

FISHERYPROGRESS.ORG

Human Rights Code of Conduct

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Purpose

FisheryProgress expects all FIPs reporting on FisheryProgress to share our commitment to reduce the risk of human and labor rights abuses in FIPs. FIPs demonstrate their shared commitment to these values by signing the FisheryProgress Human Rights Code of Conduct

By signing the Code of Conduct, signatories commit to improve understanding and mitigation of the human and labor rights risks in their FIP, as defined by the principles detailed in the Code of Conduct and as applicable to their role and the vessels and fishers in the FIP. This commitment endures throughout the time the FIP is active on FisheryProgress.

The FIP lead is responsible for ensuring that all current and future FIP participants are made aware of the Code of Conduct, and the expectation to uphold the values and principles included therein. This includes sharing the Code of Conduct in the language(s) they understand.

Scope and Applicability

FIPs commit to work toward the principles below as applicable to all vessels, fishers, and fisheries observers fishing and transporting catch within a FIP, whether fishing on shore or on a vessel, and whether or not they are formal participants in the FIP. These rights apply regardless of gender.

As explained in the UN Guiding Principles on Human Rights, the responsibility of businesses to respect human rights applies regardless of the size and context of the enterprise. However, FisheryProgress recognizes that small operators may have less capacity and more informal processes for ensuring the code of conduct is upheld. Some principles outlined in this code of conduct therefore have differentiated requirements based on the size of the vessels in the FIP.

Definitions

A **fisher** is defined as any person of any age or gender employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers.

A **fisheries observer** is an independent specialist authorized by fishery regulatory authorities to collect data to assist in the monitoring of commercial exploitation of marine resources (e.g., species caught and discarded, area fished, gear used). At-sea observers join the vessel during fishing trips but do not normally engage in fishing activities; they observe fishing practices as a third party, and report scientific and regulatory enforcement information to the management authority.

Large vessels are those which weigh 10 gross tons or more, or are longer than 12 meters.

Small vessels are those which weigh less than 10 gross tons and are shorter than 12 meters.

Definitions of other key terms in the code of conduct can be found in the FisheryProgress Human Rights and Social Responsibility Policy and the Social Responsibility Assessment (SRA) Tool for the Seafood Sector.

Principles

The Code of Conduct uses the Social Responsibility Assessment (SRA) Tool for the Seafood Sector as its foundation – the relevant SRA indicator(s) are noted below each principle.

1. There is no abuse or harassment.

For all vessels:

- There is no corporal punishment, mental or physical coercion, verbal abuse (significantly different than colloquial banter), gender-based violence, sexual harassment, or any other form of harassment, including excessive or abusive disciplinary action.
- Migrant status is not used as a threat or tool of coercion.
- Fishers' families or community members are not threatened by employers, buyers, labor brokers, or organized crime.
- There is no forced drug use; labor and/or product is not compensated for with drugs.
- Fisheries observers are able to conduct duties free from assault, harassment, interference, or bribery.

Based on SRA indicator: 1.1.1

2. There is no human trafficking or forced labor.

For large vessels with hired labor, regardless of whether fishers are employed directly by the fishery or indirectly through a recruiter/labor contractor

- There are no indicators of forced labor in the fishery, including: abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation or threats, retention of identity documents, withholding of wages, debt bondage, abusive living and working conditions, and excessive overtime.

Based on SRA indicator: 1.1.2a

For all other vessels:

- If the fisher is paying off debt to the cooperative, association, buyer, or permit holder (for equipment, permit fees, fuel costs, ice, etc.), they keep most of their income and a smaller percentage is used to pay back their debts.
- If the fisher is paying off debt to the cooperative, association, buyer, or permit holder, their debt has remained stable or decreased over time proportional to their income.
- The fisher is allowed to witness the product being weighed or graded to calculate their income.
- Interest rates charged to fishers are transparent and agreed upon in advance with fishers.

Based on SRA indicator: 1.1.2b

3. There is no child labor.

For all vessels:

- There is no evidence of hazardous child labor, including alongside family members.
- Work done by children is legal and appropriate for their development.
- Children below the legal age of employment are not employed as waged fishers.
- Children below the legal age of employment work alongside family members only if this does not interfere with schooling, and on tasks which do not harm their health, safety or morals.
- Children do not work at night.

Based on SRA indicator: 1.1.3

4. Freedom of association and the right to collective bargaining are respected.

For all vessels:

- Fishers are free to form worker/fisher organizations, including trade unions, to advocate for and protect their rights, and have the right to decide their own structure, policies, programs, priorities, etc., without employer interference. If the country restricts trade union rights, the company/fishery has provided a way for workers/fishers to organize and express grievances.
- Human rights defenders are not actively suppressed and there is no recent record of litigation by employers against human rights defenders.
- There is no discrimination against fishers who are members or leaders of organizations, unions, or cooperatives, and fishers are not dismissed for exercising their right to strike.

Based on SRA indicator: 1.1.4

5. Earnings and benefits are decent, transparent, and stable.

For vessels with waged fishers:

- Wages paid to fishers reflect equal remuneration.
- Wage levels and benefits meet the minimum legal requirements according to applicable labor laws of the workplace.
- Overtime wages are paid in accordance with minimum legal requirements, based on labor laws of the workplace.
- Wages paid to fishers are what was promised at the time of employment, are not withheld as a form of discipline, do not contain illegal deductions, are paid on time or directly to the fisher, and fishers do not go longer than one month without being paid.
- Employers legally contract employees.
- Fishers are aware of how their earnings or deductions are calculated and their rights to benefits, are allowed to witness procedures used to determine earnings (weighing, grading), and only sign contracts they understand with provisions for different languages or illiteracy.
- Fishers receive wage slips with deductions itemized or written receipts.

Based on SRA indicator: 1.1.5

For all other vessels: Not applicable.

6. Fishers enjoy adequate rest.

For fishers who are not self-employed:

- There is a mechanism in place for fishers to record hours worked.
- Working hours meet the legal minimum requirements, and overtime hours are paid at a premium as required by law.
- Fishers have at least 10 hours of rest in a 24-hour period and at least 77 hours in a seven-day period.
- Overtime is voluntary.

Based on SRA indicator: 1.1.6

For self-employed fishers: Not applicable.

7. Fishers and observers have an adequate standard of living on board vessels.

For vessels which require live-aboard time:

- Sleeping quarters have adequate fire prevention and air ventilation, meet legal requirements,

and meet reasonable levels of safety, decency, hygiene, and comfort.

- Fisheries observers are provided adequate accommodation appropriate to the size of the monitored entity and equivalent to that of the officers of the monitored entity.
- Sanitary facilities (appropriate to vessel size) with adequate privacy are provided.
- Potable water is accessible to fishers.
- Fishers living on board have access to adequate and sanitary food at fair prices.

Based on SRA indicator: 1.1.7a

For all other vessels: Not applicable.

8. The working environment is safe, and there is an adequate medical response for workplace injuries.

For all vessels:

- Vessels on trips over three days carry a crew list and provide a copy to authorized persons ashore at the time of vessel departure (unless self-employed).
- Fishers and fisheries observers have access to communication equipment, or there is a radio on board for vessels over 24 meters.
- Adequate personal protective equipment (PPE) (i.e., life jackets) is provided on board at no cost (unless self-employed).
- Fishers are trained in health and safety procedures and on proper use of PPE and safe operation of any equipment they use (unless self-employed).
- The vessel complies with local/national safety and health regulations.

Based on SRA indicator: 1.1.8

- Adequate medical supplies are available (i.e., there is a first aid kit).
- On large vessels, there is a trained first aid responder.
- On large vessels making trips longer than three days, fishers have a valid medical certificate attesting to their fitness to work.
- Fishers are provided with medical care for workplace injuries and are repatriated if necessary at employer's expense.

Based on SRA indicator: 1.1.9

9. For fisheries which operate in or near a customary resource use area: rights and access to resources are respected, fairly allocated, and respectful of collective and indigenous rights.

For fisheries operating in or near customary use areas:

- Customary use rights have been mapped out using a participatory stakeholder process.
- The fishery observes the legal and customary rights of local people.
- Fishers are not denied or revoked of fishing rights due to discrimination (e.g., gender, ethnicity, religion, political affiliation) by authorities and/or other communities or entities.
- The fishery is not designated in an area legitimately claimed by communities without their documented Free, Prior, and Informed Consent.
- The fishery understands its impact on customary access to resources, and does not negatively impact adjacent communities, or restrict access to vital community resources without community approval.

Based on SRA indicator: 1.2.1

10. Fishers have access to effective, fair, and confidential grievance mechanisms.

For all vessels:

- Fishers have knowledge of and access to effective, fair, and confidential grievance mechanisms appropriate for and commensurate with the size and scale of fishery.
- There is no retaliation or prejudice against fishers who submit grievances, including gender-based prejudice or retaliation.

Based on SRA indicator: 2.1.1

11. There is no discrimination.

For all vessels:

- Fishers receive equal pay for work of equal value.
- There is no discrimination in recruitment promotion, access to training, access to permits, remuneration, allocation of work, termination of employment, retirement, ability to join unions or cooperatives, or other activities.
- There is no discrimination in access to benefits (e.g., health care, savings accounts, insurance, etc.).
- There is no compulsory pregnancy testing for female fishers.

Based on SRA indicator: 2.2.2