



# Canned Tuna Brands - New Companies - Questions on Human Rights in Pacific Tuna Fishing Operations and Supply Chains (2020/21)

\* The term 'modern slavery' used in this survey is taken to include forced labour, slavery, human trafficking, servitude, bonded and child labour.

**Company:** Lidl

**Canned Tuna Brands:**

## Human Rights Policy

1. Has your company made a public commitment to respect to **human rights**? Yes / No  
If yes, please provide full details and a link.

Yes, Lidl published a corporate due diligence policy and the Code of Conduct as a binding part of all contracts made with our suppliers and business partners.

Code of Conduct: [https://www.lidl.de/de/asset/other/Code\\_of\\_Conduct\\_Version\\_1\\_0.pdf](https://www.lidl.de/de/asset/other/Code_of_Conduct_Version_1_0.pdf)

Lidl also provides detailed information on human rights on the website:

<https://www.lidl.de/de/menschenrechte/s7381285>

PoPa Sorgfaltspflicht: <https://www.lidl.de/de/asset/other/16201-FLY-Positionspapier-Sorgfaltspflicht-A4-DE-online-2020-V5.pdf>

PoPa Fishing:

[https://www.lidl.de/de/asset/other/16201\\_FLY\\_Positionspapier\\_Fisch\\_A4\\_DE\\_online\\_102019.pdf](https://www.lidl.de/de/asset/other/16201_FLY_Positionspapier_Fisch_A4_DE_online_102019.pdf)

2. If yes, does your company's commitment address **modern slavery** and does it apply throughout your supply chains? Please provide details.

Yes, Lidl is always working to ensure corporate due diligence along the supply chain. A particular concern of ours is compliance with human rights and the prevention of forced labour. For this reason, we have firmly anchored the prohibition of forced labour in our Code of Conduct (Chapter 4: Ban on Forced Labour and Disciplinary Action) and are continuously working to uncover and prevent cases of forced labour.

We aim to achieve this through a large number of certifications and audits. Here we focus on MSC and ASC. In order to position ourselves in the context of fishing, we would like to refer to our position paper on sustainable fishing:

[https://www.lidl.de/de/asset/other/16201\\_FLY\\_Positionspapier\\_Fisch\\_A4\\_DE\\_online\\_102019.pdf](https://www.lidl.de/de/asset/other/16201_FLY_Positionspapier_Fisch_A4_DE_online_102019.pdf)

Lidl promotes renowned organizations such as the Marine Stewardship Council (MSC), which strive for responsible fishing with appropriate fishing methods, or the Aquaculture Stewardship Council (ASC), which is committed to responsible fish and shellfish farming. We demand that the organizations continue to develop and support this process. For example, we expect the MSC to include social requirements in its standard and for ASC to develop binding animal welfare criteria for its standard. We actively participate in working meetings and consultations to drive these changes forward.

3. Has your company adopted a responsible sourcing or **supplier code of conduct** that prohibits modern slavery? Yes / No

In addition to our principles of conduct and the prohibition of forced labor contained therein, every supplier and business partner must adhere to the "Guidelines for business suppliers". With this contract, we have a legally secure tool to enforce and demand our due diligence.

In addition, we also communicate our expectations to our suppliers: In targeted policies, we ask them to proactively prevent child labor and forced labor, for example in our Responsible Recruitment Policy.

If yes, please provide details.

## Human Rights Due Diligence Process

4. Has your company **mapped** its tuna supply chains, in whole or part? Yes / No

Yes. Lidl has partially mapped its tuna supply chains in a number of its countries of operations and is aiming to increase transparency. For example, Lidl France has mapped its sourcing of tuna back to the vessels and is a member of an international tuna working group. [Lidl Germany](#) maintains a fish tracking project allowing consumers to trace the origins of their bought fish via a QR code. Lidl UK is a member of the Ocean Disclosure Project, which includes tuna. More generally, Lidl International mandates from suppliers of canned tuna under Lidl's own brand a number of a transparency requirements, which include 100% traceability to the fishing vessel or farm, registration of vessels in the ProActive Vessel Register, membership of the supplier in the ISSF, the requirement that the entire supply chain and origin be disclosed to Lidl for a specific batch number within three hours, if requested, or that an overview of the raw products used is created containing information on origin, fishing subarea, season and tonnage of fish sourced.

5. Does the company source tuna from the **Pacific** region? Yes / No

If yes, provide location (by country).

Yes. For example, Lidl France is sourcing 4% of its tuna from the Central and Western Pacific and 31% from the Eastern Pacific. Tuna from the Central and Western Pacific is imported by canneries located in France and Spain with the flags of the vessels involved coming from China, Taiwan, Papua New Guinea, Philippines and South Korea. Tuna from the Eastern Pacific is manufactured by canneries located in Ecuador and imported by French and Spanish canneries. The flags of the vessels involved are Ecuador, El Salvador, USA, Panama and Nicaragua.

6. Does your company have a **human rights due diligence** policy, process or procedure to identify, assess and manage human rights risks (actual or potential), including modern slavery, in its operations (and those of its subsidiaries) and supply chains? Yes / No

If yes, please provide details and describe the human rights due diligence process. **Key steps include:** (i) identifying and assessing human rights impacts; (ii) integrating and acting on assessment findings; (iii) tracking the effectiveness of the company's response; and (iv) communicating externally about how the company is addressing its human rights impacts.

We continuously check which risks exist or could arise from the manufacture of our products. We want to make economic, ecological and social risks measurable in order to assess not only the direct risks on our business activities but also risks in our supply chain and initiate appropriate measures.

We assess possible risks in the production of our own brands on the basis of various indices: In addition to the Global Legal Index of the International Trade Union Confederation (ITUC) and the Global Slavery Index, we also use data from the Food and Agriculture Organization of the United Nations, the Environmental Performance Index and the BSCI risk country index. In addition, we are in constant dialogue with external stakeholders and, for example, obtain the expertise of civil society organizations, trade unions and other experts. To identify and prioritize the most relevant supply chains, we first carry out extensive materiality and risk assessments. We examine the direct negative impact our business activities have on human rights, and at the same time also take into account environmental risks such as water pollution or greenhouse gas emissions. These, in turn, can have a negative impact on human rights issues. Of course, our analysis includes all stages of the value chain from raw material extraction to final production.

Within our supply chain, we want to shed light on possible risks through in-depth risk assessments, the HRIAs. Our HRIAs are based on a systematic process for identifying, prioritizing and addressing the impact of our business activities on human rights issues. This includes the direct involvement of stakeholders and rights holders. An important aspect of our concept is the time-bound action plan to ensure that any negative human rights impacts identified in the course of the process are effectively minimized.

7. Has your company taken **practical action** to ensure that modern slavery does not occur in your company's (or its subsidiaries') operations and supply chains for tuna procurement from the Pacific? If yes, please describe.

**Examples** might include:

- i) *training* staff and management, workers, suppliers or business partners about rights, risks, responsibilities and remediation;
- ii) *engaging* with NGOs, fishers/ their representatives (including unions) and policy-makers;
- iii) *cascading contractual* clauses in supply agreements;
- iv) *digital traceability* of fish (across entire supply chain, or part only);
- v) prohibition on *recruitment fees*;
- vi) protective measures to protect against exploitation of *migrant* fishers;
- vii) prohibition on sourcing from suppliers that *transship* at sea, or use *flags of convenience*;
- viii) ensuring *freedom of association* and collective bargaining by fishers/ their representatives (including unions);
- ix) oversight of *recruitment* or labour hire entities; and
- x) independent supply chain *auditing*.

Please provide details.

Yes. Lidl has taken some action to ensure modern slavery does not occur in the supply chains for tuna. Lidl uses MSC certification on selected products to reduce the risks of modern slavery. With the introduction of the MSC Third-Party Labor Audit requirements, MSC has made a substantial step towards a more robust standard in high risk countries. In addition, Lidl UK has been carrying out an independent analysis of vessels in cooperation with the NGO OceanMind. Within this project, a sample of vessels has been selected and their behaviours were analysed by OceanMind based on their AIS signals (when emitting) with the aim of detecting potential IUU behaviours. The sample focused on Chinese and Taiwanese flags.

8. If your company has taken steps to identify and address human rights risks, how does it (a) **prioritise** which risks to address first; and (b) assess and track the **effectiveness** of its actions and response?

Another essential part of our approach are independent controls, for example as part of our certifications. Important goals are the prohibition of forced and child labor. The overarching goal is to protect people and their labor rights in the production of fish, shellfish and their products. We distance ourselves from suppliers who do not comply with our requirements and refuse to promote and supply fish products from more sustainable fisheries or aquacultures. Therefore, the criteria for a more sustainable purchase of fish and shellfish are defined in a catalog of requirements, which is part of the contract with our private label suppliers. Compliance with the criteria of the catalog of requirements is checked by external auditors in a risk-oriented manner. Together with our suppliers, we will document progress and develop and implement new measures. These become mandatory for all suppliers. In the event of deviations from the target, measures must be defined to ensure implementation.

## Grievance Mechanism

9. Per the [UN Guiding Principles on Business and Human Rights](#), does your company have a **grievance/ complaints mechanism** through which workers, including fishers in your supply chains, can raise concerns about human rights? Yes / No

If so, can they access this in their own language and in a way that allows grievances, or concerns, to be reported safely, in confidence and without intimidation? Have any human rights concerns connected with the Pacific tuna sector been reported via your company's complaints mechanism? Please provide details.

Lidl has a corporate complaint mechanism which is open for every business partner, supplier, producer and member of the civil society. The online tool provides quick access in 30 different languages: <https://www.bkms-system.net/bkwebanon/report/clientInfo?cin=12ldl12&c=-1&language=eng>

Please also see our website for details on our corporate compliance: <https://unternehmen.lidl.de/about-lidl/compliance>

There have been no complaints connected to the Pacific tuna sector reported via our grievance mechanism.

10. Do you have a corrective or **remediation plan** if instances of modern slavery are identified in your operations, or supply chains? Can you describe it?

Yes, as part of the MSC certification in high risk countries. The new MSC Third Party Labour Audit requirement mandates an SA8000, amfori BSCI or SMETA audit for manufacturers in high risk supply chains. Both amfori BSCI and SMETA highlight Zero Tolerance issues. When Zero Tolerance issues are encountered these are dealt with in line with the BSCI Zero Tolerance Protocol or if we are made aware of Zero Tolerance cases, such as child and forced labour, through other means our supply chain compliance team seeks to resolve these in collaboration our supplier. Specifically, Lidl UK can respond to alerts based on the mapping work it has done. It can trace back whether a vessel is part of our supply base as well as the link to our supplier and mandate the supplier to investigate the issue with the ultimate consequence being the termination of the business relationship.

11. How many **instances** of modern slavery has your company **identified** over the last 3 years (from and including 2018) in its own operations (including subsidiaries) or in its supply chains that relate to tuna procurement from the Pacific?

No instances of modern slavery have been communicated to us via our MSC certification schemes.

Please describe by reference to:

- (a) Number of instances (broken down for each calendar year)
- (b) Do you know where they occurred? Please describe event(s).
- (c) How did the company respond to address the issue(s)?

## Reporting

12. Does your company communicate, or **report**, externally on steps taken to address modern slavery? Yes / No

If yes, please provide relevant details. This could include statements issued under the [UK](#) or [Australian](#) Modern Slavery Acts.

In our sustainability report, we continuously and comprehensively inform internal and external target groups about challenges, progress and the latest findings:

<https://unternehmen.lidl.de/verantwortung#nachhaltigkeitsbericht>

[https://www.lidl-flyer.com/20f1195b-3733-11e8-8856-005056ab0fb6/locale/de-DE/view/flyer/page/1?\\_ga=2.38028005.756766044.1601890307-484820256.1601360125](https://www.lidl-flyer.com/20f1195b-3733-11e8-8856-005056ab0fb6/locale/de-DE/view/flyer/page/1?_ga=2.38028005.756766044.1601890307-484820256.1601360125)

PoPa Sorgfaltspflicht: <https://www.lidl.de/de/asset/other/16201-FLY-Positionspapier-Sorgfaltspflicht-A4-DE-online-2020-V5.pdf>

## Other information

13. Has your company encountered **obstacles or challenges** in implementing its human rights commitments, taking practical action against modern slavery in tuna supply chains and/or in relation to any of the areas mentioned above? Yes / No

If yes, please explain and provide details of any strategies to overcome them.

From a retail perspective, there exist various challenges to achieving transparency in the tuna supply chain which is a critical step for preventing human rights abuses within it. The challenges relate primarily to the length of the supply chain, where retailers, such as Lidl, as the last actor in the supply chain are far away from the actual sourcing process with many intermediary actors in-between. In addition, it is of course very difficult to monitor vessels at sea in real time.

In response to these challenges we have started to increase the transparency of our supply chains, including through a supply chain mapping project carried out by Lidl France. However, even within the project several challenges were encountered that had an effect on the speed and effectiveness of the planned actions and are being addressed as the project moves forward. Firstly, mapping the supply chain required extensive cooperation from our suppliers, which we were able to obtain, but which took time and



collaboration was not always as forthcoming as hoped. In addition, this approach does depend to a certain extent on the reliability of the data given by our suppliers; if suppliers are purposefully hiding information, we have limited possibilities to verify this information. Furthermore, at the moment we are only capturing data about the previous year, we cannot see what is happening at the time of the analysis. The analysis is also complicated by the fact that, as mentioned above, as the last actor in the supply chain, we have no direct link with vessel operators meaning there exists a long chain of communication and action to implement changes. Lastly, the nature of the fishing industry places of course certain barriers to effective monitoring; while inspections at harbor, worker interviews, etc. can provide evidence of labour rights violations, only on-board observers can verify the actual working conditions on a vessel, assuming that observers are protected from censorship and abuse and free from corruption.

We will continue to work on increasing transparency, as one of the main obstacles to ensuring sustainable tuna supply chains, in dialogue with local stakeholders. As such, we are also exploring further strategies that go beyond certification and auditing to complement existing approaches.

14. Does your company actively participate in any regional, or sectoral, **multi-stakeholder initiatives** that address modern slavery in fishing?

If yes, please provide details.

Lidl is part of amfori BSCI and Sedex Supplier Ethical Data Exchange. Lidl France is part of the Tuna Protection Alliance (TUPA).

15. Please provide any **other information** about your company's policies and practices on human rights that may be relevant.

## **COVID-19 impacts**

16. Has the **COVID-19** pandemic affected your ability to identify, assess or respond to modern slavery risks in your tuna supply chains? Yes / No

Please explain and provide details, including any actions (a) taken or (b) delayed/suspended, by you.