

ITF-FRN THAILAND NATIONAL FISHER CONDITIONS SURVEY FINDS FORCED LABOR, SEVERE EXPLOITATION, POOR ENFORCEMENT OF ILO CONVENTION 188

A comprehensive national survey by the International Transport Workers' Federation's Fishers Rights Network (ITF-FRN) of more than one thousand (I,000) migrant fishers in Thailand in November and December of 2023 details disturbing findings regarding working conditions in the Thai fishing industry. Survey results reveal an industry where fishers are rarely paid on time according to Thailabor law, identity documents are held by employers, most fishers arrive to Thailand in severe debt bondage, do not have a copy of their employment contract, and face violent reprisals for reporting labor abuse or health and safety violations.

Despite Thailand ratifying ILO Convention 188 (Work in Fishing) four (4) years ago and issuing policies that should protect fisher rights, exploitation is rife throughout the industry. Ineffective inspection and enforcement of C188 has allowed health and safety conditions on vessels to deteriorate, injuries and deaths at sea to increase, and exacerbated the perception that Port-In Port-Out (PIPO) enforcement teams can't be trusted to sanction vessel owners who break the law.

The PIPO system is poorly administered and inspection statistics are woefully inaccurate, creating the perception that vessels are not violating Thai law or C188. However, fishers working on these vessels report that most do not have adequate clean water onboard, lack fully stocked and accessible first aid kits, and are forced to work excessively long hours without adequate rest. These dangerous and unhealthy working conditions not only violate human rights—they violate existing labor law and are clear indicators of forced labor conditions.

Over 98% of fishers in Thailand are poorly educated male migrant workers from rural Myanmar or Cambodia, a demographic that faces intense discrimination and intimidation when attempting to submit complaints—and risks severe retribution—including violent beatings, death threats, arrest, deportation, and blacklisting. Additionally, crucial internationally recognized labor standards such as Freedom of Association and Collective Bargaining (ILO Conventions 87 and 98) are not observed in Thailand for migrant workers, freedom of movement restrictions are pervasive, and migrant workers lack any legal right to form their own union. These survey findings underscore the urgent need for comprehensive and effective interventions to address the unacceptably inhumane systemic challenges facing fishers.

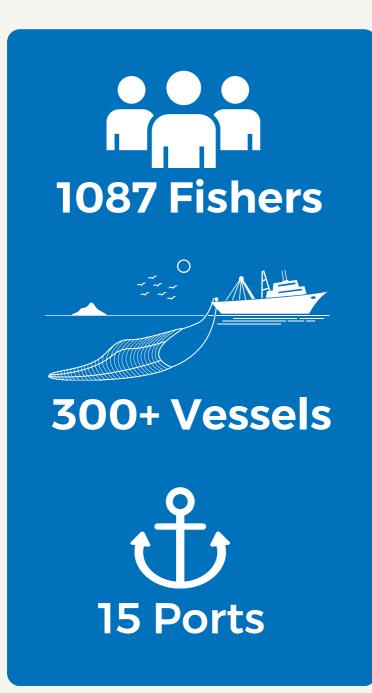
SURVEY METHODOLOGY





Assumptions

- 1. Despite Thailand ratifying ILO Convention 188 (Work in Fishing) four years ago and issuing policy to protect fisher rights, fishers still face exploitative living and working conditions onboard Thai fishing vessels
- 2. The PIPO system is poorly administered and inspection statistics are woefully inaccurate
- **3.** 98% of Fishers in Thailand are migrants from Myanmar and Cambodia (Burmese or Khmer)





Survey was conducted over a 7-week period from November to December 2023 in 15 ports in Thailand



Surveys were facilitated by FRN Organizers in a safe and comfortable environment, free from management oversight



Surveys were conducted in fishers native language



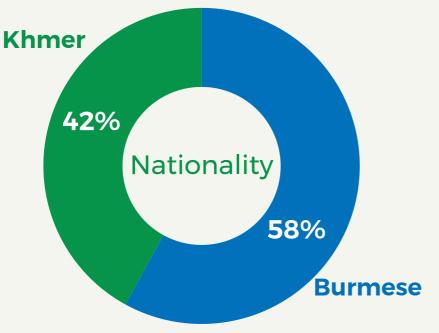
Surveys were comprised of 16 questions (multiple choice, yes/no, and fill in the blank). Average survey length was 5 to 10 minutes



Responses were compiled digitally through an online form

DEMOGRAPHICS

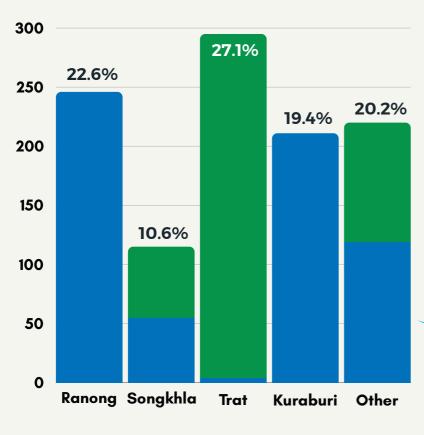




Work Experience

< 2 Years	† †	13.6%
2-5 Years	ŤŤŤ	23.9%
6-10 Years	titi	34.1%
11-15 Years	† ††	18.5%
16-20 Years	İ	7.0%
21+ Years	rin I	2.9%

Location Breakdown





MAIN SURVEY FINDINGS



This Shocking Overview of the FRN National Fisher Conditions Survey Findings Demonstrates the Dire Conditions Prevalent Throughout the Thai fishing industry. It is Clear from These Results that Thailand is Failing to Effectively Implement or Enforce Existing Laws, Regulations, and International Conventions that Should Ensure Humane Conditions.



Document Retention

Fishers do not possess any of their own identity documents



Debt Bondage

Fishers owed money to their boat owner for document "fees" or salary "advances"

99.4%

Illegal Payment Structures

Fishers are not paid monthly by bank transfer according to Thai law

70.4%

Inadequate and Inaccessible First Aid Kit

Fishers do not have a fully-stocked and accessible FAK onboard



Inadequate Hours of Rest

Fishers work in poor conditions, with almost none getting legal amounts of rest



Not Enough Water

Fishers do not have enough clean drinking water onboard

98.3%

Fishers Don't Trust PIPO

Fishers don't believe PIPO identifies and corrects problems

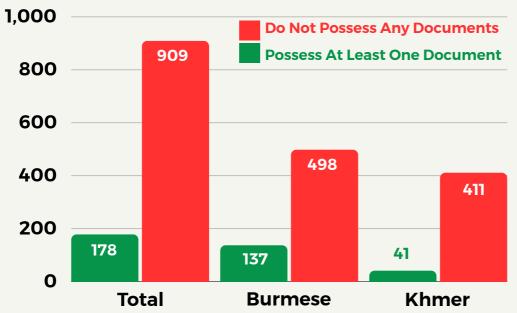
DOCUMENT RETENTION

83% of Fishers Report Document Retention by Captain or Vessel Owner—an ILO Forced Labor Indicator

Survey findings indicate that 83.6% of fishers have their personal documents (passports, work permits, identity certificates, employment contracts, bank cards and bank books) held by the vessel captain or owner. Generally, all crew members' documents are stored by the employer onshore or locked in the captain's cabin, and fishers reported that they are only allowed to physically hold their documents during PIPO inspections—when they are temporarily distributed for inspection formalities before being recollected and locked away.

Document retention is utilized by boat owners to bind fishers to their current job, impeding them from voluntarily leaving or finding other employment. In violation of legal and ethical standards, most vessel owners insist that fishers must work off conjured exorbitant "debts" or "document fees" before regaining access to their documents. Document retention is often rationalized under the pretext of "safekeeping," citing concerns about potential loss, theft, or damage. However, this serves as cover for blatantly exerting control over fisher movement, the ability to change employers, access timely payments, freely transfer or remit earnings, and report abuse. This violates fishers' fundamental human rights and heightens the risk of debt bondage and forced labor—underscoring the urgent need for effective enforcement of laws and policies intended to protect fisher rights.

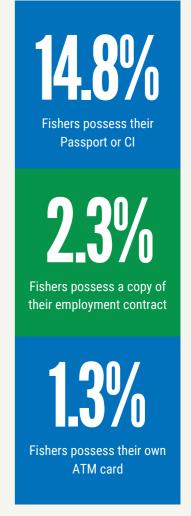
Fisher Identity Documents Analysis



Also of note is that only 2.3% of fishers said they had a copy of their employment contract, a significant decrease from the already abysmal 13% reported in FRN's 2021 Contracts Survey <u>Report</u>.



85.60/0
Fishers do not possess any of their own identity documents



DOCUMENT RETENTION



KURABURI CASE STUDY-DOCUMENT RETENTION AND PHYSICAL ABUSE

October 2023—A fisher, seeking assistance from FRN, reported being threatened and physically assaulted by his captain following a dispute over on-time payment. FRN aided the fisher in going into hiding and reporting the incident to PIPO-Kuraburi via phone and email. The PIPO office demonstrated effective communication and collaboration throughout the process, ultimately resulting in the fisher obtaining his identity documents, enabling him to leave his employer in search of new employment.

However, the process encountered challenges, as PIPO initially arranged a face-to-face negotiation between the fisher and the captain (the abuser) for an informal settlement. The proposed settlement overlooked the physical abuse and attempted to coerce the fisher into paying to retrieve his documents. Initially, the fisher was to receive only copies of his documents until he settled an alleged 18,000 baht debt (reduced from the captain's claim of 28,000 baht) for document "fees," despite the absence of a written receipt.

Following persistent efforts from FRN, the fisher successfully asserted his fundamental right to possess his documents without any associated cost.



While this case concluded as a victory for the fisher, it sheds light on a prevalent issue in the industry: the intertwining of document retention with debt bondage, often overlooked and sometimes facilitated by PIPO through informal and unreported settlements.

CHUMPHON CASE STUDY-DOCUMENT RETENTION AND PHYSICAL ABUSE

January 2024—An FRN member reported being severely beaten by his captain with an iron pipe in full view of the vessel crew for refusing to work after not being paid on time. The fisher reported the abuse and retention of his identity documents, bank book, identity certificate, and ATM card to PIPO and the Department of Employment, but was told that his vessel owner claimed he owed 30,000 THB (~\$1000 USD) in document "fees" that needed to be paid in order to return his documents and "allow" him to change employers. No investigation of the abuse was pursued by officials, and no crew or witnesses were contacted for any statement, despite the fishing vessel being frequently in port.

FRN staff interviewed the fisher and took his official statement, that reported he and other crew had been beaten many times by the captain or foreman onboard the vessel and on shore, and that all crew identity and employment contracts were retained by the captain without fisher access. He said fishers were always paid in cash directly, and were not allowed access to bank accounts or ATM cards that were set up by their employer.

FRN staff reported the case and information to PIPO officials in Chumphon, who were familiar with the case (some had been present when the fisher first reported the abuse). No official case file was prepared, and the remedy suggested was to facilitate an informal discussion between the captain and the fisher.



This highlights the tendency of PIPO teams to create intimidating and confrontational situations for fishers who report abuse—demanding as a first step that fishers meet face to face with their accused abuser to try and "settle" the dispute. FRN insisted that this was not acceptable, and requested that PIPO intervene to secure his documents until the dispute could be properly investigated. The vessel owner was called by the PIPO team and all documents were delivered to the office, and subsequently returned safely to the fisher. In "exchange" for agreeing not to pursue labor abuse charges, the 30,000 THB "debt" was eliminated and the vessel owner agreed to sign off on his transfer to another employer.

WIDESPREAD DEBT BONDAGE

Approximately 90% of Fishers in Thailand are in Debt to Their Employer, Placing Them at High Risk of Debt Bondage—an ILO Forced Labor Indicator

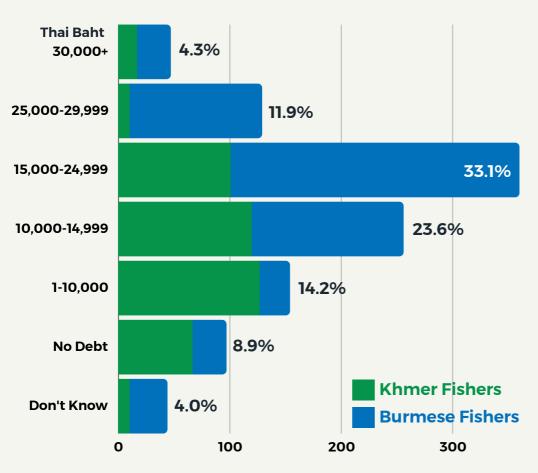
87% of fishers surveyed reported that they are in debt to their employer for document "fees" and cash "advances." Most (68.6%) reported debt between 10,000 to 30,000 THB (\$280 to \$900 USD). Fisher employment contracts in Thailand average 9,000 to 10,000 THB (\$250 to \$280 USD) per month, making it extremely difficult to "pay back" such exorbitant amounts within a reasonable timeframe.

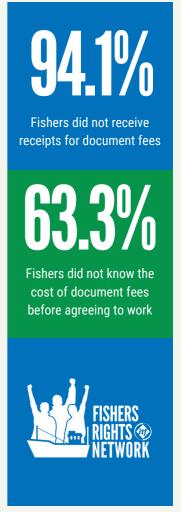
Compounding these issues is a pervasive lack of transparency, with 63.3% of fishers unaware of their document costs or "fees" before employment, and a staggering 94.1% reporting not receiving any receipts detailing how these "fees" were calculated. These survey findings indicate that debt and deception remain widespread practices implemented by vessel owners and captains to control fishers. PIPO inspections and interviews should identify this pervasive problem, but interviews—if conducted at all—remain surface-level and fishers are in many cases unaware their rights are being violated.



670/0
Fishers owed money to their boat owner for document fees or salary advances

Debt for Document "Fees" and "Advances"





REQUIREMENTS TO CHANGE EMPLOYER LEGALIZES MODERN-DAY "SLAVE TRADE"

Approximately 90% of Fishers in Thailand are in Debt to Their Employer

With over 87% of fishers in debt to their employer and 83.6% of fishers unable to freely access their identity documents, the Thai fishing industry remains a hotspot for debt bondage and forced labor. For many fishers, debt to their vessel owner will never be overcome, leaving them in situations of perpetual debt bondage. Further exacerbating the situation, if fishers find themselves in abusive working conditions, Thai law makes it nearly impossible to freely change employers without the approval and sign-off of the current employer.

According to Section 51 of the Foreigners' Working Management Emergency Decree B.E 2560 (2017), migrant workers have the right to change employers if: 1) the employer terminates the employment without justifiable reason; 2) the employer is unable to continue the operation of the business; or 3) the foreigner resigns on account of the employer's breach of the contract of employment or violation of the law. Revisions to this policy enacted on 24 March 2018 struck Section 51 from the Decree (No. 2). seemingly making it more difficult for migrant workers to change employers by placing the burden on the employee to prove the employer was at fault or else pay damages to the employer before changing employers.

The official process to change employers is difficult for migrant fishers because it requires the boat owner—oftentimes the perpetrator of the abusive situation which led to the desire to change employers in the first place—to "sign off" on official forms (ແບບ ບຕ. ໕ຓ) to "release" the fisher from employment.

The fisher may be too afraid to speak to the employer or captain if he is being abused or faces brutal employment conditions, and if he does request his "release" the boat owner can refuse, withhold his identity documents, and claim the fisher has excessive debt for "document fees."

At this point, fishers in theory can request assistance from a PIPO center. In these situations. PIPO officials normally call the vessel owner directly to ask for details or request they come to the office for a discussion with the fisher. This leads to an intimidating situation. If a fisher supposedly has "debt," PIPO may attempt to facilitate an informal negotiation between the current and future employer to transfer the "debt" and fisher to the new employer. In some instances, FRN has observed PIPO oversee informal discussions that have ended in fishers being told that their identity documents will be retained by the employer until all perceived "debt" has been paid off.

This system essentially equates to a modern-day "slave trade" scenario in which an employer in collusion with authorities has the legal power to refuse signing-off on a fisher's departure, citing that perceived "debt" must be paid off first, or a new employer must agree to "purchase" the fisher's "debt." This transfers the fisher and their "debt" from one situation of debt bondage and forced labor to another in a never-ending cycle. Under this archaic legal structure, fishers' rights to freely change employers are greatly compromised as the system is seemingly designed to oppress workers and guarantee full power remains with their employer.

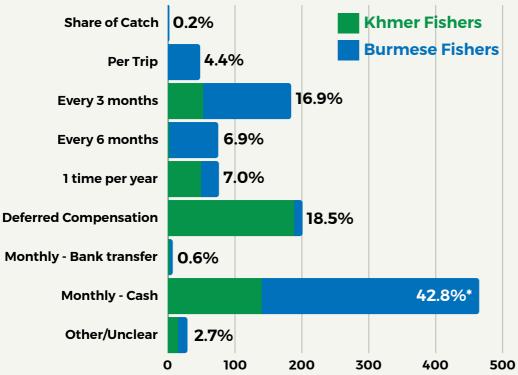
ILLEGAL PAYMENT STRUCTURES

Nearly all Fishers are Not Paid Monthly or Regularly by Bank Transfer as Required by Thai Law—an ILO Forced Labor Indicator

99.4% of fishers are not paid monthly, and 98.3% revealed that they lack control over their own bank accounts and ATM cards—predominantly receiving wages in cash—which is illegal under Thai law. The typical procedure upon employment involves vessel owners facilitating the opening of bank accounts for fishers, followed by employers taking possession of bank books and ATM cards, sometimes using the same ATM card PIN for the entire crew.

This control over accounts allows employers to transfer the agreed-upon salary in the written employment contract, creating a fictitious paper trail to meet PIPO payment inspection requirements. Then vessel owners withdraw the money, make illegal deductions under the guise of egregious document "fees" and salary "advances," and pay fishers in cash—sometimes once every three, six, or 12 months through the boat foreman or manager. Furthermore, foremen and managers may engage in pay exploitation, showing favoritism when determining the amount each fisher receives. These prevalent industry practices make it extremely difficult for fishers attempting to file wage grievances or official complaints, as owners rarely provide receipts for payments, advances, or document "fees," and most fishers do not hold a copy of their employment contract.

Payment Structures



*Note: Many fishers reporting to be paid monthly in cash commented further that they did not receive their full salary, experienced unclear deductions, and are not being paid on time.



99.4%

Fishers are not paid monthly by bank transfer according to Thai law

GG 3/0
Fishers revealed they are not in control of their own Bank Books and ATM Cards

42.8%

Fishers are paid monthly in cash

18.5%

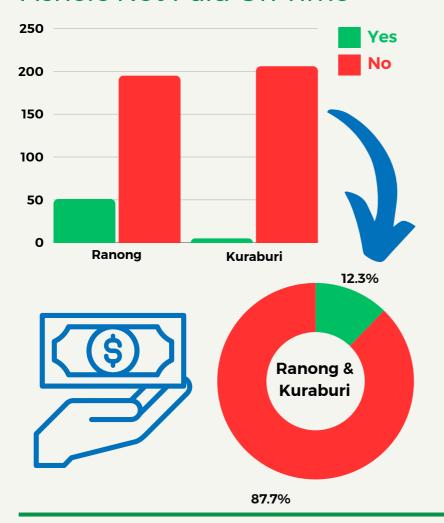
Fishers paid using deferred compensation structures, which are difficult for fishers to understand and increase risk of high debt

ILLEGAL PAYMENT STRUCTURES

A Significant Majority of Burmese Fishers Expressed Facing Delays in Payment and Not Receiving the Amounts Agreed-Upon in Their Employment Contracts



Fishers Not Paid On Time



Burmese Breakout

A remarkably large (87.7%) majority of Burmese fishers surveyed in Ranong and Kuraburi described delays in payment, and not receiving the level of pay stated in their employment contracts. They also described deceptive payment structures, inconsistencies in payment timing, and major challenges to verifying document "fees" or "advances" reported by their employer. These findings align with the FRN December 2023 Report "THAILAND'S PORT-IN PORT-OUT (PIPO) INSPECTIONS AND THE ILO: FAILING FISHERS, SEAFOOD SUPPLY CHAINS AT RISK," which highlighted the limited effectiveness of PIPO inspections on improving labor conditions for fishers.

Fishers Not Paid Amount Written in Contract



FIRST AID KITS INADEQUATE, NOT ACCESSIBLE

Over 70% of Fishers Do Not Have a Fully Stocked or Accessible First Aid Kit

According to C188 and Thai law, a fully-stocked first aid kit with medicine and first aid supplies is mandatory onboard every vessel. It is the responsibility of the vessel owner to keep the kit fully-stocked and make sure it is replenished at no cost to fishers. Only 59.2% of fishers surveyed said their boat had a first aid kit or any medicine onboard. 40.9% fishers responded that their first aid kit was kept in the captain's quarters where it was not freely accessible, and 32.9% of fishers reported they had to buy their own medicine to bring onboard.



PIPO Centers in Trat and Songkhla as well as the Songkhla Fisheries Association have been receptive to collaboration to improve health and safety standards on fishing vessel through FRN organized First Aid Kit trainings and distribution. In contrast, PIPO and Fisheries Associations in Ranong and Kuraburi have not been receptive to collaboration, and findings show that the efforts in these locations has had a direct impact on the number and standard of kits onboard vessels. Details about positive collaboration with PIPO and Fisheries Associations can be found in our December 2023 Report.

No First Aid Kit or Medicine Onboard

Ranong 36%

Kuraburi 12%

Trat & Songkhla < 1%

Fishers Buy Medicine

Ranong 57%

Kuraburi 89%

Trat & Songkhla < 1%



70_40/6
Fishers do not have a fullystocked and freely
accessible FAK onboard

40.9%
Fishers responded the FAK is kept in captains quarters

79.7%
Fully stocked & accessible FAK on vessels in Trat

32.9%
Fishers had to buy their own

medicine and bring onboard

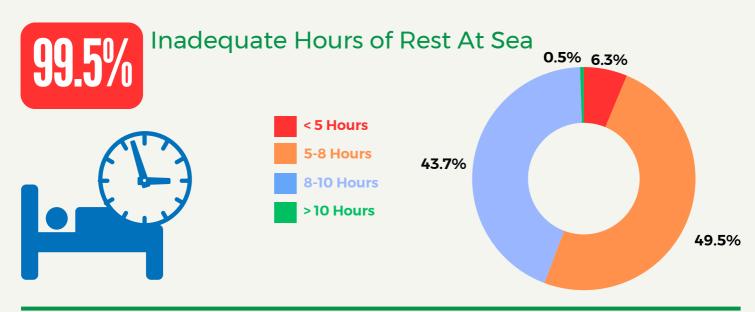
POOR WORKING CONDITIONS

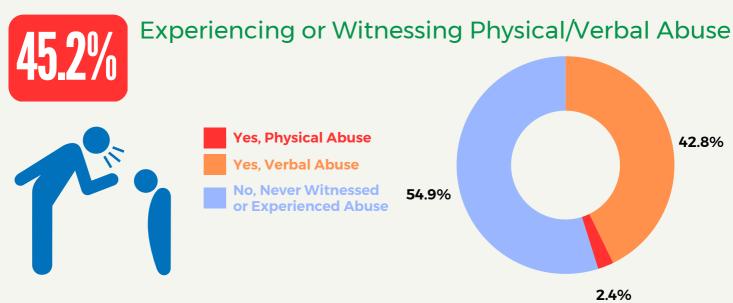
Fishers Work in Dangerous and Inhumane Conditions, with Almost None Getting Legal Amounts of Rest

Survey findings indicate that an alarming 99.5% of fishers work 14 hours or more daily while at sea. Despite C188 establishing a global standard for hours of rest, adopted into Thai law, fishers acknowledge a lack of rules governing rest time, overtime, sleep hours, or breaks. The law stipulates not less than 10 hours of rest every 24 hours and not less than 77 hours during any 7-day period. Vessels are required to maintain logbooks of crew members' working hours, but these can be easily falsified to meet legal requirements on paper.



Many migrant fishers are unaware of their labor rights, and may think long working hours with minimal hours of rest is normal and not labor abuse. Similarly, many forms of physical or verbal abuse goes unreported by fishers or is uninvestigated by PIPO teams.



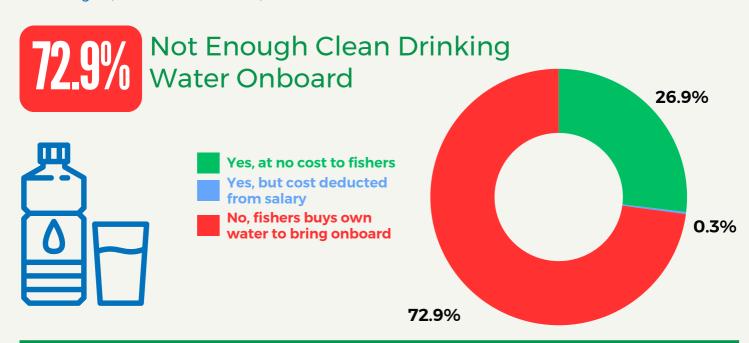


POOR WORKING CONDITIONS

Over 70% of Fishers Do Not Have Enough Clean Drinking Water Onboard

Thai law requires "employers to provide adequate, clean drinking water for fishers while living and working onboard." However, 72.9% of fishers report they do not have adequate drinking water, stating that they must personally purchase water before each voyage to bring on board. Until PIPO inspections effectively review food and water provisions provided when vessels port out, employers will continue to avoid their legal obligation to provide their crew sufficient food and drinking water. Fishers are entitled to 3 liters of clean drinking water, and balanced meals with greater than 250g of food per day. Forcing fishers to drink unclean water or eat only fish caught while onboard is a violation of human rights, core labor standards, and C188.

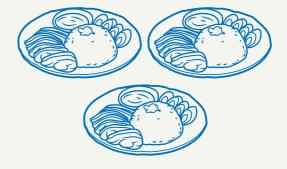




Food and Water Standards



At Least 3 Liters of Water/Day Per Fisher



At Least 250g of Food/Day Per Fisher

FISHERS DON'T TRUST PIPO

Virtually All Fishers Don't Trust PIPO to Correct Problems or Protect Fisher Rights

The PIPO Inspection system clearly has severe problems, evidenced by the fact that most fishers do not trust the process to correct violations or effectively sanction vessel owners who break the law. Fishers are intimidated by a process that in many cases takes place in language they do not understand, in full view of their captain or vessel owner who may be perpetrating the abuse or violation reported, and which has not demonstrated effective remedy of violations reported in the past. Without a safe space to report violations in their own language and clear sanctions applied to punish illegal treatment, correct violations, and deter continued bad behavior, the system will remain ineffective at improving fishing industry working conditions. Thailand has ratified ILO C188, but has failed to effectively implement or enforce Convention provisions, contributing to the maintenance of substandard living and working conditions for migrant fishers.

PIPO inspectors identify and correct fisher problems



PIPO inspections are private and confidential



Vessel owner or captain is present, and it's unsafe to report incidents



Fishers don't report violations because they don't trust Thai officials





90-3/0
Fishers don't believe PIPO inspectors identify and correct fisher problems

92.6%Eishers don't think PIPO

interviews are safe

68.0%

Fishers say vessel owner or captain is present during inspection

51.1%

Fishers don't report violations because they don't trust Thai officials

RECOMMENDATIONS

These survey results highlight the dangerous and inhumane conditions prevalent throughout the Thai fishing industry, and the poor enforcement of ILO C188 standards. Thailand should adhere to all international commitments made to improve conditions for fishers, and stop any consideration of reforms proposed by the National Fisheries Association of Thailand (NFAT) that would weaken labor protections or rollback fishing regulations. The absence of effective implementation and enforcement of C188 not only jeopardizes the welfare of fishers in Thailand, it also poses a substantial risk to Thai seafood exports. Efforts to dilute existing regulations and overlook Thailand's shortcomings in terms of meeting C188 standards will continue to significantly undermine confidence in seafood products originating from Thailand.



FRN calls on the Thai government to:

- Enforce all provisions of ILO C188 effectively and consistently across entire Thai fishing industry, stop any rollbacks to existing fishing industry restrictions and regulations, and publish a transparent list of sanctions for vessel owners who break the law;
- Allow trade unions and worker organizations unrestricted access to observe PIPO inspections and engage in collaborative information-sharing with relevant government agency personnel—bolstering the protection of fishers across all fishing ports nationwide;
- Improve PIPO inspections by providing additional training for inspectors that incorporates trade union input and recommendations;
- Ensure highly-skilled and well-trained translators are available at every PIPO inspection point to facilitate fisher interviews in a safe and protected location/environment;
- Provide consistent, reliable, and transparent data on inspection results and C188 metrics to make Thailand a leader in the global seafood supply chain.



www.justiceforfishers.org

APPENDIX: SURVEY QUESTIONS

Surveys Were Comprised of 16 Questions (Multiple Choice, Yes/No, and Fill in the Blank). Average Survey Length was 5 to 10 Minutes



- 1. Location?
- 2. How long have you been a fisher?
- 3. What is your boat name or number?
- 4. Do you hold any of your documents? / Are any of your documents in your possession? (If YES, What documents do you hold?)
- 5. How much money do you owe your boat owner for document fees or advance money?
- 6. Were you aware of the cost of document fees before you agreed to work for this boat owner?
- 7. Do you have any documentation that shows the actual cost of your document fees?
- 8. Are you paid the amount agreed to in your employment contract?
- 9. Are you paid on time?
- 10. How are you paid? (Explain salary payment structure, if necessary)
- 11. Does your boat provide you with enough clean drinking water while at sea?
- 12. Is there enough food onboard for you to eat while at sea?
- 13. Does your boat have a fully stocked First Aid Kit that you can access without permission?
- 14. How many hours per day do you get to sleep or rest?
- 15. Have you ever witnessed or experienced abuse by your captain, chew (foreman), or boat owner?
- 16. PIPO Inspection Experiences?

APPENDIX: FIRST AID KIT SITUATION—LOCATION BY LOCATION BREAKDOWN



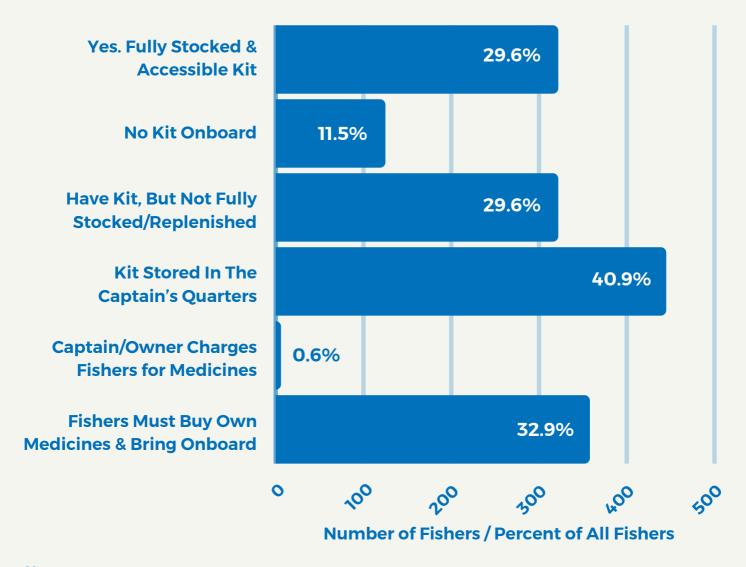
FAK Conditions	Songkhla	Trat	Ranong	Kuraburi	Other Locations
Number of Fishers	115	295	246	211	220
Unique Answers*	115	425	386	398	254
Yes. Fully stocked and accessible FAK onboard	23.5%	79.7%**	8.9%	3.8%	13.6%
No FAK onboard	0.9%	0%	36.2%	12.8%	3.6%
Have a FAK, but not fully stocked or replenished	48.7%	14.2%	29.3%	9.0%	60.5%
FAK is kept in the Captains quarters	26.1%	49.5%	23.6%	73.5%	25.5%
Captain/Owner charges fishers for medicine	0%	0.3%	1.2%	0.5%	0.5%
Fishers buy medicine & bring onboard	0.9%	0.3%	57.7%	89.1%	11.8%

^{*}Fishers were asked to select all responses that applied to their situation. Therefore some fishers selected multiple responses, thus the percentages in each location column will not total 100%, rather each percentage is based on the total number of fishers in the specified location.

^{**129} of 235 (55%) of the fishers in Trat that said their vessel had a fully stocked and freely accessible FAK onboard also noted that the FAK was stored in the captain's quarters, which could be a precursor to potential restricted access.

APPENDIX: FIRST AID KIT RESPONSE BREAKDOWN





Notes:

Fishers were asked to select all responses that applied to their situation. Therefore some fishers selected multiple responses, thus the percentages in each location column will not total 100%, rather each percentage is based on the total number of fishers in the specified location.

129 of 235 (55%) of the fishers in Trat that said their vessel had a fully stocked and freely accessible FAK onboard also noted that the FAK was stored in the captain's quarters, which could be a precursor to potential restricted access.