

▶ ILO Brief

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Rough seas: The impact of COVID-19 on fishing workers in South-East Asia

Key points

- ▶ In 2020, there was a global decline in commercial fishing. Satellite tracking revealed a 9 per cent global decrease (63,000 vessels) in 2020 in the number of active commercial fishing vessels over 2019. These vessels together fished for an estimated 50 million hours in 2020, a 5 per cent decrease over 2019.
- ▶ Asia and the Pacific experienced declines in employment and hours worked within the sector. The greatest fall-offs in employment and hours per worker in fishing were in Thailand at -15.4 per cent and the Philippines at -9.1 per cent.
- ▶ Global trade in seafood fell in 2020 with an aggregate decline in the volume of seafood exports from the region. With a month-to-month decline over 2019 levels, the largest decline came in March and April 2020 during the first wave of the pandemic.
- ▶ The declines in fishing employment, hours and seafood trade appear not to be driven by pandemic-related public health measures such as temporary port closures. Fishing activities were largely allowed to continue, and fishers generally exempt from strict quarantine measures but screened before and after fishing.
- ▶ Slumping demand for seafood products – rather than supply problems – seems to be the leading cause of the decline in fishing products and fisheries production. In 2020, combined seafood imports by the United States and European Union (EU) from five Asian countries decreased by 14.4 per cent.
- ▶ Union density among commercial fishers in Asia is very low, exacerbating their lack of workers rights and protections. Migrant fishers face further practical restrictions to their ability to participate in worker organizations, including de facto legal prohibitions limitations in the geographic reach and capacity of unions, anti-migrant sentiment, suppression by employers and lack of legal status.
- ▶ Falling incomes and job/employment losses caused by declines in fishing activity were among the most urgent problems for fishers in 2020. In fishing industries dependent on migrant workers, despite a tightening of labour markets which may have increased workers' leverage on pay, no widespread increase in wages were noted. Any improvements in pay appear to have been offset by the fall in fishing activity, or associated with increases in the work hours on vessels that lacked sufficient crew.
- ▶ Decreasing wages and income for migrant fishers have had secondary effects on their families in countries of origin, which were reflected in declines in remittances. Border closures and travel restrictions have also led to reported wage theft as employers took advantage of migrant workers' precarious situations. Interviews reviewed workers experiencing deferred, reduced, or non-payment of wages as well as sudden termination of employment. This impacted both migrants who returned home and those who stayed in countries of destination. Migrants who returned home in a rush did not receive their full wages and have no methods to recuperate their lost salaries. Migrants who stayed in the destination countries experienced unexplained wage cuts, or were trapped because employers retained their documents.
- ▶ The COVID-19 virus has intensified the precarity of the fishing industry where close quarters aboard vessels, lack of regular supplies, including personal protective equipment (PPE); and intermittent access to medical care have increased risk for fishers.

Key points

- ▶ Government pandemic relief policies aimed at assisting unemployed and essential workers overlooked or excluded migrant workers. Although national fishing industries were included in government relief programmes, migrant fishers in industries were largely excluded from social security protection and unemployment benefits.
- ▶ The disparate treatment of migrant workers, especially in countries where migrants make up the majority of the workforce, is a reflection of larger social disparities and policies that perpetuate discriminatory treatment. This exclusion is especially hard on fishers, as their access to social protection is generally more limited (by work routines) and more tenuous than the access afforded to migrants working in more formalised sectors.
- ▶ Additionally, COVID-19 lockdowns have led to extension of stays for migrant workers as travel restrictions and border closures impede their freedom of movement. Their extension has reportedly caused notable increase in fees and administrative requirements to renew work permits while a substantial portion of workers were unable to register their migration status. In Thailand, an estimated 500,000 migrant workers have fallen into irregular status by January 2021 due to inaccessibility of visa registrations and high costs.
- ▶ The scale of the pandemic’s impacts on work, trade and regulation of labour practices has revealed again the inadequacy of voluntary corporate social responsibility and sustainability programmes by seafood buyers for protection of its workforce.
- ▶ Sustained attention to workers, including migrant workers, employed in the fishing and seafood processing sectors is crucial. In particular, where workers are made “out of sight” through policies that severely limit their freedom of movement or where their places of work – fishing vessels – are difficult to monitor. Crisis response and recovery policies are an opportunity to address pre-existing decent work deficits and structural inequalities in the sectors where labour protections and labour law enforcement have been weak.
- ▶ In the fishing and seafood processing sectors, continued efforts to promote international labour standards are needed to address underlying protections gaps for workers. Increased transparency in corporate practices as well as improved collection and disclosure of data are key to ensure workers do not fall into a policy blind-spot. Lastly, support for enterprises, including extension of social protection to all workers – including migrant workers – is crucial in mitigating the adverse impacts of the pandemic.

► Introduction

The economic and cultural importance of commercial fishing and aquaculture in Asia and the Pacific – home to 29 million fishers, or 83 per cent of all fishers workers worldwide – means that the struggles of the industry and its workforce during the COVID-19 pandemic are of global importance (FAO, n.d.). This brief assesses the impacts of the pandemic on workers in the fishing industry in Asia and the Pacific, with particular attention to the pandemic’s impacts on migrant fishers.¹

While the first peaks of the pandemic occurred in 2020, the continuing crisis has affected the region’s fishing industry and its workers, as many borders remain

closed, mobility restrictions remain in place, and concerns about fishers’ workloads, health and safety have grown.

Following the methodology section below, this paper consists of an empirical analysis in Section 3 of the short-term impacts of the COVID-19 pandemic on the region’s fishing and seafood trade. Section 4 provides qualitative analyses of changes in employment and working conditions for fishers in the first year of the pandemic. The paper’s fifth section analyses government policy responses to the pandemic and their relevance for the industry and fishers’ health and livelihoods.

¹ According to recent ILO estimates, there are 169 million migrant workers worldwide, 7.2 per cent of whom are in South-Eastern Asia and the Pacific. Approximately 7.1 per cent of international migrant workers are engaged in agriculture, forestry and fishing (ILO 2021b)

The final section offers conclusions and recommendations aimed at closing the numerous policy and enforcement gaps identified in the paper. These include, first, steps to end systematic discrimination against migrant workers through changes to national legal frameworks in line with – among other standards – the ILO Work in Fishing Convention, 2007 (No. 188). Second, the paper draws a line between the effective denial of freedom of association for many fishers, both

nationals and migrants, in Asia and persistent labour abuses in commercial fishing. Third, the paper notes the failures of voluntary, private regulation of work in fishing to prevent or rein in abuses in the COVID-19 era, which has resulted, in new trade legislation in Asia’s largest seafood export market – the United States of America – to prevent the importation of seafood made with forced labour.

► Table 1. COVID-19 statistics for select Asia and the Pacific countries, Feb 2020 – October 2021

Country	Confirmed cases	Deaths	Case-fatality ratio (%)	Deaths / 100,000 pop.
Cambodia	118,220	2,766	2.34	16.544
Indonesia	4,242,532	143,333	3.38	52.402
Japan	1,717,980	18,237	1.06	14.419
Myanmar	497,700	18,622	3.74	34.225
Philippines	2,772,491	42,575	1.54	38.853
Rep. of Korea	360,536	2,817	0.78	5.495
Taiwan (China)	16,412	847	5.16	3.5
Thailand	1,893,941	19,070	1.01	27.321
Viet Nam	905,477	21,910	2.42	22.509

Source: World Health Organization: Coronavirus (COVID-19) Dashboard, through October 31, 2021; Taiwan (China) data taken from <https://www.worldometers.info/coronavirus/country/taiwan/>.

► Methodology and limitations

The research methodology used for this brief was primarily a review of recent literature both academic and popular, the organization and analysis of relevant trade and employment data, and interviews with ten key informants, including representatives of international seafood buyers who source from countries that make up the ILO Ship to Shore Rights South-East Asia’s implementation area.²

Reliable data on migrant fishers and labour practices in Asia between March 2020 and March 2021 – the period covered by this paper – is limited and made even more scarce by lockdowns, emergency migration and border closures. These COVID restrictions have both made data collection more difficult and contributed to more irregular migration – a combination that has made governments’ migration data less comprehensive than it was before the pandemic.

The countries discussed in this paper include several of the key countries of origin for migrant workers employed in the region’s fishing industry – Cambodia, Indonesia, Myanmar, the Philippines and on a smaller scale, Viet Nam – which together send an estimated 125,000 workers abroad to the fishing industries of Japan, Republic of Korea, Thailand and Taiwan (China).

In the run-up to the pandemic, migrants made up significant shares of the fishing workforces in Thailand, the Republic of Korea and Taiwan (China). In Thailand in 2020, approximately 90 per cent of fishers, or approximately 60,000 workers, were migrants from Myanmar and Cambodia (ILO 2019). In the Republic of Korea, there were 3,869 migrant fishers on distant water fishing vessels in 2019, making up 73.8 per cent of fishers in the distant water workforce. There were 10,032 migrant fishers on the Republic of Korea’s larger coastal water fishing vessels, or 42 per cent of the workforce (APIL 2020).³ In Japan, approximately 4,000

² Interviewees included representatives of global unions, fishing industry consultants, labour advocacy organizations and national governments.

³ Coastal water vessels weighing 20 tons or more (APIL 2021).

⁴ The seafood trade data used in this paper is limited to Harmonized Systems (HS) Codes 03, as HS 16 data specific to seafood was not available.

migrant workers were employed in fishing in the most recent estimate (ILO 2017). Migrant fishers make up an estimated 11 per cent of an estimated 300,000-plus fisheries workers in Taiwan (China) in 2019, of whom 12,476 were migrants working in coastal and offshore fisheries and 22,302 were in the distant water fishing fleet (Sutton and Siciliano 2018; Chiang and Rogovin 2020). An estimated three-quarters of these fishers come from Indonesia, with much smaller shares coming from the Philippines and Viet Nam (Marschke et.al 2020).

This brief examines fishing employment data as indicators of changes in fishing activity in the pandemic period. Trade data is another useful indicator of changes in the region’s commercial fishing industry where seafood exports make up significant shares of total exports, as in Indonesia (1.9 per cent), Thailand (0.8 per cent) and Viet Nam (2.3 per cent) in 2019.⁴ This brief oversamples research conducted in Thailand, Republic of Korea and Taiwan (China) where commercial fishing industries – and in Thailand, the massive seafood processing sector – have been the focus of persistent interest by media, unions, labour rights advocates and – to a lesser extent – regulators and trading partners.

► COVID-19’s economic impacts in fishing

The 2020 decline in commercial fishing was global. Satellite tracking of vessels using automatic identification systems (AIS) revealed a 9 per cent global decrease (63,000 vessels) in 2020 in the number of active commercial fishing vessels over 2019. These vessels together fished for an estimated 50 million hours in 2020, a 5 per cent decrease over 2019.

Employment and hours data from national labour force surveys in several of the countries in this study mirror the global decline in work in fishing in 2020 – fewer jobs and fewer hours worked. The fall-offs in employment and hours per worker in fishing in 2020 were greatest in Thailand at approximately -15.4 per cent and the Philippines at -9.1 per cent. The decline in employment in Viet Nam was considerably less steep at -1.6 per cent.

The declines in total weekly hours worked in all three industries appear calibrated with the declines in employment, though larger in scale. In the Philippines and Thailand the 2020 fall-offs in total weekly hours – nearly 18 per cent and 23 per cent, respectively – outpaced the decline in employment by nearly 8 per

cent. The decline in Viet Nam was less dramatic, but followed the same pattern. But for all three industries, this disparity suggests that working hours were lost not only due to declines in employment but also due to some workers working fewer hours.

Fishing is seasonal; so an analysis of quarterly changes in employment and hours of work in these three countries is useful. Such an analysis shows significant declines in the second and third quarters of 2020 – the initial months of the COVID-19 crisis – over the same quarters in the previous year. In the Philippines and Viet Nam, employment at the end of 2020 (and in supplemental data for the first quarter of 2021) had returned to or exceeded 2019 levels. But jobs in Thai fishing in the final months of 2020 were down nearly 10 per cent over comparable 2019 levels, which suggests that the Thai industry was re-calibrating employment levels to notably lower (seasonal) levels of fishing. Employment data for the Thai industry for the first months of 2021 shows jobs fully 20 per cent lower than in the first quarter of 2019.

► Table 2. Employment and weekly hours in fishing by country, 2019–20

Country	Employment			Total hours worked		
	2019	2020	Change (%)	2019	2020	Change (%)
Philippines*	1 111 733	1 010 590	- 9.1	40 116 434	33 081 718	- 17.54
Thailand	219 545	185 662	- 15.4	8 269 874	6 358 382	- 23.11
Viet Nam	622 676	612 603	- 1.6	26 863 067	25 548 426	- 4.89

* Philippines data for 2020 Q1 is unavailable; 2019 and 2020 averages exclude Q1. Source: ILO calculations based on ILO Harmonized Microdata, www.ilo.org/ilostat.

► Table 3. Quarterly employment in fishing by country, 2019–20

Employment	Q1			Q2			Q3			Q4		
	2019	2020	(%)	2019	2020	(%)	2019	2020	(%)	2019	2020	(%)
Philippines	n/a	n/a	n/a	1 045 314	987 202	-5.6	1 212 107	945 224	-22.0	1 077 777	1 099 344	2.0
Thailand	240 372	194 733	-19.0	219 053	184 218	-15.9	206 629	171 974	-16.8	212 129	191 723	-9.6
Viet Nam	627 450	624 181	-0.5	626 893	578 179	-7.8	626 467	604 672	-3.5	609 895	643 379	5.5

n/a = data not available.

► Table 4. Quarterly weekly hours in fishing by country, 2019–20

Employment	Q1			Q2			Q3			Q4		
	2019	2020	(%)	2019	2020	(%)	2019	2020	(%)	2019	2020	(%)
Philippines	n/a	n/a	n/a	39 433 267	26 892 902	-31.8	43 741 311	33 674 067	-23.0	37 174 724	38 678 185	4.0
Thailand	240 372	194 733	-19.0	8 462 920	5 844 867	-31.8	7 747 182	5 795 484	-25.2	8 169 976	6 786 131	-16.9
Viet Nam	627 450	624 181	-0.5	29 642 672	25 796 649	-13.0	27 599 203	27 734 922	0.5	27 235 573	25 109 443	-7.8

n/a = data not available.

Global trade in seafood fell in 2020

This decline in fishing activity in 2020 was reflected in a modest aggregate decline in the volume of seafood exports by countries for which data is available. This marks a turn in the longer upward trajectory of seafood exports by the countries in this study. (Thailand is a notable exception: radical over-fishing in Thai waters, disease in its shrimp industry, fierce price competition in the region and a global scandal over forced labour practices have led to a decade-long decline in seafood exports by volume since 2010.)

Likewise, seafood exports (value) by most of the countries studied in this brief show a continuous month-on-month decline over 2019 levels, with the most significant declines coming in March and April 2020 during the first wave of the pandemic. Japanese seafood exports fell 20 per cent compared to March 2019; Philippines exports fell 19 per cent; Republic of Korea, 14

per cent; and Thailand, 10 per cent. Exports fell further in April 2020 in Japan (30 per cent), the Philippines (31 per cent) and Republic of Korea (33 per cent), but increased slightly in Thailand (3 per cent).⁵ Seafood exports by these four countries decreased 13 per cent overall in 2020 compared to 2019, representing a US\$5.2 billion fall-off.

For a sense of the demand-side impacts of the pandemic on the seafood trade, this paper examines changes in seafood imports by two of the world’s major seafood markets: the United States and the European Union (EU). In 2020, combined seafood imports (HS code 03) by the United States and EU from Indonesia, Viet Nam, Thailand, the Philippines, Republic of Korea and Japan decreased by 14.4 per cent. And EU imports decreased by a greater percentage (-22.1 per cent) than US imports (-10.9 per cent).

Consumer data for 2020 shows surges in retail food demand. Consumption of cheaper fish species bounced

⁵ Source: UN Comtrade, data from select HS 03 codes. Exports in the Philippines increased significantly in June (51 per cent) and July (44 per cent) 2020. This is likely due to the smaller export values and accordingly larger percentage fluctuations.

Pet food

The global increase in pet adoptions during the pandemic created a complementary increase in the demand for pet food. The pet food industry – a major buyer of inexpensive fish and “bycatch” – was a notable exception to the decline in consumption during the pandemic, and led to some seafood markets experiencing increased demand.

Even prior to the pandemic, seafood suppliers were affected by changes in the petfood industry, as many pet owners have increasingly turned to healthy, high-protein pet food made from fish (Blank 2019). During COVID-19, the increased demand for pet food led to a rise in the average price of dog and cat foods. The global pet care industry has had consistent growth rates of around 3 per cent since 2012, but in 2020, the growth rate spiked to 5 per cent (Tyler 2021). In countries with strong export markets, seafood suppliers ramped up production of pet-food-related products despite the general slowdown of activity in the seafood industry. Thai Union Group, a seafood producer, experienced 12 per cent growth in their pet food-related products during the third quarter of 2020, amounting to around 5.15 billion Thai baht (US\$172.2 million) in sales (Buelva 2021). Thus, some seafood suppliers increased fishing and seafood processing amid the pandemic due to high demand for pet food. In interviews for this paper, a major regional pet food producer reported that the spike in COVID-19 pet food demand outstripped the seafood supply from preferred vessels that participated in buyers’ worker protection programmes and had better labour compliance. This meant that purchasing practices designed to reward ethical suppliers were weakened in order to meet demand.

back and even grew slightly as more consumers bought fish and prepared seafood at retail outlets to cook at home (Love et. al 2021). Canned seafood products, and especially canned tuna, were in high demand in the beginning of the pandemic when consumers may have felt a need to stockpile shelf-stable foods. During the first quarter of 2020, imports of canned tuna in the United States increased by 6 per cent and EU imports of tuna increased by 23 per cent (IHS Markit 2020).

But in comparison with other widely-traded foodstuffs, seafood exports to the United States and the EU by these six countries suffered greater losses in the first year of the COVID-19 pandemic. For example, cereals and flour exports (HS code 19) to these two markets increased by 17 per cent in 2020 over 2019. US imports in meats (HS code 02) increased by 10.1 per cent and EU imports decreased slightly (-1.3 per cent).

In the United States, seafood restaurants reported a 70 per cent decrease in consumer demand, contributing to a 40 per cent drop in the US seafood catch at the height of the pandemic (White 2020). The EU seafood market saw a 30 per cent drop in price for seafood imports in the early months of 2020 due to reduced demand (Love et. al 2021).

Fishing industry lockdowns not a major cause of the decline

The 2020 declines in fishing employment, hours and seafood trade appear not to be driven by public health measures such as temporary port closures that limited fishing activity.

In **Thailand**, despite border closures, lockdowns and travel restrictions, the Government largely allowed the fishing industry to continue to operate throughout 2020 and deemed fish an essential consumer good (Thongtub 2020). As noted above, seafood exports (which included considerable inputs from non-Thai fishing operations) rose slightly in 2020.⁶

Fishers in **the Philippines** were exempt from strict quarantine requirements but were required to undergo screening before and after fishing (Unite 2020). Despite being able to go out on the water and fish, fishers faced market pressures as restaurants and seafood markets closed, and restrictions on the movement of goods and people led to a drop in seafood prices in the Philippines.

Lockdown policies in **Indonesia** were made province-by-province and were generally lenient: “[w]hile many countries closed their fishing ports and temporarily stopped fishing activities when COVID-19 reached their shores, Indonesia did not impose these types of restrictions.” (Sumarsono 2020). The Ministry of Marine Affairs and Fisheries consequently was able to report relative stability in Indonesia’s commercial fishing industry.

Republic of Korea likewise did not institute a lockdown, but fisheries production, as elsewhere, decreased by 3.8 per cent compared to 2019. While coastal and offshore

⁶ In 2021, as Thailand was hit by second and third waves of the pandemic, some fishing vessels were confined to ports and fishers were quarantined “on water”. According to Thailand’s Department of Fisheries, the total number of active fishing vessels as of 16 August 2021 was 10,058, a decrease of 109 vessels compared to the 10,167 active vessels on 31 March. However, this decrease is in line with previous year-on-year decreases since 2018.

fisheries actually grew by 2.2 per cent, distant water fisheries fell by a considerable 13.3 per cent in 2020 over 2019 levels (Statistics Korea 2021).

Taiwan (China) engaged in aggressive containment policies, but focused on instituting mobile phone tracking, temperature checks and social distancing in retail spaces. As such, fishing ports and restaurants were never closed down. However, decreased demand for fresh and frozen seafood as well as slower production along the supply chain led to decreased activity among fisheries in Taiwan (China) (Marschke et al 2020).

Impact of border closures on industries dependent on migrant workers

In **Republic of Korea**, national border closures limited the supply of new migrant fishers and caused vessel owners to actively recruit Korean citizens to work as fishers with offers of higher compensation and bonuses. Migrant workers already employed in the industry – about 47 per cent of the coastal and distant water fishing workforce – reportedly were not offered increases in benefits and wages.⁷

In **Thailand**, the downward price pressure on seafood products combined with relatively low wages,

overfishing and lack of investment in labour-saving technologies has deepened the fishing industry's reliance on migrant fishers over the last decade. This has created a tight labour market, made tighter still by the reluctance of governments in Cambodia, the Lao People's Democratic Republic and Myanmar to support regular migration into what they regard as a hazardous and abusive industry. Tens of thousands of new fishers have been recruited in recent years, chiefly from among irregular migrants and – on a smaller scale – via labour migration agreements with neighboring countries or ad hoc emergency processes to address labour shortages (ILO 2019).

This chronic labour shortage for the Thai fishing industry, described in the ILO's 2019 report on labour market policy and practice, was exacerbated by border closures and lockdown measures in the early months of the 2020 pandemic. While some migrant fishers in Thailand were reportedly able to negotiate slightly higher wages (Marschke et al. 2020) and others were given a higher share of the catch, labour rights advocates noted no widespread wage increases, and wage-setting continued to be controlled by employers and, indirectly, by buyers rather than by labour market forces.⁸ Although not uncommon in the region, Thailand's system of employertied visas and work permits continued to severely restrict labour mobility and reduce the bargaining power of migrant fishers.⁹

► Impacts on work in fishing

This section examines direct and indirect impacts on fishers – both migrants and nationals – stemming from the general economic decline and confusion of the early months of the pandemic. This section also details the impacts on fishers of COVID-19 lockdowns and travel restrictions, violations of worker rights, falling incomes and wage theft, and new health and safety risks.

Lockdowns and border closures

In early 2020, border closures to contain the spread of COVID-19 were the norm in Asia and the Pacific, but impacts for fishers varied according to the stringency and enforcement of those policies, and on the fishing industry's dependence on both internal and cross-border migrants.

Thailand was the first South-East Asian country to report a case of COVID-19 outside of China in January 2020. In March 2020, the Prime Minister declared a state of emergency and suspended international flights, closed land borders and instituted quarantine requirements. In early April 2020, the Government instituted a curfew requiring residents to remain in their homes from 10 p.m. to 4 a.m. as well as a requirement for mask-wearing and social-distancing (Dechsupa et al. 2020).

The announcement of these policies triggered a mass movement of Cambodian, Lao and Myanmar migrant workers to return from Thailand to their home countries. The International Organization for Migration (IOM) estimates that 193,413 migrant workers left Thailand during the two-week period starting on 22 March 2020 (IOM 2020d). On a single day – 24 March 2020

⁷ Interview with Advocates for Public Interest Law (APIL), April 2021.

⁸ Interview with International Transport Workers' Federation (ITF), April 2021.

⁹ See Sabrina Kouba and Nilim Baruah, *Access to the Labour Market for Admitted Migrant Workers in Asia and Related Corridors* (ILO, 2019).

– approximately 15,000 migrants crossed into the Lao People's Democratic Republic from Thailand (IOM 2020b).

Cambodia instituted international travel bans as approximately 90,000 Cambodian migrant workers returned home from Thailand before land borders were closed by mutual agreement in late March 2020 (Blomberg 2020a). As of February 2021, an estimated 150,000 migrant workers had returned to Cambodia from Thailand (Blomberg 2021), and the land border between the two countries remained closed (GGRAsia 2021).

Many **Myanmar** workers in Thailand returned home with the expectation that restrictions would soon be lifted. However, as the crisis became protracted, the lack of sufficient livelihoods in their communities of origin pushed them to return (ILO 2020d). This pressure grew as the Myanmar economy broke down amid the violence and political repression that followed the 1 February 2021 military coup. As of mid-2021, the

Thai–Myanmar border has remained sealed and is increasingly militarized, forcing migrant workers and refugees to enter Thailand via informal crossings, often through paying extortionate fees to brokers (Blomberg 2021). These migrants may be more vulnerable to labour exploitation and have limited access to public services and social protection due to their irregular legal status.¹⁰

For Myanmar migrants who remained in Thailand, the fall in income and difficulties in sending money to their families since the coup has compounded an already difficult situation. Migrants became a target of blame as Thai politicians accused migrants of causing spikes in COVID-19 infections in certain regions (*Reuters* 2020; *AFP* 2020), including Samut Sakhon, the epicentre of Thailand's seafood industry, where a now-infamous quarantine of migrant fishers and seafood processing workers was imposed in December 2020 (Yi and Wongsamuth 2021; Peter 2020).

Bubble and seal

The Thai Government declared Samut Sakhon – the centre of Thai seafood production and a majority-migrant city on the Gulf of Thailand – a “maximum and strict control zone” in December 2020. In reporting on the impacts of COVID-19 lockdown measures, the Thai labour rights network Migrant Working Group (MWG) catalogued working and living conditions for migrants employed by fish processing factories, fishing vessels, seafood market vendors and restaurants.

The “Bubble and Seal Policy” adopted by the Thai Government in February 2021 in Samut Sakhon targeted seafood processing workers – predominantly women migrants from Myanmar – for mass COVID-19 testing. Published results revealed that 7,878 out of 50,000 workers had tested positive for COVID-19 infection (Bangkok Post 2021). The Thai Government responded by locking down Samut Sakhon, shutting in 260,000 registered migrant workers and perhaps as many as 140,000 more undocumented workers (Wongsamuth 2021a). The “bubble” policy required employers to provide migrant workers transportation from their homes to the factories, and workers who lived far away were required to install mobile tracking apps. Food vendors were made available on factory grounds so that workers only traveled between home and the factory.

Factories that provided accommodations had to adopt the “seal” policy, in which workers stayed in dormitories provided by employers with restrictions similar to those for worker movement in the “bubble” policy but also separated from their families. The Government went to great lengths to restrict movement, even installing barbed wire around the Sri Muang Apartment, which housed many shrimp workers (MWG 2021). Workers and families reported that the Government's policy led to hunger for families where employer provisions were insufficient.¹

Fishing workers were also quarantined. Those who arrived at the Samut Sakhon port were required to remain on board until they tested negative for COVID-19, receiving necessities from small boats and living in cramped spaces.

Reduced seafood production led to reduced working hours and a fall in income. Migrant workers reported earning around 3,000 baht (US\$99) per month, less than a third of the average monthly income of 10,640 baht (US\$336) in 2019. For migrant workers who lost their jobs, receiving government unemployment was difficult due to employers neglecting social security paperwork, leaving many workers ineligible for government assistance. Insured workers also faced barriers, as the Government required both Social Security registration as well as employer letters of certification in order to receive benefits. MWG reported that many employers did not provide

¹⁰ Interview with ITF, April 2021.

the necessary documents or assistance in filing for unemployment and also prevented workers from receiving severance pay by forcing them to sign voluntary resignation forms.

Despite the Bubble and Seal Policy's negative impact on workers, especially migrant workers, the Thai Government has implemented similar measures in ten more provinces as of June 2021 (Associated Press 2021). Health officials have blamed migrant workers in construction sites and factories for failing to cooperate with health guidelines and contributing to the rising number of cases. Pointing to Samut Sakhon as a successful example of containment, the Thai Government has now called for construction camps and factories to seal off workers' living quarters, preventing them from earning an income or leaving their work sites.

¹ Thai Union Group reportedly delivered 30,000 cans of fish, 2,600 boxes of crackers and snacks, and 630 kilograms of frozen seabass to Samut Sakhon for quarantined workers (Thai Union 2021a).

Lao migrant fishers working in Malaysia attempted to return home via Thailand after the Lao Embassy in Kuala Lumpur directed workers to expensive charter flights. Many workers who followed this route were arrested in Thailand for illegal border crossings (RFA 2020).

In **Indonesia**, more than 100,000 migrant workers returned to West Java, the country's most populous province, in March 2020 even as the region's governor and Indonesian President Joko Widodo urged migrant workers not to return home in order to prevent greater spread of the virus (Chew 2020). The National Board of Protection of Indonesian Migrant Workers reported that approximately 33,503 overseas Indonesian migrant workers had returned home by March 2020 (IOM 2020a). Indonesian distant water fishers returning from overseas have reportedly turned to work on domestic fishing vessels despite the lower wages paid.¹¹

In the **Philippines**, travel restrictions implemented in March 2020 left many overseas Filipino seafarers and fishers stranded outside the Philippines, often on distant water fishing vessels. Seafarers and fishers found themselves waiting in port for months. The story of Filipino fishers on a Chinese-managed, Panama-flagged vessel captured vividly the confusion and anxiety of fishers denied entry to the port in Singapore:

News about the coronavirus outbreak had upended the globe by then. But because the boat was isolated on the high seas and cut off from the rest of the world, information was limited to what senior crew members shared. The language barrier between the Chinese management on board and the Philippine, Indonesian and [Myanmar] crew didn't prepare [fisher Anthony] Medina for a world that had ground to a standstill to prevent the spread of COVID-19 (Santos 2020).

In the **Republic of Korea** lockdowns and travel restrictions in the home countries of migrant fishers left them stranded aboard vessels or in ports. Labour rights advocates note many migrant fishers come to the Republic of Korea on contracts negotiated with unregulated private recruitment agencies, and therefore these fishers do not have the requisite visas to enter the Republic of Korea. This being the case, many fishers whose contracts ended as the pandemic began were unable to repatriate – to Viet Nam and Indonesia, for example – and were also prevented from entering the Republic of Korea. They were instead detained in immigration facilities. Researchers able to meet with migrant fishers held in a Busan centre reported that up to 40 workers were being held in cramped conditions.¹²

Labour rights advocates and regulators interviewed for this brief reported instances of employers or recruiters circumventing border restrictions by sending migrant fishers via third countries to board fishing vessels there. Migrant fishers from South-East Asia were reportedly flown to South Africa to board a Chinese vessel, but the scale of fishers taking third-country routes to vessels during lockdowns is not known.¹³

For migrant fishers working in **Taiwan (China)**, border closures in Indonesia, the Philippines and Viet Nam led to new difficulties. Workers in distant water fishing remained at sea long past their contracts without seeing their families (Marschke et. al 2020). Others were detained and deported by authorities.

The industry's ports, however, stayed open and migrant workers who came into contact with vessels from other countries had to undergo a mandatory 14-day quarantine either on vessels or in hotels, which meant sacrificing two weeks of pay (Marschke et. al, 2020).

¹¹ Interview with Environmental Justice Foundation (EJF), April 2021.

¹² Interview with APIL, April 2021.

¹³ Interviews with APIL and the South African Maritime Safety Authority (SAMSA), April 2021.

During these quarantine periods, fishers remaining onboard in small, uncomfortable rooms without bedding, and some reported having insufficient food and water supplies (Carvalho 2020).

The common use of flags of convenience by Taiwan (China) companies complicated the legal status of many migrant workers amid the increasing restrictions on port entry. These workers had migrated to Taiwan (China), were employed by Taiwan (China) vessel owners, but worked on vessels flagged to other countries. As a result, when returning to ports in Taiwan (China), migrant fishers face unclear immigration pathways because they are technically on foreign vessels. In early 2020, more than 140 migrant workers were stranded in Kaohsiung's Cijin Port due to a lack of entry permits. After almost a month being stuck on the vessel, they were classified as "illegal immigrants" and deported. Two Filipino fishers left their vessel to return home but were arrested for "illegal entry" and held at the airport for 20 days in May 2020 (Chia-nan 2020). The National Immigration Agency determined that they were irregular migrants and thus would be subject to deportation. Another Filipino fisher reported being locked in a room onboard his vessel at Kaohsiung port in April 2020, and then handed in to authorities by employment brokers (HWRG 2020).

Lack of worker rights protections exacerbate COVID-19 impacts

Union density among commercial fishers in Asia is very low. Migrant fishers, while nominally permitted to organize in most countries, face significant practical restrictions to their ability to participate in worker organizations, including de facto legal prohibitions, limitations in the geographic reach and capacity of unions, anti-migrant sentiment, suppression by employers and lack of legal status.

In **Indonesia**, for example, fishers in the extensive coastal industry are organized in small numbers as part of Kesatuan Pelaut Indonesia – the Indonesian Seafarer's Union – and participate in tripartite policy discussions, but have not reached collective bargaining agreements with employers.

In the **Republic of Korea**, a June 2020 investigation by APIL and the Environmental Justice Foundation (EJF) found that migrant fishers in the Republic of Korea's distant water vessels – both before and during the pandemic – were subject to "violent attacks and illegal activities". Based on an investigation of 40 vessels, APIL and EJF found that more than 25 per cent of migrant workers surveyed had experienced physical abuse, and 63 per cent reported verbal abuse. More than 50 per cent of fishers reported working more than 18 hours per day. Workers also had their passports held and pay garnished to "discourage them from escaping these abusive environments" (Chase 2021).

In June 2020, the Republic of Korea Government issued an apology for and outlined measures to address human rights violations experienced by migrant fishers. The Ministry of Oceans and Fisheries (MOF) announced measures including plans to establish memoranda of understanding (MOUs) with migrant countries of origin, the formation of a public migrant worker recruitment system, and an increase in the number of inspections of migrant fisher conditions from once to twice yearly. The MOF also promised to establish lodging standards for fishing boats weighing 20 tons or more (Jin 2020).

In **Thailand**, migrant workers are denied the right to form or lead unions, in violation of core international labour standards. Despite this constraint, Cambodian and Myanmar fishers have been building the Fishers' Rights Network (FRN) across several Thai ports with support from the International Transport Workers' Federation (ITF). In 2020, the FRN engaged vessel owners to negotiate health and safety agreements that include provisions for medicine and basic first aid supplies on board, safety training for crews, the use of personal protection equipment, paid sick leave and a requirement that vessels return to shore immediately for treatment of fishers with serious injuries or illnesses. Most of the provisions in the collective agreement are extant but largely unenforced requirements in Thai law. Nevertheless, the agreements are notable in two respects: (1) they mark the first collective bargaining agreements reached by migrant fishers in Thailand; and (2) they require employers and fishers to settle disputes under the agreement within 30 days.¹⁴

¹⁴ Interview with ITF, April 2021.

Freight-fishing gap

Like commercial fishers, the seafarers who ferry the world's ocean freight have been vulnerable to the effects of the COVID-19 pandemic. Approximately 400,000 seafarers worldwide were left stranded on their boats for months at a time, many of them on board well beyond the end of their work contracts. A survey of 926 seafarers by the International Transport Workers' Federation (ITF) found that 59 per cent of seafarers had to extend their work contracts because they were unable to arrange a crew change. In the same survey, 26 per cent of seafarers had been on board their ships longer than the 11-month maximum allowed under international treaty – with some having been on board for as long as 18 months (McDonald 2020).

And like fishers, many seafarers are migrants who hail from the Philippines, India, the Russian Federation and China for work on board foreign-flagged vessels. Bans on flights meant that seafarers who were able to disembark were often stranded in port countries (Northam 2021).

Seafarers have a global collective bargaining agreement through their union, the International Transport Workers Federation (ITF). ITF representatives noted that dialogue with Danish shipping company Maersk in the early months of the pandemic resulted in setting the minimum labour standards for seafarers on board all Maersk ships. The agreement included hotel accommodation for seafarers in quarantine, as well as flights and ship transfers (Coyne 2021). Minimum labour standards for seafarers are also undergirded by the ILO's Maritime Labour Convention, 2006, as amended (MLC, 2006) which has been ratified by 97 Member States, including Indonesia, Japan, the Republic of Korea, Thailand and Viet Nam.

While the global fishing workforce is roughly 20 times larger than the freight workforce,¹ fishers are not covered by a binding global agreement with vessel owners, buyers and retailers. This disparity may be related to the high level of organization and activity by the shipping industry and by workers' organizations, which through the International Chamber of Shipping (ICS) and the ITF have produced a wide range of tools for labour governance and maintain effective social dialogue. The global commercial fishing industry lacks an international fishing vessel owners' organization similar to the ICS.

As noted above, the MLC, 2006 has been ratified by 97 countries, while the corresponding international labour standard for fishing – the Work in Fishing Convention, 2007 (No. 188) – has to date just 19 ratifications. Among the countries examined in this report, Thailand is the only one to have ratified the Convention, acceding in 2019 following a concerted campaign by the European Union and ILO to combat labour abuses in its fishing industry.

The disparity extends beyond ILO Conventions, global governance tools and bargaining, to encompass policy debates, public and private regulation, media attention and research. During the COVID-19 pandemic, this gap has meant more attention and investments by policymakers and multilateral agencies for maritime cargo shipping. Work in fishing issues is seemingly towed along in cargo's wake. The guidance document "Promoting Public Health Measures in Response to COVID-19 on Cargo Ships and Fishing Vessels" by the World Health Organization with input from the ILO and the International Maritime Organization includes guidance for fishing vessels as well as freight (WHO 2020). Fishing is sometimes cut loose altogether as, for example, in a 2020 United Nations paper Maritime Human Rights Risks and the COVID-19 Crew Change Crisis, which makes no references to fishing (United Nations Global Compact et al. 2021).

1 International Chamber of Shipping (2021) estimates that in 2021 there were 1.89 million seafarers in the global workforce. The FAO (2020) estimates that in 2020 there were 39 million at work in the global fishing industry.

Falling incomes and wage theft during the pandemic

Falling incomes and job/employment losses caused by declines in fishing activity were among the most urgent problems for fishers in 2020. Where improvements in pay were recorded – a union representative in Thailand

noted that some vessel owners gave fishers a larger percentage of the catch – they were due to increases in the workload on vessels that lacked sufficient crew.¹⁵

October 2020 IOM surveys of migrant worker advocates in Thailand rank decline in earnings and job losses as leading concerns, but no fishing-specific data is available. Workers in other low-wage industries in

¹⁵ Interview with the ITF, April 2021.

¹⁶ See, for example, Worker Rights Consortium, *Hunger in the Apparel Supply Chain: Survey Findings on Worker's Access to Nutrition during COVID-19*, 2020.

South-East Asia affected by the pandemic reported significant declines in earnings, loss of employment and, in some cases, hunger or food insecurity.¹⁶

Decreasing wages and income for migrant fishers of course had secondary effects on their families in countries of origin. Comparing remittances for migrant workers, including fishers, as a percentage of gross domestic product (GDP) from 2019 to 2020, World Bank reporting shows decreases in remittances of 1.6 per cent globally. Among the countries of origin for migrant fishers in this paper, remittances to Myanmar fell from 4.3 per cent of GDP to 2.8 per cent; remittances to Indonesia decreased from 1.0 per cent to 0.9 per cent of GDP; remittances to the Philippines decreased from 9.9 per cent to 9.6 per cent of GDP; and Cambodia's remittances dropped from 5.9 to 4.9 per cent of GDP (World Bank, n.d.).

With the sudden border closures and travel restrictions, many migrant workers reported wage theft as employers took advantage of workers' precarious situations. The ILO surveyed 309 migrant workers employed in South-East Asia in March and April 2020. The interviews revealed that migrant workers experienced "deferred, reduced, or non-payment of wages" in addition to sudden termination (ILO 2020c). For workers who returned home, the process was rushed due to fear of arrest, border closures, and loss of employment. Thus, workers who did not receive their full wages described having no methods to recuperate their lost salaries, as they had to leave immediately and had no means to contact employers.

Migrant workers who stayed in countries of destination also experienced unexplained wage cuts. A migrant manufacturing worker in Thailand disclosed that wages for 13 days of work were reduced from 7,500 baht (US\$234) to 3,500 baht (US\$109), a cut of more than 50 per cent (ILO 2020c). Further, some of the workers who stayed were forced into doing so. From the fishing industry to the domestic work industry, workers described being unable to go home, as their passports and legal documents were held by employers. Trapped in countries of destination, these workers depended on their current employers for their source of income and their legal status. One migrant fishing worker in Thailand recalled being paid 100 baht (US\$3) per day – less than the legal minimum daily wage – but given that the employer controlled the workers' identification papers, the fisher had to accept these wages and continue working (ILO 2020c).

Health and safety protections were not priorities

Fishing is acknowledged as a hazardous occupation, but the close quarters aboard most vessels; the lack

of regular supplies, including personal protective equipment (PPE); and intermittent access to medical care during an airborne virus pandemic have increased the risk for fishers considerably (Siamhan and Trirath 2020).

Media reports on the predicament of fishing crews stuck on board their vessels illustrate the impacts of emergency actions by governments and employers for fishers. The stranded crew aboard the Panama-flagged vessel described above also were reportedly:

sleeping on the floor of the laundry room and under tables in what appears to be a kitchen. They heat what little food they have in a kettle. "We don't have any more filtered water. We boil the water that comes out of the sink, but it is brown and rusty and tastes bad," said [fisher Anthony] Medina, who worries about the fate of the crew members and their families back home who depend on their salaries. Their contract ended in November, and they are uncertain if they will get paid for working while quarantined at sea. The Philippine Consulate in Xiamen, China, has been sending the crew supplies... [but] logistics makes it difficult to send supplies regularly (Santos 2020).

In **Indonesia**, a May 2020 video showing two dead Indonesian migrant fishers on a Chinese-flagged vessel sparked outrage. The video shows the workers' bodies being thrown into the ocean (Wijaya and Henschke 2020). Three months later, in August 2020, investigative journalists discovered that two other Indonesian crew members had died aboard a vessel owned by the same owner, China's Dalian Ocean Fishing (Gokkon and Jacobson 2020). The ship had been caught operating illegally in Republic of Korea waters and had been a subject of the APIL/EJF investigation referenced above (Putri 2020). In response to the tragedy, the Indonesian Foreign Minister stated that the Indonesian and Chinese governments would set up a joint investigation into the company responsible for the deaths and abuse (Gibson 2020) and 88 Indonesian fishers were repatriated from the Dalian Ocean Fishing fleet (Gokkon 2020).

In the **Republic of Korea**, the Government required all foreigners to undergo regular COVID-19 testing in March 2021, and urged foreign workers whose visas had expired and might avoid testing to submit to the health regime, stating that their identities would not be disclosed (Choon 2021). As in Thailand, Singapore and elsewhere in the region, low-wage migrant workers faced higher infection risks and were subjected to stricter measures. This policy came under criticism from the diplomatic community, with the British Ambassador to the Republic of Korea asserting that the policy was discriminatory (Kim 2021).

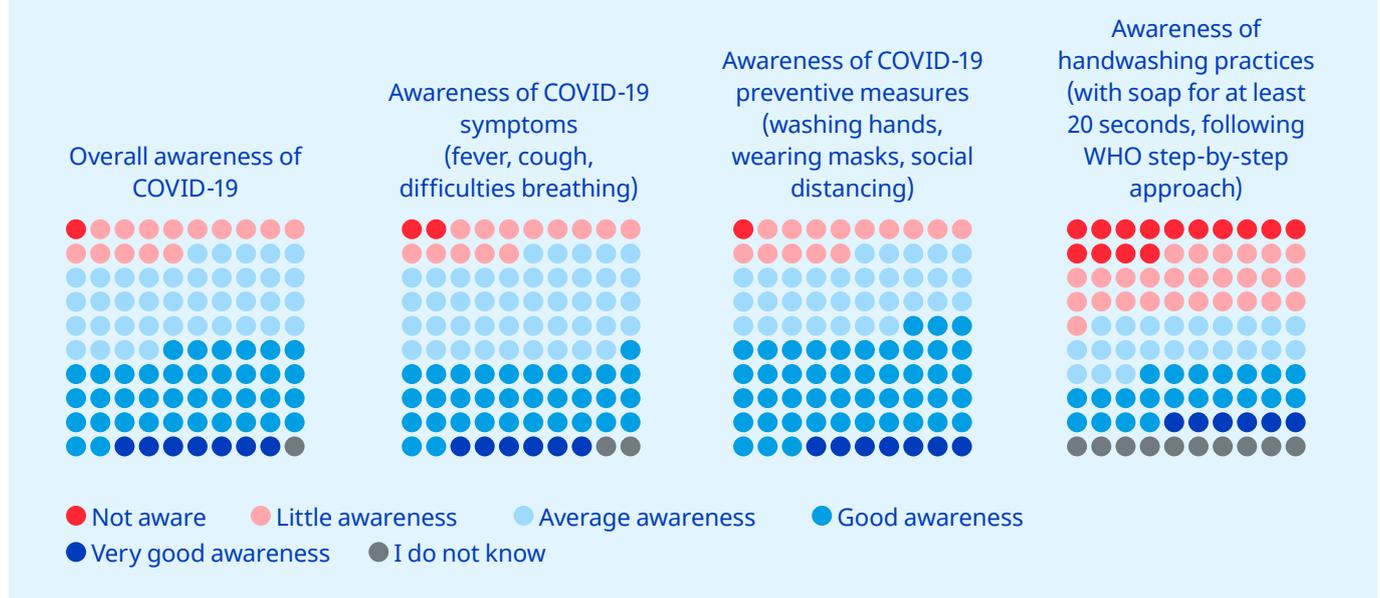
Migrant fishers in the fleet of **Taiwan (China)** faced legal barriers to receiving the PPE and COVID-19 tests that the Government provided for migrant workers who hold

valid National Health Insurance (NHI) cards. Without valid cards, newly arrived migrant workers, irregular migrants, workers between jobs and fishers in the distant water fleet were effectively excluded from basic public health measures, including easy access to masks (HRWG 2020). Migrant fishers in the coastal fishing industry should be enrolled in public health insurance by employers, but the Control Yuan – a government auditing agency – found in April 2020 that half of the coastal fishing industry’s workforce was not enrolled in public insurance (Chiang and Rogovin 2020). For those who were enrolled, many described being unable to go to hospitals because employers would not approve time off from work. Workers in distant water fisheries were not eligible for NHI cards as they were not enrolled in public insurance, leaving these workers outside the requirement for PPE. Irregular migrant workers also faced difficulties in getting tested, as the Government required proof of citizenship to get a free COVID-19 test (Aspinwall 2021).

In **Thailand**, IOM conducted a rapid assessment of COVID-19 impacts and awareness among migrant workers in April 2020, which found that that awareness levels about symptoms and hygiene were high (IOM 2020e, see figure 3 below). An ILO regional assessment in June 2020 found similar results in respect to COVID-19 awareness levels, but 57 per cent of migrant workers in Thailand reported insufficient PPE and limited access to testing and treatment (ILO 2020b).

Overwork on commercial fishing vessels is a common practice, in part because of the nature of fishing and the movement of fish. But reduced crew sizes on already under-manned Thai vessels has made a dangerous situation worse. Following improvements in the control of work hours in the pre-pandemic period, migrant fishers in Thailand are again reporting working 20-hour days (ILO 2019; interview with ITF, April 2021).

► Figure 3. Migrant worker awareness levels for COVID-19 health and safety measures in Thailand, 2020



Source: IOM 2020e.

► COVID-19 policy responses and impacts on work in fishing

This section examines the impacts on fishers of government policies to curb the spread of COVID-19 with a focus on two patterns affecting migrant fishers in particular. First, in the countries examined in this brief for which information is available, government pandemic relief policies aimed at assisting unemployed and essential workers overlooked or excluded migrant workers. Second, emergency actions – on top of the border closures and lockdowns noted above – included temporary changes to immigration rules and extensions of residency and work visas. Finally, this section uses Thailand as a case study to review the actions by global seafood buyers and private regulation efforts to mitigate the impacts of the pandemic for fishers in their value chains.

Migrant fishers excluded from COVID-19 relief programmes

National fishing industries were naturally included in government relief programmes, but migrant fishers in industries for which information is available were largely excluded, regardless of their migration status. Small-scale fishers in the **Philippines**, for example, and their communities received targeted government assistance. Media reports detailed complaints about the requirements for and the flow of funds to support Filipino fishers (Coro 2020).

But Filipinos (and others) working as migrants fishers in the **Republic of Korea** were largely excluded from Korean Government relief programmes. In May 2020, the Government distributed COVID-19 relief funds of 1 million Korean won (US\$900) to householders, but foreign nationals were ineligible for funds unless married to Korean citizens or holding permanent residency visas (Ock 2020a). Filipino fishers working overseas were eligible for COVID-19 income support from the Philippines Government only if they did not receive support in their country of destination.

The COVID-19 relief programmes of **Taiwan (China)** offered vouchers to all citizens, foreign residents married to nationals or any passport-holding foreigners. However, this programme excluded all other foreign residents, leaving most migrant workers with no financial support during the pandemic (Marschke et. al 2020).

Although **Thailand's** fragmented but comprehensive social security system for migrant workers includes

unemployment benefits, the United Nations-estimated 3.9 million regular and irregular migrants in Thailand were effectively excluded from economic stimulus payments and benefits provided by the Government, which were limited to Thai nationals (Promchertchoo 2020; ILO 2020a; ILO 2020b; United Nations 2019).¹⁷ Access for migrant workers to healthcare and paid sick leave is permitted by law in Thailand. However, for those in informal jobs and, of course, for those who do not know about the entitlement or who are reluctant to engage with authorities, it is difficult to access these entitlements (ILO 2020a). In addition, employers of migrant fishers can legally opt out of the national social security scheme and purchase equivalent private insurance instead. In practice however, many fishers are not adequately covered by private insurance schemes and are also excluded from entitlements in the national system.

A 2019 ILO Ship to Shore Rights survey of 470 fishers and processing workers in the Thai seafood industry revealed that while “all seafood [processing] workers were aware they receive at least one of the work entitlements, 43 per cent of fishers were not aware they had any of the work entitlements [including access to healthcare] in their current job” (ILO 2020e, 21). Into this gap have stepped migrant support organizations and international donors, including the ILO, with donations of food, hygiene kits and information about safety measures and healthcare (ILO 2021a).

Lockdowns lead to extensions of stays for migrant workers

Several destination countries, specifically **Japan** and the **Republic of Korea**, undertook a phased reopening of their borders from June to September 2020 after closing them by the end of March. These nations utilized their visa systems to restrict international visitors, including migrant workers. **Taiwan (China)** authorities, as early as February 2020, barred entry by international workers who had visited Mainland China in the previous 14 days. Destination countries also organized “green lanes”, or bilateral areas where travelers doing business or work are offered mobility while other travel was restricted. By December 2020, Japan and the Republic of Korea had formed this kind of agreement, with general travel permitted with Taiwan (China) and Viet Nam as well. An exception among the destination countries was **Thailand**, which was recognized initially for aspects of its

¹⁷ The Department of Employment in Thailand reports 1.96 million regular migrant workers as of March 2021, but it is recognized that a large share of migrants is employed without legal status.

► Table 3. Quarterly employment in fishing by country, 2019–20

Country	2020 Q1	2020 Q2	2020 Q3	2020 Q4	2021 Q1	Total change
Origin countries						
Cambodia	+3.00	-1.00	+0.00	+0.00	+0.00	+2.00
Indonesia	+4.00	+0.00	-1.00	+0.00	+0.00	+3.00
Myanmar	+3.00	+0.00	+1.00	+0.00	+0.00	+4.00
Philippines	+4.00	+0.00	-2.00	+0.00	+2.00	+4.00
Viet Nam	+4.00	-1.00	+0.00	+1.00	+0.00	+4.00
Destination countries						
Japan	+2.00	+1.00	-2.00	+3.00	+0.00	+4.00
Republic of Korea	+3.00	+0.00	-1.00	+1.00	+0.00	+3.00
Taiwan (China)	+3.00	-1.00	+0.00	+0.00	+0.00	+2.00
Thailand	+4.00	+0.00	+0.00	-1.00	+0.00	+3.00

Note: A score of 0.00 represents no changes, and a score of 4.00 represents the (re-)introduction of the most stringent policies. Source: University of Oxford, n.d.

handling of the pandemic, but later struggled to enforce its border closure mandates (Hunter 2021).

Several sending countries, including **Indonesia** and the **Lao People’s Democratic Republic**, tightened their visa systems so that previously issued visas were invalid or visas were required for those who, beforehand, could travel without one (Benton et al. 2021).

The border and migration control policies tracked by the University of Oxford COVID-19 Government Response Tracker (OxCGRT) between March 2020 and March 2021 show the stringency of international travel controls in the countries examined in this paper (see table 2). The numbers in table 2 refer to the change in policies compared to the previous quarter, where a score of 0.00 represents no change and a score of 4.00 represents the imposition (or reimposition) of the strictest forms of travel controls.

Having erected some of the most stringent travel limitations globally, the destination countries examined in this paper made few changes during this period: Japan and the Republic of Korea maintained +3.00 travel controls, Taiwan (China) increased its controls from +3.00 to +4.00, and Thailand relaxed measures slightly after an extremely restrictive start (University of Oxford, n.d.).

The **Republic of Korea** likewise temporarily eased visa rules for migrant workers, including fishers stranded because of pandemic border closures. In April 2020,

the Government granted them a 50-day extension but workers were not permitted to work during this extension period (Ock 2020b). In July 2020, the Government extended migrant visas for up to three months and allowed migrants to engage in seasonal work (Yonhap 2020). By February 2021, these measures had been extended to February 2022 (Yonhap 2021), but the extension was not open to unregistered migrants or workers who had already reached the maximum number of workplace changes allowed under the law (Khoa 2021). Migrant rights advocates have called for the Government to allow unregistered migrants to live and work legally in the country, and legislation allowing workers with expired visas to have their permits extended has been proposed (Ock 2021).

In **Taiwan (China)**, many migrant workers were granted short-term visa in March 2020, allowing them to work legally throughout the pandemic. However, migrant workers were required to apply for a three-month work permit and could only apply if they had been working in Taiwan (China) for at least 12 years. Many migrant workers whose contracts ended in March were not eligible to reapply for the work permit, and were thus stuck without a source of income until the Government amended the policy in May 2020. (HRWG 2020).

In April 2020, **Thailand** approved a round of automatic visa extensions for migrants who were in the country with temporary stay status. That same month, the

Department of Fisheries announced registration procedures for migrant fishers from the Lao People's Democratic Republic, Myanmar and Cambodia (ILO 2020b). By December 2020, the Thai Government had announced that it would allow eligible irregular migrants from Cambodia, the Lao People's Democratic Republic and Myanmar to regularize their status and work legally in Thailand for two years (Wongsamuth 2020).

The two-year extension was accompanied by a notable increase in fees and administrative requirements that are burdensome to migrant workers, including a government-mandated health check, which together cost migrant fishers approximately 8,680 baht (US\$277) (MWG 2021). According to worker advocates, this fee is unaffordable for most migrant workers and could push them deeper into debt to brokers or employers. Moreover, a substantial portion of workers are unable to register because of lack of support from their employers, potentially making them more vulnerable to labour abuses (Blomberg 2020b). The Migrant Working Group estimated that 500,000 migrant workers had fallen into irregular status by January 2021 due to the inaccessibility of the visa extension registration and high costs, and that up to 1.5 million were at risk of falling into irregular legal status due to these barriers (*The Momentum* 2021).

Origin countries' restrictions on migrant workers have followed similar patterns. The Government of **Cambodia** instituted a lockdown in Phnom Penh and Ta Khmao for 14 days in April 2020, in addition to banning travel between provinces in April 2020 for 14 days (Benton et al. 2021). Actions like these resulted in a measure of +2.00 absolute change in international travel controls from between March and June 2020 (University of Oxford, n.d.). In **Indonesia**, nonnationals were prohibited from entering, barring certain exceptions for workers, who require a negative COVID-19 PCR test result and a certificate written in English (Benton et al. 2021); although these orders resulted in a lower measure of absolute change in international travel controls relative to non-pandemic conditions: +1.00. Likewise, border restrictions in **Myanmar** elicited a +2.00 change in international travel controls; those in the **Philippines** constituted a +1.00 change; and travel restrictions in Viet Nam also resulted in an absolute change of +1.00 (University of Oxford, n.d.).

Seafood buyers acknowledge problems, but progress is “glacial”: Thailand as a case study

Global food retailers, Thai seafood buyers and industry groups have acknowledged the difficulties faced by fishers and seafood processing workers during the pandemic, but efforts to respond to these challenges have been limited. NGOs have been called on to fill the sizeable gaps left by private and public sector responses. This section uses Thailand as a case study to focus on the response of the seafood industry to the difficulties faced by fishers during the pandemic.

Thai Union Foods, the world's largest producer of tuna, won plaudits for a more focused response to the needs of its largely migrant workforce, and in a published opinion piece, highlighted the effects of the industry's business model on workers:

For businesses around the world, supporting migrant workers through the pandemic is a question not just of ethics but of effective management. A tainting of international supply chains with slavery and abuse; the costly destruction of shared resources; the threat of economic stagnation and export sanctions: while the pressure to cut labour costs is high, this short-term thinking will come with a heavy price. ... Business leaders have a duty to their shareholders, their employees and society to resist a resurgence in forced labour by providing equal job security for all workers (McBain 2020).

There has been no public commitment from seafood industry leaders in Thailand to “build back better” or to rethink – as is underway in the global apparel industry, for example¹⁸ – the industry's impacts on its suppliers, its workers and the environment in the post-pandemic world.

In general, industry responses have followed the Government's lead, and no voluntary associations developed measures significantly beyond the minimum government requirements in relation to the protection of workers. The industry response was left up to the capacity and will of individual companies, with significant variations between responses of larger export-facing and public companies and those from small- or medium-sized enterprises.

Company responses have been focused on COVID-19 awareness education and, in some cases, provision of PPE to workers and COVID-19 tests (Thai Union 2021b; *Thai PBS News* 2021). Notably, almost all seafood processing factories remained open and operational

¹⁸ See, for example, Thomas Adamson and Françoise Mori, “Fashion Industry Evolves, as Virus Forces a Rethink”, in AP News, 18 April 2021.

due to the “bubble and seal” policy, despite detection of COVID-19 cases among its workers (*Prachachat* 2021).¹⁹ Thai Union provided additional buses to improve social distancing between workers during transportation between their employer-provided dormitories and the factory.²⁰ The industry did not report on any COVID-19 prevention measures being applied to employer-provided accommodation. The Pattaya Food Group, which produces canned seafood products under the Nautilus brand, was the company behind the much-lauded “factory quarantine” facility in Thailand in January 2021, where the factory was converted into a 600-bed quarantine facility after COVID-19 was detected among its workers and as a part of its corporate social responsibility efforts (Taylor 2021). Production was reportedly shut for a few days to set up the field quarantine facility, and resumed shortly with the “bubble and seal” approach applied in February 2021.

For workers and households affected by COVID-19, companies also responded by delivering some basic humanitarian assistance to affected workers, such as providing quarantined seafood workers in Samut Sakhon with donated food and drinks (Wongsamuth 2021b).²¹ Some companies made donations of their

products around the world to affected communities. However, the industry and its associations failed to develop clear policies on compensation for loss of income, or medical leave entitlements for workers required to self-quarantine. Nor were there any efforts to secure social security entitlements for eligible workers.

The Seafood Task Force – a voluntary private regulation programme created by major seafood retailers and processors – renewed pledges to improve conditions along the Thai seafood supply chain in February 2021, but in its 2021 Ten Point Action Plan referred to COVID-19 only as a hindrance to the group’s plans and made no mention of the costs to workers and vessel owners (Seafood Task Force 2021). The Thai CSO Coalition and other labour advocates have argued that global buyers have made “glacial progress” to stop forced labour and exploitation, and need to take responsibility for the improvement of workers’ wages and access to healthcare (Wongsamuth 2021d; Rogovin 2021).

▶ Conclusion

The “out of sight is out of mind” adage appears to be holding true in commercial fishing in the COVID-19 era, despite pre-pandemic attention to the industry’s labour practices and promises of reform. This is doubly true for migrant fishers in the industry, who generally lack protection from the actions of governments and employers.

But meaningful quantitative measures of the pandemic’s impacts on the fishing industry and fishers are hard to locate. The industry’s scale and practices are often opaque at the national level, and it is notable that media reporting and official data on labour practices is widely available for only one of the countries covered in this brief: Thailand. The lack of meaningful data on work in fishing in these countries – on working conditions, labour rights protections and pay, for example – means

researchers have no baseline measures against which to measure the impacts of a pandemic.

The general dearth of data on fishing labour practices in Asia contrasts with the data collection and analyses performed for the catch. This data is more commonly collected and easier to find than basic, reliable information about the industry’s workforce and the terms and conditions under which they work. That must change, principally through efforts by regulators and buyers as well as media, workers’ organizations and researchers.

Four things are nevertheless clear from the analysis above. First, the fall in fishing activity and trade was significant in early to mid-2020, with annual trade volumes, value and remote measures of fishing activity lagging behind their 2019 levels. Imports from the countries examined in this brief to the US and European

¹⁹ According to the World Health Organization, approximately 15 per cent of the total positive cases in Thailand are migrant workers. While this appears to be a minority of the overall cases, on a per capita basis, migrants are disproportionately affected. For every 1,000 migrants from Cambodia, the Lao People’s Democratic Republic, and Myanmar, 22.04 were infected (United Nations Network on Migration 2021). Figures specifically for the seafood processing sector were not available. The infection rate reflects risks migrant workers face, including the lack of social distancing at workplace, often crowded living conditions, and poor access to health education and PPE.

²⁰ Email correspondent with Thai Union dated 6 January 2021.

²¹ See, for example, “CP Foods Donates Food Aid to Migrant Workers and Medical Staff in Thailand”, The Poultry Site, 8 January 2021; Thai Union, “Press Release on Thai Union Donates THB 1 Million in SEAELECT Products to Communities Affected by COVID-19”, 10 April 2020; and CPF, “Press Release on CP Group and CP Foods Make Multiple COVID-Relief Efforts to Help Thailand Tackle COVID-19”, 11 February 2021.

Union markets were down approximately 14 per cent in 2020 (see figure 2).

Second, slumping demand rather than supply problems was apparently the leading cause of the decline in fishing activity, as most fishing industries did not feel the pinch of enforcement of lockdown requirements or COVID-19 policies, allowing them to operate much as before. Border closures and confusion over work status for migrants disrupted lives – especially among distant water fishers – and disrupted labour markets for work in fishing, but the tightening of labour markets, which normally might have increased workers’ leverage on pay, appears to have been offset by the fall in fishing activity and fear of “rocking the boat”.

Third, legal protections and pandemic-specific benefits for fishers are, on the whole, available to nationals and not to migrants. This disparate treatment of workers – notable in the Thai and Republic of Korea fishing industries where migrants make up the majority of the workforces – is a reflection of larger social disparities and policies that perpetuate discriminatory treatment. But this exclusion is especially hard on fishers, as their access to social protections is generally more limited (by work routines) and more tenuous than the access afforded to migrants working in more formalized sectors.

Finally, the scale of the pandemic’s impacts on work, trade and regulation of labour practices has revealed again the inadequacy of voluntary corporate social responsibility and sustainability programmes by seafood buyers for protection of its workforce.

One major industry initiative within the region had commitments to strengthen national legal frameworks and effective enforcement for workers placed last in its list of priorities (Seafood Task Force 2021). This failure of self-regulation has grown in importance for trading partners, and for the United States in particular, where US Senate Bill 1260 passed in May 2021 with a provision calling for the Biden Administration to:

issue regulations regarding the verification of seafood imports to ensure no seafood or seafood product harvested or produced using forced labour is imported into the United States, and develop a strategy for using Seafood Import Monitoring Program (SIMP) data to identify imports at risk of being harvested or produced using forced labour. Directs USTR [US Trade Representative] to engage with U.S. trading partners on the development of seafood tracking and sustainability plans.²²

Recommendations

To tackle the COVID-19 crisis, the ILO has proposed a policy framework with four pillars based on international labour standards:

- i. stimulating the economy and employment;
- ii. supporting enterprises, jobs and incomes;
- iii. protecting workers in the workplace; and
- iv. relying on social dialogue for solutions (see ILO 2020f).

As the pandemic continues to take its toll on the health as well as the economic and social wellbeing of the global population, the continued mobilization of resources and action along these four pillars remains key to safeguarding jobs and livelihoods, including those in the fishing and seafood processing sectors. Sustained attention to workers, including migrant workers, employed in these sectors is crucial, particularly where workers are made “out of sight” through policies that severely limit their freedom of movement or where their places of work – fishing vessels – are difficult to monitor.

The COVID-19 pandemic has exacerbated already existing inequalities, and policy responses must ensure that support reaches the workers and enterprises that need it most. At the same time, COVID-19 response and recovery policies are an opportunity to address pre-existing decent work deficits and structural inequalities, particularly in the fishing and seafood sectors where labour protections and labour law enforcement have been weak. Continued efforts to promote international labour standards are needed to address the underlying protection gaps for workers. Increased transparency in corporate practices as well as improved collection and disclosure of data on workers, particularly those in fishing, are crucial to ensuring that these workers do not fall into a policy blind-spot during the pandemic and its aftermath. Support for enterprises, as well as the extension of social protection to all workers – including migrant workers – is key to mitigating the adverse impacts of the pandemic.

In South-East Asia, the 14th Association of Southeast Asian Nations (ASEAN) Forum on Migrant Labour (AFML), held virtually in September 2021, reiterated the call for the promotion of gender-responsive policies and initiatives as well as related budgets at all stages of migration to respond to the adverse impacts of the COVID-19 pandemic on all workers, regardless of migration status. In addition to the recommendations from the 14th AFML that address the continuing need to protect migrant workers during the pandemic and to ensure that migrant workers are not left behind during recovery and in the post-pandemic future (ASEAN 2021), the following recommendations highlight the specific needs of migrant workers in the fishing and seafood processing sectors. These recommendations will need to be implemented with the leadership of governments and the support of social partners, including workers’ and employers’ organizations. Employers and industry associations are also called upon to broaden their

²² The text of the Wyden/Crapo Forced Labor Amendment is available at: [https://www.finance.senate.gov/imo/media/doc/May%2027%20Trade%20Amendment%20Section%20by%20Section%20\(FINAL\).pdf](https://www.finance.senate.gov/imo/media/doc/May%2027%20Trade%20Amendment%20Section%20by%20Section%20(FINAL).pdf).

response to the COVID-19 crisis and proactively address the needs of workers. As export value is important to the fishing and seafood processing industries in South-East Asia, buyers can exercise significant market pressure to incentivize improved labour conditions for workers.

▶ **Improve collection and disclosure of data on migrant workers employed in the fishing and seafood processing sectors.** The current destination country on employment of migrant workers in the ILO's International Labour Migration Statistics database is typically reliant on labour force surveys and administrative records. The latter are particularly dependent upon regularization processes that are well-known to fall short of a comprehensive account, particularly for highly mobile and hard-to-reach populations like fishers. The availability of reliable data has deteriorated further during COVID-19 due to containment measures that have limited data collection. To support the delivery of more effective public services and enforcement of labour and social protection for migrant workers, more robust sources of data should be developed and firewalls with immigration enforcement strictly maintained.

▶ **Institutionalize tripartite and civil society consultation in the development and implementation of labour migration governance, particularly during COVID-19 response and recovery.** To support more responsive legal frameworks, inclusive social dialogue – including equitable representation of government, employers, workers and civil society organizations (CSOs) – should be part of the process for formulating and implementing pandemic response and recovery policy. Social partners and CSOs, particularly those representing the interests of workers in the fishing and seafood processing sectors, continue to be sidelined from the consultation process in many countries in the region, which has contributed to top-down legislating by government authorities on labour migration issues. Expanding social dialogue on migration policy is particularly critical during the COVID-19 pandemic to ensure that migrant workers are not neglected or subjected to policy responses that have direct or indirect discriminatory impact, including for public health measures.

▶ **Ratify the key international labour standards related to employment of migrant workers in the fishing and seafood processing sectors to address underlying gaps in labour protection.** Thailand has already taken the positive step forward of ratifying the Work in Fishing Convention, 2007 (No. 188). Fully implementing the articles in the Convention would

make a major difference in improving working conditions for fishers, as the Convention responds directly to many of the key decent work deficits they face. Other countries of origin and destination for migrant fishers in Asia should pursue ratification of Convention No. 188 to better protect their labour rights, as well as other relevant ILO Conventions and Protocols, such as the Migration for Employment Convention (Revised), 1949 (No. 97); Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143); Private Employment Agencies Convention, 1997 (No. 181); and the Protocol of 2014 to the Forced Labour Convention, 1930.

▶ **Extend labour rights protection to women and men migrant workers regardless of the formality of their employment arrangements.** To ensure that migrant workers receive decent working conditions and wages, the coverage of labour rights protection should be extended to all fishing and seafood processing workers. The exclusion of migrants employed informally – who are disproportionately women – from a range of statutory protections of their labour rights increases their vulnerability to exploitation and abuse. Amendment of the relevant labour laws and/or adoption of secondary legislation for the fishing and seafood processing sectors, as well as improved enforcement to expand employer compliance, should be carried out to enable more inclusive coverage by labour protection.

▶ **Expand the reach of social protection benefits for migrant workers, particularly during COVID-19 response and recovery.** Destination countries in Asia have made significant achievements in the development of their social protection systems in recent decades, providing millions of vulnerable workers with access to benefits to help mitigate the shocks and stresses associated with a loss of income. However, COVID-19 has highlighted the exclusion of a large share of migrant workers from coverage due to informal employment, lack of registration by employers and practical barriers to accessing entitlements. Universal coverage by social protection should be enabled through expanding eligibility and enrolment of migrant workers, while also ensuring that they are able to fully utilize their benefits.

▶ **Remove barriers to accessing protective COVID-19 measures for all women and men migrant workers.** To ensure that COVID-19 response measures such as stay permit extensions, social security benefits and other public health initiatives are accessible by eligible women and men migrant

workers, barriers to access should be removed. Through inclusive social dialogue, including equitable representation of government, employers, workers and CSOs, barriers such as high costs, lack of access to on-site or online facilities, and language requirements. Practical barriers to access contribute to unequal treatment of migrant workers, even if protection policies are in place.

- ▶ **Ensure the rights to freedom of association and collective bargaining for migrant workers, and address structural barriers to worker empowerment.** The ability of migrant workers in the fishing and seafood processing sectors to join trade unions to bargain for better wages and working conditions still faces numerous restrictions. In Thailand, migrant workers are unable to form or lead their own unions, which in practice has meant they have extremely few opportunities to organize. In addition, migrants have faced intimidation and suppression by some employers, as well as efforts to co-opt organizing efforts through the establishment “worker welfare committees” that are not able to bargain collectively. To increase the realization of the fundamental rights to freedom of association and collective bargaining, all legal and practical limitations on migrant workers’ rights to organize should be rescinded and violations of these rights strictly sanctioned.
- ▶ **Prevent and remediate wage theft against migrant workers, particularly during COVID-19 response and recovery.** Labour rights abuses in the form of paying wages below the legal minimum, making illegal wage deductions, deferring wage payments and not paying wages upon termination have become even more widespread among migrant workers during COVID-19 and require specific attention. The legal framework for wage protection needs to be strengthened to ensure more robust prevention and enforcement measures are in place. In addition, access to satisfactory remedies for wage-related abuses should be increased in the form of recovery of unpaid wages and financial compensation for abuses

- ▶ **Industry associations and private sector compliance initiatives should actively develop and implement COVID-19 response and recovery policies for their workforce.** Despite investments in voluntary corporate social responsibility and industry-led sustainability programmes, these initiatives have been largely silent on COVID-19 response and recovery policies for workers. COVID-19 responses have been largely left to the discretion of companies, which have remained fragmented, reactive to outbreaks among their workforces, and lack clear policies on key issues including wages during stoppage, access to COVID-19 testing and vaccination, treatment and quarantine, the application of medical and other types of leave, and supporting access to social security for eligible workers.
- ▶ **Buyers to expand rewards system for suppliers that uphold labour standards through committed sourcing strategies.** Buyers should strongly and clearly advocate for legal and policy changes that promote decent work, including the inclusion of migrant workers in COVID-19 response and recovery policies. Buyers can expand incentives schemes to recruit more suppliers and promote genuine participation in voluntary compliance initiatives among them. Buyers should commit to multi-year sourcing relationships based on measurable progress in improving labour standards. Buyers can also develop preferential sourcing relationships with countries that reform labour laws in line with international labour standards and effectively enforce them.
- ▶ **Research and monitor the ongoing pandemic-driven changes in global trade patterns for food and their impacts on the industry and workers.** As the pandemic continues unabated in 2021, its impacts are particularly felt in South-East Asia, where low vaccination rates have delayed the recovery of the economy and freedom of movement, particularly for migrant workers, continues to be restricted. What this means for the future of the seafood industry remains to be seen. The future of workers who are integral to the supply chain, from fishing to seafood processing, also remains uncertain.

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