

Significant Operations on the Elimination of Worst Forms of Child Labour in 2013

In 2013, the Thai government has continued to put efforts into the elimination of the worst forms of child labour, especially the revision of the Ministerial Regulation concerning Labour Protection in Agricultural Work B.E.2547 (2004) and the Ministerial Regulation No.10 B.E.2541 (1998) issued under the Labour Protection Act B.E.2541 (1998) in accordance with the Labour Protection Act 1998 and relevant ILO Conventions.

Moreover, the Ministerial Regulation on the Administration of Occupational Safety, Health, and Environment Concerning Hazardous Chemical Substances B.E.2556 (2013) was enacted and came into force in November 2013.

On policy administration, a national-level mechanism- the National Committee on the Elimination of the Worst Forms of Child Labour and the Adviser were structurally reorganized to recruit more members from more related agencies participating at the national-level committee. Three Sub-Committees were created: The Sub-Committee on the Drafting of the List of Hazardous Work related to the Worst Forms of Child Labour; the Sub-Committee on the Drafting of the Report on the Situation of the Worst Forms of Child Labour; and the Committee on the Central Operation Center for Providing Assistance to Women and Child Labour set up the Sub-Committee on Preparing Information on the Worst Forms of Child Labour which has been mandated to collect and analyze information on the worst forms of child labour and report such information to the Committee on the Central Operation Center for Providing Assistance to Women and Child Labour.

As for prevention, cooperation and law enforcement, the 1300 Hot Line has been set up to respond to complaints. The Ministry of Labour is responsible for the issue of child labour. A Standard Operating Procedure was created to receive the complaint, rescue the victim and cooperate with relevant agencies, and conduct the follow-up and assessment.

With regard to law enforcement, the Department of Labour Protection and Welfare has a prescribed practice for labour inspectors in accordance with the Labour Protection Act B.E. 2541 (1998) as follows;

1. Enforce the law stringently in the case that the employer violates the law regarding the use of child labour under 15 years of age or human trafficking for labour exploitation, the labour inspector must immediately proceed with the criminal legal procedure against the employer.

2. Protect migrant workers based on the principle of equality in all issues involving the payment of wage, severance pay, overtime pay, holiday pay as well as welfare, etc. Migrant workers have the right to submit the complaint to the labour inspector equally as Thai workers.

3. The labour inspectors must file legal complaint against the employer that he or she is engaging in human trafficking which includes the use of child labour under 15 years of age, the use of young workers aged 15-18 years of age in hazardous work regulated by the Labour Protection Act B.E.2541 (1998), the case involving special factors or affecting a lot of workers, the use of child labour involving physical abuse, physical detainment or other forms of criminal offences, sexual harassment regulated by Article 16 of the Labour Protection Act B.E.2541 (1998), and the case involving criminal offences regulated by other laws, by submitting the cases immediately to the police to proceed with the criminal legal procedure without the process of administrative order issuance and payment of fine. In such cases, the labour inspectors must proceed with the criminal procedure within 3 days after receiving the complaint in order to immediately respond to the problem.

4. Pursue legal proceedings against the employer who violates the Labour Protection Act B.E.2541 (1998) in accordance with the Department of Labour Protection and Welfare Regulation on Criminal Prosecution and Fine Payment against Criminal Offenders based on the Labour Protection Act B.E.2547 (2004) which provides the maximum penalty of 1 year imprisonment or 200,000 baht fine or both.

As for labour inspection this year, the government focused its efforts on risk groups of workplaces that use child labour, forced labour and migrant workers especially the garment and textile enterprises, fishing industry, seafood processing and related industries, enterprises which have not been inspected in the past 5 years, small-scale enterprises having 1 to 49 workers which have not been inspected, newly established enterprises, and the enterprises that violated the law in the previous year. The labour inspectors conducted the labour inspection and found that there were 581 enterprises hiring 3,927 young workers. Among such enterprises, there were 27 enterprises which violated the law relating to the use of child labour under 15 years of age, the negligence of duty on informing the competent authority about the employment of young workers aged 15-18 years of age, the employment of young workers at night work during 10.00 p.m.-6.00 a.m. without permission from the Department. As a result, the labour inspectors have informed the police to proceed with criminal procedures.

In 2013, the Working Group for the Certification of Enterprises was established to inspect and certify that no child labour and forced labour are used. This Working Group consists of members from government agencies, private agencies and NGOs. The enterprises in shrimp, fish, garment and sugar cane sectors participated in the ceremony of declaration of intent not to use child labour and forced labour in November 2012. After such ceremony, 156 enterprises submitted the report form to be inspected and certified that they have not used child labour and

forced labour according to the regulation concerned. In 2013, the Working Group for the Certification of Enterprises mentioned above certified 26 enterprises: 3 enterprises in shrimp and fish processing, 7 sugar cane enterprises, 10 garment enterprises, and 6 enterprises did not meet the certification standard.

The government worked closely with private agencies and the representatives of workers and the ILO in establishing the voluntary measures to create the Good Labour Practices in order to improve the working conditions as a guideline for the enterprises. During the first stage, Good Labour Practice was primarily implemented in the seafood processing sector.

In this regard, the government has continuously developed the capacity of labour inspectors and the capacity of employers and workers in order to enhance understanding and strengthen collaborative work for the success of the elimination of the worst forms of child labour.

The Department of Labour protection and Welfare

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