



Business & Human Rights
Resource Centre



Out of Sight: Modern Slavery in Pacific Supply Chains of Canned Tuna

A SURVEY & ANALYSIS OF COMPANY ACTION

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Executive Summary

The Pacific is home to the world's largest tuna fisheries, providing almost [60%](#) of the world's tuna catch, worth [US\\$22 billion](#) (out of [US\\$42 billion](#) globally) in 2016, and demand is growing. Yet reports of severe human rights abuses, including forced labour, slavery, human trafficking and child labour, are rife. Modern slavery is endemic in this industry, where the tuna supply chain is remote, complex and opaque. Few stories leak out about conditions but, when they do, they are often horrendous: with migrant workers bought and sold as unpaid slaves, and tossed overboard if they complain or get injured.

In this context of abuse, the buyers – canned tuna companies and supermarkets – have an obligation to ensure their supply chains are not infested with slavery. Increasingly, they also have legal obligations under UK and Australian modern slavery laws.

Between November 2018 and January 2019, Business & Human Rights Resource Centre invited 35 canned tuna companies and supermarkets - representing 80 of the world's largest retail canned tuna brands - to answer a [survey](#) on their approach to human rights challenges, including modern slavery. We also reviewed publicly-available information on the websites of the 35 survey companies.

Our research reveals a pattern of policy over practice. While two thirds of surveyed companies have adopted corporate human rights policies, there is little or no action to implement them. Without urgent and decisive action, there is a danger these public policies become a fig-leaf for abuse: providing the majority of laggard companies with 'plausible deniability' while slavery continues unabated.

Perhaps the most worrying finding is that not one company disclosed having found a single worker in modern slavery in their supply chains.¹ This is despite recurrent [reports](#) of abuse. Either weak policy is an unprecedented panacea in this industry, or the policy-alone approach is not ending the denial of liberty, and dignity, for those enslaved in the industry. It may, however, be providing buyers with an expedient cover of respectability so as to facilitate global trading in goods contaminated with slavery.

¹ Thai Union, Bumble Bee Foods/ Clover Leaf Seafoods did refer to concerns having been raised by a third party, but did not provide details.



The good news is that, of the 20 companies that responded, all have made a public commitment to respect human rights which includes addressing modern slavery. 54% (19 companies) also reported requiring their immediate suppliers to prohibit modern slavery. **Thai Union, Simplot and Tri Marine** demonstrate greater leadership by applying this prohibition throughout their supply chains.

However, only a small, but welcome, cluster of leading companies are translating policies into practice and taking practical steps to address these risks. **Thai Union, Bumble Bee Foods and Clover Leaf Seafoods** have implemented multiple actions which include digital traceability of fish, protections for migrant fishers and restrictions on recruitment fees and on trans-shipment (see [pages 18-19](#)). Unfortunately, these companies appear to be outliers, with the vast majority unable to demonstrate a strong practical response to modern slavery.

Collaboration with external stakeholders, especially workers in supply chains, is crucial for developing meaningful corporate responses to modern slavery. Some companies are engaging with external stakeholders, but the nature and extent of engagement is unconvincing, and direct collaboration with workers in supply chains and their unions is rare. A significant proportion (43%) are members of at least one

key multi-stakeholder initiative (MSI). Only **Thai Union** provided detailed information about its MSI engagement. **Thai Union** was also the only company able to name a workers' organisation it was in dialogue with. Workers' organisations have demonstrated to many companies in more advanced sectors, such as apparel, that they know which companies the slave-users are, how they operate, and how to avoid them.

Having a robust human rights due diligence process is essential to prevent human rights abuse. 50% of surveyed companies reported having a human rights due diligence process, but only **Thai Union** was able to outline its procedure in detail. Only 20% of surveyed companies reported having mapped their entire supply chain to trace tuna through all linked suppliers to source. Only one company – **Metro AG** – could identify the Pacific countries from which it sources its tuna.

Complaint and remedy mechanisms also play a crucial role in eliminating modern slavery. Most respondents reported having a complaints system for their direct employees, where the risk is less, but access for higher-risk supply chain workers is generally low, with only 17% (six companies) reportedly facilitating this. Additionally, most companies failed to provide details of any corrective plan to address cases of modern slavery once identified, and only **Coles Group** outlined detailed steps.

Key findings:

Tuna companies are failing to support their policies with practical action on modern slavery.

- Two thirds (24 companies) have a public human rights policy.
- Half (18/35) report having a human rights due diligence process.
- But only one company (**Thai Union**) could outline its due diligence procedure in detail.
- Only 4/35 companies – **Thai Union, Kraft Heinz Australia, Target** and **REWE Group** – reported having due diligence policies and procedures that specifically address the risk of modern slavery in supply chains.

Tuna companies' supply chains are opaque, with only 20% (7/35 companies) reporting they have mapped their supply chains in full.

Companies are generally failing to enforce their human rights standards in their supply chains with only 3/35 companies cascading modern slavery prohibitions throughout their entire supply chain.

A majority of tuna companies do not extend their complaints system to workers in their supply chains.

- 60% of companies (21/35) have a grievance mechanism for reporting complaints and cases of alleged human rights abuse.
- But only six of these complaints mechanisms are available to supply chain workers (**Thai Union, Bumble Bee Foods, Clover Leaf Seafoods, Kaufland, Metro AG** and **Coles Group**).

Tuna companies are engaging with external stakeholders, but not with workers and their representatives.

- 23% of companies (8/35) reported engaging with external stakeholders including suppliers, business partners, government and non-governmental organisations, while 43% (15/35) participate in at least one key multi-stakeholder initiative.
- 45% (16/35) have policies requiring the company and its suppliers to support the right to freedom of association and collective bargaining.
- But only one company – **Thai Union** – mentioned engagement with a trade union (International Transport Workers Federation).

A few committed tuna companies (Thai Union, Bumble Bee Foods and Clover Leaf Seafoods) are working consistently to improve their approach to human rights, with innovative measures to address modern slavery, such as digital traceability of fish, and measures designed specifically to protect migrant fishers from abuse.

Key recommendations:

This under-performing sector needs to urgently organise to learn from the few leading companies, like **Thai Union, Aldi South Group, Bumble Bee Foods, Clover Leaf Seafoods** and **Metro AG**, on how to take robust action to eliminate slavery from their supply chains. Without collective action, and clear communication of zero tolerance by the majority of buyers, unscrupulous operators in tuna fishing fleets will continue to tolerate the scourge of slavery, bringing the whole industry into further disrepute.

Companies should take action to implement rigorous **human rights due diligence** processes. They should scrutinise risk in their supply chains, performing 'deep dive' analysis, beyond their immediate suppliers, to identify high-risk areas and take bold action to eliminate risk. The supply chains should be made transparent to allow public accountability, and facilitate cooperation with civil society, as is now standard among leading companies in the apparel and ICT sectors.

Companies should **collaborate** with external stakeholders and partners, especially workers and trade unions, to identify risks and victims, design and implement effective elimination measures, and build public awareness.

Companies should tackle the dearth of complaints, by ensuring an open, no-retribution **complaint and whistle-blower mechanism**, as adidas and others have implemented in more progressive sectors. Only when workers feel safe will they provide the vital evidence about victims and perpetrators that is needed to take action and end abuse.

Companies should tackle **remedy**, by establishing clear and well-publicised remediation plans that encourage workers to come forward, and explain their response when modern slavery is detected.

Companies must work, both individually and in collaboration across sectors, to introduce comprehensive **human rights training** which addresses modern slavery in fishing, share this training with sub-contractors and workers in their supply chains and assess its **effectiveness**.

Company Evaluation

| | Policy | Human Rights Due Diligence | Supply Chain Visibility | Remedy | Practical Actions | Stakeholder Engagement |
|-----------------------|--------|----------------------------|-------------------------|--------|-------------------|------------------------|
| Thai Union | ● | ● | ● | ● | ● | ● |
| Aldi South Group | ● | ● | ● | ● | ● | ● |
| Bumble Bee Foods | ● | ● | ● | ● | ● | ● |
| Clover Leaf Seafoods | ● | ● | ● | ● | ● | ● |
| Metro AG | ● | ● | ● | ● | ● | ● |
| Century Pacific Foods | ● | ● | ● | ● | ● | ● |
| Aldi Nord | ● | ● | ● | ● | ● | ● |
| Target | ● | ● | ● | ● | ● | ● |
| Woolworths | ● | ● | ● | ● | ● | ● |
| Simplot | ● | ● | ● | ● | ● | ● |
| Coles Group | ● | ● | ● | ● | ● | ● |
| Tri Marine | ● | ● | ● | ● | ● | ● |
| Ahold Delhaize | ● | ● | ● | ● | ● | ● |
| Kraft Heinz Australia | ● | ● | ● | ● | ● | ● |
| REWE Group | ● | ● | ● | ● | ● | ● |
| Conga Foods | ● | ● | ● | ● | ● | ● |
| Kaufland | ● | ● | ● | ● | ● | ● |
| Kroger | ● | ● | ● | ● | ● | ● |
| Organico Realfoods | ● | ● | ● | ● | ● | ● |
| Safcol | ● | ● | ● | ● | ● | ● |

| | Policy | Human Rights Due Diligence | Supply Chain Visibility | Remedy | Practical Actions | Stakeholder Engagement |
|-----------------------|--------|----------------------------|-------------------------|--------|-------------------|------------------------|
| Tesco PLC | ● | ● | ● | ● | ● | ● |
| Walmart | ● | ● | ● | ● | ● | ● |
| Costco | ● | ● | ● | ● | ● | ● |
| Carrefour | ● | ● | ● | ● | ● | ● |
| Lidl | ● | ● | ● | ● | ● | ● |
| Starkist Co. | ● | ● | ● | ● | ● | ● |
| Alliance Select Foods | ● | ● | ● | ● | ● | ● |
| American Tuna | ● | ● | ● | ● | ● | ● |
| Raincoast Trading Co. | ● | ● | ● | ● | ● | ● |
| Wild Planet | ● | ● | ● | ● | ● | ● |
| Supervalu | ● | ● | ● | ● | ● | ● |
| Hi-Q Food Products | ● | ● | ● | ● | ● | ● |
| Ocean Brands | ● | ● | ● | ● | ● | ● |
| Pegasus Food | ● | ● | ● | ● | ● | ● |
| C-Food International | ● | ● | ● | ● | ● | ● |

We assessed companies' responses to our [survey questions](#), supplemented by a review of publicly-available information on companies' websites, and assigned a score, where:

| | | |
|-----------------------|--------------------|------------------------|
| Responders | ● Leading practice | ● Starting out |
| Non-Responders | ● Making progress | ● At the starting line |

Company Survey

Between November 2018 and January 2019, Business & Human Rights Resource Centre invited 35 major canned tuna brand-owners, headquartered in different geographic regions, to respond to our [survey on human rights in Pacific tuna fishing operations and supply chains](#).

Our survey questions were developed in consultation with the [International Transport Workers Federation](#); [Greenpeace](#); [Liberty Asia](#); the [Fiji Trades Union Congress](#) and advocates, researchers and academics, including [Christina Stringer](#), University of Auckland. The survey included 15 questions covering six core areas:

1. Policies and Public Human Rights Commitments
2. Human Rights Due Diligence and Supply Chain Awareness
3. Practical Actions to Address Modern Slavery in Supply Chains
4. Remediation, Grievance Measures and Reported Complaints
5. Overcoming Obstacles
6. External Stakeholder Engagement

We selected companies using desk-based research to identify the largest canned tuna brands globally, including supermarket retailer private label lines, by reference to market share and revenue, while also representing a geographic mix of countries of domicile. **Of the 35 companies surveyed, 20 responded.**

We excluded general statements by companies. Companies not specifically responding to our survey questions were categorised as non-responders. All company responses and non-responses are available on our web platform, '[Out of Sight: Modern Slavery in Pacific Supply Chains of Canned Tuna](#)' and summarised in the Appendix.

The quality of answers varied significantly. While all 20 respondents provided evidence of having adopted a public human rights policy, survey responses in other areas were generally poor and lacked detail. **Thai Union** was the only company that consistently provided detailed responses to each survey question. Other respondents provided detail in some survey areas, while disclosing only basic information in others. Respondents providing limited information generally scored lower than those disclosing more widely on their efforts to address modern slavery. Limited disclosure generally equated with fewer actions and a more limited approach to human rights.

Overall, there was a poor level of detail provided in response to key questions on human rights due diligence processes, practical actions and remediation measures. It is evident that most companies need to significantly step-up their efforts to identify, address and prevent modern slavery in their global supply networks and provide redress for abused workers.

Context: Pacific Tuna Industry

The Pacific tuna industry is a **global heavyweight**, with much of the world's tuna supply chains originating in this region. As demand for cheap seafood grows, canned tuna has emerged as a highly popular and lucrative food source – it is a favoured protein among increasingly urban global populations.

The **growing demand for cheap seafood** is one of the key drivers of human rights abuses in the Pacific tuna industry. Traditionally, the major markets for canned tuna were the US, Europe and East Asia. Now, tuna consumption is increasing rapidly across the globe, with a 50% increase in imports to Latin America and the Middle East from 2012 – 2017. Increased demand has led to illegal fishing practices and associated human rights abuses as profit margins drop. Labour costs are estimated to comprise between 30% and 50% of total fishing costs. In an increasingly competitive market, these costs are circumvented by reducing workers' pay, safety and living conditions.

The effect of **diminishing returns** has increased pressure on vessel owners and captains to chase profit and has contributed to the widespread use of **forced, trafficked and slave labour** in fishing. As a sector, fishing persists as a high-risk industry for modern slavery. Workers are often required to pay hefty recruitment fees, leading to debt bondage. Once on-board vessels, workers can be at sea for months, and face daily human rights concerns - grinding work with inadequate food, water, sleep and rest breaks; cramped, dirty and dangerous conditions with limited protective equipment or safety training; regular physical and verbal abuse and even [death](#). Pay may be inadequate or deferred indefinitely.

James Clifford, Compliance Officer at the Ministry of Fisheries and Marine Resources, Solomon Islands, has inspected countless foreign vessels, mainly Taiwanese, engaged in tuna fishing in Solomon Islands waters. He describes the conditions on board many vessels as *“beyond the human capability of working”*.





Fishing in the Pacific

Fishing has historically been a traditional occupation among Pacific Island communities, mostly in coastal waters. In recent decades, the industrialisation of fishing has dramatically altered the nature and extent of Pacific fishing operations. Tuna is the cornerstone of this industry. The Western and Central Pacific Ocean region extends from the Bering Sea in the north to New Zealand in the south, and incorporates the Pacific Island Countries (PICs) where in 2017 almost [60%](#) of the world's tuna originated. This sector is expected to generate more than US[\\$300 million](#) in additional revenues for the region by 2040.

Industrial tuna fishing is carried out mostly by modern foreign distant-water fishing fleets, operating in PICs under licence. In recent years, industrial operators from East and Southeast Asian countries have emerged as major actors, with foreign-owned vessels from China, Indonesia, Japan, Korea, the Philippines, Taiwan and Thailand [increasingly common](#) in PIC waters.

Within the exclusive economic zones of PICs, of the 1,500 registered fishing vessels present at any one time, approximately [1,200](#) will be foreign vessels extracting tuna for supply to the global tuna trade. Foreign fishing creates employment opportunities and can generate [substantial revenues](#) for PICs, but has significant accompanying risks. **Awareness of human rights standards and practices among fleet operators can be low**, allowing abuse to flourish. [Instances of human rights abuse](#) in the Pacific tuna fishing industry are common.

Drivers of Abuse

Fishing Industry Practices

Factors embedded into the business practices of large, industrial fishing operators facilitating human rights abuses include **complex supply chains**, **trans-shipment** and **flagging**:

Complex international networks in the fishing, processing and distribution of canned tuna products allow human rights abuses to stay hidden. Numerous vessels, ports, processing plants and distribution channels operate across a web of countries involving countless actors, reducing transparency in supply chains, hindering regulatory oversight and facilitating abuse.

Trans-shipment is when fish catches are collected **at sea** and transported to port by giant refrigerated cargo ships. It enables fishing vessels to be restocked and refuelled **at sea** and to stay out for longer periods without docking. The process can result in workers being trapped on fishing vessels for **potentially years at a time**. Trans-shipment creates challenges in supply chain traceability and facilitates [illegal activities](#), including slavery. When fish catches from multiple vessels are combined, it is difficult to [trace](#) fish back to an individual vessel.



Flagging is another major enabler of abuse. General practice is that a vessel will be assigned a “flag” by a nation state, allowing them a form of territorial integrity. The “flagged” vessel is subject to the laws of that state, and the system then relies on states to regulate their flagged vessels to ensure compliance with international law. This system presents **huge regulation gaps** – including protections against **human rights abuses**. The diminished capacity of states to enforce regulations at sea is exacerbated where [flags of convenience](#) from countries with weak labour laws or governance structures are used, resulting in on-board exploitation and abuses going unchecked and unremedied.

Workforce Characteristics

Human rights abuses – forced labour, slavery and human trafficking – are linked to falling productivity and returns in the fishing industry. Diminishing returns further exacerbate vulnerabilities in the seafood workforce, including **lack of unionisation** and reliance on **migrant workers**.

Migrant workers are particularly vulnerable to abuse due to lack of official documentation, reduced bargaining power, language barriers and diminished safety nets. These factors are aggravated by spending extended periods at sea, during which time workers are physically isolated, with few options for escape or reporting abuse. There are frequent reports of identity documents being confiscated, trapping workers in forced labour; the supply of forged identity documents rendering men stateless; and captains leaving crew [stranded on remote islands](#) as punishment, or simply because they are no longer required for work.

A family perspective on a deceased Fijian crewmember of a Taiwanese fishing vessel

The story of Salote Kaisuva, the widow of Fijian Crewman Mesake, was recently reported by [Human Rights at Sea](#). Salote recalls: *“I could see that the company was just using the men as slaves and not even giving them a rest of one week before calling them back to work at sea.”*



Legal Standards in the Fishing Industry

There are international legal standards that prohibit the use of modern slavery in fishing, notably:

- **Universal Declaration of Human Rights**, Article 4, prohibits slavery.
- **United Nations Guiding Principles on Business and Human Rights** (2011) articulate the responsibility of companies to respect human rights and establish a set of concrete steps to avoid causing harm.
- **Sustainable Development Goal 8** (Decent work and economic growth), Target 8.7, requires measures to end modern slavery.
- **International Labour Organisation Convention Concerning Forced or Compulsory Labour**, 1930, No.29 prohibits forced labour.
- **International Labour Organisation Protocol of 2014 to the Forced Labour Convention**, 1930.
- **International Labour Organisation Work in Fishing Convention**, 2007, No.188 outlines standards of employment necessary to respect and uphold human rights in commercial fishing operations.
- **International Labour Organisation's Declaration on the Fundamental Principles and Rights at Work** supports the elimination of all forms of forced or compulsory labour and the abolition of child labour.
- **Nauru Agreement**, a regional agreement developed by eight PICs, adopts minimum standards to encourage sustainable fishing practices.

Some nations are taking action locally to address supply chain abuses. New Zealand has introduced [innovative legislation](#) requiring foreign charter vessels fishing in New Zealand waters to be “reflagged”, and to submit to New Zealand’s national **labour and health and safety** regulation. Crews of reflagged ships must have a New Zealand bank account and vessels are subject to independent audits. While laudable, this approach does place a significant burden on New Zealand to regulate all flagged vessels, and many PICs may not have the resources to replicate such a model.

National modern slavery reporting laws – the UK’s *Modern Slavery Act* 2015, Australian *Modern Slavery Act* (Cth) 2018 and *California Transparency in Supply Chains Act* 2010 – also seek to address the issue, by requiring companies to disclose efforts to address modern slavery in their operations and supply chains. Fourteen survey companies have reported under these laws.

Multi-Stakeholder Initiatives

Despite legal standards, human rights abuses continue at sea. A number of multi-stakeholder initiatives have recently launched to address persisting abuse. Two key frameworks, attracting the highest levels of engagement by survey companies, are the [Seafood Taskforce](#) and the [Tuna 2020 Traceability Declaration](#). Without adequate review systems in place, however, it is difficult to identify and track the efficacy of actions emerging from such commitments.

The Seafood Taskforce is an industry-led initiative aimed at tackling human rights abuses in fishing. It focuses on illegal, unreported and unregulated fishing in Thailand and by Thai vessels and aims to develop supply chain oversight. Its work plans include traceability of entire supply chains from vessel to retailer, development of relevant codes of conduct, increased accountability and sustainable fishery improvement projects. The Taskforce includes a notable list of consumer brands, including **Walmart, Thai Union, Target** and **Bumble Bee Foods**. The Taskforce provides training and resources to its members on matters such as responsible recruitment and engaging in government advocacy.

The **Tuna 2020 Traceability Declaration** is a non-legally binding declaration that developed from multi-stakeholder dialogue at the United Nations' Ocean Conference in June 2017. The Declaration focuses on implementation of Sustainable Development Goal Target 14.4: *“By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics”*. The Declaration has been endorsed by some major tuna retailers but key actors, including many of our survey companies, are missing. Supporting national governments are few in number (Federated States of Micronesia, Grenada, Marshall Islands, Nauru, Palau and the Solomon Islands). The United States, Canada, Thailand, China and Taiwan, which headquarter many major consumer brands, are also absent.

Local regulatory observers “disappeared”

Observers ensure compliance with labour laws, rules set by international organisations and consumer advocacy groups. Observers face an increasingly threatening environment with [reports](#) that, in recent years, a number of fisheries observers from the Pacific Islands have **died in suspicious circumstances** on board fishing vessels in the course of their work. **Charlie Lasisi**, a 26-year-old observer with PNG's National Fisheries Authority, was an observer on board a Philippines purse seine ship Dolores 838. After raising concerns about practices on board the ship, Lasisi disappeared in 2010. [Lasisi's father said](#), *“We don't know why they killed him. The people that killed my son, their passports were taken from them in Port Moresby. Are they still in the country have they left, I wonder... if my son was killed on the boat, what is their punishment?”*

Survey Findings

Our [survey](#) focused on six key areas: (1) *Policies*; (2) *Human rights due diligence and supply chain awareness*; (3) *Practical actions*; (4) *Remediation*; (5) *Obstacles* and (6) *External stakeholder engagement*. The following survey findings are drawn from the information provided by companies in their survey responses. We also reviewed publicly-available information on the websites of the 35 survey companies.

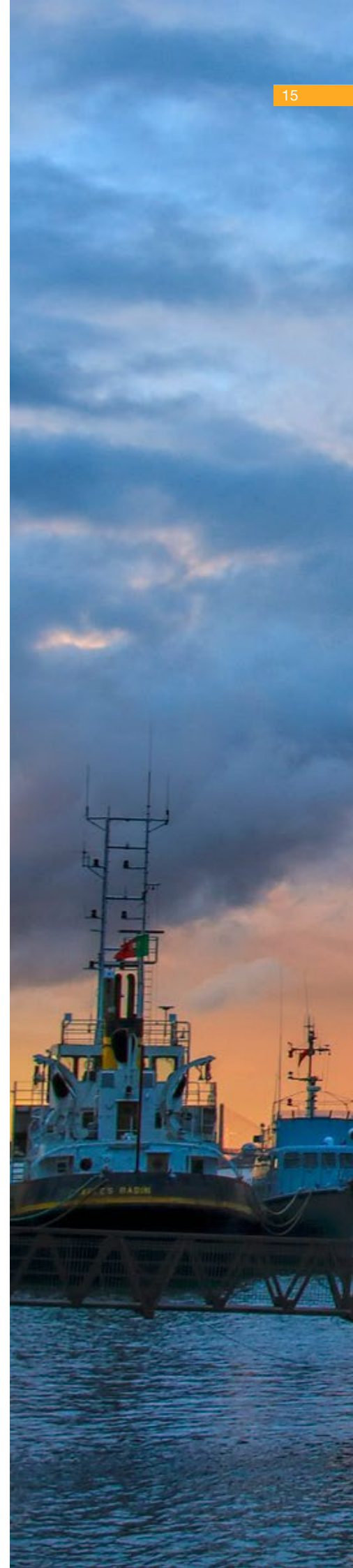
Policies & Public Human Rights Commitments

We asked companies whether they have made a public commitment to respect human rights that addresses modern slavery and applies throughout the company's supply chains, including via a standard supplier code of conduct or responsible sourcing policy.

Just over **two thirds**² of surveyed companies (24) have publicly committed to respecting human rights. **All** respondents (20 companies) were able to demonstrate evidence of such a commitment in a standalone Human Rights Policy, or as part of a Supplier Code of Conduct, sustainability or CSR reporting. All respondents have also made a commitment to address modern slavery and forced labour, and 19 of these extend this commitment to their immediate suppliers, most commonly through supplier codes of conduct or individual supplier agreements.

While most respondents require immediate suppliers to adhere to modern slavery standards, only **three** reported having a policy, or contractual clauses in their standard supplier agreements, to cascade modern slavery prohibitions through their entire supply chains. These companies – **Thai Union, Simplot** and **Tri Marine** – require sub-contractors to adhere to the company's prohibition against modern slavery. Notably, **Thai Union** has a separate policy that not only requires suppliers to prohibit the use of 'forced or compulsory labour', but also requires this prohibition to apply to all fishing vessels used by suppliers from which **Thai Union** sources.

² Based on survey responses, and publicly-available company information.



Due Diligence & Supply Chain Awareness

Knowledge of supply chains is crucial for companies to monitor and address both actual and potential instances of modern slavery. Only **20%** (seven companies) reported having mapped their entire supply chains – **Thai Union, Bumble Bee Foods, Clover Leaf Seafoods, Coles, Organico Realfoods, Aldi Nord and Aldi South Group**. The other **80%** (28) either did not indicate, or reported having mapped only in part.

14% (five) identified the specific FAO (Food and Agriculture Organisation of the United Nations) areas in the Pacific where their sourced tuna is caught – **Thai Union, Century Pacific Food, Conga Foods, Metro AG and Woolworths**. Only **Metro AG** could identify specific source countries. The rest were unable to clearly **identify source countries for their tuna**.

Companies need to do more to achieve visibility throughout their entire supply chains to detect and prevent persisting abuse.

Businesses should carry out human rights due diligence to *'identify, prevent, mitigate and account for how they address their adverse human rights impacts'*, including those to which it is directly linked through its business relationships.³

We asked companies about their human rights due diligence processes and the steps involved. The information provided was generally poor and did not evidence the existence of established, effective due diligence procedures. **50%** (18) of companies indicated conducting some form of due diligence. Two companies – **Safcol** and **Tri Marine** – provided no information about their human rights due diligence processes at all. Only **22%** (eight) could outline the basic due diligence steps in their processes, with **half of the responses**

merely noting the fact of a due diligence policy or process, without further detail.

While most respondents included human rights as a general due diligence consideration, only four companies – **Thai Union, Kraft Heinz Australia, Target** and **REWE Group** – have due diligence policies and procedures that specifically address the risk that workers in their supply chains may be subject to conditions of modern slavery.

Only **20%** (seven companies) reported tracking the **effectiveness** of their response – **Thai Union, Bumble Bee Foods, Clover Leaf Seafoods, Kraft Heinz Australia, Aldi South Group, Target** and **Metro AG**. A smaller number still, only **11%** (four), **communicate externally** on their human rights due diligence efforts – **Thai Union, Conga Foods, Aldi South Group** and **REWE Group**.

We also asked companies about how they **prioritise** human rights risks when identified. Nearly **40%** (13) have some form of risk prioritisation process. However, **Woolworths** was the only company to provide a detailed explanation of its risk prioritisation methodology.

Companies are generally faltering in their human rights due diligence efforts, with some yet to initiate this process at all. While half were able to provide some level of information about their approach to due diligence, this was generally limited in detail and substance, focusing only on the initial identification of risks, rather than also managing and acting on those risks. Companies are either unaware of, or simply not acting so as to meet, their human rights due diligence requirements.

³ [UN Guiding Principles on Business and Human Rights](#), principle 17.

Practical Actions to Address Modern Slavery in Supply Chains

We asked companies about **practical steps** they are taking to ensure modern slavery does not occur in their own operations (including subsidiaries) or in their tuna supply chains. In particular, we were interested in identifying the extent to which fishing sector companies are responding to the challenges of modern slavery by introducing a **smart mix of practical steps** to tackle the issue at different points along the supply chain.

The survey responses revealed that, although companies have begun taking limited steps in the right direction, compelling concrete action against modern slavery is the exception, rather than the rule.

Thai Union, Simplot, Aldi South Group, Bumble Bee Foods and **Clover Leaf Seafoods** are demonstrating leadership and have implemented the most practical steps, in terms of both number and variety, to combat modern slavery. **Thai Union** provided detailed information outlining how the company conducts employee human rights training in conjunction with the Migrant Worker Rights Network (MWRN) and Labor Rights Promotion Network (LRPN), the company's digital traceability program, its Ethical Migrant Recruitment Policy which contains specific protection for migrant workers, and engagement with external stakeholders.

Human rights & modern slavery training

30% (11) are conducting human rights training. Training topics varied across the responding companies – the rights of workers, human rights risks, responsibilities of companies and remediation for instances of modern slavery. **Bumble Bee Foods** and **Clover Leaf Seafoods** both stated that formal training on human trafficking and modern slavery is not provided as they believe that *“mitigating associated risks is attained through supplier guarantees, periodic assurance audits and third party audits...”*⁴ Companies should take a proactive approach to addressing human rights abuses, which includes comprehensive training, and not shift responsibility onto suppliers.

⁴ [Bumble Bee Seafoods Supplier Code of Conduct](#).



Digital traceability of fish

25% (nine) reported applying **digital traceability** to their canned tuna products so that contents of a canned product can be ‘traced’ to its original catch. Companies reporting traceability measures include **Thai Union, Bumble Bee Foods, Clover Leaf Seafoods, Simplot, Century Pacific Foods, Conga Foods, Aldi Nord, Aldi South Group** and **Metro AG**.

Bumble Bee Foods and **Clover Leaf Seafoods** use an in-house traceability database which screens all tuna entering their supply chains for the legality of harvest and ‘*other commitments associated with the International Seafood Sustainability Foundation*’. **20%** (seven) reported having an online feature permitting consumers to digitally trace their purchased canned tuna products to be informed of the products’ origins. Online features include **Bumble Bee Foods’ [Trace My Catch](#)**, **Clover Leaf Seafoods’ [Trace My Catch](#)**, **Simplot’s [Trace Your Fish](#)**, **Conga Foods’ [Tuna Traceability](#)**, **Aldi Nord’s [Transparency Code](#)**, **Aldi South Group’s [Check Your Product](#)** and Metro AG’s PROTrace application for mobile devices.

Better practice example: Thai Union’s digital traceability program uses satellite connectivity and mobile applications to enhance digital traceability through ‘*electronic Catch Data and Traceability systems*’. Part of this program includes ‘Fish Talk’ chat applications which **connect workers at sea to onshore operations**, allowing crew members to communicate with family and friends onshore. An independent evaluation reportedly found that ‘Fish Talk’ chat applications have increased worker morale and retention of workers on board fishing vessels.

Third-party recruitment & labour hire agencies

Reliance on third-party recruitment and labour hire agencies can be risky and companies’ efforts to provide oversight are lagging. Only **14%** (five) of companies reported prohibiting recruitment fees – **Thai Union, Bumble Bee Foods, Clover Leaf Seafoods, Century Pacific Food** and **Tri Marine**. Only **Thai Union** reports having oversight of its recruitment process through application of its Ethical Migrant Recruitment Policy.

Protections for migrant workers

Migrant workers, away from the safety of kinship and friendship networks, and often experiencing language barriers, are particularly vulnerable to exploitation and abuse. Only four companies – **Thai Union, Bumble Bee Foods, Clover Leaf Seafoods** and **Target** – have introduced specific measures aimed at protecting migrant workers, and **Thai Union** was the only company to provide detailed information about its measures, which include a separate company policy and engagement with the Migrant Worker Rights Network.

| Sourcing restrictions

Trans-shipment, the practice of offloading fish catches onto transport ships at sea, enables fishing vessels to stay at sea for extended periods, and facilitates abuse.

23% (seven) of companies indicated having restrictions on sourcing tuna from vessels engaged in trans-shipment. Two of these – **Safcol** and **Simplot** – ban sourcing tuna from trans-shipped tuna catches. Others – **Thai Union, Bumble Bee Foods, Clover Leaf Seafoods, Tri Marine** and **Aldi South Group** – only allow trans-shipment from vessels using long-line fishing methods (which involves longer periods at sea) if they also have an independent observer on board to monitor worker conditions.

Foreign vessels operating in the Pacific under [flags of convenience](#) may be registered to countries where labour laws are lax, or not observed, permitting captains to operate fishing vessels with little regard to human rights. No company adequately addressed this issue.

Illegal fishing is often [directly linked](#) with human rights abuses. Only **26%** (nine) of companies indicated a policy against sourcing from **IUU (illegal, unregulated and unreported) fishing vessels**.

| Independent supply chain auditing

Social audits are increasingly used by companies to meet due diligence requirements. Nearly **half** (15) of the survey companies reported using independent auditors to check their own operations and/or those of suppliers. However, experience in other sectors, particularly the garment industry, has revealed that a [social auditing approach](#) amounts to little more than a **tick-the-box exercise**, is ineffective in capturing human rights abuses, and is largely failing to protect workers.

Identification of issues through auditing may sometimes yield useful results, but should only form part of a broader approach to human rights due diligence. Companies must also implement practical **additional due diligence measures**, which would include acting on findings and tracking the effectiveness of their responses.

| Other practical steps

Metro AG conducts **country visits** and **Coles Group** requires processing facilities in Thailand to be registered with the Supplier Ethical Data Exchange (Sedex) and to '*provide full visibility of information*'.

Remediation, Grievance Mechanisms & Reported Complaints

Businesses should have ‘*processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute*’.⁵ We asked companies if they have a **grievance mechanism for workers**, including fishers in their supply chains, for raising human rights concerns, and whether complaints about human rights concerns connected with Pacific tuna have been reported via their complaints mechanism. We also asked companies whether they have a **corrective, or remediation, plan** to respond to actual instances of modern slavery, once identified.

Grievance mechanisms

60% (21) of survey companies have a **grievance mechanism** for reporting complaints and instances of human rights abuses. A further three – **Simplot, Tri Marine** and **REWE Group** – are in the process of developing a complaints-handling system. **37%** (13) provided information, albeit limited, about how their grievance mechanism operates. Systems vary, involving a mix of methods including reporting complaints via an **online form, telephone hotline, email, suggestion boxes** as well as **internal reporting** directly to supervisors or others. The most commonly reported method is through **online forms**. **17%** (six) of companies offer workers more than one reporting method.

While the majority of companies have established a grievance mechanism, it is evident that companies need to improve access. Only **17%** (six) were accessible to workers in the company’s supply chains – **Thai Union, Bumble Bee Foods, Clover Leaf Seafoods, Kaufland, Metro AG** and **Coles Group**.

Not a single company reported on specific steps to inform either their own employees, or supply chain workers, about the existence of the company’s complaints system. **Kraft Heinz Australia** reported that ‘*workers are encouraged to report abuses via the hotlines available*’, and others noted that they provide employees with training on human rights, but no company indicated explicitly informing workers about how to report abuse.

Anonymity and freedom from intimidation are crucial to encourage workers to report complaints without fear of reprisal. **30%** (11) reported having systems which allow complaints to be made anonymously, and in different languages to facilitate access for foreign workers.

Woolworths was the only company to identify specific languages – it offers a telephone hotline in Thailand for workers of its suppliers there available in Thai, Burmese, English, Malay and Khmer.

⁵ [UN Guiding Principles on Business and Human Rights](#), principle 15(c).

Remediation plans

Once a concern is communicated, companies must have an established remediation plan for addressing reported problems. **Nearly half** (17) reported having some form of remediation plan to respond to human rights abuses identified in their own and their suppliers' operations. However, this section of the survey was generally poorly answered and few companies could provide significant detail.

17% (six) require remediation steps to be implemented within a predetermined timeframe. **23%** (eight) stated that **business relationships with suppliers may be suspended or terminated** if remedial action is not taken in line with the company's human rights policies. **Metro AG** said '*remedial actions may also include monetary compensation*'. **Coles Group** was the only company to provide a detailed step-by-step process demonstrating how it responds to instances of modern slavery. This includes specific steps to address instances of child labour, bonded labour, forced labour and the withholding of workers' identification documents, and follow-up audits.

Reported Complaints

We asked companies whether human rights concerns connected with Pacific tuna had been reported via the company's complaints mechanism. **Not a single company reported having received a complaint in connection with its Pacific tuna procurement via this mechanism.** We also asked companies how many instances of modern slavery, related to tuna procurement from the Pacific, had been identified in 2018. **No companies reported having identified specific instances of abuse in 2018.** **Thai Union** did mention 'concerns' were raised by a third party, and improvement plan being put in place, but did not provide details.

[Allegations](#) of modern slavery in Pacific tuna fishing operations are common and there are concerns it is [on the rise](#) in the region. The fact that no company has identified recent cases highlights the limitations of current corporate approaches to human rights.

Overcoming Obstacles

We asked companies about challenges in implementing human rights commitments and taking action against modern slavery in tuna supply chains, and their strategies for overcoming them.

29% (10) of companies detailed specific obstacles to implementing human rights commitments, most commonly:

- difficulty in monitoring and regulating fishing operations in remote seas;
- difficulty in monitoring recruitment agencies;
- complexity of companies' global supply chains;
- higher risks involved for vessels using longline fishing methods (at sea for longer periods without returning to port);
- [limitations of social audits](#) in detecting modern slavery (see [page 19](#)); and
- employees' knowledge of what constitutes a human rights violation.

Thai Union and **Ahold Delhaize** were the most forthcoming about the obstacles they face. The most commonly cited strategy to overcome human rights challenges involved working with external stakeholders.

External Stakeholder Engagement

23% (eight) reported engaging with **external stakeholders** including suppliers, business partners, government and non-governmental organisations. However, only one company – **Thai Union** – mentioned engagement with a **trade union** (International Transport Workers Federation). Despite this, **45%** (16) indicated that their company policies require that both the company, and its suppliers, support the **right to freedom of association and collective bargaining**.

■ Participation in regional or sectoral multi-stakeholder initiatives

We asked companies about their participation in regional, or sectoral, MSIs to address modern slavery including in fishing. **43%** (15) are members of the [Seafood Taskforce](#), [Tuna 2020 Traceability Declaration](#) or [Bali Process Government and Business Forum](#). The **Seafood Taskforce** and **Tuna 2020 Traceability Declaration** aim to improve sustainability in companies' fishing operations by increasing transparency and accountability of fishing vessel operations. The **Bali Process Government and Business Forum** aims to combat human trafficking and labour exploitation by engaging public and private sectors to develop policies and legal protections for victims of labour abuses. It does not formally incorporate civil society participants.

Conclusion

Most companies are failing to take effective, practical action to stamp out slavery from global canned tuna supply chains. A small cluster of leaders are making strides and **translating human rights policies into practice**. In general, **company policy is not supported by concrete action and most need to lift their game on human rights due diligence and develop greater supply chain visibility**, beyond tier 1 suppliers.

The risks of egregious human rights abuses in the fishing industry are extremely high. The fact that 15 companies (nearly half) operating in this high-risk sector did not respond to us is concerning. Companies must step up their efforts to engage on human rights. We need to see far **more collaboration** between brands and external stakeholders, especially workers and their unions, to ensure companies develop, implement and embed meaningful and effective responses to end modern slavery at sea.

Better practice examples identified in survey responses include:

- **Thai Union** has a robust **human rights due diligence procedure** which details specific actions in the due diligence process, rather than aspirational statements. The Thai Union Diligence Framework comprises several pillars – *policies, assessment of risks, prevent, detect, remedy, continuous monitoring and disclosure*.
- **Coles' remediation plan** to respond to instances of modern slavery consists of detailed, stepped processes to address different forms of modern slavery abuses identified.



Key Recommendations:

Companies should:

- Introduce, review and implement robust **human rights due diligence measures** throughout supply chains; work **collaboratively** with and involve NGOs, workers and trade unions in their due diligence process.
- Undertake comprehensive **supply chain mapping and scrutiny**, including immediate suppliers and sub-contractors, to identify high-risk areas and take bold action to eliminate risk.
- Develop **effective complaint and whistle-blower mechanisms**, in line with the UNGPs and in consultation with affected stakeholders, which are accessible and communicated to supply chain workers, for reporting abuse safely and without fear of reprisal.
- Take immediate action to ensure they have clear, comprehensive, and tested **remediation plans** dedicated to addressing modern slavery, so they can act quickly and decisively when abuses are detected or suspected – this should include remediation for affected individuals, as well as established consequences for abusers.
- Design, resource and implement **effective internal reporting and monitoring systems** to ensure obligations are met under new modern slavery reporting regimes, including the UK and Australian **Modern Slavery Acts**.
- Develop comprehensive **training** on modern slavery for employees, management, contractors and supply chain workers at all levels of the supply chain – and measure and assess the **effectiveness** of this training.
- Develop and implement an **integrated, cross-departmental approach to human rights** which is thoroughly embedded across both the organisation and its external relationships.

Governments & policy-makers should:

- Promote and implement the **UN Guiding Principles on Business and Human Rights**.
- Effectively implement **human rights reporting regimes**, including ensuring adequate oversight and introducing financial penalties to strengthen regimes if they are found to be lacking.
- Introduce **mandatory human rights due diligence** by companies and comprehensive guidance on processes.

Civil society organisations should:

- Provide **education** to vulnerable workers on their human and labour rights when engaging with employers, recruiters and sub-contractors.
- **Monitor, research and analyse** corporate efforts to address modern slavery to identify leading company practices involving new, innovative approaches to human rights by companies, as well as calling out instances of poor or inadequate practice by laggards.
- **Work collaboratively** with governments and companies in identifying, monitoring and assessing actions by companies and governments to prevent modern slavery and ensure that concrete and effective action is taken to end it.

Appendix: Company Responses & Non-Responses

| | Country of HQ | Tuna Brands | Response |
|---|---------------|--|----------|
| Ahold Delhaize | Netherlands | Stop 'n' Shop, Giant, Delhaize, Albert, Alpha Beta, Superindo | ● |
| Aldi Nord | Germany | Ocean Steamer, Fjorden's, Espanesimo | ● |
| Aldi South Group | Germany | Ocean Rise, ARMADA, ALMARE Seafood, Cucina Nobile, Gourmet, Feines aus Spanien, Saponi di Mare, Natura Felice, Faro Verde, Primana, Northern Catch | ● |
| Alliance Select Foods International Inc | Philippines | Superfish, Sea Harvest, Sunbell, Bestunaku, Hagoromo (<i>held via ownership of PT. Aneka Tuna Indonesia</i>) | ● |
| American Tuna | USA | American Tuna | ● |
| Bumble Bee Foods LLC ⁶ | USA | Bumble Bee, Wild Selections, Brunswick | ● |
| C-Food International LLC | Lebanon | Trébon, Siblou, Sirella, Adriana | ● |
| Carrefour SA | France | Carrefour | ● |
| Century Pacific Food | Philippines | Century Quality, Century Tuna, Blue Bay, 555, Fresca Tuna | ● |
| Clover Leaf Seafoods | Canada | Clover Leaf | ● |
| Coles Group | Australia | Coles, Wild Tides | ● |
| Conga Foods Pty Ltd | Australia | Sole Mare Tuna | ● |
| Costco | USA | Kirkland Signature | ● |
| Hi-Q Food Products | Thailand | Roza | ● |
| Kaufland | Germany | K-Classic Thunfisch | ● |
| Kraft Heinz | Australia | Greenseas | ● |
| Kroger | USA | Kroger | ● |
| Lidl | Germany | Nixe | ● |

⁶ Bumble Bee Foods LCC and Clover Leaf Seafoods share the same parent company and certain company policies which is reflected in mirrored survey responses. Bumble Bee Holdco S.C.A. owns Bumble Bee Foods S.à r.l. which owns Bumble Bee Foods LLC and Connors Bros. Clover Leaf Seafoods Company.

| | Country of HQ | Tuna Brands | Response |
|---------------------------|---------------|--|----------|
| Metro AG | Germany | Aro, Metro Chef, Makro Chef, Fine Life | ● |
| Ocean Brands | Canada | Ocean's, Gold Seal | ● |
| Organico Realfoods Ltd | UK | Fish4Ever | ● |
| Pegasus Food Co., Ltd. | Thailand | Golden Fresh | ● |
| Raincoast Trading Company | Canada | Raincoast Trading | ● |
| REWE Group | Germany | Ja!, Rewe Beste Wahl, Berida | ● |
| Safcol Australia Pty. Ltd | Australia | Safcol | ● |
| Simplot | Australia | John West (Australia) | ● |
| Starkist Co. | USA | Starkist | ● |
| Supervalu | USA | Wild Harvest | ● |
| Target | USA | Simply Balanced, Market Pantry | ● |
| Tesco PLC | UK | Tesco | ● |
| Thai Union Group | Thailand | John West (UK), SEALECT, Mareblu, Petit Navire, Chicken of the Sea, Genova | ● |
| Tri Marine | USA | Ocean Naturals | ● |
| Walmart | USA | Great Value | ● |
| Wild Planet Foods Inc | USA | Wild Planet | ● |
| Woolworths Group | Australia | Woolworths Branded, Essentials | ● |



Business & Human Rights Resource Centre

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Business & Human Rights Resource Centre is an international NGO that tracks the human rights impacts (positive & negative) of over 8,000 companies in over 180 countries making information available on its eight language website. We seek responses from companies when concerns are raised by civil society. The response rate is 73% globally.

Our survey questions were developed in consultation with the International Transport Workers Federation; Greenpeace; Liberty Asia; the Fiji Trades Union Congress and advocates, researchers and academics, including Christina Stringer, University of Auckland. The briefing paper was prepared with the assistance of **Amit Dogra** and **Olivia Kelly**. We acknowledge and thank them for their contributions.

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