

ENHANCING ETHICAL RECRUITMENT AND EMPLOYMENT IN THAILAND'S SUGARCANE SECTOR: Challenges and Recommendations



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INTRODUCTION

The sugarcane industry stands as a cornerstone of Thailand's agricultural sector, making important contributions to both the country's and global economy. Thailand ranks among the world's top sugar producers, contributing 4.2 per cent of global production in 2021 (Sowcharoensuk, 2023). According to the Bank of Thailand, the sugarcane industry supported the livelihoods of over 500,000 households and accounted for 21 per cent of the country's agricultural gross domestic product in 2017 (Bank of Thailand, 2017).

The demand for labour, driven by a combination of geographic, political, economic and cultural factors, positions Thailand as a key destination country for migrant workers from neighbouring countries. At present, Thailand hosts around 3 million registered migrant workers, with 10 per cent employed in agriculture, including the sugarcane sector. A study conducted by the International Labour Organization (ILO) also confirmed the heavy reliance on migrant workers from Cambodia and Myanmar, particularly in sugarcane plantations located in provinces along Thailand's borders, alongside seasonal Thai workers who migrate within the country for employment to meet its workforce needs (ILO, 2021).

Sugarcane production begins with cultivation and harvesting on farms, followed by processing in factories and mills. Due to its short cultivation period, sugarcane harvesting is more physically demanding than other crops and relies on labour-intensive tasks such as cutting and field cleaning. Sugarcane cultivation in Thailand extends across 47 provinces, covering roughly 8 per cent of the nation's agricultural land. Sugarcane mills in Thailand employ an estimated 50,000 workers in 27 different provinces with the majority in the central and northeastern regions (Manivong and Bourgois, n.d.).

Despite the contributions of migrant workers in Thailand's sugarcane sector, many continue to face several challenges such as obtaining legal status, substandard working conditions, including excessive working hours, insufficient provision of health and safety equipment, limited access to grievance mechanism and potential debt bondage. These challenges are compounded by the effects of climate change and limited labour rights protections. As a result, migrant workers' fundamental rights, safety and overall well-being are frequently at risk.

The pressing challenges that migrant workers face in Thailand's sugarcane sector underscore the urgent need for collaborative solutions to safeguard their rights. This policy brief is part of the *'Using Digital Tools and Multi-Stakeholder Engagement to Improve Human Rights Due Diligence'* project funded by Bonsucro Impact Fund. The Bonsucro Impact Fund invests in impact projects that address critical sustainability challenges in the sugarcane sector in Thailand and India.



SCOPE AND PURPOSE

This policy brief aims to provide an overview of the recruitment and employment practices in the sugarcane sector, with a focus on sugarcane plantations. It highlights key developments and addresses the existing challenges faced by workers, including migrant workers. Drawing from these insights, the brief will outline policies and recommendations to enhance ethical recruitment and employment standards and practices in Thailand's sugarcane industry. This policy brief is developed based on the International Organization for Migration's (IOM) work in the sugarcane sector and incorporates insights gathered from consultations with key stakeholders such as sugarcane farmers, sugar factories and farmers associations across provinces such as Kanchanaburi, Loei, Sa Kaeo and Tak.

Additionally, the brief draws on discussion from the multi-stakeholder consultation '*Public-Private Roundtable to Enhance Ethical Recruitment and Employment Standards in Thailand's Sugarcane Sector*'. The roundtable, jointly organized by IOM, the Office of Cane and Sugar Board (OCSB) under the Ministry of Industry, and Bonsucro, was held in Bangkok in August 2024.

KEY DEVELOPMENTS TO ENSURE ETHICAL RECRUITMENT AND PROTECTION OF MIGRANT WORKERS IN THE SUGARCANE SECTOR

As a Champion Country for the Global Compact for Safe, Orderly and Regular Migration (GCM) (IOM, 2016), Thailand has shown its commitment to international labour standards for agricultural and migrant workers by ratifying seven of the 10 fundamental ILO Conventions, focusing on the abolition of child labour, elimination of discrimination, and protection against forced labour, equal remuneration, and occupational safety and health promotional framework. While Thailand has yet to ratify conventions on freedom of association, collective bargaining, and occupational safety and health that apply to all workers, Thailand has signed several ILO Governance and Technical Conventions, including most recently C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) in June 2024 with the aim to promote labour standards to strengthen collaboration among employers, workers and the Government (ILO, 2024a).



LIST OF 10 FUNDAMENTAL CONVENTIONS THAT THAILAND HAS RATIFIED AND NOT YET RATIFIED (ILO, 2024b)

Ratified

- C029 - Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol)
- C100 – Equal Remuneration Convention, 1951 (No. 100)
- C105 - Abolition of Forced Labour Convention, 1957 (No. 105)
- C111 – Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- C138 - Minimum Age Convention, 1973 (No. 138)
- C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)
- C187 – Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Not ratified

- C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- C155 - Occupational Safety and Health Convention, 1981 (No. 155)

Notably, since 2019, Thailand has been the first country in Asia to implement its National Action Plan on Business and Human Rights (NAP), promoting the United Nations Guiding Principles on Business and Human Rights (UNGPs). In 2023, the Royal Thai Government advanced its commitment by adopting the second phase of the NAP, with the goal of preventing, addressing and remedying human rights abuses, including those affecting migrant workers and the environment (IOM, 2023).

In addition, the Ministry of Industry is also reinforcing measures to promote fresh cane harvesting and implement penalties for burned sugarcane as part of its efforts to combat PM_{2.5}¹ pollution during the 2023–2024 production year and increase industry income. As part of these efforts, a new assistance programme called “in cash & in kind” to support farmers who refrain from burning sugarcane has been introduced. This programme will provide eligible farmers with two forms of assistance: direct financial aid and advanced agricultural technology and management systems, thereby promoting sustainable practices within the sector (Government of Thailand, 2024a).

In line with these positive developments, the Informal Labour Protection Division under the Department of Labour Protection and Welfare, Ministry of Labour, is actively working on revising the Ministerial Regulations on the Protection of Agricultural Labour, B.E. 2557 (2014) to extend protection coverage to seasonal agriculture workers, including those in the sugarcane sector (Department of Labour Protection and Welfare, 2024). Their ongoing efforts include a public consultation on the proposed revisions, with improvements in six issues as follows.

- Working hours per day
- Personal leave
- Minimum wage
- Severance pays
- Employers are required to report the employment of workers under the age of 18 to the relevant authorities
- Overtime work or work on holidays for workers under the age of 18 is prohibited

¹ The Indoor Air Hygiene Institute's definition of particulate matter 2.5 is: “Particulate Matter (PM) is a mixture of solid and liquid particles that are suspended in the air. These are categorized into coarse, fine and ultrafine. PM_{2.5} are fine particles that have a diameter less than 2.5 micrometers (more than 100 times thinner than a human hair) and remain suspended in the air for longer durations. The health risk with PM_{2.5} is that they can travel deep into the respiratory tract, reaching the lungs and entering the blood stream.”



Meanwhile, many sugar companies are actively adapting their practices to mitigate the impacts of climate change by increasing their use of renewable energy and reducing reliance on fossil fuels (Government of Thailand, 2024b). Furthermore, as highlighted by the Thai Sugarcane Farmers Federation during the Roundtable, many improvements have been made to ensure decent work among workers. Notably, many migrant workers in Sa Kaeo are now being paid above the minimum requirements and are provided with access to health care and essential facilities.

CURRENT CHALLENGES IN THAILAND'S SUGARCANE SECTOR

Gaps in National Labour Laws, Regulations and Enforcement

Thailand has integrated international standards into its national labour laws to strengthen protections for migrant workers. Despite these advancements, challenges persist in ensuring fair working conditions and comprehensive legal protections for all workers, including migrant workers.

The Royal Ordinance Concerning the Management of Employment of Migrant Workers B.E. 2560 (2017) and its amendment in 2018, regulates the recruitment of migrant workers. According to the Royal Ordinance, migrant workers from neighbouring countries can use two main official pathways to migrate for work in Thailand: 1) the Memorandum of Understanding (MoU) for year-round employment and 2) the Border Pass scheme (Section 64) for seasonal employment in designated border districts in Thailand. Additionally, the Royal Thai Government allows migrant workers in an irregular situation who are already in Thailand, as well as those whose work permits are about to expire, to regularize or maintain their status through periodic registration windows in accordance with cabinet resolutions.

While this is a positive development, many recruitment pathways still do not align with the realities faced by migrant workers in the agriculture sector, including sugarcane plantations in Thailand. More specifically, the Border Pass scheme allows workers to work in Thailand only for 90 days, which does not align with the cane production cycle, where the seasonal harvest period can last up to five months. In addition, workers are restricted from travelling outside the province where they are authorized to work, with some provinces even limiting their movement to the district level. Moreover, the limitations in the country of origin also pose challenges for migrant workers who do not reside in designated border provinces, who often need to rely on labour recruitment agencies to obtain fake proof of residency (Morch, 2018), leading to high expenses and potential debt bondage (Villadiego, 2018).

Additionally, migrant workers, regardless of nationality and status, are also entitled to the Labour Protection Act B.E. 2541 (1998, last amended in 2019), which provides essential protections during their employment in Thailand, the same as that offered to Thai workers. These protections include paid sick leave, equal pay for equal work, maternity leave, prohibition of child labour and provisions for safe and hygienic living conditions. However, the Act is not fully applied to migrant workers in specific sectors, particularly those engaged in seasonal employment. Instead, these workers, including those working in sugarcane plantations, are covered under the secondary legislation of Ministerial Regulation Concerning Labour Protection in Agricultural Work, B.E. 2557 (2014) – which offers limited protections and excludes many critical areas such as minimum wage, regulated working hours and severance pay, among many others. Moreover, the enforcement of the labour law remains inadequate due to the nature of work that is isolated and takes place in remote locations where there is an insufficient number of labour inspectors to ensure compliance.

Barriers to Accessing Grievance Mechanisms and Remediation for Migrant Workers

The UNGP on Business and Human Rights provides a framework for States and companies to prevent, address and remediate negative impacts on human rights caused by business activities. According to these guidelines, an operational-level grievance mechanism is defined as “a formalized means through which individuals or groups can raise concerns about the impact an enterprise has on them – including, but not exclusively, on their human rights – and can seek remedy.”²

Grievance mechanisms enable workers to report concerns to relevant stakeholders, such as employers, labour authorities or third parties to facilitate the identification of labour exploitation and the provision of remediation. In Thailand, State-based mechanisms specifically address labour rights violations and human trafficking through various government channels and are categorized into judicial and non-judicial processes. In addition to State mechanisms, non-State-based mechanisms exist within workplaces to address labour-related complaints. These include labour welfare committees and company-specific complaint systems. Moreover, multi-stakeholder initiatives, such as Migrant Workers Assistance Centres and Migrant Resource Centres, play a vital role by connecting state agencies and civil society to effectively support migrant workers (Winrock International, 2020).

However, migrant workers face considerable barriers when attempting to access grievance mechanisms due to a combination of lack of awareness, language barriers and geographical isolation. Despite efforts by governmental and non-governmental agencies to raise awareness about available grievance mechanisms, many migrant workers remain unaware of these complaint channels. Language barriers further obstruct their ability to file complaints, as many official forms and processes are often not available in their native languages. This issue is exacerbated by the remote and isolated locations where migrant workers are employed, limiting their access to support services.

Beyond these practical challenges, migrant workers often hesitate to file complaints due to a lack of trust in the effectiveness of the remedies and the complexity of the grievance procedures. The lengthy process required to secure compensation often extends beyond their legal stay in Thailand, making it difficult to monitor their claims effectively. Official complaint channels, such as hotlines, are also perceived as complicated, which further discourages workers from utilizing these resources (ibid.) In addition, workers who experience rights abuses or have complaints often find themselves needing to resolve these issues independently or raise them with their employers or local village heads. These difficulties are compounded by the lack of channels for anonymous complaints, as most existing mechanisms require reporting to farm owners. Consequently, many migrant workers, particularly those who have migrated irregularly, may hesitate to report incidents due to fear of retaliation.

2 See Toolbox Human Rights, [Operational-level grievance mechanisms](#).



Limited Understanding Among Employers About Their Responsibilities and Workers' Rights

A joint assessment conducted by IOM in collaboration with OCSB in 2024 identified several challenges facing Thailand's sugarcane sector. One of them is the limited awareness and understanding among employers regarding their responsibilities and workers' rights. For instance, knowledge of Occupational Safety and Health remains inadequate, with only about half of employers surveyed in the assessment recognizing the importance of providing Personal Protective Equipment (PPE) to their workers. Additionally, there is a considerable lack of understanding about the need for accessible grievance mechanisms, leaving many workers without proper channels to voice complaints and seek redress.

Regulatory compliance is another major concern, with many employers lacking comprehensive awareness of national laws and regulations governing the recruitment and employment of workers, especially migrant workers. This knowledge gap often hinders employers' ability to facilitate legal documentation for migrant workers and fulfil their responsibilities to provide fair working conditions, thereby increasing the risk of non-compliance with the regulatory requirements. During the Roundtable, an employer highlighted that this lack of knowledge and understanding partly arises from the absence of centralized information on relevant laws and regulations, making it challenging for employers to access and apply such information effectively.

The Impact of Climate Change on Labour Migration and Workers' Livelihoods

Climate change is increasingly driving labour migration, with many migrants from neighbouring countries seeking employment in Thailand due to the adverse effects of climate change and environmental degradation in their home countries. According to IOM's 2023 study *International Labour Migration in a Changing Climate: Insights from Malaysia and Thailand*, the majority of migrant workers surveyed in Thailand's sugarcane plantations migrated from regions along the borders of Cambodia and Myanmar that are heavily impacted by climate change. In their home communities, these workers rely on farming for their livelihoods, but extreme weather events such as severe flooding and prolonged droughts have disrupted their farming activities. This situation has made it

complicated for workers with financial hardships to migrate through the official migration pathway under the MoU process, due to its associated costs and recruitment agency fees borne by migrant workers.

Although the Border Pass scheme offers another migration pathway for seasonal employment in the agricultural sector, including in sugarcane plantations, it remains limited to those who reside at specific border regions in their home countries. This limitation further restricts broader access for many migrant workers from ineligible areas, causing many migrants to migrate irregularly. Due to their irregular status, these migrant workers are often vulnerable to exploitative working conditions, such as excessively long working hours, receiving below the provincial minimum wage and lacking formal written employment contracts.

In addition, workers also face increased vulnerabilities due to climate change, which has disrupted harvesting cycles and reduced yield through rising temperatures, erratic rainfall and prolonged droughts (Vigil and Kim, 2023). These environmental changes also degrade soil, deplete nutrients and increase pest interference (Rosenzweig et al., 2001) all of which further hinder sugarcane cultivation and place financial strain on migrant workers, whose earnings depend on piece-rate income tied to productivity. An IOM research shows Myanmar migrant workers in Tak province earn 105–170 Thai baht (THB) (3–4.80 United States dollars, USD) per 100 canes, requiring them to cut 200–330 canes daily to meet the provincial minimum wage, while in Sa Kaeo, Cambodian migrant workers reported piece rates of THB 130–230 (USD 3.70–6.60) per 100 canes, which is generally higher than the wages reported by migrant workers in Tak but still below the minimum wage in Sa Kaeo (IOM, 2023).

Moreover, some migrant workers reported inadequate provision of PPE while carrying out their tasks. Meanwhile, those who have PPE also reported facing difficulties in wearing them consistently due to hot weather, even though it is essential for their own protection against various risks (Vigil and Kim, 2023). When PPE is not designed for wearing in high temperatures, wearing one can contribute to heat stress, causing workers to feel uncomfortable, and therefore more prone to overlooking safety protocols by removing their PPE, increasing the risks of work-related accidents and injuries (Lundgren, 2023; Rowlinson, 2014).



Recognizing that while sugarcane plantations are vulnerable to climate change, certain agricultural practices within the sugarcane industry are also contributing to environmental impacts, particularly air pollution, is important. One such practice is the use of field burning before harvest. Many farmers believe this practice increases the sucrose content in the cane, making it sweeter and thus more commercially valuable (Kindred, 2023). In addition to perceived quality improvement, labour shortages in the sugarcane sector often drive farmers and workers to resort to burning, as a means of removing leaves and debris, allowing for quicker and less labour-intensive harvesting. However, the environmental cost is significant. During the 2022–2023 season, the volume of burned sugarcane reached 30.78 million tonnes, accounting for 32.78 per cent of milled sugarcane, and covered a combined area of 3.08 million rai (about 4,928 square kilometres) (Bangkok Post, 2023). This practice contributes to PM2.5 pollution during the burning season, severely impacting those who live in Greater Bangkok, the Central Plains, the East and the Northeast for about six months each year. Annually, this practice is estimated to produce around 94,900 tons of PM2.5 across Thailand (TEI, 2022).

Barriers to Mechanization and Machinery Operation

To mitigate the climate change and environmental impacts of sugarcane plantations, the Royal Thai Government has promoted the use of machinery among farmers as an alternative harvesting method to help reduce the reliance on field burning and manual labour. One of the key measures is the introduction of a loan promotion programme that offers low-interest loans for the purchase of sugarcane harvesting machines. Supported by the Royal Thai Government and the Bank for Agriculture and Agricultural Cooperatives, the programme provides an eight-year repayment term at an interest rate of 2 per cent to enable farmers to purchase both new and used harvesters, improving their access to efficient and sustainable harvesting technology (Mahasuweerachai and Suksawat, 2022).





However, the adoption of machinery has been slow due to the high costs associated with these machines, particularly among smallholder farmers, who often have limited financial capacity to invest in such technology. While large-scale farmers can afford these machines, smaller farmers frequently rely on shared ownership schemes, which limits access and slows down the adoption of mechanization (ibid.) resulting in an ongoing reliance on manual labour (Vigil and Kim, 2003).

Additionally, many farmers are still reluctant to adopt the machines for harvesting. They noted that a significant proportion of sugarcane-growing areas in Thailand consist of small and fragmented plots, which are not well-suited for the use of large machinery. Due to their relatively large-size, farmers express concern that these machines can impact the quality and value of their harvests, as the machines often cannot cut the canes to the lengths they prefer (Usaborisut, 2018). Moreover, to be able to operate these machines, four to five workers are required, and many of them, especially migrant workers, still lack access to proper training and technical skills to operate such machines effectively (Chaya, 2018).

Challenges in Motivating Employers to Comply with Ethical Standards

Thailand's sugarcane plantations heavily rely on seasonal migrant workers who, due to the seasonal and informal nature of employment, are often entitled to fewer protections under Thai law compared to full-time workers. This gap in legal protections presents challenges in incentivizing employers to provide safeguards that go beyond national legal requirements and fully align their practices with ethical recruitment and decent employment standards. Limited awareness of the potential benefits along with perceived costs of compliance further hinders progress in this area.

Employers, especially those operating smaller farms, often view ethical recruitment processes, such as adherence to the Employer Pays Principle as complex and costly. Moreover, the limited enforcement of labour laws and monitoring of working conditions reduce the incentives for employers to adhere to these standards. While Thailand has made efforts to enhance legal frameworks and introduce protections for seasonal workers, there remains a perception among some employers that non-compliance will go unnoticed due to insufficient inspections and grievance mechanisms. Additionally, the high turnover of workers in sugarcane plantations, due to the seasonal nature of employment, further diminishes employers' willingness to extend the protections beyond national laws.

While Thailand's legislations offer protections to a lesser extent than international standards, noting the growing demand from international brands requesting their suppliers, including sugarcane plantations and mills in Thailand, to comply with global standards, is important. This shift is driven by increasing consumer awareness and international requirements for businesses to integrate human and labour rights into their practices. To remain competitive and maintain access to international markets, Thai suppliers, including sugarcane plantations and mills, are encouraged to align their recruitment and employment practices with international standards, benefiting not only migrant workers but also the businesses in the long run.

POLICY RECOMMENDATIONS

The following policy recommendations have been developed based on input from a comprehensive multi-stakeholder consultation, including representatives from the government, private sector, farmers associations, and civil society organizations, as well as insights gained from project implementation. These recommendations are designed to enhance transparency, compliance and ethical practices in recruitment and employment within Thailand's sugarcane sector, by offering actionable strategies to support a more equitable and effective framework within the industry.

Legal and Regulatory Framework

- Extend the work permit duration and expand designated border areas under the Border Pass Scheme (Section 64) to align with the typical duration of employment and to increase workers' access to employment.
- Implement a Pre-Departure Orientation programme for workers under the Border Pass Scheme to provide essential information about their rights, working conditions, and legal protections.
- Promote the efforts of the Informal Labour Protection Division in revising the Ministerial Regulations on the Protection of Agricultural Labour, B.E. 2557 (2014) and ensure ongoing public consultation to actively gather input from stakeholders.
- Extend the protections in the Ministerial Regulations on the Protection of Agricultural Labour, B.E. 2557 (2014), beyond the six identified issues that are currently under revision to include key provisions such as maternity leave.
- Extend the coverage of the Social Security Fund to seasonal migrant workers to ensure essential protection coverage, including workplace accidents (under the compensation fund), disability, and death.
- Enforce stricter penalties for sugarcane burning and enhance monitoring systems to ensure compliance, while using positive reinforcement, such as providing financial or other forms of support, for employers who adhere to regulations.
- Align national laws with international standards to facilitate harmonization of requirements and support efficient implementation by employers and businesses while considering practical realities on the ground.

Employer and Business Engagement

- Enhance awareness among employers and businesses about their legal obligations and strengthen enforcement measures to ensure compliance with labour laws.
- Develop and disseminate clear guidelines to ensure employers and businesses fully understand and adhere to ethical practices in recruitment and employment.
- Provide incentives such as recognition via awards or certifications such as "Human Rights Awards"³ to businesses with outstanding commitment to ethical recruitment and employment practices, encouraging greater transparency across their supply chains.

3 An award commends companies that "demonstrate outstanding compliance with human rights principles" granted by the Ministry of Justice.

Support and Protection for Migrant Workers

- Integrate knowledge-sharing initiatives through media to educate migrant workers about their rights in Thailand, ensuring these resources are available in migrants' native languages, including Cambodian, Myanmar, and Lao.
- Promote collaboration among relevant stakeholders through accessible and timely grievance channels to address issues efficiently and ensure coordinated action.
- Establish clear procedures for access to justice and grievance mechanisms, including effective case referral systems, to protect migrant workers' rights.

Environmental and Sustainable Practices

- Facilitate the integration of mechanization into the workforce by developing comprehensive training programmes that equip all workers, including migrants, with the necessary technological and mechanization skills.
- Support businesses in integrating the United Nations Guiding Principles on Business and Human Rights into corporate social responsibility by aligning them with climate action and sustainability goals and include migrants in efforts to build resilience against climate change.
- Promote programmes that offer direct financial aid and advanced agricultural technology to farmers who adopt fresh cane harvesting methods.

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