



Business & Human Rights
Resource Centre

All at sea

**AN EVALUATION OF COMPANY EFFORTS
TO ADDRESS MODERN SLAVERY IN PACIFIC
SUPPLY CHAINS OF CANNED TUNA**

MARCH 2021

Contents

Executive summary	3
Key findings	5
Company evaluation	6
Our investigation	7
Company surveys	7
Fisher engagement	8
Context	9
Abuses persist in the Pacific tuna industry	9
COVID-19 impacts	11
Fisher testimonies	13
2021 survey findings	15
Policies & public human rights commitments	15
Due diligence, supply chain & risk awareness	16
Practical actions to address modern slavery	19
Company remediation & grievance mechanisms	22
External stakeholder engagement	23
Addressing COVID-19 impacts	24
Conclusion	25
Recommendations	26
Appendix	27



Executive summary

Tuna is one of the world's most lucrative fish, with many of the world's fishing grounds located in the Pacific. COVID-19 buying patterns have caused tuna sales to go through the roof, as consumers worldwide have stocked-up on the pantry staple, canned tuna. Yet, the fishers who provide us with this favourite foodstuff face some of the worst abuses encountered in any industry, anywhere. The global fishing sector is rife with allegations of abuse – human trafficking, debt bondage, withheld wages, physical and sexual abuse, extreme sleep deprivation, medical neglect and even murder. In some instances, fishers have reportedly been held captive at sea for years at a time – kept on fishing vessels unable to get to shore.

The growing demand for canned tuna, alongside sustained abuse of the workers, exposes the power dynamics in this market: who captures the value of the fish and who continues to experience the misery of forced labour at sea.

Although change is happening – it is too slow and only a handful of brands have implemented the measures necessary to seriously tackle the issue. We first surveyed 35 canned tuna brands and supermarkets – representing over 80 of the world's largest canned tuna brands – two years ago. Our latest company survey findings expose glacial progress on actions that matter the most to workers trapped in modern slavery. These findings must act as a wake-up call.

Human rights due diligence

Human rights due diligence is the cornerstone of effective company action on human rights but only six companies, of the original 35 surveyed, have revised their processes over the last two years (**Ahold Delhaize, Coles, Conga Foods, Kaufland, REWE Group and Woolworths**). Robust human rights due diligence specifically targeting the risk of modern slavery remains the exception, rather than the rule.

Despite the growth in digital traceability and platforms promoting transparency, supply chains remain largely opaque. Less than a fifth of companies confirmed full supply chain mapping and scrutiny. Only four (**Aldi South, Aldi North, Bumble Bee and Thai Union**) have adopted the Global Dialogue on Seafood Traceability reporting standards launched in 2020.

COVID-19

Our survey also found that, **in the absence of adequate action on human rights, companies were ill-prepared to respond to the additional modern slavery challenges that swept through with the COVID-19 pandemic.** Companies are simply failing to address these heightened risks. Whilst nearly half of respondents recognised the COVID-19 pandemic exacerbated modern slavery risks, only a quarter had taken any action in response.

With the new agenda of a 'just recovery' from the pandemic, companies have a golden and collective opportunity to reset the conditions they accept in their supply chains. The leading cluster of companies identified in our findings demonstrate what is already possible and profitable.

Worker voices

Companies are also not doing enough to listen to the voices of fishers in their supply chains. Engagement with workers and their representatives is limited. Only four companies reported engaging with trade unions (**Carrefour, Lidl, Tesco** and **Thai Union**), of which three are new responders, suggesting significant inaction among remaining survey participants.

Recognising this gap, as part of our latest research, we engaged with fisher unions, NGOs and fishers themselves to learn of their experiences on the ground and find out how these tallied with what we were hearing from companies. We heard of endless months at sea, brutal working conditions, and frustrations over the absence of safe avenues to raise concerns and have abuse remedied. Alarming, as international borders have closed to curb the COVID-19 pandemic, modern slavery risks have heightened, with fishers trapped at sea for longer periods than ever before – unable to escape the gruelling conditions in which they find themselves.

Effective complaint and whistle-blower mechanisms are also lacking. Less than a third of company complaint systems are accessible to supply chain workers. Disappointingly, only three companies have detailed remediation plans to address instances of abuse when found (**Coles, REWE Group** and **Tesco**). **REWE Group** is the only participant from our last survey to have introduced a remediation plan in the past two years.

Given this, it is no surprise that **only one company – Kroger – reported having found modern slavery** in its canned tuna supply chain and was able to disclose information about steps taken to investigate and remediate.¹

Limited progress

There are **signs of advances** led by a small cohort of leaders (**Thai Union, Tesco** and **Woolworths**), but more in the areas which have less immediate impact for workers. Our 2021 company survey results reveal some progress has been made by companies in addressing the challenges. Modern slavery legislation has helped generate cognisance among companies about the potential for harm to workers in their supply chains, leading to increased engagement by companies on human rights. More companies responded to us – nearly **two-thirds** (63%) responded to our 2021 survey, compared with 57% in 2018/19. More have also made public statements on human rights – more than four in five (83%) now have a policy, up from 68% in 2018/19. Just under half have published modern slavery disclosure statements with two more, **Conga Foods** and **Simplot**, to start this year. **Half** (51%) of surveyed companies now engage, in one form or another, with external stakeholders, up from under a quarter (23%) previously.

Generally, however, we are not seeing this increased awareness and engagement translate into real action. Although change is happening – it is too slow and few have implemented the measures we recommended two years ago. That only one company found evidence of modern slavery in its supply chain is an indicator of a catastrophic failure of existing social auditing systems.

As a result, not only does persistent abuse continue to plague the fishing industry, for many of the world's 40 million fishers, the situation is worsening.

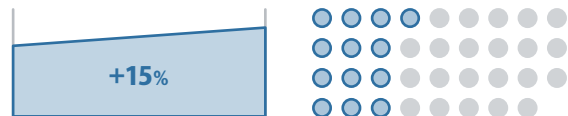
To comprehensively address these devastating harms, companies must implement comprehensive human rights due diligence with a specific focus on modern slavery risks. This should be underpinned by government action to reinforce these requirements.

¹ In response to our 2021 survey question requesting details of instances of abuse relating to Pacific tuna procurement uncovered in the last 3 years.

Key findings

Some improvement discernible

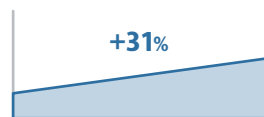
INCREASED COMMITMENT TO UPHOLD HUMAN RIGHTS



More than four in every five (83%) of the survey companies (29/35) have made public commitments on human rights (compared to 68% in 2018/19).

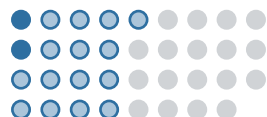
The majority that responded to both surveys have introduced improvements to their human rights policies (13 companies).

INCREASED ENGAGEMENT WITH EXTERNAL STAKEHOLDERS



Over half (19/35) companies engage with external stakeholders including suppliers, business partners, government and non-governmental organisations (compared to 23% in 2018/19).

INCREASED REPORTING UNDER MODERN SLAVERY LEGISLATION

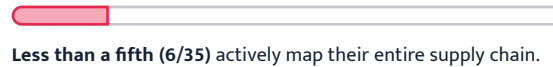


Just under half (15/35) are making disclosures under modern slavery laws.

Two companies (Conga Foods and Simplot) will begin reporting in the coming year.

Overall, significant weaknesses persist

SUPPLY CHAINS REMAIN OPAQUE

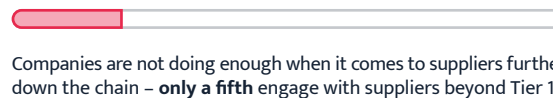


PROGRESS ON HUMAN RIGHTS DUE DILIGENCE IS SLOW, AND COMPREHENSIVE PROCESSES REMAIN RARE



Three in five (60%) survey companies (21) conduct some form of human rights due diligence (compared to half, or 18 companies, in 2018/19).

But human rights due diligence processes targeting modern slavery remain rare (only eight companies do this, a marginal increase on four in 2018/19).



ENGAGEMENT WITH WORKERS REMAINS POOR



Over half (19) companies have policies requiring the company and its suppliers to support the right to freedom of association and collective bargaining (a slight increase from 16 companies in 2018/19).

Thai Union was the only company that mentioned engagement with a trade union in our first survey. Two years on, only three more companies are now engaging with trade unions (Carrefour, Lidl and Tesco).

DISCLOSURE OF RISKS IS WOEFULLY INADEQUATE



Only one company – Kroger – identified and provided details of specific human rights abuses in its tuna supply chain

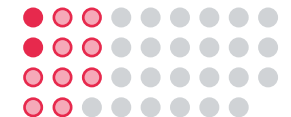
COMPANIES ARE STILL FAILING TO TAKE MEANINGFUL STEPS TO ADDRESS PRACTICES WHICH DRIVE ABUSE



Only three companies ban trans-shipment (Conga Foods, Safcol and Wild Planet Foods).

Only two companies prohibit sourcing from vessels using flags of convenience (Carrefour and Lidl).

Six companies have policies to protect migrant workers, but only Thai Union could provide examples of direct action.



Oversight of recruitment is almost non-existent. A third (31% or 11 companies) prohibit recruitment fees, but only two (Thai Union and Tesco) reported having any degree of oversight over recruitment processes.

MOST COMPANIES STILL HAVE NO REMEDIATION PLAN TO ADDRESS REPORTED INSTANCES OF MODERN SLAVERY



Less than one in ten (9%) companies (3) have a detailed step-by-step remediation plan (Coles, Tesco and REWE Group).

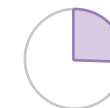


REWE Group is the only original responder to have introduced a remediation plan in the past two years.

Situation is more concerning due to COVID-19



Nearly half the companies acknowledged that the COVID-19 pandemic has had an adverse impact on workers and exacerbated human rights risks in supply chains



Only a quarter of companies have taken steps in response to this situation

Company evaluation

	Policy	Human rights due diligence	Supply chain visibility	Remedy	Practical actions	Stakeholder engagement	COVID-19 response
✓ Thai Union	●	●	●	●	●	●	●
✓ Tesco	⬆	⬆	⬆	⬆	⬆	⬆	●
✓ Woolworths	⬆	⬆	⬆	●	⬆	●	●
✓ Aldi South	⬆	●	⬆	●	●	●	●
✓ Carrefour*	⬆	⬆	⬆	⬆	⬆	⬆	●
✓ Coles Group*	⬆	⬆	●	●	●	●	●
✓ Bumble Bee Foods~	●	●	●	●	●	⬆	●
✓ Clover Leaf Seafoods~	●	●	●	●	●	⬆	●
✓ Lidl	⬆	⬆	⬆	⬆	⬆	⬆	●
✓ Bolton Food (new in 2021 survey)	●	●	●	●	●	●	●
✓ Aldi Nord	●	●	●	●	●	●	●
✓ Conga Foods	⬆	⬆	●	⬆	⬆	●	●
✓ Simplot	●	●	⬆	●	●	●	●
✓ REWE Group	⬆	⬆	●	●	●	●	●
✓ Kaufland	⬆	⬆	●	●	●	●	●
✓ Ahold Delhaize*	●	⬆	●	⬆	●	●	●
✓ Kroger*	⬆	⬆	●	⬆	●	●	●
✓ Target	●	●	⬆	●	●	●	●
✓ Tri Marine	●	●	⬆	⬆	●	⬆	●
✓ Century Pacific Foods	●	●	●	●	●	●	●
✗ Kraft Heinz (participated in 2018/19 survey only)	●	●	●	●	●	●	●
✓ Wild Planet	●	⬆	⬆	●	⬆	●	●
✗ Safcol (participated in 2018/19 survey only)	●	⬆	●	●	●	●	●
✗ Costco*	●	●	●	●	●	●	●
✓ Walmart*	●	●	●	●	●	●	●
✗ UNFI	⬆	●	●	⬆	●	●	●
✗ Ocean Brands	●	⬆	●	●	●	⬆	●
✗ Starkist Co.	⬆	●	●	●	●	●	●
✓ Hagoromo (new in 2021 survey)	●	●	●	●	●	●	●
✗ Alliance Select Foods	●	●	●	●	●	●	●
✗ American Tuna	●	●	●	●	●	●	●
✗ Raincoast Trading Co.	●	●	●	●	●	●	●
✗ Hi-Q Food	●	●	●	●	●	●	●
✗ Pegasus Food	●	●	●	●	●	●	●
✗ C-Food International	●	●	●	●	●	●	●

✓ Responders ✗ Non-responders in 2021

* ~ same score, appear in alphabetical order

⬆ Indicates improvement ● Leading practice

● Making progress ● Starting out ● At the starting line



Our investigation

Company surveys

2018/19 survey

In 2018/19, Business & Human Rights Resource Centre invited 35 companies (including major canned tuna brand-owners and supermarkets) to respond to a survey on human rights in Pacific tuna fishing operations and supply chains. Our findings revealed a pattern of policy over practice – whilst two thirds of surveyed companies had adopted corporate human rights policies, there was little or no evidence of action to implement them.

Since our [first report](#), evidence of modern slavery in Pacific tuna fishing has continued to surface. These concerns are now escalating as the impacts of the [COVID-19](#) crisis, particularly on [migrant workers](#), continue to unfold.

2021 survey

In 2020/21, we re-engaged with leading tuna brands to identify advancements and persistent gaps in company practice and performance over the last two years and examine companies' responses to COVID-19 impacts. Thirty-three of the companies invited to participate in our 2018/19 survey were re-surveyed. Two new companies, **Bolton Food** and **Hagoromo**, were added to our target group in 2021 to reflect market changes.²

Of the 35 companies surveyed, 22 responded. Sixteen companies demonstrated continued engagement and participated in both surveys. Four companies who failed to respond to us in 2018/19 (**Tesco**, **Lidl**, **Carrefour** and **Wild Planet**) engaged this time around.

Consistent with our previous survey, the quality of responses varied dramatically. Overall, more detailed responses correlated with companies having more extensive human rights policies and processes in place. All survey companies are listed in the [Appendix](#).

² Metro AG and Organico Realfoods participated in 2018/19 but were not included in 2021 survey.

Methodology

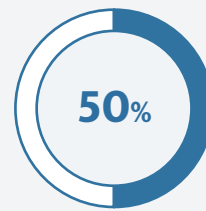
We adjusted our methodology slightly in 2021. Noting their significance and efficacy, in this research, we deepened our focus on Human Rights Due Diligence, Remedy and Practical Actions and attributed these areas greater relative importance. Some companies' overall performance, relative to others, has shifted as a result. In the main, relative positioning remains largely comparable to our 2018/19 results.

As in 2018/19, company performance was assessed across six main areas and determined as being “Leading practice”, “Making progress”, “Starting out” or “At the starting line”. In 2021, a new assessment area on how companies are responding to the modern slavery implications of the COVID-19 pandemic was also included. A company's position, relative to others, is based on their overall performance assessed across each of these areas:

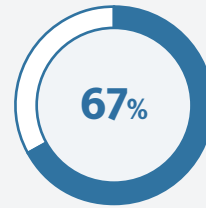
- ➔ Policy and Human Rights Public Commitments
- ➔ Human Rights Due Diligence
- ➔ Supply Chain Visibility
- ➔ Remedy
- ➔ External Stakeholder Engagement
- ➔ Practical Actions to Address Modern Slavery
- ➔ Addressing COVID-19 Impacts

For non-responders, we reviewed publicly-available information on companies' websites (if available) to determine scoring.

RESPONSE RATES BY REGION



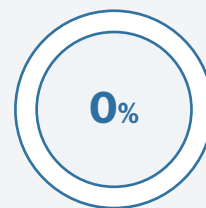
Asia
6 companies invited,
3 responded



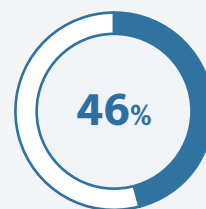
Australia
6 companies invited,
4 responded



Europe
9 companies invited,
all responded



Middle East
1 company invited,
0 responded



North America & Canada
13 companies invited,
6 responded

Fisher engagement

Our 2018/19 findings revealed that engagement by companies with fishers and their representatives was the exception, rather than the rule. As part of this second phase of research, we wanted to hear from fishers, and the organisations representing them, to better understand whether company human rights practices are translating into improved conditions on the ground. We engaged with close to 20 fisher unions, NGOs, networks, as well as individual fishers, in the home countries of distant-water fleets (in Indonesia, the Philippines, Taiwan and Thailand) to find out about their experiences.

Their responses are included throughout this report and in the “[Fisher testimonies](#)” section.

Context

Abuses persist in the Pacific tuna industry

In the two years since our first survey, numerous allegations and evidence of forced labour and other egregious abuses – including unexplained deaths at sea – have continued to come to light in the fishing industry. Many fishing fleet operators rely heavily on rural, migrant workers – from Laos, Cambodia, Myanmar – and it is these men and boys who bear the brunt of much of the abuse in distant-water fleets.

Long Xing 629

In 2020, a number of Indonesian crew deaths reportedly occurred aboard the Chinese-owned fishing vessel, Long Xing 629, as well as on other fleet vessels owned by Dalian Ocean Fishing (DOF), a major Chinese tuna fishing fleet-owner.

Crew members told us of brutal conditions, including being physically assaulted by some of the Chinese crew. The vessel participated in numerous at-sea trans-shipments allowing it to stay out longer, with some [reportedly](#) onboard in excess of a year without disembarking at a port.

“ We never docked, at that time we docked it was because 3 crew members died. Our contract for working in Long Xing 629 was actually for two years but, in the middle, we wanted to go home. There were no provisions in the contract that specify when the ship will dock.”

Anonymous Indonesian fisherman

Whilst, according to Indonesian Foreign Ministry [documents](#), the most recent deaths were attributed to an unknown “sickness”, allegations of shocking conditions, illegal fishing, forced labour and other abuses aboard DOF fleet vessels are [widespread](#).

Kiribati observer death

In March 2020, fisheries observer, Eritara Aati Kaierua, a Kiribati man, was found dead on the floor of his cabin on the Taiwanese purse seiner, [Win Far 636](#), as it set out to ply the Pacific for tuna. His death is alleged to have been caused by a massive blunt trauma to the head.

As an observer, Eritara monitored endangered species by-catch and illegal dumping. He is the tenth Pacific fisheries observer [reported](#) to have died at sea in the last decade. Two crew members were arrested for Eritara's murder, but later released after questioning.

Business & Human Rights Resource Centre invited Kuo Hsiung Fishery, the company operating the vessel, to respond to the murder allegations. A [limited response](#) was provided, with Kuo Hsiung Fishery claiming the matter is under investigation. Greenpeace USA and the Association for Professional Observers have subsequently made a formal [complaint](#) to the UN Special Rapporteur, Mary Lawlor, to intervene and ensure an effective and thorough investigation of Eritara Kaierua's untimely death.

Tunago No. 61

The *U.S. Tariff Act 1930* [bans](#) imports of merchandise or food produced using forced labour, including convict labour, forced child labour and indentured labour. A Withhold Release Order (WRO) was issued against [Tunago No. 61](#), a Vanuatu tuna vessel, on 4 February 2019 by the US Customs and Border Protection (CBP). The WRO required detention of *Tunago No. 61's* tuna cargo on the basis that it was harvested using forced labour.

“ Such products are subject to exclusion and/or seizure, and may lead to criminal investigation of the importer... When information reasonably but not conclusively indicates that products of forced labor are being imported, the commissioner of Customs and Border Protection may issue withhold release orders.”

Kelly Cahalan, CBP spokesperson

On 1 April 2020 the CBP finally [overturned](#) the WRO stating its decision “*was based on information obtained by CBP that tuna and tuna products from this vessel are no longer produced under forced labour conditions*”. All WROs are publicly available and listed by country on the CBP's [Forced Labor Withhold Release Orders and Findings page](#).

Yu Long No. 2

Following evidence of forced labour, CBP issued a further WRO against *Yu Long No. 2*, a Taiwanese-flagged fishing vessel, in May 2020. Following the WRO, personnel at all US ports of entry were permitted to detain tuna products harvested by *Yu Long No. 2*.

“ ...CBP will continue to vigilantly monitor U.S.-bound supply chains for products made with forced labor. CBP has actively communicated with the trade community so they are aware of the risks and consequences if forced labor is found at any point in their supply chains...”

Brenda Smith, Executive Assistant of CBP's Office of Trade

Da Wang

Da Wang, a Vanuatu-flagged, Taiwan-owned distant-water fishing vessel, had a WRO placed on its seafood in August 2020 and its catch detained. The CBP issued the [WRO](#) because there was reasonable indication of “the use of forced labour, including physical violence, debt bondage, withholding of wages, and abusive living and working conditions.” *Da Wang* has had a chequered history, with the Fisheries Agency of Taiwan having previously [referred it to prosecutors](#) for investigation.

Lien Yi Hsing No. 12

A further fishing [WRO](#) was issued in December 2020 against *Lien Yi Hsing No. 12*, a Taiwanese-flagged and owned distant-water fishing vessel. Again, allowing detention of tuna products, again due to forced labour concerns. This marks the [third invocation of a WRO against a Taiwanese-related vessel](#) in 2020 alone.

U.S. List of Goods Produced by Child or Forced Labour

Also in 2020, the *US Department of Labor's Bureau of International Labor Affairs* (ILAB) added fish from China and Taiwan to its [List of Goods Produced by Child or Forced Labour](#) (List) for the first time due to heightened evidence of forced labour in their distant-water fishing fleets. Although these activities may not take place within territorial waters, ILAB made the additions because the List applies to all goods produced by forced labour or child labour, including seafood harvested on the high seas. The 2020 edition of the List makes it clear that fish caught outside of territorial waters will be listed by reference to a vessel's flagged country.

COVID-19 impacts

Tuna industry impacts

Globally, the COVID-19 pandemic has led to increased [demand](#) for canned tuna, a shelf-stable pantry staple.

The surge in sales of canned tuna created by [pandemic-buying](#) as consumers stock-up to meet self-isolation and quarantine requirements has been reported around the world, including in the [UK](#), [Italy](#), [Germany](#), [Spain](#) and [US](#). [Google searches](#) for canned tuna are up 50% compared to April 2019.

The world's largest producer of canned tuna, Thai Union, [posted](#) a 5.9% increase in sales in its first quarter to March 2020. In 2017, the global revenue of the canned tuna market was valued at US\$10.5 million and is [predicted](#) to grow to over US\$14 million by 2025, despite COVID-19.

Much of the world's tuna is procured from the Pacific Islands ([around 60%](#)). Their governments must now balance the competing needs of protecting the health and safety of their citizens, by preventing the further spread of COVID-19, and that of facilitating ongoing tuna activities to support their economies.

Impacts on fishers

The COVID-19 pandemic has exacerbated the risk of forced labour and left fishers, a largely un-unionised, migrant workforce, exposed to heightened exploitation and abuse. In a sector where remoteness and lack of visibility already create major challenges, the isolation of hundreds of thousands of stranded fishers onboard vessels during the pandemic has significantly reduced transparency.

COVID-19 has led to workers being stuck on vessels for indefinite periods, with large numbers of trans-shipments occurring at sea, often without a contract or pay. Estimates indicate that nearly half a million seafarers have been [trapped at sea](#) due to travel restrictions, border closures and other measures introduced by governments to contain the spread of COVID-19. The United Nations describes the situation as a “[humanitarian crisis](#)”.

For fishers stuck onboard vessels, normal safeguards, such as the presence of onboard [independent observers](#) and bans on [trans-shipment](#) at sea, have been jettisoned as authorities scramble to curb the spread of the virus. At the same time, disruptions to business operations during the pandemic have meant many of the company procedures used to monitor and respond to modern slavery (training, due diligence and social auditing) have been suspended.

The environment for fishers has become ever more dangerous at a time when even less is known about what is happening on distant-water fleets. Those not stranded on the high seas have often been [abandoned](#) in foreign ports with no ability to access local income or healthcare safety nets. This, in turn, has led to increased vulnerability and exposure to exploitation by unscrupulous recruiters.

As well as heightened risks of exposure to modern slavery in what is an already dangerous and fraught working environment, fishers have been exposed to entirely new harms. Personal protective equipment and social distancing regimes onboard distant-water fishing vessels during the pandemic are woefully lacking, with infection coursing through boats in the overcrowded and unsanitary conditions borne by many this sector.

“ Due to the Covid-19 pandemic, fishermen on [foreign] vessels were unable to go ashore, and when they had to go ashore, they were unable to obtain a legal entry certificate, therefore they were regarded as an illegal entrant and prosecuted.”

Yilan Migrant Fishermen Union





Fisher testimonies

We asked nearly 20 different groups³ and individual fishers about their experiences and what we heard in their testimonies is alarming.

Forced labour, human trafficking and inhumane, unsanitary working conditions onboard vessels are widespread. Responses from fisher groups highlighted the ongoing absence of safeguards and lack of action to address underlying drivers of abuse:

- ➔ **use of third-party recruiters** who routinely engage in unscrupulous practices such as withholding salaries and retaining personal documentation;
- ➔ **threats against fishers** to keep quiet during vessel audits;
- ➔ **continued practice of trans-shipping**, prolonging duration of time at sea;
- ➔ **limited engagement with NGOs** and other external stakeholders on human rights concerns;
- ➔ **insufficient government action** to identify and combat modern slavery; and
- ➔ **international border closures during COVID-19** stopping migrant workers from disembarking from vessels or returning home.

Many of these concerns are reflected in the experience of two Indonesian fishers (anonymised) who provided testimonies to us.

³ Including Yilan Migrant Fishmen Union (Taiwan), Indonesia Ocean Justice Initiative and Pacific Dialogue Limited (Fiji).



Stranded in Fiji: repatriation of Indonesian fishers

The Indonesian fishers told Business & Human Rights Resource Centre about their experiences working on a tuna long-line vessel in the Pacific. Both men were hired to work on Chinese-owned and flagged vessels by Indonesian recruiters who deducted fees from their salaries and retained their personal official documentation. On arrival in Fiji, they were met by local counterparts of their recruiters who brought them to their vessels without allowing them to first report to the Indonesian Embassy.

Conditions on the boat

The two fishers detailed inhumane working conditions, living in close quarters and working *“more than 20 hours per day”*. They described the small meals they were given as *“disgusting and inedible”* and *“like the food people use to feed pigs”*. The water had not been boiled or distilled and *“was frequently cloudy or contained moss”*. One of the two men was once forced to work with his *“finger cut so deep that my bones were visible and seemed to be about to break off”*.

Concerns ignored

The one time the vessel was inspected, both men were told *“not to do or state anything that might harm the captain or vessel reputation”*. The men made several complaints to their recruiters which were not resolved.

Stranded due to COVID-19: no choice but to continue working

In May 2020, the fishers contacted the Indonesian Embassy to report the abuses and seek assistance to return to Indonesia. The men reported being told by the Embassy *“to continue working on the vessel because they could not return to Indonesia”* due to lockdowns and border closures in response to the COVID-19 pandemic. Hearing this, and after being promised wages and a later return flight to Indonesia by the recruitment agency, the two men reluctantly returned to work on the vessel. However, the recruitment agency reneged on this arrangement.

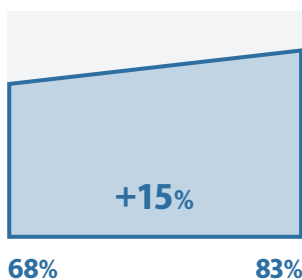
Eventual repatriation with the help of NGO assistance

Seeking assistance, in August 2020, the men were eventually connected with an NGO – the Indonesia Ocean Justice Initiative (IOJI). IOJI then worked with the Indonesian Ministry of Foreign Affairs to achieve the men’s repatriation, via charter plane without charge.

2021 survey findings

Policies & public human rights commitments

WHAT'S CHANGED



Companies are increasingly committing to action on human rights – **more than four in every five 83% (29) now have a policy, compared with 68% (24) in 2018/19**. Seven in ten (25) state a commitment to tackling modern slavery. Companies have also made efforts to improve their policies. Thirteen previous responders have updated or introduced new policies in the past two years. Five companies (**Aldi North, Aldi South, Kroger, REWE Group and Tesco**) reported introducing policies in the past two years to specifically address modern slavery risks (such as recruitment practices, forced labour and child labour).

WHERE GAPS REMAIN

Embedding these commitments throughout supply chains remains limited. Whilst 70% have publicly committed to target modern slavery, only one in five (seven companies) indicated conscious and consistent use of contractual clauses in their supplier agreements to ensure these prohibitions apply throughout the supply chain (**Aldi South, Carrefour, Coles, Kaufland, Simplot, Woolworths and Thai Union**). Insufficient detail was provided to determine the extent to which cascading of prohibitions is monitored. Companies must take steps to ensure their stance on human rights is adhered to by all suppliers.

Company approaches to human rights should also be applied consistently across corporate groups. However, survey responses revealed uneven policy application. **One in six, 17% (six companies)**, showed variance between subsidiaries and countries of operation (**Aldi South, Bolton Food, Carrefour, Kaufland, Lidl and Tri Marine**).

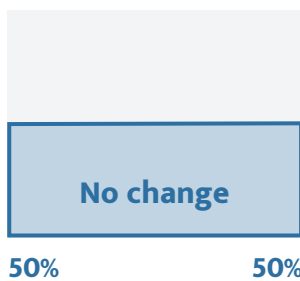
Due diligence, supply chain & risk awareness

Supply chain awareness

“Fishermen who work on Taiwan’s fishing boats or onshore have to work with long working hours and low salaries. However, the price of the fish they caught may be several times higher than the salary that these fishermen receive each month. If retailers or brands can improve their supply chain monitoring, forced labour and labour exploitation can be prevented.”

Yilan Migrant Fishermen Union

WHAT’S CHANGED



We asked companies whether they had fully mapped their tuna supply chains and if they could say where their tuna was sourced. Company responses indicated that access to supply chain information has improved. **Half the companies referred to digital traceability of fish.** Nearly a **third (10)** specified Food and Agriculture Organisation-defined fishing areas and five identified sourcing countries. Several companies also provided information about the location of factories (**Bumble Bee, Carrefour, Clover Leaf and Lidl**).

WHERE GAPS REMAIN

Although **half (17 companies)** referred to digital traceability, accessibility of data is not a substitute for active mapping and understanding of supply chains. Less than a **fifth (six companies)** could provide information to indicate active mapping of their entire supply chain.

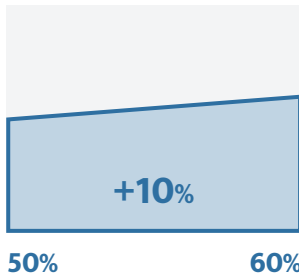
Better practice

Ahold Delhaize, Aldi South, Lidl, Tesco, Thai Union and Walmart publicly report information about where and how their tuna is caught through [Ocean Disclosure Project \(ODP\)](#). The ODP is an online reporting framework launched in 2015 by [Sustainable Fisheries Partnership](#). It allows “*seafood-buying companies including retailers, suppliers, fish feed manufacturers and more, to voluntarily disclose their wild-caught seafood sourcing alongside information on the environmental performance of each source*”. The platform facilitates supply chain transparency at a company level, compared to other traceability platforms which are designed for consumers to access traceability information about a particular product (e.g. by scanning QR Codes or searches against serial numbers on product packaging).

Whilst the ODP provides a useful transparency tool for tuna sourcing data, it should collate more information (including on vessel flags, vessel ownership and trans-shipment practices) to help identify modern slavery risk factors.

Human rights due diligence

WHAT'S CHANGED



More companies are introducing **human rights due diligence** processes (**three in five have some form of process, up from half in 2018/19**). Overall, **43% (15 companies)** could describe basic steps in their due diligence processes (compared to only 23% in 2018/19).

Leaders, including **Tesco, Thai Union** and **Woolworths**, are implementing comprehensive human rights due diligence processes referencing the [UN Guiding Principles on Business and Human Rights](#). They are prioritising identified risks and communicating their processes through a mixture of modern slavery disclosures, annual corporate reporting, website information and participating in NGO research and reporting.

WHERE GAPS REMAIN

Companies remain slow to embed comprehensive human rights due diligence processes. Few have processes specifically addressing modern slavery – only **one in five**. A mere six previous respondents have updated their due diligence processes in the past two years.

Our analysis revealed that, whilst companies referred to processes in relation to their direct suppliers, only one in five take action on human rights risks when they appear further down the supply chain.

In general, company human rights due diligence processes are still not reflecting standards set out in the [UN Guiding Principles on Business and Human Rights](#). Only one in three, **29% (10 companies)**, track the effectiveness of their response and only a **quarter (26%)** report externally on due diligence, commonly through annual corporate social responsibility reports or disclosures under modern slavery legislation.



Modern slavery risks

Without comprehensive and robust human rights due diligence processes, companies cannot identify and remediate harm with which they are linked via their supply chains. We asked companies whether, over the last three years, they had identified instances of modern slavery relating to Pacific tuna procurement (received through their grievance mechanism, or otherwise).

“ Tuna retailers/brands must blacklist companies and fishing vessels that perform forced labour and human trafficking towards the vessel crew. They must also take a more active role (for example, conduct routine inspections of the vessel) to ensure that the supplier and the fishing vessel met the requirements and to prevent any forced labour or human trafficking.”

Indonesia Ocean Justice Initiative

Only one company – Kroger – disclosed having found modern slavery in its tuna supply chain in the last three years. This one response from 35 companies sits in stark contrast to the numerous reports of abuse that continue to be highlighted in NGO and media reports. Company human rights due diligence processes are either not sufficiently thorough to detect abuses, or companies are wholly **lacking in transparency** when it comes to disclosing risks.

Although **Coles** did not disclose having found abuses with respect to tuna in the Pacific, its public reporting practice is noteworthy. Coles publishes a report on its website quarterly on human rights complaints received about suppliers including details of the nature of allegations and outcomes.

Bumble Bee and **Clover Leaf** did not provide details but referred to public reports on suppliers' vessels and indicated that they experienced challenges in gathering information about the incident.

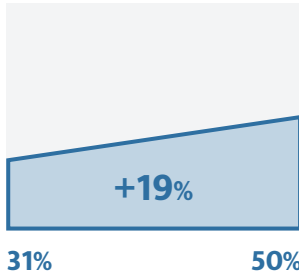
Two companies declined to share specific instances on the basis of confidentiality policies (**Target** and **Thai Union**).

“ [The fishers] do not know anything related to the brand or retail company of the fish they catch... During the inspection, the fishing crew was briefed not to do or state anything that might harm the captain or vessel reputation.”

Indonesia Ocean Justice Initiative

Practical actions to address modern slavery

WHAT'S CHANGED



Promisingly, survey responses indicate more companies are conducting **training on human rights and modern slavery (50%, compared with 31% in 2018/19)**.

Despite its limitations, nearly **two thirds (22 companies)** report using third party supply chain **social auditing** (up from half, or 15 companies, two years ago). It is evident that companies are increasingly relying on social auditing to meet their human rights due diligence requirements, a worrying trend given its known ineffectiveness in identifying human rights abuses in global supply chains. Multiple companies referred to using social audits through *Amfori Business Social Compliance Initiative*, *SEDEX SMETA*, or *Social Accountability International's SA8000*, which are required for the Marine Stewardship Council Certification – a measure [criticised by numerous civil society organisations](#) for its ineffectiveness in detecting and combatting human rights abuses.

Our first report identified the **Tuna 2020 Traceability Declaration** as a major multi-stakeholder initiative focused on preventing overfishing and illegal, unreported and unregulated fishing through measures like traceability of fish stock.

In March 2020, the [Global Tuna Alliance reported](#) on the progress of the Tuna 2020 Traceability Declaration and found that, whilst there had been progress on meeting traceability, many companies had developed their own traceability systems and data was not standardised, making comparative evaluation and transparency difficult. When looking at participants' commitments to ensure socially responsible tuna supply chains, the progress report also indicated there was *"a clear gap in 'at-sea' verification on vessels"*.

The [Global Dialogue on Seafood Traceability](#) is an international, business-to-business platform which launched its [GDST standards](#) in March 2020. It seeks to ensure interoperability between different traceability systems and improve reliability of seafood information through benchmarking data. Developed through collaboration between companies, suppliers, NGOs and civil society stakeholders, these standards have been endorsed by the Global Tuna Alliance as a mechanism for addressing the continuing challenges in traceability. Nine survey companies [participated](#) in the development of the standards. However, only four have since [adopted](#) the standards (**Aldi South, Aldi North, Bumble Bee and Thai Union**).

WHERE GAPS REMAIN

Third party recruitment and protections for migrant workers

Survey responses reveal that companies are more inclined to make changes at a policy level, rather than being actively involved in overseeing recruitment practices and introducing meaningful migrant worker protections. Almost a **third (31%)** indicated they prohibit recruitment fees – an increase from 14% in 2018/19 – with **Kroger** and **Tesco** specifically referring to recruitment policies introduced in the last two years. **However, only Tesco and Thai Union reported having a degree of oversight over recruitment processes, which included engaging with labour agents.**

“ Indonesian fishing crews can easily go to work on foreign fishing vessels without any data being monitored by the government. This makes them very vulnerable to becoming victims of human trafficking.”

Indonesia Ocean Justice Initiative

One in six companies, 17%, indicated having measures, generally policies, to protect migrant workers. **Thai Union** was the only company to indicate direct actions including communication with migrant workers impacted by border closures during COVID-19. Notably, Thai Union outlined details of a pilot project, in conjunction with KASIKORNBANK (a digital banking leader in Thailand), to use blockchain technology to develop a platform to safely and securely verify documentation of migrant workers and allow workers to maintain control over their personal documentation and information.

Sourcing restrictions

Companies are failing to take action to mitigate known risks relating to certain practices in the fishing sector. By operating under **flags of convenience**, foreign vessels can register with countries with less stringent labour and human rights laws. Some companies – **Carrefour** and **Lidl** – indicated restrictions on sourcing, based on a vessel's flag, to minimise the risk of sourcing from dubiously-flagged operators. This should be practiced as a matter of course by sourcing companies.

Trans-shipment enables tuna catches to be off-loaded and vessels re-supplied at sea. This allows vessels to travel further out and remain offshore for longer periods, sometimes years at a time, to chase diminishing stocks. It increases the potential for the mistreatment of crews.

A mere **one in 12, 9% (three companies)**, ban trans-shipment (**Conga Foods, Safcol** and **Wild Planet Foods**). **One in five, 20% (7 companies)** have restrictions on trans-shipment for long-line vessels unless independent observers are present, as per [International Seafood Sustainability Foundation's](#) standards, a major multi-stakeholder sustainable tuna fishing initiative.

“ There is no Fiji Government or internationally-shared data system in place to monitor crew embarking or disembarking at high seas from fishing vessel motherships. There is no monitoring of oil tankers who have been transferring crew at sea.”

Pacific Dialogue Limited, Fiji

Notably, **Wild Planet Foods** prohibits trans-shipping at sea and supports 100% observer programs on all long-line and purse seine vessels. Given the reported [deaths of fishers](#) on vessels engaging in trans-shipping, companies should uphold absolute bans on trans-shipment at sea as good practice in combatting modern slavery.

Independent observers have been dubbed “[human rights defenders on the world’s oceans](#)”. They provide essential monitoring onboard the vessels and are able to collate first-hand data about compliance with certification standards, laws or regulations (e.g. relating to conservation and working conditions). Despite its importance, the job is fraught with [risk](#) and observer programs and safety is attracting increased [scrutiny](#).

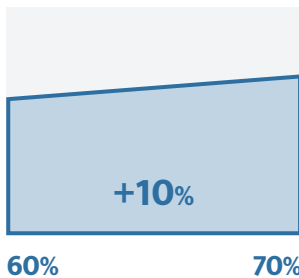
Only **nine companies** referred to observer programs as part of their approach to safeguarding human rights. This represents only a very minor increase from six companies in 2018/19. More needs to be done by tuna brands to support independent observer systems.



Company remediation & grievance mechanisms

Grievance mechanisms

WHAT'S CHANGED



More companies (70% or 25 companies) now have a grievance mechanism to receive complaints and reports of human rights abuses (compared to 60% or 21 companies) in 2018/19).

There has also been a slight improvement in accessibility – 40% (14) now have systems which allow complaints to be made in different languages and on an anonymous basis (compared to 30% or 11 companies previously).

WHERE GAPS REMAIN

Grievance mechanisms remain largely inaccessible, with **less than a third** available to supply chain workers including fishers. In the past two years, only two companies (**Ahold Delhaize** and **Woolworths**) expanded their grievance mechanism to facilitate reporting by supply chain workers. **Not a single company reported hearing of an instance of modern slavery via their grievance mechanism.** Current systems are clearly inadequate and inaccessible, doing little to permit or encourage exploited workers to come forward.

There are, though, some positive signs. **Thai Union** reported introducing new policies – a global whistleblower and investigation policy and a non-reprisal policy – to provide more specific guidance on its grievance processes. Awareness-raising efforts are also to be encouraged – **Thai Union** and **Woolworths** both shared information about efforts to increase workers' awareness of their company's grievance system.

Better practice

Woolworths introduced its "Supplier Speak Up" policy and grievance mechanism in 2019. It is available online, by phone and email to workers in its global supply chain. The [policy](#) and website are available in Chinese, Malay, Thai, Bengali, Hindi and Arabic and posters are used to promote the service.

Remediation/corrective plans

We asked companies to describe any corrective or remediation plan which outlines steps to be taken when modern slavery is detected. Responses to this section were disappointingly vague.

Half (15 companies) merely referred to taking corrective action on a case-by-case basis, without further detail. Only **Coles**, **REWE Group** and **Tesco** provided details of overarching remediation plans and outlined steps to be taken. **Coles'** remediation plan continues to appear to be the most comprehensive. **REWE Group** is the only previous respondent to have introduced a remediation plan in the last two years. **Bolton Food** and **Woolworths** indicated this process is underway.

External stakeholder engagement

Survey responses indicated an increase in company engagement with external stakeholders including suppliers, business partners, government and non-government organisations, with **over half (19 companies)** indicating some level of engagement (a significant increase from eight companies in 2018/19). However, company responses said little about the nature or depth of this engagement.

Our fisher outreach revealed frustrations over lack of engagement by companies and governments:

“ Most [business and government] actions are done to silence NGOs. Our visits to the fishing industries and ports facilities are restricted.”

Pacific Dialogue Limited, Fiji

Engagement with supply chain workers and unions remains limited. More than **half (19 companies)** have policies requiring the company and its suppliers to support the right to freedom of association and collective bargaining. But only **11% (four)** were engaging with trade unions (**Carrefour, Lidl, Tesco** and **Thai Union**). **Thai Union** is still the only surveyed company to identify unions and worker groups it works with (International Transport Worker's Federation, the Migrant Worker Rights Network and Labour Rights Promotion Network) and the nature of their engagement (training and audit processes).

Better practice

Thai Union's “Tell Us” project aims to strengthen worker voice mechanisms in the company's key facilities in Thailand. The project includes implementing a standard operating procedure for handling workers' voice, internal key performance indicators on worker voice management and guidelines for providing remediation to workers.



Addressing COVID-19 impacts

We asked companies whether the COVID-19 pandemic had affected their ability to identify, assess or respond to modern slavery risks in tuna supply chains. We also asked companies to explain and provide details, including any actions taken or delayed/ suspended.

More than **two in five, 43% (15 companies)**, identified challenges presented by COVID-19 as affecting their ability to identify and/or address modern slavery in their supply chains. But only a quarter, **26% (nine companies)**, have taken proactive steps to address this.

In general, companies identified delays caused by COVID-19, rather than actions responding to heightened modern slavery risks. Ten companies indicated delays to their auditing procedures. Five companies had delayed delivery of training or internal policy implementation related to modern slavery.

Four companies (**Ahold Delhaize, Aldi South, Carrefour, and Tesco**) referred to international advocacy actions in addressing concerns relating to welfare and rights of fishers.

Simplot indicated that observer coverage over its supply from PNA fisheries has been reduced due to the COVID-19 pandemic (from 100% coverage to around 30% coverage) and that additional compliance measures, such as mandatory e-reporting, had been implemented by their supplier to maintain chain of custody and traceability. Three companies (**Aldi Nord, Conga Foods and REWE Group**) said they had maintained their tuna order levels during the pandemic.

Only **Thai Union** provided details of proactive engagement with workers by communicating with and continuing to employ migrant workers caught in transit due to COVID-19 restrictions.



Conclusion

Beyond a growth in modern slavery awareness amongst companies and improvements in company policy, there has been startlingly little progress over the last two years. Declarations of intent to take a stand are an important first step, but policy alone does not bring about change – companies must effectively embed their commitments into governance and practice.

But worryingly few are making strides to meaningfully resolve the challenges of slavery at sea through effective processes and, overall, a pattern of ‘policy over practice’ stubbornly persists. The challenges posed by COVID-19 cannot be relied on by business as a convenient excuse for inaction. At a time when global companies are benefiting from increased demand for canned tuna products, supply chain workers are more vulnerable than ever to exploitation.

Fishers continue to be exposed to horrific and persistent abuse and many of the, albeit limited, safeguards that previously existed, such as independent observers, have since been smashed as authorities grapple with containing the spread of COVID-19.

Now, more than ever, companies must exercise extreme vigilance about how and where they source their fish. The need for robust and meaningful human rights due diligence processes and practices to uncover abuse and safeguard the rights and wellbeing of workers in supply chains has never been more pressing. Now is the time for governments to take stock of the limited progress to date and step in to **mandate human rights due diligence** measures where companies have failed to act.



Recommendations

Companies should

- ➔ Implement comprehensive human rights due diligence with a specific focus on modern slavery risks.
- ➔ Improve supply chain scrutiny and transparency.
- ➔ Be open and honest about finding modern slavery and disclose how these instances are addressed.
- ➔ Take responsibility for recruitment practices within a company's supply chains.
- ➔ Prohibit sourcing from vessels engaged in harmful practices such as trans-shipment at sea, reliance on flags of convenience.
- ➔ Support independent observer programs.
- ➔ Take action to minimise harm to at-risk workers abandoned or stranded as a result of COVID-19 restrictions and take steps to assist.

Governments should

- ➔ Mandate comprehensive human rights due diligence by companies, throughout their operations and supply chains.
- ➔ Promote and implement the UN Guiding Principles on Business and Human Rights.
- ➔ Support and encourage companies in identifying, disclosing and remedying human rights abuses in their operations and supply chains.

Appendix

Company responses & non-responses

▼ Response to 2021 survey	Country of HQ	Tuna brands
✓ Ahold Delhaize	Netherlands	Stop 'n' shop, Giant, Delhaize, Albert, Alpha Beta, Superindo
✓ Aldi Nord	Germany	Trader Joe's, Ocean Steamer, Fjorden's Espanismo, Tesoros del Sur, Almare Seafood
✓ Aldi South Group	Germany	Ocean Rise, ARMADA, ALMARE Seafood, Cucina Nobile, Gourmet, Feines aus Spanien, Sapori di Mare, Natura Felice, Faro Verde, Primana, Northern Catch
✗ Alliance Select Foods Intl	Philippines	Superfish, Sea Harvest
✗ American Tuna	USA	American Tuna
✓ Bolton Food⁴	Italy	Rio Mare, Saupiquet, Palmera, Isabel, Cuca, Massó
✓ Bumble Bee Foods⁵	USA	Bumble Bee, Wild Selections, Brunswick
✗ C-Food Intl	Lebanon	Trébon, Siblou, Sirella, Adriana
✓ Carrefour	France	Carrefour
✓ Century Pacific Food	Philippines	Century, Blue Bay, 555, Fresca
✓ Coles	Australia	Coles Own Brand, Wild Tides, Coles Finest
✓ Clover Leaf Seafoods⁵	Canada	Clover Leaf
✓ Conga Foods	Australia	Sole Mare
✗ Costco	USA	Kirkland Signature
✓ Hagoromo	Japan	Sea-Chicken

⁴ Since our 2018/2019 survey, **Tri Marine** has been acquired by **Bolton Group** (Italy) and no longer retains the brand "Ocean Naturals". Both Bolton Food and Tri Marine share the same parent company and they provided a joint response which outlined different policies and processes between the companies.

⁵ **Bumble Bee Foods** and **Clover Leaf Seafoods** share the same parent company and certain company policies which is reflected in mirrored survey responses. Since our 2018/2019 survey, both have been [acquired](#) by **FCF Co. Ltd** (Taiwan), a company [linked to forced labour allegations](#).

▼ Response to 2021 survey	Country of HQ	Tuna brands
✘ Hi-Q Food Products	Thailand	Roza
✔ Kaufland	Germany	EVA tuna, K-Classic
✘ Kraft Heinz	Australia	Greenseas
✔ Kroger	USA	Kroger, Simple Truth
✔ Lidl	Germany	Nixe
✘ Ocean Brands	Canada	Ocean's, Gold Seal
✘ Pegasus Food	Thailand	Golden Fresh
✘ Raincoast Trading Co.	Canada	Raincoast Trading
✔ REWE Group	Germany	Jal, Beste Wahl, Berida, Penny
✘ Safcol Australia	Australia	Safcol
✔ Simplot	Australia	John West (Australia)
✘ Starkist Co.	USA	Starkist
✔ Target	USA	Good & Gather, Market Pantry
✔ Tesco	UK	Tesco Own Label
✔ Thai Union Group	Thailand	John West (UK), SEALECT, Rugen Fisch, Mareblu, Petit Navire, King Oscar, Chicken of the Sea, Genova
✔ Tri Marine ⁶	USA	SolTuna, Solomon Blue, Almar
✘ UNFI ⁷	USA	Wild Harvest, Essential Everyday
✘ Walmart	USA	Great Value
✔ Wild Planet Foods	USA	Wild Planet
✔ Woolworths	Australia	Woolworths Branded , Essentials

6 Since our 2018/2019 survey, **Tri Marine** has been acquired by **Bolton Group** (Italy) and no longer retains the brand "Ocean Naturals". Both Bolton Food and Tri Marine share the same parent company and they provided a joint response which outlined different policies and processes between the companies.

7 Since our 2018/19 survey, **Supervalu** has merged with **UNFI**.



Business & Human Rights Resource Centre

MARCH 2021

Business & Human Rights Resource Centre is an international NGO that tracks the human rights impacts (positive and negative) of over 10,000 companies in over 200 countries, making information available on its nine language website. We seek responses from companies when concerns are raised by civil society.

A number of organisations contributed to this report, with special thanks to:

- ➔ **Yilan Migrant Fishermen Union** (Taiwan)
- ➔ **Indonesia Ocean Justice Initiative**
- ➔ **Pacific Dialogue Limited** (Fiji)
- ➔ **Anonymous fishermen** (Indonesia)
- ➔ **Human Rights at Sea**

The briefing paper was prepared with the assistance of **Angela Chen**.

We acknowledge and thank them for their contributions.

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