

A Report on

Migrant Children & Child Labourers

and Seafood Processing in
Thailand's Fishing Industry



Produced by
terre des hommes Germany and Labour Rights Promotion Network Foundation (LPN)

A Report on
**Migrant Children
& Child Labourers**
and Seafood Processing in
Thailand's Fishing Industry

Produced by



terre des hommes Germany

and



Labour Rights Promotion Network Foundation (LPN)

A Report on Migrant Children & Child Labourers in Thailand's Fishing and Seafood Processing Industry

Team Researchers	Sompong Srakaew	Project Leader
	Patima Tungpuchakal	
	Dawan Khontong	
	Pornpan Kanjanatwat	
	Prasanlak Kruamak	
	Saranya Yodmeeklin	
	Anuthida KhomKham	
	Bencharat Chaimongkon	
	Piyawan Chanto	
	Samak Tubtanee	
	Siwat Chairattana	
	Thamarat Saengsrijan	

Interpreter Burmese to Thai	Yee Mon Oo
Translator	Emily Donald, Nootchanak Jitpakdee, Saitawut Yutthaworakool
Photographer	Sittichai Jittatad
Video production	Rongrop Noysakun
Info graphic	Teevara Chantarastaporn
Layouts	Sriporn Pornsiritived

Publication Data

Sompong Srakaew and Other, (2015). *A Report on Migrant Children & Child Labourers in Thailand's Fishing and Seafood Processing Industry*. Bangkok: Labour Rights Promotion Network Foundation (LPN) and terre des hommes Germany.

ISBN	xxxx-xxxxxxxx-xxxxxx-x
	Frist edition May 2015

Cover	An ethnic Mon student at Thai – Mon Learning Centre, Wat Sri Buranawasa (Wat Khoak), Samut Sakhon.
-------	----------------------------------------------------------------------------------------------------

PREFACE

Thailand's fishery and seafood processed products yield a great deal of revenue in international markets and become widespread in several regions around the world. These trends affect the business management and production of Thai seafood processing industry as well as fishery business which lead to the employment of a large number of migrant workers from neighbouring countries such as Myanmar, Laos and Cambodia. However, among the large scale consumption of seafood and processed seafood, buyers and consumers in many countries push forward the fairness in trade, social responsibility, labour rights protection and legal labour. In 2010 US put a spotlight on Thailand in terms of child labour of shrimp and seafood processing industry. Samut Sakhon becomes the target area which is on the alert for child labour since the province is the migrant labourer reservoir and one of the most significant manufacturing area of fishery and seafood processing industry of Thailand. Migrant labourers immigrate into Thailand and become the main workforce in Samut Sakhon generation after generation in the manner of cycle - like process.

The phenomenon begins when migrant labourers bring along their children. Some migrant children need to enter the workforce at the early age and have circulated through the primary processing industry since then. As a result, international organizations tend to seek cooperation with governmental sector in building local and national mechanisms. The key objective is to address the issue as well as collaborate with private sector and civil society organizations simultaneously. The current situation of children's problem in Samut Sakhon leads to the development of intersectoral cooperation in a range of dimensions, aiming at protecting and promoting the access to fundamental rights and service of migrant children. In addition, there is an attempt to bring policies relating to children and employment into practices concretely and seriously. It is therefore turned into the role model for good management in promoting social protection in the entire nation. The achievement could help alleviate illegal child labour and improve migrant children's working conditions as well as better life quality of migrant population.

Over the past five years, addressing child labourer issue in Samut Sakhon has brought the satisfying outcomes at a certain level. Nevertheless, there are insufficient concrete indicators for whether or not child labourers still exist in primary seafood processing industry. The report reveals the situation of migrant children and child labourers in Muang District, Samut Sakhon Province, focusing on the work of labourers in seafood processing industry. The findings in the research are basic data collected for understanding of living and working conditions of migrant child labourers and their parents. Meanwhile, perspectives and recommendations from various relevant sectors help widen the perception towards migrant children situation, including the expansion of good labour practices (GLP) and the increase of comprehensive activities for all migrant children without discrimination, in consideration of the maximum benefits for children.

On behalf of the LPN researchers, I wish that those who pay close attention to the situation of migrant children and child labourers in Muang District, Samut Sakhon certainly expect to see concrete and positive changes in accordance with policy structure and good labour practices implemented with all enterprises. Examining the data, the reader could be able to understand the overall situation and probably notice indicators for how the situation of migrant children and child labourers in Samut Sakhon has dynamically changed.

Sompong Srakaew

CEO and Founder of Labour Rights Promotion Network Foundation (LPN)

PREFACE

Terre des hommes Germany is a children's aid agency with a mandate to work for the creation of a just and peaceful world for all children, those alive today and the generations to come. Its endeavours are based on the fundamental principles of human rights, tolerance, respect and equal rights for all people regardless of their origin, race, gender or religion. Terre des hommes works for a world in which survival is guaranteed for all children; where no child is exploited anymore; where all children have educational and development opportunities; where economic and social justice and peace prevail; and conflicts are resolved without recourse to violence.

Child protection especially for those in child labour conditions is a key long-term objective of terre des hommes. Approved by the global Delegates Conference of terre des hommes as one of its strategic goals for 2013-2018 is to create spaces or places where children and youth are resilient and are free from exploitation and violence. As terre des hommes does not implement projects directly, it partners with local organisations and cooperates with initiatives which support children and youth affected by violence and exploitation. Its partners strive for protection, prevention and awareness-raising, inform the general public about abuses and urge governments and societies to take their responsibility for the protection of children and youth.

It is in this orientational context that terre des hommes is pleased and feels privileged to work with the Labour Rights Promotion Network (LPN) of Thailand, in this research on the Shrimp Industry in Samut Sakhon, Thailand. The purpose of the research is to give a closer look at the situation of migrant children in the area, listen to their stories, and from their perspective, offer ways of improving the living conditions and general welfare of migrant children, especially those who are in child labour situations.

LPN is highly qualified to conduct this research. It has a high social acceptability in the area, and has proven for more than a decade its unwavering commitment to serve the cause and interests of migrant workers, the migrant children and their families. LPN has championed the rights of migrant workers and advocated for fair humane treatment and protection of the victims of trafficking and forced labour. LPN has undertaken projects to provide educational opportunities for migrant children, offer advice and legal assistance to victims of abuse, and raise public awareness on issues affecting migrant workers.

But this research is not about LPN or tdh. It is about the issues and conditions of child labour in Thailand's fishing and seafood industry, particularly in Samut Sakhon province. The research highlights some findings, such as most of the migrant child labourers in the area are under 15 and should be in school instead, and children without proper identification documents are most vulnerable to being exploited. These findings are significant, seriously alarming from a child rights perspective, and are calling for immediate and effective action from all duty-bearers.

If this research initiative could lead to the betterment of the well-being and the fulfillment of rights of even just one of these migrant child labourers, then the efforts of those involved in this project would not be in vain. Of course, the continuing challenge is to fulfill the rights of all migrant child labourers!

Alberto Cacayan
Regional Coordinator
terre des hommes Germany in Southeast Asia
Bangkok, 28 May 2015

ABSTRACT

This report highlights the current issues of child labour in Thailand's fishing and seafood industry, focusing especially on cases from Samut Sakhon province with the aim to examine their employment conditions, environment and working conditions. Meanwhile, the research team gathered opinions and recommendations from various sectors to promote appropriate regulations and policies in order to safeguard migrant children's rights, provide better opportunities, lift social standards, improve working conditions, and generally protect migrant child labourers in the fishing and seafood industries. In conclusion, Labour Rights Promotion Network Foundation (LPN) employed both quantitative and qualitative methodologies to highlight basic statistics and case studies of migrant children and child labourers in seafood processing industry which reflect concerns over their current employment and working conditions as well as living conditions.

The significant findings of this research indicate that most migrant child labourers who live in the area are under the age of 15, meaning they should have had access to the nationwide nine years of compulsory primary school education. However, due to financial difficulties and expectations of their family members, the majority of migrant children are vulnerable to entering the workforce especially those who have parents or relatives working within seafood processing sector. Inexperienced migrant child labourers usually regard primary seafood processing business or peeling sheds as the place for training their skills. They also become the shelter of a significant number of migrant children while they are waiting for their employment requirements and identification document procedure to be completed as well as waiting for the large scale enterprises to call for applicants. Nevertheless, numerous migrant child labourers are forced to work as hard as adults even though they are between 15 and 18 years. Children at this age should be protected under the laws whilst their working conditions should be controlled and overseen by labour inspectors and relevant agencies. The key objective is to formulate Good Labour Practices (GLP) aimed at protecting migrant children who work within seafood processing industry or other types of business in Muang district, Samut Sakhon province.

CONTENTS

Preface

Abstracts

List of Tables

List of Figures

Chapter 1 Introduction	10
• Background	14
• Research Methodology	17
• Definitions	20
Chapter 2 Social & Economic Context of Samut Sakhon Province	23
• Detail & Characteristics of Samut Sakhon	26
• Contextualising the Expansion of the Fishing & Seafood Processing Industry	26
• Background of Migrant Labours, Dependents and Child Labours in -Seafood Processing Industry	29
Chapter 3 Examining Migrant Child Issues in Thailand’s Samut Sakhon Province	31
Category 1: Migrant Children Currently Outside the Workforce	32
Category 2: Migrant Children Employed Within the Workforce	36
General Information	37
Working Conditions & Workplace Environment	41
Migration Experiences & Living Standards	50
Chapter 4 Case Studies of Migrant Child Labourers in Samut Sakhon	53
• Concerning Trends among Child Labourers in Samut Sakhon: Individual Cases	56
• The Life of Migrant Child Labourers in Samut Sakhon’s Seafood Industry	72
Chapter 5 Desirable Practices and Policies to assist Migrant Labourers in the Seafood Industry	74
• Perspectives on the Current Situation involving Migrant Children Labourers	76
• Recommendation of the Good Labour Practices Aimed at Protecting Migrant Children Labourers of Shrimp and Seafood Processing Industry	85
Chapter 6 Conclusion	91

LIST OF TABLES

Chart 1 Most children were classified as extremely vulnerable to exploitation and rights abuse	36
Chart 2 Participants found to possess, or have knowledge of, a variety of personal and official ID documents	39
Chart 3 The majority of migrant child labourers could read and write Burmese language adequately	39
Chart 4 A sizable majority of migrant child labourers seek employment in the preparatory processing of seafood	41
Chart 5 The majority of migrant children enter the workforce due to their family's financial stress	44
Chart 6 Over half of migrant child labourers are paid every 15 days	46
Chart 7 Almost half of samples pointed to the lack of labour-saving devices for heavy tasks	48
Chart 8 Graph presenting labour right information and trainings interested by migrant child labourers	49
Chart 9 Nearly half of migrant child labourers immigrated to Thailand with their parents	50
Chart 10 Nearly all of migrant child labourers immigrate to Thailand with help of brokers	50

LIST OF FIGURES

<i>Figure 1</i> Researchers organise an activity and educate migrant children in Ban Eua Ar Thon Community (government housing complex) situated on Tha Chin Sub-district, Muang District, Samut Sakhon Province	10
<i>Figure 2</i> A knowledge promotion activity organised for migrant labourers in Bon Kai Community, Mahachai Sub-district, Muang District, Samut Sakhon Province	12
<i>Figure 3</i> In Annalai Community, Bang Ya Phraek Sub-district, Muang District, Samut Sakhon Province, researchers conduct a field survey on migrant children who are vulnerable to entering workforce of seafood processing industry and other business	15
<i>Figure 4</i> A skill training activity for migrant children and labourers in Hong Thaew 80 Community, Khok Kham Sub-district, Muang District, Samut Sakhon Province	16
<i>Figure 5</i> A children's rights promotion activity organised for migrant parents and children at a construction site in Poh Chae community, Bang Nam Cheud Sub-district, Muang district, Samut Sakhon Province	19
<i>Figure 6</i> Fishing ships dock along the side of Tha Chin River in Samut Sakhon	22
<i>Figure 7</i> The Tha Chin River, a tributary of the Chao Phraya River flows through centre of Samut Sakhon Province. This characteristic of geography benefits the Thailand's fishery and transfer of seafood to primary processing business as well as seafood processing plants which prepare products for export	24
<i>Figure 8</i> Industrial plants are located in the same area as where wharfs in Samut Sakhon are	27
<i>Figure 9</i> A male migrant child labourer in uniform of a seafood processing enterprise in Samut Sakhon	30
<i>Figure 10</i> A migrant labourer is carrying her baby. Despite being born in Thailand, her child has not been granted with identification documents, resulting in the lack of access to fundamental rights (Photo taken in 2007)	33
<i>Figure 11</i> Migrant children in pre-elementary classes organised by the Labour Rights Promotion Network Foundation (LPN)	34
<i>Figure 12</i> Grade 6 migrant students at Wat Srisutharam School (Wat Kampra School), Samut Sakhon Province	37
<i>Figure 13</i> Migrant child labourers who study at Thai school spend their weekends working within seafood processing enterprise	38
<i>Figure 14</i> Working conditions in the area of fish piers, jetties and wharfs in Samut Sakhon	40

<i>Figure 15</i>	The transfer of seafood (Fish meal) from fishing vessels to trucks highlights the working conditions of migrant labourers within Thailand's fishery sector	42
<i>Figure 16</i>	Residence of Migrant labourers in the community in front of Thai Union Frozen Products factory, Tha Sai Sub-district, Muang District, Samut Sakhon	47
<i>Figure 17</i>	A migrant child labourer gets dressed before going to work early in the morning.	52
<i>Figure 18</i>	After arriving on shore, migrant labourers on board fishing vessels need to keep or mend or fix trawls	54
<i>Figure 19</i>	Migrant labourers' working conditions around the jetties	57
<i>Figure 20</i>	Migrant child labourers of a primary seafood processing plant in Samut Sakhon which was prosecuted for employing illegal labourers	58
<i>Figure 21</i>	Working conditions and uniform of primary seafood processing enterprise or peeling shed (Photo taken in 2007)	61
<i>Figure 22</i>	On the wall of a female migrant youth labourer's room is telephone numbers, the channel which enables her to seek help from her friends, relatives and social network when she suffers violation or any forms of threat	62
<i>Figure 23</i>	A family of migrant child labourer who enters workforce in order to pay off family debt arising from the cost of his sibling's ordination	67
<i>Figure 24</i>	Migrant labourers wait for public and employee buses in order to go to work in the morning	68
<i>Figure 25</i>	Family of a migrant child labourer who immigrates into Thailand and works in Samut Sakhongr5rrbvg	73
<i>Figure 26</i>	An ethnic Mon teacher carries on instructional activity at Sirimongkhon School, Ban Koh Sub-district, Muang District, Samut Sakhon	75
<i>Figure 27</i>	The workplace conditions and job characteristics of migrant child labourers in a medium scale plant	77
<i>Figure 28</i>	Boonleu Sartpetch, chief of Samut Sakhon Provincial Department of Labour Protection and Welfare	81
<i>Figure 29</i>	Teachers at a non-formal education centre provided by the Ministry of Education	81
<i>Figure 30</i>	Sompong Srakaew, Director of Labour Rights Promotion Network Foundation (LPN)	82
<i>Figure 31</i>	Prasan Sarawong, Director of Wat Srisutharam School (Wat Kampra School)	82
<i>Figure 32</i>	Migrant youth labourers enjoy the concert during the annual temple fair	83
<i>Figure 33</i>	An ethnic Mon student at Thai – Mon Learning Centre, Wat Sri Buranawasa (Wat Khoak), Samut Sakhon	84
<i>Figure 34</i>	A group of female youth labourers gather to exchange knowledge on how to protect and safeguard the rights of labourers, especially female labourers who are vulnerable to several forms of violation	88
<i>Figure 35</i>	The front area of a large seafood processing plant is bustling and crowded with migrant labourers	89
<i>Figure 36</i>	The front area of a large seafood processing plant is bustling and crowded with migrant labourers.	90
<i>Figure 37</i>	A migrant child labourer faces working conditions which are not different from ones of an adult labourer in the same construction site	92
<i>Figure 38</i>	A migrant child labourer faces working conditions which are not different from ones of an adult labourer in the same construction site	97
<i>Figure 39</i>	Supply Chain of Fisheries and Processing Industries in Samuth Sakhon Province, Thailand	100

“Education is a major driving force for human development. It opens doors to the job market, combats inequality, improves maternal health, reduces child mortality, fosters solidarity, and promotes environmental stewardship. Education empowers people with the knowledge, skills and values they need to build a better world.”

Ban Ki-moon
United Nations Secretary-General
September 2012

Chapter 1 Introduction





Researchers organise an activity and educate migrant children in Ban Eua Ar Thon Community (government housing complex) situated on Tha Chin Sub-district, Muang District, Samut Sakhon Province





A knowledge promotion activity organised for migrant labourers in Bon Kai Community, Mahachai Sub-district, Muang District, Samut Sakhon Province.

Chapter 1

Introduction

I. Background

During the late-1980s, Thailand's industrial and manufacturing sectors experienced unprecedented growth and development, and rapid industrial prosperity resulted in widespread social and economic changes, such as the establishment of special economic zones, aimed at assisting the country's expansion of productivity and export markets. This period of industrialisation also saw the Thai government elevate the status of smaller, geographically significant provinces, like Samut Sakhon, to serve as industrial hubs.

Today Samut Sakhon province, situated on Thailand's inner-west coast in the central Gulf region, has become one of the most significant economic centres for Thailand's lucrative fishing and seafood processing industry. Most of Thailand's seafood processing facilities operate out of Samut Sakhon, making the area a massive sales and production hub. The heavy concentration of factories means there is a huge demand for skilled and unskilled labour, as facilities are under a great deal of pressure, generated by national business interests, to sustain the province's productivity. Samut Sakhon has been identified as being essential for Thailand's economic structure.¹

Accordingly, the production of fish and seafood products, particularly shrimp-based products, has become one of Thailand's most important export commodities, with exporters catering to large international markets in the United States and European Union. International consumption soared in 2006, making Thailand one of world's leading shrimp exporters. Thailand's seafood industry has been growing steadily ever since in order to meet the challenges created by globalised industrial expansion and rising international demand.

Aside from economics, Thailand's industrial development also had some major social implications. The surge of migration, caused by labour shortages and high workforce demand, began to exacerbate issues of child labour in the agricultural sector. Though migrant labourers play an integral role in Thailand's economic structure, there has been little effort by government agencies to protect and safeguard migrant families and communities. Those in the shrimp and seafood processing sector have been particularly neglected by the state.

Previous studies in this area have mainly emphasised the poor working conditions, and inadequate workplace health and safety measures, however, some also reveal the prevalence of child labour practices within the industry, particularly since the mid-1990s. It has been difficult, however, to determine the exact number of child labourers in this sector. The issue is complicated by the fact that, whilst some child labourers can be clearly identified as migrants (they crossed a neighbouring border in order to find work), some have been born in Thailand, though they have no official citizenship status.

¹ Asian Research Center for Migration (ARCM), **Good Labor Practices for Migrant Workers in the Thai Seafood Processing Industry** (Bangkok: Chulalongkorn University, 2013), 14 – 15.



In Annalai Community, Bang Ya Phraek Sub-district, Muang District, Samut Sakhon Province, researchers conduct a field survey on migrant children who are vulnerable to entering workforce of seafood processing industry and other business.

The reports cited in the above are predominately concerned with matters of human rights abuse and exploitation, with many investigations pointing to cases of human trafficking. Data from child labour investigations indicates that forms of forced labour and debt bondage are prevalent within the shrimp and seafood processing industry. A number of reports have also focused on evaluating policy and measures enacted to prevent child labour and related issues. Though some of these studies have focused on Samut Sakhon province, most are not written in English and are published in Thai language only. This means there is a lack of accessible information about migrant child issues in this area.

This report aims to highlight the current issues related to migrant child labour in Thailand's fishing and seafood industry, focusing especially on cases from Samut Sakhon province. Considering the vital role Samut Sakhon province plays in production and export sectors, and given the absence of information in English, this report has chosen to be area specific. The key objectives are to examine the working



A skill training activity for migrant children and labourers in Hong Thaew 80 Community, Khok Kham Sub-district, Muang District, Samut Sakhon Province.



conditions endured by child labourers, particularly in shrimp processing factories, and to appropriately identify human rights violations and child exploitation within this industry. The overall goal is to promote migrant child safeguarding and human rights standards. This report aims to urge all sectors, departments, official bodies, and civil society groups to commit themselves to implementing appropriate policies and regulations for the protection of child rights and prevention of child labour.

II. Research Methodology

This report aims to provide an examination of the current situation facing migrant children in central Samut Sakhon province. Particular emphasis will be given to children who are employed or involved in Samut Sakhon's fishing and seafood processing industry. The report's key objectives include,

1. To study the working condition of those migrant children who have laboured continuously in fisheries and shrimp processing facilities.
2. To study the working environment of migrant child labourers in the fishing and seafood processing industry.
3. To promote appropriate regulations and policies in order to safeguard migrant children's rights, provide better opportunities, lift social standards, improve the working conditions, and generally protect migrant child labourers in the fishing and seafood industries

The report's 2 key respondent sample groups include,

1. Migrant children living in Muang District, Samut Sakhon including,
 - o Migrant children who are currently outside the workforce, children who receive informal education from the local civil society organization, the Labour Rights Promotion Network Foundation (LPN), and migrant children who are distinctly vulnerable to becoming child labourers in the fishing and seafood processing industry
 - o Migrant child labourers who are currently working, or have previously worked, within the workforce, especially in the seafood processing industry
2. Migrant adults including,
 - o Parents and teachers who have migrant children and migrant child labourers under their supervision

- o Supervisors, employers, and business representatives who are involved in the worker supply chain of fishing and seafood industries in Muang District, Samut Sakhon
- o Appropriate government officials from concerned agencies, ministries, and departments.

Research Procedure

This Report is the combination of quantitative methodology, with data collection and basic statistic and information gathering, and qualitative methodology, involving the analysis of data, issues, and secondary source material, such as academic publications on children and child labour, migrant workers, and working conditions in the seafood processing industry, particularly in Samut Sakhon province. The data presented here are derived from a range of publications, electronic media, participatory observation, and field research, in which key informants participated in focus groups and in-depth interviews. The first two stages of assess a group of children can be a lengthy process, because research teams have to build trust with the target group. Also, researchers need to negotiate with participants on their availability for focus groups and interviews, so as not to interfere with the participant's working schedule. What is more, the research team employs an ethnographic method by following up with the participants over a period of time in order to track their experiences and gain better insight into their living standards and daily struggles. For those adult respondents including teachers, entrepreneurs, and employers, the research team makes a scheduled appointment to conduct the interview and make a video recording, of those who permit it. In conclusion, both quantitative and qualitative methodologies contribute to the discussion on migrant children and migrant child labourers in Samut Sakhon's fishing and seafood processing industry. The Report intends to propose thoughtful recommendations for the safeguarding of migrant children, as well as for improving the conditions and workplace environments experienced by migrant child labourers.

Research Limitations & Difficulties

1. Data Access: Conducting research with migrant child labourers can be a lengthy process, because the research team needs to build strong mutual trust in order to attain the most detailed and truthful information. The research team relies heavily on connection with local civil society groups as these groups have already established connections with many migrant labourer families and communities after providing assistance to them in the past. Additionally, it can be difficult to collect solid data on conditions and practices within the processing and fishing industry itself. The research team is usually only able to observe working environments, and use information collected from labourer's experiences to get a sense of the average workplace environment. It is also difficult to navigate around the participant's busy working schedule, which often comprises 9 to 11 hours a day, 6 days a week. The research, therefore, is done mostly on the participant's only day off, which is usually Sunday.

2. Data Collection: Data collection cannot be conducted directly with both children and parents in Thai language, as many participants are not fluent Thai speakers. This requires the research team to rely on the translators. Such language limitations also extend to the field data collection process. Interviews with migrant children are often obstructed by language comprehension and vocabulary limitations and this is likely to affect the accuracy of the data to some degree. Therefore, data received can sometimes appear inconsistent, and this requires the research team to review and carefully examine all results. Nevertheless, it was found that some target groups were able to communicate in Thai language, either because they are born in Thailand, or due to their studies at local Thai schools.



A children's rights promotion activity organised for migrant parents and children at a construction site in Poh Chae community, Bang Nam Cheud Sub-district, Muang district, Samut Sakhon Province.

Research Ethics

The overall methodology employed by this research-based report combines quantitative research – through questionnaires and surveys intended to gather basic statistics – and qualitative, issue-based analysis based on in-depth interviews, focus groups, participatory observation and extensive case studies. Although a great deal of personal data and information is required from participants, it is all kept strictly confidential, pseudonyms are used to label photographs, and the identities of individuals are not revealed at any time.

III. Definitions

Migrant children: Foreign children, under 18 years old, who were either born in Thailand after their parents had immigrated, or born in a neighbouring country before immigrating to Thailand.

Migrant child labourers: Foreign children, under 18 years old, who work or labour in Thailand's workforce, including child labourers who lack appropriate certificates for Thai nationality.

Migrant labourers or migrant workers: Foreigners who emigrate from neighbouring countries to Thailand for work.

Registered labourers: Migrant labourers from neighbouring countries who are registered with Thai authorities and obtained necessary identification documents, usually with help from their employers

Unregistered labourers: Migrant labourers who are not registered with Thai authorities and usually work for unregistered enterprises.

Identification documents: Documents certifying the identity of its holder that are issued by official agencies, such as temporary passport, work permit, etc.

People smuggling when they are on board of Thai

People smuggling: To enter Thailand illegally according to the Thai government's Immigration Act 2009.

Subcontractor: A pattern of employment where tasks assigned form one part of the entire manufacturing process and employees earn a wage according to the amount of products or lump-sum payments

Fisheries sector: Occupations and jobs which involve fishing, aquaculture, and continuing activities carried out with aquatic creatures.

Shrimp and seafood processing industry: A business within the broader fisheries sector which works with aquatic creatures inside plants and factories, as opposed to farms and waters. Jobs may include the washing, peeling, sorting by size, and processing of aquatic creatures, and other products.

Seafood processing plants: Large plants equipped with machines used for processing seafood products for distribution

Primary processing enterprises: Plants which conduct primary activities on the preparation and processing of fish, such as peeling, cleaving, removing fish bones and heads. These are mostly small enterprises with a small number of labourers who perform processing tasks without machinery

Broker: Middlemen who facilitates the immigration and job application procedure for migrant labourers. Brokers also act as a mediating link between labourers and other parties, such as employers and government officials.

Social network: A network that links groups of migrant labourers in order to share information, promote opportunities, help families settle in new areas, and find employment for new comers.

Desirable practice: This refers to employment practices and regulations concerning the provision of fair pay, appropriate working conditions, and principles of good labour practice (GLP). The GLP were formulated by the Department of Fisheries Thailand, and other relevant sectors, with the aim of protecting migrant labourers, especially children, in the fish and seafood processing industry.



*Fishing ships dock along the side of
Tha Chin River in Samut Sakhon.*



Chapter 2
**Social &
Economic
Context
of
Samut
Sakhon
Province**

The Tha Chin River, a distributary of the Chao Phraya River flows through centre of Samut Sakhon Province. This characteristic of geography benefits the Thailand's fishery and transfer of seafood to primary processing business as well as seafood processing plants which prepare products for export.





Chapter 2

Social & Economic Context of Samut Sakhon Province

I. Detail & Characteristics of Samut Sakhon

Samut Sakhon is a lower central province of Thailand, situated around 30 km from Bangkok. The province covers an area of 872.347 km. Samut Sakhon is located on a coastal plain, at the mouth of Tha Chin River, a distributary of the Chao Phraya River which flows through the city centre and then into the Gulf of Thailand around Bang Ya Phraek and Tha Chalom districts. The lower part of the province, where mangrove forests grow, is very prone to flooding. The higher parts of the province contain a maze of natural and excavated canals (Thai: khlongs), used for cultivation, irrigation and transportation purposes. The junction of these canals, particularly in Muang District, have become very busy docking ports for fishing vessels, which incorporate both sides of Mahachai Canal. Samut Sakhon consists of three districts: Muang, Ban Phaeo and Krathum Ban.

II. Contextualising the Expansion of the Fishing & Seafood Processing Industry

During Thailand's Ayutthaya period (1351 – 1767), Samut Sakhon was known as 'Ban Tha Chin' and the city centre was Tha Chin Market or Tha Chalom Market, situated at the mouth of the Gulf of Thailand. The area later became the maritime trade centre of Ban Tha Chin. Its physical features made the area an appropriate stop for Chinese shipping junks and passenger ships, seeking refuge from heavy storms. Aside from the local populations, a great many Chinese settlers also arrived in this area during the early 19th century. Later canals were excavated. The water ways spread from Bang Khun Thian District to the Tha Chin River where Wat Teuk Mahachayaram is located. The key objective of the excavation was to facilitate the transport of goods.² The King chose to rename the town "Samut Sakhon" and the coastal city fell under the administration of Thonburi Province until 1946, whence it constituted a province in its own right, known as Changwat Samut Sakhon. In 1946 Samut Sakhon was separated from the administration of Thonburi in 1946 to constitute a province called Changwat Samut Sakhon.³ Nowadays, Samut Sakhon is a vital city for the Thai economy, especially for fisheries and shrimp and seafood processing industries. Samut Sakhon is the location of a number of jetties, private company wharfs, seafood processing industries, affiliated plants of processing enterprises and other kinds of factories. There are also primary processing industries (peeling sheds) at several levels.

² Samut Sakhon Governor's Office, "Samut Sakhon Province." 2014 accessed from http://www.samutsakhon.go.th/en/index_en.html

³ Ibid.



Industrial plants are located in the same area as where wharfs in Samut Sakhon are.

Moreover, the city is regarded as a sales hub, with the Central Shrimp Market of Samut Sakhon and “Talad Thalae Thai” (meaning ‘Thai seafood market’) situated here. Fisheries business in Samut Sakhon began expanding when the Thai government aimed to increase seafood production to meet the demands from Thai and international consumers. Furthermore, the experts from the Food and Agricultural Organization of the United Nations (FAO) launched training workshops to promote understanding of commercial fisheries, economic problems and techniques for maintaining agricultural resources. The emergence of a developed economic market helped increase industry production. The Thai government set a goal to boost manufacturing productivity to meet the demand from Thai and oversea buyers. In 1967, the Fishing Market Organization constructed a jetty at the bank of the Tha Chin River, Samut Sakhon, officially opened in 1968, aiming to facilitate transfers.⁴ The expansion of the cold storage business stimulated Thailand’s exports of frozen seafood products, especially shrimp and fish as well as seafood processing industry including fish meal, processed shrimp, canned fish and canning business.⁵ In time of the maritime resource crisis, products from aquaculture helped bridge the gap created by the shortage, seafood processing and frozen seafood industries in Thailand maintained their expansion. Thus, Thailand has become one of the leading shrimp and seafood-exporter countries in the world.⁶ However, frozen and processed seafood businesses encountered a range of factors which could affect their export conditions and rates each year.

⁴ Fishing Market Organisation Department of Fisheries, “**Sapanpla Samut Sakhon**” (Jetty (fish market) of Samut Sakhon), 2012 accessed from http://www.fishmarket.co.th/index.php?option=com_content&view=article&id=324&Itemid=119.

⁵ Southeast Asian Fisheries Development Center, **A Report of Joint Seminar on the Future of Thailand’s Fishing Labourers between Government and Private Sectors during 4 – 6 June 1987** (Bangkok: Southeast Asian Fisheries Development Center, 1987).

⁶ Types of exported shrimp: headless shell-on (white shrimp); headless shell-on (black tiger shrimp); peeled deveined tail-on; easy peel; strength shrimp; cooked head-on shell on; cooked peeled deveined tail-on; cooked peeled deveined tail-of (Thai Frozen Foods Association: TFFA, **Shrimp** , 2015 accessed from http://www.thai-frozen.or.th/product_gallery_shrimp.php)

III. Background of Migrant Labours, Dependents and Child Labours in Seafood Processing Industry

Nearly all workers of Thailand's seafood processing industry, especially shrimp processing business come from neighbouring countries. These migrant workers have replaced the more traditional sources of labour, mainly from rural provinces in the northeast of Thailand since 1989 when the destructive Typhoon Gay swept through the Gulf region, devastating the area and killing large numbers of Thai labourers.⁷ Nowadays migrant labors continuously immigrate into Thailand, especially migrant workers from Myanmar who recently immigrated and labors of Burmese nationality who has crossed the border into Thailand since early 1990s.⁸ This is the starting point when Thai child labourers were replaced by migrant child laborers from neighbouring countries.⁹ The trend of migrant children which rose for the first time in a decade comprise of migrant children who have just emigrated from their host country and migrant children who were born in Thailand. The number of migrant children aged under 15 increases from 84,362 in 2004¹⁰ to around 92,560 in 2014¹¹ Only in Samut Sakhon about 5,400¹² migrant children are registered as dependents of migrant labourers whilst more than 20,000 become migrant child labourers.¹³ It is anticipated that the current number of migrant child labourers in the province is not much different from that in the past.¹⁴

⁷ Asian Research Centre for Migration (ARCM), **A Survey of Employment Practices in the Thai Tuna Processing Sector** (Bangkok: Chulalongkorn University, 2012).

⁸ Kritaya Archavanitkul, **The State of Knowledge of Migrant Labourers in Thailand and Research Orientation**, (Nakhon Pathom: Institute for Population and Social Research Mahidol University, 2002), 28 – 33.

⁹ Chantana Banpasirichote, **The Situation of Child Labour in Thailand: An Overview** (Bangkok: Social Research Institute Chulalongkorn University, 1997), 2, 19.

¹⁰ Kwancheewan Buadaeng, **A Full Paper on Social and Cultural Adjustment of the Second Heirs of Burmese Migrants**, March 2011 accessed from http://elibrary.trf.or.th/project_content.asp?PJID=RDG5210043.

¹¹ Labour Rights Promotion Network Foundation, **A Survey of OSSC registration statistic carried out between 26 June – 31 October 2014**

¹² Labour Rights Promotion Network Foundation, **A Survey of OSSC registration statistic carried out between 26 June – 31 October 2014**

¹³ Sompong Srakaew, cited in Supang Chantavanich et al., **Assessing the Situation of the Worst Forms of Child Labour in Samuth Sakhon** (Bangkok: Asian Research Centre for Migration Chulalongkorn University, 2006), 19.

¹⁴ The number of illegal migrant child labourers working for enterprises in Samut Sakhon is very hard to estimate since the research team are unable to access the enterprises while enterprises have adjusted to employing legal workers (18 years of age or older). Nevertheless, a number of enterprises still exploit child labours. These children have legal status as they state their age higher than reality in order to gain the access to legal employment system.



Chapter 3

Examining Migrant Child Issues in Thailand's Samut Sakhon Province

(left) A male migrant child labourer in uniform of a seafood processing enterprise in Samut Sakhon.

Chapter 3

Examining Migrant Child Issues in Thailand's Samut Sakhon Province

This chapter will discuss the information which has been gathered on migrant children, and analyse the issues faced by child labourers, in Samut Sakhon. The research team has taken samples from a total of 887 child respondents. This number includes 101 children who are currently working a range of jobs instead of attending school. All data collected from these subjects has been obtained via a combination of questionnaire surveys and in-depth interviews.

Category 1: Migrant Children Currently Outside the Workforce

Countries Migrant children in this research are defined as migrant children who migrate from neighbouring countries. Migrant children who are samples could be divided into two groups: migrant children and migrant child labourers. Gathering basic data of 786 migrant children who belong to the latter group, the researchers gain statistical findings as follows:

Sex: 435 males : 350 females

Age: Most migrant children are under 15 years old (97%)

- 415 males : 343 females under 15 years old

- 19 males : 6 females aged 15 to 17

- 1 male : 1 female age is unknown

Identification Documents: Most migrant children either do not possess any official identification documents or documents presenting their legal status, or they are not aware of any. Some parents may keep their children's documents without the child's knowledge. For children who are enrolled in school and are able to produce documentation, their identification paperwork included one or more of the following; birth certificate, non-Thai citizen card (T.R.38/1), and Registration Book of Persons without Civil Registration Status (Form 89).¹⁵

Educational Status: 56% of unemployed migrant children are either currently enrolled in school, or have previously received some kind of education whilst living in the host countries.¹⁶ The remaining 44% have never received any education in Thailand, despite 331 among them being under the age of 15, meaning they should have had access to the nationwide 9 years of compulsory primary school education. This is a dangerous situation for the child. Some children in this group spend most of their time with friends or rent house with friends. These children are possibly be lured by brokers who offer them unfair jobs and commit a crime unknowingly.

This section presents data on 101 migrant children currently employed as labourers in Samut Sakhon province. The research team has used questionnaires and semi-structured interviews to collect

¹⁵ Form 89 is issued to children who are stateless, foreign, or unregistered. It acts as a temporary solution to bureaucratic delays and allows children to enrol in Thailand's mandatory education system

¹⁶ The number also includes migrant children who quitted schools early.

A migrant labourer is carrying her baby. Despite being born in Thailand, her child has not been granted with identification documents, resulting in the lack of access to fundamental rights (Photo taken in 2007).





information from the 101 individual respondents. Data collection methods focused on three lines of questioning; general information (age, sex, family, education history, etc.), working conditions and workplace environment, and migration experience and living standards in Thailand. These areas of questioning enabled researchers to construct a broad picture of the problems and difficulties facing each participant. The following will use this questionnaire structure to present the study's findings.

Parents' Occupation: 816 migrant parents surveyed for this study

- 524 (over 64%) work for shrimp and seafood processing facilities
- 253 (31%) are engaged in other forms of work
- 39 (4-5%) work in the fishing industry

Those employed in the fishing industry usually work as crewmembers and fishermen on board boats. Migrant labourers working in the shrimp and seafood processing sector are responsible for the following duties; peeling and peeling shrimp, removing fish heads, preparing fish, shrimp, cuttlefish, shell and tuna for processing and export, producing seafood ball and freezing and canning products. There are 431 families with both parents working in the seafood processing sector.

Basic data collection reveals that many children are in danger of leaving school, or other activities, in order to join the workforce, especially in seafood processing industry. The research team has separated children who are currently outside the workforce into two sub-categories; 'general' and 'vulnerable'. A child's place in either category is largely determined by their parents' occupation, and also by their educational status. Children who have been given very little, or no, education are far more vulnerable to exploitation. Furthermore, being outside the education system can mean a child is unable to develop skills that can help get them work in better regulated sectors. So, not only do children enter the workforce before they should, they are also often placed in dangerous working conditions in poorly regulated facilities. Another important point is the lack of official documentation, without proper documents and ID papers, children are in danger of having their rights violated by employers, community leaders, and government officials.

Migrant children whose their father or mother or both of their parents work within seafood processing industry is another factor that drives migrant children to become workforce under supply chain later because some children know and learn how to shell shrimp, peel cuttlefish and slice fish, especially, migrant children whose parents are hired under subcontractor and work at home. Some parents encourage their children to work within the same company as they view that by this method they can "look after" their children or their younger sibling or relatives at workplace. There is a phenomenon where children "help" their parents work on such jobs or being a part-time worker of seafood processing industry. This reflects the significance of occupations which are handed down among migrant workers' family and the trend that these children could easily become migrant child labourers of seafood processing industry.

(left page)

*Migrant children in pre-elementary classes
organised by the Labour Rights Promotion
Network Foundation (LPN)*

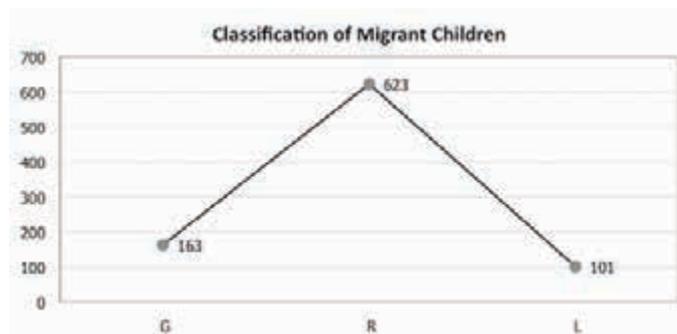


Chart 1 Most children were classified as extremely vulnerable to exploitation and rights abuse

Category 2: Migrant Children Employed Within the Workforce

Classifying the sample of 786 migrant children in Muang District, Samut Sakhon Province, it reveals that 163 children are categorised as general migrant children whereas 623 children are considered vulnerable to be labours of seafood processing industry. When comparing the number of migrant children in the latter group with another 101 migrant child labourers, it is possible that a part of migrant children in this group could add to the number of migrant labourers and child labourers in the future. Migrant children who are classified as vulnerable group are, therefore, variable of migrant children and child labourers of seafood processing industry. They are another group of migrant children that all agencies concerned need to pay as much attention as to the group of children who are currently labourers. This could be achieved by reducing the risk that could influence of entering into the system of labours in seafood processing industry including tasks in fishery sector.

This section presents data on 101 migrant children currently employed as labourers in Samut Sakhon province. The research team has used questionnaires and semi-structured interviews to collect information from the 101 individual respondents. Data collection methods focused on three lines of questioning; general information (age, sex, family, education history, etc.), working conditions and workplace environment, and migration experience and living standards in Thailand. These areas of questioning enabled researchers to construct a broad picture of the problems and difficulties facing each participant. The following will use this questionnaire structure to present the study's findings.

The research team collected the data of migrant children through questionnaire and semi-structural interview consisting of three parts: general information, employment terms and working conditions, immigration and living quality in Thailand. Some samples are currently not employed nor hired in seafood processing industry but those who have experience in working within manufacturing sector and giving information as worker including working conditions in the past and present, employment terms in seafood processing industry. Nevertheless, data of the sample reflects the phenomena of migrant child labourers which are reproduced within various occupations in Muang district, Samut Sakhon Province. The jobs in seafood processing industry are the focus of this research.



Grade 6 migrant students at Wat Srisutharam School (Wat Kampra School), Samut Sakhon Province.

General Information

Sex: 52 males : 48 females

Age: 65.3% of children aged between 15 and 18 years whereas 11.9% of them are under 15 years of age. For the remaining children interviewed are evaluated as lower than 18 years old (22.8 %) whilst they claim to be over the age of 18. However, after in-depth interviews, the research team determined that their actual age is likely to be lower than they are willing to officially divulge. Overall, the data indicates the average age for migrant child labourers is around 16.8 – 17 years. The majority of migrant child labourers in the study aged 15 years while the youngest respondent is just 10 years. It is important to note that the sex ratios of migrant children whose age are between 15 and 18 year olds are 43: 42 people.

Place of Origin: Most children were born in Myanmar whereas some who were born in Thailand are between 15 and 18 years of age.



Migrant child labourers who study at Thai school spend their weekends working within seafood processing enterprise.

Identification document – Most participants were found to possess two kinds of identification documents: temporary passports and work permits which are essential for migrant labourers who wish to work in Thailand legally. Other documents include non-Thai citizen cards (T.R. 38/1), student cards with date of birth, and birth certificates. Most migrant child labourers out of the 101 have knowledge and access to their own identification documents. For the rest of them, most say their documents are in the care of their parents or employer. However, two participants confided that they do not have any identification documents at present.

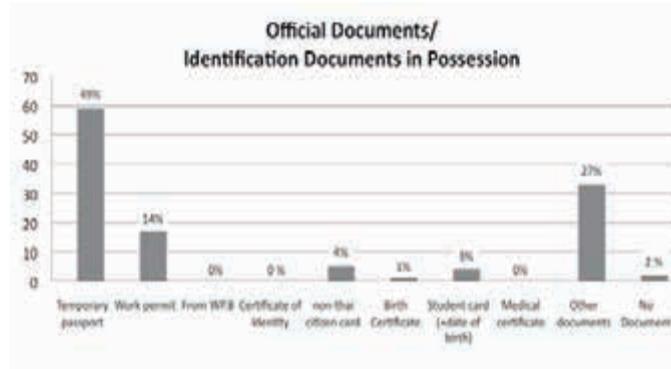


Chart 2 Participants found to possess, or have knowledge of, a variety of personal and official ID documents

Family Information: The average size for a migrant family in Samut Sakhon in this study is around 4 members. Nearly all members work to earn their livings. Family members who were engaged in work account for 76.5%. Most family members who are labourers are the eldest child of families. Migrant child labourers usually live with their father or mother or relatives in the rented house or room.

Language Skills: Over 80% of migrant child labourers can read and write Burmese language sufficiently, but the remaining children who were born in Thailand have been largely deprived of Burmese language education. The children who cannot communicate in Burmese are often members of the ethnic Mon minority group, and so their mother tongue is Mon language. Around 40% of the sample either can speak Thai moderately or quite fluently and 29% of the sample cannot speak Thai at all. The level of language skills amongst this sample group vary not significantly.



Chart 3 The majority of migrant child labourers could read and write Burmese language adequately.

Educational Status: A small number of migrant child labourers are enrolled in the official Thai education system. These individuals study at either Wat Sri Sutharam School (Wat Kamphra), Wat Sirimongkol School or Wat Sopanaram School. The remaining respondents not enrolled at these government institutions are attending informal education centres. These centre include the Non-formal Education Centre provided by the Ministry of Education and the Knowledge Preparation Centre established and run by the Labour Rights Promotion Network Foundation (LPN). Around 92% of migrant child labourers



Working conditions in the area of fish piers, jetties and wharfs in Samut Sakhon.

are not currently enrolled in any form of education. Most have received a primary school and a secondary education from schools in Myanmar, but have had to leave their studies in order to work in Thailand. A few have not received any education whatsoever.

When comparing the educational status of migrant children outside the workforce with that of migrant children within the workforce, it is clear that there is a link between education access and a limited risk of exploitation. Those employed children who are not enrolled in formal Thai education system account for 92%. Ratio of migrant children who receive some kinds of education and migrant children who have not received any education is 56 : 44. This highlights the fact that migrant child labourers have to leave schools in Myanmar and Thailand early either due to immigration and the lack of management system serving migrant dependents in the destination countries as well as other conditions including changing occupations or workplace or changing residence. This leads to the disappearance of migrant

students from Thai education institutes whilst some might not regain access to education. Accordingly, the transition from migrant children to migrant child labourers is not difficult and migrant children could eventually end up being labourers of few types of business.

Working Conditions & Workplace Environments

Types of Work: Out of the entire sample of migrant child labourers, around 66.3% were found to have worked continuously within the seafood processing industry, whilst the remaining 33.7% have held jobs in the industry at some time in the past.¹⁷ For a sizable majority (64%), their jobs involved washing, cleaving, scraping, and peeling the shell, and other unusable parts, off various aquatic creatures. An additional 13.4% of child labourers work in the frozen foods assembly lines, and a further 9% are responsible for other tasks, such as loading and unloading stock, carrying packages, packing products, and identifying and sorting different types of fish and seafood species. In terms of their workplace, around 53% work at general fish and seafood processing factories, but 47% work in more specialised factories, such as primary processing plants, or peeling sheds, which are responsible for categorising, peeling, and freezing shrimp. After preparation at the peeling sheds the shrimps are sent on for secondary processing and export. It should be noted that, whilst a significant number of migrant children are employed in the processing sector, this research did not find any children working at fishing ports, shrimp farms, seafood wholesale markets, or cold storage facilities.¹⁸

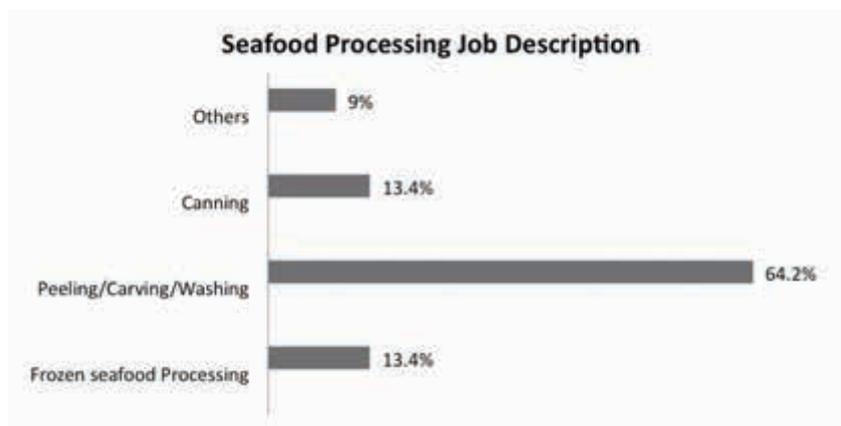


Chart 4 A sizable majority of migrant child labourers seek employment in the preparatory processing of seafood

¹⁷ Migrant Child Labourers work for a range of business such as fishing vessels, rubber plantation, construction, convenience stores, shops, furniture, coffee, foam materials, powder, fruit processing factories, etc.

¹⁸ However, the local non-governmental organizations found that migrant children work on jetties or within wholesale shrimp markets, mingling with adult migrant labourers.



The transfer of seafood (Fish meal) from fishing vessels to trucks highlights the working conditions of migrant labourers within Thailand's fishery sector.



Motivations for Entering the Workforce: Researchers have found that it is extremely common in migrant families for almost all family members to work, in order to sustain the family unit. 29.7% of the sample are employed at the same workplace as their parents or other relatives, and 70.3 % work for different enterprises, at different facilities. When conducting the focus group on motivations, some children stated that they worked in order to earn their own living, to help repay the family debt, to follow their parents to work every day and to only filling in for absent workers. Note that a few children claimed to have started work because they did not wish to continue their studies. In almost all cases, the child's income is managed, and their spending restricted, by their parents or relatives.

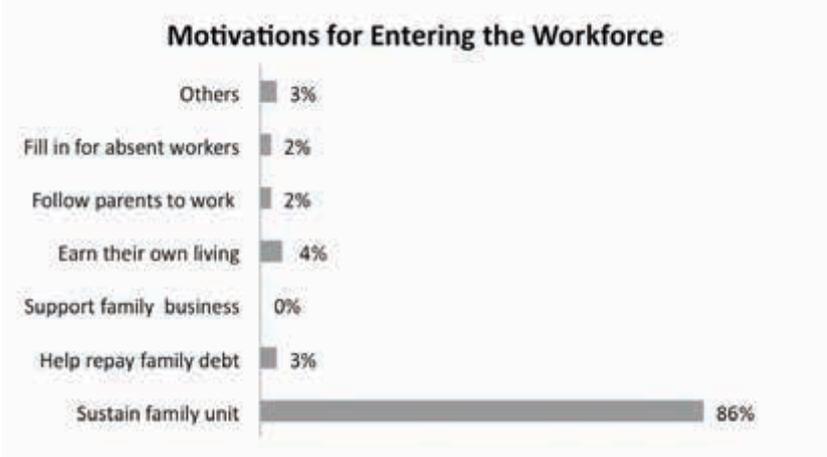


Chart 5 The majority of migrant children enter the workforce due to their family's financial stress

Finding Work: Most migrant children in this study, around 82%, have found their jobs without going through a broker or subcontractor. It is possible that brokers 'reinvent' themselves to pass as outsourcing officers for medium to large scale enterprises. Otherwise, children usually gain access to job opportunities through their family, community, or social networks. Some may even take the initiative to apply for jobs themselves. The cost of submitting a job application can be anywhere between 2,000 and 8,000 baht, as this fee also pays for the appropriate uniform, cap, gloves, etc.

Something to consider here is the safety factor. Some children do not know for what their job application fee. Those children who go through brokers to find work are often unsure as to whether their broker is registered or licensed. Some indicated that they believe their broker is unregistered. In spite of this, the children were keen to stress that they were not tricked or coerced into their jobs, and the brokers were usually able to find them work which suited their needs.¹⁹

Work Experience: On average, migrant child labourers have worked for 1 or 2 years already. Most started work at around 15 years old. Some were as young as 7 when they started working. For 75% of the sample group, their first job was in the fishing and seafood processing industry, doing jobs like shrimp peeling, slicing fish, and removing fish heads. Some say they started after going along with their mother, and others started because they want to make money.

¹⁹ Research teams were, however, informed of one case in which Thai men, claiming to be brokers, convinced a migrant women to pay 9,000 baht for a job application, with the promise that her child would be employed as well. The men took the women's money and she hasn't been able to contact them since. It later came to light that this had happened to a number of migrant labourers from the same community.

Contract of Employment: Only 10% of migrant children confirmed they had signed a contract when they started working. Over half of them said their employer made no deductions from their wage. But 19.8% acknowledged that certain 'fees' valued at 200 baht, supposedly for social security and legal documentation, were being deducted from their wage on a weekly or monthly basis.

Working Hours: On average, migrant child labourers tend to work 6 days a week, for 9 ½ hours a day. Some actually work for 14-15 hours. Children usually work day shifts, but, some are also obligated to work through the night on weekends. Their hours depend mostly on how much seafood and shrimp needs to be processed. A few work from dawn to dusk of the next day.

Children working specifically in the shrimp processing sector usually work from 06:00 or 08:00 to 16.00 or 18.00, and a night shift usually runs from 17:00 – 01:00. Some need to alternate from day to night shifts every two weeks. Those working on the production line have different working schedules, for instance, labourers responsible for removing shrimp heads typically start working before those who peel shrimp. Employees who work on quality control in small enterprises and peeling sheds begin their work earlier, whereas the time they have off work is inconsistent, as it depends on the amount of seafood delivered to the enterprise at that moment as well as the delivery schedule. The average working hours for migrant child labourers who work for this kind of enterprise is 11 hours per day. This is likely a result of subcontracting. Thus, their working hours depend on the amount of seafood and their skills for peeling and deveining shrimp, and removing fish heads and fish bones.

Overtime: Up to half of migrant child labourers working within the shrimp and seafood processing industry work overtime between 3 and 5 hours a day. They are paid 55 baht per hour on average. 56% of migrant child labourers in this study stated that they worked overtime. Among them, 85% said that their employers paid overtime.

Time off & Rest days: Most children have one free day per week. They usually stop working on Sundays, as well as traditional holidays. When they are off work, migrant child labourers either do house shore, or take long rests. On their rest days, some migrant child labourers participate in religious activities or gather with friends at department stores and visit their friends in other communities. Meanwhile, some migrant child labourers spend time studying in non-formal education centres, learning independently, or participating in various activities arranged by non-governmental organisations.

Wage: Migrant child labourers are paid either on a daily, fortnightly, or monthly basis according to the rate determined by employers. To illustrate, 56.4% of these children are paid every 15 days, whilst 9.9% are paid when their work is completed, or paid daily or weekly at the same rate. 4.9% are paid on a monthly basis, and 4% receive payment on a particular date determined by entrepreneurs. Most labourers earn a daily wage at the minimum rate of 300 baht, whereas those who earn a weekly wage are paid at the rate of 4,000 baht. For labourers who earn a monthly wage are paid at the rate of 8,000 baht whilst workers who are paid when their tasks are completed, their wage is determined by the weight of seafood they have managed to process. If they work on shrimp processing, their wage also depends on shrimp size.

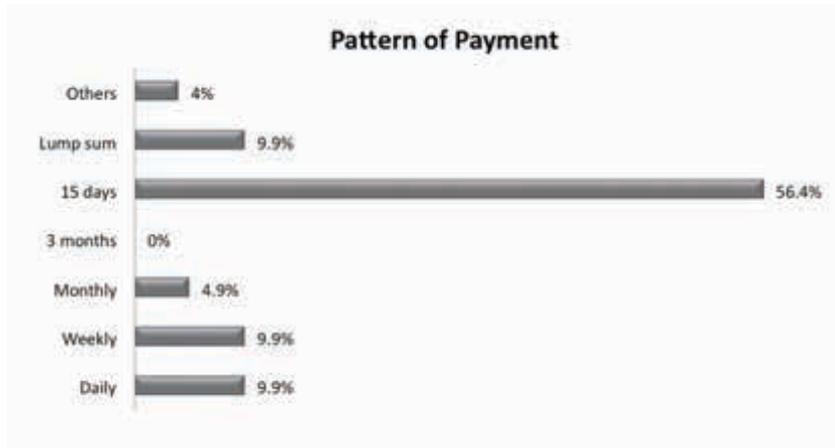


Chart 6 Over half of migrant child labourers are paid every 15 days.

Workplace Safety: As many as 72.5% of sampled child labourers have never undergone any safety training, such as fire drills or other severe disaster drills, or chemical safety training. A further 67% are unsure of whether there are safety signs in their workplaces. Other issues arise due to language skills; many migrant children are of Mon ethnicity, or other ethnic minorities, and are not literate in Thai. Signs written in Thai are of no use to children of other ethnicities. Even though most child labourers who work in the shrimp and seafood processing industry are provided with safety gear, including rubber gloves, rubber boots and mask, they have to pay for the equipment. Otherwise, entrepreneurs will deduct the tools' cost from their wage. Overall, migrant child labourers who have gone through some form of training pointed out that they participated in fire drills. But, 53.5% of children had not been given any training on machines or equipment and 63.4% had not been provided with training on capacity development.

Workplace Risks and Accidents: 79.2% of migrant child labourers indicate that their jobs are risk-free and 82.2% say that they have never had an accident at work. Nonetheless, it was revealed that part of these samples have had accidents caused by working conditions. They speak of slipping on constantly wet floors, suffering cuts, fingers getting pinched by steel screening, a large tray of shrimp falling on their legs, and getting splashed by hot oil. The accidents have also been caused by machinery, with some children getting their hands caught in a conveyer belt. All of these incidents highlight the risks associated with the shrimp and seafood processing industry. In addition, as many as 47.8% of samples pointed to the lack of laboursaving devices for tasks which require lifting, pushing, and carrying heavy things on their shoulders or on their back. However, 22.4% of samples indicate that the workers who perform such jobs are provided with laboursaving devices, such as conveyor belts for delivering trays of fish. It should be noted that around 29.8% of samples do not perform these kinds of work.



*Residence of Migrant labourers in the community
in front of Thai Union Frozen Products factory,
Tha Sai Sub-district, Muang District, Samut
Sakhon*

Laboursaving Equipment

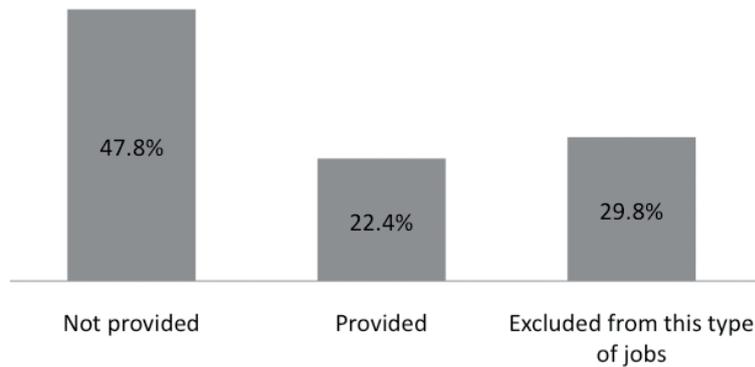


Chart 7 Almost half of samples pointed to the lack of laboursaving devices for heavy tasks.

Welfare of Migrant Labourers: Although the majority of enterprises provide drinking water at workplace and compound, some migrant child labourers view this as insufficient. The entrepreneurs do not offer food to labourers, while some enterprises arrange areas for eating and selling food to labourers. But, migrant workers tend to bring lunch from home in order to save their money. Several firms lack first aid and medical care rooms, but have enough toilets to meet the workers' needs.

As for medical welfare, the majority of migrant child labourers have never received any treatment. When the statistical data on medical welfare of migrant child labourers in shrimp and seafood processing factories and plants is compared with those in peeling sheds, the findings reveal that more labourers in processing plants have rights to health care and social security than those working in peeling sheds (ratio 8:5 and 12:2).

It turned out that migrant child labourers working in peeling sheds often do not receive medical treatment because they do not have identification documents. Additionally, they lack information on their own and their family's health insurance. The mentioned situation suggests that migrant child labourers working for unregistered enterprises, or primary processing enterprises known as peeling sheds, - including child labourers who perform similar jobs at home - lack protective health care rights, health insurance, and social security. Hence, the child's parents and their employers need to be responsible for the medical treatment expenses.

Knowledge, Information, & Complaints: Some migrant child labourers were found to lack knowledge about their own rights and entitlements as labourers. They have never received any information or training on the topic of labour rights. In terms of numbers, 25% of respondents are interested receiving this training in order to gain more information about labour rights, 22% are interested in the issue of labour and legal frameworks, 12% want to learn safe work procedures, and 5% seek more information on welfare, labour relations, general working conditions, and prevention of labour discrimination.

This corresponds to results in the previous section, which indicated that the sample group of migrant child labourers complain very little. However, this does not mean that migrant child labourers have never encountered labour rights problems and violations. In one case, for instance, an employer failed to pay one of the respondent's wages. The child labourer in question did not file a complaint against his employer, because he did not want to cause trouble, or irritate his boss. He also acknowledged that he did not trust the complaint procedure, and he did not know any official complaint channels. Some respondents have never experienced labour rights violations, and rely solely on their employers, colleagues and the Thai government to convey information on labour rights.

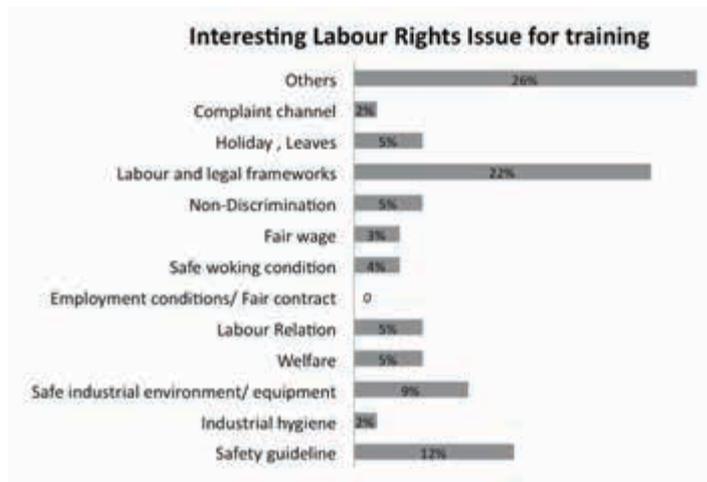


Chart 8 Graph presenting labour right information and trainings interested by migrant child labourers

Job Satisfaction: Many respondents told researchers that they are satisfied with their jobs. When asked what needs to be improved in terms of working conditions, the children rarely expressed strong opinions. Some said that they expected more overtime hours, whilst others proposed that there should be a separation between child and adult working zones.

Several issues related to migrant child labourers' highlight job characteristics, working environment, and conditions which are inappropriate for child workers. Furthermore, when considering the situation of migrant children, including the fact that many have worked since they were under 15 years old, there is an urgent need for the implementation of legal provisions, in line with international conventions, aimed at protecting child labourers. It is clear that working conditions of child labourers in this study should be improved for the maximum benefits of migrant children. With many children making the transition from general or vulnerable migrant children to migrant child labourers employed within the workforce, it is the responsibility of concerned organisations and agencies to build preventative and protective mechanisms, especially for those most vulnerable to exploitation, regardless of their residency status or documentation.

Migration Experiences & Living Standards

Immigrating to Thailand: The immigration trends of child labourers can be divided into two periods, the first from 2000 to 2010 (18 people), and the second from 2011 to 2014. Between 2008 and 2013, Thailand experienced a surge in cross-border migration. Within this research sample, 9 migrant children say they were born in Thailand, whilst some cannot recall when they first immigrated here.

The majority of the migrant child labourers immigrated to Thailand along with their parents (41.6%), followed by those who crossed the borders with their relatives (23.8%) or brokers (13.9%). Some children travelled alone (6%) or accompanied their friends (4.9%) in order to work in Thailand.

Most migrant workers immigrated into Thailand with the help of brokers, while some samples do not know the method of travel, saying that their family members paid traveling expenses for them. Coordinating with brokers, some samples crossed the border illegally after paying anywhere between 1,000 to 10,000 baht in advance. For those who paid through deductions of their future wage, most pay around 10,000 baht.

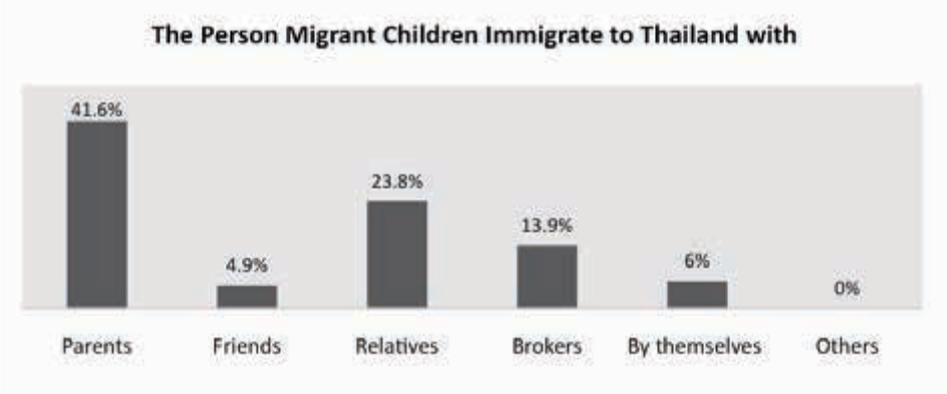


Chart 9 Nearly half of migrant child labourers immigrated to Thailand with their parents.

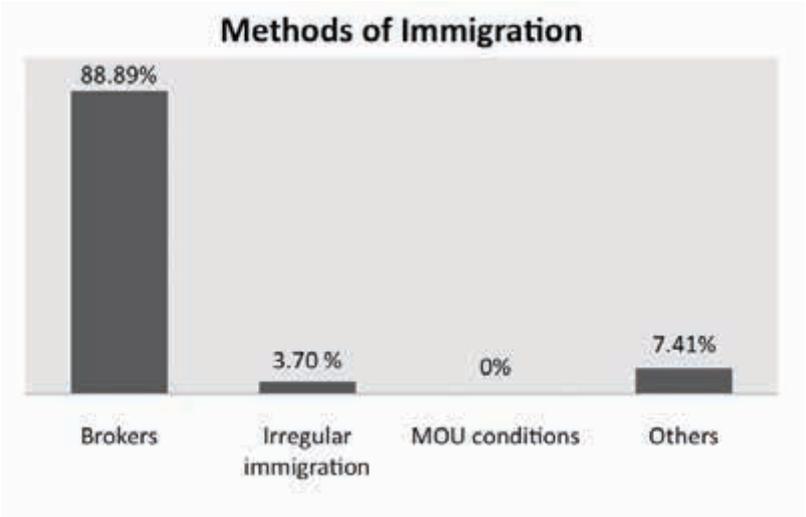


Chart 10 Nearly all of migrant child labourers immigrate to Thailand with help of brokers.

Living Conditions in Thailand: Migrant child labourers in this study outlined their family's average monthly expenses as follows; 3,000 baht for food, 2,000 baht for accommodation, and 300 baht for travel expenses. Many families also keep savings for sustaining their family in host countries as well as other fees. Migrant child labourers go to work intending to lessen the burden of their parents and help pay off family debt. When children feel a compelling need to earn a living and take care of other family members, there is a huge amount of responsibility and burden placed upon the child. Social and community networks play a major role in connecting migrant labourers, relatives, friends, employers, and migrating agents. Migrating agents are considered particularly important in this social network, as they can help deliver labourers from villages and communities, to job placements in Thailand. They can also assist them in going through identification and registration procedures, and submitting job applications



ပန်းချီ ရဲကော်မရှင်



Chapter 4

Case Studies of Migrant Child Labourers in Samut Sakhon

(left) A migrant child labourer gets dressed before going to work early in the morning.



After arriving on shore, migrant labourers on board fishing vessels need to keep or mend or fix trawls.



Chapter 4

Case Studies of Migrant Child Labourers in Samut Sakhon

So far, this report has provided details on the living and working conditions experienced by migrant child labourers, especially of fisheries and seafood processing industry, in Samut Sakhon province. There seems little doubt that migrant labourers are essential for Thailand's workforce, as they contribute significantly to maintaining the production and export of various processed seafood products. However, migrants suffer from a great deal of governmental neglect. This report has identified several major concerns involving migrant children, such as inappropriate working conditions and child exploitation. Such issues need to be examined and addressed in accordance with existing laws and conventions in order to monitor the situation and improve poor conditions and employment practices. This chapter will focus on case studies from migrant child labourers which reflect specific issues on working conditions in the seafood processing industry. The cases also provide insight into the daily difficulties and challenges experienced by migrant children in Muang District, Samut Sakhon.

I. Concerning Trends among Child Labourers in Samut Sakhon: Individual Cases

• The case of migrant child labourer in fisheries and seafood processing sector

Pohchi, a 13-year-old boy immigrated to Thailand with his father and sister eight months ago. Now, they live in Samut Sakhon, in a house shared with more than ten family members. Pohchi, his four sisters, and both his parents are currently working as labourers. Whilst living in Myanmar Pohchi studied in grade 6, meaning he can speak, read and write Burmese. On first moving to Thailand, he attended pre-elementary classes organised by the Labour Rights Promotion Network Foundation (LPN). Pohchi started out by helping his mother peel shrimp at a processing plant in a peeling shed (Thai: Lhong) close to his residence in Wat Noi Nang Hong community. Because he is under 15 years of age, Pohchi did not receive his own wage (his work was added on to his mother's), neither is he allowed to hold a record of the hours he worked like his mother and sister did.²⁰ Pohchi peeled shrimp for three months before starting work aboard a fishing vessel with his father. After that, his employer at the peeling shed had him registered at a one-stop-service registration centre in Samut Sakhon. The registration fee is now being deducted from his wage.

“ I can stop working whenever I want. Sometimes I am tired and ask to go to bed. I usually go to sleep after midnight.”
Pohchi, 13 years old

Pohchi is currently working both jobs, peeling shrimp and labouring abroad fishing vessel at alternating times of the week. He said that his work runs from 06.00 to 19.00. Each day he peels around 30 kilograms

²⁰ The work record is usually called a 'working time account,' and its purpose is to record the amount and weight of the shrimp peeled in a day of work. The weight of shrimp peeled is often used to determine a labourer's wage, but for Pohchi, his efforts were recorded under his mother's name, instead of his own.



Migrant labourers' working conditions around the jetties.

of shrimp, earning a wage determined by the quantity every 15 days. Recently, he experienced wage cuts due to damage done to the shrimp, but he did not know how the damage occurred or any other details. Aside from peeling shrimp, Pohchi has to assist senior male labourers in carrying baskets of seafood. On the fishing boat, his duty is pulling trawlers toward the ship. Then, Pohchi helps carry the fish to the ice boxes. Pohchi says he's not afraid of the sea because he is a good swimmer, and his father allows him to work aboard the boat and jump into the sea to help drag in the nets.

“ We do not know how the shrimp got damaged or what they consider as damaged. They just tell us afterwards and cut out pay.”
Pohchi, 13 years

Working on the fishing vessel, Pohchi is paid 9,000 baht monthly, whilst also earning, together with his mother, between 2,000 and 3,000 baht every 15 days from peeling shrimp. Pohchi gives his entire wage to his parents and earns pocket money - between 10 and 20 baht a day. Although Pohchi has some free time when he works aboard the boat, he is unable to go anywhere. Pohchi also voiced that he wish to study, especially to improve his Thai language, rather than go to work.



Migrant child labourers of a primary seafood processing plant in Samut Sakhon which was prosecuted for employing illegal labourers.

Pohchi is an example of how migrant children can easily start working in fisheries and seafood processing businesses because they follow their parents' example. This is a common case among migrant labourers who find they have to work to sustain their family unit. Moreover, since the workplace is close to Pohchi's family home, the transition from student to labourer was made even easier. Parents who work all day, every day, are also more inclined to want to take their children to work with them, rather than leaving them unsupervised at home. All these factors contributed to persuading Pohchi to start working at an early age. His parents consider both jobs appropriate for their son, although Pohchi sometimes has to work from dawn to dusk, and the inconsistent working hours on the fishing boat affects his childhood, as he has little time for study or socializing with friends his own age. It is important to acknowledge the hardships experienced by Pohchi's family, but Pohchi is at a critical age and education is essential for his progress in the future.

The great concerns over migrant child labour in cases like Pohchi highlight 2 important issues: (1) children are able to find work even if they are under 15 years old, which is considered the minimum age by international labour law, (2) children accept working conditions, even though the terms of their employment might be inappropriate or unfair and obstruct the child's development. Proof of the second issue is reflected by Pohchi when he states that he can "stop working whenever I want," when, in fact, he only stops if he is exhausted. Furthermore, being male, his father decides to let Pohchi labour on the fishing ship with him and it is likely that Pohchi's little brother will do the same. This is an interesting point to note, because for migrant children in Muang District, Samut Sakhon Province, sex is the factor that could designate the nature of their job in fisheries and seafood processing enterprises.

“ Is it worth it? I can’t tell you whether it’s worth or not, but living here my children are provided with enough food. We do not have much saving because we need to buy food, pay rent, pay for water and electricity. We send a little saving to our family in the homeland though.

Before coming here, we didn’t have any set goals, but we wanted to take our children with us. If any child can work, we (are) gonna let them work, but it’s ok if any of them cannot work.”

Thanipo’s father

“We did not advise or encourage our children to work but they volunteered. They insisted that they would lend a hand.

Thanipo’s mother

regularly take Sundays off. His little brother sometimes helps them peel shrimp at the plant on school holidays. He, his father and his sister give their wage to Thanipo’s mother who is currently between jobs. Her task is managing the family’s income and expenses, such as housing rent, cost of utilities, food, and her children’s pocket money. Thanipo’s family plans to work for one more year before returning to Myanmar.

Thanipo voices that he does not wish to live in Thailand forever, because he has never felt “at home” here and he misses his relatives in Myanmar. He conceives that his objective on entering Thailand is to assist their family in working and he believes that he is now mature enough to do this. Thanipo also hopes to financially support his little brother’s education so that his sibling will not have to work like him. Their father also believes that education is essential for them no matter what jobs they perform. Thanipo’s father is ready to support their education but he points out that this depends on the children’s and family’s capacity as well.

• The case of full-time migrant child labourer

Thanipo (pseudonym), a 15 year old Mon teenager from Myanmar, came to Thailand, together with his family and relatives to find work in order to save money to sustain his aunt and grandmother living back in Myanmar. He left his school in Myanmar during Grade 6 when his father decided to relocate the family to find better work. Thanipo was 14 when his family, following his sister and uncle who had already settled in Thailand, crossed the border. The broker transferred Thanipo and his brother from their village to Thailand via Dan-Chedi-Sam-Ong, a pass in the Bilauktaung Mountain range on the Thai-Myanmar border, before travelling to Kanchanaburi province, and on to Mahachai district, Samut Sakhon province. Working in Thailand, brought Thanipo’s family a decent salary. They regard their jobs in Thailand as a better choice than anything they can find in their homeland.

After having lived in a rented house for a month, Thanipo and his mother started peeling shrimp in a peeling shed, where his uncle also worked. His uncle taught him how to peel shrimp, then Thanipo thought that he was capable of performing the job himself. He insisted that his father and his mother had never forced him to work; it was his own decision. Thanipo stated that the entrepreneur paid them lump sum payments. They work from 08.00 to 17.00 and

The case of Thanipo reflects the sensitivity surrounding migrant child labour and the dimensions of family responsibility, which is a central characteristic of many Southeast Asian cultures. This sentiment is particularly strong among rural populations. Children are taught from a very young age to show gratitude to their family. The particular kind of Buddhism most widely practised by the Mon and Burmese also play a role in influencing children in these circumstances, because Buddhists believe that a son must go through ordination to pay gratitude to his parents whereas a daughter has to take care of her father and her mother. The concern over migrant children in Thanipo's position is that perhaps they are shouldering more responsibility than is healthy for them. Particularly worrying is the expectation that the eldest child needs to sustain their younger sisters or brothers. There are also cases where a migrant child needs to become a labourer in order to pay off family debt, partially arising from the cost of his sibling's ordination (into monkhood) in Myanmar. Another issue which is considered a consequence of cultural traditions is that migrant child labourers consider working to sustain the family as a way of paying gratitude to their parents. This can result in the neglecting of other aspects of life are equally important.

Many labourers wish to work as much as possible in order to earn income and save enough money. Some migrant child labourers said that they wish to work overtime so that they gain extra income. The majority of the migrant worker families consider the minimum age for performing tasks in peeling sheds, including cracking shells, deveining shrimp and removing fish bones, lower than the minimum age of employment under international law. Holding onto traditional value systems which place work at the centre of family life, superior to other activities such as education, can have detrimental impacts. Child are likely to accept their working conditions, and may be unable to express their own feelings or desires since it may contradict their family's wishes and needs.

• The case of part-time migrant child labourer who attends a local school

Nimu (pseudonym), a 15-year-old girl from Myanmar, studied up to grade 6 at a Burmese school before switching to grade 2 at a Thai educational institute after she immigrated to Thailand seven years ago. She currently lives with her mother, two sisters, brother-in-law and her niece in a residential community attached to a seafood processing facility. Nimu's working life began when she simply started following her mother to the processing plant. She started working when she was only ten years old as Nimu's father is absent and her mother needs all the help she can get to raise a living. Nimu decides to help

“ I'm glad that my daughter can work from a young age. It is a pity but I want to know how much work she can handle.

**So, I let her try because she will need to take care of herself.”
Nimu's mother**

her mother save money in order to buy a house in Myanmar, where she can continue her studies in non-formal education. Her goal is to one day earn a bachelor degree.

Nimu currently goes to her Thai school from Monday to Friday, and goes to work on weekends. Her job is to peel shrimp in a peeling shed which supplies peeled shrimp to processing factories. There are around 100 workers in Nimu's peeling shed, most working under a subcontract. Their wage is paid every 15 days, and is determined the amount and the size of the shrimp they process. At the peeling shed, Nimu and her sisters need to wear uniforms comprising of a hair net, short-sleeve shirt and rubber boots. The employer pays her wage together with her sisters' every 15 days. Collectively they made approximately 9,000 baht. As the plant opens every day, Nimu can go to work on Saturdays.



Working conditions and uniform of primary seafood processing enterprise or peeling shed (Photo taken in 2007)

The work is all based on the amount of shrimp there is to get through. If the employer requires extra shrimp to be processed, employees are expected to finish late. Inconsistent hours are common in this industry. Labourers usually start working from 04.00 in the morning. Nimu said that she used to work from 04.00 to 19.00 because there are more shrimp. Some workers quit jobs due to the inconsistent work schedule. They prefer working in the plant where hours are fixed and overtime is paid. As Nimu can speak Thai, the peeling sheds and factories wish to hire her as an interpreter to communicate with other migrant workers. She also acts as an interpreter when her mother travels and needs to read important documents. Nimu has a temporary passport and work permit which states the name of the enterprise she currently works for. Both these documents identify Nimu as a 20-year-old woman, contradicting her student card which reveals her actual age

This case study provides an example that applies to many migrant children in Samut Sakhon. Though it is possible for a migrant child to enrol in Thai school and gain access to other forms of education, their opportunities are often limited by their family's financial situation. A child is severely restricted when his or her parents encounter economic or social hardships of the kind experienced by migrant labourers in Samut Sakhon. This raises issues and questions for all sectors who need to cooperate in protecting and promoting the needs and rights of children by supporting parents, public education

On the wall of a female migrant youth labourer's room is telephone numbers, the channel which enables her to seek help from her friends, relatives and social network when she suffers violation or any forms of threat.



institutes, alternative institutes, business enterprises, official agencies who have authority and local non-governmental organisations. Being both a student and a worker, Nimu compromises between her needs and wishes, and the needs of her family, and she needs to allocate time for the both duties. A key concern here is that when migrant children have entered the labour force, they may find it very difficult to leave and pursue other things. Also, this case points to issues involving the identification documents issued by Thai officials, such as non-Thai citizen cars (t.r.38/1), temporary passports, work permits, , non-Thai citizen records (t.t.2/1), and non-Thai citizen dependent records (t.t.2/2). Even though regulations on labour registration are implemented, the data presented on migrant labourer documentation deviates from government policy significantly. Whilst the law requires both employers and labourers to go through documentation procedures, in reality they seldom do, and brokers undergo the process instead. Too often, children's papers have not been properly verified. Both brokers and officials are prone to corruption in this area, with some authorities choosing to exploit migrants and their families by implicating them in fine-print loopholes. By allowing migrants under 18 years old to boost their age on their official documents exposes the young person to poorly regulated employment and working conditions unsuitable for a person of their actual age.

The issues involved with migrant child documentation can cause difficulties for law enforcement bodies. The problem also complicates the implementation of the 'Good Labour Practices 2' guidelines, which are aimed at protecting migrant child labourers from exploitative employment situations²¹. Employers and migrant child labourers probably agree on document forgery as a good way for getting around employment restrictions.

Other measures may be taken by employers to ensure their child workforce does not arouse suspicion from rights groups of the authorities. These may include, covering up the physical characteristics of child labourers by making them wear uniforms identical to those worn by adult workers, not allowing child labourers to open a log for their working hours or their pay, and failing to inform the labour office of employed children (those aged between 15 and 18). The unofficial, unregulated nature of children employment in these cases can easily lead to inappropriate and illegal working conditions.

• **The case of migrant child labourer preparing to join the seafood processing workforce**

Kae-Sa (pseudonym) is 17 years old. His relatives entered Thailand in 2004 using the services of a broker. Most of his family has immigrated to Thailand to find work, except of his who can no longer work. Last year, Kae-Sa's employer had him registered at the one-stop-service registration centre for migrant labourers. Upon registering, Kae-Sa told officials he was 19 years old, as it is quicker and easier for over 18 year olds to obtain temporary passports and work permits. Kae-Sa has worked for a seafood processing plant for 5 months now. He is among the 75% of migrant children sampled in the above who started work in a peeling shed. Labourers in these sheds usually work from 04.00 – 20.00 every day. Kae-Sa is granted one day off a week (which he can choose himself) because the employees are under a subcontract. Their work schedule and wage depend on the amount of shrimp they can process in a day. Kae-Sa tries to always peel big, heavy shrimp so that he and his sister, who

²¹ 'The Good Labour Practices : GLP were formulated by the Department of Fisheries, Thailand, with the aim of protecting migrant labourers, particularly children aged 15 to 17, from exploitation within the fishing and seafood processing industry under Thailand's labour protecting acts and international labour convention. Another key objective of GLP is to raise awareness and concerns among shrimp and seafood processing business including supply chains so that entrepreneurs would take actions for protecting these minors(Department of Fisheries, 2013

works for the same peeling shed, gain a higher wage. On average, Kae-Sa can peel 10-kilogrammes shrimp in three hours and he earns approximately 6,000 baht each month. Kae-Sa wishes to work for an industrial plant where wage is paid more systematically. He plans to save around 1,000 baht to pay for his passport processing expenses. Then, he will change his job.

Kae-Sa's case highlights the working conditions set by two categories of fisheries enterprise; peeling sheds and seafood processing facilities. Both have certain characteristics that are passable by some and undesirable to others. The peeling sheds are small enterprises where employees work basic tasks without machinery or much in the way of equipment. They employ large numbers of migrant children in Samut Sakhon's Muang district. When a young person, like Kae-Sa, is preparing to enter the more regulated, formal workforce, peeling sheds merely serve as work practice; parents send their children here to learn "tasks" before they step into the fulltime labouring roles. Child labourers and newly-arrived migrants who are unregistered or undocumented are likely to be employed in unregistered

Lhongs rather than registered enterprises. Overall, peeling sheds often fail to provide appropriate employee welfare, with only a small group of child labourers claiming to have received medical treatment entitled to them through social security funds, for which their employers are partially responsible. The case of Kae-Sa and previous case studies shed light on the situation where migrant adolescent labourers fail to be recognized as legal child labourers. Sometimes, they are regarded as adult workers since they hold identification documents presenting their ages higher than they actually are.

• **The case of migrant child labour who choose to live apart from their family**

Pla (pseudonym) is around 18²² years of age. She was born in Thailand and her family consists of father, mother, brother, and a slightly older sister. She also has extended relatives. Pla studied up to grade 4 before leaving school to help her parents peel shrimp at a primary processing enterprise. Then, she switched jobs to work for a larger seafood processing enterprise, where she now earns permanent and regular income. Applying for this job, Pla needed to pay 3,500 baht. She was assigned the task of weighing sauce products as she can read and note Thai language.

Every two weeks, Pla has to alternate from day to night shifts and she is paid on the fortnightly basis. Pla offers her entire wage to her mother, who allocates travel and other every day expenses. Pla, however, believes that she should be able to choose her own way of life since she earns her own income. She often has quarrels with her brother and her sister who want their parents to be stricter with Pla. They think that their father and mother should warn her about her expenses, as she spends time socializing with her Thai and Burmese friends. Pla once left her family in order to live with her boyfriend, but she ended up returning to her family again.

Pla's situation reflects concerns over the lifestyle in some urban areas, especially among migrant families with children born in Thailand. Foreign children who were born in Thailand are mostly fully integrated into Thai society, and thus show a greater desire to become independent. As Pla tried to prove that she was an adult who could cope perfectly fine outside the strict confines of her family's traditional values, she ended up alienating herself from them. Presently, Pla usually gives priority to her friends, and once set out to raise her own family, though she was still under 18 years of age and therefore vulnerable to medical issues relating to reproductive problems.

²² On official record, Pla claimed to be 18 years of age, however, some researchers have reason to believe she may be only 17

The self-alienation of migrant child labourers who choose to live apart from their families is partly due to modern customs among younger generations of migrant youth. Adolescents in Samut Sakhon like to form small gangs and stick together. For example, a group of several young Mon teenagers living in Mahachai (a sub-district of Muang district) often gather together for social activities, and some of them live together as well. Some gangs form social networks which migrant children rely on for various pieces of information. Migrant teenagers are likely to ask for help from their social network, rather than their family or the Thai state. These young migrants likely recognise themselves as being looked at as second-class Thai citizens. Neglected by mainstream society, and leading lives of uncertainty and hardship, they stick together and share experiences among themselves.

• **The case full-time child migrant labourer adjusting to life in Thailand**

Bee (pseudonym) is now 17 year old. She immigrated to Thailand along with her relatives three years ago. She and her sister work for a seafood fritter manufacturer. Bee said that her shift runs from 08.00 to 17.00. Working overtime, Bee gains 56 baht per hour. On average, Bee's earns 10,000 baht a month. Bee started working when she was 15 years old. She voices that she has never signed a contract of employment. She holds only the labourer card

Bee reveals that she entered Thailand with the goal of assisting her family by working and saving money. Bee also studies at an informal educational institute on Sundays. Her key objective is to learn Thai language, hoping that an improved Thai skill will help her gain access to better careers. For the most part, Bee speaks Thai on a certain level. Her sister is unable to speak Thai at all. The sisters share a rented room. Bee observes that her sister barely leaves the room accept to go to work. In contrast, Bee often visits her friends in other communities.

The differences between migrant labourers who have an education and those who do not is partially reflected in the case of Bee and her sister. Education can help influence and shape a young person's fundamental socialising skills and interpersonal knowledge. Bee gained a sense of self-worth and acceptance, making her determined not to spend her life in working on the manufacture line of Thailand's seafood processing industry. She expects to use her language skills as a working tool. At school, Bee is surrounded with friends and teachers, and as Bee does not have boyfriend, she does not have to bear the same burdens as her married sister.

It is gravely concerning that more migrant youth do not have the opportunity or the right circumstances to take up education like Bee. The statistical data indicates that around 44% of migrant children are denied access to education. This group of children is much more vulnerable to being recruited into the migrant child workforce. 92% of migrant child labourers are full-time workers. Most of them do not study, even though migrant children have the right to education under Thai law, regardless of nationality. It is undoubtedly essential for a child's self-development to receive some kind of education. Professional training and specialised vocational classes would also be hugely beneficial for migrant youth.

- **The case of full time labourer who work solely to sustain her family**

Wae-Pa, aged 16, crossed the border after her mother and brother had immigrated to Thailand. She needed to pay 7,000 baht to the broker for the journey. Wae-Pa currently lives with, and takes care of her mother, since her father has left them. Her brother has moved to Mae Sot, in Tak province, to find other work.

Wae-Pa started working at a canvas sewing factory when she turned 14, before switching to a job in a canned fish factory, where she needed to pay an application fee of 5,900 baht. At the new workplace, she is provided with a uniform, hair net and mask. She worked in the quality control section before being assigned to take care of product checking in the warehouse. She works from 07.00 to 15.30, with a break from 10.30 to 11.00, plus some occasional overtime. She earns 300 baht per day which is the minimum wage according to Thai law. Her employer paid her every 15 days.

Wae-Pa used to study Thai language, and she can read and write at an intermediate level. She stopped going to school in order to work full time. Wae-Pa needs to sustain her family and gives her entire wage to her mother. Her mother allocates 1,000 baht for her personal expenses each week. Wae-Pa admitted that she wished to leave her mother to move in with her friends if her brother returns to live with their mother in Mahachai.

Wae-Pa is an example of a daughter who spends all her time looking after her family, conforming to the values of family tradition which dictate that daughters are to take care of the parents, and sons should be ordained into the monkhood. Wae-Pa did not only migrate from her homeland to perform this role, she also became a migrant labourer and began working at a very young age. The gender dimension of this case becomes more explicitly influential when she is assigned to take care of her mother. She realizes that it is a duty which she cannot reject.

This case study makes the research team aware that the gender dimension is definitely influential in immigration and labourer situations. It is concerning because migrant children, especially female child labourers can fall victim to several specific types of rights violations; they are particularly vulnerable to forms of sexual harassment. Data collected from some female participants reveals details about female labourers being put in dangerous situations. For example, one girl worked for an enterprise all by herself, with no friends or relatives nearby. Night shifts can also be dangerous. Female workers need to be able to refuse to work in potentially dangerous situations. Migrant child labourers and all migrant workers should be informed of their own rights, complaint channels and how to file complaints with relevant agencies.

- **The case of full-time labourer who work under poor conditions**

Jam (pseudonym) is 17 years old. She entered Thailand with her mother and father in 2005. Jam had graduated from a primary school in Myanmar but she did not continue her studies in Thailand. She can speak Thai but cannot write. When Jam was 14 years old, she started working at a primary processing enterprise, peeling shrimp with her parents. However, eventually the shrimp peeling shed closed down and her parents returned to Myanmar, leading Jam to apply for another job at a larger seafood processing plant. She worked in the production line for Saba (Japanese mackerel). Her task is to remove fish bones from slices of fish.



A family of migrant child labourer who enters workforce in order to pay off family debt arising from the cost of his sibling's ordination.

Each labourer is expected to debone 8 trays of Saba per day (one tray is equal to 24 half-pieces of fish). Jam says the work is hard and she has not yet managed to meet the 8 tray requirement. Jam also says labourers who do not meet this daily requirement are sometimes not allowed to go home until all 8 trays are completed. After a while, she finally decided to quit this job. Jam currently works at another seafood processing facility and stays with her aunt in Samut Sakhon province.

The case of Jam highlights a common violation of labour practices and laws, both local and international, relating to child labour including the employment of children under 15 years of age,²³ and the business allow child labourers to work night shifts and enforce long overtime.²⁴ Labourer health concerns are also an issues, as the bone-free fish or processed seafood products used in the production line must be kept at a certain temperature, exposing employees to very low temperatures. Some enterprises have been found to not supply their workers with any protection against the cold. Indeed,

²³ See Labour Protection Act B.E.2541, Convention concerning Minimum Age for Admission to Employment No.138, and ILO Recommendation No. 146 concerning Minimum Age for Admission to Employment

²⁴ See Labour Protection Act B.E. 2551, section 12, 5Labour Protection Act, section 47





Migrant labourers wait for public and employee buses in order to go to work in the morning.

even some more general job requirements in businesses like the one Jam worked for, demand skills or equipment which are beyond child labourers' capacity, do not provide labourers with safety gear.

Jam insists that there are many cases where migrant child labourers suffer child and labour right violation, but there is no attempt to file complaints or report the situation. Working and employment conditions are not aimed at protecting the rights of migrant child. The level of rights violation endured by migrant children working in seafood production facilities in Samut Sakhon is a very serious concern, especially when workers lack identification document or are not legally employed, as these workers are more vulnerable to situations of forced labour.²⁵ The research team has received information about some cases where migrant child labourers, with no identification documents, were refused the pay they were entitled to. These migrants dared not file a complaint as they were afraid of being turned in to the police.

Many migrants do not know the proper complaint channels or the correct procedures for claiming rights.²⁶ Registered workers may not recognize the function of identification document which entitles migrants to full rights and welfare services. A significant number of labourers included in this research do not have access to enough information on their rights and benefits.

It is clear that working conditions for migrant child labours in this study should be improved. The government's Children's Act mentions the right to education for every child, regardless of nationality. To illustrate, the law requires that children be provided with thorough and equal rights and given access to 12 years of basic education which terminates when children turn 15 years, the minimum age that they are allowed to perform some jobs under appropriate working conditions. Therefore, child who are aged between 15 and 18 can be considered child labourers and need to be protected under labour laws.

²⁵ Most migrant labourers who lack identification documents immigrate into Thailand illegally. They are considered extremely vulnerable to labour right violation and are probably forced to work too long or halt payment.

²⁶ The Labour Rights Promotion Network Foundation (LPN) acts as a channel for migrant's complaints and concerns by setting up the Labour Center for giving labour and legal advice, and also works to protect and uphold migrants' rights and entitlements.

Contextualising the Issues

One significant characteristic of the fishing and seafood processing industry is that factories and facilities need to be highly productive in order to keep up with the massive global demand for seafood products, the enormous pressure to produce, in order to sustain Thailand's profitable export markets. This has had detrimental implications for workplace condition in processing factories. Wages are unregulated, and workers are continuously exploited and forced to work long hours in unhealthy and unsafe environments.

In 2014, the LPN research team counted 619 registered seafood processing enterprises scattered around the six sub-districts of Samut Sakhon province. It is thought that 65 of these concentrate only on shrimp processing, and hire up to 13,483 labourers.²⁷ This number, however, is relatively small when one considers the estimated number of unregistered enterprises also operating in the area. These unofficial businesses hire significant numbers of migrant labourers, and are actually considered the primary source of employment for many foreign workers, including migrant children between 15 and 18 years of age. It is often found that children without proper identification documents enter into employment in unregistered factories and unofficial businesses through a network of brokers and subcontractors.

In order for migrants to comply with government policies related to foreign workers, individuals must undergo a 'nationality verification process' before they can be granted a work permit. This can be a lengthy and complicated procedure, and migrants often experience long delays in receiving their permits. Such bureaucratic difficulties can discourage people from registering themselves and their families through official mechanisms.

Last July, Thailand set up a number of one-stop registration service centres for migrant workers, which granted identification documents to migrant labourers and their dependents. This approach enables Thai authorities to keep detailed records of registered migrant workers, whilst also granting migrants the appropriate documents to apply for work at officially registered businesses. For some migrant families, however, this system has failed to be of use, as their originally unregistered status technically classifies them as illegal immigrants, and the Thai authorities have no record of their verified nationality on the national database. Migrant children who migrate into Thailand during the period choose not to wait for official verification, and are recruited to join Thailand's 'unregistered workforce'. For many migrants, this appears to be a relatively good option, as working within seafood processing factory, is generally regarded as good, honest work.

The conducted field surveys demonstrate that all parties involved in the management of fisheries and seafood processing, such as employers, adult labourers, and migrant child labourers, are reluctant to acknowledge the detrimental effect child labouring can have on the livelihoods and general wellbeing of children. Some even deny the existence of child labour altogether. However, the LPN research team was able to gain the trust of several key respondents during this project, and their testimonies and shared experiences reveal that some enterprises actually specifically recruit migrant children.

²⁷ Samut Sakhon Provincial Employment Office, According to statistical data from Thailand's employment records of type 2 migrant labourers (seafood processing workers), 2014 (Electronic files).

II. The Life of Migrant Child Labourers in Samut Sakhon's Seafood Industry

Among all of conditions which drive migrant labourers to migrate from the neighbouring countries to Samut Sakhon is the cycle-like process involving children, family, and social networks of migrant workers. Migrant children follow their family and their relatives or cross the borders with the help of brokers and head towards industrial hubs to seek job opportunities. Motivations for entering the workforce at a young age are usually concerned with family matters. Most of the child labourer samples in this research made the decision to work in order to sustain their family, contribute to the family's savings, and help pay off debt and other expenses.

Some children follow their parents to fill in for absent workers. Some become labourers as they do not have a chance to study. Migrant families consider working as simply the way to pay gratitude to their parents, support their family, and fulfill their family's expectations. The cultural context cannot be ignored here. Relatives have a great influence on the livelihoods of migrant children, equal to that of the environment and economic factors.

The daily routine of some migrant child labourers in primary processing enterprises or peeling sheds could begin as early as 02.00 before they go to work at 06.00. Migrant child labourers regularly work for eight hours a day. Most child labourers' shift runs from 08.00 to 17.00. However, they often work overtime for three hours. Their break lasts between half an hour and one hour. On the other hand, those working on the production line have different working schedules, for instance, labourers responsible for removing shrimp heads typically start working before those who peel shrimp and employees who work on quality control. For example, their shifts could run from 06.00 to 15.00. Migrant labourers of small enterprises and peeling sheds usually begin their work at 04.00 whereas the time they have off work is inconsistent, as it depends on the amount of seafood delivered to the enterprise at that moment. When they are off work, migrant child labourers either stay at home, or go shopping at market before sleeping around 21.00 to 22.00. Most children have one free day per week. Some migrant child labourers participate in religious activities or gather with friends at department stores and visit their friends in other communities. It is obvious that migrant labourers in Samut Sakhon, especially in Muang District, have freedom of movement. This is partly because migrant labourers hold identification documents. Additionally, as they can communicate in Thai language, they are able to give explanation to Thai authorities. Meanwhile, some migrant child labourers spend time studying in non-formal education centres or participating in activities arranged by non-governmental organizations.

The migrant children whose parents and siblings already work within the fisheries and processing sector tend to follow their family members into this type of job. Parents may also encourage their child to work so they can earn extra income to support the family unit. Parents' occupation, thus, is a key factor in issues of migrant child labour. Adult migrant labourers may choose to stop working in seafood processing industry if their eldest child is mature enough to carry on for them. If they view that their child is not mature enough for performing some tasks, they will continue working. If migrant workers have financial security and their children have grown up, they are likely to stop labouring. Moreover, migrant parents' attitude is a significant factor which can determine the age their children enter the workforce. To sustain the family, most migrant child labourers choose to replace their parents in the workforce.



Family of a migrant child labourer who immigrates into Thailand and works in Samut Sakhon.

Social and community networks play a major role in connecting migrant labourers with relatives, friends and employers. Many rely on their social network as a key source of information, which they may consult before deciding to work in Thailand or take up a job at a specific place. The research carried out by LPN reveals that some migrant workers have been employed in an industrial plant since the age of 14 with the help of insiders. They might be familiar with the facility's human resource officers or foreman. Social networks also help facilitate a migrant family's living arrangements. These agents are an essential element which enables the cycle of labour migration to Samut Sakhon to continue. In this sense, agents and broker are also the mechanisms sustaining the seafood processing industry, which is essential for Thailand's economic structure.

Chapter 5
Desirable
Practices
and
Policies to
assist
Migrant
Labourers
in the
Seafood
Industry





An ethnic Mon teacher carries on instructional activity at Sirimongkhon School, Ban Koh Sub-district, Muang District, Samut Sakhon.

Chapter 5

Desirable Practices and Policies to assist Migrant Labourers in the Seafood Industry

This chapter discusses the perspectives of various individual and official stakeholders on Thailand's manufacturing sector and seafood industry. Moreover, this chapter proposes guidelines for practices and policies that could assist migrant workers employed in Samut Sakhon's fishing and seafood processing industry.

I. Perspectives on the Current Situation involving Migrant Children Labourers

The phenomenon of child labour, particularly in Thailand's fishing and seafood industry, has been rising in significance and scale since the late 1990s, when migrant child labour began to be used to fill gaps left by a shortage of willing Thai labourers. In the past, unregulated and forced child labour in fishing and seafood sectors was notably more pronounced. There has been significant improvement in migrant child welfare and labour practices.²⁸ Thailand's own government sector and civil society organisations have made attempts to develop more concrete policies on employment aimed at decreasing the number of child labourers. Although the number of child labourers who are enrolled in the formal Thai education system has actually seen a recent increase,²⁹ LPN's research findings indicate that there are child labourers working in the fishing sector and related industries, particularly in primary processing factories (Lhongs). However, some appear very adult in appearance (i.e. height, face, strength) and some carry documents with a forged age.

o Parents

Most parents would like their children who, according to their view, are mature enough to work, particularly when their child has reached 14 years or over. Migrant families are keen for their children to work mainly for the following reasons, Secure finances will eventually allow the family to repatriate (land purchase and house construction).The family may have large debts incurred during the child's upbringing (e.g. education costs, ordaining ceremonies, naming ceremonies, etc.).

o Teachers

Teachers from schools attended by migrant children argue that the number of child labourers has decreased after employers and businesses received more information on child rights. However, local educators also state that almost every migrant child has either dropped or cut back on their primary education because they need to attend to family responsibilities. Some children are only enrolled until they can find work.

²⁸ Dawan Khonthong, LPN staff, Interview 27 March 2015.

²⁹ Prasarn Sarawong, an educator and principal of Srisutharam school



The workplace conditions and job characteristics of migrant child labourers in a medium scale plant

*The children immigrating (to Thailand) with their parents are mostly young adults. This means we can see 17-year-old children studying in P.3 (grade 3), or 14-year-old children studying in P.2 (grade 2). These children enter into school while they are waiting for their job. When they learn enough Thai language (to get by in the workforce), they go to work with their parents...*³⁰

Migrant children between 15 and 18 years old can work legally, but those under 15 are regarded as illegal child labourers according to Article 44 in the Labour Protection Act (Council of the State, 1998). Children who lack certain knowledge and practical skills have little to no opportunity to seek better employment. For the teachers interviewed, this is why education is such a critical tool for migrant children, because it gives them choice and agency to find safe, regulated employment.³¹

o Government Representatives

• Child Labour Situation

Currently, there does not appear to be any cases of forced child labour in Samut Sakhon's fishing and seafood industry. However, the large proportions of young migrants aged 15 – 18 employed in poorly regulated enterprises is still concerning and it is important for government agencies to address child labour issues. For government officials tasked with issuing work permits for migrant youth aged between 15 and 18, working conditions endured by employed youth is a matter for the employer and the labourer themselves. One government official said,

The number of entrepreneurs who employ youth labourers has dropped. It is the intention of the labourer and their family... Some children aged between 15 to 18 years old have the physical appearance of an adult and are ready to enter into workforce.

To explain the child labour phenomenon, government officials pointed to the presence of a labour shortage in Thailand. The fishing industry is hugely affected by this labour shortage, since Thai people are not willing to do these kinds of jobs. These are jobs that cannot easily be done by machines, and require large amounts of human capital.

• Youth Labour Employment

Migrant youth labourers aged between 15 to 18 years can be divided into 2 categories; (1) youth labourers who come to Thailand with their relatives, and (2) youth labourers who were born in Thailand and received some basic education. The former group is significantly larger than the latter. Due to the massive demand for labour in Thailand's manufacturing sector, the Royal Thai Government implements a 'soft' policy for dealing with migrant workers who enter or work in Thailand illegally. The government allows migrants to go through the registration process and obtain legal status following a verification of their nationality and the submission of a work permit request. However, youth labourers have to indicate their wish to work in Thailand with the Office of Labour Protection and Welfare, and provide details on their working conditions and wage. According to Article 45 of the Labour Protection Act (1998) and other child rights protection laws, their requests should be submitted to the Department of Employment in order to issue them with a work permit.

³⁰ Prasarn Sarawong, principal of Wat Srisutharam School, interviewed 1 March 2015.

³¹ Narongwit Seeharat, teacher at the Foundation for Rural Youth Education Centre, interviewed 22 February 2015.

When used in official laws, the term “minor” is used for those between 15 and 18 years old. However, some labour laws still describe under 18 year olds as “children” which can exclude them from particular types of jobs. In some cases, the Office of Labour Protection does not allow a minor to work. The Office is, however, familiar with cases concerning inequitable wages and other bad labour practice, such as arbitrary firing, and failure to make wage payment. The Office of Labour Protection and Welfare needs to have functional mechanisms set up to address issues concerning youth labour rights.

The government sector, particularly the Interior Ministry, needs to use evidence from their register to properly determine the age of migrant youth applying for work permits. When children whose physical appearance is not in accordance with their age indicated in the register documents, it is necessary to ask the original affiliation, such as Identification Section of Ministry of Interior. If willing, the migrant may have to undergo medical tests aimed at determining their true age. The Office of Labour Protection and Welfare sees this as a complicated problem with a large margin of error, verification can be easily forged.

From the government’s perspective, it is risky to push children into the workforce. Firstly, the family needs to take care to ensure all members are not exposed to risky situations, such as an unregulated workforce. All stakeholders, including families and employers, need to follow the rules and regulations set by the government.

Those employers who intentionally recruit children who are registered under a false age should be punished. However, I think that using regulations is not the correct way to solve this problem. What we need to do is to protect these children so they don’t get involved in the employment system. And this must start with the family and community in which they live.³²

o Business Sector Representatives

Similar to the government sector, business entrepreneurs believe that child labour is no longer such a serious issue. They acknowledge that primary processing factories (Lhongs) and small fish ports may not have the high standards of labour management, employee welfare, working environment conditions, or sanitary knowledge.

One business representative who runs a shrimp processing factory indicates that the more shrimps arrive, the more labourers are needed. Therefore, youth labourers are employed legally. Nowadays, the seafood processing sector is apparently starting to lay off younger labourers and hire over 18 year olds due to the declination in demand for Thailand’s shrimp.

³² Kasem Suthirak, former acting chief of Samut Sakhon Provincial Employment Office and chief of Srakaew Provincial Employment Office, interviewed 3 March 2015..

o Civil Society Groups

• Current Situation facing Labourers in Seafood Processing Industries

Over the years, more than 250,000 migrant labourers have been registered as living and working in Samut Sakhon. This number includes an estimated 10,000 registered migrant child labourers. Many more international organisations have been getting involved with Thailand's child labour issues. From 2008 to 2010, some shrimp processing plants were accused of forcing migrant children to work in their factories. Some of the factory owners were suspected of being involved in human trafficking operations. However, when the Thai government's Anti-trafficking in Persons Act BE 2551 was put into practice, both migrant adults and children received more inclusive protection.

The migrant youth who register through the Provincial Office of Labour Protection and Welfare aged between 15 and 18 years. For civil society groups, this suggests that youth are being pressured by employers to register with a falsified age. Also, when youth labourers enter the workforce they often lose interest in their studies. They begin to have different lifestyles and get used to their work routine. As a result, they may find it difficult to break out of their routine. Both these phenomenon can have negative repercussions for migrant youth later in life.

The Good Labour Practices program, initiated by the International Labour Organisation in collaboration with Thailand's Ministry of Labour, puts forward guidelines aimed at preventing child labour, forced labour, and human trafficking. All factories and business need to take steps towards implementing all the Good Labour Practices specified in the guidelines.

Out of all surveyed migrant youth aged 15 to 18, most were born in Thailand and have the skills and knowledge to adapt and integrate into the Thai workforce relatively easily. This group had the opportunity to choose from a range of workplaces. Some of these migrant youth are able to progress from food processing jobs to careers in electronics and furniture manufacturing. Most of the young people surveyed identified themselves as members of a 'gang' or a group of adolescents who band, travel and conduct activities together. Youth labourers are also likely to display behavioural issues including dressing improperly, having love affair, etc., all of which can cause social and family related problems including unsafe sex and teenage pregnancy. Meanwhile, it is obvious that some migrant youth become drug addicts or involve with drug traffic. As a result, there should be preliminary observatory on the situation of child migrant labourers. In case of noticing any inappropriate behaviour, the activities should be arranged as tools for improving child behavior and efforts to create readiness for protecting and safeguarding these minors.



Boonleu Sartpetch, chief of Samut Sakhon Provincial Department of Labour Protection and Welfare.



Teachers at a non-formal education centre provided by the Ministry of Education.



(top) Sompong Srakaew, Director of Labour Rights Promotion Network Foundation (LPN)



(below) Prasan Sarawong, Director of Wat Srisutharam School (Wat Kampra School)



Migrant youth labourers enjoy the concert during the annual temple fair.



An ethnic Mon student at Thai – Mon Learning Centre, Wat Sri Buranawasa (Wat Khoak), Samut Sakhon.

II. Recommendation of the Good Labour Practices Aimed at Protecting Migrant Children Labourers of Shrimp and Seafood Processing Industry

o Proposals for a pathway leading to better education for migrant children

- **Mandatory completion of basic schooling for migrant youth**

All civil society groups working on migrant child labour issues have agreed that setting up a mandatory schooling system for migrant children would be extremely beneficial. Organisations believe that this would be one way of preventing children from entering the workforce at an inappropriate age. Government and business sectors should cooperate with communities in order to support education initiatives. The principal of Wat Srisutharam School states that promoting migrant child education seems to be successful due to collaboration among several sectors including non-governmental organizations, private sector, governmental organizations, entrepreneurs of seafood processing industry and frozen food association who support by hiring teachers and offering learning equipment, buildings for migrant students. However, teachers do not only want to encourage migrant students to study but also wish migrant parents to support their children in completing 9 year of compulsory education because education contributes to skills and potentials of children.

- **Informal education**

Informal education programs can offer migrant children the flexibility and extra care they need to boost their knowledge and understanding on a range of important topics, from living in Thailand to migrant law and labour rights. There are currently several informal education centres in Samut Sakhon sponsored by the Department of Informal Education and supported by civil society groups, such as LPN. They have proven very effective in reaching and connecting with Samut Sakhon's young migrant population. Representatives from the business sector expressed concerns that establishing a mandatory education system for migrant children may not specifically address the fundamental issues, particularly when children have a very powerful desire to join the workforce. An alternative option is to enhance cooperative social responsibility (CSR) and promote the need for more professional training to assist migrant youth gain important skills for their futures. Representatives from the government sector put forward a recommendation for parent seminars, which would provide information on children's rights, labour law, migration law, and working conditions in factories, among other things. Healthcare should also be promoted, as parents may not be aware of the danger of some chemicals which are commonly encountered in food processing facilities but which can also cause serious harm to young children (i.e. chlorine)

“ Voice of Youth Labourer: Migrant Child Labourer Education Promotion

If we want them (child labourers) to have a better future we need to provide them (with) education. If they never have this opportunity, then they will stay peeling shrimp for a long time... They may never go back to Myanmar... it is not easy. Because standing and peeling shrimp shells is extremely exhausted and you get paid just a little... it would be even harder for those children who have physical problems.

If I get a bachelor in Thailand, I could bring this degree back to Myanmar in order to find a career and it does not matter if the certificate is in a different language. I think I could be an interpreter, because recently many Thai (people) go to Myanmar for working, If I can be an interpreter then I think I would probably get paid quite well.

Gaochan 17 years old

o Leadership development

Civil society groups have suggested that more could be done to develop leadership skills among migrant youth groups in Samut Sakhon, thereby encouraging self-development and enhancing their social skills. Through leadership building activities, games, and sports migrant children can gain important pieces of knowledge which they can then spread within their communities and families. The development of leadership-focused programs could be another mechanism to help disseminate information about human rights, the importance of education, healthcare, and child rights. A lack of knowledge in these crucial areas will only exacerbate the current child labour situation in Samut Sakhon.

o Regular inspections

Both private and public sectors have urged the government to introduce mechanisms for monitoring and inspecting the standards in the manufacturing industry, which would apply to every level of business, from the small to the very large. Government bodies can use laws to enforce these mechanisms. It is recommended that manufacturing facilities be inspected more than once a year. This will give the owners incentives to legitimise their operations.

o Improve working conditions and workplace sanitation

Improving the working conditions and workplace sanitation of factories will increase the quality of products and employee safety. Basic infrastructural improvements will help labourers in all areas of their working life. For the seafood processing sector, some labourers have to stand in wet areas all day and this can make surfaces dangerously slippery. A renovation to the water pipes around the factory should solve these problems and create a much better working environment.

The provision of appropriate infrastructure would also include the establishment of services for workers' children who are too young to attend school. All employers consulted for this research project have agreed to collaborate with government sectors in order to turn this into concrete approaches aimed at solving these problems.

o Recommendations & Inter-agency Coordination: collaboration among stakeholders and strategies for building migrant children's right protection mechanisms

LPN believes that the Thai government should be the key mechanism in solving issues of child labour. It should construct policies for the protection and safeguarding of migrant children and their rights. In the past, external bodies, international governments and ministries have given a lot of assistance to Thailand in trying to combat child labour and exploitation. External forces are hugely influential. In fact, if the Thai government was not being constantly reminded of these issues by the United States and other countries, it would be in danger of forgetting about them all together. Between the years 2009 - 2010 several international organisations and related NGOs tried to impress upon the Thai government the serious nature of labour rights protection and child labour issues, yet Thai officials did not appear to take the issues any more seriously than before increased international intervention.

Particular emphasis was placed on the problems child labour presents for the Thai economy. Promoting knowledge and understanding of Samut Sakhon province has been moderately success, and some business representatives have joined to help eliminate the issue. Now, however, it is crucial that the Thai government step up and take responsibility for these debilitating humanitarian issues





A group of female youth labourers gather to exchange knowledge on how to protect and safeguard the rights of labourers, especially female labourers who are vulnerable to several forms of violation.



Chapter 6

Conclusion

(left) The front area of a large seafood processing plant is bustling and crowded with migrant labourers.





A migrant child labourer faces working conditions which are not different from ones of an adult labourer in the same construction site.

Chapter 6

Conclusion

This report intended to highlight the current issues of child labour in Thailand's fishing and seafood industry, focusing especially on cases from Samut Sakhon province. The research contained in the previous chapters consisted of information and data collected from migrant children living in Samut Sakhon. The report demonstrates a wide usage of different research tools and method with the central aim being to expose and examine the significant issues encountered by migrant children and child labourers in the seafood processing industry. These are important issues with grave, far-reaching implications, particularly for the children themselves, but also for their parents, their communities, and Thailand as a nation.

I. Key Factors & Findings

The report's findings are divided into two main parts; the first concerns migrant child issues in Samut Sakhon, and the second discusses working dynamics within the province's seafood processing industry. All findings reflect the process of being migrant children and child labourers as well as environment, working conditions and the phenomenon of migrant children in shrimp and seafood processing industry and a range of business in Muang District, Samut Sakhon.

1. The situation of migrant children in Muang District, Samut Sakhon

In an effort to present a concise summary of the report's findings, this section focuses on major migrant child issues in Samut Sakhon. All findings reflect the difficulties associated with being a migrant child or labourer in Samut Sakhon. Surveys carried out with a sample of migrant children in Samut Sakhon province indicate that the majority of migrant children do not hold any identification or official documents, perhaps because their parents keep their documentation without the child's knowledge. But, a significant number of migrant dependents might never undergo the registration process, despite some being born in Thailand or immigrating to the kingdom at a young age.

Figures also indicate that nearly all migrant children are under the age of 15, meaning they should still have access to national primary school education. Half of the samples were receiving education in their home country before coming to Thailand. Migrant children whose parents are working in seafood processing industry and/or have not had any access to the Thai education system (79.3%) are the most at risk of entering the workforce at a young age. Some form of education or practical and vocational skills training reduces the child's susceptibility to situations of labour exploitation significantly, as knowledge and training can open up many more opportunities for young people.

Comparing the ages of migrant children with those of migrant child labourers shows that 97% of migrant children are under 15 years old, where as 65% of migrant child labourers are aged 15 to 18 years. Most children in the latter group have had to quit school due to their demanding work schedule. One concern is that these children may find it difficult to re-enter the education system if they ever want to pick up where they left off.

The report has found that migrant children living in Samut Sakhon usually start working when they turn 15. Most child labourers in this report have been employed for somewhere between 1 and 2 years,

and over 75% of them got their first job in seafood processing factories after following their parents or working in the school holidays. Up to 69% of the sample group are still working in seafood processing. Their jobs include shelling, washing, and preparing seafood, producing frozen food products and canned food, and lifting, loading and unloading stock.

The children surveyed say they work 9 ½ hours a day, 6 days a week on average, including long overtime periods. These conditions contradict child protection laws, but migrant child labourers are persuaded to work longer overtime for the extra pay. Some migrant children work under subcontractors in primary processing plants, or peeling sheds, and they are expected to work 11 hours a day, from dawn until dusk. Overall, there appears to be no difference between conditions endured by child or adult labourers. Both are subjected to the same employment terms and working environments, and expected to do the same tasks.

2. The working dynamics of seafood processing Industry in Samut Sakhon

This report is also concerned with highlighting the dynamics of the fishing and seafood processing industry in Samut Sakhon province. The detail of seafood processing enterprises in the research area revealed include information on immigration, labour process and social network of migrant labourers which link together as a cycle as well as concerns over migrant child labourers in seafood processing industry. Apart from foreign children who were born in Thailand, the migrant child labourers in the research area had immigrated into Thailand between 2000 and 2004.

Migrant children usually cross the borders with their parents and relatives. However, it appears that some migrant child labourers travel alone or accompany their friends. Migrant labourers and their dependents mostly enter Thailand with the help of broker who charge them in advance or deduct brokerage fee from their wage later or collect fee via the third party. Even though brokers are essential for the labour process of some migrant children, the element of social network which obviously influences the decision to work and choosing a workplace is families of migrant workers. Like economic and environment dimensions, socio-cultural and gender dimensions of migrant workers are not only influential to the way of life of migrant children who try to fulfil the expectations of their family members but also push for the decision to work as migrant children view that it is an approach for paying gratitude to their parents.

It is often found that children with or without proper identification documents enter into employment in unregistered factories and unofficial businesses. Although they are illegal labourers, these children choose to become labourers, aiming to replace their parents' workforce and sustain their family. However, these migrant child labourers have to encounter working and employment conditions as well as the situation where they have to accept a range of values, customs and traditions which could bar migrant child labourers from the access to child and labour protection including safeguarding. The first concern here is how family context encourages migrant children to performing jobs chosen for them. Many children are likely to start working after following their parents or their sibling to workplace. For migrant labourers who are the eldest child, they cannot avoid becoming the main workforce for their family. The second concern is that in spite of available access to Thai education institutes, migrant children in Samut Sakhon cannot continue their studies until the highest level due to several factors. It is necessary to create understanding among migrant parents of the right to education for children, focusing on migrant children who are under 15. The sample of migrant child labourers who enter educational system and keep on studying at formal or non-formal institutes have accumulated knowledge, idea and experience which will yield fruitful results in their work and way of life in the future.

Lingering on is another concern. Migrant child labours probably work within unregistered enterprises which fail the official inspection of environment, labour protection, and child labour. The industrial inspection is regarded as significant mechanism for eradicating unfair child employment and for probing failure to comply with laws. Nevertheless, informal enterprises and some unregistered firms which have never undergone strict investigation could be the place where migrant children perform tasks under inappropriate working conditions and employment conditions. In particular, there is a case that migrant children hold identification document presenting false age. As a result, children are forced to work as hard as adult labourers under the working conditions or employment conditions which are inappropriate for children. In that case the issue of force labour should be taken into consideration. Working conditions and employment conditions which fail to protect and/or violate the rights of employees who have two statuses: children and labourers are a subject matter under the great concern.

Female migrant child labourers should be given special attention and protected from right violation in a range of contexts. Also, every migrant child labour should be informed of rights and welfare, they should have basic understanding of their rights and complaint channel in case of troubles such as unfair payment. Accordingly, all sectors concerned must promote understanding of rights and benefits thoroughly and approach the target groups, especially migrant children. This could be achieved by conducting training on rights, labour protection and labour relation for all migrant children before they start working as well as establishing consultant agencies for migrant labourers with interpreters. This reflects the working dynamics of the seafood processing industry and other types of business which should be investigated, inspected and implemented with more efficient protection standards for migrant child labour.

II. Conclusion

Overall, this report indicates that relevant government agencies and organisations need to act fast in order to address issues of migrant child neglect and child labour in Samut Sakhon. New or reformed procedures should be implemented to protect vulnerable children, promote the benefits of education, and dissuade migrant children from entering the workforce. The key to safeguarding migrant children lies in education, training and skill development. Additionally, for those migrant youth who choose to labour for the sake of their family or to sustain themselves, working conditions and terms of employment needs to conform to child protection laws and international labour standards and the Good Labour Practices (GLP). Those working conditions identified as inappropriate for child labourers need to be improved for health, safety and general quality of life of child labourers. Such improvements would also boost Thailand's international reputation and facilitate better trading partnerships.

III. Recommendation

Recommendation for All Sectors

1. The authorities responsible for setting and implementing policies, and monitoring practices, need to have proactive views towards issues of migrant children and child labourers.
2. Organizations which play an essential role in providing services to migrant children need to have knowledge, understanding and awareness of laws and practices relating to child safeguarding.
3. Agencies working on issues associated with child migration must introduce child safeguarding systems and perform their duties at full capacity in order to benefit the children.
4. The situation of migrant children and child labourer must become a public issue as promotion and public attention can create widespread change. It is necessary to establish a task force to monitor the situation and set a budget for projects leading to effective change and improvement.



A migrant child labourer faces working conditions which are not different from ones of an adult labourer in the same construction site.

Policy Recommendation for the Royal Thai Government

1. Thailand should develop specific policy aimed at protecting underage migrant populations.
2. Thailand should introduce a registration system capable of indicating the legal status of migrant children. The system will enhance follow-up and monitoring practices aimed at protecting migrant populations. It will also help address issues of incorrect information, such as, name, age, nationality.
3. Official agencies should create a registration system especially for migrant children aged between 15 and 18 years, as many are not registered and Thailand has no record of them being in the country.
4. Foreign children who were born in Thailand should obtain registered certificates to ensure their rights are protected in the future, especially the right to education which is guaranteed by a 13-digit number certifying legal Thai residence status.

5. Thailand need to set the policy which conforms to every dimensions including granting legal status, protecting and guarding rights which migrant children and child labourers should indiscriminately obtain. Migrant children must be considered the strategic centre of designating and putting policy into practice at all levels.

6. In cases where migrant children and child labourers suffer a violation of their rights, organisations need to offer the same standard of protection as they would to a Thai citizen. Governments sectors have to introduce mechanisms for supporting these kinds of operations, for example, by providing interpreters.

7. Official agencies need to play an active role in safeguarding all children and emphasising proactive methods in order to be aware of a range of child rights issues. Capacity building in areas of labour rights and law enforcement are particularly relevant.

8. The establishment of committees and subcommittees that have overlapping duties, complicated regulations and procedure make it very difficult to address urgent issues. It is essential that this pattern be adjusted to make sure official policy benefits the target group effectively and sustainably

9. Official agencies, including departments of local administration, should create mechanisms to engage migrant children in discussions so that they can express their opinion in accordance with the 2003 Child Protection Act.

10. When examining the long term implication of Thailand migrant labour dependency it seems likely that the country to experience a significant labour shortage in the near future. As a consequence, if the Thai nation views migrant children ad a potential workforce vital for Thailand's economic stability and progress, rather than a problem to be fixed, perhaps some of the issues surrounding migrant labour rights would be more easily improved.

11. Official agencies should designate a specific approach for gaining access to information on migrant populations, including migrant children and child labourers aged between 15 and 18 years, who are currently mostly hidden from the registration system. Samut Sakhon's migrant child population must be acknowledged and accepted in order to push forward education and skill development, and minor labourer protection in accordance with international labour standards.

12. Workplaces should be subjected to regular government inspection to ensure their health and safety procedures are satisfactory. If any workplace is found to have poorly working facilities or unsafe environments, immediate steps should be taken to fix them.

Recommendations for the Business Sector

1. Employers and enterprises need ensure they check the ages of their employees. If the age on a young person's document looks suspicious, the matter should be reported to official agencies concerned. This is the responsibility of entrepreneurs who employ the labourers.

2. When enterprises employee migrant children aged between 15 and 18 years or youth labours, entrepreneurs and employers must provide appropriate conditions, job characteristics and working conditions in the enterprises.

3. The seafood processing business must abide by principles of good corporate governance in manufacturing products for local and international distribution. The production supply chain must undergo examinations at all levels of operation. Primary seafood processing factories should also launch their own investigations, independent of parent companies and other stakeholders. The investigation should be carried out in areas of public consumerism in order to create standardised, transparent industries.

4. Enterprises in this business sector should arrange activities and offer facilities to promote the livelihoods of migrant labourers and their family. This could translate into the provision of indirect welfare for migrant families. For example, the companies could offer scholarships to create a more positive image for businesses.

5. Fisheries business including shrimp and seafood processing industry at all levels should take social responsibility by promoting life quality of labourers who live in communities around the enterprises. This could be achieved by promoting learning development in association with the age of migrant children in surrounding communities.

Recommendation for Buyers and Consumers

1. The civil society sector (trade unions, non-governmental organisations and consumers) should be granted opportunities at least twice a year to cooperate with auditors in examining enterprises in order to guarantee the standard of enterprises and ensure Good Labour Practices. Business partners who export and distribute products should consult with civil society sector and other sectors.

2. Buyers and consumers have the power to campaign and pressure enterprises in the seafood processing industry to uphold the Good Labour Practices. They can also directly support those who do choose to implement GLPs and provide migrant welfare by buying specific products.

Recommendations for Organisations

1. Organisations should campaign to create awareness of responsibility parenting. This could result in parents encouraging their children to continue with their education. Parents already realise the importance of education, but they may not fully comprehend the implications that can come from having no educational background. Organisations can help disseminate this information.

2. Migrant families with children to protect should be able to cooperate with local organisations to help them keep their children away from danger.

3. The guidelines on migrant children, which highlight the cases of migrant child labourers and apply standards for eliminating the worst forms of child labour, are issued with the intention of implementing all relevant laws such as 2003 Labour Protection Act.

Recommendations for Researchers

1. Research teams propose that protection and registration of legal status of child labourers needs to be expanded. Although children aged between 15 and 18 years labour under legal working conditions and employment, child protection is required because their working context and conditions are not appropriate for children. It could be concluded that their employment conditions are unjust.

2. There are some good examples of migrant child protection and child labour prevention from various international and local organisations. A greater effort should be made to collaborate and encourage cross-organisational cooperation.

3. The GLPs should be widely promoted and implemented at all levels. Organisations play a key role in this process. GLPs need to be disseminated, not just around industries in Samut Sakhon, but across all provinces in Thailand.

4. Those researching migrant children and child labourer cases in the future should consider focusing their time and resources on the more vulnerable children around 15 years old. Research on age-specific groups can emphasise long term implications of different phenomena, and also enables those involved to better track the progression of their issues. Indicators should be designed to help researchers follow up and monitor the situation as it progresses. This type of research will allow researchers to notice developments and life paths of migrant children and child labourers.

Supply Chain of Fisheries and Processing Industries in Samuth Sakhon Province, Thailand

SHRIMP PROCESSING INDUSTRY

Aquaculture

Sea Fisheries

Jetty (Fish Market)

Private Company Wharf

Wholesale Shrimp Market

Seafood Market

(Central Hub for Exporting)

Selling Area

Selling Area

Small - Scale Primary Processing Enterprises

Primary Processing Plant

Secondary Processing Industry

Logistic Transportation

Shrimp processed product provided by

Air freight

Shrimp processed product provided by

Shipping

Shrimp Processed Products from Thailand are exported to many countries in North America, European Union, Asia, Middle East and Africa. The main markets consist of United State of America, EU and Japan while China, Australia, South Korea, Canada are parts of the markets.

Some selling area is also the location of shrimp peeling

- 👤 Migrant children work in any workplaces of fisheries and processing industry supply chain.
- 👤 Migrant children are going to enter the labor system in processing industry.
- 👤 Route of migrant children appeared in fisheries and processing industry supply chain.
- ➡️ Direction of shrimp delivered from origins to the points of supply chain.
- ➡️ Direction of shrimp and shrimp processed product transportation to the points of supply chain.