

THE FIVE CORRIDORS PROJECT - CORRIDOR 1

# Myanmar to Thailand: Fair recruitment in review

OCTOBER 2021



## ABOUT THIS DOCUMENT

The Five Corridors Project is an initiative led by FairSquare Projects, which aims to identify key measures that governments can take to ensure that migrant workers can migrate safely and with dignity. FairSquare Projects is a non-profit human rights organisation that tailors rigorous research with communication and advocacy work to promote systemic change. The Five Corridors Project is supported by Open Society Foundations, Humanity United and Porticus. The organisations that funded this project played no role in the design or execution of the research, and our conclusions and recommendations may not necessarily reflect the viewpoints of Humanity United, OSF or Porticus.

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Cover photograph: Workers from Myanmar at a Mae Sot factory, 2020. © Jittapron Kaicome

# Assessment against the Five Corridors indicators:

## 2. Legal and regulatory framework relating to fair recruitment

- 2.1** Has the government ratified core international human rights and core/relevant labour conventions and enshrined them in domestic law? Does it meaningfully engage with UN and ILO oversight bodies? \_\_\_\_\_ 32
- 2.2** Are there national fair recruitment laws and policies? Does legislation address the entire spectrum of the recruitment process, including in relation to advertisements, information dissemination, selection, transport, placement into employment and return to the country of origin. Is legislation reviewed and evaluated? \_\_\_\_\_ 33
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*Destination state:* Are employers' and recruiters' organizations able to contribute to the setting and review of legislation, regulations and policy relevant to fair recruitment? \_\_\_\_\_ 36



## 2. Legal and regulatory framework relating to fair recruitment

*“Actors within government also consistently recognized the importance of non-governmental actors’ participation in policymaking and governance activities... Still, opportunities for participation largely remain ad hoc, varying greatly across consultations for particular policies, rapidly evolving policy agendas more broadly, and periodic meetings, workshops, and trainings.”* ILO STUDY ON MYANMAR, 2017, PRIOR TO THE FEBRUARY 2021 COUP.

### Summary

Both Myanmar and Thailand - with their history of wobbly and uneven democracies and military-led governments - have fragmented legal/regulatory frameworks governing migration in which the rights of migrant workers are peripheral. After decades of isolation, Myanmar made some moves to align itself with the international human rights system in the past decade, including ratification of the ICESCR. These moves however were overshadowed by global condemnation following Myanmar’s atrocity crimes against the Rohingya. Nonetheless, before the military coup took place on 1 February 2021, the first-ever civilian-led government of Myanmar had been working with the technical support of the ILO and IOM towards strengthening its legal/regulatory framework for migration, which remains inadequate and inconsistent and not easily available publicly. Progress has been slow, e.g. the 1999 Law Related to Overseas Employment (LROE) has been under review for many years, while consultation with workers’ groups is limited and ad-hoc. Civil society groups have largely been ignored, but recruiters are able to have some say through the Myanmar Overseas Employment Agencies Federation (MOEAF). Decision-making is centralised at high political levels and there is little Parliamentary or high-level oversight in a country in transition. On the ground, the formal migration process - built around recruitment agents - is limited by dated provisions, bureaucratic/ security-minded officials and endemic corruption. This ensures that recruitment processes are lengthy, non-transparent, confusing and expensive for workers, particularly with the involvement of brokers.

Thailand has ratified most of the core international human rights treaties and ILO conventions, with the notable exception of the migrant workers convention and ILO conventions relating to freedom of association and collective bargaining. While migrants workers largely have the same formal rights as nationals (one important exception is with respect to freedom of association), there is significant discrimination in practice. This invariably has negative outcomes for workers, including on access to justice. Recruitment was largely unregulated in Thailand until 2016 but Ordinances in 2017-18 provide the central framework regulating all migrant workers, albeit with significant gaps (relating to transportation, placement of workers and information dissemination). Recruitment of fishing workers and seafarers is additionally covered in specific legislation. Much of the relevant legal framework on recruitment was passed as decree/ ordinance by a military government, with little or no consultation, including from workers’ groups. There is no recruitment agency body, but many agencies themselves are believed to be owned by influential persons. Employers’ bodies, including the National Fisheries Association of Thailand (NFAT) are also influential. Regularisation of undocumented workers has been a common feature in Thailand over the past two decades and takes place via Cabinet announced procedures/ schemes. All workers - regardless of their legal status - are covered by labour protection legislation. Many amendments in the labour regime covering fishing were made in the context of global outrage against forced labour in the sector and the EU ‘yellow card’/ US ‘Trafficking in Persons Report’ rating downgrade.

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## Recommendations to the National Unity Government of Myanmar :

- Ratify the ILO Private Employment Agencies Convention, 1997 (No. 181) and in keeping with its requirements, ensure that Myanmar laws/regulations are amended to remove all recruitment fees paid by workers in line with the ‘employer pays’ principle and in such a way that it is consistent with the ILO’s definition of recruitment fees and related costs.
- Prioritise the reform/ amendment of the Law Related to Overseas Employment and supplemental rules to strengthen protection mechanisms for all workers, irrespective of their legal status. Any amendments should be introduced after ensuring that there is adequate consultation with civil society and trade unions, workers’ groups.

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## Recommendations to the Royal Thai Government

- Ratify the ILO Private Employment Agencies Convention, 1997 (No. 181)
- Following consultation with workers groups, conduct a review of all Thai laws/regulations relating to foreign workers to ensure that they are consistent with international human rights and labour standards and the gaps identified above are covered;
- Ensure that foreign workers, irrespective of their legal status, are not discriminated against in practice particularly with respect to freedom of association and access to grievance mechanisms.

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## 2.1 Has the government ratified core international human rights and core/ relevant labour conventions and enshrined them in domestic law? Does it meaningfully engage with UN and ILO oversight bodies?

### Myanmar

Myanmar has ratified only four of the core human rights treaties, including the International Covenant on Economic, Social and Cultural Rights in 2017.<sup>110</sup> Key Omissions include the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, although planning for the ratification of the latter is currently underway.<sup>111</sup> Myanmar has ratified three of the eight ILO fundamental conventions: Forced Labour Convention, 1930 (No. 29); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Worst Forms of Child Labour Convention, 1999.<sup>112</sup> Myanmar acceded to the Palermo Protocol in 2004,<sup>113</sup> voted in favour of adopting the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers in 2017,<sup>114</sup> and the UN Global Compact for Migration in 2018.<sup>115</sup> Treaty obligations must be included in national law before they are domestically enforceable: this does not appear to have been carried out. Although current jurisprudence is unclear, courts in the past have held that international obligations may automatically apply if they do not contradict Myanmar Law.<sup>116</sup>

Despite serious differences with UN and other international bodies on various issues, Myanmar works closely with the IOM and ILO. With technical support from IOM, Myanmar adopted a second five-year National Plan of Action for the management of international

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110. Office of the High Commissioner for Human Rights, “UN Treaty bodies database”, (undated).

111. Government of Myanmar - Ministry of Labour, Immigration and Population, “Second Five Year National Plan of Action on The Management of International Labour Migration (2018-2022),” (undated): 17.

112. The following are not signed: Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138).

113. UN Treaty Collection, “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime,” (15 November 2000).

114. ASEAN Secretariat, “ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers,” (March 2018).

115. United Nations, “General Assembly Endorses First-Ever Global Compact on Migration, Urging Cooperation among Member States in Protecting Migrants”, (19 December 2018).

116. Melissa Crouch, “The Constitution of Myanmar: A contextual Analysis”, (Bloomsbury: 2019), Chapter 9.

labour migration (2018-2022, hereafter NPA). Myanmar also partnered with the ILO to prepare a Code of Conduct for Myanmar Overseas Employment Agencies in 2015.

## Thailand

Thailand has ratified most of the core international human rights treaties.<sup>117</sup> A key exception is the International Convention on the Protection of the Rights of All Migrant Workers and their Families. Thailand has also ratified six of the eight fundamental ILO conventions (all other than both relating to Freedom of Association).<sup>118</sup> Thailand ratified the Palermo Protocol in 2013,<sup>119</sup> voted in favour of adopting the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers in 2017,<sup>120</sup> and the UN Global Compact for Migration in 2018.<sup>121</sup> Treaties are not automatically binding in Thailand and require domestic law to be enacted.<sup>122</sup> Serious concerns however remain about the treatment of migrant workers, partly due to discriminatory attitudes.<sup>123</sup> Thailand works closely with the UN and many agencies including ILO and IOM, while Bangkok also hosts the regional offices of many international organisations.

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## 2.2 Are there national fair recruitment laws and policies? Does legislation address the entire spectrum of the recruitment process, including in relation to advertisements, information dissemination, selection, transport, placement into employment and return to the country of origin. Is legislation reviewed and evaluated?

## Myanmar

The key legislation with respect to migrant workers is the Law Relating to Overseas Employment, 1999 (LROE).<sup>124</sup> The LROE is a brief document (31 sections) and provides a basic architecture for managing migration. This includes provisions covering registration procedures for workers, licensing processes for recruitment agencies, and rights/ duties of workers and agencies. With respect to fees, the Overseas Employment Central Committee (OECC) can set the amount for service fees and any charges in excess claimed by a service/ recruitment agent could lead to cancellation/ temporary revocation of license.<sup>125</sup> An Overseas Employment Supervisory Committee (OESC) is also set up with a limited supervisory role. Both Committees are largely government bodies, but the appointment of individual labour experts or 'suitable citizens' is permitted.<sup>126</sup>

The LROE was supplemented by three sets of rules and regulations for implementation released by the Ministry of Labour, Immigration and Population (MOLIP) in 2014: Rules and Regulations for Overseas Employment Agency License; Rules and Regulations for License Holders of Overseas Employment Agency; and Rules and Regulations for Myanmar Overseas Employment Agencies Federation (MOEAF).<sup>127</sup> These cover a range of issues relating to fair recruitment including the licensing system (eligibility, application and cancellation process); advertising, contracts, pre-departure training; as well as specific responsibility of MOEAF. In addition, over the years, MOLIP has issued a number of directives providing relevant information, e.g. the fee cap. Such directives are however shared with recruitment agencies/ MOEAF and not publicly available - some might be confidential.<sup>128</sup> In August 2016, MOEAF also adopted a voluntary 'code of conduct' for its members, developed with assistance from ILO and endorsed by MOLIP.<sup>129</sup>

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117. Office of the High Commissioner for Human Rights, "UN Treaty bodies database", (undated).

118. The exceptions are Conventions 87, 98 (Freedom of Association and Protection of the Right to Organise Convention, 1948 and Right to Organise and Collective Bargaining Convention, 1949).

119. UN Treaty Collection, "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime," (15 November 2000).

120. ASEAN Secretariat, "ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers," (March 2018).

121. United Nations, "General Assembly Endorses First-Ever Global Compact on Migration, Urging Cooperation among Member States in Protecting Migrants", (19 December 2018).

122. Vitit Muntarbhorn, "The Core Human Rights Treaties and Thailand," (Brill, 2016): 5-6.

123. Benjamin Harkins and Aanas Ali, "Evidence or Attitudes? Assessing the Foundations of Thailand's Labour Migration Policies," International Seminar on Mixed Migration in Southeast and East Asia, 2017.

124. Law Relating to Overseas Employment, 1999, (unofficial translation).

125. *Ibid.*, Section 6(g) and Section 15(d).

126. *Ibid.*, Section 4(a) and 7(a).

127. In 2018 MOLIP sent further directives for recruitment agencies sending workers under MoU to Thailand. On file.

128. An IOM official, IOM Myanmar, remote interview, 1 October 2020.

129. On file.

The long-term vision of the NPA is “to provide Myanmar migrant workers with increased opportunities to migrate with dignity by accessing decent work opportunities abroad”.<sup>130</sup> Among the priorities is an update of the law “to strengthen protection mechanisms for the recruitment and placement” of Myanmar workers.<sup>131</sup> The NPA aims to take effective measures to prevent abuse and malpractice during recruitment by initiating “a more effective and transparent licensing system, improved resources of ongoing monitoring, and targeted measures to reduce the costs of migration”.<sup>132</sup> Other aims include developing guidelines and procedures to empower officials in overseeing and penalising recruitment recruiting agencies and supporting establishment of a special government agency assigned with powers to investigate and adjudicate against recruitment agencies.<sup>133</sup> The Department of Labour (DOL) within MOLIP - the main agency for management of migration issues - leads on implementation of NPA, although a Technical Working Group is envisaged for monitoring.<sup>134</sup> The mid-term review of the NPA was due in late 2020, but according to a civil society expert on migration, several of the benchmarks have been missed as the NPA seems to be way behind schedule.<sup>135</sup>

## Thailand

Since the increase in migrant workers in Thailand since the 1990s, Thailand’s approach to migration has been largely led by concerns of national security and dominated by attempts to limit irregular migration. As a result there have been many drives to penalise/ deport irregular migrants along with ad-hoc schemes to regularise irregular migrants. Despite the signing of MOUs in 2002-2003 with neighbouring countries (see Indicator 3), recruitment of migrant workers was largely unregulated prior to 2016. A first ordinance covering bringing workers to Thailand was passed in 2016, but it was replaced by another in 2017. The 2017 Emergency Decree/Royal Ordinance concerning the management

of employment of Migrant/Foreign Workers (Foreign Workers Ordinance, FWO) was significantly revised in 2018.<sup>136</sup>

The FWO covers recruitment of migrant workers - both by licensed recruitment agencies or directly by employers - and includes provisions on licensing, monitoring of private recruitment agencies. The FWO also outlines some migrant workers’ labour rights, including protection from abusive practices during recruitment (Chapter 3, Part IV). The FWO forbids advertising recruitment by anyone who does not have the requisite permission to do so (Section 25). Although often referred to as a comprehensive document - including by ILO<sup>137</sup> - there are no provisions included with respect to transportation,<sup>138</sup> placement of workers and information dissemination. The 2019 Labour Protection in Sea Fishery Work Act also reportedly includes aspects of recruitment (Section 11).<sup>139</sup> In addition, there are specific provisions (Section 64 FWO and Section 83 Fisheries Ordinance) which allow for recruitment of workers in specific limited circumstances, i.e. seasonal workers and temporary fishing workers respectively.

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## 2.3 Are all workers (formal, informal, regardless of category) covered by relevant legislation?

### Myanmar

Although the definition of a worker (Article 2b) and the language of Chapter V - which deals with mandatory registration of migrant workers - appears to cover all workers, the LROE largely focuses on regular migrants. Article 8(g) gives power to a Supervisory Committee to lead on preventing workers from taking up overseas employment without having registered. Such registration also effectively links the worker to recruitment agents (‘service agent’ in the LROE).

130. Government of Myanmar - Ministry of Labour, Immigration and Population, “Second Five Year National Plan of Action on The Management of International Labour Migration (2018-2022),” (undated): 7.

131. Ibid, 17.

132. Ibid, 10.

133. Ibid, 17.

134. Ibid, 21.

135. Name and organisation withheld, interview, 9 January 2020.

136. *Royal Ordinance Concerning the Management of Employment of Foreign Workers*, 2017 (with 2018 amendments). The 2017 ordinance consolidated the previous Royal Ordinance concerning rules on Bringing Migrant Workers to Work with Employers in Thailand, 2016 and the Alien Working Act, 2008.

137. International Labour Organization, “*Recruitment fees and related costs*,” (2020): 5.

138. Verite, “*Thailand Bound*,” (May 2019): 16.

139. International Labor Rights Forum, “*Time for a Sea Change*,” (March 2020): 51.

Furthermore, even Chapter VIII covering ‘Rights and duties of workers’ largely assumes a regular migrant who has secured a job through a recruitment agent, who is seen as a key interlocutor between the worker and the state, including the embassy staff.

However, in some circumstances undocumented migrants in Thailand who had their passports lost/ stolen were able to get assistance from the Labour Attaché and from the Embassy with assistance from MWRN.<sup>140</sup> According to an ILO representative, technically speaking, MOLIP does not have the authority to look into complaints by undocumented workers, e.g. if they were cheated by a (unlicensed) broker in Myanmar, but MOLIP cooperates with anti-trafficking/ police to solve these cases.<sup>141</sup> A civil society representative also agreed, but noted that such cases are more difficult to resolve - they are not covered by LROE and only the penal code applies.<sup>142</sup>

The NPA aims to have “an increasingly coherent legal framework and institutional set-up for effective management of migration” by 2022. This will include “government regulations and guidelines in place to implement new and updated migration laws”.<sup>143</sup> A Parliamentary Committee on Local and Overseas Workers - consisting of 15 members - was formed in February 2016. One part of their role includes overseeing revision of the LROE, but although drafts of the revised law appear to have been drafted, they have not yet been reviewed by the Parliamentary Committee.<sup>144</sup> Given that the NPA recognises the scale of irregular migration to Thailand (at 5), the updated law is likely to include better coverage of such workers.

## Thailand

The Foreign Workers Ordinance covers all foreign migrant workers in Thailand.<sup>145</sup> However, consistent with Thailand’s broader approach to migration: the

FWO focuses largely on regular workers while provisions relating to irregular workers are limited to penalties, including for those who employ them.<sup>146</sup> Regularisation of undocumented/ irregular migrant workers commonly takes place via Cabinet procedures/ schemes (via Section 63/2), e.g. 1.7 million migrant workers already in Thailand were legally registered to work between July 2017 and October 2019.<sup>147</sup> All workers - regardless of their legal status - are officially covered by Thailand’s Labour Protection Act (LPA) and the 2019 Labour Protection in Sea Fishery Work Act.<sup>148</sup> In practice, irregular migrants can find it difficult to receive support and remedy, e.g. as the ILO noted, while the Government-run Migrant Worker Assistance Centres have a responsibility to support all migrant workers (including those with irregular status), they also work with the Department of Employment to oversee the implementation of the FWO - this makes the situation awkward as the FWO explicitly provides for imposition of penalties for irregular migrant workers.<sup>149</sup>

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## 2.4 Are workers’ organizations able to contribute to the setting and review of legislation, regulations and policy relevant to fair recruitment?

### Myanmar

The Government does attempt to engage with trade unions and workers organisations and collect suggestions from them.<sup>150</sup> However, the ILO has previously noted that “opportunities for participation largely remain ad hoc, varying greatly across consultations for particular policies, rapidly evolving policy agendas more broadly, and periodic meetings, workshops, and trainings.”<sup>151</sup> Despite being part of tripartite meetings with the Government and having

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140. An MWRN official, Migrant Workers Rights Network, interview, 18 February 2020.

141. An ILO official, ILO Myanmar, interview, 11 March 2020.

142. Name and organisation withheld, interview, 20 February 2020.

143. Government of Myanmar - Ministry of Labour, Immigration and Population, “Second Five Year National Plan of Action on The Management of International Labour Migration (2018-2022),” (undated): 9.

144. “We reevaluate labour laws that are no longer relevant and work to amend them according to International Labour Organization standards,” *Myanmar Digital News*, (10 January 2020).

145. One group excepted are seafarers - other than on fishing boats - who are covered instead by the Maritime Labour Act, 2015, Section 23(2).

146. *Royal Ordinance Concerning the Management of Employment of Foreign Workers*, 2017, Section 13 and chapter 8.

147. Seafood Working Group, “Comments Concerning the Ranking of Thailand by the United States Department of State in the 2020 Trafficking in Persons Report,” (10 March 2020): 16.

148. Workers in agriculture and domestic work are not directly covered by the LPA, but by additional Ministerial Regulations.

149. ILO, “Ensuring migrant workers access to justice: An assessment of Thailand’s Migrant Workers Assistance Centers,” (2020): 13.

150. An ILO official, ILO Myanmar, interview, 11 March 2020.

151. International Labour Organization, “Building Labour Migration Policy Coherence in Myanmar,” (2017): 19.



sent recommendations on revisions, a leading trade union had yet to see a draft of the revised LROE.<sup>152</sup> Similarly, the President of the Migrant Workers Rights Network (MWRN) is also a member of the NPA monitoring committee, but despite such improvements, coordination issues remain between workers groups and the Government.<sup>153</sup> Engagement with workers organisations is seen by some in civil society as a ‘tick the box’ exercise.<sup>154</sup> Civil society has not been consulted much on migration issues by the NLD Government, much like with other sectors.<sup>155</sup>

### Thailand

Much of the relevant regulation, passed since the military coup in 2014, has been in the form of Emergency Decrees/Ordinances which, as per the Constitution, are meant “for the purpose of maintaining national or public safety or national economic security, or averting public calamity”.<sup>156</sup> Given the heavy influence of national security considerations on Thai migration policies, civil society and workers organisations are rarely consulted in the setting or review of legislation or regulations.<sup>157</sup>

The Royal Ordinance in 2017 also created a high-level Foreigners’ Working Management Policy Commission for oversight and policy formulation.<sup>158</sup> Headed by the Minister of Labour, the Commission includes nearly twenty Government officials (including senior bureaucrats from nine ministries, chiefs of the Army, Navy, Police and Intelligence and Internal Security agencies) as well as representatives of the Thai Chamber of Commerce and Federation of Thai Industry. The Minister also has the power to appoint up to two representatives of employees’ organisations and one expert each from the fields of labour, industry, law and human rights. As such it does not include workers organizations. All the non-governmental members must be Thai nationals, independent of political parties.

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## 2.5 Are recruiters’/ employers’ organizations able to contribute to the setting and review of legislation, regulations and policy relevant to fair recruitment?

### Myanmar

It is unclear to what extent recruiter organisations are directly able to contribute to, or influence, legislation. However, the federation of recruitment agencies - Myanmar Overseas Employment Agencies Federation (MOEAF) - is influential. While officially set up as an independent NGO, MOEAF operates more akin to a State agency, operating under specific MOLIP regulations and with delegated responsibility with respect to monitoring of recruitment agents. Given this, it is likely to have significant influence on legislation and policy in this sector. According to a MOEAF representative, they have regular meetings with the Government and even have access to the Minister.<sup>159</sup>

### Thailand

Thailand does not have a recruitment agency association,<sup>160</sup> but many recruitment agencies in Thailand are believed to have close links to politicians and government officials, including often being owned by them or their proxies.<sup>161</sup> They may therefore be able to often influence legislation or policy. There was little consultation with employers or recruitment agencies before the 2017 FWO was passed.<sup>162</sup> Following a mass exodus of migrant workers and resultant labour shortages, there was a pushback by Thai employers leading to the deferral of some controversial provisions.<sup>163</sup> Subsequently the Ministry of Labour led an interagency process to consult with UN agencies,

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152. Name and organisation withheld, interview, 25 March 2020.

153. An MWRN official, Migrant Workers Rights Network, interview, 18 February 2020.

154. Name and organisation withheld, remote interview, 26 February 2020.

155. Name and organisation withheld, interview, 9 January 2020.

156. Constitution of the Kingdom of Thailand, Section 172, 2017.

157. Migrant Working Group, “An Open Letter Subject Observations and recommendations regarding the Draft Royal Decree on the Management of Foreign Workers,” (24 May 2017).

158. See Chapter 2, Sections 17-22. Some of the revised provisions dealt with penalties for undocumented workers and for employers who hire such workers, unreported employment or employment of unlicensed workers.

159. Peter Nyunt Maung, MOEAF, remote interview, 1 June 2020.

160. Issara Institute, “Developing a Financially Viable Ethical Labour Recruitment Model: Prospects for the Myanmar-Thailand Channel,” (March 2018): 18.

161. ILO, “Regulating recruitment of migrant workers: An assessment of complaint mechanisms in Thailand,” (2013): 2.

162. Human Rights Watch, “Hidden Chains: Rights Abuses and Forced Labor in Thailand’s Fishing Industry” (2018): 21.

163. “New foreign labour law deferred 180 days”, *Bangkok Post*, (4 July 2017); “Employment Dept warns firms against illegal brokers”, *Bangkok Post*, (10 July 2017).

diplomats and civil society and employer organisations before key amendments in 2018.<sup>164</sup> In the fishing sector, the National Fisheries Association of Thailand (NFAT) is one influential forum of employers, which has also

been leading protests against reforms in the industry in recent years.<sup>165</sup> Mongkol Sukcharoenkana, President of NFAT also told Reuters, “If the Government won’t fix the problems for us, we’ll just oust them.”<sup>166</sup>

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164. Ministry of Foreign Affairs, Thailand, “[Thailand Lifted Restrictions on Foreign Workers to Change Employers, Workplaces and Types of Work](#)”, 18 March 2018.

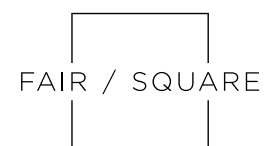
165. “[Govt eases fishing regulations after protests](#)”, *Bangkok Post*, (19 December 2019).

166. Patpicha Tanakasempipat, “[Thousands of Thai fishermen protest against tough industry regulations](#)”, *Reuters*, (17 December 2019).

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