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Press Release

Labor Inspector from DLPW Satun Orders a Boat Owner to Pay 209,600 THB in Backwages Compensation for Two Burmese Fishers After Mediation at Satun Court the Fishers Receive only 70,000 THB Each

On 13th Mar, 2019 Labor Court of Region 9 made appointment for mediation and evidence taking for the case that two Burmese fishers had filed a wage complaint to DLPW Satun. After interview and finding information, a labor inspector had ordered the boat owner to pay 105,200 THB and 104,400 THB to two fishers. This amount was half of what the original wage claim was, even though the original wage claim was a conservative estimate based on the required minimum wage—and an estimate that fairly accounted for several advances. The amounts were calculated from working hours and wages that the fishers were owed and had the right to be paid for the period from August 2016 to December 2017. Later, the owner appealed to the labor court to oppose the order.

During the mediation, the fishers insisted that they had the right to be paid with the amount as ordered. However, the boat owner had offered to pay only 30,000 THB to each fisher, and provided the reason that they had paid the fishers' debt from previous owner and broker. One of the fishers argued that he was not recruited by any broker. Another fisher stated that he was in debt with the previous boat owner for only 3,500 THB and that he had already paid back his debt. During the mediation process, both fishers insisted on receiving the compensation as ordered by the labor inspector. However, after being informed about the potential for a lengthy, drawn out and complex future judicial process, both fishers agreed to accept the reduced 70,000 THB payment from the owner.

In addition, with this same case there were other 6 fishers had also filed the same wage complaint to Satun labor inspector. However, the boat owner from Satun communicated with the current boat owner from Ranong to contact with the 6 fishers and asked them to sign off the complaint. Six fishers signed off the complaint because they were afraid that the current employer would fire them. Therefore, there were only these 2 fishers who were able to attend the mediation as mentioned above.

This is another case reflecting that migrant workers are not be able to effectively and fully access their labor rights protection system. The judicial process is a complicated and long process. As a result, the Thai government is not able to protect migrant worker's rights effectively. Most of the cases end at the mediation process at the DLPW or in court where migrant workers reluctantly agree to accept or agree with the compensation offered that is much lower than what they should be legally paid and lower than minimum standard according to the law.

In addition, due to the shortage of workers in fishing industry when workers would like to change to new employers, the current employers always refuse to sign off the paper in order to have the workers continue working with them. They usually use the excuse that the workers are in debt—including the debt from broker and document fee—and that the fisher should repay the debt before they can change employers. In most cases, the workers' documents are retained, and consequently, the workers are forced to:

- (1) Sign off on a release of their wage complaints or;**
- (2) Unwillingly continue working with the employers or;**
- (3) Find new employers and ask them to pay their debt. But then the workers will be in debt with the new employers (debt bondage).**

Even though, this kind of exploitation is illegal and leads migrant workers into forced labor or human trafficking situations, the Royal Thai Government still does not have effective and efficient solutions for these serious issues.

Background

Eight Burmese fishers had asked for legal assistance from the ITF Fishers Rights Network (FRN) after not being paid their salary for 13 months (as mentioned in their contract). FRN assisted the fishers to file a DLPW wage complaint, and referred the case to HRDF for legal assistance. Later, 6 fishers signed off on a release of the complaint at PIPO Kuraburi because they were afraid that they could not be able to work with current employer in Ranong if they did not sign off. Therefore, there were only 2 fishers who continued the process and asked for their rightful backwages from the boat owner.

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