

Greenpeace Sustainability, Labour, and Chain of Custody Asks for Retailers, Brand Owners and Tuna Companies

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Underlying principles of our asks

Greenpeace seeks a substantial transformation from fisheries production dominated by large-scale, socially and economically unjust and environmentally destructive methods to prioritise smaller scale, community-based, labour intensive fisheries using ecologically responsible, selective fishing technology and environmentally sound practices. International trade in fisheries products should not undermine the legitimate interests of coastal communities, fisherfolk's livelihoods in particular, human and labour rights, or impact food security, especially in developing countries.

To this end, the fish trading, processing and retailing industry have a fundamental role to play by reviewing their purchasing policies so that market conditions are created that favour fisheries which comply with strict social and environmental criteria. In order to achieve this, your company should:

1. look for meaningful ways to promote a reduction in fishing capacity of the world's fishing fleets which provides priority access to those fleets and fishers with lower environmental costs and provide highest social returns, including by committing to not invest in new large-scale fishing vessels and to not trade with companies that are actively adding new large-scale fishing vessels to the global tuna fleet;
2. source as much tuna as possible from locally owned vessels of a coastal state, fishing in their own waters, using local crews if the vessels are foreign owned or, in the case of processed tuna, sourcing tuna from canneries which operate in the region the tuna was caught and are locally owned;
3. conduct full comparative analysis of the environmental and social costs of the fish products purchased, for instance through well-established methodologies such as Life Cycle Assessment, and move towards those with lower social and environmental costs; and
4. promote free and fair living and working conditions for the workers who process and produce seafood, with particular attention to the elimination of human rights abuses and worker exploitation, including human trafficking.

In meeting the above requirements, priority criteria to be considered should include:

- environmental impacts: level of bycatch; damage to the marine environment, including impact on species composition and the marine food web;
- history of compliance/flag state performance;
- amount and quality of data provided;
- energy consumption per unit of fish caught;
- quality of the fish produced and delivered to market; and
- socio-economic benefits provided, especially to coastal communities.

Overarching asks to all companies

As with all of our corporate asks, we ask company's making commitments to specific objectives to take the following steps.

1. Provide clear and transparent action plans, with dated milestones and benchmarks so that progress towards objectives can be clearly monitored, such as in public sourcing policies and annual reports.
2. Deliver a fully traceable, third-party verified, chain of custody from ship to point of sale (including vessels, traders, wholesalers, canneries, and processors). Ensure that the names and addresses of all entities that handled a product can be identified.
3. At the point of sale, provide clear, accurate information to customers on labels and online.
4. Accept the responsibility to prevent or mitigate adverse human rights impacts that are directly linked to their operations.

Environmental asks

All fishing operations:

1. Fish legally and refuse to source from any vessels that have been blacklisted for engaging in IUU fishing. Greenpeace maintains a blacklist¹ which includes, but is not limited to, all vessels blacklisted by RFMOs, and recommends that market players regularly consult this tool and other international blacklists before they agree to source from an operator and then consult these resources monthly.
2. Ensure all information related to the fishing operation required by the relevant regulatory bodies is reported in an accurate and timely manner.
3. Do not source any stock that is overfished (biomass below B_{MSY}), or species listed in one of the threatened categories (Vulnerable, Endangered, Critically Endangered) in the IUCN Redlist of Threatened or Endangered Species, or any other national or region list of Threatened and Protected species.
4. Do not fish, source or trade any tuna caught in any protected area, including the PNA closed high seas areas for purse seine and the Pacific Commons for all gear types.

Purse seine operations:

By a mutually agreed deadline only source from purse seine operations that meet the following criteria.

1. Only operate or source from vessels where 100% independent human observer catch monitoring is in place.²
2. Transshipments can only take place in designated ports, in compliance with all relevant RFMO and national regulations.
3. Eliminate from your supply chain /end the use of FADs and any other associated sets within the next three years (i.e. by October 2018).³
4. Do not retain any parts of any captured marine animal, while discarding the carcass at sea. This includes shark finning, removal of gill-rakes from rays, and any other similar practice on any other species.⁴ Any such species caught should be landed with all body parts naturally attached.
5. Do not source from companies that practice or allow shark finning in any part of their supply chain.

¹ <http://blacklist.greenpeace.org>

² To be complemented but not replaced by electronic observation whenever possible. Should such electronic monitoring at some future point improve to a level of effectiveness beyond that of human observation, the discussion of the potential electronic replacement of human observer coverage can be revisited.

³ And remove all FADs anchored and drifting to the extent possible from the water.

⁴ Excludes any reasonable on-board processing of target fish such as heading and gutting where the majority of the body is landed and identification is still possible.

6. Do not intentionally kill or land any critically endangered or endangered marine animals including sharks, rays, cetaceans and turtles, nor any other species for which targeting, retention and/or landing is prohibited, and report any accidental catches of such animals.⁵
7. Have procedures in place for the release alive of any captured endangered and vulnerable marine animals such as cetaceans, sharks, rays and turtles.
8. Obtain credible third party verified chain of custody certification for all purse seine operations and make this information available to the public.

Longline fishing operations:

By a mutually agreed deadline, only source from longline operations that meet the following criteria.

1. Do not conduct any at sea transshipment, or source from vessels that have transhipped at sea.
2. Do not retain any parts of any captured marine animal, while discarding the carcass at sea. This includes shark finning, removal of gill-rakes from rays, and any other similar practice on any other species.⁶ Any such species caught should be landed with all body parts naturally attached.
3. Do not use, or source any tuna from vessels that use shark targeting methods including wire tracers, shark specific bait, or use harpoons and other methods to catch rays.
4. Do not source from companies that practice or allow shark finning in any part of their supply chain.
5. Do not intentionally kill or land any critically endangered or endangered marine animals including sharks, rays, cetaceans and turtles, nor any other species for which targeting, retention and/or landing is prohibited, and report any accidental catches of such animals.⁷
6. Adopt circle hooks and other best practice mitigation for bycatch reduction for the region of operation.
7. Have procedures in place for the release alive of any captured endangered and vulnerable marine animals such as cetaceans, sharks, rays and turtles.
8. Only operate or source from vessels where 100% independent human or electronic catch monitoring is taking place (for longline this may need to begin with a small-scale pilot but the overall intention should be clear and a general timeline should be established).
9. Obtain third party verified chain of custody certification for all long-line operations.

Addressing overcapacity in the world's fishing fleets:

1. Companies must commit to promoting a reduction in fishing capacity in the world's tuna fisheries commensurate with precautionary fishing limits by not investing in new large-scale fishing vessels and by refusing to trade with companies that are actively adding new large-scale fishing vessels.
2. Companies should support capacity reduction by supporting the best and removing the worst performing operations from their supply chain according to the following priority criteria.
 - environmental impacts: level of bycatch; damage to the marine environment, including impact on species composition and the marine food web
 - history of compliance/flag state performance
 - amount and quality of data provided
 - energy consumption per unit of fish caught
 - quality of the fish produced and delivered to market

⁵ Except where such an animal is accidentally caught as bycatch and cannot be released alive, and the operator is legally required to land its carcass.

⁶ Excludes any reasonable on-board processing of target fish such as heading and gutting where the majority of the body is landed and identification is still possible.

⁷ Except where such an animal is accidentally caught as bycatch and cannot be released alive, and the operator is legally required to land its carcass.

- socio-economic benefits provided, especially to coastal communities

Labour asks

1. Provide clear and transparent action plans, with dated milestones and benchmarks so that progress towards objectives can be clearly monitored, such as in public sourcing policies and annual reports.
2. Deliver a fully traceable, third-party verified, chain of custody from ship to point of sale (including vessels, traders, wholesalers, canneries, and processors). Ensure that the names and addresses of all entities that handled a product can be identified.
3. At the point of sale, provide clear, accurate information to customers on labels and online.
4. Refuse to source from any vessels that have been blacklisted for engaging in IUU fishing. Greenpeace maintains a blacklist⁸ which includes, but is not limited to, all vessels blacklisted by RFMOs, and recommends that market players regularly consult this tool and other international blacklists before they agree to source from an operator and then consult these resources monthly.
5. Do not source from any vessels that transship (transfer their catches) at sea.
6. Only source from vessels, wholesalers, traders, canneries or processors and other relevant facilities and workplaces that can demonstrate through contracts, purchasing agreements, or other legally-binding documents that suppliers are:
 - a. Not actively impeding, sanctioning or disenfranchising workers from exercising any rights to freedom of association, fair representation, collective bargaining or forming or joining a trade union.
 - b. Recruiting workers through formalised avenues (e.g. government regulated labour brokers or manning agencies where they exist) where workers:
 - i. understand the nature of the work (i.e. have given informed consent) and have received basic training where applicable (e.g. for work on fishing vessels);
 - ii. have read and signed a contract of employment that is written in a language that they understand and which does not include any clause stipulating that, where workers terminate their own employment with reasonable notice, the employer is able to apply financial penalties or transfer debts to members of the worker's family; are paid regularly in line with their contract of employment
 - iii. are working legally (e.g. migrant workers have been regularised), are either in possession of or not dispossessed of original copies of all documentation related to their employment (e.g. their own passport, government identification cards, work permits, employment contracts, Seaman Books) and are of legal working age.
 - c. Requiring that any costs incurred for recruiting workers be borne by the employer, not the worker
 - d. Remunerating workers through fair and regular systems of payment that represent a local 'living wage' in accordance with the contractual agreement where:
 - i. workers or their intended recipient (where an agreement is in place that remittance of funds is undertaken by a broker or manning agency) are directly receiving the wages due to them in line with their contract of employment
 - ii. Workers and their intended recipients receive regular pay stubs that itemise and explain any deductions and wages are not subject to deductions for any goods or services that should be borne by the employer or recruiter (e.g. transport fees, documentation fees, equipment fees, accommodation fees, training fees, water or food) or extortionate levels of interest where goods or services are provided by the employer or recruiter (e.g. sundries, toiletries).
 - e. Operating under the regulatory frameworks of countries that:

⁸ <http://blacklist.greenpeace.org>

i. comply with, or are taking reasonable and demonstrable steps to bring national legislation into alignment with, key International Labour Organization (ILO) conventions including: the Work in Fishing Convention 2007; the “Core Conventions” (C29, C87, C98, C100, C105, C111, C138, C182)⁹; and the Work in Fishing Convention 2007 (C188)¹⁰, whether or not the country is a party to these Conventions it is possible and legitimate for a country to have high standards that correspond to these Conventions

ii. do not actively impede, sanction or disenfranchise workers in the seafood

sector from exercising any rights to freedom of association, fair representation or collective bargaining commensurate with those enjoyed by their compatriots working in other sectors or, in relation to migrant workers in the seafood sector, nationals of the country;

iii. have taken or are taking reasonable and demonstrable steps to ensure that labour brokers supplying workers to the seafood sector are satisfactorily regulated.

7. Ensure that regular, unannounced audits of vessels, canneries, processors and other relevant facilities and workplaces throughout the extended supply chain are an integrated part of efforts to monitor social compliance. The auditing process must:
- a. ensure the involvement of workers as well as local trade unions, labour rights groups, relevant civil society or intergovernmental organisations that represent the interests of workers
 - b. Be undertaken by a credible third party which is competent in conducting worker interviews and screening for indicators of trafficking, forced and bonded labour. For example, interviews should be:
 - i. anonymous, confidential and held in a secure location without the presence of any representative of the management, the employer or a government authority/agency; and are conducted with informed consent and an explanation of options available to the interviewee including their right not to be interviewed;
 - ii. conducted in a language that the worker understands;
 - iii. facilitated by an independent and trained interpreter.
 - iv. include a broad, representative sample of workers not selected by vessel owners, crew leads or facility management
 - c. Involve the collection of data (i.e. photographic, video documentation) that are open to scrutiny by trusted civil society stakeholders;
 - d. Ensure workers and their organisations have access to audit reports and remediation plans
 - e. Be applicable to any vessel, cannery, processor and other relevant facility and workplace that acts as a sub-contractor to suppliers in the supply chain (e.g. unregulated pre-processing facilities).
8. Workers should have access to secure, anonymous, confidential and an independent mechanism for the registering of complaints when they believe their rights are being violated. A proper worker/employer grievance handling system must be in place at the level of the supplier, and a means must exist by which workers or their representatives can take a complaint up to the level of the buyer, if not solved by the supplier.

⁹ International Labour Organization Core Conventions: ILO C29 Convention on Forced Labour, 1930 · ILO C87 Freedom of Association and Protection of the Right to Organize 1948 · ILO C98 Right to Organize and Collective Bargaining 1949 · ILO C100 Equal Remuneration 1951 · ILO C105 Abolition of Forced Labour Convention, 1957 · ILO C111 Discrimination (Employment and Occupation) 1958 · ILO C138 Minimum Age Convention 1973 · ILO C182 Worst Forms of Child Labour, 1999. For more information see: ILO (2014). ILO website> Labour standards> Conventions and recommendations> International Labour Organization (ILO), Geneva, Switzerland, <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventionsand-recommendations/lang--en/index.htm>

¹⁰ http://www.ilo.org/global/industries-and-sectors/shipping-ports-fisheries-inland-waterways/WCMS_177280/lang--en/index.

9. Make a public commitment to engaging with vessels, canneries, processors and other relevant facilities and workplaces to eliminate and remediate human rights or labour abuses when they are found, including well-substantiated allegations made by civil society and media organisations, and cease purchasing if problems prove intractable. This public commitment must involve:
 - a. Full internal investigation of abuses in cooperation with relevant worker organisations, civil society or intergovernmental actors and, where applicable, enforcement agencies;
 - b. Interventions that prioritise the social and economic welfare of workers (e.g. compensation, new employment opportunities) and the protection of victims of trafficking, forced and bonded labour;
 - c. Time-bound plans of action to work with vessels, canneries, processors and other relevant facilities and workplaces—In consultation with relevant civil society or intergovernmental actors—to implement effective solutions to address human rights or labour abuses;
 - d. The immediate and permanent cessation of purchases from vessels, canneries, processors and other relevant facilities and workplaces unable/unwilling to verifiably comply with required social and labour standards within given timeframes; and
 - e. For those vessels, canneries, processors and other relevant facilities and workplaces that are willing to comply, suspend purchases and continue to work with them toward compliance.