

# Op-Ed: The numbers tell the story when it comes to forced labor in seafood

By Katrina Nakamura  
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*Katrina Nakamura is an interdisciplinary scientist and the owner of the Sustainability Incubator, which has screened conditions in over 500 seafood supply chains and trained over 80 suppliers in human rights due diligence using a service called Labor Safe Screen. Previously, Nakamura co-owned and operated six seafood restaurants located at fishing wharves.*

If you've worked in seafood, then you know firsthand that handling fish or shellfish is physically-intensive work on a slippery surface with a knife or gear in your hands. You may share experiences with today's frontline seafood workers like the intensity of working a frontline or the pride of being paid for what you produced.

But that could be where a common experience ends, because today's typical wages are around USD 200 (EUR 183) per month. From a decade of screening seafood supply chains for labor conditions, I can attest that trouble sets in where a business has reduced its labor cost to 5 or less percent of the cost of business, perhaps to offset rising costs like fuel. Forced and indentured labor occur where producers or distributors are advantage-taking, heavily, to meet orders for an agreed low price – like where shrimp is routed through a middleman paying wages of USD 0.02 (EUR 0.01) per pound, for example, for peeling shrimp or picking crabs in an unregistered operation, and also taking wage deductions for boots and gear and a biased scale.

Hiring foreign fishing crew through a broker tends to mean that the crew member's employment is secured by debt, which becomes indentured work (illegal in most countries) if the captain keeps them working on the vessel by withholding or deducting wages. Captive, unpaid work is forced labor, and it is found in conditions that have been profiled repeatedly in seafood media since 2013 and authoritative resources like the [List of Goods Produced by Child or Forced Labor](#).

Production numbers tell much of the story when it comes to finding forced labor in a seafood supply chain, and that is one reason why journalists, researchers, and lawyers can find violations. My motive for writing this opinion piece is to point out that most of what is needed to perform human rights due diligence effectively in any supply chain is in sight and, if industry is ready to look, could potentially save businesses from a human rights catastrophe like the fallout, costs, and embarrassment from [the Outlaw Ocean report](#), among other findings for U.S. imports – like six tuna trade bans since 2019 by the U.S. Department of Homeland Security, and [the 2022 sanctioning](#) of seven fishing companies and 150 vessels implicated in the forced labor of foreign crew members. (Pro-tip: screen your tuna imports for these origins now.)

The main thing you need to know is what you already do, that labor, like capital, is governed by law. If you work in a seafood business you also know most of the key facts that are needed for tracking production conditions, namely, that seafood is: (1) traded as a commodity on the basis of price and availability, (2) perishable and moved from A to Z through a cold chain under time and temperature controls and with freight and customs records, and (3) made by people working in the same places at the same times and in the same relative numbers as the fish and seafood volumes moving through the operations. Add production costs and prices to these facts, and you are ready to look into any supply chain and identify places where labor violations could be anticipated. This responsibility is a legal one and, while I agree that initially it feels counter-intuitive to pursue, when it comes down to your license to operate, an ounce of prevention is worth a ton of cure.

The business duty “to address adverse human rights impacts with which they are involved, for their prevention, mitigation and, where appropriate, remediation” entered force in 2011 when the U.N. Guiding Principles on Business and Human Rights was adopted by the United Nations Human Rights Council (Resolution 17.4). I've noticed a tendency by some in the seafood sector to refer to the guidelines in aspirational terms, but frankly I recommend memorizing them because they represent a legal enforcement framework with trade and criminal penalties that 180 countries have ratified since 2003, known as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the [United Nations Convention Against Transnational Organized Crime](#).

As executives, procurement specialists, distributors, or suppliers, you need to know that because of their legal force, there is no workaround to labor and human rights without risking catastrophe later, as one of the [UN Guiding Principles on Business and Human Rights 2011](#) says: “Business enterprises may undertake other commitments or activities to support and promote human rights, which may contribute to the enjoyment of rights. But this does not offset a failure to respect human rights throughout their operations.”

Besides, the exact steps you need to take to perform human rights due diligence effectively are not only set in the legal framework for global trade, but spelled out with precision in the [OECD Due Diligence Guidance for Responsible Business Conduct](#). I recommend memorizing these too. Deviating is not recommended, nor is deferring to sustainability initiatives that do not look into informal conditions because, when it comes down to it, risks are highest to people and to your business in the areas where labor shortcuts have been normalized but are illegal.

If you'd like to learn more about where the line is, we've summarized it in a 2022 paper, "[A Practical Take on the Duty to Uphold Rights in Seafood Workplaces](#)," published in Marine Policy and written by myself, along with Francisco Blaha and Yoshitaka Ota. The table below provides some examples.

Short summary of enforceable labor rights in seafood work:

Universal workplace rights	Fair recruitment	Safe work in hazardous conditions
Every new recruit is entitled to reach an agreement on work terms and payment prior to entering the work environment. This may be a contract or other form of agreement but must, at minimum, be compliant with national laws for labor and safety. It can never be left open to discretion by owners, supervisors or brokers.	No people working in any seafood operation can be charged fees or costs for their recruitment, directly or indirectly, in whole or in part, unless conforming to a specific allowance in domestic law.	Conditions in the workplace comply with domestic standards for operational health and safety and with requirements from regulatory inspectors and law enforcement, including mandatory international requirements.
Terms for paying wages are clear and explicit and prohibit wage deductions or hold-backs in every instance, except where a specific deduction is defined by a national labor authority.	A list of people working in the operation and copies of their signed work agreements are maintained of every fish worker in the facility.	Fishing, food processing and animal slaughter tend to be listed on most countries' hazardous child labor list which prohibits hiring youth under 18 years old, or else limits their work hours in protected conditions, even if 16 is the minimum age.
All new recruits are provided with rights training in a language they understand so they know what to do if problems occur and how to communicate for a credible and timely response by management.	Work agreement documents state the actual terms and conditions in the workplace, conform to domestic law. For migrant or foreign recruits, the agreement must be consistent with what was agreed before their departure (inconsistencies can be seen as evidence of human trafficking).	All new recruits are provided accident and health coverage for workplace injuries and illnesses. People who are injured on the job are transported to clinics or hospitals without delay and at the employer's cost. All new recruits are provided with safety training. First aid is accessible to all people working at the facility at all times.
The people working in a seafood facility are the best judge of the conditions and their needs. Audits or inspections which leave out the wage workers are not a sound basis for claiming their risks are low for indentured or forced labor, or that violations are not occurring.	Work agreement documents cannot require workers to agree to wage deductions for necessary items to do the job, like boots, protective clothing, transit to and from the operation, including airfares for foreign fishers who must leave the job due to workplace injury, violence or threats.	In a confined workplace, everyone is provided sufficient rest, clean water and nutritious food to remain healthy and physically-capable.

- Sources:
- International Bill of Human Rights (UDHR 1948)
  - Declaration on the Fundamental Principles and Rights at Work (ILO 1998)
  - Eight Fundamental Labour Conventions (ILO No. 29-1930/2014, No. 87-1948, No. 98-1949, No. 100-1951, No. 105-1957, 1958, No. 138- 1973, No. 182-1999)
  - Convention against Transnational Crime (UN)
  - The Protocol to Prevent, Suppress and Punish Trafficking in Persons (UN)
  - The United Nations Convention on the Law of the Sea (UNCLOS)
  - The Work in Fishing Convention 2007 (No. 188) (ILO)
  - The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel (STCW-F) by the International Maritime Organization (IMO)
  - The Cape Town Agreement on Fishing Vessel Safety by the International Maritime Organization (IMO)
  - The Torremolinos International Convention for the Safety of Fishing Vessels by the International Maritime Organization (IMO)
  - The International Convention for the Safety of Life at Sea (SOLAS)

Perhaps the most powerful thing you can do is confirm for yourself that frontline seafood buyers have labor obligations. I recommend reading [Miskito Divers v. Honduras](#), a front-line seafood buyers 2021 concerning spiny lobster. The Inter-American Court of Human Rights ruled in favor of the divers who had sued the state for its failure to enforce their labor rights and curb extreme rates of mortality and injury while working for private companies in the deep-diving lobster fishing industry. The court based its ruling on the U.N. Guiding Principles.

You have a right to make the best decisions for your business that you can, and I encourage you to look into labor conditions as a core business value. The current problems are people problems, not “high-level” or “complex”, and you can mitigate risks. If you work for a supermarket, distributor, or importer, start by mapping your supply chain and make it true to procurement, not CSR. Map, especially, the initial buyers and middlemen who put large orders together for magically low prices, because their location might show you where this problem lives. Or wait, and a journalist will do it, by looking up customs data and interviewing workers, as has been done for shrimp and squid. Based on the public evidence available, I recommend HRDD for tuna and shrimp (definitely), blue swimming crab, spiny lobster, and farmed salmon.

*Photo courtesy of Katrina Nakamura*