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Community Partnerships for the Prevention of the Worst Forms of Child Labor among Migrant Children in Samut Sakhon, Thailand: A Policy Note

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This policy note examines the child labor prevention model employed in Samut Sakhon, Thailand, which aims to prevent migrant children from entering the worst forms of child labor in the seafood processing industry. The model consists of transitional education and corporate social responsibility (CSR). The analysis examines the context of child labor and explores the challenges and opportunities to make anti-child labor efforts more effective.

Key words: Thailand, worst forms of child labor, education, community development, consensus organizing, corporate social responsibility, migrant children

Perspectives on Child Labor

Child labor is recognized as a global problem, but remains difficult to define. Global policy statements, such as the Convention on the Rights of the Child (United Nations Convention on the Rights of the Child [UNCRC], 1989) and the International Labor Organization Convention No. 182 (1999), offer broad guidance on child labor, but leave regulation and enforcement to individual countries. Migrant child labor in Thailand illustrates these difficulties.

In highly developed countries where child labor has essentially been abolished, the term *child labor* carries a negative connotation and is often equated with the most exploitative

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situations (such as human trafficking and commercial sexual exploitation). Its troubling nature can quickly induce an all-or-nothing rhetoric among child rights advocates, who believe that all forms of child labor should be eliminated and who tend to employ reactionary strategies, such as boycotting products produced by child labor, to achieve their ends.

This rigid vision of child labor is far from the realities experienced in different societies where the concept of childhood is locally and culturally constructed (Myers, 2001). History shows that child labor has had a fluid definition that adapts to societal changes. For example, the abolition of child labor in many Western societies came about after industrialization; before then, many child workers did hazardous work in factories, fields, and mines (Jansson, 2012). Nowadays, it is not uncommon to find older children in poor, working-class families in the United States helping to supplement family income by working part-time outside of school. Similarly, in Thailand it is certainly still culturally accepted for children to help family businesses with small chores, such as exchanging money in a convenience store. These less intense forms of work are distinguished as "light work"—work that is permissible for children of minimum working age under specific circumstances that are not harmful to the child's health and safety, and that is deemed potentially beneficial to the child's development (International Labor Organization [ILO], 1973; White, 1996). However, this term may not translate between countries: in Thailand, there is no distinction between "child labor" and "light work"; children doing permissible work are just categorized as "non-child labor."

Hence, cultural specificities should be considered when conceptualizing child labor, to prevent overly simplistic reactions or initiatives. At the same time, scholars caution that cultural relativism cannot be used as a valid argument when the "labor" fundamentally violates basic human rights, as in human trafficking and sexually exploitative situations (Ballet, Bhukuth, & Radja, n.d.). Cultural differences do not invalidate the need for an international standard on child labor, but they must be taken into account when considering how child labor is experienced differently across societies (Myers, 2001).

Given the contentious nature of the subject, there is a growing recognition that it is not necessary to eliminate all

forms of child labor, but certainly the worst forms of child labor that are the most detrimental to children's rights and development (Edmonds, 2007). This pragmatic view acknowledges the reality of child labor and takes into account the complexity behind decision making in a child's family as to financial and household needs. Children may enter work intermittently when adult income in the household falls and the household becomes insecure as more resources are allocated to childrearing; this is especially true for high-fertility households (Dessy, 2000; Emerson & Knabb, 2006). Others voluntarily enter paid work, because they see domestic work as less useful and less productive (White, 1996). Households have to determine how a child's time is allocated when that time carries an economic value (Dessy, 2000). This suggests that if a family's financial need is not carefully weighed, simply removing the child from work might result in poor families suffering financially, at least in the short term (Anker, 2000; Bissell, 2001, 2005).

Hazardous Child Labor and the Worst Forms of Child Labor

According to the ILO Convention No. 182 (ILO, 1999), "hazardous work" is the largest category of the worst forms of child labor (ILO, 2013). It is defined as work in dangerous or unhealthy conditions that could result in a child's death, injury, or illness (ILO, 2013). Other worst forms of child labor are defined as all forms of slavery (such as trafficking and debt bondage), prostitution and pornography-related activities, and illicit activities (such as drug trafficking) (ILO, 1999). The Convention on the Worst Forms of Child Labor allows ratifying countries to define what the "worst forms" are based on the work activities (Edmonds, 2009). Additionally, the widely adopted United Nations Convention on the Rights of the Child (CRC) (1989) addresses hazardous child labor in Articles 32 and 34, but does not specify what hazardous work entails; this leaves room for interpretation by individual countries.

The inconsistency and uncertainty in the definition of child labor can lead to difficulties in making policy and designing effective anti-child labor practices. While the worst forms of child labor can be easily defined, child work and hazardous work depend on more subjective perceptions. Scholars suggest using separate estimates to differentiate the various forms and level of severity of child labor, such as number of work

hours, job characteristics, and working conditions (Anker, 2000; Edmonds, 2009). Greater specificity in the definition also helps take into account work in the domestic realm, which at a high intensity can be detrimental to a child's development but is often neglected in the mainstream child labor debate, which generally focuses only on a child's economic activities (Edmonds, 2009).

On a macro level, child labor contributes to generational poverty because the human capital is not being developed in the area of education: children are at work, not in school (Anker, 2000). In general, scholars support education as a long-term strategy to combat child labor, yet making education compulsory so as to replace work completely could have worse consequences for the child and family (Anker, 2000; Basu, 1998; Dessy, 2000; Emerson & Knabb, 2006). Hence, along with mandating education, scholars suggest implementing alternative anti-child labor programs and strategies to specifically address poor children's—and their families'—financial needs and also issues concerning educational quality, such as information and awareness campaigns, flexible schooling, conditional cash transfers, educational scholarships, improving the adult labor market, and proper implementation and enforcement of laws (Anker, 2000; Basu, 1998; Edmonds, 2007; Soares, Ribas, & Osorio, 2010; Yap, Sedlacek, & Orazem, 2001).

Other issues are the unequal returns of education for the children, due to varied quality of education across regions and social groups; varied access to information about the economy; and access to different labor markets (Emerson & Knabb, 2006). When social mobility is completely restricted, especially in an environment where child labor is a generational phenomenon, the child could be trapped in child labor and low socioeconomic status (Emerson & Knabb, 2006). Hence, education alone might not have the intended positive consequences if strategies to increase the degree of opportunity (e.g., increasing quality of education and better access to higher-paying jobs) are not simultaneously put in place (Emerson & Knabb, 2006).

Child Labor in Thailand

In Thailand, domestic labor shortages for low-skilled jobs such as construction and fishery have resulted in a large population of migrant workers (between 2 and 4 million persons) from neighboring countries (Chantavanich, 2007). The few and restrictive legal channels for work migration in Thailand, however, result in a large underground labor force. Child labor is used in various industries in Thailand, including manufacturing, sex work, street begging, fisheries, and construction. Child workers can be in short-term or seasonal jobs at border areas, or long-term jobs in border provinces and big cities (Vungsiriphisal, Auasalong, & Chantavanich, 1997).

In particular, Samut Sakhon province is a major hub for low-skilled migrant workers because of its profitable shrimp export industry, which averages \$2 billion in revenue each year and processes 40% of the shrimp produced in Thailand (Solidarity Center, 2008). The province has an estimated migrant population of 400,000 to 500,000, with at least half (between 200,000 and 300,000) being unauthorized (Labor Rights Promotion Network Foundation [LRPNF], 2012b). More alarmingly, a sizeable subpopulation of the migrants are children and youth, who make up about 25% of the migrant population (IPEC Project Coordinator, personal communication, February 22, 2013; LRPNF, 2012b).

Some of these children migrated with their parents and relatives who came to Thailand to seek jobs; some came alone with a broker. However, many of the "migrant" children in Samut Sakhon were born in Thailand to migrant parents. Although born in Thailand, these children are not entitled to Thai nationality and are considered stateless persons (Committee for the Protection and Promotion of Child Rights [CPPCR], 2009). Migrant children also face long-term problems other than the immediate health issues from exposure to harmful work environments. Many lack proper documentation, which limits their access to social services (CPPCR, 2009). Another issue is low education attendance, which can be caused by many factors, including parental mobility affecting the child's school attendance, poverty leading to the need for children to work, parent separation, language barrier, and unsupportive parents (CPPCR, 2009).

Description of Samut Sakhon

To understand how different policies and strategies play out, it is important to learn how child labor takes place in the local context. Samut Sakhon province is one of the biggest seafood processing industrial areas in Thailand, with 909 seafood processing factories, according to the Labor Protection and Welfare Office (LRPNF, 2012b). The majority of factories are subcontracted, primary-processing sheds (PPs) for the larger factories, known as *longs*. PPs have existed for several decades in Samut Sakhon; initially, resident Thai families processed raw seafood materials (peeling shrimp and cleaning squid) in their own homes. However, as the industry grew significantly larger, these *longs* began processing more raw materials and needed to hire extra help, most of whom were migrant workers.

Processing jobs at the *longs* have no fixed time schedules; workers are paid by the number of kilograms of seafood (mostly shrimp) they have processed. Due to their traditionally small sizes, many of these PPs are not officially registered as businesses with the government. This remains the case for some, even when the number of employees reaches between 50 and over 200, and the nature of the work becomes industrial rather than home-based. Being unregistered makes it very difficult for the government and affiliated larger factories to regulate and monitor the production by these PPs, making them a prime venue for the use of child labor. Although a portion of the PPs have sought to upgrade their status to that of a company, most do not see any incentives to register, because they would have to pay business fees and meet regulations. Moreover, many of these PPs began as small, family-size operations, and most do not have the export business knowledge to handle the complicated documents and procedures involved in operating at that level (TFFA, personal communication, March 22, 2013). Thus, sanctions currently in place for using child labor have only a marginal effect on PPs, because they are unregistered businesses and largely invisible to government regulators.

The head of the Provincial Office of Employment estimated that the labor demand in the seafood processing industry is quite high, perhaps 300,000 workers (Field notes, May 17, 2013). With this high demand for workers, the PPs often ignore

state regulations and hire younger children (LRPNF, 2012a). An estimate of 6,000 to 8,000 children under age 15, and about 20,000 to 30,000 children between 15 and 18 years of age, are working in the PPs (LRPNF, 2012a). Quite a few of the children between 12 and 14 years of age also claim to be 18 years old or older, to meet legal requirements for work registration (Field notes, May 17, 2013).

The jobs done by children are mostly contract jobs, with pay based on the number of kilograms of shrimp peeled (Field notes, May 17, 2013). Most children work alongside family members and receive less pay; often their pay is included in the payment to the adult family members (ILO, n.d.). Most working children are unregistered, which puts them at risk for deportation even if their parents are registered workers (LRPNF, 2012a).

The work conditions of seafood processing jobs are dangerous and harmful to children. Some children who are not in school work night shifts, from 6:00 p.m. to 6:00 a.m. consecutively, with no rest period (ILO, n.d.; LRPNF, 2013). The work tasks include peeling shrimp (sometimes with a knife), washing fish, cleaning squid, and unloading heavy loads at the market, as well as drying, boiling, and peeling the seafood (ILO, n.d.). Research shows that children who work peeling shrimp and collecting fish are required to work long hours with their hands and feet soaking in filthy water (Vungsiriphisal et al., 1997). These work tasks constantly expose children to dirty water and substances that cause skin disease, respiratory infections, and stomach illnesses (Solidarity Center, 2008); the PPs also lack standard sanitation facilities, so workers are prone to developing and transmitting diseases. Children are given work tools (gloves and scissors) that offer minimal protection when used consecutively for long hours, and there are no special protections for operating machines and equipment in the plants (ILO, n.d.). Injuries and sickness are poorly managed, with store-bought drugs only, as many do not have public health insurance (Solidarity Center, 2008). Given the dangerous work and hidden work locations, working children are extremely vulnerable to accidents, labor exploitation, physical and sexual abuse, and threats (Field notes, May 17, 2013).

Anti-Child Labor Efforts in Samut Sakhon

To address the problem of child labor, with a special focus on education, a coalition of government agencies, international and local nongovernmental organizations (NGOs), and businesses affiliated with international corporate social responsibility organizations was created in Samut Sakhon. The lead coordinating organization was the Labor Rights Promotion Network Foundation (LRPNF), a local human rights NGO involved in promoting migrant rights and combating human trafficking. The coalition has been involved in documenting the use of child labor in the province, mitigating its use, and promoting education for migrant children.

The coalition sought to identify and remedy gaps in formal education of Burmese migrant children and youth. Many Burmese children worked and also attended informal schools that provided limited education and no transcript of attendance and graduation. Changes in Thai law allowing migrant children to attend Thai schools seemingly bolstered efforts regarding education. LRPNF reached out to Thai public schools to set up a partnership to implement transitional education centers or learning centers within schools, so that migrant children could enter the official educational system once they were proficient in the Thai language. The goal was to help migrant children integrate into mainstream Thai society and access better career opportunities, as opposed to low-paying seafood processing jobs, by helping them achieve formal education. Despite enrolling several hundred Burmese migrant children and youth in local schools, the LRPNF estimates that only 10% of the target population is presently enrolled in school (Field notes, May 17, 2013).

Challenges

Corruption and ambivalence in the governmental sector challenge efforts to address child labor. Laws and policies are in place, but implementation and enforcement are poor because businesses bribe government inspectors to avoid fines or punishments for using child labor. Government officials are seemingly indifferent to corrupt practices, which results in national policies essentially having no effect at the operational

level. The current national efforts on child labor prevention and implementation of laws are weak, largely due to the government being ignorant of the problem at hand or unengaged in problem solving.

Another major challenge is negative public attitudes toward migrants. Many local schools and Thai parents are still against enrolling migrant children, perceiving that migrant children compete with Thai students for educational resources (Field notes, May 17, 2013). Thai teachers were found to be more sympathetic toward migrant children, but they are by no means advocates; they help to maintain the status quo and often give preferential treatment to Thai students (Field notes, May 17, 2013). Observations of public life in Samut Sakhon revealed a highly segregated social space, which creates great challenges for increasing social integration and better understanding between the Thai and Burmese communities.

Other challenges arise in implementing educational policy. Only a handful of schools are willing to accept migrant children, and those schools are then overwhelmed because demand for seats greatly exceeds supply. Schools also frequently face internal personnel issues, lack of Burmese and Burmese-speaking teachers, frequent relocation of children, and lack of field staff collaboration partners who can work with migrants (Field notes, May 17, 2013).

The challenges are compounded by the many obstacles to retaining children in school. Many migrant families still do not see the value of education, because adult family members have low educational attainment and expect children to work to support the family (IPEC Project Coordinator, personal communication, February 22, 2013). Once enrolled, children are at high risk of dropping out: risk factors include frequent mobility, possible return to the home country, fear of arrest because of unauthorized status, and the need to do at least intermittent work to help support the family (Field notes, May 17, 2013; IPEC Project Coordinator, personal communication, February 22, 2013).

Last, weak policy implementation at the provincial level often leads children to enter the labor force. For example, 15- to 17-year-old children are legally permitted to work if they register with the Provincial Employment Office—but employment

office staff tend to avoid helping them, as they know that many forge documentation to pass as older (Office of Employment, personal communication, June 29, 2013). However, these employment office practices push even work-eligible children into underground jobs that expose them to abuses. Also, some local officials do not follow the national policy of allowing migrant children to attend Thai schools, and face no liability because the provincial educational office is not involved in overseeing policy implementation (Field notes, May 17, 2013).

Local experts on the education of migrant children stated that the transitional education model is promising and could be replicated to assist other schools and educators in Thailand in working with migrant children. Currently, improvement and expansion of the transitional education model are restricted, as the burden falls entirely on NGOs. Also, because the provincial education office is not involved, the national policy has no practical effect: the decision to accept migrant children is made by individual schools. This complicates the NGOs' and practitioners' tasks on the operational level. A state agency should take on more responsibility for implementing the educational provision regarding migrant children, by centralizing the model and thus expanding the capacity of many schools. Also, there are longer-term strategies: With greater business funding, the collaboration aims to increase the capacity of schools to accept migrant students by increasing the number of partner schools and staffing them with teachers experienced in the transitional education model (Field notes, May 17, 2013).

Because of the physical and psychological harms associated with shrimp/seafood processing, the schools participating in the model do not merely provide education; they are also safe spaces protecting migrant children from dangerous work environments. For example, they can serve as childcare centers, so that children of working parents are not left idle or unsupervised at home, and thus prone to joining in illicit activities. The schools are also major social bridges between migrants and local Thais (P. Nuntase, personal communication, July 9, 2013).

Conclusions

The dynamics of child labor in Samut Sakhon are those raised in the literature. Schearf notes that among migrant children, irregular school attendance or dropping out completely is common, as children choose work to help their families financially (Schearf, 2012). This echoes the concerns of other scholars that educational provision does not necessarily exclude the need to work, when poverty is still a continuous struggle for families (Bissell, 2005; Okyere, 2013). Further, scholars suggest that enforcing mandatory education without considering the families' financial struggles may only push children in poor families further into informal and unprotected work areas, as they seek work out of necessity (Basu, 1998; Dessy, 2000; Emerson & Knabb, 2006). Therefore, the Thai government should proceed with caution and assess the social environment properly before enforcing compulsory education for migrant children. Instead, it should focus on increasing migrant children's access to education—overcoming obstacles to enrollment and retention—and the quality of education in the first place.

Currently, in the Samut Sakhon model, the larger seafood export businesses supporting the educational collaborative only offer one-time financial help (such as scholarships and building schools), mainly to improve their company image and public relations with international buyers (Field notes, May 17, 2013). However, their participation is inconsistent and does not offer long-term incentives for migrant parents to enroll their children in school.

If implemented correctly and with appropriate long-term planning, corporate social responsibility initiatives can drastically reduce the child labor rate. For example, in the 1990s, for the first time an entire business industry (in this case, the Bangladeshi garment industry) signed an agreement with the international governmental organizations ILO and UNICEF (Neilsen, 2005) to address child labor use. The ILO became the external monitor of the industry's performance under that agreement. Subsequently, child labor use went from 42.8% to 4.5% in inspected garment factories and from 3.6% to 0.26% in the total Bangladeshi labor force (Neilsen, 2005). Another

Bangladeshi knitwear export association entered into a similar agreement and five-year program (2006-2011) with the ILO and a local NGO to develop and improve mid-level governance to target the lower supplier chain where child labor mostly occurs (Wise & Ali, 2008). To achieve real results, the Samut Sakhon model will have to demand stronger commitment from the seafood business associations, as well as mid-level management in the PPs, to develop and enforce similar long-term mandates on abandoning child labor use and providing more consistent financial assistance for education.

Child labor occurs in settings that are difficult to access and even find out about, which makes dependable estimates difficult to construct. Certainly the seafood processing industry illustrates this point. The international media has played a role in keeping child labor in the shadows by the enormous attention it gives to human trafficking at the expense of ignoring the more pervasive problem of child labor. Further investigation is warranted to achieve a better and separate understanding of child labor and human trafficking in the fishing and seafood processing industries, and may result in more balanced reporting.

The child labor prevention model that has been implemented in Samut Sakhon since 2004 targets migrant children who are at risk of entering exploitative labor in the seafood processing plants. The model provides those children with transitional education that leads to Thai formal education, through which they will have a better chance of integrating socially into the local area and obtaining improved career opportunities. Experts generally view the effect of these efforts on the child labor situation in Samut Sakhon as positive. Nonetheless, the experts identified common challenges, such as corruption, negative local attitude toward migrants, and lax policy implementation, that hinder program effectiveness on the operational level. Further, the study cautions against hasty enforcement of compulsory education. Rather, as shown in several other countries and industries, efforts aimed at alleviating poverty among migrant families and ensuring accessibility and quality of education would be most effective, so that the migrant children's need to work in the first place can essentially be eliminated and school enrollment and retention enhanced.

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