Note of Seafood Ethics Common Language Group meeting held at Friends House, London. Wednesday 14 January 2015

1. Welcome, introductions and apologies
Tom Pickerell welcomed everyone to the meeting.

Attendees
Andrew Mallison IFFO
Andy Hickman Consultant
Audrey Guichon Freedom Fund
Blake Lee-Harwood SFP
Catherine Dishington Co-op
Catherine Pazderka BRC
Charlotte Bury Tesco
Cindy Berman ETI
Dan Lee GAA
Dan Vexler Freedom Fund
Daniel Murphy Environmental Justice Foundation
David Dickens Fishermen’s Mission
David Hammond Human Rights at Sea
David Jarrad SAGB
David Parker Youngs Seafood
Denise Fraser Seafish
Elana Piana Seafarms
Estelle Brennan Lyons Seafoods
Gareth Bennell Aldi
Hannah Norbury BRAG
Helen Duggan Seafish
Helen McTaggart M&S
Henrietta Lake Sainsbury’s
Huw Thomas Morrisons
Iain Pollard SFP
John Munro BRC
Justine Currell Home Office
Karen Green Seafish (Minutes)
Kevin Powell Icelandic Seachill
Klara Skrivankova Anti Slavery International
Laky Zervudachi Direct Seafoods
Laura Falk Sainsbury’s
Libby Woodhatch Seafish
Lucy Blow New England Seafood
Malcolm Morrison SFF
Marcus Wilert Waitrose
Mel Groundsell Seafish
Melville Miles FreshTime
Michaela Archer Seafish
Mike Short FDF
Paul Williams Seafish
Peter Redmond GAA
Apologies
Aisha Aswani   Co-op
Ally Dingwall   Sainsbury’s
Dale Rodmell   NFFO
Debbie Coulter   ETI
Francisco Aldon   IFFO
Irene Andrews   North Western Inshore Fisheries and Conservation Authority
Mike Berthet   M&J Seafoods
Nigel Edwards   Icelandic Seachill
Peter Stedman   Tesco
Steve Trent   EJF
Toby Middleton   MSC
Yemi Oloruntuyi   MSC

2. Minutes of the previous meeting and outstanding actions. Tom Pickerell, Seafish
The minutes from the meeting on 17 July 2014 were accepted. These have been added to
the Seafish website. Following the previous meeting, before any action plan could be
developed, Seafish was required to report back to its Board, with a Board sub-group meeting
convened to determine how Seafish could best support this area of work. The outcome of
this meeting was that the sub-group was supportive and from 1 April 2015 the Seafish
strapline will include the terms ‘to support a profitable, sustainable and socially responsible
seafood industry’. Seafish will also have a dedicated seafood integrity work programme
which will be led by Michaela Archer. This will cover product issues, animal welfare and
ethics (people/labour issues).

A letter was sent to the Home Office, requesting a meeting with the Minister for Modern
Slavery and Organised Crime. This letter, and the Home Office response, was circulated to
the group. There was a positive response, and whilst a meeting with the Minister has not
been arranged the letter has alerted the Home Office to the existence of this group and a
Home Office representative is presenting today.

3. The group moving forward. Tom Pickerell, Seafish
The group is now being called the Seafood Ethics Common Language Group. This reflects
the view of the Seafish Board sub-group about how Seafish can best support the ethics
agenda. It will be a single issue group, focussing on ethics, and will act as a hub for the
exchange of information. In addition Seafish wants to form a smaller working group which
will help Seafish develop and plan future work in this area.

The letter to the Home Office highlighted the difficulty of having a Seafish Chair (as the
Seafish remit does not permit any form of lobbying). Estelle Brennan from Lyons Seafoods
has volunteered and was endorsed at the meeting as the new Chair of the group. A revised
Terms of Reference (TOR) for the group had been circulated, and was tabled.
**Actions**

3.1. Email Karen Green k.green@seafish.co.uk if you would like to be involved in the smaller working group.

3.2. Email Karen Green k.green@seafish.co.uk if you have any comments on the TOR.

**Focus on developments in the UK**


*http://www.seafish.org/media/1338548/seafoodethicsclg_jan2015_homeofficemsb.pdf*

Justine outlined the progress of the Bill. The original draft Bill was quite limited at the start but after consulting new clauses were introduced namely: increased maritime powers at the request of the Maritime and Coastal Agency (MCA) to clear up the ambiguity in police powers and allow better access to vessels, both inside and outside the 12-mile limit; a clause on transparency in supply chains which will hopefully balance the impact on business with a recognition of the need to do something. The government Modern Slavery Strategy was published in December 2014. The Modern Slavery Bill is currently in the House of Lords and the hope is that this will pass through Parliament by the end of March.

**Discussion**

- **Q.** There is a perception that all the agencies that are involved in maritime enforcement are not very joined up. Will this Bill go any way towards joining up Government agencies? **Answer.** There will be a transition phase, but we recognise there are issues with regards to the Border Force and specialist trafficking teams are being set up within the Border Agency. These agencies are now held to account through monthly Minister-led meetings. We will be driving this from the centre and looking at the operational side.

- **Q.** Can you please explain how the consultation on the transparency clause will work? **Answer.** This is being worked on at the moment and will be launched soon. Copies will be provided to all key contacts and a number of key events are planned.

- **Q.** Given the international supply channels into the UK is there a mechanism for UK Government to establish dialogue with Governments in other countries where there may be labour issues. **Answer.** The Foreign and Commonwealth Office is actively working in this area and there is a list of target countries with country and business plans in the pipeline.

- **Q.** Did the MSB outreach activities to target different industry sectors get much feedback? **Answer.** We did reach a number of umbrella bodies but there are a number of sectors that have not taken up the offer of dialogue.

- **Q.** Is there any parallel work (similar to the MSB) going on in other parts of the world that we could reference or learn from? **Answer.** The only other place is California, but this is at state level not federal. The EU is looking very closely at what we are doing.

- **Q.** What is the latest view on the Gangmaster Licensing Authority (GLA)? **Answer.** There is a very clear steer that the GLA remit should be expanded and policy development is in the pipeline with licensing and enforcement being looked at. The GLA is a fundamental part of how the Government tackles modern slavery.

- **Q.** Is there any indication of what the company turnover threshold is likely to be? **Answer.** In California this has been set at $100 million (£60 million), but the Government is currently open-minded on this. It will be linked to the annual statement. There will be examples in the annual Home Office guidance.

- **Q.** What type of information will be needed for an anti-slavery statement? **Answer.** There is nothing as yet on this but guidance will be issued. Care needs to be taken not to be too prescriptive and we need to be sure what we produce is helpful.

- **Q.** The Scottish Government are looking at an additional Bill to address arrest at sea, how does this fit with the MSB? **Answer.** There will be synergy between the two bills.
**Action:** Circulate details on the consultation on the transparency clause within the MSB when published.


http://www.seafish.org/media/1338551/seafoodethicsclg_jan2015_brcmsb.pdf

Catherine highlighted the timeline for BRC activity re the progress of the Modern Slavery Bill. The aim is to strengthen the current transparency in supply chain clause and bring the public sector into the scope of the reporting requirements; and make the turnover threshold low enough to be effective, align it with established ‘business size’ definitions elsewhere in legislation and make an exemption for the smallest businesses i.e. a turnover equivalent to a company defined as a ‘Medium’ or ‘Large’ by the Companies Act 2006. They also want a reporting framework on the face of the Bill but without being overly prescriptive to include: policy commitments; actions taken to identify, assess and mitigate the risk of slavery and human trafficking occurring in the supply chain; and any other such information prescribed in regulations made by the Secretary of State. The BRC will be consulting with members on this. In addition the BRC is about to publish an IUU (Illegal, Unreported, Unregulated) due diligence guide.

- Q. With regard to the anti-slavery statement how far down the supply chain should a company look? Answer. There are different issues at each level of the supply chain so it is difficult to be too prescriptive, but this is where RFS could be useful and discussions are ongoing with BRC.
- The IUU work and better vessel registration will help supply chain transparency.
- The Seafood Summit in New Orleans at the beginning of February will be looking at human rights abuses in the seafood supply chain.


**Discussion**

- Fishermen’s organisations have been working with Government on the new clauses now included within the MSB.
- A joined-up inspection programme to effectively address labour issues on vessels quickly and efficiently is crucial and is an issue for the UK as a whole.
- There was reference to UK territorial waters and 12 nm out to sea. Q. How far out can the inspection rules be enforced? Answer. There are only three inspection vessels in the whole UK force and they do not go beyond 12 nm.
- Q. Could the MSB stretch beyond UK territorial waters to the Falklands and the Indian Ocean for example. Answer. This will depend on the flag of the vessel. In the Falklands they licence vessels to fish in their waters, they should stipulate the conditions.

7. Progress on the Responsible Fishing Scheme (RFS). Helen Duggan, Seafish


Progress on RFS from July to December 2014 has included the drafting of the single handed and crewed vessel standards; test audits to prove it’s workable in practice; and public consultation feedback incorporated into final drafts. The next steps are for the standards to be signed off by RFS Oversight Board; review the crew welfare and integrity clauses; support the certification body in carrying out pilot audits to finalise the audit methodology; and commence the process to confirm ISO-17065 compliance. There is a programme of activity leading to an official re-launch of RFS in the UK in summer 2015.

**Discussion**

- Q. What methodology have you used for the pilot audits? Answer. Up until now the pilot audits have been used to bring the Certification Body (FCI) up to speed. The first true pilots will be in February.
• Q. The retail sector want to work with this - is there anything that can be shared at the moment? Answer. Many retailers are already engaged and we will be able to share further detail soon.

• Q. This is a voluntary scheme which we are all backing, but what is going to happen if a vessel fails the audit, what is the follow up? Answer. We are working with FCI to establish a robust process to address issues and make sure the right processes are put in place.

• Global interest is significant, driven by industry on the back of large imports. Potential Fishery Improvement Projects have been identified.

• Q. How is RFS, as a private certification scheme, going to work in connection with confidentiality and law enforcement? Answer. The audit report will not be in the public domain, but the results of the certification process will be on the Seafish website. There will have to be an opportunity for vessel owners to resolve any issues before anything is publicised.

• Possibility to collaborate on the development of the Chain of Custody is being discussed with the Marine Stewardship Council.

• There are also discussions with the International Marine Ingredients Organisation (IFFO) concerning IFFO Responsible Sourcing standard.

8. Knowledge re progress of ILO 188 (Work in Fishing Convention)
The social partner agreement on transposing ILO 188 into EU law was mentioned. This agreement was signed on 21 May 2012 by representatives of the European Union’s employers and trade unions in the sea fisheries sector to ensure that fishermen have decent working conditions on board fishing vessels with regard to minimum requirements for conditions of service, accommodation and food, occupational safety and health protection, medical care, and social security. This agreement implements at EU level the International Labour Organisation (ILO) Convention on "Work in the fishing sector". The EU social partners intend to ask the Commission to present their Agreement to the EU's Council of Ministers in order to implement it through an EU Directive, in accordance with Article 155 of the Treaty on the Functioning of the EU, and so make the rules legally binding in the EU and enable speedier ratification of the ILO Convention. This has not yet happened. It is unlikely the UK will adopt ILO 188 until it has been adopted by the EU.

A new book was mentioned. Fishers and Plunderers: Theft, Slavery and Violence at Sea by Alastair Couper, Hance D Smith and Bruno Ciceri. This will be an academic overview of slavery in the fishing industry. Release date April 2015

Focus on developments in Thailand

10. Overview of the current position in Thailand. Steve Bridges, CP Foods
CP Foods outlined their view on the current position in Thailand and three key areas of work: bringing together all eight seafood industry associations in Thailand to form the Thai Sustainable Fishmeal Roundtable (TSFR); TSFR engaging directly with the Thai Government to develop long-term, sustainable solutions for Industry; TSFR is now working with NGO’s to develop and implement Fishery Improvement Projects for the Gulf of Thailand and Andaman Sea. He also mentioned the Shrimp Feed Task Force (originally called the CP Task Force), which is an industry alliance with three objectives – tack and trace, codes of conduct at port and FIPs. The Thai Government is in good dialogue with this group. A progress report will be issued by the end of March.
Discussion

- Q. To what extent do you think there is visibility of the vessels involved in fishmeal production? Answer. There is a lot more visibility today but we should still know more.
- Q. With issues surrounding the monitoring of boats – where has the breakdown in monitoring occurred? Answer. There has been an agreement with the Department of Fisheries in Thailand for crew manifestos. In October this covered 200 vessels and the vessel numbers have gone up since. However it has already been recognised that this is generating a lot of paperwork and there is limited capacity to do more.
- What industry needs is documentation at all stages of the supply chain and there are many issues that need to be addressed in such a complicated supply chain.
- Q. Is the crew manifesto, and other initiatives including monitoring port in/port out, addressing potential abuses on board fishing vessels? Answer. This is long-term – it is all about transparency and visibility at the moment. The Thai Government is under huge pressure. There is a political will for change and pressure from Western countries.
- An article in Reuters mentions 380 vessels catching fish for fishmeal production are in compliance.
- Q. What is the Thai Government’s political will? Answer. Two years ago in Thailand, no-one wanted to talk, but by July 2014 12 Government Departments were providing representation. By October 2014, the Department of Fisheries was asking the Task Force for support.
- CP Foods has its own leverage and has changed its stance. Two years ago there was no engagement across industry, now there is a two-way conversation. The Task Force has the real leverage, especially due to the fact that Thai companies are involved, not just CP but TRF and TUF and these companies account for 80% of the fishmeal produced in Thailand.
- Q. Is what is happening in Thailand going to be a model for other countries? Answer. Issues will be different elsewhere but the solutions could be mirrored.

11. Ethical Trading Initiative. Nick Kightley, ETI.
ETI are still looking at their strategy concerning Thailand and are adopting a tripartite approach involving companies, unions and NGO’s. The movement for change is slow and ETI would like to move faster and encourage more third-party working.

ETI has been working closely with BRC to build a common consensus position around the MSB, as well as horizon-scanning on human rights issues and engaging more with Trade Unions. ETI is also developing a new partnership with the GLA and Derby University to better understand skills and expertise, and professional development. There is a need to develop skill building around the risks of forced labour and a requirement for policies which cover due diligence and professional development,

**Action:** To provide information to the group on the Buyer Reference Group formed from the Good Labour Practice (GLP) ILO task Force group meeting in February re Thailand.

12. Environmental Justice Foundation. Daniel Murphy, EJF
Daniel highlighted that there are still cases of abuse but such an ingrained issue is not going to be solved in one year. There is a stronger Government rhetoric from the military Government, but some key stakeholders continue to deny there are any problems. There are positive ‘baby steps’ but major issues remain. In 2015 a 20% increase of seafood exports from Thailand is expected. In 2015 it is expected industry will recover but trade barriers will increase - there will be pressure re the EU Free Trade Agreement. There is pressure around illegal fishing with an IUU yellow card for Thailand expected in February and a new EJF
report also expected in February. There is a government and industry campaign for a TIP rating upgrade. There is an expectation of continuing occurrence and reports of abuse.

Discussion

- Q. With the focus on Thailand is there a danger we just move the problem elsewhere? Should we focus on a wider region? Answer. That is a valid concern and we have already seen some displacement with the shrimp supply chain but Thailand is a priority case.

13. Anti-Slavery International Project Issara. Andy Hickman, Consultant
There have been 202 calls to the hotline from the fisheries sectors in 2014. Cases still being reported in different parts of the seafood/fisheries sector – fishing boats, shrimp processing, peeling sheds, other smaller, labour-intensive factories. It is difficult to ascertain true scale given the amounts of fish being landed in Thailand with weak or no traceability and the number of boats staying at sea. The uneven use of and awareness of the new integration process to combat IUU fishing (including the Marine Catch Purchasing Document (MCPD); human trafficking; the use of forced/child labour; the lack of physical verification of product and landings; and weak links to labour are cited as key issues. There is uncertainty over extent of transition to different inputs (i.e. non “trash fish” inputs). The MCPD is currently voluntary, not statutory. It is meant to be introduced by March 2015 and is the basis of a traceability system, and includes the following: IUU catch certificate; Port in/port out checks (photos, passports & thumb prints); DSI (Dept. of Serious Investigations) background checks for owners and skippers; The vessel must be on the Registry; Ministry of Labour will undertake an audit twice a year. There is generally a lack of complaints through reporting mechanisms for migrant workers.

Discussion

- Q. Are you aware of successful prosecutions? Answer. There is one example of a major trafficker being prosecuted but the vessel owner faced no consequences.
- Q. Should industry stick with the MCPD process or impose something else? Answer. MCPD could work well if the proper verification processes are there.
- There was mention that the Thai Permanent Secretary for Labour, General Kanchanarat, has confirmed that a pilot scheme in Samut Sakhon will go ahead with 176 inmates aged 18 to 25. It has been maintained that this is purely an occupational development scheme for prisoners rather than a measure intended to address labour shortages/human trafficking. However it has since been confirmed that this scheme will not be going ahead.

Action: Circulate the letter sent by more than a dozen labour and human rights organizations to Thai Prime Minister Prayut Chan-o-cha, asking him to end a pilot project to recruit prisoners from Thailand’s correctional facilities to fill a labour shortage in the fishing industry.

Dan explained that the Freedom Fund was a new foundation set up by Humanity United, the Walk Free Foundation and the Legatum Foundation to combat modern slavery. They were in the process of developing a strategy and grants program focused on the Thai seafood industry which will build on the work of Humanity United with a budget of $4.5 million over three years. They have identified three prime areas: vulnerability of migrants as they arrive in Thailand; the seafood industry itself which has aspects which encourage exploitation such as long haul vessels; the legal/regulatory environment with inspections at sea not happening. The project will focus on supporting technical solutions, supporting civil society in Thailand with grass roots initiatives; incentivising the private sector; supporting research and investigations that keep the issue in the spotlight, keeping pressure on the Thai Government.
Best practice/next steps

15. What has happened in New Zealand. David Hammond, HRAS.  
Explained what Human Rights at Sea is trying to do and illustrated the positive steps that had been taken in New Zealand.

Discussion

- Questions surrounding whether retailers could ask to only buy from vessels carrying specific national flags. This brings into account the jurisdiction of flag states.
- Retailers should include human rights clauses in their contracts – which would then be cancelled if there was evidence of abuse in the supply chain.
- An ethical risk assessment of the supply chain should highlight any issues along the chain.

Action:

15.1 Circulate link to ChainChecker online tool.
15.2 Circulate links to New Zealand videos.
15.3 Circulate details on Human Rights at Sea first global ‘Missing Seafarers Reporting Programme’.

16. Seafish work - Global mapping of ethical issues in the seafood supply chain.  
Michaela Archer, Seafish.  
The tender was issued in December with a closing date for responses of 23 January. The deadline for the completion of the project is 31 July 2015. The scope of the project will cover: domestic landings and imports (all countries); all seafood species; all sectors of the supply chain; all issues relating to labour and human rights; the current situation; known issues; horizon scanning - future issues, risks; mapping issues - known and emerging; best practice - how and where issues have been resolved; organisations involved and their activities. This will feed into the Risk Assessment for Sourcing Seafood (RASS) tool.

17. Date of the next meeting.
This was not discussed but likely to be July 2015.