



THAILAND

Hotspot report

August 2024



*All images depict the Fishing industry in Samut Sakhon, Thailand.
Photo credit: Jittrapon Kaicome/The Freedom Fund*

EXECUTIVE SUMMARY

Since 2015, the Freedom Fund has been partnering with Humanity United on a program to address forced labour in seafood supply chains across the Asia-Pacific region. As part of this joint Asia Pacific Seafood program, the Freedom Fund's hotspot program in Thailand worked with partners to support seafood workers to organise, claim rights and demand decent working conditions.

2023 was the final year of the Thailand hotspot. Programming during the year focused on undertaking key final activities and advocacy, and on exit planning to ensure partner sustainability. All partners secured funding to continue working on seafood and/or broader migrant worker rights beyond 2023.

Direct assistance to fishery workers in 2023 included: supporting 1,187 workers to join worker groups or community networks; providing assistance with 636 legal cases relating to forced labour and other legal issues; providing social or legal assistance to 2,729 individuals; providing training to 730 fishers on occupational health and safety; and supporting 270 workers to gain access to government services that will enable them to get further support.

Partners also supported worker leaders and worker groups to negotiate with employers on a range of issues, affecting the working conditions of thousands of workers. This included supporting the Pattani Fishery Workers Group to make 12 new agreements with vessel owners to deliver improvements in working conditions.

During the year partners advocated to government and business to improve key laws, policies and processes to reduce vulnerability to forced labour. After advocacy by partners and other groups, the government significantly reduced visa fees for migrant workers, which is critical to reducing vulnerability to debt. Partners also successfully influenced government regulations that define the role and responsibilities of labour inspectors to investigate potential malpractice; and advocated against the proposed rollback of existing fishery laws and policies that provide protections against labour exploitation.

As well as outlining work done by our hotspot partners in 2023, this report also includes a summary of key hotspot achievements from 2015 to 2023.



OPERATING CONTEXT

Thailand is one of the top five seafood producing countries worldwide. The overwhelming majority of workers in Thailand's fishing and seafood processing industries are migrants from Myanmar and Cambodia. Labour brokers recruit from vulnerable communities, promising favourable employment upon arrival in Thailand. Migrants often incur debt from recruitment fees and costs associated with transportation and securing employment in Thailand. These debts are paid off through deductions from workers' earnings, with employers and brokers frequently using debt manipulation to inflate the amounts and force people into bonded labour.

Since 2015, the Freedom Fund has been partnering with Humanity United on a program to address forced labour in seafood supply chains across the Asia Pacific region.¹ In recognition of the change achieved in Thailand since the program was launched, 2023 was the final year of our Thailand hotspot. During the year, we focused on undertaking key final activities and ensuring partner sustainability to continue working on seafood worker rights in Thailand beyond 2023.

All hotspot partners have secured funding to continue to monitor and improve migrant worker rights in Thailand. Three partners will also be supported by a Freedom Fund Elevate Grant (US \$50,000 grant over two years). Some aspects of the hotspot's work in Thailand will continue under the wider Asia Pacific Seafood program, particularly around monitoring of any rollback of reforms and subsequent advocacy to ensure reforms are maintained and implemented.

¹ [Shttps://humanityunited.org/program-track/asia-pacific-seafood-supply-chains/](https://humanityunited.org/program-track/asia-pacific-seafood-supply-chains/)



Key contextual changes in 2023

New government and potential rollback of key laws and policies

The Thai Parliament was dissolved in late March and a general election took place on 14 May 2023. During the election campaign, all major political parties campaigned to rollback key fishery laws aimed at addressing both illegal, unreported and unregulated fishing (IUU) and labour exploitation. This was due to lobbying by small business vessel owners that are part of the National Fishers' Association of Thailand, which had been advocating for a relaxation of laws and policies. After the election, the new government started to consider possible amendments, with draft legislation proposing to allow transshipment of crew and fish, reduce the minimum age for working on vessels, and reduce monitoring, control and surveillance. At the end of 2023, no official draft amendments had been finalized, and civil society and some business groups were still advocating to ensure key labour and IUU provisions were not rolled back.

Migration policy changes

Throughout 2023, the Thai government issued a series of resolutions for the management of migrant workers in Thailand. Irregular migrant workers in Thailand without documentation were allowed to regularise their status, with the deadline being extended multiple times through to September.² Later in 2023, the Ministry of Labour granted special permission to migrant workers from Cambodia, Myanmar, Laos and Vietnam who had started the registration process but not finished it, to stay in Thailand until 30 September 2024. Workers with visas/documentation that was due to expire were granted the right to extend their stay until April 2025.³ In October 2023, the government also approved a reduction of visa fees for migrant workers from 1,900 to 500 Thai baht – a big victory for civil society and migrant workers.

Taxes for Myanmar migrant workers

The Myanmar military government announced that all expatriate workers will be required to pay 25% tax on money remitted back to Myanmar and that non-compliant migrant workers will be forbidden from working overseas for three years after their current work permit expires.⁴ Additionally, in December 2023, the Myanmar Embassy in Thailand announced that Myanmar citizens residing and working in Thailand are required to pay a monthly 2% income tax. Failure to pay this tax will result in a denial of certification/recommendation, passport renewal, and extension. It is expected that these policies will lead to an increase in irregular and undocumented migrant workers seeking to avoid documentation and surveillance by the Myanmar military government.

Conversations continuing regarding ratification of key ILO conventions

In November 2023 there was a meeting of the steering committee for the ratification of the International Labour Organisation Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The meeting agreed to set up a working group to consider and plan for ratification of the treaties.

Positive changes in minimum wages and social security

The newly elected government raised the minimum wage shortly after coming to power.

² TRIANGLE Asian Briefing Note Myanmar (April-June 2023), ILO

³ TRIANGLE Asian Briefing Note Thailand (October-December 2023), ILO

⁴ <https://www.bangkokpost.com/thailand/politics/2646473/myanmar-junta-orders-all-workers-abroad-to-remit-25->

PROGRESS TOWARDS SYSTEMS CHANGE

This section sets out the specific ways in which hotspot partners in Thailand contributed to key changes in law, policy and process during 2023.

Policy/legislative and political will

Hotspot partners were able to influence the Thai government to issue regulations of the Department of Labour Protection and Welfare on Labour Inspection and Criminal Prosecution of Offenders (issued under the Ministerial Regulations on Labour Protection in Sea Fishing Work, B.E. 2565 [2022] and B.E. 2566 [2023]). As recommended by the partners, the regulations define the roles and responsibilities of labour inspectors to pursue administrative or criminal sanctions against those breaching the Work in Fishing Act.

Government performance

Under the government-run Port-In and Port-Out (PIPO) mechanism, officials from various government departments carry out checks on working conditions and compliance with fishing regulations on vessels entering and leaving ports. In 2022, the Freedom Fund and our hotspot partners provided inputs and made recommendations to the official PIPO report, based on monitoring of the PIPO process in Songkhla, Pattani and Narathiwat ports. During an observation of a PIPO inspection in the first quarter of 2023, our partners noted that the Thai Navy was using the recommendations made in 2022 – particularly those relating to health and safety for fishery workers – in their training and discussions with PIPO officers.

Advocacy by hotspot partners also contributed to improvements in occupational health and safety protections for fishery workers in 2023. Hotspot partners had previously raised the case of the deaths of three fishery workers at sea both directly to government and in the shadow civil society report on government implementation of the ILO Convention on Work in Fishing. In 2023, a landmark court judgment convicted the vessel owner of negligence in relation to the deaths. The court verdict stated: “The defendant [the employer and vessel owner] did not provide personal protective, assistive and life-saving devices that are suitable and sufficient to the work relating to the number of the employees and did not demand employees who work in the confined space to wear or use any available equipment.” This is the first time an employer has been held accountable for failing to protect the safety of fishery crews, so this is a significant judgement. Following on from the judgement, a new inspection manual was launched which included an improved section on vessel safety inspections and handling of health and safety incidents by labour inspectors.

Our partner the Labour Rights Foundation (LRF) together with the Migrant Working Group (a coalition of non-government organisations in Thailand that are working to improve rights for migrant workers) made submissions to the Ministry of Labour and other government departments advocating for improved policies and processes for migrant workers, including the need to address excessive costs for migrant workers. In October 2023, the Thai cabinet agreed a resolution to reduce visa fees from 1,900 to 500 Thai baht (approx. US \$51 to US \$13), significantly reducing fees for thousands of workers.



Pushing for change by business/employers

In June 2023, a vessel owner and employer were found guilty of trafficking Thai fishers onto Malaysian vessels. The court ordered the employer and the vessel owner to pay 500,000 Thai baht (approx. US \$14,000) compensation to each fishery worker, in addition to sentencing the defendants to significant periods of imprisonment. This case was supported by the Freedom Fund and involved our hotspot partners Stella Maris and the Human Rights Development Foundation, and SR Law. The case focused on seeking remedies for Thai fishery workers in overseas and distant water fleets.

Our partner Raks Thai Foundation continued to assist the Pattani Fishery Workers Group to make collective agreements with vessel owners. Twelve new agreements were entered into in 2023, covering monthly electronic payment of salaries, increased wages, payment of documentation fees, and other improvements in working conditions. Most of these provisions are legal requirements, yet ensuring vessel owners implement the law and are held accountable for their delivery through these collective agreements is a significant milestone with the prospect of a real impact in fishers' lives.

In December 2023, our partner LRF collated data and evidence on the situation of workers in a number of large seafood factories and submitted a letter of concern regarding: confiscation of 98 worker documents; collecting money from workers to renew documents; improvement of worker housing; the compensation and social security fund; along with other issues of concern. The company responded to the letter and made immediate improvements in some areas. LRF hopes that the workers will continue collective action to protect their rights as well as monitoring workplace conditions. Earlier in the year, LRF also supported a seafood company to identify workers who had paid fees during their recruitment process, and assisted in securing repayment of these fees.



HOTSPOT OUTPUTS AND OUTCOMES

Since 2015, the Freedom Fund has partnered with six Thai civil society organisations across various ports and hubs in Thailand to tackle labour exploitation and forced labour in the seafood and fishing sectors. These partners are: Foundation for Education and Development (FED), Human Rights and Development Foundation (HRDF), Labour Rights Foundation (LRF – previously part of MWRN, the Migrant Worker Rights Network), Migrant Assistance Program Foundation (MAP Foundation), Raks Thai Foundation (RTF), and Stella Maris Songkhla (STM). In the period 2021-2023, the Freedom Fund started planning a phase-out of our direct funding to these local partners, with hotspot funding to HRDF and MAP Foundation finishing in 2022, and hotspot funding to the remaining partners finishing in 2023.

This section outlines some of the work done by local partners in 2023.

Headline results

- 1,187 workers joined worker groups or community networks that provide support and assistance in relation to ensuring labour and human rights at the workplace.
- Partners supported worker leaders and worker groups to negotiate with employers on a range of issues, affecting the working conditions of thousands of workers.
- Partners assisted with 636 legal cases relating to labour law (wage withholding, non-payment of benefits), migration, document retention, forced labour and other legal issues.
- 2,729 individuals were provided with social or legal services.
- 730 fishers were trained on occupational health and safety – a key issue for fishers considering the dangerous nature of the work.
- 270 workers gained new access to government services that will enable them to get further support.

Progress towards hotspot objectives

Objective 1: Seafood workers have better access to sustainable and effective civil society and worker organisations, providing a pathway for collective action and assistance

There are two key elements that the hotspot program seeks to strengthen under this objective: resilience and effectiveness of worker associations and civil society organisations through institution strengthening; and improving specific program areas such as organising and case management.

Institutional development

In 2023, partners implemented their Organisational Capacity Assessment Tool (OCAT) plans, with US \$5,000 provided to each partner to implement initiatives in key identified areas. For example, RTF utilised the OCAT funds to improve staff self-care and train teams on trauma-informed approaches.

Safeguarding was an area of continued focus, with monitoring and support provided to partners following the training provided in 2022. By the end of the year, all partners had operational safeguarding mechanisms and updated safeguarding policies.

Organisation-building for LRF continued in 2023 – a director was hired and the organisation continued to receive training from a consultant contracted by the Freedom Fund, who focused on strengthening financial policies and procedures, and mentoring key finance staff.

As this was the final year of programming, partners also focused on addressing priorities in their exit plan. With many prioritising fundraising, a professional video maker was engaged to work with partners on the production of videos to promote their work. Specialised monitoring, evaluation and learning training was provided to improve understanding of theories of change and strategising for future program development.

Supported by these initiatives, all partners secured ongoing funding (from funders including Winrock, Porticus and the European Union) to continue their work to improve migrant worker rights. Additionally, the Freedom Fund will award core grants to three partners as part of the phase down of the hotspot.

Programmatic/technical improvement

In order to embed knowledge, learning and practice, the Freedom Fund continued to partner with MAP Foundation, a former hotspot program partner (until 2022) with expertise in organising migrant workers. MAP Foundation extended support to RTF, an organisation which is relatively new to working on labour rights, and alongside the Freedom Fund team supported a review of RTF’s vision on worker empowerment and advised on how to integrate freedom of association and collective bargaining into project interventions. RTF staff used and applied workplace analysis tools such as employer analysis, factory mapping and workers’ migration journeys to identify key demands, conduct negotiations with employers and vessel owners, and settle disputes. MAP Foundation also provided mentoring support to FED to help strengthen its approach to organising migrant seafood workers, and to develop and implement its workplan.

In November 2023, the Freedom Fund provided training for three partners (FED, RTF, and LRF) on a new monitoring tool for worker-organising activities. The partners learned both theoretical concepts and practical tips, enabling them to apply and use the tool with their worker groups in the field.

Additionally, the Freedom Fund provided a platform for all program partners to participate in various workshops, diplomatic meetings, media events, and case conferences. This helped to build their confidence and improve their advocacy skills (including case management) through sharing practical experiences and learning from others.





Objective 2: More seafood workers are empowered to organise, claim rights, and demand decent working conditions

Through partner outreach focused on labour rights and working conditions, 1,187 new members joined community-based and worker groups that collectively address issues and strive to change conditions in both the workplace and community.

Foundation for Education and Development (FED)

FED has continued strengthening the capacities of the worker group established at a large seafood processing factory in Phang Nga provi through regular visits and technical assistance. As of December 2023, there were 60 members of the worker group, consisting of 27 male and 33 female workers. Through collaboration with FED, important factory data, including information on working conditions, welfare benefits, and rights violations, was collected and shared among the worker group members. This exercise helped workers acquire a deeper understanding of their rights and the need for improvements in their working conditions. FED sought further assistance from the MAP Foundation to undertake the next steps with the worker group, which included support for a workshop to discuss learning experiences and ways of strengthening worker organising initiatives. In June 2023, a technical advisor from the MAP foundation led a follow-up training session on worker organising. This training helped equip workers with the skills to discuss concerns with the employer such as clarification on procedures to apply for benefits from the Social Security Fund. Workers can now engage with management to obtain benefits due to them.

Three workers from the group also had an opportunity to attend a three-day training session, conducted by the ILO in Phuket, on trade unionism and collective bargaining. A new project funded by USAID/Winrock International will help FED to continue supporting this seafood factory worker group beyond 2023.

Labour Rights Foundation (LRF)/MWRN

LRF/MWRN continued to advise on the democratic election of worker welfare committees in 12 seafood factories and to promote worker organising within and outside of the workplace at the community level. Three workshops were held on organising data collection and conducting negotiations at Pattaya Food, Thai Union and Siam Inter Factory. Membership of LRF worker associations has continued to grow with the recruitment of 80 new workers.

Information on the importance of worker organising was also shared with migrant workers in Samut Prakarn province, which helped encourage and convince 25 workers to apply for membership of the Textile Worker Union of Pipat Sampan.

Raks Thai Foundation (RTF)

Drawing on learning from training, RTF applied specific workplace analysis tools to make progress on collective worker agreements with vessel owners. Together with the members of the Pattani Fishery Workers Group, RTF concluded collective agreements with an additional 12 vessel owners in Pattani port in 2023. In total, RTF and the Pattani Fishery Workers Group have negotiated work agreements with 52 vessel owners, agreeing on monthly electronic payment of salaries, increased wages, payment of documentation fees and other improvements in working conditions. While most of these provisions are legally required, ensuring vessel owners implement the law is a significant milestone. These agreements – some of which, in relation to wages, exceed the legal minimum – have improved the working conditions of approximately 1,200 fishers.

RTF also supported a group of workers whose visas had expired to collectively negotiate with their employer on documentation issues and on the improvement of factory safety measures and employee benefits. RTF facilitated factory mapping with interested workers, who decided to form a worker group to negotiate with the factory management. RTF assisted the group in discussing the issue of expired documents with government officials and factory management. The group was successful in extending the visa documentation of affected workers and ensuring that they remained hired at the factory, as well as getting improvements to other areas raised such as toilet facilities.

RTF conducted group strengthening sessions for a group of factory workers who are part of two major unions. Following this, members selected a group leader and agreed roles and responsibilities for leadership positions in the group.

The Sapa Café, an initiative designed by RTF which enables worker leaders to meet with government and employers, continued to be used as a platform for discussion and a forum for migrant groups to voice their concerns. Through evolving its approach, RTF built a more inclusive environment for discussion by holding two separate meeting sessions: one for workers to raise issues with government officials without fear of retaliation from employers, and one between government and employers directly.

Stella Maris Songkhla (STM)

In collaboration with LRF, STM worked closely with four migrant groups to build the confidence and management skills of their leaders to undertake collective action. STM also supported 10 worker leaders to attend a conference on migrant worker management in Songkhla organised by the Migrant Working Group. STM also conducted capacity development training for 15 migrant leaders to enable them to represent other workers and their community in discussions with government and employers.

STM continued to promote safe working conditions for fishers and to train fishing crew members in occupational health and safety, training 730 fishers during the year. STM deployed the handbook and curriculum on boat safety that had previously been developed with multiple stakeholders, including government officials and vessel owners, and was based on data collected from migrant fishery workers by Prince Songkhla University. Collaboration with provincial fishery associations, which provided the training venues, distributed public information, and encouraged fishery crew attendance, was considered key to the success of the training.

Objective 3: The government and private sector are more responsive to the rights of migrant workers, particularly in relation to improving safer migration and freedom of association, and implement laws/policies/systems to reflect this

Our hotspot partners advocated to both national and provincial government to improve laws, policies and processes for migrant workers, or – in some cases – to ensure key laws were not rolled back. Partners also worked with business, advocating for improvements in business practices, particularly around ethical recruitment.

Potential rollback of key laws and policies

During the election campaign, all major political parties campaigned to rollback key fishery laws that aimed to provide protections against illegal, unreported and unregulated fishing (IUU fishing) and labour exploitation. After the election, the government started to consider possible amendments to existing

laws, including proposals to allow transshipment of crew and fish, reduce the minimum age for working on vessels, and reduce monitoring, control and surveillance. To try and prevent any regressive change in laws and policies, the hotspot partners joined forces with the Environmental Justice Foundation (EJF) – a partner in the regional Asia Pacific Seafood program – to advocate to the Thai government. EJF coordinated an advocacy letter that was signed by over 80 organisations, including hotspot partners, and was submitted to the government. Additionally, partners organised press conferences, events, and workshops, and held meetings with key officials to put forward their position.

As of the end of 2023, the government had not yet passed any amendments to the existing legislative framework.

Migrant worker documentation: working with government to make it simpler and cheaper

Migrant workers continued to face the challenge of documentation retention by their employers, which severely narrows the scope for negotiation around improved working conditions, makes changing jobs impossible, and limits access to services. Workers also faced challenges in renewing documentation such as employment visas, with many finding the system complicated and expensive. The complications in this process push migrant workers to engage brokers, many of whom charge heavy fees that in turn can push workers into debt bondage.

As noted above (under *Progress towards systems change*), LRF and the Migrant Working Group made submissions to the Ministry of Labour and other government departments advocating for improved policies and processes for migrant workers, including the need to address excessive costs for migrant workers. In October 2023, the Thai government agreed a resolution to significantly reduce visa fees (from 1,900 to 500 Thai baht), a change that will benefit thousands of workers.

STM collaborated with the Songkhla Provincial Employment Office to provide a space for migrant workers to access free information on how to renew their documentation. Songkhla Provincial Employment Office also provides information on registered recruitment agencies that can advise migrant workers.





FED launched social media campaigns to educate and share information related to migrant worker rights, including how to renew documentation without paying excessive costs.

RTF, in collaboration with the Migrant Working Group, continued to advocate for simplified government standards for registering the birth of children of migrant workers. As part of this process, RTF submitted model guidelines to the government. Birth registration is critical as it enables access to government services. RTF and the Migrant Working Group demonstrated that, currently, migrant worker families need to engage with a minimum of five stakeholders to register their children's birth, with high fees attached.

Additionally, RTF has agreed a MoU with the local government in Samut Sakhon to provide translation services to migrant workers who are getting documents officially certified, thus reducing costs for workers and assisting them to gain access to documents they require.

Social security and welfare funds

STM has promoted access to the Social Security Fund and the Workers' Compensation Fund through the integration of information about occupational health and safety in on-vessel training. STM also advocated to government to improve access to social security and welfare fund protections for fishery workers. As a result, the Social Security Office has collaborated with the Port-In and Port-Out control centre to review documentation to ensure employers (vessel owners) enrol migrant workers in the Social Security Fund or Workers' Compensation Fund, a move that will potentially benefit thousands of workers.

RTF has also developed guidelines on how to ensure access to compensation funds for workers. This guidance was based on RTF's experience since 2021 in obtaining compensation for workers.

Ethical recruitment and wages: improving business practice

Following on from an investigation in the first half of 2023, LRF conducted several meetings with one of the largest seafood companies in Thailand to discuss and find solutions to issues raised by over a hundred workers, including payment of recruitment fees, termination processes, and working conditions. The LRF investigation highlighted the systemic issue of migrant workers becoming indebted to community brokers once they are already in Thailand, in order to secure immigration documentation or secure new employment. Following these meetings, the seafood company undertook a process to understand the situation and then repaid those who had paid fees, positively affecting thousands of workers and reducing their vulnerability.

As part of the civil society Coalition on Ethical and Sustainable Seafood, hotspot partners also advocated for their priority demands – which included ethical recruitment, living wages, and improved health and safety – with key industry players. A significant industry actor, CP Foods, agreed to one critical demand and has committed to implement a living wage for all workers, including all seafood workers. This could have a huge impact on thousands of seafood workers in Thailand (and many migrant workers in other sectors).

Vessel conditions: securing improved conditions

In Pattani, RTF continued to work on promoting fair and safe working conditions for fishery workers by educating workers on mental health, drug use, and safe working conditions. Through a boat mapping exercise, fishers identified key areas of concern on their vessels in relation to working conditions and, together with RTF, raised these concerns with the vessel owners. Through this process 12 vessel owners agreed to safety improvements, wage increases, and changes to payment processes – the vessel owners changed from paying fishers annually to paying fishers monthly, addressing one of the most common indicators (withholding of wages) of forced labour.

RTF also introduced training on occupational health and safety on vessels, after issues were identified through the boat mapping exercise. The boat mapping curriculum and tools were also presented to government officials during a Sapa Café session between workers and government officials.

STM worked with both vessel owners and government to improve occupational health and safety for fishers, including ensuring workers can access compensation if they are injured on the vessel. As STM reached vessel owners through the industry association, they were able to secure improved health and safety processes on a large number of vessels. The provincial PIPO office also agreed to inspect a large number of vessels to ensure fishing equipment is safe.

On the west coast, FED collaborated with the Thai Red Cross and the Rescue Team to conduct safety and first aid training for 40 fishers and vessel owners. The training has made the business sector and relevant government agencies more aware of safety issues on vessels and what needs to be done to address these.



Objective 4: More seafood workers most vulnerable to or affected by forced labour are able to access legal and social services, enabling them to seek redress

In 2023, our hotspot partners directly provided 2,729 workers with social and legal support services, including assisting in 636 legal cases. Most of these cases related to labour law violations and indicators of forced labour, such as wage withholding, non-payment of benefits, document retention, and physical violence. A few cases are highlighted below to demonstrate how partners often collaborate between themselves and with other key stakeholders to obtain positive results.

- **Thai workers trafficked to Malaysian fishing vessels.** This case concerned 44 workers and was a collaborative effort between STM, SR Law and HRDF. In June 2023, the court found the fishers were victims of trafficking and ordered the employer and vessel owner to pay 500,000 Thai baht (approx. US \$14,000) as compensation to each fishery worker. (By the time of writing of this report, all the victims had received their compensation.)
- **Four potential victims of human trafficking.** HRDF referred four Myanmar fishery workers who may be victims of trafficking to STM for case protection assistance and shelter support. After the screening process conducted by the multi-disciplinary team, two fishers were identified as victims of human trafficking. However, all four affected workers remain in the shelter while awaiting further assistance. HRDF will continue providing legal assistance, while STM will coordinate with relevant organisations to provide proper protection and support to the migrant workers and to ensure they can continue working in Thailand. This last point is very important, as many migrant workers need and want to continue to work as they undergo the justice process.
- **Unfair dismissal.** In this case, the owner of a large factory continued to refuse to pay compensation to workers who had been unfairly dismissed. In response, the workers authorised legal representatives from the Labour Protection and Welfare Department to initiate a civil case against the company. In addition to supporting the case, the labour department officials also supported the affected migrant workers to renew their visa and working documentation and be registered in the system for future job opportunities (rather than forcing the workers to return to their country of origin). This case is encouraging, showing how civil society partners have established good working relationships with government officials despite the power differential between the company and the migrant workers.
- **Securing landmark judgment for fishers' safety.** As mentioned above (under *Progress towards systems change*), after hotspot partners raised the case of the deaths of three fishery workers at sea, a landmark judgment in 2023 convicted the vessel owner for negligence in relation to the deaths. In the past, no employers have been held accountable for failing to ensure the safety of fishery crews, so this is a significant judgment.
- **Securing compensation for a death at sea after three years.** In 2021, a migrant fisher died after a work-related accident at sea. The vessel owner applied through the social security system to secure compensation for the worker's family in Myanmar. The family faced challenges in preparing and translating the documentation required to certify their relationship with the deceased fisher. They also faced difficulty in traveling to Thailand to have an interview with the Social Security Office (SSO) in Samut Sakhon. RTF assisted in negotiating with the SSO to allow the family to be interviewed at the Mae Sot SSO instead, which is on the border with Myanmar. All documents were then sent by the Mae Sot SSO to the Samut Sakhon SSO to process the compensation. In 2023, the worker's family received the compensation – 385,308 Thai baht (approx. US \$11,000). The process of providing assistance and support over a period of three years has provided RTF with significant experience in how to navigate and obtain compensation for workers' families based outside of Thailand.

In addition to providing case assistance, our hotspot partners also provided a range of other support to migrant workers, and assisted 270 workers to gain new access to government services that will enable them to get further support.

KEY HOTSPOT ACHIEVEMENTS 2015-2023

Changes in law and process through advocacy

After sustained advocacy and ground-breaking strategic litigation⁵ by hotspot and international partners, Thailand introduced a large number of laws, policies and processes to address human trafficking and forced labour. In addition to being the first country in Asia to ratify the 2014 Protocol to the Forced Labour Convention and the ILO Convention 188 on Work in Fishing, Thailand also introduced and amended several pieces of national legislation and implemented sophisticated monitoring processes.

Changes in business practice

Since 2015, leading businesses in the sector have improved key policies and processes. For example, in 2022 seafood processing companies began to adopt the 'employer pays' principle, with the two largest seafood industry associations recommending members to adopt this. This move followed years of advocacy from civil society, spearheaded by the Coalition on Ethical and Sustainable Seafood.

Strengthening networks and coalitions

The hotspot significantly improved collaboration and coordination between individual Thai NGOs, with many partners noting that, at the end of the nine-year hotspot program, they feel very comfortable in working together and are used to collaborating, liaising, and consulting with each other. Before the hotspot started, many external stakeholders commented on the high level of fragmentation and distrust between civil society groups. This change demonstrates strong movement building, including by strengthening the coordination of local groups who now trust and refer to each other, and collaboratively monitor and hold government and business to account.

A number of coalitions were also developed and strengthened. The civil society Coalition on Ethical and Sustainable Seafood was formed, and undertook partner-led research and advocacy. A locally-led policy coalition, the Migrant Working Group, that all partners are members of, was also supported to continue to carry out their successful advocacy to the Thai government. The strengthening of coalitions has been noted in independent research: *"Thai labour NGOs became watchdogs of labour rights; in particular, they initiated and began using evidence-based reports to support their policy demands. This, in our analysis, was possible due to new philanthropic ways of working and new sources of funding geared at tackling global issues, such as modern slavery practices."*⁶

Supporting worker agency

During the hotspot, a number of migrant worker networks, associations, groups and individual leaders have been strengthened. In some cases, these worker groups have obtained strong outcomes for the workers that they represent, such as higher wages, regular monthly payments, compensation, and improved occupational health and safety in the workplace. These groups will continue to exist and represent themselves after the closure of the hotspot.

Additionally, hotspot partners significantly improved their understanding of worker organising and many secured further funding to continue their work supporting worker groups and associations. Over time, the hope is that more workers will have the skills and collective power to continue raising issues and improving their own conditions, without the need for assistance from external NGOs. In general, there has been a lack of labour-oriented NGOs or unions to assist migrant and informal sector workers with employment matters or help them collectively secure better working conditions. This project has strengthened the number of NGOs and groups that understand labour issues and can work with migrant workers in informal sectors.⁷

⁵ Strategic litigation by hotspot partners led to the Thai government recognising debt bondage as a form of forced labour, and recognising recruiters who manage worker payments as 'employers' who can be held legally accountable - thereby helping to ensure that workers are less likely to be exposed to conditions of forced labour.

⁶ Alin Kafdak, Miriam Wilhelm, Patrik Oskarsson, 'Thai Labour NGOs during the "Modern Slavery" Reforms: NGO Transitions in a Post-aid World', *Development and Change* Vol. 54 Issue 3, May 2023, <https://onlinelibrary.wiley.com/doi/10.1111/dech.12761>

⁷ As noted by Alin Kafdak et al (2023; see note 8 above).

Providing services to thousands of vulnerable workers

At the end of 2023, our Thailand hotspot partners had directly impacted 87,965 workers' lives under the hotspot program, and 58,574 workers had been provided with key legal and social services. In addition, partners indirectly impacted all migrant workers in Thailand through achieving significant policy amendments that improved migration processes and reduced costs. Critical emergency support was also provided during the covid-19 pandemic.

Strengthening of civil society organisations – institution building

The Freedom Fund provided regular, on-going institution-building support throughout the hotspot program. As a result, by the end of the hotspot, partners have introduced operational safeguarding mechanisms, significantly improved financial procedures, improved monitoring, evaluation and learning approaches and systems, strengthened self-care awareness and practices, improved trauma-informed program approaches, and improved case management and referral processes. Many partners have expressed deep appreciation for this support, including noting that it was critical to obtaining future funding.



SUPPORTING A COMMUNITY OF PRACTICE

Throughout the hotspot, the Freedom Fund has supported a Community of Practice to support and improve collaboration and coordination between our hotspot partners. During 2023, partners developed materials and formed collaborations to work on key issues in the future. FED finalised a case management guidebook for community-based organisations (CBOs) and distributed 150 copies to CBOs and community leaders in Phang Nga province. This will assist these CBOs and leaders to provide case management to migrant workers who raise issues with them and enable them to refer workers to the right organisation for more serious concerns. Throughout the years of the hotspot program, RTF, EJF and HRDF have become used to sharing data and collaborating on cases and are planning to continue this collaboration in key areas in 2024 and beyond.

Other collaborations in 2023 included:

- Our partners MWRN and HRDF, alongside the Freedom Fund and the Global Labour Justice–International Labour Rights Forum (GLJ-ILRF), conducted an online briefing to U.S. Department of Labour International Labour Bureau (ILAB) officials about the shrimp industry and forced labour. Additionally, GLJ-ILRF and hotspot partners made a joint submission to the 2023 Trafficking in Persons (TIP) Report. The submission argued that continuous barriers to migrant workers’ ability to exercise their fundamental labour rights – including discriminatory legal frameworks, short-term guest worker policies, and misconduct by authorities – must be addressed to end exploitation.
- The Freedom Fund, MWRN, and a female seafood worker representative joined a global briefing session with the Seafood Working Group (a global coalition of human rights, labour and environmental organisations) to raise awareness on TIP in the seafood sector in Thailand and Taiwan.
- RTF shared fundraising tips with hotspot partners in an online meeting, helping them understand what constitutes a ‘go/no go’ policy and sharing a tool to identify grant opportunities and foster donor relationships.
- The hotspot partners signed a joint civil society statement highlighting the risks to Thailand and its fishing industry from proposals to rollback key fisheries laws.⁸

⁸ ‘Joint Civil Society Statement Concerning Thailand’s Fishing Sector at a Critical Crossroads’, available at: <https://ejfoundation.org/reports/cso-joint-letter-thai-fisheries-en>



CASE STUDY

The establishment of a workers' group at a large seafood processing factory in Samut Sakhon

In early 2023, our partner RTF reached out to migrant workers employed at a seafood processing factory in Samut Sakhon to provide information on workplace safety and labour rights. After participating in these sessions, workers from the factory expressed an interest in delving deeper into the topic. The RTF team then collaborated with them to identify the challenges faced by migrant workers using the factory mapping process. This enabled workers to identify several aspects in the factory that should be improved, such as break times during work, restroom access, the number of restrooms, safety measures, and the standards of equipment and tools used.

Following this process, several workers decided that they wanted to form a group to negotiate improvements in working conditions. However, before the negotiations started, the RTF team double-checked the documentation status of over 30 workers in the factory. They discovered that the employer had reported in the Department of Employment (DOE) system that these migrant workers had resigned from their jobs and that their documentation had almost expired. Therefore, the most urgent issue was to clarify their work permit status and ensure that their names were properly registered in the government registration system. After seeking advice from the RTF team, the workers' group reported the issue to the DOE. They also consistently visited the employer's office in a large group to demand clarification. As a result of their efforts, the group succeeded in securing and formalising the employment status of the affected migrant workers.

The workers' group continued to receive support from the RTF team in learning how to collectively report issues to external parties such as third party auditors of the factory, design the group's structure, conduct board member elections, and utilise risk assessment tools. The group now officially consists of 29 members and is continuing to grow. Board members are split almost equally between males and females and represent all age groups, from younger workers to the older generation. The group is also receiving support from the religious community including from a Buddhist temple that provides them with a meeting space every Sunday.

Collectively, the group members have recognised that they deserve decent working conditions, and that employers should listen to their concerns and make improvements in the working environment as requested by the workers. With gradual but steadfast progress, the RTF team believes that the workers' group will be a strong and effective advocate for workers' rights in the future.

VISION

Our vision is a world free of slavery.

MISSION



Our mission is to mobilise the knowledge, capital and will needed to end slavery.

The Freedom Fund (UK)

Lower Ground
Caledonia House
223 Pentonville Rd
London, N1 9NG
+44 20 3777 2200

The Freedom Fund (US)

315 Flatbush Avenue
#406
Brooklyn, NY 11217
USA
+1 929 224 2448

 www.freedomfund.org
 info@freedomfund.org
 [@Freedom_Fund](https://twitter.com/Freedom_Fund)

The Freedom Fund is a United States 501(c)(3) public charity (EIN number 30-0805768).
The Freedom Fund UK is a company limited by guarantee registered in England and Wales
(company number 08926428) and a registered UK charity (registration number 1158838).