Thailand

UK seafood industry imports from Thailand 2019*		
Fish type	**Value, £ million**	**Weight, tonnes**
Tuna	17,777,337	3,871
Warm water shrimps and prawns	19,966,990	2,401
Sardines	3,540,801	2,016
Surimi	1,850,007	1,135
Prepared and preserved shrimps and prawns	11,139,156	1,139
Other marine fish	2,191,144	498
Squid	1,347,485	266
Misc. pelagic	266,834	182
Other flatfish	801,875	165
Tilapia	238,539	154
Other freshwater fish	267,477	68
Crabs	1,173,768	67
Other non-food use	751,278	54
Other cephalopods	260,977	43
Octopus	130,191	27
Pollack	125,893	24
Catfish	39,460	23
Salmon	38,769	12
Anchovy	42,777	6
Carp	4,971	3
Clam	26,603	2
Other crustaceans	13,362	1
Other molluscs and aquatic invertebrates	1,788	0.4

*Source: Her Majesty's Revenue and Customs (HMRC)

Introduction

This report is part of a series of country risk profiles that are designed to provide an understanding of the social risks associated with source countries that play a key role in the UK's seafood industry. Each report covers risks related to the production and processing of both wild catch and aquaculture seafood products.

This report covers issues such as forced and child labour, working conditions, and impacts of the industry on local communities, as well as the mitigation efforts and regulatory frameworks put in place to address these risks.

This country risk profile has been compiled by Verisk Maplecroft on behalf of Seafish. Information on issues has been collated from publicly available sources, varying from international rankings and ratings, research by academics and other organisations, through to media articles. It has been prepared for general information only. You should not rely solely on its contents; always verify information from your own suppliers in your own supply chain. References for all information sources are provided.

Overview

According to the Department of Fisheries, Thailand (the country) produces approximately 3.8 million tonnes of fish a year and has become one of the world's largest fishery exporters, constituting around 20% of total Thai food exports. Until 2012, shrimp was the country's leading export, however, a disease outbreak hit Thai shrimp production in 2013 and resulted in a reduction of shrimp supply by 50%. Despite this, tropical shrimp is still one of the major seafood exports from Thailand to the UK. Aside from shrimp, tilapia accounts for around 50% of freshwater produced fish and, Thailand is one of the largest exporters of tuna.

Social Risks

Foreign observers have documented the worst forms of child labour as being prevalent within certain parts of the Thai fishing industry. At the time of writing, the US Department of Labor has listed shrimp processing as being heavily associated with child labour, while the broader Thai fishing industry is red flagged as being linked to conditions of forced labour.[1] Tellingly there are no legal minimum age protections for children working outside of formal employment. Often children are used in dangerous tasks, exposed to unhealthy work environments, and forced to work long hours.[2] Young people working in the Thai fishing industry have been found to work without personal protection equipment in wet and dirty conditions, handle gas or flames and be exposed to hazardous chemicals. Underscoring these risks, in a 2015 International Labour Organisation (ILO) report, around one in five reported a workplace injury.[3] The Thai Government has taken a tough stance against child labour in recent years, but there are continuing demands by the National Fishing Association of Thailand (NFAT) for exemptions to the child labour laws.

A high profile 2015 Associated Press investigation identified both children and adults from Myanmar working in conditions of bonded labour in the Thai shrimp processing industry. It should be noted that warm water shrimps and prawns, and prepared and preserved shrimps and prawns are the second and fifth most common seafood industry import from Thailand according to 2018 HMRC data – see table above. Customs records show that these processing facilities supplied a number of prominent seafood brands and well-known restaurant chains in the US. However, these may have underscored the possible reputational risks facing UK companies souring directly, or indirectly from Thailand, if found to be wittingly or unwittingly complicit in such labour abuses.[4] Following the publication of the Associated Press in depth report, the Thai government has attempted to address the situation.

There is the potential for labour inspection corruption. The international non-governmental organisation (NGO) Human Rights Watch argues that Thai labour inspectors often make the assumption that only undocumented migrants can be victims of exploitation; as such, the authorities may be over-looking labour rights abuses of legal workers.[5] Compounding this risk issue, concerns persist regarding the potential for labour inspectors to be corrupted and thus turn a blind eye, or fail to properly investigate labour rights abuses of both children and adults. The NGO Transparency International notably categorises Thailand as a high-risk geography in its 2019 Corruption Perceptions Index.[6]

High prevalence of migrant workers and mixed working conditions in the Thai fishing and seafood processing industries. The European Union (EU) funded Ship to Shore Rights Project 2017 baseline report concluded that the "picture of working conditions in both [fishing and seafood processing] is decidedly mixed". The end line data, published in 2020, shows that the picture is a little less mixed with changes in working conditions moving in the right direction. This conclusion is supported by a Humanity United/Freedom Fund report published in December 2019.

The majority of workers in the country's fishing and processing sector are migrants. The legal structures regarding employment are different. Survey data collected under the Ship to Shore Rights Project indicated that 87% of the workforce comprises non-Thai nationals, with 56% of workers coming from Myanmar and 31% from Cambodia. There are different ways to legally enter Thailand and most migrant workers are documented. Typically many seafood processing workers either enter via the various Memorandum of Understandings (MOU) with neighbouring Cambodia, Lao People's Democratic Republic and Myanmar, or else obtain documents in Thailand (they now require a Certificate of Identity (CI)). Fishers from Myanmar don't come via the MOU – they either have a migrant sea-book and/or go through the registration process in Thailand to obtain a CI. It should be noted that migrant workers do not possess the same rights as Thai nationals to join trade unions and the membership of migrant worker associations is falling.[7]

Thailand's tuna canning industry is highly centralised, and the export-orientated part of the sector is better-regulated to comply with labour standards in western countries which import the final product. However, a two-tier value chain is in place and much poorer labour standards are found in factories that supply domestic Asian markets.[8] Moreover, Oxfam America reports that low wages, poor working conditions and abusive supervision are common across the Thai tuna canning and broader fish processing industry.[9] In contrast, the Thai shrimp industry is dispersed and undocumented workers in the aquaculture sector are highly vulnerable to exploitive employment practices.[10]

Common labour violations include retaining fishing industry workers' identity documents, wage withholding, debt-bondage and excessive work hours.[11] A 2018 report published by the ILO found that 14% of fishermen surveyed reported working in conditions of forced labour, down from 19% in 2013. However, the same survey found that debt bondage remains commonplace, with migrant workers from Cambodia and Myanmar most at risk. Such practices are therefore seemingly widespread and tolerated by actors heavily embedded in the fishing industry supply chain. Thai authorities are largely ignorant of the indicators for conditions of forced labour and in 2015 failed to identify a single-case despite inspecting over 450,000 workers.[12]

The Global Slavery Index, which assesses the top 20 fishing countries for risks of modern slavery, classifies Thailand as 'High Risk'.[13] Human Rights Watch reports that forced and trafficked labour is commonplace in both the fishing for commercial species and for the aquaculture supply chain. Largely as a result of findings in the fishing sector, Thailand was downgraded to the lowest rating (highest risk) in the annual US Trafficking in Persons (TIP) Report. In recognition of some improvements it was subsequently placed on the US Department of State's Tier 2 Watch List, and has been on the Tier 2 List since 2018.[14]

Civil society and independent media reporting indicate that long hours, low pay and coercive working conditions are common in Thailand's offshore fishing sector. Research conducted by the ILO notes that in the domestic fleet workers are low paid and required to work long hours. A fifth of workers receive no formal records of payments, hours worked, or deductions. On average, fishermen work over six days a week and for nine hours a day. The average monthly wage is THB12,730 (USD400), although compliance with minimum wage legislation is high, at 94%. Overtime work is not permitted in offshore fishing and instead work time is capped at 14 hours a day. Working conditions can be harsh, with 12% of workers reporting some form of coercion, including threats of violence and involuntary confinement.[15]

To counter illegal, unreported and unregulated (IUU) fishing (and by extension potential abusive labour practices), since 2015 long haul fishing vessels are now only able to stay at sea for just three months, and it is reported many fishing vessels have reflagged to avoid tighter regulation. In an effort to build transparency in the offshore fishing industry, since 2018, the Marine Department has published the registration details for all 10,742 vessels legally eligible to fish in Thailand's waters, alongside a watchlist of vessels that are prohibited.[16] The move is intended to prevent Thai fishing boats from avoiding detection by changing vessel names, home ports, and other ownership details.[17]

Regulations and risk mitigation

Thailand becomes the first Asian nation to ratify the ILO Work in Fishing Convention (C188).[18] The country has pledged to protect the living and working conditions for fishers onboard ships by ratifying the Work in Fishing Convention (2007). This is a step forward in establishing a constraint on how workers in the fishing industry are living and being treated. Thailand has not yet ratified ILO C87 and C98 – the ILO's Conventions on Freedom of Association and Collective Bargaining.

As C188 is progressively implemented on the ground in 2020 and beyond, this should result in several positive developments for fishers' welfare, including improvements in health and safety, as well as clearer guidelines on employment contracts, especially for those onboard Thai vessels.[19] The convention states the minimum age for workers on fishing boats is 16 years of age. Each ratifying country has to integrate C188 into their legal national framework for it to become law. However, existing Thai labour law doesn't allow anyone under 18 to engage in dangerous work and has precedent over the convention.

The Thai government established a series of Labour Coordination Centres (LCCs) in 2013, to help manage recruitment into the fishing industry and deter illegal hiring practices.[20] Nonetheless, NGOs argue that the voluntary nature of private sector participation in LCCs has resulted in weak employer engagement, jurisdictional and resource constraints, and improperly conducted inspections of businesses linked to the country's fishing industry. As a result, few cases of labour exploitation have been uncovered, prosecutions of recruiters engaged in illegal hiring practices are rare, and boat owners are seldom prosecuted.[21]

Industry programmes do exist to protect Thai workers from unacceptable labour practices. Most prominently, the Good Labour Practices (GLP) Guidelines for Primary Processing Workplaces in the Shrimp and Seafood Industry of Thailand has been jointly produced by seafood industry members, the Department of Labour Protection Welfare and Department of Fisheries and the ILO.[22] The GLP guidelines should, in theory, apply to migrant workers as well as Thai workers. Other schemes include the Seafood Task Force [23] and the Thai Union Vessel Improvement Program and Code of Conduct.[24]

International conventions and rankings

The following tables indicate which international labour conventions Thailand has ratified. The ratification of these conventions is a good indicator of a source country's commitment to enforcing internationally accepted best practices in the seafood industry when combined with thorough national legislation and well-resourced enforcement mechanisms.

International Labour Organization (ILO) Conventions	Ratification
Freedom of Association and Protection of the Right to Organise (No. 87)	No
Right to Organise and Collective Bargaining (No. 98)	No
Forced Labour (No. 29)	Yes
Abolition of Forced Labour (No. 105)	Yes
Equal Remuneration (No. 100)	Yes
Discrimination (Employment and Occupation) (No. 111)	Yes
Minimum Age (No. 138)	No
Worst Forms of Child Labour (No. 182)	Yes
Hours of Work (Industry) (No.1)	No
Weekly Rest (Industry) (No.14)	Yes
Protection of Wages (No. 95)	No
Minimum Wage Fixing (No.131)	No
Occupational Safety and Health (No. 155)	No
Occupational Health Services (No. 161)	No
Labour Inspection (No. 81)	No
Private Employment Agencies (No. 181)	No
Working in Fishing Convention (No. 188)	Yes

United Nations (UN) Conventions	Ratification
Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Yes
Convention against Transnational Organized Crime	Yes
Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others	No
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No
International Slavery Convention	No
Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery	No
Protocol against the Smuggling of Migrants by Land, Sea and Air	No (Signed, not ratified)

Other Conventions	Ratification
FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	No (Signed, not ratified)

Rankings in global indices

US Department of State Trafficking in Persons (TIP) Report

The TIP report is released annually by the US Department of State and offers a summary of the laws and enforcement efforts of various countries with respect to human trafficking. Specifically, it ranks countries based on a '3P paradigm' of prosecuting traffickers, protecting victims and preventing crime. Scoring on these elements is then collated to give each country a ranking. The rankings range from Tier 1 which indicates governments of countries that fully comply with the Trafficking Victims Prevention Act (TVPA) minimum standards for the elimination of trafficking, to Tier 3 for the governments of countries that do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

Rating: Tier 2

According to the US State Department's 2019 TIP Report, Thailand does not meet the minimum standards for the elimination of trafficking but is making efforts to do so. The report highlighted major gaps in trafficking and forced labour prevention in the Thai fishing sector. There were few requirements to provide workers on fishing vessels with contracts, either in Thai or their native language, and poor efforts to monitor working hours and other conditions on vessels.[25]

Global Slavery Index

The 2018 Global Slavery Index measures the extent of modern slavery country by country, and the steps governments are taking to respond to this issue, to objectively measure progress toward ending modern slavery.

There are two rankings:

1. Rankings of countries by prevalence of the population in modern slavery. Rankings range from 1 to 167 - with 1 the worst and 167 the best, in terms of the prevalence of slavery.

2. Rankings of countries in terms of government response to the issue. This is an indication of how governments are tackling modern slavery. This ranking ranges from AAA at the top to D at the bottom, with AAA denoting the most effective and comprehensive government response.

For prevalence Thailand ranks 23/167 (where a ranking of 1 indicates highest risk).

Overall, Thailand is one of the highest risk countries scored on the Index. According to the special report on the fishing sector, it is one of the highest risk countries assessed for prevalence of modern slavery associated with the fishing industry.[26]

In terms of government response, Thailand ranks B. This indicates that the government has introduced a response to modern slavery with limited victim support services; a criminal justice framework that criminalises some forms of modern slavery or has recently amended inadequate legislation and policies); a body or mechanisms that coordinate the response; and has policies that provide some protection for those vulnerable to modern slavery. There is evidence that some government policies and practices may criminalise and/or deport victims and/or facilitate slavery. Services may be provided by the International Organisations (IOs) or major non-governmental organisations (NGOs) with significant funding, sometimes with government monetary or in-kind support.

EU Illegal, Unreported and Unregulated (IUU) Fishing Watch List

Under the IUU Regulation, non-EU countries identified as having inadequate measures in place to prevent and deter this activity may be issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card) among other measures.

Thailand's yellow card from the European Commission was lifted in January 2019, citing improvements made towards combating IUU fishing. The report cited the implementation of monitoring and inspection schemes launched by the Thai government as evidence of the government's commitment towards improving regulation of the sector.[27]

Endnotes

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For further information see the Seafish Social Responsibility in Seafood web page. Available at: https://www.seafish.org/responsible-sourcing/social-responsibility-in-seafood/