

PROTECTIONS AGAINST TRAFFICKING IN PERSONS

Integrating Social Data into Product and Vessel Traceability Systems

There are several recent and current initiatives examining how social data might be integrated into systems that support seafood product traceability. Traceability itself is a crucial step in mitigating the risk of human trafficking in seafood supply chains and to eliminating IUU fishing. This brief presents some considerations for these efforts.

Various stakeholders have noted the potential of satellite vessel monitoring – such as Automatic Identification System (AIS) and Vessel Monitoring Systems (VMS). The two main methods for vessel tracking are Automatic Identification Systems (AIS) and Vessel Monitoring Systems. These methods can track the movement and locations of vessels, as well as identify the use of transshipment which allows vessels to stay at sea for indefinite periods of time. There are several ongoing projects developing methodologies for monitoring specifically for illegal fishing activity particularly based on gaps in satellite data, proximity to transshipment vessels and overall length of time at sea. Various countries have legal frameworks requiring some degree of utilization of these systems, although requirements are often limited to the largest commercial vessels. Examples of applications of these systems include:

- Global Fishing Watch: <http://globalfishingwatch.org/>
- Project Eyes on the Seas: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/03/project-eyes-on-the-seas>
- FISH-I Africa: <https://fish-i-africa.org/>

The general application of these monitoring systems to allow for some surveillance of vessels while they are in international water. In terms of trafficking risk, this would allow to authorities to track the location of the crew through a voyage and to identify vessels most likely to be engaging in illegal or illicit behavior, which may also be correlated with human trafficking risk.¹ This is a promising application, particularly because these systems could be used to establish visibility into whether terms of contracts – such as length of voyage, location of work (i.e. which fisheries to be visited) are honored. The tracking of vessels as they enter port can also be used to coordinate post-arrival debriefing of crews and verification of any grievances reported by crews during the voyage. The post-voyage verification would be particularly critical to investigating cases of workers who “disappear” during voyages.

However, it is important to note that, while highly valuable, data systems that enable better geographic tracking of vessels and crew over time while at sea do not necessarily provide a full, holistic picture of all potential issues arising the hiring and employment cycle. For example, it does not provide information on worker recruitment and any forced labor indicators tied to the recruitment process, such as indebtedness to the broker – all of which occur before the worker ever boards the vessel.

¹ Sutton, Trevor. “Seafood Slavery: Human Trafficking in the International Fishing Industry.” Center for American Progress. December 15, 2016. <https://www.americanprogress.org/issues/green/reports/2016/12/15/295088/seafood-slavery/>.

Further, while it may be possible to track how many workers are on board (or reported to be on board) a vessel at a given time during the voyage, fishing workers may still be transferred between vessels, moved to “mother ships” or held elsewhere; relatedly, the workers on board the vessel may not be the same workers who were reported in the crew manifest during port-out procedures.

It is also relevant to consider that while workers are on-board, it is challenging for these systems to gather information on working conditions such as health and safety, hours of work, harassment, etc. Once workers have returned to shore, labor issues may still arise; for example, workers may not receive the wages or share of profit promised to them and may worry that any complaints will be met with retaliation. A system to track vessel movement not capture these and “land-based” situations. These systems should therefore be paired with information from land-based investigations and grievance mechanisms, in addition to the geo-spatial tracking.

Another potential benefit is that the technology required on-board vessels to support product traceability may increase the crewmember access to communication services such as phone and email. Access to communication mechanisms, particularly those which can be used in a private way, away from the supervision of the captain or other supervisor, can improve worker welfare. Workers could use this technology to utilize hotlines or mobile phone apps, or to stay in closer communication with family as well as other on-shore support networks such as civil society organizations.

Ideally, any information received via grievance mechanism, even directly from a worker, should be verified or triangulated with information from other sources, to decrease the possibility of coercion used against reporting workers. In other work-site contexts, Verité has seen that employers may coerce workers, even to the point of threatened or actual violence, to provide positive feedback to grievance mechanisms. Additionally, when initiatives attempt to gather social data to integrate into product traceability systems, there is often little attention paid to the ‘how’ of gathering these socially relevant data points. Workers may be in highly vulnerable situations and may be reluctant to talk openly about their work situation. In order to increase the likelihood of gaining the trust of migrant workers, specially trained local language interviewers should be used and interviews should be conducted away from the work-site, or at least with reasonable privacy from the employer or captain.

Information received, from any source, even positive information should be confirmed and triangulated. For example, in piloting the IM@SEA approach, the International Labor Rights Foundation reports that they have developed a system to assess labor risk via a combination of in-port worker interviews, at-sea data gathering via a mobile phone based system, spatial positioning data and review of paper-based sources such as contracts and pay stubs.²

In general, following the points above, even robustly designed and fully functioning traceability systems that collect relevant social information will not automatically lead to the detection of labor abuse. The most accurate data still needs interpretation and analysis by qualified experts familiar with the context so that stakeholders understand the implications that information might have for workers.

² International Labor Rights Fund. Independent Monitoring at Sea. <https://laborrights.org/independent-monitoring-sea> .

Further, after data has been collected and analyzed, remedying abuses is a separate process unto itself. Meaningful remediation requires a multi-stakeholder effort involving governments, companies and NGOs who have access to the data, are trained and coordinated, and have necessary systems and processes in place.

Attention and thought should also be given to the point of *how* various social data will be collected. In Verité’s experience in other sectors, information about worker experiences is highly sensitive and is challenging to collect accurately, even with the use of trained inspectors. Workers may be under extremely heavy pressure not to speak candidly and may be unsure that their information will be protected or used to assist them.

There are currently, several efforts to distill an aligned set of Key Data Elements (KDEs) for seafood traceability including the Global Dialogue on Seafood Traceability (<http://traceability-dialogue.org/>). The Global Dialogue has a broader sustainability focus though which is not focused on labor and human rights but noteworthy given its collaborative work with stakeholders to develop set of “key data elements (KDEs) related to seafood production that meet the needs of processors, traders, and retailers across geographies and market subsectors. With standardized KDEs, it will be much easier to meet growing commercial and regulatory demands to demonstrate product legality, contribute to sustainability, and/or avoid costly scandals.”³

The nature of data capturing systems means that data may be limited to discrete and binary (Yes/No) indicators that allow for comparison. Given the highly complex nature of trafficking and other social issues, some of data points will require more nuanced understanding of contextual issues. Rather than relying on publicly available data sets or “checklist” type audits, accurate data for some elements may ultimately need to be gathered directly from workers themselves. For example, an employer may provide documentation of policies stating that all workers receive at least the minimum wage. However, workers interviews may illuminate the fact that, after deductions, workers receive less than the minimum wage and do not understand how their earnings are calculated. The questions and red flags provided in the Migrant Worker Interview Tool (Tool 9) provide guidance for any stakeholders – whether labor inspectors, researchers, auditors – seeking a more thorough understanding of these issues in a given worksite.

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³ Global Dialogue on Seafood Traceability. <https://traceability-dialogue.org/solutions/aligning-standardising-key-data-elements/>

Given that there are likely to be gaps in available data, regardless of source, it may be useful to consider the minimum social KDEs that should be collected to reflect accurate and useful information on human trafficking risk in social supply chains. Note that these KDEs do not represent a complete set of KDEs for seafood traceability, or even the full set of KDEs for broader social responsibility— for more information on current efforts to align seafood traceability KDEs see the Global Dialogue on Seafood Traceability (<http://traceability-dialogue.org/>) and the Seafood Alliance for Legality and Responsibility (SALT. <https://www.fishwise.org/traceability/salt/>).

The following KDEs could be considered when gathering data relevant to trafficking and other labor abuses on vessels. The KDEs noted below are also mapped to the International Labour Organization’s forced labor indicators as described in *Hard to See, Harder to Count*.⁴ Note that the affirmative presence of any one of these KDEs in practice does not necessarily constitute a finding of human trafficking, but it does flag the need for further assessment and remediation.

Employer

- Company name and contact information
- Vessel name
- Vessel license number
- Unique Vessel Identification
- Flag state

Captain

- Captain name
- Captain license number
- Captain identification number
- Captain nationality

Recruiter/Labor Broker (where possible, link labor recruiters to individual workers contracted)

- Name of each recruiter used
- Contact information
- Nationality
- Nationality of workers provided
- License number

⁴ International Labour Organization. *Hard to see; Harder to count*. 2011. http://www.ilo.org/global/docs/WCMS_182084/lang--en/index.htm.

Worker Profile

- Worker name;
- Worker ID/passport number/work permit number;
- Worker has appropriate documentation (yes/no);
- Worker nationality;
- Worker date of birth;
- Port of embarkation;
- Length of employment with current captain/employer;
- Hired through recruiter/third party (yes/no);

The table below demonstrates how KDEs on policies and practices can be used in tandem to assess the presence of relevant ILO indicators of forced labor. This is not intended to be used to diagnose forced labor for any individual worker, but to flag supply chains in which forced labor indicators may be present for further supply chain engagement and possible remediation.

HIRING AND WORKING CONDITION KDEs – RELEVAN POLICIES <i>(Aligned with Tool 1)</i>	HIRING AND WORKING CONDITIONS KDEs - PRACTICES	POTENTIALLY RELEVANT ILO FORCED LABOR INDICATOR
<p>Company has policy that prohibits withholding documents.</p> <p>Company has policy that ensures individual storage for worker identification.</p>	<p>Each worker has appropriate identification (yes/no)</p> <p>Worker maintains access to identification documents (yes/no)</p>	<p>Confiscation of identity papers or travel documents</p>
<p>Company has policy that written contracts of employment shall be provided to migrant workers in a language the worker understands, clearly indicating their rights and responsibilities and conditions of employment, including wages, benefits, working hours, locations of the work, living conditions,</p>	<p>There is a signed contract in workers’ native language or language worker understands for each worker (yes/no)</p> <p>Signed contracts include all information required by law and company policy (yes/no)</p>	<p>Deception about the nature of the work; Deceptive recruitment (regarding working conditions, content or legality of employment contract, housing and living conditions, legal documentation or acquisition of legal migrant status, job location or employer, wages/ earnings)</p>

<p>housing and associated costs, work-related hazards, and other working and employment conditions.</p> <p>Company has policy prohibiting the use of supplemental agreements or contract substitution.</p>		
<p>Company has a written policy declaring that workers shall not pay any amount to secure a job with the company or with a supplier or subcontractor.</p>	<p>Workers report debt or fees related to recruitment (yes/no)</p>	<p>Recruitment linked to debt (advance or loan); Forced to work for indeterminate period in order to repay outstanding debt or wage advance</p>
<p>Company has policy that all workers shall be paid at least the minimum wage required by applicable laws, and shall be provided all legally mandated benefits.</p> <p>Company has policy that wage payments shall be made at regular intervals and directly to workers, in accordance with applicable law, if any, and shall not be delayed, deferred, or withheld.</p> <p>Company has policy that information shall be provided to workers at the time of their hire about hours worked, rates of pay, and the calculation of legal deductions. Deception in wage commitments, payment, advances, and loans is prohibited.</p>	<p>Workers report debt related to employment (yes/no)</p> <p>Average net income per trip or per pay period (to check against legal minimum wage requirement and terms in contract)</p> <p>Wage payment frequency</p>	<p>Induced or inflated indebtedness (by falsification of accounts, inflated prices for goods/services purchased, reduced value of goods/services produced, excessive interest rate on loans, etc.); financial penalties; Forced to work for indeterminate period in order to repay outstanding debt or wage advance</p> <p>Deceptive recruitment (regarding working conditions, content or legality of employment contract, housing and living conditions, legal documentation or acquisition of legal migrant status, job location or employer, wages/earnings); Withholding of wages</p> <p>Withholding of wages; Forced to work for indeterminate</p>

<p>Company has policy that all workers must retain full and complete control over their earnings.</p>	<p>Workers receive explanation of pay/earnings (yes/no)</p> <p>Deductions are taken from earnings (yes/no)</p>	<p>period in order to repay outstanding debt or wage advance; Forced to stay longer than agreed while waiting for wages due</p> <p>Deception about the nature of the work; Deceptive recruitment (regarding working conditions, content or legality of employment contract, housing and living conditions, legal documentation or acquisition of legal migrant status, job location or employer, wages/ earnings); financial penalties</p> <p>Withholding of wages; Forced to work for indeterminate period in order to repay outstanding debt or wage advance; Forced to stay longer than agreed while waiting for wages due; financial penalties</p>
<p>Company has policy that workers shall not be required to work in excess of the number of hours permitted by national law. Where the law is silent, normal working hours shall not exceed eight hours per day and 48 per week, and total working hours including overtime shall not exceed 60 hours. Vessel-based workers are provided sufficient rest to avoid exhaustion.</p> <p>Company has policy that all overtime shall be purely voluntary, unless part of a legally recognized collective</p>	<p>The number of hours worked by worker/crewmember per work shift</p> <p>Mandatory overtime required of worker/crewmember (yes/no)</p> <p>Length of days of vessel voyage (check against terms in contract)</p>	<p>Forced overtime (beyond legal limits); Forced to work on call (day and night)</p> <p>Deception about the nature of the work; Deceptive recruitment (regarding working conditions, content or legality of employment contract, housing and living conditions, legal documentation or acquisition of legal migrant status, job location or</p>



<p>bargaining agreement. No worker shall be made to work overtime under the threat of penalty, dismissal, or denunciation to authorities. No worker shall be made to work overtime as a disciplinary measure, or for failure to meet production quotas.</p> <p>Company has policy that vessel-based workers have a right to repatriation in the extent that their employment agreement expires or is terminated. The cost is the responsibility of the vessel owner, unless stipulated by national law.</p>		<p>employer, wages/ earnings); Isolation</p>
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In addition to information gathered from workers or by inspection of the worksite, information can be triangulated by company and government records where available, including:

- Company organizational charts
- Production capacity and production schedules (indicate peak, slow, and average production periods)
- Registry of all regularly employed workers
- Registry of all cooperative/agency/outsourced workers
- Registry of all juvenile or minor workers
- Company policies (see tools x, y, z for guidance on strong policies)
- Training materials, training records
- Contracts of all categories of workers
- Payroll records and pay slips
- Attendance and work hours, including overtime, records
- Benefits remittance records
- Benefits records
- Bank books
- Grievance records
- Discipline and termination records
- Availability of confidential grievance mechanism



For vessel-based workers:

- Registry of all fishing vessel and fleet owners, and their employees and agents/contractors
- Registry of all handline operators
- Registry of all handline fishers
- Data on capacity of each type of vessel (max. no. of fishers it can accommodate)
- Written job description for each job item or function
- Standard contracts or fishing agreements
- Vessel registrations
- Fisher IDs, passports, etc.

For land-based workers:

- Registry of all company facilities and their subcontractors, suppliers
- Registry of all labor agencies and cooperatives
- Registry of all industry workers
- Written job descriptions and job ads for each job item or function
- Standard contracts or employment agreements
- Government-issued and authenticated IDs
- Training materials and training records