



Thailand Hotspot Annual Report

2020

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1. Operating Context

Pre-covid, in March 2020, the Ministry of Labour issued three regulations under the Fisheries Labour Protection Act, B.E. 2562 (2019) – the domestic Thai law that implements ILO Convention C188 on Work in Fishing. These implementing regulations authorized Ministry of Labour (MoL) officials to undertake unannounced inspections of fishing vessels and business establishments. The Minister of Labour appointed a sub-committee on forced labour and trafficking for labour exploitation; however, none of the hotspot partner CSOs were invited to join or observe the committee. Lack of CSO participation raised concerns that the committee would not fully understand the challenges in victim identification and the support needed from the victims' perspective

After covid-19 cases surfaced in March 2020, the government introduced an emergency decree, imposed curfews and restrictions on mobility, and closed its international borders. The ensuing economic disruption saw migrant workers facing immediate vulnerability to unfair dismissal, wage withholding, declining working conditions and other forms of exploitation. In addition, the number of regularised workers in August 2020 fell compared to the previous year, with an estimated 600,000 workers losing their legal status as a result of lockdown measures. CSOs estimated a further 300,000 migrants decided to return to their country of origin without claiming any compensation they were entitled to. Overall, there was a lack of bilateral mechanisms facilitating the orderly return of migrants and their dependents.

By mid-June 2020, community transmission of covid-19 was reportedly under control by the Thai government, and restrictions on travel and other activities were relaxed. However, Thailand's borders with neighbouring countries remained shut. The pandemic has exacerbated the persistent labour shortage in Thailand's fishery sector. Consequently, the National Fishing Association of Thailand (NFAT) has advocated for a change in the labour migration rules to allow a more straightforward recruitment process. NFAT has also been advocating – since the passage of new laws to protect labour in fishing – to change some of these reforms, including allowing teenagers aged 16-18 to work on boats as a 'trainee' which would be very difficult to monitor effectively in practice.

According to the law, regularised migrant workers affected by the covid-19 pandemic were eligible to access government social security assistance. However in many cases, they were excluded from such support due to employers' failure to act (e.g. by registering employees for the right assistance) or general inaccessibility of the formal government process (administered online and in Thai). Many migrant workers who lost their jobs were further unable to secure new employment within the timeline permitted under current government policy and thereby risked losing their legal status. While many migrants were stranded in Thailand, others decided to return home despite outstanding wage payments from employers. On 25th June 2020, the U.S. State Department released Trafficking in Persons report and continued to rank Thailand Tier 2.

In November 2020, as covid-19 measures began to ease, major protests broke out in Bangkok in demand of constitutional reform. Thousands of Thais signed a petition and submitting draft constitutional amendments for legislative review. The protests spread across Bangkok and multiple provinces until late December 2020, when the second wave of covid-19 transmission resulted in partial lockdowns being re-imposed in Bangkok and strict measures across five provinces: Chonburi, Rayong, Chanthaburi, Trat, and Samut Sakhon.

The resurgence of transmission coincided with an increased number of positive tests among migrant communities. In December 2020, Thailand identified a cluster of cases in the seafood processing hub of in

Samut Sakhon. The majority of positive cases were migrants, resulting in the imposition of strict measures by both government and private sector targeting migrant populations directly.

In Samut Sakhon province, migrants who had tested positive for coronavirus were quarantined in crowded residential areas along with uninfected individuals. Fishers and seafood workers were ordered to stay at ports and in factory compounds. Employers required many migrant workers to undergo and pay for a covid-19 test (costing approximately 100 USD) before they could continue work, increasing their debt load. Migrant workers who could not show a medical certificate with a negative result were threatened with suspension from employment. Rather than acknowledging issues such as overcrowded housing and gaps in essential healthcare services, the Thai government contributed to the perception that irregular migrant workers, especially from Myanmar, were the principal cause for a resurgence of transmission. This bolstered the stigmatization of migrant workers in the media and exacerbated xenophobic elements within Thai society.

2. Progress Towards Systems Change

Policy/legislative & Political Will

Case litigation on Thai overseas fishing

Stella Maris, HRDF, the Environmental Justice Foundation (EJF) and legal technical assistance provider, SR Law, worked together on the “Wadani” case. The Wadani fishing vessels, when boarded and inspected for illegal, unreported and unregulated (IUU) fishing offences in Somalia, had a high number of Thai fishers on board who had not received wages and may have been in a situation of forced labour. A Thai intermediary had organised the recruitment of the fishers and was responsible for their terms of employment. The workers contacted EJF, who assisted with organising the repatriation of the workers. However, there was no formal victim identification process when the workers were initially rescued from Somalia through government mechanisms. They were only interviewed by officials of the Ministry of Labour (MoL), who decided that the Thai intermediary that had hired the workers, had no liability for the withheld wages. Stella Maris subsequently brought this case to the attention of the human trafficking and IUU taskforce. The MoL investigated the case further and found evidence demonstrating the liability of the Thai recruiter. Legal proceedings against the Thai recruiter are currently underway with support from Stella Maris, Human Rights and Development Foundation (HRDF) and SR law.

Workers employed under border passes allowed to access social security

In the provinces of Thailand bordering neighbouring countries there is a legal provision – Article 64 – which allows for workers to be hired in border areas (such as fishers and seafood processors in Ranong for example) for a short period of time (3 months). The government had previously announced that workers employed under this provision were not able to register for social security. MAP Foundation and a network of Mae Sot-based organisations repeatedly advocated for this decision to be overturned so that workers could access social security. The Social Security Office responded and informed the network that they had officially changed the guidelines to allow migrant workers to access social security during their contract. However, as employment under Article 64 is short-term, where employers refuse to renew contracts, workers’ employment is terminated and they no longer receive social security entitlements. MAP Foundation is continuing to work on this issue.

Extension granted for immigration renewal and covid-19 test fees lowered

In March, the Migrant Working Group (MWG) organised information-sharing sessions among CSOs in Thailand in relation to the covid-19 pandemic. MWG sent a letter to the Ministry of Labour and the Office of the Prime Minister requesting that the government extend the deadline to renew immigration documents and to exempt certain migrant workers altogether. In quarter two, the government announced that they were extending the deadline for migrant workers to renew their documentation for MOU workers, seasonal workers, temporary workers and other visa types until the end of July 2020. The government extended the visas for special MOU workers (employer had notified government before June 2020) until November 2020.

In December, the Thai government announced a new round of registration for migrant workers and their dependants remaining in Thailand. The government initially announced that covid-19 tests required for registration would cost 3,000 THB (~100 USD), which added to the financial burdens of migrants in a context of severe economic disruption. MWG engaged various government agencies as well as EU representatives before releasing a statement highlighting the high costs of registration. As a result, the Ministry of Public

Health decreased the fee for the covid-19 test from 3,000 THB to 2,300 THB. A total of 654,864 registered migrant workers were positively affected by this fee reduction.

Business Performance

Remediation from brands achieved

One partner, MAP Foundation, works in both the garment sector and seafood sector. In a case relating to the garment sector, MAP Foundation partnered with the Clean Clothes Campaign and Workers Rights Consortium in a case relating to dismissal of 26 garment factory workers without paying the legally required compensation. The groups successfully advocated for the factory's customers - including Tesco, Starbucks and Disney - to take shared responsibility and pay the required compensation. Importantly, MAP also ensured coordinated interaction between the local migrant worker associations and international organisations, ensuring local workers' were involved throughout.

Supermarkets develop new processes to monitor transshipment

The efforts of an earlier Greenpeace tuna campaign were realised in 2020, with two major US supermarkets - Albertsons and Hy-Vee - developing Key Data Elements and processes to monitor traceability and supplier compliance with their transshipment policies.

Improved working conditions achieved

After learning about their rights and ways to organise, workers in one factory lodged a claim for changing employment conditions to the employer and subsequently negotiated an employment agreement with improved conditions. A factory worker welfare committee was also elected, which included migrant worker representatives.

3. Hotspot Outputs & Outcomes

3.1 Headline Results of local partner work

7,926 individuals provided with social or legal services

Despite the pandemic interrupting the ability for our Thailand local partners to carry out activities with workers, across the year they were still able to provide forms of social and legal support to 7,926 individuals. This is not counting those assisted by provision of emergency relief services documented under section 4 below. The forms of assistance varied and included:

- Providing legal and administrative assistance to workers, including on: labour matters relating to working conditions; access to government services, including entitlements due to loss/reduction in employment due to the pandemic; and migration related matters, including ensuring renewal of documents as required during the pandemic.
- Training and in-depth coaching of migrant worker leaders affiliated to local Community Based Organisations or networks, in order to build skills on representing peers. These migrant worker leaders then participated in facilitated sessions with government and employers.
- Training of migrant worker community-based paralegals.
- Training of migrant fishers on occupational health and safety standards.
- General training of migrant workers on labour and migrations related matters.

480 new workers joined worker groups or networks

In addition to the training of migrant worker leaders captured above, 480 new members joined established migrant worker networks and groups. These groups are important and provide forms of collective support and forums for organising to migrant workers.

Partners assisted with 204 legal cases

Local partners assisted workers to undertake a total of 204 legal cases, ensuring workers' legal rights were represented and defended, particularly in relation to labour and migration matters. A range of legal cases undertaken by the partners is detailed under Objective 2 in the section below.

3.2 Progress towards hotspot objectives

Hotspot Objective 1: To incentivise and support the private sector to improve transparency and adopt ethical labour practices leading to an eradication of forced labour in the seafood supply chain.

Despite the pandemic, some work was able to continue under this important objective, with the following key achievements being notable:

- In July 2020, the CSO Coalition on Ethical and Sustainable Seafood (facilitated by Oxfam) [released a report](#) detailing the effects of covid-19 on seafood supply chain workers and small-scale producers in Thailand. The CSO Coalition and Oxfam convened an online launch for the event, with business and government both a target audience.
- The CSO Coalition also finalised and [launched a research report](#) (Falling Through The Net II) documenting the status of conditions of fishers in Thailand. At the launch, hotspot partner Stella Maris presented some positive findings, including a normalizing trend of regular wage payment, an increased number of workers in wage bargaining with their employers and improvement in labour welfare practices, such as paid sick leave.

However, she highlighted areas of improvement including access to employment contracts and identity documents, adherence to the electronic payment system, living conditions on vessels, working and rest hours, worker's rights awareness, barriers to changing employers and jobs, limitations in vessel inspections and government grievance mechanisms.

- Greenpeace continued its advocacy work to improve working conditions and address illegal, unreported and unregulated fishing in tuna supply chains. In August 2020, Greenpeace USA launched an online petition and social media campaign aimed at forcing US tuna brand, Bumble Bee, to put pressure on its Taiwanese supplier, FCF, to commit to reforms. By November 2020, Greenpeace had secured over 25,000 signatures. Large volumes of tuna caught by Taiwanese-owned vessels is processed for export in Thailand.
- Greenpeace coordinated advocacy, via the Seafood Working Group, to the US Department of Labour, requesting that they acknowledge that fish caught on the high seas with forced labour should be added to their "List of Goods produced with Forced Labour" and that the country it is attributed to should be the flag State of the vessel that caught the fish. The Freedom Fund and Humanity United participated in this advocacy.
- The efforts of an earlier Greenpeace tuna campaign also were realised in 2020, with two major US supermarkets - Albertsons and Hy-Vee - developing Key Data Elements and processes to monitor traceability and supplier compliance with their trans-shipment policies.
- Whilst not directly related to the Objective above, this year, the Migrant Workers Rights Network (MWRN) won the 2020 Human Rights and Business Award. The Human Rights and Business Award Foundation's board members stated: "We congratulate MWRN for its outstanding work toward securing just and humane treatment for migrant workers in Thailand. The award this year honours MWRN and serves as a reminder of how much remains to be done to stop the widespread discrimination and abuses that migrant workers continue to suffer in Thailand and across the world."

Hotspot Objective 2: To strengthen civil society organisations to monitor the situation on the ground and to empower migrant workers. Migrant workers will be better able to access relevant services and be more likely to seek and access compensation and redress.

Rights training and awareness raising

Whilst many activities were postponed for part of the year due to the pandemic, partners still provided key information to migrant workers – particularly around their labour, immigration and health rights in relation to covid-19. Many partners used online platforms to reach workers safely, such as Facebook and Line. Similarly, Thai grassroots partners continued to provide legal and social assistance to workers in need, specifically advice relating to accessing government support and social security, temporary workplace closures, unfair dismissal without severance pay, wage withholding, safe return to origin countries and other immigration matters. Demand for advice in these areas was heightened due to the pandemic. Partners noted that some workers who wished to return home were being significantly overcharged by recruitment agents and required assistance to ensure that they were not overcharged or accruing debt. Much of the monitoring of the situation on the ground centred on the impact of the pandemic on workers, as set out above. As this work was funded under our Emergency Response Fund, this is reported below in Section 4, Emergency Response Fund.

Strengthening worker agency

In the intervals before and after covid-19 restrictions in Thailand, partners undertook a range of activities under this objective including: holding mentoring workshops for established migrant worker leaders; connecting workers to established unions or to partner worker networks; and facilitating meetings between migrant worker leaders, local officials and business. One example of these meetings are the "Sapha Café" meetings held by

Raks Thai, between migrant worker leaders, local officials and employers. These meetings have resulted in a number of good outcomes:

- Improved cooperation between migrant worker leaders and government officials from the Social Security Office and Immigration Bureau. After one meeting, the Social Security Office agreed to cooperate with the migrant worker leaders by providing information regarding Thailand's social security system to the migrant communities. The Immigration Bureau agreed to further assist leaders and Raks Thai regarding the issue of officials fraudulently extracting money from workers.
- A number of meetings resulted in improved cooperation with the Samut Sakhon provincial Department of Employment (DoE). The sessions focused on unfair contract termination and workers' right to change their employer. DOE representatives agreed to collaborate with Raks Thai on these issues, enabling Raks Thai to refer cases to the DoE whereupon officials actively assisted each migrant worker to process a change in employment. This not only indicated progress towards migrant workers' access to fundamental rights but also demonstrated an improved relationship with government authorities.

Worker leaders and workers also secured better working conditions through legal avenues and negotiating with employers, with some examples set out below.

Progress on legal cases

Over the course of the year, partners assisted with 240 legal cases. Some notable cases include:

- MAP Foundation and worker representatives attended a court mediation regarding a two-year battle for unpaid wages and improved conditions for 464 workers. The mediation resulted in the following outcomes: workers to receive 9,000,000 THB as compensation (\$285,028 USD) to be paid in instalments; the employer agreed to treat all employees equally; the employer agreed not to terminate any worker's employment within the next 3 years; employees will work to the best of their abilities; if the employer defaults on payment of any instalment for a worker, it will be considered as voiding the agreement and employees will collectively immediately enforce the agreement. To date the employer has paid all instalments as required.
- MAP Foundation helped mediate another dispute related to a large number of workers. The employer agreed to renovate the worker dormitories, improve safety measures, and introduce a fixed cost for uniforms. In return, employees withdrew their claim for bonus payments.
- In February 2020, MAP Foundation facilitated the settlement of an unpaid wage claim, totaling 170,000 THB for five workers.
- Seven worker representatives were elected to collect demands and file a case with a factory that reduced wages during covid-19. This case is ongoing and training to build worker leader negotiation skills has been carried out by MAP Foundation.
- In the first half of 2020, MWRN assisted in 91 cases of labour violations for 314 male workers and 181 female workers, enabling them to claim financial compensation of an estimated 3,513,365 THB (~117,000 USD) via government and company grievance mechanisms.

Occupational Health and Safety Training

There was a heightened focus on occupational health and safety as a result of increasing reports of death and missing persons at sea in the fishing sector. Stella Maris delivered certified training on occupational health and safety and first aid to fishers in Songkhla, whilst Raks Thai undertook some training of fishers in Pattani. In addition, SR Law assisted hotspot partners to develop guidelines on assisting relatives of fishers lost at sea to access the relevant compensation fund.

Hotspot Objective 3: Increase pressure on the Thai government to reform the regulatory framework, uphold migrant rights, and challenge the impunity of traffickers.

Throughout the year, the following key activities took place to monitor and hold the Thai government to account:

- The Environmental Justice Foundation (EJF) joined a government monitoring team (the Flying Inspection Team) and continued to observe operations at PIPO centres and make recommendations to the government. EJF also provided information during a visit by European Union representatives in early 2020, and throughout the year, EJF continued to engage with both the Maritime Affairs and Fisheries (DG MARE) and Employment, Social Affairs and Inclusion (DG EMPLOY) Directorate-Generals of the European Union.
- EJF has also drawn the Government's attention to the issue of fishers falling overboard from fishing vessels. As of July 2020, there have been 60 such cases of fishers going overboard or missing from Thai fishing vessels. EJF continues to push for stringent implementation of new standard operating procedures (SOPs) at PIPO centres to address gaps in search and rescue efforts as well as subsequent incident investigation and reporting. The government has committed to introducing a new SOP for investigating fisher lost at sea cases and EJF will continue to monitor the situation accordingly.
- Global Labour Justice-International Labour Rights Forum (GLJ-ILRF) coordinated a comprehensive submission to the US State Department Trafficking in Persons (TIP) report for Thailand for the Seafood Working Group, with significant input from our local grassroots partners. The US government referred extensively to this information, as well as recommendations detailed in the submission, in the Thailand section of the TIP report published in June 2020. In October 2020, Thailand hotspot partners met with the US officials from the US Embassy and TIP Office to discuss key areas where Thailand needs to improve.
- Save the Children secured the approval of the Division of Anti-Trafficking in Persons (DATIP)¹ to expand their work on improving case management processes in government shelters from three shelters to all eight government shelters. The DATIP have also agreed to bi-monthly meetings with the Association of Social Workers as part of improving the skills of shelter staff.
- The Migrant Working Group (MWG) issued a series of public statements demanding the Thai government relax migrant registration deadlines and engage in dialogue to improve access to online complaints mechanism. In August 2020, MWG organised a round table among seafood employers, government representatives and CSOs on worker shortages and labour migration management during the pandemic. As a result, the Government issued temporary policies to extend the expiration of migrant worker documentation. However, these are short-term measures which require periodic renewal.
- In June 2020, legal technical assistance partner SR Law drafted a letter requesting an amendment to, and fair implementation of, the Fisheries Act 2558 in order to protect fishers from prosecution for illegal fishing. This stemmed from a case in May where 39 Thai and Myanmar fishers were prosecuted for illegal fishing in Phang Nga, after being directed to fish in a prohibited area by their employer. The penalty for the fishers is 5,000 to 50,000 THB each or up to five times of the value of the catch. SR Law, together with MWG, MWRN, and HRDF, prepared and signed the letter which was submitted to the Special Committee for Inspection and Monitoring of the Enforcement of the Relevant Laws in Fisheries and Fishing Labour in the Fishing Sector. The Special Committee engaged with the partners, and subsequently advised the Port in and Port Out authority to engage CSOs when there is an arrest for illegal fishing, so that CSOs can explain the legal process and represent the fishers.
- The Thailand grassroots partners liaised with Thomson Reuters Foundation, and were quoted in a media article highlighting that many labour cases, some of which may be severe, do not get properly reported and investigated by government officials. Rather, the government officials prefer to help "negotiate" an outcome,

¹ Under the Ministry of Social Development and Human Security

rather than lodge formal cases. The true number of labour cases against employers therefore is not accurately documented by government records. If they were, this would highlight systemic issues that need changing, due to the frequent nature of complaints. In addition, Thailand partners have been at the forefront of international, Thai and Burmese media coverage addressing the challenges faced by migrant workers during the pandemic. For example, MWRN highlighted to the Thai media the case of an unemployed pregnant worker who was treated unfairly by employer. The Ministry of Labour coordinated urgently with the Myanmar government to repatriate the individual.

- HRDF was appointed as a member of the working group for developing a regulatory framework for a National Referral Mechanism for forced labour and trafficking cases.
- In December 2020, MWG, HRDF, MWRN and other CSOs held a press conference on “Migrants and covid-19: Who has been left behind?” at the Foreign Correspondents Club of Thailand (FCCT), just prior to a cluster of covid-19 cases were identified among migrant workers in Samut Sakhon. A total of 15 related newspaper articles were published online and in print media while 2,000 online viewers attended the event via the FCCT Facebook page.

4. Emergency Response Fund

The Freedom Fund provided emergency response funds (ERF) to five organisations in a first round, and six organisations in a second round: with each round lasting six to eight weeks. The first round of ERF supported five partners in distributing food and PPE relief and organising shelter or transport where required. Additionally, a number of partners collected data on covid-19 impacts to use in advocacy and awareness-raising. The second round also provided funding for technical assistance from the Migrant Working Group, enabling them to collate and analyse data collected by frontline partners and undertake advocacy regarding improved migration policy post-pandemic to support both workers and business. In total, partners assisted 14,108 individuals with emergency relief services.

Key achievements from the ERF grants include:

- Thailand hotspot partners launched a series of information campaigns via social media (e.g., Facebook and Line) to provide updates on the situation and relevant regulations as well as collect feedback from migrant communities. Some stranded workers as well as workers facing rights violations received online advice helping them access government grievance and remedy mechanisms. Social media was further used to create online spaces for peer support.
- STM coordinated with researchers from Thaksin University to conduct a study which assessed the impacts of the pandemic on migrant workers and employers in the fishing and seafood processing sectors in Songkhla province. A total of 395 migrant workers and 30 employers and business owners in Mueang, Singhanakhon and Chana districts participated. According to the preliminary findings, the employers raised socio-economic impacts such as the decline in seafood prices, rising debt and labour shortages due to ineffective migration management policy. Migrant workers in the seafood processing sector actively responded to the survey. Stella Maris also helped seafood workers who faced reduced working hours or temporary suspension from employment to access government support.
- FED provided crucial assistance to migrant workers who were affected when the Tuna Paradise Seafood Factory suspended operations following the imposition of lockdown restrictions in Thailand at the end of March 2020. Workers were ordered to stop working by factory management and didn't receive any information on the process to claim compensation or social security benefits from their employer. FED provided migrant leaders with information on the updated social security regulations, procedures for claiming compensation and tactics to help negotiate with the factory management on behalf of workers. FED staff also met with officials from the Department of Social Development and Welfare to discuss the case of the workers, while the organisation's lawyer liaised with the Social Security Office in Phang Nga. This resulted in the factory being ordered to implement a social security compensation fund accessible to all workers. On 5 May 2020, all factory workers were approved to receive social security fund benefits and payments were made in May and June.
- MAP distributed emergency food and PPE relief supplies to thousands of migrant workers. MAP also used emergency relief funds to provide legal support to migrant workers facing exploitation through its three migrant assistance centres.
- Using data collected from migrant communities, MWRN produced and distributed policy recommendations to the governments of Thailand and Myanmar, international NGOs and civil society organisations to address the challenges facing migrant workers during the pandemic. In collaboration with Raks Thai Foundation, Stella Maris and Migrant Working Group, MWRN also organized a press conference to promote these briefings in the wider media. The Thai Cabinet resolution of 4 August 2020 was in-line with the main policy recommendation, specifically that migrant workers who remain in Thailand and have been unemployed for

longer than legally permitted under normal circumstances be allowed to continue working legally provided employers brought them to register with government authorities.

- Raks Thai Foundation supported individuals with emergency relief and ran sessions with 35 migrant communities to provide migrant workers with information about transmission of covid-19, symptoms and preventative measures.

5. Supporting a community of practice

The Freedom Fund have continued to provide community of practice learning events during the pandemic. In partnership with IOM and MWG, the Freedom Fund organised an online webinar on the Fisher's Protection Act, 2562 (2019) and relevant regulations. The training topics included: 1) Roles and Responsibilities of Employers and Good Employment Practices, 2) Recruitment of Migrant Workers in the Fisheries Sector, 3) Onboard Occupational Health and Safety and Grievance Mechanisms, and 4) Health Insurance and Other Benefits for Migrant Workers. Grassroots partners learned about updated laws and policies and received clarifications from experts which the staff could apply in frontline work.

During the pandemic, it was realised more mental health support may be needed, both for local partner staff and for migrant workers that they assist.² The Freedom Fund contracted a mental health specialist, Dr. Kulvadee, to provide training to all frontline partners on self-care during July – August 2020. In addition, Dr. Kulvadee provided training on psychosocial skills and recognising and managing stress to help partners assist migrant workers in distress. The training was delivered online and recorded for future reference and use by partners.

Technical assistance partner SR Law developed training for hotspot CSO partners and worker leaders on issues identified by the participants, including: basic labour laws; newly amended laws concerning the protection of sea fisheries workers; forced labour and human trafficking for labour exploitation; and channels to uphold workers' rights in the justice system. The training was delivered individually to each partner and worker leader. One training occurred with FED in February 2020 involving 5 worker leaders from the fishing industry, six FED staff and a number of volunteer leader from other sectors.

² UN Women found that, within migrant communities in ASEAN, 80% of internet searches during the pandemic related to issues of mental health. <https://asiapacific.unwomen.org/en/news-and-events/stories/2021/03/online-searches-and-social-media-posts-mirror-shadow-pandemic-of-violence-against-women-in-asia>

6. Case study

Ko Ko Aung, a fisher working on the trawler *Nava Nava* was forced to go to sea despite the fact that the vessel crewmaster had already approved his sick leave. At first, he refused but he was beaten on the back of his neck with a steel pipe by the assistant crewmaster. This assistance also threatened Kyaw Thein's pregnant wife that he would be beaten up again if he refused to go offshore. Ko Ko Aung filed a complaint to Raks Thai's Samut Sakhon office the following day, who proceeded to file a case with the Tha Chalom police station. The police directed him to file a complaint with the Port-in, Port-out (PIPO) centre. PIPO refused to register the case and directed Raks Thai to contact the Department of Labour Protection and Welfare separately and also referred him back to the police. Due to lack of government action, Ko Ko Aung decided to instead negotiate with his employer in order to not have to travel to sea when ill. He agreed to not pursue further legal action if he was allowed to change employer.

This case demonstrates that often the available complaint mechanisms are confusing and obstruct workers from filing cases and using legal mechanisms. Instead, workers are often pushed to negotiate with the employer, despite having legal rights. The government authorities, particularly the PIPO centre – who should have lodged and investigated the complaint - demonstrated poor understanding of their jurisdiction and respective duties. Learning from this and similar cases, Raks Thai discussed possible strategies with the Freedom Fund and SR Law, in order to ensure such a situation does not occur again with the PIPO centre.

7. Independent Research and Evaluation

The hotspot commissioned research into worker organising in 2020, in order to: understand and evaluate different methods of worker organising in Thailand; to evaluate the different community or worker organising methods undertaken by local Freedom Fund partners; and, drawing from learnings above, provide recommendations for ways the Freedom Fund program and partners could improve organising in the future work of the program. The research is being conducted by the Just Economy Labour Institute and will be finalised in 2021.



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