

# Promoting decent work and the elimination of forced labour in the fishing industry

## Teaching labour and human rights in business schools #1

December 2022

### About this resource

This teaching resource has been designed by business school lecturers and topic matter experts for the use of other business school lecturers.<sup>1</sup> It falls within the joint commitment by the International Labour Organization, the Geneva School of Economics and Management and the Global Business School Network to increase inclusion of labour rights issues in business school education.

The resource focuses on decent work and the elimination of forced labour in fishing, providing general information on the industry, macroeconomics data and information about the labour challenges that workers face within it. It presents several practical examples from different countries and different stakeholder perspectives as well as advice to contextualize the learning experience to different audiences. The resource is tailored to be taught during one **session of a 2-to-3-hour duration**. An indicative duration is therefore given for each unit of the resource. The teaching resource is targeted at graduate students but can be adapted to different levels (undergraduate, graduate, executive education).

### What makes this teaching resource unique?

- Collaborative drafting process with key stakeholders from countries with a strong link with the fishing industry
- Integrates stakeholders from different stages of the fishing supply chain to highlight their specific perspectives and thematic priorities

Lecturers should feel free to adapt the resource to their needs. **Suggestions are provided to integrate this topic within specialized courses** such as finance, leadership operations/supply chains management, marketing, HR and entrepreneurship.<sup>2</sup> Ideas for discussion questions and deep dives allow to expand the scope or relate the human rights questions to other topics and industries.

This document presents a **draft session outline** that is the core document of this teaching tool. It is complemented by a repository with additional resources (such as case material and videos) that is available through the GBSN website. The session outline starts with an introduction to set the stage, depending on, e.g., the course, level, and country in which the resource is used (Unit 0), followed by three main units that introduce the fishing industry (Unit 1), discuss the human rights challenges and forced labour in particular (Unit 2), and address possible management solutions (Unit 3).

Each unit has specific learning objectives and is structured into two parts. The **first part provides the lecturer with detailed context and content**, supplemented with context boxes that offer more detailed background information. The **second part collects teaching resources** that include (a) key resources (such as reports and case studies), (b) in-class activities and discussion questions and (c) suggestions for deep dives that extend beyond human rights or fishing, outlining links to other industries or business-related concepts).

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<sup>1</sup> The resource was drafted during a workshop organized at the Geneva School of Economics and Management. Participants included: Jaka Aminata (Universitas Diponegoro), Charles Autheman (HEC Paris), Raymond Babanawo (GIMPA), Dorothée Baumann-Pauly (UNIGE), Victor Cabezas (University of Pennsylvania), Sandy Chong (Curtin University), Cécile Féront (University of Cape Town), Berit Knaak (University of Geneva), Christina Stringer (University of Auckland), Alix Nasri (ILO) and experts in the field of fishing, labour rights, and business and human rights. The list and bio of participants is annexed.

<sup>2</sup> Further information about integrating human rights into business school education can be found in the Tool Kit that was developed for this purpose by the GBSN Impact Community for Business & Human Rights. It outlines the relevance of discussing human rights in management education and provides concrete resources for teaching. The Tool Kit can be found here: Baumann-Pauly, Posner, LeClair (2020) The Case for Human Rights in Business Education – A Tool Kit, <https://gbsn.org/gbsn-for-bhr/>, <https://gcbhr.org/backoffice/resources/toolkit.pdf>.

## How to use this resource

**Prerequisites:** The session outline that is presented in this document is targeted at graduate students but can be modified for different levels (undergraduate, graduate, executive education). No prerequisites are required, although a basic introduction to human and labour rights might be beneficial. In its current form, the outline fits courses on sustainable and responsible management, yet the teaching resource is explicitly meant to be used across disciplines.

**Supplementary resources:** This document presents the core of the teaching resource. A standard slide deck is available on the GBSN website. The PowerPoint file will be shared upon request so that lecturers can modify the slides for their class. Supplementary material is available through the GBSN website and will be continuously updated – this includes, e.g., reports, country data, infographics and visuals, or videos.

**Purpose:** The intention of this teaching resource is to educate students about forced labour in supply chains and the role of the private sector in prolonging or mitigating human rights risks. The lecturer can adopt a focus on a particular academic discipline, supply chain stage, stakeholder group or country in order to fit the course participants. The discussion of human rights should remain at the core.

**Feedback:** Since this is a first of its kind teaching resource, it relies on feedback from lecturers from different countries and disciplines. Any feedback on experiences, additional material, or recommendations for improvement will be integrated into the document.

### General learning objectives

The learning objectives include overarching objectives about human rights in business, and sub-objectives that break down the objectives into smaller learning steps and apply the insights to the fishing industry. Through this activity, students will:

1. **Industry context:** Understand how the structuring of an industry can enable human rights or lead to violations.  
*Sub-objectives:* map the labour rights risks along the fishing value chain, understand the different actors in global fish production and distribution, and learn about the economic relevance of global fish production in producing countries and market states.
2. **Human rights challenges and the role of businesses:** Discuss corporate responsibility for human rights along the global value chain.  
*Sub-objectives:* examine how the operations of fishing companies can lead to labour rights violations or forced labour, learn how to identify and monitor indicators of forced labour.
3. **Management solutions:** Reflect on how management must be an important part of providing holistic solutions.  
*Sub-objectives:* develop promising solutions to address human rights and forced labour concerns in the fishing industry, consider short-term and long-term strategies to mitigate human rights risks and remedy human rights abuses.

The learning objectives can be modified to target different levels. For example:

- For undergraduate or bachelor students: Use the teaching resource as a way to introduce human rights issues at different stages in the global value chains and introduce the Business and Human Rights (BHR) and International Labour Standards (ILS) framework.
- For graduate or master students: Dig deeper into questions of corporate responsibility (and mandatory human rights due diligence), understand how to recognize the indicators of forced labour, and discuss the relation to management and purchasing practices.
- For executive education and practitioners: Work on specific business practices to address forced labour risks in the value chain, discuss the transferability to different industries, and talk about the role of different stakeholders in the value chain. Tailor the example that is used to start the session to the target audience (e.g., for operations managers in the hospitality sector, discuss sourcing fish, or with professionals working in consumer goods or retail, speak about fish ingredients in cosmetics).

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## Unit 0 – Setting the stage

(15min.)

In recent years, many reports and news articles have documented the reality of fishing and the lived experiences of fishers, informing the public on the importance of this sector. Although fishing is a major economic sector, providing livelihoods to millions of families worldwide, decent work deficits are being observed and documented in many regions. Ahead of the lesson, it might be useful to share examples of these resources<sup>3</sup> with the students.

Figure [1]: Examples of articles and reports on the fishing industry and decent work deficits



- 1 In June 2011, 32 Indonesian crew walked off the *Oyang 75*, a South Korean flagged vessel fishing in New Zealand’s waters citing labour and human rights abuses. Reporting by [Michael Field](#) and [E. Benjamin Skinner](#) helped expose this situation. The 7-min documentary film [Slaves of the ocean](#) gives voice to some of the Indonesian fishers working on board Korean-flagged vessels.
- 2 In the summer of 2012, more than 200 Indonesia fishers found themselves stranded in Trinidad-and-Tobago after the owner of their different fishing vessels has declared bankrupt and **abandoned**\*<sup>4</sup> the crew. Two articles from the Trinidad and Tobago Guardian recount this story: [Indonesian seamen plead for help](#) and [Stranded Indonesian fishermen on the way home](#).
- 3 From 2015 to 2017, a team of investigative journalists from Associated Press reported on abusive labour practices in the fishing industry. While the [Seafood from slaves](#) series focused mainly on Southeast Asia, reporters also looked at fishing in the United States, documenting irregular practices locally: [Hawaii may be breaking law by allowing foreign men to fish](#).
- 4 In the decision by British authorities to withdraw from the European Union, fishing played an important role. In this short February 2017 video segment by Vice News / HBO [British fishers explain why they are excited about Brexit](#).
- 5 Port authorities can play an important role in identifying forced labour situations on board fishing vessels. In June 2018, the [South African Maritime and Safety Authority \(SAMSA\) detained a foreign-flagged fishing vessel in the port of Cape Town](#).
- 6 The COVID-19 pandemic had a severe impact on fishers and their working conditions. As lockdown rules were put in place, fishers onboard fishing vessels were unable to disembark. In this October 2020 story published by Rappler, journalist Ana Santos explores what it means for Filipino fishers to be in “[Ocean lockdown](#)” off the coast of Peru.
- 7 Fish that is caught in the sea can be transformed and processed for many different purposes. One important use is **fish meal**, a product made from fish and used to feed farm fishes or other animals. In this March 2021 New Yorker documentary, journalist Ian Urbina explores the [complex situation of fishing and fish meal production in Gambia](#).
- 8 Every two years, the UN Food and Agriculture Organization (FAO) produces a flagship report on the state of fisheries and aquaculture and its important contributions to the world’s global food supply. The [2022 report](#) is the latest edition.

<sup>3</sup> **Tip for contextualization:** Depending on where you are teaching this class, you might wish to look for reports providing information on fishing practices in your region, key challenges faced by fishers or consumer perspectives.

<sup>4</sup> Definitions of the words in **blue\*** are provided in the glossary – Annex 1 – at the end of the document.

## Activity #0:

### Pre-class assignment

- *Forum*: If your students use an online learning platform before/in between classes, you can suggest a forum-type discussion between students.

### In-class activity:

- *Survey*: Run an anonymous survey with the students (the survey can be done prior to the class or using an in-class application such as [Mentimeter](#) or [sli.do](#)) and discuss with the students the results. Suggested questions:

#### 1. Global production of fish is:

- Increasing steadily since 1950
- Increased from 1950 to 1990 and is now stalling
- Increased from 1950 to 1990 and is now decreasing

#### 2. Global production of fish is:

- Predominantly composed of fishing
- Evenly composed of fishing and aquaculture
- Predominantly composed of aquaculture

#### 3. The top 7 producers (China, Indonesia, Peru, India, Russian federation, USA, and Viet Nam) of fish account for:

- 25% of world production
- 50% of world production
- 75% of world production

#### 4. Work in fishing:

- Does not have a dedicated international labour standard
- Is defined and protected, alongside other maritime activities, by the Maritime Labour Convention
- Has a dedicated standard: the Work in Fishing Convention

#### 5. Responsibility: which States have primary jurisdiction over activities onboard fishing vessels:

- Coastal States
  - Flag States
  - Port States
- 
- *Discussion*: Ask students to present the key points of the resources shared ahead of the class. This can be done individually or in small groups, assigning specific resources to different student groups (e.g. presenting different stakeholder perspectives) and asking each group to report on the key elements.

# Unit 1 - The fishing industry

(30min.-1h)

## Unit 1 learning objectives

**Industry context:** Understand how the structuring of an industry can enable human rights or lead to violations.

**Sub-objectives:** map the labour rights risks along the fishing value chain, understand the different actors in global fish production and distribution, and learn about the economic relevance of global fish production in producing countries and market states.

## 1.1 Context

### 1.1.1 Key characteristics of fishing

**Fishing\*** is a historical means of subsistence which has seen a steep increase in production since the second world war, growing from 20 million tonnes (1950) to an average 90 million tonnes by the end of the 1980. Fish production has been relatively stable since.<sup>5</sup> Up until recently, fishing was the predominant means of fish production however this has changed recently with the significant growth of **aquaculture\***.

The fishing industry is important for several reasons. Firstly, it is an important contributor to global fish production and therefore plays a key role in food consumption across the globe.<sup>6</sup> This is true for small scale artisanal fishers who sell fish to their local communities as well as for bigger industrial operations which supply the global markets. In addition to providing fish – fresh, frozen, prepared or cured – to consumers, the fishing industry is also an important link in global food production through the transformation of fish in **fish meal\*** and **fish oil\***, used in aquaculture and animal husbandry.<sup>7</sup>

Secondly, the fishing industry is an important economic sector. In 2020, an estimated 38 million fishers are employed in the fishing industry (with an extra 20 million workers employed in aquaculture). This workforce has been relatively stable over the past 10 years but is unevenly distributed around the world with roughly 80 per cent of fishers located in Asia. Overall, an estimated 600 million livelihoods rely or depend on fisheries and aquaculture.<sup>8</sup>

### 1.1.2 Evolution of fish production and main challenges in fishing

Global fish production is under stress, therefore generating tensions in the industry. On one hand, demand for fish and fish-based products is increasing, pushing fishing and aquaculture players to increase production. On the other hand, the available resources are limited and, with regards to fishing, the sustainability of fish stocks is jeopardized in a growing number of regions.<sup>9</sup>

In response to this situation, **conservation and management efforts have been developed over time to ensure that fish stocks are managed sustainably. But the impacts of these efforts are lessened by several additional challenges:**

<sup>5</sup> FAO, 2022, <https://www.fao.org/3/cc0461en/online/sofia/2022/world-fisheries-aquaculture.html>

<sup>6</sup> In 2019, it is estimated that 17 per cent of animal proteins come from aquatic foods and 7 per cent of all proteins. FAO, 2022, <https://www.fao.org/3/cc0461en/online/sofia/2022/consumption-of-aquatic-foods.html>

**Tip for contextualization:** The situation is quite different from region to region or within regions. In countries such as Cambodia, Indonesia or Ghana, aquatic foods represent more than half of animal protein intakes. The OECD-FAO Agricultural Outlook 2021-2030 provides for interesting regional data ([link](#)).

<sup>7</sup> In 2020, 89 per cent of fish production was for direct human consumption. About 9 per cent was reduced to fish meal or fish oil while the remaining 2 per cent were used for other purposes such as bait, pet food or the pharmaceutical industry. FAO, 2022, [The State of World Fisheries and Aquaculture](#)

<sup>8</sup> FAO, 2022, <https://www.fao.org/3/cc0461en/online/sofia/2022/transforming-aquatic-based-food.html>

<sup>9</sup> FAO, 2022, <https://www.fao.org/3/cc0461en/online/sofia/2022/status-of-fishery-resources.html>

- *Transnational dimension and jurisdiction challenges*: fishing can happen within or outside territorial waters.<sup>10</sup> Countries – referred to as **coastal States\*** in these cases – exercise full sovereignty over the territorial sea or territorial waters,<sup>11</sup> and sovereign rights for the purpose of managing fisheries resources within their Exclusive Economic Zones (**EEZ\***),<sup>12</sup> and can prohibit or authorize fishing vessels from fishing within these zones. International waters – referred to in international law as **high seas\*** – are the remaining areas and represent 64 per cent of the ocean surface. In areas of the high seas, States have a duty to cooperate with each other. This is done mainly through the establishment of **regional fisheries bodies or organizations\***. The main responsibility of these regional fisheries organizations is to establish conservation and management measures to ensure the sustainable use of fisheries resources.<sup>13</sup> **Flag States\*** play a critical role as they must effectively exercise their jurisdiction and control over fishing vessels entitled to fly their flag to ensure they comply with international conservation and management measures and with national applicable labour standards<sup>14</sup> and also ensure they respect human rights. More than 95 per cent of marine commercial fishing currently takes place within territorial waters.<sup>15</sup>

**Context #1.1.2: Beneficial ownership, an additional layer of complexity**

In Ghana, the Fisheries Act 625 (2002) prohibits foreign persons from owning or controlling Ghanaian-flagged fishing vessels, except for tuna fishing vessels, where up to fifty percent of the shares in the vessels can be beneficially owned or controlled by foreign persons (Section 47 (1)(b) of the Fisheries Act, 2002). However, this [Ghana Business News article](#) sheds light on reported challenges linked to industrial fishing vessels ownership.

- *Illegal, unreported, unregulated (IUU\*) fishing*: to circumvent management and conservation efforts, fishers may engage in different strategies. They can decide to outright break the law by fishing in waters where they don't have permission or without respecting local conservation and management measures (illegal fishing). They can also decide not to report the fish they have caught or misreport the true figures of their catch (unreported). Finally, they can engage in unregulated fishing where: (a) in areas or for fish stocks in relation to which there are no applicable conservation and management measures, they operate in a manner that is inconsistent with State responsibilities for the conservation of fisheries resources; or (b) in the area of competence of a regional fisheries organization, they carry out fishing activities with a vessel without nationality or with a vessel flying the flag of a State not party to that organization and in a manner that is not consistent with or in breach of the conservation and management measures of that organization (unregulated). To prevent, deter and eliminate IUU fishing a binding international instrument was developed, the Agreement on Port States Measures (PSMA).<sup>16</sup>
- *Climate change*: the impact of climate change on the oceans is well documented and is making existing management and conservation efforts more difficult. Changes in water temperature and acidity are leading to acute changes, notably in the geographic distribution and health of **fish stocks\***.<sup>17</sup>
- *Subsidies*: the fishing industry is heavily subsidized by governments, leading to distortions in the market and contributing directly to overfishing. When drafting the 2030 agenda, stakeholders included within

<sup>10</sup> With the adoption of the United Nations Convention on the Law of the Sea (UNCLOS, 1982), territorial waters have been extended to 12 nautical miles and coastal States have been granted sovereign rights for the purpose of exploring and exploiting, conserving and managing fisheries resources occurring within their exclusive economic zones which may extend up to 200 nautical miles (370 kilometres) from the baselines used to measure the territorial waters. All areas beyond national jurisdiction are known as the high seas or international waters.

<sup>11</sup> Art. 2, UNCLOS, 1982.

<sup>12</sup> Art. 56, UNCLOS, 1982.

<sup>13</sup> Articles 118 and 119, UNCLOS, 1982.

<sup>14</sup> Article 94, UNCLOS, 1982.

<sup>15</sup> Over the 2009-2014 period it was estimated that fish caught in international waters accounted for 4.2 per cent of commercial fishing production and 2.4 per cent of all seafood production, [High seas fisheries play a negligible role in addressing global food security](#), 2018.

<sup>16</sup> <https://www.fao.org/port-state-measures/en/>

<sup>17</sup> FAO, 2022, <https://www.fao.org/3/cc0461en/online/sofia/2022/adaptations-to-climate-crisis.html>



objective 14 (Life below water) a specific target, 14.6 aimed at addressing harmful subsidies by 2020. Progress has been made recently within the World Trade Organization towards their elimination with the adoption of an Agreement on Fisheries Subsidies in 2022.<sup>18</sup>

**These challenges often act in conjunction at the local level, exerting severe pressure on fishing companies.** As we will see in the next unit, ensuring decent work for all fishers in this context proves to be difficult.

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<sup>18</sup> WTO, 2022, [https://www.wto.org/english/thewto\\_e/minist\\_e/mc12\\_e/briefing\\_notes\\_e/bffish\\_e.htm](https://www.wto.org/english/thewto_e/minist_e/mc12_e/briefing_notes_e/bffish_e.htm)

## 1.2 Teaching resources

### Key resources:

#### 1. The State of World Fisheries and Aquaculture, FAO. [Link](#)

*The State of World Fisheries and Aquaculture* (SOFIA) is the biennial flagship report of the FAO Fisheries and Aquaculture Division that analyses the status of global stocks as well as trends in fisheries and aquaculture at a global and regional level. SOFIA is a critical reference for governments, policy makers, academics, civil society and all actors working in the fisheries and aquaculture sector.

#### 2. Fishery and Aquaculture Country Profiles, FAO. [Link](#)

The FAO Fishery and Aquaculture Country Profiles provide a comprehensive overview of the fisheries and aquaculture sector for each country (or areas/territories recognized by the Organization and with important fishery sector).

#### 3. Regional Fishery Bodies Map Viewer, FAO. [Link](#)

Select a Regional Fishery Body to access its area of competence and the list of members.

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### Activities:

#### Activity #1: Mapping the actors involved in the fishing industry.

- *Task:* Students are asked to identify the different economic actors responsible for bringing fish and fish-based products to consumers in their countries. They can also map the tensions that exist within the market, for example between artisanal and industrial fishers. If public data is available, students may also be asked to try and assess the economic size of such actors and the evolution of their financial performance.
- *Format:* group work, possibly draw a simplified flowchart

#### Discussion & clarification questions:

- Depending on the country of teaching – do students know someone who works in the fishing industry? Can students describe their work?
- What end products for fish can students think of (e.g., markets and private food consumption, gastronomy sector, animal food, pharmaceutical, fashion, etc.)?

### Options for deep dives/further discussions:

Challenges within the fishing industry can resonate with tensions in other sectors and notably:

- Tensions between industrial and artisanal activities such as in the extractives, textile, or agriculture sectors
- Tensions between economic activity and local communities, notably coastal or indigenous communities
- Tensions between conservation effort and economic activity. This can relate to discussions on climate change adaptation, management of the commons, short term vs long term approaches
- Dependence within some countries on revenues related to the extraction of natural resources such as agriculture, extractives, or oil and gas
- Geopolitical tensions

## Unit 2 – Decent work in the fishing industry

(45min.-1h)

### Unit 2 learning objectives

Human rights challenges and the role of businesses: Discuss corporate responsibility for human rights along the global value chain.

*Sub-objectives*: examine how the operations of fishing companies can lead to labour rights violations or forced labour, learn how to identify and monitor indicators of forced labour.

### 2.1 Context

#### 2.1.1 Decent work deficits in the fishing industry

Work in fishing is classified as hazardous work and has long been considered one of the most dangerous occupations in the world.<sup>19</sup> Numerous reports from journalists, trade unions, and civil society organizations have evidenced the plight of fishers around the world and notably the specific vulnerabilities of migrant fishers working onboard distant-water fishing vessels.

#### *Context #2.1.1: Indigenous fishers can suffer severe physical and mental illnesses*

Artisanal fishers can also face harsh working conditions and be exposed to physical and mental health conditions. One notable recent case is the one of the Miskito, a native people in Central America. Increased demand for lobster from the Mosquito Coast has led to human rights violations of fishers. The recent [court decision by the Inter-American Court of Human Rights](#) has been a [landmark business and human rights case](#) related to fishing.

**Many of the decent work deficits that fishers face are inherent to the nature of their work and the transnational dimension of some activities.** Access to **social protection\*** is a good example of these inherent challenges. While fishers are entitled to social protection alike any worker, they often face legal and practical barriers to access effective protection:

- In many cases, fishers are not employed in their country of residence and are therefore excluded from the formal contributory schemes of their country of origin. Since they do not reside in their country of employment, they are often excluded from the social security regimes of these countries.
- When fishers are covered by a social security scheme, they may face difficulties to pay their contributions as they do not always have a regular income.
- Situations can be even worse when fishers are employed on a foreign-flagged vessel, through a third-party private recruitment agency or if they work for different employers during the same year.

Structural challenges within the industry and pressure to factor conservation and management efforts in their operation are compelling fishing companies to adjust their business models. Most costs of fishing operations are fixed costs – fishing rights, fuel, supply, equipment, insurance –, labour costs are

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<sup>19</sup> Over the [2000-2015 period in the United States](#), it was found that the fatality rate of fishers (117 deaths per 100,000 workers) is almost thirty times the average among all workers (4 deaths per 100,000 workers). See also, "[Triggering Death – Quantifying the true human costs of global fishing](#)", published by the Fish Safety Foundation in November 2022.

some of the only variable costs that companies can adjust. If employers decide to lower labour costs, decent work deficits can appear and, in some extreme cases, **forced labour\***.

### 2.1.2 Forced labour in fishing

While forced labour happens across all industries, some activities are more at risk of forced labour and labour exploitation. This is the case of fishing where forced labour cases have been documented for several decades. In 2022, a first conservative figure was provided by the ILO on the **magnitude of forced labour in fishing with an estimate of a minimum of 128,000 fishers** suffering from this crime.<sup>20</sup> Forced labour is defined in the International Labour Organization (ILO) Forced Labour Convention (No. 29), Article 2<sup>21</sup> as:

*“all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”*

To help law enforcement and other practitioners detect forced labour situations, the ILO has identified eleven indicators of forced labour<sup>22</sup>:

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

**Fishers, especially migrant workers,**<sup>23</sup> are particularly vulnerable to deceptive and coercive practices during their recruitment and employment:

- Migrant fishers are often recruited by private employment agencies and some of them have to pay high fees and costs for their recruitment, in contradiction with ILO principles and guidelines for fair recruitment. This in turn puts them in situations of debt bondage that can last several months.
- By the very nature of their work and notably in the case of long-distance fishing, fishers can experience isolation, have their movements restricted and opportunities to leave the fishing vessel at sea limited.
- Fishers who experience abuse (e.g. physical abuse, wage theft) may need to wait some time before any intervention is possible. Few fishers are members of trade unions and possibilities to communicate with trade unions, family and friends will depend on the equipment aboard the vessel.
- The transnational nature of some fishing activities implies that fishers must often rely on the protection of the country in which the vessel is registered, referred to commonly as **flag states\***. Some of these registries are established in countries that are unable or unwilling to adequately protect fishers and thus leaving them in a vulnerable position. Furthermore, it is a common practice for owners of fishing vessels engaged in IUU fishing to frequently change flags (flag

<sup>20</sup> ILO [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](#), 2022

<sup>21</sup> ILO, [Forced Labour Convention, 1930 \(No. 29\), Art. 2](#)

<sup>22</sup> [ILO indicators of forced labour](#), 2012

<sup>23</sup> According to the 2022 ILO Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, the prevalence of forced labour for migrant workers is three times higher than that of non-migrant workers (page 36). Migrant fishers are “vulnerable to being deceived and coerced by unscrupulous labour recruiters and forced to work on board vessels under the threat or by means of debt bondage. Many are charged high recruitment fees and related costs, such as for document preparation (including obtaining fraudulent training certificates) and for lodging and travel during visa and document processing in their countries of origin. Some migrant workers are also required to pay a “runaway guarantee” or a deposit before their employment, a sum which they forfeit if they attempt to terminate the employment early. In some cases, migrant fishers are told that they are re- quired to pay a lump sum before they can terminate their contract, and the fishers are often not aware of the exact amount. On board, the retention of wages is one of the common means through which they are coerced into remaining in their jobs.” (page 33).

hopping) to avoid any control and oversight. This practice may affect the validity of fishers' work contracts and make them more vulnerable to labour exploitation.

- Some migrant workers lack possession and access to their identity documents making it difficult to leave their workplace, even when the vessel is docking in a foreign port. Others may face similar challenges due to immigration laws. Such circumstances are especially common for those who may still owe money to their employer for recruitment costs or advances provided to buy necessities while at sea.
- Withholding of wages – some fishers are paid a large portion of their wage at the end of the vessel's trip which might be used by unscrupulous employers to force them to stay until the end of their employment.

#### *Context #2.1.2: Forced labour in the Asia Pacific fishing industry*

[The Catch](#) is a podcast miniseries by La Trobe Asia offering 360° analysis of the labour exploitation of Indonesian and Fijian fishers, from their recruitment in the fishing industry all the way to their reintegration back in their countries of origin. It includes first-hand accounts of fishers, some of which are also featured in the [Valuing Victims Voices](#) report published by Winrock International.

### 2.1.3 Legal framework

Since November 2017 and the entry into force of the [Work in Fishing Convention\\* \(No. 188\)](#), fishers whose country have ratified the Convention<sup>24</sup> are protected by a dedicated instrument. The main objective of the Convention is stated in its Preamble:<sup>25</sup>

*“to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security.”*

The Convention sets out important requirements to ensure decent work for fishers and establishes that fishing vessel owners have the overall responsibility to comply with the obligations of the Convention (Article 8). Several articles relate to working and living conditions at sea and ashore, upholding important [occupational safety and health\\*](#) standards. Additional provisions relate to other fundamental principles and rights at work including:

- **Child labour\***: *“The minimum age for work on board a fishing vessel shall be 16 years”* (Article 9)
- **Forced labour**: *“No fees or other charges for recruitment or placement of fishers be borne directly or indirectly, in whole or in part, by the fisher”* (Article 22). This article aims to prevent [debt bondage\\*](#) situations, notably for migrant workers.

As for any [international labour standard\\*](#), the Convention is backed by the ILO supervisory system<sup>26</sup> that helps to ensure that countries implement the conventions they ratify. **The supervisory bodies regularly examine the application of standards in member states and point out areas where they could be better applied.** If there are any problems in the application of standards, the ILO seeks to assist countries through social dialogue and technical assistance. Observations and direct requests made by the supervisory bodies are a useful resource to identify shortcoming or improvements in the implementation of the Convention.<sup>27</sup>

Other ILO instruments, which apply to all sectors, can protect fishers from exploitative working conditions. They include conventions, recommendations, and protocols on topics such as forced labour,

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<sup>24</sup> **Tip for contextualization:** updated information on ratification by country can be found on the [ILO NORMLEX](#) database

<sup>25</sup> ILO, [Work in Fishing Convention, 2007 \(No. 188\)](#), about the convention ([video](#)).

<sup>26</sup> <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/ilo-supervisory-system-mechanism/lang--en/index.htm>

<sup>27</sup> Comments on the Work in Fishing Convention can be found on the [NORMLEX](#) database

child labour, freedom of association and collective bargaining, discrimination, migrant workers, labour inspection or private employment agencies. Within these instruments, the recently adopted Protocol of 2014 to the Forced Labour Convention, 1930 is particularly relevant and can help countries fill gaps in their legislation to prevent, protect and ensure access to remedies to victims of forced labour.<sup>28</sup>

**Alongside ILO instruments, other international legal instruments have been developed over time** on issues pertaining to IUU fishing, safety, or training of fishers.<sup>29</sup> While the pace of ratification of fishing-related international instruments has been quite slow, delaying their entry into force, some countries have been proactive in adopting national legislation<sup>30</sup> to protect commercial fishing workers. In 2016, the ILO reviewed initiatives to end labour exploitation at sea and listed good practices and innovative interventions<sup>31</sup> from flag States, coastal States, **port States\*** and **market States\***.

Overall, companies operating in the fishing industry are operating in a legal framework that is increasingly factoring the labour rights dimension of their activities. As we will see in the next unit, this is also true for the broader economic activities that are related to fishing through their national and global supply chains and operations.

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<sup>28</sup> [“How an ILO protocol has helped combat forced labour in Thai fishing”](#), January 2020

<sup>29</sup> Notable standards include the Agreement on Port States Measures to Prevent Deter and Eliminate Illegal, Unreported and Unregulated Fishing, FAO, 2009 (PSMA), which entered into force in 2016; the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, IMO, 1995 (STCW-F), which entered into force in 2012; the Cape Town Agreement, IMO, 2012 (CTA) on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, which has yet to enter into force.

<sup>30</sup> National legislation on fishers can be accessed on the [NATLEX](#) database.

<sup>31</sup> [Fishers first: good practices to end labour exploitation at sea](#), ILO, 2016

## 2.2 Teaching Resources

### Key resources:

#### 1. ILO reports on the fishing industry

Some reports focus on forced labour issues in fishing and were discussed at ILO tripartite conferences:

- Caught at Sea - Forced Labour and Trafficking in Fisheries, 2013 [Link](#)
- Fishers first - Good practices to end labour exploitation at sea, 2016 [Link](#)

Other reports look at specific issues such as [migrant workers](#) or are developed at the country or regional level, notably through technical cooperation programs (e.g. [Deep-dive research into decent work challenges and opportunities in Namibia's fishing supply chain](#)).

The ILO also hosts a dedicated [fisheries](#) portal and curates a [database](#) of reported incidents of **abandonment\*** of both seafarers and fishers.

#### 2. Academic research on labour exploitation in fishing

Chantavanich, S., Laodumrongchai, S., & Stringer, C. 2016. Under the shadow: Forced labour among sea fishers in Thailand, *Marine Policy*, 68, p1-7.

Marschke, M., & Vandergeest, P. 2016. Slavery scandals: Unpacking labour challenges and policy responses within the off-shore fisheries sector. *Marine policy*, 68, 39-46

Stringer, C., Burmester, B., & Michailova, S. 2022. [Modern slavery and the governance of labor exploitation in the Thai fishing industry](#). *Journal of Cleaner Production*, 371, 133645.

Stringer, C., Kartikasari, A., & Michailova, S. 2021. ["They make a business out of desperate people": The role of recruitment agents in cross-border labour chains](#). *Australian Journal of Management*,

Stringer, C., Whittaker, D.H., & Simmons, G. 2016. New Zealand's turbulent waters: The use of forced labour in the fishing industry, *Global Networks*, 16(1), p3-24.

Stringer, C. & Simmons, G. 2015. Stepping through the looking glass: Researching slavery in New Zealand's fishing industry, *Journal of Management Inquiry*, 24(3), p253-263.

Vandergeest, P., & Marschke, M. 2021. Beyond slavery scandals: Explaining working conditions among fish workers in Taiwan and Thailand. *Marine Policy*, 132, 104685.

Vandergeest, P., & Marschke, M. 2020. Modern slavery and freedom: Exploring contradictions through labour scandals in the Thai fisheries. *Antipode*, 52(1), 291-315.

Yea, S., Stringer, C., & Palmer, W. 2022. Funnels of unfreedom: Time-spaces of recruitment and (im)mobility in the trajectories of trafficked migrant fishers. *Annals of the American Association of Geographers*, 1-16.

Yea, S. & Stringer, C. 2021. [Caught in a vicious cycle: connecting forced labour and environmental exploitation through a case study of Asia-Pacific](#). *Marine Policy*.

## Activities:

**Activity #2:** The role of labour inspection in ports to identify labour rights violations and forced labour

- *Task:* Students work in small groups to define the labour inspection check list that inspectors may use to interview the captain, fishers and check working and living conditions to try and identify deficits in decent work and possible forced labour cases. They can use the ILO indicators on forced labour but should bear in mind the specificities of work in fishing. If time allows, this activity can be extended to a short role play with students playing different parts in the exercise (labour inspector, captain, deckhand, etc.).
- *Format:* small groups / role play

Discussion & clarification questions:

- Depending on the country of teaching – has the country ratified Work in Fishing Convention (No. 188)? Are labour inspections carried out in ports and/or at sea and, if yes, do relevant enforcement authorities receive specific training to carry out such labour inspections? If the country has not ratified the convention, are there any reasons for that?

The [ILO training package on inspection of labour conditions on board fishing vessels](#) is a useful resource to organize this activity, as well as the Guidelines on [flag State](#) and [port State](#) inspections under the Work in Fishing Convention (No.188).

## Options for deep dives/further discussions:

Discussing decent work in the fishing industry can be connected to broader workplace-related issues:

- Recruitment and working and living conditions of workers
- Centrality of freedom of association and collective bargaining
- Occupational safety and health, including mental health
- Access to social protection, notably for workers working in transnational environments
- Violence and harassment in the workplace
- Child labour in fishing (notably inland and artisanal marine fishing)



## Unit 3 – Solutions to prevent and address forced labour in fishing

(45min.-1h)

### Unit 3 learning objectives

Management solutions: Reflect on how management must be an important part of providing holistic solutions.

*Sub-objectives*: develop promising solutions to address human rights and forced labour concerns in the fishing industry, consider short-term and long-term strategies to mitigate human rights risks and remedy human rights abuses.

### 3.1 Context

#### 3.1.1 Business and human rights framework

Since the end of the second world war and increasingly over the past decade, a growing set of guidelines and legislation has been developed and adopted to ensure that decent work within different sectors becomes the responsibility of all actors which process, transform, transport, or distribute the goods and not only those involved in primary production. This is also the case for the fishing sector which, beyond the catch of fish, is connected to numerous economic activities related to the transformation, processing, and transport of fish as well as other activities such as aquaculture, food retail or hospitality.

Figure [3]: Business and human rights timeline



- 1 1948: adoption of the [Universal Declaration of Human Rights](#) (UDHR) by the United Nations General Assembly. The UDHR sets out, for the first time, fundamental human rights to be universally protected, including the right not to be held in slavery or servitude (Article 4) and the right to [...] just and favourable conditions of work (Article 23).
- 2 2011: endorsement of the [Guiding Principles on Business and Human Rights](#) (UNGPs) by the United Nations Human Rights Council. The guiding principles contain 31 principles under three pillars: the state duty to **protect** human rights, corporate responsibility to **respect** human rights, and access to **remedy** for victims of business-related human rights abuse.

**Tip for contextualization:** since the endorsement of the UNGPs, countries have been encouraged to develop a National Action Plan (NAP) on business and human rights. The list of NAPs and related documents can be accessed on the [OHCHR website](#).

The same year, the latest revisions of the OECD [Guidelines for Multinational Enterprises](#) are adopted. These recommendations are centered on responsible business conduct and cover a range of different issues, including human rights.

**Tip for contextualization:** governments adhering to the OECD Guidelines have the obligation to set up a National Contact Point (NCP) on responsible business conduct. The list of NCPs can be accessed on the [OECD website](#).

- 3 2015: the United Kingdom adopts the Modern Slavery Act which requires companies operating in the country to report on their efforts to prevent modern slavery within their operations and supply chains. Since then, different countries have adopted national legislation on corporate human rights due diligence or duty of vigilance.
- 4 2016: President Barack Obama signed into law the Trade Facilitation and Trade Enforcement Act of 2015. The act eliminates a long-standing loophole in the United States Tariff Act of 1930 which, under its section 307, prohibits the import of goods produced with forced labour. Since then, other countries have prohibited the import of goods produced with forced labour including Canada and Mexico.

**Context #3.1: Section 307 of the United States of America Tariff Act of 1930**

*“All goods, wares, articles, and merchandise, mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/ and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.”*

Under this section of the law, the U.S. Customs and Border Protection (CBP) may be allowed to prohibit the importing of such goods. In recent years, the CBP has issued [several decisions](#) – named Withhold Release Orders (WRO) – banning the entry into the country of fish and seafood caught by fishing vessels suspected of using forced labour.

- 5 2017: latest amendments to the ILO [Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#) (MNE Declaration), adopted in its original version in 1977. The Declaration provides guidance to companies (multinational and national) on various aspects including responsible practices.
- 6 2022: the European Union council adopts the Corporate Sustainability Reporting directive (CSRD) which includes reporting requirements for a number of European and non-European companies on non-financial reporting including environmental rights, labour rights, and human rights. During the same year, the European Union commission has proposed a region wide Corporate Sustainability Due Diligence directive (CSDD) with the aim to “foster sustainable and responsible corporate behaviour and to anchor human rights and environmental considerations in companies’ operations and corporate governance”. On 14 September 2022, the European Commission presented a proposal for a regulation to prohibit products made using forced labour, including child labour, on the internal market of European Union (EU).
- 7 2023: Adoption of [ILO strategy on decent work in supply chains](#)

### 3.1.2 Selected promising practices on how to address forced labour in fishing

Promising practices to address forced labour in fishing can be found across different business disciplines including finance, human resources, IT, operations management, or strategy. Tackling labour abuses and forced labour requires a comprehensive approach. The ILO has developed cross-sectoral [guidance materials and tools for employers and business](#)<sup>32</sup> to strengthen their capacity to address the risk of forced labour in their own operations and in supply chains.

<sup>32</sup> ILO: Combating forced labour: A handbook for employers and business, 2015. ***New version including a toolbox to be released in December 2023.***

Below, you will find a few selected practices that are specifically being tested/implemented in the fishing sector:

**Use of technology to identify forced labour:** digital tools are increasingly being used to prevent or detect forced labour situations. The ILO has recently [mapped](#)<sup>33</sup> organizations, institutions, and companies developing digital solutions to address forced labour in the fisheries sector. They include initiatives using tracking technology to monitor forced labour and labour rights abuses at sea, innovations to facilitate the recruitment of fishers and labour inspection of fishing vessels, and traceability tools to prevent and detect forced labour in the supply chain.

**Fair recruitment to prevent abuse of fishers:** deceptive and unfair recruitment practices lead to forced labour situations in the workplace. To prevent this – in the fishing and other sectors – the ILO has developed the Fair Recruitment Initiative,<sup>34</sup> a pluriannual strategy to protect workers’ rights and support different stakeholders, including businesses and labour recruiters, in integrating fair recruitment principles in their operations.

**Responsible finance to advance decent work in fishing:**

Under the UNGPs, investors have a responsibility to respect human rights and are therefore connected to the decent work practices of the companies they invest in. When financial actors invest in fishing companies but also in food retailers, petfood companies, or restaurant chains, they can use a framework to understand and identify risks of labour rights violations. In this context, human rights due diligence serves as a mechanism to identify, assess, mitigate, and prioritise human rights risks across investment portfolios. Understanding what international labour standards promote, including as minimum labour rights in certain sectors such as fishing (e.g. ILO Convention 188), can help in prioritising the most salient labour rights risks.

The UN Principles for Responsible Investment<sup>35</sup> identifies the minimum safeguards necessary to address decent work as the following:

- Living wage
- Social dialogue and freedom of association
- Equality of opportunity and treatment
- Access to benefits, health and safety and social protection

These can be understood as the minimum floor with regards to labour and serve as a basis to drive positive outcomes for workers in line with the UN SDG 8 on Decent work and economic growth.

**Multistakeholder initiatives to build strong partnerships:** stakeholders within an industry are increasingly coming together to establish sector-wide coalitions, notably to address human rights challenges collectively. “MSIs” are very diverse in size, scope, and relevance, therefore the NYU Center for Business and Human Rights and the Geneva Center for Business and Human Rights have recently published a white paper<sup>36</sup> to identify key requirements to build effective multistakeholder partnerships. Existing MSIs in the fishing industry focus mainly on the development of voluntary certification schemes (VSC) on responsible fishing, including working and living conditions of fishers. Although VCS face limitations and cannot replace adequate due diligence by companies, some of them have based their voluntary standards on ILO Convention No. 188 requirements, such as the Responsible Fishing Vessel Standard<sup>37</sup> and the FISH Standard for Crew<sup>38</sup>.

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<sup>33</sup> Using technology to eliminate forced labour on the ocean, ILO, 2022 ([link](#))

<sup>34</sup> ILO Fair Recruitment Initiative (FRI), ILO, ([link](#))

<sup>35</sup> About the UN Principles for Responsible Investment ([link](#)). In 2020, UN PRI published an academic blog on financing sustainable seafood ([link](#))

<sup>36</sup> Seeking a “Smart Mix”: Multi-Stakeholder Initiatives and Mandatory Human Rights Due Diligence, 2021 ([Link](#))

<sup>37</sup> The RFVS is currently under the responsibility of the Global Seafood Alliance ([link](#))

<sup>38</sup> The FISH Standard for Crew is a voluntary and accredited third-party certification program for labour practices on vessels in wild-capture fisheries([link](#))

## 3.2 Teaching Resources

### Key resources:

1. **Maritime Transport and the COVID-19 Crew Change Crisis: A Tool to Support Human Rights Due Diligence**, ILO-IMO-OHCHR-UNGC, 2021 [Link](#)

This document is centred around the specific human rights challenges that seafarers face, especially in a post-COVID-19 working environment. Even though differences exist between the experiences of seafarers and fishers, much of the guidance in the document is relevant to operations in the fishing industry.

2. **Promoting fair recruitment and employment: A guidance tool for hotels in Qatar**, ILO, 2020 [Link](#)

This tool has been developed as a resource to promote fair recruitment and employment standards in the hospitality sector in Qatar. It contains a series of useful checklists that can be adapted to other sectors to design fair recruitment practices, draft contractual clauses, or create effective grievance mechanisms.

3. **Principles for Responsible Investment (PRI) human rights portal** [Link](#)

The website hosts general information, sectoral and thematic focuses on the role of financial actors in upholding human rights through their investment activities.

### Activities:

#### **Activity #3:** Designing management solutions to address forced labour in fishing

- *Task:* Students can work on enhancing existing management solutions (see above) or work on other management-related situations such as:
  - o *Marketing:* students reflect on the reputational risks for companies relying on fish or fish-based products and devise a marketing strategy accordingly.
  - o *Leadership:* students consider how the management of a company should address forced labour in its operations and how a strategy on this matter should be communicated within the organization.
  - o *Entrepreneurship:* students identify new business opportunities related to the prevention, detection, elimination, or remediation of forced labour in fishing.
- *Format:* group work or individual assignment

# Glossary

## Abandonment

The 2001 IMO/ILO [Guidelines](#) on abandoned seafarers say that a case of abandonment is characterized by the severance of ties between the shipowner and seafarer.

Abandonment occurs when the shipowner fails to fulfil certain fundamental obligations to the seafarer relating to timely repatriation and payment of outstanding remuneration and to the provision of basic necessities of life, inter alia, adequate food, accommodation, and medical care. Abandonment will have occurred when the master of the ship has been left without any financial means in respect of ship operation.

## Aquaculture

The farming of aquatic organisms including fish, molluscs, crustaceans, and aquatic plants. Farming implies some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies individual or corporate ownership of the stock being cultivated, the planning, development and operation of aquaculture systems, sites, facilities and practices, and the production and transport.

## Child labour

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and/or
- interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

For more information, see: [ILO, What is child labour?](#)

## Coastal States

Coastal States have the right to issue fishing licenses to vessels within their Exclusive Economic Zone (EEZ), and part of such licenses may include stipulations on the nationality of fishers on board a vessel and their working and living conditions. In many cases, however, enforcing the terms under the licenses may prove challenging, especially outside territorial waters. Allowing fisheries observers (who come on board to monitor practices in order to address fisheries crime and IUU fishing) may be part of the access agreements, and the observers have a potential role to play in also monitoring labour conditions on board.

## Debt bondage

Debt bondage exists when labourers (sometimes with their families) are forced to work for an employer in order to pay off their own debts or those they have inherited. The victims of debt bondage, if they try to leave their employment, are usually caught and returned by force. Providing wages or other compensation to a worker does not necessarily indicate that the labour is not forced or compulsory.

## Decent work

Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for all, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

For more information, see: ILO, [Decent work](#)

## EEZ

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in the United Nations Convention on the Law of the Sea, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of the Convention.

## Fish stocks

The living resources in the community or population from which catches are taken in a fishery. Use of the term fish stock usually implies that the particular population is more or less isolated from other stocks of the same species and hence self-sustaining.

## Fishing

Fishing refers to all fishing operations, including fishing operations on rivers, lakes, or canals. It includes subsistence fishing and recreational fishing. In this document, the word fishing or fishing industry refers to commercial fishing and therefore excludes subsistence and recreational fishing.

## Fish meal and Fish oil

In the UK the term fish meal means a product obtained by drying and grinding or otherwise treating fish or fish waste to which no other matter has been added. The term white fish meal is reserved for a product containing not more than 6 per cent oil and not more than 4 per cent salt, obtained from white fish or white fish waste such as filleting offal.

These are semilegal definitions, and for convenience fish meal can be defined as a solid product obtained by removing most of the water and some or all of the oil from fish or fish waste. Fish meal is generally sold as a powder, and is used mostly in compound foods for poultry, pigs and farmed fish; it is far too valuable to be used as a fertilizer.

Fish oil is obtained from fish fat is used in both human and animal feed.

## Flag States

Flag States have the right to confer their nationality to fishing vessels registered in their State and have primary prescriptive and enforcement jurisdiction over activities taking place on board vessels on their register. Flag States also have the right and responsibility to regulate and enforce working conditions on board fishing vessels. While most small and middle- sized vessels are flagged in their home state, larger vessels may be flagged in international open registers. This poses a number of challenges from a decent work perspective.

## Forced labour

Forced labour can be understood as work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities.

For more information, see: ILO, [What is forced labour, modern slavery and human trafficking](#)

## High seas (or international waters)

All parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State. (Source: United Nations Convention on the Law of the Sea, Article 86)

## IUU

Illegal, unreported and unregulated (IUU) fishing is a broad term that captures a wide variety of fishing activity. IUU fishing is found in all types and dimensions of fisheries; it occurs both on the high seas and in areas within national jurisdiction. It concerns all aspects and stages of the capture and utilisation of fish, and it may sometimes be associated with organized crime.

For more information, see: FAO, [Illegal, Unreported and Unregulated \(IUU\) fishing](#)

## International labour standard

International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either Conventions (or Protocols), which are legally binding international treaties that may be ratified by member states, or Recommendations, which serve as non-binding guidelines.

For more information, see: ILO, [Conventions and Recommendations](#)

## Market States (and trade States)

Trade and market States include those involved in the processing, wholesale, and retail of fish and fish products.

## Occupational safety and health

Occupational safety and health is identified as the discipline dealing with the prevention of work-related injuries and diseases as well as the protection and promotion of the health of workers. It aims at the improvement of working conditions and environment.

## Port states

During transshipment or discharge of catch, harbour authorities and fisheries and labour inspectors have direct access to vessels. Thus, port States play a key role in detecting labour exploitation and abuse on board. Fishers are also sometimes stranded in port without means of repatriation. Port States with fisheries “hubs”, i.e., ports frequently used by foreign vessels, are considered hotspots. A port State may not necessarily have a large national fleet operating in its EEZ, but may instead be a “host” to international deep-sea fishing vessels.

## Regional fisheries body (RFB) / regional fisheries management organizations (RFMO)

Organizations through which different parties work on the conservation, management, or development of fisheries. Some of the RFBs operate at the regional level on all forms of fisheries (e.g. North East Atlantic Fisheries Commission – NEAFC) while others focus on specific species (e.g. Indian Ocean Tuna Commission – IOTC). A comprehensive list of RFBs is available on the [FAO website](#), as well as an [interactive map viewer](#).

## Social protection

Social protection is defined by the ILO as the set of public measures that a society provides for its members to protect them against economic and social distress caused by the absence or a substantial reduction of income from work as a result of various contingencies (sickness, maternity, employment injury, unemployment, invalidity, old age or death of the breadwinner), the provision of health care and the provision of benefits for families with children.

## Work in Fishing Convention

In 2007, the 96th Session of the International Labour Conference adopted the [C188 Work in Fishing Convention, 2007](#) and [R199 Work in Fishing Recommendation, 2007](#). The Convention and Recommendation revise five of the seven existing ILO that specifically concern the fishing sector. They address such matters as minimum age for work on a fishing vessel, medical standards, work agreements, occupational safety & health, and social security.

## List of teaching resource authors and biographies

### Business school lecturers



**Jaka AMINATA** - Universitas Diponegoro (Indonesia)

Head of the economics program at the Faculty of Economics and Business of Universitas Diponegoro, he teaches several economics classes, notably related to natural resources and environment. His current research interest is on the impact of CSR and risk management on Energy efficiency within supply chains.



**Charles AUTHEMAN** - HEC Paris (France)

Independent consultant, he has been organizing and facilitating workshops for journalists, trade unionists and communicators for the past 10 years in over 20 countries, mostly in the Middle East, Africa, and South Asia. His areas of expertise include labour migration, forced labour, child labour, human trafficking, and international labour standards. He teaches Business and human rights at HEC Paris and is supporting the French national strategy to eliminate forced labour and child labour.



**Raymond BABANAWO** - Ghana Institute of Management and Public Administration (Ghana)

Lecturer at GIMPA Business School on Strategic Management, Environment and Resource Management. His research interests include the impact of climate change on natural resource management and national socioeconomic development as well as the strategic review of national development frameworks and policies. Aside from his work at GIMPA, he was the chief of party of the USAID funded project “Ghana Sustainable Fisheries Management Project”.



**Dorothee BAUMANN-PAULY** - University of Geneva (Switzerland)

Director of the Geneva Center for BHR. Since 2013, she is also the Research Director at the NYU Stern Center for BHR. She has extensive practical experience working on the implementation of human rights in multi-stakeholder settings and has published widely on topics at the intersection of business ethics, corporate responsibility, private governance mechanisms and human rights. For the last ten years, she has been teaching BHR-related classes at academic institutions in the US and Europe.



**Victor CABEZAS** - University of Pennsylvania (USA)

Lawyer, law professor, and journalist from Ecuador and Colombia, currently pursuing an LLM as a Human Rights Scholar at the University of Pennsylvania. He has acted as a consultant for the Inter-American Human rights System in several projects regarding human rights pedagogy for people without a legal education. He is currently working with the Wharton School’s Zicklin Center on a business and human rights project.





**Sandy CHONG** – Curtin University (Australia)

Advisory board member and adjunct professor at the Curtin University. She is a tenured academic, chief researcher, and winner of teaching award. She has led industry and government-funded projects in strategic alliances, public-private procurement, sustainability, and international business.



**Céline FERONT** - University of Cape Town (South Africa)

Senior lecturer at UCT's Graduate School of Business, teaching and researching how individuals, organisations and institutions work to promote a more just, sustainable, and inclusive socio-economic system. She is passionate about how individuals engage with change toward sustainability, and how organisations embed environmental, social and governance (ESG) factors into their core strategy and investment decisions. She also teaches qualitative research methods and supervises students.



**Berit KNAAK** – University of Geneva (Switzerland)

Postdoctoral researcher at the Geneva Center for Business and Human Rights. Her research evolves around business perspectives on human rights and approaches to facilitate corporate engagement with human rights issues. In her work, Berit focuses on resilience and ethical supply chains, companies’ impact in their ecosystems, and on children’s rights, among others in a collaboration with UNICEF.



**Christina STRINGER** - University of Auckland (New Zealand)

Associate Professor in the Department of Management and International Business at the University of Auckland and Director of the Centre for Research on Modern Slavery. Since 2008, she has been working on fisheries with a focus since 2010 on forced labour in the fishing industry. She has received several awards for her research, which has led to policy changes in New Zealand.

In addition to the lecturers contributing to the drafting of the teaching resource, several guests and resource persons contributed to this resource:

- Philippe CACAUD** Independent fisheries expert
- Michaëlle de COCK** Head of Research and Evaluation Unit at the ILO FUNDAMENTALS Branch
- Davide CERRATO** Human rights and social issues senior specialist at PRI
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- Maria GALLOTTI** Chief Technical Advisor at the ILO MIGRANT Branch
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