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# A DEEPER DIVE: REMEDY AND RECRUITMENT IN THE SEAFOOD INDUSTRY

# REPORT





# Human Rights and Environmental Due Diligence in the Seafood Industry

Report of field practicum carried out on behalf of the Fisheries Governance Project



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## Abbreviations/Acronyms

AIS - Automatic Identification Systems

C4ADS - Center for Advanced Defense Studies

CBP - Customs and Border Protection

CSO - Civil Society Organization

CSDDD - Corporate Sustainability Due Diligence Directive

CSR - Corporate Social Responsibility

DWF - Distant-water Fishing

EO - Executive Order

EPP - Employer Pays Principle

ESG - Environment, Social and Governance

EU - European Union

FCF - Fong Chun Formosa Fishery Company

FGP - Fishery Governance Project

GBV - Gender-based Violence

GLJ-ILRF - Global Labor Justice-International Labor Rights Forum

HRDD - Human Rights Due Diligence

HREDD - Human Rights and Environmental Due Diligence

IATTC - Inter-American Tropical Tuna Commission

IHRB - Institute for Human Rights and Business

ILO - International Labor Organization

ISSF - International Seafood Sustainability Foundation

ITF - International Transport Federation

IUU - Illegal Unreported and Unregulated

mHREDD - Mandatory Human Rights and Environmental Due Diligence

MNC - Multinational Corporation

NAP - National Action Plan on Responsible Business Conduct

NCPF - North Pacific Fisheries Commission

NGO - Non-governmental Organization

NOAA - National Oceanic and Atmospheric Administration

OECD - Organization for Economic Cooperation and Development

SEA Alliance - Seafood Ethics Action Alliance

SeaBOS - Seafood Business for Ocean Stewardship

SIMP - Seafood Import Monitoring Program

SMB - Small and Medium-Sized Business

TU - Thai Union

TVPRA - Trafficking Victims Protection Reauthorization Act

UNGPs - United Nations Guiding Principles

USMCA - US-Mexico-Canada Agreement

VMS - Vessel Monitoring Systems

WBA - World Benchmarking Alliance

WRO - Withhold Release Order

# 1. Introduction

Oceans generate more than half the oxygen we breathe, and seafood is a significant protein source for a third of the world's population. Overfishing and unchecked labor rights abuses in the seafood industry are impacting the climate and creating untenable situations for local fishing communities, migrant fishers, and other seafood industry workers. Despite rising demand for seafood, workers are not earning more but remain at risk for human trafficking and other labor abuses. More effective regulations are needed.

This report analyzes diverse regulatory approaches and corporate practices for addressing illegal, unreported, and unregulated (IUU) fishing and ensuring the rights of seafood industry workers. The report also reviews United Nations (UN) guidance and civil society recommendations for improving worker rights protections, particularly with regards to advancing fair recruitment practices and ensuring workers have access to effective grievance and remedy mechanisms.

The research plan was designed to inform the Fishery Governance Project (FGP), a funder-practitioner collaboration on IUU and labor rights, as well as other actors in this space. Over the course of a semester, a team of eleven graduate researchers has analyzed these issues, forming three teams, each using a distinct analytic lens: legal approaches, corporate policies, and civil society advocacy. They have conducted extensive literature reviews, interviewed dozens of experts, beta-tested a new database, and surveyed corporate leaders in this space.

The **legal team** reviewed the latest proposals for advancing mandatory human rights and environmental due diligence (HREDD) laws and other strategies for holding global corporations accountable and incentivizing just practices. The team reviewed the current proposals for a UN Treaty on Business and Human Rights and analyzed the European Union's (EU) Corporate Sustainability Due Diligence Directive (CSDDD) in light of recent cases pending under the French Loi de Vigilance. They also examined the United States' (US) approach to incentivizing more effective HREDD through trade policy and other sanctions.

The **corporate research team** took a deeper look at the role of pre-competitive platforms, particularly SeaBOS, which includes ten of the largest seafood companies in the world, and SEA Alliance, which coordinates 31 United Kingdom (UK) seafood companies.<sup>1</sup> The latter facilitated an anonymous survey of its member companies about strategies to monitor the labor supply chain. Although many seafood companies have advanced strategies to trace their seafood supply to ensure quality and mitigate IUU, this is not an effective approach for protecting fishers. A distinct approach is needed to protect workers, since they often stay on the vessels long after the fish are offloaded, and many are beholden to unknown recruitment agencies supplying laborers to those vessels. The team thus explored new data tools for tracking vessel ownership structures and corporate strategies for monitoring recruitment agencies and enabling more effective access to grievance mechanisms.

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<sup>1</sup> SeaBOS stands for Seafood Business for Ocean Solutions; and SEA Alliance stands for Seafood Ethics Action Alliance.

Finally, the **civil society organization (CSO) team** has outlined guidance and a series of recommendations for protecting workers in the seafood industry. The team cataloged over three dozen CSO reports to identify where CSO demands are strongest and how they align with the International Labour Organization's (ILO) Principles of Fair Recruitment and the UN Guiding Principles (UNGPs) on business and human rights, which provide guidance on grievance and remedy. The team looked at both fishers' rights at sea and the rights of other seafood workers, particularly women migrants. Women make up half of the workforce in the seafood industry, primarily working in processing and aquaculture. Although few women go to sea for months or years on end, they too endure highly precarious situations and abuse, which merit greater attention.

The findings and analysis that follow are rich and multi-layered. Key highlights include:

- **The US and EU approaches to advancing HREDD each have distinct strengths the other needs.** The mandatory HREDD laws emerging in Europe have yet to prove their ability to penalize corporations for rights violations in their supply chains, but once jurisdictional and administrative systems are ironed out they can offer pathways to remedy for victims. The US approach uses a system of trade policies and sanctions, which have already proven effective in holding goods at port under the Tariff Act or freezing the assets of corrupt and abusive corporations under the Global Magnitsky Act. Yet these laws are narrowly defined around forced labor and egregious abuses, in contrast with the more holistic scope of several European HREDD laws. Although the US approach clearly has sharper teeth than the EU approach currently, it still needs to build a pathway to remedy for victims.
- **Ensuring fishers and fishery workers have access to effective grievance and remedy remains a challenge in the seafood sector, particularly given the opaque recruitment process endured by the high proportion of migrant workers in the sector.** Corporate policies designed to address IUU cannot be directly adapted to protecting workers. New approaches are needed. Multinational corporations (MNCs) need to develop programs to trace their vessel suppliers and the recruitment agencies hiring the workers in their supply chains. Current recruitment practices place workers at risk and grievance mechanisms do not align with the basic guidelines outlined in the UNGPs. Publishing lists of vessels and the recruitment agencies they use will shine much needed light on labor practices, better enabling government regulatory oversight and CSO monitoring of abuses in global seafood supply chains.
- **Women workers in the seafood industry face particular challenges, which require additional attention.** Most of the focus on labor rights in the seafood industry has been on distant water fleets (DWF) and the horrific stories of slavery at sea. The persistence of these cases deserves an urgent response, but they cannot serve as an excuse for companies failing to implement adequate policies and programs to protect the rights of small scale fishers, and the majority women workers in aquaculture and processing.



## 1.1. Methodology

The research in this report utilized a number of analytic approaches. The legal team conducted research through a comprehensive literature review of academic journals, reports from intergovernmental organizations (IGOs), government publications, non-governmental organizations (NGO) publications, and reports by legal policy experts. Research focused on analyzing EU and US approaches to holding MNCs accountable for human rights and environmental damages in their global supply chains. This focus was chosen to highlight laws and policies currently being tested or under debate. The team evaluated the potential of proposed laws and policies, such as the EU Corporate Sustainability Due Diligence Directive and the US National Action Plan on Responsible Business Conduct for ensuring corporate accountability and access to remedy for victims of human rights and environmental abuses in their global supply chains. The literature review also explored relevant legal cases related to HREDD under the French Duty of Vigilance Law and cases involving Dalian Ocean Fishing and Bumble Bee Foods.

The corporate research team used three approaches in their analysis: public-source information gathering, in-depth interviews, and a company survey (Appendix II). In determining the effectiveness of company participation in pre-competitive platforms which convene companies to pool and share information to improve individual company action, the team conducted in-depth interviews with representatives from two such platforms, Seafood Ethics Action Alliance (SEA Alliance) and Seafood Business for Ocean Stewardship (SeaBOS), plus an academic from Stanford Ocean Solutions, which collaborates with SeaBOS.

In order to gauge the current landscape of seafood companies' actions and challenges with implementing HREDD, the corporate research team conducted research utilizing publicly available data from companies' Modern Slavery Statements and Environment, Social and Governance (ESG) or Sustainability Reports.<sup>2</sup> Based on publicly available company information, the team created an evaluation tool to track company engagement on transparency, remedy, and recruitment.<sup>3</sup> To better understand the corporate reality behind these public sources, the team also interviewed a representative of the World Benchmarking Alliance's (WBA) Seafood Stewardship Index and a representative from the Institute for Human Rights and Business' (IHRB) Migrant Workers Program. In addition, the team administered a survey to all 31 SEA Alliance company members to ascertain support for certain HREDD strategies and to assess the feasibility of implementing those strategies.<sup>4</sup>

All companies analyzed in the corporate section of the report are members of pre-competitive platforms. The reasoning behind this focus is to understand the relationship between platform membership and company actions. Since pre-competitive member companies show a visible desire to improve their HREDD, these companies are best for assessing what obstacles stand in the way of achieving this. However, due to the selection of a specific subset of HREDD-committed companies, the report's findings of corporate actions are not a reflection of the broader seafood industry. Additionally, all company research and survey answers are

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<sup>2</sup> Back-up materials available upon request. Please email [gearhart@american.edu](mailto:gearhart@american.edu).

<sup>3</sup> For further information on the evaluation tool, see 5.2 Findings on Seafood Companies' HREDD Practices and Implementation Challenges Practices, p. 27.

<sup>4</sup> Back-up materials available upon request. Please email [gearhart@american.edu](mailto:gearhart@american.edu).



anonymized. This is to ensure the most accurate disclosure of information and to limit the concerns of conflicts of interest, competition, or liability. A list of the company reports reviewed are available in Appendix I.

Lastly, the CSO team completed a comprehensive assessment of existing reports and documents published by civil society organizations, trade unions, and multi-stakeholder initiatives engaged in human rights issues in supply chains. The objective of the literature review was to identify key themes and gaps in knowledge on the topic of ethical recruitment, grievance redress mechanisms, and gender mainstreaming practices in seafood supply chains. The documents reviewed were determined by the availability of CSO reports and publications addressing the issues of fair recruitment, grievance and remedy, and gender, which varied by organization. These reviews informed a series of verbal and written consultations with representatives from eight organizations with expertise in areas of technology, human rights, and gender issues in seafood supply chains.<sup>5</sup> The information collated from both literature reviews and semi-structured interviews were analyzed using the internationally recognized frameworks and best practices of the UNGPs and the ILO. A summary of these frameworks, along with an analysis of how often specific issues surfaced in CSO reports is available in the Appendix.

## 2. Recommendations

**Table 1: Summary of recommendations pulled from the sections that follow**

Recommendations For Seafood Companies and HREDD Policy:	
<i>Transparency</i>	
Rec. 1	Publish a list of vessels and recruitment agencies used directly or by suppliers/vessels.
Rec. 2	Analyze and publish the beneficial ownership structure of suppliers/vessels in order to understand the risks within the larger company structure.
Rec. 3	Establish lines of communication with vessel owners and operators.
Rec. 4	Publish human rights risks found (through third-party audits or other means) and company remedial actions taken, and results.

<sup>5</sup> List of organizations interviewed: Environmental Justice Foundation, International Transport Federation, Greenpeace, Human Rights at Sea, World Wildlife Fund, Geeks without Frontiers, Oxfam US, Seafood and Gender Equality

<i>Recruitment</i>	
Rec. 5	Commit to and report transparently on how your company finances and implements the Employer Pays Principle.
Rec. 6	Track, audit, and vet recruitment agencies used by supplier fishing vessels and prohibit suppliers/vessels use of recruitment agencies found to be operating illicitly or without proper regulatory oversight.
Rec. 7	Advocate for policy changes in the national legislature of supplier countries to improve regulation of recruitment agencies.
Rec. 8	Push for electronic documentation technologies for worker contracts to increase transparency and accountability for contract understanding, manipulation, or substitutions.
Rec. 9	Allow workers to retain all documents, address transit restrictions limiting workers' access to support services, and create easier avenues for movement between jobs or vessels.

<i>Grievance Remedy</i>	
Rec. 10	Require and assist supplier vessels to guarantee all fishers have reliable and regular Wi-Fi access and electronic communications while at sea.
Rec. 11	Advocate for policy changes in the national legislature of supplier countries to require Wi-Fi access and Wi-Fi subsidies for all DWF vessels.
Rec. 12	Provide worker representatives the ability to negotiate legally-binding and enforceable agreements pertaining to grievance redress mechanisms and access to remedy.
Rec. 13	Actively promote and uphold core labor rights, like freedom of association and collective bargaining, across supply chains.
Rec. 14	Develop robust metrics and evaluation frameworks to measure effectiveness of grievance mechanisms that report internally and externally on the number of

	violations, status of complaints, outcomes of dispute resolution processes, and functioning of mechanisms.
<i>Gender</i>	
Rec. 15	Incorporate an intersectional lens of analysis and a gender transformative approach to solutions for HREDD in the seafood industry, particularly to ensure women and other vulnerable workers are able to access appropriate support and seek remedy.

*Source: Report Authors*

### 3. EU & US Approaches to Human Rights Due Diligence

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The current research builds on the 2022 Practicum and its *HREDD in Seafood Report*, which reviewed transparency, modern day slavery, and mandatory HREDD laws in the US, UK, Australia, France, and Germany (Gearhart, ed. 2022). Expanding on the previous report's research, this section examines recent legal and policy developments in the US and EU and their distinct approaches to holding MNCs accountable for human rights and environmental damages in their global supply chains.

While European countries have passed laws mandating human rights due diligence for businesses, the US has relied more on trade sanctions and forced labor import bans as a means for incentivizing corporations to improve their voluntary supply chain monitoring approaches. This research examines these two approaches to understand current changes within the field and analyze the successes and challenges that have arisen in each pathway towards protecting human and environmental rights in corporate supply chains.

This report emphasizes the importance of intersecting environmental and human rights protection. In the seafood industry, there is a growing trend towards merging these fields to provide better protection for victims of human rights and environmental abuses. In Europe, there have been movements to include the environment in human rights due diligence laws, thus this report will generally refer to HREDD. The US is also making strides in this area, with President Biden issuing an IUU fishing memorandum that prioritizes the protection of human rights aboard these vessels (The White House 2022a), and the National Oceanic and Atmospheric Administration (NOAA) proposing new measures that would include forced labor as an element of IUU fishing (NOAA 2022b).<sup>6</sup> However, concerns exist that environmentalists may push for the abolition of deep-sea fishing, potentially leading to a reduction in jobs. This research

<sup>6</sup> The proposed changes will affect two US tools: US Moratorium Protection Act and the international Port State Measures Agreement, which the US ratified in 2016. Widening the definition of IUU fishing to include forced labor will widen the scope of activities that NOAA can consider when identifying nations conducting IUU fishing. Read more on NOAA Fisheries website: <https://www.fisheries.noaa.gov/leadership-message/noaa-proposes-new-measures-combat-illegal-unreported-and-unregulated-fishing-forced>.

recommends that professionals and activists in both the IUU fishing and human rights spaces work together to create increased possibilities for fair and safe supply chains.

### **3.1 The EU Approach: Proposed Laws and Legal Updates**

The EU approach to advancing HREDD focuses on reporting obligations and victims' access to remedy, with little emphasis on sanctions. Importantly, the European Parliament recently approved the EU Corporate Sustainability Due Diligence Directive which, once enacted, will combine obligatory reporting and pathways to remedy for victims with deterrence mechanisms like sanctions in EU Member States.

#### **3.1.1 EU Corporate Sustainability Due Diligence Directive**

The EU's Proposed CSDDD aims to establish mandatory human rights and environmental due diligence (mHREDD) obligations for corporations across global value chains (Bullock et al. 2022). Some highlights from the requirements in the February 2022 draft of the CSDDD include requiring companies to:

- Integrate due diligence into their policies;
- Identify, prevent, and mitigate potential adverse impacts on human rights and the environment;
- Minimize and end actual adverse impacts on human rights and the environment;
- Establish an effective complaints procedure and grievance mechanism for stakeholders;
- Monitor the effectiveness of due diligence policy;
- Publicly communicate how they are fulfilling their due diligence obligations; and
- Establish rules for sanctions against companies that fail to comply with HREDD obligations (Melin et al. 2022).

If adopted, the CSDDD will apply, based on turnover and number of employees, to both EU and non-EU companies (Melin et al. 2022). Non-EU companies include companies that are part of the chain of activities of an EU company or are a parent company of an EU subsidiary (Knapp 2022).

For EU companies, the CSDDD applies to two groups:

- Group 1: EU companies with more than 500 employees and a global net turnover of more than EUR 150 million in the last financial year.
- Group 2: EU companies with more than 250 employees and a global net turnover of more than EUR 40 million in the last financial year, if at least 50 percent of the net turnover was generated in one or more of a high-impact sector. High-impact sectors include forestry and fisheries (including aquaculture), agriculture, the manufacturing of metal products, and the extraction and trade of mineral resources.

In the case of non-EU companies, the CSDDD applies to those active in the EU with turnover thresholds aligned with Group 1 and 2, generated in the EU.

Additionally, both EU and non-EU companies in Group 1 must adopt climate change action plans in accordance with the CSDDD (Bullock et al. 2022).

The CSDDD provides an outline of what is currently expected of due diligence policies and reports. It requires the company policy to outline their due diligence approach, a code of conduct for their employees and subsidiaries, and a description of the processes involved in implementing the due diligence policy. Companies must develop and implement a “prevention action plan” with all stakeholders, including timelines and indicators for improvement. Companies should ensure that their direct business partners provide contractual assurances that they will comply with the company’s code of conduct and prevention action plan, known as “contractual cascading.” For indirect business relationships, the company may enter into a contract with that partner to ensure compliance with their code of conduct or prevention action plan. If potential adverse impacts cannot be prevented or adequately mitigated, the company is obligated to refrain from entering new or continuing existing relations with that partner. Finally, to end or minimize any adverse impacts, companies must neutralize or reduce the extent of those impacts, which may include paying damages to affected individuals or implementing a corrective action plan (Bullock et al. 2022).

Under the CSDDD, victims of adverse impacts on human rights and the environment will have the right to seek compensation for damages by bringing a civil liability claim before a competent national court. Companies that fail to prevent or mitigate potential adverse impacts or fail to end and minimize actual adverse impacts will be liable for damages caused to third parties. This liability extends not only to the companies’ own operations but also to those of their subsidiaries and value chains. However, companies will not be liable for damages caused by indirect business partners if they have taken appropriate measures to prevent such impacts. These measures could include obtaining contractual assurances from partners that they will comply with the company’s codes of conduct (Melin et al. 2022). In this sense, the CSDDD aims to ensure corporate accountability and access to remedy and justice for victims. However, requiring companies to obtain contractual assurances could potentially create loopholes for corporations to rely on certifications or social auditing in place of HREDD requirements. In terms of the burden of proof in cases of alleged violations of HREDD, it is important to highlight that the Proposed CSDDD places the responsibility on the victim. This means that the victim must prove the legitimacy of their claims which can be extremely difficult. This represents a significant limitation of the CSDDD, as it should be the company’s responsibility to demonstrate their compliance with HREDD requirements and prove that no violations have occurred (Business & Human Rights Resource Centre 2023).

On April 25, 2023, the European Parliament’s Legal Affairs Committee voted in favor of the (January 2023) revised version of the Proposed CSDDD, making progress towards holding companies accountable for human rights and environmental abuses in their global supply chains (Jones 2023). The approved draft made some progress, but several concerns remain. Christopher Patz from the European Coalition for Corporate Justice noted:

“The draft law removes several obstacles to access to justice, but removing automatic parent company liability keeps a door open for corporate harm. And victims continue to shoulder the burden of proof to demonstrate the failures of corporate due diligence, when it should be up to companies to prove they played by the rules.”

Additionally, advocates' concerns remain that the law will encourage companies' use of voluntary social auditing schemes, which have proven ineffective in the past (ECCJ, 2023).

The CSDDD will next move into negotiations with the European Commission and Council once the entire Parliament agrees on its official position. Upon formal adoption, EU Member States will have two years to transpose the CSDDD into domestic law (Kersten, et al. 2023).

### 3.1.2 Law Updates: French and German HREDD Laws

As noted in the 2022 *HREDD in Seafood Report*, the 2017 French Duty of Vigilance Law is often referred to as one of the strongest HREDD laws because it provides the possibility for victims to file claims for damages. This year's report takes a closer look at some of the issues that have arisen as rights advocates have attempted to put the remedy portion of the law into use. Furthermore, the report examines critiques, revisions, and court cases filed under the French Duty of Vigilance Law, any updates to the 2023 German Supply Chain Due Diligence Act, and how the CSDDD would affect these national laws.

The Duty of Vigilance Law aims to hold French corporations accountable and establish vigilance plans to prevent human rights and environmental violations (Duty of Vigilance Radar, n.d.). However, the law does not specify jurisdictional rules over disputes related to vigilance plans, leading to confusion in legal cases over which courts – commercial or civil – should have jurisdiction (Coslin and Renard 2021a). Initially, the French Senate proposed that the Paris Commercial Court should have jurisdiction over matters related to the duty of vigilance due to the judges' extensive understanding of economic matters and company operations (Coslin and Renard 2021a). Later, a joint committee eventually made the decision to give the Paris Civil Court jurisdiction in 2021 (Coslin and Renard 2021a)<sup>7</sup>. The decision to give jurisdiction to the civil court better facilitates corporate accountability and victim access to remedy compared to the commercial court (Business & Human Rights Resource Centre 2021).<sup>8</sup>

The EU's CSDDD, which requires companies to detect and reduce negative impacts on human rights and the environment, would demand updates for the French and German laws and related laws in other EU members (Coslin and Renard 2023). For example, the German law may need to be updated in terms of the scope and the civil liability while the CSDDD would be applied to a larger number of companies and more explicitly create civil liability for companies (Burghardt-Kaufmann et al. 2023). Similarly, the CSDDD would affect more companies than the French law, based on employee thresholds and coverage of non-EU companies (Delille and Pallu 2022). While both the French and German laws address human rights and environmental concerns in supply chains, the proposal for the EU's CSDDD provides more comprehensive coverage of environmental issues, specifically requiring extended environmental due diligence in supply chains that cover the negative environmental impacts in terms of biological diversity, chemicals, hazardous waste, and climate change (García et al. 2022).

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<sup>7</sup> Article 56 of 'Law no.2021-1729 of December 22, 2021, building confidence in the judicial system' articulates that Article L.211-21 of the Code of Judicial Organization officially states that the Paris Civil Court (Le tribunal judiciaire de Paris) will deal with legal actions related to the Duty of Vigilance Law (LOI n° 2021-1729, 2021; Coslin and Renard 2021b).

<sup>8</sup> Civil Court enables individuals to be one of the parties in the lawsuit whereas commercial court is between two corporations.

### 3.2 Cases under the French Duty of Vigilance Law

Of the HREDD laws examined, the French Duty of Vigilance Law currently provides victims of environmental and human rights abuses the clearest pathway to secure remedy. This law puts corporations on notice when their vigilance plans do not meet standards, and if they do not respond, the law enables NGOs and victims to file a lawsuit against the company. There are currently seven lawsuits that have been filed and numerous other notices served to large French corporations.<sup>9</sup> Although none of these cases involve the seafood industry, they are indicative of how the law is being tested. Table 2 details the seven cases under the French Duty of Vigilance Law, one of which has an official court ruling but none have resulted in any remedy for the victims. Most of these cases are still currently undergoing legal proceedings (Business & Human Rights Resource Centre 2023).

The first court decision interpreting the French Duty of Vigilance Law occurred in February 2023 against TotalEnergies in Uganda and is the only official decision passed thus far. This case gives the first detailed interpretation of the law and highlights many of the law's shortcomings in truly securing remedy for victims.

#### French Duty of Vigilance Law: Vigilance Plans

- A risk mapping
- A value chain assessment process
- Risk mitigation and preventative actions
- Alert mechanisms
- Monitoring systems on the effective and efficient implementation of measures

*Source: French Duty of Vigilance Law*

In brief, the court ruled the case ‘inadmissible’ claiming the plaintiffs did not follow court procedures; the six NGOs submitted accounts to the court that were deemed “substantially different” from those presented to TotalEnergies in the formal notice in 2019 (Coslin and Renard 2023; Le Monde, 2023). TotalEnergies significantly delayed proceedings, moving the case through multiple courts (as explained in the aforementioned jurisdictional debate), prior to the official court decision in 2021 (Sherpa, 2023). Because of this delay, the case was officially brought to court under TotalEnergies’ 2021 Vigilance Plan, not the 2019 Plan under which the notice had originally been sent. Without another formal notice sent to TotalEnergies detailing their grievances under the companies 2021 Vigilance Plan, the NGOs technically failed to comply with requirements detailed under the Duty of Vigilance Law to first send a formal notice before initiating legal proceedings (Coslin and Renard 2023).

Upon trying the Total case in Uganda, the Paris Civil Court conducted a thorough analysis of the French statute and noted some important findings that need to be changed under the French Law if remedy is to be more possible. Three findings identified by the courts include:

1. The measures to be implemented as part of the vigilance plan are defined in a high-level fashion and the Law does not refer to any specific standards or source that would be more specific in terms of companies' actual due diligence to be carried out.
2. No authority or third party is appointed to monitor conformity of the vigilance plans (or even their publication).

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<sup>9</sup> See Duty of Vigilance Radar for information on corporations and their vigilance plans, current cases, and overviews of the French Duty of Vigilance Law. <https://vigilance-plan.org/>



3. The Law set forth one practical requirement: to elaborate the vigilance plans in collaboration with stakeholders (Coslin and Renard 2023).

In short, these findings show that the government needs to provide clearer guidance and monitoring of Vigilance Plans and create clearer steps to achieving remedy for victims.

**Table 2: Legal Cases under the French Duty of Vigilance Law**

Legal Cases under the French Duty of Vigilance Law			
Case	Issue	Argument	Legal Action
<b>Danone Lawsuit</b>	Plastic Use and Pollution	Failing to sufficiently account for plastic used along its production cycle	<ul style="list-style-type: none"> <li>• Nine Food companies put on notice for plastic pollution risk Sept 2022</li> <li>• Danone refuted allegation</li> <li>• Taken to Paris Civil Court Jan 2023</li> </ul>
<b>Yves Rocher Lawsuit</b>	Worker's Rights and Trade Union Rights in Turkey	March-Sept 2018 Kosan Kozmetik subsidiary dismissed 130 employees who wanted to assert their rights due to horrible working conditions	<ul style="list-style-type: none"> <li>• Yves Rocher makes Vigilance Plan public first time in 2020 after being on notice</li> <li>• Current plan doesn't mention risks to workers rights nor preventive measures</li> <li>• Paris Civil Court asked to recognize that Yves Rocher Group has failed to comply with the law</li> </ul>
<b>Suez Lawsuit</b>	Water Contamination in Chile	Suez and subsidiary ESSAL's failures resulted in a health and environmental emergency.	<ul style="list-style-type: none"> <li>• Notice to Suez - July 2020 (formal notice has been served 6 times)</li> <li>• 360 fines have been imposed on ESSAL since 2018</li> <li>• June 2021 NGOs officially filed complaint</li> <li>• New Vigilance Plan published April 2021 still does not meet obligations</li> <li>• Civil Lawsuit filed June 2021 - summoned to appear before Nanterre court</li> </ul>
<b>Casino Lawsuit</b>	Deforestation and Land Grabs in the Amazon	Casino Group is selling beef products which are linked to deforestation and human rights abuses in its supply chain	<ul style="list-style-type: none"> <li>• Formal Notice Served Sept 2020</li> <li>• Civil Lawsuit filed March 2021 - summoned to appear before judicial court Saint-Étienne</li> <li>• June 2022 French justice proposes mediation between indigenous peoples and Casino</li> <li>• Following first mediation meeting, plaintiff organizations refuse further mediation</li> <li>• Center for Climate Crime released report on Casino Case 2022 (Climate Crime Analysis)</li> <li>• Jan 2023 The Uru-Eu-Wau-Wau join legal action and seek compensation for environmental and human rights damages on their land</li> </ul>

<b>EDF Lawsuit</b>	Wind Project in Mexico	Électricité de France (EDF) is planning to build a wind farm on the lands of the indigenous Mexican community of Unión Hidalgo, Oaxaca and community's right to consent has been ignored	<ul style="list-style-type: none"> <li>• October 2019 Formal Notice Served</li> <li>• Nov 2021 French court dismisses request from Mexican indigenous groups to halt EDF wind park construction</li> <li>• Sep 2020 Mexican court bans wind farm construction on Indigenous lands, EDF denies that this ruling effects Gunaa Sicaru Project</li> <li>• June 2022 Mexico cancels contract with EDF</li> <li>• Sept 2022 Agrarian Tribunal releases 11 community members of their land lease to the wind farm</li> </ul>
<b>Total Lawsuit</b>	Climate Change in France	Total's climate ambitions are clearly not in line with the 1.5 degree Trajectory for global warming. Total is taken to court in an effort to drastically reduce its greenhouse gas emissions	<ul style="list-style-type: none"> <li>• June 2019 Formal notice served</li> <li>• January 2020 Civil lawsuit filed</li> <li>• Total opposed the Civil court and argued for commercial court jurisdiction</li> <li>• 2021 Versailles court of appeal reaffirmed Civil Court jurisdiction</li> <li>• 2023 NGOs asked for provisional measures against Total while awaiting court decision.</li> </ul>
<b>Total Lawsuit</b>	Oil Pipeline Operations in Uganda	Tilenga oil mega-project in Uganda -expropriation of land from tens of thousands of people in exchange for inadequate compensation -risk to biodiversity and water resources -climate impact	<ul style="list-style-type: none"> <li>• June 2019 formal notice served</li> <li>• October 2019 civil lawsuit filed</li> <li>• Feb 2023 French court dismissed the case-ruled inadmissible (dismissed on procedural grounds)</li> </ul>

*Source: Information gathered from [Business-humanrights.org](https://www.business-humanrights.org) and the [Duty of Vigilance Radar Cases follow-up study at vigilance-plan.org](https://www.dutyofvigilance.org)*

### 3.3 The US Approach: Trade Policies and Deterrence

The US approach to advancing HREDD focuses on corporate deterrence and punishment, differing greatly from the EU's emphasis on reporting and pathways to remedy. The US government employs a combination of trade policies, punitive sanctions, and issuing withhold release orders (WROs) to prevent goods that are produced using forced labor from entering the country to hold companies accountable for human rights abuses in their supply chains. Although these policies have had an impact on some companies and have resulted in a few successful court cases, they do not create pathways for victim remedy. US mechanisms and court cases are examined below to identify what future changes would strengthen human rights and environmental protections in US policy.

In 2021, the Biden Administration announced its intention to update the National Action Plan on Responsible Business Conduct (NAP). The NAP represents a significant effort by the US to promote responsible business practices that prevent human rights abuses and provide an opportunity to enhance existing mechanisms. The US revision process for the NAP adopted in 2017 has been an extensive interagency process with broad public consultations. The following

analysis reviews a number of the US mechanisms, tools, and policies to enforce human and environmental rights in global supply chains. This provides a partial view into the myriad initiatives, with a particular focus on mechanisms that have impacted the seafood industry.

### 3.3.1 Tariff Act

The Tariff Act of 1930 provides the legal framework for the US Customs and Border Protection (CBP) agency to enforce customs regulations and collect duties and taxes on imported goods. Section 307 of the Tariff Act allows the government to prohibit imports that are produced “wholly or in part by” forced labor. During the Section’s formulation, few congressional members brought up humanitarian concerns and instead, were concerned about “protecting domestic producers from competing with products made with forced labor” (Case and Cimino-Issacs 2022, 1). Because of this, the original law allowed the US to import goods made with forced labor if US “consumptive demand” exceeded the domestic supply (Case and Cimino-Issacs 2022).

The US has increasingly exercised this power in recent years. From its enactment in 1930 until the mid-1980s, the US blocked imports only ten times under Section 307 but jumped to 27 WROs against Chinese manufacturers from 1991 to 1995 (Casey and Cimino-Isaacs, 2022). Since the removal of the exception in 2015 to 2022, the CBP has issued 37 WROs, of which six targeted the seafood sector (Flacks, et al, 2022). By closing the “consumptive demand” loophole, the Tariff Act increases the focus on detailed supply chain mapping and the potential denial of import for high-risk products (Roggensack and Syam 2020). CBP has investigators but appears to largely rely on information and accusations from external organizations, like NGOs and the media, to detect potential cases of forced labor in US imports. Although the US Department of Labor publishes annual country-specific lists of Goods Made with Child and Forced Labor, these lists do not provide the traceability evidence needed for a company-specific WRO.

Not only is the US increasing the use of WROs, but also the magnitude and purpose of their application. WROs have typically been limited to specific manufacturers and producers, but the CBP’s recent WROs impact broader industry- and country- wide supply chains (Casey and Cimino-Isaacs 2022). Additionally, the US is moving beyond the initial economic intent of Section 307 and applying WROs on more of a humanitarian basis. For instance, the 2021 Uyghur Forced Labor Prevention Act blocks imports from any goods tied to the Xinjiang Region of China for the purposes of addressing forced labor concerns in the area (McGovern 2021).

### 3.3.2 Global Magnitsky Act

The Global Magnitsky Human Rights Accountability Act (the Global Magnitsky Act) gives the President the authority to apply economic sanctions to individuals or entities involved in “serious human rights abuse or corruption” (Weber and Collins-Chase 2020, 1).

Building upon the Global Magnitsky Act, President Trump adopted Executive Order (E.O.) 13818 on December 20, 2017, which broadens the scope of applicability. Specifically, E.O. 13818 allows for sanctions to be applied to persons or entities found “to be responsible for or complicit in, or to have directly or indirectly engaged in, serious human rights abuse” (The White House 2017, 1).

E.O. 13818 has been used to address global IUU fishing and human rights abuses in the fishing industry since IUU fishing has adverse impacts on fishers' human rights, the economy and security of the US, fishery sustainability, and the environment (U.S. Department of the Treasury 2022). In December 2022, President Biden extended E.O. 13818 by one year (The White House 2022b).

### 3.3.3 The Seafood Import Monitoring Program

The Seafood Import Monitoring Program (SIMP) was established by NOAA in 2018 to prevent IUU fishing and misrepresented seafood products from entering the US (Flacks et al. 2022). SIMP applies to specific seafood products and requires importers to provide information on the product's origin, chain of custody, and harvest method through an electronic reporting system.

SIMP also shares information with CBP, which supports the Tariff Act by further informing which imported goods are made with forced labor. If a seafood product is caught using illegal fishing methods, it is likely also associated with forced labor.

Although the US government has several transparency tools to identify forced labor risks in supply chains, SIMP is currently the sole program that mandates companies report supply chain data down to the point of origin as a condition to allow the product to enter the US market (Flacks et al. 2022). Nevertheless, there are significant traceability challenges, including for example the processed seafood coming into the US.

## 3.4. US Legal Cases in the Seafood Industry

### 3.4.1 Bumble Bee Foods

Consumer protection laws are another powerful tool; although they do not sanction companies, an unfavorable decision can have equally damaging market consequences. The Global Labor Justice-International Labor Rights Forum (GLJ-ILRF) filed suit against Bumble Bee Foods, LLC under the DC Consumer Protection Procedures Act in March 2022.<sup>10</sup> Bumble Bee's marketing falsely claimed that it sourced its tuna through a fair and safe supply chain, deceiving consumers. GLJ-ILRF alleged that Bumble Bee and its parent company and main supplier, Fong Chun Formosa Fishery Company (FCF), engaged in unfair and dangerous labor practices in the commercial fishing of the tuna found behind the Bumble Bee label (Blank 2022).

The lawsuit reached a settlement in which Bumble Bee was ordered to remove the 'fair and safe supply chain' claim from their products and website (Sapin 2023). There has been skepticism over this lawsuit's true usefulness in changing Bumble Bee's actions and achieving remedy for victims in their supply chain. While this ruling does not protect abused victims, it does call out Bumble Bee Foods, LLC for their abusive practices and could help force a change by way of public purchasing preferences and advocacy. It can also serve to help bring large companies to

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<sup>10</sup> This Act allows public interest non-profits to bring consumer protection claims on behalf of the consumer and the general public.

the table to talk about initiatives like Taiwanese fishers campaign demanding ‘WiFi-Now’ when they otherwise may have ignored the request.

### 3.4.2 Ratha v. Phatthana Seafood Co

In 2022, Cambodian villagers brought a complaint under the Trafficking Victims Protection Reauthorization Act (TVPRA),<sup>11</sup> stating that they were victims of peonage, forced labor, involuntary servitude, and human trafficking. The Cambodian Plaintiffs stated they were recruited from their villages to work in factories in Thailand producing seafood for export to the US. The villagers sought damages under the civil remedy provision of the TVPRA, naming Phatthana Seafood Co., Ltd. and S.S. Frozen Food Co., Ltd as the perpetrators and Rubicon Resources and Wales & Co Universe as knowing beneficiaries from the unlawful conduct and abuses of the plaintiffs (Justia US Law 2022). This case deals with the issue of recruitment, which will be examined further in this report.

Summary judgment in favor of the defendants was granted because the court found that the plaintiffs could not establish that the companies were ‘present’ in the US during the period of time in question and therefore the case lacked subject matter jurisdiction (Justia US Law 2022). This case spurred heated discussion within the HREDD seafood industry circles because it was not that these plaintiffs lacked evidence of abuse, but that they could not find an appropriate law to bring it under. After the court decision, NGOs rallied behind the Cambodian workers. GLJ-ILRF along with 18 other NGOs filed an amicus brief that states that the court incorrectly read the TVPRA and that their decision undermined the US Government’s clear strategy for eliminating human trafficking (GLJ-ILRF 2022a). The amicus brief highlights the harmful ramifications of the court’s decision and throws into question what precedent this case will set for the future of human rights protection.

### 3.4.3 Dalian Ocean Fishing

The U.S. Treasury Department’s Office of Foreign Assets Control issued sanctions under the Global Magnitsky Act against Dalian Ocean Fishing and Pingtan Marine Enterprise on December 9, 2022, affecting 157 vessels operated by the two companies. Sanctions on Dalian and Pingtan mark the first time the US government has sanctioned a business on the Nasdaq Stock Exchange and further the argument against conducting poor business (White 2022).

These sanctions come after a clear movement within the US government to put more focus on combating human rights violations in the seafood industry in tandem with IUU fishing. President Biden stated, “The United States is committed to promoting labor rights and human rights and fundamental freedoms through worker-centered trade policies and to working to eliminate abusive labor practices, in particular forced labor, in supply chains” (The White House 2022a). Because IUU fishing is often treated as a strictly environmental issue, it was significant that

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<sup>11</sup> The U.S. Congress passed the Trafficking Victims Protection Reauthorization Act (TVPRA) in 2000 “to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims” (Justia, 2022). A 2008 amendment to the law extended the TVPRA to extraterritorial violations if the alleged offender is a US citizen, a lawful permanent resident, or is present in the United States.

President Biden noted the importance of promoting human and labor rights within the issue of IUU fishing is incredibly important for the field of HREDD in the seafood industry.

### **3.5 HREDD Trends and the UN Treaty on Business and Human Rights**

The UN Treaty on Business and Human Rights, currently in its third revision, is yet another indication of the growing uptake of HREDD laws. Although there is some concern that the UN Treaty draft has weaker environmental requirements than the French or German HREDD laws, the debates are advancing important discussions on how to better ensure victims can access remedy (Krajewski 2021). If adopted, the Treaty would establish legally binding requirements for UN Member States to ensure that businesses within their territory, jurisdiction, or otherwise under their control will identify, avoid, prevent, and mitigate human rights abuses. The Treaty would also require companies to monitor the effectiveness of HREDD, communicate with stakeholders, publicly report on how HREDD is integrated into their business operations, and implement civil and/or administrative sanctions for violating the requirements (Davies et al. 2022).

In practice, establishing corporate legal liability for human rights abuses and achieving remedy for victims is extremely difficult due to the various legal requirements and challenges, like jurisdictional definitions and the burden of proof. The Treaty addresses some of these difficulties by allowing for the possible reversal of the burden of proof from the victim onto the company (Krajewski 2021). Reversing the burden of proof is important because it can make it easier for victims to secure remedy especially when the corporation holds information they cannot access (Mikullovci, 2023). Rather, the business enterprise would have to prove that their actions did not cause the violations in question. In addition, the Treaty would allow courts to exercise jurisdiction not only based on the claimant's nationality, but would also be established for courts in other countries if there is no other effective pathway to a fair judicial process in the claimant's home country (Zamfir 2022).

### **3.6 Conclusion and Future Research**

The idea of the need for HREDD in the corporate space began with two documents: the UNGPs and the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises. Since then, there have been two schools of thought on how to monitor companies' actions and provide remedies for victims. Examining the European method of HREDD laws and the US approach of sanctions and import bans showed how each process has potential benefits and faults.

The CSDDD and the French and German HREDD laws establish corporate reporting requirements and pathways for victims to seek remedy and to hold corporations accountable. The French Duty of Vigilance Law showcases the most enforceable version of an HREDD law currently enacted, but none of the cases have yet secured remedy for victims or achieved significant sanctions against companies. Though it is possible the definitional issues can be

overcome, European States need individual HREDD laws that have more specificity to hold corporations accountable and include a deterrence mechanism such as sanctions or fines.<sup>12</sup>

On the other hand, the US mechanisms have succeeded in holding importing corporations responsible for violating US laws and trade agreements, but the laws do not define a pathway to remedy or grievance mechanisms for victims. They also have very little impact on the largest corporations, namely the buyers and retailers. Along with current trends in increasing transparency and effective monitoring, the US should add legal mechanisms to use the data it has on company violations to enable victim protection and access to remedy. If the US approach of trade sanctions and deterrence could lead to victim protection and remedy, then this would be the best approach to HREDD. Yet, without US laws requiring transparent reporting or a pathway to remedy for victims through the US courts, the US approach remains all teeth and no prevention. Meanwhile, the European approach appears to be systematically well-intentioned with reporting requirements but lacks teeth. The Proposed UN Treaty has some promising language that could help victims in securing access to remedy, but it is difficult to be certain until definitions around how to apply concepts such as the reversal of the burden of proof are further clarified..

Future research should study legal and policy advances in human and environmental rights in other countries, particularly large economies such as Japan that are beginning to develop similar laws. Future research should also examine US trade policy, such as new mechanisms included in the US-Mexico-Canada Agreement (USMCA), and the extent to which such approaches might provide access to remedy for victims and long-term solutions to violations of human and environmental rights in global supply chains. Finally, future research should examine how the EU's CSDDD might add or be paired with other legislation to enable both victims' securing access to remedy and the incorporation of sanctions into national HREDD laws.

## 4. Analysis of Corporate HREDD Practices

Authors: Kelcey Allen Rodriguez, Connor Moynihan, Heather Mullen, Kiley Nivens

Transparency in the seafood industry often means tracing the fish product back to the sourcing vessel or water for food safety and environmental sustainability purposes. This report focuses instead on tracing the labor supply chain, which is a severely underdeveloped action area (Fischman 2017). "Tracing the labor supply chain" means tracing the vessels companies are buying from *and* the recruitment agencies that source labor for these vessels. **Figure 1** illustrates the journey of a laborer in the seafood supply chain. The diagram shows how much of the labor contracting works in seafood company supply chains, with most workers, especially migrants, being contracted first through a recruitment (or manning) agency, which has representatives in the workers' country of origin, referred to in the diagram as the 'source state'. Workers may pass through a separate 'transit state' where they are likely to wait in squalid conditions for weeks or even months before they are sent to work in processing plants or on fishing vessels. When fishers leave port, they often have a hard time filing a grievance until they are able to return to port and access support services. When that 'port state' is not their origin country or the country they

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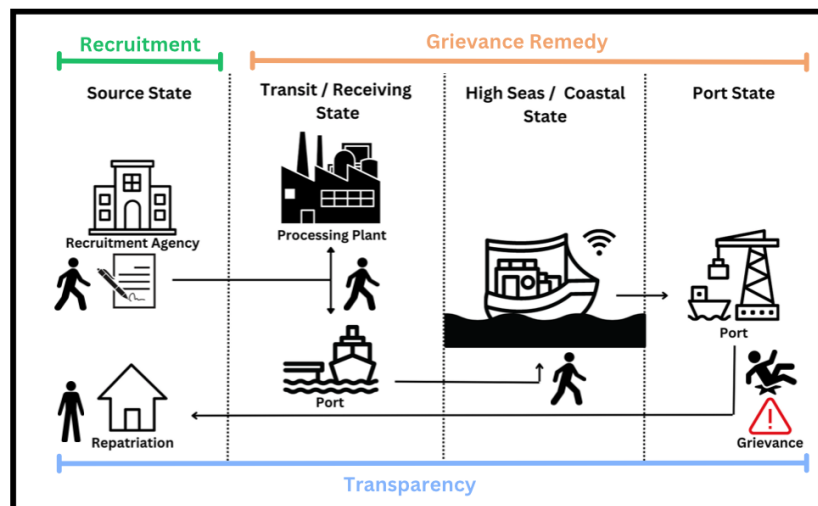
<sup>12</sup> The European Parliament's legal affairs committee approved the draft CSDDD on April 25, 2023, which will require EU Member States to enforce sanctions against corporations for violating HREDD requirements once enacted (Jones, 2023).



immigrated to, they are doubly challenged to find support services to file a grievance. If they do find support, however, the remedy process needs to consider how to address both any remediation demands and the repatriation of the fisher/s. Seafood companies, whether they are buyers or retailers, need to understand and monitor the key actors in this ‘labor supply chain.’ This means tracing not only the suppliers processing the seafood or the vessels from which they are buying, but also the recruitment agencies supplying the workers producing the fish.

This section of the report centers on three aspects of this seafood labor supply chain: recruitment, remedy, and transparency. With regards to recruitment in the ‘source state,’ the research focused on how companies can implement ethical recruitment practices. In the next three phases, the research aims to determine how companies can implement effective remedy processes with reliable grievance mechanisms. Lastly, the research gauges whether companies in every state of the labor supply chain can identify their supplier vessels or recruitment agencies. These three focus areas are crucial to HREDD because a company cannot identify and remedy human rights risks in its supply chain if it cannot trace its labor supply chain.

Figure 1: Seafood Labor Supply Chain



Source: Report Authors

A minority of the world’s companies are under legal jurisdiction to employ and show evidence of sound HREDD practices. With an absence of HREDD laws and a lack of clear requirements among those that do exist, the majority of global companies are employing market-based corporate social responsibility (CSR) approaches, which have many shortcomings and potentially grave consequences for workers’ well-being. Most of these schemes are voluntary, which allows buyers to walk away from suppliers rather than addressing problems found, and confidential to the point of not even informing the authorities of worker risks. In effect, voluntary, confidential programs contracted by the buyers result in sidelining workers and their representatives, no matter how much data harvesting is done via stakeholder engagement consultations.

Third-party audits and the certification programs they service are widely used by companies which believe these are their best means to monitor their supply chains, but these schemes tend to overpromise and underperform. Social audits generate obscurity in supply chain monitoring by using subcontractors, and also create additional confusion on who is responsible, the company or the external auditor, for human rights abuses that are found (LeBaron 2020). They suffer from a significant conflict of interest and ultimately help to do the opposite of their mission statements — they “conceal serious labor abuses, and mislead policymakers and consumers about labor

standards used across supply chains” (LeBaron 2020, 142). The 2022 *HREDD in Seafood Report* showed that the seafood industry heavily relies on these questionable third-party auditors. A review of 40 seafood companies revealed there was very little reference to HREDD policies and that most companies rely on voluntary certification programs rather than more robust HREDD processes (Gearhart, ed., 2022).

The 2022 *HREDD in Seafood Report* also highlighted significant gaps in areas that are crucial for eradicating forced labor risks and human rights violations. Companies had low uptake and weak implementation approaches in transparency, recruitment, remedy, freedom of association, and collective bargaining (Gearhart, ed., 2022). Building off of these findings, this research focuses on answering the following four questions concerning transparency, recruitment, and ensuring access to remedy:

1. What is the current landscape of seafood companies’ HREDD actions?
2. Do pre-competitive platforms encourage individual company actions and help achieve HREDD goals overall?
3. What feasibility gaps do companies face in implementing and/or improving HREDD strategies?
4. How could technological tools fill these gaps?

Fish is the one of the world’s most traded food commodities, and as the sector has grown, so too has the risk of labor rights abuses within its global supply chains (Sharma and Nikolik 2022, 1). The seafood industry is a breeding ground for human rights abuses, especially given that its workforce is made up of vulnerable migrant workers. The core findings of this report bring this into focus and show that companies continue to underperform in transparency, recruitment, and ensuring access to remedy, which are critical for effective HREDD in the seafood industry. While companies have begun to take important steps to establish HREDD processes and grievance mechanisms, the 2023 findings cast doubt on the effectiveness of voluntary measures in improving HREDD initiatives and further support the need for effective HREDD laws.

#### **4.1 Findings on Pre-competitive Platforms**

As of 2021, over 400 seafood companies participate in the growing field of pre-competitive platforms to collaborate with retailers, hotel chains, suppliers, producers, processors, and distributors to address shared issues or goals (CEA consulting, 2021). Of the 16 sustainable seafood platforms, 14 prioritize transparency and the environment, but only eight focus on social responsibility (CEA Consulting 2021). While these pre-competitive platforms vary in the strategies they use to engage and hold their company members accountable for their social and environmental impacts, the most prevalent framework is that of “open-ended [commitments] without targets for completion” (CEA Consulting 2021). Despite the heightened focus on transparency, only half of the platforms publicly report their progress toward these goals.

This report concentrates on SEA Alliance and SEABOS due to the former’s specific focus on social responsibility and the latter’s involvement in advocating for the employer pays principle (EPP) as a way to improve recruitment practices. SEA Alliance was formed in 2018 and includes 31 UK-based member companies. SEA Alliance’s goal to “ensure respect for human rights in

global seafood supply chains” is based on four key work areas: governance, human rights due diligence, advocacy and engagement, and its change on the water fund (SEA Alliance 2022). SeaBOS was founded in 2016 and includes 10 of the largest seafood companies in the world, capturing 10 percent of the world’s production of seafood. SeaBOS’ mission is “to lead a global transformation towards sustainable seafood production and a healthy ocean” (SeaBOS 2022). SeaBOS works with its science-based partners to inform its time-bound commitments on transparency, traceability, forced labor, innovation, and environment. Despite both platforms being relatively new, each has contributed to advancing HREDD strategies in the seafood industry (Appendix I).

**SEA Alliance and SeaBOS assist company members in identifying human rights risks in their supply chains.** SEA Alliance’s Fishery Risk Tool is used by businesses to assess risks of forced labor, child labor, or human trafficking in member companies’ supply chains. Similarly, SeaBOS’ task force, “IUU Fishing and Modern Slavery,” provides members with a risk mapping tool that companies can use to identify which ports and oceanic regions in their supply chain pose higher risks of IUU fishing and forced labor (Selig, et al., 2022). By allowing companies to facilitate human rights risk assessments, these tools help companies take important steps toward HREDD implementation. However, neither tool measures how the platforms are addressing the risks they have already found.

**SEA Alliance and SeaBOS advance HREDD goals by improving awareness, commitment, and accountability regarding human rights in the seafood industry.** While SEA Alliance is still formulating its platform commitments, members are encouraged to “implement, where appropriate, a human rights due diligence approach, in line with the UN Guiding Principles” which over 75 percent of members have done as of 2023 (SEA Alliance 2023). SeaBOS’ 16 commitments are more robust for its company members. However, only one commitment focuses on human rights: “engage in concerted efforts to eliminate any form of modern slavery including forced, bonded and child labor in our supply chains” (SeaBOS 2022). Notably, SeaBOS’ narrow focus does not cover key enabling rights which are included in the ILO’s Declaration on Fundamental Principles of Rights at Work, which also cover non-discrimination, health and safety assurances, and respect for the rights to freedom of association and collective bargaining.

Pre-competitive platform commitments are intended for companies to incorporate into their HREDD processes. However, agreements between platforms and companies are non-binding, which allows for differing levels of commitment and implementation of HREDD goals. Interview data suggests that pre-competitive platforms often encourage individual company action only up to the highest-performing member company. The platforms aim to have companies encourage their peers to improve, but other interviewed analysts raised concerns that this can discourage high achievers over time if others do not follow and may create a lowest common denominator effect. While it is not always the highest level of performance possible, pre-competitive platforms provide the baseline framework for potentially making HREDD goals a reality. A review of 16 seafood pre-competitive platforms corroborated this data and revealed that “some platforms face challenges in holding individual companies accountable for progress and incentivizing engagement toward platform goals” and cited media attention as valuable for catalyzing action (CEA Consulting 2021).

**Pre-competitive platforms, including SEA Alliance and SeaBOS, allow for information-sharing to advance HREDD approaches, but legal support is necessary for optimal collaboration.** Member companies share information via platform webinars and progress reports on how their company assesses human rights risks, forms effective remedy processes, and improves ethical recruitment practices. This collaboration allows the seafood sector to leverage its position of power to form a consensus, increase the scale of impact, and orient the network toward HREDD goals (McLoughlin 2023). Some companies may blame their inaction on HREDD progress on feasibility issues, but information-sharing shows companies what HREDD approaches are possible that they may have previously thought unattainable. One challenge that surfaced during interviews, however, suggests that platform members can use competition and antitrust laws to avoid optimal information-sharing. Given this legal argument, pre-competitive platform staff need adequate legal guidance to prevent the over use of this argument and to inform members what information-sharing would be considered infringing on those laws.

## 4.2 Findings on Seafood Companies' HREDD Practices and Implementation Challenges

Based on companies' publicly available Modern Slavery Statements and ESG or Sustainability Reports, the team created an evaluation tool to track company engagement on transparency, remedy, and recruitment.<sup>13</sup> The grading metrics of the tool are based on the same metric used in the 2022 FGP report, as well as in the WBA's indexes; companies receive a zero (0) for no statement on the issue; a one (1) for having a statement; and two (2) if the company provides evidence of implementation. We gave particular focus to whether the company (a) is committed to the Employer Pays Principle (EPP), (b) publishes its recruitment agencies, (c) publishes its sourcing locations, (d) discloses information on its grievance mechanisms, and (e) manifests its support for freedom of association and collective bargaining rights.<sup>14</sup>

The companies analyzed vary significantly in maturity and range from small-scale brands with annual seafood sales of 72 million USD to major global producers and retailers with sales as large as 1.9 billion USD. Overall, the findings from publicly-sourced research and corroborated by the SEA Alliance members' survey suggest that seafood companies show marked commitments to improving transparency, recruitment, and grievance remedy but face procedural, technological, and commitment-related challenges in implementing and improving these key areas of HREDD.

### 4.2.1 Overall Findings

Of the 40 companies reviewed, four companies scored above a 5/10. These companies outperform their peers by demonstrating commitment to transparency and responsible recruitment, including evidence of implementation of these commitments. All four companies received higher scores than others by publicly sharing their fishery sourcing locations, disclosing their policy, prevention, and remediation efforts regarding recruitment, and committing to and

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<sup>13</sup> A complete list of publicly available Modern Slavery Statements and ESG reports reviewed for this analysis is available upon request.

<sup>14</sup> The research team determined company "support" for freedom of association to mean a company having a statement guaranteeing the right for workers to form a worker representative group and providing evidence of any engagement with these groups.

providing evidence of having implemented the EPP. In contrast, four companies scored 0/10 because they do not publish their recruitment agencies or sourcing countries, have no public statement concerning their policies on recruitment fees, and provide no information about their grievance mechanisms or support for freedom of association and collective bargaining rights. Overall, the median score was just 2/10, indicating that seafood companies have considerable progress to make in order to address forced labor risks and strengthen broader labor rights protections for fishers.

#### 4.2.2 Findings on Transparency

Labor supply chain traceability faces particular challenges in the seafood industry because much of the industry sources from individual fishing vessels or small fleets that spend months or years

**Table 3: Analysis of SEA Alliance and SeaBOS Member Companies (n=40)**

Scoring	Recruitment Commitment to Employer Pays Principle	Transparency		Remedy	Freedom of Association Supports freedom of association
		Publishes Manning Agencies	Publishes Sourcing Countries	Has a grievance mechanism	
Number of companies that have no statement (0):	31	40	21	12	7
Number of companies that have a statement (1):	3	0	12	22	30
Number of companies that have statement and provide evidence of implementation (2):	6	0	7	6	3

*Source: Information for table sourced from publicly available information from company's Modern Slavery Statements and Environmental, Social, and Governance (ESG) or Sustainability Reports.*

at sea. The distant and mobile nature of the fishing industry means that unannounced auditing of conditions aboard fishing vessels is nearly impossible, thereby creating significant challenges for monitoring the working conditions of fishers. Our findings indicate that while SEA Alliance and SeaBOS member companies have taken steps to address some abuses in the labor supply chain such as recruitment fees, companies need stronger processes for identifying vessels and recruitment agencies and for disclosing information vital for HREDD accountability. If companies are not tracking the recruitment agencies used by their suppliers, however, they likely have little to no information about workers' contracts. This is doubly problematic given how little workers tend to know, as will be discussed in section 5.1 below.

#### Vessels

To effectively monitor working conditions at sea, it is crucial that companies know what vessels they source their fishery products from, similar to publishing lists of tier one or tier two supplier factories, as some seafood companies like World Wise Foods and Marks and Spencer already do. However, the reality of determining supplier vessels is challenging for seafood retailers and producers.

**A survey of SEA Alliance members shows that a significant number of respondents (9 out of 13) can identify some of the vessels that supply their fishery products, but face feasibility issues in determining the full list.** Zooming out to the 40 company reports reviewed, only six include information on what regions of the ocean they source certain fish from or the countries where they operate. While eight of the 40 company reports go a step further by publishing a list of tier one suppliers, only four published up to tier two, often with the help of the Ocean Disclosure Project. However, no companies publicly publish their vessel lists.

The interview data suggests that companies face feasibility issues in determining their supplier vessels, which would explain why this information is not publicly available. However, 69 percent (9) of the SEA Alliance survey respondents claim they maintain vessel lists. This large discrepancy between the survey data and interview data could be attributed to differing interpretations of the survey question. While company responses revealed that some companies do have lists of their vessels, their lists are incomplete. If the fishery product in question is raw fish being sold, then the vessel-level knowledge is more accessible; however, if the product is more complex, like pet food or aquaculture feed made with fish ingredients, then determining vessels becomes more difficult (Fischman 2017). Since some companies maintain supplier vessel lists, feasibility issues are not the only reason for the lack of publicly available lists. A lack of external pressure on companies to publish vessel lists and poor initiative within companies likely contributes to the lack of transparency.

### *Company Disclosures*

Publishing sustainability reports is now a widely expected and common practice for companies. Since the vast majority of corporate accountability is voluntary, external accountability relies on the extent of company transparency in these disclosures.

**While all researched companies released reports detailing their HREDD policies and actions, critical information that is necessary for effective accountability was absent.** Although SEA Alliance companies publish Modern Slavery Statements under UK law, all ten companies of SeaBOS also provided social responsibility reports without being required or under threat of penalty. However, many reports lacked information that is essential for addressing modern day slavery, including: seafood product source, vessel lists, recruitment agencies, the type of concerns introduced through grievance mechanisms, and what remedial actions companies took as well as the results of those actions. These findings corroborate those of WBA's 2021 Seafood Stewardship Index, which says, "When [human rights] commitments are in place, these are not followed by action...For those companies that have taken steps and report progress, these are primarily focused on environmental impacts" (WBA 2021).

Companies may have some of the above information even if it is not disclosed publicly. The data may be withheld from the public for several reasons, including a fear of backlash or liability pressure. Nearly all researched companies referenced some engagement with an external social

auditor to assess human rights issues in their supply chains. Since companies may have reservations about disclosing this data, third-party auditors provide a safe space for companies to address HREDD shortcomings because audit findings are confidential. However, as found by the 2022 *HREDD in Seafood Report* and other scholars, ethical certifications act as a stand-in for transparency, and the common use of external auditors obfuscates company transparency policies, actions, and results (Gearhart, ed., 2022; LeBaron 2020). Yet, non-disclosure can also result from information gaps, particularly with vessels and recruitment agencies, which allude to larger issues of data collection and monitoring capacity.

#### 4.2.3 Findings on Recruitment

Because much of the seafood industry requires low or unskilled labor, many fishers are migrants who are hired by recruitment agencies that rely on informal brokers for hiring processes. Migrants frequently depend on recruitment agencies to act as points of contact in the migrant's own country and to help them overcome barriers to employment, including language and literacy barriers, the difficulty of navigating travel, and securing immigration documents (Okrasinski 2022). Globally, recruitment agencies are known to use coercive and deceitful tactics that make migrant fishers particularly vulnerable to forced labor and human trafficking. Recruitment agencies will often attract migrant fishers with promises of high wages but then charge inflated recruitment fees that force workers to take out high-interest loans or agree to deduct recruitment fees from their future wages. Facing enormous amounts of debt that they cannot pay back, migrants can easily become trapped in a cycle of debt bondage and forced labor in which they must remain on vessels despite extremely dangerous working conditions, physical abuse, inadequate access to medical care, withheld wages, and/or involuntary prolonged confinement at sea (Verité, 2021).

#### **The Employer Pays Principle**

Reflecting the Dhaka Principles for Migration with Dignity, the Employer Pays Principle states that no worker should pay for a job—the costs of recruitment should be borne not by the worker but by the employer.

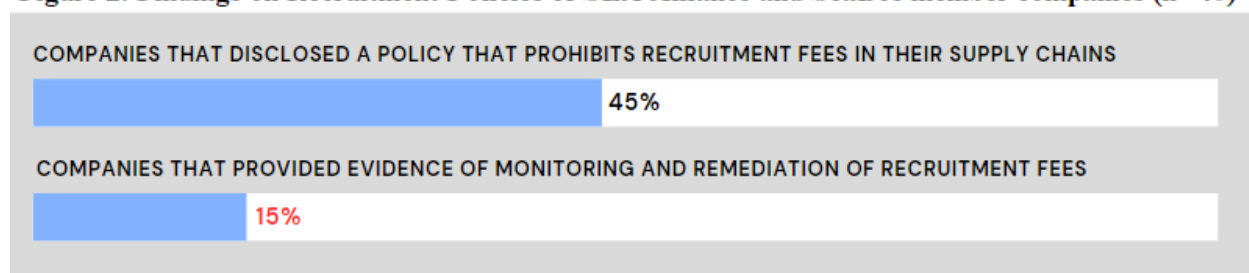
Further reading: Institute for Human Rights and Business (2018), "Recruitment Fees."

*Source: Institute for Human Rights and Business*



To address these concerns, seafood businesses are modifying and enhancing their recruitment practices and policies by prohibiting recruitment fees or are going one step further by committing to the EPP and supporting employer responsibility for reimbursement of fees. Of the 40 researched companies, 45 percent (18 of the 40) companies disclosed a policy that prohibits recruitment fees, 23 percent (9 of 40) of companies publicly expressed commitment to EPP, but only 15 percent (6 of 40) had publicly available information that provided evidence of monitoring and remediation of recruitment fees to workers. An additional nine companies did not reference EPP but still disclosed a policy that prohibits recruitment fees in their supply chains, notably making no mention of who is responsible for reimbursement.

**Figure 2: Findings on Recruitment Policies of SEA Alliance and SeaBos member companies (n=40)**



*Source: Information for table sourced from publicly available information from company's Modern Slavery Statements and Environmental, Social, and Governance (ESG) or Sustainability Reports.*

**The affordability and feasibility of practices required for responsible recruitment measures bar some companies from adopting the EPP.** In the survey SEA Alliance members, 54 percent of respondents (7 out of 13) expressed not having a way to communicate with vessel owners about who pays recruitment fees for fishers. Additionally, 85 percent of respondents (11 of the 13) reported that they do not keep a record of, audit, or vet recruitment agencies used by the vessels from which their company sources fish. Every survey participant reported that their supplier vessels need additional resources in order to ensure that fishers aren't required to pay recruitment fees, including co-financing to support reimbursement of recruitment fees (23 percent of respondents), improved communication with vessel owners (15 percent of respondents), and better regulation of recruitment agencies (77 percent of respondents).

Interview data revealed that companies may also have difficulties in implementing EPP due to uncertainty regarding how to (1) identify which sectors of a company's supply chain are most susceptible to recruitment fees and forced labor, (2) determine if workers need to be reimbursed, (3) ensure that workers receive reimbursement, and (4) cover the high costs of repayment. Companies with less financial capacity, particularly small and medium-sized enterprises (SMEs), might therefore be more hesitant to commit to reimbursing recruitment fees and unable to fulfill responsible recruitment standards.

#### 4.2.4 Findings on Grievance and Remedy

Access to grievance and remedy, the third pillar of the UNGPs, ensures that workers can report human rights abuses and trust that adverse impacts of these abuses will be redressed (Ruggie, 20). Without providing easily accessible communication channels for workers to report labor and human rights violations, companies cannot fulfill their obligations to respect human rights.

Companies must provide grievance mechanisms for workers across their supply chains and remove any barriers workers might face in accessing them. The seafood industry faces particular obstacles in addressing these concerns, as fishers are often unable to communicate outside of their vessel and therefore often lack access to grievance mechanisms.

### *Grievance Mechanisms*

While companies often employ grievance mechanisms, “one of the biggest challenges for businesses remains how to do so in a trusted and meaningful way” (Sjerp, et al., 2021).

**Few companies reported data on the use, type of concern, or results of grievance mechanisms. Of those that did, the low use of grievance mechanisms alludes to questionable effectiveness.**

Over half (28) of the researched seafood companies provide some form of grievance mechanism to rights-holders, though not all of them reported what kind. Of those that specified, the most common form of grievance mechanism was a whistleblowing hotline. Other mechanisms include hotlines (both call and text), email reporting, a welfare committee, website submissions, phone app, and worker surveys. In addition to internal grievance procedures, some companies provided external services for workers to voice their concerns.

“We ask our direct suppliers (processors) whether the workers on the vessels they source from have access to grievance mechanisms; however, due to the lack of supply chain visibility and/or influence, we have no way of verifying this.”

–Anonymous SEA Alliance member company

*Source: Information sourced from survey of Sea Alliance member companies*

Seafood companies lack data on the use of these mechanisms, the types of concerns or abuse reported, what remedial actions the company took, and the results of those actions. Of the 28 (out of 40) companies that reported having a grievance mechanism, 19 did not provide any of the above information regarding the usage of the mechanisms or issues raised by the complaints. Of the nine that provided evidence, there was drastically low use of the mechanisms: two companies said that there were zero uses within a year; four reported less than 10; and three reported higher than 10.

The lack of use does not suggest an absence of human rights violations in a company’s supply chain. Rather, it demonstrates that the majority of researched companies’ grievance mechanisms are likely not effective. As the WBA acknowledges in its 2022 Social Transformation Assessment, the “presence of a grievance mechanism does not guarantee the provision of effective remedy” (WBA, p. 29, 2022). While grievance mechanisms may be available, seafarers likely face barriers to accessing them. When companies responding to the survey were asked if they monitor the extent to which fishers on board their supplier vessels can access grievance mechanisms — many of which require electronic connectivity — 46 percent (6 out of 13) of them said no.

## Wi-Fi Access on Fishing Vessels

A recent campaign by GLJ-ILRF to support migrant fishers' rights is demanding Wi-Fi access aboard all fishing vessels. Because migrant fishers can spend months or years at sea without coming ashore, lack of Wi-Fi access exacerbates their isolation and prevents them from communicating with friends and family, ensuring their wages have been paid to their family, or reporting human rights and labor abuses that take place at sea.<sup>15</sup>

Importantly, Wi-Fi access aboard distant-water fishing (DWF) vessels should not be selective. At a recent press conference in Taipei, CSOs reported that of Taiwan's 1,100 fishing vessels, only 100 had installed Wi-Fi and only 27 vessels reported providing Wi-Fi to fishers, suggesting that while vessels may have Wi-Fi capacity, fishers themselves might be denied access to it (Hioe 2023). Wi-Fi may only be available for the chief engineer and captain, but when fishers themselves have access, frequency of access could range from once every two days to once per month, sometimes only for a few minutes at a time (Chiang and Chen 2022).

Figure 3: Companies Reporting on Universal Wifi (n=13)



Source: Information sourced from survey of SEA Alliance member companies.

**By ensuring Wi-Fi is available for all fishers, seafood companies would take an important step toward ensuring effective access to grievance mechanisms.** Twenty two researched companies from Sea Alliance and SeaBOS use whistleblowing hotlines, which fishers at sea may not be able to utilize without access to Wi-Fi. In the survey of SEA Alliance members, 85 percent (11 out of 13) of companies claimed support for guaranteed Wi-Fi for all fishers aboard their supplier vessels, and 69 percent (9 out of 13) of companies reported that universal Wi-Fi

on vessels would help to improve their current grievance and remedy processes. Therefore, mandatory Wi-Fi access aboard DWF vessels has many benefits for fishers, vessel owners, and seafood companies. The availability of Wi-Fi is critical for improving fishers' communication outside the vessels and improving access to grievance processes. It will also enhance companies' ability to detect abuses in their supply chains and better fulfill their duty to respect human rights. Alternatively – or additionally – Greenpeace and other organizations advocate limiting time at sea to three months, as a means of ensuring that fishers have access to communications and other services at port (Greenpeace, 2020). Yet, fishers are not always permitted to disembark, depending on the port country and their visa status, and ensuring time-at-sea limits are enforced would be further aided if regular access to Wi-Fi at sea is secured.

<sup>15</sup> Currently, there are only two ways to enable communication at sea: by providing satellite phones or Wi-Fi. Satellite phones would allow fishers to communicate with their families, while providing Wi-Fi would enable them to send messages or images to their families, NGOs, unions, or other stakeholders as needed. Unlike phone communication, Wi-Fi would also provide fishers with access to news, information, and entertainment while at sea (GLJ-ILRF, 2022b.).

### 4.3 Technology and HREDD

Other technological tools for monitoring and tracking DWF vessels can enhance transparency on the high seas. However, most current tools were developed with the environmental side of corporate governance in mind, raising concerns that they are not significantly transferable to human rights monitoring purposes.

#### 4.3.1 The Landscape of Monitoring Technology

Vessel Monitoring Systems (VMS) and Automatic Identification Systems (AIS) are currently the most commonly used monitoring technologies. Information from AIS is publicly available and therefore constitutes much of the data in monitoring studies conducted on IUU fishing; meanwhile VMS data is encrypted and protected by the sovereign states that receive the data (Shepperson et al. 2018; Cauzac 2020; Gee 2021). While vessel monitoring could be vastly improved if AIS data were supplemented with VMS data, a major weakness of both technologies is that neither can truly indicate the presence or absence of human rights abuses.

However, both systems can be used as tools to quantify human rights risks at sea by focusing on vessel patterns of behavior. For example, port avoidance, transshipment, and a reflagged vessel often indicate a higher risk of human rights abuses aboard a vessel (Selig et al. 2022; Oceana 2019). Both tools also provide opportunities for companies to limit exposure to vessels associated with labor rights abuses.

#### 4.3.2 The Problem of Beneficial Ownership

When human rights abuses are found in supply chains, governments apply punitive measures to the facility, company, and persons responsible. However, this is only possible when the responsible actors benefiting from these human rights abuses are known. Unfortunately, the practice of beneficial ownership impedes this process and exposes companies to risk of unknown illegal activity in their supply chains. Beneficial ownership means that the owner of the vessel is not directly tied to any of its actions. This leads to vessel owners having layers of protection between themselves and any abuses that might occur on their property, even though they are green-lighting the illegal behavior (Freitas 2021). It also allows situations in which some vessels in a fleet may be engaged in IUU fishing and labor rights abuse, while the remainder of the fleet conducts legal activity. Therefore, a company subsidizes legal activities with the illegal actor and there is a chance that the catch from an IUU fishing vessel can be mixed in with the catch from a compliant vessel, so company buyers are unaware of the malpractices within their supply chain. Reflagging of a vessel can further obscure the identity and history of vessels and vessel ownership (Park et al. 2023). Enforcement activities typically end up targeting the vessel, but allow the beneficiary to escape unharmed (Freitas 2021). Current efforts to address beneficial ownership are largely at the flag-state level (Ford et al. 2022).

### 4.3.3 Our Beta-Test of Triton

The research team beta-tested a tool for identifying IUU fishing vessels and beneficial ownership within seafood supply chains. The Center for Advanced Defense Studies' (C4ADS) new Triton database uses Palantir's technology to compile publicly accessible data about vessel ownership. It currently has over 6,500 entities associated with IUU fishing in its database. A search for a

vessel, company, or person shows a graphic with the entity and any relationships it may have to others. The user is shown a visual network that links vessels to owners, which is critical for attaining a complete picture of all parties involved.

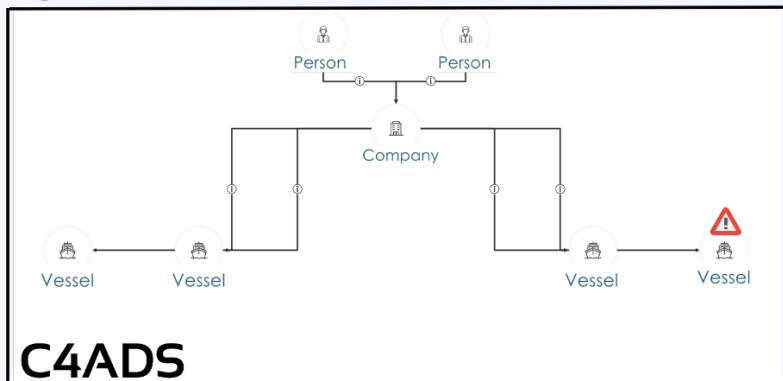
Nearly all vessels (12 of 13) of the Inter-American Tropical Tuna Commission (IATTC) list and over a quarter (10 of 36) from North Pacific Fisheries Commission (NCPF) IUU list were in Triton's database. Vessels in the IATTC had more robust networks as well. For example, the entry for one IATTC vessel in Triton revealed linkages to three officers and two shareholders of the company, expanding the breadth of risk assessment beyond what IATTC provided. A search of Triton's database for 120 vessels identified by the International Seafood Sustainability Foundation's (ISSF) ProActive Vessel Register as having IUU fishing concerns did not provide any results. This may be due to the fact that Triton is in its early stages.

Valuable information was available even in the cases where the vessels were missing from Triton. For example, vessels Sunshine 801 and 802, listed as IUU non-compliant under ISSF, were not in Triton's database. However, several vessels with identical country registration and similar names to those affiliated with Sunshine Fisheries Co. Ltd are in the database. If a seafood company suspected links between Sunshine Fisheries Co. Ltd and the IUU vessels, Triton could show the actors involved to companies seeking to mitigate potential risks in their supply chains.

**Vessel-level transparency is paramount in order to prevent Triton from becoming a tool for preserving the company image instead of protecting the human rights of workers.**

*Source: Report Authors*

**Figure 4: C4ADS Triton Tool**



*Source: Information sourced from C4ADS Triton tool.*

All 13 companies that responded to the SEA Alliance survey said they would benefit from a database that tracks vessels and vessel owners linked to IUU fishing. However, the lack of publicly available company vessel lists is a significant obstacle to the operation of Triton. This makes Triton a double-edged sword. While Triton enhances HREDD by allowing a company to better understand the networks in its supply chain, nothing about the use of Triton forces a company to declare that it is or was previously associated with a nefarious actor. This may encourage companies to privately disengage without improving the situation for the workers, while also paving the way for other companies to unknowingly engage with



those same actors, ultimately not solving the issues. Vessel-level transparency is paramount in order to prevent Triton from becoming a tool for preserving the company image instead of protecting the human rights of workers. Additionally, since Triton is based on publicly available data, increased company transparency would enhance the utility of the Triton tool by expanding entity networks.

One important caveat is that Triton and other vessel-tracking technologies are rendered impractical if a company's knowledge of its supplier vessels is limited or absent. A company must therefore know its supplier vessels in order to benefit from the opportunities that tools like Triton offer.

#### **4.4 Conclusion and Future Research**

The examined seafood companies are taking commendable steps toward improving HREDD in their supply chains by collaborating with SEA Alliance or SeaBOS. Company participation in pre-competitive platforms encourages effective HREDD strategies through information-sharing. However, legal advice is needed to overcome the confusion surrounding antitrust laws, which create a barrier to collaboration. Significant gaps remain, however, between disclosures of company HREDD policies and evidence of implementation. Research found a concerning lack of transparency surrounding companies' grievance procedures, actions taken to address recruitment-related debt bondage, and efforts to support workers' rights to freedom of association and collective bargaining.

Transparency-enhancing technological tools like Triton could help inform seafood companies on the risks within their supply chains, like IUU fishing and beneficial ownership, but companies should first prioritize publishing supplier vessel lists. Despite feasibility issues, the SEA Alliance survey findings indicate companies *know* their fishery supplier vessels to an extent, but additional research is needed to ascertain the true scope of such supply chain knowledge. In order for Triton to be effective, companies should not outsource vessel monitoring, but instead embrace these tools as a way to take charge of monitoring their own supply chains. Companies should ensure that information regarding vessels from which they source their fish is publicly available because keeping this information confidential minimizes the opportunities for external accountability from CSOs. This body of research evidences the shortcomings of voluntary corporate accountability measures in the seafood industry and highlights the need for more effective HREDD laws and protections for workers in the industry.

#### **4.5 Recommendations for Seafood Producers, Buyers, and Retailers**

Based on the scope of research, the following recommendations emerge on how the seafood industry can improve transparency, fair recruitment, and workers' access to remedy. The implementation of these measures will be most effective if companies are willing to engage directly with independent, democratic trade unions and worker organizations to negotiate and establish implementation frameworks such as the enforceable and binding agreements or worker-driven social responsibility approach discussed in section 5 below.

##### **Transparency**

1. Publish a list of vessels and recruitment agencies used directly or by suppliers/vessels;

2. Analyze and publish the beneficial ownership structure of suppliers/vessels in order to understand the risks within the larger company structure.
3. Establish lines of communication with vessel owners and operators; and
4. Publish human rights risks found (through third-party audits or other means) and company remedial actions taken, and results

Companies publicly identifying information about supplier vessels and the recruitment agencies they employ is necessary to ensure external accountability and increase transparency on labor rights within the seafood supply chain. While vessel-tracking technology can be useful for companies to identify human rights risks in their supply chain, information on supplier vessels and associated risks should be publicly shared when using this technology so as to avoid company disengagement from supply chain risks instead of resolving them.

#### Recruitment

1. Commit to and report transparently on how your company finances and implements the Employer Pays Principle;
2. Track, audit, and vet recruitment agencies used by supplier fishing vessels and prohibit suppliers/vessels use of recruitment agencies found to be operating illicitly or without proper regulatory oversight; and
3. Advocate for policy changes in the national legislature of supplier countries to improve regulation of recruitment agencies.

Recruitment fees charged to laborers are frequently a root cause of forced labor; therefore, seafood companies need to monitor and vet recruitment agencies to mitigate these charges, as well as cover the bill when they do occur, i.e. committing to the EPP. To address the root causes of fraudulent fees, companies should also advocate at the national level for legislative changes and improved enforcement to better regulate the recruitment agency industry. Since many migrant seafarers utilize recruitment agencies in their home country, which differ from the countries in which the seafood supplier operates, the company must invest resources in identifying what countries supply most of its workforce in order to target legislative change to those countries.

#### Grievance Remedy

1. Require and assist supplier vessels to guarantee all fishers have reliable and regular Wi-Fi access and electronic communications while at sea;
2. Work with independent, democratic trade unions to ensure fishers have access to adequate support when filing a grievance; and
3. Advocate for policy changes in the national legislature of supplier countries to require Wi-Fi access and Wi-Fi subsidies for all DWF vessels.

Regular Wi-Fi access, plus the required electronic communications to utilize the Wi-Fi, are necessary to ensure fisher access to grievance mechanisms as well as other necessary external



communication. As such, companies should require and assist supplier vessels to guarantee fishers have Wi-Fi access, as well as advocate for broader national legislative changes to support this initiative. Seafood companies have a responsibility to ensure their grievance mechanisms are effective; therefore, the associated costs and challenges of implementing Wi-Fi on fishing vessels should not dissuade company action, but instead promote company innovation and collaboration with national legislation, other seafood companies, CSOs, and fishers to achieve this up-and-coming reality.

## 5. CSO Perspectives on Ethical Recruitment and Grievance Redress Mechanisms

Authors: Sloane Hardin, Samuel McGovern, Matthew Ridgeway

CSOs are vital trend-setters in HREDD in the seafood industry. Where companies and governments have failed to protect workers, CSOs often fill gaps. On their own, CSOs use a bottom-up approach that pressures seafood companies and national governments to enact change. When met with effective action from either actor, CSOs serve as guides to upholding human and labor rights, like freedom of association and collective bargaining.

The 2022 *HREDD in Seafood Report* researched and collated the diverse demands coming from CSOs in this space and identified the need to better define the demands around key enabling rights and processes (Gearhart, ed. 2022). The current report thus brings greater clarity on fair and ethical recruitment and workers' access to grievance mechanisms and remedy in the seafood industry. Using the UNGPs and ILO guidance as a framework, this section highlights CSOs' top priorities on each issue and identifies effective policies and initiatives to protect migrant workers in an often treacherous environment. The research focuses on how to protect fishers on vessels and also highlights the lack of attention on recruitment and grievance and remedy in other sections of the seafood supply chain, which are predominantly staffed by women.

Of the 17 CSOs reviewed for the issue of recruitment, the research team identified freedom of movement, document retention, absence of recruitment fees, and transparency as the top demands. For grievance and remedy, the researchers distilled five key priorities — accessibility, safety and trust, effectiveness, accountability, and worker participation — as the primary demands of the 17 CSOs assessed on this issue. Additionally, this section identifies gender as a gap within CSOs' work on these topics within the seafood industry and provides suggestions for how to better incorporate an intersectional lens to HREDD policies. Even with a central assessment of CSOs' demands and a collection of on-going initiatives, the report recognizes a lack of enforceable legislation as a major hurdle to ensuring the safety and wellbeing of workers in the seafood industry.

### 5.1 Civil Society Demands for Fair and Ethical Recruitment

The analysis of current CSO demands for fair recruitment practices within the labor supply chain (see figure 1, above) provides a comprehensive set of criteria that should be required for HREDD government and corporate policies. The ILO General Principles and Operational Guidelines for Fair Recruitment (ILO 2019) consist of 13 principles that provide important definitions and

direction for the development of HREDD policies. Using this tool as a framework, the research team reviewed the demands of 17 CSOs (Appendix III) and mapped how their demands correlated with the 13 ILO principles to identify which issues of recruitment are currently prioritized and which need more attention.<sup>16</sup>

Without a wide consensus among CSOs on how to specifically address the issue of fair and ethical recruitment, this section aims to pinpoint the most agreed upon principles and highlight solutions and initiatives that best support them. The following section will summarize the CSO demands as they align with the ILO principles. The principles are cited more fully in Appendix III.

*ILO Principles 1-6* aim to address the legislation and regulation needed within global supply chains to solve issues with recruitment. There are several ways in which seafood suppliers, producers, processors, and retailers can foster better regulations and avoid undermining the enforcement of worker protections. Understanding the regulatory gaps in worker protections and addressing the risks they create should be an essential part of HREDD.

The focus of supermarkets and buyers to sell cheap seafood for maximum profits applies a downward financial pressure throughout the supply chain, forcing cost-cutting actions that undermine worker protections. Suppliers routinely cut costs by skimping on health and safety measures that directly threaten the well-being of workers (Oxfam 2019). The need for cheap labor consequently pressures recruitment agencies to source workers for the lowest cost, commonly resorting to predatory and manipulative acts towards migrant workers on land and vessels to achieve this. CSOs demand the elimination of this ‘lowest bidder’ structure and instead advocate for dignified living and working conditions through every stage of employment. CSOs ask for mandatory safety, labor rights, and seafood-specific training programs for workers since this information is essential for their safety while at sea due to the ongoing horrible and illegal living conditions that result in avoidable worker illness, injury, or death (Urbina, n.d.). Moreover, seafood companies should confirm that workers have access to independent trade union support. There is a strong CSO consensus that unions should be completely independent from government or corporate influence. Without actual bargaining power, workers face significantly more difficulties in securing assistance or remedy.

Furthermore, recruitment agencies, regardless of country jurisdiction, should legally share in the accountability for labor law violations as well as violations of other industry-specific regulations. Because of the international nature of migrant labor working on fishing vessels, it is incredibly important that policy and legislation is implemented across all states so that workers are protected in every area of operation. While interstate cooperation is slowly being addressed through bilateral memorandums of understanding and other multilateral agreements, seafood companies need to consider the risks to workers in their supply chain across multiple national jurisdictions. When examining protections of migrant fishers, the scope of analysis should include the sending, transit, and receiving states for labor supply. Additionally, the analysis should also examine the seafood source state, considering the flag state of a vessel, the coastal state where fish is caught, the port state where fish is offloaded, and the state where the supplier company resides.

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<sup>16</sup> A complete list of CSO reference documents reviewed for this analysis is available in Appendix IV.

CSOs also demand that labor laws or other legislation should not discriminate or avoid protecting migrant workers from the time of hire, through transportation, and until repatriation is completed. Furthermore, HREDD implementation in country legislation and corporate policy should create a structure for proper liability and increased transparency of supply chains. However, there should not be a one-size-fits-all model of policy and practice because of the complexity of the seafood industry and the varying challenges in different migration corridors.

To prevent employers from manipulating migrants' fear of detention or deportation, the denunciation of workers to authorities without proper reason should be prohibited or carry significant penalties. Removing the fear of denunciation helps to correct the manipulative power dynamic between vessel managers, known as skippers, and workers. To remedy this, the International Transport Federation (ITF) calls for the closing of transit visa loopholes, which create a straight path to labor exploitation. For example, fishers are not legally allowed on UK soil but are allowed to work in territorial waters. If a worker was kicked off a vessel, they would be considered an illegal immigrant in the eyes of UK authorities, so the threat of denunciation often forces the worker to live on the vessel year-round with no other options (ITF 2019). Policy reforms need to enable fishers' access to port services and laws should be expanded to provide assistance to exploited or abused fishers with no legal status who are abandoned at ports.

Transparency is one of the top issues most frequently advocated in CSOs' demands for fair recruitment and regulatory controls cannot function without it. Calls for transparency range from the cost breakdown of recruitment per worker to maps of migrant travel. There are also

### **Taking Matters Into Their Own Hands: Thai Union Case Study**

Thai Union (TU), one of the largest seafood producers and owner of the Chicken of the Sea brand, is seeking to create a transparent and ethical labor supply chain. The pilot program implemented by TU issues demand for jobs in Myanmar and directs potential workers to vetted and partnered recruitment agencies that work alongside NGOs. IMPACTT did an assessment on the effectiveness of this movement, showing that workers were satisfied with the recruitment process and generally felt safer. Although workers still owed some fees, most owed significantly less than if they had gone through unvetted recruitment channels. IMPACTT is calling for other companies to stop distancing themselves from the labor supply process, to follow this model, and build a recruitment plan with input from all stakeholders (IMPACTT 2019).

However, an anonymous NGO proponent of the EPP suggested that TU supported the EPP but then scaled back based on cost. As mentioned earlier, further examination into the effectiveness of this approach is needed. Though, overall, TU managing their own recruitment seems to be a potential path towards more ethical and transparent staffing since it establishes more direct accountability.

*Source: IMPACTT*

initiatives that provide resources on identifying ethical recruiters located in various countries.<sup>17</sup> Know the Chain, a multi-stakeholder initiative, calls for recruitment agencies to “disclose at least two outcomes taken to ensure respect of the fundamental rights and freedoms of supply chain workers in vulnerable conditions” (Know the Chain 2019). Although the demand is not legally binding, this outcomes-focused approach helps increase the burden of proof on the recruitment agency, which the legal analysis above highlights as an important approach to enabling workers’ access to remedy. The ideal picture ensures trust in the process from the time of recruitment through the end of work, followed by repatriation of the worker to their home country. Providing free training, orientation, and health screenings are three measures that contribute to transparency and build trust in the recruitment process. One overlooked yet important consideration is the treatment of the recruiters and sub-recruiters themselves, as they are entitled to the same protections, respect, and access to remediation as all workers.

For further regulation to tackle these issues, CSOs are generally pushing for licensing recruitment agencies through a vetted third party system, either by the state or a CSO or both. Although having the force of law is important, state regulation can be flawed by corruption or a conflict of interest. A blacklist of recruiters with a history of non-compliance or bad practices would be useful. Some initiatives are already trying to suggest buyers and suppliers use tools and lists of approved recruitment agencies or even provide economic incentives to good players in the field. Other CSOs flag the large vertical hierarchy within a recruitment agency as problematic. These large hierarchies often have many sub-agents (sometimes living in small communities) whose behaviors are difficult to monitor, creating more transparency issues and making enforcement of policies difficult. To help avoid these issues, CSOs generally ask recruiting agencies to engage with civil society and to allow worker representatives to assist throughout the recruitment process, from the time of hire to termination of employment and repatriation.

*ILO Principle 7* addresses issues of recruitment fees or other associated fees charged to workers. This is by far the most highlighted and advocated principle by CSOs because it directly corresponds with forced labor and debt bondage.<sup>18</sup> A recruitment agency often charges exploitative fees for visas, housing, transportation, or even basic needs like food that results in workers owing agencies money. Despite the consensus around the employer pays principle (EPP), CSOs differ on the structure of or limits to recruitment fees. Many push for the EPP, whereas other CSOs say that if there are fees they should be capped at one month’s salary.

Zero or lower payments by the workers would be a vast improvement. If reimbursement is needed, the recruitment agency or employer should quickly repay workers and provide proof. It is important to have a monitoring mechanism in place to ensure fishers are not indebted prior to hire or through other means, such as price gouging while stationed at a port or on a vessel. Clear agreements about which fees would be subsumed by suppliers and recruiters would need to be

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<sup>17</sup> The Institute for Human Rights and Business has a whole section with tools businesses can use to check on good recruitment agencies in the field (The Employer Pays Principle | Institute for Human Rights and Business” n.d.)

<sup>18</sup> Human Rights at Sea’s Brief Note “On the Call for Ending Exploitative Recruitment Fees for Seafarers and Fishers in the Maritime” Highlights and uses good visuals of how workers are coerced into debt bondage. (Human Rights at Sea 2019)

made to provide clarity and be used as an accountability measure to protect workers if they need to seek remediation.

The economic system as a whole needs to be analyzed and restructured to avoid these pressures that usually burden the most vulnerable populations at the bottom of the labor supply chain. Several NGOs state that the price of well-vetted seafood and labor supply chains should ultimately fall onto the consumer, but there is currently no trusted consumer-facing mechanism to ensure worker rights protections.

*ILO Principles 8-10* address worker contracts. CSOs advocate for workers to have a full understanding of the terms and conditions of their employment and for decisions to be made free from any deception or coercion. Oxfam introduces a critical point in identifying the need for agreements to avoid involuntary consent, or workers having “the feeling they have no other options to earn a living, feel under any menace of penalty, consent to terms and conditions that turn out to be untrue, or are suffering from trauma” (Oxfam 2019). Many CSOs demand proper consent, which would require the full understanding of worker rights, wages, living conditions, benefits, deductions, start and end dates, and overtime expectations. The contract must be provided in the spoken language of the worker, and if they are illiterate, a third-party translator in the form of a worker representative or neutral party should be present. A copy of the contract must be given and retained by the worker for life to help avoid contract substitution at the last minute, which often happens after the worker is in transit or owes fees to the recruitment agency.

### **The Murkiness of Contracts**

The ITF and the Thai-based Fishers Rights Network surveyed 520 fishers in eight Thai Provinces. Their findings highlight the lack of transparency in fisher contracts (ITF 2021):

- 87% of fishers in Thailand are not in possession of a copy of their employment contract
- 96% of fishers do not completely understand their contract
- 33% of fishers who understood their contract stated that working conditions were not in accordance with contract terms
- 89% of fishers have not had their contract translated or explained in a language they can understand
- 99% of fishers interviewed said they wanted to fully understand the terms and conditions of their contract before signing and wanted a copy in their own language.

*Source: International Transport Federation.*



Initiatives from Diginex<sup>19</sup> are helping protect workers and ensure contracts are electronic and documented through the use of technology (Dao 2019, Torres Rahman 2019). Although cost and education may be a barrier for digitizing the contracts process, it could provide a secure and transparent way to demand accountability for any grievance cases in the future.

The Ethical Trading Initiative highlights that short-term contracts are a red flag since they usually meet seasonal demand but often provide labor through informal channels with large overtime expectations, potentially leaving workers in debt bondage with fees exceeding fair amounts (ETI 2019). Another red flag arises if there is an incentive structure for the worker being recruited (i.e. to recruit other workers). Often, there is strong pressure or a penalty if benchmarks are not met for the worker-recruiter, which can create manipulative or abusive power dynamics (ETI 2019). Transparency for contracts and potential oversight mechanisms from neutral third parties helps to eliminate coercive and predatory contract practices.

*ILO Principles 11-12* address migrants' rights to freedom of movement and the retention of documents. The confiscation of documents such as passports, visas, or contracts is a predatory practice that vessel owners and recruiters use to keep workers bonded to their work. CSOs demand that all documents should be held by the individual worker without the threat of seizure. This helps level the power asymmetries between the employer and employee since there have been instances of workers being dropped off at foreign ports with no passports or documentation due to work-related issues (EJF 2010). Fishers retaining their documents allows workers to seek other opportunities instead of staying in potentially dire working contracts. Preventing document confiscation and ensuring freedom of movement are two of the most frequently highlighted issues among CSO demands.

Preventing document confiscation and ensuring freedom of movement are two of the most frequently highlighted issues among CSO demands.

*Source: Report Authors*

The elimination of 'warehousing' and delayed employment must also be banned as many workers miss out on payments or are charged fees while waiting to start working, which could last several months.<sup>20</sup> If there is delayed employment, workers must be compensated fairly for that time. Workers should also be free to leave and seek other employment or assistance without skipper consent.

*ILO Principle 13* speaks on the access and availability of grievance redress and remedy. The analysis of this principle will be broken down further in the following section. Many CSOs point to the ILO's principle 13 as a must-have within the seafood industry regulatory framework.

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<sup>19</sup> Diginex, which is partnering with the anti human trafficking NGO, Mekong Club, is a tech company using blockchain technology to digitize and provide traceability for work contracts (Dao 2019).

<sup>20</sup> "Warehousing" — where recruiters stockpile migrant workers until jobs become available, charging them for food and accommodation in the meantime." (Issara 2016)

Without question, continuous learning, improvement, and reflexivity is needed as this is a quickly changing field with many factors at play. Knowledge-sharing of lessons learned from successful implementation of regulations and initiatives amongst workers and CSOs will likely highlight areas that need more focus in the future and enable groups to strengthen each other.

## 5.2 Civil Society's Key Principles for Grievance Redress Mechanisms

Based on the team's review of various publications from 17 CSOs, there are a number of recurring expectations for seafood companies to effectively design and implement grievance redress mechanisms (Appendix IV).<sup>21</sup> These can be collated around key principles of accessibility, safety and trust, effectiveness, accountability, and worker participation. This section will analyze those expectations through these five key principles, but it is important to note that this does not represent an exhaustive list of CSOs demands. Furthermore, CSO priorities tend to vary in scope and definition. Many of these demands also overlap with the UNGP Effectiveness Criteria for Grievance Mechanisms.<sup>22</sup> Appendix IV provides a more robust comparison between the UNGP criterion and the CSOs' process-related requirements.

### 5.2.1 Accessibility

It is imperative that grievance redress mechanisms be accessible for workers to identify and resolve issues quickly. Over half of CSOs reviewed in this study called for seafood companies to improve accessibility by ensuring the availability of multiple internal and external reporting channels, imparting simple and easy-to-understand information, and providing special assistance to reduce barriers to access for vulnerable workers. However, CSOs tend to have differing priorities regarding the availability of channels, processes, and types of assistance that enhances accessibility. For instance, Issara Institute suggests that jobseekers and workers should have access to grievance channels all the way down to the recruitment process, not just in the workplace (Issara 2023). Other CSOs may only specify measures to improve accessibility of operational-level mechanisms with the employer (supplier or vessel) or demand grievance pathways be made available through the buyer. At the operational-level, a number of CSOs campaign for regular access to electronic communications and Wi-Fi on fishing vessels to prevent exploitation and ensure access to grievance mechanisms at sea. As noted previously in the corporate section, Wi-Fi on vessels is a promising initiative; not only can it provide access to technology-driven reporting tools, but Wi-Fi on vessels could also improve fishers' well-being and work experience by enabling them to communicate, confirm payments are being made, and informally raise issues or simply connect with friends and family while working long hours at sea.

CSOs also call for companies to facilitate access to impartial expertise and assistance to help workers understand their rights, make informed decisions about how to engage the grievance process, and access remedy. This may include a policy that provides aggrieved workers accompaniment by a worker representative, as well as access to legal aid or other types of

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<sup>21</sup> A complete list of CSO reference documents reviewed for this analysis is included in Appendix IV.

<sup>22</sup> The UNGP has identified eight criteria for evaluating the effectiveness of company grievance mechanisms: legitimate, accessible, predictable, transparent, rights compatible, source of continuous learning, and based on engagement and dialogue.



assistance.<sup>23</sup> The Verité Fair Hiring Toolkit recommends companies provide workers with additional support or advocacy to effectively engage in the grievance redress process, including access to interpreters and counseling (Verité 2011). Given the large number of migrant workers in seafood supply chains, a majority of CSOs stressed the importance of providing special assistance for vulnerable groups, including migrants, undocumented workers, and women. For example, Anti-Slavery International (ASI) recommends grievance mechanisms be accompanied by comprehensive multi-lingual rights education and awareness-raising campaigns for migrant workers led by trusted organizations, such as trade unions and migrant representative groups (ASI 2021). As such, companies should address barriers to access for vulnerable groups and proactively offer information on the existence and functioning of the mechanisms suitable for all workers.<sup>24</sup> While CSOs often have different priorities, all agree that companies must establish reliable and trusted reporting mechanisms that offer multiple options tailored to the operational context and audience. Additionally, companies must allocate adequate resources to facilitate access to these mechanisms and ensure proper investigation of reported grievances.

### 5.2.2 Safety and Trust

Over three-quarters of CSOs reviewed in this study called for companies to establish a grievance redress mechanism that is impartial and/or operated independently to enable trust in the mechanism and to mitigate any conflict of interests. However, some CSOs differ in their perspectives on what this means in practice. For example, GLJ-ILRF advocates for the inclusion of access to electronic communication at sea as part of an around-the-clock, worker-driven complaints mechanism operated independently by qualified worker representatives (Shen and McGill 2018). Meanwhile, ITF notes the need for a process on board to enable workers to make a complaint to an officer or an external authority (ITF 2020). As such, access to a mechanism that is not controlled by any single stakeholder, but instead operates independently with the involvement of all relevant stakeholders is likely to engender higher levels of trust among users. Furthermore, CSOs most frequently cite the need for companies to ensure the mechanism is safe for all by making explicit commitments to protect against retaliation and certifying that the process is undertaken confidentially, impartially, and indiscriminately. Several CSOs, such as the Five Corridors Project (FCP), emphasized that the mechanism should also facilitate the filing of anonymous complaints (FCP 2021). While some CSO guidance, like PAS 1550 (5.23), recognizes a right for workers to access an independent, safe, and anonymous worker complaint mechanism, it is important for these requirements to be codified through legally-binding agreements (Sparks, et al 2022).

### 5.2.3 Effectiveness

Effective grievance redress mechanisms should have the capacity to promptly address worker grievances, provide redress to workers who have suffered harm, and resolve the underlying

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<sup>23</sup> Human Rights at Sea and the law firm Shearman & Sterling LLP launched a free online platform to enable victims of human rights abuses at sea to access legal aid through an international arbitration-based mechanism. (<https://hrsarb.com/>)

<sup>24</sup> The 2018 report by ILRF (now GLJ-ILRF) recommends a robust training package for workers that includes cultural-responsive and multilingual materials on the human and labor rights protected under agreements.

causes of labor rights violations, including issues related to recruitment, working conditions, and wage theft. Accordingly, over half of the CSOs reviewed call for companies to establish a well-defined grievance process at the headquarters and operational levels, outlining clear roles, responsibilities and establishing precise timeframes for each stage of the review process. The Kennedy School's Corporate Social Responsibility Initiative at Harvard University asserts that grievance mechanisms should provide predictability in terms of the key steps and options within the process, be time bound where appropriate, and provide for agreed outcomes to be monitored (CSRI 2008). A quick and timely response is particularly important for migrant fishers who often have limited support systems and experience high levels of dependence on their employers. Moreover, several CSOs call for companies to support the mechanism with sufficient technical, human, and financial resources to thoroughly investigate and resolve grievances.

In line with internationally recognized human rights declarations, virtually all CSOs either implicitly or explicitly state that grievance procedures should embody HRDD efforts. CSOs advocate for companies to develop comprehensive and transparent human rights risk assessments and address complaints on possible human rights violations. Furthermore, companies should ensure that outcomes of grievance redress mechanisms do not infringe on the complainant's fundamental human rights. To further support the protection of fishers' rights, seafood companies should actively promote and uphold core labor rights, like freedom of association and collective bargaining. These rights allow them to safely address grievances with their employer. Accordingly, the CSO Coalition states that companies should not institute Worker Welfare Committees as a substitute for genuine workers' unions that promote freedom of association and workers' collective bargaining rights (CSO Coalition 2020).

#### 5.2.4 Accountability

CSOs commonly ask for a defined grievance process with clear lines of accountability, which generally means workers or worker representatives have the right to seek alternative remediation mechanisms through the buyer or state if grievances are not sufficiently addressed at the operational or supplier level. Furthermore, a few CSOs demand negotiated, legally-binding and enforceable agreements, also referred to as worker-driven social responsibility agreements, to ensure accountability. Research suggests that the voluntary, non-governmental social governance tools that fail to include workers and commit to meaningful remedy do not ensure respect for human and labor rights in a way that is consistent with state and international regulation or rigorous human rights due diligence (Sparks, et al 2022). Agreements between worker representatives, vessel owners, suppliers, and buyers should clearly articulate rights and responsibilities designated to each party, guarantee crew members access to electronic communication facilities, establish clear dispute resolution procedures, ensure effective operational level grievance mechanisms, and protect workers from reprisal (Shen and McGill 2018). The respect of human rights in corporate supply chains must not be optional or voluntary. Workers require these rights to be incorporated into contracts and should have the power to negotiate binding agreements to ensure accountability for employers and other actors within the supply chain.

### 5.2.5 Worker Participation

It is critical for companies to meaningfully consult with workers or their representatives and stakeholders to design, review, and evaluate how grievance redress mechanisms perform. More robust stakeholder engagement is one of the elements strengthened in the EU's aforementioned CSDDD draft approved in April 2023. Many CSOs prioritize stakeholder engagement and dialogue to enable trust and cooperation, but three decades of experience in the apparel industry shows that trust and cooperation needs to be earned through transparency and responsiveness (Gearhart, 2023). CSO recommendations include developing a labor relations policy, implementing appropriate channels of communication with labor representatives, and establishing worker consultative bodies or committees (provided they don't compete with independent trade unions, as mentioned above). Most importantly, workers should be empowered to unite and initiate dialogue with their employers without fear of retaliation. While CSOs emphasize the importance of stakeholder engagement and dialogue, they do not explicitly address the exclusion of workers or their representatives from multistakeholder led standard-setting processes. Without meaningful participation of workers or worker representatives in decision-making processes, research suggests that multistakeholder initiatives run the risk of perpetuating human rights abuses by excluding fishers from determining the issues that matter most (Sparks 2022). While the establishment of worker consultative bodies and channels of communication with labor representatives are steps in the right direction, it is important for companies to prioritize *effective* stakeholder engagement, the kind that ensures workers and their elected representatives are driving the decision-making process.

## 5.3 Gender and Intersectionality in Recruitment, Grievance, and Remedy

Women comprise half of all workers in the seafood industry, and they face additional risks, necessitating specific considerations within the approaches outlined above (Petsko 2021).<sup>25</sup> From pre- and post-harvesting positions to aquaculture workers, women dominate on-shore and shallow-water activities. Their work in these positions is often low-paid, irregular, and informal (Satapornvanit 2022). As a result of this kind of employment, they tend to lack protection under national laws, meaning that they likely will not benefit from most proposed reforms to national grievance mechanisms. Migrant women also frequently lack protection under national laws because of their migrant status. For example, in Thailand, migrants require employer sponsorship for a worker visa and then are not allowed to form a union (Rogovin 2020). This combination of factors leads to women's already low wages being withheld to 'pay' for the visa provided by the employer, in direct violation of the EPP. In the case of families, this can lead to couples lacking enough money to renew visas for both the man and woman. With vessel work paying better than on-shore work, couples often renew the man's visa and leave the woman in a vulnerable position

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<sup>25</sup> The exact numbers on women's participation varies by region and sector. For example, in aquaculture, women make up 70% of the industry, and in Southeast Asia, women consist of over half of the seafood supply chain (WWF n.d, USAID 2020).

as an undocumented migrant (Plan International 2018). From there, her rights under the law diminish even further.

This is just one example of how gender and migrant status overlap and exacerbate issues in the seafood industry. Without a deeper consideration of gender and how it intersects with other vulnerabilities, HREDD policies will fail to fully protect all workers in the industry. This report

Without a deeper consideration of gender and how it intersects with other vulnerabilities, HREDD policies will fail to fully protect all workers in the industry.

*Source: Report Authors*

concluded that gender is an often neglected consideration in the general seafood HREDD discussion, but especially with regard to grievance redress and recruitment.

In addition to the above violation of the Employer Pays Principle, the same report from Plan International (2018) states that, in Thailand, gendered expectations that men are more productive and resilient workers results in hiring discrimination against women, barring them from working on fishing vessels despite their interest. While hiring and recruitment are different, gender discrimination in hiring likely leads to gender discrimination in recruitment for these higher-paying jobs. However, there is little literature or work that focuses on issues that arise in the recruitment process for

migrant women, so this study was unable to obtain more data on whether or not migrant women face more or different issues in the recruitment process than migrant men.

On the other hand, grievance redress has much more data to pull from. From U.S. fishing fleets to Thai processing plants to Indonesian aquaculture, women face the risk of sexual and gender-based violence (GBV) at work. Barriers to remedy for this workplace violence take many forms. Where grievance mechanisms do exist, male police officers and government officials dismiss women's complaints, making state-based channels difficult to navigate (Winrock 2020; Cataneo 2021). Additionally, reproductive work, such as household tasks and childcare, can leave no time for women to lodge a complaint (Garcia Lozano 2022). Even further, women are afraid to speak up because the offenders are often men in positions of power, putting their already unstable livelihood at risk by advocating for their right to a safe workplace (Winrock 2020).

These concerns are only made worse for migrant women, who also fear being arrested and deported by submitting a report for any form of grievance, not just sexual or GBV (Winrock 2020). Many policies and solutions assume that women and migrant women know what resources are available to them to access remedy. However, women are less likely than men to know what rights they have in the workplace and what paths to remedy they can use. Gender expectations in a country may leave women less knowledgeable on their rights due to a lack of education (ILO 2020). Migrants as a whole also suffer this lack of knowledge due to language barriers and unfamiliar legal landscapes. Combined, migrant women are the group least likely to understand and exercise their rights to grievance remedy, putting them most at-risk of exploitation and abuse.

Even in workplaces with unions and worker organizations, which are common solutions for local-level grievance mechanisms, women may be marginalized in deliberations and their needs

go unaddressed in negotiations (Kirlton 2021; ICSF n.d.). This marginalization of women is even seen on the smallest levels throughout the seafood industry within fisheries associations and cooperatives (Weeratunge 2010; Harper 2017). Women rarely hold leadership positions in these organizations outside of committees that directly focus on women (Rogovin 2020). According to an interview with Irit Tamir of Oxfam, the consistent negligence of women's needs in the fisheries is a reflection of their broader status in society, which devalues their work and renders much of it invisible in the global value chain.

In countries like Thailand, where migrants are unable to lead or form official unions, a migrant woman faces additional barriers. She may struggle to find or form a workers organization, and within these organizations, she may not be taken as seriously as her male counterparts. Even then, this assumes that she has the time to participate in the worker organization. Considering that reproductive or household-related work consumes enough time that women often cannot lodge official grievances, the likelihood that they have the time to participate in unions or worker organizations is low.

As it stands, women on shore or on vessels do not have faith that the existing systems will protect them. Gender-blind solutions to grievance remedy and recruitment issues are shown to perpetuate this status quo. For these reasons, company and government HREDD policies in the seafood industry must incorporate an intersectional and gendered lens to expose the additional vulnerabilities for groups that are marginalized in more ways than one, like migrant women.

## 5.4 Conclusion

CSOs have collated a rich set of demands and recommendations for ethical recruitment, grievance, and remedy in the seafood industry. In many cases, what CSOs ask for is more comprehensive than what international guidance, like the ILO Principles on Fair Recruitment, the UNGPs, ILO C188, national governments, or companies require. However, the breadth and depth of CSO recommendations are important for the varied international contexts they seek to address. With every country having different laws and customs, blanket solutions are not viable once it comes down to the details of a solution. Migrant seafood workers in Taiwan do not face the exact same obstacles that those in Thailand do. Even if both face marginalization and discrimination, those issues may not manifest similarly or even originate from the same root cause.

With this in mind, CSOs working on ethical recruitment and grievance remedy in the seafood industry should refer to the analysis above, but should ultimately consult workers on the ground to create localized solutions that account for culture, context, and gender. By engaging from the bottom-up, advocacy groups facilitate more inclusive and responsive corporate and government HREDD policies that actually serve those who need them.

Though CSOs play a vital role in setting norms and expectations for corporate and government policies, weak or non-existent legislation and a lack of legally-binding agreements between employers and fishers pose the biggest issues to effectively implementing ethical recruitment practices and grievance redress mechanisms. Voluntary codes of conduct still dominate the industry and allow for human rights abuses to go unpunished. CSOs can advocate for these

changes, but ultimately, a robust legal framework needs to be coupled with a responsive judicial system to protect workers within the industry.

## **5.5 Recommendations for Future HREDD Policy**

### **5.5.1 Recruitment**

1. Push for electronic documentation technologies for worker contracts to increase transparency and accountability to avoid contract misunderstandings, manipulation, or substitutions; and
2. Allow workers to retain all documents, address transit restrictions limiting workers' access to support services, create easier avenues for movement between jobs or vessels.

Seafood companies should incorporate the supply of labor into their HREDD policies, especially focusing on ethical recruitment practices and monitoring recruitment agencies. As part of the focus on ethical recruitment, recruitment agencies should eliminate all fees to workers throughout the recruitment process, echoing the recommendation from the corporate section of the report. In conjunction, adopting electronic documentation of contracts increases transparency and accountability in the case that a contract is manipulated or substituted. Additionally, HREDD policies should ensure that migrant workers retain all documents to balance the power dynamics between the employee and employer. Together, these changes can minimize the risk of forced labor and debt bondage within supply chains. These changes will empower workers to leave unsafe situations by reducing concerns about loans that were used to travel or obtain employment abroad, denunciation to authorities, or manipulation of their contracts. Achieving this will require seafood producers, processors, and retailers to establish fair and transparent contracts with the recruiting agencies and vessels in their supply chain and to agree to a fair price for both recruitment and labor services.

### **5.5.2 Grievance Remedy**

1. Establish legally enforceable and binding agreements, following the WSR approach to ensure these are negotiated between employers and workers or elected worker representatives to ensure access to grievance redress mechanisms and remedy;
2. Actively promote and uphold core labor rights, like freedom of association and collective bargaining, across supply chains, preventing retaliation and intimidation of workers who organize or file a grievance; and
3. Develop robust metrics and evaluation frameworks to measure the effectiveness of grievance mechanisms that report internally and externally on the number of violations, status of complaints, outcomes of dispute resolution processes, and functioning of mechanisms.

To ensure that internationally recognized human rights and labor standards are upheld, seafood corporations must implement remedial measures and provide effective redress in situations where they are either directly or indirectly involved in violating workers' rights in their supply chain. While voluntary social governance tools, like supplier codes of conduct, can push companies in the right direction, they are only effective if worker representatives play an active



role in their development and if companies can evidence the provision of meaningful remedy. To address these shortcomings, companies must promote and uphold workers' rights to freedom of association and collective bargaining to empower workers through worker consultative bodies, labor unions, and/or multi stakeholder initiatives. This enables WSR and gives workers the crucial power to negotiate enforceable and binding agreements. At a minimum, these agreements should explicitly define the rights and obligations of all parties involved, lay out the process for dispute resolution, establish access to Wi-Fi on vessels, and guarantee a robust grievance mechanism with a zero-tolerance policy for retaliation.

Lastly, companies should ensure workers and their representatives play a significant and equal role in the formulation, monitoring, and evaluation of the grievance mechanisms in order to bolster worker trust and usage of the mechanisms, thereby increasing the effectiveness of the grievance process. This will require companies to develop robust metrics and evaluation frameworks that include performance indicators linked to the UNGP Effectiveness Criteria to measure and report, both internally and externally, on the effectiveness of mechanisms.

### 5.5.3 Gender

1. Incorporate an intersectional lens of analysis and a gender transformative approach to solutions for HREDD in the seafood industry.<sup>26</sup>

Since women primarily perform on- or near-shore activities, the current debate assumes that they are accounted for in the recruitment, grievance, and remedy processes established by broader international frameworks and other laws. However, the lack of gendered analysis leaves gaps in the solutions that are proposed, glossing over barriers to access like GBV, gendered expectations, and sexism. When gender is added to the dynamics of other marginalized groups, like migrants, the vulnerabilities are compounded. Functionally, incorporating gender and intersectionality into the current work being done may look like: collecting and disaggregating data by gender, race, age, and ability status; promoting women's representation in worker organizations and unions outside of solely women's committees; and/or considering how reproductive work can prevent women from participating in worker-centered policies and projects for fisheries. While a universal policy for all workers may be considered most effective when encouraging corporations and governments to adopt new policies, no solution can be considered truly universal without examining how to best serve the most marginalized groups.

## 5.6 Future Research

While the principles CSOs outline provide a useful starting point for defining effective grievance redress mechanisms, there are still gaps in knowledge that require further definition. Future work should identify case studies and examples of grievance mechanisms that are effective to give CSOs and corporations more concrete stepping stones to create policies and establish best practices. This includes examining the resource and capacity requirements needed to operate effective grievance redress mechanisms and how to build trust with stakeholders to ensure they feel safe raising grievances. Additionally, there is a need to better conceptualize the monitoring

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<sup>26</sup> A gender transformative approach engages both men and women in the process of deconstructing gendered barriers to equality, as opposed to solely engaging women. It is used by the WorldFish Center (WorldFish Center n.d.), Plan International (Plan International 2019), and even the ILO (ILO 2022), among many other organizations.



and evaluation of grievance redress mechanisms. Lastly, since the HREDD discussion primarily focuses on vessels, future research should examine grievance mechanisms in other parts of the seafood supply chain, like aquaculture and processing, which face different barriers to effective grievance and remedy.

For recruitment, the issues of delayed deployment and remedies provided to victims of fraudulent recruitment agencies, which fall outside of just one country's jurisdiction, should be examined further. It is unclear how migrant workers can obtain justice when their cases are handed off from one court system to another, some of which they may not even be able to access.

Concerning gender, research on women's experiences regarding the content and process elements identified in the 2022 *HREDD in Seafood Report* is necessary. Any subsequent research must be conducted with an intersectional approach, with the purpose of identifying vulnerabilities and finding ways to address the underlying causes. The scope of analysis should also be expanded to include other vulnerable groups such as LGBTQ+ people.<sup>27</sup>

## 6. Conclusion

The oceans are of vital importance to sustaining life in all its forms. The ocean is one of the largest carbon sinks in the world. It produces roughly 50 percent of the world's oxygen, feeds over three billion people, and is the basis of millions of jobs. Yet, despite it being an incredible life source, it is increasingly the scene of human rights and environmental abuses. There are two main issues occurring in the oceans: human rights abuses and IUU fishing. The correlation of environmental and human rights violations in the seafood industry is undeniable and is the core motivation for this research on HREDD in the seafood industry. A large portion of the seafood supply chain comprises vulnerable migrant workers in precarious situations on vessels and in processing plants. Due to the globalized nature of the industry, human rights abuses such as forced labor, the denial of basic health rights, and more egregious abuses, including murder, happen far too often. Seeking to address these issues and understand how to better provide access to remedy for victims within the field of HREDD, the team focused on recruitment, grievance, and remedy.

The legal team ultimately found that remedy is currently widely inaccessible to victims. Examining two approaches — the EU approach of tackling the issue through international, regional, and national HREDD policies, and the US approach of sanctions and deterrence — shows that both have potential and faults. By examining both current and proposed policies, as well as some important case studies in both regions, it is clear that the best approach would be a combination of the two approaches. Laws that mandate corporate responsibility to protect workers and the environment in their global supply chain against undue harm, provide a process to sanction companies committing violations of the law, and enable victims to take corporations to court would be the best approach to HREDD. With the recent approval of the CSDDD (April 25, 2023), Europe may be on the right path to combining explicit HREDD policies and

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<sup>27</sup> The ILO and Winrock International recognize the LGBTQ+ individuals have unique issues in accessing grievance remedy, though not explicitly in the seafood industry (Winrock 2020), and Seafood and Gender Equality (SAGE) is launching an initiative centered on women and gender-queer people in the seafood industry.

deterrence mechanisms, but much depends on how it is implemented in EU member countries. Future research should seek to track this policy and its effects.

The current landscape of HREDD measures in the seafood industry is that of voluntary, market-based measures. Companies participating in pre-competitive platforms can advance HREDD strategies through information-sharing, but significant information gaps exist between corporate disclosure of HREDD policies and evidence of implementation of said policies. Pre-competitive platform members occasionally cite competition and antitrust laws to avoid information-sharing, which elicits the need for augmenting pre-competitive platforms with legal guidance in order to optimize collaboration. While some information gaps may be due to corporate feasibility constraints in obtaining HREDD data points on vessels and manning agencies, seafood companies *can and do* know some of their fishery supplier vessels and need to publish this data. While new technological tools, such as Triton, can assist companies in identifying company vessel networks, companies should accompany the use of these tools with publishing of vessel lists and any human rights risks associated with their vessels, rather than terminating contracts with risky entities and leaving the abuses unresolved.

There is also a need for greater clarity on recruitment practices and workers' access to grievance mechanisms and remediation. Using the UNGPs and ILO guidance as a framework, the CSO team sought to identify effective policies to fully protect and ensure respect for vulnerable populations working in the seafood industry. To do so, the CSO team provided a detailed and comprehensive set of demands and current initiatives that are advocated for by CSOs that promote fair recruitment and effective grievance redress in the seafood industry. Additionally, the CSO team identified a gap in this work that overlooks how these issues impact women, and more specifically, migrant women.

The research found that while CSOs working on grievance and remedy are aligned with and filling in the details on the UNGP and ILO principles outlined above, there is a strong need to consult workers on the ground and create localized solutions that account for culture and context. By working on a more local level and incorporating an intersectional lens of analysis, advocacy groups can better help corporations and governments create inclusive and responsive policies that actually serve those who need them. These localized investments are happening, but should be expanded and deepened, so that representative worker organizations and unions will be able to negotiate collective bargaining agreements and engage buyers and retailers in the negotiation of multi-party, enforceable and binding agreements.

Overall, there is a clear lack of effective HREDD; laws need to be more robust and provide access to remedy. Corporations must be transparent in their grievance mechanism efforts and commit to supporting the workers in their supply chains. And CSOs must demand legally-binding policies tailored to specific contexts to truly create mechanisms and policies that work. There is still much research to be done in this field to support this movement. Technology has the potential to play a large step in this fight from tracking vessel locations and ownership structures to enabling contract transparency and utilizing Wi-Fi to provide workers' access to reporting and remedy while at sea. The future of the field necessitates finding ways to use the increasing connectedness of our world to track and monitor people at risk and ensure their safety. Alongside human protection comes environmental safety. The protection of people and the planet must be done in tandem for a sustainable and long-lasting future.

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# Appendices

## Appendix I: Corporations' public reports reviewed

Company Name	Reference Document(s)	URL(s)
<b>SEA Alliance Companies</b>		
2 Sisters Food Group	<a href="#">Modern Slavery Statement (2020-2021)</a>	<a href="https://www.2sfg.com/PDF/Modern-Slavery-Statement-2020-21.pdf">https://www.2sfg.com/PDF/Modern-Slavery-Statement-2020-21.pdf</a>
	<a href="#">Ethical Trading &amp; Human Rights Policy (2021)</a>	<a href="https://www.2sfg.com/PDF/how-we-work/ethics/2sfg-ethical-trading-and-human-rights-Nov-21.pdf">https://www.2sfg.com/PDF/how-we-work/ethics/2sfg-ethical-trading-and-human-rights-Nov-21.pdf</a>
	<a href="#">The Prevention of Hidden Labour Exploitation Policy (2021)</a>	<a href="https://www.2sfg.com/PDF/how-we-work/ethics/2sfg-the-prevention-of-hidden-labour-exploitation-NOV-21.pdf">https://www.2sfg.com/PDF/how-we-work/ethics/2sfg-the-prevention-of-hidden-labour-exploitation-NOV-21.pdf</a>
ALDI	<a href="#">Modern Slavery Statement (2021)</a>	<a href="https://cdn.aldi-digital.co.uk/WRlyFUw9gYVLkIcZcR6Hm3Bxwks.pdf">https://cdn.aldi-digital.co.uk/WRlyFUw9gYVLkIcZcR6Hm3Bxwks.pdf</a>
	<a href="#">International Policy on Forced Labour (2021)</a>	<a href="https://cr.aldisouthgroup.com/en/downloads/international-policy-forced-labour">https://cr.aldisouthgroup.com/en/downloads/international-policy-forced-labour</a>
	<a href="#">Human Rights Policy Statement (2018)</a>	<a href="https://cr.aldisouthgroup.com/sites/default/files/dd-page-pdf/2018%20-%20Human%20Rights%20Policy%20Statement%20EN.pdf">https://cr.aldisouthgroup.com/sites/default/files/dd-page-pdf/2018%20-%20Human%20Rights%20Policy%20Statement%20EN.pdf</a>
ASDA	<a href="#">Modern Slavery Statement (2022)</a>	<a href="https://corporate.asda.com/media-library/document/modern-slavery-statement-2022/ proxyDocument?id=00000180-89df-de24-adf1-dbf94da0000">https://corporate.asda.com/media-library/document/modern-slavery-statement-2022/ proxyDocument?id=00000180-89df-de24-adf1-dbf94da0000</a>
Associated Seafoods	<a href="#">Modern Slavery Statement (2017)</a>	<a href="https://www.associatedseafoods.com/application/files/8116/0077/8758/HR0064 ASL Modern Slavery Policy V1.pdf">https://www.associatedseafoods.com/application/files/8116/0077/8758/HR0064 ASL Modern Slavery Policy V1.pdf</a>
	<a href="#">Corporate Social Responsibility Statement (2021-2022)</a>	<a href="https://www.associatedseafoods.com/application/files/8316/3342/5288/CSR001 ASL CSR Statement August 2021.pdf">https://www.associatedseafoods.com/application/files/8316/3342/5288/CSR001 ASL CSR Statement August 2021.pdf</a>
British Retail Consortium	<a href="#">Retailer Protocol for Handling Reported Cases of Modern Slavery</a>	<a href="https://www.brc.org.uk/media/371745/retailer-protocol-handling-modern-slavery-in-the-uk-supply-chain.pdf">https://www.brc.org.uk/media/371745/retailer-protocol-handling-modern-slavery-in-the-uk-supply-chain.pdf</a>

	<a href="#">in the UK Supply Chain</a>	
	<a href="#">Diversity and Inclusion Charter (2022)</a>	<a href="https://brc.org.uk/campaigns/diversity-inclusion-charter/">https://brc.org.uk/campaigns/diversity-inclusion-charter/</a>
Caterers Choice	<a href="#">Modern Slavery Statement (2022)</a>	<a href="https://www.catererschoice.co.uk/quality-governance/modern-slavery-policy/">https://www.catererschoice.co.uk/quality-governance/modern-slavery-policy/</a>
Co-op	<a href="#">Modern Slavery Statement (2021)</a>	<a href="https://assets.ctfassets.net/5ywmq66472jr/3bnPVnZqlMNN2RIDnXtnz8/42b7e35f350c88004e66c53058141a9e/Modern_Slavery_Statement_2021.pdf">https://assets.ctfassets.net/5ywmq66472jr/3bnPVnZqlMNN2RIDnXtnz8/42b7e35f350c88004e66c53058141a9e/Modern_Slavery_Statement_2021.pdf</a>
	<a href="#">Co-op Food Own-brand Supply Chain Transparency (2021)</a>	<a href="https://assets.ctfassets.net/bffxiku554r1/2aPERfUjew9bRkWNsfypQ1/3332ce86fc074d5076051716b03a82cf/2021_Tier_1_and_Worker_Profile_Data-1-.pdf">https://assets.ctfassets.net/bffxiku554r1/2aPERfUjew9bRkWNsfypQ1/3332ce86fc074d5076051716b03a82cf/2021_Tier_1_and_Worker_Profile_Data-1-.pdf</a>
Direct Seafoods	<a href="#">Modern Slavery Statement (2020)</a>	<a href="https://www.directseafoods.co.uk/wp-content/uploads/Bidfresh-Modern-Slavery-Statement-2020-lr.pdf">https://www.directseafoods.co.uk/wp-content/uploads/Bidfresh-Modern-Slavery-Statement-2020-lr.pdf</a>
Espersen	<a href="#">Sustainability Report (2022)</a>	<a href="https://www.espersen.com/Files/Images/Espersen/Sustainability/Espersen%20Sustainability%20Report%202022.pdf">https://www.espersen.com/Files/Images/Espersen/Sustainability/Espersen%20Sustainability%20Report%202022.pdf</a>
Flatfish Ltd.	<a href="#">Modern Slavery Statement (2022)</a>	<a href="https://flatfish-ltd.co.uk/csr/modern-slavery-statement/">https://flatfish-ltd.co.uk/csr/modern-slavery-statement/</a>
Hilton Food Group Plc	<a href="#">Modern Slavery Statement (2022)</a>	<a href="https://www.hiltonfoods.com/media/lnqikolz/modern-slavery-statement-2022.pdf">https://www.hiltonfoods.com/media/lnqikolz/modern-slavery-statement-2022.pdf</a>
Iceland Seafood UK	<a href="#">ESG Performance (2022)</a>	<a href="https://www.icelandseafood.com/content/download/13753/326330/file/Iceland%20Seafood%20International%20ESG%20Performance%202022.pdf">https://www.icelandseafood.com/content/download/13753/326330/file/Iceland%20Seafood%20International%20ESG%20Performance%202022.pdf</a>
Joseph Robertson	<a href="#">Modern Slavery Statement (2022)</a>	<a href="http://www.josephrobertson.co.uk/perch/resources/csr-10e-ms-statement-2022-approved.pdf">http://www.josephrobertson.co.uk/perch/resources/csr-10e-ms-statement-2022-approved.pdf</a>
Lidl GB	<a href="#">Modern Slavery Statement (2021-2022)</a>	<a href="https://corporate.lidl.co.uk/content/download/61594/fileupload/Modern%20Slavery%20Statement_FINAL.pdf">https://corporate.lidl.co.uk/content/download/61594/fileupload/Modern%20Slavery%20Statement_FINAL.pdf</a>
Lovering Foods	<a href="#">Responsible Sourcing</a>	<a href="https://lovingfoods.co.uk/responsible-sourcing/">https://lovingfoods.co.uk/responsible-sourcing/</a>
	<a href="#">Modern Slavery Act Statement (2021-2022)</a>	<a href="https://lovingfoods.co.uk/wp-content/uploads/2022/09/Modern-Slavery-Statement-Act-2021-2022-Signed-Off.pdf">https://lovingfoods.co.uk/wp-content/uploads/2022/09/Modern-Slavery-Statement-Act-2021-2022-Signed-Off.pdf</a>
Lyons Seafoods	<a href="#">Modern Slavery Statement (2021)</a>	<a href="http://lyons-seafoods.com/downloads/lffuk-2021-ms-statement-002.pdf">http://lyons-seafoods.com/downloads/lffuk-2021-ms-statement-002.pdf</a>



M&S	<a href="#">Modern Slavery Statement (2021-2022)</a>	<a href="https://asset1.cxnmarksandspencer.com/is/content/mands/Modern-Slavery-statement-2021-22.pdf">https://asset1.cxnmarksandspencer.com/is/content/mands/Modern-Slavery-statement-2021-22.pdf</a>
Morrisons	<a href="#">Morrison's Fishing Policy</a>	<a href="https://www.morrisons-corporate.com/morrisons-sustainability/policies/fishing-policy/">https://www.morrisons-corporate.com/morrisons-sustainability/policies/fishing-policy/</a>
	<a href="#">Ethical Trading Code (2015)</a>	<a href="https://www.morrisons-corporate.com/globalassets/corporatesite/corporate-responsibility/ethical-trading/ethical-trading-code---october-2015-12.pdf">https://www.morrisons-corporate.com/globalassets/corporatesite/corporate-responsibility/ethical-trading/ethical-trading-code---october-2015-12.pdf</a>
	<a href="#">MSS</a>	<a href="https://www.morrisons-corporate.com/globalassets/corporatesite/corporate-responsibility/ethical-trading/morrisons_modern_slavery_statement_2022.pdf">https://www.morrisons-corporate.com/globalassets/corporatesite/corporate-responsibility/ethical-trading/morrisons_modern_slavery_statement_2022.pdf</a>
New England Seafood	<a href="#">Modern Slavery Statement (2021-2022)</a>	<a href="http://www.neseafood.com/Documents/ModernSlaveryActStatementLatest.pdf">http://www.neseafood.com/Documents/ModernSlaveryActStatementLatest.pdf</a>
Ocado Retail	<a href="#">Modern Slavery Statement (2021)</a>	<a href="https://ocadoretail.com/wp-content/uploads/2022/01/FY21-ORL-MDSS.pdf">https://ocadoretail.com/wp-content/uploads/2022/01/FY21-ORL-MDSS.pdf</a>
Princes Group	<a href="#">Modern Slavery Act Statement (2022)</a>	<a href="https://issuu.com/princes6/docs/msa_2022_final">https://issuu.com/princes6/docs/msa_2022_final</a>
	<a href="#">Princes Group - Seafood Sourcing (2023)</a>	<a href="https://issuu.com/princes6/docs/princes_seafood_sourcing_guide_march_2023">https://issuu.com/princes6/docs/princes_seafood_sourcing_guide_march_2023</a>
Sainsbury's	<a href="#">Modern Slavery Statement 2020/2021</a>	<a href="https://about.sainsburys.co.uk/~/_media/Files/S/Sainsburys/CRS%20Policies%20and%20Reports/modern-slavery-report-2020-2021-v1.pdf">https://about.sainsburys.co.uk/~/_media/Files/S/Sainsburys/CRS%20Policies%20and%20Reports/modern-slavery-report-2020-2021-v1.pdf</a>
	<a href="#">Human Rights Policy</a>	<a href="https://www.about.sainsburys.co.uk/~/_media/Files/S/Sainsburys/CRS%20Policies%20and%20Reports/Human%20Rights%20policy%20April%202020.pdf">https://www.about.sainsburys.co.uk/~/_media/Files/S/Sainsburys/CRS%20Policies%20and%20Reports/Human%20Rights%20policy%20April%202020.pdf</a>
Seafresh Group	<a href="#">MSS 2021</a>	<a href="https://www.seafresh-group.com/_files/ugd/b06d25_0cbb986c2405462d9015f614472ca19d.pdf">https://www.seafresh-group.com/_files/ugd/b06d25_0cbb986c2405462d9015f614472ca19d.pdf</a>
Tesco	<a href="#">Modern Slavery Statement (2022)</a>	<a href="https://www.tescopl.com/media/759020/tesco_modern_slavery_statement_2022.pdf">https://www.tescopl.com/media/759020/tesco_modern_slavery_statement_2022.pdf</a>
	<a href="#">Ocean Disclosure Project - Tesco (2022)</a>	<a href="https://oceandisclosureproject.org/companies/tesco">https://oceandisclosureproject.org/companies/tesco</a>
Thai Union	<a href="#">Modern Slavery Statement (2021-2022)</a>	<a href="https://www.thaiunion.com/files/download/sustainability/20220408-tu-uk-modern-slavery-act-statement-">https://www.thaiunion.com/files/download/sustainability/20220408-tu-uk-modern-slavery-act-statement-</a>

		<a href="#">2020-2021.pdf</a>
	<a href="#">Commitment to Employer Pays Principle (2021)</a>	<a href="https://www.thaiunion.com/files/download/sustainability/policy/tu-commitment-to-implement-employer.pdf">https://www.thaiunion.com/files/download/sustainability/policy/tu-commitment-to-implement-employer.pdf</a>
	<a href="#">Human Rights Risk Assessment (2021)</a>	<a href="https://www.thaiunion.com/files/download/sustainability/policy/20210601-thai-union-human-rights-risk-assessment.pdf">https://www.thaiunion.com/files/download/sustainability/policy/20210601-thai-union-human-rights-risk-assessment.pdf</a>
	<a href="#">Ocean Disclosure Project - Thai Union (2021)</a>	<a href="https://oceandisclosureproject.org/companies/thai-union">https://oceandisclosureproject.org/companies/thai-union</a>
The Big Prawn Co.	<a href="#">Modern Slavery Statement (2020)</a>	<a href="https://bigprawn.com/wp-content/themes/bigprawn/Theme/public/documents/big-prawn-modern-slavery-statement-2020-v1.pdf">https://bigprawn.com/wp-content/themes/bigprawn/Theme/public/documents/big-prawn-modern-slavery-statement-2020-v1.pdf</a>
Thistle Seafoods	<a href="#">Modern Slavery Statement (2021)</a>	<a href="https://www.thistleseafoods.com/about-us/our-values/modern-slavery-statement">https://www.thistleseafoods.com/about-us/our-values/modern-slavery-statement</a>
	<a href="#">Social Compliance and Ethical Policy (2023)</a>	<a href="https://www.thistleseafoods.com/sustainability/social-compliance">https://www.thistleseafoods.com/sustainability/social-compliance</a>
UK Seafood Industry Alliance	<a href="#">UK Seafood Industry Alliance Manifesto (2019)</a>	<a href="https://www.provtrade.co.uk/media/download.aspx?MediaId=16766">https://www.provtrade.co.uk/media/download.aspx?MediaId=16766</a>
Waitrose	<a href="#">Modern Slavery Statement (2021-2022)</a>	<a href="https://www.johnlewispartnership.co.uk//content/dam/cws/pdfs/Juniper/ethics-and-sustainability/JLP-HRR-Modern-Slavery-Statement-2021-22.pdf">https://www.johnlewispartnership.co.uk//content/dam/cws/pdfs/Juniper/ethics-and-sustainability/JLP-HRR-Modern-Slavery-Statement-2021-22.pdf</a>
	<a href="#">JLP Responsible Sourcing Code of Practice (2020)</a>	<a href="https://www.johnlewispartnership.co.uk/content/dam/cws/pdfs/Juniper/jlp-responsible-sourcing-code-of-practice-2020.pdf">https://www.johnlewispartnership.co.uk/content/dam/cws/pdfs/Juniper/jlp-responsible-sourcing-code-of-practice-2020.pdf</a>
Whitby Seafoods	<a href="#">Modern Slavery Statement (2023)</a>	<a href="https://www.whitby-seafoods.com/downloads/WSF_Modern_Slavery_Statement_2023.pdf">https://www.whitby-seafoods.com/downloads/WSF_Modern_Slavery_Statement_2023.pdf</a>
World Wise Foods	<a href="#">Modern Slavery Statement (2020/2021)</a>	<a href="https://worldwisefoods.co.uk/wp-content/uploads/2021/07/Modern-Slavery-Statement-WWF-Group-20-21-draft.pdf">https://worldwisefoods.co.uk/wp-content/uploads/2021/07/Modern-Slavery-Statement-WWF-Group-20-21-draft.pdf</a>
	<a href="#">Food For Thought: Our Approach to Global Sourcing With Integrity (2020/2021)</a>	<a href="https://worldwisefoods.co.uk/wp-content/uploads/2021/10/WWFa031-Food-for-Thought-Year-One-Report.pdf">https://worldwisefoods.co.uk/wp-content/uploads/2021/10/WWFa031-Food-for-Thought-Year-One-Report.pdf</a>
	<a href="#">World Wise Foods Supplier Partners (2021/2022)</a>	<a href="https://worldwisefoods.co.uk/wp-content/uploads/2022/07/Website-data-on-Suppliers-">https://worldwisefoods.co.uk/wp-content/uploads/2022/07/Website-data-on-Suppliers-</a>

		<a href="#">21-22-Supplier-Partners.pdf</a>
	<a href="#">Upholding Human Rights in Our Supply Chains: Supplier Partner Requirements (2021)</a>	<a href="https://worldwisefoods.co.uk/wp-content/uploads/2021/04/WWF-005-Human-Rights-Policy-English-1.pdf">https://worldwisefoods.co.uk/wp-content/uploads/2021/04/WWF-005-Human-Rights-Policy-English-1.pdf</a>
Young's Seafood Limited	<a href="#">Modern Slavery Statement (2020/2021)</a>	<a href="https://youngsseafood.co.uk/wp-content/uploads/2021/08/Modern_Day_Slavery_statement_20-21.pdf">https://youngsseafood.co.uk/wp-content/uploads/2021/08/Modern_Day_Slavery_statement_20-21.pdf</a>
<b>SeaBOS Companies</b>		
Cargill	<a href="#">Cargill Aqua Nutrition Sustainability Report (2021)</a>	<a href="https://www.cargill.com/doc/1432219325606/cargill-aqua-nutrition-sustainability-report-2021.pdf">https://www.cargill.com/doc/1432219325606/cargill-aqua-nutrition-sustainability-report-2021.pdf</a>
Cermaq	<a href="#">Sustainability Report (2022)</a>	<a href="https://www.cermaq.com/assets/Global/PDFs-sustainability/Cermaq-Sustainability-Report-2022-GRI.pdf">https://www.cermaq.com/assets/Global/PDFs-sustainability/Cermaq-Sustainability-Report-2022-GRI.pdf</a>
CPF	<a href="#">Sustainability Report (2021)</a>	<a href="https://www.cpfworldwide.com/storage/sustainability_report/CPF_SR2021_EN.pdf">https://www.cpfworldwide.com/storage/sustainability_report/CPF_SR2021_EN.pdf</a>
	<a href="#">Sustainability Report (2022)</a>	<a href="https://www.cpfworldwide.com/storage/sustainability_report/CPF-SD-EN-20230407.pdf">https://www.cpfworldwide.com/storage/sustainability_report/CPF-SD-EN-20230407.pdf</a>
Dongwon	<a href="#">Sustainability Report (2021)</a>	<a href="https://www.dwml.co.kr/upload/content/02070700/1662084917438_18.pdf">https://www.dwml.co.kr/upload/content/02070700/1662084917438_18.pdf</a>
Kyokuyo	<a href="#">Human Rights Policy</a>	<a href="https://www.kyokuyo.co.jp/en/environment/human_rights_policy/index.html">https://www.kyokuyo.co.jp/en/environment/human_rights_policy/index.html</a>
Maruha Nichiro	<a href="#">Human Rights Statement (2021)</a>	<a href="https://www.maruha-nichiro.com/sustainability/human_rights/#:~:text=The%20Maruha%20Nichiro%20Group%20forbids,are%20consistent%20with%20labor%20laws.">https://www.maruha-nichiro.com/sustainability/human_rights/#:~:text=The%20Maruha%20Nichiro%20Group%20forbids,are%20consistent%20with%20labor%20laws.</a>
	<a href="#">Basic Procurement Policy</a>	<a href="https://www.maruha-nichiro.com/sustainability/pdf/basic_procurement_policy.pdf">https://www.maruha-nichiro.com/sustainability/pdf/basic_procurement_policy.pdf</a>
	<a href="#">Supplier Guidelines (2022)</a>	<a href="https://www.maruha-nichiro.com/sustainability/pdf/supplier_guideline_v2.pdf">https://www.maruha-nichiro.com/sustainability/pdf/supplier_guideline_v2.pdf</a>
Mowi	<a href="#">Integrated Annual Report (2021)</a>	<a href="https://www.calameo.com/read/006652081514dc6ea5180">https://www.calameo.com/read/006652081514dc6ea5180</a>
Nissui	<a href="#">Compliance and Grievance Policy (2021)</a>	<a href="https://nissui.disclosure.site/en/themes/117">https://nissui.disclosure.site/en/themes/117</a>

	<a href="#">Supplier Guidelines (2022)</a>	<a href="https://nissui.disclosure.site/assets/pdf/107/nissui_gro_up_supplier_guideline_en.pdf?230201">https://nissui.disclosure.site/assets/pdf/107/nissui_gro_up_supplier_guideline_en.pdf?230201</a>
Skretting	<a href="#">Modern Slavery Act Transparency Statement</a>	<a href="https://www.nutreco.com/en/Transparency-and-trust/ethics-compliance/anti-slavery-statement/">https://www.nutreco.com/en/Transparency-and-trust/ethics-compliance/anti-slavery-statement/</a>
Thai Union	see above	see above

## Appendix II

### Survey Questions for Sea Alliance Companies

**My company is:**      -a seafood business //      -a seafood retailer

#### Recruitment Fees

Migrant workers frequently pay fees to manning agencies and brokers for recruitment costs and placement in fishing jobs, leaving them vulnerable to debt bondage. We are interested in how companies are able to monitor recruitment fees charged to fishers.

1. What are your company's current initiatives to monitor and mitigate the extent to which fishers pay recruitment fees?
2. What resources do your supplier vessels need in order to ensure that fishers aren't required to pay recruitment fees?
  1. Co-financing to support reimbursement of recruitment fees
  2. Improved communication with vessel owners
  3. Better regulation of manning agencies
  4. Other (free response)
3. Does your company keep a record of, audit, or vet manning agencies used by vessels your company sources fish from? (y/n)
4. Do you have a way to communicate with the vessel owner about who pays recruitment fees for fishers?
  1. Is this something you ask your seafood suppliers to do? (y/n, with comment)

#### Guaranteed Wi-Fi Onboard Fishing Vessels

The International Labor Rights Forum (GLJ-ILRF) has called for guaranteed Wi-Fi on every vessel in distant water fleets in order to prevent labor exploitation, ensure access to grievance and remedy, and protect workers' rights under international labor standards.

1. What grievance mechanisms does your company provide for high seas fishers? (free response)

2. Does your company support requiring guaranteed Wi-Fi for all fishers aboard your supplier vessels? (y/n, plus comment)
3. Would your company co-finance guaranteed Wi-Fi aboard vessels? (y/n, plus comment)
4. Would universal Wi-Fi on vessels improve your current grievance and remedy processes? (y/n, plus comment)

### **Vessel Tracking and Traceability**

We are beta-testing a database that tracks vessel ownership which shows links between vessels, companies, and the owners of those companies.

1. Does your company require traceability to the vessel level for your fishery products?
2. Does your company maintain lists of vessels supplying fishery products to your businesses?
3. Would your company benefit from a database that tracks vessels linked with Illegal, Unregulated, and Unreported (IUU) fishing? (y/n, comment)
4. How does your company monitor the vessels in your supply chain?
  1. External audits
  2. Internal audits
  3. Current infrastructure does not support vessel monitoring
  4. Other (free response)
5. Could your present method of monitoring supplier vessels identify which manning agencies they use? (y/n plus comment)

## Appendix III

Recruitment Analysis Table. Reports, sources, and statements were used for analysis from the list of 17 CSOs below. The column “frequency of CSOs demands” represents the number of CSOs demanding or asking for a process-related requirement within the ILO’s General Principles and Operational Guidelines for Fair Recruitment (ILO 2019). A complete list of reference documents used in this analysis is available upon request.

- **Non-Government Organizations:** Conservation International, Dhaka Principles, Environmental Justice Foundation, Five Corridors Projects, Greenpeace, Global Labor Justice-International Labor Rights Forum, Human Rights at Sea, International Organization for Migration, Issara Institute, Oxfam, Verité, World Wildlife Foundation.
- **Multi-Stakeholder Initiatives:** Ethical Trading Initiative, IMPACTT, Know the Chain, Roadmap for Improving Seafood Ethics (RISE).
- **Trade Unions:** International Transport Federation (ITF)

Principle	Process-Related Requirement	Frequency of CSO Demands
1. “Recruitment should take place in a way that respects, protects and fulfils internationally recognized human rights, including those expressed in international labour standards, and in particular the right to freedom of association and collective bargaining, and Prevention and elimination of forced labour, child labour and discrimination in respect of employment and occupation.”	Freedom of association and collective bargaining	5
	Independent from government Unions that have collective bargaining power	2
	Free of manace of penalty, forced labour, child labour, prison labour and discrimination in respect of employment and occupation.	6
	Legal compliance / share accountability for all respecting all relevant laws	6
2. “Recruitment should respond to established labour market needs, and not serve as a means to displace or diminish an existing workforce, to lower labour standards, wages, or working conditions, or to otherwise undermine decent work.”	Eliminate lowest bidder for employee recruitment	2
	Healthy, safe, and exploitation free working and living conditions	3
	Recruiter Training	1
3. “Appropriate legislation and policies on employment and recruitment should apply to all workers, labour recruiters and employers.”	Corporate due diligence	5
	Economic Incentives for good recruiters / ratings/ rankings	2
	Every migration corridor and country context is different / avoid cookie cutter policies and legislation	1
	Ethical and professional conduct towards workers and each other	1

<b>4. “Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.”</b>	Transparency	7
	Cost of recruitment process data available	2
	Recruiters provide mapping of where workers are recruited from	1
	Free training, health and safety, and orientation provided	2
<b>5. “Regulation of employment and recruitment activities should be clear and transparent and effectively enforced. The role of the labour inspectorate and the use of standardized registration, licensing or certification systems should be highlighted. The competent authorities should take specific measures against abusive and fraudulent recruitment methods, including those that could result in forced labour or trafficking in persons.”</b>	Availability of worker representatives	1
	Collaboration with stakeholders and/or civil society	3
	Sub-agents regulation	3
	Licensed recruiters/ blacklist of recruiters	4
<b>6. “Recruitment across international borders should respect the applicable national laws, regulations, employment contracts and applicable collective agreements of countries of origin, transit and destination, and internationally recognized human rights, including the fundamental principles and rights at work, and relevant international labour standards. These laws and standards should be effectively implemented.”</b>	Repatriation	2
	Migrant Worker Rights	5
	Safe Transportation	1
<b>7. “No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.”</b>	Absence of Recruitment Fees	8
	No double book keeping or debt bondage	4
	Employer Pays Principle	5
	Proof of reimbursement	3
	Limit or capping recruitment fees	3
	Seafood consumers and buyers share the burden of related costs for ethical recruitment and treatment of workers	2
<b>8. “The terms and conditions of a worker’s employment should be specified in an appropriate, verifiable and easily</b>	Transparent contracts in worker’s language, provided assistance for translation, or verbally explained	6



understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements. They should be clear and transparent, and should inform the workers of the location, requirements and tasks of the job for which they are being recruited. In the case of migrant workers, written contracts should be in a language that the worker can understand, should be provided sufficiently in advance of departure from the country of origin, should be subject to measures to prevent contract substitution, and should be enforceable.”	Eliminate contract substitution	1
	Avoid short term contracts	1
	Employment start/end date, overtime expectations and compensation, wages, potential fees, benefits.	2
	Adequate time to look over contracts and make decisions	1
9. “Workers’ agreements to the terms and conditions of recruitment and employment should be voluntary and free from deception or coercion.”	Free of deception/ coercion	4
	Transparent oversight mechanism	1
	Incentives for workers are monitored with no pressure or penalty	1
	No denunciation to authorities and deportation without reasonable cause	3
10. “Workers should have access to free, comprehensive and accurate information regarding their rights and the conditions of their recruitment and employment.”	Detailed contracts and terms of recruitment and employment	4
	Transparent wages, deductions and benefits	3
	Direct recruitment or direct employment	4
11. “Freedom of workers to move within a country or to leave a country should be respected. Workers’ identity documents and contracts should not be confiscated, destroyed or retained.”	Document retention or destruction	8
	Elimination of warehousing/ delayed employment	3
12. “Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer’s or recruiter’s permission to change employer.”	Ability to leave or move ships without skipper consent	2
	Freedom for worker movement	8
13. “Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.”	Remediation	6
	Access and functioning grievance mechanism	6
	Worker Voice	2

## Appendix IV

Grievance Redress Analysis Table. Reports, sources, and statements were used for analysis from the list of 17 CSOs below. The column “frequency of CSOs demands” represents the number of CSOs demanding or asking for a process-related requirement within the UNGP Effectiveness Criteria framework (UNGP 2011). A complete list of reference documents used in this analysis is available upon request.

- **Non-Government Organizations:** Greenpeace, Issara Institute, Oxfam, Conservation International, GLJ-ILRF, Five Corridors Project, Human Rights at Sea, Verité, Anti-Slavery International, Environmental Justice Foundation, CSO Coalition
- **Multi-Stakeholder Initiatives:** Roadmap for Improving Seafood Ethics (RISE), Know the Chain, Ethical Trading Initiative, Harvard Kennedy School Corporate Social Responsibility Initiative, CSR Europe
- **Trade Unions:** International Transport Federation (ITF)

Principle	UNGP Definition	Process-Related Requirement	Frequency of CSOs Demands
1. Legitimate	“Enabling trust from other stakeholder groups for whose use they are intended and being accountable for the fair conduct of grievance processes”	Defined process with clear lines of accountability	9
		Conduct consultations with key stakeholders for the design, revision and monitoring of mechanism	9
		Grievance mechanism is operated independently or availability of an impartial reporting channel free from conflict of interest	13
		Grievance mechanism is supported with the necessary technical, human, and financial resources, means, and powers to investigate grievances	5
		Legal-binding and enforceable agreements	4
2. Accessible	“Being known to all stakeholders groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access”	Information shared on the existence and functioning of the mechanism is adapted to the context and audience	12
		Multiple access points that are well adapted to the operational context (hotlines, worker empowerment initiatives, in-person reporting channels, or technology platforms)	9
		Special assistance to vulnerable groups that may face barriers to access (migrants workers, women)	12
		Commitment to protect from reprisals	11
		Provide for anonymous filing of grievances	5
		Keep costs from being prohibitive	3
		Grievance mechanism available below tier one of supply chains	2

		Grievance channels available throughout the recruitment process	1
		Cross-industry and cross-sector grievance mechanisms	1
<b>3. Predictable</b>	“Providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation”	Defined process with clear roles, responsibilities, procedures, and process steps including monitoring implementation	10
		Establish a clear timeframe for each step or stage of the process	11
		Define the types of complaints that fall under the scope of the mechanism as well as the available outcomes	4
		Company discloses a corrective action process for suppliers, potential actions taken in case of non-compliance, and a means to verify remediation	4
<b>4. Equitable</b>	“Seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise needed to engage in a grievance process on fair, informed and respectful terms”	Information shared is simple and easy to understand	6
		Facilitate the means through which the affected stakeholders can have access to advice, expertise or legal redress	8
		Specify process by which grievances are treated confidentially, where requested, assessed impartially, and handled without discrimination	11
		Existence of an appeals system	1
		Seeking informed consent from workers before actioning grievances	1
<b>5. Transparent</b>	“Keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake”	Procedure for keeping users of the mechanism informed periodically throughout the process	8
		Report internally and externally on the performance of the mechanism	8
<b>6. Rights-Compatible</b>	“Ensuring outcomes and remedies accord with internationally recognised human rights”	Assess any complaint on its possible human rights impact	7
		Ensure that grievance process and outcomes do not infringe on the rights of the complainant	7
		Adopt the higher standard in case of conflict between national legislation and international norms on human rights	4
		Actively promote and/or uphold labor rights	7
		Refrain from cutting from a supplier if human rights violations are found in their supply chains	1
		Company keeps a centralized record of complaints	3

<b>7. Continuous Learning</b>	“Drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.”	Company should monitor and assess the performance of the mechanism on a regular basis	5
		Company integrates key lessons learnt	9
		Businesses should support and incentivize suppliers to prevent and remediate harm	1
<b>8. Worker Engagement and Dialogue</b>	“Consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances”	Prioritize engagement and dialogue	8
		Worker-driven	5
		Form partnerships with stakeholders to resolve grievances	3

## Appendix V

This table represents a list of source material used to conduct analysis for the recruitment and grievance redress tables in Appendix III and IV. Please note that the nature of CSO demands are evolving and this is not an exhaustive list of reports and campaign documents.

Focus Area	Organization	Title of Document (Linked to Source Material)
Recruitment	Issara Institute	<ul style="list-style-type: none"> <li><a href="#">Slavery Free Recruitment Systems</a></li> <li><a href="#">WORKER VOICE-DRIVEN ETHICAL RECRUITMENT</a></li> </ul>
	Roadmap for Improving Seafood Ethics (RISE)	<ul style="list-style-type: none"> <li><a href="#">Responsible Recruitment</a></li> </ul>
	Know the Chain	<ul style="list-style-type: none"> <li><a href="#">Benchmark Methodology- Food and Beverage Sector</a></li> </ul>
	Ethical Trade Initiative	<ul style="list-style-type: none"> <li><a href="#">Ethical Recruitment Practices and Forced Labour in China: Guidelines for Employers</a></li> </ul>
	GLJ-ILRF / Seafood Working Group	<ul style="list-style-type: none"> <li><a href="#">Trade Subcommittee Hearing on the Global Challenge of Forced Labor in Supply Chains: Strengthening Enforcements and Protecting Workers</a></li> <li><a href="#">Time for a Sea Change: Why union rights for migrant workers are needed to prevent forced labor in the Thai seafood industry</a></li> </ul>
	International Transport Federation	<ul style="list-style-type: none"> <li><a href="#">Fishers' Rights Network calls on Thai Government to enforce contract provisions</a></li> </ul>
	Greenpeace	<ul style="list-style-type: none"> <li><a href="#">Greenpeace Sustainability, Labour &amp; Human Rights, and Chain of Custody Asks for Retailers, Brand Owners and Seafood Companies</a></li> </ul>
	Oxfam US	<ul style="list-style-type: none"> <li><a href="#">Oxfam GB Anti-Slavery and Human Trafficking Policy</a></li> </ul>
	Verité	<ul style="list-style-type: none"> <li><a href="#">Fair Hiring Toolkit for Suppliers</a></li> <li><a href="#">Recruitment Practices &amp; Migrant Labor Conditions in Nestlé's Thai Shrimp Supply Chain</a></li> </ul>
	Human Rights at Sea	<ul style="list-style-type: none"> <li><a href="#">On the call for ending exploitative recruitment fees for seafarers and fishers in the maritime sector</a></li> </ul>
	Conservation International	<ul style="list-style-type: none"> <li><a href="#">SOCIAL RESPONSIBILITY ASSESSMENT TOOL FOR THE SEAFOOD SECTOR</a></li> </ul>
	EJF	<ul style="list-style-type: none"> <li><a href="#">Blood and Water</a></li> <li><a href="#">All at Sea</a></li> </ul>
	Dhaka Principles / Institute for Human Rights and Business	<ul style="list-style-type: none"> <li><a href="#">Responsible Recruitment Gateway</a></li> </ul>
	IOM	<ul style="list-style-type: none"> <li><a href="#">Fair and Ethical Recruitment Toolkit</a></li> </ul>
	IMPACTT	<ul style="list-style-type: none"> <li><a href="#">ETHICAL RECRUITMENT: Translating Policy into Practice</a></li> <li><a href="#">Principles and Guidelines for the Repayment of Migrant Worker Recruitment Fees and Related Costs</a></li> </ul>
	Five Corridors Project	<ul style="list-style-type: none"> <li><a href="#">A major research project on what governments can do to ensure fair recruitment of migrant workers</a></li> </ul>

	WWF	<ul style="list-style-type: none"> <li>• <a href="#">Guidance Note on Labor and Working Conditions</a></li> </ul>
Grievance Redress	GLJ-ILRF	<ul style="list-style-type: none"> <li>• <a href="#">Taking Stock: Labor Exploitation, Illegal Fishing and Brand Responsibility in the Seafood Industry</a></li> <li>• <a href="#">GLJ-ILRF Briefing: Wifi for Fishers at Sea</a></li> </ul>
	ITF	<ul style="list-style-type: none"> <li>• <a href="#">Seafarers Rights Guidance</a></li> <li>• <a href="#">Guidance on Eliminating Shipboard Harassment and Bullying</a></li> </ul>
	Greenpeace	<ul style="list-style-type: none"> <li>• <a href="#">Forced Labor at Sea: The Case of Indonesian Migrant Fishers</a></li> <li>• <a href="#">Global Civil Society Asks to the Taiwanese Government Regarding Reforms to End Forced Labor in its Distant Water Fisheries</a></li> <li>• <a href="#">Greenpeace Sustainability, Labour &amp; Human Rights, and Chain of Custody Asks for Retailers, Brand Owners and Seafood Companies</a></li> </ul>
	Issara Institute	<ul style="list-style-type: none"> <li>• <a href="#">What is Worker Voice in the Context of Global Supply Chains?</a></li> <li>• <a href="#">Understanding and Advancing Empowered Worker Voice</a></li> <li>• <a href="#">Updated Guide to Ethics &amp; Human Rights in Anti-Human Trafficking</a></li> <li>• <a href="#">Issara Ethical Grievance Mechanisms</a></li> </ul>
	Verité	<ul style="list-style-type: none"> <li>• <a href="#">Help Wanted with Fair Hiring Toolkit</a></li> </ul>
	Oxfam US	<ul style="list-style-type: none"> <li>• <a href="#">Grievance Mechanism Toolkit</a></li> <li>• <a href="#">Impacts of COVID-19 on Small Scale Producers and Workers</a></li> </ul>
	Human Rights at Sea	<ul style="list-style-type: none"> <li>• <a href="#">Abandonment of Seafarers: Background, Legal Status, Remedies &amp; Practical Advice</a></li> <li>• <a href="#">Arbitration as a Means for Effective Remedy for Human Rights Abuses at Sea</a></li> </ul>
	Corporate Social Responsibility Initiative	<ul style="list-style-type: none"> <li>• <a href="#">Rights Compatible Grievance Mechanisms</a></li> </ul>
	Roadmap for Improving Seafood Ethics (RISE)	<ul style="list-style-type: none"> <li>• <a href="#">Roadmap for Improving Seafood Ethics - Remediate</a></li> </ul>
	Conservation International	<ul style="list-style-type: none"> <li>• <a href="#">Social Responsibility Assessment Tool for the Seafood Sector</a></li> </ul>
	Know the Chain	<ul style="list-style-type: none"> <li>• <a href="#">Benchmark Methodology - Food and Beverage Sector</a></li> </ul>
	Five Corridors Project	<ul style="list-style-type: none"> <li>• <a href="#">Recommendation 5: Grievance Mechanisms to Suit Migrant Workers</a></li> </ul>
	Ethical Trade Initiative	<ul style="list-style-type: none"> <li>• <a href="#">Access to Remedy: Practical Guidance for Companies</a></li> </ul>
	Anti-Slavery International	<ul style="list-style-type: none"> <li>• <a href="#">Migrant Workers' Access to Remedy: A Briefing Paper for Businesses</a></li> </ul>
	EJF	<ul style="list-style-type: none"> <li>• <a href="#">A Race to the Top: Lessons learnt from the EU's law on illegal fishing to secure an EU framework to lead global sustainable corporate governance</a></li> </ul>
	CSR Europe	<ul style="list-style-type: none"> <li>• <a href="#">Assessing the Effectiveness of Company Grievance Mechanisms</a></li> </ul>
	CSO Coalition	<ul style="list-style-type: none"> <li>• <a href="#">Falling through the Net II</a></li> </ul>