



**Action Plan and Implementation by the Department of Fisheries in
Addressing Labour Issues and Promoting Better Working Conditions
in Thai Fisheries Industry**

by

**Department of Fisheries
Ministry of Agriculture and Cooperatives
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A. Background

Thai fisheries industry is of vital importance to Thailand's economy. Accounting for 1.5 percent of the country's exports¹, it produces about 4.2 million tons of fish and seafood per annum, 90 percent of which is targeted for the export market. With tuna, shrimp and fish as the major fishery products exported, the export value of fish and fishery products in 2011 reached US\$ 7.3 billion. This scenario demonstrates the high capacity of the fishery industry of Thailand not only in the fishing sector but also in processing. By its nature, the country's fisheries sector which is labour intensive provides job opportunities for Thai citizens as well as attracts a large number of migrant workers from neighbouring countries especially Myanmar, Lao PDR, and Cambodia. As a result, the fisheries sector generates employment for more than 650,000 workers in fishing, processing, and related sectors. Moreover, while substantially addressing the great shortage of work force in the country's fisheries sector, the Royal Thai Government has also been taking efforts to promote better working conditions for the workforce in this sector.

B. Establishment of the Anti-Human Trafficking Action Plan at National Level

The Royal Thai Government has therefore sought the cooperation of various public organizations, private agencies and NGOs in its efforts to prevent, mitigate, and address labour issues in fishing, shrimp and seafood industry in Thailand. The Government has established the National Committee for Anti-trafficking in Persons which is being chaired by the Prime Minister. As a result of its Committee meetings, the Anti-Human Trafficking Action Plan 2012-2013 of Thailand was issued on 27 March 2012, delegating various government agencies to conduct relevant activities, e.g. Royal Thai Police, Ministry of Labour, Ministry of Social Development and Human Security, Ministry of Foreign Affairs, Ministry of Interior, **Department of Fisheries**, and other agencies. This Action Plan is a result of a series of interagency consultations and reflects the Thai Government's strong determination and commitment to address the issue of human trafficking. The Action Plan covers five major aspects, namely: 1) effective preliminary identification of victims of trafficking; 2) increased efforts to investigate and prosecute trafficking offenders and officials

¹ Source: Information and Communication Technology Center with the cooperation of the Customs Department (data for 2012)

engaged in trafficking-related corruption; 3) improved labour inspection standards and procedures; 4) improved efforts to enforce compliance with the Anti-Trafficking in Persons Act B.E.2551 (2008); and 5) enhanced efficiency and protection of workers in the fishing industry.

C. Actions taken by the Ministry of Agriculture and Cooperatives

For its part, the Ministry of Agriculture and Cooperatives has enhanced the involvement of the **Department of Fisheries (DOF)** in the conduct of various activities under the Action Plan by working closely with the International Labour Organization (ILO) and concerned organizations/agencies both public and private especially the Ministry of Labour (MoL) through its Department of Labour Protection and Welfare as well as the Department of Employment. In this regard, the activities being implemented by DOF as well as MoL and the industry to promote better working conditions in the shrimp and seafood industries in particular and the fishing industry in general, include the following:

- 1) Development of Good Labour Practices (GLP) for the shrimp and seafood industries, and the fishing sector;
- 2) Development of the Hazardous Work List in shrimp and seafood industry;
- 3) Survey and registration of primary processing shrimp and seafood enterprises;
- 4) Development of Safety and Health Training Manual for commercial fishing industry;
- 5) Development of a system for registration and documentation of fishing vessels and fishing crews for efficient inspection;
- 6) Development of a system of fishing vessels, fishing gear and crew inspection;
- 7) Establishment of regulations for Vessel Monitoring System installation and inspection in vessels flying Thai flag and operating in international waters;
- 8) Development of Operational Guidelines for Port in – Port out inspection for fishing vessels operating in international waters;
- 9) Development of labour reduction technology for fishing vessels as a remedial measure for labour shortage in the fishing sector; and
- 10) Support in Setting up of Labour Coordination Center for the fishing industry

Specifically, the Ministry of Agriculture and Cooperatives spearheads the conduct of three crucial activities at the policy level, to make haste the government's efforts in addressing the problems concerning labour in the fishing industry. These activities which have been launched by the **National Fisheries Policy Committee** chaired by the Deputy Prime Minister in April 2012 while the agencies concerned for their

implementation had also been delegated, are: 1) establishment of operational guidelines on Port in-Port out inspection for fishing vessels operated in international waters, 2) development of Good Labour Practices (GLP) for the fishing and processing industry; and 3) Setting up of the Labour Coordination Center (i.e. Recruitment Center).

Moreover, during **the Meeting of the Sub-Committee on Addressing Fishery and Related Industry Operators' Distress** held in July 2012, which was chaired by the Minister of Agriculture and Cooperatives, the proposed measures for promoting better working conditions in fishing, shrimp and seafood industry had been approved. These include the development of guidelines for the installation of Vessel Monitoring System (VMS) in fishing vessels that operate in international waters, development of GLP for shrimp and seafood industry, and development of the Hazardous Work List in shrimp and seafood industry, for work protection of youth workers 15-17 years old. These activities are currently being implemented.

Furthermore, the Royal Thai Government through the Department of Fisheries (DOF), Ministry of Agriculture and Cooperatives, in collaboration with public organizations, particularly the Ministry of Labor, International Labour Organization or ILO, and private sector mainly the Thai Frozen Food Association and the National Fisheries Association of Thailand has been continuing its efforts in addressing labour issues in the fishery industry of Thailand.

Specifically, the government's action plans and activities and the implementation results concerning anti-human trafficking and promoting better working conditions in fishery and more particularly in the shrimp and seafood industry are summarized as follows:

For the Shrimp and Seafood Processing Industries

1. Development of Good Labour Practices (GLP) for the shrimp and seafood industries, and the fishing sector

This activity is aimed at solving the **root cause** of labour issues in the sector through the development of guidelines for business operators as well as workers both Thai and migrants, to comply with Thai labour laws and concerned ILO conventions. This effort has been developed in cooperation with DOF, MoL through the Department of Labour Protection and Welfare (DLPW), ILO and involved private sectors such as the National Fisheries Association of Thailand (NFAT), the Thai Frozen Foods Association (TFFA), the Thai Food Processors' Association (TFPA), etc. Thus, GLP programmes had been established for 2 industries, i.e. GLP for shrimp and seafood industries, and GLP for the fishing sector.

1.1 Development of Good Labour Practices (GLP) in Shrimp and Seafood Industries

The GLP guidelines have been developed under the joint collaboration with DOF, DLPW, ILO and Thai seafood industry, i.e. the Thai Frozen Foods Association and the Thai Food Processors' Association in order to provide assistance to Thai Shrimp and Seafood Industry. These GLP guidelines are based on Thai labour laws and regulations, Thai Labour Standard (Corporate Social Responsibility of Thai Business TLS 8001-2010) and international labour standards. The main contexts of the GLP guidelines cover the areas of core labour standards, i.e. forced labour, child labour, discrimination and freedom of association and collective bargaining as well as improving working conditions. The objectives of the guidelines are to facilitate a process of improvement, increase information and awareness of the existing laws and standards, and to promote their application. Moreover, the guidelines also provide recommendations on good practices that go beyond the strict compliance to laws, and help in workplace improvement that will enhance the workers' wellbeing, productivity and work place cooperation. Under the joint initiatives, the GLP programmes would facilitate the development of 3 GLPs guidelines as follows:

1.1.1 GLP guidelines for primary processing workplaces

The GLP guidelines for primary processing workplaces or peeling sheds have been drafted through a series of consultations in October 2012 among stakeholders specifically the representatives from shrimp and seafood primary processing enterprises, to review and comment on the guidelines. The recommendations obtained from such consultations were used to improve the GLP guidelines to ensure that these are practical for their operations. Thus, after another series of stakeholder consultations, the 3rd draft GLP guidelines for peeling sheds as well as two GLP promotional materials, i.e. brochure and "a better peeling shed" poster were developed. The GLP guidelines and promotional materials were soft launched and disseminated during the seminar on "Promoting Good Labour Practices in Fisheries Industries" conducted by DOF on 12th November 2012 at Samut Sakhon Province. The distribution of the GLP materials was aimed at making the fisheries operators, especially primary processing sector, to recognize the need for good labour practices in their work places and prepare themselves to voluntarily comply with the GLP.

Moreover, as part of the process in promoting the GLP guidelines, DOF in cooperation with DLPW and ILO organized a workshop to test the implementation of the GLP guidelines on 9-10 January 2013 in Samut Sakhon Province. This GLP test run was actively participated by 30 representatives from 13 peeling sheds and observers from 3 processing plants in Samut Sakhon. As a result of the GLP test run, 15 peeling shed and factory operators indicated their strong interest and willingness to participate in the "GLP Peeling Shed Model" Program. Such program would enable the pre-processing operators to improve their facilities

in compliance with GLP so that they would be well performed and their workplaces would be ready to comply with labour laws and international labour requirements. As planned, two more GLP test runs would also be conducted in Nakhon Sri Thammarat and Songkla in February 2013. The experiences shared as well as the comments and recommendations raised from the test runs will be used for the development of an improved revision of the GLP guidelines for peeling sheds. The revised GLP guidelines is expected to be launched and disseminated as practical GLP Guidelines to all primary processing enterprises by March 2013 for subsequent implementation.

1.1.2 GLP guidelines for shrimp and seafood processing factories

The GLP guidelines for processing factories will be developed in similar manner as that for the primary processing workplaces. The said GLP guidelines for shrimp and seafood processing factories would be drafted through consultations among stakeholders, i.e. DOF, DLPW, ILO, and shrimp and seafood processing sectors by the first quarter of 2013.

1.1.3 GLP guidelines for shrimp farms

Good labour practices for shrimp farm operations are already included in the FAO Guidelines on Aquaculture Certification. This aspect is specifically indicated in the socio-economic aspects of the FAO Guidelines that include 3 essential matters, namely: 1) workers should be treated in accordance with national labour rules and regulations, and relevant ILO conventions, 2) workers should be paid wages and provided benefits and working conditions according to national laws and regulations, and 3) child labour should not be used in a manner inconsistent with ILO conventions and international standards. These relevant contexts are in line with the existing Thai labour laws and related regulations, and international standards. The GLP guidelines for shrimp farming will then be developed to reflect these significant aspects through technical consultations by concerned organizations, such as DOF, DLPW, ILO and shrimp farmers associations. Such GLP guidelines would be drafted by the end of January 2013.

1.2 Development of Good Labour Practices (GLP) for the Fishing Industry

Good Labour Practices (GLP) guidelines for the fishing industry were jointly developed by the Thai fishing industry, i.e. the Department of Fisheries (DOF), the Department of Labour Protection and Welfare (DLPW), the Department of Employment (DOE), the Marine Department (MD), the National Fisheries Association of Thailand (NFAT) and the Thai Overseas Fisheries Association (TOFA), and the International Labour Organization (ILO). Aimed promote understanding and application of Good Labour Practices (GLP) in Thailand's fishing sector, the development of the guidelines was based on various Thai laws and regulations such as the Labour Protection Act B.E. 2541 (1998) and its amendments, the Anti-Trafficking in Persons Act B.E. 2551 (2008), Occupational Safety, Health and Environment Act, B.E. 2554

(2011) etc. Moreover, most aspects included in the said GLP guidelines have been drawn from international labour standards, for instance the ILO Convention 188 on Work in Fishing and the accompanying Recommendation 199, the conventions on migrant workers and the fundamental rights at work as well as the voluntary standards, i.e. the Code of Conduct of NFAT and Thai Labour Standards (Corporate Social Responsibility of Thai Business TLS 8001-2010) certified by DLPW. It is envisaged that **the application of the GLPs will lead to improved working conditions for fishers**, and address the concerns on forced labour, child labour and other exploitative practices in the fishing sector. This is also expected to help address labour shortages and the issue on high labour turnover encountered by the industry. The GLP guidelines for fishing sector have been primarily drafted by concerned parties, i.e. DOF, DLPW, NFAT and ILO in early January 2013, and would be reviewed on 21 January 2013. After the draft GLP guidelines for fishing sector are agreed upon by the concerned stakeholders, a test run would be conducted with the fishing operations, through the collaborative efforts of DOF, DLPW, ILO and NFAT.

2. Endorsement of the recommendations for the development of the Hazardous Work List in shrimp and seafood industry

The recommendations for a hazardous work list for the shrimp and seafood processing industry in Thailand were developed with technical support from ILO consultants in cooperation with the Department of Labour Protection and Welfare, the Department of Fisheries and the Thai Frozen Food Association. This list has been developed based on an outcome of a technical workshop on Establishing New Regulations and Local Standards on Hazardous Child Labour with Special Emphasis on Shrimp, Fisheries and Related Industries, and Agriculture and Risk Assessments at farms, peeling sheds and factories in Samut Sakhon Province. The objectives of these recommendations are to raise awareness and aid the development/periodical revisions of the national Hazardous Child Labour list for Thailand as well as for any sector specific regulations as deemed necessary. Although this list is not issued as national laws and/or regulations, its recommendations could be an effective tool to allow youth workers 15-17 years old, to work under Thai labour laws and ILO conventions. Furthermore, this list is also envisioned to contribute to the awareness and enhanced concerns of shrimp and seafood processing sector and their supply chains, regarding work protection for youth workers.

3. Primary processing shrimp and seafood enterprises' (peeling sheds) survey and registration

This activity would involve the conduct of enterprise-level surveys of the primary seafood processing industry in Samut Sakhon in order to collect information about business relationships and practices in the shrimp and seafood industry. The results would provide a baseline understanding of the policies and practices of government agencies, producers' associations and labour groups with regards to addressing labour issues and conditions. The results of the survey of the primary processing workplaces or peeling sheds will be used to support the development of labour monitoring database as well as establishment of the system for quality control in terms of health and safety, and quality of production. This activity is a joint effort of the Department of Fisheries, ILO and the Thai Frozen Foods Association (TFFA).

The survey of the peeling sheds in Samut Sakhon Province, especially Samut Sakhon City as a major city for seafood processing in Thailand, indicated that 582 peeling sheds exist in Samut Sakhon. Almost half of which (203 peeling sheds) have been registered with the DOF. Over half of the industry comprised micro-enterprises (less than 6 workers), and small enterprises or enterprises with no more than 25 workers representing 14% and 43%, respectively. Medium (25-50 workers) and large (more than 50 workers) enterprises operate with a minimum of 26 workers to a maximum of over 300, representing 18% and 25%, respectively. Many of the enterprises have established relationships with factories that supply shrimp and buy their processed products where between 50-80% of the production of large enterprises, for example, goes to export factories for further processing. With regards to the raw materials supplied by the peeling sheds to export factories, it is also important to note that DOF is the agency responsible for supervising the quality control of the primary processing facilities and ensuring that these are GMP certified especially for the materials supplied to factories for export. To date, there are 100 primary processing workplaces being GMP certified by the DOF.

As for the wages for peeling sheds' workers, the report shows that average minimum wage for temporary workers working in micro enterprises is 296 Baht per day, while for the large enterprise, the wages increase to 407 Baht per day. This means that, on the average, the migrant workers' daily wage is at least equal to the country's minimum wage of 300 Baht per day, and could be higher for the more productive individuals. As a result of the survey reported by November 2012, only 203 out of 582 peeling sheds have been registered. Since then, the DOF through the Samut Sakhon Provincial Fisheries Office has been conducting peeling shed registration activity to encourage the unregistered peeling sheds to register with DOF. After two months, the number of registered primary processing enterprises has increased to 354 peeling sheds by the end of December 2012. **DOF has strong commitment to intensively work on the peeling shed**

registration activity to cover all peeling sheds located in Samut Sakhon Province. This survey and the registration activity would also be extended to other seafood processing provinces in Thailand such as Nakhon Srithammarat and Songkla in the southern part of Thailand.

For the Fishing Industry in General

4. Development of Safety and Health Training Manual for Commercial Fishing Industry

Various government agencies including the Department of Fisheries (DOF), Department of Labour Protection and Welfare (DLPW), Ministry of Health have been in cooperating with ILO in assisting the National Fisheries Association of Thailand (NFAT) to develop Safety and Health Training Manual for Commercial Fishing Industry. This initiative is meant to help strengthen the protection of fishers on Thai fishing vessels. In order to improve labour rights protection, NFAT together with ILO have been working on the development of occupational safety and health (OSH). The first draft of the OSH training manual has been reviewed by concerned agencies such as DLPW, DOF, etc. Moreover, DOF has also been coordinating with the Marine Department and the Royal Thai Navy to integrate their existing practices concerning safety at sea to the OSH training manual.

5. Development of a system for registration and documentation of fishing vessels and fishing crews for efficient inspection

This activity is concerned with fishing vessel registration and fishing license authorization for fishing gear used as well as the development of fishing crew record. While the Marine Department of the Ministry of Transportation is responsible for the fishing vessel registration, the Department of Fisheries of the Ministry of Agriculture and Cooperatives is responsible for issuing fishing licenses to the fishers for their particular fishing gear used. This activity generally aims to develop a system of recording all fishing vessels and fishing crews, therefore non-registered fishing vessels should be registered while fishing licenses would be issued. Since 2010, a joint effort of the Department of Fisheries and the Marine Department established Mobile Units in the 22 coastal provinces of the country to conduct the fishing vessel registration and fishing license issuance activities. An initial result of the registration indicated that the number of fishing vessels registered had increased tremendously since 2010 up to now. Specifically, the figure shows significant increase of the fishing vessels registered during the last three years between 2010 and 2012, when 24,971 unregistered fishing vessels had turned in for registration. Thus, the Thai Government has been able to identify approximately 40,000 vessels that are legal or registered fishing vessels in Thailand. This, in turn, has allowed DOF together with the Marine Department to put forward a plan to develop a

fishing crew list for the fishing vessels by seeking the cooperation of the National Fisheries Association of Thailand and Thailand Oversea Fisheries Association, through the submission of the crew list for particular fishing vessels. The fishing vessels' crew list development effort will enable the DOF to enhance its database not only for proper management but also facilitate fishing crew inspection by the concerned authorities. DOF has already developed a model crew list database which will be used primarily by the Labour Coordination Center for Fishing Sector.

6. Fishing vessels, fishing gear and fishing crew inspection

The database on fishing vessels including fishing gears and fishing crews will be an important tool for agencies involved in inspections, which would be an important activity to assess problems concerning labour on board the vessels such as forced labour or human trafficking. To date, DOF plans to conduct a consultation with the Marine Department in February 2013 for the further steps towards the development of the guidelines for inspection.

7. Establishment of regulations for Vessel Monitoring System (VMS) installation and inspection in fishing vessels flying Thai flag operating in international waters

A fishing vessel monitoring system (VMS) is a tool to promote fisheries surveillance, where the equipment installed on fishing vessels provides information about the vessels' position and activities. Moreover, installation of a monitoring system in fishing vessels is an effective tool not only to control and deter Illegal, Unregulated and Unreported or IUU fishing operations, but also to know and monitor the fishing crews' movement in Thai fishing vessels while operating in international waters.

Since October 2012, consultations have been conducted between the Department of Fisheries (DOF) and the Marine Department (MD) on the joint effort to have all fishing vessels flying Thai flag operating overseas to install a Vessel Monitoring System or VMS. A VMS Marine Department specialist had visited the DOF to assess its capacity to serve as a Fisheries Monitoring Control Center. Consultation was also made with overseas fishing operators, whose vessels fly the Thai flag, who have expressed their commitment to cooperate with DOF in the VMS installation and inspection program. Majority of fishing vessels flying Thai flag are operating in Myanmar waters, of which more than 100 out of 150 vessels have already installed VMS in accordance with the requirements of Myanmar fishing rights. It is now a matter of controlling or monitoring these vessels by Thai authorities.

The Marine Department is the agency responsible for issuing the guidelines for the installation of VMS in fishing vessels. At a recent DOF Working Group Meeting concerning labour in fishing on 8 January 2013,

one agenda discussed was on the issuance of the relevant ministerial regulation that authorizes the Marine Department to promote Vessel Monitoring System (VMS) installation on Thai flag fishing vessels. It is most likely that the Fisheries Monitoring Control Center will be operated by the Department of Fisheries while the Marine Department is in the process of developing such ministerial regulation.

8. Development of Operational Guidelines for Port in-Port out inspection for fishing vessels operating in international waters

This is an attempt to promote the conduct of port in-port out inspection for the fishing vessels operating in international waters. The objective is mainly to protect human smuggling and trafficking on board the vessels. Since November 2012, the DOF together with the Immigration Department and the Marine Department had convened joint meetings to analyze the situation and the problems concerning the existing measures on port in-port out inspections. While the guidelines had primarily been drafted, further consultations among the three departments including the Royal Thai Navy on the draft guidelines had been planned, and it is hoped that the guidelines could be finalized for eventual implementation within 2013.

9. Development of labour reduction technology for fishing vessels as a remedial measure for labour shortage in the fishing sector

Over 300,000 workers are required to work on fishing vessels that operate both in national and international waters. However, there has been serious shortage of labour in Thai fishing sector for more than a decade. As a result, Thai fishing operators have to depend heavily on migrant workers for their fishing vessels operating in both national and international waters. In order to address the problem of labour shortage in the fishing sector, the Department of Fisheries with technical assistance from a Korean expert has conducted for the past two years, a research on alternative fishing gear and/or technology to reduce the number of workers on board. Moreover, the DOF is coordinating with regional and international organizations such as the Southeast Asian Fisheries Development Center (SEAFDEC) and Food and Agriculture Organization (FAO) to develop fishing gear technology that would reduce labour reduction on fishing vessels, especially Thai vessels. It has been the policy of DOF to develop pilot fishing vessels that use lesser number of workers. To date, the DOF has designated its fishing gear and marine fisheries specialists to work on this matter and a tangible outcome could be attained by mid-2013.

10. Support in Setting up of the Labour Coordination Center (i.e. Recruitment Center) for the fishing industry

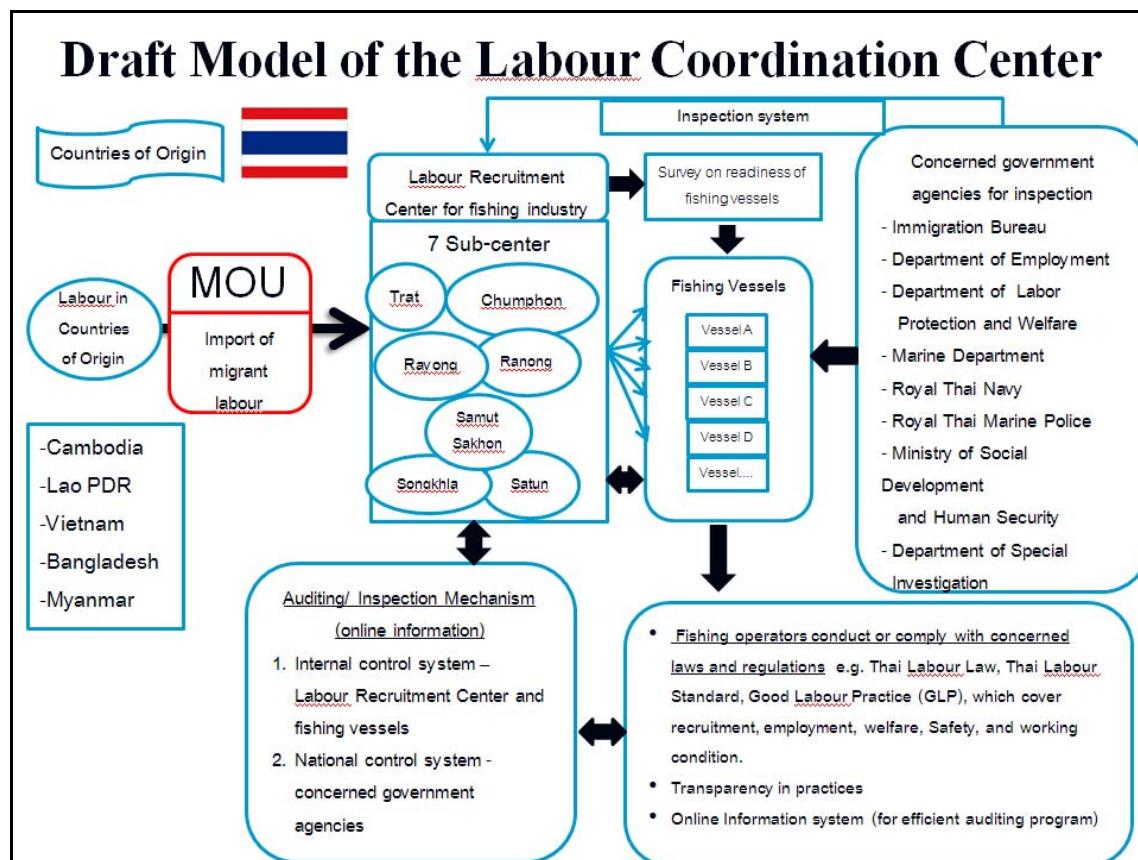
The setting up of a Labour Coordination Center is very important to address the shortage of workers operating and working in fishing vessels, and also to ensure that justice for employers and employees in the sector is protected while human trafficking is avoided. Therefore, the operation of the Center would be an appropriate approach to support the recruitment and employment, welfare, occupational safety, and working conditions, and ensure that compliance with concerned laws and regulations is in place. In terms of recruitment process, the Center would recruit new workers through formal contracts or memorandum of understanding (MOU) with concerned neighbouring countries. For the existing illegal migrant workers in the country's fishing sector, the Thai Government will promote the re-opening of migrant registration for unregistered migrants, to improve their opportunities in accessing their rights, particularly health and labour rights. Moreover, the Government will also facilitate the inclusion of migrant workers in the national verification process to enable them to undertake work permit applications. This procedure would help solve the problems of illegal migrant workers and address the issues of human trafficking in the fishing sector. Furthermore, the Center will be controlled through an inspection mechanism to be administered by various concerned organizations such as the Royal Thai Police, Immigration Bureau, Royal Thai Navy, Marine Department, Department of Labor Protection and Welfare, Department of Fisheries, and other relevant agencies. **Currently, the Committee for Anti-trafficking in Persons has approved the proposal to set up this Center as well as obtained the Cabinet approval since 9 October 2012.**

In order to move forward and efficiently set up the Labour Coordination Center and its arrangement, the National Committee has established a National Sub-Committee chaired by the Permanent Secretary of Ministry of Social Development and Human Security (MSDHS) to support and supervise the implementation of the Labour Coordination Center. In addition, sub-committees at provincial levels have also been formed in 7 coastal provinces where Labour Coordination Sub-Centers are located, i.e. Samut Sakhon, Rayong, Trad, Chumphon, Songkla, Ranong, and Satun Provinces. The provincial sub-committees are chaired by the respective Provincial Governors and would comprise relevant government agencies. The DOF participates in the committees and sub-committees at national and provincial levels.

Currently, the Labour Coordination Center has already been established, and the Department of Employment (DOE) of the Ministry of Labour is a key responsible agency while DOF participates as a supportive organization in setting up the Center. The National Fisheries Association of Thailand (NFAT) is

the key player in managing the Center and its 7 sub-centers under the support and supervision of the Government through the national and provincial committee and sub-committee mechanism. At the early stage, DOF has already developed a model database for fishing vessels, fishing license and crew list for the Labour Coordination Center's operation. The GLP developed for fishing industry mentioned under item 1.2 above will also be applied for the fishing operators who are the members of the Center. Various government agencies would be involved in the operational inspection of the Center to ensure that the Centers' members comply with relevant laws, regulations and practices. To date, the DOE has already set up the 7 offices for the sub-centers and prepared the guidelines for the management of their operations.

The figure showing a Labour Coordination Center mechanism for Fishing Sector is appeared below.



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