

A photograph of a man and a woman working with fishing nets. The man, in the foreground, is smiling and looking down at his hands as he works with a blue and red net. He is wearing a dark grey t-shirt with a white graphic. The woman, in the background, is wearing a red and white checkered headscarf, a dark long-sleeved shirt, and yellow gloves. She is also working with a net. They are outdoors, with a wooden structure and a yellow container visible in the background.

# **FISHER ORGANIZING IN THAILAND: A COUNTRY CASE STUDY**

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## **Purpose**

This report is one in a series of six country case studies which take stock of fisher organizing in six different countries in the global south. The other case studies are of Ecuador, Ghana, Indonesia, Mexico, and Taiwan. These case studies are produced by the Accountability Research Center in partnership with the Fisheries Governance Project's Enforcement and Victim Protection Working Group.

## **About the Accountability Research Center**

The Accountability Research Center (ARC) is based in the School of International Service at American University. ARC bridges research and frontline perspectives to learn from ideas, institutions, and actors advancing strategies to improve transparency, participation, and accountability. For more, see [www.accountabilityresearch.org](http://www.accountabilityresearch.org).

## **About the Fisheries Governance Project**

FGP is a funder-practitioner collaboration working together to build a shared understanding of issues and solutions at the intersection of improved fisheries governance and advancements in labor rights. They center their approach on international treaties, improved market action, and enforcement and victim protection.

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## **Cover photo**

Pheaktra, a volunteer organizer with CENTRAL, helps a fisher clean her nets.  
by Judy Gearhart

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## Acronyms

ASEAN	Association of Southeast Asian Nations
C 188	International Labor Organization Convention no. 188
CBA	Collective bargaining agreement
CCA	Computer Crimes Act
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CENTRAL	Center for Labor and Human Rights
CSO	Civil society organization
EJF	Environmental Justice Foundation
FRN	The Fisher Rights Network
GSP	General System of Preferences
HRDF	Human Rights Development Foundation
ILO	International Labor Organization
ITF	International Transport Workers' Federation
IUU	Illegal, unregulated, and unreported fishing
LRA	Thai Labor Relations Act
MNC	Multi-national corporation
MWRN	Migrant Worker Rights Network
MWSC	Migrant Worker Solidarity Committee
NFAT	National Fishers Association of Thailand
NGO	Non-governmental organization
PIPO	Port-in-port-out
RTF	Raks Thai Foundation
SERC	State Enterprises Relations Confederation
SLAPP	Strategic litigation against public participation

## Executive Summary

Thailand has often been cited as a success story for the policy reforms made between 2015 and 2019 to address illegal, unreported, and unregulated (IUU) fishing and forced labor at sea. The reforms instituted some basic improvements, including reduced time at sea, prohibitions on transshipment at sea, the ratification of ILO Convention 188 on Work in Fishing, and the creation of a vessel inspection program. Unfortunately, the implementation of social safeguards has ranged from inconsistent to ineffective, and the environmental reforms have only recently shown an impact with what may be a slight uptick after years of decline in some fish stocks (EJF 2023a). Despite the tenuous implementation of these reforms, environmental justice and fisher rights advocates are fighting to maintain them, in the face of significant push back from the National Fishers Association of Thailand (NFAT).

One of the challenges advocates face is that parallel to seafood industry reforms, Thailand has increased restrictions on the rights to freedom of expression and peaceful assembly – some of the key rights to protecting fishers’ and advocates’ ability to protest the roll-back of reforms. Other key reforms, which the Thai government repeatedly prevented from moving forward, are the much-needed protections for workers’ rights to organize and bargain collectively. The continued repression of these rights, which are fundamental to worker voice, call into question whether the industry-specific reforms were ever anything more than an effort to minimize the impact of global criticism of egregious abuses on the Thai fleet. Although fisher advocates have called for broader reforms that would have benefited all migrant workers, such as amendments to the Thai Labor Relations Act (LRA), only the narrow, industry-specific reforms inched forward. Those have since come under threat as well.

This report analyzes how migrant fishers are organizing in Thailand and the key policies and laws that challenge or enable their success. The focus here is on Thailand’s export seafood sector and how migrant fishers have found ways to organize and negotiate with employers despite the legal roadblocks to union organizing. Four organizations are featured. The State Enterprises Relations Confederation (SERC) has recognized the importance of enabling migrant workers to organize and build power. The Migrant Worker Rights Network (MWRN) pioneered the use of welfare committees and direct negotiations with employers, despite lacking the official legal protections afforded to unions. The Fisher Rights Network (FRN) is organizing in multiple port communities to support worker-employer negotiations and to build a worker movement in the sector. Finally, the Center for Labor and Human Rights (CENTRAL) from Cambodia is encouraging community-based

organizing and support networks in both sender and migrant communities. All four organizations seek to enable fisher organizing and their ability to negotiate with employers.

## 1. Introduction

In reviewing fisher rights protections in Thailand over the past decade, two parallel trends running in opposite directions stand out. The first trend began with the coup d'état in May 2014, which overthrew the democratically

The report draws from interviews with fishers, fisher unions, and other trade union and non-governmental organization (NGO) experts conducted in Thailand and Cambodia between 2021 and 2023, and from follow up research and consultations conducted in 2024. The semi-structured interviews asked three core questions: 1) What are the current working conditions and rights struggles fishers face? 2) How do fisher-led or migrant worker organizations structure their work? 3) What policies and programs have the most potential to help fishers secure their rights or pose challenges to fisher-led organizations' efforts to unite fishers and secure access to remedy?

elected Pheu Thai Party. It then continued as the military junta secured control of national political processes such as their designation of the senators, who prevented the party with the most votes from taking power in 2023, and other policy measures such as the Thai cyber-crimes act, which limits freedom of speech online. The second trend was the surge in international outrage at illegal, unregulated, and unreported (IUU) and forced labor on the Thai fleet that fueled trade pressure for targeted industrial reforms. In June, only three weeks after the military coup, the first media articles appeared exposing egregious abuses on the Thai fleet and the complicity of international buyers. The *Guardian* (Hodal et al. 2014) article was soon followed by articles from the AP (Mendoza 2015, and Mendoza et al. 2016) and a series in the New York Times (Urbina 2015). The media exposes on IUU and forced labor gave fuel to the transnational coalitions which had already been advocating for migrant fishers' rights and helped align environmental justice and labor rights advocacy (Gearhart 2023).

International rights advocates hoped the pressure on Thailand's high profile seafood industry could have broader repercussions that would indirectly benefit other industrial sectors, but the best-resourced advocacy has focused on seafood industry regulations. Most of Thailand's legal and programmatic reforms in the seafood industry have been technical in nature, addressing fishing gear requirements and vessel inspection regimes. These measures, along with the ratification of International Labor Organization's (ILO) Work in Fishing Convention no. 188 (C188), helped advance health and safety

protections, strengthen inspections, and provide some guidance on fisher contracts. Unfortunately, implementation of these reforms has been relatively weak and broader restrictions on rights to protect worker protests and organizing did not change. Given the Junta's resistance to improving worker rights protections and its push for additional restrictions on freedom of speech through the Computer Crimes Act (CCA) and other mechanisms, it appears many of those reforms have been more virtue signaling to respond to trade and diplomatic pressure than commitments to sustainable fishing and migrant fisher rights.

It may seem ironic that seafood industry reforms face greater threats after the democratic elections held in 2023, but even the relatively clean elections could not overcome the long arm of control the Junta maintains over Thai politics. The Move Forward Party won the popular vote and the majority of the 500 seats in the lower house after running on a reform-oriented platform that included a promise to improve the LRA and challenge the power of the monarchy. However, the Junta-appointed officials in the 250-seat Senate refused to allow the Move Forward Party to designate the prime minister (Kurlantzick 2023; Wongchu-um and Setboonsarng 2023). The Pheu Thai Party (previously ousted by the military) then joined with pro-military parties to form a coalition government to secure approval from the junta-appointed senators.<sup>i</sup> NFAT leaders have used these pro-business, political openings to push an agenda that threatens to roll back many of the fishery and fisher rights protections that have advanced over the past decade (EJF 2023b).

According to Dave Welsh from the Solidarity Center, any analysis of fisher organizing efforts in Thailand should take stock of how the Move Forward Party was blocked from taking power in 2023 despite winning the popular vote. Their reform agenda included revisions to the LRA, including those clauses that create excessive challenges to all worker organizing and specific restrictions on those in precarious employment such as prohibitions on migrants – the majority of the seafood industry's hired labor – forming and leading their own unions.

In Thailand the rights to freedom of association and collective bargaining are nearly impossible to exercise across industrial sectors and particularly for migrant workers. The restrictions on these core labor rights are deeply intertwined with the Thai government's ongoing repression of the rights to freedom of expression and peaceful assembly. This repression has been manifested in the strategic litigation against public participation (SLAPP) lawsuits against rights advocates (UNHCR 2022). Also, following the 2019 pro-democracy protests, the Thai government increased its use of the CCA, which was reformed in 2017 (Engage Media and Asia Centre 2022). Given these broad rights restrictions, fishery improvement and fisher rights

advocacy has been relatively successful, leveraging international pressure to advance specific reforms in the seafood industry over the past decade.

The question is how to sustain those reforms in a context where advocacy and protest are increasingly limited. Migrants in Thailand have been creative and resilient, but the transient nature of their work and the lack of legal protections make it challenging to build a united worker movement and collective bargaining strategies that go beyond nonbinding, single workplace agreements.

## **2. Industry Trends and Policy Reforms**

### **2.1 Thailand's fleet and market trends**

The Environmental Justice Foundation (EJF) produces a regular analysis of the Thai fleet size and gear requirements. According to EJF, there were 58,674 registered fishing vessels in 2023, of which 9,898 are commercial vessels, representing 17% of the total fleet. This is a decline from the 13,456 vessels registered in 2016 (EJF 2023b).

As Roisai Wongsuban (formerly) with Freedom Fund noted, the seafood industry in Thailand is really a sunset industry pursuing low bar strategies that under-invest in infrastructure and seek to keep wages as low as possible. According to Roisai: "The Thai economy is like a sick (Asian) Tiger because it continues to rely on cheap labor rather than upskill its workers and technology adoption."<sup>ii</sup> She noted Thailand's need for low wage workers and that the number of documented migrants has nearly tripled since 2014 in Thailand. Although it's hard to know the numbers of undocumented migrants, Thailand's need for fishers has meant that any migrant with a passport can secure documentation by registering as a migrant fisher.

Thailand has consistently been among the top 20 countries exporting fish and fishery products. The FAO reported Thailand was the third largest seafood exporter in the world in 2013 (FAO 2014). Since the exposés in 2014, Thai exports have fallen by more than 50% by volume. Although price increases have meant the value of their exports have only fallen by 38% (Statista), NFAT members are more likely to see this as an even greater loss of income they could have made.

Despite the decline in exports, however, seafood consumption in Thailand has increased over the past ten years. The country's domestic consumption of seafood reached a substantial 2,495,070 tons in 2021, averaging 37.46 kg per person annually as compared to 27.2 kg per person in 2016 (EJF



2023b). For NFAT leaders, however, this does not get them a greater share of the more lucrative seafood export market. Thus, their demands, despite the environmental and human toll, are to change to the National Fisheries Act, relaxing gear regulations, limits on time at sea, and other protections for fishers' rights which some argue contribute to the country's decline in seafood exports.

Thailand will nevertheless remain a dominant force in the seafood industry because it has two of the world's ten largest seafood producing companies: Thai Union and CP Foods. These vertically integrated companies (Thai Union owned Red Lobster Restaurants from 2016 to 2024) have generally shown themselves to be more progressive than NFAT, engaging groups like the MWRN to negotiate better contracts, clearly prioritizing the reputation of their global brands. NFAT, however, represents the vessel owners who have had to finance the cost of reforms – thus their interest in decreasing regulations and the safety and environmental controls that have been put in place. So, while CP Foods and Thai Union can procure fish from around the world, NFAT is pursuing a strategy intended to compete with low-income countries, countries like Vietnam or India, or even the countries sending migrants to Thailand: Cambodia and Myanmar. Meanwhile, other parts of Thailand's economy are geared to compete with higher income countries.

## 2.2 Policy landscape

Reforms in Thailand's seafood industry were largely made in response to trade pressures from the EU and US, following years of reporting by NGOs and media exposes that helped push global buyers and retailers to join calls for reforms. Highlights have included: improvements to the Fisheries Act and the ratification of ILO Convention 188 on Work in Fishing, both of which helped spur the creation of port-in-port-out (PIPO) inspection stations and the development of interagency coordination on at-sea inspections. The correlation between these reforms and trade pressure is clear. In June 2018, Thailand received an upgrade in the US Trafficking in Person's report rankings for improvements made. The following January, Thailand became the first Asian nation to ratify ILO C188 and later that year the EU lifted its yellow card for IUU fishing (European Commission 2019). These were positive developments for Thailand, but In October 2019 the US revoked one-third of Thailand's General System of Preferences (GSP) trade benefits, including for all Thai seafood products, due to "longstanding worker rights issues in the seafood and shipping industries" (USTR 2019).

Six months later the pandemic hit hard, with a sudden surge in migrant workers returning home in March 2020, driven by a mix of panic and confusion about jobs and access to care and creating long lines and chaos at

Thai border closings. The International Transport Workers' Federation (ITF) called out the problematic treatment of migrant fishers during the pandemic in a direct request for input from the ILO noting: "[F]ishers in Thailand have been discriminated against, forced to stay at sea for long periods of time without pay, restricted to jetties when in port, and, in some cases, fenced in with barbed wire by police." (ILO-CEACR, 2021:1)

Adding to the policy pressure, global buyers and brands became more engaged after *the Guardian's* 2014 story on forced labor in Thai seafood implicated the top four global supermarkets: Walmart, Costco, Carrefour, and Tesco (Hodal et al. 2014). Prior to the *Guardian* story, the UN and NGOs working with partners in Thailand had published multiple reports on forced labor, murder, and other egregious abuses of migrant workers in Thailand and its seafood sector (HRW 2010; EJP 2013; ILRF and WWU 2013). *The Guardian* article's focus on the complicity of multi-national corporations (MNCs) drew attention to the abuse and some MNCs' attempts to downplay the gravity of the situation fueled advocates' outrage.

In response to the pressure, the Seafood Task Force formed in 2014 to bring together seafood producers, traders, and retailers to address IUU and forced labor prevention; originally with a focus on Thailand but has since taken on a global focus. The Seafood Task Force has agreed with civil society advocates on sustainability measures and rights protections, but there is no data on retailers having publicly committed to help finance the reforms needed on the vessels. Although seafood retailers have said they are advocating for stronger migrant fisher protections in their conversations with the government, those discussions happen behind closed doors and there is no public support or other transparency around their reported advocacy. The lack of clear financial incentives or support from buyers, combined with global trade pressures have undoubtedly fueled NFAT members' rejection of the reforms that have been put in place.

### 3.2.1 Fisheries Act

EJP has provided regular updates on the implementation of Thailand's Fisheries Act, B.E. 2558 (2015) and, more recently, the current efforts to roll back reforms being led primarily by NFAT (EJP 2023b). EJP reports provide detailed analysis of the fisher and fishery protections under threat, but six are important to highlight.<sup>iii</sup>

1. Stop the reinstatement of at-sea trans-shipment (Art. 85/1, 87)
2. Stop the re-authorization of at-sea crew transfers for any reason (Art. 83/1)

3. Retain requirements for mandatory crew lists and labor protections for fishers (Art. 82)
4. Stop the relaxation of regulations on destructive fishing gears (Art. 67)
5. Retain real-time reporting for the vessel monitoring system (Art. 81)
6. Reinstate proportional fines for IUU fishing based on vessel size & offense severity (Art. 141)

Revisions to this law are happening as this report is being drafted and civil society organizations (CSOs) in Thailand and globally are trying to prevent these roll backs. MNCs have been informed and several joined a May 2024 briefing, but none have vocalized a position on these issues, either publicly or privately.

### 3.2.2 ILO C 188

Thailand's ratification of ILO C 188 has resulted in several legal reforms and continued technical engagement on the part of the ILO. In 2021, following a direct request from the ITF, the ILO provided a detailed set of analysis and requests for clarification on the implementation of ILO C 188 (ILO-CEACR 2021). These included references to crew registries, medical certificates, hours of rest, and required manning levels. The ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) also put forward the need for improved implementation around compensation, wage payment mechanisms, food and accommodation, medical care, and social protection.

Two laws that are critical to the implementation of ILO C 188 are the Labor Protection in Fishing Work Act, B.E. 2562, which passed in 2019; and the Ministerial Regulation concerning Labour Protection in Sea Fishery Work B.E.2565, which passed in 2022. The first law defined the working standards and defined the duties of the vessel owners. The second law created enhanced protections to prevent human trafficking in the fishing sector. A July 2023 report from the Migrant Working Group of Thailand noted that both laws align with the principles of C 188, but they also create some redundancy and offer slightly differing requirements on the same issues. For example, the laws have differing requirements around issues such as accommodation and food; the powers and duties of inspectors; and whether the skipper is an employer or employee. Other laws add to the redundancy and conflicting definitions; these include the Harbour Department's Notification on Workload, the Royal Ordinance Concerning the Management of Foreign Workers' Employment, the Employment Arrangement and Jobseeker Protection Act (MWG 2023).

The most visible program established after Thailand's ratification of ILO C 188 have been the PIPO inspection program. As of 2024, there were 30 PIPO inspection stations in Thailand, which have over time improved interpreter services and developed a multi-disciplinary inspection team. Furthermore, C188 has enabled a mediated dialogue through the ILO around the effectiveness of PIPO inspections. In comments filed with the ILO CEACR, the ITF emphasized the low level of violations found by the PIPO stations. According to the Thai government, PIPO inspectors only found labor law violations on 20 of 55,818 fishing vessels they inspected in 2020. The government also conducted 842 at-sea inspections in 2020 but only found one labor violation. Following these poor results, the ILO helped broker an agreement for the ITF to accompany some of the government inspections. Unfortunately, the collaboration was aborted quickly when the government decided it would need to consult the vessel owners prior to conducting such inspections (Hartough and Gearhart 2024).

### 3.2.3 Labor Relations Act

Labor rights repression is systemic in Thailand and worker advocates have long sought to reform the Labor Relations Act. Adopted in 1975, the LRA predates Thailand becoming reliant on migrant workers in most manual labor sectors. It is important to note that workers' rights to organize and bargain collectively are curtailed in several ways, even for Thai nationals. According to the Ministry of Labor, there were 1,000 registered unions in Thailand, but many are inactive because their leaders were fired (US DOS 2023). Another major hurdle to worker organizing is that although the law only requires ten workers to register a union, 20% of the workforce need to join to bargain collectively. Also, there is a lag between filing those first ten names to register the union and securing registration, which makes those leaders vulnerable to employer retaliation before they have the protections that come with union registration.

While all workers in Thailand face these challenges, there are additional challenges for organizing workers with non-typical contracts, such as those who are subcontracted, seasonal, or having a migrant worker visa. These workers face additional restrictions on organizing; three stand out. First, subcontracted workers cannot join the same union as other workers in their factory even if they do the same work because they are classified as service workers, not manufacturing workers (US DOS 2023). Second, migrant workers can join a union, but they cannot lead or form a union. Third, seasonal workers who have no permanent employer cannot join a union.

Many migrant workers are affected by two or more of these factors. They also face a second rising threat from their own governments, which further

dampens organizing efforts. The main countries of origin of migrant fishers – Myanmar, Laos, and Cambodia – all engage in transnational repression, demanding that Thailand repatriate individuals at their request. And Thailand, which prioritizes its relations with other Association of Southeast Asian Nations (ASEAN) members, cooperates by deporting outspoken critics of their allies' governing regimes (Freedom House 2022). This means for migrant fisher organizers, even those who are not active political dissidents, there is a pervasive fear factor that can inhibit fishers from speaking out or joining an organization.

Despite all the legal and political challenges, there are some openings in the law which migrant workers have used to advance some improvements at work. The law allows workers to put forward collective demands even without a union in place, provided 15% of the workers support those demands, and it recognizes welfare committees in workplaces of 50 or more (US DOS 2023). The welfare committees create a space that MWRN has used to bring workers together to develop and put forward their demands, which is especially helpful in larger workplaces like the processing facilities. Unfortunately, the welfare committees don't provide any protection against retaliation. By contrast, employee committees do provide members with some protection from retaliation, but workers must first be part of a union to participate. Low skilled jobs in Thailand often have a large majority if not all the lowest paid jobs being performed by migrant workers. Although they can join Thai trade unions, it is impossible for them to form and lead their own unions.

Migrant fishers in Thailand have leveraged the international attention to forced labor and human trafficking on the Thai fleet to organize, including by reaching out to Thailand's most visible and brand-aware seafood companies – Thai Union and CPF. What sets these initiatives apart is their drive to establish union networks of support and engage in some forms of collective bargaining to improve working conditions and contract terms on fishing vessels. Groups like the MWRN or the FRN, described below, organize and seek to negotiate with employers in the way many unions do. Unfortunately, their negotiators are not legally protected from reprisals the way elected union representatives are, nor do their collectively bargained agreements have the legal force of a contract in the way a union-negotiated collective bargaining agreement has. Despite these challenges, the fisher organizers persevere.



### 3. Organizing in the Seafood Industry

Several years prior to the media exposes, trade unions and human rights



Figure 1. Fishers working on board. Credit: EJF

NGOs had begun to support migrant workers in various Thai industries, much of it funded by the Solidarity Center and the international trade union movement. For example, MWRN formed in 2009, using innovative strategies for bringing migrant workers together and working around the LRA

prohibitions on migrant worker-led unions to form and lead worker centers that function as unofficial trade unions and have negotiated grievance resolutions and better contract terms with employers. Although these unions and the agreements they negotiate do not have the same legal protections provided to trade unions and collective bargaining agreements, these examples have been cited as the few success stories of migrant fishers organizing and negotiating with employers (Ford et al. 2023). The question remains, however, whether the agreements they negotiate can endure and if their workplace organizing can connect across the sector to strengthen the labor movement.

Added challenges to organizing are rooted in the persistent vulnerability of migrant workers in Thailand. These vulnerabilities have made it difficult for any of the organizations described below to charge dues or establish a self-financing mechanism. Migrant fishers report captains often hold onto their identity papers, often handing them out just for the port inspectors and then recollecting them afterwards to ensure fishers don't stray too far or report their vessels (FRN and Gearhart 2024). Many migrant fishers fear arrest and deportation and report that some captains have been known to report fishers they suspect of organizing to the police (ibid). Many are also indebted to their vessel captain. Although recruitment agencies in Cambodia emphasize how they don't charge fishers any fees, the organizers and migrants interviewed (in Banteay Meanchey, Cambodia and in Chon Buri, Thailand) all

said that the fees are deducted later from their wages once they start working.

## 4.1 Fisher organizations

### 4.1.1 The State Enterprises Workers Relations Confederation (SERC)

SERC is a Thai trade union mostly made up of Thai public sector workers. They are not engaged directly in organizing migrant fishers, but they have played a pivotal role in advancing the importance of organizing as a key strategy to combatting forced labor and human trafficking. SERC's leadership has grown and expanded its influence by extending solidarity to other sectors, particularly to advocate for the rights of Thailand's estimated 4.5 million migrant workers, many of whom work in the seafood industry (ILO, Walk Free, and IOM 2022). In 2009 SERC filed a case at the ILO against the Royal Thai Government for failing to uphold migrant workers' rights to access health care (AHRC 2009). This political challenge combined with SERC's fundamental base-building work. SERC thus expanded to include migrant workers and short-term contract workers in their rallies and confederation meetings. SERC worked with the Solidarity Center in Thailand to channel support to MWRN's organizing. This became more than project collaboration, and despite their initial misgivings, SERC's Thai members came to appreciate the migrant workers' solidarity and engagement in the labor movement. SERC, which is a member of the ITF, was also present for the 2018 launch of the FRN, discussed below.

### 4.1.2 The Migrant Worker Rights Network (MWRN) and the Migrant Worker Solidarity Committee (MWSC)

Both MWRN and MWSC are organizing migrant workers in the seafood industry, albeit primarily in the seafood processing sector. They have a shared history and pursue similar strategies to support migrant workers in Thailand.

MWRN is an NGO that functions more like a trade union. Founded by migrant workers from Myanmar, MWRN has organized worker committees to put forward collective demands and negotiate better terms and conditions for migrant workers. It focuses on strategies to build power and the agency of migrant workers, which is distinct from the many human trafficking NGOs that emphasize victim services. In addition to organizing individual workplaces, MWRN has also engaged global seafood trading companies like CP Foods and Thai Union, which in turn have supported MWRN's engagement in their seafood processing and supplier facilities.

The two lead organizers who helped establish MWRN, Sein Htay and Ang Kyaw, came into the work with significant experience in organizing from their years as activists in Myanmar. Ang Kyaw joined the founding team when it was still a project being supported by the Human Rights Development Foundation (HRDF), an NGO working on migrant worker issues. He noted in a 2022 interview that several NGOs provided helpful resources and he had been going there to read the law and learn about migrant workers' rights when he first arrived. Although Aung Kyaw noted that he valued the support of the anti-human trafficking NGOs, he always identified himself more with the union movement and developed MWRN's organizing strategies accordingly (Kyaw and Gearhart 2022).

When HRDF recruited Ang Kyaw to help set up MWRN as a project, he already had decades of experience as an activist – having fled Myanmar under threat in 1988 – and having already organized his workplace in Thailand. In 2007, Ang Kyaw was working for King Fisher, the largest shrimp processing facility in Thailand, when he first learned he could organize a welfare committee in workplaces with more than 50 workers. The workers had protested several times to no avail. In his reading of Thai labor law, he realized they had the right to form a welfare committee.<sup>iv</sup> He then utilized the committee as a space to bring together a group of workers to agree upon and draft a set of demands. They had it translated into Thai and presented their demands to management. After more protests, they eventually succeeded in getting a collective agreement in place with the management. MWRN organizing has since pursued similar strategies.

Unfortunately, MWRN has cycled through some changes, particularly following the pandemic and the coup in Myanmar which sent many members and some of the leaders, including Sein Htay, back to Myanmar for a while. In early 2024, several MWRN leaders decided to renew their previous registration through the SERC Foundation and to separate from the Labor Rights Foundation, which had been set up in 2020 to house their work. As migrant worker led organizations, they cannot register directly, but both MWRN and the newly formed MWSC (housed by the Labor Rights Foundation) are organizing migrant workers and supporting their efforts to negotiate with employers. In the best-case scenario, this will mean more support for worker organizing. Yet these kinds of splits can also make it more difficult to build a stronger movement of migrant workers.

#### 4.1.3 Fisher Rights Network (FRN)

The Fisher Rights Network launched in 2018 with support from the International Transport Workers' Federation. The ITF represents seafarers and fishers worldwide, with close to 200,00 fishers covered under collective

bargaining agreements (CBAs) and registered with union affiliates of the ITF. Recognizing the race to the bottom that was happening in the fishing sector, the ITF developed a strategy to reach out to unorganized fishers. ITF had established an office and started doing outreach to fishers in the port of Songkhla. The demand and interest in joining an organization was high and the ITF helped secure additional funds to expand their outreach and organizing. By 2024 the FRN had offices in Songkhla, Ranong, Trat, and Chumphon and they had organized more than 4,000 fishers who participate regularly in their activities. Leveraging its own resources, deep experience with port-based organizing and additional funding from the ILO, the ITF is working to expand beyond Thailand to support fisher organizing in Indonesia, Ghana, Ecuador, and Peru.

The FRN organizers are from Cambodia and Myanmar, some are former fishers, but others have been working for CSOs for years before joining FRN. They offer training and legal aid and distribute first aid kits to fishers. Moreover, they support fishers when they negotiate with their employers for back wages or to agree on better conditions. The organizers note that despite their growing numbers of fishers involved, it is still very difficult to conduct outreach. They go to great lengths to build trust, often visiting fishers multiple times at the docks or at home. They are especially careful to try to blend in if they go to the docks, so the vessel captains don't become suspicious.

FRN is organized very much like a union, and their goal is to become self-sustaining, but the vulnerability of the fishers they are organizing has made it difficult to establish a dues structure. Most fishers are still struggling to earn a regular wage.

#### 4.1.4 Center for the Alliance of Labor and Human Rights (CENTRAL)

CENTRAL is an NGO in Cambodia that began engaging migrants in Cambodian border communities and inside Thailand in 2017. CENTRAL organizers bring decades of movement building experience, and they have fought for workers' rights to organize and bargain collectively in Cambodia. They thus bring a similar perspective to their work in migrant sending communities in Banteay Meanchey, Cambodia and in their outreach to migrants inside Thailand. CENTRAL received funding from the ILO's Ship to Shore program to provide guidance and pre-departure training in Banteay Meanchey. They have a center there where they can provide housing and basic support services to outgoing and returning migrants. They are working with youth organizers in the community to motivate and encourage ongoing organizing so that they can sustain their engagement with returned



migrants. They also facilitate peer to peer learning between returned migrants and outgoing migrants.

Organizing Cambodian migrants is in some ways more difficult than organizing migrants from Myanmar. There are more experienced activists in the Burmese communities; individuals like MWRN founders Sein Htay and Ang Kyaw, who came out of protest movements in Myanmar and brought their organizing skills to support migrants in Thailand. Cambodians, by contrast, are primarily driven by dire economic hardship. The majority of the rural community is in debt, having mortgaged their house and land to pay for basic repairs, health expenses, or even living expenses. This makes it doubly hard to organize Cambodian migrants inside Thailand, particularly given Thailand's practice of turning activists over to the Cambodian authorities (Freedom House 2022). During a meeting CENTRAL organized with migrant fishers in Thailand, one of the first things the migrants said was they were happy to talk but not interested in any discussion of politics.

Another challenge Cambodian migrants face is that the Cambodian government put a stop on registering migrant fishers after all the reports of forced labor at sea. This did not, however, stop the flow of migrants seeking to work on the Thai fleet. In Thailand, where there is a labor shortage, fishers can secure working papers simply by presenting a passport. This means migrant fishers are that much more dependent on their employer and at risk of debt bondage and other forms of forced labor.

CENTRAL has been building a network of volunteers inside Thailand who provide legal advice and other support to Cambodian migrants. Most of their outreach is done in Cambodian communities. In contrast to FRN's primarily port-



Figure 1. Fishers pulling the nets. Credit: EJF



based organizing, CENTRAL is also engaging on some broader family issues such as migrants' struggle to get their children registered for school or to secure health services for their families. Overall, CENTRAL is working to encourage and enable community-based organizing among Cambodian migrants, often working within some of the most difficult to organize communities.

## 4.2 Allies and Supporting Organizations

In Thailand, there are dozens of anti-human trafficking and migrant support organizations. Most of these groups are not building their outreach with a focus on a specific industry but rather providing legal aid and outreach services to all migrant workers in Thailand. Many of these groups participate in the Migrant Working Group<sup>v</sup> and/or support the more narrowly focused CSO Coalition for Ethical and Sustainable Seafood, which Oxfam-Thailand helped establish. Although the NGOs are not working to negotiate with employers, many have advised workers on how to demand their rights and negotiate resolutions with their employers. These are similar to the core organizing strategies described by MWRN, helping workers to develop and put forward collective demands or creating a welfare committee and seeking to negotiate an agreement with their employer. Roisai Wongsuban shared two examples.

- In 2020, the MAP Foundation assisted garment workers in Mae Sot to petition for back wages. Map Foundation provided training and technical assistance to 115 workers (31 men and 84 women) who submitted their demands and, after several rounds, eventually succeeded in coming to an agreement with management. Further supporting this work has been the labor law clinic run by the Human Rights Development Foundation in Mae Sot, which further strengthens workers' ability to demand their rights.
- In 2022, the Raks Thai Foundation (RTF) supported fishers on 52 vessels in Pattani to secure better contract terms. Through RTF training the fishers realized they had the right to demand a contract in their language. They engaged the RTF team which advised the workers and interpreted their demands, helping them secure an agreement that included better wage payment terms (monthly rather than lump sum), not recruitment fees deducted, and a copy of their contracts in their native language.<sup>vi</sup> With this agreement, the fishers will be able to negotiate with their employer directly.

In a context where migrant workers are not able to form and lead their own unions, NGO-supported bargaining may be the next best option. It's unclear, however, the extent to which these long-utilized strategies of training and legal aid to workers can generate ongoing worker-led organizing. The

challenge will be finding ways to sustain these fledgling worker organizing initiatives and connect them to other worker organizations in a way that builds worker power. Although there are clauses in the Thai law that allow for some negotiations outside the union context, the leaders remain vulnerable should their employer seek to retaliate in the future.

#### **4. Conclusion**

Migrant fishers in Thailand have been creative and resilient. Their approach to addressing human trafficking and forced labor has introduced a wholly different approach to NGOs focused on providing services to victims of forced labor. Thanks to organizing support from international unions and the organizing savvy of exiled Burmese, the migrants in Thailand have been proactive in demanding their rights and this has radiated out to draw in Cambodian migrants as well. Continuing challenges include: the lack of legal standing and protections for migrant worker unions; the transitory or often temporary nature of the work that has migrants changing jobs often; and competing forms of worker support systems such as company run hotlines or legal aid programs that do not connect workers to a long-term solidarity network where they can stay involved and help their peers.

Since the 2014 media exposes, international funding to support migrant workers' rights in the seafood industry increased significantly. That surge has funded a broad range of approaches, which have sometimes had competing advocacy priorities. Some of this funding has helped foster collaboration among Labor, environmental justice, and anti-human trafficking organizations. In a context of declining funding, however, increasing this collaboration may become difficult – unless these worker organizations can become self-financing through their members' dues. Trade unions, worker centers, and NGOs will be stronger if they can come together to support all democratically-run, worker-led organizations and their ability to negotiate contracts and remedies with their employers.

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<sup>i</sup> Since August 2023, Thailand has had three Prime Ministers. The first two – Srettha Thavisin followed by Paetongtarn Shinawatra – were each ushered out after less than a year in office due to ethics violations.

<sup>ii</sup> Roisai Wongsuban, Freedom Fund, interviewed by the author June 11, 2024.

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<sup>iii</sup> EJP Deputy Director and Project Manager for Southeast Asia, Dominic Thomson highlighted these priorities during an online briefing for the international community on May 17, 2024.

<sup>iv</sup> Welfare committees are required by Thai law, but often created as a pro forma body that does not instigate change in the workplace.

<sup>v</sup> The Migrant Working Group (MWG) was formed in 2006 by a coalition of NGOs to stand against the military government when it announced unfair registration of all migrant workers. It has since built a long track record of civic action.

<sup>vi</sup> Roisai Wongsuban, Freedom Fund, interviewed by the author June 11, 2024.