000 fishers in Ranong, Songkhla and Trat have signed membership cards. Another 150 workers in Songkhla have registered as members of the Southern Seafood Industry Workers Group (SSWG) with the support of the State Enterprises Relations Confederation (SERC). This result is due to extensive outreach and organizing activities carried out through multiple channels, including training events, informal meetings and social media. Migrant leaders report that training and peer-to-peer discussions have given them a better understanding of their rights under Thai law. So far, much of the activity of the organizations has focused on political advocacy; their ability to negotiate with employers for better pay and working conditions is still to be demonstrated. Bargaining power is limited.</p> <p>Under the agreement with the ILO, Human Rights Development Foundation (HRDF) initially focused on building the capacity of CSOs to provide assistance on legal issues within migrant communities. The intention was to enable the staff of CSOs to serve as “paralegals” with the ability to collect information from aggrieved workers, deal directly with government authorities on simple matters, and serve as intermediaries with legal counsel on more complex cases. HRDF produced three manuals on basic labour rights, procedures for dealing with grievances, and international labour standards, including C188 Following the release of the manuals, HRDF organized three, two-day training workshops for representatives of CSOs on case management and referrals. While informative, CSO representatives that were interviewed as part of this evaluation suggested that the use of the manual and training has been limited, noting that the material was too sophisticated for the audience and not germane to the work that the CSO actually perform on a day-to-day basis. Most organizations are not set up to provide this type of service, which would require them to conduct interviews, investigate claims, and compile documentary evidence.</p> <p>That said, HRDF and the Raks Thai Foundation fielded requests for assistance directly from migrant workers on administrative matters with government agencies such as filing for social security and health benefits as well as with potential violation of the law by employers. Cases have resulted in compensation totalling at least 2.7 million baht.</p> <p>The ability of CSOs to continue operations after the end of the project varies. Some have been able to secure additional funding, but may need to shift focus, reduce staff, or cease operations in some locations.</p>
<b>ILO Administrative Issues</b>	Design / Resources

## ILO Lesson Learned Template

**Project Title: Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry**

**Project TC/SYMBOL:** *THA/15/03/EUR*

**Name of Evaluator:** **Eric Oldsman, PhD and Napapan der Kinderen**

**Date:** *20 February 2020*

The following lesson learned has been identified during the course of the evaluation. Further text explaining the lesson may be included in the full evaluation report.

LL Element	Text
<b>Brief description of lesson learned</b>	3. Projects need to be tailored to conditions in each country, recognizing the specific political situation and capacity of existing institutions.
<b>Context and any related preconditions</b>	<p>In February 2016, with the support of the European Union (EU), the International Labour Organization (ILO) launched a four-year, €4.2 million project titled, Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry (THA/15/03/EUR - 105548).</p> <p>The project aims to “prevent and reduce forced labour, child labour and other unacceptable forms of work and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood processing sectors.” It focuses on four related objectives: (i) strengthening the legal framework, (ii) enhancing the capacity of the labor inspectorate to enforce the laws, (iii) promoting greater compliance with labor standards through the implementation of an industry-led Good Labor Practices (GLP) program, and (iv) expanding services to migrant workers and their families.</p> <p>Activities undertaken in Thailand under the project reflected the particular situation in the country.</p>
<b>Targeted users / Beneficiaries</b>	The lesson is relevant for the ILO, donors, and tripartite partners in the participating countries.
<b>Challenges /negative lessons - Causal factors</b>	See below
<b>Success / Positive Issues - Causal factors</b>	<p>The starting point for the project was specific to Thailand. Two issues merit highlighting:</p> <p>First, at the time the project was designed, Thailand faced the prospect of significant consumer backlash and trade sanctions, particularly in the United States and Europe. Trafficking issues in the fishing and seafood-processing sector (as well as other sectors) led the US State Department to downgrade Thailand from Tier 2 to Tier 3 status in the Trafficking in Persons Report 2014. On 21 April 2015, the European Commission put Thailand on formal notice (“Yellow Card”) for failing to combat illegal, unreported and unregulated (IUU) fishing, requiring the country to implement corrective measures in order to avoid a ban on exports of</p>

	<p>fishery products to the EU. While IUU standards do not make explicit mention of employment or working conditions, it was generally understood that the EU expected Thailand to take action on this front as well. This served as a major motivation for political and institutional reform.</p> <p>Second, significant efforts to address these issues had already been made prior to the initiation of the project, including the enactment of legal reforms, establishment of new enforcement mechanisms (Port-In, Port-Out Control Centers), establishment of a Good Labor Practices program in the seafood-processing sector, and initial worker organizing for fishers. Moreover, numerous civil service organizations (CSO) were already providing services to migrant workers and their families.</p> <p>These factors influenced the design and implementation of the projects as well as the extent of its subsequent success. While project activities in other countries may draw on the same body of knowledge on international best practices, they need to be shaped to fit each country.</p>
<p><b>ILO Administrative Issues (staff, resources, design, implementation)</b></p>	<p>Design / implementation</p>



## ILO Lesson Learned Template

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The following lesson learned has been identified during the course of the evaluation. Further text explaining the lesson may be included in the full evaluation report.

LL Element	Text
<b>Brief description of lesson learned</b>	4. ILO and donors need to be prepared to work in a country over a long period of time, particularly in countries with limited capacity and/or entrenched bureaucracies.
<b>Context and any related preconditions</b>	<p>In February 2016, with the support of the European Union (EU), the International Labour Organization (ILO) launched a four-year, €4.2 million project titled, Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry (THA/15/03/EUR - 105548).</p> <p>The project aims to “prevent and reduce forced labour, child labour and other unacceptable forms of work and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood processing sectors.” It focuses on four related objectives: (i) strengthening the legal framework, (ii) enhancing the capacity of the labor inspectorate to enforce the laws, (iii) promoting greater compliance with labor standards through the implementation of an industry-led Good Labor Practices (GLP) program, and (iv) expanding services to migrant workers and their families.</p> <p>Significant efforts to address these issues had already been made prior to the initiation of the project, including the enactment of legal reforms, establishment of new enforcement mechanisms (Port-In, Port-Out Control Centers), establishment of a GLP program in the seafood-processing sector, and initial worker organizing for fishers. Moreover, numerous civil service organizations (CSO) were already providing services to migrant workers and their families.</p>
<b>Targeted users / Beneficiaries</b>	The lesson is relevant for the ILO and donors.
<b>Challenges /negative lessons - Causal factors</b>	See below
<b>Success / Positive Issues - Causal factors</b>	<p>In general, significant change requires a significant commitment of time and money. Recognizing that the pace of change is often outside the direct control of projects, ILO put staff in the field more than three years to work hand-in-hand with counterparts in government and civil society. However, much more effort will be required to consolidate and advance the gains that have been made.</p> <p>Some examples follow:</p>

	<p>(1) Even with a strong legal foundation in place, significant political pressure, and the concerted effort of ILO and tripartite constituents, the ratification of the 2014 Protocol to the Forced Labor Convention (P29) and the Work in Fishing Convention (C188) took roughly 30 and 35 months from the start of the project, respectively. It took additional time to pass national laws. At the end of the four-year-project, ministerial regulations required to fully implement all provisions of the national laws were still being developed</p> <p>(2) new enforcement mechanisms (Port-in, Port-out Control Centers) that were established prior to the project have been strengthened; however, better procedures are still needed to combat forced labor and wage theft</p> <p>(3) It took more than three years to set up a new GLP program for the seafood processing sector and success in term of greater worker engagement in government-mandated company welfare committees and the achievement of better labor conditions had not yet been demonstrated by the end of the project. A similar program for the fishing sector has yet to be established.</p> <p>(4) The project achieved some success in organizing migrant workers. With the support of the International Transport Workers Federation (ITF), the Fishers’ Rights Network (FRN) was publicly announced in May 2018. More than 2000 fishers in Ranong, Songkhla and Trat (three of the 22 Coastal Provinces) have signed membership cards. Another 150 workers in Songkhla have registered as members of the Southern Seafood Industry Workers Group (SSWG) with the support of the State Enterprises Relations Confederation (SERC). So far, much of the activity of the organizations has focused on political advocacy; their ability to negotiate with employers for better pay and working conditions is still to be demonstrated. Bargaining power is limited and migrant workers are prohibited from forming or leading unions under the Labor Relations Act.</p>
<b>ILO Administrative Issues</b>	Design / Resources