



**COMMISSION
SEVENTEENTH REGULAR SESSION**
Electronic Meeting
8 – 15 December 2020

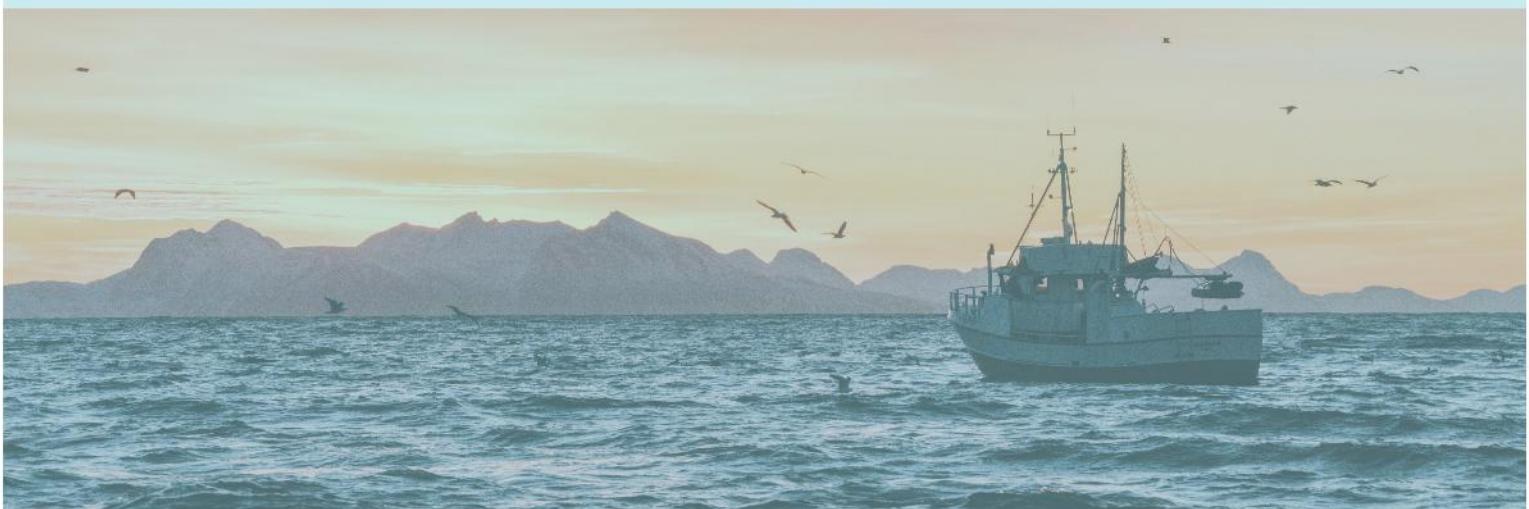
**LABOUR CONDITIONS AND SOCIAL RESPONSIBILITY IN THE PACIFIC TUNA
INDUSTRY - INFORMATION PAPER**

**WCPFC17-2020-OP11
3 December 2020**

Submitted by World Wide Fund for Nature (WWF)

LABOUR CONDITIONS AND SOCIAL RESPONSIBILITY IN THE PACIFIC TUNA INDUSTRY

Information Paper



Bianca Haas

Bubba Cook, Katherine Short, Marcelo Hidalgo, Peter Trott, Sian Morgan, Transform Aqorau, Tony Craig

Dec 2020

INTRODUCTION

Fishing provides livelihood and job security for around 60 million people globally¹. However, recent estimates reveal that around 25 million workers in the fishing industry have experienced labour abuse or have been forced to work².

Globally, the issue of poor labour conditions is receiving increased attention. Additionally, the International Labour Organization (ILO), recognises that, while the majority of fishing vessel operators comply with regulations and avoid ‘decent work deficits,’ it is also recognised that the sector “is notorious for severe decent work deficits and has come under scrutiny over the past years for the use of forced labour and child labour, as well as links to human traffickers and people smugglers.”³



Currently, the Western and Central Pacific Fisheries Commission (WCPFC) represents the only Regional Fisheries Management Organisation (RFMO) meaningfully considering the issue of labour rights and crew welfare, which uniquely positions the WCPFC to show leadership and demonstrate social responsibility. The WCPFC agreed Resolution 2018-01 on Labour Standards for Crew on Fishing Vessels in 2018 and now needs to carry the resolution further to establish a binding Conservation Management Measure (CMM). The development and establishment of a binding CMM would also be consistent with recent calls by several member states toward that end as well as the proposed Crew Welfare CMM submitted to the WCPFC by Indonesia in November 2020⁴.

With this information paper WWF, in collaboration with On-Board Social Accountability (OSA-International), aims to support members to make their decision, and to provide additional supporting information concerning the application of labour standards in the fishing sector.

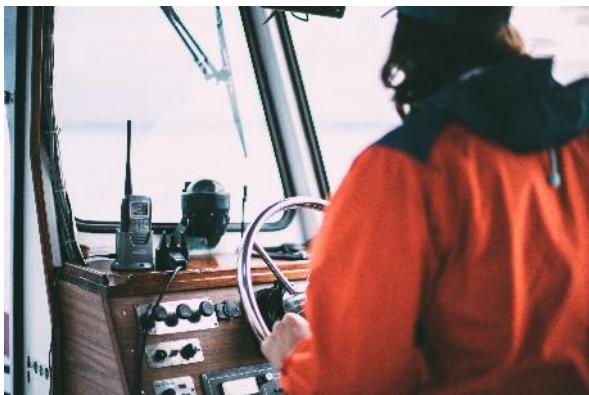
¹ FAO (2020). The State of the World Fisheries and Aquaculture 2020. Sustainability in action. <http://www.fao.org/3/ca9229en/CA9229EN.pdf>. [Accessed June 9, 2020]

² OSA, 2020. Snapshot – The Treatment of Seafarers in Fishing Operations. https://3e550474-4017-45c6-b709-460956400a61.filesusr.com/ugd/387f67_538333d9ecea475983b303046e68c8d4.pdf. [Accessed October 26, 2020]

³ ILO (2016). Fishers First: Good Practices to end labour exploitation at sea. Geneva: ILO,

⁴ WCPFC (2020). Proposed CMM on Labour Standards for crew on fishing vessels. <https://www.wcpfc.int/node/49177>. [Accessed November 30, 2020].

GLOBAL AWARENESS



the industry are expecting increased scrutiny and reporting over these issues in the near future.

MEMBER STATE AND INDUSTRY INITIATIVES

Member states of the WCPFC are taking the issue seriously as demonstrated by steps toward national and subregional implementation of crew welfare standards. For example, In 2019, the FFA amended its *Harmonised Minimum Terms and Conditions for Access by Fishing Vessels* and added Part V on labour and employment conditions.⁵ Another example includes Indonesia, which raised serious labour and welfare concerns perpetrated against its nationals serving as crew during WCPFC16 and took the lead to propose a CMM on labour standards for crew on fishing vessels in November 2020.

Additionally, the fishing industry has also begun to respond to these reports in an effort to actively address the issues. For example, the members of the International Seafood Sustainability Foundation (ISSF) have adopted a conservation measure which requires seafood companies to have policies for social and labour standards in place, throughout the whole supply chain (see Box 1).⁹

⁵ See e.g. McVeigh (2019). Vietnam boats using child labour for illegal fishing.

<https://www.theguardian.com/environment/2019/nov/19/vietnam-boats-using-child-labour-for-illegal-fishing>. [Accessed November 27, 2020]; Parke (2019). Fish sold in Australia being caught by modern-day slaves who are forced to spend months at sea. <https://www.abc.net.au/news/2019-03-14/slave-caught-fish-being-sold-in-australia/10854608> [Accessed November 27, 2020]; Teh et al. (2019). The role of human rights in implementing socially responsible seafood. Plos ONE. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0210241>.

⁶ See e.g. Human Rights at Sea (2020). <https://www.humanrightsatsea.org/publications/>. [Accessed November 30, 2020].

⁷ US Department of Labor (2020). List of Goods Produced by Child Labor or Forced Labor.

https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2020_TVPRA_List_Online_Final.pdf [Accessed November 30, 2020].

⁸ FFA (2019). The Harmonised Minimum Terms and Conditions for Access by Fishing Vessels.

https://www.ffa.int/system/files/HMTC_as_revised_by_FFC110_May_2019_-_FINAL.pdf [Accessed November 30, 2020]

⁹ ISSF (2020). Social and Labor Standards – 9.1 Public Policy on Social and Labor Standard. <https://iss-foundation.org/what-we-do/verification/conservation-measures-commitments/social-and-labor-standards-9-1-public-policy-on-social-and-labor-standards/> [Accessed November 27, 2020]

Box.1.

ISSF - Social and Labour standards – 9.1 Public Policy on Social and Labor Standards:

1. Processors, traders, importers, transporters, marketers and others involved in the seafood industry shall develop and publish a public social and labor standards policy and/or sourcing policy that applies to it and its **supply chain**, including production facilities and fishing and **supply vessels**, that addresses, at a minimum, the following categories:

Forced labor, Child labor, Freedom of association, Wages, benefits and employment contracts, Working hours, Health and safety, Discrimination, harassment and abuse, grievance mechanisms

CASE STUDY

Due to the important role of the industry, we asked a leading company in the tuna industry how they address crew welfare and social responsibility. Important aspects of crew welfare besides salary include food (quantity and quality) and sleeping conditions (quantity and quality). This company highlighted the importance of providing a healthy and balanced diet and adequate sleeping arrangements, accommodations, and heating/ air conditioning units. Regarding salary, the company noted that they provide a standard wage package and they provide additional incentives such as a catch bonus for the crew. The company also claims a working hour standard where the crew works no more than 8 hours per day for between 15 to 30 days at sea. The representative of the company provided the following advice for other companies regarding social accountability and responsibility.

1. Follow rules and regulations of the respective flag state;
2. Pay salary on time and provide the crew with additional incentives such as catch bonus;
3. Acknowledge your social responsibility and take care of the crew's welfare while on board, for example via daily communication.

While much of what the company states seems obvious, it represents simple, generic steps that can be taken at an industry level to secure a more inclusive and responsive approach to crew welfare on fishing vessels. Additional supportive initiatives might include making a written crew welfare policy available to each crew member in their native language. Together, these efforts could be viewed as minimum standards for what could be included, among other provisions, in a proposed CMM because it represents an already agreed approach within the industry. Moreover, the company interviewed highlighted that one of the advantages of being a socially responsible company, is that people tend to *want* to work for you, which would seem to be a common objective of both the WCPFC and the industry. Under any circumstance, as evidenced by the initiative already taken by parts of the industry, the issue of labour and human rights abuse in fisheries deserves additional discussion and consideration as part of the WCPFC process.

INTERNATIONAL OBLIGATIONS

The ILO represents the most important institution addressing this topic through the ILO Work in Fishing Convention, No. 188 (ILO C188), which entered into force in 2017 and represents the most significant international guidance document. ILO C188 sets standards for occupational safety, health and medical care at sea and ashore, written work agreements, and living conditions on board.¹⁰ While ILO C188 entered into force

¹⁰ ILO (2017). ILO Work in Fishing Convention No.188 (2007) enters into force. https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_596898/lang--en/index.htm. [Accessed October 26, 2020].

in November 2017, followed by ratification by 10 states (representing eight coastal states), to date it has only secured 17 ratifications and, thus, is not considered to be as influential as it could be in driving change. Another important instrument is The Forced Labour Convention, Protocol 29,¹¹ and together with ILO C188, these documents provide a framework for working conditions on fishing vessels, work regulations, and addressing forced labour in the fishing industry. Another relevant initiative is the Cape Town Agreement, which provides minimum safety standards for crew and observers.¹² These instruments do not, however, address all matters considered necessary today to ensure social accountability on board fishing vessels including, for example, worker voice, management systems, and sub-contractor and supplier control.

While the WCPFC Convention does not have an explicit directive to address human rights and labour conditions, under Article 10 of the Convention it states that “the functions of the Commission shall be to...adopt generally recommended international minimum standards for the responsible conduct of fishing operations.”¹³ Therefore, there is a basis in the Convention to support this type of action within the functions and authority of the WCPFC. More importantly, each delegation of the WCPFC should be reminded that they represent the interests of their respective country on all issues that come before the WCPFC, regardless of what those issues might be.

CONCLUSION

With this brief information paper, we wish to highlight the elevated and growing concern around human and labour rights at sea, catalogue steps already taken in the tuna industry toward addressing the problem, and underscore important aspects which the industry and respective flag states must consider to establish rules, regulations, and guidelines regarding labour issues. While a few member states have claimed that addressing human rights or labour standards is outside of the WCPFC’s mandate, member states are obligated to meet human rights issues under legal instruments they have signed on to or ratified, such as different ILO conventions and resolutions or the Cape Town Agreement. Member states are also obliged to represent the interest of their respective countries and to follow implemented rules and regulations regarding human rights, labour and crew welfare. Lastly, they are obliged to implement and comply with WCPFC measures. There is an inherent reputational risk to the WCPFC and its member states if the WCPFC fails to adequately address social accountability, notwithstanding the real suffering of many of the fishers serving under poor conditions in the WCPFC fisheries. Thus, addressing human rights and labour conditions is an important global issue, the WCPFC is at the forefront compared to other RFMOs, and the WCPFC must continue to strive to improve social accountability.

RECOMMENDATION

We propose that the WCPFC consider the proposed CMM on labour standards for crew on fishing vessels by Indonesia (WCPFC17-2020-DP09) and to establish a working group to discuss and develop a binding CMM on crew welfare and labour conditions on vessels operating in the WCPFC Convention Area.

¹¹ International Labour Organization (2015). "[Ratifications of C029 - Forced Labour Convention, 1930 \(No. 29\)](#)". International Labour Organization. [Accessed 1 December 2020].

¹² PEW (2020). Minimum Safety Standards Needed for Fishing Vessel Crews and Observers. <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/10/28/minimum-safety-standards-needed-for-fishing-vessel-crews-and-observers>. [Accessed December 1, 2020]

¹³ WCPFC Convention, Article 10, paragraph 1, subparagraph (h).

About the Authors



On-Board Social Accountability Ltd - is a global social enterprise launched in April 2020. It has an assessment framework that incorporates the guidance, recommendations, criteria and emerging standards from over 25 global frameworks, including ILO C188. OSA supports the seafood sector to develop social responsibility management systems that align to market requirements and modern slavery legislation. OSA has a strong commitment to empowerment and capability building offering tailored training for company personnel and Government officials to address social accountability of all personnel on-board fishing vessels and in aquaculture operations, including observers. Please contact katherine@osainternational.global for more information.



The World Wide Fund for Nature (WWF) is an international non-governmental organization founded in 1961 with a mission to conserve nature and reduce the most pressing threats to the diversity of life on Earth while working to sustain the natural world for the benefit of people and nature.