



**21 June 2017**

**Subject** Opinions regarding the exercise of power by the Director General of the Department of Fisheries invoking Section 83 of the Fishery Royal Decree to resolve a labour shortage in fishery sector

**To** Director General of the Department of Employment

**CC** Director General of the Department of Fisheries

In pursuance to a letter by the Fishing Association of Thailand urging the government to tackle a labour shortage in fishery sector whereas the Ministry of Labour's policy to allow undocumented workers to get registered has been terminated, and with regard to the meeting of the Command Center for Combatting Illegal Fishing (CCIF), a resolution has been made urging the Director General of the Department of Fisheries to exercise his power per Section 83 of the Fishery Royal Decree BE 2558 (2015) to allow the fishing operators to report their demand of migrant workers as to how many more workers are needed for each fishing boat. The Director General of the Department of Fisheries can then temporarily allow the workers to stay in the kingdom and to work in the fishery sector for one year. The DoF would issue a seaman document to each of the undocumented workers and would later on ensure that they would undergo nationality verification process. At present, there is a demand of around 40,000 fishing workers.

On 19 June 2017, the Director General of the Department of Employment has invited representatives from civil society to a meeting to explain about the procedure to implement the Draft Royal Decree on Alien Workers Management B.E... and the enforcement of Section 83 of the Fishery Royal Decree B.E 2558 (A.D.2015). As to the enforcement of Section 83, the Migrant Working Group (MWG) has compiled opinions and recommendations from a meeting of civil society organizations as follows;

1. Giving permission to work is a major role adopted by the Ministry of Labour. It is related to labour protection, social security and workmen's compensation fund laws as well as management in the short and long term.
2. The survey of the demand for foreign workers falls under the charge of the Department of Fisheries; an attempt should be made to explore the actual demand of labour in marine fishing sector. The review of labour demand in fishery sector has to be made based on the balance between the labour force in the fishing boats and the type of fishing boats, as well as the supervision of the Port In - Port Out Controlling Center (PIPO). Fishery sector has long suffered from a labour shortage, and the previous reprieve on the registration of undocumented labour did not satisfy all the demand.
3. The Thai government should assess readiness of governments of the sending countries in terms of their cooperation to ensure their worker undergo nationality verification after the workers have been issued with seaman documents. It has been found out by civil society that the existing nationality

verification effort has failed to garner enough cooperation from the sending countries.

4. The Thai government has to develop a plan to monitor, verify or reduce pull factors that might encourage the fishing workers into other labour sectors which may have different levels of remuneration and welfare. Otherwise, it would led to a shortage of labour in fishery sector again. It was a lesson learned from fishing processing business.
5. An effort should be made to ensure decent work as a pull factor for the workers. Previously, the Ministry of Labour has proposed a raise of minimum wage in fishery sector to 400 baht and the employers are required to provide fringe benefits including food and accommodation as well as group life insurance to the workers. But according to the ILO Convention C188 which is likely to receive ratification from Thailand, provides that social security provided for fishing workers shall be compatible with social security provided for workers in other sectors. Therefore, the proposed life insurance scheme proposed for fishing workers seem to be incompatible and different from social security provided by the state.
6. It should be ensured that workers issued with seaman documents, an equivalent of work permit, should be able to get registered with the state social security fund. The law should be made to require employers in fishery sector to pay their contributions to the Workmen's Compensation Fund per the WCF Act BE 2537 (1994) since the private health insurance does not cover injuries, losses or deaths of the fishing workers during the course of their work.
7. The regulation applied to the employers and workers should be developed in compliance with the Draft Royal Decree on Foreign Workers Management B.E... whereby employers must be required to deposit to a fund from which the government can tap to cover the compensation from the importation of migrant workers The fund should be managed by the Ministry of Labour or other agencies to provide for the compensation and those in charge of deportation of foreign workers and notifying state agencies.
8. A shortage of labour in marine fishery sector should be proposed as an issue to the Committee to be established per the Draft Royal Decree on Foreign Workers Management B.E...in order to set out a resolution, both short term and long term.
9. We welcome a proposal for civil society to participate as a third party, even though detail of such cooperation needs to be further spelled out together with the form of financial support from the state.

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