

Greenpeace Sustainability, Labour & Human Rights, and Chain of Custody Asks for Retailers, Brand Owners and Seafood Companies

26th February 2020

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Part 1: Principles and overarching asks

Envisioning a more sustainable and socially just fishing industry

Greenpeace seeks a substantial transformation from fisheries production dominated by large-scale, socially and economically unjust, and environmentally destructive methods to prioritise smaller scale, community-based, labour intensive fisheries using ecologically responsible, selective fishing technology, and environmentally sound practices. International trade in fisheries products should not undermine the legitimate interests of coastal communities, which include protecting fisherfolk's livelihoods, human and labour rights, or negatively impact food security, especially in developing countries.

To this end, the fish trading, processing, and retailing industry have a fundamental role to play by reviewing their purchasing policies and practices so that market conditions are created to favour fisheries that comply with strict social and environmental criteria. In order to achieve this, your company should:

1. Look for meaningful ways to promote a **reduction in fishing capacity** of the world's fishing fleets, while providing priority access to fleets and fishers with lower environmental costs and the highest social returns.
2. **Support coastal communities** by sourcing as many fishery products as possible from locally owned vessels, fishing in their own waters, and using local ports and crews if the vessels are foreign owned. In the case of processed tuna, source tuna from canneries that operate in the region the tuna was caught and are locally owned.
3. Conduct full **comparative analysis of the environmental and social costs** of the fish products purchased - for instance through well-established methodologies such as Life Cycle Assessment - and move towards those with lower social and environmental costs.¹
4. Promote **decent work**² for the workers who fish, process and produce seafood, with particular attention to the elimination of fundamental human and labour rights abuses.

Basic tools to move forward

As with all of our corporate asks, we ask companies making commitments to specific objectives to take the following steps:

1. **Action plans:** Establish publicly available action plans with clear objectives and time bound milestones and benchmarks so that progress towards objectives can be clearly monitored, such as in public sourcing policies and annual reports. Action plans must

¹ Priority criteria to be considered should include: environmental impacts (level of bycatch; damage to the marine environment, including impact on species composition and the marine food web); human rights impacts: provision of decent and safe work for workers along the whole value chain; compliance with fundamental human rights and international standards on working in fishing; history of compliance/flag State performance; amount and quality of data provided; energy consumption per unit of fish caught; quality of the fish produced and delivered to market; and socio-economic benefits provided, especially to coastal communities.

² As defined by the International Labour Organization. See: <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm>

cover for regular, unannounced audits or inspections of vessels, canneries, processing, and other relevant facilities and workplaces so that the extended value chain is fully integrated on efforts to monitor environmental and social compliance. In relation to social audits or inspections, where possible, this should be conducted by workers, trade unions, or other worker organizations (for details see Appendix 1).

2. **Chain of custody:** Deliver a fully traceable, third-party verified, chain of custody from ship to point of sale (including vessels, traders, wholesalers, canneries, and processors).
3. **Public access to information:** At the point of sale, provide clear and accurate information to customers on labels and online.
4. **Human rights:** Uphold the corporate responsibility to respect human rights as defined by the UN Guiding Principles on Business and Human Rights (UNGPs). Such responsibility requires a human rights policy based on international standards; human rights due diligence (identify, prevent, mitigate, and account for adverse human rights impacts); and effective remediation of all adverse human rights impacts caused, contributed, or to which the company is directly linked through its business relationships. Cascade these requirements through the value chain.
5. **Non-compliance with social and environmental policies:** Address supplier non-compliance through time-bound and transparent performance improvement programs. Clearly define consequences for different types of non-compliance, including recurring non-compliance.
6. **Advocacy:** Proactively advocate, both publicly and privately, to governments, multilateral organizations, multi-stakeholder initiatives, and industry associations for higher social & environmental standards and more effective implementation of such standards. In particular, companies should support the designation and implementation of large scale ocean sanctuaries globally (see Greenpeace's report [30x30: A Blueprint for Ocean Protection Executive Summary](#))

Part 2: Environmental asks

All fishing operations

By a mutually agreed deadline companies should only source from fishing operations that meet the following criteria:

1. **Overfishing:** Do not source from any stock that is overfished (biomass below B_{MSY3}), or from species listed in one of the threatened (Vulnerable, Endangered, Critically Endangered) and data-deficient categories in the IUCN Red List of Threatened or Endangered Species, or any other national or regional list of Threatened and Protected species.
2. Do not retain any parts of any captured marine animal, while discarding the carcass at sea. This includes shark finning, removal of gill-rakes from rays, and any other similar

³ BMSY is the biomass that enables a fish stock to deliver the maximum sustainable yield. In theory, BMSY is the population size at the point of maximum growth rate. The surplus biomass that is produced by the population at BMSY is the maximum sustainable yield that can be harvested without reducing the population.

practice on any other species.⁴ Any such species caught should be landed with all body parts naturally attached.

3. Do not source from companies that practice or allow shark finning in any part of their supply chain.
4. Strictly comply with no-take areas. Do not fish, source or trade any tuna caught in contravention with protected area rules and management plans.
5. Do not intentionally kill or land any critically endangered or endangered marine animals including species of sharks, rays, cetaceans, and turtles nor any other species for which targeting, retention and/or landing is prohibited, and report any accidental catches of such animals.⁵
6. Have procedures in place for the live release of any captured, endangered, and vulnerable marine animals such as cetaceans, sharks, rays, and turtles.
7. Obtain credible third party verified chain of custody certification for all fishing operations and make this information available to the public.

Gear specific demands

By a mutually agreed deadline companies should only source from fishing operations that meet the following criteria:

1. Minimise the impacts of drifting Fish Aggregating Devices (dFADs):
 - a. The use of high numbers of dFADs continues to be one of the main problems threatening the sustainability of tuna fisheries globally, and both governments and industry have completely failed to prevent their impacts. Companies should take the lead and commit to a drastic reduction of dFAD numbers used by vessels that supply tuna to the company, so as to take into account mortality levels of juvenile tuna and bigeye and yellowfin tuna in particular, as well as impacts to non-target species and the marine environment;
 - b. In order to contain dFAD-related expansion of fishing capacity, do not source from fleets that operate with dFAD support vessels;
 - c. Support increased use of area-based management measures such as time and area dFAD closures;
 - d. Adhere to best practices, in particular, the use of non-entangling dFAD designs;
 - e. Operate only with fleets that provide dFAD buoy tracking data to RFMO and national scientific bodies, so as to improve data on the use of dFADs and their impact on fish populations and the marine environment;
 - f. Ensure all dFADs used are properly registered, authorised, and marked according to best practices and subject to the scrutiny of management authorities;
 - g. Do not source tuna from any fleets using dFADs, which do not operate according to these standards.
2. Longline by-catch mitigation:

⁴ Excludes any reasonable on-board processing of target fish such as heading and gutting where the majority of the body is landed and identification is still possible.

⁵ Except where such an animal is accidentally caught as bycatch and cannot be released alive, and the operator is legally required to land its carcass.

- a. Adopt circle hooks and other best practice mitigation for bycatch reduction in the region of operation;
- b. Do not use or source any tuna from vessels that use shark targeting methods including wire tracers, shark specific bait, harpoons, and other methods to catch rays.

Supporting improved fisheries management

By a mutually agreed deadline companies should only source from fishing operations that meet the following criteria:

1. **Transparency:** Maintain an updated, easily accessible online public record of all fishing and support vessels that supply or facilitate supply of fish to buyers. Such record must contain vessel name, IMO number or UVI, flag, gear including dFADs, and areas where the vessel is authorised to operate, beneficial owner, operator, skipper, crew identity and nationality, manning agencies or brokers, wages & working hours, past record of human rights & environmental abuses, etc. Companies should support an industry-wide adoption of this practice.
2. **Data reporting and collection:** Ensure all information related to the fishing operation required by the relevant regulatory bodies is reported in an accurate and timely manner.
3. **Observer coverage:** Only operate or source from vessels where 100% independent human or effective electronic catch monitoring is taking place.
4. **Compliance with fisheries regulations:** Fish legally and refuse to source from any vessels that have been documented to engage in IUU fishing. Respond swiftly to cases of non-compliance.
5. **Transshipments:** It is well established that transshipments represent one of the greatest loopholes in the fight against IUU fishing. Amongst the issues: it undermines working conditions by allowing fishing vessels to stay for long periods at sea and decreases the frequency of inspections; contributes to overcapacity by facilitating more time spent fishing; and deprives developing coastal states of much needed revenue from the use of their port infrastructure. For this reason, Greenpeace advocates that at-sea transshipments be phased out urgently and transshipments be conducted only at port under strict scrutiny.

Where an at-sea transshipment is allowed to occur, all vessels involved should be subject to the most comprehensive monitoring, control and surveillance measures so that it assists in decreasing the incidence of illicit and irregular transshipments. In such cases, Greenpeace advocates the following, though non exhaustive, conditions need to be met:

- No transshipments at sea of catches from overfished stocks
- Public lists of vessels authorized to transship
- Centralized Vessel Monitoring System
- Real-time data reporting
- Prior notification to relevant regulatory body
- Observer coverage in both the transport and fishing vessel
- Full transparency
- Clear consequences for non-compliance, i.e. losing the authorization to transship in the future.

As for transshipments in port, Greenpeace considers this should only take place subject to strict monitoring and control provisions, and should have 100% coverage by port inspectors. Mechanisms should be in place to ensure that enforcement officers have sufficient access to all information needed to establish the legality of the catches being transshipped (such as relevant lists of authorized vessels that specify what species/areas they are allowed to fish on, historical information on vessel ownership, compliance records, etc). Greenpeace also calls on importing countries to only allow entry of fish which, if transshipped in port, would have been transshipped in States that have signed and ratified, and are effectively implementing, the FAO Port State Measures Agreement.

Part 3: Social asks

While seafood buyers are expected to comply with all fundamental human rights and core labour standards, and the provisions of the ILO Work in Fishing Convention should be respected in full, prioritization is nonetheless needed and these social asks should be considered a starting point for human rights due diligence. The following asks are not a substitute for full human rights risk and impact assessments, but they may inform or guide assessments focused on the distant water fishing industry and the tuna value chain.

Fair Recruitment

1. Recruit workers through formalised avenues (e.g. government-approved labour brokers or manning agencies where they exist, government-to-government channels, or direct hire channels) and ensure they:
 - a. Understand the nature of the work, including their working and living conditions, and other rights and responsibilities;
 - b. Have read, signed, and are given a genuine copy of their contract of employment that is written in a language they understand, or verbally explained if they are not literate;
 - c. Sign their employment contract with the beneficial owner of the company or are otherwise given the right to enforce their contract against the beneficial owner;
 - d. Are not subject to financial penalties, including blacklisting, for termination of employment with reasonable notice, and neither is their family;
 - e. Do not pay any repatriation fees;
 - f. Are working legally (e.g. migrant workers have been regularised), either in possession of or not dispossessed of original copies of all documentation related to their employment (e.g. their own passport, government identification cards, work permits, employment contracts, Seaman Books) and are of legal working age; and
 - g. Have received pre-departure and post-arrival orientation where available, including adequate training where applicable (e.g. for work on fishing vessels).

2. Any costs incurred for recruiting workers should be borne by the employer, not the worker. Ways to ensure and demonstrate effective implementation of this policy include:⁶
 - a. Reimburse migrant fishers for any fees paid and then seek indemnification from employers;
 - b. Provide economic incentives to suppliers able to demonstrate compliance with recruitment policy;
 - c. Support supplier compliance through accurate forecasting and assessment of capacity needed;
 - d. Limit the number of sub-agents, train sub-agents on the recruitment policy, require recruitment agencies to agree to joint and several liability with sub-agents, and manage recruitment as directly as possible; and
 - e. Map areas in the countries where the workers in your value chain are recruited, identify agencies and/or brokers involved, and ascertain the actual cost of the whole recruitment process.

Freedom of Association and Collective Bargaining

Re/affirm company commitment to supporting freedom of association and collective bargaining in its own facilities and throughout its global value chains. Give preferential treatment to suppliers with independent, democratic trade unions and who respect their workers' rights to collectively bargain and engage in union activities.

Freedom of Expression

Prohibit all suppliers from using criminal defamation and other such laws to harass or intimidate workers and human rights defenders for exposing human rights and environmental abuses in the workplace.

Equality and Non-Discrimination

Ensure all migrant fishers are treated equally as national fishers regardless of the applicable law in the flag State. This means migrant fishers in the Distant Water Fishing fleet must be, among others, paid at least the national minimum wage and provided with equivalent social protection even if the government of the flag State excludes them from coverage.

Living Wage

Remunerate workers through fair and regular systems of payment that represent a local 'living wage',⁷ and is in accordance with the contractual agreement in which:

⁶ Some of these measures are best practice identified in the Impactt report, Ethical Recruitment: Translating Policy into Practice. https://impacttlimited.com/wp-content/uploads/2019/11/Revised-final-version_Impactt-Thai-Union-report-Ethical-Recruitment-Translating-Policy-into-Practice_31-Oct-2019.pdf. Impactt was commissioned by Humanity United and Freedom Fund to evaluate Thai Union's implementation of its Ethical Migrant Recruitment Policy.

⁷ Living wage should be based on collective bargaining or an independently determined, established methodology. Companies should publicly disclose the methodology they use and work with trade unions and other relevant stakeholders to develop living wage benchmarks where they do not already exist.

- a. Workers or their intended recipient (e.g. family of workers) are directly receiving the wages due to them at least once a month and through direct deposit to their selected bank accounts where possible;
- b. Workers and their intended recipients receive regular pay stubs that itemise and explain any deductions; and
- c. Wages are not subject to deductions for any goods or services that should be borne by the employer or recruiter (e.g. transport fees, documentation fees, equipment fees, accommodation fees, training fees, water or food) or extortionate levels of interest where goods or services are provided by the employer or recruiter (e.g. sundries, toiletries).

Rest Hours

Ensure all fishers receive no less than 10 hours rest in any 24-hour period and 77 hours in any seven-day period. Adopt a health and safety oriented policy on rest hours. Require vessel owners or operators to offer fishers who are performing a certain number of hours of night work, regular medical examinations that test their fitness and identify stresses related to this work. Require vessel owners or operators whose crew have serious health issues that are related to night or shift work, to change their rest hours policies and practices. Ensure this policy is not used to justify termination of crew employment.

Maximum Time at Sea

Only source from vessels that spend a maximum of three months at sea before going to a port and allow crew unfettered access to port services for a minimum of 10 days.

Preferentially source from vessels that go to port States, which have ratified and implemented the ILO Work in Fishing Convention, and effectively conduct labour inspections according to the ILO Guidelines for port State inspections under the Convention.

Where possible, ensure vessel owners obtain the necessary documents and permission for crew to temporarily enter the port State with lawfully admitted status for the entire time they are given shore leave.

Food and Medical Care

Ensure all fishers receive, at no cost, food of sufficient nutritional value, quality, quantity, and variety, and potable water of sufficient quality and quantity, with due regard to the duration and nature of the voyage. Recognize sufficient meal periods as a pre-condition to enjoying the rights to adequate food and safe drinking water. Require vessel owners, skippers, cooks, and others to strictly respect fishers' religious requirements and cultural practices in relation to food. Require vessel owners to stock vitamin supplements and provide detailed guidelines for and adequate training on food and nutrition, including religious and cultural requirements.

Support the establishment of a designated hospital boat scheme for all DWF operations.

Safety at Sea

Only operate and/or purchase fish from vessels that strictly comply with the safety provisions and standards of the 2012 Cape Town Agreement on the Implementation of the Torremolinos Protocol for the Safety of Fishing Vessels.⁹

Grievance Mechanism

Ensure workers have access to secure, anonymous, confidential, and independent complaints mechanisms with strong protections against retaliation. While an effective grievance mechanism must be in place at the level of the supplier,¹⁰ a means must also exist by which workers or their representatives can take a complaint up to the level of the buyer, if not resolved by the supplier.

⁸ An estimated 34,000 fishers die every year aboard fishing vessels, compared to less than 300 in the merchant ships. Since the adoption in 1977 of the Torremolinos International Convention for the Safety of Fishing Vessels, which never came into force, crew members working aboard fishing vessels still suffer from the lack of protection of binding global standards on the safety of fishing vessels.

⁹ For detail see the “Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977” <http://www.imo.org/en/MediaCentre/PressBriefings/Pages/44-SFV-conf-ends.aspx#.XkOikhMzalR>

¹⁰ United Nations Office of the High Commissioner for Human Rights. 2011. Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect, and Remedy” Framework. PP. 33-35 (Effectiveness Criteria for Non-Judicial Grievance Mechanisms). https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf

Appendix

1. The audits or inspections must:
 - a. cover all relevant international standards relating to human rights risks in the fishing sector, including but not limited to, the requirements in ILO Convention No. 188, the ILO core Conventions, and the International Bill of Human Rights, with particular focus on the standards highlighted above as well as additional areas in need of improvement identified during the human rights impact assessment;
 - b. ensure the involvement of workers and their local trade unions or representative worker organizations, and where unions or representative worker organizations do not exist, then labour rights NGOs or other relevant civil society organisations that represent the interests of workers;
 - c. be undertaken by an independent, credible third party which is competent in conducting interviews with migrant workers, has specialized knowledge of the fishing and/or seafood processing sectors and expertise in industrial and labour relations, and extensive experience screening for indicators of trafficking, forced labour, child labour, and other forms of labour exploitation;
 - d. be conducted at sea through technologies and corporate policies that enable workers on vessels to communicate regularly and in real-time with their trade unions or representative organizations, civil society organizations, and authorities without fear of retaliation;
 - e. be anonymous, confidential and held in a secure location without the presence of any representative of the management, the employer or a government authority/agency; and conducted with informed consent and an explanation of the options available to the interviewee including their right not to be interviewed;
 - f. conducted in a language that the worker understands, and when necessary facilitated by an independent and trained interpreter;
 - g. include a broad, representative sample of workers not selected by vessel owners, crew leads or facility management;
 - h. involve the collection of data (i.e. photographic, video documentation) that are open to scrutiny by trusted civil society stakeholders;
 - i. ensure workers, their representative organisations, and the public have access to audit reports and remediation plans; and
 - j. be applicable to any vessel, cannery, processor and other relevant facility and workplace that acts as a sub-contractor to suppliers in the value chain (e.g. unregulated pre-processing facilities).