

MYTH 1

Collecting data on human rights is the same process as collecting environmental sustainability data

TRUTH

Understanding people is different than understanding products

Q

How is collecting information on people different from collecting data on seafood products?

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Most seafood companies are accustomed to collecting data on environmental sustainability. However, when working on social responsibility, it is important to be aware that collecting data about people is different than collecting data on products.

Tracing people and tracing products are different matters, requiring different tools and different expertise.

Unlike environmental data, there's no one single point that can identify whether forced labor is occurring. In fact, the ILO (International Labour Organization) actually has 11 indicators of forced labor. It is noteworthy that some of these, for example "retention of identity documents," are more straightforward to objectively verify or observe than others, such as "deception" or "abuse of vulnerability", which inherently rely on worker testimony to verify.

Additionally, social or human welfare information may not travel with the product like some environmental data points do, and needs to be collected through processes that involve workers in data collection.

The sources of data that provide an accurate picture of working conditions are often conflicting, in a way that requires a trusting relationship with workers to verify and validate, as well as expertise in understanding national laws, and ability to read and speak the languages of employers and workers.

For example, forced overtime in seafood factories is often not discovered by auditors

who typically focus on document review and information from factory management, because some misleading or fraudulent information contained in production documents and pay-slips can conceal the realities of the hours that workers are forced to work. Even those social audits that integrate worker interviews as a methodology face the challenging task of workers often being coached on how to respond to auditors, a reality clearly described by workers in many countries, and validated by the fact that many cases of forced labor in tier-1 exporting factories are found in sites that had been recently audited. If workers' line supervisors are coercing and coaching workers' responses to auditors, then workers likely wouldn't have much faith in that same workplace's human resource department or grievance mechanism would assist them. Thus, oftentimes, an independent connection to workers, one that can also provide assistance and safeguards to workers, is often needed for workers to confide truths to, and for this information to be analyzed against relevant national laws and codes of conduct to help businesses understand the real nature of their risk, and possible remediation needs.

To openly share information about labor recruitment and management conditions, workers require communication channels with employers and outside parties that are confidential, trustworthy, accessible, and result in remediation of grievances.

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What is important to consider when collecting information to understand working conditions and risk for exploitation?

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It is helpful to consider how far along a company is in its social responsibility journey and how much risk it is willing and able to respond to.

- A company can directly engage workers through worker voice-driven due diligence and remediation safely and ethically if the company has established both a commitment to, and mechanisms for, driving remediation if exploitation is found in its supply chains.
- If a company is in the early stages of the journey, without mechanisms or commitment for driving remediation if exploitation is found in its supply chains, the company should be aware that collecting information directly from workers may actually place workers at further risk. Instead, focus on the comprehensiveness and quality of information collected through due diligence efforts to minimize the potential of collecting false positives or exposing workers to risks of reprisal. At the same time, work to establish mechanisms for safe, effective remediation if signs of risk are detected so ethical supply chain management becomes possible.

The ways in which companies can collect information to assess labor conditions and risk for human rights violations vary between traditional due diligence vs. worker voice-driven due diligence and remediation:

For practical guidance and tools to raise the bar on ethical standards and practices within anti-trafficking and responsible sourcing in the digital age, please reference Issara Institute's [Ethics and Human Rights in Anti-Human Trafficking](#).

	Traditional due diligence	Worker voice-driven due diligence and remediation
Labor recruitment: terms, conditions, and contracts.	<ul style="list-style-type: none"> • Request the company's policy on labor recruitment - whether they are committed to employer-pays, just national law, or something else. • Request the company's service agreements with all recruiters and employment agencies, checking to see that (a) they exist and (b) they detail all services, fees, and who pays what. • Ask different people within the HR department how the company selects its labor recruiters, and how they conduct due diligence to prevent first-mile debt bondage. 	<ul style="list-style-type: none"> • Develop or plug into a worker voice-driven labor recruitment program operating across source and destination countries.
Document retention	<ul style="list-style-type: none"> • Request the company's policy on human trafficking or modern-day slavery, which should include sections on document retention • Separately ask different HR staff where employee documents are kept, for what purposes, and how long. 	<ul style="list-style-type: none"> • See whether workers raise issues of document retention through worker voice mechanisms and/or more targeted data collection with safeguards and links to remediation.
Wages, working hours, and payment	<ul style="list-style-type: none"> • Separately ask different HR staff and production staff to describe how wages and OT are calculated - whether a straightforward hourly wage, or one connected to target setting or incentive schemes that can become coercive or lead to forced overwork or piece work. • Check whether accounts of payment schemes match, and whether they are in compliance with contracts and national and bilateral laws. • Review payslips to see what deductions are being made, and cross-check with national and bilateral laws to understand allowable deductions. 	<ul style="list-style-type: none"> • See whether workers raise issues of wages and deduction through worker voice mechanisms and/or more targeted data collection with safeguards and links to remediation • Review payslips and contract of workers and compare with their testimonies to understand whether documents reflect reality and are in compliance with all relevant laws and codes of conduct.
Benefits allowed by law	<ul style="list-style-type: none"> • Spot-check whether the understanding of different HR staff regarding benefits allowed by law. For example, in some countries, workers are allowed paid sick leave with a medical certificate only required for three or more consecutive days of absence; however, workers can be given unpaid leave instead if they do not produce a note. 	<ul style="list-style-type: none"> • See whether workers raise issues relating to their benefits through worker voice mechanisms and/or more targeted data collection with safeguards and links to remediation.

	Traditional due diligence	Worker voice-driven due diligence and remediation
Threats of violence and intimidation	<ul style="list-style-type: none"> • This cannot be adequately assessed without safe, voluntary worker feedback regarding the realities of how they are treated. 	<ul style="list-style-type: none"> • See whether workers raise issues relating to threats of violence and intimidation through worker voice mechanisms and/or more targeted data collection with safeguards and links to remediation.
Abusive working conditions	<ul style="list-style-type: none"> • This cannot be adequately assessed without safe, voluntary worker feedback. 	<ul style="list-style-type: none"> • See whether workers raise issues relating to abusive working conditions through worker voice mechanisms and/or more targeted data collection with safeguards and links to remediation.
Safe, functioning, accessible grievance mechanisms for workers	<ul style="list-style-type: none"> • This cannot be adequately assessed without safe, voluntary worker feedback regarding the realities of how HR staff respond to them and treat them. 	<ul style="list-style-type: none"> • See whether workers raise issues relating to grievance mechanisms through worker voice mechanisms and/or more targeted data collection with safeguards and links to remediation.

Q *Can data collected for environmental purposes also be used for social responsibility?*

A Yes, however it is important to avoid incorrect assumptions about labor conditions based on environmental data, since the data itself doesn't actually understand or validate the experience of workers.

Some data collected for environmental purposes can also be useful for social assessments, such as country of origin and Flag state of vessel which can indicate risk of illegal activity and hot-spot geographical risks. Some data points, while environmental in nature, can provide information relevant to human/labor rights risks.

For those data elements that are relevant for both environmental and social sustainability, there are cost and efficiency savings to leveraging that data.

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MYTH 2

Social auditors always confirm how workers are experiencing their working conditions

TRUTH

Due to fear of reprisal, or lack of trust, workers often do not feel comfortable sharing sensitive information with auditors. Workers need other safe, voluntary channels for communicating about their working conditions

Companies can adopt worker voice mechanisms/tools/technologies to gather information and verify supply chain conditions from workers directly, and encourage company supply chains to adopt. Having an independent party, such as an NGO or worker rights group that workers trust, can help ensure that company mechanisms are well functioning and effective.

Q *What is worker voice and worker engagement?*

A Worker voice and worker engagement are not the same thing. 'Worker voice' is a communication of the priorities, needs, and concerns of workers to their management, for the purpose of eliciting a response from management to the voiced needs. It is a term derived from the roots of the organized labor movement, and the classic example of worker voice are trade unions and collective bargaining agreements. 'Worker engagement' is a more general and "unofficial" term referring to any range of approaches, programs, or technologies to connect with workers. It may or may not directly address workers' needs and priorities.

Sometimes it may be difficult to tell whether an initiative is worker voice or worker engagement. For example, management-worker dialogues or worker feedback/comment boxes may seem to be worker voice tools, but whether they are depends on whether or how management responds to workers' feedback and demands. Another example that is sometimes unclear are worker feedback technology tools,

for example those that poll workers via smartphones to get their feedback on questions posed by their employer's customer (a global buyer). These may seem like worker voice but sometimes are only worker engagement, since the buyer may be collecting the info only for due diligence purposes, with no intention of addressing issues identified.

The main distinction between the two is that the ultimate goal of worker voice is a response from management to improve working conditions and address issues raised by workers, whereas worker engagement is more general and may not necessarily have this goal.

Q *Why are worker voice mechanisms needed?*

A Worker voice mechanisms are needed because workers should always have a way to be heard by their employers - and employers should value being able to get honest feedback from their employees about how the business could improve. Workers have visibility of a range of different issues and conditions within the day to day operations of a company's different production units that should be seen as an asset to contributing to management decision making.

It is necessary to get information directly from workers themselves to evaluate human rights and labor conditions in company supply chains and at the facility level. To understand what's happening to workers, you have to hear from them directly.

When thinking about auditing to understand social conditions experienced by workers, it is important to remember the limitations of audits and, unlike environmental/sustainability information in seafood, collecting data on people requires additional sensitivities and specialization. Companies should also be prepared to handle issues and make a commitment to remediation if issues are found during the social audit process.

Even with the best training of interviewers, company-led and audit-led approaches can result in workers withholding information for a variety of reasons, including fear of reprisal and lack of trust.

It is therefore critical that companies promote verification through worker voice channels that are credible, independent, and linked to remediation.

Communication channels outside of audits can provide workers safe methods to report on their conditions, where sources can be anonymized and concerns of reprisal, or negative consequences reduced. Third party service providers need to have strong ethical practices and ought to perform risk assessments to ensure no harm is done.

Q *What do companies need to know about worker voice?*

A Worker voice can be a powerful and effective means to support workers and business.

Incorporating feedback from workers can build employer-employee relations and trust and enable companies to leverage the opinions or concerns of those on-the-ground to remove risks, improve productivity and competitiveness, and validate actions taken by the business.

Company-led worker voice is particularly powerful in supply chains where workers have little or no access to protections or systems of justice in the country of employment.

Worker voice in supply chains today includes; worker led unionization and collective bargaining, workplace grievance mechanisms, and worker feedback mechanisms linked to remediation.

It is important that companies develop policies and procedures for protecting workers who give potentially incriminating feedback.

MYTH 3

The risk of experiencing human and labor rights violations begins on fishing boats and at processing facilities

TRUTH

Workers can be exposed to risk long before they enter a processing facility or board a vessel



What does the recruitment industry have to do with forced labor and human trafficking?



Traditional efforts to address exploitation of workers in supply chains has focused on the immediate working conditions at the factory or on a vessel. However, workers' risk of exploitation often begins during recruitment process, long before they even get a job.

Unscrupulous recruitment agents or brokers may require workers to pay excessive fees up front, or fees with an exorbitant interest rate to secure employment. Without other options for repayment, this can lead workers into situations of debt bondage, in which they are trapped in a job in order to repay accrued debt to secure employment.

Workers who have paid excessive fees are less likely to report their situation if they do not feel there is a very strong likelihood of receiving justice - fear of potential job loss, reprisals, or unfair treatment make workers more vulnerable and susceptible to exploitation, and less likely to report violations.

"The existence of the debt—and the worker's urgent need to repay it— means that the worker can more easily be manipulated by the employer to accept lower wages than were promised, poor working conditions, excessive work hours, or similar abusive practices." - VERITÉ

The "First Mile": This situation is sometimes called the "first mile" because workers accrue the debt that makes them vulnerable to exploitation, debt bondage, and threats early in the recruitment process - even before they've even stepped foot in a processing facility or arrived on a vessel.

Why this matters for businesses:

- Employers can have debt bonded workers at their facility, due to their own recruitment process
- Employers can share ethical and legal responsibility for recruitment practices
- Employers are developing responsible and ethical recruitment policies and practices as a critical component of reducing and preventing human rights risks in supply chains.

Q *What is Ethical Recruitment?*

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Ethical recruitment refers to the idea that no worker should pay exploitative fees to secure a job, and that companies should ensure that workers are recruited into their supply chains through legal and ethical processes, with worker safe-guards and transparency built into the hiring process.

“Ethical recruitment means that workers are not charged any costs or fees related to the recruitment process. Ethical recruitment, however, is more than just an employer pays principle or “zero fees to workers” model. It is also about hiring workers lawfully, treating the workers with dignity, and ensuring transparency, accountability, and worker safeguards are embedded into the process” - Issara Institute

Q *What can companies do to improve recruitment practices in supply chains?*

A

Establish zero fees to worker policies throughout supply chains: In this context, there is a growing interest in the fee-free or “Employer Pays” model of recruitment. In this model, migrant workers are not charged a recruitment fee and all costs are met by the employer.

Map labor recruiters in supply chains and set clear transparent guidance on desired costs and steps throughout the recruitment process, including at source and destination countries, as appropriate

Work with partners who are on-the-ground and can support responsible recruitment initiatives, ideally those who can utilize worker voice from impacted job seekers/workers.

Write responsible recruitment/Employer Pays Principle into supplier expectation letters and require ethical practices of subcontractors within their supply chains. In addition to protecting workers in own company supply chains, this also builds demand for ethical recruitment in the recruitment agency market and drives business to recruitment agencies upholding best practice.

Participate in a variety of multi-stakeholder initiatives focused on responsible recruitment involving corporate leaders, including the Responsible Business Alliance, Consumer Goods Forum, and the Leadership Group for Responsible Recruitment.

The role of social audits in a comprehensive due diligence program

MYTH 4

Conducting social audits indicate that a company's social responsibility due diligence is complete, and that the company is safe from risk

TRUTH

Audits should be used as one component of any company's due diligence program, which should also include mechanisms like worker voice and responsible recruitment practices

For many companies, social audits are seen as a first step verifying supply chain conditions, however they should be considered one component of a comprehensive due diligence program that includes robust worker voice and grievance channels.

Q *What benefits do audits provide companies?*

A Audits play a role in a company's overall due diligence program, and if done properly, can help surface problems. Social compliance audits can be particularly useful in assessing workplace health and safety conditions and document review. These are typically areas of assessment where workers receive little training and are sometimes unaware of their rights or legal requirements for workplaces.

Q *In addition to audits, what other mechanisms should companies use to understand supply chain conditions?*

A Social audits should be viewed as one tool for due diligence. Companies need to adopt a multi-pronged approach to identifying supply chain conditions.

Companies should implement worker voice channels, which includes gathering data from workers themselves, and establishing robust, safe, and effective grievance mechanisms which are free from reprisal for workers.

These additional processes are critical components for accurately understanding labor conditions and responding to potential labor violations in supply chains.

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What considerations should companies keep in mind when applying social audits?

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While robust and comprehensive audits can surface supply chain risks and non-compliance, it is important that companies be aware that audits are not a “silver bullet”. Furthermore, audits only provide a “snapshot” of what happened in a given facility at the time the audit occurred.

Companies should ensure that audits take into account the following considerations:

Considerations	Explanation
Variability in standards	There is variability in the rigor, uniformity, and comprehensiveness of certification standards, as well as variability in the quality of an audit based on auditors’ training. Even the most rigorous social audits may be limited by the challenges of verification and validation.
Results may not capture the whole picture	Audits present a snapshot of the moment and cannot ensure they cover the consistent long-term conditions faced by workers.
Intentionally hidden issues	Traditional audits capture the voices only of those most accessible in the supply chain and may miss potential violations out of auditors’ sight. It is possible for a company to hide egregious abuses if labor violations occur in areas traditionally difficult for auditors to access, such as on fishing vessels.
Worker non-disclosure	Workers often lack trust with outside, third-party auditors, and can be reluctant to expose workplace issues because they lack trust in the auditor or clarity on the process/procedure for their complaint. Workers may choose not to disclose labor rights violations for fear of retaliation from management in the form of job loss, deducted wages, withheld documents, being blacklisted on the job market, and threat of physical violence.
Capturing company culture	Audits may not capture embedded company values or culture around worker voice and can fail to determine the depth or breadth of company’s social responsibility commitment.
Challenge of vessels	Many at risk seafood workers work at sea, and there are challenges to conducting audits at sea.



What best practices should companies make sure audits include?



The following practices can help to ensure that audits successfully capture workplace conditions:

Best Practice	Rationale
Evaluation of human and labor rights conditions	<p>Social audits should evaluate the following:</p> <ul style="list-style-type: none">• Recruitment and hiring• Contracts• Document retention• Wages and deductions• Hours and overtime• Threats of violence and intimidation• Living conditions• Grievance procedures• Other social criteria important to a company
Worker representation and participation	<p>Audits should be confidential, and input from workers should be requested for all portions of seafood supply chains, including at-sea, but it is imperative that worker respondents can be safeguarded against reprisal.</p> <p>Auditors should ask whether workers have a process for the following:</p> <ul style="list-style-type: none">• Raising concerns/grievances• Filing complaints• Seeking and verifying resolution for disputes• Accessing all relevant documentation <p>Certification programs and audits should include worker engagement only if there is a mechanism for ensuring the safety and security of workers against reprisals. Worker engagement through audits may occur through:</p> <ul style="list-style-type: none">• Confidential interviews• Assessment and impact surveys• Involvement in developing corrective action plans
Third-party audits	<p>To avoid any possibility of audits being influenced by company pressures, it is recommended that audits are conducted by third-parties to ensure objective, impartial results. Third-party auditors should be experienced with taking a victim-centered approach and demonstrate interview techniques that reflect that</p>
Timing and consistency of audits	<p>Audits should be conducted at regular intervals and incorporate worker-voice mechanisms (such as any available technology-facilitated data). In addition, auditors should conduct periodic unannounced visits to allow for the highest level of transparency.</p>

Best Practice	Rationale
Auditor training	<p>Audits should be conducted in-person, and auditors must undergo extensive training before conducting an assessment and continued training on identifying human rights abuses to ensure audits are thorough.</p> <p>Auditor training should include identifying and understanding:</p> <ul style="list-style-type: none"> • workplace health and safety risks • verifying legal compliance • cross-checking wages and working hours local labor laws and company codes of conduct • Availability of grievance mechanisms that workers report are effective and timely
Confidential worker interviews in workers' language	<p>Confidential interviews with workers in the workers' own language are a best practice to generate the most conducive conditions for workers to report on their circumstances openly. This can be done in groups or individually, formally and informally, with sensitivity. It is important to ensure worker protection from retaliation. If worker protection from retaliation cannot be ensured - recognizing that retaliation may occur days or weeks after an audit is completed - then workers should not be directly engaged by auditors. All interviews should include clear informed consent procedures, including the ability to terminate the interview at any time; in addition, strict data security protocols should be in place to protect worker data.</p>
Cross-checking information	<p>Auditors can interview a variety of managers or facility heads, ask about labor recruitment practices and employment conditions, and compare this information to worker interviews, as well as cross-checking with paper records e.g. payroll, contracts, etc.</p>
Assessments of labor providers in supply chains	<p>When companies are unable to conduct direct recruitment, they need to ensure that labor recruiters meet legal requirements, and monitor recruiter performance. Companies should map their labor supply chains, and engage selected recruitment agencies in accreditation schemes, where available, to improve their understanding and capacity to deliver workers recruited ethically.</p> <p>Companies should also work with trust frontline NGO(s) to periodically validate findings and ensure that workers are indeed not being charged illegal fees.</p> <p>In addition, audits can assist companies in determining recruiter compliance against company codes of conduct.</p> <p>Auditors should verify labor recruitment practices and employment conditions from company policies and records, comparing information to worker interviews.</p> <p>Auditors should assess sub-contractors, including firms responsible for hiring and payroll and other third-party recruitment and employment agencies.</p>
Documentation review	<p>Auditors review documents including contracts, migrant worker lists, recruitment policies, and grievance reports as part of the auditing process.</p>

MYTH 5

Workers' rights to form unions, self-organize, and bargain collectively is extraneous to company due diligence efforts

TRUTH

Collective bargaining and freedom of association are critical tools for workers to prevent and address potential labor exploitation



What is Freedom of Association and Collective Bargaining?



Freedom of Association (ILO C87 Freedom of Association and Protection of the Right to Organize Convention): The right of workers to individually and collectively come together to organize without government interference.

This includes gatherings to:

- promote common interests,
- establish independent organizations,
- join trade unions, strike,
- engage in free speech,
- form and participate in societies, clubs, and other groups.

Collective Bargaining (ILO C98 Right to Organize and Collective Bargaining Convention): A process for workers and employers to negotiate terms and reach agreement and conditions of work.

"The freedoms to associate and to bargain collectively are fundamental rights. They are rooted in the International Labour Organization Constitution and...their core value has been reaffirmed by the international community." - International Labor Organization Source

"Strong and independent workers' and employers' organizations, and the effective recognition of their right to engage in collective bargaining, are major tools for labor market governance. Collective bargaining is a way of attaining beneficial and productive solutions to potentially conflictual relations between workers and employers." - International Labor Organization Source

Q

Why are Freedom of Association and Collective Bargaining important for seafood supply chains?

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Freedom of association and collective bargaining allow workers to advocate for themselves by forming unions and bargaining through the power of a group.

However, in some parts of the world, migrant workers are not legally permitted to form unions, or bargain collectively. The lack of ability of many workers in supply chains to advocate for themselves is a significant obstacle to protecting workers in seafood supply chains from labor abuses. Without enforceable rights at the workplace and the strength that comes from being represented by a union, labor rights violations and the mistreatment of fishers continue. In these conditions, alternative forms of worker voice are especially critical.

Companies can support and advocate for legislation that upholds workers' rights to freedom of association and collective bargaining including ILO Conventions No. 87: The Freedom of Association and Protection of the Right to Organise Convention, and Convention No. 98: Right to Organise and Collective Bargaining Convention

Companies can support on-the-ground organizations working to protect workers from trafficking and forced labor. A number of on-the-ground CSOs working regionally to have local, direct impact on improving workers' lives, rescuing them from trafficking situations, and promoting workers' rights to unionize and bargain collectively. An example of this is the Fishers Rights Network - which is a democratic, representative union of fishers in Thailand that is campaigning to improve the wages, working conditions and labor rights of all fishers in the Thai fishing industry. It plans to expand beyond Thailand into other countries in SEA.