



# THIRD PARTY ASSESSMENT

SUKHOTHAI, THAILAND



Agricultural Labor Practices Program

May 2023

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## Glossary of terms and acronyms

ALP	Agricultural Labor Practices
ALP Code	PMI's Agricultural Labor Practices Code
ALP Code Principle	Short statements that set expectations on how farmers should manage labor on their farms, in seven focus areas
ALP Program	Agricultural Labor Practices Program
AOI	Alliance One International
CPA	Crop Protection Agents
CU	Control Union
Family farm	A farm that depends mainly on family members for the production of tobacco
Farm Profiles	A data collecting tool developed by PMI with Verité to track the socio-economic status of the farms, systematically gather detailed information about, among other things, the type of labor employed, and farming activities that minors may be involved in
GAP	Good Agricultural Practices
GMS	Grower Management System
GTS	Green Tobacco Sickness
ILO	International Labour Organization
KPI	Key Performance Indicators
Leaf tobacco supplier	Company that has a contract with PMI to supply tobacco but is not a farmer
Migrant labor	Labor that comes from outside the farm's immediate area. Migrant labor can come from a neighboring region in the same country, or from a different country
Measurable Standard	A Measurable Standard defines a good labor practice on a tobacco farm and helps determine to what extent the labor conditions and practices on a tobacco farm are in line with each of the ALP Code principles
NGO	Non-Governmental Organization
OC	PMI Operations Center (Lausanne, Switzerland)
PMI	Philip Morris International, Inc. or any of its direct or indirect subsidiaries
PPE	Personal Protective Equipment
Prompt Action	A situation in which workers' physical or mental well-being might be at risk, children, or a vulnerable group – pregnant women, the elderly - are in danger, or workers might not be free to leave their job
REI	Restricted Entry Interval
Spiking	To skewer green tobacco leaves onto a long wooden stick. The stick has a sharp metal cone at one end to pierce through the fibrous leafstalks.
STEC	Siam Tobacco Export Corporation Limited
STP	Sustainable Tobacco Program
Support mechanism	A way for workers to access information and get support in difficult situations, and, for workers and farmers to get support in mediating disputes. Farmers have access to additional services to improve their labor and business practices.

# EXECUTIVE SUMMARY



**THIRD PARTY ASSESSMENT**  
Sukhothai, Thailand

Philip Morris International (PMI) is committed to progressively eliminate child labor and other labor abuses and to achieving safe and fair working conditions on all farms from which they source tobacco. In line with this commitment, in April 2023 PMI requested Control Union to conduct an Assessment of the Burley Tobacco growing operations of its supplier STEC (Siam Tobacco Export Corporation Limited) in the Sukhothai province of Thailand. The assessment was aimed at evaluating the labor practices on tobacco farms contracted by STEC and whether these were meeting the standards of the Agricultural Labor Practices (ALP) Code,<sup>1</sup> Control Union (CU) also evaluated STEC's internal structure and systems for implementing this Code, their understanding of farm practices, and how issues were being identified, recorded, and addressed.

**Assessment methods:** As part of this assessment CU interviewed five STEC management employees and 16 field personnel (four field supervisors and 12 field technicians). Over a four-week period, CU visited 45 farms<sup>2</sup> and interviewed 45 farmers and 16 workers in total. Most of these farms were small-scale family farms, growing less than 1.5 hectare of tobacco on average. Information triangulation was adopted to evaluate farm practices. The three sources included interviews, documentation, and observation, together with a "Five Why's" problem analysis. The "Plan, Do, Check, Act" cycle was used to analyze STEC's management approach.

**ALP commitment:** STEC firstly introduced the ALP Program in 2015 and continued with the Program through training and communication. Since the first implementation of the program, STEC was committed to the further implementation of the ALP code among its staff and contracted farmers.

As a result, STEC management demonstrated adequate understanding of the ALP Code. Operational personnel (field supervisors and field technicians) received regular ALP training, including written exams. Their knowledge of the ALP Code was adequate except for several gaps with regard to Principles one, two, three and five.

**ALP communication:** STEC communicated ALP-related topics to farmers mainly via workshops and regular farm visits by the field team. In addition, the company had developed and distributed several communication materials on ALP, including booklets and posters for the workshops. CU found that awareness of the ALP program was high among farmers and family members, but not among external workers. All farmers and family members knew at least four of the ALP Code Principles and could recall the remaining ones when prompted. Among the workers, the majority (86%) was not able to describe the Principles and standards. For all interviewees, the level of awareness was highest for Child Labor and Safe Work Environment, both of which were STEC's focus areas.

**Data collection and farm monitoring:** STEC collected several types of ALP-related data from the farms: socio-economic information (Farm Profiles); situations not meeting the standard (Monitoring); and incidents (Prompt Actions and non-conformities). All data were collected by the field technicians using a user-friendly electronic application called GMS (Grower Management System). Data for the Farm Profiles was collected at the beginning of the contracting period and updated at the end of the crop season. For all farms visited by CU, Farm Profiles were present and complete. In addition to the Farm Profiles, STEC monitored farms throughout the season for situations not meeting

1. The main goal of the ALP Code is to eliminate child labor and other labor abuses progressively where they are found, and to achieve safe and fair working conditions on all farms from which PMI sources tobacco. For more information on the background of the ALP Program see <https://www.pmi.com/sustainability/good-agriculturalpractices/upholding-labor-rights-on-the-farms>
2. See Appendix III for explanation of the sample size.

the standard, including an end-of-the-season farm evaluation. However, for most of the farms visited, data recorded in the system as “meeting the standard” did not fully match the situation observed at the farms by CU (see Findings, below). This appeared to be mostly due to the field staff’s incomplete knowledge of the ALP standards.

**Prompt Action reporting and solving:** STEC had a clear procedure for handling and reporting Prompt Actions, and all field technicians interviewed were aware of this procedure, except that there was some confusion about the correct definition of a Prompt Action. Among the 45 farms visited by CU, four Prompt Actions had been reported for the 2022-2023 crop season, all on Safe Work Environment. Three of these cases had already been closed, while one was still open with the issue still occurring. The four farmers in question were all aware that they had a Prompt Action. Although action plans were provided by the GMS system, CU found that in the system there wasn’t information and details enough, in all types of incidences and that root cause analysis was incomplete: for two of the four Prompt Actions in the farm sample, the action plan only addressed the immediate causes, thus leaving a risk of re-occurrence in the future, since there was no track of the reasons and motives for such incidences. Compared to the relatively high number of issues identified by CU during the farm visits (see Findings), it appears that the low number of Prompt Action reports in the GMS system does not adequately reflect the situation on the contracted farms.

**ALP-related initiatives:** Based on their risk assessment and the Prompt Actions raised, STEC had launched several initiatives to address widespread and systemic issues. Two of these initiatives focused directly or indirectly on

addressing child labor, by helping tobacco farmers’ children to acquire scholarships to increase school attendance, and raising awareness on child labor by providing training sessions to farmers. A third initiative encouraged farmers to acquire a drip irrigation system, in order to reduce labor needs and thus indirectly reduce the risk of child labor. Several other initiatives focused on safe working environment, including the provision of PPE kits for CPA and green tobacco sickness (GTS), training and distribution of first-aid kits, and a collection program for empty CPA containers and fertilizer bags.

### Main Farm Findings

**Child Labor:** No evidence of child labor was found on the farms visited by CU. However, one farmer stated that his children helped with tobacco related farm activities when they were at home, after school hours.

**Income and work hours:** All 45 farms visited by CU made use of external workers (no family members or relatives) during the crop year, which were hired on a day-to-day basis during specific periods of the crop season, as is common in the region. Among these farms, CU found 36 farms (80%) where workers were paid below the minimum wage as defined in the regionally agreed benchmark<sup>3</sup>. **Although Thai national law does not stipulate a minimum wage for daily workers in the agricultural sector, STEC communicated the minimum wage as being the one to use, for farmers to remunerate their workers.**

It was observed that, while in-kind payment (payment related to food and other products) is not allowed in Thailand by law<sup>4</sup>, it is a common practice for farmers and workers to agree on food provision during working hours at the farm. CU also observed

3. According to the Notification of the National Wage Committee (No. 11), the minimum wage for Roi-Et is THB 335 per day and for Sukhothai is THB 332 per day.  
 4. Payment in kind is not allowed as wages but the employee may receive consideration or benefits other than wages such as housing and transportation (Section 5 of LPA).

that 21 farmers (47%) paid their workers partially in-kind (food and meals, for which a fee was deducted from the daily wages). The amount paid in the form of in-kind did not surpassed 9,6% of the total wage, in the cases observed by CU. It was also identified that both farmers and field staff were unaware that this practice is not allowed, which prescribes that any amount of wage established in an agreement has to be fully paid in cash.

**Safe work environment:** CU identified various issues related to PPE usage, awareness of GTS and re-entry period (REI) after CPA application, general safety measures, and CPA storage and disposal. For example, on 11 farms (24%) at least one person was observed handling green tobacco leaves without complete PPE, and two farmers (4%) admitted to not using gloves during harvesting or stringing activities. On 19 farms (42%) at least one person admitted to not utilizing the complete set of PPE for CPA application. In most cases, the interviewed farmers and workers declared that the PPE was uncomfortable to wear at high temperatures. In addition, 24 farmers (53%) did not have any general safety measures in place. Finally, CPA containers were not properly stored in CPA storage boxes on 25 farms (55%), and empty CPA containers were incorrectly disposed on 37 farms (82%).

The outcome of this assessment can be used as a tool to facilitate management with continuous improvement. CU acknowledges STEC's commitment to addressing the issues identified and defining areas of improvement through the implementation of an action plan (see Appendix I).



# MARKET AND COMPANY BACKGROUND



THIRD PARTY ASSESSMENT  
Sukhothai, Thailand

The tobacco sector in Thailand plays a significant role in the country's agricultural industry and economy. Thailand cultivates two main types of tobacco: Virginia Tobacco, primarily used for cigarette production due to its mild flavor and high sugar content, and Burley Tobacco, which is used in various tobacco products, including cigarettes, pipe tobacco, and cigars.

Tobacco cultivation in Thailand is mainly concentrated in the Northern, Northeastern, Central, and Southern regions. Provinces such as Chiang Rai, Phrae, Nan, Nakhon Phanom, Mukdahan, Sakon Nakhon, Nakhon Pathom, Ratchaburi, Petchabun, Sukhothai and Surat Thani have a significant presence of tobacco farms.

The Thai tobacco market is dominated by a few international players, followed by a smaller number of local manufacturers. In this market, STEC is part of a joint venture between the Tapawong Company Limited and Alliance One International, established in 1975. The local company started exporting tobacco in 1965 to many manufacturers around the world.

Until 2015 the sale of Thai Burley tobacco took place via a network of suppliers, including the Thai Tobacco Monopoly, an agricultural marketing company, and other independent suppliers – thus, until this time, there was no direct contracting of farmers. In 2015, with the growing market influence of PMI, the supplier system was modified to establish an extension agent system that enabled direct contracts with growers. The extension agents are active to this day, providing assistance to STEC to recruit tobacco growers and help them register production quotas with the Thai authorities.

# PMI ALP PROGRAM



THIRD PARTY ASSESSMENT  
Sukhothai, Thailand

In 2011, Philip Morris International Inc (PMI)<sup>5</sup> developed and launched a global Agricultural Labor Practices (ALP) program to progressively eliminate child labor and other types of labor abuses where they are identified and to achieve safe and fair working conditions on tobacco farms. This code is based on the labor standards of the International Labour Organization (ILO), including the ILO Declaration on Fundamental Principles and Rights at Work and other relevant ILO conventions.

The ALP program applies to all tobacco farms with which PMI or PMI’s leaf tobacco suppliers have contracts to grow tobacco for PMI, and consists of four main components:

1. The Agricultural Labor Practices Code, which establishes clear standards for all tobacco farms growing tobacco that is supplied to PMI;
2. Training program for all PMI and leaf tobacco suppliers’ staff who are directly involved with tobacco growing; in particular, the field technicians that conduct regular visits to the farms;
3. Multi-layered internal and external monitoring system; and
4. Involvement of key stakeholders, both governmental and non-governmental (NGO), in improving labor practices and enhancing the livelihoods of tobacco growing communities.

The ALP Program was developed and is being implemented in partnership with Verité, a global social compliance and labor rights NGO. Control Union Certifications (CU) was commissioned by PMI to develop the external monitoring component of the ALP Program, and work in tandem with Verité to assess PMI leaf tobacco suppliers and tobacco farms worldwide. All PMI leaf tobacco suppliers submit internal, annual reports and are regularly assessed on their performance. For the ALP Program

implementation, internal reviews are also being performed to assess progress and challenges in the program’s implementation. Third party assessments are periodic reviews undertaken by CU to assess PMI leaf tobacco suppliers and tobacco farms worldwide. In this initial stage of implementing the ALP Program, these third-party assessments focus on the ALP Program implementation by PMI affiliates and suppliers and evaluate the current status of farm labor practices and risk areas. They specifically assess each leaf tobacco supplier’s progress in implementing the ALP Code framed against the strategic objectives set by PMI. The ALP Code contains seven principles<sup>6</sup>:

### 1. Child Labor

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*There shall be no child labor.*

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### 2. Income and Work Hours

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*Income earned during a pay period or growing season shall always be enough to meet workers’ basic needs and shall be of a sufficient level to enable the generation of discretionary income. Workers shall not work excessive or illegal work hours.*

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### 3. Fair Treatment

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*Farmers shall ensure fair treatment of workers. There shall be no harassment, discrimination, physical or mental punishment, or any other forms of abuse.*

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5. For the purposes of this report, “PMI” means Philip Morris International, Inc. or any of its direct or indirect subsidiaries.

6. The full ALP Code and its standards are presented in Appendix I.

#### 4. Forced Labor and Human Trafficking

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*All farm labor must be voluntary.  
There shall be no forced labor.*

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#### 5. Safe Work Environment

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*Farmers shall provide a safe work environment to prevent accidents and injury and to minimize health risks. Accommodation, where provided, shall be clean, safe and meet the basic needs of the workers.*

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#### 6. Freedom of Association

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*Farmers shall recognize and respect workers' rights to freedom of association and to bargain collectively.*

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#### 7. Terms of Employment

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*Farmers shall comply with all laws of their country relating to employment.*

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## Chapter 1

# IMPLEMENTATION OF THE ALP PROGRAM



**THIRD PARTY ASSESSMENT**  
Sukhothai, Thailand

## 1.1. Commitment to the ALP Program

As an affiliate supplier of PMI, STEC has adopted PMI's ALP Code to improve labor practices, progressively eliminate child labor, and establish safe and fair working conditions across all contracted farms. Since 2015, the company had been implementing sustainable tobacco production practices at the local level, supported by a range of policies that encompass the social commitments of both STEC and Alliance One International (AOI). The implementation of the Agricultural Labor Practices (ALP) is an integral part of these social commitments.

The local policy documents for ALP implementation in 2023 had been thoroughly reviewed and been signed by both the STEC General Manager & Director and the STEC Administration Director, demonstrating their dedication to upholding the ALP standards. The company had established organizational capacity for ALP implementation, with the current structure in place prior to the COVID-19 pandemic in 2020.

## 1.2. Strategy and objectives

At the time of this assessment, STEC had adopted its own strategy for achieving ALP-related targets, as part of the social targets set by AOI. The company had a continuous focus on eliminating child labor among its contracted farmers and ensuring that farmers provide a safe work environment. Along with intensive monitoring of ALP principles at the farms and regular training of farmers, the company's ALP strategy included implementation of various initiatives, such as:

- Safe work & first-aid training;
- Distribution of Personal Protective Equipment (PPE);
- Farm-for-Life Scholarship program;
- Waste management;
- Drip irrigation (to reduce labor needs and risk of child labor).

(For more information on the initiatives and their outcomes, see Chapter 3)

Focusing their efforts on ALP Principle 1 (Eliminating child labor) and 5 (Safe work environment), STEC had formulated the following Key Performance Indicators (KPIs):

- Zero incidences of child labor;
- Zero incidences of forced labor;
- 100% school attendance for all children present on the farms;
- No human rights violations;
- All farmers paying the legal minimum wage;
- No issues with workers accommodation;
- 100% of farmers having access to and using PPE; for CPA and GTS, all having received training on PPE usage;
- All farmers providing their workers access to drinkable water and to basic sanitation and handwashing facilities.

The abovementioned KPIs of STEC were fitted in with the social targets set by AOI:

- Target on labor standards in the agricultural supply chain: (a) 100% of new and existing contracted farmers covered by AOI's human rights due diligence policy; (b) Maintain zero tolerance for forced labor and child labor on contracted farms, and act to remediate 100% of identified instances;
- Support to farmers for improved livelihood and well-being: All contracted farmers' income potential to be maximized by 2030 through providing appropriate training in good agricultural practices and opportunities for crop diversification.

Progress on achieving these targets was tracked throughout the year in 2023, and intermediate targets had been defined for the following years, based on the internal risk assessment performed. Progress on targets was reported every quarter and calculated as a percentage score using a clearly defined methodology.

STEC conducted a yearly risk assessment to rate the risks associated with the ALP Measurable Standards along with other topics of interest. Each risk was given a score according to its likelihood and severity, considering the number of Prompt Actions raised in the previous year and collective judgement of the management team. Based on these scores, each risk was categorized as either Unacceptable, Tolerable, Adequate, or Acceptable. For risks classified in the first three categories STEC had a mitigation plan in place, including remedial action, deadline for action implementation, people responsible for implementation, and the expected risk category after implementation of the mitigation plan.

The company's risk assessment for 2023 had been conducted by the management team, who had identified the main risks to be related to Green Tobacco Sickness (GTS), the storage, handling, and application of CPA, and workers' wages. While CU found some of these risks to be adequately categorized, there were several issues rated 'acceptable' by STEC that did not correspond to CU's farm findings. These were related to the following criteria:

- Principle 1: Farmers, relatives and workers were found to be not fully aware of the types of hazardous work and light work activities allowed for children;
- Principle 2: Farmers were used to paying their workers partly in kind (in the form of meals), but according to Thai law, wages must be paid fully in cash;
- Principle 5: Workers stated that they had to bring their own PPE to harvest and handle wet green tobacco;
- Principle 5: None of the workers had received training on safety measures related to harvesting tobacco and/or applying CPA.

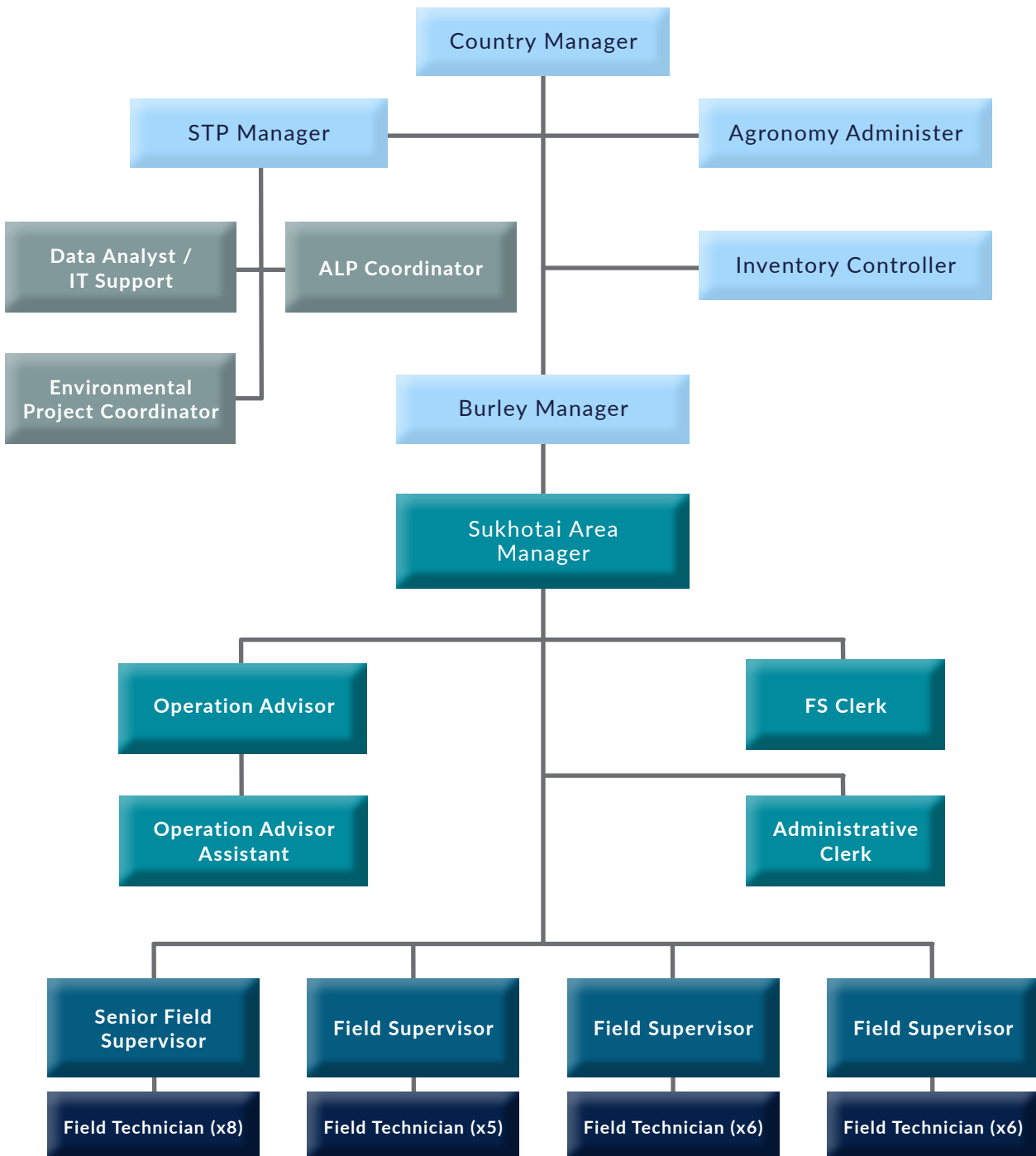
At the time of CU's assessment, root cause analysis had been conducted through the monitoring system for all Prompt Actions identified so far this year. However, CU found that none of these analyses were adequate, since they only described the immediate cause of the problem reported. As a result, the action plans agreed with the farmers were not addressing the real causes of the Prompt Action situations, increasing the risk of recurrence, as such causes were not identified and/or recorded by field technicians. This finding also impacts STEC's calculated progress on target achievement, which assumes that farmers with whom action plans have been agreed will all be meeting the standard afterwards.



### 1.3. Internal Capacity

#### 1.3.1. Dedicated organizational structure

STEC had a dedicated organizational structure for ALP implementation, consisting of an ALP Management Team and an operational (field) team. The Burley Manager served as a link between the management team and the field team. The current organizational structure, including the Country Agronomy Manager:



In total, the agronomy department had 61 employees, including four field supervisors and 25 field technicians for Sukhothai’s Burley farmers. Each field supervisor was responsible for five to eight field technicians, while each field technician was responsible for 75 farmers on average.

## 1.4. Roles and Responsibilities

The Country Agronomy Manager also served as Interim STP manager. His role and responsibilities included ALP implementation at the management level, such as implementation of the guiding policies, principles and procedures, capacity building, resource allocation, and reporting to the country steering committee.

Together with the agronomy management team, the ALP Coordinator was responsible for the implementation of STEC's and AOI objectives and targets throughout the company. He was also responsible for following up on all ALP and STP programs and procedures, planning the staff agenda and meetings, and assisting the STP Manager with activities regarding the ALP programs and initiatives.

The Data Analyst/IT Support was responsible for the configuration and localization of the Grower Management System (GMS) tool, scheduling farm visits and farmer ALP trainings, keeping track of Prompt Action reporting and follow up, and analysis of all data.

All members of the agronomy team had ALP-related job descriptions available, including tasks such as: management and implementation of sustainability-focused programs to meet the set commitments and targets; identification of farm situations not meeting the ALP Code; and monitoring, guidance, and execution of programs towards ensuring safe work environment on the farms.

Field technicians were responsible for providing agronomic support, visiting farmers and overseeing the day-to-day implementation of the ALP Code on the farms. Their responsibilities included providing ALP refresher trainings during their visits, conducting farm monitoring activities, identifying, reporting, and resolving Prompt Actions, as well as conducting end-of-the-year farm evaluations. They had to report all Prompt Action situations to their field supervisor and document all farm monitoring data and Prompt Action situations in the Grower Management System (GMS).

On average, each field technician was responsible

for overseeing 75 farmers. They conducted approximately 10 visits per year to each farmer, following the usual crop stages visits to assist farmers, plus ALP-related visits to ensure the adherence and awareness of the topics. On average, field technicians were able to visit five to eight farms per day, dedicating approximately one hour to each visit. However, if there were specific ALP topics or agronomic issues that needed discussion, the visits could extend beyond the allotted time. Overall, most of the field technicians interviewed by CU found that the available time was sufficient for effectively covering the ALP Code requirements.

The field supervisors played a crucial role in training the field technicians on the ALP Code and ensuring their adherence to the guidelines during farm visits. Each field supervisor oversaw the work of five to eight field technicians. Additionally, they were responsible for compiling and validating ALP-related data, reporting this data to the Area Manager, and assisting with the dissemination of communication materials. Furthermore, they periodically make unannounced farm visits to ensure that the proper implementation of the ALP Code is done and that there's knowledge adherence by the farmers on the topics of the ALP.

### 1.4.1. Training and knowledge of the ALP Program

The knowledge of the management personnel regarding the ALP Code and its associated responsibilities was found to vary among individuals. Although they demonstrated adequate knowledge of the overall ALP Code and the corresponding staff responsibilities, CU observed several gaps in their knowledge of specific topics outlined in the measurable standards. These included the meaning of hazardous tasks, age-related hazardous tasks, overtime payment regulations, workers' benefits, and distinguishing between forced labor and fair treatment. Further education and training are required to ensure a comprehensive understanding of these specific aspects of the ALP Code among the management personnel.

The management team had received training from PMI Regional and in turn, provided yearly trainings to the Area Managers and field supervisors. Furthermore, the field supervisors trained the field technicians before the start of each crop season and provided refresher trainings throughout the year when needed; in practice, about five times per crop year. Topic-related guidelines were in place for these specific refresher trainings, as the timing and content would depend on the local issues observed and specific questions raised by the field technicians that were common and/or recurrent to the region.

Field supervisors and field technicians, as well as other operational staff, had to take yearly written exams to test their knowledge of the ALP Code. Depending on the exam results, individual follow-ups were conducted.

CU's assessment of the field supervisors' knowledge of the ALP Code Principles showed the following results:

1. **Child labor:** All field supervisors interviewed by CU had an adequate understanding of this ALP Code principle. Two (50%) did not mention that light work was allowed on family farms for family children aged 13-15. All could mention hazardous activities, although none were able to specify the age groups for which these activities were not allowed, while this is clearly outlined in the farmer's handbook provided by STEC (see Appendix V).
2. **Income and work hours:** All supervisors could state the minimum wage applicable at the time of the assessment. However, none could say whether it was correct or not to deduct food and meals from the worker's payment. Additionally, none could correctly calculate overtime payment.
3. **Fair treatment:** All supervisors understood this principle. However, none mentioned that access to a fair and transparent grievance mechanism was part of this principle.
4. **Forced labor and human trafficking:** None of the supervisors had a clear understanding of

this principle. They confused forced labor with fair treatment topics such as harassment and discrimination.

5. **Safe work environment:** Knowledge of this principle was adequate, both with regard to safety and accommodation.
6. **Freedom of association:** Most supervisors had a good understanding of this principle. However, two (50%) described freedom of association as the possibility to discuss issues freely and with other farmers.
7. **Terms of employment:** All supervisors understood this principle. All described that verbal agreements should be provided to workers at the time of hire (Thai law does not require written contracts for agricultural workers ).

CU's assessment of the field technicians' knowledge of the ALP Code Principles showed the following results:

1. **Child labor:** All field technicians interviewed by CU were aware of the age for performing hazardous work. However, only four (33%) were able to correctly describe the age ranges and respective tobacco activities allowed. None could recall the minimum legal working age (16 in Thai law).
2. **Income and work hours:** None could say whether it was legal or not to deduct food and meals from workers' payment. Also, none knew the correct rates for overtime payment.
3. **Fair treatment:** None could correctly describe or mention the measurable standards for this principle. All answered that it was about workers being paid equally and treated equally.
4. **Forced labor and human trafficking:** Three field technicians (25%) were able to describe most of the standards while nine (75%) only associated this principle with farmers holding workers' identity cards.

5. **Safe work environment:** Knowledge of this principle was adequate regarding all standards.
6. **Freedom of association:** All field technicians had an adequate understanding of this principle.
7. **Terms of employment:** All field technicians were able to describe this principle.

Principles, but mostly focused on Child Labor and Safe Work Environment because these were considered the most important areas for improvement according to the company's risk assessment.

To communicate the ALP program to farmers, family members and workers, STEC was using several methods:

### 1.5. Internal communication

The management staff and field supervisors held monthly meetings to discuss progress on various topics, including performance on ALP and initiatives. They also held monthly calls to discuss the progress on ALP-related targets and KPIs.

The ALP Coordinator compiled track reports on a quarterly basis and shared these with the regional team. These summary reports included the number of Prompt Actions identified, the farms in question, the person who had identified the Prompt Action and the person responsible for closure, the root causes identified, the action plans agreed, and the status of each case. These cases and reports were discussed within the field team and management team for learning and follow-up purposes.

Furthermore, the Data Analyst prepared quarterly reports on the monitoring results, including Farm Profiles, incidences monitoring and ALP monitoring. These reports were shared with the PMI regional team.

Additional internal communication occurred on a regular basis between the management team, field supervisors and field technicians, regarding all ALP topics. CU observed that ALP-related materials (posters, banners and books) were present at the STEC plant and Sukhothai field office visited as part of this assessment.

### 1.6. Communication of the ALP Code requirements to farmers

STEC started communicating the ALP Code to farmers in 2015. At the time of this assessment, communication with farmers covered all ALP

- **Training sessions:** Farmer trainings were held at the local field offices or communal locations before each main crop stage. These were attended by all contracted farmers and conducted by the Area Manager and field supervisors. Posters and communication materials for these workshops were observed at the local field office.
- **Group meetings:** Field technicians regularly held small-scale village meetings (four to five farmers) to provide refresher trainings on ALP Principles that were recognized to be an issue in the area. No specific schedule was in place for these trainings.
- **Farm visits:** Field supervisors and field technicians conducted regular visits to the farms. On average, they visited their farmers once every two weeks for monitoring and support, including individual training of farmers and, occasionally, of family members and workers.
- **Unannounced farm visits by management staff:** The ALP Coordinator, STP Coordinator and Agronomy Manager paid unannounced visits to randomly selected farms to check on data accuracy collected by field technicians and also, to verify the ALP knowledge adherence by farmers.

Furthermore, STEC had developed and distributed a range of written communication materials in the local language (see Appendix V):

- **Posters:** STEC had provided all farmers with several posters, including an overview of the ALP Code and separate posters for each Principle; a poster explaining the risks and prevention of Green Tobacco Sickness (GTS); and posters on various initiatives.

- **Booklets:** STEC had also provided all farmers with a complete booklet that covered both agronomical information for tobacco production and information regarding all ALP standards.

These communication materials were found to be present on many of the farms visited by CU. While they covered an extensive amount of information, CU found that farmers did not know and/or understood all the content; for example, farmers were not always able to recognize the principles based on the pictures, as these were not intuitive for the issue described. Additionally, on the topic of Child Labor, the table that presented the allowed tobacco activities related to age ranges was confusing and included mistakes regarding which types of activities farmer's children and other children could perform. For example, the table mentioned that topping tobacco was allowed for children aged 13-15 years, and categorized fertilizer application as a non-hazardous activity for children aged 13-15 years if they were the farmer's children.

### 1.7. Farmers' responsibilities

Farmers' responsibilities were communicated during the contracting period, each year in August/September. This process started with farmer registration and contracting, including estimation of their production capacity (expected yield). Subsequently, STEC distributed certified seeds, PPE kits (for GTS protection and CPA application), and crop inputs to the farmers. Farmer communication followed, including contractual obligations, STP requirements, best practices, and an initial round of ALP training. The farms were then monitored for compliance with all ALP standards until the leaf purchase stage.

Before finalizing their contract, farmers had to register and apply for a production quota with the The Department of Excise. After approval, this government agency would issue a license permitting the farmer to grow tobacco. STEC assisted tobacco growers in this process via tobacco agents who handled farmer registration and estimation of quotas based on the farmer's past performance and necessary registration information (e.g., production capacity, number of barns required).

STEC checked farmers compliance with the ALP Code before contracting. This included checking parameters such as barn conditions, CPA storage, water availability and PPE availability. In the case of illiterate farmers, field supervisors would assist with the contract signing and provide verbal explanation on all points mentioned.

### 1.8. Internal monitoring: Data collection, accuracy and addressing issues

At the time of the assessment, STEC was collecting three types of ALP-related data from the farms: socio-economic information (Farm Profiles); situations not meeting the standard; and Prompt Actions. All data were collected through STEC's internal monitoring system (GMS, Grower Management System). The data was collected throughout the crop year and was divided into different data sets, tailored to the needs of STEC's various programs and partners.

The socio-economic information for Farm Profiles was collected at the beginning of each contracting period, and again at the end of the crop season. Field technicians collected this data through GMS, during the farm visits. For all farms visited by CU, Farm Profile information for the 2023 crop season was available and complete. No discrepancies were found between the information available and what was observed at the farms.

#### 1.8.1. Situations not meeting the ALP Code standards

During the crop season, any situation not meeting the ALP Code standards was to be treated either as a Non-conformity or Prompt Action, depending on whether the situation was stated by the farmer or observed by the field technician, respectively.

STEC had established a clear procedure for the identification and follow-up of incidences. If a field technician identified a Prompt Action situation, he had to stop it immediately, conduct an analysis of the situation, and agree with the farmer on an action plan. The field technician also had to record the situation into the GMS system, which presented a list of issues and descriptions for each type of Prompt Action. If the action plan was agreed upon

the same day, the field technician could close the case, depending on the issue. If the Prompt Action was not resolved on the same day, the field technician would set a date to return to the farm to check on the situation again. If, after a second visit the issue was still occurring, the field technician would scale up the situation to the field supervisor for a closer follow up.

For the incidences categorized as non-conformity, the field technician would also record the situation into the GMS system and give further guidance to the farmer so the issue would not reoccur.

The GMS provided a user-friendly interface that allowed the field technicians to record any incidences into the system as they were identified. In addition, the system provided a proposed action, depending on the situation raised. However, except for Child labor, it was not possible to find much detail information about other types of incidences. As a result, the reports reviewed by CU lacked sufficient detail to adequately interpret the incidence and allow for proper follow-up, specifically for the cases of safe working environment, in the category of CPA application and PPE usage. While it was possible to identify incidences on CPA application, for example, it was not described if the activity was being performed without proper PPE by the farmers or workers within the features of the system. Furthermore, it was not possible to track possible reasons or justifications on why PPE was not being used and which component of the PPE was not being used.

This observed lack of detail in the Prompt Actions reports was likely also due to the field staff's lack of awareness on some of the ALP Principles. The latter may also partly explain the relatively low number of incidences reported into the system (see below). Furthermore, the majority of field technicians interviewed by CU mentioned that they often did not report incidences because they were reluctant to register this information on people they knew. Thus, the information in the GMS system did not reflect the actual situation on many farms.

At the time of CU's assessment, the GMS system

contained only 12 Prompt Action reports (0.5% of the Sukhothai farmers base) for the 2022-2023 crop year. With one case still open, all twelve cases were on the Principle of Safe working environment, including nine (0,4%) related to CPA storage, one (0,04%) to CPA container disposal, and two (0,1%) to work safety (proper use of PPE).

Among the twelve abovementioned Prompt Action reports, four reports were related to farms in CU's farm sample. During CU's farm visits none of these cases were observed to be recurrent. However, CU did identify a range of other issues: 50 Prompt Actions and 22 non-conformities (Tables 1, 2). All Prompt Actions were directly observed by CU assessors, while all non-conformities were based on what farmers declared in interviews with CU. The latter information was verified by triangulation.

*Table 1: Summary of the incidences observed during CU's farm visits\**

ALP Principle	PA	NC
Child Labor	0	1 (2%)
Income and Work Hours	39 (87%)	2 (4%)
Safe Work Environment	11 (24%)	19 (42%)
<b>Total</b>	<b>50</b>	<b>22</b>

\*NC = Non-conformity (situation declared by farmer interviewed by CU),

PA = Prompt Action (situation directly observed by CU).

Table 2. Specification of the incidences observed during CU's farm visits

Principle	Type of Incidence	Issue	Number of farms (N=45)
Child Labor	Non-Conformity	Farmer declaration: Family children under 13 are involved in tobacco tasks on his farm	1 (2%)
Income and work hours	Prompt Action	CU observation: Wages below minimum wage	36 (80%)
Income and work hours	Prompt Action	CU observation: Work hours above 48 hours a week	5 (11%)
Income and work hours	Prompt Action	CU observation: Overtime wages not being paid	16 (36%)
Income and work hours	Non-Conformity (Risk)	Farmer declaration: not knowing how to calculate overtime payment	2 (4%)
Safe Work Environment	Prompt Action	CU observation: Handling wet green tobacco without PPE or with incomplete PPE	11 (24%)
Safe Work Environment	Non-Conformity	Farmer declaration: Handling wet green tobacco without PPE or with incomplete PPE	2 (4%)
Safe Work Environment	Non-Conformity	Farmer declaration: Application of CPA without PPE or with incomplete PPE	19 (42%)

As shown in these tables, the majority of incidences observed by CU were on the Principle of Income and Work hours, where farmers were paying workers below the minimum wage or were not paying overtime rates (see details in Chapter 2.2). In addition, there was a significant number of incidences related to PPE usage (see Chapter 2.5).

The large number of incidences observed by CU is likely due to the lack of awareness, among both the field staff and farmers, regarding the ALP Principles and standards of Income and work hours and Safe work environment. Regarding the incidences related to 'wages below the minimum wage', CU is

aware that the minimum wage does not apply to temporary workers in the agricultural sector (see also Chapter 2.2). However, most of the observed wages did not meet the standard as they were being paid partially in-kind (food and drink). According to Thai law, any amount of wage established in an agreement has to be fully paid in cash (See Appendix IV). Both farmers and field staff lacked awareness of this legal requirement as it is a common practice for farmers to agree on providing food for workers. However, from the cases observed, none of the farmers deducted more than 9,6% of the wage for provision of food.

## Chapter 2

# Farm-level assessment of the ALP Code Standards



**THIRD PARTY ASSESSMENT**  
Sukhothai, Thailand



## 2.1. ALP Code Principle 1: Child Labor

*There shall be no child labor.*

### 2.1.1 Children working and activities performed

Among the farms visited, CU identified one case (2%) where the farmer declared that his children were involved in tobacco activities on his farm. Both of his children were under 13 years old and, according to the farmer, assisted him with activities such as harvesting, spiking, and loading the barn. This case was raised as a non-conformity, as CU did not directly observe children working during the farm visit.

The main underlying reason for this situation identified by CU is that the farmer in question was unaware of the dangers of children performing tobacco activities and that he lacked knowledge of the minimum working age.

STEC's management was aware that child labor was still a risk within the tobacco growing community and gave the elimination of child labor high priority. The company's ALP team had several years of experience in targeting social issues in tobacco production, including child labor. The company's focus on eliminating child labor was also reflected in its efforts during previous years, including trainings and targeted initiatives such as an after-school program for farmer's children that ran until 2021. The high awareness among farmers on child labor topic showed that STEC's efforts were paying off in regards of tobacco-related activities being hazardous for children. However, it was identified that there's a confusion on what type of tasks each age category can or cannot perform, following the information provided on the farmers booklet.

## 2.2. ALP Code Principle 2: Income and work hours

*Income earned during a pay period or growing season shall always be enough to meet workers' basic needs and shall be of a sufficient level to enable the generation of discretionary income. Workers shall not work excessive or illegal work hours.*

All farms visited by CU made use of external workers, and all workers had temporary (mostly daily) contracts. Thai law does not stipulate a legal minimum wage for agricultural workers employed for less than a year. The Sukhothai province had set the regional minimum wage at 332 Thai baht (THB) per day, as stated in the Notification of the National Wage Committee No. 11, effective from October 1st, 2022. For the purpose of this assessment, CU used the regional minimum wage rate as a reference, since this rate is also communicated to farmers by STEC's operational team (field supervisors and field technicians). In addition, it is important to note that Thai national law prohibits in-kind payments.

Furthermore, according to the ALP Code, regular working hours should not exceed 48 hours per week, and overtime should not exceed 36 hours per week. The overtime wage rates set by Thai law were as follows:

- For overtime on a working day, the rate is 1.5 times the hourly basic pay rate during regular working hours;
- If an employee is entitled to receive wages on a holiday (e.g., monthly employee), the rate is an additional one time the hourly basic pay rate. If the employee is not entitled to receive wages on a holiday (e.g., daily or weekly employee), the rate is two times the hourly basic pay rate for work on a holiday.
- For overtime on a holiday, the rate is three times the hourly basic pay rate.

Considering these national regulations and the regional minimum wage benchmark, CU observed a significant number of issues with wage payment (Table 3). These are discussed in detail in the following sections.

ALP MEASURABLE STANDARDS	CU's Farm Findings
Wages of all workers meet, at a minimum, national legal standards or agricultural benchmark standard	80% of farms assessed by CU had at least one incident regarding minimum wage: 16 farmers (36%) were not paying their workers the minimum wage rate for regular working hours
Wages of all workers are paid regularly, at a minimum, in accordance with the country's laws	21 farmers (47%) were paying their workers partially in-kind
Work hours are in compliance with the country's laws	On 5 farms (11%) at least one person was working for more than 8 hours a day without receiving overtime pay
Excluding overtime, work hours do not exceed, on a regular basis, 48 hours per week	No issues found
Overtime work hours are voluntary	No issues found
Overtime wages are paid at a premium as required by the country's laws or by any applicable collective agreement	5 farms (11%) were not being paid at a premium for overtime
All workers are provided with the benefits, holidays, and leave to which they are entitled by the country's laws	Not applicable to daily workers

### 2.2.1. Payment of workers

Among the farms visited by CU, 36 farmers (80%) were not aware of the regional legal minimum wage rate. They based their pay rates on what their neighbors were paying and/or offered their workers partial in-kind payments, subtracting a fee for food and meals from the daily wages. As a result, 16 farms (36%) were not paying the minimum wage rate for regular working hours, and 21 farms (47%) were paying workers partially in-kind, by subtracting a fee for meals and food provided during the day; that did not surpass 9,6% of the workers' wages.

As farmers were not aware of the minimum wage rate, they also did not know that food and meals provided to the workers during the day cannot be discounted from the wages. This practice of "in-kind" payment is not permitted by Thai law (see Appendix III). The amount discounted for food and meals ranged from 32 to 40 baht.

### 2.2.2. Work hours and overtime wages

All farmers interviewed by CU were aware of the legal requirements regarding the maximum working hours permitted for agricultural work. However, as most of the workers were hired on a day-to-day basis, with verbally agreed contracts, there were various issues with work hours and overtime wages.

On the five farms (11%) where evidence of overtime was found, none of the workers were paid extra for the overtime hours. However, no evidence was found of overtime not being voluntary. CU found that in those cases the farmers were unaware of overtime rates.

### 2.2.3. Legal benefits

Many of the farmers visited confused the concept of in-kind payment with workers benefits. During the interviews, most farmers declared that they considered the food and transportation they provided to their workers as benefits, even though

this was deducted from the workers' wages. In several of these cases the farmers knew the minimum wage rates and declared that they would pay this rate partially in cash and partially with meals provided during the day. They were unaware that such in-kind payments were prohibited under Thai law.

Similarly, all workers interviewed by CU were unaware of the concept of in-kind payment and did not know that they should receive their entire wage in cash, as stipulated by Thai law (Section 5 of the Labor Protection Act) (See Appendix III).

#### Underlying factors that increase risk

Awareness regarding the correct daily working hours limit was relatively low among all farmers, including those who were meeting the standard for this principle. Furthermore, awareness among both farmers and workers was low with regard to overtime rates and legal benefits.

The ALP Code Principle of Income and Work Hours was not a focus area of STEC. This was reflected in the relatively low awareness, both among the management staff and field staff, on the issues related to this principle. Since there was no legal benchmark for daily wages in the agricultural sector, STEC had not formally adopted the regional Sukhothai minimum wage, although they did communicate this rate to their farmers. In addition, due to the known labor shortage, it was expected that farmers were more likely to pay above the minimum wage to ensure they got workers for their farms. This trend was also observed during CU's farm visits. Nevertheless, the farm findings did reveal several issues with payment below the minimum wage, unpaid overtime, and in-kind payment.

### 2.3. ALP Code Principle 3: Fair treatment

*Farmers shall ensure fair treatment of workers. There shall be no harassment, discrimination, physical or mental punishment, or any other forms of abuse.*

#### 2.3.1. Treatment of workers

No evidence was found of physical abuse, threat of physical abuse, or any type of harassment and/or discrimination on the farms.

#### 2.3.2. Support mechanism

Support mechanisms facilitate workers' access to information, assist workers in difficult situations, and mediate disputes between farmers and workers. PMI's leaf tobacco suppliers are expected to ensure that farmers and workers have access to such a mechanism.

At the time of CU's assessment, STEC did not provide an internal support mechanism but instead relied on a national grievance mechanism established by the government. This national mechanism included a contact channel with a toll-free number. STEC raised awareness on this mechanism through their training sessions and on the provided the number on the farmer log book.

CU found that the grievance mechanism was well known among the tobacco farmers; however, none of the farmers and workers interviewed by CU were able to recall the toll-free number. In addition, there was no information available on how the mechanism worked and whether STEC would be informed of any situation regarding its contracted farms. None of STEC's farmers and workers had ever used this mechanism.

### 2.4. ALP Code Principle 4: Forced Labor & Human Trafficking

*All farm labor must be voluntary.  
There shall be no forced labor.*

During CU's assessment, no evidence was found of workers being subjected to bonded labor, debt bondage, or threats. There were no indications of workers being coerced or compelled to work against their will, nor were there any instances of contracted prison labor observed. Furthermore, no evidence was found to suggest that workers were obligated to pay financial deposits. Finally, no evidence was found of workers being required to

surrender their original identity documents, or of farmers retaining workers' documentation.

## 2.5. ALP Code Principle 5: Safe Work Environment

*Farmers shall provide a safe work environment to prevent accidents and injury and to minimize health risks. Accommodation, where provided, shall be clean, safe and meet the basic needs of the workers.*

According to PMI standards, it is crucial for farmers to prioritize the safety of workers involved in tobacco production by providing a secure work environment. This entails implementing various measures to prevent accidents, injuries, and health risks. One essential aspect is ensuring that farmers supply individual Personal Protective Equipment (PPE) to workers for tasks such as application of Crop Protection Agents (CPA) and handling of wet green tobacco, to protect against Green Tobacco Sickness (GTS).

Additionally, farmers must guarantee that any provided accommodation for workers adheres to safety standards and complies with both the country's laws and PMI's guidelines. Finally, it is important to ensure that workers have access to clean drinking and washing water within a reasonable distance from their work areas and accommodation (if applicable). In the current assessment, none of the visited farms offered accommodation, as all workers were local.

### 2.5.1. Farmers Training and awareness of GTS

All farmers interviewed by CU had received training on GTS from STEC's field technicians. However, when questioned about preventive measures against GTS, five farmers (11%) were unable to explain them.

Furthermore, CU observed individuals handling wet green tobacco without proper PPE on 11 farms (24%). In addition, seven farmers (16%) admitted to not using gloves during harvesting or stringing activities.

### 2.5.2. Training and handling of CPA

Among the farmers interviewed by CU, four individuals (9%) lacked awareness of how to properly handle CPA and were unfamiliar with the restricted entry intervals after CPA application. The farmers in question stated that they had not received any training on this matter.

Furthermore, on 19 farms (42%) at least one person admitted to not utilizing the complete set of PPE for CPA application. The primary reason cited for this omission was the discomfort of wearing the provided aprons and goggles in hot conditions.

Table 4. PPE usage for CPA application

PPE for CPA application	Sukhothai (N=45 farms)
Complete	26 (68%)
Mask, gloves, goggles (no apron)	36 (80%)
Apron, mask and gloves (no goggles)	40 (89%)
Mask and gloves (no apron/ goggles)	41 (91%)
Apron and gloves (no mask/ goggles)	44 (98%)

### 2.5.3. Safety measures

When directly questioned about the presence of specific measures to prevent accidents, injuries and exposure to health risks, 24 farmers (53%) admitted to not having any such measures in place, apart from providing PPE sets to their workers. This finding indicates that many farmers lack understanding regarding the importance of implementing comprehensive safety protocols in their operations.

### 2.5.4. Clean drinking and washing water

Under the ALP Code, tobacco farmers are responsible for providing access to clean drinking and washing water close to where their workers work. However, CU observed on five farms (11%) that there was no basic source of washing water available for workers to clean themselves after finishing the daily tasks. This situation was observed within the farmer's property and confirmed with worker's statements. These situations were observed in the field, where the farmer homestead was located further than the working area (field), and the workers did not have any clean water source in the surroundings.

### 2.5.5. CPA Storage and disposal

Correct storage of CPA and waste disposal are part of the farmer's responsibility, to ensure that no individuals are exposed to toxic chemicals. For the disposal of CPA containers and fertilizer bags, STEC provided an initiative to encourage farmers to

collect and correctly dispose those items in return for compensation (see Chapter 3).

For CPA storage, all farmers contracted by STEC were required to purchase a CPA storage box. Among the farms visited by CU, 17 farms (38%) had such a box, installed at the correct height and closed with a proper lock. On three farms (7%) the availability and proper installation of the storage box could not be verified, as the CPA was not stored on the farmer's property. For the remaining 25 farms (55%), the storage box was in place, but was not being used or was damaged. In all those cases the CPA containers were stored elsewhere on the farm.

Empty CPA containers were incorrectly disposed at 37 farms (82%): in all these cases, CU observed empty CPA containers lying around the farm and containers being re-used for other purposes, such as storage for tools and other types of residues. The farmers in question were aware of STEC's initiative but lacked engagement with this issue.

Table 5: Overview of CU's findings for the measurable standards of the ALP Principle Safe Working Environment:

ALP MEASURABLE STANDARDS	CU Assessment Findings
Farmers provide a safe and sanitary working environment	15 farms (33%) were found to have at least one incident regarding Safe working environment
Farmers take all reasonable measures to prevent accidents, injury and exposure to health risks	24 farmers (53%) farmers declared not having any measures in place
No person is permitted to top or harvest tobacco, or to load barns unless they have been trained on avoidance of green tobacco sickness	On 5 (11%) farms, at least one person working with tobacco could not explain how to prevent GTS
No person is permitted to use, handle or apply Crop Protection Agents (CPA) or other hazardous substances such as fertilizers, without having first received adequate training	4 farmers (9%) declared not having received proper training on this matter
No person is permitted to use, handle or apply crop protection agents (CPA) or other hazardous substances such as fertilizers, without using the required personal protection equipment	On 19 (42%) farms, at least one person admitted to not using the complete set of PPE for CPA application
Persons under the age of 18, pregnant women, and nursing mothers must not handle or apply CPA	No issues found

No person should enter a field where CPA have been applied unless and until it is safe to do so	4 farmers (9%) were not aware of the specific time periods that the workers should stay out of the fields after CPA application
Every person has access to clean drinking and washing water close to where they work and live (in accommodation)	On 5 (11%) farms there was no washing water available for workers
Accommodation, where provided, is clean, safe, meets the basic needs of workers, and conforms to the country's laws	None of the farm visited by CU provided accommodation for workers

## 2.6. ALP Code Principle 6: Freedom of Association

*Farmers shall recognize and respect workers' rights to freedom of association and to bargain collectively.*

No evidence was found of farmers disrespecting their workers' right to freedom of association. Labor unions for the agricultural sector were not active in the region, according to the workers interviewed. Many farmers mentioned to have no problem with workers joining a union or a worker' group should they wish to do so.

For farmers, there are several associations in the Thai tobacco sector, including one specifically for Burley growers in Sukhothai (Burley Tobacco Farmers Association of Sukhothai (BTFA)).

## 2.7. ALP Code Principle 7: Terms of Employment

*Farmers shall comply with all laws of their country relating to employment.*

### 2.7.1. Information on legal rights and working conditions

On the farms assessed by CU, 43 farmers (96%) informed their workers about legal rights, which included the work to be performed, working hours, wage paid and period of hire, as stated by farmers. The two remaining farmers (4%) who did not provide any information were unaware of their responsibility to inform workers about their rights.

The farmers who did inform their workers about legal rights all shared this information verbally, which is a legally accepted form of conveying workers' rights in Thailand.

### 2.7.2. Written contracts

All farmers (100%) contracted their workers via verbal agreements. Thai law did not require written contracts for tobacco farm workers<sup>7</sup>.

7. At the time of this assessment Thailand labor law did not include this item. As such, written contracts were not legally required for tobacco farm workers.

## Chapter 3

# INITIATIVES RELATED TO THE ALP PROGRAM



**THIRD PARTY ASSESSMENT**  
Sukhothai, Thailand

### 3.1. Safe Work and First-Aid Training

This initiative focused on the ALP Principle of Safe work environment. STEC offered annual safety training, first-aid training, and training on the proper use of personal protective equipment (PPE). Additionally, field technicians provided guidance on safe handling of chemicals (CPAs), observing the re-entry interval (REI) after CPA application, and avoiding Green Tobacco Sickness (GTS).

Of the farms visited by CU, 39 farmers (87%) declared that they had been informed about the training initiative, and 36 (80%) declared that they had attended the training. The farmers who had not attended stated that their daily workload did not allow to participate in such an event.

Among the workers interviewed by CU, none were aware of this initiative. All declared that they had never participated in any kind of training.

Of the farmers who had participated in this initiative, the most frequent impact cited was the improvement of their knowledge about PPE and general work safety. Additionally, 19 farmers (42%) declared that they had received a First Aid Kit during the training.

### 3.2. PPE Distribution

STEC had implemented a PPE distribution initiative to ensure that all farmers acquired PPE before the beginning of the crop year. The distributed kits contained PPE for handling wet green tobacco and PPE for CPA application.

Among the farmers interviewed by CU, 42 (93%) were aware of this initiative and the purpose for using the material provided. In addition, 44 farmers (98%) said they had received the PPE kits, both for CPA application and handling of wet green tobacco. Of the interviewed workers, 38% were aware of this initiative.

### 3.3. 'Farm for Life' scholarship

To address the issue of Child labor, STEC had established a partnership with PMTL and an NGO that provided scholarships to children whose families could not afford the school fees in Thailand's rural regions. STEC provided assistance to farmers who wanted to enroll their children in this program.

Among the farmers interviewed by CU, only ten (22%) were aware of this initiative. When asked about the goals of the program, they said that the initiative was meant to help farmers save money. The seven farmers (16%) who had children participating in the program reported to have received funding ranging between 1200 and 3000 baht per child per year.

### 3.4. Waste Management

Like the PPE distribution initiative, the Waste Management initiative was connected to the ALP Principle of Safe work environment. In this initiative STEC provided training on safe waste disposal and facilitated the process of farm waste management by collecting empty CPA containers at the end of the crop year.

The training was provided through training sessions as well as during farm visits by the field technician. Farmers were informed how to properly store CPA containers and fertilizer bags in a safe location and in a locked CPA storage box, and how to handle empty CPA containers (triple rinsing and locked storage to prevent repurposing).

Among the farmers interviewed by CU, 41 (91%) were aware of this initiative and had participated in a training in the previous two years. However, when asked directly, 18 farmers (40%) could not explain how to properly wash empty CPA containers and when to return the waste to the company.

### 3.5. Drip Irrigation

STEC had developed an initiative to introduce drip irrigation, with the aim to save farmers water, time, and manual labor. The reduced workload would reduce the risk of child labor and help farmers facing labor shortage.

The drip irrigation initiative was the least well-known initiative among farmers, since it was launched only recently. Only nine (20%) of the farmers interviewed by CU were aware of this initiative and only three (7%) were participating in it. When asked about the impacts and benefits of the system, the most frequent answer of these three farmers was the reduction of the time needed to water the crop. The six farmers who knew about the initiative but did not participate stated that the main reason for not participating was the high implementation costs.



## Chapter 4

# APPENDICES



**THIRD PARTY ASSESSMENT**  
Sukhothai, Thailand

## Appendix I – ALP Program Action Plan

# Siam Tobacco Export Corporations' Action Plan to Address Control Union Assessment Findings

## Introduction

In March/April 2023, Control Union (CU) assessed Siam Tobacco Export Corp.'s implementation of the Agricultural Labor Practices (ALP) program in the province of Sukhothai Northern Thailand for Burley air-cured tobacco production.

This program is implemented by Siam Tobacco Export Corporation (STEC), which is an affiliate of Alliance One International (AOI). The two entities collaborate to drive improvement of working conditions on tobacco farms in Thailand.

STEC appreciates CU's recognition of efforts made to support ALP implementation and acknowledges opportunities for improvement. Findings from this assessment will enable the group to strengthen ALP implementation in Thailand, helping farmers continuously improve their labor practices and enhancing the long-term sustainability of Thailand's tobacco production.

STEC has developed a response to CU's findings.

## STEC Operational Overview and Considerations

STEC is a joint venture operation between Thapawong Company Ltd. and AOI that has been operating in Thailand since 1965.

PMI (Philip Morris International) introduced the ALP program in Thailand in 2014 as a pilot during the implementation of the sustainable tobacco program (STP). STEC & AOI introduced ALP to farmers in 2015 with the onset of direct farmer contracting and IPS in the Thai Burley market. It must also be recognized that while the ALP program has been running since 2015, PMI exited the Thai market in 2019 and has only returned to purchasing Thai tobacco in CY2023. Throughout this period, STEC & AOI continued the ALP program and introduced the Grower Management System (GMS) in 2016, which significantly improved farm-by-farm monitoring.

## Action Plan to Address Control Union Assessment Findings

The CU assessment was structured in three chapters:

1. Implementation of the ALP Program, STEC's commitment and internal capacity to the ALP Program.
2. Farm-level assessment of the ALP Code standards and the working conditions and practices found on the farms in the assessed area.
3. Initiatives related to the ALP Program.

## Commitment to the ALP Program

STEC demonstrated a clear commitment to the implementation of the ALP Program with updated and relevant policies and procedures in line with AOI's global policy and procedural guidelines fully implemented in Thai Burley areas. The local policy documents for ALP implementation in 2023 had been thoroughly reviewed and signed by both the STEC general manager and director as well as STEC's administration director, demonstrating their dedication to upholding the ALP standards and that the company had established organizational capacity for ALP implementation.

## Strategy and Objectives

STEC appreciates CU's positive feedback confirming that management personnel have adequate knowledge for their respective positions. CU's feedback also acknowledged that operational personnel (field supervisors and field technicians) had adequate training and knowledge of the ALP Code but noted enhancement of their knowledge needed to occur with regard to ALP principles 1, 2, 3 and 5; therefore, the following actions should occur:

- STEC and AOI to arrange a comprehensive employee-training program on the "Five Whys" root cause analysis. All agronomy staff will be trained two times per year (ALP training & GMS training).
- Refresher trainings will be conducted for all field supervisors and field technicians (FTs) before the onset of ALP farm monitoring each season.
- In addition to the ALP training, the company has included a workshop designed to facilitate using the "Five Whys" technique. This initiative aims to equip employees with accurate knowledge and a thorough comprehension of the analytical approach.
- FTs will use the "Five Whys" root cause analysis during farm monitoring when an incident (prompt action or non-compliance) arises, recording the root cause of the problem in the GMS system.
- Ongoing monitoring through the GMS system to ensure all FTs are capturing the root cause analysis in GMS. Where proper root cause is insufficient, a retraining on proper root cause analysis will occur. This will be conducted by our data analysis and GMS team and field supervisors' review of all FT responses.

## Internal Capacity (Dedicated Organizational Structure, Roles, and Responsibilities)

STEC appreciates CU's positive feedback confirming our clearly defined internal capacity and roles and responsibilities for ALP implementation. STEC will ensure a clear visit schedule and ALP monitoring program farm-by-farm for each crop stage and ensure farmers are monitored for ALP's seven principles. The system allows the recording of any prompt action or incident throughout the year whenever it is observed.

## Knowledge of Field Supervisors

To enhance the knowledge of our field supervisors, effective for crop year 2024, training sessions on tobacco production and innovative technologies will be provided separately from ALP training sessions. At least three ALP-specific training sessions, one per crop stage (transplanting, crop development and topping/harvesting) will be conducted for field supervisors. These training sessions will cover all seven ALP principles, monitoring practices, Prompt Action (PA) and Non-conformities (NC) definitions and procedures as well as the GMS system.

The three separate sessions will focus on:

1. Comprehensive general ALP training
2. GMS ALP data collection training
3. Training on material topics uploaded to a new training app, Talent LMS. This app is designed for remote training available on all staff devices. It also provides features allowing agronomy staff involved with ALP to study anytime, anywhere.

To verify the effectiveness of these training sessions, field supervisors will continue to be evaluated after each training. The evaluation will be updated to encompass additional ALP content, including more information about the seven ALP principles and measurable standards, PA definitions and procedures, how to conduct a root cause analysis, and definitions of hazardous work tasks. Through this approach, it is expected that field supervisors will enhance their understanding of ALP-related topics.

All training recipients must achieve an 80% pass rate. If a field supervisor does not pass an evaluation, they will be retrained and reevaluated until they demonstrate a clear understanding of the material.

Additionally, the ALP educational materials will be updated to include:

- Comprehensive information about all seven ALP principles
- ALP monitoring
- PA definitions and procedures
- Hazardous task lists with definitions clearly outlining the phrase “vulnerable group.”
- A labor notice document to acknowledge and confirm that the farmworker has received the training on labor knowledge.
- Working hours, minimum payments, and overtime payments (with a note to state (all farmworker payments must come in the form of spendable money)).

## Communication of the ALP Code Requirements to Farmers

As recognized by CU, STEC communicates ALP Code requirements to farmers via several methods, including:

- Training sessions
- Group meetings
- FT visits
- The farmer handbook
- ALP posters

Based on the feedback within the CU assessment findings, STEC plans to increase farmer communications, training methods and materials on the ALP Code requirements and plans to take the following actions.

Our FTs will continue to actively communicate with farmers about the ALP principles and educate farmers on one-to-two principles per farm visit, which will facilitate the farmers’ ability to process the information. The ALP communication and training will focus on the priority areas of child labor, income and work hours, and safe working environment.

ALP farmer communication methods and content will be customized to two groups: 1) farmers who hire labor and 2) farmers who do not hire labor. All farmers will receive ALP communication and training on all seven ALP principles. Farmers who hire labor will have additional focus training for income and work hours, fair treatment, forced labor and human trafficking, terms of employment (compliance with the law) and freedom of association. The training will also highlight the importance that workers have safe work environments with access to drinking and washing water. STEC will continue to instruct farmers to train all workers on correct PPE requirements and usage.

For the farmers who do not hire labor, ALP communication and training will focus on ALP principles of child labor and safe work environment. STEC and AOI will revise the table that lists the tobacco-related activities allowed for each age group and the type of activities that farmers' children can engage in. We will improve the list of hazardous tasks by vulnerable group by placing the revised table on the ALP poster and distributing the updated poster to farmers' homes. During our farm monitoring visits, STEC will verify the poster is placed in a visible area for to all farmers and workers.

The CU assessment also acknowledged that farmers had the highest levels of awareness regarding the child labor and safe work environment principles. STEC plans to increase farmer comprehension of the other ALP principles by updating current educational materials, adding ample details on all seven ALP principles in an easy-to-understand format. Priority topics will include:

1. Child labor
2. Hazardous work tasks
3. Personal protective equipment (PPEs) to prevent crop protection agent (CPA) and Green Tobacco Sickness (GTS) exposure.
4. Re-entry period in the field post CPA application
5. Lockboxes to store CPAs
6. Proper treatment of empty CPA containers before disposal
7. Labor notice (a document to acknowledge and confirm that the labor has received the training on labor knowledge)
8. Working hours, minimum payments, and overtime payments with note (all farmworker payments must come in the form of spendable money).

## [Internal monitoring: Data Collection, Accuracy and Addressing Issues](#)

### [GMS and ALP Code Standards](#)

STEC has established a clear system based on the AOI GMS systems for farm monitoring and to identify and follow up on any incidence not meeting the standard. The CU assessment reflected that there was no information and details enough in the system in all types of incidences and that root cause analysis was incomplete.

To address this issue, STEC will conduct an internal master data re-configuration and field technician trainings. As part of this initiative, FTs will be trained on accurate recording of all incident data including further details and root cause analysis. The company will put an internal review process in place to assess system data inputs to validate each entry to include information for a root cause analysis.

### Prompt Action

The assessment states that CU observed a lack of detail in the prompt action reports, attributing this to the field staff's lack of awareness on certain ALP principles. The report also states that the majority of FTs interviewed by CU mentioned that they often do not report incidences because they are reluctant to register this information on people they knew. From this response, CU concluded the Prompt Action information in the GMS system did not reflect the actual situation on many farms. STEC agronomy management will rectify this situation through the following actions:

- Comprehensive FT training and awareness to report all incidents identified.
- Evaluation of FTs' understanding of the Prompt Action procedure through pre- and post-training tests taken to measure the level of awareness and understanding by the FT.
- Data validation will be conducted via unannounced visits by internal, non-field staff to verify that the observed incidents are correctly reported as well as follow-ups being conducted.
- All non-reported incidents observed through unannounced visits and desktop-based data validation will be reviewed and discussed with FTs.
- Additional training will be provided to FTs who do not report any recurrence throughout the season and appropriate consequence management protocols will be executed for FTs not reporting incidences correctly.
- Continue the process of reallocating field supervisors and FT coverage areas to encourage fair and honest observations of witnessed incidents on farm and reporting of such incidents.

### Improvement Plans for Individual Farmers

The CU assessment states that root causes were not thoroughly analyzed and that the proposed action plans were mostly simple corrective actions (such as reminding farmers that they had to wear gloves during harvesting or CPA application), rather than systematic, preventative actions.

STEC accepts CU's comments and assessment. However, considering the practical situation, it is important to note that STEC has an annual systematic action plan, which includes farmer training as well as PPE and CPA lock box distribution. This should be considered as a systematic and preventive action by STEC.

In addition, STEC intends to establish a series of improved preventive actions within the ALP program. Training materials will be updated accordingly and distributed to all field staff.

## Farm-level assessment of working conditions regarding the ALP Code standards implementation.

### Child Labor

Based on the feedback within the CU assessment findings, one case (2%) was identified where a farmer declared that his children were involved in tobacco-related activities on his farm. Both of the farmer's children were under 13 years old and, according to the farmer, helped him with activities like harvesting, spiking, and loading the barn. This case was raised as a non-conformity, as CU did not directly observe children working during the farm visit.

The main underlying reason for this situation identified by CU is that the farmer in question was unaware of the dangers of children performing tobacco activities and lacked knowledge of the minimum working age. To address the issue, the following work plans have been established, which are implemented from the first quarter to the final quarter of each year.

- Individual and group training for farmers to be conducted with child labor being a high-level focus.
- Distribution of educational posters to farmers that classify hazardous tasks according to vulnerable groups. The goal is to distribute 50% of the material in calendar year 2024 and another 50% in calendar year 2025.
- Each farmer will receive individualized training via FT visits, with each farm visit covering no more than two principals at a time.
- The emphasis of farmer training will be on high-priority challenges, such as age ranges for work by task and hazardous work for children.
- Farm monitoring will be conducted at each crop stage. Every time FTs visit a farmer, they will make sure to record any observations identified. GMS allows recording any incident through the entire crop cycle when it is observed.
- All farmers that do not meet the standard will receive follow-up visits to verify that there is a resolution of the incidence.
- FTs conduct farm-by-farm monitoring throughout the crop season to promote compliance with ALP regarding child labor.
- Field supervisors visit the contracted farmers to check the consistency and accuracy of data collected by FTs against the actual situation, which may include a farmer or worker interview to validate the data collected.

The implementation of these initiatives aims to improve farmers' comprehension of child labor, their capacity to prioritize hazardous tasks, and their understanding of measurable standards. We anticipate that by 2025, all farmers will be adequately knowledgeable about child labor and other measurable criteria.

### Income and Work Hours

All farms visited by CU made use of external workers, and all workers had temporary (mostly daily) contracts. Thai law does not stipulate a legal minimum wage for agricultural workers employed for less than one year. Sukhothai province had set the regional minimum wage at 332 Thai baht (THB) per day, as stated in the Notification of the National Wage Committee No. 11, effective from October 1, 2022. For this assessment, CU used this regional minimum wage rate as a reference since this rate is also communicated

to farmers by STEC's operational team (field supervisors and field technicians). In addition, it is important to note that Thai national law prohibits in-kind payments.

## Payment of Workers

The report states that among the farms visited by CU, 36 farmers (80%) were unaware of the regional legal minimum wage rate. Farmers reported basing their pay rates on what their neighbors were paying and/or offered their workers partial in-kind payments, subtracting a fee for food and meals from the daily wages. As a result, 16 farmers (36%) were not paying the minimum wage rate for regular working hours, and 21 farmers (47%) were paying workers partially in-kind, by subtracting a fee for meals and food provided during the day. As farmers were not aware of the minimum wage rate, the report shows that food and meals provided to the workers during the day could not be discounted from the wages. This practice of "in-kind" payment is not permitted by Thai law. The amount discounted for food and meals ranged from 32 to 40 baht.

Farmers remunerate their workers based on a mutually agreed-upon rate, which is different from the federally mandated minimum wage.

To resolve this issue, STEC has outlined the subsequent strategies, which we plan to implement between the fourth quarter of 2023 and the first, second, and third quarters of 2024.

- STEC will conduct a farm-by-farm survey of all contracted farmers who hire labor to record the current farmer to farmworker payments for agricultural work, including tobacco.
- We will collate this data village-by-village to establish what the current wage rate is, and that the farmer and farmworker have mutually agreed to the wage rate.
- STEC will then liaise with local village authorities, farmers and farmworkers in a focus group format in each village to seek agreement between all stakeholders on average wage rate paid to farmworkers in that village.
- STEC will use the average wage rate as reference for monitoring farmers' compliance.
- Once agreement is reached, STEC will take the following actions:
  - STEC will ensure communication materials are updated to indicate that payments to farmworkers must meet the minimum agreed on wage rates.
  - Farmers will be guided on the income and work hour regulations during the company's forthcoming farmer trainings. Farmers will also receive training on how to calculate overtime compensation.
  - The company will distribute educational posters to farmers' houses. The educational poster will clarify that in-kind wages, such as food and drink, are not permitted as part of wage payment and will state all farmworker payments must come in the form of spendable money.
  - FTs will conduct farm-by-farm monitoring throughout the crop season to ensure compliance with ALP regarding the payment of workers.
  - Field supervisors will visit the contracted farmers to check the consistency and accuracy of data collected by FTs against the actual situation. This visit may include a farmer or worker interview to validate the data collected.

The goal of our proposed action plan is to establish a benchmark wage rate for the agricultural sector. Additionally, we want to increase farmers' knowledge of and compliance with income and work-hour restrictions. Farmers should also be proficient in calculating overtime compensation and understand that food and beverages are not included in workers' pay.



## Work Hours and Overtime Wages

All farmers interviewed by CU were aware of the legal requirements regarding the maximum working hours permitted for agricultural work. However, as most of the workers were hired on a day-to-day basis with verbally agreed contracts, there were various issues noted in the CU report with the calculation of work hours and overtime wages.

On the five farms (11%) where evidence of overtime was found, none of the workers were paid extra for the overtime hours. However, no evidence was found of overtime not being voluntary. CU found that in those cases, the farmers were unaware of overtime rates.

We have outlined the following work plans to address this issue, which will be implemented between the fourth quarter of 2023 and third quarter of 2024.

- Farmers will receive training and a booklet on income and work hour principles.
- FTs will educate farmers on income and work-hour regulations during farm visits.
- Company will distribute educational posters regarding income and work hour principles.
- Monitor all farmers for compliance, and report and record all incidents of non-compliance as PAs or NCs.
- FTs will conduct farm-by-farm monitoring throughout the crop season to ensure compliance with ALP regarding work hours and overtime wages.
- Field supervisors will visit contracted farmers to check the consistency and accuracy of data collected by FTs against the actual situation. This visit may include a farmer or worker interview to validate the data collected.

From this implementation, we anticipate that farmers will comprehend and adhere to the income, work hours, and other principles listed in the ALP Code to have a beneficial social impact. We also anticipate that farmers will grasp how to compute overtime pay.

## Legal Benefits

CU noted in the assessment that many of the farmers visited seemed confused by the difference between in-kind payments and workers' benefits. During the interviews, most farmers declared that they considered the food and transportation they provided to their workers as benefits even though it was deducted from the workers' wages. In several of these cases, the farmers knew the minimum wage rates and declared that they would pay this rate partially in cash and partially with meals provided during the day. They were unaware that such in-kind payments were prohibited under Thai law.

Similarly, CU reported that all workers interviewed were unaware of the concept of in-kind payments and did not know that they should receive their entire wage in cash, as stipulated by Thai law (Section 5 of the Labor Protection Act).

STEC has established the following guidelines to address these problems, which will be implemented between the fourth quarter of 2023 and the third quarter of 2024.

- Farmers will receive training and a booklet regarding income and work hour principles.
- FTs will educate farmers on income and work-hour regulations during farm visits.
- Educational poster will clarify that in-kind wages, such as food and drink, are not permitted as part of wages payment and will state all farmworker payments must come in the form of spendable money.

- FTs will conduct farm-by-farm monitoring throughout the crop season to ensure compliance with ALP regarding legal benefits.
- Field supervisors will visit the contracted farmers to check the consistency and accuracy of data collected by FTs against the actual situation. This may include a farmer or worker interview to validate the data collected.

From implementing this guideline, we anticipate farmers to abide by the law and the ALP principle by paying workers at least the agreed benchmark and refraining from providing them with food, drink, or any other in-kind payment for their labor.

## Fair Treatment

### Treatment of Workers

No evidence was found of physical abuse, threat of physical abuse, or any type of harassment and/or discrimination on STEC's contracted farms.

### Support Mechanism

At the time of CU's assessment, STEC did not provide an internal support mechanism but instead relied on a national grievance mechanism established by the government. This national mechanism included a contact channel with a toll-free number. STEC raised awareness of this mechanism through their training sessions and provided the number on its farmer logbook.

CU found that the grievance mechanism was well known among the tobacco farmers; however, none of the farmers and workers interviewed by CU could recall the toll-free number. In addition, CU reported that there was no information available on how the mechanism worked and whether STEC would be informed of any situation regarding its contracted farms. None of STEC's farmers and workers had ever used this mechanism. To address this issue, STEC will distribute educational posters about grievance mechanisms, including the toll-free number, to farmers' houses and FTs will remind farmers of the existing grievance mechanism toll-free during farm monitoring visits.

### Forced Labor & Human Trafficking

During CU's assessment, no evidence was found of workers being subjected to bonded labor, debt bondage, or threats. There were no indications of workers being coerced or compelled to work against their will, nor were there any instances of contracted prison labor observed. Furthermore, no evidence was found to suggest that workers were obligated to pay financial deposits. Finally, no evidence was found of workers being required to surrender their original identity documents or of farmers retaining workers' documentation.

## Safe Work Environment

### Farmers Training and Awareness of GTS

All farmers interviewed by CU had received training from STEC's FTs on GTS. However, the report notes that when questioned about preventive measures against GTS, five farmers (11%) were unable to explain the measures.

CU also stated it observed individuals handling wet green tobacco without proper PPE on 11 farms (24%). In addition, seven farmers (16%) admitted to not using gloves during harvesting or stringing activities.

To address these issues and mitigate the recurrence, STEC established comprehensive strategies to be implemented between the fourth quarter of 2023 and the third quarter of 2024.

- Farmers will be educated about GTS and PPE kit utilization and its benefits through our training program.
- FTs will also educate farmers on GTS and PPE kit utilization during regularly occurring farm visits.
- The company will distribute posters to farmers' houses about GTS and PPE kit utilization.
- Six pairs of cotton gloves and additional 1 box (50 pairs) of latex gloves will be added to the PPE kits that will be supplied to farmers.
  - This is due to survey results from farmers and farmworkers showing that many of them find the cotton gloves not suitable for "leaf spiking" for curing and that many farmers have been using latex gloves and prefer them.
- FTs will conduct farm-by-farm monitoring throughout the crop season to ensure compliance with ALP regarding GTS awareness and a safe working environment.
- Field supervisors will visit the contracted farmers to check the consistency and accuracy of data collected by field technicians against the actual situation. These visits may include a farmer or worker interview to validate the data collected.

With the implementation of this work plan, we aim that everyone working in tobacco cultivation will be aware of the importance of wearing protective equipment (PPE) to avoid contact with green tobacco leaves, as well as the detrimental effects of GTS and how to safeguard against it.

### Training and Handling of CPAs

Among the farmers interviewed by CU, the report states that four individuals (9%) lacked awareness of how to properly handle CPAs and were unfamiliar with the restricted entry intervals after CPA application. The farmers in question stated that they had not received any training on this matter.

Furthermore, CU shared that on 19 farms (42%) at least one person admitted to not utilizing the complete set of PPE for CPA application. The primary reason cited for this omission was the discomfort of wearing the provided aprons and goggles due to hot weather conditions.

The following guidelines for management have been planned as a solution to these challenges, which will be implemented between the fourth quarter of 2023 and the third quarter of 2024.

- Farmers will receive training and a booklet about proper CPA handling and re-entry period and must complete an assessment.
- FTs will educate farmers on CPA application during regularly occurring farm visits.
- The company will supply farmers with high-quality PPE kits at a reasonable cost.
- FTs will conduct farm-by-farm monitoring throughout the crop season to verify compliance with ALP regarding CPA handling and a safe working environment.
- Field supervisors will visit the contracted farmers to check the consistency and accuracy of data collected by FTs against the actual situation. This visit may include a farmer or worker interview to validate the data collected.

This guideline is intended to promote awareness of the risks posed by CPAs to everyone involved in growing tobacco as well as provide an understanding of how to mitigate that risk by wearing PPE and diligently adheres to the protocols regarding the re-entry period for all types of CPAs.

### Clean Drinking and Washing Water

CU stated it had observed that there was no basic source of washing water available to workers on five farms (11%), noting this situation was observed on the farmers' property and confirmed by the workers' statements. These situations were observed in the field, where the farmers' homestead was located further than the working area (field), and the workers did not have any clean water source in the surroundings.

STEC has established the following guidelines to help mitigate this issue, which will be implemented in the fourth quarter of 2023.

- FTs will communicate and educate farmers on the importance of providing washing water to workers for cleanup following farm work.
- Farmers will receive training and a booklet regarding washing water availability at the place of work.
- FTs will monitor all farmers and workers' access to washing water in all areas of work.
- Ensure Encourage and promote good hygiene practices for workers, workers to wash their hands at a minimum before eating and/or smoking.
- FTs will conduct farm-by-farm monitoring throughout the crop season to verify compliance with ALP regarding washing water availability.
- Field supervisors will visit the contracted farmers to check the consistency and accuracy of data collected by FTs against the actual situation. This visit may include a farmer or worker interview to validate the data collected.

STEC's action plan anticipates that all contracted farmers will provide workers with clean drinking and washing water.

### Safety measures

When directly questioned about the presence of specific measures to prevent accidents, injuries, and exposure to health risks, CU's report stated that 24 farmers (53%) admitted to not having any such measures in place apart from providing PPE to their workers. This finding indicates that many farmers lack an understanding of the importance of implementing comprehensive safety protocols in their operations.

As safety is vital, we have established the following guidance for resolving these issues and preventing future re-occurrence. This guideline will be implemented in the fourth quarter of 2023.

- Company will distribute ALP educational materials to farmers' houses.
- Farmers will receive training and a booklet regarding workplace safety. They will be educated about the importance of general safety in the workplace.
- FTs will conduct farm-by-farm monitoring throughout the crop season to monitor for compliance with ALP regarding safety measures.
- Field supervisors will visit the contracted farmers to check the consistency and accuracy of data collected by FTs against the actual situation. These visits may include a farmer or worker interview to validate the data collected.

STEC's action plan aims to increase farmer awareness of workplace safety and ensure that farmers have measures in place in the event of accidents.

### CPA Storage and disposal

For the disposal of CPA containers and fertilizer bags, STEC encourages farmers to collect and correctly dispose of those items in return for compensation (see Chapter 3).

For CPA storage, all farmers contracted by STEC are required to purchase a CPA storage box. According to the assessment, among the farms visited by CU, 17 (38%) had such a box installed at the correct height and closed with a proper lock. On three farms (7%) the availability and proper installation of the storage box could not be verified, as the CPA was not stored on the farmer's property. For the remaining 25 farms (55%), the storage box was in place but was not being used or was damaged. In those cases, the CPA containers were stored elsewhere on the farm.

It was reported that empty CPA containers were incorrectly disposed of at 37 farms (82%). In all these cases, CU observed empty CPA containers laying around the farm and containers being re-used for other purposes such as storage for tools and other types of residues. The farmers in question were aware of STEC's initiative but lacked engagement with this issue.

After an additional study of the underlying cause of the problem, the company has put forward the following solutions.

- Farmers who are found to be continually non-compliant of proper CPA storage and disposal will receive additional training about proper CPA storage and CPA container disposal.
- The company will distribute enhanced and improved educational posters about CPA storage and CPA container disposal to farmers.
- The company is in consultation with vendors to produce an improved long-lasting, lockable CPA storage cabinets and we will start a campaign for farmers to purchase these cabinets at a subsidized cost.
- Farmers with damage CPAs boxes are required to replace with new long-lasting lockable CPAs cabinets.
- The company will encourage farmers to participate in STEC's program to turn hazardous waste into a bonus by collecting empty CPA containers and dropping them off at our collection spot.
- FTs will conduct farm-by-farm monitoring throughout the crop season to monitor for compliance with ALP regarding CAP (Common Agricultural Policy) storage and disposal.
- Field supervisors will visit the contracted farmers to check the consistency and accuracy of data collected by FTs against the actual situation. These visits may include a farmer or worker interview, in addition to direct observation, to validate the data collected.

By implementing this action plan, farmers are expected to understand and apply the appropriate methods of storing CPA in secure storage facilities. Additionally, farmers are expected to be more aware of the potential risks associated with CPAs and the importance of protecting themselves from harmful chemicals.

### Freedom of Association

No evidence was found of farmers disrespecting their workers' right to freedom of association. Labor unions for the agricultural sector were not active in the region, according to the workers interviewed. Many farmers mentioned to have no problem with workers joining a union or a worker's group should they wish to do so.

For farmers, there are several associations in the Thai tobacco sector, including one specifically for Burley growers in Sukhothai (Burley Tobacco Farmers Association of Sukhothai (BTFA)).

## Terms of Employment

### Information on legal rights and working conditions.

On the farms assessed by CU, the report states that 43 farmers (96%) reported that they informed their workers about their legal rights, which included the work to be performed, working hours, wage paid and period of hire. The two remaining farmers (4%) who did not provide any information were unaware of their responsibility to inform workers about their rights.

The farmers who did inform their workers about legal rights all shared this information verbally, which is a legally accepted form of conveying workers' rights in Thailand.

### Written Contracts

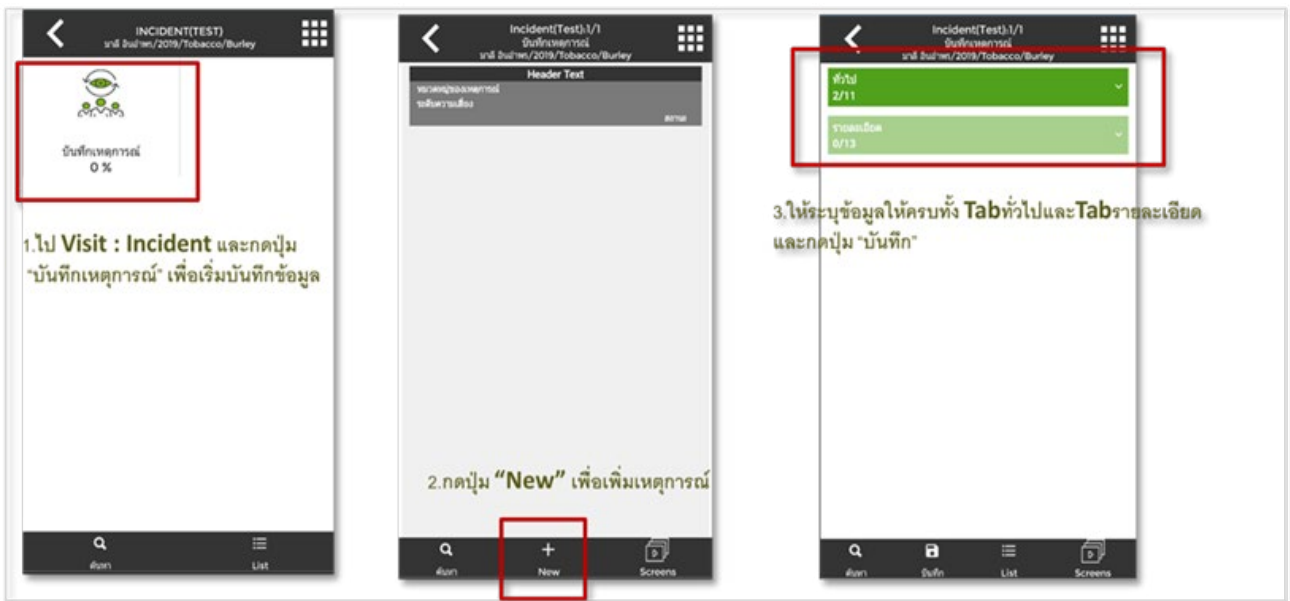
All farmers (100%) contracted their workers via verbal agreements. Thai law did not require written contracts for tobacco farm workers .

## Conclusion

STEC appreciates CU's acknowledgement of the positive progress made to implement the ALP program, particularly in the areas of Child Labor and Safe Work Environment. Meanwhile, the assessment also identified improvements with ALP program implementation.

The company has committed to eliminating child labor from tobacco production and is continuously driving improvement with all ALP principles. As previously stated, STEC and AOI formed a joint task force to develop an action plan to address the findings identified by Control Union and will work together to implement the plan. The focus of the task force will be on educating and training stakeholders, including FTs, farmers, family members, and farmworkers, on not only Child Labor and Safe Work Environment, but also on other ALP principles (Fair Treatment, Forced Labor, Income and Work Hours, Freedom of Association and Terms of Employment). The task force will also prioritize enhancing stakeholder understanding of Prompt Action and Non-conformity definitions and procedures, the GMS Data Management System, root cause analysis and data management. As part of the international tobacco industry supply chain, STEC and AOI remain committed to the ALP program and look forward to working together to continue to improve working conditions on tobacco farms.

## Appendix: GMS System



SQL Server Reporting Services

Home > ALP > GMS4011\_Detail - Prompt Actions Issues Detail

Company: Siam Tobacco Export Corp | Crop Year: 2023 | View Report

Crop: Tobacco | Crop Type: Burley

Crop SubType: All | Leaf Supervisor: All

Field Technician: All | Buying Location: All

Language: English | Pillar: All

From Date: | To Date: | NULL

1 of 27 | 100% | Find | Next

**Siam Tobacco Export Corp**  
Prompt Actions Issues Detail

Report Number: GMS4011\_Detail  
Printed Date: Oct 11, 2023 9

Grower	Code	Leaf Technician	ALPPrinciple	Question	Incident Date	Status	Followup D
ชวรัตน์ สีสรรพ์	K001443	Theerapon Srisamruat	CPA storage		2023-02-22	Resolved	2023-02-28
ชวรัตน์ สีสรรพ์	K001572	Cahwarit Keadteesud	CPA storage		2023-02-04	Resolved	2023-03-02
ชวรัตน์ สีสรรพ์	K001761	Thanakom Kannka	CPA storage		2023-03-24	Resolved	2023-05-11
ชวรัตน์ สีสรรพ์	K001806	Theerapon Srisamruat	CPA storage		2023-02-22	Resolved	2023-02-28



**Siam Tobacco Export Corp**  
Prompt Actions Issues Detail

Company: Siam Tobacco Export Corp | Crop Year: 2023

Crop: Tobacco | Crop Type: All

Crop Subtype: All | Field Supervisor: All

Leaf Tech: All | Buying Location: All

From Date: | To Date:

Pillar: All

Grower	Code	Leaf Technician	ALPPrinciple	Question
ชวรัตน์ สีสรรพ์	A000138	Aprak Sorot	Child labor	Children 13 and older helping on farm (exception for developing countries - ILO 138).
ชวรัตน์ สีสรรพ์	A000243	Arkorn Kongkumnerd	Child labor	Children 13 and older helping on farm (exception for developing countries - ILO 138).
ชวรัตน์ สีสรรพ์	A000395	Cahwarit Keadteesud	Safety	Does the farmer or worker use for GTS avoidance?
ชวรัตน์ สีสรรพ์	A000585	Jakkrit Somto	Safety	Does the farmer or worker use for GTS avoidance?
ชวรัตน์ สีสรรพ์	A000674	chatchai Lingee	Safety	Does the farmer or worker use for GTS avoidance?
ชวรัตน์ สีสรรพ์	A001133	Bumrung Hirunsri	Child labor	Children 13 and older helping on farm (exception for developing countries - ILO 138).
ชวรัตน์ สีสรรพ์	A001408	Bumrung Hirunsri	Safety	Does the farmer or worker use for GTS avoidance?
ชวรัตน์ สีสรรพ์	A001437	Cahwarit Keadteesud	Safety	Does the farmer or worker use for GTS avoidance?

GMS4011\_Detail - Prompt Actions



# Educational Material

### ข้อเสนอแนะเกี่ยวกับหลักการปฏิบัติด้าน "มาตรฐานการเกษตร"

### การใช้สารเคมีอย่างปลอดภัย (CPA Safe Use)

### สภาพแวดล้อมการทำงานที่ปลอดภัย SAFE WORK ENVIRONMENT

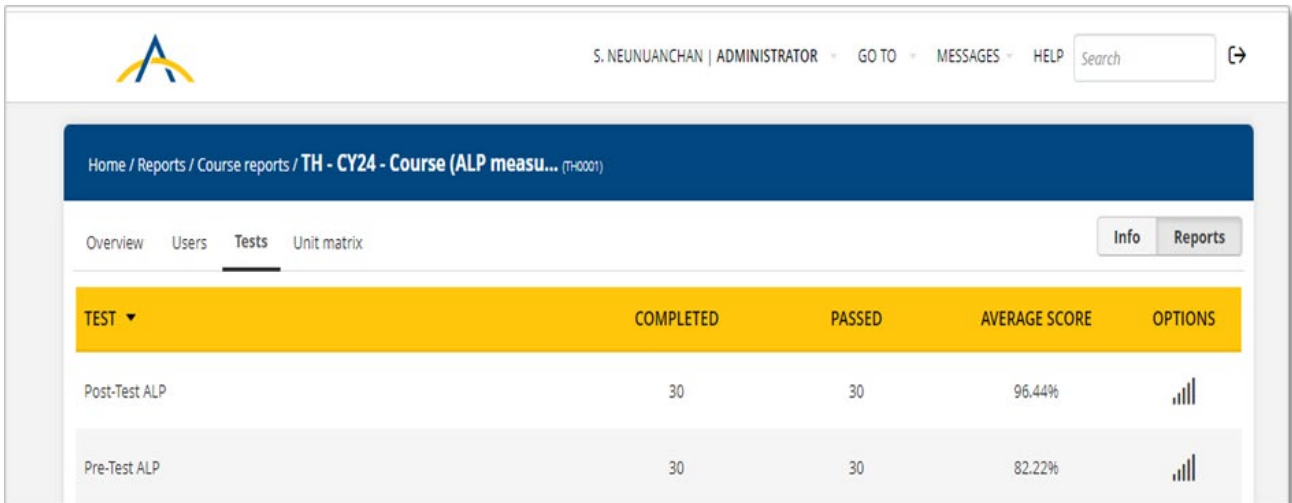
### สภาพแวดล้อมการทำงานที่ปลอดภัย SAFE WORK ENVIRONMENT

# Appendix: Hazardous Task List

ANNEX 1 - HAZARDOUS TASK ON TOBACCO WORK		
Activities	Person(s) under 18 years old	Pregnant woman/ Nursing Mother
Spiking/sticking	X	X
Carrying heavy loads	X	X
Loading/Unloading barn	X	X
Grading/Baling	X	X
Transporting Production	X	X
Machinery Operation	X	X
Working at Heights	X	X
Working at Night	X	X
Working in Extreme Temperature	X	X
Working long Hours	X	X
Using Sharp tools	X	X



ANNEX 1 - HAZARDOUS TASK ON TOBACCO WORK		
Activities	Person(s) under 18 years old	Pregnant woman/ Nursing Mother
Seedbed Preparation	X	X
Mix Soil Media	X	X
Sowing	X	X
Fertilization	X	X
CPA application	X	X
Manual Weeding	X	X
Resetting	X	X
Land Preparation/Riding	X	X
Transplanting	X	X
Irrigation	X	X
Topping	X	X
Suckering	X	X
Harvesting	X	X

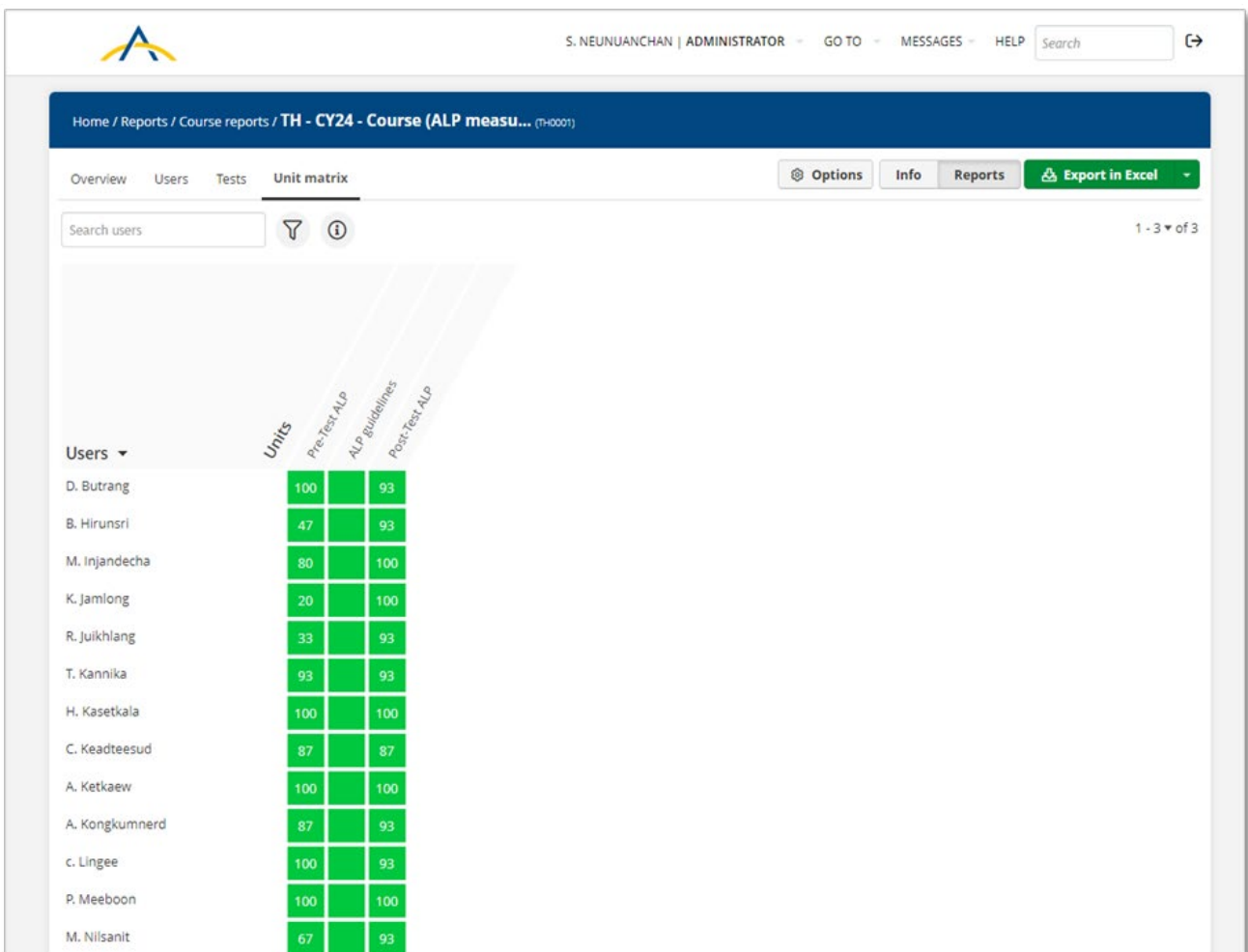
## Appendix: TalentLMS



Home / Reports / Course reports / TH - CY24 - Course (ALP measu... (TH0001))

Overview Users Tests Unit matrix

TEST	COMPLETED	PASSED	AVERAGE SCORE	OPTIONS
Post-Test ALP	30	30	96.44%	
Pre-Test ALP	30	30	82.22%	



Home / Reports / Course reports / TH - CY24 - Course (ALP measu... (TH0001))

Overview Users Tests Unit matrix

Options Info Reports Export in Excel

Search users 1 - 3 of 3

Users	Units	Pre-Test ALP	ALP guidelines	Post-Test ALP
D. Butrang	100	93		
B. Hirusri	47	93		
M. Injandecha	80	100		
K. Jamlong	20	100		
R. Juikhlang	33	93		
T. Kannika	93	93		
H. Kasetkala	100	100		
C. Keadteesud	87	87		
A. Ketkaew	100	100		
A. Kongkumnerd	87	93		
c. Lingee	100	93		
P. Meeboon	100	100		
M. Nilsanit	67	93		

## Appendix: TalentLMS

Home / Reports / Training matrix

Overview Infographics **Training matrix** Options Export in Excel

Search users [Filter] [Info] ACTIVE COURSES 1 - 7 of 7

Users	TH-C224-CourseVib... (TH0001)	TH-C224-CourseVib... (TH0002)	TH-C224-CourseVib... (TH0003)	TH-C224-CourseVib... (TH0004)	TH-C224-CourseVib... (TH0005)	TH-C224-CourseVib... (TH0006)	TH-C224-CourseVib... (TH0007)
D. Butrang	✓	✓	✓	✓	✓	✓	✓
B. Hirunsri	✓	✓	✓	✓	✓	✓	✓
M. Injandecha	✓	✓	✓	✓	✓	✓	✓
K. Jamlong	✓	✓	✓	✓	✓	✓	✓
S. Jantasri	✓	✓	✓	✓	✓	✓	✓
R. Juikhleng	✓	✓	✓	✓	✓	✓	✓
T. Kannika	✓	✓	✓	✓	✓	✓	✓
H. Kasetkala	✓	✓	✓	✓	✓	✓	✓
C. Keadteesud	✓	✓	✓	✓	✓	✓	✓
A. Ketkaew	✓	✓	✓	✓	✓	✓	✓

1 - 10 of 33

18/10/2023  
**YOUR TRAINING INFOGRAPHIC**

**INSIGHTS**

- 82.9% participation
- 91.2% engagement
- 92.8% progress
- 90.6% completion rate

**USERS**

- 55 users
- 46 learners
- 9 instructors
- 0 administrators

**COURSE COMPLETION RATE**

- 204 assignments
- 178 completions
- Completed: 87.3%
- 0 not passed
- 1 in progress

**LEARNING STRUCTURES**

- 10 courses
- 4 groups
- 14 tests
- 0 surveys

**TRAINING TIME**

1d5h28m training time

Most active courses (in hours)

**TEST PASS RATE**

- 299 attempts
- 299 passed
- 100% Pass Rate
- 0 not passed
- 91.7% average score

**GAMIFICATION**

- 72.68K points
- 352 badges
- 3 level
- 0 certificates

**LIBRARY**

- 1 videos
- 9 documents
- 0 items
- 0 tags

**POTENTIAL SAVINGS**

- 10 less commute hours
- \$1112 training savings
- 31 better skilled people
- 161.60kgCO2 environmental impact

## Appendix II – Scope and methodology

### Assessment team

The team responsible for conducting this assessment consisted of two auditors from Thailand, one coordinator from the Netherlands and one coordinator from Brazil. The auditors conducted farm assessments, interviewed the field supervisors and field technicians, and were accompanied by one of the coordinators during most of the farm visits. The coordinators interviewed STEC management staff at the company's headquarters in Chiang Mai. Both the auditors and coordinators had been trained before the assessment. This qualification process consisted of the following stages:

- Selection of candidates by CU;
- Checking the candidates' experience with auditing programs and ALP assessments;
- Two-day preparation training by CU directly prior to starting the field visits.

### Desk review

Prior to this assessment STEC was requested to send documentation to CU to give the assessment team a better idea of the market characteristics and the management systems that were in place. STEC provided the legal information that was relevant to the ALP Code (see Appendix III for more detailed legal information). This was important to ensure a thorough preparation of the assessment.

### Opening meeting

On 22 April 2023, CU started the assessment with an opening meeting at STEC's head office in Chiangmai, Thailand. This meeting was attended by STEC's Country Agronomy manager, ALP Coordinator, Sukhothai Area Manager, Data Analyst, Operational Advisor and Burley Manager. Furthermore, the meeting was attended by a regional representative from Alliance One International. CU presented the objectives and approach of the assessment, while STEC provided an overview of the market and company background. Other members of the ALP operational team, including the field supervisors and field technicians, joined the CU team before the assessment in the Sukhothai regional office.

### Methodology for ALP implementation system review

The methodology used for the evaluation of STEC's implementation of the ALP Program was based on the widely used PDCA<sup>8</sup> cycle. This cycle is a management method for the continuous improvement of processes and products. CU spent two days (22 and 23 April 2023) at STEC's head office to interview management staff, analyze documentation, and evaluate the company's systems to better understand how the implementation of the ALP Program was organized. In total, CU interviewed five management personnel and 16 field personnel (four field supervisors, 12 field technicians).

Over a period of two weeks, CU visited an average of four farms per day, with a reporting day after each field day.

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8. Plan, Do, Check, Act

**Scope and farm sampling**

This assessment focused on Burley tobacco growers in the province of Sukhothai. In this region STEC had contracts with 2,055 farmers, from which the CU team randomly selected 45 farmers for the farm visits. This number was derived from the square root of the total farmers in the scope and rounded down to maximize resource efficiency and timing for both CU and STEC.

In the assessed region, the majority of farmers were small-scale farmers, growing an average of one hectare of tobacco (see below). However, the selected farms varied in economic and cultural aspects.

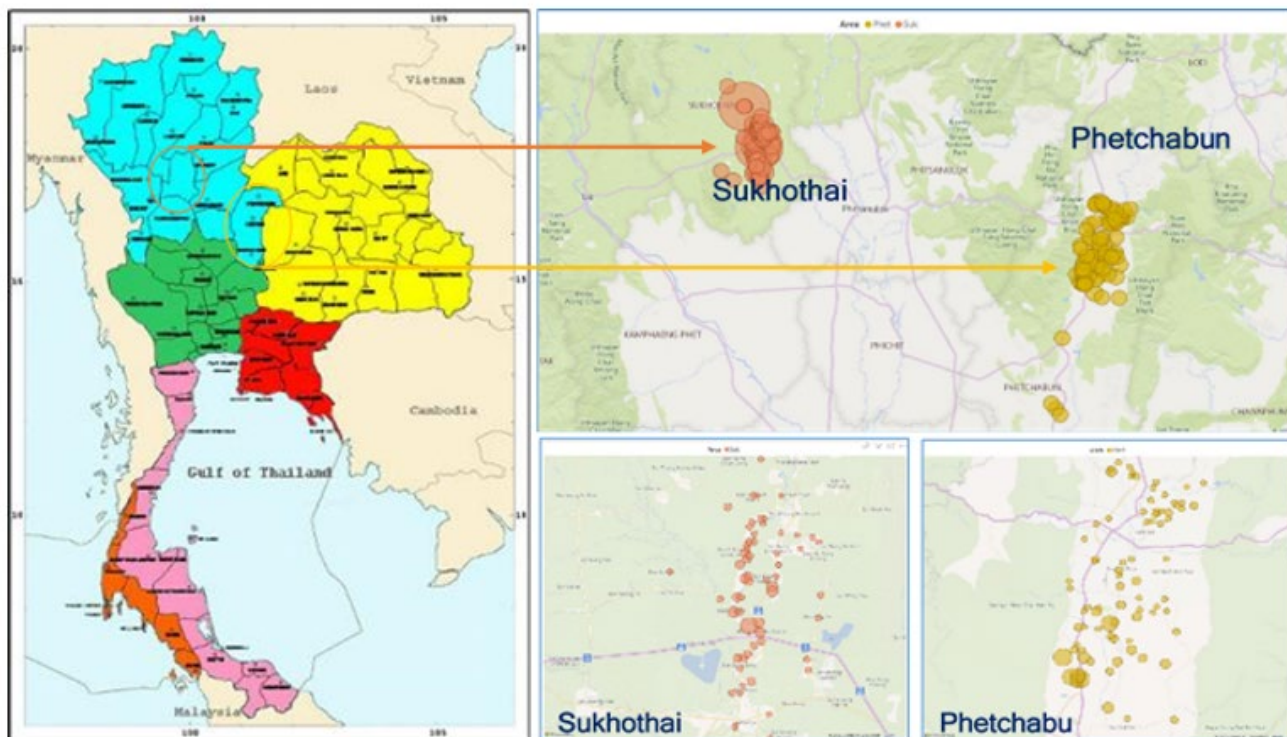
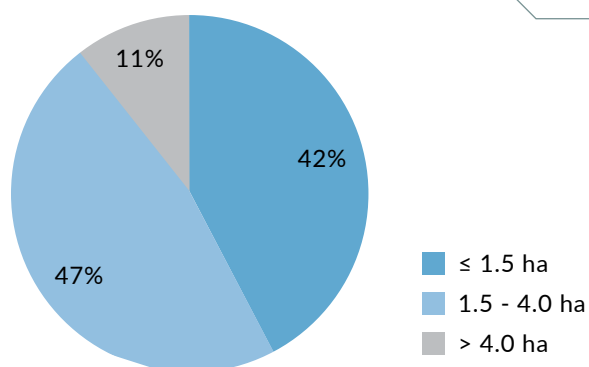


Image: Regions of Thailand where STEC has contracts with tobacco growers. Burley growers are mainly located in the province of Sukhothai.

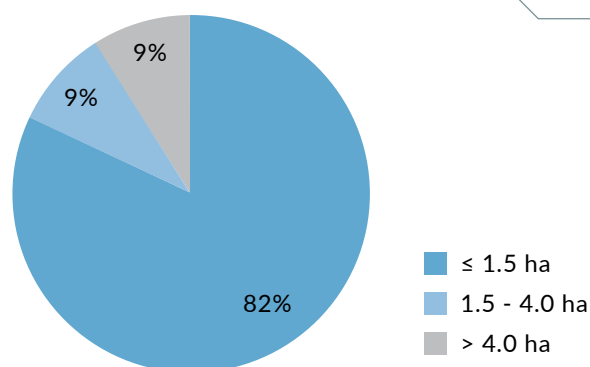
Over a period of two weeks, CU visited an average of four farms per day, with a reporting day after each field day. The graphs below provide demographic information about the selected farms.

Farm sizes in the regions assessed:

**Farm size (Total)**

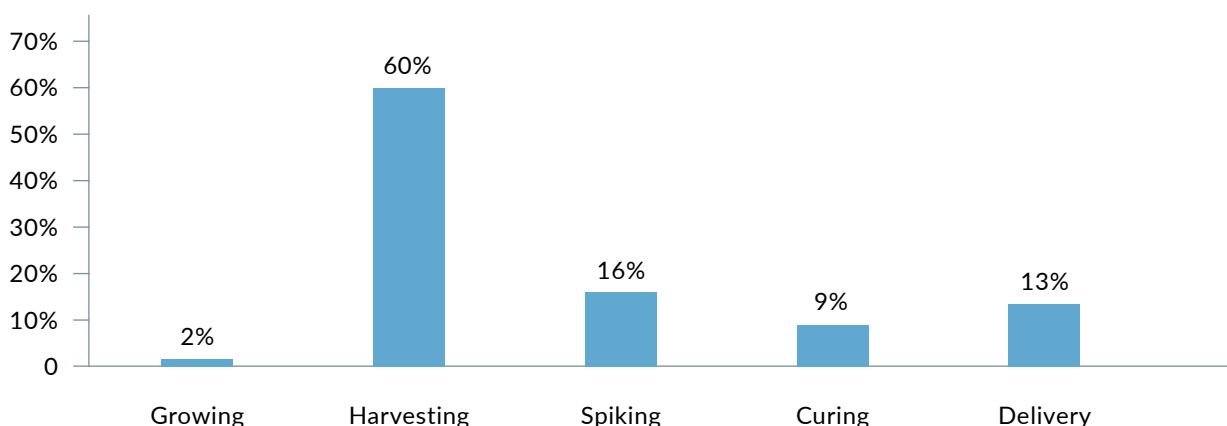


**Farm size (Tobacco)**



Stages of tobacco production at the time of the assessment:

**Crop stage**



**Persons interviewed during the assessment**

Wherever possible, interviews with family members and workers were conducted individually and without the presence of the farmer, to avoid undue bias. For the same reason, all interviews with farmers were conducted without the presence of the field technician and were unannounced.

In total, CU interviewed 45 farmers and 16 workers. Demographic information on the farmers and external workers interviewed is shown in the table below:

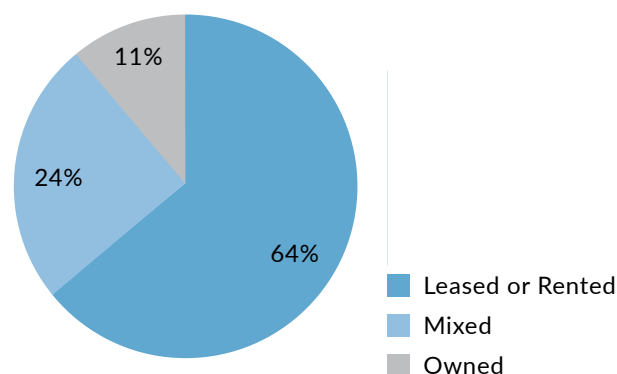
People Interviewed	Sukhothai
Farmers	45
Workers	16
Total	61

Of the 45 farmers interviewed, 38 (84%) were female and 7 (16%) were male.

Of the 16 workers interviewed, twelve (75%) were hired daily workers and four (25%) were distant relatives of the farmers involved. These relatives were being treated as normal workers and paid accordingly; therefore, this was not considered labor exchange.

Types of land ownership on the farms assessed:

**Farmland Ownership Status**



\*Mixed: Farms partially owned and partially leased or rented.

**Closing meeting**

On April 13th, 2023 a closing meeting was held via web conference. As with the opening meeting, the closing meeting was attended by the ALP Country Team. Furthermore, representatives of PMI Regional joined the web conference call. CU presented the initial findings, and STEC requested clarification of certain items. A constructive discussion took place on several topics. Overall, CU’s findings were considered a useful basis for taking action to improve STEC’s implementation of the ALP Program.

## Reporting procedure

During the assessment, auditors reported after each field day to the coordinator. This person monitored the auditors' findings and provided feedback whenever necessary. The coordinator compiled all findings and combined these with the findings from the management assessment. Public release of CU's assessment report demonstrates PMI's commitment to transparency, which is an important component of the ALP Program. CU authored the final report, which was evaluated by Verité. PMI reviewed the report. Finally, STEC reviewed the report to verify that all the information was correct, and to finalize their action plan that was based on this report<sup>9</sup>.

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9. Leaf tobacco suppliers can start drafting their action plans after the closing meeting, as initial findings usually do not differ much from the final report.

## Appendix III – PMI ALP Code

### ALP Code Principle 1: Child Labor

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*There shall be no child labor.*

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#### Measurable Standards

- There is no employment or recruitment of child labor. The minimum age for admission to work is not less than the age for the completion of compulsory schooling and, in any case, is not less than 15 years or the minimum age provided by the country's laws, whichever affords greater protection.
- No person below 18 is involved in any type of hazardous work.
- In the case of family farms, a child may only help on his or her family's farm provided that the work is light work and the child is between 13 and 15 years or above the minimum age for light work as defined by the country's laws, whichever affords greater protection.

### ALP Code Principle 2: Income and Work Hours

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*Income earned during a pay period or growing season shall always be enough to meet workers' basic needs and shall be of a sufficient level to enable the generation of discretionary income. Workers shall not work excessive or illegal work hours.*

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#### Measurable Standards

- Wages of all workers (including for temporary, piece rate, seasonal, and migrant workers) meet, at a minimum, national legal standards or agricultural benchmark standard.
- Wages of all workers are paid regularly, at a minimum, in accordance with the country's laws.
- Work hours are in compliance with the country's laws. Excluding overtime, work hours do not exceed, on a regular basis, 48 hours per week.
- Overtime work hours are voluntary.
- Overtime wages are paid at a premium as required by the country's laws or by any applicable collective agreement.
- All workers are provided with the benefits, holidays, and leave to which they are entitled by the country's laws.



## ALP Code Principle 3: Fair Treatment

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*Farmers shall ensure fair treatment of workers. There shall be no harassment, discrimination, physical or mental punishment, or any other forms of abuse.*

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### Measurable Standards

- There is no physical abuse, threat of physical abuse, or physical contact with the intent to injure or intimidate.
- There is no sexual abuse or harassment.
- There is no verbal abuse or harassment.
- There is no discrimination on the basis of race, color, caste, gender, religion, political affiliation, union membership, status as a worker representative, ethnicity, pregnancy, social origin, disability, sexual orientation, citizenship, or nationality.
- Workers have access to a fair, transparent and anonymous grievance mechanism.

## ALP Code Principle 4: Forced Labor & Human Trafficking

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*All farm labor must be voluntary. There shall be no forced labor.*

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### Measurable Standards

- Workers do not work under bond, debt or threat and must receive wages directly from the employer.
- Workers are free to leave their employment at any time with reasonable notice, without threat or penalty.
- Workers are not required to make financial deposits with farmers, labor contractors, or any other third-party, at the time of their recruitment or at any point during their employment, and shall not be charged recruitment fees or other related fees for their employment by labor contractors.
- Wages or income from crops and work done are not withheld beyond the legal and agreed payment conditions.
- Farmers do not retain the original identity documents of any worker. Where farmers are legally required to hold documents, they shall provide secure storage, protected from unauthorized access, and ensure workers have access to their original identity documents upon end of employment.
- Where labor contractors are used, farmers verify their labor practices and ensure they're in line with the standards stated in this Code.
- The farmer does not employ prison or compulsory labor.

## ALP Code Principle 5: Safe Work Environment

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*Farmers shall provide a safe work environment to prevent accidents and injury and to minimize health risks. Accommodation, where provided, shall be clean, safe and meet the basic needs of the workers.*

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### Measurable Standards

- The farmer provides a safe and sanitary working environment, and takes all reasonable measures to prevent accidents, injury and exposure to health risks.
- No person is permitted to top or harvest tobacco, or to load barns unless they have been trained on and taken adequate protection to avoid green tobacco sickness.
- No person is permitted to use, handle or apply crop protection agents (CPA) or other hazardous substances such as fertilizers, without having first received adequate training and without using the required personal protection equipment. Persons under the age of 18, pregnant women, and nursing mothers must not handle or apply CPA.
- No person enters a field where CPAs have been applied unless and until it is safe to do so.
- Every person has access to clean drinking and washing water close to where they work and live.
- Accommodation, where provided, is clean, safe, meets the basic needs of workers, and conforms to the country's laws.

## ALP Principle 6: Freedom of Association

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*Farmers shall recognize and respect workers' rights to freedom of association and to bargain collectively.*

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### Measurable Standards

- The farmer does not interfere with workers' right to freedom of association.
- Workers are free to join or form organizations and unions of their own choosing and to bargain collectively.
- Worker representatives are not discriminated against and have access to carry out their representative functions in the workplace.

## ALP Principle 7: Terms of Employment

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*Farmers shall comply with all laws of their country relating to employment.*

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### Measurable Standards

- At the time of hire, farmers have informed workers of their legal rights, the essential aspects of the work relationships and work place safety such as work to be performed, working hours, wages paid, period of hire, and all legally mandated benefits.
- Farmers and workers have entered into written employment contracts when required by a country's laws and workers receive a copy of the contract.
- Terms and conditions of employment contracts do not contravene the country's laws.

## Appendix IV – Summary of the Legal Information Questionnaire

### Principle 1 – CHILD LABOR

#### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
Minimum age for admission to work is <b>not less than age for completion of mandatory schooling</b>		√		Compulsory education is 9 years from 7-16 years old. Thus the <b>16 years old</b> is greater than the minimum age for employment at 15 set by the ALP Code.
In any case, minimum age for admission to work is <b>not less than 15 years OR the minimum age provided by law, whichever offers greater protection</b>	√			An employer is prohibited to employ any employee under the age of 15.  Therefore because compulsory schooling is until 16 the ALP standard will prevail as it offers the greatest protection.
<b>No person under 18</b> involved in hazardous work	√			An employer is prohibited from employing a child employee aged under 18 to perform any listed hazardous works.
A child may only help on the family farm if it is light work AND if the child is <b>between 13-15 years OR above the minimum age</b> for light work defined by law, which ever affords greater protection	N/A	N/A	N/A	There are not specific rules on this matter.

#### Applicable laws

- The Labour Protection Act B.E. 2541 (1998): <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/49727/125954/F-1924487677/THA49727%20Eng.pdf><sup>10</sup>
  - Section 44 : minimum age for employment
  - Section 45 : notifying of an employment of child employee
  - Section 46 : resting period for child employee
  - Section 47 : prohibited working period for child employee
  - Section 48 : working overtime and working on holidays
  - Section 49 : prohibited works for child employee
  - Section 50 : prohibited workplace for child employee
  - Section 51 : security deposit and paying of wages
  - Section 52 : leave entitlement for child employees

10. The tentative English translation does not include all amendments to the LPA.

- Ministerial Regulation No. 6 (B.E. 2541) (1998) issued under the Labour Protection Act B.E. 2541 (1998): [http://www.labour.go.th/en/attachments/article/18/Labour\\_Protection\\_Act\\_BE2541.pdf](http://www.labour.go.th/en/attachments/article/18/Labour_Protection_Act_BE2541.pdf) (pages 67-68)
- Ministerial Regulation Concerning Labour Protection in Agricultural Work B.E. 2557 (2014): [http://www.labour.go.th/en/attachments/article/338/Ministerial\\_Regulation\\_Concerning\\_Labour\\_Protection\\_in\\_Agricultural\\_Work\\_BE2557.pdf](http://www.labour.go.th/en/attachments/article/338/Ministerial_Regulation_Concerning_Labour_Protection_in_Agricultural_Work_BE2557.pdf)
- National Education Act B.E. 2542 (1999): [http://web.krisdika.go.th/data/outside/outside21/file/NATIONAL\\_EDUCATION\\_ACTB.E.\\_2542.pdf](http://web.krisdika.go.th/data/outside/outside21/file/NATIONAL_EDUCATION_ACTB.E._2542.pdf)

### Your answer

#### **Minimum age for employment (in tobacco)**

- No specific regulation regarding the minimum age for employment in tobacco industry.
- An employer is prohibited to employ any employee under the age of 15<sup>11</sup> including employment for agricultural work.<sup>12</sup>

#### **Age (or ages) limits for compulsory schooling**

- A father, a mother, or any guardians have a duty to ensure a child or a person under custody receives a compulsory education of 9 years (from 7-16 years old) and to receive an education apart from the compulsory education according to the family's availability.<sup>13</sup>
- A person has a right to receive education provided by the State for the duration of 12 years without fees.<sup>14</sup>

#### **Definitions of hazardous work (incl. agricultural activities that constitute hazardous work) as well as any tasks that workers under 18 are specifically prohibited from participating in by law**

- An employer is prohibited from employing a child employee aged under 18 to perform any of the following works<sup>15</sup>:
  - metal smelting, blowing, casting or rolling;
  - metal pressing;
  - work involving heat, cold, vibration, noise and light of an abnormal level which may be hazardous as follows:
    - working in a place where the temperature in the working environment is higher than 45 degrees celsius;
    - working in cold storage in the production or preservation of food by freezing;
    - work using a shaking drill; and
    - work where the noise levels to which the employee is exposed continuously is in excess of 85 decibels (A) for eight working hours a day;

11. Section 44 of the Labour Protection Act B.E. 2541 (1998) ("LPA").

12. Ministerial Regulation Concerning Labour Protection in Agricultural Work B.E. 2557 (2014) ("Ministerial Regulation Concerning Labour Protection in Agricultural Work").

13. Sections 11 and 17 of the National Education Act B.E. 2542 (1999).

14. Section 54 of the Constitution of the Kingdom of Thailand B.E. 2560 (2017).

15. Section 49 of the LPA and Ministerial Regulation No. 6 (B.E. 2541) (1998). It will be necessary to assess the concrete and specific case to determine if the child is or is not involved on any of these activities.

- work involving hazardous chemical substances, poisonous substance, explosive or inflammable material, as follows:
  - production or transportation of any substance that may cause cancer (including 4-Aminodiphenyl, Arsenic, Asbestos, Benzene, Beryllium, Benzidine, bis (chloromethyl) ether, (Cr Vi) (Chromium Cr Vi compound), Coal tar pitch volatile, B-Naphthylamine, Nickel sulfide, Vinyl chloride, and/or Zinc chromate);
  - work involving cyanide;
  - production or transportation of fares, fireworks or other explosives; and
  - exploration, drilling, refining, filling or loading of fuel oil or gas, except for work in a fuel station;
- work involving poisonous microorganism which may be a virus, bacterium, fungus, or any other germs as follows:
  - work performed in a diagnostic labouratory;
  - taking care of a patient with a contagious disease under the law governing contagious diseases;
  - cleaning of a patient's utensils and clothing in a medical establishment; and
  - collection transportation, or disposal of rubbish or waste in a medical establishment;
- work involving poisonous substances, explosive or inflammable material, other than work in a fuel service station as follows:
  - production or transportation of any substance that may cause cancer according to the list attached hereto;
  - work involving cyanide;
  - production or transportation of fares, fireworks or other explosives; and
  - exploration, drilling, refinery, filling or loading of fuel oil or gas, except for work in a fuel station;
- driving or controlling a forklift or a crane operated by an engine or electricity, regardless of the manner of driving or control;
- work using as electric or motor saw;
- work that must be done underground, underwater, in a cave, tunnel or mountain shaft;
- work involving radioactivity;
- cleaning of machinery or engines while in operation;
- work which must be done on scaffolding 10 meters or more above the ground

## Principle 2 – INCOME AND WORK HOURS

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
Wages of all workers meet, at a minimum, national legal standards or agricultural benchmark standards.	√			Currently, the national minimum wage set out varies between THB 328 to THB 354 per day depending on the location of work (provinces) <sup>16</sup> . These current rates have been effective from 1 October 2022.
Wages of all workers are paid regularly, at a minimum, in accordance with the country's laws.	√			
Work hours are in compliance with the country's laws.	√			
Excluding overtime, work hours do not exceed, on a regular basis, 48 hours per week.	√			There are 2 types of working hours, i.e. the normal working hours and overtime.  The normal working hours shall not exceed 48 hours per week, while the overtime working hours shall not exceed 36 hours per week.  Please note the overtime shall include overtime on normal working day, holidays, and overtime on holidays.
Overtime work hours are voluntary	√			Overtime work is subject to the request of the employer and employee's consent to the request.
Overtime wages are paid at a premium as required by the country's laws or by any applicable collective agreement.	√			
All workers are provided with the benefits, holidays, and leave to which they are entitled by the country's laws.	N/A			The law is not applicable for agriculture daily (temporary) worker

16. Notification of the National Wage Committee (No. 11). According to the Notification of the National Wage Committee (No. 11), the minimum wage for Roi-Et is THB 335 per day and for Sukhothai is THB 332 per day.

### Applicable laws

- The Labour Protection Act B.E. 2541 (1998): <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/49727/125954/F-1924487677/THA49727%20Eng.pdf><sup>17</sup>
  - Section 5 : definition of wages
  - Section 23 : working hours
  - Section 24 : working overtime
  - Section 27 : rest period
  - Section 28 : holidays
  - Section 32 : sick leave
  - Section 41 : maternity leave
  - Section 61 : overtime wages
  - Section 63 : overtime working on a holiday wages
  - Section 70 : wages and overtime payment
  - Section 130 : employee welfare fund
- Ministerial Regulation No. 3 (B.E. 2541) (1998) Issued under the Labour Protection Act B.E. 2541 (1998): <http://www.ilo.org/dyn/travail/docs/1026/Regulation%20No%203.pdf>
- The Social Security Act B.E. 2533 (1990): [https://www.mol.go.th/wp-content/uploads/sites/2/2019/07/social\\_security\\_act\\_2533\\_sso\\_1.pdf](https://www.mol.go.th/wp-content/uploads/sites/2/2019/07/social_security_act_2533_sso_1.pdf)
- The Emergency Decree on Working Management of the Foreigner B.E. 2560 (2017): [https://www.doe.go.th/prd/assets/upload/files/bkk\\_th/3c35c06309c7e8942a8f6ea363b8b916.pdf](https://www.doe.go.th/prd/assets/upload/files/bkk_th/3c35c06309c7e8942a8f6ea363b8b916.pdf)<sup>18</sup>
- The Workmen's Compensation Act B.E. 2537 (1994): [http://www.mol.go.th/sites/default/files/downloads/pdf/WORKMEN\\_COMPENSATION\\_ACT\\_2537\\_SSO\\_2.pdf](http://www.mol.go.th/sites/default/files/downloads/pdf/WORKMEN_COMPENSATION_ACT_2537_SSO_2.pdf)
- The Royal Decree Re: Naming Occupations and Professions Forbidden to Foreign Individuals B.E. 2522 (1979): <http://www.mol.go.th/en/content/page/6347>
- Ministerial Regulation Concerning Labour Protection in Agricultural Work B.E. 2557 (2014): <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103611/125959/F-182984827/THA103611%20Eng.pdf>
- Notification of the National Wage Committee No. 11

### Your answer

**Laws on regular and overtime wages including laws on in kind payment (e.g. minimum wages, minimum wages agreed with unions, agricultural wage benchmark standards). If a minimum monthly wage is referenced, please indicate how many hours this wage represents**

- Currently, the national minimum wage set out varies between THB 328 to THB 354 per day depending on the location of work (provinces)<sup>19</sup>. These current rates have been effective from 1 October 2022.

17. The tentative English translation does not include all amendments to the LPA.

18. The tentative English translation does not include the amendments according to the Emergency Decree on Working Management of the Foreigner (No. 2) B.E. 2561 (2018)

19. From 1 October 2022 onwards, as stated in the Notification of the National Wage Committee No. 11. According to the Notification of the National Wage Committee (No. 11), the minimum wage for both Roi-Et is THB 335 per day and for Mahasarakham is THB 332 per day.

- There is no specific law or regulation regarding minimum wages agreed with unions.
- The overtime working rates are as follows:
  - 1.5 times the rate of hourly basic pay in normal working hours for overtime on a working day.<sup>20</sup>
  - 1 time addition to the rate of hourly basic pay if such employee is entitled to receive wage on holiday (e.g. monthly employee) or 2 times the rate of hourly basic pay if such employee is not entitled to receive wage on holiday (e.g. daily or weekly employee), for work on a holiday.<sup>21</sup>
  - 3 times the hourly basic pay for overtime on a holiday.<sup>22</sup>
- Wage requirements do not apply for employment in agricultural work of less than a whole year and not requiring performance of the industrial works in continuing to such agricultural works, however, the minimum wage, in practice, has been used as a guideline for wage given to the farmer in any type of agricultural works. In other words, for the employees in agricultural work that are employed for the whole year, the employer must comply with the entire LPA. Now, for the employees in agricultural work that are not employed for the whole year and not required to continue work in related industry to such work, the employer must comply with the LPA in certain provisions as provided under the Ministerial Regulation.<sup>23</sup>
- Payment in kind is not allowed as wages<sup>24</sup> but the employee may receive consideration or benefits other than wages such as housing and transportation. In other words, under Thai law, “wage” can only be in form of money. As such, other in-kind payments shall not be part as the minimum legal wage. Those in-kind payments shall be made on top of the wage.

#### **Wage and hours laws specific to piece rate workers, seasonal workers, and migrant workers**

- There is no specific law or regulation to specify definition, nature, terms and conditions of the piece rate employee. There is not either legal requirements on the payment agreement between the employer and the piece rate employee. Therefore, the general principle is that the employer and the employee can agree regarding the wage on piecework basis independently and voluntarily.
- However, as per the consultation with the relevant local authority, even though there is no legal requirement on specifying wage rate per piecework, in practice an employee working a whole day under a piecework agreement shall not get less than the national minimum wage rate calculated on daily basis<sup>25</sup> (approximately THB 328-354 per day). Notification of the National Wage Committee (No. 11). According to the Notification of the National Wage Committee (No. 11), the minimum wage for Roi-Et is THB 335 per day and for Sukhothai is THB 332 per day.
- In addition and as mentioned under other sections of this document, the Section 90 of the LPA is not applicable to the employees in agricultural work that are not employed for the

20. Section 61 of the LPA.

21. Section 62 of the LPA. Holiday means weekly holiday, traditional holiday, public holiday or annual holiday.

22. Section 63 of the LPA.

23. Ministerial Regulation Concerning the Labour Protection in Agricultural Work.

24. Section 5 of LPA.

25. Section 90 of the LPA.

26. Ministerial Regulation Concerning the Labour Protection in Agricultural Work.



whole year, and there are not required to continue work in related industry to such work.<sup>26</sup>

**Other specific rules applicable to migrant workers including any legal requirements to ensure they are legally permitted to work**

- In order to perform any type of work in Thailand, whether remunerated or not, any person who is not a Thai national must first obtain a visa to enter Thailand and a work permit to reside and work in Thailand.
- A foreign employee must obtain a non-immigrant “B” visa from a Thai embassy or Consulate in his or her home country.
- The employer may apply for a work permit while the foreign employee is still outside Thailand; however, the work permit will not be granted until the foreign employee attends the Labour Office, in Thailand, in person. Once completed, the application will be submitted to the Ministry of Labour. When the foreign worker obtains a work permit, such work permit shall specify the specific name of employer, place of work, scope of work, etc. Subject to the provisions of the laws, the permitted foreign workers may perform any non-prohibited works. A change of employer shall be notified to the registrar<sup>27</sup>. Now, please note that the agricultural works (except works requiring expertise, specialized work, or farm supervision work) are prohibited for foreign workers.
- The legal requirements for migrants to legally permit to work are<sup>28</sup>:
  - Having the place of residence in the Kingdom or has been permitted to enter into Thailand temporarily under the immigration law;
  - Having the knowledge and/or skill to perform the work as stated in the application for a work permit;
  - Not being insane or mentally sick;
  - Not being sick of leprosy, tuberculosis, lymphatic filariasis, drug addiction, alcoholism, and latent syphilis;
  - Not having been imprisoned due to a violation of an immigration law or a working management of the foreigner law within one year of applying for a work permit; and
  - Not applying for work in any of the 39 reserved occupations.<sup>29</sup>
- As said above, agricultural works (except works requiring expertise, specialized work, or farm supervision work)<sup>30</sup> are prohibited for migrant workers.

**Laws on payment of wages relevant to the frequency of payment in agriculture, for example, laws on whether end of season one-time payments are permissible**

- Where wages are calculated on a monthly, daily or hourly basis; on the basis of another period of not more than one month; or on a piecework basis, payment of wages shall be made at least once a month, unless otherwise agreed in favour of the employee.<sup>31</sup>
- In case of overtime, holiday pay and holiday overtime pay, they must be paid not less than once a month.<sup>32</sup> In other words, the law requires that the overtime, holiday pay and holiday

27. Section 64/2 of the Emergency Decree on Working Management of the Foreigner B.E. 2560 (2017).

28. Section 59 of the Emergency Decree on Working Management of the Foreigner B.E. 2560 (2017).

29. As stated in the Royal Decree B.E. 2522 (1979).

30. Examples for exception are farmer, agronomist, agriculturist etc.

31. Section 70 (1) of the LPA.

32. Section 70 (3) of the LPA.

overtime shall be made at least once a month and generally, these payment shall be paid together with the monthly salary payment. However, if the wages are calculated other than the aforementioned method (such as, the seasonal workers where their employment period is 2 months or more, and their wages shall be calculated one time when their employment contract is terminated), payment shall be made at a time agreed between the employer and the employee.<sup>33</sup>

- Where wages are calculated otherwise, payment must be made at a time agreed between employer and employee.
- As said above, overtime, holiday, and holiday overtime pay must be paid in not less than one month. Worthy to clarify that the law does not require specifically that these payments must be paid at the same time as the salary. However, as also said, they must be paid once a month and in normal cases, these payments shall be paid on top of the salary and they are usually paid at the same time as the salary.
- Where the employer terminates the employment of an employee, the employer shall pay wage, overtime pay, holiday pay and holiday overtime pay to an employee entitled to receive such pay, within three days from the date of termination of the employment.

**Laws on regular and overtime hours (e.g. maximum work hours, requirements for overtime hours to be voluntary)**

- The minimum wage is calculated on daily basis, the number of working hour in a day is based on an agreement between the employer and the employee. However, in principle, the working time “per day” in respect of the minimum wage is 7 hours for works that are harmful to health, and 8 hours for other works.
- There are no specific laws and regulations to specify or explain regarding harmful work related to tobacco task. Therefore, the employer needs to consider the nature of works, and define whether the workers are or not engaged/involved in any of the general types of harmful work. If the worker is engaged/involved in harmful work, then as said the working hours shall be 7 hours, if the work is not harmful then the working hours shall be 8 hours.<sup>34</sup>
- Based on the legal practice and further reviews with the labour authorities, it is unusual for the employer to split the working for 2 types of works in a day, i.e. 6 hours for harmful work and 2 hours for non-harmful work. Therefore, as mentioned below, the normal working hours need to be fixed in the first place.

33. Section 70 (2) of the LPA.

34. Pursuant to Section 23 of the LPA, “... Unless the work which may be harmful to health and safety of the employees as prescribed in the Ministerial Regulation for which the normal working hours shall not exceed 7 hours per day and the total working hours per week shall not exceed 42 hours...” By virtue of Section 23 mentioned above, the Ministerial Regulation No.2, B.E. 2541 (1998) issued under the LPA (MR No.2) is issued to prescribe work which may be harmful to health and safety of the employee where the employee cannot work for more than 7 hours per day, namely: 1) Work that must be done underground, underwater, in a cave, tunnel or confined space. 2) Work involving radioactivity. 3) Metal welding. 4) Transportation of hazardous materials. 5) Production of hazardous chemical substances. 6) Work using equipment or machine which cause the operator effected from vibration. 7) Work involving heat or cold in extreme level which may be harmful. Provided that the nature of the works is of high risk of harm or the working environment is exceeding the safety standards prescribed in the ministerial regulation issued under the Occupational Safety, Health and Environmental Act B.E. 2554 (2011), which the working place cannot be improved and that the protection equipment must be provided to the employee.

In addition, the following shall be considered:

- The employer is required to announce the normal working hours to the employee, by specifying the times of commencement and ending of work for each work day, which must not exceed the working hours for each type of work.<sup>35</sup>
- The maximum work hours must not exceed 8 hours per day.
- If the working time of any working day is less than 8 hours, the employer and the employee can agree to add the working time on another working day not exceeding 9 hours per day.
- The total number of working hours in one week must not exceed 48 hours per week.<sup>36</sup>
- General limitations on regular and overtime working hours do not apply where the employer does not employ the employee for the whole year and does not require the employee to perform the industrial works in continuing to such agricultural works. In other words, if the employer employs the employee only for a season period and the employee doesn't need to do industrial works in continuing to such agricultural works, the employer is not subject to certain provisions of the LPA, e.g. working hours, which means that there is no legal requirement on the maximum working hours or overtime in this regard.
- The hours for overtime on normal working days and working hours on holidays, including overtime working hours on holidays, must not exceed 36 hours per week.<sup>37</sup>

#### **Requirements that employers must meet to request overtime from workers**

- The employer must obtain the employee's prior consent for causing the employee to work overtime on each occasion.<sup>38</sup>

#### **Laws on basic entitlements or benefits to be paid to workers (e.g. social security, health care, holidays, other leave entitlements etc.)**

- Holiday:
  - The employee in agricultural work is entitled to receive paid holiday as equivalent to 3 or more workdays for work for a period of 180 consecutive days, if the employee works less than 180 consecutive days he/she are not entitle to this right.
  - The employee who is employed for the whole year is also entitled to receive paid holiday equivalent to 6 or more workdays for work of a period of 1 year.
- Sick leave:
  - The employee is entitled to sick leave with pay as long as the employee is actually sick for not more than 15 days.<sup>39</sup>
  - The employees employed for the whole year are entitled to sick leave with pay for not more than 30 days per year. If they are employed for less than a year (employees for shorter terms) are only entitled to sick leave with pay but not more than 15 days per years, while as said the employees for whole year are entitled for not more than 30 days.

35. Section 23 of the LPA.

36. The maximum normal working hours of 48 hours per week do not include overtime. Please note that the law requires the normal working hours must not exceed 8 hours per day and 48 hours per week. Nevertheless, it also depends on how the employment agreement is made on the normal working hours. If the employment agreement sets out the normal working hours at 8 hours per day with 5 days per week, then the total normal working hours shall be 40 hours per week. The additional hours would be considered as overtime.

37. Pursuant to Ministerial Regulation No. 3 (B.E. 2541) (1998) issued under Section 26 of the LPA.

38. Section 24 of the LPA.

39. Clause 7 of the Ministerial Regulation Concerning Labour Protection in Agricultural Work.

- Maternity leave:
  - The agricultural employee is entitled to 90 days of maternity leave with 45 days paid. The regulations concerning maternity leave shall apply to all employee regardless the length/nature of the employment, whether it is permanent employee or temporary/seasonal employee.<sup>40</sup>
- Social security:
  - The employee entitled to social security benefits.<sup>41</sup> Due to the law on Social Security shall not apply to some type of employees as prescribed in the Royal Decree, this is including the agricultural workers who is not employed for the whole year, and temporary/seasonal workers, therefore the social security benefits are based on the terms of the employment. If it is not for the whole years, as it's made on temporary/seasonal basis during the years, and such employees are not required to perform other works apart from agricultural work, such employees shall not be entitled for social security benefits under Thai law.<sup>42</sup>
- Welfare fund:
  - The employee is entitled to benefits under employee welfare fund, if any.<sup>43</sup> The employee welfare fund is a fund established in the Department of Labour Protection and Welfare. The employees of a business operation with more than 10 employees shall be members of the employee welfare fund, unless the employer has provided a provident fund for the employees under the law on provident fund. The welfare fund generally applies to all employees who are the member of the fund. Now, there is no specific welfare fund for tobacco industry.
- Workmen's Compensation:
  - The employee is entitled to workmen's compensation benefits.<sup>44</sup> The benefits under workmen's compensation is meant to indemnity, medical expense, rehabilitation expense and funeral expense. The indemnity is calculated for monthly basis. Medical expense and rehabilitation are fixed rate as prescribed in ministerial regulation; and funeral expense is calculated for daily basis.
- Welfare fund and Workmen's compensation benefits are not applicable to employees in agricultural work for a term of less than a whole year and where the employee is not required to perform industrial tasks for the agricultural work.

40. Pursuant to clause 4 of the Ministerial Regulation concerning Labour Protection in Agricultural Work, for the employee who is not employed for the whole year and is not required to continue to work in related industry, the employer shall comply with Section 41 (Maternity leave) and Section 49 (Maternity leave with pay) under the LPA.

41. Under the Social Security Act B.E. 2533 (1990).

42. Pursuant to Section 4(4) of the Social Security Act B.E.2533 (1990) and the Royal Decree Re: Specifying the Businesses or the Employees who are not subject to the Law on Social Security B.E.2560 (2017).

43. Established by Labour Department under Section 130 of the LPA.

44. Under the Workmen's Compensation Act B.E. 2537 (1994).

## Principle 3 – FAIR TREATMENT

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
No physical abuse, threat of physical abuse, or physical contact with the intent to injure or intimidate	√			Forced Labor and Human Trafficking is under protection of Indonesian Law, and all Indonesian citizens shall be equal before the law.  For the enforcement and protection of human rights in accordance with the principle of a democratic state based on law, the execution of human rights shall be guaranteed, regulated, and set out in statutory rules and regulations.
No sexual abuse or harassment	√			
No verbal abuse or harassment	√			
No discrimination on the basis of race, color, caste, gender, religion, political affiliation, union membership, status as a worker representative, ethnicity, pregnancy, social origin, disability, sexual orientation, citizenship, or nationality	√			
Worker access to fair, transparent and anonymous grievance mechanism	√			Thailand's government provide "hot line" number which accessible for all Thailand worker, which advertised in the website of the Ministry of Labor.

### Applicable laws

- The Labour Protection Act B.E. 2541 (1998): <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/49727/125954/F-1924487677/THA49727%20Eng.pdf><sup>45</sup>
  - Section 15 : equal treatment
  - Section 16 : sexual harassment
  - Section 53 : equal payment
  - Section 123 : labour inspector
- Criminal Code: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/82844/91016/F929179956/THA82844.pdf>
- Civil and Commercial Code: [http://thailaws.com/law/t\\_laws/TCCC-book2.pdf](http://thailaws.com/law/t_laws/TCCC-book2.pdf)
- Act on Establishment of Labour Courts and Labour Court Procedure B.E. 2522 (1979): <http://asean.org/storage/2016/08/Thailand031.pdf>

45. The tentative English translation does not include all amendments to the LPA.

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*Your answer*

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**Laws defining and prohibiting physical, sexual, or verbal threats, abuse, contact, or harassment**

- The employer, a chief, a supervisor, or a work inspector is prohibited from committing sexual abuse, harassment or nuisance against the employee.<sup>46</sup>
- Causing physical or mental injury to other person, as well as sexual harassment or abuse, are criminal liabilities.<sup>47</sup>

**Laws defining and prohibiting discrimination**

- Discrimination with regard to gender is prohibited.<sup>48</sup>
- The employer is required to treat male and female employee equally in their employment unless the nature or conditions of the work does not allow the employer to do so.
- For the work of the same nature, quality, and quantity or of the same value, the wages fixed by the employer shall be equal, whether the employee is male or female.<sup>49</sup>
- Any unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, physical or health condition, person status, economic or social standing, religious belief, education, or Constitutional political views shall not be permitted.

**Protection of workers from discrimination (workers' rights and employers' obligations)**

- Protection from discrimination is a constitutional right, all persons enjoy equal protection under the law.

**Laws on resources for victimized workers including any access to grievance mechanisms**

- The employee who is injured, harassed or abused can claim compensation of the damage caused by the wrongful act.<sup>50</sup>
- The abused/harassed employee is entitled to file a claim in the Labour Court against the employer or claim for compensation in the Civil Court.

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46. Section 16 of the LPA.

47. Under the Criminal Codes, provided all elements of the offence are satisfied.

48. Section 15 of the LPA.

49. Section 53 of the LPA.

50. Section 420 of the Civil and Commercial Code.

**Principle 4 – FORCED LABOUR AND HUMAN TRAFFICKING**

## Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
No work under bond, debt or threat	√			
Workers must <b>receive wages directly</b> from the employer.	√			
Workers are <b>free to leave their employment</b> at any time with reasonable notice, without threat or penalty	√			
Workers are <b>not required to make financial deposits</b> with farmers, labour contractors, or any other third party at the time of recruitment or at any point during employment	√			Generally, employer is not allowed to collect deposits, either in the form of money or other property, except for the case that the work of the employee involves money or property of the employer and which may create damages to the employer.
Workers are not charged recruitment fees or other related fees for their employment by labour contractors	N/A	N/A	N/A	There are not specific rules on this matter.
<b>Wages or income from crops and work done are not withheld</b> beyond the legal and agreed payment conditions.	√			
<b>Farmers do not retain the original identity documents</b> of any worker	√			There is legal requirement that the holder of identity card needs to keep such card pursuant to the Identity Card Act B.E.2526 (1983). If the identity card holder fails to show his/her identity card when requested by the official, he/she shall be fined.
<b>Where farmers are legally required to retain the original identity documents of workers, they provide secure storage protected from unauthorized access and ensure workers have access to their documents upon end of employment</b>	√			From 1 June 2022 onwards, the Personal Data Protection Act B.E. 2562 (2019) has become effective. The collection, processing and use of personal data is required to comply with such law.

<b>Where labour contractors are used, farmers verify their labour practices and ensure they are in line with the ALP standards</b>	N/A	N/A	N/A	<p>In practice, there are labour contractors active in Thailand. However, this section is N/A because there is no legal requirement for farmers to verify their labour practices and ensure they are in line with the ALP standards.</p> <p>Please also note that in labour contractors, the workers, the employer of the labour contractors shall also be regarded as the employer of the workers and liable as the employer under the law.</p>
<b>No employment of prison or compulsory labour</b>	N/A	N/A	N/A	<p>There are not specific rules on this matter.</p>

### Applicable laws

- The Labour Protection Act B.E. 2541 (1998)
- <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/49727/125954/F-1924487677/THA49727%20Eng.pdf> The Criminal Code
- <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/82844/91016/F929179956/THA82844.pdf> Recruitment and Job Seeker Protection Act B.E. 2528 (1985):
  - <http://www.thailawforum.com/laws/Employment%20and%20Job%20Seeker.pdf>
- Identity Card Act B.E.2526 (1983)

### Your answer

#### **Legislation on forced labour (including any regulation on identity document retention or wage withholding)**

- Extortion of another person is prohibited and criminalized as is doing or not doing any act causing another to suffer something by putting another in fear of injury to life, body, liberty, reputation or property of that person or of another.<sup>51</sup>

#### **Legislation relating to limits or prohibitions on recruitment fees and deposits workers may be required to pay**

- There is currently no specific law on this issue.

#### **Legislation regulating the operation of labour brokers and other third party recruiters**

- An operator who performs recruitment services requires a license.

#### **Laws on prison labour**

- There is currently no specific law on prison labour.<sup>52</sup>

51. Section 309 of the Criminal Code.

52. From the Department of Employment, Ministry of Labour, under the Recruitment and Job Seeker Protection Act B.E. 2528 (1985).



## Principle 5 – SAFE WORK ENVIRONMENT

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
Farmers provide a safe and sanitary working environment	√			An employer must be responsible for the working environment, including the health and safety of its employees.
Farmers take all reasonable measures to prevent accidents, injury and exposure to health risks.	√			
No person is permitted to top or harvest tobacco, or to load barns unless they have been trained on avoidance of green tobacco sickness.	N/A	N/A	N/A	There are not specific rules on this matter.
No person is permitted to use, handle or apply crop protection agents (CPA) or other hazardous substances such as fertilizers, without having first received adequate training.	√			
No person is permitted to use, handle or apply crop protection agents (CPA) or other hazardous substances such as fertilizers, without using the required personal protection equipment.	√			
Persons under the age of 18, pregnant women, and nursing mothers must not handle or apply CPA.	√			The restriction on CPA use or handling is applicable for the child employee under 18 years old. There are no specific law about pregnant woman, and nursing handling CPA
No person do not enter a field where CPA have been applied unless and until it is safe to do so.	√			
Every person has access to clean drinking and washing water close to where they work and live.	√			
Accommodation, where provided, is clean, safe, meets the basic needs of workers, and conforms to the country's laws.	√			

### Applicable laws

- Labour Protection B.E. 2541 (1998): <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/49727/125954/F-1924487677/THA49727%20Eng.pdf>
- Occupational Safety, Health, and Environmental Act B.E. 2554 (2011): [http://web.krisdika.go.th/data/outside/outside21/file/OCCUPATIONAL\\_SAFETY,\\_HEALTH,\\_AND\\_ENVIRONMENT\\_ACT,B.E.\\_2554.pdf](http://web.krisdika.go.th/data/outside/outside21/file/OCCUPATIONAL_SAFETY,_HEALTH,_AND_ENVIRONMENT_ACT,B.E._2554.pdf)

- Ministerial Regulation Re: the Occupational Safety Health and Environment B.E. 2549 (2006)
- Notification of Department of Labour Protection and Welfare Re: Prescribing of Standard of Personal Protective Equipment B.E. 2554 (2011)
- Ministerial Regulation Re: Prescribing of Standard for Administration and Management of Occupational Safety, Health and Environment in relation to Hazardous Chemicals, B.E. 2556 (2013)
- Ministerial Regulation Re: Prescribing of Criteria and Method of Conducting Health Check Up of Employees and Forwarding the Results of Health Check Up to Labour Inspector B.E. 2547 (2004): <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/96400/113906/F-417775404/THA96400%20Eng.pdf>
- Hazardous Substance Act B.E. 2535 (1992): [https://www.jetro.go.jp/thailand/e\\_activity/pdf/hazsubact2535.pdf](https://www.jetro.go.jp/thailand/e_activity/pdf/hazsubact2535.pdf)
- Ministerial Regulation Concerning Labour Protection in Agricultural Work B.E. 2557 (2014): [https://www.labour.go.th/en/attachments/article/338/Ministerial\\_Regulation\\_Concerning\\_Labour\\_Protection\\_in\\_Agricultural\\_Work\\_BE2557.pdf](https://www.labour.go.th/en/attachments/article/338/Ministerial_Regulation_Concerning_Labour_Protection_in_Agricultural_Work_BE2557.pdf)

Your answer

**Requirements for provision of medical protection (availability of first aid kit, health & safety training etc.)**

- The employer must:
  - Be responsible for the working environment, including the health and safety of its employees.<sup>53</sup>
  - Arrange to have qualified safety officers at different levels (e.g. supervisory level and management level) stationed in the workplace for conducting safety work as required under the relevant regulations.<sup>54</sup>
  - Inform the employee of danger which may arise out of work.<sup>55</sup>
  - Distribute the work manual to every employee before commencing work.<sup>56</sup>
  - Change work or change workplace with the working condition or environment that may be harmful.<sup>57</sup>
  - Provide an occupational safety, health and environment training to be attended by executives, supervisors and employees.<sup>58</sup>
  - Post warning symbols and occupational safety, health and environment signs including the statement on rights and duties of the employer and employees.<sup>59</sup>
  - Provide for and control the employees to wear standard personal protective equipment.<sup>60</sup>

53. Occupational Safety, Health and Environmental Act B.E. 2554 (2011) (“OSHEA”).

54. Section 13 of the OSHEA.

55. Section 14 of the OSHEA.

56. Section 14 of the OSHEA.

57. Section 14 of the OSHEA.

58. Section 16 of the OSHEA.

59. Section 17 of the OSHEA.

60. Section 22 of the OSHEA.

- A business operation with 50 or more permanent employees (no seasonal workers), registered at employer payroll, is required<sup>61</sup>:
  - To set up a welfare committee on its business premises, comprising at least five employee representatives, whose duties are to discuss employees' welfare with the employer and make proposals on welfare to a government body.<sup>62</sup>
  - To hold meetings between the employer and the welfare committee at least once every 3 months.<sup>63</sup>

#### **Requirements to report accidents and injuries**

- Where there is a severe accident in any workplace or the employee encounters danger from work the employer must<sup>64</sup>:
  - Report to the safety inspector immediately where death occurs by telephone, facsimile, or any other means with sufficient details and report the details/cause in writing within seven days from the date of death.
  - Report to the safety inspector immediately by telephone, facsimile or any other means where the workplace is damaged or has to stop the production process or there is any person in the workplace who encounters danger or injury as a result of fire, explosion, leakage or other severe accident and report in writing to specify the cause of the dangers, damages or injuries, corrective and preventive measures to prevent any recurrence within 7 days from the incident date.
  - Submit a copy of the report submitted to the Social Security Office to the safety inspector within 7 days where the employee encounters danger or illness.<sup>65</sup>
- These regulations are general rules to be applied to all of work place where there are hiring the employee.

#### **Requirements for green tobacco sickness training or awareness**

#### **Requirements for PPE needed for using, handling, storing, or disposing of crop protection agents (CPA). This may vary depending on the CPA in question.**

- The employer must provide for and control the employees to wear standard personal protective equipment (PPE)<sup>66</sup> and is also obligated to wear the equipment.
- If the employee does not wear PPE, the employer shall order the employee to cease working until they wears such equipment. There is the notification of Department of Welfare and Labour Protection re: Determination standard of personal protective equipment, which specifies the standard of PPE, but there are no different provisions provided for tobacco related task.

61. Section 96 of the LPA.

62. The Committee on Labour Welfare.

63. As prescribed in Section 98 of the LPA.

64. Section 34 of the OSHA.

65. According to the Workmen's Compensation Law.

66. Section 22 of the OSHA.

- CPA handling can be considered a “risk-factor-related work”<sup>67</sup> for which the employer is required to arrange health examinations for the employees within 30 days from the first day of employment and subsequent health check-ups at least once a year. This regulation does not specifically specify kind of workers involved in CPA. However, in order to conform to the law, whereas CPA handling can be considered a risk-factor-related work, all workers involved in CPA should be required to conduct health examination arranged by the employer.

**Restrictions on CPA use, handling, storing, or disposing (e.g. restrictions on vulnerable population such as under 18s, pregnant women, nursing mothers interacting with CPA)**

- It is prohibited to have the child employees under 18 years old performing the works involving hazardous chemical substances such as CPAs.<sup>68</sup>

**Other legislation related to CPA, (e.g. where they may be stored or transported, explicit restrictions on specific CPAs, weather conditions under which CPA application may or may not occur, other restrictions limiting contact or exposure with CPA)**

- There are specific procedures for notifying of product information, product registration, notifying or licensing for manufacturing, import, export or possession, or substance bans.
- Operators must also comply with criteria for labelling, rules and conditions for manufacturing and storage.<sup>69</sup>

**Requirements related to providing drinking water and safe housing**

- The employer shall provide adequate hygienic drinking water.<sup>70</sup> There no specific requirement in this regard for tobacco related activities. As discussed with the employer, the employer will consider the appropriateness and the necessity on a case by case basis.

**Requirements for worker accommodation if provided**

- It is not compulsory to provide accommodation to the agricultural employees. There is no any legal requirement regarding the quality of house where the employer shall provide for workers.
- Where the employee lives with the employer, the employer must provide a clean, hygienic and safe accommodation to the employee.<sup>71</sup> The regulation broadly specifies that the house shall be, at least, clean, hygienic and safe. There are no regulations provide specific requirement on standard of house for the agricultural employees. However, please note that ‘the house’ shall be considered as the building which is subject to the law on building control, therefore the house’s standard shall be at least in accordance with such law e.g. there shall have properly bathroom and lavatory.

**Restrictions on farm equipment (e.g. maintenance and licensing for operators)**

- There is no specific laws on the licensing of farm equipment although certain equipment may be regulated and require a license, such as chain saws and hazardous substances. Please see Hazardous Substances List<sup>72</sup>, if there are any hazardous substance as prescribe in this link used in tobacco activities, the license is required.

67. Under the Ministerial Regulations Re: Prescribing of Criteria and Method of Conducting Health Check Up of Employees and Forwarding the Results of Health Check Up to Labour Inspector B.E. 2547 (2004).

68. Section 49(4) of the LPA.

69. Regulated by the Department of Agriculture under the Hazardous Substance Act B.E. 2535 (1992).

70. Pursuant to the Ministerial Regulation Concerning Labour Protection in Agricultural Work.

71. Pursuant to the Ministerial Regulation Concerning Labour Protection in Agricultural Work.

72. See <http://www.chemtrack.org/Law/MOL-2556.pdf>.

## Principle 6 – FREEDOM OF ASSOCIATION

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
Farmers do not interfere with workers' right to freedom of association.	√			
Workers are free to join or form organizations and unions of their own choosing.	√			
Workers are free to bargain collectively.	√			
Worker representatives are not discriminated against.	√			
Worker representatives have access to carry out their representative functions in the workplace.	√			

### Applicable laws

- The Labour Relation Act B.E. 2518 (1975): [http://www.mol.go.th/sites/default/files/images/other/labourRelation2518\\_en.pdf](http://www.mol.go.th/sites/default/files/images/other/labourRelation2518_en.pdf)

### Your answer

#### Laws on organizing unions and their operation (e.g. protections in place for freedom of association, protection against employer interference)

- The employees have the right to establish the labour union.<sup>73</sup>
- A person who has the right to establish the labour union must be the employees working for the same employer, or the employees in the same description of work, sui juris and of Thai nationality.<sup>74</sup>
- The employees, the employee representatives, committee or sub-committee members, members of the labour union or of the labour federation involved in any demands must not encourage or cause a strike.<sup>75</sup>
- Where the labour union participates in negotiation with the employer or employers' association, strikes, clarification or publication of labour dispute facts, or peaceful rallies, it is not liable for criminal charges or civil actions against it unless it causes harm to the public, a person's life or body, liberty, reputation or property.<sup>76</sup>
- The number of the employees who are members of the labour union must not be less than 1/5 of the total number of the employees.<sup>77</sup>

73. Under the Labour Relation Act B.E. 2518 (1975) ("LRA")

74. Section 88 of the LRA

75. Section 31 of the LRA

76. Section 99 of the LRA.

77. Section 15 of the LRA.

### **Laws or requirements for collective bargaining**

- The demand for an agreement relating to conditions of employment must be submitted in writing by either the employer or the employee to the other.<sup>78</sup>
- Where the employer submits a demand, it must:
  - Specify the names of negotiation participants by either self-nomination or representative nomination of a director, shareholder, partner or regular employee, committee member of employer's association or federation.
  - Not exceed 7 persons as nominated representatives.
- Where the employees submit a demand, they must:
  - Specify the names with signatures of employees involved in the demand (not less than 15% the total number of the employees in the enterprise).
  - Specify not more than 7 names of negotiation representatives where these are elected.
- A labour dispute occurs when the employees and the employer fail in negotiating the proposed the demands and the officer must be notified within 24 hours of either the expiration of the negotiation prescription period or the moment that the negotiation has failed.
- Any conciliation by the officer has a limited period of 5 days.
- Where the officer is unable to resolve a dispute it will be passed on to arbitration by the Labour Relation Committee.
- Lockouts or strikes can be carried out with a requirement of a prior 24-hour notice and if the demands have been validly submitted, have not been met by the opposing party and are not pending arbitrational award.

### **Laws related to worker representatives (e.g. requirements for representatives to be in place, protection from discrimination, access to carry out functions in workplace)**

- The labour union must have a Committee to carry out its activities and act as representative of the labour union in dealing with any third person.<sup>79</sup>
- The Committee may entrust one or several Committee members to act on its behalf and may appoint a Sub-committee to carry our any work as entrusted.
- Person eligible for election or appointment as a member of the Committee or Sub-Committee must:
  - be a member of the labour union;
  - have Thai nationality by birth; and
  - be at least 20 years old.
- During the course of negotiation, conciliation or arbitration of demands, the employer must not dismiss or transfer from duty of any employee, representative of the employee, committee members or sub-committee or members of the labour union or that of the labour federation involved in the demand; unless such persons<sup>80</sup>:
  - perform their duties dishonestly or intentionally commit a criminal offense against the employer;

78. Section 13 of the LRA.

79. Sections 100-101 of the LRA.

80. Section 31 of the LRA.

- intentionally cause damage to the employer;
- violate a rule, regulation or lawful order of the employer after a written warning or caution is given by the employer, except in a serious case where the employer is not required to give a warning or caution, provided that such rules, regulations or orders have not been issued for the purpose of preventing the carrying out of demands; or
- neglect their duties for 3 consecutive days without justifiable reason.
- The employee who is a committee member of the labour union has the right to take leave for conducting the activities of the labour union in a negotiation, conciliation and arbitration of labour dispute, and for attending any meetings as specified by a government agency with advance notice to the employer and presentation of relevant evidence.<sup>81</sup>
- Leaves of representatives for conducting the activities of the labour union are to be regarded as a working day for that employee.<sup>82</sup>

#### **Other prohibitions on union discrimination and employer interference**

- The employer is prohibited to cause any discrimination by<sup>83</sup>:
  - Terminating the employment of or taking any action which may result in an employee, a representative of an employee, a committee member of the labour union being to be unable to continue working, as a result of their union operations.
  - Terminating the employment of or taking any action which may result in the employee being unable to continue working because such employee is a member of the labour union.
  - Preventing the employee from becoming a member of the labour union or causing the employee to resign from membership of the labour union by giving or agreeing to give money or property to the employee or the official of the labour union in order to induce the employee to refrain from applying or to induce the official to refuse the application for membership or to induce resignation from membership of the labour union.
  - Preventing the labour union from conducting its affairs or preventing the employees from exercising their rights to become members of the labour union.
  - Interfering with the operation of the labour union without lawful authority.

81. Section 102 of the LRA.

82. Section 102 of the LRA.

83. Section 121 of the LRA.

## Principle 7 – TERMS OF EMPLOYEMENT

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
At the time of hire, farmers inform workers of their legal rights	N/A	N/A	N/A	<b>There is no legal requirement that requires the employer to inform the employee's legal rights.</b>
At the time of hire, farmers inform workers of the essential aspects of the work relationship and work place safety such as work to be performed, working hours, wages paid, period of hire, and all legally mandated benefits	√			According to the LPA, the employer who employs 10 or more employees shall provide the work rules.  If there are less than 10 employees at a workplace, the employer is not required by the law to provide a written work rules.
Farmers and workers have entered into written employment contracts when required by a country's laws and workers receive a copy of the contract.	N/A	N/A	N/A	Employment contract under Thai law can be in written form or implied.
Terms and conditions of employment contracts do not contravene the country's laws.	√			Under Thai law, employment contract is not required in written form.

### Applicable laws

- Civil and Commercial Code: [http://thailaws.com/law/t\\_laws/TCCC-book2.pdf](http://thailaws.com/law/t_laws/TCCC-book2.pdf)
- The Labour Protection Act B.E. 2541: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/49727/125954/F-1924487677/THA49727%20Eng.pdf><sup>84</sup>
  - Section 11/1 : agency worker
  - Section 17 : notice
  - Section 118 : severance pay
  - Section 119 : termination with cause
- The Labour Relation Act B.E. 2518 (1975)
  - [http://www.mol.go.th/sites/default/files/images/other/labourRelation2518\\_en.pdf](http://www.mol.go.th/sites/default/files/images/other/labourRelation2518_en.pdf)
- The Act on Establishment of Labour Courts and Labour Court Procedure B.E. 2522 (1979)
  - <http://asean.org/storage/2016/08/Thailand031.pdf>
- The Notification of the National Wage Committee re: The Hourly Wage Rate for Student Employee (No.2)

84. The tentative English translation does not include all amendments to the LPA.



## Your answer

**Legal requirements to constitute labour/employment relation**

- A hire of services is a contract where a person (the employee) agrees to render services to another person (the employer) who agrees to pay remuneration for the duration of the services.<sup>85</sup> Other elements to consider the existence of an employment/labour relation are authority or power of control over the employees, and obligations of the employees to comply with rules and regulations of the employer, otherwise the employees could be subject to the disciplinary punishment. In other words, the most important element of employment relationship is an authority or the power of control. The authority element is not explicitly specified under the law. However, there are several supporting court cases which rule out that in the case where the employer hires any person to work in return of remuneration and the employer has authority to order or direct the employee to work, whereby the employee is subject to rules and regulations of employer and disciplinary punishment if the employee fails to comply with, then the relationship between the employer and employee is existed.

**Laws and regulations on employment contracts (incl. necessity for written employment contracts, and if is not what are the grounds to consider the existence of a verbal employment agreement)**

- There is no statutory requirement that the employment contract must be in writing BUT the employment contract exists whether made in writing or verbally, where it specifies expressly or impliedly that a person (the employee) agrees to work for another person (the employer) who agrees to pay wages during the period of working.
- Collective agreements made between employers or employers' associations and employees or the labour unions are binding to signatory employees and employees as well as those taking part in negotiation.
- The employer cannot enter into any employment contract which is contrary to a collective agreement after it has come into force unless any amendment is more favorable to the employee.
- A place of business with 20 or more employees must have an agreement relating to the condition of employment in writing.<sup>86</sup> Every person who agrees to work for the employer in return for wages (employee-employer relationship) regardless of the name used is considered as the employee, thus the employees in this provision shall mean all individual employees on the payroll of farmer, not necessarily that they must be full time employees. In addition, a place of business shall means to every workplace where there are the employees who work for the employer, as for example a farm.

**Required content for written employment contracts**

- The law does not specify the required contents for written employment contracts, provided that the contract is sufficient to indicate that the employee agrees to work for the employer, who agrees to pay wages during the period of working.<sup>87</sup> As said, the employment contract can be in both written and verbal form, in case the employment contract is provided as written form the content should be sufficient to indicate that the employee agrees to work for the employer, who agrees to pay wages during the period of working.

85. Section 575 of the Civil and Commercial Code

86. Section 10 of the LRA.

87. However, as a best practice, it may be advisable to have the employment contract in writing to set out clear terms and conditions and relationship between the parties.

- Now, for the employer who employs 10 or more employees shall provide the work rules, it usually be referred in the employment contract and formed as part of the employment contract, work rules contain at least as follows<sup>88</sup>:
  - Working days and hours.
  - Holiday and rules of taking holidays.
  - Rules of overtime and holiday work.
  - Date and place of wage payment.
  - Leave and rules of taking leave.
  - Discipline and disciplinary measures.
  - Lodging of grievances; and
  - Termination of employment, Severance pay and special severance.
- Please note that for the agreement to the condition of employment as required by the LRA when the employer have 20 or more employees, such agreement shall contain<sup>89</sup>:
  - Employment or working conditions.
  - Working days and hours.
  - Wages.
  - Welfare.
  - Termination of employment.
  - Submission of complaints by the employees; and
  - Amendment or renewal of an agreement.

Generally, the work rules under the LPA are considered as agreement to the condition of employment under the LRA.

#### **Deadline for contract conclusion (e.g. on date of hire or within 30 days of hire etc.)**

- There is no specific law on this issue.

#### **Requirements for various types of contract (indefinite term, definite term, temporary workers, and probationary workers)**

- Probationary workers are not recognized under Thai law. Therefore, they will be treated as general employees. As such, it is necessary to consider the specific employment contract to see if they are employed for the whole year or not, and to see if they will be required to continue to work in related industry or not. Consequently, if you determined that in a specific case there are probationary workers and also temporary workers, they shall be considered as the employees and therefore they will be entitled to the same rights and benefits as permanent employees, including but not limited to fairness and other basic labour protection rights.
- Now, exception made on the above, if these are workers in agricultural work: (i) who are not employed for the whole year; and (ii) the employer does not require the workers to perform the industrial works in continuing to such agricultural work. Therefore, certain legal

88. As prescribed in Section 108 of the LPA.

89. Section 11 of the LRA

90. Since the probationary/temporary workers are considered as the employees, there are no different regulations in the general legal benefits. However, as said, with respect to minimum wage rate, whereas the temporary workers mean the employees in agricultural work that are not employed for the whole year and not required to continue work in related industry to such work, thus the minimum wage rate shall not apply to such workers pursuant to the Ministerial Regulation Concerning the Labour Protection in Agricultural Work B.E.2557 (2014). Please also note that some of benefits, the employer and the employee can agree to provide in different between probationary/temporary and permanent workers only to extent as it is not contrary to the law on labour protection.

requirements, e.g. normal and overtime working hours and minimum wage rate, shall not apply.<sup>90</sup>

- Both probationary (if any) and temporary workers can be piece rate workers, which will be based on the specific employment contract between the employer and such employee on how to compensate the labour provided.
- Workers whose period of employment is fixed definitely for a period within 2 years and where the employment is terminated according to that period, will not be entitled to severance pay, provided that such employment is for<sup>91</sup>:
  - A special project, which is not normal for the business or trade of the employer, where the schedule for commencement and completion of work is fixed.
  - Work of a temporary nature which has a fixed schedule for its commencement or completion.
  - Seasonal work for which employment is engaged during such season.
- Outsourced or agency workers are protected by the outsourcing business operator as though they were the employer of the outsourced workers and as such the employer (the outsourcing business operator) is required to arrange reception of fair benefits and welfare without discrimination for the worker in the same description as a direct employee.<sup>92</sup>
- Part-time workers usually receive wages based on an hourly rate, whereas a general guideline of the hourly rate for calculating wage is THB 40 per hour, and enjoy the same protections and entitlements as full-time workers, such as protection against discrimination. This hourly rate is independent of the minimum legal monthly wage, thus is not calculated considering the minimum legal monthly wage. The THB 40 per hour is the general minimum hourly rate for all region in Thailand, however it is not set up for tobacco industry/farming workers.<sup>93</sup> Now, it is possible to consider as a benchmark THB 40 hourly rate, which is based from the Notification of the National Wage Committee re: The Hourly Wage Rate for Student Employee (No.2), and which is a general guideline applicable to the students. Keep in mind that the THB 40 hourly rate is not considered as a minimum wage rate per hour, therefore the employer is not obliged to comply with it. As said, there is no specific legal requirement of the hourly rate wage for the employees in agriculture. Therefore, it depends on the employment agreement made with the employee, which if the employee is employed for the whole year, then the hourly rate shall be calculated pursuant to 68 of the LPA. It means that the hourly rate is equal to monthly wage divided by the result of 30 multiply with average number of working hours on working day. In any case, the hourly rate should not be less than the hourly rate calculated from the minimum hourly rate announced by the National Wage Committee. For example, if the province is subject to the minimum wage rate of THB 328 per day (which is the current lowest rate), then the hourly rate should not be less than the result of such rate divided by 8 hours, i.e. THB 41. Please keep also in mind that the minimum wage rate is not applicable to

91. As prescribed in Section 118 of the LPA.

92. Pursuant to Section 11/1 of the LPA. If there is a crew leader -as a person who recruit workers to work, where the workers are not directly employed by the employer (the farm owner)- then the work with crew leader shall be deemed as outsourced or agency workers.

93. Pursuant to the Notification of the National Wage Committee re: The Hourly Wage Rate for Student Employee (No.2).

94. Ministerial Regulation Concerning the Labour Protection in Agricultural Work.

the employees in agricultural work that are not employed for the whole year and not required to continue work in related industry to such work.<sup>94</sup>

**Requirements for termination of employment (termination with or without cause, wrongful dismissal, notice periods required to end employment etc.)**

- When the employment contract for a fixed term period has expired, the employment will end without the requirement to give notice of termination.<sup>95</sup>
- Where the employment contract does not specify the period of employment such employment contract has no expiry date and either employer or employee may end the employment contract by giving prior notice of termination to the other party.
- Unless a longer notice period is provided in the employment contract, the employee is generally entitled to receive one full pay period's advance notice of termination - usually a 1 month period.

**Options for farmers to obtain legal assistance about their obligations (e.g. government departments, local labour offices, farmer associations etc.)**

- Legal assistance may be obtained from the Labour Department or from the Department of Agriculture.

**Specific requirements for leaf growing contracts (e.g. government imposed templates, government approval of contracts, freedom to choose terms of contract)**

- There are no specific requirements.

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95. Section 17 of the LPA.

Appendix V – ALP communication material

# ข้อแนะนำเกี่ยวกับหลักการปฏิบัติด้าน "แรงงานการเกษตร"

**1 แรชชานเด็ก (Child Labour)**

คือ เด็กซึ่งเป็นเด็กอายุตั้งแต่ 15 ปีขึ้นไป แต่ยังไม่ถึง 18 ปี ส่วนเด็กที่มีอายุต่ำกว่า 15 ปี ฉะนั้น ห้ามขายจ้าง จ้างเป็นลูกจ้างโดยเด็ดขาด



**2 รายได้ และชั่วโมงการทำงาน (Income and Work Hours)**

รายได้ในช่วงระยะเวลาการจ่ายเงินหรือในช่วงฤดูเพาะปลูกพืชจะต้องเพียงพอ ต่อความต้องการขั้นพื้นฐานของผู้ใช้แรงงาน และอยู่ในระดับที่เพียงพอในชีวิตประจำวัน ผู้ใช้แรงงานจะต้องไม่ทำงานเกินชั่วโมงการทำงาน หรือนอกเหนือเวลาการทำงานที่กฎหมายกำหนด



**3 การปฏิบัติอย่างเป็นธรรม (Fair Treatment)**

เกษตรกรจะต้องได้รับการปฏิบัติที่เป็นธรรม เหมือนกับผู้ใช้แรงงานทั่วไป โดยต้องไม่มีการกดขี่ ข่มเหงการเหยียดสีผิว หรือแบ่งแยก ไม่มีการอ่วงละเมิดทางร่างกาย และจิตใจ หรือการทารุณกรรมในรูปแบบอื่นๆ



**4 การบังคับใช้แรงงานและการค้ามนุษย์ (Forced Labor and Human Trafficking)**

แรงงานในไร่ทุกคนจะต้องทำงานด้วยความสมัครใจ ไม่ควรมีการบังคับใช้แรงงาน



**5 สภาพแวดล้อมการทำงานที่ปลอดภัย (Safe Work Environment)**

เจ้าของไร่จะต้องจัดสภาพแวดล้อมในการทำงานให้ปลอดภัย เพื่อป้องกันอุบัติเหตุ การบาดเจ็บ และลดความเสี่ยงด้านสุขภาพ หากมีพื้นที่อาศัยที่เตรียมไว้ให้ลูกจ้าง จะต้องสะอาด ปลอดภัย และรองรับต่อการพื้นฐานของลูกจ้างได้



**6 เสรีภาพในการเข้าสมาคม (Freedom of Association)**

เจ้าของไร่จะต้องรับรู้ และเคารพเสรีภาพของลูกจ้างในการเข้าร่วมสมาคม หรือการต่อรองร่วม



**7 การปฏิบัติตามกฎหมาย (Compliance with Law)**

เจ้าของไร่จะต้องปฏิบัติตามกฎหมายที่เกี่ยวข้องกับการจ้างงานในประเทศที่ทำงานไว้






## ฉลาดใช้ ชีวิตปลอดภัย

การสวมอุปกรณ์ป้องกันร่างกาย  
ในการใช้สารป้องกันกำจัดศัตรูพืชอย่างถูกต้อง



**ขณะรดน้ำและผสมสารป้องกันกำจัดศัตรูพืช ต้องสวมใส่อุปกรณ์ ดังต่อไปนี้**

- เสื้อแขนยาว
- กางเกงยาว
- รองเท้าบูท
- ถุงมือยาง
- ผ้ากันเปื้อน
- ถุงพลาสติก
- ถุงพลาสติก

**ขณะฉีดพ่นสารป้องกันกำจัดศัตรูพืช ต้องสวมใส่อุปกรณ์ ดังต่อไปนี้**

- เสื้อแขนยาว
- กางเกงยาว
- รองเท้าบูท
- ถุงมือยาง

**ขณะเก็บอุปกรณ์ และทำความสะอาดเครื่องพ่น หลังจากการใช้งานเสร็จแล้ว ต้องสวมใส่อุปกรณ์ ดังต่อไปนี้**

- เสื้อแขนยาว
- กางเกงยาว
- รองเท้าบูท
- ถุงมือยาง
- ผ้ากันเปื้อน
- ถุงพลาสติก
- ถุงพลาสติก

**หลีกเลี่ยงการใช้งานเครื่องพ่นสารป้องกันกำจัดศัตรูพืชเสร็จแล้ว**

- งดรับประทานอาหาร ดื่มน้ำและสูบบุหรี่ก่อนอาบน้ำ
- งดอาบน้ำหรืออาบน้ำร้อนก่อนอาบน้ำ
- งดใช้เสื้อผ้า และถุงมือที่สวมใส่มาใส่ตัว
- งดนำเสื้อผ้าและถุงมือที่สวมใส่มาใส่ตัว

**ก่อนใช้สารป้องกันกำจัดศัตรูพืช ควรปฏิบัติตามนี้**

- ศึกษาวิธีการใช้สารป้องกันกำจัดศัตรูพืช
- ศึกษาวิธีใช้สารป้องกันกำจัดศัตรูพืช
- ศึกษาวิธีใช้สารป้องกันกำจัดศัตรูพืช
- ศึกษาวิธีใช้สารป้องกันกำจัดศัตรูพืช

## ล้าง 3 ครั้ง ทุกหยดคุณค่า รักษาสิ่งแวดล้อม

เพื่อลดการปนเปื้อนสารเคมีในดิน น้ำ และพืชผล 3 ครั้ง

- ใช้น้ำสะอาดล้างมือก่อนและหลังใช้สาร
- งดรับประทานอาหาร ดื่มน้ำ และสูบบุหรี่ก่อนอาบน้ำ
- งดใช้เสื้อผ้า และถุงมือที่สวมใส่มาใส่ตัว

**ขั้นตอนการล้างภาชนะบรรจุสารป้องกันกำจัดศัตรูพืช 3 ครั้ง X3**

- 1** เทน้ำสะอาดลงในภาชนะบรรจุสาร ประมาณ 1 ใน 4 ของภาชนะบรรจุ
- 2** ปิดฝาให้แน่น แล้วเขย่าแรงๆ ประมาณ 30 วินาที
- 3** เปิดฝา แล้วเทลงในถังฟ้น โดยคว่ำไว้ประมาณ 30 วินาที จนน้ำในภาชนะไหลลงถังฟ้นจนหมด

**แล้วทำซ้ำทั้ง 3 ขั้นตอน อีก 2 ครั้ง**




# สภาพแวดล้อมการทำงานที่ปลอดภัย SAFE WORK ENVIRONMENT

**1 สภาพแวดล้อมและความปลอดภัยในการทำงาน**

- ใช้กำหนดพื้นที่ปฏิบัติงานที่ปลอดภัย
- ดูแลรักษาอุปกรณ์ เครื่องจักร วัสดุอันตราย
- ความปลอดภัยเมื่อใช้เครื่องมือ อุปกรณ์
- ความปลอดภัยในการทำงานในเวลากลางคืน
- ความปลอดภัยในการทำงานในเวลากลางคืน
- ความปลอดภัยในการทำงานในเวลากลางคืน

**2 ความปลอดภัยในการเก็บรักษาสารเคมี**

- สารเคมีอันตรายต้องติดฉลาก ชีวภาพและพิษวิทยา และมีสัญลักษณ์อันตราย
- ควรเก็บสารเคมีในตู้เก็บสารเคมี และปิดฝาให้สนิท
- หากเก็บในตู้ต้องติดฉลากชัดเจนว่าสารเคมีมีค่า pH 1.5 แล
- หากมีการขนถ่ายสารเคมีต้องสวมหน้ากากป้องกันสารเคมี
- หากมีการขนถ่ายสารเคมีต้องสวมหน้ากากป้องกันสารเคมี

**3 การจัดการและการใช้สารเคมี**

- บุคลากรใช้สารเคมี ต้องผ่านการฝึกอบรมและมีใบรับรอง
- ไม่อนุญาตให้ใช้สารเคมีกว่า 15 ปี ผู้ที่มีการศึกษาต่ำกว่ามัธยมศึกษา ห้ามใช้สารเคมี
- ผู้ใช้งานต้องปฏิบัติตามคู่มือความปลอดภัยและฉลากสารเคมี
- ใช้สารเคมีตามคำแนะนำ
- บุคลากรสามารถแจ้งเหตุฉุกเฉินได้ตลอดเวลา
- ควรปฏิบัติตามกฎหมายที่เกี่ยวข้อง

**4 ระยะเวลาเข้าใช้หลังการฉีดพ่นสารเคมี**

- ห้ามเข้าใช้พื้นที่ฉีดพ่นสารเคมี จนกว่าจะถึงระยะเวลา
- ห้ามเข้าใช้พื้นที่ฉีดพ่นสารเคมี จนกว่าจะถึงระยะเวลา
- ห้ามเข้าใช้พื้นที่ฉีดพ่นสารเคมี จนกว่าจะถึงระยะเวลา
- ห้ามเข้าใช้พื้นที่ฉีดพ่นสารเคมี จนกว่าจะถึงระยะเวลา

**5 การหยุดพักและการเข้าถึงน้ำดื่มที่สะอาด**

- แรงงานควรได้รับการพักผ่อนอย่างเพียงพอ
- น้ำดื่มสะอาดและเย็น
- น้ำดื่มสะอาดและเย็น
- น้ำดื่มสะอาดและเย็น

**6 สภาพที่พสกาศยกรรมที่มีการจัดให้เหมาะสม**

- สภาพแวดล้อมการทำงาน
- สภาพแวดล้อมการทำงาน
- สภาพแวดล้อมการทำงาน
- สภาพแวดล้อมการทำงาน



## การเจ็บป่วยจากการสัมผัสใบยาสูบ (GTS)

**การเจ็บป่วยจากการสัมผัสใบยาสูบ**  
เป็นอาการที่พบจากการทำงานในไร่ยาสูบโดยมีอาการ ได้แก่

- ❖ ปวดศีรษะ
- ❖ วิงเวียน
- ❖ คลื่นไส้ อาเจียน
- ❖ อ่อนเพลีย
- ❖ ปวดท้อง
- ❖ หายใจลำบาก
- ❖ ตัวซีด
- ❖ เหงื่อออกมาก

เป็นต้น



**หลีกเลี่ยงการเจ็บป่วยที่เกิดจากการสัมผัสใบยาสูบได้โดย**

- ❖ แต่งกายให้มิดชิด สวมเสื้อผ้าแขนยาว กางเกงขายาว และเสื้อคลุมพลาสติก
- ❖ ป้องกันขณะทำงานในไร่ยาสูบ

**การเจ็บป่วยจากการสัมผัสใบยาสูบ**  
สาเหตุของการเจ็บป่วยจากการสัมผัสใบยาสูบคือ

- ❖ การสัมผัสกับสารนิโคตินจากต้นยาสูบ
- ❖ สารนิโคตินซึมผ่านผิวหนังเข้าสู่ร่างกาย
- ❖ อาการป่วยจะเกิดได้ง่าย เมื่อต้นยาสูบหรือใบยาสูบเปียก



**ข้อควรปฏิบัติเมื่อมีอาการรู้สึกไม่สบายหลังจากการสัมผัสใบยา**

- ❖ ดื่มน้ำสะอาด หรือเครื่องดื่มเกลือแร่ (ห้ามดื่มโซดา หรือเบียร์)
- ❖ อาบน้ำเปลี่ยนเสื้อผ้าใหม่
- ❖ กินยาแก้อาการคลื่นไส้

