



“National Law Enforcement mechanisms to tackle forced labour and human trafficking”

WILAIWAN . K
DEPARTMENT OF LABOUR PROTECTION
AND WELFARE(DLPW),
MINISTRY OF LABOUR

Sub-regional knowledge sharing meeting:

Preventing forced labour and

planning future action,

12-14 November,

Outline

- **Dept. of Labour Protection and Welfare (DLPW) Mandate, Ministry of Labour**
- **Policy and Legislative framework**
- **5Ps approach tackle forced labour and human trafficking**



DLPW Mandate

- ★ Develop Thai labour standard in compliance with International Labour Standards
- ★ To ensure employees the protection of rights with respect to the labour standard
- ★ To promote, develop and supervise establishments in conformity with the labour standards on occupational safety, health and Environment
- ★ To promote and develop the labour relations and labour welfare System

Background

- Thailand as a Sending, Receiving Country and Destination for migrant workers from the neighboring countries
- Labour Shortage
- Push and Pull Factors



Push & Pull Factors of Migration

Push Facetor: Poverty, Seeking for a better quality of life



Pull Factors: Consumerism, Materialism, Attitudes, Values

flows of
unskilled
irregular
migration

• Labour Shortage : 3 D Job Dirty , Difficult, Dangerous

• Attracting low-wage workers from mostly neighboring countries

Non-discrimination minimum wage (300 Baht, 10 US Dollar) in accordance with the Labour Protection Act and it has affected on January 1, 2013 throughout the country.



Labor Migration and Mobility

➤ Migrant Worker

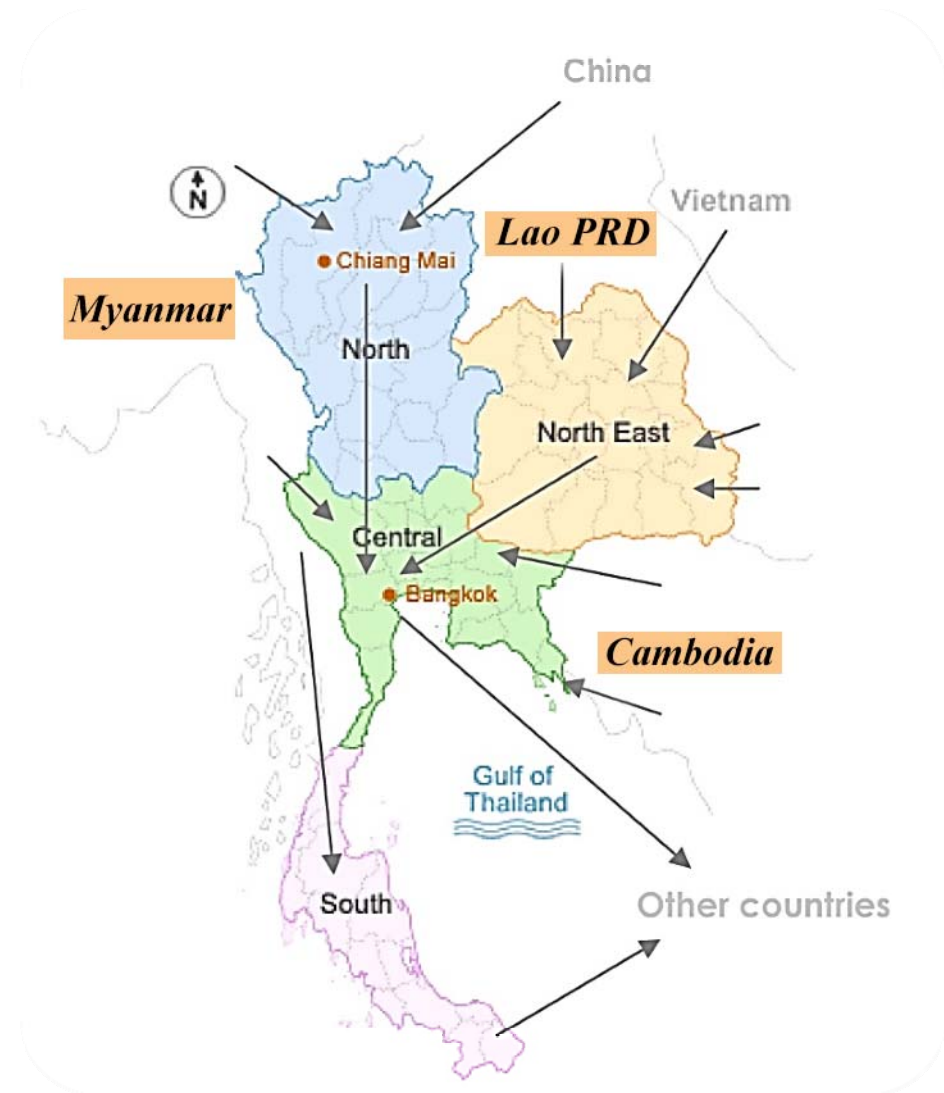
- Replacement of Labor Shortage
- Economy Growth

Flow & Characteristics of Irregular Migration

Ministry of Labour
Thailand



- Cross-border
- Smuggling





Impact of Labor Migration and Mobility

➤ Undocumented Migrant

- Potentially become Human Trafficking**
- No Social Security Coverage**
- Afraid to Reach Out for Help**



Emerging good practices in addressing Migration

Regularization for Irregular Migration Status Within Thailand

□ Cabinet Resolution

- Registration
- Nationality Verification



Thailand Migration Policy: Low skill

Regularization through NV (2000 – 2013)

MOUs between Thai – 3 Neighboring countries (2001 – now)

MOUs : to ensure appropriate recruitment procedures, including effective return, protection measures and prevent undocumented migration and recruitment services.

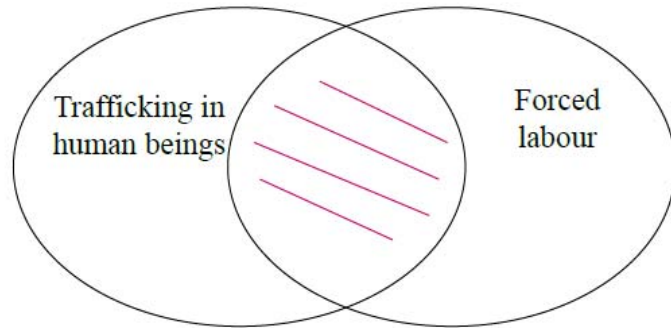


Statistics of Irregular Migration Thailand, 2013

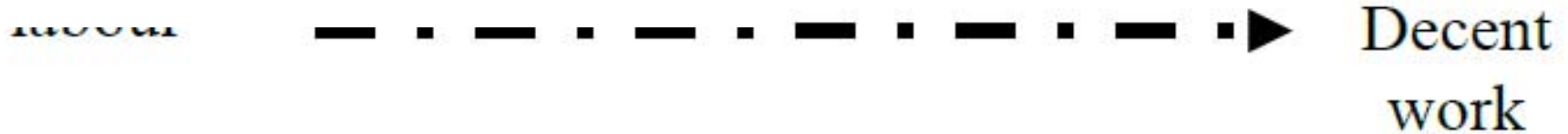
- Approximately, two million irregular migrant workers were granted work permit (updated as of August 11, 2013)

Total number of Irregular Migrant Workers		Total number of registered irregular migrant workers	
Nationality	No. of migrant workers granted work permit	No. of migrants who are permitted to work under the MOU	No. of migrants who have entered the NV process
Cambodia	335,030	181,347	153,683
Lao PDR	85,970	45,424	40,546
Myanmar	1,692,412	62,133	1,630,279
Total	2,113,412	288,904	1,824,508

Flows of unskilled irregular migration



Decent Work =
Work carried out in
conditions of freedom, equity,
safety and human dignity



Exploitation

(abuses / violations that do not,
standing alone, amount to FL such
as substandard working conditions,
wage violations, or excessive
overtime)

5Ps Approach to tackle forced labour and human trafficking”

1. Policy

2. Protection

3. Prevention

4. Prosecution

5. Partnership



P1 :Policy & Law : Labour Protection Act B.E. 2541 (1998)

- None – Discrimination Principle
“Equality and Fairness without discrimination”
- Regardless of nationality and legal status of workers,
all are ensured that their labour rights are protected
without discrimination
(Thais , Documented , Undocumented Worker
are equal protected)
- Labour Rights: Minimum Wages ,working hours, rest time,
weekly day off, traditional and annual holidays,
compensation,
- wages (cannot be deducted except tax, SCC etc.)

1. Policy & Law

- **Adopted the Ministerial Regulation to extend the protection of DW,
Nov 2012**
- **Combatting Forced labour/Labour Trafficking/Worst form of child
labour**



Under Labour Protection Act B.E. 2541 (1998)

- **Adopted Ministerial Regulation On Domestic Workers Protection** (in which several provisions align those of C.189, enters into force in Nov 2012)

(Weekly, traditional and annual holidays,

Sick leave, Minimum age,(not under 15 yrs.)

sexual harassment, Prohibit demanding a deposit or bound

as a condition for obtaining/retaining employment or to compensate

for damage) Equal treatment male and female worker ,

Termination of Employment ,Payment guaranteed at least once a month)



Under Labour Protection Act B.E. 2541 (1998)

Ministerial Regulation (No.10) (1998) on Sea Fisheries Workers Protection

- **Applicable only to a fishing vessel employs 20 workers + and operates in Thailand or outside the country for a period of less than a year.**
- **Minimum age = 16 years of age**
- **Record keeping/Payroll records/Lodging a complaint payment, annual holiday Sick leave, Remuneration of stranded workers in a foreign port, Repatriation)**



Ministerial Regulation No. 10

- *Not apply to the fishing vessel with less than 20 employees and regularly operated outside the kingdom for a continuous period of one year or more*

**The revised Ministerial Regulation No. 10 : Extends the scope
of Protection to worker in sea fishery**

**New drafted : Ministerial Regulation on sea fishery
worker protection**

**applied to fishing vessels with at least one worker that
operates outside the border of the Kingdom without time limit**

Minimum age = 18 years of age +

**To ensure fishers are better protected
(underway: on process of public hearing among
stakeholders, employer, employee)**

2. Protection

- Prioritizing Labour Inspection on Risk Sectors, hard to reach workers/risk sectors: where large number of MWs, CL, FL, etc.

Sectoral Focused Inspection

- Small Establishment (worker 1-45 persons),
- Garment , agricultural sector (i.e. crane)
- Shrimp and seafood processing supply chain ,
Fishing boat,
- Establishments where employ migrant workers.



3. Prosecution

As of 2012

- **Labour Inspection = 54,072 workplaces covering MWs**
- **Non –compliance: 1,714 workplaces out of 54,072**
- **Compensation/benefit claimed under Labour Protection Act: 18 workplaces both documented and undocumented migrant workers of three nationalities, total THB 22 Million)**

2. Protection cont.

Complaint Mechanism

Channel of filling a complaint

- **Walk – in**
- **Hotline 1546 (translation in Burmese language available)**
- **Provide Migrant Languages translators at Provincial Labour Protection and Welfare Offices where majority migrants employed**

Step forward : Labour Inspection on indicators leading to forced Labour & Trafficking

- **Strengthen LI system to cover hard to reach sectors and vulnerable groups of workers**
- **Establish a multi-sectoral inspection team including other law enforcement units for a fishing sector**



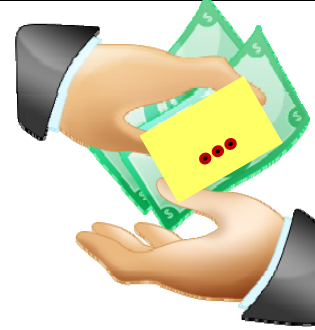
Agriculture Sector



Remote farm



Chemical



Minimum wages



Welfare



Violence

Domestic Workers



Child & woman



Accommodation



ID. Document



Long hour working

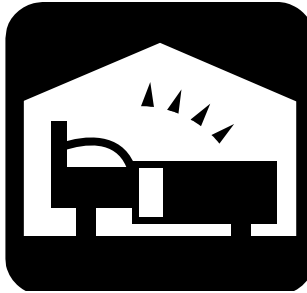


Violence



wages

Small Factories



Accommodation in Factories



Withholding Passport



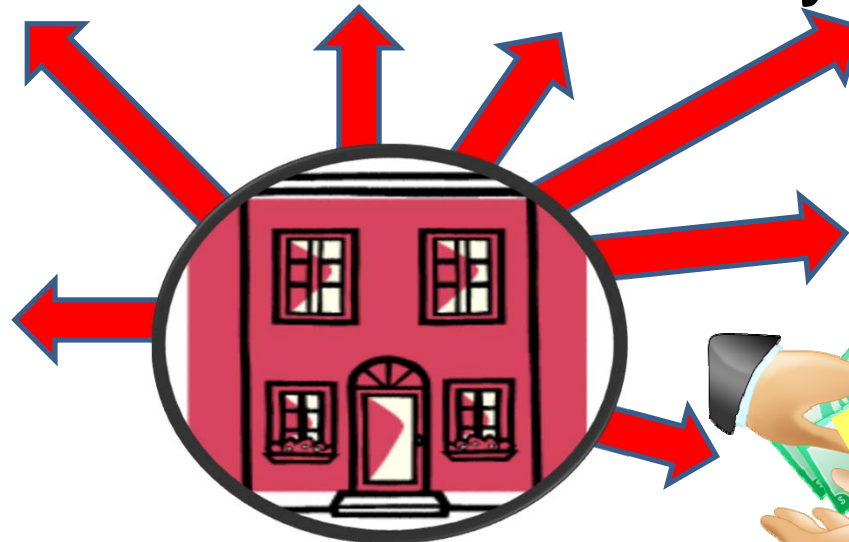
Long hour working
No holiday



Safety & health



Violence

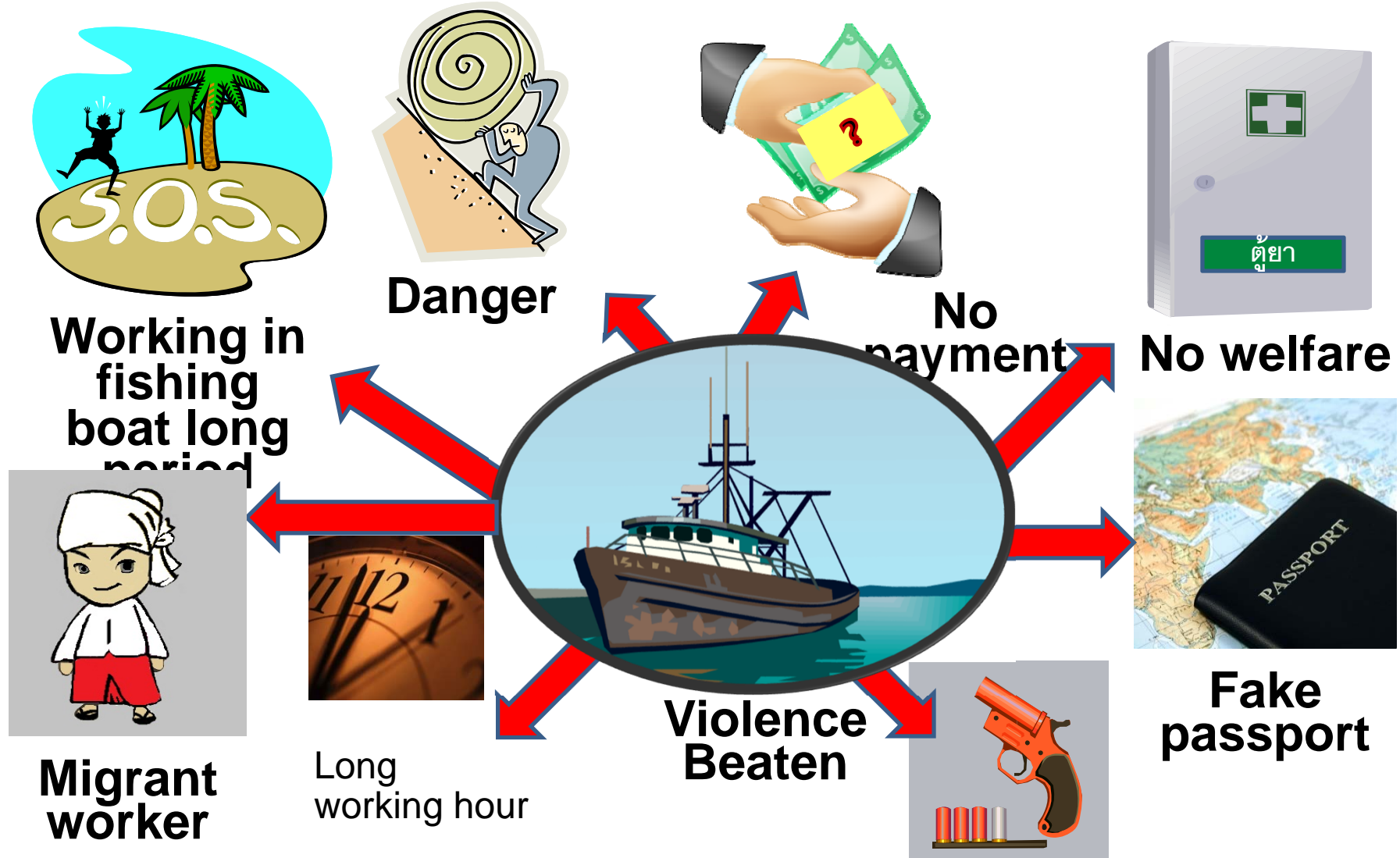


welfare

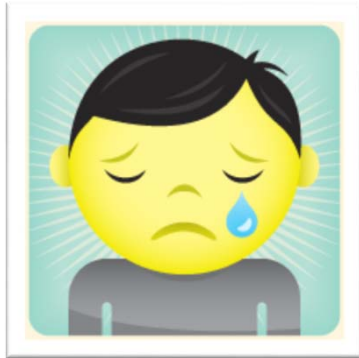


Low wages

ก. กิจการที่มีความเสี่ยง - ประมงทะเล



indicators



Child labour



Debt
bondage
/forced
labo



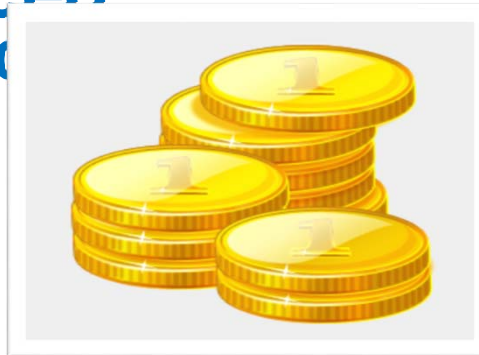
OSH



Non-
discrimianation



No Compulsory
Over time
Rest Time /

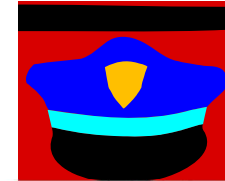
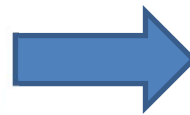
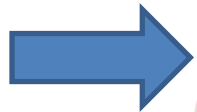
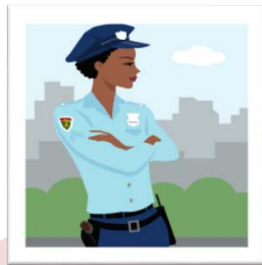


Wages
/salary



No
violence/Threat
en

Labour Inspection on Forced Labour & Trafficking



Labour Inspection
Under LPA
: Indicator leading
to Forced Labour
and Trafficking
ie.



4. Protection on Labour Trafficking



- **Set up a Special Multi –Disciplinary Inspection Team on Forced Labour and Trafficking in fishing vessel**
- **Operation Team: MOL/ Marine Police/Navy/ /DSI /Fisheries Dept.**

Cooperation with Multi –Disciplinary Team



- **Compensation/benefit claimed to Victims ; wages ,salary (Under Labour Protection Act.)**
- **Refer Victim to shelters for Care & Support (under Human Trafficking Act.)**

Assign Navy authority as Labour Inspectors



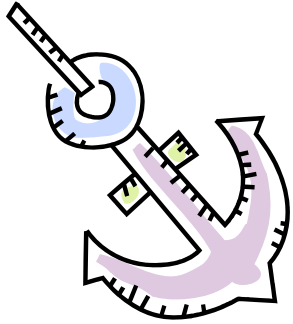
นอกจากนี้ “เจ้าหน้าที่ทหารเรือ” เป็น
พจนง.เจ้าหน้าที่ตามกฎหมายอีก 4
ฉบับ

- พ.ร.บ.จัดหางานและคุ้มครอง
คนหางาน
- พ.ร.บ.การทำงานของคนต่างด้าว
- พ.ร.บ.เงินทดแทน
- พ.ร.บ.คุ้มครองแรงงาน

Ministerial Order
assignment
Navy as Labour inspector
Do inspect forced labour
and Trafficking in fishing
boat

และ ทหารสังกัดกองทัพเรือยศตั้งแต่นายเรือตรีหรือ
เทียบเท่าขึ้นไป เป็นพจนง.ตรวจแรงงานในพื้นที่ความ
รับผิดชอบ (คำสั่ง **16/2553**)

กองบังคับการตำรวจน้ำ



Marine police as a labour Inspector
do inspect forced labour and trafficking
In fishing boat



- กรณีตรวจเรือทั่วไปเป็นบทบาทของทหารเรือและตำรวจน้ำ แต่ในกรณีตรวจตามคำร้องเรียนพนง.ตรวจแรงงานอาจประสานทหารเรือ/ตำรวจน้ำได้เพื่อร่วมตรวจได้

(ภาพจาก **FB** ของกองบังคับการ

Roles of related agencies and protection mandate

Department of Labor Protection and Welfare (DLPW)

- Checking the employment practices, working condition and safety condition of the fishing boat
- Inspecting the condition of the fishing boat as a workplace

Thai Immigration Bureau (TIB)

- Checking of the legal status of the fishermen in the boat (migrant labors)
- Detaining seafarers/ fishermen who are undocumented migrants

Marine Department

- Vessel Boat/Ship License
- Ship Registration Certificate
- License for:
 - Skipper of Fishing Vessel
 - Helmsman
- Checking the condition of the fishing boat



Marine Police and Navy

- Patrolling and securing the territorial waters
- Checking the employment practices and working conditions in the fishing boat (on behalf of the DLPW)

Department of Fisheries

- Checking the fishing equipments
- Checking the licenses

Others

- Provincial Public Health Offices
- Epidemic and Sanitation of the boat

Department of Employment

- Register migrant worker
- Checking and extend the work permit of the migrant fishermen

Cabinet Resolution 9 Oct. 2012

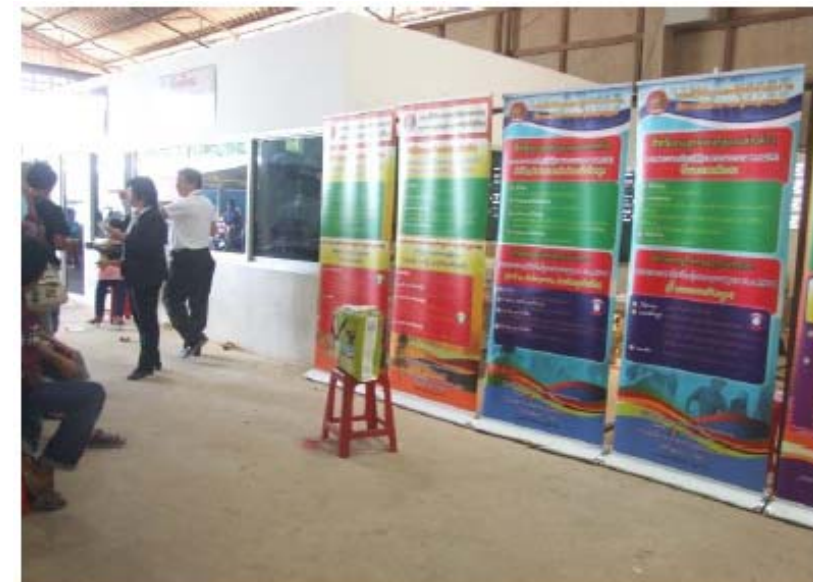
- Set up : Fishery Coordination Center
 - Mechanism to solve forced labour and Trafficking in fishing boat
 - involve employer org (National Fishery association of Thailand) to solve problem
 - develop code of conduct for worker
 - Recruitment worker for fishing boat
 - Do written Employment contract.
 - Orientation Labour Right
 - Training OSH in fishing boat

3.Prevention

- **Awareness raising activities on labour rights to migrant workers**
- **Information, Education, Communication (IEC) on Labour Rights, and OSH issues in migrants' languages**
- **Networking with CSOs /CBOs in provinces where a large number of migrant workers are living**



Orientation Labour Right : During the registration of irregular migrant workers in 7 one stop service centres



5.Partnership

- **Partner with social partners: employers, T/Us, CSOs, international organizations on protection of the rights of migrant workers**



5.Partnership : Employers Association

Employer signed
Declaration of Commitment
on Combat Child labour /Forced
labour

-Launched by
Minister of Labour
23 Nov. 2012



- Thai Frozen Food Association, (TFFA)
- Thai Food Processing Association,(TFPA)
- Thai Shrimp Association.
- Thai Fisheries Association
- Thai Garment Association
- Thai Sugar Cane Association

5. Partnership with Social Partners

Cooperation Stakeholders to Promote and Protection of the Right of Migrant Workers

- **Employers Association: Good Labour Practice (GLP) , Code of Conduct on Sea Fisheries Vessel .**
- **CSOs : Provide Education , Information, Communication to Migrant Worker on labour Right under Labour Protection Act. Promote migrant workers' access to Complaint mechanisms**
- **ILO : Develop Policy Legal Framework , Capacity Building Labour Inspectors, Good Labour Practices**

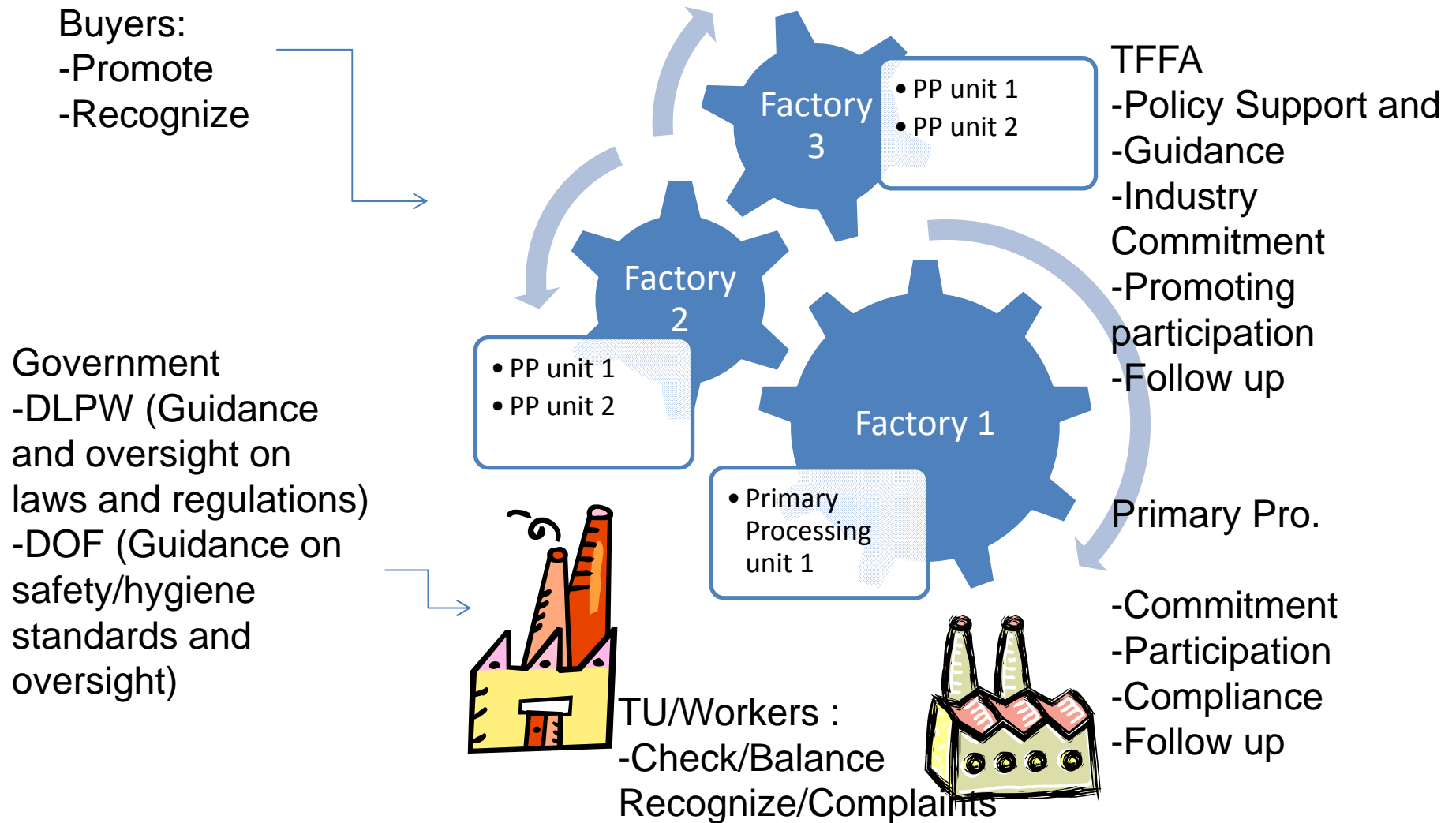
Good Labour Practices (GLP) programme on child labour, forced labour and improvement of working conditions



Development of Good Labour Practices (GLP) for shrimp and seafood industry & Fisheries Industry

- Human resource management system ,
- Promoting better working conditions ,reduction of child labour, Forced Labour with good labour practices,
- Ensure decent work to both Thai and migrant employment

Supply Chain Roles



Challenges

Individual level

Migrant Language barriers

Institutional level

- **Limited Resources: Migrant language translator**
- **Labour Inspection in hard to reach sectors:
private households/fishing boats.**
- **Need more tripartite plus action toward the protection of
migrant workers**

Thank for your attention

