



Tapped Out

A Research Study on Forced Labor and Trafficking in Persons in the Thai Rubber Industry



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Acknowledgements

The following report was prepared for Winrock International's Thailand Country Office, under the research project on *Forced Labor and Trafficking in Persons in the Thai Rubber Industry*.

The United States Agency for International Development (USAID) has awarded Winrock International the USAID Thailand Counter Trafficking in Persons program, which aims to reduce Trafficking in Persons and better protect the rights of trafficked persons in Thailand in 2017. 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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List of Abbreviations

Abbreviation

CENTRAL	Center for Alliance of Labor and Human Rights
CL	Child Labor
CSO	Civil Society Organization
CTIP	Counter Trafficking in Persons
FED	Foundation for Education and Development
FGD	Focus Group Discussion
FL	Forced labor
GBV	Gender-based Violence
HCD	Human-centered Design
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
INGO	International Non-Governmental Organization
KII	Key Informant Interview
MMN	Mekong Migration Network
MOU	Memorandum of Understanding
RAOT	Rubber Authority of Thailand
SNR	Sustainable Natural Rubber
THB	Thai Baht (currency)
TLHR	Thai Lawyers for Human Rights
TIP	Trafficking in Persons
USAID	United States Agency for International Development



Table of Contents

Acknowledgements	2
List of Abbreviations	3
Executive Summary	6
1. Introduction	9
1.1 Background of Research Project	9
1.2 Context of Natural Rubber Production in Thailand	9
1.2.1 Labor Workforce in Thailand's Rubber Industry	10
1.3 Impact of COVID-19 on Migrant Workers in Thailand	10
1.4 Purpose and Scope of Research	11
1.4.1 Target Areas and Scope of Work	11
1.4.2 Gender Equality and Social Inclusion	11

1.5 Limitations to Research	12
1.6 Assumptions in Research	13
2. Research Approach and Methodology	15
2.1 Phase 1: HEAR/Discover	15
2.1.1 Secondary Research	15
2.1.2 Primary Research and Analysis	18
2.2 Phase 2: CREATE Phase	19
3. Results and Analysis	21
3.1 Classification of Rubber Plantations	21
3.1.1 Demographics of Migrant Workers Interviewed	22
3.2 Legal Framework in Thailand	22
3.2.1 The Anti-Trafficking in Persons Act (2008) and Related Laws and Regulations.	22
3.2.2 Evidence of Criminal Activity Under the Anti-Trafficking in Persons Act (2008) or Supporting Laws and Regulations	24
3.3 Human Rights Factors in the Thai Rubber Sector	29
3.4 Applied Factors in the Thai Rubber Industry	30
3.4.1 Technical Considerations for Migrant Workers	30
3.4.2 Governance Factors in the Thai Rubber Industry	33
3.5 Gender Equality and Social Inclusion in the Thai Rubber Industry	34
4. Conclusion and Recommendations	37
4.1 Recommendations for Winrock International and Partners in Furthering Research on the Thai Rubber Industry	37
4.2 Recommendations for Other Actors to Consider	38
4.2.1 For National Government Actors	38
4.2.2 For CSOs and NGOs	38
4.2.3 For Private Sector	38
Annex: Additional Information	40
A.1. Research Questionnaire for FGDs	40
Interview structure: Proposed questions	40
A.2 Sample Pictures from Primary Data Collection	45
A.3 Sample Literature Documents Referenced	46

Executive Summary

Since 1986, Southeast Asia has been the largest natural rubber producing region in the world. Thailand is the world's leading producer of natural rubber, with approximately 4.37 million metric tons of natural rubber produced in 2020, accounting for 35% of global production.

Thailand faces multiple manifestations of forced labor (FL) and trafficking in persons (TIP). As a transit, source, and destination country in Southeast Asia, TIP in Thailand is primarily fueled by the demand for low-skilled labor which is further enabled by deep-rooted social discrimination and a lack of legal regulation and enforcement. At least 90% of the workers on rubber plantations in the southern provinces are migrants from neighboring countries.

While the demand for natural rubber has decreased, it is expected that demand will surpass supply in the coming years. Previous analysis and research have identified high risks of FL and TIP in this sector. In addition, COVID-19 has further complicated the issues, potentially exacerbating vulnerabilities in the protective system for migrants. These effects may have been amplified for migrant workers who were unable to return to their home countries due to travel restrictions and other preventative measures.

This research focused on identifying FL and TIP within the Thai rubber industry and aimed at determining factors that contributed to the vulnerability of workers on plantations, as well as ways of reducing those vulnerability factors. More than 20 rubber plantation workers were interviewed via focus group discussions (FGDs) and one-on-one interviews, to gauge the evidence that FL and TIP was likely or was occurring in the industry. A literature review, and in-depth key informant interviews (KIIs) with various stakeholders in Thailand further uncovered the issues faced by migrant workers. The target locations for the research were Bangkok, Chiang Rai, Chonburi, Phang Nga, and Rayong.

Evidence of FL and TIP: Strong evidence of FL and TIP, and some evidence of Child Labor (CL) was uncovered through this research. By using an indicator-based questionnaire, evidence was gathered directly from workers that showed FL, TIP and CL may be present. Confiscation of documents, threats, transfers, a lack of written contracts, repayments to third parties and debt bondage were also identified.

In six instances, **confiscation of documents by employers** was reported. **The taking of documents by employers was commonplace in some FGDs, but not in others.** Documents were taken by employers to ensure

workers could not easily leave the plantations.

Transfer of workers between places of work was reported in two instances. In one instance, a worker was **threatened with losing her job if she did not agree** to work on another rubber plantation. In the second instance, the worker was **"forced" by the employer** to work **outside of regular hours** picking vegetables and fruits on another plantation also owned by her employer.

None of the workers received a written work contract, as required by law.¹ In addition, even if a contract did exist (verbally), nearly all workers did not understand their employment contract clearly. Contracts were almost never explained in the workers' native languages and rarely did the explanations suffice.

Some workers reported **late payments**. Late payments were not attributed to any retribution or penalty against the worker, but there was also no explanation provided by the interviewed workers as to why payments were received late.

Most Cambodian workers were **making repayments to persons that "helped them get work"**. At the same time, they also reported not using the services of professional recruiters. This reveals a gap between the law and its implementation as only registered persons with permission granted by the Director General are allowed to bring migrant workers into Thailand.² This indicates that third parties can circumvent the regulations in place to protect migrant workers from FL and TIP. All Cambodian workers that were interviewed crossed into Thailand illegally, making them vulnerable to exploitation.

Several workers reported paying fees which pushed them into debt to acquire work in Thailand. **Two workers from Myanmar FGDs, and six out of eight interviewed Cambodian workers reported becoming indebted during the recruitment process.** The cases presented in this report suggest that indebted Cambodians seek migrant work in Thailand to pay off their debts.

Finally, there was evidence of CL occurring on rubber plantations. **Three workers from Group 1 reported "child labor" occurring where they worked. Two of the workers reported witnessing child labor, and one worker reported child labor within their own family.** Migrant workers regularly bring their families to the plantations. The work children engaged in was informal and irregular. Further, the work is not considered particularly difficult, dangerous, or stressful, and was described in some cases as "helping parents to carry equipment". No evidence emerged suggesting the children of workers did not attend school.

¹ Royal Ordinance on Management of Migrant Workers (2017), s 46.

² Section 26

Other Human Rights Impacts: Other human rights issues were uncovered through the research, such as workers being vulnerable to losing their **right to adequate housing**. The research found that most workers receive accommodation from their employers, living inside the plantation or very close to it. It is likely then that they are vulnerable to eviction and homelessness should they lose their jobs, and this may contribute to a feeling of entrapment to avoid this.

The research also finds that workers **are vulnerable to overworking** due to the basis of payment for the work and the irregularity of the payments. Workers reported being paid by how much harvesting they were able to do – which led some workers to work longer hours for more pay. Concurrently, work slowed down during the rainy season and this meant there was additional pressure on workers to work more during peak times to prepare and save for when work was limited. Overworking, or working more than 8 hours a day, was reported by two workers who regularly **worked 10 and 11 hours per shift. Overtime payments were not always received, and another worker reported being forced to be on call to work night and day.**

Most workers do not know how to use health insurance and cannot afford to take time off, due to their long shifts, to access health care clinics. Further, some of the respondents from Groups 1 and 3 reported **not being able to access social support systems**, likely impacting their rights to health care and social support.

Technical Considerations: As a result of the COVID-19 pandemic, the recruitment process for migrant workers has become difficult and expensive. Recruitment fees now cost an average of 30,000 Thai Baht (THB) per person/migrant worker, an increase of 3,000 to 4,000 THB from before.

Workers from large-scale plantations reported working alternating schedules, either throughout the day from 8:00am to 5:00pm or through the night from 12:00am (midnight) to 6:00am. The workers from smallholdings reported varying working conditions, anywhere between 6 to 12 hours a day depending on the demand from the employer.

Compensation was reported as being received in two different ways: (1) fixed daily wage plus split-cost commission, and (2) quota wage plus split-cost commission. Large-scale holdings reported wider split cost commissions, receiving either 60/40 or 50/50 split between employer and employee, respectively. Smallholdings reported split-cost based on family or independent worker conditions, with a 55/45 (family) and 50/50 (independent) split between employer and employee, respectively. Workers reported being able to harvest between 100kg to 150kg per day, and some mentioned that the salary was enough to meet their needs while workers on smallholdings reported having insufficient income,



because of reduced hours due to COVID-19.

Governance Factors: KIIs indicate that FL and TIP cases on rubber plantations are mostly reported retroactively instead of proactively. In the case of labor inspections, evidence suggests that employers are often forewarned, and so take measures to hide any potential issues that could be identified through inspections.

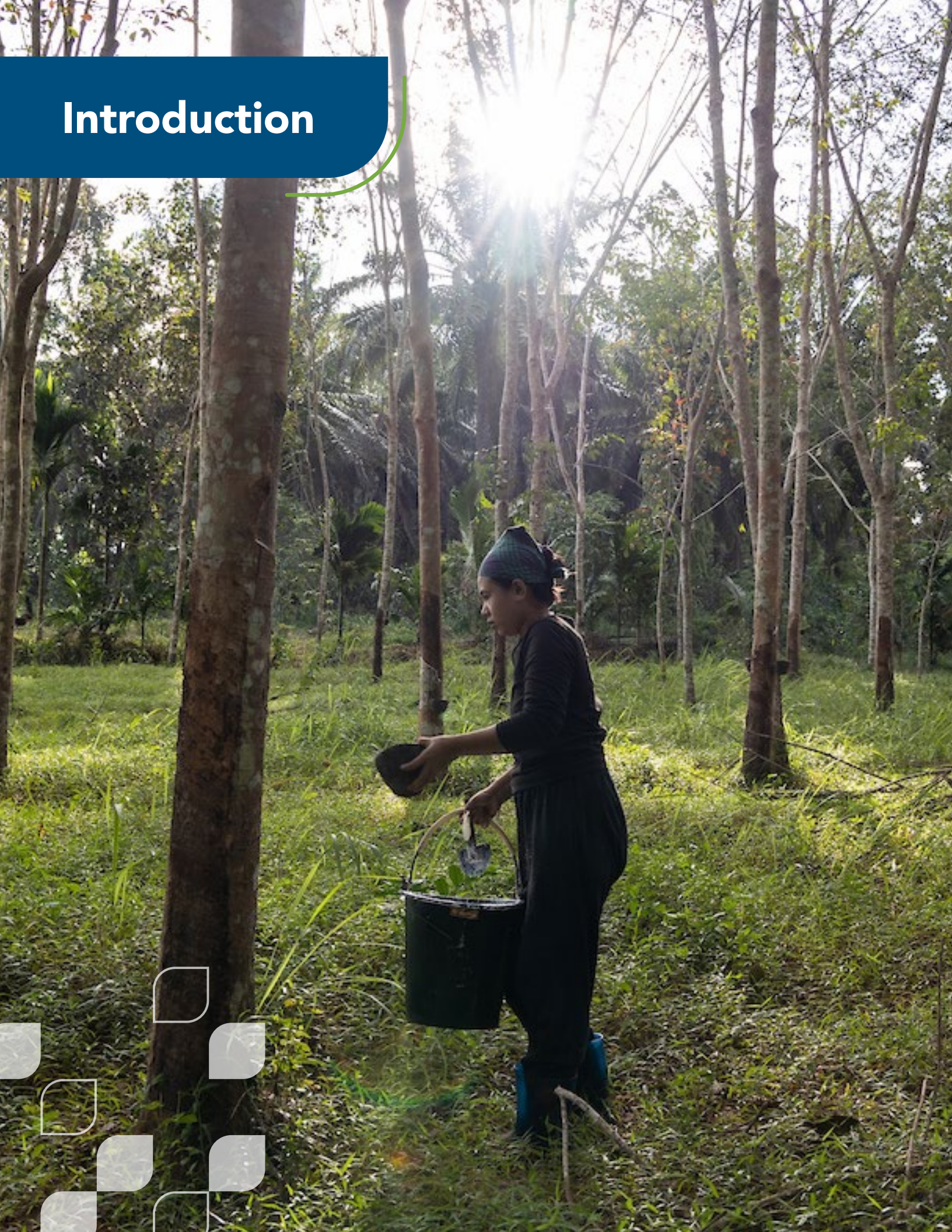
As workers are unaware of the regulations involved with their work permits being tied to a single location and employer, they are faced with risky situations when they either leave their jobs or seek alternative employment opportunities. As their employment is usually more than one-year, most of the migrant workers are unaware of their work permits expiring, possibly causing visa issues and exacerbating vulnerability by making them “illegal migrants”.

Gender Factors: A wage gap exists between males and females on Thai rubber plantations. For those on a fixed wage plus split-cost commission basis, males were reported to receive on average higher salaries than the females. This ranged from 200 to 330 THB per day, with females on the lower end of this spectrum and males on the higher end.

KIIs and FGDS also revealed a consensus that male and female migrant workers were treated differently on rubber plantations. Female workers reported having to undertake more domestic duties than their male counterparts. Some female workers reported receiving inadequate equipment compared to their male counterparts. Where males had access to lawn mowing equipment, the females reported having to use their hands or hand tools.

Gaps were identified when considering the treatment of male and female migrant workers under different contexts related to health. Although most migrant workers reported having knowledge of social support programs and how to access them, some of the workers also reported not being able to access them. Female workers reported being aware of their legal rights to a 3-month maternity leave.

Introduction



1. Introduction

1.1 Background of Research Project

Thailand faces multiple manifestations of FL and TIP. As a transit, source, and destination country in Southeast Asia, TIP in Thailand is primarily fueled by the demand for low-skilled labor. This demand has been further enabled by deep-rooted social discrimination and a lack of legal regulation and enforcement.^{3, 4} 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 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 2017.⁵

In 2021, Winrock developed a partnership with the Grace Farms Foundation Justice Initiative – a not-for-profit organization with a mission to combat human trafficking, gender-based violence, and environmental crime. The partnership aims to leverage Grace Farms Foundation's connections with U.S. industry experts and Winrock's local connections in Thailand to counter TIP and FL in supply chains.

1.2 Context of Natural Rubber Production in Thailand

Southeast Asia has been the largest natural rubber producing region since 1986, due to its economic and population growth.⁶ As of 2022, the region currently accounts for approximately 80% of the global natural rubber demand, with Thailand, Indonesia, and Malaysia making up the top three producers in the world.⁷

Thailand is the world's leading producer of natural rubber, with approximately 4.37 million metric tons of natural rubber produced in 2020, accounting for 35% of global production.⁸ In addition to being the leading global producer, Thailand is also the world's largest exporter of natural rubber.⁹ Only around 15% of the rubber produced in the country is used domestically, with 60% of that production

going towards tire manufacturing and the remainder to other types of products (i.e. rubber gloves, latex products, elastics, etc.).¹⁰ There are five major rubber export companies in Thailand, with the rubber supply chain going through various stages, from smallholdings to midstream and upstream manufacturers.¹¹

At the plantation level, after the latex is dried and molded into sheets, it is transported to processing plants. This is the point of sale of the natural rubber "sheets" at the plantation, where revenue is split between the farmer/ employer and workers. A study conducted by International Labor Organization (ILO) on rubber plantations in the southern provinces found that employers view workers as year-round independent contractors who usually receive 30–40 percent of the revenue, and rubber employment in other provinces do not universally follow this pattern, relying on a fixed rate by unit of time or crop measurement.¹²

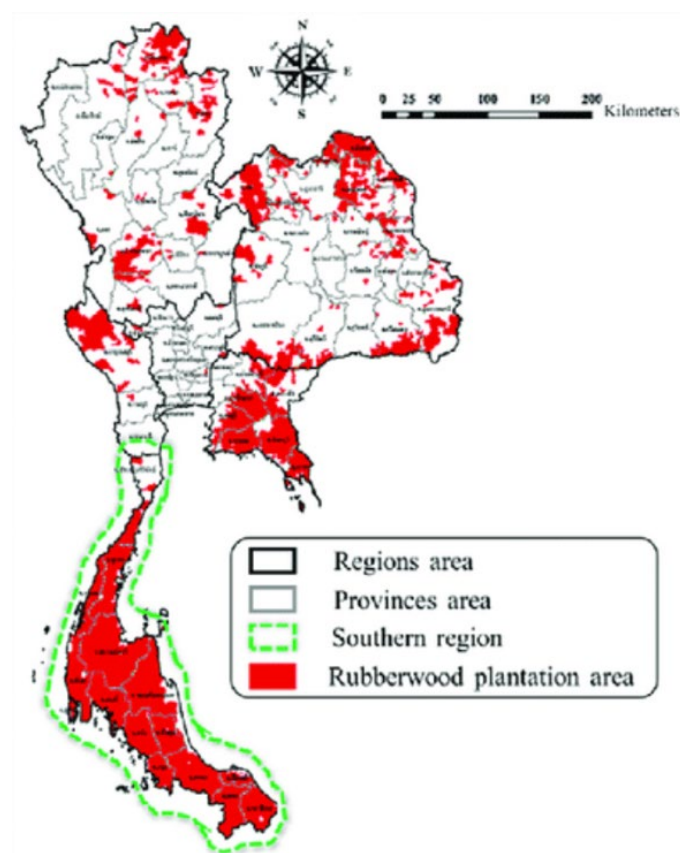


Figure 1: Map of rubberwood plantations in Thailand. Data is based on the statistics from the Office of Agricultural Economics under the Ministry of Agriculture and Cooperatives.¹³

3 Equality & Discrimination. ILO. 2015.

4 Exploitation and Discrimination Experience of Migrant Workers in Five Provinces. *Thailand Development Research Institute*. 2010.

5 USAID-Winrock International Project Brief on CTIP in Thailand. October 2020.

6 Thailand: The World's Leader in Natural Rubber Production. *Thailand Board of Investment*. 2016.

7 Association of Natural Rubber Producing Countries. 2020 Data.

8 Leading Natural Rubber Producing Countries Worldwide in 2019 and 2020. *Statista*. 2021.

9 UN Comrade. 2018.

10 MMN Report. 2020.

11 Working and employment conditions in the agriculture sector in Thailand: A survey of migrants working on Thai sugarcane, rubber, oil palm and maize farms. ILO. 2021.

12 Ibid.

13 Biomass Supply Chain for Power Generation in Southern Part of Thailand. *The 6th International Conference on Power and Energy Systems Engineering (CPES 2019)*, 20-23 September 2019, Okinawa, Japan. Elsevier Energy Reports. 2019.

After this point, the supply chain continues to rubber processing plants for midstream handling and processing, and lastly to upstream manufacturing for the processing of rubber products such as tires, gloves, hoses, elastics, and condoms. The top markets for export are the USA, China, Japan, Association of Southeast Asian Nations, and Australia.

The main cluster of rubberwood plantations lie in the southern provinces of Thailand (Figure 1), namely the provinces of Chumphon, Ranong, Surat Thani, Phang Nga, Krabi, Phuket, Nakhon Si Thammarat, Trang, Phatthalung, Songkhla, Satun, Pattani, Yala, and Narathiwat.

1.2.1 Labor Workforce in Thailand's Rubber Industry

Highly volatile and falling prices of natural rubber in the global economy have disadvantaged rubber producers in Thailand. While in recent years the demand for natural rubber has decreased, new analysis suggests that demand will potentially surpass supply, which will cause a cascading negative effect on workers' rights and safe working conditions on rubber plantations.¹⁴

In order to sustain productivity in the rubber sector, Thai employers have increasingly relied on the labor of migrant workers from neighbouring countries as a means to plug labor shortages.¹⁵ As of 2019, a total of 2.9 million migrant workers were registered in the country, comprising 7.6% of the nation's total workforce.¹⁶ Within the rubber industry, it was reported that at least 90% of the workers on rubber plantations in the southern provinces are migrants from neighboring countries.¹⁷ As a result of increasing demands for labor, indicators of forced labor and exploitative working conditions have been reported, and previous analysis and research have identified high risks of FL and TIP in the Thai rubber industry.¹⁸ There have been documented cases of human rights abuses faced by migrant workers from neighboring countries working in various industries in Thailand.¹⁹

As research on FL and TIP of migrant workers in the Thai rubber industry remains limited, this study sought to uncover the underlying challenges facing migrant workers within these natural rubber production supply chains.

1.3 Impact of COVID-19 on Migrant Workers in Thailand

COVID-19 has had significant implications on migrant workers in Thailand. In July 2020, the ILO estimated that roughly 10% of migrant workers had returned to their home countries from Thailand. Many of these workers decided to return home due to loss of wages, loss of jobs, or the fear of being trapped in Thailand.²⁰ According to a report by the ILO, the Thai rubber industry, along with other industries, recorded some of the most significant decreases in production as a result of the pandemic.²¹ It is likely that the decrease in production resulted in job loss, reduction in working hours, a reduction in wages or complete wage loss, an increase in working hours without payment, or FL, having significant repercussions for migrant workers.²²

Combined with the previously existing volatility of prices in the natural rubber market, the onset of the COVID-19 pandemic in early 2020 created additional constraints for the natural rubber market in Thailand, significantly impacting the supply and demand domestically and internationally.²³ There are different production processes for converting natural rubber into its final products. Considering that 60% of the domestic use was put towards tire manufacturing pre-pandemic,²⁴ the increased demand for rubber gloves and other health and safety products, due to COVID-19, drove rubber producers in Thailand to shift more towards producing latex (which is used for rubber gloves) and away from raw natural rubber.^{25, 26}

Latex is defined as the milky sap that is harvested from the rubber tree while natural rubber is the substance which is formed after the latex is put through a coagulation process.²⁷ The process of producing/preserving the latex involves more careful harvesting of the rubber trees, through increased tapping hours, more accuracy with the incisions when tapping, and more frequent transportation of the raw latex (from tree to storage tank) to prevent it from prematurely turning into natural rubber.²⁸ Hence, this shift in increased latex production could have led to exploitative working conditions, as it is assumed that most of the rubber plantation workers would have increased working hours, more strenuous working conditions, and higher demands from their employers.

14 Fair Rubber Association (FRA) Report. 2020.

15 MMN Report. 2020.

16 Research Brief: Public Attitudes Towards Migrants Workers in Thailand. ILO and UN Women. June 2021.

17 KII conducted with FED, working with migrant workers in southern Thailand.

18 DanWatch 2013, GMAP 2017, MMN 2020.

19 MMN Report. 2020.

20 ILO Brief - COVID-19: Impact on migrant workers and country response in Thailand. July 2020.

21 ILO Brief - COVID-19 employment and labour market impact in Thailand. June 2020.

22 Ibid.

23 Gloomy Outlook for Local Rubber Industry. Bangkok Post sourced from RAOT. 2020.

24 MMN Report. 2020.

25 Thailand Business News. COVID-19 increased global demand and export for medical gloves in Thailand and Malaysia. September 2020.

26 The Nation Thailand. Thailand now second-biggest rubber gloves exporter amid COVID-19 pandemic. December 2020.

27 WWF Cambodia. SNR Study. 2021.

28 Ibid.

The effects may have been amplified for migrant workers who were unable to return to their home countries due to COVID-19 travel restrictions and other preventative measures. While for migrant workers who were trafficked, the crimes committed against them may have become easier to perpetrate, or they may be susceptible to becoming revictimized by additional wage theft or put into situations of FL. An ILO rapid assessment, which included Thailand, revealed that workers are unable to refuse work and often lack basic health and safety equipment, such as face masks.²⁹

As the world begins to reopen its borders, the impacts of COVID-19 on markets in neighboring countries, such as Myanmar, Cambodia, and Laos, could lead to migrants seeking out work in Thailand. In addition, many migrant workers who initially returned to their home countries at the onset of the pandemic will now be looking to return to their jobs in Thailand.

1.4 Purpose and Scope of Research

The purpose of this research project was to further investigate FL and TIP in the Thai rubber industry. This was achieved by following two (2) primary objectives:

- To gain more transparency on FL and TIP in the rubber industry; and
- To identify factors contributing to the vulnerability of workers on rubber plantations, and potential measures to reduce that vulnerability.

This research project was carried out from March 2022 through July 2022. It assessed the context of FL and TIP in the Thai rubber industry, identified key challenges and gaps in protections, and included an in-depth analysis of existing literature and primary data collected through focus group discussions, interviews with workers, and key informant interviews.

1.4.1 Target Areas and Scope of Work

The target scope of this research project was to look further into cases of FL and TIP with migrant workers on Thai rubber plantations. Evidence of FL and TIP cases in the province of Phang Nga and other neighboring southern provinces, was used as a foundation for reaching out to international and local organizations working in that region of Thailand.

Additionally, prior research conducted by ILO analyzed a sample of 98 migrant workers in the Thai rubber industry in 2018. It was identified that most of the respondents were from Myanmar.³⁰ Reports of trafficking and linkages to migration along the border with Laos and Cambodia

led the research team to also then identify groups in specific northern and southeastern provinces for this research study.³¹ Figure 2 indicates the areas where outreach was attempted, in order to conduct primary data collection activities.

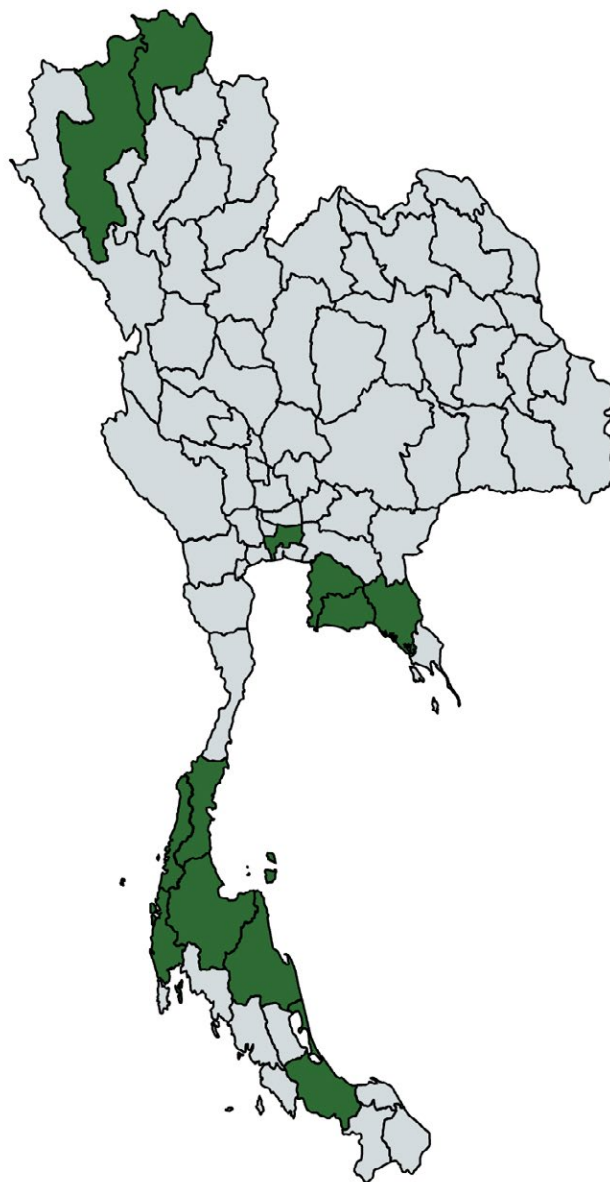


Figure 2: A map of the proposed locations for research to be conducted.

1.4.2 Gender Equality and Social Inclusion

Prior research in the Cambodian rubber industry provides anecdotal evidence of gender discrimination and inequality on rubber plantations.³² Gender equality and social inclusion was further explored in this research, using the cases found in the Cambodian rubber industry to form the section on gender within the questionnaire.

29 Research Brief: Public Attitudes Towards Migrants Workers in Thailand. ILO and UN Women. June 2021.

30 Reference Notes from Winrock International and ILO. 2021.

31 MMN Report. 2020.

32 WWF Cambodia. SNR Study. 2021.

Working Conditions: In Cambodia, there have been numerous cases of female workers on rubber plantations not receiving the same treatment as male workers in terms of sick leave, working hours, and employment benefits.³³ The Cambodian Agricultural Workers Federation reported that on various plantations in the northeastern plains of Cambodia, female workers were found to work different hours than male workers, most often through the nights (midnight to 6:00am). This was also observed and stated by Cambodian workers from two different rubber cooperatives in Ratanakiri province. Out of a total of 16 workers (6 females, 10 males), all females also reported having to undertake domestic duties after work hours, and that their benefits were less adequate than their male counterparts.³⁴ Plantation owners (Employers) often view male workers as “more physically valuable” than females, and thus allow time off for recovery in the case of illness or injury on the job. In contrast, female workers risk losing their jobs if they request time off for recovery, as they are not considered as valuable. Female workers are generally required to return to work immediately while male workers are given at least half a day to one day to fully recover, before returning to work.³⁵

In addition, there have been cases of female workers hiding their pregnancies for fear of their employment being terminated. Pregnancy often leads to immediate termination – without pay – if the plantation owners become aware of a worker’s pregnancy. As a result, some female workers have suffered from severe health complications (mental and physical).³⁶ Literature has indicated that similar issues exist in other industries within Thailand which employ migrant workers, such as the fishing industry.³⁷ In 2007, General Sonthi Boonyaratglin, then deputy Prime Minister, declared that all pregnant migrant workers from Myanmar, Cambodia, and Laos should be forced to return to their home countries to give birth, and urged police to start monitoring female workers. The rationale was that if women gave birth in Thailand, they would want to settle in the country.³⁸

Issues also exist in terms of compensation. As plantation workers are paid on a quota (THB per kg of latex harvested), female workers often receive a final salary that is less than male workers on average, due to their physical limitations. As a result, female workers often work longer hours on average to meet the same daily pay-out as their male counterparts on the rubber plantations.³⁹

Gender-based violence: There is anecdotal evidence of gender-based violence (GBV),⁴⁰ often because of

alcohol and drug abuse on rubber plantations in Cambodia. Females have reported being physically and sexually assaulted on rubber plantations, with these cases often connected to drug abuse that fuels violent behaviour. Natural rubber has an extremely strong and distinct odour of latex and sulphur, that can be highly discomforting after long periods of exposure. Most often, workers do not have access to safety equipment to reduce the effects of odour exposure. There is anecdotal evidence,⁴¹ of workers resorting to alcohol and drugs to deal with the discomfort of working on the plantations.

1.5 Limitations to Research

This research is not presented as statistically representative of the prevalence of FL and TIP in the Thai rubber industry. The research team did not use a specific statistical framework, but rather favored a qualitative approach to studying FL and TIP. As such, it should be used to outline the main trends in the processes and the researchers acknowledge that it is possible that migrant workers who were not interviewed from the plantations studied, as well as migrant workers employed at other plantations which were not included as part of the study, could disagree with findings based on their individual experiences. However, the objectives of this research were still achieved by analyzing the key regulatory gaps in protections for victims of FL and TIP and providing evidence of the crimes of FL and TIP in the Thai rubber industry.

Other limitations in conducting the research included:

Language Constraints: The research team worked extensively with external contacts and networks in Thailand to maximize the number of migrant workers interviewed. As the migrant workers spoke Khmer and Burmese, the interviews were conducted in Khmer and Burmese before being translated into English. For one set of FGDs, the interviews were first translated to Thai from Burmese, before being translated into English. As a result, some of the findings may have been lost in translation.

Logistical Barriers: Contacting and communicating with migrant workers from rubber plantations also proved to be challenging. Intermediary NGOs who facilitated the FGDs had to put in extensive planning to accommodate the schedule of the migrant workers, including transporting them to a neutral and safe location. The neutral location was required to ensure the workers felt at ease during the interviews and FGDs. In addition to ensuring

33 Ibid.

34 Ibid.

35 Ibid.

36 WWF Cambodia. SNR Study. 2021.

37 Mekong Migration Network Report. 2020.

38 Hidden Chains Rights Abuses and Forced Labor in Thailand’s Fishing Industry. Human Rights Watch (HRW). 2018.

39 WWF Cambodia. SNR Study. 2021.

40 FGDs conducted with rubber cooperatives in Cambodia. 2021.

41 Ibid.



the safety of both the migrant workers and the NGOs, considerations needed to be made in relation to costs of travel, ability to enter/leave rubber plantations, and limited communication with workers while they were inside the plantations.

Sensitivity and Subjectivity in Responses: Given the sensitivity of the topic, open communication and information gathering served as a limitation to the research. As a result, this report is only as truthful as the respondents who chose to participate in the research study. For instance, some participants may not have been comfortable in revealing abuses they faced in the plantations for fear of reprisals from their employers, the authorities, or others in power. This is also the reason that indicators were used to assess the prevalence of FL and TIP. Indicators allowed the research team to gauge the evidence of FL and TIP without requiring participants to state they had become victims, or to have required legal knowledge or understanding of the terms of the crimes.

COVID-19: The ongoing COVID-19 pandemic and the prevention measures implemented to control it also resulted in complications for data collection. Travel

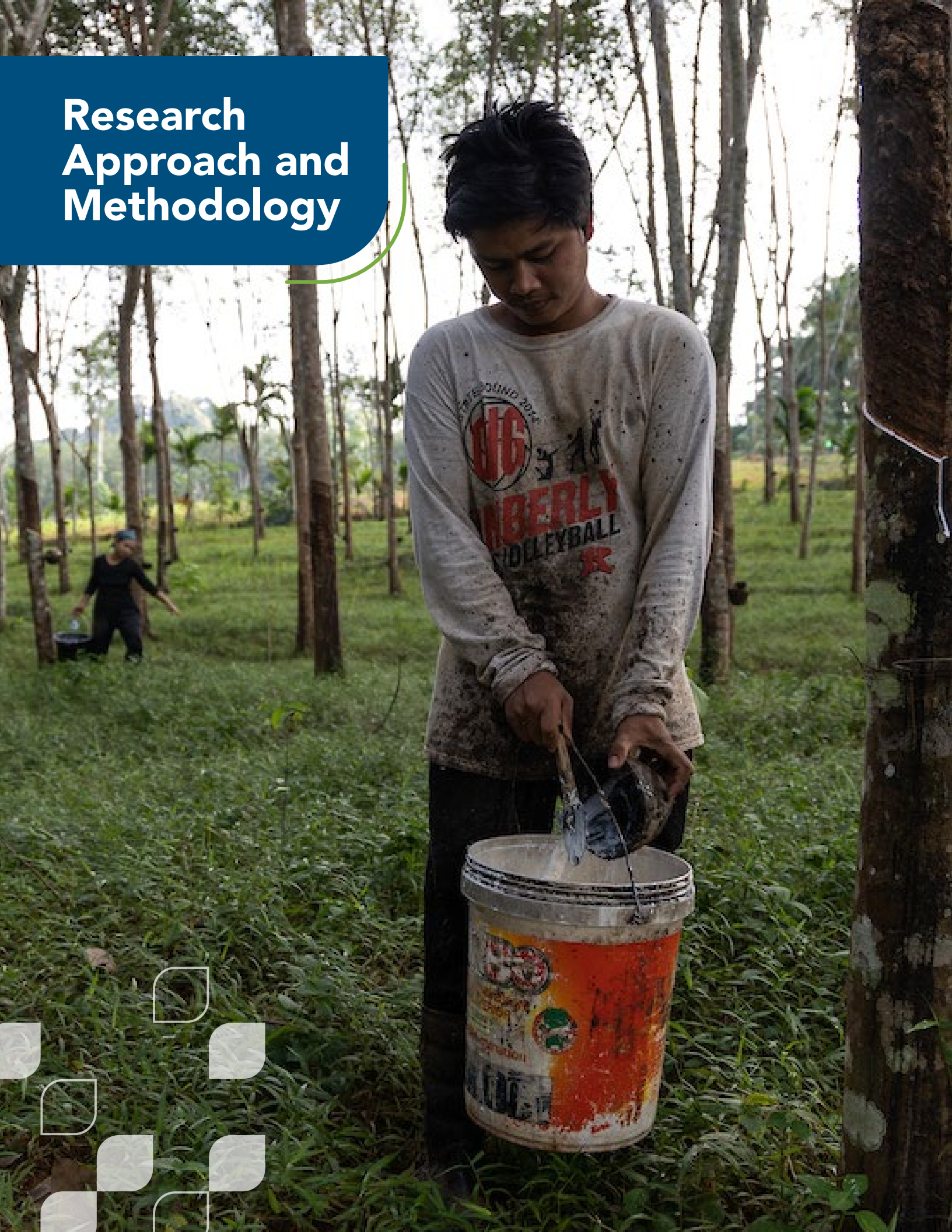
was difficult within Thailand due to the stringent travel requirements involving COVID-19 testing, quarantining and safety processes. Additionally, the situation was unpredictable, with outbreaks and mutations of the virus causing new restrictions to be put in place. Although most of the cases in Thailand were reported within the Bangkok Metropolitan Area, migrant workers were still considered a high-risk population for contracting the virus. As a result, travelling between provinces in Thailand was challenging.

1.6 Assumptions in Research

To achieve the overall objectives of this research assignment, the following assumptions were made:

- Most of the workers on the rubber plantations were migrant workers, primarily from Cambodia and Myanmar.
- The migrant workers are not always willing to disclose accurate information for fear of reprisals, or a misunderstanding of the terms, or because they do not wish to view themselves as victims (possibly related to shame).

Research Approach and Methodology



2. Research Approach and Methodology

Overall goal: To gain more transparency on FL and TIP in the Thai rubber industry, and to identify factors contributing to the vulnerability of workers on rubber plantations.

A **Human-centered Design (HCD)** approach was used as the basis for this research assignment to understand and document the main challenges and factors affecting the lives of workers in the Thai rubber industry. HCD in simplicity means **Innovation Through People**, and it is not a linear process. There are three (3) primary phases in this type of research methodology, and only the first and second phase were conducted, which were to:

- **HEAR/Discover** to understand and identify the key factors contributing to the vulnerability of workers in the Thai rubber industry, and factors leading to FL and TIP; and
- **CREATE** solutions to support Winrock International in designing/planning future interventions of activities under the CTIP program in Thailand and other countries.

2.1 Phase 1: HEAR/Discover

2.1.1 Secondary Research

A qualitative document analysis approach was used to analyze the contents of written documents in a consistent and impartial manner. Through the review and analysis of existing literature (refer to Annex A.3 for sample references), and discussions with experts/organizations in Thailand, in-depth research questions were developed under four (4) categories, as highlighted below. The research questionnaire used in the primary data collection activities can be referenced under Annex A.

CATEGORY 1: HUMAN RIGHTS FACTORS

1. What is FL and TIP, and how are both defined in Thai law?
2. What evidence suggests that rubber plantations are, or are not, violating the rights of workers through practices of FL and TIP?
3. What risks do workers face if they speak out about the rubber industry?
4. What are the FL and TIP issues faced by workers in the rubber industry?
5. How do workers come to be trafficked or put into situations of FL (i.e., debt in home countries, coercion, trickery, threats)?
6. How are workers in the rubber industry recruited?
7. Do the workers have to pay the recruitment agencies at any point in the recruitment process? If so, how much?
8. What are the financial conditions/debt situation of workers prior to migration?
9. What are the working conditions of workers in the rubber industry (i.e., working time, wages, freedom of movement and association, occupational health, and safety, etc.)?
10. What services are (not) made available to workers in the field and at home?
11. What are some of the most common issues (abuses) faced by workers when trafficked?
12. Are workers' travel and legal documentation confiscated from them?
 - a. Are they allowed to return home?
13. How many years, on average, are workers tied to a rubber plantation?
14. Does the employer or recruiter (third-party/middleman) exert physical violence on the workers?

15. Are workers informed of the conditions of their employment prior to entering rubber plantations?
16. What evidence is there that workers are subjected to punishment if they fail to meet quota, or the adequate standard of work?
17. What evidence is there that workers are incentivized to work longer hours/days in dangerous or harmful conditions?
18. Do workers work excessive hours for earnings less than or equal to the minimum wage?
19. Do workers have debts which they owe to the employer?
20. Are workers provided with payment slips (i.e., pay stubs)?
21. Are workers forcibly confined in between periods of work in a location which is secured, locked, or guarded?
22. Are workers accompanied when outside of the workplace or accommodation, or subjected to constant surveillance by the employer?
23. Are workers denied access to basic needs such as food, water, and toilets, and an adequate rest or sick leave?
24. Do workers believe that they cannot change employers until after a specified period has passed, or is their work permit tied to a specific workplace?
25. Where is the worker's money/earnings stored (assuming they most likely do not have access to a bank)?
26. Are workers able to contact their family members, friends, or NGOs? If so, how often and through which mediums?

CATEGORY 2: GENDER FACTORS

1. What is the extent of GBV on the plantations? If any GBV cases are reported:
 - a. Who are the abusers? Employers, co-workers, or family members?
 - b. What are patterns of GBV actions?
 - c. Did women report to the police?
 - d. What are reporting channels that they know/use?
 - e. What did they experience when reporting the cases?
 - f. Were the Thai government officials helpful?
2. How are pregnant women treated on the plantations? What are the issues related to their pregnancy (mental and physical)? Are they eligible to claim for the Social Security Fund Benefit Package? How long do they take maternity leave, paid or unpaid?
3. What are the issues related to women, youth, children, and vulnerable groups on the rubber plantations?
4. Do children have education opportunities? Are they eligible to enroll in Thai schools? Are they sent to school in the country of origin? For those with no education opportunities, are they at risk of child labor on the plantation?
5. What types of demographic groups are targeted by traffickers to send to rubber plantations?
6. What are the differences in treatment for female and male workers?
 - a. Migrant workers from different countries?
 - b. Ethnic, religious, and/or cultural issues between females and males?
 - c. Are they equally paid?
7. What are the levels and types of discrimination for female workers on rubber plantations?

8. How are women and youth treated on the rubber plantations? How are girls, boys and LGBTQ individuals treated on the plantations?
9. What are the characteristics of workers in the rubber industry (i.e., age, demographic, markers of vulnerability, country and province of origin, immigration status, etc.)?

CATEGORY 3: TECHNICAL FACTORS

1. What are the key differences in working conditions between different geographies in Thailand (if any)?
2. Are workers treated differently on consolidated large plantations (significant hired labor) as opposed to highly distributed systems of small farmers (with minimal hired labor)?
 - a. Is it more oriented to one or the other or well-balanced?
3. What technical barriers do victims of FL and TIP face?
4. What are the limitations, or leading factors, contributing to FL and TIP (i.e., education, skills, awareness, etc.)?
5. Are there any cross-sectoral linkages, or collaboration, between industries (such as the fishing industry and rubber industry in Thailand)?
6. Are there geographic, social, cultural, or linguistic implications present that trap migrant workers at the place of work or within the immediate locality?
7. Do different plantations hire different ethnicities due to language constraints?
8. Are there other issues present in widespread sharecropping which are not evident in the other two models?

CATEGORY 4: GOVERNANCE FACTORS

1. What, if any, types of contracts or other types of documents are involved (i.e., written policies on worker rights and safety)?
2. What support programs and protection schemes are made available, or could be created, to prevent FL and TIP?
3. Are any of these schemes or programs known to workers?
4. What accountability and/or grievance mechanisms can be considered for social protection or awareness of the issues in this sector?
5. Have these mechanisms been used or are they likely to be used by migrant workers or their representatives?
6. Can the workers turn to authorities to protect them? Are there any legal protection systems available for the workers?
7. Are some workers treated differently (in terms of seniority), which allows aspects of FL, TIP, and abuse to continue (i.e., hierarchy of authority)?
8. How is the industry structured? What are the sources of power and who are the likely vulnerable populations given the structure of the industry?
9. Is there any impunity in the rubber sector due to influential/rich people owning plantations?
10. Are workers told that they will be arrested, deported, or reported to authorities if they fail to comply with orders from their employer?

2.1.2 Primary Research and Analysis

Upon finalizing the research questionnaire, primary data collection was carried out to extract more empathic and detailed information from workers. The intention was to create a deeper understanding of the linkages between ‘what is reported’ and the ‘reality of the situation’. Figure 3 indicates the areas where primary data collection was conducted through focus group discussions and key informant interviews.

Table 1 indicates the list of FGDs and KIIs that were conducted through the primary research phase (data collection). FGDs and KIIs were organized based on the availability of stakeholders and willingness to contribute to the research assignment.



Figure 3: Locations where primary data collection was conducted; namely Bangkok, Chiang Rai, Chonburi, Phang Nga, and Rayong.

Table 1: List of FGDs and KIIs conducted during the primary data collection phase.

Key Stakeholders	Quantity	Type	Remarks
Myanmar migrant workers in Chiang Rai	1	FGD	<p>A group of 6 migrant workers from a large-scale plantation in Mae Suai District, Chiang Rai Province. The FGD was facilitated mainly by an external contact.⁴² The results underwent a double translation, from Myanmar to Thai to English, and were provided to the research team for analysis.</p> <p>The FGD included 5 female participants and 1 male participant.</p>
Myanmar migrant workers in Phang Nga	1	FGD	<p>A group of 7 migrant workers from small-scale plantations in Takuapa and Kapong districts, in the province of Phang Nga. The FGD was facilitated by an external contact.⁴³ The results underwent a single translation, from Myanmar to English, and were provided to the research team for analysis.</p> <p>The FGD included 4 female participants and 3 male participants.</p>
Cambodian migrant workers in Rayong and Chonburi	8	Interviews	<p>8 Cambodian migrant workers were interviewed by a hired consultant. Results from the interviews were translated from Khmer to English by the researchers. Follow up questions were asked to gain further clarity on key issues that emerged or that were unclear. The migrant workers interviewed were working on plantations in Rayong and Chonburi provinces.</p> <p>The interviews were with 3 females and 5 males.</p>
International Non-Governmental Organizations (INGOs)	4	KII	<p>Representatives from 4 INGOs responded to the outreach, and KIIs were conducted with the following stakeholders:</p> <ul style="list-style-type: none"> • Raks Thai / Care International • World Vision International • Amnesty International • Human Rights Watch
Local Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs)	7	KII	<p>Representatives from 7 local NGOs/CSOs responded to the outreach, and KIIs were conducted with the following stakeholders:</p> <ul style="list-style-type: none"> • Freedom Story • Foundation for Education and Development (FED) • Center for Alliance of Labor and Human Rights (CENTRAL) • The Cambodian Human Rights and Development Association • Legal Support for Children and Women • Cambodian League for the Promotion and Defense of Human Rights (LICADHO) • Thai Lawyers for Human Rights (TLHR)
Networks and Alliances; Private Sector	1	KII	<p>One representative from the Private Sector responded to the outreach, and a KII was conducted with the following stakeholder:</p> <ul style="list-style-type: none"> • Diginex

⁴² Freedom Story in Chiang Rai facilitated the FGD.

⁴³ FED in Phang Nga facilitated the FGD.

2.2 Phase 2: CREATE Phase

Upon completion of the data collection and preliminary analysis, a Restitution Workshop was held with the Winrock International team, to disseminate the findings through open discussion. The aim of this workshop was to delve further into the results obtained from the research in the targeted areas, and to identify further opportunities for future research and activities under the CTIP program. Table 2 presents a brief overview of the Restitution Workshop that was conducted.

Table 2: Breakdown of the Restitution Workshop conducted with Winrock International.

Item	Description
Workshop Details	Length: 60 minutes (1-hour) Date and Time: 19 July 2022 from 20:00 to 21:00 ICT Medium: Virtual over Microsoft Teams Participants: Green in the Blue, Winrock International, Grace Farms Foundation
Overall Objective	To disseminate the key findings from the research study and discuss with the Winrock International team, further recommendations to consider under the CTIP program.
Expected Outcomes	<ul style="list-style-type: none">• Deeper understanding of FL and TIP in the Thai rubber industry• Potential formations of partnerships between organizations working in this sector to tackle issues related to FL and TIP• Development of synergies and/or linkages between programs of different organizations to achieve common goals under the CTIP program
Agenda	Introduction <ul style="list-style-type: none">• Summary of the research conducted, challenges faced, and goals achieved Presentation of Findings <ul style="list-style-type: none">• Summary of the key findings, challenges, and gaps Discussion and Feedback by Winrock International <ul style="list-style-type: none">• Winrock International team to provide feedback on the Draft Report submitted Q&A / Final Comments <ul style="list-style-type: none">• Q&A related to the findings; next steps for research team to consider in drafting the Final Report



Results and Analysis



3. Results and Analysis

3.1 Classification of Rubber Plantations

Natural rubber is produced from natural latex, which comes from the rubber tree, *Hevea brasiliensis*.⁴⁴ It is often referred to as the *Para rubber tree* and can be grown on large-scale plantations and even small-scale family farms.⁴⁵ The lifespan of rubber trees on plantations is roughly 32 years, with the first 7 years dedicated solely to raising the tree, leaving approximately 25 productive years for the tree.⁴⁶

The *Rubber Authority of Thailand* (RAOT) (2015) defines a minimum standard for rubber plantations as a land for rubber trees with an area of not less than two rai (0.32ha). Each rai should contain not less than 10 rubber trees, and on average, not less than 25 trees (in the case of sharecropping).^{47,48} Classification for productive land as smallholdings or commercial/large-scale holdings is defined under varying criteria when analyzing the relationship between small-scale and large-scale rubber plantations. In official statistics, smallholdings are defined as land holdings under 40ha in some countries, and under 20ha in most countries. However, in Southeast Asia, smallholdings usually cover between 1 to 4ha of land.⁴⁹

Generally, smallholdings are better defined by their qualitative characteristics, such as their primary reliance on family labor, or on a small labor force that does not require the bureaucratic management structures which exist in large-scale holdings.⁵⁰ The target groups for the FGDs from Chiang Rai, Phang Nga, Rayong, and Chonburi, can be classified according to the following structure; based on the criteria for selection above and the responses from the migrant workers during the FGDs.

Table 3: Classification of rubber plantations in the targeted locations.

Classification	Large-Scale Holdings	Smallholdings
Labor type	Mostly independent labor	Mostly family labor (husband and wife; and included children in some instances)
Participants for the FGDs	6 Myanmar migrant workers from Mae Suai District, Chiang Rai Province. 8 Cambodian migrant workers from Rayong and Chonburi provinces. These workers came from various districts and were assumed to be from large-scale holdings as they stated receiving fixed wages.	7 Myanmar migrant workers from Takuapa and Kapong districts, Phang Nga Province.
Wage Calculation	Fixed Wage + Commission	Quota + Commission
Cost Split	60% Employer 40% Employee or 50% Employer 50% Employee (Based on the discretion of the employer)	50% Employer 50% Employee (Independent) 55% Employer 45% Employee (Couple/Family)

44 Definition under Britannica.

45 RAOT Act B.E. 2558. Section 4, Page 2. 2015.

46 Britannica. Natural Rubber Trees and its Productive Years.

47 Ibid.

48 1 rai is the equivalent of 0.16 hectare / 1 ha = 6.25 rai.

49 Bissonnette, J.F., De Koninck, R. Land grabbing, conflict, and agrarian-environmental transformations: perspectives from East and Southeast Asia. Conference Paper No. 12. Large Plantations versus Smallholdings in Southeast Asia. Chiang Mai. 2015.

50 Ibid. Conference Paper No. 12. Large Plantations versus Smallholdings in Southeast Asia. Chiang Mai. 2015.

3.1.1 Demographics of Migrant Workers Interviewed

Table 4: Demographics of migrant workers interviewed during the FGDs.

	Group 1: Myanmar migrant workers in Phang Nga	Group 2: Myanmar migrant workers in Chiang Rai	Group 3: Cambodian migrant workers
Nationality	Myanmar	Myanmar	Cambodian
Language	Myanmar	Myanmar	Khmer
Number of migrant workers	7	6	8
Gender split	4 females 3 males	5 females 1 male	3 females 5 males
Age range (F)	31, 33, 43, 49	23, 23, 23, 28, 35	30, 36, 40
Age range (M)	36, unknown, 51	20	22, 27, 37, 39, 53
Literacy rate	Grade 10 level All females and 51-year-old male 1st Year University 36-year-old male	No education Two 23-year-old females and 20-year-old male Grade 1 level 28-year-old female Grade 4 level 23-year-old female and 35-year-old female	No education for all workers
Years at plantation	1 year up to 5 years	4 months up to 4 years	4 years up to 10 years

3.2 Legal Framework in Thailand

The questionnaire that was used to interview rubber plantation workers and guide FGDs drew upon the domestic legal definitions of FL and TIP. These are found in the *Anti-Trafficking in Persons Act* (2008) as well as supporting laws and policies. Indicators were developed to flag situations where a crime of forced labor or trafficking in persons may have occurred. The results in Section 3.2.2 assess responses of rubber plantation workers against these indicators. In contrast, Section 3.3 assesses the human rights impacts that workers face that may not be strictly construed as FL or TIP under Thai domestic law, but that are nonetheless important issues that workers face, and to which they are owed protections under Thailand's international human rights commitments.

3.2.1 The Anti-Trafficking in Persons Act (2008) and Related Laws and Regulations.

Trafficking

Section 6 of the *Anti-Trafficking in Persons Act* (2008) outlines the crime of trafficking as follows:

Whoever, for the purposes of exploitation, does any of the following acts:

- (1) Procuring, buying, selling, vending, bringing from or sending to, detaining, or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or
- (2) Procuring, buying, selling, vending, bringing from or sending to, detaining, or confining, harboring, or receiving a child.

Is guilty of trafficking persons.⁵¹

Forced labor

Section 4 sets out the definition of "forced labor or service" as:

... means compelling the other person to work or provide service by putting such person in fear of injury to life, body, liberty, reputation, or property, of such person or another person, by means of intimidation, use of force, or any other means causing such person to be in a state of being unable to resist.⁵²

⁵¹ *Anti-Trafficking in Persons Act* (2008), s 6.

⁵² *Ibid*, s 4.

Under the *Emergency Decree Amending the Anti-Human Trafficking Act (2008)*, forced labor is defined through section 6/1 as:

... Any person who compels another person to work or to provide services by one of the following means:

- (1) threatening to cause injury to life, body, liberty, reputation, or property of the person threatened or any other person;
- (2) intimidating;
- (3) using force;
- (4) confiscating identification documents;
- (5) using debt burden incurred by such person or any other person as the unlawful obligation;
- (6) using any other means similar to the above acts.

If such act is committed to another person to be in the situation where he or she is unable to resist, such person commits the offence of forced labour or services.⁵³

Other regulations

Other regulations also exist that help to regulate migrants and provide protections to workers. The *Royal Ordinance on Management of Migrant Workers (2017)* requires employers, amongst other things, to:

- provide workers with their employment contract;⁵⁴
- provide funding to workers for bringing them to Thailand and back to their home countries when employment ends, i.e., recruitment fees, transportation costs (but excluding personal expenses such as passports, medical checks, and work permits);⁵⁵
- prohibits deductions of more than 10 percent of workers' monthly salaries for personal expenses incurred above;⁵⁶
- prohibits the retention of travel or other personal documents.⁵⁷

Unlike the fishing sector, which has targeted legislation designed to combat trafficking and labor exploitation,⁵⁸

the rubber and agricultural sectors do not have any specific legislation that regulates migrant workers in these industries.

Implementing the law

Significant evidence suggests that there is a gap between the law as it is written and its implementation. KII suggested that labor inspectors are provided with evidence of forced labour, but they do not understand the nuances or the protocol for identifying it.⁵⁹ For example, labor inspectors may receive work logs that indicate overworking, but do not follow up on these instances because they haven't been trained to analyse this information and identify trafficking risks. Key informants said this resulted in an increase in FL/TIP complaints directed towards CSOs instead of government agencies.⁶⁰ However, the process for resolving them often followed a civil procedure rather than a criminal one. This can result in compensation paid to victims, with criminal prosecutions avoided.⁶¹ Although civil processes can provide access to justice through the receipt of compensation, a lack of prosecutions where evidence is strong permits further abuses to continue to occur by sending a message that the crimes are not serious. Additionally, it is possible to have both a criminal prosecution and a civil suit against an alleged offender, potentially providing the best of both worlds.

Other evidence suggests that many FL and TIP cases go completely undocumented.⁶² Migrant workers are often disenfranchised by living in a foreign country with few resources and navigating foreign protection measures. Key informants told researchers that exploited workers often did not identify themselves as victims of FL or TIP, even though the evidence suggested that they were.⁶³ Shame, fear of retribution, and an unwillingness to participate in foreign systems of law requiring cooperation with foreign law enforcement, were some of the reasons provided for why victims did not report crimes committed against them.⁶⁴

In addition, the location of rubber plantations also makes it difficult for victims to report crimes. Rubber plantations in Thailand occupy over 3.5 million hectares of land countrywide, with roughly 1.7 million smallholdings occupying approximately 3.0 million hectares of this area, as of 2020.⁶⁵ Rubber plantations are typically

53 *Emergency Decree Amending the Anti-Human Trafficking Act (2008)*, s 6/1.

54 *Royal Ordinance on Management of Migrant Workers (2017)*, s 46.

55 Ibid, ss 42, 49.

56 Ibid, s 49.

57 Ibid, s 131.

58 *Labour Protection in Fishing Work Act (2019)*.

59 KII conducted with WVI.

60 Ibid.

61 Ibid.

62 KIIs conducted with Freedom Story, WVI, Raks Thai.

63 Ibid.

64 Ibid.

65 Statistics reported by Earthworm Foundation. 2020.



large, requiring several hectares of farmland, with the size of a smallholdings rubber plantation being up to 8 hectares.⁶⁶ As a result, they are almost always located outside of metropolitan and civic areas. This means any reporting requires longer travel times to visit police or other government buildings. In addition, plantations are often located far apart from other plantations, making contact between workers of different plantations difficult. The physical distances required to visit plantations also makes it harder for NGOs to establish contact with migrant workers. The research team had trouble contacting NGOs that work with rubber plantation workers, even though many worked with trafficked persons in other industries.

3.2.2 Evidence of Criminal Activity Under the Anti-Trafficking in Persons Act (2008) or Supporting Laws and Regulations

As FL and TIP can take many forms and are not easily understood by victims, or readily or voluntarily reported, a variety of indicators have been used to gauge the existence of crimes. KIIs confirmed that many migrant workers do not perceive themselves as being victims of exploitation, such as trafficking, even though they can often identify what trafficking is.⁶⁷ In other cases, workers do not understand the technical aspects of FL or TIP, and as a result, they do not self-report.⁶⁸

The following paragraphs describe the evidence for the crimes of FL and TIP. This section does not provide evidence of criminal activity that could be used for a criminal prosecution. Instead, it assesses the circumstances in which many of the elements of FL and TIP are present to identify where workers are most at risk.

Evidence of forced labor and trafficking in persons: These indicators are not presented according to any ranking system. More indicators than appear in this research were used to assess the existence of FL and TIP, such as “gender-based violence by the employer”, but because no evidence emerged during FGDs, or interviews with plantation workers, they have not been considered below.⁶⁹ Child labor, because it is also a crime, and can coincide directly with child trafficking, is also included as an indicator and discussed below. Indicators of FL, TIP and Child Labor include:

- Confiscation of documents by employers **(6 instances);**
- Transfers between places of work **(2 instances);**
- Forced to work overtime and threatened **(2 instances);**
- Failure to receive physical copy of work contract **(18 instances);**
- Failure to receive comprehensive explanation of work contract in native language **(20 instances);**
- Late payments **(6 instances);**
- Debt bondage **(8 instances);**
- Children working on plantations **(3 instances).**

⁶⁶ CIRAD Research. Assessment of the Sustainability of Rubber Farms in Thailand. 2017.

⁶⁷ KII conducted with Freedom Story.

⁶⁸ Ibid.

⁶⁹ Indicators for which no or little evidence was received were: “Violence and the threat of it”, “Threats against workers by employers or third parties”, “Fraudulent presentation of work prior to entering contract”, “Gender-based violence”, “The practice of controlling exit/entry to premises”, and “Isolation of workers”.

In some cases, there is strong evidence that FL or TIP has occurred. In other instances, the evidence presented indicates vulnerability for the crimes to occur, but additional research is required to be certain.

INDICATOR: CONFISCATION OF DOCUMENTS BY EMPLOYERS.

Confiscation of documents by employers or third parties working with employers is an indicator of exploitation of workers because of the importance the documents hold for workers. These documents included: passports, identification cards/ documents, worker permits, and visa documentation. Documents may be the only way that workers are able to enter or exit the country legally. In addition, once workers lose physical possession of their documents, such as their passport or work permit, they are disempowered in accessing other services in Thailand. Key informants confirmed that the loss of documents often meant that workers were without access to help - with one key informant reporting that home country embassies often cannot, or are unwilling to, help these workers.⁷⁰ As such, when a worker does not physically hold their own documents, they become immediately vulnerable to coercion by the holder of the documents.

The taking of documents by employers was commonplace in some FGDs, but not in others. This indicates that the practice may be based on area of plantation, citizenship of workers, individual plantations, the experience of workers in the industry and/or their age. Key informants agreed with assessments that some document confiscation may simply be ignorance/negligence on the employer’s part.⁷¹ Informants described document confiscation as being seen by employers as a “security deposit” or “safety measure” that may earnestly be designed to protect the workers in case they lose the documents.⁷² Some informants reported employers believe that workers may lose their documents,⁷³ which may create legal issues for employers, which in turn encourages employers to keep workers’ documents.

Employers may not realize that it is illegal to hold workers’ documents until organizations bring it to their attention. Informants suggested there is evidence that once employers are informed the practice is illegal, they return the documentation to the workers.⁷⁴

In contrast, employers may also be holding documents because of the reported high fees that recruitment agencies charge to find workers. In these instances, the holding of documents acts as an insurance policy which violates workers’ rights and prohibits them from leaving without incurring significant difficulties, such as crossing the border without a passport and valid exit visa.⁷⁵ **The workers that had their documents confiscated reported that the practice was used against them in a coercive manner “to stop them from leaving”.**⁷⁶

Table 5: Indicators for coercion, entrapment, and control.

	Group 1: Myanmar workers in Phang Nga	Group 2: Myanmar workers in Chiang Rai	Group 3: Cambodian workers in Rayong and Chonburi
<i>Did your employer or any third party ever confiscate your personal documents such as your passport or work visa?</i>	None of the seven workers reported having their original documents confiscated.	All six workers reported having their original documents confiscated, and reported the reason was to exert control over the workers’ freedom of movement.	None of the eight workers reported having their original documents confiscated.

One of the key informants in this research regularly cooperates with local authorities to speak with employers regarding the practice of confiscating documents and encourages employers to return the documents to the workers. However, they suggest there is no evidence that workers end up getting their documents returned permanently, if at all.⁷⁷ Many cases go unreported, possibly in part because plantations are typically far away, forcing complainants to travel long distances, and vice-versa for authorities responsible for responding to the case.⁷⁸

70 KII conducted with CENTRAL.
71 KII conducted with Freedom Story.
72 KII conducted with Raks Thai.
73 Ibid.
74 Ibid. Freedom Story, KII.
75 Ibid. Raks Thai, KII.
76 Reported from FGD with Group 2 migrant workers.
77 KII conducted with Raks Thai.
78 Ibid.

INDICATOR: TRANSFERS BETWEEN PLANTATIONS/PLACES OF WORK.

Two workers reported being transferred between plantations/employers.⁷⁹ In one instance, the worker was asked to work on another rubber plantation, and **threatened with losing her job on her current plantation if she did not agree to do so.**⁸⁰ In the second instance, the worker was **"forced to work" by the employer outside of regular hours** picking vegetables and fruits on another plantation.⁸¹ In both instances, the employer is reported to have engaged in forceful actions that permitted them a benefit via the workers' labor. This is clear evidence of FL, both demonstrating threats and the use of force for exploitation.⁸² In addition, the second instance also involved the worker being forced to work outside of regular hours, amounting to overworking.

INDICATOR: INABILITY TO UNDERSTAND THE EMPLOYMENT CONTRACT.

None of the workers received a written work contract, as required by law.⁸³ In addition, even if a contract did exist (verbally), nearly all workers did not understand their employment contract clearly. There are various factors to this finding. Usually, when the contract was not supplied, or was not supplied in a language that the worker could understand, a recruiter/employer/third-party would explain the terms of the verbal contract to the workers. However, workers reported that this explanation was usually insufficient, typically focusing on only a few aspects of the contract if provided at all.

Table 6 provides evidence that employers are not ensuring that workers have access to their rights. The *Royal Ordinance on Management of Migrant Workers* (2017) requires employers to provide workers with their employment contract.⁸⁴ **The evidence gathered herein suggests that this does not happen.**

The provision of a contract to workers serves two purposes. First, it provides clarity to the worker so they may freely, and in an informed manner, agree to the work to be done in clear terms. Secondly, it also provides the worker with legal documentation of the work they are required to do. This is important for workers to realize other rights, such as making claims against employers for violating work contracts. Taken together, the provision of a work contract empowers workers and thus provides some protection against exploitative practices.

Table 6: Indicators for contracts, transparency, and fraud.

	Group 1: Myanmar workers in Phang Nga	Group 2: Myanmar workers in Chiang Rai	Group 3: Cambodian workers in Rayong and Chonburi
Was the contract provided in a language that the worker could understand?	Five out of seven workers reported not having the contract explained in their native language, and none of the workers received a written contract.	All 6 workers reported not being provided with a written contract or explanation.	Seven out of eight workers did not have the contract explained to them, and none of the workers had a written contract provided to them.
Did anyone explain the contract if the contract was not provided in the workers' native language?	Two out of the seven workers reported having someone explain terms and conditions of the work in their native language, or in a way that they could understand.	All 6 workers reported not being provided with any contract.	Only one of the eight workers reported having terms of the contract explained to them.

INDICATOR: LATE PAYMENTS.

Some workers reported late payments.⁸⁵ It is possible that these issues are concentrated in specific areas or to specific plantations where employers lack the capacity to manage finances properly. **Participants in Group 1 all reported late payments, as well as one of the Cambodian workers who was interviewed.** Late payments were not attributed to any retribution or penalty against the worker, but there was also no explanation provided by the interviewed workers as to why payments were received late. Workers typically received payments between one and five days later than the agreed payment date.⁸⁶

⁷⁹ Migrant workers from Group 1.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² These are elements of the FL crime found above at section 3.2.1.

⁸³ *Royal Ordinance on Management of Migrant Workers* (2017), s 46.

⁸⁴ Ibid.

⁸⁵ Late payments were mostly found in the responses by Group 1 migrant workers, with one Cambodian worker reporting a late payment.

⁸⁶ Workers from all Groups reported this.

Late payments are considered a risk factor in exploitation of workers for two key reasons. First, if employers withhold pay, they may be intentionally punishing workers. Second, if employers pay workers late for any other reasons, or the above reason, workers may be forced into states of insecurity, such as having an inability to plan their finances or repay debts on time or be forced to keep working in the hopes of future payment.

INDICATOR: REPAYMENT TO THIRD PARTIES.

Most Cambodian workers reported making repayments to persons that “helped them get work”.⁸⁷ At the same time, they also reported not using the services of professional recruiters. The term “*m’cah k’chal*” was used to describe the persons that Cambodian workers would allocate part of their pay towards. The term roughly translates to mean “middle-men”.

Confirmation from KIIs revealed that middlemen are used frequently by migrant workers coming from Cambodia to find jobs in Thailand.⁸⁸ The middlemen are not recruiters (this term was not used to describe them and was rejected during KIIs)⁸⁹, and they do not operate as part of a company on an official basis. Sometimes workers do not know where they are going to work. Researchers believe that middlemen may have been related to or known to workers before workers engaged them for travel/work arrangements in Thailand.

This finding reveals that there is a gap between the law and its implementation concerning the regulating of brokers and registered persons who can bring migrant workers to Thailand. Under the *Royal Ordinance on Management of Migrant Workers* (2018) only registered persons with permission granted by the Director General are allowed to bring migrant workers into Thailand.⁹⁰ **However, the descriptions provided by Cambodian migrant workers indicate that ‘middle-men’, who do not advertise any association with a registered company, or with any permission from the Director General, are involved in linking workers with Thai rubber plantations.** This is evidence that third parties, in this case middlemen working in Cambodia, can circumvent the regulations in place to protect migrant workers from FL and TIP. All the Cambodian workers that were interviewed crossed into Thailand illegally, before becoming legalised and working on rubber plantations.

INDICATOR: DEBT BONDAGE.

Several workers reported paying fees which pushed them into debt to acquire work in Thailand. **Two workers from the FGDs, and six out of eight interviewed Cambodian workers reported becoming indebted during the recruitment process.** In addition, because of COVID-19, and other causes, KIIs suggested that many workers had reported taking an advance on their salaries or loans from their employers to pay for their everyday living expenses, resulting in them becoming further indebted to their employers.⁹¹ This finding was not corroborated in FGDs or interviews with workers.

Becoming indebted to an employer or a third-party during recruitment or working creates a vulnerability for the worker, effectively removing their ability to engage freely with employment.

Table 7: Indicators for vulnerability and extortion.

	Group 1: Myanmar workers in Phang Nga	Group 2: Myanmar workers in Chiang Rai	Group 3: Cambodian workers in Rayong and Chonburi
Do you have any debts in your home country?	No information.	No information.	Six out of eight workers reported having a debt in Cambodia and this being the reason they came to work in Thailand.
Did fees associated with the recruitment process (including obtaining passports and travel tickets) result in a debt?	Two out of seven workers incurred a debt because of fees for going to Thailand for work.	No information.	Six out of eight workers incurred a debt because of fees for going to Thailand to work.

87 Interviews with the Group 3 migrant workers.

88 KII conducted with CENTRAL.

89 Ibid.

90 Section 26.

91 KII conducted with Raks Thai.

Six out of eight Cambodian workers also reported making repayments for debts that they held in Cambodia. In these instances, debt in the home country was identified as the reason for them seeking work in Thailand. Indebtedness linked with human rights abuses, including intimidation, forced land sales to repay debts, and migration to repay debts, are well-documented issues in Cambodia.⁹² Cambodia has the highest indebtedness – of any country in the world – to microfinance institutions.⁹³ The cases presented in this report suggest that indebted Cambodians seek migrant work in Thailand to pay off their debts. Researchers did not find any evidence that indebtedness in countries other than Cambodia lead to migrating for work on rubber plantations.



“I came with my aunty, and my aunty paid brokers’ and agents’ fees for me and [I] had to repay my aunty’s debt of over 10,000 baht.”

INDICATOR: LACK OF KNOWLEDGE ON LAWS, UNIONISATION AND OTHER PROTECTIONS AND SUPPORT.

There were also findings that suggest workers have good knowledge of some areas of Thai law and protections available to them – while some evidence suggested greater dissemination of protections is required. None of the respondents were part of a union, but many had knowledge of Thai labor and migrant laws, as well as which NGOs could support them. Workers often knew the area they could work in (location) for their work contract, understood their rights to over-time pay and maternity leave, and had some knowledge of child labour. Positively, many had reached out to NGOs for support in the past. However, it is important to interpret this finding based on the context. NGOs were used to find workers that researchers spoke to, and as a result, this finding probably indicates a higher level of engagement with NGOs, and NGO provided education, than is typical of workers in the rubber industry.

Table 8: Indicators for awareness of protections available to migrant workers.

	Group 1: Myanmar workers in Phang Nga	Group 2: Myanmar workers in Chiang Rai	Group 3: Cambodian workers in Rayong and Chonburi
<i>Do you have a union, or are you part of a union?</i>	All workers reported NOT being part of a union.	<i>No information.</i>	All workers reported NOT being part of a union.
<i>Are you aware of any social protections available?</i>	All workers were aware of some protections under Thai law, as well as other protections.	<i>No information.</i>	All eight workers were aware of some protections under Thai law, as well as other protections.
<i>Are you able to communicate with ... NGOs?</i>	All workers reported being able to communicate with NGOs, and five out of six reported seeking assistance from NGOs.	<i>No information.</i> ⁹⁴	All eight workers reported being able to communicate with NGOs, and five out of eight reported seeking assistance from NGOs.

Most workers reported being able to communicate with NGOs, and many workers reported seeking assistance from NGOs. This indicates that workers are not isolated and are able to seek help as necessary. As NGOs assisted in finding workers willing to be involved in the research, it is possible that the interviewed workers are more empowered than the general worker population. On the other hand, it is possible that calls to workers indicates these workers needed help and the workers involved in this research are more likely to have suffered harms.

Additionally, many workers reported being able to communicate with NGOs, but some reported not doing so even though they could. In some instances, there may be a fear of retribution associated with speaking with NGOs felt by workers. This was not reported directly by workers, but the following story provides some evidence of this issue. One NGO reported that a rubber plantation worker died. The NGO worker was asked to come assist the other workers. After departing for the plantation, the NGO worker received a call from the other rubber plantation workers asking for him to cancel his trip. The reason for this was unclear. However, the NGO believed it was because the plantation did not want the NGO talking to their workers.

⁹² Refer to LICADHO's or Equitable Cambodia's work on these issues at www.licadho-cambodia.org or www.equitablecambodia.org.

⁹³ Ibid.

⁹⁴ Freedom Story, who facilitated the FGD for Group 2, reported being able to contact some of the rubber plantation workers they work with (some of whom were likely involved in the FGD). They also reported having issues related to internet connection when trying to contact workers.

INDICATOR: CHILD LABOR.

Child labor is defined in Thailand as the employment of any person under the age of 15 years.⁹⁵ If work is hazardous, the employment of a person under the age of 18 years is also considered child labor.⁹⁶ Additionally, child trafficking is a crime under section 6(2) of the *Anti-Trafficking in Persons Act* (2008).

Migrant workers regularly bring their families to the plantations.⁹⁷ **Three workers from Group 1 reported child labor occurring where they worked. Two of the workers reported witnessing child labor, and one worker reported child labor within their family.**

Child labor is often considered with respect to its effect upon a child's right to be a child. This includes engaging in education, playing, and not being subjected to stressful, particularly difficult, or dangerous working conditions. The work that has been generally described by workers that children engaged in, on the plantations, was informal, and there was no evidence that it disrupted the children's ability to attend school. Further, the work is not considered particularly difficult, dangerous, or stressful, and was described in some cases as "helping parents to carry equipment". During a high production period, this could potentially lead to cases where children may miss out on opportunities for an education. Considering that working hours can run late into the night, most of the time, lack of sleep and rest could hinder their ability to function during the day at school and grow up in a healthy manner.

However, the migrant workers that the researchers spoke to provided little evidence that children were denied their right to an education. No evidence emerged that suggested the children of workers did not attend school. Children attend schools that are related close to plantations and take classes in Thai. *Order No. 28/2559 of the National Council for Peace and Order* guarantees 15 years of free education for all children in Thailand.

Finally, there was no evidence that children received any compensation for their work on plantations. This may indicate that employers were unaware of the work the children were doing. Evidence that children are working on rubber plantations was found. However, more evidence is needed, and more research is recommended, to assess the vulnerability of children to FL, TIP, and Child Labor.

3.3 Human Rights Factors in the Thai Rubber Sector

Human rights are guaranteed to all humans, regardless of their legal status in a state. The below section overlaps with the above section since evidence of FL or TIP will typically also be evidence of a human rights violation. However, the human rights considered below reflect broader principles that did not evince the crimes of FL or TIP but do provide evidence of human rights violations.

Right to adequate housing.

The right to adequate housing is guaranteed through article 11(1) of the *International Covenant on Economic, Social and Cultural Rights* ('ICESCR').⁹⁸ Workers did not reflect negatively upon their right to adequate housing. For the most part, the question was answered in the negative when asked as "do you have any issues with your housing?". However, it is not clear that this answer means workers do have access to adequate housing. One worker responded that the housing was "not good but is normal" for him. This may indicate that the right to adequate housing is not being realized in some instances. One of the key informants revealed that housing may not be adequate, but workers may not have ever had adequate housing.⁹⁹

The KIIs confirmed that most workers receive accommodation from their employers, living inside the plantation or very close to it.¹⁰⁰ It is likely then that they are vulnerable to eviction and homelessness should they lose their jobs. This is something that the legal framework of Thailand does not seem to have considered.

Rights to work and health.

The right to safe work is guaranteed through article 7(b) of the ICESCR.¹⁰¹ Although all the respondents reported that their work was not of a dangerous nature, most also reported that the work is tiring and physically demanding. In the case of the eight workers from Cambodia, their salary is directly proportional to the amount they can harvest, in other words, each worker is paid according to how much physical labor he/she can perform. Cambodian migrant workers also complained of working hours being affected by seasonal changes, such as increased rain, which resulted in less opportunities to work (typically limiting work to 2 to 3 days a week). The combination of workers being paid only according to how much physical labor they perform, an involuntary reduction in hours based on the weather, indebtedness

95 *Labor Protection Act* (1998), s 44.

96 *Ibid*, ss 49, 50. 'Hazardous work' is defined in sections 49 and 50 of the *Labor Protection Act* (1998).

97 FGDs conducted with Group 1 migrant workers and discussions with Group 3 workers, in addition to the KII with CENTRAL.

98 Thailand acceded to the *International Covenant on Economic, Social and Cultural Rights* (1976) on 5 September 1999.

99 KII conducted with CENTRAL.

100 KII conducted with Raks Thai.

101 Thailand acceded to the *International Covenant on Economic, Social and Cultural Rights* (1976) on 5 September 1999.

(reported by two of the Cambodian immigrant workers) and poverty (the reason provided by every Cambodian worker for immigrating), provides evidence that the right to work is not being voluntarily realized. Cambodian workers may be subject to working excessive hours – even if not directly forced by employers - due to their low wages, indebtedness, and inability to work regular hours later in the year. As a result, the research team believes it is likely that workers are vulnerable to overworking.

In Group 1, overworking, or working more than 8 hours a day, was reported by two workers who regularly worked 10 and 11 hours per shift. Another worker reported being forced to be on call to work night and day. Overworking can lead to injuries and result in mistakes which create dangerous situations.

The right to “rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays” is guaranteed under article 7(d) of the ICESCR.¹⁰² In addition, the right to health is guaranteed under article 12.¹⁰³ However, the conditions present according to some of the workers are not conducive to realizing their rights to health and to work. According to some of the KIIs, most workers do not know how to use health insurance and cannot afford to take time off, due to their long shifts, to access health care clinics.¹⁰⁴ Further, some of the respondents from Groups 1 and 3 reported not being able to access social support systems, providing some evidence of discrimination.

Right to form a union.

Article 22 of the *International Covenant on Civil and Political Rights* guarantees the right to form and be a part of a union.¹⁰⁵ No workers that the research team spoke with reported the existence of, or their involvement in, workers unions for rubber plantation workers. This finding does not constitute a human rights abuse, but it may indicate workers are unaware of how to create or join a union. It could also show that workers are unwilling or uninterested in forming unions, for a variety of reasons, some of which may indicate disempowerment, and others which may not indicate anything. Unions can help workers to realise their rights to safety, fair pay, and protections under the law, amongst other supports. As such, the lack of unions present in the rubber industry is noteworthy.

3.4 Applied Factors in the Thai Rubber Industry

3.4.1 Technical Considerations for Migrant Workers

The working conditions of migrant workers varied depending on the region, demographics of the workers, and the size of the plantation.

Recruitment Process: Through the KIIs, it was reported that migrant workers from Cambodia and Myanmar are recruited either through a recruitment agency or through middlemen. The recruitment agencies generally charge fees to facilitate the administrative process including issuance of visas (approximately 1,900 THB), work permits (approximately 1,000 THB), travel (varies depending on region), and agency fees (generally very high). As a result of the COVID-19 pandemic, the recruitment process for migrant workers has become difficult and expensive.¹⁰⁶

It was reported by four key informants that recruitment fees now cost an average of 30,000 THB per person/migrant worker, an increase of 3,000 to 4,000 THB from before. The additional costs include COVID-19 testing, quarantine measures, medical check-up (approximately 500 THB), and health insurance (approximately 2,000 THB per year) implemented by the Thai Government, because of the ongoing impacts of the pandemic in Thailand.

Majority of the Group 1 migrant workers reported not having to pay any fees for recruitment, **except for two workers who reported having to pay 10,000 THB and 6,000 THB** respectively for expenses associated with being brought into the country, and transportation to the rubber plantations. On the other hand, **all migrant workers interviewed from Group 2 reported having**



“Yes, some of my relatives and friends have been working in Thailand for many years, and they told me that the rubber plantation sector is a good income in Thailand [...] I am also very familiar with working on a plantation in Myanmar.”

102 Ibid.

103 Ibid, article 12.

104 KII conducted with Raks Thai.

105 Thailand acceded to the *International Covenant on Civil and Political Rights* (1976) on 29 October 1996.

106 KIIs conducted with Freedom Story, Raks Thai, TLHR, and WWI.

to pay between 30,000 to 100,000 kyat in Myanmar (approximately 550 to 2,000 THB), and an additional 3,000 to 15,000 THB in Thailand, for the entire recruitment process.¹⁰⁷ In total the migrant workers paid an average of approximately 10,000 THB. They stated that these fees included the issuance of travel documentation, entrance into Thailand, and transportation to the rubber plantation. Given that the Group 2 migrant workers received a salary of approximately 9,000 THB per week, this is a significant amount for them.

The Group 3 migrant workers reported having to only pay for the administrative fees associated with their recruitment process, however they did not specify the exact costs. This included the fees for applying and registering to obtain a work permit, work visa, as well as other costs associated with their legal requirement to stay in Thailand. Two of the workers reported having debts associated with their recruitment, which was mentioned in the above section covering debt bondage.

Working Hours and Conditions: All migrant workers from Group 2 reported working alternating schedules, either throughout the day from 8:00am to 5:00pm or through the night from 12:00am (midnight) to 6:00am. They also reported that Sunday is considered a day off and they were not forced to work all the time,¹⁰⁸ mostly keeping to a 6-day work week. This was also similarly reported by the Group 3 migrant workers, who worked around 8-hour shifts, during the day or at night, however they did not specify if they had any days off.

All migrant workers from Group 1 reported different working conditions, as they did not have fixed working hours. They reported working anywhere between 6 to 12 hours a day, depending on the demand from their plantation owner. It is worth noting that Thai law requires overtime payments where workers are working more than 8 hours in a day.¹⁰⁹ **Workers reported having to work at any time of the day/night,** however most shifts were conducted through the night, with rest periods and/or landscaping activities during the day. These working hours mostly range anytime between 8:00pm to 6:00am.

Rubber tapping is often done at night or early mornings, as temperatures are the lowest during these points of the day. The lower temperature allows for the latex to drip longer into the collection cup before it coagulates and seals the cut layer. Due to these technical working conditions, when the workers have shifts during the day, it is most of the time associated with landscaping duties on the plantation - such as mowing grass, cutting and trimming trees, removing weeds, tilling the fields, and other activities.

The discrepancy between Groups 2 and 3, and Group 1, is a result of the difference in types of plantations (small-holdings versus large-holdings) that they worked on, which meant that they had different methods of compensation, as highlighted below.

Compensation: All migrant workers from Group 2 and Group 3 reported receiving a base fixed wage plus a split-cost commission. The workers from Group 2 reported base wages at a rate between 200 THB to 250 THB per day. They stated that the split-cost commission was determined by the sale of the natural rubber every week, and that the employer would calculate the total revenue from the sale, and credit the worker's final salary with a 40% commission, with the employer keeping 60% of the revenues. The Group 2 migrant workers reported being paid every 15 days, and it was not specified by all workers how much they earned. However, it was reported by three migrant workers that they received roughly 9,000 THB per week.

The migrant workers from Group 3 mostly did not specify their base wage and the frequency of their payments (i.e., bi-weekly, weekly, bi-monthly), with only two of the workers reported a base fixed wage of 330 THB per day. However, all workers reported that their split-cost commission was calculated as a 50/50 split between the employer and worker, respectively. During high demand periods in a year, three migrant workers reported earning roughly 9,000 THB per week, however due to the COVID-19 pandemic, this has now drastically decreased to roughly 3,000 to 4,000 THB per week because of reduced working hours.¹¹⁰

Salary calculation formula:

$$\text{Total Salary (THB)} = (\text{number of days worked}) \times (\text{base fixed wage}) + 40\%(\text{revenue from sale of rubber})$$

where,

$$\text{Revenue from sale of rubber (THB)} = (\text{total harvested amount by worker}) \times (\text{daily buying price of rubber})$$

On the other hand, the Group 1 migrant workers reported receiving wages on a quota plus a split-cost commission. All workers reported receiving the same wage of 25 THB per kg of latex harvested. Their final salary was also calculated with a split-cost commission, and **couples/families would receive lower payouts than individual**

¹⁰⁷ FGD conducted with Group 2 migrant workers.

¹⁰⁸ S 56 of the *Thailand Labor Protection Act* (1998) indicates that workers paid on a piece rate basis do not receive weekly holiday pay.

¹⁰⁹ S 23 of the *Thailand Labor Protection Act* (1998).

¹¹⁰ Minimum wage is, as of 2020, set between 313 baht to 336 baht, meaning workers are at risk of slipping below minimum wage (see <https://www.bangkokpost.com/thailand/general/2302714/employers-oppose-minimum-wage-rise> and <https://mywage.org/thailand/>). Minimum wage is set by Wage Committees under the *Thailand Labor Protection Act* (1998) - Chapter 6.

workers. The workers reported that the split was 50/50 between the employer and the worker. However, for couples/families, all workers reported that the split was 55/45 between the employer and worker, respectively. It is important to note that the workers reported the payout for couples/families is a total of 25 THB per kg for both husband and wife, as opposed to 50 THB (25 THB each).

Salary calculation formula:

$$\text{Total Salary (THB)} = 25 \times (\text{total kg harvested by worker}) + 50\%(\text{revenue from sale of rubber})$$

(or 45% in the case of a couple/family) where,

$$\text{Revenue from sale of rubber (THB)} = (\text{total harvested amount by worker}) \times (\text{daily buying price of rubber})$$

All migrant workers from Group 1 reported that the average harvesting amount per day was roughly 100kg of latex. Two of the workers also reported that couples/families could sometimes harvest roughly 150kg of latex per day. They all reported that the employer would pay their salaries every 10 days which would amount to between 3,000 to 5,000 THB.

Three migrant workers from Group 1 also reported that they are expected to share costs with the employer for tools and equipment (i.e., lawn mowing tools, tapping tools, and other equipment), truck rentals, fertilizer, as well as other work-related costs, as the employer does not cover 100% of these costs. This is since the Group 1 migrant workers work on smallholdings, which are predominantly family-run businesses.

Table 9: Comparison of working conditions and wages on different plantations.

	Large-scale Holdings	Smallholdings
Group	Group 2 and 3	Group 1
Salary Calculation	Fixed Wage + Split-cost Commission	Quota + Split-cost Commission
Working Time	Average 9 hours per day	Between 6 to 12 hours per day
Expected Working Days / Week	6	7
Average Productive Working Days / Week	4-5	2-3
Constraints	None reported	Families earn less than individual workers
Harvesting Capacity	Up to 100kg of latex per day	Up to 150kg of latex per day
Average Daily Wage	200 to 330 THB	Based on harvested amount
Salary Payments	Every 15 days	Every 10 days
Average Salary Earned	18,000 THB (roughly 9,000 per week)	3,000 to 5,000 THB
Cost Split	60% Employer 40% Employee or 50% Employer 50% Employee (based on the discretion of employer)	50% Employer 50% Employee (Independent) 55% Employer 45% Employee (Couple/Family)
Worker's Fees	None reported	Three migrant workers from Group 1 reported having to share costs with the employer for tools and equipment (i.e., lawn mowing tools, tapping tools, and other equipment), truck rentals, fertilizer, and other work-related costs. They stated that the employer does not cover 100% of these costs and that it was expected of them to share costs of the equipment.
Recruitment Process	Verbal agreement between the recruiter and employer	

Cross-Sectoral Linkages: Two key informants reported that migrant workers are shuffled between industries and in some cases, taken through a process known as “seasonal hiring”.¹¹¹ However, **there was no evidence of this reported through the FGDs.** ILO reported that workers on rubber plantations must plant, maintain, and tap trees for at least ten months of the year, and workers sometimes also work year-round.¹¹²

There were no reported instances of linkages to FL and TIP through sharecropping or shifting between industries, in this research study.

3.4.2 Governance Factors in the Thai Rubber Industry

In Thailand, the Provincial Department of Social Development and Human Security, under the Ministry of Social Development and Human Security, is the responsible party for, (i) identifying issues related to FL and TIP, and (ii) resolving reported cases of FL and TIP. One key informant reported that all provinces in Thailand should have an anti-TIP committee focused on addressing the issues related to FL and TIP in various industries. It was also stated that (I)NGOs and CSOs working in the social impact sector often collaborate with the anti-TIP committees to provide technical support in terms of policy recommendations to better address FL and TIP, and relevant protection and persecution measures to enforce in the case of identifying cases of FL and/or TIP.¹¹³

Key Challenges and Gaps: Three of the key informants reported that one of the main challenges in Thailand is that **FL and TIP cases on rubber plantations are identified retroactively instead of proactively.**¹¹⁴ They stated that the issues are associated with the fact that rubber plantations are in remote areas, far away from the provincial town center where the provincial government offices are situated. As a result, the migrant workers are less likely to report cases of FL and/or TIP as it happens, as it is either, (i) too far for them to travel; (ii) they are not willing to risk the journey into town for a process they are unaware of how to report; and/or (iii) they have limited time outside a plantation. In the case of labor inspections, two informants reported that employers are often forewarned about this happening, and so take measures to hide any potential issues that could be identified through inspections.¹¹⁵

Another key challenge reported by one key informant

is that **there are significant gaps in language and communication which serve as a deterrent for migrant workers to formally report cases of FL and/or TIP.**¹¹⁶ These gaps in language and communication are also echoed in other aspects of the agricultural industry. Another key informant reported that the lack of understandable communication during the recruitment process has often led migrant workers to be put into precarious situations regarding the legality of their stay in the country.¹¹⁷ Being unaware of the regulations involved with their work permits tied to a single location and employer, the workers are faced with risky situations when they either leave their jobs or seek alternative employment opportunities.

Another challenge is that the work permit is only valid for one-year, and one of the key informants reported that the workers have to travel approximately 30-40km to report to the local office for immigration every month.¹¹⁸ Due to the distance and the time away from the plantation, according to the key informant, the migrant workers are generally unable to comply, and as result, end up becoming “illegal” workers. As their employment is usually more than one-year, majority of the migrant workers are unaware of their work permits expiring. Other key informants reported that in the past, migrant workers would be coined “illegal” under one of the two following cases:¹¹⁹

- The worker left their original location of employment, which was tied to their work permit, and sought employment with another employer/company; or
- The worker was recruited under false pretense by a recruiter, to a company/location that is different from the one that is tied to their work permit

Memorandum of Understanding (MOU) Process: Two key informants reported that large-scale holdings (in the entire agriculture industry) often use the MOU process to recruit migrant workers into Thailand.¹²⁰ This process involves employers formally registering under the Department of Employment in the Ministry of Labor, under the clause of seeking migrant labor. They then follow a formal process through the government to recruit workers onto their plantations. Most often, these processes involve contractual documents with relevant ministries, however **no information could be extrapolated from the FGDs** of the migrant workers having any understanding of this process being followed.

111 KIs conducted with WVI and Raks Thai.

112 *Working and employment conditions in the agriculture sector in Thailand: A survey of migrants working on Thai sugarcane, rubber, oil palm and maize farms.* ILO. 2021.

113 KIs conducted with WVI, Raks Thai, Freedom Story.

114 KIs conducted with WVI and Raks Thai.

115 Ibid.

116 KI conducted with Raks Thai.

117 KI conducted with TLHR.

118 bid.

119 KIs conducted TLHR, WVI, Raks Thai, FED, and Freedom Story.

120 KIs conducted with WVI and Freedom Story.

On smallholdings, the situation is significantly different, as the employers **do not use the MOU Process for recruiting workers**. As smaller family-run businesses generally do not have the technical or financial means to undergo the complicated nature of the MOU process, they prefer to recruit workers through informal channels.¹²¹

Impunity in the Thai Rubber Sector: One key informant reported that some of the large-scale plantation owners in the northern provinces of Thailand have strong economic and political ties with government representatives.¹²² It was reported that these plantation owners can follow an easier, streamlined process to recruit workers through the MOU Process. Further research will need to be conducted in these areas, to identify any gaps in the governance mechanisms for employers and workers' rights, on rubber plantations.

3.5 Gender Equality and Social Inclusion in the Thai Rubber Industry

Wage Gap: Existing research conducted in Thailand demonstrates that a wage gap exists between male and female migrant workers in the Thai rubber sector. This is also commonly seen across other industries and countries, with inequalities represented between men and women in the workforce.¹²³

According to the KIIs, it was reported that male migrant workers are generally paid more than female workers on Thai rubber plantations. One key informant stated that male migrant workers receive, on average, approximately 280 THB per day, whereas female workers receive approximately 220 THB per day.¹²⁴ This was confirmed with the Group 2 migrant workers, who reported that **male workers receive a wage of 250 THB per day, while female workers only receive around 200 THB per day.**¹²⁵

For the Group 1 workers, who are paid on a quota basis, there was no discrepancy in wages based on gender. Both male and female workers reported **receiving 25 THB for every kilogram of latex harvested, irrespective of their gender.**¹²⁶ However, at the time of payment (every 10 days), the female workers reported that the total amount they receive is less than the amount the male workers receive. This discrepancy was directly attributed to the female workers' physical limitations in terms of being able to transport the same amount of harvested latex as their male counterparts. The female

participants reported that it is physically challenging for them to transport large amounts of the harvested latex, and as a result, more time is spent travelling back and forth between the trees and the collection point.

Employers paying workers on a quota may not intentionally contribute to a gender pay gap, however, they also do not seem to take any measures to support female workers to bridge the pay gap in the final payout, especially given the physical nature of the work. The participants also suggested that there is evidence of gender-based discrimination, which is highlighted in the following section.

Discrimination: Based on the FGDs and KIIs conducted, there was a consensus that male and female migrant workers were treated differently on rubber plantations. This is likely due to the male workers' physical capabilities in terms of transporting large amounts of latex at a time.¹²⁷ The Group 2 migrant workers confirmed that they received different levels of treatment because of their gender. The female workers reported that they accept this fact, as they are aware of their physical limitations; and as a result, understand why the male workers would be more preferred.¹²⁸ The Group 2 workers also reported that often, part of the duties on the plantation include mowing grass and trimming trees which requires adequate equipment. The female workers reported that they received inferior and inadequate equipment when compared to their male counterparts.

In addition, all the migrant workers - male and female - from Group 3, **reported that the female workers often undertake domestic duties on the plantation, outside of their daily work functions, which they are not compensated for.** During the FGD with Group 1, one female worker also stated that the domestic duties were requested by the employer.



"Work for the men and women are alike. But men have time-saving equipment such as a lawn mower, whereas women have [got to cut] the weeds by hand."

121 KII conducted with FED.

122 KII conducted with Freedom Story.

123 MMN Report. 2020.

124 KII conducted with Freedom Story.

125 FGD with the Group 2 migrant workers

126 FGD with the Group 1 migrant workers.

127 KIIs with FED and Raks Thai.

128 Ibid.



"Yes, sometimes the female workers have to help with the employer's domestic labor."

The fact that the domestic duties are undertaken only by the female workers - regardless of whether the employers request for it - highlights the assumed gender roles inherent within the rubber plantations. Two of the female migrant workers from the FGDs reported that although they felt that the situation was unfair, they conceded to the fact that women were expected to take on domestic duties as prescribed by social and cultural norms.

Health: Some of the migrant workers in Group 1 reported that no support was provided, when asked about cases of pregnancies. However, this could also be associated with their earlier understanding of no individual being provided medical insurance or social security fund benefits. The Group 3 migrant workers reported that their employers followed "the law" in the case of pregnancies. **The female workers reported that they were aware of their legal rights to a 3-month maternity leave.** However, some of the respondents in Group 3 also stated that they are not able to receive the social support. According to the relevant sections under the domestic Thai law, the employer should cover the wages of the female employee for a 3-month maternity leave period.

The Group 2 migrant workers did not share any relevant information related to health impacts between male and female workers.

Gaps were identified when considering the treatment of male and female migrant workers under different contexts related to health. Although all migrant workers from Group 1 and most from Group 3 reported having knowledge of social support programs and how to access them, some of the workers from Group 1 and 3 had **reported not being able to access them.** Given that such benefit packages are the responsibility of the employer, and this may not have been provided to the workers,¹²⁹ this is concerning. Based on all FGDs, some of the migrant workers reported that sick leave was at their own expense, and it would be unpaid.

Gender-based Violence: There were **no reported cases of GBV during the FGDs.** Although the KIIs with stakeholders may suggest there are occurrences of GBV, it was not identified during the interviews with the three groups of migrant workers. More streamlined research would need to be conducted for this correlation in the Thai rubber sector.

Violence Against LGBTQ+: There were **no reported cases of violence in these areas, during the FGDs.** None of the workers interviewed identified as a member of the LGBTQ+ community. More streamlined research would need to be conducted for this correlation in the Thai rubber sector.

Conclusion and Recommendations



4. Conclusion and Recommendations

In conclusion, the findings uncovered through this research shows evidence of FL and TIP in the Thai rubber industry. The challenges and gaps identified in the literature was further explored in the primary data collection phase through 12 KIIs with various stakeholders in Thailand, 2 FGDs with Burmese migrant workers in Chiang Rai and Phang Nga, and 8 one-to-one interviews with Cambodian migrant workers in Chonburi and Rayong.

Evidence of specific labour and human rights issues were discussed across four (4) key categories of Human Rights Factors, Technical Factors, Governance Factors, and Gender Factors. Each section within the report presented critical information in line with the overall objective; to identify cases/evidence of FL and TIP in the Thai rubber industry and determine factors that contribute to the vulnerability of workers on plantations, as well as identify ways to reduce the vulnerability of the individuals involved. The research also considers future interventions in this industry and other related sectors in Thailand.

The results of the research assignment were presented at a Restitution Workshop to team members from Winrock International and Grace Farms Foundation, to discuss the findings and streamline relevant recommendations for potential future interventions in the sector.

4.1 Recommendations for Winrock International and Partners in Furthering Research on the Thai Rubber Industry

In line with the above, the following research recommendations are proposed to achieve a more comprehensive approach to tackling and dismantling the FL, TIP, and CL that may be present in the Thai rubber industry:

Recommendation 1: Conduct quantitative research into the rubber sector focusing on sector-wide issues.

This research has found strong evidence of FL, TIP, and some indication that CL should be further researched. In addition, other human rights issues were also present. However, the scope of the research covered a limited number of migrant workers. As such, a comprehensive research report that provides evidence of FL, TIP, and CL from a sample size of workers across various regions of Thailand is considered essential to accurately capture the state of these risks *across the industry* and identify due diligence needs.

Recommendation 2: Conduct research into rubber supply-chains, focusing especially on the foreign buyers and intermediaries, their human rights due diligence reporting, their assessments of the human rights risks present in the rubber industry in Thailand, and their willingness to use their purchasing power to reduce the risks of TIP, FL, CL, and human rights harms caused by the Thai rubber industry.

This research identified worker participants through NGOs and CSOs and did not directly engage rubber plantation owners and employers. Future work should engage industry representatives and aim to identify the linkages between rubber plantation owners, processing plants, and national and international buyers. Further research should be done to identify existing measures businesses in the industry are using to fulfill their human rights obligations, areas where due diligence measures may be failing to address worker rights issues, and how they can be improved. Utilising the willingness of buyers with strong human rights records will be key to pushing a business-led responsible approach to sourcing of rubber from Thailand.

Recommendation 3: Conduct a legal assessment of the requirements of international companies purchasing rubber from factories/plantations where the crimes of TIP, FL and CL have occurred.

Further to the above two recommendations, a legal assessment that considers the legal obligations facing international companies can help inform private sector engagement strategy.

Recommendation 4: Conduct research into the 'middle-men' issue.

Middlemen occupy a unique space in the context of rubber production and human trafficking. As this research shows, middlemen are often involved in bringing workers to plantations, illegally transporting them across borders for a fee, and are often able to avoid detection and targeting by Thai authorities. Complicating matters is that regulations in Thailand are not easily enforceable in neighbouring countries, even where the Thai Government is properly resourced and motivated to combat middlemen operating illegally. As a result, middlemen are at the heart of the issues of TIP, FL, and CL, but often avoid possible sanctions. Further research that illuminates their role, and pinpoints how they can be combated would be beneficial to erasing many of the risk factors of TIP and FL found in this research. This research should be focused primarily on middlemen operating in source-countries such as Cambodia and should aim to understand the actions that Thai authorities can take to counter their influence in bringing persons into Thailand.



4.2 Recommendations for Other Actors to Consider

4.2.1 For National Government Actors

The research uncovered that existing reporting/grievance mechanisms made it challenging for migrant workers to report cases of FL and/or TIP, resulting in these issues being identified retroactively instead of proactively. Some of the informants also stated that provincial governments, although having an anti-TIP committee, are also sometimes unaware of the indicators involved with identifying potential cases of FL and/or TIP. It is recommended that national government actors:

- Engage with provincial departments to encourage more open communication on reporting and grievance mechanisms for migrant workers in Thailand.
- Collaborate with private sector partners to build open platforms for migrant workers to access relevant information in their own language; develop a public platform for migrant workers so that relevant CSOs and NGOs in the country can use it as a support mechanism when working with migrants in the country.
- Enforce more due diligence on provincial authorities to carry out assessments of workers on rubber plantations not being registered for social security and fund benefits programs; it is the responsibility of employers to complete the registration for their employees.

4.2.2 For CSOs and NGOs

In addition to the recommendations provided under Section 4.1, which can also be applied to other CSO and NGO actors in Thailand:

- Although the primary data collection presented no linkages to cross-sectoral trafficking, further collaboration with organizations working within the social impact and human rights sectors is encouraged to identify linkages between cross-sectoral TIP; to further identify FL, TIP, and CL related cases in the Thai rubber sector.
- Develop a universal internal reporting and communication database that can be shared and accessible by all CSOs and NGOs working within the sector, to disseminate information, evidence, and cases of FL, TIP, and CL identified.
 - i.e., a monitoring and reporting platform that organizations can all be connected to; and internal (intranet) system to ensure safety of all parties involved.

4.2.3 For Private Sector

- Carry out more research into the work of companies operating in Thailand, and/or sourcing from Thai rubber plantations. Reference the standards developed by the Global Platform for Sustainable Natural Rubber, as well as the Global Platform for Sustainable Natural Rubber Policy Framework, for rubber producing countries in Southeast Asia, to ensure due diligence and appropriate measures are being followed by companies in Thailand.
- Engage with rubber concessionaires in the region to understand the supply chains of natural rubber and develop an independent framework for sourcing of the material in a sustainable way.
- Request suppliers and/or businesses to follow the sustainable natural rubber (SNR) standards developed for rubber producing countries, and to provide evidence of compliance or actions being taken to comply with safe and sustainable standards of production.

Annex: Additional Information



Annex: Additional Information

A.1. Research Questionnaire for FGDs

Interview structure: Proposed questions

Consent: Does the interviewee consent to the interview? **Y/N**

Confidentiality: Does the interviewee consent to sharing details including name, phone number, location of rubber plantation? **Y/N***

**The name, phone number and location of interviewee will not be shared with anyone outside of the consultant research team unless permitted to do so by the interviewee. All information provided that could identify an interviewee will be considered confidential unless otherwise permitted by the interviewee.*

Details of the person being interviewed: (please record as many as they can provide)

Name:

Phone number/s:

Citizenship/Ethnicity:

Country of origin/province of origin:

Gender:

Age:

Highest level of education attained:

Plantation:

Location of plantation:

Other plantation details (if known):

Time worked at plantation:

Unfree recruitment: Dual indicators of involuntariness and penalty

What was the process of recruitment like?

Did the recruiter employ coercive practices (e.g., forcible confinement, drugs, alcohol) to gain physical control over the worker during the recruitment process?

Unfree recruitment: Strong indicators of involuntariness

Was the interviewee ever sold between different employers or different recruiters?

Did the descriptions of the work that the recruiter gave misrepresent the reality of the work?

Was there a fee associated with recruitment? What was the fee and what was it for? Who was the fee paid to?

Did this fee result in a debt?

Was the interviewee ever grossly overcharged for transportation, health checks, work documentation, or other goods or services related to their recruitment?

Unfree recruitment: medium indicators of involuntariness

Was the interviewee issued with fraudulent identity or travel documents?

Did the descriptions of the work that the recruiter gave misrepresent the job location, earnings, terms of employment, regular migration status, housing or working conditions, and/or living costs?

Did the recruiter fail to provide information about key terms and conditions of employment?

Was the information provided by the recruiter in understandable writing in their own language via a copy of a written employment contract as required by law?

Was the interviewee uninformed or misinformed about their employment or not given a verbal explanation so that they were/can understand the written employment contract?

Were any third-party intermediaries involved in the recruitment process? Who were they and what were their roles?

Unfree recruitment: Strong indicators of penalty

Were the identity or travel documents of the interviewee confiscated by the employer, a representative of the employer, or a third-party intermediary during the recruitment process?

Was the interviewee subject to physical abuse or threat of physical abuse to control or coerce them during the recruitment process?

Was the interviewee ever threatened with denunciation to or discovery by the authorities during the recruitment process?

Was the interviewee ever subject to punishment (e.g., denial of food) or threat of punishment to control or coerce them during the recruitment process?

Work and life under duress: Dual indicators of involuntariness and penalty

How much does the interviewee work? How long are the hours?

How much money is the interviewee paid?

Do workers work excessive hours for earnings less than or equal to the minimum wage?

Work and life under duress: Strong indicators of involuntariness

Does the employer, a representative of the employer (e.g., security guards) or a third-party intermediary control the interviewee, restricting their freedom of movement outside of the workplace, accommodation, or locality? If so, how?

Are wage deductions made for items or services and/or are they used to compel the interviewee?

Does the interviewee suffer degrading living conditions, including a lack of access to adequate clean water, sanitation, and medicine or medical supplies? If so, please describe them.

Is the interviewee forced to work on call, day, or night?

Does the interviewee regularly have to work long hours? If so, please describe?

Does the interviewee get provided with holidays off or are they forced to work?

Has the interviewee ever been denied sick leave?

Work and life under duress: medium indicators of involuntariness

Has the interviewee ever been asked or forced by employers, representatives of employers or third-party intermediaries to misuse and/or become dependent on stimulants (e.g., amphetamines)?

Has the employer, a representative of the employer or a third-party intermediary, ever denied the interviewee access to records about advances, partial wage payments, loans, applied interest, expenses, debt repayments, and/or payments for goods or services that have been conducted between the interviewee and the employer?

Has the employer, a representative of the employer or a third-party intermediary ever inflated a worker's debt (including gross overcharging for goods or services)?

Has the interviewee ever been forced to engage in illicit or illegal activities?

Work and life under duress: Strong indicators of penalty

Has the interviewee ever been told that they will be arrested, deported, or reported to authorities if they fail to comply with orders from their employer, their representative, or a third-party intermediary?

Is there anything that makes the interviewee feel trapped on the plantation or in the immediate area?

Has the interviewee ever felt controlled by the employer, a representative of the employer, or a third-party intermediary through religion, witchcraft, or magic?

Has the interviewee ever been accompanied when outside of the workplace or accommodation or subjected to surveillance by the employer, a representative of the employer, or third-party intermediaries (e.g., broker or informant to broker)?

Is the interviewee ever forcibly confined in between periods of work in a location which is secured, locked, or guarded (including guarded by dogs)?

Has the interviewee ever been subjected to forms of physical violence (e.g., beatings, torture) as punishment for non-compliance?

Has the interviewee ever witnessed physical violence, including torture and murder, being used against other workers as punishment for noncompliance?

Has the interviewee ever been threatened with the use of punishment to force them to comply? (e.g., separation from kin through transfer to another plantation or another industry; imposition of even worse working conditions)?

Has the interviewee ever been denied access to sufficient food (amount and nutritious value), drinking water, or rest?

Impossibility of leaving employment: Strong indicators of involuntariness

Is the interviewee required to pay off debts owed to the employer, a representative of the employer, or a third-party intermediary before they can leave or change employment?

Is the interviewee not allowed to leave employment unless they pay a fee significantly greater than that required by official pricing?

Does the interviewee believe that they cannot change employers until after a specified period has passed? How long is the time?

Impossibility of leaving employment: medium indicators of involuntariness

Is the interviewee's work permit tied to a single location?

Impossibility of leaving employment: Strong indicators of penalty

Has the interviewee ever been not paid on time or significantly later or had their pay withheld?

Do some of the interviewee's wages go to a third-party intermediary? Why?

Does the interviewee believe that their pay, or a significant proportion of pay, is contingent on them not leaving employment before working a minimum or set period and/or wages being withheld in instances of early contract termination?

Does the interviewee have any savings with the employer or with a third party? Who? Why?

Does the employer, representative of employer, or third-party intermediary have control of the interviewee's identification card and/or travel documents and is the interviewee unable to access these items on demand or feel that they cannot leave the job without risking their loss?

Has the interviewee been subjected to physical violence (e.g., beatings, torture) as a form of punishment for attempting to leave the workplace or employment?

Has the interviewee ever been witnessed physical violence, including torture and murder, being used against other workers as punishment for attempting to leave the workplace or employment?

Gender:

What are the differences in treatment for female and male workers? (i.e., benefits, working conditions, privacy)

Are female workers paid the same amount as male workers while working on the rubber plantations?

Are female workers and male workers who are not related expected to sleep in the same housing?

Are female workers ever expected to contribute more to domestic labour (such as cleaning, dishwashing, cooking) which they are unpaid for?

Has the interviewee ever been coerced in any way into providing sexual services for the employer or a representative of the employer or another worker on the plantation?

Has the interviewee ever been threatened with gender-based violence by the employer or a representative of the employer or another worker on the plantation?

Is the interviewee aware of any GBV cases on the plantation?

- a. Who are the abusers? Employers, co-workers, or family members?
- b. What are patterns of GBV actions?
- c. Did women report to the police?
- d. What are reporting channels that they know/use?
- e. What did they experience when reporting the cases?
- f. Were the Thai government officials helpful?

How are pregnant women treated on the plantations? What are the issues related to their pregnancy (mental and physical)? Are they eligible to claim for the Social Security Fund Benefit Package? How long do they take maternity leave, paid or unpaid?

Are there any issues related to women, youth, children, and vulnerable groups on the rubber plantations?

Has the interviewee ever felt threatened because of their gender during the process of recruitment, transit to work site, or on the work site?

How much is the interviewee paid? How many hours do they work for this pay?

Children:

Are there children on the plantation?

Do children work on the plantations?

Do children have education opportunities? Are they eligible to enroll in Thai schools? Are they sent to school in the country of origin?

For those with no education opportunities, are they at risk of child labor on the plantation?

Other/factors leading to vulnerability to trafficking/forced labour:

Why did you come to work in Thailand?

Do you have any debts in your home country? What was your financial situation like prior to migrating?

Did COVID-19 affect your decision to migrate for work?

Did you know anyone who had migrated to work in Thailand before? What did you know about their experience?

Have you ever been moved to work on different plantations for different crops? (e.g., banana, palm oil, corn)

Are you a part of a union? Are there unions in the plantation the interviewee works in?

Is the interviewee able to contact their family members, friends, or NGOs? If so, how often and through which mediums?

Are they allowed to visit home?

Does the interviewee often find themselves in dangerous working situations/conditions?

Where is the interviewee's money/earnings stored (assuming they most likely do not have access to a bank)?

Can the workers turn to authorities to protect them? Are there any legal protection systems available for the workers?

Is the interviewee aware of any social protection or support programs? If so, as the interviewee ever used such programs/mechanisms?

End of interview:

Please provide the interviewee with details of a person that they can contact about this interview.

REMINDER:

Please ask the interviewee if they know of any other workers that are interested in talking with the researchers.

A.3 Sample Literature Documents Referenced

- 1) *Working and employment conditions in the agriculture sector in Thailand: A survey of migrants working on Thai sugarcane, rubber, oil palm and maize farms.* ILO. 2022.
- 2) Struweg, J. & D'Silva, J. *Development of Sustainable Natural Rubber (SNR) Principles and Guidelines in Cambodia.* WWF Cambodia. 2021.
- 3) *Migrant Agricultural Workers in Thailand.* Mekong Migration Network (MMN). 2020.
- 4) ILO-Brief. *COVID-19 Employment and Labour Market Impact in Thailand.* ILO. June 2020.
- 5) ILO-Brief. *COVID-19: Impact on Migrant Workers and Country Response in Thailand.* ILO. July 2020.





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