

Focus on Labour Issues in the Fishing Industry



NOT IN THE SAME BOAT

PREVALENCE & PATTERNS OF LABOUR ABUSE
ACROSS THAILAND'S DIVERSE FISHING INDUSTRY

JANUARY 2017

Prepared by Issara Institute & International Justice Mission

© Issara Institute and International Justice Mission, 2017

All rights reserved.

Issara Institute

info@issarainstitute.org

www.issarainstitute.org

International Justice Mission

contact@ijm.org

www.ijm.org

Printed in Thailand. For reprints, please contact Issara Institute.

All photo credits: Issara Institute. The Burmese fishermen shown in the photos in this report have all provided informed consent to their photos being used for this report. The men are from a community in which Issara has worked for over two years; they volunteered to 'model' some of the abuses that fishermen face, to be used by Issara Institute in awareness and reporting materials that aim to benefit fishermen.

ACKNOWLEDGEMENTS

These insights into the lives of Burmese and Cambodian fishermen would not have been possible without the valuable contributions of the following: Issara Institute's Burmese field researchers and staff Brendan Zarni Htun, Andrew Ye Min Thu, Sai Seng Sai, Jonas Kan Zar Htet, Ohnmar Ei Ei Chaw, and Sanlatt Phyu; Issara Institute's Cambodian field researchers and staff Chea Sophal and Sengky Chheun; and, Issara Institute's Field Operations Manager Malayvahn Khamhoung. Issara's field team was supported by Institute analysts and writers Dr Lisa Rende Taylor, Charlotte Tate, and Emma van Dam, and technical consultants Dr Amanda Flaim (Michigan State University), Josh Stride, and Dr Scott Sanders (Brigham Young University).

The overall research program, methodology, ethics, field team training, and report structure was designed and overseen by Dr Lisa Rende Taylor. Statistical modeling was led by Dr Amanda Flaim, who also contributed extensively to research design, sampling frame, and methodology. Dr Scott Sanders led the interpretation of Landry and Shen (2005) for the sampling frame, and supported statistical analysis. Josh Stride provided extensive expertise in fisheries supply chains.

Additional technical support was provided by consultant Dr David Feingold (Ophidian Research Institute), and Dr Katrina Baum Stone, Rachael Jackson, and Andee Cooper Parks from International Justice Mission (IJM). Security assessments, training on field security, and support to mapping the study site locations was provided by John Roberts (IJM) with support from Andrew Wasuwongse.

Funding for this research was provided by Walmart Foundation to IJM, who commissioned the research to Issara Institute.

TABLE OF CONTENTS

<i>Executive Summary</i>	1
<i>Methodology</i>	3
<i>Profile of the Current & Former Fishermen in the Sample</i>	5
<i>Analysis 1. Examining the Modes of Control and Exploitation of Fishermen</i>	6
The starting point: Labour shortages exacerbate exploitative recruitment & debt bondage in the Thai fishing industry	7
Restricted freedom of movement	8
Forced, excessive working hours and illegally low wages	11
Physical and psychological abuse	12
Concluding thoughts	13
<i>Analysis 2. Quantitative Models of Prevalence and Risk Factors for Trafficking & Labour Exploitation on Thai Fishing Vessels</i>	14
Overview	15
Calculation of the human trafficking outcome variable	16
Key findings from the calculation of prevalence of human trafficking	17
Key findings: Predictive analytics examining risk factors for being trafficked onto a Thai fishing vessel	20
Concluding thoughts	22
<i>Analysis 3. Comparative Analysis of Labour Risk on Trawlers versus Purse Seine Vessels in the Thai Commercial Fishing Fleet</i>	23
Overview	24
Key findings regarding labour risk by vessel type	27
Analysis: Key factors that may lead to abuse on Thai fishing vessels	30
Concluding thoughts	31
<i>Recommendations</i>	32
International response	33
Law enforcement and regulatory response	33
On the ground response	34
<i>Endnotes</i>	36

EXECUTIVE SUMMARY

Thailand, as the world's third-largest seafood exporter, exported 1.7 million tons of seafood globally in 2014, valued at over US \$6.7 billion. A total of 42,512 active Thai fishing vessels were recorded in 2014, catching 1.34 million tons of seafood and employing 172,430 fishermen, 82% of whom were migrant workers¹. It is recognized that a significant but unknown proportion of the Thai fishing fleet has been comprised of unregistered fishing vessels, which may not be fully captured in government statistics.

Investigative journalists and advocacy-oriented NGOs have conveyed a picture of work on Thai fishing vessels as being fraught with daily violence, extreme working conditions, debt bondage, and threats to life². However, the data collected by these efforts has not allowed for a clear measure of magnitude and severity of the labour conditions across the entire Thai fishing fleet. In order to gain a more nuanced and objective understanding of the patterns of labour recruitment and management on Thai fishing vessels, Issara Institute designed and implemented a representative survey of trafficking and exploitation on Thai fishing vessels, as a part of its larger body of work in this industry, with support from International Justice Mission and Walmart Foundation. An Issara Institute field research team conducted structured surveys with 260 Burmese and Cambodian fishermen across 20 key Thai fishing localities in 2016 — Nakhon Si Thammarat, Pattani, Ranong, Samut Sakhon, and Songkhla — collecting information on 434 fishing jobs they had held in the past five years. 248 of these 260 interviews were eligible for further analysis of the prevalence of trafficking into the Thai fishing industry in the past five years (fishing between March 2011 and March 2016).

After presenting the research methodology and profile of the fishermen in the sample, this paper presents three key analyses: the first explores the means of control and exploitation of Burmese and Cambodian fishermen on Thai fishing vessels, providing a nuanced picture of the nature of exploitation at sea. The second analysis applies rigorous statistical modeling methods to estimate the prevalence of human trafficking in the Thai fishing industry, as well as key risk factors. The third analysis explores differences in risky labour practices across different types of commercial fishing vessels in the Thai fishing industry, in recognition of how the diversity of fishing

operations and gear creates variation in working conditions, treatment, and other key aspects of work.

Key findings of the three analyses include:

- **Illegal overwork and underpay** seem to be the norm, with 74.2% of respondents reporting working at least 16 hours per day, and only 11% of the sample receiving more than 9,000 Baht per month, the legal monthly minimum wage in Thailand. 96.1% reported having to work overtime regularly, but only 3.8% reported ever receiving overtime pay;
- The reported **average pay** received monthly, inclusive of all overtime and deductions, was 5,957 Baht/month (US \$166.80).
- 18.1% of fishermen interviewed reported experiencing **physical violence** while working on the fishing vessels; this abuse was three times more likely to occur on boats that **transshipped catch** at sea; further, 100% of fishermen on boats that **transshipped crew** suffered physical abuse;
- 76% of fishermen interviewed had been in **debt bondage**;
- 37.9% of fishermen interviewed were **clearly trafficked**, while an additional 49.2% were possibly trafficked; 12.9% of the sample reported fair labour conditions at sea and experiencing no exploitative recruitment;
- Burmese and Cambodian fishermen on vessels that also had **Thai general (non-supervisory) crew** were over 70 times more likely to be exploited and abused than Burmese and Cambodian fishermen on boats without Thai crew; and,
- Trafficking cases were 11 times more likely to be found on **trawlers**, as compared with purse seine and other vessel types, and **pair trawlers** had nearly double the number of physical abuse cases (29.4%) as single trawlers (16.9%).

In line with the United Nations Guiding Principles on Business and Human Rights (also known as the Ruggie Principles)³, global brands, retailers and importers, Thai-based businesses, government, and civil society all have constructive roles to play to address and improve the working environment

in the Thai fishing industry. Fundamentally, there is a need to drive behavior change among vessel owners, boat captains, and net supervisors, as well as among government duty bearers. Identifying incentives and disincentives to bring about desired changes is critical to achieving industry-wide change—specifically, legal and fair business operations, monitored improvements verified by workers, and enforcement of laws—all leading to the elimination of labour exploitation. Three categories of recommendations are provided—international responses, law enforcement and

regulatory responses, and on-the-ground responses—with clear, constructive roles that can be played by civil society, governments (source and destination), local business (suppliers and recruitment agencies), and global business. It is hoped that this study, and the voices and experiences of the 260 men contributing to this study, can make a meaningful contribution to efforts to drive improvements in the Thai seafood industry, informing policy, programming, and responsible sourcing.



The voices and experiences of hundreds of current and former fishermen contributed to this analysis—not only through structured individual interviews, but also through *ad hoc* small group discussions and spontaneous community gatherings made possible by Issara’s field team having established relationships of trust with migrant workers and fishermen over the years.

METHODOLOGY

These analyses are part of ongoing efforts to gain an updated picture of labour in the Thai fishing industry, including prevalence and patterns of trafficking and forced labour. The findings presented here draw from a random sample survey of 260 Burmese and Cambodian migrant men, housed near ports and piers in five specified Thai provinces, who currently or in the last five years (2011-2016) worked on Thai fishing boats.

SAMPLING STRATEGY FOR QUANTITATIVE DATA COLLECTION

Between March and August 2016, 260 current and former foreign fishermen (Burmese and Cambodian) were interviewed in 20 port, pier, and migrant accommodation hubs across Thailand through a four-stage sampling strategy based on sampling methods devised by Landry and Shen (2005)⁴ designed to generate a reliable estimate of the prevalence of trafficking in the fishing industry.

- **Stage 1:** Five provinces critical to the Thai commercial fishing industry were purposively selected on the basis of relevant statistics from the Thai Department of Fisheries, Fish Marketing Organization, and Fishmeal Producers' Organization, such as numbers of registered commercial fishing vessels, volumes of fish landed, and volumes of trash fish landed. This led to selection of the following five provinces, illustrated in Figure 1: Nakhon Si Thammarat, Pattani, Ranong, Samut Sakhon, and Songkhla.
- **Stage 2:** These five provinces were visited by a mapping field team that surveyed the provinces for port, pier, and migrant accommodation areas housing current and former fishermen – the potential respondents. Migrant communities and neighborhoods were mapped in order to include residences of former fishermen as well, in addition to the port/pier areas where current fishermen reside. Sampling zones or “polygons” were created on a map, with global positioning system (GPS) polygon boundaries inclusive of areas where potential respondents could be found. The mapping exercise provided a baseline estimate of 15,200 current and former fishermen living and working in the vicinity of the ports, piers, and communities selected; the 15,200 potential respondents were distributed across 76 polygons containing approximately 200 potential respondents each.



Figure 1. Thai Provinces Selected for the Sampling Frame

- **Stage 3:** 20 of the 76 GPS polygons were randomly selected for sampling.
- **Stage 4:** Research teams comprised of Burmese and Cambodian enumerators with proficiency in a range of regional and ethnic dialects followed a strict protocol to randomly sample and interview current and former fishermen in each polygon, and to collect more detailed ethnographic information in each polygon selected. Throughout the research process, the team followed stringent ethical human subjects' research guidelines to protect the rights, safety, and confidentiality of all participants. 20 interviews were to be collected through a randomized approach in each of the 20 polygons, yielding a sample of 400 interviews. A minimum sample size of 375 was determined to ensure a .05 alpha and 95% confidence intervals.

QUALITATIVE DATA COLLECTION

Issara field teams spend a considerable amount of time in the migrant communities and workplaces associated with the seafood industry; thus, in addition to these 260 structured interviews, rich qualitative data were collected on an ongoing basis

through informal interviews, hotline calls, and focus group discussions with current and former fishermen, other migrant workers, and fishing boat owners, brokers, and net supervisors. This report is an analysis of all of these data streams around the central theme of modes of control and exploitation in the recruitment and management of migrant fishermen in the Thai fishing industry.

LIMITATIONS & CHALLENGES

Due to the difficulty of accessing migrant fishermen in areas in southern Thailand with active unrest, bombings, and threats from brokers and traffickers, data gathering concluded with a sample size of 260. Enumerators interviewed 100% of the projected sample in areas that were relatively easier and/or safer to access (Nakhon Si Thammarat, Samut Sakhon and Songkhla provinces). In Pattani and Ranong, where security risks for both researchers and potential participants were elevated, enumerators successfully completed 33-38% of the projected sample. Because security challenges precluded collection of data for the full sample of 375, sites that posed extreme safety and security risks to both enumerators and respondents were under-sampled. Thus, data from this study likely represent more favorable work conditions overall among workers in the Thai fishing industry. Indeed, sites that posed extreme security risks were also areas where respondents were the most difficult to access, the most reticent to speak, the ones most likely to provide further information through follow-up calls to the hotline, and the ones reporting the most observed collaboration between net supervisors, employers, and police to control fishermen. Thus, the results of this study are more likely to underestimate, rather than overestimate, a minimum estimate of trafficking and exploitation in the fishing industry.

FINAL SAMPLE COLLECTED

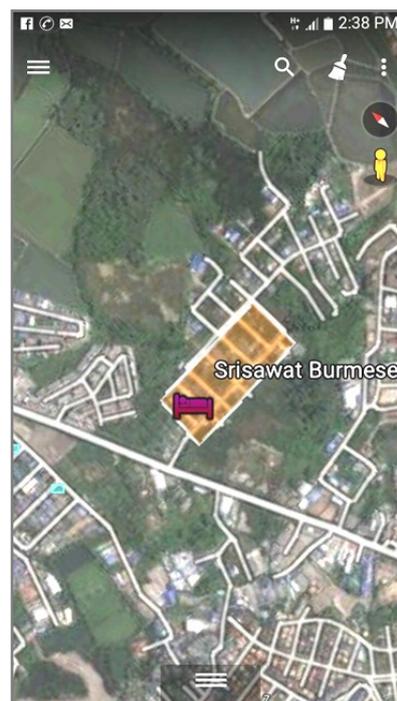
260 interviews were collected from these zones through a randomized sampling approach. The interviews were comprehensive, and covered all fishing experiences that each man had in the past

One of the 76 GPS polygons as it displayed on an Issara enumerator's smartphone, developed for the four-stage sampling frame as described above. The GPS polygons delineate areas where current and former fishermen were found by the mapping team. This particular polygon was not one of the twenty polygons ultimately randomly sampled for conducting interviews.

five years. From the 260 interviews, information was collected regarding 434 fishing jobs (also referred to as 'fishing events') on single trawlers, pair trawlers, purse seiners, squid boats, and tuna purse seiners.

Among the 260 individuals interviewed, 12 had exited work at sea before 2011 and were therefore ineligible for consideration in the prevalence analysis, leaving a sample of 248 for the prevalence calculation. With the final sample of 248 and a margin of error of 6%, a revised estimate of alpha was calculated to be .085 with a corresponding confidence level of 91.5% for the prevalence estimates.

The sample of 260 was used for all other analyses. In summary, then, the sample is broadly representative of all five provinces combined, and the five provinces were selected for sampling because they represent the full range of contexts in which individuals work with respect to fishing at sea—that is, the full range of labour contexts, on long-haul and short-haul vessels, and across a range of fishing practices and vessel types. However, it is clear that some sub-populations were under-sampled, for example those in the worst labour situations in Pattani province. Cambodians are also underrepresented in the study since, of the five selected provinces, Cambodian fishermen are found primarily in areas such as Pattani, where data collection was cut short. Further, the sample excluded Thai nationals in the fishing industry and so is not meant to reflect the distribution of nationality among workers on Thai fishing vessels.



PROFILE OF THE CURRENT & FORMER FISHERMEN IN THE SAMPLE

SEX & AGE

All of the 260 respondents were male. The average age of the fishermen in the sample was 29.9 years, ranging in age from 15 to 56 at the time of survey. It should be noted that as of December 2014, the legal age of employment for fishers in Thailand is 18.

NATIONALITY & ETHNICITY

Of the 260 respondents, the majority (95.8%) were Burmese, from an array of different ethnic identities and languages including Burman, Dawei, Kayin, Mon, Myeik, Rakhine, and Shan. The remaining 4.2% of respondents were Cambodian. Again, these proportions are just those of the sample and are not taken to be representative of nationalities and ethnicities in the population.

EDUCATION

On average, the fishermen in the sample of 260 had achieved just under 6 years of school. 41.5% (n=108) had achieved some primary schooling, with another 53.1% (n=138) completing primary and some secondary schooling. Two respondents had completed some higher education, and 12 (4.6%) had never attended school.

PROFICIENCY IN THAI LANGUAGE

Respondents were asked to self-rate their proficiency in Thai language. Only two respondents (0.8%) indicated proficiency in Thai. Another 4.6% (n=12) indicated that they could speak (though not necessarily read) Thai well, and the majority (75%; n=195) indicated they could understand and speak only a little or some Thai. 46 (17.7%) indicated they could not speak or understand any Thai. (5 people did not respond

TYPES OF FISHING VESSELS

62.7% of respondents (n=163) worked on purse seine vessels (*uan dam* in Thai), 22.7% (n=59) worked on single otter trawlers (*uan lak* in Thai), and 6.5% (n=17) worked on otter pair trawlers (*lak khu* in Thai). The remaining 21 respondents (8.1%) worked on other fishing vessel types, including tuna purse seine and squid boats.

WORK HISTORY

Over 98% of respondents reported working in Thailand to support family members in their home countries. 81.2% (n=211) had travelled to Thailand only once for work. 14.5% (n=38) had traveled twice, and the remaining 4.3% (n=11) reported three or four independent trips to Thailand for work. In total, these account for 319 separate trips to Thailand for work from the sample of 260 respondents, the average length of which was 4.5 years. These separate trips were comprised of the 434 separate fishing work events reported by the sample of 260.

FIGURE 1. ETHNICITY

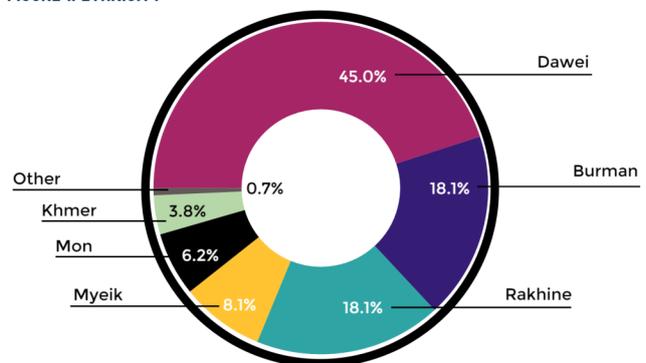


FIGURE 2. SELF-REPORTED PROFICIENCY IN THAI LANGUAGE

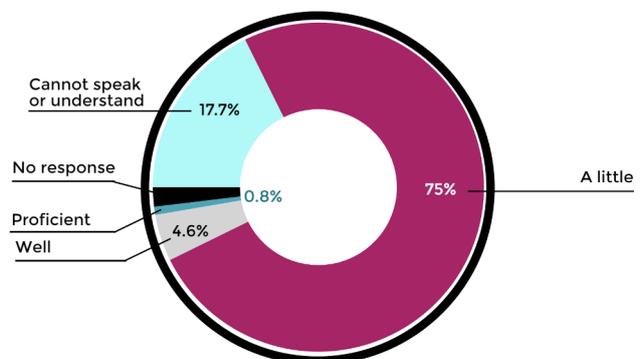
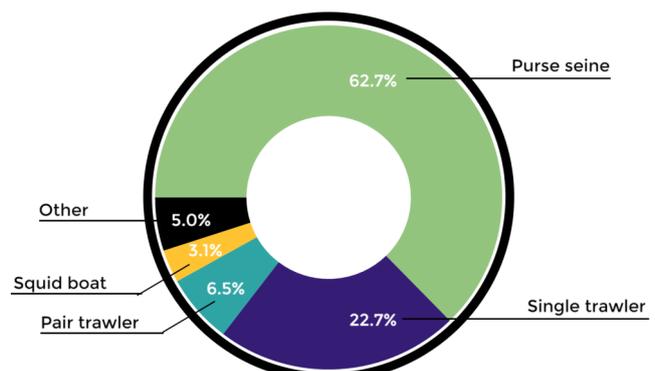


FIGURE 3. FISHING VESSEL TYPES IN THE SAMPLE





ANALYSIS 1. EXAMINING THE MODES OF CONTROL AND EXPLOITATION OF FISHERMEN

THE STARTING POINT: LABOUR SHORTAGES EXACERBATE EXPLOITATIVE RECRUITMENT & DEBT BONDAGE IN THE THAI FISHING INDUSTRY

The data indicate that exploitative recruitment and debt bondage are exacerbated by labour shortages in the Thai commercial fishing industry. On one hand, the dangerous and exploitative nature of work on fishing vessels makes it very difficult for boat owners to recruit and maintain a willing workforce of fishermen on their fishing vessels that meets their production needs. These difficulties are exacerbated by Cambodian and Myanmar government restrictions that prohibit the recruitment and hiring of their citizens through formal government-to-government channels to work in the hazardous Thai fishing industry.

INFORMAL RECRUITMENT MECHANISMS

With few legal options for recruitment, informal mechanisms are often pursued by necessity. Extensive qualitative data from working in the migrant communities around the ports and piers in the past year to better understand labour recruitment systems has clarified how it is often now the net supervisors, hired by the boat owners, who work with brokers to recruit workers from neighboring countries. As has been widely documented for foreign migrant workers in Thailand working in a range of industries, once a migrant begins the process of migration with a broker, they begin to accrue debt from food, shelter, and travel costs, as well as the costs of their registration documents (pink cards). Thus, even before migrant workers start working on the fishing boats, they may already be in debt to the employer or broker or, rarely, the net supervisor. As shown in Figure 4, of the 260 fishermen interviewed, 76.2% (n=198) had accrued debt prior to working on a fishing boat. The fees and debts that each worker had accumulated were often unclear (since they are often arbitrarily inflated), with 53.1% (n=138) registering some level of confusion with respect to the amount of debts they had accumulated and for what purpose.

After conducting the interviews, the Issara field team provided respondents with a range of information and resources, including the Issara hotline number. In every province surveyed, respondents and other community members called the Issara hotline in the days following their interview to provide more information that they initially did not disclose. This included some net supervisors.

The richer picture created with the addition of this critical information indicates that the shortage of workers, paired with pressure from boat owners, causes net supervisors to sometimes take extreme measures to retain their workforce.

Reports of workers being kept at a net supervisor's house while on shore were widely reported, often with up to 10-20 men sleeping in a room, and the wife of a net supervisor often playing a controlling or monitoring role. Migrant worker fishermen are also reportedly often given "advance money" before returning to sea to purchase food, drinks, and personal supplies, which is deducted from their salaries and can plunge them further into debt, especially when advances are given that are greater than their monthly pay after deductions. The cycle of accruing more and more debt makes it nearly impossible for some fishermen to work off their debt.

This vulnerable point from which workers find and begin their jobs on fishing vessels leads to a range of abuses and control that is exerted when workers are both at sea and on shore. The patterns of control and abuse at sea and on shore are described according to the main categories of abuse reported by the men in the sample: restricted freedom of movement, forced and excessive working hours, illegally low wages, and psychological abuse.



I have 20,000 Baht debt bondage with my own brother-in-law. He's a net supervisor. I fear for my life as he has killed in front of me before—I don't dare to run; he would kill my children.

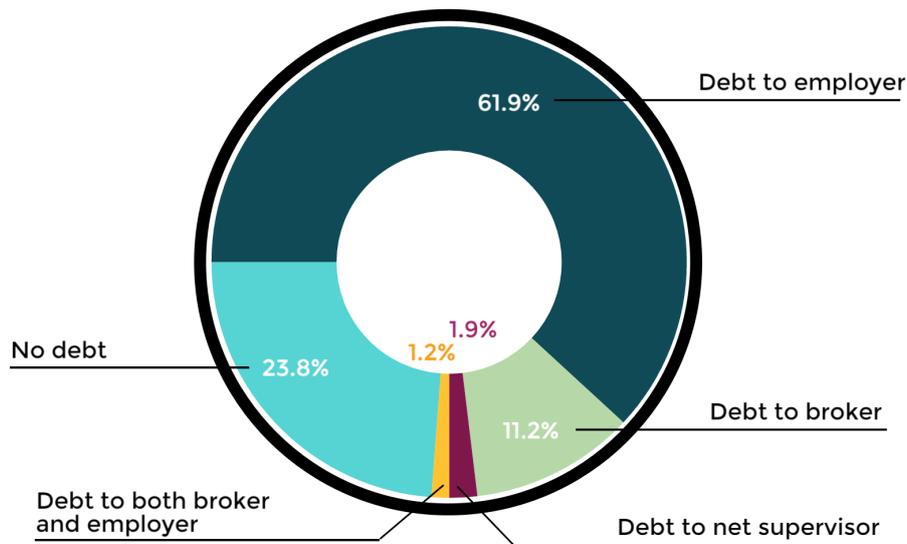
- Burmese fisherman



Running from debt

In Pattani, a fisherman reported that he had two friends that ran away from the pier to flee abuse. The net supervisor told the fisherman that he had to assume the debt of his friends, tripling his own debt and making it nearly impossible for him to ever work it off. The oppressive environment coupled with deepening debt bondage led to a sense of utter hopelessness for the fisherman.

FIGURE 4. DEBT BONDAGE OF FISHERMEN RESPONDENTS



RESTRICTED FREEDOM OF MOVEMENT

CONTROL OF WORKERS' DOCUMENTS

Of the fishermen interviewed, 78.9% (n=205) reported that they had been registered in the “pink card” migrant registration process. However, only 11.2% (n=29) had their original pink card on hand; others only had a photocopy or nothing at all. For the 88.8% of fishermen in the sample who did not have a pink card in-hand (n=231), their movement was severely restricted since migrants know that the police can fine or deport them if they are seen in public and without being able to produce their original pink card. In addition, 30% of fishermen interviewed (n=78) reported that their freedom of movement was restricted through surveillance and control tactics when their vessels were docked at ports and piers. Specifically, their movement was restricted or heavily monitored by the net supervisors (and their wives), boat owners, the police, or – as documented in Pattani – all three. Again, fishermen in all provinces reported fear of imprisonment and/or deportation by police if they tried to escape.

INCENTIVES TO UNDERPAY WORKERS

Net supervisors appear to be incentivized by boat owners to underpay workers and to limit and monitor their movements. Seven Burmese net supervisors interviewed by the Issara team, whose reports were independently corroborated by fishermen, explained how they may incur large financial ‘punishments’ by the Thai fishing vessel owner if a fisherman leaves without paying off their debts or obtaining a transfer form, therefore incentivizing the net supervisor to control and limit the ability of fishermen to possibly escape through whatever means possible.

Respondents in Pattani, when attempting to leave their job, reported experiencing brokers and police working together to control crew. When migrant workers attempted to flee in the past, they have typically been caught by the police, who then called their broker and asked him/her to pay the fine of the fisherman for not having the appropriate documents on him— resulting in worsening the debt burden of workers. Respondents further reported that it is becoming less common for brokers to be committing actual physical abuse in some of these mechanisms of on-shore control of fishermen’s movement – which makes sense if productivity of labour would be compromised by injury, and the shortage of workers makes migrant fishermen less “disposable.”

LOCK-UP

In some piers of Sichon district, Nakhon Si Thammarat province, brokers reportedly wait for the workers on the pier to put them into lock-up immediately after disembarkation. Brokers reportedly keep the fishermen locked in their rooms as they worry that the fishermen will run away without paying their debts. There are reports of one broker in this area keeping the fishermen in shackles as a punishment for making a mistake at work or asking for money. (In 2015 there was a case of a Burmese father and son who were held, shackled, by their broker in this same location, as assisted and reported by a local community-based organization based in Samut Sakhon. The authorities did not recognize them as trafficking victims and deported them.) Another broker reportedly has a gun and has killed some fishermen before; the fishermen believe that this broker will kill or torture them if they run away. In Sichon, fishermen see running away as the only option to escape debt bondage, but it comes with the risk of being killed or tortured.

LEGAL RESTRICTIONS TO FREEDOM OF MOVEMENT

Freedom of movement is also restricted by the Thai Labour Protection Act B.E. 2551 (2008) and the January 19, 2010 Cabinet Resolution, requiring that migrant workers can only leave a job and seek new employment with another employer if they have a permission letter from their current employer to do so. In total, 31.9% of fishermen respondents (n=83) reported that they could not willingly quit their jobs because they could not get permission from their exploitative employer to seek a new job. In the context of the labour shortage and steep competition between boat owners for workers, fewer employers may be willing to provide such assistance, whether or not they had exploitative labour management practices. For migrant workers who lacked documents altogether, they reportedly rarely exercised any of their basic rights, even to health care, because of fear of reprisal for seeking assistance.

“It’s easy to get a job here...but impossible to leave...”

In one pier area in Nakhon Si Thammarat province, the workers have to pay the broker at least 10,000 Baht (US \$285) to work on the boats. Fishermen reportedly do not receive their salary for 11 months, and in some cases the net supervisor will deduct all of their monthly salary for various debts they supposedly owe. Some fishermen reported only being paid 10,000 baht in total for the entire 11-month work period. To ensure their debts are paid, net supervisors reportedly keep the fishermen locked in a room.



They withhold my pink card, resignation letter and couple months’ salary. What can I do? I can’t run without any money...If I get caught anyways, I would end up in fetters and maybe even get killed.

- Burmese fisherman

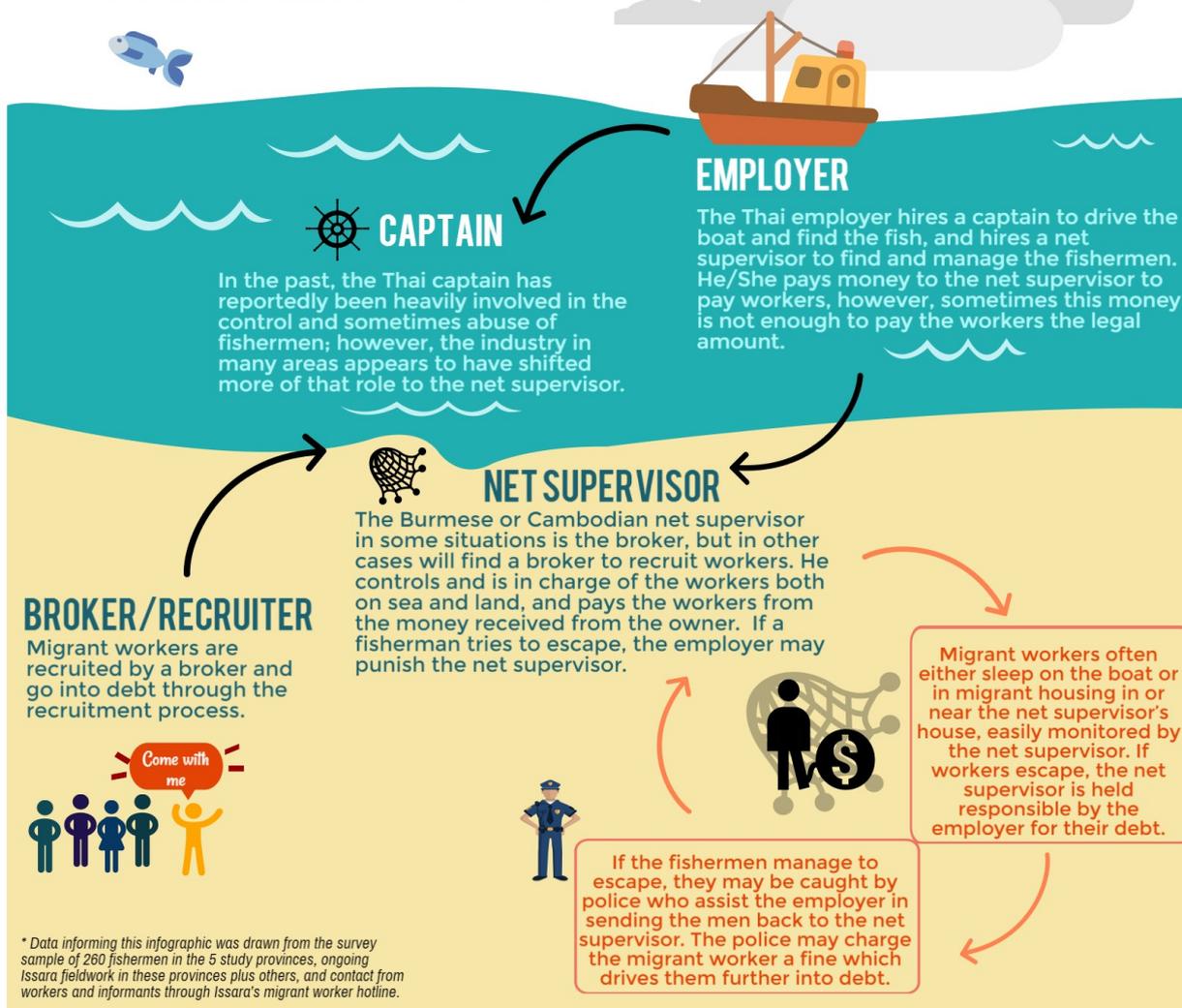


I have been waiting almost 6 years to get my resignation letter from the boat owner. He said he will give it to me but I had to keep working on his boat. I feel like a bird without wings.

- Burmese fisherman



FIGURE 5. DYNAMICS OF AUTHORITY ON THAI FISHING VESSELS*



* Data informing this infographic was drawn from the survey sample of 260 fishermen in the 5 study provinces, ongoing Issara fieldwork in these provinces plus others, and contact from workers and informants through Issara's migrant worker hotline.

FORCED, EXCESSIVE WORKING HOURS

OVERWORK APPEARS TO BE SYSTEMIC

Excessive working hours were reported across all five provinces and all commercial fishing vessel types. Whereas respondents seemed to hesitate to rate working conditions as very poor or poor on most issues, fishermen reported dire conditions about excessive work on boats. In total, 79.2% (n=206) reported working hours on boats to be "very poor" or "poor" relative to their other jobs. 91.2% of workers (n=237) reported having to work seven days per week with no breaks, and 74.2% (n=193) of workers reported working at least 16 hours per day. Twenty-plus hour work days were reported by 12.7% of the men surveyed (n=33) – equating to at least 140 hours per work each week, or at least 2.3 times the amount of work allowed by law. (As a reference, prior to December 2014, the maximum legal number of working hours per week was 60, which included eight regular working hours per day, six days per week and then a maximum of 12 hours per week of voluntary overtime paid at 1.5 times their normal hourly rate. As of December 2014, fishermen gained the right to 10 hours of rest every 24 hours minimum, and 77 hours of rest per week minimum.)

In some cases, workers were beaten and their lives threatened if they did not keep working through these excessively long durations of time. During these long-hour days, fishermen often did not have time to eat meals, which further contributed to fatigue, increased the likelihood of accidents, and increased risk of abuse at the hands of frustrated supervisors. Fishermen in Ranong, Songkhla, and Pattani provinces reported having to work seven days a week as the norm; in Samut Sakhon, workers reported receiving a day off only rarely.

Excessive hours of work do not end at sea. Once the boats return to shore, most workers reported having to continue to work mending the nets. In Songkhla, fishermen reported having to mend nets on shore from midnight to 6 am, then again from 9 am to 4 pm. Some respondents in one of the southern provinces reported being taken by pick-up trucks to other boats and forced to go back out to sea, sometimes even being sold onto other boats in other provinces several hours' drive away.

“ I have to beg for my wages like a dog when I'm supposed to get paid.

- Burmese fisherman

ILLEGALLY LOW WAGES

WAGES PAID ARE BELOW THE LEGAL MINIMUM ACROSS THAILAND

Severe payment delays and deprivation of wages appear to be routine business practice across the Thai fishing industry in all five provinces surveyed. These practices seem to be linked: by withholding wages and underpaying workers, net supervisors reinforce their restrictions on the movement of their workers, as workers are forced to continue working on the boat in the hopes of getting paid – a pattern of credit bondage.

Of the 260 workers interviewed, 45% (n=117) received less wages than they had agreed upon. Only 11.2% (n=29) received 9,000 Baht or more per month, the legal monthly minimum wage in Thailand, not inclusive of overtime. The average monthly wage reported by the 260 interviewed fishermen was 5,957 Baht/month (US\$166.80; minimum = 0 Baht, maximum = 30,000 Baht (US\$838.90)), with 96.1% (n=250) reporting having to work overtime but only 3.8% (n=10) reported ever having received any overtime pay. 25 men (9.6%) reported that they were never paid for their work at all.

With regard to monthly salary deductions, 39.2% (n=102) reported having deductions from their pay that were unclear, unfair, or excessive; 37.7% (n=98) reported that they thought the deductions made were mostly fair – though this finding simply reflects a perception and does not necessarily mean the deductions were legal. The average deductions made per month were 13,192 Baht (US\$377), ranging from 99 Baht to 50,000 Baht (US\$2.83 - \$1,429) – meaning, when coupled with the lesser income, that most fishermen were kept in debt bondage through underpayment and excessive or arbitrary deductions.

In summary, the practice of paying illegally low wages appears to be widespread. Moreover, despite the widespread pattern of forcing workers to work excessive hours, foreign fishermen in Thailand are almost universally denied overtime payment as required by Thai law.



My life is in the hands of the boat captain and net supervisor once the boat leaves the shore.

- Burmese fisherman



Paid US\$251 for one year of work on a pattani fishing boat

In Pattani, a Burmese fisherman was interviewed during the course of the 2016 survey as he was packing his bags to leave. He explained that he was quite ill and could not continue working on the boat. After 12 months of working on the boat, he was just now receiving his salary. Upon taking the job, it was agreed that he would be paid every six months at the rate of 5,500 Baht a month (~US \$157/month), which was 61% of the legal minimum wage. However, after a year of work, he was only paid 8,000 Baht (~US \$251/year), or 7.4% of the legal minimum wage, not including overtime. The payment was made by his net supervisor's wife, and when he questioned the amount, she responded that she had lost the record of his payments through the year. Like most Burmese fishermen in Thailand, he had no contract; therefore he reported being powerless when receiving severely lower wages than were promised. It is noteworthy that, by this time, the Ministerial Regulation Concerning Labour Protection in Sea Fishery Work B.E. 2557 (2014) had already mandated that employers must keep records of time worked, payments, and a written contract, and provide a copy of these documents to their employees.

PHYSICAL AND PSYCHOLOGICAL ABUSE

While the amount and type of abuse varies by province, 18.1% of those interviewed (n=47) reported experiencing physical abuse while working on the fishing boats. The nature and extent of physical abuse on Thai fishing vessels varied; 35.8% (n=93) reported violent working conditions, characterized by experiencing physical abuse and/or witnessing abuse at sea. A subset of this group (6.2% (n=16)) reported also witnessing murder at sea. 2.3% (n=6) reported extremely violent working conditions as characterized by physical abuse, witnessing abuse, *and* witnessing murder at sea.

At the same time, reports of psychological abuse comprised of verbal abuse, threats to life (often including the display of weapons), or verbal abuse paired with financial abuse such as deepening debt bondage were common in every province sampled. Verbal abuse was reportedly so prevalent that virtually all fishermen considered it normal to be yelled at and called derogatory names by their superiors. Reported discrimination from the Thai boat owners and captains against the Burmese fishermen was widespread, oftentimes coupled with specific insults that are especially culturally derogatory, such as being told their worth was less than that of an animal – which, in Burmese culture, is especially insulting. Additionally, instead of being trained in the appropriate skills to work on the

boats, new fishermen are “trained” by the net supervisor through extensive verbal abuse for making mistakes or not completing tasks correctly.

Reports were heard across all sampled provinces of fishermen sick at sea with body aches and fever being threatened to be pushed overboard or killed if they did not continue to work. Net supervisors, in Pattani and Nakhon Si Thammarat in particular, also reportedly utilized the threat of police action to force the workers to obey them, with many local fishing vessel owners appearing to have “protective” relationships with local law enforcement that help control workers.

It was regularly reported that the net supervisor sometimes creates a competitive environment on the vessels by favouring certain fishermen over others. “Favoured” fishermen are reportedly paid more than the others, creating an environment cowering workers into meek submission in the hopes of financial reward, and leading other workers to fighting each other out of frustration and jealousy because of the unjust inequalities that are actually outside of their control. There were also regular informal reports of net supervisors, brokers, and brokers’ wives also forcing the fishermen to buy drugs from them, and if they did not they would be made “outsiders” and bullied.

FIGURE 6. THE VALUE OF A 'GOOD' NET SUPERVISOR

Issara's research has found that, in a few cases, there are "good" net supervisors. The sharp contrast between "good" and "bad" net supervisors illustrates the impact a net supervisor can have on the lives of the fishermen. Interviews with net supervisors brought to light some of the pressures causing abuse by the net supervisors, such as not receiving enough money from the employer (the fishing vessel owner) to adequately pay the fishermen.

PERSPECTIVES OF 'GOOD' NET SUPERVISORS

"Once the boat is back on shore, the more difficult the situation gets...brokers and their thugs come and take my fishermen away - some end up getting locked up... I prayed to God and hoped they would never get caught, as these brokers could potentially kill them."

"The boat owners and many individual brokers often threaten me - one of the threats I deal with on a monthly basis is that they will kill my family or have me arrested by the police if I do not abide by their rules - rules that ask me to abuse, exploit the fishermen."



"Why should I be the bad guy? I was once a normal fisherman just like the rest of them - and we are all Burmese. Just because I do things better or speak Thai, doesn't give me the right to exploit my fellow fisherfolk."

"I do not sleep well at night whenever I see my countrymen, especially the older fishermen getting hit by the fish masters on the boat...But if someone hurts the fishermen on the boat that I am working as a net supervisor - they will pay for it. I will quit from the job and we will go work on a better boat."

"I never get the full amount of recruitment fees as promised by the boat owner."

PERSPECTIVES OF FISHERMEN

"My current net supervisor is the reason why I am not running away from the job. He's kind and trustworthy. It's rare to meet someone like that in our world (fishing industry)."

"I don't normally trust net supervisors as I've come across numerous bad ones. I know a good one now and he's like a brother to me. He makes me feel like family and even lets us stay in his room when the brokers want to lock us up. He gets me through difficult times."

"A good net supervisor is like a giant wall between us and the rest [employers/brokers/police]. He will protect us from the harm that the employers and brokers will eventually do to us, and encourages us not to fall to their traps. Without that wall, we all feel vulnerable."

"I used to work with many bad supervisors on different boats, different provinces. They abused us physically, verbally and made us work like animals while they usually suck up to the big guy (employer) and takes all the credit for the work we did without even getting sleep for days. Kind net supervisors are super rare, but I've met some - they were kind to me and fought for my rights when I did not dare to speak up."

CONCLUDING THOUGHTS

In general, employers can respond to issues of labour scarcity in two ways: either by offering attractive job conditions that "outcompete" other potential employers in retaining employees; or, through control measures to forcibly retain workers, which negatively impact the rights and well-being of fishermen.

Global brands, retailers, and importers, Thai-based businesses, government, and civil society all have constructive roles to play to address and improve this environment—and specifically, to drive positive instead of negative strategies to retain fishing crew. The recommendations section at the back of the report proposes some direct actions that can be taken.



ANALYSIS 2. QUANTITATIVE MODELS OF PREVALENCE AND RISK FACTORS FOR TRAFFICKING & LABOUR EXPLOITATION ON THAI FISHING VESSELS

OVERVIEW

Several recent research studies have documented concerning patterns of worker exploitation and trafficking within the Thai fishing industry. While investigative reports and smaller-scale research based on in-depth interviews indicate that work at sea is dangerous, violent, and often extremely exploitative, only one research study has attempted to address the extent of trafficking and exploitation of workers at sea – a 2012 survey of over 500 fishermen in four provinces conducted by the International Labour Organization and Chulalongkorn University⁵. 16.9% of respondents in this study's sample were determined to be victims of forced labour. However, it was not a representative sample since it was based on a snowball sampling scheme, it relied on officers of the fisheries associations to facilitate data collection, and it under-sampled key groups such as undocumented fishers and long-haul fishers. This 2016 research study, which comprises a representative survey of 248 men who have worked at sea on Thai fishing boats in the last five years (2011-2016), addresses this significant gap in the knowledge base.

This study found that an estimated 37.9% of Burmese and Cambodian men who have worked on Thai fishing vessels in the past five years have been trafficked in at least one of their fishing jobs. An additional 49.2% experienced either significant exploitation or coercion in their work at sea suggestive of possible trafficking. In total, this research indicates that at least 87.1% of fishermen experience significant forms of exploitation and/or trafficking in their work at sea. Only 12.9% of fishermen reported working in fair, safe conditions.

Predictive risk modeling further examining the coercion, exploitation, and violence that characterizes work at sea reveals that three factors are statistically significantly associated with risk of being trafficked onto a Thai commercial fishing vessel:

- 1 **Vessel type:** Trafficking cases in the sample were over 11 times more likely to have occurred on trawlers, as compared with purse seiners and other vessels ($p=.027$);
- 2 **Duration of time spent at sea:** Odds of being trafficked decreased by 3% for every additional month spent at sea – meaning that, controlling for the effects of the other variables discussed, risk of exploitation or coercion seems to slightly decrease as time at sea increases ($p<.001$); and
- 3 **Presence of Thai crew on boats:** Burmese and Cambodian migrant workers on vessels that also had Thai general (non-supervisory) crew were over 70 times more likely to be exploited and/or abused, as compared to individuals who worked on boats without ethnic Thai crew ($p=.018$).

In order to contextualize these findings to most usefully inform policy and practice on the ground, this analysis proceeds with, first, defining the measures, instruments, and methods used to detect trafficking, exploitation and coercion. Following this, the findings section provides more nuanced information about the experiences and work conditions of fishermen in the Thai fishing industry, including prevalence and risk of exploitation and human trafficking.

CALCULATION OF THE HUMAN TRAFFICKING OUTCOME VARIABLE

To determine which respondents had experienced trafficking or exploitative work conditions, this study drew on the definition of human trafficking set forth in the Palermo Protocol, which was adopted by the United Nations to supplement the 2000 Convention against Transnational Organized Crime⁶. According to the Palermo Protocol, human trafficking is deemed to occur when *each* of the following three elements of the crime occur: the act, means, and purpose of trafficking.

- 1 The *act of trafficking* refers to the “recruitment, transportation, transfer, harboring, and/or receipt of individuals.”
- 2 The *means of trafficking* refers to the “threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.”
- 3 The *purpose of trafficking* refers to exploitation, “which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.”

The definition of human trafficking under the Thai Anti-Trafficking in Persons Act B.E. 2551 (2008) is in line with the international definition of human trafficking as laid out in the Palermo Protocol as well. Given these two key references for the definition of trafficking, this survey included a variety of questions aimed at identifying whether or not each respondent had experienced the ‘act,’ ‘means,’ and/or ‘purpose’ of human trafficking during the *one* fishing job of his time in Thailand that he deemed to be his worst or most challenging job on a Thai fishing boat in the past five years. To ensure that the determination of trafficking status was adequately robust, a number of questions regarding a variety of aspects of each element were included in the measure. However, to ensure that the determination of trafficking status remained conservative, questions regarding experiences that are possibly, but not definitely, indicative of trafficking (such as being threatened by an employer or receiving significant delays in payment) were excluded. Table 1 provides an outline and justification of each question asked to detect trafficking and exploitation in the study sample.

Table 1. Outline of each variable used to define human trafficking cases.

NECESSARY ELEMENT	QUESTION	DESCRIPTION AND JUSTIFICATION
ACT	What is your nationality?	For all individuals who are not Thai, the variable demonstrates that individual has been ‘transported’ and/or ‘received’ from another country.
	What type of work did you think you would be doing?	Work on fishing boat not known or consented to. For those who did not know they would be working on a boat, this variable demonstrates deception and fraud.
MEANS	Were you ever detained or held in a room against your will?	Ever detained against will (by brokers, net supervisors, etc.). For those who were detained against their will, this variable shows force and abuse of vulnerability.
	Could you have stopped working if you wanted to?	Could not stop work voluntarily. For those who could not quit work voluntarily, variable shows force.
	Did a person of authority ever physically abuse you?	Ever experienced abuse. For those who experienced abuse, variable demonstrates force.
PURPOSE OF EXPLOITATION	How much was your actual received salary?	Received payment. For those who never received any money, this variable demonstrates exploitation and possibly a form of slavery.
	Did you receive all of the amount that was agreed prior to going to sea?	Not paid the agreed upon amount. For those who were not paid the agreed upon amount, this variable demonstrates exploitation.
	Were any deductions made? For what? How much?	Excessive or unfair deductions from pay. For those with unfair and/or excessive deductions, or those with all pay deducted, this variable demonstrates exploitation.
	How many hours did you work per day? Please describe work and rest periods.	Hours of work per day. For those who reportedly worked more than 14 hours per day, this variable demonstrates exploitative and excessive work.

The key element of the crime of human trafficking is the purpose or outcome of *exploitation* – without it, human trafficking cannot be established. With it, human trafficking is either clearly established (if the elements of *act* and *means* are confirmed) or suggested. At the very least, exploitation is confirmed, which is in itself illegal according to Thai labour laws. At the same time, the crime of human trafficking is well understood to be a process whereby the purpose of exploitation may take months to be clear. For example, a fisherman at sea for one or two months who does not receive pay may be hopeful that his pay is, indeed, forthcoming; however, several more months of lack of payment would clearly reveal exploitation. In these instances, the elements of the act and means may be identifiable and suggestive of a *possible* purpose of exploitation, even if the exploitation itself has not yet been clearly proven.

In accordance with the above definition of human trafficking, a respondent had to experience one or more aspects of each element of trafficking (*act*, *means*, and *purpose*) in order to be considered trafficked. To determine a respondent’s trafficking status, he was first given a score for each element of trafficking (0 if he had not experienced that element, 1 if he had). The three element scores

were then totaled to give each individual a trafficking score of 1, 2, or 3.

The three elements for the determination of prevalence of human trafficking within the survey sample are summarized in Figure 7. Three categories were created: *not trafficked*, *possibly trafficked*, and (clearly) *trafficked*. Cases deemed as *not trafficked* did not demonstrate the elements of means or purpose. *Possibly trafficked* cases demonstrated act and means, or, purpose of exploitation but without clear means. *Trafficked* cases demonstrated all three elements.

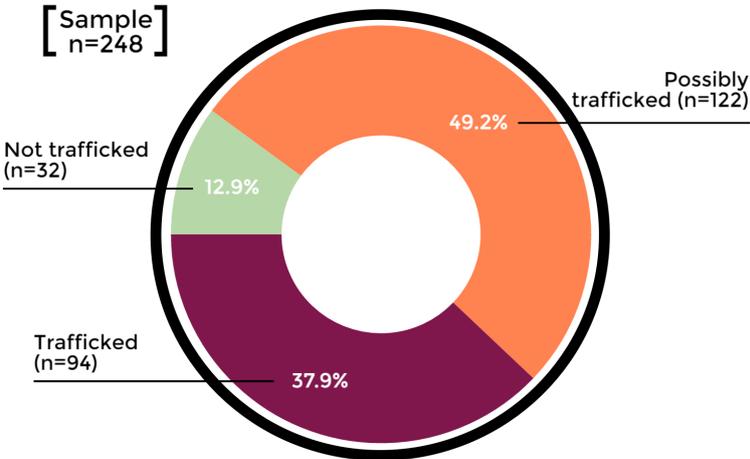
FIGURE 7. CATEGORIZATION OF CASES FOR THE DETERMINATION OF PREVALENCE OF HUMAN TRAFFICKING WITHIN THE SAMPLE

CATEGORY	LOGIC	SCORE
NOT TRAFFICKED	ACT only: no MEANS or PURPOSE	1
POSSIBLY TRAFFICKED	ACT + MEANS /or/ PURPOSE	2
TRAFFICKED	ACT + MEANS + PURPOSE	3

KEY FINDINGS FROM THE CALCULATION OF PREVALENCE OF HUMAN TRAFFICKING

Using the above standards to define human trafficking, as illustrated in Figure 8, the study found that 37.9% of Burmese and Cambodian fishermen had been trafficked in the past five years (2011-2016). An additional 49.2% were classified as possibly trafficked. Only 12.9% reported having relatively fair and clear working conditions at sea. These proportions were consistent throughout the five-year period, meaning that there were no significant changes in these proportions from year to year.

FIGURE 8. PREVALENCE ESTIMATE OF HUMAN TRAFFICKING OF BURMESE AND CAMBODIAN FISHERMEN IN THE THAI FISHING INDUSTRY (2011-2016)



ACT

Because all of the respondents were migrants from Myanmar and Cambodia, 100% of the sample meet the basic criteria for being ‘transported’ and/or ‘received’ for work.

While not included in the conservative measure of trafficking used in this study, several other considerations provide a more nuanced understanding of the extent to which individuals in the sample experienced the *act* of trafficking, relating to exploitative brokering. Specifically, 69.8% of the sample (n=173) owed money to a broker or a boss for the cost of recruiting and/or transporting them to work on boats in Thailand. Among this group who were in debt for their migration to Thailand, 10.1% had to repay the broker who enabled their travel (n=25), while 62.1% owed money to the boat owner (n=154). Another 28.2% owed money to their employer, net supervisor, or broker (n=70). While arrangements for travel and work in Thailand for migrants can be difficult, debts accrued to employers and supervisors in return for paying off debts to brokers often amount to conditions of debt bondage and clearly fall under the Palermo Protocol’s definition of the *act* of human trafficking (“*giving payments or benefits to a person in control of the victim*”⁷). Essentially, these insights demonstrate the linkages between the *act* including recruitment and the *means* including the abuse of power or vulnerability that may come out of exploitative brokering.

MEANS

As noted in the construction of the indicator for trafficking, individuals were considered to have experienced the *means of trafficking* if they had been deceived (6.5%), detained (3.6%), forced to work (coerced) (31.5%), and/or abused (15.7%) (see Figure 8). In total, 56.5% of the sample (n=140) never encountered any of the *means* of trafficking by this strict definition. Among the remaining individuals who experienced at least one form of the means of trafficking, 31.5% (n=78) experienced only one form; 9.3% (n=23) experienced two forms; 2.4% (n=6) experienced three forms; and 0.4% (n=1) reported having experienced all four forms.

The trafficking indicator is comprised of conservative and objective measures of the *means* of trafficking. However, other data that incorporate more subjective experiences of individuals suggest that the *means* of trafficking may be more widespread than these stricter

measures suggest. Specifically, as illustrated in Figure 9, while only 14.1% of the sample of 248 reported personally experiencing physical abuse on a fishing boat, 31.5% witnessed firsthand the physical abuse of other workers at sea. 5.6% (n=14) of the 248 fishermen reported witnessing the murder of a fellow fisherman at the hands of an employer, while 15.7% (n=39) of respondents reported hearing of specific murders occurring at sea. While these events may not directly coerce an individual into working and thus are not accounted for in the conservative measure of trafficking, these events can have considerable coercive effects on fishermen, to the extent to which they may be easily controlled for fear of serious reprisals at the hands of captains, net supervisors, boat owners and others.

Figure 8. Percentage of cases reporting 'means' of trafficking.

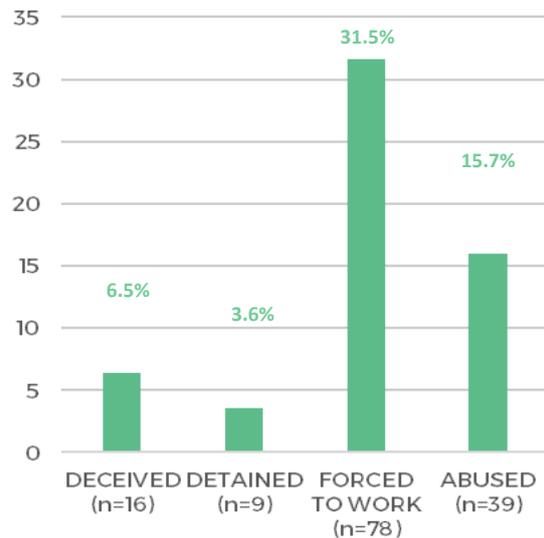
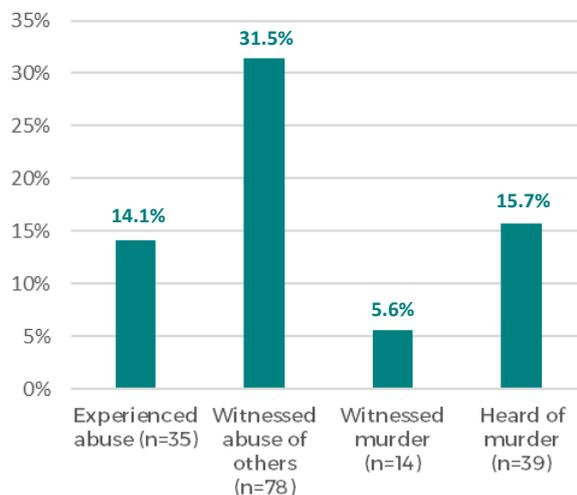


Figure 9. Percentage of cases reporting direct abuse and witnessed abuse and murder



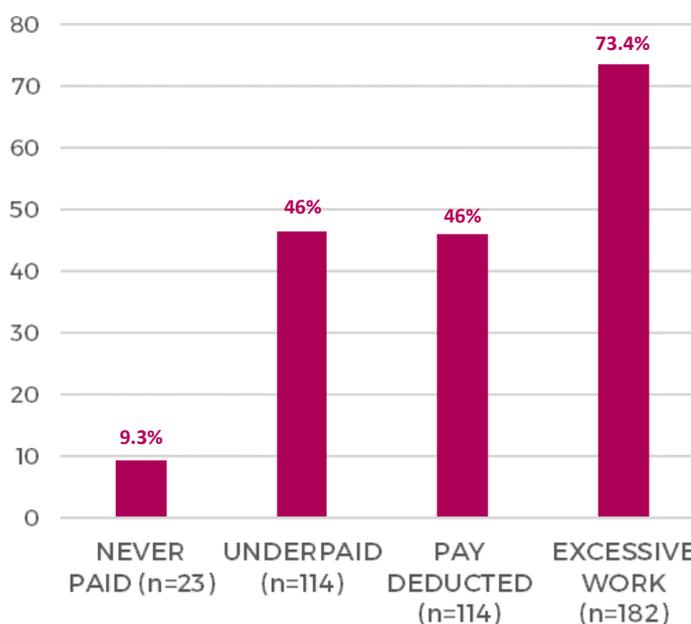
PURPOSE

As noted in the construction of the indicator for trafficking, individuals were considered to have experienced the *purpose of exploitation* if they had never been paid for their work (9.3%), were significantly underpaid (46%), had excessive and unfair pay deducted from their wages (46%), or were forced to work 14 hours or more per day (73.4%), as illustrated in Figure 10. In total, 18.5% of the sample (n=46) never encountered any of the *purposes* of trafficking by this strict definition. Among the remaining individuals who experienced at least one form of the purpose of trafficking, 30.2% (n=75) experienced only one form; 14.5% (n=36) experienced two forms; 31.5% (n=78) experienced 3 forms; and 5.2% (n=13) reported having experienced all four.

Wages and payments. As with the construction of the *means* index, only conservative and objective measures are included in the construction of the *purpose of exploitation* indicator. For example, only individuals who never received any money (9.3%, n=23) were given a score of 1 for the trafficking index. However, another 27.4% of the sample (n=68) reported receiving their wages only after experiencing significant delays or problems, suggesting that the incidence of trafficking may be more widespread than these conservative measures suggest. Figure 11 illustrates how, as discussed in Analysis 1, delaying payment, while possibly being due in part to poor management or financial difficulty, appears to be an increasingly widespread mechanism to coerce workers who would otherwise choose to leave a job to stay and keep working, in the hopes of receiving the full payment due to them. Analysis 1 also found that only 11.2% of respondents received 9,000 Baht or more per month (approximately US \$257), the legal monthly minimum wage in Thailand, not inclusive of overtime. And, the average monthly wage reported by respondents was 5,957 Baht per month, which is 66% of the legal minimum wage.

Excessive working hours. With respect to the number of hours that fishermen are expected to work, the benchmark for determining *purpose of exploitation* references Thai law. The Ministerial Regulation Concerning Labour Protection in Sea Fishery Work B.E. 2557 (2014) mandates a 10-hour

Figure 10. Percentage of cases reporting indicators of the 'purpose' of trafficking.



rest every 24 hours, and 77 hours of rest in any seven-day period, meaning 14-hour work days maximum are allowed, as long as the total 77 hours of rest are granted within the course of the week. For the indicator used for this baseline, individuals who reportedly worked for over 14 hours per day were given a score of 1 on the *purpose* index. Of the 248 respondents in this sample, 75.8% (n=188) reported working 15 or more hours per day, and 80.2% (n=199) rated their working hours as "poor" or "very poor." See Figures 12 and 13 for objective and subjective measures of overwork.

FIGURE 11. TIMING OF PAYMENT REPORTED BY RESPONDENTS

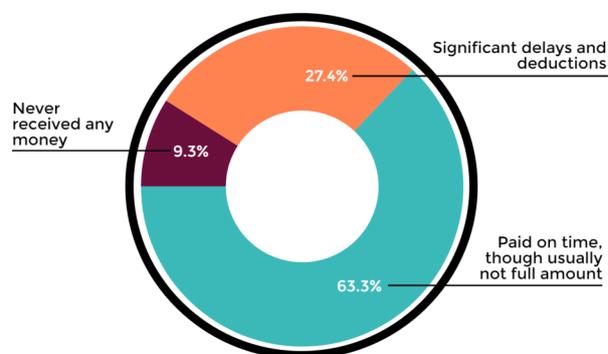


Figure 12. Subjective rating of working hours.

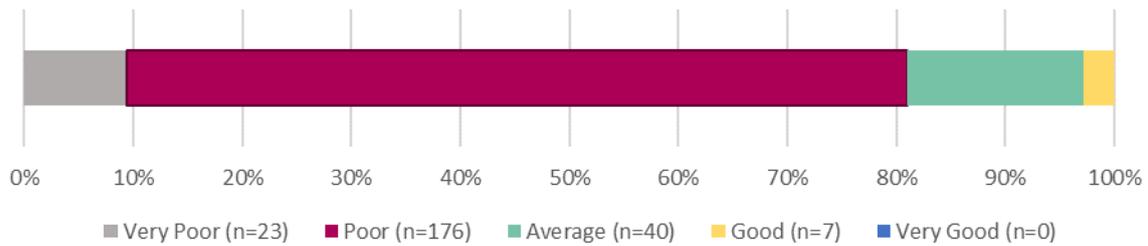
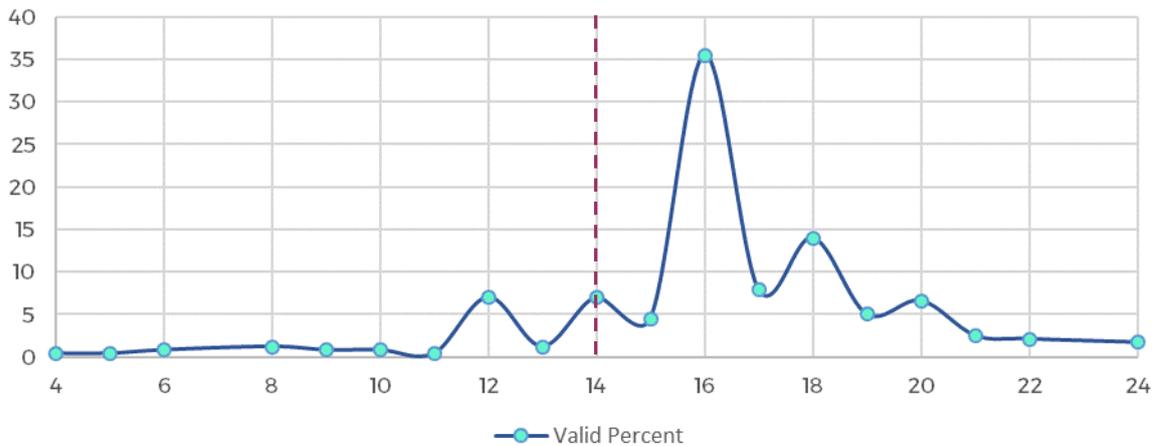


Figure 13. Percentage of respondents by reported number of hours of work per day (daily legal max of 14 hours noted in dotted line).



KEY FINDINGS: PREDICTIVE ANALYTICS EXAMINING RISK FACTORS FOR BEING TRAFFICKED ONTO A THAI FISHING VESSEL

THREE KEY RISK FACTORS

Multivariate regression models further examining the risk factors associated with being trafficked at sea are summarized in Table 2. Best-fit conditional, sequential binomial logistic regression analyses were constructed to model the effect of a range of predictive variables on the odds of being trafficked. Predictor variables included boat characteristics such as type of fishing vessel, duration of trip, the presence of Thai crew on the vessel, and the province of embarkation. A range of demographic variables were also included, such as age, educational attainment, marital status, ethnicity, and Thai language proficiency, as well as physical and mental health.

The predictive modeling reveals three factors that are statistically significantly associated with odds of being trafficked onto a Thai commercial fishing vessel:

- 1 **Vessel type:** Trafficking cases were over 11 times more likely to have occurred on trawlers, as opposed to purse seiners and other vessels ($p=.027$);
- 2 **Duration of time spent at sea:** Odds of trafficking decreased by 3% for every additional month spent at sea in a single trip. Thus, the odds of exploitation or coercion seems to slightly decrease as time at sea increases ($p<.001$); and,
- 3 **Presence of Thai crew on boats:** Burmese and Cambodian migrant fishermen on vessels that also had Thai general crew were over 70 times more likely to be exploited and/or abused, as compared to individuals who worked on boats without ethnic Thai general (non-supervisory) crew ($p=.018$).

Table 2. predictive risk modeling: risk factors for being trafficked onto a Thai fishing vessel

VARIABLE		ODDS RATIO	P-VALUE
BOAT CHARACTERISTICS			
TYPE OF BOAT	Trawler (ref.)	--	
	Purse seine	0.09	.027
	Pair trawler	0.38	*
	Squid boat	0.05	*
	Other	0.49	*
DURATION OF TRIP		0.97	<.001
THAI CREW ON BOARD		70.9	.018
DEMOGRAPHICS			
AGE		0.98	*
EDUCATION		0.92	*
ETHNICITY	Burmese	--	
	Dawei	0.42	*
	Rakhine	0.26	*
	Khmer	0.41	*
	Other	1.76	*
THAI LANGUAGE PROFICIENCY		1.01	*

* = not significant

INTERPRETATION OF RISK FACTORS

1. **Why might fishermen face lower risk of being trafficked on a purse seiner as compared with a trawler?** Further qualitative research could provide enriching insight on this question, but a review of some of the fundamental differences between these two vessel types suggests the following possible factors:

- Trawlers fish farther from shore than purse seiners, as they require deeper water to trawl. As such they are less likely to be inspected by or come into contact with authorities;
- Purse seine vessels have shorter trips with higher quality catch than trawlers, so they are less likely to transship catch or crew, a practice that limits the ability of crew to disembark on shore; and,
- Purse seiners are larger vessels with gear requiring a significantly larger crew than trawlers. It may be easier for an exploitative boat captain and/or net supervisor to control and possibly abuse a smaller foreign crew than a larger crew. In a related vein, a larger foreign crew may be potentially more threatening to the boat captain and supervisory crew than a smaller one.

2. **Why would the risk of being trafficked be lower on fishing trips of longer duration?** The duration of work trip (in months) was found to be statistically significantly associated with the odds of being exploited or coerced at the $p < .001$ level. While the finding is statistically significant, the degree of effect appears to be minimal. The inverse association detected between the duration of time at sea and the odds of being exploited or coerced suggests that the longer one spends at sea on a fishing vessel, the more protected one is from being exploited or coerced. The high level of statistical significance of the finding, yet the small degree of influence associated with duration of time at sea, indicates that more analysis and possibly data collection is needed to fully understand how time spent at sea is related to vulnerabilities among fishermen.

3. **Why might working on a mixed-nationality crew including Thais pose so much risk of abuse to Burmese and Cambodian fishermen?** In this study, the presence of Thai workers on a boat had the largest overall effect on the likelihood of being trafficked. Migrant fishermen who worked on boats with at least one Thai general crewman (that is, non-supervisory, non-specialist crew)

were 70 times more likely to be trafficked than those working on boats with no Thai crewmen. No other underlying causal factors (i.e., causing a spurious correlation) were detected, thus suggesting that Thai workers on the boat may be somehow participating in, or overseeing,

the exploitation of migrant fishermen. Follow-up research on this finding would be helpful to reveal the true role of Thai general crew in the exploitation of Burmese and Cambodian fishermen at sea, and if their involvement in the exploitation and/or coercion is widespread.

CONCLUDING THOUGHTS

The Thai fishing industry appears to face a number of systemic challenges to the elimination of human trafficking from the sector, including widespread debt bondage, overwork, and illegally low pay. Fortunately, these are issues that can be addressed through a range of different tactics, and through engagement by a range of different partners.

For example, illegally low wages and persistent overwork amount to forced labour and exploitation, which are crimes that can be addressed by the criminal justice sector. Additionally, they are violations of labour law that could be detected and addressed by labour authorities as well, who can also bring in law enforcement partners in cases where the exploitation is serious.

Global brands, retailers, and importers can also more strongly encourage their suppliers to uphold zero tolerance policies on forced labour and

human trafficking, shifting procurement to ethical suppliers and away from non-ethical suppliers. In fact, the supplier standards and codes of conduct used by most of the US and European supermarkets include specific points mandating that suppliers must abide by national laws, and not use forced or child labour—see, for example, the Base Code of the Ethical Trading Initiative, a key reference for most UK supermarkets⁸, as well as the Standards for Suppliers of Walmart⁹.

Again, as with Analysis 1, we conclude that global brands, retailers, and importers, Thai-based businesses, government, and civil society all have constructive roles to play to address and improve labour abuses in the Thai fishing industry. The recommendations section at the back of the report proposes some direct actions that can be taken.



ANALYSIS 3. COMPARATIVE ANALYSIS OF LABOUR RISK ON TRAWLERS VERSUS PURSE SEINE VESSELS IN THE THAI COMMERCIAL FISHING FLEET

OVERVIEW

The Thai fishing industry itself is often discussed as a single, homogenous entity facing the same challenges across the board. However, Thailand's Exclusive Economic Zones (EEZ) in the Andaman Sea and Gulf of Thailand are multi-species fisheries, and the nature of the industry that works them is as diverse as the geography and fish that define them. With nearly 10,000 vessels classified as 'commercial', ranging from 10 gross tons (GT) and above, employing many different fishing gears and methods targeting a wide range of species, it is helpful to understand how the diversity of fishing operations and gear creates a significant variation in working conditions, treatment, and other key aspects of work.

This 2016 comparative analysis of labour conditions by commercial fishing vessel type – primarily single trawlers, pair trawlers, and purse seine vessels – found that working hours were excessive and pay was often illegally low across all vessel types. However, levels of physical and psychological abuse varied by vessel type: 29.4% of the 17 men on pair trawlers (n=5) were physically abused, as compared with 16.9% of 59 men on single trawlers (n=10) and 13.5% of 163 men on purse seine vessels. (n=22) Characteristics of work and the nature of fishing on the different vessels – such as time at sea, waters fished, crew size, transshipping, and tighter profit margins – are explored as contributing factors to the higher risk of abuse found on trawlers versus purse seiners.

A DIVERSE INDUSTRY

The Thai fishing industry, like Thailand's fisheries themselves, is diverse. The great majority (78%) of the 42,512 vessels counted by the Royal Thai Government's most recent survey are considered 'artisanal'. These vessels are relatively small, from

less than 5 to less than 10GT, and are restricted to fishing within the government's designated Coastal Fishing Zone¹⁰. These operations tend to be family run, using small vessels operated by two or three individuals and generally only catching enough fish to sustain a family or sell small amounts into a local market. Therefore, the focus of this paper is on the remaining 22% of the industry classified as 'commercial', which provides the majority of employment in the sector, particularly for migrant workers, and accounts for almost all of the product entering international supply chains.

Vessels of 10GT and above are classed as commercial, and this category also covers a wide variety of vessel types, target species and crew sizes. In this study, the great majority of respondents surveyed worked on one of three types of vessels: purse seine vessels (*uan dam* in Thai), single trawlers (*uan lak* in Thai) and pair trawlers (*lak khu* in Thai). Significantly, these three types of vessels constitute nearly half (48%) of all commercial vessels in Thailand and 78% of the largest vessels weighing 60GT and above. According to the Thai Department of Fisheries (DoF), catch from trawlers and purse seiners makes up around 80% of the total catch from Thai vessels annually, accounting for 44% and 36% of total catch respectively.

Geography plays a significant role in the types of vessels operating from a given port. The majority of vessels calling in Samut Sakhon, for example, are purse seiners because they are not travelling far into the Gulf of Thailand to fish, whereas larger numbers of trawlers can be found in ports around Songkhla and Ranong, given their closer proximity to open, deeper water on Thailand's southern Gulf and Andaman coast.

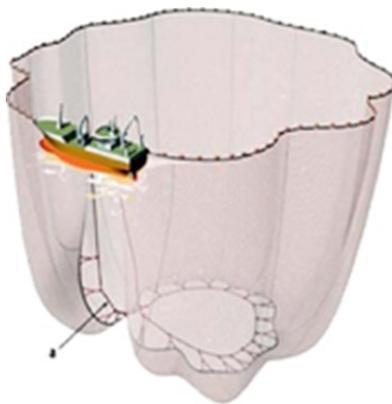
A Thai *uan dam* 'black net' purse seiner returns to port with its net arranged on the deck.



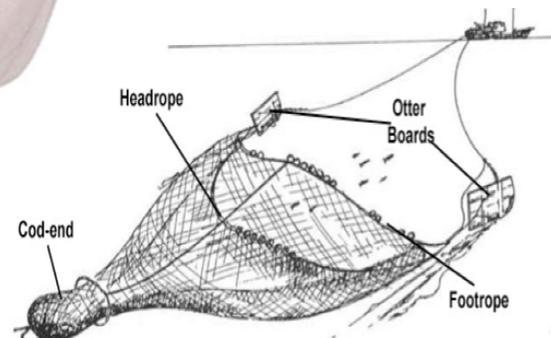
PURSE SEINE (*UAN DAM*)

Purse seine fishing vessels use a surrounding purse seine net that encircles a school of fish before the lead line is pulled in to close the net on the bottom ('pursing'), preventing the fish from escaping by swimming downwards. Purse seine nets are employed worldwide to catch species of fish that school in the middle of the water column ('pelagic'), ranging from small sardines to larger tuna. In Thailand, purse seiners are referred to as *uan dam*, or 'black nets', though more recently these nets are often green in colour. Depending on the mesh size of the nets, *uan dam* are able to target sardines and anchovy, as well as Indo-Pacific mackerel, scads and tuna using a variety of methods, including lights or other fish-aggregating devices (FADs) to attract fish to the area, and also more sophisticated sonar fish-finding techniques.

Purse seine crew sizes are generally much larger than those found on various types of trawlers due to the demands associated with regularly setting, closing and retrieving the nets, as well as sorting the catch. Crew sizes generally range from 10-30 crew, depending on the size of the vessel, with an average crew size of 33 among respondents in this study.



A standard encircling purse seine net (left) and otter board trawl configuration (below).



SINGLE TRAWLERS (*UAN LAK*)

Globally, single trawlers employ a number of variations on the trawl method, which can target both pelagic (mid-water) and demersal (on or near the bottom of the sea bed) species. These variations generally influence how the net is deployed from the vessel (that is, from the stern or side), how the net is kept open to allow fish in (using beams, otter boards, etc.), and where within the water column the net sits (pelagic vs. demersal). In essence, trawling involves a net that is open on one end and closed on the other being pulled through the water to gather fish.

In Thailand, all trawlers are classified as targeting demersal fish, meaning their gear is deployed on or close to the seabed. The vast majority of single trawlers in Thailand are otter boards. Otter board trawlers employ large wooden or steel boards on

either side of the large open end of the net, which help to keep the net open and funnel fish into it. These boards are dragged along the sea floor, helping to flush bottom-dwelling fish into the net. When in port, otter board trawlers can be identified by the large boards on deck at the stern of the boat.

Single trawler vessels generally have the smallest crew, with an average crew size of eight as reported by respondents in this sample, though in-port observations have recorded trawler crews of as few as four. Though requiring less crew than purse seiners, work aboard trawlers can be long and extremely difficult. Most trawler vessels conduct several trawls of up to four hours every day, in combination with other work on the vessel, including catch, sorting, and net repair.

The lack of selectivity, the distances covered by each trawl, and its proximity to the seabed means by-catch is particularly high, and often includes non-commercial species such as sharks, rays and turtles. As a result, trawl fishing can be extremely damaging to the environment, particularly when employing small mesh nets, which may capture small and juvenile fish. Trawl fishing can also damage the catch by crushing fish at the back of the net, meaning the catch landed is often of lower quality and value. As a result, 'trash fish' used to produce fishmeal comprise a substantial proportion of trawler catches.

Trawlers must also travel significantly further to find the deeper water fishing grounds they require, meaning trawler fishing trips are more often measured in weeks and even months, rather than days. This level of activity is also extremely fuel-intensive, with several multi-hour trawls per day at a fishing speed of three to four knots. When combined with the increased journey times to and from port, fuel costs become a critical concern for trawler operations. As a result, transshipment of catch and crew is more prevalent in trawler operations as a means of mitigating the need to expend fuel returning to port. It has been hypothesized that a higher prevalence of abuse may be found on trawlers because of this.



Trawler vessels in port. Note the red-brown doors on the back of some vessels, indicating otter board trawlers.

PAIR TRAWLERS (LAK KHU)

Pair trawlers operate in much the same way as single trawlers, targeting the same species and facing similar challenges regarding time at sea, travelling distance, fuel cost, and catch quality. However, instead of a single vessel towing the trawl net, the net is attached to two vessels operating a set distance apart and moving in tandem to tow it through the water to keep the mouth of the net open. These vessels can be the same size, though often one is much larger and acts as a 'mother ship', which transports the catch,

while the other remains at sea. As with single trawlers, transshipment of catch and crew at sea is also hypothesized to be widespread among pair trawlers, in order to mitigate the increased fuel costs associated with longer journeys and trawl operations generally.

The average crew size reported by respondents on pair trawl vessels in this sample was 15, which is larger than single trawlers, but significantly smaller than purse seine crews.



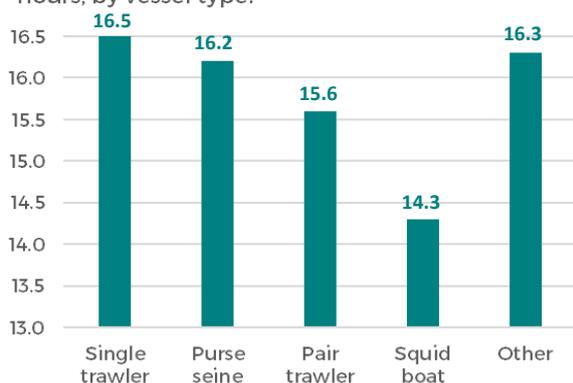
Two pair trawlers fish in tandem at a consistent distance and speed, dragging a net suspended between the two boats.

KEY FINDINGS REGARDING LABOUR RISK BY VESSEL TYPE

WORKING HOURS

Working hours are one of the labour outcomes that did not exhibit considerable variation by vessel type, ranging from an average of 14.3 hours per day on squid boats to 16.5 hours per day on single trawlers, as illustrated in Figure 14. The findings suggest that crew on all types of vessels are being made to work excessive hours, under both Thai and international law. Across all vessel types, Burmese and Cambodian crew worked an average of 16.2 hours of work per day at sea. Considering that Thailand’s Ministerial Regulation concerning Labour Protection in Sea Fishery Work B.E. 2557 (2014) mandates no less than 10 hours rest in a 24-hour period, it is clear that the average crew member is being made to work at least two hours more per day, nearly every day, than legally allowed.

Figure 14. Average reported daily working hours, by vessel type.



PREVALENCE OF PHYSICAL AND PSYCHOLOGICAL ABUSE

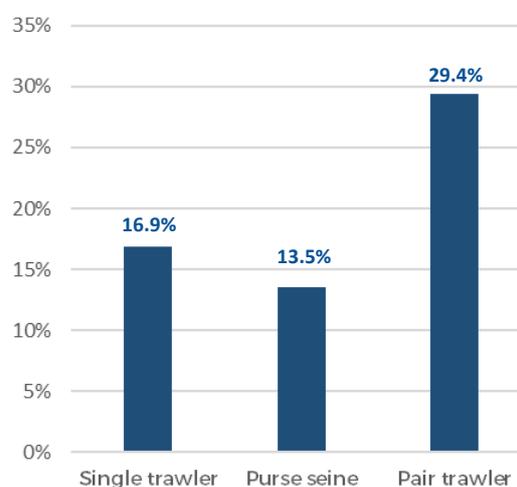
Figure 9, in Analysis 2, illustrated prevalence of reported and witnessed abuse, and witnessed murders, among fishermen respondents. The violence reported by respondents was primarily inflicted by net supervisors and captains, using a wide array of weapons including guns, knives, wooden sticks, fish baskets, large ropes, stingray tails, and fetters. Most of the murders that respondents were willing to describe in detail were related to gun-related deaths where fishermen were shot in front of their co-workers, and co-workers had to help carry the body and throw it into the sea.

Comparing reports of abuse by vessel type, 13.5% of respondents working aboard purse seine vessels report direct personal experience of physical abuse (22 of 163), compared with 16.9% of men working aboard single trawlers (10 of 59) and 29.4% of men working on pair trawlers (5 of 17).

Violence, threat of violence, and witnessing of violence are powerfully coercive tools by which abusers can control others, particularly fishermen spending long periods at sea. It is therefore important that we consider not only direct experience of physical abuse, but also the psychological abuse caused by witnessing or hearing about violence against fellow crew. Respondents working aboard both types of trawlers were considerably more likely to witness the abuse of a crewmate (40.7% or 24 of 59 for single trawlers, and 41.2% or 7 of 17 for pair trawlers) than those working on purse seiners (27%, or 44 of 163).

Reports of witnessing murder were considerably less than has been documented by UNIAP in 2009¹¹—although the 59% of fishermen witnessing murders was reported from a non-representative sample of victims rescued from long-haul Thai boats in Malaysia. While 13.6% (n=8) of the 59 men working on single trawlers and 14.7% (n=24) of the 163 men working on purse seiners reported hearing of murder, this was twice as prevalent amongst those working on pair trawlers, with 29.4% (5 of 17) reporting they had heard of murder at sea.

Figure 15. Physical and psychological abuse, by vessel type.

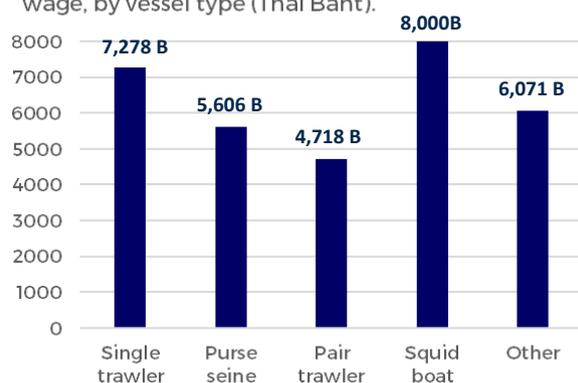


WAGES & PAYMENT

On page 11, it was reported that the average monthly wage reported by the 260 interviewed fishermen was 5,957 Baht/month (US\$166.80). In comparing wages of men according to their vessel type, it was found that respondents working aboard *lak khu* pair trawlers have substantially lower wages than other vessel types, with the average payment reported being 4,718 Thai baht per month (approximately US \$134). This is around 16% less than those working aboard purse seiners – who reported receiving an average of 5,606 Thai Baht per month (approximately US \$160) – and 36% less than those working on single trawlers, who received 7,277 Thai baht per month (approximately \$208) on average. The higher level of payment aboard single trawlers is interesting and may merit further investigation, although it is noteworthy that all of these amounts are below the legal minimum wage of 9,000 Baht per month (not including overtime pay, even though overtime is the norm as discussed in Analysis 1 and 2).

With regard to rates of non-payment and problematic or delayed payment of wages, 67.1% of the 163 purse seine crew received their wages on time and in full, compared with 49.1% of the 59 men working on single trawlers and 52.9% of the 17 men working on pair trawlers. The most significant disparity between vessel types emerges among respondents who reported not being paid at all for their work aboard these vessels – situations clearly amounting to forced labour. This practice appears to be relatively low amongst purse seine crew, only 6.2% of whom reported receiving no wages. Those working aboard single trawlers were almost twice as likely to not be paid (10.9%) as those on purse seiners, while 23.5% of all those working on pair trawlers reported not being paid, making them nearly five times as likely to go unpaid as those fishing on purse seiners.

Figure 16. Average reported monthly wage, by vessel type (Thai Baht).



PAYMENT SCHEMES

In the global fishing industry there are generally two types of payment schemes for crew: a flat hourly or daily rate, and a percentage share of the catch ('catch sharing'). There exists considerable debate around the relative advantages and disadvantages of either scheme, and many fishers, particularly those working in higher value fisheries, prefer to share a percentage of the catch. In these cases, catch sharing can be more lucrative, provided the fisher is entitled to a reasonable percentage of the catch and the catch is of higher value.

However, these arrangements can sometimes be opaque and are open to abuse, particularly where the fisher is unaware of the catch volume or does not have a pre-agreed contract stating the percentage they are entitled to. In some cases, which are potentially relevant to Thailand, catch sharing can be used by vessel owners as a way of paying crew properly only when the vessel is profitable, thereby minimising the owner's risk.

In general, this aspect of the industry needs to be better understood, and better regulated to ensure crew are not being underpaid for a poor catch over which they have very little control. Ideally, fishers would always be paid in accordance with the national minimum wage as a floor, with the catch share added to that.

The survey findings provide some insight into the prevalence of different payment schemes within the industry. It is interesting that the highest proportion of crew receiving a share of the catch is aboard purse seiners (32.5%, or 53 of 163), as compared with single trawlers (22%, or 13 of 59) and pair trawlers (17.6%, or 3 of 17). This may be the result of a more stratified hierarchy owing to larger crew sizes, as it is generally only longer-serving crew who are offered this arrangement, though it is unclear at what stage crew are usually offered this option. The higher quality of purse seine catches combined with more regular landings may also make this option more appealing on these types of vessels. Further investigation is required to provide a fuller understanding of the distribution of payment schemes aboard different vessels.

ENCOUNTERS WITH THAI AUTHORITIES

The survey gathered information on the frequency of contact with different Thai authorities at port and at sea, but generally this information was difficult to collect because crew were often not clear about exactly which authority they were dealing with, or when exactly these encounters took place in relation to when the government's new, more comprehensive inspection regime came into force.

The Issara field team had prepared an extensive reference sheet with photos of all the different uniforms and sea vessels of different authorities in Thailand and other countries, and the most significant and well-supported findings related to encounters with the Thai Navy at sea. Thai Navy were clearly identifiable by most respondents by their uniforms and vessels, and have a significant presence of inspection vessels at sea. Under Thailand's recent fisheries reforms, the government has set a 10% inspection target for all vessels at sea, which is being led by the Navy. The survey found that 68.1% of respondents who had worked on single trawlers and 64.2% of respondents working on purse seiners had encounters with the Thai Navy at sea by crew, while only 36% of respondents working on pair trawlers had similar encounters. These findings also support a number of reports by fishing vessel owners that many unregistered or illegal trawlers are remaining at sea and fishing on the edge of the patrol areas in order to avoid inspection.

Considering the higher risk of abuse to crew working on pair trawlers compared with their counterparts aboard single trawlers and purse seiners, the disparity in rates of contact with the Thai Navy seems particularly worthy of note. As noted, pair trawlers fish considerably further out to sea and for longer periods of time than purse seiners, which are more likely to encounter authorities. Furthermore, the nature of pair trawling, involving at least two vessels, and often multiple vessels supplying a 'mother ship' for transporting fish, means that these vessels are able to remain at sea longer and continue fishing far from shore by transshipping catch and crew with other vessels.

TRANSSHIPPING & VIOLENCE

One remarkable finding of the survey is the association between transshipping of catch and crew at sea with the prevalence of abuse. Transshipping at sea has become integral to the Thai fishing industry to mitigate high fuel costs associated with returning to port, and allow vessels and crew to remain productive. Partly the result of decades without official oversight, it has also long been considered a means by which unscrupulous and illegal operators can avoid official scrutiny, stop crew from escaping, and continue to profit from unregistered or illegal vessels by remaining at sea for prolonged periods. The government has attempted to crack down on this activity by requiring vessels to obtain authorisation before transshipping, but transshipment authorisation documents are worryingly rare considering the prevalence of the practice.

However, the association between transshipment at sea and the prevalence of physical and psychological abuse suggests that combatting unauthorised transshipments may also have a significant impact on the levels of abuse suffered by crew. Of the respondents who reported transshipment of their *catch* at sea, 44.4% reported being abused (8 of 18), making them more than three times more likely to be abused than those who did not report transshipment of catch, only 12.8% of whom reported abuse (31 of 242). However, amongst the five respondents who reported transshipment of *crew* at sea, 100% also reported suffering abuse, compared with 13.3% who were abused but did not experience transshipment of crew at sea (34 of 255). This suggests that transshipment of catch and especially of crew at sea is, in fact, associated with more abusive operators.

This notion is further supported by findings that the vessels with the highest prevalence of abuse, single and pair trawlers, are also significantly more likely to engage in transshipment of both catch and crew. Those working aboard single and pair trawlers were more than twice as likely to have experienced transshipment of catch, at 10.2% and 11.8% reporting respectively, compared with 4.3% working on purse seiners. For transshipment of crew, a practice that should be considered higher risk since it enables vessels to remain at sea almost indefinitely, single and pair trawlers were respectively three and six times more likely to engage in transshipment of crew than purse seiners, where only 1.2% of men working on purse seiners reported ever experiencing transshipment of crew at sea.

ANALYSIS: KEY FACTORS THAT MAY LEAD TO ABUSE ON THAI FISHING VESSELS

As mentioned, the data demonstrate that the highest prevalence of abuse and violence is aboard *lak khu* pair trawlers, with nearly 30% of respondents who worked on pair trawlers reporting direct experience of physical abuse, as well as the largest proportion of those experiencing other factors such as witnessing abuse or hearing about murder. By considering the characteristics of pair trawling operations, a series of risk indicators begins to emerge. Interestingly, many of these characteristics are also shared by single trawl operation, which provides insight into why this type of vessel exhibits the second highest prevalence of abuse in the survey.

ISOLATION

Pair trawlers, and to a similar extent single trawlers, operate far from shore for weeks or months at a time, leaving crew isolated. The relatively low level of contact with officials further compounds and confirms this sense of isolation. The distance from land also makes it incredibly unlikely that crew will be able to obtain a mobile signal to communicate with shore, while other forms of communication are largely unavailable to crew. This sense of isolation and the knowledge of an extended period at sea may make crew more susceptible to and more easily controlled by violence or the threat of violence. Significantly, very few of these factors exist among the purse seine fleet, who often fish close enough to shore to pick up a mobile signal and return to port fairly regularly, as well as having considerably more contact with authorities.

TRANSSHIPPING

Adding to the sense of isolation and distance while contributing to extended or indefinite periods at sea, transshipping is common practice across the industry, and is built into the pair trawl business model. Multiple vessels transshipping catch, crew and supplies with a 'mother ship' at sea allows vessels to avoid returning to port, a practice that particularly appeals to operators attempting to avoid official scrutiny. As has been observed, there

appears to be a direct relationship between transshipping and the prevalence of violence in Thai fishing industry, with the highest risk vessels also the most likely to engage in transshipment of catch and crew at sea. Again, this is a practice that is largely unnecessary amongst the purse seine fleet.

CREW SIZE

Crew sizes are dependent upon the size of the vessel and type of gear employed, and may be significant in at least three ways with regard to labour. The first regards living conditions where crew numbers can be checked against the size of the vessel and its capacity. While large crew sizes are not a definitive indicator of poor living conditions, large crew sizes on vessels ill-equipped to cater to them certainly are. Second, the Thai Department of Fisheries is currently gathering information on both minimum and maximum crewing levels for every vessel, so that crew numbers can be checked against this information. Once available, these metrics can provide an indicator of possibly unsafe or excessive working conditions where crew numbers are inadequate and unsuitable living conditions where crew numbers are excessive.

Third, there appears to be some association between crew size and the prevalence of abuse. While this is not conclusive, it is worth considering the effect that larger crew sizes may have on the propensity of senior crew towards violence or other forms of abuse. As discussed, purse seiners have a significantly lower prevalence of abuse than single or pair trawlers, as well as a considerably larger crew. It is possible to imagine that a smaller crew fishing in more isolated areas, unable to communicate with the shore, and facing the prospect of many weeks at sea could be more easily controlled through violence and other forms of abuse. Equally, the heavy-handed treatment of a crew of 30 or more on a trip of just a few days may present more of a risk to senior crew than they are willing to accept.

CONCLUDING THOUGHTS

HIGH OVERHEADS, TIGHT PROFIT MARGINS, AND LABOUR SHORTAGE

The nature of trawl operations requires significantly more fuel, in both the distance travelled to fish and the act of fishing itself. Fuel is a fixed and often increasing cost, which operators have little control over. Transshipment is widely used in order to mitigate these costs, which increases the risk of abuse. High overheads, particularly high fuel consumption, should therefore be considered a risk factor for an increased likelihood of abuse.

Due in part to the fuel demands of trawl operations, as well as the often low quality and value of the catch, fluctuating raw material prices and, recently, dramatically increased reporting and administrative requirements associated with Thailand's fisheries reforms, the profit margins for

trawler operators can be extremely tight. As in many industries around the world, this can lead to labour being viewed as one of the few areas where savings can be made, leading to under or non-payment of wages and excessive working hours for increased output.

Finally, the entire Thai fishing industry continues to suffer a labour shortage for a number of longstanding reasons. However, due to the nature of trawl fishing, including long periods at sea, excessive hours, poor pay and higher levels of abuse, the shortage is acutely felt in this section of the industry in particular. According to some vessel owners, the difficulty recruiting and then retaining crew has led some to favour keeping crew at sea for prolonged periods so they are unable to escape, as discussed in greater detail in Analysis 1.



RECOMMENDATIONS

RECOMMENDATIONS: DRIVING REFORM GROUND-UP AND TOP-DOWN

In line with the UN Guiding Principles on Business and Human Rights (also known as the Ruggie Principles)³, global brands, retailers and importers, Thai-based businesses, government, and civil society all have constructive roles to play to address and improve the working environment in the Thai fishing industry. Fundamentally, there is a need to drive behaviour change among vessel owners, boat captains, and net supervisors. Identifying incentives and disincentives to bring about desired change for these actors is critical to achieving desired industry-wide change—specifically, legal and fair business operations, monitored improvements verified by workers, enforcement of laws, and elimination of labour exploitation.

INTERNATIONAL RESPONSE

Media, advocacy groups, and consumers are increasingly applying pressure on global brands and retailers by tracing and publicizing the supply chains of businesses who source seafood from vessels with unethical working conditions. Multi-national corporations, driven by potential loss of shareholder and brand value as well as ensuring that their business ethos/supplier codes of conduct are being upheld, make sourcing decisions that take into account these risks, as well as the prospects for timely change and reform. As good corporate citizens, opportunities to try to improve the business environment should be pursued by these global brands and retailers before more drastic decisions are made, such as cutting suppliers or pulling out of a country altogether. If

buyers simply source elsewhere, vessel-level reforms are not likely to take place and the working conditions for fishermen are not likely to be improved. Global brands and retailers, alongside importers, are therefore encouraged to:

- ☑ **Ensure that suppliers operate within the law**, including, at minimum, that fishermen have contracts, payslips, and timesheets recording hours and payments that are legal, and that all workers have control over their identity documents; and,
- ☑ **Look to and scale up on-the-ground solutions** (see next page) that will increase visibility and strengthen their supply chains down to the vessel level.

LAW ENFORCEMENT & REGULATORY RESPONSE

Generally, it is the responsibility of government to ensure that protections for workers are in place and that law enforcement and policy regulation is effectively being carried out. A business-led supply chain response to improve working conditions will only go so far if the enabling environment is not conducive to reforms, otherwise the risks of operating in that locale outweigh the benefits. The reputational risk (perceived or actual) then comes into question, which can impact the stability and longevity of the entire industry. Recently, the Royal Thai Government has taken widely documented steps to reform the laws surrounding the seafood industry (discussed in Series Paper 1¹²). It is now primarily a matter of the Thai Government enforcing these laws, prosecuting perpetrators of forced labour, and filling the remaining gaps in implementation, specifically:

- ☑ **Proactively investigating and punishing the widespread debt bondage and systematic illegally low underpayment and overwork** found in the Thai fishing industry, through both criminal and labour law sanctions; and,

- ☑ **Reforming policies that allow employers to restrict the free movement of fishermen**, for example the 2010 Cabinet Resolution prohibiting workers from changing employment without a permission letter from their current employer—particularly in light of the overall context of the industry’s labour shortage.

Further, as highlighted in this study, evidence suggests that trawlers are not being inspected as regularly as purse seiners, perhaps because they fish further away. Regulatory authorities should therefore ensure that:

- ☑ **Its 10% inspection target includes a breakdown of vessels by gear type** and that the number of inspections are proportionate to the total number of vessels employing each gear. Inspection reports should include the numbers of each type of vessel inspected to ensure that inspections accurately reflect the range of vessels in the Thai fleet.

- Trawlers in general, and pair trawlers in particular, should be considered a higher priority than other types of vessels.***
 Following its commitment to intelligence-led monitoring and inspections, the government should prioritise thorough inspections of trawler vessels, including confidential and ethically conducted crew interviews with appropriate interpretation assistance.

ON THE GROUND RESPONSE

The response and actions of industry also needs to involve government in order to support foreign investment, provide a level playing field, and enforce regulations to make the industry competitive and attractive. Efforts from organizations such as the Seafood Sustainable Supply Chain Task Force and International Labour Organization, for example, are seeking to bring about sectoral changes and improvements. Civil society organizations are also seeking to improve awareness of migrant workers' rights.

Individual businesses need to ensure that their own operations are meeting, at minimum, Thai legal requirements as well as the codes of conduct required by their customers. Industry leaders and associations can proactively support improvements in their own supply chains and develop coordinated actions that demonstrate an industry-wide response and commitment to reform, to maintain competitiveness in the global market. Furthermore, businesses should ensure that proper assistance and restitution is offered to fishermen who are exploited in their supply chain. Practical change can be achieved through a number of approaches, including:

- Distributing practical information to migrant workers that can empower them even in environments where migrant workers are not very empowered*** – for example providing “new job orientation” information from current fishermen to new fishermen (through video and social media) in their native language, on the realities and basics of working on Thai trawlers and purse seine commercial fishing vessels, to attempt to avoid some of the violence that comes with “training” of new recruits –

- End unauthorised transshipment.*** Given the higher prevalence of transshipment amongst trawlers, and survey findings linking transshipment with likelihood of abuse, the government is encouraged do more to end unauthorized transshipments at sea. For example, logbooks could be checked against historical VMS data to cross-check and verify the locations where the vessel was fishing, and that the catch was not transshipped without authorization.

and, how to get out of the job if it is not a good match for the worker;

- Training local businesses, fishing associations, and labour department authorities*** on how to better recruit, train, manage, and retain fishermen, and how to monitor and respond to requests for assistance when abuses are reported, including less direct means of exploitation such as employer denials to provide resignation permission letters;
- Introducing Issara Inclusive Labour Monitoring (ILM)***, whereby workers have improved communications channels (worker voice) to identify labour issues and inform the improvements that need to be made in a workplace or industry;
- Prioritizing ILM and worker voice communications at sea, particularly real-time connectivity of fishermen at sea***— efforts are currently underway to develop satellite-based communications technology to enhance how captains and skippers report their catch in real-time, for better traceability. These same technologies could also be adapted to provide crew with real-time communications connectivity as well, thereby allowing them to report issues or request assistance if needed.
- Recognizing and incentivizing vessel owners and boat captains*** with strong track records that respect the rights of fishermen, provide good safe working conditions, and attempt to retain fishermen through positive retention strategies rather than control tactics;

- ☑ ***Strengthening ethical recruitment channels and access to information*** for migrant workers to reduce the prevalence of workers entering into work already in debt bondage situations;
- ☑ ***Increasing visibility and accountability of local officials*** who have responsibility over the management of fisheries in their jurisdiction; and,
- ☑ ***Providing support for exploited fishermen*** to safely exit exploitation, find safe work, reunite with family, and get back on their feet. These are modest investments with dramatic impacts on the lives of exploited fishermen in the initial months of their recovery.¹³

The Thai fishing industry already has most of the building blocks to reform. In line with the Ruggie Principles, it is the responsibility of government and business, both local and global, and with collaboration with civil society and workers themselves, to drive change through the supply chain down to fishing vessel owners to conduct legal and fair business operations, monitor improvements verified by workers, and reward improvements made—as well as enforce existing laws, prosecute perpetrators of forced labour, and disincentivize continued labour exploitation.

ENDNOTES

- ¹ Thai Department of Fisheries Ministry of Agriculture and Cooperatives (2015). *Marine Fisheries Management Plan of Thailand, A National Policy for Marine Fisheries Management 2015-2019*. Thailand: Thai DOF.
- ² International Organization for Migration (2011). *Trafficking of Fishermen in Thailand*. Bangkok: IOM.
- Human Rights Watch (2010). *From the Tiger to the Crocodile: Abuse of Migrant Workers in Thailand*. New York: Human Rights Watch.
- CNN Freedom Project (April 2011). *Enslaved on 'ghost ships.'* <http://thecnnfreedomproject.blogs.cnn.com/2011/04/04/enslaved-on-ghost-ships/>
- Al Jazeera Fault Lines (2016). *A trafficked fisherman's tale: 'My life was destroyed.'* <http://www.aljazeera.com/indepth/features/2016/03/trafficked-fisherman-tale-life-destroyed-160303122451399.html>
- Associated Press (April 2015). *Over 300 slaves rescued from Indonesia island after AP investigation into forced labour.* <https://www.ap.org/explore/seafood-from-slaves/over-300-slaves-rescued-from-Indonesia-island-after-ap-investigation.html>
- The Guardian (June 2014). *Trafficked into slavery on Thai trawlers to catch food for prawns and Revealed: Asian slave labour producing seafood for supermarkets in US, UK.* <https://www.theguardian.com/global-development/2014/jun/10/-sp-migrant-workers-new-life-enslaved-thai-fishing>
- Labour Rights Promotion Network (2015). *Thailand Trafficking Case Studies*. Samut Sakhon: LPN.
- ³ United Nations Office of the High Commissioner for Human Rights (2011). *UN Guiding Principles on Business and Human Rights*. Geneva: UN-OHCHR.
- ⁴ Landry, Pierre F and M Shen (2005). *Reaching Migrants in Survey Research: The Use of the Global Positioning System to Reduce Coverage Bias in China.* *Political Analysis* Vol. 13 (1): 1-22.
- ⁵ Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University and International Labour Organization (ILO) (2014). *Employment Practices and Working Conditions in Thailand's Fishing Sector*. Bangkok: ARCM and ILO.
- ⁶ United Nations (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*. United Nations General Assembly - <http://www.osce.org/odhr/19223?download=true>
- ⁷ Ibid.
- ⁸ Ethical Trading Initiative (1998). *Ethical Trading Initiative Base Code*. London: ETI.
- ⁹ Wal-Mart Stores, Inc. (2012). *Standards for Suppliers of Walmart*. <http://cdn.corporate.walmart.com/1e/6e/8ccddc7a4db28195534b85fec528/standards-for-suppliers-english.pdf>
- ¹⁰ For the Gulf of Thailand the Coastal Fishing Zone runs from the mean low water line to 6 nm (11.11 km), and the Coastal Fishing Zone for islands runs from the mean low water line to 3 nm (5.56 km). For the Andaman Sea, the Coastal Fishing Zone runs from the mean low water line to 3 nm (5.56 km), and the Coastal Fishing Zone for islands runs from the mean low water line to 1.62 nm (3.00 km).
- ¹¹ United Nations Inter-Agency Project on Human Trafficking (2009). *Exploitation of Cambodian Men at Sea*. Bangkok: UNIAP.
- ¹² Issara Institute (2016). *Current & Potential Impacts of Legal Reforms on Businesses and Workers in Thailand's Fishing Industry*. Bangkok: Issara Institute.
- ¹³ Please see feedback from assisted victims of trafficking on fishing boats: <https://www.youtube.com/watch?v=zCKvslvgeVE>

Issara Institute is an independent U.S. not-for-profit corporation based in Thailand, Myanmar, and the United States tackling issues of trafficking and forced labour through data, technology, private sector partnerships, and innovation. People—including worker voice and feedback—are at the center of Issara’s data and intelligence work, and at Issara Labs we conduct a wide range of research, analytics, and technology development related to human trafficking in global supply chains—the people, the policies, the impact, and how to eliminate it.

International Justice Mission (IJM) is a global organization that protects the poor from violence throughout the developing world. IJM partners with local authorities to rescue victims, bring criminals to justice, restore survivors and strengthen justice systems. In Southeast Asia, IJM has worked with authorities in Cambodia, the Philippines and Thailand to rescue and restore more than 1,950 victims of trafficking, and to facilitate the arrest of more than 1,025 suspects and the convictions of more than 370 criminals. Around the world, IJM’s work is helping to protect more than 21 million people from violence.



Issara means **freedom** > [Www.issarainstitute.org](http://www.issarainstitute.org)