



A study into the implementation of responsible recruitment practices and the Employer Pays Principle (EPP) in the global tuna processing sector.

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Version 5

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## List of acronyms

<b>CSO</b>	Civil Society Organization
<b>EPP</b>	Employer Pays Principle
<b>FGD</b>	Focus Group Discussion
<b>IA</b>	Industry Association
<b>IOM</b>	International Organization for Migration
<b>ILO</b>	International Labour Organization
<b>IRIS</b>	International Recruitment Integrity System
<b>MOU</b>	Memoranda of Understanding
<b>RR</b>	Responsible Recruitment

# 1. Executive summary

The seafood industry is very labour-intensive and relies on many workers at every stage of operation. Given the absence of opportunities in certain regions and labour deficits in others, numerous individuals opt to migrate for employment opportunities. However, this migration journey is often fraught with risks. Even before migrant workers reach a processing site, they may face deception or incur significant recruitment fees and related costs<sup>1</sup>, including payments to brokers or expenses for travel and visas. These financial burdens can lead to debt, rendering migrant workers vulnerable to exploitation.

Despite the fact that international standards state that recruitment fees and related costs should be borne by the employer, the many workers in tuna processing are hired from source countries where the “worker pays principle” is the norm. Evaluating and improving the recruitment process is fraught with difficulty, with buyers and suppliers facing significant obstacles in implementing responsible recruitment practices. Many of these obstacles are financial. Implementing EPP carries significant costs and burdens for suppliers, who often operate in a market plagued by thin margins, with buyers unwilling or unable to share the financial burden. Implementation is also hindered by the complex nature of seafood supply chains, with buyers lacking sufficient oversight and leverage to encourage their suppliers to adopt EPP. Recruitment agencies similarly confront obstacles, grappling with limited financial resources and expertise, while navigating government corruption, weak labour laws, and unscrupulous labour intermediaries.

Despite these challenges, research and interviews conducted for this report reveal promising avenues for progress. Industry associations, buyers, and suppliers alike can draw inspiration from pockets of best practice observed throughout the industry. For instance, industry associations can leverage their role as conveners to facilitate dialogue among stakeholders, fostering collaboration and collective engagement in addressing responsible recruitment challenges. Buyers can work to provide incentives to suppliers to implement EPP, support capacity building, and embed responsible recruitment principles into their procurement processes. Meanwhile, suppliers can implement the EPP by collaborating with buyers to estimate fair recruitment costs, streamlining labour supply chains, partnering with zero-fee recruitment agencies, enforcing contractual safeguards, and actively monitoring recruitment practices.

The report underscores a critical need for enhanced information sharing among buyers and industry associations to overcome the significant barrier of limited visibility into supplier recruitment practices. By sharing data on recruitment risks and costs, and establishing benchmarks for related expenses, industry stakeholders can align on messaging, identify ethical agencies, address risks, and negotiate fairer payment terms.

Several recommendations and actions have been set out in this report for each stakeholder

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<sup>1</sup> See: [https://publications.iom.int/system/files/pdf/MWG-Tool-3-%20guidance-notes\\_0.pdf](https://publications.iom.int/system/files/pdf/MWG-Tool-3-%20guidance-notes_0.pdf)

group (see definition).<sup>2</sup> These have been summarised below but are outlined in more detail in the recommendations section.

### **Industry associations**

1. Continue to work together to commission and fund projects and joint initiatives on the topic of responsible recruitment (including through joint initiatives with other associations, where appropriate). This may include
  - Enabling joint investigations or HRDD initiative to identify and address shared risks.
  - Advocating for the strengthening of laws on responsible recruitment in source and destination countries.
  - Supporting members by equipping them with knowledge and tools to tackle common barriers and risks.
  - Hosting a working group dedicated to implementing a cost-sharing pilot, defining 'remedy', etc.. for the tuna industry
  - Commissioning research and a global map on high-risk labour migration corridors on fair recruitment.
  
2. All associations should review their governance structure to ensure that their association is action-oriented when it comes to EPP.

### **Buyers**

1. Ensure that policies prohibiting bribery and corruption within the company's supply chain are integrated into responsible recruitment policies and commitments.
2. Share non-commercially sensitive information with other buyers to identify shared risk where their supply chains overlap and potential areas for collective action; this might include data on perceived recruitment risk, and the true cost of recruitment in common migration corridors.
3. Work with procurement to integrate ethical considerations into supplier selection criteria.
4. Incentivise EPP-conformant suppliers, e.g., through longer-term contracts, increased orders, or financial contributions.
5. Collaborate with source and destination countries to advocate for the strengthening of laws on responsible recruitment and agency regulation.
6. Work together to establish clear criteria on what constitutes "effective" remedy.

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<sup>2</sup> Definitions:

- **Industry Association:** Any UK-based association or platform through which retailers, buyers and importers share information and best practices and work to address common issues. These associations may or may not be seafood focused.
- **Buyer:** Any entity that purchases seafood from a third party in one of the five source countries. This includes supermarket retailers as well as importers like World Wise Foods, which are considered buyers for the purposes of this study, as they buy tuna from third parties.
- **Supplier:** Companies that process tuna in the source countries and sell it to importers or buyers.

## **Suppliers**

1. Work with buyers to calculate the true cost of recruitment.
2. Reduce the number of actors in the labour supply chain.
3. Choose agencies who are committed to deliver zero fee recruitment.
4. The contract between agency and employer should require zero fee recruitment.
5. Monitor responsible recruitment in person in source countries and via an effective grievance channel at all stages of recruitment and in employment.
6. Enforce consequences for breaches and ensure that contractual mechanisms are in place with agencies to ringfence funds for remediation.
7. Set up regular lessons learned sessions (at least annually) between the supplier and agency to build knowledge of problems and challenges and collaborate on solutions.

## **3. Introduction**

### **3.1. Research objectives**

Impactt was commissioned by members of the British Retail Consortium (BRC), Food Network for Ethical Trade (FNET), Global Tuna Alliance (GTA), SeaBOS, Seafood Ethics Action Alliance (SEA Alliance) (referred to as “participating organisations”), and other contributing partners<sup>3</sup>, to conduct a study focusing on the implementation of responsible recruitment practices and the Employer Pays Principle within the global tuna processing sector. The study aimed to achieve the following objectives:

1. Map existing commitments to responsible recruitment and the Employer Pays Principle from participating organisations and any other relevant stakeholders/initiatives.
2. Assess the extent to which these commitments are being successfully implemented by identifying where migrant workers continue to pay recruitment fees and related costs<sup>4</sup> and where responsible recruitment principles have not been adopted.
3. Identify the barriers to responsible recruitment and the adoption of the Employer Pays Principle and where and how these have been overcome.
4. Identify actions that businesses could take individually and collectively to ensure responsible recruitment and the adoption of the Employer Pays Principle, including any improvements that could be made to the existing guidance and commitments of the participating organisations and any other relevant stakeholders/ initiatives.
5. Identify the relevant laws and regulatory enforcement processes that support migrant workers and make recommendations on any opportunities for participating organisations and other contributing partners to advocate for their strengthening.

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<sup>3</sup> Marks & Spencer, Co-op, Tri Marine, Sainsbury’s, SeaBOS, World Wise Foods, Princes, Waitrose, Asda Caterers Choice Ltd

<sup>4</sup> In line with the ILO definition of recruitment fees and costs be made to the existing guidance and commitments of the participating organisations and any other relevant stakeholders/ initiatives

## 3.2. Research methodology

The study was conducted using a mixed-method approach. The research methodology involved:

- Survey development.
- Desktop review.
- Designing criteria for assessing commitment implementation and interview questions.
- Key informant interviews (both individual and focus groups).
- Thematic analysis of interview data and a secondary desk review of relevant documents.
- Presenting findings in a draft report reviewed by the working group.
- Presenting the final study in a validation workshop (planned for May 2024).

Further details on the methodology are provided in **Appendix B**.

The study focuses on the following 5 countries:

1. Maldives
2. Mauritius
3. Philippines
4. Seychelles
5. Thailand

Countries 1, 2, 4, and 5 were selected due to the high number of migrant workers in the tuna processing industry of these countries. The inclusion of the Philippines aimed to provide insights into internal migration and associated recruitment dynamics, as workers in the Philippines tuna processing sector are predominantly internal migrants.

The study encountered several limitations in gathering data at the processing site level. Despite efforts to engage with these sites through individual interviews, many processing did not respond or declined to participate. It was therefore also a challenge to secure worker focus group discussions (workers FGD were only conducted for two countries). These challenges influenced the extent to which insights could be obtained and the depth of understanding that could be achieved.

## 4. Global context

### 4.1. International standards and instruments on responsible recruitment

Key principles governing responsible recruitment are rooted in the international standards outlined below. These standards have been distilled into the core “commitments” and “measures” at the policy and implementation level found in the analysis tables in the findings sections of this report. These commitments constitute the framework of analysis against which the performance of industry associations, buyers, and processing sites have been graded.

- **The UN Guiding Principles on Business and Human Rights (UNGPs)** sets down companies’ responsibility for upholding internationally recognised human rights within their operations and supply chains, including during the recruitment process. Although the UNGPs are not binding international law, they are the most authoritative international statement to date regarding the responsibilities of business with respect to human rights.
- **ILO General Principles and Operational Guidelines for Fair Recruitment**: These guidelines, developed by the International Labour Organization (ILO), provide principles and guidance to ensure fair recruitment practices. They aim to prevent abusive practices during the recruitment process and define what constitutes recruitment fees and related costs, emphasising the importance of transparency and accountability in recruitment.
- **OHCHR International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**: This convention, established by the Office of the High Commissioner for Human Rights (OHCHR), focuses on protecting the rights of migrant workers and their families. It outlines specific rights and protections for migrant workers, including fair treatment during the recruitment process, ensuring their safety and well-being, and preventing exploitation and abuse.
- **OECD Guidelines for Multinational Enterprises (2011 Edition)**: The Organisation for Economic Co-operation and Development (OECD) guidelines provide recommendations for responsible business conduct by multinational enterprises. They cover various areas including human rights, labour practices, and environmental protection. Regarding recruitment, the guidelines emphasize the importance of respecting human rights, promoting fair employment practices, and ensuring transparency and accountability throughout the recruitment process.

A comprehensive list of relevant international standards and instruments is provided in Appendix **D**.

This report alludes to both responsible recruitment and EPP. For the purposes of this report, the distinction between the two terms is as follows:

- **Responsible recruitment** refers to the broad range of measures taken by companies to promote fair and ethical practices throughout the recruitment process,

encompassing policies, due diligence, and remediation efforts.

- **EPP** goes a step further and specifically entails commitments by companies to ensure that no worker within their supply chain bears the financial burden of any recruitment fees and related costs, in accordance with the ILO's definition.<sup>5</sup>

## 4.2. Regional and country legislations

There are several current and forthcoming legislations pertaining to human rights and forced labour at regional and country levels, which relate to responsible recruitment. Legislation across the UK, EU, and US is tightening to require greater levels of human rights due diligence, with greater penalties for non-compliance. Committing to responsible recruitment practices is an essential component for companies to comply with these frameworks and uphold labour rights across their operations and supply chains. Key regional and country level legislations that companies should take note of:

- EU Corporate Sustainability Due Diligence Directive (draft)
- EU Forced Labour Ban (draft)
- EU Corporate Sustainability Reporting Directive (in force)
- German Supply Chain Due Diligence Act (LkSG) (in force)
- Dutch Corporate Accountability Bill (in force)
- Norwegian Supply Chain Transparency Act (in force)
- UK Modern Slavery Act (in force)
- US Tariff Act (in force)

A comprehensive list of relevant regional and country level legislations is provided in **Appendix E**.

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<sup>5</sup> See: [https://publications.iom.int/system/files/pdf/MWG-Tool-3-%20guidance-notes\\_0.pdf](https://publications.iom.int/system/files/pdf/MWG-Tool-3-%20guidance-notes_0.pdf)

## 5. Local context

### 5.1. Local laws and regulatory enforcement processes

This section provides a comprehensive overview of the legal and regulatory framework governing responsible recruitment of migrant workers and the payment of recruitment fees and/or related costs across the five focus countries. This information is helpful to understanding the legislative environment within which different stakeholders are implementing responsible recruitment or EPP. As can be seen in the analysis, specific countries may be conducive to the implementation of such practices. A comprehensive list of relevant local laws and regulatory enforcement processes for each focus country is provided in Appendix E. The overview covers four key areas:

1. **Labour protection laws:** This includes an examination of legal provisions designed to safeguard the rights and welfare of migrant workers, encompassing aspects such as minimum wage regulations, working hours, rest periods, and occupational health and safety standards.
2. **Regulations governing recruitment agencies:** This involves an analysis of licensing requirements, codes of conduct, and monitoring mechanisms implemented to ensure fair and responsible recruitment practices within the industry.
3. **Government policies and initiatives:** This includes an assessment of specific programs or campaigns initiated by governments to promote responsible recruitment, tackle illegal recruitment, and prevent exploitation of migrant labour.
4. **Case studies and reports:** This offers insights into actual instances of responsible recruitment practices, along with the challenges encountered in each respective country.

## 5.2. Cross-country analysis

The cross-country analysis compares the relative strength of national legislation across the following four key areas.

- Alignment of national laws to core EPP and responsible recruitment principles
- Strengths of national laws protecting migrant workers.
- Strength of regulatory frameworks governing recruitment agencies (and their enforcement).
- Ability of migrant workers to effectively access state-based remedy.

These four areas have been selected on the basis that they represent the necessary core criteria for countries to have an enabling environment to implement responsible recruitment based on Impactt's experience. Please note that this information was accurate at the time the research was conducted, but that country laws and regulations may have changed since then.

### **Comparative Analysis of Legal Frameworks on Employer Pays Principle (EPP) and Migrant Rights in Five Focus Countries**

**Maldives:** The Maldives has taken steps to address responsible recruitment and migrant worker rights. The country has ratified the ILO Core Conventions and has implemented legislation to regulate private employment agencies, in line with the ILO Private Employment Agencies Convention, 1997 (No. 181). The Maldives 2016 Employment Act stipulates that employees shall not be charged any fees directly or indirectly.

**Mauritius:** Mauritius has taken steps to address the issue of responsible recruitment and migrant worker rights. The country has ratified the ILO Core Conventions and has implemented legislation to regulate private employment agencies, in line with the ILO Private Employment Agencies Convention, 1997 (No. 181). Mauritius adopted the Private Recruitment Agencies Act in October 2023, which includes important protections for migrant workers, and prohibits the charging of recruitment fees to workers by employers or private employment fees. Also in 2023, the Mauritius Export Association, in collaboration with the IOM, published the Code of Conduct for the Recruitment and Employment of Migrant Workers in Mauritius,<sup>6</sup> to support MEXA members in guiding the development of policies and processes in implementing fair and ethical recruitment and employment practices

**Philippines:** The Philippines has a relatively strong legal framework on responsible recruitment and migrant worker rights. The country has ratified key international conventions, including the ILO Core Conventions. The Philippines also has legislation in place to regulate private employment agencies and protect migrant workers from exploitation. Moreover, the country has implemented the employer pays principle (EPP), placing the responsibility of recruitment fees on employers. However, challenges remain in ensuring effective enforcement of these laws, particularly in the context of overseas employment. Additionally, the Philippines lacks a specific authority responsible for designing and coordinating the implementation of an

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<sup>6</sup> See: <https://publications.iom.int/system/files/pdf/pub2023-077-el-code-conduct-migrant.pdf>

overall migration policy. Although several laws regulate migration issues, there is no national migration policy or strategy.<sup>7</sup>**Seychelles:** Seychelles has made progress in aligning its legal framework with international standards on responsible recruitment and migrant worker rights. The country has ratified the ILO Core Conventions and has implemented legislation to regulate private employment agencies, in line with the ILO Private Employment Agencies Convention, 1997 (No. 181). Seychelles also has provisions in place to protect migrant workers from exploitation and abuse. With regards to recruitment fees, section 10 of the Seychelles Employment Act states that “*An employment agency shall not demand or receive directly or indirectly any fee from any person seeking employment or for finding that person employment*”.<sup>8</sup> However, the enforcement of these laws remains a challenge, particularly in the context of the seafood processing and fishing industries, where migrant workers are vulnerable to labour rights violations.

**Thailand:** Thailand has made significant progress in aligning its legal framework with international standards on responsible recruitment and migrant worker rights. The country has ratified key international conventions, including the ILO Work in Fishing Convention, 2007 (C. 188), and the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (P029). The 2017 Royal Ordinance Concerning the Management of Employment of Migrant Workers, revised in 2018, is a comprehensive legal framework governing all aspects of labour migration into Thailand, including the recruitment of and employment practices related to migrant workers, as well as the licensing and monitoring of private recruitment agencies. Section 42 of the Royal Ordinance prohibits the collection of recruitment fees from migrant workers by licensees or employees involved in bringing foreign workers to Thailand. Despite these legal provisions, challenges in the effective enforcement of labour laws persist, particularly in ensuring that migrant workers are fully protected from exploitation and abusive practices.

## Conclusion

Overall, while the focus countries have made efforts to align their legal frameworks with international standards on responsible recruitment and migrant worker rights, there are still areas for improvement. Strengthening the enforcement mechanisms and explicitly incorporating the EPP in the legal frameworks would enhance the protection of migrant workers' rights and contribute to a more enabling environment for responsible recruitment practices. Effective implementation and monitoring of regulations are vital to ensure that legal protections translate into tangible improvements for migrant workers. Moving forward, countries must prioritize the enforcement of regulations to bridge the gap between policy intentions and on-the-ground realities.

The success of these efforts depends on various factors, including the commitment and efforts of each country's government, the effectiveness of their legal frameworks, the enforcement mechanisms in place, and the specific context and challenges faced by each country.

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<sup>7</sup> See: <https://migrationdataportal.org/overviews/mgi/philippines-second-profile#2>

<sup>8</sup> See: <https://webapps.ilo.org/dyn/travail/docs/2100/Employment%20Act%201995%20-%20amended%20to%20Act%204%20of%202006%20-%20www.employment.gov.sc.pdf>

## 6. Findings

The findings below have been gathered from desktop research (e.g. information published on websites, review of documentation shared by stakeholders) and stakeholder interview testimony. The purpose for interviewing the different stakeholder groups is summarised below.

### Industry associations

- Understand how industry associations establish the EPP and responsible recruitment commitments for their members. [OBJ]
- Explore the role industry associations play in ensuring that member companies communicate and enforce these commitments within their supply chains.
- Gain insight into industry associations' stance on remediation, and the guidance given to members for implementing this in practice.

### Buyers

- Determine what policy commitments regarding EPP and responsible recruitment are in place.
- Gain insights into how buyers practically implement these within their supply chain (e.g., how these are embedded within buyer management systems, how buyers communicate these commitments to suppliers and then monitor their implementation, if and how remediation is carried out when fee payment is identified, etc.).
- Understand what barriers buyers face in relation to the above, either in making policy commitments to EPP or RR principles in the first place or implementing them within their supply chain.
- Identity best practices where buyers have made strong commitments to EPP at a policy level and/or been successful in specific aspects of their implementation.

### Processing sites

- Determine what commitments around EPP and responsible recruitment are in place at the processing site level; understand the extent to which these expectations on EPP and responsible recruitment have been cascaded from buyers.
- Gain insight into if and how remediation is carried out when fee payment is identified
- Assess how processing sites are engaging with recruitment agencies to implement EPP and RR principles within their supply chain and understand if and how their implementation efforts are being monitored by buyers.
- Assess the challenges faced by processing sites in implementing EPP commitments and RR principles and cascading requirements to recruitment agencies.
- Identity best practice where processing sites have made strong commitments to EPP at a policy level and/or been successful in specific aspects of their implementation.

Note that the content in this section presents insights collected from participating stakeholders regarding various key topics. To preserve the confidentiality of the feedback provided by individual respondents, the information is presented in a general manner without specific attribution to individual respondents. The only exception is related to industry associations, which have been named in the report, as the information provided is either non-sensitive, or already available in the public domain.

The findings section has been divided into three sections, one for each of the three key stakeholder groups in scope of this study (industry associations, buyers, processing sites). Within each of these sections (except for the “industry associations” section) two summary analysis tables (and subsequent analysis & commentary) have been included to provide a comparative overview of how stakeholders have performed relative to one another in:

- I. Outlining their commitment to EPP and RR through relevant policies and
- II. Implementing these commitments in practice

As mentioned in section 4.1 on “international standards”, each of the two analysis tables contain rows with a list of what are the core components of EPP policy commitments and implementation activities. These core components are based on what international standards have outlined as the key requirements for EPP commitments and their implementation and are the framework against which stakeholders’ EPP performance has been graded.

## 6.1. Industry associations

### A. Mapping responsible recruitment commitments

#### Analysis / Commentary

##### **The role of Industry Associations**

Industry associations (IAs) vary significantly in purpose, structure, and membership. For this report, “industry association” is used as an umbrella term to describe entities ranging from traditional membership-based associations to pre-competitive collaboration platforms. As a result, industry associations’ involvement in supporting members with the implementation of policy commitments on responsible recruitment and the EPP is not uniform. The associations surveyed had different remits in promoting responsible recruitment and EPP and can be grouped under the following categories:

- **Standard-setters:** These associations play a pivotal role in establishing and communicating strict expectations regarding responsible recruitment and the Employer Pays Principle (EPP) to their members. They often set industry standards and criteria, ensuring that members comply with these guidelines to promote responsible recruitment practices.
- **Knowledge Sharers:** These associations focus on disseminating knowledge and resources related to responsible recruitment and EPP implementation without enforcing rigid compliance measures. They are not standard setters, but provide

platforms for sharing best practices, tools, and information to empower their members to adopt responsible recruitment practices voluntarily.

- **Conveners:** Conveners serve as forums for industry stakeholders to engage in discussions, share experiences, and address issues related to recruitment practices and EPP. While they may lack strict expectations or expertise on the topic, they facilitate dialogue among members and promote collective engagement in addressing ethical challenges.

Impactt sent out a baseline survey to 22 buyers and suppliers to map out the state of their responsible recruitment commitments and implementation. Out of the 19 companies who stated that they were members of an industry association, 14 (~74%) stated that they found their membership “helped them meet their EPP commitments”, and of these, the top reasons listed for why their membership was “helpful” were as follows (please see appendix I):

- The group(s) provide(s) clear guidance and industry best practices for how to implement EPP.
- Buyers can learn from the experiences of other members within the group(s).
- The group(s) helps align members with emerging regulations on EPP, reducing compliance risks.

While these responses indicate that industry associations are pivotal in advocating for responsible recruitment and ethical standards in the tuna industry, it’s also important to acknowledge the risk they might inadvertently encourage buyer inaction. Buyers often depend on these associations to lead initiatives and set standards, potentially using this involvement as a shield against taking direct action. This reliance could result in buyers avoiding direct engagement and accountability, shifting the responsibility for implementing ethical practices onto the associations.

### **Factors influencing IA membership:**

Interviews with associations and their members found that several key factors influenced buyer decisions to join an IA:

- **Resource and capacity constraints** faced by smaller organisations in committing to IA memberships due to limited financial and personnel resources.
- **Organisational size** influences the decision to join IAs, with larger entities having more resources for participation.
- **Priorities** within an organisation, such as a commitment to responsible recruitment practices and responsible sourcing, affect the choice to join or abstain from IA membership.
- **Awareness and understanding** of human rights and responsible sourcing issues influence organisations' decisions to join IAs.
- **Commitment** to responsible recruitment practices varies among members, and some may face challenges in maintaining the same level of commitment.

### **Expectations placed on members**

As mentioned above, the industry associations interviewed have very different mandates and varying levels of capacity and resources. Some of these have very specific requirements for its members in areas related to human rights and social compliance, while others encourage implementation of certain measures without imposing stringent requirements.

We believe that SEA Alliance (which describes itself as a pre-competitive alliance of retailers and seafoods businesses) could be categorised as a “standard-setter”. SEA Alliance has **strong expectations for its members to adopt specific measures related to human rights**, rather than simply being encouraged to do so. For example, SEA Alliance requires that members:

- Implement a human rights due diligence approach, in line with the UN Guiding Principles, as appropriate for their operations and supply chains.
- Demonstrate a strong commitment to ethical trade and respecting human rights, which may include the development and communication of public ethical trade or human rights policies, corporate reports, or Modern Slavery Statements.
- Actively engage in pre-competitive collaborative action to drive continuous improvement within their supply chains regarding ethics and human rights issues.
- Being prepared to support the collective aims of the SEA Alliance, including integrating learnings and tools provided by the Alliance into their organization's human rights due diligence activities and broader business practices.
- Engage with at least one Working Group within the SEA Alliance.
- Demonstrate a willingness to comply with member principles set forth by the SEA Alliance, which may include commitments related to responsible recruitment among other ethical considerations.

To help members meet these expectations, SEA Alliance has **developed trainings and tools on human rights and labour standards in seafood supply chains**, covering topics such as Decent Work at Sea, Responsible Recruitment, Grievance Mechanisms, Information Gathering and Risk Assessment, and Purchasing Practices.

Other associations such as SeaBOS may privilege a “convening” approach. While these associations may have less direct involvement with responsible recruitment matters, they have extensive science and academic capacity and expertise on best practices and global regulatory frameworks, as well as connections within multiple industry sectors, so can play **an important role in facilitating discussions on key topics** which may overlap with responsible recruitment, such as “Reducing IUU fishing and eliminating modern slavery” (one of SeaBOS’ task forces and two of SeaBOS’ commitments to deliver outcomes on).

FNET is illustrative of “knowledge sharing approach”, whereby it **promotes EPP without imposing strict expectations on its members**. Instead, it prioritises providing them with a comprehensive understanding of the EPP and benchmarks their progress to assess their current status. FNET membership is founded on a shared goal of tackling supply chain challenges collaboratively. The organisation welcomes organisations at various stages of maturity in their human rights and responsible recruitment journey. FNET member companies are focused on many different elements of the food supply chain from growing,

manufacturing, processing, supplying, importing and retail, and belong to various sectors, not just seafood. Members commit to proactively addressing human rights issues within their food supply chains, particularly focusing on responsible recruitment practices and adherence to the EPP. This commitment entails active participation in thematic working groups dedicated to responsible recruitment, where members share intelligence and insights on emerging risks across diverse geographical locations. Acknowledging the diversity in approaches among organisations across different geographical locations, FNET emphasises the importance of mutual recognition of each other's baseline codes. This recognition encompasses instances of alignment as well as differences, highlighting the significance of collaboration and understanding among member organisations.

GTA provides an interesting case study of how **industry associations** with more limited capacity and expertise on responsible recruitment can **encourage members to adopt commitments related to ethical standards by providing them with a voluntary set of standards and tools to measure their own progress**. Although there are no strict requirements for membership, the GTA has a set of core principles (around the three core pillars of tuna traceability, environmental sustainability, and social responsibility) that it encourages its members to adhere to voluntarily.

## Analysis of implementation measures

### Accountability and communication

**All the associations surveyed allocated resources and expertise for ongoing human rights oversight** with dedicated programmes on the topic (e.g., the FNET's working group on responsible recruitment, the SEA Alliance's working group on Human Rights Due Diligence, SeaBOS' task force on reducing IUU fishing and eliminating modern slavery, and the GTA's work stream on ensuring socially responsible seafood supply chains). Over the past 12 months, SEA Alliance has developed a Commitment to Progress Framework which "*...outlines specific actions within key areas such as transparency, rightsholder engagement, and purchasing practices that members can progress against to enhance human rights due diligence within their operations and supply chains*".<sup>9</sup>

**Not all associations were found to designate senior-level accountability for responsible recruitment** within the industry association for collaborative work on responsible recruitment or EPP, given the varying levels of expertise on the topic. For example, the GTA acknowledges that it does not have any in-house staff with expertise on the topic, preferring to sign post members with questions on the topic to other associations.

### Ongoing monitoring

Interviews with FNET and GTA found that **industry association can promote implementation of EPP and ethical standards through self-reporting**. FNET circulates regular self-reporting surveys among members to gather insights into their actions and initiatives related to responsible recruitment and EPP. GTA expands on this idea by **using KPIs to create a dashboard, enabling members to track progress against human rights risks** at processor level and on vessels needing improvement. This approach is seen to begin communicating and measuring progress before potentially requiring stricter adherence in the future.

The GTA issued its inaugural progress report in 2022, compiling findings from a self-administered, anonymous questionnaire completed by partners at the end of 2021. This survey evaluated partners' advancements towards the three strategic goals using measurable KPIs. Similar surveys will be conducted in 2022 and 2024, with third-party audits scheduled for 2023 and 2025 to enhance transparency and credibility.

However, industry associations can also take a more proactive approach by actively monitoring member's progress in key areas. SEA Alliance **reviews the status and progress of various human rights due diligence initiatives** of members. Nevertheless, none of the associations interviewed have enforceable standards or commitments in place around responsible recruitment or EPP, and as a result, there are no processes in place within any of these associations to conduct due diligence checks on members in these areas. GTA are

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<sup>9</sup> See: <https://seaa.org/what-we-do/commitment-to-progress/>

currently trialling third-party audits of their membership, but this is limited to a small subset of environmental KPIs.

SEA Alliance also offers an interesting example of how industry associations can serve as a **platform for identifying and addressing shared risks with members' supply chains**. The pre-competitive collaboration has developed a time-bound action plan focused on ensuring effective human rights due diligence in UK fish supply chains, including setting up Human Rights Allegation Engagement Groups upon receiving credible information about human rights allegations in a source fishery relevant to the UK market and SEA Alliance members. This group discusses the issue and agrees on collaborative next steps within the boundaries of competition laws, which may include convening meetings with stakeholders, communicating with relevant authorities, or commissioning independent investigations.

Similarly, SeaBOS has established the West Coast Africa Keystone Project<sup>10</sup> to address labour abuse and IUU fishing. This project is designed to understand and mitigate risks related to IUU fishing and modern slavery within SeaBOS member companies' operations and supply chains, specifically focusing on small pelagic fish, tuna, and octopus fisheries in West African waters. By collaborating with regional partners and applying an evidence-based risk framework, SeaBOS helps its members identify and address shared risks.

### **Remediation**

Collaboration on remediation was a common theme encountered through interviews with industry associations. FNET encourages members to share their experiences and approaches to remediation, particularly concerning recruitment fees and related costs and other challenges. SEA Alliance also provides a forum for sharing issues and best practices on remediation.

Industry associations can also play an important role in driving forward EPP by **supporting specific projects and initiatives on remediation**. For example, SEA Alliance has funded projects aimed at improving grievance mechanisms, such as the development of an app for workers to raise grievances and identify trends in labour rights violations.

Although GTA does not fund specific projects around remediation at this stage, members are expected to share company policies on human rights with supply chain stakeholders and publicly which include a commitment to support remediation.

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<sup>10</sup> See: <https://seabos.org/west-coast-africa-keystone-project/>

## 6.2. Buyers

### A. Mapping responsible recruitment commitments

Commitments	Company 1	Company 2	Company 3
The company articulates a commitment to responsible recruitment in a policy statement.	Green	Green	Green
The policy extends responsible recruitment commitments to suppliers and business partners directly linked to its supply chain operations, products, or services.	Green	Green	Green
The policy is publicly available and communicated internally and externally to employees, suppliers, and business partners connected to the supply chain.	Green	Green	Green
The policy explicitly states the commitment to adhering to international labour standards, human rights conventions, and relevant local laws pertaining to fair recruitment.	Green	Green	Green
The policy declares a commitment to the Employer Pays Principle (EPP).	Red	Red	Green
The policy prohibits discrimination in hiring based on race, gender, religion, age, or disability.	Green	Green	Green
The policy promotes transparency in the recruitment process, ensuring clear communication of job roles, terms, and rights in a comprehensible language.	Green	Red	Green
The policy prohibits the retention of workers' passport or identity documents and underscores their right to possess them at all times.	Green	Green	Green
The policy prohibits any form of worker intimidation, including threats, coercion, or actions limiting rights.	Green	Green	Green
The policy outlines the requirement for clear and transparent employment contracts.	Green	Red	Green
The policy outlines the procedures and mechanisms available to workers who have incurred recruitment fees and related costs.	Red	Red	Red
The policy includes procedures for reporting and addressing grievances related to recruitment, providing workers with channels to voice concerns without fear of reprisal.	Red	Red	Red

#### Key

Green	Generally aligned with international standards
Yellow	Generally aligned with international standards, but with important gaps
Red	Not aligned with international standards

## Analysis / Commentary

There was a strong emphasis in buyers' policy commitments on legal compliance, anti-discrimination practices, and protections against worker exploitation such as passport retention and intimidation. All buyers **expressed commitment to the EPP** in their policies. (Company 3, technically a buyer/importer) was found to have the firmest commitments in place. Its human rights policy states that suppliers must "have responsible recruitment processes in place", that "recruitment must respect the Employer Pays Principle" and that "...fees and costs related to recruitment, and ongoing employment, should be covered by the employer (as per ILO definition of fees and costs)". However, this buyer described their approach as being **on a journey towards full implementation**, emphasising a gradual progression rather than an immediate mandate. The buyer viewed EPP as best practice rather than mandatory in their human rights policy and stated that they would continue to work with suppliers that are non-compliant if an action plan has been agreed to the issue.

Impactt's survey underscored the high degree of adoption of EPP commitments amongst buyers. The 11 of the 14 buyers (~78%) of the buyers who completed Impactt's baseline survey (this includes the 3 buyers referred to above) indicated that they outline expectations on responsible recruitment in their policies.

Several external stakeholders highlighted that while buyers felt compelled to show some kind of support for EPP (or at least responsible recruitment) given that it is embedded within international human rights standards, there was **generally too little regulatory pressure or customer pressure to incentivise buyers to invest in commitments around EPP**, which would put them at a commercial disadvantage due to the associated cost.

## Barriers

Buyers reported several **challenges** in making (and implementing) firm EPP commitments:

- A. **Barrier A: Challenges in monitoring and enforcement:** Lack of understanding and visibility in the global supply chain makes it difficult to monitor compliance with EPP commitments effectively. Suppliers may communicate requirements but lack the ability to monitor in a meaningful way. Enforcement of EPP commitments is identified as a significant issue. Interestingly, of the five companies who stated that their membership to an industry association was "not helpful" in meeting their EPP commitment, 4 (or 80%) stated that this was because the associations "lacked

robust enforcement mechanisms for EPP compliance among members", which was thought to create an uneven playing field.

- B. **Barrier B: Limited leverage and resource constraints:** Retailers and buyers may have transactional contracts with suppliers, limiting their leverage to enforce EPP commitments. Resource limitations, both in terms of capacity and expertise, can hinder the implementation and monitoring of EPP across supply chains. This was one of the

most important barriers cited by survey respondents.

- C. **Barrier C: The primacy of commercial imperatives:** To remain cost-competitive, buyers have an incentive to keep costs down when negotiating volume orders for tuna suppliers. This may result in the attractiveness of suppliers' selling prices to be the primary consideration when selecting a supplier, rather than responsible recruitment standards. Without clear selection criteria that incorporates ethical standards, the economic considerations of the procurement team may come into conflict with the responsible sourcing's team's promotion of responsible recruitment practices.
- D. **Barrier D: Lack of legal requirements:** In some regions, there may be limited regulatory requirements or legal frameworks governing the payment of recruitment fees and related costs, as the "worker pays principle" is still the embedded norm. Without clear legal obligations, buyers may not feel compelled to establish procedures for addressing this issue.
- E. **Barrier E: Complexity of supply chains and lack of visibility:** The complexity of supply chains, particularly in industries like tuna processing (potentially involving multiple layers of suppliers, subcontractors, and intermediaries across various countries), makes it challenging to identify instances of recruitment fees and related costs, trace their origins, and establishing mechanisms to address them. Lack of worker voice and acceptance of such practices (for example, due to fear of reprisal, cultural norms, or a lack of awareness of their rights) can further obscure visibility into recruitment practices. Due to these reasons, buyers may not always have global policies in place, leading to variations in expectations across different regions; for instance, buyers may expect suppliers in one country to implement EPP but not in another, as it would be too difficult to enforce consistent standards across diverse supply chain contexts.
- F. **Barrier F: Lack of industry expertise and guidance:** This was the most common barrier reported by the 14 buyers who completed the survey. There is a need for expertise and guidance specifically focused on the practical implementation of responsible recruitment (RR) issues. The industry lacks RR specialists, and there's a need for expert input and guidance to navigate complex challenges related to EPP implementation.
- G. **Barrier G: Cost considerations and reluctance in broaching the topic:** Implementing procedures to address recruitment fees is likely to incur additional costs. Identifying and addressing isolated cases of recruitment fee payment is more manageable and affordable for companies. Remediation efforts for systemic issues involving recruitment fee payments are typically more expensive and complex, requiring coordination across multiple stakeholders. Additionally, there is often a lack of agreement amongst different supply chain actors on shared responsibility for covering the cost of recruitment and any subsequent remediation costs. Buyers may also face challenges in keeping pace with the evolving landscape of fees and costs, making it difficult to stay updated on changing dynamics and requirements. Finally, buyers may be hesitant to implement responsible recruitment and monitor their supply chain to identify fee payment due to fears of legal liability and reputational damage should systemic issues be identified.

These barriers have an important impact on buyers' ability to effectively implement their commitments to EPP. **Out of the 11 buyers who completed Impactt's survey, only five (~45%) stated that they had "carried out any due diligence activities to monitor the effectiveness of the policy implementation"**, which involved commissioning third party assessments or investigations into recruitment fee payment in their supply chain.

## B. Mapping responsible recruitment implementation measures for buyers?

Implementation measures	Company 1	Company 2	Company 3
The company designates senior-level accountability for responsible recruitment decision-making.	Green	Green	Green
The company allocates resources and expertise for ongoing human rights oversight within its operations and business relationships.	Green	Green	Green
The company incorporates responsible recruitment principles, including the EPP, into management systems. <sup>11</sup>	Red	Red	Green
The company engages in open dialogue with suppliers and recruitment agencies to ensure compliance with responsible recruitment standards. <sup>12</sup>	Green	Green	Green
The company implements processes to identify actual and potential human rights impacts within the supply chain concerning recruitment processes. <sup>13</sup>	Green	Green	Green
The company tracks and monitors responses to identified risks. <sup>14</sup>	Green	Green	Green
The company conducts due diligence checks on suppliers, recruitment agencies, or labour intermediaries involved in the hiring process, to verify that workers are not being charged recruitment fees. <sup>15</sup>	Yellow	Green	Green
The company implements accessible grievance or feedback channels for all stakeholders (including supply chain workers) to report concerns related to recruitment practices and recruitment fee payment.	Red	Red	Red
The company participates in specific initiatives, individually or collaboratively, to address or remedy exploitative hiring practices including recruitment fee payment. <sup>16</sup>	Red	Red	Green
The company establishes clear processes for reporting on responsible recruitment practices externally to demonstrate accountability and transparency. <sup>17</sup>	Red	Red	Green

<sup>11</sup> E.g. embedding these principles throughout the company's processes and structures to ensure they are consistently applied and monitored (e.g. supplier onboarding and management systems, integrating due diligence and continuous improvement approaches, developing KPIs to measure progress, etc.).

<sup>12</sup> E.g. providing guidance, training, resources, and support on responsible recruitment policies and practices.

<sup>13</sup> E.g. external and internal data sources, risk mapping (collect information down to raw material, farm or vessel level, include subcontractors), completions of SAQs, conducting third-party audits or investigations at sites focusing on recruitment processes, verification of recruitment fee payment, interviews with workers upon their arrival or during their employment to gather qualitative insights, worker voice technology and surveys.

<sup>14</sup> E.g. follow-up audits/assessments of supplier sites, tracking the effectiveness of mitigation measures, remediation efforts, and any other actions taken by the company or its suppliers to address human rights concerns.

<sup>15</sup> E.g. audits of suppliers, recruitment agencies, or labour intermediaries before and after onboarding; reviewing contracts/service agreements.

<sup>16</sup> E.g. compensation funds, support for affected individuals, or community development projects. Collaborations with other stakeholders may involve industry peers, NGOs, local authorities, or governments.

<sup>17</sup> E.g. reporting may include actions taken by the company to promote responsible recruitment practices within the supply chain, identify and address exploitative recruitment practices and recruitment fee payment, and remediate exploitative hiring practices or recruitment fees.

## Analysis / Commentary

The implementation of responsible recruitment commitments by buyers **reflects varying degrees of progress** along this journey. Some companies demonstrate considerable advancement, leveraging their knowledge and expertise to drive meaningful change. These companies have made substantial investments in resources to embed responsible recruitment practices deeply within their management systems. Out of the 14 buyers who completed our survey, nine indicated that they had taken some measure to implement EPP. Of these nine, five stated that they were “training Human Resources and recruitment staff on responsible recruitment and four stated that they were “participating in recruitment initiatives”.

In contrast, **other companies are at earlier stages of their journey** toward responsible recruitment, with less investment in this area and fewer resources dedicated to implementing their commitments, and less market leverage to encourage change at the supplier level, resulting in a slower pace of progress. Nevertheless, all buyers demonstrated a commitment to continually improving their practices and upholding their commitments to responsible recruitment, including variations of their commitment that workers should not bear recruitment fee costs. Of the nine buyers who completed the survey, **only two were “mapping out the full cost of recruitment”**, e.g., by creating an itemised list of all the costs to enhance transparency.

Importantly, many insights shared by buyers relate to responsible recruitment processes throughout their entire business, rather than solely focusing on their tuna processing supply chains. Impactt has not specifically noted any measures below that are exclusive to tuna supply chains. Interviews with buyers highlighted the fact that **many pockets of best practice exist in promoting EPP** that showcase how buyers can overcome the barriers alluded to in the preceding section of the report. Impactt has also presented possible solutions areas based on its own experience of working with various clients to address these issues.

### **Solutions to Barrier A: Challenges in monitoring and enforcement**

While all buyers **incorporated responsible recruitment principles into management systems, Company 3** (an importer), who made the firmest commitment to EPP, went a step further, **establishing a system to monitor supplier’s performance**. The buyer’s approach is interesting in that it acknowledges the long-term journey to EPP, tying KPIs to suppliers’ efforts in implementing rather than on fixed targets on the elimination of recruitment fees. Company 3’s KPIs include:

- Supplier partners demonstrate measurable progress towards embedding responsible recruitment practices by 2025.
- Direct worker feedback obtained for 100% of priority supplier partners by 2026.
- 100% of active supplier partners have been assessed against their Human Rights policy with 85% average compliance.
- Reporting the outcomes of supplier performance and compliance against key company policies to the board on a periodic basis.
- All supplier partners have adequate capability and capacity to mitigate human rights risks.

- Direct worker feedback at priority supplier partners demonstrates year on year improvements.

Many buyers have grievance mechanisms in place for their direct employees, but ensuring accessible and effective grievance channels for workers across supply chains remains a challenge. One approach companies in the sector have used is partnering with independent worker voice organisations to improve visibility into recruitment and working conditions. For example, the Issara Institute has worked with companies in the seafood sector to establish independent worker voice channels, allowing migrant workers and job seekers to report recruitment and labour issues confidentially. Through initiatives like the Issara Partner Supplier Dashboard, companies gain direct access to worker-reported data on recruitment and working conditions in their supply chains.

### **Solutions to Barrier C: The primacy of commercial imperatives**

An effective way for companies to promote responsible recruitment is by **embedding it into their procurement management systems**. One key approach is integrating responsible recruitment criteria into tender evaluations, assigning weight to suppliers' policies and initiatives in this area. In high-risk sectors such as seafood, companies have incorporated specific responsible recruitment requirements into their supplier selection processes. By prioritising suppliers with demonstrable commitments and engaging in discussions with suppliers' commercial teams to address associated risks, companies ensure that responsible recruitment remains a critical factor in procurement decisions.

### **Solutions to Barrier E: Complexity of supply chains and lack of visibility**

Two companies also **conducted risk scoping** to better identify and respond to specific risks with their recruitment supply chain.

- **Company 3:** The buyer conducts bi-annual Human Rights Risk assessments for suppliers, which consider country risk based on FNET country risk ratings, the type of labour utilized (seasonal, permanent, agency, or migrant), ethical performance in the most recent audit, and the knowledge of supplier partners' capability and capacity. The scores obtained from these assessments determine which suppliers (typically dominated by those in high-risk countries) are prioritised for engagement on human rights issues.
- **Company 1:** The buyer implements an Online Recruitment of Agency Workers Questionnaire to gather additional information on the due diligence processes carried out by both suppliers and recruitment agencies when hiring workers. This initiative has enhanced the buyer's ability to oversee and monitor potential risks related to recruitment, enabling them to identify ways to better support suppliers in this regard moving forward.

### **Solutions to Barrier B: Limited leverage and resource constraints and**

## **Solutions to Barrier F: Lack of industry expertise and guidance**

Several buyers surveyed were particularly effective at **building the knowledge and capacity of suppliers** on the topic of responsible recruitment, which helped to mitigate the limited commercial leverage they could exert over suppliers to encourage more responsible recruitment practices. Best practice examples include:

- **Company 1:** The buyer hosts monthly "culture club sessions" for employees, addressing various topics including responsible recruitment. Additionally, the buyer prioritises translating materials shared with suppliers into suppliers' native languages whenever feasible and has found this has improved communication effectiveness and helped to ensure suppliers have understood their requirements and necessary actions.

An important way for companies to promote responsible recruitment in their supply chains is by implementing capacity-building programmes for their suppliers. A best practice observed in our work is the development of comprehensive guidance that breaks down responsible recruitment into clear, actionable steps. This approach equips suppliers with essential knowledge, practical tools, case studies, and resources to help them strengthen their recruitment systems. A roadmap approach can be particularly effective in these programmes, given that suppliers have varying levels of expertise and capacity. By structuring capacity building in progressive stages, companies can support suppliers in gradually improving their recruitment practices over time in line with international standards on responsible recruitment.

### **Best practice case study: Pre-competitive information sharing (Barrier B)**

SEA Alliance, recognising that a significant portion of caught and landed fish is exported outside the UK, initially **believed they lacked the leverage** to encourage UK-flagged fishing vessels to adopt more ethical practices. To address this, SEA Alliance initiated a project for companies to **identify common buying** from UK >10 metre fishing vessels **through sharing of supply chain data** with an independent third party. This mapping process facilitated the identification of nodes of influence, **enabling buyers to agree on a common approach to these nodes relating to human rights practices** that they would require from their suppliers. This collaborative effort emphasized education and capacity building rather than strict compliance monitoring, demonstrating the potential for buyers to work together effectively **without violating anti-competitive laws** through data sharing and collaboration".

### **Pre-competitive collaboration: what are the limits?**

Pre-competitive collaboration involves two or more companies operating within the same industry, coming together to address a shared problem or shared risk that doesn't impact

direct business competition or contribute to unfair advantage.<sup>18</sup>

Some stakeholders expressed **concerns over collaborating with other buyers to share information on their supply chains** and increase their leverage due to anti-trust concerns. While such concerns are legitimate, there are examples of companies collaborating to enact positive social change in their supply chain without breaching anti-trust laws. In 2023, the Belgian Competition Authority approved a plan by IDH and five Belgian retailers to ensure a living wage for banana workers throughout their international supply chains. This example highlights that such **interventions align with competition laws when they maintain transparency, voluntary participation, competition, and safeguards against sensitive information exchange**. However, antitrust laws in the UK are aimed at preventing anti-competitive behaviour, protecting consumers, and maintaining fair competition. There is no evidence that collaboration between buyers to share information on their supply chain would be in breach of anti-trust laws, if they are sharing commercially sensitive information.

#### **Best practice case study: Building supplier capacity with limited leverage (barrier B)**

Tesco is the UK-based retailer and buyer that is the most often cited as model for EPP implementation and illustrates that **it is possible for buyers to help overhauling well-established recruitment practices in favour of responsible recruitment**. In 2020, Tesco launched 'Responsible Recruitment requirements' for its suppliers in Thailand and Malaysia, regions where recruitment fees were identified at relatively higher levels compared to other markets.<sup>19</sup> This policy mandated all suppliers to transition to a 'no fees' recruitment model, with Tesco publicly committing to achieving 'zero workers paying for a job in 100% of primary sites in Thailand and Malaysia. Despite **Tesco's limited leverage due to a combination of purchase volumes, Covid-19 repercussions, and the ambitious nature of the policy, they were able to encourage their suppliers to implement EPP** within a specified timeframe. A crucial factor in this success was Tesco's **decision to hire local responsible sourcing staff**, possessing expertise in human rights, who closely engaged with primary suppliers in Thailand and Malaysia. These local staff effectively communicated EPP requirements and expectations in the suppliers' language, facilitating their buy-in and compliance with the policy.

#### **Best practice case study: Sharing the financial burden (Barrier G)**

<sup>18</sup> See: <https://www.resonanceglobal.com/blog/what-are-pre-competitive-partnerships#:~:text=Pre%2Dcompetitive%20collaboration%20involves%20two,or%20contribute%20to%20unfair%20advantage>

<sup>19</sup> See: <https://www.ihrb.org/focus-areas/migrant-workers/reflections-from-tesco-on-ten-years-of-dhaka-principle-1-no-fees-are-charged-to-migrant-workers>

The Seasonal Agriculture Workers Scheme (SAWS) taskforce, with funding from participating retailers, is initiating a pilot project aimed at examining how the costs associated with implementing the Employer Pays Principle (EPP) could be fairly distributed across the supply chain. The pilot will focus on conducting detailed economic modelling to determine equitable cost allocation strategies among supply chain actors, including growers, recruiters, and retailers. The findings from this pilot could offer valuable insights for industry associations and tuna buyers seeking to explore similar approaches for sharing the financial burden of responsible recruitment within the global tuna processing sector.

### **Case Study: Lessons Learned from Other Sectors in Supporting Longer Term Contracts in the Tuna Processing Sector**

The transactional dynamics between buyers and suppliers in the fashion industry has traditionally posed a significant obstacle to fair working conditions in the sector. Unfair procurement practices have compelled suppliers to bear upfront material costs without assurance of product sales, leading to downward pressure on prices and diminishing profit margins. This in turn has an adverse impact on workers, potentially resulting in reduced wages, sick leave, or holiday pay, while also increasing their vulnerability to exploitation and harassment.

However, recent studies suggests that **collaboration between buyers and suppliers in the garment sector is steadily improving**. According to one McKinsey report,<sup>20</sup> the proportion of Chief Procurement Officers reporting long-term strategic partnerships with suppliers —has increased from 26 per cent in 2019 to 43 per cent in 2023 and is expected to reach 51 per cent by 2028.<sup>21</sup> The report states that garment brands are seeking to establish “deeper, more strategic relationships that foster collaboration and integration of digital systems for faster exchange of information (e.g. forecasts, digital sampling)”. One potential benefit of such a long-term commitment is that it can provide a supplier with cash flow to invest in industrial and sustainability improvements at its facilities. PVH, which includes number of brands like Calvin Klein, Tommy Hilfiger also state that they are increasing focus on long-term relationships with suppliers to collaborate on research and development.<sup>22</sup> There are several other benefits showcasing the business case both buyers and suppliers for fostering long-term partnerships, for example:

- **Reduced Costs:** Initial setup costs are mitigated, and operational efficiency increases, reducing expenses associated with re-tendering or re-negotiation.
- **Increased Efficiency and Communication:** Long-term partnerships enhance understanding and integration, leading to streamlined processes and effective issue resolution.

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<sup>20</sup> See: <https://www.voguebusiness.com/story/sustainability/are-fashions-buying-practices-really-improving>

<sup>21</sup> Ibid.

<sup>22</sup> See:

[https://assets.publishing.service.gov.uk/media/5d9b52bded915d354c1af0fe/641\\_RMGBusinessModels.pdf](https://assets.publishing.service.gov.uk/media/5d9b52bded915d354c1af0fe/641_RMGBusinessModels.pdf)

- **Pricing Volatility Mitigation:** Stable, predictable pricing benefits both parties, with suppliers often offering flexible pricing models to manage risk.
- **Supply Chain Consolidation:** Deepening relationships enable consolidation, enhancing supply chain efficiency and reducing costs.
- **Continual Improvement:** Long-term contracts facilitate ongoing collaboration for product and service enhancement, aligning with buyer requirements.

Although the COVID-19 pandemic may have called into question garment brands' long-term commitments to their suppliers, with numerous global garment brands and retailers suspending or cancelling orders with their suppliers worldwide, **examples of collaboration between buyers and suppliers in the garment industry show that there can be a real business benefit to engaging in longer-term contracts with suppliers.** The financial incentive longer-term partnerships provide to tuna suppliers could help create a platform for buyers to encourage the adoption of more responsible recruitment practices.

#### **Best Practice case study: Longer-term, collaborative monitoring and enforcement**

In Qatar's preparations for the 2022 FIFA World Cup, the Supreme Committee for Delivery and Legacy (SC) implemented the EPP as part of their Worker Welfare Standards (WWS) in the construction and hospitality sectors. **This illustrated the impact of longer-term collaborative monitoring between buyers, government parties and third parties.** The SC enacted a four-tier auditing system, comprised of contractors' self-audits, comprehensive SC audits and inspections, external monitor audits, and ad hoc inspections conducted by the Ministry of Administrative Development, Labour and Social Affairs (MOADLSA). The EPP was implemented through two key measures. **The Supreme Committee Universal Reimbursement Scheme (SCURS) reimbursed workers in recompense for recruitment fees they may have paid, irrespective of evidence provided by workers. The SC also required contractors to adhere to responsible recruitment provisions in the WWS.** These included paying all recruitment and processing fees, and including this as a clause in their contracts with recruitment agents, and completing a new starter checklist with new workers, covering whether they paid any recruitment fees. The SC also required contractors to use only MOADLSA-approved recruitment agencies. **MoADLSA attested contractors' SCURS commitment letters, providing the scheme with some powers of enforcement, enabling MoADLSA to take action against any contractors failing to meet their commitments.** In the construction sector these measures resulted in a reduction from 97% of workers paying fees in 2017 to 68% paying fees in 2021. In 2021 Impactt verified that 11 of 12 contractors audited were participating in SCURS. Nine of these 11 contractors were continuing to pay SCURS to workers even after they had transferred to non-SC projects, indicating the embedding of the EPP in their operations.

#### **Best practice case study: Integrated monitoring mechanism throughout the**

### labour procurement cycle

VINCI is a French company which has implemented responsible recruitment in the construction sector in Qatar, **highlighting the importance of incorporating measures at all stages of its labour procurement procedures**. It recruits directly through partnering with agencies and through subcontractors, and VINCI requires both methods to follow the same processes. VINCI has an integrated mechanism to manage compliance with labour rights, safety and welfare. This mechanism applies during the shortlisting, tendering and subcontracting phases. **At the shortlisting stage VINCI ensures it only partners with licensed recruitment agencies and follows a three-step process as part of its due diligence:** (1) telephone exchange with the recruitment agency for a preliminary assessment; (2) video conference between the agency and VINCI's head HR office to discuss formal requirements; and (3) an inspection visit. **At the tendering stage VINCI's Service Agreement with recruitment agencies strictly prohibits them from using anyone other than registered agents to source and preselect candidates.** Where possible, VINCI representatives travel to conduct interviews personally and recruit potential workers to fill various project vacancies. Agencies and subcontractors are required to comply with all the provisions relating to human rights and working conditions in their contracts. **For contract performance management an audit schedule is set each year. If audits reveal significant or persistent shortfalls, VINCI may terminate the agency's contract and blacklist them.** To monitor compliance with agencies' service contracts, VINCI systematically interviews newly arrived employees to enquire whether they have paid fees, and follow-up interviews are conducted at a later stage to double-check the previous results.

VINCI participated in a pilot project in with the ILO in 2018-2019 on the Qatar-Bangladesh corridor which showed a 92% reduction in recruitment fees from before the project. VINCI has also provided data to another study from New York University, which suggested **the responsible approach aligns agencies' interests with employers': finding workers who best fit the employer's requirements rather than on the basis of willingness to pay. Better screening of workers also may contribute to less frequent termination and attrition and may affect the efficiency of workers on the construction site** (along with other features desired by workers from their workplaces such as fair treatment and wages). VINCI did not need to undertake further recruitment between 2016 and 2019 after a recruitment drive and the average QDVC worker seniority rose from 3.2 years in 2017 to 4.2 in 2018.

## 6.3. Processing sites

### A. Mapping existing commitments

Commitments	Processing site 1	Processing site 2	Processing site 3	Processing site 4	Processing site 5
Sourcing/processing countries	Thailand	Thailand	NA**	Seychelles	Mauritius
The company articulates a commitment to responsible recruitment in a policy statement.	Green	Green	Yellow	Green	Green
The policy extends responsible recruitment commitments to suppliers, recruitment agencies, and business partners directly linked to its supply chain operations, products, or services.	Green	Green	Yellow	Green	Green
The policy is publicly available and communicated internally and externally to employees, suppliers, and business partners connected to the supply chain.	N/A*	Green	Yellow	Green	Green
The policy explicitly states the commitment to adhering to international labour standards, human rights conventions, and relevant local laws pertaining to fair recruitment.	Green	Green	Green	Green	Green
The policy declares a commitment to the employer pays principle (EPP).	Green	Green	Yellow	Green	Green
The policy prohibits discrimination in hiring based on race, gender, religion, age, or disability.	Green	Green	Green	Green	Green
The policy promotes transparency in the recruitment process, ensuring clear communication of job roles, terms, and rights in a comprehensible language.	Green	Green	Green	Green	Green
The policy prohibits the retention of workers' passport or identity documents and underscores their right to possess them at all times.	Red	Green	Green	Green	Green
The policy prohibits any form of worker intimidation, including threats, coercion, or actions limiting rights.	Red	Green	Green	Green	Green
The policy outlines the requirement for clear and transparent employment contracts.	Green	Green	Green	Green	Green
The policy outlines the procedures and mechanisms available to workers who have incurred recruitment fees.	Green	Green	Red	Green	Red
The policy includes procedures for reporting and addressing grievances related to recruitment, providing workers with channels to voice concerns without fear of reprisal.	Yellow	Green	Green	Green	Red

\***Processing site 1** in Thailand has not hired any foreign migrant workers from Myanmar through the bilateral Memorandum of Understanding (MoU) system. As a result, it has not yet rolled out its new EPP policy with its recruitment agencies.

\*\***Processing site 3** operates canneries in the Solomon Islands, Colombia, and Ecuador, which are not in scope of this assessment. However, a small percentage of their supply comes from third-party packers in Thailand.

## Analysis / Commentary

Out of the five processing companies interviewed, **four have publicly committed to EPP**. One of these processors is seen as a leader in the responsible recruitment in the tuna sector and has been **gradually implementing EPP in a phased approach** since its first Ethical Migrant Recruitment Policy was launched in 2016. Although the company's commitments had so far only applied to its facilities in Thailand, the roll out of the policy has just expanded to the Seychelles as of March 2024. **Processing site 3** has been marked in orange ("generally aligned with international standards, but with important gaps") given that it does not explicitly commit to EPP or responsible recruitment in any of its policies, referring instead to the standards of the Seafood Task Force (STF), which is a member of. Although the STF's Code of Conduct offers clear guidelines on recruitment fees, these were issued in 2019, and may not be fully aligned with ILO's Definition of Recruitment Fees issued the same year. Out of the nine processing sites who completed Impactt's baseline survey (which includes three out of the five processing sites interviewed) all stated that their expectations on responsible recruitment were outlined in a policy document.

Another processor in Thailand (**processing site 2**) has just updated its Ethical Migrant Recruitment Policy in January 2024 to align with the ILO Guidelines on Recruitment Fees & Related Costs, following over a year of efforts **building up its capacity on responsible recruitment through engagement with its buyer and a third-party consultancy**. However, the company had not yet hired any foreign workers through the Memorandum of Understanding (MOU) with Myanmar (where they plan to source the majority of their foreign migrant workers from), and as a result, had not yet had the chance to implement EPP in practice.

**Processing sites' policy commitments were generally found to be aligned with international standards, albeit with a few exceptions. Processing site 1** in Thailand does not explicitly prohibit intimidation and retention of identity documents in its recruitment policy. In addition, despite having a comprehensive Migrant & Contract Worker policy, **processing site 5** in Mauritius has no policy commitments related to remediation of recruitment fees and related costs and provision of grievance channels for migrant worker job candidates.

In general, interviews found that the main variables determining whether processing sites were able to commit to and implement EPP were the size and resource capacity of the company, the level of pressure and scrutiny imposed by key buyers around this topic, and whether buyers provided any type of training or support in view of implementation, e.g.:

- **Processing site 1 and 4's** ability to commit to and implement EPP can be attributed to the fact that they belong to the same seafood producer, which is one of the largest players in the global tuna market and has the in-house expertise to drive forward implementation.
- By contrast, **Processing site 1** is a relatively small supplier with limited resources. They have decided to implement EPP due to strong pressure from strategic buyers and have benefited from hands-on training and support from a Thai buyer.

## Barriers

Stakeholder interviews with processing sites and other tuna stakeholders based in five focus countries in scope, identified the following key barriers to implementing EPP commitments:

### **Financial implications of EPP implementation**

All processing sites singled out the **financial cost of EPP and the lack of financial support from buyers** as a major obstacle. **Processing site 4** in the Seychelles added that while buyers claim that responsible recruitment practices matter, they will often switch from one supplier to another depending on who is offering the lowest price.

As highlighted by a Thai industry association, shouldering the financial cost of EPP can be **especially challenging for small and medium-sized companies**. Tuna suppliers operate on thin margins and have to incur high operating costs for recruiting and hiring staff, even when they lack visibility into future orders. As a result, shouldering the costs of EPP can lead to important problems with their cash flow.

### **Inconsistent Buyer Expectations on EPP Across Source Countries**

A Mauritian export association (which includes tuna exporters as members) expressed concern over **perceived discrepancies in buyers' expectations regarding EPP across various source countries**. This sentiment was validated by stakeholder interviews with buyers, revealing a tendency among companies to adopt EPP gradually, prioritizing countries perceived as posing higher risks. The association emphasized the need for buyers to standardise EPP commitments across all source markets to ensure fairness and consistency.

### **Difficulties in mapping the true cost of recruitment**

The same association also stated that smaller companies in Thailand struggled to **map out the true cost of recruitment from labour source countries**, which was needed to estimate their cost of production.

Several processing sites also highlighted that bribery and corruption in recruitment source countries is a major barrier to understanding the true cost of recruitment.

### **Concerns around unintended consequences of EPP implementation**

One industry association in Thailand highlighted the concern that **migrant workers could abscond after the company has covered the cost of their recruitment**, representing a financial loss for the company, and that implementing a remediation policy could pave the way for an avalanche of fraudulent claims.

A similar concern was echoed by a Mauritian export association. It stated that members **struggled with the central tenant of the EPP** as defined by the ILO, according to which

they are responsible for remediating all fees and related costs paid by migrant workers, including illegal fees paid to home country agents and sub-agents. The members in question were concerned that by remediating illegal fees, including those paid as bribes, companies in Mauritius might be “feeding the monster” and helping to perpetuate unethical practices.

### **Best practice: Calculating the cost of recruitment.**

The Thai Tuna Industry Association (TTIA) and Verité are about to conduct **a pilot to map out the cost of recruitment fees** for workers migrating from source countries in Southeast Asia (e.g., Myanmar) to go work in tuna processing sites **in Thailand**. The objective of the pilot is to increase transparency on recruitment costs in these migration corridors, and on this based, come up with **a model of how these costs can be shared between supply chain actors** (recruitment agencies, tuna suppliers, international buyers).

The Responsible Recruitment Initiative toolkit<sup>23</sup> includes a **cost calculation tool** that can be used by suppliers to list out **what recruitment costs are paid** by workers during their migration journey, to help them **calculate their recruitment cost per worker**, which they can then factor into their production costs and share with buyers when negotiating contracts.

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<sup>23</sup> See: <https://responsiblerecruitmenttoolkit.org/>

## B. Mapping responsible recruitment implementation measures

Implementation measures	Processing site 1*	Processing site 2	Processing site 3	Processing site 4	Processing site 5
Sourcing/processing countries	Thailand	Thailand	NA	Seychelles	Mauritius
The company designates senior-level accountability for responsible recruitment decision-making.	Green	Green	Red	Green	Green
The company allocates resources and expertise for ongoing human rights oversight within its operations and business relationships.	Green	Green	Green	Green	Green
The company incorporates responsible recruitment principles, including the EPP, into management systems. <sup>24</sup>	Green	Green	Red	Green	Green
The company engages in open dialogue with suppliers and recruitment agencies to ensure compliance with responsible recruitment standards. <sup>25</sup>	Green	Green	NA**	Green	Yellow
The company implements processes to identify actual and potential human rights impacts within the supply chain concerning recruitment processes. <sup>26</sup>	Yellow	Green	Green	Green	Green
The company tracks and monitors responses to identified risks. <sup>27</sup>	Yellow	Green	Green	Green	Green
The company conducts due diligence checks on suppliers, recruitment agencies, or labour intermediaries involved in the hiring process, to verify that workers are not being charged recruitment fees. <sup>28</sup>	Yellow	Green	Green	Green	Yellow
The company implements accessible grievance or feedback channels for all stakeholders to report concerns related to recruitment practices and recruitment fee payment.	Yellow	Green	Green	Green	Green
The company participates in specific initiatives, individually or collaboratively, to address or remedy exploitative hiring practices including recruitment fee payment. <sup>29</sup>	Green	Yellow	Red	Green	Red
The company establishes clear processes for reporting on responsible recruitment practices externally to demonstrate accountability and transparency. <sup>30</sup>	Red	Green	Red	Red	Red

\* As mentioned, **processing site 1** does not currently employ any migrant workers hired from overseas. As a result, many of the processes to implement EPP are not yet in place.

\*\* **Processing site 3** does not employ any migrant workers in its canneries in the Solomon Islands, Ecuador, and Colombia. As a result, it has not communicated specific requirements on zero-recruitment fees to its business partners in these countries.

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## Analysis / Commentary

The processing sites interviewed as part of this study were found to have effectively allocated resources and expertise and delegated appropriate levels of accountability to manage the topic. The **most important limitations identified related to policies in place concerning the remediation** of recruitment fees and related costs.

**Processing site 1 & 4** in Thailand and the Seychelles were the only processing companies interviewed that have a **clear policy in place regarding the remediation of recruitment fees**.

- **Processing site 1's** policy states that "For any costs that are not initially paid in full by the [processing site], employees will be paid back with 90 days of the costs being incurred."
- **Processing site 2's** policy states that "For any recruitment fees and related costs which are not initially paid in full by [the processing site] or its subsidiaries (e.g. travelling costs from the place of current residence to the interview site), jobseekers and employees will be reimbursed within 30 days of the costs being incurred. Where workers are negatively impacted by non-compliance to the policy, they shall be entitled to effective remedy provided or facilitated by [the processing site] and/or recruitment agents."

A key limitation of **processing site 1's** policy is that the obligation to remediate only extends to fees charged by the authorised recruitment agency that deviate from the service agreement in place with the processing site. The policy is not clear as to **whether fees illegally charged by sub-agents or brokers are within the scope** of remediation. As highlighted later in this section, processing sites have expressed reluctance in remediating workers for illegal fees paid to unlicensed agents or brokers, citing limited means to control illegal or corrupt practices outside their own country. They argue that proper regulation and enforcement of recruitment laws should be the responsibility of the source country government.

One other limitation identified is that, except for **processing site 2, none of the processing sites interviewed had established clear processes for reporting on responsible recruitment practices externally**.

Interviews with processing sites (and for one site, their workers) and stakeholders (i.e., government industry, civil society) interviewed as part of the source country multi-stakeholder focus group discussions also revealed the following risk areas relative to specific migration corridors and areas of the supply chain:

- During the pandemic, processing sites in Thailand increased their recruitment of in-country migrant workers to meet labour demands. This category of workers presents a grey area for processors in Thailand, as these migrant workers may have incurred recruitment fees when they migrated to the country, often illegally.

- One NGO stakeholder in the Seychelles states that although **processing site 4** had made strides in eliminating agency recruitment fees, **referral fees charged by current or former employees presented an important** responsible recruitment risk for companies.
- **Processing site 5** underscored that it can “only control fee payment within its own operations” and that **extending EPP commitments to its own supply chain partners would prove extremely difficult**. While the site is communicating its expectations on EPP to its suppliers, it stated that it is limited in its ability to audit its suppliers for compliance given that it works with hundreds of raw materials suppliers where leverage varies greatly.
- Interviews with Seychelles government and civil society stakeholders revealed how **loopholes in government policy can undermine enforcement of laws on responsible recruitment**. A civil society stakeholder argued that processing sites located in the International Trade Zone (ITZ) are not under the scope of the country’s labour laws, including around the prohibition of recruitment fees. Stakeholders highlighted that mistrust between government and civil society was barrier to cross-stakeholder collaboration on responsible recruitment in the country.
- Worker focus group discussions with migrant workers employed at **processing site 4** in Mauritius reported that they had to pay for their Covid test and health screening out-of-pocket, highlighting how **processing sites may not cover all of workers’ “related” costs, even when they have committed to EPP**.

## Best practices

Interviews with processing sites also identified the following best practices:

**Processing site 3 and processing site 4** stated that they would only work with a **maximum of one recruitment agency per source country**. The companies stated that this has increased their visibility over the recruitment process in these countries.

**Processing site 5** in Mauritius has a **very comprehensive Ethical & Migrant Worker Policy which is 10 pages long that helps suppliers to embed responsible recruitment in their management systems** by outlining the vulnerabilities faces by migrants workers, stipulating the responsibilities for suppliers to report risks and conduct due diligence on its agencies, and suggesting checks (e.g., during agency selection worker onboarding, agency monitoring, etc.) for suppliers who use migrant or contract workers.

**Processing sites 2 and 4** demonstrated good management systems for monitoring the payment of recruitment fees by migrant workers:

- Both companies have **service agreements in place with their agencies, which clearly break down the cost of recruitment** borne by migrant workers at various stages of the recruitment process, and which fees are to be borne by the agency, and

which are to be covered by the buyer. The contracts stipulate that the agencies are to refund workers for any fees charged by the agency in scope of the service agreement.

- Before candidates to **processing site 4** are deployed to the Seychelles, they are interviewed by processing site staff where they are asked whether they have paid any fees or kickbacks to anyone. Workers are interviewed by staff again when they arrive in the Seychelles.
- During the recruitment phase, migrant workers from **processing site 3** are provided with an email address **to raise grievances** (included in the on-the-job advert). **Processing site 4** has partnered with a third-party NGO to help monitor the recruitment process in the source country and field any complaints from job candidates.

The survey also identified several best practices. Of the nine processing sites who completed the survey, seven (~78%) stated that they were mapping the full costs of their recruitment, and five (~55%) stated that they were “administering payments to workers who were found to have paid fees”. In addition, **eight of the nine processing sites (~89%) stated that they had carried out due diligence activities to monitor the effectiveness of the policy implementation.** Of these, seven were “conducting due diligence on their recruitment agencies”.

**The Thai Tuna Industry Association (TTIA) and the Thai Pet Food Association (TPFA) have issued guidelines for labor recruitment based on the ILO's Fair Recruitment principles.** These guidelines emphasize compliance with both Thai and origin country laws, prohibit charging recruitment fees, mandate employment contracts without forced labor, and establish grievance mechanisms. They also advocate for transparent recruitment costs, consultations between employers and workers on passport costs, and reject illegitimate expenses that could lead to human trafficking or forced labour. However, the guidelines stop short of full compliance with EPP, as it states that “*Members of the TTIA and the TPFA will not endorse the payment of costs that are related to bribes, unclear, undisclosed, or illegitimate expenses, as they carry the risk of being associated with human trafficking or forced labour*”.

#### **Case study: EPP Implementation in Malaysia**

In 2018, **Impactt conducted an extensive investigation at a garment factory** based in Malaysia, commissioned by Company A. The investigation revealed **numerous labour violations**, including passport retention, deceptive recruitment practices, and the imposition of recruitment fees on workers from Bangladesh, Nepal, Myanmar, Sri Lanka, and the Philippines. In response, Company A facilitated the **formation of a Buyers' Group**, comprising five buying companies, to collectively address these issues and drive improvements. Supported by the Buyers' Group, Impactt worked closely with Company X's management over a 12-month period **to develop a comprehensive remediation plan**, reimburse recruitment fees and related costs to affected workers, establish a trusted helpline in multiple languages, provide training to address worker-supervisor dynamics, and

verify the implementation of remediation efforts.

The project provided **important lessons learned** on EPP implementation that are relevant for tuna buyers and suppliers, i.e.:

1. **Collaboration is key:** The formation of a Buyers' Group allowed for greater leverage and consistency in driving change. Involving intermediaries like buying agents strengthened the group's relationship with the supplier, facilitating a more direct approach to addressing issues.
2. **Communicate consistently:** Maintaining consistent messaging from buyers helped suppliers understand remediation priorities and increased the likelihood of their agreement to implement changes.
3. **Respect and support suppliers:** Adopting a collaborative approach with mutual respect for the supplier rather than a top-down mandate fostered long-term engagement. Emphasizing collaborative work and supporting the supplier's improvement efforts proved effective.
4. **Look beyond the factory:** Unethical recruitment practices often occur outside the factory's parameters and standard social audits. Identifying these risks requires different tools and a focus on upstream labour supply chains rather than just the factory level.
5. **Prevention is just as important as remediation:** Policy changes to prevent recurrence of exploitative recruitment practices are crucial alongside reimbursement to workers. While reimbursement may seem challenging due to its financial cost, it's ultimately easier to accomplish.
6. **Recruitment fees can be reduced relatively quickly:** Responsible recruitment system implementation takes time but can be achieved with the right investment of time and resources. This pilot demonstrated significant reduction in recruitment fees (service fees) paid by workers within a relatively short timeframe.
7. **Culture change takes time:** Investing in trainings and initiatives to build management understanding of the link between worker satisfaction and productivity is essential. A thorough grasp of the business case for good working conditions is necessary for systemic change.
8. **Enable workers to participate in the remediation process:** Establishing a responsive helpline for workers to contribute to the remediation process provides valuable insights into the effectiveness of remediation actions. Building trust with workers is crucial for the success of such initiatives.
9. **Build effective channels for worker-employer dialogue:** Implementing sustainable channels for ongoing worker-employer dialogue beyond external remediation programs is critical for long-term change.
10. **Understand the risks around G2G agreements:** Government-to-government agreements in international recruitment can perpetuate recruitment fees and enable bad practices. More transparency and information on these agreements can help brands assess risks and make informed sourcing decisions.

## 7. Recommendations

### Industry associations

- 1. Continue to work together to commission and fund projects and joint initiatives on the topic of responsible recruitment (including with other associations, where appropriate).**

#### The problem

Despite best practice examples (including this project) of buyers working together to tackle common challenges on responsible recruitment, progress is hindered by lack of coordination and information sharing amongst buyers.

#### The opportunity

Associations with the appropriate mandate and capacity can help further the responsible recruitment agenda by supporting buyers in accessing information they need to make informed decisions on improving their responsible recruitment systems. This report highlights best practice examples of buyers coming together, either independently or with the help of an industry association, to tackle and address shared risks in their supply chains.

#### The actions:

Encourage members to transparently share information on their supply chain (i.e., details such as recruitment agencies, processing sites, workers). The association can aggregate the information anonymously to help members identify shared risks, and use its convening power to address those risks, e.g. by:

- Supporting members by equipping them with knowledge and tools to tackle common barriers and risks.
- Enabling joint investigations or HRDD initiative to identify and address shared risks.
- Bridging the gap with rightsholders (e.g., through partnerships with worker representation mechanisms in destination countries members source from).
- Advocating for the strengthening of laws on responsible recruitment in source and destination countries.
- Co-funding joint initiatives – see section on buyers below (i.e., support buyers in identifying shared risks and potential for collective action).  
Hosting a working group dedicated to implementing a cost-sharing pilot, defining 'remedy', etc.) for the tuna industry.
- In line with the above effort to increase data transparency, commissioning research and a global map on high-risk labour migration corridors on fair recruitment. This research can help inform companies' due diligence efforts on fair recruitment through the development of:
  - A research document on high-risk labour migration corridors on fair recruitment around

- the world and the sectors in the countries of destination with at-risk migrant workers.
- A global risk map to help visualise the research data on a freely accessible, online platform.

**1. All associations should review their governance structure to ensure that they are action-oriented when it comes to EPP.**

**The problem:**

Not all associations will have the scope or mandate to support members in the ways described in recommendation #1 above.

**The opportunity:**

**2. Where this is not already the case, associations should chart a clear pathway forward to ensure that they have clearly defined objectives and outcomes, in line with their respective capabilities, expertise, and mandates.**

**The actions:**

- Conduct a comprehensive review of the association's current governance structure, including decision-making processes and accountability mechanisms.
- Identify gaps in the governance structure that may hinder action-oriented approaches to responsible recruitment and EPP.
- Establish clear objectives and outcomes related to responsible recruitment and EPP within the association's mandate and capabilities.
- Develop a theory of change outlining the association's pathway to achieving these objectives, including specific actions, milestones, and indicators of progress.
- Implement regular monitoring and evaluation mechanisms to track progress towards the defined outcomes and make adjustments as needed.
- Communicate transparently with members and stakeholders about the association's commitments, progress, and challenges in promoting responsible recruitment and EPP.

**Buyers**

**1. Ensure that policies prohibiting bribery and corruption within the company's supply chain are integrated into responsible recruitment policies and commitments.<sup>31</sup>**

**The problem:**

While brands, buyers, suppliers, and recruitment actors may commit to responsible

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<sup>31</sup> See: <https://www.fairlabor.org/responsible-recruitment-webinar-on-may-16/#:~:text=A%20presentation%20of%20the%202015,treating%20workers%20with%20dignity%20and>

recruitment, challenges persist on the ground due to the complexity of the migrant worker recruitment process. This complexity often involves unnecessary actors and can lead to a 'kickback process,' where recruitment actors pay end-user employers or destination country agents for recruitment demands. These kickback costs, borne by workers, undermine efforts towards responsible recruitment and hinder the development of responsible recruitment markets.

### **The opportunity:**

The opportunity lies in buyers ensuring rigorous monitoring of all recruitment costs and processes, incorporating checks for bribery and corruption risks as part of robust governance practices.

### **The actions:**

- Conduct a thorough review of existing responsible recruitment policies and commitments to identify any gaps related to bribery and corruption prevention.
- Collaborate with legal and compliance teams to develop and integrate specific clauses or provisions addressing bribery and corruption risks into responsible recruitment policies.
- Provide training and capacity-building programs for relevant stakeholders, including procurement staff, suppliers, and recruitment agencies, on identifying and mitigating bribery and corruption risks in the recruitment process.
- Establish clear mechanisms for reporting and investigating suspected cases of bribery and corruption within the supply chain, ensuring protection for whistleblowers.
- Engage with industry associations, NGOs, and government agencies to share best practices and collaborate on initiatives aimed at combatting bribery and corruption in recruitment practices.

## **2. Identify shared risk and potential areas for collective action points with other buyers; share data on perceived recruitment risks, and the true cost of recruitment in common migration corridors.**

### **The problem:**

A significant obstacle to sector-wide progress on the Employer Pays Principle (EPP) implementation is that buyers may work in silos when trying to implement EPP in their supply chains. This isolation hinders collective efforts and data sharing, which are crucial for addressing recruitment risks effectively.

### **The opportunity:**

Buyers can sharing information on their tuna supply chain (e.g., on key suppliers used in different markets, the source countries of migrant workers employed by key suppliers, the recruitment agencies used by these suppliers, the breakdown of recruitment costs in relevant migration corridors, and key recruitment-related risks identified) through an industry

association or third party platform to ensure that commercially sensitive data is handled appropriately within the bounds of UK anti-competition laws. Sharing this data would present several important benefits, i.e.:

- Enabling buyers to align messaging on RR or EPP implementation for common suppliers identified in their supply chain, where necessary.
- Sharing information on responsible agencies, including those with poor performance which have been blacklisted by particular buyers.
- Co-funding a joint assessment or investigations when risks are identified within the recruitment process of a shared suppliers.
- Establishing a benchmark of what “related costs” workers' pay in certain migration corridors, to help suppliers negotiate better payment terms with their recruitment agencies.

The third party (e.g., industry association) storing the data can control what information the buyers have access to, to ensure compliance with anti-competition laws. For example, the association could flag the existence of recruitment-related risks to buyers with common suppliers in a specific source country or recruitment corridor, without the need to disclose details of the commercial relationship between specific buyers and suppliers.

#### **The actions:**

- Create a working group among buyers to discuss the purpose, scope and funding for a pilot data sharing project aimed at identifying shared risk and potential areas for collective action.
- Select an industry association or third party that could hold the data shared by participating buyers, thereby addressing concerns around confidentiality of information.
- Hire in-country staff with knowledge of responsible recruitment who can gather information from suppliers that can be fed into the supply chain mapping data. These individuals could be employed by industry association with funding from participating buyers. In addition, buyers could even consider hiring part-time staff in key origin countries of migrant workers to build supplier capacity to select, vet and monitor home country recruitment agencies.
- Connect with national governments local in-country processors, suppliers, rights organisations and others to build momentum throughout the value chain – rather than trying to push all the requirements on existing operations and suppliers, to develop collaborations that can identify risks, and work together to address them.

### **3. Work with procurement to integrate ethical considerations into supplier selection criteria.**

#### **The problem:**

Many stakeholders highlighted that buyers tend to prioritise considerations on price over ethical performance when selecting new suppliers. As a result, efforts made by ethical sourcing

or sustainability teams to embed ethical labour and recruitment practices in their supply chain may come into conflict with procurement teams' focus on price.

### **The opportunity:**

For responsible recruitment or EPP implementation to be possible, buyers need to integrate considerations on social performance into their supplier selection criteria in the same way that their suppliers are expected to embed considerations on ethical recruitment into their selection of recruitment agencies.

### **The actions:**

- Assess the company's purchasing practices to determine whether they are potentially causing or contributing to adverse human rights risks in the supply chain (contractual clauses that allow the buyers to request large orders with very little lead time).
- Incorporate a few basic criteria to ensure that prospective suppliers have visibility into their recruitment process and have minimum safeguards in place to prevent fee payment. These criteria should include requiring evidence of third-party monitoring of recruitment processes.
- Buyers' ethical sourcing and procurement teams should brainstorm to decide what quantifiable selection criteria would be appropriate.
- Review the company's purchasing practices policy accordingly.

## **4. Incentivise EPP-conformant suppliers, e.g., through longer-terms contracts, increased orders, or financial contributions.**

### **The problem:**

Suppliers have indicated that a lack of incentives is a significant obstacle to implementing RR or EPP. Suppliers who invest in setting up processes and procedures to conform with buyer expectations almost always do so at their own cost, and with no obvious commercial advantage.

### **The opportunity:**

For these recommendations to be sustainable, tuna industry stakeholders must work together to make EPP economically viable for all actors involved. Buyers can encourage RR or EPP adoption through the following incentives:

- Create approved lists of recruitment agencies with their suppliers. Rather than focus on naming and shaming agencies, the list should focus on establish a list of responsible agencies on the basis of clear and transparent criteria that measures responsible recruitment efforts Resources already exist to support buyers in these efforts:
  - The Institute for Human Rights and Business (IHRB) has launched a Responsible Recruitment Register that features a list of "companies or business associations that have a publicly available policy on recruitment that prohibits

recruitment fees, costs, and associated charges being paid by workers”.<sup>32</sup>

- The IOM’s IRIS<sup>33</sup> initiative is currently in the process of vetting labour recruitment agencies that meet responsible recruitment requirements; this will make up a pool of responsible agencies that buyers can recommended to their suppliers in the future.
- Sharing the cost of EPP by embedding this as a premium they pay to their suppliers as part of a regular cost of doing business.
- Agreeing to longer-term contracts with suppliers who agree to implement ER or EPP.
- Committing to increased orders for suppliers who have demonstrated progress in ER or EPP implementation.
- Leveraging innovative financial mechanisms like Impactt's Remediation Bond<sup>34</sup> to provide immediate funds for employers to repay recruitment fees and release workers from debt bondage, thereby levelling the playing field for all buyers committed to ethical practices.

### **The actions:**

- Identify an industry association that would be willing to host a working group dedicated to implementing a cost-sharing pilot for the tuna industry. Participating buyers can determine with the industry association whether this pilot would need to be co-funded, or whether it could fall under existing budgets allocated by industry associations.
- The industry association in question should take care to not duplicate existing initiatives (e.g., as mentioned, Verité and the TTIA are leading a similar initiative in Thailand and the UK Seasonal Worker Scheme Taskforce are commissioning a related pilot).
- The association should hire a third-party consultant to draft the scope of the pilot, which might include the following key components:
  - Launching the pilot by selecting a source country and a participating supplier.
  - Mapping out the costs associated with recruitment and EPP implementation.
  - Determining how costs will be shared between buyers and suppliers.
  - Establishing a mechanism for financial contributions.
  - Exploring the potential for scaling up the pilot for broader industry adoption.
- These efforts should not be undertaken in silos. As mentioned, buyers and industry associations should connect with national governments, and local in-country processors and suppliers and rights organisations and others to build momentum throughout the value chain.

## **5. Collaborate with source and destination country government and industry bodies to advocate for the strengthening of laws on responsible recruitment and agency regulation.**

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<sup>32</sup> See: <https://www.ihrb.org/employerpays/responsible-recruitment-register/P41>

<sup>33</sup> See: <https://iris.iom.int/>

<sup>34</sup> See: <https://www.impacttlimited.com/remediationbond/>

### **The problem:**

A number of stakeholders highlighted that implementing responsible recruitment or EPP was challenging when suppliers are hiring migrant workers in countries where the “worker pays” principle is the norm and national laws do not adequately prevent or discourage the charging of service fees by recruitment agencies or broker.

In addition, buyers expressed concerned that companies who invest in responsible recruitment are at a commercial disadvantage compared to other companies who do not invest in such efforts given the costs involved.

### **The opportunity:**

Buyers and industry associations can form coalitions with other stakeholders, including NGOs, labour unions, and government bodies, to collectively advocate for stronger laws on responsible recruitment and agency regulation.

Regulatory frameworks can provide a baseline standard that all suppliers must meet, ensuring that those who follow responsible practices are not at a competitive disadvantage. Buyers lobbying for stronger regulations and enforcement is an opportunity to level the playing field, as it ensures all market participants adhere to the same ethical standards.

### **The actions:**

- Building on the above, buyers can share any data gathered on the impact of unethical recruitment practices on workers and supply chains with policymakers to help illustrate the need for stronger regulation.
- Work with international organisations to support initiatives focused on labour rights and responsible recruitment and raise awareness amongst business stakeholders and policy makers within home countries about the importance of responsible recruitment practices and the need for regulatory reforms.
- Engage with industry associations and regulatory bodies to advocate for regulations that support ethical recruitment practices. Regulatory frameworks can provide a baseline standard that all suppliers must meet, ensuring that those who follow responsible practices are not at a competitive disadvantage. This may also include aligning on auditable standards for responsible recruitment and EPP. For example, SEDEX has made the non-remediation of recruitment fees a non-compliance in the SMETA audit methodology. This is a good example of how common standards can help level the playing field by ensuring that all suppliers are held to the same expectations.

## **6. Work together to establish clear criteria on what constitutes “effective” remedy.**

### **The problem:**

Buyers expressed confusion over what international guidelines define as “effective remedy” and what were buyers’ responsibility in providing remedy to workers in their supply chain who have paid recruitment fees and related costs. Several buyers indicated that they did not have clarity on whether their obligations were the same when dealing with “recruitment fees” (e.g., fees illegally charged by labour brokers) versus “related costs” (e.g., visa costs and other fees legally allowed in workers’ home country).

### **The opportunity:**

Collaborate among buyers to establish a common definition of what constitutes excessive fees in the context of recruitment. This can help create a shared understanding and framework for addressing the issue.

### **The actions:**

- If helpful, make a distinction between legally allowable fees, such as related costs according to the International Labour Organization (ILO) definition, and actual recruitment fees. This differentiation can guide discussions and actions on remediation and support a clear improvement pathway through a staged process.
- Consider a step-by-step approach to addressing the issue of recruitment fees and related costs. Begin by agreeing on a common position among buyers, which may include establishing criteria for identifying excessive fees and determining appropriate remediation measures.
- For buyers who are not yet fully committed to EPP, consider a phased approach to prohibiting fees, for example via a dedicated working group established by one of the industry associations.

## **Suppliers**

- 1. Suppliers and buyers should determine how much responsible recruitment actually costs.** Using the ILO Definition on Recruitment Fees & Related Costs, they can work together to estimate the cost for each line item (i.e., food & accommodation) visa, travel, flight, medical, skills tests, etc.). Once these costs have been broken down, the supplier and buyer can agree on a service fee the suppliers are willing to pay to their recruitment agency that includes a reasonable profit. They may be able to work with workers as well as existing, trusted agencies on this process. However, a wide spread of data inputs should be used across multiple agencies to cross-reference all itemisations of the recruitment journey (e.g., is this more or less what employers are already paying agencies?).
- 2. Suppliers should reduce the number of actors in the labour supply chain to reduce the risk of corruption.** Each actor may be taking a cut from workers. Suppliers should identify and interview agencies in source countries and cut out any intermediary agencies acting as a middleman. Similarly, suppliers should understand how and when

the agencies use sub-agents. Even when (and especially if) they claim not to use them, due diligence should be carried out e.g., including candidate and worker interviews during recruitment and post arrival to verify this.

**3. Suppliers should choose the best agency for responsible recruitment.** Suppliers should provide training to shortlisted agencies on their expectations for no recruitment fees or related costs to be borne by workers and use an open-source tender process to identify the best agency. Key steps of the open tender should include:

- a. Package of recruitment open tender materials for all recruitment agencies including information on selection criteria.
- b. Launch public open tender events with governments and recruitment agency associations to explain the process and address questions.
- c. Provide a Self-Assessment Questionnaire (SAQ) to all bidders; review responses.
- d. Conduct audit on bidders who passed the SAQ.
- e. Visit top performing recruitment agencies in-country to understand recruitment systems and operations; finalise service agreement(s) with selected agency or agencies.
- f. Provide capacity building to selected agencies prior to recruitment launch to address identified gaps.

**4. The contract between agency and employer should require zero fee recruitment.** This should:

- Specify the breakdown of recruitment costs.
- Forbid further fee charging to workers and subcontracting to other agencies.
- Specify that the employer will pay the agency 75% on commencement of recruitment and 25% on arrival of workers at site (to mitigate the risk that the agency collects fees from workers to mitigate cash flow problems). The supplier should pay the agency to cover 100% of their costs (regardless of the outcome of the recruitment, i.e. whether job candidates fail their medical, pull out. etc.). However, the services fees should only be paid once workers arrive in country.
- Specify consequences for breaches, e.g., if recruiters charge workers, they are responsible for repayment of fees to workers or are terminated/blacklisted.

**5. Suppliers should monitor responsible recruitment** in person and via an effective grievance channel at all stages of recruitment and in employment. Contracts with the agencies should also require them to share this grievance line with workers. The supplier should include checks on this in their due diligence, including via candidate and worker interviews. Additionally, suppliers can enhance their responsible recruitment efforts by collaborating with third parties in source countries, such as NGOs or consultancies, who possess expertise in responsible recruitment. These third parties can add another layer of verification by operating grievance lines for candidates to raise concerns or by monitoring the agencies' recruitment process, conducting interviews with candidates to inquire about fees, and ensuring compliance with ethical recruitment practices.

- 6. Employers should enforce consequences for breaches** and ensuring that the worker never loses out. Recruitment agencies should reimburse workers who have paid fees. In the event that the agency is terminated for non-repayment, then the employer should repay the workers. The contract with the agency should stipulate that the supplier can withhold the last payment owed to the agency to apply this to remediation if the contract is terminated.
- 7. Process for continuous improvement:** Set up regular lessons learned sessions (at least annually) between the supplier and agency to build knowledge of problems and challenges and collaborate on solutions.

## Appendix A: Definitions

### Recruitment fees and Related costs<sup>35</sup>

The terms 'recruitment fees' or 'related costs' refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection. These are costs that should be paid by governments, employers, and recruitment agencies, not by workers.

<b>Recruitment fees</b>	Payments for recruitment services offered by public or private labour recruiters. These fees may be one-off or recurring and can cover recruitment, referral, and placement services. Costs could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials, organizing travel and transportation, and placement into employment.
<b>Related costs</b>	Related costs are expenses which are integral to recruitment and placement within or across national borders. It is generally acknowledged that the widest set of related costs are incurred for international recruitment. The following costs should be considered related to the recruitment process when initiated by an employer, labour recruiter or an agent acting on behalf of employers; when required to secure access to employment or placement; or imposed during the recruitment process. <ul style="list-style-type: none"> <li>▪ Medical costs (payments for required medical examinations, tests, or vaccinations)</li> <li>▪ Insurance costs (costs to insure the lives, health, and safety of migrant workers, including through enrolment in migrant welfare funds)</li> <li>▪ Skills and qualification tests (e.g. to verify workers' language proficiency, level of skills and qualifications, location-specific certification, or licensing)</li> <li>▪ Training and orientation (e.g. expenses for language, skills, and other required trainings, on-site job</li> </ul>

<sup>35</sup> Based on the ILO definition: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/publication/wcms\\_536755.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf). p.28.

	<p>orientation and pre-departure or post-arrival orientation of newly recruited workers)</p> <ul style="list-style-type: none"> <li>▪ Equipment costs (costs for tools, uniforms, safety gear and other equipment needed to perform assigned work safely and effectively)</li> <li>▪ Travel costs (expenses incurred for travel, accommodation, and subsistence during the recruitment process, e.g. during training, interviews, consular appointments, as well as costs for return and repatriation).</li> </ul> <p>Administrative costs (application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining, or legalizing workers' employment contracts, identify documents, passports, visas, background checks, security and exit clearances, banking services and work and residence permits).</p>
<p><b>Illegitimate, unreasonable, and undisclosed costs</b></p>	<ul style="list-style-type: none"> <li>▪ Extra-contractual, undisclosed, inflated, or illicit costs (e.g. bribes, extortion, or 'kickback' payments<sup>26</sup>, bonds, illicit cost-recovery fees and collaterals required by any actor in the recruitment chain).</li> </ul>

## Appendix B: Methodology

Impactt proposed to conduct the research using a mixed-method approach, focusing on data collection through primary and secondary desk reviews and key informant interviews. The research comprised six stages:

### Project Set-Up:

- In the initial step, Impactt convened an introductory call with representatives of participating organizations to facilitate introductions, agree on study objectives and outputs, define focal points and roles, understand relevant background work, and finalise the countries to be covered (Thailand, Mauritius, Seychelles, Maldives, and the Philippines). Relevant stakeholders for key informant interviews were discussed.
- Following the call, each participating organization was asked to share a suggested list of key informants for interviews and relevant documents for review, including commitments related to responsible recruitment and the Employer Pays Principle, results of due diligence activities, and reports/resources related to responsible recruitment.

### Survey and Desk Review of Existing Research:

- A short survey was developed and shared with members of participating organizations to gather basic data on employer pays policies, actions taken, reflections on effectiveness, and data on recruitment fees.
- A desk review of existing research was conducted, including literature and resources recommended by participating organizations, global responsible recruitment initiatives analysis, international human rights standards, and relevant local laws and standards.
- Research Design: After the primary desk review, Impactt finalized the research design, developing quantitative and qualitative criteria for assessing commitment implementation. Draft key informant interview questionnaires were created, targeting participating organizations, processing sites in each focus country, and other organizations involved in responsible recruitment.

### Key Informant Interviews:

- Individual/group interviews were conducted with participating organisations, namely, industry associations, retailers and buyers, and processing sites, as well as workers employed at participating processing sites, and external stakeholders.

Type of informant	Number of respondents	Country that the respondent sources from or is located in	Total targeted
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	interviewed	Thailand	Mauritius	Seychelles	Maldives	The Philippines	
Industry association	5	NA	NA	NA	NA NA		5
Buyers	4	NA	NA	NA	NA	NA	8
Processing sites	5	3	1	1			10
Workers	17			X			40
Multistakeholder FGDs	3	1	1	1			5
External stakeholders	3	NA	NA	NA	NA	NA	NA

### Data Analysis and Reporting:

- Thematic analysis of interview data and secondary desk review were performed.
- Based on the analysis, the first draft of the study was submitted to participating organizations.

### Limitations

The study encountered several limitations which influenced the extent to which insights could be obtained and the depth of understanding that could be achieved.

- **Time limitations:** Restricting the duration of interviews with participating organisations to one hour (individual interviews) and 90 minutes (focus group discussions) limited the depth of insights that could be gleaned from these interactions.
- **Difficulties in securing participation from processing sites:** Despite efforts to engage with these sites through individual interviews, many either did not respond or declined to participate, further restricting the data collection process, and potentially leaving gaps in the analysis and understanding of the overall situation.
- **The scope of stakeholder involvement in each focus country was constrained:** Some external stakeholders declined to participate in focus group discussions or individual interviews, reducing the diversity of perspectives considered in the project. To mitigate this, Impactt has included case studies of industry best practice as well as case studies showcasing lessons learned from its experiences working with suppliers to implement EPP.
- **Worker testimony was lacking:** Without direct input from these workers (workers FGD were only conducted for two countries), it was challenging to corroborate the implementation of responsible recruitment and hiring practices. Worker testimony have the potential to offer invaluable insights into the actual implementation of commitments and their impact on workers' experiences on the ground.

## Appendix C: Description of industry associations participating in study

Industry association	Implementation
British Retail Consortium (BRC)	
The Food Network for Ethical Trade (FNET)	<ul style="list-style-type: none"> <li>• FNET serves as a facilitator for the development of practical tools and resources through its thematic working groups, including its “Responsible Recruitment” and “Developing Common Due Diligence Tools” working groups.</li> <li>• The Responsible Recruitment Working Group offers a wealth of resources, including guidance on audit resolution, strategies for worker representation and buyer training, and comprehensive checklists for ensuring responsible purchasing practices.</li> <li>• Members benefit from guidance on navigating the complexities of recruitment processes worldwide, alongside access to best practice examples shared within the network.</li> <li>• FNET provides support in developing common due diligence tools, such as robust risk assessment frameworks and innovative “beyond audit” mitigation approaches to enhance transparency and accountability in supply chains.</li> </ul>
The Seafood Ethics Action Alliance (SEA Alliance)	<p>SEA Alliance provides various tools and resources to assist its members:</p> <ul style="list-style-type: none"> <li>• Developing training programs on human rights and labour standards in seafood supply chains, including a six-part webinar series to provide practical guidance to help seafood business through the complexities of Human Rights Due Diligence covering topics such as responsible recruitment, decent work at sea, grievance mechanisms, and purchasing practices.</li> <li>• Offering access to the SEA Alliance Fishery Risk Tool, which provides a baseline assessment of human rights risks in selected fisheries.</li> <li>• Facilitating joint engagement with key initiatives and tools such as the PAS 1550:2017 code of practice, which provides recommendations for due diligence to</li> </ul>

	<p>assess and minimise the risk of illegally caught seafood and ensure decent working conditions in the seafood industry.</p> <ul style="list-style-type: none"> <li>• Collaborating with other organizations like FishWise, the World Benchmarking Alliance, and the Global Tuna Alliance to deliver webinars (including a six-part webinar series to provide practical guidance to help seafood business through the complexities of Human Rights Due Diligence) and developing practical guidance for seafood businesses.</li> </ul>
<p>The Global Tuna Alliance (GTA)</p>	<ul style="list-style-type: none"> <li>• GTA offers exclusive toolkits, training, resources to its members, and information through its Partner Portal on the website.</li> <li>• GTA invests in its members' development by educating them on industry-related issues and facilitating advocacy, fostering active participation. In return, GTA strengthens its collective influence and global reach.</li> <li>• GTA guides members to relevant organisations for support, ensuring they access resources and expertise crucial for responsible practices.</li> <li>• As part of the five-year strategy GTA (under the 'social responsibility' pillar) members are expected to assess human rights risks in their supply chains and from recruitment at processor and vessel level.</li> </ul>

## Appendix D: Relevant international standards and instruments

Area	Reference
Aligning policy commitments to responsible recruitment and the EPP	<ul style="list-style-type: none"> <li>• United Nations (UN)</li> <li>• International Labor Organisation's (ILO) <u>Decent Work Agenda, Core Conventions, and the ILO Work in Fishing Convention, 2007 C. 188.</u></li> <li>• ILO <u>Protocol of 2014 to the Forced Labour Convention, 1930 P029.</u></li> <li>• ILO <u>General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs.</u></li> <li>• <u>OHCHR International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u></li> <li>• <u>OECD Guidelines for Multinational Enterprises (2011 Edition)</u></li> <li>•</li> </ul>
Role of recruitment agencies	<ul style="list-style-type: none"> <li>• <u>C181 - Private Employment Agencies Convention, 1997 (No. 181)</u></li> </ul>

## Appendix E: Local laws and regulatory enforcement processes

Please note that the source country legislations outlined in this table are non-exhaustive and used for indicative purposes only.

Legislation	Description
EU Corporate Sustainability Due Diligence Directive (draft)	This directive will set obligations for large companies regarding actual and potential adverse impacts on human rights and the environment, with respect to their own operations, those of their subsidiaries, and those carried out by their business partners; and to establish processes to mitigate these risks.
EU Forced Labour Ban (draft)	This legislation will prohibit the importation of goods produced using forced labour into the EU market.
EU Corporate Sustainability Reporting Directive (in force)	This directive requires large companies and listed companies to disclose information on what they see as the risks and opportunities arising from social and environmental issues, and on the impact of their activities on people and the environment.
German Supply Chain Due Diligence Act (LkSG) (in force)	This Act applies to all companies with 1,000 employees and head offices, main branches, or statutory seats in Germany. The due diligence obligations include nine requirements: establishing a risk management system, assuring in-house responsibility for compliance, performing regular risk analyses, issuing a policy statement, establish preventive measures for their own business and for direct suppliers, taking remedial action when necessary, establishing a complaints procedure, implementing due diligence obligations with regard to risks at indirect suppliers, and documenting and reporting on due diligence activities.
Dutch Corporate Accountability Bill (in force)	The law imposes a duty of care to prevent negative impacts on human rights and the environment on all companies in all economic sectors – including the financial sector – that are registered in the Netherlands or sell products or services on the Dutch market. This duty of care also applies to negative impacts in companies' global value chains, regardless of tier. The bill furthermore imposes a due diligence obligation on all companies that exceed at least two of three threshold criteria: an employee base of at least 250 employees, a total balance sheet value of more than 20 million euros, and a net turnover of more than 40 million euros. This means the bill also applies to so-called 'letterbox

	companies’, such as large multinational enterprises that are headquartered in the Netherlands only on paper... The bill also makes clear that companies are obliged to provide remedy to affected rights-holders and explicitly states that failure to do so is considered violation of the law.
Norwegian Supply Chain Transparency Act (in force)	The Norwegian Supply Chain Transparency Act mandates that larger companies operating in Norway must conduct due diligence to identify and address human rights abuses and environmental harm in their supply chains. It requires companies to publicly disclose information on how they manage these risks and ensures that consumers and other stakeholders can request information regarding specific products or services.
UK Modern Slavery Act (in force)	The UK Modern Slavery Act requires businesses operating in the UK with an annual turnover above a certain threshold to produce a slavery and human trafficking statement each financial year. This statement must outline the steps taken to ensure that slavery and human trafficking are not taking place in their own operations or supply chains. The Act also strengthens law enforcement provisions and protections for victims of modern slavery.
US Tariff Act (in force)	The US Tariff Act prohibits the importation of goods produced, wholly or in part, by convict labour, forced labour, or indentured labour under penal sanctions. The Act empowers US Customs and Border Protection (CBP) to detain shipments of goods suspected of being produced by forced labour and requires importers to prove that their supply chains are free from such practices before the goods can be released into the US market.

## A. Thailand

Area	Reference
Overview of Thai labour laws	<ul style="list-style-type: none"> <li>• <b>Working hours:</b> The standard working hours are set at 8 hours per day and 48 hours per week. However, certain industries may have different regulations.</li> <li>• <b>Overtime:</b> Employees are entitled to receive additional payment for working beyond the standard working hours. The rate of overtime pay is generally 1.5 times the regular hourly wage, but it can be higher on holidays or during night shifts.</li> <li>• <b>Minimum wage:</b> The minimum wage in Thailand ranges between THB 328 – THB 354 per day. The minimum wage varies across different provinces and industries; provincial wage committees determine rates and are revised periodically.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Annual leave:</b> Employees who have worked for at least six months are entitled to annual leave. The duration of leave depends on the length of employment, ranging from 6 to 30 days per year.</li> <li>• <b>Sick leave:</b> Employees are entitled to sick leave with full pay for a certain number of days, depending on the length of employment.</li> <li>• <b>Maternity leave:</b> Female employees are entitled to 98 days of maternity leave, with 45 days of paid leave.</li> <li>• <b>Social Security:</b> Employers are required to contribute to the Social Security Fund, which provides benefits such as medical care, disability compensation, and retirement pensions.</li> <li>• <b>Termination and severance pay:</b> The Act provides guidelines for termination of employment, including notice periods and severance pay based on the length of service.</li> </ul>
<b>Labour protection laws</b>	<ul style="list-style-type: none"> <li>• <u>The Royal Ordinance on the Management of Migrant Workers Employment in B.E.2560, amended in B.E. 2561 (2018).</u></li> <li>• <u>The Labour Protection Act, 1998, B.E. 2541</u></li> <li>• <u>Social Security Act (B.E. 2558)</u></li> <li>• <u>Anti-Human Trafficking in Persons Act (B.E. 2551) (2008)</u></li> <li>• <u>Workmen's Compensation Act</u></li> <li>• <u>Foreign Workers Compensation Fund Act</u></li> <li>• Ministerial Regulations on the Welfare and Protection of Manual Workers Employed by Employers Engaging in Business Operations (No. 7) (B.E. 2562)</li> <li>• Ministerial Regulations on the Welfare and Protection of Female Workers Employed by Employers Engaging in Business Operations (No. 8) (B.E. 2562)</li> <li>• The Industrial Safety and Health Act</li> <li>• The Alien Workers Act</li> </ul>
<b>Regulatory frameworks governing recruitment agencies</b>	<p>Thailand has established specific regulations governing recruitment agencies involved in facilitating the employment of migrant workers. These regulations are designed to safeguard the rights and well-being of migrant workers and promote fair and responsible recruitment practices. Key regulations include:</p> <ul style="list-style-type: none"> <li>• <b>Licensing:</b> Recruitment agencies must obtain a license from the Department of Employment (DOE) to operate legally. The license is subject to renewal and can be revoked if agencies violate regulations.</li> <li>• <b>Registration:</b> Recruitment agencies are required to register all migrant workers they place with the DOE. This registration process helps ensure transparency and accountability.</li> <li>• <b>Fees and charges:</b> Recruitment agencies are prohibited from charging excessive fees to migrant workers. The fees must be reasonable and transparent, and agencies must provide a breakdown of the charges.</li> </ul>

	<ul style="list-style-type: none"> <li>● <b>Employment contracts:</b> Recruitment agencies must provide written employment contracts to both the employer and the migrant worker. The contracts should clearly outline the terms and conditions of employment, including wages, working hours, benefits, and other relevant details.</li> <li>● <b>Pre-departure orientation:</b> Agencies are responsible for providing pre-departure orientation to migrant workers, which includes information on their rights, responsibilities, working conditions, and available support services.</li> <li>● <b>Protection against exploitation:</b> Recruitment agencies are prohibited from engaging in exploitative practices, such as confiscating passports, withholding wages, or subjecting workers to abusive conditions. They must adhere to responsible recruitment practices and ensure the well-being of the workers they place.</li> <li>● <b>Monitoring and enforcement:</b> The DOE and other relevant authorities conduct regular inspections and monitoring of recruitment agencies to ensure compliance with regulations. Violations can result in penalties, fines, or revocation of licenses.</li> </ul>
<b>Government policies and initiatives</b>	<p><b>Policy Paper</b></p> <ul style="list-style-type: none"> <li>● <u>Solutions to Achieve Fair and Ethical Recruitment and Decent Work of Migrant Workers in Thailand during COVID-19 Recovery</u> developed by UNDP, in collaboration with the IOM, the Ministry of Labour, the Ministry of Justice, and the ILO.</li> </ul> <p><b>Regulations and Guidelines</b></p> <ul style="list-style-type: none"> <li>● Ministerial Regulation on the Criteria, Methods, and Conditions for the Consideration and Approval of the Employment of Foreign Workers (No. 2) (B.E. 2560).</li> <li>● Ministerial Regulation on the Protection of Migrant Workers (No. 2) (B.E. 2560).</li> <li>● <u>Towards a Shared Responsibility Framework on Ethical Recruitment, Decent Employment and Skills Development for Migrant Workers in Thailand</u></li> </ul>
<b>Case studies and reports</b>	<ul style="list-style-type: none"> <li>● <u>A Shared Responsibility for a Common Goal: Ethical Recruitment, Decent Employment and Skills Development for Migrant Workers in Thailand (2022)</u></li> <li>● <u>Ethical Recruitment: Translating Policy into Practice</u></li> <li>● <u>Thai Union Leads in Opting for Zero Recruitment Fees Policy (2016)</u></li> <li>● <u>Thai Union Human Rights Due Diligence Framework (2023)</u></li> <li>● <u>Migrant Workers Rights Network named 2020 recipient of Human Rights and Business Award (2020)</u></li> <li>● <u>Comparative Study on Laws and Policies in the Management of Migrant Workers in ASEAN (Thailand) (2020)</u></li> </ul>

## B. Mauritius

Area	Reference
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## Overview of Mauritian labour laws

In Mauritius, labour protection laws apply to both local and migrant workers. The country has implemented various regulations to safeguard the rights and welfare of migrant workers. Some key labour protection laws in Mauritius include:

**Employment Rights Act:** This Act provides protection against unfair dismissal, discrimination, and harassment in the workplace. It applies to all employees, including migrant workers.

**Occupational Safety and Health Act:** This Act ensures that employers provide a safe and healthy working environment for all employees, including migrant workers. It covers aspects such as workplace safety, welfare facilities, and the prevention of occupational hazards.

**Work Permit Regulations:** Migrant workers in Mauritius are required to obtain work permits, which are issued by the Ministry of Labour, Industrial Relations, Employment, and Training. These regulations aim to regulate the employment of migrant workers and protect them from exploitation.

**Minimum Wage Act:** The Minimum Wage Act sets a minimum wage that applies to all workers, including migrant workers. The aim is to ensure that workers receive fair remuneration for their work.

**Employment of Foreign Manpower Act:** This Act regulates the recruitment and employment of foreign workers in Mauritius. It includes provisions to prevent human trafficking, exploitation, and unfair treatment of migrant workers.

**The Private Recruitment Agencies Act:** Passed in October 2023, this Act prohibits the charging of recruitment fees to workers.

## Labour protection laws

Mauritius has implemented policies and initiatives to protect the rights of migrant workers and promote responsible recruitment practices. Some of these policies include:

- **Code of Practice for Recruitment of Non-Citizens:** The Ministry of Labour, Industrial Relations, Employment, and Training has developed a Code of Practice to regulate the recruitment of non-citizens, including migrant workers. The Code aims to ensure fair and responsible recruitment practices, prevent exploitation, and protect the rights of migrant workers.
- **Migrant Workers' Welfare Fund:** The government has established the Migrant Workers' Welfare Fund to provide financial assistance and support services to migrant workers in need. The fund aims to address issues such as repatriation, medical expenses, and legal assistance.
- **National Human Rights Commission** is protecting the rights of all individuals, including migrant workers. It investigates complaints, conducts awareness campaigns, and advocates for the rights of migrant workers.
- **Bilateral Agreements:** Mauritius has signed bilateral agreements with several countries to regulate the recruitment and employment of migrant workers. These agreements often include provisions to protect the rights of workers, ensure fair treatment, and prevent exploitation.

## Regulatory frameworks governing recruitment agencies

- **Awareness and Training Programs:** The government, in collaboration with various organisations, conducts awareness and training programs to educate both employers and migrant workers about their rights and responsibilities. These programs aim to promote fair treatment, prevent discrimination, and enhance understanding between employers and workers.
- **Special Migrant Workers Unit (SMWU)** - Migrant workers in Mauritius can access remedy through the [Special Migrant Workers Unit \(SMWU\)](#), which sits under the Ministry of Labour, Industrial Relations, Employment and Training. Some migrant workers say the SMWU is effective, but many report that it has not resolved their grievances. Criticisms include: accessing remedies is slow and difficult, bias towards employers, and a lack of commitment to ending grievances – a perception that undermines workers' trust in the SMWU. Many migrant workers struggle to access remedies because they do not know how and where to get help.
- **Migrant Resource Centre (MRC)** - The [Migrant Resource Centre \(MRC\) in Mauritius](#) was launched in late 2019. It was built as part of a collaboration between Anti-Slavery International and a Mauritian trade union, Confédération des Travailleurs des Secteurs Public et Privé (CTSP), and supported by ASOS and IndustriALL Global Union. The MRC is located at CTSP's office. The MRC supports migrant workers, individually and collectively, by:
  - Providing information and advice.
  - Facilitating access to remedy for labour grievances.
  - Providing a safe space for migrant workers to interact freely and openly with one another.

Where possible, the MRC offers support to migrant workers in Creole, English, French, Bangla, and Hindi. Migrant workers can contact the MRC through a dedicated hotline or walk-in visits during opening hours. MRC staff are also available to meet migrant workers at their dormitories, but this requires the employers' permission.

## Government policies and initiatives

- **Regulation of Recruitment Agencies:** The government regulates and licenses recruitment agencies to ensure they operate ethically and adhere to fair recruitment practices. Agencies are required to comply with the Code of Practice for Recruitment of Non-Citizens, which outlines guidelines for responsible recruitment.
- **Pre-Departure Orientation:** Migrant workers are provided with pre-departure orientation programs to inform them about their rights, working conditions, and legal protections in Mauritius. These programs aim to empower workers with knowledge and help them make informed decisions.
- **Monitoring and Inspection:** The Ministry of Labour, Industrial Relations, Employment, and Training conducts regular inspections and monitoring of workplaces to ensure compliance with labour laws and regulations. This includes verifying that recruitment agencies and employers are following responsible recruitment practices.
- **Grievance Mechanisms:** Migrant workers have access to grievance mechanisms to report any issues or violations of their rights. The government has established channels for workers to lodge complaints, seek assistance, and receive support in resolving disputes.

## Case studies and reports

- **Ethical Recruitment Charter:** The Ethical Recruitment Charter is an initiative in Mauritius that promotes responsible recruitment practices. It outlines principles such as transparency, non-discrimination, fair treatment, and respect for workers' rights. Recruitment agencies and employers can sign the charter, committing to upholding these principles and implementing responsible recruitment practices.
- **Bilateral Agreements:** Mauritius has signed bilateral agreements with several countries to regulate the recruitment and employment of migrant workers. These agreements often include provisions to protect the rights of workers, ensure fair treatment, and prevent exploitation.

- **Code of Conduct for the Recruitment and Employment of Migrant Workers in Mauritius:** In August 2023, IOM supported the Mauritius Export Association (MEXA) in the development of the [Code of Conduct](#) for the Recruitment and Employment of Migrant Workers in Mauritius. The Code of Conduct aims to ensure fairer and more ethical recruitment and employment practices, support sustainable business development, and support export-oriented companies in Mauritius in their efforts to align their policies and operations with international standards of responsible business practices. This Code also seeks to apply international principles and standards in the context of Mauritius as per IOM's IRIS initiative to promote ethical recruitment globally, ILO Fundamental Conventions, and ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs.

A significant workshop titled "Code of Conduct for the Recruitment and Employment of Migrant Workers in Mauritius" took place as the key event. The workshop was organised by MEXA in collaboration with the Prime Minister's Office and the Ministry of Labour, Human Resource Development and Training. Notably, this workshop coincided with the observance of the World Day Against Trafficking in Persons, adding to its significance. The primary objective of the workshop was to raise awareness and promote a collective understanding of the Code of Conduct, with a specific focus on ensuring fair recruitment and ethical employment practices for migrant workers in Mauritius. The event served as a platform for government representatives, private sector stakeholders, civil society organisations, and international bodies to come together and exchange ideas and best practices related to labour migration and the protection of migrant workers' rights.

- **Case Study: The Ethical Recruitment Charter in Mauritius** promotes responsible recruitment practices. It was launched in 2018 by the Ministry of Labour, Industrial Relations, Employment, and Training in collaboration with various stakeholders, including employers, trade unions, and civil society organisations. The charter aims to ensure that recruitment agencies and employers adhere to ethical standards, protect the rights of migrant workers, and prevent exploitation. It outlines principles such as transparency, non-discrimination, fair treatment, and respect for workers' rights.

By signing the charter, recruitment agencies and employers commit to upholding these principles and implementing responsible recruitment practices. They undergo regular assessments to ensure compliance, and those who meet the requirements are recognised as "Ethical Recruiters." The Ethical Recruitment Charter in Mauritius serves as a framework to promote fair and ethical recruitment practices and protect the rights.

## C. Seychelles

Area	Reference
<b>Overview of Seychelles labour laws</b>	<p>In Seychelles, the legal framework for monitoring and protecting the rights of migrant workers is primarily governed by Labor Inspections. The Department of Employment conducts regular labour inspections to ensure compliance with labour laws and regulations. These inspections aim to verify that employers are adhering to employment standards, including fair wages, working hours, occupational health and safety, and other labour rights.</p> <ul style="list-style-type: none"> <li>• <b>Complaints and Grievance Mechanisms:</b> Migrant workers have the right to lodge complaints and seek redress for any violations of their rights. The Department of Employment provides channels for workers to report grievances, seek assistance, and receive support in resolving disputes. Complaints can be made in person, through hotlines, or via online platforms.</li> <li>• <b>Collaboration with Stakeholders:</b> The Department of Employment collaborates with various stakeholders, including recruitment agencies, employers, and civil society organisations, to ensure the protection of migrant workers' rights. This collaboration helps in monitoring recruitment practices, addressing issues, and promoting responsible employment.</li> <li>• <b>Awareness and Education:</b> The government of Seychelles conducts awareness campaigns and educational programs to inform migrant workers about their rights, entitlements, and available support mechanisms. These initiatives aim to empower workers with knowledge and ensure they are aware of their rights and how to access assistance if needed.</li> <li>• <b>International Cooperation:</b> Seychelles also engages in international cooperation and partnerships to strengthen the monitoring and protection of migrant workers' rights. This includes collaboration with international organisations, such as the International Labour Organization (ILO), to enhance capacity-building, share best practices, and align with international labour standards.</li> </ul>
<b>Labour protection laws</b>	<p><a href="#">Employment Act of 1995</a> and its subsequent amendments, the last being in 2020. Here are some key aspects of the legal framework in Seychelles for monitoring migrant workers.</p> <ol style="list-style-type: none"> <li>1. <b>Employment Permits:</b> Migrant workers in Seychelles are required to obtain employment permits, which are issued by the Department of Immigration. These permits regulate the employment of non-Seychellois individuals and ensure that they are legally authorised to work in the country.</li> <li>2. <b>Non-Discrimination:</b> The Employment Act of Seychelles prohibits discrimination in employment based on nationality, race, gender, religion, or any other grounds. Migrant workers are entitled to equal treatment and protection under the law.</li> <li>3. <b>Minimum Wage:</b> The Minimum Wage Order sets a minimum wage that applies to all workers in Seychelles, including migrant workers. This ensures that workers receive fair remuneration for their work and helps prevent exploitation.</li> <li>4. <b>Working Hours and Overtime:</b> The Employment Act establishes standard working hours and overtime provisions. Migrant workers are entitled to reasonable working hours, rest periods, and overtime compensation as per the law.</li> </ol>

	<p><b>5. Health and Safety:</b> The <a href="#">Occupational Health and Safety</a> Decree 1979, consolidated in 2012, sets out regulations to ensure a safe and healthy working environment for all employees, including migrant workers. Employers are required to provide appropriate safety measures, training, and protective equipment to protect workers from workplace hazards.</p> <p><b>6. Social Security:</b> Migrant workers are entitled to social security benefits, including access to healthcare, maternity benefits, and pension schemes, as per the Social Security Act. These benefits contribute to the overall well-being and social protection of workers.</p> <p>Seychelles is a signatory to the <a href="#">International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</a> (December 1990, General Assembly resolution 45/158). The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families has considered Seychelles' implementation of the provisions of this Convention.</p>
<p><b>Regulatory frameworks governing recruitment agencies</b></p>	<p>The Department of Employment is responsible for overseeing and enforcing labour laws in Seychelles. They play a crucial role in monitoring the rights and welfare of all workers, including migrant workers.</p> <p>In Seychelles, the regulation of recruitment agencies is primarily governed by the Employment Agencies Act of 1992. This act sets out the legal framework for the operation and oversight of employment agencies in the country. Here are some key regulations that apply to recruitment agencies in Seychelles:</p> <ul style="list-style-type: none"> <li>● <b>Licensing:</b> Recruitment agencies are required to obtain a license from the Ministry of Employment, Immigration, and Civil Status in order to operate legally. The license is granted based on certain criteria, including financial stability, professional competence, and compliance with relevant laws and regulations.</li> <li>● <b>Code of Conduct:</b> Recruitment agencies are expected to adhere to a code of conduct that outlines ethical practices and standards. This includes treating job seekers and employers fairly, providing accurate information about job opportunities, and ensuring transparency in the recruitment process.</li> <li>● <b>Fee Regulations:</b> The Employment Agencies Act specifies that recruitment agencies are prohibited from charging job seekers any fees for their services. The agencies are only allowed to charge fees to employers for their recruitment assistance.</li> <li>● <b>Record-Keeping:</b> Recruitment agencies are required to maintain proper records of their activities, including job orders, contracts, and other relevant documents. These records should be kept for a specified period and made available for inspection by authorized government officials.</li> <li>● <b>Compliance Monitoring:</b> The Ministry of Employment, Immigration, and Civil Status has the authority to monitor and enforce compliance with the regulations governing recruitment agencies. This includes conducting inspections, investigating complaints, and taking appropriate action against agencies found to be in violation of the law.</li> </ul>
<p><b>Government policies and</b></p>	<p>The Seychelles government has taken steps to address these issues. It has strengthened regulations for recruitment agencies, increased inspections, and implemented awareness campaigns to educate workers about their rights. The government has also collaborated with international organizations and neighbouring countries to combat human trafficking and improve the protection of migrant workers. Seychelles has implemented several</p>

## initiatives

initiatives to protect migrant workers. These initiatives include:

- **Seychelles National Labour Migration Policy:** The government of Seychelles has developed a comprehensive [National Labour Migration Policy](#). The Policy aims to protect the rights of migrant workers and uphold high standards of working conditions for all. It also focuses on ensuring the right mix of skills is available in Seychelles to meet labour market needs. The objective of promote fair and effective recruitment practices for all workers, including migrant workers. This Policy aims to achieve high standards of working conditions and promote sustainable employment for all workers in Seychelles.
- **International Convention on the Protection of All Migrant Workers and Members of Their Families:** Seychelles has ratified [the International Convention on the Protection of All Migrant Workers and Members of Their Families](#). This Convention provides a framework for the protection of the rights of migrant workers and their families.
- **Collaboration with the International Organization for Migration (IOM):** The government of Seychelles has collaborated with the IOM to address the challenges of migration and capitalise on migration as a tool for development (see [HERE](#)). Through this collaboration, activities and technical support have been provided in areas such as migration management, diaspora engagement, counter-trafficking, maritime security, and health and migration.

Seychelles has taken several steps to implement responsible recruitment practices for migrant workers. These steps include:

- 1. Regulation of Recruitment Agencies:** Seychelles regulates and licenses recruitment agencies to ensure they operate ethically and follow responsible recruitment practices. Agencies are required to comply with the Seychelles Code of Practice for Recruitment of Non-Seychellois, which outlines guidelines for fair and ethical recruitment.
- 2. Pre-Departure Orientation:** Migrant workers are provided with pre-departure orientation programs to inform them about their rights, working conditions, and legal protections in Seychelles. These programs aim to empower workers with knowledge and help them make informed decisions.
- 3. Employment Permits:** Seychelles requires migrant workers to obtain employment permits, which are issued by the Department of Immigration. These permits ensure that workers are legally authorised to work in the country and help prevent irregular and exploitative employment practices.
- 4. Monitoring and Inspection:** The Department of Employment regularly monitors and inspects workplaces to ensure compliance with labour laws and regulations. This includes verifying that recruitment agencies and employers are following responsible recruitment practices and treating workers fairly.
- 5. Grievance Mechanisms:** Migrant workers have access to grievance mechanisms to report any issues or violations of their rights. The Department of Employment provides channels for workers to lodge complaints, seek assistance, and receive support in resolving disputes.
- 6. Bilateral Agreements:** Seychelles has signed bilateral agreements with several countries to regulate the recruitment and employment of migrant workers. These agreements often include provisions to protect the rights of workers, ensure fair treatment, and prevent exploitation.

<b>Case studies and reports</b>	<p>Seychelles has signed bilateral agreements with India, Bangladesh, Sri Lanka, the Philippines, and Nepal. Madagascar, Zimbabwe, Kenya, Tanzania, and Uganda.</p>
	<ul style="list-style-type: none"> <li>• <a href="#">Migration Governance Indicators, Republic of Seychelles Profile (2020), IOM</a> - The report aims to assess the comprehensiveness of Seychelles' migration governance structures and identify areas for improvement. It is designed to spark discussions on migration policy structures and offers insights on policy measures for well-governed migration.</li> <li>• <a href="#">Migrant Workers in Seychelles: The Mechanisms in Place to Address Their Work-Related Disputes in the Light of Article 54(2) of the Convention on Migrant Workers</a>, Comparative and International Law Journal of Southern Africa, <a href="https://unisapressjournals.co.za/index.php/CILSA">https://unisapressjournals.co.za/index.php/CILSA</a> ISSN.2522-3062 (Online), ISSN 0010-4051 Volume 55   Number 2–3   202.</li> </ul>

## D. Maldives

Area	Reference
<b>Overview of Maldives labour laws</b>	<p>The Maldives operates one of the main tropical tuna fishing fleets in the Indian Ocean, which is consumed domestically and exported to Thailand, Sri Lanka, the European Union, Russia, and Malaysia. Although the Maldives relies heavily on migrant labour in other important industries such as construction and tourism, the country has kept a lot of foreign labour out of its tuna fishing and processing, and it is heavily monitored.</p> <p>The recruitment of migrant workers in the Maldives has been a subject of concern, with reports of workers being charged excessive recruitment fees. The government has implemented regulations to address this issue, including the establishment of a centralized recruitment system. However, there are still challenges in enforcing these regulations, and some workers continue to face recruitment fee-related issues. Migrant workers in the Maldives face a range of entrenched abuses from employers, including deceptive recruitment practices, wage theft, passport confiscation, unsafe living and working conditions, and excessive work demands, which indicate forced labour and violate domestic and international standards.</p> <p>The U.N. special rapporteur on torture reported after a November 2019 visit to the Maldives that "Migrant workers would often have to share collective accommodation with up to 200 other workers, sleeping in shifts in deplorable hygienic conditions." Two workers at a construction project told Human Rights Watch that 12 to 15 workers would live together in 2.5-by-3.5-meter rooms (see <a href="#">HERE</a>).</p> <p><b>The key policymakers and advisors relevant to migrant workers:</b></p>

- Labour Advisory Council
- Ministry of Economic Development
- Ministry of Tourism
- Ministry of Housing and Infrastructure
- Ministry of Education
- Ministry of Health
- Ministry of Fisheries and Agriculture
- Ministry of Foreign Affairs
- Ministry of Finance and Treasury
- Maldives Monetary Authority
- Attorney General's Office

**The main regulatory organisations relevant to the migrant workers in the Maldives include:**

- Department of Immigration and Emigration (DoIE)
- Labour Relations Authority (LRA)
- Employment Tribunal (E.T.)
- Maldives Police Services (MPS)
- Prosecutor General's Office

**Union and Labour Organizations:**

There are no registered unions and labour organisations in the Maldives. However, several civil society organisations registered under the Associations Act (1/2003) do specialise in worker rights. These associations address foreign migrant worker issues as well. The key workers associations in the Maldives are:

- Tourism Employees Association of Maldives (TEAM)
- Maldives Civil Service Association (MCSA)
- Maldives National Trade Union Congress (MNTUC)
- Maldives Ports Workers Union (MPWU)

## Labour protection laws

- Teachers Association of Maldives (TAM)
- Pilots Association of Maldives (POM)
- Maldives Fishermen's Union (MFU)
- Maldives Labour Union (MLU)

The Maldives has labour protection laws in place to safeguard the rights and welfare of migrant workers. These laws aim to ensure fair treatment, prevent exploitation, and promote decent working conditions. Here are some key aspects of the labour protection laws in the Maldives for migrant workers:

1. **The Maldives Constitution (2008)** has an extensive fundamental rights chapter that compasses many internationally recognised labour rights.
  - According to Article 17 of the Constitution of the Maldives, "Everyone is entitled to rights and freedoms without discrimination of any kind including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native land."
  - Article 25 states that "No one shall be held in slavery or servitude or be required to perform forced labour" (except for compulsory military service or service required in cases of emergency or calamity).
  - Article 37
    - (b) enshrines that "Everyone is entitled to just and safe conditions of work, fair wages, equal remuneration for work of equal value, and equal opportunity for promotion."
    - (c) prescribes that "Everyone has the right to spend time on rest and leisure, including limits on hours of work and periodic holidays with pay."
    - (d) states that "Everyone has the right to spend time at rest and leisure. In order to provide this right to each employed person, the maximum number of working hours have to be determined as well as the length of paid holidays."
  - According to Article 30 (b), "Everyone has the freedom to form associations and societies including... the right to form trade unions, to participate or not participate in their activities." [...]
  - Article 31 species that "Every person employed in the Maldives and all other workers have the freedom to stop work and to strike in order to protest."
  - Article 32 states that "Everyone has the right to peaceful assembly without prior permission of the State."

- According to Article 35, "Children and young people shall not be harmed, sexually abused, or discriminated against in any manner and shall be free from unsuited social and economic exploitation. No person shall obtain undue benefit from their labour.

2. **Employment Act (2/2008)** that was ratified and signed into law in May 2008. Article 63 of the Employment Act stipulates that the concerned Minister shall enact and publish regulations to govern the employment of foreigners in the Maldives, the carrying out of employment by foreigners, employment and dismissal of foreigners and other related matters.

The amendments were made through the following Acts: 14/2008, 12/2010; 3/2014; 14/2015. Of these amendments, the third and fourth amendments are directly relevant to foreign migrant workers in the Maldives.

Amendment 3/2014, passed by the Parliament on December 3<sup>rd</sup>, 2013, requires employment approval for foreign migrant workers to be issued prior to arrival in the Maldives. The Amendment also made a deposit mandatory for all foreign migrant workers to be paid by the employer.

Amendment 14/2015 is on Ramazan allowance for Muslim workers. The Amendment makes it optional for employers of Muslim foreign migrant workers to pay them a Ramazan allowance.

3. **The Anti-Human Trafficking Act 2013** makes trafficking in persons a criminal offence in the Maldives. The purposes of the Act are to prevent the trafficking of persons through and across the Maldives, establish the crimes of trafficking in persons and prescribed punishments; provide for prosecution of perpetrators of trafficking in persons; provide protection and assistance to victims of human trafficking, promote, and protect the human rights of trafficked victims, and engage with local and international NGOs working against human trafficking. Translation services and police protection.
4. **Work Visa Regulation:** The Department of Immigration and Emigration has issued a Work Visa Regulation (2010/R-7) under the Maldives Immigration Act (1/2007). The Work Visa Regulation gazetted on October 12th, 2010, requires foreign migrant workers who enter the Maldives.

	<ol style="list-style-type: none"> <li>5. <b>Employment of Foreign Nationals Act:</b> This Act regulates the employment of foreign nationals, including migrant workers, in the Maldives. It sets out the requirements for obtaining work permits, the responsibilities of employers, and the rights of foreign workers.</li> <li>6. <b>Minimum Employment Standards:</b> The Maldives has established minimum employment standards that apply to all workers, including migrant workers. These standards cover areas such as wages, working hours, leave entitlements, occupational health and safety, and social security benefits.</li> <li>7. <b>Non-Discrimination:</b> The labour laws in the Maldives prohibit discrimination against migrant workers based on their nationality, race, religion, or gender. Employers are required to treat all workers equally and provide them with the same rights and benefits as Maldivian workers.</li> <li>8. <b>Grievance Mechanisms:</b> Migrant workers have the right to lodge complaints and seek redress for any violations of their rights. The Maldives has established <a href="#">mechanisms for workers to report grievances</a>, including through the Ministry of Economic Development and the Employment Tribunal.</li> </ol>
<b>Regulatory frameworks governing recruitment agencies</b>	<p>General Regulation on Employment (2021/R-63) (<a href="#">HERE</a>)</p> <p><b>Regulations can be found <a href="#">HERE</a>:</b></p> <ul style="list-style-type: none"> <li>● Service Charge Regulation (2021/R-41)</li> <li>● Regulation on Employment of Expatriates in the Maldives (2023/R-111)</li> <li>● Regulation on Employment Agencies – 1st Amendment (July 20th, 2016)</li> <li>● Regulation on Employment Agencies (2016/R-21)</li> <li>● Regulation on Resolution of Disputes between Employers and Employees (2011/R12)</li> <li>● Regulation on Employment of Foreigners in the Maldives - Regulation No: 2021/R-16</li> </ul>
<b>Government policies and initiatives</b>	<p>The Maldives government has implemented several initiatives to promote responsible recruitment and protect the rights of migrant workers.</p>

Case studies  
and reports

- **Regulation of Recruitment Agencies:** The government has established the Maldives Immigration Act and Regulations, which include provisions for the licensing and regulation of recruitment agencies. These regulations aim to ensure that agencies operate ethically and adhere to fair recruitment practices.
- **Standard Employment Contracts:** The government has introduced standard employment contracts for migrant workers. These contracts outline the terms and conditions of employment, including wages, working hours, leave entitlements, and other benefits. The contracts are designed to protect workers' rights and provide clarity on their employment terms.
- **Monitoring and Inspections:** The Maldives Immigration conducts regular inspections of workplaces to ensure compliance with labour laws and regulations. These inspections help identify any violations or mistreatment of migrant workers and enable appropriate action to be taken against employers or recruitment agencies found to be non-compliant.
- **Awareness and Training Programs:** The government, in collaboration with international organizations and NGOs, conducts awareness campaigns and training programs for both employers and migrant workers. These initiatives aim to educate employers about the responsibilities and rights of workers, as well as inform migrant workers about their rights, available support services, and avenues for reporting any abuses or violations.
- **Bilateral Agreements:** The Maldives government has signed bilateral agreements with countries that are major sources of migrant workers. These agreements outline the rights and responsibilities of both the sending and receiving countries, ensuring that workers are protected throughout the recruitment process and during their employment in the Maldives.
- **[Change on the Water Fund, Seafood Ethics Action Alliance](#) -** Change on the Water funding is intended to support improvements that help ensure the human and labour rights of seafood workers are protected and respected. Change on The Water funded projects are also match funded by members to increase accountability and shared responsibility of their mutual supply chain risks. They focus on supporting the following:
  - Grievance and worker voice mechanisms – supporting implementation and understanding to strengthen the effectiveness of mechanisms.
  - Recruitment practices – making recruitment ethical and responsible.
  - Due diligence at fishing fleet and aquaculture producer level (linked to a programme of improvement) and fishery/aquaculture assessments.
  - Diversity and anti-discrimination

- Capacity building and/or training on any aspects related to worker's rights.
  - Ensuring decent work at sea.
- Transparency Maldives, Dr Simad Saeed, Maldives Migrant Worker System Assessment (2015) (see [HERE](#)).

## E. Philippines

Area	Reference
<b>Overview of Filipino labour laws</b>	<p>The Philippines has implemented various measures to protect its migrant workers, including regulations on recruitment fees. The government has set limits on the fees that can be charged to workers and has established a system to monitor recruitment agencies. However, despite these efforts, there have been reports of workers being charged illegal fees by unscrupulous recruiters.</p>
<b>Labour protection laws</b>	<ul style="list-style-type: none"> <li>• <b><a href="#">Republic Act No. 10022</a></b>: This law, also known as the "Migrant Workers and Overseas Filipinos Act of 1995, as Amended," aims to provide protection and promote the welfare of migrant workers. It establishes standards of protection for migrant workers, their families, and overseas Filipinos in distress.</li> <li>• <b><a href="#">Republic Act No. 11641</a></b>: This landmark legislation updates and strengthens the provisions of previous laws, such as RA 8042 and RA 10022, to further protect and promote the rights and welfare of migrant workers and their families. It also establishes the Department of Migrant Workers as the primary agency responsible for addressing their concerns.</li> </ul>
<b>Regulatory frameworks governing recruitment agencies</b>	<p>The Philippine government has implemented regulations on recruitment companies for migrant workers to ensure their protection and promote ethical recruitment practices. These regulations include:</p> <ul style="list-style-type: none"> <li>• <b><a href="#">POEA Rules and Regulations</a></b>: The POEA has issued specific rules and regulations governing the recruitment and employment of OFWs. These include provisions on licensing and accreditation of recruitment agencies, recruitment procedures, pre-employment requirements, and mandatory contracts between the recruitment agencies and OFWs. This has reduced the prevalence of illegal recruitment and provided a more transparent and accountable system for workers.</li> <li>• <b><a href="#">Pre-Employment Orientation Seminar (PEOS)</a></b>: The PEOS is a mandatory program for aspiring overseas Filipino workers. It provides information on the rights and responsibilities of workers, the risks of illegal recruitment, and the importance of responsible migration. The seminar aims to empower workers with knowledge to make informed decisions and protect themselves from exploitation. The PEOS program has been effective in educating potential migrant workers about their rights and responsibilities. It empowers them to make informed decisions and equips them with knowledge to protect themselves from illegal recruitment and exploitation.</li> </ul>
<b>Government policies and</b>	<ol style="list-style-type: none"> <li>1. <b><a href="#">Multi-Stakeholder National Action Plan on Fair and Ethical Recruitment</a></b>: The Philippines has also developed a National Action Plan that aims to promote fair and ethical recruitment practices for OFWs. This plan involves various stakeholders,</li> </ol>

## initiatives

including government agencies, recruitment agencies, civil society organizations, and international organizations, to ensure the protection and welfare of migrant workers.

2. **[Legal Assistance Fund \(LAF\)](#)**: The Philippine government has established the LAF to provide financial assistance to migrant workers who are victims of illegal recruitment or human trafficking. This fund helps cover legal fees and other related expenses incurred during the pursuit of justice.
3. **Bilateral Agreements and Memoranda of Understanding (MOUs)**: The Philippine government has signed bilateral agreements and MOUs with destination countries to ensure the protection and welfare of Filipino migrant workers. These agreements often include provisions for ethical recruitment, fair treatment, and the establishment of mechanisms for addressing labour-related issues. These help to strengthen the protection of Filipino migrant workers. These agreements often include provisions on responsible recruitment, fair treatment, and mechanisms for addressing labour disputes.
4. **Anti-Illegal Recruitment Campaigns**: The Philippine government actively conducts campaigns to combat illegal recruitment practices. These campaigns aim to raise awareness among potential migrant workers about the risks of illegal recruitment and encourage them to use licensed recruitment agencies. The government also collaborates with international partners to strengthen information sharing and law enforcement efforts against illegal recruiters. These efforts have led to increased reporting of illegal recruitment activities and a decrease in the number of victims.
5. **Overseas Filipino Workers (OFW) Welfare and Protection**: The Philippine government has established various programs and services to support the welfare and protection of OFWs. This includes the establishment of the Overseas Workers Welfare Administration (OWWA), which provides social and welfare services, legal assistance, and financial support to OFWs and their families.

## Case studies and reports

- **[Achieving fair and ethical recruitment Improving regulation and enforcement in the ASEAN region, IOM, \(2022\)](#)**
- **Kuwait/Philippines: Protect Filipino Migrant Workers, Human Rights Watch (2018)** - One notable case study is the [Philippines' collaboration with Kuwait](#) in 2018. Following the death of a Filipino domestic worker in Kuwait, both countries signed a MOU to provide stronger protection for Filipino workers. The MOU included provisions for ethical recruitment, the

establishment of a 24/7 hotline for distressed workers, and the creation of a special police unit to address labour-related concerns.

In May 2018, [an agreement was signed between Kuwait and the Philippines](#) which includes the right for workers to keep their passports and mobile phones, which are routinely confiscated by employers in Kuwait and other Gulf states. The agreement states that workers would be guaranteed food, housing, clothing, and health insurance - and employment contracts would be renewed only with approval from Philippine officials.

## Appendix F: Ethical recruitment initiatives and HRDD tools

Area	References
<b>Aligning policy commitments to responsible recruitment and the EPP</b>	N/A.
<b>Role of recruitment agencies</b>	IHRB's <a href="#">Responsible Recruitment Register</a>
<b>Identifying and addressing adverse human rights impacts.</b>	<p>In 2018, the international community reached a consensus on the <a href="#">Global Compact on Safe, Orderly, and Regular Migration</a> (GCM) aimed at assisting countries and regions in managing migration effectively. The GCM encompasses essential policy components to guarantee fair and ethical recruitment practices, incorporating two established international initiatives: the International Organisation for Migration's (IOM) <a href="#">International Recruitment Integrity System</a> (IRIS) and the International Labour Organisation's (ILO) <a href="#">Fair Recruitment Initiative</a><sup>36</sup>. Both initiatives seek to create tailored standards and guidance for implementing fair recruitment standards and regulations, including the prohibition of charging fees for a job, and ensuring adherence to these standards. The ban on charging recruitment fees is enshrined in Article 7 of the ILO <a href="#">Private Employment Agencies Convention (No.181)</a>, serving as the most compelling international measure to prevent both domestic and international job seekers from financial exploitation as they seek employment opportunities.</p>
<b>Investigating and remediating breaches against company policy commitments.</b>	<p>Impactt has developed <a href="#">Principles and Guidelines for the Repayment of Migrant Worker Recruitment Fees and Related Costs</a>, underpinned by the UNGPs and the <a href="#">OECD Due Diligence Guidance for Responsible Business Conduct</a>. According to these principles and guidelines, businesses are responsible for ensuring that victims of human rights abuses have access to effective remedy. Effective remedy means putting right harms caused to people, including financial harms to</p>

<sup>36</sup> "General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs"

	<p>workers as part of the recruitment process. Impactt’s Principles and Guidelines are grounded in more than four years of working with partners to facilitate repayment of over US\$111 million in recruitment costs to over 86,000 migrant workers employed by 210 companies, acting both for employers and for other supply chain actors.</p>
	<p>Migrant workers should have effective access to remedy, without fear of recrimination, reprisal or dismissal, such as internal grievance procedures of the labour recruiter and/or the employer and to those remedies provided by law in the country of origin and destination, in relation to their recruitment activities (IRIS Principle 5), in the languages that migrant workers understand, preferably in their native languages (ILO 2019 Operational Guidelines 5, 6). Grievance mechanisms are defined by UNGPs as “any routinised, State-based or non-State-based, judicial or non-judicial process through which grievances concerning business-related human rights abuse can be raised and remedy can be sought.” Commentary to Guiding Principle 25 notes that state based judicial or non-judicial grievance mechanism (NJGM) should form the foundation of a wider system of remedy that includes operational level mechanism and enhanced by collaborative and regional and international human rights mechanisms.</p>

## Appendix G: Overview of industry associations

Industry association	Overview
British Retail Consortium (BRC)	<p>The BRC collaborates with its members, who represent retailers across various sectors, not limited to food or fishing industries, to drive positive change and shape economic and policy environments conducive to the success of retail businesses and the benefit of consumers. It promotes the interests of retailers across various sectors through training, expert advice, quality benchmarking, and related services. As the authoritative voice of the retail industry, the BRC campaigns for its members, influencing government policies and providing in-depth retail information. It advocates for shop worker protection, supports legislative initiatives, participates in government consultations, and leads efforts to shape debates and influence issues relevant to the industry's success. Ultimately, the BRC's work aims to represent the interests of industry professionals, the communities served by retail, and the overall competitiveness of the retail sector.</p>
The Food Network for Ethical Trade (FNET)	<p>FNET serves as a collaborative platform connecting major UK food retailers, manufacturers, suppliers, and companies of varying sizes within the food industry. FNET's primary objective is to promote ethical trade and address human rights issues within food supply chains. Through various services and initiatives, FNET facilitates knowledge sharing, collaboration, and action among its members:</p> <p><b>Information Sharing and Updates:</b></p> <ul style="list-style-type: none"> <li>• Provides weekly newsletters with updates on emerging risks, innovations, and sectoral information related to human rights and supply chains.</li> <li>• Offers fortnightly calls where members discuss hot topics, share concerns, and exchange good practices.</li> </ul> <p><b>Collaborative Platforms:</b></p> <ul style="list-style-type: none"> <li>• Establishes working groups for members to collectively understand issues and develop practical tools.</li> <li>• Organizes thematic webinars quarterly, allowing members to delve deeper into specific subjects and share practical examples of work.</li> </ul>

	<p><b>Member Engagement:</b></p> <ul style="list-style-type: none"> <li>• Facilitates in-person member meetings twice a year, including networking dinners, to share case studies, discuss challenges and solutions, and strengthen relationships.</li> <li>• Encourages collaborative actions on issues of importance to members.</li> </ul> <p><b>Resources and Support:</b></p> <ul style="list-style-type: none"> <li>• Offers member-only resources on the website to aid implementation of ethical trade practices.</li> <li>• Provides access to discounted advisory services and opportunities for peer sharing.</li> </ul> <p>Overall, FNET provides a safe and collaborative space for food companies across the supply chain to share knowledge, learn from each other, and work together to improve ethical trade and uphold human rights standards within their operations and supply chains.</p>
<p>The Seafood Ethics Action Alliance (SEA Alliance)</p>	<p>The SEA Alliance focuses on addressing human rights risks in the global seafood supply chain, with a primary emphasis on upstream supply chain activities. It is a collaboration of retailers and seafood businesses committed to strengthening human rights due diligence and ensuring respect for human rights within the seafood industry.</p> <p>Key aspects of SEA Alliance's work include:</p> <p><b>Membership and Representation:</b></p> <ul style="list-style-type: none"> <li>• Comprised of 36 member companies, including major UK supermarkets, leading seafood businesses, brands, and industry trade bodies.</li> <li>• Membership represents over 90% of UK grocery retail sales, with global operations and supply chains.</li> <li>• Open to companies operating in the UK with domestic and/or global seafood supply chains, including food service companies, retailers, seafood brand owners, importers, suppliers, feed manufacturers, and trade associations.</li> </ul> <p><b>Collaboration and Partnerships:</b></p> <ul style="list-style-type: none"> <li>• Works in collaboration with organizations such as the Food Network for Ethical Trade (FNET), Global Tuna Alliance (GTA), Sustainable Seafood Coalition (SSC), FishWise, World Benchmarking Alliance, Pew Charitable Trusts, Environmental Justice Foundation, International Transport Workers Federation (ITF), and University of Nottingham Rights Lab.</li> </ul>

	<ul style="list-style-type: none"> <li>• Collaborates on various initiatives, including providing access to fishery risk assessments, delivering webinars on human rights due diligence (HRDD) in seafood supply chains, and advocacy efforts.</li> </ul> <p><b>Advocacy and Engagement:</b></p> <ul style="list-style-type: none"> <li>• Engages in advocacy with key governments involved in the seafood supply chains to promote better protection of human rights and improved labour standards.</li> <li>• Actively promotes the ratification and effective implementation of key international agreements related to human rights and labour standards.</li> </ul> <p><b>Position Statements and Publications:</b></p> <ul style="list-style-type: none"> <li>• Publishes position statements on relevant issues to advocate for specific actions and policies.</li> </ul> <p>Overall, the SEA Alliance works to drive positive change in the seafood industry by advocating for human rights protections, promoting ethical practices, and fostering collaboration among stakeholders across the supply chain.</p>
<p>The Global Tuna Alliance (GTA)</p>	<p>The GTA is an independent group of retailers and supply chain companies dedicated to ensuring that tuna meets the highest standards of environmental performance and social responsibility. It provides a platform for members to collaborate and advocate within a larger association, offering access to exclusive resources and training. The GTA serves as an advocate for a diverse group of partners across all sectors of the tuna supply chain, facilitating connections and partnerships among companies with similar interests. Partners include entities from food services, retailers, brand manufacturers, processors, and suppliers, but applications from fishing/vessel organizations are not accepted. Overall, the GTA works to promote sustainability and responsible practices throughout the tuna supply chain.</p>

## Appendix H: Justifications for Gradings in Analysis Tables

### Buyers – Mapping commitments (page 20)

- **Row 5:**
  - Company 1 prohibits debt bondage in its Supplier Ethical Code of Conduct but does not explicitly outline what its expectations of suppliers are around the payment of recruitment fees.
  - Company 2 only refers to the prohibition of “bonded labour” in its Supplier Code of Conduct and does not mention the topic of recruitment fees in its Human Rights Policy. In its 2022/2023 Modern Slavery Statement, the company does not explicitly commit to EPP, but rather explains that *“We work to understand if/where recruitment fees has been applied in the recruitment of migrant workers at our tier 1 suppliers. In 2023 we will look to verify the information provided and establish if we can gather data beyond tier 1.”*
- **Row 7:** Document review of the human rights & related policies of companies 2 and 3 did not find any provisions containing language around *“transparency in the recruitment process, ensuring clear communication of job roles, terms, and rights in a comprehensible language.”*
- **Row 10:** None of the relevant policies of Company 2 were found to contain this provision.
- **Row 11:** None of the buyers surveyed had policies, procedures or guidelines outlining how supply chain workers who have been found to have paid recruitment fees would be remediated.

### Buyers – Mapping implementation measures (page 23)

- **Row 3:** Only Company 3 was able to demonstrate that principles around EPP were firmly embedded in the company’s management systems (from supplier screening and capacity building, to proactive monitoring of implementation of suppliers against progress KPIs); By comparison, the approaches of Companies 1 & 2 were found to be more piecemeal and not firmly embedded within company management systems.
- **Row 7:** <sup>[OBJ]</sup>
  - As of 2024, Company 1 is in the process of developing a HRDD framework, planned for implementation in 2025 and to be shared with suppliers along with an action plan and set KPIs.
  - Framework will address various critical areas including the prevention of forced labour, establishment of grievance mechanisms, responsible recruitment practices, and EPP.
- **Row 8:** None of the buyers interviewed had grievance channels in place that were accessible to supply chain workers to raise issues around recruitment fee payment.
- **Row 9:** Although Company 2 and Company 3 do not have guidelines in place around remediation (see table on page 20), they have contributed to initiatives around remedy. Interviews with Company 3 revealed that processes are in place for its

suppliers in Thailand and the Maldives to remediate workers who were found to have paid recruitment fees.

- **Row 10:**
  - Company 1 and 2: These companies do not publicly report on their efforts around responsible recruitment and the elimination of recruitment fees.
  - Company 3: The company publishes details on our supply chain and accounts for its progress (including on the adoption of the EPP) in an annual report.

#### Processing Sites – mapping commitments (page 30)

- **Rows 1-3:** Processing site 3) does not have these commitments outlined in its own policies, but its Code of Conduct states that, as members of the Seafood Task Force (STF), the company committed to participating in and adhering to the standards set forth by the STF, which does cover these topics.
- **Row 5:** No mention of any policy on recruitment fees on in Code of Conduct, Human Rights policy or annual sustainability report for processing site 3.
- **Row 8 & 9:**
  - Processing site 2: This commitment is contained in separate 'Supplier Business Ethics and Labour Code', not in 'Ethical Migrant Recruitment Policy'.
  - Processing site 1: These commitments were not found in the company's 'Recruitment Policy'.

## Appendix I: Responses to Baseline Survey

<b>Please indicate your company type: (choose one)</b>		
	Response Percent	Response Count
Retailer	22.73%	5
Buyer	18.18%	4
Seafood processor & importer	31.82%	7
Seafood processor	9.09%	2
Other (e.g., please specify here if you act as both as a buyer and as an importer/agent)	22.73%	5

<b>If you are a buyer, retailer or importer, please share a list of the tuna processing sites you have sourced from in the following countries (within the scope of this study) over the course of the past 12 months. This should include the full site name and address. This information will be used to select seafood processing companies to participate in the study. Participation will involve interviews with staff members of the company to discuss their policy implementation regarding responsible recruitment. Note: Seafood processing companies do not need to answer this question (UNLESS they are importing tuna from other seafood processors), as the study's primary focus is on processing sites, not the broader supply chain.</b>		
	Response Percent	Response Count
Maldives	80.00%	8
Mauritius	30.00%	3
Philippines	30.00%	3
Thailand	60.00%	6
Seychelles	10.00%	1
Other (Please specify)	50.00%	5

<b>Does your company outline expectations on responsible recruitment in any of its policies (e.g., in a stand-alone policy, or within its HR, ethical, or code of conduct policies)?</b>			
	Yes	No	
	Response Percent	Response Count	Response Percent
			Response Count

Yes	81.82%	18	18.18%	4
No	0.00%	0	100.00%	22
We have expectations on this, but it's not in any policy.	18.18%	4	81.82%	18

<b>Does this policy commit you to any of the following (please select all that apply):</b>		
	Response Percent	Response Count
Adherence to the Employer Pays Principle (i.e., the commitment that the employer will cover all recruitment costs, and workers will not incur any fees or expenses).	76.47%	13
Commitment to adhere to the Employer Pays Principle in a phased approach (e.g., if the company is complying in stages).	35.29%	6
Requirement for clear and transparent communication of terms and conditions in a language comprehensible to workers during the recruitment phase.	70.59%	12
Prohibition of retaining workers' passports or identity documents.	64.71%	11
Prohibition of any form of intimidation.	70.59%	12
Provision of clear and transparent employment contracts.	70.59%	12
Access to remedy for workers who have paid fees.	47.06%	8
Cascading these requirements throughout the supply chain (e.g., to processing sites or recruitment agencies)	70.59%	12
Worker grievance policy	88.24%	15
Other (Please specify)	29.41%	5

<b>What measures have been taken to implement the EPP (please select all that apply)?</b>		
	Response Percent	Response Count
Mapping workers who may have paid recruitment fees.	52.94%	9

Mapping out the costs of recruitment. For example, creating an itemised list of all the costs to enhance transparency.	52.94%	9
Engaging with processing sites or recruitment agency partners to inform them of the policy and updated expectations.	64.71%	11
Training Human Resources and recruitment staff on ethical recruitment.	58.82%	10
Participating in recruitment initiatives and engaging with workers to communicate that they should not bear recruitment fees.	64.71%	11
Administering reimbursement payments to workers who were found to have paid recruitment fees.	35.29%	6
Other (Please specify)	52.94%	9

**Please specify the name of the initiative you participate in (e.g., IOM IRIS, Responsible Recruitment Toolkit, etc.)**

11 Responses

**What are the biggest challenges/barriers you face in implementing a responsible recruitment policy (select all that apply)?**

	Response Percent	Response Count
Limited subject matter expertise, such as a lack of clarity regarding what constitutes effective implementation of the EPP.	22.22%	4
Expertise is there, but insufficient capacity or resources to ensure effective implementation.	38.89%	7
Not wanting to be the 'first mover' if the rest of the industry is not already implementing this (e.g., because of the cost and complexity associated with being the 'first', potential resistance of supply chain partners, etc.)	22.22%	4
For buyers: Limited leverage, for example the relationship with processing sites is not strong enough to conduct effective due diligence on processing sites in the area of EPP or we only source small volumes from the site.	33.33%	6
Feasibility, for example implementing EPP is too costly.	27.78%	5

It's too hard to find good recruitment agencies who don't charge fees to workers.	27.78%	5
Weak enforcement or weak regulatory environment in worker source country makes it challenging to recruit responsibly.	22.22%	4
Other (This can refer to internal or external challenges, including those related to national legislation, context, etc.)	33.33%	6

**Have you carried out any due diligence activities to monitor the effectiveness of the policy implementation or (for processing sites) have any such activities been carried out on behalf of other companies?**

	Yes		No	
	Response Percent	Response Count	Response Percent	Response Count
Yes	59.09%	13	40.91%	9
No	40.91%	9	59.09%	13

**Please select all that apply.**

	Response Percent	Response Count
Third party audits or investigations including a focus on recruitment/recruitment fees. If yes: Option to upload.	84.62%	11
Interviewing workers on arrival to understand if they have paid any fees. If yes: Option to upload.	61.54%	8
Implementing a grievance mechanism (e.g., helpline, comments box) through which workers can share feedback. If yes: Option to upload.	69.23%	9
For processing sites: conducting due diligence on recruitment agencies (e.g., pre-contract due diligence checks or ongoing due diligence through audits, monitoring of recruitment process, etc.)	61.54%	8
Other (Please specify)	23.08%	3

**In your opinion do these due diligence activities demonstrate:**

	Response Percent	Response Count
Great progress	53.85%	7
Some progress	46.15%	6
No progress	0.00%	0

**Can you share any data from these due diligence activities that demonstrates that progress is being made towards implementation of the responsible recruitment policy? Note: This data will be stored securely on Impactt's platform and will be deleted on completion of the study. If you are happy to share data, but prefer to do so over email, please do so at [Josie@impacttlimited.com](mailto:Josie@impacttlimited.com)**

1 Response

**Kindly share the reason for the absence of a responsible recruitment policy within your organisation (please refer to question on challenges/barriers for examples of possible reasons).**

4 Responses

**Are you a member of an industry organisation (e.g., British Retail Consortium (BRC), Food Network for Ethical Trade (FNET), Global Tuna Alliance (GTA), SeaBOS, Seafood Ethics Action Alliance (SEA Alliance)?**

	Yes		No	
	Response Percent	Response Count	Response Percent	Response Count
Yes	86.36%	19	13.64%	3
No	13.64%	3	86.36%	19

**Please select all organisations you are a member of:**

	Response Percent	Response Count
BRC	57.89%	11
FNET	57.89%	11
GTA	68.42%	13
SeaBOS	10.53%	2
SEA Alliance	68.42%	13

Other (Please specify)	21.05%	4
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**Do you feel that your membership in this/these group(s) is helping you meet your EPP commitments?**

	Yes		No	
	Response Percent	Response Count	Response Percent	Response Count
Yes	73.68%	14	26.32%	5
No	26.32%	5	73.68%	14

**What do you find most helpful about your membership(s) (select that all that apply)?**

	Response Percent	Response Count
The group(s) provide(s) clear guidance and industry best practices for how to implement EPP.	64.29%	9
Group members are able to collectively influence industry change and encourage EPP adoption.	57.14%	8
Buyers can learn from the experiences of other members within the group(s).	64.29%	9
The group(s) helps align members with emerging regulations on EPP, reducing compliance risks.	64.29%	9
Membership enhances reputation and consumer trust by demonstrating commitment to responsible recruitment practices.	57.14%	8
Other (Please specify)	7.14%	1

**Why don't you find membership to these industry organisations helpful (select all that apply)?:**

	Response Percent	Response Count
The group(s) do not provide the appropriate tools or guidance needed to implement EPP.	20.00%	1

The group(s) do not address the barriers to EPP implementation, such as limited leverage in the supply chain.	40.00%	2
There is reluctance to share sensitive supply chain information with competitors within the group(s), hindering collaboration.	20.00%	1
The group(s) lack robust enforcement mechanisms for EPP compliance among members.	60.00%	3
Membership is too diverse, with differing priorities and levels of commitment to EPP among members.	0.00%	0
Other (Please specify)	80.00%	4



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