June/July 2019

Seafood Ethics Common Language Group e-alert
(amlagamation of news alerts issued to SECLG circulation list by email in June/July 2019)

Seafood Ethics Common Language Group
https://www.seafish.org/article/the-seafood-ethics-common-language-group
https://www.seafish.org/article/ethics-in-seafood

UK and Ireland

The government has officially responded to the Independent Review of the UK Modern Slavery Act (2015). A number of the panel’s recommendations have been accepted including to: create a free online registry of modern slavery statements, to make it easier for consumers, investors and NGOs to track compliance and action that businesses are taking: consult on changes to the transparency in supply chains legislation, specifically strengthening and improving the transparency statements required of businesses and expanding the law to cover the public sector and its vast purchasing power: create a new International Modern Slavery and Migration Envoy to represent HMG interests on modern slavery and co-ordinate our efforts with other nations: fund a £10million programme to reduce the exploitation of children in Africa’s rapidly expanding agricultural industries; pilot a new programme to improve responsible recruitment in parts of our public sector supply chains that pass through Asia.

**HoC questions. What recent progress he has made in enabling the fishing industry to employ non-EEA workers on inshore fishing boats.** 10 June 2019.
*From* Douglas Ross Conservative, Moray. *Response:* Caroline Nokes, Minister for Immigration. As part of the future borders and immigration system, we have launched a year-long engagement programme to seek the views of stakeholders, including the fishing industry, and I am listening very carefully to what they have to say. I have met representatives of the industry on several occasions, as has my right hon. Friend the Home Secretary, and we are reflecting on the views expressed.

For three years Human Rights at Sea has been formally engaged with ANIFPO undertaking requested due diligence and advisory roles assisting the sector to drive up standards and accountability of working conditions, and address shortfalls identified in business and human rights audits both onshore and at sea in respective fleets. This has included the publishing of the briefing note on UK Share Fishermen. The audit results for 2018 and 2019 can now be publicly downloaded and scrutinised as part of a deliberate ongoing policy by ANIFPO to assure increasing transparency in their commercial operations. In addition, ANIFPO has issued a detailed response addressing the key recommendations and points raised in the audits. The audit refers to some issues identified in respect of the crew questionnaire responses. ANIFPO have responded to these and cite their intention to continue to support on these areas. Issues around crewing agencies present a significant challenge. ANIFPO propose to co-ordinate with other parts of the UK fishing industry to identify and audit crewing agencies across the world who can be independently accredited to provide crew against ILO standards. Suggestions by a minority of crew that they have paid a crewing agent to work in the UK and as a result are in debt are of serious concern.
Frank Field MP, Maria Miller MP and Baroness Butler-Sloss have published the final report of their independent review of the Modern Slavery Act 2015. Working with an expert panel, the review specifically considered four parts of the Act including Section 54 - ‘transparency in supply chains’. The panel’s recommendations include: a central repository for statements, sanctions for non-compliance and extending Section 54 to include the public sector.

Thailand
International Justice Mission Announces Third Grant from Walmart.org to Combat Trafficking in Thai Fishing Industry. 11 June 2019.
The International Justice Mission (IJM) has announced its third grant awarded by the Walmart Foundation to continue addressing human trafficking in the Thai fishing industry. Walmart.org is focused on strengthening demand for responsible labor practices, investing in data and transparency, enhancing worker and community engagement and supporting strong policy and regulation”.

The ILO Ship to Shore Rights partners Thai Tuna Industry Association and Thai Frozen Foods Association have rolled out their new GLP programmes to buyers, industry leaders. The new GLP guidelines update workplace standards for seafood processing and introduce principles for GLP programmes built with support from the ILO.

Ghost fleet: former slaves and the woman bringing them home.
A hard-hitting documentary, Ghost Fleet, looking at slavery in the Thailand fishing and seafood industries takes a confronting look at the harsh conditions endured by migrant fishers through the eyes of former slaves. It focuses on the work of Patima Tungpuchayakul, co-founder of the Labour Rights Promotion Network (LPN). Trailer.

Thailand Bound: An Exploration of Labour Migration Infrastructures in Cambodia, Myanmar, and Lao PDR. May 2019.
Verité conducted an exploratory study of the recruitment practices in Cambodia, Myanmar, and Lao PDR for workers destined for Thailand to map the critical intervention points in these sending countries where the risks to jobseekers begin. They examined the linked institutions (government, commercial and community actors, and technologies) that mediate labour migration, and the relationships among various recruitment actors (private recruitment agencies, labour brokers, subagents and other intermediaries, and employers) in all the phases of recruitment, transportation, and placement of foreign workers to Thailand.

Reports and videos
This programme has supported eight innovative research projects inspired by the UK Government’s interest in gaining a better understanding of how contemporary forms of exploitation are interrelated with global production processes, and its commitment to end modern slavery in all its forms. They have recently published: A special issue of the Journal of the British Academy dedicated to their Modern Slavery Programme entitled Tackling Modern Slavery: Problems and Possibilities a synthesis report setting out some of the main conclusions and recommendations to have emerged from the eight projects, and a series of short notes focusing on the policy and practice implications of the research carried out on a range of different sectors and contexts.
Oxfam releases 2nd scoring of US & European supermarkets’ global food supply chains. 3 July 2019.

Oxfam has assessed 16 large supermarkets across the US and Europe on their policies and practices in their food supply chains. The supermarkets were assessed on publicly disclosed policies and practices in four key areas: supply chain transparency; conditions for workers; conditions for small-scale farmers; and tackling discrimination against women. The scores reveal overall the supermarkets are making slow progress to end human suffering in global supply chains, with particularly low scores in the theme on women. The 2019 Supermarket Scorecard shows that, while some are doing better than others, all supermarkets lack sufficient policies to properly protect the people who produce our food. No supermarket does even 40% of what the Oxfam benchmark asks them to. Eight of the 16 companies, including Lidl, Plus and Whole Foods, have made little to no improvement at all, reinforcing their position as laggards. Others, such as Sainsbury’s and Walmart have made limited improvements to their policies. However, some supermarkets – Ahold Delhaize’s Dutch subsidiary Albert Heijn, Aldi South, Jumbo, Morrisons, Rewe and Tesco – made important new policy commitments to ensure the women and men in their supply chains are treated fairly. The supermarket scorecard, which is in its second year, is part of Oxfam’s global #behindthebarcodes campaign to improve the lives of the millions of people around the world producing food for supermarkets who are trapped in poverty and face brutal working conditions.


The U.S. State Department downgraded Vietnam and Cambodia to its next-to-lowest ranking in an annual report on human trafficking released today, pointing to what it called both countries’ continuing failure to make “significant efforts” to combat the trade. The Department’s annual Trafficking in Persons (TIP) report ranks countries around the world as Tier 1, Tier 2, Tier 2 Watch List, or Tier 3, in descending order based on whether they meet the minimum standards to combat trafficking set by U.S. law. Tier 3 designations – the lowest possible designation – were given once again to China, Iran, North Korea, Myanmar, Russia, Syria, and Venezuela, among others. A few countries were added to the Tier 3 list, including Cuba. Meanwhile, Laos—previously ranked at Tier 3—was moved up to Tier 2 Watch List for having made “key achievements” during last year’s reporting period.

Hawaii longline fleet still vulnerable to forced labour issues. 24 June 2019.

Three years after allegations of labour abuses in the Hawaii longline fishing fleet came to light, foreign workers continue to be excluded from the legal protections afforded to U.S. workers, according to a new report The Price of Paradise from the Georgetown Law Human Rights Institute. But a special visa allowing workers to temporarily enter the U.S. could improve conditions by allowing workers to more easily access medical care and legal resources. The report characterized working conditions as “extremely harsh,” but did not determine specific instances of labour abuse. Instead, the report concluded that foreign fishermen in the industry are vulnerable to forced labour. About 700 foreign fishermen work on U.S. longline vessels in Hawaii – the report relied on interviews with 43 fishermen, among other sources, and was produced by 10 Georgetown Law students.


Chinese vessels are illegally harvesting small pelagics in Ghanaian waters, then selling the fish back to the African country, according to a report from the Environmental Justice Foundation (EJF). The report: Stolen at Sea: How illegal ‘saiko’ fishing is fuelling the collapse of Ghana’s fisheries looks at the cost of ‘saiko’, the name for the process where foreign trawlers target the staple catch of Ghanaian canoe fishers and sell this stolen fish back to local communities at a profit. Saiko is precipitating the collapse of Ghana’s staple fish stock and with it, poverty and hunger for its people.
Social sustainability in the Norwegian seafood industry. 6 June 2019.
Serious violations of human rights, slavery and child labour are not present in the Norwegian fishing and seafood industry. Moreover, Norway has systems and regulations in place which address all issues raised internationally regarding social sustainability in the seafood industry. This has now been affirmed through a new research report. According to the report, which was authored by Bjørg Helen Nøstvold and Marianne Svorken from Nofima, Anne Mette Ødegård and Rolf Andersen from Fafo, and James A. Young from the University of Stirling, there is generally minimal risk of contraventions to regulations governing social sustainability in the Norwegian seafood industry. However, foreign labour runs a higher risk of being subjected to offences, such as social dumping, both in fishing fleets and in the on-shore processing industry. Summary.

New report finds human rights abuses on fishing vessels from 13 countries. 3 June 2019.
A new report by the Environmental Justice Foundation details cases of slavery, debt bondage, insufficient food and water, filthy living conditions, physical and sexual assault and even murder aboard fishing vessels from 13 countries operating across three oceans. Urgent ratification of international agreements designed to improve workers’ rights, inspections and enforcement is needed, the report says. The report documents numerous cases of abuse, on vessels flying the flags of both developing and developed nations, from the EU and USA to Asia and South America. The UK and Ireland are mentioned on page 10. In Northern Ireland and Scotland there are also concerns, with non-European Economic Area (non-EEA) workers being used as cheap labour via a legal loophole that leaves them vulnerable to exploitation. Non-EEAs can enter the UK using transit visas. The International Transport Federation and the Apostleship of the Sea have both raised concerns that this system can facilitate abuse, with the latter saying that the transit visa system “creates a culture that allows those minority of skippers to get away with various abuses, up to and including forced labour”. The use of transit visas mean workers may also receive substandard contracts, be paid less than minimum wage, work unlimited hours and be forced to stay on board their fishing vessel when in port. Industry bodies, including Seafish and the Scottish White Fish Producers Association, have called for the system to be reformed.

This research examines how companies are addressing the risks of modern slavery in their tuna supply chains. Between November 2018 and January 2019 BHRRC surveyed 35 canned tuna companies and supermarkets, representing 80 of the world’s largest retail canned tuna brands, on their approach to human rights in Pacific tuna fishing operations and supply chains. The analysis of their responses reveals that, whilst a small cluster of leading companies are translating policies into practical steps, in general there is a pattern of policy prevailing over practice.

Consultations
The Fisheries and Aquaculture Department of the Food and Agriculture Organization of the United Nations (FAO) has shared draft Guidance on Social Responsibility in Fisheries and Aquaculture Value Chains for comment. The draft Guidance has been elaborated by two external consultants, Katrina Nakamura and Francisco Blaha, and includes subsequent inputs from the Agadir and Brussels dialogues.

- It is intended to inform the fisheries sector on the existing international labour standard and a list of minimum requirements to facilitate compliance across all parts of the seafood value chain. The Guidance is aimed at seafood businesses to help them demonstrate compliance towards social responsibility. It provides a framework of how to identify and remedy risks for workers in the industry. The guidance includes a five step framework for a due diligence
approach that businesses can follow. It then provides sector specific information covering fishing operations; aquaculture; fish processing; and fish distribution and trade. In each section, requirements in law and associated regulatory instruments and guidelines are included, with suggestions and resources provided for each of the five steps of due diligence.

- Providing comments on their electronic platform. To provide comments on the document you do need to do this online, by adding comments to an online version of the document. To provide feedback on the document itself go to this page and create an account. This asks for a user name and e-mail address (but it doesn’t ask for a business or organisation name, just the type of organisation). You will be e-mailed a link to establish a password. Once your account is established, you can add comments to the document which is here. They are seeking online responses to facilitate an easier process of reviewing comments and feedback. All comments provided are treated as private and they are not visible to other users of the platform, except the FAO staff in charge of the analysis of the feedback. See the electronic platform.

Consultation: Transparency in supply chains. 9 July 2019. Closing date is 17 September 2019.
The UK government has committed to strengthening section 54 (transparency in supply chains requirements) of the Modern Slavery Act. The aim is to gather views on how the reporting by businesses can be improved by adapting the requirements and potentially making some elements compulsory. They want to gather views on proposed measures intended to increase transparency and compliance, improve reporting quality and extend the scope of the legislation.

GLAA Consultation. Good work plan: establishing a new single enforcement body for employment rights. 16 July 2019. Closing date is 6 October 2019.
This consultation seeks views on whether establishing a new single enforcement body for employment rights could improve enforcement for vulnerable workers and create a level playing field for the majority of businesses who are complying with the law.

Standards and due diligence
A group of labour, human rights, and environmental organizations have released a statement expressing concern over the labour requirements in the Marine Stewardship Council’s revised chain of custody certification for on-shore seafood operations. The new requirements, released earlier this year, will not be effective in identifying, preventing and protecting seafood workers from labour rights violations, the statement said. “Nor will they provide buyers and retailers with the assurance that child labour and forced labour are not present in their supply chains.” The 13 human rights and environmental organizations are recommending that all seafood operations, regardless of which country they are in, be required to conduct strong labour due diligence. They also recommend the development of a complaint mechanism that provides workers and labour rights stakeholders a channel to raise labour grievances.

MSC answers NGO criticism of its labour requirements. 10 June 2019.
Forced and child labour is an industry-wide issue with no quick or easy solution,” an MSC spokesperson told IntraFish. "The new measures introduced by the MSC are part of a series of updates to both the MSC Chain of Custody standard and MSC Fisheries Certification Process to help address forced and child labour in the seafood industry. The MSC claims the Chain of Custody’s risk indicators and audit programs were both selected through multi-stakeholder and are globally recognized for assessing labour risks in the industry. The MSC is not looking to create a separate social standard, and we will continue to work with existing social standard setters to strengthen best practice and support new solutions to tackle this issue," the spokesperson said. Going forward, the
MSC will continue engaging with the International Labor Rights Forum, initiatives such as the Seafood Task Force, the Seafood Working Group and others to provide solutions to labour violations in the industry.

**Podcast. ETI on what supply chain due diligence on labour issues looks like. 12 June 2019.**
Peter McAllister, executive director, Ethical Trading Initiative, and Ian Welsh, Innovation Forum, discuss trends in how companies are engaging with modern slavery in supply chains, and why forced labour keeps appearing in new places. McAllister argues the case for transparency and normalising in consumer eyes that there are going to be problems and it’s how they are fixed that’s important. He outlines why businesses should adopt a due diligence approach to track labour migration, and how to ask the right questions internally for companies and when engaging with suppliers.

**GAA video. Social Responsibility in Aquaculture. 28 May 2019.**
Transparency in the industry, coupled with the work certification programs do, will continue to drive social responsibility in aquaculture.

**General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs. May 2019.**
The principles and guidelines aim to inform the current and future work of the ILO and of other organizations, national legislatures, and the social partners on promoting and ensuring fair recruitment. The definition of recruitment fees and related costs recognizes the principle that workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment. This comprehensive definition is guided by international labour standards and should be read together with the principles and guidelines. This guidance is developed within the framework of the Fair Recruitment Initiative, which aims to help prevent human trafficking, protect the rights of workers (including migrant workers) from abusive and fraudulent practices during the recruitment and placement process, reduce the cost of labour migration and enhance development gains.

*This is an amalgamation of the news alerts issued in June/July 2019.*