



ISSN 2985-0541 (Print) / ISSN 2539-5513 (Online)

JOURNAL OF CONTEMPORARY SOCIAL SCIENCES AND HUMANITIES

Available online at <https://jcs.h.rsu.ac.th>



Examining Migrant Workers' Rights in Fishing Industry of Thailand after Ratification of ILO C188: A Case Study of Burmese Migrant Workers in Ranong Province, Thailand

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Received 28 August 2024/ Revised 27 February 2025/ Accepted 20 March 2025/ Publish Online 2 June 2025

Abstract

Thailand's fishing industry is heavily reliant on migrant workers and has been boycotted by several members of the international community for human rights violations, leading to significant losses of seafood export value and revenue. The ratification of the ILO Work in Fishing Convention, 2007 (C188), in 2019 was a demonstrative step taken by Thailand to potentially improve the working conditions of fishers, and to assure the international community that Thai seafood products are free from labor and human rights abuses. Thailand is the only country in Southeast Asia to ratify C188, and it appears the ratification was driven by economic incentives and access to export markets. This research aims to examine the current situation of migrant workers in the Thai fishing industry post-C188 ratification, using Ranong Province as a case study. It also proposes a set of recommendations on how the situation of migrant workers in Ranong's fishing industry can be improved. Thirteen (13) participants from government agencies, NGOs, migrant workers, and employers were interviewed. The research found that the current working conditions of fishers in Ranong's fishing sector have not authentically met C188 standards. Notable violations include issues related to health and safety, payment structures, and employment contracts, all of which fall significantly below C188 requirements. Many fishers tend not to approach public authorities to report these violations due to fear, intimidation or lack of trust. Recommendations to help minimize C188 violations include improving reporting mechanisms at PIPO, taking immediate legal action against violators (sanctions), allowing migrant fishers to form their own union, reducing documentation and recruitment costs, and simplifying the immigration process.

Keywords: Fisher, Migrant Worker, Thai Fishing Industry, C188, Work In Fishing Convention, Seafood, PIPO, Ranong

1. Introduction

The fishing industry plays a vital role in the Thai economy (Chantavanich et al., 2016; Department of Fisheries, 2022), and Thailand is one of the largest exporters of seafood products in the world (Department of Fisheries, 2022). The core international markets for Thai fishery products are the United States, Japan, and the European Union (Yenpoeng, 2018; Errighi et al., 2016). Thailand has been generating billions of dollars in exports from its seafood and fishing industries for more than a decade (Food and Agriculture Organization of the United Nations, 2022). The GDP contribution of the fishing sector to the Thai economy is approximately three billion euros. At the global level, Thai seafood products account for around 8% of total world export (Department of Fisheries, 2022).

However, work in the fishing sector is undesirable for most Thai workers (International Labor Organization, 2013a; Stephens, 2017), as it is described as a "3Ds" job- difficult, dirty, and dangerous (International Organization for Migration, 2019). It requires "long hours, low and unpredictable pay, physically demanding work and long periods at sea" (Stephens, 2017). Therefore, most Thai workers are discouraged from working in the fishing industry (Stephens, 2017), which has led to labor shortages (International Labor Organization, 2013a; Khemanitthathai, 2021).

To satisfy the demand for workers in the fishing sector, Thai employers have relied heavily on the informal recruitment of migrant workers from Myanmar and Cambodia to crew their fishing vessels. Illegal recruitment has exacerbated human trafficking, forced labor, and migrant worker exploitation in the Thai fishing industry (International Labor Organization, 2013a; International Organization for Migration, 2019). Because of

wage differences between Thailand and neighboring countries, and the labor shortage, migrants from neighboring countries are attracted to work in Thailand (Ruangsuvan, 2018; International Organization for Migration, 2019). Thailand registered around three million migrant workers from neighboring countries in 2019-48% from Myanmar, 34% from Cambodia, and 18% from Laos (International Organization for Migration, 2021). In the fishing sector, more than 94,000 migrants were employed on over 10,000 commercial fishing fleets in 2021 (Department of Fisheries, 2021b), of which Burmese workers (Myanmar nationality) made up more than 50%, making them the largest migrant group in this sector (Department of Fisheries, 2021a).

Ranong is the only province in the five coastal zones of Thailand that shares both a land and maritime border with Myanmar (Poonachit-Korsieporn, 2000; Srimuang-Kanjana, 2015). Not surprisingly, a very high number of Burmese migrant workers live in Ranong. Table 1 below displays the number of registered migrant workers in Ranong by nationality from 2017 to 2023. It shows that over 90 percent of registered migrant workers in Ranong are from Myanmar (Ranong Provincial Employment Office, 2024a). In the fishing sector, over 2,000 of the 2,440 registered migrant workers in Ranong are Burmese (see Table 2) (Ranong Provincial Employment Office, 2024b). They have consistently been the majority employed in this sector. Moreover, fisheries is the second-largest sector in Ranong’s economy, contributing nearly 18 percent of the province’s Gross Provincial Product (Ranong Province, 2018).

Table 1 The Number of Migrant Workers Registered under the Department of Employment of Ranong Classified by Nationality 2017- 2023 (Ranong Provincial Employment Office, 2024a)

Nationality	2017	2018	2019	2020	2021	2022	2023
Myanmar	47,073	40,866	35,251	31,976	31,893	33,657	31,254
Laos	55	80	79	61	68	96	87
Cambodia	12	60	37	10	19	19	9
Vietnam	0	0	0	0	0	0	1
Other	532	764	446	530	514	515	562
Total	47,672	41,770	35,813	32,577	32,494	34,287	31,913

Table 2 The Number of Migrant Workers Employed in Fishing Sector of Ranong Classified by Nationality 2017 - 2023 (Ranong Provincial Employment Office, 2024b)

Nationality	2017	2018	2019	2020	2021	2022	2023
Myanmar	3,720	3,464	3,151	3,175	2,929	2,839	2,412
Laos	6	7	6	5	5	4	4
Cambodia	2	10	1	3	3	2	1
Vietnam	0	0	0	0	0	0	0
Other	23	45	30	53	52	52	23
Total	3,751	3,526	3,188	3,236	2,989	2,897	2,440

Ranong is also considered a destination and transit point for human trafficking (Laodumrongchai, 2007). It shares a 169-kilometer land border and 90-kilometer maritime border with Myanmar (Wongpreedee, 2014), making it a high-risk area for human trafficking and exploitation (Wongboonsin, 2007). In addition, the province has a history of serious illegal labor issues (Wongpreedee, 2014), and illegal entry into Thailand has continued until today (Khemanitthathai, 2021). Since the immigration process under the Memorandum of Understanding (MOU) is complex and expensive, most of the migrant workers tend to rely on informal recruitment systems (International Organization for Migration, 2019). The International Organization for Migration (2019) reported that the majority of migrants continue “to make use of semi-annual registration windows to obtain legal status or simply work irregularly,” which makes them especially vulnerable to exploitation and labor abuse.

Since 2014, Thailand’s fishing industry has come under international scrutiny for reports of human trafficking, forced labor, serious labor rights abuses, and the severe exploitation of migrant workers (Chantavanich et al., 2016; International Labor Organization, 2020). Stephens (2017) and Seo (2018) reported that victims of human trafficking on Thai commercial fishing boats are forced to work more than 18 hours per day without pay, and physical abuse by captains is prevalent throughout the industry. There are also accounts of debt slavery and/or debt bondage on most Thai commercial fishing boats (Seo, 2018).

Human trafficking, debt bondage, and labor rights abuses in the fishing industry of Thailand obviously challenge Sustainable Development Goal (SDG) 8, which promotes decent work and economic growth. SDG Targets 8.7 and 8.8 specifically urge countries to eradicate forced labor, modern slavery, and human trafficking, and to protect labor rights for all workers, including migrants (United Nations, 2023b). Failure to protect labor rights in the Thai fishing industry simply means the country is not on the sustainable pathway for economic development and that it is challenging the international community's efforts to achieve decent work globally.

Furthermore, SDG 1 aims to eradicate poverty from the world by 2030 (United Nations, 2023a). Target 1.2 specifically calls for all countries to reduce poverty by at least half of the proportion of the population living in poverty (United Nations, 2023a). Escaping poverty is one of the main reasons why people migrate to other countries with better economic opportunities (Burke et al., 2022). Migrants come to work in Thailand with the hope of sending money back to their families in their home country. Remittances can increase GDP and reduce poverty in the migrant-sending countries (Sricharoen, 2021; Bhula-or, 2021). They can be used for education, healthcare, or living expenses for family members at home (Bhula-or, 2021). Exploitation of migrant workers, labor right abuse and debt bondage in the fishing industry of Thailand can significantly impact migrants' remittances, which in turn can undermine poverty reduction efforts.

Consequently, the U.S. State Department ranked Thailand in Tier 3 - the lowest rank - in its annual Trafficking in Persons Report (TIP) in 2014 (Stephens, 2017). In 2015, the European Union, Thailand's major seafood trading partner, issued a yellow card for Illegal, Unreported and Unregulated (IUU) fishing practices and the exploitation of migrant workers in the fishing industry (International Organization for Migration, 2019). This not only affected Thailand's image in the international community dramatically but also had a pronounced impact on the national economy. As the international community boycotted Thailand's seafood products for human rights abuse, the country's fishery production dropped from over 3 million MT in 2012 to around 2 million MT in 2016. As a result, the export value of fishery products from Thailand plummeted from around \$8 billion to \$6 billion USD between 2012 and 2016 (Southeast Asian Fisheries Development Center, 2021).

To handle international pressure, and because Thailand was put in jeopardy of losing a huge share of its seafood export market (worth billions of dollars), the country has adopted a number of reforms to eliminate forced labor and improve the working conditions of migrant workers in the Thai fishing industry (Ruangsuan, 2018). Among the series of reforms was the ratification of the ILO Convention on Work in Fishing (C188) in 2019 (International Labor Organization, 2019a) to reassure the international community that Thailand's seafood products are free of human rights abuse and fishers are purportedly treated with dignity. This has made Thailand the very first and the only country in Asia to ratify this international convention (International Labor Organization, 2019a). The Convention provides a comprehensive set of standards regarding living and working conditions of all fishers regardless of nationality working on all commercial fishing vessels (Politakis, 2008). The signing of C188 by the Thai government was driven by economic incentives (Tavornmas, & Cheeppensook, 2020). Therefore, this research paper aims to examine the current situation of Burmese migrant workers in the fishing industry using Ranong as a case study. In addition, it proposes a set of recommendations for the government, employers and fishers on how to improve the current situation of migrant workers in the fishing industry in Ranong.

This research paper is divided into six sections. The first section defines terms and reviews literature on Thailand's fishing industry, its challenges, policy reforms, and a role model country with effective implementation of C188. The main research objectives are described in the second section. The third section then focuses on the methodology by describing the detailed information about the participants in this research, the data analysis technique, and limitations. The fourth section presents research results, and the fifth section discusses the current situation of migrant workers in the fishing industry of Ranong after Thailand ratified C188 in 2019, along with solutions to improve the current situation by using primary and secondary sources from books, journal articles, and NGOs reports. The last section is the summary and recommendations of this research.

1.1 Definition

Fisher in this paper refers to legal migrant workers working on the commercial fishing fleets regardless of the vessel size.

Fishing Vessels refers to all legal fishing vessels registered for commercial purposes. Subsistence, recreational, and illegal fishing are not counted.

Fishing Industry in this paper refers solely to the act of catching fish at sea both in national and international waters. The activities concerned with seafood processing in factories, or culturing marine animals are not included.

1.2 Labor Scarcity and Human Trafficking for Forced Labor in the Fishing Industry of Thailand

Human trafficking for forced labor is a major problem in the Thai fishing industry, and it has a direct linkage with labor scarcity. Ruangsuwan (2018), Chantavanich et al. (2016), and Vandergeest, and Marschke (2020) all acknowledged that the problem of labor scarcity has existed in the Thai fishing industry. Vandergeest, and Marschke (2020) subscribed to the idea that industrialization and globalization are contributing factors for labor scarcity in the fishing industry of Thailand. The author explained that Thailand shifted from small-scale fishing to large-scale commercial fishing, which has led to extensive reliance on the labor force. They further clarified that global competition pressured capitalists to reduce the cost of labor by lowering wages; thus, harsh working conditions with lower wages discourage most workers from working in the fishing sector. Correspondingly, Ruangsuwan (2018) also stated that the Thai fishing industry is striving to survive in competitive export markets; therefore, the industry has engaged in forced labor to reduce the cost of operation by luring migrant workers to work in the industry. Similarly, Tammapiban-udom (2015) suggested that the fishing sector of Thailand has been experiencing a downward trend regarding return and investment. Hence, migrant workers are recruited to reduce labor costs, which has also led to an increase in demand for forced labor.

1.2.1 Illegitimate Recruitment of Migrant Workers in the Thai Fishing Industry

Migrants choose to be recruited in the fishing industry through illegal channels because the MOU process of the Thai government takes a long time and is expensive. Both the IOM (2019) and Ruangsuwan (2018) identified the same issue: that the complexity of the legal process remains a barrier to legal migration and the proper recruitment of migrant workers in the fishing industry. The IOM (2019) explained that the bilateral MOU process of recruiting foreign workers in Thailand not only takes a longer time and is expensive but also has complicated procedures with the countries of origin, which discourages migrant workers from entering the country through regular migration channels. Ruangsuwan (2018) expressed that for Thailand, obtaining migrant workers through brokers remains the fastest and cheapest method, despite the availability of the MOU channel.

Additionally, some migrants are deceived into working in the fishing industry of Thailand because of illegal recruitment. Both the ILO (2013a) and Vandergeest, and Marschke (2020) reflected that while some migrants voluntarily enter the process of illegitimate recruitment, others are lured by brokers with promises of good pay. Chantavanich et al., (2016) and Ruangsuwan (2018) shared that the “travel first and pay later” method has been a popular method used by brokers or employers to attract migrants to work in the fishing sector. All authors expressed that this method allows unethical brokers or vessel owners to financially exploit migrant workers by unfairly increasing the amount of debt and the time needed to pay; thus, it causes a number of migrants to be trapped in debt bondage and forces them to work in slave-like conditions.

1.2.2 Wage and Deduction

Thailand has set minimum wages at not less than 300 baht per day across the country, with some slight variation from province to province (Carpio et al., 2019). For Ranong Province, the minimum wage is set at 332 baht per day as of 2023 (Provincial Labour Office Ranong, 2024). The minimum wage policy is also applied to all migrant workers employed in Thailand (Carpio et al., 2019). In the fishing industry of Thailand, however, some fishers are paid based on a “share of the catch” model, while others are paid at a fixed monthly wage, and others receive a combination of a fixed monthly wage plus a share of the catch (International Labor Organization, 2020). The ILO (2013a) reported in its survey entitled “Employment Practices and Working Conditions in Thailand’s Fishing Sector” that there were cases in which fishers were not paid a salary at all for work they had carried out, and they tended to leave the job and find a new employer instead of filing a complaint for compensation. The report also revealed that some fishers reported that they had no idea why their wages were deducted (International Labor Organization, 2013a).

To handle wage violations, the Ministry of Labor introduced a policy in 2018 that requires fishers to be paid via bank accounts and electronic transfer so that it can verify whether fishers are financially exploited (International Labor Organization, 2020). Nevertheless, Hartough (2021) asserted that many fishers still do not

receive wages as stated in their employment contracts, and they receive wages in cash rather than via bank transfers, despite the Ministry's requirement. The Environmental Justice Foundation (EJF) (2019), International Labor Organization (2020) and Fishers' Rights Network (FRN) (2023) reported that fishers still do not have full access to their ATM cards and passbooks, and majority of them are paid in cash.

1.3 Royal Thai Government's Responses to Human Rights Scandals in the Thai Fishing Industry

1.3.1 Port-In and Port-Out (PIPO) Centers

Since 2015, Thailand has established a total of 32 PIPO centers in 22 coastal provinces for pre-departure and post-arrival inspection of fishing vessels (International Organization for Migration, 2019) in response to international pressures for IUU fishing and human rights scandals in the Thai fishing industry (Fishers' Rights Network, 2023). PIPO serves as a front-line mechanism that can provide labor protection in sea fishery work. The inspections include document checks for fishing vessels and fishers to determine legality, Vessel Monitoring System (VMS) checks, and inspection of the living and working conditions of fishers on board by interviewing the fishers (International Organization for Migration, 2019; Fishers' Rights Network, 2023).

Vandergeest, & Marschke (2020) expressed that PIPO centers have brought improvements in the living and working conditions of workers onboard fishing vessels, especially for fishers working on short-haul vessels since government officials can better reach them. The authors explained that PIPO centers help minimize the risk of exposure to physical abuse or violence for fishers onboard.

However, the FRN (2023) and EJF (2019) have contradictory views from the above-mentioned authors over the PIPO program. The FRN (2023) reflected that the PIPO inspection program has been found ineffective because "inspection protocols have unconditionally failed to eliminate exploitative practices (FRN, 2023). The inspection process fails to guarantee confidentiality and protect fishers when reporting violations. Fishers are, for example, interviewed by inspection teams in open spaces in plain view and earshot of the captain and/or vessel owner. Thus, fishers are unable to report violations to government officials in a confidential manner.

1.3.2 Thailand's Ratification of ILO's Work in Fishing Convention (C188)

Thailand became the first signatory state from Asia in 2019 (International Labor Organization, 2019a), following the human rights scandal in the Thai fishing industry, to demonstrate its commitment to improving working conditions in the industry. The Convention covers all aspects of the living and working conditions of fishers, providing a comprehensive standard with which signatory states shall comply. It specifically includes standards on: the minimum age for work on fishing vessels (not less than 18 years old); medical examination for fishers to ensure fitness for work; an employment contract that is comprehensible and accessible to fishers; maintenance of the crew list on board; payment of fishers; occupational safety and health, such as the arrangement of medical equipment and medicine on board; social security protections; hours of rest (not less than 10 hours in any 24-hour period); and the provision of hygienic accommodation, sanitary facilities, nutritious food, and water on board (International Labor Organization, 2017). Furthermore, Article 40 of the Convention requires the signatory state to establish a system to ensure compliance with the standards outlined, such as inspections, reporting mechanisms, penalties, and corrective measures (International Labor Organization, 2017).

1.4 Role Model Country with Effective Enforcement of C188: South Africa

South Africa is one of the first countries to have ratified C188 (International Labor Organization, 2023), and it is the very first country that has effectively implemented C188. In 2019, after the C188 came into force, a foreign fishing vessel, namely "Yong Qing FA 666," was arrested in 2019. The SAMSA inspected the vessel and found that it was non-compliant with the C188 standards as there was no food, water, and electricity for fishers and the working conditions for fishers were poor. As a result, the government of South Africa notified the ILO and the flag state of the vessel about the non-conformities with the requirements of C188 and detained the vessel using Articles 43 and 44 of the Convention. The vessel was put in the judicial process of sale in 2020, and fishers were arranged for repatriation to the country of origin after the business owner abandoned the fishing vessel (Parliamentary Monitoring Group, 2020).

Moreover, the Cape Town port of South Africa has been labelled as high-sea fishing, with more than 300 foreign fishing vessels entering the port annually, and forced labor cases are prevalent on foreign vessels at this port (ILO, 2022a). South Africa has installed a system to inspect not only domestic fishing vessels but also foreign

fishing vessels for compliance with the C188 standards so that vessels from non-signatory states can also be inspected at port (International Labor Organization, 2018). Additionally, South Africa has established a Local General Safety Certificate (LGSC) mechanism, where all commercial fishing vessels are surveyed by a qualified surveyor at least once a year and a certificate is issued that is valid for one year for vessels conforming with requirements of the Convention. On the top of that, the country has ad hoc inspections to vessels with certified LGSC, including reviewing work agreement, and interviewing crews on working condition onboard (ILO, 2021).

2. Objectives

- 1) To examine the current situation of migrant workers in fishing industry in Ranong, Thailand, after the Royal Thai government adopted the Work in Fishing Convention (C188) of the ILO in 2019
- 2) To propose recommendation on how the current situation of migrant workers in fishing industry in Ranong, Thailand, could be improved

3. Methods

A qualitative research approach was employed in this research in order to gain an in-depth understanding of the current situation of Burmese migrant workers in the fishing industry in Ranong. The researchers used semi-structured interview methods to gather primary sources of data. Secondary sources of data were also used to identify challenges and opportunities that Burmese migrant workers in the fishing industry have been facing after Thailand ratified C188 in 2019, using a case study of Ranong Province. Interview was the best choice for this research because it used a qualitative approach and semi-structured interview method and used literature to support the findings and discussion. Interviews provide a free and open forum for key informants to express their opinions and to discuss confidential issues (Guest et al., 2017). They also allow the researchers to delve deeper into desired information by asking for clarification or follow-up questions to respondents.

3.1 Participants

A total of 13 key informants who associate with the fishing industry in Ranong were interviewed. The participants are divided into four groups encompassing migrant workers, governmental organizations, NGO workers and employers.

The first group is migrant workers. They were selected because they are the focal participants who can reliably inform and discuss their living and working conditions with the researchers. Selection of migrant workers was based on three criteria: Burmese nationality; legal status to work in the fishing industry (to evaluate whether they fully enjoy labor rights entitled to them); and the participants must have worked on fishing vessels for at least six years, so that they can discuss how their work experiences have changed after ratification of C188 in 2019.

The second group is government officials. They were chosen because they are the focal points who have to enforce and implement C188 in the province. Selection of governmental officials was based on three criteria. The first criterion is participants must be from governmental agencies related to labor in the fishing sector. The second criterion is they need to have at least six years of work experience so that they can present reliable information relative to challenges and improvements following the ratification of C188 in 2019. The third criterion is participants need to be from governmental organizations based in Ranong because they have specific experience and knowledge of the context of the fishing industry in Ranong.

The third group is NGOs. NGOs act as watchdogs and are capable of highlighting strengths and weaknesses of the government's work in enforcing and implementing C188 in Ranong. Participants from NGOs were chosen based on two criteria. The first criterion is the participants must be from the NGOs related to migrants in the fishing sector in Ranong. The second criterion is participants must have been working in this area for not less than three years so that they have specific knowledge about the context of migrant workers in the fishing sector in Ranong and can explain whether C188 is effectively enforced or not.

The last group is the group of employers. Employers were selected because they can share their fishing operations and worker management experiences after the government came up with new regulations and policies associated with C188. The three criteria for employers are: they must be the owner of a commercial fishing vessel or vessels; they must have at least four migrant workers working on their fishing vessels (because commercial fishing vessels in Thailand usually start with a minimum number of 3±1 workers); and they need to have

experience operating in the fishing industry for at least ten years so that they can explain how the signing of C188 has impacted the fishing industry in Ranong.

The researchers conducted all interviews from January 13th, 2024 to February 24th, 2024. Table 3 shows the list of participants in this research. In this research, the researchers used “Participant A,” “B,” or “C” to protect the identities of key informants.

Table 3 Lists of Participants

No.	Name	Gender	Age	Position	Work Experience	Organization
1	Participant A	Female	40	Labor Inspector	13 years	Ranong Provincial Labor Protection and Welfare Office
2	Participant B	Male	38	Labor Inspector	8 years	Ranong Provincial Labor Protection and Welfare Office
3	Participant C	Male	57	Senior Level Fishery Officer	11 years	Ranong Fisheries Provincial Office
4	Participant D	Male	39	President	6 years	Fishers' Rights Network
5	Participant E	Male	27	Organizer	6 years	Fishers' Rights Network
6	Participant F	Male	37	Organizer	3 years	Fishers' Rights Network
7	Participant G	Male	51	Employer	15 years	Ranong Fishery Association
8	Participant H	Male	54	Employer	30 years	Ranong Fishery Association
9	Participant I	Male	55	Employer	12 years	Ranong Fishery Association
10	Participant J	Male	46	Fisher	7 years	Fishing Vessel in Ranong
11	Participant K	Male	45	Fisher	10 years	Fishing Vessel in Ranong
12	Participant L	Male	53	Fisher	30 years	Fishing Vessel in Ranong
13	Participant M	Male	51	Fisher	30 years	Fishing Vessel in Ranong

3.2 Data Analysis

This research used a thematic analysis approach to identify the main challenges Burmese migrant workers in fishing industry of Ranong are facing after the ratification of C188 in 2019. Thematic analysis is a method of analyzing qualitative data. It is usually applied to a set of texts, such as interviews or transcripts (Dawadi, 2020). The researchers closely examined data collected from interviews and secondary research and identified common themes, topics, ideas and patterns that came up repeatedly.

4. Results

The research findings mainly describe the interviewees’ reports with regards to the current situations of migrant workers in the fishing industry of Ranong after the Thai government ratified C188 in 2019. The researchers present the findings under six main points: (1) document problem; (2) problems with payment structures; (3) shortage of workers; (4) recruitment process; (5) health and safety onboard; and (6) reporting violations to government authorities.

4.1 Document Problem

There are three major problems associated with documents found in the fishing industry of Ranong: the high cost of document fees, unfair deductions of documentation fees from fishers, and document retention by employers.

The first problem is the high cost of document fees. All participants J, K, L, and M from the migrant group and participants G, H, and I from the employer group agreed that there is a high cost of document fees for migrant workers in the fishing sector. All 7 participants reported that migrant workers in the fishing sector have to hold more identity documents than migrant workers working onshore, such as in factories or construction; thus, they have to bear higher costs associated with those documents compared to workers in other sectors. For instance, Participant G explained that one fisher has to hold many documents, including a pink card, certification of identity, work permit, ATM card, sea book, passport, and smart card from the Department of Employment. Participant J (Personal Communication, February 24, 2024) from the migrant group added that “when changing employers,

there is also a cost for that, which is 1,500 THB, and it needs to be paid by the fishers.” Participants G, H, and I commented that it would be good if the government could reduce the types of legal documents that fishers have to hold so that it would help reduce documentation costs and the time spent processing documents.

However, Participant C from the governmental group explained that before a fisher gets to work onboard, the fisher has to go through different documentation processes, and fishers are required to hold more documents than workers in other sectors in order to protect fishers from being victims of human trafficking on fishing vessels (Personal Communication, February 15, 2024).

The second problem is the unfair deduction of document fees from fishers. Participants J, K, L, and M from the migrant side reported that fishers are unfairly deducted documents fee from their wages when fishers leave the job. Participant L (Personal Communication, February 24, 2024) shared his experience that “when I left the job, the document fee was only 10,000 THB, but I was told to pay 12,000 THB.” Participant J added that some fishers are deducted more than the actual cost of documents as punishment for changing employers, while fishing boats are in shortage of workers.

The third major problem is the withholding of identity documents of fishers. Participants J, K, and L from the migrant side expressed that employers hold most of the fishers’ identity documents, and when fishers leave the job or move to a new employer, some employers do not return their identity documents. Participant D from the NGO group mentioned that document retention is one of the complaints received most from fishers in Ranong. However, participant G (Personal Communication, February 16, 2024) from the employer side, who is the owner of two fishing vessels, defended that,

We do not confiscate the documents of fishers. We keep their documents and give some to be with them because once they are lost, they cannot be reissued easily, especially the Certification of Identity (CI). Once CI is lost, they have to contact the Myanmar embassy to reissue it, and the embassy does not pay much attention.

4.2 Problem with Payment Structure

There are top three issues associated with payment: 1) electronic payment system, 2) the practice of advance salary, and 3) not receiving wages as stated in the employment contract.

The first issue is the electronic payment system. Participants A, B, and C from the government side reported that since the Thai government ratified C188, there has been an adaptation of the law regarding payment structures which requires employers to pay monthly or regularly to fishers via bank transfer only. All 3 participants explain that the purpose of this amendment is to make sure workers are not financially exploited. Participant B (Personal Communication, February 15, 2024) highlighted the benefit of the electronic payment system that “If there is a complaint made by workers, there is evidence and record whether the wage has been paid correctly or not.” The electronic payment system is a significant change made in domestic law as a result of C188 ratification.

However, Participants J, K, L, and M from the migrant side reported that they are mainly receiving wages in cash. For instance, Participant J (Personal Communication, February 24, 2024) mentioned that “there are 30 fishers in my boat, but no one receives wages via ATM card. Chiew (also known as foreman) is the one who gives salary to fishers in cash”. As a consequence, Participant K (Personal Communication, February 24, 2024) shared his experience of pay exploitation on his previous fishing vessel that “the salary that employers gave was one rate, but what the foremen and managers gave to fishers was another rate”.

On the other hand, all participants G, H, and I from the employer side stated that most fishers prefer to receive wages in cash because they do not know how to use ATM cards, and they have to rely on the manager for money withdrawal. According to Participant G (Personal Communication, February 16, 2024), “if you ask 10 fishers whether they want to receive money via ATM, no one would say yes.” Participant K from the migrant group expressed that he prefers to receive wages in cash because it is not convenient for him to withdraw via ATM. However, Participants J and L have different opinions. They both agree that it is safer to receive wages via bank transfer rather than in cash so that they can withdraw their money from the bank whenever they want.

The second issue is the practice of an advance salary. Participants G, H, and I from the employer side shared that traditionally, the fishing sector is the only sector in which employers have to pay salary advances to fishers in order to get fishers to work onboard fishing vessels. In other sectors, for instance, Participant G (Personal Communication, February 16, 2024) shared that “workers have to work first and then get the salary at the end of the month, but it does not work in the fishing sector”. In the fishing sector, all the 3 participants complained that

if an employer does not pay salary advance before fishers go to work at sea, no fisher would agree to work with that employer. Participants J, L, and M from the migrant side accepted that the main reason they choose to work in the fishing sector is that they can request a salary advance so that they can pay off debt or support their family.

The third issue is that fishers do not receive wages as written in employment contracts. All participants J, K, L, and M from the migrant side revealed that the wage that fishers and employers verbally agreed on is one rate, ranging from 12,000 THB to 15,000 THB per month; however, in the employment contracts, the monthly salary is stated only between 9,000 and 9,500 THB. Participant J (Personal Communication, February 24, 2024) conveyed that “I earn 12,500 THB per month, but on my employment contract, it is written 9,500 THB because it is the minimum wage set by the Thai government”. Overall, the work agreement between fishers and employment is not stated properly on a written employment contract.

4.3 Shortage of Workers

All participants G, H, and I from the employer group report the same problem that they have been experiencing a shortage of workers. There are two main root causes found in the interview: 1) payment problems; and 2) harsh working conditions.

The first root cause is payment problems. Participant I from the employer side maintained that fishers in Ranong earn a lower wage than fishers in other provinces. For instance, a fisher earns around 12,000–13,000 THB in Ranong, but in other provinces, they earn around 14,000–15,000 THB per month. Thus, some are persuaded to work in other provinces. Participant G reasoned that employers in Ranong cannot afford to pay as high as employers in other provinces because they have higher investment costs, while selling raw fish as cheaply as other provinces to win buyers. However, Participants M and L from the migrant side had different opinions. They argued that fishers are discouraged from working because of payment violations. Participant M (Personal Communication, February 24, 2024) stressed that “some fishers do not get paid regularly. I have heard from my fellow fishers that some fishers have jobs available, but they do not want to work because they do not earn what they are supposed to get or do not get paid on time”. Participant A from the government side, who is a labor inspector, assessed that most complaints received from fishers are related to wages, such as disagreements over the share of catch or delayed payment.

The second root cause is harsh working conditions. All participants J, K, L, and M, from the migrant side complained that the work on fishing vessels is dangerous and tough. They all shared the same thing that they would not recommend their children work onboard a fishing vessel. Participant L (Personal Communication, February 24, 2024), who has been a fisher for 30 years, asserted that “I have a son who is over 18 years old, but I do not allow him to work on fishing vessels because it is dangerous”. Fishing is not a preferred job for the majority of migrant workers in Ranong, which results in labor scarcity.

4.4 Recruitment Process

All participants G, H, and I from the employer group said that the MOU process of recruiting migrant workers in the fishing industry is not effective as it takes around three months to obtain a worker. Also, Participant G (Personal Communication, February 16, 2024) underscored that “another big problem with MOU is that the recruitment company brings workers that have no experience working on fishing boats”. Participant H complained further that there is uncertainty about recruiting workers via the MOU system because once fishers are recruited, they would move to other provinces where they get better pay. Participant C from the government group informed that fishers recruited through the MOU process are very few in Ranong (Personal Communication, February 15, 2024). Fishers in Ranong are predominantly recruited via friends, relatives, or foremen. Participant H shared that employment of fishers through friends or relatives has been a common method to obtain workers on his fishing vessel. All participants J, K, L, and M from the migrant side confirmed that they were recruited through either friends, relatives, or foremen who were working on fishing vessels.

4.5 Health and Safety Onboard Fishing

All participants D, E, and F from the NGO side reported that there is an issue that fishers cannot access a first aid kit onboard. Participant D (Personal Communication, January 13, 2024) discovered that “when fishers ask for medicine from the captain onboard, it may be due to a language barrier, fishers do not get the medicine, so they come to our office and request a medicine box”. Participants D and E complained that when the team goes

to different jetties to provide first aid kit training, some employers or captains do not cooperate with the team for training. Participant A from the government side observed that fishers are not aware of the importance of safety instructions onboard. For instance, Participant A explained that during the boat inspection, inspection officers always remind fishers to check the condition of fishing equipment and machines before using them.

Moreover, there is also the issue that fishers do not receive proper protection when they get injured at work. All participants D, E, F, and L asserted that the fishers do not receive compensation when an accident occurs at work. For instance, Participants D and E underscored that some fishers get in an accident onboard fishing vessels and their legs or hands are broken and unable to work for months, but some employers do not take accountability for medical costs, and some fishers do not receive wages for sick leave. Participant L (Personal Communication, February 24, 2024) witnessed his friend's case related to an accident at work in which "my friend had to stop working for 4 months but the employer did not take charge of the medical cost". Additionally, Participant E underscored that some captains refuse to immediately return to shore when fishers get injured or sick at sea, which renders fishers unable to receive medical treatment in a timely manner.

4.6 Reporting Violations to Government Authorities

All participants A and B from the government side, participants D, E, and F from the NGO side, and participants J, K, L, and M from the migrant side confirmed that there is an issue of trust with regard to reporting violations to government authorities. There are two main reasons for lack of trust discussed by interviewees: 1) lack of confidentiality, and 2) ineffectiveness in handling violations.

The first cause of losing trust to government authorities is due to lack of confidentiality. Participants D, E, and F observed that during the boat inspection, the government authorities select a couple of fishers and interview them regarding violations in an open space where the captain and/or boat owners can see who gets selected for interview. There is no private room where fishers could report privately. As a result, Participants D, E, and F expressed that fishers are scared to report violations to government authorities due to fear of dismissal from work or other reprisals/retribution.

However, Participant B from the government side discussed that to ensure confidentiality, officials provide contact numbers to the fishers during the inspection so that fishers can call later to report violations. Nevertheless, Participant M from the migrant side shared that when a fisher approaches the government authorities for the violations and becomes a case, it becomes harder for the fisher to find a job in the fishing sector; thus, some fishers are afraid to report.

The second cause is due to ineffectiveness in handling violation cases. Participant E from the NGO side commented that when fishers report to government authorities for violations, the government does not take effective action as prescribed by law, such as requiring violated employers to pay a fine. Instead, the authorities would invite both fishers and employers to talk and negotiate. Participant E (Personal Communication, January 13, 2024) that "if the violated employers are not punished, they would violate again with other fishers". All participants J, K, L and M from the migrant side professed that when fishers approach government officers for violations, the government officers do not pay much attention. On the other hand, Participant B from the government side responded that some fishers do not provide accurate information to government officials when making complaints. Thus, the officials have to listen from both sides to find out the truth.

5. Discussion

Based on the research findings and secondary sources, this section analyzes the current situation of migrant workers in the fishing industry in Ranong after RTG ratified C188 in 2019. It will also discuss solutions on how the current situation of migrant workers in the fishing sector could be improved.

5.1 The Current Situation of Migrant Workers in the Fishing Industry in Ranong, Thailand After the Royal Thai Government Adopted the Work in Fishing Convention (C188) of ILO in 2019

Nowadays, migrant workers in the fishing industry of Ranong work in substandard working conditions of C188. There are a total of four major problems faced by fishers in the fishing industry of Ranong, Thailand: 1) health and safety problems onboard due to lack of training to work in fishing sector; 2) high cost of document fees which leads to document retention and breaches of payment law; 3) problems with employment contracts; and 4) a lack of trust of government authorities when help is needed.

The first major problem is that fishers in Ranong do not receive pre-departure training before coming to work in the Thai fishing industry like MOU fishers who are going to other countries. Therefore, they may lack the skills required onboard and knowledge about occupational safety and health. Article 31 of C188 was enacted to provide safety training for fishers onboard to prevent occupation-related accidents (International Labor Organization, 2017) and this good practice seems to be prominent in the MOU channel of recruitment. In Vietnam, MOU fishers who are going to work abroad receive job skills training specific to fishing, foreign language training and certificate programs prior to departure; therefore, they obtain skills to work onboard fishing vessels (International Labor Organization, 2013b, 2014b). In Thailand, there is also an MOU model of recruiting Burmese migrant workers into the fishing sector. The Post-Arrival and Reintegration Center for Migrant Workers, established in Ranong one year before the ratification of C188, provides training courses on work in the fishing sector, labor rights and welfare (Ministry of Foreign Affairs, Kingdom of Thailand, 2018).

However, the majority of fishers in Ranong are recruited informally through foremen, friends or relatives who are working onboard, rather than through the MOU process, because it takes too much time to complete. All participants G, H, and I from the employer side stated that the MOU is not an option for employers in Ranong to recruit migrant workers to work onboard since it takes around three months to obtain a worker. This finding is consistent with that of Ruangsuwan (2018) and the IOM (2019), who noted that the MOU process of recruiting workers in Thailand is complicated, time-consuming and expensive; therefore, migrant workers continue to choose illegal channels to work in Thailand and wait for the Thai government's periodic registration of illegal migrant workers to obtain legal status.

As a result of lack of knowledge, skills and training related to work in fishing, fishers in Ranong face accidents at work onboard fishing vessels, including serious injuries or even accidental death. Participant M (Personal Communication, 24 February 2024) recalled a death incident of his fellow fisher that "a rope on a vessel accidentally wrapped around his ankle and he fell into the sea and died." Another important finding found in the fishing industry of Ranong is that some fishers do not receive proper protection and compensation from employers for occupational injuries and fatalities. Participant L explained that his friend got in an accident onboard and could not work for 4 months but his employer did not cover medical costs for him. Participant E from the NGO side explained that some fishers in Ranong have never worked in fishing sectors and they do not have knowledge or skills required onboard. For instance, Participants J and L from the migrant side stated that they worked in factories and construction before moving to the fishing sector. In fact, work in the fishing sector is categorized as very dangerous and physically demanding (Politakis, 2008; International Labor Organization, 2014a). The ILO (2014a) described work onboard fishing vessels in Thailand that "[it] is carried out on decks. Decks are routinely washed by seawater, covered with nets and gear, and with a moving cargo of fish". According to Participants J, K, L, and M from the migrant side, migrant workers choose to work onboard despite harsh working conditions due to salary advance which helps them pay off debt or support their family. Also, Participants D and E maintained that some captains or vessel owners do not provide cooperation with NGO for first aid kit training. Thus, it seems possible that fishers in Ranong are not aware of the occupational health and safety rights and procedures. As a consequence, when accidents occur at the workplace, Participants D, E, and L stated that some fishers have to seek medical treatment at their own expense, some do not receive wages for sick leave, and some do not receive entitled compensation. In fact, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) noted during the review of the Thai government report on implementation of C188 that the fishers' work agreement form (Por Mor 1) of the Department of Labor Protection and Welfare (2022) for employees in fishing sector does not contain the clauses regarding the protection in the event of sickness, injury or death in connection with occupation which is required under the Annex II of the Convention (ILO, 2022b). This is a loophole for employers to avoid accountability, which the Thai government needs to address to ensure fishers are protected in the event of injury at work.

The second major problem is that fishers in Ranong have to shoulder the high cost of document fees and it leads to problems of debt, document retention, and payment violations. Since a forced labor scandal broke in the Thai fishing industry and Thailand received a yellow card warning from EU in 2015, the Thai government revised and tightened several domestic laws related to fishing and fisheries workers to eliminate forced labor and IUU fishing in the industry (Vandergeest, & Marschke 2020). For instance, Participant C from the government side stated that Department of Labor Protection and Welfare (2022) specifically requires migrant workers in the fishing sector to register for a document called "Seabook" to work onboard (Personal Communication, February

15, 2024). As a result, migrant workers in fishing sectors are required to hold more documents than workers in other sectors. Besides, employers use agents or brokers to help with the documentation process and service fees often are charged to migrant workers (International Labor Organization, 2020; Jankomol, 2023). Thus, fishers have to bear an exorbitant document fee. According to ITF-FRN Thailand National Fisher Conditions Survey results in 2024, a single fisher's debt associated with document fees and cash advances to employer ranges between 10,000 THB to 30,000 THB (Fishers' Rights Network, 2024). To handle the high cost of document fees, Participant L stated that employers pay document fees for fishers in advance and deduct from fishers on monthly basis.

Therefore, pre-paid documentation fees by employers could possibly link with the reasons why fishers' identity documents are in possession of the employer. Section 131 of Royal Decree on Management of Foreign Workers, B.E. 2560 (2017) prohibits employers from withholding personal documents of foreign workers (Department of Employment, 2017). In Ranong, it has been found that some of the important personal documents of fishers remain in the possession of employers. The FRN (2024) reported that captains or employers would distribute personal documents of fishers during the PIPO inspection by the government, and those documents are recollected from officials after inspection. Participant J reports that employers refuse to return identity documents of fishers when fishers move to a new employer unless fishers pay off all the debt.

Additionally, unfair deductions of document fees occur when fishers leave the job. Participant L reported that he was deducted 12,000 THB while the actual cost was 10,000 THB. The majority of workers in the fishing sector are not provided with proper payment records showing pay and deductions as required by Thai law (International Labor Organization, 2020; Migrant Working Group, 2021; Fishers' Rights Network, 2024). Thus, fishers have no idea of how document fees are calculated. They have to pay off debt as claimed by employers if they want to retrieve their personal documents. In fact, personal documents of migrant workers have a direct link with their legal standing. They could become illegal workers and are at risk of arrest by authorities without these personal documents (Jankomol, 2023). Advance salary from a new employer seems to be one main option made by fishers to pay off debt to old employers to retrieve personal documents. For instance, Participant M (Personal Communication, February 24, 2024) mentioned that "I choose a fishing job because I get a salary advance so I can pay off debt". Shortage of workers is an incentive for a new employer to pay cash advances to fishers before working onboard. For instance, Participants G, E, and L from the employer side said that they find it challenging to obtain fishers if they do not pay cash advances. This practice seems to be another possible factor that causes employers to engage in document retention so as to guarantee fishers' service for jobs. The ILO (2019b) reported that vessel owners complained that migrant workers are exploiting them via request of advance pay. Jankomol (2023) suggested that employers withhold documents so that they can ensure workers' service of debt. In a nutshell, fishers pay off debt to old employers to retrieve personal documents with advance salary from the new employer which in turn, makes them incur new debt and return to a new circle of document retention with the new employer. As a result, fishers are trapped in a vicious cycle of debt and document retention.

In the context of Ranong, debts resulting from high documentation fees are a trigger that can potentially push fishers to the situation of debt bondage in the fishing industry. Fishers' freedom of movement and the ability to change from one fishing boat to another is restricted by the fact that fishers do not have identity documents in their possession, along with the condition that they have to pay off a high amount of debt for document fee to the employer if they want to retrieve their personal documents.

Moreover, the majority of fishers in Ranong mainly receive wages in cash because payment in cash not only allows vessel owners to claw back pre-paid document fees from fishers but it also enables captains, managers, or vessel owners to financially exploit fishers. Participant K revealed that a foreman at his previous fishing vessel cheated him by not paying the wage rate set by the vessel owner. Article 24 of C188 (International Labor Organization, 2017) and clause 14 of Ministerial Regulation on Labor Protection in Department of Labor Protection and Welfare (2022) requires employers to pay wages via the bank account of fishers to prevent pay violation (Department of Labor Welfare and Protection, 2022). Nonetheless, all participants J, K, L, M reported that they are not paid via bank transfer and ATM cards are not in their possession. In order to meet the payment requirements of the government, employers make fake transfers into bank accounts of fishers that are in their control (Environmental Justice Foundation, 2019; Fishers' Rights Network, 2024). One possible factor that fosters the practice of payment via cash in Ranong is fishers are not familiar with money withdrawal via ATM machine and some cannot easily access ATM machines. Both Participants H and J reported that fishers do not know how

to use an ATM; thus, they have to rely on managers or skippers to withdraw money. Participant K also stated that it is inconvenient for him to withdraw money at an ATM machine.

The third major problem is that fishers verbally make agreements regarding their wage, and they sign employment contracts without having the opportunity to review or seek advice on the terms and conditions stated on the employment contract. Thus, there is no guarantee for fishers that they would receive wages as verbally agreed when the dispute happens. Article 17 of C188 specifically enacted to ensure workers can consult terms and conditions of employment contract before signing it (International Labor Organization, 2017). Most fishers recruited in fisher sectors of Thailand tend to be poorly educated individuals (International Labor Organization, 2013a; Fishers' Rights Network, 2024). The ILO (2020) mentioned that many workers have no knowledge about employment contracts and some workers do not even desire contracts due to misunderstanding it would tie them to work with specific employers and make them unable to quit the job.

As a result of lack of knowledge about employment contracts, Participants J, K, L, and M from the migrant side reported that most employers state minimum wage rate, which is around 9,000 THB per month on the written employment contract, but the verbally agreed rate is often higher than minimum wage rate which is around 12,000 THB. This finding reinforces the assertion of Hartough (2021) that actual wages fishers receive do not correspond with statements in fishers' work agreement. All four participants are aware that their salary is not stated correctly on their written employment contract. However, they do not raise the issue. This could be because fishers possibly received wrong information that the Thai government sets wage rate for workers to be paid just around 300 THB per day. For instance, researchers asked fishers why the salary stated 9000 THB on employment contract and both Participants J and L (Personal Communication, February 24, 2024) from migrant group responded that "it is the wage rate formally specified by the Thai government". This is a gap that can pose fishers exposure to or at risk of financial exploitation because when dispute happens, the government authorities, in principle, would settle disputes based upon written employment contract rather than what is verbally agreed.

The fourth problem is that many fishers still tend not to report violations to PIPO inspection officers due to fear of potential consequences on their employment. As a result, violations of labor rights are perpetuated. Participant A from the government side expressed that inspection officers find it challenging to get fishers to report violations. Participant M from the migrant side reported that fishers who approach the government find it harder to get jobs in the fishing sector as they are blacklisted among vessel owners. This result reflects that of Ridings (2021) in that intimidation and concern for the consequence discourage fishers from cooperating with authorities. The researcher speculate that it might be due to the lack of a confidential reporting mechanism in the PIPO inspection program. PIPO inspections play a prominent role in enforcing C188 standards because inspection protocols of PIPO centers in Thailand involve inspection of payment, health and safety of fishers, hours of rest for fishers, and employment contracts which are all outlined in C188. Fisher interview is a component of PIPO inspection program designed to identify violations of C188 standards (International Organization for Migration, 2019; Environmental Justice Foundation, 2019; Fishers' Rights Network, 2023). Even though the PIPO inspection program in Thailand is regularly inspecting fishing vessels to identify labor rights violations, some PIPO centers are missing grievance mechanisms that allow fishers to report violations in a confidential manner (Environmental Justice Foundation, 2019; Fishers' Rights Network, 2023). The inspection is more document-focused (International Labor Organization, 2020) and the component of fisher's interview is not properly carried out at some PIPO centers (Environmental Justice Foundation, 2019; Fishers' Rights Network, 2023). Fishers interviewed during PIPO inspections is a prime time for fishers to report violations or abuses to government authorities (Environmental Justice Foundation, 2019). In Songkhla, PIPO center has arranged a portacabin into an interview room which allows fishers to talk privately and comfortably (Environmental Justice Foundation, 2019). However, in Ranong, Participants D, E, and F stressed that the interviews are conducted in an open space which is visible to captains or vessel owners; thus, fishers do not feel confident to report violations. All participants A, B, D, E, F, J, K, L, and M raised the issue that fishers do not trust the process of government authorities to report violations. This finding was also reported by Ridings (2021) that there is a lack of effective complaint mechanism to address the problem of labor rights violations in the fishing industry.

Moreover, fishers' restricted ability to present strong evidence to the government authorities for violations, especially violations related to wages, as a result of vessel owners' manipulation of payment evidence to meet payment law requirement, can be attributed to ineffectiveness of handling of violations. Participant A from the government side reports that when a complaint is made, officials have to talk with both parties to verify

the complaint. It is important to highlight the fact that, most fishers are not given records of payment by employers (International Labor Organization, 2020; Migrant Working Group, 2021; Fishers' Rights Network, 2024), most of them are not paid via bank transfer (Environmental Justice Foundation, 2019; International Labor Organization, 2020; Fishers' Rights Network, 2023), and all participants J, K, L, and M reported in one voice that salary on their employment contract is not stated correctly. As a result, it weakens fishers' ability to present strong evidence to hold violators accountable. This, in turn, discourages fishers from seeking help from government authorities. Participant M (Personal Communication, February 24, 2024) stated that "when we approach the government officer for violations, we usually lose so we do not approach the government officer". This finding also emerged in a report of the ILO (2013) that fishers tend to leave their jobs rather than approaching government authorities when they encounter violations related to wages.

Additionally, the lack of serious sanctions or punishment imposed on violators of C188 further discourages fishers from reporting violations to government authorities. In South Africa, which is one of the first countries to ratify and implement C188 effectively (International Labor Organization, 2022), fishing vessels that do not comply with C188 standards are sometimes detained, or put into judicial processes (Parliamentary Monitoring Group, 2020). However, in Ranong, Participant E commented that the conflicts between employers and fishers are usually resolved through mediation. All participants J, K, L, and M stated that they know that they can approach government agencies when violations happen, but they do not find those agencies as productive as expected unless an NGO is involved in the complaint process. Jankomol (2023) suggested that reluctance of migrant workers to be stuck in judicial procedure for a long time is also one factor that allows perpetrators to avoid liability through mediation channels. In short, the availability of mediation channels for settlement of disputes recede perpetrators of C188 from holding accountability.

5.2 Recommendations on How the Current Situation of Migrant Workers in the Fishing Industry in Ranong, Thailand could be Improved

In this section, four recommendations to improve living and working conditions of migrant workers in the fishing industry after ratification of C188 are discussed based on the interview conducted and literature review.

The first recommendation is to implement effective mechanisms for reporting violation of C188 standards in PIPO inspection system. There is a lack of confidential incident reporting mechanism in PIPO inspection system of Ranong. Thus, it fails to guarantee the safety of fishers. Participant E explained the current inspection mechanism of PIPO team in Ranong that the team conducts boat inspections by traveling to different private jetties with a pickup truck where fishing vessels inform to port-in or port-out, and there is no public jetty or choke point for PIPO team to be settled for inspection. As a result, fisher interviews take place sometimes behind the pick-up truck or in an open space where foremen, captains or vessel owners can see who gets selected for interview. This problem is also found in the literature review on the performance of PIPO centers, in which both the Environmental Justice Foundation (2019) and the Fishers' Rights Network (2023) observed flaws in interview components. Participant B from the government side stated that inspection officers provide contact number to fishers during inspection so that fishers can report violation confidentially via phone call. This method, however, can be ineffective for "port-out inspection" because once vessel has departed to sea, the chance for fisher to be protected by inspection officers from reporting violation is minimized. Participant D suggested that the Thai government should establish a public jetty for PIPO inspection in Ranong and should also set up an interview room for fishers so that fishers can report incidents of violation privately and confidentially. The EJF (2019) advocated conducting in-depth interviews with many fishers rather than selecting a single or a couple of fishers as it could make fishers uncomfortable to talk. Participant D added that such a method can also minimize chance for captains or vessel owners to identify fishers who report violations.

Additionally, a mobile-based labor rights monitoring system may serve as an alternative solution for migrant fishers to report violations to officers in confidential manner. The National Trade Union Confederation of Moldova (CNSM), for instance, launched a mobile application called "Workers' Rights" in 2022, with assistance from ILO, allowing workers to report violations to unions or the State Labor Inspectorate anonymously (ILO, 2022c). The PIPO inspection team in Ranong could adopt a similar mobile-based monitoring technology with language comprehensible to fishers, enabling fishers to voice their concerns confidentially and periodically complete surveys to assess the risks of labor rights violations. Nonetheless, technology-based solution may raise question about its effectiveness for workers with lower digital literacy (The Organization for Economic

Cooperation and Development, 2020). The majority of migrant workers in the fishing industry of Thailand have low literacy levels (International Labor Organization, 2013a; Fishers' Rights Network, 2024); thus, it may pose a barrier to their engagement with tech-based solution. However, through training in collaboration employers and local NGOs, migrant fishers could learn digital skills and utilize the tool to raise their voices.

The second recommendation is to take effective action against violators of C188 standards. There is a lack of serious action taken toward the perpetrators of C188; thus, fishers lose trust in approaching government authorities for violations. Article 40 of the C188 clearly requires the signatory state to establish penalties and corrective measures to violators of C188 (International Labor Organization, 2017). However, employers in Thailand who violate fishers' rights can still enjoy the privilege of mediation channels to avoid accountability (Jankomol, 2023). As a result, the perpetrators continue to commit wrongdoing with impunity. All participants E, J, K, L, and M recommended the Thai government to take immediate action to employers when violations of C188 happen so that other employers would be afraid to break the law. However, this recommendation is contrary to previous studies of Ridings (2021) which suggested that multilateralist approaches that involve non-state actors would be more effective to address the problem of labor rights violations in the fishing industry. The weakness of this recommendation is that non-state actors' activities are directly depending on funding of donors. They have to leave from areas once funding stops. Thus, it could be unsustainable. As mentioned in literature review, South Africa has taken legal action against fishing vessels that violated C188 and notified the ILO when non-conformity with C188 is inspected; thus, Thailand could learn best practices of C188 enforcement from South Africa. Participant C from the government side also suggested the ILO Thailand to capture and share best practices and lessons learned from other signatory states of C188 so that Thailand could enforce it more effectively.

The third recommendation is to allow migrant workers to officially form a trade union in Thailand in order to strengthen bargaining power of fishers to actualize C188 standards. The 1975 Labor Relations Act of Thailand discriminately prohibits migrant workers from forming a union (International Labor Organization, 2020). According to Participants D, E, and F, this prohibition remains a barrier for fishers to stand up together for their labor rights and negotiate agreement with vessel owners for a better living and working condition in the fishing industry; thus, it should be removed. Denying migrant workers' rights to form a union can weaken the productiveness of tripartite discussion of policies related to labor (International Labor Organization, 2019b). The recommendation to form a union is consistent with the finding of Vandergeest, and Marschke (2021) that collective action by fishers, such as collectively confronting captains, could minimize labor rights violations in the fishing industry. Moreover, Participant E recommended that the ILO should also pressure the Thai government to ratify the Convention 87 and Convention 98 of ILO relative to freedom of association and right to organize and collective bargaining. Participant E (Personal Communication, January 13, 2024) added that if ratification of C87 and C98 could be implemented and enforced effectively "it would also be good for the image of Thailand and also beneficial for fishers which is a win-win solution."

The fourth recommendation is to minimize the cost and bureaucratic process of documentation for fishers in order to minimize the chance of fishers stuck in debt bondage situations. The current documentation process of fishers in Ranong involves complex bureaucratic processes. Participant G pointed out that the process of documentation of fisher in Ranong is complicated, contains a lot of paperwork. Moreover, he complained that employers also have to travel to five different governmental departments in order to register a fisher in the fishing sector which wastes time and transportation cost. This could also be associated with the reason why employers heavily rely on agencies or brokers for documentation of migrants and service fees are often charged to migrant workers (Jankomol, 2023). In reviewing literature, a linkage between complexity of process of documentation, especially for MOU channel and debt bondage situation as a result of illegal recruitment was also observed in research of Ruangsuwan (2018). In this study, the researchers have been able to demonstrate that there is a strong relationship between the high cost of document fees and the debt bondage problem. Therefore, reduction of documentation fees and bureaucratic process of documentation may help reduce the risk of fishers being stuck in a vicious cycle of debt. Participants G, H, and I from employer side proposed to remove all Pink Card, Certification of Identity, Passport, Work Permit, and Sea Book and replace with a single smart card for fishers like a Thai national citizenship card where all the information from different departments is recorded so as to reduce the cost, the time, and the process of documentation. Participant G also suggested the Thai government should completely move to digitalization or industry 4.0 to expedite the documentation process for fishers.

6. Conclusion

The research highlights that the current working condition of migrant workers in Ranong, Thailand's fishing industry has not adhered to the C188 standards. Fishers lack proper health and safety training and do not receive adequate protection or compensation for injury at work. Moreover, fishers face the problem of high cost of document fee which leads to document retention, and violations of payment law. In addition, many fishers in Ranong sign employment contracts without authentic understanding and realization of the importance of the contract. Hence, they tend to lose when disputes over wages happen. Additionally, fishers do not feel confident seeking help from government authorities for violations. The lack of an effective grievance mechanism and effective punishment to violators make fishers lose trust in the government authorities. Based on interviews and literature review, it was found that implementing effective mechanisms for reporting violations, taking immediate action to violators of C188, allowing migrant workers to officially form trade unions in Thailand to collectively act to protect their labor rights, and minimizing bureaucratic processes and the cost of documentation for fishers can help improve the working condition of fishers in Ranong and actualize C188 standards.

7. Recommendations

7.1 Recommendations for Fishers

- In order to eliminate practices of cash payment that leads to financial exploitation, fishers in Ranong should collectively demand payment via bank transfer only. At the same time, they should also familiarize themselves with money withdrawal via ATM machines to stop employers making excuses for cash payment.
- Fishers should develop the practice of note taking and keep their own record of detailed information about the dates and amount of money each time they take cash advances, receive wages, and are deducted wages for document fee so that when violation of wage happen, they can provide specific information, present strong records to the government officers to hold violators accountable.
- Fishers in Ranong should continue to seek knowledge related to labor rights and welfare under Thai law by engaging in activities of NGOs working on improving fishers' rights in the province so that they become knowledgeable about labor rights; thus, it can minimize the chances of being exploited.

7.2 Recommendations for Employers

- In order to minimize occupational related accidents, employers should collaborate with NGOs and the Governmental Organizations in the area and organize occupational health and safety training for fishers on a monthly basis.
- Employers should take accountability and process compensation that fishers are entitled when fishers face occupational injuries and fatalities in a timely manner.
- In order to reduce the problem of illegal deductions, financial exploitation, and to increase transparency of payment, employers should provide a detailed record of pay and deductions as required by Thai law to fishers every time salaries are settled.

7.3 Recommendations for Thai government

- To minimize the cost of documentation, the government should strictly prohibit employers from imposing a "service fee" on fishers that must be paid to agents or brokers for documentation.
- As a preventative measure for occupational related accidents, the government should implement a short course certificate program relative to occupational health and safety for work in fishing and make it mandatory for vessel owners to send their workers to attend the program before working onboard.
- In order to minimize violations of C188 standards by vessel owners, the government should implement a "Certified C188 standards" program and provide certification to fishing vessels that comply with the Convention. Also, the government should develop blacklists of vessels that specifically violate C188 standards and publish them on a government website for international seafood buyers and consumers.

8. References

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