



# Forced Labor and Human Trafficking Risks for Seasonal Workers in the Thai Sugarcane Industry

Photo: Suthep Kritsanavarin



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The United States Agency for International Development (USAID) has awarded Winrock International the USAID Thailand Counter Trafficking in Persons (CTIP) program, which aims to reduce Trafficking in Persons (TIP) and better protect the rights of trafficked persons in Thailand. Winrock and its implementing partners work to reduce demands and incentives for trafficked labor, empower at-risk populations to safeguard their rights, and strengthen protection systems for survivors.



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# Acronyms and Abbreviations

|       |  |
|-------|--|
| ASEAN | Association of Southeast Asian Nations             |
| ATK   | Antigen Test Kit                                   |
| CSO   | Civil Society Organization                         |
| CTIP  | Combat Trafficking in Persons                      |
| FGD   | Focus Group Discussion                             |
| FL    | Forced Labor                                       |
| GDP   | Gross Domestic Product                             |
| HPH   | Health Promotion Hospital                          |
| ILO   | International Labor Organization                   |
| KII   | Key Informant Interview                            |
| LPN   | Labor Protection Network                           |
| MOL   | Ministry of Labor                                  |
| MOPH  | Ministry of Public Health                          |
| MOU   | Memorandum of Understanding                        |
| NGO   | Non-Governmental Organization                      |
| PDR   | People's Democratic Republic                       |
| PPE   | Personal Protective Equipment                      |
| SERC  | State Enterprise Workers' Relations Confederation  |
| TCCC  | The Coca-Cola Company                              |
| THB   | Thai Baht  |
| TIP   | Trafficking in Persons                             |
| TOR   | Terms of Reference                                 |
| USAID | United States Agency for International Development |
| WASH  | Water, Sanitation, and Hygiene                     |

# Executive Summary

Thailand is susceptible to multiple manifestations of forced labor (FL) and trafficking in persons (TIP), including in its low-paid sugarcane industry, which relies primarily on seasonal labor—both Thai and foreign. Specific challenges exist, including a lack of regulation/enforcement and labor relations issues. In order to strategically address the barriers to combating TIP in Thailand, the United States Agency for International Development (USAID) introduced the Counter Trafficking in Persons (CTIP) Project, to reduce TIP and better protect the rights of trafficked persons in the country. The USAID Thailand CTIP project works through reducing demand and incentives for using trafficked labor, empowering at-risk populations to safeguard their rights, and strengthening protection systems for survivors. As an effort to conduct this work in the country, Winrock International in Thailand was awarded the USAID Thailand CTIP program in 2017.

To a certain extent, Thailand's sugarcane industry, one of the five largest in the world, is a known problem area for labor relations. Research done by the International Labor Organization (ILO) in 2018<sup>1</sup> detected a very low rate of written and signed work contracts. The same report also found that of its three focus industries—sugar, rubber, and maize—cases where workers were indebted to their employers and worked without rest days were most acute in the sugarcane industry. Similarly, USAID Thailand CTIP, through its work in the sugarcane industry between 2020 and 2021, observed that a lack of employment contracts, debt bondage risks, and underpayment of wages persist. This research on TIP and FL risks in the sugarcane industry builds on this previous research on working conditions and human trafficking risks, while attempting to account for the impacts of the COVID-19 pandemic and recent regulatory changes. The primary field research and data collection at the farms and mills, including key informant interviews (KIIs) and focus group discussions (FGDs) with workers, were completed between April and May 2022.

The field research noted that seasonal sugarcane farm laborers face multiple problems, particularly: undocumented recruitment practices; advance monies paid by farm owners to laborers—with the potential of debt bondage; unsafe or inequitable transportation practices; unsafe or substandard accommodation and quality of life; poor or no provision for healthcare; the presence of workers' children on farms—including in the fields; and a lack of worker awareness of grievance mechanisms.

This research on TIP and FL risks in the sugarcane industry makes several recommendations to improve the situation.

Given that Thailand's sugarcane industry is facing multiple challenges, the report recommends improving industry practices (for instance, ensuring workers receive written contracts) with measures that provide greater assurances to both laborers and employers. In the medium-term, all stakeholders should work towards improving government policy via the 2014 ministerial regulation and the 2017 royal ordinance, with longer-term improvement taking place by amending the Labor Protection Act B.E. 2541 (1998).

## Introduction

### Background

Thailand is a source, transit, and destination country, making it susceptible to multiple manifestations of forced labor (FL) and trafficking in persons (TIP). Deep-rooted social discrimination and a lack of regulation/enforcement—together with an ongoing demand for low-skilled labor—further exacerbates TIP in Thailand. Consequently, the United States Agency for International Development (USAID) developed the Thailand Counter Trafficking in Persons (CTIP) Project to strategically address barriers, decrease demand and incentives, reduce trafficking, and protect the rights of trafficked persons. The USAID Thailand CTIP Project empowers at-risk populations to safeguard their rights and strengthens protection systems for survivors. Winrock International was awarded the USAID Thailand CTIP program in 2017 to conduct this work.

This study builds on previous research conducted by USAID Thailand CTIP (2020–2021) and other actors such as the International Labour Organization (ILO) in 2018 and The Coca-Cola Company (TCCC) in 2014 and 2017, with the scope specifically focusing on seasonal sugarcane workers. These workers' employment is tied to natural seasons in sugarcane farms in Thailand, meaning that the work they do is not year-round, but is limited to specific periods of the year.<sup>2</sup> Seasonal workers can be Thai or foreign; this report will specify whether Thai or foreign.

### Sugarcane Industry Overview

According to the International Sugar Organization, Thailand was the second largest net exporter of sugar in the world as of 2019, accounting for 19 percent of the global market.<sup>3</sup> Competitive production costs have contributed to making Thai sugar highly competitive, with domestic prices low and second only to Brazil.<sup>4</sup>

The sugarcane industry is a key driver of the Thai economy, with sugar being the third largest exported

1 International Labor Organization. 2021. "Working and employment conditions in the agriculture sector in Thailand." [https://www.ilo.org/wcmsp5/groups/public/asia/ro-bangkok/documents/publication/wcms\\_844317.pdf](https://www.ilo.org/wcmsp5/groups/public/asia/ro-bangkok/documents/publication/wcms_844317.pdf).

2 Legal Affairs Division, Department of Labor Protection and Welfare. Labor Law Advice. [https://legal.labour.go.th/attachments/article/161/59\\_000003.pdf](https://legal.labour.go.th/attachments/article/161/59_000003.pdf).

3 International Sugar Organization. 2022. The Sugar Market. <https://www.isosugar.org/sugarsector/sugar>.

4 Krungsri Research. 2022. Industry Outlook 2021–2023: Sugar Industry. <https://www.krungsri.com/en/research/industry/industry-outlook/agriculture/sugar/IO/io-sugar-21>.

product in Thailand, following rubber and rice. In 2017, the Bank of Thailand reported that the sugarcane industry supported the livelihoods of 427,395 households; the sugar industry accounted for 21 percent of Gross Domestic Product (GDP).<sup>5</sup>

The majority of sugarcane farms are small to medium in size and are located across the central, northeastern, and western regions of the country, with Nakhon Sawan, Kamphaeng Phet, Kanchanaburi, and Udon Thani provinces accounting for 26.6 percent of the total number of sugarcane farms.<sup>6</sup> Sugarcane mills are operated by a handful of large players, together owning 57 mills<sup>7</sup> across the country. Mitr Phol Group accounts for the largest share of the market, followed by the Thai Roong Ruang Sugar Group, Khon Kaen Sugar Industry Public Company Limited, Kaset Thai International Sugar Corporation Public Company Limited, Wangkanai Sugar Group Company Limited, and Cristalla Company Limited.<sup>8</sup> In addition to the production and sale of raw, white, and refined sugars, some of these companies have also invested in businesses related to the by-products from the refining process—such as using molasses to produce ethanol and bagasse to produce paper.

The production of cane sugar starts with cultivation and harvesting of sugarcane at the farm, followed by processing it in factories and sugarcane mills. The crop cycle varies between regions and by crop variety, but overall, it follows the rainy season. In general, the crop is planted between October and February and takes 10–14 months to mature. Harvesting is then completed in April or May. Due to the brief cultivation period, sugarcane harvesting is more physically intensive than harvesting for other crops; within a span of just a few months,<sup>9</sup> workers are tasked with driving tractors and cane chopping, burning, and cleaning.

As more Thai workers shift from agriculture to industry jobs, the sugarcane industry has faced a persistent issue of labor shortage. In recognition of this issue, the Thai government has introduced measures to facilitate the movement of foreign workers into Thailand to fill this gap. The Royal Ordinance Concerning the Management of Employment of Migrant Workers B.E. 2560 (2017) is the primary mechanism governing the recruitment and employment of migrant workers in Thailand and includes special conditions for employment of seasonal migrant workers in the eight border provinces.<sup>10</sup> Under section 64 of this ordinance, employers based in border provinces

have the option of hiring migrant workers along the border, using short-term contracts. Although costs and documents needed for seasonal migration under section 64 may be less rigorous than the official memorandum of understanding (MOU) procedure outlined in the remaining sections of the Royal Ordinance, labor migration via section 64 offers fewer benefits and social protection.

Despite government efforts to facilitate worker movement, the industry continues to face labor shortage issues, worsened even more by travel restrictions during the COVID-19 pandemic. In Loei province alone, the Highland Sugarcane Farmers' Association and the Loei Sugarcane Farmers' Association reported in January 2022 that their members needed 10,231 migrant workers to fill in the labor shortage.<sup>11</sup> In March 2022, a survey done by the Ministry of Labor (MOL) revealed that employers in border provinces are understaffed by at least 32,479 workers.<sup>12</sup> Although this is for all sectors—including sugarcane—it illustrates an overall labor shortage in the agriculture sector.

**FIGURE 1: SUGARCANE PRODUCTION IN THAILAND<sup>13</sup>**



5 Bank of Thailand. 2017. [https://www.bot.or.th/Thai/MonetaryPolicy/NorthEastern/Doclib\\_Seminar60/2SugarcaneIndust.pdf](https://www.bot.or.th/Thai/MonetaryPolicy/NorthEastern/Doclib_Seminar60/2SugarcaneIndust.pdf).  
6 Krungsri Research. 2022. Industry Outlook 2021–2023: Sugar Industry. <https://www.krungsri.com/en/research/industry/industry-outlook/agriculture/sugar/IO/io-sugar-21>.  
7 Office of the Cane and Sugar Board. 2020. Sugarcane Mills. <http://www.ocsb.go.th/upload/law/fileupload/12450-2657.pdf>.  
8 Bank of Thailand. 2017. [https://www.bot.or.th/Thai/MonetaryPolicy/NorthEastern/Doclib\\_Seminar60/2SugarcaneIndust.pdf](https://www.bot.or.th/Thai/MonetaryPolicy/NorthEastern/Doclib_Seminar60/2SugarcaneIndust.pdf).  
9 International Sugar Organization. 2022.  
10 The border provinces include Sri Saket, Surin, Sa Kaeo, Trat, Chiang Rai, Tak, Kanchanaburi, and Ranong.  
11 Bangkokbiznews. 2022. Sugarcane Farmers Association request for migrant workers to solve the labor shortage crisis. <https://www.bangkokbiznews.com/news/984815>.  
12 Royal Thai Government. Ministry of Labor kick off importing foreign workers under Section 64 in 8 border provinces. 2022. <https://www.thaigov.go.th/news/contents/details/52550>.  
13 Krungsri Research. *Thailand's sugarcane production and sugar factory*. Krungsri Research, 2021.



The sugarcane industry also faces additional challenges. Climate change and an ongoing drought since 2019 has resulted in unpredictable weather patterns and low crop yields. During the 2019/2020 season, sugarcane yields hit a 10-year low due to weather conditions.<sup>14</sup> Additionally, fertilizer costs have steadily increased and are expected to continue to climb as a result of the Russia-Ukraine war.<sup>15</sup> Although labor mechanization has been identified as a solution to help reduce the demand for labor and to mitigate climate risks through supporting water management and decreasing overall production costs, the large majority of farms continue to rely on manual labor.<sup>16</sup>

## Legal Framework for Seasonal Workers

There are several legal gaps for seasonal workers. Although Thailand’s Labor Protection Act B.E. 2541 (1998) guarantees labor protection for all workers regardless of nationality and legal status, the Ministerial Regulation No. 9 B.E. 2541 (1998) issued under the Act states that the Act does not apply to employers who hire employees to perform agricultural work. Based on that Act, agricultural workers—whether Thai or foreign—were not guaranteed basic labor rights, such as minimum wage, working hours, and social security. In 2017, the MOL issued the Ministerial Regulation Concerning Labor Protection in Agricultural Work B.E. 2557 (2017)<sup>17</sup> to repeal Ministerial Regulation No. 9 (Clause 1) and expand legal protection to agricultural workers. This regulation specified that employers who hire workers to perform agricultural work year-round should act in accordance with the Labor Protection Act (Clause 3). **However, for workers employed seasonally, employers would be subject to only specific sections (Clause 4).**<sup>18</sup>

In its analysis of legal frameworks for agricultural workers, the ILO<sup>19</sup> concluded that through Ministerial Regulation No. 9, “seasonal workers are guaranteed equal pay between women and men workers performing the same work (sections 15 and 53), maternity leave and maternity protection (sections 41 and 43), prohibition of employing persons under 15 years of age (section 44), and prohibition of workers less than 18 years of age handling hazardous substances as specified by law (section 49). The regulation further stipulates that a worker shall be entitled to three days of paid holiday leave if employed for 180 consecutive work days, overtime pay if required to work on a day off, and paid sick leave. In terms of workplace welfare, an employer is to provide sufficient

FIGURE 2: SUGARCANE FARM WORKER, 2022



and hygienic water, and provide safe living conditions if the employee resides with the employer. However, there are several important provisions not covered by the Ministerial Regulations, and hence not extended to seasonal workers, including: minimum wage, set normal working hours and the rest time, specific overtime wages (when workers are required to work on a day off normally entitling overtime payment), compensation from temporary business closures, 13 traditional national holidays, six days of annual leave and all other types of leave (such as for military service, training and development, etc.), social welfare, and severance pay.”

Taking these regulations into account, the research noted

14 Reuters International. 2020. “Thailand’s 2019/2020 cane output hits 10-year low as drought bites.” <https://www.reuters.com/article/thailand-sugar-idUSL3N2CA2CW>.  
 15 Nation Thailand. 2022. “Fertilizer costs expected to more than double for Thai farmers.” <https://www.nationthailand.com/in-focus/40014289>.  
 16 Thepent, Viboon. 2015. “Agricultural Mechanization in Thailand.” [https://www.tsae.asia/2015conf/proceeding/agricultural\\_mechanization\\_in\\_thailand.pdf](https://www.tsae.asia/2015conf/proceeding/agricultural_mechanization_in_thailand.pdf).  
 17 Ministry of Labor. 2014. Ministerial Regulation Concerning Labor Protection in Agricultural Work B.E. 2557. <https://bit.ly/3HywkEJ>.  
 18 Clause 4 of the Ministerial Regulation states that employers who hire workers to perform agricultural work seasonally shall comply with sections 7–8, sections 12–15, sections 19–21, section 37, sections 40–44, sections 46–47, section 49, sections 53–55, section 70, section 76, sections 112–115, section 123, sections 126–129, section 134, sections 136–137, sections 139–140, sections 142–143 of the Labor Protection Act B.E. 2541 (1998), and sections 9–11/1, sections 16–18, sections 38–39, section 51, section 124/1, section 125, section 135, and section 141 of the Labor Protection Act B.E. 2541 (1998) amended by the Labor Protection Act (No. 2) B.E. 2551 (2008), and this Ministerial Regulation.  
 19 International Labor Organization. 2021. “Working and employment conditions in the agriculture sector in Thailand.” [https://www.ilo.org/wcmsp5/groups/public/asia/ro-bangkok/documents/publication/wcms\\_844317.pdf](https://www.ilo.org/wcmsp5/groups/public/asia/ro-bangkok/documents/publication/wcms_844317.pdf).

that seasonal workers on sugarcane farms face specific risks from which workers employed year-round are protected. Some of the issues include:

- Section 10 of the Labor Protection Act prohibits collection of security deposits by employers—but they are allowed to do so for seasonal workers.
- Clause 5 of the Regulation states that 180 consecutive work days entitles a worker to three or more holidays—but sugarcane workers typically only work 119 days.
- Clause 7 of the Regulation states that employees are entitled to sick leave as long as they show a medical certificate issued by a first-class licensed physician or a public medical service institute—but seasonal migrant workers may be unable to do so, because they cannot afford to pay to see a doctor or go to a clinic.
- The Ministerial Regulation has the lowest level of assurance<sup>20</sup> compared to other legislative frameworks—making foreign seasonal workers especially vulnerable, not having the same rights and benefits as migrant workers who have moved to Thailand through the MOU procedure.

## Labor Rights Issues

Previous research and field observations also identified labor rights issues among seasonal workers in the sugarcane industry. A research study commissioned by The Coca-Cola Company (TCCC)<sup>21</sup> and completed in 2013–2014 and 2016–2017 observed that workers often did not have access to employment contracts, and that there were debt bondage risks resulting from systemic use of advance payment and lack of pay records. Data collected by the ILO in 2018<sup>22</sup> echo the findings from the TCCC report. Of the 251 sugarcane migrant workers consulted in its study, the ILO found that only 28 workers (11.1 percent) had signed written contracts. The report also noted that out of the three sectors covered in the study—sugarcane, rubber, and maize—cases of workers being indebted to their employers and working without rest days were most common in the sugarcane sector. Through its work in the sugarcane industry between 2020–2021, USAID Thailand CTIP agreed with those data, finding that lack of employment contracts, debt bondage risks, and underpayment of wages continue to occur.

## Research Objectives

This research on TIP and FL risks in the sugarcane industry

aims to build on previous research and field observations done by TCCC in 2013–2014 and 2016–2017,<sup>23</sup> the ILO in 2018,<sup>24</sup> and USAID Thailand CTIP in 2020–2021 on working conditions and human trafficking risks in the Thai sugarcane industry, while bringing a more specific focus on FL and TIP risks facing seasonal workers and accounting for the impacts of the COVID-19 pandemic. This research on TIP and FL risks in the sugarcane industry also recommends potential measures to reduce worker vulnerability to TIP and FL that may be applied by the private sector and other CTIP actors.

The scope of this research covers seasonal workers in the Thai sugarcane industry, defined as workers who are employed for a limited period of time, typically for only a few months per year.<sup>25</sup> Seasonal workers can be either Thai or foreign.

## Research Methods

This research study was conducted between December 2021 and August 2022, with data collection at the farms and mills completed between April and May 2022. The study employed a qualitative approach, including primary and secondary research.

### Desk Review

The research team reviewed publicly available materials—including relevant regulations, recent policy updates/news published by the MOL, industry news, and research completed by other organizations on FL and human trafficking risks in the Thai sugarcane industry—along with internal documents and reports provided by USAID Thailand CTIP on its work in the Thai sugarcane industry. Based on findings from the desk review, questionnaires were designed for FGDs with farm workers and KIIs with representatives from the mills, industry associations, government, civil society, and academia. The FGD and KII questions covered five key topics that USAID Thailand CTIP had identified as priority topics: recruitment practices, movement patterns, working conditions, COVID-19 impacts, and recommendations for solutions to improve ethical recruitment and employment practices. The questionnaires were reviewed and approved by USAID Thailand CTIP (see full question list in Appendix A).

### Focus Group Discussions

To identify mills and farms to be included in the study, the research team reached out to a selected sample of large

20 Hierarchy of law. [http://www.thailaws.com/aboutthailaw/thai\\_04.htm](http://www.thailaws.com/aboutthailaw/thai_04.htm).

21 Arche Advisors. 2017. "Forced Labor, Child Labor, and Land Use in Thailand's Sugar Industry." <https://www.coca-colacompany.com/content/dam/journey/us/en/policies/pdf/human-workplace-rights/addressing-global-issues/thailand-forced-labor-child-labor-land-use-report.pdf>.

22 International Labor Organization. 2021. "Working and employment conditions in the agriculture sector in Thailand." [https://www.ilo.org/wcmsp5/groups/public/asia/ro-bangkok/documents/publication/wcms\\_844317.pdf](https://www.ilo.org/wcmsp5/groups/public/asia/ro-bangkok/documents/publication/wcms_844317.pdf).

23 Arche Advisors. 2017. "Forced Labor, Child Labor, and Land Use in Thailand's Sugar Industry." <https://www.coca-colacompany.com/content/dam/journey/us/en/policies/pdf/human-workplace-rights/addressing-global-issues/thailand-forced-labor-child-labor-land-use-report.pdf>.

24 International Labor Organization. 2021. "Working and employment conditions in the agriculture sector in Thailand." [https://www.ilo.org/wcmsp5/groups/public/asia/ro-bangkok/documents/publication/wcms\\_844317.pdf](https://www.ilo.org/wcmsp5/groups/public/asia/ro-bangkok/documents/publication/wcms_844317.pdf).

25 Legal Affairs Division, Department of Labor Protection and Welfare. Labor Law Advice. [https://legal.labour.go.th/attachments/article/161/59\\_000003.pdf](https://legal.labour.go.th/attachments/article/161/59_000003.pdf).



sugarcane companies with mills across the country. The initial target was to visit five mills across five provinces and conduct ten FGDs with 8–10 workers each (80–100 workers in total).

Of the four sugarcane companies that the research team contacted, three confirmed participation in the study and introduced the team to a total of seven mills located across seven provinces. Of these seven mills, three (in Petchabun, Nakhon Sawan, and Kanchanaburi provinces) confirmed their availability and allowed the team to visit their facilities. The remaining mills were unavailable due to a lack of accessibility during the harvest season or to COVID-19 control measures that restricted outsiders visiting the site.

Mill staff helped identify farms to be included in this research. Since the mill in Nakhon Sawan was unable to connect the research team to its farms due to their busy harvest season, the study only covered farms from Petchabun and Kanchanaburi provinces. Through introductions by mill staff, the research team visited five farms and conducted 11 FGDs with Thai seasonal farm workers; FGDs were conducted onsite to accommodate workers' busy schedules. When possible, FGDs took place without farm owners in proximity; of the 11 FGDs, four had farm owners in proximity and the remaining seven FGDs were completed without farm owners present.

The research team had to adjust the questions asked depending on the availability of workers and the proximity of farm owners to the FGDs. For example, at one of the farms, workers were being moved to a different location, giving the research team only one hour to conduct three FGDs. Thus, some questions could not be asked. However, the researchers collected additional information from the key informants to complement the data collected from the FGDs.

**FIGURE 3. SUGARCANE COMPANIES INVITED BY WINROCK TO BE INTERVIEWED**



Although the research team initially planned to include both Thai and foreign migrant workers, the farms that agreed to participate in the study did not employ migrant workers at the time of data collection. The farm owners shared that the COVID-19 pandemic had made employment of seasonal migrant workers especially difficult. For example, the government had stopped issuing border passes at the start of the COVID-19 pandemic. This meant that workers in border provinces did not have the option of crossing the border daily to work and benefiting from the cheaper costs of the border pass (in comparison to the MOU process). Within the farms that the research team were introduced to by the mills, all workers were of Thai citizenship. The research team attempted to identify Burmese workers by asking participating farm owners to recommend other farms that employed Burmese workers. One farm owner in Kanchanaburi was able to introduce the research team to another farm owner who employed Burmese workers; the research team was then able to organize one FGD at this farm with seven Burmese workers. It should be noted that this farm owner did not supply to the mills that had agreed to participate in the study. A summary of the FGDs organized and farm workers included is presented in Table 1.

**TABLE 1: FOCUS GROUP DISCUSSIONS WITH WORKERS**

| Province            | Farm Workers |           |          |          |            | Remark   |
|---------------------|--------------|-----------|----------|----------|------------|--|
|                     | Thai         |           | Myanmar  |          | Total      |  |
|                     | Male         | Female    | Male     | Female   |            |  |
| <b>Petchabun</b>    | 20           | 7         | 0        | 0        | 27         | Three FGDs were organized on one farm in Sri Thep district                     |
| <b>Kanchanaburi</b> | 49           | 28        | 7        | 0        | 84         | Nine FGDs were organized across five farms in Tamaka and Huay Krajaw districts |
| <b>Total</b>        | <b>69</b>    | <b>35</b> | <b>7</b> | <b>0</b> | <b>111</b> |  |

## Key Informant Interviews

KIIs were conducted to collect primary and additional data to triangulate and augment findings from the desk review. A total of ten KIIs with representatives from the participating mills, sugarcane industry association, government, civil society, and academia were conducted, as summarized in Table 2.

TABLE 2: KEY INFORMANT INTERVIEWS

| Key Informants               | Male     | Female   | Total     | Remarks  |
|------------------------------|----------|----------|-----------|--|
| Mill staff                   | 3        | 0        | 3         | Three mills in Petchabun, Nakhon Sawan, and Kanchanaburi provinces   |
| Industry associations        | 1        | 0        | 1         | A KII was conducted with the representative of the Cane and Sugar Board  |
| Government agency            | 1        | 0        | 1         | Office of the Cane and Sugar Board   |
| Provincial government agency | 1        | 0        | 1         | Director of the Health Promotion Hospital in Nakhon Sawan province   |
| Civil society and academia   | 3        | 1        | 4         | Labor Protection Network (LPN), the State Enterprise Workers' Relations Confederation (SERC), FairAgora Asia, and a labor studies expert from Silpakorn University |
| <b>Total</b>                 | <b>9</b> | <b>1</b> | <b>10</b> |  |

## Data Analysis

FGDs and KIIs were recorded with an encrypted digital recorder, provided permission was granted by the participants. Recorded interviews were then transcribed, reviewed for analysis, and categorized according to pre-identified themes based on the research questions, as well as those iteratively identified by the research team during the desk review.

## Ethical Considerations

All participants of the FGDs and KIIs were verbally provided with an informed consent form (Appendix 2). The digital recorder was encrypted. Recordings will be deleted and notes destroyed within six months after the conclusion of the project.

## Challenges and Limitations

**Timing and logistics:** Since seasonal workers are at the farms for a limited time, the research had to be conducted during the harvest season before workers left the farms. This meant that workers were extremely busy. Although the research team provided financial compensation as an incentive for workers participating in the study and visited the farms to ensure workers did not have to travel to participate in the study, the FGDs at times could not cover all planned questions. KIIs were then used to triangulate the information.

**Coordinating with mills and farms:** The project relied on mills identifying farms in their supply chain and connecting the research team with these farms. This required substantial coordination and time between the research team, the mill offices based in Bangkok, the mill staff based in the provinces, and the farms. Due to the limited timeframe of this research project and its overlap with the busy harvest season, some of the mills and farms were unable to participate in this research.

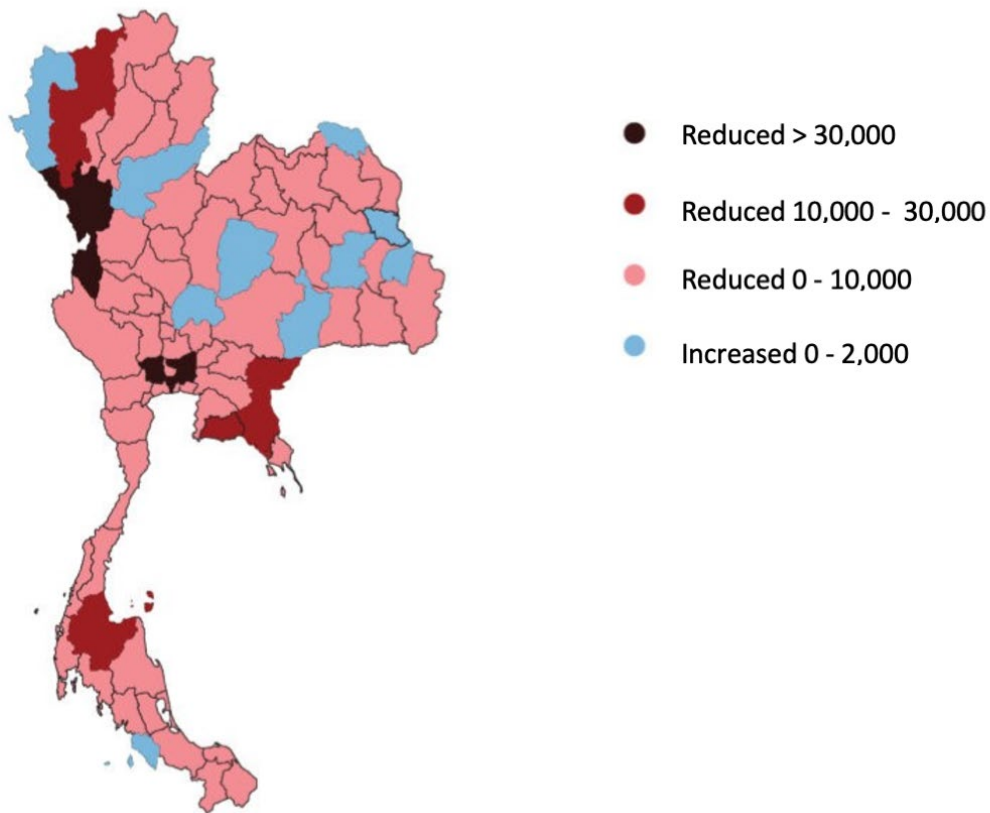
**Connecting with workers through farm owners:** Connecting with workers through the farm owners and mills meant that the research team could directly map out findings on the field to the sugarcane supply chain. However, it may have limited the results, due to the need to secure worker anonymity and obtain complete responses regarding their experiences. As mentioned, the research team sought to conduct the FGDs in areas where farm owners were not present and made note of field observations to complement responses shared by workers.

**COVID-19:** Although COVID-19 restrictions in Thailand had been eased during the data collection for this study (April–May 2022), the research team encountered several challenges stemming from the pandemic. First, although the study aimed to include seasonal migrant workers, farm owners reported that they no longer hired migrant workers as a result of the pandemic and the government no longer issuing border passes and temporary work permits. According to the Office of Work Permits at the MOL, statistics showed that the number of migrant workers in Thailand reduced while the country was experiencing the pandemic, as illustrated in the figure below.<sup>26</sup> Additionally, some mills and farms still had safety precautions in place and did not allow outsider visits.



Photo: Suthep Kritsanavarin

FIGURE 4: STATISTICS OF MIGRANT WORKERS IN THAILAND DURING THE PANDEMIC<sup>27</sup>



KIIs with industry stakeholders and civil society representatives were thus used to triangulate information and cross-check with data found from the mill and farm visits.

27 Ibid.



# Key Findings

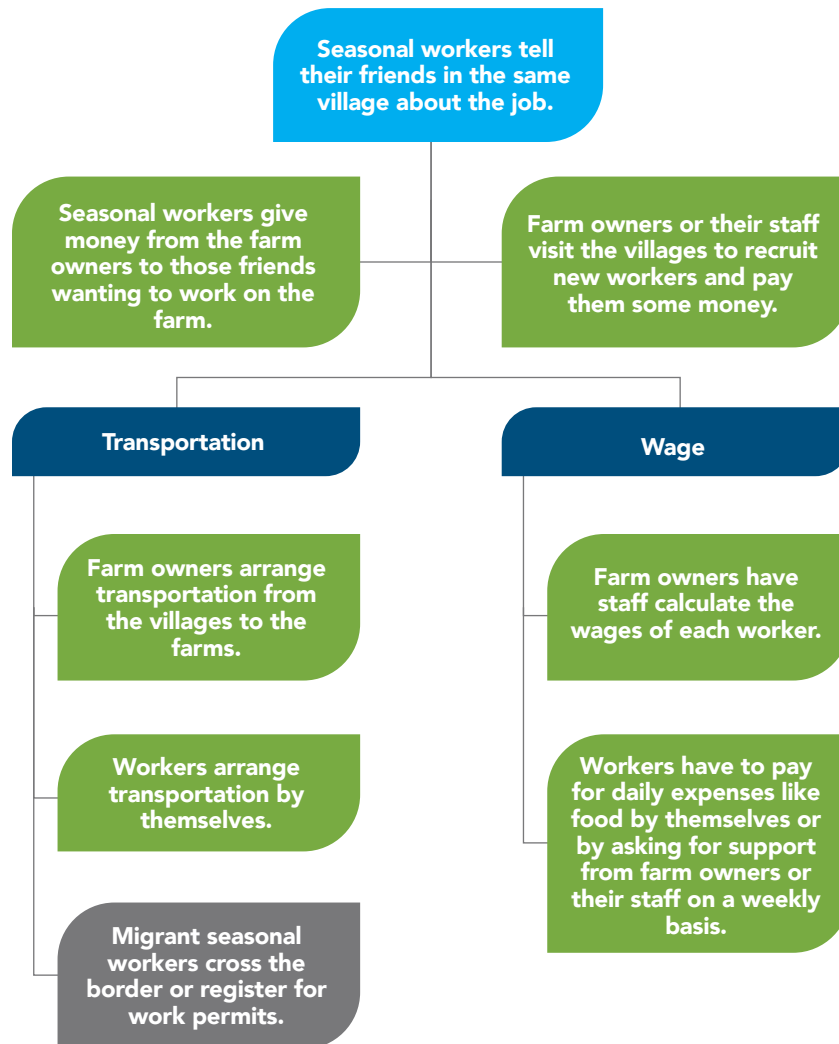
This section presents the findings categorized into four topic areas: 1) **recruitment practices**, 2) **movement patterns**, 3) **working conditions**, and 4) **COVID-19 impacts**. Recommendations are covered in the next section.

## Recruitment Practices

Recruitment to find farm help is done primarily by farm owners and their workers. Key informants from all three mills and workers in all FGDs similarly shared that farm owners will either ask their workers to recruit or will visit the villages themselves. Most of the workers who participated in this study were recruited through friends, families, or relatives; only a few were recruited by farm owners who visited their villages. None were recruited through recruitment agencies. Two key informants (one civil society, one academia) commented that it is possible for farm owners to recruit through brokers or recruitment agencies. However, this practice was not found in the farms covered in this research. Some of the workers shared that they were happy to share job opportunities to their personal connections at home since the pandemic had resulted in increased unemployment. The practices for recruiting seasonal workers (Thai and migrant) on sugarcane farms is shown in Figure 5.

FIGURE 5: PRACTICES FOR RECRUITING THAI AND MIGRANT SEASONAL WORKERS ON SUGARCANE FARMS

**Farm owners tell seasonal workers with prior experience working with them how many workers are needed for the following season.**



The profiles of recruited workers varied across farms; in Petchabun and Nakhon Sawan provinces—which are located in the Northern region—mill staff shared that farm owners generally recruit Thai workers from their region. It should be noted that although all of these workers have Thai nationality, **they are not of the central Thai ethnic group**. All of the workers who participated in the FGDs belonged to either the *Thai Lao* or the *Thai Suay* ethnic group. A KII with one sugarcane mill staff revealed stereotypical beliefs over who works hardest.

**“In general, farm workers are recruited from the Northeastern region because they are strong and can handle hard work, like that required on sugarcane farms.”**

– Sugarcane mill staff, Petchabun, Thai

By contrast, in Kanchanaburi—one of the eight border provinces—farms reportedly recruited more Burmese workers. Nonetheless, as discussed in the Challenges section, the COVID-19 pandemic resulted in an overall decline in the employment of migrant workers in all locations. Therefore, for this research, the workers included in the FGDs in Kanchanaburi were also from the Northeast and were of the *Thai Khmer* ethnic group.

**“Working on a sugarcane farm is difficult and dirty; young people do not choose to work on a sugarcane farm as their first choice.”**

– Civil society, Thai

Mill staff and farm owners shared that they generally recruited workers who are below 50 years of age, as the work is labor intensive. However, due to increasing difficulties in recruiting, they had to use older workers, some who were 60–70 years of age.

The primary motivation for workers taking jobs in sugarcane farms is financial. Of the 111 workers who participated in the FGDs, about 80 percent cited poverty and debt as the key reasons driving them to seek seasonal work in sugarcane farms.

**“Now, 60- and 70-year-old people still work on sugarcane farms because they are poor and unemployed, especially during the pandemic outbreak. Some are cheated on their wages.”**

– Sugarcane farm worker, Petchabun, Thai

**“The (wages) are determined based on the area, but I don’t know the exact number. I need to ask the employer.”**

– Farm worker, Kanchanaburi, Thai

During the FGDs, workers shared that sugarcane work gives them the opportunity to receive an advance payment that they can use to cover large payments, such as necessary house repairs or debt repayments. Although the large majority of these workers are of Thai nationality, this finding is most likely similar for migrant workers. Four key informants (three from civil society, one from academia) noted that jobseekers from Cambodia, Myanmar, and Lao People’s Democratic Republic (PDR) want to work in Thailand due to the belief that they will obtain better paid jobs compared to working in their own country.

**“Yes, there was (a written contract). The contract is year-by-year and includes payment per bundle of sugarcane cut.”**

– Farm worker, Petchabun, Thai

Transparency of working conditions during recruitment ranges across farms. Of the three mills interviewed, only the mill in Petchabun province told the research team that workers receive copies of contracts with information related to their work, such as the number of workdays and payment rate (note: when asked if they received a copy of their contract, only one worker confirmed that he did; others did not respond). Since this information was drawn from FGDs, the research team was not able to ask workers to show documents to validate these claims. The mill in Kanchanaburi province stated that workers are not given copies of their contracts but can ask to review them at any time (note: none of the workers reported that they had seen their written contracts).

**“There is no interest (charged) or any contractual documents. Everything is based on trust.”**

– Farm worker, Kanchanaburi, Thai

Two KII participants (one academia, one non-governmental organization [NGO]) noted that if workers asked for formal contracts or expressed concerns about payment, they might not obtain a job.

While none of the workers said that they had been deceived regarding their working conditions, one farm worker in Kanchanaburi made a comment that suggested being scammed by employers was a common phenomenon.

**“A lot get scammed by employers, especially during COVID-19. It’s been very difficult, (but) if we only stay at home, we will starve to death.”**

– Farm worker, Kanchanaburi, Thai

Once workers verbally agree to work, a worker is given an advance payment of around 20,000 Thai Baht (THB) per season to ensure that they will be available to work when the harvest season starts. The amount of the payment varies depending on each farm owner and the conditions they set. For example, a new worker’s advance is generally less than 20,000 THB; families receive a higher advance payment (for example, two workers from Kanchanaburi who traveled together as a couple received an advance payment of 40,000 THB; a family of four from Petchabun province received an advance payment of 54,000 THB).

This research on TIP and FL risks in the sugarcane industry found that since few/no expectations are in writing, some seasonal workers did not realize farm owners often considered their advance payment a “deposit” and could demand repayment for a variety of reasons. Final pay-outs to workers at the end of the season may arbitrarily depend on their level of output and if farm owners deducted any so-called expenses (e.g., for weekly living expenses and use of materials/tools). After deductions, some of the workers have pocket money left over, but many make only enough to cover their “debt.” Moreover, if a farm owner declares workers have not worked enough to compensate for their advance payment, they have to reimburse the farm owner or return the next year to work off their debt; this potentially places some workers in a cycle of debt with the same farm owner. The FGDs revealed that, although workers have the option of repaying the farm owners directly, they seldom are able to choose this option due to their financial circumstances. The need to ensure they will have some money left over at the end of the season are reasons why workers work so hard and rest infrequently.

One of the key informants also shared that in the past, conflict has arisen from instances where workers who received the advance payment did not complete their work as promised.

**“...There have been cases in the past where workers who were paid in advance did not come to work. In those cases, legal action will be taken. There have even been shootings in the past because of this. There are no contracts because they (employers and workers) trust each other.”**

– Sugarcane mill staff, Nakhon Sawan, Thai

## Movement Patterns

A majority of seasonal Thai workers included in this study came from the Northeastern region, including the provinces Surin, Roi Et, and Sri Saket. The farm owners generally arrange transportation for these Thai seasonal workers from their hometown by truck—usually between 10–14 hours of travel from their hometown to a sugarcane farm.

Although the interviewed sugarcane farm owners and mill staff stated that they ensured the safety of worker transportation to and from farms, interviewed workers and some KII participants told the research team that trucks were dangerously modified to accommodate more passengers and reduce transportation costs. One common practice is to modify 10-wheel trucks to have two or three layers in order to accommodate more passengers or have more storage space. Because this practice does not comply with road safety regulations, oftentimes transport will be done during the night. Nonetheless, despite safety risks, the workers engaged in the FGDs reported that there had been no accidents during the transportation to the farms.

**“...In the past, a 10-wheel truck was modified to have two–three layers to take more passengers.”**

– Sugarcane mill staff, Nakhon Sawan, Thai

In light of the inconvenience and safety risks of transportation arranged by employers, some seasonal Thai workers stated that they and their friends who were to work on the same sugarcane farm hired a bus or a van and paid for it themselves. Others mentioned that, because they moved to a sugarcane farm with their entire family, it was more convenient to hire a van or another vehicle that could accommodate all the family members. Workers who arranged their own transportation told the research team that they did not receive financial support or reimbursement from their employer.

Seasonal migrant workers reportedly either crossed the border to work on the farms on a daily basis or stayed in accommodations arranged by farm owners throughout the 3–4 months of their employment. Since the employment is short-term, they tend to use the border pass. Similar to Thai workers, employers would arrange for transportation to the farms. A key informant (academia) shared that previously, Burmese migrant workers would cross the border daily to work in Thailand since their hometowns were not far from the border. However, over the past two years, the proportion of Burmese workers whose hometowns are not in border areas has increased. A government key informant noted that more workers are coming from the northern parts of Myanmar, saying that this is most likely due to economic factors resulting from the ongoing conflict in Myanmar and the COVID-19 pandemic. For this research on TIP and FL risks in the



sugarcane industry, the seven Burmese workers consulted in Kanchanaburi had previously migrated to Thailand to work in the fishing industry but later began work in the sugarcane industry. The farm they worked at employed 20 Burmese workers, some of whom no longer had legal documents because they had expired.

Once they are employed at the farms, seasonal workers—both Thai and foreign—generally work for about 119 days. Workers then travel back to their hometowns in Thailand or neighboring countries, through transportation arranged by their employers or by themselves. Some workers shared that they remained in the same province but would move to work for other farms or industries. For example, after the sugarcane harvest was completed, the Burmese workers in Kanchanaburi would work in other fields in the same province and take on other tasks—such as planting, weeding, and fertilizing. Some workers would work for other businesses in the area—such as in the paper industry or on construction sites. Overall, while this poses no legal risks for Thai workers, migrant workers who change employers or sectors without going through required legal processes, or overstay their visas, may lose their legal status.

## Working Conditions

### Wages

Although some workers reported being paid based on fixed daily rates, the majority of them choose to be paid based on their daily output because it gives them the chance to earn higher rates than the fixed daily rates. Output rates may be based on square “wa” harvested (one wa equals two meters) or number of bundles cut. Workers in the FGDs reported that their promised rate was 2–3 THB per square wa, or 2–3 THB per bundle. They shared that they are normally able to cut at least 300 bundles per day, and that pay ranges between 400–3,000 THB per day, depending on the type of sugarcane.

**“For standing canes, I can earn up to 2,000–3,000 THB, but if they are canes that have fallen over (lodged), I only earn 400–500 THB.”**

– Farm worker, Kanchanaburi, Thai

Workers shared that there is usually a secretary at the farm who records each worker’s outputs. Then, wages are calculated at the end of the season. Workers who earned more than the value of the advance payment initially given by their farm owner will be given additional payments. On the other hand, workers who did not end up working enough to earn the amount given in the advance payment, or workers who faced additional deductions that exceeded their advance payment, may end up being indebted to their employers.

There appears to be some variation in workers’ understanding of the wage breakdown. For example, in

Petchabun, some workers participating in the FGDs were able to tell the research team the exact amount they have received and how much they have spent. In contrast, a worker from one of the FGDs in Kanchanaburi did not know what his daily rate was and could not estimate how much he would get paid. When asked if they had money to take home after the harvest season, some workers responded that they did not have much left over.

**“I don’t know (how much work I do). I just keep cutting.”**

– Farm worker, Kanchanaburi, Thai

Although workers’ promised output rate and estimates seem to suggest that they are paid well above the minimum wage, NGO and academic KII participants shared concerns that after the harvesting season is done, and once the wages are calculated, workers on sugarcane farms may in fact receive less pay than the minimum daily wage determined by law—320 THB per day in Kanchanaburi and Petchabun.<sup>28</sup> This concern is supported by data collected by the ILO in 2018, which found that only 57.7 percent of sugarcane workers earned above the minimum wage. Although the research study did not collect enough data from workers to validate actual received wages, the findings from ILO—combined with concerns shared by key informants and the research team’s own observations that workers do not keep track of their pay and deductions—suggest risks in this area.

In some circumstances, external conditions resulted in workers not being paid. One of the key informants recalled a case where, due to drought conditions and reduced yields, a farm was indebted to a mill and could not pay its workers.

**“Last year, there were two complaints about wages to the Department of Consular Affairs. We called the employer and discussed the issue, but this year there has been no complaint so far. Farm owners have faced droughts for 2–3 years, so they have been indebted to the mill. Once they send the sugarcane to the mill, the mill would deduct this debt out, and then there was no money left for the farm owner to pay the Khmer workers. They (farm owners) are not intentionally taking advantage of workers, but this is debt due to the drought. We have talked to the mill that in these cases, the mill should still pay and then sort out the debt in the following year. But before workers return, the farm owner must have money to pay the workers.”**

– Government representative, Thai

## Working Hours

The widespread use of pay that is conditional on outputs leads to laborers wanting to produce as much as they can in order to earn as much as possible. This pushes them to work more than the number of hours as stated by law, which must not be more than 7–8 hours a day. Again, the results were mixed when speaking to workers. More than 50 percent told the research team that they start work at 7 a.m., take a one-hour lunch break, and finish work at 5 p.m., thus working 9 hours per day. Others stated they did not want to take rest breaks because it would reduce their output, and therefore, their income. Also, workers indicated it is not unusual for them to work 10–12 hours a day. This places workers into unhealthy and unsafe working conditions.

## Occupational Health and Safety

None of the workers participating in the FGDs had received safety training before working on the sugarcane farm. However, KII participants from all three mills mentioned that sugarcane mills occasionally invited specialists from a Health Promotion Hospital (HPH) or the MOL to deliver information sessions to workers and staff on health and labor issues. It should be noted that face-to-face training has not been conducted since the outbreak of COVID-19.

Workers in both Petchabun and Kanchanaburi provinces shared that if they fell sick or were injured, they would first contact the farm owner and he/she would arrange a visit for them to the hospital. These seasonal workers do not have access to social security benefits since they are not employed year-round.

Furthermore, Thai workers shared that although they have access to the Universal Health Scheme—the “30-baht scheme” or “Gold Card”—they were not able to access this treatment because it is tied to hospitals in their home towns. Consequently, workers in Petchabun province and most workers in Kanchanaburi shared that they had to pay for any treatment costs themselves; however, a group

**“I pay for the treatment myself. I can’t use my right to the 30-baht scheme as my gold card is in another province.”**

– Farm worker, Petchabun, Thai

of workers from one farm reported that their employer would cover treatment costs.

It should be noted that the National Health Security Office announced earlier in January 2022 that the Universal Healthcare Coverage Scheme is no longer tied to hometown provinces. However, it is possible that some workers are not yet aware of this new development, or that enforcement of the policy has not reached the provinces included in the research study.<sup>29</sup>

## Water, Sanitation, and Hygiene

Water, sanitation, and hygiene (WASH) issues were identified in all the farms visited. The research team observed that the working areas around farms lacked toilets and clean water, which was inconvenient, especially for female workers. The widespread practice of using rainwater to drink and cook also raises health and safety concerns, especially as the research team observed that some of the water tanks used to collect the rainwater do not have covers. Furthermore, recent research found that, due to environmental pollution, rainwater across the world is no longer safe to drink.<sup>30</sup>

Mill staff from all three mills shared that prior to the COVID-19 pandemic, they would request the HPH staff to visit farms on a quarterly basis to train workers on health and sanitation and inspect conditions at farms and worker accommodations. The HPH staff member that the research team interviewed shared that he observed drainage issues in toilets at worker accommodations. This leads to standing water, which attracts mosquitoes and results in dengue risks.

A success story for this case was that after the HPH staff had reported these findings back to the mill who had requested the visit, the mill took measures to improve sanitation issues in the worker camp. The HPH staff revisited the site and found that the toilets had been renovated and sanitation issues fixed.

## Housing, Utilities, and Drinking Water

It is known that costs for housing and utilities (such as electricity and water) are covered by farm owners on some farms but may be deducted from workers’ wages on others. On all the farms the research team visited, workers said that farm owners covered their housing and electricity costs. It was also noted that workers who

**“We don’t get social security benefits because we’re here only temporarily. We might not even be here next year... We would like the government to help take care of the Gold Card and health insurance to ensure coverage is extensive. At the moment, if we need medical treatment, we would have to cover the costs ourselves first.”**

– Farm worker, Kanchanaburi, Thai

29 National Health Security Office. 2022. <https://www.nhso.go.th/news/3428>.

30 <https://www.su.se/english/news/it-s-raining-pfas-even-in-antarctica-and-on-the-tibetan-plateau-rainwater-is-unsafe-to-drink-1.620735>.



**FIGURE 6: WORKERS' ACCOMMODATION ON A SUGARCANE FARM**

do not have to pay for drinking water do not, in fact, receive drinking or filtered water from farm owners but are instead provided with water tanks that may have been used to collect rainwater, which may make the water unsafe to drink and pose additional risks.

### Harassment

None of the workers consulted during the FGDs gave any indication that harassment had occurred on farms. However, a key informant from the civil society sector recalled a case where a 17-year-old worker had died while working on a sugarcane farm. The case appeared to be related to a murder, but no murderer was ever identified.

**“They avoided telling the police officer who killed the person or why he died, so, finally, the police officer said it was an accident.”**

– Civil society KII, Thai

## COVID-19 Impacts

The number of migrant workers decreased during the pandemic. The government's policies to prevent the pandemic were one factor, along with preventive measures instituted when COVID-19 positive cases were found in the industry. For example, once a single COVID-19 positive case was identified, not only did the patient have to be treated, but any workers close to the patient also had to stop working and isolate. The preventive measures caused the sugarcane industry to overspend on its budget to take care of and monitor workers to ensure that they were safe from the disease—such as by purchasing Antigen Test Kits (ATKs) and personal protective equipment (PPE). Budgets were allocated to arrange services to ensure the social distancing policy—such as by purchasing separate lunch box sets to be distributed to each worker. However, some workers informed the research team that they had to personally buy ATKs, masks, and rubbing alcohol.

According to workers participating in FGDs, they all received two doses of COVID-19 vaccines (mostly in their hometowns) before working on the sugarcane farms. However, rumors about COVID-19 vaccines spread on some sugarcane farms, and one of the KII participants stated that many workers did not want to receive COVID-19 vaccines at first since they had heard rumors that the vaccines had caused some deaths. During the data collection period, interviewed workers did receive vaccines, and those already living in Thailand before the pandemic remained on the farms during the outbreak.

Mill staff key informants expressed that in the future, the government should provide more clarity regarding policy changes and support mills and farms financially. For example, during the pandemic, mill staff, as well as some farm owners, were not sure about the specific details of quarantine requirements for workers who tested positive for COVID-19 or who were deemed “high risk.”

## Legal and Policy Framework

Collaboration and information-sharing across different government and non-government agencies is required for promoting labor rights, including for workers in the sugarcane industry and on sugarcane farms. Half of the KII participants stated that the applicable regulations and policies related to migrant workers are comprehensive, but that enforcing them is still a challenge.

For seasonal workers, legal gaps remain, as Thailand does not have a specific legislative framework focusing on seasonal workers. Therefore, it is difficult for seasonal workers to assert their rights. Services and welfare are only provided by business owners on a voluntary basis. Consequently, seasonal workers are more vulnerable than other types of workers. Government agencies may not provide services to workers in a timely manner; one



**“The information is shared with four key industry associations and is further circulated to 39 other industry associations. We respond to the requests of sugarcane associations to provide information sessions to workers in the sugarcane industry and on farms... Some actions cannot be taken because it exceeds our authority.”**

– KII participant from a government agency

KII participant from an NGO stated that NGOs usually inform government agencies when workers encounter any problems.

**“In terms of welfare provision to workers on sugarcane farms, it is necessary to coordinate with the MOL, the Ministry of Public Health (MOPH), and the Ministry of the Interior at the local level because everything is not under the authority of the Ministry of Industry.”**

– KII participant from a government agency

KII participants mentioned that significant legal gaps remain regarding recruitment of seasonal workers. The government only temporarily revises policies to cope with problems with seasonal workers—such as the lack of workers, which occurs from time to time. One KII participant stated that when disputes emerge, workers do not go to the police but try to solve problems themselves. For instance, some might ask the community leader or the head of the workers to make a decision.

At the policy level, the Sugarcane and Sugar Act B.E. 2527 (1984) is presently being amended. However, the amendment is not related to seasonal workers since it concerns increasing the price of sugar. Moreover, regulations and policies related to seasonal workers are lacking and at best, partial. One participant stated that the law does not count seasonal workers as normal workers, so even if they return to work for the same business every year, they cannot access any services or welfare the same as temporary workers do in other sectors.

One KII participant stated that policies to prevent the COVID-19 pandemic became a barrier to Cambodian seasonal workers, who usually came to work in Thailand in the morning and then returned to their residences in the evening. He also stated that the government was concerned about illegal migration across borders during the pandemic and that, consequently, transportation was limited. The pandemic caused a lack of seasonal workers

**“I think the government has not seriously supported these [seasonal] workers and facilitated their movement to work here.**

**The government may have established regulations that allow employers in border provinces to hire workers for the short-term, [which allow] migrant workers to come in, [but] this supports employers’ needs in hiring only for the short-term...**

**From our perspective, we see that no matter what [the specific conditions are], seasonal work is not a stable job, because it is not continuous employment. For this group, their job is not very stable, and they face risks regarding income.”**

– Civil society representative, Thai

in the sugarcane industry and on its farms. The problem was discussed at length among stakeholders, including representatives of sugarcane workers, sugarcane mills, the Ministry of Industry, and the MOPH.

All the KII participants from sugarcane mills similarly reflected that they had not received adequate support from government agencies and that the policies on COVID-19 preventive measures were unclear, causing the mills to exceed their budgets to follow the policies. The migrant worker registration process was particularly time-consuming and complicated, which caused various delays that further affected the workers’ employment status. The locations of registration centers were far away from the sugarcane mills, which became a substantial problem.

Although the MOL has allowed the importation of migrant seasonal workers under Section 64 to work in eight provinces along the border, migrant workers pay approximately 10,000–30,000 THB to buy a passport, which is not affordable for them when working on a sugarcane farm for only three months. Ironically, harsh state security policies are incompatible with the free movement of labor within Association of Southeast Asian Nations (ASEAN) and, in fact, cause illegal migration.

## Other Issues

### *Children on Farms*

Although sugarcane mill staff reported that children are not allowed on farms, the research team observed children on farms during the data collection.

Workers are bringing infants and toddlers to the farms, as well as older children. Some workers shared that they would bring their older children (10 years or above) to babysit their younger children. These children would



Photo: Suthep Kritsanavarin

**“We [sugarcane mills] do not allow children to go to into the sugarcane farms with their parents. Children must stay with their relatives at the camp. In the past two years, no children have accompanied workers due to the COVID-19 pandemic.”**

– Sugarcane mill staff, Thai

take several months off school to join their parents at the sugarcane farms.

KII participants also shared that most seasonal migrant workers living in rural areas have to bring their children with them because their parents (i.e., the child’s grandparents) are also poor and are unable to take care of their children. One worker from the FGD mentioned that she did not want to leave her child at the accommodation provided by the farm owner because she felt that it was unsafe.

**“I need to take my child with me because the camp (the accommodation for workers) is not safe; [there are] a lot of ponds there. It is better to see my child around”**

– Sugarcane farm worker, Petchabun, Thai

Some workers mentioned that their children did not have access to education while others stated that they could enroll their children in Thai schools. One worker mentioned that her child had dropped out of school to accompany the family to work on the sugarcane farm. The child spent time preparing to take the admission exam for

a new school when the family eventually finished work and returned home.

Another FGD participant stated that some migrant workers delivered their babies while working on the sugarcane farm so that their children were granted Thai nationality. The farm owner took the pregnant workers to a hospital to give birth and to a district office to register their babies’ birth certificates.

#### *Lack of Awareness of Grievance Mechanisms*

KIIs and FGDs revealed that workers have limited access to grievance mechanisms. Workers at all farms did not know of grievance mechanisms or civil society organizations (CSOs) they could contact. Civil society key informants shared that if workers faced rights abuses or had complaints, they would have to sort it out themselves or raise it with their employer or local village heads. They are unaware of any independent channel where they could submit complaints anonymously and/or without fear of reprisal.

**“Workers don’t know where to raise grievances. Most of them just run away. The issue is they are afraid of harassment or losing employment.”**

– Civil society representative, Thai

All civil society key informants told of difficulties with reaching workers, as farm owners would not allow them to visit the farms. They also shared challenges with engaging farm owners and mills, noting that conversations on employment of seasonal workers have typically been limited to policymakers, farm owners, and mill staff. CSOs have not been able to join in these discussions. Thus, they have less access to new policy updates are unable to reach workers.



## Conclusion and Final Recommendations

Through a field study and desk review, the research team studied seasonal workers in the Thai sugarcane industry. Their situation is of concern because of the country's poorly regulated and weakly monitored labor rights, giving rise to the risk of TIP. The sugarcane industry is one of Thailand's largest industries and among five of the world's largest sugar markets, employing tens of thousands of seasonal workers.

The current governing framework for seasonal laborers—the Ministerial Regulation Concerning Labor Protection in Agricultural Work B.E. 2557 (2014)—is not an act of parliament and therefore is relatively weak in its assurances. Further, while it mandates equal pay between women and men, maternity leave, paid holiday leave, overtime pay, sick leave, water, and safe living conditions, it does not cover several important rights and benefits, such as a minimum wage, established working hours, social welfare, and severance pay.

This research on TIP and FL risks in the sugarcane industry focused on the Thai seasonal sugarcane workers in three key provinces and covered both foreign and Thai workers (the number of foreign workers was lower than normal because of the COVID-19 pandemic preventing inward migration for work). The investigation detected multiple areas of concern, especially recruitment practices that do not involve contracts; advances to laborers by farm owners, which may lead the former to acquire debt bondage; unsafe or inequitable transportation practices; poor quality of life with unsafe or substandard accommodation; weak or no provision for healthcare; the presence of workers' children on farms, including in the fields; and a lack of awareness of grievance mechanisms.

Incorporating the input of key informants and focus group participants, this report makes several recommendations for improvement. In doing so, it recognizes the multiple challenges facing the Thai sugar industry, including high fertilizer costs, unpredictable weather, low prices, and the impacts of COVID-19. It therefore recognizes that policy options which significantly increase costs are unlikely to be accepted by the industry. That being said, the 2014 ministerial regulation can be expanded to cover seasonal workers' working conditions more comprehensively. Improved labor relations might result from phasing in a stricter regulatory and monitoring regime for pay and conditions since both parties will have greater assurances; this does not need to involve third parties (such as recruitment agencies), which might otherwise hike wages. Simple open-source software options that can document employer-worker agreements already exist.

This report recommends short- and medium-term improvements in the Thai sugarcane industry. These can be pursued by persuading the industry to develop and adopt improved best practices and advocate for equal protection of labor rights between workers who are employed seasonally and workers who are employed year-round. Long-term improvement may require amending the Royal Ordinance Concerning the Management of Employment of Migrant Workers B.E. 2560 (2017) and the Labor Protection Act B.E. 2541 (1998), for which a larger advocacy coalition will be required.

Although workers in this study reported that they were not deceived beforehand of the working conditions, the lack of written contracts and comments shared by some workers show that some may not have known how much they would be paid or what their working conditions would be; this indicates a risk of deception. The large majority of workers in this study were motivated to seek work in the sugarcane industry due to debt and financial reasons; civil society key informants shared that sugarcane workers may be reluctant to request details from farm owners for fear of being perceived as too demanding and losing the job opportunity altogether.

Worker transportation from their hometowns to the place of work is arranged by employers and is often unsafe. However, workers have the option of arranging and paying for the transportation themselves. Although farm owners may not prohibit workers from leaving the farms after they arrive, workers must rely on farm owners to arrange transportation in the area.

Working conditions at the farms suggest some risk of exploitation. The advance payment system means workers are "indebted" to farm owners for their advance payment. Workers' limited awareness of their wage breakdown and expense deductions may result in debt bondage and wage withholding, both which are FL risk indicators; excessive overtime and substandard working and living conditions are also indicative of FL.

These practices are generally unregulated and seasonal workers are not fully protected under the current legislative framework (for example, they are not guaranteed a minimum wage, nor entitled to specified working hours and overtime pay). High costs for importing seasonal workers from neighboring countries means that employers may resort to informal recruitment processes, or delays with worker status (for example, a passport typically costs 10,000–30,000 THB).

Taking all these factors into account, this research makes the following recommendations:



## Private Sector (Sugarcane Buyers)

**Support farms in managing operational challenges—such as labor shortage, climate change, and mechanization.** Farms face multiple challenges in operating their businesses. Engagement with farm owners must factor in these challenges and recognize that enforcing additional and costly requirements is unlikely to be popular. Buyers may consider introducing holistic programs that not only aim to improve labor practices but also help farm owners with their business challenges.

**Increase engagement with mill staff and farm owners to ensure safe and fair recruitment and employment practices for seasonal Thai and migrant workers.** This research on TIP and FL risks in the sugarcane industry found several FL and human trafficking risks for all seasonal workers (both Thai and migrant)—such as widespread use of advance payment without transparency regarding terms and calculations, and health and safety risks. Stakeholders may benefit from tools and resources—such as manuals or guidelines—on employing seasonal workers. Targeted capacity-building programs should be designed to ensure that expected labor standards are understood and implemented by mill staff and farm owners. Potential focus risk areas include but are not limited to:

- availability of contracts written in the language that workers understand,
- transparency of working conditions and payment terms pre-departure,
- availability of safety equipment and training for workers,
- worker access to health insurance and medical treatment,
- clean living and working conditions,
- access to grievance mechanisms, and
- worker training on labor rights and safety.

**Develop and support the adoption of tools and/or systems that record information related to working conditions and payment terms.** This research found that farm owners and workers sometimes had a different understanding of wages and working conditions. A system that supports the recording and management of information on working conditions can be useful in ensuring that both stakeholders and workers share the same understanding, with workers having evidence to claim remediation should they face rights abuses.

**Invest in community support programs that target other challenges experienced by workers—namely, safety issues in transportation to/from farms and children on farms.** This research identified risks regarding safety during transportation between workers' hometowns and the farms, and also noted the presence of children on farms. Hence, the industry and farm owners should provide workers with facilities for their children—such as establishing child centers in secure locations. In addition, workers should be permitted to take leave to enroll their children in nearby educational institutes, without having to take a day off work and losing the opportunity to earn wages for that day.

## Civil Society (Including NGOs and CSOs)

**Work with the sugarcane industry to develop guidelines for hiring seasonal workers and providing supporting services.**

**Collaborate with buyers to engage farm owners and mills.** Civil society key informants in this study shared difficulties gaining access to sugarcane farms/mills and seasonal workers. Working with buyers may help CSOs with this challenge.

**Support the government on policy implementation.** The limited capabilities of government agencies to implement relevant policy frameworks are mentioned throughout this report; NGOs and CSOs can bridge this gap by strengthening coordination with government agencies for improved services and by sharing information with seasonal workers and stakeholders—including business owners, healthcare providers, farm owners, etc. When workers and other stakeholders receive the correct information and understand the rationale behind regulations or policies, they are better able to comply with the law.

## Policymakers and Regulators

**Develop long-term solutions for the labor shortage problem in the sugarcane industry.** Workers are currently recruited each year depending on the forecasted labor needs for the upcoming harvesting season. At present, government agencies only temporarily revise policies to cope with labor demand, resulting in a high rate of informal recruitment. Policies to meet the labor demand in the sugarcane industry should be developed to enable timely and effective recruitment of workers (whether in Thailand or neighboring countries), while ensuring ethical and transparent recruitment. For example:

- increase the number of days for the temporary work permit to align with number of days needed for work in the fields; since field workers typically work an average of 119 days, the current 90-day limit pass should be extended to at least 120 days, and
- provide ways for workers to extend their border passes to work in other industries after the sugarcane season concludes.

**Consider policy changes to ensure that the Labor Protection Act protects the rights of seasonal workers.** Unlike with other workers, seasonal workers are not included in any legislative frameworks, meaning that their rights are not protected. By developing legal policies for seasonal workers, the law can prevent them from suffering rights violations and exploitation.

**Communicate expected practices to farms.** Government officials should ensure that farm owners understand the relevant laws that apply to them, for which they are responsible.

**Monitor practices at farms with regular surprise inspections.** At present, HPH staff already visit the farms to check on sanitation and hygiene conditions. These visits may be expanded to also include labor officials who can inspect labor conditions at the farm, especially regarding wage payments and availability of contracts. Government officials should check if workers adequately understand the payment conditions to which they have agreed, if they are keeping track of their pay and deductions, and if the pay received translates into workers obtaining a daily minimum wage.

**Ensure accessible grievance mechanisms and channels for workers to access social services.**

**Update or revise policies so that they reflect the current situation.**

- The MOPH should devise concrete guidelines for COVID-19 prevention and treatment to inform the sugarcane industry and related farms about what to do when workers are COVID-19 positive. Vague policies and guidelines cause extra expenses for the farms and for the industry.
- Government policies must balance economic activities within the sugarcane industry with public health concerns in order to ensure that seasonal migrants have the means to earn a livelihood and that they are protected from illness to the greatest extent possible.

# Appendix A: List of Questions for FGD and KII

| List of FGD Questions        |  |
|------------------------------|--|
| Issues                       | Proposed Interview Questions for All Seasonal Workers  |
| <b>Recruitment Practices</b> | <ol style="list-style-type: none"> <li>1. How did you find out about the job?</li> <li>2. Did you choose the recruitment agency by your own free will?</li> <li>3. Did you seek or ask for any help from local labor recruiters or recruitment agencies in your country during the job application process?</li> <li>4. Did the recruitment agency in your country have a recruitment license?</li> <li>5. How much of the recruitment fee did you pay to the recruitment agency, if any?</li> <li>6. Did you know the following information before working or departing to Thailand?               <ol style="list-style-type: none"> <li>a. The kind of job you would do in Thailand</li> <li>b. The location (province) where you would work</li> <li>c. Wage and benefits offered</li> <li>d. Accommodation where you would live in Thailand</li> <li>e. The safe work environment of the company in terms of air, noise, and vibration</li> <li>f. Risks and hazards related to the job and working conditions</li> </ol> </li> <li>7. Are the conditions or terms of employment different than those promised when you were recruited?</li> <li>8. Were you coerced or forced into taking a job?</li> <li>9. Are you required to pay for a uniform, equipment, or other materials necessary to perform your job?</li> <li>10. Did any member of your family receive money or another form of compensation from the facility for you to work?</li> <li>11. Can your family members accompany you? Did you have to pay extra fee for that to the recruiter?</li> <li>12. What did you know about labor rights? Who told you about them?</li> </ol> |
| <b>Movement Patterns</b>     | <ol style="list-style-type: none"> <li>1. Who paid/will pay for travel to and from your home/ home country?</li> <li>2. Did the recruitment agency in your country provide you with a travel itinerary?</li> <li>3. Did you feel safe while traveling from your country to the border of your country?</li> <li>4. How far did you travel from your hometown to the worksite in Thailand?</li> <li>5. What is the cost you paid for transportation, if any?</li> <li>6. How long did you plan to work in Thailand?</li> <li>7. After the sugarcane cutting season is done, where do you go? During the cutting season, are you staying in the same province or moving around?</li> <li>8. How long are you staying in each place of work?</li> <li>9. Did you experience the following incidents when traveling from your home/the Thai border to the worksite in Thailand?               <ol style="list-style-type: none"> <li>a. Violence</li> <li>b. Threats</li> <li>c. Abuse</li> </ol> </li> </ol>  |



## List of FGD Questions

| Issues                    | Proposed Interview Questions for All Seasonal Workers  |
|---------------------------|--|
| <b>Working Conditions</b> | <ol style="list-style-type: none"> <li>1. Is the job you are doing or are going to do the same as you expected prior to your departure to Thailand?</li> <li>2. Are the working conditions the same as what the recruiter told you before your departure to Thailand?</li> <li>3. Did you receive orientation on occupational health and safety before working?</li> <li>4. Did you receive health checkup before working? Is it free?</li> <li>5. Do you have a contract?</li> <li>6. Do you have a copy of the employment contract?</li> <li>7. Did you feel pressured or threatened or coerced to sign the employment contract?</li> <li>8. Did someone at the company explain to you the terms and conditions of the employment contract, in Thai or in other languages, as needed?</li> <li>9. Did you understand the terms and conditions that were explained to you?</li> <li>10. Were you allowed to ask questions if you did not understand what you were told?</li> <li>11. Are the wage and benefits being offered by the company contract different from what the recruiter told you before you departed to Thailand?</li> <li>12. Can you end the contract anytime you want and leave (for instance, any wage deposits or mandatory production quotas that restrict mobility)? What would happen if you did this?</li> <li>13. What is your minimum daily wage?</li> <li>14. Do you have holidays? How many holidays will you have in a week or during the season?</li> <li>15. Are you allowed to use the restroom at any time?</li> <li>16. Are you allowed to get water to drink at any time?</li> <li>17. Do you have a rest area that you can access?</li> <li>18. Is your accommodation free and separate from other workers?</li> <li>19. Do your children accompany you while working?</li> <li>20. (For female workers) Do you face any discrimination against your gender?</li> <li>21. Did anyone keep your personal documents (e.g., passport and work permit) at any stage before/during your travel to Thailand or once you arrived in Thailand?</li> <li>22. Do you know how to report any work-related problems or challenges you face?</li> <li>23. Is that reporting channel safe for you?</li> <li>24. Do you currently have emergency contacts (e.g., your embassy in Thailand, government agencies)?</li> <li>25. What is your experience with employer-employee disputes?</li> <li>26. What is your experience with accessing social protection?</li> <li>27. Do you know where you can access healthcare as well as legal and financial services?</li> </ol> |
| <b>COVID-19 Impact</b>    | <ol style="list-style-type: none"> <li>1. What is the impact of the COVID-19 pandemic?               <ol style="list-style-type: none"> <li>a. Were you able to/have space to quarantine?</li> <li>b. Do you have access to COVID-19 tests?</li> <li>c. Were you supported by your employer during the pandemic?</li> </ol> </li> <li>2. Did your employer prohibit you from traveling in and out of your accommodation during the pandemic?</li> <li>3. How did you overcome the impact?</li> <li>4. Are there any entities you approached for assistance? Who are they?</li> <li>5. Did you receive enough support from government authorities to deal with the impact of COVID-19?</li> <li>6. Were any extra costs generated due to the pandemic?</li> </ol>   |
| <b>Recommendations</b>    | What are your recommendations to improve the recruitment process and work conditions?  |

## List of KII Questions

| Issues                       | Suppliers/Mills  | Other KIIs  |
|------------------------------|--|---|
| <b>Recruitment Practices</b> | <ol style="list-style-type: none"> <li>1. Do you have a written recruitment policy?</li> <li>2. Do you share your recruitment policy with recruitment agencies and stakeholders?</li> <li>3. What are your specific recruitment criteria?</li> <li>4. Is your recruitment policy aligned with national laws? Please explain.</li> </ol>  | <ol style="list-style-type: none"> <li>1. Do you have any concerns related to the recruitment policy in the sugarcane industry? Please explain.</li> <li>2. How can we mitigate the risks and challenges related to recruitment practices in the sugarcane industry?</li> <li>3. Are there any specific concerns related to the seasonal worker recruitment policy in the sugarcane industry? Please explain.</li> <li>4. Are there any identifiable labor rights violations in the sugarcane industry? Please explain.</li> <li>5. How can we integrate the national regulations and policies in order to improve the recruitment practices in the sugarcane industry?</li> <li>6. How can you/your organization support the mitigation of risks and challenges related to the recruitment practices for seasonal workers in the sugarcane industry?</li> </ol>  |
| <b>Movement Patterns</b>     | <ol style="list-style-type: none"> <li>1. Do you provide any support to seasonal workers traveling from their home/home country? Please explain.</li> <li>2. Can you check whether seasonal workers face any threats while traveling to the farm?</li> <li>3. What is your policy to prevent threats related to seasonal workers traveling?</li> <li>4. Do you work with a recruitment agency to facilitate seasonal workers' traveling? Please explain.</li> </ol>  | <ol style="list-style-type: none"> <li>1. Are there any concerns related to the movement patterns of Thai/non-Thai seasonal workers in the sugarcane industry? Please explain.</li> <li>2. How can we mitigate the risks and challenges related to the movement patterns of Thai/non-Thai seasonal workers in the sugarcane industry?</li> <li>3. Are there any relevant regulations and policies to mitigate the risks and challenges related to the movement patterns of Thai/non-Thai seasonal workers in the sugarcane industry? Please explain.</li> <li>4. How can you/your organization support the mitigation of risks and challenges related to the movement patterns of seasonal workers in the sugarcane industry?</li> </ol>  |
| <b>Working Conditions</b>    | <ol style="list-style-type: none"> <li>1. What services do you provide to seasonal workers before they start working? Please explain.</li> <li>2. What in-kind support do you provide to seasonal workers—such as accommodation, resting areas, childcare services, health care, etc.?</li> <li>3. Do you keep the identity documents of seasonal workers with you? Why or why not?</li> <li>4. Do you provide a contract and keep a copy of the contract for seasonal workers?</li> <li>5. Do you inform seasonal workers about reporting and grievance mechanisms and the contact information of relevant entities?</li> <li>6. Do you collaborate with any government and non-government entities to promote labor rights? Please explain.</li> </ol> | <ol style="list-style-type: none"> <li>1. Are there any concerns related to the working conditions of seasonal workers in the sugarcane industry? Please explain.</li> <li>2. Are there any risks and challenges related to the working conditions of seasonal workers in the sugarcane industry, in relation to their health, wellbeing, and welfare?</li> <li>3. How can we mitigate the risks and challenges related to the working conditions of Thai/non-Thai seasonal workers in the sugarcane industry?</li> <li>4. Are there any relevant regulations and policies to mitigate the risks and challenges related to the working conditions of Thai/non-Thai seasonal workers in the sugarcane industry? Please explain.</li> <li>5. How can you/your organization support the mitigation of risks and challenges related to the working conditions of seasonal workers in the sugarcane industry?</li> </ol> |

## List of KII Questions

| Issues                 | Suppliers/Mills  | Other KIIs   |
|------------------------|--|--|
| <b>COVID-19 Impact</b> | <ol style="list-style-type: none"> <li>1. What is the impact of the COVID-19 pandemic?</li> <li>2. How do you overcome the impact?</li> <li>3. Are there any entities you approach for assistance? Who are they?</li> <li>4. Do you receive enough support from government authorities to deal with the impact of COVID-19?</li> <li>5. Are there any extra costs incurred due to the pandemic?</li> </ol> | <ol style="list-style-type: none"> <li>1. How does COVID-19 affect the recruitment of seasonal workers and working conditions in the sugarcane industry?</li> <li>2. How can you/your organization support the sugarcane industry to mitigate the impact of COVID-19 on the recruitment of seasonal workers and their working conditions?</li> </ol> |
| <b>Recommendations</b> | What are your recommendations to improve the recruitment process and work conditions?  | What are your recommendations to improve the recruitment process and the work conditions in the sugarcane industry?  |



## Appendix B: Verbal Informed Consent

I am a researcher working for the “Safeguarding Seasonal Workers in the Thai Sugarcane Industry” project, in collaboration with Winrock International. The purpose of this activity is to study more about the working conditions and challenges of seasonal workers on Thai sugarcane farms. Your input is very important because the information that you give us will help us understand the current situation of seasonal workers. This information will be used to develop and amend the policies related to seasonal workers; in terms of labor protection, that may help you, your family, and your community in the future. Should you choose to participate, the interview will take approximately one hour.

I would like to record the interview unless you tell me not to do so.





Photo: Suthep Kritsanavarin

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