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What is the Expectation of Worker Voice and Grievance Mechanisms on Certified Fishing Vessels?



Acknowledgements

Project director Melanie Siggs, Global Seafood Alliance

Project team Key Traceability

Report authors Melanie Siggs, Global Seafood Alliance
 Lauren Purton, Key Traceability
 Charlotte Tindall, Charlotte Tindall Associates
 Mike Platt, MP Seafood Consulting

Report summary Robert Johnson, Blue Bridge Consulting.

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Please note that photographs contained within this report are not intended to represent good or bad examples of fishing crew welfare. Photographs are intended for illustrative purposes only.



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Acronyms

ACRONYM	DEFINITION
AFALU	Association of Fishers and Lake Users of Uganda
CoP	Code of Practice
CCMA	Commission for Conciliation, Mediation and Arbitration (South Africa)
CBA	Collective Bargaining Agreement
CBP	Customs Border Patrol (US)
CEO	Chief Executive Officer
CFNO	Caribbean Network of Fisherfolk Organisations
CSO	Civil Society Organisations
DFPO	Danish Fish Producer Organisation
DOF	Department of Fisheries (Thailand)
DPPO	Danish Pelagic Producers Organisation
EJF	Environmental Justice Foundation
ESG	Environmental and Social Governance
ETF	European Transport Workers' Federation
EU	European Union
FCF	Fishing company
FISH SC	FISH Standard for Crew
FRN	Fishers' Rights Network
GLF-ILRF	Global Labor Justice-International Labor Rights Forum
GLP	Good Labor Practices
GSA	Global Seafood Alliance
GSSI	Global Sustainable Seafood Initiative
IDH	The Sustainable Trade Initiative
ILO	International Labor Organisation
IRLF	International Labor Rights Forum
ITF	International Transport Workers' Federation
KMFU	Keelung Migrant Fisherman's Union
MOL	Ministry of Labor (Taiwan)
NOAA	National Oceanic and Atmospheric Administration
NGO	Non-Governmental Organisation
NTD	New Taiwan Dollar

ACRONYM	DEFINITION
PCTSFSC	Presbyterian Church in Taiwan Seamen and Fishermen's Service Center
PNA	Parties to the Nauru Agreement
PSMA	Agreement on Port State Measures
RFVS	Responsible Fishing Vessel Standard
SAMSA	South African Maritime Safety Authority
SSI	Icelandic Seamen's Federation
SUDEPPU	Unique Union of Uruguayan Fishing Skippers
SUNTMA	Sindicato Único de Trabajo del Mar y Afines
SWFPA	Scottish White Fish Producers Association
TFA	Taiwanese Fisheries Agency
UN	United Nations
US	United States
WFFP	World Forum of Fisher Peoples
WRO	Withhold Release Orders (US)
WV/GM	Worker Voice/Grievance Mechanisms
YMFU	Yilan Migrant Fisherman Union

Definitions

- **Worker Voice** is a term frequently used to describe the way in which workers have access to third-party advice, to voice concerns, have influence over matters which affect them in the workplace and to improve the effectiveness of remediation. In effect, the effort directed at a higher authority to achieve change in practice (Kochan et al. 2019; Hirschman 1970). ‘Voice’ is considered by the International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work (1998) as a fundamental right of workers to be represented, organize and collectively bargain.
- A **Grievance Mechanism** is a framework for addressing grievances of workers that relate to all stages of their employment, including during recruitment, at the workplace, and through to termination. This typically takes the form of the employer’s internal procedure for complaints, followed by consideration and management response and resolution. It takes different forms and can be informal or consist of a written procedure managed by human resources and include worker representatives, such as a trade union.
- **Competent authority** means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned;
- **Crew:** All workers on a fishing vessel who participate on fishing trips, but that are not the skipper or vessel owner.
- **Debt bondage:** Is the requirement to work in order to repay a debt. In fisheries this can occur when costs are deducted from crew payment such as recruitment costs, visa costs, food and medical supplies, or other operational costs.
- **Fisherman:** Any personnel taking part in fishing activities on a fishing vessel.
- **Fishing Vessel Owner:** the company or individual who owns the fishing vessel. Responsible for the skipper, crew and operations on board the vessel.
- **Flag State:** the country in which a vessel is registered, which means that State has exclusive legislative and enforcement authority over that ship. The flag State also has exclusive control over the vessel’s administrative matters, such as its registration; social elements, including labor standards and rights.
- **Migrant worker:** a person who moves to another country or area in order to find employment.
- **Skipper:** The person who, at sea and in port, has responsibility for the safety of the vessel and crew and a duty of care to the crew.
- **Worker:** A more general term for an employee who may need to use a Grievance Mechanism or engage with representative bodies to exercise Worker Voice.

Executive Summary

This project, undertaken through 2022, used an action research methodology to explore the question:

RESEARCH QUESTION:

What is the expectation of Worker Voice and Grievance Mechanisms on certified fishing vessels?

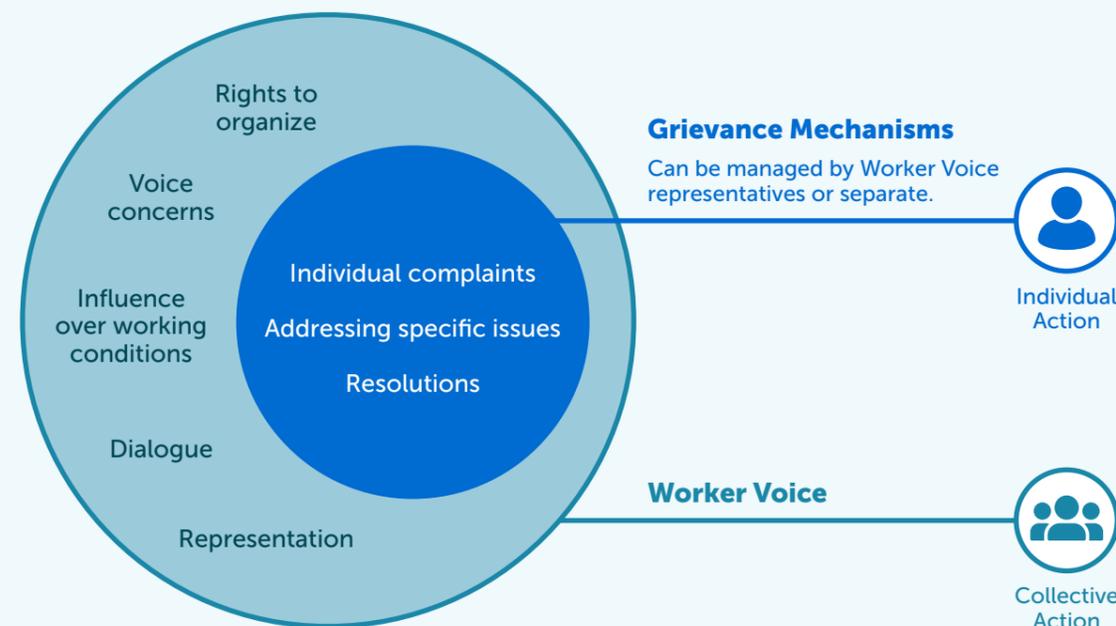
(Certified refers to certification for crew welfare.)

The objective was to understand what stakeholders expected crew to have access to in relation to Worker Voice and Grievance Mechanisms on certified vessels. This included aims to: identify procedures and mechanisms that represent best practice; notice emerging trends and develop recommendations for guidelines to support the capture fishing industry create best-practice processes and highlight requirements for effective implementation. The outcomes are intended

to be applicable globally. They are for use by, but not limited to, fishing companies, vessel owners, competent authorities, NGOs, policy makers, fishing crew representatives, buyers of seafood and those engaged in certification of crew welfare on fishing vessels.

Worker Voice and Grievance Mechanisms make up an important element of crew welfare and social standards on fishing vessels, but guidance on their implementation in practice has been lacking. Worker Voice refers to raising a voice to address issues in the workplace, and while it can be individual or collective action, is generally more collaborative in nature and involves a representative of a group of people. Conversely Grievance Mechanisms are more usually associated with issues that arise out of a personal experience over the course of employment. Grievance Mechanisms can be stand-alone mechanisms or may sit within a Worker Voice context or be managed by Worker Voice representatives such as trade unions.

The relationship between the two is illustrated below.



THE NEED FOR WORKER VOICE AND GRIEVANCE MECHANISMS ON FISHING VESSELS

Across all sectors, effective Worker Voice and Grievance Mechanisms are an important component of workers' rights and within the capture fisheries sector these mechanisms are often considered even more critical due to the 'invisibility' of the work as well as the challenging and dangerous conditions. Crew that are self-employed can fall outside of the protection of labor laws or operate under traditional share-arrangements where costs are deducted from earnings and the profits shared. This can work well, but equally, without the right safeguards, can make them exposed to low or even negative pay. Recruitment of migrant crew can add further complexity due to different languages, cultures, regulations, preparation at recruitment and a range of different parties (e.g. agencies and brokers) in the recruitment process.

Social standards (i.e. certification of capture fisheries and fishing vessels) are increasingly requiring evidence of Grievance Mechanisms and Worker Voice or fishermen's representative groups. Furthermore, the UN has defined a range of principles for effective Grievance Mechanisms (UN Principles 31). However, there are no detailed guidelines on how these approaches can be applied on fishing vessels. This application is challenging given that fishing vessels often operate outside normal communication channels and in remote areas away from social structures or support networks. There is the added complexity of multiple countries involved, for example, different crew nationalities, countries of vessel ownership, geographically distinct fishing areas and ports visited.

This projects speaks to this need for more detailed guidance on how to apply Worker Voice and Grievance Mechanisms on fishing vessels across a range of situations from day-vessels to large factory trawlers that may stay at sea for several months. It aims to understand expectation, show case examples of current best practice, track emerging changes, provide guidance, highlight what makes for effective mechanisms and propose next steps to continue to improve on current mechanisms.

It should be noted that the project is focused specifically on Worker Voice and Grievance Mechanisms and does not explore best practice for other important crew welfare issues highlighted, for example, in ILOC188 which are addressed in other work.

PROJECT APPROACH

The project used an action research approach. It focused on direct contact with global stakeholders via a survey, bilateral interviews and regional workshops held in Thailand, Taiwan and South Africa. An oversight committee representing a range of interests helped to ensure the project activities contributed to the objectives.



Regular project updates between GSA and Key Traceability

In total the project interacted with 150 stakeholders from 30+ different countries.



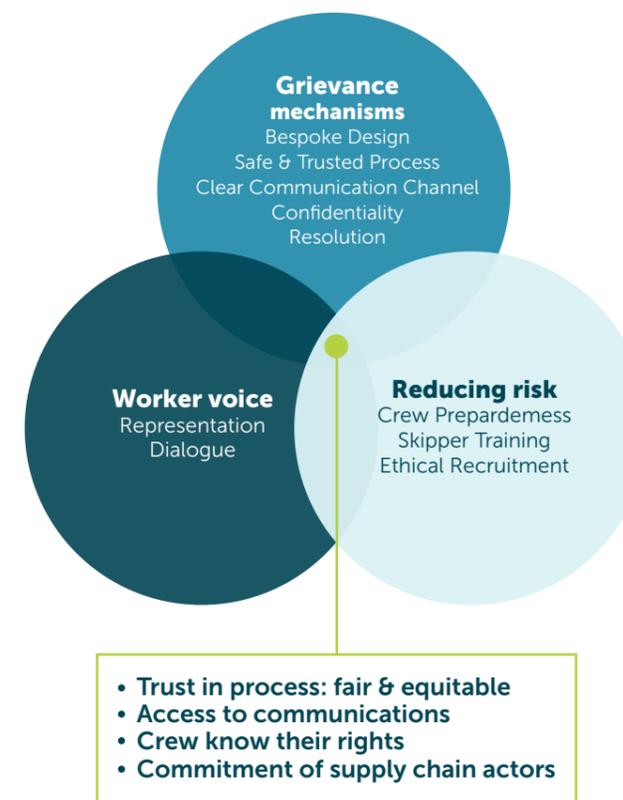
KEY THEMES THAT EMERGED

A range of themes emerged under three main categories:

- ⓐ) The need to **reduce and understand** labor issues through a range of approaches e.g. crew preparedness at recruitment, skipper training and ethical recruitment. The identification of and addressing issue 'hot spots' are as important as building mechanisms. Further understanding that different types of mechanisms may be appropriate depending on the risk context for example the length of fishing trips and severity of the issue.
- ⓑ) **Worker Voice** mechanisms in place providing effective representation allowing crew to highlight malpractice through formal, transparent, routes.
- ⓒ) **Grievance Mechanisms** that crew are aware of, feel safe to use and which provide good remediation.

There were also a range of cross cutting initiatives that were common to these three themes which would help create more effective mechanisms. These included trust in the process, including the confidence of crew, skippers and vessel owners; access to communications while at sea; ensuring crew

knowing their rights (understanding their contracts and have contact with representative and support bodies); as well as the commitment, action and investment by different value chain or regulatory stakeholders.



RECOMMENDATIONS

Based on the findings of the study and stakeholder discussions, the following recommendations are given:

1) Develop an international dialogue to build a code of practice to guide development of Worker Voice and Grievance Mechanisms on fishing vessels based on global guidance & frameworks

2) Specify requirements within the Code of Practice for effective Worker Voice and Grievance Mechanism, for example

- ⤵ Training for vessel owners and skippers on how to create Grievance Mechanisms, allow for Worker Voice, and support good preparation of crew
- ⤵ Preparation of crew at recruitment to include full understanding of the role's work and responsibilities, the contract, including pay; amount and how it will be paid; rights on board, training to be provided etc.
- ⤵ Language appropriate support to crew to ensure they know how to access a Grievance Mechanism on board and at port. Contact details for trade unions (where applicable) and support organisations in the event of rights abuse or grievances not being resolved.
- ⤵ All fishing trips over 24h should provide crew with free access to WIFI for at least 12 hours per day. Provision may be put in place to disallow the use of cell phones when crew are actively fishing or processing.

3) Share experience of best practice and applicable tools, including:

- ⤵ Videos and multi lingual information that can be downloaded to smart phones/tablets for use by the crew at sea
- ⤵ Using 3rd parties to understand how well crew are prepared and their experience at sea to further improve the systems
- ⤵ Buddy systems and crew representation to feedback on crew experience

PRIORITY ACTIONS

ALL STAKEHOLDERS:

- ⤵ Development of an international dialogue to build consensus on the code of practice through which to guide development of Grievance Mechanisms on fishing vessels, risk matrices, and subsequently evaluate their success in terms of crew confidence, safety and resolution (Code of Practice)
- ⤵ Hold roundtable discussions to build consensus on how to provide support for fishing companies, skippers and recruiters to ensure all fishing vessel crew are well prepared for their work beyond mandatory safety training and including access to grievance processes and support (Crew Preparedness)
- ⤵ Support a global discourse to better understand the principal reasons a crew member would need to use a Grievance Mechanism. Address these underlying 'hot spot' issues.

STANDARD SETTERS:

- ⤵ Standards operators, whether second of third party standards, should examine their requirements for Grievance Mechanisms and Worker Voice access in line with the findings

PRACTITIONERS:

- ⤵ Develop training and interactive packages to support the catching sector (fishing companies, recruiters, skippers) understand what is required on Worker Voice and Grievance Mechanism and how it can support their business

RESEARCHERS:

- ⤵ Understand how many crew have access to cell phones and WIFI, and what restrictions are placed upon that access

GOVERNMENTS AND COMPETENT AUTHORITIES:

- ⤵ Ratify relevant ILO regulations
- ⤵ Act to support the above processes

RETAILERS, PROCESSORS, IMPORTERS:

- ⤵ Review suggestions for key principles, requirements and tools now to see where Worker Voice and Grievance Mechanisms can be developed and improved.
- ⤵ Act to support the above processes



1 - Project Context



1.1 - INTRODUCTION

The catching sector of the seafood supply chain is the oldest and last true hunting industry still operating in the global food business. Historically vessel owners have prioritised catching fish and making their vessel operation safe and profitable. While this approach has undergone significant changes most specifically in relation to fisheries management, the sector has lagged behind other food supply chains in terms of worker welfare. They have largely been regulated on fisheries management, and their vessel's safety requirements rather than good crew welfare.

In more recent years many vessel owners have found it more difficult to recruit and retain crew at national levels, particularly in countries where people are more cognoscente of the challenging work, long hours and tough conditions. Accordingly many have turned to foreign crew to operate on their vessels, often referred to as migrant crew. Dependent on recruitment processes migrant crew may be unaware of what to expect on a fishing vessel or their rights, while culture and language challenges can exacerbate difficulties on board.

Journalists, support organisations, NGOs and trade union have investigated the sector further and highlighted the disparity between fishing crew employment and employment processes in other sectors. This has demonstrated the lack of formal mechanisms in many circumstances that enable crew to raise issues, or collectively call for improvements to be made. A further challenge is noted in that when fishing vessels are at sea, which can be months at a time, there may be little or no communication between crew and land based contacts, formal or family. Additionally there may be little or no visibility of conditions on board.

1.2 - THE NEED FOR WORKER VOICE AND GRIEVANCE MECHANISMS ON FISHING VESSELS

RISK FACTORS

There are roughly 4.6 million fishing vessels in the world with an estimated 27 million people who work in capture fishing (ILO). The mobility of workers and the hidden conditions at sea contribute to the fishing industry's social complexity. Some of the issues that lead to vulnerability of crew include, but are not limited to:

- ⊗ The complexity of legal jurisdiction, especially when fishermen are working on vessels registered or fishing in states' waters other than their nationality (Mathew, 2010)
- ⊗ Low levels of representation (Vandergeest, 2018)
- ⊗ Distant water fishing involving remote locations and isolation (Nakamura et al., 2018)
- ⊗ Regular transshipment increasing the time vessels can stay at sea, resulting in isolation of the crew and difficulty with inspection (Ewell et al., 2017)
- ⊗ Self-employed or share-fishermen that may not be protected by employment legislation (Mathew, 2010);
- ⊗ Low levels of education or literacy which may make crew more vulnerable as they are less likely to understand their rights (Tickler, 2018);
- ⊗ A high proportion of migrant crew and involvement of labor brokers (Belton et al, 2019)
- ⊗ A lack of communications between crew and on shore contact at sea (Seafood Source, 2023)

A key component in providing safe conditions are Worker Voice and Grievance mechanisms that allow a dialogue between crew and their employers. This is needed not only to address issues of vulnerability within the fisheries sector but as best-practice operation of fishing operations. Representation is important for national crew, but it is important to ensure inclusion and processes for migrant crew where they may be excluded from national processes.

CHALLENGES FACING CREW

There are a number of challenges facing fishing crew that make effective Worker Voice and Grievance Mechanisms important. Some of these challenges are embedded in culture and history of the sector, but as supply chains become more transparent and we understand the situation better it is critical we address these issues and provide support to the hot spots where change is needed.

In many countries, fishermen are routinely self-employed and this may mean they do not have the same legal protections from employment legislation. This can provide crew with flexibility to move between different employers or fisheries on a seasonal basis, but also means they do not have the same levels of protection as crew with a fully employed-status (Tindall et al., 2022). Similarly, fishermen working on share contracts may be vulnerable to negative pay if there is no minimum wage set. Worker Voice or Grievance Mechanisms give a route through which self-employed or share fishermen can be represented. There are also a number of countries that do not have a culture of unions or where they are illegal and so cannot use these as a channel for Worker Voice.

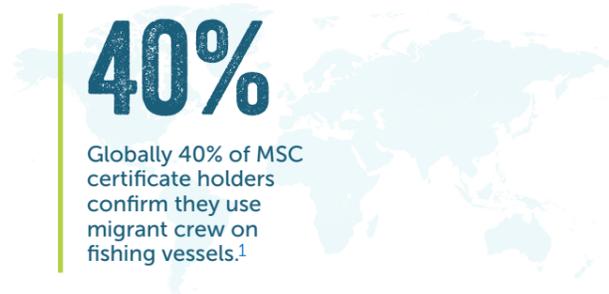
Isolation at sea and lack of communication can affect crew of any nationality. This is a particular issue for long distant trips and on vessels that are not equipped with WIFI or satellite technology or if this is not available to the crew. In some circumstances the cost of access to communications is deducted from salaries, which can act as a financial barrier to seeking support.

The fishing sector attracts a large number of migrant crew throughout the world. When vessel owners need crew and there is not enough local interest in working within the fisheries sector vessel owners may hire migrant crew from overseas, for instance 40% of Marine Stewardship Council (MSC) certificate holders confirmed they use migrant crew (Tindall et al., 2022).

Migrant crew may find it harder to access Worker Voice or Grievance Mechanisms for reasons of language, fear, culture or lack of understanding. This can be further complicated by the channels of recruitment; crew may be recruited directly by their employers or through brokers and recruitment agencies who may also

continue in the role of ‘employer’ (EJF, 2019). This can also be the case for national crew, but with migrant crew the probability of using recruitment agencies is higher and a greater number of brokers may be involved representing the sending and receiving countries, with little or no oversight.

Migrant workers may not understand the work of fishing crew, their contracts or rights without good preparation at recruitment, and then find access to help and information at sea very difficult. Further, crew may not feel safe to use the processes, particularly when at sea.



GLOBAL TRADE IN SEAFOOD

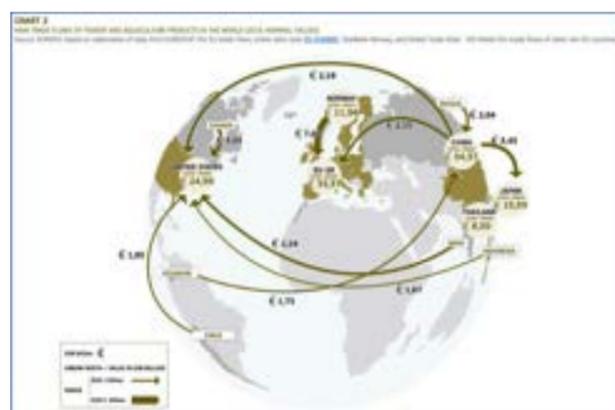


Figure 1 - Main trade flows of seafood products (Source: EUMOFA)

Seafood is said to be the world’s most highly traded food commodity (Figure 1) with the top four importers of seafood being the EU, US, China and Japan. Labor issues on fishing fleets from one part of the world therefore has connections to markets importing and consuming internationally traded seafood (Figure 1) but this also offers buyers in these markets opportunity to support those vessels demonstrating best practice and catching countries ratifying global conventions that provide frameworks for decent work.

1 - Tindall et al, 2022



1.3 - REQUIREMENTS FOR GRIEVANCE MECHANISMS IN SOCIAL STANDARDS

The seafood supply chain is now more informed of the labour challenges and increasingly consumers are becoming more aware of malpractice too. Consumers, regulators, buyers and NGOs are calling for greater accountability within the largest seafood markets by challenging seafood companies to ensure that there is no forced labour within their supply chains. The response has been a portfolio of third party standards, risk assessment tools and improved regulations. Social vessel standards have emerged often using ILOs Work in Fishing Convention, 2007 (No.188) as a framework. Standards have also been recently benchmarked by Sustainable Supply Chain Initiative (SSCI).

GLOBAL FRAMEWORKS

➤ ILO C188

The ILO’s Work in Fishing Convention, 2007 (No.188) (C188) provides the framework that many social standards related to fishing are based on. It refers to the rights of crew to associate and specifies that a mechanism must be developed to ‘resolve disputes’ (Box 1). It also highlights two other conventions as frameworks; “The Freedom of Association and Protection of the Right to Organize” ILO 87 and “Right to organize and collective bargaining” ILO 98 which refer to Worker Voice.

Countries who have ratified ILO C188 ‘working in fishing convention’ (Table 1) have agreed to develop Grievance Mechanisms but there is little or no guidance to what that should look like. A number of other countries have adopted the framework, but not ratified it so their progress may not be public.

Article 17 (From ILO C188)

Each Member shall adopt laws, regulations or other measures regarding:

- (a) procedures for ensuring that a fisher has an opportunity to review and seek advice on the terms of the fisher’s work agreement before it is concluded;
- (b) where applicable, the maintenance of records concerning the fisher’s work under such an agreement; and
- (c) the means of settling disputes in connection with a fisher’s work agreement.

Table 1: Countries that have ratified the ILO 'Work in Fishing Convention (c188)'

COUNTRY	DATE	STATUS
Angola	11 Oct 2016	In Force
Antigua and Barbuda	28 Jul 2021	In Force
Argentina	15 Sep 2011	In Force
Bosnia and Herzegovina	04 Feb 2010	In Force
Congo	14 May 2014	In Force
Denmark	03 Feb 2020	In Force
Estonia	03 May 2016	In Force
France	28 Oct 2015	In Force
Kenya	04 Feb 2022	In Force
Lithuania	16 Nov 2016	In Force
Morocco	16 May 2013	In Force
Namibia	20 Sep 2018	In Force
Netherlands	19 Dec 2019	In Force
Norway	08 Jan 2016	In Force
Poland	17 Dec 2019	In Force
Portugal	26 Nov 2019	In Force
Senegal	21 Sep 2018	In Force
South Africa	20 Jun 2013	In Force
Thailand	30 Jan 2019	In Force
United Kingdom of Great Britain and Northern Ireland	11 Jan 2019	In Force

➤ **The United Nations Guiding Principles on Business and Human Rights**

The United Nations Guiding Principles on Business and Human rights Guiding Principle 31 (UNGP 31) outlines eight central aspects of effective Grievance Mechanisms as follows (OHCHR, 2011) (Box 2). This framework is less applied to the seafood sector, but many of the vessel level standards on Grievance Mechanisms use similar principles such as providing a clear process (accessible) and confidentiality (legitimate).

Box 2: United Nations Guiding Principles on Business and Human rights Guiding Principle 31 (UNGP 31)

1) Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;

2) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;

3) Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;

4) Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;

5) Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;

6) Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;

7) A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.

Operational-level mechanisms should also be:

8) Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance and focusing on dialogue as the means to address and resolve grievances.

VESSEL LEVEL STANDARDS

A number of standards and risk assessment mechanisms have been developed to mitigate the risks and provide assurance that fishing vessel crew are working within best practice guidelines as a minimum. These include Global Seafood Alliance [Responsible Fishing Vessel Standard \(RFVS\)](#), Thai Union [Fishing Vessel Code of Conduct](#), Seafood Task Force [Vessel Auditable Standards](#), AENOR [Tuna from Responsible Fishing](#), Fair Trade USA [Capture Fisheries Standard](#), and the FISH SC [FISH Standard for Crew](#).

Standards addressing crew welfare require Grievance Mechanisms or similar to be in place and for these to demonstrate how resolution is carried out. There are some differences in their requirements, but common aspects are requirements to ensure:

- 'there is a grievance system in place'
- 'the system is accessible and/or communicated to worker';

They also, to different degrees, often make reference to freedom of association and collective bargaining which is important for Worker Voice.

Table 2 illustrates the requirements within these standards and risk assessment for Worker Voice and Grievance Mechanisms. For example, the GSA's Responsible Fishing Vessel Standard (RFVS) requires an active and confidential crew Grievance Mechanism be adopted, while the Verite worker-centric audit approach requires an effective Grievance Mechanism and protection for whistle-blowers. The Fair Trade capture fisheries standard requires worker representation and is working on introducing requirements on Grievance Mechanisms.

Table 2: Principle standards and risk assessments related to fishing vessel crew welfare and their requirements for Worker Voice and Grievance Mechanism.

INSTRUMENT	SCOPE	WORKER VOICE AND GRIEVANCE MECHANISM REQUIREMENTS
Responsible Fishing Vessel Standard AENOR Responsible Tuna Fishing (RTF) Chain of Custody Standard UNE 195006	Tuna purse seine vessels	Enforces right to collective bargaining, no Grievance Mechanism requirements.
FISH Standard for Crew	All fisheries	Criterion 2.8 on 'Grievances' requires a process for Grievance Mechanisms and access available to all fishing crew. Criterion 2.3 on 'Freedom of association and collective bargaining' requires protection of fishing crew to engage in dialogue on workplace issues and right to freedom of association and collective bargaining.
Seafood Task Force Vessel Auditable Standards v2.0	All fishing vessels	Principle 10 on 'Grievance Procedure' requires an effective, confidential grievance process meeting the requirements of the Standard and protection from retaliation. Principle 9 on 'Freedom of Association' requires respect of workers exercising their rights to association and collective bargaining. The Seafood Task Force have work streams around Worker Voice and Grievance Mechanisms, in addition to which a number of their members have been exploring and piloting work (link).
Thai Union Vessel Code of Conduct v2.0	Tuna fishing vessels	Principle 10 on 'Workers have access to fair procedures' requires fair and transparent grievance procedures with freedom from risk of negative repercussions. Principle 8 on 'All workers are free to exercise their right to form and/or join trade unions and to bargain collectively where permitted by law' ensures the rights and freedom to participate within unions and collective action.
FCF Tuna Sustainability Policy v3.0	Tuna fishing vessels	Principle 10 on 'Grievance Procedure' requires an effective, confidential grievance process with freedom from retaliation. Principle 9 on 'Freedom of Association' requires respect of the right to associate and bargain collectively.
Fair Trade USA Capture Fisheries Standard v1.1.0	All fisheries (focus on artisanal)	Sub-module 4.5 on 'Hired-labor fishers and workers understand their rights and are able to air grievances and communicate concerns' which requires clear policies to be in place and communicated. Sub-module 2.5 on 'Freedom of association and the right to collective bargaining are respected'.
FisheryProgress Human Rights and Social Responsibility Policy v1.1	All active FIPs on FisheryProgress	FisheryProgress requires that all fishers within a FIP have access to a Grievance Mechanism, with guidance provided within the Human Rights and Social Responsibility Policy on FisheryProgress' expectations for this. For FIPs required to complete the SRA, '1.1.4 - Freedom of association and collective bargaining' and '2.1.1 - Grievance reporting and access to remedy' are two performance indicators.

INSTRUMENT	SCOPE	WORKER VOICE AND GRIEVANCE MECHANISM REQUIREMENTS
Consumer Goods Forum's (CGF) Sustainable Supply Chain Initiative (SSCI) and Global Sustainable Initiative (GSSI) – At-Sea Operations Framework (ASO)	Benchmarked standards	Allows for the benchmarking of third-party social compliance certification schemes within the seafood industry against SSCI criteria and for SSCI recognition.
Verité Worker-centric Audit Approach	Non-fishery specific but used in relation to fisheries	Effective Grievance Mechanisms and protection for whistle-blowers form part of Verité's Fair Hiring Toolkit.

As such, these standards and risk assessment tools have some requirement to demonstrate processes for Worker Voice and Grievance Mechanisms.

However, beyond requiring these elements to be in place, there has been a paucity of detail on how they can be actioned in practice within the context of fishing vessels operating at sea.

BENCHMARKING OF STANDARDS ADDRESSING GOOD CREW WELFARE

In response to the growing number of standards on crew welfare, the Consumer Goods Forum (CGF) launched the Sustainable Supply Chain Initiative (SSCI) in 2017 to recognize third-party auditing, monitoring and certification

schemes and programmes that cover key sustainability requirements and apply relevant governance and verification. SSCI currently recognizes independent auditing, monitoring and certification programmes that meet industry expectations on social sustainability, and will later focus on environmental sustainability as well. As a result, the SSCI aims to provide trusted guidance to organisations on which schemes are credible and trustworthy.

Working with the Global Sustainable Seafood Initiative (GSSI) and with support from the Sustainable Trade Initiative (IDH) the SSCI created a benchmark for standards covering (social) At Sea Operations, such as those aimed at assuring of good crew welfare. They summarized the following requirements for Grievance Mechanism ([Table 3](#)).

Table 3: SSCI Benchmarking of Social Standards on Fishing Vessels.

REFERENCE NO.	THEME	REQUIREMENT
9.01	Grievance Mechanism	The standard shall require that there is a process to address complaints or concerns. This Grievance Mechanism shall be legitimate and easily accessible to all workers, worker organisations and other personnel. Training on the Grievance Mechanism shall be provided to workers in an understandable manner.
9.02		The standard shall require that investigation into complaints or concerns is legitimate, accessible, equitable and based on engagement and dialogue. Confidentiality shall be maintained wherever necessary and possible.
9.03		The standard shall require that no worker or other personnel that lodged a complaint or concern is disciplined, dismissed or otherwise retaliated against for lodging that complaint or concern.
6.05	Worker Remuneration	The standard shall require that no deductions from remunerations are made unless permitted by applicable national legal requirements or a collective agreement (where applicable). Prior to consenting to a work agreement, workers are informed about any deductions in writing and in an understandable manner

1.4 - CHALLENGES OF DESIGNING AND OPERATING WORKER VOICE AND GRIEVANCE MECHANISMS

Worker Voice and Grievance Mechanisms have been integrated into a variety of global conventions that provide frameworks to create good labour conditions. When these are applied to fishing vessel crew it is challenging to develop effective Worker Voice and Grievance Mechanisms particularly for use at sea. The difficulties include but may not be restricted to:

- ⊗ **Cultural issues:** differences in how different cultures resolve disputes and raise concerns, but also the culture of fishing itself which can be harsh and discourage open communications;
- ⊗ **Language barriers:** In some instances there are low literacy levels in national crew but this may be replicated among migrant crew and exacerbated by language challenges;
- ⊗ **Regulatory restrictions:** Confusion over the employer and the competent authority as well as specific regulatory restrictions, for example in joining unions;
- ⊗ **Access:** access to communications i.e. WIFI. Limited time in port and corresponding limited access to land-based authorities and support systems;
- ⊗ **Connectivity at sea:** WIFI, satellite telephones, other safe access;
- ⊗ **Costs:** associated with implementing effective Grievance Mechanisms that cover the international and remote nature of fisheries (e.g. communication costs);
- ⊗ **Lack of training for skippers** on crew management in relation to labour rights and how to implement Worker Voice and Grievance Mechanisms;
- ⊗ **Lack of expertise or support** to develop and operate Grievance Mechanisms suitable for fishing crew;
- ⊗ **Lack of understanding of crew** of their rights or what to do in the event of an issue;
- ⊗ **Weak remediation and record keeping.**

1.5 - DEFINITIONS

The following terms were used throughout the project:

Worker Voice is frequently used to describe the way in which workers have the ability to access to third-party advice; voice concerns; have influence over matters which affect them in the workplace; and ensure the effectiveness of remediation. In effect the effort directed at a higher authority to achieve change in practice (Kochan et al. 2019; Hirschman 1970). 'Voice' is defined by the International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work (1998) as a fundamental right of workers to be represented, organize and collectively bargain.

A Grievance Mechanism provides a framework for addressing grievances of workers that relate to all stages of their employment, including during recruitment, at the workplace, and through to termination. This typically takes the form of the employer's internal procedure for complaints, followed by consideration and management response and resolution. It takes different forms and can be informal or consist of a formal written procedure.

The relationship between Worker Voice and Grievance Mechanisms is illustrated in Figure 2. Worker Voice can refer individual or collective action to raise a voice or call for attention to address issues at the workplace, but is generally more collaborative and representative in nature. Conversely Grievance Mechanisms are more usually a personal experience over the course of employment and allows for a transparent process for resolving individual complaints. Grievance Mechanisms may not sit within a broader Worker Voice context, but often they may be managed by Worker Voice representatives such as unions.

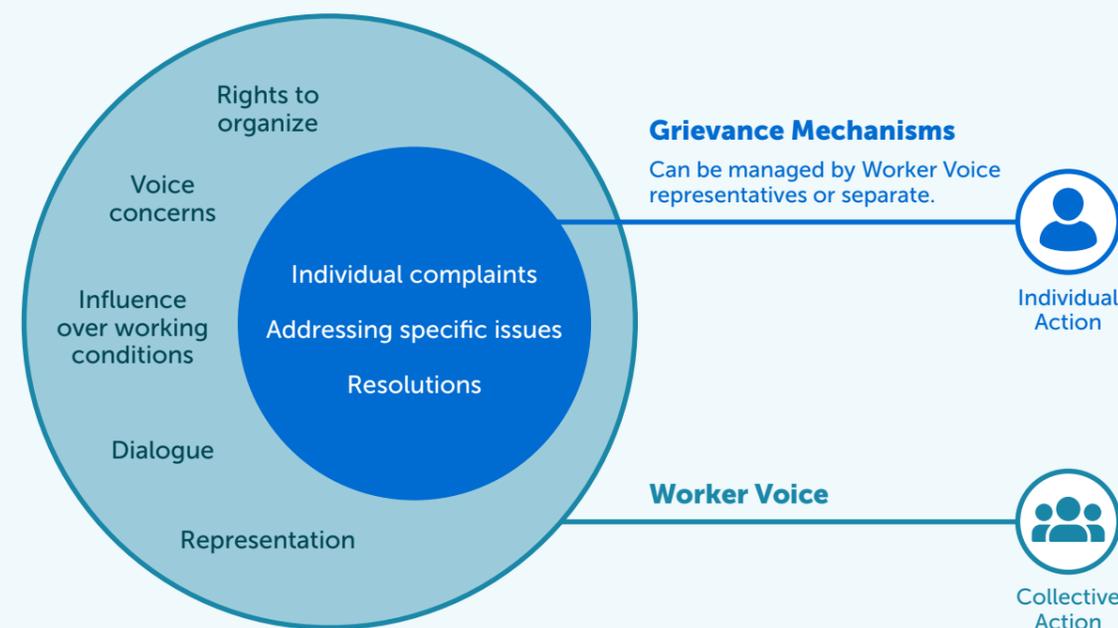


Figure 2 - Illustration of the relationship between Worker Voice and Grievance Mechanisms



2 - Project approach



2.1 - OBJECTIVES

The project makes two assumptions at the outset; that there is broad consensus fair, equitable, safe facilities and mechanisms need to be in place for crew on certified vessels that are demonstrating current best practice processes for crew welfare.

The project asks what stakeholders, throughout the supply chain, expect that to mean in terms of Worker Voice and Grievance Mechanisms.

KEY PROJECT QUESTION:

“What is the expectation of Worker Voice and Grievance Mechanism on certified fishing vessels?”

It has been noted that requirements for Worker Voice and Grievance Mechanism exist, but there is a lack of detailed guidance on how this should be achieved. In practice the aims of the project were to:

- ③ Understand expectations, for example, did people think these mechanisms should be provided in all situations, for all crew?
- ③ Identify examples of current best practice, recognising there may be further improvements over time
- ③ Provide recommendations for how to scale current best practice

The outcomes of this project are made available to all and it is hope will be used by all relevant vessel standards, risk assessment tools, private policies, benchmarks, competent authorities, vessel owners, fishers representatives, support organisations and recruiters.

2.2 - APPROACH

This project completed research through an extensive and global stakeholder consultation process involving a survey, bilateral in-depth interviews, case studies and regional workshops, complimented by desk based research. The project engaged directly with fishing companies and vessel owners, competent authorities, seafood buyers, crew representatives, support organisations, NGOs, standards operators and risk assessment tool developers.

Figure 3 provides an overview of the key project activities and the full methodology is presented in Appendix 1.

PREPERATION:

- Creation of Oversight Committee (OC) & TORs
- Identify target regions
- Develop in-country networks

SCOPING:

- Stakeholder mapping
- Literature review
- Refine geographic scope

CONSULTATIONS:

- Survey
- Bilateral interviews
- In-country outreach
- Oversight commitee (cont.)
- Outreach at seafood shows

ANALYSIS:

- Analysis of consultation data
- Definition of Key Questions and Themes

REGIONAL WORKSHOPS:

- Consultation on Key Questions & Themes

OUTPUTS:

- Key insights
- Reccomendations
- Proposals for Action

Regular project updates between GSA and Key Traceability

Figure 3 - Key project activities.

2.3 - SCOPE

It is important to note that the project does not address broad crew welfare issues, only Worker Voice and representation processes and Grievance Mechanisms.

The project considered specifically the expectation of processes on vessels which are certified or deemed capable of certification to standards addressing good crew welfare, or which achieve favorable ratings from risk assessments based on global mechanisms (such as the International Labour Organisation Work in Fisheries Convention: ILO C188).

This is because focusing on fishing vessels operating at best practice provides a benchmark from where better practice can be aspired and worked toward, or where less good practice can build a plan of improvement. It provides a measurement to which other processes can be aligned and gaps noticed.

GEOGRAPHIC SCOPE

The project aimed to have a wide a geographic scope as possible and involved stakeholders in the survey and interviews from around the world (Figure 4).

In total the project interacted with 150 stakeholders from 30+ different countries.



Figure 4 - Map showing interview respondents' locations

Further to the stakeholder consultation workshops and case studies were selected where there were either examples of best-practice in terms of Worker Voice and Grievance Mechanisms or were areas of potential high-risk but where efforts have

recently been directed to address issues through a number of means including Worker Voice and Grievance Mechanisms. The availability of in-country support and language capabilities were also important criteria in the selection (Table 4).

Table 4: Selected countries for regional workshops and case studies

COUNTRY	REASONS FOR SELECTION
South Africa	<ul style="list-style-type: none"> ⊗ Adopted ILO C188 ⊗ Examples of potential best practice in relation to national crew on South African flagged vessels ⊗ Challenges in addressing Worker Voice and Grievance Mechanisms on foreign-flagged vessels using migrant labor
Thailand	<ul style="list-style-type: none"> ⊗ Well publicized challenges of migrant labor in capture fisheries – high risk on the Global Slavery Index ⊗ Adopted ILO C188 ⊗ Efforts in government reform as well as NGO and private sector led initiatives to address Worker Voice and Grievance Mechanisms
Taiwan	<ul style="list-style-type: none"> ⊗ Important export market for tuna (US, Japan, EU) ⊗ Well publicized challenges of migrant labor particularly on longline tuna vessels - high risk on the Global Slavery Index ⊗ Effort in government reform and development of unions ⊗ Not permitted to ratify ILO 188 but using it as a framework to build improvements

In addition, case studies were selected to do a deep dive on engagement of unions within the fisheries sector (Iceland, Denmark, Faroe Islands, Uruguay and Taiwan) as well as support organisations such as Stella Maris.

SCOPE LIMITATIONS

It is acknowledged that there will be many vessels globally operating good practice that are unidentified and also that vessels with the most egregious human rights abuses are out of reach of this study. There were also some regions or countries where outreach was not possible, as Worker Voice and Grievance Mechanisms can be regarded as contentious issues by their competent authorities, or where time and budget restricted. More workshops were planned (e.g. Norway) but could not be completed due to fishing or other commitments preventing participation. There is opportunity to continue to document best practice and engage more country representatives.

2.4 - OUTPUTS

The report does not aim to provide a single answer to what should be provided to crew, but sets out the current procedures in operation, collects the expectations and opinions from a broad range of stakeholders who participated in the project. It is proposed that coalescing around what best practice can and should be expected, by demonstrating what is possible and proposing steps to move forward that will support improvement it is a significant contribution to both improving practice and providing a clear framework for vessel owners and skippers to work to, and for crew, fish buyers and competent authorities, to require.

3 - Case Studies



3 - CASE STUDIES

There are three country case studies. There are many examples of well developed practice, efforts to improve practice, and specific challenges to success. The three case studies build on the workshop experiences in-country with local stakeholders.

- ③ **South Africa:** is an example of a country that has ratified ILO C188 and has well developed unions and other support organisations for South African flagged vessels.
- ③ **Thailand:** was the first country in Asia to ratify ILO C188, Thailand has had a lot of international attention in relation to welfare of fishing crew.
- ③ **Taiwan:** selected as it has a large number of distant water vessels, many of which employ migrant crew, such as longline tuna vessels. It has had a lot of international attention in relation to welfare of fishing crew and is actively sharing efforts to make improvements. Taiwan are not permitted to ratify ILO188, but have publicly declared they are using it as a framework for improvement.

Unions: a specific case study looked at the use of unions within fisheries around the world in providing a channel for Worker Voice.

Fishermen’s support groups: a specific case study looking at the role of charitable and community groups in reactively addressing grievances and poor conditions for fishing crew.

3.1 - SOUTH AFRICA

BACKGROUND

South Africa ratified ILO C188 in 2013 and it has been reported that the first detention of a fishing vessel under the provision of ILO’s work in Fishing Convention (2007) occurred at Cape Town, South Africa⁶. This was as a result of a crew members’ complaints regarding the working conditions which provoked an inspection under the provisions for the Convention. This incident compelled the vessel owner to take adequate measures to rectify the problems and illustrated the role ILO C188 can play in enforcing labor standards at a port level not just for domestic vessels, but visiting vessels.

Largely South African flagged vessels have South African crew and it was reported within the South African workshop that labor legislation is strong. Worker voice, through unions, is also considered to be strong and has been built on the historical context of South Africa where people’s voices have been heard through political change. However, there are foreign vessels with migrant crew using South African ports and waters. Not all these foreign vessels have the same level of worker welfare. In some cases foreign vessels have been extreme examples of malpractice and that has been shared in the global press.



COUNTRY:	SOUTH AFRICA
Size of Fishing Industry:	<ul style="list-style-type: none"> • Industrial vessels:²399 • Artisanal/recreational fishermen: 500,000
Number of Crew:	<ul style="list-style-type: none"> • 28,000 employed in fishing Foreign crew on foreign vessels visiting ports
Crew countries of origin:	<ul style="list-style-type: none"> • South African flagged vessels: Filipino, Indonesian, Burmese, Vietnamese
Typical length of fishing trips:	<ul style="list-style-type: none"> • 18-28 days (South African flagged) but can be up to 50 days. (Foreign vessels – can be years)
Certified fisheries:	<ul style="list-style-type: none"> • South African Hake MSC
Global Slavery Index rating:	<ul style="list-style-type: none"> • Not listed
Sources:	<ul style="list-style-type: none"> • FAO, ILO, WWF, STATSSA
Key capture marine species :	<ul style="list-style-type: none"> • Hake, anchovy, sardine, rock lobster, toothfish, abalone
Wild capture:	<ul style="list-style-type: none"> • 612,000 tones⁴
Key export markets:	<ul style="list-style-type: none"> • Europe, Japan, China, Hong Kong, US, Australia, Mozambique
Export value:	<ul style="list-style-type: none"> • \$598 million⁵

2 - <https://www.statssa.gov.za/?p=14327>

3 - http://awsassets.wwf.org.za/downloads/wwf_a4_fish_facts_report_lr.pdf

4 - <https://www.fao.org/fishery/en/facp/zaf?lang=en5>

5 - https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_634680/lang--en/index.htm

6 - https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_634680/lang--en/index.htm

CASE STUDY 1 - SOUTH AFRICA

KEY STAKEHOLDERS

At a national level the following institutions and organisations play a role in providing Worker Voice and Grievance Mechanisms:

- ③ **The South African Maritime Safety Authority (SAMSA)** plays an important role in training, checking onboard facilities and contracts;
- ③ **Companies/employers:** are required to follow strong labor legislation and listed companies need to publish Environmental and Social Governance (ESG) reports;
- ③ **Unions:**
 - ③ Commission for Conciliation, Mediation and Arbitration (CCMA)
 - ③ The South African Fishing Industry Employers Organisation (SAFIEO)
 - ③ The Trawler and Line Fishermen’s Union (TALFU)
 - ③ The Food and Allied Workers Union (FAWU)
 - ③ The National Certificated Fishing and Allied Workers Union (NCFAWU).
- ③ **Stella Maris:** is a charity with a network of local chaplains and seafarer centres around the world providing expert information, advocacy, and spiritual support to seafarers and fishers. They are active in South Africa.
- ③ **Amalgamated Fishing Employers’ Organisation (AFEO):** is focused on assisting Employers within various fishing sectors, with Employment issues, collective bargaining and provides a comprehensive Labour Law Service.

APPROACHES AND TOOLS:

- ③ **GRIEVANCE ROUTES**
In the event of a grievance South African crew have a number of different routes they can take. They can approach the skipper or vessel owner, they can report issues to a union representative on board or in port, or they can report through the safety authority: SAMSA. Crew have WIFI at sea and so are able to use their phones. They often have phone numbers of authorities and inspectors who they can call or access online. When submitting grievances, crew can be anonymous. Lastly, crew also have the opportunity to contact other organisations in port.
- ③ **UNIONS**
Unions are prevalent and active in the South African industrial fishing sector. Worker Voice and representation is well developed in South Africa. Where crew are members of unions there are often union representatives (known as stewards) on board the vessel. These representatives provide an immediate point of contact for crew. An example of the collective bargaining agreement set up for the South African deep-sea trawling industry is provided in Box 3.

Some crew, such as seasonal workers or small scale fishermen, may not be members of a union and it is unclear what recourse they have, if any. Foreign crew on foreign vessels are not members of the South African unions, although it was learned that ILO are looking at how South African Union CCMA would support Indonesian visiting crew who are members of Indonesian trade unions.

There is also an organization that support employers in the fishing sector. AFEO strives to be that voice for employers operating fishing vessels. They are focused on assisting Employers with Labour Law issues, collective bargaining and provide a comprehensive Labour Law service. This type of service may be important in countries where crew have good representation in order to ensure the employers also understand rights on both sides.

Box 3: Deep Sea Trawling Industry Bargaining Council

Within the deep-sea trawling industry a Bargaining Council has been set up (in 2001) to provide a forum for employers and trade unions to meet on an annual basis to negotiate, bargain collectively and consult on matters of mutual interest, including salaries and basic conditions of employment for sea-going employees. It was recognised that the Basic Conditions of Employment Act, nor the Merchant Shipping Act, adequately provide for the rights of sea-going workers in the fishing industry and that a sector-specific Bargaining Council was required.

In the Hake Deep-sea Bottom Trawl Chamber, negotiations are conducted annually between the following parties:

- ③ The South African Fishing Industry Employers Organisation (SAFIEO)
- ③ The Trawler and Line Fishermen’s Union (TALFU)
- ③ The Food and Allied Workers Union (FAWU)
- ③ The National Certificated Fishing and Allied Workers Union (NCFAWU).

The Collective Agreement includes agreed procedures for employing and terminating the employment of sea-going workers; agreed guidelines on the right to strike and the rights of employers; and a Code of Good practice. Amendments are made to the Collective Agreement following the conclusion of annual negotiations and these amendments are signed by the Minister of Labour and published in the Government Gazette. Amendments typically include annual pay increases across every rank of employee.

The racial composition of employees in the South African deep-sea trawling industry:



- - Black 39%
- - Coloured 56%
- - White 5.7%
- - Indian 0.3%

Source: <https://www.sadstia.co.za/assets/uploads/Factsheet-1-Employment.pdf>

- ③ **PRIVATE SECTOR INITIATIVES**
It was reported within the South African workshop that crew in South Africa tend to have a good relationship with their skipper and generally things are discussed and resolved informally. Fishing companies human resources departments have developed mechanisms to resolve issues and these details are shared with employed crew. These mechanisms escalate according to the issue raised and only very serious issues are taken forward through a full Grievance Mechanism.

③ **SUPPORTIVE GROUPS**

Stella Maris is a charitable organization that works within the South African ports typically visiting each 2-3 times per week. They engage with foreign crew and connect with them or less formally via social media. Most of the foreign crew have phones with them, but connectivity is often limited to being in port. Stella Maris has supported some crew to get repatriation in cases of abuse. It was reported in the South African workshop that most foreign crew appear to understand they have contracts and rights, but there are examples where they have multiple contracts such that it is not clear what rights they have or who they need to contact in the case of an issue.

③ **ACCESS TO COMMUNICATIONS E.G. WIFI**

The typical length of fishing trips for South African vessels is 18-28 days, although there was mention of longer trips extending for 50-55 days.. However, foreign owned longline vessels (which use the South African ports) can have much longer trips that extend to months if not years. In general, WIFI or satellite phones are provided to crew on South African flagged vessels so that crew can communicate with their families and have access to their bank accounts. However, it was mentioned during the workshop that the skipper can turn off the WIFI, for example as a punishment.

③ **WHATSAPP GROUPS**

It is understood crew often create WhatsApp groups. Within these groups they can seek peer support and ask questions. These groups and informal ‘buddy systems’ were mentioned several times in the workshop.

CASE STUDY 1 - SUMMARY

There are a number of initiatives that safeguard national crew, but there are concerns about foreign vessels that access South African waters or ports.

South African authorities can inspect foreign vessels in port under ILO C188 but have less regular involvement with foreign vessels. There are well documented examples of foreign vessel crews needing and receiving support in South African waters or ports. This is usually provided by one of the charitable organisations or SAMSA⁷.

Those working in the South African fisheries are aware that issues when foreign vessels docked in their ports and found to have labor issues can affect their reputation even when they are not flagged to South Africa or the fish is not destined for markets where good labour standards are required. As one participant put it:

“When there are labor issues, the market is negatively impacted whether it is a South African vessel or not. Walmart will call up whenever South Africa gets a mention in a report.”

Participants of the workshop therefore favored recommendations that would bring foreign-flagged vessels under the same level of regulatory and administrative scrutiny as South-African flagged vessels, particularly if visiting South African ports. They felt there was a need to find ways to strengthen Worker Voice for migrant crew working on foreign vessels to give them the same dialogue enjoyed by national crew working on nationally-flagged vessels.

3.2 - TAIWAN

BACKGROUND

Taiwan has an estimated 24,000 migrant crew working on Taiwanese-flagged vessels (Seafish, 2015). The Global Slavery Index identifies the fishery sector in Taiwan as being high risk. There have also been individual incidents highlighted on Taiwan-flagged vessels, such as the disappearance of observers in the Pacific (Carreon, 2021) and links to trafficking Cambodian workers (Greenpeace, 2017). The US Customs Border Patrol (CBP) has raised withhold release orders (WRO) against specified individual Taiwanese fishing vessels in response to allegations of forced labor or worker exploitation, preventing products from these vessels entering the US market (CBP, 2022).

Table 5 illustrates the nationality of migrant workers on Taiwanese vessels, including fishermen from Indonesia, Philippines and Vietnam. The informal employment of Cambodian and Myanmar crew is not reflected in the available figures. There are also concerns for the labor conditions of Taiwanese national crew who potentially face long periods at sea on distant water fleets.



COUNTRY:	TAIWAN
Size of Fishing Industry:	<ul style="list-style-type: none"> Industrial vessels: 300 large longliners; >1,000 smaller longliners
Number of Crew:	<ul style="list-style-type: none"> 15,840 crew on distant water fleet 54,840 offshore fleet 157,410 coastal fleet
Crew countries of origin:	<ul style="list-style-type: none"> Indonesia, Philippines, Vietnam, Cambodia, Myanmar
Typical length of fishing trips:	<ul style="list-style-type: none"> Varies from 2 months, up to 10 months, 2 years or even 5+ years
Certified fisheries:	<ul style="list-style-type: none"> TriMarine Atlantic Albacore (MSC certified) Tuna Alliance Atlantic Albacore (MSC assessment)
Global Slavery Index rating:	<ul style="list-style-type: none"> High risk
Sources:	<ul style="list-style-type: none"> Seafish ethics profile: 2015
Key capture marine species :	<ul style="list-style-type: none"> Saury, squid, mackerel, tuna
Wild capture:	<ul style="list-style-type: none"> 1.3 million tones
Key export markets:	<ul style="list-style-type: none"> Japan, Thailand, US (also smaller amounts to S. Korea and EU)
Export value:	<ul style="list-style-type: none"> \$2 billion

7 - <https://blog.samsa.org.za/tag/c188/>

Table 4: Nationalities of migrant workers on Taiwanese vessels

COUNTRY/YEAR	2015	2016	2017	2018	2019	2020	2021
Indonesia	9066	9785	10524	13003	113008921	13170	11790
Philippines	4790	4768	4951	5998	6030	6144	5302
Vietnam	1666	1271	1037	1109	948	1113	1250
Other	296	466	1103	283	479	527	465
Total	1599	16290	17615	20392	20465	20954	18807
Statistical date	Year ending 31 December					15 July 2020	28 February 2021

Since Taiwan is a globally important exporter of fisheries products and supplies key markets in the US and the EU, there are buyers and importing regulations helping to drive improvement on Taiwanese-flagged vessels. Over recent years, the Taiwanese Fisheries Agency has announced measures, regulations and initiatives related to increasing compliance for fisherman human rights within its fleets.

In 2022, Taiwan launched its first vessel built to meet ILO C188 requirements for living and working conditions. The trawler was designed to meet the Convention's requirements for minimum bunk dimensions, providing ventilation within all cabins, and cabins built for a maximum of four people, with bathrooms for every six (Strong, 2022). According to an EU press release, Taiwan committed to 'domesticate ILO Work in Fishing C188' in 2019 (European Commission, 2019), however Taiwan will not be able to formally ratify the ILO Convention as it is not a recognized Member State of the ILO.

KEY STAKEHOLDERS

At a national level the following institutions and organisations play a role in providing Worker Voice and Grievance Mechanisms:

- ⊙ The Taiwanese Fisheries Agency (TFA) is the primary government authority for matters related to Taiwan's fisheries, it oversees the 2022 'Action Plan of Fisheries and Human Rights', which includes crew rights and onboard communications.
- ⊙ The Ministry of Labor (MOL) maintains a foreign worker toll-free direct hotline

("1955") to assist migrant workers with problems they may encounter with employers or recruitment agencies.

- ⊙ Companies / employers: are required to follow applicable legislation and regulations related to crew and employee working conditions.
- ⊙ **UNIONS:**
 - ⊙ Yilan Migrant Fisherman Union (YMFU), formed in 2013 is for migrant fishermen only. The YMFU is active in providing support and advocacy for fishermen.
 - ⊙ Keelung Migrant Fisherman's Union (KMFU), formed in 2021 is for Indonesian fishermen in Taiwan in the Keelung region only.

NGOS, CHARITIES AND OTHER ORGANISATIONS:

- ⊙ Stella Maris: a charitable organization that works at the port level and provides support to foreign crew.
- ⊙ Presbyterian Church in Taiwan Seamen and Fishermen's Service Center (PCTSFSC) provides support and assistance services as well as social events in Taiwan for domestic and migrant fishermen. Services include supporting complaints and mediating disputes with employers.
- ⊙ Human Rights for Migrant Fishers coalition consists of groups focused on human rights lobbying, it is formed of companies advocating for migrant fishermen's rights and service providers.

IMPROVEMENTS RELATED TO WORKER VOICE AND GRIEVANCE MECHANISMS:

- ⊙ **REQUIREMENTS TO INSTALL WIFI**
There have been demands made by various civil society and fisherman groups within Taiwan and beyond to provide WIFI access on Taiwan's distant-water fishing vessels, with some also calling for seafood brand and retailer to provide funding for such initiatives (Godfrey, 2022; Cohen, 2022).

The Taiwanese government has been encouraging vessels to install or share onboard WIFI so that crew have access to communications (Executive Yuan Taiwan, 2022). In 2022, the TFA announced their plan to subsidize WIFI installation with a contribution of \$3,000,000 NTD (~\$100,000 USD) per vessel for equipment purchase for 60 vessels, and a further \$8,000 NTD (~\$260 USD) per month for the communication fees of 110 vessels over four years. The TFA have also stated their intent to reward vessels who provide WIFI to workers (Fisheries Agency Taiwan, 2022), e.g., through increases in quotas. These measures, amongst others, have been included in Taiwan's 'Action Plan of Fisheries and Human Rights'.

- ⊙ **MOBILE CHANNELS**
An example given during the Thailand workshop was with FCF Co. Ltd who collaborated with the PCTSFSC and technology provider E-ACORE PTE Ltd. on a Worker Voice Platform project. FCF Co. Ltd are a Taiwanese company and one of the world's largest integrated supply-chain providers for seafood, with more than 30 subsidiaries, fishing bases and shipping agents throughout the world. As a result, they have the potential to be influential in improving working conditions and setting best-practice.

Within the FCF Co. Ltd Worker Voice Platform project, they have set up a Worker Voice / grievance reporting channel for fishermen which can be accessed by crew using their phones through using a QR code which the company expects vessels to provide onboard in crew-accessible areas, e.g. on the wall of the crew mess. A poster for display on the vessel is provided below (Figure 5).



Figure 5 - Multi-lingual poster for vessel display of PCTSFSC – FCF – E-ACORE Worker Voice channel.

Initially, the mechanism pilot was limited to vessels within FCF's supply chain and focused on distant water tuna fishing vessels, with volunteer vessel owners hailing from those committed to FCF's 'Social Responsibility Program' (FCF, 2021). However, the PCTSFSC have confirmed directly that the channel is open to all vessels, and with approval from the vessel owner staff from PCTSFSC would be happy to board vessels to speak to crew about how to access the channel and how it can help them.

The platform includes a questionnaire available in six languages for crew to complete regarding their working conditions and has an integrated instant messaging function that connects crew members with the Seaman and Fishermen Service Center (PCTSFSC) to confidentially lodge and review their cases, providing an independent channel for raising and resolving grievances (FCF 2022; FCF 2021).

Awareness of the channel amongst crew and vessel owners has been raised through direct communications through engagement visits and training sessions for vessel operators, community awareness raising for crew members and hosting events, vessel visits to show crew how to use the mechanism, capacity building for companies, and engagement of vessel companies through fishery associations (FCF, 2021b).

It was identified that over 90% grievances reported through the channel were raised when the vessel was in port, rather than at sea. Due to the requirement for internet connection to update and communicate with shore, this mechanism will only be effective when the crew member can access the internet, such as when in port or during trips if the vessel offers onboard WIFI. Consequently, if internet access is not available during the vessel trip, crew will be restricted from using this grievance reporting mechanism for extended periods of time.

FCF reported in December 2022 that since launching the platform, the PCTSFSC has received over 200 complaints submitted by crew members, with 86% of grievances being resolved and closed by the Center (FCF, 2023). A comprehensive, independent review of the effectiveness of this Worker Voice platform process and resolutions is not currently available, however any such results in the future would be useful in evaluating the effectiveness of this mechanism.

The second phase of the project initiated in the second half of 2022 was targeted towards squid vessels for trial due to most of the Taiwanese vessels having wireless networks installed that would allow crew to access the internet for using the app, with engagement via the Taiwan Squid and Saury Fisheries Association (TSSFA) (FCF, 2022). The training session held to discuss the platform and social responsibility was attended by PCTSFSC, FCF, Overseas Fisheries Development Council (OFDC), the EJF, TFA, and other relevant NGOs, creating a multi-stakeholder environment for sharing perspectives and practices.

⑤ EDUCATIONAL VIDEOS

Educational videos have been created by the Taiwan Fisheries Agency which are shared online via YouTube and are available in a range of languages including: Vietnamese, English, Filipino, Indonesian, Chinese and Burmese. The videos cover topics related to contracts, working conditions, rights and responsibilities, the risks of fishing and health and safety. The videos also outline the routes available for crew to lodge a complaint including an in-country hotline and a number to call if outside of Taiwan. They also explain where Taiwanese Fisheries Agency officers are stationed abroad and who is available to help them if needed. Recruitment agencies are able to use these videos whilst recruiting, training and preparing fishermen. Some interviewees confirmed that these videos are currently being used by some agencies but there is no evidence that this is yet standard practice.

⑤ UNIONS

Unionization of workers is becoming established in Taiwan, particularly amongst the migrant fisherman workforce. Instances of two such organizations are the Yilan Migrant Fisherman Union (YMFU) and the Keelung Migrant Fisherman's Union (KMFU) (currently there are 100 members). Formulation of such unions is anticipated to be a step towards protection of labor rights in Taiwan. Research and engagement during the outreach of this project suggest that these unions are vocal in their advocacy to competent authorities for fishermen's rights. These unions can play an important role in Worker Voice and Grievance Mechanisms by providing a channel for members to report issues confidently, to inform fishermen of their rights, and in their advocacy on behalf of the members they represent.

⑤ SUPPORTIVE GROUPS

Stella Maris is active in Taiwan and is available in ports in Taiwan to support crew. Crew can contact them from abroad, but Stella Maris stated during interview that they find that this is not as easy as in-person communications in port. They also have a Facebook group with crew where they can share news and information (such as the educational videos).

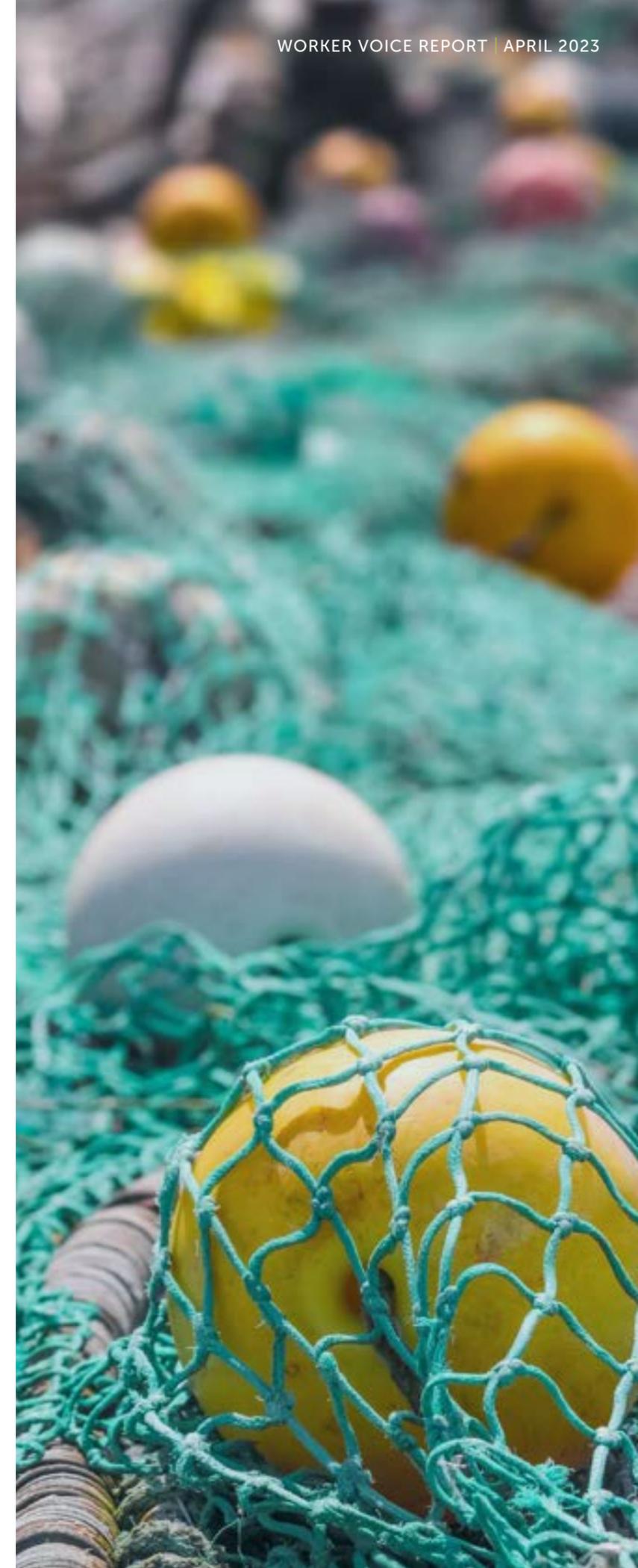
The Presbyterian Church in Taiwan Seamen and Fishermen's Service Center (PCTSFSC) is also a well-known provider of support and services to fishermen in Taiwan, available to both national and migrant workers, with services including mediating disputes and hearing complaints (PCTSFSC, 2022).

CASE STUDY 2 - SUMMARY

In summary, regulations and government plans or initiatives related to fisherman rights, and through this to Worker Voice and Grievance Mechanisms, are receiving active attention in Taiwan. Many of the regulations, as well as civil society initiatives have focused on the migrant workers, which reflects the composition of the Taiwanese fishing workforce and international pressure. There has been focus from the authorities and public groups calling for installation of WIFI onboard vessels and providing access to communications for crew members whilst at sea, however by the end of 2022 very few vessels had WIFI or other accessible communication channels available (Chiang, 2022).

Additionally, concerns have been raised by and on behalf of fishing vessel owners, including during the workshop, related to the cost of installing WIFI equipment, the cost of making this available to crew members, and the impact of crew spending time on phones (during their rest periods) with the concern of this contributing towards accidents.

There are non-governmental groups, including fishermen unions, associations, religious institutions, and charities that provide services for fishermen, including information on their rights, dispute mediation, supporting with complaints, and advocating for improved conditions. There have been examples of shared initiatives or forum between the TFA and these supporting groups. This may be in recognition of the trust and confidence these groups can create with crew.



3.3 - THAILAND

BACKGROUND

Thailand's seafood production is socially, economically and nutritionally important for the nation, composed both of wild capture fisheries (63% of total production) and aquaculture production (37% of total production) (GLOBEFISH, 2018). Capture fisheries provide direct employment for 162,800 workers onboard fishing vessels, with more than half of these foreign workers (62%) (Department of Fisheries Thailand, 2021).

The Thai fisheries industry has faced criticism throughout the 2010s, including numerous NGO investigations and reports on forced labor and human trafficking, a yellow card issued by the European Commission in 2015 for insufficient measures against IUU fishing, and downgrading to 'tier 3' in the 2014 and 2015 Trafficking in Persons Report (U.S. Department of State), with treatment of workers throughout the seafood industry, including migrant fishermen, contributing to this downgrade. Key NGO reports include EJF reports 'Sold to the Sea: Human Trafficking in Thailand's Fishing Industry' (2013) and 'Thailand's Seafood Slaves: Human trafficking, slavery and murder in Kantang's fishing industry' (2015), and Greenpeace South East Asia's report 'Turn the Tide: Human rights abuses and illegal fishing in Thailand's overseas fishing industry' (2016).

The Royal Thai Government has instituted regulatory amendments, introduced new legislation, and undertaken initiatives to improve conditions and governance of the country's fisheries and their reputation. NGO Environmental Justice Foundation have worked with the government since 2013 on investigating and improving environmental impacts and social conditions within fisheries, with workstreams across agencies including Department of Fisheries, Command Centre for Combatting Illegal Fishing, Ministry of Labour, Department of Labour Protection and Welfare, and Marine Department (EJF, 2019). The yellow card was removed by the European Commission in 2019 and the 2022 Trafficking in Persons Report rated Thailand 'tier 2'.



COUNTRY:	THAILAND
Size of Fishing Industry:	<ul style="list-style-type: none"> • 10,595 Industrial vessels • 51,237 Artisanal vessels
Number of Crew:	<ul style="list-style-type: none"> • 162,800 (62% foreign)
Typical length of fishing trips:	<ul style="list-style-type: none"> • Varies based on fishing ground, catch species, gear type and vessel capacity. Ranges from several days, two-four weeks or several months at a time (Issara Institute and IJM, 2017).
Certified fisheries:	<ul style="list-style-type: none"> • The Gulf of Thailand mixed-trawl fishery has been under a FIP for MarinTrust, in January 2023 it applied for certification against MarinTrust Multispecies Fishery Assessment (Scalia-Bruce, 2023).
Global Slavery Index rating:	<ul style="list-style-type: none"> • High risk
Sources:	<ul style="list-style-type: none"> • Thai Department of Fisheries https://www4.fisheries.go.th/dof_en/view_message/215
Key capture marine species :	<ul style="list-style-type: none"> • Fish feed (for aquaculture) • Shrimp • Octopus/cuttlefish • Tuna (imported for processing)
Wild capture:	<ul style="list-style-type: none"> • 1.4 million tones
Key export markets:	<ul style="list-style-type: none"> • Japan, US, Australia, Canada, and China.
Import:	<ul style="list-style-type: none"> • 2.1million tones (primarily for processing and reexport e.g. tuna)
Export value:	<ul style="list-style-type: none"> • US\$ 5.3 million (including aquaculture) • (Canned tuna: 29%; Shrimp: 26%; Other prepared fish: 9%)

Thailand became the first country in Asia to ratify two crucial ILO conventions: the Protocol of 2014 to the Forced Labour Convention, 1930 (PO29) and the Work in Fishing Convention, 2007 (No. 188). Since then, the Ministry of Labour has conducted several rounds of multi-stakeholder consultations and has issued the "Work in Fishing Act" which apply only to commercial fishing vessels weighing 30 gross tones and above, accounting for approximately 5,000 vessels and 30,000 workers.

Union membership has been inhibited due to migrant workers barred from forming labor unions in Thailand (IRLF, 2020).

KEY STAKEHOLDERS

At a national level the following institutions and organisations play a role in providing Worker Voice and Grievance Mechanisms:

- ① **The Thai Royal Government** is the overarching body, which encourages provision of decent work and has made Royal Ordinances on Fisheries passed over recent years.
- ① **The Ministry of Labour (MOL)** is responsible for labor regulation and enforcement, including for fishing workers. The MOL has worked with the ILO on supporting decent work in the seafood industry (ILO, 2020).
- ① **Department of Fisheries (DOF)** is part of the Ministry of Agriculture and Cooperatives, the Department is responsible for the promotion and sustainability of Thailand's fishing industry.
- ① **Companies/employers:** are required to follow applicable legislation and regulations related to crew and employee working conditions.
- ① **Thai Union** is one of the world's biggest seafood companies ranked number one in the world in the food industry on the Dow Jones Sustainability Indices (DJSI) 2022. The company is engaged throughout the Thai fishing industry and exports globally. Thai Union has been involved with many national projects to improve the working conditions and rights of workers onboard vessels they own and purchase from, including on Worker Voice (Kearns, 2019) and in providing communications at sea.

① UNIONS:

- ① **Fishers' Rights Network (FRN)**, launched in 2018 by the International Transport Workers' Federation (ITF) as an independent and democratic fishers' union endorsed by 37 global and domestic unions, NGOs and industry (ITF, 2018).
- ① **International Transport Workers Federation (ITF)** are a privately funded organization which provides a supportive system for Thai fishermen. The ITF is building a democratic, representative union of fishers in Thailand, campaigning to improve the wages, working conditions and labour rights of all fishers in the Thai fishing industry.

① SUPPORT ORGANISATIONS

- ① The Thailand workshop revealed a number of supportive organisations that work at a port level and can provide support to fishing crew.
- ① **Stella Maris:** a charitable organization who provide support in ports around the world.
- ① **The Fishermen's Centre** was mentioned as a hub of support (see further details below)
- ① **The Labour Protection Network:** the group works to protect the rights of migrant fishermen in Thailand, including 'the right to health, safe work, education, and social services'. The LPN advocates for the rights of migrant fishers with the Thai Government and civil society, partners with local groups and businesses, undertakes investigations and legal action against labor abuses.
- ① **ISSARA:** Supports responsible seafood sourcing to address labour risks in Thai Fisheries.

APPROACHES AND TOOLS

④ LEGISLATIVE REFORM

As detailed under the background for this case study, the Thai Government have introduced numerous legislative reforms to address the rights of fishermen and meeting international expectations on social conformity. Efforts are being made to implement ILO C188 and the ILO Forced Labour Convention through several national legislative amendments and reviews to ensure the fulfilment of these conventions, such as the Emergency Decree amending the Anti-Trafficking in Persons Act BE 251 (2008), BE 2562 (2019) and the Labour Protection in Fishing Work Act, B.E. 2562 (2019).

Criticism has been raised against existing regulations and the implementation and enforcement of these measures in relation to Worker Voice. For example, major challenges have been raised within the ILO Direct Request on Thailand's implementation and enforcement measures for meeting ILO 188, particularly for migrant fishermen, with inspections deemed inadequate for identifying labor violations, fishermen lacking trust in the inspection process, and lack of clarity regarding the responsible authority for reporting violations (ILO, 2022). The Government have stated in their response to the ILO's comments that 'all fishers regardless of their nationality can file a complaint through a hotline, social network platform civil society organizations, as well as complaint boxes installed at jetties and PIPO (Port-in Port-out) Centres', however detail was not provided on the arrangements for investigation or number of investigations in response to complaints (ILO, 2022).

Additionally, the 1975 Labour Relations Act sections 88 and 101 restrict the right of freedom of association by preventing migrant workers from formally starting trade unions or recognised collective organisation, significantly restricting access to Worker Voice and self-advocacy (IRLF, 2020; Ginty, 2020). Recommendations have been made by NGOs and public interest groups for Thailand to ratify ILO Convention No. 87 ('Freedom of Association and Protection of the Right to Organise') and ILO Convention No. 98 ('Right to Organise and Collective Bargaining') (OHCHR, 2021; EJF, 2022).

During the workshop held in Thailand, it was raised that full responsibility for assurance of standards had been placed on the industry, with the government not taking responsibility despite it having access to greater influence.

④ TRAINING STAKEHOLDERS IN THE PRINCIPLES OF GOOD LABOR PRACTICES

ILO is working in Thailand through various initiatives such as the EU funded [Ship to Shore Rights Project](#) and the [Good Labour Practices](#) (GLP) programme in order to empower workers and civil society to request better working conditions and safer recruitment processes, including access to Worker Voice and Grievance Mechanisms. "[Ship to Shore Rights South East Asia](#)" is a four year (2020-2024) programme implemented by the International Labour Organization (ILO) in collaboration with the International Organization for Migration (IOM) and the United Nations Development Programme (UNDP). Private sector companies, such as Thai Union and FCF, provide training in connection with their initiatives as well as encouraging government to adopt more rigorous regulations. These are often in partnership with NGOs or specialized support organisations.

The GLP programme is a combination of activities aiming at promoting the stakeholder understanding of the principles of good labour practices through the development of a series of industry-specific labour compliance and good practice guidelines for fishing boats, aquaculture farms, primary processing workplaces and processing/packing factories. Within the ILO report 'Turning principles into pathways: The future of the Seafood Good Labour Practices programme' (2022a), it is noted that attempts to extend the Ship to Shore Rights project in Thailand through a specific Fishing GLP for vessel owners was not taken up by the industry, with different dynamics and leverage compared to seafood processing factories cited as reasons for this.

Strengths of the Seafood GLP that have been identified and could be considered when developing mechanisms for assuring Worker Voice include: establishing national ownership of the initiative through

formalising the standards into law and engaging industry associations to oversee and encourage implementation amongst member companies, in contrast to taking a buyer-driven approach. Establishing workshops in which private sector parties could talk with human resources colleagues from other companies about labor relations management and opportunities for peer-to-peer learning on improvements were also cited as practices that supported improvements in working conditions identified within the programme. Finally, recommendations for improvements that are specific to each company, their needs and operations which are communicated in an accessible package, such as through industry associations, is another practice found to be effective.

Structural weaknesses were also identified within the report regarding the Seafood GLP and its implementation within Thailand which can be considered and heeded for Worker Voice. The authority of industry associations, whose visits factory owners could refuse, and the status of industry associations as funded and empowered by their member companies presents power dynamics that could restrict the ability of the associations to bring attention to issues. Freedom of association and collective bargaining, despite being the subject of a module within the Seafood GLP workplace standards, were found to not be focused upon within guidelines, factory visits and training, which instead focused on individual, direct Grievance Mechanisms such as worker welfare committees and suggestion boxes. Distinction is made between the labor risks of export-facing companies, which the Seafood GLP is intended for, and domestic supply chains, in which forced labor is more likely to occur according to research referenced within the ILO report. This flags the importance for adapting mechanisms and enforcement for the supply chain characteristics and company operations. Finally, a point was made regarding establishing the "business case" for participation within the Seafood GLP for the private sector, with the case undermined due to accountability and public reporting not being fully implemented and lack of effective labour inspections and identification of breaches. Thus, lessons can be taken from this for clearly communicating the business case



and the need for establishing market rewards to incentivise high performance of participants and sanctioning of poor behaviour.

The importance of fisherman trust in Worker Voice and Grievance Mechanisms and any parties that uphold or promote them was raised within the Thailand workshop, with lacking trust raised as a challenge for effective implementation, therefore identifying appropriate parties, ensuring mechanisms are legitimised, and establishing trust should also be considered within the good labor practices.

LABOR INSPECTIONS

Thailand's adoption of Port State Measures provided authority to inspect foreign vessels in Thai ports. This is aimed at preventing IUU fishing, but inspections should include immigration and labor enforcement officers who ensure safety and treatment of fishers are up to par with the International Labor Organization standards. The Thai government committed to inspecting 100% of visiting fishing vessels, but don't currently have sufficient inspectors to meet this target. NGOs Pew and EJF are reporting on this government initiative.

Labor inspections offer an important opportunity for the relevant authority to monitor and enforce labour regulations. Since 2015 and the global exposure of Thailand's seafood industry through NGO and media reports, the Thai government have enacted numerous measures to address the issues and risks raised. Port inspections were reinforced through the creation of 32 Port-in Port-out (PIPO) Control centres based in coastal ports to conduct fishing inspections. The relevant agencies for coordinating these inspections are the Ministry of Labour (MOL), Royal Thai Navy, the Department of Fisheries, with inspections led by the Ministry of Labour's 'Department of Labour Protection and Welfare' (DLPW) (ILO, 2019). Training for labour inspections to increase knowledge and capacity was conducted by ILO and supported through the Ship to Shore Rights Project.

In Thailand's first implementation report for ILO C188, it is stated that 55,818 PIPO inspections were conducted in 2020, with 19 vessels in violation of labour laws identified, and 842 at-sea inspections conducted, with one case of labour violation identified (ILO, 2022). Criticism of labor inspections has been raised by ITF, who

stated that the PIPO inspections are 'superficial and are not carried out thoroughly enough to identify, report and correct violations' (ibid.). The ITF noted most fishermen within the FRN felt intimidated by inspectors, did not trust the process, interview were not being conducted in a safe environment and without interpretation, with these factors affected the ability or likelihood for crew to report issues. Additionally, ITF note that inspectors are frequently reassigned, limiting the opportunity to develop relationships with stakeholders, effectively investigate complaints, and share information. The Thai Government stated that inspections are conducted with interpreters and a multi-disciplinary team and noted a willingness to work with the FRN and ITF in cases of violations, however a request for further details on the compliance system was made by the ILO. The report also notes that during Covid, in-person port inspections were reduced, limiting accountability for vessel owners, highlighting a limitation of this approach. In December 2022, the ILO held a workshop in Thailand for a pilot project to strengthen PIPO inspections (Ship to Shore Rights, 2023).

Participants within the Thai workshop commented on the importance of port-side inspections to follow-up on crew being informed of their rights and ensuring access to Worker Voice mechanisms, as well as the importance of providing face-to-face opportunities to communicate with fishermen. However, the concerns raised by the ITF were also echoed within the workshop, with participants commenting on there not being many port inspections conducted in Thailand, and that whilst fines are high there are also high levels of corruption which led to penalties not being consistently applied.

Workshop participants also commented on the cultural differences present across fishing crew can also present a limitation in the effectiveness of labor inspections to identify issues onboard vessels and act as a channel for Worker Voice or Grievance Mechanisms. Specifically remarked upon, was the preference of Indonesian crew to speak to those of the same nationality when it comes to raising issues, or that some cultural backgrounds may encourage crew to remain quiet with their grievances and 'keep their head down'.

Based on the research identified within this case study and the views received within the workshops, it is evident that there are challenges and limitations in the use of labor inspections

from the authority as a mechanism for identifying violations of labor regulations and in offering a channel for reporting and investigating grievances. These challenges are based on gaining the trust of crew members and assuring the legitimacy of the inspections and reporting of violations.

SUPPORTIVE ORGANISATIONS

The Thailand workshop revealed a number of supportive organisations that work at a port level and can provide support to fishing crew. Those mentioned included:

Stella Maris: a charitable organisation of the Catholic Church who provide support in ports and spend time building relationships with crew and getting to know them in order to build trust and offer help. Stella Maris has a Seafarer's Centre in Thailand that works with migrant workers in the Thai fishing industry, with the aim of 'teaching life skills and supporting them to access legal and social services in addition to offering emergency shelter' (Freedom Fund, 2023). The US State Department recognised a Stella Maris port chaplain in Thailand for her work with trafficked seafarers and fishers, demonstrating the perceived legitimacy on the global platform of the organisation (Stella Maris, 2022).

International Transport Federation (ITF) are a privately funded global organisation with a campaign in Thailand to build union representation, advocate for regulatory changes, and improve working conditions and labor rights for fishermen in Thailand's fishing industry. The Federation launched the Fishers' Rights Network (FRN) union for fishing workers in Thailand, providing the channels and mobilising crew to advocate for their rights and providing a channel for Worker Voice (Bates, 2022). As well as being a presence in key fishing ports, the ITF has boarded industrial fishing vessels to investigate labor rights abuses onboard.

International Labour Organization (ILO) has engaged with Thailand through the Ship to Shore Rights Project (funded by the European Union), provision of training to labor inspectors, research on fisher rights within the country, and engagement on the implementation of the ILO Work in Fishing Convention (C188).

Labor Rights Network (LPN) is a Thai NGO established in 2004 that advocates and works to protect the rights of migrant workers in Thailand,

including fishermen. The organisation manages a 24-hour “Labour Voices Hotline” for Thai and migrant workers in Thailand as an independent consultation and complaint channel, a private-civil sector partnership with Charoen Pokphand Foods PLC (CP Foods) and established five years ago (LPN Foundation, 2023; Bangkok Post, 2020). The hotline is reinforced by occasional in-person ‘focus groups’ to raise questions and complaints.

There is no use-case information available on use of the hotline by fishermen as a channel for Worker Voice, however this presents a format for non-governmental public-private partnerships to provide access to independent Worker Voice channels where these are not provided by the State.

The Fishermen’s Life Enhancement Centre is based in the Songkhla province of Thailand and was opened in 2016 with the objective of supporting and lifting the quality of life for migrant fishers and their families. In its first year of operations, the Centre stated that it served 3,500 migrant workers and their families in Songkhla and nearby provinces, with services delivered including supporting workers to understand their own rights, improve quality of life, and educate children. The Centre is a public-private partnership launched through a collaboration by the Fish Marketing Organization, Department of Labor Protection and Welfare, Family Planning Association of Thailand, Stella Maris Centre Songkhla and Charoen Pokphand Foods PLC (CP Foods) (CPF Worldwide, 2017). According to the Centre, most complaints received in the first year were about salaries being lower than agreed levels. The Centre evaluated its first year results to inform the strategies set and services prioritised for the following year, supporting continual improvement and learning.

The example of this Centre shows another case of public-private partnerships used to access and provide services to fishermen, and making available an independent route for learning about rights and raising grievances.

CASE STUDY 3 - SUMMARY

In summary, Thailand has faced criticism for labour conditions of fishermen, in particular for migrant crew from Cambodia and Myanmar, which led to seafood trade restrictions to the EU and the US. Thailand has worked with a range of stakeholders to try and address the issues, and was the first Asian country to ratify the ILO Work in Fishing Convention (ILO C188) in 2019. The government has enacted legislative reform including regulation in line with the ILO Forced Labour Convention, and worked with the ILO, EJF and private companies such as Thai Union to improve governance of the country’s fisheries and their reputation. However, currently these measures do not enshrine the right or mandate crew access to Worker Voice and Grievance Mechanisms. In fact, due to the prohibition and restrictions of migrant worker membership and participation within unions, legislative efforts are inadequate. Furthermore, the implementation and enforcement of regulations by the State is also cited as being insufficient to assure rights.

Whilst significant measures have been taken to improve social conditions within Thailand’s fisheries and compliance with international standards, issues remain within the fisheries with inadequacies identified within the 2022 Trafficking in Persons report and the first report from the Government on the application of ILO C188 in 2022.

In contrast to this, there are several examples of NGOs, unions, and public-private partnerships or initiatives which have been effective in providing services and channels that support informing crew of their rights, advocating on behalf of workers, and providing channels for Worker Voice or Grievance Mechanisms through physical centres, forming an in-person presence in fishing ports and communities, educational workshops, and provision of consultation / complaints hotlines for use by workers.

A point of difference between the efforts made by the government and that of non-governmental initiatives is the trust gained by the latter with workers. As highlighted during the Thailand workshop and sources evaluated, the trust of fishers, communicating in the language of crew members, and creating a safe environment for the reporting of grievances is critical for driving the uptake of Worker Voice and Grievance Mechanisms by fishers.

3.4 - UNION REPRESENTATION

The existence of unions around the world varies considerably with some having fishery related sectors with high membership to those where unions are illegal or culturally not a core institution. Some examples are drawn on here as well as an exploration of how union representation can support Worker Voice and Grievance Mechanisms.

④ ICELAND

In Iceland more than 90% of the workforce belong to a trade union (across all sectors), and there is also a national body the Icelandic Seamen’s Federation (SSI) that represents all of the 17 seamen unions and promotes further establishment of unions and ongoing training. Unions have representative on vessels and collective bargaining agreements that set out a grievance policy as well as other agreed standards on working conditions.

④ FAROES ISLANDS

In an interview with a Faroese vessel owner association it was reported that the Faroe Islands also has a very “active, successful, and inclusive (e.g., migrants can be involved) collective bargaining agreement (CBA) system”. According to the interview, Faroe’s CBA system has been in operation for 100 years and there are laws regarding CBA.. The country’s CBA system is well functioning and established with a high rate of crew members joining unions and vessel owners required to adhere to the CBAs.

“...the culture in Faroe is that almost all crew are members of the labour unions – the unions should have a desire to inform their own members of the CBA”

- (Interviewee)

④ DENMARK

In Denmark the two main fish producer organisations (DFPO and DPPO) have an agreed social contract on labor conditions (collective bargaining agreement) with the main fisheries union (3F). This agreement applies to all workers whether members of the union or not. The social contract establishes fair and reasonable working conditions for employees, which includes reasonable working and resting hours, fair pay, and standards on working environments.

In addition, each vessel has a security group that oversees daily working conditions and can report any issues to Regional Safety Boards. These boards include representatives (both employees and employers) from all vessels with 8-15 employees and give feedback to the government on new legislation and safety standards; meeting four times a year. Workers are therefore: protected by a collective bargaining agreement (whether member of the union or not) and whether they are Danish or foreign; have access to a security group on each vessel; and are represented at regional safety committees that engage with the government on safety and working conditions.

④ SOUTH AFRICA

Unions are integral in the South African industrial fishing sector and Worker Voice is well developed in South Africa. Where crew are members of unions there are often union representatives on board who provide a point of contact for crew. Some crew, such as seasonal workers or small scale fishermen, may not be members of a union. Foreign crew are not members of SA unions and their national situations will vary. ILO has been looking at how the main South African union (CCMA) might be able to link with Indonesian trade unions for example. Reaching out to foreign crew trade unions to offer in port representation through national trade unions is an area that needs further research.

④ URUGUAY

Uruguay has a well-established Fishing Crew and Skipper Union that most workers are affiliated to. The unions are responsible for negotiating with the companies and government on working conditions and salaries. The union of fishing crew members is called Sindicato Único de Trabajo del Mary Afines (SUNTMA) with 1,200 members.

In addition The Unique Union of Uruguayan Fishing Skippers (SUDEPPU) was founded in 1985 by a group of fishing skippers. Among SUDEPPU’s tasks are defense and counselling of its affiliates, the search for professional improvement and the institutional relationship with authorities, companies, unions and organizations of the society in general, both locally and abroad.

Uruguay has a formal system for negotiating salary and other working condition through the collective bargaining agreements. This is managed through the Tripartite Sectoral Council of Fisheries which is made up of the government, business chambers and unions of the sea. The negotiation is attended by up to three government representatives, two worker representatives and two employer representatives.

Following their negotiation, CBAs are approved by the government after which they become mandatory and are published on the government website. The agreed CBA usually includes a peace clause that specifies that during the term of the agreement, the workers will not make out requests for salary improvements or on other issues that have been the subject of negotiation in the agreement. However, during the interviews, industry representatives claimed that these peace clauses were often not respected.

There seems to be some tension between the fishing industry and crew unions. In general, the Uruguayan fishing industry considers that the main problem in the sector is the conflict with the unions and labor laws, which increase operating costs and uncertainty, while discouraging investment. This in turn, it is argued, has led to the low diversification of the sector and a lack of renewal of the fleet. During the outreach in Uruguay, the industry also complained about how the union places pressure on non-affiliated crew members to affiliate.

One Uruguayan fishery industry representative mentioned that they (a fishing company) have a human resources department to deal with crew issues. They try to facilitate internal dialogue with the crew, without involving the unions. However, if a union is involved, they have a lawyer that deals with the union directly, without close involvement of the company.

⊙ **TAIWAN**
 Unionization of workers is becoming established in Taiwan. Instances of two such organizations are the Yilan Migrant fishermen Union (YMFU) and the Keelung Migrant Fishermen Union (KMFU) (currently there are 100 members). Formulation of such unions is anticipated to be a huge step towards protection of labor rights in Taiwan. However, there are certain limitations related to membership (which played a key role in delaying the formation of the union). For instance, workers belonging to different work categories cannot be part of the KMFU union, and fishermen who had transferred to other employers were also prohibited from joining (Humanity Research Consultancy, 2015).

SUMMARY

Unions are very strong in some parts of the world and can provide significant support to workers in terms of resolution and collective bargaining. Examples of countries that have strong fishery unions include Iceland, Denmark and the Faroes Island in Europe, Uruguay and Argentina in South America. There are some negative views of unions, such as in Uruguay where the private sector claims that union demands have restricted investment and modernization of the fleet. In other regions of the world unions are not part of the culture or are prohibited.

3.5 - SUPPORTIVE ORGANISATIONS

There are many fishermen’s welfare groups and organizations working around the globe to support the well-being and livelihoods of fishermen and the fishing industry. Some of them are summarized in Table 6.

Table 6: Fishermen’s welfare groups

Stella Maris (Apostleship of the Sea)	Stella Maris are present 60 countries globally, and provide pro-active outreach by means of ship-visiting along with modern drop-in centers within the docks, coupled with email and telephone contacts. Their work focuses on ensuring good working conditions for all seafarers and protecting their human rights.
Fishermen’s Mission	The Fishermen’s Mission prioritizes the safety of the fishermen and can also act as a conduit for grievances to fishing companies. Investigations are carried out in confidence and progress reported to the complainant.
World Forum of Fisher Peoples (WFFP)	WFFP comprises of 29 member organisations (small-scale fishing groups) from 23 different countries and represents more than 10 million fisher people globally. It helps its members in strengthening their organizational capacities and advocates for human rights, fishermen’s rights to access and manage fisheries’ resources and conservation of natural biodiversity.
Fishers’ Right Network (FRN)	The Fisher’s Right Network (FRN) is a newly created network that has been launched in Thailand to prevent abuse and exploitation of fishermen (who are mostly migrants from Cambodia and Myanmar). The ITF formulated the FRN with the support of 37 unions and federations (in the USA, the UK and Australia). The FRN urges the Thai fishing industry to increase wages of the fishermen, improve their working conditions and prevent recruitment fees being passed onto crew.

Fisheries welfare groups or support organisations, less formally recognized than unions, can be partners to development of Worker Voice or Grievance Mechanisms, particularly where unions are less appropriate or illegal. They often have good access to crew in port and increasingly at sea through WhatsApp type communications and social media, when WIFI is available. They can:

- ⊙ **Advocacy for better working conditions:** welfare groups can advocate for better safety measures and working conditions on boats.
- ⊙ **Health and safety support:** Fisher welfare groups can provide health and safety training, as well as access to medical support and assistance in case of injury or illness.
- ⊙ **Social support:** Fishery welfare groups can provide a sense of community and support

for fishermen, who may spend long periods of time away from home and their families.

- ⊙ **Educational and training opportunities:** Some fishery welfare groups offer educational and training opportunities for fishermen, which helps them to improve their skills and knowledge about their rights
- ⊙ **Advocacy on policy change:** Fishery welfare groups can advocate on behalf of fishermen and the fishing industry, helping to shape policies and regulations that affect the industry.
- ⊙ **Financial assistance:** In some cases, fishery welfare groups may provide financial assistance to fishermen and their families in times of need.
- ⊙ **In acute situations provide refuge and support.**

STELLA MARIS

The example of Stella Maris came up repeatedly in interviews and the regional workshops, and was also actively involved in the project as part of the Oversight Committee, as interviewees, and workshop participants. Stella Maris work across 60 countries from the US to Australia and have a number of volunteers who work at the port level, providing friendship, support and a route to communicate with crews' families. Stella Maris representatives will create trusting relationships with the crew by taking them out for activities, meals, etc. (Box 4).

"Stella Maris is there for fishermen and their families in good times and bad. Thanks to the relationships that are established between fishermen and Stella Maris personnel, trust is built. When difficulties or crises do emerge, fishermen can turn to us for help, knowing that we will respond both sensitively and effectively."

- Martin Foley, Stella Maris CEO (2022).

SUMMARY

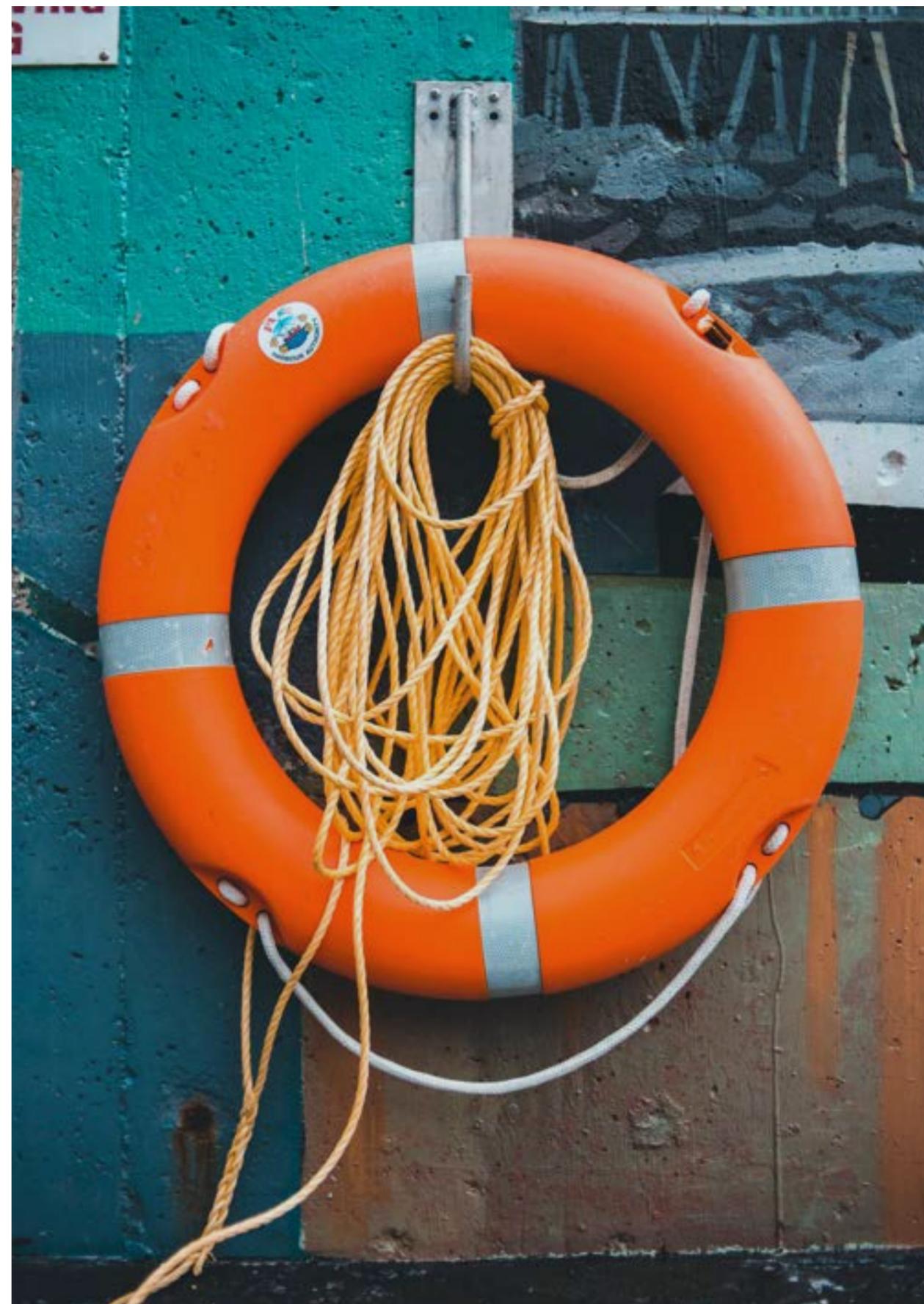
The fisher welfare groups are not limited to Stella Maris, but the organization is a good example of building trust with crew members. Through the interviews, many respondents commented on the likelihood that crew would use a Worker Voice mechanism would strengthen if there were more trust between those involved. Building trust with a marginalized group can be complex, however the models of the fisher welfare groups and the trade unions which have been mentioned as part of this study, have been successful. Stella Maris continues to work in Taiwan with human rights organizations and is understood to be advocating for WIFI on board vessels. These groups build trust through separation from authorities, availability, engagement, and continuous dialogue with crew. There is an opportunity to create partnerships with these organisations where applicable and they may be able to assist in building trust on mechanisms that are used at sea, such as the Presbyterian Church of Taiwan supporting the training and implementation of the FCF Ltd Worker Voice Platform.

Box 4: Stella Maris: An interview with a volunteer based in Kaohsiung, Taiwan

Our interviewee who is based in Kaohsiung, Taiwan, explained that support workers from Stella Maris go into the ports, speak to the fishermen and they understand the reality of what is going on in the fishing industry. They explained that Stella Maris Taiwan meets with around 3000 fishermen a year and most are from Indonesia, Philippines, and Vanuatu.

The interview explained how Taiwan has a grievance system whereby if you have a problem, you can call 1955, but this is difficult for the fishermen as they are at sea for long periods of time, and this is difficult to do when abroad. When asked what happens when a complaint is raised through Stella Maris, it was explained that the issue is raised directly with the Taiwanese Fishing Agency (TFA). The TFA has invited Stella Maris for the discussions after seeing the work they were doing, and now there is even more involvement from the higher-ranking officials within the fishing agency. It was explained that it is the authority's responsibility to ensure there are no abuses on board, and therefore they work with them to process the complaints and come to a resolution.

The Stella Maris interviewee stressed that engagement with the competent authorities is very important, **"they must be part of the solution, sometimes they have goodwill, but might not know about all the cases. Everyone must be part of the solution to minimize the risks"**.



4 - Best Practice Themes



4 - BEST PRACTICE THEMES

Throughout the research process key themes and findings emerged and were tested through workshops, in-country outreach, and interviews. This section sets out the themes and ideas which were tested and feedback received during the in-country workshops. It is important to note that even though these were the most discussed themes there was not always universal agreement and there were differences in how stakeholders considered certain mechanisms could be applied. This highlights that there is no one solution or model that can be applied globally.

One area of discussion was the importance of considering how the mechanism changed or didn't change the power imbalance between the skipper and crew. For example, communications systems (i.e. WIFI and satellite phones) would not always change outcomes if skippers had the power to turn them off and used access as an incentive or punishment, not a right.

The project participants generally agreed that issues should be dealt with at different levels to try and resolve issues along the process.

- ④ **Reducing risks of labor issues arising** e.g. by improving crew preparedness where they better understand and agree with their contracts, expectations of the work and know their rights. Also that access to communications where questions can be asked or issues be resolved swiftly
- ④ **Worker Voice access** provides crew with representation and an opportunity to contribute to a two-way dialogue on working conditions so that issues can be agreed
- ④ **Effective Grievance Mechanism:** a safety net when issues have not been addressed through the earlier processes or incidents by pass early resolution opportunities.

A) REDUCING RISKS OF ISSUES ARISING

There were a number of ways identified where the risk of labor issues can be reduced. These include, but are likely not limited to:

- ④ Engaging skippers in developing processes and improve **skipper training** on handling issues appropriately: skippers need to be engaged and motivated through discussion of the benefits of higher crew morale, better productivity, less crew turn-over and fewer incidents as well as providing them with confidence to handle issues well
- ④ **Ethical recruitment:** fishing companies ensure ethical recruitment which provides contracts in line with global convention guidance
- ④ Enhance **crew preparedness** at recruitment crew that includes preparation before departure and ensuring that preparation is understood
- ④ **Access to communications:** so that issues can be addressed before they become more serious. Informal communication routes, understanding of support mechanisms. Access to communications with shore while at sea i.e. support organisations and families

B) ENHANCING WORKER VOICE

A number of examples of **Worker Voice mechanisms** were discussed within the workshops and provided within the case studies. While Unions are often seen as the direct route less formal collectives, NGO led dialogues and support organisations can all help mediate and represent fishing crew where necessary. Some of the common elements of their success were highlighted as:

- ④ **Representation:** through unions or fishing association membership or other organized groups;
- ④ **Dialogue:** structures and forums that allow issues to be discussed and agreed regularly e.g. prearranged and engaging discussion on collective bargaining agreements (CBAs); and
- ④ **Trust:** trust to be built so that crew feel safe to engage in Worker Voice

It was acknowledged that Worker Voice may need engagement with the support of non-formal dialogue where culture inhibits participation at a formal level.

C) EFFECTIVE GRIEVANCE MECHANISMS

The UNGP provide a useful framework of key principles that help ensure design and effective use of Grievance Mechanisms. The interviews, workshops and case studies highlighted the following key elements in interpreting these principles for the fishing sector.

These are mapped against the UNGP 31 principles in Table 7 below:

Table 7: UNGP 31 Principles on Grievance Mechanisms

UNGP 31 PRINCIPLES		KEY ISSUES HIGHLIGHTED THROUGHOUT THE PROJECT REFERRING TO EFFECTIVE GRIEVANCE MECHANISMS
1	Legitimate	Bespoke design for the context Trust in the process and the response
2	Accessible	Access to communications
3	Predicable	Clear process and defined roles of each stakeholder
4	Equitable	Investment in processes to make it accessible to all
5	Transparent	Balancing transparency and confidentiality
6	Rights-compatible	Crew know their rights Remediation
7	Continuous-learning	Feedback on timing of the process and outcomes
8	Dialogue & engagement	Supported by Worker Voice mechanisms

CROSS-OVER IN THEMES

In reality, many of the factors that help to reduce risks are also important features of effective Worker Voice and Grievance Mechanisms (Figure 6). For example, while **access to communications** can reduce isolation at sea which can help in turn to reduce labor issues it is also important to enable ongoing dialogue, engagement with support groups and ‘buddy systems’ and when needed, to access a Grievance Mechanism. Likewise, **trust** is important in developing effective Worker Voice and regular dialogue as well as trust in using a Grievance Mechanism. More broadly trust can also help to reduce labor issues if crew, fishing companies and skippers trust each other, particularly when conditions are challenging fishing at sea. Crew need to **know their rights** in all situations and there is usually an associated **cost** of developing good systems which requires **investment and commitment by supply chain actors** e.g. in collaborative development, training, communication technology, monitoring and evaluation.

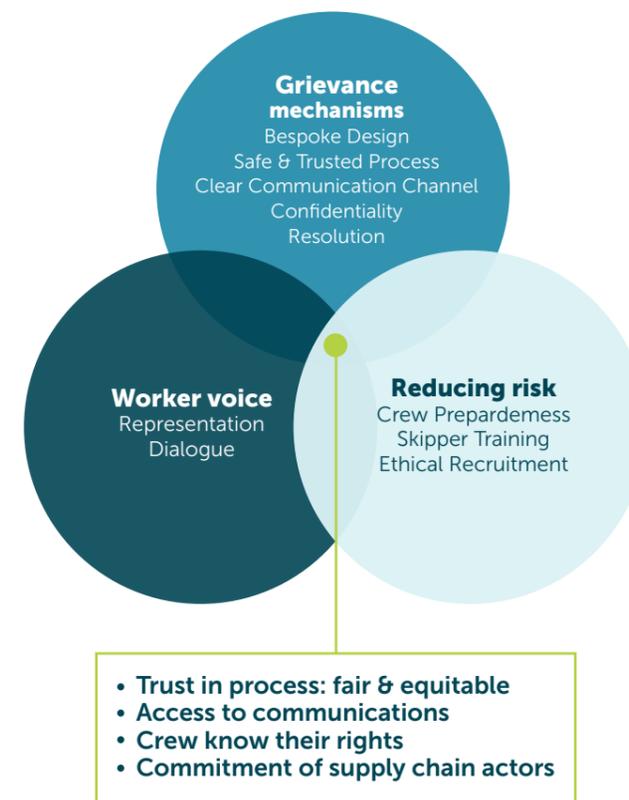


Figure 6 - Illustration of the common issues between Worker Voice, Grievance Mechanisms and reducing labor risks



4.1 - CREW PREPAREDNESS AND TRAINING

During workshops and interviews a number of ideas emerged regarding preparedness of crew members.

BUDDY SYSTEMS: INTERNAL CREW TRAINING SYSTEM

Some participants reported that they have seen better crew morale/less issues when experienced crew members are able to train and support newer crew. In cases where the crew include migrant crew members 'buddy systems' can help bridge communication barriers particularly if they can converse in crew's native language, where culture tends to prevent interaction with authorities or where smaller issues can be resolved at a peer level. Buddy systems are used in other sectors. Other respondents felt this system could work on vessels where there are already higher-ranking positions established, whereas on other vessels where there was usually a higher crew turn-over rate, this may not be suitable as most crew on board are in their first years of fishing.

"Training is essential. Crew members need to get help to talk about issues and make use of the Grievance Mechanisms"

- Interviewee

It was discussed that a buddy-system could be used as part of a larger support mechanism which ensure crew are aware and able to use systems in place. For example, in countries where unions are strong, such as South Africa, they often have representatives on board vessels who can provide this support to crew.

Buddy systems could be set up during the onboarding of crew members, with some existing crews set up as crew representatives to ensure newer crew are informed and aware of their rights. It was considered important by some that a greater number of crew were trained to reduce the overall reliance on one or two crew members.

Buddy systems won't suit all vessels, but can be explored as part of a system to help create more open communication on board, provide on board support and handle very low level risk issues. They can also connect crew to wider organisations. However, keeping 'buddy' roles safe and skippers absolving themselves of crew responsibility are risks.

"Drawing on the leadership idea, but if you have a few people on these vessels trained up so that it is less reliant on one or two crew members. Conflict training is not the responsibility of the crew, but in a situation whilst at sea, if they do take some responsibility then this can de-escalate some situations. It's also about understanding why certain procedures and processes are in place and being able to hold each other accountable."

- Interviewee

CREW PREPARATION TRAINING AT POINT OF RECRUITMENT

The point at which the crew members are recruited has been highlighted as a potential stage where crew can be fully prepared. The interviews and the workshops with participants who had experience with migrant crew members all agreed that recruitment agencies can play a key role, but should be treated as part of a wider eco-system of addressing crew welfare. The recruitment stage is valuable for crew training as it is likely in their native language, they are more likely to have access to both informal and legal support if they need to seek advice. Crew should depart for the fishing vessel confident of their rights, procedures and their contract details.

Apart from training related to contracts and rights it is proposed they should also be well informed about the working conditions on fishing vessels and their responsibilities. According to the ILO C188 guidelines:

- ④ All fishermen must have enough training so that they can work safely on board, including familiarization with on-board equipment and procedures.
- ④ Each fisherman has a duty to look after their own health and safety and that of others working with them and comply with the measures put in place for their safety.

While it is acknowledged that safety and occupational training is usually delivered and a legal requirement (for vessels which are certified or capable of certification) at point of vessel departure it was felt that crew should have a much better understanding of the conditions on board and what they are likely to be required to do. In some cases this may be more obvious, but it was identified as a common failing for migrant crew.

In terms of whether recruitment agencies have a role in Grievance Mechanisms once the crew member has departed the point of recruitment, an association of recruitment agencies was interviewed. They explained that due to the time spent at sea, by the time a grievance gets back to the agency it has usually already been resolved or escalated. They explained it is difficult for them to reach out to crew members whilst they are at sea. The agencies felt that the skippers and vessel owner should be trained in how to treat crew fairly. Their role in preparation of crew prior to departure was not explored.

CREW TRAINING ONBOARD

Another participant highlighted the need to ensure when crew are onboarded they are taken through an induction process in a manner that is appropriate, not just a PowerPoint presentation, but a clear deliverable training programme using techniques to ensure those with lower literacy rates or working in non-native languages understand. Videos and materials that can be downloaded to cell phones were suggested. Additionally testing post training to establish levels of understanding were discussed.

SKIPPER AND MANAGEMENT TRAINING

There was consensus amongst interviews, workshops, and in-country outreach that providing more training to management and skippers was essential to reduce labour risks and to effectively both design and implement any Worker Voice or Grievance Mechanism. It is essential that skippers are also protected within the mechanisms.

Box 5: Article 8 of the ILO C188 Convention: Responsibilities of fishing vessel owners, skippers and fishermen

- ④ 1) The fishing vessel owner has the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply the obligations of this Convention.
- ④ 2) The skipper has the responsibility for the safety of the fishermen on board and the safe operation of the vessel, including but not limited to certain areas (as mentioned in Article 8).
- ④ 3) The skipper shall not be constrained by the fishing vessel owner from taking any decision which, in the professional judgement of the skipper, is necessary for the safety of the vessel and its safe navigation and safe operation, or the safety of the fishermen on board.
- ④ 4) Fishermen shall comply with the lawful orders from the skipper and applicable safety and health measures.

Skippers can be made aware of the potential business impacts of negative working conditions on board the vessels and how addressing such situations positively can improve productivity. A skipper's typical and historic skill is the hunting and catching of fish, and managing his vessel. Now they are needed to have more skills in relation to managing people, often foreign nationals of different cultures and speaking different first languages, they need support particularly when they are often leading teams in very challenging or pressurized circumstances.

4.2 - ETHICAL RECRUITMENT

There was considerable discussion within interviews and workshops that crew need support throughout their entire recruitment journey. Figure 7 illustrates a potential crew's recruitment journey, illustrating the many different connections they may make along the way which in some cases can be distant and distinct from the company who is ultimately hiring them. While national crew may also be recruited through agencies, this is considered more likely for migrant crew who may go through a number of different agencies or labor brokers.

There is a requirement within ILO C188 for recruitment agencies (within the signatory countries) to be regulated (Box 6). However, as the supply chains are often complex, multiple recruitment agencies may be used for the supply of fishermen to one vessel and this requirement may not capture all the brokers involved. For example, a vessel owner may contact an agency in Taiwan for 10 Indonesian crew members, the Taiwanese agency will then source from any available agencies in Indonesia. Not only does this leave crew in a vulnerable situation, but it also makes identifying responsibility and ensuring compliance difficult.

It is felt that ethical recruitment will coupled with preparation at recruitment will lead to less need for escalated Grievance Mechanisms to be used – although they should still be in place.

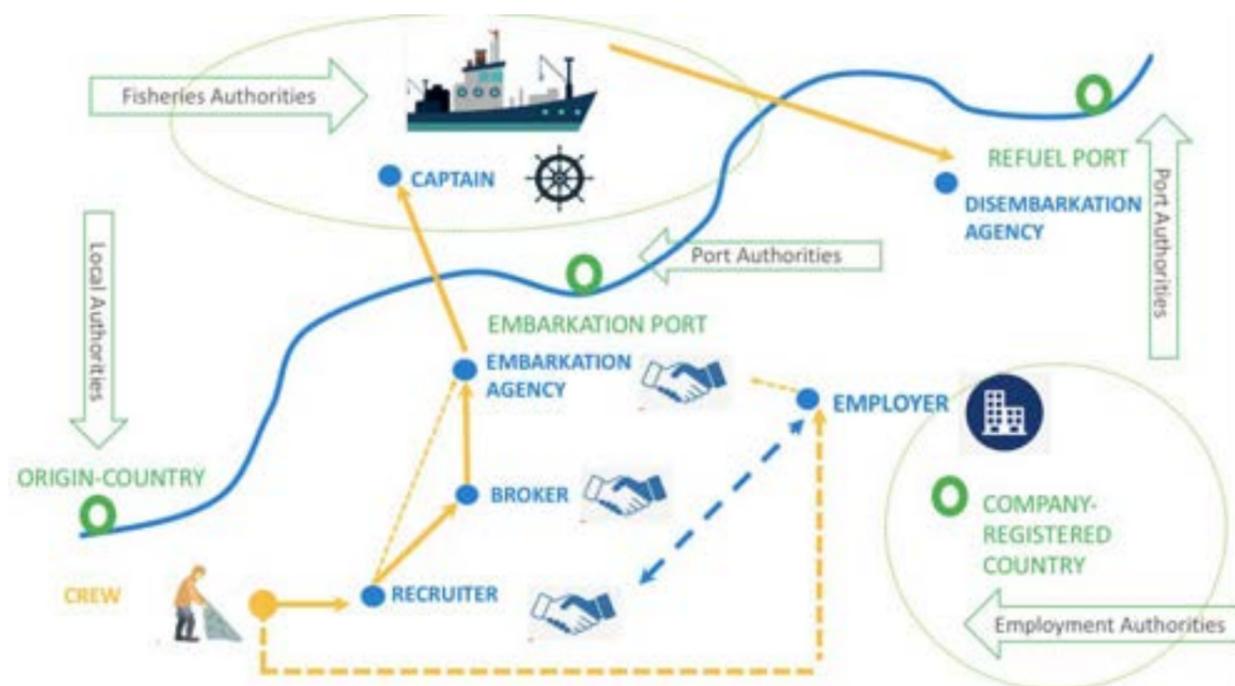


Figure 7 - Illustration of a potential migrant crew recruitment journey

Box 6: ILO C188 requirements on crew recruitment

Article 22: Recruitment and Placement of fishermen

- ① 1. Each Member that operates a public service providing recruitment and placement for fishers shall ensure that the service forms part of, or is coordinated with, a public employment service for all workers and employers.
- ② 2. Any private service providing recruitment and placement for fishers which operates in the territory of a Member shall **do so in conformity with a standardized system of licensing or certification** or other form of regulation, which shall be established, maintained or modified only after consultation.
- ③ 3. Each Member shall, by means of laws, regulations or other measures:
 - ④ (a) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter fishers from engaging for work;
 - ④ (b) require that no fees or other charges for recruitment or placement of fishers be borne directly or indirectly, in whole or in part, by the fisher; and
 - ④ (c) determine the conditions under which any licence, certificate or similar authorization of a private recruitment or placement service may be suspended or withdrawn in case of violation of relevant laws or regulations; and specify the conditions under which private recruitment and placement services can operate.

An example of an initiative aimed at ethical recruitment is within the Scottish White Fish Producers Association (SWFPA). SWFPA recognized that standards had to improve on the recruitment side in order to address risks they identified. They have created their own crew services company to stop crew being charged recruitment fees. They are also exploring a skilled visa route to offer yet further protection (Box 7).

Box 7: SWFPA approach to crew recruitment

SWFPA has recently set up its own crew services company to improve recruitment for crew coming from Ghana, Philippines, Indonesia, India and Sri Lanka on transit visas. Prior to this change, the association was consistently seeing crew members being charged up to £6,000 GBP for a job on a fishing vessel in the UK. The new system has enabled them to ensure this does not happen to crew working on their fishing vessels. The association interview the crew when they come in to the fleet and when they leave, and have used this to determine which agents were using debt bondage (and report these to the border force), and which were not. Through this process the association has selected which brokers the crew service company engages with. These crew interviews are also vital for the exchange of information to ensure remediation for those crew who had been charged fees and are also as an ongoing communication channel between crew and the association. SWFPA are working in Belize with fishermen who can potentially get into the UK on a skilled visa route, which brings greater protection to the fisherman and flexibility to the vessel owner.

4.3 - WORKER VOICE: REPRESENTATION AND DIALOGUE

Crew representation was a recurring theme throughout the research project. For example, one participant at the South African workshop noted that audits are a snapshot in time and things at the vessel level change from one week to the next. Participants felt Worker Voice in place covers the rest of the time outside of audits.

Most stakeholders also felt Grievance Mechanism can only be robust and provide protection for internationally recognized human rights if crew are properly represented. Representation can come in multiple forms, such as membership of associations or unions, but also covers the provision of legal protections such as court access.

TRADE UNIONS

Unions are very strong in some parts of the world and can provide significant support to workers and provide standard working conditions through collective bargaining agreements. Examples of countries that have strong fishery unions include Iceland, Denmark and the Faroes Island in Europe, Uruguay and Argentina in South America. In other regions of the world unions are not part of the culture.

There are a number of benefits of union representation, including the ability to negotiate collective bargaining agreements (CBA) that set pay and standards for working conditions. For example, a CBA is negotiated each year for minimum wage rates in Iceland each year and in Denmark the main fish producer organization have agreed a social contract on labor conditions with the main fisheries union. Uruguay also has a formal system for negotiation of salary and working conditions through the Tripartite Sectoral Council of Fisheries, although there are issues when negotiations are opened outside of this process.

Trade unions can be the route migrant fishermen take to gain access to legal representation. The International Labor Rights Forum (ILRF) and the International Transport Workers' Federation (ITF) have been advocating for migrant fishermen' right to organize in Thailand (Garcia Lozano, et al., 2022). Accordingly the Yilan Migrant Fishermen Union (YMFU) and Keelung Migrant Fishermen's Union (KMFU) have been set up to protect migrant

fishermen who are not formally protected by legislation in Taiwan.

There are differences in union membership, for example in South Africa employed national crew are highly likely to be union members whereas this is less likely for seasonal workers or self-employed fishermen. Migrant crew may not be involved in unions, but there are also cases such as in Denmark where all crew will be covered by the CBA whether members of the union or not.

There are a number of factors that determine the success of trade unions. One key factor of success is the collective influence workers have. Workers tend to have with a greater influence where there is high demand for labor accompanied by scarce supply, and lower influence when there is a monopoly (i.e., one employer or few employers) and many fishermen. The second key factor is enabling government legislation. It is not possible for many, such as in China or Thailand, to be part of unions or create a union to better represent themselves. In these situations, most social standards require there to be at least a fishermen's representative on board to represent the crew.

4.4 - BESPOKE DESIGN

It was clear throughout the interviews and workshops that there is no one model for either Worker Voice or Grievance Mechanism that could be implemented across all fisheries.

However, there are global conventions providing strong principles for their design and good examples of different ways of effectively providing these critical mechanisms. By collectively agreeing what best practice looks like, which may be represented by a portfolio of options and supporting initiatives, bespoke and appropriate processes can be designed, shared, evaluated and built upon.

4.5 - FEEDBACK VERSUS CONFIDENTIALITY

Throughout the interviews and the regional workshops there was in-depth discussion on how to balance the need for transparency and confidentiality in Grievance Mechanisms. In general, there was agreement that transparency of the process was important, as well as regular feedback on the status of the issue, a timeframe and details of any remediation. That transparency needs to be further explored to

understand how to manage confidentiality and safety of individuals. It is important to ensure confidentiality so that grievances can be lodged without fear of reprisals. It was mentioned in one of the workshops that the content of the grievance may dictate with who information was shared. Record keeping was also discussed as this can be a requirement of social standards and can help to spot trends, but that safeguards for confidentiality must be in place.

"When you see the same thing coming up again and again then there is an awareness of this and it can feed back into policy and procedures and reduce the possibility of harm. Buyers could make decisions based on this data"

- Interviewee

4.6 - TRUST & INDEPENDENCE OF MECHANISMS

Throughout the Worker Voice research, the issue of crew trust came up as a common theme. Often the crew on board are of different nationalities and they may not trust the mechanisms that are in place for them to raise issues.

"Having just a Grievance Mechanism isn't sufficient: the crew need to know how to activate and use it. They also need to be able to trust it as well, and trust that submitting a grievance will not have negative repercussions."

- (Participant from the Thailand workshop)

Most participants also communicated that it does not matter what mechanisms are in place if the crew do not trust the processes or the people operating it. Assurance of trust is a fundamental in ensuring a positive outcome in any Worker Voice or Grievance Mechanism.

"It is very common for migrant crew to feel that if they complained they may lose their jobs or be deported."

- Interviewee

Having the mechanism implemented by independent third party is one route to building trust. In the Thai workshop it was mentioned



that, “Many recruitment agencies also tell their recruits to keep their heads down and not make a fuss. Instead of this, it would be helpful to have an independent third party that not only encourages them to speak up, but is willing to listen and build trust.”

“...they don’t trust them as they know there is an immigration risk, or nothing happens, nothing happens to the perpetrator – trust is fundamental”

- Interviewee

The tools and mechanisms that are emerging today often rely on access to cell phones, WIFI or similar communications. Even when crew members have smart phones they may need training with a new app and using it regularly not just for raising issues. For example, Winrock International completed a pilot project of a satellite technology platform which enabled crew and skippers to communicate to shore. The feedback reported within the study was that crew did not use the platform as much as it did not look like the apps (e.g. Facebook) with which they were more familiar with (Winrock International Pilot Project). It might be concluded that involvement of crew in development of appropriate apps is important.

“They didn’t feel like they could trust the app and they were worried it would be hacked by the government (...) Trust is such a big thing that comes up”

- (Winrock)

Stella Maris work within the ports, they get to know the crew, and the crew begin to trust that they are available for them as a support network. This may also be due to their Christian roots which will be of comfort to some crew and their apparent neutrality from authority. In some places, crew are part of Stella Maris Facebook (in Taiwan for example) or WhatsApp groups where they speak to other crew members. These groups are also used by the fishermen’s welfare organisations to spread information.

4.7 - ACCESS TO COMMUNICATIONS

“The guys on the high seas have no access to anyone other than those on the vessel. If you complain, there is risk of repercussions.”

- (Participant at the South African workshop)

Beyond setting standards on working hours, safety measurements, and accommodation, C188 also requires that communication equipment be provided to all crew members on board fishing vessels.

- Ⓞ Article 71 of C188 states: **“Communication equipment shall be adequately provided to all crew members on board a fishing vessel, and the expenses shall be as reasonable as possible and shall not exceed the total expenses of the owner of the vessel.”**

A common issue when discussing crew members’ access to Worker Voice is the lack of connectivity on board vessels. In particular when crew are on long trips and can be isolated and unable to communicate outside of the vessel. This varies considerably for different types of fishing. Fishing trips, dependent on the fishery, vessel and species, can vary from 24hr maximum through several month to years. Examples given at the Thailand workshop were of crew members at sea for 2-8 years (with crew changes sometimes occurring at sea rather than in port), compared with examples from the South African workshop of nationally-flagged vessels on average 20 day trips but with some longer 2-month trips.

SATELLITE PHONES AND WIFI

There are many recent studies to show that staying connected with the land by means of satellite phones helps to ensure physical and mental wellbeing, as well as providing the crew with a feeling of safety. For instance, communications allow crew to keep in contact with their families and friends onshore and it is usually these communication links that raise the alarm if there are issues arising (Fishing Watch, 2020). These communications can also provide well-being and motivation, for example, to know monies are being received by the families at home.

“If the vessel has the ability to cover different languages, ie the captain and management team knowing how to speak certain languages, (and they have) WIFI and satellite phones for communication then it (the issue) might not have to go to a full complaint.”

- (Interviewee)

SATELLITE PHONES

According to one report the ‘best possible means of communication for seafarers since 1979 has been satellite phones’ (Inmarsat, 2018), which do not require cell towers and function throughout the globe. However, the calls through these phones are expensive resulting in limited usage (generally restricted to critical ship business). They are generally directly under the control of the skipper which can inhibit access.

There are examples of some vessel owners in Taiwan implementing increased communications through satellite phones. In a three-year project in Indonesia satellite communications were found to support fishing communities in Indonesia and reduce stress associated with absent family members. This technological advancement enabled the coastal families to stay better connected with the crew on-board vessels (Inmarsat, 2019).

WIFI

WIFI is becoming widespread throughout commercial fishing vessels in many countries, although no formal data has been collected. In some places crew have come to expect it. It was suggested that crew would refuse to work if they didn’t have WIFI in South Africa.

There have been a number initiatives implemented to increase WIFI on board in areas where it is lacking, such as advocacy from GLJ-ILRF (2022) briefing on the benefits of WIFI for fishermen at sea. Some governments (Taiwan’s Council of Agriculture, Executive Yuan, Fisheries Administration’s Action Plan for Fisheries and Human Rights (2022) are now starting to require vessels to have on board communications systems and provide crew with access.

Some examples listed within the research found that access to WIFI is supporting fishermen’ mental wellbeing, improved working conditions, preventing exploitation, and ensured easier access to Grievance Mechanisms.

However, the access, bandwidth, cost and other parameters around WIFI access need to be further explored to ensure both sufficient access is required, but that it doesn’t impinge on safety nor that it is charged such that access is prohibited.

EXAMPLE OF PRACTICES

GLJ-ILRF (2022) provides a range of examples of current regulations and practice in relation to communication access on fishing vessels:

- Since 2019, Thailand has made satellite-based communications for crew members in the distant water fishing sector mandatory requiring there to be no less than 1 megabyte bandwidth per person per month for a minimum of 25% of the crew onboard.
- In 2019, the Falkland Islands Department of Natural Resources has introduced a system whereby vessels that attain high scores for safety standards, working conditions, and crew welfare aboard fishing vessels are granted a fishing license. This innovative approach has resulted in the installation of WIFI facilities and the provision of access to WIFI to crew members on most vessels including many Taiwanese vessels.
- In 2016, the government of South Korea announced a satellite communication project that enables fishers away from home for months or years aboard deep-sea vessels to use email and social networking service (SNS) messaging services around the clock.
- In Thailand, the USAID Asia Counter-Trafficking in Persons (USAID Asia CTIP) programme led by Winrock International partnered with Mars Petcare to pilot a communication technology to improve connectivity and safety for fishers at sea.

- In China, China Mobile established an “Ocean Satellite Broadband” service, integrating the existing satellite broadband service and 5G wireless technology to install mobile WIFI stations on fishing vessels. In 2020, more than 1,350 vessels based in the Zhoushan area installed this satellite broadband facility.
- In Taiwan, many fishing vessels have voluntarily installed WIFI for captains and engineers onboard, and sometimes for migrant fishers as well. Purse seine vessels are among the vessels with the highest installation rate, whereas only a few longline fishing vessels have installed equipment to provide WIFI onboard.

POTENTIAL CONCERNS

Some participants felt that access to communications do not necessarily address the power imbalance between crew and management, as the skipper can control when access is provided. Satellite phones, for instance, are often kept in the skipper’s quarters or on the bridge which does not provide crew with an anonymity if the Worker Voice mechanism is dependent on a fixed phone and overlooked by the skipper. These concerns would need to be taken in to consideration when designing best practice mechanisms and providing at sea communications.

Cost remains an issue as well as the question of who bears the cost. For instance, fishing company representatives in Taiwan stressed the lack of financial support from the government on implementing requirements for WIFI. In the UK vessel owners pay for WIFI access as part of the crew’s benefit package. Paying for access should not be prohibitive which could potentially be another power imbalance.

ACCESSIBILITY VIA PHONE APPS

A key development has been the creation of application systems (apps) and surveys that allow for the accessibility of Worker Voice and Grievance Mechanisms. During the first phase of this project, many pilot projects for application systems were mapped. Some of these projects have been developed for land-based workers such as the ISSARA Golden Dreams App (Box 8).

Box 8: Key Features of the ISSARA Golden Dreams App

Key features of goden dreams:

- ③ The latest updates on right, policies, and laws related to the migrant workers in origin & destination countries, as well as other news
- ③ Updated information on empolyers, recruitment agencies, and service providers such as hospitals and NGOs
- ③ Rating and review functions to allow users to exchange views and opinions about employers, recruiters and service providers
- ③ Discussion groups and community polling to encourage colective expression of views and probem solving, and learn the opinions of other workers on common issues they face
- ③ Easy and secure regisration through facebook or gmail
- ③ Ability to share a problem or seek immediate assistance from the ISSARA team, 24 hours a day, through a free phone helpline or private messaging
- ③ A secure platform for the jobseekers to directly apply for the jobs advertised by the registered recruiters and employers.

Such apps to improve crews’ understanding of their rights as well as accessibly to Worker Voice and Grievance Mechanisms are potentially an important part of the eco-system around processes to support their effectiveness and address lower risk issues.

- ③ **Ulula** is a digital solution using mobile phones for use in a Worker Voice and Grievance Mechanisms. The idea behind Ulula is to give every worker a safe and simple way to provide anonymous feedback on working conditions using any mobile phones. The grievance lines and surveys are distributed to workers in a language they understand or can also be audio if preferred. It also provides employers with more reliable data in real-time to prevent problems from becoming more difficult and expensive to solve. Ulula leverages its digital worker engagement system (online - App/Chat apps & offline channel) through partnerships with trusted organizations on the ground to build trust and uptake.

Representatives from the Thai Fishing industry at the Thailand workshop gave examples of WhatsApp and other chat apps have been used to submit a Grievance Mechanism, including a phone number to a toll-free hotline, in which you can select a particular language to make it more accessible to anyone. All of these are for personal phones, which means they can make their grievances known safely and privately.

4.9 - DEFINED PROCESS AND ROLES

The participants of interviews and workshops stressed that there are many actors involved in the supply-chain and the crew’s recruitment journey who can support effective Worker Voice and Grievance Mechanisms. For example, in the Thai workshop, participants considered that authorities, vessel owners, recruitment agencies, trade unions (where available) all had a role in ensuring crew understood the process for Grievance Mechanisms. It’s therefore important that everyone understands their specific roles.

Some of the strongest Worker Voice systems have specific roles for the government, company and civil society groups. For example unions in Denmark where there are systems in

place for agreements between companies and unions that are overseen by the government, and also representation of each group to support fisheries policy and health and safety considerations. However, in some cases where the regulation does not allow (e.g. unions are illegal) or there are gaps in capacity, one group may have to take a stronger role.

For instance, companies may need to engage with a third-party organisations where legislation is weak or NGOs/charitable organisations can provide support where an intermediary is needed with government.

4.10 - COMMITMENT AND INVESTMENT

“Fishing is a dangerous, high-pressure environment and not for everyone, retaining crew is essential for safe operations and overall working conditions”

- (Interviewee)

Many of the systems discussed such as grievance channels monitored by third parties, WIFI systems, satellite phones, etc. have implementation costs. Vessel owners and industry representatives expressed during the outreach that much of the cost burden falls on them to implement these technologies. By setting out best practice expectations it was agreed that the recommendations from this report must be realistic and be available to implement. Further research is needed on costs of design and implementation and where these costs should be borne.

5 - Conclusions



5 - CONCLUSIONS

This project was commissioned specifically to understand what the expectation is in terms of Worker Voice and Grievance Mechanisms on certified vessels. Certified vessels were chosen because they can demonstrate best practice and what is possible. They are where there is access to understand the processes in place.

By focussing on certified vessels it might also be assumed that these represent vessel owners who are more proactive within the global fleet as they are looking at ways to enhance their vessel operations. These skippers and vessel owners could provide evidence on what is practicality possible. This was complimented with interviews and discussion with specialist NGOs, support organisations and trade unions, all of whom have witnessed Worker Voice and Grievance Mechanisms on fishing vessels of variable quality and success. Buyers of seafood were included because they, in many cases, are those look for vessels with assurance of best practice in order to mitigate malpractice in their supply chains. This is also important to align with requirement in for other category supply chains in their organisations.

To supplement the participatory research the team explored the role of national regulations and the impact of international instruments and conventions to see if these were an effective in providing guidance on best practice for Worker Voice and Grievance Mechanisms on fishing vessels.

“Relations between crew and vessel management being more equal is important. This also reduces the turnover rate of the fishermen. There is a lot more interest in fisheries and working on vessels when the lifestyle is also respected.”

- (Participant from the Thailand workshop)

5.1 - EMERGING CONSENSUS

The following areas summarise the emerging consensus among stakeholders:

THE NEED FOR WORKER VOICE AND GRIEVANCE MECHANISMS

All those interviewed, attending a workshop or responding to the survey agreed that Worker Voice and Grievance Mechanisms for crew on fishing vessels need to be in place; that crew must know about them; feel safe to use them and that a record of successful remediation needs to be kept.

THE BENEFITS TO EFFECTIVE WORKER VOICE AND GRIEVANCE MECHANISMS

This research concluded that more proactive and engaging programs need to be developed to give all stakeholders in the catching sector tools and support to help them understand what benefits can be gained from positive worker management, engagement and proactive Grievance Mechanisms.

Some of the benefits alluded to in the research, but untested, include:

- ④ Crew recruitment and retention: better morale and higher productivity & profitability
- ④ Crew aware of their rights and routes of communication
- ④ Management trained and aware of their role in maintaining working conditions and implementing improvements.
- ④ Reduction in grievances and human rights issues regarding crew working conditions should led to safer working conditions and a reduction in potential accidents on board because issues can be raised confidently
- ④ A well-motivated crew operating as a team will work more effectively, and the operational efficiency of the vessel should be enhanced. Indirectly this can lead to better quality seafood being landed and sold into the marketplace so a direct financial benefit to the vessel owner and crew.

IMPORTANCE ON ADDRESSING ISSUES BEFORE THEY ESCALATE TO GRIEVANCES

The majority of those who contributed to the research agreed that it is preferable to have mechanisms in place on board fishing vessel to allow discussion and remediation before they escalate to higher-level grievances against the vessel skipper and owners, if crew can feel safe and informed to use such mechanisms. Proactively addressing risks and investing in Worker Voice representation can help issues to be resolved earlier (Figure 8).

Seeking examples of how this can operate has been a key part of this research and as one project contributor commented:

“There is no one size fits all, what’s needed is to understand the operations of the fleet and identify the risks. We can look at a nested hierarchy – as the risk increased then that hierarchy is built on, it expands to meet the elevated risk.”

- (Participant from the Thailand workshop)

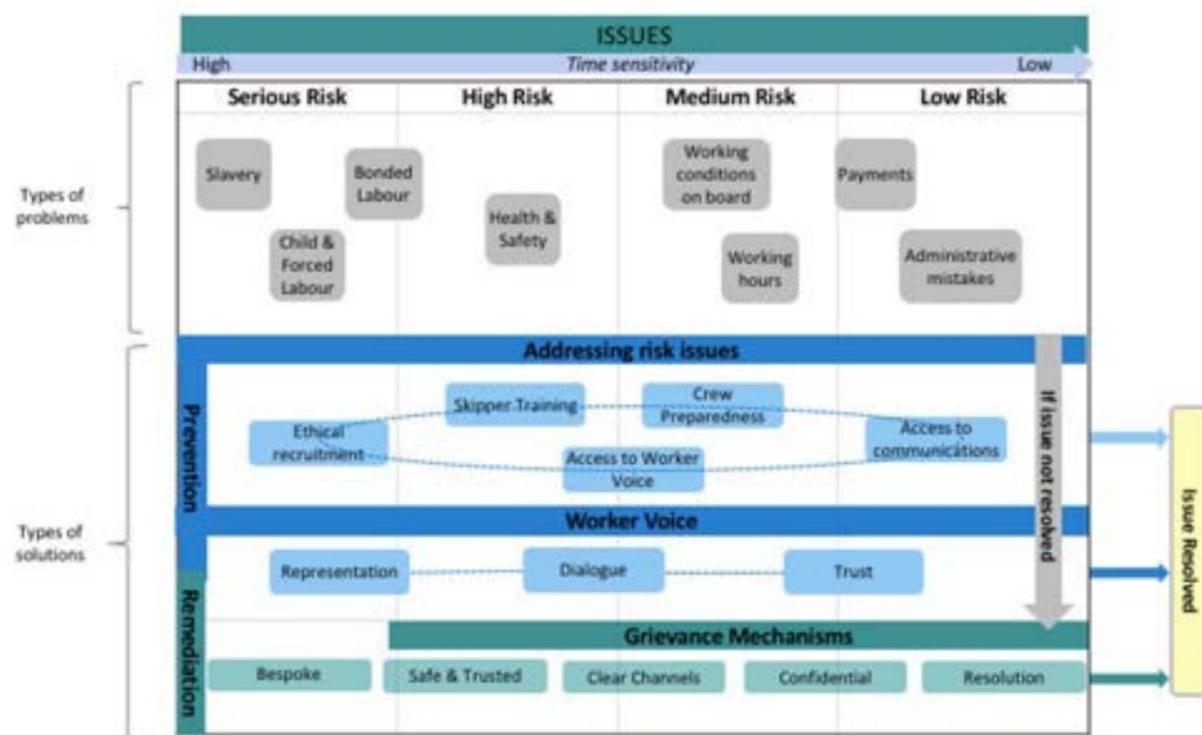


Figure 8 - Key Themes highlighted in the project as well as the role of addressing risk and Worker Voice in resolving issues before a Grievance Mechanism is needed

MECHANISMS WILL NEED TO BE ADJUSTED ACCORDING TO DIFFERENT CONTEXTS

Stakeholders agreed that Worker Voice and Grievance Mechanisms should be tailored according to the level of risk and specific catching sector contexts. For example, it was suggested that working on vessels that return to the same port every trip or operate inshore might be classified as a 'lower risk' in terms of issues necessitating a Grievance Mechanism procedure which is accessible at sea. The requirements may therefore need to be adjusted according to this context, for instance day trips are less likely to need WIFI access for all crew.

Conversely 'higher risk' crew who operate on fishing vessels that are at sea for longer periods of time on a continuous fishing trip need to be able to raise grievances either on board, where safe and appropriate or with family, friends or support organisations on land. Other risk factors include fishing in remote areas, involvement of migrant crew and use of recruitment agencies.

Further understanding is still required to define what type of Grievance Mechanisms are most suitable for these 'high risk' crew compared to those in the 'lower risk' category, but consistent access to communication facilities is an important theme.

VERY SERIOUS ISSUES WILL BE BEYOND GRIEVANCE MECHANISMS

There was agreement that Grievance Mechanisms should be in place that can effectively deal with any issues crew may have, but realistically it should only cover those issues that are deemed to be in the range of low to high risk. For 'very serious' risks identified it would be challenging for any process to address these effectively while safeguarding all persons involved. These issues can only be dealt with currently by the regulatory authorities once the vessel is back into port. However, dependent on access to cell phones and WIFI it may be possible to alert the authorities ahead of docking, if safe to do so.

5.2 - ISSUES THAT AFFECT THE SUCCESS OF MECHANISMS

The research found that, alongside the global frameworks that provide guidance for how to create Worker Voice and Grievance Mechanisms there were further areas which influenced success of the processes:

- ① Crews' opportunity to communicate and seek advice
- ② The tools available to enable effective processes to operate well at-sea
- ③ Trust in the processes

CREW'S OPPORTUNITY TO COMMUNICATE AND SEEK ADVICE

The ability to raise grievance at sea necessitates freely available and confidential communication channels. At present the availability of communication channels, in terms of WiFi or satellite phones is highly variable and with no standard agreement on what is considered acceptable access.

TOOLS AVAILABLE TO ENABLE EFFECTIVE PROCESSES TO OPERATE WELL AT-SEA

In addition to access to communications, there may be other tools available such as a crew buddy system, worker stewards or union representative on board that have more immediate access to support or other mediation tools.

TRUST IN THE PROCESS

A clear conclusion of the research was that trust in the processes is vital for them to be used by crew and valued by skippers and vessel owners. Systems that are built on personal relationships appear to be the most effective, as well as building on tools that are already in use e.g. using current communication channels such as Facebook and Whatsapp rather than designing new and unfamiliar software, that may not be considered trustworthy.

5.3 - KEY PRINCIPLES FOR EFFECTIVE WORKER VOICE AND GRIEVANCE MECHANISMS

Following on from the conclusions of the research, key principles for effective Worker Voice and Grievance mechanisms emerged. These were:

- ④ **Tailor mechanisms according to context: engage skippers, vessel owner and crew in its design**
- ④ **Identify points in the recruitment journey to target implementation**
- ④ **Clearly define roles of stakeholders to support implementation**
- ④ **Measure effectiveness of processes**

TAILOR MECHANISMS: ENGAGE SKIPPERS, VESSEL OWNERS AND CREW

It is critical to fully engage the skippers, vessel owners and crew in development of Grievance Mechanisms and access to Worker Voice. The research of this project has shown that skippers and vessel owners often do not fully understand the benefits of good worker relations. People management skills and inclusive, equitable ways of working have not been a priority in many fisheries. It may be important to consider how to support skippers, vessel owners, and crew already in place to be able to work better together and understand the benefits of doing so.



IDENTIFY POINTS WITHIN THE RECRUITMENT JOURNEY WHERE SUPPORT ACTION CAN BE TARGETED

There appears to be very little training for recruiters, skippers or vessel owners in how to prepare crew, particularly migrant crew, how to create safe and efficient Grievance Mechanisms, remediate grievances, or support crew while at sea. This training, preparation and intervention in the recruitment journey may prove effective in development of better processes, relationships and less grievances arising.

It feels important that vessel owners ensure suitable preparation of crew be made at recruitment and invest in that process. Suitable training can be given to inform a newly recruited fisherman's on all their contractual rights and to ensure they are fully prepared for what life on a vessel is like before they start their employment. The vessel owner is obliged under international convention ILO C188, where that is ratified or adhered to, to be responsible for the health and wellbeing of all the crew they employ on board their vessel. This training can include issues that seek to mitigate grievances arising as well as ensuring crew know what to do in the event of malpractice. In order for a Grievance Mechanisms to be effective, the crew, skipper and vessel owner each need to understand their rights.

CLEARLY DEFINE ROLES AND RESPONSIBILITIES TO SUPPORT IMPLEMENTATION

Ultimately who is responsible for designing, implementing and monitoring Grievance Mechanisms must be identified. Stakeholders within the seafood supply chain can play different roles in ensuring that Grievance Mechanisms operating on vessels are effective.

- ④ Firstly, **seafood companies** buying the catch can stipulate what their expectations are for the working environment of the crew on board fishing vessels they source from. This is likely to involve retailers, importers and processors working in concert. In some cases changes may be put in to place to adopt, for example, compliance with audited crew welfare standards, and the seafood companies can support those positive changes.
- ④ Secondly, **competent authorities** can regulate on working condition requirements for fishing vessels flying their flag. This can include, in relation to Grievance mechanisms and Worker Voice, for example, good preparation at recruitment, contractual access to Worker Voice mechanisms, contractual access to Grievance and remediation mechanisms, access to WIFI at sea. Much of this is a requirement of ILO C188, including access to communications. Furthermore regulators can make these conditions a requirement of foreign vessels landing in their ports as well as inspecting their own state flagged vessels which don't frequently visit home ports.
- ④ Thirdly, **recruitment agencies** play a role in preventing the need for grievances to escalate by preparing crew appropriately. Ensuring, for example, they have good contracts, access to WIFI, know how they will be paid - when and how much, their rights, and what to do in case of a grievance. Recruiters can also provide details of appropriate trade unions to support fishing crew, where available, and of support or charitable organisations.
- ④ Lastly, **vessel owners** have a responsibility to understand why they need to develop and adopt the requirements of a Grievance Mechanism by ensuring the skipper and crew know what is required and fully understand how to adopt and use the process. All parties should be informed of the benefits and how this process can enhance moral on board the vessel.

MEASURE THE EFFECTIVENESS OF GRIEVANCE MECHANISMS

The success and effectiveness of the Grievance Mechanism on a vessel is important. Assessing its effectiveness includes understanding how it was developed, how it works, how do crew know about it and have access to it, what is the evidence of it having resolved any issues (if it has been used), do the crew trust the process is fair and will lead to remediation.

There are a number of issues to bear in mind when evaluating Worker Voice and Grievance Mechanisms:

- ④ **Measuring the success of the grievance procedure is complicated as even though process and procedure may be followed, there will be times where the result is not going to be in the favour of the fisherman. This still can be an acceptable outcome of a grievance procedure but the fisherman needs to have trust that the process was followed accurately and without any bias.**
- ④ **It is therefore important that the process is fair and transparent, and that communication of what is happening and why, is the critical point. Time and care may be needed to ensure that the process is established and is fair so that the fisherman understands the outcome and can make informed decisions based on the understanding of how the process is going and what their options are.**
- ④ **Vessel Standards and Regulatory checks can also give some third party assurance that the Grievance Mechanism process is operating on the vessel correctly by reviewing how the vessel owner dealt with previous issues. This additional check should give some reassurance to the vessel's crew that the systems are operating correctly.**

6 - Recommendations



6 - RECOMMENDATIONS

Based on the findings of this project the following recommendations are proposed.

6.1 - AN INTERNATIONAL DIALOGUE TO BUILD A CODE OF BEST PRACTICE TO GUIDE CREATION OF WORKER VOICE AND GRIEVANCE MECHANISMS FOR FISHING CREW

The code of practice would be based on global guidance and frameworks, and include:

- ① Overarching principles for effective mechanisms, building on Section 5.2
- ② Risk matrices to ascertain context and action
- ③ Specific requirements according to context building on those proposed in Section 6.2
- ④ Shared best practice and applicable tools
- ⑤ Evaluation methods

6.2 - REQUIREMENTS WITHIN THE CODE OF PRACTICE FOR EFFECTIVE WORKER VOICE AND GRIEVANCE MECHANISM SHOULD INCLUDE, BUT MAY NOT BE LIMITED TO

The following are proposed requirements that can be applied for effective Worker Voice and Grievance Mechanisms, subject to discussion through the proposed dialogue:

- ① 1) Training for vessel owners and skippers on how to create Grievance Mechanisms and enable participation in representation

- ② 2) Preparation of crew at recruitment to include full understanding of the role's work and responsibilities and details of the contract, including pay; amount and how it will be paid; rights on board, access to communication at sea and training to be provided

- ③ 3) Language appropriate information to ensure crew know how to access a Grievance Mechanism on board and at ports. Contact details for trade unions (where applicable) and support organisations in the event of grievances not being resolved, or not possible, or able to be resolved through processes with the fishing vessel skipper or owner

- ④ 4) All fishing trips over 24h to provide crew with free access to WIFI. Provision may be put in place to prohibit the use of cell phones at certain times, for reasons of safety, for example when crew are actively fishing or processing

6.3 - SHARE EXPERIENCE OF BEST PRACTICE AND APPLICABLE TOOLS, FOR EXAMPLE:

Potential tools that can support best practice can include:

- ① Develop videos and multi lingual information that can be downloaded to smart phones/tablets for use at sea
- ② Work with expert 3rd parties to understand how well crew are prepared and their experience at sea to further improve the systems
- ③ Build crew representation processes representatives to feedback on crew experience systems to vessel owners and third parties

6.4 - PRIORITY ACTIONS

Summary of proposed actions for different stakeholder groups.

ALL STAKEHOLDERS

Including fishing vessel owners, trade unions, NGOs, producer organisations, buyers of seafood and those noted below can engage in:

- ⌚ **Code of Best Practice:** Participate in the development of an international dialogue to build consensus on a code of best practice on development of Grievance Mechanisms for fishing vessel crews risk matrices, and methods to evaluate their success in terms of crew confidence, safety and resolution (Code of Best Practice)
- ⌚ **Crew Preparation:** Build, consensus, through the dialogue, on how to provide support for fishing companies, skippers and recruiters to ensure both skippers and fishing vessel crew are well prepared for their work that goes beyond mandatory safety training and includes access to grievance processes, representation and support (Crew Preparedness)
- ⌚ **Understand and address labour issues:** Support research to better understand the principal reasons a crew member would need to use a Grievance Mechanism. Agree how to address these underlying 'hot spot' issues.

STANDARDS, (fishing vessel crew welfare) owners and Benchmarking operators can:

- ⌚ Examine their requirements for Grievance Mechanisms and Worker Voice access in line with the findings
- ⌚ Participate in the proposed dialogues
- ⌚ Adopt outcomes

PRACTITIONERS:

- ⌚ Develop training and interactive packages in appropriate languages, to support the catching sector (fishing companies, recruiters, skippers) understand what is required on Worker Voice and Grievance Mechanism and demonstrate how it can support their business
- ⌚ Participate in the proposed dialogues

RESEARCHERS:

- ⌚ Understand what percentage of crew on fishing vessels have access to cell phones and WIFI and what conditions are placed upon access to WIFI

GOVERNMENTS AND COMPETENT AUTHORITIES:

- ⌚ Ratify or adapt relevant ILO regulations, particularly ILOc188 (see table 8)
- ⌚ Commit to support, engage and adopt the outcomes of the above activities

RETAILERS, PROCESSORS, IMPORTERS:

- ⌚ Review suggestions for key principles, requirements and tools to identify where Worker Voice and Grievance Mechanisms can be developed or improved on the vessels supplying their wild caught seafood
- ⌚ Commit to support, engage and adopt the outcomes of the above activities

Table 8: Key ILO Conventions of relevance to social standards and working conditions on fishing vessels

ILO CONVENTION	DATE OF RATIFICATION
Convention 29 Forced Labour (1930 and its 2014 Protocol)	01 May 1932 09 Nov 2016
Convention 87 Freedom of Association and Protection of the Right to Organise (1948)	04 Jul 1950
Convention 95 Protection of Wages, 1949	24 Sept 1952
Convention 98 Right to Organise and Collective Bargaining (1949)	18 Jul 1951
Convention 100 Equal Remuneration (1951)	23 May 1953
Convention 105 Abolition of Forced Labour (1957)	17 Jan 1959
Convention 111 Discrimination (Employment and Occupation) (1958)	15 Jun 1960
Convention 138 Minimum Age (1973)	19 Jun 1976
Convention 182 Worst Forms of Child Labour (1999)	19 Nov 2000
Convention 188 Work in Fishing (2007)	16 Nov 2017
Convention 87 The Freedom of Association and Protection of the right to organise	1948
Convention 98 The right to organise and collective bargaining	1949

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Appendix 1: Methodology



APPENDIX 1 - METHODOLOGY

SURVEY

The project consultation was initiated with a survey to gather a wide range of stakeholder opinions, ensure transparency and give opportunity to anyone who wanted to contribute their input and views.

SmartSurvey was used to generate an online survey that could gather responses from participants based worldwide. The survey was circulated on Key Traceability's and Melanie Siggs' Twitter accounts (see Figure 9) as well as emailed directly to those identified as a result of the stakeholder analysis, including those deemed to have experience of Worker Voice. The survey was posted online on 15 September 2022, with the last response received on 22 December 2022. The Twitter posts stated that the survey could be translated if requested which drew on experience of the GSA Worker Voice white paper (GSA, 2020). In addition, all respondents were invited to contact the project team directly if they would like to have a personal interview to express their views and to share information.



Figure 9 - Twitter post regarding Worker Voice survey

In total, there were 18 individuals who completed the survey, 1 fully and 17 partially completed the questions. It is important to note that the survey posed complex questions posed with free-form responses required, which may have deterred respondents. Although the number of survey respondents was low, most participants preferred to provide information through face-to-face interviews.

7.1 - OVERSIGHT COMMITTEE: GOVERNANCE AND GUIDANCE

An Oversight Committee was set up to provide guidance and engagement by key stakeholder groups in the project. This was developed from the Advisory Group formed for the Phase one and expanded to increase inclusivity of stakeholders and nationalities. Table 9 presents the organisations who had a representative on the Oversight Committee.

The Oversight Committee was designed to:

- ① Provide knowledge and expertise to help guide the project towards its objectives
- ② Discuss potential project developments, review and comment on the report outputs

Table 9: Oversight Committee membership

ORGANISATION	SECTOR
Thai Union	Private sector
Waitrose	Private sector
Tri Marine	Private sector
Bon Appetit Management	Private sector
MSC	NGO/Standard holder
FishWise	NGO
Stella Maris	CSO
Safe Seas/Plan International	NGO
Humanity Research	Academics/ Consultants/ Independents
PNG Fisheries	Catching Industry
ITF	Trade Union
ETF	Trade Union

7.2 - INTERVIEW OVERVIEW AND METHODS

Bilateral interviews formed a key part of the data collection and project engagement. A sampling method was used by reaching out to the relevant stakeholders based on, the survey results, desk-based literature research, use of existing personal networks, and by conducting interviews with those stakeholders who agreed on taking part in the research. Figure 4 details the countries/regions covered by an interview and/or outreach

In total outreach was made to more than 60 potential interviewees which resulted in 46 interviews being undertaken over the period of December 2021 to December 2022. The location of respondents was global, and included representatives from, Asia, Africa, North America, South America, Europe, and Australia. The research team strived to ensure that there was a balanced representation across a range of sectors, including: governmental bodies, non-governmental organisations (NGOs), academic institutions, fishing consultancy firms, retail, supply chain, catching companies, and civil society organisations (CSOs).

The interview was planned to be semi-structured by using a list of pre-drafted interview questions as the interview guidance (see Appendix 1 for interview questions). With this method, the team used open questions allowing for flexibility in conversation which led to detail and richness of qualitative data.

Interview notes were taken contemporaneously and were latterly formatted into a collective interview overview for the purpose of data analysis. For the data analysis, the interview data was in-putted into an excel database. Each interview note was categorized accordingly (with the use of a color coding scheme where applicable). It is important to note that due to the nature of qualitative data the interview notes did not always follow the same interview structure and, in some cases, the questions were not directly answered by the respondents. In such cases, the person in charge of data analysis interpreted the data from the context of the interview notes in consultation with the interviewer. Invalid data were scored as 'n/a'.

OUTREACH AT SEAFOOD SHOWS

During the point in the project when the interviews were conducted travel was restricted globally due to the COVID-19 pandemic so the majority were conducted virtually. However, it was possible for some interviews to be conducted in person at global seafood expos in Boston 2022 and Barcelona 2022.

7.3 - IN-COUNTRY OUTREACH

In order to support outreach, in-country representatives helped to identify stakeholders in each region to take part in the bilateral interviews and regional workshops.

- ④ In-country representatives assisted with:
- ④ Identifying target stakeholders in each region/country for contacting.
- ④ Undertaking interviews and meetings with stakeholders to create awareness of the project.
- ④ Gathering responses to outreach questions and translation.
- ④ Reporting back on 'off the record' comments as well as statistics about specific initiatives/information that were found during the research.
- ④ Holding in-person meetings in the region.
- ④ Identifying and inviting stakeholders to regional workshops where necessary.

7.4 - REGIONAL WORKSHOPS

Three regional workshops (South Africa, Thailand and Taiwan) were undertaken to encourage conversations, explore the overarching project question, and test ideas or themes which were identified during the project. These ideas and themes are explained in more detail in Section 4 of this report.

The selection of workshop countries was a complex process due to the nature or characteristics of, the Worker Voice mechanism, international seafood supply chains, and the projects aims of promoting best practice on-board fishing vessels which are working towards

decent working conditions. The criteria used to select the workshops are described in Section 2.3 and included: the level of in-country support (including translation where needed), ratification or public alignment with ILO C188, levels of migrant crew, accessibility, and engagement with crew welfare standards.

Workshop invitation letters were sent to chosen participants based on the relevance and aim of each workshop.

④ TAIWAN WORKSHOP

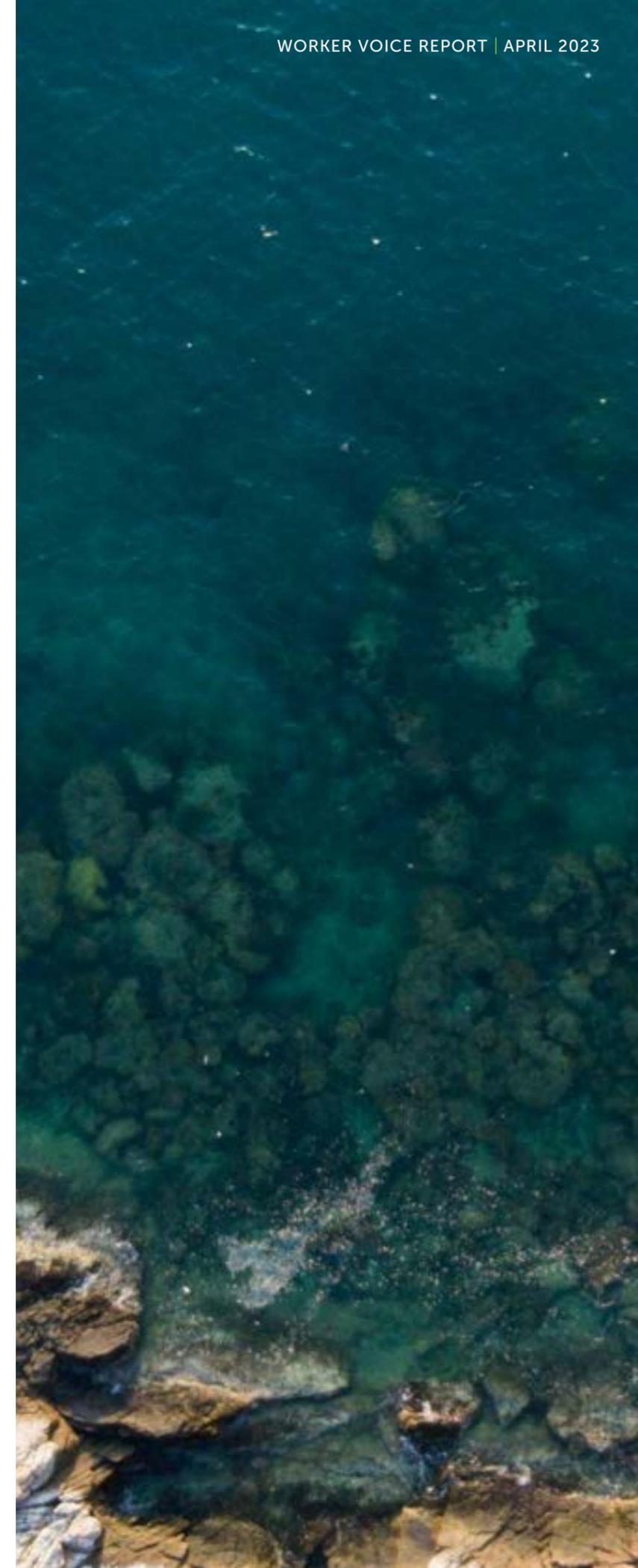
In total, 24 participants joined the workshop in Kaohsiung. Attendance was made up of fisher welfare organisations, vessel owners, government bodies, and fishing companies. The aim of this workshop was to hear from the industry on the recent push for alignment with ILO C188. The Taiwan industry was also of interest as some vessel owners have recently publicly showcased their willingness and cooperation to fit WIFI systems or satellite phones on-board with crew access.

④ SOUTH AFRICA WORKSHOP

South Africa was chosen as a workshop location because of their implementation of ILO C188 and access to a busy port area which sees many migrant crews coming in and out. The workshop was held in Cape Town and kindly hosted by Woolworth South Africa. Woolworth provided key contacts and provision of a meeting room and their endorsement assisted with participation and success of the workshop. In total 28 participants attended over two workshops and participants consisted mostly of vessel owners, NGOs, government bodies, seafarer groups, and members of the ILO. It was challenging to recruit fishermen to the workshop given it was a busy fishing period, so their worker representatives were consulted instead.

④ THAILAND WORKSHOP

The Thailand workshops were organized around the 2022 Bangkok Tuna Conference for which two workshops were arranged, with a total of 27 participants. The in-country outreach targeted participants including representative from the private sector, NGOs, and industry including one fleet owner who has been working closely with the Thai government in both social environmental responsibility.



Appendix 2: Interview & Survey Questions



APPENDIX 2: INTERVIEW & SURVEY QUESTIONS

INTERVIEW QUESTIONS:

- ④ Do you expect that a fishing vessel that has been certified to make provision for crew welfare in accordance with global conventions such as ILO C188 would have a process for enabling Worker Voice and a Grievance Mechanism for crew?
- ④ If yes, would you expect that provision be made for access to that process while at sea or only when in port?
- ④ If yes, would you expect that there be provision to ensure crew are aware of the processes available and that they are encouraged to feel safe to use them?
- ④ If yes, would you expect there to be a record or issues/questions raised and the action taken to address/resolve them?
- ④ If yes, who do you think is responsible for ensuring crew are aware of the processes in place?
- ④ If yes, what do you think might be the primary causes of needing to use Worker Voice or Grievance mechanism processes? Do you think there are other and/or better opportunities to resolve these causes?
- ④ Does your expectation of the provision of Worker Voice or Grievance Mechanism processes vary according to the nationality/location and length of fishing trips taken (or other factors)?

SURVEY QUESTIONS:

- ④ Q1. Do you expect a fishing vessel that has been certified to provide assurance for crew welfare in accordance with global conventions such as ILO C188 has a process for enabling Worker Voice and a safe, effective Grievance Mechanism for crew?
- ④ Q2. If yes, would you expect that provision be made for access to those processes while at sea or only when in port?
- ④ Q3. How would you expect that crew are made aware of the processes available and that they are encouraged to feel safe to use them? Please check all that apply.
- ④ Q4. Who do you think is responsible for ensuring crew are aware of the processes in place? Please check all that apply.
- ④ Q5. What do you think might be the primary causes of crew needing to use a Worker Voice or Grievance mechanisms?
- ④ Q6. Do you think there are other and/or better opportunities to resolve these causes?
- ④ Q7. Does your expectation of the provision of Worker Voice or Grievance Mechanism processes vary according to the nationality/location and length of fishing trips taken (or other factors)?
- ④ Q8. Please provide any other comments or expectations for worker voice/grievance mechanisms on vessels certified for good crew welfare in line with global conventions such as ILO C188.

Appendix 3: Outcomes of Stakeholder Consultations



7.5 - SURVEY

Despite the low response-rate on the survey, it helped to identify additional stakeholders for invitation to workshops or interviews as well as additional initiatives and literature.

The respondent who completed the survey in full indicated that they expect fishing vessels to provide assurance for crew welfare at sea through enabling Worker Voice and Grievance Mechanisms in accordance with ILO C188. They also stated that this should be facilitated through the internet, even though the cost of this may be a barrier. In addition, the respondent stated that they would expect crew to be made aware of these mechanisms by the vessel skipper and/or within pre-departure training and notices during the recruitment process. The respondent

also noted that they expect the most common reason for using the Grievance Mechanism would be related to early termination of crew contracts. They advised that if vessel companies cannot create effective Grievance Mechanisms, then governments could lead on their design.

7.6 - BILATERAL INTERVIEW RESULTS

INTERVIEW ANALYSIS

In total 46 bilateral interviews were undertaken providing a wealth of quantitative and qualitative information. A summary of the quantitative results is given in Table 10, while the qualitative information is woven into the discussion of themes provided in Section 4. Due to some invalid data, the total respondent rate for each question is not always 100%.

Table 10: Key results of the bilateral interviews in terms of percentage responses coded following discussions

QUESTION		RESPONDENTS NO.	PERCENTAGE		
NO.		NO.	YES	NO	N/A
1	Do you expect that a fishing vessel that has been certified to make provision for crew welfare in accordance with global conventions such as ILO C188 would have a process for enabling Worker Voice and a Grievance Mechanism for crew?	45	67%	2%	31%
2	If yes, would you expect that provision be made for access to that process while at sea or only when in port?	43	At sea: 20% In port: 4% Both at sea & port: 29%	-	40%
3	If yes, would you expect that there be provision to ensure crew are aware of the processes available and that they are encouraged to feel safe to use them?	45	60%	-	44%
4	If yes, would you expect there to be a record or issues/questions raised and the action taken to address/resolve them?	45	56%	-	-
5	If yes, who do you think is responsible for ensuring crew are aware of the processes in place?	42	Vessel owner: 44% Skipper: 31% Recruitment agency: 18%	-	-

QUESTION		RESPONDENTS NO.	PERCENTAGE		
6	If yes, what do you think might be the primary causes of needing to use Worker Voice or Grievance mechanism processes? Do you think there are other and/or better opportunities to resolve these causes?	39	Wages: 29% Working Hours: 16% Food: 11% Safety: 9% Equipment: 9% Disputes: 9% Expectation gap: 7%	-	-
7	Does your expectation of the provision of Worker Voice or Grievance Mechanism processes vary according to the nationality/location and length of fishing trips taken (or other factors)?	45	29%	7% (Both 11%)	53%

KEY TAKE-AWAYS FROM THE BILATERAL INTERVIEWS

Much of the discussion from the interviews went into the development of emerging themes that were then discussed in more detail at the regional workshops. However, key take-aways from the interviews are provided below:

- ⦿ Worker voice mechanisms are largely seen as a positive tool for the crew to raise their concerns and issues on board. Considering the different types of vessels, fishing operations and other risk factors present, such mechanisms should be flexible to adapt to these differences.
- ⦿ Most respondents expect any Worker Voice mechanism to have at least accessibility in port, a provision of crew awareness, and a documentary record. However, confidentiality to protect crew privacy is essential within record-keeping.
- ⦿ Worker voice mechanisms are expected to be varied according to the context i.e. The location and length of fishing trips. In terms of crew awareness, vessel owners and skippers/captains are expected to oversee crew awareness of the processes in place.
- ⦿ Respondents expected wages, working hours and food to be the main issues for which Worker Voice mechanisms would be required.

- ⦿ The accessibility of the mechanisms is the biggest challenge for creating successful mechanisms. As such, capacity-building activities, such as educating on basic labor rights and training on the use of such Worker Voice mechanisms are key.
- ⦿ Participants generally agreed in the importance of education (for accessibility), transparency (vs., confidentiality), and flexibility/adaptability in the mechanisms to adopt local factors.

Specific interviews were also undertaken with crew on Latin American and Spanish fleets based in Uruguay. These concluded that:

- ⦿ Length of trip was seen as a risk factor plus operating on vessel under a foreign flag;
- ⦿ Crew members who are members of a union can raise issues this way, otherwise Grievance Mechanisms are limited to the skipper on board and his ability to raise issues with the company;
- ⦿ A good understanding of mechanisms, rights and obligations is important, and some crew had received this training but not all.

7.7 - REGIONAL WORKSHOP OUTPUTS

The outputs of the regional workshops are discussed in detail within the discussion of key themes in Section 4, but some specific outputs are described below.

TAIWAN

It was widely communicated within the workshop that the government is responsible for the implementation of Worker Voice and Grievance Mechanisms and should provide the means for compliance. Some participants mentioned that ILO C188 is what has been chosen as a benchmark standard.

Vessel owners and fishing companies expressed that the management must be involved in the development of any processes to ensure there is trust on all levels.

As one participant suggested:

“The essence of a Grievance Mechanism is two-way communication.”

And another suggested:

“The point of establishing a Grievance Mechanism is to strengthen communication between two parties and protect the rights and interests of crew and management.”

The management would prefer to be involved to show what they are comfortable with and what is possible or not at this current time. They mentioned the risks of not having much protection for the management/fishing companies if they are not given the opportunity to work on the improvements or re-mediation themselves. There was feedback given that in many cases issues are reported externally and can be exacerbated, when these issues could have been handled by the management if reported directly to them.

There were also discussions on how records of a grievance should be kept, and that the content of the grievance determines who should have access to the records.

SOUTH-AFRICA WORKSHOP

A number of initiatives exist that safeguard national crew and it was also discussed how South African vessels could be used as a case study for good examples of Worker Voice and how the crew are aware of their rights. However, there are concerns about foreign vessels that access South African waters or ports. South African authorities can inspect foreign vessels in port under ILO C188 authorities but have less regular involvement with them and there are only a handful of examples where they have intervened.

Those working in the seafood supply chain are aware that issues with foreign vessels affect that reputation of the South African seafood market, even if the fish is not destined for markets where certain standards are required.

As one participant put it,

“When there are labor issues, the market is negatively impacted whether it is a South African vessel or not. Walmart will call up whenever South Africa gets a mention in a report.”

Participants of the workshop therefore gave recommendations that would bring foreign-flagged vessels under the same level of regulatory and administrative scrutiny as South- African flagged vessels and find ways to strengthen Worker Voice for migrant crew working on foreign vessels to give them the same dialogue enjoyed by national crew working on nationally-flagged vessels.

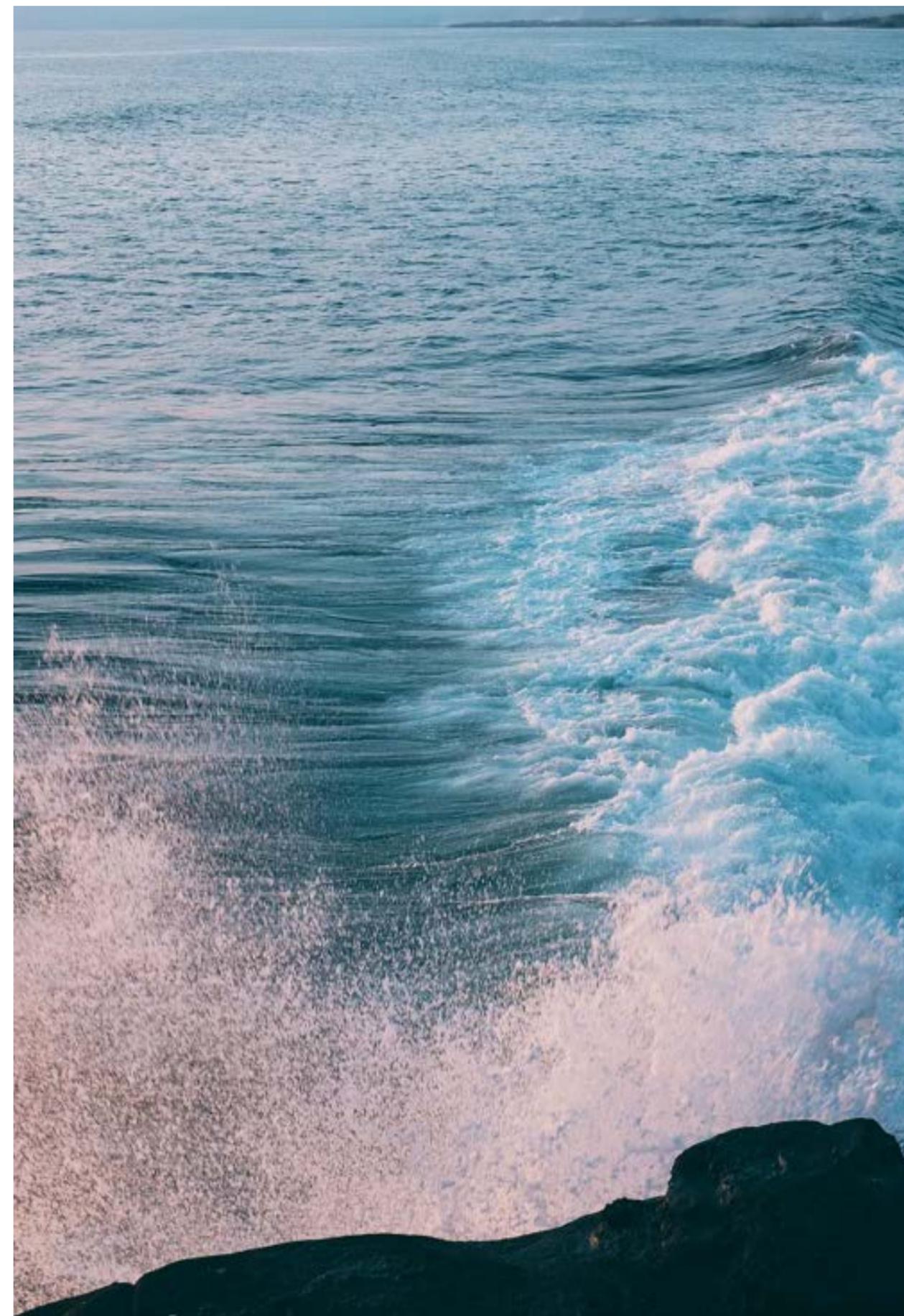
THAILAND WORKSHOP

Crew on Thai fishing vessels consist mostly of migrant workers from Myanmar and Cambodia. One of the obstacles that prevent these crew to having a better grievance procedure and power of bargaining is that Thai law only allows them to join existing unions. The migrant workers cannot form a union of their own. There are several NGOs that have been actively working to improve human rights in Thailand, such as Migrant Workers Rights Network (MWRN), International Transport Workers' Federation (ITF), Labor Rights Promotion Network Foundation (LPN), and Plan International.

Specifically, for effective Grievance Mechanisms, Thailand workshop participants suggested the following important elements:

- ⊗ Independence of mechanism
 - ⊗ Online and offline tools both needed
 - ⊗ Crew understand how to use mechanism
 - ⊗ Trust in process: no fear in negative repercussions
 - ⊗ Evaluation of mechanism: e.g. quickly are issues resolved?
- ⊗ Educate crew of their rights and skippers of their responsibilities in their own language
 - ⊗ Verify Grievance Mechanisms are in crew contracts
 - ⊗ Undertake port-side inspections
 - ⊗ Ensure there are private or safe spaces at port for crew
 - ⊗ Build Grievance Mechanisms and Worker Voice into the hiring process
 - ⊗ Set up buddy systems
 - ⊗ Use a trusted 3rd party to receive grievances at ports e.g. Charities such as Steller Maris
 - ⊗ Train observers in Grievance Mechanisms

Important wider approaches and recommendations suggested by Thailand workshop participants included:



GLOBAL SEAFOOD ALLIANCE

85 New Hampshire Avenue,
Suite 200,
Portsmouth,
NH 03801,
USA

Email: admin@globalseafood.org

KEY TRACEABILITY

Innovation Space,
Halpern House,
1 Hampshire Terrace,
Portsmouth,
PO1 2QF,
England

Email: info@keytraceability.com

