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Towards Freedom at Sea

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International
Labour
Organization

► Towards freedom at sea

Handbook for the detection of forced labour
in commercial fishing



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Foreword

Effective detection is the critical first step to ensuring that workers in forced labour situations can get the protection and assistance they need.

Yet the detection of forced labour victims remains a major challenge across the world of work. And forced labour at sea poses highly specific and complicated obstacles to victim detection and identification.

Together, the ILO FUNDAMENTALS Branch and Cornell University's Global Labor Institute present in this Handbook tailored, evidence-informed approaches and tools that regulators and other frontline actors need to overcome these obstacles.

The Handbook is grounded in a broader "strategic compliance" approach aimed at leveraging the ongoing efforts of different regulatory authorities and other actors to maximize opportunities for the detection of forced labour in fishing. It places particular emphasis on guidance to ensure that the voices of fishers themselves and their advocates are heard and heeded in detection efforts.

The guidance and tools presented in this Handbook are based both on the ILO Conventions (Work in Fishing Convention, 2007 (No. 188); Forced Labour Convention, 1930 (No. 29); and Abolition of Forced Labour Convention, 1957 (No. 105)), and the experience of fishers, vessel owners, policymakers, inspectors, and researchers around the world.

No global set of tools and protocols will account for every circumstance. The tools and protocols presented in the Handbook are designed for adaptation – country-by-country, and fishery by fishery – by State and non-State actors to fit with each country's legal frameworks and fishing industry characteristics. These actors include labour inspectors, fisheries inspectors, coast guards and navies, maritime safety and port State control inspectors. Non-state users of the Handbook include employers' and workers' organizations, vessel owner associations and seafood buyers, "social auditors" and researchers.



Our shared vision is one of freedom at sea, where forced labour has been relegated to the past and decent work is a reality for all the world's fishers. It is our hope that this valuable resource for commercial fishing industry who are working to



Handbook will serve as a actors throughout the achieve this vision.

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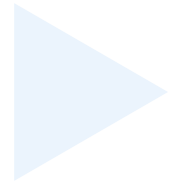


Acronyms and abbreviations

AIS	Automatic identification system
AREP	Advance request for entry into port
EEZ	Exclusive economic zone
ILO	International Labour Office/Organization
IMO	International Maritime Organization
IOM	International Organization for Migration
ITF	International Transport Workers' Federation
IUU	Illegal, unreported and unregulated
MOU	Memorandum of understanding
OSH	Occupational safety and health
PPE	Personal protective equipment
RFMO	Regional fisheries management organization
SAMSA	South African Maritime Safety Authority
UN OHCHR	United Nations Human Rights Office of the High Commissioner
VMS	Vessel monitoring system



vss	Voluntary Sustainability Standards
wmo	World Meteorological Organisation





Introduction

Decent work at sea remains elusive for far too many fishers. Their working hours can be long, their pay very low, and their work hazardous and arduous. On board industrial fishing vessels in remote locations of the sea for months or even years at a time, they are extremely vulnerable to labour abuses. Poor telecommunications connectivity and power dynamics at sea can make it all but impossible for fishers to raise complaints with or seek help from groups on shore. Fishers themselves describe illness, physical injury, and psychological and sexual abuse as among the extreme violations they face. Not surprisingly, capture fisheries have alarmingly high occupational fatality rates.

While there has been progress in some regions and countries, recent reports from a variety of sources confirm that forced labour and trafficking in persons persist in the fishing industry globally.¹ The 2021 global estimates of modern slavery indicate a total of 128,000 fishers in forced labour worldwide. However, because measuring forced labour aboard fishing vessels poses several unique challenges, it is likely that this figure significantly understates the full extent of the problem (ILO, Walk Free, and IOM 2022). Forced labour risks are especially pronounced in, but by no means limited to, illegal, unreported and unregulated (IUU) fishing. Migrant fishers, who make up a significant portion of the fisheries workforce, are particularly vulnerable to being deceived and coerced to work on board fishing vessels.

There are many inter-related root causes of forced labour in the fishing industry. These include severe limits on fishers' ability to exercise their rights to freedom of association and collective bargaining, unequal power relations between crew and skipper, the remote nature of work at

sea, absent or inadequate crew connectivity at sea, a lack of transparency and

traceability along seafood supply chains, and complicated legal jurisdictions for the enforcement of labour and human rights among flag States, port States, coastal states, and the states of origin of fishers. Work in fishing – on board vessels large and small, whether in major ports or remote ones – is effectively unregulated in many countries (ILO 2017a). Fishers fall through gaps in law and enforcement regimes that countries have established to protect other workers. This includes labour inspection, which often does not extend to fishing vessels. Dwindling fish stocks is also a contributing factor. Less fish means increased effort per unit of catch, rising input costs (such as fuel for longer periods at sea) and lower financial returns, cost pressures that are often passed on to fishers through unscrupulous recruitment practices, exploitative work conditions and reduced earnings (Sparks and Hasche 2019).

The detection of forced labour victims remains a major challenge across the world of work. This is especially true in the fishing industry, as forced labour at sea poses highly specific and complicated obstacles to victim detection and identification. Much of the work on victim identification has focused on the detection of forced labour on land, rather than on the detection of those exploited at sea. And yet effective detection is the critical first step to ensuring that forced labour victims escape exploitation and are afforded protection and assistance. It is also an essential part of ending the impunity of traffickers and other perpetrators and securing access to justice for forced labour victims.



A recent ILO review of existing research and interventions points to the need for standard detection tools and protocols for forced labour in

the commercial fishing industry. The review notes that although there are forced labour detection tools for work in other sectors, and forced labour

¹ See for example: ILO, 2018a and 2020; Environmental Justice Foundation 2019.



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standards for work in fishing, there were no tools and protocols in wide use for the detection of forced labour on fishing vessels (ILO, unpublished).

This Handbook responds to the need for consolidated guidance on the detection of forced labour among fishers. Although parts of the Handbook are of relevance to artisanal fishing, its principal focus is on the detection of forced labour in the context of *industrial* fishing activities, including distant water fishing.

The Handbook is aimed at both State authorities with oversight over different aspects of the commercial fishing industry and at non-state actors directly engaged with fishers or otherwise concerned with labour and human rights in fishing. The former include labour inspectors, fisheries inspectors, coast guards and navies, maritime safety and port State control inspectors, and the latter trade unions, international trade union federations, welfare groups and other NGOs, vessel owner associations and seafood buyers, “social auditors” and researchers. The Handbook is relevant for fisheries worldwide, but the tools it contains will require adaptation to each country’s legal frameworks and fishing industry characteristics.

The Handbook was informed by a review of academic and popular literature on forced labour detection in fishing. These sources are catalogued in the References section at the end of the Handbook. The Handbook was also informed by interviews with ILO experts, governments, social partners and fishing and oceans advocates in Africa, Asia, Europe and South America, and by bespoke research on the opportunities for the detection of forced labour in fishing. The detection tools contained in the Handbook were refined following a review of existing tools for detection of forced labour in fishing, and on the basis of their testing in training for labour inspectors and representatives of other concerned regulatory authorities. The tool for interviewing fishers contained in the Handbook was also subject to cognitive testing with fishers in Indonesia.

The Handbook complements and elaborates on the forced labour sections found in two ILO publications on fishing: [ILO training package on inspection of labour conditions on board fishing vessels](#) (ILO 2021) and [Guidelines on flag State inspection of working and living conditions on board fishing vessels](#) (ILO 2017b).

Part I of the Handbook describes the broad legal and conceptual frameworks for forced labour in fishing. Part II provides guidance on how forced labour detection can be integrated into the extant compliance efforts of state authorities and into the work of non-state front-line actors.



Part I.
Legal and detection
frameworks for forced
labour in fishing

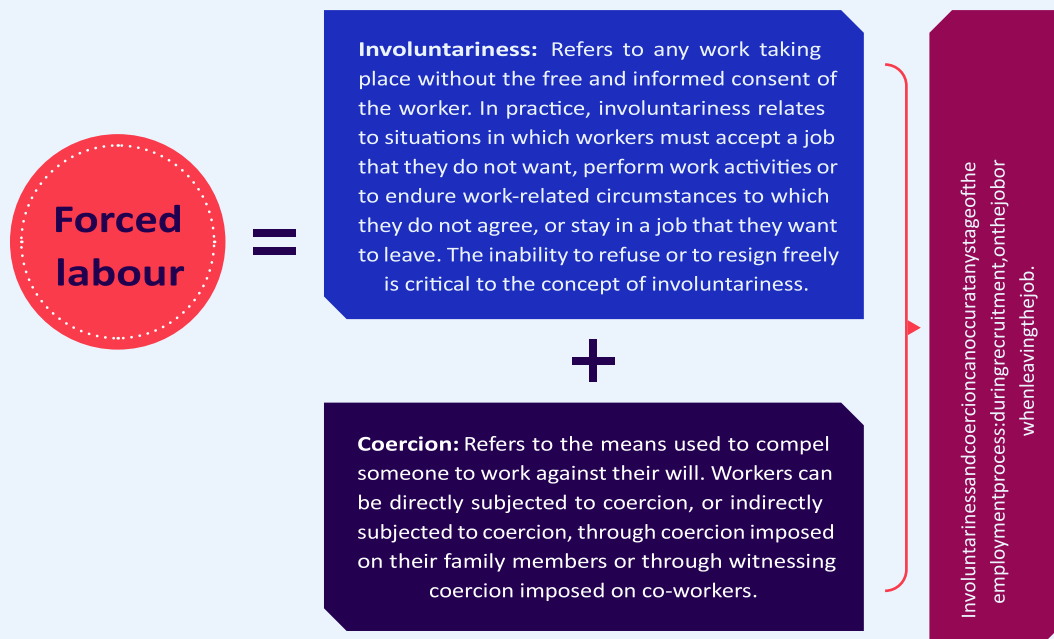
1. Legal framework for forced labour in fishing

1.1 ILO Forced Labour Convention, 1930 (No. 29)

The legal definition of forced labour – applicable globally and in every sector – derives from the ILO Forced Labour Convention, 1930 (No. 29) (see figure 1). Forced labour is defined by this Convention as “*all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily*” (Art. 2.1) with five limited exceptions.²

Forced labour refers, in other words, to work imposed on a person *involuntarily* under *menace of any penalty* (i.e., “coercion”). Both these conditions – involuntariness and coercion – must exist for work to be regarded as forced labour in accordance with Convention No. 29. Critically, involuntariness and coercion can occur at any stage of employment – at the time of recruitment to compel a person to take a job against their will, during employment to compel a worker to work and/or live under conditions to which they do not agree, or to compel a person to remain in the job when they wish to leave.

► Figure 1. Legal framework for forced labour



² The five limited exceptions relate to: compulsory military service for work of a purely military character; normal civic obligations; work as a consequence of a conviction in a court of law and carried out under the control of a public authority; work in emergency situations such as wars or other calamities; and minor communal services (Art. 2.2).

Convention No. 29 is referred to in other ILO legal standards and recommendations without modifying the definition of forced labour provided within it, including the [ILO Abolition of Forced Labour Convention, 1957 \(No. 105\)](#), the [ILO Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#), as well as the more recent [ILO Protocol of 2014 to the Forced Labour Convention, 1930](#) and accompanying [ILO Forced Labour \(Supplementary Measures\) Recommendation, 2014 \(No. 203\)](#).

1.2 ILO Work in Fishing Convention, 2007 (No. 188)

The [ILO Work in Fishing Convention, 2007 \(No. 188\)](#) and its accompanying [Work in Fishing Recommendation, 2007 \(No. 199\)](#) are also directly relevant to addressing forced labour in fishing and are required reading for users of this Handbook. Many of the provisions of Convention No.188, if incorporated in law and implemented, prevent forced labour in fishing.

Convention No.188 consolidates and updates earlier ILO standards for the fishing sector in order to provide a comprehensive instrument concerning labour issues on fishing vessels.

The Convention and its accompanying Recommendation address a wide range of issues that are essential to ensuring decent work on board fishing vessels. These include provisions on minimum age, medical certification/examination, on-board food and accommodation, fishers' work agreements and hours of rest. In addition, these instruments cover such issues as occupational safety and health, repatriation, recruitment and placement of fishers, fishing vessel owners' liability in cases of sickness, injury or death, social security, and fishers' access to communication facilities onboard vessels. There are also specific provisions concerning the responsibilities of fishing vessel owners, skippers and fishers, including for the use of child labour (see box 1).

Ratification of key ILO Conventions including Conventions Nos 29 and 188 is essential to guide national law and its implementation. However, it is not necessary to await

ratification before starting the work to build or improve a system of inspection and enforcement relating to forced labour in the

fishing industry. Indeed, this work can help lay the foundation for ratification and implementation of these conventions.

Child labour is a concern in many fisheries around the world. Although global data is lacking, case studies indicate that child labour is most common in informal and smallscale operations of capture fisheries producing for local markets, but can occur in larger commercial fishing operations as well.

Children can be found on board performing a variety of activities, including diving for fish or to free snagged nets; crewing on fishing vessels; handling and repairing nets; herding fish into nets; shovelling ice; cooking; and working as porters. Children can also be found at work in ports and downstream tiers of seafood supply chains in activities including unloading, landing and transporting catches; sorting and packing catches; preparing nets and baits; and working in fish processing factories.

Two main international human and labour rights standards – the ILO Minimum Age for Admission to Employment Convention (No. 138) and the universally ratified ILO Worst Forms of Child Labour Convention (No. 182) – set legal boundaries for child labour and provide grounds for national and international actions to end it. Convention No. 138 requires countries to establish a minimum age for entry into work or employment of at least 15 years¹ and establish national policies for the elimination of child labour.

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Convention No. 182 requires countries to take immediate, effective and time-bound measures to eliminate the worst forms of child labour¹ as a matter of urgency.

The Work in Fishing Convention, 2007 (No. 188, Art. 9) includes provisions dealing with child labour in the specific context of fishing. This Convention sets the minimum age for work on board a fishing vessel at 16 years (with some exceptions for 15-year-olds)² and the minimum age of 18 years for work in fishing that is likely to jeopardize the health, safety, or morals of young persons. It also prohibits work at night for fishers under the age of 18.

Advice and strategies for authorities and other front-line actors in combatting child labour in fishing can be found in the *Training package on inspection of labour conditions on board fishing vessels* (ILO 2021) and the *Guidance on addressing child labour in fisheries and aquaculture* (ILO and FAO 2013).

Notes:

¹ Convention No. 138 provides developing countries with the option of setting a minimum age of 14 as a transitional measure as they strengthen their education systems and economies. The Convention stipulates that the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.

¹ Convention No. 182 defines the worst forms of child labour as slavery, debt bondage, prostitution, pornography, forced recruitment of children for use in armed conflict, use of children in drug trafficking and other illicit activities, and all other work harmful or hazardous to the health, safety or morals of girls and boys under 18 years of age.

² Convention No. 188 provides that States may authorize a minimum age of 15 for persons who are no longer subject to compulsory schooling as provided by national legislation, and who are engaged in vocational training in fishing. It also provides that States may authorize persons of the age of 15 to perform light work during school holidays. It also provides that “the competent authority, in accordance with national laws and practice In such cases ... shall determine, after consultation, the kinds of work permitted and shall prescribe the conditions in which such work shall be undertaken and the periods of rest required” and that “the minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardize the health, safety or morals of young persons, shall not be less than 18 years”.

2. Detection framework for forced labour in fishing

The ILO has developed a general set of [indicators of forced labour](#) grounded in the legal definition of forced labour contained in Convention No. 29 and the concepts of involuntariness and coercion contained therein (ILO 2012). It should be stressed that these general indicators and their manifestations in fishing – both summarized in tool 1 below – are not by themselves conclusive evidence of forced labour, but rather warning signs that authorities and other front-line actors should recognize and investigate further, in order to make a determination of forced labour in accordance with national law and to follow up accordingly. Forced labour indicators help point to *potential* forced labour situations, but what constitutes an *actual* situation of forced labour in a given country is determined by the competent national judicial authority on the basis of national legislation.

A forced labour situation can involve multiple combinations of these warning signs (see box 2). Knowing the full range of abusive conditions constituting forced labour is critical to effective follow-up action (see section 5 of this Handbook). And knowledge of how these indicators appear in commercial fishing – where weeks and months at sea are typical, where danger is often present, and living and working space is very limited – is of special importance.

Many of the individual indicators or warning signs of forced labour constitute labour violations in accordance with Convention No.188 and national law even when they do not meet the national legal standard for forced labour, and should be followed up accordingly. Early intervention and follow-up of labour violations is a key forced labour prevention strategy, as such early intervention can help avoid the degeneration of a work situation into forced labour.



Tool 1. Indicators of forced labour situations		
ILO forced labour indicators	Examples in the specific context of fishing	ILO Work in Fishing Convention, 2007 (No. 188) references
Deception Situations in which workers are working without their free and informed consent because the employer or recruiter has failed to deliver what has been promised to the worker, either verbally or in writing. Examples include situations in which the worker must perform a major job of different nature from that specified during recruitment without a person's consent; work for other employer than agreed; and work for longer period of time than agreed.	- Fishers incur significant debt due to recruitment fees and related costs. - Fishers have been promised work with one employer, or in one port, vessel or fishery, but directed to another. - Fishers lack a written contract or the contract is written in a language they do not understand. - Employment terms promised by employers or recruitment agencies are not recorded or honored, e.g., fishers recruited on understanding that the employment is legal when in fact it is not. - Fishers without contract have the terms – for example, length of time at sea or share of the catch – changed without their consent. - Migrant fishers receive a contract from recruitment agency at last minute prior to departure, after the plan ticket is already purchased and recruitment costs incurred by recruitment agency, making it very hard for the fisher to refuse to sign the contract without reimbursing the recruitment costs and plan ticket, even if they are unhappy with the terms of the contract. - Payment modalities differ from those agreed (e.g., instead of agreed regular wage payment over the course of the trip, payments are irregular, or a lump sum payment is provided at the end of the trip).	Art. 22(3). No fees or other charges for recruitment or placement of fishers should be borne directly or indirectly by the fisher. Art. 16–20. Fishers must have a written work agreement that is comprehensive to them, is consistent with the provisions of this Convention and its Annex I, and is signed by both the fisher and vessel owner.¹ Art. 18. A copy of the work agreement shall be provided to the fisher, and, in accordance with national law and practice, to other concerned parties on request.
Abusive working conditions Situations in which workers must endure working conditions that they have not – and would not – freely agree to. Work may be performed under conditions that are degrading or hazardous and without adequate protective gear.	- Unsafe night work (fishing at night is typical) – for example, with inadequate lighting or dirty and slippery decks. - Work with faulty equipment including nets and cranes for hauling in the catch. - Lack of training on how to safely use the fishing gear and lack of safety induction when first joining the vessel. - Working in extreme weather conditions. - Working without adequate personal protective equipment (PPE) (e.g. poor quality, ill-fitting or not enough for all crew members). - Denial of medical treatment in case of injury. - Lack of access to unexpired and appropriate medications for minor injuries/illnesses. - Denial of the right to return to shore for medical treatment in the event of serious illness/injury. - Loss of life at sea; recovery of deceased fishers at port.	Art. 29(a) & (d). Fishing vessels must carry appropriate medical equipment and supplies and have radio or satellite communication equipment on board to access medical advice. Art. 29(e). Fishers have a right to medical treatment ashore and to be taken ashore in a timely manner for treatment of serious injury or illness. Art. 31(b). Fishers shall be trained in handling the vessel's gear. Art. 32(3). Fishers on board large vessels shall be provided appropriate personal protective clothing and equipment, receive safety training, and be reasonably familiarized with the equipment and the methods of operation. Art. 10(1). Fishers must have a valid medical certificate attesting to their fitness to perform their duty before taking on work on board a fishing vessel. Art. 15.2.² Fishing vessels must carry a crew list and a copy of the crew list shall be provided to an authorized person ashore and communicated to the harbour authorities at departure.

Tool1. cont.		ILO Work in Fishing Convention, 2007 No.188) references	
ILO forced labour indicators		Examples in the specific context of fishing	
Abusive living conditions	Situations in which workers must endure living conditions that they havenot – and would not – freely agree to; for example, situations in which workers are made to live in overcrowded, noisy and unhygienic conditions without any privacy.	- Insufficient or unsafe food and water on vessels due to negligence or poor planning by the employer/skipper or too long at sea (e.g. fishers have to tap into air condition unit for water to drink). - Malnutrition (including cases of beriberi) and dehydration among fishers. - Poorly equipped, overcrowded and/or poorly ventilated sleeping areas. - Poorly equipped and/or poorly ventilated cooking areas. - Inadequate or intolerable sanitary facilities. - Denial of warm water on vessels fishing in very cold climates, making washing intolerable.	Annex III ³ - Accommodations should among others have adequate headroom, adequate insulation, emergency escapes, limited exposure to noise and vibration, adequate ventilation, heating and air conditioning, and adequate lighting (if possible, with natural light). - To the extent not expressly provided otherwise, the number of persons allowed to occupy each sleeping room shall not be more than six. For vessels of 24 metres in length and over, the number of persons allowed to occupy each sleeping room shall not be more than four. - There should be sufficient toilets, wash basins and tubs and showers for all crew on board and they must meet minimum standards of health and hygiene. - Fishers must have access to both cold and hot freshwater. - Food and potable water must be sufficient for the duration and nature of the voyage and food should have suitable nutritional value.
			Art.27(a). The food carried and served on board must be of sufficient nutritional value, quality and quantity. Art.27(b). The potable water must be of sufficient quality and quantity. Art.13. Fishing vessels must be safely and competently manned and fishers must be given regular periods of rest to ensure safety and health. Art.14. Fishers on board vessels at sea for more than three days must, with exception, be provided a minimum of ten hours of rest in a day or 77 hours in a seven-day period. Art.23. Fishers that are paid a wage (not a “share of the catch”) must be paid monthly or regularly. Art.24. Fishers must be provided a means to transmit payments (wages and shares) to their families at no cost. Art.27(c). “Food and water shall be provided by the fishing vessel owner at no cost to the fisher unless there is a collective agreement to the contrary) and cannot be deducted from the fisher’s payment.
Excessive overtime	Situations in which workers are subjected to excessive overtime or on-call work that they havenot freely accepted. For example, situations in which workers must log excessive hours or days beyond the limits prescribed by national law or collective agreement, or are denied breaks and day off.	- Severely inadequate crew size for vessel type/gear. - Excessively long fishing trips (e.g. months or even years). - Chronic lack of rest hours and day off (e.g. fishers having to work 20+ hours consecutively when there is a large catch; having to transfer ships after long hours of fishing; having to perform watch duty during rest hours, sometimes as punishment; or having to mend nets and pack gear the catch during their rest hours). - Denial of shore leave and annual leave.	
Work with substandard or no wages	Situations in which workers are subjected to remuneration levels to which they have not freely agreed; for example, no remuneration or remuneration that does not constitute a living wage.	- Payment of less than the minimum wage required by law (fishers classified as agricultural or seasonal workers may have no minimum wages set by law). - Underpayment through share-of-the-catch systems controlled by employers, skippers or supervisors. - Underpayment or non-payment of bonuses, lack of clarity around how bonuses are calculated or paid. - Fishers partially or completely deprived of wages (e.g. because of illegal or excessive deductions for items such as food, on-board phone calls or cigarettes). - Payment delayed to the end of the trip to ensure that fishers do not leave.	

Tool I. (cont.)		ILO Work in Fishing Convention, 2007 No. 188) references	
ILO forced labour indicators		Examples in the specific context of fishing	
Abuse of vulnerability	Situations in which employers take advantage of workers' vulnerable position – for example, their lack of alternative livelihood opportunities, their belonging to a group that is subject to discrimination, their irregular legal status or lack of documentation – to coerce them under threat of dismissal, deportation or denial of rights or privileges to perform work or accept work conditions they would otherwise refuse. Forced labour is more likely in cases of multiple dependency on the employer, such as when the worker depends on the employer not only for his or her job but also for housing, food and for work for his or her relatives.	• Migrant fishers, whose work visas are controlled by vessel owners, threatened with deportation if refuse abusive orders. • Vulnerable fishers with limited alternatives (e.g. migrant fishers, fishers from minority communities, poorly educated) forced to work in intolerable conditions through threat of loss of pay, loss of shelter (often on board the boat in port), manipulation of access to food and water at sea, acts or threats of violence. • Recruiters luring homeless people into abusive work aboard fishing vessels with promises of accommodation and food on board and the opportunity to earn money.	
Restriction of movement	Situations in which workers are not free to enter and exit the workplace premises, with the exception of certain restrictions which are considered reasonable. Includes situations in which workers are locked up and guarded to prevent them from escaping, at work or while being transported.	• Fishers held on vessel while at port to prevent them from fleeing or from contacting unions or support organizations. • Fishers who take advance placed under guard while at port to stop them from running away before vessels set sail again. • Fishers kept on distant-water trips for months or even years are effectively prevented from leaving their vessel.	
Isolation	Situations in which employers isolate their workers in remote locations and/or deny contact with the outside world to compel them to remain in jobs they would otherwise escape.	• Fishers are kept at sea beyond agreed time. • Trans-shipment of catch is used to extend vessel and crew time at sea. • Fishers isolated from other crew on board the vessel as punishment. • Fishers have their cell phones confiscated, or are denied access to satellite communications or satellite Wi-Fi at sea, or are only allowed access to employer-controlled and monitored means of communication, in turn preventing them from seeking help, organizing or reporting grievances.	
Physical and sexual violence	Situations in which workers, their family members or close associates are subjected to actual physical or sexual violence, to compel workers to accept work tasks that they would otherwise refuse or to compel workers to stay in jobs they would otherwise leave.	• Fishers who ask to return to shore early/before their contract expires are physically assaulted upon return to port and placed on another vessel. • Fishers who object to abusive orders or whom complaints are subjected to physical violence by the skipper, supervisor, recruitment agencies, or even by owners, other fishers. • Individual fishers subjected to violence as a warning to other fishers in the crew, including, in extreme circumstances, homicide and extreme negligence.	
		All fishers shall have reasonable access to communication facilities, to the extent practicable, and at a reasonable cost not exceeding the full cost to the fishing vessel owner.	

Tool 1. cont.		ILO Work in Fishing Convention, 2007 No. 188 references	
ILO forced labour indicators		Examples in the specific context of fishing	
Intimidation and threats against workers' relatives	Situations in which workers, their family members or close associates are subjected to intimidation or threats of violence, to compel workers to undertake work tasks that they would otherwise refuse or to prevent workers to stay in jobs they would otherwise leave.	- Fishers are faced with multiple threats as means of coercion and control, including physical violence, denial of food/meals, additional work (e.g. watch keeping during rest hours), denial of shore leave, being sent home early (which is problematic for those in debt or who were charged a guarantee fee), or of being trans-shipped (which many fear as they know conditions could be worse on another vessel). - Migrant fishers are threatened with deportation as means of coercion and control. - Fishers' families are threatened when fishers insist on their rights or when the families follow up on behalf of fishers. - Fishers have their phones confiscated as punishment for posting or raising complaints about conditions. - Vessel owner/skipper or recruitment agency holds passports, visas or work permits "for safe-keeping" and fishers are (or feel) trapped, unable to leave out of fear of losing their identity documents. - Vessel owner or recruitment agency holds house/land deeds (meaning if fishers don't finish their contract, they forfeit their home). - Vessel owner or recruitment agency holds school diploma (which can be needed for seeking future/other employment).	
Retention of identity documents	Situations in which workers' identity documents or other personal valuables are retained and workers are unable to access these items on demand and/or are unable to leave the job without risking their loss.	- Fishers' full monthly payment is postponed for several months, or paid in full only at the end of the contract, preventing them from leaving their jobs or taking leave out of fear of losing their accrued earnings. - Fishers are required to pay their airfare home if leaving early; fishers must pay "guarantee money" which they forfeit if they fail to complete their contract. - Fishers are physically abandoned at port, without airfare or support for returning home. - Fishers are promised final payment to wages by recruitment agency upon repatriation but then never paid. - Fishers are promised—but never receive—a bonus based on the volume of catch. Such bonuses are used to incentivize fishers to work long hours in order to maximize their earnings).	
Withholding of wages or other promised benefits	Situations in which wages are systematically withheld deliberately with held as means to compel workers to accept work tasks that they would otherwise refuse or to compel workers to stay in jobs they would otherwise leave, out of fear of losing their accrued earnings.	Fishers shall be entitled, subject to the conditions set by the member State or the serious default of the fisher's work agreement obligations, to repatriation at the fishing vessel owner's cost, or, if the owner fails to pay, the flag State.	
Debt bondage or manipulation of debt	Situations in which workers are coerced to work against their will to repay a debt with an employer or recruiter, or when debt is manipulated to compel people to perform work tasks or accept work conditions that they would otherwise refuse.	- Debt to recruitment agencies, owners, skipper or crew supervisors are used extended, inflated to prevent fishers leaving. (Fishers are denied details/written contracts for debt with terms including amounts, payment period, penalties). - Advances on wages; debt linked to charging fishers money for food they consume on board and other opaque costs are used by employer to keep the fisher in the job.	

Notes : ¹ Originated by a unauthorized representative of the fishing vessel owner (or, where fishers are not employed or engaged by the fishing vessel owner, the fishing vessel owners shall have evidence of contractual or similar arrangements). IMO Convention on the Facilitation of Maritime Traffic, 1965 (FAL), 3A annex I applies to new vessels and, when reasonable and practicable, existing vessels. See also of Paragraphs 16–34 of Recommendation No. 199, the (FAO/ILLO/IMO) Code of Safety for Fishermen and Fishing Vessels, and the (FAO/ILLO/IMO) Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels. 4 See also Paragraphs 14–15 of Recommendation No. 199.

² See also the

► Box 2. Case studies: Making initial forced labour determinations based on indicators

The following brief cases illustrate the uses of the indications above for decisions about forced labour situations in fishing. The cases are based on actual situations found in commercial fishing.

Case 1. Complaint regarding withheld wages and retention of documents

A migrant fisher reports to a migrant worker support organization that he and other crew members have not been paid half of their base pay for several months and that their passports are held by the skipper. Fishers have asked the crew supervisor for their pay and passports and have been refused. Both are violations of national law. They want to leave their jobs on the fishing vessel and return home, but they cannot because they do not have their travel documents and fear they would lose their accrued wages.

The organization brings several of the fishers to the local labour ministry staff to make a formal complaint. The ministry officials report the details of the complaint to the skipper and owner of the vessel who confirm that pay and passports are being withheld. The ministry offers to mediate a settlement of the violations.

Is this a possible forced labour situation? Which of the forced labour indicators or warning signs have been identified in the fishers' complaint to the ministry? The workers have indicated wanting to leave their jobs (i.e. involuntariness) but are blocked from doing so because of withheld wages and retention of identity documents (i.e. coercion). The presence of both involuntariness and coercion is indication of a possible forced labour situation in accordance with Convention No. 29.

What should be done when possible situations of forced labour are uncovered is discussed in detail in section 5 of this Handbook. Four aspects of this specific case, however, should be highlighted here.

- **Giving weight to fishers' perceptions.** In identifying elements of involuntariness and coercion, it is vital to give weight to fishers' perceptions of their situations (e.g. "I cannot go home without my pay and passport so I am trapped until I get them"), and not only to the response of the employer (e.g. "They can quit any time and go back to their home country").
- **The specific reason for involuntariness is not needed for a forced labour finding.** Note that the workers in this case do not specify why they want to leave their jobs. It might be because of hazardous conditions, or degrading living conditions, or deception, or for another reason not listed in the forced labour indicators. What matters for a forced labour finding is only that the workers have indicated a desire to leave their jobs but cannot do so because of the coercive forces being exercised on them by their employer.
- **The need for follow-up investigation.** The complaint by itself is not a sufficient basis for a finding of forced labour. The authorities are obligated to conduct a comprehensive investigation of the vessel and its practices before making a decision about possible violations of the law. They may find that elements of the complaint are false or exaggerated. Or, authorities may uncover more violations of the law not included in the fishers' complaint – e.g. excessive hours, hazardous work conditions.
- **The objective should be enforcement rather than mediation.** The labour ministry is not the employer in this case but engages in an abuse of the migrant workers' vulnerability and complicates their situation by taking complaints straight to the

employer with the goal of helping the parties negotiate a settlement of violations of the law and a possible forced labour situation. Mediation is the wrong mode. It can lead to fishers accepting terms that fall below the minimum requirements in the law, and it sends the wrong message to other employers: enforcement of forced labour is open to negotiation. Complaints about serious labour violations must prompt investigations, findings and enforcement of the law.

Case 2. Complaint regarding abusive living conditions at sea

A migrant fisher who is unhappy about the limited food and drinking water on the fishing vessel complains to the skipper and crew supervisor. He also asks to use the satellite communications controlled by the skipper to contact his family directly and is refused. As a result of speaking out, the fisher's access to food is further limited by the cook and he is given dangerous tasks during the hauling-in of the catch, at the direction of the supervisor. The skipper tells the fisher that he will take him to the office of a recruitment agency when they come back to the home port. The recruitment agent is notorious for threats against workers and criminal violence.

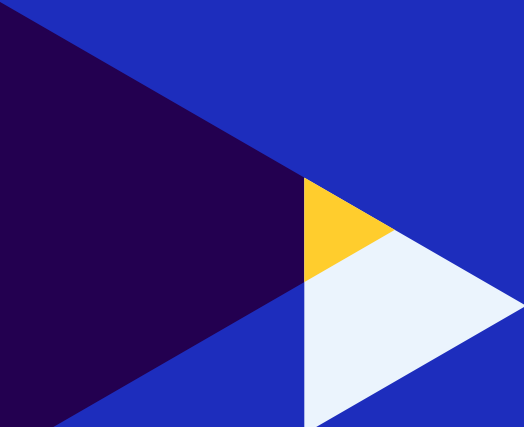
Upon arrival at port, the fisher nonetheless succeeds in preparing a written complaint to the police and labour authorities, but the employer and police convince him to accept a cash payment and leave the country instead of submitting the complaint.

Is this a possible forced labour situation? Yes. In this case there are indicators of involuntariness – lack of food, for one, is evidence of abusive living conditions – and coercion, including isolation (no communication) and reprisals (reduced food, dangerous tasks) as well as implicit threats of violence. Two other considerations are of relevance in this case:

- ***Complaints are not the only basis for action.*** Although the fisher's formal complaints never reach the labour or fisheries authorities, a complaint is not required for an investigation, determination of the violations, and enforcement of the law.
- ***The objective should be enforcement rather than mediation.*** As in the first case above, the interests of the employer were the priority for authorities. A serious criminal charge on behalf of a migrant worker is not welcome by the fishing vessel owners and skippers, nor by the police. Using their leverage and the offer of an immediate payment, the local actors are able to convince the fisher that leaving is the safest way to end the case. A prompt investigation, public reporting of the incident, and involvement of a labour or migrant rights organization could have changed the outcome here.







Part II.

Detection of forced labour in practice

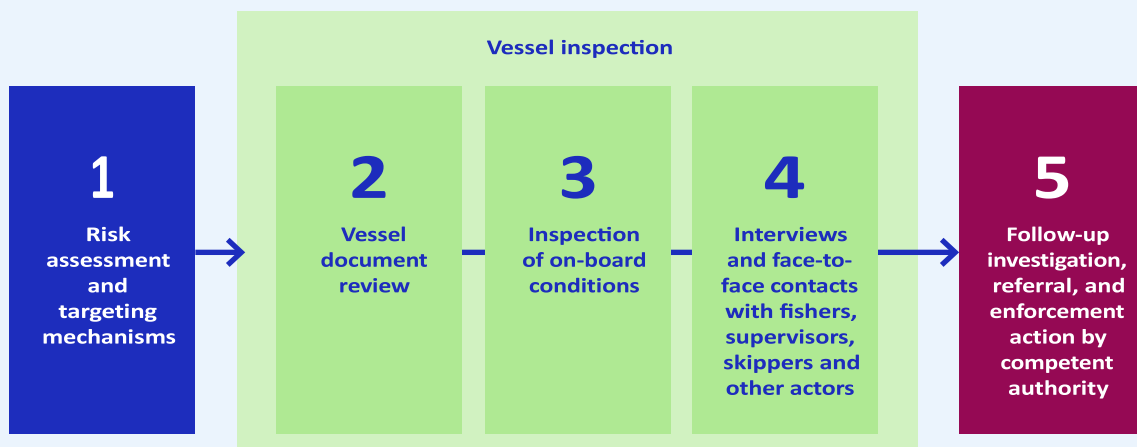
Part II of this Handbook focuses on guidance on how forced labour detection can be integrated into the extant compliance and inspection efforts of public authorities and into the work of other non-governmental front-line actors. While there are some examples of separate, bespoke inspection regimes for forced labour, in most cases effective detection depends on the integration of forced labour considerations into the broader compliance and inspection work of the authorities with oversight of the commercial fishing industry.

Regulation of fishing can cut across many agencies. It is not unusual for authority for aspects of fishing – vessel registration, vessel safety, fishing licences, catch documentation, worker safety, wages and working conditions – to be spread across half a dozen or more agencies, including, but not limited to, maritime authorities, fisheries authorities, transport authorities, coastguard and navy (and maritime police) and labour authorities.

Forced labour indicators can be integrated into the regulatory work of any combination of these and other authorities. In some contexts, officials from multiple agencies conduct port-side inspections jointly. Other relevant front-line actors include trade unions, employer organizations, labour rights organizations, and migrant and fisher support organizations, who have direct face-to-face contacts with fishers and in some contexts are also integrated in the state inspection efforts. Social auditors are another relevant front-line actor. Auditors in some contexts conduct their own assessments of working conditions aboard vessels, sometimes undertaking direct reviews of employer records, and interviewing employers, recruitment agencies, skippers and fishers.

A broader “strategic compliance” approach that engages this array of stakeholders, and that is proactive, targeted and tailored, is important for the improved detection of forced labour in fishing. This approach leverages the ongoing efforts of different regulatory authorities and other stakeholders to

► Figure 2. Detection of forced labour within larger compliance systems



maximize opportunities for the detection of forced labour in fishing.

Figure 2 shows some of the key entry points for forced labour detection within larger compliance systems at work in commercial fishing. The first component relates to risk assessment or targeting, aimed at identifying the fisheries, ports and vessels where the risk of forced labour is highest. The second, third and fourth components involve vessel-level inspection efforts, namely document reviews, on-board inspections and face-to-face interviews with fishers and front-line actors. The fifth component relates to follow-up when

indicators of forced labour are found. Each is discussed in the sections below.

The Handbook focuses on detection guidance for authorities and other frontline actors in the ports and on the vessels in the countries where forced labour abuses actually occur. However, it is important to note that there are also critical opportunities for detection *prior to* and *after* employment for authorities in labour-sending countries or, in the case of trans-local labour migration, in labour-sending regions within countries (see box 3).

Detection opportunities at recruitment

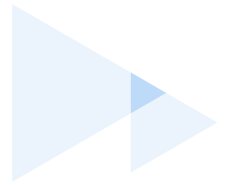
Regulatory oversight of recruitment agencies. Close regulatory oversight of (based on registration or licensing systems) and careful investigations of the financial arrangements between fishers, labour recruiters, vessel owners and seafood buyers by authorities at home or, for internal migrants and crossborder migrant workers, in their regions or countries of origin, can help in interrupting patterns of abuse leading to forced labour at their origin. Scrutiny of recruitment agencies should include:

- 🏠 **The business models of the recruitment industry.** Understanding the different business models of the recruitment industry and how they make money is critical to assessing



the risk of forced labour at recruitment. The authorities responsible for regulating recruitment agencies placing fishers on overseas vessels should strengthen the reporting requirements for registered recruitment agencies to incorporate questions regarding these agencies' sources of revenue, the breakdown of the costs paid by migrant workers, and the agreed wage payment structure outlined in the fisher's contract.

🏠 ***The memoranda of understanding (MOUs) between recruitment agencies and employers.*** Close scrutiny of the terms of these MOUs – where they exist – can help in determining if a recruitment agency has a direct financial incentive to keep a fisher on a fishing vessel or faces a financial penalty if they leave, circumstances which can in turn incentivise coercive practices on the part of recruiters such as the charging of “runaway fees” or the threat of forfeiting of accrued wages for premature departure. Such scrutiny should also extend to the securities offered to fishers and to whether the “employer pays” principal is being applied in recruitment. When recruitment fees and related costs are instead passed on to fishers, the risk of recruitment debt and situations of debt bondage increases. The following are among the specific questions of relevance in the review of MOUs.



- 🔍 Is the recruitment agency liable if a fisher quits their job before their contract is complete? Can the recruitment agency be fined if a fisher quits?
- 🔍 Is the recruitment agency responsible for repatriation costs in the event a fisher does not complete their contract?
- 🔍 Does the recruitment agency receive full payment from the fishing company if a fisher's contract is not completed?
- 🔍 Does the recruitment agency have to provide new crew, at their own expense, to the fishing company?
- 🔍 What securities (such as insurance) are the employer or recruitment agency responsible for providing to fishers migrating to work on foreign flagged fishing vessels?
- 🔍 Who is responsible for covering recruitment fees and related costs?

Migrant pre-departure training. Fishers in many countries of origin undergo training prior to departure, providing another opportunity for early intervention against forced labour. While training typically focuses on imparting the necessary skills and safety information to work on a fishing vessel, pre-departure training could also be a valuable entry point for educating fishers on their rights as workers and migrants, on the terms of their contracts, on the warning signs of forced labour and on sources of support. Such training can empower fishers themselves with the information they need to recognize when they are in situations of forced labour, or are at risk of falling into such situations, and to seek help. Evidence from fisher surveys and ILO field programmes in fishing indicate that testimony and training from unions and former fishers is especially effective in this context (ILO 2020).



Detection during transit/migration

Migrant fishers will encounter immigration officials at various points during their migration cycle, including as they leave their home country, as they transit to the vessel, as they enter port, as they call into port while working on a vessel, and as they disembark at the end of their employment. Each of these encounters provides potential detection opportunities.

Immigration officials in labour sending and transit ports. While fishers are likely to be reluctant at the initial phase of the migration journey to share details or concerns with authorities, immigration officials in labour sending ports (typically, airports), if appropriately trained, could nonetheless play a role in checking for valid work contracts and verifying, for example, that the contract specifies the vessel name, the vessel flag State, and where the vessel will be fishing, and preventing departure pending further investigation in cases where these conditions were not met. Immigration officials could also check whether emigrating migrant workers have registered with the relevant ministry (such as the Ministry of Foreign Affairs) prior to departure and could provide contact information for the labour attaché in the destination State or port State where they will embark on their vessel. Transit States that fishers pass en route to their vessels offer similar opportunities for detection by immigration authorities.

Labour attachés or other consular officials in destination countries. These actors can be an important point of contact for fishers abroad and therefore another potential resource for forced labour prevention, detection and for supporting victims. With adequate training, consular officials can help in detecting warning signs of forced labour in their contacts with migrant fishers and can be an important channel for reaching fishers with information about forced labour risks and their legal rights. They can also work with local authorities and NGOs to ensure that victims are able to access legal representation, receive the necessary humanitarian support, and are safely repatriated.

Migration corridors and departure points used by fishers. These can be useful informal channels for reaching migrant fishers with information on the risks of forced labour and where to seek help in the case of need. A number of countries have communication initiatives (including brochures, posters, billboards, video messages of television monitors, and so on) on trafficking and forced labour risks in bus terminals, airports and border crossings used by migrant workers.



Post-employment detection opportunities

There are also retrospective opportunities for detecting forced labour when fishers return to their homes, either from abroad or from another region within their own country, as at this stage they have greater freedom to discuss their employment experiences.

Immigration authorities, labour authorities and trade unions. Contacts with immigration or labour authorities upon returning home after employment provide an opportunity for obtaining information on patterns of abuse (or good labour practices) by recruitment agencies and vessel owners. Based on this information, abusive actors – including entire fisheries or fleets, if the practices are widespread – can be denied access to migrant fishers. Similarly, contacts between returnee fishers and their unions and rights groups could provide these organizations with a better understanding of forced labour abuses suffered by their members on fishing vessels, and of abusive vessels and fisheries, enabling them to advise new, would-be fishers accordingly.

Equally important, the post-employment detection of forced labour victims by immigration authorities, labour authorities, trade unions and other actors is critical for the purposes of redress and remediation, including for payment of illegally withheld wages. For fishers who experience unpaid or underpaid wages, returning home without their promised wages can contribute to fishers' feelings of failure, guilt, and shame, leading many to remigrate, either trans-locally or abroad. Remigrating due to debts from the previous migration cycle or in the hope that a subsequent experience will be better can maintain a vicious cycle of exploitation.

3. Risk assessment and targeting mechanisms

The universe of fisheries and fishing vessels is too wide for authorities and other frontline actors to fully cover with inspections. Risk assessment and targeting can help narrow this universe, so that scarce resources for direct, vessel-level inspection efforts can be allocated to where risk is greatest. In busy fishing ports in particular, authorities have to balance their desire to inspect a large number

of vessels with the need to maintain the quality and intensity of inspections.

To this end, a variety of administrative data on fishing vessel operations that national fisheries, maritime and labour authorities regularly collect and review in connection with fishing vessel regulation can be used to assess forced labour risk, and to identify priority ports and vessels accordingly. Trade unions and worker organizations can also be valuable sources of information. A nonexhaustive listing of information that is commonly collected – and the forced labour risk measures that can be derived from them – is provided in tool 2.³ It should be stressed that these measures are not intended for use as substitutes for direct, vessel-level detection efforts, but rather as measures of possible risk to help authorities and other actors target these efforts.

Tool 2 can be used alone for targeting of vessels and ports for vessel-level inspection. But the measures contained in the tool can also be triangulated with data from vessel monitoring systems (VMS) or automatic identification systems (AIS) required by most governments for commercial fishing vessels registered to their flag. These vessel-tracking systems and the algorithms that use their data provide information on the vessel behaviour over a specified period (such as since the last port call). They are in ever-wider use to help combat illegal, unreported and unregulated (IUU) fishing. There are also a number of initiatives to extend the use of vessel data and algorithms to measure forced labour risk (see box 4).

³ While these risk measures are based on very common data available to authorities, in some countries, regulators may need to make the routine collecting and reporting of this data by employers and authorities mandatory.

Tool 2. Forced labour risk assessment: Key information and sources			
Labour risk measure	Observation	ILO forced labour indicator	Sources of information on risk measure
Excessive days at sea	While the maximum number of consecutive days a fisher can spend at sea without taking shore leave is vulnerability, not regulated by Convention No.188 or by national isolation, excessive legislation (in most places), days at sea that extend overtime, abusive well beyond the norm for the vessel type and fishery working and living conditions can be an important warning sign of forced labour. In most contexts, 3 months between port stops can be considered a warning sign of forced labour and 6 months or more between port stops a strong warning sign.	Abuse of at sea	VMS and AIS data; catch records; fisheries departments; port authorities; trade unions and worker organizations.
Frequent port-switching	Landing crews in a series of different ports can indicate the deliberate avoidance of inspection by authorities or other front-line actors.	Isolation, restriction of movement, deception	AIS data; port authorities; catch records; fisheries departments; trade unions and worker organizations.
Repeated of catch or at sea	Repeated trans-shipments of catch or transfer of crew (if reported) at sea can indicate the deliberate avoidance of inspection by authorities or other front-line actors, in turn pointing to the risk of IUU fishing and forced labour. ¹	Isolation, restriction of movement, deception trans-shipments transfer of crew	AIS data; port authorities; catch records; fisheries departments; trade unions and worker organizations.
High level of turnover	The turnover is the percentage of crew that has left in a given period of time, six or twelve months for vulnerability, abusive work conditions, excessive overtime, physical and sexual violence	Abuse of crew turnover	Crew list; labour/immigration authorities; fisheries departments; recruitment agencies; trade unions and worker organizations.

Poor past record	Vessels owned or operated by owners or operators poor compliance record for labour practices, record-keeping, vessel licensing or payment of fees/taxes are indicators of a vessel's overall management and risk of abuses. ²	Multiple indicators compliance with a	Registered ownership and beneficial ownership; up-to-date records of labour and fishing/ vessel violations by the competent authority.
Repeated vessel	Repeated flagging and reliance on flags of convenience may indicate that the owners want to evade any oversight and control of the vessels' activities and compliance with applicable laws and regulations. ³	Multiple indicators flagging	Vessel registration certificate; flag State ship register (previous history of the vessel); regional fisheries management organizations (RFMOs) fishing vessels register/record (list of authorized vessels); maritime classification organizations.
High number of registered complaints mechanisms	Vessels against which a high number of complaints compliance with labour standards have been lodged by fishers or unions to the relevant through complaints mechanisms	Multiple indicators complaints for non-authority.	Fisheries departments; civil society organizations with fisher support centres; administrative data from hotlines and other complaints mechanisms; trade unions and worker organizations.
Recorded on	There is growing evidence that IUU fishing vessels also likely to infringe other laws and regulations, in particular safety and labour standards. Therefore, vessels recorded on IUU vessels lists are at high risk of forced labour.	Multiple indicators IUU vessels lists are	Fisheries departments; IUU vessel lists established by RFMOs or other internationally recognized listings; information compiled by international NGOs. ²
Lack of crew	Fishers are at much higher risk of labour abuses when they are forced to live and work onboard vessels without mandatory access to free and secure Wi-Fi, which is necessary for them to be able to engage in private, two-way communication with their families, trade unions or worker organizations, government agencies, or other advocates and report abuses while at sea.	Multiple indicators connectivity	Trade unions and worker organizations.
Intermittent functioning of VMS and AIS	Turning on and off of VMS and AIS can be an indication of illicit fishing activity, especially along the exclusive economic zones of countries. Again, systems evidence indicates that illegal fishing is associated with labour violations and a higher risk of forced labour.	Multiple indicators	VMS and AIS data

Notes: ¹ Transshipment per se, however, is not necessarily an illegal activity. Transshipment is authorized in many countries or areas of the high seas under certain conditions (subject to a special authorization, prior notification to competent authorities and in the presence of an observer/inspector). ² See, for example, the Combined IUU Fishing Vessel List compiled by Trygg Mat Tracking. ³ See Article 14 of Convention no. 188.

There are a growing number of digital technologies in development or already in use for the detection of forced labour in the fisheries sector (see ILO 2022a). These technologies utilize data from vessel movement or vessel monitoring systems (VMS) or automatic identification systems (AIS), satellite imaging systems and other sources in computer-based algorithms designed to identify warning signs of illegal, unreported and unregulated (IUU) fishing and labour abuses on fishing vessels.

The digital technologies capture suspicious behaviours by fishing vessels, for example: ► fishing in protected marine areas;

turning on and off VMS or AIS systems, particularly along boundaries of exclusive economic zones or territorial waters;

fishing more hours per day than other boats in the vicinity (a measure of excessive “apparent fishing effort”);

extended periods at sea; and

repeated trans-shipments of catches to “carrier” vessels.

These behaviours are associated with both IUU fishing and labour abuses, thereby helping authorities to make strategic use of their limited resources for inspection by focusing on the vessels and ports where risk is greatest.

Trygg Mat Tracking (2021), for example, has compiled a database of fishing vessels that have previously engaged in IUU fishing – its Combined IUU Vessel List.¹ In collaboration with regional fisheries management organizations, Trygg Mat Tracking aims to provide up-to-date information on vessels engaged in illegal fishing, with real-time information on changes to a vessel's identity, flag state, ownership, and location.

Other organizations, such as OceanMind and Global Fishing Watch, seek to support authorities in port and flag States to enforce fisheries laws more effectively by applying machine learning to the AIS tracking data transmitted by fishing vessels to identify illegal fishing practices at sea. Both organizations are now exploring how to apply the artificial intelligence algorithms that they have developed for identifying IUU fishing to the identification of potential labour abuse at sea. For example, they are trying to use algorithms to estimate the time crew spend fishing, which can then be compared against flag state laws on rest time at sea to verify compliance or can be used as an indicator of excessive working hours and possible forced labour when fishers are not given sufficient rest hours. Using this algorithm, Global Fishing Watch has developed estimates on the number of vessels using forced labour and is working on port-based pilots to verify the accuracy of their data.

There is increasing evidence that IUU fishing vessels are also likely to infringe other laws and regulations, in particular safety and labour standards, and therefore data generated on IUU fishing can be leveraged for forced labour risk assessment even when such systems are designed solely for the purpose of detecting IUU fishing (see, for example, Selig et al. 2022). Risk assessments for IUU inspection should be made available to authorities with responsibility for labour inspection.

In addition to the development of these surveillance technologies, satellite Wi-Fi technology has also developed for the purposes of crew connectivity. Several satellite communications companies, such as Iridium Communications, Inmarsat, and Intelsat,

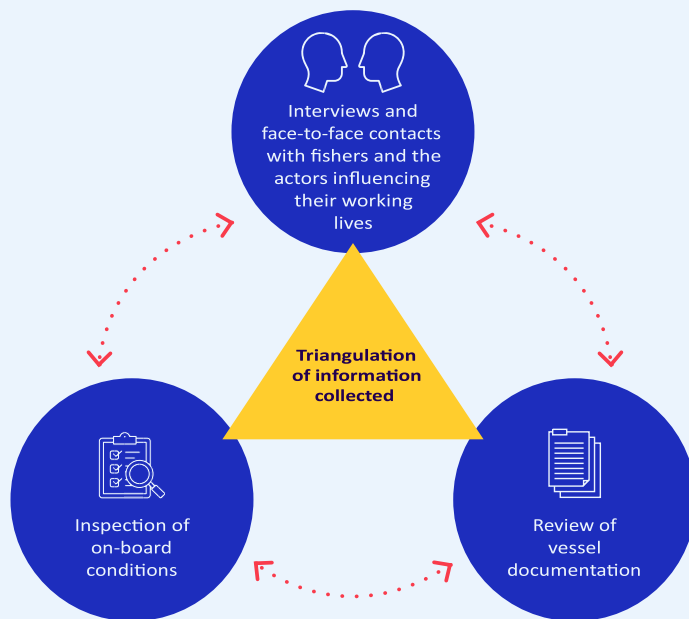
offer satellite Wi-Fi for the maritime industry, including for fishing vessels. Many distant water fishing vessels already have satellite Wi-Fi equipment installed on board, and as satellite Wi-Fi technology becomes more advanced and affordable, internet services at sea will improve further. This Wi-Fi technology has important potential for reducing fishers' isolation and enhancing their ability to report abuses at sea, but this potential will only be realised if fishers are guaranteed secure and free access to it, which is not always the case currently.

Note. 1 The database is available at: <https://www.iuu-vessels.org/Home/Search>.



4. Vessel inspection

► **Figure 3. Components of a vessel-level forced labour detection programme**



Document reviews alone are insufficient for forced labour detection

Documents such as the crew list, fisher agreements, and pay records can reveal labour abuses and warning signs of forced labour. Yet the vessels, ports and fisheries involved in forced labour can exploit the predictability of hands-off document-only regulation. They can organize their record-keeping and interactions with authorities to “check all the right boxes” and create the appearance of compliance with labour and fisheries laws.

Therefore, while document reviews are important, “hands-off” document-only inspections are insufficient, and, worse, can send a strong signal from authorities to employers that decent work in fishing is not a priority. It is essential that inspections extend beyond document reviews to include visual inspections and direct engagement with fishers and front-line actors.

Risk assessments are important for targeting inspection efforts by authorities and resources to where they are most needed. But the actual detection and follow-up of forced labour cases depends on the integration of forced labour considerations into the direct, *vessel-level* inspection efforts by labour inspectorates and other state regulatory bodies, and, where relevant, into the work of other non-state front-line actors (see box 5).

This section presents tools for forced labour detection that can be integrated into three key elements of broader vessel inspection efforts: (1) reviews of vessel documentation; (2) on-board inspections of vessels; and (3) interviews with fishers, their advocates, and the key front-line actors that dictate the conditions of their working lives, including crew supervisors, skippers, vessel owners (see figure 3).

All three of these inspection elements are critical. Document reviews alone are not enough (see insert). Careful document reviews must be accompanied by on-board inspections and engagement through interviews with fishers and key front-line actors. And, critically, the information collected from these inspection elements must be *triangulated*. This means that the results of document reviews and interviews with supervisors, skippers and vessel owners and other actor must be measured against direct observations from on-board inspections and the descriptions of working conditions from fishers themselves. This triangulation of data and perspectives on labour practices is the essence of forced labour detection.

A flag State’s power to regulate its own vessels is never disputed. But how does one government investigate labour practices on



board vessels in its ports that are flagged to another State? This is known as “port State” inspection and involves governments’ regulatory control over foreign-flagged fishing vessels that come into its ports.

This port State authority, codified in Convention No. 188, constitutes an important safety net for fishers on board vessels flagged to States with lax or non-existent rules for work in fishing, but has been hitherto very rarely used on behalf of fishers. Under Article 43 of Convention No. 188, a State may exercise “port State control” of foreign fishing vessels in its ports:

*If a Member, in whose port a fishing vessel calls in the normal course of its business or for operational reasons, receives a complaint or obtains evidence that such vessel does not conform to the requirements of this Convention, it may prepare a report addressed to the government of the flag State of the vessel, with a copy to the Director-General of the International Labour Office, and may take **measures necessary to rectify any conditions on board which are clearly hazardous to safety or health** (emphasis added).*

The ILO encourages States to ratify Convention No. 188 to spur port State inspections of labour practices. The Convention provides a “common standard of practice” for States that wish to create port State control regimes to counter forced labour in fishing.

The Agreement on Port State Measures (PSMA) of the Food and Agricultural Organization of the United Nations is the first binding international agreement to specifically target illegal, unreported and unregulated (IUU) fishing. Its objective is to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches. The provisions of the PSMA apply to fishing vessels seeking entry into a designated port of a State which is different to their flag State.

Further guidance on port State authority is provided in paragraphs 53 and 54 of the ILO Work in Fishing Recommendation, 2007 (No. 199) and in the ILO Guidelines for port State control officers. FAO has developed a global Capacity Development Programme to provide assistance to developing States to implement the Port State Measures Agreement, along with complementary instruments and tools.

In a still-rare example of port State enforcement, the South African Government on 3 August 2022 detained a Taiwanese-flagged vessel with a largely Indonesian and Filipino crew aboard. The Government’s detention order noted likely violations of safety and health standards and problems with fishers’ pay and contracts. Numerous labour rights violations were found on the vessel, including: passport retention, non-payment of wages, expired contracts and lack of medical supplies and training. One fisher was found with a serious leg injury sustained on board and was immediately taken to hospital where he stayed for 10 days. Due to the all too common practice of withholding fishers’ passports, preventing him from seeking medical attention, the fisher’s life had been put in danger.

The inspection and detention of the fishing vessel by the South African Maritime Safety Authority (SAMSA) in Durban came within just days of a labour inspection workshop led by the ILO in collaboration with Cornell ILR School’s Global Labour Institute in Cape Town. The South African Government detained the foreign-flagged fishing vessel based on a tip from a labour rights organization over concerns regarding worker safety – its first such action in nearly five years. In all such cases, cross-country collaboration is critical. SAMSA contacts the relevant embassy to inform them of their citizen’s plight, arrange for passports if required and coordinate repatriation.

4.1 Review of vessel documentation

The review of vessel documentation serves two critical functions. First, as shown in tool 2, data from document inspections can provide information needed for the risk assessment and targeting of vessels for inspection by various authorities involved in regulation of work in fishing – labour, fisheries, marine, port and immigration authorities. Second, in the course of vessel-level inspections, it can uncover critical initial warning signs or risks of forced labour on vessels targeted for in-person inspections. Information from document inspection provides guidance for authorities as they decide which

issues to probe and cross-check in on-board visual inspections and in face-to-face interviews with fishers and front-line actors (see table 1).

[Convention No. 188](#) and the [ILO Guidelines on flag State inspection of working and living conditions on board fishing vessels](#) (ILO 2017b) detail the key documents for a comprehensive review of the fishing vessel. Relevant documents include those listed in box 6. For national fleets, these documents would have to be made available prior to any inspection by the competent authorities, in particular the maritime and fisheries authorities. For foreign fishing vessels calling into port, these documents are typically sent as part of the advance request for entry into port (AREP) for foreign fishing vessels.

Table 1. Forced labour indicators yielded by reviews of vessel documentation

☞ Deception	☑
☞ Work in degrading or hazardous conditions, with or without compensation or protective equipment	☑
☞ Abusive or degrading work-related living conditions	
☞ Excessive overtime or on-call work	☑
☞ Work with substandard or no wages	☑
☞ Work with no or limited freedom to terminate work contract	
☞ Restriction of movement	
☞ Isolation	
☞ Abuse of vulnerability	☑
☞ Withholding of wages or other promised benefits	☑
☞ Physical and sexual violence	
☞ Intimidation and threats or violence against workers or workers' relatives	
☞ Retention of identity documents	
☞ Debt bondage or manipulation of debt	☑

Certificate of registry (information on flag and history of previous registration, i.e., changes of flag)

- ▶ Crew list
- ▶ Crew passports, identity cards or other official documents (for example, seafarers' books) confirming fishers' birth dates
- ▶ Tax documents
- ▶ Pay records or pay slips
- ▶ Records of communication between the skipper and the fishing vessel owner
- ▶ Previous inspection reports
- ▶ Catch information logbooks
- ▶ License to fish in relation to area of operation
- ▶ Safety and health committee records
- ▶ Reports of accidents and investigations
- ▶ Basic safety and medical training certificate(s)
- ▶ Collective bargaining agreement, where it exists
- ▶ Documentation on the qualifications of the fishers on board, including certificates of competency
- ▶ Fisher's work agreement
- ▶ National list of government-licensed private employment agencies, if any
- ▶ Document setting out the contractual relationship between the fishing vessel owner and the private employment agency
- ▶ Plan of the fishing vessel
- ▶ Table or schedule of working arrangements

While all these documents can help authorities form a picture of labour practices on board the vessel, there is a subset of them that are of particular relevance for the detection of forced labour, as discussed below and summarized in tool 3. Often, warning signs emerge not from the information in the documents themselves, but rather from mismatches arising when information from documentation is triangulated with information from on-board inspections and face-to-face interviews.

🔗 **Fisher agreement** → Authorities and front-line actors should review fishers' written contracts and compare these

🔗 **Crew list.** The crew list is the basic document that provides authorities with information about the number and composition of the crew on board when a vessel arrives at and departs from a port. Convention No. 188 requires all vessels to carry a crew list. A crew list contains names and details of all personnel on board (including the skipper) at the time of departure from the port and it reflects any changes thereafter: for example, fishers who are evacuated, repatriated or hospitalized ashore, or new fishers brought on-board the vessel. Where possible, the authority should be provided with a copy of the crew list prior to the inspection. An inspector or other frontline actor should then check the crew list against the fishers found on-board, and use interviews with fishers and skipper to check the accuracy of the list. A mismatch between fishers named in the crew list and those working on-board the vessel is a red flag as it may indicate that some fishers are not known to authorities or not authorized to work in fishing and, therefore, vulnerable to abuse by vessel owners, skippers, supervisors or recruitment agencies.

carefully with legal requirements and – via interviews with fishers, skippers and vessel owners – with the actual terms and practices on board the vessel. Items that should be stipulated in the agreement include the amount (accrued days) and conditions to take shore leave and annual leave, in view of situations in which fishers find themselves trapped into spending months or even years at sea without setting foot on land. Actors may consider including something about the terms of quitting, and repatriation for migrant fishers, stated in the contract (such as forfeiting wages or losing a guarantee or having to pay for repatriation costs), and also whether there are set working hours/ upper limits or if the contract states that the working hours will be determined on board by the skipper. A gap between the contract and actual practices is a sign of possible deception, in turn among the most common indicators of forced labour situations. Contracts that are written in a language that is incomprehensible to a fisher also point to possible deception. Fishers who do not have any form of written agreement are at the greatest risk of deception and abuse.

- 📌 **Pay records.** Fishers' enumeration can be a complicated mix of basic salary, share-of-the-catch bonuses, other bonuses and allowances, from which deductions can be made for advances, punishments or debts. Where inspectors or other frontline actors have access to pay records, these must be cross-checked in interviews with vessels owners, skippers, supervisors and recruitment agencies – anyone with a measure of control over fishers' pay – and, of course, fishers themselves (see box 7). Mismatches between employer and fisher accounts of pay amounts and practices must be explored, as wage withholding and debt bondage are common elements of forced labour in fishing. Large lump-sum payments (such as one payment in six months) can also signal possible withholding of wages and other forced labour indicators. Pay records (as well as hours of work records) that are repetitive or uniform are suspicious, **Other document**

Inspection regimes rarely include visits to fishing vessel owners' or agents' offices to look for other documents. Yet such visits can be important for

uncovering alternative or "double" records regarding recruitment, contracting, wages and safety, which in turn point to an attempt to hide abusive labour practices. Document reviews should also include reviews of communications during fishing trips between vessel owners, agents and skippers about working conditions, fishing practices and on-board incidents.

as they may indicate "double books" or fraudulent records. Some employers will keep a second, more accurate set of payroll records in an office or elsewhere and inspectors, unions and other frontline actors should press for access to these documents.

- 📌 **Work schedule.** Too little rest is very dangerous for fishers and can lead to injury, illness and death. Article 14 of Convention No. 188 specifies that minimum hours of rest shall not be less than 10 hours in any 24-hour period and 77 hours in any seven-day period. Work records that show workloads regularly exceeding these thresholds signal not only an important labour violation but also potentially forced labour, as it is unlikely that workers would accept such a heavy workload in the absence of some form of coercion that forces them to do so. Labour abuses such as these, however, may not be officially recorded, or at least not recorded in documentation made available to inspectors. More common warning signs are a lack of work records or records of hours of work/rest that are the same for every single day or trip, as this may indicate "double books" or fraudulent records designed to disguise excessive working hours.

- 📌 **Occupational injury, illness, and fatality reports.** High numbers of reported occupational injury and illness, or reports of fatalities at sea, are a clear sign of dangerous working conditions

and labour abuses. Suspiciously *low* numbers of recorded injuries and illnesses, or a mismatch between records and the accounts of fishers themselves

in face-to-face interviews, can also be an important warning sign, as it can signal an attempt to cover up dangerous working conditions on the vessel.

Tool 3. Forced labour risk measures from review of vessel documentation			
Document	Labour risk measure	Observation	Forced labour indicator
Crew list	Low ratio of actual crew size to (by vessel overburdened. Increased risk of type/gear, gross tonnage) accidents due to lower safety	Warning sign that fishers are manning requirement standards when vessels are understaffed.	Excessive overtime, deception, hazardous working conditions
	Mismatch between registered crew actual crew count not known to authorities or are not during inspection authorized to work in fishing.	Warning sign that some fishers are list numbers and not known to authorities or are not during inspection authorized to work in fishing.	Abuse of vulnerability, deception
Crew biometric data	Mismatch between registered not known to authorities or are not from actual crew	Warning sign that some fishers are data biometric data and authorized to work in fishing.	Abuse of vulnerability, deception
Fisher's work in the fisher's work of contract. practices	Difference between the conditions deceived at time of recruitment or agreement and actual labour	Warning sign that fishers were agreement specified upon signature	Abuse of vulnerability, deception
	Very brief (e.g. 1-page) work information deceived at time of recruitment or upon signature of the contract.	Warning sign that fishers were agreement with limited	Abuse of vulnerability, deception
	Lack of written work agreement	Warning sign of vulnerability to abuse.	Abuse of vulnerability, deception
	Lack of knowledge or understanding work agreement, e.g., because of a language understood by fishers.	Warning sign of vulnerability to of abuse. illiteracy or because it is not written in	Abuse of vulnerability, deception
Hours records	Repetitive/uniform or mismatched hours records	Warning sign of "double books" or fraudulent records designed to disguise excessive working hours.	Excessive overtime
	Absence of hours records	Warning sign of attempt to hide excessive working hours.	
Pay	Large lump-sum payments (e.g. one payment in six months) wage withholding.	Warning sign of coercion through records	Withholding of wages
	Repetitive/uniform pay records	Warning sign of "double books" or fraudulent records designed to disguise pay-related violations.	Withholding of wages
	Money from fishing company for skipper or recruitment agency rather than by fishers directly or their families	Warning of the potential for wage wages received by withholding as a means of coercion.	Withholding of wages
	Declared deductions for items recruitment costs	Warning sign of debt bondage or the including manipulation of debt.	Debt bondage
Occupational injury and illness, or reports	High number of reported conditions. reports of fatalities at sea	Warning sign of hazardous working injury and illness occupational	Abusive working conditions
	Suspiciously low number of recorded illnesses occupational injuries and illnesses are being hidden.	Warning sign that cases of injuries or	Abusive working conditions

The frequency and severity of the abuses indicated by these measures vary by country, fishery, gear type, crew composition and other variables. Authorities can combine and weigh these measures based on their national contexts and judgements to produce a forced labour risk scoring. Such empirical predictive tools are often useful for agencies and buyers to score risk.

Mismatches between employer and fisher accounts of pay amounts and practices must be

explored, as wage withholding and debt bondage are common elements of forced labour in fishing. Large lump-sum payments (such as one payment in six months) can also signal possible withholding of wages and other forced labour indicators. Pay records (as well as hours of work records) that are repetitive or uniform are suspicious, as they may indicate “double books” or fraudulent records. Some employers will keep a second, more accurate set of payroll records in an office or elsewhere and inspectors, unions and other front-line actors should press for access to these documents.

► **Box 7. How should a fisher be paid? Using document reviews to untangle fishers’ pay**

Fishers’ remuneration can be a complicated mix of basic salary, share-of-the-catch bonuses, bonuses and allowances from which deductions can be made for advances, punishments or debts.

In some countries, some fishers are considered self-employed or “partners” because they do not work for a fixed wage but are paid through a “share-of-the-catch” arrangement that has been agreed with or, more often, dictated by the fishing vessel owner or skipper. In this arrangement, crew and vessel owner together cover certain operating expenses which are deducted from the gross proceeds obtained from the sale of the catch. The net proceeds from the sale of the catch are then divided among the vessel owner and the members of the crew according to a pre-agreed formula. The risk is, in principle, shared by the fishing vessel owners and the members of the crew.

But some relationships crafted to appear as “partnerships” are, in fact, employer– employee relationships that should be ruled instead by a fisher’s agreement. In these cases, the authorities should closely compare contracts and pay records with actual practices. They can then apply the appropriate tests to determine the nature of the employment relationship and ensure that employees receive the protections due to them, including prompt and full payment of wages.

Some fishers work under a combination of salary and “share” systems. Fishers sometimes have a share-of-the-catch arrangement that vessel owners “top up” to meet the pay amount set in a minimum wage law, employment contract or collective bargaining agreement. In other operations, fishers receive both a regular basic salary and a share of the catch calculated based on the gross proceeds from its sale. Authorities should note that withholding of a share of the catch beyond the end of the fishing trip or the end of the season can constitute wage withholding even though the share is described as a bonus.

In some fishing fleets the share of the catch is a large percentage of overall pay and delays in paying it out to fishers can be misused to prevent them from leaving the vessel. Such payment arrangements can also be used by employers to incentivize long working hours at sea and gain fishers’ consent to longer than initially agreed time at sea, in order to bring back a greater catch and therefore enable fishers to cover their debts or cash advance.

All variations on this system are open to abuse by owners, skippers, supervisors and recruitment agencies. These pay systems can be very opaque to fishers and lead to debt and wage withholding schemes that – as in regular employer–employee relationships – are warning signs of possible forced labour situations. The complicated payment structures reduce accountability and can often make it hard to identify who is seeking to financially control the fisher to induce them to work on the vessel. A simple tool for questioning fishers about their pay structure during interviews with fishers is presented

in section 4.3 of the Handbook.

🏠 **Table 2. Forced labour indicators yielded by on-board inspection of working and living conditions**

🏠 Deception	
🏠 Work in degrading or hazardous conditions, with or without compensation or protective equipment	✓
🏠 Abusive or degrading work-related living conditions	✓
🏠 Excessive overtime or on-call work	
🏠 Work with substandard or no wages	
🏠 Work with no or limited freedom to terminate work contract	
🏠 Restriction of movement	✓
🏠 Isolation	✓
🏠 Abuse of vulnerability	✓
🏠 Withholding of wages or other promised benefits	
🏠 Physical and sexual violence	
🏠 Intimidation and threats or violence against workers or workers' relatives	
🏠 Retention of identity documents	
🏠 Debt bondage or manipulation of debt	

4.2 On-board inspection of working and living conditions

On-board inspections of occupational safety and health (OSH) and living conditions on fishing vessels can help fill in additional parts of the labour practices picture. They can be especially valuable in cases in which frank testimony from fishers is difficult to obtain or would jeopardize their safety.

An array of forced labour indicators, including, but not limited to, abusive or

degrading living conditions (such as insufficient or unsafe food and drinking water), hazardous work conditions (such as ill-maintained and dangerous systems for pulling nets, no first aid kit), or the presence of unregistered fishers on board, can be revealed through on-board inspections (see table 2).

Along with worker interviews, discussed in the next section, on-board inspections are also important for the purposes of comparing the information contained in vessel documentation and records with *actual* working conditions. Beyond forced labour itself, on-board inspection can permit the early identification and follow-up of labour abuses and substandard working and living conditions that could deteriorate into situations of forced labour.

In an inspection regime, one or more agencies will have responsibility for OSH inspection of the vessel into which labour conditions and forced labour warning

signs can and should be integrated. In many countries, such inspections are currently limited to assessing the seaworthiness of vessels, so that this important entry point for identifying labour abuses and signs of forced labour is not exploited.

Inspections undertaken by other state authorities for other compliance issues (such as fisheries authorities) can also be usefully leveraged for the detection of indicators of forced labour.

Key steps and protocols for inspections of labour conditions in the [ILO training package on inspection of labour conditions on board fishing vessels](#) (ILO 2021) include guidance on the specific hazards in fishing and risks arising from them. A sample checklist for onboard inspection on occupational safety and health issues is provided in tool 4.

Tool 4. Sample checklist for on-board inspection on occupational safety and health issues		
Items	Sub-items	Yes/No Comments
Deck	General housekeeping Obstacles and obstructions Trip hazards and loose lines, ropes Railings, holds Equipment for safe crew embarkation and disembarkation Personal protective equipment (PPE) of sufficient quantity, quality and size for the crew (e.g. life vests, boots, gloves, helmets, safety goggles, rain coats, winter coats, sun hats) Lighting (for night work)	
Engine room	PPE for noise protection of sufficient quantity, quality and size for the crew (e.g. ear covers, plugs) Adequate ventilation Fire extinguisher	
Galley and food storage facilities	Hygienic conditions Adequate and quality food Adequate and quality drinking water Fire extinguisher	
Sleeping quarters	Safety and hygienic conditions	
	Ventilation, heating, cooling, lighting Adequate insulation Availability of bedding materials (mattress, pillow and blanket) Noise and vibration levels Adequate space for entire crew	
Toilet facilities	Adequate, hygienic and functioning Washbasins, and tubs or showers Availability of hot water	
Laundry facilities	Amenities for washing and drying clothes	
Cold storage	Safe access PPE of sufficient quantity, quality and size for the crew (e.g. boots, gloves, jackets)	
Fire safety equipment	Location, accessibility, in good working order	

First aid kit	Up to date and appropriately stocked with essential medical supplies to provide immediate first aid in the case of injuries or medical emergencies
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4.3 Interviews with fishers

and front-line actors

Interviews with fishers, their advocates, and the front-line actors who dictate the working conditions

included, and when such meetings do occur, they are typically in settings that make frank discussions of working conditions very difficult. Yet it is the feedback from fishers themselves and their advocates that is of greatest importance in the context of forced labour detection.

🔑 **Table 3. Forced labour indicators yielded by interviews with fishers and front-line actors**

🔑 Deception	✓
🔑 Work in degrading or hazardous conditions, with or without compensation or protective equipment	✓
🔑 Abusive or degrading work-related living conditions	✓
🔑 Excessive overtime or on-call work	✓
🔑 Work with substandard or no wages	✓
🔑 Work with no or limited freedom to terminate work contract	✓
🔑 Restriction of movement	✓
🔑 Isolation	✓
🔑 Abuse of vulnerability	✓
🔑 Withholding of wages or other promised benefits	✓
🔑 Physical and sexual violence	✓
🔑 Intimidation and threats or violence against workers or workers' relatives	✓
🔑 Retention of identity documents	✓
🔑 Debt bondage or manipulation of debt	✓

of fishers (including supervisors, skippers and vessel owners) are essential to gaining insights into virtually all of the core indicators of forced labour (see table 3).

Where interviews form part of inspection regimes, whether relating to labour or other regulatory areas, fishers – and migrant fishers in particular – and their advocates are rarely

The interview tools in this handbook are designed for use with fishers and – and with modifications – supervisors, skippers, employers and other actors.

Together, authorities can use responses to the interview questions to fill out the picture of labour practices and living conditions aboard fishing vessels. Well-conducted interviews also allow authorities to test the accuracy and significance of information collected in reviews of key documents and physical inspections of vessels – the process of triangulation of information that is central to forced labour detection.

How should interviews be organized?

Obtaining good results from interviews with fishers requires careful preparation, patient trust-building and due consideration to factors including interview location, timing, language, question formulation, scope and the profile of interview participants. Ensuring the confidentiality and safety of the fishers interviewed is essential. Interviews should never be undertaken in the presence or within the earshot of skippers, crew supervisors or deck boss (bosun). Tool 5 provides a series of interview protocols relating to these and other considerations.

- ▶ Interviews with fishers can take place in small groups (3 to 6 fishers) or individually, depending on the circumstances.
- ▶ In both cases – group or individual interviews – authorities must commit clearly to maintaining the anonymity of fishers providing answers to sensitive questions.
- ▶ Authorities should try to interview half or more of the crew, and never less than 25 per cent of the crew.
- ▶ The authority should ask workers to pause their work for interviews and take them off vessel.
- ▶ Individual interviews are a must where violence including sexual violence is a possibility or where there are grounds for suspicion that fishers have been victimized in other ways by crew members, vessel owners or recruitment agencies.
- ▶ Fishers who authorities suspect have been coached by a supervisor on how to respond in an inspection interview should be dismissed and new groups called and encouraged to be truthful. (In some contexts, fishers are paid bonuses if they give answers scripted by their employers to authorities during inspections.)
- ▶ **In all instances, it is critical that interviews are conducted away from and outside the sight and earshot of skippers, deputy skippers, engineers, crew supervisors and any others on board in positions of authority over the fishers, to protect fishers' anonymity and eliminate the risk of reprisals.**
- ▶ Interviews should be conducted in fishers' homes or the offices of organizations trusted by fishers: unions, migrant community leaders, religious organizations or charities, for example.
- ▶ Reminders of work and its many pressures – time, tasks, surveillance, intimidation – make frank and confidential conversation difficult, so port or workplace interviews should be avoided where possible.
- ▶ At-sea interviews with fishers should be done on board the authority's vessel and in fishers' native languages. However, fishers at sea are doubly aware of their vulnerability and frank discussion of their experiences on the vessel may not be possible.
- ▶ **Interviewed workers should reflect a mix of experience levels (new and veteran fishers), nationalities, ethnicities, and not only the most vocal fishers or recognized leaders.**
- ▶ Migrant fishers often make up a significant percentage of fishers and can be especially vulnerable to abuses aboard vessels. Their engagement in detection efforts is therefore critical.
- ▶ The interviewing authority – not the skipper or crew supervisor – should choose which fishers to interview.
- ▶ The skipper and crew supervisor should not be present during the interviews; they should be out of sight and earshot.

Tool 5. (cont.)**How to build trust of fishers?**

- ▶ To help build trust, authorities should resist the temptation or pressure from impatient skippers, for example, to rush.
- ▶ Purpose. Begin interviews with introductions and a description of the inspector's purpose, for example, "To understand more about what it's like working on the boat..."
- ▶ Timing. Indicate that conversations can take as little as fifteen minutes or as long as an hour. Authorities and other front-line actors must take steps to help fishers feel comfortable answering questions about working conditions.
- ▶ Confidentiality. Authorities should emphasize that the information gathered during the interview will be kept strictly confidential (unless the fisher agrees to use their name) and that others will be interviewed. Not every fisher in a possible forced labour situation will want someone to take action on their behalf, and most will be anxious about the consequences for them of making complaints to authorities, directly or indirectly.
- ▶ Inspectors and other front-line actors should be clear with fishers about how they would like to use (or in some cases, are required to use) the information collected.
- ▶ Consent. Ask for consent to record the interview and repeat the rules on confidentiality and uses of the information.
- ▶ Tell interviewees that if they want to stop the interview at any time or decide not to answer some questions, that is okay.

How should questions be phrased?

- ▶ Word choice is important. Authorities and front-line actors should use the terms that fishers themselves use, and not those that are familiar to authorities from policy documents or abstract legal frameworks, such as "grievance mechanism", "cross-border migration", "human rights", or "access to justice".
- ▶ Advance testing of interview questions with fishers is critical to ensuring that questions are phrased in a manner that is understandable to them.

How to engage migrant fishers?

- ▶ Interviews with migrant fishers must be done in the worker's native language, via in-person interpreters where necessary. A casual approach to interpretation risks skewing the results of interviews, even invalidating the inspection effort. Reliance, for example, on a bilingual supervisor to translate is almost always unacceptable.
- ▶ It is also unacceptable to limit interviews to the members of the crew who speak the local language, or to limit interview questions only to those that migrant fishers can understand in the local language.

What types of questions to use – open-ended or closed?

- ▶ Authorities and other front-line actors should employ a mix of open and closed questions.
- ▶ "How did you end up on this boat?" is an open question that allow fishers to share their stories. Open questions also help to remind fishers that authorities want honest answers, not "right" answers, to interview questions.
- ▶ Closed questions are also useful but are designed to get clear and specific answers about their experiences: for example, "Are there threats to turn you in to the police or government?" Interviews dominated by yes/no questions may be quicker but can limit the interviewer's information from fishers, and make it easier for coached workers to mislead authorities.
- ▶ Real-life examples. It is helpful to give an example of a common violation to show fishers that authorities understand something about fishers' lives and to show that authorities are not interested in coached or misleading responses. For example, «On some boats here, fishers have told us they are promised higher pay, but the real pay is lower than promised. Has this happened on your boat?».

What time period should the interview cover?

- ▶ Authorities should ask about both current practices but also past practices – such as, "Has this happened in the last six months, one year, two years?" Interviewers should try to pin down when violations occurred, and whether the practices continue or have ended.

Should questions be limited to the vessel under inspection?

- ▶ Authorities should take the opportunity to ask about practices on other vessels. This can help them develop an understanding of common practices and their prevalence in the port. These stories should not be taken as evidence of a violation but as information to follow up and to understand industry practice.

Where there are bona fide trade unions or worker organizations, interviewers should engage with the trade unions or worker organizations to set up and conduct interviews with fishers. In addition, union representatives may furnish additional important information about fishers' working conditions. Intermediaries such as charities, social service organizations

and migrant community leaders can also provide information. In all cases, it is critical that information is communicated in a manner that protects fishers' anonymity and minimizes their risk of reprisal. Phone-based tools have also been developed to reach fishers in situations where authorities or front-line actors do not have other options for engagement with fishers (see box 8).

Tool 5. (cont.)

How much time is needed?

The total time available for interviews is likely to be context-specific, varying from as little as 15 minutes to as long as one hour.

- ▶ When inspection time is limited, authorities should not rush to complete interviews. A rushed and mechanical survey of possible forced labour indicators will yield bad results – false positives, false negatives, and confusion and distrust among fishers. Rather, a shortened set of questions should be used, and additional questions reserved for follow-up investigations when warning signs of forced labour are found.

How should interviews be documented?

- ▶ An inspection or interview checklist with a series of marks is not a useful record unless the details of the problem and the judgements of the front-line actor are included. Authorities who are checking boxes on lists during interviews instead of listening carefully may not get much information from fishers.
- ▶ Interview notes should be recorded right away after the interview and kept as evidence for enforcement actions. Authorities and other front-line actors should make sure their notes are detailed, clear and accurate. (Recordings of conversations can be useful but clear consent from interviewees is important.)
- ▶ Other evidence related to labour practices should be collected or copied and kept by authorities. Evidence could include photos of injuries, indications of fatalities at sea, copies of contracts, text messages, pay slips or even hand-written records of debt, pay or work hours kept by fishers themselves. Photos and videos that fishers themselves have taken of the conditions on board can also be important evidence. (Confidentiality may require that some information on documents be redacted.)
- ▶ In some countries, results of interviews with fishers, skippers and others are written down and the interviewees are asked to sign the record. This practice tends to undermine trust between fishers and authorities: the record may be inaccurate or incomplete, signing appears to compromise confidentiality, and non-readers or migrant fishers may not understand what is in the written record. Fishers who know they will be expected or required to acknowledge a written record of an interview may choose to keep quiet about labour abuses.

How to end the interviews?

- ▶ Inspectors and other front-line actors should be sure to ask fishers if they have questions and make time to answer them. Do not rush this – ask twice or three times. Fishers are rarely engaged at length on these issues and may have questions for interviewers about their situation, their options, the terms of their contract or legal standards.
- ▶ Let workers know that you will follow up the interview by checking documents and interviewing others. Where possible, authorities should name unions, labour rights groups, charities and even consulates that can help fishers right away and in the future.

▶ Box 8. Phone-based applications for detection of forced labour

Phone-based “detection” and “worker voice” apps are being increasingly used in fishing and other sectors to collect data from workers on working conditions and as platforms for workers to share complaints about their skipper or employer in their own languages.

These phone-based tools can be used where authorities or front-line actors do not have other options for engagement with fishers. They have been suggested in particular as solutions for authorities trying to engage migrant fishers, who may not trust authorities sufficiently to share details about their work in fishing or face language barriers in doing so.

However, their usefulness can be limited in some contexts by data-connectivity and the willingness of fishers to trust a phone app with their complaints. Without mandatory access to free and secure Wi-Fi onboard vessels, fishers are not guaranteed the ability to use the phone app to submit complaints while at sea. The lack of guarantee of the confidentiality of electronic communications submitted through the phone app also presents a major challenge, increasing the risk of surveillance and retaliation against fishers. This is especially of concern where the phone app is designed and operated by the employer.

To be effective, the phone apps must be accompanied by fishers' guaranteed access to secure and free Wi-Fi on board vessels; data privacy protections; and an arrangement where the complaints are received and processed by trained worker representatives and a union, worker organization, or other independent thirdparty entity, with antiretaliation protections put in place. No independent analysis has been undertaken thus far of the effectiveness of these mobile apps.

The questions in the interview tools are organized into the following overarching topics:

- ☞ Recruitment
- ☞ Fisher's work agreement
- ☞ Working hours
- ☞ Occupational safety and health
- ☞ Living conditions
- ☞ Wages and wage deductions
- ☞ Debt
- ☞ Documents

Engaging the advocates of fishers

- ☞ Freedom of movement/isolation
- ☞ Threats and violence
- ☞ Ability to quit ☞ Getting help

A questionnaire for initial "screening" interviews with fishers is provided in tool 6. This questionnaire is designed to enable authorities, in brief interviews of 10 to 15 minutes covering the overarching topics, to make an initial determination about the possibility of forced labour situations.



In some cases, the trust of fishers will be very hard to win. Remember that fishers may have low expectations for help from authorities, or even expectations of trouble, based on experiences at home or as migrants.

In these cases, authorities will need a different approach. Fishers can be reached, or their stories learned, from their trade union representatives and intermediaries such as charities, social service organizations and migrant community leaders. Authorities should actively reach out and engage these groups and should not assume that a lack of outreach from trade unions or worker advocates means that there are no pressing issues among their members.

Repeated efforts over time to engage fishers and their advocates will build trust and help authorities make accurate determinations about suspected forced labour situations. In some instances, unions or intermediary groups can be part of joint inspections with authorities.

For authorities, this roundabout approach may seem inefficient, and a diminution of the power and prestige of their offices. But the alternative may be the failure of forced labour detection efforts, undone by rote interviews at the workplace with intimidated or coached fishers. Interviews with unions and intermediaries are an important extension of inspections, and have helped authorities in locations including New Zealand, South Africa and Thailand detect serious labour abuses that they would have otherwise missed.

Tool 6. Questionnaire for screening interviews with fishers

Section	Questions	Indicators of forced labour
Section 1. Where are you from?		Abuse of vulnerability
Introduction	What language do you feel comfortable conducting this interview in?	
Section 2. Who organised your employment on this vessel?		Deception
Recruitment	Before you agreed to work on this vessel, who explained how much you would be paid, how long you would stay at sea, and about the food and living conditions on board?	Deception

Could you have refused to accept work on this vessel?	Deception; abuse of vulnerability
Section 3. Did you sign a contract to work on this vessel? Did you read and understand Fisher's work your contract?	Deception; abuse of vulnerability
agreement	Deception
Are the conditions on board the same as agreed? <i>For example, the type of work, working and rest hours, wages, living conditions</i>	
[If different] What is different? <i>For example: type of work; time at sea; port; boat or boat owner; wages; pay schedule; hours working; living conditions; freedom to move or leave</i>	Deception
Section 4. Do you sometimes work for more than 14 hours in a day?	Excessive overtime
Working hours	
Are you allowed to rest while sick?	Excessive overtime; abuse of vulnerability; intimidation and threats
Section 5. What safety training did you receive before boarding this vessel? Occupational	Degrading or hazardous work
safety and health	
Can you tell us about the most common accidents that occur on your vessel?	Degrading or hazardous work
Section 6. Does the quality and quantity of food on board meet your needs every day? For Living example, your nutritional and religious needs	Abusive, degrading living conditions
conditions	
Can you always access enough clean drinking water?	Abusive, degrading living conditions
Section 7. How much were you told you would be paid when you agreed to take this job? Wages and (Specify currency and timeframe – e.g. monthly/daily)	Substandard wages
wage deductions Are you always paid everything that you were promised?	Deception; withholding of wages
Do you ever have trouble getting your money?	Withholding of wages
Do you have to pay for basics like enough food, clean drinking water, work PPE, such as gloves, boots, or raincoat, or for bedding, such as a mattress, pillow, or blanket?	Substandard wages
If you left your contract early, would you be paid for the days you have already worked?	Deception, substandard wages; withholding of wages
Section 8. Did you go into debt to get this job? <i>For example, to get your passport, work permit, seaman book or for pre-departure accommodation or travel costs. [If yes] To who?</i>	Debt bondage
[If manning agency or broker] Did you have to leave any collateral with the manning agency/broker? <i>For example, your ID or house/land deed</i>	Debt bondage, retention of identity documents
Do you have any debts to the vessel company, skipper, or ship agent? <i>For example for a cash advance or for onboard costs such as snacks, cigarettes, or phone calls</i>	Debt bondage
Have you ever had to go on another fishing trip to repay your debts from the previous trip?	No or limited freedom to terminate
Do any of these debts prevent you from leaving the vessel if you wanted to?	No or limited freedom to terminate; debt bondage

Tool 6. (cont.)		
Section	Questions	Indicators of forced labour
Section 9. Documents	When you are at sea, who holds your passport and seaman book?	Retention of identity documents
	When you are in port, can you access your documents?	
Section 10. Freedom of movement/ isolation	How long does your vessel typically stay at sea? During your last fishing trip, how often did the vessel return to port?	Restriction of movement; isolation
Section 11. Threats and violence	Do you feel safe working on your current vessel?	Physical and/or sexual violence, intimidation and threats
	Can you tell me about your relationship with your captain? Do you like your captain?	Degrading or hazardous work; physical and/or sexual violence, intimidation and threats
	What kinds of threats or violence occur on board your vessel?	Degrading or hazardous work; physical and/or sexual violence, intimidation and threats
	Does the vessel owner, skipper, or supervisor tell you what to say when you meet government officials? <i>For example, about pay, working hours, or safety on board</i>	Intimidation and threats
Section 12. Ability to quit	How long did you agree to work on this vessel for?	Deception, no or limited freedom to terminate
	Do you feel like you can quit working on this vessel when you want to?	No or limited freedom to terminate; restriction of movement, intimidation and threats
	[Migrant fishers only] Were you charged a “guarantee fee” that you would complete your contract?	No or limited freedom to terminate; debt bondage
	What would happen to your final pay, your debts, or your documents if you break your contract early?	No or limited freedom to terminate; debt bondage
Section 13. Getting help	Do you have any concerns about working on this vessel?	Degrading or hazardous work, isolation, intimidation and threats
	If you needed support with a work-related issue or concern, who would you contact?	Isolation, intimidation and threats

Do you wish to continue working on this vessel?

No or limited freedom to
terminate

A questionnaire for more detailed interviews with fishers is provided in the tool 7. This questionnaire can be used for follow-up investigation of suspected cases of forced labour identified through the initial screening interviews. This two-stage interview process helps optimize the time and resources allocated by inspection teams to interviewing fishers.

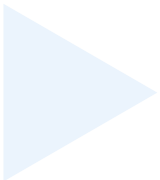
One area in particular that frequently requires follow-up investigation relates to fishers' pay arrangements. As discussed in box 7, these can be opaque and difficult for inspectors to disentangle. A simple template for questioning fishers in more

Tool 7. Detailed questionnaire for fisher interviews			
Section	Question	Potential forced labour indicator(s)	ILO Convention No. 188 references
Section 1. Introduction	Where are you from?	Abuse of vulnerability	
	What language(s) do you speak? What language do you feel comfortable conducting this interview in?		
	How old are you currently?		Art. 9 – The minimum age for work on board a fishing vessel shall be 16 years
	How long have you been working on your current fishing vessel for?		
	How long did you agree to work on this vessel for?	Isolation	
	Are you satisfied with your work on this current vessel?		
	How many fishing vessels have you worked on?	Abuse of vulnerability	
Section 2. Recruitment	Why did you decide to work in fishing?		
	How did you find work on this vessel?	Deception	
	Who organised your employment on this vessel? <i>For example, a manning agency, the vessel captain, or a broker</i>		
	Could you have refused to work on this particular fishing vessel?	Deception	
	[If no] Why not?	Deception	
	Before you agreed to work on this vessel, who explained how much you would be paid, how long you would stay at sea, and about the food and living conditions on board?	Deception	
Section 3. Fisher's work agreement	Did you sign a contract to work on this vessel?		Art. 16 – Fishers should have the protection of a fisher's work agreement
	Did you read and understand the terms of your contract before you agreed to work on this vessel? <i>For example in relation to wages, bonuses, duration at sea, working and rest hours, and living conditions on board</i>	Deception	
	Were you given time to read your contract and ask questions before you signed it?	Deception	

practice

detail about their pay arrangements is provided in tool 8.





Module	Question	Potential forced labour indicator(s)	ILO Convention No. 188 references
	Was it written in your language?	Deception	

	Were the terms you initially agreed to and the terms in the contract the same? <i>For example, wages, deductions, or duration at sea</i>	Deception	
	Could you have refused to sign the contract after you read it? [If no] Why not?	Deception / Debt bondage	
	Were you given a copy of the contract to keep?		Art. 18 – Copy of work agreement shall be provided to the fisher
	At any point, were you asked to sign a contract with different terms to the ones initially agreed?	Deception	
	Were any of the terms of your contract different to what you have experienced while working on this vessel?	Deception	
	[If yes] What is different? <i>For example:</i> <i>Type of work is different than promised</i> <i>Time at sea is longer/shorter than promised</i> <i>Port is different</i> <i>Boat or boat owner is different</i> <i>Wages are different</i> <i>Pay schedule is different</i> <i>Hours working are different</i> <i>Periods of rest are different</i> <i>Living conditions are different</i> <i>Freedom to move or leave is different</i> <i>Other differences (please note down)</i>	Deception	
	[If no contract] When you agreed to take this job, did you understand what the working conditions on board would be like? <i>For example, your wages, working and rest hours, and living conditions</i>	Deception	
	Are the conditions on board your vessel as you expected/as you agreed?	Deception	
Section 4. Working hours 	Can you tell me about the working hours on your vessel? <i>For example, do you sometimes work for more than 14 hours in a day? (Work includes non-fishing activities such as mending gear and sorting/packaging the catch)</i>	Excessive overtime	Art. 14(1)(b) – For fishing vessels regardless of size remaining at sea for more than three days, minimum hours of rest shall not be less than: 10 hours in any 24-hour period; and 77 hours in any 7-day period
	Do you often work until you are exhausted? [If yes] How often?	Excessive overtime	Art. 8 – The skipper has the responsibility for the safety of fishers on board, including the prevention of fatigue
	Do you regularly work more than 14 hours per day or only in cases of emergency?	Excessive overtime	Art. 8 – The skipper has the responsibility for the safety of fishers on board, including the prevention of fatigue
	What circumstances lead to long working hours at sea?	Excessive overtime	Art. 8 – The skipper has the responsibility for the safety of fishers on board, including the prevention of fatigue



Module	Question	Potential forced labour indicator(s)	ILO Convention No. 188 references
	Do you ever work one whole night and one whole day?	Excessive overtime	Art. 14(1)(b) – 10 hours of rest in 24 hour period
	Is there a log of working hours on your vessel? It is	Excessive overtime accurate?	
	Do you think you get at least 10 hours of rest every day? (Rest can mean all non-working hours. The rest once) any 7 day period	Excessive overtime	Art. 14 – Rest hours: 10 in 24 hour period, and 77 hours in any 7 day period
	Do you get a day with extra rest every week?	Excessive overtime	Art. 14 – Rest hours: 10 in 24 hour period, and 77 hours in any 7 day period
	Are you allowed to rest while sick?	Intimidation and threats	
Section 5. What basic safety training did you receive before you boarded this vessel? conditions owner shall ensure that every fisher on board has received basic safety training Occupational health	Fire drill practices? Fire exits/escapes? Fire extinguishers? Abandon ship requirements? Anchor procedures? Night work? Heavy equipment training? Man-overboard exercises? Water leaks? First-aid/emergency treatment? Capsized boat?	Hazardous working conditions Training e.g.s:	Art. 32 – The fishing vessel owner shall ensure that every fisher on board has received basic safety training
	When did you last do a BST course?		
	When you boarded this vessel, who showed you the features and dangers? For example, where the life jackets and fire extinguisher are or the trip fisher on board has received hazards on board	Hazardous working conditions	Art. 32 – The fishing vessel owner shall ensure that every fisher on board has received basic safety training and sufficiently and reasonably familiarised with equipment and its methods of operation prior to use
	What PPE or safety gear do you regularly use while working on this vessel? For example, helmet, gloves, boots, winter clothes, work outfit, rain coat, life jacket	Hazardous working conditions	Art. 32 – The fishing vessel owner shall ensure that every fisher on board is provided with appropriate personal protective clothing and equipment
	In what circumstances would you wear a life jacket on board?		
	What kinds of minor accidents occur on your vessel?	Hazardous working conditions	
	What kinds of major accidents have occurred in the past?	Hazardous working conditions	
	If you are ill or have a minor injury at sea, can you first aid medication from the vessel's conditions appropriate medical	Degrading living conditions	Art. 29 – Fishing vessels carry access in-date

Tool 7. (cont.)

medical box?

equipment and supplies

If you need medication from the vessel's medical box,
how do you go about accessing it?

Intimidation and
threats

Module	Question	Potential forced labour indicator(s)	ILO Convention No. 188 references
	Have there been injuries or sickness bad enough that the fisher needed treatment on land? Were they returned to shore?	Isolation	Art. 29 – Fishers have the right to medical treatment ashore and to be taken ashore in a timely manner for treatment in the event of serious injury or illness
	Does the company provide health and accident insurance for you?		Art. 39 – The vessel owner is responsible for defraying the expenses of medical care
	Have any fishers ever died on board your current vessel while it was at sea? What happened to the fisher?	Hazardous working conditions	
	Does the quality and quantity of food on board meet your needs every day? <i>For example, your nutritional and religious needs</i>	Degrading living conditions	Art. 27 – Food shall be of sufficient nutritional value, quality, and quantity
	Can you tell me about the food provided on board? <i>For example, what types of food do you regularly eat?</i>	Degrading living conditions	Art. 27 – Food shall be of sufficient nutritional value, quality, and quantity
	Have you ever gone hungry while working on this vessel?	Degrading living conditions	Art. 27 – Food shall be of sufficient nutritional value, quality, and quantity
	Have you ever been forced to eat food that violates your religious beliefs?	Degrading living conditions / Intimidation and threats	
	Do you always have access to enough drinking water to meet your needs?	Degrading living conditions	Art. 27 – Potable water shall be of sufficient quality and quantity
	If you are thirsty, how do you go about accessing drinking water? <i>For example, do you need to ask permission?</i>	Degrading living conditions	Art. 27 – Potable water shall be of sufficient quality and quantity
	What are the sources of drinking water on board?	Degrading living conditions	Art. 27 – Potable water shall be of sufficient quality and quantity

Tool 7. (cont.)			
Section 6. Living conditions	Is the water clean enough to drink?	Degrading living conditions	Art. 27 – Potable water shall be of sufficient quality and quantity
	How often is your vessel supplied with fresh water?	Degrading living conditions	Art. 27 – Potable water shall be of sufficient quality and quantity
	Has your vessel ever run out of food or drinking water at sea?	Degrading living conditions	Art. 27 – Food shall be of sufficient nutritional value, quality, and quantity and potable water shall be of sufficient quality and quantity
	Is there a sanitary toilet on board?	Degrading living conditions	Art. 26 – Accommodation on board shall be appropriately equipped, including sanitary facilities such as toilets

Tool 7. (cont.)

Module	Question	Potential forced labour indicator(s)	ILO Convention No. 188 references
	Do you have enough time and warm water to wash every day, if you want?	Degrading living conditions	Art. 26 – Accommodation on board shall be appropriately equipped, including washing facilities and supply of sufficient hot and cold water
	Can you tell me about your sleeping quarters? <i>For example, how many people share? Are a mattress, blanket, and pillow provided by the company?</i>	Degrading living conditions	
	How do you keep warm during cold/stormy weather? How do you keep the sleeping quarters cool during hot weather?	Degrading living conditions	Art. 26 – Accommodation on board shall be appropriately equipped, including ventilation, heating, cooling, lighting
Section 7.	Do you have a base monthly wage? How much is it?		

Tool 7. (cont.)

Module	Question	Potential forced labour indicator(s)	ILO Convention No. 188 references
Section 7. Wage deductions	[If yes] Do you have any way of checking with your family to see if they have received the money?	Isolation	
	[If yes] Are they receiving the amount that was promised?	Withholding of wages	
	Does someone keep your money until the end of the fishing trip or the end of your contract?	Withholding of wages	
	Do you ever have trouble getting your money?	Withholding of wages	
	Last time this happened, how long did you wait before you received the full amount of your wages?	Withholding of wages	
	If you left your contract early, would you be paid for the days you have already worked?	Withholding of wages	
	Do you have to pay for basics like enough food, clean drinking water, or work PPE, such as gloves, boots, or a raincoat?	Substandard wages	
	What, if anything, is deducted from your base wage or from your onboard allowance? <i>For example,</i> <i>Recruitment debt</i> <i>Advances (on pay)</i> <i>Food</i> <i>Pre-departure accommodation</i> <i>PPE or work clothing</i> <i>Fines (e.g. for behavioural violations at sea, for low productivity, for accidents or damages on the vessel)</i> <i>Cigarettes</i> <i>Alcohol</i>	Substandard wages	
	Did you agree to these deductions in advance?	Withholding of wages	
	Is the right amount deducted?	Withholding of wages	
	Is your base wage ever deducted for days spent on land?	Withholding of wages	

Tool 7. (cont.)		
	Section 8. Debt	
	Were you charged money for getting this job? <i>For example, for getting your passport or seaman book, for a BST course, for a health check, for pre-departure accommodation, or for a sponsor fee.</i>	Debt bondage
	[If yes] By who? What did you have to pay for, exactly?	Art. 22 – No fees or other charges for recruitment or placement borne by the fisher
	[If no charges] Who paid for your passport, seaman book, BST course, and health check?	
	Do you have to repay them? <i>For example, through wage deductions</i>	Debt bondage
	Have you ever been asked to repay more than the cost of the documents?	Debt bondage

Tool 7. (cont.)

Module	Question	Potential forced labour indicator(s)	ILO Convention No. 188 references
	Did you have to borrow money to get this job (or to travel to the manning agency)?	Debt bondage	
	Who loaned you the money?		
	How are you paying it back?		
	Have the amounts/terms of your debt changed since the start? How?	Debt bondage	
	[Migrant fishers only] Did the manning agent or shipping agent charge you a 'guarantee fee' that you would complete your contract?	Debt bondage	Art. 22 – No fees or other charges for recruitment or placement borne by the fisher
	Do you have other debts to your broker or manning agent?	Debt bondage	
	Did you take a cash advance at the start of your		

Tool 7. (cont.)

Module	Question	Potential forced labour indicator(s)	ILO Convention No. 188 references
	If you wanted to leave the vessel and return home before your contract expires, would your documents be returned promptly?	Withheld documents	
	Are you required to leave any documents with the fishing company or manning agency office when you go to sea? <i>For example, your ID or house/land deeds</i>	Withheld documents	
	[If yes] If you wanted to leave the vessel and return home, would these documents be returned promptly?	Withheld documents	
	[If yes] If you break your contract early, what would happen to your documents?	Withheld documents	
Section 10. Freedom of movement/ isolation	How long does your vessel typically stay at sea during each fishing trip?	Isolation	
	On your last fishing trip, how many times did the vessel return to port?	Isolation	
	Are you able to leave the vessel when it is in port?	Restriction on movements	
	Are you able to leave the port?	Restriction on movements	
	While you are in port, are you free to communicate with family and friends?	Isolation	
	During fishing trips, how often do you get to talk to your family?	Isolation	
	Can you use the satellite phone to call your family while on board?	Isolation	
	[If yes] How much are you charged for using the satellite phone?	Debt bondage / Withholding of wages	
	Have you ever been transferred between vessels without your consent?	Restriction on movements / Intimidation and threats	
	Did you spend longer at sea as a result of being transferred between vessels?	Restriction on movements / Isolation	
	Were the vessels owned by the same vessel owner/ company?	Restriction on movements	

Tool 7. (cont.)**Section 11.
Threats and
violence**

Can you tell me about the relationships among the crew and the work dynamics on board?

Can you tell me about your relationship with your captain? Do you like your captain?

Intimidation and threats

What happens if you take a break when the skipper wants you to work?

Intimidation and threats

If a fisher makes a work-related mistake, what happens? *For example, what kinds of punishments does the vessel owner, skipper, or mandor use?*

Intimidation and threats

Tool 7. (cont.)

Module	Question	Potential forced labour indicator(s)	ILO Convention No. 188 references
	Do the skipper or mandor ever call the crew names or use insults on board?	Intimidation and threats	
	What kinds of threats, if any, have you experienced on this vessel? <i>For example, being told that you will be sent home early without pay, that you will have to skip a meal, that you will have to keep watch during rest time, or that they will take your phone</i>	Intimidation and threats	
	Who makes the threats? <i>For example, other workers, skipper, supervisor, owner or broker/manning agent</i>	Intimidation and threats	
	Has the manning agency/broker/skipper ever threatened your family?	Intimidation and threats	
	Does the vessel owner, skipper, or supervisor tell you what to say when you meet government officials? <i>For example, not reporting hours or not telling them</i>	Intimidation and threats	



		Skipper interview		Documents		Fisher interview 1		Fisher interview 2		Fisher interview 3	
1. Base wage											
2. Share of the catch	Part of pay?	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
	Amount (<i>average</i>)										
	How calculated?										
	How divided?										
3. Deductions (<i>items and amounts</i>)											
4. Payment frequency (<i>months</i>)											
5. Date of last payment											
6. Period covered by last payment											
7. Delayed payments?											
8. Method of payment? (<i>cash, in-kind, electronic, etc.</i>)											
9. Fisher's total remuneration (<i>1 + 2 + 3 = total remuneration</i>)											
10. Applicable minimum wage (<i>vessel's home port minimum wage</i>)											
11. Fisher's personal catch value (<i>average per equivalent pay period</i>)											



5. What if forced labour indicators are found?

Investigation, referral and enforcement action

When indicators of forced labour are found, the follow-up opportunities and obligations for authorities vary according to each country's legal framework and the mandates of the regulatory authorities operating within it. However, almost every inspection regime is connected with an investigation process and a referral mechanism – sometimes multiple referral mechanisms. These inspection regimes typically require further investigation by the same or another authority such as an anti-trafficking police

force. If a forced labour finding is confirmed or considered likely, the investigation is followed by referral to prosecutors. The goal should be to

Tool 9. Protocols for follow-up investigation and referral of suspected forced labour cases

Rapid notification

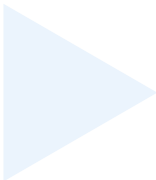
- ▶ There is often a limited time window for inspections in fishing. Skippers and owners are frequently in a hurry to land their catch or make final preparations and get out to sea again. The inspector/agency with a suspected forced labour situation should move quickly to formally refer to the lead agency of the suspicion and the decision (or recommendation) to detain a vessel. To protect fishers and a forced labour investigation, authorities may decide to notify and then detain vessel(s) on the basis of occupational and health or vessel safety violations that are relatively easy to see and document –such as lack of required training of crew, poor condition of fishing gear or decks, missing copies of fisher's agreements, among others. A relatively non-controversial detention order can provide more time for authorities and confidence for fishers for investigation of labour abuses that are relatively difficult to see and document.

Follow-up investigation

- ▶ The investigation that follows the initial inspection and notification can include additional and more extensive interviews and review of additional documents, including electronic communications between employers or fishing vessels' agents in the port and those on board the vessel.
- ▶ In some cases, the agency that led the labour inspection will be required to refer suspected forced labour (or trafficking) cases to another agency. The first agency may then play a secondary role in the investigation. This change in the lead makes the depth and quality of the findings from the initial inspection and their documentation very important. For the first agency, following the investigation and its results is necessary for defending the evidence and findings from the initial inspection, and maintaining pressure on the agency undertaking the follow-up investigation to ensure that the forced labour charges are taken seriously and thoroughly investigated.

ensure that indications of forced labour are pursued and not dropped, obscured or simply mediated.

Tool 9 provides a broad set of considerations for follow-up investigation, referral and prosecution of suspected forced labour cases in commercial fishing.



- ▶ Fishers who are found to be in forced labour situations or who otherwise ask for help from authorities to leave a vessel/ employer need to be safely removed from the vessel. Most countries have protocols and services for the care of human trafficking and forced labour victims. Other fishers who ask for help in leaving an employer or vessel should be helped and not forced or urged by authorities to get back on-board a vessel.
- ▶ Migrant fishers who wish to leave a vessel should be helped, regardless of the authority's forced labour determination. Fishers who are not eligible to stay in the country where they disembark should be repatriated to their home countries, in accordance with the ILO Work in Fishing Convention, 2007 (No. 188).
- ▶ Consular officials can play a crucial role in this regard, including through securing travel documents, coordinating with immigration authorities, and ensuring that fishers are not subjected to further harm during the repatriation process.
- ▶ Removal efforts must be accompanied by due consideration to remedy – particularly how fishers' due wages and compensation can be paid in full. The lack of the possibility of remedy can also deter fishers from reporting their circumstances to authorities in the first place. Researchers have flagged how removal efforts that do not take into consideration the need for a migrant fisher to access their unpaid wages and “guarantee money” can fail to take into account the needs and wishes of the fishers involved and can lead to fishers remigrating. Fishers may also need guidance and support in obtaining clearance from debt obligations that are a legacy of their forced labour experience.

Enforce rather than mediate

- ▶ In some cases, authorities will regard serious allegations of labour rights abuses simply as disputes involving one person's interests against another's and urge fishers and vessel owners to come to a quick agreement. But violence by unscrupulous skippers, or wage theft, for example, are not disputes about worker interests versus employer interests but rather are serious labour abuses for which employers should be held fully accountable. When serious violations of labour protections are mediated rather than enforced, the mediated agreement can include remedies that are lower or weaker than the remedies and penalties that would apply if the case were treated as forced labour. And authorities who bring evidence of labour abuses to employers for “settlement” can put fishers at risk of retribution by employers and exert pressure on them to accept less than the law requires.

Avoid informal approaches and solutions

- ▶ Charities and labour rights organizations sometimes use their personal connections with port officials to ask them to mediate serious labour abuses. These informal approaches can sometimes resolve or end complaints, but this approach cuts out the labour inspection authorities and denies them an opportunity to develop the skills and judgement needed to counter forced labour in fishing. Rather than proceeding through informal or personal channels, trade unions and other front-line actors providing support to fishers should bring cases of serious labour abuse to the relevant authorities and follow their handling of the cases, in order to encourage the rule of law in fishing and to help ensure consistent and fair results for fishers. Trade unions and worker organizations should play a central role in helping design and implement an operational-level grievance mechanism so that fishers can submit complaints, both on shore and at sea. All crew should be trained in using the grievance mechanism, and fishers should be able to contact their union representatives while onboard vessels to receive help in submitting complaints and having them remedied.

Expand the scope

- ▶ Labour practices – good and bad – often occur among vessels that share the same owners or recruitment agencies. Authorities who make a forced labour determination (or referral) on one vessel should promptly inspect related and similar vessels. Such a “snowballing” approach is another key element of a broader risk-based inspection strategy (see section 3), permitting inspection resources to be channelled to the contexts in which the risk of abuses is greatest. It tends to “level the playing field” for compliance with labour standards.

Tool 9. (cont.)

Publicize enforcement actions

- ▶ In many contexts, enforcement actions against employers are handled quietly (or even privately). For national vessels in particular, publicizing enforcement actions signals to other employers engaged in abusive practices that their government is stepping up enforcement in their industry. It enables authorities to use the threat of inspection and prosecution for forced labour as leverage to draw employers into compliance with the law. The calculation, however, may sometimes differ in the case of foreign vessels, for whom widely publicized enforcement actions may prompt port-switching in order to avoid inspection.

Follow up violations of labour standards even when they do not meet the legal definition of forced labour

- ▶ In some cases, investigations will conclude that the violations are serious, but do not amount to forced labour. These cases are likely to include serious violations of labour standards, and authorities should move to enforce the law. Here is one brief example to illustrate. A fisher who reports to a labour inspector that he has signed papers for salary amounts that he did not actually receive is in a possible forced labour situation. Perhaps there is wage withholding and pay that is lower than promised in the contract. These are two important warning signs of forced labour. But if the details of the case show wage withholding but full payment at the end of the fishing season, authorities may not have a forced labour situation in accordance with national law but nonetheless a serious wage violation requiring enforcement action. Taking enforcement action on the wage violation can signal to skippers, owners and recruitment agencies that the authority is committed to holding employers accountable, and can prevent situations from deteriorating into forced labour.

Special considerations when forced labour warning signs are found in at-sea inspections

- ▶ Discretion and careful judgement are especially important when possible forced labour situations are detected in at-sea inspections. In such circumstances, the safest action is to require that the vessel return immediately to port for a full inspection. A forced labour situation is typically accompanied by obvious violations of vessel requirements – safety and health measures are relatively easy to identify – and these violations can serve as the justification for the order. Fisheries law enforcement officers also have the power to bring a vessel to port for further inspection, and power to detain a vessel for breaches of fisheries conservation and management measures and/or violations of fisheries legislation (IUU fishing).
- ▶ For the safety of fishers, authorities and other front-line actors should not disclose to other fishers, supervisors or skipper that forced labour has been detected. Fishers in forced labour situations should be asked if they wish to travel to port with authorities or on their employer's vessel.
- ▶ Authorities and fishers on distant-water vessels operating on the high seas may have fewer options. An order to return to port could mean weeks of travel, and major risks for fishers suspected by the skipper or others of making forced labour allegations. If authorities can convey forced labour victims to port, they should do this. However, vessels operating exclusively on the high seas are rarely inspected at sea. In cases of at-sea inspections of distant water fishing vessels licensed to operate in the exclusive economic zones (EEZs) of a third country, vessels can be brought to the closest port in that third country for further inspection/investigation if there is any suspicion of wrongdoing (that is, any suspected breach of an applicable conservation and management measure).



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