

The Impacts of Migrant Workforce and Solutions to Prevent the Use of Migrant Workforce in Fisheries Industry of Pattani province

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Abstract

This research was designed to investigate the impacts of migrant workforce as well as solutions and preventions of the use of migrant workforce in Pattani fisheries industry. Qualitative research was conducted by structured interview and documentary review. The target groups of the interview were stakeholders in fishery business and officials in fisheries sector of Pattani province. The collected data was analyzed for creating an appropriate approach to improve the solutions and the prevention from the impact of the use of migrant worker. The research findings were as follows: 1) the use of migrant workforce was done in order to decrease the cost of wage, increase the profit and get enough efficient labor. 2) the approach of solution and prevention from the use of migrant workforce was to set up strict punishment measures, hiring legal migrant workforce, ensuring the fairness of wage, supervising the registration of migrant workforce, having strict custodial arrested measures by the police as well as having clear policy of migrant workforce. This research suggested that the police should supply enough troop, equipment, instrument and budget for their law enforcement. The government should define the zone of migrant workforce in order to use it as a pilot project model and transfer all knowledge to other departments. Moreover, the government should not only amend the law to control the amount of stateless children of migrant workforce's parents, but also legislate the law and penalty forcing female migrant workforce to do permanent birth control.

Keywords: Fishery, Migrant workforce, Impact of migrant workforce

Introduction

Thailand is one of the world's primary suppliers of seafood products, both fresh and processed. The fisheries industry contributes significantly to Thailand's economy. In 2014, the export value was 6.6 billion us dollars (International Labor Organization: 2017). The industry provides employment to a large number of people in both the fishing and the processing sectors and in related industries, such as cooling, freezing, packaging, ice making and shipping. According to the statistics in 2016, fisheries industry employed more than 600,000 workforces of which 90% came from neighboring countries, Myanmar, Laos, Cambodia. (Labor Rights Promotion Network Foundation: 2017). A feature of employment in the Thai fisheries industry, both at sea and on land, has been the participation of large numbers of migrant workforces from neighbouring countries, particularly Cambodia, Laos and Myanmar. These migrant workforces have become major workforce of fisheries industry in many areas of border provinces. Many of these are irregular migrants, who either cross the border of their own volition or are recruited through labor brokers. It was officially estimated in 2015 that 71,132 registered migrants workforce were working in sea fisheries. (Seafish ethics profile – Thailand: 2015)

However, Thai fisheries industry is facing the problem of human rights violation including human trafficking, forced labor and child labor, according to International labor Organization report (2015). Furthermore, Thailand was ranked Tier 3 (the lowest tier) in the US Government's 2015 Trafficking in Persons⁴ (TIP) report, addressing the seafood sector in considerable detail. It mentioned that a significant portion of labour trafficking victims within Thailand were exploited in commercial fishing and fishing-related industries, among others. "Thai, Burmese, Cambodian were subjected to forced labour on Thai fishing boats; some migrant workforce remained at sea for several years, were paid very little or irregularly, worked up to 18 to 20 hours per day for seven days a week. Some victims of trafficking in the fishing sector were unable to return home due to isolated workplaces, unpaid wages, and the lack of legitimate identity documents or safe means to travel back to their home country.

Fishing is also the main industry in Pattani, deep south province of Thailand along with coastal area 170 kilometres. Each year, the Pattani pier accommodates more than 99,000 tons of marine animals, worth over 5.9 billion baht. (Deep South: 2017) It is considered one of the most important piers in the southern border provinces. As working in fishing sector is extremely hard and dangerous work, including worse condition as mentioned in TIP report above, fisheries industry of Pattani is also facing labor shortages. The Ministry of Labor has revised rules to provide migrant workforces in fisheries of Pattani with greater flexibility, for example to register themselves twice a

year instead of once a year and also allow undocumented migrant workforces to register so that they would be entitled to labor protection, welfare, and other benefits.

However, the demand of migrant workforce is likely to continue to increase in Pattani, according to Director General of Department of Employment. While the problem of forced labor and illegal migrant workforce on fishery have been found in Pattani as well. Being aware of the important role of these migrant workforces in supporting the fishing and seafood processing industries of Pattani, relevant organizations have joined hands in creating better understanding about the handling of migrant workforces in this sector.

This article focuses on the impact of using migrant workforces in fisheries industry of Pattani province. It is also to find the solutions and the prevention for better organizing the use of migrant workforce in fisheries industry of Pattani province.

Literature Review

Srawooth Paitoonpong (2011) studied Managing International Labor Migration in ASEAN: Thailand (Immigration). This study aims to review the policies on international migration in Thailand and discusses difficulties in implementation. Thailand is the host country of international migration from neighboring countries. Most legal migrant workers are professionals, but there are also illegal migrants from Cambodia, Lao PDR, and Myanmar (CLM). It is difficult to measure the impacts of migration on wages and employment choices of local workers. Some studies assert that illegal CLM migrant workers are paid less than the minimum wage or they are not treated equally with Thai workers. As a result, CLM workers work under poor labor conditions. Moreover, CLM migrants are blamed for various kinds of social problems, presenting an obstacle to social integration, among others. To cope with such problems, the government of Thailand has enacted laws to regulate migrant workers and provide policy frameworks for legal migrant workers on the aspects of supply and demand, and taking into account many dimensions and principles such as national security, human rights, and social protection, among others. However, the implementation of such policies is not easy, and the situation had often been beyond control in many respects. The registration process requires a concerted effort from various government offices and consultations at the senior official and/or ministerial level. In addition, the entry of alien workers is very costly. Thus, it is still imperative to promote human resource development in administering admission policies on illegal migrant workers and to enforce consistent foreign labor policies.

Aphichat Chamratrithirong (2010) studies the Success of Family Planning Program in Thailand Being Extended to Its Migrant Workers. This study investigates and reveals

results from the cross border migrant survey of 10 major provinces in Thailand. The focus is on the family planning practices of married men and women, who are both regular and irregular migrant workers, and their families. The study utilizes the 2010 baseline survey of the Project: Prevention of HIV/AIDS among Migrant Workers in Thailand 2 (PHAMIT 2) supported by The Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM), coordinated by The Raks Thai Foundation (A member of Care International).

International Organization for Migration (2011) reports Trafficking of Fishermen in Thailand. The objective of this report is to provide a better understanding of the recruitment, living and working conditions of fishermen and the extent of exploitation and abuse in the Thai fishing sector. The report reviews the legislative and regulatory framework governing the fishing sector and the recruitment of fishermen and its implementation, highlighting certain gaps which enable traffickers to operate in the sector and led to abusive labor conditions. The report also examines protection and support services accessible by victims of trafficking.

Anti-Human Trafficking Center Mirror Foundation (2011) studies Trafficking and Forced Labor of Thai Males in Deep-Sea Fishing. This report focuses mostly on the Thai situation. In 2009, 25,138 medium- and large-sized fishing boats are registered with the Marine Department.¹ Knowing that boats of that size require a crew of 5–40 workers but presuming a typical crew size of 10 and presuming that there are far more boats operating than what are registered, the Mirror Foundation researchers estimate there are at least 250,000 workers on Thai fishing boats. The Federation of Thai Industries estimates there is a shortage of 10,000 workers for jobs on fishing boats and in fish-processing factories³ (the information does not separate the need for fishermen and factory workers). A shortage of workers fuels the trafficking and forced labour of people to fill the gap. Whatever the number of Thai males forced to work as slaves on fishing trawlers, they are only a portion of the overall victims. The Mirror researchers believe that most of the fishing boat crews are foreign migrants, typically smuggled over the border and then parcelled around to various boats. They are predominantly from Myanmar but also from Cambodia and occasionally from Lao PDR. Some are told they will be at sea for a few days or at most two to three months. Some are told there is a construction or factory job waiting for them, only to be taken directly to a pier

Methodology

This research is qualitative research. It is designed to conduct as follows:

1. Documentary research is used to find basic information, for example government policy, the implementation of local administrative official of Pattani, Alien Working Act, statistics of migrant workforce .

2. Structured interview key informants both government and private sector (stakeholders in fisheries industry of Pattani province) as follows:

- 3 fishery entrepreneurs
- 1 marine policeman officer
- 1 policeman in Muang district of Pattani province
- 1 provincial labor officer.
- 1 Chief of Port In Port Out Centre (PIPO)
- 1 officer of Marine Department
- 1 officer of Welfare and Labor Protection Department
- 1 officer of Recruiter in Department of Labor
- 1 govern officer

All stakeholders are selected by working experience at least 5 years in Pattani province. Structured interview questions are designed by documentary review and brain storm of researchers. Before implementing, all questions are presented and revised by Mr. Muangso Thaiaware, Assistant District Chief Officer on Security and Pattani Provincial Employment Office . The questions are divided in 2 sections: (1) the impact of using migrant workforces in fisheries industry of Pattani province, specific problems of using migrant workforces in fisheries industry, positive and negative aspects of using migrant workforces in fisheries industry (2) the solution and prevention of using migrant workforces in fisheries industry of Pattani province, the collaboration between stakeholders on using migrant workforces on fisheries industry.

Finding and Discussion

According to Labor Office of Pattani Province statistics in 2015, the total amount of registered migrant workforce in Pattani province were 14,482 classified as follows: Mynmar 6,529 people (45%), Cambodia 7,374 people (51%), Laos 579 (5%). Regarding to fisheries sector, there were 7,733 registered migrant workforces which was 54 % of registered migrant workforces of Pattani. Based on the interview with the key informants, these migrant workforces played an important role in fisheries industry of Pattani province. In term of economics , these migrant workforces not only fulfilled the demand of workforce in fisheries industry of Pattani province but also help fisheries industry to run without disruption. Since Thai workforces often took leave and resigned

easily due to hard, dirty, smelly and non-desirable job. Whereas migrant workforces didn't mind to work in these conditions and they didn't shirk which could help business gain more profits.

1. One of the most advantages of migrant workforce employment was low wage rate. Based on International Labor Organization survey, 34 % of migrant workforces in fisheries of sampling provinces, including Pattani provinces had got lower paid than minimum salary as stated in Thai labor law (300 baht per day). Moreover, female migrant workforces received less paid than male migrant workforces (International Labor Organization: 2015). Furthermore, the key informants emphasized on the employment of migrant workforce in fishery of Pattani province basically relied on the fact of cheaper wage rate than as usual, including good quality of diligent, no rejection, and no personal leave, which reduced relatively cost of operation and positively resulted in gaining more profits.

2. In term of performance, comparing migrant workforce to Thai workforce in fisheries industry, the entrepreneurs preferred migrant workforces than Thai workforces because migrant workforces were likely to be more efficient. Their effectiveness came from these qualities: hardworking, patience and diligence.

3. Regarding to negative aspect, migrant workforce employment caused unemployment of Thai workforce in Pattani province. In addition, the power of bargain of Thai workforces, particular to get higher wage rate, decreased effectively. According to the key informants, migrant workforces were likely to work in any position and condition as well as accept easily lower wage rate than stated in Thai labor law. Conversely, Thai workforces often asked for many requirements, for instance, more day-off during holidays and higher wage rate. For this reason, the employer preferred to employ migrant workforces than Thai workforces.

Furthermore, Thai workforces have lost their competitiveness not only in term of wage rate but also in term of business, particular small business like grocery store. After working for a while, some of migrant workforce families started small business mostly grocery stores, on the other hand, the stores were run in the name of Thai people but actually the owners were migrant workforces. This situation led to the competition with Thai small business particular grocery stores. Most of migrant workforces trended to buy stuffs from their compatriot stores.

4. Meanwhile the employer in fisheries of Pattani province could take advantage of lower wage rate of migrant workforce, they had to take a risk of migrant workforce job mobility as soon as the migrant workforces had got better offer, precisely higher wage rate. Sometimes their better offers were proposed from other sectors, not necessary only in fisheries industry. In addition, these migrant workforces didn't hesitate

to change their jobs for better offers or paid. Consequently, fisheries industry of Pattani province was faced the shortage of workforce from time to time.

5. Labor exploitation on wage of migrant workforce, including poor hard working condition and no benefit was also an explicit effect, based on the interview. The employers exploited from lower wage rate cost of migrant workforces while migrant workforces had not much choice to work. This became one of the reasons that migrant workforces quit their jobs as soon as they had got higher paid. In other words, the problem of migrant workforce's resignation mostly came from labor exploitation on wage, especially they got lower paid than minimum wage rate as stated in Thai labor law.

6. Most of informants stated that migrant workforce employment in fisheries industry of Pattani province increased burden on Thai government, notably providing fundamental resources and health cares. Although the system of social security has taken some money for their health cares, it wasn't enough comparing to the number of migrant workforces all over the country and mostly illegal migrant workforces. Normally, they often came to the hospital when they had severe symptom or serious accident which all cost highly expense. If it was a general sickness, they usually bought a medicine from pharmacy or went to clinic.

In addition, they came for maternity in the hospital. There were a lot of newborn babies of migrant workforces in the hospitals. Due to lack of family planning and poor antenatal care, the newborn babies were below weight standard, malnutrition and sometimes disorder. The hospitals had to take responsibility and take care these newborn babies and infants until their condition were getting better. Meanwhile the hospitals also had to provide vaccinations and health cares which cost expensively and became a big burden in term of budget.

7. The informants pointed out that the employment of migrant workforces in fisheries industry of Pattani province caused the increasing of stateless children. These stateless children were born from migrant workforces working in Pattani province. Since they had no nationality, they couldn't enter to school for the fundamental education. The policy to enhance education of these stateless children was still very contradiction. Under this circumstances, they would become like their parents, undereducated and unskilled workforces. "These stateless children were born in Thailand while their parents were working in Thailand. Thai government couldn't grant nationality to them. Therefore, they couldn't go to school, and consequently undereducated. After all, they will end up like their parents, unskilled workforces."

The solution and prevention of the impact on migrant workforce's employment in fisheries industry of Pattani province were suggested as follows:

1. Most of informants totally agreed that law enforcement and penalty could be the important tool to solve and prevent the impact on migrant workforce's employment in fisheries industry of Pattani province. If the migrant workforces were found out that they have changed their employers without any license, they would be deported immediately to their home country. While the employers who exploited lower wage of migrant workforce than minimum salary must be penalized and paid fines, charging back for the compensation as well.

According to the key informants interview, "it is quite difficult that all the employers can determine the same wage rate because their cost and profit are not equal. For example, the cost of trawl fishing is higher than shellfish fishing. In fact, it depends on type and tool of fishing. As a result, the best solution is to deport migrant workforces who have changed their employers without license as well as penalized the employers with the fines charge back from what they exploit migrant lower wage rate."

2. Employment of legal migrant workforce with their family was considered as one of the solutions and preventions of impact on migrant workforces in fishery of Pattani province. These migrant workforces accompanying with their families had more responsibility in their work. They had clearly their life's goal, achieving a better life condition and well-being of their families. They trended to settle down in the area when they worked continuously, solving the problem of labor shortage due to frequent job's mobility. "We should employ only the legal migrant workforces accompanying with their families because these people have to find their new accommodation if they often change their jobs. Consequently, they would prefer to work with the same employer, only if they have an important needs, they will decide to change their employers." said Provincial Labor Officer.

According to the key informants interview, another solution for the problem of frequent resignation and labor shortage was a justified wage rate. Furthermore, this solution could create the attachment between employers and migrant workforces. Annual wage paid was an option to prevent migrant workforces from escaping their jobs or changing their jobs frequently. Besides, employers needed to regulate rules of working in order to control migrant workforces.

In conclusion, the impact of migrant workforce's employment in fishery of Pattani province were in both positive and negative aspects as follows:

- 1) the fulfillment of workforce demand in fisheries industry of Pattani province
- 2) the advantage of lower wage rate, comparing to Thai workforces
- 3) better qualification in work: efficient, hard-working, diligent and no requirement.
- 4) Decreasing Thai workforce competitiveness, resulting in unemployment and low power of bargain for wage rate.

5) Exploitation of migrant workforce in term of wage, working conditions and benefits

6) Increasing burden particular financial responsibility of Thai government regarding to fundamental needs, social security, health cares and services

The approach of solution and prevention of migrant workforce's employment in fisheries industry of Pattani province were as follows:

- 1) designating strict penalty provisions of law
- 2) hiring legal migrant workforces
- 3) paying justified wage rate
- 4) applying annual payment.

Suggestion

Migrant workforce's employment in fisheries industry of Pattani province was one of the solutions for labor shortage in Pattani province. Meanwhile migrant workforce's employment also helped entrepreneurs saving their cost and earning more profit due to lower wage rate and unconditional requirement of migrant workforces. On the other hand, the employment of migrant workforces in fisheries industry of Pattani province brought in not only unemployment of local people, small business competition with Thai people but also social problems for example: drugs, disputes, crimes and sexual trade. In addition, the Thai government had to be responsible for stateless children born from migrant workforces in term of budget, material and care which became a big burden. All of these stateless children would possibly lead to social impacts afterward. According with the study of the Affecting of Migrant Labor in Surat Thani Municipality by Wittawat Kunnu and Prasobchai Pasunon (2015), migrant labor scrambled the local public health service and educational service. Moreover, the migrant labor caused increasingly many social problems including quarrel, criminal and drugs. Some group of migrant labour also carried some maladies such as malaria, leposy and HIV.

While the study of Social Impact on the Implementation for the Solution of Illegal Migrant Labor Policy case study: Laos Mynmar and Cambodian Migrant Workers by Penchalida Mahattanapiwat (2002) also revealed that due to the economic growing in Thailand and the decrease in number of Thai workforces, there was a demand of both skilled and unskilled workforces. As a result, the migrant workforce's mobility was one of the solution. However, these migrant workforces created many problems to the local government, for example, economic and public health. One of the most important problem was the cultural and ethnic assimilation among migrant workforces which led to social problem and social impact, particularly crimes.

Regarding to the solution and prevention in fisheries industry of Pattani province, this study found that 1) regulating strict provision of law and penalty 2) enforcing seriously provision of law and penalty by immigration police 3) employing legal migrant workforces accompanying with their family 4) paying annual justified wage rate 5) having a regulations for working 6) controlling the registration of migrant workforces in the system 7) providing equal standard of migrant workforce rights as stated in Thai labor law. 8) creating awareness of both employers and entrepreneurs to employ only legal migrant workforces or to legislate their illegal migrant workforces into the system. 9) designating clearly policy, responsibility and authority of government department 10) creating special department in charge of birth control and family planning for migrant workforces. All of these approaches also accorded with the study of the Impacts and Repercussions of Illegal Immigrant Workforce on National Security Public Health Society and Economic Forces by Chommanard Rattananmanee and team (2004) which was the follow up study of government's relaxed policy concerning permission for the foreign workforce registration in 6 industries in B.E. 2545. This study suggested that registration of migrant workforces according to law and providing data base were needed. Controlling the appropriated number of migrant workforce as insufficient workforce and allocation the certain residential area must be proceeded. The government policy should be obvious. Meanwhile enhancing the role of community to take care themselves was another solution. In addition, it should have the principle to punish the employer employing the foreign workforces illegally, including the honestly performance of officers aiming to teach the consciousness to the people to grasp the community's advantage. In the economics aspect, the government should develop and encourage the economics along border of neighbor country as well as give the opportunity to Thai workforces before migrant workforces and employ the migrant workforces for specific insufficient occupation.

For the solution and prevention of migrant workforce's employment in fisheries industry of Pattani province, this study suggested that the strategy of migrant workforce's solution was to register them all so as to know the exactly number of migrant workforces and organize them into the system. The government should define clearly migrant workforce's policy as well as specify migrant workforce's occupation and sector. Type of work and sector in fisheries industry and related business should be allowed to employ migrant workforces. One of the systems to organize and control migrant workforces was the proof of their citizenships or nationalities. International cooperation, particularly with the home country of migrant workforces was also needed to organize and control migrant workforces and regulations. These solutions were associated with the study of Penchalida Mahattanaphiwat (2002) whose results pointed out that the

failure of the implementation for the solution of illegal migrant labor policy was caused by unclear policy of government and condition of the implementation. Moreover, the deregulations for temporary work permit of illegal migrant workers from Laos, Myanmar and Cambodia was also unclear and had no specific government official to take in charge.

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