



## **DISCLAIMER**

### **Khmer Workers at Phatthana Seafood Factory**

#### **Updates since the Time of Reporting**

CLEC staff attended Songkhla Province on 10 April, 2012 and departed 13 April, 2012 after security concerns were raised by affiliates.

Information included below is based upon interviews conducted in groups of between 1 and 50. Over 100 workers were collectively consulted. For security reasons, the report will not mention names of those workers interviewed. All names have been changed.

CLEC recognizes that the report is based upon information obtained from workers only and hence does not consider the comments or rebuttals of those implicated.

CLEC delivers the following report based upon worker testimony and does so without prejudice.

The following report is an assessment of the situation of workers as of the April 13, 2012. Since the time of reporting the following developments should be noted and considered current as of May 3, 2012:

- There are around 700 Cambodian workers remaining at Phatthana Seafood factory.

- Cambodian workers now receive a wage of 266 baht per day (which includes a food allowance of 20 baht per day).
- Following a meeting between the Cambodian Ambassador, Phatthana supervisors and Cambodian workers, workers are now paid full rate for hours rostered but not worked.
- Workers were given back their passport and allowed to hold them by themselves. They need to show relevant authorities every three months.
- A limited number of accommodation facilities have been replaced with more secure and appropriate dwellings. **However, workers must pay 1,500 baht per month for the room which can accommodate 3 to 4 people. Hence, each worker must pay between 375 and 500 baht per month (this includes utilities) despite original guarantees from both CDM and Phatthana. All workers are still pay for their accommodation.**
- Medical care is to be provided free of charge if a worker has been employed for 6 months or more **however there are serious difficulties with finding company translators to accompany workers to hospitals and workers are often refused hospital treatment; merely returned to their rooms without proper care.**
- Undocumented workers were **required to pay 6,500 baht to obtain a passport** by 7 May, 2012. If not on 15 May, 2012 workers will **terminated without repatriation**. It is estimated around 70% to 80% of undocumented workers have complied and the remaining 20 to 30% indicate their intention to comply but note they will most likely be unable.



## CLEC Investigation

### Khmer Workers at Phatthana Seafood Factory

**Songkhla Province, Thailand**

**10 April to 13 April 2012**

#### **- Background to Songkhla Province and Migrant Workers**

Songkhla Province is in the deep south of Thailand. Songkhla is the official capital whilst Hat Yai is the business capital. “As the major economic center of lower Southern Thailand, Hat Yai has increasingly become a target of terrorism in the separatist campaign conducted by the Pattani United Liberation Organization and similar radical groups...On March 31, 2012, a car bomb exploded in the Lee Gardens Plaza Hotel, killing at least 5 and injuring hundreds. Both Thai nationals and Malaysian tourists were among the victims. The Royal Thai Army believes that members of the Barisan Revolusi Nasional (BRN) group carried out the terrorist attack.”<sup>1</sup>

The area remains part of the Southern conflict zone whilst Hat Yai and the Phatthana factory are not under curfew, nor military law.

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<sup>1</sup> Wikipedia, *Hat Yai*, available at: [http://en.wikipedia.org/wiki/Hat\\_Yai#Southern\\_violence](http://en.wikipedia.org/wiki/Hat_Yai#Southern_violence)

Migrants in Songkhla work in construction, fishing, fish processing and industrial factories. The majority of fishermen are Cambodian whilst Cambodian and Burmese workers categorize migrants in other industries. There are also a very small number of Laotian migrant workers working in the area. There are a number of large seafood processing firms in Songkhla and Hat Yai, including Siam International, SS Frozen Sea Foods, Pacific Fish Processing Co. Ltd, Pacific Fishmeal Industrial Co. Ltd, Man A Frozen Food Co. Ltd, Gold Storage Co. Ltd and Songkhla Canning. The majority of these factories employ around 70% Cambodian and 30% Burmese workers and many of these factories have reasonable and satisfactory conditions for workers.

Trafficking is a problem in this area, with all nationalities (Thai, Cambodian and Myanmar) being trafficked onto fishing boats. The area has a lot of influential politicians and is considered dangerous.

The State Enterprise Workers Relations Confederation (SERC), Thailand's strongest and largest state union made up of airway, airport, transport and many other industries has a presence next to Hat Yai Station. The only organization mentioned working with migrant workers, particularly Cambodians, is Stella Maris. However, Stella Maris said their focus is on the fishing industry and/or health work. Stella Maris has resourced staff fluent in all languages (Cambodian/Myanmar/Thai/Southern Thai) and has good networks for their HIV/AIDS/TB programs in all factories across the region, including in Phatthana factory.

### - **Phatthana Seafood Factory**

Phattana Seafood Factory is located at 70/8 Moo 3, Tambon Khao Rub Change, Ampur Muang, Songkhla Province 90000, Southern Thailand (ที่อยู่ 70/8 หมู่ที่ 3 ตำบลเขารูป อำเภอเมืองสงขลา จังหวัดสงขลา). The factory is a seafood processing factory preparing shrimp and other seafood. Seafood is deveined, cleaned, boiled, packaged and frozen in the factory. There is evidence to suggest that the factory next door to the Phatthana Seafood Factory referred to as ‘SS factory’ is also owned by the same company as Phatthana, PTN Group. **PTN Group is a major supplier for US Superstore, Walmart.**<sup>2</sup> Pay-slips suggest the social security number of the both employers is 1000126935.

Workers reported inspectors of both Japanese and Western ethnicity frequently coming to inspect both SS and Phattana factories. The factory has armed guards (guns and handcuffs).

Phattana is renowned amongst migrants in Songkhla Province as the worst factory in the region.

### - **Three Methods of Arrival and Conditions Guaranteed**

#### **Method 1: Documented – CDM Trading Manpower Co. Ltd**

Around two thirds of Khmer workers arrived legally with CDM Trading Manpower Co. Ltd, who has many Cambodian and Thai agents in this area. There are reports some of their agents also work as personnel for Phattana. Workers were solicited through job advertisements. All workers signed contracts with CDM. No Khmer workers interviewed are in possession of their contracts, nor do they know of any other Khmer workers that are. Many workers did not even read their contracts. Some are illiterate and were unable; some were told what was in the document. Some recall the conditions of the written document whilst others recall what was quoted to them by CDM employees executing the contract. Those that quote their contract state

<sup>2</sup> <http://www.samsclub.com/sams/pagedetails/content.jsp?pageName=sustainability-responsible>

they were promised a wage of \$220 - \$300 per month, 6 days work per week at 8 hours per day, free accommodation and medical benefits as well as food allowance although the amount was not specified. Others from Village 1 (please see below) state CDM employees quoted 8000 baht per month (\$226), free and furnished accommodation, medical benefits and food allowance of an unspecified amount.

When executing the contract workers must pay a fee of \$250 to obtain their passport and cover CDM's 'service fee.' If there is not full payment up-front workers incur a debt of 10-18,000 baht depending on the time they arrived. This is payable at rates between 750 and 1,500 baht every 14 days. Faster repayment can result in discounts of the initial amount owed. Regardless, a worker must pay \$150 up front to obtain a passport. Many workers were not informed of the debt when they executed their contract. Workers reported that CDM Cambodia is holding their contracts. The workers' contact at CDM is Mr. So Saobol whose business card was produced.

### **Method 2: Undocumented – Illegal Broker**

Around one third of Khmer workers are undocumented. They come via methods 2 or 3. Workers may pay an illegal broker to smuggle them across the border. The fee is around 6000 baht. It can take up to 10 days to reach Songkhla and they may have to wait for up to one month before commencing work. They have no passports or contracts. Most have received a temporary pass from the police that allows them to move around within Songkhla. Connections between brokers and Phatthana are tenuous and need to be further investigated.

### **Method 3: Undocumented – Phatthana Frozen Food**

**At least 26 workers were directly solicited in Cambodia by telephone calls from Phatthana employees, mostly office staff.**

Workers are offered the same conditions as mentioned above (\$220-\$300, 6 days at 8 hours, free accommodation, medical and unspecified food allowance). Workers must pay a fee of 6,000 baht (\$200) up front. They are collected by a pick-up truck. They travel to Poipet with around 20-30

per truck. Once they arrive at the border they must wait for other trucks to arrive. Workers can wait for up to one week and are not provided food during this time. Once the group reaches around 60 people they will cross. Workers may pay the military around 100 baht and a small amount for the Thai police in order to cross. They are provided no documentation. Once on the Thai side of Poipet they are met by Phatthana Frozen Food employees, mostly office staff, who take the workers to Songkhla to commence work in the factory. (Please see interview with Pari below)

- **Withholding of Passports**

Despite documented workers having paid for their passports all identity documents are withheld by Phatthana. Sari, Khmer Phatthana staff, is the contact for workers' documents. There are reports that he may have left Thailand. Phatthana will not release documents to workers as they do not want them to go and work for another factory. Workers cannot even pay for the release of their documents. Workers only receive a photocopy of their documents.

**NB: Please note the developments in the disclaimer relevant to documents returned.**

- **Conditions of Workers**

All workers interviewed wished to be repatriated due to their current conditions bar 40 villagers in Village 1. Workers' reports range between 'payments are not enough to save any money' to 'payments are not enough to live.' Workers' situations range between not saving any money at all to having to no money for food and being forced to search for snails and small fish washed up on the beach.

Pay-slips and reports indicate workers are being paid between 3,000 and 7,000 baht per month depending on division, piece-meal agreement, overtime and attendance bonus (300-400 baht every 2 weeks). Some workers receive 26 days work per month others as little as 14 with less than 8 hours per day. Food allowance is 20 baht per day. In many cases one week's pay is withheld to ensure workers do not escape. (Please see interview with Bong below)

All workers must pay for their accommodation which ranges from 300 to 1,200 baht per month. Workers sleep, cook and eat with up to 4 in a room (around 3 x 4m). Couples have no privacy.



*Above: A room shared by 4 Cambodian workers. Workers sleep, cook and eat here as it is all they can afford. Bong states CDM promised they “would provide a room to stay, mattress, pillow, plate, food allowance.” (See below interview)*



*Above: The dilapidated homes of Cambodian workers who were promised free and secure accommodation. Before departing Cambodia, Proh saw an advertisement from CDM that had a picture of a good house where he was supposed to live (see below interview).*

Toilets at the accommodation are often a problem as many people share one room and many people share one toilet. All workers understood that accommodation would be provided free of charge (Please see interview with Proh below). They are not provided medical treatment and when they are sick will receive only tablets of paracetemol. Almost one in three are covered in cupping bruises and scratches from traditional practices. Workers report that unless you are almost dying proper medical care is not provided.

Workers report that all are given the same weight (price per kg) when they work on piece meal rates, but that Thai workers are given larger shrimp or seafood. The workers (Cambodian and Myanmar) report that this is discrimination.

Workers report that the factory has only 3 male toilets. There are around 500 men and one toilet is broken. Often the supervisors won't let workers use the toilet or have toilet breaks. They must ask permission to go and get 15 minutes, 3 times per day. If they want to go more they have to have a medical certificate. Breaches of these conditions result in wage deductions. The toilet is 100 meters from the factory. These factors combined make this a serious issue for many workers.

- **Changes After the Strike and Previous Demonstrations**

Many workers have been here since 2010. (Please see interview with Bong below). Many strikes have caused changes in conditions, i.e. wages previous increase from 166 to 177 baht plus food allowance.

Cambodian workers state that "those people who know too much, those of us who understand, we are the target of the management. They don't want trouble makers. With trouble makers, the agent will send us back home, and we have no choice but to go."

Cambodian worker Nai Saree called relatives in Cambodian and complained that the workers had been deceived and conditions were not the same as promised. This family then contacted

Cambodian media and the story was reported in news. Nai Saree was then deported and is facing a court case in Cambodia.

Further, in late January Cambodian worker Keo Ratha, expressed his concerns about Phatthana to the Cambodian media. As a consequence CDM threatened to sue him in court. The following day Ratha was repatriated to Pursat Province, Cambodia, by CDM representatives who returned his passport but deducted the entire amount of salary that he was owed. As a consequence, Ratha was abroad for 3 months and did not earn a single dollar.

Effective 1 April 2012 workers will be paid 246 baht per day however they will no longer receive their food allowance (20 baht per day) and their attendance bonus will decrease from 400 every 2 weeks to 300 every 2 weeks. However, attendance bonus will be calculated monthly, hence if a worker misses one day during the month they will be docked the entire monthly attendance bonus. No payments or pay-slips have been issued so far this month to confirm these changes. This is due to the holiday. Payment is due on the 22<sup>nd</sup> of April.

**NB: Please note the developments in the disclaimer relevant to the wage increase.**

Workers protested the deductions on the 8<sup>th</sup> and 9<sup>th</sup> of April and requested their passports back immediately. The protest culminated in shots being fired into the air by an unknown police officer. Phatthana did not comply with any of the workers' demands.

**Striking workers have not been allowed to return to work. They have not worked since the 7<sup>th</sup> of April. Phatthana has said they can return to work on the 19<sup>th</sup> of April. Workers that did not strike have worked through until the 12<sup>th</sup> of April.**

All workers plan to return to work on the 19<sup>th</sup> of April to try and save 1200 baht to repatriate to Cambodia.

- **Underage Workers**

Workers reported there were between 16 and 20 underage workers. They were between 16 and 17 years of age. Workers interviewed did not know them personally and they are unsure but assume that they have now repatriated.

- **Remaining Workers and CDM Repatriation Offer**

There are at least 700 Khmer workers remaining at Phatthana Frozen Food Factory (PTA), Songklha Province, Thailand. Before the strike (April 8th and 9th) estimates were around 1,500. In response to striking workers CDM Trading Manpower sent a company representative to negotiate the terms and conditions for Khmer workers. The representative informed workers that CDM could not make decisions as to their wage or other benefits but instead put forward an offer for repatriation. Workers would be able to pay 1200 baht for repatriation to Cambodia. On the 9th of April more than 200 Khmer workers were repatriated to Cambodia. Reports differ from 50-60 workers up to 500-600. Workers most commonly estimated the number at around 200. Workers are continuing to repatriate in small groups of around 30-40. Workers reported a Phatthana staff member accompanies the repatriates to the border. The staff member withholds the passports until the working VISA in the passport is stamped by the border authority to ensure workers cannot reenter Thailand. Passports are then returned. Outstanding debt is not followed up after they return.

- **WORKERS DEMANDS**

- (1) All workers bar 40 from village 1 wish to be repatriated immediately with no charge.
- (2) 40 of 47 workers from village 1 wish to obtain employment with another company if possible, otherwise they will repatriate. Due to the unlikelihood of obtaining alternative employment they currently plan to repatriate as soon as possible.
- (3) Undocumented workers are not eligible for paid repatriation. They need assistance to be repatriated immediately.

- **COMPLAINT**

At least 58 workers (37 documented, 19 undocumented) will sign and thumbprint a letter of complaint indicating their need and intent to repatriate.

- **Legal Analysis**

### **Liability of CDM Trading Manpower**

Due to the reported misrepresentations and severe breaches of contract from CDM Trading Manpower all contracts appear void and invalid.

#### **Article 7 of Decree No.38D**

Provides that if a contract is the result of mistake, duress or fraud it is not valid. Workers' reports would indicate that both CDM Trading Manpower knowingly solicited workers into with false guarantees. All reports of conditions offered are consistent yet no worker interviewed was ever provided such conditions. All facts would suggest that CDM were fraudulent in their negotiations and hence all contracts are invalid.

#### **Article 10 of Decree No.38D**

Goes on to say that fraud is a ground for voiding the contract when there are acts of deception, dishonesty, or misrepresentation committed by one party to the contract without which the other party would not have entered into it. All workers interviewed stated they would never have entered into said contracts that result in debt of up to \$32.66 per month - evidenced earlier this year, by the immediate desertion of 100-500 workers after less than a week of employment.

**On the basis of Articles 7 and 10 of Decree No.38D all contracts are void and all debt owed is illegitimate.**

**Articles 26 & 27 of the Sub-Decree 190 on the Management of the Sending of Cambodian Workers Abroad Through Private Recruitment Agencies**

Provide that when the employment contracts of the workers expire and are not to be renewed, the recruitment agencies shall make proper arrangements for the repatriation. The recruitment agencies shall provide appropriate services in order to ensure that workers return to the Kingdom of Cambodia safely.

Hence, CDM's alleged fraudulent misrepresentations invalidate contracts under Decree No. 38D amounting to expiration. Further workers have no intention to renew satisfying the elements of Articles 26 & 27 of the Sub-Decree.

On this basis all fees associated with repatriation are illegitimate and amount to a breach of CDM's obligations punishable under Article 39 which provides:

**Any recruitment agencies violating any provisions of this Sub-Decree shall be subject to the following penalties:**

- **Written warning;**
- **Temporary suspension of authorization;**
- **Revocation of authorization.**

CDM's 1,200 baht fee for repatriation is illegitimate and should be waived immediately whilst all those repatriated under the scheme are entitled to compensation of this amount.

Further relevant is the prosecution of relevant CDM owners/employees. The Cambodian government has never convicted a recruitment agent whose company was involved in labor trafficking or fraudulent recruitment despite the clarity of the law.

## **Article 12 of the Law on the Suppression of Human Trafficking and Sexual Exploitation**

Provides for Unlawful Recruitment for Exploitation and states the act of unlawful recruitment in this law shall mean to induce, hire or employ a person to engage in any form of exploitation with the use of deception, abuse of power, confinement, force, threat or any coercive means.

A person who unlawfully recruits another shall be punished with imprisonment for 7 to 15 years.

The offence stipulated in this article shall be punished with imprisonment for 15 to 20 years when:

- The victim is a minor

To clarify the terms “any form of exploitation” in this Article include the exploitation of the prostitution of others, pornography, commercial sex acts, forced labor or services, slavery or practices similar to slavery, **debt bondage**, involuntary servitude, child labor or the removal of organs; as defined by Article 10.

The reported inducement of recruits with false guarantees coupled with the large debts imposed and payable to CDM constitute a debt bondage arrangement as outlined in Article 10.

CDM owners/employees are answerable to causes of action under the preceding Articles and could be liable for between 7 and 20 year imprisonment if the LSHTSE is enforced as intended.

## **Article 15 of Sub Decree 190**

Provides that in recruiting and sending Cambodian workers abroad necessary contracts include:

- Contract between the Ministry of Labor and Vocational Training and the recruitment agencies;

- Contract between the recruitment agencies and Cambodian workers, which shall be titled as Job Placement Service Contract;
- Contract between foreign employers and Cambodian workers, which shall be titled as employment contract.

Further, the practice of increasing a minor's age so that they may be eligible for employment is addressed in Cambodia's National Plan of Action on the Worst Forms of Child Labor as signed by Prime Minister Hun Sen, which provides that changing a child's identity to increase their age is in direct violation of the Plan of Action and the RGC's goal of reducing child labor in Cambodia. Again Article 4 of Sub-decree 190 provides that RAs must only recruit people over 18. CDM is in breach of their agreement with the MoLVT. This matter should be referred to the Ministry and, if proven with the testimony of underage workers (10-20), should affect the validity of the CDM's license.

### **Liability of Phatthana Seafood**

All reports of conditions offered to undocumented workers are consistent yet no worker interviewed was ever provided such conditions. All facts would suggest that Phatthana were fraudulent in their negotiations and hence all contracts are invalid under requisite Thai Law concerning contracts and all debt owed is illegitimate.

### **Article 3 of the Law on the Suppression of Human Trafficking and Sexual Exploitation**

Provides for the application of this law outside the territory and states that this law shall apply to any felonies or misdemeanors committed outside the territory of the Kingdom of Cambodia by a foreigner if the victim is a Khmer citizen at the time of commission of the offense.

### **Article 12 of the Law on the Suppression of Human Trafficking and Sexual Exploitation**

Again, provides for Unlawful Recruitment for Exploitation and states the act of unlawful recruitment in this law shall mean to induce, hire or employ a person to engage in any form of

exploitation with the use of deception, abuse of power, confinement, force, threat or any coercive means.

A person who unlawfully recruits another shall be punished with imprisonment for 7 to 15 years.

To clarify the terms “any form of exploitation” in this Article include the exploitation of the prostitution of others, pornography, commercial sex acts, forced labor or services, slavery or practices similar to slavery, **debt bondage**, involuntary servitude, child labor or the removal of organs; as defined by Article 10.

The reported inducement of recruits with false guarantees coupled with the large debts imposed and payable to Phatthana constitute a debt bondage arrangement as outlined in Article 10.

With the application of Article 3, Phatthana owners/employees are answerable to causes of action under the preceding Articles and could be liable for between 7 and 15 year imprisonment if the LSHTSE is enforced as intended. Their actions in falsely soliciting workers with the intention of inflated profits, *prima facie*, appear to amount to an offence under the preceding Articles.

#### - **CLEC RECOMMENDATIONS BASED ON FACTS PROVIDED BY WORKERS**

- Immediate return of all identity documents to the possession of all workers without condition;
- Provision of free and secure and appropriate accommodation for all workers in line with contractual obligations;
- Provision of free and proper medical care for all workers in line with contractual obligations;
- Free and immediate repatriation for all CDM recruits requesting such;
- Civil remedies for all workers pursuant to breaches of contract.

- Criminal prosecution of CDM owners and staff to the full extent of the LSHTSE; and
  - Criminal prosecution of Phatthana owners and staff to the full extent of the LSHTSE.
- **CLEC RECOMMENDATIONS TO INTERNATIONAL BUYER WALMART**
- Conduct an effective and transparent investigation immediately, addressing the needs of workers and breaches of relevant laws and policies;
  - Come up with a corrective action plan to improve conditions for workers at Phatthana Seafood and throughout the Walmart supply chain; and
  - Conduct regular follow up inspections to make sure recommendations formulated are implemented.



### **Interview Annexure**

**ALL BELOW INTERVIEWS ARE SUMMARIES OF WORKERS' TESTIMONY,  
TRANSLATED FROM KHMER INTO ENGLISH**

- 1. Bong -11/04/2012**
- 2. 47 workers of Village 1 – 11/04/2012**
- 3. 50 workers of Village 2 - 11/04/2012**
- 4. Pari and Proh - 11/04/2012**
- 5. Neary - 12/04/2012**

### **1. Bong– Cambodian worker – 11/04/12 (10:30am)**

Bong is 20 years old. He is from Kampong Thom (K-in village, Chamna Loeur, Steung District). His mother does not work and his father passed away. His sister is a garment worker in Cambodia. She is 18 years old. Bong arrived in Songkhla on January 27, 2011.

He learnt of the opportunity through a CDM Trading Manpower Co. Ltd job advertisement.

Bong signed a contract that he did not read. The document was in both English and Khmer. Bong says the majority of workers do not read the document. CDM Trading Manpower Co. Ltd communicated some of the contents to Bong. Statements included that the length of the contract would be 2 years, the document included his name, his father's and mother's names, after expiration they would provide transport back to Cambodia and they would provide a room to stay, mattress, pillow, plate, food allowance. This was an oral agreement made with CDM Cambodia. CDM further stated work is 8 hours per day, 6 days per week.

Deductions were not mentioned. They deduct a total of 18,000 baht. They told him this when he arrived in Thailand. He is not in possession of his contract. CDM Cambodia has his contract.

After 2 days travel by bus and one week rest upon arrival, he started work at Phatthana Frozen Food Factory, Songkhla, Thailand (PTA).

He works 26 days per month. He gets his salary every 2 weeks. CDM stated that he will be paid bi-weekly. The company pays for 12 days. In his first month he worked 3 weeks and was only paid for 12-13 days. Phatthana is withholding this money to ensure he does not escape.

$1^{\text{st}} - 22^{\text{nd}}$  = received 12-13 days pay (one week deduction)

$22^{\text{nd}} - 7^{\text{th}}$  = 12-13 days pay

$7^{\text{th}} - 22^{\text{nd}}$  = 12-13 days pay

He used to receive 166 baht per day. He doesn't remember how much was stated in the contract or what CDM told him. It was 166 per day with no allowance for food or accommodation. They protested 3 times and received an increase to 177 baht with 20 baht for food as well as gloves provided.

After the new government policy Phatthana announced, effective April 1st, an increase in to 246 baht per day. However, the company will deduct food allowance (20 baht per day) and attendance bonus. Attendance bonus will decrease from 400 every 2 weeks to 300 baht per month. This is why they protested. Phatthana did not agree with their demands so the workers asked for their passports to go back home.

Phatthana has their passports. There is a man called Sari. He is Khmer and is Phatthana staff. He has their passports but he may have left himself. To receive their passports they may now have to talk to Phatthana management.

If a worker wants to go back to Cambodia they must pay CDM 1200 baht. Their passport is not provided until they reach the border. One person from Phatthana accompanies the workers and holds all their passports. They pay 1200 baht for transport. They pay to Phatthana and they can go free. Bong paid \$150 for his passport and they deducted 18,000 baht from his salary (750 every 2 weeks). He wants to go but he has no money to pay.

Before the protest you must work until you settle your debt with CDM, only then you can go home. After the protest you can repatriate regardless of your debt and you will not be followed up in Cambodia. "They are free."

Workers live in 2.5 by 3 meter rooms with 2, 3 or 4 to a room. Bong pays 300 baht per month. Workers pay between 150 and 1200 baht per month for accommodation. He lives with 4 other people. This amount includes water and electricity. The bathroom and toilet are shared.

They pay for medical treatment by themselves. CDM told him that if anyone has an accident at work they will cover it but not sickness outside work.

There were around 20 underage workers but some may have gone home.

"If you go to the toilet too often at work they will deduct your food allowance. The toilet is around 100 meters from the factory."

Overtime is paid at 35 baht per hour. Bong gets one or two hours but not often.

Bong's debt has now been paid.

Some workers once tried to ask for their passport. Phatthana staff made workers roll on the ground as punishment and then gave them their passports. After that they let them go home. It wasn't painful but very shameful.

Phatthana is afraid workers will look for a job in another factory if they are given their passports so they refuse. Workers can't even pay to get their passports back. Even those that have completed the debt are not allowed.

Yesterday 3 large buses repatriated more than 200 Khmer workers. How many are still here he is not sure.

His supervisor says those who strike cannot work until the 19<sup>th</sup>. Bong joined the strike. He has not worked since the 8<sup>th</sup> of April.

He wants to go home. He cannot save any money at all here. There is no agreement from the strike. Some workers have gone home. Some don't have enough money but they will save to go home. Almost all workers want to go home

**2. Meeting with 47 Cambodian workers (village 1) – 11/04/2012 (2:00pm)**

All are Cambodian. They range in age from 18 to 45 years of age. 40 workers are documented, 7 are undocumented.

All documented workers were recruited by CDM Trading Manpower from Cambodia. All were promised 8000 baht per month with free accommodation and other benefits.

None have their contracts. They paid \$150 for their passports. They are deducted up to 18,000 baht. Their passports are withheld by Phatthana. Payments are as low as 3,600 baht per month. Their accommodation costs 300 baht per month. All 40 would like to change employer.

Undocumented workers: (Please see interview with Neary below).

**3. Meeting with 50 workers (village 2) – 11/04/2012 (4:00pm)**

There are around 150 workers in this compound. It is located outside a Phatthana warehouse. 50 workers attended the meeting. Around one third of the workers in the compound are undocumented.

All documented workers came with CDM. They were promised a minimum of \$220 per month (between 220-300) with free accommodation and medical. They do not have their contacts. Their passports are withheld by Phatthana. Their accommodation costs 300-800 baht per month. All want to return home to Cambodia. All plan to save 1200 and accept CDM offer.

Undocumented workers: (Please see interview with Pari).

**4. Pari and Proh – Cambodian workers – 11/4/2012 (5:00pm)****i. Pari**

Pari is 32 years old. He is from Kampot (Phum Ankounh, Thnout Commune, Toup Meat District). He arrived in October 2011. He has no passport. He is an undocumented immigrant. Staff of Phatthana brought him here during their peak time. CDM could not supply because they were at capacity during this time so Phatthana get their own workers. Pari paid 6300 baht to a broker. Thea is an office assistant for Phatthana. He is the one who organized the deal to bring him to Phatthana. He organizes on the phone initially. There were 26 people in one pickup truck in Cambodia. He met Thea (Phatthana) on the Thai side of the Poipet border. Thea had help from one broker in Cambodia. They paid the military at the border 100 baht each and paid Thai police some money after. They waited in Poipet for one week with no food until there were enough Cambodian workers to cross. There were 63 in total and they were able to go through. There were 3 pickup trucks from Phatthana. He says it happens every day. Sometimes workers go to Phatthana sometimes they go to somewhere else. He does not have a contract. Has a temporary pass issued by the police and can move around Songklha only. Thea promised him the same conditions as they promised Proh (below).

**ii. Proh**

Proh is 31 years old. He is from Battambong (Ay Phnom District, Piem Ay Commune, Kong Thom village). He came with CDM and arrived 12 December 2010. He has a passport. He read his contract. It (the written document) stated if he pays the full the charge of \$250 there will be no future deductions. He paid \$150 only. This was for his passport. If the total amount (\$250) is paid they have no deductions or workers can pay \$150 for passport and a further 18,000 baht will be deducted. The contract stated that he would receive \$220-\$300 per month. Also free accommodation, food allowance (unspecified amount but when he arrived it was 20 baht per day) and medical was to be covered. Work was to be 6 days per week work and 8 hours per day

as per contract. He saw an advertisement from CDM that had a picture of a good house where he was supposed to live.

In reality, no accommodation is provided. They pay 400 baht per month or for a big room 800 baht. Rooms sleep up to 4 people. The owner charges more for 5 people+.

After 6 protests they reduced salary deductions to a total of 10,000 baht. Phatthana has his passport even though he paid \$150 for it already. His attendance bonus is 300 baht every 2 weeks. It is lower because he does not work on a per-kilogram rate. The wage will increase to 246 baht per month on the 1 April 2012. However, there will be a decrease in the attendance bonus to 300 per month. The period for the bonus will also extend to one month; i.e. it used to be paid every 2 weeks; now bonus paid by the month; hence if you miss one day in the month you lose the whole bonus. He and his team do not work full days. At the moment in 2 weeks he will only work 7 days (14 days per month). His total wage for the month at the moment is less than 4000 per month. When workers are sick they only receive paracetamol. CDM Cambodia has his contract. They keep it in the company. The contact for the company is Mr. So Saobol.

### **iii. Both Pari and Proh**

The toilets are dirty. There are only 3 toilets for men. There are around 500 men and one toilet is broken. They must ask permission and get 15 minutes, 3 times per day. If they want to go more they have to have a medical certificate. The toilet is 100 meters from the factory.

There are around 16 or 17 underage workers but not many as they've already gone home.

Pari and Proh both joined the strike and are not allowed to work until the 19<sup>th</sup> of April. Shots were fired in the air at the strike but they didn't see who. CDM came to solve the problem but CDM said they cannot increase the wage. Instead they will allow workers to go home if they pay 1200 baht. No passport is given until they get to the border. Phatthana go with them and hold the passports. Yesterday from their compound around 30 workers left. Today, another 3 or 4 also left for Cambodia. The debt owed will not be followed up. They want to leave but do not have

enough money. “If you have money you contact Sari (Khmer, Phatthana staff). You call Sari for questions about your passport or other documents.” They estimate there are at least 500 workers left.

Recently someone called Pari on the way home with CDM. People were asked for more money 100 – 1000 baht. Some paid some didn’t but they all still made it to Cambodia.

They will keep working to save money. When they have enough they will go home. “We should have enough by next payment to go home.” Pari does not understand that the deal most likely will not apply to him. All from their compound (150 workers) want to go home. The factory is open today but they will close tomorrow for the New Year.

In the past they know of more than 10 workers that have left with CDM without their passports paying up to 6000 baht.

Last month on the 28<sup>th</sup> or 29<sup>th</sup>, 9 workers (3 from Phatthana) left with CDM but had a traffic accident.

Last March the total number of Khmer workers was over 1,000.

They do not even have enough money to buy food they are looking for snails and small fish to eat.

(Concluded 7:00pm)

**5. Nearly – Cambodian worker – 12/04/2012 (6:00pm)**

She is 26 years old from Kampong Thom (Stoung District, Thlok Commune, Cham Ngay Loeour). She arrived in July 2011. She has no passport. She is an undocumented immigrant. She came to Thailand through a broker. She does not know if they were connected to Phatthana. She left home with a group of 30 others. They travelled to the border at Boeung Trakoun. Once there the group heard about the employment opportunities in Thailand. She paid a broker 6000 baht to take her over the border illegally. She was not provided any documents. There were a total of 55 workers that crossed with her. It then took 10 days for her and 6 others to reach Songkhla. She had to pay 800 baht for her expenses. They had to wait for one month in Songkhla to obtain work with Phatthana. They do not have a contract. They have a temporary pass issued by the police and can move around Songkhla only. They want to go home.