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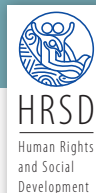
# Pacific handbook for human rights, gender equity and social inclusion in tuna industries



© Francisco Blaha

MODULE 3

HR and GESI at sea





Pacific handbook for

# human rights, gender equity and social inclusion

in tuna industries

Module 3: HR and GESI at sea

Kate Barclay and Senoveva Mauli



Noumea, New Caledonia, 2023

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Original text: English

### Reference Note

This handbook has been adapted from the Pacific Handbook for Gender Equity and Social Inclusion in Coastal Fisheries and Aquaculture, with several of the authors involved in both pieces of work. Some of the text and graphics from the Coastal Handbook have been adapted for use in the Tuna Handbook.

### Disclaimer

This publication was produced with the financial support of the European Union and the Government of Sweden. Its contents are the sole responsibility of the Pacific Community (SPC) and do not necessarily reflect the views of the European Union or the Government of Sweden.

This publication should be cited as:

Barclay K. and Mauli S., 2023. Module 3: HR and GESI at sea. In: Barclay K., Vunisea A., Streeter M., Mauli S. and Makhoul N. (eds). Pacific handbook for gender equity and social inclusion in tuna industries. Noumea, New Caledonia: Pacific Community. 40 p.

Prepared for publication at SPC's Noumea headquarters, B.P. D5, 98848 Noumea Cedex, New Caledonia, 2023

[www.spc.int](http://www.spc.int) | [spc@spc.int](mailto:spc@spc.int)

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## Key points

Working on offshore fishing vessels is hard work physically and emotionally, with long periods away from shore and family, but it is an important employment opportunity for people without other opportunities. Most work in tuna fishing does not involve human rights abuses.

- In some types of offshore tuna fishing, particularly distant water longline vessels operating from Fiji, and longliners based in Vanuatu, there have been documented human rights abuses.
- Monitoring and regulating human rights on fishing vessels is made difficult by the multi-jurisdictional nature of operations – with beneficial ownership, vessel flag, company base, and labour recruitment often being across multiple states. Much longline tuna fishing occurs outside national waters, in areas ‘beyond national jurisdiction’. Crews are from different countries. It is hard for coastal states in the Pacific to control everything that goes on in Pacific tuna industries. Flag states also need to take more responsibility for what occurs on their vessels.
- Good foundations for protecting human rights on fishing vessels are laid out in the Pacific Islands Forum Fisheries Agency (FFA) Harmonised Minimum Terms and Conditions, and in international frameworks such as the International Labour Organization (ILO) Convention 188 on work in fishing. The next step is to implement and enforce these frameworks.
- There are also areas of improvement for gender equity and social inclusion in offshore tuna fishing. There are now more opportunities for women to work on fishing fleets, but, in order for this to be safe, progress must go hand-in-hand with improving human rights protections. Even when women are not present, sexual abuse among men is part of the problem with human rights at sea to be addressed.
- Broader social exclusion issues with inequality of pay and discrimination around nationality and hierarchies on board are also important considerations.

## Industrial fishing methods in the Pacific<sup>1</sup>

### Purse seine

Mainly skipjack and small yellowfin tuna are caught by purse seine gear. Most catch is for canning. About 75% of the tuna catch in the WCPO region is by purse seine gear, about 1.9 million tonnes in 2009. Most of the purse seine catch is taken within 5° of the equator.

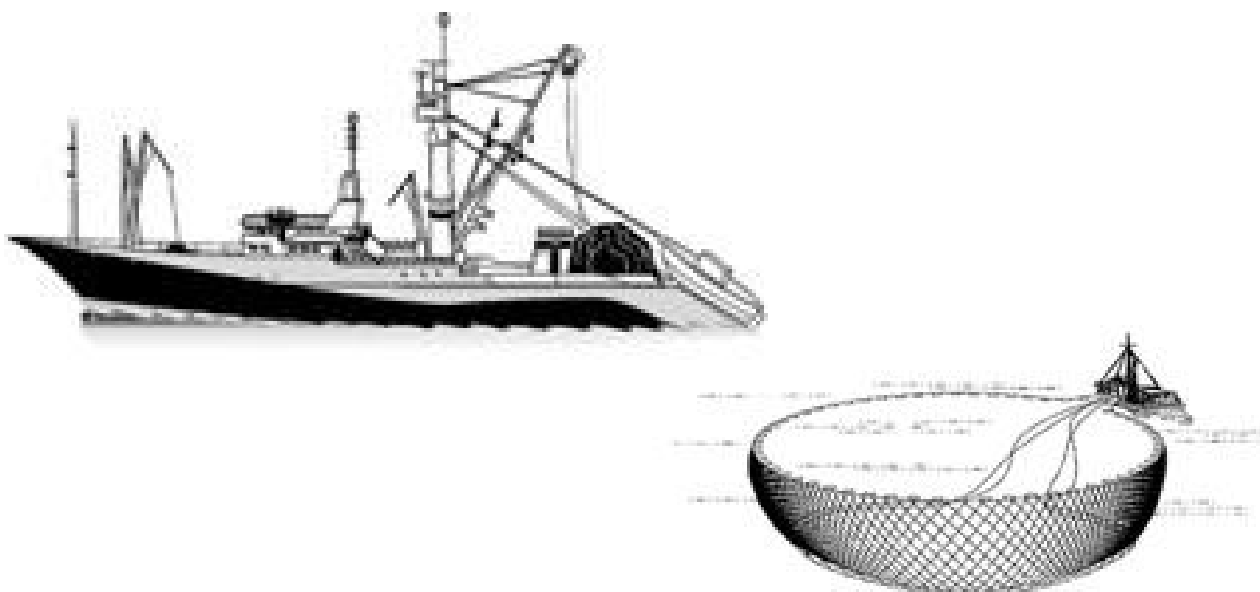


Figure 3.1 Purse seine vessel and gear

<sup>1</sup> The text and graphics in this section have been sourced from the Pacific Community website: <https://oceanfish.spc.int/en/tuna-fisheries/fishing-methods>





### Pole-and-line

Mainly skipjack and small yellowfin tuna are caught by pole-and-line gear. Most catch is for canning or producing a dried product. About 7% of the tuna catch in the WCPO region is by pole-and-line gear, about 147,000 tonnes in 2009. In the 1980s several Pacific Island countries had fleets of these vessels, but most no longer operate due to competition with the more productive purse seine gear.



Figure 3.2 Pole-and-line vessel and gear

### Longline

Most tuna caught by longliners are large size yellowfin, bigeye, and albacore. The prime yellowfin and bigeye are often exported fresh to overseas markets. Most of the albacore is for canning. About 10% of the tuna catch in the WCPO region is by longline gear, about 240,000 tonnes in 2009. There are two major types of longliners: (1) relatively large vessels with mechanical freezing equipment (often based outside the Pacific Islands), and (2) smaller vessels that mostly use ice to preserve fish and are typically based at a port in the Pacific Islands.

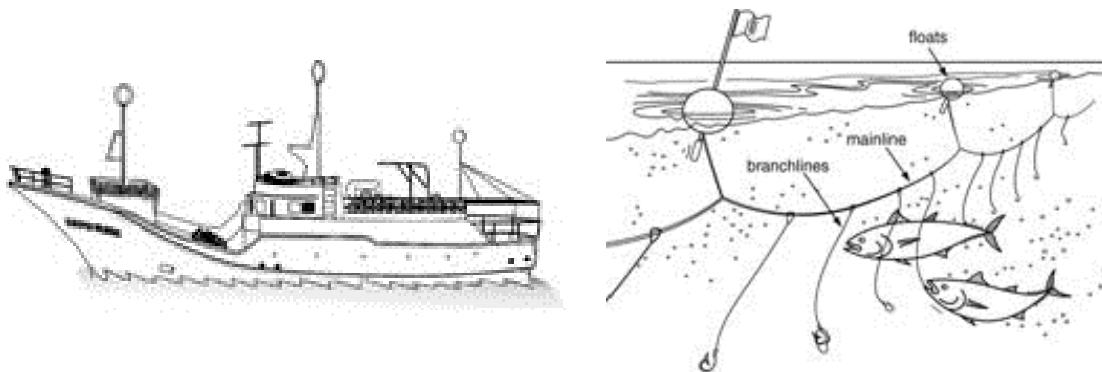


Figure 3.3 Longline vessel and gear

### Troll

Large-scale trolling targets albacore tuna for canning. Gear types other than the three listed above are responsible for about 13% of tuna catch in the Western and Central Pacific Ocean (WCPO). Large-scale trolling by US vessels is an important part of this. It is carried out in the cool water to the south and north of the Pacific Islands region. Trolling in the south results in about 5,000 tonnes of albacore annually.

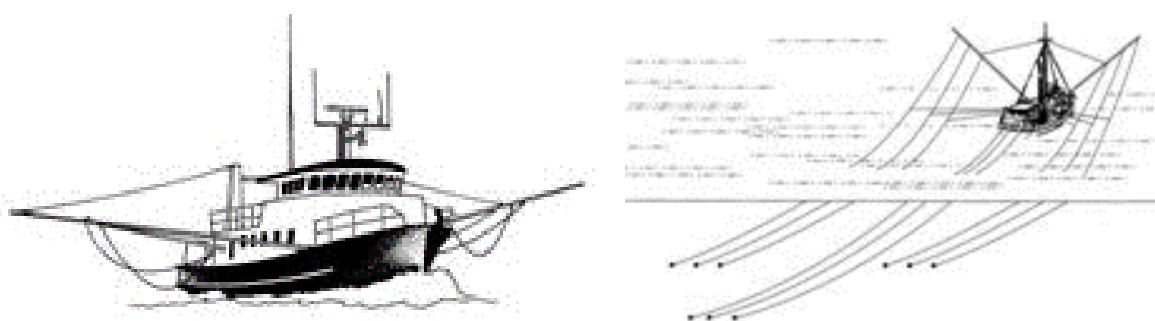


Figure 3.4 Troll vessel and gear

## Work on tuna fishing vessels in the Pacific

Working on an offshore fishing vessel is not for everyone, but some people love it. For others, even if they only like some parts of the job and find other parts hard, it is a really important employment opportunity, especially for people who did not finish school or do not have good employment options at home. Offshore fishing is hard physical work, many people suffer seasickness at first, it has long hours and requires people to be away from home for weeks, months or even years at a time. But it provides an income and gives people a chance to develop a career, people who might otherwise not have that chance.

### Case study – life story of a purse seine crew member

My name is John Reuhanua, and I am from West 'Are'Are in Malaita Province, Solomon Islands. I did my primary schooling at Waimarao village, and continued my secondary education to Koloale Community High School. I could not complete my F5 in 2015 because of school fee difficulties so I decided to go into direct employment. I worked with a logging company first, then in 2016 I went to Noro, where one of the big local tuna fishing companies is based – National Fisheries Development or NFD. I started as casual crew on board NFD purse seiner Solomon Ruby. NFD trained me, and later I gained a permanent role as 4th Engineer on board.

The crew of Solomon Ruby is 25, with three internationals and 22 Solomon Islanders. Living conditions on board the vessel are OK. We can travel for three weeks not seeing land, and working hours can be long. Wake-up call is at 4 a.m. in the morning to begin fishing, and a day's work can end at 1 a.m. in the night. We aim for at least 50 tonnes before we return to shore to offload. Accidents at sea are the most threatening part of the work. The handling of fishing equipment (e.g. nets) can be quite dangerous and when someone gets hurt it can be life threatening. It can be hours till we reach the nearest clinic. I had an accident in December 2021 and it was long hours of pain before getting medical attention. All the crew have first aid training and can attend to small wounds, but no one on board has advanced medical knowledge.

The time away from my wife and two children is the most challenging part of working at sea. We spend long hours and time away from our families. Most months we spend only three to four days on shore, and then head out into the sea again to fish.



Figure 3.5 Purse seine vessel engineer John Reuhanua with his daughter Marjorie. ©Senoveva Mauli

Some of my colleagues quit working because they eventually could not cope with the situation. I love doing this job, but yes, it has its challenges when you have a family and know that they need your support. Crew are entitled to a month's annual leave so we can travel back to our home village. We take unpaid leave at times when we need to get off the vessel to attend to family needs, or attend to a death in the family. I enjoy my job and still keep working, because my wife is very supportive. She works at SolTuna tuna processing company and cares for our two children when I am out at sea. I am indeed very thankful for my family.

I can recommend this job to other members of my family, but will tell them that you know the consequences and to cope with the situation you have to be willing. Being willing is key in this work at sea.

These cases are quite normal in the tuna fishing industry. Keeping in mind that in normal situations offshore fishing is hard work but can be rewarding in various ways, we can now turn to consider what happens in the minority of cases, when things go wrong in terms of human rights and labour conditions. Although there have been some cases of human rights abuses in Pacific tuna fishing, it is not correct to say that the whole industry relies on slavery. In the words of one of the stakeholders who contributed to this handbook: "sometimes fishing gives an opportunity to escape a life that is worse than conditions on board".

## Human rights issues on tuna fishing vessels

In recent years, various organisations, journalists and researchers have brought to public attention the fact that there are human rights abuses on some tuna fishing vessels, especially those that operate on the high seas, where legal jurisdiction is not clear and they are far away from law enforcement agencies. This problem affects fisheries globally.<sup>2</sup> 2020 was a particularly difficult year for seafarers everywhere, on top of already poor vessel conditions for many, because COVID travel restrictions meant tens of thousands of crew were trapped on board for months at a time, unable to get ashore or to travel home.<sup>3</sup> To emphasise the points made above, tuna is among the products from China and Taiwan distant water fishing fleets – both of which operate in the Pacific – included on the US Government’s list of commodities associated with forced labour.<sup>4</sup>

In offshore tuna fishing in the Pacific, certain types of fishing are more associated with human rights abuses than others. Stakeholders who contributed to this handbook agree that the problems with poor living and working conditions are mainly on longliners, not purse seiners (see Figures 3.6–3.8) or pole-and-line vessels. The main documented problems have been on distant water fishing vessels (especially vessels flagged in Taiwan or China) and some of the vessels in locally based fleets in Vanuatu.<sup>5</sup> Many of the longline vessels are old, poorly maintained and were constructed with very limited space for crew, with shared sleeping and toilet facilities (see Figures 3.8 and 3.9). It is important to note that there are cultural differences about the importance of privacy for sleeping and bathrooms, with vessels designed and built in Europe and North America tending to have greater privacy, and vessels designed and built in Asian countries often having less privacy. Many of the vessels used in the Pacific were designed or built in Japan, Taiwan or China. Many Pacific Islanders share sleeping rooms at home, so shared facilities are not necessarily seen as a problem by crew. Indeed, even on purse seine vessels from the US or Europe, deckhands sleep four to six in a cabin – not everyone has a separate sleeping room. Even when domestic longline vessels are old and have very basic facilities for crew, stakeholders argue that the labour conditions can be fine and crew can be satisfied to live and work on them.



Figure 3.6 Living conditions on purse seine vessels in the PNG fleet © Marcelo Hidalgo

Note: the bed and bathroom shown here is for a captain or other senior crew. Lower ranked crew have shared sleeping quarters and bathrooms.

- Godfrey M. (2021a, November 19). China blocks US forced labor proposal at WTO fishery subsidies talks. *Seafood Directions*. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/china-blocks-us-forced-labor-proposal-at-wto-fishery-subsidies-talks>; Godfrey M. (2021b, November 22). Taiwan’s tuna industry adopts CCTV, blockchain in effort to mend image. *Seafood Source*. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/taiwan-s-tuna-industry-adopts-cctv-blockchain-in-effort-to-mend-image>
- International Transport Workers’ Federation. (2021). Day of the Seafarer is meaningless without vaccines and our rights restored. *International Transport Workers’ Federation (ITF)*. Retrieved from <https://www.itfseafarers.org/en/news/day-seafarer-meaningless-without-vaccines-and-our-rights-restored>; Coles, F. (2021, June 2). Seafarers - scum of the earth. *Splash247.Com*. Retrieved from <https://splash247.com/seafarers-scum-of-the-earth/>
- Godfrey M. (2020, November 19). US ramping up pressure on China’s use of forced labor in distant-water fishing. *Seafood Source*. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/us-ramping-up-pressure-on-china-s-use-of-forced-labor-in-distant-water-fishing>
- For example, Willie G. (2022, May 21). Mission to Seafarers wants safety of seafarers prioritised. *Vanuatu Daily Post*. [https://www.dailypost.vu/news/mission-to-seafarers-wants-safety-of-seafarers-prioritised/article\\_992a6397-90fa-5b8c-9223-be9cbc54e7b5.html](https://www.dailypost.vu/news/mission-to-seafarers-wants-safety-of-seafarers-prioritised/article_992a6397-90fa-5b8c-9223-be9cbc54e7b5.html); Lee J. Y. C., Croft S., & McKinnel T. (2018). Misery at sea: human suffering in Taiwan’s distant water fishing fleet. Taipei, Taiwan: Greenpeace East Asia; Human Rights at Sea. (2017). Investigative report and case study: fisheries abuses and related deaths at sea in the Pacific region. Havant, United Kingdom: Human Rights at Sea; Human Rights at Sea. (2019). HRAS case study: in their own words. The case of the killing of Fesaitu Riamkau, a Fijian crewman. Havant, United Kingdom: Human Rights at Sea: Defending Maritime Human Rights.



Figure 3.7 Sleeping and eating conditions on an Asian-built purse seine vessel operating in the Pacific ©Francisco Blaha.

Note: The bunks shown are for an observer and engineer. Deckhand bunks are similar but with four bunks instead of two and no private bathroom. The layout of crew quarters varies according to the age and country of fabrication of the vessels, with European-built vessels prioritising privacy in sleeping and bathroom conditions more than Asian-built vessels.



Figure 3.8 Living conditions on a typical longline vessel in the Pacific ©Francisco Blaha.

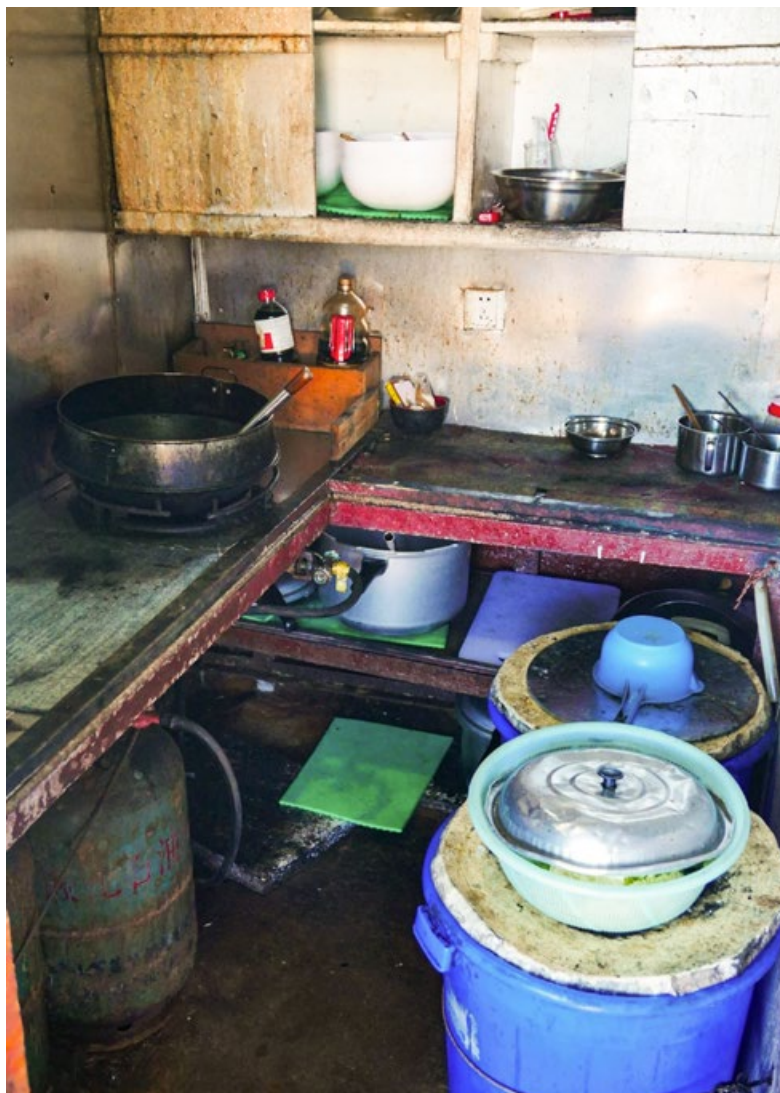


Figure 3.9 Food preparation area on a typical longline vessel operating in the Pacific ©Francisco Blaha.

Fisheries expert Francisco Blaha points out that since the 1990s the Pacific longline fleet has shrunk by two thirds but is deploying twice the number of hooks.<sup>6</sup> Francisco says gear and technology has remained the same since the 1990s so this effort increase has happened by vastly increasing crews' workloads.<sup>7</sup> Unsafe or uncomfortable practices seem to have become accepted as 'normal' on longline vessels. Longline vessels have less mechanised equipment for lifting heavy weights than purse seine vessels, and longline vessels target large fish, so crew are expected to carry fish as heavy as 50 kg. Longline fishing activities can take 18–20 hours in a day, and most vessels do not carry enough crew to enable them to take shifts so they may have as little as 4–6 hours of rest each day when fishing operations are underway.

Reports of abuses against Pacific Islander crew and crew from elsewhere, predominantly Indonesia and the Philippines, on tuna fishing longline vessels operating in the Pacific Ocean include inhumane living and working conditions, extremely long working hours, poor sanitation (sometimes the toilet facilities are a shared bucket), long periods at sea with no holidays or contact with family, inadequate diet, heavy lifting causing injuries, and being made to jump into the water to untangle nets caught on the propeller. In order to avoid loss of fishing time by going into port to transfer crew or observers, longline vessels sometimes move crew or observers from one vessel to another at sea by putting a life vest on them and pulling them across the water by rope from one vessel to the other.<sup>8</sup>



Figure 3.10 Abuses experienced by crew on tuna fishing vessels

Sources: Lee, J. Y. C., Croft, S., & McKinnel, T. (2018). Misery at sea: human suffering in Taiwan's distant water fishing fleet. Taipei, Taiwan: Greenpeace East Asia; Human Rights at Sea. (2017). Investigative report and case study: fisheries abuses and related deaths at sea in the Pacific region. Havant, United Kingdom: Human Rights at Sea; Human Rights at Sea. (2019). HRAS case study: in their own words. The case of the killing of Fesaitu Riamkau, a Fijian crewman. Havant, United Kingdom: Human Rights at Sea: Defending Maritime Human Rights. <https://doi.org/10.14260/jadbm/2015/50.Imai>; Human Rights At Sea. (2019). HRAS case study: a family perspective in their own words. Salote Kausuva, the widow of Fijian crewman Mesake, who worked on Taiwanese longliners. Havant, United Kingdom: Human Rights at Sea: Defending Maritime Human Rights. Retrieved from <https://www.humanrightsatsea.org/who-are-we/>; Environmental Justice Foundation. (2019). Blood and water. Human rights abuse in the global seafood industry. <https://ejfoundation.org/reports/blood-and-water-human-rights-abuse-in-the-global-seafood-industry>.

6 Hare S. R., Williams P. G., Jordan C. C., Hamer P. A., Hampton W. J., Scott R. D., & Pilling G. M. (2021). The Western and Central Pacific Tuna Fishery: 2020 overview and status of stocks. Tuna Fisheries Assessment Report No.21. Noumea, New Caledonia: Oceanic Fisheries Program, Pacific Community. Retrieved from [http://www.spc.int/DigitalLibrary/Doc/FAME/Reports/Harley\\_15\\_Western\\_Tuna\\_2014\\_overview.pdf](http://www.spc.int/DigitalLibrary/Doc/FAME/Reports/Harley_15_Western_Tuna_2014_overview.pdf), p.37.

7 Blaha F. (2021c, November 26). On the 2020 WCPO Tuna Stock Status Report, Harvest Strategies and Crew Labour. Francisco Blaha Blog. Retrieved from <http://www.franciscoblaha.info/blog>

8 There are many reports detailing human rights abuses in Pacific tuna fishing available on the Human Rights At Sea website <https://www.humanrightsatsea.org/case-studies/>. See also Greenpeace. (2020). Choppy Waters: Forced Labour and Illegal Fishing in Taiwan's Distant Water Fisheries. Greenpeace East Asia. <https://www.greenpeace.org/southeastasia/publication/3690/choppy-waters-forced-labour-and-illegal-fishing-in-taiwans-distant-water-fisheries/>; Greenpeace, & Serikat Buruh Migran Indonesia (SBMI). (2021). Forced Labour at Sea: The case of Indonesian Migrant Fishers. Greenpeace Southeast Asia. <https://www.greenpeace.org/southeastasia/publication/44492/forced-labour-at-sea-the-case-of-indonesian-migrant-fisher/>; Environmental Justice Foundation. (2019). Blood and water. Human rights abuse in the global seafood industry. <https://ejfoundation.org/reports/blood-and-water-human-rights-abuse-in-the-global-seafood-industry>.

Offshore tuna fishing vessels are places where labour and human rights abuses can occur for several reasons (see Figure 3.10):

- Long periods at sea with crew unable to leave the vessel.
- The practise of crew identity documents being held by captains rather than the crew themselves is a human rights risk, because it makes it difficult for crew to leave abusive situations.
- Some countries preventing crew leaving the vessel or port area for border control reasons, which makes it easier to hide trafficked crew on vessels in port.
- Long hours of catching and processing catch.
- Poor working conditions on some vessels.
- Poor (practically no) access by enforcement bodies when vessels are at sea.
- Flags and jurisdiction issues used as barriers to enforcement.
- Use of migrant labour who have no union representation in their place of work.
- Language barriers:
  - The contract may be in a language with which the crew is not familiar, leaving crew vulnerable to exploitation.
  - Where general crew and senior crew or company management do not share a language it is hard for crew to communicate grievances.
- Outsourced recruitment via overseas agencies – especially when vessel ownership, vessel registration and fishing company ownership may all be from different countries – reducing transparency and making accountability more difficult.
- In some countries crew usually not being given a copy of their contract before committing to work on a fishing vessel, or not understanding all of the conditions in their contract, especially if they have limited schooling and low reading skills for ‘legalese’ language in contracts.
- Crew not knowing that they have a right to seek health care when they are injured or fall sick.
- Crew not being aware that they have the right to be in contact with their family, especially if urgent issues come up at home.
- Crew not being aware of rights around rest breaks and meals.

**Question – do tuna fishing crew members receive payments into their retirement pension savings funds?**

Requirements for employees to pay into a pension savings fund vary from country to country, but in most places formal employees should be receiving payments into their pension fund. Casual employees or people hired without proper contracts may not be receiving payments. According to the Fiji Fishing Industry Association (FFIA) all locally flagged vessels are required to pay in to the Fiji National Provident Fund (FNPF), irrespective of whether their contract is ‘service of’ or ‘service for’ (two kinds of employment conditions for Fijian tuna fishing crews).

There are several factors that enable human rights abuses at sea in the Pacific, some of which are the responsibility of government agencies and some the responsibility of fishing companies:

- Weak enforcement of labour laws by not auditing or enforcing labour conditions on crew, including foreign crew, on locally flagged vessels.
  - Collaboration between labour agencies and fisheries agencies may be required – labour agencies are not present on the water or around ports, and fisheries agencies do not have jurisdiction or skills to enforce labour laws.
- Weak enforcement of labour laws by governments of distant water fishing states (such as Taiwan, Spain, the USA, China) and of immigration regulations for non-national crew (e.g. Indonesian crew) operating on their flagged vessels.
- Not enforcing labour regulations on visiting vessels as port states. All Pacific Islands ports implement some level of port State measures even if they have not signed the Port State Measures Agreement (PSMA).<sup>9</sup> Pacific Island states Fiji, Palau and Vanuatu are Parties to the PSMA.
  - The PSMA gives port States the right to deny port entry or port use for fisheries reasons. With the FFA HMTTC it could be argued that abuses of crew or observers is a ‘fisheries’ reason. Human rights and labour laws may be enforced by port State control officers carrying out inspections under the Maritime Labour Convention (2006). Fisheries officers do not usually have jurisdiction, or relevant training, to enforce labour regulations.
- Confusing, unclear laws regarding human and labour rights on fishing vessels in part due to jurisdictional overlaps and gaps, related to use of overseas recruiting agencies.
- Vessels with a history of human rights and labour abuses still being allowed to operate.
- Failure to check safety standards or crew qualifications on vessels.
- Some countries allowing Flags of Convenience vessels, which can mean no state takes proper responsibility for the vessel or its crew (accountability).
- Lack of capacity.
  - Human resources, technical expertise, financial resources for enforcement activities.
- Lack of cross-agency collaboration and unclear mandates to address human rights abuses on fishing vessels.
  - Legal aspects may be the responsibility of Attorney Generals’ offices, maritime surveillance may be the responsibility of the police, navy, coast guard or fisheries agencies, investigations and evidence gathering may be the responsibility of police or fisheries officers, labour rights are the responsibility of labour agencies, and so on.
- Transshipment at sea facilitating possible human trafficking.
- Opaque supply chains hiding possible exploitative activities.
- Consumer demand for cheap tuna.

Pacific Island governments have been vocal in calling for protection of observers at sea and have a will to improve crew conditions, as is shown by the 2019 revisions to the FFA Harmonised Minimum Terms and Conditions document. Thus far, however, the various governments involved in Pacific tuna industries, both coastal Pacific Island governments and the distant water fishing governments, have failed to prevent human rights abuses in offshore tuna fishing.

<sup>9</sup> The full name of the PSMA is the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2016).



## Case study – bad conditions on tuna longline fishing vessel Tunago 61<sup>10</sup>



Tunago 61 was flagged to Vanuatu under a ‘flag of convenience’ arrangement, and shows how bad human rights abuses can get in offshore fishing. The Taiwanese captain of the vessel was murdered in 2016. Six Indonesian crew members were charged with murder and given 18-year prison sentences in Vanuatu. No government was taking responsibility to check that the fishing operations were in line with labour laws and human rights obligations. The fact that the Vanuatu Supreme Court did not investigate alleged human rights abuses or consider self-defence as a mitigating factor is itself a violation of the human right to a fair trial. The night before the murder the captain apparently threatened to kill one of the six Indonesian crew who were later found guilty. The alleged abuses on the Tunago 61 include: crew being hit with a stick; verbal abuse including racist comments; inadequate and inappropriate food (Muslims were fed pork); there was no medicine for sick or injured crew; sick or injured crew were forced to work; crews’ passports were held by the captain so they could not easily leave the vessel; crew were not paid according to contract; living conditions were unclean and crowded; crew were forced to work 20 hours a day and suffered sleep deprivation; crew had no leisure time. Several years earlier six crew members had ‘jumped ship’ from Tunago 61 in American Samoa and made reports that the captain frequently threatened their lives, saying if he killed them he could just report that they were swept overboard. They also reported that the captain and his brother the chief engineer beat crew members badly with sticks, and committed other abuses.<sup>11</sup> In 2018 an Indonesian crew member of the Tunago 61 disappeared, allegedly lost overboard.<sup>12</sup>

Holding identity documents is something that comes up often because it is a risk factor for forced labour or other human rights abuses.<sup>13</sup> The captains of fishing vessels hold the original identity documents (such as passports) of crew, because it is convenient for them when they have to show the documents to border authorities when entering and leaving countries. Captains are legally obliged to give the identity documents back to crew if they ask for them, but if a crew member is being abused and wants to flee the vessel, they are unlikely to feel able to make that request. Crew thus flee without their passport, as undocumented aliens, and making it even more difficult for them to seek safety or return home. The conventional practice regarding identity documents sitting with the captain is thus an inherent human rights risk on offshore fishing vessels.

One human rights issue for crew on distant water fishing vessels is the restriction of their movement when their vessels are in port. Conventionally crew can move around and spend some time on land when their vessels are in port. Some countries, however, such as the USA and Japan, have long restricted the movement of foreign fishing crews, confining them to the port area or their vessels. This problem was made much worse during COVID, with crews around the world prevented from leaving their vessels due to public health concerns. This meant low-income seafarers the world over, including distant water fishing crew, were unable to travel home, or if they did manage to get home were unable to get back to work. Some were unable to get off their cramped vessel for more than a year.<sup>14</sup> Kiribati had no quarantine facilities, so hundreds of Kiribati seafarers, including some fishing crew, were prevented from returning home.

10 Lee J. Y. C., Croft S., & McKinnel T. (2018). Misery at sea: human suffering in Taiwan's distant water fishing fleet. Taipei, Taiwan: Greenpeace East Asia.

11 EJF. (2010). All at Sea - The Abuse of Human Rights Aboard Illegal Fishing Vessels, London: Environmental Justice Foundation. [https://ejfoundation.org/resources/downloads/report-all-at-sea\\_0\\_1.pdf](https://ejfoundation.org/resources/downloads/report-all-at-sea_0_1.pdf), p.10

12 Tuilevuka N. (2018, June 2). Police Probe Death Of Fishing Crew Member. Fiji Sun. <https://fijisun.com.fj/2018/06/02/police-probe-death-of-fishing-crew-member/>

13 White C. (2021b, September 22). US action shines spotlight on labor issues in Fijian fishing fleet. Seafood Source, pp. 1–4. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/us-action-shines-spotlight-on-labor-issues-in-fijian-fishing-fleet>

14 Blaha F. (2021b, September 27). Fishers in distant water fishing have been disproportionately impacted by COVID-19. Francisco Blaha Blog. Retrieved from <http://www.franciscoblaha.info/blog/2021/9/27/fishers-in-distant-water-fishing-have-been-disproportionally-impacted-by-covid-19>; Coles, F. (2021, June 2). Seafarers - scum of the earth. Splash247.Com. Retrieved from <https://splash247.com/seafarers-scum-of-the-earth/>

Esther Wozniak, a Fijian woman who lives in the USA, talked about meeting her fishing crew relatives when their vessel came to the city she lived in:<sup>15</sup>

“

While it was great to reunite with family, it really bothered me that they were not able to leave the boats. Imagine being out at sea for months at a time, and then when you finally reach shore, you are told that you can't go home and you can't leave the boat or step onto US soil ...

My uncle made a comment to me that really hit home. He said: "We as Pacific Islanders take these boats to South Pacific waters and fish our natural resources to bring back here ... but once we get here, they take the fish and tell us to get back on the boats. We cannot even stand on their land."

This really upset me and they explained some of the discrimination they had faced. I called the immigration officer patrolling the area to explain that COVID has left them stranded here. There needs to be some leniency. All I wanted was to be able to sit with my family to share a meal, similar to when we were growing up in Fiji, sitting on a mat. I explained that they had been out at sea for so long and would appreciate being able to leave a cramped boat to have their feet on land. But alas, she said they could not.

### Observers also at risk

Fisheries observers are also at risk of human rights abuses on tuna fishing vessels, with several Pacific Islander observers going missing or dying in recent years.<sup>16</sup> In many cases the causes of death remain a mystery and no one is held accountable. For example, an i-Kiribati observer, Eritara Aati Kaierua, died in 2020. His case demonstrates the many gaps in the system for protecting human rights on offshore fishing vessels. Kiribati did not have the capacity for a post-mortem to verify the cause of death that was written in the original pathology report, so a pathologist came from Fiji, which took a couple of weeks. The first pathology report concluded that death was caused by a head injury, likely homicide. The fishing company hired another pathologist to report on the cause of death, who found death was from natural causes (high blood pressure). The Police and Attorney General staff handling the case did not have expertise in investigating or prosecuting a case based on human rights at sea with multi-transnational crime scenes and overlapping jurisdictions. If Eritara Aati Kaierua was beaten and died from his injuries there seems no way now that those responsible will be prosecuted.<sup>17</sup>

### Non-governmental and civil society organisations working for seafarer welfare

There is a range of not-for-profit non-governmental organisations (NGOs) and civil society organisations (CSOs) that work to support seafarers, including fishing crews. Some of these are industry associations, such as the Seafarers' Association of PNG. Others are charitable organisations such as Mission to Seafarers, which at the time of writing did not have an active presence in Pacific Island countries.

15 Tora I. (2021, August 12). From the shoreline to the high seas: Esther Wozniak 's story. FFA's Tuna Pacific: Fisheries News and Views. Retrieved from [https://www.tunapacific.org/2021/08/12/from-the-shoreline-to-the-high-seas-esther-wozniaks-story/?fbclid=IwAR1bxGpNNlpkBPBjQYvqjldUusv77F\\_wNH-eA8nyNMhYS8p1xndsfNvH4dY](https://www.tunapacific.org/2021/08/12/from-the-shoreline-to-the-high-seas-esther-wozniaks-story/?fbclid=IwAR1bxGpNNlpkBPBjQYvqjldUusv77F_wNH-eA8nyNMhYS8p1xndsfNvH4dY)

16 Association for Professional Observers. (2021). Observer Deaths and Disappearances. Retrieved December 10, 2021, from <https://www.apo-observers.org/observer-safety/misses/>

17 Human Rights at Sea. (2021). Independent Case Review Into the Investigation of the Death of Kiribati Fisheries Observer Eritara Aati Kaierua. London, UK. Retrieved from <https://www.humanrightsatsea.org/2021/05/19/death-at-sea-independent-case-review-of-kiribati-fisheries-observer-eritara-aati-kaierua/>



## Volunteer activities to support seafarers

In Fiji the Anglican Church ran a Seamen's Centre on Kings Wharf as part of a Mission to Seafarers programme. It provided some assistance to seafarers when human rights abuses were reported or when seafarers needed to get home but their employer or recruiting agency (who should arrange and pay for crew travel) had gone defunct or was non-contactable. They provided accommodation, meals and even clothes when necessary. In 2021 there were plans to restart an initiative with the Anglican Church, but at the time of writing nothing had yet been established.

In the early 2000s SPC worked with the Ports Authority to establish seamen's centres similar to the Anglican Church one in all ports in Fiji, employing Mrs Viti Whippy to run them. The centres gave access to a chaplain (spiritual and counselling), there were computers where seafarers could check their email, they sold phone cards with a phone to use for crew to call family. Sometimes the centres arranged tours for 'newbies' to show them where was best for shopping and to share a meal at a restaurant in town. After initial funding from SPC the Ports Authority and NGOs were intended to continue the Centres. Staff turnover and changing priorities around costs and port security meant the centres were discontinued.

Pacific Dialogue was an organisation based in Fiji that interviewed fishing crew and their families affected by human rights and labour abuses. Some of their reports were published by the UK-based charity Human Rights at Sea. Pacific Dialogue presented on these stories at stakeholder meetings and in international meetings on human rights. They followed up with government departments where possible to try to clarify or resolve issues.

Another Fiji volunteer organisation, Human Dignity Group, worked with fishing crews to explain about their rights, such as the fact that the company should pay for their personal protective equipment and not take the cost out of their wages. Human Dignity Group also secured funding for training at the Fiji Maritime Academy for the Basic Sea Safety Certificate and for seafarers to acquire their Seafarer Employment Record Book (SERB).

### Labour recruiting agencies

The majority of crew working on tuna fishing vessels in the Pacific are from Indonesia, with crew also from the Philippines and China. Captains and engineers are often from Taiwan and Korea. Third-party labour recruitment agencies hire people from Indonesia and the Philippines for tuna fishing vessels. Indonesian men seeking work on tuna fishing vessels may go to a recruiting agency and sign up. Some labour recruiters go to villages, saying they will do all the paperwork, provide the short training required, and get people a contract on a vessel.

Some recruiting agencies have good practices, while others are associated with labour rights problems, such as inadequate or misleading contract practices, underpayment of wages, debt bondage, not covering repatriation costs, and so on. The fact that recruiting agencies are often based in countries other than where the fishing occurs contributes to the difficulty of trying to enforce labour regulations.

Fishing companies seeking crew ask the recruiting agencies for applicants, and arrange for payment of travel, labour permits and immigration paperwork. According to people who have worked on fishing vessels, both crew and captains get to know which agents are good and which are bad. Captains are approached by crew members who tell them their agent has not forwarded their wages to their family as they should, and the crew member then asks for money from the captain to send directly to their family. Many captains then avoid dealing with those recruiters in future, because an unhappy crew does not work as well as a happy crew.

It should be possible with mobile technology and social media for prospective fishing crew to find out about the company trying to recruit them, and see if they have a good record of looking after crew. Fishers who have been victims of abuse could also share their experiences on such platforms. So far, however, this has not been effective. Unless it is carefully managed, social media can be a poor source of information, and may even be used to spread 'fake' information that does more harm than good.

The Indonesian government has tried to prevent exploitative recruiters through licensing and inspecting processes. The International Transport Workers' Federation (ITF) has a platform for listing registered agents for Indonesia, the Philippines, India and Myanmar, and for red-listing agents who have been involved in multiple incidents of labour abuse.<sup>18</sup> So far, however, the unscrupulous recruiters remain able to operate. New crew or vulnerable crew sign on with them. Some captains and fishing companies continue to use exploitative recruiters.

<sup>18</sup> <https://www.itfshipbesure.org/>

Some Pacific Island countries, such as Fiji, also have local recruiting agencies, which can also be exploitative. Some target young men who have dropped out of school, are desperate for work and have limited capacity to ensure their working arrangements are fair and legal. The government and fishing companies are responsible for ensuring such labour is legal.

### ‘Worker voice’ and unions

Worker voice and labour organisations are crucial to human rights and decent work. Unions are key players here. In-house unions have limited ability to be independent. National unions and some international unions are very important actors. It is difficult to promote human rights and decent work in workplaces without the support of unions.

The term ‘worker voice’ is currently used to talk about labour rights in seafood industries. Labour rights build on a long history of the work of trades unions. Workers organised into groups to collectively bargain for conditions remains a key way to protect rights, but unions face various difficulties working in the offshore fisheries area. National unions, such as the Fiji Trade Unions Congress (FTUC) or the Solomon Islands National Union of Workers (SINUW) can be strong and independent voices, but they struggle to recruit and maintain paid membership. Such unions have faced obstacles from large companies and governments that make them less able to protect workers than they could be.

Many tuna companies in the Pacific have in-house unions. It is difficult for in-house unions to be independent of management, and they do not have the resources or knowledge of larger independent unions. For offshore fisheries, international unions like the ITF are particularly relevant, but it is difficult for them to maintain offices accessible to fishing crews in every country, so they are not as active as could be useful for fishers. Some Pacific Island crew make tuna fishing a career and stay for many years, but others do it only for a season or so to earn some cash. For short-term workers, it may not seem a good investment to pay fees to a union.

In addition to unions, there are also other ways of enabling crew to be heard and have a say in their working conditions. Several initiatives are exploring the range of options under the banner of ‘worker voice.’<sup>19</sup> These are run by companies doing ‘due diligence’ to try to prevent problems from human rights and labour abuses. Fisher-driven approaches are arguably a better focus than company risk mitigation-driven approaches. One multi-stakeholder initiative called the Seafood Task Force includes companies such as Costco and Walmart. Some of these initiatives look at ways to improve internal grievance mechanisms, hotlines and reporting labour problems, and support centres that can provide advice and contacts for services.<sup>20</sup>

Thai Union, a huge international player in tuna processing, tried worker voice initiatives with its communication technology for seafood traceability, to enable mobile phone chat applications for crew to connect with friends and family, although this was discontinued.<sup>21</sup> Technologies such as smart phones with internet connections are key to helping improve worker voice, so that fishers can send photos, video, text and audio to let the relevant organisations know about what is happening with them. Increasingly vessels have Wi-Fi to enable this. Most crew have smart phones. It is beneficial for crew to enable them to keep in contact with friends and family while they spend so long away from home.

In 2020 the Taiwan Fisheries Agency tested satellite Wi-Fi on distant water fishing vessels for use by fishermen. This initiative was very welcome for NGOs, unions and migrant fishermen in Taiwan as it could play an important role in enabling communication and help to address various challenges stemming from isolation at sea. However, the Fisheries Agency did not roll out the programme beyond the initial tests due to a lack of funding.<sup>22</sup>

Many of the initiatives to enable workers to speak up, to connect better with family, to report their problems and have them dealt with on an individual level, do not address the fundamental power imbalance between low income employees and their employers. This power imbalance is what puts workers at risk in the first place. Worker *voice* must be accompanied by worker *empowerment* so that workers can negotiate for satisfactory conditions.<sup>23</sup> This can be addressed through unions and human rights organisations. The International Labour Rights Forum (ILRF) proposes four ‘essential elements’ built from worker-driven social responsibility principles for compliance programmes to improve human rights in seafood industries that are the foundation for ‘worker voice’:<sup>24</sup>

19 Global Seafood Assurances. (2020). White Paper on Worker Voice on Fishing Vessels. Retrieved from [https://bspcertification.org/Downloadables/pdf/standards/Worker\\_Voice\\_on\\_Fishing\\_Vessels.pdf](https://bspcertification.org/Downloadables/pdf/standards/Worker_Voice_on_Fishing_Vessels.pdf)

20 Shen, A., & McGill, A. (2018). Taking Stock: Labor exploitation, illegal fishing and brand responsibility in the seafood industry. Washington D.C. Retrieved from [www.laborrights.org](http://www.laborrights.org)

21 Kearns, M. (2019, June 13). Turning up the volume on worker voice : A Thai Union case study. Seafood Source. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/thai-union-turns-up-the-volume-on-worker-voice-with-digital-traceability-pilot-program>

22 Civilmedia Taiwan. (2021, October 3). The first anniversary of the “listing” of foreign fishermen’s rights issue calls on the Executive Yuan to resolve the issue. Civilmedia Taiwan, Human rights, labor. <https://www.civilmedia.tw/archives/10513>

23 Shen, A. (2021, September 22). Worker voice without worker agency fails seafood workers. International Labor Rights Forum. Retrieved from <https://laborrights.org/blog/201805/worker-voice-without-worker-agency-fails-seafood-workers>

24 Shen, A., & McGill, A. (2018). Taking Stock: Labor exploitation, illegal fishing and brand responsibility in the seafood industry. Washington D.C. Retrieved from [www.laborrights.org](http://www.laborrights.org). See also the ILRF website: <https://laborrights.org/essential-elements-effective-social-responsibility-seafood-sector> and the Worker-driven Social Responsibility website: <https://wsr-network.org/what-is-wsr/statement-of-principles/>

- Workers and their organisations should be involved in designing, implementing and governing programmes, facilitated through ongoing communication between at-sea workers and their representative organisations on shore.
- There should be transparent and thorough verification of compliance with relevant human rights requirements.
- Agreements with retailers and buyers should be enforceable to ensure worker rights are respected all along the supply chain.
- Buying practices, such as responsible sourcing policies or strategies, should enable producers to comply with human rights norms, rather than giving them the main responsibility when they may not have the capacity.

For worker voice to have real meaning, the other side of the conversation also needs to reply. In other words, fishing companies need to respond to complaints raised, and report back to workers, describing how issues are being resolved. This could be done through company newsletters, through executive crew announcements on vessels, or possibly via online worker voice platforms accessed from mobile devices.

NGOs who work with fishing crew find that most fishing companies and recruiting agencies simply ignore complaints. They only respond to issues raised if the matter goes to court, or if their product is banned as a result of a labour complaint. However, it is possible to set up anonymous, responsive complaints processes within seafood companies. SolTuna processing company in Solomon Islands has done so, with feedback boxes available for staff to submit their complaints anonymously. This is much more conducive to honest feedback than the usual process where staff have to report complaints through their line supervisor. The SolTuna Human Resources team review the feedback in the boxes and respond to comments in the monthly staff newsletter. Ideally companies should have internal monitoring and improvement processes led by workers to ensure human rights issues continue to be addressed.

### Market state measures

An additional motivation to improve labour conditions in tuna industries comes with importing buyer states starting to implement labour regulations as part of their compliance against illegal, unregulated, unreported (IUU) fishing. This adds to the commercial reasons why Pacific Island governments and fishing and processing companies need to take stronger measures to prevent labour abuses.

For example, in 2021 a Fijian longline fishing vessel was found by US border authorities to have three indicators regarding forced labour: (1) withholding wages, (2) debt bondage, and (3) retention of identity documents. A US Customs and Border Protection (CBP) 'withhold release order' was placed on the vessel, and vessels under such orders cannot export to the United States until the order is removed.<sup>25</sup> The company said that, as a result, all their US customers are now reluctant to trade with them. The suspected forced labour violations seem to have been carried out by the Indonesia labour recruiting organisation that supplied crew for the affected vessel. The recruiting company held important identification documents of a crew member who left the vessel and returned to Indonesia, and was refusing to release the identity documents until the crew member paid the recruiting company money the company alleges he owes them. If the recruiting company is charging crew fees or travel costs, when those should be paid by the employer, that could be debt bondage.<sup>26</sup>

Due to several human and labour rights problems with the Taiwanese tuna fleet, leading to export problems with the EU and the US as market states, the Taiwanese fishing industry is now experimenting with closed circuit video and artificial intelligence to monitor working conditions on board.<sup>27</sup> There are limitations to market state measures, however. A recent attempt by the US to require annual inspections of fishing fleets for forced labour as part of a World Trade Organization accord on curbing illegal fishing subsidies has been blocked by China.<sup>28</sup>

One problem with the market state measures is that blocking imports puts the responsibility for fixing labour problems on the exporting state, or exporting company. The country to which a fishing vessel is flagged should take responsibility for regulating the activities of the vessel to ensure there are no human rights abuses. For distant water fishing vessels, the home government of the vessel – Taiwan, China, European countries or the USA – should be taking responsibility. These are large countries, and wealthy, so it is not fair to leave it up to small island developing states in the Pacific to make sure labour

25 Previously similar orders were placed on two vessels flagged to Taiwan – the Tunago 61 and the Da Wang. See blog posts by Franciscoblaha: <http://www.franciscoblaha.info/blog/2020/8/22/another-vanuatu-flagged-longliner-on-a-us-customs-detention-order-for-forced-labor>; <http://www.franciscoblaha.info/blog/2019/2/11/a-trade-restrictive-measures-for-forced-labour-violations-the-case-of-the-tunago-61>.

26 White C. (2021b, September 22). US action shines spotlight on labor issues in Fijian fishing fleet. Seafood Source, pp. 1–4. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/us-action-shines-spotlight-on-labor-issues-in-fijian-fishing-fleet>

27 Godfrey M. (2021b, November 22). Taiwan's tuna industry adopts CCTV, blockchain in effort to mend image. Seafood Source. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/taiwan-s-tuna-industry-adopts-cctv-blockchain-in-effort-to-mend-image>

28 Godfrey M. (2021a, November 19). China blocks US forced labor proposal at WTO fishery subsidies talks. Seafood Directions. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/china-blocks-us-forced-labor-proposal-at-wto-fishery-subsidies-talks>

rights are being protected. The FFA developed the observer and crew protections in the Harmonised Minimum Terms and Conditions (HMTTC) in 2019, but none of the big distant water fishing countries are establishing similar frameworks to ensure crew on vessels flagged to them are not abused. Indonesian workers on Taiwanese flagged vessels should be paid and protected according to Taiwanese labour laws; the same for workers on USA flagged vessels and so on.

### International intergovernmental organisations

Several intergovernmental organisations work at the international level on human rights that are relevant for offshore tuna fishing. For example, the International Organization for Migration (IOM) oversees work to prevent human trafficking, and to support victims, so can be of assistance in repatriating fishing crew stranded overseas if their employer fails to make arrangements for repatriation. The ILO works to promote fair working conditions, which overlaps with human rights. The Work in Fishing Convention (2007, no.188) is the main area where the ILO is relevant for human rights on offshore tuna fishing vessels.

### Private sector social responsibility auditing

The tuna buyer companies in export countries can require fishing and processing companies to meet corporate social responsibility criteria. This is an informal way of regulating HR and GESI through market relations. For example, Golden Ocean in Fiji says since they have been selling to the EU, their buyers have required increased accountability – there are internal and external audits. Improvements that Golden Ocean managers notice from the auditing are that management pays more attention to crew concerns. For example, there had been complaints about the food served on board, and there are not many food complaints now. The company has also ‘beefed up’ their on-board safety precautions as a result of the audits.

A key way the private sector regulates human rights is through social auditing processes. These processes are still new, and studies have found that on their own these processes are not adequate protection to prevent human rights abuses.<sup>29</sup>

Social responsibility auditing is separate to both government regulation of a sector and trade union efforts to ensure workers are protected. Fair Trade is an example of a third-party certified process to ensure a ‘fair’ level of remuneration goes back to producer communities. One example of auditing for labour protection for seafarers is On-board Social Accountability (OSA).<sup>30</sup> Another example is the Social Responsibility Assessment Tool (SRAT) for the seafood sector, developed by Conservation International and being applied to tuna industries in some Pacific Island countries. The SRAT takes a risk-based approach to sustainability and human rights, across a jurisdictional area.<sup>31</sup>

29 MSI Integrity. (2020). Not Fit-for-Purpose - The Grand Experiment of Multi-Stakeholder Initiatives in Corporate Accountability, Human Rights and Global Governance. (Issue July). [www.msi-integrity.org/beyond-corporations/](http://www.msi-integrity.org/beyond-corporations/); Nakamura, K., Ota, Y., & Blaha, F. (2022). A practical take on the duty to uphold human rights in seafood workplaces. *Marine Policy*, 135, 104844. <https://doi.org/10.1016/j.marpol.2021.104844>

30 OSA International. (n.d.). On-board Social Accountability (OSA). Retrieved December 10, 2021, from <http://www.osainternational.global/>

31 Conservation International. (2021). Social Responsibility Assessment Tool for the Seafood Sector: A Rapid Assessment Protocol. Retrieved from [www.riseseafood.org](http://www.riseseafood.org/); Kittinger, J. N., Bernard, M., Finkbeiner, E., Murphy, E., Obregon, P., Klinger, D. H., ... Gerber, L. R. (2021). Applying a jurisdictional approach to support sustainable seafood. *Conservation Science and Practice*, 3(e386). <https://doi.org/10.1111/csp2.386>



On the other hand, private sector social audits may fail to uncover serious human and labour rights problems. According to one study on human rights in seafood industries, the misuse of audits is “one of the most fundamental challenges to the accurate identification and resolution of human and labour rights violations in global supply chains”.<sup>32</sup> The paper cites other studies showing that legal violations can be hidden from, or unseeable to auditors in short site visits. For example, social certification programmes do not conventionally interview people working informally (‘casuals’), but may assume that conditions for salaried employees apply also to temporary labourers. The interests of auditors do not necessarily align with worker interests, and there may be pressure for them to refute or suppress testimony to preserve the contract for their work as an auditor. Death from negligence has occurred in workplaces soon after social audits reported that working conditions there were “good”.<sup>33</sup>

There is an argument to be made that private sector auditing is a duplication of efforts that should be going on through government regulation and trades unions, and that it would be a better use of resources to strengthen government capacity to implement and enforce measures such as ILO’s C188 on work in fishing, and for governments and companies to cooperate with unions rather than undermining them.<sup>34</sup> However, distant water fishing governments and Pacific Island governments have thus far failed to protect human rights on fishing vessels, so it is worth looking at the possibilities of promoting human rights through social auditing.

From 2017 the Papua New Guinea Fishing Industry Association (FIA) has been working towards a benchmark audit tool based on Seafoodmatter scoring for assessing the social responsibility and human rights of its tuna industries. The tool brings together 19 relevant standards, including the ILO C188 on work in fishing, with seven principles, including worker voice, and 40 key performance indicators (KPIs).<sup>35</sup> Some of the worker voice parts are around formal grievance reporting, but they also want to facilitate informal channels of communication via smart phones. All this is part of the PNG Fishing Industry Association (FIA) Responsible Sourcing Policy (RSP) launched June 2018, with a Social Responsibility and Human Rights Compliance started in November 2019. In 2021 the draft FIA PNG labour procedure and audit tool was internally peer reviewed by FIA member company operations managers. Then there was a stakeholder peer review later in 2021 with Human Rights at Sea, FISHWISE, Conservation International, and Caterers’ Choice (a Global Tuna Alliance member). FIA has also sought third party social accountability certification with the ‘FISH standard’.<sup>36</sup> This standard is stronger than others: the auditors visit to observe living and working conditions, rather than relying on video calls. On the first assessment the FISH auditors found that the crew recruiters were not staffing the complaints phone line, were not issuing proper contracts and they were charging crew fees for recruitment, so FISH did not certify the fleet. FIA told the recruiters if they did not improve FIA would change recruitment companies, because FIA wants to pass their second attempt at assessment.

FIA also plans to link labour and working conditions to the electronic traceability platform already used for recording catches. This will mean FIA members’ social accountability can be tracked online. FIA also plans to collaborate with the Papua New Guinea National Fisheries Authority (NFA) on their labour code of conduct. If the PNG FIA example proves to work well in promoting human rights, the example could be adopted in other Pacific island tuna fisheries. It is worth noting, however, that purse seining is the main mode of offshore tuna fishing in PNG, and it may be more challenging to have these measures applied in longline fisheries.

The Parties to the Nauru Agreement (PNA) have partnered with Global Seafood Alliance to adopt the Responsible Fishing Vessel Standard (RFVS) for the purse seine fleet operating in their waters. This is intended to show consumers and buyers that the fish has been caught by people working without forced labour, in a safe working environment with fair pay and conditions.<sup>37</sup>

In theory, technologies such as blockchain, which publish online relevant information from the whole supply chain, can help shed light on human rights and labour rights in the fishing industry, and increase fishing companies’ accountability. In practice blockchain requires a set of key data elements to be agreed on and collected frequently (daily or weekly). This is very expensive, so as yet blockchain is only an aspiration for Pacific tuna industries. Existing electronic monitoring systems for vessels using GPS can potentially be used as an independent source of information for things like checking vessel resting periods for crew. The Labour Safe Screen is an online tool (developed 2013–2017) for assessing working conditions in the seafood industry at sea, in port and processing. It is intended to be a business-to-business tool for companies to make sure there is not labour abuse in their supply chain.

32 Nakamura K., Ota Y., & Blaha F. (2022). A practical take on the duty to uphold human rights in seafood workplaces. *Marine Policy*, 135, 104844. <https://doi.org/10.1016/j.marpol.2021.104844>

33 Nakamura K., Ota Y., & Blaha F. (2022). A practical take on the duty to uphold human rights in seafood workplaces. *Marine Policy*, 135, 104844. <https://doi.org/10.1016/j.marpol.2021.104844>

34 Blaha F. (2021a, January 17). My take on private certification of labour standards on fishing vessels. Francisco Blaha Blog. Retrieved from <http://www.franciscoblaha.info/blog/2021/1/17/my-take-on-private-certification-of-labour-standards-in-fishing-vessels>

35 Fishing Industry Association PNG. (2021, December 4). PNG FIA Social Policy -Labour on Board Review and Audit. [www.fia.png.com](http://www.fia.png.com). See also <https://seafoodmatter.eu/about-seafoodmatter/>.

36 The FISH Standard. (n.d.). Retrieved December 10, 2021, from <https://fishstandard.com/>

37 Carreon B. (2021, November 24). Responsible Fishing Vessel Standard gaining traction in Pacific tuna fisheries. *Seafood Source*.





## Labour reporting in sustainably certified fisheries

The Marine Stewardship Council (MSC) is a certifying organisation for the ecological sustainability of fisheries. It does not certify regarding labour practices, but increasing market pressure from retailers and brands to avoid the taint of slavery and other human rights abuses means the MSC does have some measures in place regarding labour. For fisheries it is a template regarding 'Forced and Child Labour Policies, Practices and Measures' that is completed by the certificate holder and submitted with the other fishery assessment documents. In the template certificate members put country-specific information about what organisation is responsible for labour regulation, the government and private measures in place to identify and fix risks of labour abuses, methods of crew recruitment, engagement with fish worker groups, details about the nature of contracts, any labour audits performed, minimum age requirements, repatriation arrangements, practices to avoid debt bondage, grievance mechanisms, and practices to ensure crew have access to their own identity documents. This labour template is intended as a tool to foster transparency and to encourage fisheries to make public the information about the measures that they have in place to mitigate the risks of forced and child labour and provide an information source for interested parties on a topic about which there is limited information in the public domain. It is not intended to provide the basis of an audit, as the MSC does not have a programme or ecolabel claim for third party verification of labour requirements in fisheries.

The MSC labour template says what should happen, but in practice cases do not always work out that way. Vessels which are fishing in MSC certified fisheries have been accused of doing the wrong thing. For example, Hangton No. 112 which is part of Fiji's MSC certified fishery was issued a 'withhold release order' by US Customs and Border Protection for suspected labour abuses.<sup>38</sup> According to industry interviewees, Hangton Pacific is working with the US government to improve their systems to prevent the possibility of labour abuses. Because of the reputational damage caused by the publicity around the withhold release order, the certified group of companies decided to remove the Hangton 112 from the certified fishery for the time being. The MSC itself will only remove vessels from certification if labour abuses are proven in a legal process.

The MSC labour template offers opportunities. One is that the MSC documentation provides a starting point for discussions about identifying where the system does not work as it should and exploring options for making it work better. At the moment this kind of country-specific information about how the relevant organisations (fisheries, labour, immigration, police, health, CSOs) are supposed to work together does not exist elsewhere, so it is a useful resource, and is relevant for all tuna fishing companies, not just the certified ones.

Additionally, there is pressure for certified companies to improve their practices. It is bad publicity for the certified fishery and the MSC if a company that is part of a certified fishery is caught 'doing the wrong thing', so other members will want them to improve. At the moment the system for collaborating to fix problems among relevant organisations is not very functional. If an NGO uncovers suspected or real labour abuse they go to the media to raise a scandal, and then the fishery and the MSC is in reactive mode and can become defensive. Alternatively, when an issue comes up the NGO could go to the fishing companies or MSC 'behind the scenes' and try to fix it collaboratively. A third option is that fishing companies in the certified fishery and the MSC could be more proactive to avoid problems arising, building on the progress made with the labour template, and going further to make sure the mechanisms outlined in the template work as they should.

At the time of writing the certificate about labour protections in place is accessible publicly on the MSC website. For example, on the MSC page for the Cook Islands longline fishery you click on the 'Assessments' link on the left side of the screen, then click on 'General Documents' and the labour template is there.

In the future the nature of these documents and their location on the internet will change, but some form of labour rights documentation is likely to remain, and it may be strengthened.

<sup>38</sup> White C. (2021b, September 22). US action shines spotlight on labor issues in Fijian fishing fleet. Seafood Source, pp. 1–4. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/us-action-shines-spotlight-on-labor-issues-in-fijian-fishing-fleet>

## GESI and industrial tuna fishing

There are several different ways gender equity and social inclusion is relevant for the fishing node of tuna supply chains. One is the impacts on women and families when men go away to fish. When men take up crew work on tuna fishing vessels they are gone for long periods of time. It helps families to have cash coming in from the men's work, and depending on the arrangement with the company, families may be receiving regular payments, but while men are absent, wives and women relatives become household heads and pick up men's responsibilities. Many families of seafarers struggle to keep their relationships intact due to disruption of a daily routine together. Absent seafarers miss out on being around for the birth of children, seeing their children growing up, for important family milestones, or being able to help out when family members are sick. There are higher rates of separation and divorce. For example, according to the Gender Affairs Department in Tuvalu, women have called for mental support for 'left behind' seafarer wives, such as an internet café service for contacting husbands on vessels – but it is difficult for small island developing states to resource such services. Also some wives living for long periods with their in-laws while their husbands were away were not getting along well with their in-laws. Relatives and neighbours have supported single mothers but some of this community support has eroded with cultural change. There is a Tuvalu Overseas Seaman's Union (TOSU) that supports seafarers, but no organisation supports their families.

Fisheries social scientist Eddie Allison proposed the term 'maritime masculinities' to explain the various social influences on seafarers, such as their socio-economic background at home and lack of other economic opportunities, the all-male environment on board, and lack of family or village authority on board.<sup>39</sup> Historically, there was a British seafarer culture that was summed up in the phrase: "ashore it's wine, women and song, aboard it's rum, bum and bacca". In many contemporary cultural contexts, seafarer life involves young men living away from home, with cash, living high-risk lives, without a clear path for what is next in life. This correlates with a culture that encourages binge drinking, other drug use and sexual promiscuity – as reflected in the concentration of bars and commercial sex industries around port areas.

Of course, not all fishing crew drink/take drugs or are sexually promiscuous. Many crew from Indonesia, the Philippines and the Pacific have strong religious convictions and do not drink alcohol or have sex outside their marriage. According to stakeholders, the presence or absence of alcohol is a key factor in violence – both on board and in port. "A dry boat is a peaceful boat". According to former-fisher-turned-fisheries-consultant Francisco Blaha, offshore fishing has long attracted people who did not 'fit in' very well in society ashore, which contributes to some of the rough behaviour of crews. But in recent decades there are also a lot of poorer people from Indonesia, Philippines, Vietnam and Myanmar who are not 'misfits'. Their economic circumstances mean they have no other option but to go to sea.<sup>40</sup>

Many of the men working on offshore tuna fishing vessels are socially excluded in broader society, and these social exclusion dynamics are repeated in relations among crew. According to one interviewee, "captains are God on board, so anything goes". Strong hierarchy does not have to be unhealthy; it depends on how good a leader the captain is. A good captain can mentor and look after their crew within that hierarchical relationship. Captains with a more 'toxic' kind of leadership, on the other hand, can cause social inclusion/exclusion dynamics on board based on social hierarchies, such as gender, race, class and so on.

One example of social exclusion is men shaming other men by saying they are feminine in some way, such as calling them weak 'like a woman'. Misogyny (hatred of women) is part of the on-board culture on some vessels – which is a problem even if there are no women on board. Another example is that in some Pacific cultures there is a strong power dynamic between elders and youth that can be abused on board. An interviewee said that in Tonga some older crew bully younger crew to do more work and the worst jobs. Abuse among crews can include sexual abuse and rape, among men. There are no clearly understood and implemented processes or mechanisms for reporting, recording and following up of sexual abuse or harassment, as there are with other human rights abuses. Violence and abuse among all-male crews are human rights violations and can be treated as such, but we should also recognise that there is a gendered element to it – these are forms of gender-based violence because entrenched gender roles and status and the connected power dynamics are part of these forms of violence. So, gender awareness and measures to address misogyny are part of the solution, along with improving food, rest and living conditions, and discouraging discrimination based on race or age. Captains have such a lot of power on board; they therefore have the responsibility to use that power in ways that promote social inclusion and human rights, or at least avoid causing social exclusion or human rights abuses.

### Sexual abuse:

The WHO defines sexual abuse as 'actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions'.<sup>41</sup>

39 Allison E. H. (2013). A "provocation" on maritime masculinities – and why they matter for management. Presentation at the MARE People and the Sea Conference, University of Amsterdam, July 2013. <https://genderaquafish.files.wordpress.com/2013/08/04-allison-mare-maritime-masculinities.pdf>

40 Blaha F. (2021b, June 1). A look on the mental health of fisherman. Francisco Blaha Blog. <http://www.franciscoblaha.info/blog/2021/5/31/a-look-on-the-mental-health-of-fisherman>

41 World Health Organization. (n.d.). Sexual exploitation and abuse, prevent and protect, what you need to know and do. Zurich: World Health Organization (WHO). Retrieved from [www.who.int/about/ethics](http://www.who.int/about/ethics)

## Social and health aspects of masculinities

Masculinity, like femininity, is many different things, some of which are positive in human relations. Some elements of masculinity, however, have been identified as harmful to men and the people around them; these elements are considered ‘toxic’.



This quote about masculinities and health is from the American Psychological Association:

Boys and men are diverse with respect to their race, ethnicity, culture, migration status, age, socioeconomic status, ability status, sexual orientation, gender identity, and religious affiliation. Each of these social identities contributes uniquely and in intersecting ways to shape how men experience and perform their masculinities, which in turn contribute to relational, psychological, and behavioral health outcomes in both positive and negative ways. Although boys and men, as a group, tend to hold privilege and power based on gender, they also demonstrate disproportionate rates of receiving harsh discipline, academic challenges (e.g., dropping out of high school), mental health issues, physical health problems, public health concerns (e.g., violence, substance abuse, incarceration, and early mortality), and a wide variety of other quality-of-life issues.<sup>42</sup>

For example, men taking leadership roles as household heads can be positive, but notions that men must *always* be the ‘bread winner’ of the family can lead to problems. When people believe men must be the bread winner, if men are unable to generate enough money, or if women in their family earn more money than them, men can suffer self-esteem problems and may then be violent to women and children in their family. Misogyny (the hatred of women) and homophobia (the hatred of people who have sex with people of the same sex) are two traits related to toxic masculinity. They are ‘toxic’ because they promote gender-based violence including sexual assault, bashing and domestic violence. Gender ‘norms’ (see Module 1 for an explanation of gender norms) are developed early in childhood and continue as children grow through learning from the people around them. Toxic gender norms normalise violence by boys, including bullying, aggressive behaviour and harassment. This may be trivialised in sayings such as ‘boys will be boys’ or ‘stop crying like a girl’, or in blaming victims for rape by saying they were wearing provocative clothes.

One way to approach this is to identify the healthy forms of masculinity exhibited on vessels with well-functioning on-board culture, and promote those as ideals to replace the toxic versions. What does good organisational culture look like at sea? What kind of crew management leads to good productivity, meaningful and decent work for crew, reasonable health outcomes, for all crew, of different nationalities and personalities? Sufficient food and rest and improving occupational health and safety on board is a basic starting point. Ensuring alcohol and other recreational drugs are not used in high-risk workplaces such as fishing vessels is another basic health requirement. Some fishing companies have policies in place to reduce fighting on board. Gender awareness would fit well with such initiatives. Captains are pivotal to positive solutions – if captains do not tolerate gender-based, racial and other forms of discrimination and violence, and encourage a healthy workplace, then the whole atmosphere on board will follow.

## Women working as crew

From a gender equity perspective it is good for women to be able to work wherever they want, if they have the right skills. As discussed in Module 1, better gender equity has benefits for all of society.

Although industrial fishing remains very male dominated, small numbers of women have started working on or managing fishing fleets. They work in tuna marketing, business management, financial and personnel services, and other areas. One of the tuna fishing companies in Fiji, Solander, has had a woman as General Manager since 2011. In 2021 in NFD in Solomon Islands, six women held managerial roles within the Inshore Department, one being the Fleet Manager. In recent years women have also started training in small numbers as crew for tuna fishing vessels.

The Fiji Maritime Academy (FMA) trained several women for work on longline vessels, under a program with WWF and supported by the New Zealand Government.<sup>43</sup> In 2019 a group of 57 (33M and 24F) were recruited to train as deckhands. In 2020 they had 20 scholarships for this training (11F, 9M), and in 2021 there were another 20 scholarships. From April 2020 training went online due to COVID-19. In October 2021 these trainees finished their theory part of the course, but as of April 2021 they still needed to complete 24 months at sea and have not been able to do that during COVID. Solander had 10 women working on their fleet at one stage, but as of April 2022 they had only one left. The women were working on vessels that targeted fresh tuna and stay out at sea only for around two weeks, rather than working on the vessels that do longer trips of a month or longer. The vessels doing two-week trips were hard hit by COVID conditions and many stopped fishing. Another Fijian fishing company, SeaQuest, collaborated with FFA

42 American Psychological Association Boys and Men Guidelines Group. (2018). APA Guidelines for psychological practice with boys and men. Retrieved from <https://www.apa.org/about/policy/boys-men-practice-guidelines.pdf>

43 Yunisea A. (2021). Gender Mainstreaming in Fiji's Offshore Tuna Industry. Suva, Fiji. Retrieved from <https://www.fasia.awsassets.panda.org/downloads/gender-mainstreaming-in-fiji-s-offshore-tuna-industry-report.pdf>

in 2022 in running a training trip on the longliner Seaka II, with an all-women crew including captain (Master Class 5 certificate holder), engineer (engineer cadet with training in engineering and watchkeeping), bosun and deckhands.<sup>44</sup>

Small numbers of women have also been trained as crew for pole-and-line fishing vessels in Solomon Islands, one progressing through training to the level of captain. However, the young women cadets started families. Much of the physical labour on a fishing vessel is not suitable for pregnancy, and the women have stopped fishing so as to look after their young children at home. NFD is now looking to recruit another set of women cadets.

### Case study – Tanny Saepio, Vessel Compliance Manager, National Fisheries Development (NFD), Solomon Islands

My name is Tanny Saepio and am from the Western part of Solomon Islands. My career began in 1998, when I completed the Basic Seamanship programme at the Marine College in Honiara. After my apprenticeship as a Deck Cadet, I started out as a skilled deck officer gaining sea time and experience in navigation of foreign vessels. In 2013, I graduated with a Trade Diploma in Nautical Science / Class 3 Mate License at Fiji National University. I started out as an officer of the watch on tug boats. Later in 2017, I changed my career from merchant shipping to the tuna industry and moved to NFD. The best moment in my working life so far was my promotion to Vessel Compliance Manager in NFD. I am proud to manage an area now where it relates to my career on shore as an apprentice.

What inspires me the most is a desire to find out how good I can become in my field. I love this job. During my childhood, our family usually travels to our home Province for the Christmas holidays. I always loved to watch how the Captain navigates and brings the vessels to port. My interest in ships grew during those travels, and since then I started imagining myself on the bridge in the wheelhouse. Working on board vessels is fun and challenging for me at the same time. Each day comes with a new beginning and new lessons and a lot of new challenges too. As the environment is strictly male dominated, at times I feel left out or ignored. But the only solution is to work together and earn their respect. All men think and react differently. If you have a good relationship with a particular person, it can stimulate jealousy and also lead to favouritism. It is better not to be close or over-friendly to avoid mistreatment. In my current role as a Vessel Compliance Manager I deal with the welfare of the crew and the overall safety of the vessel, which is a very challenging task; for instance, getting replacement crew when anyone is sick or has family issues and needs to disembark the vessel on short notice.



Figure 3.11 NFD Vessel Compliance Manager Tanny Saepio with her family ©Tanny Saepio

Being a single mum with four kids is tough and stressful at the same time but, with the great team I work with, I have the strength to face the challenges. I would encourage my family, especially young women who plan to become seafarers, to be ready to face the tasks and fears involved. As the environment is strictly male dominated, many women fear taking up this career, because it is not the usual thing for females. However, I believe fear is nothing but only a product of our imagination. If you believe in yourself and if you have strong determination, nothing is impossible. When you want to do it, study and work hard for it. One needs to be prepared mentally, physically, and emotionally before choosing this profession. It requires strength and courage, but with a positive attitude and approach you can do it.

44 Nanuqa J. (2022, June 13). First all-female crew set off on first fishing trip. FBC News. <https://www.fbcnews.com.fj/news/first-all-female-crew-set-off-on-first-fishing-trip/>; Pacific Islands Forum Fisheries Agency (FFA). (2022). First female crew set course for Pacific fishing industry. Pacific Islands Forum Fisheries Agency Website. <https://ffa.int/node/2711>

## Misconception – women are not strong enough to work in tuna fishing

There is a prevalent notion that women are not suitable for fishing work due to the physical strength needed for some fishing activities. One point argued by industry against having women crew is that it will increase the workload for the men. During fishing periods crew are doing heavy lifting and other manual tasks for hours at a time. They argue that if women are on a team that will slow down the work and result in men having to do more to cover for the women on their team. No doubt tuna fishing is hard physical work, requiring endurance and strength, but it is a misconception that all women are weaker than all men. Some women are very physically strong, and some men are not so physically strong.

Another way of looking at this is to say all people have diverse skills, and we can match each person in a team to the tasks that suit their talents. On a longline vessel the strongest people in a team should do the heavy lifting work, and pulling in the lines. The people in the team with good stamina but not as much lifting strength can do the gutting work, manage the ice for storage and bait the hooks.

During 2021–2022 the Fiji Fishing Industry Association (FFIA) was headed by a woman, and several Fijian tuna companies have women in senior positions. When the authors of this report talked with women managers in Fiji's tuna companies, they were in favour of increased involvement of women in the tuna industry, but also had reservations about having women on board fishing vessels. They saw it as important to first establish social safeguards on fishing vessels before pushing for more gender equality in onboard work.

One reason against allowing women to join offshore fishing crew is that the facilities onboard are seen as unsuitable for mixed gender crews, especially on older longline vessels where shared sleeping quarters are cramped, and toilet and shower facilities have no doors. It is to be hoped that new longline vessels will be more like purse seine vessels, allowing for more comfort and privacy, be they single-sex or mixed crews. According to industry stakeholders, it is difficult to modernise the fleets after the longline fleet targeting sashimi markets has suffered so badly with disrupted airfreight to export markets and loss of the local tourism market during COVID. Some kind of support or incentive may be called for.

Governments could provide incentives to improve comfort and privacy on fishing vessels through their licensing regulations. When designing crew sleeping and bathroom arrangements, however, it is important to listen to all stakeholders, including the crew, about what they want, as well as considering financial and operational feasibility. We should not assume that Pacific Islander and Asian crew working in the Pacific will want the higher level of privacy seen on European vessels. There are cultural differences, not just one ideal arrangement that all people will prefer.

Because some of the work and living environments in the offshore tuna fishing industry are already unsafe for men, when including women in the workforce it is important to make sure the environment is safe for them, by addressing the various human rights, health and social concerns raised above. A risk assessment could be undertaken to identify whether fishing vessels are 'safe enough' for women staff before employing them. However, environments being 'not yet' safe enough should not be used as an indefinite excuse not to change the status quo. There are active steps companies and governments can take to start making the environment safer before recruiting women to jobs on fishing vessels.

One possibility is to start with short trips (less than two weeks) and sort out safety and any other issues on board before progressing to longer trips.<sup>45</sup> Another is to trial all-female crewed vessels. One or two longline companies in Fiji started operating all-female crewed vessels, but COVID hit the longline industry hard in Fiji and these trials ceased until the Seaka II trip in 2022. In Solomon Islands some industry people have expressed a preference for all-female crew, rather than mixed crews.

### A parallel example from football in Australia

A parallel situation from another field can reveal the unfairness in preventing women from becoming fishers because of the risks that they will be abused. In recent years in Australia there have been many reports of racism in professional football, and the damage this has done to players of colour, including Aboriginal players, Pacific Islanders and those of African descent. The response is not to ban players of colour from playing football for their own protection, but to try to fix the racism. The response should be the same about risks for women working as crew on fishing vessels. Don't ban the women, fix the human rights problems in the fishing industry. A more equitable, less abusive industry will be better for everyone.

<sup>45</sup> Vunisea A. (2021). Gender Mainstreaming in Fiji's Offshore Tuna Industry. Suva, Fiji. Retrieved from [https://www.fasia.awsassets.panda.org/downloads/gender\\_mainstreaming\\_in\\_fiji\\_s\\_offshore\\_tuna\\_industry\\_report.pdf](https://www.fasia.awsassets.panda.org/downloads/gender_mainstreaming_in_fiji_s_offshore_tuna_industry_report.pdf)

Another important issue around women working as crew on fishing vessels is that they are stigmatised by some people. There is an image problem, with women working at sea seen as prostitutes or ‘hussies’. The belief that women should not be going out on a fishing vessel with men means women fishers and observers may be shamed (see Box in Module 7 on shaming women who go to sea). If women working on fishing vessels suffer abuse they are sometimes blamed for that abuse, rather than abuser men being held accountable for their behaviour.

Women as well as men engage in this stigmatisation of women fishing crew, including people from older generations, and some from younger generations who uphold rigid forms of traditional values and ideas on gender roles as ‘cultural gatekeepers’. On the other hand, many other people around the Pacific admire women moving into fields conventionally dominated by men, such as mechanics. Pacific cultures are complex and adaptive. Traditional ways of thinking can be used not only to stigmatise; cultural traditions can be used to support women and men in careers that develop themselves, their families and communities (see Module 1 for more on HR and GESI and cultural traditions).

Related to this point about stigmatising women who go to sea, several interviewees for this handbook mentioned that training of women as seafarers does not work because the women ‘get pregnant’, or ‘have affairs’ on board. One interviewee said that of three women trained as seafarers in recent years, two were ‘expelled’ from their training programmes for having sexual relations when working at sea. There are several issues here that may be questioned. Why are the women seen as responsible for pregnancies or affairs, and not the men involved? Sex between some men in fishing crews surely already occurs, but this is not raised as a reason to prohibit men crew, as it is for women crew. Have these relations been investigated to make sure they were consensual, or was rape or other sexual assault involved? The strict hierarchies on ships mean junior women crew may be vulnerable to pressure for non-consensual sex from senior crew. Was it only the women who were expelled, or were their male sexual partners also expelled? If pregnancies are common occurrences when women go to sea, questions can also be asked about sexual health awareness and availability of condoms for crew, especially since HIV/AIDS and other sexually transmitted infections are an increased risk among seafarers. The important thing is to make sure that any sexual relations are not abusive (there is consent), and to promote good health practices to prevent sexually transmissible infections (STIs) and accidental pregnancies.

**Consent is crucial for any sexual relations**, including transactional sex. It means both people understand what the other is asking of them, and consents to it, every time, and even during sex (in case someone changes their mind). Because power relations and politeness may make it difficult to clearly say ‘no’, some say that ‘enthusiastic consent’ is necessary. Sex without consent is rape (i.e., sexual abuse).

Small numbers of women do work on industrial fishing vessels internationally, so it seems likely that women will become a permanent part of the industrial fishing workforce in the Pacific too. Although women in crews in industrial tuna fishing is a new thing, there are other fields where women have been part of seafaring work for much longer, such as the merchant marine and navies. No doubt there are many differences between life on board in the merchant marine, navy, purse seine vessels and longliners, but there are also some similarities. The tuna industry could learn from these other sectors with a longer history of mixed gender crews about practices that work well and pitfalls to avoid, and could brainstorm with other women seafarers how to tackle new issues specific to fishing. The Pacific Women in Maritime (PacWIMA) group, which has previously focused on the merchant marine, is looking to expand their membership to women in fisheries and to work more closely with national entities for women in fisheries, such as the Fiji network.

### Changes in perceptions of women and fishing

Across many cultures in the world, including in the Pacific, there have been taboos about women on fishing vessels being or bringing bad luck. In Niue the Ministry tackled this belief by organising fishing competitions and promoting women to compete, as a fun way to dispel the myth. Previously in Niue, women were confined to gleaning on reefs. The competition has led to some changing family traditions with daughters going out in canoes with their fathers to practise fishing for the competition. Hearing ladies share their stories at the afterparty creates a ‘domino effect’ with more women interested to enter the following year. One year a woman nearly 70 years old caught yellowfin tuna and mahimahi, helping her village win. There is no industrial tuna fishing in Niue, so women are not taking up jobs as crew, but they can now join in conversations about fishing, and understand better what is involved in resource management.

## Social exclusion by nationality in tuna fishing

Social inclusion is about cultural diversity and diverse sexualities, and sometimes gender fluidity. Little is known about LGBTQIA+<sup>46</sup> in tuna industries, so we have been unable to write about it in this handbook. Cultural and racial discrimination, however, is a well-known issue.

There is national and racial discrimination in international seafaring, including in industrial tuna fishing. This is most starkly visible in the pay differentials. According to tuna fisheries management consultant Francisco Blaha, based on conversations he has with crew while doing his work on fishing vessels, below are some pay rates across different nationalities employed on tuna fishing vessels in the Pacific.

- European crew on Spanish-owned purse seine vessels make USD 3,390 per month with substantial periods of home leave (3 trips on and 2 trips off).
- Ecuadorian crews on purse seine vessels make USD 750 per month and have 80 days for home leave in a year.
- Indonesian and Vietnamese crew on Taiwanese-flagged vessels (purse seine and longline) should under Taiwanese law be paid USD 450 per month.<sup>47</sup> Those on Taiwanese-owned but US-flagged purse seine vessels, however, say they are paid USD 350 per month, with no home leave until they complete their three-year contract.
- Vietnamese crew working on Chinese-owned longliners are said to be paid around USD 150 per month.

Crew have told Francisco their wages may be supplemented with catch shares, but the lowest ranked crew, such as deckhands, may not be given a catch share, or if they are it is the smallest share of the crew.

According to other interviewees Fijian crew on longliners may receive USD 400 per month, whereas ni-Vanuatu crew on longliners may receive as little as USD 250 per month. Pacific Islanders working on purse seine vessels earn more than on longliners.

The ITF lists the ILO recommended basic minimum wage for seafarers:<sup>48</sup>

- for Masters USD 2,160 per month, plus holiday pay and overtime.
- for Able Seamen USD 641 per month, also plus holiday pay and overtime.

The other inequity is that seafarers from wealthy countries like the US, European countries, Australia and New Zealand have easy labour mobility when moving across jurisdictions. Pacific Islanders, Indonesian and Filipino seafarers have much more restricted mobility. Some are unable to transit through the US or US territories, like Guam, so end up with long and inconvenient travel plans going to and from home. This problem is a key reason crew changes may be done from carriers rather than in port. For visa-related reasons they may be prevented from going ashore when in port in some countries.

In addition to the pay discrimination across national lines, there is also pervasive racism in the fishing industry. Dark-skinned southeast Asian and Pacific Islander crew may be treated as inferior or primitive by white European or north-east Asian captains.<sup>49</sup> One interviewee asserted that on some vessels Pacific Islander crew are ‘treated like animals’.

Cultural stereotypes can ‘intersect’ with gender and the sexualised power relations noted above on tuna vessels. One interviewee quoted an Indonesian crew member as telling him: “the only thing worse than being an Indonesian crew member on a tuna boat is being a *pretty* Indonesian crew member”. Indonesian crew members are often treated as racially inferior on tuna vessels, and part of that may include unwanted sexual advances. Or the discrimination may take the form of accusations of inferior physical ability and endurance for tuna fishing work.

Pacific Islander leaders have for decades been calling for the offshore tuna fishing industry to localise more of the employment on the fleets.<sup>50</sup> One reason for this is to empower Pacific Islanders in the industry by providing employment and career development in countries with limited cash employment opportunities. Particularly in lower tech pole-and-line and longline fleets – where training is more easily available and cheaper than for higher tech and purse seine vessels – many Pacific Islanders have trained as captains and engineers. Fully localised vessels have fewer cultural and language barrier issues. Local captains know local conditions and can navigate in and out of harbours without the need for

46 LGBTQIA+ stands for lesbian, gay, bisexual, transgender, queer, intersex, asexual and others. It is a term used to refer to sexual and gender diversity.

47 <https://www.ffa.int/node/2697>

48 International Transport Workers’ Federation (ITF) information on recommended minimum wages is available here: <https://www.itfseafarers.org/en/your-rights/wages-0>

49 Barclay K. M. (2006). Between modernity and primitivity: Okinawan identity in relation to Japan and the South Pacific. *Nations and Nationalism*, 12(1), 117–137.

50 Barclay Kate, & Cartwright I. (2008). Capturing wealth from tuna: case studies from the Pacific. *Capturing the Wealth From Tuna: case studies from the Pacific*. [https://doi.org/10.26530/oapen\\_458838](https://doi.org/10.26530/oapen_458838)

harbour pilots. Nevertheless, many fishing companies around the Pacific persist in employing mostly expatriate crew, or at least expatriate officers (captains and engineers). These companies give many reasons why they need expatriate crews and/or officers, including productivity differences, a lack of qualified local staff, or that if they train staff up they will go elsewhere (local crew cannot afford to pay for the training personally, so it is a company investment).<sup>51</sup> NFD in Noro in Solomon Islands, however, has proved those reasons false. From the 1990s NFD and Solomon Taiyo started training up locals to all fleet positions, and today NFD has a productive, profitable, mostly localised fishing fleet of purse seiners with a couple of pole-and-line vessels.<sup>52</sup>

### Junior Delaiverata's Story



Petaia Delaiverata JR is one of the first Solomon Islanders to have moved up the ranks in the fishing fleet from a Cadet to now a Captain/Fishing Master. He began his studies at the Solomon Islands College of Higher Education (SICHE), as a Deep Sea Cadet and in 1999 he acquired his Class 5 Mate qualification. In 2000, he attended further training for Pacific Islands Fisheries at the Australian Fisheries Academy in Adelaide, Australia, and later attended the PNG Maritime College, APTC and did an Advance Safety Course at the Maritime Academy at the Solomon Islands National University.

Mr Delaiverata said what inspired him in this career was to become the first local to be Captain/Fishing Master in the Purse Seiner Industry and he has accomplished that, saying "if the others (expats) can do it, so can I as a local". He said one of the major challenges in fishing is finding fish, knowing where to go and how much fish to catch in each trip of the season.

Another challenge is setting, catching and putting fish on board the vessel. It is important to consider the environmental factors such as the state of the sea, the currents, winds and swells. The third challenge is working in this space and that includes the boat and crew. Without a good boat, machinery and fishing gears it would always be impossible to fish properly and the boat is no better without a good team on board.

Junior said that a positive impact of his work is that since localising the fishing fleet in 2008 we now have more than eight localised personnel in our fishing fleet. During the pandemic (COVID-19), most of the expats were called back to their homes or could not travel to Solomon Islands due to travel restrictions so we (the local crew) kept the industry going, which not only helped NFD and our families but our country as a whole. I am proud not only as a Solomon Islander but as a Pacific Islander who is directly involved in this industry and our natural resources.

In my role as Fishing Master, I can also help other locals to understand and manage our natural resources for our next generations and will continue to encourage others to take up the challenge and achieve their dreams. To anyone who is keen to take on this role, my advice is always having an aim and goal in life. Nothing is impossible if you work hard and put your commitments in to it.

I miss my family, but I always thank God for the opportunity, privilege, his provisions and blessings. I am blessed to have my wife and children who understand and support me in my career. I had seen so many colleagues quit their fishing career, but I remember that it was only after 10 years in service and I finally reaped what I had sown.

"Patience is a virtue" – and that has kept me going every day in this job.



Photo credit @Junior

51 Barclay Kate, & Cartwright I. (2008). Capturing wealth from tuna: case studies from the Pacific. Capturing the Wealth From Tuna: case studies from the Pacific. [https://doi.org/10.26530/oapen\\_458838](https://doi.org/10.26530/oapen_458838)

52 Barclay Kate. (2008). A Japanese Joint Venture in the Pacific: Foreign Bodies in Tinned Tuna. London: Routledge.



The working and living conditions and pay are usually better on purse seiners and pole-and-line vessels than on longliners. Although purse seine operators in PNG have not had the same success in localising crews as NFD, as of 2022 20% of the PNG-based purse seine fleet are PNG nationals, with the rest mainly Filipino crew. In Fiji, many longline companies say they ‘must’ engage Asian crew because local crew don’t return for a second voyage, or don’t show up after having agreed to their first voyage. The pay and conditions are not good enough for Fijian crew who have other options. For example, a Fijian who works as general crew on a longliner is paid FJD 28 per day, and must stay on board for a month, with food many find to be ‘lousy’, living conditions that may include cockroaches and bed bugs, and have only a few hours of sleep every day. The same person may be able to work as a security officer for FJD 35 per day, eat the food they want to eat, sleep in their own bed, and spend their weekly days off with friends and family. Some crew from Indonesia do not have the same options so are more willing to take the work on longliners. Even so, some Fijian crew love working at sea, especially if there are other Fijians on board to work with. They keep working on longliners even though they could be paid more for other work on shore.

## Action points: what can Pacific fisheries management agencies do to improve human rights, gender equity and social inclusion in industrial tuna fishing?

National and regional organisations working in the fishing area can do a great deal to improve human rights, gender equity and social inclusion in industrial tuna fishing. This is best done in collaboration with organisations that specialise in human rights, labour rights and gender equity. The existence of the FFA as a Pacific voting bloc within the Western and Central Pacific Fisheries Commission (WCPFC) is a positive point for the Pacific in dealing with these issues in cross-jurisdictional offshore fishing activities. Having a coordinating body like the FFA puts the Pacific in a good place to address human rights issues at sea. It is more difficult for individual small island states to stand up to large distant water fishing states, especially since the revenue and jobs brought by fishing are important in Pacific Island countries. With a regional approach it balances up the power relations in negotiations. Also, individual Pacific Island countries and territories have vast exclusive economic zones (EEZs) over which to implement monitoring, control and surveillance, with limited equipment and personnel, and limited capacity to influence activities beyond their national borders. Regional cooperation can overcome these limitations. In addition to the FFA and WCPFC, other regional bodies that can facilitate cooperation for fisheries interests include the PNA, the Te Vaka Moana Group of countries with interests in longline fisheries, the Melanesian Spearhead Group (MSG), the Micronesian Challenge group and the Pacific Islands Forum Secretariat.

### Implement and enforce fishing vessel labour regulations regionally and nationally

Pacific Islands fisheries agencies and other tuna-related organisations, including NGOs that work with crew to report problems, can work together to ratify, implement and enforce existing frameworks for protecting the rights of fishing crew and observers, and develop new ones as needed. Flag states, including Spain, the USA, Taiwan and China also have a responsibility to prevent human and labour rights abuses on vessels operating in the Pacific and flagged to them. The international frameworks that already exist to protect the rights of crew on fishing vessels include the following (see Module 1 Annex 1 for a list of the main international conventions relating to HR and GESI in fishing).

- IMO STCW-F<sup>53</sup> (1995) entered into force in 2012 providing standards of training, certification and watchkeeping for fishing vessel personnel;
- FAO PSMA<sup>54</sup> entered into force in 2016 to ensure that catch transhipped through port states is legal;
- ILO C188<sup>55</sup> entered into force in 2017 to improve the working conditions for crews;
- Note that as of January 2022 no Pacific Island country nor any of the major distant water fishing countries in the Pacific has ratified this convention; and
- IMO Cape Town Agreement<sup>56</sup> regarding on-board safety was ratified in 2021.

53 International Maritime Organization. International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) (1995). Retrieved from <https://www.imo.org/en/OurWork/HumanElement/Pages/STCW-F-Convention.aspx>

54 Food and Agriculture Organization of the United Nations (FAO). (2016). Agreement on Port State Measures. Retrieved from <https://www.fao.org/port-state-measures/en/>

55 International Labour Organization. C188 Work in Fishing Convention (No. 188) (2007). Retrieved from [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO::P12100\\_ILO\\_CODE:C188](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO::P12100_ILO_CODE:C188)

56 International Maritime Organization. (2012). Cape Town Agreement on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels. Retrieved from <https://www.imo.org/en/About/Conventions/Pages/The-Torremolinos-International-Convention-for-the-Safety-of-Fishing-Vessels.aspx>

Regionally the FFA Harmonised Minimum Terms and Conditions (HMTTC) for Access by Fishing Vessels (2019)<sup>57</sup> cover the rights of crew (section V) and protections for observers (section III part 9) (see Annex 1 of this Module 3). Even though it has been approved by FFA member country Ministers of Fisheries at the Forum Fisheries Committee, the HMTTC still needs to go through individual member parliaments for approval, which may take some time. Moreover, even once it is agreed, it will take some resources and collaborative political will to enforce.

The WCPFC is also working on a consolidated observer insurance scheme, to expedite payments to families of observers who meet with tragedy at sea. However, it should be noted that while observer safety has been on the WCPFC agenda for a decade or more, concrete improvement in outcomes has yet to be achieved. Fijian observer Usaia Masibalavu died in 2016, but as of 2021 his widow had still not received an insurance payment.

Governments of Pacific Island countries and territories should also ensure they meet their national responsibilities regarding looking after their observers. Each observer programme is obliged to provide all observers with a two-way satellite communication device for every trip, and a waterproof personal life-saving beacon. The mystery around the death of Kiribati observer Eritara Aati Kaierua is in part due to his not having a communication device in the weeks preceding his death. Pacific Island governments are vocal about observer safety, and frequently discuss methods to improve it, but also need to meet existing obligations.

In 2018 the WCPFC passed a Resolution on Labour Standards for Crew on Fishing Vessels.<sup>58</sup> This resolution is non-binding. In 2020 a binding measure was raised but voted down, so a working group led by Indonesia continued to revise the measure in 2021 and 2022 in the hope that it may be passed in future. The binding measure was argued against on the grounds that human and labour rights issues are not fisheries issues. China argued human and labour rights should be handled through the ILO or UN Human Rights Commission, not regional fisheries management organisations (RFMOs). Experience shows, however, that the offshore nature of tuna fisheries makes it too hard for labour organisations alone to manage these issues; fisheries agencies must be involved. Human and labour rights abuses on offshore fishing vessels are cross-cutting and difficult due to their cross-jurisdictional nature, so are the responsibility of fisheries organisations as well as labour and human rights organisations. Fisheries management, after all, is about managing humans, and the aim is to manage fisheries such that they improve human well-being. Several member countries led by Indonesia, in collaboration with international organisations such as the ILO, are re-drafting the measure to put it before the WCPFC again. Work progressed during 2021, and will continue in 2022, with China joining the working group.

If international agreements to protect crew and observers are ratified by governments, a measure is passed through the WCPFC and then these are implemented in national legal frameworks; failure to abide by these rules then becomes an IUU fishing issue. If fishing vessels are found to have engaged in IUU they can lose their access to fish, for example, by being taken off the FFA list of vessels of good standing.

Other potential initiatives that could be pursued at the regional level include the following.

- FFA and/or PNA could generate a database on beneficial owners and ‘persons of interest’ to help identify the good and the bad in companies, captains and vessels, as data to help track human rights of crew and observers as one part of preventing IUU. Flag states could support these efforts by providing information from their vessel registries.
- Work could be done towards reducing the discrimination between nationalities, to harmonise remuneration on vessels operating in the Pacific, so that equal work means equal pay regardless of nationality.

57 Pacific Islands Forum Fisheries Agency. (2019). Harmonised Minimum Terms and Conditions for Access by Fishing Vessels (HMTTC). Retrieved from [https://www.ffa.int/system/files/HMTTC\\_as\\_revised\\_by\\_FFC110\\_May\\_2019\\_-\\_FINAL.pdf](https://www.ffa.int/system/files/HMTTC_as_revised_by_FFC110_May_2019_-_FINAL.pdf)

58 Western and Central Pacific Fisheries Commission. (2018). Resolution on Labour Standards for Crew on Fishing Vessels (2018-01). Retrieved from <https://www.wcpfc.int/doc/resolution-2018-01/resolution-labour-standards-crew-fishing-vessels>



## Action being taken at the national level

Pacific Island countries are working towards domestic implementation of the frameworks mentioned above. The first step is putting the measures into domestic legislation and regulations. The next step, which requires extensive capacity building, is to enforce them. Checking labour conditions is a new area of work for fisheries (or other agency) officers who are checking vessels for compliance. Ship boarding officers are more familiar with checking catch documentation, biosecurity and customs matters. Officials tend to focus on paperwork and don't always check living conditions, maintenance of facilities, or the adequacy of diets. Pacific island countries do not generally yet have the legal framework for inspecting labour conditions in place. That could come from ratifying and implementing one of the international agreements such as ILO C188 for work in fishing or the FFA HMTTC, and establishing Approved Port State Inspectors for Fishing Vessels. Prosecuting and penalising vessels found to breach labour conditions is another new area requiring resourcing, and since some fishing industry players are wealthy and politically influential, care is needed to ensure the integrity of the system, and reliable handling of evidence so prosecutions can succeed.

Vanuatu is working to implement the WCPFC 2018 Resolution on Labour Standards for Crew on Fishing Vessels.<sup>59</sup> The Ministry of Fisheries is working with Internal Affairs (responsible for ni-Vanuatu crew working on foreign vessels), the Labour Department, Ministry of Infrastructure and Public Utilities (maritime regulating body) and consulting domestic crewing agents to finalise the draft of standards for citizens. They may later look at including foreign crew in this standard, the current draft only captures labour standards for national crew. These measures are only relevant for ni-Vanuatu nationals, however, while foreign crew employed on Vanuatu-flagged vessels remain at risk. Vanuatu has an open vessel registry, meaning it hosts 'Flag of Convenience' fishing and fish transport vessels, without properly regulating the activities of these vessels. Two vessels flagged to Vanuatu have had 'withhold release' orders imposed by the US Government for suspected human rights abuses.

The Solomon Islands Ministry of Fisheries and Marine Resources is working towards implementing a national crewing policy for domestic and foreign fleets in alignment with FFA's HMTTC section V. They are considering whether to implement it through legislation (which takes a long time), or licence conditions (which can be amended annually). They are also looking at expanding pre-licence inspections of vessels to cover living conditions, sleeping, toilet/shower and meal arrangements. Once the HMTTC section V becomes law, compliance officers can follow up on conditions, including labour standards. Penalties for breaches will have to be set to allow a strong enforcement that deters breaches.

Cook Islands has started implementing measures for the 2021 International Maritime Organization (IMO) Cape Town Agreement,<sup>60</sup> which provides standards on the design, construction and equipment of fishing vessels and includes regulations designed to protect the safety of crews and observers, and which facilitates better control of fishing vessel safety by flag, port and coastal states. A policy is being prepared for government endorsement in late 2021. Cook Islands has been testing their existing systems to see how provisions can be implemented, such as mandating crew contracts through licensing arrangements, offsetting insurance coverage or enforcing conditions for all vessels flagged or licensed to fish in Cook Island waters.

Papua New Guinea has lost several observers at sea so is pursuing domestic legislation changes to increase penalties on fishing companies for failing to protect observers. As of 2021 the Merchant Shipping Act was the main legal framework for all people working on vessels, but the National Fisheries Authority is the agency directly involved in observer activities, so new legislation revisions were being planned for the Fisheries Management Act.

## Build frameworks, collect data for ongoing monitoring of HR and GESI conditions in fishing

Just as for fish stocks, ongoing monitoring is required to understand and manage HR and GESI issues in industrial tuna fishing. Data is needed for accountability. Without data it is impossible to know the extent of any problems, or whether they are improving or getting worse. Labour conditions on fishing vessels could be seen as part of social and economic monitoring the Forum Fisheries Committee has tasked the FFA to develop. See Module 2 for further details on monitoring for HR and GESI.

The main source of monitoring and reporting on HR and GESI on fishing vessels should be vessel boarding teams and port monitoring staff. Observers already take some notes on living and labour conditions, but these notes are not used to monitor HR and GESI on board. With some training, observer notes on HR and GESI could be used as one source of information. However, it is important to note that observers already have a heavy workload, so it is possibly unreasonable to ask them to do more. Also, collecting information on human rights or labour abuses could put observers in harm's way. Vessel boarding teams and port monitoring staff are less vulnerable than observers alone on vessels out at sea.

59 Western and Central Pacific Fisheries Commission. (2018). Resolution on Labour Standards for Crew on Fishing Vessels (2018-01). Retrieved from <https://www.wcpfc.int/doc/resolution-2018-01/resolution-labour-standards-crew-fishing-vessels>

60 International Maritime Organization. (2012). Cape Town Agreement on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels. Retrieved from <https://www.imo.org/en/About/Conventions/Pages/The-Torremolinos-International-Convention-for-the-Safety-of-Fishing-Vessels.aspx>

## Multi-stakeholder forums for cross-sector collaboration to improve labour conditions

Since HR and GESI on offshore fishing vessels is such a cross-cutting issue, national and regional multi-stakeholder platforms are required. Multi-stakeholder platforms can bring together the various organisations responsible for, and with expertise in, the different aspects of protecting human and labour rights at sea. Fisheries agencies could chair these platforms, and include membership from labour agencies, immigration agencies, the police, fishing industry associations, unions, human rights groups, the national UN agency coordinator, ports agencies, health organisations, counselling services and government agencies and NGOs working in the gender area, including services handling sexual abuse and gender-based violence. Each Pacific Island country (including the territories where possible) could establish an Office for the Voice of Seafarers to help coordinate discussions with the many relevant organisations.

Regionally, a start is being made with a new joint project on decent work in fisheries between FFA, the International Labour Organization (ILO), the United Nations Office on Drugs and Crime (UNODC) and the United Nations IOM. Nationally, several Pacific Island countries have recognised the need and are moving towards establishing multi-stakeholder forums, but at the time of writing none were yet established and functioning to improve HR and GESI in tuna fishing.

One concrete and relatively easy first task for a national multi-stakeholder platform is to put together a protocol for handling distressed seafarers. Distressed seafarers include those who lodge complaints about their treatment, who flee vessels while they are in port, or who are abandoned by their employer in an overseas port with no income or way to get home. One of the main problems that arises with these cases is that the different agencies who come into contact with distressed seafarers are not aware of services other agencies might have in place to help. As part of developing the protocol, the organisations can work out a referral structure for who is responsible for what, what services are available, who pays for repatriation from what source of funding, and so on.

For example, an Indonesian crew member experiencing abuse might ‘jump ship’ while in port and end up at a local police station seeking support to lodge a complaint and/or to return home. He may not have identification documents because these documents are held by the captain. Without understanding the appropriate way to handle such cases the police may feel there is nothing they can do, and may even take the crew member back to the vessel from which they fled, putting them back into harm’s way. The IOM has a programme to repatriate vulnerable migrants, including crew stranded in the Pacific who are not from Pacific Island countries and territories (PICTs), but police officers are unlikely to be aware of the existence of this programme. Without some kind of multi-stakeholder platform and cross-agency protocol for handling distressed seafarers, it is difficult for a single agency, such as the police, to know what course of action to take, and what services are available.

### Develop a protocol for distressed seafarers

A multi-stakeholder forum for human and labour rights at sea could develop a distressed seafarer protocol so that any organisation that comes into contact with a distressed seafarer knows what to do.

- A good starting point is the Labour Certificate template used by the MSC, which has been compiled for many PICs. See the Tools section of this module for a modified version of this template.
- Once a distressed seafarer protocol is established, posters with key contact information for seafarers seeking assistance could be posted around port areas. These could be written in key languages, such as local languages, English, Bahasa Indonesia, Chinese, Korean and Tagalog.
- The different organisations can collaborate to verify media or NGO reports that allege human or labour rights abuses, which fisheries agencies alone may find difficult to do.
- Fisheries agencies should be informed about relevant active investigations being conducted by other agencies (such as labour), and in other jurisdictions.

## Training

Training and education are other key areas where HR and GESI in offshore tuna fishing can be addressed. Fishing crew should receive training at the fisheries and maritime colleges around the Pacific before they go to sea, although apparently in some countries there is not enough monitoring of crew certificates, so some companies employ crew without their having undertaken the basic training. Another persistent problem in the training system is that of funding. Crew cannot afford to pay for the training themselves, so companies pay, and there is constant pressure from fishing companies to reduce the length/costs of the training. Government funding of training through fishing fees may help ensure crew receive the appropriate amount of training. National governments and regional efforts are also necessary to enforce training requirements.

Assuming funding is secured, the training offered by the fisheries and maritime colleges is an area of opportunity for improving HR and GESI on offshore tuna fishing vessels. FFA hosts the Heads of Fisheries Colleges meetings to raise awareness on the need for crewing conditions and to highlight education and training content needs, and obligations of employers. This includes embedding the HMTC and crew agreements. The Pacific Community runs parallel Heads of Maritime Training Institutes meetings. There is some overlap in terms of training fishing crew and other maritime crew, so increased coordination efforts between these two groups could be helpful.

It may be useful to pool resources between mandatory training regulated by governments and private sector social auditing practitioners who also do training in seafood industries. Social auditing practitioners conduct training on social accountability, interpersonal relations, basic counselling, social well-being, and basic mental health case management. In 2013 PNA and member countries collaborated, using WCPFC offices in FSM, to train observers for auditing tuna catches on purse seiners for the MSC Chain of Custody.<sup>61</sup> Possible sources of private sector training relevant for tuna fisheries include:

- KIWA International;
- the online learning module for ‘Decent Work at Sea’ by RISE Seafood;<sup>62</sup>
- Equimundo (formerly called Promundo), an organisation that runs training and organisational change work for gender equity, focusing on men and masculinities, and has run fisheries workshops in Solomon Islands in the past; and
- the World Maritime University.

Fisheries colleges have some basic modules in all courses, such as on HIV/AIDS and basic health, and Safety of Life at Sea (SOLAS). Competency-based teaching modules on HR and GESI could be developed as part of basic training. Examples of potentially useful topic areas include:

- awareness of human rights at sea and labour rights for work in fishing, including how to check for risks at the recruitment phase;
- coverage of relevant parts of labour laws regarding the importance of having a contract before going to sea, making sure a family member onshore has a copy of the contract, what to look for in a contract; and
- awareness about sexual harassment and other kinds of abuse, and what to do if such abuse occurs on board.

One challenge for mandatory training is that some industries, such as some longliners in Fiji and Vanuatu, seem to be employing crew even without the mandatory training. The Fiji Maritime Academy (FMA) has been running safety training for people already working at sea but who did not do the training before. The Vanuatu Maritime College (VMC) is also aware of this problem in the Vanuatu fishing industry and would like to find a solution.

Interviewees noted that not only crew lack understanding of human and labour rights, but captains and vessel owners may also lack understanding of their local legal obligations, especially if they are working across two or more jurisdictions. Possibly captains and masters who have trained elsewhere and are working in Pacific Island countries and territories should be required to undertake a short course in local legal requirements before working in those countries. Captains are very powerful on vessels, and thus can greatly influence HR and GESI issues on board, especially if they are well respected by crew. It could be a good strategy to target captains as agents for change in the fishing industry.

61 Jaynes B. (2013, April 8). PNA Continues to Add Value and Generates Return to Pacific EEZs. Kaselehlle Press

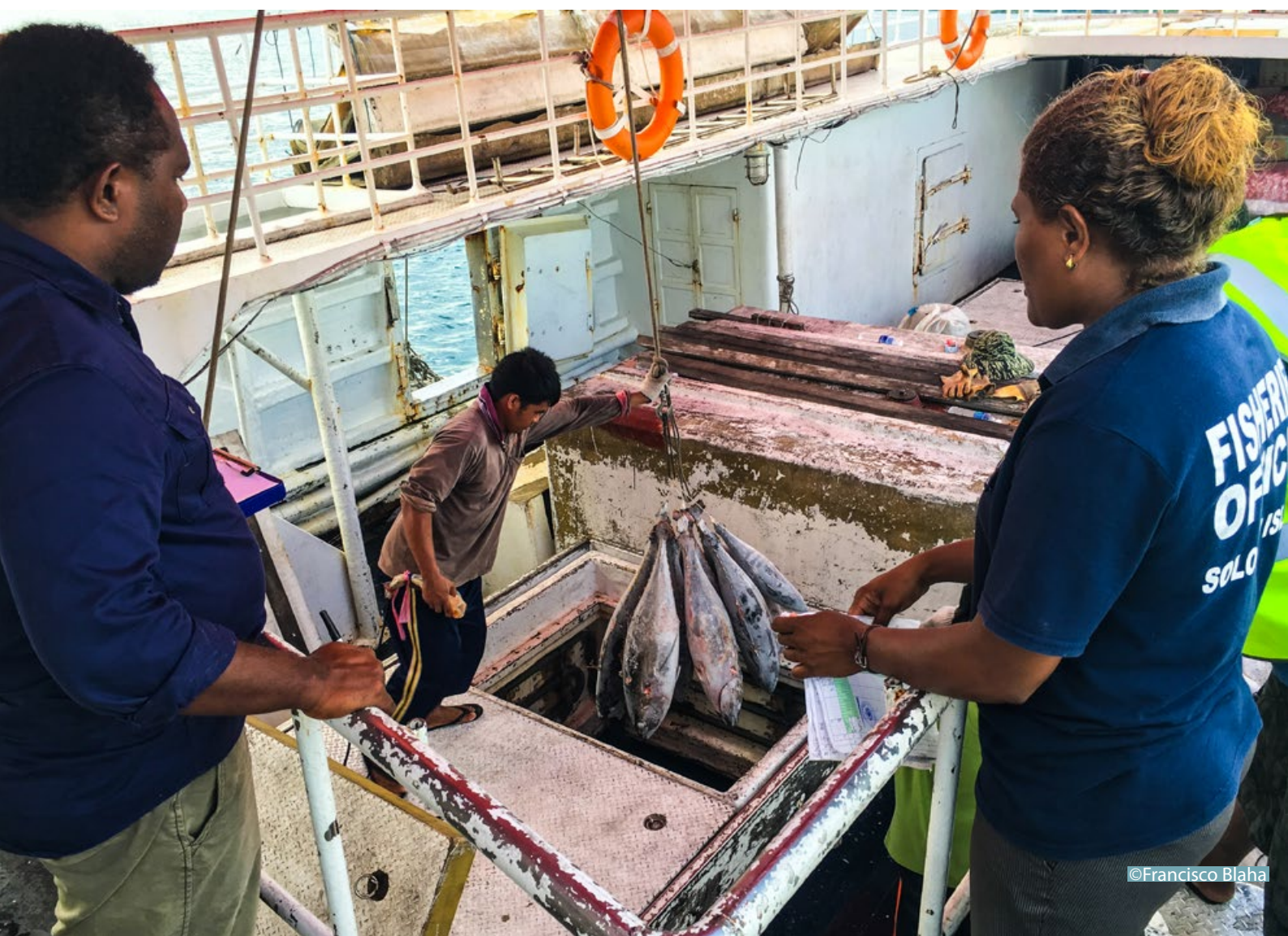
62 RISE. (2021). Decent Work at Sea. Retrieved December 10, 2021, from <https://riseseafood.org/foundations/decent-work-at-sea/>

## Create a Community of Practice for women seafarers to share lessons learned from different sectors

Women working on industrial tuna vessels is a relatively new thing in the Pacific, and the numbers are still very small, so it could be useful to combine forces with groups about women working in other seafaring roles with a longer history and larger numbers, for example, the PacWIMA Secretariat that sits with the SPC Maritime Training Adviser. Since the relaunch of PacWIMA in April 2016 a significant number of State Women In Maritime Associations (State WIMAs) have been established and officially launched in Fiji (2016), Tonga (2017), Solomon Islands, Vanuatu and Kiribati (2018), and Samoa, Nauru and Tuvalu (2019). The Papua New Guinea WIMA has been active since 2007. The country WIMAs play a critical role in national efforts to increase women's participation and representation in the sector to increase gender equality. They promote access to maritime training and education opportunities for women and girls, provide safe spaces for shore-based females and female seafarers to share their experiences of life on board, the lessons they have learned and the challenges and ways to address these challenges.

PacWIMA policy interventions around human rights in workplace policies and practices and social inclusion more broadly are useful for improving labour conditions overall, not just for women. PacWIMA has experience in handling sexual harassment and abuse on vessels. These interventions include educating people about use of language, behaviour, and integrating inclusiveness. Some of this is through formal channels on government committees, and some is through 'informal chats' with male colleagues. For example, to address lack of women's access to training and education opportunities offered by the IMO, invitation letters specified that one of the nominated applicants had to be a woman. This pushed governments to consider women for capacity development opportunities.

PacWIMA has until now had very little to do with fishing, being focused on the merchant marine sector, but could expand to include tuna fishing. PacWIMA could engage with Women in Fisheries networks nationally and regionally, the fishing industry, and fisheries agencies. With the existing WIMA network at the national level, PacWIMA could be extended to tuna fishing crews and observers. That would require commitment at the national level via ministers to then push for implementation regionally via the Pacific Community and FFA. There is some scope for extending PacWIMA to fisheries in that the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) is an IMO convention ratified by several Pacific countries, and could be a tool to facilitate working across the silos of fisheries versus other kinds of marine industries.



## Tool: Labour auditing frameworks

There are many labour auditing frameworks<sup>63</sup>. Some that are specifically useful for offshore tuna fisheries include:

- On-board Social Accountability (OSA)<sup>64</sup>;
- Seafood Slavery Risk Tool (SSRT) by Monterey Bay Aquarium's Seafood Watch<sup>65</sup>;
- Social Responsibility Assessment Tool for the Seafood Sector by Conservation International, using the Monterey Framework for social responsibility<sup>66</sup>; and
- Seafood Task Force, which has an auditable vessel checklist with criteria for labour, and also a tuna handbook<sup>67</sup>.

63 Garcia Lozano A. J., Decker Sparks J. L., Durgana D. P., Farthing C. M., Fitzpatrick J., Krough-Poulsen B., ... Kittinger J. N. (2022). Decent work in fisheries: Current trends and key considerations for future research and policy. *Frontiers in Marine Science*, submitted.

64 OSA International. (n.d.). On-board Social Accountability (OSA). Retrieved December 10, 2021, from <http://www.osainternational.global/>

65 Monterey Bay Aquarium. (2021). Seafood Slavery Risk Tool. Retrieved December 10, 2021, from <https://www.seafish.org/responsible-sourcing/tools-for-ethical-seafood-sourcing/records/seafood-slavery-risk-tool-ssrt/> (currently v.2 is under development)

66 Conservation International. (2021). Social Responsibility Assessment Tool for the Seafood Sector: A Rapid Assessment Protocol. Retrieved from [www.riseseafood.org](http://www.riseseafood.org)

67 Seafood Task Force. (2020). Code of Conduct & Auditable Standards Tuna Handbook. Seafood Task Force. Retrieved from [https://www.seafoodtaskforce.global/wp-content/uploads/2021/01/STF.G.S.002.EN\\_STF-Tuna-Handbook-English.pdf](https://www.seafoodtaskforce.global/wp-content/uploads/2021/01/STF.G.S.002.EN_STF-Tuna-Handbook-English.pdf)







## Tool: Checklist for protecting human rights and labour rights in tuna fisheries

This tool is adapted from the MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures Template.<sup>68</sup> It is a useful template for gathering all relevant local and flag state information about legal frameworks, services and practices relevant for HR in offshore tuna fishing.

1. What agencies control labour-related regulations for fisheries in the coastal state and the flag state? What is the relevant legislation in the coastal state and the flag state? How are laws enforced?
2. Describe the processes, including government and certificate holder measures, that are in place to identify and mitigate any risk of child and forced labour.
3. Describe the typical methods used to recruit crew and describe the migrant composition of crew if any.
4. Where there is known engagement of fishing companies with fisher, migrant, and worker rights groups, describe how this occurs and the organisations engaged with workers.
5. Describe the nature of contracts or legal work agreements used in tuna fisheries and the issues addressed in such agreements.
6. Describe any third party audits and certifications on labour, or labour inspections conducted in the last two years.
7. Describe national minimum age requirements for crew members serving on vessels.
8. Describe systems in place, both regulatory and private sector systems, to ensure that crew members meet national minimum age requirements.
  - Describe how this is checked, including enforcement by the responsible governing authority or oversight body such as labour inspectors.
9. Describe how repatriation issues are dealt with in the 'Unit of Certification' (the fishery) with respect to periods of leave, end of contract, voluntary and involuntary termination, and freedom of movement, and the extent to which these are included in contracts.
10. Describe if there is evidence of systemic practices to impose costs on crew members for placement or brokerage fees, travel to the workplace, visa, medical, safety gear, clothing/protective gear, food at the workplace, communications access, remittance fees, repatriation, etc.
  - If so, describe such practices and how debt bondage is avoided.
11. List any policies or measures (e.g. hotline) that are in place for crew voices to be heard and to report and remediate any instances of forced or child labour.
12. Describe policies and practice in place to ensure that crew members have free and timely access to their identification documents, including National ID, passports, visas, etc.
13. List any other relevant points regarding labour practices for seafarers.

<sup>68</sup> The Templates are completed for certified fisheries and placed in the Assessment section, under General Fishery Documents on the MSC website. For example, for Fiji longline fisheries it is available here: <https://fisheries.msc.org/en/fisheries/fiji-albacore-yellowfin-and-bigeye-tuna-longline/@assessments>

## Acronyms

|                |  |
|----------------|--|
| <b>C188</b>    | International Labour Organization. C188 Work in Fishing Convention (No. 188) (2007)  |
| <b>CBP</b>     | Customs and Border Protection (USA)  |
| <b>COVID</b>   | COVID-19, coronavirus disease  |
| <b>EEZ</b>     | Exclusive economic zone  |
| <b>EU</b>      | European Union   |
| <b>FAO</b>     | United Nations Food and Agriculture Organization   |
| <b>FFA</b>     | Pacific Islands Forum Fisheries Agency   |
| <b>FFIA</b>    | Fiji Fishing Industry Association  |
| <b>FMA</b>     | Fiji Maritime Academy  |
| <b>FNPF</b>    | Fiji National Provident Fund   |
| <b>FSM</b>     | Federated States of Micronesia   |
| <b>FTUC</b>    | Fiji Trades Union Congress   |
| <b>GESI</b>    | gender equity and social inclusion (outside this handbook the word 'equality' is usually used, rather than 'equity', in GESI)  |
| <b>HMTC</b>    | Harmonised Minimum Terms and Conditions for Access by Fishing Vessels (FFA)  |
| <b>HR</b>      | human rights   |
| <b>ILO</b>     | International Labour Organization  |
| <b>ILRF</b>    | International Labor Rights Forum   |
| <b>IMO</b>     | International Maritime Organization  |
| <b>IOM</b>     | International Organization for Migration   |
| <b>ITF</b>     | International Transport Workers' Federation  |
| <b>IUU</b>     | illegal, unregulated, unreported [fishing]   |
| <b>MSC</b>     | Marine Stewardship Council   |
| <b>MSG</b>     | Melanesian Spearhead Group   |
| <b>NFD</b>     | National Fisheries Development, fishing company in Solomon Islands   |
| <b>NGO</b>     | non-governmental organisation  |
| <b>OSA</b>     | On-board Social Accountability   |
| <b>PacWIMA</b> | Pacific Women in Maritime regional seafarers' organisation   |
| <b>PNA</b>     | Parties to the Nauru Agreement   |
| <b>PSMA</b>    | Port State Measures Agreement  |
| <b>RFMO</b>    | Regional fisheries management organisations  |
| <b>RFVS</b>    | Responsible Fishing Vessel Standard  |
| <b>SERB</b>    | Seafarer Employment Record Book  |
| <b>SINUW</b>   | Solomon Islands National Union of Workers  |
| <b>SRAT</b>    | Social Responsibility Assessment Tool  |
| <b>SSRT</b>    | Seafood Slavery Risk Tool  |
| <b>STCW-F</b>  | International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) (1995) |
| <b>UN</b>      | United Nations   |
| <b>UNODC</b>   | United Nations Office on Drugs and Crime   |
| <b>US</b>      | United States of America   |
| <b>VMC</b>     | Vanuatu Maritime College   |
| <b>WCPFC</b>   | Western and Central Pacific Fisheries Commission   |
| <b>WIMA</b>    | Women in Maritime seafarers' organisation  |

## Annex – FFA Harmonised Minimum Terms and Conditions for Access by Fishing Vessels, excerpts relevant for human rights

### PART III, Section 9, Observers

- A) The operator and each member of the crew of a vessel shall allow and assist any person identified by an FFA member as an observer to: ...
- iv. disembark at an agreed place and time; and
  - v. carry out all duties safely.
- B) The operator or any crew member of the vessel shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.
- C) The operator shall provide the observer, while on board the vessel, at no expense to the licensing member, with officer level accommodation, food and medical facilities.
- D) The following costs of the observer shall be met by the operator:
- full travel costs from the licensing member to and from the vessel as applicable;
  - salary or allowance, as applicable;
  - full insurance coverage for the observer to and from, and on, the vessel, which shall include the components set out in paragraph 9A(e)(ii-iii);
  - a two-way communication satellite device and a waterproof personal lifesaving beacon, and the operating costs of such devices, as required and specified by the observer service provider; and
  - all other costs associated with observers performing their duties as an observer.
- E) The operator will provide:
- a copy of the insurance coverage policy for an observer; and
  - the associated certificate of currency for that policy to that observer's provider and to any national fisheries authorities in whose waters the vessel is licensed to fish.

### 9A. Observer Safety

- A) The operator shall be responsible for the health and safety of the Observer while he or she is on board the vessel throughout the duration of the trip.
- B) The operator shall immediately rectify any conditions that may cause serious health and safety issues to the observer, not limited to availability of basic safety equipment and general sanitation, on board the vessel.
- C) The operator shall immediately cease fishing, report to the observer service provider and facilitate the replacement and transfer of the observer under the following circumstances:
- where the observer is incapacitated from performing his or her duties due to sickness or injuries that require immediate medical attention;
  - where the health, including mental health or safety of the observer is at risk;
  - where the observer has been assaulted, harassed or intimidated; or
  - where the operator has been directed to do so by the observer service provider or the licensing authority for reasons of the safety and wellbeing of the observer.

- D) Where the observer is missing or presumed fallen overboard, or as applicable where the observer has passed away, the operator shall:
- immediately cease all fishing activities, activate search and rescue protocols then conduct a search immediately for at least 72 hours or as otherwise directed by authorities;
  - report the incident immediately to the observer service provider including the vessel's position where the incident happened;
  - alert other vessels in the vicinity by using all available means of communication;
  - whether or not the search is successful, return the vessel for further investigation to
    - the nearest port as designated by the observer service provider; and
    - provide a full report to the observer service provider and appropriate authorities on the incident and fully cooperate with the investigation, while remaining in port until further notice.
- E) The operator shall be responsible for the following, as required and specified by the observer service provider:
- the cost of all safety equipment to be used by the observer;
  - in the event of injury or illness of the observer, full repatriation and medical costs, as applicable, where the observer is returned to port for medical reasons;
  - in the event of injury or death of the observer, to pay for the autopsy, funeral expenses, and adequate costs for medical, repatriation, loss of earnings, and other related expenses as applicable;
  - in the event of death of the observer, to ensure that the body is well preserved for the purposes of an autopsy and investigation.
- F) The operator shall assist the observer service provider to replace or disembark the observer at the nearest port where any member of the immediate family, namely spouse, child or parent, is seriously ill or has died.

## PART V: LABOUR/EMPLOYMENT CONDITIONS

### 22. Crew Employment Conditions

- A) The Operator shall be responsible for the health, welfare and safety of the Crew while he or she is on board the vessel throughout the duration of the contract.
- B) The Operator shall ensure that a written contract is executed and signed between the operator or through a representative of the Operator and the Crew before the commencement of employment which shall contain the particulars as set out in Annex 6.
- C) The Operator shall observe and respect any form of accordance with basic human rights of the Crew in accepted international human right standards.
- D) The Operator shall take all reasonable steps to ensure that Crew are not assaulted or subject to torture, cruel, inhumane or degrading treatment and shall treat all crew with fairness and dignity.
- E) The Operator shall be responsible for the provision to Crew for health protection and management for sickness, injury or death while employed or engaged or working on a vessel at sea or in a foreign port. In the event of injury or sickness, medical care shall be provided free of charge to the crew.
- F) The Operator shall in the event of death notify relevant authority as soon as practicable and ensure that the body is well preserved for the purposes of an autopsy, investigation, and shall undertake immediate repatriation of the body to the nearest appropriate available port.

- G) The Operator shall be responsible for advising the Crew's next of kin in the event of an emergency.
- H) The Operator shall provide a decent and regular remuneration to the Crew.
- I) The Operator shall provide repatriation of the Crew to his or her point of hire and all related cost where the contract is terminated as follows:
- The contract is expired whilst the crew is still abroad
  - The crew cannot perform his or her duty due to sickness or other medical reasons
  - Where the contract is terminated in accordance with the signed contract.
- J) The Operator shall ensure that Crew are given regular periods of rest of sufficient length to ensure safety and health in accordance with international standards.
- K) The Operator shall be responsible to ensure:
- that the vessel is safe in accordance to accepted international standards on safety of vessels; and
  - the safety of Crews on board and the safe operation of the vessel and to provide on-board occupational safety and health awareness training.
- L) The Operator shall provide the following at no cost to the Crew:
- Full travel costs from the point of hire to and from the vessel;
  - Full insurance coverage, to and from, and on, the vessel throughout the duration of the contract;
  - Copy of the insurance policy;
  - Appropriate and adequate safety equipment and tools;
  - Appropriate accommodation which shall be in a clean, decently and habitable condition and is maintained in a good state of repair taking into regard the comfort, the health and safety of the crew;
  - Appropriate sanitary facilities which are hygienic and in a proper state of repair;
  - An adequate amount of suitable food and water having regards to the crew's health, religious requirements and cultural practices in relation to food.
- M) The Operator prohibits deduction from crew wages by any party for any expenses related to work.

### Summary of selected licence terms and conditions

The Operator shall comply with all laws and regulations of the licensing member [*this includes labour laws*].

Failure to comply with these and other terms and conditions of the licence, national laws and regulations may, in addition to any judicial penalties that may be incurred, result in the suspension or cancellation of the licence, either temporarily or permanently.

## Annex 4 - Procedures for the operation of the FFA vessel register

### Criteria for withdrawal or suspension of good standing

Good standing may be suspended if there are reasonable grounds to believe that the vessel operator violated terms and conditions of access, including but not limited to:

assault, obstruction, resist, delay, refuse boarding to, intimidate, use of threatening or abusive language or behaving in a threatening or insulting manner, and interfering in any way with the performance of the duties of an authorised officer or observer failure to comply with license conditions regulating employment, vessel safety and crew numbers.

## Annex 6 - Particulars of crew agreement

The Crew's family name and other names, date of birth or age, and birthplace;

The place at which and date on which the agreement was concluded;

The details of the next of Kin in the event of an emergency

The name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the Crew undertakes to work;

The name of the employer, or fishing vessel owner, or other party to the agreement with the crew;

The voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;

The capacity in which the Crew is to be employed or engaged;

If possible, the place at which and date on which the Crew is required to report on board for service;

The provisions to be supplied to the Crew, the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage;

The termination of the agreement and the conditions thereof, namely:

- if the agreement has been made for a definite period, the date fixed for its expiry;
- if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the Crew shall be discharged; and
- if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period shall not be less for the employer, or fishing vessel owner or other party to the agreement with the Crew;

The right of termination by the Crew in the event of mistreatment and abuse;

The protection that will cover the Crew in the event of mistreatment and abuse, sickness, injury or death in connection with service;

The amount of paid annual leave or the formula used for calculating leave, where applicable;

The health and social benefits coverage and benefits to be provided to the Crew by the employer, fishing vessel owner, or other party or parties to the Crew's work agreement, as applicable;

The Crew's entitlement to repatriation.



