

The Actions of the Concerned Parties to Solve the Problem of Child Labour and Forced Labour in the Shrimp, Garment, Sugar Cane, and Fish Products in Thailand in 2013.

Background

U.S. Department of Labor has published a list of goods from countries in which the U.S. Department of Labor has reason to believe are produced by child labour or forced labour (List of Goods Produced by Child labor or Forced labor). It is released to the public to raise awareness of child labor and forced labor in the production of that country, and to urge those countries to solve the problems. The U.S. Department of Labor has identified 5 items of goods that are produced with the use of child labour and forced labour from Thailand.

1. Shrimps and garment made from child labour and forced labour.
2. Sugar cane and pornography production from child labour .
3. Fish production from forced labour.

An important measure regarding child labour that the United States issued is the Executive Order 13126 which requires the government of the United States not to purchase goods believed to be manufactured or produced by forced child labour or debt bondage, and foreign contractors who deliver goods to the Federal Government of the United States must certify that such goods are not produced by child labour, forced labour, or debt bondage. Under the Executive Order 13126, categories of goods from Thailand which have been identified in the list, are shrimps and garment.

To solve the problem, the government of Thailand assigned an operational agency: the Department of Labour Protection and Welfare (DLPW). DLPW has the authority to enforce labour protection in accordance with the Labour Protection Act B.E.2541 and the Department of Labour Protection and Welfare has collaborated with the concerned parties. In addition, the Parties themselves have also undertaken various activities. In 2013, activities implemented to solve the issue of child labour, forced labour or debt bondage in the workplaces that produce garment, shrimp, sugarcane, and fish have been conducted as follows:

1. Workplace that produces shrimp.

1) Issuance of manuals / guidelines on use of child labour in hazardous work for the shrimp and seafood processing industry have been distributed to employers, employees, and the general public in order to provide knowledge and understanding of the management of occupational safety, health and environment for Working Children.

2) Determining the direction and target inspection of workplaces which may employ child labour, forced labour and child migrant workers particularly the ready-made garment business, sea fishing and seafood processing industry with a focus on workplaces that have never passed inspection within five years, the small workplace employing up to 49 workers that have never passed inspection, new established workplaces, and workplaces which did not comply with the labour protection law in the past year .

3) The Committee to Certify Workplaces that have no illegal child labour and forced labour has appointed a Working Group to inspect and certify workplaces that no illegal child

labour and forced labour. The owners of workplaces of shrimp, fish, garment, and sugar cane have announced their intention not to use child labour, forced labour, and 156 workplaces have submitted letters of intent to be certified as workplaces which do not use illegal child labour and forced labour. In 2013, the Working Group conducted a total of 26 certified inspections of which twenty workplaces (3 shrimp and fish workplaces, 7 sugarcane workplaces and 10 garment workplaces) were approved and 6 workplaces were not certified.

4) Guidelines on Good Labour Practices (GLP: Good Labour Practices) were established in collaboration with the Department of Labour Protection and Welfare, the Department of Fisheries, the International Labour Organization, employer and employee representatives. The Good Labour Practices are prescribed as guidelines to be given to entrepreneurs as criteria for achieving the intention of elevating the working and employment conditions as a model of good practice with the scope on the use of child labour, forced labour, debt bondage, and labour trafficking. This guideline will be put to trial for evaluation and will be improved with the mutual consent of all parties involved. GLP consists of three main elements as follows.

1) Guidelines, which include Guidelines and Self Assessment Checklists that are divided into 2 groups.

Group 1 concerning shrimp and seafood processing industry;

(1) GLP practices for the workplace of primary processing sea food

(2) GLP practices for factory or workplace.

(3) GLP practices in shrimp farm.

2) Hybrid training programme under the action of the Association of Frozen Food Thailand with technical support from the Department of Labour Protection and Welfare and the Department of Fisheries.

3) The next step is to provide certificates to entrepreneurs who comply with the GLP, with the goal to achieve greater recognition from the international market, which will be further discussed to formulate plans for the future.

4) A meeting was organized to promote understanding and study of the hazardous work of child labour in the shrimp and agriculture during 18-19 January 2012, at Pullman Hotel, Bangkok. The 80 participants comprised of a working group to study the nature and type of work to prepare a list of hazardous work list on the worst forms of child labour in Thailand, labour inspectors, occupational safety and health inspectors, Fisheries Department representatives, representatives from employers and employees organizations, representatives from the Association of Frozen Food Thailand, representatives of the International Labour Organization, and concerned NGOs. The objective was to raise awareness and understanding about international labour standards related to the elimination of the worst forms of child labour and in particular, the hazardous work of child labour. Risk assessment of working conditions and procedures employed in shrimp that may not be appropriate or is likely dangerous for children will be prepared as a summary for the academic topic: "Conditions for the hazardous work of child labour in the shrimp business and

agriculture." During 20 - 22 March 2012, an expert from the International Labour Organization in Geneva explored conditions in shrimp farms in Cha Cheang Sao Province, primary processing workplaces (shrimp) and some factories in SamutSakhorn Province.

5) The ILO made suggestions to improve the rules / regulations for the hazardous work for child labour in shrimp and seafood processing industries in Thailand and proposed them to the Department of Labour Protection and Welfare to reconsider and amend the law relating to children in four main issues: law concerning the weight ratio for boy or girl workers can lift; prohibition of child labourers working at night; prohibition of child labourers working on higher ground; and, the standard temperature of the environment in the workplace appropriate for child labourers. The Department took the recommendations to conduct occupational safety, health and environment management for Working Children in shrimp processing, and sea food industry to provide knowledge and better understanding to the employers, employees, and the agencies involved on the management of safety, health and environment at work for Working Children in the shrimp processing and seafood industry in order to provide a safe environment for children to work in. The ILO will provide support in publishing and disseminating such guidelines.

6) Proactive measures to raise awareness and approach entrepreneurs by requesting cooperation from the workplace to comply with labour laws and cooperate with the government in tackling human trafficking, were established. Entrepreneurs which may be at risk groups for using child labour or forced labour, such as entrepreneurs from small scale industries, garments, agriculture, shrimp, frozen seafood, and the fishing industry were invited to a meeting to hear the government's policy and discuss ways to prevent and solve labour trafficking issues particularly on the use of illegal child labour and forced labour, including the role of the private sector to solve the situation of child and forced labour.

7) The Minister of Labour, (Police Lieutenant Chalerm Ubumrung) signed and promulgated the Good Labour Practice Guidelines for Primary Processing Workplaces in the Shrimp and Seafood Industry of Thailand (GLP / PPW) on September 13, 2013. Also, the Ministry of Labour in collaboration with the Department of Fisheries, Ministry of Agriculture and Cooperatives and the International Labour Organization (ILO) launched the GLP/PPW on August 16, 2013 (178 workplaces participated in this project). GLP will be an important tool in the implementation on the basis of corporate social responsibility (CSR) and build confidence that the goods produced by entrepreneurs using good labour practices under the ILO standards cover key aspects of employment and working conditions without the use of forced labour or illegal child labour, and provide a safe working environment.

Group 2 Workplaces that produce clothing (Garments)

1) Determine the direction and goals of workplaces which may employ child labour, forced labour and child migrant workers, particularly the ready-made garment business, sea fishing and seafood processing industry workplaces that

have never passed inspection within five years, the small workplace employing 1-49 workers, that have never passed inspection, newly established workplaces and workplaces where its practice did not comply with the labour protection law in the past year.

2) The Board of Directors to approve workplaces with no illegal child labour and forced labour had appointed a Working Group to inspect and certify workplaces that has no illegal child labour and forced labour. A total of 156 industry workplaces of shrimp, fish, garment, and sugar cane have announced its intention not to use child labour and forced labour, and have submitted letters of intent to be certified as workplaces with no illegal child labour and forced labour. In 2013, the Working Group conducted a total of 26 certified inspections.

3) Proactive measures to raise awareness among entrepreneurs such as cooperation on labour practice in compliance with labour laws and cooperation with the government in tackling human trafficking have been put in place. Moreover, entrepreneurs of small scale industries, garment, agriculture, shrimp frozen seafood, and fishing industry which may be the risk groups of using child labour or forced labour have been invited to hear government policies and discuss ways to prevent and solve labour trafficking issues with regard to the use of illegal child labour and forced labour.

3. Workplaces of sugarcane production

1) On April 17, 2013 the Ministry of Agriculture and Cooperatives released information on prohibition on the use of child labour in sugar cane fields and the use of hazardous chemicals safely.

2) On May 30, 2013 the Office of the Cane and Sugar Committee, Ministry of Industry announced its intention to join the fight against child labour in sugarcane plantations.

3) The Ministry of Interior ordered the local authorities with childcare centres or nursery children to receive children of sugar cane workers into care while their parents work in the cane fields.

4) The Board of Directors to approve the workplace with no illegal child labour and forced labour had appointed a Working Group to inspect and certify workplaces with no illegal child labour and forced labour. A total of 156 industry workplaces of shrimp, fish, garment, and sugar cane have announced their intention not to use child labour and forced labour, and have submitted letters of intent to be certified as workplaces with no illegal child labour and forced labour. In 2013, the Working Group conducted a total of 26 certified inspections. Twenty workplaces passed the inspections, 7 of which were sugar cane workplaces.

5) The Office of the Cane and Sugar Committee, Ministry of Industry together with representatives of Cane Growers Association and the Association of Sugar Factories announced their intent to join the fight against child labour in the sugarcane fields, and signed a memorandum of intent on mutual cooperation to acknowledge and

recognize the importance of the prevention of child labor in the sugarcane fields for the off-season harvest 2013– 2014. In order to reassure continued commitment from sugarcane farmers and sugar mills to prevent child labour problems in sugarcane fields, the following activities were implemented;

5.1 Signing of the Agreement "MitrPhol Group does not promote the use of child labour" was held at the PhuWieng Sugar Factory, KhonKaen Province on September 9, 2013 as a collaboration between the MPSG, Institute of Sugarcane Planters and its contractors to confirm their intention not to support the use of illegal child labour and forced labour. In their manufacturing operations, the implementation plan on not supporting the use of child labour outlines 8 steps for the process of operation as follows:

- 1) The collaboration with stakeholders and partners.
- 2) The risk assessment and impact of the manufacturing process.
- 3) The preparation of guidelines for good practices.
- 4) Communication and training throughout the supply chain.
- 5) Tracking compliance in accordance with the guidance.
- 6) Modification to comply with the guidance.
- 7) Having an independent review.
- 8) Reporting work performance.

5.2 Publicize the implementation and coordinate with sugarcane farmers and sugar factories and sign the agreement on cooperation in preventing and solving problems on "the work of children in sugarcane" in the 4 regions which was organized by the Office of the Cane and Sugar Committee, Regional Sugarcane Planters Association and representatives of sugar factories in the regions. This is to raise awareness and collaboration of each party to tackle the problem of child labour in sugarcane fields with two main objectives: 1) to cooperate between factories and sugarcane farmers or operators of sugar cane quota delivered to the factory to confirm and show the intention of not using child labour in sugarcane fields; 2) to support and promote the work of the Provincial Assistance Operations Center for Women and Child Labour in the prevention and solution to child labour in sugarcane fields which may lead to the worst forms of child labour and labour issues related to human trafficking.

4. Fish Processing Workplaces

1) Determine the direction and goals of inspection of workplaces which may employ child labour, forced labour and child migrant workers, particularly in the ready-made garment business, sea fishing and seafood processing industry workplaces that have never passed inspection within five years, small workplaces employing 1 to 49 workers that have never passed inspection, newly established workplaces and workplaces which did not comply with the labour protection law in the past year.

2) The Board of Directors to certify the workplace that has no illegal child labour and forced labour appointed a Working Group to inspect and certify workplaces that has no illegal child labour and forced labour. A total of 156 workplaces of shrimp, fish, garment, and sugar cane have announced their intention not to use child labour and forced labour. In 2013, the Working Group inspected 26 workplaces of which 20 workplaces received certification (3 among them were shrimp and fish processing workplaces) whereas 6 workplaces did not pass the inspection.

3) With regard to good labour practices (GLP: Good Labour Practices), the Department of Labour Protection and Welfare, Department of Fisheries, the International Labour Organization, employer and employee representatives jointly prescribed the Good Labour Practices as guidelines for entrepreneurs to follow to achieve the goal of elevating the working and employment conditions as a model of good practice with the scope and limitation on the use of child labour, forced labour, debt bondage, and labour trafficking. This guideline will be used on a trial basis and then will be evaluated for improvement with the mutual consent of all parties involved, including the GLP for Thailand's fishing industry. The goal for the fishing industry is to prepare Operational Guidelines for working conditions on fishing vessels of Thailand with the emphasis on the recruitment, employment and welfare of both Thai and migrant workers. Such guidelines have been developed based on Thai laws and regulations i.e., the Labour Protection Act B.E. 2541, the Anti-Human Trafficking Act B.E. 2551, Thai Labour Standards, and the Code of Conduct for fishing entrepreneurs.

4) Proactive measures to raise awareness have been implemented and used to approach entrepreneurs to follow workplace practices in compliance with labour laws and cooperate with the government in tackling human trafficking. Entrepreneurs which may be the risk groups in using child labour or forced labour such as entrepreneurs from small scale industries, garment, agriculture, shrimp, frozen seafood and fishing industry have been invited to hear government policies and discuss ways to prevent and solve labour trafficking issues particularly on the use of illegal child labour and forced labour.

In addition, the Department of Labour Protection and Welfare has pursued the policy of preventing and solving problems of the worst forms of child labour in every type of workplace by providing the training curriculum for labour inspectors in the workplace, which could be used to detect the use of child labour or forced labour. This is also to ensure protection of migrant workers whose rights may be violated and who are deemed as forced labor. Modules for labour inspector training including improvement of guidelines and manual on labour protection and occupational safety inspection in the workplace have also been issued.
