



# Evaluation Summary



International  
Labour  
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Office

## “Combating Unacceptable Forms of Work in the Thai Fishing and Seafood Industry” - Independent final evaluation

### Quick Facts

**Countries:** *Thailand*

**Final Evaluation:** *15 February 2020*

**Mode of Evaluation:** *Independent*

**Administrative Office:** *ILO Country Office for Cambodia, Lao PDR and Thailand (CO-Bangkok)*

**Technical Office:** *ILO Decent Work Team for East and South East Asia and the Pacific (DWT-Bangkok)*

**Evaluation Manager:** *Ms Harpreet Bhullar, National Project Coordinator, ILO India*

**Evaluation Consultant:** *Eric Oldsman, PhD and Napapan der Kinderen*

**Project End:** *31 March 2020*

**Project Code:** *THA/15/03/EUR*

**Donor & Project Budget:** *European Union (EUR 3.7 million) and ILO (EUR 0.5 million)*

**Keywords:** *Forced labor, labor inspection, compliance, migrant worker, fishing, ratification*

### Background & Context

#### Summary of the project purpose, logic and structure.

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, Chumporn, Pattani, Phang Nga, Phuket, Ranong, Rayong, Samut Sakhon, Songkhla, Surat Thani, Trang, and Trat.

*in Thailand and Geneva.*

#### Present Situation of the Project

##### Purpose, scope and clients of the evaluation

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

##### Methodology of evaluation

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 Nations Evaluation Group (UNEG) evaluation norms, standards and ethical safeguards.

## Main Findings & Conclusions

- **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 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. 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.
- **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

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).

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. Ministerial regulations required to fully implement the laws have yet to be issued.

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>1</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

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<sup>1</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

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

## Recommendations & Lessons Learned

### Main recommendations

- **1. Develop an explicit strategy to achieve legal reforms that takes advantage of leverage points and mobilizes constituents to undertake coordinated activities**
- **2. Set explicit performance targets for the labor inspectorate, monitor results, and take corrective action if targets are not achieved .**
- **3. Assess the impact of the industry-led GLP program on employment and working conditions in targeted sectors.**
- **4. Narrow the focus of migrant services, emphasizing the establishment of well-functioning worker organizations and the provision of legal assistance to migrant workers**

### Lessons learned

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.