Turning principles into pathways
The future of the Seafood Good Labour Practices programme
Turning principles into pathways

The future of the Seafood Good Labour Practices programme
Foreword

Thailand is home to a major seafood processing industry both in economic terms as well as the number of workers employed. Yet the nature of the industry and its workforce, which is primarily made up of migrant workers from neighbouring countries has led to a number of decent work challenges.

The International Labour Organization has worked closely with the industry for many years to help strengthen working conditions. Since 2016, the work was primarily carried out by European Union supported programmes. Ship to Shore Rights Thailand (2016-20), which developed the Seafood Good Labour Practices (GLP) Guidelines in collaboration with the Thai industry to implement improvements in labour standards at seafood factories effectively and systematically.

The Seafood GLP programme engaged with companies to set workplace standards based on Thai labour laws, provided training workshops on relevant labour standards and developed action plans for advancing decent work in workplaces.

In 2020, a new phase of the Ship to Shore Rights programme was launched, expanding earlier work carried out in Thailand to the rest of the region. A priority for the new project has been to assess the impacts of the Seafood GLP and work together with the industry to develop recommendations for improvements. The support of workers’ organisations and the Thai government has been integral to this process. The goal is to further strengthen the commitment of the seafood industry to effectively implement workplace policies that align with national laws and international labour standards.

This publication highlights the findings of the assessment of the Seafood GLP programme. It covers lessons learned and challenges ahead. It also features a number of concrete recommendations for strengthening the effectiveness of the programme which in turn will help improve labour standards in the fishing and seafood processing sector.

We hope that this report serves as a guideline for future endeavours with the Seafood GLP programme and other policies aimed at supporting workers and employers in the industry. Our sincere thanks must go to our collaborators and supporters in this endeavour, especially the European Union and the Government of Thailand.

Graeme Buckley

Director
ILO Decent Work Technical Support Team for East and South-East Asia and the Pacific and Country Office for Thailand, Cambodia, and Lao People’s Democratic Republic
Foreword

The European Union has supported decent work initiatives in Thailand’s fishing and seafood processing sectors since 2016 with the Ship to Shore Rights Thailand project. During this time, the International Labour Organization (ILO), Thai Tuna Industry Association and the Thai Frozen Foods Association developed the Seafood Good Labour Practices (GLP) programme, aimed at supporting employers to improve labour standards in the workplace.

The second and current phase of this initiative, the Ship to Shore Rights South-East Asia programme, builds upon the achievements of the first phase which focused solely on Thailand. In this current regional phase, Ship to Shore Rights has expanded its scope and focuses on the broader South-East Asian region.

Under this phase, the ILO, Thai Tuna Industry Association, and Thai Frozen Foods Association have intensified their efforts to support the implementation of the Seafood GLP Guidelines. The report, presented in this publication, evaluates the Seafood GLP programme and its implementation, and examines its effectiveness in bringing the industry on board to improve working conditions in Thailand’s seafood processing sector. The findings of the report are important to steer the Seafood GLP programme towards more robust implementation, enhanced accountability, and measurable improvements to the lives of the workers.

The report is also timely and provides guidance on building back better when workers in the industry continue to be impacted by the ripple effects of COVID-19. It also highlights ways forward and the potential to expand the GLP approach to other supply chains or other countries in the region.

The Seafood GLP programme workplace standards follow Thai law and international labour standards for companies to adhere to. They include topics of forced labour, collective bargaining, discrimination, wages and occupational safety and health.

The European Union is strongly committed to promoting human rights in the world of work. The collaboration with the ILO is a key step in better supporting workers and employers in key global industries such as the fishing and seafood processing sector. The assessment report on the Seafood GLP programme paves a future for sector-specific changes toward national and international labour law adherence.

We look forward to continuing our collaboration with the ILO and the Royal Thai Government for a more sustainable and inclusive future of work.

Delegation of the European Union to the Kingdom of Thailand
Foreword

Thailand is the world’s sixth-largest exporter of fish and seafood products. The seafood processing sector is vital for Thailand’s economy, as well as international markets and global supply chains.

At the same time, the sector primarily employs migrant workers from countries such as Myanmar, Cambodia and Lao People’s Democratic Republic. It is vital to support employers and workers on relevant labour laws, and assure systems are in place so rights can be respected.

To improve employers’ awareness, the Seafood Good Labour Practices is a voluntary programme that supports the private sector to improve labour standards in the Thai seafood industry. The Ministry of Labour has supported the International Labour Organization, Thai Tuna Industry Association and the Thai Frozen Foods Association since its launch under Ship to Shore Rights Thailand (2016–2020), supported by the European Union.

The programme has been able to reach employers on the principles of Thai law and international labour standards while equipping them with labour management systems that improve compliance. This voluntary initiative has supported factories across Thailand to mitigate workers’ exploitation and forced labour activities.

This report highlights the strengths and ongoing challenges of the implementation of the Seafood GLP programme while setting ways forward. One future pathway is to develop a continuous improvement programme that takes into account lessons learned, while continuing to educate businesses, and monitor and raise awareness of labour rights in the workplace.

Improvements include the increased role of workers in verifying changes in working conditions, gender mainstreaming and engaging in accountability measures for non-compliance. The re-commitment to the Seafood Good Labour Practices programme comes at a pivotal time as the sector recovers from COVID-19 restrictions and challenges.

The Ministry of Labour looks forward to working with the ILO and stakeholder partners in promoting Thai law and international labour standards in the seafood processing sector. We are committed to industry-wide improvements so workers’ rights for women and men in the sector are respected.

Boonchob Suttamanuswong
Permanent Secretary
Ministry of Labour
Kingdom of Thailand
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<th>Description</th>
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<tr>
<td>CSO</td>
<td>civil society organization</td>
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<td>DoF</td>
<td>Department of Fisheries</td>
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<td>DLPW</td>
<td>Department of Labour Protection and Welfare</td>
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<td>EU</td>
<td>European Union</td>
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<td>GLP</td>
<td>Good Labour Practices</td>
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<td>HR</td>
<td>human resources</td>
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<td>ILRF</td>
<td>International Labor Rights Forum</td>
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<td>IPEC</td>
<td>International Programme on the Elimination of Child Labour</td>
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<td>MOU</td>
<td>memorandum of understanding</td>
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<td>PPE</td>
<td>personal protective equipment</td>
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<td>Seafood GLP</td>
<td>Seafood Good Labour Practices programme</td>
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<td>SME</td>
<td>small- and medium-sized enterprise</td>
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<td>TFFA</td>
<td>Thai Frozen Foods Association</td>
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<td>TTIA</td>
<td>Thai Tuna Industry Association</td>
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<td>WWC</td>
<td>worker welfare committee</td>
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Executive summary

The Seafood Good Labour Practices programme (Seafood GLP) was developed by the International Labour Organization (ILO), the Thai Tuna Industry Association (TTIA), and the Thai Frozen Foods Association (TFFA), and launched under the European Union-funded Ship to Shore Rights Thailand (2016–20).

The Seafood GLP is a voluntary programme implemented by the TTIA and TFFA to support the private sector to improve labour standards in the Thai seafood industry. The key components to a company’s participation in the Seafood GLP are:

- The company signs up to meet a set of workplace standards specific to Thai seafood production, based on Thai law and the principles of international labour standards.
- Free workshops provide training on the workplace standards and on systems for their implementation.
- During the workshop, the participants develop a company-specific action plan on how to implement the Seafood GLP standards within their workplace.
- Participating companies are visited by representatives from their industry association, to commend areas of good practice and to identify where current practices do not yet meet the Seafood GLP workplace standards.
- The company receives a factory visit report with company-specific recommendations for further improving the implementation of the Seafood GLP standards.

The principles of the Seafood GLP

The Seafood GLP is based on nine principles, which set out the high-level ambitions of the programme. The implementation of the programme has shown uneven progress against each of the nine principles.

Principle 1: Clear workplace standards

The Seafood GLP workplace standards contain 105 articles on:

- a. forced labour;
- b. child labour;
- c. freedom of association, collective bargaining and workplace cooperation;
- d. discrimination (equal employment opportunity and treatment);
- e. wages, compensation and working time;
- f. occupational safety and health, workers’ welfare, and community engagement.

These standards provide a sector-specific introduction to national labour law and guidance on how to meet the principles of international labour standards expected by overseas buyers. The Seafood GLP appears to have enabled a better understanding of legal obligations among participating companies and led to adjustments in business practices that improved compliance with national law.
Principle 2: CEO-level commitment and dedicated staff

The Seafood GLP seeks to get CEO-level commitment to the programme and dedicated staff with the ability and authority to challenge prevailing practices and attitudes. Currently senior management sign a letter of commitment to the Seafood GLP but have little involvement in its implementation. Responsibility for the everyday implementation of the Seafood GLP falls to existing human resources (HR) staff; one company reported hiring additional staff to support the implementation of the Seafood GLP. HR staff participate in training workshops and factory visits. Although HR staff may be able to challenge prevailing practices regarding recruitment and labour management, challenges to structural practices (such as commercial relationships, attitudes towards migrant workers, or investment in upgrading facilities) will require greater CEO involvement and commitment.

Principle 3: Tools and learning focused on systems

The programme aims to improve working conditions through enterprise-level capacity building. The training workshops and the Seafood GLP guidelines focus on promoting continuous improvement through the development of labour management systems that can improve relations between management and workers within the participating companies. All six of the participating companies interviewed reported that strengthening channels for communication between management and workers has improved labour relations, and two companies report that it has reduced worker turnover. Another company noted that as a result of participating in the Seafood GLP they now ask workers about the recruitment fees they have paid. The degree to which companies report having strengthened their labour management systems varied among the companies interviewed, suggesting that the level of implementation is company-specific and not uniform across the programme.

Principle 4: Industry internal due diligence and remediation

The TTIA and TFFA are tasked with conducting due diligence on their participating members’ labour practices and providing guidance on remedying any violations identified. As the Seafood GLP is a voluntary programme, the TTIA and TFFA see their own role as more to encourage, rather than enforce, compliance with the GLP workplace standards. The TTIA and TFFA visit the factories of participating members to assess if practices adhere to the Seafood GLP workplace standards, to acknowledge their efforts, and to offer advice for further improvement. The TTIA conducts annual visits, but the TFFA’s visit schedule was disrupted by COVID-19. The TTIA and TFFA consider the internal assessments as friendly peer-to-peer visits rather than as an assessment of labour practices, and in practice only consult with workers briefly. The TTIA and TFFA report that these visits only identify minor violations. For the violations identified, the industry associations offer recommendations for corrective action along with recommendations for further improvements. However, there is no timeline for the corrective action; as such, there is no clear evidence that the factory visits are an effective remediation mechanism.

Principle 5: Engagement with workers’ organizations and civil society

During the design of the Seafood GLP, stakeholders agreed that engagement with workers’ organizations and civil society organizations (CSOs) is important for the Seafood GLP’s credibility and for improving relations between workers and their employers. However, the current level of private sector engagement with CSOs and workers’ organizations is insufficient to bring credibility to the programme. Rates of unionization within the seafood processing sector remain very low, despite the presence of Thai workers in the sector. Engagement between existing trade unions and seafood factories appears minimal. At the enterprise-level, engagement with CSOs is similarly limited. However, the TTIA have made efforts to collaborate with CSOs to strengthen the role of the worker welfare committee. CSOs reported that when workers in TTIA member factories brings a labour grievance to the CSO, the CSO has successfully worked with the TTIA to address the issue, as the TTIA can facilitate a faster solution with the management.
Another CSO noted that a company’s participation in the Seafood GLP can be leveraged to advocate for reforms within their factories.

**Principle 6: Enterprise- and industry-level grievance and remediation**

The sixth principle states that workers must have a credible and responsible body to hear and act promptly on collective complaints. As worker welfare committees are enshrined in the Labour Protection Act 1998, the Seafood GLP guidelines include advice on how to strengthen the worker welfare committee to make it more representative of the workforce and how to hold democratic elections to the committee. Strengthening grievance mechanisms within member factories is a priority area for the industry associations, however progress has been slow. Of the six companies interviewed, four have migrant worker representatives on their worker welfare committees. Grievance mechanisms are not yet regularly used by workers. In 2020, a combined estimate of 16 to 22 grievances were brought to the six companies’ worker welfare committees. Most of the workers interviewed had never heard of the worker welfare committee. The suggestion box appeared to be the most familiar of internal grievance mechanisms; workers were aware of the suggestion box and saw it as a means of communicating with senior management but report never having done so.

**Principle 7: Accountability mechanisms**

Through the industry associations, the Seafood GLP seeks to hold participating companies accountable for working conditions in their factories, by celebrating the “high performers” and pressuring the “chronic low performers”. So far, the programme has not succeeded at either. The Seafood GLP has not yet found a way of promoting the achievements of companies that have higher labour standards. Indeed, it is not even clear which TFFA member companies participate in the Seafood GLP. Nor have the industry associations managed to introduce a credible public accountability mechanism for participating companies that make limited efforts to improve labour standards.

**Principle 8: Independent external due diligence and public reporting**

The Seafood GLP recognizes that a credible private sector improvement programme requires regular and robust independent analysis and public disclosure of its impacts. The TTIA and TFFA published a joint report on the aggregated findings from factory visits in 2019. The TTIA also publishes annual reports; however, as these are only in Thai, they are not widely disseminated among international buyers. The GLP Advisory Committee (including government, employer, worker, CSO, ILO and buyer representatives, and chaired by the Ministry of Labour) did not appear to initiate independent external analysis to verify the findings or publicly disclose the results. Without reporting on factory-specific improvements, labour violations or information about grievances raised and remedied, the GLP Advisory Committee will struggle to verify progress in the future. This limits the credibility of the Seafood GLP as an initiative that can demonstrate to buyers and external observers that the industry is making progress in addressing child labour and forced labour.

**Principle 9: (Upstream) sourcing choices and incentives that reward good labour practices**

The final principle of the Seafood GLP is that sourcing decisions, including price, must reflect buyers’ commitments to reward decent work. International buyer engagement with the programme has been minimal and there are no reported financial rewards for companies participating in the Seafood GLP. Thai companies nevertheless see their involvement in the Seafood GLP as beneficial to their business relationships, as the programme teaches them how to introduce the systems that are required to pass a third-party audit and continue exporting to international buyers. The Seafood GLP has not succeeded in
starting a discussion regarding the impact of buyers’ sourcing practices and business models on decent work, partly due to the limited public reporting on violations identified and remediated or on the costs involved in ensuring decent work. The Seafood GLP also encourages tier one Thai seafood exporters to investigate their supply chains and cascade the Seafood GLP workplace standards upstream. The TTIA have made nascent efforts to engage with seven suppliers of paper cartoons, vegetable oil and tin cans. However, the Seafood GLP has not been cascaded to fishing vessels or primary seafood processing facilities.

**Strengths and weaknesses of the Seafood GLP**

**Strengths**

The areas that have seen the most success relate to:

- **Principle 1**: clear workplace standards, which have created nationally owned private sector standards specific to the Thai seafood industry;
- **Principle 3**: tools and learnings focused on systems, which have created a space for the Thai private sector to exchange ideas; and
- **Principle 4**: industry internal due diligence and remediation, which had led to tailored, company-specific advice to participating factories.

**National ownership of the initiative.** The basis of the Seafood GLP and workplace standards are in Thai law, with the higher principles of international labour standards contextualized to the socio-cultural and market context of the Thai seafood industry. Thai industry associations oversee and encourage the implementation of the standards among their member companies. As such, the Seafood GLP is an interesting example of a less top–down, buyer-driven approach to improving labour standards in supply chains, and may have the potential to be more sustainable than private sector programmes reliant on specific buyer/supplier contractual relationships.

**Space to exchange ideas.** When asked which aspects of the Seafood GLP guidelines, tools and workshops they found particularly helpful, private sector interviewees reported that the workshops offered a valuable opportunity to talk with HR colleagues from other companies about labour relations management. One company gave an example of discussion regarding the cost of obtaining a passport in Myanmar, from which HR learned to identify whether migrant workers had been charged a recruitment fee on top of their documentation costs. Creating a space that enables peer-to-peer learning on how to improve labour relations – particularly given the significant gap between companies who have invested in improving working conditions for several years and those who are still learning the basic principles of the Seafood GLP – appears to be one of the main achievements of the programme.

**Company-specific recommendations for improvement.** The Seafood GLP condenses employers’ legal obligations into an accessible package that is tailored specifically to their needs and operations. For example, one company noted how the industry association is straightforward in identifying areas of non-compliance with the Seafood GLP standards and discussing possible solutions with the factory management. The company noted that the industry association tells them about areas of good practice in other factories (anonymously) and how they could similarly strengthen their internal systems. For companies that want to improve labour standards but do not know how, the Seafood GLP provides tailored advice at no cost to the business.
Weaknesses

There are a number of key weaknesses to the Seafood GLP. The weaknesses related to specific principles are explored above. Broader structural weaknesses related to the design and implementation of the programme include:

**Limited authority of industry associations.** There is an imbalance of power between the owners of the factories being visited and the industry association staff visiting the factories. A factory owner can simply refuse a visit from the association. This imbalance of power, coupled with the fact the industry association is funded by membership dues to promote the market interests of its members, inherently limits the ability of the industry associations to call out serious issues within its members’ factories.

**Limited gender sensitivity.** The majority of workers in seafood processing factories are women. Yet the implementation of the Seafood GLP does not appear to focus on the needs of women workers; most companies struggled to identify policies that were introduced to specifically support women workers. The Seafood GLP workplace standards address non-discrimination, equal renumeration, sexual harassment, pregnancy screening and access to maternity leave. However, they do not appear to have been the focus of the programme implementation. Indeed, one company reported that it continues to screen women for pregnancy during recruitment, a finding echoed by the women workers interviewed.

**Little focus on freedom of association and collective bargaining.** Freedom of association and collective bargaining are an entire module in the Seafood GLP workplace standards. However, the guidelines, factory visits and training focus on the introduction of grievance mechanisms, such as worker welfare committees, suggestion boxes and engagement with CSOs, rather than on promoting unionization. As companies report that at least 20 per cent of their workforce are Thai, the legal barriers to migrant workers organizing under Thai law do not entirely explain the very limited unionization in the seafood processing sector.

Promising practices identified

Through the report, a number of promising practices were identified among the companies interviewed for the study that could be replicated more broadly. These include:

- Employers now bearing the costs of workers’ work-related uniforms and PPE, in line with their legal obligations under the Labour Protection Act.
- HR staff cascading training on Seafood GLP labour standards among staff in their factory following GLP workshops.
- A designated senior management staff who is responsible for bringing worker grievances to the board of management on a monthly basis and reporting back on how they have been addressed.
- Weekly morning meetings between HR, the head of unit and workers’ representatives as a means of creating a space to raise grievances in a structured way.
- Monthly monitoring by HR of the problems contributing to worker turnover.
- Placing the suggestion box in a private location, without CCTV, where workers will not be observed using it.
- Willingness to discuss the labour-related challenges faced by the factory and the different possible solutions with colleagues in other seafood companies and with their industry association.
Focus on export supply chains. The Seafood GLP is limited to export-facing companies. Yet research has shown that forced labour is more likely to occur in domestic supply chains, which are under less scrutiny and often operate with lower margins. In the Thai seafood industry, the workers most vulnerable to forced labour are informal migrant workers in small and medium-sized enterprises (SMEs) at the pier and migrant fishers on Thai fishing vessels, the majority of whom do not produce seafood products for the export market. This limits the realistic ability of Seafood GLP participating companies to cascade compliance with the Seafood GLP upstream to Thai flagged fishing vessels or informal primary processing facilities.

The “business case”. The business case arguments for joining the Seafood GLP have led to confusion regarding the objectives of the Seafood GLP. The private sector would like to see the Seafood GLP factory visits replace social auditing as a means of supply chain assurance. However, the Seafood GLP was not designed as a certification system. In addition, Principle 7 on accountability mechanisms, and Principle 8 on external due diligence and public reporting have not been robustly implemented, which thwarts the ability of participating companies to reap market rewards for “high performers” or to identify poor behaviour. Coupled with a lack of effective labour inspections and a failure to identify breaches by companies, the business case underlying the Seafood GLP is undermined.

Future pathways and recommendations

Going forward, an effective Seafood GLP can take a number of forms. To determine how best to strengthen the programme, it will be important to decide the goal of the Seafood GLP and to ensure there is consensus.

Some of the forms the Seafood GLP may take are:

As an educational tool. The simple version of the Seafood GLP is a knowledge package that sets out workplace standards, provides sectoral guidance on how to meet them, and offers factory specific recommendations. As an education tool, the Seafood GLP could focus solely on the first four principles of the programme and would not need to introduce an accountability mechanism or address its lack of public reporting. Under this pathway the programme’s impact on labour practices reform in Thailand and on international buyers’ perception of the Thai seafood industry would remain low.

As an improvement programme. As a programme designed to lift the bar in the seafood processing sector, one future for the Seafood GLP is as a structured improvement programme that can support Thai factories to demonstrate a culture of continuous improvement to their buyers. To achieve this, the programme would need to robustly implement all nine principles of the programme, with a particular focus on Principles 7 and 8 on accountability mechanisms for non-compliance and external due diligence and public reporting. In addition, implementation of the Seafood GLP would need to improve on Principles 5 and 6 by including workers in factory assessments, by further strengthening grievance mechanisms (including promoting unionization), and by being willing to share where companies are struggling to protect workers’ rights, in order to meaningfully demonstrate progress and start a conversation on the impact of buyers’ sourcing practices.

Worker-led monitoring. A fully worker-centred model of the Seafood GLP would require the introduction of more robust worker-led monitoring mechanisms. Worker-led monitoring would only be possible if there is greater unionization within seafood factories first. Unlike grievance mechanisms where workers self-report an issue, in a worker-led monitoring system workers would need to be regularly surveyed on their working conditions to provide meaningful data on workplace improvements. The factory-specific nature of the Seafood GLP could facilitate a labour standards programme that is ahead of the curve. However, it would require collaboration between the industry associations and trade unions, legal reform to protect workers from retaliation from their employer, and funding from the ILO and/or industry associations to collect the data and independently analyse it.
During the validation workshop on the findings of this assessment, tripartite plus stakeholders involved in the Seafood GLP reached a consensus on pursuing **Pathway 2 – Seafood GLP as an improvement programme**. The following recommendations offer guidance on the actions necessary, at a minimum, for the Seafood GLP to progress as a continuous improvement programme.

1. **Workers need to play a more prominent role in verifying that working conditions are improving in factories involved in the Seafood GLP. Include workers or their representatives (such as CSOs or unions) in the factory visits to provide a more independent assessment of labour standards. At an absolute minimum, the industry associations need to conduct more worker interviews per factory and use an independent interpreter who is not a factory employee.**

2. **Strengthen grievance mechanisms and engagement with CSOs, so that any worker grievances raised through either internal or external grievance mechanisms are acted on in a timely manner and resolved to the satisfaction of the worker who brought the complaint.**

3. **Publish more detailed public reporting on the findings of the factory visits, including a summary of the changes resulting from participation in the Seafood GLP and the challenges faced in meeting the workplace standards.**

4. **Establish a timeline for corrective action to address issues identified during factory visits, with follow-up verification that the correction action plan has been implemented according to an agreed timeline.**

5. **Company action plans that include a clear set of objectives for structured year-on-year improvement that are agreed upon at the end of each annual factory visit and assessed the following year. The plans should be signed by a senior executive.**

6. **Worker welfare committees in all GLP participating factories should have a proportionate number of migrant workers and women workers that is representative of workforce demographics.**

7. **Companies to facilitate unionization at the factory level. This should also include commitments from GLP participating companies that employers will collectively bargain with their employees in good faith and not retaliate against workers. The implementation of commitments to non-retaliation should be verified during factory visit worker interviews.**

8. **Independent analysis and verification of the factory visit findings, including through labour inspections. In line with Principle 8, this requires a more proactive GLP Advisory Committee that plays its role in conducting external analysis to verify industry association findings from the factory visits and publishes independent reports on progress.**

9. **Industry associations to develop an accountability mechanism for companies participating in the Seafood GLP, in line with Principle 7. At a minimum, industry associations should publicly identify which members participate in the Seafood GLP, the date of their last factory visit, the number of grievances identified, and a summary of the corrective action plan. Public information on participating companies should also include a summary of specific efforts made to improve compliance with the Seafood GLP workplace standards in the previous year.**

10. **Industry associations to develop training workshops with greater focus on the needs of women workers and on developing factory action plans that include the introduction of gender-sensitive policies and ending discriminatory practices – for example, banning pregnancy screening during recruitment of workers.**
The Seafood Good Labour Practices programme (Seafood GLP) in Thailand was developed under the ILO Ship to Shore Rights Project (2016–20) as the project’s employer-focused activity. The premise of the Seafood GLP was that to improve migrant workers’ labour rights, employers also have to be aware of workers’ labour rights, as protected by Thai law, and have systems in place to respect those rights. Building on a pilot GLP programme developed by an earlier ILO project on child labour in the Thai shrimp industry, the Seafood GLP was one of the four pillars of the European Union-funded Ship to Shore Rights Project (2016–20).

The Seafood GLP aims to enhance employers’ awareness and understanding of Thai law and the principles of international labour standards and to equip them with labour management systems for supporting compliance. It is a voluntary programme that seeks to improve labour standards on a factory-by-factory basis.

The Seafood GLP is implemented by two industry associations, the Thai Tuna Industry Association (TTIA) and the Thai Frozen Foods Association (TFFA), who are responsible for creating a culture of compliance with Seafood GLP workplace standards among their members. All 26 members of the TTIA and 30 of the TFFA’s members participate in the Seafood GLP (TTIA and TFFA 2020).

1. Assessment methodology

This study set out to assess how the Seafood GLP has impacted the seafood processing companies involved, the workers in those factories, and the wider supply chain, and to explore some of the possible future directions for the programme. Twenty-five key informant interviews and two focus group discussions (with eight Myanmar migrant workers) inform the findings of this report. Key informants included representatives of the industry associations, employers’ organizations, workers’ organizations, civil society organizations, the Royal Thai Government, Thai seafood companies involved in the Seafood GLP, seafood buyers, and ILO staff formerly involved in the programme. It is important to note that while the findings reflect the views of relevant stakeholders, it was beyond the scope of the research to assess labour practices within the factories participating in the Seafood GLP. The full methodology can be found in Annex 1.

Six companies involved in the Seafood GLP volunteered to participate in the assessment, along with an international buyer with operations in Thailand that participate in the Seafood GLP. These seven companies represented a broad range of companies in terms of membership in the TTIA and TFFA, the size of the workforce, the percentage of the workforce that are migrant workers, and the percentage of products exported. However, as these companies volunteered to participate in the study, the findings may reflect the most proactive businesses and self-selection bias. As such, the incidences of implementation of the Seafood GLP and the systems introduced are likely to represent the best-case scenario results of the programme. The study does not capture the outcomes of the GLP in the 49 other companies that have signed up to the Seafood GLP but did not respond to invitations by the TTIA and TFFA to participate in the study. Moreover, the study was not able to delineate between reforms initiated as a result of the Seafood GLP or initiated independently of the programme, for example, as a result of buyer pressure on Thai seafood companies.

1 Note: Thai Union declined to participate in the study. The promising practices and reforms examined in the report therefore do not take into account the reforms made by Thai Union, which appear to have occurred independently of the programme, despite their participation in the Seafood GLP.
2. Development of the Seafood GLP

The first Good Labour Practices programme in the Thai seafood industry was developed in 2013 under the ILO’s International Programme on the Elimination of Child Labour (IPEC) project, in collaboration with the Thai Government’s Department of Labour Protection and Welfare (DLPW) and Department of Fisheries (DoF). It initially focused on the shrimp industry. The Shrimp GLP Guidelines were launched by the Ministry of Labour and the DoF on 16 September 2013, when 178 seafood enterprises signed up to participate in the pilot programme (DLPW, DoF, and ILO 2014). This included 81 primary processing workplaces, 97 seafood processing factories, 65 frozen food plants and 32 canneries (Prompoj 2014).

The implementation of the GLP programme was built into the design of the Ship to Shore Rights Project as the third of its four key objectives: “industry-led capacity and accountability initiatives”. At the start of the project, two rounds of stakeholder consultations were conducted, in April and December 2016, to determine the future of the GLP programme (ILO 2017). The ILO project team published a proposal in May 2017 which reconceptualized the GLP programme as a multi-stakeholder initiative across the entire Thai seafood industry (aquaculture, fishing and processing), where industry associations, the Thai Government, workers’ organizations and CSOs, and the ILO would play an active role in implementing the programme. The proposal argued that a strong private compliance initiative needs to go hand-in-hand with active government enforcement regimes and public pressure for change, and must have four key features: (1) clear incentives for participation; (2) clear incentives for performance improvement; (3) clearly defined and measurable targets for assessing performance; and (4) independent monitoring with robust and transparent reporting requirements (ILO 2017, 2–3).

Presented with this proposal for a multi-stakeholder Seafood GLP, the industry associations across the supply chain were asked if they were willing to put in the financial and human resources to achieve a more rigorous and credible multi-stakeholder initiative. The Thai Tuna Industry Association (TTIA) and the Thai Frozen Foods Association (TFFA) stated their interest. However, the industry associations representing the fishing and the aquaculture sectors were not interested. As a result, the proposal for a more stringent industrywide multi-stakeholder initiative was shelved.

Instead, the ILO collaborated with the TTIA and TFFA to develop a Seafood GLP that is specific to formal export-facing seafood processing factories, with narrower participation and scope than the original multi-stakeholder proposal that would have encompassed multiple tiers of the Thai seafood supply chain. Participating companies would commit to implementing the Seafood GLP workplace standards, attending training and welcoming a factory visit. The TTIA stated their willingness to contribute financial and human resources to the implementation of a revised Seafood GLP. It recognized the need for an updated GLP programme that would be seen as more rigorous and credible by international buyers in the wake of the European Union (EU) Yellow Card, the US Trafficking in Persons Report’s Tier 3 Watchlist ranking, and the international media attention on forced labour in the Thai seafood industry. The TFFA similarly expressed their interest in remaining involved.

3. Implementation context

The Seafood GLP came about at a time when Thai seafood companies faced the prospect of trade barriers with the EU due to illegal, unreported and unregulated (IUU) fishing practices within the fishing industry. At the same time, forced labour within the Thai seafood industry was the subject of international media attention, which linked overseas buyers and Thai companies to forced labour at sea. The damage to the industry’s reputation, the falling market share of Thailand’s shrimp exports, and the threat of trade barriers shaped the environment in which the industry associations agreed to develop and implement the Seafood GLP.

2 Former ILO Staff Interview 3.
3 Former ILO Staff Interview 3.
4 Former ILO Staff Interview 3.
In 2013, when the first GLP was developed, the ILO estimated that 17 per cent of fishers on Thai fishing vessels were in a situation of forced labour (ILO 2013). Around the same time, research conducted by the ILO IPEC project into child labour in Samut Sakhon found a prevalence rate of 12.7 per cent (ILO 2012, 6). Of the 360 economically active children found in Samut Sakhon, 35 per cent worked in shrimp- and seafood-related industries (ILO 2012, 10). The situation has reportedly improved since 2013, but labour rights violations remain ongoing; in 2019, the Ship to Shore Rights Endline research found that 7 per cent of seafood processing workers and 14 per cent of fishers were in a situation of forced labour (ILO 2020a, 29).

Migrant workers in Thailand thus continue to face violations of their rights in the Thai seafood industry. Ongoing labour rights violations form the backdrop to the Seafood GLP and the need for further efforts to promote the application of the principles of international labour standards for workers.

Implementation context during COVID-19

Workers interviewed for the study report that COVID-19 safety measures have led to a reduction in overtime hours available and thus a drop in their earnings. Workers, particularly women workers, reported that the loss of overtime work and pay has impacted their livelihoods and necessitated a reduction in spending. This appears to be particularly difficult for mothers, who report that their income is largely spent on childcare and baby powder. Workers also noted that, despite the reduced overtime availability, the high volume of work and shorter lunch breaks (half an hour, rather than an hour, as a COVID-19 safety measure) have resulted in 7.5-hour work days, rather than 7 hours, for the same pay.

Interviews with CSOs noted the impact of the Bubble and Seal policy on migrant workers. The restrictions on workers’ freedom of movement under the policy sets a dangerous precedent of employers controlling workers’ whereabouts, which, as one stakeholder noted, will be normalized if the policy continues for an extended period. Another interviewee reported that workers in one factory were required to share their GPS location with HR, so that HR could monitor whether they went directly from the factory to their accommodation and if they left their accommodation. This raises serious concerns for workers’ freedom of movement, the absence of which is an indicator of forced labour.

While the export of canned tuna grew by 9 per cent in 2020 (TTIA 2021), companies that sell more of their produce to the domestic market report that they saw a reduction in sales due to lockdowns. This had a knock-on effect on workers. Migrant workers who lost their job as a result of factory closures during lockdown also had to contend with losing their right to work and their legal status in Thailand if they could not find another job within 30 days. One organization noted that migrant workers who had to undergo a health check in order to (re)gain legal status in Thailand could not access hospitals due to the pandemic, leaving migrant workers who have lost their job either undocumented or in debt as a result of obtaining new documents and thus more vulnerable to exploitation and arrest.

1 Workers’ Organization/CSO Interview 2.
2 Workers’ Organization/CSO Interview 2.
3 GLP Company Interview 6.
4 Workers’ Organization/CSO Interview 6.
Overview of the Seafood GLP
The key components to a company’s participation in the Seafood GLP are:

1. The company signs up to meet a set of workplace standards specific to Thai seafood production, based on Thai law and the principles of international labour standards.

2. Free workshops provide training on the workplace standards and on systems for their implementation.

3. During the workshop, the participants develop a company-specific action plan on how to implement the Seafood GLP standards within their workplace.

4. Participating companies are visited by their industry association, to identify where current practices do not yet meet the Seafood GLP workplace standards.

5. The company receives a factory visit report with company-specific recommendations for further improving the implementation of the Seafood GLP standards.

Although these five components were envisioned as 12-month cycle of Seafood GLP activities for participating companies. The cost of participating in these activities is covered by the industry associations and the ILO, with the individual companies responsible for costs involved in meeting the workplace standards and taking any necessary corrective action, following a factory visit. Despite the low costs involved for businesses, the Seafood GLP has been inconsistently implemented. Implementation appears to differ based on membership in either the TTIA or TFFA, company size and export volume. Drawing on interviews with six seafood companies participating in the Seafood GLP and the questionnaire data collected, the table below summarizes which components of the Seafood GLP the six companies have undertaken since joining the programme.

<table>
<thead>
<tr>
<th>Company</th>
<th>Workforce size</th>
<th>% of products exported</th>
<th>Industry association</th>
<th>Attended training run by TTIA or TFFA</th>
<th>Created a GLP action plan for factory</th>
<th>Factory visited by TTIA or TFFA</th>
<th>Received a factory visit report with recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company 1</td>
<td>501 – 999</td>
<td>Over 91%</td>
<td>TTIA</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Company 2</td>
<td>5 001 – 8 000</td>
<td>Over 91%</td>
<td>TTIA</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Company 3</td>
<td>501 – 999</td>
<td>Over 91%</td>
<td>TTIA</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Company 4</td>
<td>1 – 200</td>
<td>51–70%</td>
<td>TFFA</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Company 5</td>
<td>1 – 200</td>
<td>1–25%</td>
<td>TFFA</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Not sure</td>
</tr>
<tr>
<td>Company 6</td>
<td>1 000 – 1 500</td>
<td>Over 91%</td>
<td>TFFA</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
1.1.1 GLP workplace standards

At the heart of the Seafood GLP are a set of labour standards that companies sign up to meet. These workplace standards contextualize Thai labour law and principles of international labour standards to the Thai seafood industry. The Seafood GLP workplace standards were published in the Good Labour Practices (GLP) Guidelines in Thailand’s Seafood Industry (hereafter “GLP Guidelines”) in 2019 and reflected recent updates in Thai law at the time, including the ratification of ILO Protocol to the Forced Labour Convention, 1930, and the Work in Fishing Convention, 2007 (No. 188).

The workplace standards cover six core modules on:

a. forced labour;

b. child labour;

c. freedom of association, collective bargaining and workplace cooperation;

d. discrimination (equal employment opportunity and treatment);

e. wages, compensation and working time;

f. occupational safety and health, workers’ welfare, and community engagement.

The 105 articles set out within these six core modules detail the labour standards that companies participating in the Seafood GLP are expected to meet. This expectation encompasses both legal obligations under Thai labour law, as well as the principles of international labour standards that are often expected by overseas buyers, where these standards are higher than those under Thai law.5 For example, Thai law requires that migrant workers have a work agreement, while the Seafood GLP stipulates that it must be a written contract provided in the worker’s native language.6

1.1.2 Training workshops

To socialize the Seafood GLP workplace standards and provide guidance on how to implement them, the TTIA and TFFA were tasked with running annual training workshops for members of their associations. The training workshops are a mix of education on the Seafood GLP workplace standards and practical activities to encourage participants to develop measures to implement the standards in their factories. The workshops are not assessed and there were no criteria for participants to pass the training.

A company interviewee who attended Seafood GLP training workshops noted that the participatory nature of the training was an unusual but engaging means of encouraging the participants to “try it out yourself”.7 They noted that during the workshops, participants would come together in groups to analyse a problem and then think through potential approaches to solving it: “It was better than a lecture with a slideshow presentation. It is more participatory. They let us think for ourselves.”8

Training workshops were intended to be run annually by the industry associations, with the DLPW and ILO providing technical input on Thai law and the principles of international labour standards. In 2019, the ILO supported three training workshops in three provinces of Thailand on the updated Seafood GLP workplace standards.9 Representatives of 35 companies attended a training workshop in 2019, significantly less than the 56 companies that participate in the Seafood GLP. The industry associations struggled to get companies to attend; two TFFA companies interviewed report that the last training workshop they attended was in 2017, prior to the revision of the GLP programme (ILO, unpublished).

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5 Former ILO Staff Interview 2; Employers’ Organization/Industry Association Interview 2.
6 Government Interview 1; ILO 2019, 18.
7 GLP Company Interview 1.
8 GLP Company Interview 1.
9 Former ILO Staff Interview 1.
The TFFA noted that its capacity has been negatively impacted by budgetary constraints and economic challenges within the industry. The TFFA also has more members than the TTIA, which may limit how often members are invited to attend training workshops. The TTIA reports that members are expected to participate in training once a year, although in person workshops have not been feasible for the last two years due to COVID-19. One TTIA member noted that during the pandemic they have attended shorter online training sessions run by the TTIA.

1.1.3 Factory action plans

During the workshops, HR staff are supported to develop an action plan on how they can implement the Seafood GLP within their own workplaces. The aim of the factory action plan is to tailor the sectoral Seafood GLP workplace standards to the specific enterprise participating in the programme. HR staff are then responsible for implementing their factory specific action plan within their workplace. However, as demonstrated in the small sample of companies in Table 1 above, not all companies participating in the Seafood GLP developed an action plan.

1.1.4 Factory visits

The industry associations conduct factory visits to their members that participate in the Seafood GLP. The GLP Guidelines note that factory visits are not highly technical but rather “are designed instead to fill critical gaps in workplace labour practices and to provide practical tools for factories to make measurable improvements” (ILO 2019a, 15). The factory visits are pre-arranged by appointment with the company. During the factory visit someone from the industry association will spend approximately four hours at the factory. They will check policy and HR documents, spend time visiting the factory floor, and spend an hour conducting brief individual interviews with between two and four workers. The GLP Guidelines include tools to support the industry associations during the factory visit, including for conducting worker interviews and for checking factory documents (ILO 2019a).

The industry associations see the follow-up factory visit as “a validation, to see if they comply [with the Seafood GLP standards]. We are not nit-picking on them. This factory might say outright that they cannot find a solution, so we sit down together to look for solutions.”10 At the end of the visit, the industry associations discuss the visit with the factory HR and/or management, provide feedback on the visit, offer recommendations, and compliment the areas where the Seafood GLP has been implemented well.11

Throughout 2019, the industry associations report that they visited 30 TFFA members and 25 TTIA members participating in the revised GLP programme (TTIA and TFFA 2019). Between 10 September 2020 and 10 November 2020, the TTIA visited all 26 of its member companies involved in the Seafood GLP (TTIA 2020). The TFFA report that COVID-19 resulted in the factory visits being suspended.

1.1.5 Factory visit reports

Following the factory visit, the industry associations are responsible for sending the factory a written report detailing the findings of the factory visit and reiterating the recommendations that were discussed with management at the end of the visit. One company reported that the industry association will prepare an internal report on the findings of their visit and send a copy of the report to the factory management. These factory visit reports, however, are not made public.

The reports appear to be in varying degrees of formality. Some companies reported that they received a written report from their industry association following the visit, some did not and some were unsure. One company that was unsure whether or not they received a written report noted that the industry association sits down with them and provides verbal feedback and recommendations on areas for improvement.12

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10 Employers’ Organization/Industry Association Interview 1.
11 Employers’ Organization/Industry Association Interview 3.
12 GLP Company Interview 6.
1.2 Seafood GLP governance structure

The governance of the Seafood GLP lies with an Advisory Committee. The mandate of the Seafood GLP Advisory Committee is to support the Seafood GLP through reviewing the Seafood GLP Guidelines Manual, the content of the training workshops, and factory visit procedures. It is also tasked with monitoring and evaluating the activities organized through the programme; developing and improving procedures for implementing Seafood GLP activities, including grievance mechanisms; and providing technical advice and guidance to the industry associations and GLP member factories (ILO 2019b). Crucially, the Seafood GLP Advisory Committee was tasked with verifying the industry associations’ findings from the factory visits and publicly reporting on the changes occurring as a result of the programme.

The Seafood GLP Advisory Committee is chaired by the Ministry of Labour, replacing an earlier Ministry of Labour GLP Committee. The members of the Advisory Committee were selected by the ILO on a tripartite-plus basis, and the makeup of the committee is detailed in table 2 below.

The ILO drew up the terms of reference for the GLP Advisory Committee, which state that the GLP Advisory Committee shall convene at least twice a year, with TTIA/TFFA staff acting as the GLP Committee Secretariat (ILO 2019b). However, the GLP Advisory Committee does not appear to have met since March

### Table 2. Composition of the Seafood GLP Advisory Committee

<table>
<thead>
<tr>
<th>Government</th>
<th>1. Department of Labour Protection and Welfare, Ministry of Labour*</th>
<th>Chair</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Department of Fisheries, Ministry of Agriculture and Cooperatives*</td>
<td>Member</td>
</tr>
<tr>
<td>Industry association</td>
<td>3. Thai Tuna Industry Association (TTIA)*</td>
<td>Vice Chairs</td>
</tr>
<tr>
<td></td>
<td>4. Thai Frozen Foods Association (TFFA)*</td>
<td></td>
</tr>
<tr>
<td>Workers’ organizations (plus CSOs)</td>
<td>5. State Enterprise Relations Confederation (SERC)</td>
<td>Rotating Vice Chair / Member</td>
</tr>
<tr>
<td></td>
<td>6. Raks Thai Foundation</td>
<td></td>
</tr>
<tr>
<td>Employers’ organization and seafood suppliers</td>
<td>7. Employers’ Confederation of Thailand (ECOT)</td>
<td>Member</td>
</tr>
<tr>
<td></td>
<td>8. Association’s member factory</td>
<td>Member</td>
</tr>
<tr>
<td>Global multi-stakeholder org.</td>
<td>9. Ethical Trading Initiative</td>
<td>Member</td>
</tr>
<tr>
<td>Intergovernmental organization</td>
<td>10. International Labour Organization (ILO), Thailand Country Office*</td>
<td>Member</td>
</tr>
</tbody>
</table>

* Permanent members
2020, when the first phase of the Ship to Shore Rights project concluded. Indeed, one member of the committee appeared unaware that they are still a member of the GLP Advisory Committee; while another noted that since March 2020 “it seems like everything has quietened down. I understand it is because of COVID-19. Without this interview there is nothing for us to do.”

Thus, while the GLP Advisory Committee exists on paper, in practice its role has been minimal. It had not fulfilled its mandate of verifying progress made as a result of a company’s participation in the Seafood GLP. One GLP Advisory Committee member argued that the Committee “was the right thing to pursue but a lot more needed doing to build a common sense of purpose and to build that group of different individuals and entities. It was the right way to go to have a multi-stakeholder advisory group, but it needed something more in the way it was chaired, so that people agreed and made the commitment to it for it to be effective.”

13 Workers’ Organization/CSO Interview 4.
14 Buyer Interview 1.
Principles of the Seafood GLP
Turning principles into pathways
The Seafood GLP is underpinned by nine principles:

1. Clear workplace standards;
2. CEO-level commitment and dedicated staff;
3. Tools and learning focused on systems;
4. Industry internal due diligence and remediation;
5. Engagement with workers and civil society;
6. Factory- and industry-level grievance mechanisms and remediation;
7. Accountability mechanisms;
8. Independent due diligence and public reporting on labour practices;
9. Sourcing choices and incentives that reward good labour practices (ILO 2019a, 13–14).

To assess the progress of the Seafood GLP to date, the following section explores to what extent these principles have and have not been realized.

Principle 1: Clear workplace standards

In keeping with the notion of GLP programmes raising the bar to meet global standards, the new programme preserves the relative simplicity of workplace standards.

One of the aims of the Seafood GLP was to provide an accessible and supportive package of information on Thai labour law and the systems needed to comply with it. Although the Seafood GLP seeks to go beyond Thai law to meet the principles of international labour standards, the programme remains rooted in Thai law and supporting Thai companies to comply with it. The Ministry of Labour reports that companies are now more willing to seek advice from the DLPW on Thai labour law and how to ensure compliance. The Ministry claims that this rarely happened before the GLP programme was launched.

A buyer argued that the Seafood GLP’s workplace standards are “very practical and achievable for business. Sometimes the regulations are not clear on specifically what employers are meant to do or not to comply – there are grey areas – but this is a mechanism that helps put the legal requirements into practice.”¹⁵

One reported example of improved compliance with Thai labour law as a result of the Seafood GLP was a reduction in wage deductions for work-related personal protective equipment (PPE). Under the Labour Protection Act 1998 it is unlawful for employers to charge workers for the clothing or equipment they need to do the job.¹⁶ Both industry associations report that, prior to the GLP, employers charged workers for PPE and their uniforms but that, as a result of the GLP, companies no longer charge workers for PPE.¹⁷

The Ship to Shore Baseline Survey conducted in 2017 found that 8 per cent of 434 respondents (including fishers) experienced wage deductions for clothing or equipment (ILO 2018); while the Endline Survey conducted in 2019 found that the deductions experiences by seafood processing workers are primarily

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¹⁵ Buyer Interview 2.
¹⁶ Labour Protection Act 1998, section 76.
¹⁷ Industry Association/Employers’ Organization Interview 1; Industry Association/Employers’ Organization Interview 3.
for social security (legal deduction) and for food and accommodation (illegal deductions) (ILO 2020a).

Increasing employers’ knowledge of Thai law in relation to who should pay for workers’ work clothing and equipment appears to be one positive outcome of the Seafood GLP.

Two of the Thai seafood companies interviewed reported that after attending a Seafood GLP training workshop HR staff cascaded the training among HR assistants and section supervisors in their factory. One company reported that it holds an annual training day for all staff and workers in the factory, conducted over approximately 15 days with 100 attendees per day, with interpreters as necessary, to cover everyone. Both of these companies reported that knowledge of Thai labour law has increased among HR staff and supervisors on the factory floor as a result of the Seafood GLP workshops and subsequent in-house training on Seafood GLP workplace standards.

Some companies, however, argued that they had already been in compliance with Thai law, and thus the Seafood GLP did not alter that: “We were doing everything correctly in line with clients’ codes of conduct. So the impact was nothing. We didn’t need to change about the labour relations management. It is not like those enterprises who didn’t know about labour rights. There are a lot of changes in the peeling sheds because of the GLP.” The same company reported the least progress in terms of developing a worker welfare committee that is representative of the workforce, suggesting that limited motivation and commitment to the Seafood GLP may contribute to the idea that the GLP workplace standards offer nothing new to export-orientated companies, particularly those involved in other private sector initiatives, such as the Seafood Task Force.

Not all companies appear to have the resources to provide in-house education on the Seafood GLP workplace standards. One of the small to medium-sized enterprises (SMEs) interviewed expressed their hope that, in the future, the Seafood GLP could be strengthened by industry associations providing further in-house training to supervisors in member factories: “I would love to have in-house training for the heads of unit in the factory. When HR attends the workshops, we try to distribute it further, but we would like to have an external expert do in-house training.”

The extent to which the Seafood GLP workplace standards and training workshops have improved knowledge and understanding of Thai labour law and the principles of international labour standards at the factory level thus appears to be linked both to the company’s level of motivation and commitment to the Seafood GLP and the resources available for implementation.

 Principle 2: CEO-level commitment and dedicated staff

Industry programmes must have regular engagement by top-level executives and dedicated staff – with the ability and authority to evaluate conditions, advise member companies, challenge prevailing attitudes and practices, and independently report – in order to succeed.

18 GLP Company Interview 5.
19 GLP Company Interview 1.
20 GLP Company Interview 6.
One of the nine principles of the Seafood GLP is executive commitment to the programme, along with dedicated staff working on its implementation. Beyond agreeing to meet the Seafood GLP workplace standards, the Seafood GLP does not clearly define what CEO-level commitment and regular engagement by top-level executives should look like. As a result, it is hard to gauge the level of executive commitment to the Seafood GLP, which appears to vary between companies. One company noted that senior management’s involvement in the Seafood GLP consists of a letter of commitment to apply the GLP workplace standards. Another company noted that since joining the GLP and developing better systems of labour management, one of the managers, who participated in an interview for the study along with HR staff from the company, brings workers’ grievances to the board of management for discussion on a monthly basis.

HR staff are largely responsible for attending Seafood GLP training workshops, developing the factory action plan, and implementing it in their workplace. Only one company noted that additional HR staff were hired to implement the Seafood GLP and that an external trainer was hired to cascade the Seafood GLP training internally. Although HR staff may be able to challenge prevailing practices regarding recruitment and labour management, challenges to structural practices (for example, commercial relationships, attitudes towards migrant workers, or investment in upgrading facilities) will require greater CEO involvement and commitment.

### Principle 3: Tools and learning focused on systems

Capacity-building means more than training. Workplace assessment tools and coaching should emphasize root causes of labour violations and illustrate remedies with a focus on simple management systems and continuous improvement, rather than compliance.

The Seafood GLP seeks to develop labour management systems that can improve relations between management and workers within the participating companies. Unlike audits, which are limited to time-specific demonstrations of compliance, the Seafood GLP guidelines, workshops and factory visits promote on-going capacity-building at the enterprise level. The industry associations provide advice to members on how to improve labour relations and how to address issues that arise. For example, the TTIA hosted a meeting on welfare provision for workers during the Bubble and Seal policy.

The GLP workplace standards stipulate: “Managers should regularly find ways to learn about the concerns of workers, to jointly discuss solutions, and to inform workers about issues related to their conditions of work” (ILO 2019a, 21). To improve channels of communication between management and workers, one company provided an example of HR staff joining workers in the canteen for lunch. They argued that this has improved communication and provided an opportunity to informally discuss any issues or grievances. Another company spoke of the need to create a culture where managers and workers “get along together as best we can”. To do this, a manager is responsible for ensuring that all issues identified, particularly between workers and their supervisors, are brought to the attention of the management board.

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21 GLP Company Interview 4.
22 GLP Company Interview 5.
23 GLP Company Interview 2.
24 GLP Company Interview 5.
25 GLP Company Interview 3.
26 GLP Company Interview 4.
Another company noted that under the Seafood GLP it had strengthened its labour management system by introducing a structured mechanism for raising grievances, which led to improved communication between workers and management:

**The main change would be about the grievance mechanisms for the worker. Before we didn’t have a concrete and systematic way [for workers to bring grievances to HR]. Before it was just an opinion box. Now we regularly talk with the workers. HR meets with the workers every week. The head of the unit talks with the workers every day as well, to talk about the issues we have concerns about. The HR officer would attend the morning talk every week. We rotate with the different units each day.**

Workers consulted for the study report that if they had a grievance the first person they would go to is their supervisor, who they feel they can trust. However, it is not possible to extrapolate the views of the two focus groups as representative of migrant workers across seafood processing factories. Nor is it possible to assess if the communication channels companies proport to be strengthening (or, in some cases, introducing) have led to meaningful improvements in communication between workers and employers.

To varying degrees, companies were able to provide examples of system improvements that they attribute to the Seafood GLP.

**Case study: Recruitment**

The recruitment of migrant workers is one area where companies all reported that the Seafood GLP has supported them to improve their internal systems and processes. Companies discussed efforts to ensure that, prior to recruitment, workers are aware of the job description, the wages and the welfare benefits they would receive. One specific example provided by companies was age verification processes during recruitment, to avoid child labour and to verify that workers are 18 years old or above. HR staff report that they can no longer solely accept the date of birth on a worker’s ID. They have to conduct an interview with the worker and, if necessary, request a bone density test to verify their age.

Research has shown that migration and recruitment costs for regular migrant workers remain high (ILO 2020b; Verité 2019). The GLP workplace standards stipulate that the “employer is responsible for recruitment fees. No fees are paid directly or indirectly by workers according to Thai law” (ILO 2019a, 18). The Royal Ordinance Concerning the Management of Employment of Foreign Workers, B.E. 2560 (2017), states that registered recruiters are prohibited from charging a recruitment fee from migrant workers recruited through the Memorandum of Understanding (MOU) process. However, the subsequent Foreigners’ Working Management Emergency Decree (No. 2), B.E. 2561 (2018), states that employers hiring migrant workers cannot “request or accept money or other assets relating to bring a foreigner to work except if it is for the expenses paid by the employers beforehand, such as, passport fee, health check-up fee”. If not previously agreed that the employer will cover travel costs, travel costs are also the responsibility of the migrant worker. Thus under Thai law, migrant workers can continue to be charged for the cost of their passport, work permit, visa, health check and travel costs. Moreover, it remains unclear how the law applies to migrant workers recruited inside Thailand, rather than through the MOU process.

Some companies reported that as part of the Seafood GLP, HR developed systems for verifying at the time of recruitment that workers had not paid recruitment fees beyond those permitted under Thai law. One company reported that during recruitment HR staff explain to jobseekers which costs the company...
is required to cover and which the jobseeker needs to pay, in line with Thai law. The company has a dedicated HR team that conducts interviews with 100 per cent of recruited workers about the expenses and fees they paid during recruitment, with third party audits conducting independent worker interviews as verification.32

By aligning its recruitment policy with Thai law, the Seafood GLP is not designed to address the debt that workers accumulate during the recruitment process; research into Thai Union’s efforts to address recruitment costs, in line with Thai law, found that migrant workers continue to pay between US$142 and US$235.80 (Impactt 2019, 9). Moreover, the alignment with Thai law fails to address the risk of workers falling into a cycle of debt to their employer every two years when they need to renew their work permit. The question of acceptable and unacceptable recruitment fees and to what extent companies should go beyond the minimum requirements of Thai law is an ongoing discussion. One company asserted that the introduction of zero recruitment fees policies that cover all costs involved for workers, including work permit renewal after two years, will be the next reform ahead for seafood companies.33 As buyers introduce zero recruitment fees policies, the pressure on Thai companies to cover the costs of recruitment is increasing.34

**Case study: Worker retention**

The need to improve worker retention appears to be a significant motivating factor in the implementation of the Seafood GLP labour management systems. Seafood GLP participating companies hope that by improving labour relations, workers will want to work with an employer for longer. Given the business costs related to recruitment and the labour shortages facing seafood factories, companies interviewed expressed their hope that the Seafood GLP can reduce worker turnover: “We hope that the company workers will be happy to work with us then the worker turnover will be minimum and workers will have the heart to work with us. So we are happy to do that [implement the Seafood GLP].”35

Companies interviewed for this study all indicated that the Seafood GLP management systems could reduce worker turnover. However, only two stated that they felt worker turnover had reduced. One company argued that the introduction of grievance channels and improved systems of communication between management and workers under the Seafood GLP has improved worker retention: “It has helped to reduce worker turnover quite significantly. Workers feel they have more voice and can express their opinions. Communication is very much better. The workers can propose something and they know which channel to use.”36

The other companies argued that while they viewed worker retention as an important aspect of their participation in the Seafood GLP, they could not definitely say that worker turnover has reduced. Two companies believed that there has been no change in worker turnover, arguing that worker turnover is influenced by a range of factors beyond the scope of the Seafood GLP, such as migrant workers’ personal reasons, desire to return home during COVID-19, or to migrate internally in Thailand.

Due to labour shortages, companies felt that the goal of worker retention had led them to introduce labour management systems that would encourage workers to stay. For example, one company has introduced a “hard work bonus” of 500 Thai baht per month for workers who arrive on time every day and do not take leave.37 Another company noted that the factory management is trying to create an organizational culture where workers feel that they are part of the organization by putting in place systems that improve labour relations; for example, HR compiles information on the rate of worker turnover and then, on a monthly basis, the management monitors the problems that are contributing to workers’ decisions to leave.38

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33 GLP Company Interview 5.
34 GLP Company Interview 1.
35 GLP Company Interview 3.
36 GLP Company Interview 5.
37 GLP Company Interview 1.
38 GLP Company Interview 4.
The TTIA and TFFA 2019 GLP annual report states that worker turnover in TFFA factories reduced from 20 per cent in 2017–18 to 15 per cent in 2019; while in TTIA factories turnover fell from 10 per cent in 2017–18 to 5 per cent in 2019 (TTIA and TFFA 2019, 10). On aggregate, therefore, worker turnover appears to have reduced after the introduction of the labour management systems in the revised Seafood GLP.

However, to what extent the Seafood GLP has reduced worker turnover cannot be meaningfully assessed independently of the multifaceted impact of the COVID-19 pandemic restrictions on workers’ movements. In the future, the Seafood GLP needs to consider how restrictions on workers’ freedom of movement during the pandemic impacts their ability to leave their job and how Seafood GLP participating companies can responsibility improve worker retention by providing decent work.

Principle 4: Industry internal due diligence and remediation

Programmes must conduct their own due diligence of members’ labour practices, and help them remedy violations.

A key feature of the Seafood GLP is industry association-led internal due diligence and remediation. The TTIA and TFFA are tasked with conducting due diligence on their participating members’ labour practices and with providing guidance on remedying any violations identified. As noted in section 2.1.4 above, the TTIA and TFFA visit the factories of participating members to assess if practices adhere to the Seafood GLP workplace standards, to acknowledge and compliment their efforts, and to offer advice for further improvement.

As the Seafood GLP is a voluntary programme, the TTIA and TFFA see their own role as more to encourage, rather than enforce, compliance with the GLP workplace standards. Both industry associations noted the use of the more friendly term "visit" rather than "audit": “Members who export are audited by third parties all the time – SEDEX, BSI, SMETA. They are audited a lot. It is a toxic feeling for them. So we don’t call it an audit.”

During the factory visits, workers are briefly consulted about their working conditions. The TTIA report that they interview two workers per factory visit (TTIA 2020). TFFA staff indicated that they do two or three worker interviews. Both industry associations noted that their staff need to be mindful of not negatively impacting productivity during factory visits, which limits their ability to talk to workers for longer. Workers are selected at random from HR’s record of employees and are interviewed without the factory HR being present, in an effort to create an environment where workers can speak without HR monitoring. However, the industry associations rely on company interpreters to conduct the interview; visits would be strengthened if CSO staff joined the visits and offered independent interpretation. HR are also aware of who the industry association talks to, which undermines efforts to protect workers’ confidentiality. Both the use of company interpreters and HR’s knowledge of who is being interviewed limit workers’ ability to voice concerns.

The GLP Guidelines handbook includes a worker interview guide with 77 questions to ask workers during a factory visit. However, given the short time allocated to interviewing workers (one hour of interviews per factory per visit), it is unlikely that industry association representatives can ask all 77 questions. Nor will two interviews per factory capture the complete picture of labour practices and violations in the enterprise.

39 Employers Organization/Industry Association Interview 3.
The TTIA and TFFA report that these visits only identify minor violations. For example, in 2020 the TTIA, which has been more transparent in its public reporting, identified issues related to:

1. Important documents (such as company policies and rules, pay slips, and contracts) not being available in workers’ languages;
2. A lack of measures to mitigate child labour, if workers under 18 are accidentally hired;
3. Members of the welfare committee were not appointed through elections;
4. A consultant was hired to prepare minutes for a welfare meeting, rather than conducting a welfare committee meeting;
5. Pregnancy screening at recruitment;
6. A lack of sexual harassment prevention measures;
7. Workers undertaking two hours of overtime without a 20-minute break before starting their overtime work;
8. Maternity leave of 90 days rather than the 98 days specified in the Labour Protection Act B.E. 2562 (2019), article 41;

Thus, the TTIA’s factory visits have successfully identified areas of non-compliance with the Seafood GLP workplace standards. However, neither the TTIA nor the TFFA report having identified any indicators of forced labour.

It is worth noting that the factory visits provide an insight and are a tool for supporting companies to identify where their labour management practices could be improved, but were not designed to capture the full picture of working conditions in the factory. This can give rise to the impression that the visits constitute “the fox guarding the hen house” and lead to questions of their credibility. As with the entire Seafood GLP, the credibility of the factory visits depend on how the GLP is understood. As one former ILO staff noted, “I doubt they will have much credibility in the market as a compliance sort of thing, but they can have credibility if you look at it as an improver programme. If that is the aim – to drive improvement – then it is credible.”

At the end of the visit, the industry associations discuss the visit with the factory HR and/or management, provide feedback on the visit, offer recommendations acknowledge and compliment the areas where the Seafood GLP has been implemented well. Due to the friendly nature of the factory visits, if the industry association finds an area of non-compliance with the GLP standards while visiting the factory, they sit down with HR and management to discuss corrective action. One of the industry associations noted that if they find an issue during a visit, “we consult [factory management] and find solutions together”; while the other association argued that “we approach it as friends or peers, so we give recommendations”.

For each of the violations the TTIA reports having identified, they also publish a brief overview of their correct action advice. For example, where payslips were found to only be available in Thai, the TTIA reports, “TTIA recommended the company to translate the payslip and post the translation on the announcement board so workers can ascertain details without resorting to interpreters or HR. They can

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40 Former ILO Staff Interview 2.
41 Workers’ Organization/CSO Interview 1.
42 Former ILO Staff Interview 4.
43 Employers Organization/Industry Association Interview 3.
44 Employers Organization/Industry Association Interview 1.
45 Employers Organization/Industry Association Interview 3.
also record an image for future reference” (TTIA 2020). In other incidences, the TTIA reports that “after
the GLP visit by TTIA, the company acknowledged the problem and took corrective action right away” (TTIA 2020).

One of the TFFA member companies interviewed also mentioned receiving corrective action advice on
how to provide more information on workers’ payslips regarding wage payments and what they cover
(such as daily wage, sick pay, holiday pay, and so on). The company reported that “after they gave us
recommendations there was no timeline for completing it. But we started using it [the recommendation]
for the next week’s payment, but they never came to check if we do what they recommended or not.”46

For this company, there appears to have been no set timeline for improvements and no follow-up to verify
if companies are adopting the recommendations. A TTIA member company, however, noted that TTIA
staff will bring the previous year’s report to the factory visit to check if the previous recommendations
have been acted on.47 The lack of a set timeline for implementing corrective action and lack of follow-up
verification limit the effectiveness of the industry association factory visits as a remediation mechanism.

For the factory visits to function as a remediation mechanism, they require time-limited corrective action
plans that are then verified according to the agreed timeframe.

### Principle 5: Engagement with workers’ organizations and civil society

Regular engagement with worker organizations and civil society can help Thai seafood promote good working relations between employers and workers.

To lend the Seafood GLP credibility and improve labour relations, the fifth principle of the Seafood GLP is
engagement with workers’ organizations and civil society. None of the companies interviewed reported
engaging with a union. One company reported that there is a union in one of its two factories.48 All other
companies argued that they do not actively prevent workers from organizing, but reported no union
activity or engagement with workers’ associations.

Companies report very limited or no engagement with CSOs; one company argued, “We have never
encountered those incidents of the grievances from the workers to the NGO. There is no instances of the
[our] company mistreating the workers. That’s why we never sought to contact the NGO about
these matters. [We do] no work with CSOs.”49 Only two companies reported any form of engagement
with CSOs. One company reported that it once invited a CSO to come to the factory to provide support
in addressing a worker’s grievance, but not in the last two years.50 Another company noted that they
engage with CSOs if they need to communicate something to workers; for example, they sought such
support in encouraging workers to get vaccinated against COVID-19 and to tackle disinformation about
the vaccine.51

Two CSOs, however, argued that the Seafood GLP has provided leverage for approaching companies
about areas for improvement in their factory. One CSO provided an example of when they went to an
employer during the implementation of the Bubble and Seal policy and pointed out how they were not in
compliance with the minimum standards of the Seafood GLP. The CSO approached the company about
its inadequate sleeping conditions for the migrant workers, who were not allowed to leave the factory

46 GLP Company Interview 6.
47 GLP Company Interview 4.
48 GLP Company Interview 2.
49 GLP Company Interview 3.
50 GLP Company Interview 4.
51 GLP Company Interview 2.
premises due to the Bubble and Seal policy, and reminded the company of their commitments under
the Seafood GLP. The organization threatened to report it to international actors such as the ILO or the
Seafood Working Group. As a result, the CSO reports that “they [the company] said they would change
the sleeping place. The condition is getting better in that place. We saw the GLP logo of the factory
website so we said to them that they have to follow it.”52

Interviews with other CSOs indicated greater engagement with the TTIA than with individual companies.
One CSO argued that it feels comfortable bringing work-related grievances to the TTIA and asking them
to request a remedy to the situation: “Every time, if we observe any violation, we are able to send them
letters. Any time.”53 Moreover, they noted that by engaging directly with the association, rather than on
an individual company basis, they have access to more companies: “When we talk to the association, we
have access to 26 companies. That is a strength. It is better than talking to separate companies. Some
of them don’t think it is important. But the association cascades the communication to the members
and what they have to change.”54 This was echoed by another CSO, which argued that efforts to engage
with companies who are members of other industry associations (for example, the Thai Food Processors
Association) are much harder.55

The TTIA noted the benefits of engaging with CSOs to support interpretation for migrant workers during
training sessions on the role of the worker welfare committee and how to improve worker engagement
with and participation in the committee. The good relationship with the TTIA and a partner CSO has
meant that the organization can engage directly with the president of the TTIA: “If we want anything
done, we talk to the president [of the TTIA] as it is quicker than talking to the HR [in the factory].”56

While there may be rare examples of individual companies seeking to engage with CSOs, of CSOs
advocating that companies adhere to their Seafood GLP commitments, and of some engagement
between the TTIA and Migrant Workers Rights Network, CSOs play a minimal role in verifying labour
practices within Seafood GLP participating companies. As such, engagement between the private sector
and CSOs is not yet at a level that can offer the Seafood GLP the credibility that engagement with civil
society and workers’ organizations was envisioned to bring to the programme.

➤ Principle 6: Enterprise- and industry-level grievance
and remediation

Workers and other stakeholders must have a credible and responsive body to hear
and act promptly on collective complaints.

The sixth principle of the Seafood GLP is the introduction of factory- and industry-level grievance
mechanisms for workers that lead to remediation. The Seafood GLP focuses primarily on worker welfare
committees, but also encourages other internal grievance mechanisms, such as suggestion boxes,
reporting to line supervisors or reporting directly to HR. It also encourages the use of external grievance
mechanisms, such as reporting to labour unions, CSOs, Migrant Worker Assistance Centres and provincial
labour offices (ILO 2019a, 44). When asked about their knowledge of the grievance channels available to
them, workers consulted for this study reported that if they had a grievance they could bring it directly
to their line supervisor, use the factory suggestion box, or visit the local labour officer. However, none
reported ever having raised a grievance.

52 Workers’ Organization/CSO Interview 7.
53 Workers’ Organization/CSO Interview 5.
54 Workers’ Organization/CSO Interview 5.
55 Workers’ Organization/CSO Interview 2.
56 Workers’ Organization/CSO Interview 5.
Worker welfare committees

As worker welfare committees (WWCs) are mandated under the Labour Protection Act B.E. 2541 (1998), and migrant workers are legally barred from forming their own union in Thailand under the Labour Relations Act B.E. 2518 (1975), WWCs were built into the design of the Seafood GLP.57

For the industry associations, promoting the implementation of a WWC within their member factories was one of their key objectives of the Seafood GLP.58 In a bid to strengthen the WWCs, the Seafood GLP Guidelines encourage participating companies to go beyond the minimum legal requirements and use the WWC to: (1) review workplace standards and assess the working and living conditions of workers; (2) address grievances and complaints received; and (3) conduct random worker interviews (ILO 2019a, 33–34). There is little evidence of the first or third objective being implemented.

One company noted that following their participation in the Seafood GLP they established a WWC for the first time.59 CSOs similarly report an increase in the number of companies with a WWC, despite them being a legal requirement since 1998.60 Given the political nature of WWCs, a reported increase in the number of WWCs cannot be attributed solely to the Seafood GLP. Indeed, the International Labour Rights Forum argue that the increase in WWCs has been encouraged by the Thai Government as a means of discouraging migrant workers from exercising their limited right to collective bargaining (ILRF 2020, 26). Moreover, more WWCs does not necessarily equate to functioning WWCs that meaningfully represent workers. A former ILO staff interviewee noted, “How much the committees have been implemented is another story. A lot of workers don’t know what it is and don’t use it.”61 Another former ILO staff member argued that meaningful implementation of a welfare committee in a context in which they are legally required but neither employers nor workers take them seriously is a difficult task.62

One of the ways that the Seafood GLP sought to strengthen the WWC was to make it more representative of workers in the factory. For example, if 70 per cent of workers are women from Myanmar, then this needed to be reflected in the composition of the WWC members. A former ILO staff interviewee described how “we set that as one measure of progress that if your worker committee is changing its makeup and is reflective of the workforce makeup, then you are making progress. That seemed to me to be a really easy thing to do and it was a struggle in some of these places.”63 This was evident in interviews with GLP companies.

As Table 3 summarizes, the degree to which Seafood GLP companies have developed a WWC that is representative of the workforce, with a number of WWC members proportionate to the size of the workforce, varies. Some companies still report no migrant workers on the WWC; while others have a mix of migrant and Thai workers and men and women. Although it is hard to assess to what degree the WWCs have been meaningfully implemented, the table demonstrates how even within a small sample of six companies there is a wide spectrum in how representative of workers the WWC is.

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57 Former ILO Staff Interview 2. The Labour Protection Act B.E. 2541 (1998) mandated that a Welfare Committee with a minimum of five elected employee representatives be present in business operations with 50 workers or more; where an Employee Committee existed, it was to perform the duties of the Welfare Committee. Welfare Committees were mandated to participate in discussions with the employer about welfare provisions and provide advice and recommendations, and to inspect and supervise the welfare provided (Labour Protection Act, sections 96–97). Under the Labour Relations Act B.E. 2518 (1975), to establish a labour union in Thailand, the worker must be of Thai nationality (section 88).
58 Employers’ Organization/Industry Association Interview 3; ILO 2019a, 34.
59 GLP Company Interview 6.
60 Workers’ Organization/CSO Interview 7.
61 Former ILO Staff Interview 2.
62 Former ILO Staff Interview 3.
63 Former ILO Staff Interview 3.
The final column of the table includes the number of grievances companies report being brought to the committee in the past year. The minimal number of grievances in the past year (between 16 and 22 across 7 factories) – a year in which workers have experienced fear of infection from COVID-19 and restrictions on their freedom of movements beyond the factory under the Bubble and Seal policy – suggests that WWCs are not functioning as a trusted grievance mechanism for workers. When asked how they assess the functionality of the WWC during factory visits, one of the industry associations admitted that while they look at the names of the members of the WWC on HR’s WWC file, “we are not really checking the functioning of the welfare committee”.64

Of the eight workers consulted for this study, one reported that they were aware of the WWC and of the elections to it; however, the worker was absent due to illness the day of the election and could not vote. They also reported that they were given a phone number for a member of the WWC so they can get in touch if they have an issue; however, the worker reported that they have not experienced any issues so have never contacted the WWC. None of the other workers knew if there was a WWC in their factory. The lack of worker knowledge of or engagement with the WWC is reflected in larger surveys on working conditions. In a worker survey conducted for Humanity United and the Freedom Fund in 2018–19, none of the 75 migrant workers working in seafood processing reported any knowledge of a WWC in their workplace.65 The ILO Ship to Shore Rights Endline Report found that of the 470 workers interviewed in 2019, none were involved in the WWC, compared to 2 percent of 434 workers surveyed in 2017. It is worth noting, however, that both samples included fishers, who do not have WWCs. Perhaps more strikingly, the Endline Survey found that the share of workers who said they wanted to join the welfare committee fell from 21 percent in 2017 to 2 percent in 2019 (ILO 2020a, 32–33).

Table 3. Migrant and gender composition of company workforce and worker welfare committees

<table>
<thead>
<tr>
<th>Company</th>
<th>Number of workers</th>
<th>Percentage of migrant workers</th>
<th>Percentage of women workers</th>
<th>Worker welfare committee member composition</th>
<th>Number of grievances brought to WWC in the past year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company 1</td>
<td>1 – 200</td>
<td>71–80%</td>
<td>1–25%</td>
<td>3 women and 1 man, all Thai</td>
<td>2 grievances</td>
</tr>
<tr>
<td>Company 2</td>
<td>1 – 200</td>
<td>71–80%</td>
<td>71–80%</td>
<td>4 Thai members and 6–7 migrant workers. More women than men</td>
<td>4-5 grievances brought to the committee. All resolved</td>
</tr>
<tr>
<td>Company 3</td>
<td>501 – 999</td>
<td>50–70%</td>
<td>26–49%</td>
<td>3 Thai (1 man and 2 women), 2 Myanmar (1 man and 1 woman)</td>
<td>5 grievances that have been resolved, and 3 pending grievances</td>
</tr>
<tr>
<td>Company 4</td>
<td>501 – 999</td>
<td>50–70%</td>
<td>26–49%</td>
<td>4 Thai workers and 3 Cambodian (3 men and 4 women)</td>
<td>No grievances brought to the committee in the last year</td>
</tr>
<tr>
<td>Company 5</td>
<td>1 000 – 1 500</td>
<td>71–80%</td>
<td>50–70%</td>
<td>3 workers and 2 staff members, all Thai</td>
<td>No grievances brought in the last year</td>
</tr>
<tr>
<td>Company 6</td>
<td>5 001 – 8 000</td>
<td>71–80%</td>
<td>50–70%</td>
<td>Factory 1: 10 workers, 7 Thai and 3 Myanmar Factory 2: 9 workers, 6 Thai and 3 Myanmar 80% women workers</td>
<td>Between 5 and 10 grievances</td>
</tr>
</tbody>
</table>

Source: Questionnaire completed by companies participating in the assessment and follow-up interviews (September and October 2021)

64 Employers’ Organization/Industry Association Interview 1.
65 Data collected by the consultant as part of Praxis Labs (2019).
Limitations of the worker welfare committee

There are serious limitations to WWCs, which may deter engagement by workers. CSOs and workers’ organizations argue that WWCs are often more pro-employer than pro-worker, thus failing to represent workers’ interests. WWC meetings reportedly focus more on consulting workers regarding welfare provision and activities – for example, on how money should be spent to celebrate religious festivals – than on structural issues related to labour practices. Moreover, on the rare occasion that workers bring a grievance to the WWC and the committee then discusses the worker’s grievance with management, the outcome is reliant on a benevolent employer. Unlike collective bargaining agreements, any solution agreed upon is not legally binding and implementation is not timebound. Furthermore, not only are collectively agreed solutions not legally protected, neither are the workers who bring the grievance. As one organization noted, “It still depends on whether the factories want to retaliate against workers and sue them.” It is, therefore, unsurprising that CSOs and workers’ organizations argue that WWCs do not create an environment where workers feel comfortable and safe sharing grievances.

Crucially, WWCs fall short of the ILO’s commitment to promoting the fundamental right of workers to freedom of association and collective bargaining. WWCs should not be seen as a replacement for or alternative to freedom of association and collective bargaining. Several stakeholders argued that the existence of WWCs provides cover for companies that want to shut down discussions regarding workers’ rights to organize and collectively bargain with management: “Some factories that have this group of workers, they claim that it is already an organization, so they do not need to support migrant workers to set up trade unions. This is what we are so disappointed about. This attitude by employers that they already have a welfare committee so there is no need to upgrade to a trade union. They discredit freedom of association. It is becoming a barrier for another kind of association.” One workers’ organization worried aloud that “the standard of welfare committees replacing unions could set a standard for replacing unions that could be transferred across to fishing.”

Suggestion boxes

Factories are encouraged to have a suggestion box in which workers can anonymously leave notes for the factory management. Companies participating in the Seafood GLP had different views of the suggestion box. One factory reported that they don’t have a suggestion box, one reported that workers never use the suggestion box, and one argued that workers would go directly to HR with an issue first, then to the welfare committee, and that “the last resort would be the suggestion box.” One company, however, reported that they have made efforts to put the suggestion box in a private location – by the bathrooms – where there is no CCTV and workers will not be observed leaving a note. In 2021, the company reports receiving 19 notes through its suggestion box, compared with 8 grievances through its WWC.

The eight workers spoken to for this study stated that there is a suggestion box in their factory, indicating greater worker awareness of the suggestion box than of the WWC. Most of the workers reported that they would hypothetically use it but had not ever done so. One worker reported that they would be too scared to use the suggestion box, while others argued that they prefer to talk directly to their supervisor, but that the suggestion box is there if they want to talk directly to the owner of the factory.

Both CSOs and companies report that workers can leave a note in their own language and that it will be translated. One CSO representative observed that use of the suggestion box depends on who opens and screens the notes in the box:

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66 Workers’ Organization/CSO Interview 3.
67 Workers’ Organization/CSO Interview 3.
68 Workers’ Organization/CSO Interview 6.
69 Workers’ Organization/CSO Interview 1.
70 GLP Company Interview 3; GLP Company Interview 1; GLP Company Interview 2.
71 GLP Company Interview 4.
The suggestion box is there but workers would want to know who would open the boxes and screen the complaints in it. How much engagement there is between the workers and companies depend[s] on that. If HR opens the box, we don’t know who screens the complaints. So we have to educate the welfare committee that they have to be part of opening the boxes with the management. They have to take part in screening the complaints, so that they know what their friends complain about.72

Access to remedy

Companies interviewed for the study could describe an internal remediation process: HR staff report that they verify the complaint before investigating “the root causes” of the issue, determining whether it violates company policy, and discussing possible solutions with the supervisor.73 However, given how few grievances were reportedly brought to the WWC or left in the suggestion box and the fact that none of the workers interviewed reported ever using either grievance mechanism, it was not possible to assess whether workers’ access to remediation has improved under the Seafood GLP. Indeed, one company argued that the Seafood GLP taught them how to introduce structured systems for receiving and promptly dealing with grievances, but that the number of grievances has reduced.74

External grievance mechanisms

In addition to internal grievance mechanisms, the Seafood GLP sets out that workers should have access to external grievance mechanisms. It is hard to assess whether the Seafood GLP has increased workers’ use of external grievance mechanisms. The Ship to Shore 2019 Endline Survey found that only 1 per cent of seafood processing workers had ever contacted an external organization (ILO 2020a, 34). One CSO argued that “when the worker comes to us they are in a bad place. The employer says if you make a complaint we will dismiss you. The main complaints would be about the violations of the labour protection law – about wages, non-payment, lack of leave days, traditional leave days, sick days, unpaid leave if they are sick.”75 Interestingly, asked what they would do if they needed to raise a grievance about a labour rights violations such as withheld wages or identity documents, the workers interviewed indicated that they would go to the local labour office. However, they had never actually done so.

Principle 7: Accountability mechanisms

a) Promote high performers and major improvement; b) Press chronic low performers for improvements to protect workers and the industry’s efforts.

The seventh principle of the Seafood GLP was to develop an accountability mechanism that promotes the achievements of “high performers” and applies pressure to “chronic low performers for improvements to protect workers and the industry’s efforts” (ILO 2019a, 13). So far, the Seafood GLP has failed to do either.

The Seafood GLP has not yet found a way of promoting the achievements of companies with higher labour standards, partly as this would undermine the industry association’s mandate to promote the interests of all fee-paying members. However, the key barrier to instituting an accountability mechanism

72 Workers’ Organization/CSO Interview 5.
73 GLP Company Interview 1.
74 GLP Company Interview 6.
75 Workers’ Organization/CSO Interview 5.
is the limited public reporting on the progress being made. As industry association reporting on their factory visit findings and on any subsequent corrective action plans is published in aggregate form, it does not provide details on improvements at an enterprise level. Without disaggregated information on the improvements made by each factory, there is no channel through which to reward the achievements of “high performers”. Moreover, as the TTIA’s reports are published in Thai, they are unlikely to be widely disseminated among international buyers to demonstrate that TTIA member companies are making efforts to improve labour practices.

The limited public disclosure similarly limits the potential for holding “chronic low performers” to account. The TFFA does not even publicly disclose which of its members participate in the Seafood GLP. As such, neither buyers nor external civil society actors can hold TFFA members accountable for their commitments to the Seafood GLP workplace standards. The Seafood GLP thus relies primarily on peer pressure from their industry association, in the form of a friendly factory visit and a confidential company-specific report from the industry association on their recommendations following the visit, to encourage companies to improve working conditions. As one of the industry associations frankly admitted, “To be honest, this is voluntary basis so we are not enforcing anything. It is not like they have to comply.”76 As a result, there is no real accountability mechanism for non-compliance with the GLP workplace standards. The current implementation of the Seafood GLP is thus unable to meaningfully distinguish between “high” and “low” performers for buyers.

Principle 8: Independent external due diligence and public reporting

Credible programmes require regular and robust independent analysis and public disclosure of the programme’s results. This process has to be led by a GLP Advisory Committee that includes government, the private sector, independent workers’ organizations, civil society organizations and international observers.

The eighth principle recognizes that a credible private sector improvement programme requires regular and robust independent analysis and public disclosure of its impacts. The GLP Advisory Committee, discussed in section 2.2. above, was tasked with conducting this independent verification of the progress being made under the programme and reporting on their findings.

The TTIA and TFFA collaborated to produce a combined Seafood GLP progress report in 2019.77 The report focused on the activities conducted under the Seafood GLP and on quantifying progress. For example, it includes the percentage of companies with a labour policy or the percentage of Myanmar migrant workers who have a contract in a Myanmar language. The TTIA also publishes an annual report that contains details on actions undertaken by the TTIA as part of the Seafood GLP – for example, the date when each member company was visited and aggregated findings from the TTIA’s factory visits.78 The TFFA does not appear to publish public reports on the activities it has conducted under the Seafood GLP nor the findings from visits to member companies’ factories. The published reports do not, however, provide a baseline against which progress can later be assessed.

76 Employers’ Organization/Industry Association Interview 3.
78 TTIA’s annual GLP reports are available in Thai at: http://www.thaituna.org/home/report-labor.php.
From the perspective of GLP Advisory Committee, the aim of the industry association reporting is to detail the violations found during the factory visits, noting both the major and minor violations, in order to provide a baseline against which companies participating in the Seafood GLP could seek to improve upon in the following year.\(^{79}\) One former Ship to Shore Rights project staff argued, “They [TTIA and TFFA] didn’t understand what we are looking for. We don’t want to see a report with no violations. We want as much information as possible. Any minor issues need to be put in so we can use it as a baseline. Then in the next year, work to fix them. We didn’t want a perfect first year report.”\(^{80}\)

Public reporting has posed a significant challenge for the Seafood GLP. While the credibility of the programme depends on public disclosure, convincing the Thai seafood industry that information on working conditions and labour rights violations within their factories should be made publicly available was a hard sell. For both the industry associations and their members, the Seafood GLP is seen as an opportunity to demonstrate that reports of child and forced labour in the industry have been addressed. Making public the ongoing labour violations is thus contrary to the private sector view of the Seafood GLP. Moreover, for companies that export to different markets, public disclosure is particularly difficult, as many buyers continue to seek assurances that their supply chain is free of child labour, forced labour and human trafficking.\(^{81}\)

Although the industry associations, particularly the TTIA, have made efforts to publish some of the aggregated findings from their factory visits, the GLP Advisory Committee did not appear to initiate independent external analysis to verify the findings. The aggregated nature of the industry association reporting likely contributes to the lack of independent analysis and verification by the GLP Advisory Committee. Without factory-specific information on improvements, labour violations and corrective action plans, the GLP Advisory Committee would struggle to verify any progress made under the Seafood GLP. One GLP Advisory Committee member noted, “The remit of the committee was to get regular updates on the progress – both of the GLP scheme and the reporting of the individual companies to the associations – so that we could get a sense of where we were starting and movement along that scale. But we never really got that or that level of granularity.”\(^{82}\)

The GLP Advisory Committee has not published any public reports on the activities conducted under the Seafood GLP nor on the aggregated progress being made. Indeed, the GLP Advisory Committee does not appear to have met since the end of the first phase of the ILO Ship to Shore Rights Project in early 2020. The lack of independent verification by wider stakeholders and the lack of disclosure limit the credibility of the Seafood GLP as an initiative that can demonstrate to buyers and external observers that the industry is making progress in addressing child labour and forced labour.

To date, there have thus been no detailed public reports on where the industry stood in terms of working conditions and what is changing as a result of implementing the Seafood GLP. The lack of independent analysis and verification of the industry association reporting on the factory visit findings ultimately limits the credibility of the GLP programme.

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79 Former ILO Staff Interview 1; Buyer Interview 1.
80 Former ILO Staff Interview 1.
81 Buyer Interview 1; Former ILO Staff Interview 4.
82 Buyer Interview 1.
Sourcing choices by buyers – including decisions about pricing – must reflect the buyers’ commitments to reward decent work in seafood and fishing. For Thai suppliers, the programme must expand to cover labour practices and working conditions further up their supply chain and to improving their own sourcing practices.

The final principle of the Seafood GLP focused on the wider Thai seafood supply chain and the role of buyers and upstream suppliers in advancing decent work. By including buyers of Thai seafood products within its scope, the Seafood GLP notionally sought to address the business model that enables labour exploitation within Thailand’s seafood industry. Despite this intention, no actions were seemingly taken to start a meaningful conversation about buyers’ sourcing practices. By including upstream suppliers (such as, primary processing), the Seafood GLP planned to expand the programme beyond the tier one secondary processing members of the TTIA and TFFA to advocate for decent work within their suppliers’ operations. The TTIA has made nascent efforts to engage seven companies that supply members of the TTIA with paper cartons and tin cans, but the Seafood GLP has not been cascaded to primary seafood processing or fishing vessels.

International buyers

Buyer engagement with the Seafood GLP has been minimal. Following the publication of the Ship to Shore Rights Baseline Report on working conditions in the seafood processing sector and the fishing sector in 2018, the project team report that they organized three calls with buyers in Australia, Europe and North America. Approximately 45–50 buyers joined a call in one of the three time zones. However, on a follow-up call six months later the number had halved. Subsequent buyer interest then dropped off. Engagement with the Seafood GLP itself was limited to the UK Ethical Trading Initiative and minimal engagement by two international seafood buyers. These buyers were only expected to participate in an occasional call during the consultations to revise the Seafood GLP or in a workshop with Thai suppliers, to remind them that buyers were interested in seeing higher labour standards.

In the wake of the media attention on forced labour and trafficking in persons in the Thai fishing industry, the main private sector response was the establishment of the Seafood Task Force. The Seafood Task Force and Seafood GLP have largely operated in silos, despite the overlap in the companies implementing the Seafood GLP and members of the Seafood Task Force. For sustainability personnel responsible for thousands of supply chains at large retailers, the Seafood Task Force provided sufficient evidence of action on their Thai seafood supply chain despite its focus on supply chain traceability and illegal, unreported and unregulated (IUU) fishing rather than on labour standards. Moreover, as one buyer representative noted, buyers tend to be more interested in working on their specific supply chains than on efforts to lift the bar across the industry.

Given the lack of meaningful buyer engagement with the Seafood GLP, the programme has not started a conversation about buyers’ business models or sourcing practices. On the one occasion that an overseas buyer was asked about the possibility of price premiums for compliance with the Seafood GLP, the buyer...
asserted that the old price was expected to already include the cost of compliance with the principles of international labour standards. Moreover, the buyer argued that anything less would be deception on the part of any supplier who had agreed to the buyer’s code of conduct and would mean the end of the business relationship. While in the long run this approach may imbed the Seafood GLP as a prerequisite for access to the international market, without relying on buyers offering long-term price premiums for compliance, it fails to address the business models that give rise to forced labour.

Sourcing practices that enable the payment of wages for all workers involved in the capture and production of seafood products are crucial for addressing the root causes of labour exploitation in the Thai seafood industry. Failure to address the negative impacts of buyers’ irresponsible sourcing practices on labour rights reverberates upstream in supply chains. For example, there are more reports of forced labour on fishing vessels, where margins are tighter, than in seafood processing factories. Going forward, to address one of the root causes of labour exploitation, greater attention to responsible sourcing practices – including price – within the Seafood GLP is required.

Currently, there is no direct financial reward from participation in the Seafood GLP. Yet for the most part, the Thai companies interviewed see the Seafood GLP as in their business interest, as it supports them to meet international buyers’ expectations. Companies argued that the Seafood GLP improves the reputation of the company, which increases buyers’ confidence and thus willingness to do business: “It is not about longer contracts, but it is more about the confidence or trust they have in us.” One of the industry associations summarized: “It is hard to say if the business is better but it is paving the way for trading.” One company argued that the systems introduced under the Seafood GLP makes the third-party certification process easier for the company: “Maybe not new customers, but GLP enables us to get SEDEX certification every year. Without GLP it would be harder to get SEDEX certification, but because of the GLP baseline it is easy to scale up to certification.” Another company noted that there is a “global trend for labour and environment, especially by EU customers. They want sustainability in the food chain. They want equality of the workers and better livelihoods, so if any company has GLP it creates a stellar image for the company. So it creates more opportunities for trading. It shows sustainability and response to the international concerns.” The company further argued that as buyers’ requirements evolve, the Seafood GLP has taught their staff the systems needed to respond, thus protecting their business continuity. The Seafood GLP appears to have taught Thai suppliers the environmental, social and governance (ESG) language that international buyers want to hear. Greater buyer commitment to holding suppliers accountable for implementation is required, to ensure that the labour rights “speak” that companies are learning follows through to action to improve labour standards.

Upstream suppliers

The Seafood GLP relies on tier one processing factories to cascade compliance through the seafood supply chain. The GLP Guidelines contain an introduction on how seafood processing companies can map and assess the risk of labour rights violations in their supply chains (ILO 2019a, 70–75). For large export-facing companies, particularly members of the Seafood Task Force or the International Seafood Sustainability Foundation, supply chain traceability for tuna products or fishmeal used in aquaculture is already a requirement. As such, any supply chain mapping they have conducted is unlikely to be attributable to the Seafood GLP. Most of the companies interviewed report no efforts to cascade the Seafood GLP upstream. One company, however, reports that it is working with the TTIA to identify

87 Former ILO Staff Interview 2.
88 Former ILO Staff Interview 3.
89 GLP Company Interview 6.
90 Employers’ Organization/Industry Association Interview 1.
91 GLP Company Interview 4.
92 GLP Company Interview 2.
93 GLP Company Interview 2.
suppliers to invite to participate in the Seafood GLP and that their procurement department has a labour compliance policy for suppliers, “but it is more asking for cooperation. It is voluntary basis.”

The industry associations are aware of the need to work on the Thai seafood supply chain to improve the reputation of the Thai seafood industry as a whole; one association argued that Thailand’s problems related to US Trafficking in Persons Report rankings “started in the peeling sheds”. Both the TTIA and TFFA report that they are trying to convince upstream suppliers to participate in the Seafood GLP. One association asserted that during workshops “we start with an ice breaker: who is around you and who has influence over you. We are getting them to realize why they need to work on it [Seafood GLP] and why they need to comply. They need to move if they want to do business. It impacts their business.” Yet, neither the industry associations nor individual companies have successfully engaged upstream seafood suppliers in the Seafood GLP. Nor do they appear to have any intention to.

Although no efforts have been made to engage seafood suppliers upstream, the TTIA reports that they are now engaging with upstream suppliers of paper cartons, vegetable oil, paper labels and tin cans. In 2020, the TTIA visited seven companies supplying TTIA member companies. The TTIA reports that its efforts to engage upstream suppliers were disrupted by COVID-19, but that 15 suppliers have committed to participating in the Seafood GLP cycle of attending training workshops, developing an action plan, and welcoming a factory visit, followed by enterprise-specific recommendations for improvement.

Progress in engaging upstream suppliers is minimal by all accounts. However, one former ILO staff observed that tier one suppliers engaging with upstream suppliers to teach them about higher labour standards and support them to come into compliance with the law through factory-specific recommendations “is brand new. It is probably brand new in global production.” They further argued that as “it is not done, it is not easy to get tier one to start accepting responsibility for what is happening upstream”, but it has nevertheless “moved up the list of things they have to worry about.” However, this does not yet include upstream seafood operations.

**Fishing vessels**

The ILO Ship to Shore Rights project tried to pitch the idea of a specific Fishing GLP to vessel owners, but it did not meet with a warm reception. The conditions, and indeed leverage, that enabled the Seafood GLP in seafood processing factories are not the same for Thai fishing vessels. Different market dynamics and vocal opposition to the reforms that have already taken place posed significant challenges for a Fishing GLP.

Moreover, the premise that the Seafood GLP can and will impact working conditions in the wider Thai seafood industry is limited by the disconnect between the Thai seafood processing sector and the Thai fishing sector. Only two of the companies interviewed for the assessment source from the Thai fishing fleet, therefore limiting the possibility of cascading compliance with the Seafood GLP to fishing vessels.

The TTIA’s members primarily source imported tuna rather than tuna caught by Thai flagged vessels. This inherently limits their ability to influence labour practices on Thai fishing vessels. One company is making efforts to monitor labour conditions on the small number of vessels they buy from (10–20 vessels), in collaboration with OceanMind, but this appears to be unrelated to the Seafood GLP. Moreover, 10–20 vessels are a tiny fraction of the 4,674 active registered fishing vessels with a gross tonnage over 30 in 2020 (DoF, n.d.).

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95 GLP Company Interview 2.
96 Employers’ Organization/Industry Association Interview 1.
97 Employers’ Organization/Industry Association Interview 1.
98 Employers’ Organization/Industry Association Interview 3.
99 Former ILO Staff Interview 3.
100 Former ILO Staff Interview 3.
101 Former ILO Staff Interview 3.
102 GLP Company Interview 2.
Some TFFA member companies do buy from Thai flagged vessels. TFFA companies, however, are often smaller operations with less capacity and less market power to influence conditions on fishing vessels. For example, one company interviewed buys directly from the wet markets in Samut Sakhon and Samut Songkram, where they only know the name of the vessel that caught the fish due to the DoF seafood traceability system. They have not made any efforts to investigate labour conditions or cascade compliance with the Seafood GLP.

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103 GLP Company Interview 3.
104 GLP Company Interview 3.
3

Strengths and weaknesses of the Seafood GLP
### 3.1 Strengths

#### 3.1.1 National ownership of the Seafood GLP

One of the strengths of the Seafood GLP is the Thai private sector ownership of an initiative to address labour exploitation within their industry. It is not a top-down initiative demanded by an international buyer, like all other private sector-led initiatives in the Thai seafood sector. Indeed, even beyond Thailand a national industry association taking leadership on addressing labour rights violations in their industry and encouraging members to improve their practices is fairly unique. As one former ILO staff noted, the Seafood GLP “is a new thing. I can’t think of a national industry association like this, that does or aspires to a programme like this.” One international buyer expressed their hope that the Seafood GLP “would introduce progressive management methods and provide assistance to producers on how they could implement these methods, taking into consideration, and adapting to, the local context and culture. It is not something that is top-down approach like certification or retailer standards. They come up with something collectively that makes sense and is practical.”

Thai companies interviewed for the study took pride in the national ownership of the Seafood GLP. One company argued that “for Thailand to come together and develop a system that is specific to Thailand, it is a great system for the long run without it being imposed on us. In the past there were different tools for developing systems, which we applied, but they were not for Thai culture.” Another company argued that Thai employers know what they can achieve, in a way that outsiders do not understand, and that collectively they can look at ways to go further. While private sector arguments that the Seafood GLP should focus on what Thai companies can conceivably do within the Thai legal framework could lead to the Seafood GLP falling short of the principles of international labour standards, the programme nevertheless incorporates the national context in a way that buyers or certification standards often fail to do.

#### 3.1.2 Space to exchange ideas

The Seafood GLP workshops create a forum in which the Thai private sector can discuss labour rights without having to play defence. According to one of the industry associations, during the workshops, “Everyone has to speak up. We need everyone to speak to the floor. When someone speaks, there is no right and wrong.” A former ILO staff interviewee noted that during the workshops “one company raised an issue they had about migrant workers and then other companies talked about having the same problem and how they fixed it. That wouldn’t have happened without the trainings. It is hard to share problems in your factories publicly.”

Learning about labour standards and management practices appears to come not only from the Seafood GLP training material but from the opportunities the workshops create for peer-to-peer exchange. Private sector interviewees reported that the workshops offer a valuable opportunity to talk with HR colleagues from other companies about labour management. One company noted that the participation of multiple companies in the workshop presented the opportunity to share challenges and think through solutions together as a group. Another company argued that the most useful aspect were the presentations by different factories on the practices and systems they have in place. Following these presentations,
the trainers “would get multiple participants to brainstorm together to come up with and discuss the good practices and where there is room for improvement in other parts. So we are sharing experiences together and we get to learn what we still need to achieve, what we need to adjust, and what is good enough.”

One company mentioned the benefits of a recent GLP workshop on the recruitment of migrant workers, during which HR staff from different companies were able to share experiences of different forms of recruitment and the costs involved in each. The interviewee discussed how the workshop gave participants the opportunity to learn how much a passport should cost in a labour-sending country, which supports HR to understand whether workers are being charged the correct amount or not.

The Seafood GLP workshops are thus a space in which HR staff can discuss labour-related issues among colleagues who have faced similar issues and can hear alternative approaches for addressing the issues. Creating a space that enables peer-to-peer learning on how to improve labour relations, particularly given the significant gap between companies who have invested in improving working conditions for several years and those who are still learning the basic principles of the Seafood GLP, is one of the main achievements of the programme.

3.1.3. Company-specific recommendations

The Seafood GLP condenses employers’ legal obligations into an accessible package that is tailored specifically to their needs and operations. One company asserted that “it is a standard we can achieve. We can ask for advice and receive good advice always. Sometimes if we don’t understand a matter we can seek help and we can learn more.” GLP companies noted the benefits of being given factory-specific advice on how to improve their labour management systems to comply with Thai law.

One company recounted that the industry association staff conducting the factory visits “are straightforward in telling us our weaknesses and providing us with recommendations. They can identify the best practices among the other factories and tell us about it and suggest we try it out.” For example, one company noted that during a factory visit, the TTIA pointed out that the suggestion box was in a visible location where workers could be observed using it. The TTIA recommended that the factory move the suggestion box to a more private location where workers could anonymously drop a note in the box, if they wished. Following the visit suggestion boxes were placed in private locations, away from any CCTV, in each division of the factory. The company noted that the use of the suggestion box has subsequently increased. For companies that want to improve labour standards but do not know how, the Seafood GLP provides tailored advice at no cost to the business.

3.2 Weaknesses

3.2.1 Limited industry association authority

The Seafood GLP relies on industry associations to hold their member companies accountable for meeting the GLP workplace standards. Although companies exporting products are legally required to be a member of an industry association, industry associations have limited power over their members;

113 GLP Company Interview 2.
114 GLP Company Interview 5.
115 Employers Organization/Industry Association Interview 1.
116 GLP Company Interview 5.
117 GLP Company Interview 4.
118 GLP Company Interview 5.
119 GLP Company Interview 5.
the only real threat they can leverage is expulsion from the association.\textsuperscript{120} Even then there are other industry associations that companies can join in order to be eligible to sell products to the export market, without having to comply with the GLP principles.\textsuperscript{121}

Moreover, a factory owner can simply refuse a visit from their association. When the factory owner does permit the association to visit, there remains an imbalance of power between the owners of the factory being visited and the industry association staff member(s) visiting the factory.\textsuperscript{122} This imbalance of power, coupled with the fact the industry association is being paid by the factory to promote its market interests, inherently limits the ability of the industry association to call out serious issues within its members’ factories. The unequal power relations between the industry associations responsible for holding companies accountable and their members contributes to the lack of an accountability mechanism within the Seafood GLP.

### 3.2.2 Limited focus on gender sensitive policies

The majority of workers in seafood processing factories are women (ILO 2020a). Among the eight companies that completed the study questionnaire, two of the companies report that 71–80 per cent of their workforce are women; three reported 50–70 per cent are women; two reported 26–49 per cent, and one SME reported 1–25 per cent of its workers are women. The Seafood GLP workplace standards address non-discrimination, equal remuneration, sexual harassment, pregnancy screening and access to maternity leave. Yet the implementation of the Seafood GLP at the enterprise level does not appear to focus on gender-sensitive policies or the needs of women workers. Although the TTIA report identifying violations of Seafood GLP workplace standards related to sexual harassment prevention measures, pregnancy screening and access to maternity leave, their recommendations do not appear to have improved employers’ understanding of the needs of women workers (TTIA 2020).

During interviews for this study, companies struggled to identify policies that were introduced to specifically support women workers. Most noted that they adhere to policies of non-discrimination, although there appears to be misunderstandings about what this actually means in practice. For example, during recruitment women workers applying to some factories continue to be pregnancy tested, in violation of the Seafood GLP workplace standards.\textsuperscript{123} One company argued that they pregnancy test women workers so that they can be allocated with less strenuous work, an argument echoed by women workers.\textsuperscript{124} For the most part, companies had a very limited understanding of the needs of women workers in their factories and thus very basic policies; indeed, when asked how they respond to the needs of their women workers, one company responded that they provide transport from the factory to the hospital in the event the worker goes into labour.\textsuperscript{125} During focus group discussions with workers, women workers flagged the high costs of childcare when they go to work. In line with Thai law, large seafood companies could provide childcare facilities on site, free of charge to workers as a means of reducing both the burdens faced by women workers and worker absenteeism.

### 3.2.3 Little focus on freedom of association and collective bargaining

In 2016, the State Enterprise Relations Confederation (SERC) established the Southern Seafood Workers’ Group in five factories in Songkhla in a bid to unionize migrant workers in the land-based seafood

\textsuperscript{120} Former ILO Staff Interview 3.
\textsuperscript{121} For example, the Thai Food Processors Association and the Thai Shrimp Association. It is also worth noting that the majority of the TFFA’s members do not participate in the Seafood GLP.
\textsuperscript{122} Former ILO Staff Interview 3.
\textsuperscript{123} Five of the six women workers spoken to for the study have been working in Thailand for five or more years (ranging from 5 to 13 years, with a mean of 10 years), and thus were recruited prior to the revision of the Seafood GLP. One worker was recruited five months ago and subject to a pregnancy test.
\textsuperscript{124} GLP Company Interview 3; Worker Focus Group Discussion 2.
\textsuperscript{125} GLP Company Interview 3.
industry. The Southern Seafood Workers’ Group reportedly has between 200 and 300 members (ILRF 2020). Despite their efforts, this equates to less than one in a thousand seafood processing workers; there are approximately 300,000 workers in the land-based seafood industry in Thailand (ILO 2020a, 1).

Under Thai law, migrant workers are barred from creating their own union or taking a leadership position in an existing union. Migrant workers can sign a collective demand to an employer but cannot enter into a collective bargaining agreement, due to the lack of unionisation. While employers are prohibited from retaliating against workers when they have signed a collective demand, unionization or organizing activities that are necessary precursors to collective bargaining are unprotected leaving workers vulnerable to retaliation. The International Labor Rights Forum (ILRF) argues that “[t]his lack of legal protection has particularly strong implications for migrant workers […] if migrant workers are terminated, there is a strong likelihood that they will be deported. […] they are likely to refrain from organizing-related activities” (ILRF 2020, 23).

As the companies involved in the study report that at least 20 per cent of their workforce are Thai, the legal barriers to migrant workers organizing do not entirely explain the very limited unionization in the seafood processing sector or the lack of attention to freedom of association and collective bargaining in the implementation of the Seafood GLP.

Freedom of association and collective bargaining are an entire module in the Seafood GLP workplace standards. However, the Seafood GLP guidelines, factory visits and training focus on the introduction of grievance mechanisms, such as WWCs, suggestion boxes and engagement with CSOs, rather than on promoting unionization and collective bargaining. As an ILO programme that seeks to support the Thai private sector to go beyond Thai law and meet the principles of international labour standards, the Seafood GLP ought to focus on encouraging employers to promoting workers’ rights to freedom of association and to collectively bargain with their employees in good faith.

3.2.4. Focus on export supply chains

The Seafood GLP is limited to export-facing companies; largely due to the environment created by the threat of trade barriers. As the largest exporter of tuna products in the world – Thailand produced 33 per cent of all processed tuna on the global export market in 2020 – focus on labour standards within the tuna processing industry makes sense (TTIA 2021). However, focusing solely on export supply chains raises a number of issues to consider.

Firstly, research into forced labour in global supply chains has shown that forced labour is more likely to occur in domestic supply chains, which are under less scrutiny and often operate with lower margins (ILO, OECD, IOM, and UNICEF 2019). In the Thai seafood industry, the workers most vulnerable to forced labour are informal migrant workers in SMEs at the pier and migrant fishers on Thai fishing vessels. The Ship to Shore Endline Survey found that less than a third of informal migrant workers surveyed receive at least the minimum wage, while the CSO Coalition has demonstrated how wages decrease and vulnerability increases upstream in the seafood supply chain (ILO 2020a, 36; Stride 2021). Many of these workers are in domestic rather than export supply chains and have not been reached by the current Seafood GLP.

Secondly, the tuna processing export industry has very limited ability to cascade compliance with the Seafood GLP to fishing vessels. The vast majority of tuna processed for export is imported from foreign flagged vessels. The premise of tier one companies cascading the Seafood GLP to the Thai fishing industry is thus unrealistic with the current focus on tuna processing, as most companies simply do

126 Labour Relations Act, Section 88, Section 101.
127 In 2020, Thailand imported 757,644 tonnes of frozen tuna, while it exported 582,690 tonnes of tuna products (TTIA and TPFA 2021).
not have the commercial relationships to push for compliance in the Thai fishing fleet. The exceptions to this argument are companies that also produce petfood, as they do buy from Thai vessels and have demonstrated some level of influence.128

Thirdly, focusing on export supply chains, rather than the domestic industry, raises uncomfortable conceptual questions around why a Thai initiative would focus on promoting good labour practices in products consumed by foreigners but not in those consumed by Thai citizens.

The lack of obvious incentive or leverage for encouraging the implementation of the Seafood GLP in domestic seafood supply chains undoubtedly played a role in the focus on export supply chains. Nevertheless, greater attention to domestic seafood production and employers’ understanding of Thai labour law is warranted.

3.2.5. The “business case” argument

The Seafood GLP tries to make a business case for why Thai seafood companies should join the programme. For example, it talks about creating stronger businesses by lowering worker turnover, improving worker–employer dialogue, increasing efficiency and productivity gains, improving understanding of their supply chains, and reducing the complexities and costs of monitoring (ILO 2019a, 12–13).

How the business case for implementing the Seafood GLP is envisioned in the Seafood GLP Guidelines and by the private sector – and by extension the programme objectives – appears to differ. The business case set out in the GLP Guidelines states that the programme will not audit or certify member companies for labour compliance. Yet for the industry associations, commercial recognition of the Seafood GLP as an assessment of labour standards is a key objective. Their ideal outcome of the programme is a buyer recognized certification that reduces audit fatigue and the cost of obtaining certification. This appears to be part of the business case they have made to their members; one of the companies argued that “actually we want the GLP programme to be recognized by the buyers so we don’t have to comply with certification standards. Would it be possible for GLP programme to be widely accepted?”129 Positioning the Seafood GLP as an “on ramp” towards obtaining the certification standards needed to export seafood, the ILO likely contributed to this confusion. The logical next step, from the perspective of the industry associations, is an inhouse alternative to social auditing. It is important to recognize that the Seafood GLP was not designed to be a monitoring programme. Its design and implementation are not conducive to the goal of reducing audit fatigue, as it has neither the external verification that would legitimize the findings of the factory visits nor are the factory-specific findings made public. Moreover, given the well documented failings of social auditing as a means of raising labour standards, it would be foolish for the Seafood GLP to move in that direction.

A former ILO staff indicated that the Seafood GLP seeks to help Thai companies to prepare for a third-party audit.131 By positioning the Seafood GLP as an “on ramp” towards obtaining the certification standards needed to export seafood, the ILO likely contributed to this confusion. The logical next step, from the perspective of the industry associations, is an inhouse alternative to social auditing. It is important to recognize that the Seafood GLP was not designed to be a monitoring programme. Its design and implementation are not conducive to the goal of reducing audit fatigue, as it has neither the external verification that would legitimize the findings of the factory visits nor are the factory-specific findings made public. Moreover, given the well documented failings of social auditing as a means of raising labour standards, it would be foolish for the Seafood GLP to move in that direction.

128 For example, see Kingfisher, “Supplier Fishing Vessel Monitoring – OceanMind Case Study”, 2018; and Thai Union, Guidance to the Thai Union Fishing Vessel Improvement Program and Code of Conduct, 2020.
129 GLP Company Interview 1.
130 GLP Company Interview 3.
131 Former ILO Staff Interview 2.
Currently, the commercial rewards business case is limited by the failure to implement Principle 7 on accountability mechanisms, Principle 8 on public reporting, and Principle 9 on buyer engagement, as there is no credible information for buyers to reward “high performers”. A ‘business case’ based on commercial rewards because of participation in the Seafood GLP is inextricably linked to the programme’s credibility and can only be established through the meaningful implementation of change for the benefit of workers at the factory level, with industry association support for continuous improvement. More robust implementation of Principles 7, 8, and 9 is imperative for commercial rewards to arise from participation in the Seafood GLP in the future. However, commercial rewards for effective implementation of the Seafood GLP standards require long-term commitment and engagement with the programme to build trust with buyers. The more immediate reward for joining the Seafood GLP is the access to industry expert support, the capacity building opportunities, availability of tools and systems the programme offers businesses.
4

Future of the Seafood GLP
The implementation of the Seafood GLP came about as a result of the political and market pressures on both the Thai Government and on the private sector, due to fears of trade barriers and negative media attention.\textsuperscript{132} The context for implementing a Seafood GLP under the Ship to Shore Rights South East Asia project is different and will require different strategies for encouraging implementation. Nevertheless, there are points of leverage that could be utilized.

Firstly, COVID-19 has given rise to significant labour shortages within the seafood industry. The return home of migrant workers at the start of the pandemic, closed borders and restrictions on movement within Thailand; the political situation in Myanmar; and the clamp down on migrant workers who lost their job at the start of the pandemic, and with it their right to work in Thailand, due to factory closures have led to a deficit in the number of migrant workers available to work in the seafood processing industry. The labour shortages provide a direct economic incentive for companies to work on implementing the Seafood GLP. As one company noted, “The demand for workers is extremely high. So to have low turnover and to create incentive to work for us, the brand image has to be stellar. If the image of the company is bad, the worker would not want to work for us. This is the incentive or motivation [for implementing the Seafood GLP].”\textsuperscript{133}

Secondly, the likely introduction of mandatory human rights and environmental due diligence laws in the EU and the Illegal Fishing and Forced Labor Prevention Act in the United States of America; the existing modern slavery reporting legislation in California, the United Kingdom of Great Britain and Northern Ireland, Australia and the Netherlands, among others; the Duty of Vigilance laws in France; and the US import bans on products made through forced labour may provide a leverage point for encouraging the implementation of the Seafood GLP. The prospect of legal liability for working conditions within their factories and within their supply chains – particularly for TTIA members sourcing from tuna vessels flagged to Taiwan (China), or for TFFA members sourcing seafood products from Thai flagged vessels – may put the onus on export-facing companies to demonstrate that they have labour management systems and supply chain labour risk assessments in place.

\section*{4.1 Potential pathways for the Seafood GLP}

At the start of the Ship to Shore Rights Project in 2016, one of the aims of revising the GLP programme was to think through the conceptual framework underpinning the programme.\textsuperscript{134} However, despite efforts to re-conceptualize the GLP and develop a set of documents defining the programme, how the Seafood GLP is conceptualized continues to differ among stakeholders. When considering the future of the Seafood GLP, it will be important to clearly decide how the programme will be conceptualized going forward and to make this clear to all stakeholders.

The following sets out three ways in which the Seafood GLP could be conceptualized in the future. The three pathways have varying levels of accountability for implementation of the GLP workplace standards. The first pathway, which proposes that the Seafood GLP be limited to an educational tool, has a minimal level of accountability and most closely resembles the current state of implementation of the Seafood GLP. The second pathway, which proposes a more formal improvement programme through stricter adherence to the nine principles of the Seafood GLP, would require greater accountability for compliance than there currently is. The third route proposes holding participating companies accountable for meeting the Seafood GLP workplace standards through working conditions being independently monitored by the workers themselves.

\textsuperscript{132} Workers’/Civil Society Organization Interview 7.
\textsuperscript{133} GLP Company Interview 3.
\textsuperscript{134} Former ILO Staff Interview 3.
Pathway 1: Educational tool

As a set of resources for the private sector on how to introduce systems to comply with Thai law and how to go beyond the law to meet the principles of international labour standards, the Seafood GLP could proceed solely as an education toolkit. The current GLP guidelines offer the information needed to understand Thai labour law and, ideally, improve its implementation.

As an educational tool, the Seafood GLP could move away from the nine principles discussed above and focus on its key components:

- a set of guidelines providing sector-specific information for the private sector on how to ensure legal compliance with Thai law and how to meet the principles of international labour standards;
- training workshops on the Seafood GLP workplace standards;
- factory visits to assess for gaps between the workplace standards and practices; and
- tailored advice on how to come into compliance.

As a set out resources for improving labour management systems, the Seafood GLP has significant merit. It offers sector-specific guidance on meeting legal obligations and provides company-specific advice on how to improve compliance. As companies noted, it is an achievable programme. It is also how most companies interviewed in the study currently view the Seafood GLP.

Strengths

Pursuing the Seafood GLP as an educational tool, rather than as a structured programme, would ensure that the private sector continues to have free access to resources that could improve employers’ understanding of their legal obligations. Conceptualizing the Seafood GLP simply as a set of resources for the private sector on how to meet the principles of international labour standards and comply with Thai labour law would reduce the need for accountability mechanisms or public reporting. It would also reduce the reputational risk to the ILO and would involve minimal additional resources, aside from ILO and government technical input as requested.

Weaknesses

As the industry association-led factory visits would not be externally verified, the Seafood GLP as an educational tool would not be seen by buyers or external stakeholders as an independent assessment of labour standards or conditions within member factories. It would not reduce audit fatigue among Thai seafood companies, as buyers would continue to request third-party audits. Nor is it likely to improve the public perception of participating companies. As such, the Seafood GLP as an educational tool is unlikely to satisfy the industry associations who want to see the programme leading to market rewards, such as increasing buyers’ trust in the Thai seafood industry.

Minimum requirements for implementation

As an education tool, the Seafood GLP could narrow its focus to Principles 1, 3 and 4. As such, the minimum requirements for proceeding with the Seafood GLP as simply an education tool for the private sector are:

1. Under Principle 1, the ILO and the Thai Government continue to provide technical expertise and up-to-date information to the private sector on their legal obligations and the principles of international labour standards that their overseas buyers expect them to comply with.
Under Principle 3, the TTIA and TFFA continue to provide training workshops to socialize the contents of the workplace standards. During training workshops, TTIA and TFFA continue to support their members to design company-specific action plans that tailor the Seafood GLP workplace standards to their own factory or factories.

2. Under Principle 4, the TTIA and TFFA continue to conduct follow-up factory visits to identify areas for improvement and provide visit reports with enterprise-specific recommendations and guidance to their members.

**Pathway 2: Continuous improvement programme**

Going forward, the Seafood GLP could become a more structured continuous improvement programme for participating companies with greater accountability. With support from more progressive buyers who want evidence of improvements in labour conditions rather than blanket assurances, there may be scope for the Seafood GLP to offer an interesting example of a sectorial continuous improvement programme led by national actors that seeks to improve working conditions on a factory-by-factory basis.

The structure and principles of the Seafood GLP were designed to facilitate and encourage enterprise-level improvements. To have a future as a continuous improvement programme the Seafood GLP would need to more closely adhere to its nine principles and address the current implementation gaps, such as the lack of accountability mechanisms, the lack of worker involvement in assessing working conditions, and the limited focus on freedom of association and collective bargaining. It would also require wider stakeholders to play their intended role. For example, the GLP Advisory Committee would need to revive its role and conduct independent analysis and verification of progress at the factory level, and buyers would need to engage in discussions regarding sourcing practices that reward decent work.

**Strengths**

If the implementation of the Seafood GLP adhered more closely to its intended design – for example, introducing an accountability mechanism and public reporting – it could improve legal compliance within participating factories. Greater accountability, public reporting and engagement with CSOs and workers’ organizations would also increase the credibility of the programme. Only by increasing the credibility of the Seafood GLP are buyers likely to recognize the merits of the programme.

As a continuous improvement programme for a select group of committed seafood companies, the Seafood GLP could support Thai suppliers to demonstrate ongoing efforts to improve labour practices within their specific enterprises to their overseas buyers. As buyers’ understanding of labour compliance and governance in their supply chains matures, there is real scope for a continuous improvement programme that can demonstrate real progress over time to highlight high performers. As a former ILO staff argued: “The market is changing. It is different to 2014. It was about assurance in 2014. Now there is growing recognition among buyers that you are never going to get assurance, so it is about incremental improvements. So [now] it is about finding the mechanisms that can drive that. Which is what GLP can do.” 135 By more stringently implementing the principles of the Seafood GLP, by increasing its focus on promoting unionization among workers, and by strengthening the factory visits by inviting CSOs and workers to participate in verifying improvements, the Seafood GLP could help committed companies to demonstrate ongoing efforts to improve working conditions.

**Weaknesses**

The tendency to report perfect compliance with labour standards, rather than recognizing that some areas can present challenges that take time to address, poses a barrier to the Seafood GLP as a

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135 Former ILO Staff Interview 4.
continuous improvement programme. Acknowledging that child and forced labour were problems in
the industry, after media exposés documented it, was a big step for the industry associations to take.\textsuperscript{136}
Ever since, efforts have focused on repairing the image and reputation of the Thai seafood industry.
For the Seafood GLP to progress as a continuous improvement programme, a further culture shift for
Thai businesses would be needed. It would also require public reporting on the findings of the factory
visits, with evidence on where the factory started and how it has improved year-on-year. Convincing
the industry associations to (a) document labour violations in factories, and (b) to share these findings
publicly in order to distinguish between high and low performers would be a significant challenge.
Increasing CSO and worker involvement in monitoring working conditions would necessitate significant
work to overcome mutual distrust between business and civil society. Given proposed laws regulating
CSOs, the political environment may pose a significant barrier to sufficiently building the levels of trust
needed to facilitate the Seafood GLP as a continuous improvement programme.\textsuperscript{137}

**Minimum requirements for implementation**

As a continuous improvement programme, the Seafood GLP would need to more clearly define and
implement all nine of the programme’s principles, with a particular focus on Principles 5 (engagement
with workers and CSOs), 7 (accountability mechanism) and 8 (public reporting). In addition to the roles
and activities set out for the educational tool – whereby the ILO and the Thai Government provide
technical assistance and up-to-date information to the private sector and the TTIA and TFFA continue to
run workshops for their members, support them to develop company-specific action plans, and conduct
follow-up visits to provide tailored advice on improving compliance – strengthening the Seafood GLP into
a more stringent improvement programme would require significant effort by both the ILO project team
and the industry associations. The following minimum requirements are necessary for the Seafood GLP
to progress as a continuous improvement programme:

1. Workers need to play a more prominent role in verifying that working conditions are improving in
   factories involved in the Seafood GLP. Include workers or their representatives (such as CSOs or
   unions) in the factory visits to provide a more independent assessment of labour standards. At an
   absolute minimum, the industry associations need to conduct more worker interviews per factory
   and use an independent interpreter who is not a factory employee.

2. Strengthen grievance mechanisms and engagement with CSOs, so that any worker grievances
   raised through either internal or external grievance mechanisms are acted on in a timely manner
   and resolved to the satisfaction of the worker who brought the complaint.

3. Publish more detailed public reporting on the findings of the factory visits, including a summary of
   the changes resulting from participation in the Seafood GLP and the challenges faced in meeting
   the workplace standards.

4. Establish a timeline for corrective action to address issues identified during factory visits, with
   follow-up verification that the correction action plan has been implemented according to an agreed
   timeline.

5. Company action plans that include a clear set of objectives for structured year-on-year
   improvement that are agreed upon at the end of each annual factory visit and assessed the
   following year. The plans should be signed by a senior executive.

6. Worker welfare committees in all GLP participating factories should have a proportionate number
   of migrant workers and women workers that is representative of workforce demographics.

\textsuperscript{136} Former ILO Staff Interview 3.
22.
7. Companies to facilitate unionization at the factory level. This should also include commitments from GLP participating companies that employers will collectively bargain with their employees in good faith and not retaliate against workers. The implementation of commitments to non-retaliation should be verified during factory visit worker interviews.

8. Independent analysis and verification of the factory visit findings, including through labour inspections. In line with Principle 8, this requires a more proactive GLP Advisory Committee that plays its role in conducting external analysis to verify industry association findings from the factory visits and publishes independent reports on progress.

9. Industry associations to develop an accountability mechanism for companies participating in the Seafood GLP, in line with Principle 7. At a minimum, industry associations should publicly identify which members participate in the Seafood GLP, the date of their last factory visit, the number of grievances identified, and a summary of the corrective action plan. Public information on participating companies should also include a summary of specific efforts made to improve compliance with the Seafood GLP workplace standards in the previous year.

10. Industry associations to develop training workshops with greater focus on the needs of women workers and on developing factory action plans that include the introduction of gender-sensitive policies and ending discriminatory practices – for example, banning pregnancy screening during recruitment of workers.

Pathway 3: Worker-led monitoring programme

To create a robust and credible programme for verifying progress towards meeting the principles of international labour standards within specific factories, workers need to be meaningfully consulted. To move the Seafood GLP beyond an initiative focused on increasing private sector knowledge of Thai labour law and the principles of international labour standards to one that seeks to meaningfully assess working conditions in participating factories, the programme could be expanded to include an element of worker-led monitoring.

A worker-led monitoring system would involve asking workers in factories participating in the Seafood GLP about their working conditions, on a regular basis, rather than relying on workers raising complaints through a grievance mechanism. The data would then need to be independently analysed and verified, ideally by a registered labour union or a migrant workers’ association, to provide credible demonstrations of continuous improvement to external stakeholders, including buyers. Anything short of union involvement in either the data collection or analysis, or at the very least organizations like the Migrant Workers Rights Network, will lead to criticisms similar to those aimed at that the worker welfare committees.

Several stakeholders argued in favour of worker-led systems for verifying conditions within factories, as ultimately the workers know what is happening in the factories: “Inspections could and should be done by workers. They know the work and they have the relationships and understand the system and the process.” Indeed a buyer representative argued that worker involvement in monitoring labour standards is a necessary next step for the Seafood GLP, stating that “international buyers will never just take what an industry association says. It will only be credible when workers are involved.”

Strengths

The current credibility of the Seafood GLP is limited by the lack of action on accountability, independent verification and meaningful worker participation. To improve the credibility of the Seafood GLP, workers

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138 Workers Organization/CSO Interview 1.
139 Buyer Interview 1.
need to play a much bigger role in verifying conditions within their factories and any progress made under the Seafood GLP. Asking workers directly and regularly about the working conditions within their workplace would provide a more credible assessment of labour standards in Seafood GLP factories than the programme currently provides.

As an independent assessment of labour standards in participating companies, a Seafood GLP with worker-led monitoring could reduce audit fatigue by offering seafood buyers a deeper insight into working conditions within their seafood supply chain that social audits can provide. It could also support Thai companies to meet their overseas buyers’ requirements for comprehensive human rights risk assessments under their mandatory human rights due diligence obligations.

As other industries start to consider the possibility of worker-led monitoring mechanisms, introducing a mechanism through which seafood workers can have a meaningful say in assessing the conditions under which they work could demonstrate the commitment of Thai companies to implementing an international labour standards programme that is ahead of the curve.

Weaknesses

There are substantial contextual and cultural barriers to the introduction of worker-led monitoring of working conditions in factories, most notably the lack of worker organizing or collective action in the seafood processing industry. The lack of political will to promote migrant workers’ rights to freedom of association and collective bargaining pose a challenge to the development of a worker-led mechanism for verifying compliance. Crucially, a worker-led monitoring system would only work with the political will to listen to and act on the findings of the worker-led data collection and analysis.140

The current political environment – in which workers have been sued for defamation after speaking out about labour rights violations – also poses a significant challenge to any worker-led monitoring of working conditions in Thailand (OHCHR 2020). Indeed, Thailand’s Strategic Lawsuits Against Public Participation (SLAPP) laws may pose an insurmountable obstacle to Pathway 3. The introduction of a worker-led monitoring mechanism would need to legally guarantee protection to the workers involved. Technological solutions have a bad reputation among workers’ organizations in Thailand, but may offer a more private, safer mechanism (Thinyane et al. 2020). One interviewee noted that the Asian Seafood Improvement Collaborative is working on creating a method for messaging seafood workers in Thailand directly as a means of monitoring labour conditions.141 Rather than relying on workers reaching out with grievances through an app, they hope to directly and anonymously ask workers on an ongoing basis about wage payments, working hours and facilities within the factory.142

Developing a stringent worker-led monitoring system would require significant financial and human capital investment by the ILO, unions and industry associations to build the capacity needed to both accept and implement a meaningful worker-led monitoring mechanism. This would necessitate building a culture of collaboration between unions and industry associations, and would require substantial efforts by the ILO project team and overseas buyers to get all stakeholders, particularly the private sector and government, on board with this direction for the Seafood GLP. It would also entail a larger funding commitment to the Seafood GLP; for example, funding to conduct a baseline assessment across each participating company and to independently verify and analyse the subsequent worker-led data collection.

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140 Former ILO Staff Interview 3; Workers’ Organization/CSO Interview 1.
141 Former ILO Staff Interview 4.
142 Former ILO Staff Interview 4.
Minimum requirements for implementation

Introducing a worker-led monitoring mechanism to the Seafood GLP would first require implementing the nine principles of the Seafood GLP and addressing their shortcomings, such as the limited focus on unionization or worker involvement in factory visits. As with the other two pathways, the third pathway would require the industry associations to continue their 12-month cycle of training workshops, company action plan development, factory visits, and follow-up reports that identify areas where compliance could be improved and provide recommendations on how to do so. It would also require specific timelines for implementing corrective action plans, strengthening grievance mechanisms and engagement with CSOs. As the pathway that proposes the highest degree of accountability for private sector commitments to the Seafood GLP workplace standards, incorporating worker-led monitoring into the Seafood GLP would also require, at a minimum:

1. Unionization of seafood processing workers in Seafood GLP participating companies. Despite the shortcomings in Thai labour law regarding freedom of association, unionization of seafood processing workers would provide a small degree of legal protection if negotiating for a collective bargaining agreement. Moreover, without unionization, worker-led monitoring risks being a token private sector initiative that fails to build meaningful worker power and representation. Union involvement would be essential for credibility.

2. A memorandum of understanding (MOU) between the industry associations and unions to verify the progress made and provide credible assessments of labour standards. To successfully incorporate worker-led monitoring into the Seafood GLP, it has to be supported and endorsed by the industry associations. It also has to be backed by unions to be a credible representation of workers’ perspectives.

3. A willingness by Seafood GLP participating employers to negotiate in good faith with workers to find solutions to the issues identified by workers.

4. Guaranteed non-retaliation against workers involved in monitoring conditions. It would also require well thought through protections for the workers involved, if monitoring is conducted in person or if the employer is aware of which workers have been interviewed.

5. Buyers would need to reward suppliers that demonstrate higher labour standards and to guarantee continued sales to suppliers investing in continuous improvement. This requires significant long-term buyer commitment to the Seafood GLP, including reminding Thai companies of their commitments, reviewing the progress reports and making commercial decisions informed by demonstrable efforts to improve labour standards.

4.2 Validation workshop

On 30 November 2021, the findings of this assessment and the three proposed pathways were presented to the tripartite plus stakeholders involved in the Seafood GLP. Government, employers, workers’ representatives and CSOs then had the opportunity to discuss the merits of each pathway and which they believe is the most appropriate future direction for the Seafood GLP. Government stakeholders were in favour of Pathways 1 and 2, worker organizations and CSOs were in favour of Pathways 2 and 3, and employer representatives were in favour of Pathway 2, as they would like to see greater buyer recognition of the Seafood GLP. A consensus was reached to pursue Pathway 2. The following recommendations respond to this consensus, to offer technical guidance on how to strengthen the Seafood GLP into a continuous improvement programme in the future.

143 Unions and its members are not liable to criminal or civil charges while they are negotiating for a settlement on the demands for rights or benefits which workers are entitled to or if explaining a labour dispute (Labour Relations Act B.E. 2518, section 99).
Recommendations

For industry associations

**Principle 1:** Clear workplace standards

1. Introduce the employer pays principle for all members of the association; this should include the costs of obtaining or renewing work permits and identity documents needed specifically for being in Thailand (such as a “pink card” and certificate of identity).

**Principle 3:** Tools and learnings focused on system

2. Training workshops to have a greater focus on the needs of women workers and on developing factory action plans that include the introduction of gender-sensitive policies and ending discriminatory practices – for example, banning pregnancy screening during recruitment of workers.

3. Run “train the trainer” workshops on how to socialize the GLP workplace standards in order to support members that participate in the Seafood GLP to conduct in-house training for all staff and workers on the GLP workplace standards.

**Principle 4:** Internal industry due diligence

4. Workers and their representatives need to play a role in verifying working conditions during the factory visits. For example, CSOs or workers’ representatives should join TTIA and TFFA staff on the factory visits.

5. Consult more workers during the factory visit. On the day of the factory visit, spend a minimum of half a day talking with workers.

6. Employ independent interpreters when conducting factory visits and worker interviews.

**Principle 5:** Engagement with workers and civil society

7. Initiate discussions with members on the benefits of promoting unionization and collective bargaining.

8. Invite CSOs to join factory visits. Fund CSOs to provide independent interpretation when talking to workers.

**Principle 6:** Factory- and industry-level grievance mechanisms and remediation

9. Ensure that all members receive a factory visit report following the factory visit. This report should include a corrective action plan with timebound recommendations.

10. Follow-up on factory visit recommendations within the timeframe agreed with the company to verify that the corrective action has been implemented.

**Principle 7:** Accountability mechanisms

11. Introduce a mechanism for verifying that corrective action measures have been implemented according to the set timeframe agreed upon.

12. Provide more public information on member companies that participate in the Seafood GLP and a summary of their specific efforts made to improve compliance with the Seafood GLP workplace standards.
13. Create a means of publicly sharing which factories are making progress. Include examples of the progress made.

14. Create accountability measures for non-compliance with the Seafood GLP. At a minimum, publicly identify which members participate in the Seafood GLP, the date of their last factory visit, and the number of grievances identified.

**Principle 9: Sourcing choices and incentives that reward good labour practices**

15. As mandatory human rights laws are introduced in market States, provide guidance for Thai companies on their legal responsibility (if any) to investigate working conditions upstream.

16. Talk to buyers regarding their expectations under new or proposed laws in market States (for example, EU human rights due diligence or the US Illegal Fishing and Forced Labor Prevention Act) and how buyers can support Thai companies to meet these expectations, including the costs involved in compliance and the challenges that members face in implementation.

17. Initiate discussions with members regarding the impact of their sourcing practices – including price – on suppliers upstream.

**For Seafood GLP companies**

**Principle 1: Clear workplace standards**

1. Ensure all members of staff are aware of the Seafood GLP workplace standards and labour management practices.

2. Introduce policies to support women workers – for example, longer access to bathroom breaks, no pregnancy screening during recruitment, reasonable adjustment for pregnant employees (and no job losses), access to maternity leave, access to childcare facilities and sexual harassment prevention.

**Principle 2: CEO-level commitment and dedicated staff**

3. Ensure the CEO or board of management sign: (1) the letter of commitment to the Seafood GLP; (2) the factory action plan; and (3) the timeline agreed with the industry association for implementing the workplace standards and any corrective actions.

4. Conduct interviews with new recruits to ensure that they have not paid recruitment fees or been charged excessive fees for obtaining or renewing their work permit.

**Principle 5: Engagement with workers and civil society**

5. Promote trade unionization among workers, including migrant workers.

6. Negotiate in good faith with any workers seeking to enter into collective bargaining.

7. Engage with CSOs and workers’ representatives for a greater insight into workers’ labour concerns in the workplace and to find solutions.

**Principle 6: Factory- and industry-level grievance mechanisms and remediation**

8. Guaranteed non-retaliation against any worker bringing a grievance either through an internal or external grievance mechanism.
9. Ensure that worker welfare committees have a proportionate number of migrant workers and women workers that is representative of the workforce demographics. Ensure that all workers have the contact details of members of the worker welfare committee and know that they can bring issues to the committee members.

10. Ensure a timely and transparent remediation process for any grievances raised by workers.

**Principle 9: Sourcing choices and incentives that reward good labour practices**

11. Conduct risk assessment on labour practices in upstream seafood suppliers’ operations.

**For the Royal Thai Government**

**General recommendations:**

1. Conduct regular and thorough labour inspections of Seafood GLP factories.

2. During labour inspections, verify that all Seafood GLP companies are adhering to the Seafood GLP workplace standards.

3. Ensure that companies know they will be held accountable for their commitments to the Seafood GLP.

4. Guarantee migrant workers their fundamental rights to freedom of association and collective bargaining.

**For the ILO**

**General recommendations:**

1. Hold a workshop with all relevant stakeholders to discuss the future conceptualization and to ensure a consensus on: how the Seafood GLP is conceptualized; what the Seafood GLP seeks to achieve; and the limitations of the Seafood GLP.

2. Ensure that all stakeholders are aware of their role in the future of the Seafood GLP, and check in every quarter to ensure that they are fulfilling their role.

3. More comprehensively define the nine principles of the Seafood GLP.

4. Develop a train the trainer package for the industry associations to use during the Seafood GLP training workshops in order to encourage the cascading of the Seafood GLP workplace standards within participating companies.

5. Conduct a large survey of working conditions specifically in Seafood GLP factories to serve as a baseline for any future assessments of the programme’s impact.

6. Explore how the Seafood GLP standards could be strengthened to address workers’ vulnerability to debt, for example, at recruitment or while renewing their work permit. Align the GLP workplace standards with other industry standards, where the GLP workplace standards are currently lower.

7. Encourage the industry associations to increase their focus on freedom of association and collective bargaining in the implementation of the Seafood GLP. Provide updated guidance on how the Seafood GLP could promote freedom of association and collective bargaining.

8. Explore how the Seafood GLP, if continuing, could incorporate enterprises in domestic supply chains.
9. Support the industry associations to develop tools and guidance on how the Thai seafood industry can engage in constructive discussions with buyers regarding the impact of their purchasing practices on working conditions and wage payment upstream.
DLPW (Thailand, Department of Labour Protection and Welfare), DoF (Thailand, Department of Fisheries), and ILO. 2014. “GLP Update 1 – March 2014”.


TTIA (Thai Tuna Industry Association). 2020. รายงานประจำปี 2563 เรื่อง ผลการดำเนินงานตามปฏิบัติการใช้แรงงานที่ดีของสมาชิกสมาคมอุตสาหกรรมทูน่าไทย และบริษัทซัพพลายเชน.


Research questions

This assessment set out to answer four key research questions about the Seafood GLP:

1. How has the programme impacted participating businesses?
2. What impact has the GLP programme had on the wider seafood supply chain?
3. How has the programme impacted seafood processing workers?
4. What lessons can be learnt from the programme going forward?

Within each key area, the study examined a series of sub-research questions to assess how different stakeholders were impacted by the Seafood GLP.

To assess the impact of the GLP programme on participating businesses, the study asked a series of sub-research questions about the:

- impact of the programme on corporate attitudes and understanding of labour rights;
- human resources practices;
- resources allocated to the implementation of the programme and the financial impact on companies;
- how these costs have been absorbed;
- any market rewards or commercial benefits of participating in the programme; and
- any unintended consequences.

To examine the impact of the Seafood GLP on the wider supply chain, the study examined sub-research questions on the extent to which the GLP reached upstream suppliers, including fishing vessels, and buyers. It sought to question if the GLP has had any effect on purchasing practices in seafood supply chains and the barriers to further engagement by buyers or upstream suppliers.

To assess the impact of the GLP programme on workers in participating seafood processing factories, the study sought to question:

- the establishment of effective grievance mechanisms and access to remediation;
- whether workers are able to access these grievance mechanisms;
- to what degree worker welfare committees are representative of workers;
- whether the GLP has implemented gender-responsive measures; and
- whether GLP factory assessments are successfully identifying labour violations.

The final part of the study set out to explore the future of the GLP programme and how lessons learnt can be built upon to strengthen and scale up the programme going forward. It examined:

- the unintended consequences of the programme;
- how the Seafood GLP can be made more credible, robust, and sustainable;
how the role of workers and workers’ organizations in monitoring the implementation of the Seafood GLP can be enhanced; and

if the GLP could be replicated in the fishing sector or in the seafood processing sector in other countries in the region.

Methods

The assessment relied primarily on qualitative research methods, supported by a brief private sector quantitative survey distributed to members of the TTIA and TFFA. The methods comprised documentary analysis, key informant interviews, a private sector survey, and focus group discussions with workers in participating factories.

Documentary analysis: An initial desk-based review of relevant public and internal ILO documents related to the Seafood GLP, the earlier shrimp GLP programme, and the process of revising the programme in 2017 and 2018.

Key informant interviews: Twenty-five interviews were conducted with key stakeholders between August and October 2021. Stakeholders included representatives of industry associations, employers’ organizations, workers’ organizations, the Royal Thai Government, civil society organizations, Thai seafood production companies, buyers, and former ILO staff involved in the Ship to Shore Rights project or its predecessor, the ILO International Programme on the Elimination of Child Labour. Interviews were conducted remotely via Zoom and lasted between 1 hour and 3 hours, with most lasting approximately 1.5 to 2 hours.

Private sector survey: To invite Thai seafood processing companies to participate in the study, a brief 13 question survey was distributed by the TTIA and TFFA to their members that participate in the GLP programme. The questions focused on key demographic information regarding the approximate size of the workforce, the percentage of migrant workers and women workers, recruitment channels for migrant workers, the frequency of audits and of GLP factory visits, the volume of products exported, and whether the company would recommend the GLP programme to competitors. The eight companies that completed the survey were invited for a follow-up interview; six participated in an interview.

Focus group discussions: Two focus group discussions with migrant workers in GLP participating factories were conducted remotely. In total, two men and six women from Myanmar working for six different companies were consulted. Focus groups were facilitated by a partner NGO.

Data analysis: Comprehensive notes were made during each interview and focus group discussion. Interviews were also recorded to facilitate the verification of transcripts and to fill in any gaps. A coding framework was developed based on the key research and sub-research questions. The transcripts were imported into OneNote and then coded. Each code was analysed using inductive analysis to answer the research questions set out at the start of the assignment, and the key findings were summarized to form the basis of this report.

Limitations

The study methodology, and thus the findings, was limited by a number of factors.

Six companies involved in the Seafood GLP volunteered to participate in the assessment, along with an international buyer with operations in Thailand that participate in the GLP. These seven companies represented a broad range of companies in terms of membership in the TTIA and TFFA, the size of the workforce, the percentage of the workforce that are migrant workers, and the percentage of products exported. However, as these companies volunteered to participate in the study, the findings may represent the most proactive businesses. Thus, while the study can identify some incidences of systems introduced under the Seafood GLP, these most likely represent the best-case scenario results of the
programme. The study does not capture the outcomes of the GLP in the 49 other companies that have signed up to the Seafood GLP but ignored invitations by the TTIA and TFFA to participate in the study.\footnote{An eighth company initially signed up to participate in the study but an interview did not proceed due to their request for a non-disclosure agreement, which was incompatible with the intended aim of publishing the research findings.}

Despite seeking to assess the impact of the GLP programme on upstream suppliers, their perspective was not included in the study. It was not immediately clear which suppliers GLP companies have sought to engage in discussions regarding the GLP, and an examination would have required asking for commercial data from the companies. The study, therefore, relied on the perspective of their buyers – Thai seafood production companies that participate in the GLP – and their actions to cascade the GLP standards.

It was not possible within the scope of this study to meaningfully assess how the Seafood GLP has impacted workers in seafood processing factories. A large-scale survey of working conditions specifically in GLP factories was beyond the scope of this study. Furthermore, although the ILO IPEC project conducted a survey of child labour prevalence in seafood processing operations and the ILO Ship to Shore Rights Project conducted baseline and endline assessments of working conditions across the seafood processing industry, there is no baseline assessment of working conditions specifically in the factories that participate in the Seafood GLP.\footnote{See ILO, \textit{Baseline Research Findings on Fishers and Seafood Workers in Thailand}, 2020; and ILO, \textit{Endline Research Findings on Fishers and Seafood Workers in Thailand}, 2020.} The lack of a baseline against which to compare current conditions or to assess for counterfactuals, along with the limited scope of this study, makes it impossible to assess exactly how the programme has impacted workers in participating factories.

Moreover, the Bubble and Seal policy, which barred migrant workers from leaving the factory premises to reduce the spread of COVID-19, posed a significant challenge to accessing workers for this study. As a result, only eight Myanmar migrant workers in Seafood GLP seafood processing factories were consulted. The views of eight workers cannot be extrapolated to represent all workers in GLP factories.
Turning principles into pathways: The future of the Seafood Good Labour Practices programme

The Seafood Good Labour Practices programme was developed by the International Labour Organization, Thai Tuna Industry Association and the Thai Frozen Foods Association to enhance employers’ awareness and understanding of Thai laws and the principles of international labour standards, and to equip them with labour management systems for supporting compliance. It is a voluntary programme specific to formal export-facing seafood processing factories and seeks to improve labour standards for workers one factory at a time.

Implementation of the programme was initiated under ILO’s Ship to Shore Rights Thailand (2016–20), supported by the European Union. This report examines how, since implementation began, the Seafood GLP has impacted the seafood processing companies involved, the workers in the factories, and the wider supply chain. The assessment also explores three possible future pathways for the Seafood GLP programme, and makes recommendations for robust and effective implementation to improve labour conditions for workers.