

GUIDANCE FOR FISHWORKER-DRIVEN APPROACHES TO HUMAN RIGHTS DUE DILIGENCE

A step-by-step guide for practitioners on centering fishworkers and their communities in the context of fisheries management

INTRODUCTION

As industry stakeholders, governments, and civil society organizations develop tools and strategies for socially responsible fisheries and aquaculture, prioritizing respect for fishers' and workers' human rights is essential.

Participation in supply chain governance processes is not inherently equitable or democratic. Vulnerable and marginalized groups face structural barriers to fully participate in or benefit from these processes.

To ensure seafood sustainability initiatives are genuinely socially responsible and deliver benefits to fishers, workers, and local communities (collectively referred to as fishworkers), they must center the voices, participation, and leadership of fishworkers themselves. **As human rights due diligence becomes mandatory and is more frequently embedded in seafood business practice, care must be taken to ensure that these measures are not top-down, exclusionary, lack transparency, or result in further harm for fishworkers.**

Hence, a **fishworker-driven approach** should be central to human rights due diligence and supply chain governance. This ensures that the outcomes of human rights due diligence processes reflect the lived reality of fishworkers, and lead to necessary changes for fishworkers without adversely impacting others in the supply chain (i.e., women, migrant workers, fish processors, etc.)

What is Human Rights Due Diligence?

Human Rights Due Diligence (HRDD) is a proactive approach that enables enterprises and civil society actors to identify, prevent, and address human rights risks within their operations, contracts, and supply chains, ensuring compliance with international standards.

Governments, businesses, and civil society actors in the fisheries sector are obligated to follow the [United Nations Guiding Principles on Business and Human Rights \(UNGPs\)](#), based on the "Ruggie Principles" of Protect, Respect, and Remedy. At a minimum, businesses must uphold the [International Bill of Human Rights](#) and the [International Labour Organization's Declaration on Fundamental Principles and Rights at Work](#).

Meanwhile, private conservation actors and funders should review and adhere to the [Core Human Rights Principles for Private Conservation Organizations and Funders](#) outlined by the UNEP.

Sector-specific criteria for effective HRDD in fisheries is further clarified by [Global Labour Justice's Essential Elements for Effective Social Responsibility in the Seafood Sector](#).

As defined by Global Labour Justice, fishworker-driven supply chain governance models must be based on four '[Essential Elements](#)':

- (1) Genuine worker representation
- (2) Comprehensive and transparent risk assessment and verification of workplace compliance
- (3) Legally-binding and enforceable agreements
- (4) Changes to brand purchasing practices

The [United Nations Guiding Principles on Business and Human Rights \(UNGPs\)](#) requires businesses to:

- Make a policy commitment to meet their responsibility to respect human rights
- Implement an HRDD process to:
 - Identify and assess actual and potential human rights impacts
 - Integrate and act on findings to prevent and mitigate human rights impacts
 - Track and account for responses
 - Communicate how impacts are addressed
- Implement processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute

What is a Fishworker-Driven Approach?

A fishworker-driven approach ensures the democratic participation of coastal communities, fishworkers and their representatives in supply chain governance. Active engagement and representation at both the workplace and transnational levels are essential, particularly in globally traded and highly consolidated commodities such as seafood.

The [Worker-driven Social Responsibility \(WSR\) Network](#) has established a guiding framework for worker-driven models as an alternative to standard (and often inadequate) corporate social responsibility models, based on empirical case studies such as the [Bangladesh Accord](#) and the [Fair Foods Program by the Coalition of Immokalee Workers](#).

Additionally, the [United Nation's Sustainable Development Goals](#) and the [International Labour Organisation's Decent Work](#) agenda both emphasize the importance of “responsive, inclusive, participatory and representative decision-making at all levels.”

Fishworker-driven approaches to HRDD may look very different across fisheries at different scales because of unique contextual challenges; the [FAO's Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries](#) provide important guidance for promoting fishworkers' rights and community engagement.



What does this guidance do?

The step-by-step guidance below embeds a fishworker-driven approach within the human rights due diligence process. It uses the four core components of undertaking an HRDD process as specified by the UNGPs, and integrates the first two elements of Global Labour Justice's Four Essential Elements within it (see Box on Page 1). It does not build out principles (3) or (4). Thus, we strongly urge that this guidance is not used in isolation, but embedded within a holistic fishworker-driven approach that also integrates legally binding instruments and changes to brand purchasing practices.

How was this guidance created?

This guidance document was a collaborative effort from several critical organizations part of the seafood sector community of practice, namely: Global Labour Justice (GLJ), Worker Driven Social Responsibility Network (WSRN), Environmental Justice Foundation (EJF), Serve the People Association, Taoyuan (SPA), Yilan Migrant Fisherman Union, ProNatura- Mexico, ABALOBI, Blue Ventures, CI- Costa Rica, and fishing community partners.

Best practices for engaging fishworkers were distilled through a series of virtual and in-person workshops and consultations with fishworkers and their representative organizations, industrial fisheries' labor and human rights community of practice, small-scale fisheries' human rights community of practice, and fishing community partners.

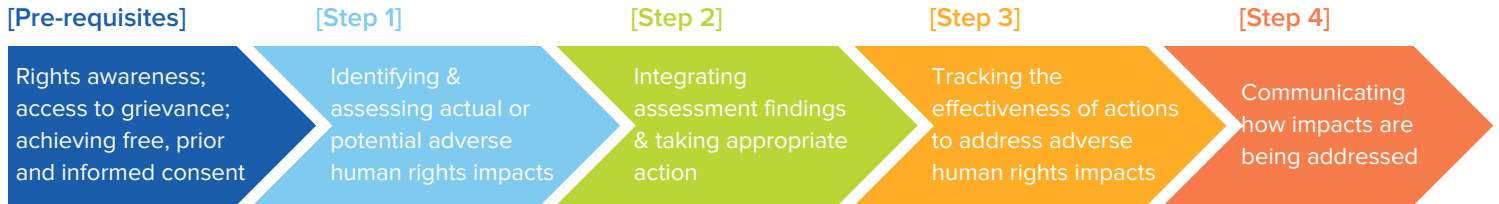
How should this guidance be used?

This guidance is intended for anyone engaging in a social responsibility initiative in a supply chain (e.g., a FIP lead, a supply chain actor interested in HRDD, or someone conducting a human rights risk assessment). It is meant to provide broad direction for embedding a fishworker-driven approach in the HRDD process, but will need to be adapted for specific contexts and communities based on specified needs.

STEP-BY-STEP GUIDANCE

Below we describe specific recommendations for implementing a fishworker-driven approach at each step of the HRDD process.

Steps in the HRDD Process



Pre-Requisites to HRDD

As pre-requisites to implementing a HRDD process, it is important to ensure that rightsholders are aware of their rights, have access to grievance mechanisms, and have free, prior, and informed consent (FPIC). The following criteria ensure a fishworker-driven approach is utilized throughout the HRDD process.



Understand, respect, and support the rights of Indigenous Peoples and Local Communities.

This includes formal and customary rights to or use of lands, territories, and resources in the context of any project activity.



Obtain Free, Prior, and Informed Consent (FPIC) from those affected

Ensure that FPIC is secured from fishworkers and fishing communities prior to any activity that may affect Indigenous Peoples' and Local Communities' rights, land, resources, territories, livelihoods, culture and food security.



Set Overriding HRDD Objectives that stand above all other interests

Ensure participating entities understand the intention of HRDD to (i) reflect the lived reality of working conditions and (ii) improve those conditions for fishworkers in the supply chain.



Ensure fishworkers know their rights and responsibilities, including their right to associate freely.

It is crucial to build capacity of rights holders by training fishers, fishworkers and their communities on their rights, and facilitating access to mechanisms for claiming their rights, so that they are able to participate effectively in the HRDD process.



Facilitate freely associated formation of a fishworker committee or advisory group.

Where there are restrictions to fishworkers' rights to form or join a representative organization of their choosing, an alternative means for ensuring worker participation and representation such as a fishworker committee, fishworker association, or other equivalent entity, can be put in place.



Develop & implement effective grievance mechanisms, and schedule periodic reviews.

Mechanisms to effectively capture fishworker grievances, feedback, experience and needs must be put in place. The grievance process should revolve around local mediators, chosen and trusted by fishworkers and their communities. Remediation should be time bound, with clear lines for accountability and follow up.



[Step 1] Identifying and assessing actual or potential adverse human rights impacts

Recognizing that an enterprise or initiative may cause or contribute to adverse human rights impacts through its own activities and operations or through products or services linked by its business relationships, the first step in the HRDD process is to **identify and assess any actual or potential adverse impacts** to human rights. Taking a fishworker-driven approach to this process of identification and assessment involves:



Ensuring that human rights risk assessments are process- rather than outcome-driven:

Ensure fishworkers and their communities and/or representative organizations are familiar with the HRDD process and have a comprehensive understanding of the human rights risk assessment phase and associated tools for determining risks, violations, and instances of non-compliance.



Ensuring active, free, effective, meaningful and informed participation of fishworkers:

Ensure fishworkers and/or fishing communities are actively participating in data collection processes and engaging their representative groups when relevant. Additionally, using gender-sensitive approaches and collecting gender-disaggregated data will help ensure diverse voices are contributing to the process.



Facilitating collaborations with local civil society organizations or human and labour rights groups:

Local, independent civil society organizations and/or local representative human and labour rights experts should undertake or support the human rights risk assessment process to ensure alignment with fishworkers' interests and remove barriers to reporting grievances.



Communicating results of the assessments back to the fishworkers/communities and their representatives:

After all human rights risk or needs assessments are completed, results of the assessments should be communicated back to fishworkers and communities, to discuss the findings, integrate feedback, and agree upon what is done with the results of the assessment.

[Step 2] Integrating findings from impact assessments and taking appropriate action

The next step in the HRDD process is to **co-design and implement appropriate action plans** to correct or remediate actual adverse impacts and avoid potential impacts that were found in the assessments, according to the entity's or initiative's involvement in the impact. Corrective action plans should seek to address actual and potential risk, remedy human and labour rights violations, and compensate workers, where appropriate. Key considerations for approaching action plans in a fishworker-centric way include:



Involving fishworkers and their communities in designing and reporting on the action plan:

Engage trusted, knowledgeable members of the fishworkers' own community or representative groups to co-determine priority issue areas and co-develop action plans. Ensure all affected demographic groups (e.g., women) are represented in the design of the plan and agree on the outcome.



Embedding 'PANTHER' human rights principles within the process of co-developing action plans:

The participation and accountability of relevant rightsholders, duty bearers, and other actors (such as fishworkers, government, the brand/retailer, and the fishing company/employer) is critical to operationalize the changes outlined in the action plan. Should a dispute or tension arise due to the remediated action, an effective dispute mechanism should be used to mediate the dispute.

The Social Responsibility Assessment (SRA) tool:



The [Social Responsibility Assessment tool \(SRA\)](#) was co-developed as a collaborative resource by more than two-dozen organizations, led by Conservation International.

It is an example of a social or human rights risk assessment methodology for seafood supply chains, to be used as part of a holistic human rights due diligence process.

'PANTHER' Human Rights Principles:

- Participation
- Accountability
- Non-discrimination
- Transparency
- Human Dignity
- Empowerment
- Rule of Law



[Step 3] Tracking the effectiveness of actions to address adverse human rights impacts



Embedding 'PANTHER' human rights principles within monitoring & verification of action plans:

Similar to the process of designing action plans, it will be important to ensure that fishworkers have agency and support to engage in the monitoring and verification of plans.

Ensuring fishworkers and their communities are actively participating in carrying out action plans and engaging their representative groups when relevant:



Ensure action plans are effective by, for example: ensuring that metrics and indicators of success are relevant to and co-developed with fishworkers, facilitating fishworker-led monitoring and evaluation to track metrics and indicators, ensuring workers feel free and safe to speak and feel protected from retaliation, benchmarking social improvements over time and readjusting workplan activities accordingly, creating a channel for ongoing feedback from fishworkers, etc.



Establishing internal monitoring and improvement processes, led by fishworkers and communities, to ensure human rights risks and impacts continue to be addressed:

Engage trusted, knowledgeable members of the fishworkers' own community (i.e., through fishworkers, representative committees or advisory groups) to track the effectiveness of action plans. Provide training and compensation for fishworkers to monitor improvements.

[Step 4] Communicating to rightsholders and stakeholders how impacts are being addressed



Communicating how impacts are being addressed back to participating rightsholders and stakeholders:

Improvements, indicators, and results from action plans must be reported to affected and relevant rightsholders, including fishworkers and their representative organizations and communities, in a context-appropriate way, and/or made available on public transparency platforms if relevant or desired. Public institutions should be engaged when relevant.



Discussing the findings together, integrating feedback, and elevating fishworker voices:

Findings and results should be discussed with rightsholders and other actors and feedback should be integrated into the next iteration of action plans. Cross sectoral partnerships may be formed to elevate the voices of fishers, workers, and communities in international policy circles and within seafood supply chains, and to support the desires of fishworkers and promote the actions of local civil society organizations.



ADDITIONAL CONSIDERATIONS FOR SMALL-SCALE FISHERIES:

Small-scale fisheries (SSF) may require unique, context-specific considerations for a fishworker-driven HRDD process. While these considerations may be relevant for other fisheries, they are especially important for SSF.

Understand social stratification and power dynamics within fishing communities:

Prior to engaging fishworkers in a supply chain intervention, attempts must be made to understand contextual differences within and among stakeholders, rights holders, and demographic groups potentially affected by the intervention to avoid unintended outcomes and to ensure equitable opportunity to benefit. This is particularly important for marginalized groups such as women, children, migrants, Indigenous Peoples, minorities, etc.

Consult with key informants and different demographic groups of the fishing communities:

Conduct outreach meetings with fishing communities, their leaders, and different demographic groups as necessary to clearly communicate the intended project activities and any anticipated risks or benefits following FPIC protocols. Present information in accessible and relevant languages, and ensure consultation timing, location, and other logistical details allows for maximized participation, especially of marginalized groups.

Respect and understand different forms of organization:

Understand that there are many different forms of organization in small-scale fishing communities and respect the diverse ways in which fishworkers feel comfortable organizing.

Respect and understand different forms of grievance mechanisms:

Grievance mechanisms in small-scale fishing communities may look very different from a corporate fishing entity. Diverse ways of reporting grievances must be integrated into the initiative.

De-risk involvement and minimize costs for fishworkers in the design and implementation of improvement plans:

Design projects or intervention activities in a way that minimizes costs (both monetary and non-monetary) and equitably distributes benefits to fishworkers, their communities, and organizations with attention to inequities and power differentials across different demographic groups. For example, by compensating for time, providing food in working sessions, choosing venues and times that are accessible, and fairly assigning roles and responsibilities in the improvement plan in consideration of differences in potential contributions by different demographic groups. Prioritize activities in the improvement plan that will result in short- to intermediate-term benefits or improvement for fishworkers (within 1 year). When relevant and feasible involve public institutions in improvement plan design, implementation, and monitoring.

Support decentralized data visualization and ownership through tech platforms and other means:

Provide novel and transparent ways for fishworkers to understand and visualize improvements and remediation, provide easy access to data for fishworkers (in an anonymized way that protects other fishworkers), engage fishworkers in co-design of reporting and data visualization platforms.

In addition to assessing actual and potential risks of labor violations, assess the full suite of human rights that are critical to uphold in small-scale fishing communities:

These include Economic, Social, and Cultural rights such as rights to food, water, decent work, standard of living, and rights of women, children, and migrants. Human and labor rights risk assessments must not stop at the fishing vessel but must include onshore pre- and post-harvest fishworkers so that demographic groups such as women and children are not excluded from risk assessments.



APPENDIX A. ROLES AND RESPONSIBILITIES

of Different Supply Chain Actors

A diverse range of actors may be involved in supporting a fishworker-driven approach to HRDD. The graphic below highlights some key roles and responsibilities of the government, supply chain actors (e.g., buyers, brands, retailers), fishworker organizations and fishworkers, fishing companies, and international NGOs in supporting social responsibility throughout the seafood supply chain. Prior to implementing a HRDD process, the relationship and reporting structure between all participating entities should be transparent.

AUTHORITIES & GOVERNMENT

Legal system, Fishery Management, Labour Department

- Duty to respect, fulfill and protect the human rights of fishworkers by:
 - Mandating HRDD, port inspections, onboard monitoring systems, and grievance mechanisms.
 - Ratifying relevant human rights and labor conventions (i.e. ILO C.188) and embedding these within domestic legislation
 - Promoting participatory management systems, such as co-management, and involving fishworker representative groups and fishing communities in the design, implementation, and monitoring of all management measures

BUYERS, BRANDS, & RETAILERS

- Implement, support, and finance HRDD throughout their supply chains
- Mandate respect for freedom of association and collective bargaining rights
- Implement democratic fishworker-driven social responsibility models at the workplace and transnational level
- Change brand purchasing practices to end systemic labor abuses by implementing binding and enforceable sourcing policies

FISHING COMPANIES & EMPLOYERS

- Respect all human and labor rights of fishworkers. Provide swift and effective remedy in the event of human and labor rights violations.
- Ensure fishworkers, and their unions, cooperatives, associations, or other representative organizations, are involved in all stages of design, training, implementation and governance of social responsibility projects.
- Comply with mandatory human rights due diligence
- Implement and comply with legally binding and enforceable agreements

FISHWORKERS

in Pre-harvest, Harvest, & Post-harvest

- Rightsholders, who must know their rights and be able to claim them
- Co-develop and co-implement Human Rights Due Diligence (HRDD) processes
- Must be supported to organize into freely associated representative groups

FISHWORKER ORGANIZATIONS

Unions, Committees, Cooperatives, Social Movements, Associations, and other Organizations

- Support data collection for human rights risk assessments and represent fishworkers' interests in the design of corrective action and monitoring plans
- Ensure the empowerment and representation of fishworkers on legal matters, freedom of association, and collective bargaining, and provide a direct route to remediation
- Ensure small-scale fisheries are organized

NGOS

Local, National, and International

- Responsibility to respect and not undermine the human rights of fishworkers and fishing communities
- Identify and remove financial, structural, language, and cultural barriers to fishworker participation and support rights awareness
- Build capacity in governments and businesses during fishworker-driven Human Rights Due Diligence processes