



# Understanding and Accessing Rights

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**Respecting Human Rights in Fishery Value Chains**  
March 2021

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# **WHO WE ARE: ELEVATE'S BACKGROUND AND EXPERTISE**

# ELEVATE MISSION DESIGN TO INCENTIVIZE PROGRAM EFFECTIVENESS

OUR PURPOSE AND MISSION: Sustainability and Supply Chain Risk Assessment and Management

We believe in sustainable, balanced and inclusive economic growth. We believe in an economic model that **collectively activates business and other stakeholders** to improve people's lives and preserve the planet. This requires a commitment to **transparency, visibility** and the **thoughtful management of risk and performance**. It requires a commitment to **business driven sustainability**.

To achieve this purpose:  
**We engage, we innovate, we inspire, we ELEVATE ...**

Our ambition is that ELEVATE services and analytics will value and be used by **all stakeholders** in the value chain to accelerate sustainability and sustainable procurement effectiveness and impact. This includes:

- Brands / retailers
- Vendors / suppliers
- Factories / farms
- Workers

Unlocking the shared value and incentives for each group will achieve business driven sustainability at scale, motivate consistency in application and encourage integration within day-to-day business practice.



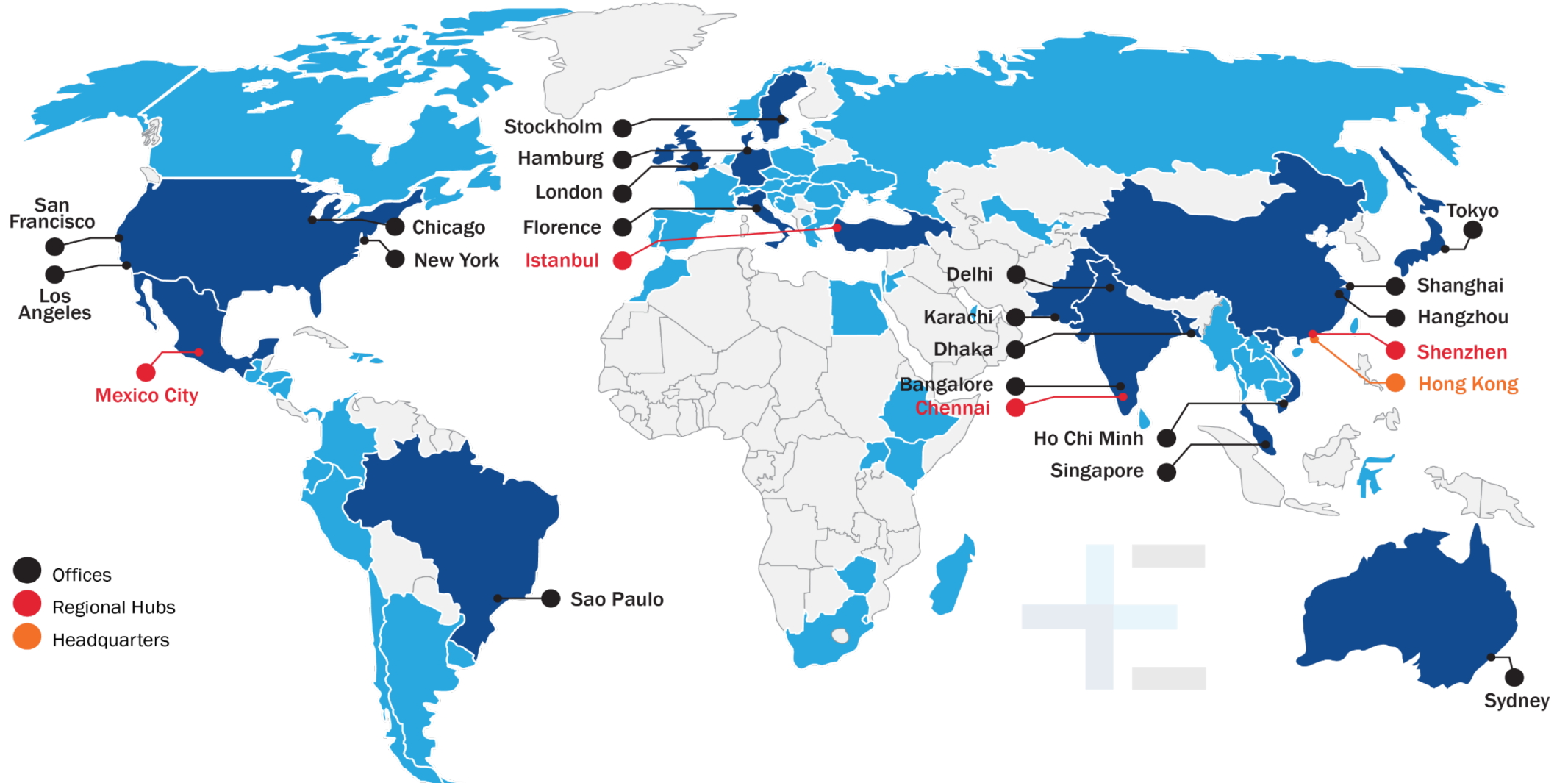
# WE BUILD SUSTAINABLE PROCUREMENT PROGRAMS

Our portfolio of products and services structured around 4 delivery verticals in a continuous improvement cycle ...



# ELEVATE'S GLOBAL PRESENCE

ELEVATE's global geographical footprint covers over 600+ staff delivering work in 110 countries



# PARTNERSHIP TO DEVELOP THE SOCIAL RESPONSIBILITY ASSESSMENT (SRA) TOOL

The Social Responsibility Assessment Tool for the Seafood Sector (SRA) is a risk-assessment or benchmarking tool for conducting human rights due diligence in seafood supply chains

The tool is designed to be used to inform the development of a Fishery Improvement Plan (FIP) workplan. The purpose of this tool is ultimately to improve crew welfare and well-being, but it also provides multiple benefits to other stakeholders by managing risks and diversifying seafood production to ensure global food security needs are met into the future. In this context, the SRA can be applied to:



Assess risks of social issues



Uncover critical information gaps



Identify areas in need of improvement



# **FISHERYPROGRESS: HUMAN RIGHTS AND SOCIAL RESPONSIBILITY POLICY**



# FISHERYPROGRESS SOCIAL RESPONSIBILITY POLICY

FISHERY  
PROGRESS.ORG

Under 1.3, of the Human Rights and Social Responsibility Policy FIPs should undertake best efforts to make fishers aware of their rights

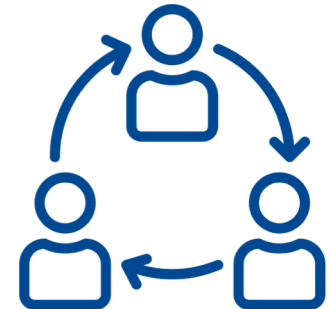
*FIPs must undertake best efforts to make fishers aware of their rights under this policy, including the FisheryProgress Human Rights Code of Conduct, the availability of grievance mechanisms and the FisheryProgress Policy for Allegations of Human Rights Abuses as a venue to report abuses. They must ensure that the information is available to fishers throughout the time that the FIP is active on FisheryProgress.*



Make fishers aware of their rights, including FisheryProgress Human Rights Code of Conduct



Make fishers aware of the availability of grievance mechanisms and FisheryProgress Policy for Allegations of Human Rights Abuses



Ensure that the information is available to fishers throughout the time that the FIP is active on FisheryProgress



# FISHERYPROGRESS HUMAN RIGHTS CODE OF CONDUCT

**Key human rights commitments expected of all FIPs who sign the Code and report on FisheryProgress**

- ✓ No discrimination, abuse or harassment
- ✓ No human trafficking or forced labor
- ✓ No child labor
- ✓ Freedom of association and the right to collective bargaining
- ✓ Earnings and benefits are decent, transparent and stable
- ✓ Working hours are not excessive
- ✓ Worker housing and sleeping quarters on vessels are decent
- ✓ Working environment is safe, and there is adequate medical response for workplace injuries
- ✓ Rights and access to resources are respected, fairly allocated, and respectful of collective and indigenous rights

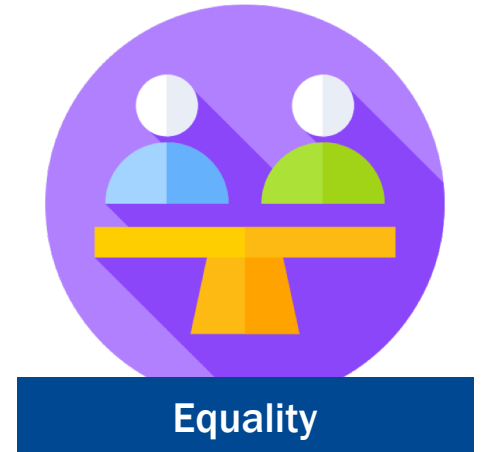


**WHAT ARE HUMAN RIGHTS?**

# DEFINING HUMAN RIGHTS



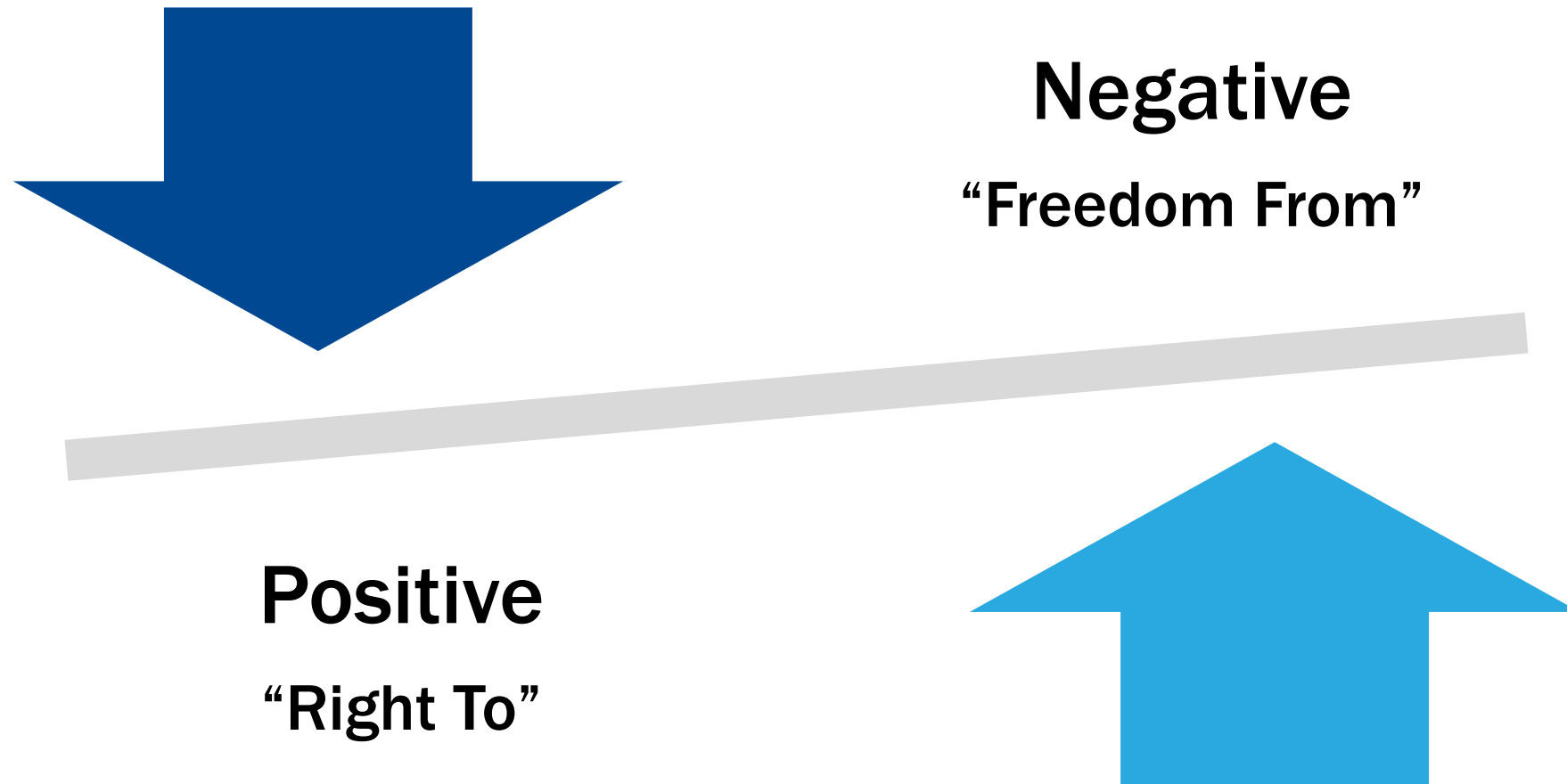
Human rights are the basic rights and freedoms that are universal – they belong to every person in the world





# TYPES OF RIGHTS: POSITIVE AND NEGATIVE RIGHTS

Distinction between positive and negative rights implies different obligations from the rights-implementer





# TYPES OF RIGHTS: INDIVIDUAL VS. COLLECTIVE

Human rights theory also defines human rights along individual and collective rights, aligned with the three “generations” of human rights

## Individual Rights



Civil and Political Rights  
(1st Generation)



Civil and political rights include right to vote, freedom of assembly, freedom of speech and religion, right to a fair trial, freedom of association

Economic, Social, Cultural Rights  
(2nd Generation)



Economic, social and cultural rights include right to adequate food and housing, right to education, right to health, right to work, right to water and sanitation

## Collective Rights



Collective or group rights provide for rights at a collective level for communities, populations, societies or nations. Collective rights may include the right to economic development, the right to breathe unpolluted air, the right to the lands/territories and resources which they have traditionally owned, and the right to live in a cohesive and harmonious society.





# PROTECTIONS FOR HUMAN RIGHTS

Universal Declaration of Human Rights (UDHR) was adopted in 1948 and set out for the first time the fundamental human rights to be universally protected

*Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks **equal justice, equal opportunity, equal dignity** without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.*

*Eleanor Roosevelt, 1958*

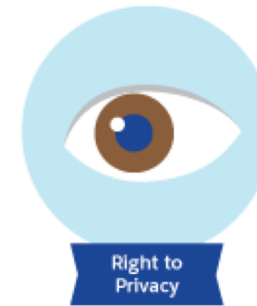


# PROTECTIONS FOR HUMAN RIGHTS



The UDHR includes 30 articles that establish rights and freedoms and includes both civil and political rights as well as economic, social and cultural rights

- Key principles set out in the preamble include the fundamental understanding that all human beings are born free and equal, and that everyone is entitled to these rights no matter their race, religion, sex, language, and nationality. These rights are fundamental and inalienable and indivisible, and establish the right to life, freedom and safety.
- No one can take away any of your rights, and similarly all individuals bear a responsibility to respect the rights of others.







# PROTECTIONS FOR HUMAN RIGHTS

Together with the UDHR, the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) compose the International Bill of Human Rights



# PROTECTIONS FOR LABOR RIGHTS

The International Labour Organization (ILO) Core Conventions establishes key international labor standards



International  
Labour  
Organization

Title	Number	Key Focus
Freedom of Association and Protection of the Right to Organise Convention, 1948	No. 87	Outlines rights of both workers and employers to join organisations of their own choosing
Right to Organise and Collective Bargaining Convention, 1949	No. 98	Workers shall enjoy adequate protection against acts of anti-union discrimination
Forced Labour Convention, 1930 + 2014 Protocol	No. 29	Prohibits all forms of forced or compulsory labour; Protocol advances prevention, protection and compensation measures
Abolition of Forced Labour Convention, 1957	No. 105	Prohibits forced or compulsory labour as a means of political coercion or education or as a punishment for holding or expressing political views
Minimum Age Convention, 1973	No. 138	Sets the general minimum age for admission to employment or work at 15 years (13 for light work), 18 for hazardous work
Worst Forms of Child Labour Convention, 1999	No. 182	Requires ratifying states to eliminate the worst forms of child labour, including all forms of slavery
Equal Remuneration Convention, 1951	No. 100	Establishes the principle of equal remuneration for men and women workers for work of equal value
Discrimination (Employment and Occupation) Convention, 1958	No. 111	Prohibits any distinction, exclusion or preference made on the basis of race, sex, religion, political opinion, nationality or social origin



# PROTECTIONS FOR LABOR RIGHTS IN FISHING

The ILO developed specific standards for the protection of workers in fishing, due to the hazardous nature of work in the sector and a lack of comprehensive standards to address the living / working conditions of fishers

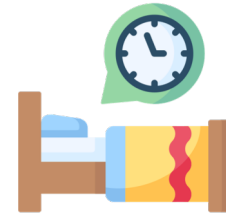
- ILO Convention No. 88 – the Work in Fishing Convention (2007) – entered into force on 16 November 2017
- The convention establishes international standards for fisheries and binding requirements for working and living conditions for the 40 million workers who are working in fisheries worldwide and who are operating in a highly dangerous and mostly unregulated profession



Occupational Health  
and Safety



Access to Medical  
Care



Working Hours and  
Rest Periods



Written Contracts



Decent Living  
Conditions



Social Security



# **RESPECTING HUMAN RIGHTS: GUIDANCE FOR BUSINESSES**

# UN GUIDING PRINCIPLES (UNGPs): THREE PILLARS

The UNGPs establish expectations for both states and companies on how to prevent and address negative impacts on human rights by businesses. Like human rights themselves, these expectations apply to all states and all businesses.



# BUSINESS RESPONSIBILITY TO RESPECT HUMAN RIGHTS

Businesses need to have the right policies and processes in place in order to try to prevent negative human rights impacts and to respond appropriately should they occur



# **ADDRESSING THE CHALLENGE: HUMAN RIGHTS RISKS IN FISHING**

# HUMAN RIGHTS VIOLATIONS IN THE FISHING INDUSTRY

US CBP takes action against Taiwanese trawler, accusing it of using forced labor

By Cliff White  
January 4, 2021



**'Such brutality': tricked into slavery in the Thai fishing industry**



Indonesia condemns abuse of fishermen aboard Chinese boats after release of corpse video

By Max Walden  
Posted Mon 11 May 2020 at 10:35am, updated Wed 13 May 2020 at 12:58pm



Fish caught by Taiwan-flagged boats deemed products of forced labor

10/02/2020 02:25 PM

Like 774



Tackling human rights abuses is critical to sustainable life at sea and on land



Fish sold in Australia being caught by modern-day slaves who are forced to spend months at sea

7:30 / By Erin Parke  
Posted Thu 14 Mar 2019 at 1:47pm



Shoreham Port vows 'zero tolerance approach' after slaves rescued from fishing boat



STORIES • Nature • #Consumption #Oceans  
**Why are Indonesian fishing crews dying?**

Afdillah • 17 September 2020 | 3 Comments



Saving workers from the hell of the fishing industry in Asia

More than 2,000 enslaved fishermen rescued in 6 months

Sept. 17, 2015

More than 2,000 fishermen have been rescued this year from brutal conditions at sea, liberated as a result of an Associated Press investigation into seafood brought to the U.S. from a slave island in eastern Indonesia.

Major tuna brands failing to tackle slavery in Pacific supply chains - report

Research shows only four of biggest companies in £17bn industry said they conducted due diligence specifically to uncover abuses



Exclusive: Thailand found failing to log fishermen's complaints of abuse and slavery





# HUMAN RIGHTS RISK DRIVERS IN THE FISHING INDUSTRY

Underlying drivers and structural challenges heighten the scope, scale and severity of human rights risks

## Illegal, Unreported and Unregulated (IUU) Fishing

**IUU fishing is linked to both negative environmental impacts and human rights abuses and labor violations**

- + Improving traceability allows companies to identify and start to address risks associated with IUU fishing, including compliance with environmental and labor regulations, and identifying human rights risks



## Flags of Convenience (FOCs)

**FOCs exacerbate lack of transparency in the industry, making laws difficult to enforce**

- + FOCs permit a system of a lack of accountability to persist as it makes identifying and sanctioning fishing vessels and their owners difficult – effectively removing any consequences for egregious human rights or labor violations



## Transshipment

**Transshipment permits longer stretches at sea, making it difficult to identify and address issues of forced labor**

- + Extended time at sea places already vulnerable workers at much higher risks of human rights and labor rights violations and effectively cut them off from key lifelines / grievance channels



## Migrant Workers

**Migrant laborers provide a source of low-cost labor for an industry that faces increasing cost-pressures**

- + Migrant workers face a high inherent risk of forced labor and debt bondage due to the recruitment process, in which they often have to pay excessive fees to secure contracts



# **ACCESSING HUMAN RIGHTS: SUPPORTING WORKER-LED EFFORTS**

# FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

Legal trade unions provide a key channel for worker voice and through collective bargaining can ensure improved working conditions and prevent labor exploitation

## Address Power Imbalances

**Workers are able to collectively bargain with employers, creating a more balanced power structure in the workplace**

- + By addressing these power imbalances, workers will gain voice and no longer remain silent when it comes to raising issues without fear of retaliation
- + By reporting issues regularly, and often, forced labor can be prevented by helping management address issues early on

## Collective Bargaining

**Raising worker issues through a union allows employers to address issues affecting a large group**

- + Workers feel safer in numbers and are less likely to be retaliated against if they raise issues as a group
- + Collective bargaining and addressing group issues benefits employers since internal channels are not overwhelmed by numerous individual issues related to the same topic

## Direct Resolution

**Collective bargaining supports addressing issues directly and may not require escalation beyond the workplace**

- + Establishing a balanced and trusting relationship between trade unions and employers provides an effective mechanism for addressing labor rights issues immediately and directly, with escalation to external bodies only required in extreme circumstances

## Advocacy

**Trade unions also provide an important workers' rights advocacy channel**

- + Trade unions also support the identification of legal gaps which can be addressed through government action and regulatory change
- + Issues raised by trade unions can highlight the need for structural reforms at the national level



# CASE STUDY EXAMPLES

# FISHERS' RIGHTS NETWORK (FRN)

The International Transport Workers Federation (ITF) Fishers Rights Network (FRN) is an independent trade union in Thailand focusing on supporting migrant workers from Myanmar and Cambodia



The Fishers' Rights Network (FRN) was established to advocate for migrant workers' rights in the fishing industry and is calling for improved working conditions, including:

- + Elimination of all fees related to employment, including: passport, pink card, work permit, agent, broker and recruitment fees;
- + Increases in fishers' wages and improvements in working conditions and labor rights for all fishers in the Thai fishing industry;
- + All fishers to have written contracts in their own language;
- + All fishers to have access to basic first aid training, with access to a comprehensive medical kit on board each vessel;
- + Every vessel to have an emergency medical procedure in place;
- + A vessel Code of Conduct for all vessels operating in Thai waters;
- + The Thai Government to ratify ILO Conventions 87, 98 and 188 and amend labor law to allow migrant workers the rights to freedom of association and collective bargaining and to form and be active in their union.

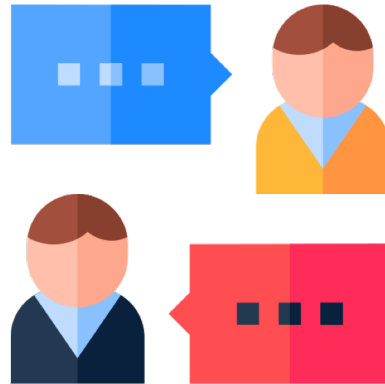


# KEELUNG MIGRANT FISHERMEN UNION (KMFU)

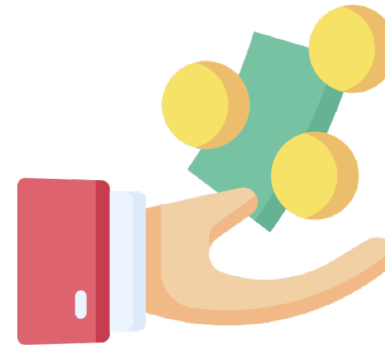
Second-ever migrant fishermen's union in Taiwan created in February 2021 to advance labor rights protections for migrant fishermen from Indonesia, Vietnam and Philippines. Migrant workers on Taiwanese vessels have been subjected to exploitative and abusive conditions so severe it amounts to forced labor and modern slavery.



Empower and unite migrant workers under one organization to better address labor disputes



Collectively negotiate for better working conditions with employers



Address indebtedness due to recruitment fees and other wage issues



Create a community of support for migrant workers and a culture of respect for human rights



# RECOMMENDED ACTIONS + NEXT STEPS

# RECOMMENDATIONS AND NEXT STEPS

To embed human rights into company processes and ensure fishers are aware of their rights and the avenues by which they can raise grievances or other rights-related complaints, recommended actions include:

## Review Current Policies

Ensure human rights commitments are embedded in company policy and worker contracts

- + Public policy commitment to human rights
- + Worker contracts should include clauses that guarantee protection of fundamental rights, including non-discrimination, no forced labor, adequate and equal wages, etc.



## Conduct Trainings

Embed human rights throughout operations by training both management and workers

- + Training for management should explain the key human rights risks to operations
- + Training for workers should outline fundamental rights, and can be communicated during onboarding and through promotional collateral (e.g. posters)



## Continuous Engagement / Worker Voice

Enable continued worker dialogue through grievance procedures

- + Develop and implement a grievance system
- + Conduct follow-up with workers via worker survey or other engagement mechanism to monitor the evolving context / environment for labor relations and worker rights



## Review Use of Labor Agents / Recruiters

Assess current recruitment practices, including investigation into recruitment agencies and any associated fees paid by migrant workers

- + If possible, shift to a direct hiring model
- + Ensure workers do not pay any fees or other recruitment-related costs (Employer Pays Principle)





**+ELEVATE**