

PROTECTIONS AGAINST TRAFFICKING IN PERSONS
Third Party Standards on Relevant to Human Trafficking

There are a variety of third-party standards that have been developed for differing fisheries contexts. While they have varying applicability, taken as a group, they can be used to provide useful insight into the landscape of benchmarks for good practice for managing human trafficking risk in the seafood sector. The following table presents a selection of standards relevant to human trafficking from various sources.

Standard	Standards Relevant to Human Trafficking	Link
<p>Fair Trade Wild Capture Standards</p>	<ul style="list-style-type: none"> • Work is not exacted from any person under the threat of any penalty and for which the said person has not offered him or herself voluntarily. • The employer does not retain any part of the workers' salary, benefits, property or documents in order to force them to remain employed. • The employer does not use any form of physical or psychological measures in order to force workers to remain employed. • Bonded labor caused by debts or loans does not occur. The employer does not require workers to pay deposits or bonds in order to force workers to remain employed. • Workers' employment (including initial hiring) is not conditional on the employment of his or her family member. Family members are not required to work. • Crew members and workers are recruited through fair and transparent processes. • Employers pay all recruitment and hiring fees; crew members and workers do not pay any hiring fees or post any bonds. • When migrant and/or stateless crew members or workers are recruited from a different region or country, there is a prior written agreement between the employer and recruited migrant and/or stateless crew members or workers regarding wages and other employment conditions. 	<p>https://www.fairtradecertified.org/business/standards/capture-fisheries-standard</p>

	<ul style="list-style-type: none"> • Agreements are explained verbally and in writing, and in a language understood by the migrant and/or stateless crew member or worker. 	
<p>Global Aquaculture Alliance's (GAP) Best Aquaculture Practices Standards.</p>	<ul style="list-style-type: none"> • All work, including overtime, must be voluntary. The facility shall not engage in any form of forced or bonded labor. This includes human trafficking, the holding of original identity papers, prohibiting workers from leaving the premises after their shift or other coercion intended to force anyone to work. Where the holding of original identity papers is required by national law, such papers must be immediately returned to employees upon request and readily available to them at all times. • The facility shall not require the payment of deposits, deduction from wages or withholding of pay that is not part of a legal contractual agreement with the employee and/or that is not provided for or permitted by national law. • Workers shall have the right to terminate their employment after reasonable notice. 	<p>www.bapcertification.org</p>
<p>Seafish Responsible Fishing Scheme</p>	<ul style="list-style-type: none"> • The applicant shall have an accessible Human Rights policy statement committing them to state that the decision of all the crew to join or leave their vessel is freely made by any employed or share crew member to mitigate the risk of forced or trafficked labour being employed or recruited. • The applicant shall demonstrate by documented recruitment records or employment contracts that no forced, bonded, or involuntary prison labour is used on the vessel. • The applicant shall commit in this policy that they shall respect the rights of any employed and share crew to be able to have 'Freedom of association and the right to collective bargaining' or have a policy in place whereby at least one crew member shall be elected by the crew to represent them to the applicant. • The applicant shall be capable of verifying that no employed or share crew member shall be required to lodge 'deposits' e.g. money or benefits in kind or their identity papers, with the skipper and all crew 	<p>http://www.seafish.org/rfs/wp-content/uploads/2017/06/RFS-Standard-Version-1-Issue-2-Oct-2016-Final.pdf</p>

	<p>members are free to leave their employment after notice period, as stated in a contract of employment or self-employed fisherman agreement.</p> <ul style="list-style-type: none"> • The applicant shall be able to demonstrate how wages/share/pay/reward are paid and communicated to each type of crew member in the form of a signed contract of employment for employed fisherman or in an agreement with share fishermen. • The applicant shall stipulate in an employed fisherman’s contract and in a share fisherman’s agreement that they shall not take deductions from a crew’s remuneration or share of the catch as a disciplinary measure, without the express agreement of the crew member concerned. • The applicant shall ensure that all crew understand the information within the contract of employment or share agreement and it is in a language they understand prior to signing in the case of employed fishermen or agreeing to by share fishermen. • It has sufficient crew to conduct the fishing operation effectively. • All the crew have an appropriate rest period allocated to them every fishing trip. • The applicant shall have a signed commitment stating that all crew will be entitled to a period of rest related activity during the duration of the fishing trip that will be in compliance with current national legislation. 	
<p>Aquaculture Stewardship Council Salmon Standard.</p>	<ul style="list-style-type: none"> • No documented incidences of “forced, bonded or compulsory labor.” • No workers whose basic wage is below the minimum wage (before overtime and bonuses). • Evidence that they employer is working toward the payment of basic needs wage. • Evidence of transparency in wage-setting and rendering. • All workers have contracts. • Evidence of a policy to ensure social compliance of its suppliers and contractors. • No incidences, violations or abuse of working hours and overtime laws 	<p>https://www.asc-aqua.org/wp-content/uploads/2017/07/ASC-Salmon-Standard_v1.1.pdf</p>

	<ul style="list-style-type: none"> • Overtime is limited, voluntary, paid at a premium rate and restricted to exceptional circumstances. 	
<p>Thai Seafood Taskforce</p>	<ul style="list-style-type: none"> • Forced, bonded (including debt bondage) or indentured labor, prison labor, slavery or trafficking of persons is prohibited. This includes transporting, harboring, recruiting, transferring or receiving persons by means of threat, force, coercion, abduction, or fraud for labor or services. • All work must be voluntary and workers shall have the freedom to terminate their employment at any time without penalty, in line with prevailing laws and regulations. • Sea-Based Work: Freedom to terminate their contract is exercised at the next regularly scheduled port visit. • Written contracts of employment shall be provided to workers in a language understood by them, clearly indicating their rights and responsibilities and conditions of employment, including wages, benefits, working hours, locations of the work, living conditions, housing and associated costs, work-related hazards, and other working and employment conditions. • Workers shall be provided with a copy of the signed employment contract prior to deployment. • Workers with difficulty understanding the written contract shall be given a verbal explanation of the contract's terms and conditions. • The use of supplemental agreements and the practice of contract substitution or use of supplemental agreements by the employer to replace an original contract or any of its provisions with a new contract or terms that are less favorable to the worker is strictly prohibited. • The required notice period for workers to terminate their contracts shall not exceed what the law requires or one month if there no local law applies. • Workers shall not be penalized for termination of their employment contract upon giving the required notice. • Workers shall have unrestricted access to basic necessities such as clean drinking water and toilets 	<p>http://www.seafoodtaskforce.global/wp-content/uploads/2017/12/TF-Code-of-Conduct-10.2016-FINAL.pdf</p>

	<p>during both work and non-work hours at the work site or in employer-provided or -arranged housing.</p> <ul style="list-style-type: none"> • Workers' freedom of movement shall not be unreasonably restricted. Workers shall not be physically confined to the workplace or in premises such as, but not limited to, employer- or recruiter-operated residences; nor shall any other coercive means be used to restrict workers' freedom of movement or personal freedom. • Mandatory residence in employer-provided or -arranged facilities shall not be made a condition of employment, unless required by law. • All workers must retain full and complete control over their original copies of their personal documents. Confiscating, destroying, withholding or otherwise denying workers' access to their identity or immigration documents, including work permits and travel documentation (e.g. passports), is strictly prohibited. • Sea-Based Work: In cases where personal documents are given to boat captains for safekeeping during sea-based work, workers must receive their documents once docked, or at any time requested. • Workers shall not be required to pay recruitment and hiring-related fees to employers, agents or labor broker outside legally allowed fees. • All fees charged to workers must be disclosed in advance and documented in a language that the workers understand. 	
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OTHER STANDARDS AND INITIATIVES CURRENTLY IN DEVELOPMENT

MARINE STEWARDSHIP COUNCIL (MSC)

The MSC Fishery Standard does not currently include labor standards. However, MSC is currently undergoing a public consultation around the inclusion of labor standards and has proposed three possible outcomes:

- Option 1: All certificate holders are required to complete a public self-disclosure.
- Option 2: A risk-based approach to require some certificate holders to undertake a self-assessment with a recognized 3rd party. No on-site audit required.

- Option 3: A risk-based approach to require some certificate holders to participate in a social reporting initiative that includes an on-site audit but not necessarily pass/fail certification.
- For more information, see: www.msc.org; <https://improvements.msc.org/database/labour-requirements/documents/first-public-consultation-march-april-2017/MSC-Public-Consultation-Webcast-PowerPoint.pdf/view>; <https://improvements.msc.org/database/labour-requirements/documents/first-public-consultation-march-april-2017/MSC-Public-Consultation-Webcast-PowerPoint.pdf/view>.

SEAFISH RESPONSIBLE FISHING PORTS SCHEME

Seafish and the British Ports Association Fishing Ports Group are currently developing a certification scheme for ports and auctions, supported by standards and good port practices. More information is available at: <http://www.seafish.org/responsible-sourcing/responsible-fishing-ports-scheme>

The Certification and Ratings Collaboration is planning to release “coordinated guidance on the spectrum of fishery and aquaculture performance” including social standards in 2018.