



19 August 2014

Mr. Nirut Rublek  
General Secretary  
Thai Pineapple Industry Association  
5/29 Soi Yakthanon Na Ranong Kloykoei,  
Bangkok 10110 Thailand  
Tel/Fax: 66 2 502691, 66897771239, email: [nidtpia@hotmail.com](mailto:nidtpia@hotmail.com),  
[info@thaipineapple.org](mailto:info@thaipineapple.org)

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Dear Mr. Nirut Rublek,

**Re: TPIA responsibility to engage in dialogue about alleged human rights violations in Thailand's fruit industry**

Arturo Alcalde Justiniani  
Kim Bobo  
John Cavanagh  
May Chen  
Lance Compa  
Joseph Eldridge  
Cathy Feingold  
Judy Gearhart  
Ken Grossinger  
Sarita Gupta  
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Yvette Herrera  
Owen Herrnstadt  
Loretta Johnson  
Yvette Pena-O'Sullivan  
Patricia Pineda  
Kailash Satyarthi  
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As executive director of the International Labor Rights Forum (ILRF), a human rights organization dedicated to creating a dignified world for workers, I am writing you today to pledge support for and stand in solidarity with labor rights activist Andy Hall. Mr. Hall is a long-time partner of my organization. His efforts to uncover labor rights abuses in Thai export industries and empower workers in factories to improve their own working conditions has been remarkably successful and directly improved the lives of thousands of migrant workers.

ILRF received an English language translation of your letter sent August 13 , 2014, to Mr. Komsan Tongsir, State Enterprises Workers' Relations Confederation (SERC) in response to a letter signed by nearly 100 human rights organizations asking TPIA to encourage Natural Fruit Co. Ltd. (Natural Fruit) to withdraw the law suits against Andy Hall and address allegations of labour rights violations. ILRF was one of the signatories to that letter, sent August 8, 2014.

It is apparent that the criminal and civil law suits have been brought against Mr. Hall in retaliation for reports (by Finnwatch and others) of serious labour rights violations by Natural Fruit in order to deter other reporters from exposing wrongdoing. It is our understanding that Natural Fruit can withdraw the criminal charges against Andy Hall, and TPIA can certainly urge Mr. Wirat Piyapornpaiboon to do so. Rather than threaten further retaliatory court actions, we hope TPIA will take action to encourage Natural Fruit and other TPIA members to work with civil society toward a solution that protects the rights of the workers at their facilities, and in the long-term improves Thai export businesses. Such action would include urging Natural Fruit to:

1. withdraw criminal and civil proceedings against Mr. Hall;
2. allow a full investigation by competent and independent investigators of all allegations of unfair and/or illegal labor practices;
3. provide fair remediation of all violations identified by the investigation;
4. introduce, in consultation with workers and their advocates, effective

Ray Marshall  
*President Emeritus*  
Bishop Jesse DeWitt  
*President Emeritus*  
Bill Fletcher, Jr.  
*President Emeritus*

measures to prevent future violations; and

5. acknowledge that labor rights defenders, like Mr. Hall and others, are important to securing labor rights and improving conditions for workers and their communities.

ILRF remains very concerned about the malicious prosecution of Andy Hall, and the potential for such cases to silence critics and thereby allow possibly unlawful activities to continue with no accountability. We are also concerned by the allegations of serious, ongoing labour rights violations identified at Natural Fruit in the Finnwatch report *Cheap Has a High Price*, and the follow up report *Out of a Ditch Into a Pond*. Allegations include:

- high costs for labor recruitment deducted from workers' salaries;
- child labour;
- payment below the minimum wage required by the law;
- forced overtime;
- confiscation of migrant workers' passports and work permits; and
- violence against migrant workers.

Such practices would constitute violations of both Thailand's domestic laws and international human rights law obligations. Many of them are the same practices identified as "indicators of forced labor" in the U.S. Department of State's 2014 Trafficking in Persons (TIP) Report.

As noted in the TIP report, "the majority of trafficking victims within Thailand – tens of thousands of victims, by conservative estimates – are migrants from Thailand's neighboring countries who are forced, coerced or defrauded into labor."<sup>1</sup> Thailand's inadequate response to reports of human trafficking and forced labour in several commercial sectors, including fruit manufacturing and fishing sectors, has resulted in Thailand being downgraded to Tier 3, the lowest possible level in the TIP report.<sup>2</sup> Particularly now, as the eyes of the world are watching how Thailand responds, it is incumbent on industry actors such as yourself to ensure any potential mistreatment of migrant workers is addressed quickly and completely.

TPIA's mission, as stated on your website,<sup>3</sup> is to, "provide to all segments of Thailand's pineapple industry the means to produce and market pineapple and pineapple products which suit the customers' wants and needs." Retailers have made very clear that they want their products to be made in conditions free from the kinds of serious labor rights abuses alleged in the Finnwatch report. A recent expose in the Guardian Newspaper revealed that fishmeal used in the shrimp supply chain of Thailand export company Charoen Pokphand Foods had been produced with fish caught by victims of human trafficking, and identified several Western brands that had purchased shrimp from CP Foods.<sup>4</sup> Retailers took immediate action in the wake of the article: Whole Foods and Carrefour dropped CP Foods as a supplier; other brands such as Costco, Tesco, WM Morrison Supermarkets, The Co-operative Group, Walmart and Sodexo have engaged with CP Foods to address the supply chain issues.

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<sup>1</sup> US Department of State, "Country Narratives: Thailand," in *Trafficking in Persons Report 2014*, available online: <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226832.htm>

<sup>2</sup> US Department of State, *Trafficking in Persons Report 2014*, <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>

<sup>3</sup> TPIA. "What we do." TPIA website available at:

<http://www.thaipineapple.org/index.php?lay=show&ac=article&Id=538718932>

<sup>4</sup> *Guardian Newspaper*, "Revealed: Asian slave labour producing prawns for supermarkets in US, UK," June 10, 2014, available at: <http://www.theguardian.com/global-development/2014/jun/10/supermarket-prawns-thailand-produced-slave-labour>

In the above case, ILRF advocated the engagement approach over the cut and run approach of Carrefour and Whole Foods mainly because CP Foods expressed an openness to improve. We encourage Natural Foods and all TPIA members to engage constructively as well. Our intent is not, as you say, to destroy Thailand's economy. To the contrary, we are working to promote decent work in global supply chains and thus to improve the Thai economy, by creating the space for good jobs and healthy relationships between employers and workers. Western buyers increasingly realize they cannot sit idly by while workers who produce the products they sell suffer labor rights abuses. Thus buyers' demands on suppliers to ensure high labor standards will continue to increase.

As an industry organization, the best way TPIA can protect its membership as a whole is to ensure companies like Natural Fruit that are accused of labor rights violations address those violations rather than try to hide them.

The failure by Natural Fruit to investigate or remedy allegations stands in stark contrast to the responses of other industries identified in the Finnwatch reports. For example, the Thai Frozen Foods Association (TFFA) and the Thai Tuna Industry Association (TTIA) have supported Mr. Hall's work and committed to provide bail for him.

TPIA should engage in dialogue with civil society about improved compliance with international human rights standards by Natural Fruit and other TPIA members. It must also address the immediate issue of Mr. Hall's prosecution by the taking the steps outlined above. If Natural Fruit continues to refuse to take action, TPIA must disassociate itself with Natural Fruit and Mr. Wirat Piyanpornpaiboon, or risk tarnishing the reputation of the whole industry. We will work with Finnwatch and other allies in the human rights community to keep the brands that purchase from Natural Fruit, and possibly other TPIA members updated on the situation. We will include the reaction of the TPIA in those reports. We hope to be able to report forward progress toward resolving the issue.

We look forward to your reply outlining the steps you intend to take to help address this troubling situation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Judy Gearhart', with a long horizontal flourish extending to the right.

Judy Gearhart  
Executive Director  
International Labor Rights Forum