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POLICY BRIEF

THE LEGAL EXCLUSION OF MIGRANT WORKERS FROM THE FREEDOM TO FORM UNIONS: Migrant Fishermen's Struggles for Wages and Decent Working Conditions in the Thai Fishing Industry



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Introduction

Since the outbreak of forced labor scandals in the Thailand's fishing industry in 2014 and 2015, the Royal Thai government has undertaken a number of reforms such as the installation of Port-in Port-Out inspection centers, ratification of Work in Fishing Convention, ILO (No.C188) and the Forced Labor Protocol (No.29), and amendment of fisheries law and the anti-trafficking act (United Nations Network on Migration, 2024). However, the government has not made any reform attempt on freedom of association and collective bargaining. The 1975 Labor Relations Act of Thailand prohibits migrant workers from establishing trade unions, or becoming board members (Marks & Olsen, 2015; Vandergeest & Marschke, 2021). The Act only allows migrant workers to join unions of national workers (Thai Contracts, 2025; Vandergeest & Marschke, 2021). The fishing industry is largely sustained by migrant workers with few Thai workers present. (Chantavanich, Laodumrongchai, & Stringer, 2016). Given that Thai workers are needed to establish a Trade Union in Thailand, there is little possibility for migrant workers to exercise this right (United Nations Network on Migration, 2024).

This brief examines the impact on wages and working conditions because of the legal exclusion of migrant workers from freedom to form labour unions in the Thai fishing industry.



Note. Adapted from “Map collection”, by P-LEPETIT.com, 2015 (<https://patricklepetit.jalburn.net/SONGKHLA/MAPROOM/00-MAPS.html>)



The Challenges of Wages and Lived Experiences in Songkhla Province's Fishing Industry



Four Main Themes



1) WAGE ISSUES



2) IDENTITY DOCUMENT TRAPS



3) UNSAFE WORKING CONDITIONS



4) DISCRIMINATION

These themes are synthesized into a broader category that reveal a recurring structural pattern. The research finds that economic vulnerability derives from wage violation; legal vulnerability from legal document traps; physical vulnerability from unsafe working conditions; and social vulnerability from discrimination. These vulnerabilities intersect to create a system of labor controls which creates pathways for exploitation and enables a continuous exploitation of wages and the normalization of poor working conditions in the industry.

1) Economic Vulnerability: Wage Issues

There is a significant wage settlement problem in the fishing industry of Songkhla. Out of 12 migrant fishermen who participated in the interviews, 7 reported they are not paid monthly. Some migrant fishermen are paid in three-month cycles, while others are paid in ten-month cycles (In-depth interviews 006, 007, 009, 010, 011, 017, and 018, July 14–16, 2025). This payment pattern is somewhat associated with informal subcontractor systems derived from labor shortages. In Songkhla, this system serves as a key mechanism through which migrant fishermen are recruited, supervised, and have their wages determined, with payments made in cash (in most cases), and channeled through the informal subcontractors.



One fisher shared his experience of financial exploitation:

“The employer cheated my wages. The salary was settled every three months, and when it was time to settle it, the employer gave me only 10,000 THB and told me to go back home”

(In-depth Interview 010, Cambodian fisher, July 15, 2025).

There are two different opinions among fishermen about the quarterly or the ten-month interval payment structures. Some fishermen view lump sums payment as a way of saving money (In-depth Interviews 006, 007, 017, and 018; July 14 -16t 2025). Other fishermen reported that they want to be paid monthly, if possible, to avoid ending up in debt or financial difficulty (In-depth Interviews 009, and 010, July 14 -16, 2025).

Another key problem is that there is no payment on off sea days, which can amount to months without pay. A total of 4 fishermen from an anchovy vessel reported that during the monsoon season their fishing vessel remain docked onshore for up to 4 months and the fishermen did not get paid during this period (In-depth Interviewee 012, 014, 015, and 016, July 15, 2025). Consequently, fishermen end up in debt due to a lack of income.

2) Legal Vulnerability: Identity Document Trap

While fishermen are not paid during off-sea days, the option for changing to a new fishing vessel is also limited. This is because fishermen are tied to legal documents, and debts owed to employers arising from documentation or recruitment fees. The documentation fee for each round of registration to obtain legal status costs migrant fishermen 20,000 - 30,000 THB (approximately 600 - 900 USD) (See table 1). The official recruitment fee according to Thai Authorities is around 75 USD (International Organization for Migration, 2025). Registration or recruitment of fishermen is often facilitated by brokers or recruitment agencies with minimal regulatory oversight by the government (In-depth interview 008, July 15, 2025).

There are three arrangements for repaying the documentation fee:

- 1** Fishermen bear the full cost themselves;
- 2** Employers cover the entire amount; or
- 3** Employers share half of the costs with the fishermen.

Employers' coverage of documentation fees often comes with certain conditions which lead to dependency that deepen the employers' control over fishermen. To exemplify, if fishermen leave the job, they will have to repay all the money employers have covered for the period of their employment (In-depth interview 013, July 15, 2025). It links to the problem of a lack of possession of ID documents. The research found that none of the fishermen who participated in this interview have their identity documents in possession. Fishermen report that they can retrieve their identity documents when needed but they expressed that they want to have their document in possession if possible.

Table 1: Overview migrant fishermen' salary range, recruitment fees, deductions arrangement, status of identity document in possession

Participant ID	Position	Salary	Documentation fee	Arrangement of documentation fee	Document in possession
006/2025	Crew	12,000 THB /month	24,000 THB	half-half with employer	No
007/2025	Crew	12,000 THB /month	24,000 THB	half-half with employer	No
009/2025	Crew	12,000 THB /month	Do not know	Employer cover full cost	No
010/2025	Crew	12,000 THB/month	20,000 THB	half-half with employer	No
011/2025	Mechanic	17,000 THB/month	20,000 THB	uncertain if employer will help contribute	No
012/2025	Crew	12,000 THB/month (share of catch)	12,000 -14,000 THB	Employer cover full cost	No
013/2025	Foreman (chiev)	12,000 THB plus 2% share of catch	Do not know	Employer cover full cost	No
014/2025	Crew	12,000 THB - 13,000 THB	Do not know	Employer cover full cost	No
015/2025	Crew	12,000 THB	14,000 THB	half-half with employer	No
016/2025	Crew	12,000 THB	14,000 THB	half-half with employer	No
017/2025	Crew	18,000 THB	30,000 THB	half-half with employer	No
018/2025	Crew	13,000 THB (last year / this year do not know yet)	15,000 THB	half-half with employer	No

Note. Data collected by the researcher through field interviews, Songkhla, from 3-16 July 2025.

3) Physical Vulnerability: Health and Safety Risk

The problem of lack of consecutive holidays, and timely access to medical treatment in the event of injury or illness have been identified as the key health and safety concerns. Once the vessel returns to shore to unload, it remains onshore only one night and then vessels return to sea the following morning for the next round of the catch, leaving fishermen little leisure time onshore (In-depth interview 006, 007, 009, 010; and 017, July 1-30, 2025). In the event of illness or injury on board, fishermen reported that fishing vessels often fail to return to shore promptly, preventing timely access to medical treatment. The absence of timely medical treatment and the lack of consecutive holidays underscore the critical health and safety risks faced by fishermen at sea.



Interviewee 006 expressed that:

"The change I hope to see is, when fisher drowns or when a fisher is sick or gets injured on board at sea, I hope to get help on time. I want the vessel to return to shore on time so that fishermen get treatment on time" (In-depth interview 006, July 14, 2025).

4) Social vulnerability: Discrimination at Work

Although migrant workers are needed by employers to perform precarious work on fishing sector, many of them face discrimination and unfair treatment when it comes to benefits at work. Fishermen reported that when a national worker dies at sea because of an occupation accident, there are services to repatriate the body back to family members for a ceremony; but however, such benefits are not available for most migrant fishermen (In-depth interview 006, July 14, 2025).





Migrant fishermen in Songkhla, especially Cambodians, who come to work in Thailand alone or sometimes with other males' friends or relatives, leave their immediate family members behind. In cases where a migrant fisherman accidentally passes away, there are often no family members present to perform funeral rites in accordance with their traditions. For relatives to travel to Songkhla to arrange the funeral involves considerable costs for traveling, which many families are unable to afford. Songkhla province does not share a border with Cambodia or Myanmar; thus, a temporary border pass cannot be used in this context (The Government Public Relations Department, 2022), making it even harder for family members to travel. Fishermen demanded standards for the repatriation of the dead back to the border point for family members especially when fishermen die while working.

Conclusion and Recommendations

This research finds that the problem of wage exploitation and poor working conditions experienced by migrant fishermen in fishing industry of Songkhla stem not only from the legal exclusion of migrant workers from the right to form trade unions, but also from an overall labor control system that exacerbates migrant fishermen's vulnerability and the inability of migrant fishermen to shape their employment outcome.

In order to improve the situation of migrant fishermen in the fishing industry of Songkhla, the following actions are recommended:

1. Adoption of the ILO's guidelines on establishing a fair labor market for migrant fishermen into Thailand's domestic laws and policies for migrant fishers
2. Ratification of ILO's Freedom of association and collective bargaining C87 and 98
3. Regulation of the broker system in migrant fishermen registration, including policy and regulations on how much service fee can be charged for recruitment services
4. Ensure effective enforcement of the "0" cost recruitment law
5. Addressing the informal subcontractor system in the fishing industry
6. Ensure the right to be repatriated to shore in case of injury at sea and ensure the return of deceased workers to their home country in the event of death at sea

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About this Brief

This policy brief is based on qualitative field research conducted in Songkhla Province, Thailand in July 2025. The data were collected through in-depth interviews with migrant fishermen and relevant stakeholders. The brief aims to inform policymakers and practitioners by highlighting key gaps in labor protection and proposing evidence-based recommendations.

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