

MANDATING CORPORATE ACTION to End Forced Labour in Seafood Supply Chains

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Photo: Horizon Images/Melton / Alamy

INTRODUCTION

Forced labour in Canada’s international supply chains has become an increasingly glaring problem. This form of exploitation is endemic and growing in many industries around the globe.¹ The seafood industry is one in which it has been especially well-documented, by investigative reporters as well as bodies like the International Labour Organization.

In this report we examine the links between Canadian seafood imports and forced labour, the government’s policy response, and how Canada could better protect the rights of workers in fisheries, primarily by adopting a strong human rights due diligence law.


LABOUR ABUSE IN GLOBAL SEAFOOD PRODUCTION

Work in fishing is notoriously dangerous and [often deadly](#). Under typical conditions, crew on industrial fishing boats work long and irregular hours, perform physically gruelling tasks and handle dangerous equipment, all while facing the hazards of storms and other challenging weather conditions.

In well-managed fisheries, risks to workers’ well-being and rights can be minimized through strong and rigorously enforced labour

ILO Work in Fishing Convention

In 2007 the International Labour Organization (ILO) established a set of fishing work standards under Convention [188](#). These include minimum standards in fundamental areas such as working hours, rest hours and legal protection. Unfortunately, only [21 countries](#) have agreed to implement this convention. Canada is not one of them.



regulations, health and safety protocols, and fishing regulations. Many fisheries lack such robust controls, however, and this combined with the very nature of work in fishing can create an environment ripe for labour abuse.

Fishing vessels are mobile, isolated workplaces, and once at sea, a worker cannot simply refuse unsafe or abusive work and walk away. Ship owners or captains hold all the power to determine what workers eat, where they sleep, if they will receive medical attention when injured or sick, and when the boat will return to land. In some cases, workers remain at sea for years against their will.²

The industry's heavy reliance on migrant workers, on ships and in processing plants, further compounds the risk of abuse. Migrant workers are often afforded [weak legal protections](#), and are vulnerable to deception due to language barriers, unfamiliarity with local laws, and other difficulties of working in a foreign jurisdiction.

Many fishery workers thus face a high risk of becoming trapped in forced labour, which arises when a worker labours under conditions they did not agree to, under menace of a penalty should they refuse the work or try to leave. It has been documented in fisheries around the globe.

Many forced labour cases were reported in the mid-2010s, for example, by migrant workers from Myanmar and Cambodia employed in Thai fisheries.³ They were deceived into working under extremely poor and violent conditions, and often saw their wages and legal documents withheld – all common [indicators](#) of forced labour, according to the ILO. Their stories made headlines internationally, including [in Canada](#), sparking a new awareness of “seafood slavery” for many in the Global North.

Since then reforms have been undertaken in some fisheries aimed at ending the abuse. But stories of forced labour continue to emerge – among migrant workers in [Taiwan](#)'s distant water fisheries,

What about farmed seafood?

Unfortunately, forced labour can also be found in fish and seafood farming. It has been reported in India's farmed shrimp industry, for example, a major supplier of inexpensive shrimp to global markets. Corporate Accountability Lab (CAL) has [documented](#) widespread abuse across the industry, including debt bondage, hazardous working conditions, child labour and sexual harassment. Shrimp produced under such abusive conditions has been reportedly sold in the U.S. by dozens of retailers, brands and restaurant chains. Some of these companies operate in Canada as well, raising concern that this shrimp may also be entering the Canadian market.

for instance. This has spurred the U.S. to ban seafood originating from four Taiwanese fishing vessels and to add fish from Taiwan to a [formal list](#) of goods at high risk of being produced with forced or child labour.⁴

Last year investigative reporters with the Outlaw Ocean Project [exposed](#) widespread forced labour in China's fishing fleet, the largest in the world, and in its seafood processing industry. Past workers interviewed by the reporters [said](#) they had witnessed or suffered routine malnourishment, injury, threats and violence aboard the ships, with captains often refusing workers' requests to disembark for urgently needed medical attention. The reporters also point to evidence that thousands of [Uyghur](#) and [North Korean](#) workers have been forced to work in seafood processing plants on China's coast.

CANADA'S SEAFOOD IMPORTS TAINTED BY ABUSE

Canada has a significant domestic seafood sector, but what many Canadians may not realize is that this sector is largely for export. Almost [80 percent](#) of the seafood sold in Canada is imported, with imports [valued](#) at \$4.61 billion in 2021.

Canada imports significant volumes of seafood from industries considered high-risk for forced labour – the shrimp industry in India, for instance,⁵ as well as tuna fisheries in the Pacific and Indian oceans.⁶

Beyond this, we also know that Canada is importing seafood supplied by companies accused of either using forced workers in their own seafood harvesting or processing operations, or sourcing from other suppliers that do.

Forced labour in Canadian seafood production

Unfortunately, buying Canadian seafood is no guarantee of forced-labour-free production. Canada's seafood processing industry [employs](#) many migrant workers through the Temporary Foreign Workers Program. This program severely restricts workers' rights and has been [called](#) "a breeding ground for contemporary forms of slavery" by a United Nations special rapporteur. Participants working in seafood plants have [reported](#) overcrowded housing and poor living conditions, unpaid overtime, excessive work hours and a power imbalance that makes them vulnerable to illegal practices.

Canned tuna sold in Canada under the brand Clover Leaf is one example. Clover Leaf Seafoods is [owned by and sources](#) most of its tuna from Taiwanese company Fong Chun Formosa (FCF). In 2022 Greenpeace [reported](#) that FCF was sourcing tuna from more than twenty vessels that had employed forced workers, among other illegal or destructive practices.⁷ This includes one vessel, the Da Wang, whose catch is [banned](#) from U.S. importation, and whose captain and first mate have been [indicted](#) on forced-labour-related charges.


More recently, the Outlaw Ocean investigation revealed that seafood sold in Canada can be traced back to dozens of Chinese fishing vessels or seafood processors that have allegedly used forced workers. These findings are detailed in a [searchable tool](#) on the Outlaw Ocean website, which displays the links between reported abuse by specific Chinese companies and their customers around the globe.

More than twenty Canadian seafood importers are listed as having sourced from Chinese vessels or plants where forced labour is reportedly used. These importers in turn supply dozens of retailers across the country, including some of Canada's largest grocery chains.

The links between imported seafood and labour abuse are rarely this clear, however. Companies selling imported seafood in Canada are not required to track or report where or how the food was caught – details that could provide some insight into risk of human rights abuse.⁸

CANADA'S POLICY RESPONSE

The Canadian government's response to abuse in our seafood supply chains has been very limited, and focused largely on increasing transparency rather than accountability.



In 2019, the government committed to developing a “boat-to-plate seafood traceability program,” something that civil society groups have long advocated for. Years later, however, the government has not followed through. It has also signaled that under the eventual program importers will not likely be required to track their seafood back to the country it came from let alone the boat.⁹

More recently, the government supported the adoption of the *Fighting Against Forced Labour and Child Labour and Supply Chains Act*. This law [requires](#) large companies to merely publish reports describing steps they have taken, if any, to address such abuse in their supply chains.

Canada has adopted one legal provision that would in theory require a company buying seafood produced by forced workers to actually change its practices. Since July 2020, it has been prohibited under Canadian law to import any goods made with forced labour. Similar provisions are in force or planned in the United States, Mexico and the EU. Unfortunately, the Canadian prohibition has gone almost entirely [unenforced](#). The government has [promised legislation](#) to strengthen this prohibition, and moreover to “eradicate” forced labour in Canadian supply chains, but has revealed few details of what it is planning.

This policy response has left Canadians largely in the dark about the seafood they consume, and left brands at the top of the supply chain unaccountable for worker abuse. As other jurisdictions ramp up efforts to weed out labour abuse in fishing, the proportion of seafood tainted with forced labour coming to Canada could increase as these products are diverted from other markets.

MANDATORY DUE DILIGENCE AS A PATHWAY TO ENDING THE ABUSE

No single solution will end the use of forced labour in global seafood production. A comprehensive strategy is needed. An essential component, however, must be corporate accountability at all tiers of the supply chain. There should be a means to hold responsible a seafood company that sources from a supplier it knows is using forced workers, and takes no meaningful steps to end the abuse.

A mandatory human rights due diligence law would make this possible, and a detailed [model](#) for this has already been developed for Canada by the Canadian Network on Corporate Accountability (CNCA). Legislation based on this model, the proposed [Corporate Responsibility to Protect Human Rights Act](#), was tabled in Parliament in 2022 as Bill C-262.

The law would require that companies exercise due diligence – i.e., all reasonable care – to guard against any human rights violations they may cause or contribute to outside Canada, through their own activities or their business relationships. This means taking careful, rigorous action aimed at preventing, identifying and remedying instances of abuse.

These obligations would be enforceable through the courts. Companies could, for example, face lawsuits challenging whether they are doing enough to prevent or stop abuse carried out by their suppliers. The law would thus open a critical new path for workers to hold to account companies at the top of the supply chain, in seafood or any other sector.



Enforcing due diligence: a hypothetical case under Bill C-262

To understand how a strong human rights due diligence law like Bill C-262 would work in practice, consider this hypothetical scenario.

Suppose a Canadian seafood brand imports tuna from a company using forced workers on its ships. The workers are migrants trapped in their jobs by debt bondage, confiscation of their passports, and violence and threats from ship captains.

Under the new law, the affected workers¹⁰ might file legal action against the Canadian importer, arguing that it was failing to uphold its due diligence obligations by ignoring abuses committed by its supplier. They could ask the court to order that the importer take any action likely to help end the abuse or prevent its recurrence. For example, they could request court orders compelling the company to

- demand specific reforms from the supplier in question;
- set a strict deadline by which these reforms must be implemented; and
- write into all of its supplier contracts a clause prohibiting fee-based recruitment, to ensure future workers will not be held in debt bondage.

The plaintiffs in such a case could also ask the court to find the importer liable and order that it compensate them for harms they have suffered. To defend against liability, the company would have to show not only that it made efforts to prevent such harms, but that it made *all reasonable* efforts to do so.

RECOMMENDED REFORMS

Canada must adopt significant reforms to play its part in international efforts to end worker abuse in seafood supply chains. Here we highlight five measures that we believe to be critical, and that align with recommendations made by many Canadian civil society actors including academics.¹¹

The Canadian government should:

- introduce or support the adoption of a mandatory human rights and environmental due diligence law that would make companies liable for reckless supply chain decisions and facilitate remedy for those harmed;
- improve enforcement of Canada's import ban on goods made with forced labour, including by publicly reporting details of enforcement efforts;
- ratify ILO Convention 188, the Work in Fishing Convention, and urge other countries to do likewise;
- in trade deal negotiations, insist on requirements for environmentally and socially sustainable seafood production; and
- implement a true boat-to-plate traceability program for seafood sold in Canada, with requirements that companies disclose how, where, and aboard which vessel all seafood was caught.

Above Ground works to ensure that companies based in Canada or supported by the Canadian state respect human rights and the environment worldwide. It is a project of MakeWay, a national charity that builds partnerships and solutions to help nature and communities thrive together.

Endnotes

- ¹ The International Labour Organization estimates that as of 2021, [28 million](#) people were trapped in forced labour worldwide – up from [25 million](#) in 2016, [21 million](#) in 2012, and [12.3 million](#) in 2005.
- ² See cases reported by [Human Rights Watch](#) and the [Environmental Justice Foundation](#).
- ³ These workers’ stories are documented in reports by the [International Labour Organization](#), [Human Rights Watch](#) and the [Environmental Justice Foundation](#), among others.
- ⁴ See U.S. actions described in [The Maritime Executive](#). Three of these U.S. [import bans](#) – against the Da Wang, Yu Long No. 2 and Lien Yi Hsing No 12 vessels – remain in place as of August 2024.
- ⁵ Canada imports more shrimp from India than any other country, according to [Globe and Mail reporting](#).
- ⁶ For an overview of systemic worker abuse in these fisheries and its link to tuna overfishing, see the report [Canned Brutality](#) by the International Human Rights Clinic at Harvard Law School.
- ⁷ Clover Leaf’s U.S.-based affiliate Bumble Bee Foods recently faced [a lawsuit](#) alleging that its claims of “fair and responsible working conditions” in its supply chain were deceptive given its ongoing sourcing of tuna from FCF. Bumble Bee [settled](#) the suit by agreeing to remove such claims from its website and other marketing platforms.
- ⁸ Canada [requires](#) that the labels on imported fish identify only the country where it “was last substantially transformed, for example, filleted or frozen,” and companies aren’t required to track or disclose harvest methods. This makes it difficult or impossible to assess environmental or human rights risks for much of Canada’s imported seafood, according to [SeaChoice](#) and [Oceana Canada](#).
- ⁹ In 2022 the government provided a [statement](#) responding to lawmakers’ recommendations for the program. It noted its “acknowledgement” rather than “support” for most recommendations, including a recommendation that it require companies to verify the origin and legality of imported seafood. It stated that any new labelling requirements were “not being considered.”
- ¹⁰ People other than those directly harmed could also take legal action against a company under this law, provided they raise a serious issue, present a reasonable case and have no conflict of interest. See section 10(3) of [Bill C-262](#).
- ¹¹ Support for such measures among scholars, legal professionals and civil society organizations has been documented by [Oceana Canada](#), the [Canadian Network on Corporate Accountability](#) and [Above Ground](#).

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