



มูลนิธิเพื่อสิทธิมนุษยชนและการพัฒนา (นสพ.)
Human Rights and Development Foundation

เลขที่ 109 ซอยสิทธิชน ถนนสุทธิสารวิจิตร แขวงสามเสนนอก เขตห้วยขวาง กรุงเทพฯ 10310
109 Soi Sitthichon, Suthisarnwinichai Road, Samsennok, Huaykwang. Bangkok 10310
Tel: (+662)277 6882/277 6887 Fax: (+662)277 6882 ext 108 E-mail: info@hrdfoundation.org

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Press Release

Descendant of fishing a migrant worker receiving 250,000 baht as settlement after mediation by the Labor Court Region 7 Kanchanaburi, the Social Security Office (SSO) had previously instructed the employer to award the descendant a compensation

On 12 September 2018, the Labor Court Region 7 Kanchanaburi was scheduled to conduct witness examination as Ms. Hla Nyunt Sein had filed the case against the Petchaburi SSO as defendant no. 1 and the Workmen's Compensation Fund (WCF) as defendant no. 2. Previously, the two authorities had ruled a migrant worker from Myanmar, Mr. Ko, who had died during his work on board a fishing boat, was not eligible for benefit from the WCF. Instead, the WCF had instructed his employer to pay the plaintiff the compensation and had also dismissed the plaintiff's appeal.

During the witness examination, two issues are set out by the Court for review;

1. Is Ms. Komkai Mani, the employer, obliged to pay contribution to the WCF as required by the WCF Act 1994 or not?
2. Is there a reason to revoke the decision no.1/2561 made on 9 March 2017 or not?

A member of WCF and a fishery official from Phetchaburi who were examined affirmed the order issued by the Phetchaburi SSO to instruct the employer to offer the plaintiff the amount of 456,768 baht as compensation. The fishery official gave evidence about the year-round fishing practice. After the defense witness examination, the Court urged Ms. Komkai Mani, the employer as defendant no. 3 and Mrs. Hla Nyunt Sein, the descendant as plaintiff in this case, to seek a settlement in a closed meeting in which only an interpreter and prosecutors were allowed to attend. The mediation lasted until 14.30 without a recess and the two parties have eventually reached an agreement that;

1. On 12 September 2018, the plaintiff, Mrs. Hla Nyunt Sein, accepted the amount of 250,000 baht as compensation from the defendant no. 3. It shall be paid in two installments, the first of which, 100,000 baht, shall be paid up front.
2. On 18 September 2018, the defendant no. 3 has paid the outstanding amount, 150,000 baht, to the plaintiff and the plaintiff has withdrawn the case against the three defendants.

The Thai government has placed an importance on maintaining a policy to combat Illegal, Unreported and Unregulated Fishing (IUU) and ensure sustainable fishing as well as to protect fishing workers. Therefore, it is urgently important for Thailand to sign the International Labour Organization's Convention C188 - Work in Fishing Convention, 2007. The eradication of IUU aside, it shall help to enhance protection of the rights of fishing workers including the compensation covering work-related injuries which in Thailand means access to WCF when they are harmed, die or have gone missing during the course of their work. Fishing is hard and hazardous work. Yet, fishing workers are still deprived of access to WCF. The SSO's order for the employer to offer the compensation still fails to resolve the situation and as a result the workers have to seek judicial remedies.

For more information, please contact Mr. Wichan Thamrai, Human Rights and Development Foundation (HRDF), phone 087-138-7897, e-mail: legal.wichan@gmail.com