



# Fostering Accountability in Recruitment for Fishery Workers (FAIR Fish)

## *Pilot Model of Responsible Recruitment Manual*



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## FOREWORD

The Manual of Responsible Recruitment Pilot Model was developed as part of the Plan International's Fostering Accountability in Recruitment for Fishery Workers (FAIR Fish) Project by The Food School Program of Solutions People Co., Ltd. (TFS) As an implementing partner of the FAIR Fish Project, TFS developed both the model and the manual for the project's two pilot companies and other small and medium-sized employers that hire migrant workers.

The FAIR Fish Project seeks to contribute to a fair global playing field for workers and responsible businesses by engaging with the private sector to reduce forced labor and human trafficking in the seafood processing sector in Thailand. This project, with the implementation period from January 2019 to December 2022, is funded by the United States Department of Labor (USDOL), Bureau of International Labor Affairs, Office of Child Labor, Forced Labor and Human Trafficking.

It was found that forced labor and human trafficking (FL/TIP) have taken place during worker recruitment process, particularly in the process of recruitment of migrant workers. In the case of Thai seafood processing industry, migrant workers from Myanmar and Cambodia have reportedly been the vulnerable population to forced labor and labor abuses in various forms, including confinement, retention of documents, non-payment of wages and acts of physical abuse.

The Responsible Recruitment Pilot Model is intended to serve as a model for a company-led action to address forced labor and human trafficking in the recruitment process, and for recruiters' compliance with recruitment policies and procedures. This manual will enable small and medium-sized companies, which account for more than 99 percent of seafood processors in Thailand, and recruiters to embed responsible recruitment process in their practice.

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## ABBREVIATIONS

BSCI	Business Social Compliance Initiative
COC	Code of Conduct
DOE	Department of Employment
FSMS	Food Safety Management System
FTA	Foreign Trade Association
HR	Human Resources
ID	Identification Number
IHRP	Institute for Human Rights and Business
ILO	International Labor Organization
IOM	International Organization for Migration
ISO	International Organization for Standardization
IUU	Illegal, unregulated, unreported
MMC	Mahidol Migration Center
MOU	Memorandum of Understanding
NV	Nationality Verification
OHS	Occupational Health and Safety Training
OSSC	One-Stop Service Center
PDCA	Plan-do-check-out
PEO	Provincial Employment Office
POA	Power of Attorney
PPE	Personal Protective Equipment
PRA	Pilot Recruitment Agency
QMS	Quality management system
RA	Recruitment agency
SEZ	Special Economic Zone
SMEs	Small and medium enterprises
SMS	Social Management System
TFS	The Food School Program of Solutions People Co., Ltd.
THB	Thai baht
UN	United Nations



# I. INTRODUCTION

## I.1. Objectives

This FAIR Fish Pilot Model of Responsible Recruitment Manual documents practical guidance primarily for seafood processing small and medium enterprises (SMEs), and secondarily for their recruitment intermediaries (labor brokers, recruitment agency [RA], individual recruiters), on the various processes and recommended practices, including gender integration, that contribute to compliance to principles and concepts of responsible recruitment. Responsible recruitment is defined as looking for, selecting, and hiring suitable candidates for a job in ways that respect human dignity and fundamental human and labor rights; comply with national labor laws, and international conventions and standards; and uphold fairness, transparency, and accountability among all stakeholders. The aim is to prevent, reduce, or eliminate human trafficking, forced labor, child labor, and other illegal and unacceptable practices throughout the pre-recruitment, recruitment, and post-recruitment phases of the labor supply chain. The principles and concepts of responsible recruitment are especially important, but not limited to recruitment relying on cross-border migration, because of the vulnerability of migrant workers, especially women.

Migration of workers is a contentious phenomenon resulting from the globalization of supply chains. There is constant interplay between push and pull factors, such as poverty in the migrants' home (or source) countries, and the promise of better paying jobs in the destination (or host) country. However, businesses and markets respond to economic forces, and globalization breeds competition that could lead to inequality and abuse of vulnerable migrant workers. For processors, such trends have been held in check by practices and standards rooted in international labor conventions, declarations, protocols, and agreements by the International Labor Organization (ILO) and the United Nations (UN), among many, as well as the development of Codes of Conduct (COCs), Good Labor Practices, and Social Management Systems (SMSs) by global unions and brands, such as that of the Business Social Compliance Initiative (BSCI), dictated for the most part by buyer and market demands. As a result, there have been improvements, mainly led by the processors. However, there has also been the discovery that creating a better, more secure working environment at the factory is just the beginning. **Migrant workers, even before they arrive at the workplace, may have already been subjected to abuses during the recruitment process.**<sup>1</sup> Hence, there is a growing need to define standardized and systematic guidelines for responsible recruitment to encourage practices that support processors, and other stakeholders in their supply chains, to develop, implement, monitor, and improve recruitment processes.

## I.2. Terminology

The “Company” or “Employer” are seafood processing businesses that employ workers – Thai and/or migrant workers. “Recruiters” or “Recruitment Intermediaries” are labor brokers, agents, and middlemen, who, individually or as businesses, contact/select job seekers, facilitate the processing of applications and personal documents for migrant workers, and arrange for travel to and from the host country to the source country at the request of Thai Employers. Other companies and businesses in the seafood sector are referred to as “Suppliers,” “Service Providers,” “Subcontractors,” or by a specific function or service.

## I.3. Target Audience

The target audience for the FAIR Fish Pilot Model of Responsible Recruitment are the top-level and mid-level management of seafood processing SMEs in Thailand. The power of the manufacturing sector, through private-sector initiatives (individually or as a group), when supplementing and complying with national legislation, has proven crucial to influencing change. Since 2014, Thailand has been stepping up

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<sup>1</sup> BSCI. 2017. *Responsible Recruitment to End Worker Exploitation*, September.

efforts, both in the government and private sectors, to address sustainable fisheries and migrant worker protection to dispel concerns in international markets of illegal, unregulated, unreported (IUU) fisheries and human trafficking in the global fishery supply chain.<sup>2</sup> Government policies had been focused on improving the country's standing in the international community, specifically to avoid a Trafficking in Persons Tier 3 downgrade by the United States of America or a red card from the European Union, each one of which could result in trade sanctions on seafood exports from Thailand, and public outcry due to reports of overfishing and abuse of migrant labor aboard Thai boats. The negative publicity plus the realization of the contribution of migrant workers to fill jobs where there is a shortage of local workers, prompted government efforts to revise the legal framework for Thai fisheries and migrant worker management.<sup>3</sup> While SMEs lack the human, financial, and international knowledge resources of large processing companies to implement complex responsible recruitment systems and are therefore at a disadvantage, they have the will to contribute to preventing, reducing, or eliminating human and labor rights violations within the seafood industry. Therefore, this Manual and its Guidelines are envisioned to equip SMEs with streamlined, affordable, and practical models and tools to work toward those goals under the leadership of their owners and decision-makers.

## 1.4. Scope

The FAIR Fish Pilot Model of Responsible Recruitment will be applied primarily to seafood processing SMEs (i.e., manufacturers and exporters of seafood finished products) and secondarily to their recruitment intermediaries (labor brokers, recruitment agencies, individual recruiters). However, because of the supply chain risk assessment-based approach recommended by this model, first-tier raw material suppliers (e.g., fish aggregators, primary processing facilities, main raw material suppliers) and service providers (e.g., security agency, labor management contractor) will also be subject to due diligence and labor risk assessments to avoid potential indirect impact on the processing companies. The current scope of the FAIR Fish project does not provide direct consulting, coaching, or training to other tiers of the seafood processors' supply chain. Therefore, primary production (i.e., farms, fishing vessels), although important, will be excluded from this project.

For both processors and recruiters, the FAIR Fish Pilot Model of Responsible Recruitment will look at the recruitment steps of Memoranda of Understanding (MOUs), or bilateral cross-border migration agreements, between Thailand and the source countries of Myanmar and Cambodia starting from the source countries' pre-recruitment, application, pre-departure, and departure up to post-arrival at the Employer's facilities in the host country. For in-country recruitment in Thailand of MOU migrant workers or pink card holders (workers regularized under the Nationality Verification [NV] process at One-Stop Service Centers [OSSCs] and then issued temporary passports and pink identity cards [IDs]), recruitment steps from job posting to employment contract signing will be covered and analyzed. However, during the discussions with Pilot Companies and Pilot Recruitment Agencies (PRAs), if and when suggestions on public governance systems and national legislation revisions come up, these will be tabled for separate consideration as to how the private sector could effectively provide unified input to the government sectors on both sides of the borders on potential revisions and improvements. Changes to legislation and enforcement processes fall under specific legal jurisdictions; hence, they will be excluded.

## 1.5. Rationale

The International Organization for Migration (IOM) published in a 2019 study<sup>4</sup> that, worldwide to date, there are 258 million migrants and 40 million victims of modern slavery, which includes human trafficking, forced/bonded labor, child labor, and sexual exploitation. The IOM study did not elaborate on how much overlap there is between migrants and victims of modern slavery, but separate studies

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<sup>2</sup> Thai Embassy in Washington D.C. 2016. "Thailand's Fisheries Reforms" presentation at Boston Seafood Show (March 5, 2016).

<sup>3</sup> Royal Ordinance on Fisheries B.E. 2558. 2015. and Royal Decree on Managing the Work of Aliens B.E. 2560. 2017.

<sup>4</sup> IOM. 2019. *Migrants and their Vulnerability to Modern Slavery, Human Trafficking and Forced Labor*.

conducted by the ILO<sup>5</sup> and the IOM Mission in Indonesia<sup>6</sup> provided more details for 2016. Both reports confirmed the IOM figures of 40 million victims of modern slavery worldwide, but further estimated that, of these, 25 million victims are in the Asia-Pacific region, with at least 25 percent comprised of migrant workers (10 million). Of the victims of modern slavery worldwide, 16 percent work in the private sector (6.4 million). For victims in the Asia-Pacific region, 10 percent work in fishing and agriculture industries (2.5 million). From these statistics, there are roughly 1.6 to 2.5 million migrant worker victims in the private-sector fishing and agriculture sectors of Asia-Pacific. All studies agreed that migrant workers are vulnerable because of the lack of legislation in their home and host countries specific to their situation, the dislocation from families and support networks, and, most importantly, the lack of or limited information and access to legal channels for employment, legal status, and social protection. Within the large group of already vulnerable migrant workers, the most vulnerable are children and women.

For Thailand, an ILO 2018 baseline survey<sup>7</sup> showed significant changes in the seafood industry due to stronger laws and better enforcement, motivated by the global pressure on Thailand to address reports of human trafficking and forced labor. The ILO 2018 research found higher levels of compliance with minimum working age (99%), enrollment in the government health insurance scheme (79%), minimum wage payments (66%), as well as improvements in work hours and days off (45%), zero recruitment fees (45%), and paid holidays (34%). However, areas of concern remain regarding unequal pay for women and men, deception in recruiting or contracting, no employment contract or no copy of the contract, illegal deductions, withholding of wages, and document retention. With regard to incidents or indicators of abuse or force, 56 percent in seafood processing and 29 percent in fishing reported **none**, meaning the risk is higher for fishing. These results show that despite improvements, risks continue to exist for vulnerable workers in processing and fishing and that many risks need to be addressed through responsible recruitment. The FAIR Fish project focuses on seafood processing SMEs, but the risks for the fishing sector merit consideration, possibly in a separate project at a later stage.

## 1.6. Prototyping Process for the Responsible Recruitment Model

The FAIR Fish Pilot Model for Responsible Recruitment is a prototype that is expected to evolve to an even more practical, applicable, manageable, cost-effective system as inputs and feedback are received from seafood processing companies, their suppliers, service providers (including recruiters), as well as the PRAs participating in the project. The development of the model to date has already benefitted from the work completed with the two Pilot Companies and their multidisciplinary teams in developing and implementing eight core policies and procedures. The experiences shared by the Pilot Companies, in terms of challenges, successes, and expectations regarding the various methods of recruitment they have used, provided valuable insights on how the model could benefit them or not. Additionally, as work begins with the PRAs, valuable feedback from them is expected to enhance the Model.

Throughout the prototyping, international conventions, protocols, and guidelines from the UN, ILO, IOM, BSCI, and other relevant organizations, as well as Thai laws on labor, fisheries, and migrant workers, will be referenced. Moreover, a supply chain risk analysis-based system approach will be used.

Testing of the model was originally envisioned as being done through actual recruitment of migrant workers by the Pilot Companies using RAs participating in the project. Unfortunately, during the scheduled trial period, both Pilot Companies did not have any additional workforce needs for Thais and migrant workers. In addition, due to the COVID-19 pandemic, Thailand has closed its borders and stopped recruitment of migrant workers indefinitely. RAs anticipate new additional regulations if and when the borders open. However, no agreement has been reached between source countries and Thailand regarding coronavirus precautions, especially details on who will be responsible for the 14-

<sup>5</sup> ILO. 2017. *Global Estimates of Modern Slavery*.

<sup>6</sup> <https://indonesia.iom.int/corporate-responsibility-eliminating-slavery-and-trafficking-crest>

<sup>7</sup> ILO. 2018. *Ship to Shore Rights Baseline Research Findings on Fishers and Seafood Workers in Thailand*.

day quarantine fees, which are being estimated at around Thai baht (THB) 20,000 to 30,000 per migrant worker. Hence, full enforcement of existing Thai legislation and new regulations related to both the MOU and NV processes is uncertain.

Therefore, the pilot testing will most likely be conducted through simulation exercises. Consultation with private-sector actors, RAs, and the two Pilot Companies will continue in periodic sharing and learning sessions to be scheduled and held by Plan International Thailand. On-site and/or virtual conferences involving Pilot Companies and PRAs are being planned after coaching sessions for recruiters are completed. All the inputs, comments, feedback, suggestions, and lessons learned from all stakeholders will be compiled and evaluated to improve the Model, which may incorporate additional concepts, as well as elements for revisions and finalization.

## 2. FAIR FISH PROJECT OBJECTIVES AND THEORY OF CHANGE

The FAIR Fish project aims to contribute to the development of a Responsible Recruitment Model based on equitable, transparent, and accountable systems that assist companies in improving their strategies to address fundamental human and labor rights within the supply chain in which they operate. FAIR Fish expects to equip selected SMEs, with the knowledge and tools to better comply with international standards and national labor laws, in order to increase the protection of workers, especially vulnerable workers, including women, and provide them with decent work opportunities.

Violations of the fundamental rights of workers, in the form of human trafficking, forced labor, child labor, and other unacceptable and illegal practices, could happen even before workers reach a factory or a farm. Hence, **the key for businesses to lead meaningful change to reduce, eliminate, or prevent human trafficking and forced labor within the whole supply chain is to implement systems<sup>8</sup> for responsible recruitment** at their facilities and cascade efforts to their suppliers and service providers, especially recruiters. Recruitment intermediaries in both host and source countries are crucial links to processors in finding workers and for supporting efforts to effect change. FAIR Fish will therefore also assist recruiters from three countries – Thailand, Myanmar, and Cambodia – to help them understand and comply with the principles of responsible recruitment and decent work.

### 2.1 Evolution of Recruitment Options for Migrant Workers in Thailand

The UN, in its International Migration Report of 2017, ranked Thailand as the top receiving country in Southeast Asia of migrant workers, numbers for which increased from 1.25 million in 2010 to 3.59 million in 2017. Those numbers were affirmed by research, such as the study at the Mahidol Migration Center (MMC) in the Institute for Population and Social Research at Mahidol University, led by Dr. Apichart Chamrathirong,<sup>9</sup> which considered figures of around four million people to be realistic estimates of workers from Myanmar, Cambodia, and Laos, including undocumented ones. The dependence of Thailand's seafood sector on migrant workers, especially for low-skilled occupations like those in fisheries, has been influenced by decades-long demographic changes – declining birthrate and an aging population – as well as the geographic closeness to neighboring countries with populations motivated to cross relatively porous borders to seek better income opportunities. The MMC 2017 paper points out a “continuing demand for low-skilled migrants to work in the so-called three D's jobs (dirty, dangerous, and demeaning) that Thai workers do not want.” Over the years, due to international pressure, Thailand was forced to reassess its laws to introduce protection mechanisms for migrant workers, as well as access to minimum wage and health care benefits equal to those of Thai workers.

The recruitment of migrant workers into the Thai seafood industry has evolved through various stages of “registration,” “regularization,” and “legalization” measures undertaken by the Thai government since 1992.<sup>10</sup> Because formal processes take too long and involve bilateral government-to-government agreements, informal processes filled the gap for the growing need for migrants in the Thai workforce. By 2004, regularization had become the norm with issuance of pink cards as work permits. This practice continued until 2009 when the first round of the formal NV regularization process started, resulting in the issuance of a “passport” in Thailand by source country officials, which is valid only for Thailand. Concurrently, MOUs with the three source countries were updated, but attempts to replace the NV with MOU in 2013 failed to get industry support. From 2014 to 2016, migrant workers were

<sup>8</sup> BSCI Performance Area I Social Management Systems and Cascade Effect. 2014. *BSCI Code of Conduct Version 2*.

<sup>9</sup> Chamrathirong, A. Mahidol Migration Center. 2017. “Regional Democratic Transition towards Peace & Prosperity- A Case Study of Thailand and its Neighboring Countries”; presentation in Tamkang University, Taiwan (March 27, 2017).

<sup>10</sup> Plan International Thailand. 2019. *Policy Analysis of Anticipated Impact of Recent changes in Migrations Laws and Regulations that Affect the Thai Fishing Industry and Migrant Workers*. SEAS of Change Project.

regularized at emergency OSSCs through the NV process. In June 2017, the Royal Decree on Managing the Work of Aliens B.E. 2560 (or Migrant Decree 2017), which mandates MOU, went into force but resulted in chaos and industry pushback. Hence, the Thai government, responding to needs and complaints, compromised by extending the NV process thrice between 2017 and 2018 to regularize more than one million workers. Since NV documents expire in two years, the Thai government ordered the reopening of OSSCs in 2019 and postponed enforcement of the MOU from the original target date of March 2020, an uncertainty to date.

To understand why the MOU process did not receive as much support as expected, one has to compare it to the hybrid NV process. It is worth reflecting what the term “legal worker” means in migration terms. The process starts with “legal entry,” which involves an official passport from the source (home) country and a visa to (or issued by) the destination (host) country. To carry out “legal work,” a work permit needs to be obtained specific to the work category. All of these documents determine legal status, which impacts access to fair wages; job opportunities; social protection; health care; education of dependents, especially young children; and the ability to move around and change employers.

The Thai seafood sector tried hard to comply with the government’s new decrees, ordinances, and regulations for fisheries and migrant labor management enforced in 2017 to address concerns about IUU, human trafficking, and decent work for migrants. However, both NV and MOU turned out to be costly and/or time-consuming and/or unpredictable. The former was a better choice for Rayong province in 2018, where one of three NV centers nationwide was located. NV fees were lower (4,400 THB per person) compared to MOU (minimum 20,000 THB per worker). The queues were long, and papers took weeks because OSSCs were few and only open for limited periods; labor brokers and intermediaries were everywhere, doubling the fees – all of these frustrated employers and workers.

However, the seafood industry’s private sector also quickly realized that, compared to the MOU, which would have entailed longer waits; many cross-border recruiters and processes that are hard to control; disruption to day-to-day operations; and higher fees, the NV process is a better deal. The NV’s temporary “passport” with two years of validity (extendable by another two or four years), a three-month visa (extendable within the passport validity period), and a work permit (pink card with two years of validity) allowed the migrant worker to become a regular worker with rights to fair wages, social benefits, and no deportation fear. Moreover, the rights of their dependents, who are already in Thailand, to education and health care, are recognized. In contrast, for an MOU, migrant workers already in Thailand must return home to obtain an official passport, go through the bureaucratic tangles in both home and host countries, and then come back alone without their dependents. To many, this was a daunting prospect as they feared their government’s refusal to issue official documents (e.g., because of ethnicity) and separation from family.

The fact, however, is that Migrant Decree 2017 is intended to “legalize” migrant workers through MOU recruitment, sooner or later. However, both the migrant workers and the private sector expressed numerous concerns, such as: the burden of the costs being on the employer; complicated processes that are beyond the control of employers in Thailand; bureaucratic delays in the source country regarding quota authorization for migrant workers requested by Thai businesses; uncertainties on whether local recruiters could fill requested numbers; or if the workers recruited will have the capabilities for the work. In addition is the lack of clarity on MOU agreements for standardized fees, issuance of documents, and responsibilities and accountability of recruitment intermediaries – all raise transparency worries.

Similarly, there were also issues of concern raised for the hybrid NV process. The ones migrant workers worried most about related to changing jobs and/or employers, restrictions on the type of work (e.g., selling dried seafood is not allowed, but sorting or drying seafood are since the former is not considered “work” under the Migrant Decree 2017 definition); aligning validity dates of various documents (the 90-day reporting is difficult for seamen and interrupts work for onshore businesses); and housing zoning restrictions that limit freedom of movement. Since 2018, the Thai government has

been drafting and approving amendments to the Migrant Decree 2017 and the Immigration Act B.E. 2522 (1979) to address a number of the above concerns.<sup>11</sup>

## 2.2 Recruitment Methods and Models for Migrant Workers in Thailand

For a recruitment method to be considered responsible, it should respond to labor market needs, be based on qualifications, and not lower labor standards or undermine decent work principles, at the core of which is respect for fundamental human and labor rights. Terms and conditions of work promised during recruitment must match the terms and conditions in the employment. It is important to understand the flow of the recruitment process, the activities, and the actors involved. However, it is even more important to identify where the risks are and how to address them with responsible practices. The sections below supplement current recruitment methods with practices from the Guidelines for FAIR Fish Pilot Model of Responsible Recruitment<sup>12</sup> to incorporate principles and concepts of fundamental human/labor rights, responsible recruitment and decent work, and to eventually develop an **ideal risk-based model of standardized, prevention-focused elements within a system**. The Guidelines comprise an ideal to aspire to, and the Manual recommends operational practices that form a prototype, from practices and criteria in the Guidelines providing checks and balances to minimize, reduce, or prevent risks to the workers involved in various steps of whatever recruitment method is used. The vulnerability of migrant workers, including women, is highlighted; hence, gender-sensitive requirements are introduced when possible.

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<sup>11</sup> Thailand Lifted Restrictions on Foreign Workers to Change Employers, Work Places & Types of Work. 2018. <http://www.mfa.go.th/main/en/news3/6886/87460-Thailand-Lifted-Restrictions-on-Foreign-Workers-to.html>

<sup>12</sup> To be referred to in later text as “Guidelines” or Guidelines for Responsible Recruitment.”

## 3. RECRUITMENT OPTIONS FOR MIGRANT WORKERS IN THAILAND

### 3.1. Process Steps and Potential Labor Risks for Cross-Border Recruitment (MOU)

There are figures and tables in Attachment 2 that provide additional references to this section to better understand the recruitment and MOU process. The MOU Recruitment Process Flow is described in Attachment 2 Figure 1, while Attachment 2 Table 1 describes the MOU Process Steps, Timelines, and Risks for each step based on the best available information.<sup>13</sup> Recommended practices derive from processes, described in the Guidelines for Responsible Recruitment, to manage identified risks.

#### 3.1.1 Preliminary Step 1 – Employer/Company

**Activities:** Before the recruitment process, the Employer appoints an individual or an SMS team to manage the paperwork and decisions. The SMS team reviews policies and procedures, and Company Rules; national laws on labor, fisheries, and migrant workers; and existing COCs. Afterwards, the SMS team assesses current operations and determines workforce needs. Job descriptions are developed together with details on how many workers and nationalities are needed.

**Potential Risks - Medium Level:** This step presents medium risk in the case of Thai SMEs that may have quality management systems (QMS), but their SMSs are still weak. An adequate understanding of Thai national laws exists but not of international conventions and standards on fundamental human/labor rights, responsible recruitment, decent work, grievance, and remediation. Moreover, social policies and procedures are not comprehensive and not aligned with FAIR Fish policies.

**Challenges:** If resources are a challenge, a qualified and experienced Human Resources (HR) Manager could be authorized. Details pertinent to this step can be found in section III.A of the Guidelines.

**Recommended Practices:** a) Select and authorize an SMS team; b) Review Thai national laws on labor, fisheries, and migrant workers for the most current updates; c) Review existing policies and procedures on fundamental human/labor rights, responsible recruitment, decent work, and Company Rules for alignment with FAIR Fish core policies and updates as needed; d) Develop COCs that summarize owners'/buyers' core policies that recruiters are expected to understand and uphold, providing rationale and potential consequences for noncompliance; e) Assess current operations and workforce needs; f) Write job descriptions focusing on qualifications for the work required, avoiding language or requirements that could be discriminatory; and g) compile Company information to support quota requests.

#### 3.1.2 Preliminary Step 2 – Recruitment Agency

**Activities:** The Employer selects a licensed Thai Recruiter (RA or labor broker) after conducting comprehensive due diligence on the company or individual(s), including managers and employers. Due diligence suggested practices are listed in Table 1 of this Manual and section III.B of the Guidelines. Tools for supply chain mapping and risk assessment are attached with this document for use or adaptation. After checks on licenses and business information at the Department of Employment (DOE) are completed and risk assessment conclusions are reached, the Employer should request the Recruiter to sign the Employer's COC before both parties sign an Employer-Recruitment Agency Contract. It is important that the contract specify responsibilities for all parties, especially regarding recruitment fees and costs, decent treatment of workers, respect for their rights, and legal compliance (refer to sections III.C and III.D of the Guidelines). After agreeing on authorization levels, the Employer

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<sup>13</sup> ILO. 2016. *Migrant Information Note Issue #30*, December; online search on government/private sector sites.



issues a Power of Attorney (POA) to the Recruiter.

**Potential Risks – High Level:** Recruitment intermediaries introduce risks related to transparency, accountability, oversight, compliance, knowledge gaps, track record, and reputation (of the Employer and its clients). Therefore, accurate and thorough due diligence on the Recruiter is crucial as is information on its partners and subcontractors, especially those who operate in the source country.

**Challenges:** Cooperation from the Thai Recruiter on the due diligence recommended practices above is crucial, especially regarding transparency on the Partner Recruiter(s) and intermediaries in the source country. Accept/reject decisions may require flexibility if the Employer is prepared to work with the Thai Recruiter on areas that can be improved. However, transparency and accountability are non-negotiable requirements. A huge concern for the Employer is pre-departure and pre-arrival treatment of job seekers. Therefore, an oversight/monitoring plan of source country Partner Recruiters must be required. Cooperation, commitment, and transparency from the Recruiter(s) are imperative. Information on how licenses and permits are issued, and official fee schedules at all steps must be in writing and verifiable. The Employer-Thai Recruiter Contract is a key document that must define all terms, fees, and costs, including details of when, how, and to whom they are paid. If the Employer agrees to pay a lump sum per person, clauses should require proper accounting of all fees and expenses, with authentic evidence.

**Recommended Practices:** Carry out due diligence on the Thai Recruiter as follows: a) obtain information on the Thai Recruiter as well as its Partner Recruiter(s) in the source country; b) check whether the selected Thai Recruiter and its Partner Recruiter(s) in the source country are listed as licensed entities by the DOE or not; c) ask the Thai Recruiter to submit a Partner Recruiter(s) oversight plan; d) carry out General Risk Assessment using the Decision Tree; e) complete a Specific Risk Assessment per Policy per Recruiter; f) give a final rating and assign a monitoring action, e.g., on-site assessment plan, document review of policies and procedures, and evidence or certificates of social compliance; g) have the Thai Recruiter sign the COC and submit a monitoring plan for source country partners; h) sign an Employer-Thai Recruiter Contract; i) issue a POA to Thai Recruiter; and j) in the case of Myanmar, sign an Agreement among the three parties – the Employer, the Thai Recruiter, and the representative of the Partner Recruiter in the source country – at the Myanmar Embassy in Bangkok.

### 3.1.3 Application for Cross-Border Recruitment (Step I of Figure I and Table I in Attachment 2)

**Activities:** The Recruiter, on behalf of the Employer, files a Labor<sup>14</sup> Demand form (Nor Chor 2) with the Provincial Employment Office (PEO). The PEO accepts the documents for review and issues a receipt.

**Potential Risks – Low Level:** The DOE has standardized forms with clear directions and information checks. One potential risk is the Recruiter may not have all required documents, or the documents may have expired.

**Challenges:** The only potential obstacle could be extra fees to obtain the quota applied for or to facilitate faster processing of the application.

**Timelines:** Approximately 14 days, including preparation of documents (2 days with the PEO)

**Recommended Practices:** The Recruiter a) brings the Recruiter's license (Nor Chor 4), the completed Labor Demand form, the POA from the Employer, a copy of the Employer-Recruiter Contract, and any other company or factory documents that may be required from the Employer, including the tri-partite agreement signed at the Myanmar Embassy; and b) pays the fees and gets a receipt.

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<sup>14</sup> When the titles and names of forms or organizations or conventions use English spelling, that style will be used.

### 3.1.4 Approval of Quota (Steps 2, 3 of Figure 1 and Table 1 in Attachment 2)

**Activities:** The PEO sends the Labor Demand form to the Thai DOE, who then sends the package to the source country Labor Attaché in Bangkok for checks and approval. Before approving the demand letter, and in cases where an Employer requests a high quota, the Labor Attaché (in the case of Myanmar) will visit the Employer's factory to verify information on the location and workplace conditions, including welfare, contract, and proposed accommodations. If the Employer is found to be compliant, the source country embassy forwards the package to its home country's government agencies in charge of migrant workers for acceptance of the Labor Demand list. Acceptance is communicated from the source country to its embassy in Bangkok to the Thai DOE, who then informs the Thai Recruiter and/or the Employer of the quota.

**Potential Risks – Low Level:** The activities are mainly administrative with potential risk of delays due to unacceptable or inaccurate translation, or slow communication between host and source countries.

**Challenges:** Potential delays due to cross-border communications and various agencies involved.

**Timelines:** 7 days in Thailand (4 days for approval by Thai DOE); 10 days in source country

**Recommended Practices:** If bilingual forms were filled in, there is no need for separate translation. If not, translation must be arranged and submitted. Employer information must be accurate.

### 3.1.5 Selection of Workers in Source Country (Step 4 of Figure 1 and Table 1 in Attachment 2)

**Activities:** The activities are carried out by the Partner Recruiter in the source country. However, the Thai Recruiter must do due diligence on the selected Recruiter beforehand, document their agreement(s) in a Contract, set up direct grievance channels for workers, and provide updates to the Employer ensuring effective oversight is carried out at all steps to encourage ethical behavior and prevent violations.

**Potential Risks – High Level:** The selection of workers is the most challenging and least transparent step in the MOU process. There are concerns about the use of individual subcontractors by the Partner Recruiter; oversight that the Thai Recruiter can exercise off-site; criteria for licensing and qualifications of local recruiters; and transparency over fees and costs. Recruitment fees and costs are the most worrisome and the most prone to abuse. Clear definitions, legislation, and effective controls (e.g., the source country agency must have a list of official fee schedules and receipts of evidence for payment) are crucial for the many intermediaries who do not speak a common language and are for-profit businesses.

**Challenges:** “Zero Recruitment Fees” compliance and oversight of the Partner Recruiter's activities are the biggest concerns. Monitoring promises made to, interviews of, and other interactions with job seekers is a difficult task, even if the Thai Recruiter has an agreement with source country partners. Estimating the time needed to contact and find the required number of workers is another difficulty. Other crucial concerns in the source countries are inadequate or unclear documentation of official fee schedules; problems with corruption and fee padding; temptation of advances or guarantee money; long and costly travel from the villages to designated processing centers; lack of clarity on travel itinerary, including costs for transportation and accommodation in-transit; as well as passport and processing fees, with sometimes extra fees for passport issuance. Setting up direct channels for workers to communicate any grievances during recruitment is another crucial issue.

**Timelines:** 30 to 60 days total, including passport application and issuance, which could take up to 21 days

#### a. Contacting Job Seekers

**Recommended Practices:** i) The Thai Recruiter will ensure the Partner Recruiter and any subcontractors understand the eight core policies and procedures of the Employer, as well as

the nine core policies and procedures of the Thai Recruiter, especially regarding fundamental human and labor rights and responsible recruitment; ii) The Partner Recruiter will be asked to sign a COC affirming the item above, together with a Contract documenting all agreements with the Thai Recruiter; iii) The Thai Recruiter will emphasize the zero recruitment fees policy. The fees that must not be charged will be defined clearly in the Contract with the Partner Recruiter. For costs, relevant national laws will be followed and any exceptions will be justified; iv) The Partner Recruiter(s) will be briefed on job descriptions, location, and working conditions at the potential Employer's facility so job seekers will be given the correct information; v) Interview methods and locations will incorporate gender and cultural sensitivity, together with respect to the dignity of a vulnerable worker; and vi) The Thai Recruiter will require ongoing updates via phone or video, especially during interviews or in-transit travel and lodging, as well as direct channels for grievances. An interview questionnaire in the Annexes to this Manual can be adapted and used.

#### **b. Personal Documents and Checks**

**Recommended Practices:** i) The Partner Recruiter(s) will ensure job seekers are applying for the job on their own free will and have, or are willing to apply for, official passports; ii) The Partner Recruiter(s) will obtain or verify evidence that the job seeker meets legal minimum age requirements for the job, e.g., birth certificates; iii) In cases where the documents of the job seekers are inadequate to establish their age, the Partner Recruiter will obtain their consent to undergo other document checks or other tests, e.g., physical or medical tests. However, invasive or demeaning checks, as well as practices that obtain personal information without prior consent or those that infringe on privacy are unacceptable; iv) The Partner Recruiter will assist job seekers to apply for official passports at authorized government agencies and pay official fees; v) If passport issuance presents a bottleneck, it is best to encourage the applicants to go back to their villages instead of arranging for in-transit lodging; vi) In-country travel and accommodation, if arranged, must be clean, safe, dignified, humane, and will not restrict the worker's freedom of movement; and vii) All personal documents must be kept with the worker at all times – if retained for legal reasons during the passport application process, appropriate safeguards will be followed. The sections most relevant to this topic are in sections III. C.3 and 4; and III. D.3 of the Guidelines.

### c. Recruitment Fees, Deposits, Guarantees

**Recommended Practices:** The following represent the ideal scenario required by international standards: i) The Employer, directly or through its Thai Recruiter or the Partner Recruiter in the source country, must NOT collect any recruitment fees (e.g., application, deposit, guarantee, security, in cash or in kind) to guarantee a job; ii) All costs for obtaining and processing identity documents (passport, visa, work permit), translation, medical checks, border crossing/air travel fees (from home country to host country and back), as well as any in-transit travel and accommodation, should be paid by the Employer through its Recruiter(s). Should there be obstacles to control recruitment-related fees and costs incurred in the source country (e.g., in the MOU recruitment process), the Employer and Thai RA will make every effort to continually minimize the burden on the migrant worker for costs incurred in Thailand; iii) The Employer will comply with Thai laws and official announcements by the Ministry of Labor for legal caps on service and processing fees that can be paid to Thai RAs. The general practice to date for Employers is to pay a lump sum to the Thai Recruiter, calculated from a one-time-per-worker fee (based on percentage of the migrant worker's one-month salary, with percentage decreasing as the number of workers recruited increase), should comply with relevant laws; iv) The Employer/Thai RA will obtain the commitment of their Partner Recruiters to respect the intent of the zero recruitment fee principle and, whenever possible, minimize the burden on migrant workers. The Partner RA will affirm this commitment by signing the COC from the Thai RA; v) The Partner RA will, when possible, provide official fee schedules/cost estimates beforehand to the Thai RA. Similarly, the Thai RA will do the same for the Employer; and vi) Transparent accounting and evidence of recruitment-related costs and fees will be provided by the Recruiter(s) to the Employer, with appropriate confidentiality. Refer to the Guidelines sections III.D. 3–6 for this step and to Table 3 for a summary of Recruitment-Related Fees and Costs according to National Laws.

**Zero Recruitment Fees Dilemma:** Principles and guidelines for responsible recruitment developed by the ILO, BSCI, and IOM recognize the pivotal role of “Zero Recruitment Fees” in reducing and eliminating risks of human trafficking and forced labor. BSCI considers recruitment fees and costs for job placement as one of the most common red flags in the pre-employment phase that present serious risks to workers.<sup>15</sup> In 2019, the ILO added a detailed section to its 2016 Fair Recruitment principles to define recruitment fees and costs that migrants should not pay. Similarly, the IOM, together with other organizations, including the Institute for Human Rights and Business (IHRB), continue to provide guidance to retailers, employers, and recruiters on what fees and costs cannot be charged to workers under “The Employer Pays Principle.”<sup>16</sup> The Migrant Decree of 2017 clearly states that “licensees permitted to bring in foreign workers ... (are) prohibited to demand for or receive money or any other property from the employer or the foreign worker other than service fee or cost from the employer according to the list and rate prescribed by the Director-General, a clause that upholds the basic intent of zero recruitment fees.” The 2018 Amendment to the Migrant Decree of 2017 affirmed the intent under Thai law that “employers are prohibited from collecting fees from foreign workers, except for passports issuing, health check-up, and work permit fees, all of which have fixed rates endorsed by the Government.” This Amendment, however, created a dilemma. The MOU recruitment process maintains separation between costs incurred in the source country and costs incurred in Thailand; hence, Thai Employers and Thai RAs have legal control only over fees charged in Thailand. Therefore, this has created complications in implementing a zero-recruitment policy across borders without potential infringement on another country's RA and legal jurisdiction. There are still Thai Employers – SMEs and larger facilities – that follow the Thai government amendment and do not bear the cost for passports, and, in some cases, medical checks, visas, and work permits, either directly or indirectly through recruitment intermediaries in Thailand and/or the source country. At

<sup>15</sup> BSCI. *Guidance Document : Responsible Recruitment Guidelines for BSCI Participants*. September 2017.

<sup>16</sup> IOM, et al. *Eliminating Recruitment and Employment Fees Charged to Workers in Supply Chains*; November 2017.

the same time, there are Employers and Thai RAs who have made and continue to make efforts to minimize the burden on migrant workers by paying for costs incurred in Thailand and, when possible, covering some costs incurred in the source country. For the near future, the goal of this project is to convince the Thai Employers/RAs to cover all recruitment-related costs and fees incurred in Thailand.

### 3.1.6 Signing of Migrant Worker Contracts in Home Country (Step 5 of Figure 1, Table 1 in Attachment 2)

**Activities:** As a precursor to putting together an Approved Workers List, the Thai Recruiter arrives in the source country, representing the Employer, and signs Employment Contracts with the selected workers in front of the Labor Officer. There are standard bilingual forms that can be used for these Contracts; once signed, they are submitted together with passports, photographs, requests for visa, and work permits to the source country agency for review and approval.

**Potential Risks – Medium Level:** There are variations in communication channels and networks of Thai RAs with source country Partner RAs. The Thai RA can check the reliability of the Partner RA through the Thai DOE list/blacklist. Another useful channel are networks; for example, associations on both sides of the borders that monitor their members' capabilities and reputation, or provide support across borders. The social risks here relate to terms and conditions on the Employment Contract and how well they reflect what was promised or explained to the job applicants. Moreover, if there were literacy issues, clarity will be needed about the accuracy of how the content was interpreted. Even if there were no literacy issues, the understanding of the workers of the terms and conditions of the Employment Contract should be assessed.

**Challenges:** Potential delays due to cross-border communications and various agencies involved could affect timelines. Discrepancies between what was promised by the Partner Recruiter and what the Employer agreed to must be sorted out prior to signing. Accurate translations and interpretation are a must. In case of discrepancies in terms and conditions of employment/fees, plan what action to take.

**Timelines:** 1–2 days in source country government agency; not including travel time by Thai Recruiter

**Recommended Practices:** a) Prior to arrival in the source country, the Thai Recruiter should make sure that the terms and conditions in the official standard bilingual/trilingual Contracts to be signed match those that the Employer agreed to; b) The Thai Recruiter should also meet with the Partner Recruiter to ascertain the terms and conditions of the Contract match those promised to and agreed to by the workers; c) The Thai Recruiter will provide the Partner Recruiter with photographs and details of the workplace, including potential risks of the job, as well as photographs and details of accommodation options, ensuring they are sanitary and safe; d) The Partner Recruiter must explain accurately to the selected workers the terms and conditions of the Employment Contract, as well as the nature of the job, including potential risks, the workplace conditions, and accommodation options; e) If there are literacy issues, arrangements need to be made for interpreters. For multi-lingual forms, even if there are no literacy or translation issues, the worker should be allowed time to read the Employment Contract and ask questions; f) Complete the signing, pay all official fees, and obtain valid receipts; and g) The Partner Recruiter ensures the Thai Recruiter and the migrant worker both get an original copy of the signed MOU Employment Contract Refer to the Guidelines under III.E.1–2 and III.D.4.

### 3.1.7 Approved Workers List Finalized (Steps 6, 7, and 8 of Figure 1 and Table 1 in Attachment 2)

**Activities:** The source country's government agencies review and approve workers' documents, create a Workers' List, and then send the official Approved Workers' List to its counterpart agency in Thailand. The Thai DOE informs the PEO that asks the Thai Recruiter to pre-pay work permit request fees for the migrant workers on the list. The Approved Workers' List is then sent to the source country's Embassy. The Immigration Bureaus in both countries are notified of the workers' departure and arrival dates. The Thai Immigration Bureau issues approval for the workers to enter

Thailand.

**Potential Risks – Medium Level:** Although these steps are mainly administrative, the involvement of many government agencies in both host and source countries tends to confuse the flow of information from the government agencies to the Thai Recruiter and Employer regarding departure and arrival dates. Moreover, the payment of fees for approval and permission to enter the country need better clarity as to official steps for each source country (e.g., work permit fees and visa fees are paid in the Thai Embassy in Cambodia but pre-paid or paid in Thailand for Myanmar).

**Challenges:** Potential delays due to cross-border communications and various agencies involved, extra fees to expedite processes, name lists do not match, and possible substitution of workers or contracts.

**Timelines:** Step 6, 5 days; Step 7, 14 days; Step 8, 16 days = total 35 days (4–5 days in Thailand)

**Recommended Practices:** a) Check the Approved Workers' List against previously approved name lists and copies of signed contracts. If there is a mismatch, contact the Partner Recruiter for clarification; b) Fill out Work Permit Request forms and pre-pay all official work permit fees for the migrant workers at the PEO; and c) Inform the Employer about a detailed itinerary with departure/arrival dates, any stops, or transit points, together with all available information on workers.

### 3.1.8 Departure from Home Country (Step 9 of Figure 1 and Table 1 in Attachment 2)

**Activities:** The migrant workers on the Approved Workers' List are notified by the partner source country RA of departure dates from the Border Center in the source country and arrival dates in the Border Center of the destination country. They travel from their homes/villages to the designated Border Center to complete the Smart Card Processing prior to departure for Thailand.

**Potential Risks – High Level:** Many cases of human trafficking and serious violations of workers' rights have been reported in the press for this particular stage of a recruitment process. Such problems are compounded by many intermediaries involved and long travel from remote villages to the border.

**Challenges:** Partner Recruiter or subcontractor who makes the arrangements does not have adequate experience or knowledge of risks associated with transporting migrant workers. Reputational risks associated with subcontractors on whom the Partner Recruiter has not carried out due diligence and whose identity and track record are not revealed to the Thai Recruiter and Employer. If documentation of arrangements is inadequate, the Thai Recruiter and Employer may not be able to track the travel itinerary and migration routes taken by the workers. Grievance channels are not set up or not effective.

**Timelines:** 2–3 days from the Border Center in the source country to the Border Center in the host country

**Recommended Practices:** a) The Thai Recruiter coordinates with its Partner Recruiter in notifying migrant workers and checking with government agencies to ensure submitted paperwork match actual dates; b) Pre-departure activities (e.g., travel from village to the Border Center in the home country and travel from there to the Border Center in Thailand) are arranged by the Thai Recruiter and its Partner Recruiter in their respective home countries and, if possible, paid for by the Employer; c) The Partner Recruiter informs the Thai Recruiter of the selected transportation service provider and provides due diligence information as risk-assessment activities done to ensure the subcontractor's reliability, integrity, and ability to safely transport the workers. This will include at least the license and registration of the driver and vehicle, the condition of the vehicle, character of the driver, and track record of the transportation company; d) The Partner Recruiter informs the Thai Recruiter and Employer beforehand of the planned arrangements, in a written itinerary indicating stops and transit points, for pre-departure and border-crossing travel and seeks their approval; e) If the Thai Recruiter

and Employer do not consider the proposed arrangements acceptable, the Partner Recruiter shall find options that ensure safe, dignified, and convenient travel and, if needed, in-transit lodging, arrangements that respect the rights of workers throughout their travel and provide them sufficient rest; f) Particularly for women workers, there must be assurance of their comfort, protection, and safety throughout their travel and, if needed, in-transit lodging arrangements that prevent any potential violations or exposure to conditions that may lead to physical or psychological abuse; g) The Partner Recruiter shall ensure all arrangements for travel are documented and provide a detailed verifiable itinerary to the Thai Recruiter and Employer with contact details; and h) Provisions will be made for emergency contacts or grievance channels for workers during travel, as well as travel insurance.

### **3.1.9 Arrival at Host Country Border Center (Step 10 of Figure 1 and Table 1 in Attachment 2)**

**Activities:** The migrant workers on the Approved Workers' List arrive at a designated Border Center in Thailand. The Thai Recruiter's representative will receive migrant workers and guide them through the processing of their visas and work permits. On the same day, the Thai Recruiter's representative will oversee a medical check-up and post-arrival training for migrant workers.

**Potential Risks – Medium Level:** Although this step may appear straightforward, the visa and work permit processing steps could have some inherent risks of extra or padded fees or additional fees for speedier processing. The medical check-up could involve risks of gender-insensitive tests for women. Training risks are mainly related to the adequacy of explaining fundamental human and labor rights.

**Challenges:** Contract between the Employer and Thai Recruiter may not cover payment of fees for the work permit, visas, and medical check-up due to the 2018 Amendment to the Migrant Decree of 2017. The Thai Recruiter may try to save on transportation and lodging costs, thus providing unsafe, unsanitary, and undignified arrangements that do not respect the personal dignity of migrant workers and also do not provide sufficient time to rest. Access to grievance channels are not set up, do not provide confidentiality, or do not have effective direct access to the Employer or support networks.

**Timelines:** 2–3 days from the Border Center in Thailand to the Employer's factory

**Recommended Practices:** a) The Thai Recruiter travels to the Border Center to oversee the processing of the migrant workers, bringing all related paperwork that could be used to verify the correct number and identities of the approved workers on their list; b) The Employer, through the Thai Recruiter (in case of Myanmar) and the source country Recruiter (in case of Cambodia),<sup>17</sup> pays for all the fees related to visas, work permits, and medical check-ups, if any, of those not pre-paid at the PEO; c) The Thai Recruiter receives the medical check-up reports and takes the migrant workers to the training venue; d) The Thai Recruiter arranges for transportation/in-transit lodging, if needed, to the Employer's factory, ensuring selected transportation companies, vehicles, and drivers have undergone due diligence to establish their integrity, reliability, and ability to safely transport the workers to their destination; e) The Thai Recruiter's representative will inspect the vehicle and note identifiers such as vehicle license plate and driver's license, review the itinerary with the driver to ensure adequate stops and breaks, and provide meals and drinking water for the trip; and f) The Thai Recruiter will inform the workers of contact persons and telephone numbers, including those of the Thai Recruiter/Employer and their staff who can speak the language of the workers in case of emergencies, grievances, or concerns.

### **3.1.10 Arrival at Factory, Employment Contract, Orientation (Step 11 – Figure 1 and Table 1 in Attachment 2)**

**Activities:** The migrant workers arrive at the Employer's factory. The Employer's HR checks worker's documents, arranges for application forms, interviews, and performs additional tests and checks (e.g., health checks for food handlers, police clearance for some jobs) according to Company Rules. HR staff

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<sup>17</sup> Visa for Cambodian migrant workers will be issued by the Thai embassy in Phnom Penh, Cambodia.

prepare individual Company Employment Contracts, which may or may not be signed on the same day. The Employer's HR or SMS team arranges for New Hires Orientation, which complies with Thai Labor Laws.

**Potential Risks – Medium Level:** This is an important step to acclimatize the new recruits to the Employer's policies, rules, expectations, and the Employee's rights and responsibilities. Depending on the qualifications and experience of the Employer's HR and the understanding of HR staff or the SMS team of Company policies and rules, the interview, formal application, and Employment Contract signing steps could present potential risks of noncompliance to Thai Labor Laws and international standards. The medical check-up, if required, could involve risks of gender-insensitive tests for women. Orientation training risks are mainly related to the content and length of time stipulated by Thai laws.

**Challenges:** Since the migrant workers have already previously signed the official MOU Employment Contract at their home country, it is important to have the Company's Employment Contract, if used to supplement the MOU Contract, provide additional benefits, protection, or clarity to the workers (e.g., on maternity leave, or Company Rules on disciplinary practices, overtime, or wage deductions. Any document attached to or added to the MOU Contract shall match or provide better terms than the MOU Contract. This is to prevent contract substitution and ensure compliance with Thai Labor Laws. Interpreters will be required to explain the Employment Contract and any supplementary documents or additions during interviews and orientation training. Additional tests and checks will be done in ways respectful of the rights of the workers.

**Timelines:** Within 2–3 days from arrival at the Employer's factory

#### a. Post-Arrival Document Checks, Application, Interview

**Recommended Practices:** i) The Employer's HR assigns an Employee ID and creates a file for each worker; ii) HR checks all migrant workers' personal documents (passport, visa, work permit, birth certificates, national identity cards) to establish that the worker is compliant with Company policies and Thai Labor Laws for age and legal status. Copies can be made, but original documents must be kept with the migrant worker; iii) The Employer will NOT ask the worker to pay any recruitment fees (application, deposit, guarantee), ask for a refund of costs (documents, travel, lodging) in cash or in kind, or offer any wage advances or loans; iv) The Employer's HR will check evidence of a transparent and compliant official paper trail from the source country recruitment, pre-departure, and cross-border processes, verifying no recruitment fees were charged to the workers and that all fees were duly paid for applications for legal documents, authorizations, and permits issued to the workers, Recruiters, and the Company; v) The Company's application forms for new hires will be available in the language of the migrant workers, and interpreters will be on hand to assist in asking or answering questions; vi) If medical tests are required (e.g., for food handlers), the Employer will make arrangements, pay for the fees, justify the need for the tests, and ensure they are nondiscriminatory and gender-sensitive; vii) If additional personal checks are required (e.g., police clearance), the Employer's HR will obtain informed consent from the worker and justify the need for the check; and viii) The Employer's HR will randomly select new hires for interviews to determine any signs or indicators of human trafficking and forced labor. The timing of the interviews will allow the workers sufficient rest after arrival and time to make them feel safe and not unduly pressured. The interviews will be conducted following responsible recruitment and nondiscrimination policies (e.g., will be held in locations that provide confidentiality and involve a gender-balanced team of individuals trained in gender-sensitive interview techniques). Refer to Guidelines III.D.3 and 4; III.D.6 and 7 on the above topics.

#### b. Employment Contract/Terms and Conditions

**Recommended Practices:** i) The Employer's HR will ensure all of the following items on the official DOE Employment Contract and signed in the source country have not been



altered: Employer and Employee names, Job Assignment and Wages, Duration of Contract and Worksite, Working Hours, Holidays and Leave, Overtime, Food, Accommodation, Medical Treatment, Travel and Transportation, Termination of the Contract, Repatriation in Case of Natural Disasters/Crisis Situations; ii) If a separate Company Employment Contract is issued, the Employer's HR will ensure the mandatory terms and conditions in the official DOE MOU Contract are included (e.g., contract period, work location, work hours, compensation, post-employment return); iii) The Company Employment Contract, if used, will introduce improved terms and conditions in accordance with the most current Thai Labor Laws and the Company Rules (e.g., maternity provisions, other kinds of leave apart from annual leave, legal and illegal deductions, and other worker benefits that are not in the official DOE MOU Contract); iv) The Employer's HR will clarify Company Policy on the negotiable terms in the official DOE MOU Contract (e.g., housing, meals, transportation to and from work, wage advances or loans, if requested by the migrant worker); v) All terms and conditions in the Company Employment Contract, and referenced in the Company Rules, will be explained to the migrant workers prior to signing, with the assistance of interpreters in case of literacy or language difficulties; vi) The Company Employment Contract will be made out in the working languages of the migrant worker and Employer, in at least two languages, on the same set or in two separate sets; vii) The accuracy of the translation will be verified and certified, if possible, prior to signing; viii) Two exact same originals will be prepared for signing (three originals if the Thai DOE requires an original as well); ix) The Employer and the migrant worker will each retain a signed exact same original of the Company Employment Contract in hard copy; x) the Company Employment Contract will, like the official DOE MOU Contract, be valid for two years and renewable for another two years. After four years, some countries require a three-year break before reapplying by MOU, and such rules must be followed; xi) In case a migrant worker leaves or disappears before the Employment Contract is up, the Employer will follow Thai DOE rules on reporting forms and timelines. The Employer can also negotiate beforehand any terms, conditions, or guarantees from the Thai Recruiter regarding replacement workers; and xii) After the completion of the Employment Contract period, if the worker wishes to return, the Employer will arrange and pay for the return trip. If the migrant worker wishes to renew, the Employer will decide accordingly. Section III.E. in the Guidelines explains Employment Contract and Working Conditions.

### c. Orientation and Specialized Training Prior to Work

**Recommended Practices:** i) The Employer's HR will ask the Thai Recruiter for a report on the topics covered in the Post-Arrival Training at the Border Center and/or the materials used for the training; ii) The Employer's HR will organize an Orientation Training for all new hires before they start working, including mandatory topics of fundamental human and labor rights, job descriptions, responsibilities, workplace location, employment terms and conditions, and Company Rules. For food companies, personal and workplace hygiene will be included. Workplace and community integration issues that may not have been covered in the Post-Arrival Training at the Thai Border Center will also be included. This session will NOT be shorter than three hours or whatever time period the current Thai Labor Laws require, whichever is longer; iii) The Employer's HR will arrange for an Occupational Health and Safety Training (OHS) for all new hires before they start work, including mandatory topics of potential hazards at work, injury or emergencies, first-aid, fire-fighting, evacuation, and other topics mandated by Thai OHS laws. This session will NOT be shorter than six hours or whatever the current Thai laws require, whichever is longer, and will apply to all regardless of gender and position; iv) Specialized training for groups of workers in high-risk areas or jobs (e.g., machinery operators) will be scheduled as soon as possible after the initial overview training for all workers for OHS; and v) The Employer will provide all of the above trainings free of charge as well as supply material and Personal Protective Equipment (PPE) related to the workers' work without any additional charges or wage deductions. Details are described under section III.G. of the Guidelines.

#### d. Migrant Worker Housing, Meals, Transportation

**Recommended Practices:** i) Depending on the agreement by both parties in the Employment Contract, the Employer may or may not subsidize housing, meals, and/or transportation to and from the worker's home to the workplace; ii) Whatever the case, the Contract should document the actual agreed terms and conditions; iii) If free housing, meals and transportation are to be provided, the Employer will ensure there are no deductions from the workers' wages and that the workers have agreed to the scope of their responsibility (e.g., own payment of utilities, transportation to pick-up point) in the arrangements without pressure or force; iv) If housing, meals, and transportation are NOT provided, the Employer can facilitate or suggest options for the workers with the understanding that the worker has the right to refuse without being punished. If suggested options involve ownership by any manager or staff of the Employer, the costs should be competitive with market price and not inflated with extra charges; and v) The workers shall retain freedom of movement in housing and transportation, whether subsidized or not.

#### e. Employer Settlement with Thai Recruiter

**Recommended Practices:** i) The Thai Recruiter will compile and provide to the Employer copies of licenses and permits of all Partner Recruiters and their subcontractors, if used; government paperwork filed and received by the Thai Recruiter and Partner Recruiter; Partner Recruiter communication with migrant workers, including any training or information session materials if conducted pre-departure; all documents related to the migrant workers selected that prove their legal status and correct identify (e.g., passport, house register, national ID card, name change documents; ii) The Thai Recruiter will compile and provide to the Employer copies or originals of all receipts for payment of fees and expenses related to obtaining, applying for, and issuing migrant workers' documents; in-transit transportation and accommodation, and provisions (meals and/or drinking water) from the Border Center in the source country to the Border Center in Thailand; receipts and other evidence of payment of fees and expenses post-arrival at the Border Center in Thailand to the Employer's facilities; and a transparent accounting of how the costs and expenses agreed on in the Employer-Thai Recruiter Contract were met. If not met, the Thai Recruiter will provide justification and negotiate adjustments.

### 3.2. Process Steps and Potential Labor Risks for In-Country Recruitment (NV)

The direct/NV Recruitment Process Flow is described in Attachment 2 Figure 2, while Attachment 2 Table 2 lists general activities, timelines, fees, and potential risks for each step based on best available information. Recommended practices derive from processes described in the Guidelines for managing the identified risks.

#### 3.2.1 Preliminary Steps 1 and 2 – Employer/Company

**Activities:** In-country recruitment options assist regularized workers who are already working but need to have their NV documents extended, or those NV workers who are changing employers. Hence, the use of Recruiters is fairly limited to Thai labor brokers or RAs (individuals but sometimes companies). Cross-border activities are minimal. Nevertheless, as described in the MOU section, the Employer needs to appoint qualified, experienced individual(s) from HR or, preferably, an SMS team to manage the paperwork, processes, and decisions. The SMS appointees review Company core policies and procedures, especially those related to fundamental human and labor rights, up-to-date national laws on labor, fisheries, and migrant workers, as well as owners' and buyers' COCs. The SMS team assesses operations and determines workforce needs, including workers whose papers are up for renewal.

**Potential Risks – Medium Level:** This step presents medium to high risks, with the former applicable

to Thai SMEs, who, despite their small size, have established QMSs and/or SMSs; good knowledge of Thai national laws on labor, fisheries, and migrant workers; and adequate knowledge of fundamental human and labor rights, as well as international standards. If the option of using a Thai Recruiter is chosen, due diligence needs to be done to determine risk levels and appropriate preventive measures. It is expected that source country recruiters will not be involved.

**Challenges:** If resources are a challenge, one qualified and experienced HR Manager or staff could be authorized. Detailed guidelines for this step can be found in section V.A. of this Manual. If possible, avoid the use of Recruitment intermediaries since they introduce risks related to transparency, accountability, oversight, compliance, knowledge gaps, track record, and reputation.

**Recommended Practices:** a) Select and authorize responsible individuals from HR, or an SMS team, who will review Thai national laws on labor, fisheries, and migrant workers; Company core policies and procedures, focusing on fundamental human and labor rights, ILO conventions, and international standards; Company Rules; b) Update and revise policies and procedures to align them with FAIR Fish core policies, as needed; c) If a Thai Recruiter is used, carry out due diligence and risk assessment prior to selection, including checking the recruiter's license, track record, reputation within the industries it services, knowledge of social risks, and Thai Labor Laws; d) Develop COCs that summarize core policies that suppliers and external service providers (including recruiters, security agencies, transportation, cleaning services) are expected to understand and uphold, explaining rationale and potential consequences for noncompliance; e) Have the service providers who may be involved in the recruitment process sign COCs before contracting them. A written Service Contract is recommended; and f) Check government announcements to determine timelines for OSSCs opening for NV processes.

### 3.2.2 Job Postings/Recruiter (Option) (Step 1 of Figure 2 and Table 2 in Attachment 2)

**Activities:** The Employer develops Job Postings/Job Descriptions and communicates them directly or through a Thai Recruiter. If Recruiters are used, they should be selected after due diligence processes are completed. Due diligence suggested practices are listed in Table 1 and section V.B of this Manual; tools for supply chain mapping and risk assessment are attached in Annexes to this document for use or adaptation. After due diligence processes are completed and conclusions are reached, the Employer should request the Recruiter to sign the Employer's COC before both parties sign an Employer-Recruiter Contract. It is important that the Contract specify responsibilities for all parties, especially regarding recruitment fees and costs, decent treatment of workers, respect for their rights and legal compliance (refer to sections V.C and V.D of this Manual). After agreeing on authorization levels, the Employer issues a POA to the Recruiter, if needed.

**Potential Risks – Medium Level:** Recruitment intermediaries introduce risks related to transparency, accountability, oversight, compliance, knowledge gaps, track record, and reputation (of the Employer and its clients). Therefore, accurate and thorough due diligence on the Recruiter is crucial as is the information on any subcontractors hired. If the use of Recruiters can be avoided, risk is medium.

**Challenges:** Cooperation from the Thai Recruiter on the recommended practices for due diligence is crucial, especially regarding transparency and accountability. However, the work may not be attractive to Recruiters if the numbers of migrant workers are small as the cost-benefit ratio may not work for their business. The Employer's HR is capable of managing these processes without a Thai Recruiter, but the biggest challenge is the uncertainty of when the OSSC will be open and for how long they will remain open for processing of migrant workers for the seafood sector.

**Recommended Practices:** a) Write job descriptions that focus on qualifications, avoiding language or requirements that could be discriminatory (e.g., do not include requirements on age, sex, race); b) Job postings, likewise, should avoid language and requirements that could constitute discrimination and bias; c) The Employer's job postings, preferably, should indicate the Employer is an equal opportunity employer or use language that demonstrates social awareness, including gender equality; d) The job

position communication can be done by posting in front of the factory, by word of mouth, print, or online media; e) Designate a contact person for managing and following up on interested job seekers or applicants. The next steps are for due diligence on the Thai Recruiter, if the option is chosen: e) Obtain information on the Recruiter's licenses, permits, and business; f) Ask the Recruiter to include names and details of subcontractors if any are used; g) Carry out General Risk Assessment using the Decision Tree; h) Complete a Specific Risk Assessment per policy per Recruiter; i) give a final rating and assign a monitoring action (e.g., on-site assessment plan or document review of policies and procedures, evidence, or certificates of social compliance); j) Have the Recruiter/subcontractor(s) sign the COC; k) Sign an Employer-Thai Recruiter Contract; and l) issue a POA to the Thai Recruiter, if needed, but only to Thai Recruiters who have passed the due diligence process and requirements.

### 3.2.3 Job Application/Personal Documents Checks (Step 2 of Figure 2, Table 2 in Attachment 2)

**Activities:** The Employer's HR goes through any new job applications as well as schedules the processing at the OSSC for renewal of the documents for regularized workers. The Employer's HR checks documents for completeness and compliance with Thai national laws on labor, fisheries, and migrant workers.

**Potential Risks – High Level:** It is possible that new job applications could come from migrant workers who do not have the documents to work legally in Thailand, or from migrant workers who are changing jobs but have not completed the required legal papers from previous employers and/or from government agencies. If Recruiters are used, risks related to transparency or unethical behavior are a concern.

**Challenges:** The Employer's HR needs to be knowledgeable about all documents considered to be acceptable for working in the seafood sector (i.e., for migrant workers recruited under the MOU process), those regularized under the NV process, or those holding border passes. The Employer's HR also needs to be familiar with what Thai laws allow in terms of reason, processes, and documents to change employers or job categories. Accepting a migrant worker who is trying to change jobs without proper papers carries high penalties for the new employers, as well as the worker. For NV workers already working with the Employer, renewal is simpler but faces the challenge of uncertainty of when OSSCs will open.

**Timelines:** 5–7 days after review of documents and submission of the Name List to the PEO

**Recommended Practices:** a) Review all applications and personal documents carefully with special attention to the migrant workers' legal status; b) Reject applicants who do not have the required documents (i.e., official passport from MOU or temporary passport from NV, visa, work permit, pink card, or equivalent); c) Categorize the applicants with proper papers into three – those recruited by MOU, under the NV process, and border passes, if any; d) Prioritize NV regularized migrants who are workers at the Employer's facility already and need to have their papers renewed but just need to wait for the opening dates of the OSSC; e) Applicants whose papers indicate they left a previous employer before their MOU contract was completed need to provide legal proof for the change (compliant with forms and timelines allowed by Thai laws on management of migrant workers' employment). If they have valid papers, they will go through MOU processes for changing employers. If they do not, HR should not accept the application as the risks to the Employer are high; f) NV regularized migrant workers who are changing employers also need proof of legal change of employer. If they have the required documents, then they could be accepted. If they do not, they should be asked obtain those papers and come back when they get them; g) Applicants who have border passes can be considered but with considerable care, since border passes are restricted to Special Economic Zones (SEZs) (e.g., Trat province is an SEZ, but Rayong is not, so a border pass for Trat is not acceptable for work in Rayong). Border passes also have limited validity (usually seven days), hence they tend to be used by seasonal workers at seafood landing places; h) After selecting qualified applicants, the Employer's HR sends the Worker's Name List to the PEO, together with copies of

required documents; and i) wait for approval of the Workers' Name List from the PEO.

### 3.2.4 Medical Checks (Step 3 of Figure 2 and Table 2 in Attachment 2)

**Activities:** The Employer makes an appointment at a local hospital for a health check-up for the migrant worker. On the appointment date, the Employer's HR takes the worker for medical checks, pays the fees, and waits for the medical report. Upon receipt, the Employer takes the medical report to the OSSC.

**Potential Risks – Low Level:** Local hospitals are familiar with standard medical tests for workers in the seafood sector. The Employer's HR can oversee the process and ensure the tests are not physically discriminatory, demeaning, or gender-insensitive (e.g., no pregnancy, HIV tests). Fees must be clearly defined and the rationale explained for any non-standard or unusual method of testing.

**Challenges:** The Employer's HR should be aware of discriminatory and gender-insensitive tests.

**Timelines:** 7–14 days depending on location and type of tests

**Recommended Practices:** a) Contact local hospital to make an appointment for workers whose medical tests are older than six months; b) Take migrant workers to the hospital for the health check-up; c) Ensure all tests are appropriate for a food facility but are not demeaning, physically invasive, discriminatory, or gender-insensitive; d) Pay all medical check-up fees and wait for results; and e) Take the results, together with other documents, to OSSC.

### 3.2.5 OSSC Verification and Document Issuance/Renewal (Step 4 of Figure 2 and Table 2 in Attachment 2)

**Activities:** Once the Thai government announces the opening and location of the OSSCs, the Employer's HR takes the migrant worker approved by the POE to the OSSC to process or renew their personal documents. The OSSCs bring in government officials from the source countries to carry out NV, successful completion of which results in the issuance of a new "temporary" passport or the renewal of one. The OSSCs provide step-by-step guidance on where to go for what as well as posts an official fee schedule. Usually, if the OSSC is well organized and has adequate resources, once a queue is obtained, processes go smoothly and result in issuance or renewal of a visa, work permit, and pink ID card.

**Potential Risks – High Level:** This is the bottleneck for the NV process as uncertainty has always surrounded when the OSSCs will be opened, for how long, where and for how many workers they will be processed, and in which industry sectors. Once open, sometimes there are too few, and those few do not have adequate resources to handle the demand, or they are located far away from where the factories are. As a result, the wait could get long, and there is the temptation for Employers to proceed with employment on an interim basis and for the workers to go underground or shop around for more influential Employers. In addition, during the application or renewal process, document retention risks, transportation, and temporary lodging (which could compromise safety and freedom of movement) need to be addressed.

**Challenges:** Since the processes are under government control, it had taken industry-wide private-sector pressure in the past and to date to get OSSCs opened. Once open, the lack of OSSCs in locations convenient for factories, insufficient personnel and equipment (e.g., ID machines taking metrics and eye scans), as well as the short period of time the OSSCs are open, frustrate both Employers and migrant workers and create backlogs. The "temporary passport" issued by OSSCs are only good for Thailand and for unskilled labor. Hence, the NV is a semi-MOU hybrid process that nevertheless is favored by migrant workers because it allows their dependents access to health care and education in Thailand, something that the official MOU process does not.

**Timelines:** Within 3–4 days after getting a queue at an OSSC; wait for OSSC opening unpredictable

### a. Nationality Verification

**Recommended Practices:** i) If there is a long wait for a queue and transportation/temporary lodging is arranged for the migrant worker, the Employer or Thai Recruiter (if hired) will ensure that transportation and lodging are dignified, safe, sanitary, and provide freedom of movement for the worker; ii) The Employer or Thai Recruiter (if hired) will ensure the migrant worker retains their original documents at all times during the application or renewal process, except when they are required for legal verification by government agencies; iii) If any documents need to be held by the Employer or Thai Recruiter temporarily for legal requirements, such as proof of employment at the Employer's facility, the worker will be provided with an exact copy of each document and must be informed about the process and timelines for which the documents will be used; iv) Upon completion of the process(es), the documents shall be immediately returned to the migrant worker without any pre-conditions; v) The Employer or Thai Recruiter will ensure the type and validity of the documents comply with announced regulations and Thai laws on labor, fisheries, and migrant worker management, and do not in any way discriminate against or disadvantage the worker; and vi) The Employer or Thai Recruiter will verify the documents issued or renewed match the Employer's name, type of business, and job category for the migrant worker. Refer to section III.D.3 and 5, III.E.8 for topics on workers' documents, transportation, in-transit lodging, and freedom of movement.

### b. Recruitment Fees, Deposits, Guarantees

**Recommended Practices:** i) The Employer, or Thai Recruiter (if used), will NOT ask the worker to pay any recruitment fees (application, deposit, guarantee, security), demand a refund, in cash or in kind, from the worker of any recruitment-related costs the Employer paid for (documents, travel, lodging), or offer any wage advances or loans; b) If a Recruiter was hired for the NV process, the Employer's HR will check evidence of a transparent and compliant official paper trail verifying no recruitment fees were charged to the workers and that all fees were duly paid for applications for legal documents, authorizations, and permits for the workers in compliance with national laws and related announcements on official fee schedules. Other recommendations and practices for this section are the same as the ones for the MOU process. However, because of more direct involvement by the Employer in the application or renewal, as well as the lower costs for the NV recruitment process, compliance to the zero recruitment fees principle, through payment by the Employer of all recruitment-related costs incurred in Thailand, tends to be more probable. Refer to Table 3 Recruitment-Related Fees and Costs for Migrant Workers for MOU and NV fees.

## 3.2.6 Interview, Employment Contract, Training (Step 5 of Figure 2, Table 2 in Attachment 2)

**Activities:** New hires engage with the Employer's HR for verification of completeness of worker documents, filling out application forms (if they have not filled them out before), and additional tests and checks, if any, according to Company Rules. The HR staff schedules interviews and prepares individual Employment Contracts, which may or may not be signed on the same day. The Employer's HR or SMS team then arranges for New Hires Orientation, which complies with Thai Labor Laws.

**Potential Risks – Medium Level:** This is an important step for the Employer to highlight for the new hires the Employer's policies, rules, and expectations, and the Employee's rights and responsibilities. The interview, application, and Employment Contract signing steps could present potential risks of noncompliance to Thai Labor Laws and international standards, depending on the qualifications and experience of the Employer's HR or the SMS team, and their understanding of Company policies, rules, and implementation procedures. The interview and medical checks could also involve risks of gender-insensitive questions, practices, or tests. Language and literacy risks are crucial to effective explanation of the Contract. Orientation training risks pertain to content and length of time required by Thai laws.

**Challenges:** For returning workers, a new Employment Contract may bring up issues of promotion

or better terms and conditions than the previous Contract. Other potential issues are part-time and seasonal workers. Whatever the case, all Employment Contracts must comply with the most current Thai Labor Laws (e.g., reflect the increase in minimum wage, change in maternity leave days). Interpreters will be required to explain the Employment Contract and be present during interviews and orientation training. Additional tests and checks will be done in ways respectful of the rights of the workers (e.g., if an anti-terrorism check is to be done, the worker must be informed beforehand for the reason and to give consent).

**Timelines:** Within 2–3 days from arrival or return to the Employer’s factory

#### a. Interviews

**Recommended Practices:** i) The Employer’s HR assigns an Employee ID and creates a file for each worker. For returning workers, files will be updated for worker status and any changes to employment terms; ii) HR rechecks all migrant workers’ personal documents (passport, visa, work permit, pink card, at a minimum; birth certificates and national identity cards, if available) to establish that the worker is compliant with Company policies and Thai Labor Laws for age and legal status. Copies can be made, but original documents must be kept with the migrant worker; iii) The Company’s application forms for new hires will be available in the language of the migrant workers, and interpreters will be on hand to assist in asking or answering questions; iv) If additional medical tests or other checks are required, the Employer’s HR will make arrangements, pay for the fees, explain the need for the tests to the worker, and ensure they are nondiscriminatory and gender-sensitive. The Employer should also obtain written informed consent from the worker to conduct the test; v) Interviews are conducted following responsible recruitment and nondiscrimination policies, starting with the location of the interview, which is visible to other people but at the same time provides privacy; vi) Whenever possible, an open door or unlocked door policy will be maintained during interviews; vii) Women should be interviewed by women or a gender-balanced panel of individuals trained in gender-sensitive interview techniques; viii) Personal questions that may constitute sexual harassment or discrimination will NOT be asked; ix) Translators and interpreters will be provided if there are literacy and language issues; x) Documented acceptance and hiring decisions will show qualification-based unbiased evaluation; and xi) the Employer will ascertain that all new hires applied for or returned and accepted the job per their own free will. Refer to sections III.D.3 and 4, III.D. 6 and 7 of the Guidelines and Annex D of this Manual with sample Interview Questionnaire and tools for the interview.

#### b. Employment Contract/Terms and Conditions

**Recommended Practices:** i) The Employer’s HR will ensure that, at a minimum, the following items are in the Employment Contract: Employer and Employee names, Job Assignment and Wages, Duration of Contract and Worksite, Working Hours, Holidays and Leave, Overtime, Food, Accommodation, Medical Treatment, Travel and Transportation, Termination of the Contract, and Repatriation; ii) The Employer’s HR will ensure mandatory terms and conditions included (e.g., contract period, work location, work hours, overtime, leave, legal deductions, maternity provisions) are all in accordance with the most current Thai Labor Laws and the Company Rules; iii) The Employer’s HR will clarify Company Policy on the negotiable terms in the Contract (e.g., housing, meals, transportation to and from work, other benefits, wage advances, or loans, if requested by the migrant worker); iv) The Employer’s HR will explain Company Rules and policies on disciplinary action; dismissal, resignation, and severance, as well as grievance protocols and remediation strategies; v) All terms and conditions in the Company Employment Contract and referenced Company Rules will be explained to the migrant workers prior to signing, with the assistance of interpreters in case of literacy or language difficulties; vi) The Company Employment Contract will be written in the working languages of the migrant worker and Employer, in at least two languages, on the same set or in two separate sets; vii) The accuracy of the translation will be verified and certified, if possible, for all originals and copies prior to signing; viii) Two exact

same originals will be prepared for signing (three originals if the Thai DOE requires an original as well; one copy if a copy will do; ix) The Employer and the migrant worker will each retain a signed exact same original of the Company Employment Contract in hard copy. The Company Employment Contract will be valid for two years and renewable for another two years, or aligned with the validity of the migrant workers' documents; x) The Employer will issue an Employment Contract even for part-time workers (i.e., those who work regular hours at the facility for more than three months; xi) For seasonal workers, piece-work, or home workers, an Agreement guaranteeing at least daily minimum wage-equivalent income will be issued; xii) If the worker leaves before the Employment Contract is up, the Employer will follow Thai DOE rules on reporting processes, forms, and timelines; xiii) If the worker wishes to change Employers, the current Employer will cooperate with the processing of the required paperwork; and xiv) After completion of the Employment Contract period, if the migrant worker wishes to return home, the Employer will arrange and pay for the return trip. If the migrant worker wishes to renew, the Employer will decide accordingly. Section III.E of the Guidelines provides details on Employment Contract and Working Conditions. **Annex E of this Manual has a sample Employment Contract.**

### c. Orientation and Specialized Training Prior to Work

**Recommended Practices:** i) The Employer's HR will organize an Orientation Training for all new hires before they start working, including mandatory topics of fundamental human and labor rights, job descriptions, on-the-job responsibilities, workplace location, reporting hierarchy, and employment terms and conditions. Similarly, an overview of Company Policies and Rules will be provided. For food companies, personal and workplace hygiene will be included. Workplace and community integration issues are optional but recommended. This session will NOT be shorter than three hours or whatever the current Thai Labor Laws require, whichever is longer; ii) The Employer's HR will arrange for an OHS for all new hires before they start work. Mandatory topics of potential hazards at work, reporting injury or emergencies, first-aid, fire-fighting, evacuation, and other topics mandated by Thai OHS laws will be included. This session will NOT be shorter than 6 hours or what the current Thai laws require, whichever is longer, and will apply to all, regardless of gender and position; iii) Specialized training for groups of workers in high-risk areas or jobs (e.g., machinery operators) will be scheduled as soon as possible after the initial overview training for all workers for OHS; and iv) The Employer will provide all of the above trainings free of charge as well as supply material and PPE related to the workers' work without any additional charges or wage deductions. Details are described under section III.G. of the Guidelines.

## 3.2.7 Recruitment Processes and Recurring Challenges

What has become clear from the risk analysis and mapping of the existing recruitment options in Thailand above is that there are viable models with different process flows and actors from the government and private sectors that can be improved through better practices and introduction of preventive measures. Setting aside potential improvement to government bureaucracy and amendments to legislation, over which the private sector has very little control, Employers can still transform existing recruitment models to make them more "responsible" toward migrant workers' rights and freedoms, and at the same time reduce, eliminate, or prevent potential human and labor rights violations, especially human trafficking and forced labor, which could impact negatively the Employer's businesses and the industry as a whole. Recommended practices have been proposed above. Recurring topics of concern are highlighted below.

**Zero Recruitment Fees Dilemma:** As discussed in previous sections, the 2018 Amendment to the Migrant Decree 2017 is not aligned with the "Zero Recruitment Fees" or "The Employer Pays Principle" developed by ILO,<sup>18</sup> BSCI, IOM, and other organizations, which recognize the practice of

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<sup>18</sup> ILO. 2019. *General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs*.



charging fees and costs to the worker to obtain a job as central to increasing risks of human trafficking and forced labor. BSCI considers recruitment fees and costs for job placement as red flag (high-risk) areas in the pre-employment phase. ILO added a section defining recruitment fees and costs more clearly in its 2019 update of the original 2016 document. Similarly, IOM, together with other organizations, including the IHRB, defined in greater detail all pre-departure, documentation, in-transit, on-arrival, during employment, and end of employment fees that should not be charged to the worker, together with some that could be reasonably charged to the worker.<sup>19</sup>

The Migrant Decree of 2017, in fact, upholds the basic intent of “zero recruitment fees” through section 42, which states that “licensees permitted to bring in foreign workers ... (are) prohibited to demand for or receive money or any other property from the employer or the foreign worker other than service fee or cost from the employer according to the list and rate prescribed by the Director-General.” Although the 2018 Amendment to the Migrant Decree of 2017 continued to prohibit employers from collecting fees from foreign workers, it allowed charging fees to workers for passport issuance, health checks, and work permit fees at official rates announced by the government. The changes were possibly, in part, due to the rush around that time to “regularize” migrant workers already in Thailand within a short period of time through the NV process. Actual implementation of the NV, however, tended to be motivated by workforce needs, with most employers choosing to pay the said fees themselves in spite of the Amendment. At the same time, with the push to use the MOU recruitment process to “legalize” migrant workers, source countries’ government and private-sector representatives joined in discussions about the business scope and reach of the work of Thai RAs into their territories. Myanmar was one of the first to require Thai RAs to partner with local RAs, without giving any legal or administrative control to Thai Employers and Thai RAs over the local RAs, and recruitment fees charged by local RAs. This led to the current separation of control over recruitment-related fees, with each country responsible for fees and costs incurred in their home turf.

The ILO noted in its Baseline Survey of 2018 that the no recruitment fee requirement was met by 45 percent of its respondents in Thailand. Although there is no breakdown on the type of fees, this level of compliance is believed to represent improvement from previous years. The Food School Program of Solutions People Co., Ltd. (TFS) work with FAIR Fish Pilot Companies and PRAs to date have identified three main groups of fees and costs as follows: a) recruitment fees (application, deposit, guarantee, security) to ensure job placement; b) recruitment-related fees and costs incurred in the source country; and c) recruitment-related fees and costs incurred in Thailand. Within the group of Pilot Companies TFS is working with, there is compliance to the first group, as it is clearly understood as prohibited by Thai laws. For the third group, more and more companies due to workforce needs appear to be willing to reduce the burden on the migrant workers. However, these efforts are limited to recruitment-related fees and costs incurred in Thailand. For the second group of fees and costs, there are variations from country to country in terms of amount, cap on fees, and willingness to disclose actual charges. Hence, the level of transparency and trust that the Thai Employers and Thai RAs need from their Partner RAs has yet to be developed. Therefore, to borrow a term that has been used in meetings among private and government stakeholders with the ILO, the “Zero Recruitment Fees” principle remains “aspirational,”<sup>20</sup> meaning it is a principle the seafood industry must try to achieve through cooperation among various parties and incremental improvements with appropriate private-sector initiatives, as well as legislative changes and enforcement, even if it takes time.

**Due Diligence:** Due diligence refers to all types of actions done with reasonable precaution intended to prevent, reduce, and eliminate a potential or actual risk. For recruitment or employment, due diligence measures are taken by the Employer and/or the Recruiter so that migrant workers will not be harmed, or the Employer’s business and reputation will not suffer negative impacts, due to direct or indirect involvement in violations of fundamental human and labor rights. Direct involvement originates from recruitment activities directly done by the Company or by a business partner authorized by the Company. Indirect involvement happens when the Company does not carry out adequate due diligence of purchasing

<sup>19</sup> IOM, et al. 2017. *Eliminating Recruitment and Employment Fees Charged to Workers in Supply Chains* (November 2017).

<sup>20</sup> ILO. 2020. SEA Forum Working Group Video Meetings (January 22–23, 2020).

or recruitment practices of suppliers and service providers, which then inadvertently links them to abusive practices. Activities that support due diligence (e.g., supply chain mapping, risk assessment, COC signing) aim for transparency. For recruitment intermediaries, the biggest challenge in implementing due diligence – for both Thai and source country brokers and agencies – is obtaining accurate information with regard to their businesses, operations, personnel, subcontractors, and fees. This Manual provides Annexes with guidance on due diligence processes and tools to address challenges.

**Freedom of Movement and Personal Freedoms:** While the restrictions on changing jobs and employers have eased up on migrant workers after the Migrant Decree 2017 was amended, there remain implementation and enforcement issues related to this topic. For example, NV workers wishing to change employers need permission from their former employer, but it is not clear what happens if the employer refuses to do so. For both MOU and NV, standard forms and fees are available, but there appear to be paperwork variations at the provincial level and no guidance on how to protect the worker if agreement cannot be reached between the old and new employers. The general mindset in relation to respecting the dignity and freedoms of unskilled labor is another huge psychological barrier to overcome.

**Document Retention and Authentication:** The ILO 2018 Baseline Survey found improvements within the seafood sector but pointed to a number of remaining problems related to migrant workers' rights, including document retention.<sup>21</sup> While this appears to be more common to the fishing sector, it also happens to workers in the processing sector. Not much research has been done in the pre-employment phase, especially for activities of source country recruiters with regard to document retention or document verification. There have been reports within the industry,<sup>22</sup> however, about difficulties of verifying identity, including name changes and birth dates, even on official documents. It is not clear whether source countries have systems similar to Thailand's (e.g., house registers, national ID card, name change documents, birth certificates).

**Employment Contracts and Decent Work:** Contract deception or substitution, precarious working arrangements, semi-legal or illegal deductions are some potential risks that could come from inadequate or inaccurate information provided to workers on decent work conditions prior to employment, during recruitment, as well as during contract signing. In addition, the ILO 2018 baseline survey found unequal contract terms between men and women, wages withheld, no contracts for some types of work, or no hard copy of contracts given to migrant workers.

**Grievance Mechanisms and Remediation Strategies:** Grievance mechanisms and remediation strategies to address forced labor and human trafficking in the recruitment and employment processes need to be in place. Technical sessions provided the Pilot Companies with better understanding. The Guidelines and the Annexes can support implementation.

**Training on Fundamental Human and Labor Rights:** The ILO Core Conventions must be included in all training, whether pre-departure, post-arrival, or orientation prior to start of work. The Pilot Companies' Policy Implementation Procedures list topics specific to each policy. The challenge is to explain misunderstood or discomfiting topics (e.g., freedom of association and collective bargaining, human trafficking, sexual harassment, and sexual exploitation).

**Monitoring and Evaluation:** Monitoring and evaluation will use the Guidelines, which provide information on recommended practices as well as practices to avoid. The processes, criteria, and best practices described are not benchmarked; that is, they are not yet formally recognized as on a par with global peer-reviewed stakeholder-approved standards that can be used for third-party certification. Benchmarking is an option that can be considered after the Model has been piloted and standards further developed.

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<sup>21</sup> ILO. 2018. *Ship to Shore Rights Baseline Research Findings on Fishers and Seafood Workers in Thailand*.

<sup>22</sup> Unconfirmed oral information in seafood processing and fishing sectors.

Nevertheless, the Manual and Guidelines, in their current form, are useful and practical for internal audits, as well as second-party due diligence assessments on suppliers and service providers (especially recruitment intermediaries). First-party and second-party assessments are important “health checks” for the company’s systems. They represent effective means of determining whether workers, especially vulnerable workers, are protected from injury and harm, are safe, secure, and satisfied with the terms and conditions of their recruitment and employment. Protecting workers could bring benefits of better operational productivity, higher workforce morale, and lower turnover of personnel. For the company, the benefits lie in protecting its reputation, brands, and clients, as well as added visibility in global markets and more sustainable operations led by managers trained in international standards.

Monitoring and evaluation processes need to set performance targets, determine how objectives are being met, and how effective or lacking the systems are. For such assessments, it will be necessary to train a multidisciplinary team of qualified and experienced members in skills particular to social systems (e.g., gender-sensitive interview techniques), which will pose challenges of language and multi-cultural understanding.

**An “Ideal” Responsible Recruitment Model:** The recommended practices given above are meant to bring the models closer to “ideal” recruitment processes that comply with international standards, protocols, and conventions for migrant labor protection. Feedback from the Pilot Companies and discussions during the Inter-Company Working Groups pointed to challenges they face as SMEs in implementing requirements, such as “The Employer Pays” principle. The RAs themselves, who operate as for-profit businesses, acknowledge the challenges posed by the discrepancy between Thai laws and international guidelines. Moreover, recruitment-related costs and fees incurred in source countries are not under the direct control of the Thai Employer and the Thai RA for the MOU recruitment process. Nevertheless, there are Thai companies, especially the Pilot Companies and PRAs for the FAIR Fish project, that are willing to work toward complying with the “Employer Pays” principle since they value the potential positive impacts on the workforce, their operations, and the seafood industry as a whole.

Even if the MOU recruitment process is costlier than the NV recruitment process; the option of waiting for OSSCs to open for NV processing is too uncertain for SMEs that may have immediate workforce needs. SMEs do recognize the merits of using recruitment intermediaries as the factories do not have the resources, time, and personnel to recruit from source countries directly. However, recruitment intermediaries on both sides of the border need to be trustworthy, reliable, and cost-effective, as well as demonstrate transparency and accountability – challenges that can be addressed through the use of this Responsible Recruitment Model.

The idea for the Responsible Recruitment Model processes described in the Guidelines (Annex A) came from discussions with the Pilot Companies. Their familiarity with the QMS process approach to improvement and the Food Safety Management System’s (FSMS) risk-assessment supply chain approach to reduce, eliminate, or prevent damage and risks to the Company, its clients, and consumers, left them wanting for guidelines (on good practices as well as practices to avoid) that could supplement and expand their core labor policies so they could set up a SMS. The concept of processes for a responsible recruitment model that addresses risks and aims for systematic improvement within their supply chains, including Recruiters and service providers related to recruitment processes, appealed to them.

To the Pilot Companies, such processes and criteria are more proactive. As management systems practitioners, their key staff know that “perfect” models are those that evolve over time and change with use to become more practical and implementable. Therefore, instead of waiting for a static, unchangeable blueprint from the government, the private sector could instead compile frameworks, guidelines, criteria, and practices central to the development, implementation, management, and maintenance of effective systems that could supplement or strengthen existing recruitment methods backed by appropriate legislation. The processes in the Guidelines are valuable for developing and implementing systems, as well as for creating tools for system monitoring and verification that could

identify areas for improvement. Moreover, having documented guidelines that meet Thai national laws, international conventions, and international standards for managing social systems give Employers more confidence in dealing with international markets and buyers, as well as assurance of sustainability of the systems for responsible recruitment and decent working conditions.

### 3.3 Reference Principles, Guidelines, and Standards

The main references for the FAIR Fish Pilot Model of Responsible Recruitment are from the ILO and the BSCI of the Foreign Trade Association (FTA). ILO published in 2016 the “General Principles and Operational Guidelines for Fair Recruitment”; then in 2019, updated the publication with an additional section on “Definition of Recruitment Fees and Related Costs.” BSCI issued, in September 2017, the “Responsible Recruitment Guidelines for BSCI Participants” to supplement the BSCI COC Version 2: 2014, on managing potentially illegal or damaging recruitment practices that impact the reputation of member businesses and their suppliers, introduce legal and social risks, as well as harm their workers.

Both the ILO and the BSCI principles and guidelines draw from “international labor standards,” which include international labor conventions, protocols, recommendations, declarations, mostly by, but not limited to, the UN and ILO. The ILO points out correctly that “at present there is no consolidated guidance on fair recruitment.”<sup>23</sup> Many guidelines exist as voluntary standards specific to particular sectors and industries. The principles of the ILO International Labor Conventions are the binding standards – binding because countries that ratify them then develop appropriate legislation to facilitate enforcement. Recommendations, declarations, findings, and guidance by the ILO and other international supervisory bodies or non-governmental organizations, are non-binding standards but nevertheless crucial to upholding the principles of responsible recruitment. Some examples are various IOM reports on acceptable/unacceptable practices, the Dhaka Principles of Migration with Dignity 2012, and the Social Accountability International SA8000 standard with auditing guidance on Management Systems to Address Gender Discrimination 2013, which are source or reference documents for the ILO and/or BSCI responsible recruitment principles and guidelines.

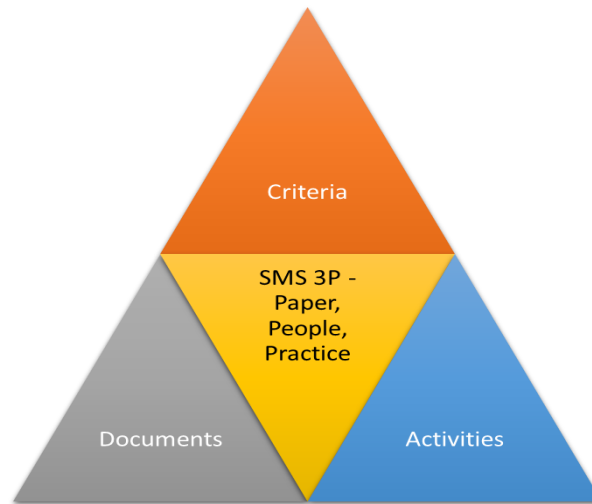
Whatever the sources are, the common defining concepts for responsible recruitment are respect for fundamental human and labor rights, human dignity, equality, security, social dialogue, and decent work, principles that the ILO has consistently insisted on as world trade changed.<sup>24</sup> Businesses could choose to voluntarily comply by incorporating the ILO or the BSCI principles and guidelines in their internal QMS, as stand-alone policies and procedures, or as part of a comprehensive auditable SMS. Oftentimes, the motivation to opt for an SMS comes from buyers who require second-party or third-party assessments, feasible in the case of BSCI, because of the systems approach. The ILO principles and guidelines, on the other hand, are organized as a list of requirements and can also be monitored for compliance *IF* appropriate internal management systems and documents are developed and implemented. It is for this reason that FAIR Fish activities to date have introduced the systems approach with documented policies and procedures. This will facilitate the implementation of responsible practices that comply with a set of criteria based on the ILO conventions and national labor laws in order to achieve change, reduction, or prevention of unacceptable practices.

### 3.4 Structure of the SMS and Modular Components

The framework for SMS follows and is defined by the International Organization for Standardization (ISO) 9001 standards that specify requirements for management systems that can enable a Company to consistently provide products and services compliant with customer and regulatory requirements. **Figure I**, below, depicts a QMS or an SMS framework – a triangle with Criteria at its apex, with Documents and Activities on both sides of the base, which differ in content depending on the type of system.

<sup>23</sup> ILO. 2019. *General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs*.

<sup>24</sup> ILO. 1999. *Declaration on Decent Work for All in a Global Economy*.

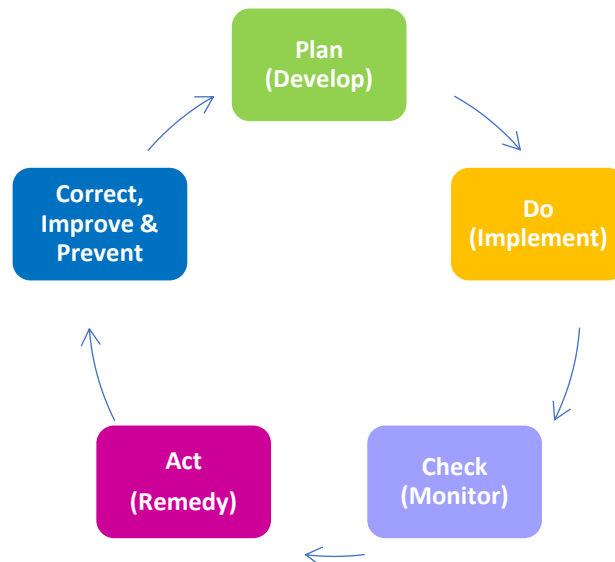


**Figure 1. Framework for Management Systems based on ISO 9001**

SMS Criteria consist of reference principles, guidelines, and standards from ILO, UN, and BSCI; national laws for labor, fisheries, and migrant worker management; and other standards, as well as market and buyer requirements. SMS Documents refer to Company policies and procedures on fundamental human and labor rights, Company Rules, Recruitment Manuals, Employees' Handbook, Ethical Business Protocols, and all related paperwork (e.g., master lists, work instructions, forms, records, and supporting documents). SMS Practices are on-site and off-site activities related to implementation, monitoring, and verification of the SMS criteria and documents to achieve the goals of change or improvement.

Desk review compares documents against criteria, while evaluation of practices against documents and criteria assess the level of adequacy, compliance, and effectiveness of the SMS. The goal is, through the plan-do-check-act (PDCA) cycle (**Figure 2**, next page), the SMS, in whole or in part, is implementable and auditable. Lessons learned contribute to change or continuous improvement. The supply chain approach encourages a multiplier effect from processors to other levels and links of their supply chain to implement SMS.

The triangular framework in Figure 1 can be applied in whole (for the Company's entire SMS) or in part (for SMS modules or components, such as policies) to establish comprehensive, standardized, and verifiable processes and methods adapted to and appropriate to the operations of a company. For FAIR Fish, the Eight Core Policies (i.e., Anti-Trafficking in Persons, No Forced/Bonded Labor, No Child Labor, Non-Discrimination (including Gender-Based Discrimination), Freedom of Association & Collective Bargaining, Responsible Recruitment Decent Working Conditions, Grievance, and Remediation) form the modules that are individually organized for internal implementation and verification through defined and documented procedures. Collectively, the eight modules form the basis for a larger, comprehensive SMS that could be externally assessed in second- or third-party audits, as needed.

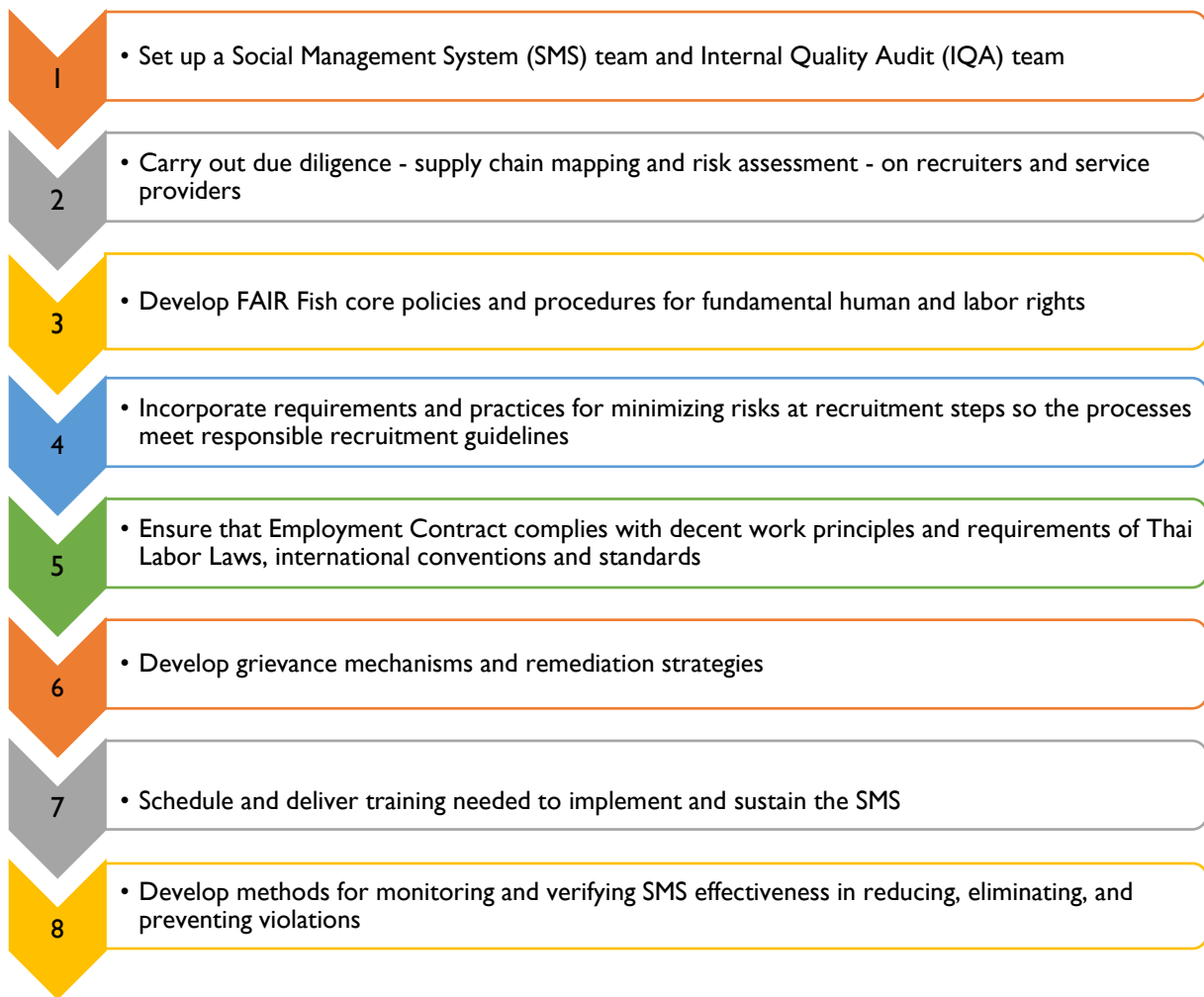


**Figure 2. Change, Improvement, or Prevention through the PDCA Cycle**

### 3.5 Principles and Elements of a Pilot Model for Responsible Recruitment

The FAIR Fish Responsible Recruitment Model is basically aligned with and expands on the Responsible Recruitment Policy Statements and Implementation Procedures developed for the Pilot Companies and PRAs. As previously emphasized, the Responsible Recruitment Model will use an SMS framework that will be applied in a supply chain approach within the limitations of the current Thai MOU and NV recruitment processes for migrant workers. The requirements and recommended practices are based on the reference principles, guidelines, and standards, which include Thai laws on labor, fisheries, and migrant workers. The goal is to facilitate reduction, elimination, and remediation, and/or prevent abuses related to human trafficking, forced/bonded labor, and other unacceptable practices violating fundamental human and labor rights of workers, especially vulnerable workers, including women.

The Responsible Recruitment Model has the following core process elements (refer to **Figure 3**): 1) set up an SMS; 2) carry out due diligence; 3) develop policies and procedures for fundamental human and labor rights; 4) define the requirements and practices for minimizing risks at recruitment steps; 5) ensure the Employment Contract reflects terms and conditions of the Employer and are compliant with decent work principles, international standards, and national laws; 6) develop grievance and remediation mechanisms; 7) determine training needed to implement and sustain the SMS; and 8) develop methods for monitoring and verifying SMS effectiveness and how it contributes to change, improvement, or prevention. For all these elements, the principles of decent work (i.e., respect for fundamental principles and rights at work, creation of productive employment and income for women and men, provision of social protection, and promotion of social dialogue under conditions and key concepts of freedom, equality, security, and human dignity) must be incorporated in all processes and methods used to reduce and eliminate violations, and achieve change or improvement through appropriate and timely corrective and preventive actions, mediation, or remediation.



**Figure 3. Process Elements for a Responsible Recruitment Model**

## 3.6 SMS for Full Compliance with International Standards and Guidelines

### 3.6.1 Importance of SMS for Sustainability of the Responsible Recruitment Model

Recruitment processes and methods in the seafood industry, like most industries now, involve cross-border migration, migrant workers, and international trade. Due to their global, multi-cultural nature, they use dispersed, decentralized activities going on in different locations, involving many people from diverse backgrounds and perspectives. Standardizing and harmonizing concepts and practices for implementation across all geographical locations and all stakeholders is a daunting task. An Employer is but one link in a long global seafood supply chain and cannot realistically achieve changes overnight. Managing responsible recruitment is a multifaceted endeavor that involves the government sectors in both source and host countries, as well as communities, industry groups, labor unions, and domestic and overseas buyers and consumers. Moreover, there are no central regulators,<sup>25</sup> enforcers, referees, or decision-makers that will undertake the immense responsibility of assessing, verifying, or certifying ethical practices for responsible recruitment. Besides, imposing a blanket global template for all industries will not benefit local stakeholders in terms of increased awareness or accountability. Hence, the need for industry leadership and collaboration with other stakeholders.

<sup>25</sup> Manpower Group/Verité. 2012. *An Ethical Framework for Cross-Border Labor Recruitment*.

Managing responsible recruitment processes starts with the Employer establishing an internal SMS, in part or in whole. It could be as simple as developing, implementing, and then verifying for effectiveness one procedure, or it could involve a whole system made up of many processes and many procedures, work instructions, forms, and support documents. The alternative is to wait until something happens, then react to incidents *ad hoc*. Unfortunately, *ad hoc* actions do not facilitate continuity, holistic solutions, or documented lessons that could be used for improvements or changes. Even if there have been no incidents of abuse or violations within the factory, establishing a documented internal SMS with processes for identifying risks – when, where, how, and to whom they could happen – whether there are measures or there are none to control, prevent, or mitigate impacts; methods of checks and balances; responsibilities for reporting, monitoring, and verification; and strategies for correction, remediation, and prevention – shows proactive, organized commitment for the long-term. There could be changes in staff, workers, and products; however, with an effective SMS in place, systems will sustain the Employer’s business.

### 3.6.2 Full Compliance Options and Resources Required of SMEs

Modules or parts of a holistic SMS (e.g., responsible recruitment or child labor) could be managed as stand-alone systems if they are structured in a way that meets the requirements of the management system framework of ISO 9001. However, a full SMS for responsible recruitment is more akin to that of the BSCI, which incorporates all the different modules shown in **Figure 4** below, including a recent Addendum on responsible recruitment. Key concepts, among many, that make BSCI a good model for full SMS are the following: emphasis on the supply chain approach, due diligence and multi-tiered multiplier effect; pre-planned strategies on handling Zero Tolerance Areas that violate ILO Core Conventions; risk-based monitoring and evaluation; easy-to-understand explanations and practical guidelines on implementation of the Performance Areas; and guidance documents for all stakeholders – buyers, suppliers, auditors, and auditees. Note that “certification” to BSCI is a third-party assessment.



**Figure 4. Modules for Full Compliance to SMS**

Because of the familiarity of Thai seafood processors with QMS and FSMS, the human resources required of SMEs to develop and implement SMS will be readily available. As proven by the technical assistance sessions to Pilot Companies, qualified and experienced staff from HR and other key departments, such as production, purchasing, quality assurance, OHS officers, and middle and top management could, with adequate guidance and training on criteria specific to SMS, make the transition to managing SMS effectively. What is most needed is sufficient time to develop comprehensive policies, procedures, and guidelines and to train all personnel at all levels.

### 3.6.3 Challenges, Limitations, and Cost-Benefit Considerations

Recurring challenges for implementation of the responsible recruitment model were discussed in the preceding sections of this Manual. Similar, but slightly different, challenges specific to each Policy are envisioned as the Company goes into full implementation. As explained above, to achieve the full compliance option, all modules need to be established and effective since each module is a piece of a puzzle to be completed. The SMEs will be limited in their implementation by cost-benefit



considerations for their business. In particular, the feedback on the MOU option pointed out disadvantages that SMEs face. Because their workforce needs are small, recruitment costs will likely be higher per head than those for larger companies. Moreover, SMEs do not have the negotiating power to obtain information crucial to their due diligence process, especially those pertaining to source country Partner Recruiters. At the same time, Thai Recruiters are constrained by cross-border challenges, especially in the government sector, due to language difficulties and complex processes that do not have adequate transparency.

## LIST OF ATTACHMENTS & ANNEXES AND THEIR USES

Attachments & Annexes and their Uses	
<b>Attachment 1: Guidelines for FAIR Fish Pilot Model of Responsible Recruitment</b>	
<p>This is an important supplement to the Manual and can also be used as an internal audit checklist. The step-by-step Recommended Practices in the Manual that Employers and Recruiters should follow are taken from these Guidelines, which represent good practices, as well as practices to avoid. Separating the Guidelines from the Manual itself responds to the needs expressed by the Pilot Companies for guidance on establishing Social Management Systems (SMS) for the long-term. The Manual addresses only current recruitment models set in Thai law, hence, are <i>ad hoc</i> strategies. Since Thai laws (and their interpretation) change and evolve, reference Guidelines that compile practices that are consistent with and compliant to international standards and requirements will provide the Pilot Companies and Recruiters with knowledge of principles, concepts, and practices on systematic management of (potential) risks, as well as practical methods of reducing, eliminating, preventing violations.</p>	
<b>Attachment 2: Figures and Tables for the Manual</b>	
<p>This attachment provides supplementary figures and tables for the Manual to assist in visualizing the MOU (Cross-Border) Recruitment Process flow, NV (In-Country) Recruitment Process Flow, MOU Recruitment Process Steps, Timelines, Risks, NV Recruitment Process Steps, Timelines, Risks, Total Recruitment-Related Fees and Costs for Migrant Workers according to National Laws, and Total Recruitment-Related Fees and Costs for Migrant Workers-MOU and NV.</p>	
<b>Annex A: Guidance for Performing Due Diligence to Assess Social Risks in the Recruitment Supply Chain</b>	
<p><u>Who</u>: for Employers, Product Suppliers, Service Providers (especially Recruiters and other recruitment intermediaries)  <u>What &amp; Why</u>: guidance on importance to ensure transparency and to identify potential risks in the supply chain; explains the different methods and tools for analyzing supply chain links or process steps  <u>How</u>: starts with the Employer then passed on along the supply chain; also done for each recruitment process steps to analyze risks</p>	
<b>Annex B: Recruitment Supply Chain Map &amp; Recruitment Questionnaire</b>	
Annex B-1: Mapping of Labor Supply Chains – Significant Links and Vulnerable Workers	<u>Who</u> : Employers, Product Suppliers, Service Providers (especially Recruiters and their partners/intermediaries) who will develop their own
	<u>What and Why</u> : shows what links information should be obtained for and analyzed for vulnerable workers, who are the most prone to abuse and other violations of fundamental human and labor rights
	<u>How</u> : starts with Employer then passed on to first-tier Product Supplier (s) and Service Providers (Thai Recruiter); who then maps their next-tier suppliers and service providers by obtaining relevant information
Annex B-2: Recruitment Supply Chain Map Example	<u>Who</u> : Thai Recruiter completes this mapping to present to the Employer together with detailed information on migrant workers
	<u>What and Why</u> : The Thai Recruiter gives an overview of its operations and details of all partner recruiters, subcontractors, service providers in both Thailand and the source country to ensure transparency and facilitate detailed risk assessment
	<u>How</u> : obtain/compile information by using Annex B-3, reflecting accurately and honestly what is and what is not available
Annex B-3: Recruitment Intermediary Questionnaire & Checklist	<u>Who</u> : Starting with the first-tier Thai Recruiter, the Employer fills or asks the Recruiter to fill in this questionnaire as completely as possible.
	<u>What and Why</u> : overview of operations and all partner recruiters and service providers to ensure transparency and aid risk assessment
	<u>How</u> : written information or relayed by phone; Employer should verify.

Attachments & Annexes and their Uses	
Annex C: Tools for Social Risk Assessment – Evaluation and Ranking of Recruiters	
Annex C-1: Decision Tree for General Risk Assessment	<u>Who:</u> The Employer’s SMS Team or Human Resources (HR) will use this tool on potential Recruiters (individual or company)
	<u>What and Why:</u> Obtain information to answer the questions in the tool, which is a first screening for integrity of the Recruiter
	<u>How:</u> Follow the sequence to decide whether to proceed to next steps.
Annex C-2: Two Types of Specific Risk Assessment Tools	<u>Who:</u> The Employer’s SMS Team, HR or Procurement Manager, as well as the Recruiter’s person (s)-in-charge can utilize any of these options.
	<u>What and Why:</u> Tools that quantify or categorize risks according to severity of consequences assist in determining preventive measures.
	<u>How:</u> Use either a matrix or a table but document reason (s) for the score or rating, as well as propose potential prevention strategies.
Annex C-3: Specific Risk Assessment Chart for Scoring Each Policy	<u>Who:</u> The Employer’s SMS Team or HR Manager, as well as the Recruiter’s person (s)-in-charge can utilize this template
	<u>What and Why:</u> Each of the eight core FAIR Fish policies are assessed for risk, and how prepared the facility is to handle violations if they occur. Frequent incidents, lack of knowledge or control are weaknesses.
	<u>How:</u> Scored or color-coded for a combination of severity of impact and possible occurrence; plus, preventive measures if violations occur
Annex C-4: Determining Final Ranking and Action	<u>Who:</u> The Employer’s SMS Team or HR Manager, as well as the Recruiter’s person (s)-in-charge can utilize the suggested flowchart
	<u>What and Why:</u> The scores or colors for each of the eight core FAIR Fish will add up to a total ranking that reflects understanding and control the supplier/recruiter has regarding social policies. The tool suggests action for the Employer/Company to take, for example, reject as a supplier or accept with requirements for signing of a Code of Conduct and periodic monitoring and/or request for corrections and preventive measures.
	<u>How:</u> Add up total scores, determine colors for each of the eight core FAIR Fish Policies, count the number of red ones and based on the tool give a final overall ranking, corresponding action and recommendations.
Annex C-5: Example of Specific Risk Assessment for MOU Recruiter	The example is a composite of various scenarios discussed with the Pilot Companies during technical sessions and shows various steps and risk-assessment and how dependent it is on experience with the facility and judgment of potential impacts. Corrections/preventions are highlighted.
Annex C-6: Procurement Criteria for Selection of Recruiters	<u>Who:</u> The Employer’s SMS Team or HR and/or Procurement Manager will use this tool with potential Recruiters (individual or company)
	<u>What and Why:</u> Integrating the selection of Recruiters into procurement systems for external service providers strengthens management control.
	<u>How:</u> Score according to suggested criteria and accept/reject final rating. Results from the Decision Tree and Risk Assessment per Policy tools can be factored into the scoring. Try to encourage improvements.
Annex C-7: Code of Conduct (COC) Example for Suppliers/Recruiters	<u>Who:</u> The Employer’s SMS Team or HR should draft a standard COC for approval by the Managing Director and to be used with first-tier Suppliers and Service Providers. For Recruiters, the Thai Recruiter is the main signatory but is expected to cascade the effort to all partners.
	<u>What and Why:</u> Signing a COC together with a Service Contract ensures harmonized understanding of social policies and transparency.
	<u>How:</u> Develop a COC that emphasizes ethical and legal compliance in relation to fundamental human/labor rights, responsible recruitment and decent work. Include conditions that encourage accountability.
Annex D: Interview Questionnaire Tools for HR on Human Trafficking and Forced Labor	

Attachments & Annexes and their Uses	
<p>This Questionnaire tools are intended to guide HR personnel in their interviews of workers to identify potential or actual victims of various forms of human trafficking and forced labor. This annex is composed of Migrant Worker Interview Instructions for HR, Migrant Worker Interview Questionnaire, ILO Indicators for Human Trafficking and Forced Labor, and Summary of Interview Findings.</p>	
Annex D-1: Migrant Worker Interview Instructions for HR	The Migrant Worker Interview Instructions for HR provides guidance for an HR personnel on how to conduct an interview with new migrant worker hires.
Annex D-2: Migrant Worker Interview Questionnaire	The Migrant Worker Interview Questionnaire is to be used by an HR personnel to identify possible signs of forced labor and human trafficking
Annex D-3: ILO Indicators for Human Trafficking and Forced Labor	These indicators are derived from the ILO’s “Forced Labour” booklet, which are based on the ILO Forced Labour Convention, as well as the ILO’s “List of Trafficking in Human Beings” that came out from the Palermo Protocol. The interviewer can refer to these indicators in order to identify possible signs of forced labor and human trafficking.
Annex D-4: Summary of Interview Findings	This Summary of Interview Findings can be used to document the findings from the interview with each migrant interviewee, with references to the ILO indicators for Human Trafficking and Forced Labor.
Annex E: Sample Employment Contract	
<p>The sample Employment Contract in English and Thai is not meant to replace the official tri-lingual Employment Contract used by the Thai Department of Employment (DOE) for the MOU process. It proposes to expand terms and conditions in the DOE Contract (e.g., other types of leave apart from annual leave) and supplement the Employer’s (as usually the Employers have their own forms at the factory) so that all the terms and conditions mandated in the current Thai Labor Laws are complied with. At the same time, there is room left for the Employer to add their own specific Company Rules or policies, e.g., on negotiable items such as accommodation and housing.</p>	
Annex F: Grievance and Remediation Guidelines and Tools	
<p>In this annex, there is a guideline on grievance and remediation, tools to identify red flags for human trafficking and forced labor, and what preventive measures can be taken. It is expected that there is a focus on prevention recommendations by recruiters.</p>	
Annex G: International Standards and Guidelines Mapping	
Annex G-1: ILO Human & Labor Rights Conventions vs. Thai Labor, Fishery and Migrant Workers’ Laws	<p>These charts compare various documents from the ILO, the Business Social Compliance Initiative (BSCI) and Thai laws, decrees and ordinances on labor, fisheries-related requirements and migrant worker management. The intent is to obtain a better understanding of commonalities and differences, as well as any potential gaps and challenges that could impact implementation at the industry level of responsible recruitment and decent work principles.</p>
Annex G-2: ILO Human & Labor Rights Conventions/Principles of Fair Recruitment vs. BSCI 2014/2017	
Annex H: Company Policies and Implementation Procedures	
<p>Company policies and procedures on decent work and non-discrimination. Annex H contains policies and procedures of two companies - Marine Fine Foods and Rayong Fish Sauce. Sets in Thai and English for the eight core policies of FAIR Fish – i.e., Anti-Trafficking in Persons, No Forced/Bonded Labor, No Child Labor, Non-Discrimination, Freedom of Association and Collective Bargaining, Responsible Recruitment, Decent Working Conditions, Grievance and Remediation need to be referenced as criteria for implementation and reviewed periodically in order to monitor and evaluate the progress of implementation and improvements. Should any gaps in implementation and any changes in legislation or</p>	

Attachments & Annexes and their Uses

MOU recruitment processes come into force, potential impact on the company policies and procedures should be reviewed and corresponding adjustments or revisions considered.

Annex I: Recruitment Agency Policies and Implementation Procedures

Annex I contains two sub-annexes, including the nine policies and procedures for the project's targeted recruitment agency called 8 Tid Goodpower Co., Ltd. Sets in Thai and English for the nine core policies of FAIR Fish – i.e., Anti-Trafficking in Persons, No Forced/Bonded Labor, No Child Labor, Non-Discrimination, Freedom of Association and Collective Bargaining, Responsible Recruitment, Decent Working Conditions, Grievance and Remediation, and Ethical Business Practices are need to be referenced as the criteria for implementation and reviewed periodically in order to monitor and evaluate the progress of implementation and improvements. Should any gaps in implementation and any changes in legislation or MOU recruitment processes come into force, potential impact on the recruitment agency policies and procedures should be reviewed and corresponding adjustments or revisions considered.

## Attachment I: Guidelines for FAIR Fish Pilot Model of Responsible Recruitment

# Guidelines for FAIR Fish Pilot Model of Responsible Recruitment

### A. Social Management System – SMS (Element I)

**Rationale:** Reference standards and practices need to be set within a management system framework to be implementable and verifiable. The triangular structure of an SMS – criteria, documents, practices – can, through adequacy and compliance assessments, contribute to continuous improvement and create a multiplier effect throughout the supply chain. The team may be small or large but establishing a well-structured, effective SMS is dependent on a core team of trained individuals to oversee development, implementation, monitoring, verification and revisions.

#### I. Establish an SMS Team

A.1.1. Top management of the Company formally appoints a Human Resources (HR) Person, or announces the formation of an SMS Team led by the HR Manager and composed of key managers.

A.1.2. The SMS Team is multi-disciplinary and gender-balanced.<sup>26</sup> Individuals or members of the core team are selected from Sales, Production, Purchasing, Quality Assurance (QA), Quality Control (QC), Quality Management Representative (QMR), Occupational Health and Safety (OHS), Security Officers.

A.1.3. The HR Person/ SMS Team has been or is trained on fundamental human and labor rights, Thai Laws on labor, fisheries, migrant worker management; as well as SMS development, implementation, monitoring and verification.

A.1.4. The HR Person or SMS Team, or a qualified and authorized consultant, drafts, revises and/or monitors changes, as needed, to the SMS, in whole or in part, especially the policies and policy implementation procedures, at pre-determined, periodic timelines set by the SMS team using risk-based frequency.

A.1.5. The HR Person/SMS Team ensures all documents of the SMS are assigned identifiers according to the Company's Quality Management System (QMS) document control and numbering system.

A.1.6. The Company's Managing Director approves the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the HR Person/SMS Team.

A.1.7. Announcements of new Policy Statements and Policy Implementation Procedures or revisions thereof are communicated, within a reasonable time period, to all managers and workers, after signing.

<sup>26</sup> Representation of women and men on the SMS team is proportionate to the composition of the workforce or comprised of 50% women and 50% men, whichever is more equal.

A.1.8. The SMS Team includes training on new or revised policies and/or implementation procedures in the Company's orientation training and monthly/annual Master Training Plan.

A.1.9. The SMS Team includes review of policies and implementation procedures in the agenda of the annual Management Review meeting. Minutes will be kept on file with details of actions on any issues.

A.1.10. Should the composition of the SMS Team change, the qualifications and training records of the new members will be compiled and kept on file. The authorization letter from top management will also be revised accordingly and announced within reasonable time.

## 2. Policies and Policy Implementation Procedures<sup>27</sup>

A.2.1. The SMS Team has compiled a list of reference criteria, including but not limited to Thai Labor Laws, ILO Labor Conventions, other international labor standards (including BSCI) required by markets and buyers, as the basis for developing policies and policy implementation procedures.

A.2.2. Policies and policy implementation procedures have been developed, approved and announced for anti-trafficking in persons (TIP), no forced labor, no child labor, non-discrimination, freedom of association and collective bargaining.

A.2.3. All policies define the rights of the worker and the terminology used; give the scope and rationale for the policy; identify how the policy applies to internal and external stakeholders; specify how to protect vulnerable workers (especially migrant workers, including women and children) from physical, financial and/or psychological harm.

A.2.4. Zero-tolerance policies<sup>28</sup> for acts that harm lives, income, health, physical and mental well-being of workers have been identified and defined. A commitment has been made to prevent and mitigate negative impacts through pre-planned protocols.

A.2.5. Policies and policy implementation procedures have been developed, approved and announced for responsible recruitment, decent working conditions, grievance and remediation.

A.2.6. Policies and policy implementation procedures incorporate the four pillars of decent work and emphasize they must be carried out under conditions of freedom, equality, security and human dignity.

A.2.7. Internal stakeholders are held to high standards of behavior and expected to comply with the policies and implementation procedures.

A.2.8. External stakeholders, including, at a minimum first-tier suppliers and service providers, especially Recruitment Intermediaries (labor brokers, recruitment agencies, and individual recruiters) are expected to comply with the Company's policies and maintain accountability and transparency.

A.2.9. Policy implementation plans specify how to raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that the strategies are minimizing, reducing or preventing labor risks.

<sup>27</sup> ILO. Principles 1, 3, 4, 6. *General Principles and Operational Guidelines for Fair Recruitment*. November 2016.

<sup>28</sup> BSCI Zero Tolerance Protocol; Performance Areas 3, 4, 8, 11. *BSCI System Manual Version 2*: November 2014.

A.2.10 Whenever possible, policies and policy implementation plans will include gender-sensitive components that encourage awareness of the importance of gender equity and empowerment.

A.2.11. Policies and policy implementation plans are updated based on changes to relevant Thai laws on labor, fisheries and migrant workers; as well as international standards, conventions and protocols.

A.2.12. News and incidents that report increases in potential social and labor risks to vulnerable workers in the seafood sector trigger a review of the Company's policies and implementation procedures, as well as consideration of revisions or adjustments.

### 3. Code of Conduct<sup>29</sup>

A.3.1. A Code of Conduct encapsulating the values and commitment of the Company to upholding fundamental human and labor rights, responsible recruitment and decent work principles has been developed and documented.

A.3.2. The Code of Conduct is based on actual policies approved, announced and implemented. It provides explanation of the reference criteria (ILO Labor Conventions, Thai Labor Laws), definitions of terms used and recommendations for a supply-chain approach for implementation.

A.3.3. Top management and/or the SMS Team of the Company has communicated and discussed with the management and/or team of their Suppliers or Service providers, especially Recruitment Intermediaries the reasons for the Code of Conduct and its content.

A.3.4. The Code of Conduct has been signed by business partners of the Company, including Suppliers and Service providers, especially Recruitment Intermediaries, who have been identified through due diligence as significant to ensuring responsible recruitment and decent work within the supply chain.

A.3.5. For significant business partners who refuse to sign the Code of Conduct, the Company has pre-determined protocols for deciding whether to continue doing business with them and/or monitor their performance, practices and compliance in some other ways.

### 4. Management Review

A.4.1. The Company's policies and implementation procedures are included in the Agenda of the Annual Management Review meeting, at a minimum.

A.4.2. Minutes of the Annual Management Review meeting show that policies and policy implementation procedures were announced to and discussed with internal and external stakeholders, especially in relation to vulnerable workers, such as migrant workers and women.

A.4.3. Minutes of the Annual Management Review meeting document the discussions on policies and policy implementation procedures regarding progress in implementation, challenges or

<sup>29</sup> BSCI Code of Conduct and Terms of Implementation; BSCI System Manual Version 2: November 2014.



obstacles encountered, any grievances or complaints received, and actions taken (including short-term corrections, long-term preventive measures and pending matters).

A.4.4. The Company has set pre-determined quantitative or qualitative indicators for the progress and effectiveness of the SMS and evaluates these at a minimum annually.

A.4.5. The minutes of the Annual Management Review meeting documents how the Company, overall, is meeting its commitments to improvement under the SMS. If not, obstacles and challenges as well as recommendations for adjustments have been proposed.

## 5. IQA Team

A.5.1. The IQA Team is multi-disciplinary and gender-balanced, authorized by top management, with membership from managers of relevant departments and the SMS Team.

A.5.2. The IQA Team has received training on the principles and interpretation of the Responsible Recruitment Standards as well as the reference criteria used to develop them.

A.5.3. All members of the IQA Team have been trained in the principles of management systems auditing, especially in obtaining and analyzing objective evidence, including anecdotal qualitative evidence. All members have declared any potential conflict of interest.

A.5.4. Interviews are done diplomatically and with gender-sensitivity, bearing in mind the situation of vulnerable workers and potential impacts on them

A.5.5. Reports of assessments are accurate and honest, supported by verifiable facts or documented accounts of incidents from reliable sources. Reports are used to improve the SMS.

## B. Due Diligence (Element 2)

**Rationale:** The recruitment process, especially during the pre-employment steps present the greatest dangers of abuse and exploitation to vulnerable workers especially migrant workers.<sup>30</sup> Whether the Company hires directly or indirectly through labor brokers and recruitment agencies, abusive practices can impact negatively workers' lives, freedom, security, health and income. Such practices also create legal, business and reputational problems for the Employer, who may or may not be directly responsible for the violations of fundamental human and labor rights. Control of such risks is weakest when the abuses happen in a business linked to the company but whose purchasing and recruiting practices are not known due to omission of supply chain due diligence. Due diligence requires ongoing efforts to obtain information to assess real or potential risks in order to identify, prevent, mitigate and account for how to address adverse human rights impacts in a Company's own activities or in activities of business partners linked to its operations, products or services.<sup>31</sup>

## I. Business Partner Information

B.1.1. The Company has listed business partners and source countries supplying raw material, ingredients, packaging, and external services (especially Recruiters); as well as customers, brands and export markets.

<sup>30</sup> BSCI. Guidance Document: *Responsible Recruitment Guidelines for BSCI Participants* September 2017

<sup>31</sup> ILO. *General Principles and Operational Guidelines for Fair Recruitment*. November 2016

B.1.2. A questionnaire has been sent to first-tier Suppliers, external Service Providers and businesses involved with intermediary, off-site, and other outsourced processes to obtain an overview of the composition of their workforce, their location and other information needed to determine the presence of vulnerable workers and potential labor risks in their operations that could impact the Company.

B.1.3. The Company has identified whether there are vulnerable workers in other businesses, linked directly or indirectly to their operations, products or services, in other tiers or levels of their supply chain.

## 2. Legal Frameworks

B.2.1. Reports or studies or website links pertinent to ILO Labor Conventions, Trafficking in Persons (TIP) Country ratings and other international fundamental human and labor rights conventions, protocols and standards; news on incidents related to risks or harm for vulnerable workers, including women and children, in the seafood sector; case studies on responsible recruitment and decent work; are available or have been identified as references.

B.2.2. A list or lists of legal frameworks in source countries and Thailand that aim to protect vulnerable workers, including women and children, has been compiled for reference. These include the names of government agencies responsible for legislation and enforcement; lists of national laws on labor, fisheries and migrant workers, including regulations, ordinances, announcements and amendments.

B.2.3. Lists of licensed Recruitment Intermediaries (labor brokers, recruitment agencies, individual recruiters) operating in the seafood sector or other industry sectors with links to the seafood sector; together with legislation that govern their operations, have been compiled for reference.

B.2.4. Lists of international organizations, especially non-governmental organizations (NGOs) or civil society organizations (CSOs) that provide oversight, monitoring, support or research into issues and topics pertinent to migration, migrant workers' rights and grievances have been compiled.

## 3. Supply Chain Mapping

B.3.1. The Company has mapped its operations indicating, at a minimum, the first-tier Suppliers (of raw material, ingredients, packaging) and external Service Providers (especially Recruitment Intermediaries, security, transportation), as well as businesses that carry out temporary, off-site, and outsourced processes. From the compiled information, the Company has determined direct and indirect social risks.

B.3.2. Through first-tier business partners' information, the Company has determined second or third-tier Suppliers (of raw material ingredients, and packaging) and external Service Providers (Recruitment Intermediaries, security, transportation) as well as temporary, off-site and other outsourced processes to the primary production level, that may present indirect social risks to the Company.

B.3.3. All steps and links in the Company's supply chain have been accurately mapped and documented in a process flow diagram that has been reviewed and approved as up-to-date by the SMS Team.

B.3.4. The Company has identified where the vulnerable workers are in the steps and links in its supply chain. These links include direct business partners as well as indirect links such as entities that supply or do business with the Company's direct business partners.

B.3.5. The Company's supply chain mapping is reviewed periodically, and updated when there are changes in Suppliers, external Service Providers and partners for intermediary and outsourced processes.

#### 4. Labor Risk Assessment<sup>32</sup>

B.4.1. A first-level general risk assessment to identify significant business partners, especially Recruiters, has been completed and documented, using a labor risk decision tree or labor risk scoring tools.

B.4.2. A detailed second-level in-depth labor risk assessment has been completed for each significant business partner identified. Scores or ratings are assigned for risk and severity for each core policy. Justification and preventive measures are documented and considered in scoring and rating labor risks.

B.4.3. A total score or rating is assigned for each business partner assessed to indicate their level of compliance with the SMS, their significance and the overall labor risk level for the Company.

B.4.4. The total score or rating is used to determine appropriate action regarding continuing interaction with the business partner as well as changes or improvements in the conduct of business relations.

B.4.5. An annual monitoring plan for significant business partners has been prepared and implemented.

B.4.6. The Company will apply whistleblower protection protocols to address evidence-based reporting about violations of fundamental human and labor rights discovered during the risk assessment process.

B.4.7. The Company will request first-tier Suppliers and Service Providers, especially Thai Recruiters, to carry out due diligence through the above supply chain mapping and labor risk assessment methods, of all their Partner Recruiters, subcontractors, agents, service providers in Thailand and in source countries.

#### 5. Procurement Protocols

B.5.1. A significant business partner monitoring plan indicates which business partners - Suppliers; external Service Providers (especially Recruitment Intermediaries, security, transportation); businesses involved in intermediary or outsourced processes - will be monitored through questionnaires, obtaining certificates for SMS audits, Code of Conduct signing, and/or on-site second or third-party audits.

<sup>32</sup> Supply chain mapping and labor risk assessment done by the Employer/Processor on its first-tier Suppliers and Service Providers, especially Recruiters, will be carried out for the next tiers by the first-tier stakeholders.

B.5.2. Criteria used for decisions by the Purchasing/Procurement Department on continuing interaction with significant business partners will include compliance with providing business information for supply chain mapping; and positive labor risk assessment scoring/rating results.

B.5.3. In cases where the Company is dependent on an identified significant business partner, but the business partner's labor risk score / rating is below standard, the Company shall provide evidence of how it is assisting the business partner in efforts to reduce the identified labor risks.

B.5.4. Should the Company discover zero-tolerance areas in a significant business partner's operations or labor risk assessment results, the Company shall follow documented protocols, which may include reject or stop-business options.

B.5.5. Accurate documentation of positive and negative decisions regarding continuation of business relations with suppliers, external service providers and entities involved with intermediary, out-sourced processes shall be kept on file with detailed justifications.

### C. Fundamental Rights and Core Conventions (Element 3)

**Rationale:** Fundamental human and labor rights provide the foundation for responsible recruitment and decent work. The Universal Declaration of Human Rights<sup>33</sup> affirms “all human beings are born free and equal in dignity and rights.” The rights that apply to all nations and people worldwide are defined as: the right to life, liberty and security of person; equality before the law and equal protection of the law without any discrimination; effective remedy by competent authorities for acts violating fundamental rights; freedom of movement, peaceful assembly and association; social security and social protection; the right to work, free choice of employment, just and favorable conditions of work, including just and fair remuneration to workers that assures livelihood worthy of human dignity; the right to form and to join trade unions; the right to rest and leisure, including reasonable working hours and periodic holidays and leave with pay; the right to a standard of living adequate for the health and well-being of individuals and families, including food, clothing, housing, medical care and social services; the right to security in the event of unemployment, sickness, disability, old age, widowhood, or other lack of livelihood beyond the worker's control; the right of mothers and children to receive special care and assistance.

These fundamental human and labor rights are non-negotiable and must be respected by all. National legislation shall be developed to uphold them and governments shall enforce the laws. They are enshrined in eight ILO Labor Conventions,<sup>34</sup> which define the core conventions and principles for responsible recruitment and decent work in every industry and manufacturing sectors, including seafood processing. For the primary production sector of fishing, which tends to be associated with high risks of human trafficking, other ILO Conventions<sup>35</sup> have come into force within the last decade. However, guidelines and

<sup>33</sup> United Nations. *Universal Declaration of Human Rights*. Adopted and proclaimed by the United Nations (UN) General Assembly resolution 217 A (III) of 10 December 1948.

<sup>34</sup> ILO C87 Freedom of Association and Protection of the Right to Organize Convention, 1948; ILO C98 Right to Organize and Collective Bargaining Convention, 1949; ILO C29 Forced Labor Convention, 1930; ILO C105 Abolition of Forced Labor Convention, 1957; ILO C138 Minimum Age Convention, 1973; ILO C182 Worst Forms of Child Labor Convention, 1999; ILO C100 Equal Remuneration Convention, 1951; ILO C111 Discrimination (Employment and Occupation) Convention, 1958.

<sup>35</sup> ILO C188 Work in Fishing Convention, 2007; ILO Maritime Labor Convention, 2006.

requirements for the primary production sector, i.e. fishing, will not be included here, as it is beyond the scope of the Project.

## **I. Anti- Trafficking in Persons (TIP)**

C.1.1. The licensing criteria for all Recruitment Intermediaries (labor brokers, recruitment agencies, individual brokers) is clearly defined in writing and verifiable by the Employer. The criteria include knowledge of and training in fundamental human and labor rights, national labor laws, as well as in prevention of potential violations such as human trafficking, child labor, forced labor and discrimination.

C.1.2 Recruitment Intermediaries have signed a Code of Conduct (COC) with the potential Employer and/or developed policies and implementation procedures for, at a minimum, anti-TIP, no forced/bonded labor, no child labor and non-discrimination, including no sexual harassment or exploitation.

C.1.3. Evidence of non-involvement with forced labor, sexual exploitation, violence, abuse of power, corruption, deception, coercion, misleading practices and any other activities that encourage or promote human trafficking, is available for all intermediaries and stakeholders in the recruitment and employment process. This is done through external track record checks by the potential Employer or information voluntarily and transparently provided by Recruitment Intermediaries, their partners and subcontractors

C.1.4 The Employer and Recruitment Intermediaries do not use direct or indirect threats or other means – physical, financial or psychological - to compel job-seekers to apply or work, voluntarily or involuntarily, without adequate information of their rights and risks of exploitation they may face.

C.1.5. All Recruitment Intermediaries verify and ensure that documents used in the recruitment process are authentic, legal and officially authorized. Identity and status change<sup>36</sup> documents, provided by or issued to applicants/workers are valid and meet legal requirements for working in the seafood sector.

C.1.6. The Employer and Recruitment Intermediaries have a list of government and private sector organizations involved with cross-border recruitment and remediation support in both Thailand and source countries. Cross-border communication and recruitment process steps among government agencies, employers and recruiters/recruitment agencies are defined and documented accurately.

C.1.7. Contracts between job-seekers and the source country Partner Recruiters; between the Thai Recruiter and the source country Partner Recruiter; between the Thai Recruiter and the potential Thai Employer are clearly defined, transparent, accountable, documented and comply with Thai laws.

C.1.8. The employment terms and conditions set by the Thai Employer are communicated accurately by all Recruitment Intermediaries to job applicants in the source country and match the written employment contract signed by the worker pre-departure and with the Employer during post-arrival hiring.

<sup>36</sup> Under Thai Laws, change of Employer may be allowed under certain conditions and timelines.

## 2. No Forced / Bonded Labor<sup>37</sup>

C.2.1. Use of violence, direct or indirect force, coercion, abuse of power, threats of deportation or reporting to authorities, to compel work, voluntary or involuntary from job seekers, applicants, workers, are not tolerated by the Employer's internal and external stakeholders, especially Recruitment Intermediaries and their Partner Recruiters, at all steps of the recruitment and hiring processes.

C.2.2. The Employer and Recruitment Intermediaries shall not charge recruitment fees nor ask for security deposits of money or property, to guarantee a job.<sup>38</sup>

C.2.3. The Employer and Recruitment Intermediaries will agree on responsibilities for costs and expenses related to recruitment, e.g., processing fees, to ensure compliance to amounts allowed by national laws, as well as costs that are not clearly defined, with the intent of minimizing potential burden on workers.

C.2.4. The Employer or Recruitment Intermediaries shall not offer wage advances or loans to induce work. If the worker requests any wage advances or loans, the Employer or Recruitment Intermediaries shall not charge interest; nor deduct repayment amounts from the worker's wages; nor add to processing fees.

C.2.5. The Employer and Recruitment intermediaries shall not destroy, conceal, confiscate or deny access to the applicant or worker, of their identity or immigration documents, including passports, visas, work permits and other personal documents such as travel or lodging reservations, bank books or ATM cards.

C.2.6. Should the Employer or Recruitment Intermediaries need to hold workers' personal documents temporarily for legal compliance requirements, the documents will be returned to the worker immediately upon demand and without any pre-conditions. Updates on the process and timelines for which the document (s) is (are) being used shall be communicated to the worker real-time.

C.2.7. Terms and conditions promised to job-seekers by Recruitment Intermediaries (source country's and Thai) shall be communicated to the Employer to ensure that workers are not contracted upon arrival with terms and conditions different from those they agreed to during pre-departure from source countries.

C.2.8. The Employer and Recruitment Intermediaries shall respect and explain workers' rights to freedom of movement and personal freedom, at all steps of recruitment and employment.

C.2.9. Workers or applicants are allowed to leave and enter freely the premises of their workplace or company housing, if arranged; or recruiter-arranged in-transit pre-arrival accommodation; without any threats or barriers or guards (armed or unarmed). Workers have full access to personal documents and personal effects, at all these locations, at all times.

C.2.10. Transportation arranged for by the Recruitment Intermediaries during the pre-departure (from source country), post-arrival (in Thailand) and pre-arrival (to factory) steps; as well as any transportation subsidized by the Employer, if any, shall not compromise the safety,

<sup>37</sup> BSCI. *Responsible Recruitment Guidelines for BSCI Participant and Responsible Recruitment to End Worker Exploitation*, September 2017.

<sup>38</sup> ILO *General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs*. 2019.

dignity and freedom of the applicants or workers. Applicants or workers shall have the right to refuse and ask for better conditions if the proposed means of transportation do not meet decent and safe standards.

C.2.11. There shall be no restrictions or barriers to job applicants, new hires or workers taking breaks for meals or to go to restrooms or exercise other personal freedoms (e.g., to go to prayers); or to leave after completion of an interview, training, document processing or work; or during travel or in-transit lodging.

C.2.12. There shall be no offers of false apprenticeship or unnecessary short-term contracts. Part-time or work-for-hire seasonal contracts shall have legal agreements that guarantee at least minimum wage.

C.2.13. The applicants or workers shall be informed beforehand by the Recruitment Intermediaries or Employers of emergency and grievance channels they could reach in cases of accidents, injury, harm and other incidents involving themselves or other people they are travelling with or working with.

### 3. No Child Labor

C.3.1. The age limit below which workers will not be recruited or hired complies with Thai Labor Laws and related fisheries and migrant worker laws. For the seafood processing and fishing sectors, workers younger than 18 years of age shall not be recruited or employed.<sup>39</sup>

C.3.2. Employers and their Recruitment Intermediaries (labor brokers, recruitment agencies) shall have strict age verification protocols that are documented and can be cross-checked by other means.

C.3.3 Age verification procedures, especially those requiring medical or physical tests, shall not violate the dignity of job-seekers, applicants, new hires and workers, especially vulnerable workers such as women. Practices such as full body search, virginity checks or other demeaning and intrusive physical and psychological methods, shall not be allowed.

C.3.4. The Employer and Recruitment Intermediaries shall avoid indirect involvement in child labor, especially for seasonal workers or home workers, through preventive measures such as compiling lists of migrant and seasonal workers' children's names, ages, school information and class schedules.

C.3.5. In cases where the Employer, or the Recruiter representing the Employer, inadvertently hires or recruits a child (below 15 years of age) or a young worker (older than 15 but younger than 18 years of age) to jobs that do not allow workers younger than 18 years of age, a documented remediation plan emphasizing responsible progressive removal and rehabilitation of the child shall be implemented.

C.3.6. Responsible removal of a child from the workplace shall avoid drastic dismissal as it may drive the child to seek exploitative, hazardous and illegal work. Responsible removal shall be supervised, protect the child's health, well-being, and safety as well as include arrangements for the child's education.

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<sup>39</sup> Ministerial Regulation on Establishments Prohibited from Employment of Children under 18 years of age B.E.2559 (2016).

C.3.7. In sectors of the Company's supply chain where employment of young workers is allowed, the Company shall ensure that, if young workers are employed, they do not work at night and their work hours and conditions do not impact their health, safety, morals and personal development.

C.3.8. The Company shall compile a list of government agencies, including the provincial Ministry of Social Development and Human Security office, NGOs or CSOs, hospitals, schools, legal associations that have expertise to support remediation and rehabilitation for children and young workers, especially girls.

#### **4. Non-Discrimination**

C.4.1. Job postings by the Company or its Recruitment Intermediaries shall specify only qualifications and experience pertinent to the job and shall not require personal information that may exclude certain groups or minorities from applying. The language of migrant workers shall be used.

C.4.2. Job postings and applications shall preferably include the phrase "We are an equal opportunity employer. We welcome applications from qualified women and men from diverse backgrounds." There shall be no categorization of jobs as open only to men or open only to women.

C.4.3. The Company and its Recruitment Intermediaries shall have women recruiters trained, especially for interviewing skills, with language competencies suitable for migrant workers, to address gender-sensitive issues affecting women in recruitment, migration and employment.

C.4.4. Evaluation and hiring shall be qualification-based and match the requirements for the job.

C.4.5. The Company and its Recruitment Agencies shall not use direct or indirect force to compel any job-seekers or applicants to take tests (e.g., for pregnancy or HIV/STDs) or submit to police checks. Women shall not be forced – directly or indirectly – to take contraceptives or use birth control methods as a condition for hiring or continuing employment

C.4.6. The Company shall have protocols on sexual harassment/abuse that define acceptable and unacceptable behavior at the workplace, disciplinary measures for perpetrators and victim protection.

C.4.7. The Company shall contract only licensed Recruitment Intermediaries, who understand the Company's policies and have matching clear, documented policies on non-discrimination, including protocols to identify and deal with sexual harassment and sexual abuse during all steps of recruitment.

C.4.8. The Company shall ensure that terms and conditions of the employment contracts for new hires comply with current Thai Labor Laws and are applied fairly and equally to all women and men workers.

C.4.9. The Company shall uphold the principle of equal value, equal pay and apply it to all jobs and all workers irrespective of race, gender, age, sexual orientation, marital status, disability.

C.4.10. The Company shall ensure that women and men have equal access to training and management position opportunities. Women and men shall be considered equally for jobs,



promotion, bonuses and incentives using evaluation methods based on qualifications and job performance.

C.4.11. The Company shall not single out women for dismissal due to marriage or pregnancy nor pressure pregnant women to resign by increasing their workload or transferring them to lesser-paying jobs.

C.4.12. The Company shall allow mothers and fathers of newborns flexible work times in case they need to attend to their babies and infants or family responsibilities after returning to work. Depending on available resources, the Company may consider providing a suitable place for nursing mothers.

C.4.13. The Company shall develop disciplinary policies that meet the requirements of Thai Labor Laws and apply equally and fairly to all workers, irrespective of race, sex, religion and position in the Company.

C.4.14. The Company shall prioritize whistleblower and victim protection for sexual harassment or sexual abuse incidents. There shall be documented strategies assuring confidentiality; protecting women from further indignities; providing a safe house and/or legal assistance, preferably from women lawyers when reporting to the police; as well as a list of government agencies or NGOs/CSOs to provide support.

## **5. Right to Freedom of Association and Collective Bargaining**

C.5.1. The Company or the Recruitment Intermediaries representing the Company shall not use direct or indirect force to compel an applicant to guarantee that they will not form/ join unions as a pre-condition to acceptance or hiring.

C.5.2. The Company or the Recruitment Intermediaries representing the Company shall inform all applicants and workers regarding their rights to meet without management interference and freely form a union or an association of their choice.

C.5.3. The Employer does not punish, threaten or dismiss workers for joining a union, associating with or representing a workers' group to negotiate collectively with management.

C.5.4. In case of collective bargaining or work stoppage actions, the Employer shall bargain in good faith. The Employer shall not intimidate peaceful worker representation by bringing in the police or armed guards or bringing in replacement workers to break up negotiations.

C.5.5. The Employer shall encourage the formation of a Welfare Committee compliant with Thai Labor Laws for facilities with 50 workers or more. The Employer shall encourage proportional representation for Thai and migrant workers, as well as support free and fair election of members of the Welfare Committee.

C.5.6. The Employer, or the Recruitment Intermediaries representing the Company, shall not terminate a worker's employment contract due to membership/participation in a union or Welfare Committee.

C.5.7. The Employer, or the Recruitment Intermediaries representing the Employer, shall not deduct from the worker's wages the time spent for union or Welfare Committee meetings.

C.5.8. The Employer, or the Recruitment Intermediaries, shall respect collective bargaining agreements and other agreements resolving grievances or disputes in compliance with Thai Labor Laws.

#### **D. Responsible Recruitment (Element 4)**

**Rationale:** Responsible Recruitment principles uphold fair, transparent, accountable practices that respect, protect and fulfil universal human rights; comply with international labor conventions and standards; in order to prevent, reduce or eliminate human trafficking, forced labor, child labor and discrimination; as well as recognize workers' rights to freedom of association, freedom of movement, and personal freedoms; in all steps of recruitment and employment. Recruitment should respond to labor market needs; be qualifications-based; not displace an existing work force; not lower labor standards, wages or working conditions; not undermine decent work principles. Whether recruitment is done directly from a local pool or through cross-border recruitment, practices from the start of recruitment to the signing of an employment contract, to follow-up, shall comply with all applicable national and international laws, and must protect all workers – job-seekers, applicants, new hires, regular and seasonal workers - throughout the recruitment and employment steps. Workers shall be informed of fundamental human and labor rights, allowed freedom of movement and freedom of choice; own control of their identity documents and contracts; and have access to grievance and dispute resolution mechanisms, as well as appropriate remediation. Vulnerable workers, such as migrant workers and women, shall receive special attention as they are more susceptible to deceptive and fraudulent recruitment practices that are not always visible to the end employer. Risks of abuse or exploitation could start from the source country even before migrant workers arrive in Thailand. Hence, due diligence concepts are crucial to achieving compliance to responsible recruitment and decent work.

#### **I. Recruitment Methods**

D.1.1. The Company shall select the recruitment method to match workforce needs and provide decent employment, when possible, to the community around the location where the processing plant operates. If not possible, the Company shall consider in-country recruitment or cross-border recruitment.

D.1.2. The Company shall either recruit directly, through its human resources department; or indirectly, through licensed Recruitment Intermediaries. Both internal and external recruitment shall use legal methods compliant with all laws, regulations, ordinances, announcements pertinent to the most current national labor legislation; as well as fisheries and migrant worker management legislation.

D.1.3. For both direct and indirect recruitment, the Company shall prohibit the use of deceptive and misleading practices to find and hire workers. Practices that shall not be tolerated include, but are not limited to, blackmail through debts incurred by family or relatives; or receiving gifts or money; in return for false promises and guarantees of a position for the job seeker or applicant.

D.1.4. For both direct and indirect recruitment, the Company shall not tolerate the use of direct or indirect force to induce application for work; nor compel change in type of work, location or conditions of employment that are different from what was agreed to or promised by the Company's internal or external Recruiters to applicants.

D.1.5. Job postings and official requests for workers (Labor Demand for cross-border recruitment under MOU) shall focus on qualifications and experience that match the position advertised. Obtaining personal details that constitute discrimination and exclude otherwise qualified candidates shall not be tolerated.

D.1.6. For both direct and indirect recruitment, the Company shall provide a clear job description with rights and responsibilities of the position, reporting structure, and terms and conditions of employment.

D.1.7. All workers, especially migrant workers, shall be informed of the location and operations of their proposed Employer, as well as of legal and fundamental human/labor rights in their destination country.

D.1.8. All workers, especially migrant workers, shall have the right to refuse a job, or terms and conditions offered, at all steps of the recruitment process, without direct or indirect threats, punishment and intimidation, or violence; at the source and destination countries, from Recruiters or Employers.

## 2. Selection of Recruiters and Contracts

D.2.1. For external Recruiters, the Company (Employer) shall contract only officially licensed Recruitment Intermediaries (labor brokers, recruitment agencies) that have a good reputation and track record with Department of Employment in source countries and/or Thailand, and/or associations within the industry for seafood processors and recruitment agencies for honesty, accountability, effective management systems and trained personnel.

D.2.2. The Company shall compile/obtain information, as part of its due diligence, on the licensing criteria for all Recruitment Intermediaries, in both source and destination countries; including their policies, scope of their operations, activities, fees, personnel, management and other proof of legal compliance.

D.2.3. The Company shall ensure that all internal/external HR/Recruiter personnel demonstrate knowledge, understanding and compliance to the Company's core policies (especially those for responsible recruitment and decent work), as well as all relevant national laws, relevant to labor, fisheries and migrant worker management.

D.2.4. A written contract between the Company/Employer and the Thai Recruiter shall specify terms and conditions regarding recruitment fees; decent treatment of workers and respect for their rights; legitimacy of all Partner Recruiters, agencies, subcontractors; grievance/remediation responsibilities.

D.2.5. The Company shall ensure that there are similar written contracts (as in D.2.4) or agreements between the Thai Recruitment Agency and its Partner Recruiters in the source country, as well as between the source country Partner Recruiter and individual migrant workers applying for a job.

D.2.6. The Company shall require all internal and external Recruiters to provide proof of training and verify understanding of fundamental human and labor rights, especially the core ILO conventions pertaining to human trafficking/forced labor, child labor, discrimination and freedom of association.

D.2.7. All proof of payment, receipts for processing and any other fees, costs for obtaining identity documents, in-transit travel and accommodation, medical checks, pre-entry and post-arrival training at Border Centers, and post-arrival travel to Employer shall be provided by the Thai Recruitment Intermediary to the Company and shall comply with Thai Labor Laws and bilateral MOUs.

D.2.8. All Recruitment Intermediaries shall have documented HR policies and procedures defining policies and implementation of fundamental human and labor rights, responsible recruitment, decent working conditions, grievance and remediation mechanisms in the migrant workers' language.

D.2.9. Thai Recruitment Intermediaries shall inform the Company of names, locations, licensing details of all source country Partner Recruiters (including subcontractors/service providers) they work with.

D.2.10. Thai Recruitment Intermediaries shall present to the Company a verifiable monitoring plan for all source country Partner Recruiters (including subcontractors and service providers).

D.2.11. Thai Recruitment Intermediaries shall provide the Employer ongoing updates on their progress in the recruitment process, including pre-arrival activities in the source country (and activities of Partner Recruiter, and subcontractors in source country) up to the post-arrival and employment contract signing steps. Transparent evidence, such as dated photographs, video calls or other similar proof is available.

D.2.12. Thai Recruitment Intermediaries shall accompany new hires to the Employer's factory and complete paperwork vouching for legal processes and settlement of fees during the recruitment process.

### **3. Workers' Personal Documents and Checks**

D.3.1. Workers shall retain control of their personal documents at all times. The Company and its internal and external Recruiters shall not destroy, conceal, confiscate or deny access to, for applicants or new hires, identity or immigration documents, including passports, visas, birth certificates, house registers, work permits and other personal documents such as title deeds or bank books.

D.3.2. In case the Company's internal or external Recruiters need to hold workers' personal documents temporarily due to legal requirements, the worker shall be provided with an exact copy and updated of the process and timelines for which the documents are used. The documents shall be immediately returned upon completion of the process, or upon demand from the worker, without any pre-conditions.

D.3.3. Should there be any doubt, or as part of due diligence, the Company's internal and external Recruiters shall verify the authenticity of the workers' identity documents directly with the authorized official government agencies issuing them.

D.3.4. The Company's internal and external Recruiters shall not encourage or compel any applicant to lie or forge or alter any personal documents in order to meet legal or job posting requirements; for whatever reason, be it due to a personal relationship or bribery or exchange for something of value.

D.3.5 The Company's internal and external Recruiters shall not require police checks without a valid verifiable legal justification. Similarly, the Company's internal and external recruiters shall not go directly to the police or other government agencies or private sector organizations to inquire about an applicant's background without informing the worker and obtaining expressed written consent from the individual.

D.3.6. The Company's internal and external Recruiters, when requiring medical checks, shall comply with national laws. Physical and psychological tests that are intrusive and demeaning to a person's dignity, shall not be allowed, especially for women. Women shall not be subjected to pregnancy tests, nor forced to take contraception or other means of birth control, as a pre-condition to application or hiring for a job.

#### **4. Recruitment Fees, Deposits, Guarantees**

D.4.1. The Company's internal and external Recruiters shall not charge recruitment fees to workers to secure a job at the Company. Likewise, the Company will encourage its external Suppliers, subcontractors and other Service Providers to adopt a policy of no recruitment fees charged to workers.

D.4.2. For cross-border recruitment under the MOU process, the Company's Thai Recruiter and Partner Recruiter(s) shall not charge workers for the costs of obtaining identity documents, such as a valid passport, visa and work permit fees, unless national labor laws and bi-lateral agreements allow such practices and migrant workers agree to do so. Migrant workers who already have valid passports and visas shall be reimbursed, if there is an agreement to this effect in the contracts between the Company and the Recruitment Intermediaries in Thailand and the source country.

D.4.3. When recruiting directly, the Company shall not charge applicants processing fees. For external Recruitment Intermediaries (labor brokers, recruitment agencies), the Company shall require proof that the applicants were not charged processing fees at inflated costs beyond what is stipulated by Thai law; or above amounts which the Company has already paid to intermediaries to facilitate recruitment.

D.4.4. The Company's internal and external Recruiters shall not engage in corrupt and unethical practices, such as obtaining monetary deposits or security payments, requiring guarantees of cash or property in order to hire an applicant or approve a position for the applicant with the Company.

D.4.5. The Company's internal and external Recruiters shall not require of applicants and new hires a deposit to guarantee that they will not leave the job after a few months or before their contract expires.

D.4.6. The Company's internal and external Recruiters shall not offer wage advances or loans to workers in order to compel them to work or agree to terms and conditions that they otherwise will not accept.

#### **5. Transportation and Accommodation In-Transit**

D.5.1. The Company and the Recruitment Intermediaries representing the Company, in Thailand and in the source country, shall arrange for safe, dignified, humane means of in-transit

transportation and accommodation for all workers from their villages to the processing centers, as well as from the processing centers to the Border Centers.

D.5.2. The Company and the Recruitment Intermediaries representing the Company, shall prioritize special considerations for women workers to make them feel safe, secure, dignified and protected from potential risks and abuse. If such potential risks/abuse are identified at any step of the recruitment process, prevention, e.g., separate, secure in-transit transportation/lodging shall be arranged.

D.5.3. All arrangements for in-transit transportation shall be communicated to the Company who shall approve them on the basis of evidence and guarantees from the Recruitment Intermediaries that workers, especially women, are not exposed to potential risks of injury to lives, health and well-being.

D.5.4. Similarly, the Company, through their contracted Recruitment Intermediaries shall arrange for in-transit accommodation that is safe, dignified, humane, and allows the workers freedom of movement to enter or leave, as well as personal freedoms and privacy to rest or go to the washroom or to pray.

D.5.5. Fees covering In-transit transportation, accommodation and amenities, such as safe drinking water and meals, as needed, shall be worked out in advance between the Company and its Thai Recruitment Intermediary, as well as between the Thai Recruitment Intermediary and its Partner Recruiter in the source country. Evidence of actual expenditures and arrangements, information on all services provided, and proof of safe arrival of all workers shall be provided to the Company through timely updates.

## 6. Pre-Arrival/ Pre-Hiring Interviews and Selection

D.6.1. Interviews, when done, shall be held in a location that is visible to other people, while at the same time provides a contained space that allows for confidentiality. When possible, an open door or unlocked door policy shall be followed especially for one-on-one interviews.

D.6.2. One-on-one closed-door interviews between persons of the opposite sex, with the interviewer holding a position of power, thus putting the interviewee in a vulnerable position, shall be avoided.

D.6.3. Women shall be interviewed by women or a panel composed of a balanced number of women and men. Personal questions unrelated to the job and qualifications of the applicant shall not be tolerated.

D.6.4. Evidence of interviews done by Recruitment Intermediaries in Thailand and in source countries, e.g., in the form of photos or videos or recordings, shall be provided, in a timely manner, to the Thai Employer or the Thai Recruiter representing the Thai Employer.

D.6.5. All interviewers, for internal or external Recruiters, shall be trained in fundamental human and labor rights, national labor laws, international standards, as well as in gender-sensitive questioning.

D.6.6. Translators and interpreters shall be provided for languages that the migrant workers speak and for workers with literacy issues. The skills and quality of delivery by translators and

interpreters shall be assessed beforehand. Only qualified personnel shall be hired based on a set of written selection criteria.

D.6.7. Acceptance and hiring decisions by internal or external Recruiters shall be documented and demonstrate qualification-based evaluation that is free from personal bias or any form of discrimination.

D.6.8. The Company and the Recruitment Intermediaries representing the Company, shall ensure that the selected workers are applying on their own free will.

## **7. Post-Arrival/ New Hires Processing**

D.7.1. The Company, and its Recruitment Intermediaries, shall ensure that all steps of the recruitment process, from initial contact with job-seekers at source countries to new hires processing in the destination country - whether through direct or indirect means – comply with Thai Labor Laws, ILO Conventions and other international standards for responsible recruitment.

D.7.2. Documents generated by direct hiring or by the MOU recruitment process shall be kept on file by the Company and all Recruitment Intermediaries involved for no less than the duration of individual employment contracts and any later extensions of individual employment contracts.

D.7.3. Documents kept on file shall demonstrate a transparent and compliant official paper trail for the in-country and cross-border recruitment processes, fees set and paid, documents required by law, authorizations and permits issued to the workers, the Recruiter Intermediaries and to the Employer.

D.7.4. Should the Company choose to do post-arrival interviews of workers selected by the Recruitment Intermediaries, the interviews shall follow responsible recruitment and non-discrimination policies and procedures (refer to requirements under section D.6 of this document). Arrangements shall be made for qualified interpreters for the migrant workers language.

D.7.5. Should the Company choose to use its own application forms post-arrival for new hires, the forms shall be made available in the language of the migrant workers. Arrangements shall also be made for interpreters, fluent in the migrant workers' language, to be present in case of any literacy issues.

## **8. Post-Arrival/New Hires Orientation, Specialized Training, Follow-Up**

D.8.1. The Company shall arrange for a new hires' orientation for Thai and migrant workers according to the requirements of Thai Labor Laws, prior to starting work. The sessions shall explain the work environment, job responsibilities, reporting hierarchy, workers' rights, company policies and rules. Interpreters fluent in the migrant workers' languages shall be arranged for each group of workers.

D.8.2. Specialized Thai and migrant workers' training sessions on Company policies shall be arranged with emphasis on raising awareness on anti- trafficking in persons (TIP), no forced labor, no child labor, non-discrimination and freedom of association. Interpreters shall be present for migrant workers' groups.

D.8.3. Awareness-raising training sessions for gender-sensitive issues such as sexual harassment at the workplace or gender-based abuse and exploitation, in nearby community (ies) around the work location, shall be arranged with interpreters present during the sessions for migrant workers.

D.8.4. General training for occupational health and safety (OHS) for all workers, as well as specialized training for workers located in OHS high risk areas, shall comply with the requirements of Thai Labor Laws and shall be conducted prior to the start of work. Interpreters for the language of each migrant workers' group shall be available during the sessions.

D.8.5. The Company shall maintain communication with the Recruitment Intermediaries for follow-up of any complaints or grievances (from the workers recruited) within at least the first three or six months of hiring. Any discrepancies in what was promised to migrant workers by Recruiters shall be resolved.

### **E. Employment Contract and Working Conditions (Element 5)**

**Rationale:** It is essential that employment is carried out under conditions of freedom, equality, security and human dignity. These are the key concepts to implementation of responsible recruitment and decent work principles which are defined as: respect for fundamental principles and rights at work; creation of productive employment and income opportunities for women and men; provision of social protection; and promotion of social dialogue - in the workplace, and eventually, in the supply chain. There are barriers to maintaining conditions and upholding principles for decent work because of the pressure on businesses to prioritize profits over working conditions and labor standards. Such pressures create numerous risks of less secure and unequal recruitment and employment arrangements, especially for vulnerable migrant workers, who are dependent for their livelihood on the seafood industry, but have weak bargaining power, in part due to inadequate knowledge beforehand of their rights, job responsibilities and working conditions. The resulting uncertainty is not conducive for recruitment of a dedicated workforce that could be vital to increased productivity. Hence, to ensure that workers will be treated well, and in order to reduce, eliminate or prevent potential worker abuse and exploitation in the supply chain, responsible recruitment practices should serve as the connecting links to decent work practices. The Employment Contract Terms and Conditions are crucial to reflecting commitments to decent work principles by the Employer, in compliance with Thai laws on labor, fisheries and migrant workers; and, in some cases, international labor standards required by buyers and markets. Trusted Recruitment Intermediaries, that uphold transparency and accountability, play a valuable role in imparting accurate knowledge to migrant workers of their rights and responsibilities, of their Employer's policies and commitments, and of the terms and conditions of their employment.

Through promotion of responsible recruitment and decent work principles by all stakeholders, a systematic framework compliant to the ILO Core Conventions, and pertinent national laws on labor, fisheries and migrant worker management, can enhance and strengthen social protection and social dialogue to create economic incentives that promote positive social goals for the seafood sector as a whole. This pro-active business environment will, in turn, generate opportunities for safer jobs, a more secure work



environment, better livelihood and gender equality that will develop and keep a more efficient workforce for the long term, bringing mutual benefits for employers and workers.

## I. Employment Contract/ Terms and Conditions

E.1.1. A written Employment Contract in the new hires' language will be issued once they are accepted into the Company. Terms and conditions will be agreed to voluntarily and mutually without false promises, threats or penalties and shall match those promised to the worker during recruitment.

E.1.2. Whether the Company uses its own or an Employment Contract template provided by the government agencies involved with MOU processes,<sup>40</sup> the Company and the Recruitment Intermediary representing the Employer will ensure that the forms are filled out correctly and honestly to reflect accurate worker information, work location, nature of the job, position, work terms and conditions.

E.1.3. There shall be NO contract substitutions or amendments that disadvantage the workers. Changes shall be made for improvement, with the written consent of the worker, and provide fair compensation in compliance with Thai Labor Laws on work hours, wages, benefits, holidays and leave, and work conditions. Potential occupational risks, freedom of movement and personal freedoms shall be defined.

E.1.4. For migrant workers, arrangements will be made to provide translators and interpreters, in case of literacy issues or language difficulties, to explain the Employment Contract's terms and conditions, as well as any changes or amendments, to the workers before signing.

E.1.5. The Employment Contract will be made out with exact same terms, in duplicate (in triplicate if a copy is needed by the Department of Employment), and signed by both the Employer and the worker.

E.1.6. Migrant workers shall be given a hard copy of the signed Employment Contract made out in their language. If other languages are used, the accuracy of translations shall be verified. Each party shall retain a signed exact same copy or signed certified (as accurate) hard copy of the Employment Contract.

E.1.7. The terms and conditions of the Employment Contract<sup>41</sup> shall define work hours; wages; benefits; legal deductions; holidays and leave; workplace health and safety; bonuses, incentives and promotions; disciplinary action; dismissal or resignation; grievance, remediation and appeals. Items already in the Company Rules or Handbook can be referenced in the Employment Contract to simplify the document.

## 2. Job description and location of work

E.2.1. A written job description shall be available in the worker's language from the initial hiring process up to the signing of the employment contract. It shall define the nature of the job, location of work, responsibilities of the worker, who the worker works with and reports to directly, and any occupational hazards and risks that may be encountered, as well as precautions to take.

<sup>40</sup> MOU requires signing of a standard tri-lingual Employment Contract at the source country.

<sup>41</sup> Employer Employment Contract is more detailed than the Department of Employment's.

E.2.2. The Company shall ensure that the qualifications and skills that the worker brings into the job are appropriate for the worker's job description and work location.

E.2.3. The Company shall justify any changes in the nature of the job, the worker's responsibilities or work location, inform the worker ahead of time, and obtain their written consent, if the changes have potential impact on the contract terms and conditions that the worker agreed to.

E.2.4. Amendments to the nature of the job, location of work, responsibilities of the worker and reporting hierarchy shall not be used as indirect means for eventually dismissing the worker for not performing.

E.2.5. Piece-rate, work-for-hire seasonal work and housework shall also have job descriptions written into agreements, with realistic performance targets matching the job with worker's skills.

### **3. Wages, work hours, breaks, overtime**

E.3.1. All workers, irrespective of gender, race, religion, sexual orientation and other discriminatory factors, shall be paid at least the most current minimum wage mandated by Thai Labor Laws for the province where the Company operates.

E.3.2. Apart from regular workers, part-time workers, piece-rate workers, work-for-hire seasonal workers, houseworkers, workers under the probationary period, workers hired through agencies or who are members of cooperatives, are also entitled to at least minimum wage or its calculated equivalent.

E.3.3. Wages shall be paid based on the principle of equal value, equal pay.

E.3.4. Workers are not forced to work more than the number of hours allowed by Thai Labor laws or during holidays and leave.

E.3.5. Working hours do not exceed the hours per day, hours per week; and total working hours including overtime mandated by Thai Labor Laws.

E.3.6. Work breaks shall be specified in accordance with Thai Labor Laws.

E.3.7. Workers track their own working hours using electronic or other quantifiable verifiable timekeeping methods.

E.3.8. Overtime is the exception, rather than the rule in day-to-day operations.

E.3.9. All overtime work is voluntary. Workers shall not be forced directly or indirectly.

E.3.10. Workers are free to refuse overtime without threat or fear of punishment.

E.3.11 For those who agree to overtime, there shall be a system to obtain their written consent at the time of the request.

E.3.12. Overtime work will be paid premium rates as stipulated in Thai Labor Laws.

#### 4. Payment, benefits, deductions

E.4.1. Wage rates and payments are calculated with full transparency. Calculation of overtime and legal deductions are clearly explained and understood.

E.4.2. Payment of wages shall be regular and timely following an announced pre-determined schedule acceptable to workers.

E.4.3. Payment shall not be deferred, delayed or withheld to bind workers to stay against their will.

E.4.4. "In kind" payments are not acceptable. Payments can be made in cash or through bank accounts with an ATM (automatic teller machine) card. Whatever option is used, there shall be clear documentation of calculation and proof that the workers received payment in full and on time.

E.4.5. Benefits mandated in Thai Labor Laws shall be provided to all workers. These include health insurance, social security, maternity and sick leave, disability and employment injury compensation, and old age pension for those who pay into the Social Security Fund.

E.4.6. In compliance with Thai Labor Laws, the Company shall ensure that only two legal deductions - withholding tax on personal income and contribution to the Social Security fund - are deducted from workers' wages; and the amounts deducted are sent to the government authorities in a timely manner.

E.4.7. There shall be no illegal deductions from workers' wages. For example, deductions for time spent on training related to the worker's job, especially OHS training; for personal protective equipment (PPE), uniforms, tools for the job; basic needs of sanitary facilities and clean drinking water; are not acceptable.

E.4.8. Settlement for subsidized housing, transportation or meals shall not be deducted from wages. They must be pre-agreed to in writing and settled separately. The rent or fees charged shall not exceed market rates or rates paid by other workers in the same location. They shall not be used to support profit for the Company or subcontractors at the expense of the workers; nor used to reclaim recruitment-related fees.

E.4.9. Wage advances or loans shall comply with the law (no charge for interest) and must be pre-agreed to in writing with terms that do not create debt bondage or indentured situations for workers. Repayment terms shall be reasonable and fair. As best practice, for example, repayment amounts should not exceed 10% of the worker's monthly wage; repayment period should be no more than six months.

E.4.10. Deductions for tardiness or workdays missed shall be reasonable and justifiable.

E.4.11 Deductions shall not be used for disciplinary measures (e.g., for participating in a union or collective bargaining association); or to induce forced labor.

E.4.12. Deductions shall not be used for discriminatory purposes, e.g., deductions from wages of nursing mothers for time spent on family responsibilities.

## 5. Holidays and Leave

E.5.1. The Company shall comply with Thai Labor Laws on the number of days to give workers days off work for three categories of “holidays,” i.e. public holidays, weekend day off and annual leave. The public holidays are announced at the beginning of the year. The weekend day off is a full 24-hr break at the end of each week. The annual leave days depend on the length of time working for the Company.

E.5.2. The Company shall comply with Thai Labor Laws regarding the number of days to give workers days off work for six categories of “leave,” i.e. errand, sick, maternity, training, military, sterilization. Thai Labor Laws define the total number of days allowed, as well as the number of days that are paid.

E.5.3. The Company shall explain all of these categories to the employee/worker by informing them of the definition of each, the total number of days allowed, number of days paid, whether the days could be carried over to the following year or repaid as cash amount, plus any other related rules.

E.5.4. The Company Rules or Employee Handbook shall define the worker’ rights to holidays and leave. Holidays and leave shall be included in the terms and conditions of the Employment Contract, either directly in the document or by reference to or attachment of the Company Rules or Employee Handbook.

E.5.5. The Company shall not use denial of holidays or leave as a disciplinary measure or for forced labor.

## 6. Promotion, Bonus, Incentives

E.6.1. There shall be a quantifiable documented system of evaluating individual job performance and ability, to justify awards of bonuses and incentives.

E.6.2. Production targets or other KPIs (key performance indicators) shall be set at the same level for women and men for the same type of job.

E.6.3. A qualification and performance-based system of evaluation shall guide job promotion. Qualified migrant workers shall be included in the pool of workers to be considered for promotion.

E.6.4. The Company shall encourage women and migrant workers to apply for work or request additional training so as to work in areas traditionally reserved or considered as for men only, e.g., mechanics, machine operators.

E.6.5. Similarly, the Company shall encourage women and migrant workers to take leadership roles and/ or request additional training in order to be considered for supervisory/management positions.

E.6.6. The Company shall award the same pay scale or pay increase for women and men, for the same or different positions of equal value.

## 7. Workplace Health and Safety

E.7.1. The Company shall carry out a workplace OHS risk assessment to identify potentially unsafe areas or practices, especially for vulnerable workers. Similarly, the Company consider potential risks and preventive measures for the safety of women and all workers in the communities they work in, live in or along the routes they take travelling to and from the factory to their accommodation. This OHS risk assessment and resulting prevention plans shall address emerging or unprecedented crisis situations, such as a pandemic, or diseases spread through community transmission, that impact health and lives.

E.7.2. The Company shall provide and inform all workers of emergency and crisis contact lists to use for situations that endanger the lives, well-being and safety of workers, including incidents of gender-based violence or sexual harassment. The list shall include the Company's SMS Team and government agencies.

E.7.3. In-house facilities for clinics, or for nursing mothers, or other first-aid treatment, or day care, if provided, shall be located away from production lines, machinery, electrical, steam, gas, and other hazards. Professional health care personnel shall be present to run and manage them. Provision for in-house clinics will follow Thai labor laws, which stipulates that one room will be provided for 200 workers.

E.7.4 OHS training shall be provided, to all workers, at a minimum before work, then annually, in compliance with Thai Labor Laws.

E.7.5. Emergency evacuation, fire-fighting and first-aid training shall be provided to all workers irrespective of their job, gender, nationality and the area they are assigned to work in.

E.7.6. Analysis of incidents and risks to workers' lives, health and safety, including gender-based violence and discrimination shall be considered as inputs when reviewing grievance and remediation strategies.

## 8. Freedom of Movement and Personal Freedoms

E.8.1. The Employer or Recruiter Intermediary shall not interfere with the worker's decision to terminate their employment contract, with or without pre-agreed documented protocols. However, the Company shall inform the Department of Employment about the termination in compliance with Thai Labor Laws.

E.8.2. The Employer or Recruiter Intermediary shall not penalize, or threaten termination, or discipline - directly or indirectly - workers returning to their country or province during their holidays and leave days. However, if the worker loses legal status to re-enter for work, the Company will not be held liable.

E.8.3. The Employer or Recruiter Intermediary shall not prevent workers from changing jobs or employers. However, in compliance with Thai Labor Laws, the Employer shall report any resignations or disappearances to designated government agencies within the required period of time and take no responsibility for impacts in the worker's legal status.

E.8.4. The Employer or Recruitment Intermediary shall not interfere with how the workers dispose of their wages, nor put any limits or restrictions on their use; except in cases of

violations, proven in a court of law, to any Company policies, e.g., use of wages to support human trafficking or sexual exploitation.

E.8.5. The Company shall ensure that workers have unrestricted access to basic necessities (drinking water, toilets) during both work hours and break times.

E.8.6. The Company shall respect the right of workers to privacy during their breaks (including bathroom breaks), after work, during their leave and holidays.

E.8.7. The Company shall not use guards (armed or unarmed), or any other means, to prevent workers from leaving the premises after working hours. If there are any legitimate off premise security concerns that require guards (e.g., personal safety or security), these shall be specified prior to signing the contract.

E.8.8. The Company and Recruitment Intermediary respect the worker's right to choose accommodation outside of housing arranged by the Company or Recruitment Intermediary even if options are offered.

E.8.9. The Company shall allow workers provided company housing to freely enter and leave their accommodation without having to ask for permission from the Company or from security personnel. Workers shall have full access to their personal IDs and belongings at the company housing at all times.

E.8.10 The Company shall not prevent workers from participating in cooperative savings schemes or investment programs facilitated or initiated by the Company's Welfare Committee or by a financial institution introduced by the Company. The workers who choose to participate shall have full access to reporting on the state of finances, as well as full control over all savings and money owed.

## 9. Disciplinary Action

E.9.1. The Company shall document its standard disciplinary processes for non-conformities and non-compliance to Company Rules and Policies. These shall be communicated to and explained to all workers

E.9.2. Disciplinary policies must comply with Thai Labor Laws. If required, they shall be approved by a competent authority prior to implementation then included in the Company Rules or Employee Handbook or posted on the notice board in languages that the workers understand.

E.9.3. The Company shall adopt a zero-tolerance policy for all types of gender-based violence and gender-based discrimination, especially sexual harassment of women at work. A manual or program shall be developed to define unacceptable behavior and corresponding disciplinary actions for perpetrators.

E.9.4. The Company shall ensure disciplinary actions are not excessively harsh, and do not cause harm to lives, physical and mental well-being of the workers. They shall match the severity of the violation.

E.9.5. The Company shall not use disciplinary action to punish workers for exercising their fundamental human and labor rights; or induce forced labor; or restrict freedom of movement and personal freedoms.

## **I0. Dismissal, resignation, severance**

E.10.1. The Company shall ensure that workers are given adequate time to reflect on and correct their actions. Verbal warnings and warning letters shall be issued within timelines stipulated in Thai Labor Laws, prior to dismissal of a worker or employee who violated Company Rules or Policies.

E.10.2 The Company shall document rules, in the employment contract or in the Company Rules, for giving advance notice for resignation. These shall not be stricter than those allowed by Thai Labor Laws.

E.10.3. The Company shall provide clear explanation and proof of the reasons for dismissal of regular employees or workers, as well as those under a probation period. The Company shall demonstrate that due process, including adequate prior warning, was given to the employee or worker to make adjustments or changes.

E.10.4. If the Company finds during the probation period that a new hire is not qualified for the job, the Company shall retain the right to terminate the Employment Contract by giving prior written notice to the other party according to documented rules in the Employment Contract or in the Company Rules.

E.10.5. The Company shall arrange payment of all wages and benefits owing to the employer or worker, who resigned or was dismissed, upon or prior to any schedule of wage payment, so that the contract cancellation becomes effective at the next schedule of wage payment. The amount paid shall reflect actual number of days worked.

E.10.6. In cases of employee or worker layoffs, even if the Company files for bankruptcy, the Company shall pay severance pay according to the most current Thai Labor Laws, which defines amounts according to years of employment.

## **F. Grievance and Remediation (Element 6)**

**Rationale:** Providing operational communication channels for all stakeholders, especially for vulnerable workers, such as migrant workers, including women and children, helps inform other stakeholders of suggestions, concerns, complaints, and grievances that impact policies on upholding the principles of responsible recruitment and decent work. Feedback from job-seekers and applicants about their experiences during the recruitment and hiring processes, as well as from workers regarding their Employer, workplace conditions and the community they are part of, are valuable means to determine how Employers and Recruitment Intermediaries are living up to their responsibilities to protect workers, prevent illegal or unethical behavior, and mitigate impacts. Such impacts could originate directly from actions (or inaction) by the Employers or Recruitment Intermediaries; or indirectly, from other links of the supply chain. In every case, workers could suffer harm, physically or mentally, through abuse or exploitation or unsafe working conditions or other situations that violate their rights, freedom, security and human dignity. Prevention and mitigation strategies must prioritize incidents and situations that

impact workers' rights to life, liberty and security of persons; freedom from slavery and servitude; freedom from torture. Social dialogue and social protection are central to creating economic incentives that promote social goals for the Employers and the seafood sector. Weak systems for resolving workplace issues could lead to increase in abuses that, if left unchecked and unresolved, will create toxic work environments, which in turn cause problems for entire industries and in some cases, entire nations. Hence, good systems that build morale, trust and skills for long-term productivity; safer jobs in a more secure work environment; and gender equality for a more efficient workforce; will lead to benefits for all.

## I. Types and Channels for Grievances

F.1.1. The Company shall define and categorize various types of grievances, assign a severity rating and determine potential corrective, preventive, and remediation actions. Cases that involve fundamental human and labor rights that can cause death or life-threatening injuries; negative impacts on well-being, physical and mental health; as well as damage to property or personal reputation shall be prioritized.

F.1.2. The Company shall monitor grievances from its operations (direct), from the activities of external Recruitment Intermediaries, from suppliers, agents, subcontractors and other external service providers (indirect). The Company shall assess risks from direct and indirect involvement; and expect Recruitment Intermediaries to cooperate in setting up channels for grievances for applicants, workers, returnees.

F.1.3. The Company shall set up legitimate and accessible channels of communication for job applicants, employees, workers to express complaints or grievances, on rights, recruitment, and working conditions, in confidence, as needed. Channels and tools shall be provided in the migrant workers' native languages and include a 24-hr emergency contact list, a hotline phone number, or confidential email or complaints box.

F.1.4. The Company shall ensure that grievance mechanisms are systematically handled by trained personnel, are rights-compatible, involve workers (especially vulnerable workers), respect confidentiality, update workers on progress of resolving the grievance, are documented, and communicated in a timely manner to the person who filed a complaint or grievance.

F.1.5. The Company shall identify a support network for handling grievances, especially potential first responders, including but not limited to, government agencies such as the provincial Ministry of Social Development and Human Security office, hospitals, schools, NGOs/CSOs, community leaders, legal associations or trade associations- at a minimum for Thailand; preferably, also in the source country.

## 2. Confidentiality Assurance, Victim and Whistleblower Protection

F.2.1. The Company shall inform all workers, employees and managers of their obligation to promptly bring to the Company's attention any illegal or unethical activities that violate the Company's policies and harm workers, especially vulnerable workers, through grievance channels set up for the purpose.

F.2.2. The Company shall assign trained HR personnel to manage the grievance channels and ensure precautions are taken to maintain confidentiality of individuals involved in the alleged



illegal or unethical or inappropriate activity whether or not the violation is proven to be true or not.

F.2.3. The Company shall have documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation. These shall include provision for a safe house as needed; or legal assistance and support from women lawyers.

F.2.4. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of the Company's policies. However, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations of Company policies.

F.2.5. The Company shall require the Recruitment Intermediaries it has contracted to have appropriate systems in place for confidentiality assurance, whistleblower protection and gender-sensitive handling of any potential violations of workers' fundamental human and labor rights during the recruitment process.

### **3. Receiving, Investigating, Documenting Grievances**

F.3.1. The Company shall develop a system of categorizing and numbering complaints and grievances so it could keep track of historical trends, analysis of root causes and resolutions. The system will be managed by the SMS Team and closely monitored by HR personnel.

F.3.2. The Company shall define, based on the severity rating of the grievance, response times and action times for investigating and resolving grievances.

F.3.3. Throughout the investigation phase, the Company shall maintain confidentiality of victims and whistleblower identities in order to protect them from potential reprisals, harassment or indignities.

F.3.4. The Company shall apply disciplinary actions, possibly leading to termination, against individuals who have been proven beyond doubt to have perpetrated actions that have harmed another worker.

F.3.5. The Company shall require the Recruitment Intermediaries it has contracted to develop procedures for investigating grievances and taking appropriate action against individuals or organizations proven to have violated the Company's policies on fundamental human and labor rights, during recruitment.

### **4. Remediation Strategies**

F.4.1. The Company shall prepare beforehand a list of potential remediation measures that respond to potential violations on the basis of their severity. The SMS Team, especially HR, shall be trained on the application of remediation measures.

F.4.2. A reasonable time schedule shall be worked out with the assistance of relevant stakeholders with experience working with the specific grievance.

F.4.3. The Company shall develop a pre-documented remediation plan with corrective and preventive strategies. The former aims to immediately stop or correct actions that are causing

harm to workers, directly or indirectly. The latter shall analyze root causes and find ways to minimize the risk of occurrence.

F.4.4. The Company's remediation plan shall specify the methods and resources of making amends to victims, as well as preventing recurrence of the incident. As much as possible, non-judicial means of restitution, rehabilitation and compensation to the victims; and administrative punishment of perpetrators shall be utilized. Judicial means involving penal action are a means of last resort and shall be used with care. The company shall prioritize victim protection and find legal means and support networks who could provide referral for legal assistance, e.g., government agencies or non-governmental organizations with appropriate resources.

F.4.5. The Company shall inform the Recruitment Intermediaries in cases where the root cause of the problem comes from the recruitment process; and expect them to pro-actively support the remediation, restitution or rehabilitation processes including compensation for any harm they may have caused.

## 5. Closure and Appeals

F.5.1. The Company shall document the grievance, its investigation and resolutions, as well as inform all stakeholders involved. If there are no dissatisfactions or further demands, the case will be closed.

F.5.2. Should the victims or any other stakeholders question the resolution or remediation process, the Company shall allow an appeals process that will involve identifying a third-party mediator, either from a government agency or an NGO/CSO or local labor offices, associations or community leaders.

F.5.3. The Company shall prioritize resolution of appeals by non-judicial means, since resolving cases by judicial means and legal action could be costly, time-consuming, counter-productive and demoralizing.

F.5.4. The Company shall expect the Recruitment Intermediaries to be prepared for potential involvement in appeals and take responsibility when the root cause of the problem originates from recruitment.

## G. Training (Element 7)

**Rationale:** Developing social management systems for the seafood sector, with documented policies compliant with fundamental human and labor rights; international labor standards; and national laws on labor, fisheries and migrant workers; requires in-depth awareness of the problems that plague the industry as a whole (e.g., human trafficking and forced labor) and specific issues that impact the various links in the supply chain in particular (recruitment). The primary production link of fishing is more complex and more resistant to change; while the processing sector tends to be more pro-active as it is the most visible to international markets and consumers. The processors receive more scrutiny and pressure, hence, need to drive and lead change. They are the logical starting point in the supply chain to reach out to upstream links involving suppliers, recruiters, other service providers and subcontractors. To do so, building capacity is necessary since every management system is only as good as the people who run and use it. Training involves, first and foremost, awareness raising on fundamental human and labor

rights, for both workers and employers. Workers must be informed of their rights and responsibilities, so they can feel safe and secure to trust their employers. Employers, at the same time, get to know their workers and create a team environment. Training enables individuals and organizations to gain knowledge and develop skills together, from various stakeholder perspectives that will allow effective implementation of responsible recruitment and decent work. An effective SMS with a trained workforce increases morale, improves productivity, and protects the reputation and sustainability of the business.

## I. Types

G.1.1. The Recruitment Intermediary and Partner Recruiters in the source country, shall be responsible for Pre- Arrival Training. At a minimum, sessions explaining the job description and applicable Thai Labor Laws to applicants should be held. The Company shall be provided evidence of the sessions.

G.1.2. The Thai Recruitment Intermediary shall ensure that all migrant workers go through the Post-Arrival Training at designated border point processing centers in compliance with the MOU process. The Company shall be provided evidence that this requirement was met.

G.1.3. The Company shall ensure that all new hires – Thais or migrants- undergo an Orientation Training prior to starting work. The session shall be held for no less than three hours, in compliance with Thai Labor Laws. For migrant workers, arrangements shall be made for interpreters for their language to be present during the session. Attendance sheets and photographs will be kept as evidence.

G.1.4 The Company shall ensure that all new hires – Thais or migrants – attend an Occupational Health and Safety (OHS) Training prior to starting work. The session shall be held for no less than six hours, in compliance with Thai Labor Protection and OHS laws. Attendance sheets and photographs will be kept.

G.1.5. The Company shall arrange for periodic Specialized In-depth Training for specific groups involved with sensitive topics or high-risk areas in the factory. Some examples are machine maintenance training for operators and mechanics; implementation of the anti-TIP and forced labor policies for supervisors; gender-sensitivity training for the SMS and IQA teams.

G.1.6. The Company shall schedule Refresher Training for Company Policies and Rules, OHS and SMS at least annually. These can be integrated or held separately from the quality management systems training.

## 2. Topics

G.2.1. The Thai Recruitment Intermediary shall inform the Company of the topics covered in the Pre-Arrival Training at the source country and topics explained during the Post-Arrival Training at the border points processing centers. Reports shall be in hard copy (translated) of materials used or a summary.

G.2.2. The Company's Orientation Training shall cover Company Rules, and fundamental human and labor rights as defined in the Company's Policies for anti-TIP, no forced labor, no child labor, non-discrimination, right to freedom of association, responsible recruitment, decent employment, grievance mechanisms and remediation strategies. The initial session shall provide an overview to be later expanded in more in-depth specialized sessions.

G.2.3. The Company's general OHS training shall cover topics on risks and precautions; personal protective equipment; accident and emergency procedures; fire protection; escape routes and emergency exits; first-aid; workplace, social and housing facilities safety, including safe amenities, lighting, noise. Specialized OHS training shall include machines and vehicles, chemicals, electricity, steam, and gas.

G.2.4. The Company's training for Policies on fundamental human and labor rights shall include definitions of the right; why it is important to uphold the policy; to whom the policy applies; how non-compliance or violations can harm workers and the business; identify vulnerable workers and how they can be better protected; how the policy implementation procedures guide correct application of the principles according to national labor laws, international labor conventions and standards.

G.2.5. The Company shall require workers responsible for machinery or working in high-risk areas to undergo an annual Refresher or Advanced Training that may include testing and practicum. Similarly, the SMS and IQA Team shall attend an SMS Auditing Training that will focus on interview techniques, obtaining gender-sensitive information, analyzing grievance and remediation, and other topics that have posed a challenge during implementation of the SMS. Tests and practicum will be built into the course.

### 3. Planning

G.3.1. The Company shall, as much as possible, fit in SMS-related sessions into its existing Master Training Plan, alternating sessions on food safety, quality management with SMS sessions. The SMS training can be split up by policy in order to provide adequate time for in-depth training on each.

G.3.2. Internal or external trainers may be used but the Company shall ensure that qualifications required of trainers are documented in writing. As minimum requirement, all SMS trainers shall have in-depth understanding of fundamental human and labor rights; as well as Thai Labor Laws and related fisheries and migrant worker management laws. Trainers for SMS auditors shall have SMS auditing experience.

G.3.3. Planning of SMS training shall be risk-based and needs-based. The Company shall assess the social risks within its supply chain and prioritize those that are more likely to occur and if they happen, will have severe negative impacts to the business and workers. Needs-based means that the Company shall respond to customer and market requirements regarding level of SMS implementation. Similarly, if review of results of training tests and practicum show gaps in knowledge, those shall be prioritized.

### H. Monitoring and Verification

**Rationale:** In order to gauge the level of implementation of its policies and their effectiveness in improving recruitment and employment processes, the Company will need to assess internally its own SMS performance; as well as the compliance of its business partners to the Company's SMS. Internal monitoring and verification activities can be carried out through questionnaires or an on-site partial assessment of a department or a policy, or as a full internal audit of the SMS standards. External assessments of business partners can take the form of Code of Conduct (COC) signing; or second party on-site audits done by the Company's IQA Team; or third-party audits commissioned to

certification bodies. Criteria used for a partial or full assessment could be the ILO Core Conventions, or the BSCI Performance Areas, or the Company's Policy Implementation Procedures or a buyer's checklist for social and labor compliance, or these Guidelines. The end goal of assessments is to determine compliant areas and those that require improvement. Emphasis must be placed on a dynamic system that keeps up efforts to reduce, minimize or eliminate social and labor risks.

## I. Team and Planning

H.1.1. The Company's IQA Team shall monitor and verify progress with supply chain mapping and risk assessment. In particular, the IQA Team shall determine whether links where there may be significant business partners and vulnerable workers have been thoroughly analyzed. In particular, risk assessment of Recruitment Intermediaries and Partner Recruiters in source countries should be evaluated in detail.

H.1.2. The Company's SMS Team has developed a risk-based monitoring plan. Significant business partners have been assigned one or more of the following verification activities: business partner information questionnaire; request for SMS or labor assessment certificates; COC signing; second party on-site visit or third-party audit. Frequency of monitoring and timelines for completion are specified.

H.1.3. The Company's IQA Team has developed a verification plan including internal assessments and external assessments, based on the SMS Team's monitoring plan. The verification plan has specified target dates for the assessment, members of the team, objectives of the assessment, and activities.

## 2. Types and Methods

H.2.1. Whatever type of assessment is done, the IQA Team shall specify the criteria/standard to be used. The criteria/standard shall be available during the assessment and may be used in full or in part.

H.2.2. The IQA Team shall inform the departments or teams or companies to be assessed ahead of time in order to schedule a convenient time period, except in the case of unannounced audits.

H.2.3. The IQA Team shall prepare an Assessment Plan that specifies desk review of documents and/or observation of practices and/or interview of workers. Activities and tools to be used shall be described as well as members of the team, timelines for the audit, and auditee personnel required to be present

H.2.4. The IQA Team shall arrange for interviews of workers in a location where management is not present. A reasonable sampling plan shall be used and arrangements for interpreters made.

## 3. Reporting and Follow-Up

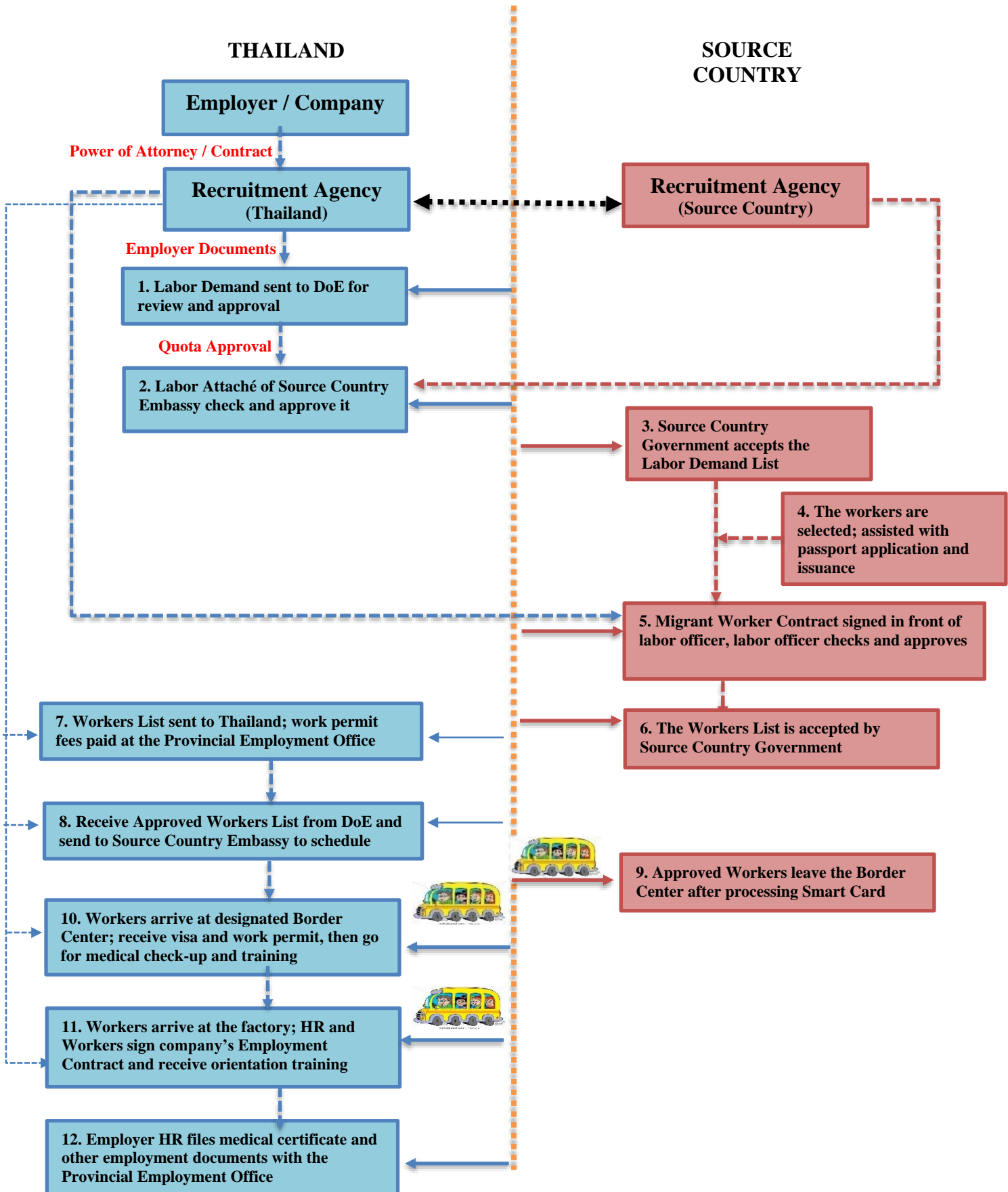
H.3.1. The objective and anecdotal evidence obtained from the assessments will be analyzed to determine adequacy and/or effectiveness of existing systems. Strengths and weaknesses of the policies or systems shall be reported. For any gaps found, recommendations will be made for improvement

H.3.2. The IQA Team shall prepare a corrective action/preventive action response form to send to the auditee together with the findings. Timelines for response and actions shall be agreed upon.

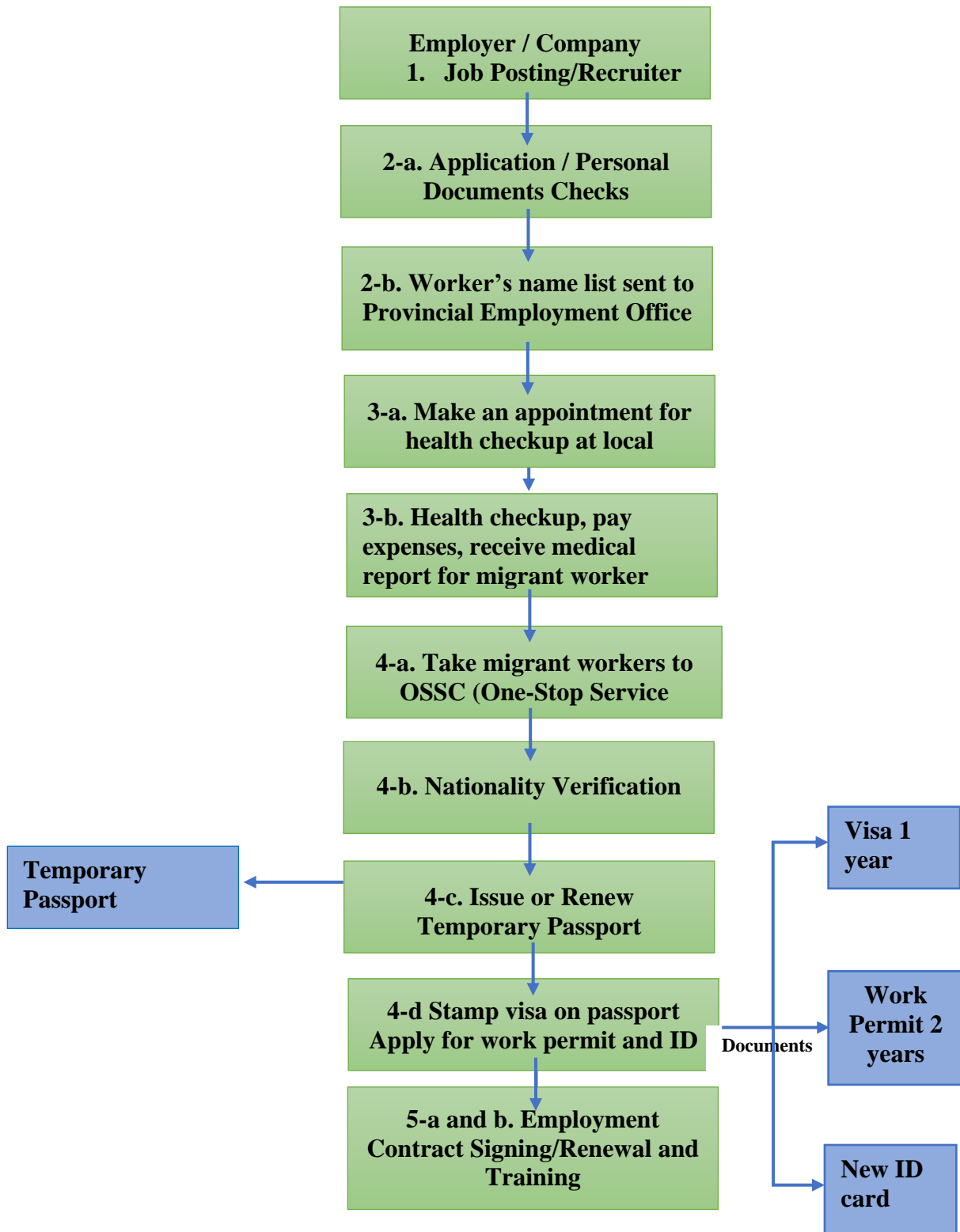
H.3.3. The IQA Team shall follow-up on the responses or non-responses of the auditee and make recommendations to the Company's management about further action on the status of the business partner or additional improvements needed within the Company.

## Attachment 2: Figures and Tables for the Manual

Figure 1: MOU (Cross-Border) Recruitment Process Flow



**Figure 2: NV (In-Country) Recruitment Process Flow**





**Table I: MOU Recruitment Process Steps, Documents, and Timelines**

Steps, Activities and Documents	Responsibility			Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees		
<b>Selection of Recruiter and Contract Signing Preliminary Steps</b>					
• Thai Recruiter business information – licenses, recruitment operations; top management checks	Y	Y			Reputation risks Oversight risks
• Thai Recruiter source country Partner Recruiter (s) information; oversight/monitoring plan (s) for Partner Recruiter (s)	Y	Y			Source country partner risks
• Risk Assessment – General; using Decision Tree Tool; Risk Assessment – Specific scores per Policy; using Evaluation Tool	Y				Information gaps Compliance risks
• Overall Social Risk Rating and Monitoring Plan for Recruiter	Y				Oversight risks
• Documentary evidence of social policies and procedures of Thai Recruiter and Partner Recruiter, if available	Y	Y			Knowledge gap risks
• Evidence of Thai Recruiter’s social performance (internal assessment reports, valid second party or third-party audit certificates, filled questionnaires); if available, also Partner Recruiter (s)	Y	Y			Track record risk, transparency and accountability risks
• Code of Conduct (COC) of Employer with core policies and expectations of social compliance – signed by Thai Recruiter; recommend having Thai Recruiter do the same to Partner (s)	Y	Y			Commitment and Compliance risks

Steps, Activities and Documents	Responsibility				Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees			
• Contract between Employer and Selected Thai Recruiter	Y	Y		@THB 12,000 to 30,000		Transparency risks, Terms/ conditions
• Power of Attorney (POA) from Employer to Thai Recruiter	Y	Y				Scope of authority
• Job Descriptions for Migrant Workers to be recruited	Y	Y				Policies risks
• Workforce needs communicated by Employer or filled in together with Recruiter in draft Labor Demand form	Y	Y				Information gaps; accuracy
• Thai Recruiter may notify Partner Recruiter (s) in source country that it has worked with before		Y				may be done later; due diligence risks
<b>Step 1. Application for Migrant Worker Quota - Thailand</b>						
• Recruiter submits copy of recruitment license (Nor Chor 4) to Provincial Employment Office		Y	Y		Day 1	
• Recruiter submits POA, copies of Contract with Employer and evidence on employer facility to Provincial Employment Office		Y	Y			
• Recruiter submits filled out official Labor Demand form (Nor Chor 2) and pays official fees, if any; confirmation receipt issued to Recruitment Agency or Company	(Y)	Y	Y	Official fees?		Incomplete or expired documents
• Provincial Employment Office (PEO) sends Labor Demand form to the Department of Employment (DOE) for review and approval			Y (two agencies)		Day 7	Potential delays
<b>Step 2. Approval of Labor Demand for Migrant Workers - Thailand</b>						
• DOE approves Labor Demand from Thai side			Y		Day 10	Potential delays

Steps, Activities and Documents	Responsibility				Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees			
• Company or Recruiter translates or arranges for translation of Labor Demand		Y		Translation Fees?		Translation accuracy risks
• DOE sends Labor Demand to Labor Attaché of source country's embassy for check and official approval			Y (two agencies)			Potential delays
• DOE notifies Recruiter or Company of official approval	(Y)	Y	Y		Day 20	Potential delays
<b>Step 3. Approval of Labor Demand for Migrant Workers – Source Country</b>						
• Labor Attaché of embassy in Thailand sends approved Labor Demand to its (source country's) government agency in-charge			Y (two agencies)		Day 22	Potential delays
• Thai Recruiter selects Source Country Recruiter to partner with from list of licensed recruiters on file at the Thai DOE		Y (two recruiters)				Could be earlier; due diligence risks
• Source country government agency (s) in-charge review and accept the Labor Demand List; notifies Labor Attaché of embassy in Thailand, who notifies Thai DOE			Y (two agencies)		Day 31	Potential delays
<b>Step 4. Selection of Workers and Assistance for Passport Issuance</b>						
• Thai Recruiter informs selected Source Country Recruiter of job description and other details on Labor Demand List		Y (two recruiters)			Day 32	Compliance and oversight risks
• Thai Recruiter negotiates with selected Source Country Recruiter terms and conditions but no formal contract signed		Y (two recruiters)				No contract risk; language risks
• Source Country Recruiter (s) finds, contacts, interviews job-seekers from one or more		Y (local recruiters)			variations	Outsourcing risks; no applicants risks; discrimination risks

Steps, Activities and Documents	Responsibility				Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees			
village for one or more Thai recruiter(s); outsourcing at village						
<ul style="list-style-type: none"> <li>Potential applicants travel to central processing/ meeting center designated by Source Country Recruiter (s), transportation/travel- worker cost</li> </ul>		Y (local recruiters)		Costs borne by workers		Transportation, lodging risks
<ul style="list-style-type: none"> <li>Source Country Recruiter (s) gathers applicants from various places and takes them for processing of official passport to government agency in charge; applicants bring personal documents for evidence in passport issuance, e.g., birth certificate</li> </ul>		Y (local recruiters)		Costs borne by workers		Transportation, lodging, extra fees/charges, risks of lack of training
<ul style="list-style-type: none"> <li>Processing and issuance of official passport to applicants</li> </ul>		Y (local recruiters)	Y	THB 1,000 to 3,000 equivalent	(may take 15 to 21 days)	Document delay, retention, extra charges risks
<ul style="list-style-type: none"> <li>Applicants return home or stay in in-transit lodging or with friends at their own cost</li> </ul>		Y (local recruiters)		Costs borne by workers	Day 62	Costs, Freedom of movement risks
<b>Step 5. Migrant Worker Contract Signing in Source Country</b>						
<ul style="list-style-type: none"> <li>Thai Recruiter arrives in source country to represent Employer for Migrant Worker Contract signing; brings harmonized DOE form with English, Thai and source country language</li> </ul>	(Y)	Y	Y		Day 63	Discuss terms and conditions with Employer
<ul style="list-style-type: none"> <li>Thai Recruiter and Partner Recruiter explain terms and conditions of the Employment Contract and Thai Labor Laws to the Migrant Worker</li> </ul>		Y	Y			Literacy and translation risks

Steps, Activities and Documents	Responsibility				Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees			
<ul style="list-style-type: none"> <li>Migrant Worker, Source Country Recruiter and Thai Recruiter sign Migrant Worker Contract in front of source country government Labor Officer</li> </ul>		Y	Y			Waiting time; limits on number of workers processed daily
<ul style="list-style-type: none"> <li>Source Country Labor Officer checks and approves Migrant Worker Contracts – originals to Thai Recruiter and Worker</li> </ul>		Y	Y		Day 64	Copies kept with the Labor Office
<b>Step 6. Migrant Workers List Created in Source Country</b>						
<ul style="list-style-type: none"> <li>Labor Officer creates a Workers List of workers with contracts and sends it up the hierarchy of government agency for processing</li> </ul>			Y		Day 66	
<ul style="list-style-type: none"> <li>Source Country government agency reviews Workers List and officially approves it</li> </ul>			Y			
<ul style="list-style-type: none"> <li>Approved Workers List sent to Thailand source country embassy;</li> </ul>			Y		Day 73	
<b>Step 7. Migrant Workers List Processing in Thailand</b>						
<ul style="list-style-type: none"> <li>Approved Workers' List picked up by source country Recruitment Agency staff based in Thailand and handed over to Thai Recruitment Agency staff to take to PEO</li> </ul>	(Y)	Y	Y		Day 75	
<ul style="list-style-type: none"> <li>Thai Recruiter goes to the PEO to pay the work permit request fees for the migrant workers on the Workers List</li> <li>PEO informs DOE that all work permit fees have been paid for migrant workers on the Workers List</li> </ul>		Y	Y	THB 1,800 plus THB 100 for processing	Day 77	Extra charges, refund risks

Steps, Activities and Documents	Responsibility			Timelines estimates	Remarks/Potential Risks	
	Company	Recruiter	Govt agency and fees			
<ul style="list-style-type: none"> <li>Thai Recruiter informs Source Country Recruitment Agency staff in Thailand that work permit fees have been paid and Workers Name list stamped</li> </ul>			Y		Day 80	
<b>Step 8. Approved Workers List sent to Source Country Embassy</b>						
<ul style="list-style-type: none"> <li>Thai Recruiter staff hands over paid and stamped Approved Workers List to Source Country Recruitment Agency staff who takes it to the source country embassy in Thailand Thai Recruiter receives Approved Workers List from DOE and sends to source country embassy</li> </ul>		Y	Y (two agencies)		Day 83	In Bangkok
<ul style="list-style-type: none"> <li>Source Country Embassy in Thailand forwards Approved Workers List to source country government agency(ies) in various locations to schedule departure and arrival of workers; source country designated government agency informs Thai government Ministry of Labor and Immigration of departure and arrival dates</li> </ul>		Y	Y (multiple agencies)		Day 103	Yangon Department of Labor, Ministry of Labor, Immigration (Nibido), and Population, Department of Labor Skills Training Center, Labor Exchange Office Myawaddy
<b>Step 9. Approved Migrant Workers leave Source Country Border Center</b>						
<ul style="list-style-type: none"> <li>Migrant workers notified of departure dates from Border Center in source country; Thai Recruitment Agency makes arrangement to send representative to receive workers at Thai Border Center</li> </ul>		Y			Day 105	Costs for inland transportation

Steps, Activities and Documents	Responsibility			Timelines estimates	Remarks/Potential Risks	
	Company	Recruiter	Govt agency and fees			
• Migrant workers travel to Border Center from home or village		Y (Local recruiter?)		Costs borne by workers		Human trafficking travel, lodging
• Migrant workers leave the Border Center after processing of Smart Card		Y (local recruiters?)	Y	Official fees? Costs?	Day 108	Human trafficking Processing fees, travel, lodging
<b>Step 10. Migrant Workers Arrive at the Thai Border Center</b>						
• Migrant workers arrive at Thai Border Center, receive visa stamped on passport (2 years) and work permit (2 years); Thai Recruitment Agency staff oversees processes at Border Center		Y	Y	THB 800	Day 109	In some cases, Thai recruiter pays all fees on Thai side per directions from Employer
• Migrant workers go for medical check-up; Thai Recruitment Agency receives medical report; migrant workers go for training		Y	Y	THB 500 depending on types of tests		In some cases, Thai recruiter pays all fees on Thai side
• Thai Recruiter arranges for transportation and in-transit lodging (if needed) to the factory	(Y)	Y				Included in fees per worker paid by Employer to Recruiter
• Migrant workers travel to factory; may be accompanied by Thai RA staff or driver employed by Thai RA		Y		Meals during travel may be provided	Day 110	Transportation, lodging, work location risks
<b>Step 11. Migrant Workers Arrive at the Factory</b>						
• Migrant workers arrive at factory; put up in company housing or temporary /permanent accommodation	Y	Y		Costs and arrangements vary @facility	Day 112	Contract compliance risks
• Thai Recruiter hands over all medical test results and other documents related to	Y	Y			Day 113	Document completeness risk;

Steps, Activities and Documents	Responsibility				Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees			
worker recruitment to Employer; may conduct half-day training						training content adequacy
• Employer Human Resources (HR) arranges for migrant worker interview and filling out company application form information	Y					Policies compliance risks
• Employer HR may arrange for additional medical tests for workers, especially food handlers	Y					Gender policies compliance risks
• Employer HR prepares individual Company Employment Contracts (or addendum to official MOU Contract, aligned with Thai Labor Laws and Company Rules	Y					Contract substitution risk
• Employer HR assigns Employee Number to each worker; Employer and Employee sign duplicate Employment Contracts	Y					Language, literacy risks
• Employer HR conducts New Hires Orientation and Occupational Health and Safety (OHS) training according to required number of hours prior to start of work	Y				Day 114	Labor laws, Company Rules compliance risks
<b>Step 12. Employer Human Resources notifies Provincial Employment Office</b>						
• Employer HR informs Thai Immigration within 24 hours of arrival of migrant workers at the facility for confirmation of arrival	Y		Y		Day 113	
• Employer HR sends medical files of all migrant workers on Approved Workers List to Provincial Employment Office	Y		Y		Day 115 (no later than 15 days after arrival)	Document duplication risks



Steps, Activities and Documents	Responsibility			Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees		
• Employer HR sends copy of Employment Contracts for migrant workers on Approved Workers List to Provincial Employment Office for confirmation of employment	Y		Y	Day 115 (no later than 15 days after arrival)	Document alignment risks
• If requested, Employer HR may submit procedures and documentation on disciplinary action, grievance and remediation protocols to PEO or other related agencies	Y		Y	Day 127	Policies, Company Rules compliance risks
• Employer takes migrant workers to report to Thai Immigration every 90 days within their period of employment	Y		Y	Day 202	

**Remarks:** Y means that the particular actor has to carry out activities by themselves.

(Y) means that the particular actor may carry out activities by themselves or assign their representative to do activities on their behalf.

**Table 2: NV Recruitment Process Steps, Documents and Timelines**

Steps, Activities and Documents	Responsibility				Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees			
<b>Step 1. Job Postings / Hiring Recruiter (option)</b>						
• Job Postings for Migrant Workers to be recruited	Y					Policies, labor laws compliance risks, especially discrimination
• Receive applications on-line or directly at the factory	Y					No applicants risk
• If Recruitment Intermediaries are to be involved, obtain business information – licenses, recruitment operations, top management checks	Y	Y				Business partner risks; reputation risks
• Risk Assessment – General, using Decision Tree Tool; Specific, using scores per policy using Evaluation Tool; overall risk rating and monitoring plan for recruiter	Y	Y				Compliance risks Oversight risks
• Documentary evidence of social policies and procedures of recruiter; evidence of recruiter’s social performance (internal and external assessments, questionnaires, certificates)	Y	Y				Knowledge gap risks; track record risks
• Code of Conduct (COC) of Employer with core policies and expectations of social compliance – signed by recruiter	Y	Y				Commitment risks
• Contract between Employer and Selected Recruiter	Y	Y				Terms & conditions risks
<b>Step 2. Document Checks/ Notify Provincial Employment Office</b>						

Steps, Activities and Documents	Responsibility				Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees			
• Check existing documents of Migrant Workers applicants; contact those who meet job requirements or for information	Y				Day 1	Migration laws compliance risks
• Employer or Recruiter sends Migrant Workers (new applicants or current workers) Name List to Provincial Employment Office	Y	Y	Y			Checks on previous employment
• Provincial Employment Office approves Migrant Workers applicants Name List and notifies Employer or Recruiter	Y	Y	Y		Day 5 or Day 7	
<b>Step 3. Health Check-up Appointment and Medical Report</b>						
• Employer or Recruiter makes appointment for migrant worker at a local hospital	Y	Y			Day 6 or Day 8	
• Local hospital informs Employer or Recruiter of available dates, tests to be done and calculate expenses	Y	Y			Day 11 or Day 13	Gender Policies compliance risks
• Take Migrant Worker to hospital for health check-up	Y	Y			Day 11 or Day 13	Gender Policies compliance risks
• Pay expenses for health check-up	Y	Y		THB500	Day 14	Gender Policies compliance risks
• Receive medical report at hospital	Y	Y			Day 17 or Day 19	
<b>Step 4. One-Stop Service Center (OSSC) for Nationality Verification (NV) Process</b>						
• Wait for announcement from Thai government of dates for opening / re-opening OSSC for the seafood sector; also check the location of the OSSC and capacity for number of migrant workers	Y	Y	Y		Day 20	Risk- government not open OSSC; no capacity to process

Steps, Activities and Documents	Responsibility				Timelines estimates	Remarks/Potential Risks
	Company	Recruiter	Govt agency and fees			
• Once OSSC open and nearest center identified, take migrant workers, with personal documents, to OSSC and wait for queue	Y	Y	Y		Day 21 or Day 22	Transportation, language risks
• Apply at OSSC for passport, visa, work permit and ID card; prepay officially posted scheduled fees at specified counters	Y	Y	Y			Extra charges risks
• Carry out Nationality Verification for new applicants at OSSC, in the presence of Source Country government agencies' officials	Y	Y	Y			Counterfeit documents risks
• Issue or renew Temporary Passport (2 years); stamp visa on passport; issue or renew work permit and ID card (2 years)	Y	Y	Y	THB 4,000 to 5,000	Day 23 or Day 24	Document retention risks
<b>Step 5. Interview, Employment Contract, Training</b>						
• Arrange interview of migrant worker at the factory	Y				Day 24 or Day 25	Policies, labor laws compliance risks, especially discrimination
• Prepare Employment Contract – new or renewal	Y					Labor laws compliance risks, discrimination risks
• Migrant worker and Employer sign the Employment Contract in duplicate with one original kept with Migrant Worker	Y					Language, literacy risks
• Orientation and occupational health and safety (OHS) orientation training or refresher training prior to work	Y				Day 25 or Day 26	Language, literacy risks

**Table 3-A: Recruitment-Related Fees and Costs for Migrant Workers according to National Laws**

Item <sup>42</sup>	Source Country Laws			Thai laws <sup>43</sup>
	Cambodia <sup>44</sup>	Laos <sup>45</sup>	Myanmar <sup>46</sup>	Thailand
A) Passport 1. Application 2. Issuance	Worker 5,000 - 10,000 KHR (USD1.20 – 2.50) 400,000 KHR (USD100)-regular 800,000 KHR (USD200)-premium	Worker 30,000 LAK (USD3.40) 30,000 (USD3.40) regular passport 400,000 LAK (USD45) e-passport	Worker 25,00 t0 30,000 MMK (USD16 – 20)	Worker
B) Criminal Records Certificate	Worker 10,000 – 20,000 KHR (USD2.25 – 5.0)	Worker 20,000–40,000 LAK (USD2.25-4.50)	No information	No information
C) Labor card fee (overseas workers) in the source country	Not required	Not required	Worker Smart Card 1,900 MMK (USD1.20)	No information
D) Medical check-up in the source country before contract signing	Worker 20,000 to 40,000 KHR (USD5.0 – 10.0)	Worker 100,000 LAK (USD2.25-7.30)	Worker 15,000 – 23,000 MMK (USD10 – 15)	Worker
E) Approval of Name List for MOU process	Worker 10,000 – 20,000 KHR (USD2.5 – 5); Department of Employment	Worker 10,000 LAK plus 25,000 LAK for photo (total USD5.10)	Employer and Recruitment Agencies (processing)	Employer and Recruiters-Embassy in Bangkok (processing)
F) Issuing of Permission and Work Permit	Worker 50,000 – 80,000 KHR (USD12.50 – 50)	Worker 100,000 LAK (USD11)	Employer and Recruitment Agencies (processing)	Employer and Recruiters-Provincial Office of Employment for MOU

<sup>42</sup> From ILO 2020. *Recruitment Fees and Related Costs for Migrant Workers from Cambodia, Lao PDR and Myanmar* unless otherwise stated; Items A to J for MOU Recruitment Process; also, Items Q and X.

<sup>43</sup> In the *Foreigners Working Management Emergency Decree B.E. 2560 (2017)* - shortened to Migrant Decree of 2017 - section 42 states that “licensee who is permitted to bring in foreign workers.....is prohibited to demand for or receive money or any other property from the employer or the foreign worker other than service fee or cost from the employer according to the list and rate prescribed by the Director-General”. The 2018 Amendment to the Migrant Decree of 2017 later allowed charging passport, health check and work permit fees at fixed rates endorsed by the Government.; THB = baht.

<sup>44</sup> *Sub-Decree No. 190 on The Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies of 2011*; KHR = riel.

<sup>45</sup> *Decree on the Dispatching of Lao Labor to Work Abroad, No. 68 of 2002; Guideline on Implementation of Decree on Export of Lao Workers Working Abroad (No. 2417/MoLSW) of 2002*; LAK = kip.

<sup>46</sup> *Law Relating to Overseas Employment of 1999* and regulations guiding implementation of 2014; MMK = kyat.

Item <sup>42</sup>	Source Country Laws			Thai laws <sup>43</sup>
	Cambodia <sup>44</sup>	Laos <sup>45</sup>	Myanmar <sup>46</sup>	Thailand
	Department of Skills Development			
G) Application for work visa- Thai Embassy or Consulate in source country	Worker 200,000- 250,000 KHR (THB 1,900 – 2,400) or (USD50 – 60)	Worker 500 THB (USD16)	Paid at the Thai border	Worker
H) Medical Insurance in source country	Worker 40,000 – 80,000 KHR (USD10 – 20) for six to twelve months	No information	Worker 15,000–30,000 MMK (USD10 – 20) for 6-to 12 months	Not applicable
I) Pre-departure training at source country	Worker 80,000 – 100,000 KHR (USD20 – 25)	No information	At Labor Attaché Office in Yangon before MOU Contract signing - free	Employer and/or Thai Recruitment Agency go to Myanmar at their expense
J) Non-LA Visa and Work Visa - MOU Source country or Thai border	Worker see G above; completed in Phnom Penh Thai Embassy	Worker/Employer See G above plus 1,900 THB (USD61) for work visa stamp-two years	Worker/Employer MOU: 2,400 THB (USD77) for 2 years at Mae Sot;	Worker/ Employer MOU: 500 + 1,900 2,400 THB=USD77 for two years
K) Work Permit fees <sup>47</sup> For MOU (Myanmar) pre-paid at Provincial Office of Employment (POE) or at Thai border	Obtained at source country (see above)	Obtained at source country (see above)	Employer/Worker pre-paid at POE 1,800 + 100 THB for processing; two years effectivity	Employer/ Worker pre-paid at POE 1,800 + 100 THB (USD 61) for two years
L) Nationality Verification (NV) at OSSC in 2018 <sup>48</sup>	Worker/Employer 2,350 THB (USD75)	Worker/Employer 2,350 THB (USD75)	Worker/Employer 2,350 THB(USD75)	Worker/Employer 2,350 THB (USD 75)
M) Non-LA Work Visa for NV, paid at OSSC	Worker/Employer 500 THB (USD16)-one year	Worker/Employer 500 THB (USD16)-one year	Worker/Employer: 500 THB	Worker/Employer 500 THB

<sup>47</sup> The 2019-2020 Guideline for Migration Management was issued by the Department of Employment (DOE) to summarize fees for work visa, work permit, medical insurance, ID card issuance and repatriation deposit at fixed rates approved by the Committee on Worker Management.

<sup>48</sup> NV fees appear to vary with the period and location of OSSC opening; the rates (L,M,N- Type B) were seen in 2018 at an OSSC in Rayong. In addition, health check fees at the time were THB 1,000 but currently THB 500 (see P).

Item <sup>42</sup>	Source Country Laws			Thai laws <sup>43</sup>
	Cambodia <sup>44</sup>	Laos <sup>45</sup>	Myanmar <sup>46</sup>	Thailand
			(USD16)– one year	(USD16)- one year
N) Work Permit fees <sup>49</sup> for NV recruitment process paid at OSSC	Worker/Employer Type A 1,900 THB (USD 61) for 2 years for 1 year - fishing	Worker/Employer Type A 1,900 THB for 2 years for 1 year - fishing	Worker/Employer Type A 1,900 THB for 2 years for 1 year - fishing	Worker/Employer Type A 1,900 THB (USD 61) for 2 years For 1 year- fishing
	Worker/Employer Type B 325–550 THB (USD10 – 18) 3 mos. – 1 year	Worker/Employer Type B 325 – 550 THB (USD10 – 18) 3 mos. – 1 year	Worker/Employer Type B 325 – 550 THB (USD10 – 18) 3 mos. – 1 year	Worker/Employer Type B 325–550 THB (USD10 - 18) 3 mos. – 1 year
O) ID Card Issuance fee (pink card) – for NV paid at OSSC	Worker/Employer 80 THB (USD2.5) – new or extension 1 - 2 years	Worker/Employer 80 THB (USD2.5)- new or extension 1 - 2 years	Worker/Employer 80 THB (USD2.5)– new or extension 1 - 2 years	Worker/Employer 80 THB (USD2.5)– new or extension 1 - 2 years
P) Post-Arrival Medical Checks (at Thai border center) <sup>50</sup> - for NV and MOU	Employer/Worker For work permit 500 THB (USD16)	Employer/Worker For work permit 500 THB (USD16)	Employer/Worker For work permit 500 THB (USD16)	Employer/Worker For work permit 500 THB(USD16)
Q) Medical Insurance in Thailand (health insurance during first three months while waiting for Social Security Fund)	Worker or Employer 500 - 3,200 THB (USD 16 – 103) for 3 months to 2 years coverage	Worker or Employer 500 - 3,200 THB (USD 16 – 103) for 3 months to 2 years coverage	Worker or Employer 500 - 3,200 THB USD 16 – 103) for 3 months to 2 years coverage	Worker or Employer 500 - 3,200 THB (USD 16 – 103) for 3 months to 2 years coverage
R) Post-Arrival training at border center Thai side by Ministry of Labor (MOL) and Ministry of Public Health (MOPH)	Thai MOL and MOPH at Sakaew; Thai Recruitment Agency observes - free	Thai MOL and MOPH at Nongkhai Thai Recruitment Agency observes - free	Thai MOL and MOPH at Mae Sot; Thai Recruitment Agency observes - free	Thai MOL and MOPH at Thai Border Centers Thai Recruitment Agency observes-free

<sup>49</sup>Type A are for migrant workers who have completed nationality verification (NV); Type B is for those in process of completion; for Type A migrant workers, the NV fee will not be needed. Green shade for NV-specific fees.

<sup>50</sup>Although the 2018 Amendment to the Migrant Decree of 2017 allowed recruitment agencies to charge workers for passport, health check and work permit fees at fixed rates endorsed by the Thai Government, some Thai Employers opt to pay for fees incurred in Thailand directly or through their recruitment agencies (if used).

Item <sup>42</sup>	Source Country Laws			Thai laws <sup>43</sup>
	Cambodia <sup>44</sup>	Laos <sup>45</sup>	Myanmar <sup>46</sup>	Thailand
S) Transportation, accommodation, food from home to border town in source country to Thai border center <sup>51</sup>	Worker	Worker	Worker	Worker
T) Transportation, accommodation, <sup>52</sup> food from Thai border to the workplace <sup>53</sup>	Employer	Employer	Employer	Employer
U) Post-Arrival training at Employer facility	Some Thai RAs Conduct half-day training – free or Training by Employer	Some Thai RAs Conduct half-day training- free or training- Employer	Some Thai RAs Conduct half-day training- free or training-Employer	Thai RA or Employer conduct training-free
V) Recruitment fee for the Thai agency (service and processing fees)	Not applicable	Not applicable	Not applicable	Employer pays Thai RA Service Fees <sup>54</sup> depending on source country, industry sector, number of workers, etc. negotiated and documented in Service Contract
W) Document fees for both Thailand and in source country <sup>55</sup>	Employer	Employer	Employer	Employer

<sup>51</sup> Usually land border crossing at Mae Sot, Sakaew and Nongkhai can be done on foot or public transport.

<sup>52</sup> In reality, no accommodation is provided from Mae Sot to the work location. Workers stay overnight on the bus. On the way, there may be bus changing to a new bus. The reason for no provision of accommodation at a hotel is that it will be complex as it will involve reporting to the police the presence of non-Thais within 24 hours of arrival at the border. However, rest stops for washrooms and meals are provided during travel

<sup>53</sup> In case the workplace is far from the border processing center.

<sup>54</sup> MOL Fee Schedule of B.E. 2559 (2016) caps the recruitment service fees (one-time) paid by the Employer to the Thai RA at the following % of one-month salary for migrant worker: 25 % of salary for 12 persons and less; 20% of salary for 13 to 45 persons; 15% of salary for 46 to 90 persons; 10% of salary for 91 persons up.

<sup>55</sup> The DOE 2019 – 2020 announcement specifies that the Employer pays for all document preparation fees starting from the Demand Letter, the Power of Attorney, Approved Worker List and other documents; also document verification, translation fee and MOU Employment Contract fee processing and travel to source country.



Item <sup>42</sup>	Source Country Laws			Thai laws <sup>43</sup>
	Cambodia <sup>44</sup>	Laos <sup>45</sup>	Myanmar <sup>46</sup>	Thailand
X) Recruitment fee for the agency in the source country <sup>56</sup>	No cap on recruitment fees that can be charged to workers	No information	Worker pays to Myanmar RA 150,000 MMK (USD100) for Thailand – includes costs above?	Thai RA does not pay or demand any fees from source country RA
Y) Social Security Fund (3 months after start of employment)	Employer and worker (@ contributes 5%)	Employer and worker (@ contributes 5%)	Employer and worker (@ contributes 5%)	Employer and worker (@ contributes 5%)
Z) Repatriation deposit of THB 1,000 <sup>57</sup> per migrant worker	Employer or Recruitment Agency to DOE	Employer or Recruitment Agency to DOE	Employer or Recruitment Agency to DOE	Employer or Recruitment Agency to DOE

<sup>56</sup> MOUs separate responsibilities of RAs by country in what they charge the migrant worker. The Thai Employers/Recruiters lack legal control over source country RAs and fees they charge. Only source country governments can license and manage local recruiters. Myanmar has a cap on recruitment-related service fees. An association of local RAs oversee their members' activities through a COC and blacklists non-compliant members.

<sup>57</sup> There are two cases. Case No. 1 is for direct recruitment- the employer does not use recruitment agency service and so puts up a deposit of THB 1,000 with the Thai DOE. Case No. 2 is for those who use recruitment agency's service. The Thai RA will put the deposit of THB 1,000 with the Thai DOE. The deposit goes into a Repatriation Fund. At contract completion, workers will apply for refund of the deposit and use the money to return home. Unclaimed deposits will be used to pay for travel costs of other migrants who might need the funds to return home, for whatever reason, e.g., if the business where they were working went bankrupt or the owner died.

**Table 3-B: Total Recruitment-Related Fees and Costs for Migrant Workers - MOU and NV**

Item	Cambodia		Laos		Myanmar		Host Country
	Low	High	Low	High	Low	High	Thailand
A) Passport 3. Application 4. Issuance	1.20 100.00	2.50 200.00	3.40 3.40	3.40 45.00	16.00	20.00	Worker
B) Criminal Records Certificate	2.25	5.00	2.25	4.50			-
C) Labor card fee (overseas workers) in source country					1.20	1.20	-
D) Medical check-up in the source country before contract signing	5.00	10.00	2.25	7.30	10.00	15.00	Worker
E) Approval of Name List for MOU process	2.50	5.00	5.10	5.10	Process	Process	Process
F) Issuing of Permission and Work Permit	12.50	50.00	11.00	11.00	Process	Process	Process
G) Application for work visa - Thai Embassy/ Consulate	50.00	60.00	16.00	16.00	-	-	2,400 THB in Cambodia; 500 THB in Laos
H) Medical Insurance in source country	10.00	20.00	-	-	10.00	20.00	Worker
I) Pre-departure training at source country	20.00	25.00	-	-	Free at DOE	Free at DOE	Employer, Thai RA attend-own expenses
J) Non-LA Visa and Work Visa - MOU	In G	In G	61.00	61.00	77.00	77.00	500 + 1,900 2,400 THB = USD77 for two years
K) Work Permit fees for MOU pre-paid	In F	In G	In F	In F	61.00	61.00	1,900 THB for two years
Total MOU (A – K) (USD), THB	(203.45) 6,307.00	(377.50) 11,702.50	(104.40) 3,236.40	(112.80) 3,496.80	(175.20) 5,431.20	(194.20) 6,020.20	
Total MOU (A – K) plus Q – insurance (USD), THB	(219.45) 6,803.00	(480.50) 14,895.50	(120.40) 3,732.40	(215.80) 6,690.00	(191.20) 5,927.20	(297.20) 9,213.20	

Item	Cambodia		Laos		Myanmar		Host Country
	Low	High	Low	High	Low	High	Thailand
Range for Total (A – K) + Q (16 for H)	(219.45 to 393.50) 6, 803 to 12,199		(120.40 to 128.80) 3,732 to 3,993		(191.20 to 210.20) 5,927 to 6,516		50 - 77% of costs (J,K,Q)
L) Nationality Verification (NV) at OSSC in 2018	75.00	75.00	75.00	75.00	75.00	75.00	2,350 THB
M) Non-LA Work Visa for NV, paid at OSSC	16.00	16.00	16.00	16.00	16.00	16.00	500 THB
N) Work Permit <sup>58</sup> fees for NV recruitment process paid at OSSC <sup>59</sup>	Type A 61.00	Type A 61.00	Type A 61.00	Type A 61.00	Type A 61.00	Type A 61.00	Type A 1,900 THB
	Type B 10.00	Type B 18.00	Type B 10.00	Type B 18.00	Type B 10.00	Type B 18.00	Type B 325 – 550 THB
O) ID Card Issuance fee (pink card) - for NV paid at OSSC	2.50	2.50	2.50	2.50	2.50	2.50	80 THB- aligned with work permit
P) Post-Arrival Medical Checks (at Thai border center) - NV, MOU (option)	16.00	16.00	16.00	16.00	16.00	16.00	500 THB
Q) Medical Insurance - Thailand (for first three months before Social Security Fund) - NV, MOU	16.00	103.00	16.00	103.00	16.00	103.00	500 to 3,200 THB (3 months to 2 years)
Total <sup>60</sup> for NV (L – P) – Type B (USD), THB	(119.50) 3,704.50	(127.50) 3,952.50	(119.50) 3,704.50	(127.50) 3,952.50	(119.50) 3,704.50	(127.50) 3,952.50	
Total for NV (L- P) plus Q- Type B (USD), THB	(135.50) 4,200.50	(230.50) 7,145.50	(135.50) 4,200.50	(230.50) 7,145.50	(135.50) 4,200.50	(230.50) 7,145.50	

<sup>58</sup> Type A are for migrant workers who have completed nationality verification (NV); Type B is for those in process of completion; for Type A migrant workers, the NV fee will not be needed.

<sup>59</sup> NV fees appear to vary with the period and location of OSSC opening; the rates (L,M,N- Type B) were seen in 2018 at an OSSC in Rayong. In addition, health check fees at the time were THB 1,000 but currently THB 500 (see P).

<sup>60</sup> Totals have the USD in parentheses for both MOU and NV sums; for range, Thai baht on top layer, USD at bottom.

Item	Cambodia		Laos		Myanmar		Host Country
	Low	High	Low	High	Low	High	Thailand
Total for NV (L - P) – Type A (USD), THB	(95.50) 2,960.50	(95.50) 2,960.50	(95.50) 2,960.50	(95.50) 2,960.50	(95.50) 2,960.50	(95.50) 2,960.50	
Total for NV (L-P) plus Q- Type A (USD), THB	(111.50) 3,456.50	(198.50) 6,153.50	(111.50) 3,456.50	(198.50) 6,153.50	(111.50) 3,456.50	(198.50) 6,153.50	
Range for Total (L – P) + Q (16 for H)	(111.50 to 214.50) 3,456 to 6,650		(111.50 to 214.50) 3,456 to 6,650		(111.50 to 214.50) 3,456 to 6,650		100% of costs <sup>61</sup> (L to Q)
R) Post-Arrival Training at border center Thai side	Thai MOL and MOPH free		Thai MOL and MOPH free		Thai MOL and MOPH free		Thai MOL and MOPH free
S) Transportation, accommodation, food from home to Thai border center	Worker or Source Country RA No estimates		Worker or Source Country RA No estimates		Worker or Source Country RA No estimates		Source Country RA responsibility
T) Transportation, accommodation, food-Thai border to the workplace	Employer No estimates		Employer No estimates		Employer No estimates		Employer No estimates
U) Post-Arrival training at Employer facility	Employer or RA No charge		Employer or RA No charge		Employer or RA No charge		Employer or RA No charge
V) Recruitment fee for Thai agency (service and processing fees)	Not applicable		Not applicable		Not applicable		Employer pays Thai RA Service Fees <sup>62</sup>
W) Document fees for both Thailand and source country <sup>63</sup>	Employer		Employer		Employer		Employer
X) Recruitment fee for the	No cap on recruitment fees		No information		Worker pays to local RA 150,000		Thai RA does not pay to or

<sup>61</sup> Estimated % of costs that could be categorized as incurred in Thailand.

<sup>62</sup> depending on source country, industry sector, number of workers, etc. negotiated and documented in Service Contract; MOL Fee Schedule of B.E. 2559 (2016) caps the recruitment service fees (one-time) paid by the Employer to the Thai RA at the following % of one-month salary for migrant worker: 25 % of salary for 12 persons and less; 20% of salary for 13 to 45 persons; 15% of salary for 46 to 90 persons; 10% of salary for 91 persons up.

<sup>63</sup> Included in Service Fees paid by Thai Employer to Thai RA.

Item	Cambodia		Laos		Myanmar		Host Country
	Low	High	Low	High	Low	High	Thailand
agency in the source country	that can be charged to workers				MMK (USD100) for going to Thailand <sup>64</sup> – includes costs above?		demand any fees of Partner RA or workers
Y) Social Security Fund (three months after start of employment)	Employer and worker (@ contributes 5%)		Employer and worker (@ contributes 5%)		Employer and worker (@ contributes 5%)		Employer and worker (@ contributes 5%)
Z) Repatriation deposit-THB 1,000 <sup>65</sup> per migrant worker	Employer or Recruitment Agency to DOE		Employer or Recruitment Agency to DOE		Employer or Recruitment Agency to DOE		Employer or Recruitment Agency to DOE
<b>GRAND TOTAL</b> (all types, all countries)	<b>USD 111 to USD 526</b> -including X and Z; but not including in-country travel, lodging, personal expenses, other processing and service fees						

<sup>64</sup> MOUs separate responsibilities of RAs by country in what they charge the migrant worker. The Thai Employers/Recruiters lack legal control over source country RAs and fees they charge. Only source country governments can license and manage local recruiters. Myanmar has a cap on recruitment-related service fees. An association of local RAs oversee their members' activities through a COC and blacklists non-compliant members.

<sup>65</sup> Employer or Thai RA pays into Repatriation Fund; migrant workers completing Employment Contract can get the refund to use for travel home.

## Annex A: Guidance for Performing Due Diligence to Assess Social Risks in the Recruitment Supply Chain



- What is Due Diligence?

Due diligence refers to all types of actions, starting with information gathering and evaluation, to commit to and carry out reasonable precaution in order to ensure compliance to standards, practices and guidelines that, if not followed, could potentially harm the Employer/Company and/or its internal or external stakeholders. Internal stakeholders include owners, shareholders, managers, employees; while external stakeholders include suppliers of product (raw material, ingredients, packaging) or services (including recruiters, recruitment intermediaries, security agencies, transportation), as well as other business partners, the community, overseas clients and consumers. Due diligence implies reasonable care and duty of care<sup>66</sup> which are basic ethical responsibilities expected of individuals and businesses towards society to identify factors and situations that could be potential risks and threats, inflicting or leading to damage, business losses, death, physical or psychological injury, loss of property, restrictions or denial of human and labor rights, directly or indirectly, to their stakeholders, especially vulnerable stakeholders of migrant workers and women.

- Who is responsible for Due Diligence?

**Processors/Employers** carry out due diligence on the various links of their own supply chain. The focus is on first-tier suppliers and service providers and the goal is to prevent, reduce or eliminate potential or actual hazards and risks. For **product suppliers (raw material, ingredients, packaging)**, the processor could utilize various types of due diligence processes – i.e. those related to food safety hazards; or those particular to sustainability, or labor/social compliance risks. For **service providers (recruitment intermediaries, security)**, due diligence evaluation is mainly concerned with potential human/labor rights violations associated with the Recruiter (s) contracted to find workers.

**Product Suppliers** are expected to cooperate with Processors by providing accurate information on their workforce and operations as well as signing a COC. They are then obliged to cascade due diligence to the next tier, identifying potential risks, harm or threats to migrants and women. Annex B-1 shows a seafood supply chain with due diligence focus on first-tier suppliers (in blue color).

**Service Providers (especially Recruitment Intermediaries)** are central to ensuring responsible recruitment, through cooperation with Employers and the job-seekers they deal with, by providing truthful information and maintaining transparency about their operations and activities. They are expected to carry out due diligence on all Partner Recruiters, Subcontractors and Service Providers in Thailand or at source countries, and demonstrate accountability to the Employer at all times. Annex B-2 shows an example of possible links in the supply chain of a Recruiter working under MOU.

<sup>66</sup> BSCI. *System Manual* Part V-Annex 9, Code of Conduct Version 2: 2014.

- Why do we carry out Due Diligence?

Due diligence is done at various supply chain links to determine preventive measures that can be taken by the Processor/Supplier/Recruiter so that vulnerable workers are not harmed; so that the Employer/Company's business and reputation do not suffer negative impacts, whether due to direct or indirect involvement in violations of fundamental human/labor rights; and in order to avoid legal repercussions or judicial punishments for the Processor/Supplier/Recruiter and the migrant workers. **Direct involvement** originates from hiring and employment practices directly done by the Employer/Company or by a business partner/subcontractor authorized by the Employer/Company. **Indirect involvement** happens when the Employer/Company does not perform adequate due diligence of purchasing or recruitment practices by suppliers and service providers, who then, without the Employer/Company's knowledge or permission, intentionally or unintentionally, links them to abusive recruitment or employment practices.<sup>67</sup>

- What are the steps in carrying out Due Diligence?

The process that facilitates due diligence starts with supply chain mapping, followed by compilation of significant business partner information. After adequate information becomes available, the various steps of risk assessment - general risk assessment, specific risk assessment, conclusions on scoring/ rating of business partner, evaluation of which steps in a process may be impacted – are done in sequence, ending with standard procurement protocols, usually including requirements for COC signing. All of the steps and activities aim for transparency. The bottleneck in the process is usually the information gathering step. For Recruitment Intermediaries, specifically, the biggest challenge in due diligence, for Thai and source country brokers/agencies, is how to obtain accurate information with regards to their businesses, operations, personnel, subcontractors and fees.

- Supply Chain Mapping

This is meant to obtain an overview of how different stakeholders in the Employer/Company's supply chain relate to each other. Ideally, all upstream and downstream links should be mapped but due to the limitations of the FAIR Fish Project, priority will be given to first-tier Recruitment Intermediaries, with the primary goals of preventing the occurrence of violations to the ILO Core Conventions, especially forced labor, human trafficking and child labor. If any first-tier product suppliers present high indirect labor risks, due to their employment of migrant workers in a location, reported to have potential labor violations and many vulnerable workers, then these links should be included as well. An example of such a scenario is a fish aggregator facility, located in a Special Economic Zone (SEZ), employing migrant workers from Cambodia who use border passes to work.

Annex B-1 shows a seafood processor supply chain map while Annex B-2 outlines a Recruitment Supply Chain Map that shows various factors that may participate in finding, convincing, assisting and transporting job applicants across borders to work in Thailand. Ideally, the main recruiter, i.e. the Thai Recruitment Agency that signed the contract with the Thai Employer is responsible for vetting the partner recruiters and subcontractors in the source country and service providers in Thailand prior to contracting them. It is recommended that written agreements be put in place with clear definitions of responsibilities for all parties. The Thai Recruiter should present a documented oversight

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<sup>67</sup> BSCI. *Responsible Recruitment Guidelines for BSCI Participants*. September 2017.

plan for monitoring the activities of the partner recruiter and subcontractors. The recruitment supply chain map should then be juxtaposed with the recruitment process flowchart (Figure 1: MOU) in order to evaluate potential risks at the process steps (Table 1: MOU).

There are other links that require special attention under “Service Providers” in Annex B-1 and Annex B-2. These categories include, in addition to Recruitment Intermediaries, contractors for shrimp harvesting and sorting, peeling sheds, security and cleaning services, as well as other subcontractors for intermediary processes that may use part-time, piece-work or home workers.

- Recruitment Intermediaries Information

Annex B-3 is a sample form recommended for obtaining relevant business information for recruiters. This questionnaire and the other tools described below could be adapted for use by the Employer doing due diligence on the Recruiter; or the Thai Recruiter carrying out due diligence further along the line to source country partner recruiters, subcontractors and service providers. Cooperation is crucial from the Employer/Company’s top and middle management, especially Human Resources (HR), purchasing department, the Quality Management Representative (QMR) or the head of the Internal Quality Audit (IQA) Team in order to obtain accurate information. In some cases, news and other publicly available information will need to be researched and analyzed. At a minimum, the Employer/Company should have each Recruiter’s company information and copy of license on file. In addition, information should also be obtained on migrant workers’ source countries and migration routes; intermediaries or subcontractors (if used); what services are provided; what type of documents, job categories, industry sectors and work positions the Recruiter is familiar with and track record for successful job placement of migrant workers and meeting quota requests.

- Tools for Social Risk Assessment- General

**Process Flow:** Figure 1 and Table 1 are examples of a process-based general risk assessment for the MOU process. Similarly, Figure 2 and Table 2 show how to analyze general risks based on the steps and activities for the NV process. In both cases, the evaluation and analytical methods do not have specific rules other than dependence on familiarity and experience with the processes and with the players in the particular industry sector.

**Decision Tree:** Annex C-1 shows a tool with a series of questions related to the recruitment intermediary. Depending on the answers, accept/reject decisions are made. The criteria are based on the following five key concepts: licensing; knowledge of international standards and national standards on recruitment and employment; compliance with zero recruitment fee principles; handling of costs and expenses related to recruitment; employment contract terms and conditions.

- Tools for Social Risk Assessment- Specific

Annex C-2 shows two types of social risk assessment tools – one, a matrix; the other, a table.

**Matrix:** For social risk assessment using the matrix tool, assign ratings per company per workplace standard category for a combination of “severity” and “likelihood”. For example, for a Thai Recruiter working with a Burmese Partner Recruiter without a license; and who recruits hundreds of workers, the risk assessment for responsible recruitment will be as



follows: “likelihood” will be “highly likely” or “certain to happen”; “severity” will be “major” to “critical”. Therefore, the combination in the matrix will be a “red = high” rating for responsible recruitment. Each policy will be rated similarly.

**Table:** For this tool, assign scores for each workplace standard category as shown in Annex C-3, which is an expanded version. Factors that will impact the scoring for “severity” and “likelihood” are described below. Severe violations related to the ILO Core Conventions are considered zero tolerance areas. Any issues that are non-compliant with Thai national laws on labor, fisheries, and migrant worker management, likewise, will raise the rating to a higher risk on the scale. These are the same whether the matrix or table is used. Examples for issues that will impact the “severity” rating are as follows, with judgment guided by the degree of impact on the worker:

1. Critical/Major = zero tolerance issues, e.g., child labor, forced labor, discrimination, FOA
2. Major/Medium = working conditions, occupational health and safety, discrimination, FOA
3. Medium/Minor = documentation/paperwork, non-applicable or limited application by law

In rating “likelihood” for a specific policy or category, the Employer/Company should consider actual experience or similar incidents that have occurred or have been reported to occur within the industry sector they are part of. Since the ratings are arbitrary and could partly be qualitative or subjective, it is recommended to have a team, not one person, involved in the analysis and listing of applicable situations. It is also highly recommended to provide a documented explanation and a reason for the ratings. This will be useful for future reference, if and when changes happen that impact the SMS. After filling all the columns, assign a total score and social risk rating per policy.

- Determining Overall Social Risk Rating and Action

*Once all the workplace standards have been rated, a total Social Risk Assessment Rating should be given to the company/supplier being analyzed using traffic light color coding of red, yellow, and green.*

The final Social Risk Rating for each company is defined to reflect the cumulative ratings/scores from the assessments for each Workplace Standard. Annex C-4 shows a sample method that counts the number of red-ranked or red-scored categories/policies and assigns an overall Social Risk Rating.

A Recruiter that has no red categories gets an overall Social Risk Rating of green; those with one to four red categories are classified as yellow or medium risk. Recruiters/Companies with five to eight red categories, get a red rating. Corresponding actions are defined for each of those ratings ranging from signing a COC to requests for corrective/preventive actions to audits once or twice a year. In cases of violations for zero tolerance areas, the Recruiter may be rejected or blacklisted. Annex C-5 provides a risk assessment example for a Recruiter, a composite of various assumed scenarios.

- Establishing Procurement Protocols

The Employer/ Company may choose to incorporate into its Procurement Protocols criteria for selection of Recruitment Intermediaries, or what, in some organizations, is called the Approved Vendor List (AVL). Annex C-6 provides a list of requirements for a

Recruiter, which can be used for pre-qualification, pre-contract, post-delivery or periodic performance review depending on the AVL systems. Supply chain mapping, risk assessment and other due diligence efforts are factored into the criteria and weighted accordingly. At the same time, the legal status, track record, understanding of the FAIR Fish Core Policies and Procedures, knowledge on the zero recruitment fees principle and a good reputation within the industry are considered when evaluating the Recruiter. It is also important that the Recruiter or its partner companies and subcontractors are not linked to any negative news on fundamental human and labor rights violations in Thailand or elsewhere.

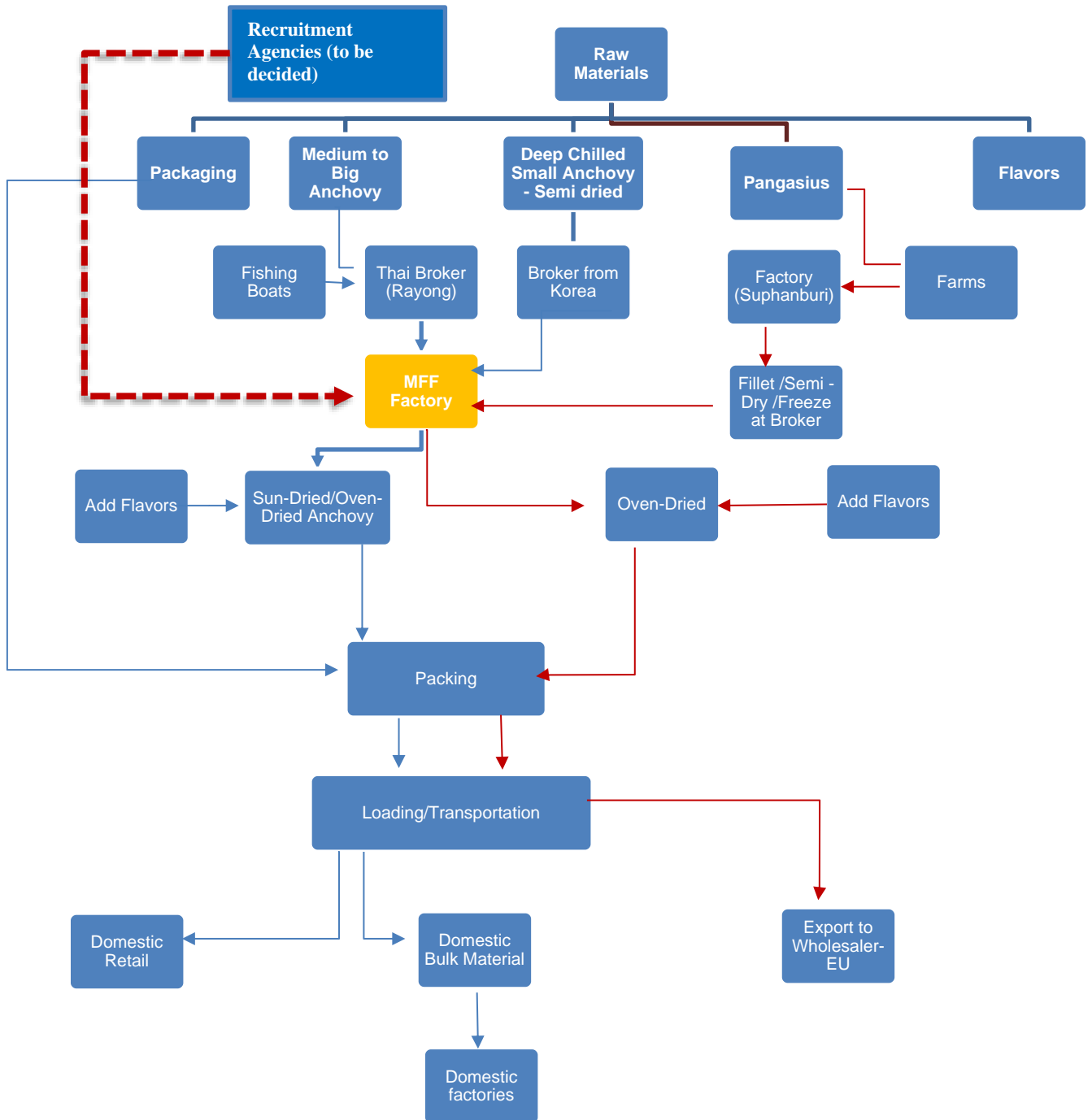
The criteria proposed can be adjusted and adapted by the Employer/Company according to their priorities. It is highly recommended apart from standardized Procurement Protocols, the Employer should assess the Recruiter's willingness to cooperate in the due diligence process as well as the Recruiter's understanding of the central role that due diligence plays in creating and maintaining a transparent supply chain. More importantly, if the Employer could obtain references from both sides of the border that will demonstrate transparency and accountability of the Recruiter, such information will provide vital proof of the Recruiter's ability to uphold the principles and concepts of responsible recruitment.

## Annex B Recruitment Supply Chain Map and Recruitment Questionnaire

### Annex B-I: Mapping of Labor Supply Chains – Significant Links and Vulnerable Workers

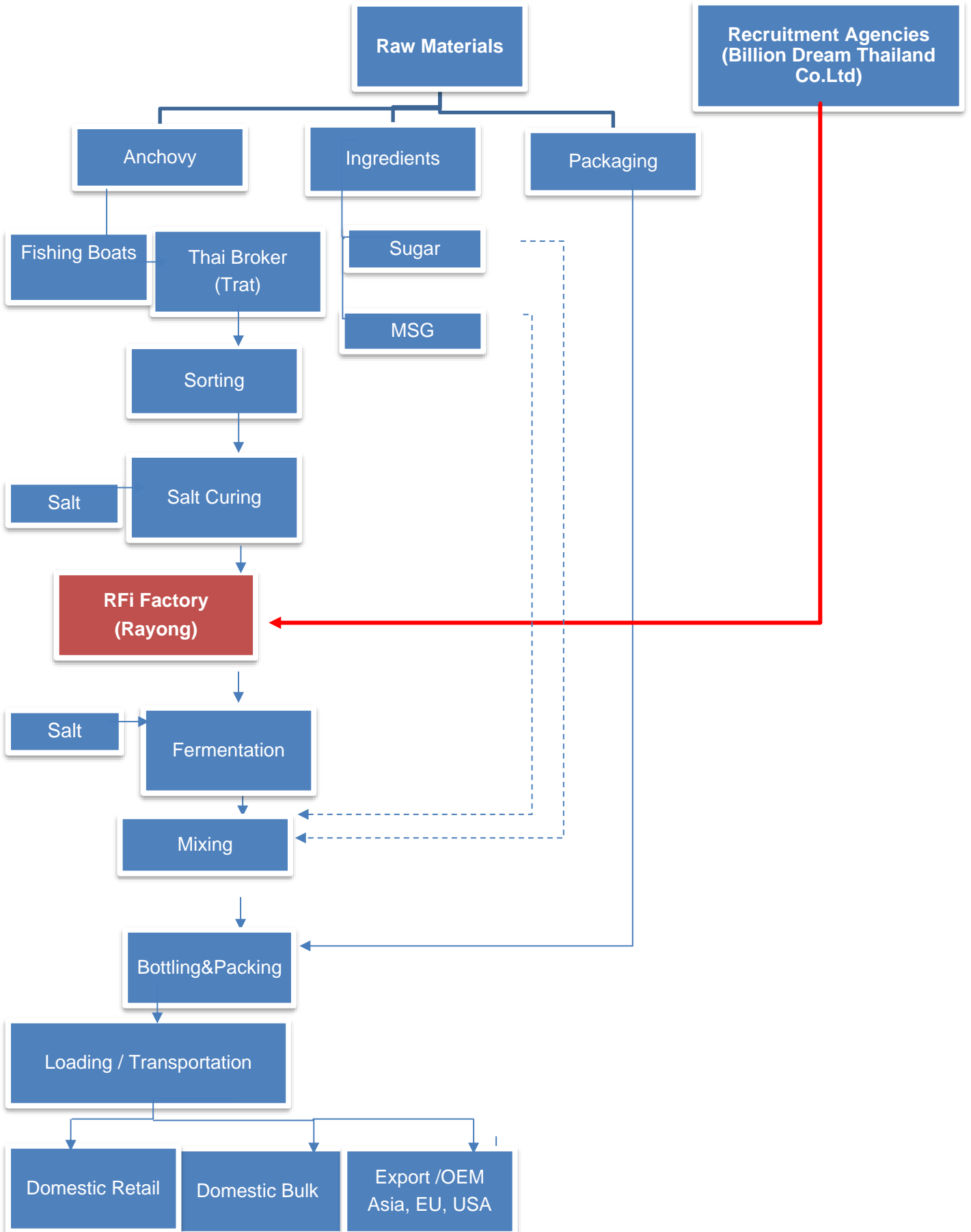
#### B-I.1: Seafood Processor Supply Chain Map – Marine Fine Foods

### Marine Fine Foods

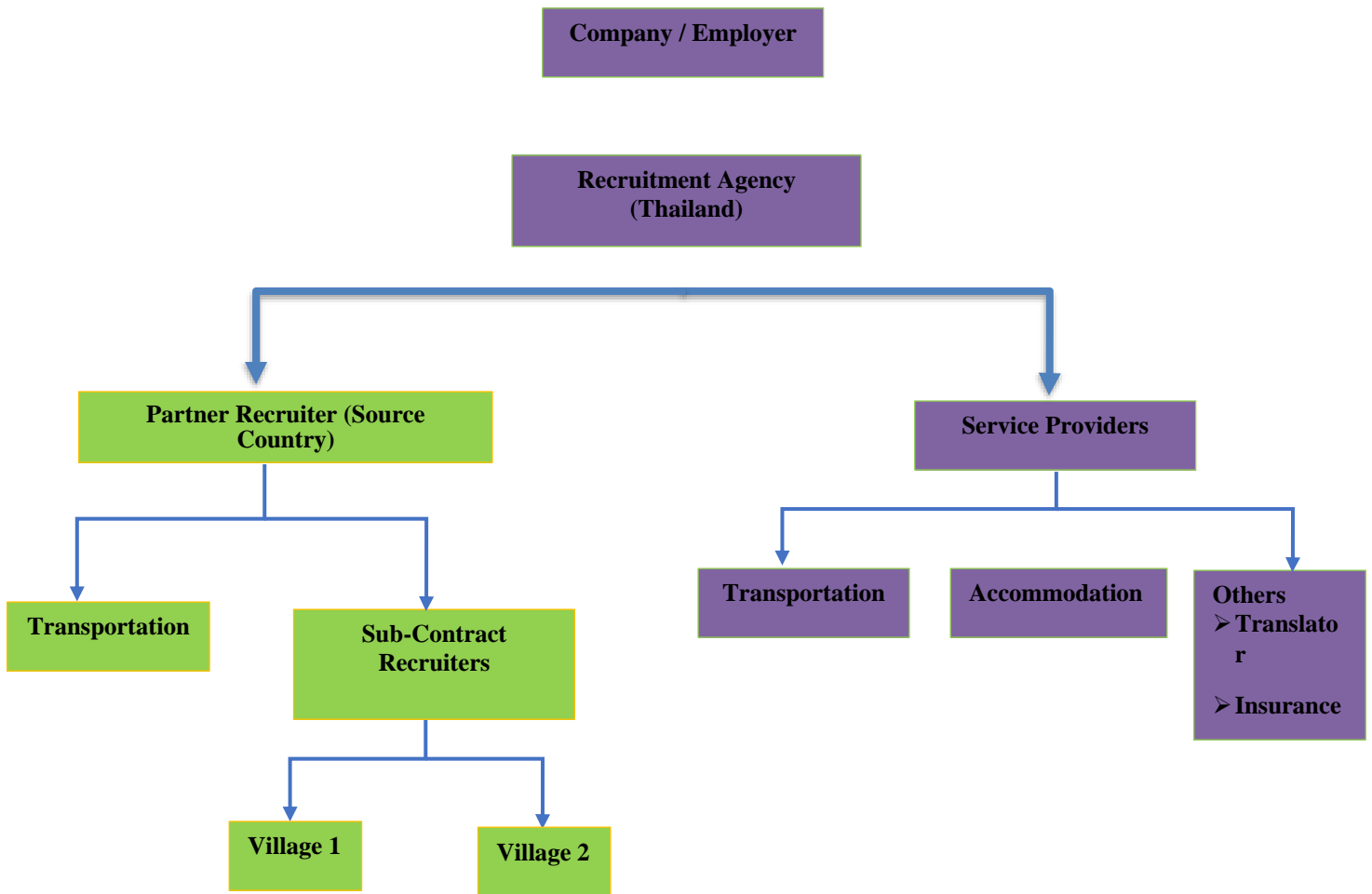


**B-1.2: Seafood Processor Supply Chain Map – Rayong Fish Sauce Industry**

**Rayong Fish Sauce Industry**



### Annex B-2: Recruitment Supply Chain Map



**Annex B-3: Recruitment Intermediary Questionnaire & Checklist**

<b>Name:</b>	<b>Date:</b>
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**Section I General Information on Company**

<b>I.1.1 Recruiter Agency/Labor Broker Name:</b>	<b>I.1.2. Registration/License No.:</b>
<b>I.1.3. Address:</b>	<b>I.1.4. Previous location (s):</b>
<b>I.1.5. Year Established:</b>	<b>TI.1.9.</b> <b>Total Number of Employees .....Persons</b> <b>Female..... Male.....</b>  <b>Organization Chart? <input type="checkbox"/> Yes <input type="checkbox"/> No</b>
<b>I.1.6. Affiliated Companies:</b>	
<b>I.1.7. Main Contact/Title:</b>	<b>I.1.8. E-mail:</b> <b>Telephone:</b>
<b>I.2.1. Overview of Supply Chain of Recruiter: (Number of clients, partner recruiters, service providers)</b> <input type="checkbox"/> <b>Thai Employers (Seafood).....</b> <input type="checkbox"/> <b>Thai Employers (Other Food).....</b> <input type="checkbox"/> <b>Thai Employers (Non-Food).....</b>	

<input type="checkbox"/> <b>Thai Partner Labor Brokers</b> ..... <input type="checkbox"/> <b>Source Country Recruiters</b> ..... <input type="checkbox"/> <b>Transportation</b> ..... <input type="checkbox"/> <b>Accommodation</b> ..... <input type="checkbox"/> <b>Translation/Interpreters</b> ..... <input type="checkbox"/> <b>Legal</b> ..... <input type="checkbox"/> <b>Security</b> ..... <input type="checkbox"/> <b>Others, specify</b> .....	
<b>I.2.2. Industry Sectors Serviced (%)</b>	<input type="checkbox"/> <b>Seafood</b> ..... <input type="checkbox"/> <b>Other Food</b> ..... <input type="checkbox"/> <b>Agriculture</b> ..... <input type="checkbox"/> <b>Fishing</b> ..... <input type="checkbox"/> <b>Construction</b> ..... <input type="checkbox"/> <b>Others</b> .....
<b>I.2.3. Work Categories Serviced (%)</b>	<input type="checkbox"/> <b>Factory Workers</b> ..... <input type="checkbox"/> <b>Seamen</b> ..... <input type="checkbox"/> <b>Construction</b> ..... <input type="checkbox"/> <b>Agriculture</b> ..... <input type="checkbox"/> <b>Domestic Help</b> ..... <input type="checkbox"/> <b>Others</b> , .....
<b>I.2.4. Total number of migrant workers recruited per year – average for the last two years; % of women and men</b>	<input type="checkbox"/> <b>Myanmar total</b> .....persons; women .....%; men.....%
	<input type="checkbox"/> <b>Cambodia: total</b> .....persons; women.....%; men.....%
	<input type="checkbox"/> <b>Laos: total</b> .....persons; women.....%; men.....%
	<input type="checkbox"/> <b>Others, specify</b> , .....total .....persons; <b>Women</b> .....%; <b>men</b> .....%

<p><b>1.2.5. Source Countries for migrant workers (% of total number of workers recruited) – average last two years</b></p>	<p><input type="checkbox"/> Myanmar .....%;  <input type="checkbox"/> Cambodia: .....%  <input type="checkbox"/> Laos.....%;  <input type="checkbox"/> Others, specify..... ; .....% of total number of workers</p>
<p><b>1.2.6. No. of Partner Recruiters in host and source countries and registrations</b></p>	<p><input type="checkbox"/> Thailand.....persons; .....companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>By which agency?.....License No. ....</b></p>
	<p><input type="checkbox"/> Myanmar .....persons; .....companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>By which agency?.....License No. ....</b></p>
	<p><input type="checkbox"/> Cambodia: .....persons; .....companies; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>By which agency?.....License No. ....</b></p>
	<p><input type="checkbox"/> Laos.....persons.....companies; ; licensed <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>By which agency?.....License No. ....</b></p>
	<p><input type="checkbox"/> Others, specify.....persons.....companies  <b>By which agency?.....License No. ....</b></p>
<p><b>1.2.7. No. of subcontractors and service providers in Thailand and licenses</b></p>	<p><input type="checkbox"/> Transportation .....persons; .....companies;          licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued By?.....  <b>License No.....</b></p>
	<p><input type="checkbox"/> Accommodation.....persons; .....companies          licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued by?.....  <b>License No.....</b></p>
	<p><input type="checkbox"/> Translation/Interpreters.....persons; .....companies;          licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued by?.....  <b>License No.....</b></p>
	<p><input type="checkbox"/> Legal .....persons; .....companies;          licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued by?.....  <b>License No.....</b></p>
	<p><input type="checkbox"/> Security.....persons; .....companies          licensed <input type="checkbox"/> Yes <input type="checkbox"/> No; license issued by?.....  <b>License No.....</b></p>



	<input type="checkbox"/> <b>Others; specify</b> .....; .....persons; .....companies licensed <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> ; license issued by?..... License No.....
<b>1.2.8. No. of subcontractors and service providers in Source Country and licenses</b>	<input type="checkbox"/> <b>Transportation</b> .....persons; .....companies; licensed <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> ; license issued by?..... License No.....
	<input type="checkbox"/> <b>Accommodation</b> .....persons; .....companies licensed <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> ; license issued by?..... License No.....
	<input type="checkbox"/> <b>Translation/Interpreters</b> .....persons; .....companies; licensed <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> ; license issued by?..... License No.....
	<input type="checkbox"/> <b>Legal</b> .....persons; .....companies; licensed <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> ; license issued by?..... License No.....
	<input type="checkbox"/> <b>Security</b> .....persons; .....companies; licensed <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> ; license issued by?..... License No.....
	<input type="checkbox"/> <b>Others; specify</b> .....; .....persons; .....companies licensed <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> ; license issued by?..... License No.....
<b>1.2.9. Migration Route – Specify town or city names in source and host countries</b>	<b>Myanmar:</b> <input type="checkbox"/> <b>Villages</b> ..... <input type="checkbox"/> <b>Pre-departure processing center</b> ..... <input type="checkbox"/> <b>Border crossing</b> ..... <input type="checkbox"/> <b>Post-arrival center</b> ..... <input type="checkbox"/> <b>Others, specify</b> .....

	<p><b>Cambodia:</b> <input type="checkbox"/> Villages.....</p> <p><input type="checkbox"/> Pre-departure processing center.....</p> <p><input type="checkbox"/> Border crossing.....</p> <p><input type="checkbox"/> Post-arrival center.....</p> <p><input type="checkbox"/> Others, specify .....</p>
<p><b>1.2.10 Method of Travel, Transit Points, In-Transit Accommodation</b></p>	<p><b>Myanmar:</b> <input type="checkbox"/> by land <input type="checkbox"/> by air <input type="checkbox"/> by boat; Transit <input type="checkbox"/> Yes <input type="checkbox"/> No Transit point (s).....</p>
	<p><b>Cambodia:</b> <input type="checkbox"/> by land <input type="checkbox"/> by air <input type="checkbox"/> by boat; Transit <input type="checkbox"/> Yes <input type="checkbox"/> No Transit point (s).....</p>
	<p><b>Laos :</b> <input type="checkbox"/> by land <input type="checkbox"/> by air <input type="checkbox"/> by boat; Transit <input type="checkbox"/> Yes <input type="checkbox"/> No Transit point (s).....</p>
	<p><b>Who accompanies migrant workers?</b> <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Others</p>
	<p><b>In-Transit Accommodation? :</b> <input type="checkbox"/> hotel <input type="checkbox"/> house <input type="checkbox"/> others, .....</p>
<p><b>1.2.11 Recruitment fees and costs</b></p>	<p><b>Who pays for job application and recruitment fees?</b> <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Worker</p>
	<p><b>Who pays for document processing and issuance?</b> <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Worker</p>
	<p><b>Who pays for pre-departure travel and other costs?</b> <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Worker</p>
	<p><b>Who pays for cross-border travel and post-arrival costs?</b> <input type="checkbox"/> Thai Employer <input type="checkbox"/> Thai Recruiter <input type="checkbox"/> Source Country Recruiter <input type="checkbox"/> Worker</p>
<p><b>1.3.1. Internal Audits and Management Review</b></p>	<p><b>Do you do the following activities?</b></p>
	<p><input type="checkbox"/> Internal Audit of Social Policies and Practices <input type="checkbox"/> Yes <input type="checkbox"/> No <b>By?</b> .....<b>Frequency</b>&gt;.....</p>

	<p><input type="checkbox"/> <b>Management Review of HR Policies and Practices</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>  <b>By?</b>  .....<b>Frequency</b>&gt;.....</p>
<p><b>1.3.2. Certifications for Recruiter - 2<sup>nd</sup> party and 3<sup>rd</sup> party</b></p>	<p><b>Does the Recruitment Agency have any certifications for any of the following?</b>  <b>Thai Labor Laws Compliance?</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>  <b>Issued by?</b> .....<b>Certificate No.</b>  .....  <b>Responsible Recruitment Practices</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>  <b>Issued by?</b> .....<b>Certificate No.</b>  .....  <b>Social Management Systems</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>  <b>Issued by?</b> .....<b>Certificate No.</b>  .....</p>
<p><b>1.3.3. Due Diligence</b></p>	<p><b>Has the Recruitment Agency carried out the following?</b>  <input type="checkbox"/> <b>Supply chain mapping;</b>  <input type="checkbox"/> <b>Risk Assessment- own, all partners;</b>  <input type="checkbox"/> <b>Signed Employer’s Code of Conduct (COC);</b>  <input type="checkbox"/> <b>Asked Partners to sign a COC;</b>  <input type="checkbox"/> <b>Signed legal contract with the Employer;</b>  <input type="checkbox"/> <b>Signed legal contracts with all partners</b></p>
<p><b>1.3.4. Social Policies, Company Rules</b></p>	<p><b>Does the Recruitment Agency have documented policies, procedures and protocols that adequately address?</b>  <input type="checkbox"/> <b>Four Core Rights under ILO Conventions</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>  <input type="checkbox"/> <b>Responsible Recruitment Principles</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>  <input type="checkbox"/> <b>Decent Work Principles</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>  <input type="checkbox"/> <b>Ethical Business Policies</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>  <input type="checkbox"/> <b>Company Rules compliant to Thai Labor Laws</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b></p>

<p><b>I.3.5. Training Programs</b></p>	<p><b>Has training been developed, received, delivered or facilitated for</b>  <input type="checkbox"/> <b>Middle/top management of Recruitment Agency</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>HR Personnel of Recruitment Agency</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Social Management System / Internal Audit Team</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Significant Partners Core Teams or HR personnel</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Pre-Departure Migrant Workers Training</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Post-Arrival Thai government training</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>I.3.6. Disciplinary Action Protocols</b></p>	<p><b>Are these defined in the</b> <input type="checkbox"/> <b>Company Rules;</b> <input type="checkbox"/> <b>the Employment Contract;</b> <b>explained to the worker in their language</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>I.3.7. Grievance / Complaints Mechanisms</b></p>	<p><b>Does the Recruitment Agency have or do the following?</b>  <input type="checkbox"/> <b>Confidential Grievance / Complaint protocols</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Person-in-Charge trained on gender-sensitivity</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Provide emergency contacts to migrant workers</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Requires Partners to have grievance mechanism</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>I.3.8. Remediation Policies &amp; Strategies</b></p>	<p><b>Does the Recruitment Agency have or do the following?</b>  <input type="checkbox"/> <b>Remediation Policies and Procedures</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Corrective Actions and Preventive Measures</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Keeps a list for emergency contacts and agencies</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Requires Partners to have Remediation Protocols</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>I.3.9. Reference Laws, Standards</b></p>	<p><b>Does the Recruitment Agency understand?</b>  <input type="checkbox"/> <b>ILO Fair Recruitment Principles/Guidelines</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>BSCI Social Management System</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> <b>Thai Labor Laws requirements</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<b>Information on Current Recruitment Agency Staff</b>					
<b>I.4.1. Number of managers and staff working for recruitment agency</b>					
Nationality	18 – 24 years old		25 years up		Total
	Male	Female	Male	Female	
Thai					
Myanmar					
Cambodia					
Laos					
Other Countries					
Disabled persons					
<b>Total managers and staff</b>					

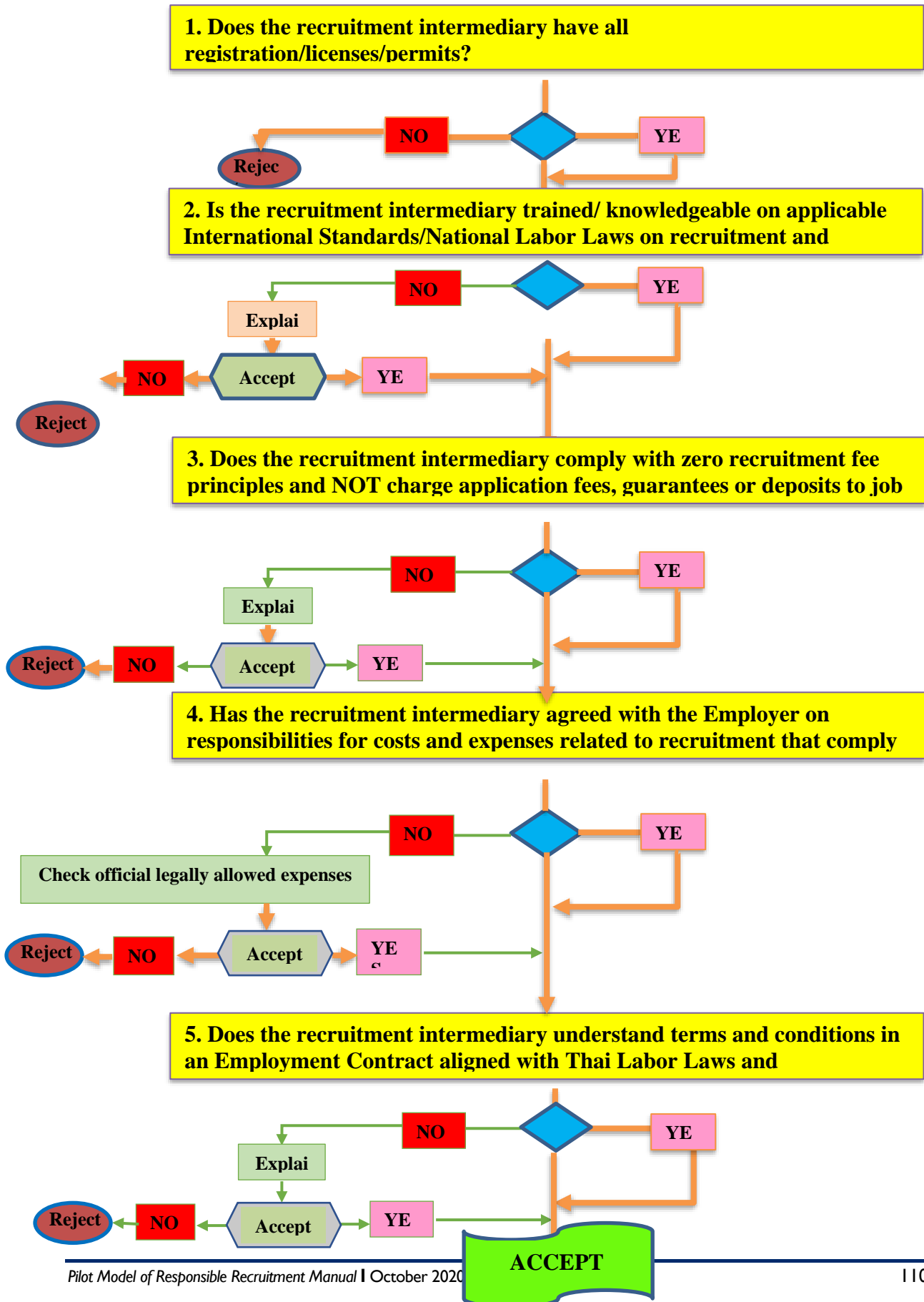
<b>Information on Migrant Workers Recruited for the past twelve months</b>					
<b>I.5.1. Number of migrant workers by nationality and age group</b>					
Nationality	18 – 24 years old		25 years up		Total
	Male	Female	Male	Female	
Myanmar					
Cambodia					
Laos					
Other Countries					

<b>I.5.2. Method of Recruitment</b>	<b>MOU System</b>	<b>Nationality Verification (NV)</b>	<b>Other Systems (specify)</b>	<b>Total</b>	<b>Remarks</b>
Myanmar					
Cambodia					
Laos					
Others					

<b>I.5.3. Identity Documents</b>	<b>Travel and Identity Documents issued by the country of origin</b>			<b>Work Permit issued by the Thai authorities</b>			
	<b>Full passport</b>	<b>Temporary Passport</b>	<b>Certificate of Identity</b>	<b>Pink Card</b>	<b>Blue Book</b>	<b>Others</b>	<b>Total</b>
<b>MOU</b>							
<b>NV</b>							
<b>Direct /Walk-in</b>							
<b>Others</b>							

## Annex C: Tools for Social Risk Assessment – Evaluation and Ranking of Recruiters

### C-1: Decision Tree for General Risk Assessment



## C-2: Two Types of Specific Risk Assessment Tools

**Potential Social Risk (Matrix) = severity x likelihood = rating/category**

**Potential Social Risk (Tables) = severity x likelihood x preventive measures = score/category**

For Option 1, define the criteria and combination of likelihood and severity in the matrix for significant risk levels per workplace standard category. Then tabulate the results for all the categories and count the red ones to decide the overall supplier/recruiter social risk rating.

For Option 2, score in a table to define a significant risk level score/ workplace standard category. Calculate the total scores for each workplace standard category. Count the number of red categories to obtain a total social risk rating for each supplier/ recruiter.

### Option 1. Matrix Example

Likelihood Severity	Certain to Happen	Highly Likely to Happen	Could Possibly Happen	Unlikely to Happen
Critical	Red	Red	Yellow	Green
Major	Red	Red	Yellow	Green
Moderate	Yellow	Yellow	Yellow	Green
Minor	Green	Green	Green	Green

#### Legend:

Per workplace standard category: Combination above: red = high; yellow = medium; green = low.

### Option 2. Table Example

Workplace Standard	Severity (S)	Likelihood (L)	Preventive Measures (P)	Total Score (S x L x P)	Social Risk Rating
Forced Labor	4	3	2	24	High
OSH	3	2	2	12	Medium

#### Legend:

1) Per workplace standard category:

“Severity” – critical = 4, major = 3, medium = 2, minor = 1

“Likelihood” – certain = 4, highly = 3, possibly = 2; unlikely = 1

“Preventive Measures”- social systems good = 1, acceptable = 2, needs improvement = 3

2) For “Total Score” (severity x likelihood x preventive measures)

High (Red) = 24 and above; Medium (Yellow) = 12 to 23; Low (Green) = 1 to 11

**Overall Company Social Risk Rating = Rating/Total Scores from all Eight Categories – see Annex C-4**

**High (Red) = five to eight red; Medium (Yellow) = one to four red; Low (Green) = zero red**

### C-3: Specific Risk Assessment Chart for Scoring Each Policy

#### RISK ASSESSMENT FOR RECRUITERS

**Instruction:** please refer to Annex A Due Diligence on how to use this table.

**Recruiter: ABCD Agency )\_\_\_\_\_ Migrant Workers from \_\_\_\_\_ recruited/to be recruited through \_\_\_\_\_(**

FAIR FISH Core Policies – Incidents or Indicators	Severity (S)	Reason	Likelihood (L)	Reason	Preventive Measures (P)	Reason	Total Score (S×L×P)	Social Risk Rating (Score or Color)
No Forced Labor								
No Child Labor								
No Discrimination								
Responsible Recruitment								
Freedom of Association and Collective Bargaining								
Anti-Trafficking in Persons								
Grievance and Remediation								
Decent Working Conditions								

**Legend:** **Severity:** Critical = 4; Major = 3; Medium = 2 ; Minor = 1

**Likelihood:** Certain = 4; Highly = 3; Possibly = 2; Unlikely = 1

**Preventive Measures:** Labor Systems Good = 1; Acceptable = 2; Needs Improvement = 3



**Calculate each Policy's Total Risk Score using this formula: Severity x Likelihood x Quality of Preventive Measures**

Low Risk: 1 to 11 (Green Color)

Medium Risk: 12 to 23 (Yellow Color)

High Risk: 24 and above (Red Color)

**Social Risk Rating Level for Company: Count the number of red colored policies**

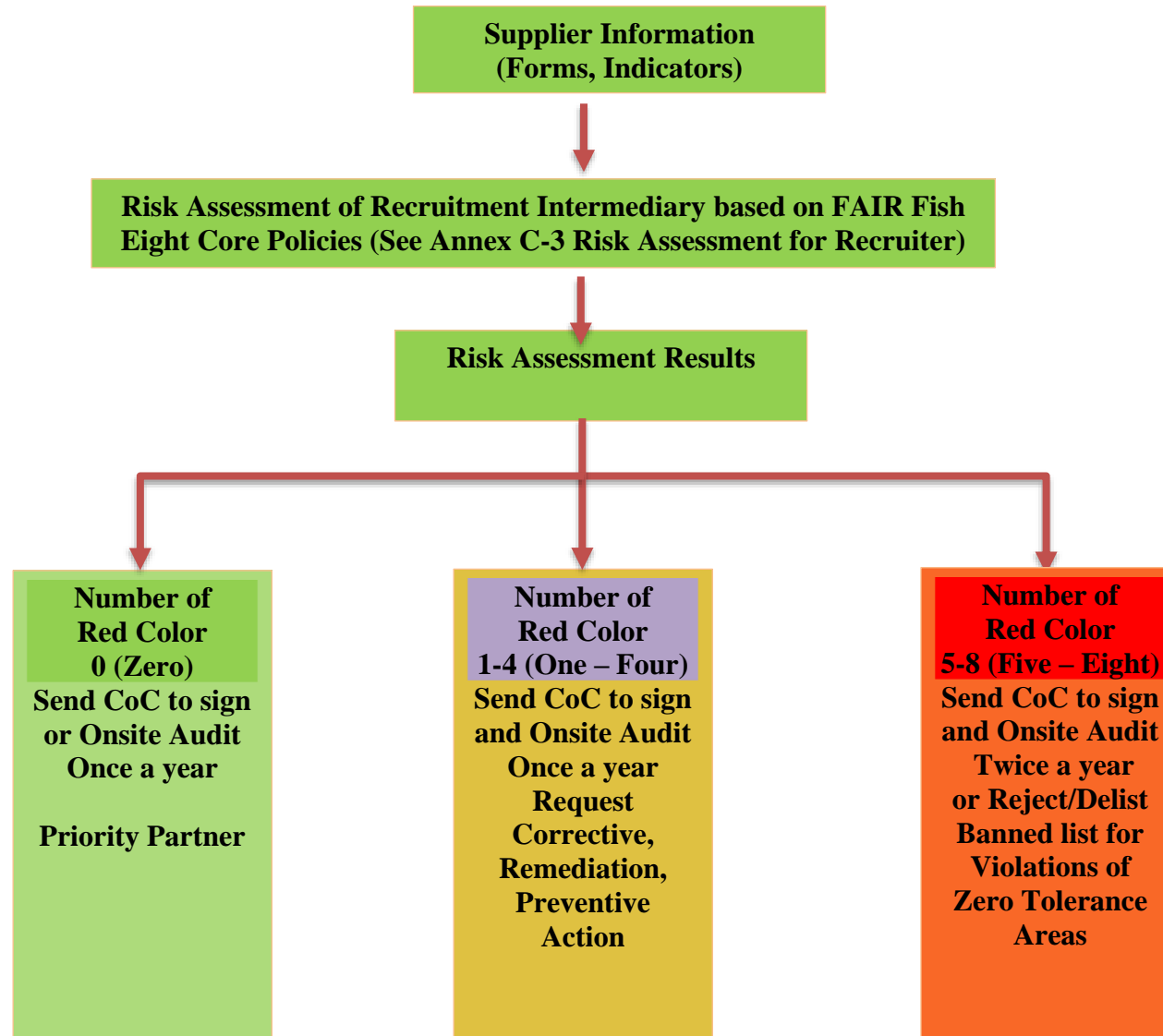
Low (Green) Risk Level (Red Color 0) Send CoC to sign or Onsite Audit, Once a year

Medium (Yellow) Risk Level (Red Color 1-4) Send CoC to sign and Onsite Audit, Once a year; request remediation, corrective and preventive actions.

High (Red) Risk Level (Red Color 5-8) Reject or send CoC and Onsite Audit, Twice a year; request remediation, corrective and preventive actions

**Comments, Recommendations, Next Steps to Recruiter by Employer – For Red Social Risk Rating, the Stop Business/Delisting options could be invoked**

### C-4: Determining Final Ranking and Action



**C-5: Example of Specific Risk Assessment for MOU Recruiter**

**RISK ASSESSMENT FOR RECRUITERS**

Recruiter: ABCD Agency )12 Migrant Workers from Cambodia recruited through MOU(

FAIR FISH Core Policies – Incidents or Indicators	Severity (S)	Reason	Likelihood (L)	Reason	Preventive Measures (P)	Reason	Total Score (S×L×P)	Social Risk Rating
No Forced Labor	4	Two workers asked recruiter for advance/ guarantee for job; repayment agreement	3	Incidents occurred in the last year	2	No SMS but training on FAIR Fish policies completed; sign CoC	24	
No Child Labor	4	One worker found to be 17 years old- not allowed by law for seafood processing	3	Discovered during interview by external auditor within the last six months	2	No SMS but training on FAIR Fish core policies completed; sign CoC	24	
No Discrimination	3	If found, consider to be major	1	Recruiter has female staff and history shows gender balance in recruiting	2	No SMS but training on FAIR Fish core policies completed and sign COC	6	
Responsible Recruitment	3	Licensed but if violations found consider to be major	2	Control by Department of Fisheries and Department of Employment	2	No SMS but training on FAIR Fish policies; DOF and DOE laws and	12	

FAIR FISH Core Policies – Incidents or Indicators	Severity (S)	Reason	Likelihood (L)	Reason	Preventive Measures (P)	Reason	Total Score (S×L×P)	Social Risk Rating
						requirements; sign CoC		
Freedom of Association and Collective Bargaining	1	Number of workers at company not enough for Welfare committee	1	Unlikely; labor inspections by Department of Employment	2	No SMS but training on FAIR Fish policies and at DOE for Thai Labor Laws ; sign CoC	2	
Anti-Trafficking in Persons (TIP)	4	Licensed, but if violations or indicators found, consider to be critical	2	Information on travel from Cambodia to Thailand by land incomplete but no major complaints from migrant workers	2	No SMS but training on FAIR Fish policies and on Thai laws at DOE and DOF; sign CoC	16	
Grievance and Remediation	2	Workers have face-to-face communication with local recruiter and contact with Employer	1	Recruiter provides channel of communication locally and provide updates to Thai Employer by video	2	No SMS but training on FAIR Fish policies; on Thai laws by DOE and training with Department of Labor Protection and Welfare; sign CoC	4	

FAIR FISH Core Policies – Incidents or Indicators	Severity (S)	Reason	Likelihood (L)	Reason	Preventive Measures (P)	Reason	Total Score (S×L×P)	Social Risk Rating
Decent Working Conditions	2	Employment Contract based on template from Thai DOE aligned with Thai Labor Laws; worker has original	1	Recruiter familiar with National Laws (Social Security, Department of Labor Protection and Welfare, Department of Fisheries)	2	Accept because there has been training, involved with Inter Company Working Group – FAIRFISH project and sign CoC	4	

**Legend:**      **Severity:** Critical = 4; Major = 3; Medium = 2; Minor = 1  
**Likelihood:** Certain = 4; Highly = 3; Possibly = 2; Unlikely = 1  
**Preventive Measures:** Labor Systems Good = 1; Acceptable = 2; Needs Improvement = 3

**Calculate each Policy’s Total Risk Score using this formula: Severity x Likelihood x Quality of Preventive Measures**

Low Risk: 1 to 11 (Green Color)  
 Medium Risk: 12 to 23 (Yellow Color)  
 High Risk: 24 and above (Red Color)

**Social Risk Rating Level for Company: Count the number of red colored policies**

Low Risk Level      (Red Color 0)      Send CoC to sign or Onsite Audit, Once a year  
 Medium Risk Level      (Red Color 1-4)      Send CoC to sign and Onsite Audit, Once a year, request remediation, corrective and preventive actions.  
 High Risk Level      (Red Color 5-8)      Reject or Send CoC to sign and Onsite Audit, Twice a year; request remediation, corrective and preventive actions

Next steps to Recruiter by Employer – For Red Social Risk Rating, the Stop Business/Delisting/ Blacklist for Zero Tolerance options could be invoked

## **Overall Social Risk Rating for Recruiter: Medium Risk (Yellow)**

### **Comments to Recruiter by Fish Processor:**

Recruiter overall appears knowledgeable about fundamental human and labor rights and tries to keep up with training from government agencies and private sector when available. However, understanding of recruitment fees principles and concepts as they relate to forced labor need improvement – incident regarding advance and guarantee may have been considered by recruiter as helping the workers but is not acceptable. After investigation, child labor incident discovered to be due to lack of accurate means of authenticating documents – again, controls regarding this issue at source country need to be strengthened.

### **Conclusions and Recommendations about Recruiter by Fish Processor:**

On Site Audit once a year; request for documented corrective and preventive action plan on above two issues.

### C-6: Procurement Criteria for Selection of Recruiters

**Instruction:** Please fill in the score for each criterion in the “score” column and add up all of the scores. If the final score is 80 – 100, it means “excellent;” if it is 51 – 79, it means “acceptable;” and if it is 50 and below, it means “fail.”

Criteria	Description/ Indicators	Ideal Score	Score
Migrant Workers	Track record of recruiting number of migrants requested, completing cross-border paperwork and approvals <u>Evidence:</u> number of migrant workers, approvals and timelines for processing during the past two years	10	
Legal Status	Complies with licensing requirements under Thai laws on labor and migrants; names and legal status of all partner recruiters, subcontractors and service providers available <u>Evidence:</u> Thai Recruiter license, Partner Recruiter (s) and subcontractor license; procurement criteria for service providers	20	
Social Policies and Standards	Training or documented policies and procedures aligned with FAIR Fish eight core policies and implementation procedures plus ethical business policies <u>Evidence:</u> training certificates or curriculum; documented policies and procedures	10	
Due Diligence	Supply chain mapping of vulnerable workers; due diligence on partner recruiters, subcontractors and service providers; Code of Conduct signing <u>Evidence:</u> supply chain map; risk assessment forms and conclusions; Code of Conduct signed (Employer, Partners); procurement protocols	20	
Recruitment Fees and Expenses	Recruitment fees (application, deposit, guarantee) and expenses (documents, travel, etc.) not charged to worker; advances and loans not offered to worker <u>Evidence:</u> accounting, oversight protocols	20	
Negative News	No negative news about human and labor rights violations involving company in local and global media <u>Evidence:</u> media (including on-line) reports; industry and NGO report	20	
<b>Total Score</b>		100	

Category B will be asked to make improvements while Category C may be given another chance.

## C-7: Code of Conduct Example for Suppliers/Recruiters

### Company Letterhead Supplier Code of Conduct (For Business Partner .....).

บริษัทฯ มุ่งมั่นในการดำเนินธุรกิจด้วยความโปร่งใส สุจริต เป็นไปตามกฎหมาย หลักการกำกับดูแลกิจการที่ดี และแนวทางการพัฒนาที่ยั่งยืน โดยมุ่งเน้นการสร้างจิตสำนึกที่ดีเกี่ยวกับความรับผิดชอบต่อสังคม

The Company is committed to conducting business with transparency, honesty, adherence to the law and regulatory principles, good corporate governance, and sustainable development guidelines, focusing on creating good awareness about social responsibility.

บริษัทฯ จึงได้กำหนดจรรยาบรรณด้านสังคมสำหรับคู่ค้าธุรกิจ เพื่อใช้เป็นแนวทางปฏิบัติในการดำเนินธุรกิจ สอดคล้องกับกฎหมาย นโยบาย และจรรยาบรรณของบริษัทฯ ตลอดจนมาตรฐานสากล โดยบริษัทฯ ให้ความสำคัญ และสนับสนุนให้คู่ค้าดำเนินธุรกิจด้วยความโปร่งใส ปฏิบัติตามมาตรฐานการจัดการทางสังคม รวมถึงติดตามการดำเนินการ ให้เป็นไปตามจรรยาบรรณนี้อย่างเคร่งครัด

The Company has therefore established the codes of ethics for Business Partners. They are to be used as guidelines for business operations in order to comply with the legal requirements, policies and ethics of the Company, as well as international standards. The Company gives importance to and supports business partners with transparency, and compliance to social management standards, including tracking strict adherence to this Code of Conduct.

บริษัทฯ มุ่งหวังเป็นอย่างยิ่งว่าหลักการของจรรยาบรรณคู่ค้าธุรกิจ จะผลักดันประสิทธิภาพการทำงานระหว่าง บริษัทฯ กับคู่ค้าทุกรายไปสู่การทำงานที่สร้างความเชื่อมั่นและคุณค่าให้กับผู้มีส่วนได้เสียทุกฝ่าย

The Company strongly hopes that the principles of our Code of Business Ethics will drive work efficiency between companies, with all business partners, to facilitate work that creates confidence and long-term value for all stakeholders.

#### **ขอบเขตและแนวปฏิบัติ (Scope and guidelines)**

#### **จริยธรรมทางธุรกิจ (Business Ethics)**

ในการดำเนินธุรกิจ ให้ความสำคัญต่อหลักจริยธรรม ความซื่อสัตย์สุจริต และความเป็นธรรม ต่อผู้มีส่วนได้เสียทุกฝ่าย ปฏิบัติตามกฎหมาย กฎเกณฑ์และ ระเบียบของภาครัฐ ไม่มีส่วนร่วมการทุจริตคอร์รัปชันในทุกรูปแบบ

In conducting business, the importance of ethics, honesty and fairness to all stakeholders comply with the laws, rules and regulations of the government and do not involve any form of corruption.

#### **การปฏิบัติด้านแรงงานและสิทธิมนุษยชน (Labor and Human Rights Practices)**

บริษัทฯ ให้ความสำคัญกับสิทธิมนุษยชนขั้นพื้นฐาน เพื่อส่งเสริมการเคารพต่อสิทธิและเสรีภาพของผู้มีส่วนได้เสียทุกฝ่าย โดยปราศจากการเลือกปฏิบัติใด ๆ และไม่ยอมรับอย่างเด็ดขาดในทุกการกระทำที่เกี่ยวข้องกับการค้ามนุษย์ การใช้แรงงานบังคับ แรงงานขัดหนี้และแรงงานทาสในทุกรูปแบบ ส่งเสริมความเสมอภาค ไม่เข้าไปมีส่วนเกี่ยวข้องกับ



การเลือกปฏิบัติด้วยเหตุแห่งเพศสภาพและชนชั้น ไม่ยอมรับหรือส่งเสริมการใช้แรงงานเด็ก และต่อต้านการทุจริตทุกรูปแบบ ซึ่งเป็นหลักการสำคัญในการปฏิบัติตามนโยบาย 8 ประการของบริษัทฯ ดังต่อไปนี้

The Company gives importance to basic human rights in order to promote respect for the rights and freedoms of all without any form of discrimination. Zero tolerance for all acts of human trafficking and all forms of forced, bonded, slave and indentured labor; promoting equality by not engaging in gender-based and class-based discrimination; not allowing or encouraging child labor; and resisting all forms of corruption; are central to compliance with the eight core policies of the Company as follows:

- นโยบายการสรรหาด้วยความรับผิดชอบและเป็นธรรม คู่ค้ามุ่งมั่นที่จะรักษาหลักการและแนวทางการสรรหาด้วยความรับผิดชอบและเป็นธรรม ซึ่งเคารพ ปกป้อง และปฏิบัติตามสิทธิมนุษยชนที่เป็นที่ยอมรับในระดับสากล รวมถึงข้อปฏิบัติมาตรฐานแรงงานระหว่างประเทศ โดยเฉพาะอย่างยิ่งสิทธิเสรีภาพในการสมาคมและการต่อรองร่วมกัน การป้องกันและขจัดแรงงานบังคับ แรงงานเด็ก และการเลือกปฏิบัติในทุกขั้นตอนของกระบวนการสรรหาบุคลากรและการจ้างงาน
- **Responsible Recruitment Policy** - Suppliers are committed to maintaining responsible recruitment principles and guidelines that respect, protect and comply with internationally recognized human rights, including international labor standards and regulations especially the right to freedom of association and collective bargaining, prevention and elimination of forced labor, child labor and discrimination, in every step of the recruitment and employment processes.
- นโยบายสภาพการทำงานที่มีคุณค่า คู่ค้าให้ความสำคัญในหลักการพื้นฐานและสิทธิในการทำงาน ตามมาตรฐานหลักขององค์กรแรงงานระหว่างประเทศ) ซึ่งก่อให้เกิดการจ้างงานที่มีประสิทธิผลและการสร้างรายได้สำหรับผู้หญิงและผู้ชายอย่างเท่าเทียม และที่มีการกำหนดในเรื่องของการคุ้มครองทางสังคมและการส่งเสริมให้มีการเจรจาทางสังคม ทั้งนี้ คู่ค้าต้องปฏิบัติตามกฎหมาย กฎ และข้อบังคับเกี่ยวกับการจ่ายค่าจ้างและชั่วโมงการทำงานที่บังคับใช้ทั้งหมด โดยรวมถึงเรื่องการกำหนดชั่วโมงการทำงานสูงสุด การทำงานนอกเวลาวันหยุด วันลา และวันหยุดราชการให้เหมาะสม
- **Decent Work Conditions Policy** - Suppliers must respect basic principles of decent work (according to the International Labor Organization's standards) that provide effective employment and income generation equally for women and men, require social protection for and promote social dialogue among workers. Business partners must abide by Thai Labor Laws. Suppliers must follow all applicable rules and regulations regarding wage payments and working hours, including maximum working hours, overtime, holidays, leave and benefits as appropriate
- นโยบายไม่เลือกปฏิบัติ คู่ค้าต้องเคารพในศักดิ์ศรีของพนักงาน ปฏิบัติต่อพนักงาน อย่างเป็นธรรมและเท่าเทียม ไม่ละเมิดสิทธิมนุษยชน ไม่กดขี่บังคับใช้แรงงาน และไม่เลือกปฏิบัติ เนื่องจากความแตกต่างด้านเชื้อชาติ ศาสนา เพศ อายุ การศึกษา ความเชื่อ หรือเรื่องอื่นใดก็ตาม

- **Non-discrimination Policy** - Suppliers must respect the dignity of their employees and workers who will be treated fairly and equitably, without violating human rights, not oppressing them with forced labor and not discriminating against any differences in race, religion, gender, age, education, beliefs or any other subject.
- นโยบายไม่ใช้แรงงานเด็ก คู่ค้าจะปฏิบัติตามกฎหมายและหลักสากลด้านแรงงาน โดยต้องมั่นใจว่าไม่มีการใช้แรงงาน ที่มีอายุต่ำกว่าเกณฑ์ ในการผลิตหรือจัดจำหน่ายสินค้าหรือบริการของตน
- **No Child Labor Policy** - Business Partners shall comply with international labor laws and principles by making sure that NO worker under the minimum age considered as child labor (in the industry sector) is involved in the production or distribution of their products or services.
- นโยบายไม่ใช้แรงงานบังคับ คู่ค้าต้องไม่กระทำการบังคับ ลงโทษ หรือใช้สัญญาผูกมัดแรงงาน คู่ค้าต้องมั่นใจว่าการจ้างงานเป็นไปอย่างสมัครใจ และต้องไม่ร้องขอให้ลูกจ้างปฏิบัติงานโดยไม่สมัครใจ คู่ค้าจะต้องไม่เรียกเก็บเงิน หรือเอกสารตามกฎหมายที่ใช้สำหรับการจ้างงานของลูกจ้าง (เช่น บัตรประจำตัวประชาชน หนังสือเดินทาง หรือใบอนุญาตการทำงาน) เพื่อเป็นหลักประกันการทำงาน เว้นแต่ เป็นการดำเนินการที่ไม่ขัดต่อกฎหมาย
- **No Forced Labor Policy** - Suppliers must not enforce penalties or indentured labor contracts. Business partners must ensure that employment is voluntary and must not force workers to work involuntarily. Suppliers must not charge fees for official legal documents required for employment (such as an identification card, passport or work permit) nor ask for guarantee for work, unless it is an act that is not against the law.
- นโยบายเสรีภาพในการสมาคมและการร่วมเจรจาต่อรอง คู่ค้าจะต้องยอมรับ ไม่กีดกันและเคารพสิทธิของลูกจ้างในเสรีภาพในการสมาคมและการร่วมเจรจา ต่อรองตามที่กฎหมายกำหนด
- **Freedom of Association and Collective Bargaining Policy** - Supplier must accept, recognize, respect and not deprive the rights of employees to freedom of association and collective bargaining as required by law.
- นโยบายต่อต้านการค้ามนุษย์ คู่ค้าต้องไม่เกี่ยวข้องกับทุกระบวนการของการค้ามนุษย์ และยึดถือแนวปฏิบัติเกี่ยวกับการป้องกัน ปราบปราม ช่วยเหลือและคุ้มครองผู้เสียหายจากการค้ามนุษย์
- **Anti-Human Trafficking Policy** - Supplier must not be involved in any form or step or process of human trafficking and will adhere to guidelines on prevention, suppression of human trafficking as well as aid and protection for victims of human trafficking.
- นโยบายกลไกการร้องเรียน ร้องทุกข์และการแก้ไขเยียวยา คู่ค้าจัดหาช่องทางการสื่อสารสำหรับพนักงานทุกคน โดยเฉพาะพนักงานที่มีความเปราะบาง อาทิ แรงงานข้ามชาติ และผู้หญิง เพื่อให้สามารถเข้าถึงข้อกังวลใจของพนักงานและช่วยเหลือ แก้ไข และเยียวยาข้อร้องเรียนร้องทุกข์ที่เกิดขึ้นได้

- **Grievance and Remediation Policy** - Supplier will provide communication channels for all employees, especially vulnerable employees, such as migrant workers and women, in order to be able to hear their concerns and help them solve and remedy complaints and grievances that can occur.

บริษัทฯ คาดหวังให้คู่ค้าทุกราย ยึดมั่นและปฏิบัติตามจรรยาบรรณธุรกิจ โดยมุ่งมั่นดำเนินธุรกิจ อย่างมีจริยธรรม โปร่งใส ตรวจสอบได้

The Company expects every Business Partner to adhere to our requirements for Business Ethics and Labor & Human Rights Practices compliance. We expect such commitment to be ethical, transparent and verifiable.

คู่ค้าได้อ่าน และเข้าใจข้อความในจรรยาบรรณฉบับนี้โดยตลอดแล้ว และจะปฏิบัติตามอย่างเคร่งครัด เพื่อเป็นหลักฐาน ข้าพเจ้าจึงได้ลงลายมือชื่อและประทับตราไว้เป็นสำคัญ

The Supplier/ Business Partner has read the above requirements, understands the terms of this Code of Conduct and will comply strictly as evidence of commitment. This Code of Conduct has been signed and stamped with the company seal and is an official document.

คู่ค้าลงนามรับรองและประทับตราบริษัท (ถ้ามี)

Supplier signature and certification with the company seal (if any) and date of signing

ชื่อบริษัทคู่ค้า.....

ลงชื่อ.....

( )

ตำแหน่ง.....

วันที่.....

Partner Company Name .....

Sign.....

( )

Position.....

Date.....

## Annex D: Interview Questionnaire Tools for HR on Human Trafficking and Forced Labor

### D-1: Migrant Worker Interview for HR

#### D-1-A: Migrant Worker Interview Instructions for HR

1. PURPOSE and ACTION

The Interviewer's objective is to identify potential indicators of or red flags for human trafficking and forced labor. The findings will be summarized and reported to the SMS Team and Employer management using Annex D-4. Guidance from Annex D-3 will be used to determine appropriate internal / external actions. Annex D-4 will cross-reference questions in Annex D-2 (*Migrant Worker Interview Questionnaire for Human Trafficking and Forced Labor-New Hires*) for findings. Annex F on Grievance and Remediation can also be referenced.

2. USER (S)

Annex D-2 will be administered and filled out by the Employer's HR Manager or staff or the Social Management System (SMS) team. The Interviewer (s) will require prior authorization from management and training on Responsible Recruitment, interview techniques and SMS reporting.

3. TARGET GROUP

Migrant workers to be interviewed will be selected from new hires recruited through various methods. HR will consider sample size for the interview proportionate to the nationality, gender and vulnerability risks identified during prior due diligence processes completed for the particular business partners involved in the recruitment. These will include Thai recruitment agency, their source country partner recruitment agency, subcontractors and other service providers. Migrant workers who have worked for a year or more should use another questionnaire.

4. TIMING

The Interview will occur as soon as possible, once the migrant workers have rested from their cross-border travel, signed their Contracts with their Employers, received New Hires Orientation and settled into their housing facilities. The interview shall be conducted during a period not exceeding the first four months of hiring or the end of the probation period, whichever is shorter. For interview done after work hours, the worker should be paid overtime.

5. LOCATION

The Interviewer (s) shall arrange for a safe, private place, without top management present.

6. METHOD

HR managers or staff, individually or as a team, with an equal number of men and women, will lead a question and answer session. Arrangements to have interpreters present and/or translation of the Annex D-2 Questionnaire shall be made in order to facilitate understanding by the Interviewee.

7. INFORMED CONSENT FORM

During the New Hires Orientation after Contract signing with the Employer and prior to the start of work, the Company HR will inform migrant workers of the possibility of being selected for an interview as part of the Company's policies on protecting their fundamental human and labor rights, starting with the recruitment process. HR will assure the workers that participating in the interview is voluntary, that their answers will be kept confidential and that their cooperation is necessary for the Company to get a better understanding of their recruitment experience. Prior to the interview, the Interviewer shall obtain informed consent from the Interviewee using Annex D-1-B, emphasizing once more confidentiality and protection. All Interviewers should introduce themselves, their job titles and responsibilities. Migrant workers will be asked to sign on the Consent Form, which will be attached to Annex D-2, using the same Interviewee ID and date.

8. MIGRANT WORKER GENERAL INFORMATION

To save time, the Interviewer should fill in beforehand information already supplied by the Thai Recruitment Agency (including its Partner Recruiters, subcontractors and service providers) and available from the Employer files on the migrant worker. The information must be verified with the migrant worker during the interview. The migrant worker could be assigned an anonymized Interviewee ID that HR could trace to address specific issues.

9. COOPERATION FROM RECRUITERS/LABOR BROKERS

For workers recruited through labor brokers and recruitment agencies, the Employer's top management should invoke cooperation through Service Contracts and signing of Codes of Conduct that explain clearly the company's policies on human trafficking and forced labor. The Interviewer (s) should be allowed access to related documents and authorized to contact all of the parties involved in the recruitment (i.e. Thai Recruitment Agency, source country Partner Recruitment Agency, their subcontractors and service providers) to cross-check information or request additional information when needed. In addition, the Employer should establish communication channels and seek cooperation about action on any findings.

10. POTENTIAL ACTIONS ON OR WITH RECRUITERS/LABOR BROKERS

If and when HR discovers any violations or abuses, the Employer will be informed and top management will invoke pre-agreed transparency and accountability protocols that define contacts and allocation of responsibilities for handling grievances and remediation among the Employer, Thai Recruitment Agency, their source country Partner Recruitment Agency, subcontractors and other service providers. A legitimate grievance process with appropriate remediation strategies, involving non-judicial and judicial means, with emergency contacts, shall be pre-prepared, irrespective of whether there had been cases of violence or abuse before.

The Employer's top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and masking of the identity of victims with specific measures to protect, especially women, from further indignities, harassment and threats to their lives and well-being. The preferred first point of contact is the provincial Ministry of Social Development and Human Security office, which can be reached through a hotline. This agency

coordinates access to hospitals and police as well as provide shelter for children and families, arrangements for education, health care and legal assistance.

At the same time, contacts for embassies and other related government agencies, both on the Thai side and the source country's should be kept on file but used with caution and advice.

**D-I-B: CONSENT FORM from ADULT INTERVIEWEE**

**Instruction for the interviewer:**

Prior to the interview please give this form to the migrant interviewee in the interviewee’s native language. Allow enough time for the migrant worker to read the form. Also, in every interview, the interviewer will have to read out both the explanation section below as well as each condition specified in the next section to the migrant interviewee through an interpreter that speaks the interviewee’s native language.

**Section I: Explanation section**

We are from the HR department of this company. I am leading this interview to identify any possible incidents related to human trafficking and forced labor in the recruitment process because we wish to know more about how we could protect our workers from human trafficking and forced labor during the pre-departure, border crossing, post-arrival and hiring phases. We will use the findings to make recommendations and take action to improve the recruitment process and working conditions for our company, recruiters, subcontractors and service providers to keep migrant workers like you safe, healthy and happy. We want to implement good recruitment and employment practices at all times.

The information from the interview will result in the company’s actions to be taken by the company (either legal or non-legal actions), including a) sharing the information from this interview with government authorities for taking legal actions against perpetrators for any illegal practices; b) giving warnings to recruitment agencies in case of unintentional irresponsible recruitment practices of the recruitment agencies but not illegal practices according to the laws on an anonymous basis of your personal information and any clues/stories that may lead to your identity; and 3) stopping using the services from the recruitment agencies in case of discovering intentional irresponsible recruitment practices. If it is legally required by law to report any abuse to the police or other government agencies, it is the duty of the company to report to the police and/or other government agencies. **Therefore, it is up to your consideration whether you would like to give this interview. There will be no disciplinary punishment by the company for refusing to join this interview.**

We would like to request your cooperation for a 45 to 60 minutes interview. You can choose not to answer any questions or to stop the interview at any time you feel uncomfortable. And you will be NOT penalized by the company for not joining this interview nor providing your information to the company. The information you provide is important. Hence, please share your honest experiences with us. If you consent, please sign below so we can start.

**Name of Interviewer:** \_\_\_\_\_

**Job Title:** \_\_\_\_\_ **Gender** \_\_\_\_\_

**Name of interpreter:** \_\_\_\_\_

**Job Title:** \_\_\_\_\_ **Gender** \_\_\_\_\_

**Date of Interview:** \_\_\_\_\_

**Location of Interview:** \_\_\_\_\_

**Time Period** \_\_\_\_\_

## Section 2: Conditions for joining this interview

### I agree to participate in the interview based on the following conditions:

1. I understand that participation is voluntary and that I may withdraw at any time without giving a reason. I will NOT be penalized in any way if I decide not to join this interview or stop this interview at any time.
2. I confirm that information about the purpose of this interview has been explained to me and I understand what is required of me as a participant.
3. I have been given the opportunity to consider the information, ask questions and answers have been given for all the questions to my satisfaction.
4. I understand that any information given by me will not be used in isolation but will only be incorporated into analysis and future reports for the company's internal use.
5. I understand that my name will NOT appear in any reports or presentations and the information I provide will be held in confidence unless I specifically consent.

**Interviewee Name:** \_\_\_\_\_ **Employee ID No.** \_\_\_\_\_

**Interviewee ID No:** \_\_\_\_\_ **Interviewee' Signature or Thumbprint** \_\_\_\_\_

**Interviewer Name:** \_\_\_\_\_ **Interviewer's Signature:** \_\_\_\_\_

**Interpreter Name:** \_\_\_\_\_ **Interpreter's Signature:** \_\_\_\_\_



## D-2: Migrant Worker Interview Questionnaire

### Migrant Worker Interview Questionnaire for Human Resources Personnel of the Seafood Processing Companies to identify possible signs of human trafficking and forced labor in the recruitment process

#### Instruction for the interviewer:

This questionnaire is a tool for the human resources personnel of seafood processing companies to identify initial signs/indicators of possible human trafficking and forced labor or abuse that their newly-hired migrant workers may face in the recruitment process. If migrant women are to be interviewed, female interviewers should conduct the interview or the interviewer who the female worker feels comfortable to talk with. The interview should take place as soon as possible once newly-hired migrant workers arrive at worksites so that the companies can take appropriate actions to protect them from the situation of human trafficking and forced labor in a timely manner.

The interview location should be arranged in a safe and private place. An interpreter speaking in migrant languages should be arranged. Before starting the interview, the interviewer must provide a written consent form to the interviewee to read and verbally explain the consent form through the interpreter, and give an opportunity for the interviewee to raise questions and concerns which have to be answered or addressed by the interviewer.

**Date of Interview:**

**Name of Interviewer:**

**Name of Interpreter:**

#### Section 1: Migrant Worker General Information

This section should be filled out by the company human resources personnel prior to the interview, but the information can be briefly verified with the worker at the start of the interview.

1. Name: \_\_\_\_\_
2. Sex:  Female  Male  Other \_\_\_\_\_
3. Age: \_\_\_\_\_ Birth Date (day/month/year): \_\_\_\_\_
4. Country of birth: \_\_\_\_\_
5. Preferred language for the interview: \_\_\_\_\_
6. Passport number: \_\_\_\_\_
7. Name of the Thai recruitment agency: \_\_\_\_\_

#### Section 2: Recruitment and Hiring (Application/Pre-Departure)

1. How did you find out about this job at our company?
2. Did you choose to work at our company by your own free will?
  - Yes
  - No, why

3. Did you seek or ask for any help from local labor recruiters or recruitment agencies in your country during the job application process?
  - Yes. Who were they and what services did they provide to you?
  
  - No, why
  
4. Did the recruitment agency in your country have a recruitment license?
  - Yes
  
  - No
  
  - I don't know.
  
5. Did you know the following information before departure to Thailand?
  - 5.1 What kind of job would you do at our company?
    - Yes. What did you know about it? Who told you about it?
  
    - No
  
  - 5.2 The province of our company where you would work
    - Yes. What province? Who told you about it?
  
    - No
  
  - 5.3 Wage and benefits offered by our company
    - Yes. What did you know about them? Who told you about it?
  
    - No
  
  - 5.4 Accommodations where you would live in Thailand
    - Yes. What did you know about it? (e.g., How far is it from the worksite? And how does it look like?) Who told you about it?
  
    - No
  
  - 5.5 The safe work environment of our company in terms of air, noise and vibration
    - Yes. What did you know about it? Who told you about it?
  
    - No
  
  - 5.6 Risks and hazards related to the job and working conditions of the company
    - Yes. What did you know about them? Who told you about them?
  
    - No

5.6 Labor rights according to the Thai law?

- Yes. What did you know about labor rights? Who told you about them?
- No

5.7 Did the recruitment agency in your country provide you with travel itinerary?

- Yes, what is included in the itinerary? Please describe.
- No

5.8 Did you feel safe while travelling from your country to the border of your country?

- Yes
- No, please describe how it is unsafe to you.

6 Did you experience the following incidents during job application, employment contract signing, pre-departure orientation, travelling to the Thai border?

6.1 Violence

- Yes, what happened to you? And when?
- No

6.2 Threats

- Yes, what happened to you? And when?
- No

6.3 Abuse

- Yes, what happened to you? And when?
- No

**Section 3: Recruitment and Hiring (Border Crossing/Post-Arrival)**

1. Did you feel safe while travelling from the Thai border to the worksite?

- Yes
- No, please describe how it is unsafe to you.

2. Did you experience the following incidents when travelling from the Thai border to the worksite in Thailand?

2.1 Violence

- Yes, what happened to you? And when?
- No

## 2.2 Threats

- Yes, what happened to you? And when?
  
- No

## 2.3 Abuse

- Yes, what happened to you? And when?
  
- No

## Section 4: Employment Contract

1. Is the job you are doing or are going to do the same as you expected prior to departure to Thailand?
  - Yes
  
  - No, what differs from your expectation?
  
2. Are the working conditions the same as what the recruiter told you before your departure to Thailand?
  - Yes
  
  - No, what differs from your expectation?
  
3. Do you have a copy of the employment contract?
  - Yes
  
  - No, who keeps it and did s/he tell you reasons for keeping your contract? If yes, what reasons?
  
4. Did you feel pressured or threatened or coerced to sign the employment contract?
  - Yes, why?
  
  - No
  
5. Did someone at the company explain to you the terms and conditions of the employment contract?
  - Yes. Please continue to answer Questions No. 5.1 and 5.2
  
  - No
  
- 5.1 Did you understand the terms and conditions that were explained to you?
  - Yes
  
  - No

5.2 Were you allowed to ask questions if you didn't understand what you were told?

Yes

No

6. Are wage and benefits being offered by our company contract different from what the recruiter told you before you departed to Thailand?

Yes, how different?

No

#### Section 4: Recruitment Fees and Expenses

1. Did you have to pay any recruitment fees or expenses to get this job?

Yes, what did you pay for? To whom?

No, who paid for you?

2. Did you or your family members owe any money to somebody to pay for recruitment fees and expenses?

Yes, please answer the following questions:

2.1 Have you ever felt that you could not leave this job because you or your family member owe money?

Yes, why

No

2.2 Have you or your family member experienced any violence, threats or fearful situations by any money lenders with regards to the money you owed?

Yes, please describe the incident (s).

No

#### Section 5: Document Retention

1. Did anyone keep your personal documents (e.g., passport and work permit) at any stage before/during your travel to Thailand or once you have arrived in Thailand?

Yes, what documents? For what reasons? Did they ask for your consent to keep your documents?

No

**Section 6: Freedom of Movement**

1. Have you ever experienced the following situation?

1.1 Were you ever isolated from your family or the other migrants you were travelling with?

1.1.1 Preventing you from travelling with other migrants while travelling to Thailand and from the Thai border to the worksite?

Yes, can you tell me about that?

No

1.1.2 Preventing you from living together in the same accommodation area with your family members or other migrant workers

Yes, can you tell me about that?

No

1.1.3 Putting you in a separate work station away from other migrant workers or away from the worksite

Yes, can you tell me about that?

No

1.2 Forced Confinement

Yes, can you tell me about that?

No

1.3 Not allowed to communicate with family or friends

Yes, can you tell me about that?

No

**Section 7: Grievance**

1. Do you currently have emergency contacts (e.g., your embassy in Thailand, government agencies)?

Yes

No

**Finishing the interview**

This is the end of the interview. Thank you very much for your time. Do you have any comments or questions? Do you need help from our company?

.....

This is when you can provide the participant with referral information in case they want to report anything to the police, or to get counseling.

### D-3: ILO Indicators for Human Trafficking and Forced Labor

#### ILO Human Trafficking and Forced Labor Indicators Links with the FAIR Fish Migrant Workers Interview Questionnaire

##### Section 1: Background on the selection of the indicators

The indicators below were selected from two main sources. The first is based on the ILO Forced Labor Convention (C29) and was published as an *ILO Indicators of Forced Labor* booklet in January 2013 by the ILO’s Special Action Program to Combat Forced Labor (SAP-FL). There were eleven indicators listed. The second is a four-page *List of Trafficking in Human Beings* published by the ILO in October 2009 for the European Union. It is based on the Palermo Protocol and categorizes the indicators into four types of trafficking in persons – i.e., adults for labor exploitation, adults for sexual exploitation, children for labor exploitation and children for sexual exploitation. General categories of deceptive recruitment, coercive recruitment, abuse of vulnerability and exploitation were further expanded into many sub-categories which were then ranked as weak, medium or strong indicators. Because of the overlaps in the two ILO documents the indicators have been simplified by selecting the eight most significant ones. These were combined as potential general indicators for both human trafficking and forced labor. Specific sub-topics were also identified to support the Interviewer.

##### Section 2: Indicator Code and Links to FAIR Fish Interview Questionnaire

Indicator Code	Sub-topics
HTFL1 Deception (e.g., giving false information or promises that are not true)	Nature of job Location and employer Legal status and legal documents Contract legality Work conditions Living conditions Travel & accommodation False information
HTFL2 Coercion (e.g., using threats or pressure to force action a worker does not want to do)	Individual threats Threats on family, friends Threat to denounce to authorities Forced to lie to authorities Indirect pressure
HTFL3 Debt Bondage (e.g., collecting, loaning or deducting money to keep workers unable to pay debts)	Recruitment and processing fees Travel expenses Guarantees and deposits Withholding of money, deductions Loans and Wage Advance
HTFL4 Document Retention (e.g., taking away personal documents to restrict workers’	Confiscation during recruitment Confiscation during hiring and employment Temporary use for legal processes Own copy, safe access to storage Unconditional return



Indicator Code	Sub-topics
freedom of movement)	
HTFL5 Abuse of Vulnerability (e.g., taking advantage of workers' difficult personal situations, inability to speak the local language or understand the culture and their rights)	Economic Family/personal Psychological/Past Difficulties Language, education Cultural dependency Lack of Consent Communication Lack of training in own language
HTFL6 Restriction of Movement (e.g., physical restrictions or prevention of access)	Isolation Confinement Transportation and Lodging Surveillance & Contact Workplace access
HTFL7 Physical & Sexual Violence (e.g., use of direct or indirect force and violence to abuse workers physically, including sexually)	Harsh discipline, corporal punishment Sexual violence and harassment Violence and threats Forced actions under duress and threats Indirect force, e.g., denial of necessities, access to treatment
HTFL8 Abusive Working & Living Conditions (e.g., safe, sanitary and dignified conditions at the workplace and in accommodation are provided)	Unsafe or unsanitary working and living conditions Hazardous work Low wages and irregular payment Excessive overtime Legal benefits, e.g., paid maternity leave denied No social protection or insurance

### Section 3: Documents and Evidence to Support Analysis of the Indicators

All findings should be thoroughly analyzed as part of a total package of observations and evidence. Assessments and conclusions about compliance and non-compliance to criteria (in this case, the indicators) is dependent on what Quality Management Systems call “objective evidence,” i.e. verifiable facts. The complication inherent in Social Management Systems (SMS) is that obtaining evidence, by necessity, relies on anecdotal evidence, which could be qualitative and subjective. Hence, anecdotal evidence must be analyzed in context before concluding which areas do not meet the criteria and what actions or remediation could be taken. The list below provides examples of supporting documents and information to assist the SMS team.

Indicators	Documents and Evidence
HTFL1 Deception	Anecdotal (from interview) Job description, employer information Job applicants' details Employer-Thai recruiter; Thai recruiter-Source Country recruiter contracts Recruiter(s) arrangements for travel and accommodation for migrant workers Employer and Recruiter Monitoring Plan for different steps of recruitment and partners Demand Form, Approved Workers Form, Employment Contract (government) template Application for personal documents Pre-departure and other materials used for recruiting and training Legal advice, as needed
HTFL2 Coercion	Anecdotal (from interview) Police report or NGO reports Government agency for worker protection info Corroboration from family, friends, community Legal advice, as needed
HTFL3 Debt Bondage	Anecdotal (from interview) Official fee schedules from government Applicable national labor laws, legal advice Receipts or accounting documents Payroll documents IOUs and Agreements for loans and advance
HTFL4 Document Retention	Anecdotal (from interview) Legal documents – passport, visa, work permit Employment Contract signed original Letter from Recruiter/Employer detailing temporary use of documents for legal purpose Acknowledgment of return of documents
HTFL5 Abuse of vulnerability	Anecdotal (from interview) Legal documents – passport, visa, work permit Employer and Recruiter Responsible Recruitment Policies and implementation Consent Forms and Monitoring Plan records Police report, medical report, NGO reports Government agency for worker protection info IOUs, financial arrangements- loans or advance Training records Grievance and Remediation files
HTFL6 Restrictions on Freedom of Movement	Anecdotal (from interview) Legal documents – passport, visa, work permit Recruiter Work Plan and travel arrangements Surveillance video, photographs, Records or photographs required by Employer of Recruiter under Monitoring Plan Receipts, proof of travel and accommodation

Indicators	Documents and Evidence
	Corroboration from friends or community Checks on security personnel
HTFL7 Physical and Other Types of Abuse, Sexual Violence	Anecdotal (from interview) Legal documents – passport, visa, work permit Recruiter Work Plan and Monitoring records Employer and Recruiter policies and procedures on fundamental human/labor rights Police reports, medical reports, NGO reports Government agency for worker protection info Corroboration from family, friends, community Grievance and Remediation files

**D-4: Summary of Interview Findings**

**Migrant Workers Interview Questionnaire Summary of Findings on Human Trafficking and Forced Labor (New Hires)**

<b>Report Ref. No.</b>		<b>Interviewee ID No.</b>	
<b>Interviewer:</b>		<b>Date of Interview:</b>	
<b>Submitted by:</b>			
	<b>First Name</b>	<b>Last Name</b>	
	<b>Job title</b>	<b>Date</b>	<b>Signature</b>
<b>GENERAL INFORMATION ABOUT THE INTERVIEWEE &amp; PROCESS</b>			
<b>FINDINGS FROM INTERVIEW</b>			
<b>ILO Indicators</b>	<b>Finding Ref. No.</b>	<b>Sub-topics</b>	<b>Description and/or Evidence (please be specific)</b>
DECEPTION		<b>Nature of job</b>	
		<b>Location, Employer</b>	
		<b>Legal Status and Legal documents</b>	
		<b>Contract legality</b>	
		<b>Work Conditions</b>	
		<b>Living Conditions</b>	
		<b>Travel and Accommodation</b>	
		<b>False Information</b>	

COERCION		<b>Individual threats,</b>	
		<b>Threats to family, friends, blackmail</b>	
		<b>Threat to denounce to authorities</b>	
		<b>Forced to lie to authorities</b>	
		<b>Indirect pressure</b>	
DEBT BONDAGE		<b>Recruitment and processing fees</b>	
		<b>Travel Expenses</b>	
		<b>Guarantees and deposits</b>	
		<b>Withholding of money, Deductions</b>	
		<b>Loans and Wage Advance</b>	
DOCUMENT RETENTION		<b>Confiscation during recruitment</b>	
		<b>Confiscation during employment</b>	
		<b>Temporary use for legal processes</b>	
		<b>Own copy, Safe access to storage</b>	
		<b>Unconditional return</b>	
ABUSE OF VULNERABILITY		<b>Economic</b>	

		<b>Family/Personal</b>	
		<b>Psychological /Past Difficulties</b>	
		<b>Language, education</b>	
		<b>Cultural dependency</b>	
		<b>Lack of Consent</b>	
		<b>Communication</b>	
		<b>Lack of training in own language</b>	
RESTRICTIONS ON FREEDOM OF MOVEMENT		<b>Isolation</b>	
		<b>Confinement</b>	
		<b>Transportation and Lodging</b>	
		<b>Surveillance&amp; Contact</b>	
		<b>Workplace access</b>	
PHYSICAL AND OTHER TYPES OF ABUSE, SEXUAL VIOLENCE		<b>Harsh discipline, Corporal punishment</b>	
		<b>Sexual violence and harassment</b>	
		<b>Violence and threats</b>	
		<b>Forced actions under duress and threats</b>	
		<b>Indirect force, e.g., deny necessities, access to treatment</b>	

ABUSIVE WORKING AND LIVING CONDITIONS		<b>Unsafe or unsanitary working or living conditions</b>	
		<b>Hazardous work</b>	
		<b>Low wages and irregular payment</b>	
		<b>Excessive overtime</b>	
		<b>Legal benefits, including maternity benefits denied</b>	
		<b>No social protection or insurance</b>	

<b>ROOT CAUSE ANALYSIS AND INVESTIGATION Date Started:</b>
<b>Date Completed:</b>

ACTIONS FOR PROTECTING WORKERS AND ELIMINATING THE ROOT CAUSE			
Corrective Actions and Remediation	Completion Date		Evidence
	Target	Actual	
Preventive Measures	Completion Date		Evidence
	Target	Actual	

<b>Conclusions by the SMS Team and Management’s suggestions or comments</b>

<b>Follow-up on corrective actions and preventive measures</b>
--

- Completed  
.....
- Completed  
.....
- In progress  
.....
- In progress  
.....



Other) if any, e.g., referrals to external organization.....

Other) if any, e.g., referrals to external organization  
.....

For In-Progress Items and Referrals to External Organizations, fill in below for follow-up

Corrective Actions and Remediation	Completion Date		Evidence.
	Target	Actual	
Preventive Measures	Completion Date		Evidence.
	Target	Actual	
Conclusions by the SMS Team and Management's suggestions or comments			

For administrative use only:			
Verified by			
	Name	Surname	Job title
	Date:	Signature:	
	Findings / Case Closed		
Date:			

## Annex E: Sample Employment Contract

# Employment Contract

This agreement is made on

\_\_\_\_\_ in \_\_\_\_\_

between \_\_\_\_\_, a juristic entity with Registration No. \_\_\_\_\_,

Registered Address at \_\_\_\_\_ and Mailing Address at \_\_\_\_\_

\_\_\_\_\_ (hereinafter referred to as the “Employer”); and \_\_\_\_\_,

a \_\_\_\_\_ national with official Passport/National ID Card No. \_\_\_\_\_

and Home Address at \_\_\_\_\_ (hereinafter referred to as the “Employee”).

Both parties agree to the following:

### 1. Job Assignment and Wages

- 1.1 The Employer hereby engages the Employee and the Employee agrees to work for the Employer in the capacity of \_\_\_\_\_, at the \_\_\_\_\_ Department, under the supervision of \_\_\_\_\_, with responsibilities of \_\_\_\_\_ per Job Description \_\_\_\_\_.
- 1.2 Wages will be paid at the rate of \_\_\_\_\_ per/hour/day/month in \_\_\_\_\_ currency. Wages shall not be lower than the mandated current daily minimum wage of THB \_\_\_\_\_ for the province where the factory is located and will be adjusted accordingly when official changes occur.
- 1.3 The wage shall be paid on the \_\_\_\_\_ day of each month by cash, or through deposit to an account with ATM card at the following bank \_\_\_\_\_.
- 1.4 Receipt of wages shall be acknowledged by the Employee through signing or presenting evidence based on the Employer’s standard payroll and pay slip management procedures and records.
- 1.5 If the Employee receives any special allowances or incentives, the amount and date (s) for which these allowances or incentives are paid must be stated and recorded clearly, separate from regular wages, but included in the total monthly amount paid.
- 1.6 For wages earned on an hourly or piece-work basis, a Hire-for-Work Contract applies instead of this regular Employment Contract. Minimum wage equivalent compensation and prompt payment according to quantity / units delivered or hours worked shall be clearly defined in a written agreement.

### 2. Duration of Contract and Worksite

- 2.1 The duration of this Contract is for \_\_\_\_\_ month (s) / year (s) s from the day of arrival of the Employee in Thailand on \_\_\_\_\_ until \_\_\_\_\_.

- 2.2 The worksite shall be at \_\_\_\_\_. Change in worksite or transfer to an affiliated company's worksite shall have documented consent from the Employee beforehand.
- 2.3 Any change in job responsibilities, work hours, working conditions, reporting hierarchy, or any other terms and conditions shall be mutually agreed in writing between Employer and Employee.
- 2.4 The extension of this Employment Contract shall be mutually agreed upon in writing between the Employer and the Employee.

### 3. Probation Period and Contract Cancellation

- 3.1 **The Employer requires a probation period of \_\_\_\_\_ days, not exceeding the 90 days legal requirement. The probation period will be from \_\_\_\_\_ to \_\_\_\_\_.**
- 3.2 The Employee agrees to the probation period stipulated under item 3.1 and will be paid, from the first working day, throughout the probation period wages of THB \_\_\_\_\_ per \_\_\_\_\_ (hour/day/two weeks/month), in accordance with the minimum wage requirements of Thai Labor Laws.
- 3.3 During the probation period, the Employee shall be entitled to \_\_\_\_\_ rest days off per week, days off on Thai official public holidays as well as \_\_\_\_\_ days off for private or sick leave only. Annual and other leaves will not apply during the probation period.
- 3.4 **The Employer agrees to waive a probation period and hire the Employee full-time. Therefore, items 3.2 and 3.3 above do not apply. However, all terms pertinent to performance evaluation and contract cancellation apply in accordance with this Contract, Company Rules and Thai Labor Laws.**
- 3.5 At any time during the probation period or contract period, if the Employer should find that the Employee is not qualified for the job assigned, the Employer may either offer the Employee other appropriate job or position with the consent of the Employee; or terminate this Employment Contract by giving the Employee prior written notice upon or prior to any schedule of wage payment so that the Contract cancellation becomes effective at the next schedule of wage payment. Similarly, the Employee has the right to cancel or terminate the Contract per item 15.2 of this Employment Contract.
- 3.6 The Employer shall ensure that wages for the Employee's actual working days prior to cancellation of the Employment Contract are paid in full.
- 3.7 Upon cancellation of the Employment Contract, the Employer shall, if requested, arrange for the Employee's repatriation to a domicile in Thailand and allow a change of Employer or arrange for return to the Employee's home country, at the expense of the Employee, if the Employee requests such return. For full-time Employees returning upon completion of their Contract, item 15.1 applies.

### 4. Working Hours

- 4.1 The working hours shall not exceed \_\_\_\_\_ hours a day, \_\_\_\_\_ days per week, with total working hours, including overtime, not exceeding what is mandated by current Thai Labor Laws.
- 4.2 Regular work hours shall be from \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m., Monday to \_\_\_\_\_ with a rest hour period from \_\_\_\_\_ to \_\_\_\_\_ daily.

4.3 Shift work hours shall be documented clearly and ensure that shift workers get adequate rest periods similar to regular workers through management of total working hours, days of work per week, breaks, rest hour periods and a 24-hr day off per week.

4.4 The Employee shall not receive compensation for gross tardiness; or absences not covered by holidays and leave, under the “no work, no pay” general principle of labor laws.

## **5. Holidays and Leave**

5.1 The Employer shall arrange for the Employee to have \_\_\_\_\_ day(s) off weekly with regular pay.

5.2 The Employer shall arrange for the Employee \_\_\_\_\_ days off per year on Thai official public holidays with regular pay.

5.3 Annual leave of \_\_\_\_\_ days shall be allowed by the Employer for the Employee when the Employee has completed one year of continuous employment with regular pay.

5.4 The Employee shall be informed of the various categories of leave that apply to them under Thai Labor Laws, i.e. errand/business, sick, maternity, training, military/monkhood and sterilization. The Employer’s Human Resources (HR) Department shall provide the Employee with details of the number of days allowed and the number of days paid with regular pay, based on the most up-to-date version of the Thai Labor Laws.

5.5 The Employee will not get any compensation for any absences beyond the allowed level for leave or for leave without the requisite documentation (e.g., physician’s certificate) in compliance with Thai Labor Laws.

## **6. Overtime**

6.1 If the Employee works more than the usual hours on a regular working day, the Employee shall be paid extra for overtime by the Employer at the rate of THB \_\_\_\_\_ per hour, equivalent to \_\_\_\_\_ times the regular rate per hour per day, in compliance with Thai Labor Laws.

6.2 If the Employee works on holidays, the Employee shall be paid extra for overtime by the Employer at the rate of THB \_\_\_\_\_ per hour, equivalent to \_\_\_\_\_ times the regular rate per hour per day, in compliance with Thai Labor Laws.

6.3 Overtime shall be exceptional and voluntary. The Employee is free to refuse overtime. Those who agree shall provide written consent to the Employer at the time of request.

6.4 Overtime hours shall not exceed those mandated by Thai Labor Laws during a one-week period.

6.5 Both the Employer and Employee will ensure that tracking and calculation of working hours and overtime hours shall be transparent and verifiable.

## **7. Deductions from Wages**

7.1 As applicable, the Employer shall deduct an amount equivalent to that required by the Thai Taxation Code on Withholding Tax – Payroll. This shall be credited to the Employee’s year-end personal income tax. It is the Employee’s responsibility to pay on his/her own any other additional taxes at the end of the year.

- 7.2 The Company shall deduct the Employee's contribution to the Social Security Fund in compliance with the rate and amount stipulated in relevant Thai Labor Laws, ordinances and announcements.
- 7.3 The Employer shall NOT deduct any other amounts from the Employee's wages apart from the two above-mentioned items. There shall be no deductions for cost of work uniforms, personal protective equipment, training related to the Employee's job, time spent attending Welfare Committee meetings, subsidized meals and accommodation, and others prohibited by Thai Labor Laws.
- 7.4 Similarly, any wage advances; transportation, accommodation or personal document processing fee advances; or personal loans requested by the Employee of the Employer, shall not be deducted from the Employee's wages. Such advances shall be covered by separate mutual agreements between Employer and Employee with assurance that the Employer shall not charge interest and that repayment timelines and amounts are reasonable for the Employee, who will remit the amounts directly to the Employer.

## **8. Food**

The Employer may provide the Employee three meals a day per working day or food expense allowance or subsidized low-cost meal options at work depending on the agreement of the Employer and the Employee and at the Employers discretion and depending on conditions at the factory

## **9. Accommodation**

The Employer may provide the Employee safe and hygienic accommodation or accommodation expenses allowance or referrals for low-cost housing options depending on the agreement of the Employer and the Employee, at the Employer's discretion and depending on conditions at work

## **10. Medical Treatment**

- 10.1 In the event of the Employee's illness or accident or injury or disability caused by work and occurring at work hours during the period of the Employment Contract, the Employer shall both provide all necessary medical treatment free of charge to the Employee, and in the meantime, pay regular wage and compensation on terms not less than those stipulated by current Thai Labor Laws.
- 10.2 In the event of death of the Employee, at work and under the supervision of the Employer or the Employer's authorized representative, all expenses of managing the body will be under the responsibility of the Employer.

## **11. Travel and Transportation**

- 11.1 For new hires, the Employer shall pay for the cost of the Employee's travel to Thailand from the central processing center in the main city of the Employee's home country, as well as pay the arrangement for transportation from the Thai central processing center to the Employee's assigned Employer's factory. Arrangements for housing and transportation to the Employee's housing should be clarified beforehand and defined in an attachment to the Employment Contract
- 11.2 The Employer shall also pay for the cost of travel of the Employee returning to her/his country after she/he finishes her/his Employment Contract, except when the Employee

is at fault for the contract cancellation or the Employee terminates the contract before the end of the contract period.

## **12. Employee's Obligations**

- 12.1 The Employee shall abide by the policies, rules and regulations of the Employer's Company stipulated in conformity with Thai Labor Laws, international standards and conventions on fundamental human and labor rights; as well as respect Thai traditions and customs.
- 12.3 The Employee shall work only for the s Employer's company and give her/his best effort to uphold the Employer's name and reputation with the Employer's clients, suppliers and contactors.
- 12.4 The Employee shall not engage in any unlawful activities such as those related to human trafficking, drugs, prostitution, gambling; and other actions involving graft, corruption, fraud or crime.
- 12.5 The Employee agrees to cooperate in internal investigations, evaluations or studies that involve her/his job, workplace, peers or supervisors for the purpose of evaluating workplace productivity and safety; job performance; or potential improvements to working conditions and work environment.

## **13. Disciplinary Action**

- 13.1 If the Employee breaks the policies, rules and regulations of the Employer's Company, the Employer's Company will consider disciplinary action for the Employee in accordance with the Company's Rules and Regulations which are aligned with Thai Labor Laws.
- 13.2 The Employer's Company may use one or more of the following disciplinary actions without chronological order: verbal warning for the first time the rules are broken, followed by a warning letter or a written warning; then suspension from work or termination of employment depending on the severity of the infraction. Timelines, process and forms shall comply with Thai Labor Laws.

## **14. Grievance and Appeals**

- 14.1. The Employee can let the Employer know of suggestions, complaints or grievances, without fear of reprisal, anonymously through a suggestion box or a hotline; or directly through her/his supervisor; the HR Manager or a designated Management Representative or the owner of the Company.
- 14.2 The Employer shall develop appropriate investigation and settlement mechanisms for each case and give the Employee timely response on decisions taken as well as her/his right to appeal.

## **15. Termination of the Contract**

- 15.1 In case the Employer terminates the contract, the Employer shall give one month notice to the Employee, or pay one-month wage in lieu of giving notice, or otherwise act in conformity with Thai Labor Laws. The Employer shall thereby pay for the cost of the return travel of the Employee to her/his home country.
- 15.2 In case the Employee terminates the contract, the Employee shall give a one month notice to the Employer and shall pay for her/his own expenses for return travel to her/his home country.

## 16. Others

16.1. The Employer or any recruiter representing the Employer shall not charge recruitment or guarantee fees in return for a promise of a job with the Employer. The Employer shall pay for all necessary fees and expenses incurred for the Employee to obtain a work permit in accordance with Thai labor laws or pre-agreed terms and conditions between Employer and Employee that are more beneficial to the Employee. As, If and when the requirements of Thai Labor Laws are upgraded to stipulate specific legal responsibilities for fees and expenses for Employers that promote the “Zero Recruitment Fees” principle, those shall take precedence over the terms and conditions agreed upon by the Employer and Employee.

16.2 In the event of natural disaster, riot, fighting or war the Employer shall evacuate the Employee to a safe area. If the situation is no longer conducive for the continuity of work, the Employer shall repatriate the Employee and shall pay for all the expenses of the repatriation

16.3 Other conditions not mentioned in this Contract shall be in accordance with the stipulations of Thai Labor Laws, and other relevant laws, including pre-work orientation and training requirements.

16.4. In case the Employer fails to implement any of the conditions agreed in this Contract, in full or in part, the Employer shall be responsible for all the losses the Employee incurs. Similarly, if the Employee causes considerable damage to the Employer, the Employer may consider legal action.

This Employment Contract is made out in duplicate, one in Thai and one in the language of the Employee migrant worker, each being the same in content, equally authentic and compliant with Thai Labor Laws. Each Party shall hold one original in their working language.

In witness whereof, the undersigned, having fully understood the contents of the Employment Contract stated herein, affix their signatures to this document, in the presence of witnesses, to affirm their agreement to the terms and conditions.

Signed on the \_\_\_\_\_ day of \_\_\_\_ (month) \_\_ (year) \_\_\_\_ in \_\_\_\_ (district, province) \_\_\_\_\_, Thailand.

Signature \_\_\_\_\_ Employer  
( \_\_\_\_\_ )

Signature \_\_\_\_\_ Employer  
( \_\_\_\_\_ )

Signature \_\_\_\_\_ Employer  
( \_\_\_\_\_ )

Signature \_\_\_\_\_ Employer  
( \_\_\_\_\_ )

## Annex F: Grievance and Remediation Guidelines and Tools

### Grievance Mechanisms and Remediation Guide

#### What is the difference between grievance and complaint?

A “grievance” expresses dissatisfaction, disagreement or protest over unfair treatment, or a violation of workplace rules and standards, and/or infringement on rights. “Grievances” can also be called “complaints” but “grievance” is a better term for severe cases that disregard fundamental human and labor rights leading to threats to life, impacts on health and well-being, physical or mental harm and/or damage to property or personal reputation. “Complaint,” generally expresses concerns about working conditions, workplace benefits, and welfare. Sometimes, workers could also come up with suggestions or positive comments, which should be considered. Due to the importance of addressing all concerns, comments and complaints from workers, thus encouraging a “worker voice,” this guide will use the term “grievance” to include all types and levels of complaints, suggestions, concerns and dissatisfaction.

Mechanisms for handling grievances will inevitably involve remediation strategies. “Remediation” is a complex, multi-faceted process that could involve correcting a situation immediately, or over a longer period; mitigating the impacts of an incident; protecting victims from repercussions or further harm; mediating settlements; facilitating rehabilitation; and identifying preventive measures. Such strategies are necessary when an Employer or a Company (supplying the Employer with product or services) has contributed to or caused harm – directly or indirectly, intentionally or unintentionally – to individuals, businesses or communities, who are internal or external stakeholders of the Employer’s supply chain.

#### What is a grievance mechanism and how is it designed?

Grievance mechanisms are NOT ad-hoc, temporary, one-time responses to complaints. Good grievance mechanisms are systematic and sustainable, well-managed and designed by individuals, or a Social Management Systems (SMS) Team, who will take responsibility for the implementation of documented policies and procedures for an organized system with pre-determined process flow, channels and actions for receiving, acknowledging, categorizing, evaluating, mediating, remediating, resolving grievances, and handling appeals, if they come up later. Lessons learned from handling and resolving the cases and incidents, originating from suggestions, complaints, comments, grievances from the workers and communities (where the facility is located), regarding their rights and working conditions, are then incorporated into improvements and corrections of the Employer’s or Company’s internal SMS.

Therefore, designing grievance mechanisms necessitates adapting processes to the Employer’s or Company’s situation including factors, such as the workforce composition, the size and production capacity of the facility, the types of products manufactured, the complexity and seasonality of the operations, the markets the facility supplies to, as well as the scope and types of products or services supplied by links in the Employer’s or Company’s local and global supply chain business partners.

The policies of the Thai Employer or Company should describe the different processes and channels for workers, including migrant workers, to provide feedback on practices from recruitment at their home country to workplace issues at their host country. Recruitment-



related complaints have not received enough attention even for simple models of direct hiring of Thai nationals within Thailand by a Thai Employer.

As cross-border recruitment of migrant workers, through bi-lateral agreements between source and host countries becomes an option, recruitment processes and channels become more complex. Consequently, the risk of workers' voices not being heard increases because of the use of intermediaries such as labor brokers, agents and recruiters who could impact transparency and accountability at various steps of recruitment. Therefore, providing channels for workers' concerns to be addressed require well-designed and efficiently implemented grievance mechanisms and remediation strategies.

### **Do Employers and Companies in the seafood sector need grievance mechanisms?**

Yes. All industry sectors need good, effective grievance mechanisms. The Thai seafood sector, especially, is increasingly dependent on migrant workers in the workforce. Hence, it is crucial to provide migrant workers, who are more vulnerable to abuses because of limitations in communication, appropriate access to grievance mechanisms so they could voice concerns, without fear of punishment or reprisal.

Grievance channels for their problems or complaints should allow them a voice through all the different phases of recruitment<sup>68</sup> and employment. In particular, with the involvement of individual or corporate intermediaries (labor brokers and recruitment agencies) in the bi-lateral cross-border migration Memorandum of Understanding (MOU) recruitment process, grievances that originate from or are inter-related with recruitment practices in both source and host countries assume added importance.

Good grievance mechanisms serve numerous helpful purposes. They can defuse conflict and avoid escalation of bottled-up dissatisfaction by channeling discussions into rational, objective means for peaceful resolution. They facilitate communication between workers and management regarding problems, and enable workers to be heard with dignity, assuring them of systems that lead to impartial decisions compliant with national laws and standards of ethical conduct. Grievance mechanisms, therefore, could prevent negative incidents, violent acts, or unfavorable news that could damage, disrupt and harm the Employer or Company, its workers, operations, brands, clients, and reputation.

At the same time, by encouraging workers' awareness of their rights and responsibilities, good grievance mechanisms can and have improved relations among workers and with their supervisors, thereby improving morale and productivity at the workplace. As a result, Employer-Employee interactions at various levels are strengthened, thereby building better trust within the Company. As tools for resolving internal disputes through addressing employee concerns, grievance mechanisms have been included in collective bargaining agreements in countries where unions are active. In Thailand, the implementation of robust grievance mechanisms can be done by qualified and trained Human Resources (HR) manager or staff, or a Management Representative (MR), or an SMS Team or through a Welfare Committee.

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<sup>68</sup> The phases are different for the MOU and NV methods. Please refer to the Responsible Recruitment Manual.

## What features make grievance mechanisms good and effective?

- Accessibility and Legitimacy -All internal stakeholders, from top management to line workers, as well as external stakeholders (including product and service suppliers) are provided access to channels for grievances.

Internal and external stakeholders obtain assurance that the basis for the mechanisms are Thai labor, fishery and migrant worker management laws, standards required by international markets and buyers' Codes of Conduct (COC), which provide the legitimacy, credibility and integrity required of a robust, reliable grievance mechanism.

- Workers Consultation and Involvement – Directly or through their representatives, workers are consulted during the development of grievance channels, response timelines, during actual improvement and/or remediation in response to grievances. Workers, especially vulnerable workers, are made aware of their rights and responsibilities and assured that the grievance mechanism is intended to protect them, give them a voice and NOT punish them if they participate. For migrant workers, there are provisions for access in their native languages.
- Confidentiality with Transparency – Names and personal details of those lodging grievances are recorded but protected, through anonymizing techniques. However, communication retains transparency about the steps for categorizing the grievance, progress of investigation and evaluation, mediation and decisions, how remediation is handled and resolved.
- Documentation and Communication - The structure of the grievance mechanism, i.e. the main process steps - of filing a complaint or grievance, receiving, investigating, deciding, resolving, recording, appealing (if necessary) – are documented in a flow diagram and communicated to all internal and external stakeholders. An example is provided with this document (refer to Figure F-1 The Grievance Process Flowchart). At the same time, the SMS Team develops and/or adapts standardized forms for implementation.
- Training and Capacity Building - Those assigned to manage the grievance mechanism processes are trained in more detail on procedures and tools (e.g., interview questionnaires, techniques) as well as in handling gender-sensitive cases. The SMS Team is provided special training (internal and/or external) on conflict management, dialogue and resolution strategies, approaches to mediation and remediation, as well as identification of external local support networks.
- Timely and Responsive – A list of potential grievances related to the Company's policies are compiled in a systematic manner to facilitate preparedness for implementing corrections or remediation within appropriate timelines. Such lists are living documents to be used to encourage discussions on preventive measures, as well as analyze any past incidents for trends and patterns in types of grievances and their resolution.
- Operational and Effective - Documenting processes for the grievance mechanism about lodging, processing, investigating, resolving, implementing corrections and remediation is a crucial first step. However, as these processes are implemented, the SMS Team should evaluate the effectiveness of their internal systems in enabling smooth day-to-day operations and meeting the company's social policies. Metrics for improvement need careful consideration.

## Who can raise a grievance and how?

Employers should make sure that NO worker is excluded from participation in grievance mechanisms. In facilities where there are a lot of migrant workers, all communication regarding grievance mechanisms should be in languages that workers understand. If there are literacy concerns or even if there are none, arrangements should be made for translators and interpreters, when necessary, to clearly explain the Company's policies and procedures for handling grievances and announce contacts for filing grievances.

It needs to be emphasized that all workers, regardless of position, gender, nationality, full or part-time status, can raise a grievance, individually or collectively, when they are negatively impacted by the activities and operations of the Company; or by any individuals or groups in the Company (especially those in managerial or supervisory positions); or by any product or service suppliers to the Company (including labor recruiters, recruitment agencies, security agencies).

Similarly, members of the community where the Company operates, buyers, suppliers and all other stakeholders in the supply chain that the Company is part of, can raise concerns, complaints or grievances. Concurrently, positive comments and improvement suggestions should be encouraged.

Grievances can be raised through internal and external mechanisms. Internal mechanisms may use strategically-placed boxes, via the Welfare Committee, directly with the company's middle or top management or through other confidential channels set up by Company, e.g., a hotline or internet app. External mechanisms could supplement internal mechanisms and utilize tools and processes set up with cooperation from trade associations; cooperatives; unions (if any); NGOs specializing in issues on labor, human rights and migrant workers; as well as government agencies tasked with labor rights and welfare or oversight of recruiters. Multiple communication channels should be tried to determine what workers will find appropriate and convenient and/or feel most comfortable with in registering their concerns.

## What are the types and categories of grievances that need to be addressed?

A "grievance" could be a real or *perceived* wrong or other cause for complaint, dissatisfaction or protest of what is considered as unfair treatment or violation of human or labor rights. Grievances could differ in severity ranging from potentially life-threatening ones with severe or permanent impacts on human health and lives to less severe but equally important concerns about working conditions, workplace environment, benefits and welfare. Categories of grievances are shown below with some example:

- Recruitment and Hiring – e.g., overcharging on document processing fees; false promises on type and conditions of a job; contract substitution; unsafe transportation and accommodation; inducement to take out loans; documents withheld; deposits/guarantees required of jobseekers
- Working conditions – e.g., excessive overtime; not enough rest hours/day/week; cramped poorly ventilated workspace with inadequate lighting; no personal protective equipment (PPE); restrictions to access to worker toilets and drinking water; monitoring by armed guards at work
- Infrastructure – e.g., poorly designed or old structures with risks of injury/accidents to workers; no emergency exits or inadequate signage or locked/lockable escape

routes; inadequate handwashing facilities; not enough lockers; unsanitary conditions in company-owned housing or in worker canteen

- Labor and contractual rights – e.g., annual leave denied, maternity leave not paid according to Thai laws; overtime hours not paid a premium rate; workers laid off but not paid severance
- Human rights - e.g., young workers employed in jobs that present health hazards; discrimination between men and women/different ethnic groups with regards to pay and promotion; wage advances and loans with high interest creating conditions for debt bondage; abusive disciplinary measures for members of a union or Welfare Committee; workers' freedom of movement restricted in company dormitory; worker threatened when giving notice of resignation
- Personal relations – e.g., supervisors who use abusive language, engage in sexual harassment, bring pornographic material into workplace; engage in internal or external collusion and corruption; direct or indirect threats or degrading comments in person or via social media
- Community relations – e.g., environmental damage due to company's operations such as a factory or a farm discharging effluents or sediments that damage aquaculture or marine operations in the nearby areas; pollution of the soil or air due to hazardous chemicals; cutting down mangroves or clearing the forest in an area designated as a national park or sanctuary

### **What types of grievances are considered zero-tolerance areas, hence prioritize remediation?**

A Company committed to upholding fundamental human and labor rights, responsible recruitment, decent work, and ethical business principles, respects and protects all workers to allow them to achieve their full potential and ensure their well-being in a safe, supportive environment. Therefore, there will be **zero tolerance** against all forms, manifestations, indications violations and evidence of inhumane treatment related to human trafficking, forced, bonded, slave, indentured and involuntary compulsory labor; child labor, discrimination based on gender (including sexual harassment, abuse and exploitation), race, religion, disability; the right to freedom of association, freedom of movement and personal freedoms; as well as any practices that could injure, damage or harm, temporarily or permanently, the lives, physical and mental health, safety, freedom, well-being and dignity of job-seekers and workers. Remediation strategies will punish perpetrators, and at the same time protect victims and whistleblowers.

### **What are the steps for handling and resolving grievances?**

The attached Grievance Process flowchart (Figure F-1) outlines the main steps as follows:

#### **Step 1: Channel**

A worker lodging a grievance can do so verbally or in writing, using various available channels. Some may prefer speaking directly to an individual (usually the worker's supervisor or the owner of the facility) or to a group (e.g., the SMS Team or the Welfare Committee or a Crisis Management Team). Others may choose to write down their complaint and leave them in boxes strategically located for confidential and anonymous submission. Other methods involve internal or external hotlines or other web-based applications such as Line or other text messaging or social media closed group channels.

### Step 2: Acknowledgment

The person or team in charge of the grievance mechanism should acknowledge receipt in writing. An individual or group approached verbally by a worker should document as accurately as possible the grievance lodged. Anonymizing the information and individual details is a challenge but can be coded in a manner that is traceable in order to communicate progress and resolutions. Grievance forms should be standardized, with each grievance numbered, categorized and logged. Approximate timeframes for resolution should be determined depending on the complexity of the grievance, but response and follow-up must be prioritized for those involving personal safety and lives (refer to section on severity and **zero tolerance areas**<sup>69</sup>). The log entry could be simple, e.g., *Grievance #xx/2019 (Recruitment and Hiring) regarding deposit and guarantee money required by labor broker received on June 22, 2019. The worker and the labor broker will be contacted within 3 days to start the investigation process. (Signed)*

### Step 3: Analysis

The person or team in charge should determine if sufficient information and evidence are available to establish facts. Depending on the severity or urgency of the case, timelines for response, investigation and evaluation can be adjusted. It is important to establish if a violation of national laws, a fundamental human or labor right, or of the Company's zero tolerance policies has happened. If so, root cause(s), potential remediation, mediation, rehabilitation solutions need to be prioritized based on pre-determined strategies for handling such cases. If there is insufficient information to establish the severity of the infraction, efforts should be made to determine what additional information is required.

### Step 4: Remediation

Once all facts and evidence have been analyzed, appropriate strategies are implemented including who will act as internal first-responders, who will be contacted for assistance and support, what potential remediation or rehabilitation or corrections must or can be applied right away or over a longer term; whether such measures are feasible and affordable, how soon they can be done and by whom. Remediation must be carefully planned and understood by all since in extreme cases, timing is crucial. Two essential components of remediation planning are: 1) consultation with and participation of workers in developing appropriate and timely remediation protocols; and 2) monitoring of the effectiveness and progress of remediation measures involving government agencies, NGOs and other external stakeholders.

### Step 5: Mediation

During evaluation of the grievance and in case additional information is required, the person or team in charge should arrange to call the worker(s) or manager(s) or supplier(s) involved for a discussion, separately and with assurance of confidentiality, at the facility or in a safe, neutral location. If any individual requires translation and/or a trusted co-worker or representative of her/his choosing to be present so as to vouch for them or confirm the information they are providing, appropriate concessions must be made to accommodate such needs. The discussions during the meeting (s) must be documented and clearly **specify date, place, who were present, what topics were discussed, what evidence presented, what questions were asked and answered and what conclusions were reached.**

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<sup>69</sup> The term “zero tolerance areas” or “issues” is standard SMS terminology and refers to violations of fundamental human and labor rights and/or situations that endanger workers’ lives, health and well-being.

After the meeting(s) and evaluation, the manager in charge of the grievance process will explain the analysis of the facts received and propose potential solutions to all parties involved. The worker lodging the grievance should be encouraged to participate actively and verify the accuracy of the manager's interpretation and explanations. Feedback and agreement from the worker on proposed solutions must be obtained and these must be reflected in minutes of the meeting. Once the proposed solutions are acceptable to all parties then settlement can commence.

#### Step 6: Settlement

Depending on the nature of the grievance, the severity of the offense or infraction, the results from the previous steps and decisions agreed upon by all parties, settlement will proceed according to the Company's pre-determined remediation, correction and prevention strategies. It is best to avoid litigation, if possible, and use non-judicial means of settlement. However, in cases where judicial measures need to be applied, it is important to protect victims from further harm or indignities as well as protect the identities of whistleblowers, if any.

#### Step 7: Appeal

Should there be disagreements on the remediation or settlement, any of the parties involved could appeal. The worker(s) has (have) the right to raise additional concerns if the problem has not been adequately and satisfactorily addressed. The Company must acknowledge and investigate additional concerns right away, but avoid victimizing, disciplining or dismissing any of the parties involved in the case. If national laws define external legal channels for dispute resolution, or any of the parties opt for external legal support of their own choice, arrangements/options should be made/offered accordingly.

#### Step 8: Closure

After an agreement is reached by all parties, remediation and corrective measures must be implemented within agreed upon timelines. Without naming the people involved, the resolution of the grievance shall be announced to other workers in order to maintain awareness and trust within the company regarding the effectiveness of the grievance mechanism. Lessons learned from the case evaluation and resolution shall be documented and used to improve systems for preventing recurrence.

#### Step 9: Documentation

### **Record-Keeping Best Practices for Grievance Mechanisms**

- Standard Forms – All workers should have access to forms they could use to lodge complaints and concerns. To ensure confidentiality, boxes for the forms need to be located in private areas where workers feel comfortable and unwatched, for example in toilets or in changing rooms.
- Classification and Numbering - The forms and records should be numbered and categorized (as to type of grievance and level of severity). Similarly minutes of meetings and documentation of discussions, mediations, resolutions, closure or appeals should be complete to enable tracking of any patterns or trends as well as follow-up of lessons learned or recurrence.
- Coordinator and Point of Contact – Although the SMS Team is officially in charge, a qualified experienced member needs to take the lead as coordinator and central point

of contact. This is to ensure prompt responses, consistency and efficiency of implementation plus visibility.

- **Legal Compliance** - All investigation, evaluation, communication and proposed remediation measures must comply with national labor laws, related fishery and migrant worker management laws in Thailand as well as international labor conventions and standards. Prevention must be pre-determined, documented and must likewise, be legally compliant.
- **Accuracy and Credibility** – All information and evidence accessed or obtained for the investigation, analysis and resolution of each case must accurately reflect actual events and discussions. Even in cases where the complaint or grievance was communicated verbally, a credible transcript of what was discussed must be prepared, with accurate translation, as needed, into the working language of the worker. The minutes of meetings with the workers, groups or members of the community, likewise, need to be captured in detail and in languages understandable to migrant workers. It is recommended to obtain the signatures of participants to the meetings and discussions – formal or informal.
- **Confidentiality and Security** – These are issues that need to be taken seriously. Anonymizing techniques, e.g., assigning a code to an individual, should be considered to protect the identities and personal information of complainants especially in cases involving abuse or violence where the victim must be protected from further harm. Informed consent forms must be signed by workers only if they agree to be photographed or quoted or allow their interviews to be taped for reports – irrespective of whether the reports are made public or not.
- **Retention Period** – The Company usually retains all records for quality management systems (QMS) for a period equivalent to the product shelf life plus one year. However, because SMS records may be involved with legal cases, information and evidence pertinent to each case must be kept according to national labor law requirements for record retention in legal cases.

### **When is Remediation necessary?**

“Remediation” involves making amends and righting wrongs; carrying out restitution and rehabilitation; rectifying and mitigating situations and events where a Company has contributed to or caused- directly or indirectly, knowingly or unknowingly - loss of life, physical and/or psychological injury or harm, disability or incapacitation of individuals or communities in their source of income and livelihood. Even if the negative impacts are not directly linked to their operations, a Company needs to be aware of and determine whether any of the stakeholders in their supply chain may be involved (e.g., product and service suppliers including recruiters).

At the same time, the Company should develop and employ strategies, using whatever power or advantage they have, to prevent potential impacts on the holistic supply chain, especially on vulnerable workers such as migrant workers and women.

To develop prevention and mitigation strategies for remediation, consider the following factors:

- **Severity and Timeliness** – High priority risks -- death; physical and mental harm; severe injury; threats to safety, health, well-being; actions that violate fundamental human and labor rights, especially those that restrict personal freedoms and freedom of movement, threaten security and demean human dignity – require prompt attention.

Remediation plans to address the zero tolerance areas - human trafficking, forced labor, child labor, discrimination (including gender-based abuse and harassment) extreme disciplinary measures, conditions endangering workers' lives - must be prepared and documented. Refer to Table F-1 for further guidance.

- Extent of impact – Concerns and incidents that affect a large number of stakeholders, especially vulnerable workers, such as migrant workers and their families, must be prioritized.
- Direct or indirect connection – Some incidents may happen because of the Company's direct involvement. However, in some cases, the Company is not directly involved, and the incident is a result of the actions of a product or service supplier in the Company's supply chain. Even though there was no intent to harm, and despite the harm originating from a business partner, the Company still bears a responsibility to take action, e.g., exercise better oversight or delist a supplier. Risk of indirect involvement is particularly challenging when using intermediaries (labor brokers and agencies) in source countries and host countries, for recruiting migrant workers.
- History of Ongoing Harm – The Thai seafood sector has received a large share of negative publicity regarding violations related to human trafficking and forced labor. Companies that operate in such a sector with a history of ongoing problems and incidents of harmful practices reported in the media, should do even more to prepare remediation plans and response plans to avoid negative impacts on their businesses and reputation.
- Pre-prepared Response Plans and 3<sup>rd</sup> Party Institutional Support – The Company needs to be prepared at all times to uphold fundamental human and labor rights. This involves prompt responses and actions to immediately stop contributing to harm, directly or indirectly, knowingly or unknowingly, if and when incidents originating from the Company's operations are brought to the management's attention or discovered through the media. In such cases, the Company must accept responsibility, make amends and reach out to state and other 3<sup>rd</sup> party organizations for support/resources to address and correct adverse impacts in the community

### **What are the different types of remediation strategies?**

The different methods for remediation could be informal or formal strategies. Developing grievance mechanisms and remediation plans benefit from worker involvement – individually or through the Welfare Committee or union representatives. The SMS Team should ensure that operational and effective internal systems are put in place with the primary objective of resolving grievances in-house first, in compliance with the requirements of Thai national laws relevant to labor, fisheries and migrant workers' management as well as international standards required by their markets and buyers. For incidents that require external third-party and legal interventions, the Company must anticipate how best to mitigate potential adverse impacts to the workers (especially when migrant workers, women and children are involved) as well as minimize the negative impacts to the Company and the seafood sector.

Putting preventive measures in place to minimize risks of penal sanctions is a wise strategy. This Guide encourages the use of the attached Table F-2 for examples of potential risks or indicators or red flags and recommended preventive measures for responsible recruitment).

Various types of remediation strategies are shown in the diagram below; and should also be described specifically in Implementation Procedures for the Grievance and Remediation Policy and the other core Policies.



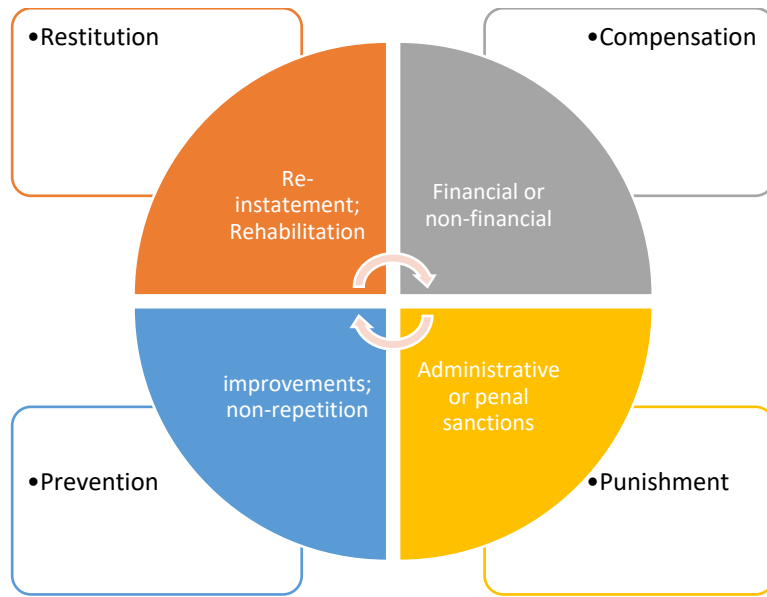


Figure F-2. Remediation Strategies

## Case Studies for Grievance and Remediation- Recruitment

### Important note:

Some potential grievances and possible remediation scenarios are given below as examples. Note that these case studies are NOT based on actual incidents but are composite examples from news in the industry. They assume challenges that Thai companies might face in setting up grievance and remediation mechanisms, especially when adopting the MOU recruitment process which involves labor brokers in both source and host countries. These case studies are not comprehensive of all challenges that might arise, but can help to identify areas for potential improvements to remediation action, timelines and interaction among the various parties involved. They illustrate potential action to issues that Thai companies may face in setting up grievance and remediation processes.

### **Grievance I: Unsafe Travel and Abuse In-Transit**

A migrant worker hired from Myanmar to work in a surimi factory in Ranong (southern Thailand) was recruited through the MOU process. She obtained her passport and visa through regular channels and for officially announced standard fees with the help of a licensed Burmese recruitment agency who was working with a Thai recruitment agency properly registered with the Thai government and authorized by the Thai employer.

Once her papers were in order, she was informed by the source country agency of the date of departure. She was also told that because there were no direct flights to Ranong from Yangon, and

the other options of flying through Bangkok (11 hours) or through Kawthaung (1.5 hours plus 9 hours on a bus to Ranong, or wait to cross by water on a longtail boat) are unpredictable, it was decided that the best option would be to travel by land all the way from Yangon to Ranong (30 hours, with large portions along narrow winding roads). She took a bus, together with 10 other women and 15 men. During one of the stops along the way, she was molested by a recruiter working for the source country agency who came along to supervise the group.

She did not report the abuse until she was already hired by the surimi factory. When she found an NGO working with Myanmar workers in the area, she raised a grievance which the NGO then brought to the attention of the Employer. A Thai labor rights lawyer affiliated with the NGO, who took a statement from the victim, advised the Employer against reporting the incident to the police since the victim could suffer further harm.

The NGO and Thai lawyer suggested the following steps: 1) the Employer should, through its Thai recruitment agency, investigate the severity of the actions of the source country agency's recruiter, file a complaint and bring charges, if abuse was established; 2) the Employer should ask the Thai recruitment agency to tighten its vetting of source country recruitment agencies and consider stopping business with this particular agency; 3) the NGO will liaise with the provincial Ministry of Social Development and Human Security Office to seek medical tests to determine the extent of harm inflicted on the victim; 4) the facility will continue to employ the worker, at the same time support any rehabilitation or treatment needed for her health and well-being; 5) all parties involved will protect the identities of the victim and perpetrator but ensure that training on increasing understanding of and preventing sexual abuse is carried out at all levels.

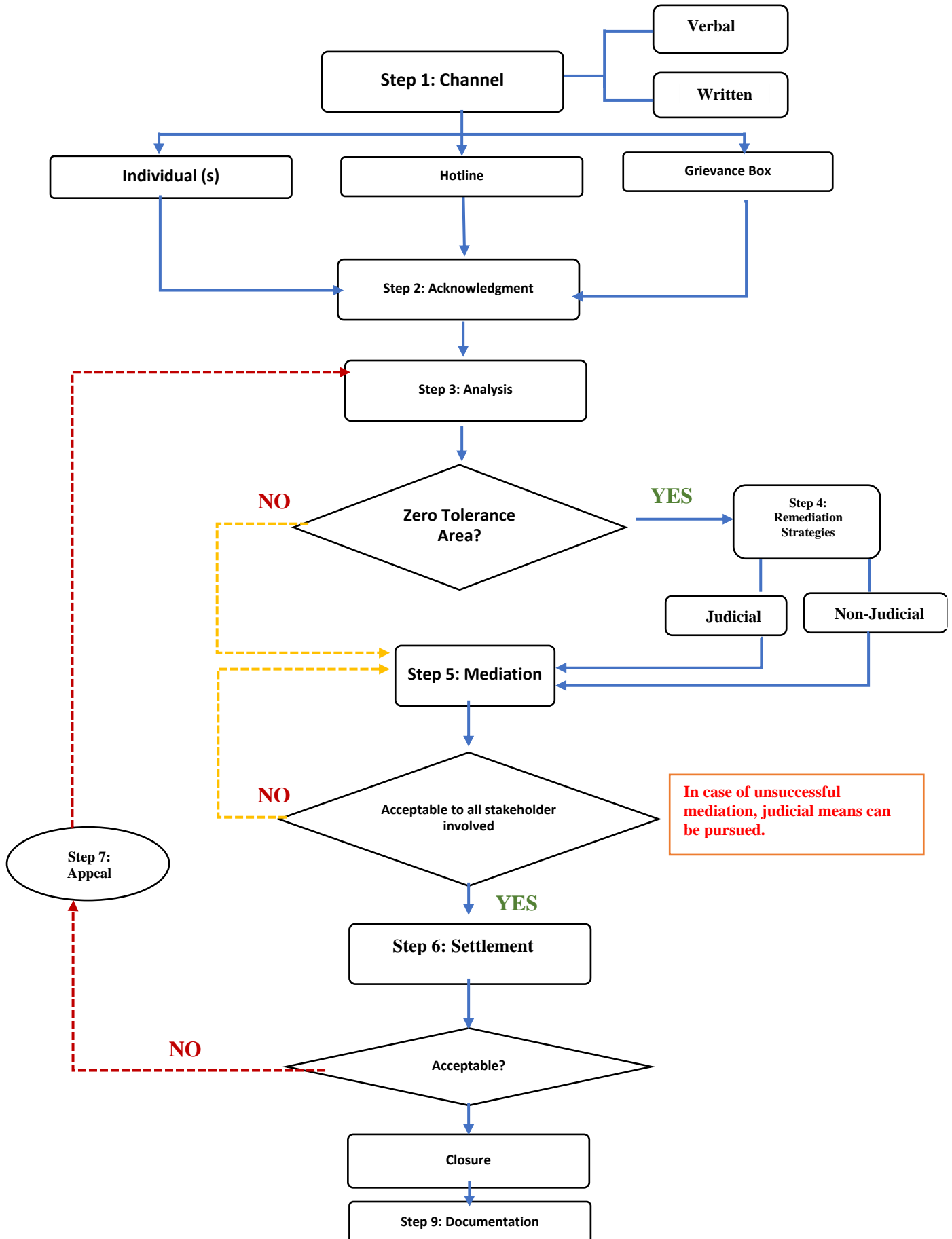
## **Grievance 2: Contact Substitution**

A Cambodian migrant worker was recruited to a dried squid processing facility in Rayong. Pre-departure, he signed a contract in Phnom Penh, in front of a labor attaché, and in the presence of the Thai labor recruiter for the Employer. This contract entitled him to wages and benefits as a regular worker, equivalent to what Thai workers receive. Upon arrival at the factory in Rayong, another employment contract was given to him by an HR staff. This new Employment Contract described his work as part-time and assigned him to a night shift. He will be paid for only 3 days of work per week at wages below the current minimum wage, with one 12-hrs day off a week and no overtime rate.

He complained to the Employer's HR Manager, bringing the previously signed contract to show what had been agreed upon pre-departure. The HR Manager as head of the SMS Team triggered a meeting to investigate the grievance. The SMS Team checked the pre-departure contract and established it to be the official contract of a worker on the approved workers list for MOU between Cambodia and Thailand. To address the discrepancies, the SMS Team proceeded to apply the following corrections: 1) The Cambodian migrant worker's job description was restored to full-time regular worker to be paid the current minimum wage for 30 days per month, with one full 24-hr day off per week and overtime premium rates; 2) The HR department arranged for him to have the option of changing to day shift if night shift work was too hard on his health; 3) The Employer stopped using part-time contracts templates.

Figure F-1: Grievance Process Flowchart

**THE GRIEVANCE PROCESS**



**Table F-1: General Classification of Grievances and Recommended Timelines**

Type of Grievance	Severity Rating	Response Timeline	Action(s)
<p>Violations or incidents related to fundamental human and labor rights:</p> <ol style="list-style-type: none"> <li>1. Child Labor</li> <li>2. Forced Labor</li> <li>3. Human Trafficking</li> <li>4. Sexual Abuse, Harassment</li> <li>5. Severe Restrictions of Personal Freedom, Freedom of Movement</li> <li>6. Inhumane Treatment, Severe Disciplinary Actions</li> <li>7. Serious Concerns about Occupational Health and Safety</li> <li>8. Other Criminal or Illegal Activities</li> </ol>	High (Zero Tolerance)	SMS Team and Employer First Response and Investigation within 24 hours; Mediation, Remediation Action Plan and timelines will depend on type of incident and external support network	<ol style="list-style-type: none"> <li>1. Inform migrant workers about possible rights violations and reporting process before contacting local authorities and government agencies</li> <li>2. Contact local authorities and government agencies; preferred first point of contact is the provincial Ministry of Social Development and Human Security Office hotline “1300”</li> <li>3. Contact NGOs who work to protect migrant workers and can arrange safe shelter, medical treatment, legal assistance</li> <li>4. Notify and authorize internal crisis and emergency team (appointed by the SMS team) and follow appropriate protocols, especially for protection of victims and whistle-blowers</li> </ol>
<ol style="list-style-type: none"> <li>1. Discrepancies or delay or non-fulfilment of Employment Contract Terms and Conditions</li> <li>2. Misinterpretation, misunderstanding of changes in job responsibilities or working conditions</li> <li>3. Personal dislikes, disagreements and miscommunication among workers; or between worker and supervisor</li> </ol>	Medium	Within 3 days	<ol style="list-style-type: none"> <li>1. Discuss internally with supervisor or HR Manager or SMS Team</li> <li>2. Discuss during Welfare Committee meetings or with migrant worker group representatives</li> <li>3. If requested, involve external NGO that specializes in migrant workers’ concerns and speaks their language</li> </ol>

<ol style="list-style-type: none"> <li>1. Minor concerns with amenities in the workplace</li> <li>2. Clarification about changes to Thai laws or Company policies</li> </ol>	<p>Low</p>	<p>Within 7 days</p>	<ol style="list-style-type: none"> <li>1. Discuss internally with supervisor or HR Manager or SMS Team</li> <li>2. Discuss during Welfare Committee meetings or with migrant worker group representatives</li> </ol>
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**Table F-2 Red Flags for Potential Grievances and Preventive Measures**

<b>Stage I: Pre-departure or in-transit from village to processing center at source country</b>		
<b>Red Flags and Potential Areas for Grievances on HT/FL</b>	<b>Recruitment &amp; Hiring Steps/ Responsibility</b>	<b>Preventive Measures / Good Practices for Oversight by Potential Employer (the Company)</b>
<p>1. <b>Recruitment and processing fees</b> Fees charged to workers illegally or higher than what is allowed by law</p> <p>2. <b>Guarantees and deposits to obtain job</b> Amounts charged to workers for placement</p> <p>3. <b>Loans and wage advances</b> Workers are induced to take out loans or receive wage advance to be paid back with high interest or by wage deductions</p> <p>4. <b>Threats or force used</b> Job seekers are coerced with physical force or threats of harm to family</p> <p>5. <b>Travel and accommodation</b> Unsafe arrangements and/or actual abuse or risk of abuse in-transit</p> <p>6. <b>Abuse of vulnerability, Freedom of movement</b> Restrictions, isolation or confinement, abuse</p> <p>7. <b>Job descriptions and work location</b> Details are not made available to workers</p> <p>8. <b>Employment contracts</b></p>	<p><u>Where:</u> Pre-Departure or in-transit from village to processing center at source country</p> <p><u>Who:</u> Local labor recruiters Person(s) or company(ies) in source country; Thai labor brokers and partners; government agencies in both source and host countries</p>	<p>1. <b>Process Steps and Recruitment Fees</b> Contact local authorities and government agencies involved with cross-border migration legal requirements for official process steps and recruitment fee schedules</p> <p>2. <b>License &amp; Recruiter Track Record</b> Verify the license and track record of the Thai labor recruiter (individual or company) who will be representing the Company as well as their source country partners</p> <p>3. <b>Due diligence and Risk Assessment</b> Carry out due diligence and risk assessment for social and labor risks, take appropriate action to minimize risks (e.g., items 4, COC and 5, Contract- see below) before issuing a Power of Attorney to the Thai recruiter</p> <p>4. <b>Code of Conduct Signing</b> Send a Code of Conduct (COC) explaining the Company's Policies on fundamental human and labor rights especially prohibitions on restricting personal freedoms, violating human dignity, or engaging in deception</p> <p>5. <b>Employer – Recruiter Legal Contracts</b> Sign a contract that will require the recruiter to represent the Company's requirements, nature of job, work location, employment terms and conditions, fees paid accurately</p> <p>6. <b>Recruiters' Transparency and Accountability</b> Require transparency and accountability of the labor broker and its partners – ask for all receipts and supporting evidence; timely updates of progress on finding workers, recruiting, document processing, interviews, transport and pre-departure processing, including photographs and periodic skype or phone monitoring per pre-agreed Monitoring Plan</p>

<p>Terms and conditions of employment are not clear and worker not informed</p> <p>9. <b>Additional contract terms and waivers</b> Worker not informed of exceptions</p> <p>10. <b>Personal documents</b> withheld from worker or promised but not legally obtained</p>		
<p><b>Stage 2: Border crossing and post- arrival from central processing center at source country to central processing center in host country</b></p>		
<p><b>Red Flags and Potential Areas for Grievances on HT/FL</b></p>	<p><b>Recruitment &amp; Hiring Steps/ Responsibility</b></p>	<p><b>Preventive Measures / Good Practices for Oversight by Potential Employer (the Company)</b></p>
<p>1. <b>Training</b> not done or fee charged for it</p> <p>2. <b>Job Descriptions</b> Inconsistent communication about job descriptions and work location details</p> <p>3. <b>Transportation and Lodging</b> No transportation and lodging in-transit to Employer facility or workers asked to pay for these on their own</p> <p>4. <b>Abuse of vulnerability, Freedom of movement</b> Restrictions, isolation confinement; abuse</p> <p>5. <b>Threats or force used</b> Job seekers are threatened with being reported to authorities or coerced to pay border fees</p> <p>6. <b>Grievance Channels</b> No emergency contact or grievance channels</p> <p>7. <b>Interpreters</b> No interpreters or</p>	<p><u>Where:</u> Border Crossing and Post- Arrival From central processing center at source country to central processing center in host country</p> <p><u>Who:</u> Employer, Local labor recruiters and government agencies; Thai labor broker; government agencies in host country</p>	<p>1. <b>Activities, Timelines and Fees</b> Require Thai labor broker to submit detailed documented steps of recruitment, interviews, contract signing, pre-departure, departure, and post-arrival activities including any fees charged at any step for activities, e.g., training, medical checks</p> <p>2. <b>Reporting and Monitoring</b> Require Thai broker to report on or submit materials for training delivered and/or any employment contract/agreement signed , including any training fees, and monitoring by phone or skype of activities of its partner recruiters</p> <p>3. <b>Transparency and Accountability</b> Require transparency and accountability of the labor broker and its partners – ask for all receipts, supporting evidence, proof and timely updates of progress on safe arrival and post-arrival activities and condition of workers</p> <p>4. <b>Grievance and Remediation</b> Monitor and verify any communication through emergency contact and grievance channels; evaluate and report as needed; take action or investigate to ensure any workers’ grievances are addressed and resolved</p>



<p>translators to assist migrant workers</p> <p>8. <b>Personal documents</b> withheld from worker</p>		
<p><b>Stage 3: Arrival at Employer facility and preparation for employment</b></p>		
<p><b>Red Flags and Potential Areas for Grievances on HT/FL</b></p>	<p><b>Recruitment Steps/ Responsibility</b></p>	<p><b>Preventive Measures / Good Practices for Potential Employer (the Company)</b></p>
<p>1. <b>Job Location</b> Work location, Employer and job different from those agreed to</p> <p>2. <b>Employment Contract</b> Terms and conditions different from and wages or benefits for worker reduced from those promised or already signed</p> <p>3. <b>Guarantee, Deposits</b> Worker required to post guarantee or deposit (in cash or in kind) to stay on the job</p> <p>4. <b>Loans, Wage Advance</b> Worker offered wage advances or loans with high interest rates and unreasonable repayment terms</p> <p>5. <b>Housing Options</b> Referrals or choices of accommodation forced at housing owned and controlled by Employer or family; in exchange for favors, monetary or in kind</p> <p>6. <b>Freedom of Movement, Personal Freedom</b> Restrictions on access or entry to workplace or common facilities</p> <p>7. <b>Training</b> Orientation and occupational health and</p>	<p><u>Where:</u> Arrival at Employer facility and during preparation for employment</p> <p><u>Who:</u> Employer’s Human Resources (HR) Department, Top Management, Thai labor broker During application and processing to accept as new hire following Employer rules</p>	<p>1. <b>Recruiter Accountability</b> Employer to hold the Thai labor broker accountable for any non-compliance with their Contract and terms of agreement, especially with regards to any potential legal breaches that could incur fines or require repatriation of the worker</p> <p>2. <b>Employment Contract (s) Alignment</b> Employer to ensure all contracts and agreements previously signed, if any, match the most current official one signed at the Employer’s facility. Employer will not substitute terms and conditions that disadvantage workers. Employer will arrange for translation and interpretation so that the migrant worker understands all terms and conditions and signs without threat or force</p> <p>3. <b>Worker Personal Documents</b> Workers keep all personal documents and duplicate original of Employment Contract</p> <p>4. <b>Loan or Wage Advance Request</b> If the worker requests a loan or wage advance, Employer may do so but will not charge interest and will document reasonable repayment terms in a legal agreement separate from the Employment Contract</p> <p>5. <b>Guarantees, Deposits</b> NO guarantees or deposits will be required in cash or in kind</p> <p>6. <b>Training required by Thai Labor Laws</b> Mandatory orientation and occupational health and safety (OHS) training provided free of charge prior to start of work</p>

safety training do not meet Thai laws		
Stage 4: Employment at Employer Facility		
Red Flags and Potential Areas for Grievances on HT/FL	Recruitment & Hiring Steps/ Responsibility	Preventive Measures / Good Practices for Oversight by Potential Employer (the Company)
<ol style="list-style-type: none"> <li>1. <b>Wage Payment</b> Underpayment, delayed payments; calculations not clear</li> <li>2. <b>Deductions</b> Forced savings or illegal deductions</li> <li>3. <b>Overtime</b> required without worker's consent or excessive</li> <li>4. <b>Violence and Abuse</b> Direct/indirect abuse, disciplinary measures</li> <li>5. <b>Personal Freedom and Freedom of Movement</b> Restrictions on personal freedoms, freedom of movement</li> <li>6. <b>Grievance and Remediation</b> No access to grievance channels, mediation or remediation</li> </ol>	<p><u>Where:</u> Employment at Employer Facility</p> <p><u>Who:</u> Employer's Human Resources (HR) Department; Supervisors, Middle Management and Top Management; government agencies in Thailand</p>	<ol style="list-style-type: none"> <li>1. <b>Payroll and Payment Records</b> Employer will ensure that payroll records and pay slips show clearly the calculation of wages, any overtime and legal deductions</li> <li>2. <b>Deductions</b> There shall be no illegal deductions, e.g., for recruitment fees, guarantees, deposits; or for personal protective equipment, training, use of sanitary facilities or drinking water</li> <li>3. <b>Meals and Lodging Options</b> Options for accommodation and meals shall be agreed upon without any pressure to use company-owned facilities or services</li> <li>4. <b>Freedom of Movement</b> Workers have full access to their workplace, accommodation and property and freedom of movement at work, after work hours, during days off, holidays, leave and can refuse overtime</li> <li>5. <b>Grievance and Remediation</b> Workers are provided with efficient, legitimate, confidential grievance channels</li> <li>6. <b>Training</b> Specialized training on gender-based violence, humane treatment, human rights</li> </ol>

**Table F-3: Types of Remediation**

Grievance	Mechanism	Type of Remediation	Specific Actions
<ul style="list-style-type: none"> <li>Child Labor</li> </ul>	Non-Judicial	Restitution and Rehabilitation	<ul style="list-style-type: none"> <li>Do not send away child to unknown location</li> <li>Contact local child protection authorities and government agencies</li> <li>Arrange for child's education, health care and other measures for child's welfare</li> </ul>
<ul style="list-style-type: none"> <li>Forced Labor</li> <li>Human Trafficking</li> <li>Sexual Abuse, Sexual Harassment</li> </ul>	Non-judicial and Judicial	Prevention, Restitution, Rehabilitation, Punishment for Offenders	<ul style="list-style-type: none"> <li>Protect victims by taking them to safe houses or welfare agencies; arrange for medical treatment</li> <li>Investigate and consider administrative (e.g., firing) or penal actions (legal case)</li> <li>Preventive Measures</li> </ul>
<ul style="list-style-type: none"> <li>Death</li> <li>Disability or Injuries due to serious Occupational Health and Safety risks or violations</li> </ul>	Non-judicial or judicial	Compensation or Restitution, Prevention	<ul style="list-style-type: none"> <li>Compensate dependents of deceased appropriately</li> <li>Pay for medical expenses and treatment of injured</li> <li>Re-instate disabled worker in the same or another position at factory</li> <li>Correct OHS risks</li> </ul>
<ul style="list-style-type: none"> <li>Document Retention</li> <li>Worker fired for attending union meeting</li> <li>Charging recruitment or guarantee fees</li> <li>Illegal wage deductions</li> <li>Overtime rate incorrect</li> <li>Maternity leave not paid</li> </ul>	Non-judicial	Restitution, Compensation, Prevention	<ul style="list-style-type: none"> <li>Return personal documents; reinstate worker who attended union meeting</li> <li>Reimburse recruitment, guarantee fees and wage deductions</li> <li>Pay overtime and maternity leave compensation in full</li> <li>Training for HR on national labor laws</li> </ul>

**Table F-3: Types of Remediation Actions**

Grievance	Mechanism	Type of Remediation	Specific Actions
<ul style="list-style-type: none"> <li>• Child Labor</li> </ul>	Non-Judicial	Restitution and Rehabilitation	<ul style="list-style-type: none"> <li>• Do not send away child to unknown location</li> <li>• Contact local child protection authorities and government agencies</li> <li>• Arrange for child's education, health care and other measures for child's welfare</li> </ul>
<ul style="list-style-type: none"> <li>• Forced Labor</li> <li>• Human Trafficking</li> <li>• Sexual Abuse, Sexual Harassment</li> </ul>	Non-judicial and Judicial	Prevention, Restitution, Rehabilitation, Punishment for Offenders	<ul style="list-style-type: none"> <li>• Protect victims by taking them to safe houses or welfare agencies; arrange for medical treatment</li> <li>• Investigate and consider administrative (e.g., firing) or penal actions (legal case)</li> <li>• Preventive Measures</li> </ul>
<ul style="list-style-type: none"> <li>• Death</li> <li>• Disability or Injuries due to serious Occupational Health and Safety risks or violations</li> </ul>	Non-judicial or judicial	Compensation or Restitution, Prevention	<ul style="list-style-type: none"> <li>• Compensate dependents of deceased appropriately</li> <li>• Pay for medical expenses and treatment of injured</li> <li>• Re-instate disabled worker in the same or another position at factory</li> <li>• Correct OHS risks</li> </ul>
<ul style="list-style-type: none"> <li>• Document Retention</li> <li>• Worker fired for attending union meeting</li> <li>• Charging recruitment or guarantee fees</li> <li>• Illegal wage deductions</li> <li>• Overtime rate incorrect</li> <li>• Maternity leave not paid</li> </ul>	Non-judicial	Restitution, Compensation, Prevention	<ul style="list-style-type: none"> <li>• Return personal documents; reinstate worker who attended union meeting</li> <li>• Reimburse recruitment, guarantee fees and wage deductions</li> <li>• Pay overtime and maternity leave compensation in full</li> <li>• Training for HR on national labor laws</li> </ul>



**Form F-2: Grievance Investigation and Reporting Form**

**Grievance Investigation and Reporting Form**

Grievance Investigation Reference No:		
Submitted by:	Full Name:	Date:
	Job Title:	Signature:
Ref. No.	Categories	Description (please be as specific as possible)
	Forced/Bonded Labor	
	Non-Discrimination	
	Child Labor	
	Responsible Recruitment	
	Anti-Trafficking in Persons (TIP)	
	Freedom of Association and Collective Bargaining	
	Decent Working Conditions	
	Infrastructure	
	Personal Relations	
	Contractual Rights	
	Sexual Abuse, Sexual Harassment	
	Freedom of Movement,	
	Community Rights	
Root Cause Analysis and Investigation		

**ACTIONS FOR PROTECTING WORKERS AND ELIMINATING THE ROOT CAUSE**

Corrective Actions and Remediation	Company's Responsible Person	Expected Execution Period	1 <sup>st</sup> Follow-Up Date & Action (if required)	2 <sup>nd</sup> Follow-Up Date & Action (if required)	3 <sup>rd</sup> Follow-Up Date & Action (if required)	Actual Date of Completion
<b>Preventive Measures</b>						

**Management's suggestions or comments or Conclusions by the SMS Team**


**For administrative use only:**

First Follow-Up

Actions Verified by	Full Name:	Job Title:
	Date:	Signature:
	Remark (if any):	

Second Follow-Up

Actions Verified by	Full Name:	Job Title:
	Date:	Signature:
	Remark (if any):	

Third Follow-Up		
Actions Verified by	Full Name:	Job Title:
	Date:	Signature:
	Remark (if any):	

<b>Grievance Investigation Closed</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
Grievance Investigation Closure Verified by Full Name:	Job Title:
Date:	Signature:
Remark (if any):	



## Annex G: International standards and guidelines mapping

### G-I: ILO Human & Labor Rights Conventions vs. Thai Labor, Fishery and Migrant Workers' Laws

Conventions/Principles	Thai Labor Laws
Freedom of Association	Labor Protection Act B.E 2541 (1998) – Sections 96, 98-99, 109; Labor Relations Act B.E. 2518- 12
No Discrimination	Labor Protection Act B.E 2541 (1998) – Sections 15, 43, 53 ; Harassment -16; B.E. 2551 (2008) – 8; 11/1 (Subcontract and permanent employee)
Fair Remuneration	Labor Protection Act B.E 2541 (1998)– Sections 10-12, 17, 29-36, 39/1, 116-121 Labor Protection Act B.E 2562 (2019)– Sections 9, 17/1, 53, 57/1, 59, 70, 75, 120, 120/1
Decent Working Hours	Labor Protection Act B.E 2541 (1998) – Sections 24-28, 56-63, 114-115; Labor Protection Act B.E 2562 (2019) – Section 51
Occupational Health and Safety	Labor Protection Act B.E 2541 (1998) – Sections 38-42; Occupational Safety, Health and Environment Act B.E. ) 2554A.D. (2011
No Child Labor	Labor Protection Act B.E 2541 (1998) – Sections 44, 45 - 52 , 148/1-2; Child Protection Act of 2003
Young Worker's Protection	Labor Protection Act B.E 2541 (1998) – Sections 40, 45-52; Child Protection Act of 2003
No Precarious Employment	Labor Protection Act B.E 2541 (1998) – Section 20 (non-continuous employment)
No Forced Labor	Labor Protection Act B.E 2541 (1998) – Sections 24 (involuntary overtime), 28 (weekly holiday); B.E. 2551 (2008), Sections 4,5 (security deposit prohibited), Alien Work Act B.E. 2551, Section 24.A (permit kept with holder at place of work)
Ethical Behavior	Anti-Corruption Act B.E. 2551 (2008), amended B.E.2559 (2016); Collusion Act
Human Trafficking	2019 Royal Enactment on the Amendment of the Anti-Trafficking in Persons Act B.E. 2551; Human Trafficking Criminal Procedure Act B.E. 2559 (2016); Anti-Trafficking in Persons Act B.E. 2551 (2008, amended in 2015)
Migrant Workers' Management	Royal Decree Concerning Rules on Bringing Migrant Workers into the Kingdom for Employment B.E. 2559 (2016); Royal Decree on Managing the Work of Aliens B.E. 2560 (2017)
Labor Provisions in Fishery Laws/ Fisheries -related Labor Laws	Ministerial Regulation on Establishments Prohibited from Employment of Children under 18 years of age B.E. 2559 (2016); ); Royal Ordinance on Fisheries B.E. 2558 (2015); Ministerial Regulation on the Protection of Labor in Fisheries B.E. 2557 (2014)

**G-2: ILO Human & Labor Rights Conventions/Principles of Fair Recruitment vs. BSCI 2014/2017**

Principles & Human Rights	ILO Conventions; United Nations	BSCI V2:2014
Right to Freedom of Association and Collective Bargaining	Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	COC Principle 1; Performance Area 3
No Discrimination	Equal Remuneration Convention 1951, (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	COC Principle 2; Performance Area 4
Fair Remuneration	Equal Remuneration Convention 1951, (No. 100);	COC Principle 3; Performance Area 5
Decent Working Hours	C188 Work in Fishing Convention , 2007; C14 Weekly Rest (Industry) Convention, 1921	COC Principle 4; Performance Area 6
Occupational Health and Safety	C188 Work in Fishing Convention, 2007; C19 Equality of Treatment (Accident Compensation) Convention, 1925	COC Principle 5; Performance Area 7
No Child Labor	Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labor Convention, 1999 (No. 182); UN Convention on the Rights of the Child and Optional Protocols	COC Principle 6 Performance Area 8
Young Worker’s Protection	Minimum Age Convention, 1973 (No. 138)	COC Principle 7 Performance Area 9
No Precarious Employment	ILO Declaration on Fundamental Principles & Rights at Work	COC Principle 8 Performance Area 10
No Forced Labor	Forced Labor Protocol, 2014 (P29); Abolition of Forced Labor Convention, 1957 (No. 105); Forced Labor Convention, 1930 (No.29); League of Nations Slavery Convention, 1926; The UN Supplemental Convention on Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956	COC Principle 9 Performance Area 11
Human Trafficking	The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000; also known as the Palermo Protocol ;	COC Principle 9 Performance Area 11

Principles & Human Rights	ILO Conventions; United Nations	BSCI V2:2014
	UN Universal Declaration of Human Rights, 1948	
Migrant Workers' Employment and Management – Other Related Conventions	C88 Employment Service Convention, 1948; C97 Migration for Employment Convention, 1949; C143 Migrant Workers (Supplementary Provisions), 1975; C181 Private Employment Agencies Convention, 1997; C189 Domestic Workers Convention, 2011; UN International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families, 2003	BSCI Responsible Recruitment 2017 Model
Fisheries Related Conventions	C188 Work in Fishing Convention, 2007; ILO Maritime Labor Convention, 2006	NA
Recruitment respects and protects the Four Fundamental Human Rights-Core ILO Conventions	ILO General Principles for Fair Recruitment – Principle 1	BSCI Zero Tolerance Protocol; Performance Areas 3, 4, 8, 11
Recruitment for labor market needs, not displace workforce, lower standards for decent work	ILO General Principles for Fair Recruitment – Principle 2; Operational Guidelines B.16	NA
Appropriate legislation and policies on employment/recruitment apply to all workers, recruiters, employers	ILO General Principles for Fair Recruitment – Principle 3	BSCI Guidance Document Sep 2017 Responsible Recruitment Guidelines
Policies and practices promoting transparency, protection and recognition of skills/qualifications	ILO General Principles for Fair Recruitment – Principle 4	BSCI Responsible Recruitment to End Worker Exploitation; COC Principle 11
Clear and transparent regulation of employment and recruitment; standardized registration, licensing to avoid fraudulent recruitment that could result in forced labor or TIP	ILO General Principles for Fair Recruitment – Principle 5	BSCI Guidance Document Sep 2017 Responsible Recruitment Guidelines
Cross-border recruitment should respect applicable national laws, internationally-recognized human rights, employment contracts, collective agreements among source, transit, destination countries	ILO General Principles for Fair Recruitment – Principle 6	NA

Principles & Human Rights	ILO Conventions; United Nations	BSCI V2:2014
No recruitment fees or related costs charged to or borne by jobseekers or workers	ILO General Principles for Fair Recruitment – Principle 7; Operational Guidelines B.17	BSCI Responsible Recruitment to End Worker Exploitation
Workers’ employment specified in an appropriate, verifiable, understandable written contract compliant with national laws and applicable collective agreements; should specify location of work, tasks of job; for migrant workers, contracts in their language, provided in advance of departure; prevent contract substitution and be enforceable	ILO General Principles for Fair Recruitment – Principle 8	BSCI Guidance Document Sep 2017 Responsible Recruitment Guidelines; Performance Area 10
Agreement by workers to the terms and conditions of recruitment and employment voluntary and free from deception or coercion	ILO General Principles for Fair Recruitment – Principle 9	Performance Area 10
Workers have access to free, comprehensive and accurate information regarding their rights and conditions of recruitment and employment	ILO General Principles for Fair Recruitment – Principle 10	Performance Area 5, 10
Workers free to move within a country or leave a country. Workers’ identity documents and contract not confiscated, destroyed or retained	ILO General Principles for Fair Recruitment – Principle 11	Performance Area 11
Workers free to terminate their employments and for migrant workers, to return to their country. Migrant workers should not require the employer’s or recruiter’s permission to change employer	ILO General Principles for Fair Recruitment – Principle 12	Performance Area 11
Workers should have access to free or affordable grievance and other dispute resolution mechanisms in case of abuse of their rights	ILO General Principles for Fair Recruitment – Principle 13	Performance Area 2
Respect for human rights and due diligence assessments of recruitment procedures	ILO Operational Guidelines for Fair Recruitment – Enterprises and Public Employment Services - B.15	Performance Area 1

<b>Principles &amp; Human Rights</b>	<b>ILO Conventions; United Nations</b>	<b>BSCI V2:2014</b>
No recruitment fees or related costs charged to workers and jobseekers- cascade effect to business partners	ILO Operational Guidelines for Fair Recruitment- Enterprises and Public Employment Services - B.17.2	BSCI Responsible Recruitment to End Worker Exploitation
Workers' passports, contract and other identity documents not retained by enterprises and public employment services	ILO Operational Guidelines for Fair Recruitment – Enterprises and Public Employment Services- B.18	Performance Area 11
Workers' confidentiality respected and protection of data ensured	ILO Operational Guidelines for Fair Recruitment – Enterprises and Public Employment Services- B.19.1	Performance Area 2; COC Principle 11
Respect applicable laws and fundamental principles and rights at work (policies, due diligence)	ILO Operational Guidelines for Fair Recruitment – Labor Recruiters – B.1.21	Performance Areas 2 to 11
Respect human rights, including fundamental principles and rights at work in compliance with laws and international labor standards in the nations of origin, transit, destination	ILO Operational Guidelines for Fair Recruitment – Labor Recruiters – B.1.22	Performance Areas 2 to 11
Cross-border recruitment should respect bilateral or multilateral migration agreements, which promote human rights, including workers' rights	ILO Operational Guidelines for Fair Recruitment – Labor Recruiters – B.1.23	NA
Ensure that the conditions of work and living conditions into which workers are recruited are those they have been promised	ILO Operational Guidelines for Fair Recruitment – Labor Recruiters – B.1.24	Performance Area 10
Agreement on the allocation of responsibilities of the temporary employment agency and the user enterprise, and ensure that the allocation guarantees adequate protection to the workers	ILO Operational Guidelines for Fair Recruitment – Labor Recruiters – B.1.25	NA
Written employment contracts transparent and understood by worker	ILO Operational Guidelines for Fair Recruitment – Employers - B.2.26	Performance Areas 2, 5, 10
Access to grievance, dispute resolution and remediation	ILO Operational Guidelines for Fair Recruitment – Employers - B.2.27	Performance Area 2
Provide all workers, whatever their status, with protection provided for in labor law and international labor standards	ILO Operational Guidelines for Fair Recruitment – Employers - B.2.28	Performance Area 2

Principles & Human Rights	ILO Conventions; United Nations	BSCI V2:2014
Right to freedom of association and collective bargaining of recruited workers ensured and respected	ILO Operational Guidelines for Fair Recruitment – Employers - B.2.29	Performance Area 3
Should not use labor recruiters or temporary work agencies to replace workers on strike	ILO Operational Guidelines for Fair Recruitment – Employers - B.2.30	Performance Area 3
Respect the freedom of migrant workers to leave or change employment or return to their countries of origin	ILO Operational Guidelines for Fair Recruitment – Employers - B.2.31	Performance Area 11

## Annex H: Samples of Company Policies and Implementation Procedures

### H-1: Marine Fine Foods (MFF) Policies and Implementation Procedures

#### H1.1 Freedom of Association and Collective Bargaining Policy Statement and Policy Implementation Procedures for Right to Freedom of Association and Collective Bargaining



### MARINE FINE FOODS CO., LTD. PROCEDURE MANUAL

#### Freedom of Association and Collective Bargaining Policy Statement and Policy Implementation Procedures for Right to Freedom of Association and Collective Bargaining

Document No: PM-HR-FBP-002  
Issue: 01  
Pages (exclude cover): 16  
Revision: \_\_\_\_\_

Prepared By \_\_\_\_\_  
Date: \_\_\_\_\_  
(Ms. Bubpa Cholsawat) HR Manager

Reviewed By \_\_\_\_\_  
Date: \_\_\_\_\_  
(Ms. Siriporn Klomkliew ) Factory Manager

Approved By \_\_\_\_\_  
Date: \_\_\_\_\_  
(Mr. Chalermchai Leevongcharoe) Managing Director

## Freedom of Association and Collective Bargaining Policy Statement

### Zero-tolerance Commitment

Our Company has a zero-tolerance policy for attempts to prevent or avoid exercise of the right of workers to establish or join organizations or groups of their own choosing (including trade unions) to represent them. We recognize the right of workers and employers to establish groups that shall organize freely and have the right to join federations and confederations affiliated with international organizations of workers and employers, without fear of being dissolved or suspended by administrative authority<sup>70</sup> Similarly we will not tolerate efforts to block collective bargaining processes, such as dismissal of workers because of union membership or participation in union activities. We affirm our understanding of how workers' and employers' associations shall enjoy adequate protection against any acts of interference by each other.<sup>71</sup>

We are aware that the right to freedom of association and collective bargaining are fundamental labor rights that are linked together. Without the former, the latter cannot work well because the workers will not be properly represented. To be properly represented, workers must be free to choose how they are to be represented and employers must not interfere in this process. In the Thai fishing and seafood industry, especially in the small and medium-sized enterprises, there may not be trade unions at the workplace. However, we are committed to recognizing the principle of the workers' rights to organize and collectively represent their interests to their employer. We will not obstruct this process and we will respect their right to organize and bargain collectively on working conditions and employment terms,

Our Company recognizes the importance of a strong commitment to respect human rights, especially the rights of workers to decent work and income in order to support their families, including women and children, to have access to health, education, dignity, full physical and mental development, with their well-being assured in a protective and supportive environment. We are prepared to discuss with our workers mutually beneficial terms that allows our business to continue supporting them at the same time address their needs and concerns, if and when they choose to exercise these rights.

Our Company is aware that in Thailand, the Labor Protection Act<sup>72</sup> requires all employers with 50 or more workers to set up a Welfare Committee. In this group, governed by the Labor Relations Act<sup>73</sup>, only Thai workers are allowed to build and lead unions. Migrant workers may join Thai-led unions but may not form their own. To address this inequality, without contravening Thai labor laws, our Company invites migrant worker representatives to join the Welfare Committee proportionate to their number in our workforce.

### Applicability and Scope

Our Company and all our employees will NOT: engage in any form of obstruction of the right of workers to freedom or association and collective bargaining, nor support or encourage such acts, directly or indirectly. Our Company is committed to NOT doing business with any organization which has been implicated, suspected and charged or proven beyond doubt to have committed violations of these fundamental labor rights or any related unethical and illegal practices; in its operations, affiliates or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with

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<sup>70</sup> ILO C87 Freedom of Association and protection of the Right to Organize Convention, 1948

<sup>71</sup> ILO C98 Right to Organize and Collective Bargaining Convention, 1949

<sup>72</sup> Labor Protection Act B.E. 2541 (1998), Versions 1 – 7 Sections 96, 98-99, 109

<sup>73</sup> Labor Relations Act B.E. 2518 (1974), Section 12



violations of fundamental human and labor rights, including the right to freedom of association and collective bargaining, directly or indirectly. Our Company will NOT use forced labor, violence, threats, physical/psychological abuse as punishment or disciplinary measure for workers reporting on workers' organizations, or workers participating in union or collective bargaining activities; nor as a means of racial, gender, religious and other discrimination.<sup>74</sup>

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on the Right to Freedom of Association and Collective Bargaining. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

### **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons; our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively identify, reduce, prevent and eliminate any attempts to obstruct or prevent the exercise of the Right to Freedom of Association and Collective Bargaining.

## **Policy Implementation Procedures for Right to Freedom of Association and Collective Bargaining**

### **A. Objectives:**

1. To ensure that our Company's Right to Freedom of Association and Collective Bargaining Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Right to Freedom of Association and Collective Bargaining Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant women and girls, in order to address potential inequalities within the workforce

### **B. Delegation of Responsibilities**

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan

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<sup>74</sup> ILO C105 Abolition of Forced Labor Convention, 1957.

procedures. Our Company's quality management system (QMS) document control and numbering system procedures will apply to documents created for the SMS.

3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within one week after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures.
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

### **C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and fundamental human and labor rights, including ILO Conventions, especially those for protecting women and children, particularly girls, in source and destination countries for migrant workers; news of incidents or violations, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and developing implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risk of violation of the Right to Freedom of Association and Collective Bargaining at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders, following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.

6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our no child labor, related no forced labor/anti-trafficking in persons policies and other SMS requirements.
7. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment.
8. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check international websites, links to excluded parties and sanction lists, for pre-qualification prior to hiring or doing business. We will refer to publicly available information of the internet and news media or seek assistance from NGOs/CSOs or industry associations or government agencies, if and when possible.

#### **D. Awareness**

1. Our Company will include sessions during our weekly meetings for all managers and employees, from top management to line workers, for discussions on right to freedom of association and collective bargaining within a month of approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company's Right to Freedom of Association and Collective Bargaining Policy and the Policy Implementation Procedures. The session will define what those rights are as defined in the ILO Conventions; how there are still some gaps in Thai Labor Laws regarding these conventions; how, instead Thai Labor Laws require the formation of a Welfare Committee for factories with 50 workers or more; what is considered good practice to comply with this Policy; what are considered as violations of the rights and should be avoided; where and how violations may occur during the recruitment and employment processes, especially in the case of migrant workers; provide information on the national legal frameworks that exist for these rights.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.
4. The awareness-raising and implementation training sessions will be held regularly incorporated into our Company's orientation and monthly Training Master Plan to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community

and, when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies.

## **E. Prevention**

- I. Recruitment Policies – Our Company (refer also to Recruitment Policy Implementation)
  - a. will NOT, for direct hiring, allow our HR Department to ask about an applicant’s union membership or workers’ group participation; nor include that criteria in job postings
  - b. shall carry out due diligence on recruitment agency representing us, if and when we opt for the use of one, to ensure that they have a policy and procedures for implementation regarding these fundamental labor rights
  - c. will not use deceptive and misleading practices to find and hire workers, including telling them to apply because their friends are members of a union or Welfare Committee and thus could provide them advantage in negotiating favorable employment terms
  - d. will not use direct or indirect force to compel application from any person under consideration as a potential worker, including forcing them to guarantee they will not form or join unions or collective bargaining groups
  - e. will not contract unlicensed brokers, recruiters/recruitment agencies that are or have been known to engage in practices that violate this Policy or other related Policies
  - f. will not do business with companies and enterprises, including brokers, recruiters, and recruitment agencies that do not have clear and transparent HR policies and practices that prohibit other fundamental labor rights
  - g. will require companies and enterprises, including brokers, recruiters, and recruitment agencies to have a documented explanation of workers’ rights and responsibilities
  - h. will not do business or work with enterprises who do not understand or comply with all relevant national labor laws and regulations
  - i. will require documented grievance and remediation strategies if and when a worker is dismissed or resigns from or leaves a job, especially in the case of migrant workers
2. Employment Policies – Our Company (refer also to Working Conditions Policy Implementation)
  - a. shall ensure that all employees and workers are informed of the meaning of the Company’s policy regarding Freedom of Association and Collective Bargaining
  - b. shall ensure that all employees and workers are informed of the requirements defined in Thai Labor Laws regarding the Welfare Committee
  - c. will check that evaluation of applicant is qualification and merit-based, thus no exceptions or biases obstruct the hiring or someone with union or other collective bargaining groups’ membership
  - d. will ensure that new hires apply for employment with our Company on their own free will and they are not forced, threatened or coerced by the Company’s

- HR or recruitment agency to give up any union or collective bargaining groups' membership as a pre-condition to employment
- e. shall provide a written employment contract to new hires in their language, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties, and explained to them in their language before they sign. The Company Rules will be attached and the new hires shall be informed of their rights (see below).
  - f. shall provide new hires with orientation on the four core fundamental rights – no forced labor, no child labor, no discrimination, right to freedom of association - together with our Company Rules and their job responsibilities. For factories with more than 50 workers, the right to represent workers in a Welfare Committee shall be explained to migrant workers.
  - g. shall not terminate or refuse to renew contract because of union or Welfare Committee participation or membership
  - h. shall not discipline or punish workers for joining unions, Welfare Committees or other collective bargaining groups nor deduct from wages time spent attending meetings
  - i. shall not break up group protests with the use of force or violence nor bring workers from elsewhere to replace workers who are protesting
  - j. will develop documented grievance and remediation strategies that meet legal requirements if and when violations of this policy occur.
3. Welfare Committee – Our Company's management
- a. shall ensure that there are at least five worker representatives for factories with 50 workers or more that are members of the Welfare Committee
  - b. shall encourage that members of the Welfare Committee proportionately represent the groups within the workforce, especially women and migrant workers.
  - c. shall not interfere with the election of worker representatives which shall be open to all
  - d. shall not deduct from wages time spent in meetings by members of the Welfare Committee; and may even provide small incentives for workers to join
  - e. shall provide resources as needed to the Welfare Committee to communicate its activities and objectives using user-friendly material in the workers' languages
  - f. shall allow the Welfare Committee to meet at the frequency required by Labor Protection Act (minimum quarterly)
  - g. shall not interfere with the Welfare Committee meetings which assess workplace standards, discuss complaints and grievances, review key performance indicators and workers' priorities. Minutes of the meeting must be documented and kept on file to be made available to workers, management and to external stakeholders
  - h. shall not obstruct Welfare Committee efforts to reach out to trade unions and CSOs.
4. Workers' Documents – Our Company
- a. will not destroy, conceal, confiscate or deny access, to the applicant or worker of their identity or immigration documents, including passports, work permits

- and other personal documents, e.g., bank books or ATM cards, as punishment for being a union or collective bargaining group member. .
- b. will, in case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, return the documents to the worker immediately upon demand and without any pre-conditions to the document owner.
  - c. will, in case of temporary holding of worker documents, have written procedures to prevent abuse that will be explained to the worker or the worker's representative
  - d. will, in lieu of item c above, during the holding time, provide the worker with an exact copy of the personal documents not in their possession; and notify them of the reason for holding as well as provide updates on the progress of the process where the document is used.
5. Updates on reference criteria - We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, and those of source countries for migrants; international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market requirements, standards, information, laws and regulations in order to keep our Policy and Implementation Procedures relevant.
  6. Special training for vulnerable workers – Migrant workers' awareness training sessions on our policies for TIP, forced labor, child labor, discrimination and freedom of association and their implementation procedures, will be done in their language or with the support of interpreters. To encourage women to apply as workers' representatives, special training, e.g., confidence building or leadership training, to better empower them, shall be considered. Such training will be included as developed in the needs-based Training Master Plan.

## **F. Recognition**

1. The SMS Team will compile a list of different types of potential right to freedom of association and collective bargaining violations – direct and indirect- related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for non-compliances or violations to the right to freedom of association and collective bargaining, as well as incidents related to other ILO core conventions.

## **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.

2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated; a hotline phone number; or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims, if there are any, to protect them from further indignities, harassment or exploitation.

#### **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; as well as tracking and identifying historical trends and patterns in occurrence and types
2. The Company will prepare beforehand a list of potential grievances related to this Policy.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the severity of the violation, that is fair and just to all.

#### **I. Remediation**

1. Our Company shall prepare beforehand a list of potential remediation measures that respond to potential violations. These expectations apply equally to our suppliers, recruitment agencies, subcontractors and other business partners.
2. A reasonable time schedule shall be worked out with the assistance of relevant stakeholders working with unions and other collective bargaining groups.
3. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, gender-sensitive options to protect victims, if there are any, shall be considered.

## **J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company's policies and SMS



## H-1.2: Anti-Trafficking in Persons (TIP) Policy Statement and Policy Implementation Procedures for Anti-Trafficking in Persons



### MARINE FINE FOODS CO., LTD. PROCEDURE MANUAL Anti-Trafficking in Persons (TIP) Policy Statement and Policy Implementation Procedures for Anti-Trafficking in Persons

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Approved By \_\_\_\_\_  
Date: \_\_\_\_\_  
(Mr. Chalermchai Leevongcharoen) Managing Director

## **Anti-Trafficking in Persons (TIP) Policy Statement**

### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all acts of TIP, or human trafficking, during recruitment, transfer, transportation, harboring, receipt or hiring of persons; by use of all means involving threats, force, harassment, coercion, fraud, abduction, deception, direct or indirect abuse of power, giving or receiving payments or benefits; to obtain control of persons with the intent of exploitation in the form of forced labor<sup>75</sup>, sex trade of women and children, and other forms of TIP.<sup>76</sup>

Our Company recognizes the importance of commitment to ethical principles that respect human rights and enable all persons, particularly women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we choose to take a strong stand against all forms of TIP, knowing that TIP harms or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating physical and psychological risks that could cause temporary or permanent damage or injury to their lives and well-being as well as their ability to work.

### **Applicability and Scope**

Our Company and all our employees will NOT : engage in trafficking in persons, support or encourage TIP, directly or indirectly; procure or encourage any type of commercial sex acts or sexual exploitation; use forced labor in its operations; purchase from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with human trafficking.

The Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this policy, non-severe or severe, at all times, at work or in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on TIP. At the same time, our Company will hold all of our stakeholders to high standards of transparency and accountability in their actions.

### **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to minimize, reduce or eliminate TIP.

## **Policy Implementation Procedures for Anti-Trafficking in Persons**

### **A. Objectives:**

1. To ensure that our Company's Anti-Trafficking in Persons Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Anti-Trafficking in Persons Policy

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<sup>75</sup> Anti-Trafficking in Persons Act B.E. 2551 (2008), amended 2015, Royal Enactment on the Amendment in 2019

<sup>76</sup> The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000 (Palermo Protocol)

3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant workers and women, in order to address potential inequalities within the workforce

## **B. Delegation of Responsibilities**

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Implementation Procedures. Our Company's Quality Management System (QMS) document control and numbering system procedures will apply to documents created for the SMS.
3. Our Company's Managing Director will be responsible for approving the Policy Statement and Implementation Procedures based on the review and recommendations of the SMS team. This will be done within one week after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Implementation Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and its Implementation Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Implementation Procedures. Assessment and evaluation protocols will follow our current QMS procedures.

## **C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks, including those for protecting women and children, in source and destination countries for migrant workers; news of incidents on TIP, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions/ standards on TIP; recruiters/recruitment agencies operating in our location. These lists will be used as support documents for supply chain mapping, social risk assessments and developing other implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies and suppliers for main seafood raw material, our Company will obtain business information for use in determining number of vulnerable workers and potential risk of human trafficking.

4. Each link in the supply chain will be evaluated and scored for potential risk and impact on the company's business, reputation, stakeholders following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.
6. Based on available personnel and time, we will schedule assessments of significant business partners according to their risk rating to evaluate their compliance to our anti-trafficking policy and other SMS requirements.

#### **D. Awareness**

1. Our Company will include sessions during our weekly meetings for all managers and employees, from top management to line workers, to discuss our Anti-TIP Policy within a month of approval of the policy or any revisions.
2. The awareness-raising training session will introduce the Company's Anti-TIP Policy and the Policy Implementation Procedures. Topics to be covered will define what constitutes TIP - in terms of types of acts, methods and intent; explain where TIP may occur in the workplace, in Thailand and around the world; clarify why it occurs; explain the motivations of the perpetrators and how and why the victims are vulnerable; what the impacts are on the victims; as well as give provide information on the legal frameworks that exist and can be enforced for TIP.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy and Implementation Procedures to recruitment agencies and first-tier suppliers, at a minimum; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.
4. The awareness-raising and implementation training sessions will be held regularly, incorporated into our Company's orientation and monthly Training Master Plan, as appropriate, depending on the factory's schedule, to reach all managers and workers within the six-month period after announcement of the Policy.
5. Additional Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory, but also for the surrounding communities, especially areas where the migrant workers live as well as, when possible, through primary and secondary information, the source country for migrant workers with focus on local recruiters and agencies.

#### **E. Prevention**

1. Recruitment Policies – We prohibit the following (refer to Recruitment Policy Implementation)
  - a. the use of deceptive and misleading practices to find and hire workers

- b. the use of violence, direct or indirect force, coercion, or abuse of power to compel job-seekers to join a pool of potential applicants, voluntarily or involuntarily, without adequate information of their rights and on risks of exploitation they may face
  - c. contracting or sub-contracting unlicensed brokers, individual recruiters or recruitment agencies that have been known to engage in practices that violate this Policy
  - d. doing business with companies that do not have clear and transparent human resource policies and practices that prohibit human trafficking
  - e. working with enterprises who do not know or do not comply with relevant national laws at the source and destination countries for migrant workers
2. Employment Policies – We will ensure that (refer to Working Conditions Policy Implementation)
- a. no recruitment fees are charged to applicants by us or those who represent us
  - b. the evaluation of job-seekers is qualification and merit-based (i.e. experience, skills)
  - c. if we use a recruitment agency, the workers are not forced or threatened or coerced to go into debt burdens or given false promises as to job, employer and workplace
  - d. the workers hired have official documents – Thai ID cards or passports authenticated by the source country; visas and work permits issued by authorized government agencies
  - e. workers receive a written employment contract in their language once they are hired, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties and explained to them in their language before they sign.
3. Document Retention by Workers – refer to the Forced Labor Policy Implementation Procedures
4. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. CoC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment
5. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check international websites and links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs or industry associations or government agencies, if and when possible
6. Updates on reference criteria - We will keep track of updates, changes, developments, revisions to Thai Labor Laws and regulations, international conventions and standards, as well as buyer and market requirements/ information in order to keep our Policy and Implementation Plan and Procedures relevant.
7. Special training for vulnerable workers – Migrant workers’ training sessions on TIP awareness and anti-TIP implementation will be done in their language or with the

support of interpreters. If and when potential risks to women are identified, special training for self-defense, confidence building and handling sexual harassment and exploitation shall be provided in order to better empower women. Special training will be included in our Training Master Plan as they are developed.

## **F. Recognition**

1. The SMS Team will compile a list of different types of potential TIP violations related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation determined.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for TIP incidents and cases.

## **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be TIP-related) that violates this Policy. This applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company or an Ethics Compliance Officer, if designated, can be the points of first contact. Other options include a separate emergency box in a private location with an emergency number to call; or a 24-hr hotline phone number; or confidential email; and other online links that can be accessed with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or any form of reprisals to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may, take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. The Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving children and women victims in order to protect them from further indignities, harassment or exploitation.

## **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing them, including assigning a severity rating to prioritize them for action and remediation; tracking and identifying history and patterns in occurrence and types
2. The Company will prepare beforehand a list of potential grievances related to this Policy. Main categories suggested are: human rights, working conditions, recruitment process.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect children and women from further indignities, harassment and threats to their lives and well-being. Some options are: a safe house in an undisclosed location may be used with the support of a local NGO/CSO; or women lawyers must be present when women victims report incidents to the police or other government agencies. In locations where there is shelter for children and families operated by the Provincial Ministry of Social Services and Human Security Office, this should be the first point of contact as the agency could also arrange for legal assistance and related remedial services.
4. Disciplinary actions, possibly leading to termination of work or legal action, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

## **I. Remediation**

1. The Company shall prepare beforehand a list of potential remediation measures.
2. Steps to take shall be related to the severity of violations with immediate, short term, long term actions considered and documented beforehand. Potential measures could involve internal disciplinary actions, or legal action against perpetrator; or financial or non-financial compensation; medical and /or legal support, rehabilitation or further education for the victim
3. The remediation plan shall have corrective and preventive strategies; for women in particular, empowering activities must be included

## **J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector overseas buyers' requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.

5. The conclusions and recommendations from assessments and audits – partial or full – shall be used to facilitate continuous improvement or adjustments to our Company’s policies and SMS.



## H-1.3: Grievance and Remediation Policy Statement and Policy Implementation Procedures for Grievance and Remediation



### MARINE FINE FOODS CO., LTD. PROCEDURE MANUAL

## Grievance and Remediation Policy Statement and Policy Implementation Procedures for Grievance and Remediation

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Approved By \_\_\_\_\_  
Date: \_\_\_\_\_  
(Mr. Chalermchai Leevongcharoen) Managing Director

## **Grievance and Remediation Policy Statement**

### **Commitment to Dialogue and Protection**

Our Company is committed to providing operational communication channels for all stakeholders, especially for vulnerable workers, including migrant workers, women and children, for them to inform us of their suggestions, concerns, complaints, and grievances that impact our policies on upholding the four pillars of decent work which are: respect for fundamental principles and rights at work (ILO Core Labor Standards); creation of productive employment and income opportunities for women and men; provision of social protection; and promotion of social dialogue.<sup>77</sup> Our Company considers feedback from the workplace as valuable means for us to determine how we are living up to our responsibilities to protect our workers, prevent illegal or unethical behavior, and mitigate impacts – whether directly from within our Company or indirectly from other links in our supply chain<sup>78</sup> – from harming our workers, physically or mentally, through abuse or exploitation or unsafe working conditions or any other situations that violate their rights, freedom, security and human dignity. Our Company will prioritize prevention and mitigation strategies for incidents and situations that impact our workers' rights to life, liberty and security of persons; freedom from slavery and servitude; freedom from torture<sup>79</sup>

Our Company views social dialogue and social protection as necessary components in creating economic incentives that promote social goals for our Company and the seafood sector as a whole. We recognize that weak systems for resolving workplace issues could lead to increase in abuses that if left unchecked, will lead to problems for entire industries and in some cases, entire nations. Hence, we are prepared to invest in systems that build morale, trust and skills for long-term productivity, safer jobs in a more secure work environment; and gender equality for a more efficient workforce.

### **Zero Tolerance Areas**

Our Company fully commits to ethical principles that respect human rights and enable all persons, including women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we have zero-tolerance against all forms, manifestations, indications and evidence of inhumane treatment related to human trafficking; forced, bonded, slave, indentured and involuntary compulsory labor; child labor; discrimination on the basis of gender, race, religion, sexual orientation, disability, including sexual harassment; the right to freedom of association and collective bargaining as well as any practices that could compromise the lives, health, safety and dignity of job-seekers and workers. Our Company consider such acts as non-negotiable, unethical and illegal; so will take action against perpetrators, knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, or leading to loss of life, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives, property, well-being or workers as well as their opportunities and abilities for decent work and income.

### **Applicability and Scope**

Our Company considers good grievance mechanisms as tools for improving working conditions and protecting worker rights. We will act promptly to address problems, concerns and issues brought to our attention as they potentially could damage and disrupt or harm our operations, our reputation, our workers, our customers and other business partners.

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<sup>77</sup> ILO Declaration on Decent Work for All in a Global Economy, 1999.

<sup>78</sup> BSCI Responsible Recruitment to End Worker Exploitation, September 2017

<sup>79</sup> BSCI System Manual Version 2, November 2014, Part I.7 How to do Remediation

Therefore, we will encourage our internal stakeholders – top management, staff, middle manager, workers – to actively participate in developing grievance mechanisms and remediation strategies that can improve relations among workers, supervisors and management through cooperative methods of preventing or resolving conflict.

At the same time, our Company expects cooperation and participation from individuals or organizations we do business with or contract, especially labor recruiters and recruitment agencies, to maintain transparency and accountability in their operations as well as demonstrate commitment to encouraging dialogue with and protection of workers along the lines of this Policy. We reserve the right NOT to do business with individuals or organizations which have been suspected, implicated and charged or proven beyond doubt to have violated fundamental human rights and rights of workers that we consider zero-tolerance areas, including denying workers the right to file a grievance and receive remediation, in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, including recruiters, that can be verified to be/ have been involved with the above-mentioned unethical and illegal acts. Our Company will NOT use forced labor as punishment or disciplinary measure for workers expressing their views or associating with other workers or reporting violations to this Policy; nor as a means of gender, racial, religious or other discrimination.<sup>80</sup>

### **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to implement decent work principles.

## **Policy Implementation Procedures for Grievance and Remediation**

### **A. Objectives:**

1. To ensure that our Company's Grievance and Remediation Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Grievance and Remediation Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant women and girls, in order to address potential inequalities within the workforce

### **B. Delegation of Responsibilities**

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan

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<sup>80</sup> ILO C105 Abolition of Forced Labor Convention, 1957

procedures. Our Company's quality management system (QMS) document control and numbering system procedures will apply to documents created for the SMS.

3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within one week after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

### **C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and other related fundamental rights at work of no forced labor; no child labor; right to freedom of association and collective bargaining; non-discrimination, including those for protecting women and children, particularly girls; in source and destination countries for migrant workers; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and developing implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risks of violations of core human rights, especially gender-based discrimination; as well as potential non-conformities to legally mandated hiring processes and working conditions, at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders, following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith

showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.

6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to all of our policies and other related SMS requirements.
7. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment.
8. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of any of our policies, especially the zero-tolerance areas, we reserve the right to check international websites, links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs/CSOs or industry associations or government agencies, if and when possible.

#### **D. Awareness**

1. Our Company will include sessions during our weekly meetings for all managers and employees, from top management to line workers, for discussions on good grievance mechanisms and appropriate remediation strategies (core human rights, recruitment, and working conditions) within a reasonable time after approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company's Grievance and Remediation Policy and Policy Implementation Procedures. The session will define what constitutes a "grievance"; point out the difference between complaints, suggestions and grievances; clarify the various types of grievances and which ones must be prioritized for effective and timely resolution; explain the steps and features of a good grievance mechanism; define the term "remediation"; explain the various methods that could be used for remediation; point out where and how grievances may arise and need to be resolved with appropriate remediation in the recruitment and employment processes; explain the right of a worker to appeal if the grievance is not satisfactorily resolved; point out the rights and responsibilities of all stakeholders to uphold the principles of this Policy in order to comply with laws/standards but more importantly to build trust and morale within the workplace; give information on the legal frameworks that could apply and the formal/informal channels for remediation.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.
4. The awareness-raising and implementation training sessions will be held regularly incorporated into our Company's orientation and monthly Training Master Plan to reach all managers and workers within the six-month period after announcement of the Policy.

5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies

## E. Requirements

Our Company intends to develop good grievance mechanisms and remediation strategies that will facilitate dialogue among workers, management and other stakeholders; allow us to resolve conflicts and concerns in a timely, effective manner as well as build trust and confidence in our workers so that our operations provide them a secure and productive workplace. We will use the guidelines below in our ongoing efforts to continuously develop and improve our SMS.

1. **Clear Definitions:** Our Company shall include in our reference list of potential incidents and in the actual register of complaints and grievances, incidents that fall under the following
  - a. A “grievance” expresses dissatisfaction, disagreement or protest over unfair treatment, or a violation of workplace rules and standards, or an infringement on labor rights. Grievances can also be called complaints but the former tends to be used for severe cases that involve fundamental rights related to threats to life, impacts on health and well-being, physical or mental harm and/or damage to property or personal reputation. Complaints tend to be concerned about working conditions, benefits, and welfare.
  - b. “Remediation” is the process of making amends, corrections, mitigating and/or preventing harm when the Company has contributed to or caused harm – directly or indirectly, intentionally or unintentionally – to individuals, businesses or communities.
2. **Systematic Grievance Mechanism:** Our Company will ensure the following features:
  - a. **Accessible and Legitimate** – All internal stakeholders, from top management to line worker at all levels of hierarchy in the Company, shall be able to access channels of communication to express a complaint or grievance. For migrant workers, provisions shall be made provide access and tools for access in their native languages. Similarly, external stakeholders shall have access to communication channels to express their concerns. The grievance mechanism must be based on law, be rights-compatible to have the legitimacy, credibility and integrity that would show the Company’s accountability.
  - b. **Involves Workers** – The workers have a say through their representatives during the development of grievance channels, response timelines and remediation strategies. Vulnerable workers are informed of their rights and responsibilities and given assurance that there will be NO negative impacts on them or their jobs if they participate.

- c. **Confidential but Transparent** – Anonymous lodging of complaints and grievances will be encouraged. However, communication about the nature of the grievances, steps for handling them and progress on resolving them must be transparent. Names and personal information will be protected and anonymized.
  - d. **Documented and Communicated** – The structure of the grievance mechanism, i.e. main process steps of filing a complaint or grievance, receiving, investigating, deciding, resolving, recording, appealing (if necessary) shall be documented in a process flow diagram that will be communicated to all internal and external stakeholders.
  - e. **Trained Personnel** – Those assigned to manage the processes will be trained in more detail on appropriate procedures and tools (e.g., interview questionnaires and techniques) as well as in handling gender-sensitive cases. The focus will be on managing conflicts in the workplace, conciliation and mediation instead of aggressive legal action.
  - f. **Timely and Effective** – The lists of potential grievances related to other policies of the Company shall be compiled in a systematic manner to facilitate preparedness for implementing corrections or remediation within appropriate timelines. Such lists will also encourage discussions on preventive measures. Analysis of past incidents for trends and patterns in types of grievances and their resolution will be of value in determining effectiveness and practicality of implementation
  - g. **Categorizes types of grievances** – We shall list common areas where complaints and grievances likely to be raised, or have been raised in the past, to determine which areas to focus on during monitoring. Some categories are shown below with examples.
    - i. recruitment – extra fees, false promises, poor transportation conditions
    - ii. working conditions – not enough rest, wages not paid on time, no PPE
    - iii. infrastructure – unsafe buildings, poor ventilation, no emergency exits
    - iv. contractual rights – annual leave denied; maternity leave or severance not paid
    - v. fundamental labor rights- forced labor, discrimination, excessive disciplinary measures, restriction of workers’ freedom of movement
    - vi. personal relations – sexual harassment, abusive language, threats, corruption
    - vii. community relations – environmental damage, pollution from factory
3. **Remediation Priorities:** Our Company shall consider the following factors when developing response, remediation and mitigation strategies to complaints, incidents and grievances.
- a. **Type of Grievance** – As a general rule, incidents that violate fundamental human and labor rights are more severe and take precedence during remediation planning.
  - b. **Severity** - Incidents that violate fundamental human and labor rights must be prioritized. As these usually involve loss of life, permanent disability due to physical harm and severe injury, other threats to health and safety of an adult

or child, even if the Company is not directly party to the harm, it must prepare remediation plans to address the incidents. For example, for child labor, forced labor, sexual harassment and other severe violations, written procedures must be prepared beforehand.

- c. **Extent of Impact** – Incidents that affect a large number of people must be prioritized.
  - d. **Direct or Indirect Involvement** – Cases where the Company is directly involved, whether intentionally or not must be prioritized. For incidents when the harm comes from another organization in the Company’s supply chain, the Company still has responsibilities to investigate, inform labor officials or de-list a supplier.
  - e. **Pre-documented Remediation Plan** – The Company shall affirm in this document its intent to immediately stop or correct the actions that are causing harm, directly or indirectly, within an appropriate timeline. At the same time, this plan must specify the methods and resources for making amends to victims as well as preventing recurrence.
  - f. **State or Third-Party Institutions Support** – Our Company recognizes our limitation in offering solutions especially for those involving judicial processes. Therefore, we shall compile a list of national ministries or provincial government agencies or 3<sup>rd</sup> party institutions, e.g., NGOs/CSOs, trade unions, labor offices, local community leaders
4. **Remediation Strategies:** Our Company shall have clearly documented processes to respond to grievances we discover or are brought to our attention. One or more of the following remedies shall be used, if after carrying out investigations into allegations, reasonable verifiable evidence is found pointing to the root cause as directly or indirectly originating from our Company. We shall make amends and corrections, as well as identify preventive actions to avoid recurrence. We shall tap into the expertise of state and 3<sup>rd</sup> party institutions for mediation and resolution.
- a. **Compensation** – This could be financial or non-financial, short-term or long-term for physical or psychological harm inflicted
  - b. **Restitution** – This could involve apology and guarantees for rehabilitation to victims.
  - c. **Punishment** – This could mean administrative (dismissal, demotion or transfer) or penal action (penalty, fine and /or jail time, deportation, repatriation) on the perpetrator
  - d. **Prevention** – This will involve analysis of root cause and prevention of recurrence
5. **Recruiters/Recruitment Agencies Grievance and Remediation Procedures:** Our Company recognizes the crucial part that recruitment plays in incidents related to fundamental rights violations. Hence, we believe it best to also monitor any complaints and grievances from the pre-employment processes, whether we use our internal HR staff or we contract Recruiters/Recruitment Agencies. Our Recruitment Policy set down some rules and the ones below supplement those.
- a. The due diligence we shall perform on our recruiters/recruitment agencies will assess the adequacy of documentation and effectiveness of implementation of their grievance mechanisms and remediation plans



- b. We shall assess the understanding of the recruiters/recruitment agencies of fundamental human and labor rights as well as national labor laws for both the source and destination countries and check for a current registry of applicable laws.
  - c. The recruitment agency monitors the performance of individual employees, recruiters, agents (if used) to ensure their compliance to ethical and legal practices at all times
  - d. The recruitment agency has an implementation system, an accountable officer and clear procedures that demonstrate compliance with all relevant legislation and regulations as well as a Code of Conduct that prohibits human trafficking and violations or core human and labor rights.
  - e. The recruitment agency has a mechanism for confidential reporting of non-compliances, a grievance mechanism that defines procedures for investigation, confidential reporting, and victim/whistleblower protection.
  - f. The recruitment agency has procedures for remediation in case of verified reports of grievances filed against them, including strategies to compensate workers for any amounts due to them because of the recruitment agency's actions.
6. **Sexual Harassment:** Our Company has defined under our Working Conditions Policy Implementation, the measures we will take to address this extreme form of discrimination. We expect our contracted service providers, especially the recruitment agencies, if used, to comply with our policies. Therefore, as part of our due diligence, we shall evaluate the following
- a. The recruitment agency has a policy of zero-tolerance for sexual harassment and abuse. Procedures for preventing violations at all steps of the recruitment process are documented and evidence of compliance, e.g., photos are available.
  - b. The recruiters/recruitment agencies demonstrate good understanding of fundamental international human/labor rights and national labor laws for both source/destination countries. The recruitment agency maintains a current registry of applicable laws.
  - c. The recruitment agency monitors the performance of individual employees, recruiters, agents (if used) to ensure their compliance to ethical and legal practices at all times.
  - d. The recruitment agency has adequate written procedures and proof of systematic implementation of their grievance mechanisms and pre-documented remediation plans.
  - e. The recruitment agency has a mechanism for confidential reporting of non-compliances, a grievance mechanism that defines procedures for investigation, confidential reporting, and victim/whistleblower protection.
  - f. Every effort will be taken to hire women to interview women for gender-sensitive cases and to have women lawyers accompany victims when reporting incidents to the police.
  - g. The recruitment agency has procedures for remediation in case of verified reports of grievances filed against them, including strategies to compensate workers for any amounts due to them because of the recruitment agency's actions

- h. The recruitment agency has carried out an analysis of root cause for grievances and complaints and determined appropriate preventive action to avoid recurrence.
  - i. The recruitment agency shall maintain a list of national ministries or provincial government agencies or 3rd party institutions, e.g., NGOs/CSOs, trade unions, labor offices, local community leaders for support, expertise and possibly facilities (shelters, education, health and legal assistance) in mediation and resolution
7. **Record-keeping:** Our Company will retain the following key documents for the Grievance and Remediation Policy and Implementation Procedures
- a. Licenses and registrations for the recruitment company and its employees
  - b. Process Flow Diagram for the Grievance, Remediation and Appeal process showing all steps from filing of complaint/grievance, receipt, investigation, analysis, mediation, closure, appeal and final decision.
  - c. Procedures or work instructions for the various steps in the process flow diagram
  - d. Types and Categories of Potential Grievances with forms numbered plus severity and priority assigned; historical analysis of patterns and trends, if available
  - e. Pre-documented proposed Remediation Plan for each Identified grievance, decided after discussions of what is fair, practical and appropriate for the grievance
  - f. List of personnel involved with management of the Grievance and Remediation systems and their responsibilities/authorizations, e.g., who will contact recruitment agencies or government and third-party network partners
  - g. Procedures for confidential reporting and victim/whistleblower protection
  - h. List of current applicable national laws and internal labor and human rights standards
  - i. List of national ministries or provincial government agencies or 3rd party institutions, e.g., NGOs/CSOs, trade unions, labor offices, local community leaders for support, expertise and possibly facilities or assistance in placement (e.g., shelter for children and families, schools, hospitals, legal offices)
8. **Updates on Reference Criteria:** We will keep track of updates, changes, developments, revisions to Thai Labor Laws and regulations, and those of source countries for migrants; international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market requirements, standards, information, laws and regulations, in order to keep our Policy and Implementation Procedures relevant.
9. **Special Training for Vulnerable Workers (Pre-arrival):** The recruitment agency contracted by our Company shall provide details on special considerations for women migrant workers at all steps of the pre-arrival phase of the recruitment process. Evidence, including photos from the steps of communication of the availability and nature of the jobs, provisions for transportation, conduct of the interviews and training, including topics taught, methods used, qualifications of the trainer and inclusion of issues specific to addressing potential risks for women migrant workers,

shall be provided to us (as the Employer). If there are any complaints from the job-seekers, the recruitment agency will inform us honestly of the details of resolution.

10. **Special Training for Vulnerable Workers (Post-Arrival):** Migrant workers' training sessions on our policies and implementation procedures for grievance and remediation, as well as for core international human and labor rights (TIP, forced labor, child labor, freedom of association, non-discrimination) and working conditions; will be done in the workers' language or with the support of interpreters. If and when potential risks to women are identified, special training for self-defense, confidence building, handling sexual harassment and other gender-based abuse or exploitation, shall be provided in order to better empower women. Special training, such as the above-mentioned ones, will be included in a needs-based Training Master Plan.

## **F. Recognition**

1. The SMS Team will compile a list of different types of potential violations, non-compliances or obstacles to implementation of this Policy – direct and indirect- related to the factory, the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity, if applicable, with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions within our SMS.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for all the different types of grievances mentioned in this Policy and Policy Implementation Procedures, especially for the zero-tolerance areas , including gender-based discrimination and sexual harassment or abuse.

## **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated; a hotline phone number; or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.

4. All efforts will be taken by top management to protect victims and whistleblowers. Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

## **H. Grievance Mechanism**

1. A system shall be in place with clear descriptions of the different steps, responsibilities, forms for recording, categories and priorities for action and remediation, as well as historical tracking
2. The Company will prepare beforehand a list of potential grievances related to this Policy.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred first point of contact is the provincial Ministry of Social Development and Human Security office, which can be reached through the hotline “1300.” The agency provides shelter for children and families, arrangements for education, health care and legal assistance.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

## **I. Remediation**

1. Our Company will develop documented procedures to ensure that women and their children are protected from hazardous working conditions, from illegal activities in the region (e.g., drug trafficking, prostitution), have access to educational or vocational training nearby and child protection projects by the government, NGOs/CSOs and other community-based organizations.
2. The Company shall prepare beforehand a list of potential remediation measures that respond to potential violations. In the case of child labor incidents, progressive removal strategies are described in the No Child Labor Policy Implementation Procedures. In cases of sexual harassment or sexual abuse, protection of the victim and timely, systematic investigation are of paramount importance.
3. A reasonable time schedule shall be worked out with the assistance of relevant stakeholders with experience working with the specific grievance. For example, for forced labor or gender-based discrimination and violence, government agencies or NGOs/CSOs of or embassies of source countries for migrants could provide assistance.
4. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, gender-sensitive options to protect victims, e.g., a safe house in an undisclosed location supported by a local NGO/CSO or a government agency; or women lawyers accompanying women victims to report incidents to the police, shall be considered.

5. In addition, empowering activities for women and girls, e.g., self-defense, confidence-building and assertiveness training when facing sexual harassment or sexual exploitation situations shall be considered and implemented to better empower them.

## **J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in the Company's QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company's policies and SMS.

## H-1.4: No Child Labor Policy Statement and Policy Implementation Procedures for No Child Labor



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### MARINE FINE FOODS CO., LTD. PROCEDURE MANUAL No Child Labor Policy Statement and Policy Implementation Procedures for No Child Labor

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## **No Child Labor Policy Statement**

### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all forms of child labor, which is “work that is inappropriate for a child’s age, affects a child’s education, and/or is likely to harm a child’s health, safety or morals”<sup>81</sup> We recognize that the ILO Conventions strictly prohibit recruiting for work or compelling work from children, defined to be below 15 years of age<sup>82</sup>; and that the minimum age for any type of work that is hazardous to a child’s health, safety and morals is 18 years of age.<sup>83</sup>

We affirm our strict zero-tolerance policy to extend to the worst forms of child labor<sup>84</sup>, including all forms of slavery or practices similar to slavery, such as sale and trafficking of children; debt bondage, serfdom, forced or compulsory labor, including recruitment into armed conflict ; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs.

We understand that the ILO Conventions, allow national governments to authorize work from the age of 16 years if the health, safety and morals of the young persons concerned are fully protected and they are given adequate specific training<sup>85</sup>. These “young workers” may exist legally elsewhere, but for the seafood sector, we shall comply with Thai Labor Laws which prohibit hiring workers below the age of 18 years.<sup>86</sup>

Our Company recognizes the importance of a strong commitment to respect human rights, especially the rights of children, particularly of women and girls, to have access to education, dignity, full physical and mental development, with their well-being assured in a protective and supportive environment. We are aware that child labor perpetuates a cycle of poverty, in rural and urban areas, by forcing children to unsuitable jobs and hours, depriving them of opportunities to attend school and develop skills, which can interfere with their ability to access decent and productive employment opportunities later in life.

The harm to children unavoidably impacts their families, communities and the industry sectors where a motivated and skilled workforce is needed. Therefore, we choose to take a strong stand against all forms of child labor knowing that such acts harm or places in harm’s way, all persons, especially vulnerable stakeholders, particularly women and girls, by depriving them of their rights to education, life skills, security and protection, that could allow them to develop their full potential as adults and enable them to access decent work opportunities and income later in life. Moreover, we shall not tolerate child labor, creating a cycle of poverty which leads to debt burdens, loss of freedom, involuntary servitude, forced labor, physical and psychological abuse that that could cause temporary or permanent damage or injury to the lives and well-being of children, their families and their communities.

### **Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of child labor, including the worst forms of child labor described above; nor support or encourage such acts,

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<sup>81</sup> ILO World Day Against Child Labor Conference and Workshop, 12 June 2019, Brussels; with the UN Food and Agriculture Organization (FAO) and European Commission to reaffirm strategies to eliminate child labor

<sup>82</sup> ILO C138 Minimum Age Convention, 1973 Article 2.3

<sup>83</sup> ILO C138 Minimum Age Convention, 1973, Article 3.1

<sup>84</sup> ILO C182, Worst Forms of Child Labor, 1999, Article 3

<sup>85</sup> ILO C138 Minimum Age Convention, 1973, Article 3.3

<sup>86</sup> Ministerial Regulation on Establishments Prohibited from Employment of Children under 18 years of age B.E. 2559 (2016)

directly or indirectly. Our Company is committed to NOT doing business with any organization which has been implicated or suspected and charged or proven beyond doubt to use/have used child labor; forced, bonded or slave labor of children; trafficking or procuring of children into unethical and illegal practices; in its operations, affiliates or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with child labor and the worst forms of child labor described above, directly or indirectly. Our Company will NOT use forced labor, violence, threats, physical/psychological abuse as punishment or disciplinary measure for workers reporting incidents of child labor, or expressing their views, or associating with other workers; nor as a means of racial, gender, religious and other discrimination.<sup>87</sup>

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on Child Labor. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

#### **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons; and for child labor, in particular, women and girls, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively identify, reduce, prevent and eliminate child labor.

### **Policy Implementation Procedures for No Child Labor**

#### **A. Objectives:**

1. To ensure that our Company's No Child Labor is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's No Child Labor Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant women and girls, in order to address potential inequalities within the workforce

#### **B. Delegation of Responsibilities**

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.

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<sup>87</sup> ILO C105 Abolition of Forced Labor Convention, 1957.



2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan procedures. Our Company's Quality Management System (QMS) document control and numbering system procedures will apply to documents created for the SMS
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within one week after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

### **C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and child labor, including those for protecting women and children, particularly girls, in source and destination countries for migrant workers; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents (SD xxx-xxx) for supply chain mapping, social risk assessments and developing implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risk of child labor at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders, following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith

showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.

6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our no child labor, related no forced labor/anti-trafficking in persons policies and other SMS requirements.
7. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment.
8. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check international websites, links to excluded parties and sanction lists, for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs/CSOs or industry associations or government agencies, if and when possible.
9. Updates on reference criteria – We will keep track of updates, changes, developments, revisions to Thai Labor Laws and regulations, and those of source countries for migrants; international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market requirements, information, laws and regulations, including those that impact our Policy and Implementation Procedures, in order to keep them relevant.

#### **D. Awareness**

1. Our Company will include sessions during our weekly meetings for all managers and employees, from top management to line workers, for discussions on child labor, TIP, forced/bonded labor within a month of approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company's No Child Labor Policy and the Policy Implementation Procedures. The session will define who is considered a "child" and the cut-off ages under the ILO Conventions; introduce the concept of "young workers" and the warning that Thai Labor Laws do not allow their employment in the seafood sector; explain what constitutes child labor, including description of the worst forms of child labor; where and how child labor may occur prior to recruitment, especially in the case of migrant workers; point out practices during the recruitment and employment process where abuses may occur; advise both workers and employers of their rights and responsibilities to uphold and implement the principles of this Policy in order to comply with the law and develop a motivated skilled workforce; provide information on the legal frameworks that exist for child labor.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.

4. The awareness-raising and implementation training sessions will be held regularly, incorporated into our Company's orientation and monthly Training Master Plan, as appropriate, depending on the factory's schedule, to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies.

## **E. Prevention**

1. Recruitment Policies – Our Company (refer also to Recruitment Policy Implementation)
  - a. Shall have strict age verification protocols in place to ensure that no one under the age of 18 years of age is recruited directly or indirectly by us or by those who represent us
  - b. Shall require trained HR personnel (within our company and with recruiters/recruitment agencies we contract) who can communicate effectively with, gain the trust of adults, including women and migrant workers, to obtain accurate information during interviews
  - c. will not use deceptive and misleading practices to find and hire workers, including telling them to lie about their age
  - d. will not the use direct or indirect force to compel application from any person under consideration as a potential worker, including forcing them to lie about their age
  - e. will not contract unlicensed brokers, recruiters/recruitment agencies that are or have been known to engage in practices that violate this Policy or other related Policies
  - f. will not do business with companies and enterprises, including brokers, recruiters, and recruitment agencies that do not have clear and transparent HR policies and practices that prohibit child labor, as well as lying about or forging documents on age
  - g. will require companies and enterprises, including brokers, recruiters, and recruitment agencies to have a documented child protection policy, including for young workers
  - h. will not do business or work with enterprises who do not understand or comply will all relevant national labor laws and regulations
  - i. shall require trained HR personnel (within our company and with recruiters/recruitment agencies we contract) who can communicate effectively with, gain the trust of children and minors in order to protect them should they be discovered within the workforce

- j. will require documented grievance and remediation strategies if and when a child or young worker is inadvertently included among potential job applicants and workers
2. Employment Policies – Our Company (refer also to Working Conditions Policy Implementation)
- a. shall ensure that age verification protocols are effective and that no one under the age of 18 years of age is accepted as a new hire by us or by those who represent us
  - b. will check that evaluation of job seekers and applicants is qualification and merit-based, thus no exceptions are made due to nepotism or other influences for under-age hires
  - c. will ensure that new hires apply for employment with our Company on their own free will and they are not forced, threatened or coerced by our HR or recruitment agency to go into debt burdens in exchange for lying about their age
  - d. will ensure that the guardians and parents of young workers are informed about the job, if employing young workers is allowed for a specific job.
  - e. shall provide a written employment contract to new hires in their language, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties, and explained to them in their language before they sign. In return, the new hires and/or the recruitment agency shall provide us authenticated official documents as evidence of the age of new hires, and if needed as additional proof, birth certificate.
  - f. shall provide new hires with orientation on the four core fundamental rights – no forced labor, no child labor, no discrimination, right to freedom of association – together with our Company Rules and their job responsibilities.
  - g. will develop documented grievance and remediation strategies if and when a child or young worker is inadvertently included among new hires and found after acceptance and contract signing (see Remediation in section I of this document)
3. Age Verification Procedures
- a. As part of due diligence, a risk assessment checklist for hiring minors will be included.
  - b. To verify the age of the job-seeker, applicant or new hire, we shall use the Thai national identification card for Thais; passport or other official documents issued by an authorized competent authority at the source country for migrant workers.
  - c. Should there be any doubt of the validity of the age stated on the documents, our Company may seek other means of verification, for example, counter-checking with other applicants from the same community or previous employers, or a birth certificate.
  - d. Internal and external recruiters shall be trained on gender-sensitive cross-verification interview techniques to find out the actual age of workers
  - e. If a medical test or a physical test is used, it shall not violate the dignity of job-seekers, applicants or new hires, especially women and girls. For example, job seekers and applicants must not be asked to take off their clothes or undergo

tests, such as virginity checks, or other invasive, degrading or disrespectful checks that cause physical / mental harm as well as possibly constitute or lead to sexual harassment or abuse.

- f. Additional Precautions – To avoid indirect involvement in child labor, through the use of recruitment agencies or hiring of seasonal workers who work from home and may use their children to support them at work, we will keep records of the following
  - Migrant and seasonal workers’ children’s names, ages, school information and class schedules
  - Age and identity cards of workers hired through recruitment agencies
  - Recruitment agencies procedures for age and other identification document authentication and verification

#### 4. Young Workers

- a. The ILO Convention C138 Minimum Age Convention allows national laws to legislate employment of persons above 15 years but below 18 years of age under the condition that these “young workers”<sup>88</sup> do not work at night and their work conditions do not impact their health, safety, morals and personal development.
- b. If young workers are employed for specific jobs allowed by Thai Labor Laws, their working hours shall not affect their schooling, their participation in vocational training approved by a competent authority and their access to internal training programs.
- c. If young workers are employed at a facility, an OHS risk assessment and related action plan shall be developed with specific considerations to young workers. The workers and their representatives shall be consulted to define preventive and mitigation measures.
- d. If young workers are employed at a facility, they shall receive OHS training on the specific risks they face in relation to their specific jobs.

#### 5. Workers’ Documents – Our Company

- a. will not destroy, conceal, confiscate or deny access, to the applicant or worker or in the case of children their guardians, of their identity or immigration documents, including passports, work permits and other personal documents, e.g., bank books or ATM cards.
- b. will, in case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, return the documents to the worker immediately upon demand and without any pre-conditions to the document owner.
- c. will, in case of temporary holding of worker documents, have written procedures to prevent abuse that will be explained to the worker or the worker’s representative (refer to Recruitment and Working Conditions Policy Implementation)
- d. will, in lieu of item c above, during the holding time, provide the worker with an exact copy of the personal documents not in their possession; and notify

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<sup>88</sup> Thai Labor Laws do not have an equivalent term. Young workers are defined as children above 15 years and below 18 years of age.

them of the reason for holding as well as provide updates on the progress of the process where the document is used.

6. Updates on reference criteria – We will keep track of updates, changes, developments, revisions to Thai Labor Laws and regulations, international conventions and standards, as well as buyer and market requirements/ information in order to keep our Policy and Implementation Procedures relevant (current reference criteria are listed in SD xxx-xxx)
7. Special training for vulnerable workers – Migrant workers' awareness training sessions on our policies for TIP, forced labor, child labor, discrimination, and freedom of association, and their implementation procedures, will be done in their language or with the support of interpreters. If and when potential risks to women and girls are identified, special training for self-defense, confidence building and handling sexual harassment and exploitation shall be provided to the girls and their guardians/parents in order to better empower them. Such special training will be included in our needs-based Training Master List.
8. Special Training for HR Personnel – Our Company recognizes the crucial role of personnel from within our Company or from external recruiters/recruitment agencies who will have the important responsibility of interacting with minors and addressing their vulnerabilities as well as the vulnerabilities of their guardians, especially women and migrant workers. Therefore, our Company will arrange for provision of special gender-sensitive and child-protection training to allow these personnel to handle potential risks and harm to victims (and to themselves) as well as comply with legal requirements

## **F. Recognition**

1. The SMS Team will compile a list of different types of potential child labor violations – direct and indirect- related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for TIP, forced labor and child labor incidents.

## **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated; a hotline phone number; or

confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.

3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

## **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; as well as tracking and identifying historical trends and patterns in occurrence and types
2. The Company will prepare beforehand a list of potential grievances related to this Policy. Main categories suggested are: human rights, working conditions, recruitment process.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred first point of contact is the provincial Ministry of Social Development and Human Security office, which can be reached through the hotline “1300”. The government agency provides shelter for children and families, health care and legal assistance. Other options are a safe house in an undisclosed location supported by a local NGO/CSO; or women lawyers accompanying women victims to report incidents to the police.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

## **I. Remediation<sup>89</sup>**

1. Our Company will develop documented procedures to ensure that children are protected from hazardous working conditions, from illegal activities in the region (e.g., drug trafficking, prostitution), have access to educational or vocational training nearby and child protection projects by the government, NGOs/CSOs and other community-based organizations.

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<sup>89</sup> The UN Convention on the Rights of the Child emphasizes a child's right to health, education and protection from all forms of abuse, neglect, exploitation and violence. Remediation shall uphold these rights.

2. The Company shall prepare beforehand a list of potential remediation measures that respond to potential violations. In the case of child labor incidents – direct or indirect – our Company will emphasize alternatives for responsible removal and rehabilitation of the child into society.
3. Responsible removal and rehabilitation of the child means that we will NOT drastically dismiss or remove the child without any supervision as such quick drastic measures may drive the child to become invisible and seek exploitative, hazardous and illegal work.
4. Steps to take shall focus on working out a reasonable time schedule for solving the case and progressive removal of children from work. These expectations apply equally to our suppliers, recruitment agencies, subcontractors and other business partners.
5. A reasonable time schedule shall be worked out with the assistance of relevant stakeholders working with child protection, e.g., government agencies or NGOs/CSOs. For Thailand, the preferred agency is the provincial Ministry of Social Development and Human Security Office, which provides shelter for children and families as well as health care and legal assistance.
6. Progressive removal of children from work shall involve allocating a budget to provide financial compensation so they can go back to school or making arrangement so that they could attend non-formal or basic education in order to re-enter regular schools and eventually the workforce.
7. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, gender-sensitive options to protect victims, e.g., a safe house in an undisclosed location supported by a local NGO/CSO or a government agency; or women lawyers accompanying women victims to report incidents to the police, shall be considered.
8. In addition, empowering activities for women and girls, e.g., self-defense, confidence-building and assertiveness training when facing sexual harassment or sexual exploitation situations.

## **J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results.
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company's policies and SMS.



## H-1.5: No Forced/Bonded Labor Policy Statement and Policy Implementation Procedures for No Forced/Bonded Labor



### MARINE FINE FOODS CO., LTD. PROCEDURE MANUAL

#### No Forced/Bonded Labor Policy Statement and Policy Implementation Procedures for No Forced/Bonded Labor

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## **No Forced/Bonded Labor Policy Statement**

### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all forms of forced, bonded, slave, indentured or compulsory labor, defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.<sup>90</sup> We recognize that compelling work with the following means: “threats to cause injury to life, body, liberty, reputation or property of the person threatened or any other person; intimidation; use of force; retention of identity documents; use of accumulated debt burden incurred by such person or any other person as the unlawful obligation; and any action similar to the abovementioned means which puts the other person under irresistible pressure”<sup>91</sup> constitute unacceptable, illegal acts that our Company will not engage in or encourage or tolerate at all times with all organizations we deal with.

Our Company recognizes the importance of commitment to ethical principles that respect human rights and enable all persons, particularly women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we choose to take a strong stand against all forms of forced, bonded, slave, indentured and involuntary compulsory labor, knowing that such acts harm or places in harm’s way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives and well-being as well as their opportunities for decent work and income.

### **Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of forced, bonded, slave labor nor support or encourage these acts, directly or indirectly. Our company is committed to NOT doing business with any organization which has been implicated or suspected and charged or proven beyond doubt to use/have used forced, bonded or slave labor in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with forced, bonded or slave labor. Our Company will NOT use forced labor as punishment or disciplinary measure for workers expressing their views or associating with other workers; nor as a means of racial, gender or religious discrimination.<sup>92</sup>

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company’s policy and position on forced labor. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

### **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities. Compliance to this Policy will be guided by Policy

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<sup>90</sup> ILO Forced Labor Convention, 1930 (No. 29)

<sup>91</sup> Trafficking in Persons Act B.E. 2551 (2008)

<sup>92</sup> ILO Abolition of Forced Labor Convention, 1957 (No. 105)

Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively reduce forced labor.

## **Policy Implementation Procedures for No Forced/Bonded Labor**

### **A. Objectives:**

1. To ensure that our Company's No Forced/Bonded Labor Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's No Forced/Bonded Labor Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant workers and women, in order to address potential inequalities within the workforce

### **B. Delegation of Responsibilities**

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan procedures. Our Company's Quality Management System (QMS) document control and numbering system procedures will apply to documents created for the SMS
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within one week after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

### **C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and forced labor, including those for protecting women and children, in source and destination countries for migrant workers; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; national

laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents (SD xxx-xxx) for supply chain mapping, social risk assessments and developing other implementation strategies.

2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risk of forced /bonded labor at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.
6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our no forced/bonded labor, anti-trafficking in persons policies and other SMS requirements.

#### **D. Awareness**

1. Our Company will include sessions during our weekly meetings for all managers and employees, from top management to line workers, for discussions on forced/bonded labor within a month of approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company's No Forced/Bonded Labor Policy and the Policy Implementation Procedures. The session will define what constitutes forced, bonded, slave (indentured), involuntary compulsory labor in terms of act and methods; explain where and how forced/bonded labor may occur prior to recruitment, especially in the case of migrant workers; point out practices during the recruitment and employment process where abuses may occur; advise both workers and employers of their rights and responsibilities to uphold and implement the principles of this Policy; provide information on the legal frameworks that exist for forced/bonded labor.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.
4. The awareness-raising and implementation training sessions will be held regularly incorporated into our Company's orientation and monthly Training Master Plan, as

appropriate, depending on the factory's schedule, to reach all managers and workers within the six-month period after announcement of the Policy.

5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary or secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers and recruiters.

## **E. Prevention**

1. Recruitment Policies – We prohibit the following (refer to Recruitment Policy Implementation)
  - a. the use of deceptive and misleading practices to find and hire workers
  - b. the use of violence, direct or indirect force, coercion, or abuse of power to compel work, or additional work, voluntarily or involuntarily, from job-seekers, applicants, or any other worker, whether already employed by our Company or under consideration as a potential worker, without informing them of their rights and risks of exploitation
  - c. contracting unlicensed brokers, recruiters/recruitment agencies that are or have been known to engage in practices that violate this Policy
  - d. doing business with companies that do not have clear and transparent human resource policies and practices that prohibit all forms of forced labor
  - e. doing business or working with enterprises who do not comply with all relevant national labor laws and regulations.
2. Employment Policies – We will ensure that (refer to Working Conditions Policy Implementation)
  - a. no recruitment fees are charged to job-seekers by us or those who represent us
  - b. the evaluation of job seekers and applicants is qualification and merit-based
  - c. job-seekers are applying for employment with our Company on their own free will
  - d. if we use a recruitment agency, the workers are not forced or threatened or coerced to go into debt burdens or given false promises as to their job, employer and workplace
  - e. new hires receive a written employment contract in their language once they are accepted, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties, and explained to them in their language before they sign.
  - f. workers hired present official documents, e.g., Thai ID cards or passports authenticated by the source country; visas and work permits issued by authorized government agencies.
  - g. our factory is free from all forms of forced, bonded, indentured, involuntary labor.
3. Document Retention by Workers – Our Company

- a. will not destroy, conceal, confiscate or deny access, to the applicant or worker, of their identity or immigration documents, including passports, work permits and other personal documents, such as bank books or ATM cards.
  - b. will, in case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, return the documents to the worker immediately upon demand and without any pre-conditions.
  - c. will, in case of temporary holding of worker documents, have written procedures to prevent abuse that will be explained to the worker (refer to Recruitment and Working Conditions Policy Implementation)
4. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment.
  5. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check international websites and links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs or industry associations or government agencies, if and when possible.
  6. Updates on reference criteria – We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, international conventions and standards, as well as buyer and market requirements/ information in order to keep our Policy and Implementation Procedures relevant
  7. Special training for vulnerable workers – Migrant workers’ training sessions on TIP awareness and anti-TIP implementation will be done in their language or with the support of interpreters. If and when potential risks to women are identified, special training for self-defense, confidence building and handling sexual harassment and exploitation shall be provided in order to better empower women. Special training will be included in our Training Master Plan as they are developed.

## **F. Recognition**

1. The SMS Team will compile a list of different types of potential forced/bonded labor violations related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for TIP and forced labor incidents and cases.

## **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated, a hotline phone number or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

## **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; as well as tracking and identifying historical trends and patterns in occurrence and types
2. The Company will prepare beforehand a list of potential grievances related to this Policy. Main categories suggested are: human rights, working conditions, recruitment process.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred first point of contact is the provincial Ministry of Social Development and Human Security office, which can be reached through the hotline "1300". The government agency provides shelter for children and families, health care and legal assistance. Other options are a safe house in an undisclosed location supported by a local NGO/CSO; or women lawyers accompanying women victims to report incidents to the police.

4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

**I. Remediation**

1. The Company shall prepare beforehand a list of potential remediation measures.
2. Steps to take shall be related to the severity of violations with immediate, short term, long term actions considered and documented beforehand. Potential measures could involve internal disciplinary actions, or legal action against perpetrator; or financial or non-financial compensation; medical and /or legal support, rehabilitation or further education for the victim
3. The remediation plan shall have corrective and preventive strategies; for women, in particular, empowering activities must be included

**J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented our QMS Manual Criteria, objectives and scope of the Internal Quality Audit (IQA) shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company's policies and SMS.



## H-1.6: Non-Discrimination Policy Statement and Policy Implementation Procedures for Non-Discrimination



### MARINE FINE FOODS CO., LTD. PROCEDURE MANUAL Non-Discrimination Policy Statement and Policy Implementation Procedures for Non-Discrimination

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Date: \_\_\_\_\_  
(Mr. Chalermchai Leevongcharoen) Managing Director

## **Non-Discrimination Policy Statement**

### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all forms of discrimination, generally defined as “any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin”<sup>93</sup>. Our company is specifically committed to zero-tolerance of all forms of discrimination – direct or indirect - based on gender, sexual orientation, race, age, religion, ethnicity, disability, health, association among workers, and expression of personal views regarding the workplace.

We choose to take a strong stand against discrimination as we recognize that discriminatory practices impair equality of opportunity or treatment in employment or occupation. We affirm our commitment to the principle of equal remuneration for men and women<sup>94</sup> - equal pay for equal value for the same or different type of job. Remuneration includes basic minimum wage or salary plus benefits, bonuses or incentives paid to the worker as mandated by the most current Thai Labor Laws and / or based on the worker’s qualifications and performance on the job.

We recognize that discrimination can be subtle, may be direct or indirect, and not always intentional. Indirect discrimination could be expressed in neutral, seemingly innocent acts that nevertheless result in unequal treatment and harm, which we consider equally unacceptable as direct discrimination. In particular, our Company is committed to eliminating gender-based discrimination, an extreme expression of which is sexual harassment.<sup>95</sup> Our Company shall take every step necessary to create a safe, productive workplace that assures all persons, especially women, of dignity, security, protection and recognition.

Our Company is committed to respecting human rights, particularly those of vulnerable workers, including women and their children, that require treating all persons with dignity; and providing access to decent work, productive employment and adequate income; that assure their well-being in a protective and supportive environment. Therefore, we affirm our zero-tolerance policy for all forms of discrimination, especially gender-based discrimination, in the form of sexual harassment or abuse, knowing that such acts harm or places in harm’s way, all persons, especially vulnerable stakeholders, particularly women and girls, by robbing them of their dignity and demoralizing them, thereby destroying their confidence, interfering with their rights to security and protection, preventing them from developing their full potential in order to contribute meaningfully to the community or workforce. Our Company shall not tolerate all acts of direct or indirect discrimination, direct or indirect physical and psychological abuse since these could cause temporary or permanent damage or injury to the lives and well-being of our employees and workers, their families and their communities.

### **Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of discrimination – direct or indirect, irrespective of the degree of severity, including gender-based discrimination and sexual harassment – nor encourage such acts, directly or indirectly. Our Company is committed to NOT doing business with any organization which has been; or an organization which employs individuals that have been; implicated, suspected, charged, convicted or proven beyond doubt to have engaged or encouraged discriminatory practices – direct or indirect, irrespective of severity – in its operations, affiliates or supply chain. Our Company reserves the right to NOT purchase material or services from suppliers,

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<sup>93</sup> ILO C111 Discrimination (Employment and Occupation) Convention, 1958

<sup>94</sup> ILO C100 Equal Remuneration Convention, 1951

<sup>95</sup> Social Accountability International (SAI) Auditing Guidance Document Revision 4, September 20, 2013.

subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with discriminatory practices – direct or indirect, irrespective of degree of severity, including gender-based discrimination, sexual harassment or abuse – if our due diligence uncovers proof of violations of our Non-Discrimination Policy. Our Company will NOT use forced labor, violence, threats, physical/psychological abuse as punishment or disciplinary measure for workers reporting incidents of discrimination, or expressing their views, or discussing with other workers; nor as a means of any form of discrimination.<sup>96</sup>

Our No Discrimination, No Sexual Harassment or Abuse policy shall apply to all levels in our Company’s hierarchy from top management to all workers, applicants, job-seekers, Thai nationals, non-nationals, migrant workers, contracted and home-based workers. Our Company expects all internal stakeholders- owners, shareholders, managers, employees, workers - to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Our Company also expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company’s policy and position on No Discrimination, No Sexual Harassment or Abuse. Our Company requires all of our stakeholders to maintain high standards of transparency and accountability in their actions.

### **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons; and for gender-based discrimination in particular, women and girls, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively identify, reduce, prevent and eliminate all forms of discrimination, including sexual harassment or abuse, that are extreme forms of gender-based discrimination.

## **Policy Implementation Procedures for Non-Discrimination**

### **A. Objectives:**

1. To ensure that our Company’s Non-Discrimination Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company’s Non-Discrimination Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant women and girls, in order to address potential inequalities within the workforce

### **B. Delegation of Responsibilities**

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.

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<sup>96</sup> ILO C105 Abolition of Forced Labor Convention, 1957.

2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan procedures. Our Company's quality management system (QMS) document control and numbering system procedures will apply to documents created for the SMS.
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within one week after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

### **C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and non- discrimination, especially gender-based discrimination, including those for protecting women and children, particularly girls, in source and destination countries for migrant workers; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and developing implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risk of discrimination, especially gender-based discrimination, at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders, following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith

showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.

6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our non-discrimination policy plus related policies on no child labor, no forced labor/anti-trafficking in persons and other SMS requirements.
7. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment.
8. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check international websites, links to excluded parties, sanction lists, for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs/CSOs or industry associations or government agencies, if and when possible.

#### **D. Awareness**

1. Our Company will include sessions during our weekly meetings for all managers and employees, from top management to line workers, for discussions on discrimination (non-gender and gender-based) within a month of approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company's No Discrimination Policy and Policy Implementation Procedures. The session will define what constitutes discrimination; point out the differences and similarities between gender-based discrimination and non-gender based discrimination; explain the disadvantages to the business and harm to workers that discrimination could cause; trace where and how in the recruitment and employment processes discrimination can happen, especially gender-based discrimination for migrant workers; provide clarification on sexual harassment and abuse as extreme forms of discrimination; point out the rights and responsibilities of all stakeholders to uphold the principles of this Policy in order to comply with the law; give information on the legal frameworks that exist for discrimination.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.
4. The awareness-raising and implementation training sessions will be held regularly incorporated into our Company's orientation and monthly Training Master Plan to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training

sessions, which must be conducted at a minimum, for all managers and workers, once a year.

6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies.

## **E. Prevention**

1. Recruitment Policies – Our Company (refer also to Recruitment Policy Implementation)
  - a. shall have women recruiters trained, including for interviewing skills, to address sensitive issues affecting women in recruitment, migration and employment
  - b. shall specify only qualifications pertinent to the job posting and not require information on age, race, sex, religion, ethnicity, political affiliation or any other personal attributes that may be used to exclude specific groups or minorities from applying
  - c. will, preferably, include the phrase “We are an equal opportunity employer. We welcome applications from qualified women and men from diverse backgrounds” in job postings and application forms.
  - d. will not ask about marital status or family responsibilities or number of children in application forms
  - e. will not exclude women, pregnant and nursing mothers from applying for jobs; nor specify certain jobs as open only to men
  - f. will not the use direct or indirect force to compel any job-seeker or applicant to take tests for pregnancy or HIV/sexually transmitted infections that can be used as grounds for discrimination
  - g. will not contract unlicensed brokers, recruiters/recruitment agencies that are or have been known to engage in practices that violate this Policy or other related Policies
  - h. will not do business with companies and enterprises, including brokers, recruiters, and recruitment agencies that do not have clear and transparent HR policies and practices that prohibit discrimination as well as related policies on forced labor, child labor, TIP
  - i. will require companies and enterprises, including brokers, recruiters, and recruitment agencies to have a documented sexual harassment / sexual abuse protection policy
  - j. will not do business or work with enterprises who do not understand or comply will all relevant national labor laws and regulations
  - k. will require documented grievance and remediation strategies if and when discrimination, sexual harassment or sexual abuse happens to potential job applicants
2. Employment Policies – Our Company (refer also to Working Conditions Policy Implementation)

- a. shall ensure that the evaluation and acceptance of applicants is qualification and merit-based, thus no exceptions are made due to nepotism or other personal biases
  - b. shall uphold the principle of equal value, equal pay and apply it to all jobs and all workers, including when jobs are different for men and women but of equal value
  - c. shall ensure that terms and conditions of employment contracts regarding minimum wage, work hours and breaks, benefits, holidays and leave, bonuses and incentives comply with Thai Labor Laws and are applied fairly and equally to all workers
  - d. shall provide a written employment contract to new hires in their language, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties, and explained to them in their language before they sign. In return, the new hires and/or the recruitment agency shall provide our Company authenticated official documents and other documents relevant to compliance with terms and conditions of employment compliant with Thai Labor Laws.
  - e. will ensure that new hires apply for employment with our Company on their own free will and they are not forced, threatened or coerced by our HR or contracted recruitment agency to go into debt burdens in exchange for a position or advantage in our Company
  - f. will ensure that any risks or hazards or consequences of mistakes at the workplace are explained to all new hires in relation to their personal health and safety regardless of their sex, race, position and workplace assignment
  - g. shall provide all new hires with orientation on the four core fundamental rights – no forced labor, no child labor, no discrimination, right to freedom of association – together with our Company Rules and their job responsibilities.
  - h. will develop documented grievance and remediation strategies if and when any worker is faced with discrimination (non-gender or gender-based), sexual harassment or sexual abuse during all steps of application, acceptance, contract signing and employment.
3. Sexual Harassment - Our Company (refer also to Working Conditions Policy Implementation)
- a. will carry out, as part of due diligence, a risk assessment of the workplace and the community around our factory to identify any potential hazards, especially to women.
  - b. shall have zero tolerance for sexual harassment or abuse at the workplace
  - c. will develop procedures or a manual to define what constitutes “unwelcome sexual advances” and how consent and power influence the categorization of harassment
  - d. will clarify the differences and similarities between sexual harassment and sexual abuse
  - e. shall monitor workplace culture to ensure respect for women at all levels
  - f. shall ensure that women workers are able to work in a sexually non-threatening environment free of pornography, sexually suggestive material and sexual teasing

- g. shall discourage abusive language and sexual suggestive language among male workers in the presence of female workers
  - h. will arrange for a confidential complaint management system for female workers
  - i. shall have clear procedures for investigating and disciplining offenders that is communicated to all workers as to content and use
  - j. shall have documented effective protocols for protecting victims and whistleblowers throughout the grievance, investigation and remediation processes.
4. Maternity Provisions – Our Company (refer also to Working Conditions Implementation)
- a. Shall provide maternity leave and pay as mandated by the most recent Thai Labor Laws
  - b. Shall assess and minimize job risks for new and expectant mothers
  - c. Shall not increase pregnant women’s workload to pressure them to resign and forfeit maternity benefits
  - d. will, depending on available resources, provide a suitable place for nursing mothers
  - e. will allow flexible work times for women workers retuning to work after giving birth, or men workers with newborns, so they could attend to family responsibilities as needed
  - f. shall not discipline or demote or reduce the remuneration and benefits of new mothers as well as those of their husbands
5. Training and Promotion – Our Company (refer also to Working Conditions Implementation)
- a. shall not promote men over women
  - b. shall provide equal access to men and women for training and mentoring
  - c. will not create obstacles to women’s access to training opportunities, e.g., holding them after work
  - d. shall consider men and women equally for job promotion, bonuses and incentives
  - e. shall use evaluation methods based on qualification and job performance for decisions on job promotion as well as awarding of bonuses and incentives
  - f. shall encourage women to participate in junior and senior management
  - g. shall encourage women to develop skills that will provide them access to jobs traditionally reserved for men
  - h. shall provide OHS, first-aid, emergency and crisis situation handling training equally to men and women, irrespective of where the women work
6. Disciplinary Measures and Dismissal – Our Company (Refer also to Working Conditions)
- a. will not single out women for dismissal because of marriage or pregnancy
  - b. shall not force women – directly or indirectly - to take contraceptives as a condition for hiring or continuing employment; nor discipline women who refuse to do so



- c. shall develop disciplinary policies that meet the requirements of local law, apply equally and fairly to all workers, irrespective of race, sex, religion, position in the Company
  - d. shall have a competent authority approve our Company Rules and disciplinary policies for implementation; and post the documents on the notice board in a language that migrant workers understand
  - e. shall have a female witness or a female member from HR present when a female worker is called for a discussion about a complaint or disciplinary measures
7. Workers' Documents – Our Company (refer also to Working Conditions Implementation)
  - a. will not destroy, conceal, confiscate or deny access, to the applicant or worker, of their identity or immigration documents, including passports, work permits and other personal documents, e.g., bank books or ATM cards.
  - b. will, in case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, return the documents to the worker immediately upon demand and without any pre-conditions to the document owner.
  - c. will, in case of temporary holding of worker documents, have written procedures to prevent abuse that will be explained to the worker or the worker's representative
  - d. will, in lieu of item c above, during the holding time, provide the worker with an exact copy of the personal documents not in their possession; and notify them of the reason for holding as well as provide updates on the progress of the process where the document is used.
8. Updates on reference criteria - We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, and those of source countries for migrants, international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market requirements, information, standards, laws and regulations, in order to keep our Policy and Implementation Procedures relevant.
9. Special training for vulnerable workers (Pre-arrival)– The recruitment agency contracted by our Company shall provide details on special considerations for women migrant workers at all steps of the pre-arrival phase of the recruitment process. Some examples are communication of the availability and nature of the jobs, provisions for transportation, conduct of the interviews and training, including topics taught, methods used, qualifications of the trainer and inclusion of issues specific to addressing potential risks for women migrant workers. We will require evidence, e.g., photographs or copies of curriculum from the recruiters/recruitment agencies.
10. Special training for vulnerable workers (Post-Arrival) - Migrant workers' training sessions on our policies and implementation procedures for non-discrimination, TIP and related international core labor standards for forced labor, child labor, freedom of association will be done in the workers' language or with the support of interpreters. If and when potential risks to women are identified, special training for self-defense, confidence building and handling sexual harassment and other gender-based harassment, abuse and exploitation shall be provided in order to better

empower women. Special training, such as the above-mentioned ones, will be added as developed to the Training Master List.

## **F. Recognition**

1. The SMS Team will compile a list of different types of potential discrimination violations – direct and indirect- related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for sexual harassment, sexual abuse, other types of discrimination and related TIP, forced labor and child labor incidents.

## **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated; a hotline phone number; or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

## **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and

remediation; as well as tracking and identifying historical trends and patterns in occurrence and types

2. The Company will prepare beforehand a list of potential grievances related to this Policy. Main categories suggested are: human rights, working conditions, recruitment process.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred first point of contact is the provincial Ministry of Social Development and Human Security office, which can be reached through the hotline “1300”. The government agency provides shelter for children and families, health care and legal assistance. Other options are a safe house in an undisclosed location supported by a local NGO/CSO; or women lawyers accompanying women victims to report incidents to the police.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

#### **I. Remediation<sup>97</sup>**

1. Our Company will develop documented procedures to ensure that women and their children are protected from hazardous working conditions, from illegal activities in the region (e.g., drug trafficking, prostitution), have access to educational or vocational training nearby and child protection projects by the government, NGOs/CSOs and other community-based organizations.
2. The Company shall prepare beforehand a list of potential remediation measures that respond to potential violations. In the case of child labor incidents, refer to the No Child Labor Policy Implementation procedures. In cases of sexual harassment or sexual abuse, protection of the victim and timely, systematic investigation are of paramount importance.
3. A reasonable time schedule shall be worked out with the assistance of relevant stakeholders with experience working with gender-based discrimination and violence, e.g., government agencies or NGOs/CSOs. For Thailand, the preferred agency is the provincial Ministry of Social Development and Human Security Office, which provides shelter for children and families as well as health care and legal assistance.
  1. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, gender-sensitive options to protect victims, e.g., a safe house in an undisclosed location supported by a local NGO/CSO or a government agency; or women lawyers accompanying women victims to report incidents to the police, shall be considered.
  2. In addition, empowering activities for women and girls, e.g., self-defense, confidence-building and assertiveness training when facing sexual harassment or sexual exploitation situations shall be considered and implemented to better empower them.

#### **J. Monitoring**

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<sup>97</sup> The UN Convention on the Rights of the Child emphasizes a child's right to health, education and protection from all forms of abuse, neglect, exploitation and violence. Remediation shall uphold these rights.

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company's policies and SMS.

## H-1.7: Responsible Recruitment Policy Statement and Policy Implementation Procedures for Responsible Recruitment



### MARINE FINE FOODS CO., LTD. PROCEDURE MANUAL Responsible Recruitment Policy Statement and Policy Implementation Procedures for Responsible Recruitment

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## Responsible Recruitment Policy Statement

### **Commitment to Fair and Responsible Recruitment Principles**

Our Company is committed to upholding fair and responsible recruitment principles and practices that respect, protect and fulfil internationally recognized human rights, including those expressed in international labor standards, particularly the right to freedom of association and collective bargaining, the prevention and elimination of forced labor, child labor and discrimination; in all steps of the recruitment and employment processes. Our Company recognizes that recruitment should respond to labor market needs; should be qualifications-based; should not displace an existing work force, lower labor standards, wages or working conditions; or undermine decent work. Whether our Company recruits from a local pool or opt for cross-border recruitment, we require compliance to applicable national laws and regulations; transparency for all stakeholders; protection for the workers throughout the recruitment and employment processes, including the right to know their rights; the freedom of movement within Thailand or to leave Thailand; own control of their identity documents and contracts; and access to grievance and dispute resolution mechanisms as well as appropriate remediation.<sup>98</sup>

Our Company considers this Policy as crucial to preventing labor issues that tend to originate in the recruitment process. Workers, especially migrant workers, are exposed to risks of exploitation starting at their country of origin, even before they reach our factory. Their vulnerability to deceptive or fraudulent recruitment practices may not always be visible to us as an end employer<sup>99</sup>, but it is our Company who stands to lose most from the impacts on our brands, reputation, customers, and business viability, of irresponsible and illegal recruitment practices by any stakeholder in our supply chain. Therefore, through this Policy and its implementation, our Company is committed to conducting due diligence in order to encourage continuous improvement of responsible recruitment practices.<sup>100</sup> It is our belief that through this strategy our Company could help reduce, mitigate, and/or eliminate the risks of exploitation and abuse for job-seekers and hired workers during the recruitment process, thus enabling all persons, including women and girls, access to decent work and income, in a protective and supportive environment, that could allow them to achieve their full potential.

### **Zero-Tolerance Areas**

Our Company takes a strong stand against all against all forms, manifestations, indications and evidence of inhumane treatment related to human trafficking; forced, bonded, slave, indentured, involuntary compulsory labor; child labor, discrimination on the basis of gender, race, religion, ethnicity, sexual orientation, disability and others; the right to freedom of association and collective bargaining as well as any practices that could compromise the lives, health, safety and dignity of job-seekers and workers. Our Company consider such acts as non-negotiable, unethical and illegal; so will take action against perpetrators, knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives, property, well-being as well as their opportunities and abilities for decent work and income.

### **Applicability and Scope**

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<sup>98</sup> ILO General Principles and Operational Guidelines for Fair Recruitment, 2016

<sup>99</sup> BSCI Responsible Recruitment to End Worker Exploitation, 2015

<sup>100</sup> BSCI Responsible Recruitment Guidelines for BSCI Participants, September 2017

Our Company and all our employees will NOT engage in, encourage, support or excuse – directly or indirectly - any violations of the fundamental human rights and rights of workers as defined in the above-mentioned four core international ILO Labor Standards (based on eight core ILO conventions) <sup>101</sup> and defined in our other Company Policies for each of those core labor rights. At the same time, our Company is committed to NOT doing business with any individual or organization, especially labor recruiters and recruitment agencies, which have been implicated, suspected, charged or proven beyond doubt to have violated fundamental human rights and rights of workers especially involvement in human trafficking, the use of child labor; forced, bonded, slave, indentured, involuntary compulsory labor; sexual harassment or exploitation; in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, including recruiters, that may be/have been involved with the above-mentioned unethical and illegal acts. Our Company will NOT use force as punishment or disciplinary measure for workers expressing their views or associating with other workers; nor as a means of gender, racial, religious or other discrimination.

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of our Recruitment Policies at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises that we deal with - to comply with our Company's Policy and position on fair and responsible Recruitment. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

### **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, and other groups subject to potential discrimination and unequal treatment, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition, confidential reporting and whistleblower protection, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to implement a Responsible Recruitment Policy that can reduce, minimize, prevent labor risks to all stakeholders, including vulnerable workers.

## **Policy Implementation Procedures for Responsible Recruitment**

### **A. Objectives:**

1. To ensure that our Company's Responsible Recruitment Policy is understood by all internal and external stakeholders.
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Responsible Recruitment Policy.

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<sup>101</sup> ILO Core Conventions: C29- Forced Labor Convention, 1930; C105- Abolition of Forced Labor Convention, 1957; C87-Freedom of Association and Protection of the Right to Organize Convention, 1948; C98- Right to Organize and Collective Bargaining Convention, 1949; C100-Equal Remuneration Convention, 1951; C111-Discrimination (Employment and Occupation) Convention; C138- Minimum Age Convention, 1973; C182 – Worst Forms of Child Labor Convention, 1999

3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant workers and women, in order to address potential inequalities within the workforce.

## **B. Delegation of Responsibilities**

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Implementation Procedures. Our Company's Quality Management System (QMS) document control and numbering system procedures will apply to documents created for the SMS.
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within one week after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and Implementation Procedures will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures.
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures

## **C. Company Due Diligence <sup>102</sup>**

1. Our Company will compile information on source and destination countries for migrant workers as well as raw material suppliers including: country risk ratings (e.g., Trafficking in Persons, or TIP ratings); legal frameworks for fundamental principles and rights at work (ILO Core Labor Standards)<sup>103</sup> and national laws, including those for protecting women and children; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; labor brokers, recruiters/recruitment agencies for the seafood sector; and related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and to develop other implementation strategies.
2. Our Company will compile, as legal reference, Thai laws, regulations and official announcements that pertain to recruitment and employment of Thai and migrant

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<sup>102</sup> BSCI Responsible Recruitment Guidelines for BSCI Participants, September 2017

<sup>103</sup> ILO General Principles and Operational Guidelines for Fair Recruitment (section III.1), 2016



workers; management of Thai and migrant workers; as well as related fishery laws and amendments that impact compliance to recruitment and employment practices in the seafood sector.<sup>104</sup>

3. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies.
4. For the recruitment options we use, our Company will map flow diagrams of the recruitment processes and steps, identify organizations involved, inputs and outputs at each step. This information will be documented in forms/templates to be developed specific for the purpose. in
5. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers i.e. recruitment agencies, and suppliers for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risks of violation of the ILO Core Labor Standards at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included. Procedures, forms and templates will be adapted or developed specifically for information gathering and social risk assessment.
6. Each link in the supply chain will then be evaluated and scored for potential risk and impact on the company's business, reputation, stakeholders following developed protocols. Rank and score will determine significant business partners.
7. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.
8. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our eight core policies and other SMS requirements. Purchasing and IQA Procedures will be adapted accordingly.
9. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability CoC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment
10. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of any core international ILO Labor Standards, we reserve the right to check international websites and links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs or industry associations or government agencies, if and when possible

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<sup>104</sup> Labor Protection Act B.E. 2541 (1998), revision up to B.E. 2562 (2019); Child Protection Act of 2003; Anti-Trafficking in Persons Act B.E. 2551 (2008, amended in 2015); Royal Decree Concerning Rules on Bringing Migrant Workers into the Kingdom for Employment B.E. 2559 (2016); Royal Decree on Managing the Work of Aliens B.E. 2560 (2017); Alien Work Act B.E. 2551 (2008), Ministerial Regulation on Establishment Prohibited from Employment of Children under 18 years of age B.E. 2559 (2016), Ministerial Regulation on the Protection of Labor in Fisheries B.E. 2557 (2014)

11. Updates on reference criteria - We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, and those of source countries for migrants, international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market requirements, standards, information, laws and regulations in order to keep our Policy and Implementation Procedures relevant
12. For our Company's HR department and external recruiters/recruitment agencies, who have a crucial role in reducing the vulnerability of women and migrant workers to violations of their rights and in promoting equal access to opportunities, our Company will develop a gender-sensitive assessment tool that can be used for due diligence and for internal audits.

#### **D. Awareness**

1. Our Company will include sessions during our weekly meetings for all managers and employees, from top management to line workers, to discuss responsible recruitment and decent work concepts within a month of approval of the Responsible Recruitment Policy or any revisions.
2. The awareness-raising training session will introduce the Company's Responsible Recruitment Policy and the Policy Implementation Procedures. The session will define our requirements for compliance to applicable Thai Labor Laws and regulations, transparency for all stakeholders, protection for all workers throughout the recruitment and employment processes and access to grievance, dispute resolution and appropriate remediation. For each of these topics, good practices and zero-tolerance practices will be pointed out, together with the local and international legal frameworks that exist to support them.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report non-conformances and violations; how to protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents with corrective and preventive actions.
4. The awareness-raising and implementation training sessions will be held regularly, according to incorporated into our Company's orientation and monthly Training Master Plan, as appropriate, depending on the factory's schedule, to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary or secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers and recruiters.

#### **E. Requirements**

1. Recruitment Policies and Practices (including Pre-Arrival for Migrant Workers)

- a. Our Company will select the recruitment method to match our workforce needs and provide decent employment, when possible, to the community around our location. For recruiting migrant workers, we shall use legal methods compliant with national laws
- b. We prohibit the use of deceptive and misleading practices to find and hire workers. Practices that we will not tolerate, both for internal staff and external service providers, include receiving gifts, obtaining monetary deposits or security payment, requiring guarantees of cash or property (e.g., title deeds) in return for promise or assurance of a position to a job seeker or applicant.
- c. Likewise, we prohibit the use of direct or indirect force to compel change in type of work, location or conditions of employment that are different from what was agreed to or promised by our internal or external recruiters, to any worker already hired by our Company or under consideration as a potential worker.
- d. Job postings will focus on qualifications that match the position advertised. Obtaining information on age, sex, race, religion and other personal details that may constitute discrimination and lead to exclusion of otherwise qualified candidates, will be avoided.
- e. We will not tolerate charging recruitment fees to workers to secure a job at our Company or with our recruiters, suppliers, subcontractors, or service providers<sup>105</sup>. A statement about “no fees will be charged at any phase in the recruitment and hiring process” will be included in the job advertisement to reinforce this principle.
- f. Whether we recruit directly or through recruitment agencies, we will provide a clear job description, with rights and responsibilities of the position, reporting structure and other terms and conditions of employment that are aligned with Thai Labor Laws.
- g. When recruiting directly, we will not charge applicants processing fees. For recruiters and recruitment agencies, we will require proof that they did not charge applicants recruitment fees, processing fees or inflate costs beyond what is stipulated by law and above amounts which we have already paid them to facilitate the recruitment process.
- h. We will contract only officially licensed brokers, recruiters/recruitment agencies that are or have been known to respect and comply with ILO Core Labor Standards and Thai Labor Laws. We will require them, at a minimum, to provide clear and transparent human resource policies and practices that prohibit all forms of human trafficking, forced labor, child labor, discrimination and recognizes freedom of association and collective bargaining. With regards to Thai Labor Laws, the recruiters/recruitment agencies who provide us with services must demonstrate knowledge and compliance to all relevant national labor laws.
- i. All documentation on licensing and registration of individual recruiters, and the recruitment agencies where they work, shall be provided to our Company (as an Employer). These will include mandated fee schedules; contracts between

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<sup>105</sup> ILO General Principles and Operational Guidelines for Fair Recruitment section III.7

job-seekers and the source country recruiters; the registration of the source country agency working with the Thai recruitment agency with the Thai Ministry of Labor. All copies of licenses/registrations of all recruiters/recruitment agencies will be acknowledged as true and correct by authorized government agencies.

- j. All proof of payment and receipts for processing fees, costs for obtaining identity documents, travel, medical examinations, pre-entry or post-entry training will be provided by the recruiter/recruitment agency to our Company (as the Employer). These shall comply with Thai Labor Laws and bilateral Memorandum of Understanding (MOU) agreements. Any items not clearly defined in the MOU or the national laws of source and destination countries will be discussed between our Company and the recruitment agency beforehand.
  - k. Job-seekers, applicants and potential hires will retain control of their personal documents at all times. Procedures for retention of personal documents by workers are described under E.3 of this Policy.
  - l. Interviews, when done, shall be held in a location that is visible to other people at the same time provides a contained space that allows for confidentiality. Women will be interviewed by women or a panel composed of balanced number of men and women. An open-door policy will be followed in cases of one-on-one interview between a male manager and a female applicant. Questions of a personal nature and unrelated to the job and qualifications of the applicants will not be asked. Recruitment agencies shall provide our Company with updates, including photographs and other documents related to the recruitment process, including job postings, transportation, interview steps.
  - m. Acceptance and hiring decisions will be documented and shall demonstrate systematic qualification-based evaluation that is free from bias or any form of discrimination
  - n. Documents generated by the MOU process will be kept on file. They shall demonstrate transparency and compliance with the official paper trail for in-country and cross-border processes, fees set and paid, documents required, authorizations and permits issued.
  - o. If employment contract templates are provided by the government agencies involved with the MOU process, the recruitment agency and our Company (as the Employer) will ensure that the forms are filled in correctly and honestly to reflect real worker information, work location, nature of the job, work terms and conditions and other information to prevent contract substitution or misuse.
2. Hiring Policies and Practices (including Post-Arrival for Migrant Workers)
- a. We will ensure that no recruitment fees, deposits, guarantees or security (in cash or in kind) are charged by our Company or have been charged by middlemen to applicants or new hires.

- b. We will verify that evaluation of applicants and new hires is qualification and merit-based, and that they are entering employment with our Company on their own free will.
  - c. A written employment contract in the new hires' language will be issued once they are accepted into our Company. Terms and conditions will be agreed to voluntarily and mutually without false promises, threats or penalties.
  - d. In case of literacy issues or language difficulties, arrangements will be made to provide translators and interpreters to explain the contract to the workers before signing.
  - e. We will ensure that the worker's job at our factory is described correctly and fairly compensated in compliance with Thai Labor Laws. We will emphasize that we intend to provide a safe, productive workplace that respects freedom, equality and human dignity for all stakeholders.
  - f. New hires will be given orientation training and, if needed, specialized training, e.g., Occupational Health & Safety (OHS), as mandated by Thai Labor Laws.
3. Document Retention by Workers
    - a. Our Company will not destroy, conceal, confiscate or deny access, to the applicant or worker, of their identity or immigration documents, including passports, work permits and other personal documents, such as bank books or ATM cards.
    - b. In case our Company or the recruiter needs to hold any worker's personal documents temporarily due to legal requirements, the documents will be immediately returned to the worker upon demand and without any pre-conditions.
    - c. During the holding time, the worker will be provided with an exact copy of the personal documents not in their possession, will be notified of the reason for holding and provided updates on the progress of the process where the document is used.
  4. Special procedures and training for vulnerable workers (Pre-arrival)– The recruitment agency contracted by our Company shall provide details on special considerations for women migrant workers at all steps of the pre-arrival phase of the recruitment process, such as the following.
    - a. Communication of the availability and nature of the jobs, job postings
    - b. Conduct of the interviews, including questions asked, interview location and method, sex and qualification of interviewers
    - c. Provisions for transportation in-country and cross-border, with details on conditions
    - d. Delivery of training, including topics taught, methods used, qualifications of the trainer and inclusion of issues specific to addressing potential risks for women migrant workers.
  5. Special training for vulnerable workers (Post-Arrival) – Our Company will provide the following
    - a. Thai and migrant workers' training sessions on TIP awareness and anti-TIP implementation as well as training on core ILO Labor Standards will be done in the workers' language or with the support of interpreters.

- b. If potential risks to women are identified, special training for self-defense, confidence building, handling sexual harassment and other gender-based abuse and exploitation shall be provided in order to better empower women.
- c. Special training, such as the above-mentioned, will be added as required or requested to our needs-based Training Master List.

## **F. Recognition**

1. The SMS Team will compile a list of different types of potential Responsible Recruitment policy non-compliances or violations related to the seafood supply chain and the environment/location that the factory operates in. These will be categorized into those related to core international labor standards and those that are classified under the Thai Labor Laws. They will be ranked in terms of severity with appropriate grievance channels and remediation proposed.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for such incidents and cases.

## **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated, a hotline phone number or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or any form of reprisals to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may, take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. The Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

## **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; tracking and identification of history and patterns in occurrence and types of complaints and grievances
2. The Company will prepare beforehand a list of potential grievances related to this Policy. Suggested categories are: human rights, external recruitment process, internal hiring, contracts.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and masking the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. A safe house in an undisclosed location may be used with the support of a local NGO/CSO; or women lawyers must be present when women victims report incidents to the police. Preferably, in locations with access to the provincial Ministry of Social Development and Human Security Office, this agency will be the first point of contact as they could provide shelter for children and families, health care and legal assistance.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

## **I. Remediation**

1. The Company shall prepare beforehand a list of potential remediation measures.
2. Steps to take shall be related to the severity of violations with immediate, short term, long term actions considered and documented beforehand. Potential measures could involve internal disciplinary actions, or legal action against perpetrator; or financial or non-financial compensation; medical and /or legal support, rehabilitation or further education for the victim.
3. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, empowering activities must be included.

## **J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be reported together with methodology, findings, recommendations, follow-up results
2. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
3. It is recommended to use a gender-sensitive assessment tool for monitoring recruiters and recruitment agencies
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. Results and analysis of monitoring activities will be used for systems improvement and/or policy and implementation adjustments.

## H-1.8: Decent Working Conditions Policy Statement and Policy Implementation Procedures for Decent Working Conditions



### MARINE FINE FOODS CO., LTD. PROCEDURE MANUAL Decent Working Conditions Policy Statement and Policy Implementation Procedures for Decent Working Conditions

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## **Decent Working Conditions Policy Statement**

### **Commitment to Decent Work Principles**

Our Company is committed to upholding the four pillars of decent work which are: respect for fundamental principles and rights at work (ILO Core Labor Standards); creation of productive employment and income opportunities for women and men; provision of social protection; and promotion of social dialogue.<sup>106</sup> Since decent work depends on work being carried out under conditions of freedom, equality, security and human dignity, our Company is committed to implementing this Policy to achieve those elements in our workplace and business environment; and eventually, our supply chain. Moreover, our Company recognizes that to eliminate worker abuse and exploitation, working conditions at the factory must be supported by the implementation of a Responsible Recruitment Policy.

Intense global competition tends to pressure working conditions and labor standards on a downward spiral, resulting in risks of less secure recruitment and employment arrangements, especially for migrant labor from poorer countries, who are more vulnerable and have weak bargaining power. However, our Company recognizes that this is not a situation conducive for recruitment of a dedicated workforce that is central to increased productivity. Fortunately, Thailand has made progress in strengthening national labor laws and regulations, as well as fishery laws and regulations<sup>107</sup>, which provide the seafood sector with a framework for compliance to the ILO Core Labor Standards. Therefore, our Company will ensure that Thai national labor laws, and related fishery laws, are followed, for both Thai and migrant workers, when setting policy implementation strategies and targets as well as day-to-day operational procedures.

Our Company views social protection and social dialogue as necessary components in creating economic incentives that promote social goals for our Company and the seafood sector as a whole. We are prepared to invest in building skills for longer term capabilities, safer jobs for a more secure work environment and gender equality for a more efficient workforce.

### **Zero Tolerance Areas**

Our Company recognizes the importance of commitment to ethical principles that respect human rights and enable all persons, including women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we take a strong stand against all forms, manifestations, indications and evidence of inhumane treatment related to human trafficking; forced, bonded, slave, indentured and involuntary compulsory labor; child labor; discrimination on the basis of gender, race, religion, sexual orientation, disability, including sexual harassment; the right to freedom of association and collective bargaining as well as any practices that could compromise the lives, health, safety and dignity of job-seekers and workers.

Our Company consider such acts as non-negotiable, unethical and illegal; so will take action against perpetrators, knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives, property, well-being as well as their opportunities and abilities for decent work and income.

### **Applicability and Scope**

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<sup>106</sup> ILO Declaration on Decent Work for All in a Global Economy, 1999.

<sup>107</sup> Labor Protection Act B.E. 2541 (1998), revisions up to B.E. 2562 (2019); Child Protection Act of 2003; Anti-Trafficking in Persons Act B.E. 2551 (2008, amended in 2015); Royal Decree on Managing the Work of Aliens B.E. 2560 (2017); Ministerial Regulation on the Protection of Labor in Fisheries B.E. 2557 (2014); Ministerial Regulation on Establishments Prohibited from Employment of Children under 18 years of Age B.E. 2559 (2016)

Our Company and all our employees will NOT engage in, encourage, support or excuse – directly or indirectly - any violations of the fundamental human rights and rights of workers as defined in the above-mentioned four core international ILO Labor Standards (based on eight core ILO conventions) <sup>108</sup> and defined in our other Company Policies for each of those core labor rights. At the same time, our Company is committed to NOT doing business with any individual or organization, especially labor recruiters and recruitment agencies, which have been implicated or suspected or charged and proven beyond doubt to have violated fundamental human rights and rights of workers especially involvement in human trafficking, the use of child labor; forced, bonded, slave, indentured, involuntary compulsory labor; sexual harassment or exploitation; in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, including recruiters, that may be/have been involved with the above-mentioned unethical and illegal acts. Our Company will NOT use forced labor as punishment or disciplinary measure for workers expressing their views or associating with other workers or reporting violations to this Policy; nor as a means of gender, racial, religious or other discrimination.

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on decent work. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

### **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to implement decent work principles.

## **Policy Implementation Procedures for Decent Working Conditions**

### **A. Objectives:**

1. To ensure that our Company's Decent Working Conditions Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Decent Working Conditions Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant workers and women, in order to address potential inequalities within the workforce

### **B. Delegation of Responsibilities**

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<sup>108</sup> ILO Core Convention: C29- Forced Labor Convention, 1930; C105- Abolition of Forced Labor Convention, 1957; C87-Freedom of Association and Protection of the Right to Organize Convention, 1948; C98- Right to Organize and Collective Bargaining Convention, 1949; C100-Equal Remuneration Convention, 1951; C111-Discrimination (Employment and Occupation) Convention; C138- Minimum Age Convention, 1973; C182 – Worst Forms of Child Labor Convention, 1999

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Implementation Procedures. Our Company's Quality management system (QMS) document control and numbering system procedures will apply to documents created for the SMS.
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within one week after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

### **C. Company Due Diligence**<sup>109</sup>

1. Our Company will compile information on source and destination countries for migrant workers as well as raw material suppliers including: country risk ratings (e.g., Trafficking in Persons, or TIP ratings); legal frameworks for fundamental principles and rights at work (ILO Core Labor Standards)<sup>110</sup> and national laws, including those for protecting women and children; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; labor brokers, recruiters/recruitment agencies for the seafood sector; and related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and to develop other implementation strategies.
2. Our Company will compile, as legal reference, Thai laws, regulations and official announcements that pertain to recruitment and employment of Thai and migrant workers; management of migrant workers; and related fishery laws and amendments

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<sup>109</sup> BSCI Responsible Recruitment Guidelines for BSCI Participants, September 2017

<sup>110</sup> ILO General Principles and Operational Guidelines for Fair Recruitment (section III.1), 2016

that impact compliance to recruitment and employment practices in the seafood sector.<sup>111</sup>

3. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies.
4. For the recruitment options we use, our Company will map flow diagrams of the recruitment processes and steps, identify organizations involved and inputs and outputs at each step. Information will be documented in forms/templates to be developed specific for the purpose.
5. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers i.e. recruitment agencies, and suppliers for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risks of violation of the ILO Core Labor Standards at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included. Procedures, forms and templates will be adapted or developed specifically for information gathering and social risk assessment.
6. Each link in the supply chain will then be evaluated and scored for potential risk and impact on the company's business, reputation, stakeholders following developed protocols. Rank and score will determine significant business partners.
7. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.
8. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our eight core policies and other SMS requirements. Purchasing and IQA Procedures will be adapted accordingly.
9. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment
10. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of any core international ILO Labor Standards, we reserve the right to check international websites and links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs or industry associations or government agencies, if and when possible.

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<sup>111</sup> Labor Protection Act B.E. 2541 (1998), revision up to B.E. 2562 (2019); Child Protection Act of 2003; Anti-Trafficking in Persons Act B.E. 2551 (2008, amended in 2015); Royal Decree Concerning Rules on Bringing Migrant Workers into the Kingdom for Employment B.E. 2559 (2016); Royal Decree on Managing the Work of Aliens B.E. 2560 (2017); Alien Work Act B.E. 2551 (2008), Ministerial Regulation on Establishment Prohibited from Employment of Children under 18 years of age B.E. 2559 (2016), Ministerial Regulation on the Protection of Labor in Fisheries B.E. 2557 (2014)

11. Updates on reference criteria - We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, international conventions and standards, as well as buyer and market requirements and information in order to keep our Policy and Implementation Procedures relevant
12. For our Company's HR department and external recruiters/recruitment agencies, who have a crucial role in reducing the vulnerability of women and migrant workers to violations of their rights and in promoting equal access to opportunities, our Company will develop a gender-sensitive assessment tool that can be used for due diligence and for internal audits.

#### **D. Awareness**

1. Our Company will include sessions during our weekly meetings for all managers and employees, from top management to line workers, to discuss responsible recruitment and decent working conditions within a month of approval of the Decent Working Conditions Policy or any revisions.
2. The awareness-raising training session will introduce the Company's Decent Working Conditions Policy and Policy Implementation Procedures as well as reference the Company's Recruitment Policy. The session will define our requirements for respect for fundamental principles and rights at work; compliance to applicable Thai Labor Laws and regulations; employment and income opportunities for women and men in a safe, productive environment; provision of social protection; and promotion of social dialogue. Fundamental principles of a robust SMS such as transparency for all stakeholders; protection for all workers throughout the recruitment and employment processes; and access to grievance mechanisms, dispute resolution and appropriate remediation, will also be included. For each of these topics, good practices and zero-tolerance practices will be pointed out, together with the local and international legal frameworks that exist to support them.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive actions. .
4. The awareness-raising and implementation training sessions will be held regularly incorporated into our Company's orientation and monthly Training Master Plan, as appropriate, depending on the factory's schedule, to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary or secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers and recruiters.

#### **E. Requirements**

1. Recruitment Policies and Practices (including Pre-Arrival for Migrant Workers): All of the requirements for due diligence, licensing, documentation, transparency, training and verification listed under sections C, D and E.I of our Responsible Recruitment Policy Implementation Procedures must be met for both our internal HR and external recruiters/recruitment agencies.
2. Hiring Policies and Practices (including Post-Arrival for Migrant Workers): All requirements described under this section of our Responsible Recruitment Policy Implementation Procedures apply to our internal HR and external recruiters/recruitment agencies. Some items are further expanded in sections below.
3. Employment Contract
  - a. Language – A written Employment Contract between our Company and the new hire will be written in the language of the Thai or migrant worker. Should there be literacy or language challenges, arrangements will be made for qualified interpreters/translators. Each party will retain a signed exact same copy or signed certified (as to accurate translation) exact same copy of the Contract.
  - b. Job Description and Location – The new hire will be provided with a clear job description indicating the type and nature of work expected, the position in which the worker is employed, the location where the work will be performed, and who the worker reports to and works with. These must match what the worker agreed to.
  - c. Rights and Responsibilities – The new hire shall be given an orientation on worker rights and responsibilities in relation to upholding policies and rules of the Company related to international labor standards and Thai Labor Laws. If available, easy-to understand posters, mini-booklets, pamphlets, flyers on related topics will be provided.
  - d. Terms of Agreement – Details of working conditions at the point of recruitment shall match details contained in the Employment Contract at the time of hiring. As allowed by Thai Labor Laws, and within mandated conditions for such agreements, part-time and seasonal work-for-hire contracts can be allowed to supplement regular employment.
  - e. Amendments and Changes – Our Company prohibits changes or substitution of provisions that will disadvantage and impact the worker negatively, in terms of diminishing originally anticipated wages, benefits, conditions and location of work, position; or introduce any physical or mental risk resulting in vulnerability. Any amendments to the Contract shall be made for improvement and with the knowledge and informed written consent of the worker, obtained without the threat of penalty.
  - f. Termination – The rights and responsibilities of each party to the Contract regarding termination of employment shall be clearly specified. The circumstances in which a worker can terminate the Contract without penalty, given reasonable notice and in accordance with Thai Labor Laws, will be clearly documented and agreed upon. The required notice period for early termination shall not exceed one month or as specified by Thai Labor Laws, whichever is shorter.

- g. Disciplinary Action – The worker shall be informed of Company Rules regarding the nature, process and timelines of disciplinary actions. Our Company has zero tolerance for the use of violence, force, intimidation, threats, harassment for disciplinary actions.
  - h. Grievance and Appeals – All workers have the right to file a complaint or grievance, in confidence if preferred, through channels provided by the Company. If the issues raised are not satisfactorily resolved, all workers have the right to appeal. These rights should be documented in the Contract and explained to the worker.
  - i. Remediation – The Contract should address the extent of responsibilities of the Company and/or recruiter in case of incidents requiring remediation or repatriation.
4. Working Conditions
- a. Working Hours and Breaks
    - Workers are not forced to work more than the number of hours allowed by Thai Labor laws or during holidays and leave.
    - Working hours do not exceed the hours per day, hours per week; and total working hours including overtime mandated by Thai Labor Laws.
    - Work breaks shall be specified in accordance with Thai Labor Laws.
    - Workers track their own working hours using electronic or other quantifiable verifiable timekeeping methods.
  - b. Overtime
    - Overtime is the exception, rather than the rule in day-to-day operations
    - All overtime work is voluntary. Workers shall not be forced directly or indirectly.
    - Workers are free to refuse overtime without threat or fear of punishment.
    - For those who agree to overtime, there shall be a system to obtain their written consent at the time of the request.
    - Overtime work will be paid premium rates as stipulated in Thai Labor Laws.
  - c. Wages
    - All workers, irrespective of gender, race, religion, sexual orientation and other discriminatory factors, shall be paid at least the minimum wage mandated by Thai Labor Laws for the particular province where the Company operates.
    - Apart from regular workers, part-time workers, piece-rate workers, workers under the probationary period, workers hired through agencies, workers who are members of cooperatives, are also entitled to at least minimum wage.
    - Wages shall be paid based on the principle of equal value, equal pay.
    - Wage rates and payments are calculated with full transparency. Calculation of overtime and legal deductions are clearly explained and understood.

- Payment of wages shall be regular and timely following an announced pre-determined schedule acceptable to workers.
  - Payment shall not be deferred, delayed or withheld to bind workers to the workplace against their will.
  - “In kind” payments are not acceptable. Payments can be made in cash or through bank accounts with an ATM (automatic teller machine) cards. Whatever option is used, there shall be clear documentation of calculation and proof that the workers received payment in full and on time.
  - There shall be no illegal deductions from workers’ wages.
- d. Benefits and Deductions
- Benefits mandated in Thai Labor Laws shall be provided to all workers
  - Benefits may include health insurance, social security, maternity and sick leave, disability and employment injury insurance, old age pension; but only those for legal deductions allowed by Thai Labor Laws will be deducted from wages.
  - Unlawful and unauthorized deductions from wages are not allowed. Any pre-agreed deductions shall be clearly described in the employment contract and receive written worker consent.
  - Deductions for time spent on training related to the worker’s job, especially OHS training; for personal protective equipment (PPE), uniforms, tools for the job; basic needs, e.g., sanitary facilities and clean drinking water; are not acceptable.
  - Settlement for subsidized housing, transportation or meals may or may not be deducted from wages. They must be pre-agreed to in writing and not exceed market rates or rates paid by other workers in the same location. They should not be used to support profit for the Company or subcontractors at the expense of the workers; nor used to reclaim recruitment-related fees.
  - Wage advances or loans shall comply with the law and must be pre-agreed to in writing with reasonable terms that do not create debt bondage or indentured situations for workers. Repayment terms and interest rates should be reasonable and fair. As best practice, amounts should not exceed 10% of the worker’s monthly wage; repayment period should be no more than six months.
  - Deductions for tardiness or workdays missed shall be reasonable and justifiable.
  - Deductions shall not be used for disciplinary measures or for forced labor.
- e. Holidays and Leave
- Company policies must follow Thai Labor Laws which define “holidays” as public holidays, weekends/days off, annual leave; while “leave” refers to six categories – errand, sick, maternity, training, military, sterilization.



- All of these categories must be defined and explained to the employee/worker clearly as to number of days allowed, number of days paid, whether they could be carried over to the following year or repaid as cash amount, etc. It is important that they are either included in the Employment Contract or attached as Company Rules or Employee Handbook (and referenced in the Contract)
  - The Company shall use the most current version of Thai Labor Laws.
- f. Workplace Health and Safety
- A workplace OHS risk assessment is recommended to identify potentially unsafe areas or practices, especially for vulnerable workers.
  - Special considerations shall be given to pregnant women or nursing mothers in terms of facilities, flexibility in work hours and job assignments.
  - OHS training shall be provided, minimum, based on what Thai law mandates.
  - Emergency evacuation, fire-fighting and first-aid training shall be provided to all workers irrespective of their job and the area they are assigned to work in.
  - Analysis of incidents and risks to workers' lives, health and safety shall be considered when reviewing grievance and remediation strategies.
- g. Bonuses, Incentives and Promotion
- There shall be a quantifiable documented system of evaluating individual job performance and ability to justify awards of bonuses and incentives
  - Production targets or other KPIs (key performance indicators) shall be set at the same level for women and men.
  - A qualification and performance-based system of evaluation shall guide job promotion.
  - The Company shall encourage women to apply for work or request to receive additional training in order to be able to work in areas traditionally reserved or considered as for men only, e.g., mechanics, machine operators
  - Similarly, the Company shall encourage women to take management positions
  - For the same or different positions of equal value, women and men must receive the same pay or pay increase.
- h. Dismissal, Resignation, Severance
- The Company shall document its standard disciplinary processes for non-conformances to Company Rules and Policies. This shall be communicated to and understood by all workers.
  - The Company shall also document rules for giving advance notice for resignation and any payments due to the workers. These shall not be stricter than those allowed by Thai Labor Laws.

- Dismissal shall provide clear explanation of the reasons and demonstrate that due process, including adequate prior warning, was given to the employee or worker to make changes or adjustments.
- Severance pay will be paid according to the most current Thai Labor Laws.

5. Freedom of Movement and Personal Freedom

- a. Workers are free to terminate their contract, under pre-agreed documented protocols
- b. Workers are free to return to their home country during leave, without any penalty or threat of termination. However, if such action compromises their legal status to re-enter Thailand, the Company will not be held responsible.
- c. Workers are free to change jobs. However, within the mandate of relevant Thai Labor Laws for migrant workers, the previous Employer is required to report any resignations or disappearances within a certain period of time to designated government agencies. Risks associated with hiring a migrant worker who, by changing jobs compromises his/her work permit or visa or legal status, will fall on the worker and the new Employer.
- d. Workers are free to dispose of their wages as they choose and our Company will not put any limits or restrictions, except if they are in violation of any of our Policies
- e. Workers have unrestricted access to basic necessities (drinking water, toilets) during both work hours and break times.
- f. Workers are entitled to privacy during their breaks (including bathroom breaks), after work, during their leave and holidays.
- g. Workers can leave the premises after working hours without being stopped by guards (armed or unarmed). If there are any legitimate off premise security concerns (e.g., personal safety or security), these shall be specified prior to signing the contract.
- h. Workers are free to choose accommodation outside of housing arranged by the Company even if that is an option offered to them
- i. Workers who are provided company housing can enter and leave their accommodation without having to ask for permission from the Company or from security personnel. Workers have full access to their personal IDs and belongings at the company housing.
- j. Workers are free to choose whether to participate or not in cooperative savings schemes or investment programs facilitated or initiated by the Company's Welfare Committee or by a financial institution introduced by the Company. If they choose to participate, then workers must have full access to and full control over all savings and money owing.

6. Workplace Equality and Humane Treatment

- a. The Company shall not tolerate all forms of forced labor, child labor, discrimination based on gender, race, nationality, ethnicity, legal status, sexual orientation, disability.
- b. Migrant workers shall be treated like Thai workers with respect to working conditions, access to training, eligibility for promotion, and membership in worker committees

- c. The Company shall not tolerate any suppliers, subcontractors, service providers that abuse the vulnerability of Thai or migrant workers and use threats or violence.
  - d. Disciplinary policies must meet the requirements of Thai Labor Laws. If required, these must be approved by a competent authority for implementation and posted on the notice board in a language that workers understand.
  - e. The Company is committed to achieving workplace equality for women and men. Studies Industry standards<sup>112</sup> have identified the following areas where potential gender-based discrimination can occur. Our Company will focus on developing strategies to overcome the challenges in
    - Recruitment and hiring (including no pregnancy testing)
    - Equal remuneration
    - Training and promotion
    - Disciplinary Action and Dismissal
    - Sexual Harassment
    - Maternity Provisions
  - f. The Company has zero-tolerance for all types of harassment, especially sexual harassment, which it considers as an extreme form of gender-based discrimination. Sexual harassment leads to a toxic workplace that demoralizes workers and affect their well-being and productivity, which eventually impacts the profitability of the Company.
  - g. The Company shall develop a No Sexual Harassment manual or program that addresses
    - Definitions of “unwelcome advances of a sexual nature” and other types of actions that constitute harassment
    - Grievance channels for confidential reporting and protecting victims
    - Procedures regarding investigating and disciplining offenders
    - Methods of monitoring workplace culture to ensure respect for women
    - Ways of discouraging introduction of pornography, sexually suggestive material, sexual teasing and abusive language among males in the presence of females.
7. Document Retention by Workers – Our Company will not destroy, conceal, confiscate or deny access, to the applicant or worker, of their identity or immigration documents, including passports, work permits and other personal documents, such as bank books or ATM cards. In case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, the documents will be immediately returned to the worker upon demand and without any pre-conditions. During the holding time, the worker will be provided with an exact copy of the personal documents not in their possession; and will be notified of the reason for holding as well as provided updates on the progress of the process where the document is used.

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<sup>112</sup> Social Accountability International (SAI) Auditing Guidance Document Revision 4, September 20, 2013.

8. Special procedures and training for vulnerable workers (Pre-arrival)– The recruitment agency contracted by our Company shall provide details on special considerations for women migrant workers at all steps of the pre-arrival phase of the recruitment process. Some examples are communication of the availability and nature of the jobs, provisions for transportation, conduct of the interviews and training, including topics taught, methods used, qualifications of the trainer and inclusion of issues specific to addressing potential risks for women migrant workers.
9. Special training for vulnerable workers (Post-Arrival) - Migrant workers' training sessions on TIP awareness and anti-TIP implementation as well as training on core ILO Labor Standards will be done in the workers' language or with the support of interpreters. If potential risks to women are identified, special training for self-defense, confidence building, handling sexual harassment, and other gender-based abuse and exploitation, shall be provided in order to better empower women. Special training, such as the above-mentioned ones, will be added as developed in the Training Master List

#### **F. Recognition**

1. The SMS Team will compile a list of different types of potential Responsible Recruitment policy non-compliances or violations related to the seafood supply chain and the environment/location that the factory operates in. These will be categorized into those related to core international labor standards and those that are under the Thai Labor Laws. They will be ranked in terms of severity with appropriate grievance channels and remediation proposed.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for such incidents and cases.

#### **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated, a hotline phone number or confidential email and other online links shall be available with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or any form of reprisals to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may, take action against any individual or organization that prevents or

delays or refuses to cooperate in the investigation or discovery of violations to this Policy.

4. All efforts will be taken by top management to protect victims and whistleblowers. The Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

#### **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; tracking and identifying history and patterns in occurrence and types
2. The Company will prepare beforehand a list of potential grievances related to this Policy. Suggested categories are: human rights, external recruitment process, internal hiring, contracts.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred point of contact is the provincial Ministry of Social Development and Human Security Office which has a hotline “1300” and provides shelter for children and families, assistance for obtaining legal assistance and health care in abusive situations. Safe houses in undisclosed locations supported by local NGOs/CSOs or women lawyers accompanying women victims when reporting incidents to the police are other options.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

#### **I. Remediation**

1. The Company shall prepare beforehand a list of potential remediation measures.
2. Steps to take shall be related to the severity of violations with immediate, short term, long term actions considered and documented beforehand. Potential measures could involve internal disciplinary actions; or legal action against the perpetrator; or financial /or non-financial compensation; medical and /or legal support, rehabilitation or further education for the victim
3. The remediation plan shall have corrective and preventive strategies; for women in particular, empowering activities must be included

#### **J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company’s own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results

2. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
3. It is recommended to use a gender-sensitive assessment tool for monitoring recruiters and recruitment agencies.
4. A No Sexual Harassment checklist and other tools for evaluating progress on Workplace Equality shall be considered for use during the IQA for our Company's SMS.
5. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
6. Results and analysis of monitoring activities will be used for systems improvement and/or policy and implementation adjustments.

## H-2: Rayong Fish Sauce Industry (RFI) Policies and Implementation Procedures

### H-2.1: Anti-Trafficking in Persons (TIP) Policy Statement and Policy Implementation Procedures for Anti-Trafficking in Persons



บริษัทอุตสาหกรรมน้ำปลาระยองจำกัด  
2สาทรประดิษฐ์ บางโพธิ์พวง ยานนาวา กทม. 10120 โทรฯ 0 2211 5781, 0 2211 9757 โทรสาร 0 2212 4991

## ANNOUNCEMENT ANTI-TRAFFICKING IN PERSONS (TIP) POLICY STATEMENT

### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all acts of TIP, or human trafficking, during recruitment, transfer, transportation, harboring, receipt or hiring of persons; by use of all means involving threats, force, harassment, coercion, fraud, abduction, deception, direct or indirect abuse of power, giving or receiving payments or benefits; to obtain control of persons with the intent of exploitation in the form of forced labor<sup>113</sup>, sex trade of women and children, and other forms of TIP.<sup>114</sup>

Our Company recognizes the importance of commitment to ethical principles that respect human rights and enable all persons, particularly women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we choose to take a strong stand against all forms of TIP, knowing that TIP harms or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating physical and psychological risks that could cause temporary or permanent damage or injury to their lives and well-being as well as their ability to work.

### **Applicability and Scope**

Our Company and all our employees will NOT : engage in trafficking in persons, support or encourage TIP, directly or indirectly; procure or encourage any type of commercial sex acts or sexual exploitation; use forced labor in its operations; purchase from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with human trafficking.

The Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this policy, non-severe or severe, at all times, at work or in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on TIP. At the same time, our Company will hold all of our stakeholders to high standards of transparency and accountability in their actions.

### **Responsibilities to Comply and Address Potential Inequalities**

<sup>113</sup> Anti-Trafficking in Persons Act B.E. 2551 (2008), amended 2015, Royal Enactment on the Amendment in 2019

<sup>114</sup> The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000 (Palermo Protocol)

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to minimize, reduce or eliminate TIP.

***Please be informed that this policy takes effect from the date of signing.***

.....  
**(Chaiwin Yongsawatdigul)**  
**Managing Director**  
**Date:** \_\_\_\_\_





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Prepared By	Reviewed By	Approved By
..... <b>(Ms. Channa Chuenchom)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>
...../...../.....	...../...../.....	...../...../.....

**Policy Implementation Procedures for Anti-Trafficking in Persons**

**A. Objectives:**

1. To ensure that our Company's Anti-Trafficking in Persons Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Anti-Trafficking in Persons Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant workers and women, in order to address potential inequalities within the workforce

**B. Delegation of Responsibilities**

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Implementation Procedures. Our Company's Quality Management System (QMS) document control and numbering system procedures will apply to documents created for the SMS.
3. Our Company's Managing Director will be responsible for approving the Policy Statement and Implementation Procedures based on the review and recommendations of the SMS team. This will be done within a reasonable time after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Implementation Plan, they will be posted on the Company's bulletin board within one week of approval. The



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Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.

5. This Policy and its Implementation Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures.
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Implementation Procedures. Assessment and evaluation protocols will follow our current QMS procedures.

### C. Company Due Diligence

1. Our Company will compile information on: TIP ratings and legal frameworks, including those for protecting women and children, in source and destination countries for migrant workers; news of incidents on TIP, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions/ standards on TIP; recruiters/recruitment agencies operating in our location. These lists will be used as support documents for supply chain mapping, social risk assessments and developing other implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies and suppliers for main seafood raw material, our Company will obtain business information for use in determining number of vulnerable workers and potential risk of human trafficking.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on the company's business, reputation, stakeholders following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.
6. Based on available personnel and time, we will schedule assessments of significant business partners according to their risk rating to evaluate their compliance to our anti-trafficking policy and other SMS requirements.



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### D. Awareness

1. Our Company will organize group meetings for all managers and employees, from top management to line workers, to discuss our Anti-TIP Policy within a month of approval of the policy or any revisions.
2. The awareness-raising training session will introduce the Company's Anti-TIP Policy and the Policy Implementation Procedures. Topics to be covered will define what constitutes TIP - in terms of types of acts, methods and intent; explain where TIP may occur in the workplace, in Thailand and around the world; clarify why it occurs; explain the motivations of the perpetrators and how and why the victims are vulnerable; what the impacts are on the victims; as well as give provide information on the legal frameworks that exist and can be enforced for TIP.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy and Implementation Procedures to recruitment agencies and first-tier suppliers, at a minimum; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.
4. The awareness-raising and implementation training sessions will be held regularly, according to our Company's orientation and annual Training Master Plan, to reach all managers and workers within the six-month period after announcement of the Policy.
5. Additional Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory, but also for the surrounding communities, especially areas where the migrant workers live; as well as, when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies.

### E. Prevention

1. Recruitment Policies – We prohibit the following (refer to Recruitment Policy Implementation)
  - a. the use of deceptive and misleading practices to find and hire workers
  - b. the use of violence, direct or indirect force, coercion, or abuse of power to compel job-seekers to join a pool of potential applicants, voluntarily or involuntarily, without adequate information of their rights and on risks of exploitation they may face



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- c. contracting or sub-contracting unlicensed brokers, individual recruiters or recruitment agencies that have been known to engage in practices that violate this Policy
  - d. doing business with companies that do not have clear and transparent human resource policies and practices that prohibit human trafficking
  - e. working with enterprises who do not know or do not comply with relevant national laws at the source and destination countries for migrant workers
2. Employment Policies – We will ensure that (refer to Working Conditions Policy Implementation)
  - a. no recruitment fees are charged to applicants by us or those who represent us
  - b. the evaluation of job-seekers is qualification and merit-based (i.e. experience, skills)
  - c. if we use a recruitment agency, the workers are not forced or threatened or coerced to go into debt burdens or given false promises as to job, employer and workplace
  - d. the workers hired have official documents – Thai ID cards or passports authenticated by the source country; visas and work permits issued by authorized government agencies
  - e. workers receive a written employment contract in their language once they are hired, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties and explained to them in their language before they sign.
3. Document Retention by Workers – refer to the Forced Labor Policy Implementation Procedures
4. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. CoC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment
5. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check international websites and links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs or industry associations or government agencies, if and when possible.
6. Updates on reference criteria - We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, and those of source countries for



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migrants; international conventions and standards, as well as buyer and market requirements, standards, information, regulations in order to keep our Policy and Implementation Plan and Procedures relevant.

7. Special training for vulnerable workers – Migrant workers’ training sessions on TIP awareness and anti-TIP implementation will be done in their language or with the support of interpreters. If and when potential risks to women are identified, special training for self-defense, confidence building and handling sexual harassment and exploitation shall be provided in order to better empower women. Special training will be included in our Training Master Plan as they are developed

### F. Recognition

1. The SMS Team will compile a list of different types of potential TIP violations related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation determined.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for TIP incidents and cases.

### G. Reporting

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company’s attention any illegal or unethical activity (actually witnessed or suspected to be TIP-related) that violates this Policy. This applies to incidents found or observed within the workplace or related to the Company’s recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company or an Ethics Compliance Officer, if designated, can be the points of first contact. Other options include a separate emergency box in a private location with an emergency number to call; or a 24-hr hotline phone number; or confidential email; and other online links that can be accessed with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or any form of reprisals to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the



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Company may, take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.

4. All efforts will be taken by top management to protect victims and whistleblowers. The Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving children and women victims in order to protect them from further indignities, harassment or exploitation.

#### **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing them, including assigning a severity rating to prioritize them for action and remediation; tracking and identifying history and patterns in occurrence and types
2. The Company will prepare beforehand a list of potential grievances related to this Policy. Main categories suggested are: human rights, working conditions, recruitment process.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect children and women from further indignities, harassment and threats to their lives and well-being. Some options are: a safe house in an undisclosed location may be used with the support of a local NGO/CSO; or women lawyers must be present when women victims report incidents to the police or other government agencies.

In locations where there is shelter for children and families operated by the Provincial Ministry of Social Services and Human Security Office, this should be the first point of contact as the agency could also arrange for legal assistance and related remedial services.

4. Disciplinary actions, possibly leading to termination of work or legal action, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

#### **I. Remediation**

1. The Company shall prepare beforehand a list of potential remediation measures.
2. Steps to take shall be related to the severity of violations with immediate, short term, long term actions considered and documented beforehand. Potential measures could involve internal disciplinary actions, or legal action against perpetrator, including



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financial/ non-financial compensation from labor brokers or recruitment agencies;  
medical and /or legal support, rehabilitation or further education for the victim

3. The remediation plan shall have corrective and preventive strategies; for women in particular, empowering activities must be included

**J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector overseas buyers' requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from assessments and audits – partial or full – shall be used to facilitate continuous improvement or adjustments to our Company's policies and SMS.

## H-2.2: Freedom of Association and Collective Bargaining Policy Statement and Policy Implementation Procedures for Right to Freedom of Association and Collective Bargaining



บริษัทอุตสาหกรรมน้ำปลาระยองจำกัด  
สนง.:236/12สารุประดิษฐ์ บางโพธิ์พวง ยานนาวา กทม. 10120  
โทรฯ 0 2211 5781, 0 2211 9757 โทรสาร 0 2212 4991

### ANNOUNCEMENT

## Freedom of Association and Collective Bargaining Policy Statement

### Zero-tolerance Commitment

Our Company has a zero-tolerance policy for attempts to prevent or avoid exercise of the right of workers to establish or join organizations or groups of their own choosing (including trade unions) to represent them. We recognize the right of workers and employers to establish groups that shall organize freely and have the right to join federations and confederations affiliated with international organizations of workers and employers, without fear of being dissolved or suspended by administrative authority<sup>115</sup> Similarly we will not tolerate efforts to block collective bargaining processes, such as dismissal of workers because of union membership or participation in union activities. We affirm our understanding of how workers' and employers' associations shall enjoy adequate protection against any acts of interference by each other.<sup>116</sup>

We are aware that the right to freedom of association and collective bargaining are fundamental labor rights that are linked together. Without the former, the latter cannot work well because the workers will not be properly represented. To be properly represented, workers must be free to choose how they are to be represented and employers must not interfere in this process. In the Thai fishing and seafood industry, especially in the small and medium-sized enterprises, there may not be trade unions at the workplace. However, we are committed to recognizing the principle of the workers' rights to organize and collectively represent their interests to their employer. We will not obstruct this process and we will respect their right to organize and bargain collectively on working conditions and employment terms.

Our Company recognizes the importance of a strong commitment to respect human rights, especially the rights of workers to decent work and income in order to support their families, including women and children, to have access to health, education, dignity, full physical and mental development, with their well-being assured in a protective and supportive environment. We are prepared to discuss with our workers mutually beneficial terms that allows our business to continue supporting them at the same time address their needs and concerns, if and when they choose to exercise these rights.

Our Company is aware that in Thailand, the Labor Protection Act<sup>117</sup> requires all employers with 50 or more workers to set up a Welfare Committee. In this group, governed by the Labor Relations Act<sup>118</sup>, only Thai workers are allowed to build and lead unions. Migrant workers may join Thai-led unions but may not form their own. To address this inequality,

<sup>115</sup> ILO C87 Freedom of Association and protection of the Right to Organize Convention, 1948

<sup>116</sup> ILO C98 Right to Organize and Collective Bargaining Convention, 1949

<sup>117</sup> Labor Protection Act B.E. 2541 (1998), Versions 1 – 7 Sections 96, 98-99, 109

<sup>118</sup> Labor Relations Act B.E. 2518 (1974), Section 12



without contravening Thai labor laws, our Company invites migrant worker representatives to join the Welfare Committee proportionate to their number in our workforce.

**Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of obstruction of the right of workers to freedom or association and collective bargaining, nor support or encourage such acts, directly or indirectly. Our Company is committed to NOT doing business with any organization which has been implicated, suspected and charged or proven beyond doubt to have committed violations of these fundamental labor rights or any related unethical and illegal practices; in its operations, affiliates or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with violations of fundamental human and labor rights, including the right to freedom or association and collective bargaining, directly or indirectly. Our Company will NOT use forced labor, violence, threats, physical/psychological abuse as punishment or disciplinary measure for workers reporting on workers’ organizations, or workers participating in union or collective bargaining activities; nor as a means of racial, gender, religious and other discrimination. <sup>119</sup>

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company’s policy and position on the Right to Freedom of Association and Collective Bargaining. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

**Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons; our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively identify, reduce, prevent and eliminate any attempts to obstruct or prevent the exercise of the Right to Freedom of Association and Collective Bargaining.

**Please be informed that this policy takes effect from the date of signing.**

.....  
**(Chaiwin Yongsawatdigul)**  
**Managing Director**  
**Date:** \_\_\_\_\_

<sup>119</sup> ILO C105 Abolition of Forced Labor Convention, 1957.



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Prepared By	Reviewed By	Approved By
..... <b>(Ms. Channa Chuenchom)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>
...../...../.....	...../...../.....	...../...../.....

**Policy Implementation Procedures for Right to Freedom of Association and  
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**A. Objectives**

1. To ensure that our Company's Right to Freedom of Association and Collective Bargaining Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Right to Freedom of Association and Collective Bargaining Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant women and girls, in order to address potential inequalities within the workforce

**B. Delegation of Responsibilities**

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan procedures. Our Company's quality management system (QMS) document control and numbering system procedures will apply to documents created for the SMS
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within a reasonable time after



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finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.

4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

### **C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and fundamental human and labor rights, including ILO Conventions, especially those for protecting women and children, particularly girls, in source and destination countries for migrant workers; news of incidents or violations, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and developing implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risk of violation of the Right to Freedom of Association and Collective Bargaining at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.



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4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders, following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.
6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our no child labor, related no forced labor/anti-trafficking in persons policies and other SMS requirements.
7. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment
8. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check international websites, links to excluded parties and sanction lists, for pre-qualification prior to hiring or doing business. We will refer to publicly available information of the internet and news media or seek assistance from NGOs/CSOs or industry associations or government agencies, if and when possible.

**D. Awareness**

1. Our Company will organize group meetings for all managers and employees, from top management to line workers, for discussions on right to freedom of association and collective bargaining within a month of approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company's Right to Freedom of Association and Collective Bargaining Policy and the Policy Implementation Procedures. The session will define what those rights are as defined in the ILO Conventions; how there are still some gaps in Thai Labor Laws regarding these conventions; how, instead Thai Labor Laws require the formation of a Welfare Committee for factories with 50 workers or more; what is considered good practice to comply with this Policy; what are considered as violations of the rights and should be avoided; where and how violations may occur during the recruitment and



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employment processes, especially in the case of migrant workers; provide information on the national legal frameworks that exist for these rights.

3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.
4. The awareness-raising and implementation training sessions will be held regularly according to our Company's orientation and annual Training Master Plan to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies.

**E. Prevention**

1. Recruitment Policies – Our Company (refer also to Recruitment Policy Implementation)
  - a. will NOT, for direct hiring, allow our HR Department to ask about an applicant's union membership or workers' group participation; nor include that criteria in job postings
  - b. shall carry out due diligence on recruitment agency representing us, if and when we opt for the use of one, to ensure that they have a policy and procedures for implementation regarding these fundamental labor rights
  - c. will not use deceptive and misleading practices to find and hire workers, including telling them to apply because their friends are members of a union or Welfare Committee and thus could provide them advantage in negotiating favorable employment terms



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- d. will not use direct or indirect force to compel application from any person under consideration as a potential worker, including forcing them to guarantee they will not form or join unions or collective bargaining groups
  - e. will not contract unlicensed brokers, recruiters/recruitment agencies that are or have been known to engage in practices that violate this Policy or other related Policies
  - f. will not do business with companies and enterprises, including brokers, recruiters, and recruitment agencies that do not have clear and transparent HR policies and practices that prohibit other fundamental labor rights
  - g. will require companies and enterprises, including brokers, recruiters, and recruitment agencies to have a documented explanation of workers' rights and responsibilities
  - h. will not do business or work with enterprises who do not understand or comply will all relevant national labor laws and regulations
  - i. will require documented grievance and remediation strategies if and when a worker is dismissed or resigns from or leaves a job, especially in the case of migrant workers
2. Employment Policies – Our Company (refer also to Working Conditions Policy Implementation)
- a. shall ensure that all employees and workers are informed of the meaning of the Company's policy regarding Freedom of Association and Collective Bargaining
  - b. shall ensure that all employees and workers are informed of the requirements defined in Thai Labor Laws regarding the Welfare Committee
  - c. will check that evaluation of applicant is qualification and merit-based, thus no exceptions or biases obstruct the hiring or someone with union or other collective bargaining groups' membership
  - d. will ensure that new hires apply for employment with our Company on their own free will and they are not forced, threatened or coerced by the Company's HR or recruitment agency to give up any union or collective bargaining groups' membership as a pre-condition to employment
  - e. shall provide a written employment contract to new hires in their language, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties, and explained to them in their language before



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they sign. The Company Rules will be attached and the new hires shall be informed of their rights (see below).

- f. shall provide new hires with orientation on the four core fundamental rights – no forced labor, no child labor, no discrimination, right to freedom of association - together with our Company Rules and their job responsibilities. For factories with more than 50 workers, the right to represent workers in a Welfare Committee shall be explained to migrant workers.
  - g. shall not terminate or refuse to renew contract because of union or Welfare Committee participation or membership
  - h. shall not discipline or punish workers for joining unions, Welfare Committees or other collective bargaining groups nor deduct from wages time spent attending meetings
  - i. shall not break up group protests with the use of force or violence nor bring workers from elsewhere to replace workers who are protesting
  - j. will develop documented grievance and remediation strategies that meet legal requirements if and when violations of this policy occur.
3. Welfare Committee – Our Company’s management
- a. shall ensure that there are at least five worker representatives for factories with 50 workers or more that are members of the Welfare Committee
  - b. shall encourage that members of the Welfare Committee proportionately represent the groups within the workforce, especially women and migrant workers.
  - c. shall not interfere with the election of worker representatives which shall be open to all
  - d. shall not deduct from wages time spent in meetings by members of the Welfare Committee; and may even provide small incentives for workers to join
  - e. shall provide resources as needed to the Welfare Committee to communicate its activities and objectives using user-friendly material in the workers’ languages
  - f. shall allow the Welfare Committee to meet at the frequency required by Labor Protection Act (minimum quarterly)
  - g. shall not interfere with the Welfare Committee meetings which assess workplace standards, discuss complaints and grievances, review key performance indicators and workers’ priorities. Minutes of the meeting must



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be documented and kept on file to be made available to workers, management and to external stakeholders

h. shall not obstruct Welfare Committee efforts to reach out to trade unions and CSOs.

**4. Workers' Documents – Our Company**

a. will not destroy, conceal, confiscate or deny access, to the applicant or worker of their identity or immigration documents, including passports, work permits and other personal documents, e.g., bank books or ATM cards, as punishment for being a union or collective bargaining group member. .

b. will, in case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, return the documents to the worker immediately upon demand and without any pre-conditions to the document owner.


c. will, in case of temporary holding of worker documents, have written procedures to prevent abuse that will be explained to the worker or the worker's representative

d. will, in lieu of item c above, during the holding time, provide the worker with an exact copy of the personal documents not in their possession; and notify them of the reason for holding as well as provide updates on the progress of the process where the document is used.

5. Updates on reference criteria - We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, and those of source countries for migrants; international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market requirements, standards, information, laws and regulations in order to keep our Policy and Implementation Procedures relevant.

6. Special training for vulnerable workers – Migrant workers' awareness training sessions on our policies for TIP, forced labor, child labor, discrimination and freedom of association and their implementation procedures, will be done in their language or with the support of interpreters. To encourage women to apply as workers' representatives, special training, e.g., confidence building or leadership training, to better empower them, shall be considered. Such training will be included as developed in the needs-based Training Master Plan.




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#### **F. Recognition**

1. The SMS Team will compile a list of different types of potential right to freedom of association and collective bargaining violations – direct and indirect- related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for non-compliances or violations to the right to freedom of association and collective bargaining, as well as incidents related to other ILO core conventions.

#### **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company’s attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company’s recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated; a hotline phone number; or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers  
Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals

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involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.


5. There shall be documented procedures for gender-sensitive handling of cases involving women victims, if there are any, to protect them from further indignities, harassment or exploitation.

#### **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; as well as tracking and identifying historical trends and patterns in occurrence and types.
2. The Company will prepare beforehand a list of potential grievances related to this Policy.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the severity of the violation, that is fair and just to all.

#### **I. Remediation**

1. Our Company shall prepare beforehand a list of potential remediation measures that respond to potential violations. These expectations apply equally to our suppliers, recruitment agencies, subcontractors and other business partners.
2. A reasonable time schedule shall be worked out with the assistance of relevant stakeholders working with unions and other collective bargaining groups.
3. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, gender-sensitive options to protect victims, if there are any, shall be considered.

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## **J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company's policies and SMS.

## H-2.3: Grievance and Remediation Policy Statement and Policy Implementation Procedures for Grievance and Remediation



บริษัทอุตสาหกรรมน้ำปลาระยองจำกัด  
สนง.:236/12สารุประดิษฐ์ บางโพธิ์พวง ยานนาวา กทม.10120  
โทรฯ 0 2211 5781, 0 2211 9757โทรสาร 0 2212 4991

### ANNOUNCEMENT GRIEVANCE AND REMEDIATION POLICY STATEMENT

#### ***Commitment to Dialogue and Protection***

Our Company is committed to providing operational communication channels for all stakeholders, especially for vulnerable workers, including migrant workers, women for them to inform us of their suggestions, concerns, complaints, and grievances that impact our policies on upholding the four pillars of decent work which are: respect for fundamental principles and rights at work (ILO Core Labor Standards); creation of productive employment and income opportunities for women and men; provision of social protection; and promotion of social dialogue.<sup>120</sup> Our Company considers feedback from the workplace as valuable means for us to determine how we are living up to our responsibilities to protect our workers, prevent illegal or unethical behavior, and mitigate impacts – whether directly from within our Company or indirectly from other links in our supply chain<sup>121</sup> – from harming our workers, physically or mentally, through abuse or exploitation or unsafe working conditions or any other situations that violate their rights, freedom, security and human dignity. Our Company will prioritize prevention and mitigation strategies for incidents and situations that impact our workers' rights to life, liberty and security of persons; freedom from slavery and servitude; freedom from torture<sup>122</sup>

Our Company views social dialogue and social protection as necessary components in creating economic incentives that promote social goals for our Company and the seafood sector as a whole. We recognize that weak systems for resolving workplace issues could lead to increase in abuses that if left unchecked, will lead to problems for entire industries and in some cases, entire nations. Hence, we are prepared to invest in systems that build morale, trust and skills for long-term productivity, safer jobs in a more secure work environment; and gender equality for a more efficient workforce.

<sup>120</sup> ILO Declaration on Decent Work for All in a Global Economy, 1999.

<sup>121</sup> BSCI Responsible Recruitment to End Worker Exploitation, September 2017

<sup>122</sup> BSCI System Manual Version 2, November 2014, Part I.7 How to do Remediation

## **Zero Tolerance Areas**

Our Company fully commits to ethical principles that respect human rights and enable all persons, including women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we have zero-tolerance against all forms, manifestations, indications and evidence of inhumane treatment related to human trafficking; forced, bonded, slave, indentured and involuntary compulsory labor; child labor; discrimination on the basis of gender, race, religion, sexual orientation, disability, including sexual harassment; the right to freedom of association and collective bargaining as well as any practices that could compromise the lives, health, safety and dignity of job-seekers and workers. Our Company consider such acts as non-negotiable, unethical and illegal; so will take action against perpetrators, knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, or leading to loss of life, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives, property, well-being or workers as well as their opportunities and abilities for decent work and income.

## **Applicability and Scope**

Our Company considers good grievance mechanisms as tools for improving working conditions and protecting worker rights. We will act promptly to address problems, concerns and issues brought to our attention as they potentially could damage and disrupt or harm our operations, our reputation, our workers, our customers and other business partners. Therefore, we will encourage our internal stakeholders – top management, staff, middle manager, workers – to actively participate in developing grievance mechanisms and remediation strategies that can improve relations among workers, supervisors and management through cooperative methods of preventing or resolving conflict.

At the same time, our Company expects cooperation and participation from individuals or organizations we do business with or contract, especially labor recruiters and recruitment agencies, to maintain transparency and accountability in their operations as well as demonstrate commitment to encouraging dialogue with and protection of workers along the lines of this Policy. We reserve the right NOT to do business with individuals or organizations which have been suspected, implicated and charged or proven beyond doubt to have violated fundamental human rights and rights of workers that we consider zero-tolerance areas, including denying workers the right to file a grievance and receive remediation, in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, including recruiters, that can be verified to be/ have been involved with the above-mentioned unethical and illegal acts. Our Company will NOT use forced labor as punishment or disciplinary measure for workers expressing their views or associating with other workers or reporting violations to this Policy; nor as a means of gender, racial, religious or other discrimination.<sup>123</sup>

## **Responsibilities to Comply and Address Potential Inequalities**


In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to implement decent work principles.

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<sup>123</sup> ILO C105 Abolition of Forced Labor Convention, 1957

***Please be informed that this policy takes effect from the date of signing.***

.....  
**(Chaiwin Yongsawatdigul)**  
**Managing Director**  
**Date:** \_\_\_\_\_

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### Policy Implementation Procedures for Grievance and Remediation

Prepared By	Reviewed By	Approved By
..... <b>(Ms. Channa Chuenchom)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>
...../...../.....	...../...../.....	...../...../.....

### Policy Implementation Procedures for Grievance and Remediation

#### A. Objectives:

1. To ensure that our Company's Grievance and Remediation Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Grievance and Remediation Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant women and girls, in order to address potential inequalities within the workforce

#### B. Delegation of Responsibilities

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan procedures. Our Company's quality management system (QMS) document control and numbering system procedures will apply to documents created for the SMS.
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within a reasonable time after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The



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Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.

5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures.
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

**C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and other related fundamental rights at work of no forced labor; no child labor; right to freedom of association and collective bargaining; non-discrimination, including those for protecting women and children, particularly girls; in source and destination countries for migrant workers; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and developing implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risks of violations of core human rights, especially gender-based discrimination; as well as potential non-conformities to legally mandated hiring processes and working conditions, at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders, following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith





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showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.

6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to all of our policies and other related SMS requirements.
7. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment.
8. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of any of our policies, especially the zero-tolerance areas, we reserve the right to check international websites, links to excluded parties and sanction lists, for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media; or an individual’s employment history; or seek assistance from NGOs/CSOs or industry associations or government agencies, if and when possible.

**D. Awareness**

1. Our Company will organize group meetings for all managers and employees, from top management to line workers, for discussions on good grievance mechanisms and appropriate remediation strategies (core human rights, recruitment, working conditions) within a reasonable time after approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company’s Grievance and Remediation Policy and Policy Implementation Procedures. The session will define what constitutes a “grievance”; point out the difference between complaints, suggestions and grievances; clarify the various types of grievances and which ones must be prioritized for effective and timely resolution; explain the steps and features of a good grievance mechanism; define the term “remediation”; explain the various methods that could be used for remediation; point out where and how grievances may arise and need to be resolved with appropriate remediation in the recruitment and employment processes; explain the right of a worker to appeal if the grievance is not satisfactorily resolved; point out the rights and responsibilities of all stakeholders to uphold the principles of this Policy in order to comply with laws/standards but more importantly to build trust and morale within the workplace; give information on the legal frameworks that could apply and the formal/informal channels for remediation.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company’s

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Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.

4. The awareness-raising and implementation training sessions will be held regularly, according to our annual Training Master Plan to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies.


## **E. Requirements**

Our Company intends to develop good grievance mechanisms and remediation strategies that will facilitate dialogue among workers, management and other stakeholders; allow us to resolve conflicts and concerns in a timely, effective manner as well as build trust and confidence in our workers so that our operations provide them a secure and productive workplace. We will use the guidelines below in our ongoing efforts to continuously develop and improve our SMS.

- I. Clear Definitions – Our Company shall include in our reference list of potential incidents and in the actual register of complaints and grievances, incidents that fall under the following
  - a. A “grievance” expresses dissatisfaction, disagreement or protest over unfair treatment, or a violation of workplace rules and standards, or an infringement on labor rights. Grievances can also be called complaints but the former tends to be used for severe cases that involve fundamental rights related to threats to life, impacts on health and well-being, physical or mental harm and/or damage to property or personal reputation. Complaints tend to be concerned about working conditions, benefits, and welfare.
  - b. “Remediation” is the process of making amends, corrections, mitigating and/or preventing harm when the Company has contributed to or caused harm – directly or indirectly, intentionally or unintentionally – to individuals, businesses or communities.

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2. Systematic Grievance Mechanism – Our Company will ensure the following features
  - a. **Accessible and Legitimate-** All internal stakeholders, from top management to line worker at all levels of hierarchy in the Company, shall be able to access channels of communication to express a complaint or grievance. For migrant workers, provisions shall be made provide access and tools for access in their native languages. Similarly, external stakeholders shall have access to communication channels to express their concerns. The grievance mechanism must be based on law, be rights-compatible to have the legitimacy, credibility and integrity that would show the Company’s accountability.
  - b. **Involves Workers** – The workers have a say through their representatives during the development of grievance channels, response timelines and remediation strategies. Vulnerable workers are informed of their rights and responsibilities and given assurance that there will be NO negative impacts on them or their jobs if they participate.
  - c. **Confidential but Transparent** – Anonymous lodging of complaints and grievances will be encouraged. However, communication about the nature of the grievances, steps for handling them and progress on resolving them must be transparent. Names and personal information will be protected and anonymized.
  - d. **Documented and Communicated-** The structure of the grievance mechanism, i.e. main process steps of filing a complaint or grievance, receiving, investigating, deciding, resolving, recording, appealing (if necessary) shall be documented in a process flow diagram that will be communicated to all internal and external stakeholders.
  - e. **Trained Personnel-** Those assigned to manage the processes will be trained in more detail on appropriate procedures and tools (e.g., interview questionnaires and techniques) as well as in handling gender-sensitive cases. The focus will be on managing conflicts in the workplace, conciliation and mediation instead of aggressive legal action.
  - f. **Timely and Effective** – The lists of potential grievances related to other policies of the Company shall be compiled in a systematic manner to facilitate preparedness for implementing corrections or remediation within appropriate timelines. Such lists will also encourage discussions on preventive measures. Analysis of past incidents for trends and patterns in types of grievances and their resolution will be of value in determining effectiveness and practicality of implementation

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- g. **Categorizes types of grievances** – We shall list common areas where complaints and grievances likely to be raised, or have been raised in the past, to determine which areas to focus on during monitoring. Some categories are shown below with examples.
- i. recruitment – extra fees, false promises, poor transportation conditions
  - ii. working conditions – not enough rest, wages not paid on time, no PPE
  - iii. infrastructure – unsafe buildings, poor ventilation, no emergency exits
  - iv. contractual rights – annual leave denied; maternity leave or severance not paid
  - v. fundamental labor rights- forced labor, discrimination, excessive disciplinary measures, restriction of workers’ freedom of movement
  - vi. personal relations – sexual harassment, abusive language, threats, corruption
  - vii. community relations – environmental damage, pollution from factory
3. **Remediation Priorities** – Our Company shall consider the following factors when developing response, remediation and mitigation strategies to complaints, incidents and grievances.
- a. **Type of Grievance** – As a general rule, incidents that violate fundamental human and labor rights are more severe and take precedence during remediation planning.
  - b. **Severity** – Incidents that violate fundamental human and labor rights must be prioritized. As these usually involve loss of life, permanent disability due to physical harm and severe injury, other threats to health and safety of an adult or child, even if the Company is not directly party to the harm, it must prepare remediation plans to address the incidents. For example, for child labor, forced labor, sexual harassment and other severe violations, written procedures must be prepared beforehand.
  - c. **Extent of Impact** – Incidents that affect a large number of people must be prioritized.
  - d. **Direct or Indirect Involvement** – Cases where the Company is directly involved, whether intentionally or not must be prioritized. For incidents when the harm comes from another organization in the Company’s supply chain, the Company still has responsibilities to investigate, inform labor officials or de-list a supplier.
  - e. **Pre-documented Remediation Plan** – The Company shall affirm in this document its intent to immediately stop or correct the actions that are causing



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harm, directly or indirectly, within an appropriate timeline. At the same time, this plan must specify the methods and resources for making amends to victims as well as preventing recurrence.

- f. **State or Third-Party Institutions Support** – Our Company recognizes our limitation in offering solutions especially for those involving judicial processes. Therefore, we shall compile a list of national ministries or provincial government agencies or 3<sup>rd</sup> party institutions, e.g., NGOs/CSOs, trade unions, labor offices, local community leaders
4. **Remediation Strategies** – Our Company shall have clearly documented processes to respond to grievances we discover or are brought to our attention. One or more of the following remedies shall be used, if after carrying out investigations into allegations, reasonable verifiable evidence is found pointing to the root cause as directly or indirectly originating from our Company. We shall make amends and corrections, as well as identify preventive actions to avoid recurrence. We shall tap into the expertise of state and 3<sup>rd</sup> party institutions for mediation and resolution.
  - a. **Compensation** – This could be financial or non-financial, short-term or long-term for physical or psychological harm inflicted.
  - b. **Restitution** – This could involve apology and guarantees for rehabilitation to victims.
  - c. **Punishment** – This could mean administrative (dismissal, demotion or transfer) or penal action (penalty, fine and /or jail time, deportation, repatriation) on the perpetrator.
  - d. **Prevention** – This will involve analysis of root cause and prevention of recurrence.
5. **Recruiters/Recruitment Agencies Grievance and Remediation Procedures** – Our Company recognizes the crucial part that recruitment plays in incidents related to fundamental rights violations. Hence, we believe it best to also monitor any complaints and grievances from the pre-employment processes, whether we use our internal HR staff or we contract Recruiters/Recruitment Agencies. Our Recruitment Policy Implementation Procedures set down some rules and the ones below supplement those.
  - a. The due diligence we shall perform on our recruiters/recruitment agencies will assess the adequacy of documentation and effectiveness of implementation of their grievance mechanisms and remediation plans
  - b. We shall assess the understanding of the recruiters/recruitment agencies of fundamental human and labor rights, as well as national labor laws for both the



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- source and destination countries; and check for a current registry of applicable laws.
- c. The recruitment agency monitors the performance of individual employees, recruiters, agents (if used) to ensure their compliance to ethical and legal practices at all times
  - d. The recruitment agency has an implementation system, an accountable officer and clear procedures that demonstrate compliance with all relevant legislation and regulations as well as a Code of Conduct that prohibits human trafficking and violations or core human and labor rights.
  - e. The recruitment agency has a mechanism for confidential reporting of non-compliances, a grievance mechanism that defines procedures for investigation, confidential reporting, and victim/whistleblower protection.
  - f. The recruitment agency has procedures for remediation in case of verified reports of grievances filed against them, including strategies to compensate workers for any amounts due to them because of the recruitment agency's actions.
6. Sexual Harassment - Our Company has defined under our Working Conditions Policy Implementation, the measures we will take to address this extreme form of discrimination. We expect our contracted service providers, especially the recruitment agencies, if used, to comply with our policies. Therefore, as part of our due diligence, we shall evaluate the following
- a. The recruitment agency has a policy of zero-tolerance for sexual harassment and abuse. Procedures for preventing violations at all steps of the recruitment process are documented and evidence of compliance, e.g., photos are available.
  - b. The recruiters/recruitment agencies demonstrate good understanding of fundamental international human/labor rights and national labor laws for both source/destination countries. The recruitment agency maintains a current registry of applicable laws.
  - c. The recruitment agency monitors the performance of individual employees, recruiters, agents (if used) to ensure their compliance to ethical and legal practices at all times.
  - d. The recruitment agency has adequate written procedures and proof of systematic implementation of their grievance mechanisms and pre-documented remediation plans.
  - e. The recruitment agency has a mechanism for confidential reporting of non-compliances, a grievance mechanism that defines procedures for investigation, confidential reporting, and victim/whistleblower protection.



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- f. Every effort will be taken to hire women to interview women for gender-sensitive cases and to have women lawyers accompany victims when reporting incidents to the police.
  - g. The recruitment agency has procedures for remediation in case of verified reports of grievances filed against them, including strategies to compensate workers for any amounts due to them because of the recruitment agency's actions
  - h. The recruitment agency has carried out an analysis of root cause for grievances and complaints and determined appropriate preventive action to avoid recurrence.
  - i. The recruitment agency shall maintain a list of national ministries or provincial government agencies or 3rd party institutions, e.g., NGOs/CSOs, trade unions, labor offices, local community leaders for support, expertise and possibly facilities (shelters, education, health and legal assistance) in mediation and resolution
7. Record-keeping – Our Company will retain the following key documents for the Grievance and Remediation Policy and Implementation Procedures
- a. Licenses and registrations for the recruitment company and its employees
  - b. Process Flow Diagram for the Grievance, Remediation and Appeal process showing all steps from filing of complaint/grievance, receipt, investigation, analysis, mediation, closure, appeal and final decision.
  - c. Procedures or work instructions for the various steps in the process flow diagram
  - d. Types and Categories of Potential Grievances with forms numbered plus severity and priority assigned; historical analysis of patterns and trends, if available
  - e. Pre-documented proposed Remediation Plan for each Identified grievance, decided after discussions of what is fair, practical and appropriate for the grievance
  - f. List of personnel involved with management of the Grievance and Remediation systems and their responsibilities/authorizations, e.g., who will contact recruitment agencies or government and third-party network partners
  - g. Procedures for confidential reporting and victim/whistleblower protection
  - h. List of current applicable national laws and internal labor and human rights standards
  - i. List of national ministries or provincial government agencies or 3rd party institutions, e.g., NGOs/CSOs, trade unions, labor offices, local community



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leaders for support, expertise and possibly facilities or assistance in placement (e.g., shelter for children and families, schools, hospitals, legal offices)

8. Updates on reference criteria - We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, and those of source countries for migrants; international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market requirements, standards, information, laws and regulations, in order to keep our Policy and Implementation Procedures relevant.
9. Special training for vulnerable workers (Pre-arrival)– The recruitment agency contracted by our Company shall provide details on special considerations for women migrant workers at all steps of the pre-arrival phase of the recruitment process. Evidence, including photos from the steps of communication of the availability and nature of the jobs, provisions for transportation, conduct of the interviews and training, including topics taught, methods used, qualifications of the trainer and inclusion of issues specific to addressing potential risks for women migrant workers, shall be provided to us (as the Employer). If there are any complaints from the job-seekers, the recruitment agency will inform us honestly of the details of resolution.
10. Special training for vulnerable workers (Post-Arrival) - Migrant workers’ training sessions on our policies and implementation procedures for grievance and remediation, as well as for core international human and labor rights (TIP, forced labor, child labor, freedom of association, non-discrimination) and working conditions; will be done in the workers’ language or with the support of interpreters. If and when potential risks to women are identified, special training for self-defense, confidence building, handling sexual harassment and other gender-based abuse or exploitation, shall be provided in order to better empower women. Special training, such as the above-mentioned ones, will be included in a needs-based Training Master Plan.

**F. Recognition**

1. The SMS Team will compile a list of different types of potential violations, non-compliances or obstacles to implementation of this Policy – direct and indirect- related to the factory, the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity, if applicable, with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions within our SMS.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area,



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that could provide support for the factory in handling grievance and remediation for all the different types of grievances mentioned in this Policy and Policy Implementation Procedures, especially for the zero-tolerance areas , including gender-based discrimination and sexual harassment or abuse.

### **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company’s attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company’s recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated; a hotline phone number; or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

### **H. Grievance Mechanism**

1. A system shall be in place with clear descriptions of the different steps, responsibilities, forms for recording, categories and priorities for action and remediation, as well as historical tracking



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2. The Company will prepare beforehand a list of potential grievances related to this Policy.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred first point of contact is the provincial Ministry of Social Development and Human Security office, which can be reached through the hotline “1300”. The agency provides shelter for children and families, arrangements for education, health care and legal assistance.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

**I. Remediation**

1. Our Company will develop documented procedures to ensure that women and their children are protected from hazardous working conditions, from illegal activities in the region (e.g., drug trafficking, prostitution), have access to educational or vocational training nearby and child protection projects by the government, NGOs/CSOs and other community-based organizations.
2. The Company shall prepare beforehand a list of potential remediation measures that respond to potential violations. In the case of child labor incidents, progressive removal strategies are described in the No Child Labor Policy Implementation Procedures. In cases of sexual harassment or sexual abuse, protection of the victim and timely, systematic investigation are of paramount importance.
3. A reasonable time schedule shall be worked out with the assistance of relevant stakeholders with experience working with the specific grievance. For example, for forced labor or gender-based discrimination and violence, government agencies or NGOs/CSOs of or embassies of source countries for migrants could provide assistance.
4. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, gender-sensitive options to protect victims, e.g., a safe house in an undisclosed location supported by a local NGO/CSO or a government agency; or women lawyers accompanying women victims to report incidents to the police, shall be considered.
5. In addition, empowering activities for women and girls, e.g., self-defense, confidence-building and assertiveness training when facing sexual harassment or sexual exploitation situations shall be considered and implemented to better empower them.

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**J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company’s own SMS using methodology documented in the Company’s QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company’s policies and SMS.

## H-2.4: No Child Labor Policy Statement and Policy Implementation Procedures for No Child Labor



บริษัทอุตสาหกรรมห้ปลาระยองจำกัด  
สนง.:236/12สารุประดิษฐ์ บางโพรงพาง ยานนาวา กทม.10120  
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### ANNOUNCEMENT NO CHILD LABOR POLICY STATEMENT

#### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all forms of child labor, which is “work that is inappropriate for a child’s age, affects a child’s education, and/or is likely to harm a child’s health, safety or morals.”<sup>124</sup> We recognize that the ILO Conventions strictly prohibit recruiting for work or compelling work from children, defined to be below 15 years of age<sup>125</sup>; and that the minimum age for any type of work that is hazardous to a child’s health, safety and morals is 18 years of age.<sup>126</sup>

We affirm our strict zero-tolerance policy to extend to the worst forms of child labor<sup>127</sup>, including all forms of slavery or practices similar to slavery, such as sale and trafficking of children; debt bondage, serfdom, forced or compulsory labor, including recruitment into armed conflict ; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs.

We understand that the ILO Conventions, allow national governments to authorize work from the age of 16 years if the health, safety and morals of the young persons concerned are fully protected and they are given adequate specific training<sup>128</sup>. These “young workers” may exist legally elsewhere, but for the seafood sector, we shall comply with Thai Labor Laws which prohibit hiring workers below the age of 18 years.<sup>129</sup>

Our Company recognizes the importance of a strong commitment to respect human rights, especially the rights of children, particularly of women and girls, to have access to education, dignity, full physical and mental development, with their well-being assured in a protective and supportive environment. We are aware that child labor perpetuates a cycle of poverty, in rural and urban areas, by forcing children to unsuitable jobs and hours, depriving them of opportunities to attend school and develop skills, which can interfere with their ability to access decent and productive employment opportunities later in life.

The harm to children unavoidably impacts their families, communities and the industry sectors where a motivated and skilled workforce is needed. Therefore, we choose to take a

<sup>124</sup> ILO World Day Against Child Labor Conference and Workshop, 12 June 2019, Brussels; with the UN Food and Agriculture Organization (FAO) and European Commission to reaffirm strategies to eliminate child labor

<sup>125</sup> ILO C138 Minimum Age Convention, 1973 Article 2.3

<sup>126</sup> ILO C138 Minimum Age Convention, 1973, Article 3.1

<sup>127</sup> ILO C182, Worst Forms of Child Labor, 1999, Article 3

<sup>128</sup> ILO C138 Minimum Age Convention, 1973, Article 3.3

<sup>129</sup> Ministerial Regulation on Establishments Prohibited from Employment of Children under 18 years of age B.E. 2559 (2016)

strong stand against all forms of child labor knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by depriving them of their rights to education, life skills, security and protection, that could allow them to develop their full potential as adults and enable them to access decent work opportunities and income later in life. Moreover, we shall not tolerate child labor, creating a cycle of poverty which leads to debt burdens, loss of freedom, involuntary servitude, forced labor, physical and psychological abuse that that could cause temporary or permanent damage or injury to the lives and well-being of children, their families and their communities.

### ***Applicability and Scope***

Our Company and all our employees will NOT: engage in any form of child labor, including the worst forms of child labor described above; nor support or encourage such acts, directly or indirectly. Our Company is committed to NOT doing business with any organization which has been implicated or suspected and charged or proven beyond doubt to use/have used child labor; forced, bonded or slave labor of children; trafficking or procuring of children into unethical and illegal practices; in its operations, affiliates or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with child labor and the worst forms of child labor described above, directly or indirectly. Our Company will NOT use forced labor, violence, threats, physical/psychological abuse as punishment or disciplinary measure for workers reporting incidents of child labor, or expressing their views, or associating with other workers; nor as a means of racial, gender, religious and other discrimination.<sup>130</sup>

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on Child Labor. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.


### ***Responsibilities to Comply and Address Potential Inequalities***

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons; and for child labor, in particular, women and girls, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively identify, reduce, prevent and eliminate child labor.

***Please be informed that this policy takes effect from the date of signing.***

.....  
**(Chaiwin Yongsawatdigul)**  
**Managing Director**  
**Date:** \_\_\_\_\_

<sup>130</sup> ILO C105 Abolition of Forced Labor Convention, 1957.

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### Policy Implementation Procedures for No Child Labor

Prepared By	Reviewed By	Approved By
..... <b>(Ms. Channa Chuenchom)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>
...../...../.....	...../...../.....	...../...../.....

### Policy Implementation Procedures for No Child Labor

#### A. Objectives:

1. To ensure that our Company's No Child Labor is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's No Child Labor Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant women and girls, in order to address potential inequalities within the workforce

#### B. Delegation of Responsibilities

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan procedures. Our Company's Quality Management System (QMS) document control and numbering system procedures will apply to documents created for the SMS
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within a reasonable time after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.



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5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

**C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and child labor, including those for protecting women and children, particularly girls, in source and destination countries for migrant workers; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and developing implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risk of child labor at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders, following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.
6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our no child labor, related no forced labor/anti-trafficking in persons policies and other SMS requirements.


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7. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment.
8. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check international websites, links to excluded parties and sanction lists, for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs/CSOs or industry associations or government agencies, if and when possible.
9. Updates on reference criteria - We will keep track of updates, changes, developments, revisions to Thai Labor Laws and regulations, and those of source countries for migrants; international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market requirements, information, laws and regulations, including those that impact our Policy and Implementation Procedures, in order to keep them relevant.

#### **D. Awareness**

1. Our Company will organize group meetings for all managers and employees, from top management to line workers, for discussions on child labor, TIP, forced/bonded labor within a month of approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company’s No Child Labor Policy and the Policy Implementation Procedures. The session will define who is considered a “child” and the cut-off ages under the ILO Conventions; introduce the concept of “young workers” and the warning that Thai Labor Laws do not allow their employment in the seafood sector; explain what constitutes child labor, including description of the worst forms of child labor; where and how child labor may occur prior to recruitment, especially in the case of migrant workers; point out practices during the recruitment and employment process where abuses may occur; advice both workers and employers of their rights and responsibilities to uphold and implement the principles of this Policy in order to comply with the law and develop a motivated skilled workforce; provide information on the legal frameworks that exist for child labor.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company’s Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to



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monitor, verify, remediate and follow-up on incidents, corrective and preventive action.

4. The awareness-raising and implementation training sessions will be held regularly, according to our Company's orientation and annual Training Master Plan to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies.

#### **E. Prevention**

- I. Recruitment Policies – Our Company (refer also to Recruitment Policy Implementation)
  - a. Shall have strict age verification protocols in place to ensure that no one under the age of 18 years of age is recruited directly or indirectly by us or by those who represent us
  - b. Shall require trained HR personnel (within our company and with recruiters/recruitment agencies we contract) who can communicate effectively with, gain the trust of adults, including women and migrant workers, to obtain accurate information during interviews
  - c. will not use deceptive and misleading practices to find and hire workers, including telling them to lie about their age
  - d. will not the use direct or indirect force to compel application from any person under consideration as a potential worker, including forcing them to lie about their age
  - e. will not contract unlicensed brokers, recruiters/recruitment agencies that are or have been known to engage in practices that violate this Policy or other related Policies
  - f. will not do business with companies and enterprises, including brokers, recruiters, and recruitment agencies that do not have clear and transparent HR policies and practices that prohibit child labor; as well as lying about or forging documents on age



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- g. will require companies and enterprises, including brokers, recruiters, and recruitment agencies to have a documented child protection policy, including for young workers
  - h. will not do business or work with enterprises who do not understand or comply with all relevant national labor laws and regulations
  - i. shall require trained HR personnel (within our company and with recruiters/recruitment agencies we contract) who can communicate effectively with, gain the trust of children and minors in order to protect them should they be discovered within the workforce
  - j. will require documented grievance and remediation strategies if and when a child or young worker is inadvertently included among potential job applicants and workers
2. Employment Policies – Our Company (refer also to Working Conditions Policy Implementation)
- a. shall ensure that age verification protocols are effective and that no one under the age of 18 years of age is accepted as a new hire by us or by those who represent us
  - b. will check that evaluation of job seekers and applicants is qualification and merit-based, thus no exceptions are made due to nepotism or other influences for under-age hires
  - c. will ensure that new hires apply for employment with our Company on their own free will and they are not forced, threatened or coerced by our HR or recruitment agency to go into debt burdens in exchange for lying about their age
  - d. will ensure that the guardians and parents of young workers are informed about the job, if employing young workers is allowed for a specific job.
  - e. shall provide a written employment contract to new hires in their language, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties, and explained to them in their language before they sign. In return, the new hires and/or the recruitment agency shall provide us authenticated official documents as evidence of the age of new hires, and if needed as additional proof, birth certificate.
  - f. shall provide new hires with orientation on the four core fundamental rights – no forced labor, no child labor, no discrimination, right to freedom of association – together with our Company Rules and their job responsibilities.
  - g. will develop documented grievance and remediation strategies if and when a child or young worker is inadvertently included among new hires and found



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after acceptance and contract signing (see Remediation in section I of this document)

**3. Age Verification Procedures**

- a. As part of due diligence, a risk assessment checklist for hiring minors will be included.
- b. To verify the age of the job-seeker, applicant or new hire, we shall use the Thai national identification card for Thais; passport or other official documents issued by an authorized competent authority at the source country for migrant workers.
- c. Should there be any doubt of the validity of the age stated on the documents, our Company may seek other means of verification, for example, counter-checking with other applicants from the same community or previous employers, or a birth certificate.
- d. Internal and external recruiters shall be trained on gender-sensitive cross-verification interview techniques to find out the actual age of workers
- e. If a medical test or a physical test is used, it shall not violate the dignity of job-seekers, applicants or new hires, especially women and girls. For example, job seekers and applicants must not be asked to take off their clothes or undergo tests, such as virginity checks, or other invasive, degrading or disrespectful checks that cause physical / mental harm as well as, possibly, constitute or lead to sexual harassment or abuse.
- f. Additional Precautions – To avoid indirect involvement in child labor, through the use of recruitment agencies or hiring of seasonal workers who work from home and may use their children to support them at work, we will keep records of the following
  - Migrant and seasonal workers’ children’s names, ages, school information and class schedules
  - Age and identity cards of workers hired through recruitment agencies
  - Recruitment agencies procedures for age and other identification document authentication and verification

**4. Young Workers**

- a. The ILO Convention C138 Minimum Age Convention allows national laws to legislate employment of persons above 15 years but below 18 years of age under the condition that these “young workers”<sup>131</sup> do not work at night and their work conditions do not impact their health, safety, morals and personal development.

<sup>131</sup> Thai Labor Laws do not have an equivalent term. Young workers are defined as children above 15 years and below 18 years of age.



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- b. If young workers are employed for specific jobs allowed by Thai Labor Laws, their working hours shall not affect their schooling, their participation in vocational training approved by a competent authority and their access to internal training programs.
  - c. If young workers are employed at a facility, an OHS risk assessment and related action plan shall be developed with specific considerations to young workers. The workers and their representatives shall be consulted to define preventive and mitigation measures.
  - d. If young workers are employed at a facility, they shall receive OHS training on the specific risks they face in relation to their specific jobs.
5. Workers' Documents – Our Company
- a. will not destroy, conceal, confiscate or deny access, to the applicant or worker or in the case of children their guardians, of their identity or immigration documents, including passports, work permits and other personal documents, e.g., bank books or ATM cards.
  - b. will, in case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, return the documents to the worker immediately upon demand and without any pre-conditions to the document owner.
  - c. will, in case of temporary holding of worker documents, have written procedures to prevent abuse that will be explained to the worker or the worker's representative (refer to Recruitment and Working Conditions Policy Implementation)
  - d. will, in lieu of item c above, during the holding time, provide the worker with an exact copy of the personal documents not in their possession; and notify them of the reason for holding as well as provide updates on the progress of the process where the document is used.
6. Updates on reference criteria - We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, and those of source countries for migrants, international conventions and standards, as well as buyer and market requirements, information, laws and regulations, in order to keep our Policy and Implementation Procedures relevant .
7. Special training for vulnerable workers – Migrant workers' awareness training sessions on our policies for TIP, forced labor, child labor, discrimination, and freedom of association, and their implementation procedures, will be done in their language or with the support of interpreters. If and when potential risks to women and girls are identified, special training for self-defense, confidence building and handling sexual harassment and exploitation shall be provided to the girls and their guardians/parents



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in order to better empower them. Such special training will be included in our needs-based Training Master List.

8. Special Training for HR Personnel – Our Company recognizes the crucial role of personnel from within our Company or from external recruiters/recruitment agencies who will have the important responsibility of interacting with minors and addressing their vulnerabilities as well as the vulnerabilities of their guardians, especially women and migrant workers. Therefore, our Company will arrange for provision of special gender-sensitive and child-protection training to allow these personnel to handle potential risks and harm to victims (and to themselves) as well as comply with legal requirements.

#### **F. Recognition**

1. The SMS Team will compile a list of different types of potential child labor violations – direct and indirect- related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for TIP, forced labor and child labor incidents.

#### **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company’s attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company’s recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated; a hotline phone number; or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the



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Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.

4. All efforts will be taken by top management to protect victims and whistleblowers. Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women and child victims in order to protect them from further indignities, harassment or exploitation.

#### **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; as well as tracking and identifying historical trends and patterns in occurrence and types
2. The Company will prepare beforehand a list of potential grievances related to this Policy. Main categories suggested are: human rights, working conditions, recruitment process.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred first point of contact is the provincial Ministry of Social Development and Human Security office, which can be reached through the hotline “1300”. The government agency provides shelter for children and families, health care and legal assistance. Other options are a safe house in an undisclosed location supported by a local NGO/CSO; or women lawyers accompanying women victims to report incidents to the police.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

#### **I. Remediation<sup>132</sup>**

1. Our Company will develop documented procedures to ensure that children are protected from hazardous working conditions, from illegal activities in the region (e.g., drug trafficking, prostitution), have access to educational or vocational training nearby

<sup>132</sup> The UN Convention on the Rights of the Child emphasizes a child’s right to health, education and protection from all forms of abuse, neglect, exploitation and violence. Remediation shall uphold these rights.



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and child protection projects by the government, NGOs/CSOs and other community-based organizations.

2. The Company shall prepare beforehand a list of potential remediation measures that respond to potential violations. In the case of child labor incidents – direct or indirect – our Company will emphasize alternatives for responsible removal and rehabilitation of the child into society.
3. Responsible removal and rehabilitation of the child means that we will NOT drastically dismiss or remove the child without any supervision as such quick drastic measures may drive the child to become invisible and seek exploitative, hazardous and illegal work.
4. Steps to take shall focus on working out a reasonable time schedule for solving the case and progressive removal of children from work. These expectations apply equally to our suppliers, recruitment agencies, subcontractors and other business partners.
5. A reasonable time schedule shall be worked out with the assistance of relevant stakeholders working with child protection, e.g., government agencies or NGOs/CSOs. For Thailand, the preferred agency is the provincial Ministry of Social Development and Human Security Office, which provides shelter for children and families as well as health care and legal assistance.
6. Progressive removal of children from work shall involve allocating a budget to provide financial compensation so they can go back to school or making arrangement so that they could attend non-formal or basic education in order to re-enter regular schools and eventually the workforce.
7. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, gender-sensitive options to protect victims, e.g., a safe house in an undisclosed location supported by a local NGO/CSO or a government agency; or women lawyers accompanying women victims to report incidents to the police, shall be considered.
8. In addition, empowering activities for women and girls, e.g., self-defense, confidence-building and assertiveness training when facing sexual harassment or sexual exploitation situations.

**J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.

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3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company’s policies and SMS.



## H-2.5: No Forced/Bonded Labor Policy Statement and Policy Implementation Procedures for No Forced/Bonded Labor



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ต.นง.:236/12สารประดิษฐ์ บางโพธิ์พวง ยานนาวา กทม.10120  
โทรศ 0 2211 5781, 0 2211 9757โทรสาร 0 2212 4991

### ANNOUNCEMENT NO FORCED/BONDED LABOR POLICY STATEMENT

#### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all forms of forced, bonded, slave, indentured or compulsory labor, defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>133</sup> We recognize that compelling work with the following means: “threats to cause injury to life, body, liberty, reputation or property of the person threatened or any other person; intimidation; use of force; retention of identity documents; use of accumulated debt burden incurred by such person or any other person as the unlawful obligation; and any action similar to the abovementioned means which puts the other person under irresistible pressure”<sup>134</sup> constitute unacceptable, illegal acts that our Company will not engage in or encourage or tolerate at all times with all organizations we deal with.

Our Company recognizes the importance of commitment to ethical principles that respect human rights and enable all persons, particularly women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we choose to take a strong stand against all forms of forced, bonded, slave, indentured and involuntary compulsory labor, knowing that such acts harm or places in harm’s way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives and well-being as well as their opportunities for decent work and income.

#### **Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of forced, bonded, slave labor nor support or encourage these acts, directly or indirectly. Our company is committed to NOT doing business with any organization which has been implicated or suspected and charged or proven beyond doubt to use/have used forced, bonded or slave labor in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with forced, bonded or slave labor. Our Company will NOT use forced labor as punishment or disciplinary measure for workers expressing their views or associating with other workers; nor as a means of racial, gender or religious discrimination.<sup>135</sup>

<sup>133</sup> ILO Forced Labor Convention, 1930 (No. 29)

<sup>134</sup> Trafficking in Persons Act B.E. 2551 (2008)

<sup>135</sup> ILO Abolition of Forced Labor Convention, 1957 (No. 105)


Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on forced labor. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

**Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively reduce forced labor.

***Please be informed that this policy takes effect from the date of signing.***

.....  
**(Chaiwin Yongsawatdigul)**  
**Managing Director**  
**Date:** \_\_\_\_\_

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### Policy Implementation Procedures for No Forced/Bonded Labor

Prepared By	Reviewed By	Approved By
..... <b>(Ms. Channa Chuenchom)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>
...../...../.....	...../...../.....	...../...../.....


### Policy Implementation Procedures for No Forced/Bonded Labor

#### A. Objectives:

1. To ensure that our Company's No Forced/Bonded Labor Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's No Forced/Bonded Labor Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant workers and women, in order to address potential inequalities within the workforce

#### B. Delegation of Responsibilities

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan procedures. Our Company's Quality Management System (QMS) document control and numbering system procedures will apply to documents created for the SMS
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within a reasonable time after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The


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Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.

5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

### **C. Company Due Diligence**


1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and forced labor, including those for protecting women and children, in source and destination countries for migrant workers; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and developing other implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risk of forced /bonded labor at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.

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6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our no forced/bonded labor, anti-trafficking in persons policies and other SMS requirements.


**D. Awareness**

1. Our Company will organize group meetings for all managers and employees, from top management to line workers, for discussions on forced/bonded labor as well as related concepts of trafficking in persons (TIP) within a month of approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company's No Forced/Bonded Labor Policy and the Policy Implementation Procedures. The session will define what constitutes forced, bonded, slave (indentured), involuntary compulsory labor in terms of act and methods; explain where and how forced/bonded labor may occur prior to recruitment, especially in the case of migrant workers; point out practices during the recruitment and employment process where abuses may occur; advise both workers and employers of their rights and responsibilities to uphold and implement the principles of this Policy; provide information on the legal frameworks that exist for forced/bonded labor as well as TIP.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.
4. The awareness-raising and implementation training sessions will be held regularly, according to our Company's orientation and annual Training Master Plan, to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and source country for migrant workers, with in-depth focus on the operations of brokers and recruiters.


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## E. Prevention

1. Recruitment Policies – We prohibit the following (refer to Recruitment Policy Implementation)
  - a. the use of deceptive and misleading practices to find and hire workers
  - b. the use of violence, direct or indirect force, coercion, or abuse of power to compel work, or additional work, voluntarily or involuntarily, from job-seekers, applicants, or any other worker , whether already employed by our Company or under consideration as a potential worker, without informing them of their rights and risks of exploitation
  - c. contracting unlicensed brokers, recruiters/recruitment agencies that are or have been known to engage in practices that violate this Policy
  - d. doing business with companies that do not have clear and transparent human resource policies and practices that prohibit all forms of forced labor
  - e. doing business or working with enterprises who do not comply will all relevant national labor laws and regulations.
2. Employment Policies – We will ensure that (refer to Working Conditions Policy Implementation)
  - a. no recruitment fees are charged to job-seekers by us or those who represent us
  - b. the evaluation of job seekers and applicants is qualification and merit-based
  - c. job-seekers are applying for employment with our Company on their own free will
  - d. if we use a recruitment agency, the workers are not forced or threatened or coerced to go into debt burdens or given false promises as to their job, employer and workplace
  - e. new hires receive a written employment contract in their language once they are accepted, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties; and explained to them in their language before they sign.
  - f. workers hired present official documents, e.g., Thai ID cards or passports authenticated by the source country; visas and work permits issued by authorized government agencies; but do NOT, nor are asked to leave, personal documents with the Employer
  - g. our factory is free from all forms of forced, bonded, indentured, involuntary labor.

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3. Document Retention by Workers – Our Company
  - a. will not destroy, conceal, confiscate or deny access, to the applicant or worker, of their identity or immigration documents, including passports, work permits and other personal documents, such as bank books or ATM cards.
  - b. will, in case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, return the documents to the worker immediately upon demand and without any pre-conditions.
  - c. will, in case of temporary holding of worker documents, have written procedures to prevent abuse that will be explained to the worker (refer to Recruitment and Working Conditions Policy Implementation)
  - d. will, in lieu of item c above, during the holding time, provide the worker with an exact copy of the personal documents not in their possession; and notify them of the reason for holding as well as provide updates on the progress of the process where the document is used.
4. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment.
5. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check international websites and links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs or industry associations or contact former employers or government agencies, if and when possible.
6. Updates on reference criteria - We will keep track of updates, changes, developments , revisions to Thai Labor Laws and regulations, and those of source countries for migrants; international conventions and standards, as well as buyer and market requirements, information, laws and regulations in order to keep our Policy and Implementation Procedures relevant
7. Special training for vulnerable workers – Migrant workers’ training sessions on TIP awareness and anti-TIP implementation will be done in their language or with the support of interpreters. If and when potential risks to women are identified, special training for self-defense, confidence building and handling sexual harassment and exploitation shall be provided in order to better empower women. Special training will be included in our Training Master Plan as they are developed.

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## F. Recognition

1. The SMS Team will compile a list of different types of potential forced/bonded labor violations related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for TIP and forced labor incidents and cases.

## G. Reporting

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated, a hotline phone number or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.



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- There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

#### **H. Grievance Mechanism**


- A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; as well as tracking and identifying historical trends and patterns in occurrence and types
- The Company will prepare beforehand a list of potential grievances related to this Policy. Main categories suggested are: human rights, working conditions, recruitment process.
- The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred first point of contact is the provincial Ministry of Social Development and Human Security office, which can be reached through the hotline “1300”. The government agency provides shelter for children and families, health care and legal assistance. Other options are a safe house in an undisclosed location supported by a local NGO/CSO; or women lawyers accompanying women victims to report incidents to the police.
- Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

#### **I. Remediation**

- The Company shall prepare beforehand a list of potential remediation measures.
- Steps to take shall be related to the severity of violations with immediate, short term, long term actions considered and documented beforehand. Potential measures could involve internal disciplinary actions, or legal action against perpetrators, including financial or non-financial compensation from brokers and recruitment agencies; medical and /or legal support, rehabilitation or further education for the victim.
- The remediation plan shall have corrective and preventive strategies; for women, in particular, empowering activities must be included

#### **J. Monitoring**

- Internal audits for compliance to this Policy shall be done on the Company’s own SMS using methodology documented our QMS Manual. Criteria, objectives and scope of

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the Internal Quality Audit (IQA) shall be documented together with methodology, findings, recommendations, follow-up results

2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company’s policies and SMS.

## H-2.6: Non-Discrimination Policy Statement and Policy Implementation Procedures for Non-Discrimination



บริษัทอุตสาหกรรมน้ำปลาระยองจำกัด  
สนง.:236/12สารประดิษฐ์ บางโพธิ์พวง ยานนาวา กทม.10120  
โทรฯ 0 2211 5781, 0 2211 9757โทรสาร 0 2212 4991

### ANNOUNCEMENT NON-DISCRIMINATION POLICY STATEMENT

#### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all forms of discrimination, generally defined as “any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin.”<sup>136</sup> Our company is specifically committed to zero-tolerance of all forms of discrimination – direct or indirect - based on gender, sexual orientation, race, age, religion, ethnicity, disability, health, association among workers, and expression of personal views regarding the workplace.

We choose to take a strong stand against discrimination as we recognize that discriminatory practices impair equality of opportunity or treatment in employment or occupation. We affirm our commitment to the principle of equal remuneration for men and women<sup>137</sup> - equal pay for equal value for the same or different type of job. Remuneration includes basic minimum wage or salary plus benefits, bonuses or incentives paid to the worker as mandated by the most current Thai Labor Laws and / or based on the worker’s qualifications and performance on the job.

We recognize that discrimination can be subtle, may be direct or indirect, and not always intentional. Indirect discrimination could be expressed in neutral, seemingly innocent acts that nevertheless result in unequal treatment and harm, which we consider equally unacceptable as direct discrimination. In particular, our Company is committed to eliminating gender-based discrimination, an extreme expression of which is sexual harassment.<sup>138</sup> Our Company shall take every step necessary to create a safe, productive workplace that assures all persons, especially women, of dignity, security, protection and recognition.

Our Company is committed to respecting human rights, particularly those of vulnerable workers, including women and their children, that require treating all persons with dignity; and providing access to decent work, productive employment and adequate income; that assure their well-being in a protective and supportive environment. Therefore, we affirm our zero-tolerance policy for all forms of discrimination, especially gender-based discrimination, in the form of sexual harassment or abuse, knowing that such acts harm or places in harm’s way, all persons, especially vulnerable stakeholders, particularly women and girls, by robbing them of their dignity and demoralizing them, thereby destroying their confidence, interfering with their rights to security and protection, preventing them from developing their full potential in order to contribute meaningfully to the community or

<sup>136</sup> ILO C111 Discrimination (Employment and Occupation) Convention, 1958

<sup>137</sup> ILO C100 Equal Remuneration Convention, 1951

<sup>138</sup> Social Accountability International (SAI) Auditing Guidance Document Revision 4, September 20, 2013.

workforce. Our Company shall not tolerate all acts of direct or indirect discrimination, direct or indirect physical and psychological abuse since these could cause temporary or permanent damage or injury to the lives and well-being of our employees and workers, their families and their communities.

### **Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of discrimination – direct or indirect, irrespective of the degree of severity, including gender-based discrimination and sexual harassment – nor encourage such acts, directly or indirectly. Our Company is committed to NOT doing business with any organization which has been; or an organization which employs individuals that have been; implicated, suspected, charged, convicted or proven beyond doubt to have engaged or encouraged discriminatory practices – direct or indirect, irrespective of severity – in its operations, affiliates or supply chain. Our Company reserves the right to NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with discriminatory practices – direct or indirect, irrespective of degree of severity, including gender-based discrimination, sexual harassment or abuse – if our due diligence uncovers proof of violations of our Non-Discrimination Policy. Our Company will NOT use forced labor, violence, threats, physical/psychological abuse as punishment or disciplinary measure for workers reporting incidents of discrimination, or expressing their views, or discussing with other workers; nor as a means of any form of discrimination.<sup>139</sup>

Our No Discrimination, No Sexual Harassment or Abuse policy shall apply to all levels in our Company's hierarchy from top management to all workers, applicants, job-seekers, Thai nationals, non-nationals, migrant workers, contracted and home-based workers. Our Company expects all internal stakeholders- owners, shareholders, managers, employees, workers - to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Our Company also expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on No Discrimination, No Sexual Harassment or Abuse. Our Company requires all of our stakeholders to maintain high standards of transparency and accountability in their actions.

### **Responsibilities to Comply and Address Potential Inequalities**


In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons; and for gender-based discrimination in particular, women and girls, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively identify, reduce, prevent and eliminate all forms of discrimination, including sexual harassment or abuse, that are extreme forms of gender-based discrimination.

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<sup>139</sup> ILO C105 Abolition of Forced Labor Convention, 1957.

**Please be informed that this policy takes effect from the date of signing.**

.....  
**(Chaiwin Yongsawatdigul)**  
**Managing Director**  
**Date:** \_\_\_\_\_

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### Policy Implementation Procedures for Non-Discrimination

Prepared By	Reviewed By	Approved By
..... <b>(Ms. Channa Chuenchom)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>
...../...../.....	...../...../.....	...../...../.....


### Policy Implementation Procedures for Non-Discrimination

#### A. Objectives:

1. To ensure that our Company's Non-Discrimination Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Non-Discrimination Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant women and girls, in order to address potential inequalities within the workforce.

#### B. Delegation of Responsibilities

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Compliance Plan procedures. Our Company's quality management system (QMS) document control and numbering system procedures will apply to documents created for the SMS
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within a reasonable time after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The


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Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.

5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.

### **C. Company Due Diligence**

1. Our Company will compile information on: TIP ratings and legal frameworks for TIP and non- discrimination, especially gender-based discrimination, including those for protecting women and children, particularly girls, in source and destination countries for migrant workers; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; national laws, international conventions and standards; recruiters/recruitment agencies operating in our location, related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and developing implementation strategies.
2. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies. This will be documented using QMS procedures, forms and templates to be developed specifically for information gathering and social risk assessment.
3. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers, e.g., recruitment agencies; and suppliers, e.g., for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risk of discrimination, especially gender-based discrimination, at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included.
4. Each link in the supply chain will be evaluated and scored for potential risk and impact on our Company's business, reputation, stakeholders, following developed protocols. Rank and score will determine significant business partners.
5. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.


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6. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our non-discrimination policy plus related policies on no child labor, no forced labor/anti-trafficking in persons and other SMS requirements.
7. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment.
8. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of this Policy, we reserve the right to check, when possible, international websites, links to excluded parties, sanction lists, for pre-qualification prior to hiring or doing business. Preferably, we will refer to publicly available information on the internet and news media or check an individual’s employment history, or seek assistance from NGOs/CSOs or industry associations or government agencies, if and when possible.

**D. Awareness**

1. Our Company will organize group meetings for all managers and employees, from top management to line workers, for discussions on discrimination (non-gender and gender-based) within a month of approval of the Policy or any revisions.
2. The awareness-raising training session will introduce the Company’s No Discrimination Policy and Policy Implementation Procedures. The session will define what constitutes discrimination; point out the differences and similarities between gender-based discrimination and non-gender based discrimination; explain the disadvantages to the business and harm to workers that discrimination could cause; trace where and how in the recruitment and employment processes discrimination can happen, especially gender-based discrimination for migrant workers; provide clarification on sexual harassment and abuse as extreme forms of discrimination; point out the rights and responsibilities of all stakeholders to uphold the principles of this Policy in order to comply with the law; give information on the legal frameworks that exist for discrimination.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company’s Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive action.




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4. The awareness-raising and implementation training sessions will be held regularly according to our Company's orientation and annual Training Master Plan to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality (IQA) Audit Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters.

#### **E. Prevention**


- I. Recruitment Policies – Our Company (refer also to Recruitment Policy Implementation)
  - a. shall have women recruiters trained, including for interviewing skills, to address sensitive issues affecting women in recruitment, migration and employment
  - b. shall specify only qualifications and other information pertinent to the job posting and will not use the information to exclude specific groups or minorities from applying
  - c. will, preferably, include the phrase “We are an equal opportunity employer. We welcome applications from qualified women and men from diverse backgrounds” in job postings and application forms.
  - d. will not exclude women, pregnant and nursing mothers from applying for jobs; nor specify certain jobs as open only to men
  - e. will not the use direct or indirect force to compel any job-seeker or applicant to take tests for pregnancy or HIV/sexually transmitted infections that can be used as grounds for discrimination
  - f. will not contract unlicensed brokers, recruiters/recruitment agencies that are or have been known to engage in practices that violate this Policy or other related Policies
  - g. will not do business with companies and enterprises, including brokers, recruiters, and recruitment agencies that do not have clear and transparent HR policies and practices that prohibit discrimination as well as related policies on forced labor, child labor, TIP

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- h. will require companies and enterprises, including brokers, recruiters, and recruitment agencies to have a documented sexual harassment / sexual abuse protection policy
  - i. will not do business or work with enterprises who do not understand or comply will all relevant national labor laws and regulations
  - j. will require documented grievance and remediation strategies if and when discrimination, sexual harassment or sexual abuse happens to potential job applicants
2. Employment Policies – Our Company (refer also to Working Conditions Policy Implementation)
- a. shall ensure that the evaluation and acceptance of applicants is qualification and merit-based, thus no exceptions are made due to nepotism or other personal biases
  - b. shall uphold the principle of equal value, equal pay and apply it to all jobs and all workers, including when jobs are different for men and women but of equal value
  - c. shall ensure that terms and conditions of employment contracts regarding minimum wage, work hours and breaks, benefits, holidays and leave, bonuses and incentives comply with Thai Labor Laws and are applied fairly and equally to all workers
  - d. shall provide a written employment contract to new hires in their language, with terms and conditions agreed to voluntarily and mutually without false promises, threats or penalties, and explained to them in their language before they sign. In return, the new hires and/or the recruitment agency shall provide our Company authenticated official documents and other documents relevant to compliance with terms and conditions of employment compliant with Thai Labor Laws.
  - e. will ensure that new hires apply for employment with our Company on their own free will and they are not forced, threatened or coerced by our HR or contracted recruitment agency to go into debt burdens in exchange for a position or advantage in our Company
  - f. will ensure that any risks or hazards or consequences of mistakes at the workplace are explained to all new hires in relation to their personal health and safety regardless of their sex, race, position and workplace assignment
  - g. shall provide all new hires with orientation on the four core fundamental rights – no forced labor, no child labor, no discrimination, right to freedom of association – together with our Company Rules and their job responsibilities.

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- h. will develop documented grievance and remediation strategies if and when any worker is faced with discrimination (non-gender or gender-based), sexual harassment or sexual abuse during all steps of application, acceptance, contract signing and employment.
- 3. Sexual Harassment - Our Company (refer also to Working Conditions Policy Implementation)
  - a. will carry out, as part of due diligence, a risk assessment of the workplace and the community around our factory to identify any potential hazards, especially to women.
  - b. shall have zero tolerance for sexual harassment or abuse at the workplace
  - c. will develop procedures or a manual to define what constitutes “unwelcome sexual advances” and how consent and power influence the categorization of harassment
  - d. will clarify the differences and similarities between sexual harassment and sexual abuse
  - e. shall monitor workplace culture to ensure respect for women at all levels
  - f. shall ensure that women workers are able to work in a sexually non-threatening environment free of pornography, sexually suggestive material and sexual teasing
  - g. shall discourage abusive language and sexual suggestive language among male workers in the presence of female workers
  - h. will arrange for a confidential complaint management system for female workers
  - i. shall have clear procedures for investigating and disciplining offenders that is communicated to all workers as to content and use
  - j. shall have documented effective protocols for protecting victims and whistleblowers throughout the grievance, investigation and remediation processes.
- 4. Maternity Provisions – Our Company (refer also to Working Conditions Implementation)
  - a. Shall provide maternity leave and pay as mandated by the most recent Thai Labor Laws
  - b. Shall assess and minimize job risks for new and expectant mothers
  - c. Shall not increase pregnant women’s workload to pressure them to resign and forfeit maternity benefits
  - d. will, depending on available resources, provide a suitable place for nursing mothers

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- e. will allow flexible work times for women workers retuning to work after giving birth, or men workers with newborns, so they could attend to family responsibilities as needed
  - f. shall not discipline or demote or reduce the remuneration and benefits of new mothers and of new fathers
5. Training and Promotion – Our Company (refer also to Working Conditions Implementation)
- a. shall not promote men over women
  - b. shall provide equal access to men and women for training and mentoring
  - c. will not create obstacles to women’s access to training opportunities, e.g., holding them after work
  - d. shall consider men and women equally for job promotion, bonuses and incentives
  - e. shall use evaluation methods based on qualification and job performance for decisions on job promotion as well as awarding of bonuses and incentives
  - f. shall encourage women to participate in junior and senior management
  - g. shall encourage women to develop skills that will provide them access to jobs traditionally reserved for men
  - h. shall provide OHS, first-aid, emergency and crisis situation handling training equally to men and women, irrespective of where the women work
6. Disciplinary Measures and Dismissal – Our Company (Refer also to Working Conditions)
- a. will not single out women for dismissal because of marriage or pregnancy
  - b. shall not force women – directly or indirectly - to take contraceptives as a condition for hiring or continuing employment; nor discipline women who refuse to do so
  - c. shall develop disciplinary policies that meet the requirements of local law, apply equally and fairly to all workers, irrespective of race, sex, religion, position in the Company
  - d. shall have a competent authority approve our Company Rules and disciplinary policies for implementation; and post the documents on the notice board in a language that migrant workers understand
  - e. shall have a female witness or a female member from HR present when a female worker is called for a discussion about a complaint or disciplinary measures
7. Workers’ Documents – Our Company (refer also to Working Conditions Implementation)

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- a. will not destroy, conceal, confiscate or deny access, to the applicant or worker, of their identity or immigration documents, including passports, work permits and other personal documents, e.g., bank books or ATM cards.
  - b. will, in case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, return the documents to the worker immediately upon demand and without any pre-conditions to the document owner.
  - c. will, in case of temporary holding of worker documents, have written procedures to prevent abuse that will be explained to the worker or the worker’s representative
  - d. will, in lieu of item c above, during the holding time, provide the worker with an exact copy of the personal documents not in their possession; and notify them of the reason for holding as well as provide updates on the progress of the process where the document is used.
8. Updates on reference criteria – We will keep track of updates, changes, developments, revisions to Thai Labor Laws and regulations, and those of source countries for migrants, international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market requirements, information, standards, laws and regulations, in order to keep our Policy and Implementation Procedures relevant.
  9. Special training for vulnerable workers (Pre-arrival)– The recruitment agency contracted by our Company shall provide details on special considerations for women migrant workers at all steps of the pre-arrival phase of the recruitment process. Some examples are communication of the availability and nature of the jobs, provisions for transportation, conduct of the interviews and training, including topics taught, methods used, qualifications of the trainer and inclusion of issues specific to addressing potential risks for women migrant workers. We will require evidence, e.g., photographs or copies of curriculum from the recruiters/recruitment agencies.
  10. Special training for vulnerable workers (Post-Arrival) - Migrant workers’ training sessions on our policies and implementation procedures for non-discrimination, TIP and related international core labor standards for forced labor, child labor, freedom of association will be done in the workers’ language or with the support of interpreters. If and when potential risks to women are identified, special training for self-defense, confidence building and handling sexual harassment and other gender-based harassment, abuse and exploitation shall be provided in order to better empower women. Special training, such as the above-mentioned ones, will be added as developed to the Training Master List.


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## F. Recognition

1. The SMS Team will compile a list of different types of potential discrimination violations – direct and indirect- related to the seafood supply chain and the environment/location that the factory operates in. These will be ranked in terms of severity with appropriate grievance channels and remediation strategies identified, including potential corrective and preventive actions.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for sexual harassment, sexual abuse, other types of discrimination and related TIP, forced labor and child labor incidents.

## G. Reporting

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company’s attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company’s recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated; a hotline phone number; or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or reprisals or any form to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. Our Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.

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- There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.


#### **H. Grievance Mechanism**

- A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; as well as tracking and identifying historical trends and patterns in occurrence and types
- The Company will prepare beforehand a list of potential grievances related to this Policy. Main categories suggested are: human rights, working conditions, recruitment process.
- The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and mask the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred first point of contact is the provincial Ministry of Social Development and Human Security office, which can be reached through the hotline “1300”. The government agency provides shelter for children and families, health care and legal assistance. Other options are a safe house in an undisclosed location supported by a local NGO/CSO; or women lawyers accompanying women victims to report incidents to the police.
- Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

#### **I. Remediation<sup>140</sup>**

- Our Company will develop documented procedures to ensure that women and their children are protected from hazardous working conditions, from illegal activities in the region (e.g., drug trafficking, prostitution), have access to educational or vocational training nearby and child protection projects by the government, NGOs/CSOs and other community-based organizations.
- The Company shall prepare beforehand a list of potential remediation measures that respond to potential violations. In the case of child labor incidents, refer to the No Child Labor Policy Implementation procedures. In cases of sexual harassment or sexual abuse, protection of the victim and timely, systematic investigation are of paramount importance.

<sup>140</sup> The UN Convention on the Rights of the Child emphasizes a child’s right to health, education and protection from all forms of abuse, neglect, exploitation and violence. Remediation shall uphold these rights.

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3. A reasonable time schedule shall be worked out with the assistance of relevant stakeholders with experience working with gender-based discrimination and violence, e.g., government agencies or NGOs/CSOs. For Thailand, the preferred agency is the provincial Ministry of Social Development and Human Security Office, which provides shelter for children and families as well as health care and legal assistance.
4. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, gender-sensitive options to protect victims, e.g., a safe house in an undisclosed location supported by a local NGO/CSO or a government agency; or women lawyers accompanying women victims to report incidents to the police, shall be considered.
5. In addition, empowering activities for women and girls, e.g., self-defense, confidence-building and assertiveness training when facing sexual harassment or sexual exploitation situations shall be considered and implemented to better empower them.

#### **J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Partial or comprehensive internal SMS audits may be scheduled at different frequencies and could be triggered by incidents within the industry sector or overseas buyer requests.
3. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. The conclusions and recommendations from the assessments and audits – partial or full- shall be used to facilitate continuous improvement or adjustments to our Company's policies and SMS.



## H-2.7: Responsible Recruitment Policy Statement and Policy Implementation Procedures for Responsible Recruitment



บริษัทอุตสาหกรรมหน้าปลาระยองจำกัด  
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### ANNOUNCEMENT RESPONSIBLE RECRUITMENT POLICY STATEMENT

#### ***Commitment to Fair and Responsible Recruitment Principles***

Our Company is committed to upholding fair and responsible recruitment principles and practices that respect, protect and fulfil internationally recognized human rights, including those expressed in international labor standards, particularly the right to freedom of association and collective bargaining, the prevention and elimination of forced labor, child labor and discrimination; in all steps of the recruitment and employment processes. Our Company recognizes that recruitment should respond to labor market needs; should be qualifications-based; should not displace an existing work force, lower labor standards, wages or working conditions; or undermine decent work. Whether our Company recruits from a local pool or opt for cross-border recruitment, we require compliance to applicable national laws and regulations; transparency for all stakeholders; protection for the workers throughout the recruitment and employment processes, including the right to know their rights; the freedom of movement within Thailand or to leave Thailand; own control of their identity documents and contracts; and access to grievance and dispute resolution mechanisms as well as appropriate remediation.<sup>141</sup>

Our Company considers this Policy as crucial to preventing labor issues that tend to originate in the recruitment process. Workers, especially migrant workers, are exposed to risks of exploitation starting at their country of origin, even before they reach our factory. Their vulnerability to deceptive or fraudulent recruitment practices may not always be visible to us as an end employer<sup>142</sup>, but it is our Company who stands to lose most from the impacts on our brands, reputation, customers, and business viability, of irresponsible and illegal recruitment practices by any stakeholder in our supply chain. Therefore, through this Policy and its implementation, our Company is committed to conducting due diligence in order to encourage continuous improvement of responsible recruitment practices.<sup>143</sup> It is our belief that through this strategy our Company could help reduce, mitigate, and/or eliminate the risks of exploitation and abuse for job-seekers and hired workers during the recruitment process, thus enabling all persons, including women, access to decent work and income, in a protective and supportive environment, that could allow them to achieve their full potential.

<sup>141</sup> ILO General Principles and Operational Guidelines for Fair Recruitment, 2016

<sup>142</sup> BSCI Responsible Recruitment to End Worker Exploitation, 2015

<sup>143</sup> BSCI Responsible Recruitment Guidelines for BSCI Participants, September 2017

## **Zero-Tolerance Areas**

Our Company takes a strong stand against all forms, manifestations, indications and evidence of inhumane treatment related to human trafficking; forced, bonded, slave, indentured, involuntary compulsory labor; child labor, discrimination on the basis of gender, race, religion, ethnicity, sexual orientation, disability and others; the right to freedom or association and collective bargaining as well as any practices that could compromise the lives, health, safety and dignity of job-seekers and workers. Our Company consider such acts as non-negotiable, unethical and illegal; so will take action against perpetrators, knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives, property, well-being as well as their opportunities and abilities for decent work and income.

## **Applicability and Scope**

Our Company and all our employees will NOT engage in, encourage, support or excuse – directly or indirectly - any violations of the fundamental human rights and rights of workers as defined in the above-mentioned four core international ILO Labor Standards (based on eight core ILO conventions) <sup>144</sup> and defined in our other Company Policies for each of those core labor rights. At the same time, our Company is committed to NOT doing business with any individual or organization, especially labor recruiters and recruitment agencies, which have been implicated, suspected, charged or proven beyond doubt to have violated fundamental human rights and rights of workers especially involvement in human trafficking, the use of child labor; forced, bonded, slave, indentured, involuntary compulsory labor; sexual harassment or exploitation; in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, including recruiters, that may be/have been involved with the above-mentioned unethical and illegal acts. Our Company will NOT use force as punishment or disciplinary measure for workers expressing their views or associating with other workers; nor as a means of gender, racial, religious or other discrimination.

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of our Recruitment Policies at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises that we deal with - to comply with our Company's Policy and position on fair and responsible Recruitment. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

## **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, and other groups subject to potential discrimination and unequal treatment, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition, confidential reporting and whistleblower protection, provide grievance channels and


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<sup>144</sup> ILO Core Conventions: C29- Forced Labor Convention, 1930; C105- Abolition of Forced Labor Convention, 1957; C87-Freedom of Association and Protection of the Right to Organize Convention, 1948; C98- Right to Organize and Collective Bargaining Convention, 1949; C100-Equal Remuneration Convention, 1951; C111-Discrimination (Employment and Occupation) Convention; C138- Minimum Age Convention, 1973; C182 – Worst Forms of Child Labor Convention, 1999

remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to implement a Responsible Recruitment Policy that can reduce, minimize, prevent labor risks to all stakeholders, including vulnerable workers.

***Please be informed that this policy takes effect from the date of signing.***

.....  
**(Chaiwin Yongsawatdigul)**  
**Managing Director**  
**Date: \_\_\_\_\_**

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### Policy Implementation Procedures for Responsible Recruitment

Prepared By	Reviewed By	Approved By
..... <b>(Ms. Channa Chuenchom)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>
...../...../.....	...../...../.....	...../...../.....


### Policy Implementation Procedures for Responsible Recruitment

#### A. Objectives:

1. To ensure that our Company's Responsible Recruitment Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Responsible Recruitment Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant workers and women, in order to address potential inequalities within the workforce

#### B. Delegation of Responsibilities

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Implementation Procedures. Our Company's Quality Management System (QMS) document control and numbering system procedures will apply to documents created for the SMS.
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within a reasonable time after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The

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Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.

5. This Policy and Implementation Procedures will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures.
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.


### C. Company Due Diligence <sup>145</sup>

1. Our Company will compile information on source and destination countries for migrant workers as well as raw material suppliers including: country risk ratings (e.g., Trafficking in Persons, or TIP ratings); legal frameworks for fundamental principles and rights at work (ILO Core Labor Standards)<sup>146</sup> and national laws, including those for protecting women and children; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; labor brokers, recruiters/recruitment agencies for the seafood sector; and related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and to develop other implementation strategies.
2. Our Company will compile, as legal reference, Thai laws, regulations and official announcements that pertain to recruitment and employment of Thai and migrant workers; management of Thai and migrant workers; as well as related fishery laws and amendments that impact compliance to recruitment and employment practices in the seafood sector. <sup>147</sup>
3. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies.
4. For the recruitment options we use, our Company will map flow diagrams of the recruitment processes and steps, identify organizations involved, inputs and outputs at

<sup>145</sup> BSCI Responsible Recruitment Guidelines for BSCI Participants, September 2017


<sup>146</sup> ILO General Principles and Operational Guidelines for Fair Recruitment (section III.1), 2016

<sup>147</sup> Labor Protection Act B.E. 2541 (1998), revision up to B.E. 2562 (2019); Child Protection Act of 2003; Anti-Trafficking in Persons Act B.E. 2551 (2008, amended in 2015); Royal Decree Concerning Rules on Bringing Migrant Workers into the Kingdom for Employment B.E. 2559 (2016); Royal Decree on Managing the Work of Aliens B.E. 2560 (2017); Alien Work Act B.E. 2551 (2008), Ministerial Regulation on Establishment Prohibited from Employment of Children under 18 years of age B.E. 2559 (2016), Ministerial Regulation on the Protection of Labor in Fisheries B.E. 2557 (2014)

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each step. This information will be documented in forms/templates to be developed specific for the purpose.

5. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers i.e. recruitment agencies, and suppliers for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risks of violation of the ILO Core Labor Standards at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included. Procedures, forms and templates will be adapted or developed specifically for information gathering and social risk assessment.
6. Each link in the supply chain will then be evaluated and scored for potential risk and impact on the company's business, reputation, stakeholders following developed protocols. Rank and score will determine significant business partners.
7. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.
8. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our eight core policies and other SMS requirements. Purchasing and IQA Procedures will be adapted accordingly.
9. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability CoC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment
10. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of any core international ILO Labor Standards, we reserve the right to check international websites and links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs or industry associations or government agencies, if and when possible
11. Updates on reference criteria – We will keep track of updates, changes, developments, revisions to Thai Labor Laws and regulations, and those of source countries for migrants, international conventions and standards, especially those that impact women and children. Likewise, we shall keep informed of buyer and market


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requirements, standards, information, laws and regulations in order to keep our Policy and Implementation Procedures relevant

12. For our Company's HR department and external recruiters/recruitment agencies, who have a crucial role in reducing the vulnerability of women and migrant workers to violations of their rights and in promoting equal access to opportunities, our Company will develop a gender-sensitive assessment tool that can be used for due diligence and for internal audits.

#### **D. Awareness**

1. Our Company will organize group meetings for all managers and employees, from top management to line workers, to discuss responsible recruitment and decent work concepts within a month of approval of the Responsible Recruitment Policy or any revisions.
2. The awareness-raising training session will introduce the Company's Responsible Recruitment Policy and the Policy Implementation Procedures. The session will define our requirements for compliance to applicable Thai Labor Laws and regulations, transparency for all stakeholders, protection for all workers throughout the recruitment and employment processes and access to grievance, dispute resolution and appropriate remediation. For each of these topics, good practices and zero-tolerance practices will be pointed out, together with the local and international legal frameworks that exist to support them.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report non-conformances and violations; how to protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents with corrective and preventive actions.
4. The awareness-raising and implementation training sessions will be held regularly, according to our Company's orientation and annual Training Master Plan, to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and, when possible, through primary and secondary information, the source country

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for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies.


## E. Requirements

### I. Recruitment Policies and Practices (including Pre-Arrival for Migrant Workers)


- a. Our Company will select the recruitment method to match our workforce needs and provide decent employment, when possible, to the community around our location. For recruiting migrant workers, we shall use legal methods compliant with national laws
- b. We prohibit the use of deceptive and misleading practices to find and hire workers. Practices that we will not tolerate, both for internal staff and external service providers, include receiving gifts, obtaining monetary deposits or security payment, requiring guarantees of cash or property (e.g., title deeds) in return for promise or assurance of a position to a job seeker or applicant.
- c. Likewise, we prohibit the use of direct or indirect force to compel change in type of work, location or conditions of employment that are different from what was agreed to or promised by our internal or external recruiters, to any worker already hired by our Company or under consideration as a potential worker.
- d. Job postings will focus on qualifications that match the position advertised. Obtaining information on personal details that may constitute discrimination and lead to exclusion of otherwise qualified candidates, will be avoided.
- e. We will not tolerate charging recruitment fees to workers to secure a job at our Company or with our recruiters, suppliers, subcontractors, or service providers<sup>148</sup>. A statement about “no fees will be charged at any phase in the recruitment and hiring process” will be included in the job advertisement to reinforce this principle.
- f. Whether we recruit directly or through recruitment agencies, we will provide a clear job description, with rights and responsibilities of the position, reporting structure and other terms and conditions of employment that are aligned with Thai Labor Laws.
- g. When recruiting directly, we will not charge applicants processing fees. For recruiters and recruitment agencies, we will require proof that they did not charge applicants recruitment fees, processing fees or inflate costs beyond what is stipulated by law and above amounts which we have already paid them to facilitate the recruitment process.

<sup>148</sup> ILO General Principles and Operational Guidelines for Fair Recruitment section III.7




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- h. We will contract only officially licensed brokers, recruiters/ recruitment agencies that are or have been known to respect and comply with ILO Core Labor Standards and Thai Labor Laws. We will require them, at a minimum, to provide clear and transparent human resource policies and practices that prohibit all forms of human trafficking, forced labor, child labor, discrimination and recognizes freedom of association and collective bargaining. With regards to Thai Labor Laws, the recruiters/recruitment agencies who provide us with services must demonstrate knowledge and compliance to all relevant national labor laws.
- i. All documentation on licensing and registration of individual recruiters, and the recruitment agencies where they work, shall be provided to our Company (as an Employer). These will include mandated fee schedules; contracts between job-seekers and the source country recruiters; the registration of the source country agency working with the Thai recruitment agency with the Thai Ministry of Labor. All copies of licenses/registrations of all recruiters/recruitment agencies will be acknowledged as true and correct by authorized government agencies.
- j. All proof of payment and receipts for processing fees, costs for obtaining identity documents, travel, medical examinations, pre-entry or post-entry training will be provided by the recruiter/ recruitment agency to our Company (as the Employer). These shall comply with Thai Labor Laws and bilateral Memorandum of Understanding (MOU) agreements. Any items not clearly defined in the MOU or the national laws of source and destination countries will be discussed between our Company and the recruitment agency beforehand.
- k. Job-seekers, applicants and potential hires will retain control of their personal documents at all times. Procedures for retention of personal documents by workers are described under E.3 of this Policy.
- l. Interviews, when done, shall be held in a location that is visible to other people at the same time provides a contained space that allows for confidentiality. Women will be interviewed by women or a panel composed of balanced number of men and women. A one-on-one interview between a male manager and a female applicant in a closed-door environment shall be avoided. Questions of a personal nature and unrelated to the job and qualifications of the applicants will not be asked. Recruitment agencies shall provide our Company with updates, including photographs and other documents related to

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the recruitment process, including job postings, transportation, interview steps.

- m. Acceptance and hiring decisions will be documented and shall demonstrate systematic qualification-based evaluation that is free from bias or any form of discrimination
  - n. Documents generated by the MOU process will be kept on file. They shall demonstrate transparency and compliance with the official paper trail for in-country and cross-border processes, fees set and paid, documents required, authorizations and permits issued.
  - o. If employment contract templates are provided by the government agencies involved with the MOU process, the recruitment agency and our Company (as the Employer) will ensure that the forms are filled in correctly and honestly to reflect real worker information, work location, nature of the job, work terms and conditions and other information to prevent contract substitution or misuse.
2. Hiring Policies and Practices (including Post-Arrival for Migrant Workers)
- a. We will ensure that no recruitment fees, deposits, guarantees or security (in cash or in kind) are charged by our Company or have been charged by middlemen to applicants or new hires.
  - b. We will verify that evaluation of applicants and new hires is qualification and merit-based, and that they are entering employment with our Company on their own free will.
  - c. A written employment contract in the new hires' language will be issued once they are accepted into our Company. Terms and conditions will be agreed to voluntarily and mutually without false promises, threats or penalties.
  - d. In case of literacy issues or language difficulties, arrangements will be made to provide translators and interpreters to explain the contract to the workers before signing.
  - e. We will ensure that the worker's job at our factory is described correctly and fairly compensated in compliance with Thai Labor Laws. We will emphasize that we intend to provide a safe, productive workplace that respects freedom, equality and human dignity for all stakeholders.
  - f. New hires will be given orientation training and, if needed, specialized training, e.g., Occupational Health & Safety (OHS), as mandated by Thai Labor Laws.
  - g. Our Company take no responsibility for any settlement between the applicant and recruitment agency for subsidized housing, transportation or meals, in transit to or after arrival at the destination country. However, we reserve the

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right to verify if these are pre-agreed to in writing and do not exceed market rates or rates paid by other workers in the same location. Moreover, they should not be used to support profit for the broker or recruitment agency or subcontractors at the expense of the workers; nor used to reclaim recruitment-related fees.

- h. Our Company take no responsibility for any wage advances or loans between the applicant and the recruitment agency. However, we reserve the right to verify if such arrangements comply with the law and are pre-agreed to in writing with reasonable terms that do not create debt bondage or indentured situations for workers. Repayment terms and interest rates should be reasonable and fair, with amounts not exceeding 10% of the worker's monthly wage within a repayment period or no more than six months.
3. Document Retention by Workers
    - a. Our Company will not destroy, conceal, confiscate or deny access, to the applicant or worker, of their identity or immigration documents, including passports, work permits and other personal documents, such as bank books or ATM cards.
    - b. In case our Company or the recruiter needs to hold any worker's personal documents temporarily due to legal requirements, the documents will be immediately returned to the worker upon demand and without any pre-conditions.
    - c. During the holding time, the worker will be provided with an exact copy of the personal documents not in their possession, will be notified of the reason for holding and provided updates on the progress of the process where the document is used.
  4. Special procedures and training for vulnerable workers (Pre-arrival)– The recruitment agency contracted by our Company shall provide details on special considerations for women migrant workers at all steps of the pre-arrival phase of the recruitment process, such as the following.
    - a. Communication of the availability and nature of the jobs, job postings
    - b. Conduct of the interviews, including questions asked, interview location and method, sex and qualification of interviewers
    - c. Provisions for transportation in-country and cross-border, with details on conditions
    - d. Delivery of training, including topics taught, methods used, qualifications of the trainer and inclusion of issues specific to addressing potential risks for women migrant workers.

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5. Special training for vulnerable workers (Post-Arrival) – Our Company will provide the following
  - a. Thai and migrant workers’ training sessions on TIP awareness and anti-TIP implementation as well as training on core ILO Labor Standards will be done in the workers’ language or with the support of interpreters.
  - b. If potential risks to women are identified, special training for self-defense, confidence building, handling sexual harassment and other gender-based abuse and exploitation shall be provided in order to better empower women.
  - c. Special training, such as the above-mentioned, will be added as required or requested to our needs-based Training Master List.

#### **F. Recognition**

1. The SMS Team will compile a list of different types of potential Responsible Recruitment policy non-compliances or violations related to the seafood supply chain and the environment/location that the factory operates in. These will be categorized into those related to core international labor standards and those that are classified under the Thai Labor Laws. They will be ranked in terms of severity with appropriate grievance channels and remediation proposed.
2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for such incidents and cases.

#### **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company’s attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company’s recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated, a hotline phone number or confidential email and other online links shall be posted with instructions and a template that can be filled out with relevant information.


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3. The Company does NOT permit disciplinary action or any form of reprisals to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may, take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. The Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

#### **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; tracking and identification of history and patterns in occurrence and types of complaints and grievances
2. The Company will prepare beforehand a list of potential grievances related to this Policy. Suggested categories are: human rights, external recruitment process, internal hiring, contracts.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and masking the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. A safe house in an undisclosed location may be used with the support of a local NGO/CSO; or women lawyers must be present when women victims report incidents to the police. Preferably, in locations with access to the provincial Ministry of Social Development and Human Security Office , this agency will be the first point of contact as they could provide shelter for children and families, health care and legal assistance.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

#### **I. Remediation**

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1. The Company shall prepare beforehand a list of potential remediation measures.
2. Steps to take shall be related to the severity of violations with immediate, short term, long term actions considered and documented beforehand. Potential measures could involve internal disciplinary actions, or legal action against perpetrators, including financial or non-financial compensation from labor brokers and recruitment agencies; medical and /or legal support, rehabilitation or further education for the victim
3. The remediation plan shall have corrective and preventive strategies. For women and girls, in particular, empowering activities must be included.

**J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company's own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be reported together with methodology, findings, recommendations, follow-up results
2. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
3. It is recommended to use a gender-sensitive assessment tool for monitoring recruiters and recruitment agencies
4. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
5. Results and analysis of monitoring activities will be used for systems improvement and/ or policy and implementation adjustments.

## H-2.8 Decent Working Conditions Policy Statement and Policy Implementation Procedures for Decent Working Conditions



บริษัทอุตสาหกรรมน้ำปลาระยองจำกัด  
สนง.:236/12สารุประดิษฐ์ บางโพรงพาง ยานนาวา กทม.10120  
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### ANNOUNCEMENT DECENT WORKING CONDITIONS POLICY STATEMENT

#### ***Commitment to Decent Work Principles***

Our Company is committed to upholding the four pillars of decent work which are: respect for fundamental principles and rights at work (ILO Core Labor Standards); creation of productive employment and income opportunities for women and men; provision of social protection; and promotion of social dialogue.<sup>149</sup> Since decent work depends on work being carried out under conditions of freedom, equality, security and human dignity, our Company is committed to implementing this Policy to achieve those elements in our workplace and business environment; and eventually, our supply chain. Moreover, our Company recognizes that to eliminate worker abuse and exploitation, working conditions at the factory must be supported by the implementation of a Responsible Recruitment Policy.

Intense global competition tends to pressure working conditions and labor standards on a downward spiral, resulting in risks of less secure recruitment and employment arrangements, especially for migrant labor from poorer countries, who are more vulnerable and have weak bargaining power. However, our Company recognizes that this is not a situation conducive for recruitment of a dedicated workforce that is central to increased productivity. Fortunately, Thailand has made progress in strengthening national labor laws and regulations, as well as fishery laws and regulations<sup>150</sup>, which provide the seafood sector with a framework for compliance to the ILO Core Labor Standards. Therefore, our Company will ensure that Thai national labor laws, and related fishery laws, are followed, for both Thai and migrant workers, when setting policy implementation strategies and targets as well as day-to-day operational procedures.

Our Company views social protection and social dialogue as necessary components in creating economic incentives that promote social goals for our Company and the seafood sector as a whole. We are prepared to invest in building skills for longer term capabilities, safer jobs for a more secure work environment and gender equality for a more efficient workforce.

<sup>149</sup> ILO Declaration on Decent Work for All in a Global Economy, 1999.

<sup>150</sup> Labor Protection Act B.E. 2541 (1998), revisions up to B.E. 2562 (2019); Child Protection Act of 2003; Anti-Trafficking in Persons Act B.E. 2551 (2008, amended in 2015); Royal Decree on Managing the Work of Aliens B.E. 2560 (2017); Ministerial Regulation on the Protection of Labor in Fisheries B.E. 2557 (2014); Ministerial Regulation on Establishments Prohibited from Employment of Children under 18 years of Age B.E. 2559 (2016)

## **Zero Tolerance Areas**

Our Company recognizes the importance of commitment to ethical principles that respect human rights and enable all persons, including women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we take a strong stand against all forms, manifestations, indications and evidence of inhumane treatment related to human trafficking; forced, bonded, slave, indentured and involuntary compulsory labor; child labor; discrimination on the basis of gender, race, religion, sexual orientation, disability, including sexual harassment; the right to freedom of association and collective bargaining as well as any practices that could compromise the lives, health, safety and dignity of job-seekers and workers.

Our Company consider such acts as non-negotiable, unethical and illegal; so will take action against perpetrators, knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives, property, well-being as well as their opportunities and abilities for decent work and income.

## **Applicability and Scope**

Our Company and all our employees will NOT engage in, encourage, support or excuse – directly or indirectly - any violations of the fundamental human rights and rights of workers as defined in the above-mentioned four core international ILO Labor Standards (based on eight core ILO conventions)<sup>151</sup> and defined in our other Company Policies for each of those core labor rights. At the same time, our Company is committed to NOT doing business with any individual or organization, especially labor recruiters and recruitment agencies, which have been implicated or suspected or charged and proven beyond doubt to have violated fundamental human rights and rights of workers especially involvement in human trafficking, the use of child labor; forced, bonded, slave, indentured, involuntary compulsory labor; sexual harassment or exploitation; in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, including recruiters, that may be/have been involved with the above-mentioned unethical and illegal acts.

Our Company will NOT use forced labor as punishment or disciplinary measure for workers expressing their views or associating with other workers or reporting violations to this Policy; nor as a means of gender, racial, religious or other discrimination.

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on decent work. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

## **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by

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<sup>151</sup> ILO Core Convention: C29- Forced Labor Convention, 1930; C105- Abolition of Forced Labor Convention, 1957; C87-Freedom of Association and Protection of the Right to Organize Convention, 1948; C98- Right to Organize and Collective Bargaining Convention, 1949; C100-Equal Remuneration Convention, 1951; C111-Discrimination (Employment and Occupation) Convention; C138- Minimum Age Convention, 1973; C182 – Worst Forms of Child Labor Convention, 1999



Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to implement decent work principles.

***Please be informed that this policy takes effect from the date of signing.***

.....  
**(Chaiwin Yongsawatdigul)**  
**Managing Director**  
**Date: \_\_\_\_\_**

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### Policy Implementation Procedures for Decent Working Conditions

Prepared By	Reviewed By	Approved By
..... <b>(Ms. Channa Chuenchom)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>	..... <b>(Mr. Chaiwin Yongsawatdigul)</b>
...../...../.....	...../...../.....	...../...../.....


### Policy Implementation Procedures for Decent Working Conditions

#### A. Objectives:

1. To ensure that our Company's Decent Working Conditions Policy is understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's Decent Working Conditions Policy
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant workers and women, in order to address potential inequalities within the workforce

#### B. Delegation of Responsibilities

1. The Managing Director will formally appoint a Social Management System (SMS) Team led by the Human Resources (HR) Manager and composed of a multi-disciplinary, gender-balanced group from key top or middle managers, e.g., Sales, Production, Purchasing, Quality Assurance (QA), Quality Management Representative (QMR), and Occupational Health & Safety (OHS) Officer.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the Policy and Implementation Procedures. Our Company's Quality management system (QMS) document control and numbering system procedures will apply to documents created for the SMS.
3. Our Company's Managing Director will be responsible for approving the Policy Statement and the Policy Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within a reasonable time after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.

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4. Once our Company's Managing Director approves the Policy and Compliance Plan, they will be posted on the Company's bulletin board within one week of approval. The Policy and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. This Policy and Compliance Plan will be included in the agenda of our Company's annual management review. The QMR will be responsible for drafting the agenda, documenting the review process, minutes of the meeting and resulting action, following current QMS procedures
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the Policy and Compliance Plan. Assessment and evaluation protocols will follow our current QMS procedures.


### C. Company Due Diligence<sup>152</sup>

1. Our Company will compile information on source and destination countries for migrant workers as well as raw material suppliers including: country risk ratings (e.g., Trafficking in Persons, or TIP ratings); legal frameworks for fundamental principles and rights at work (ILO Core Labor Standards)<sup>153</sup> and national laws, including those for protecting women and children; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; labor brokers, recruiters/recruitment agencies for the seafood sector; and related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and to develop other implementation strategies.
2. Our Company will compile, as legal reference, Thai laws, regulations and official announcements that pertain to recruitment and employment of Thai and migrant workers; management of migrant workers; and related fishery laws and amendments that impact compliance to recruitment and employment practices in the seafood sector.<sup>154</sup>
3. Our Company will carry out a supply chain mapping of our suppliers, subcontractors, agents, brokers, other external service providers, especially recruiters/recruitment agencies.


<sup>152</sup> BSCI Responsible Recruitment Guidelines for BSCI Participants, September 2017

<sup>153</sup> ILO General Principles and Operational Guidelines for Fair Recruitment (section III.1), 2016

<sup>154</sup> Labor Protection Act B.E. 2541 (1998), revision up to B.E. 2562 (2019); Child Protection Act of 2003; Anti-Trafficking in Persons Act B.E. 2551 (2008, amended in 2015); Royal Decree Concerning Rules on Bringing Migrant Workers into the Kingdom for Employment B.E. 2559 (2016); Royal Decree on Managing the Work of Aliens B.E. 2560 (2017); Alien Work Act B.E. 2551 (2008), Ministerial Regulation on Establishment Prohibited from Employment of Children under 18 years of age B.E. 2559 (2016), Ministerial Regulation on the Protection of Labor in Fisheries B.E. 2557 (2014)

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4. For the recruitment options we use, our Company will map flow diagrams of the recruitment processes and steps, identify organizations involved and inputs and outputs at each step. Information will be documented in forms/templates to be developed specific for the purpose.
5. For each link in the supply chain, starting with the Company's factory itself, first-tier service providers i.e. recruitment agencies, and suppliers for main seafood raw material, our Company will obtain business information for use in determining vulnerable workers and potential risks of violation of the ILO Core Labor Standards at all stages from recruitment to employment. For cross-border recruitment agencies, information for the pre-recruitment and post-employment steps will be included. Procedures, forms and templates will be adapted or developed specifically for information gathering and social risk assessment.
6. Each link in the supply chain will then be evaluated and scored for potential risk and impact on the company's business, reputation, stakeholders following developed protocols. Rank and score will determine significant business partners.
7. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and policies, which we will send to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our Policies.
8. Based on available personnel and time, assessments of significant business partners will be scheduled according to their risk rating to assess their compliance to our eight core policies and other SMS requirements. Purchasing and IQA Procedures will be adapted accordingly.
9. Procurement Policies – We reserve the right to procure material and services only from suppliers, subcontractors, service providers that are willing to comply with our Policy and sign an agreement in good faith to work with us based on trust, transparency and accountability. COC, supplier evaluation, social risk assessment documents will be adapted to include social system components including recruitment
10. Special checks on organizations and individuals – To ensure that our internal and external stakeholders have not been blacklisted for violations of any core international ILO Labor Standards, we reserve the right to check international websites and links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will refer to publicly available information on the internet and news media or seek assistance from NGOs or industry associations or government agencies, if and when possible.
11. Updates on reference criteria – We will keep track of updates, changes, developments, revisions to Thai Labor Laws and regulations, international


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conventions and standards, as well as buyer and market requirements and information in order to keep our Policy and Implementation Procedures relevant.

12. For our Company’s HR department and external recruiters/recruitment agencies, who have a crucial role in reducing the vulnerability of women and migrant workers to violations of their rights and in promoting equal access to opportunities, our Company will develop a gender-sensitive assessment tool that can be used for due diligence and for internal audits.

**D. Awareness**


1. Our Company will organize group meetings for all managers and employees, from top management to line workers, to discuss responsible recruitment and decent working conditions within a month of approval of the Decent Working Conditions Policy or any revisions.
2. The awareness-raising training session will introduce the Company’s Decent Working Conditions Policy and Policy Implementation Procedures as well as reference the Company’s Recruitment Policy. The session will define our requirements for respect for fundamental principles and rights at work; compliance to applicable Thai Labor Laws and regulations; employment and income opportunities for women and men in a safe, productive environment; provision of social protection; and promotion of social dialogue. Fundamental principles of a robust SMS such as transparency for all stakeholders; protection for all workers throughout the recruitment and employment processes; and access to grievance mechanisms, dispute resolution and appropriate remediation, will also be included. For each of these topics, good practices and zero-tolerance practices will be pointed out, together with the local and international legal frameworks that exist to support them.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company’s Policy Implementation Procedures to suppliers and recruitment agencies; how to prevent, recognize, report violations and protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents, corrective and preventive actions. .
4. The awareness-raising and implementation training sessions will be held regularly according to our Company’s orientation and annual Training Master Plan to reach all managers and workers within the six-month period after announcement of the Policy.
5. Trainers will be selected from the SMS Team or Internal Quality Audit (IQA) Team and assigned specific topics in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.

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6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, not only in the factory but also for the surrounding community and , when possible, through primary and secondary information, the source country for migrant workers, with in-depth focus on the operations of brokers, agents, recruiters and recruitment agencies.

### **E. Requirements**

1. Recruitment Policies and Practices (including Pre-Arrival for Migrant Workers) – All of the requirements for due diligence, licensing, documentation, transparency, training and verification listed under sections C, D, and E.I of our Responsible Recruitment Policy Implementation Procedures must be met for both our internal HR and external recruiters/recruitment agencies.
2. Hiring Policies and Practices (including Post-Arrival for Migrant Workers) – All requirements described under this section of our Responsible Recruitment Policy Implementation Procedures apply to our internal HR and external recruiters/recruitment agencies. Some items are further expanded in sections below.
3. Employment Contract:
  - a. Language – A written Employment Contract between our Company and the new hire will be written in the language of the Thai or migrant worker. Should there be literacy or language challenges, arrangements will be made for qualified interpreters/translators. Each party will retain a signed exact same copy or signed certified (as to accurate translation) exact same copy of the Contract.
  - b. Job Description and Location – The new hire will be provided with a clear job description indicating the type and nature of work expected, the position in which the worker is employed, the location where the work will be performed, and who the worker reports to and works with. These must match what the worker agreed to.
  - c. Rights and Responsibilities – The new hire shall be given an orientation on worker rights and responsibilities in relation to upholding policies and rules of the Company related to international labor standards and Thai Labor Laws. If available, easy-to understand posters, mini-booklets, pamphlets, flyers on related topics will be provided.
  - d. Terms of Agreement – Details of working conditions at the point of recruitment shall match details contained in the Employment Contract at the time of hiring. As allowed by Thai Labor Laws, and within mandated conditions for such agreements, part-time and seasonal work-for-hire contracts can be allowed to supplement regular employment.

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- e. Amendments and Changes – Our Company prohibits changes or substitution of provisions that will disadvantage and impact the worker negatively, in terms of diminishing originally anticipated wages, benefits, conditions and location of work, position; or introduce any physical or mental risk resulting in vulnerability. Any amendments to the Contract shall be made for improvement and with the knowledge and informed written consent of the worker, obtained without the threat of penalty.
  - f. Termination – The rights and responsibilities of each party to the Contract regarding termination of employment shall be clearly specified. The circumstances in which a worker can terminate the Contract without penalty, given reasonable notice and in accordance with Thai Labor Laws, will be clearly documented and agreed upon. The required notice period for early termination shall not exceed one month or as specified by Thai Labor Laws, whichever is shorter.
  - g. Disciplinary Action – The worker shall be informed of Company Rules regarding the nature, process and timelines of disciplinary actions. Our Company has zero tolerance for the use of violence, force, intimidation, threats, harassment for disciplinary actions.
  - h. Grievance and Appeals – All workers have the right to file a complaint or grievance, in confidence if preferred, through channels provided by the Company. If the issues raised are not satisfactorily resolved, all workers have the right to appeal. These rights should be documented in the Contract and explained to the worker.
  - i. Remediation – The Contract should address the extent of responsibilities of the Company and/or recruiter in case of incidents requiring remediation or repatriation, according to Company Rules.
4. Working Conditions
- a. Working Hours and Breaks
    - Workers are not forced to work more than the number of hours allowed by Thai Labor laws or during holidays and leave.
    - Working hours do not exceed the hours per day, hours per week; and total working hours including overtime mandated by Thai Labor Laws.
    - Work breaks shall be specified in accordance with Thai Labor Laws.
    - Workers track their own working hours using electronic or other quantifiable verifiable timekeeping methods.
  - b. Overtime

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- Overtime is the exception, rather than the rule in day-to-day operations
- All overtime work is voluntary. Workers shall not be forced directly or indirectly.
- Workers are free to refuse overtime without threat or fear of punishment.
- For those who agree to overtime, there shall be a system to obtain their written consent at the time of the request.
- Overtime work will be paid premium rates as stipulated in Thai Labor Laws.


c. Wages

- All workers, irrespective of gender, race, religion, sexual orientation and other discriminatory factors, shall be paid at least the minimum wage mandated by Thai Labor Laws for the particular province where the Company operates.
- Apart from regular workers, part-time workers, piece-rate workers, workers under the probationary period, workers hired through agencies, workers who are members of cooperatives, are also entitled to at least minimum wage.
- Wages shall be paid based on the principle of equal value, equal pay.
- Wage rates and payments are calculated with full transparency. Calculation of overtime and legal deductions are clearly explained and understood.
- Payment of wages shall be regular and timely following an announced pre-determined schedule acceptable to workers.
- Payment shall not be deferred, delayed or withheld to bind workers to the workplace against their will.
- “In kind” payments are not acceptable. Payments can be made in cash or through bank accounts with an ATM (automatic teller machine) cards. Whatever option is used, there shall be clear documentation of calculation and proof that the workers received payment in full and on time.
- There shall be no illegal deductions from workers’ wages.

d. Benefits and Deductions


- Benefits mandated in Thai Labor Laws shall be provided to all workers. Under the Social Security Fund, workers are entitled to health




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insurance, maternity and sick leave, disability and employment injury payment, and old age pension.

- Our Company shall comply with Thai Labor Laws which allow monthly legal deductions for Withholding Tax for personal income and Social Security Fund.
  - Unlawful and unauthorized deductions from wages are not allowed. Any pre-agreed deductions shall be clearly described in the employment contract and receive written worker consent.
  - Deductions for time spent on training related to the worker’s job, especially OHS training; for personal protective equipment (PPE), uniforms, tools for the job; basic needs, such as sanitary facilities and clean drinking water; are not acceptable.
  - Other benefits which our Company will provide include free meals for overtime, transportation allowance for messengers and sales personnel, cost of living allowance for line workers and supervisors.
  - Our Company does not provide subsidized housing, or wage advances or loans, hence there shall be no deductions for these.
  - Deductions for tardiness or workdays missed shall be reasonable and justifiable.
  - Deductions shall not be used for disciplinary measures or for forced labor.
- e. Holidays and Leave
- Company policies must follow Thai Labor Laws which define “holidays” as public holidays, weekends/days off, annual leave; while “leave” refers to six categories – errand, sick, maternity, training, military, sterilization.
  - All of these categories must be defined and explained to the employee/worker clearly as to number of days allowed, number of days paid, whether they could be carried over to the following year or repaid as cash amount, etc. It is important that they are either included in the Employment Contract or attached as Company Rules or Employee Handbook (and referenced in the Contract)
  - The Company shall use the most current version of Thai Labor Laws.
- f. Workplace Health and Safety
- A workplace OHS risk assessment is recommended to identify potentially unsafe areas or practices, especially for vulnerable workers.

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- Special considerations shall be given to pregnant women or nursing mothers in terms of facilities, flexibility in work hours and job assignments.
  - OHS training shall be provided, minimum, based on what Thai law mandates
  - Emergency evacuation, fire-fighting and first-aid training shall be provided to all workers irrespective of their job and the area they are assigned to work in.
  - Analysis of incidents and risks to workers' lives, health and safety shall be considered when reviewing grievance and remediation strategies.
- g. Bonuses, Incentives and Promotion
- There shall be a quantifiable documented system of evaluating individual job performance and ability to justify awards of bonuses and incentives
  - Production targets or other KPIs (key performance indicators) shall be set at the same level for women and men.
  - A qualification and performance-based system of evaluation shall guide job promotion.
  - The Company shall encourage women to apply for work or request to receive additional training in order to be able to work in areas traditionally reserved or considered as for men only, e.g., mechanics, machine operators
  - Similarly, the Company shall encourage women to take management positions
  - For the same or different positions of equal value, women and men must receive the same pay or pay increase.
- h. Dismissal, Resignation, Severance
- The Company shall document its standard disciplinary processes for non-conformances to Company Rules and Policies. This shall be communicated to and understood by all workers.
  - The Company shall also document rules for giving advance notice for resignation and any payments due to the workers. These shall not be stricter than those allowed by Thai Labor Laws.
  - Dismissal shall provide clear explanation of the reasons and demonstrate that due process, including adequate prior warning, was given to the employee or worker to make changes or adjustments.


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- Severance pay will be paid according to the most current Thai Labor Laws.

5. Freedom of Movement and Personal Freedom


- a. Workers are free to terminate their contract, under pre-agreed documented protocols
- b. Workers are free to return to their home country during leave, without any penalty or threat of termination. However, if such action compromises their legal status to re-enter Thailand, the Company will not be held responsible.
- c. Workers are free to change jobs. However, within the mandate of relevant Thai Labor Laws for migrant workers, the previous Employer is required to report any resignations or disappearances within a certain period of time to designated government agencies. Risks associated with hiring a migrant worker who, by changing jobs compromises his/her work permit or visa or legal status, will fall on the worker and the new Employer.
- d. Workers are free to dispose of their wages as they choose and our Company will not put any limits or restrictions, except if they are in violation of any of our Policies
- e. Workers have unrestricted access to basic necessities (drinking water, toilets) during both work hours and break times.
- f. Workers are entitled to privacy during their breaks (including bathroom breaks), after work, during their leave and holidays.
- g. Workers can leave the premises after working hours without being stopped by guards (armed or unarmed). If there are any legitimate off premise security concerns (e.g., personal safety or security), these shall be specified prior to signing the contract.
- h. Workers are free to choose accommodation outside of housing arranged by the Company even if that is an option offered to them
- i. Workers who are provided company housing can enter and leave their accommodation without having to ask for permission from the Company or from security personnel. Workers have full access to their personal IDs and belongings at the company housing.
- j. Workers are free to choose whether to participate or not in cooperative savings schemes or investment programs facilitated or initiated by the Company's Welfare Committee or by a financial institution introduced by the Company. If they choose to participate, then workers must have full access to and full control over all savings and money owing.

6. Workplace Equality and Humane Treatment

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- a. The Company shall not tolerate all forms of forced labor: child labor, discrimination based on gender, race, nationality, ethnicity, legal status, sexual orientation, disability.
- b. Migrant workers shall be treated like Thai workers with respect to working conditions, access to training, eligibility for promotion, and membership in worker committees
- c. The Company shall not tolerate any suppliers, subcontractors, service providers that abuse the vulnerability of Thai or migrant workers and use threats or violence.
- d. Disciplinary policies must meet the requirements of Thai Labor Laws. If required, these must be approved by a competent authority for implementation and posted on the notice board in a language that workers understand.
- e. The Company is committed to achieving workplace equality for women and men. Industry standards<sup>155</sup> have identified the following areas where potential gender-based discrimination can occur. Our Company will focus on developing strategies to overcome the challenges in
  - Recruitment and hiring (including no pregnancy testing)
  - Equal remuneration
  - Training and promotion
  - Disciplinary Action and Dismissal
  - Sexual Harassment
  - Maternity Provisions
- f. The Company has zero-tolerance for all types of harassment, especially sexual harassment, which it considers as an extreme form of gender-based discrimination. Sexual harassment leads to a toxic workplace that demoralizes workers and affect their well-being and productivity, which eventually impacts the profitability of the Company.
- g. The Company shall develop a No Sexual Harassment manual or program that addresses
  - Definitions of “unwelcome advances of a sexual nature” and other types of actions that constitute harassment
  - Grievance channels for confidential reporting and protecting victims
  - Procedures regarding investigating and disciplining offenders


<sup>155</sup> Social Accountability International (SAI) Auditing Guidance Document Revision 4, September 20, 2013.

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- Methods of monitoring workplace culture to ensure respect for women
  - Ways of discouraging introduction of pornography, sexually suggestive material, sexual teasing and abusive language among males in the presence of females.
7. Document Retention by Workers – Our Company will not destroy, conceal, confiscate or deny access, to the applicant or worker, of their identity or immigration documents, including passports, work permits and other personal documents, such as bank books or ATM cards. In case the recruiter or employer needs to hold the personal documents temporarily due to legal requirements, the documents will be immediately returned to the worker upon demand and without any pre-conditions. During the holding time, the worker will be provided with an exact copy of the personal documents not in their possession will be notified of the reason for holding and provided updates on the progress of the process where the document is used.
  8. Special procedures and training for vulnerable workers (Pre-arrival)– The recruitment agency contracted by our Company shall provide details on special considerations for women migrant workers at all steps of the pre-arrival phase of the recruitment process. Hard copy or photographic evidence from steps of communication of the availability and nature of the jobs, provisions for transportation, conduct of the interviews and training, including topics taught, methods used, qualifications of the trainer and inclusion of issues specific to addressing potential risks for women migrant workers, shall be provided by the recruitment agency to our Company (as the Employer).
  9. Special training for vulnerable workers (Post-Arrival) - Migrant workers’ training sessions on TIP awareness and anti-TIP implementation as well as training on core ILO Labor Standards will be done in the workers’ language or with the support of interpreters. If potential risks to women are identified, special training for self-defense, confidence building, handling sexual harassment, and other gender-based abuse and exploitation, shall be provided in order to better empower women. Special training, such as the above-mentioned ones, will be added as developed in the Training Master List.

## **F. Recognition**

1. The SMS Team will compile a list of different types of potential Responsible Recruitment policy non-compliances or violations related to the seafood supply chain and the environment/location that the factory operates in. These will be categorized into those related to core international labor standards and those that are under the Thai Labor Laws. They will be ranked in terms of severity with appropriate grievance channels and remediation proposed.

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2. The SMS Team will also compile a list of government agencies, local community groups for Thais and migrants, industry associations, legal societies, non-government organizations (NGOs) and civil society organizations (CSOs) operating in the area, that could provide support for the factory in handling grievance and remediation for such incidents and cases.

### **G. Reporting**

1. It is imperative that every worker, employee or manager understand their obligation to promptly bring to the Company's attention any illegal or unethical activity (actually witnessed or suspected to be) that violates this Policy. This reporting applies to incidents found or observed within the workplace or related to the Company's recruiters/recruitment agencies, subcontractors, service providers and business partners.
2. All workers, employees and managers shall be informed about who to contact and how to contact them anonymously. A 24-hr emergency contact list of Company supervisors, HR or Production managers, top management or directors of the Company, an Ethics Compliance Officer, if designated, a hotline phone number or confidential email and other online links shall be available with instructions and a template that can be filled out with relevant information.
3. The Company does NOT permit disciplinary action or any form of reprisals to be taken against persons reporting in good faith violations of this Policy. However, employees who are found to have violated this policy or committed illegal acts, will be subject to disciplinary action that could possibly lead to termination. Moreover, the Company may, take action against any individual or organization that prevents or delays or refuses to cooperate in the investigation or discovery of violations to this Policy.
4. All efforts will be taken by top management to protect victims and whistleblowers. The Company will take precautions to maintain confidentiality of those individuals who report illegal activity or violations to this Policy as well as of those individuals involved in the alleged violation or inappropriate activity, whether or not the violation is proven to be true or not.
5. There shall be documented procedures for gender-sensitive handling of cases involving women victims in order to protect them from further indignities, harassment or exploitation.

### **H. Grievance Mechanism**

1. A system shall be in place for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; tracking and identifying history and patterns in occurrence and types

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2. The Company will prepare beforehand a list of potential grievances related to this Policy. Suggested categories are: human rights, external recruitment process, internal hiring, contracts.
3. The top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. The preferred point of contact is the provincial Ministry of Social Development and Human Security Office which has a hotline “1300” and provides shelter for children and families, assistance for obtaining legal assistance and health care in abusive situations. Safe houses in undisclosed locations supported by local NGOs/CSOs or women lawyers accompanying women victims when reporting incidents to the police are other options.
4. Disciplinary actions, possibly leading to termination or legal means, must be considered against the perpetrator (individual or organization) in a manner that is commensurate to the violation, fair and just to all.

#### **I. Remediation**

1. The Company shall prepare beforehand a list of potential remediation measures.
2. Steps to take shall be related to the severity of violations with immediate, short term, long term actions considered and documented beforehand. Potential measures could involve internal disciplinary actions; or legal action against the perpetrator; or financial /non-financial compensation, medical and /or legal support, rehabilitation or further education for the victim.
3. The remediation plan shall have corrective and preventive strategies; for women in particular, empowering activities must be included.

#### **J. Monitoring**

1. Internal audits for compliance to this Policy shall be done on the Company’s own SMS using methodology documented in our QMS Manual. Criteria, objectives and scope of the IQA shall be documented together with methodology, findings, recommendations, follow-up results
2. Likewise, pre-qualification or planned surveillance or surprise audits of recruiters and suppliers shall be scheduled at a frequency based on the social risk assessment rating and scores.
3. It is recommended to use a gender-sensitive assessment tool for monitoring recruiters and recruitment agencies.

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4. A No Sexual Harassment checklist and other tools for evaluating progress on Workplace Equality shall be considered for use during the IQA for our Company's SMS.
5. Women shall be included in the IQA Team and trained appropriately for the job, especially for worker interviews.
6. Results and analysis of monitoring activities will be used for systems improvement and/or policy and implementation adjustments.



## Annex I: Company Policy and Procedure Implementation Action Plans

### I-I: General Implementation Action Plan

General implementation action plan on procedures of eight policies during the period of \_\_\_\_\_ to \_\_\_\_\_

Company Name: \_\_\_\_\_

Policy Implementation procedures	Activity	When (For example, January 2020)	By Whom	Progress
<b>A. General Documents Procedures/ Actions Common to all Policies</b>	1. Map company-specific supply chain			
	2. Identify significant business partners (First-tier)			
	3. Obtain information on operations and workers of selected significant business partners operations, workers			
	4. Develop and finalize Policies and Implementation Procedures			
	5. Signing of New Policies and Procedures (8 core policies)			
	6. Announcement of New Policies and Procedures			

Policy Implementation procedures	Activity	When (For example, January 2020)	By Whom	Progress
	7. Appoint SMS Team			
	8. Training and evaluation records of SMS Team on eight core policies			
	9. SMS Team to complete risk assessment per selected company for all eight policies			
	10. Develop protocols for ranking / scoring suppliers and service providers			
	11. Draft monitoring and evaluation plan for suppliers/service providers			
	12. Draft Code of Conduct (COC) to send to suppliers/external service providers			
	13. Send COC to suppliers and service providers for signing			

Policy Implementation procedures	Activity	When (For example, January 2020)	By Whom	Progress
	14. All documents on supply chain mapping and risk assessment numbered and integrated to Company manuals			
	15. Initial awareness training for workers on new policies			
	16. Reference list to company's existing forms, support documents, procedures, work instructions and other policies			
	17. List of additional documents needed for implementation – FM, SD, QP, WI per policy per company			
	18. Master Training Plan for coming year incorporating trainings for all policies			
	19. Reference international conventions standards, laws (labor, fishery, migrant)			

<b>Policy Implementation procedures</b>	<b>Activity</b>	<b>When</b> (For example, January 2020)	<b>By Whom</b>	<b>Progress</b>
	20. International links, websites for checking blacklists, sanction lists			
	21. Support network list – government agencies, CSOs, NGOs, community			
	22. Grievance & Remediation Procedure – steps scope, types, forms, methods			

**I-2: Specific Implementation Action Plan**

**Specific implementation action plan on procedures of eight policies during the period of \_\_\_\_\_ to \_\_\_\_\_**

**Company Name:** \_\_\_\_\_

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
<b>I. Anti-trafficking in persons</b>	<b>I.Procedures, Work Instructions</b> a) Procurement procedures for material and services ensuring sourcing only from compliant suppliers/service providers  b) Selection criteria for recruiters  c) Reporting protocols of incidents of illegal or unethical behavior observed-internal, external  d) Protocols for victims and whistleblower protection, especially sexual exploitation  e) Specific protocols-grievance & remediation						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	<p><b>2. Forms, Records, Support Documents</b></p> <p>a) Training records for vulnerable workers on human and labor rights</p> <p>b) Worker affidavit on personal document retention</p> <p>c) Employment Contract or Company Rules on freedom of movement and personal freedoms</p> <p>d) Recruitment agency photos, forms, fee schedule and other evidence of compliance</p> <p>e) Grievance and remediation records of incidents, root cause analysis, closure, corrective and preventive measures as well as any appeals or mediations</p>						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	<b>3. Practices</b> a) List of questions asked during pre and post- recruitment  b) List of or results of tests mandated pre and post-recruitment  c) Gender-specific questions and interview methods pre- and post-recruitment  d) internal/external auditing checklist, reports, corrective and preventive actions						
	<b>4. Training Topics</b> a) what is TIP- act, method, intent  b) Types– forced/bonded/ indentured labor, child labor, sexual exploitation  c) Occurrence – worldwide, at workplace						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	d) how and why victims are vulnerable  e) impacts on victims  f) potential remediation  g) legislative frameworks for protection  h) prevention and protection at workplace						
<b>2. Freedom of association and collective bargaining</b>	<b>1. Procedures, Work Instructions</b> a) Welfare committee establishment (include gender-balance), elections, meetings  b) Recruitment and dismissal procedures that specify that workers shall not be punished for exercising freedom of association rights						



Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	<b>2. Records, Forms, Support Documents</b> a) evidence of welfare committee or worker representative election  b) minutes of Welfare Committee meetings  c) any Collective Bargaining agreements  d) any complaints/ grievances and resolution						
	<b>3. Practices</b> a) encouragement and incentives for women to be workers' representatives  b) interview questions to determine disciplinary action or grievances related to prevention of exercise of right						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	c) internal/external auditing checklists, reports, corrective and preventive action						
	<b>4. Training Topics</b> a) Definitions of ILO Conventions on freedom of association and collective bargaining  b) Why these freedoms are important to the workers and to the employer  c) Thai Labor Laws requirements for Welfare Committee  d) Good practices compliant with these rights  e) Violations of these rights especially for migrant workers  f) impacts of non-compliance to workers and businesses						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
<b>3. Grievance and remediation</b>	<b>1. Procedures, Work Instructions</b> a) Grievance mechanisms and remediation strategies with victim and whistleblower protection and confidentiality protocols  b) Specific protocols for each policy with specific instructions based on severity/impact  c) Management of closure, appeals, mediation  d) Clear remediation responsibilities among employer and recruitment agency (ies)						
	<b>2. Forms, Records, Support Documents</b> a) Grievance flowchart with forms, numbering, categorization, timelines						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;  N= none, not yet;  I= needs improvement			Date	By	
		Y	N	I			
	b) Categories for type, severity, remediation, root cause analysis, correction, prevention  c) contract or agreement between employer and recruitment agency (ies) on remediation  d) Support network for handling remediation						
	<b>3. Practices</b> a) training of HR on interviewing, monitoring, investigating and verifying, including gender-sensitive training  b) internal systems implementation assessment tools, frequencies, methods  c) (on-site) assessments- suppliers/recruiters						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	d) analysis of compliance from internal and external checklists, reports, certification						
	<b>4. Training Topics</b> a) definitions – complaints, grievance, remediation, mediation, repatriation  b) categories and severity of grievances  c) direct or indirect involvement  d) confidentiality and transparency  e) remediation methods – judicial & non-judicial; financial & non-financial, prevention						
<b>4. No child labor policy</b>	<b>I.Procedures, Work Instructions</b> a) Age verification protocols- additional WIs						

Policy Implementation Procedures  (Specific Documents)	Activity	Status  Y= existing, complete;  N= none, not yet;  I= needs improvement			When & By Whom		Remarks from/ Notes by Company
		Y	N	I	Date	By	
	b) Managing inadvertent child labor, young workers found in recruitment / employment  c) Progressive removal procedures  d) Child protection policy and protocols  e) Clear remediation responsibilities among employer and recruitment agency (ies)						
	<b>2. Forms, Records, Support Documents</b> a) Workers' personal information related to own age; and children's ages/school data  b) HR interview questionnaire with gender-sensitive questions  c) evidence from recruiters including photos, Informed						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	consent -guardians, if needed  d) any previous known incidents in the area, together root cause, correction, prevention  e) contract or agreement between employer and recruitment agency (ies) on remediation  f) Support network for handling remediation						
	<b>3. Practices</b> a) training of HR on interviewing, monitoring, investigating and verifying, including gender-sensitive and child protection training  b) internal systems implementation assessment tools, frequencies, methods						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	c) assessments of suppliers and recruiters, including source country agents, brokers						
	<b>4. Training Topics</b> a) definitions – child, young workers,  b) “light work”, safe work, worst forms of child labor; unacceptable practices  c) where and how child labor can occur pre- and post-recruitment  d) direct or indirect involvement  e) progressive removal – child protection, confidentiality, transparency, compliance with national laws and international conventions  f) remediation and rehabilitation						



Policy Implementation Procedures  (Specific Documents)	Activity	Status  Y= existing, complete;  N= none, not yet;  I= needs improvement			When & By Whom		Remarks from/ Notes by Company
		Y	N	I	Date	By	
	methods – schooling, health care, protection; root cause, correction and prevention analysis						
<b>5. No forced/bonded labor</b>	<b>I.Procedures, Work Instructions</b> a) Procurement procedures for material and services ensuring sourcing only from compliant suppliers/service providers  b) Selection criteria for recruiters  c) Reporting protocols of incidents of illegal or unethical behavior observed-internal, external						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	d) Protocols for victims and whistleblower protection  e) Specific protocols-grievance & remediation  f) Monitoring/Verification/Auditing protocols						
	<b>2. Forms, Records, Support Documents</b> a) Training records for vulnerable workers on human and labor rights  b) Worker affidavit on personal document retention  c) Employment Contract or Company Rules on freedom of movement and personal freedoms  d) Recruitment agency photos, forms, fee schedule						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	and other evidence of compliance  e) Grievance and remediation records of incidents, root cause analysis, closure, corrective and preventive measures as well as any appeals or mediations  f) internal/external monitoring/auditing checklists, results, reports and analysis						
	<b>3. Practices</b> a) List of questions asked during pre and post- recruitment  b) List of or results of tests mandated pre and post-recruitment  c) Gender-specific questions and interview methods pre- and post-recruitment  d) corrective and preventive actions						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	on internal/external auditing results and reports						
	<p><b>4. Training Topics</b></p> <p>a) Forced labor as TIP- act, method, intent</p> <p>b) Types or forced labor- bonded, indentured, c) acts and methods for inducing involuntary compulsory labor – direct and indirect means</p> <p>c) Occurrence – prior to recruitment, during recruitment and employment, at the workplace and within the community</p> <p>d) how and why victims are vulnerable</p> <p>e) impacts on victims and on businesses</p> <p>f) potential remediation</p>						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	g) legislative frameworks for protection  h) prevention and protection at workplace						
<b>6. Non-discrimination</b>	<b>I.Procedures, Work Instructions</b> a) Recruitment and employment procedures that are non-discriminatory  b) Procurement procedures for material and services ensuring sourcing only from compliant suppliers/service providers  c) Selection criteria for recruiters  d) Sexual harassment management protocols  e) Reporting protocols of incidents of illegal or unethical behavior observed-internal, external						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	f) Protocols for victims and whistleblower protection  g) Specific protocols-grievance & remediation  h) Monitoring/ Verification/ Auditing protocols						
	<b>2. Forms, Records, Support Documents</b> a) Training records for vulnerable workers on human and labor rights  b) Evidence of non-discriminatory recruitment and employment practices (e.g. job postings/description, salary rates for same job)  c) Qualification-based criteria for promotion, bonus, incentives, benefits						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	d) Maternity and training provisions  e) Employment Contract terms & conditions  f) Company Rules on disciplinary action,  g) Recruitment agency photos, forms, fee schedule and other evidence of compliance  h) Grievance and remediation records of incidents, root cause analysis, closure, corrective and preventive measures as well as any appeals or mediations  i) internal/external monitoring/auditing checklists, results, reports and analysis						
	<b>3. Practices</b> a) List of questions asked during pre and post- recruitment						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	b) List of or results of tests mandated pre and post-recruitment  c) Gender-specific questions and interview methods pre- and post-recruitment  d) maintaining confidentiality  e) investigating incidents accurately and with gender sensitive means  f) appropriate corrective/preventive actions on internal/external auditing results/reports						
	<b>4. Training Topics</b> a) Definition of discrimination  b) Rights to equal value, equal pay  c) Gender-based vs. non-gender based						



Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	d) Acts/methods – direct and indirect means  e) sexual harassment/abuse as extreme form  f) how and why victims are vulnerable  g) impact on victims and businesses  h) where and how discrimination can happen during recruitment and employment, at the workplace and in the community  i) potential remediation  j) legislative frameworks for protection  k) prevention and protection at workplace						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
<b>7. Responsible recruitment</b>	<p><b>I.Procedures, Work Instructions</b></p> <p>a) Recruitment Manual that emphasizes qualifications-based recruitment, respect for fundamental human and labor rights, uphold the principles of decent work</p> <p>b) Selection criteria for recruiters that specify licensing; compliance with national laws and respect for fundamental human and labor rights; guarantee of protection for workers, including document retention, freedom of movement, personal freedoms, throughout all steps of recruitment</p> <p>c) grievance mechanisms and remediation strategies with victim and whistleblower</p>						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	protection and confidentiality protocols  d) Clear remediation responsibilities among employer and recruitment agency (ies)						
	<b>2. Forms, Records, Support Documents</b> a) Contract between recruiter and worker- if in their language, also a certified translation  b) Contract between employer and recruitment agency (Thai)  c) Contract between Thai recruitment agency and source country recruiters, brokers, agents with certified translations  d) Pre- /post-arrival training proof/ content						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	<p>e) Evidence of employment terms and conditions promised to workers and workers' understanding of those terms and conditions</p> <p>f) Evidence of fees charged to workers including any for recruitment, processing, transportation, accommodation, training</p> <p>g) Photographs, videos, documents and other electronic or hard copy evidence of compliance to company's job descriptions and Thai national labor laws</p> <p>h) grievance and remediation protocols specifying type, severity, remediation, root cause analysis, correction, prevention</p>						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;  N= none, not yet;  I= needs improvement			Date	By	
		Y	N	I			
	i) contract or agreement between employer and recruitment agency (ies) on remediation  j) Support network for handling remediation						
	<b>3. Practices</b> a) training of HR on interviewing, monitoring, investigating and verifying worker information and issuing job postings/ job descriptions, including gender-sensitive training  b) internal systems implementation assessment tools, frequencies, methods  c) (on-site) assessments-suppliers/recruiters  d) analysis of compliance from internal and external						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;  N= none, not yet;  I= needs improvement			Date	By	
		Y	N	I			
	checklists, reports, certification						
	<p><b>4. Training Topics</b></p> <p>a) definitions – due diligence, fundamental human and labor rights, responsible recruitment, decent work, transparency, accountability, worker protection</p> <p>b) importance of responsible recruitment and decent work to business and workers</p> <p>c) own company’s and recruitment agency’s compliance with national labor laws and international conventions and standards</p> <p>d) providing workers access to grievance mechanisms, remediation, mediation</p>						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	e) direct or indirect involvement  f) confidentiality and transparency  g) remediation methods – judicial & non-judicial; financial & non-financial, prevention						
<b>8. Decent working conditions</b>	<b>I. Procedures, Work Instructions</b> a) Recruitment Manual that emphasizes use of licensed recruiters that emphasize qualifications-based recruitment, respect for fundamental human and labor rights, comply with national laws and uphold the principles of decent work  b) Company Rules that emphasize decent work principles for productive employment and income opportunities for						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	<p>women and me; provision of social protection, promotion of social dialogue under conditions of freedom, equality, security and human dignity</p> <p>c) Company Rules and Employment Contract ensuring document retention by workers, workplace freedom of movement, personal freedoms, including at housing, if provided</p> <p>d) Company Rules and Employment Contract that encourage gender sensitivities in areas of equal pay; access to job promotion; benefits, bonus, incentives; maternity provisions; training; and a harassment-free workplace</p> <p>e) Grievance mechanisms and</p>						



Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	remediation strategies with victim and whistleblower protection and confidentiality protocols						
	<p><b>2. Forms, Records, Support Documents</b></p> <p>a) Employment Contract between Employer and Worker - in the worker's language (with certified translation) – in duplicate with signed copy to the worker and copy to employer</p> <p>b) Evidence of employment terms and conditions promised to workers and workers' understanding of those terms and conditions are reflected correctly in the Employment Contract terms and conditions</p>						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	<p>c) Evidence that migrant workers received explanation of their rights in their language and of the content of the Employment Contract prior to signing</p> <p>d) Evidence of fees charged to workers including any for recruitment, processing, transportation, accommodation, training</p> <p>e) Post-arrival orientation training and occupational health and safety training prior to work compliant with Thai Labor Laws. Orientation must specify nature of job, including associated risks; responsibilities; reporting hierarchy; rights and freedoms, Company Policies and Rules</p>						

Policy Implementation Procedures  (Specific Documents)	Activity	Status  Y= existing, complete;  N= none, not yet;  I= needs improvement			When & By Whom		Remarks from/ Notes by Company
		Y	N	I	Date	By	
	<p>f) Company Rules explanation on work hours, benefits, wage payment method and cycle, holidays and leave, disciplinary action, resignation, dismissal, severance</p> <p>g) grievance and remediation protocols specifying method of access, filing complaint or grievance, follow up of progress and updates, investigation, remediation, root cause analysis, correction, prevention</p>						
	<p><b>3. Practices</b></p> <p>a) review of Employment Contract terms and conditions to ensure they match what was promised to the workers</p> <p>b) training of HR on interviewing, monitoring, investigating and</p>						

Policy Implementation Procedures  (Specific Documents)	Activity	Status			When & By Whom		Remarks from/ Notes by Company
		Y= existing, complete;	N= none, not yet;	I= needs improvement	Date	By	
		Y	N	I			
	verifying information, including gender-sensitive training  c) internal systems implementation assessment tools, frequencies, methods  d) (on-site) assessments-suppliers/recruiters  e) analysis of compliance from internal and external checklists, reports, certification						
	<b>4. Training Topics</b> a) worker rights and responsibilities including freedom of movement, personal freedoms and protection from zero tolerance practices  b) access to grievance and remediation with confidentiality and protection						

## Annex J: A Sample of Recruitment Agency Policies and implementation procedures

### J-1: 8Tidgoodpower Policies and Implementation Procedures

#### J-1.1: Anti-Trafficking in Persons (TIP) Policy Statement

### ANNOUNCEMENT ANTI-TRAFFICKING IN PERSONS (TIP) POLICY STATEMENT

#### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all acts of TIP, or human trafficking, during recruitment, transfer, transportation, harboring, receipt or hiring of persons; by use of all means involving threats, force, harassment, coercion, fraud, abduction, deception, direct or indirect abuse of power, giving or receiving payments or benefits; to obtain control of persons with the intent of exploitation in the form of forced labor,<sup>156</sup> sex trade of women and children, and other forms of TIP.<sup>157</sup>

Our Company recognizes the importance of commitment to ethical principles that respect human rights and enable all persons, particularly women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we choose to take a strong stand against all forms of TIP, knowing that TIP harms or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating physical and psychological risks that could cause temporary or permanent damage or injury to their lives and well-being as well as their ability to work.

#### **Applicability and Scope**

Our Company and all our employees will NOT : engage in trafficking in persons, support or encourage TIP, directly or indirectly; procure or encourage any type of commercial sex acts or sexual exploitation; use forced labor in its operations; purchase from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with human trafficking.

The Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this policy, non-severe or severe, at all times, at work or in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company's policy and position on TIP. At the same time, our Company will hold all of our stakeholders to high standards of transparency and accountability in their actions.

#### **Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company's capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to minimize, reduce or eliminate TIP.

<sup>156</sup> Anti-Trafficking in Persons Act B.E. 2551 (2008), amended 2015, Royal Enactment on the Amendment in 2019

<sup>157</sup> The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000 (Palermo Protocol)

**Please be informed that this policy takes effect from the date of signing.**

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(                      )  
**Managing Director**  
**Date:** \_\_\_\_\_

## J-I.2: Decent Working Conditions Policy Statement

### ANNOUNCEMENT DECENT WORKING CONDITIONS POLICY STATEMENT

#### **Commitment to Decent Work Principles**

Our Company is committed to upholding the four pillars of decent work which are: respect for fundamental principles and rights at work (ILO Core Labor Standards); creation of productive employment and income opportunities for women and men; provision of social protection; and promotion of social dialogue.<sup>158</sup> Since decent work depends on work being carried out under conditions of freedom, equality, security and human dignity, our Company is committed to implementing this Policy to achieve those elements in our workplace and business environment; and eventually, our supply chain. Moreover, our Company recognizes that to eliminate worker abuse and exploitation, working conditions at the factory must be supported by the implementation of a Responsible Recruitment Policy.

Intense global competition tends to pressure working conditions and labor standards on a downward spiral, resulting in risks of less secure recruitment and employment arrangements, especially for migrant labor from poorer countries, who are more vulnerable and have weak bargaining power. However, our Company recognizes that this is not a situation conducive for recruitment of a dedicated workforce that is central to increased productivity. Fortunately, Thailand has made progress in strengthening national labor laws and regulations, as well as fishery laws and regulations<sup>159</sup>, which provide the seafood sector with a framework for compliance to the ILO Core Labor Standards. Therefore, our Company will ensure that Thai national labor laws, and related fishery laws, are followed, for both Thai and migrant workers, when setting policy implementation strategies and targets as well as day-to-day operational procedures.

Our Company views social protection and social dialogue as necessary components in creating economic incentives that promote social goals for our Company and the seafood sector as a whole. We are prepared to invest in building skills for longer term capabilities, safer jobs for a more secure work environment and gender equality for a more efficient workforce.

#### **Zero Tolerance Areas**

Our Company recognizes the importance of commitment to ethical principles that respect human rights and enable all persons, including women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we take a strong stand against all forms, manifestations, indications and evidence of inhumane treatment related to human trafficking; forced, bonded, slave, indentured and involuntary compulsory labor; child labor; discrimination on the basis of gender, race, religion, sexual orientation, disability, including sexual harassment; the right to freedom of association and collective bargaining as well as any practices that could compromise the lives, health, safety and dignity of job-seekers and workers.

Our Company consider such acts as non-negotiable, unethical and illegal; so will take action against perpetrators, knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary

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<sup>158</sup> ILO Declaration on Decent Work for All in a Global Economy, 1999.

<sup>159</sup> Labor Protection Act B.E. 2541 (1998), revisions up to B.E. 2562 (2019); Child Protection Act of 2003; Anti-Trafficking in Persons Act B.E. 2551 (2008, amended in 2015); Royal Decree on Managing the Work of Aliens B.E. 2560 (2017); Ministerial Regulation on the Protection of Labor in Fisheries B.E. 2557 (2014); Ministerial Regulation on Establishments Prohibited from Employment of Children under 18 years of Age B.E. 2559 (2016)

or permanent damage or injury to their lives, property, well-being as well as their opportunities and abilities for decent work and income.

**Applicability and Scope**

Our Company and all our employees will NOT engage in, encourage, support or excuse – directly or indirectly - any violations of the fundamental human rights and rights of workers as defined in the above-mentioned four core international ILO Labor Standards (based on eight core ILO conventions) <sup>160</sup> and defined in our other Company Policies for each of those core labor rights. At the same time, our Company is committed to NOT doing business with any individual or organization, especially labor recruiters and recruitment agencies, which have been implicated or suspected or charged and proven beyond doubt to have violated fundamental human rights and rights of workers especially involvement in human trafficking, the use of child labor; forced, bonded, slave, indentured, involuntary compulsory labor; sexual harassment or exploitation; in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, including recruiters, that may be/have been involved with the above-mentioned unethical and illegal acts.

Our Company will NOT use forced labor as punishment or disciplinary measure for workers expressing their views or associating with other workers or reporting violations to this Policy; nor as a means of gender, racial, religious or other discrimination.

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company’s policy and position on decent work. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

**Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to implement decent work principles.

**Please be informed that this policy takes effect from the date of signing.**

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**Managing Director**

**Date:** \_\_\_\_\_

<sup>160</sup> ILO Core Convention: C29- Forced Labor Convention, 1930; C105- Abolition of Forced Labor Convention, 1957; C87-Freedom of Association and Protection of the Right to Organize Convention, 1948; C98- Right to Organize and Collective Bargaining Convention, 1949; C100-Equal Remuneration Convention, 1951; C111-Discrimination (Employment and Occupation) Convention; C138- Minimum Age Convention, 1973; C182 – Worst Forms of Child Labor Convention, 1999



### **J-1.3: Ethical Business Practices Policy Statement**

#### **ANNOUNCEMENT Ethical Business Practices Policy Statement**

##### ***Socially Responsible Business Commitments***

Our Company is committed to observing ethical business practices in all of our activities, towards and together with our business partners and stakeholders, by maintaining transparency and accountability in upholding the core principles for responsible recruitment and decent work at all times. This means NOT engaging in or encouraging any acts of corruption, extortion, bribery, through means such as, but not limited to, promising, offering, giving or accepting any illegal, dubious, inappropriate monetary or other types of incentives in various steps of the recruitment and hiring process.

Our Company, likewise, adheres to ethical principles of NOT engaging in or encouraging falsification of information, fraud or misrepresentation in our recruitment supply chain. Similarly, we maintain a commitment NOT to support or encourage terrorism, violence or money laundering of any form in the country our business is based in, in source countries for migrant workers and other countries worldwide.

Our Company recognizes the importance of ethical business practices to create transparency and accountability within the recruitment and employment supply chains of industries we service. We consider transparency and accountability as crucial to establishing trust and credibility among clients, partners and stakeholders. Eliminating corruption and other unethical practices encourage recruitment and employment processes to be more cost-effective and productive.

We believe that creating transparency and accountability for all stakeholders – employers, recruiters, government agencies, workers and the community – will benefit everyone. It will lead to respect for human and labor rights that enable all persons, particularly women and minorities, to achieve their full potential and ensure their well-being in a protective and supportive environment. Vulnerable stakeholders need to be assured of an equal and dignified environment that reduces physical and psychological risks that could cause temporary or permanent negative impacts, risks, physical harm or injury to their lives and health as well as their ability to work. Corruption and unethical business practices bring perverse effects on business and society that remove the safety nets for protection.

##### ***Responsibilities to Abide by Ethical Handling of Personal Information and Reward Ethical Behavior***

Our Company will ensure that protocols are in place to discourage and investigate any misbehavior or unacceptable practices among our staff and management, especially those with decision-making power. At the same time, those demonstrating ethical behavior and integrity, within our staff, managers and the workers we recruit, will be considered for rewards as an example of best practices and compliance.

It is our Company's policy to keep accurate information and records on our activities, organization and performance; and disclose these in accordance with applicable industry benchmark practices, if and when needed. Similarly, any information we collect, use, process, obtain during our operations, especially personal information (including from workers, business partners, clients, suppliers and service providers) shall be handled with reasonable care. Collection, use and processing of information shall comply with applicable privacy and information security laws and regulatory requirements.

**Applicability and Scope**

Our Company and all our employees will NOT: engage in nor encourage corruption, extortion, bribery, falsification of information, fraud, misrepresentation, terrorism, violence or money laundering in our operations. We are also committed to NOT partnering with or purchasing from or dealing with suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies, and other organizations, including government and non-government agencies that may be or may have been involved with unethical business practices.

The Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this policy, non-severe or severe, at all times, at work or in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially partner recruitment agencies, their subcontractors and service providers; institutional or community enterprises - to comply with our Company’s policy and position on ethical business practices. Our Company will hold all of our stakeholders to high standards of transparency and accountability in their actions.

**Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities to enable them to uphold our policies on ethical business practices. Compliance to this Policy will be guided by implementation procedures and protocols that raise awareness on the types of actions that are illegal, unacceptable and unethical; increase prevention; enable recognition and confidential reporting, provide grievance channels and remediation options. Our Company acknowledges the importance of monitoring and verification strategies that systematically address efforts to minimize, reduce or eliminate unethical business practices at the same time encourage ethical best practices. Moreover, such systematic efforts will address how best to reduce potential inequalities in access to grievance channels as well as protection from impacts, risks and harm.

**Please be informed that this policy takes effect from the date of signing.**

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(                    )  
**Managing Director**  
**Date:** \_\_\_\_\_

## **J-I.4: Freedom of Association and Collective Bargaining Policy Statement**

### **ANNOUNCEMENT**

#### **Freedom of Association and Collective Bargaining Policy Statement**

##### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy for attempts to prevent or avoid exercise of the right of workers to establish or join organizations or groups of their own choosing (including trade unions) to represent them. We recognize the right of workers and employers to establish groups that shall organize freely and have the right to join federations and confederations affiliated with international organizations of workers and employers, without fear of being dissolved or suspended by administrative authority<sup>161</sup> Similarly we will not tolerate efforts to block collective bargaining processes, such as dismissal of workers because of union membership or participation in union activities. We affirm our understanding of how workers' and employers' associations shall enjoy adequate protection against any acts of interference by each other.<sup>162</sup>

We are aware that the right to freedom of association and collective bargaining are fundamental labor rights that are linked together. Without the former, the latter cannot work well because the workers will not be properly represented. To be properly represented, workers must be free to choose how they are to be represented and employers must not interfere in this process. In the Thai fishing and seafood industry, especially in the small and medium-sized enterprises, there may not be trade unions at the workplace. However, we are committed to recognizing the principle of the workers' rights to organize and collectively represent their interests to their employer. We will not obstruct this process and we will respect their right to organize and bargain collectively on working conditions and employment terms,

Our Company recognizes the importance of a strong commitment to respect human rights, especially the rights of workers to decent work and income in order to support their families, including women and children, to have access to health, education, dignity, full physical and mental development, with their well-being assured in a protective and supportive environment. We are prepared to discuss with our workers mutually beneficial terms that allows our business to continue supporting them at the same time address their needs and concerns, if and when they choose to exercise these rights.

Our Company is aware that in Thailand, the Labor Protection Act<sup>163</sup> requires all employers with 50 or more workers to set up a Welfare Committee. In this group, governed by the Labor Relations Act<sup>164</sup>, only Thai workers are allowed to build and lead unions. Migrant workers may join Thai-led unions but may not form their own. To address this inequality, without contravening Thai labor laws, our Company invites migrant worker representatives to join the Welfare Committee proportionate to their number in our workforce.

##### **Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of obstruction of the right of workers to freedom or association and collective bargaining, nor support or

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<sup>161</sup> ILO C87 Freedom of Association and protection of the Right to Organize Convention, 1948

<sup>162</sup> ILO C98 Right to Organize and Collective Bargaining Convention, 1949

<sup>163</sup> Labor Protection Act B.E. 2541 (1998), Versions 1 – 7 Sections 96, 98-99, 109

<sup>164</sup> Labor Relations Act B.E. 2518 (1974), Section 12



## J-I.5: Grievance and Remediation Policy Statement

### ANNOUNCEMENT GRIEVANCE AND REMEDIATION POLICY STATEMENT

#### ***Commitment to Dialogue and Protection***

Our Company is committed to providing operational communication channels for all stakeholders, especially for vulnerable workers, including migrant workers, women for them to inform us of their suggestions, concerns, complaints, and grievances that impact our policies on upholding the four pillars of decent work which are: respect for fundamental principles and rights at work (ILO Core Labor Standards); creation of productive employment and income opportunities for women and men; provision of social protection; and promotion of social dialogue.<sup>166</sup> Our Company considers feedback from the workplace as valuable means for us to determine how we are living up to our responsibilities to protect our workers, prevent illegal or unethical behavior, and mitigate impacts – whether directly from within our Company or indirectly from other links in our supply chain<sup>167</sup> – from harming our workers, physically or mentally, through abuse or exploitation or unsafe working conditions or any other situations that violate their rights, freedom, security and human dignity. Our Company will prioritize prevention and mitigation strategies for incidents and situations that impact our workers' rights to life, liberty and security of persons; freedom from slavery and servitude; freedom from torture<sup>168</sup>

Our Company views social dialogue and social protection as necessary components in creating economic incentives that promote social goals for our Company and the seafood sector as a whole. We recognize that weak systems for resolving workplace issues could lead to increase in abuses that if left unchecked, will lead to problems for entire industries and in some cases, entire nations. Hence, we are prepared to invest in systems that build morale, trust and skills for long-term productivity, safer jobs in a more secure work environment; and gender equality for a more efficient workforce.

#### ***Zero Tolerance Areas***

Our Company fully commits to ethical principles that respect human rights and enable all persons, including women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we have zero-tolerance against all forms, manifestations, indications and evidence of inhumane treatment related to human trafficking; forced, bonded, slave, indentured and involuntary compulsory labor; child labor; discrimination on the basis of gender, race, religion, sexual orientation, disability, including sexual harassment; the right to freedom of association and collective bargaining as well as any practices that could compromise the lives, health, safety and dignity of job-seekers and workers. Our Company consider such acts as non-negotiable, unethical and illegal; so will take action against perpetrators, knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, or leading to loss of life, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives, property, well-being or workers as well as their opportunities and abilities for decent work and income.

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<sup>166</sup> ILO Declaration on Decent Work for All in a Global Economy, 1999.

<sup>167</sup> BSCI Responsible Recruitment to End Worker Exploitation, September 2017

<sup>168</sup> BSCI System Manual Version 2, November 2014, Part 1.7 How to do Remediation

**Applicability and Scope**

Our Company considers good grievance mechanisms as tools for improving working conditions and protecting worker rights. We will act promptly to address problems, concerns and issues brought to our attention as they potentially could damage and disrupt or harm our operations, our reputation, our workers, our customers and other business partners. Therefore, we will encourage our internal stakeholders – top management, staff, middle manager, workers – to actively participate in developing grievance mechanisms and remediation strategies that can improve relations among workers, supervisors and management through cooperative methods of preventing or resolving conflict.

At the same time, our Company expects cooperation and participation from individuals or organizations we do business with or contract, especially labor recruiters and recruitment agencies, to maintain transparency and accountability in their operations as well as demonstrate commitment to encouraging dialogue with and protection of workers along the lines of this Policy. We reserve the right NOT to do business with individuals or organizations which have been suspected, implicated and charged or proven beyond doubt to have violated fundamental human rights and rights of workers that we consider zero-tolerance areas, including denying workers the right to file a grievance and receive remediation, in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, including recruiters, that can be verified to be/ have been involved with the above-mentioned unethical and illegal acts. Our Company will NOT use forced labor as punishment or disciplinary measure for workers expressing their views or associating with other workers or reporting violations to this Policy; nor as a means of gender, racial, religious or other discrimination<sup>169</sup>.

**Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to implement decent work principles.

**Please be informed that this policy takes effect from the date of signing.**

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( )  
**Managing Director**  
**Date:** \_\_\_\_\_

<sup>169</sup> ILO C105 Abolition of Forced Labor Convention, 1957

## J-I.6: No Child Labor Policy Statement

### ANNOUNCEMENT NO CHILD LABOR POLICY STATEMENT

#### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all forms of child labor, which is “work that is inappropriate for a child’s age, affects a child’s education, and/or is likely to harm a child’s health, safety or morals”<sup>170</sup> We recognize that the ILO Conventions strictly prohibit recruiting for work or compelling work from children, defined to be below 15 years of age<sup>171</sup>; and that the minimum age for any type of work that is hazardous to a child’s health, safety and morals is 18 years of age.<sup>172</sup>

We affirm our strict zero-tolerance policy to extend to the worst forms of child labor,<sup>173</sup> including all forms of slavery or practices similar to slavery, such as sale and trafficking of children; debt bondage, serfdom, forced or compulsory labor, including recruitment into armed conflict ; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs.

We understand that the ILO Conventions, allow national governments to authorize work from the age of 16 years if the health, safety and morals of the young persons concerned are fully protected and they are given adequate specific training.<sup>174</sup> These “young workers” may exist legally elsewhere, but for the seafood sector, we shall comply with Thai Labor Laws which prohibit hiring workers below the age of 18 years.<sup>175</sup>

Our Company recognizes the importance of a strong commitment to respect human rights, especially the rights of children, particularly of women and girls, to have access to education, dignity, full physical and mental development, with their well-being assured in a protective and supportive environment. We are aware that child labor perpetuates a cycle of poverty, in rural and urban areas, by forcing children to unsuitable jobs and hours, depriving them of opportunities to attend school and develop skills, which can interfere with their ability to access decent and productive employment opportunities later in life.

The harm to children unavoidably impacts their families, communities and the industry sectors where a motivated and skilled workforce is needed. Therefore, we choose to take a strong stand against all forms of child labor knowing that such acts harm or places in harm’s way, all persons, especially vulnerable stakeholders, particularly women and girls, by depriving them of their rights to education, life skills, security and protection, that could allow them to develop their full potential as adults and enable them to access decent work opportunities and income later in life. Moreover, we shall not tolerate child labor, creating a cycle of poverty which leads to debt burdens, loss of freedom, involuntary servitude, forced labor, physical and psychological abuse that that could cause temporary or permanent damage or injury to the lives and well-being of children, their families and their communities.

#### **Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of child labor, including the worst forms of child labor described above; nor support or encourage such acts,

<sup>170</sup> ILO World Day Against Child Labor Conference and Workshop, 12 June 2019, Brussels; with the UN Food and Agriculture Organization (FAO) and European Commission to reaffirm strategies to eliminate child labor

<sup>171</sup> ILO C138 Minimum Age Convention, 1973 Article 2.3

<sup>172</sup> ILO C138 Minimum Age Convention, 1973, Article 3.1

<sup>173</sup> ILO C182, Worst Forms of Child Labor, 1999, Article 3

<sup>174</sup> ILO C138 Minimum Age Convention, 1973, Article 3.3

<sup>175</sup> Ministerial Regulation on Establishments Prohibited from Employment of Children under 18 years of age B.E. 2559 (2016)

directly or indirectly. Our Company is committed to NOT doing business with any organization which has been implicated or suspected and charged or proven beyond doubt to use/have used child labor; forced, bonded or slave labor of children; trafficking or procuring of children into unethical and illegal practices; in its operations, affiliates or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with child labor and the worst forms of child labor described above, directly or indirectly. Our Company will NOT use forced labor, violence, threats, physical/psychological abuse as punishment or disciplinary measure for workers reporting incidents of child labor, or expressing their views, or associating with other workers; nor as a means of racial, gender, religious and other discrimination.<sup>176</sup>

Our Company expects all internal stakeholders – owners, shareholders, managers and employees – to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders – suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises – to comply with our Company’s policy and position on Child Labor. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

**Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons; and for child labor, in particular, women and girls, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively identify, reduce, prevent and eliminate child labor.

**Please be informed that this policy takes effect from the date of signing.**

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**Managing Director**  
**Date:** \_\_\_\_\_

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<sup>176</sup> ILO C105 Abolition of Forced Labor Convention, 1957.



## J-I.7: No Forced/Bonded Labor Policy Statement

### ANNOUNCEMENT NO FORCED/BONDED LABOR POLICY STATEMENT

#### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all forms of forced, bonded, slave, indentured or compulsory labor, defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.<sup>177</sup> We recognize that compelling work with the following means: “threats to cause injury to life, body, liberty, reputation or property of the person threatened or any other person; intimidation; use of force; retention of identity documents; use of accumulated debt burden incurred by such person or any other person as the unlawful obligation; and any action similar to the abovementioned means which puts the other person under irresistible pressure”<sup>178</sup> constitute unacceptable, illegal acts that our Company will not engage in or encourage or tolerate at all times with all organizations we deal with.

Our Company recognizes the importance of commitment to ethical principles that respect human rights and enable all persons, particularly women and girls, to achieve their full potential and ensure their well-being in a protective and supportive environment. Therefore, we choose to take a strong stand against all forms of forced, bonded, slave, indentured and involuntary compulsory labor, knowing that such acts harm or places in harm’s way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives and well-being as well as their opportunities for decent work and income.

#### **Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of forced, bonded, slave labor nor support or encourage these acts, directly or indirectly. Our company is committed to NOT doing business with any organization which has been implicated or suspected and charged or proven beyond doubt to use/have used forced, bonded or slave labor in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with forced, bonded or slave labor. Our Company will NOT use forced labor as punishment or disciplinary measure for workers expressing their views or associating with other workers; nor as a means of racial, gender or religious discrimination.<sup>179</sup>

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this policy at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises - to comply with our Company’s policy and position on forced labor. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

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<sup>177</sup> ILO Forced Labor Convention, 1930 (No. 29)

<sup>178</sup> Trafficking in Persons Act B.E. 2551 (2008)

<sup>179</sup> ILO Abolition of Forced Labor Convention, 1957 (No. 105)

**Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively reduce forced labor.

***Please be informed that this policy takes effect from the date of signing.***

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( )  
**Managing Director**  
**Date:** \_\_\_\_\_

## J-I.8: Non-Discrimination Policy Statement

### ANNOUNCEMENT NON-DISCRIMINATION POLICY STATEMENT

#### **Zero-tolerance Commitment**

Our Company has a zero-tolerance policy regarding all forms of discrimination, generally defined as “any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin.”<sup>180</sup> Our company is specifically committed to zero-tolerance of all forms of discrimination – direct or indirect - based on gender, sexual orientation, race, age, religion, ethnicity, disability, health, association among workers, and expression of personal views regarding the workplace.

We choose to take a strong stand against discrimination as we recognize that discriminatory practices impair equality of opportunity or treatment in employment or occupation. We affirm our commitment to the principle of equal remuneration for men and women<sup>181</sup> – equal pay for equal value for the same or different type of job. Remuneration includes basic minimum wage or salary plus benefits, bonuses or incentives paid to the worker as mandated by the most current Thai Labor Laws and/or based on the worker’s qualifications and performance on the job.

We recognize that discrimination can be subtle, may be direct or indirect, and not always intentional. Indirect discrimination could be expressed in neutral, seemingly innocent acts that nevertheless result in unequal treatment and harm, which we consider equally unacceptable as direct discrimination. In particular, our Company is committed to eliminating gender-based discrimination, an extreme expression of which is sexual harassment.<sup>182</sup> Our Company shall take every step necessary to create a safe, productive workplace that assures all persons, especially women, of dignity, security, protection and recognition.

Our Company is committed to respecting human rights, particularly those of vulnerable workers, including women and their children, that require treating all persons with dignity; and providing access to decent work, productive employment and adequate income; that assure their well-being in a protective and supportive environment. Therefore, we affirm our zero-tolerance policy for all forms of discrimination, especially gender-based discrimination, in the form of sexual harassment or abuse, knowing that such acts harm or places in harm’s way, all persons, especially vulnerable stakeholders, particularly women and girls, by robbing them of their dignity and demoralizing them, thereby destroying their confidence, interfering with their rights to security and protection, preventing them from developing their full potential in order to contribute meaningfully to the community or workforce. Our Company shall not tolerate all acts of direct or indirect discrimination, direct or indirect physical and psychological abuse since these could cause temporary or permanent damage or injury to the lives and well-being of our employees and workers, their families and their communities.

#### **Applicability and Scope**

Our Company and all our employees will NOT: engage in any form of discrimination – direct or indirect, irrespective of the degree of severity, including gender-based discrimination and sexual harassment – nor encourage such acts, directly or indirectly. Our Company is committed to NOT doing business with any organization which has been; or an organization which employs individuals that have been; implicated, suspected, charged, convicted or proven beyond doubt to have engaged or encouraged discriminatory practices – direct or indirect,

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<sup>180</sup> ILO C111 Discrimination (Employment and Occupation) Convention, 1958

<sup>181</sup> ILO C100 Equal Remuneration Convention, 1951

<sup>182</sup> Social Accountability International (SAI) Auditing Guidance Document Revision 4, September 20, 2013.

irrespective of severity – in its operations, affiliates or supply chain. Our Company reserves the right to NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, recruiters, recruitment agencies that may be/have been involved with discriminatory practices – direct or indirect, irrespective of degree of severity, including gender-based discrimination, sexual harassment or abuse – if our due diligence uncovers proof of violations of our Non-Discrimination Policy. Our Company will NOT use forced labor, violence, threats, physical/psychological abuse as punishment or disciplinary measure for workers reporting incidents of discrimination, or expressing their views, or discussing with other workers; nor as a means of any form of discrimination.<sup>183</sup>

Our No Discrimination, No Sexual Harassment or Abuse policy shall apply to all levels in our Company’s hierarchy from top management to all workers, applicants, job-seekers, Thai nationals, non-nationals, migrant workers, contracted and home-based workers. Our Company expects all internal stakeholders- owners, shareholders, managers, employees, workers - to abide by the strictest standards of NOT engaging in and NOT supporting any violation of this Policy at all times, at work and in their personal lives. Our Company also expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises – to comply with our Company’s policy and position on No Discrimination, No Sexual Harassment or Abuse. Our Company requires all of our stakeholders to maintain high standards of transparency and accountability in their actions.

**Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons; and for gender-based discrimination in particular, women and girls, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition and confidential reporting, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to effectively identify, reduce, prevent and eliminate all forms of discrimination, including sexual harassment or abuse, that are extreme forms of gender-based discrimination.

**Please be informed that this policy takes effect from the date of signing.**

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( )  
**Managing Director**  
**Date:** \_\_\_\_\_

<sup>183</sup> ILO C105 Abolition of Forced Labor Convention, 1957.

## J-1.9: Responsible Recruitment Policy Statement

### ANNOUNCEMENT

#### RESPONSIBLE RECRUITMENT POLICY STATEMENT

##### ***Commitment to Fair and Responsible Recruitment Principles***

Our Company is committed to upholding fair and responsible recruitment principles and practices that respect, protect and fulfil internationally recognized human rights, including those expressed in international labor standards, particularly the right to freedom of association and collective bargaining, the prevention and elimination of forced labor, child labor and discrimination; in all steps of the recruitment and employment processes. Our Company recognizes that recruitment should respond to labor market needs; should be qualifications-based; should not displace an existing work force, lower labor standards, wages or working conditions; or undermine decent work. Whether our Company recruits from a local pool or opt for cross-border recruitment, we require compliance to applicable national laws and regulations; transparency for all stakeholders; protection for the workers throughout the recruitment and employment processes, including the right to know their rights; the freedom of movement within Thailand or to leave Thailand; own control of their identity documents and contracts; and access to grievance and dispute resolution mechanisms as well as appropriate remediation.<sup>184</sup>

Our Company considers this Policy as crucial to preventing labor issues that tend to originate in the recruitment process. Workers, especially migrant workers, are exposed to risks of exploitation starting at their country of origin, even before they reach our factory. Their vulnerability to deceptive or fraudulent recruitment practices may not always be visible to us as an end employer<sup>185</sup>, but it is our Company who stands to lose most from the impacts on our brands, reputation, customers, and business viability, of irresponsible and illegal recruitment practices by any stakeholder in our supply chain. Therefore, through this Policy and its implementation, our Company is committed to conducting due diligence in order to encourage continuous improvement of responsible recruitment practices.<sup>186</sup> It is our belief that through this strategy our Company could help reduce, mitigate, and/or eliminate the risks of exploitation and abuse for job-seekers and hired workers during the recruitment process, thus enabling all persons, including women, access to decent work and income, in a protective and supportive environment, that could allow them to achieve their full potential.

##### ***Zero-Tolerance Areas***

Our Company takes a strong stand against all forms, manifestations, indications and evidence of inhumane treatment related to human trafficking; forced, bonded, slave, indentured, involuntary compulsory labor; child labor, discrimination on the basis of gender, race, religion, ethnicity, sexual orientation, disability and others; the right to freedom of association and collective bargaining as well as any practices that could compromise the lives, health, safety and dignity of job-seekers and workers. Our Company consider such acts as non-negotiable, unethical and illegal; so will take action against perpetrators, knowing that such acts harm or places in harm's way, all persons, especially vulnerable stakeholders, particularly women and girls, by creating debt burdens, loss of freedom, involuntary servitude, physical and psychological risks that could cause temporary or permanent damage or injury to their lives, property, well-being as well as their opportunities and abilities for decent work and income.

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<sup>184</sup> ILO General Principles and Operational Guidelines for Fair Recruitment, 2016

<sup>185</sup> BSCI Responsible Recruitment to End Worker Exploitation, 2015

<sup>186</sup> BSCI Responsible Recruitment Guidelines for BSCI Participants, September 2017

**Applicability and Scope**

Our Company and all our employees will NOT engage in, encourage, support or excuse – directly or indirectly - any violations of the fundamental human rights and rights of workers as defined in the above-mentioned four core international ILO Labor Standards (based on eight core ILO conventions) <sup>187</sup> and defined in our other Company Policies for each of those core labor rights. At the same time, our Company is committed to NOT doing business with any individual or organization, especially labor recruiters and recruitment agencies, which have been implicated, suspected, charged or proven beyond doubt to have violated fundamental human rights and rights of workers especially involvement in human trafficking, the use of child labor; forced, bonded, slave, indentured, involuntary compulsory labor; sexual harassment or exploitation; in its operations or supply chain. Specifically, we will NOT purchase material or services from suppliers, subcontractors, service providers, brokers, agents, including recruiters, that may be/have been involved with the above-mentioned unethical and illegal acts. Our Company will NOT use force as punishment or disciplinary measure for workers expressing their views or associating with other workers; nor as a means of gender, racial, religious or other discrimination.

Our Company expects all internal stakeholders- owners, shareholders, managers and employees- to abide by the strictest standards of NOT engaging in and NOT supporting any violation of our Recruitment Policies at all times, at work and in their personal lives. Similarly, our Company expects all external stakeholders- suppliers, subcontractors, brokers, agents, especially recruitment agencies; institutional or community enterprises that we deal with - to comply with our Company’s Policy and position on fair and responsible Recruitment. Our Company expects all of our stakeholders to maintain high standards of transparency and accountability in their actions.

**Responsibilities to Comply and Address Potential Inequalities**

In recognition of the vulnerability of certain groups of stakeholders, such as migrant workers, women and their children, pregnant women, disabled persons, and other groups subject to potential discrimination and unequal treatment, our Company is committed to giving special consideration and providing resources in line with our Company values and within our Company’s capabilities. Compliance to this Policy will be guided by Policy Implementation Procedures that raise awareness, increase prevention, enable recognition, confidential reporting and whistleblower protection, provide grievance channels and remediation options, monitor and verify that all of these strategies are systematically addressing potential inequalities as well as facilitating efforts to implement a Responsible Recruitment Policy that can reduce, minimize, prevent labor risks to all stakeholders, including vulnerable workers.

**Please be informed that this policy takes effect from the date of signing.**

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**Managing Director**

**Date:** \_\_\_\_\_

**I-I.10: Responsible Recruitment Core Policies Implementation Procedures**

<sup>187</sup> ILO Core Conventions: C29- Forced Labor Convention, 1930; C105- Abolition of Forced Labor Convention, 1957; C87-Freedom of Association and Protection of the Right to Organize Convention, 1948; C98- Right to Organize and Collective Bargaining Convention, 1949; C100-Equal Remuneration Convention, 1951; C111-Discrimination (Employment and Occupation) Convention; C138- Minimum Age Convention, 1973; C182 – Worst Forms of Child Labor Convention, 1999

## Responsible Recruitment Core Policies Implementation Procedures

### A. Objectives

1. To ensure that our Company's nine Core Policies – i.e. Anti-Trafficking in Persons; No Forced/Bonded Labor; No Child Labor; Non-Discrimination; Freedom of Association and Collective Bargaining; Responsible Recruitment; Decent Work; Grievance and Remediation; and Ethical Business Practices are understood by all internal and external stakeholders
2. To facilitate due diligence and other appropriate, transparent and accountable implementation strategies of our Company's nine Core Policies.
3. To provide additional protection or special considerations to vulnerable stakeholders, including migrant workers and women, in order to address potential inequalities within the workforce.

### B. Delegation of Responsibilities

1. The Managing Director will formally appoint a Social Management System (SMS) Team, led by the Human Resources (HR) Manager and composed of a multi-disciplinary gender-balanced group from experienced and trained key top or middle managers.
2. The SMS Team or the Internal Quality Audit (IQA) Team or External Consultants will be responsible for drafting, revising and/or monitoring the nine Core Policies and these Responsible Recruitment Implementation Procedures. Our Company will develop a document control and numbering system to track and reference documents created for and applicable to the SMS.
3. Our Company's Managing Director will be responsible for approving the nine Core Policy Statements and the Responsible Recruitment Implementation Procedures based on the review and recommendations of the SMS Team. This will be done within a reasonable time after finalizing revisions or changes or development of a new policy, sub-policy or related implementation strategy.
4. Once our Company's Managing Director (MD) approves the nine Core Policies and Responsible Recruitment Implementation Procedures, they will be posted on the Company's bulletin board within one week of approval. The Core Policies and/or any changes shall be announced during orientation and regular training sessions for all workers.
5. The nine Core Policies and the Responsible Recruitment Implementation Procedures will be included in the agenda of our Company's annual management review. The Quality Management Representative (QMR), or the HR Manager will be responsible for drafting the agenda, documenting the review process, circulating the minutes of the meeting and resulting action, following standard management operating procedures.
6. Our IQA Team, some of whom could be from the SMS Team, will be responsible for monitoring the implementation of the nine Core Policies and the Responsible Recruitment Implementation Procedures. Assessment and evaluation protocols will follow standard operating procedures developed along Quality Management Systems (QMS) monitoring and evaluation principles.

### C. Company Due Diligence <sup>188</sup>

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<sup>188</sup> BSCI Responsible Recruitment Guidelines for BSCI Participants, September 2017

1. Our Company will compile information on source and destination countries for migrant workers as well as source country partner recruitment agencies including: country risk ratings (e.g., Trafficking in Persons, or TIP ratings); legal frameworks for fundamental principles and rights at work (ILO Core Labor Standards)<sup>189</sup> and national laws, including those for protecting women and children; news of incidents, especially in the seafood sector; government agencies responsible for legislation and enforcement; labor brokers, subcontractors and service providers affiliated with recruiters/recruitment agencies ; and related studies by NGOs/CSOs. These lists and papers will be used as support documents for supply chain mapping, social risk assessments and to develop other implementation strategies.
2. Our Company will compile, as legal reference, Thai laws, regulations and official announcements that pertain to recruitment and employment of Thai and migrant workers; management of Thai and migrant workers; as well as related fishery laws and amendments that impact compliance to recruitment and employment practices in the seafood sector.<sup>190</sup>
3. Our Company will carry out a supply chain mapping of all of our business partners (especially source country partner recruiters/recruitment agencies), subcontractors, agents, brokers, external service providers in Thailand and in the source countries for migrant workers.
4. For each recruitment option we use, we will develop and document flow diagrams of the recruitment processes and steps, including the number and names of organizations involved; as well as input/output documents identified and mapped out.
5. For each link in the supply chain, starting with our Company and first-tier service business partners i.e. source country partner recruiter/recruitment agency, our Company will obtain business information for use in determining vulnerable workers and potential risks of violation of the ILO Core Labor Standards at all stages or the recruitment process. For cross-border recruitment agencies, pre-departure and post-arrival steps will be included.
6. Each link in the supply chain, whether a partner recruiter/recruitment agency, subcontractor, service provider, or a recruitment process step that may introduce social risks, will then be evaluated and scored for potential risk and impact on the company's business, reputation, stakeholders. Rank and score will determine significance and management protocols.
7. Our Company will prepare a Code of Conduct (CoC) detailing our Company's values and nine Core Policies. The COC will be sent to significant business partners to sign in good faith showing agreement to do business with us in a transparent, accountable manner and in compliance with our nine Core Policies.
8. Based on available personnel and time, evaluations of significant business partners will be scheduled according to their risk rating to assess their compliance to our Core policies and other SMS requirements. We reserve the right to procure services only from recruiters/recruitment agencies, subcontractors, service providers who are

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<sup>189</sup> ILO General Principles and Operational Guidelines for Fair Recruitment (section III.1), 2016

<sup>190</sup> Labor Protection Act B.E. 2541 (1998), revision up to B.E. 2562 (2019); Child Protection Act of 2003; Anti-Trafficking in Persons Act B.E. 2551 (2008, amended in 2015); Royal Decree Concerning Rules on Bringing Migrant Workers into the Kingdom for Employment B.E. 2559 (2016); Royal Decree on Managing the Work of Aliens B.E. 2560 (2017); Alien Work Act B.E. 2551 (2008), Ministerial Regulation on Establishment Prohibited from Employment of Children under 18 years of age B.E. 2559 (2016), Ministerial Regulation on the Protection of Labor in Fisheries B.E. 2557 (2014)



willing to comply with our Core Policies and sign our COC as a sign of agreement in good faith to work with us based on trust, transparency and accountability.

9. To ensure that our internal and external stakeholders have not been blacklisted for violations of any core international ILO Labor Standards, we reserve the right to check international websites and links to excluded parties and sanction lists for pre-qualification prior to hiring or doing business. We will compile a list of recommended websites for checking.
10. We will keep track of updates, changes, developments, revisions to Thai and source countries' labor laws and regulations, international conventions and standards, as well as buyer and market requirements. Other information, in order to keep our Core Policies and Responsible Recruitment Implementation Procedures relevant, will also be included as reference criteria.

#### **D. Awareness-Raising**

1. Our Company will require all managers and employees, from top management to office staff and field officers, to undergo specific training on responsible recruitment and decent working conditions within a month after approval of the nine Core Policies and/or the Responsible Recruitment Implementation Procedures or any revisions.
2. The awareness-raising training session will introduce the Company's nine Core Policies and the Responsible Recruitment Implementation Procedures. The session will define our requirements for compliance to applicable Thai Labor Laws and regulations; transparency for all stakeholders; protection for all workers throughout the various stages of the recruitment process; and access to grievance, dispute resolution and appropriate remediation. For each of these topics, good practices and zero-tolerance practices will be pointed out, together with the local and international legal frameworks that exist to support them.
3. During subsequent implementation training sessions, our Company will increase the understanding, at a minimum, of the SMS Team, on how to cascade the Company's nine Core Policies and Responsible Recruitment Implementation Procedures to partner recruiters/ recruitment agencies, subcontractors and service providers; how to prevent, recognize, report non-conformances and violations; how to protect victims and whistleblowers; how to monitor, verify, remediate and follow-up on incidents with corrective and preventive actions.
4. The awareness-raising and implementation training sessions will be held regularly, to reach all managers and workers within the six-month period after announcement of the Core Policies, or incorporated into our Company's orientation and annual Master Training Plan.
5. Trainers will be trained from the SMS Team or IQA Team in order to sustain the efforts for refresher training sessions, which must be conducted at a minimum, for all managers and workers, once a year.
6. The SMS Team or IQA Team will be trained on conducting risk assessment for vulnerable workers, or for high-risk steps in the recruitment process, as well as for the surrounding community and source country for migrant workers, with focus on the operations of brokers and recruiters at the village level, when possible.

#### **E. Service Agreements and Contracts among Employers and Recruiters**

1. The Thai Recruitment Agency (TRA) will verify the licenses and registrations of its Partner Source Country Recruitment Agency (SRA).
2. There will be a Service Agreement between the Thai RA and the Partner SRA that is approved by the source country embassy.
3. There will be a Service Contract between the Thai RA and the Thai Employer with details on terms and conditions regarding recruitment fees and costs that comply at a minimum with the national laws of the source and host countries.
  - a. The Thai RA will try to negotiate, in good faith, with the Thai Employer, responsibility for recruitment fees and costs, in addition to what is required by national laws that could reduce the burden on the workers, and better meet the requirements of international standards.
  - b. The Thai RA will represent the Thai Employer throughout the MOU recruitment process steps, specified by national laws, from applying for the Labor Demand to post-arrival at the Thai Employer's facility
  - c. The Thai RA will prepare all documents necessary for the MOU cross-border recruitment process, including but not limited to, the Demand Letter, Power of Attorney (POA), or any affidavits or documents related to the Thai Employer's business operations
  - d. The Thai RA will inform the Thai Employer about Thai Labor laws pertinent to required MOU documents (passport, visa, work permit, medical certificate) and reporting requirements for migrant workers to government agencies. For these the Thai Employer is responsible: within 24 hours of arrival, a Confirmation of Housing is sent to the Thai Immigration Department; within 15 days , a Confirmation of Employment together with a medical certificate is filed with the Provincial Employment Office; every 90 days of working in Thailand, the migrant worker reports to the Thai Immigration Department.
  - e. The Thai RA will inform the Thai Employer about their responsibility to arrange sanitary and safe accommodation and amenities for migrant workers upon arrival; e.g., clean rooms with toilets, kitchen appliances, drinking water
  - f. The Thai RA will recommend to and verify with the Thai Employer that Employment Contracts and any addendum will comply with practices according to decent work principles, e.g., provide legal minimum wage and health benefits
4. The Thai RA will provide the Thai Employer with a Work Plan that specifies activities, timelines, business partners involved, government agencies to be contacted, official fee schedules and other information that will ensure transparency and accountability.
5. The Partner SRA will provide the Thai RA with a Monitoring Plan on the frequency and method of updates regarding progress of the recruitment processes, e.g., by photographs or video at a pre-agreed frequency. The Thai RA will then provide updates to the Thai Employer.

#### **F. Phase I: Pre-Departure Phase**

1. We prohibit the use of deceptive and misleading practices to find and hire workers. Practices that we will not tolerate, both for internal staff and external service providers, include receiving gifts, obtaining monetary deposits or security payment, requiring guarantees of cash or property (e.g., title deeds) in return for promise or assurance of a position to a job seeker or applicant.

2. Likewise, we **prohibit the use of direct or indirect force**, to compel any worker, already recruited or under consideration as a potential worker, to do the following:
  - a) apply to a customer of the Employer;
  - b) change the type of work, employer, work location or terms and conditions of employment;
  - c) accept terms and conditions of employment that are different from what was agreed to or promised by our internal or external recruiters. We expect our Partner SRA to comply with our Core Policies and COC, especially regarding forced labor and human trafficking when they recruit job applicants.
3. Job postings will focus on qualifications that match the position advertised. The Thai RA will remind the Partner SRA that age, sex, race, religion and personal details that may constitute discrimination and lead to exclusion of otherwise qualified candidates will be avoided. Job postings will encourage all qualified candidates from all backgrounds to apply.
4. Through our Partner SRA and their subcontractors, we will provide a clear job description, with details on the rights and responsibilities of the position; period of employment; location of work (at a minimum the district and province); potential occupational health and safety (OHS) risks; wages, legal deductions, work hours, accommodation; and other terms and conditions of employment aligned with Thai Labor Laws.
5. We will inform job applicants, through our Partner SRA, about the steps of the recruitment process, including selection and hiring criteria/decision-making, employment contract signing, pre-departure training and grievance channels available in the migrant worker's language
6. We will not tolerate charging recruitment<sup>191</sup> (application, guarantee, deposit, security) fees to workers to secure a job through our Company, or through our Partner SRA, their suppliers, subcontractors, or service providers. A statement about “no (application, guarantee, deposit, security) fees will be charged at any phase in the recruitment and hiring process” will be included in the job advertisement to reinforce this principle.
7. We will not charge job applicants illegal processing and service fees. For our Partner SRA, their recruiters, subcontractors and service providers, we will obtain agreement that they will NOT charge applicants recruitment (application, guarantee, deposit, security) fees; processing fees, service fees not allowed by law; or inflate costs beyond what is stipulated by law and above amounts which may have already been paid to them to facilitate recruitment.
8. We will contract only officially licensed brokers, recruiters/recruitment agencies that are or have been known to respect and comply with ILO Core Labor Standards and Thai Labor Laws. We will require them, at a minimum, to provide clear and transparent HR policies and practices that prohibit all forms of human trafficking, forced labor, child labor, discrimination; while recognizing decent work principles, including freedom of association and collective bargaining. To affirm commitment to complying with our policies, we will ask our Partner SRA to sign our COC. With

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<sup>191</sup> The term “recruitment fees” may be interpreted to include service fees, document processing costs, and other fees the responsibility for which are defined under national laws. This clause refers specifically to application fees. ILO General Principles and Operational Guidelines for Fair Recruitment section III.7 applies the zero-fee principle to a range of recruitment fees and costs that are not yet supported by legislation in source and destination countries.

regards to national laws, all recruiters, agents, brokers and subcontractors, who provide us with services, must demonstrate knowledge and compliance to Thai Labor Laws and all relevant national labor laws of the source country.

9. All documentation on licensing and registration of individual recruiters, and the recruitment agencies where they work, shall be provided for us to communicate to the Employer transparently. These will include mandated fee schedules, written agreements between job-seekers and the source country recruiters, copies of official licenses and registrations of all local recruiters and subcontractors authorized by the Partner SRA. These are in addition to a Service Contract between the Thai RA and the Partner SRA.
10. Details and all proof of payment (receipts) for processing fees, costs to obtain identity documents, arrange travel, medical examinations, pre-entry or post-entry training will be provided by the Partner SRA to the Thai RA. These shall comply with Thai Labor Laws and bilateral Memorandum of Understanding (MOU) agreements, as well as our core policies, inclusive of gender-sensitive practices. Any items not clearly defined in the MOU of the national law, e.g., responsibility for repatriation or cost of return transportation, will be discussed and agreed to among the Thai Employer, the Thai RA and the Partner SRA beforehand.
11. In order to reduce the burden on the workers for recruitment-related fees and costs, the Thai Recruitment Agency will inform the Employer of source and destination country legal fee schedules and costs. The Thai RA will then try to negotiate with the Employer to take responsibility for some of the costs, whenever possible, in accordance with emerging international standards that promote zero recruitment fee principles.
12. Job-seekers, applicants and potential hires will retain control of their personal documents at all times. Procedures for retention of personal documents by workers will include the following
  - a. Our Company will not destroy, conceal, confiscate or deny access, to the job-seeker, applicant or new hire, their identity or immigration documents, including passports, work permits and other personal documents, such as bank books or ATM cards.
  - b. In case our Company needs to hold any worker's personal documents temporarily due to legal requirements, the documents will be immediately returned to the worker upon demand and without any pre-conditions.
  - c. During the holding time, the worker will be provided with an exact copy of the personal documents not in their possession, will be notified of the reason for holding and provided updates on the progress of the process where the document is used
13. Interviews, when done, shall be held in a location that is visible to other people at the same time provides a contained space that allows for confidentiality. Women will be interviewed by women or a panel composed of balanced number of men and women. An open-door policy for the interview room will be followed. Questions of a personal nature and unrelated to the job and qualifications of the applicants will not be asked. Recruitment agencies shall provide us with photographs and other documents related to the recruitment process, including job postings, transportation, interview steps.

14. Acceptance and hiring decisions will be documented and shall demonstrate systematic qualification-based evaluation that is free from bias or any form of discrimination, including providing translators/interpreters for those with literacy or language issues. The job applicant will be informed of accept/reject decisions and the reasons.
15. The Thai RA and the Thai Employer will ensure that employment contract templates that are provided by the government agencies involved with the MOU process, are filled out correctly and honestly to reflect real worker information, work location, nature of the job, work terms and conditions and other information to prevent contract substitution or misuse. Before signing the Employment Contract, the Thai RA will inform the Partner SRA and migrant workers of the
  - a. Nature and location of work, including potential occupational health and safety risks
  - b. Lodging, accommodation and housing conditions
  - c. Wages and work hours
  - d. Holidays and leave
  - e. Health benefits
  - f. Grievance channels
  - g. Employer rules
  - h. Thai Labor Laws
16. After selection of workers, the migrant workers, the Thai RA and/or the Thai Employer, together with the Partner SRA, will sign an official Employment Contract in front of the Labor Officer of the source country. The Thai Recruitment Agency will verify that that prior to the contract signing, the source country has provided basic training on fundamental human and labor rights, Thai Labor Laws, source country laws, and grievance channels to the workers in their language.
17. Documents generated by the MOU process will be kept on file. They shall demonstrate transparency and compliance, with the official paper trail for in-country and cross-border processes, fees set and paid, documents required, authorizations and permits issued. Documents will be kept or stored in a confidential manner, as required for worker protection
18. For employment contract templates provided by the government agencies involved with the MOU process, the Partner SRA and our Company (as the Thai RA representing the Thai Employer) will ensure that the forms are filled out correctly and honestly to reflect real worker information, work location, nature of the job, work terms and conditions and other information to prevent contract substitution or misuse.
19. Age Verification Procedures
  - a. Due diligence will include risk assessment for inadvertent hiring of minors.
  - b. The Thai Employer's, Thai RA's and Partner SRA's procedures for age and other identification document authentication and verification shall be documented.
  - c. To verify the age of the job-seeker, applicant or new hire, national identification cards, passports, birth certificates or other official documents issued by an authorized competent authority at the source country for migrant workers will be checked. .

- d. Should there be any doubt of the validity of the age stated on the documents, other means of verification, e.g., counter-checking with other applicants from the same community, or affidavits from previous employers, or the village heads will be checked.
  - e. Internal and external recruiters shall be trained on gender-sensitive cross-verification interview techniques to find out the actual age of workers
  - f. If a medical test or a physical test is used, it shall not violate the dignity of job-seekers, applicants or new hires, especially women and girls. For example, job seekers and applicants must not be asked to take off their clothes or undergo tests, such as virginity checks, or other invasive, degrading or disrespectful checks that cause physical / mental harm as well as possibly constitute or lead to sexual harassment or abuse.
20. Special procedures and training for vulnerable workers (Pre-arrival)– We will inform the Partner SRA, on behalf of the Thai Employer to provide special considerations for women migrant workers at all steps of the pre-arrival phase of the recruitment process, such as the following.
- a. Equal access to communication on availability and nature of available jobs, job postings; as well as equal opportunity to apply and be considered for a job
  - b. Appropriate conduct of interviews, including questions asked, interview location, interview method, sex and qualification of interviewers
  - c. Respectful and legal medical tests/treatment with no forced contraception/sterilization
  - d. Safe provisions for transportation in-country and cross-border, with detailed itinerary
  - e. Delivery of training on issues addressing potential risks for women migrant workers

## **G. Phase 2: In-transit and Border Crossing**

1. Travel within the source country to the border center on the source country side shall comply with source country laws on safety of transportation and human rights principles on protection of workers, e.g., condition of vehicles, speed limits, traffic regulations and accident insurance.
2. The Source Country Recruitment Agency will inform accepted workers of their full itinerary, including departure points, any transit points or overnight accommodation (on both source and destination countries), border check points, host country arrival points, post arrival activities and transportation arrangements from the host country border center to the Employer's facility. The workers shall be introduced to or informed about persons from the Source Country and/or Thai Recruitment Agency who may be accompanying them or receiving them at border centers.
3. Transportation arrangements shall prioritize the safety and dignity of workers, especially vulnerable workers, e.g., women. As necessary, separate secure arrangements shall be made for women to prevent any potential incidents or risks of sexual harassment or violence.
4. Similarly, should in-transit accommodation be required, the protection of all workers shall be prioritized. Clean, safe, secure and decent accommodations that allow freedom of movement and dignified stay shall be checked out ahead of time.
5. Freedom of Movement and Personal Freedom

- a. Job-seekers are free to refuse a job without fear of punishment to them or their family.
  - b. Job-seekers are free to return to their village during the wait times for processing their documents or decisions on the approval of their application, without penalty or threats
  - c. During travel, workers must not be restricted from bathroom breaks or meal breaks or access to the vehicle and their belongings. Vehicles shall be in good condition and must not confine the workers in cramped conditions or impact their safety, health or lives.
  - d. If workers stay overnight in-transit, arrangements shall be made for safe, secure accommodation that will allow them freedom of movement to leave or return to their lodging and access their belongings. Women, in particular, shall be provided arrangements that allow for protective oversight and emergency contact numbers to communicate perceived or real danger.
  - e. Workers are entitled to privacy during travel and in-transit accommodation.
  - f. Force or physical barriers shall not be used under any circumstances to threaten, coerce, confine, abuse or impact the workers' safety, health and lives. Workers can leave or return to vehicles or accommodation without being stopped by guards (armed or unarmed). Legitimate security concerns shall be explained beforehand.
  - g. Workers are free to choose accommodation outside of housing arranged by our Company or the Employer, without fear or penalties or repercussions.
6. There shall be clear agreement among migrant workers, recruitment agencies from both sides of the border and the Thai Employer about responsibilities for fees and costs related to transportation in the source country, in-transit accommodation, meals during travel, transportation from the source country border center to the Thai border center
  7. Transportation from the Thai border center to the Employer's facility will be paid for in full by the Employer. The Thai RA, who will make the arrangements, for the Employer will inform the migrant workers to avoid extra fees or other transportation that may be offered to them.

#### **H. Phase 3: Post Arrival**

1. Upon arrival in the Thai border center, the Thai RA will oversee medical checks by the Thai Ministry of Public Health (MOPH) and training by the Thai Department of Labor (DOL), ensuring that all workers comply with the mandatory requirements and health checks.
2. The Thai RA shall verify that medical tests and treatments used, especially in the case of female workers, are not degrading or illegal. There will be no forced contraception or sterilization
3. The Thai Recruitment Agency will verify that topics for training include fundamental human and labor rights, decent work principles, Thai Labor Laws and grievance channels. Training should be in the workers' language or arrangements for interpreters and translators should be made.
4. The Thai Recruitment Agency will ensure that workers receive their e-work permit according to the MOU process. Workers should be advised to contact the Thai

- Recruitment Agency if they encounter problems during issuance of documents or medical test results; so appropriate action can be taken right away.
5. The Thai Recruitment Agency shall arrange for safe and secure transportation to the Employer's facility. The transportation service provider will be asked to sign our Code of Conduct (COC) to affirm compliance to our policies. Checks will be done for the transportation service provider, including the following:
    - a. License and registration of vehicle
    - b. Condition of vehicle
    - c. Speed limits
    - d. Traffic regulations specific to the vehicle
    - e. Accident insurance
    - f. Driver's character and background
    - g. Number of passengers and comfort of passengers
  6. We will ensure that no recruitment fees, deposits, guarantees or security (in cash or in kind) are charged by our Company staff or by middlemen (agents, brokers) to applicants or new hires.
  7. We will verify that evaluation of applicants and new hires is qualification and merit-based, and that they are entering employment, with the Employer we represent, on their own free will.
  8. The Thai Recruitment Agency will verify that in case the Employer introduces amendments or changes or additions or attachments to the MOU Official Contract (e.g., Company Rules on leave or disciplinary action), that these will NOT lower the terms and conditions of the official MOU Contract or disadvantage the worker.
  9. In case of literacy issues or language difficulties, arrangements will be made to provide translators and interpreters to explain any changes or additions to the MOU contract to the workers before they sign.
  10. We will ensure that the worker's job at the Employer's facility is described correctly and fairly compensated in compliance with Thai Labor Laws. We will emphasize that our policies on recruitment and employment match those of the Employer's in the intent to provide a safe, productive workplace that respects freedom, equality and human dignity for all stakeholders
  11. Special training for vulnerable workers (Post-Arrival) – The Thai RA and/or the Thai Employer will provide, when possible
    - a. Thai and migrant workers' training sessions on TIP awareness and anti-TIP implementation; training on core ILO Labor Standards in the workers' language or with the support of interpreters.
    - b. If potential risks to women are identified, special training, in their language, for self-defense, confidence building, handling sexual harassment and other gender-based abuse and exploitation in order to better empower women.
  12. Document Retention by Workers
    - a. The Thai RA will not destroy, conceal, confiscate or deny access, to the worker, their identity or immigration documents, including passports, work permits and other personal documents, such as bank books or ATM cards.
    - b. In case the Thai RA or the Employer needs to hold any worker's personal documents temporarily due to legal requirements, e.g., reporting to



government agencies post-arrival, the documents will be immediately returned to the worker upon demand and without any pre-conditions.

- c. During the holding time, the worker will be provided with an exact copy of the personal documents not in their possession, will be notified of the reason for holding and provided updates on the progress of the process where the document is used.

#### **I. Phase 4: Follow-Up**

1. The Thai Recruitment Agency will verify that accommodations, work environment, terms and conditions of employment match those promised to the workers. If not, the Thai Recruitment Agency will ask for corrective actions and improvements from the Thai Employer.
2. The Thai Recruitment Agency, if it chooses to do so, will hold a half-day orientation program for new hires (separately or in conjunction with the Thai Employer). Topics will cover fundamental human and labor rights, job responsibilities, terms and conditions of employment as well as grievance channels and contacts.
3. The Thai Recruitment Agency will arrange to contact and interview new hires as a follow-up measure during the three-month guarantee period to ensure that workers settle into their working environment and that their employment terms and conditions comply with the Employment Contract.
4. The Thai Recruitment Agency will inform workers that if they have any grievances, they should contact the Thai Recruitment Agency who will try to assist with appropriate steps and direction.
5. In case, workers wish to change Employers, the Thai Recruitment Agency will verify whether the situation and reasons comply with Thai laws and are legally sound.

#### **J. Grievance Mechanism**

1. The Thai RA and our Partner Source Country RA will inform job seekers, new hires and all other migrant workers in the process of completing or have completed the MOU process about the procedure and channels for Grievance and Complaints as follows:
2. We will develop a system for: receiving, investigating, addressing and recording complaints and grievances; categorizing and prioritizing them for action and remediation; tracking and identifying patterns in occurrence, and types of complaints and grievances
3. We will prepare beforehand a list of potential grievances related to this Policy. Some examples are: human rights, subcontractor behavior, employment contracts, translation.
4. Our top management will prioritize whistleblower and victim protection. There shall be documented strategies that assure confidentiality of information and masking the identity of victims with specific measures to protect women from further indignities, harassment and threats to their lives and well-being. For example, a safe house in an undisclosed location may be used with the support of a local NGO/CSO; or women lawyers must be present when women victims report incidents to the police or other government agencies.
5. Clear Definitions – We shall include in our reference list of potential incidents and in the actual register of complaints and grievances, incidents that fall under the following

- a. A “grievance” expresses dissatisfaction, disagreement or protest over unfair treatment, or a violation of laws, rules, standards, or infringement on labor rights. Grievances could be severe cases that involve threats to life, impacts on health and well-being, physical or mental harm and/or damage to property or personal reputation. “Complaints” concern working conditions, benefits, and welfare.
  - b. “Remediation” is the process of making amends, corrections, mitigating and/or preventing harm when the Employer or the Thai RA or the Partner SRA or any link in their supply chains may have caused harm – directly or indirectly, intentionally or unintentionally – to individuals, businesses or communities.
6. Systematic Grievance Mechanism – We will ensure the following features for accountability
- a. **Accessible and Legitimate** – All internal and external stakeholders, from top management to new hires to job seekers in source countries shall be able to access channels of communication to express a complaint or grievance. For migrant workers, provisions shall be made provide access and tools for access in their native languages. The grievance mechanism will be based on national laws and be rights-compatible to make it legitimate
  - b. **Involves Workers** – All workers have a say, individually or as a group on the effectiveness of grievance channels, response timelines and remediation actions. Vulnerable workers are informed of their rights and responsibilities and given assurance that there will be NO negative impacts on them or their jobs if they express a complaint or grievance.
  - c. **Confidential but Transparent** – Anonymous lodging of complaints and grievances will be encouraged. However, communication about the nature of the grievances, steps for handling them and progress on resolving them must be transparent. Names and personal information will be protected and anonymized.
  - d. **Documented and Communicated** – The structure of the grievance mechanism, i.e. main process steps of filing a complaint or grievance, receiving, investigating, deciding, resolving, recording, appealing (if necessary) shall be documented in a process flow diagram that will be communicated to all internal and external stakeholders.
  - e. **Trained Personnel** – Those assigned to manage the processes will be trained on appropriate procedures and tools (e.g., interview techniques) as well as in handling gender-sensitive cases. The focus will be on managing conflicts during recruitment or in the workplace, if the Thai RA is contacted by migrant workers for help. Conciliation and mediation will be prioritized instead of aggressive legal action.
  - f. **Timely and Effective** – The lists of potential grievances related to policies of the Thai RA shall be compiled in a systematic manner to facilitate preparedness for implementing corrections or remediation within appropriate timelines. Such lists will encourage preventive measures. Analysis of past incidents for trends and patterns in types of grievances and their resolution could be of value in effective implementation

- g. Categorizes types of grievances** – We shall list common areas where complaints and grievances are likely to be raised, or have been raised in the past, to determine which areas to focus on or get involved in, if contacted by workers. Some categories are shown below with examples.

  - i. recruitment – extra fees, false promises, poor transportation conditions
  - ii. working conditions – not enough rest, wages not paid on time, no PPE
  - iii. infrastructure – unsafe buildings, poor ventilation, no emergency exits
  - iv. contractual rights – contract substitution; annual leave denied; maternity leave or severance not paid
  - v. fundamental labor rights- forced labor, discrimination, excessive disciplinary measures, restriction of workers’ freedom of movement
  - vi. personal relations – sexual harassment, abusive language, threats, corruption
  - vii. business ethics and community relations – corruption, protection money
- 7. Thai Employers, Partner Recruitment Agencies, Subcontractors, Service Providers** – Our Company, in our role as a Thai RA and a middleman, recognizes the crucial part that all of those involved in recruitment could play in reducing or eliminating incidents related to fundamental rights violations. Hence, we will develop means of monitoring any complaints and grievances from the pre-employment processes, whether we use our internal staff or we ask our Partner SRA or subcontractors or service providers to do so. Our Recruitment Policy sets down rules, which are supplemented by the ones below:

  - a. We will cooperate with the Thai Employer, our Partner SRA and service providers in assessing the adequacy of documentation and effectiveness of implementation of grievance mechanisms and remediation plans
  - b. We will assess the understanding of Thai Employers, Partner SRAs and service providers, working with us, for alignment with our understanding of fundamental human and labor rights as well as national labor laws for both the source and destination countries. We will maintain a list of the most current and up-to-date applicable laws.
  - c. We will obtain information on how Partner SRAs and service providers, working with us, monitor the performance of individual employees, brokers and agents (if used) to ensure their compliance to ethical and legal practices at all times.
  - d. We will verify that our Partner SRAs and service providers have an implementation system, an accountable officer and clear procedures that demonstrate compliance with all relevant legislation and regulations as well as a Code of Conduct that prohibits human trafficking and violations of core human and labor rights.
  - e. We will verify that our Partner SRAs and service providers have mechanisms for confidential reporting of non-compliances, a grievance mechanism that defines procedures for investigation, reporting, and victim/whistleblower protection.

8. Sexual Harassment – Our Company, in our role as a Thai RA and middleman, recognizes that to implement our Working Conditions Policy, we need to take following measures to address this extreme form of discrimination. We expect our managers, staff, service providers as well as our Partner SRAs and their staff, subcontractors and service providers, especially individual brokers and agents, if used, to comply with our policies. Therefore, as part of due diligence, we shall communicate to them the following:
  - a. Our company has a zero-tolerance policy for sexual harassment and abuse. Procedures to prevent violations at all steps of the recruitment process are documented and evidence of compliance, e.g., photos, are available.
  - b. Our company will keep up-to-date information on issues related to fundamental international human/labor rights and national labor laws for Thailand and source countries, that impact recruitment and employment of vulnerable workers, especially migrant women workers. Our company will maintain a current registry of applicable laws.
  - c. Our company will monitor the performance of individual employees, recruiters, brokers and agents (if used) to ensure their compliance to ethical and legal practices at all times.
  - d. Our company will develop adequate written procedures and proof of systematic implementation of grievance mechanisms and pre-documented remediation plans.
  - e. Our company will have a mechanism for confidential reporting of non-compliances, a grievance mechanism that defines procedures for investigation, confidential reporting, and victim/whistleblower protection.
  - f. We will make an effort to hire women to interview women for gender-sensitive cases and to have women lawyers accompany victims when reporting incidents to the police.
  - g. Our company will develop protocols for remediation in case of verified reports of grievances towards our staff, or Thai Employers or Partner SRAs or service providers. These will prioritize strategies for us as middlemen to facilitate help and support for victims as well as seek mediation from Thai government agencies with responsibilities for protection of migrant workers and/or embassies of the migrant worker's home country.
  - h. Our company will carry out an analysis of root cause for grievances and complaints and determine appropriate preventive action to avoid recurrence.
  - i. Our company shall maintain a list of national ministries or provincial government agencies or 3<sup>rd</sup> party institutions, e.g., NGOs/CSOs, trade unions, labor offices, local community leaders for support and expertise (shelters, education, health and legal assistance) in facilitating intervention, mediation and resolution to save lives and minimize harm.
9. Record-Keeping – Our company will retain the following key documents for the implementation of our Grievance and Remediation Policy
  - a. Licenses and registrations for the recruitment company and its employees
  - b. Process Flow Diagram for the Grievance, Remediation and Appeal process showing all steps from filing of complaint/grievance, receipt, investigation, analysis, mediation, closure, appeal and final decision.

- c. Procedures or work instructions for the various steps in the process flow diagram
- d. Types and Categories of Potential Grievances with forms numbered plus severity and priority assigned; historical analysis of patterns and trends, if available
- e. Pre-documented proposed Remediation Plan for each Identified grievance, decided after discussions of what is fair, practical and appropriate for the grievance
- f. List of personnel involved with management of the Grievance and Remediation systems and their responsibilities/authorizations, e.g., who will contact Employers, Partner SRAs, service providers or government and third-party network partners
- g. Procedures for confidential reporting and victim/whistleblower protection
- h. List of current applicable national laws and internal labor and human rights standards
- i. List of and contact information for embassies, national ministries or provincial government agencies or 3rd party institutions, e.g., NGOs/CSOs, trade unions, labor offices, local community leaders for support, expertise and possibly facilities or assistance for victims (e.g., shelter for children and families, schools, hospitals, legal offices)

## K. Remediation

- I. Remediation Priorities – Our Company shall consider the following factors when developing response, remediation and mitigation strategies to complaints, incidents and grievances.
  - a. **Type of Grievance** – As a general rule, incidents that violate fundamental human and labor rights are more severe and take precedence during remediation planning.
  - b. **Severity** – Incidents that violate fundamental human and labor rights must be prioritized. Since these may involve death, permanent disability due to physical harm, severe injury, and other threats to health and safety of an adult or child, even if our Company is not directly a party to the harm, it will prepare remediation plans to address the incidents. For example, for child labor, forced labor, sexual harassment and other severe violations, protocols will be documented on emergency contacts and facilitating victim protection.
  - c. **Extent of Impact** – Incidents that affect a large number of people must be prioritized.
  - d. **Direct or Indirect Involvement** – Cases where our company is directly involved, whether intentionally or inadvertently, must be prioritized. For incidents where the harm is caused by another organization in our company's supply chain, we still have the responsibilities to investigate, inform labor officials or de-list a business partner.
  - e. **Pre-documented Remediation Plan** – Our Company affirms in this document its intent to immediately stop or correct actions that are causing harm, directly or indirectly, within an appropriate timeline. At the same time, our remediation plan will specify the methods and resources for making amends to victims as well as preventing recurrence.

- f. **State or Third-Party Institutions Support** – Our Company recognizes our limitation in offering solutions especially for those involving judicial processes. Therefore, we shall compile a list of embassies, national ministries, provincial government agencies or 3<sup>rd</sup> party institutions, e.g., NGOs/CSOs, trade unions, labor offices, local community leaders, who have the resources and authority to investigate, mediate and remediate cases.
2. Remediation Strategies – Our Company shall have clearly documented processes to respond to grievances we discover or are brought to our attention. One or more of the following remedies can be used, if after carrying out investigations into allegations, reasonable verifiable evidence is found pointing to the root cause as, directly originating from our company or indirectly from a link in our supply chain. We shall make amends and/or facilitate corrections and remediation, as well as identify preventive actions to avoid recurrence. We shall tap into the expertise of state and 3<sup>rd</sup> party institutions for mediation and resolution.
  - a. **Compensation** – This could be financial or non-financial, short-term or long-term for physical or psychological harm inflicted
  - b. **Restitution** – This could involve apology and guarantees for rehabilitation to victims.
  - c. **Punishment** – This could mean administrative (dismissal, demotion or transfer) or penal action (penalty, fine and /or jail time, deportation, repatriation) on the perpetrator
  - d. **Prevention** – This will involve analysis of root cause and prevention of recurrence

## L. Monitoring and Verification

1. Initial verification

Internal verification of implementation of core policies and procedures will be done after a period of implementation, to be determined by the SMS team. Methodology may be through internal management review and/or adequacy or compliance assessments described below. These can be carried out as a first-party, second-party or third-party assessments.
2. Adequacy Assessment

Also called a desk review, this type of assessment compares and determines whether existing documents match the requirements of the reference standard or criteria used by the RA, of its own choosing, or as required by its clients or its clients' buyers. Key documents examined are signed and announced policies, implementation procedures, work instructions, forms and checklists, support documents, including pertinent laws and regulations relevant to the criteria.
3. Compliance Assessment – This type of assessment observes practices and compares them to the RA's policies, procedures and reference criteria to determine compliance. Records generated at the various steps of recruitment are sampled for assessment of compliance. Interviews of stakeholders, especially migrant workers recruited recently may be conducted based on a reasonable sample size.
4. Frequency – Monitoring or verification of implementation of and compliance to core policies will be done at frequencies determined by risk assessment results related to the various steps of the recruitment process Likewise, pre-qualification or planned monitoring of partner recruiters, agents, subcontractors and service providers, will be

scheduled at a frequency based on the due diligence and social risk assessment rating and scores. A monitoring plan will be prepared by the SMS team, at a minimum, yearly, to cover key topics and policies over a reasonable period.

5. **On-Site Assessment Methods** – Challenges for on-site assessments, especially for cross-border recruitment, may need to be addressed through desk reviews and/or self-assessment questionnaires and/or cooperation from associations to which partner recruiters, subcontractors and service providers belong.
6. **Team/ Assessor Selection** – All assessors shall be trained appropriately. Women shall be included, especially for worker interviews. Assessors should be assigned with very effort made to ensure that there is no potential conflict of interest.
7. **Worker Interviews** – Selection of workers for interviews shall be done with care, with assurance of confidentiality and no repercussions. The interview shall be in a neutral, safe place with written consent obtained from the workers. Tools for the interview and personnel involved shall be gender-sensitive.
8. **Reporting** – Criteria, objectives and scope of the monitoring or verification shall be documented together with the assessment team list, methodology, tools, findings, recommendations, and follow-up.
9. **Verification Triggers** – Changes to national legislation, policies, procedures, or personnel should trigger SMS review.
10. **Continuous Improvement** – Results and analysis of monitoring activities will be used for systems improvement and/ or policies and implementation procedures adjustments.