



## Concerns and recommendations of the Migrant Working Group (MWG)

### Regarding labour issues in the Draft Act for the amendment of the Royal Ordinance on Fisheries B.E. 2558 B.E.....

The Migrant Working Group and its members organizations has been monitoring the review and merger of eight fisheries laws by the House Special Committee to Review the Draft Act for the amendment of the Royal Ordinance on Fisheries B.E. 2558 B.E..... We have found the Draft Act is being written to serve the same purposes of relaxing the enforcement of the law to combat illegal fishing. The Draft Act clearly contains less stringent legal provisions regarding fish catch, fishing gears, sea transshipment of product & fishers, administrative and criminal sanctions, and the risk of illegal fishing and overfishing. While it might lead to an increase of labour rights violation in fisheries sector, the measures and punishment against the offenders has become less severe.

As a network of organizations working on migrant labour and labour protection, we have found the Draft Fisheries Act under consideration tend to neglect the importance of issues concerning workers in fisheries sector citing that there is a separate law to protect workers in sea fisheries sector already. In fact, the Draft Fisheries Act under consideration should adopt measures to care for and protect workers in fisheries sector as well. It is undeniable that in the manufacturing process and fisheries operation, any fisheries-related measures have to be concerned with the employment process, the types of fisheries operation, the classification and the number of workers in fisheries sector, the minimum age, the inspection of the manufacturing process including its environmental impacts, labour rights and sustainability of the fisheries operation to set social precedence in the global seafood market.

The Migrant Working Group (MWG) has the observations regarding issues concerning employment and labour protection in fisheries sector as far as the Draft Fisheries Act is concerned as follows;



1. The removal of the prevention of illegal employment in Section 4 (4) and the removal of the labour and welfare protection of the fishers in Section 4 (9) are incompatible with the effort to promote legal and sustainable fisheries. It conceals the impact from the law on the employment of workers and labour protection. It could also expose Thailand's fisheries and seafood industries in international market to risks and has the ramification on Thailand in international trade forums. By continuing to include labour issues in the Draft Fisheries Act, it shall urge all concerned agencies to realize the impact of the amendment of laws and policies on the issues. It shall ensure this domestic law's strictly compliance with international standards and international trade regulations.
2. By removing the definition of "factory" in Section 5, it shall unleash a significant impact on labour protection in fisheries-related sectors and give rise to loopholes in its enforcement. It shall lead to the removal of Sections concerning labour protection in seafood sector including Section 10/1 concerning criteria for the operation, Section 11 concerning the employment of migrant workers, labour inspection, and powers and duties of competent officials to conduct the inspection and to issue an order, and Section 11/1 concerning the exercise of power when a factory is found to employ workers in violation of the law on labour protection with the impact on the employment and labour protection in which case the competent official has power to suspend the factory including when a factory is found to commit an offence regarding the employment of child labour. By removing all of these Sections, it shall have the direct impact on the protection of child labour, the use of child labour, and a lack of stringent measures concerning the recruitment of migrant workers. And in light of the Notification of the National Committee on the Elimination of the Worst Forms of Child Labour on the types of work as the worst forms of child labour which already does not include the use of child labour in seafood processing factories, by removing Section 11/1, it shall give rise to legal loopholes regarding the proactive enforcement of the law to protect child labour, which is a highly sensitive issue.



3. In Section 13 concerning the National Fisheries Committee, Ministry of Labor's expert representatives are removed in certain drafts. To ensure Thailand's fisheries policies apply to various aspects concerning labour protection and employment, there should be representatives from the concerned Ministries to participate as members of the National Fisheries Committee as well in order to highlight the importance of issues concerning employment in fisheries sector and labour protection.
4. The proposed removal of name list of workers in Section 82 may make it more challenging in terms of the inspection process and it might lead to the illegal employment of migrant workers. It may also lead to mistakes or negligence in the inspection process regarding the name list of fishers on the outbound vessels. This may expose the fishers to the violation of labour rights or their having to work for a long period of time on board fishing vessels.
5. Section 83 should be amended or revoked, particularly concerning the issuance of Seaman Book through the exclusive registration process in sea fisheries sector since it might expose workers under this Section to risks concerning labour protection or illegal employment of workers. This will give rise to confusion and a lack of unity in the foreign workers' management. At present, the Foreigners' Working Management Policy Commission has the powers and duties to register migrant workers. Therefore, it should be left to the Commission to adopt policies concerning the issuance of work permits and to set out plans to meet labour demand in a long run.

The Migrant Working Group (MWG) looks forward to the progress of fisheries sector and fisheries-related sectors and to be better recognized in international forums and international trade forums. Therefore, regarding the holistic approach to manufacturing, management and protection, we assert that labour issues are key to ensuring the management of sustainable, legal and fair fisheries sector. We therefore want to raise the issues to the House Special Committee to Review the Draft Act to listen to opinions and recommendations from the Migrant Working Group (MWG) making them a part of the Draft Act for the amendment of the Royal Ordinance on Fisheries B.E. 2558 B.E..... This will



ensure the development Thailand's sustainable fisheries and seafood sectors and the adoption of holistic safeguarding measures.

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