

Migrant workers' rights in food supply chains

The case of the poultry sector in Thailand

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MIGRANT WORKERS' RIGHTS IN FOOD SUPPLY CHAINS

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This policy brief is based on the results of the research *Migrant women's rights in the poultry supply chain in Thailand*, authored by Daniel Lindgren, Rattanaluk Tungjiewlee, and Jacob Bogart from Rapid Asia, and Magherita Romanelli from WeWorld.

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Introduction

This policy brief is based on the results of the WeWorld and Rapid Asia report *Migrant women's rights in the poultry supply chain in Thailand*, authored by Daniel Lindgren, Rattanaluk Tungjiewlee, and Jacob Bogart from Rapid Asia and Margherita Romanelli from WeWorld. Both the report and the policy brief are part of the project Our Food Our Future (CSO-LA/2020/411-443), co-financed by the European Commission within the DEAR Programme (Development Education and Awareness Raising Programme) and promoted by WeWorld together with 15 other European organisations. The project aims to promote alternative and critical models of consumption, socially and environmentally sustainable agrifood supply chains, and full respect for the rights of male and female workers, with particular attention to the groups most vulnerable to labour exploitation such as women migrant workers.

The research work made by WeWorld and Rapid Asia lasted about 6 months starting at the beginning of 2023: it has come at a critical time, with the advent of a new era of due diligence requirements around the world. Upcoming laws, such as the Corporate Sustainable Due Diligence Directive (CSDDD), are poised to significantly reshape the way corporations ensure responsible business conduct within their global supply chains. These legal instruments have the potential to become powerful tools in advocating on behalf of workers in various industries, including those in developing countries.

In this context, the Thai poultry industry represents an illustrative case study. As a critical sector in Southeast Asia, its supply chain often involves intricate labour practices, and the inclusion of migrant workers adds further complexity. The imminent enforcement of laws like the CSDDD could have profound implications with regard to ensuring better working and living conditions for workers within this industry, and particularly Cambodian women migrant workers. This intersection between global due diligence requirements and the Thai poultry industry forms the backdrop to this report.

Conducted by WeWorld and Rapid Asia, this research is aimed at investigating the dynamics of migration, recruitment processes, working conditions, and related human rights due diligence in the Thai poultry industry, with a particular focus on female Cambodian migrant workers. The goal is to provide comprehensive insights that can guide policy-making and support both governmental and non-governmental efforts to promote migrant workers' rights. By linking the impending due diligence requirements with the unique challenges and opportunities in this industry, the report underscores the potential for new

legislation like the

CSDDD to act as transformative catalysts in enhancing labour standards and protecting human rights.

Critical issues in the Thai Poultry value chains

The situation of migrant workers in Thailand is often precarious, particularly in industries that lack regulation and are susceptible to abuse. Female migrant workers endure additional hardships compared to their male counterparts. Though it is encouraging that severe forms of abuse were not found in larger factories in the Lopburi and Saraburi Provinces, the report conducted by WeWorld and Rapid Asia identifies persistent issues such as recruitment fees charged to workers, withholding of identity documents, inadequate awareness of workers' rights, and concerns over wage and overtime regulation.

Conditions are even more challenging on small rural farms, with unique problems such as the absence of strong trade unions, financial struggles leading to poor conditions, and the responsibility for complying with labour laws often being shifted to recruitment agencies. Barriers to accessing justice for migrant workers are further complicated by policy regulations that prioritise penalising improper work documentation over enhancing conditions. Even if some governmental efforts to remedy these concerns exist, that progress is slow and hindered by problems with coordination and standardisation.

To achieve sustainability and combat unfair and exploitative labor conditions for migrant workers in the Thai poultry sector, it is imperative to address more strategic and systemic issues. These include:

1. **Trade Unions and Collective Voice and Bargaining:** Both small farms and large processing companies often lack strong representation through trade unions, which is crucial for collective voice and bargaining.
2. **Relationship Between Small and Large Companies and Externalization of Exploitation:** Unlike larger companies, smaller farms face challenges in competition that often compel them to reduce salaries and human resource costs. Furthermore, subcontracting relationships create a risk of incentivizing the "externalization of exploitation" from larger to smaller entities.

3. **Due Diligence Across the Entire Value Chain:**

The onus of complying with contractual and labor laws frequently rests on the recruitment agencies that supply manpower to the companies, rather than on the companies themselves, which undermines a comprehensive approach to due diligence.

4. **Legal Limitations and Access to the Justice System:**

Migrant workers encounter substantial barriers in accessing justice, such as language difficulties, prohibitive costs, time constraints, and the risk of irregular status if they report abuse.

passport fees, travel, health insurance, and other miscellaneous expenses. In some cases, these fees were deducted from the worker's wages by the employer or agent,

and their passports were withheld until fees had been repaid in full. Such practices violate international labour rights standards.

Upon arrival, some workers faced additional challenges, including the withholding of passports and related ID documents by their employers, an indicator of potential forced labour. Furthermore, the absence of signed contracts for several workers, including some employed by large companies, increased their vulnerability to exploitation. In some instances, this may be due to direct recruitment by an agency that holds the contract, or the workers' lack of awareness of the importance of contracts in establishing their rights and responsibilities. Such irregularities in recruitment practices further highlight the vulnerability of migrant women in the workforce and their potential exposure to exploitation.

Key findings from the research

Recruitment Process

Migrating to Thailand has emerged as an appealing choice for Cambodian women, mostly aged around 33, seeking better economic opportunities. 48% of respondents were previously engaged in agriculture in Cambodia. Pull factors include higher salaries in Thailand, friends, neighbours, and family members encouraging migration, and a substantial Cambodian community within Thailand. Most information received by the migrants was deemed accurate and trustworthy.

Recruitment to Thailand occurs through several channels, including informal, acquaintance-based systems, and formal channels such as recruitment agencies. Approximately 40% of the interviewed migrants transitioned to Thailand through recruitment agencies, which assisted them with legal documentation and transportation. Others handled the move themselves or sought help from acquaintances. Thai law states that companies should cover the migration costs, but this is rarely implemented.

Only a minority of the migrant workers interviewed faced challenges in migrating to Thailand. Challenges that did arise mainly involved issues such as not obtaining the migration card required to legally reside and work in Thailand. However, the majority did not face such issues, thanks to proper documentation and support from recruitment agencies, factories, or relatives.

Despite this, migrant workers encountered significant costs during the migration process, ranging from 10,000 to 30,000 baht [USD 288 to USD 865]. These costs covered

Work Conditions

Labour laws in Thailand seek to inform migrant workers of their rights and benefits, but communication barriers, particularly with regard to language, make understanding difficult. Irregular migrant workers find themselves in even worse situations, with little say on their entitlements. They face a number of challenges, including:

- **Understanding Rights and Benefits:** Migrant workers often have rights but lack an understanding of what they are. Companies should provide training to overcome language barriers and make policies and documents accessible.
- **Working Hours and Annual Leave:** Most workers reported working six days a week, eight hours a day, with additional overtime, resulting in up to 60 hours per week, above the legal 48-hour limit. Overtime and rest days were often unpredictable, but could usually be refused. Annual leave entitlement varied, falling short of the 13-day legal requirement, with a quarter of interviewees rarely taking leave in order to maximise earnings.
- **Salary:** The legal minimum wage requirement is not always met, and variations were reported among workers. Overtime pay was roughly in line with legal requirements, but the potential health hazards in poultry factories could necessitate further investigation into lawful pay in coherence to the high-risk sector.

- Deductions: Salary deductions, late payments, and unpaid wages were reported. Support systems like dormitories in larger factories exist but may result in pay cuts, with uncertainty over employer coverage.
- Safety, Control, and Constraints regarding Changing Employers: Most working conditions were acceptable, but safety issues such as cuts while chopping were reported by over 70% of workers. Use of mobile phones was restricted, and taking photos was strictly prohibited, creating fear among workers. Withholding identity documents limited mobility, and some workers faced restrictions in relation to quitting their jobs due to debt or withheld documents. Thai law itself imposes constraints on changing employers, but some legally employed workers felt confident about leaving their jobs, mostly staying to earn more than in their home country or to repay migration-related debts.

Female migrant workers in Thailand encounter distinct challenges in the workplace. They are often assigned lighter tasks than their male counterparts, while also facing potential risks of sexual harassment and violence, although awareness of what constitutes harassment may be lacking. Pregnant workers are subject to constraints on reproductive freedom, often facing pressure not to get pregnant, and while some support exists, it varies widely. The situation of women is further complicated by limited sanitary facilities and inadequate provisions, with legal requirements sometimes being overlooked or superficially implemented by employers.

Living Conditions, Support Systems and Accommodation

The challenges extend to migrant families' living conditions, as facilities provided by factories are not designed to accommodate children, leading to precarious situations in which children may be left alone or exposed to the workplace. Inconsistencies have also been reported as regards the provision of legally mandated facilities like a nurse's room or emergency vehicles, which often only exist as a "box-ticking" exercise without practical implementation. This landscape contributes to a complex environment that can compromise women's safety, dignity, and rights in Thailand's migrant labour force.

Support systems for migrant workers in Thailand often revolve around care provided by employers, particularly in the event of workplace injuries. Many migrant workers reported receiving medical care and time off for injuries, sometimes even expressing satisfaction and a sense of safety with their employers. This support frequently prevents workers from needing to avail of public services,

creating dependency on the employer, especially in isolated workplaces like rural farms. In contrast, however, some employers may prevent employees from claiming compensation to avoid extra costs, though this was less commonly reported.

For female migrant workers, issues of abuse and exploitation remain serious, with entitlement to remedy and social protection often hindered by barriers like language and fear of retribution. While government bodies exist to address these issues, they are often limited by bureaucracy or lack of effort, leaving many workers to rely on NGOs for support, information, financial aid, and medical assistance. The ability to form unions is also hampered by government opposition and the growing use of recruitment agencies that hold contracts, preventing union membership. Large companies may further obstruct union presence by creating internal councils that lack collective power. Awareness of legal rights and entitlements among migrant workers varies, contributing to a complex and sometimes precarious landscape of support and protection.

The majority of migrant women interviewed live in dormitories made available by the employer. Despite the fact that "the international standard on worker housing states that it is generally not desirable for employers to provide housing for their workers directly," the interviewed migrants accept this solution to reduce costs for private accommodation, as well as the expense and time involved in commuting to the workplace. However, the accommodation facilities provided do not meet the basic standards recommended by the ILO to ensure adequate and decent housing and a suitable living environment, especially in terms of availability of services, materials, facilities, infrastructure, and habitability. During the field visit, the migrant women interviewed explained that, on average, a 16-square-metre room is shared by four people. Generally, while two roommates sleep, the other two are at work. They all have a mat that they fold up when they go to work. The rooms have no windows, are heated, and the walls are stained. While shared with friends, living conditions are described as poor and in desperate need of improvement.

Policy recommendations

- **To the Poultry Farm:** End recruitment fees and repay costs to current employees; ensure contracts and training are provided in an accessible language; align with international standards (fair wages according to the risk, healthy workspace, not document retention, etc.) including UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises, to implement a robust due diligence process aimed at safeguarding both human and environmental rights with a focus on fair wages, reasonable working hours, worker dignity, and respectful treatment; establish anonymous, safe grievance mechanisms; permit independent third-party inspections; facilitate independent accommodations; promote gender equality, improve legal assistance for gender violence reporting; champion sustainability across the industry, including small rural farms.
- **To the Thai Government:** Reform the migration process; decriminalise irregular migrant workers; increase inspections regarding compliance with rights; promote unionisation (and migrants' associations and trade unions in particular); adopt a mandatory human rights due diligence (HRDD) law in line with UN Guiding Principles; incentivise compliance across the poultry sector; strengthen access to justice for workers, migrant workers and victims of violation; prepare for European HRDD law (CSDD Directive) compliance; provide decent housing and access to services for migrant workers; campaigning against gender-discrimination ratify ILO Convention 190.
- **To European Governments and the European Union:** Collaborate with the Thai Government on HRDD law covering the poultry sector, in line with UN Guiding Principles; ensure attention to vulnerable groups; require European companies and those doing business with companies in Europe to carry out thorough human rights due diligence procedures throughout their entire value chain, and to be transparent with regard to product provenance and rights compliance; adopt a comprehensive Corporate Sustainability Due Diligence (CSDD) Directive with broad application and robust liability and penalties, including meaningful involvement of stakeholders and CSOs and access to justice for victims; impose penalties for non-compliance with the HRDD; apply due diligence to commercial agreements.

WeWorld

WeWorld è un'organizzazione italiana indipendente impegnata da oltre 50 anni con progetti di cooperazione allo sviluppo e di aiuto umanitario, attiva in 27 Paesi, compresa l'Italia.

WeWorld lavora in 165 progetti raggiungendo oltre 10 milioni di beneficiari diretti e oltre 54 milioni di beneficiari indiretti.

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Mission

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Vision

Vogliamo un mondo migliore in cui tutti, in particolare bambini e donne, abbiano uguali opportunità e diritti, accesso alle risorse, alla salute, all'istruzione e a un lavoro degno. Un mondo in cui l'ambiente sia un bene comune rispettato e difeso; in cui la guerra, la violenza e lo sfruttamento siano banditi. Un mondo, terra di tutti, in cui nessuno sia escluso.

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