

Business and Human Rights in the Fishing Industry

GBSN-UniGE, with inputs from the ILO
GBSN-HR supply chain research cluster

Based on the technical workshop on 30th Nov. – 2nd Dec. 2022



ILO-GBSN-UniGE Launch of MoU & Technical Workshop on Fishing



Learning objectives

1. Understand the importance and characteristics of global fish production (Unit 1)
2. Examine how the operations of fishing companies can lead to labor rights violations and, in some cases, to forced labor (Unit 2)
3. Map the different risks for businesses related to labor rights violations, including forced labor, in fishing and discover promising solutions to address them (Unit 3)

Agenda

Unit 0 – Setting the stage

Unit 1 – The fishing industry

Unit 2 – Human rights risks in the fishing industry

Unit 3 – Decent work in fishing

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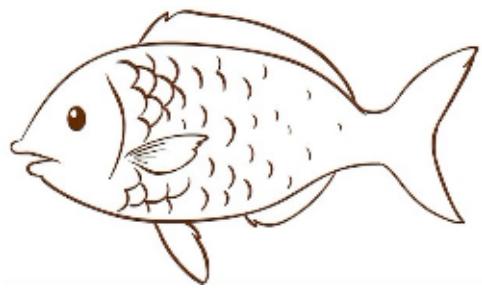
What does this picture have to do with today's topic?



Mathias Erhart from Nenzing, Austria, CC BY-SA 2.0 <<https://creativecommons.org/licenses/by-sa/2.0>>, via Wikimedia Commons (https://commons.wikimedia.org/wiki/File:Red_Kitten_01.jpg),

Which products contain fish?

Whole fish, dried fish, fish meal, head, bones, skin, liver, milt, roe, enzymes, omega 3 oil, ...



<https://www.sjavarklasinn.is/en/100-fish/>; <https://de.freepik.com/fotos-vektoren-kostenlos/fish-outline>

Which products contain fish?



Squalene (from Sharks): lip balms, tanning oils, creams and moisturizers

Guanine (from shimmering scales of fish): nail varnishes, lipsticks, eyeshadows, highlighters, bronzers and some mascaras

Collagen (from fish or other animals – e.g., from skin or bones): beauty products for elasticity and anti-wrinkles

Sustainability of fish products?

sustainable
fashion
Guardian
sustainable
business

Prada, Dior and Nike are finding a fashionable new purpose for fish skins

Fish leftovers are often turned into meal for animals, but top brands are turning fish skin into leather

Elisabeth Braw

Thu 16 Oct 2014 14.32
BST



Using all parts of the fish can increase the sustainability of fish use.

This sustainability discussion in fishing is focused on environmental aspects. People are concerned with the fish and fishers are often forgotten.

Why is this a BHR issue?

 Business & Human Rights
Resource Centre

27 Aug 2015

Edvard Petterson,
Bloomberg Business

Article

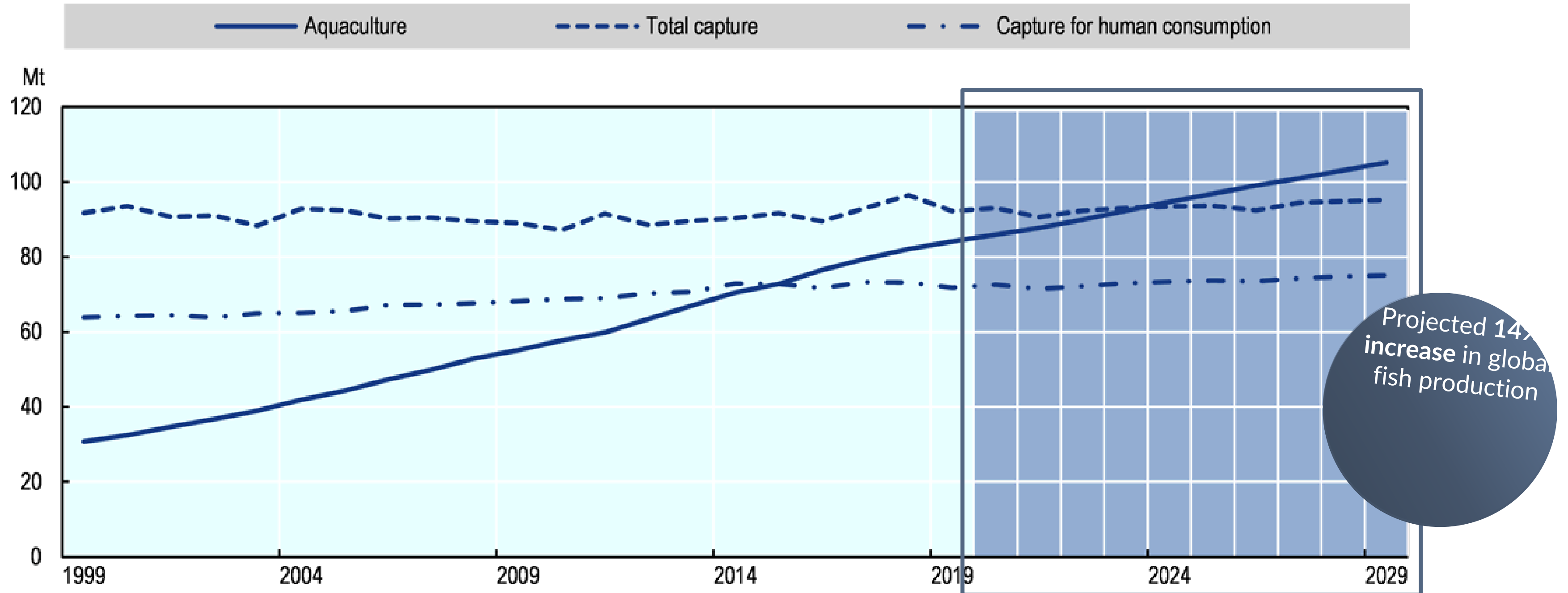
Nestle Accused of Putting Fish From Slave Labor in Cat Food



Lawsuits & regulatory
action

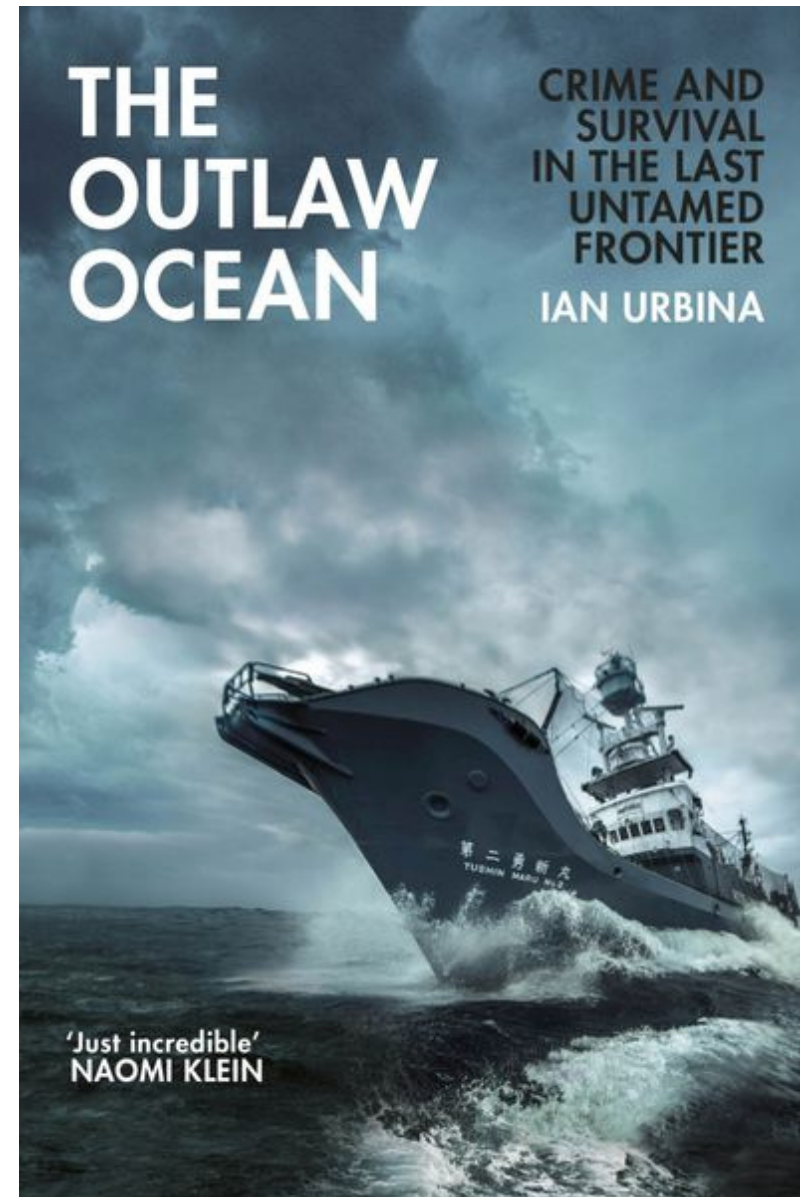


Increasing relevance of seafood



<https://www.oecd-ilibrary.org/sites/4dd9b3d0-en/index.html?itemId=/content/component/4dd9b3d0-en>

Documenting forced labor on fishing vessels



Ian Urbina, investigative journalist, author, and founder of the NGO “The Outlaw Ocean Project”

Urbina 2021: How fish-meal production is destroying Gambia's waters



<https://www.newyorker.com/video/watch/how-fish-meal-production-is-destroying-gambias-waters>

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Fishing for a living

Subsistence fishing



Artisanal/ small-scale
fishing



Industrial fishing



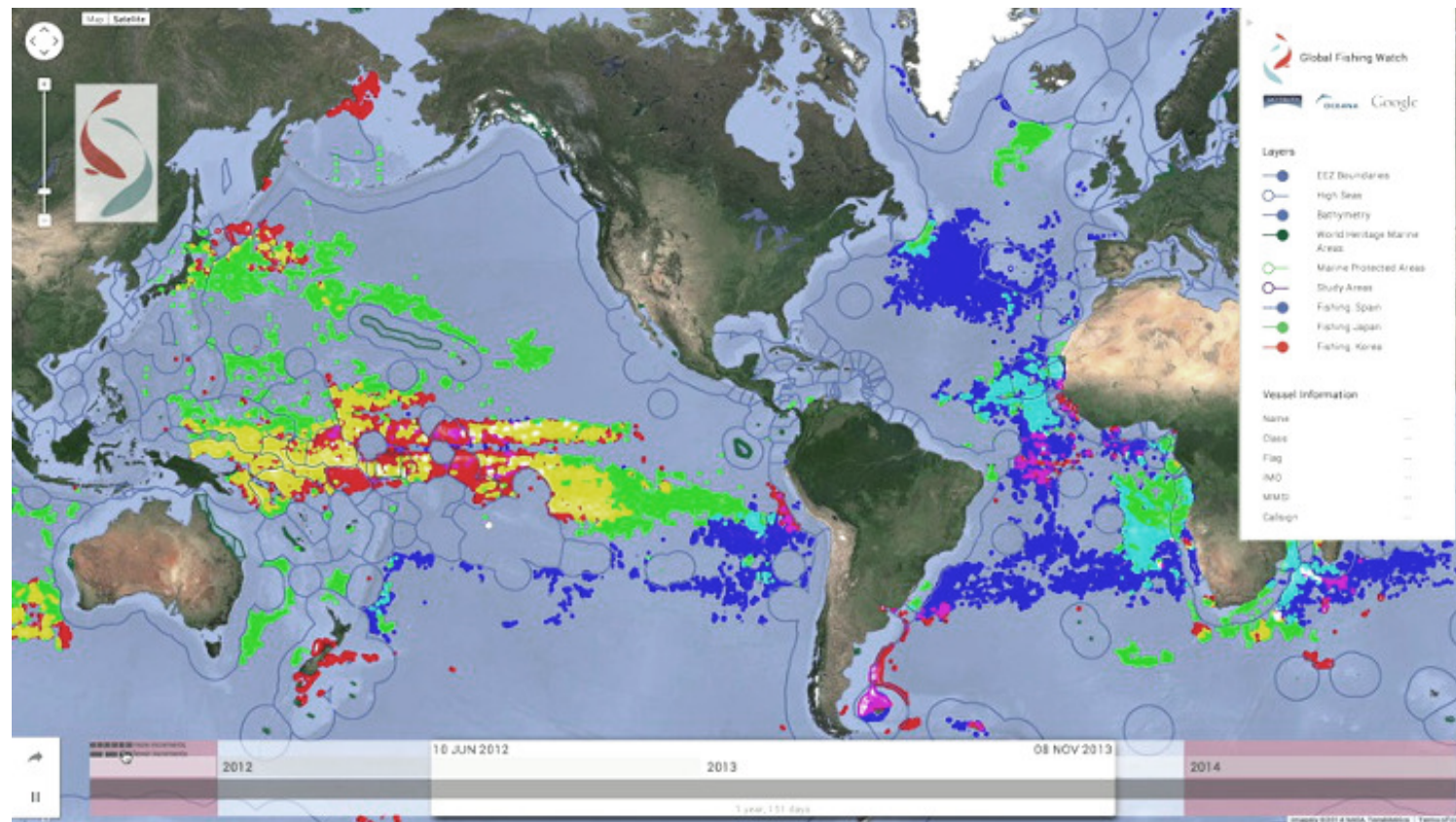
Aquaculture



Capture fishery

<https://www.nps.gov/articles/aps-v12-i2-c10.htm>; https://www.researchgate.net/figure/The-two-most-commonly-used-Artisanal-Fisheries-boats_fig3_301213420;
https://commons.wikimedia.org/wiki/File:BM188_off_Berry_Head.jpg/; <https://commons.wikimedia.org/wiki/File:Fish-farm-hero.jpg>

Global fishing industry



Map showing different marine areas and fishing activity from different countries.

~ **38 million** people work in the global fishing industry, 80% in Asia, 20% women.

+ ~ **20 million** workers are employed in aquaculture.

In comparison: the forestry sector employs approx. 33 million people (approx. 1% of global employment).

~ **500-600 million livelihoods** depend at least partially on fisheries and aquaculture.

~ **US\$ 141 billion** value in sales for capture fisheries.

Illegal, Unregulated and Unreported (IUU) fishing is a global challenge, representing approx. 14-33% of global capture fishery (and up to 37% in West African waters).

Fishing supply chain

Can you map the key stages of the fishing supply chain?



Fishing supply chain

Stages in the Fishing supply chain



Maritime waters

Inland waters

Aqua-culture

Pet food

Retailers

Cosmetics, Fabrics, ...

Gastronomy

Human rights risks

What do you know about the fishing industry?

Global production of fish is:

- a. Increasing steadily since 1950
- b. Increased from 1950 to 1990 and is now stalling
- c. Increased from 1950 to 1990 and is now decreasing

Global production of fish is:

- a. Predominantly composed of fishing
- b. Evenly composed of fishing and aquaculture
- c. Predominantly composed of aquaculture

The top 7 producers (China, Indonesia, Peru, India, Russia, USA, and Viet Nam) of fish account for:

- a. 25% of world production
- b. 50% of world production
- c. 75% of world production



What do you know about the fishing industry?

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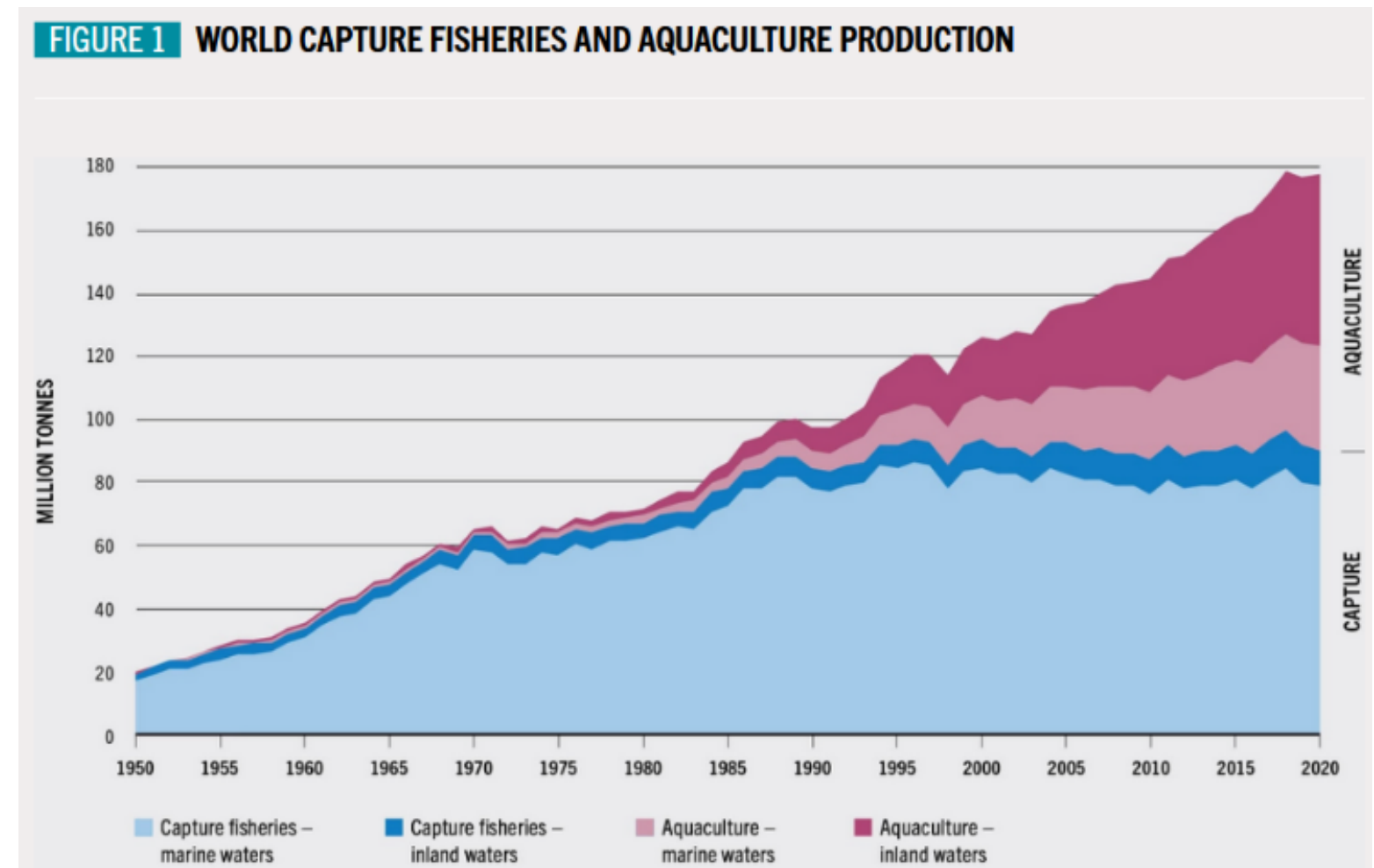
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Global production of fish is:

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Governance gaps and responsibilities

High seas: cover 64% of the ocean surface, states must cooperate (e.g., through regional fisheries bodies or international organizations)

Coastal states: sovereign rights for managing fishing activities within their EEZ (Exclusive Economic Zones), up to 200 nautical miles



Workers' nationalities

Owners' nationalities

Flag states: registration of vessels, exercise jurisdiction over vessels and control compliance with int'l conventions, national labor standards, and human rights

Port states: legislation of the port's location, inspection regime to prevent vessels suspected of IUU fishing from using ports and from bringing their produce to the national or int'l market

(see Port State Control, PCS)

Trade and Market States: involved in the processing, wholesale, and retail of fish and fish products. The main fish markets are found in the EU, the US, Japan and Australia.

Flags of convenience

A flag of convenience vessel is one that flies the flag of a country other than the country of ownership.
For workers onboard, this can mean:

- Very low wages
- Poor on-board conditions
- Inadequate food and clean drinking water
- Long periods of work without proper rest, leading to stress and fatigue

Associated with illegal, unreported, unregulated fishing (IUU)
Can be used to avoid regulations and controls

FLAGS OF CONVENIENCE

SOLAS = International Convention for the Safety of Life at Sea; MARPOL = International Convention for the Prevention of Pollution from Ships, LL66 = The International Convention on Load Lines, MLC2006 = Maritime Labour Convention (ILO), CLC FUND92 = International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage

Deep dive

Input from the Charles Autheman:

How does the international community try to regulate labor rights risks in the fishing industry?

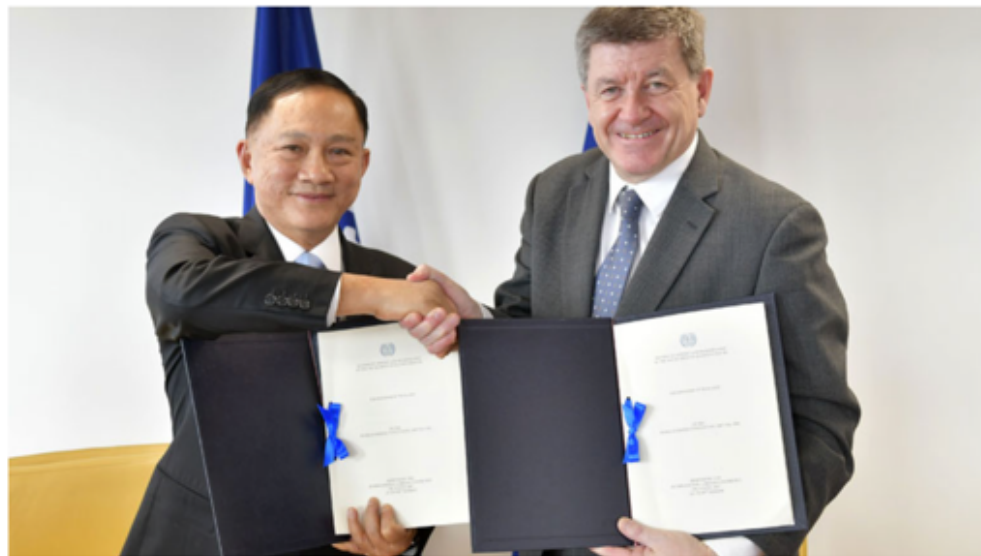
Regulations – International labor standards


Fishing Convention - C188

Thailand ratifies Work in Fishing Convention

Thailand has committed itself to ensuring acceptable living and working conditions for fishers on board ships by ratifying the Work in Fishing Convention. It has become the first country in Asia to do so, which signals to other countries in the region to follow this move.

Press release | 30 January 2019



Tools 

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Ratifications of C188 - Work in Fishing Convention, 2007 (No. 188)

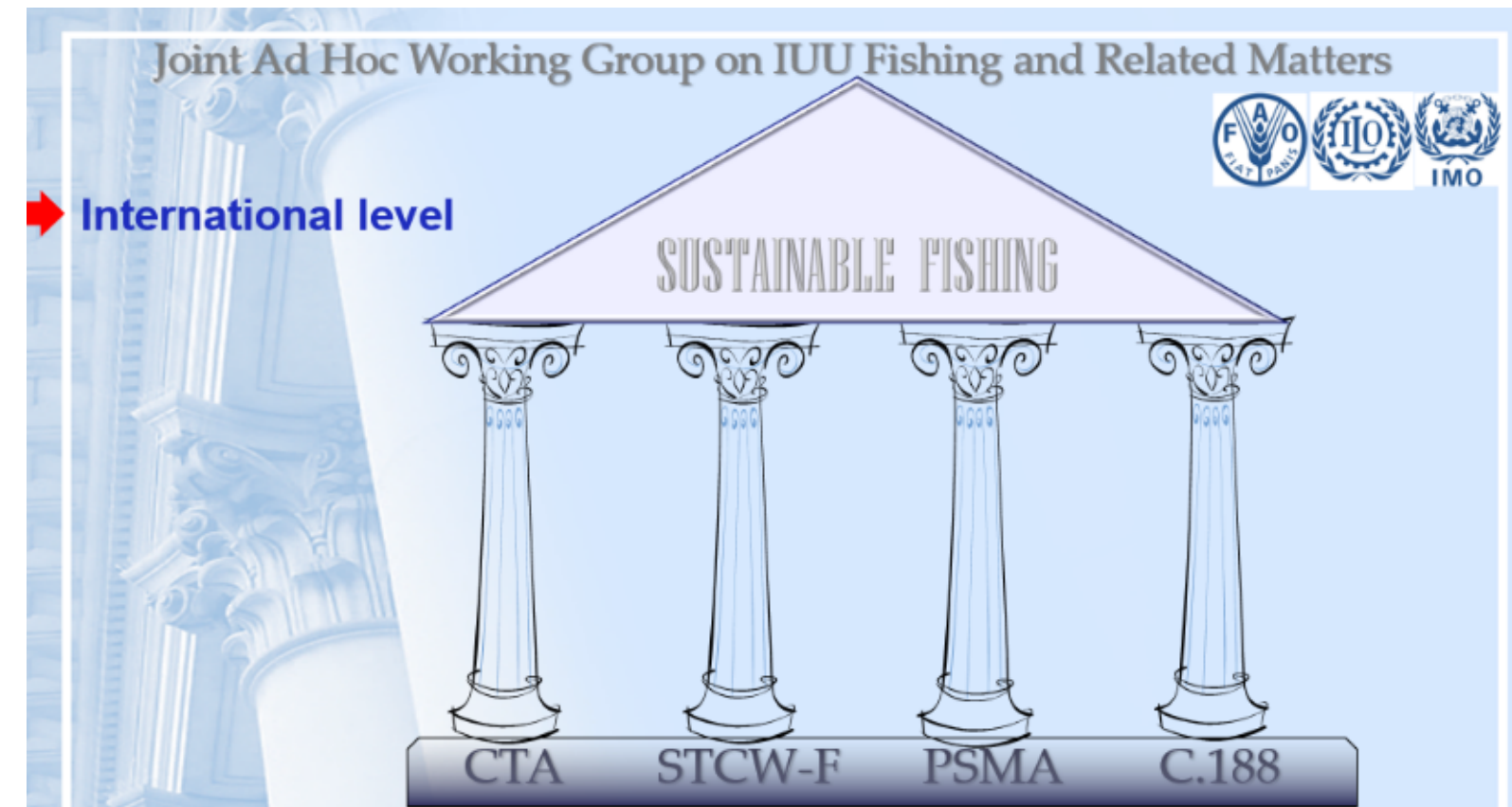
Date of entry into force: 16 Nov 2017

21 ratifications

▪ Denounced: 0

See also

▶ Countries have not ratified



Regulations – Regional fisheries management organizations



Regulations – Import bans and mHRDD



FISHING VESSELS					
#	Date	Merchandise	Entities	Status	Status Notes
5	08/04/2021	Seafood	Fishing Vessel: Hangton No. 112	Active	Press Release
4	05/26/2021	Seafood	Fishing Vessels owned by Dalian Ocean Fishing Co. Ltd.	Active	Press Release
3	12/31/2020	Seafood	Fishing Vessel: L		
2	8/18/2020	Seafood	Fishing Vessel: D		
1	5/11/2020	Seafood	Fishing Vessel: Y		



Deep dive

Input from the ILO:

Why is it challenging to ensure decent work in the fishing industry?

Who is in charge of implementing labor rights on board fishing vessels?

Establishing labor rights in fishing

General challenges

- Transnational nature of the industry
- Isolation
- Declining fish stocks

Challenges for port inspectors

- Sheer number of vessels calling into port
- Many things to inspect
- Limited human resources, labour inspectors not involved



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Human rights risks in the fishing industry

Health and safety

Each year, over 100'000 fishing-related deaths occur, compared to 300 deaths per year in the shipping industry.

Privacy and communication

Workers often live in very tight living quarters and have sporadic cell phone reception.

Hours and wages

Working hours of 16-20 hours a day, seven days a week are common. Workers often experience debt bondage.

Isolation and time at sea

Workers in forced labor spend months or even years at sea without stepping on shore. Fishing, processing the fish, transshipments of the catch and vessel transfers of workers all take place at sea.

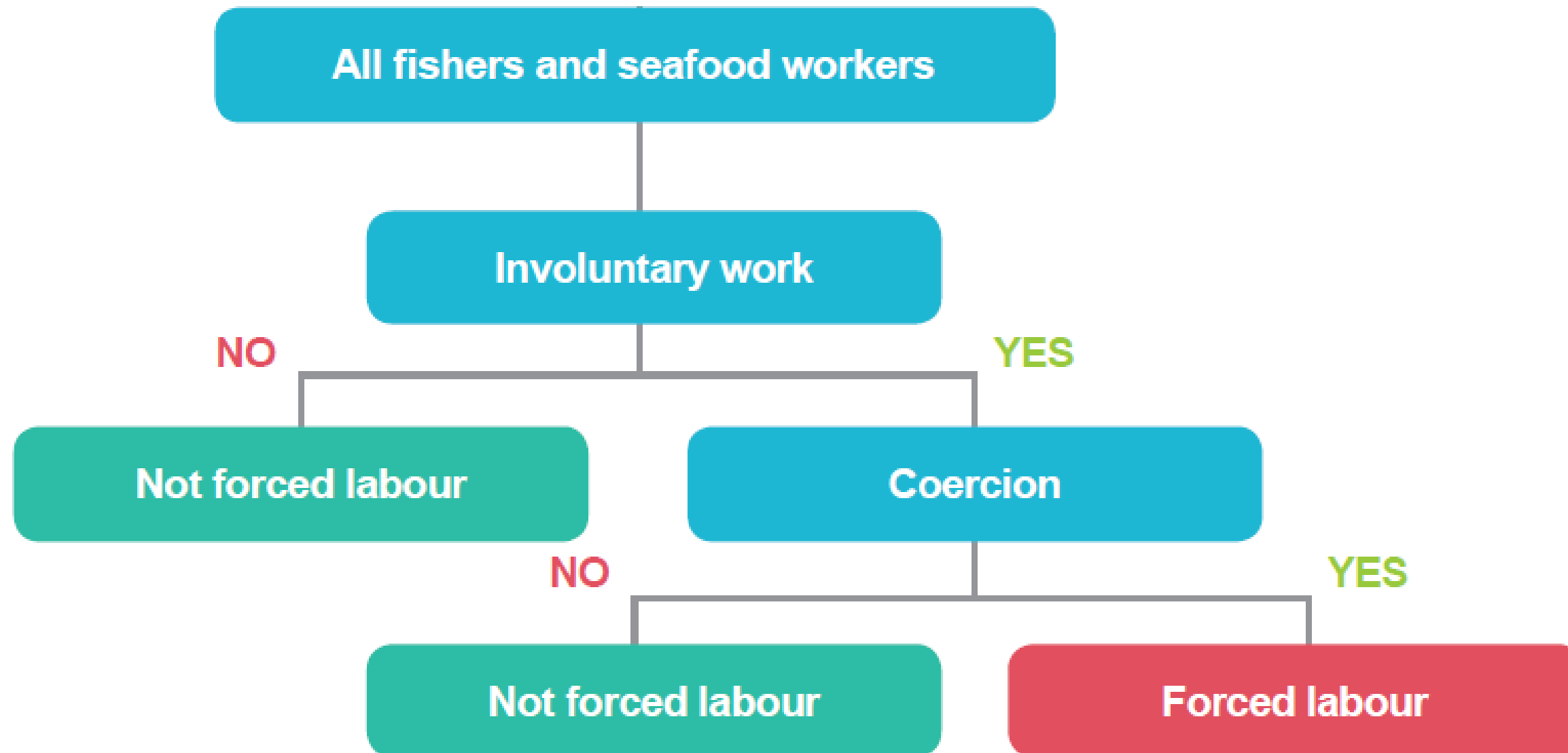
Trafficking and forced labor

Deep dive

Input from the ILO:

What is forced labor? How does ILO support governments, employers and workers to address forced labor in the fishing industry?

Identifying forced labor in fishing



11 indicators / red flags of forced labor

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime

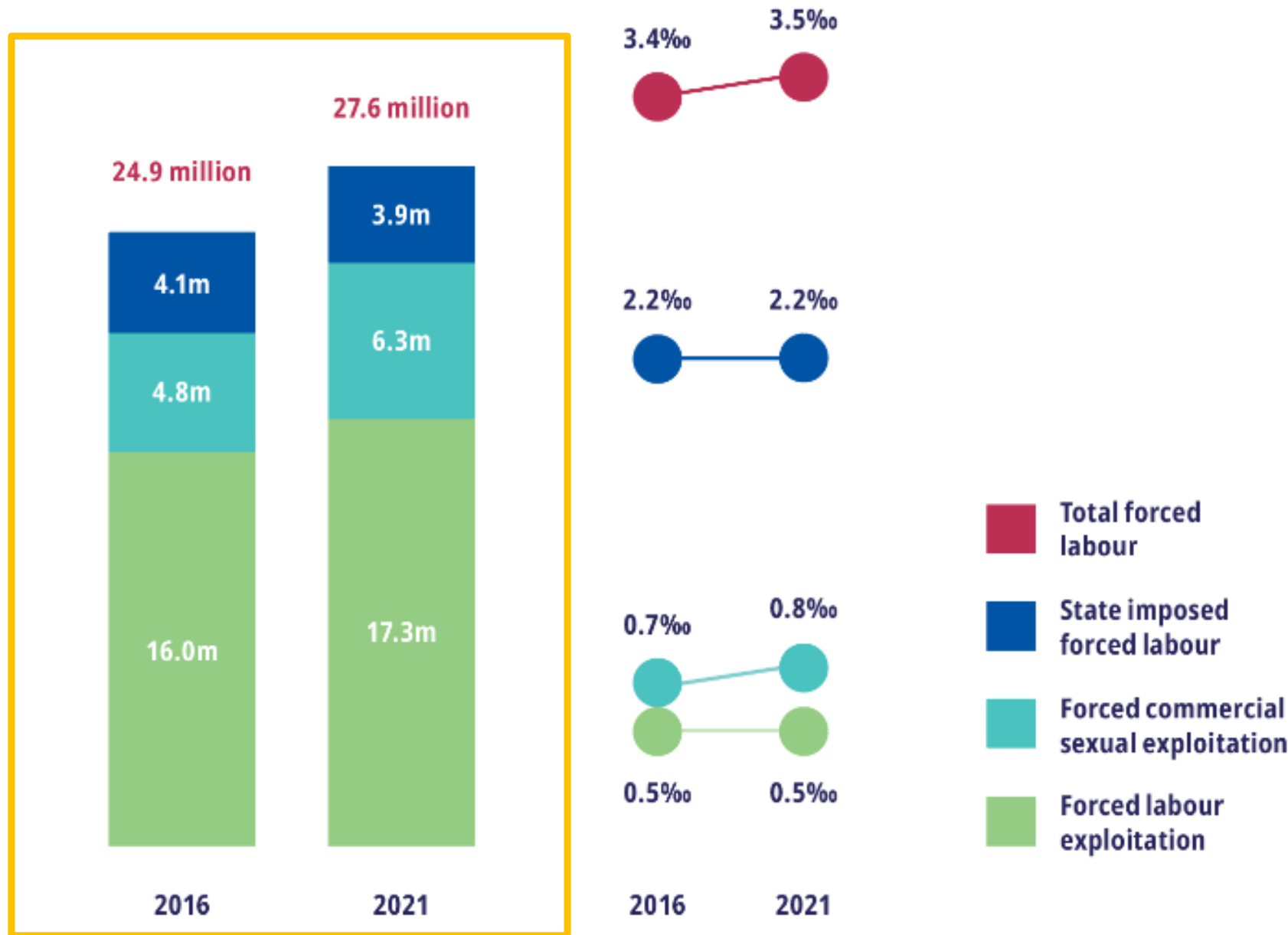


Forced labor trends

The increase in forced labor was driven entirely by forced labor in the private economy

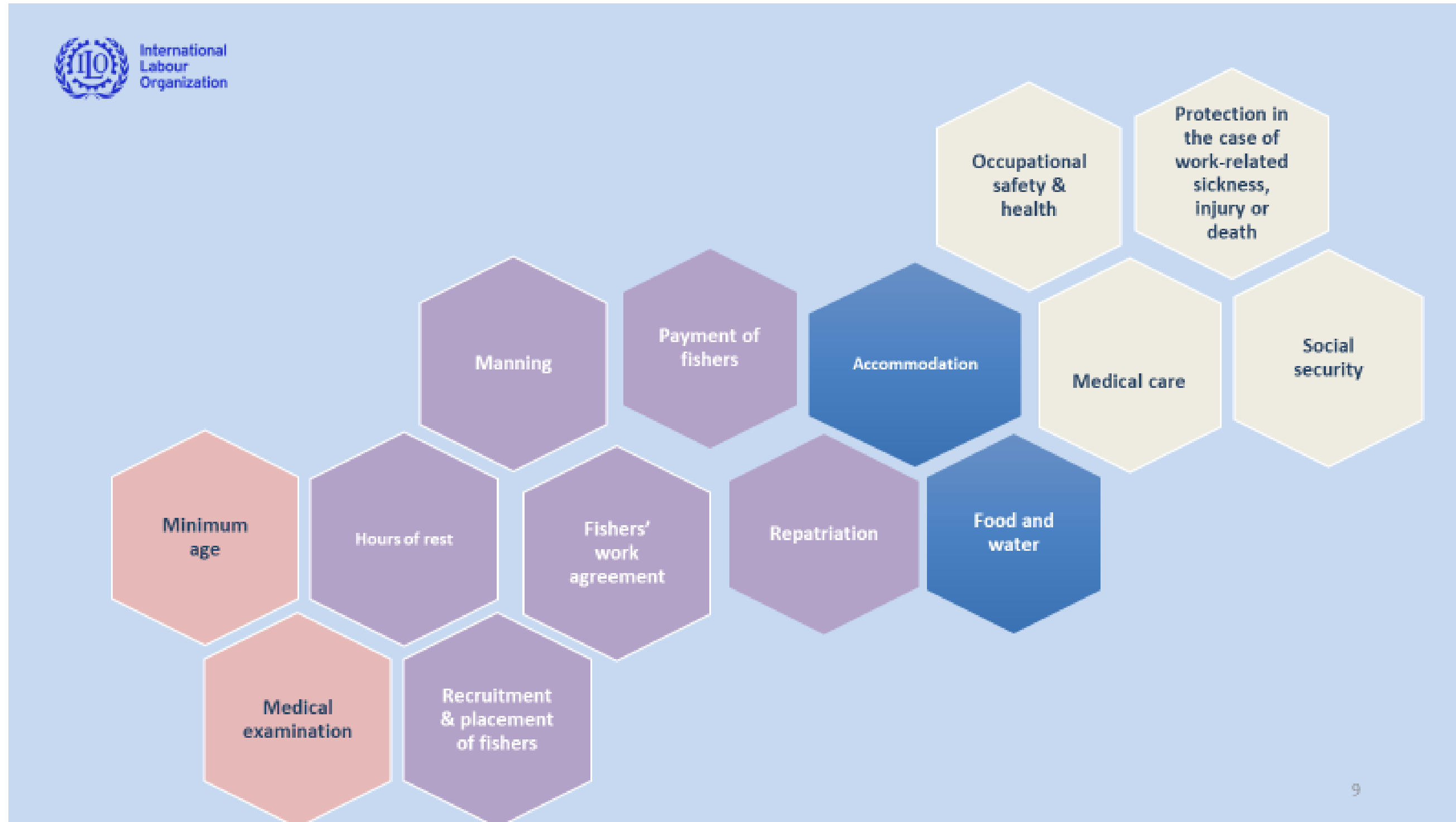


128,000 fishers are trapped in forced labour aboard fishing vessels, often on the high sea, a workplace characterised by extreme isolation, hazardousness, and with gaps in regulatory oversight.



Number and prevalence of people in forced labour, by sub-category, 2016 and 2021

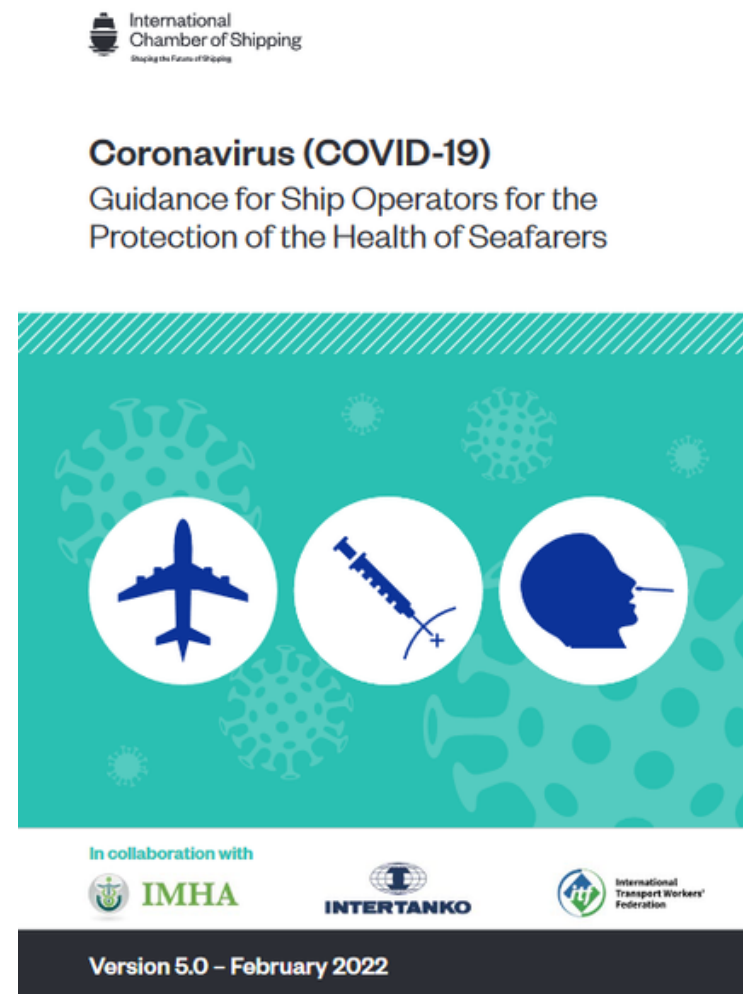
ILO Convention 188 and approaches to decent work



Covid-19 Implications for Seafarers



earlier versions were
withdrawn and
replaced



The Neptune Declaration on Seafarer Wellbeing and Crew Change

The Neptune Declaration, signed by more than 850 organizations, outlines the main actions that need to be taken to resolve the crew change crisis.



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A focus on certifications schemes and their limitations



Deep dive

Input from the ILO:

How effective are certifications and conventions for addressing forced labor?

How can technology help monitor labor abuses in the fishing industry?

Solutions: Labor inspection and strategic compliance

- Ensure labor inspection of fishing vessels, which is often not performed.
 - This can take the form of joint inspections where officials from multiple agencies conduct port-side inspections jointly: e.g., labor, maritime and fisheries inspectors.
 - Labor inspection must include face-to-face interviews of skippers and fishers and document reviews with fishers, skippers, vessel owners
 - Support strategic compliance and targeted inspections through risk assessment: use officials' experience and judgment, fishing data and algorithms to measure forced labor risk and focus efforts on the fisheries, ports and vessels where the risk is highest
- Focus on improving working conditions in a sustainable manner through support to sectoral trade unions and collective bargaining between workers and employers

Solutions: Monitoring

ILO Strategy and practices for forced labor identification in fishing (cont.):

What to look for	Indicator(s) of forced labor risks
<p>What indicators would you look for when inspecting a fishing vessel at sea or in port? What would you observe, what would you ask, what document would you request?</p>	



Solutions: Monitoring

ILO Strategy and practices for forced labor identification in fishing (cont.):

What to look for	Indicator(s) of forced labor risks
Manning/crew size ratio	Abusive working conditions, excessive overtime
Days at sea	Restriction of movement, isolation, abusive working and living conditions (rebuttable presumption)
Crew list mismatch	Abuse of vulnerability
Invalid/ incomplete	Invalid/ incomplete licensing, taxes, labor records
Repetitive/ uniform hours records	Abusive working conditions, excessive overtime
Repetitive or mismatched pay records	Wage withholding, deception
Port-switching or trans-shipment	Isolation, deception

Digital technology actors working to address forced labor in fishing

Technologies for use by workers



Technologies for use by source/port/coastal states



Technologies for use by retailers/investors/end-consumers



Modern slavery statements: Example Trafigura (2022)



Assessment of our chartered fleet

We recognise that a range of risks to labour rights, including to those of seafarers, are present in our shipping and chartering operations and supply chain. These include risks to the right to freedom from forced labour and rights relating to wages and working hours, discrimination, freedom of association and collective bargaining.



2022 Trafigura
Human
Rights Report:
www.trafigura.com/2022SR

Modern slavery statements: Example Mars (2021)



Sustainable Sourcing: Extended Supply Chains

Fish

In 2016, we launched our first Thai Fish Supply Chain Human Rights Action Plan which includes key performance indicators and uses the CARE Framework. As we advance this work, the sector continues to face complex challenges. Nonetheless, we are making progress.

As we continue learning more about how best to collaborate with our suppliers, how to form and activate the right partnerships and how to contribute to driving industry-level change, we remain focused on driving positive impact. Additional details on this work are available [here](#).

In the first phase of our Human Rights Action Plan work, we focused on increasing traceability, developing a better understanding of working conditions in our supply chain, and building relationships of trust across our supply chain and the sector. We mapped our Thai fish supply chain and launched Issara Institute's Inclusive Labor Monitoring (ILM) model during a four-year timeframe with our Tier 1 suppliers – opening access to a multi-lingual hotline and online application where workers could report issues and seek assistance as needed. In 2019, we issued [an update on progress](#) and hired an additional senior leader based in Thailand, bringing deep expertise in human rights to guide this work.



2021 Updates


The next phase of our human rights work in Thailand includes prioritizing the following actions, working together with a range of external partners. In 2021, we progressed on:

- Consolidating our supply chain and shifting our procurement model, where feasible, to increase our visibility, influence and leverage. We are exploring how our sourcing approach can help us reach our environmental and human rights commitments.
- Activating our Next Generation Supplier program over time with all of our Tier 1 suppliers – taking a long-term engagement approach to drive supplier ownership and capacity, and to identify and address forced labor risks and other human rights issues. Priority issues in current programs include responsible recruitment, with a focus on understanding and addressing recruitment fee risks, health and safety and worker engagement.
- Initiating multi-year collaborations designed to improve efforts to monitor, address, and prevent human rights risks for international fishing vessels, supported by third-party experts.
- Continuing to support fishermen drop-in and migrant children learning centers in Southern Thailand run by the nonprofit organization Stella Maris, and collaborating with USAID on a Connectivity @ Sea Technology and Ethical Recruitment. Learnings from our work with USAID are available in [this brief](#).
- Supporting advocacy to ensure nonprofits are able to continue their important work in Thailand and continuing our active role on the Seafood Taskforce to help drive improvements in practices at scale. We are emphasizing the importance of government action to promote responsible recruitment and to strengthen national approaches to human rights and enforcement of labor law.
- Supporting Raks Thai Foundation to implement COVID-19 response work across 11 provinces in Thailand, with a focus on seafood and fishery workers and their communities. More than 55,000 people were reached with support including [cash and emergency supplies](#), and community leaders have been trained on health and sanitation, financial management due to loss of income, and access to testing and medical services.

We are encouraged by the effectiveness of fisherman support centers that we have supported since 2019, implemented by Stella Maris. The centers connected more than 13,500 people – primarily migrant workers – to legal services, education and medical support between 2019 and 2021. Together with Stella Maris, we expanded our partnership in 2021 to provide grievance support services to fishery workers on hundreds of fishing vessels at two major landing ports in Thailand.

Brands reactions to the AP documentary

An AP investigation helps free slaves
in the 21st century

 **WINNER**
2016 Pulitzer Prize for Public Service →

“ [...] – and thus even businesses carefully tracking the provenance of the shrimp called the **AP’s findings a surprise**.
“I want to eliminate this,” said **Dirk Leuenberger, CEO of Aqua Star**. “I think it’s disgusting that it’s even remotely part of my business.”

Some, including **Red Lobster, Whole Foods and H-E-B Supermarkets**, said they were confident – based on assurances from their Thai supplier – that their particular shrimp was not associated with abusive factories. That **Thai supplier** admits it hadn’t known where it was getting all its shrimp and sent a note outlining corrective measures to U.S. businesses demanding answers last week. ”

 Esther Htusan, Margie Mason, Robin McDowell and
Martha Mendoza

Brands – Reviewing Nestlé’s reaction and progress



The
Guardian

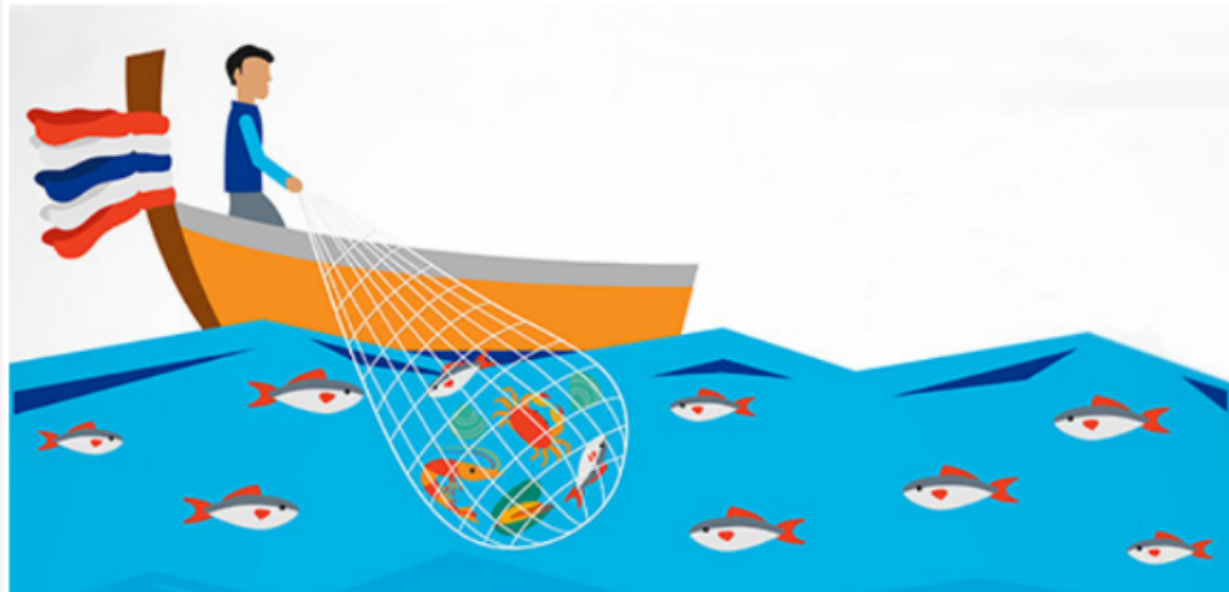
Nestlé admits to forced labour in its seafood supply chain in Thailand

In a move praised by anti-slavery groups, global food giant reports abuse of migrant labour among its suppliers in Thai seafood industry, after investigation

Nestlé 2015: Response to forced labor in seafood supply chains

NOV 23, 2015

Nestlé takes action to tackle seafood supply chain abuses




Given increasing concerns about labour and human rights abuses in the seafood supply chain and our commitment to eliminate such practices, Nestlé has published an [Action Plan \(pdf, 650Kb\)](#) on seafood sourced from Thailand. It contains a series of actions designed to protect workers from abuses, improve working conditions and tackle unacceptable practices including juvenile and teenage working.

“Nestlé is committed to eliminating forced labour in our seafood supply chain in Thailand, working alongside other stakeholders to tackle this serious and complex issue.”


– **Magdi Batato**, Executive Vice President of Operations at Nestlé (2015)

<https://www.nestle.com/media/news/nestle-tackles-abuses-seafood-supply-chain>

Nestlé 2015: Action Plan (excerpt)



Responsible Sourcing of Seafood - Thailand Action plan 2015-2016



Chapter 1		Background
Focus	<ul style="list-style-type: none"> • Country: Thailand • Ingredients: Seafood • Sustainability pillar: Labour conditions of sea based workers • Supply chain tier: Fishing vessels 	<p>Vision Be an industry leader in determining where the seafood is coming from & demand it is Sourced Responsibly.</p>
Convention Nestle Policies	<ul style="list-style-type: none"> ▪ ILO Conventions No. 29, 105, 182, 138, 111, 181, 87 and 98 ▪ Nestlé Supplier Code ▪ Nestlé Commitment on the Responsible Use of Materials from Agricultural Origin ▪ Nestlé Responsible Sourcing Guideline 	<p>Mission Through our partnerships with key parties, trace our upstream seafood supply chains, monitor recruitment and labor conditions on fishing vessels and implement practices as necessary to meet our Nestle policy goals.</p>
Objectives:	<ul style="list-style-type: none"> • Operate management systems enabling upstream supply chain transparency back to origins, • Deploy monitoring & remediation systems for good labor standards on fishing vessels. 	<p>Key Parties</p> <ul style="list-style-type: none"> • Seafood suppliers. • VERITE Ltd. • Achilles Ltd.
Context: <i>Several media outlets have published articles reporting alleged labour and human rights abuses in Thailand's seafood supply chain</i>		

Nestlé: Collaborations to improve sourcing of fish

Partnerships and standards:

- Stakeholder collaboration: Thai Government, the Seafood Taskforce (industry association), and suppliers
- NGOs: *Issara Institute* (human trafficking and forced labor, grievance mechanisms), *Verité* (labor abuses in supply chains)
- Sustainable Fisheries Partnership (SFP): sharing purchasing information, Target 75% Champion
- International Union for Conservation of Nature Red List: to prevent illegal, unreported and unregulated (IUU) fishing

Audits, progress monitoring, accountability:

- > 10% of vessels (Thailand) audited against the Seafood Task Force limited scope UL (Underwriters Laboratories) standard
- Independent 3rd party vessel audits against the Thai Union Vessel Code of Conduct (VCoC)

Progress reports:

- Nestlé responsible sourcing standard
- Publication of sourcing regions
- Regular progress reports for Nestlé's seafood sourcing



Focus on Thailand but also
working in other countries

Nestlé 2017: Progress after 2-3 years

FEB 28, 2018

Inauguration of demo boat, a milestone in Thai fishing industry



Nestlé and Thai Union today officially inaugurated a demonstration boat, marking an important milestone in the collaborative efforts to address the complex issue of labour and human rights abuses in the Thai fishing industry.

25% of our seafood purchased in 2017 was responsibly sourced

57% of our total whole fish purchased in 2017 was traceable to its source

<https://www.nestle-cwa.com/en/csv/raw-materials/fish-seafood>; <https://www.nestle.com/media/news/inauguration-demo-boat-thai-fishing-industry-Thailand>;
<https://www.youtube.com/watch?v=qTZUDHPts10>

Nestlé 2020: Latest update on responsible seafood supply chains

Nestlé's 2020 progress report includes sections on:

- Knowing where our seafood comes from and how it is produced
- Collaborating on responsible vessel working conditions
- The Business Case for Safe Working and Living Conditions
- Worker Voice and Remediation
- Multi-stakeholder collaboration



Towards decent work in the fishing industry

Example Ghana: dialogue between government, employers and trade unions



Example from South Africa: detention of foreign flagged vessels for non-compliance with ILO Convention no. 188 on Work in Fishing



Example of Indonesia: strengthening authorities to conduct joint labor inspections



Questions?

Do you have any remaining questions or reactions?

