



**Recruitment and Hiring Practices in
the Philippine Tuna Handline
Fishing Sector**

September 2020

Recruitment and Hiring Practices in the Philippine Tuna Handline Fishing Sector

September 2020

Verité® provides the knowledge and tools to eliminate the most serious labor and human rights abuses in global supply chains.

Copyright © Verité 2020

Cover photo © tuzla/shutterstock.com

Verité, Inc.
44 Belchertown Road
Amherst, MA 01002 USA
verite.org

To share questions or comments about this report, please email
Verité Southeast Asia at: vsea@verite.org.

Acknowledgements

This report is produced as part of a broader Verité project promoting responsible recruitment in high-risk sectors in Southeast Asia, with funding support from the Walmart Foundation. This research was carried out by the Verité Southeast Asia team, and would not have been possible without the generous time and support provided by the following organizations: SALIGAN - Sentro ng Alternatibong Lingap Panlegal (Alternative Legal Assistance Center [ALAC]), CMA - Center for Migrant Advocacy, AOS - Apostleship of the Sea and OND Hesed Foundation, SENTRO - Alliance of Progressive Labor and Coalition of Tuna Workers, WTPO - World Tuna Purse Seine Organization, and Phil South Maritime Training Center.

Verité would also like to acknowledge the contributions of all of the workers and their families; local NGOs; members of the Socksargen Federation of Fishing and Allied Industries who participated in the study; and the following individuals who helped facilitate the meetings and consultations: Frannie Tiu Laurel, Marcel Chiu, Herbert Demos, and Orley Badilla. Through this research initiative, Verité hopes to contribute to long-standing efforts to improve the working and living conditions of tuna workers in General Santos City and neighboring regions.

With the generous support of:



Table of Contents

Acknowledgements	3
Introduction	5
Methodology & Approach	6
Background & Context	9
Responsible Recruitment Standards	9
Overview of the Philippine Tuna Sector	10
Tuna Fishing Roles and Key Terms	10
Guiding Philippine Legislation on Recruitment Relevant to Handline Fishers	12
Regulatory and Implementation Gaps	13
Research Findings	15
Recruitment Practices	15
Summary of Recruitment and Labor Issues Identified	19
Core Elements of Responsible Recruitment	19
Indonesia's Ban on Foreign Fishing	21
Case Study: Child Worker Exposed to Fishing Hazards and Detention	23
Freedom of Association and Martial Law in Mindanao	25
Conclusions & Recommendations	26
To the Philippine Government	27
To the Private Sector	28
To Civil Society Organizations and Labor Groups	29
Annex	31
Endnotes	33

Introduction

Tuna is the Philippines' top seafood export¹ and, therefore, plays a central role in the economy of the archipelagic state. General Santos City, located on the island of Mindanao, is considered the tuna capital of the Philippines. An estimated 70-90 percent of households in General Santos City (GSC) depend on fishing for their livelihood — predominantly tuna fishing, as about 89 percent of fish landed in GSC is tuna.² Tuna catching in General Santos City relies heavily on handline fishing, a labor-intensive means of harvest in which fishers use baited hooks on a single line.

Because it generates almost no bycatch, handline tuna fishing is often positioned as a conservation-friendly alternative to less sustainable fishing practices, particularly considering recent attention on the social and environmental impacts of illegal, unreported, and unregulated (IUU) fishing. Despite its ecofriendly status, handline fishing is not immune to risks for the fishers themselves.³ The Philippine government and NGOs have worked in recent years to develop legal and policy reforms to address worker vulnerability in the Philippine fishing sector, but handliners remain the most vulnerable among workers in the tuna industry.

Through a series of investigations spanning from 2016-2019, which included worker interviews and multistakeholder expert consultations in General Santos City and parts of Davao, Philippines, Verité found that tuna handliners continue to be exposed to poor and hazardous working conditions, many of which stem from informal, poorly regulated recruitment and employment processes. The challenges presented by the informality of these processes in the sub-sector have not been adequately addressed by existing policies or social programs. Exploitative employment practices, such as the pervasive cabo system, where workers are subcontracted through an informal group or individual with whom the employer or vessel fleet owner has a contract, heighten handline fishers' vulnerability and compound the safety risks that are already inherent in fishing ventures.

This report presents findings on current labor practices in Philippine tuna handlining and uses recruitment as a lens to examine the unique vulnerabilities experienced by handline fishers. It further explores the factors that hinder responsible recruitment practices from taking root in handline tuna fishing and offers recommendations to government, private sector, and civil society actors.

Methodology & Approach

This report presents findings from Verité’s 2018 and 2019 research into recruitment-related labor issues facing tuna handline fishers in the Philippines. The research aimed to validate and update findings from Verité’s 2016 field research documenting recruitment and employment conditions for both vessel and land-based workers in the Philippine tuna sector. The passing of the Department Order No. 156-16 in 2016 has also provided an opportunity to evaluate the extent to which conditions for handline fishers have changed as a result of the law. The 2016 interviews with tuna workers in General Santos City identified a variety of risks of labor exploitation, including risks of forced labor and human trafficking, which were published in a 2018 report with the USAID Oceans and Fisheries Partnership.⁴

Verité’s 2018-19 research was framed by a narrowed focus on recruitment-related risks facing handline fishers. The research aimed to: (a) understand current recruitment practices in the context of handline tuna fishing and where those practices represent inconsistencies with principles of responsible recruitment; and (b) inform recommendations on the adoption of responsible recruitment principles and standards in this sector. The research methodology was predominantly qualitative, consisting of interviews with tuna handline fishers and their family members, as well as consultation with civil society organizations, government agencies, and private sector actors.

Verité’s research began with a rapid appraisal in 2018 in partnership with the Philippine nonprofit organization SALIGAN, which involved stakeholder outreach in key tuna regions on the island of Mindanao. During the rapid



Thor Jorgen Udvang/shutterstock.com

appraisal, researchers conducted preliminary interviews with handline fishers and other fishing community members, as well as consultations with private sector, civil society, and government representatives.

After the rapid appraisal, Verité conducted additional worker interviews with tuna handliners in early 2019. Researchers used semi-structured interview tools during individual and group interviews to gather qualitative and descriptive information related to recruitment and employment in tuna handline fishing. Interviews explored various topics, including loan and debt repayment arrangements, payment practices, working hours, health, and safety conditions. Although General Santos City was the primary site for the 2019 field research, given its position as the top tuna-producing region in the country, some interviews were conducted in Mati, Davao Oriental, an emerging fishing ground for tuna handliners. The field research involved a total of 77 interviews with handline fishers — 58 respondents from General Santos and 19 from Mati. All handline fisher interviewees were men, reflecting the demographics of tuna vessel workers. In addition, Verité interviewed 40 family members of handline fishers, and, with the assistance of Apostleship of the Sea (AOS), conducted an in-depth interview with a formerly detained child worker and his mother.ⁱ

Figure 1: Field research sites



To gather additional insights into the recruitment and employment risks facing handline workers, Verité consulted with civil society organizations directly involved in the sector, such as the Philippine advocacy group Center for Migrant Advocacy (CMA). These sessions helped researchers understand and compare labor conditions across tuna fishing regions, including the islands of Samar and Mindoro, which were not included in the scope of the research.ⁱⁱ Verité facilitated a civil society convening in October 2018 to validate and further explore research findings. During the convening, Verité shared preliminary research findings and gave participants an opportunity to respond to the findings. A total of eight civil society organizations (CSOs) from the Philippines participated in the convening, during which they shared valuable insights into issues facing tuna fishers and discussed priority action points for addressing those issues.

Verité also consulted with key private sector actors, including tuna fishing

ⁱ The child worker and his mother were then being assisted by Apostleship of the Sea, after the child was rescued and rehabilitated by the Department of Social Welfare and Development. Verité later learned that the child returned to fishing after only a few months at home.

ⁱⁱ CMA conducted a study of working and living conditions in these fishing communities.

companies, boat owners, and handline fishing operators in October 2018 and June 2019. Private sector consultations were facilitated in a roundtable format, beginning with an overview of responsible recruitment standards by Verité and a presentation of preliminary research findings. The consultations also generated a robust discussion of challenges and opportunities facing the private sector. Participants representing 14 organizations and companies shared their perspectives on the barriers to adopting responsible recruitment principles and discussed potential solutions.

Government agencies were consulted to provide insight into the specific government mechanisms in place to address the unique vulnerabilities facing handline fishers. The research included interviews with representatives from the Department of Labor and Employment (DOLE) regional office, the Philippines Maritime Industry Authority (MARINA), and a government-accredited training center that provides basic safety training (which is a prerequisite for securing the seaman's book).

Verité's research also included a review of existing Philippine legal and regulatory frameworks to determine whether responsible recruitment elements are incorporated into existing legislation, and to what extent the unique vulnerabilities of handliners who work in a largely informal sector are addressed by these laws.

Background & Context

Responsible Recruitment Standards

Promoting responsible recruitment is a critical strategy to address labor abuses—including forced labor and trafficking in persons—in global supply chains. Responsible recruitment principles used in this research framework are based on international human rights standards, primarily including those described in the International Labour Organization’s (ILO) Convention 181⁵ and the ILO’s General Principles and Operational Guidelines for Fair Recruitment;⁶ as well as other instruments such as the Dhaka Principles for Migration with Dignity⁷ and the UN Guiding Principles on Business and Human Rights;⁸ certification frameworks such as the International Recruitment Integrity System (IRIS);⁹ and the Fair Hiring Initiative’s On The Level (OTL)¹⁰ standards. Industry codes of conduct that contain some responsible recruitment elements were also consulted: these include the Responsible Business Alliance (RBA),¹¹ which includes a zero fees to workers standard, and the Seafood Task Force (STF),¹² whose standards, though not yet consistent with the “zero fees to workers” and “employer pays” principle, are otherwise aligned with this study’s framework.

Core elements of the responsible recruitment framework include:

- Prohibition of recruitment fees to jobseekers
- Complete and accurate information about worker’s rights and recruitment and employment conditions
- Voluntary and transparent employment contracts
- Recruitment free from deception or coercion
- Freedom of movement and no confiscation of identity documents
- Freedom to terminate employment
- Access to remedy and grievance mechanisms

According to the ILO, a general principle of responsible recruitment is that recruitment should take place in a way that respects, protects, and fulfils internationally recognized human rights, including those expressed in international and national labor standards. This includes ensuring the prevention and elimination of forced labor and child labor. During recruitment, jobseekers should be provided with information on the employment arrangements that should comply with labor regulations and ensure their protection by the law. In practice, responsible recruitment

requires ensuring that the position offered to a jobseeker is one in which his/her labor rights are recognized.¹³

Responsible recruitment entails strict adherence to laws on minimum working age. In the context of fishing, the ILO's Work in Fishing Convention (C188) sets the minimum employable age at 16 years,¹⁴ while the stricter Philippine Labor Code sets it at 18 years old. Those aged 15 to 17 can only be employed in nonhazardous environments or activities when under the responsibility of their parents or guardians.¹⁵

Providing a written employment agreement is another important element of responsible recruitment. The terms and conditions of a worker's employment should be specified in an appropriate, verifiable, and easily understandable manner, preferably in the form of written contracts in accordance with national laws and regulations. The terms should be clear and transparent and should inform workers of the location, requirements, and tasks of the job for which they are being recruited. Convention 188 outlines the critical elements that should be reflected in employment or work agreements, including the vessel name and registration number, the worker's name and birthdate, and wages.¹⁶ The Philippines' Department of Labor and Employment (DOLE) also provides a sample employment contract outlining terms and conditions.¹⁷

The responsible recruitment framework also requires that work permits, licenses, and other documents are clearly explained to workers and are secured as a condition for employment. This requirement is especially important not only for fishers who may venture into international and foreign waters and for those who work for foreign-flagged fishing vessels, but also for local commercial fishers who need to comply with legal documentary requirements.

Verité's research approach and analysis are framed against these core elements of responsible recruitment and their potential for implementation in the largely informal Philippine handline tuna sector.

Overview of the Philippine Tuna Sector

Tuna fishing in the Philippines is dominated by two primary methods: artisanal handline fishing from relatively small vessels and large-scale purse-seine fishing on commercial vessels. The differences between the two methods are highlighted in Figure 2, below.

Tuna Fishing Roles and Key Terms

Owner – refers to the owner of the tuna fishing vessel or fleet.

Financier – a tuna operation financier provides the capital for a specific fishing venture. Sometimes the financier also owns the vessel, but that is not always the case.

Intermediary – any entity other than the employer who acts as a labor contractor.

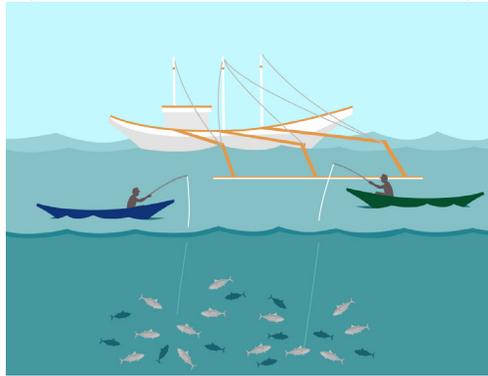
Crewmembers – includes all workers on board a tuna handling vessel, including but not limited to handliners and vessel operators.

Operator – the individual controlling or navigating the handline tuna vessel. Also called the captain.

Handliner – refers to the individual worker performing handline fishing on the tuna vessel. Also referred to as handline fishers.

Handline fishing can be categorized into two types, distinguished by the location of the fishing grounds: palaran handliners fish in the municipal waters surrounding the Philippines, while pamariles fish in international waters. Palaran use smaller vessels—with small engines and minimal ice storage, trips are limited to quick overnight ventures. Pamariles, also known as distant water handliners, use larger vessels capable of longer ventures. These vessels carry small auxiliary boats called bangkas, from which handliners fish for tuna.¹⁸

Figure 2: Overview of dominant tuna fishing methods.

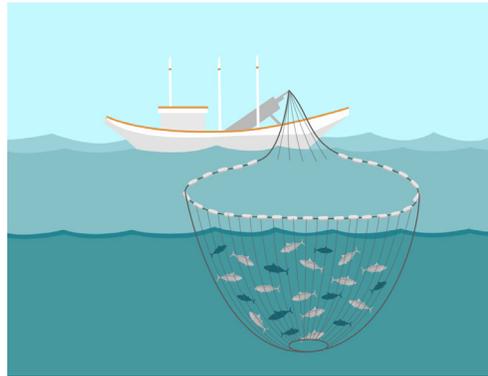


Handline Fishing

Handline fishing consists of a single fishing line with a baited hook, by which fishers haul in the line by hand. Handlining typically takes place in *bangkas* (small boats loaded onto a mother boat) and is considered environmentally friendly, as there is almost zero bycatch of unwanted species.⁵⁴ Handlining is employed to target high-grade tuna species.

Purse-Seine Fishing

Tuna purse-seine fishing involves entrapping schools of fish within a large net. The top of the net is attached to a floating line, while the bottom is weighted by a steel chain of “purse rings.” Purse-seining often results in bycatch, or the catch of other species, such as marine mammals, sea turtles, and sharks.⁵³



Philippine law considers fishing using vessels over three gross tons (GT) as commercial fishing. As such, Philippine capture fisheries generally fall into one of two categories: (1) small-scale fisheries, which include boats under three gross tons (GT) that are licensed by the municipality; or (2) commercial fisheries, which cover boats over three GT that must secure proper vessel and gear licenses from the Bureau of Fisheries and Aquatic Resources (BFAR).¹⁹ In the Philippines, waters within 15 kilometers of the coast are reserved for municipal fishing, which predominantly supplies local consumption and rarely enters commercial processing chains. On the commercial side, vessels are engaged in distant water fishing. Although tuna handline fishing takes place in both commercial and small-scale vessels, this research focuses on commercial handlining, due to vulnerabilities associated with longer voyages and the expansion of distant water fishing.

Handline fishing is labor and time-intensive—fishers are typically at sea anywhere from 10 days to three months at a time. Handliners face dangerous working conditions, including precarious weather conditions. Traditionally, handline fishing was contained within Philippine municipal waters, only occasionally entering foreign seas.²⁰ More recently, decreasing fish stocks have pushed handline fishing operations farther into the high seas, crossing into the territorial waters of Indonesia, Palau, and neighboring countries in search of tuna. Tuna yields and profits are dwindling due to overfishing, competition with less selective fishing methods, IUU fishing, and weaknesses in fisheries management and regulatory monitoring systems.²¹ This expansion into high seas and foreign waters has exposed handline fishers to apprehension and detention due to violation of fishing regulations, as well as violent encounters with criminal elements at sea.²² Combined with a lack of formal safety training and deficiencies in safety gear, reports of incidents involving fatalities and serious injuries are likewise common.

Guiding Philippine Legislation on Recruitment Relevant to Handline Fishers

The primary piece of Philippine legislation that provides guidance on the recruitment and hiring of workers in the fishing sector is Department Order No. 156-16 (DO-156), the Rules and Regulations Governing the Working and Living Conditions of Fishers on Board Fishing Vessels Engaged in Commercial Fishing Operations, which was enacted in 2016 and amended by Department Order 196 (DO-196) in 2018.²³ DO-156 establishes labor standards, occupational safety and health requirements, clear guidance on minimum wage, holiday and premium pay, additional premium pay, overtime pay, night shift differential pay, paid service incentive leave, and 13th month pay for the fishing industry, including the handlining sector. The regulation applies to fishing vessel owners, fishers, and operators on board Philippine-registered fishing vessels engaged in commercial fishing operations in Philippine or international waters. DO-156 incorporates key provisions from the C188 Work in Fishing Convention.²⁴ It reiterates that fishers working in commercial fishing vessels, including handline fishers, should be afforded their statutory rights just like other workers protected by the Philippine Labor Code. DO-156 also emphasizes the legal responsibilities of both vessel owners and operators for the protection of workers on their vessel. See Annex for a list of DO-156 provisions that reflect elements of responsible recruitment.

The Philippines Department Order 174, issued in 2017 and replacing DO-18, sets guidelines for contractual employment. This Department Order bans the cabo system, in which workers are subcontracted through an informal labor group or individual working under the guise of a labor organization, cooperation, or other entity. The order also prohibits labor-only contracting where the agency “merely recruits or supplies workers to perform a job or work” but does not have sufficient capital or investment related to the job.²⁵

Another relevant regulation is the 2018 MARINA Philippine Fishing Vessels Safety Rules and Regulations (PFVSRR), which provides guidelines for safe manning, training, communications, and occupational safety and health.²⁶ PFVSRR requires vessel owners and operators to ensure fishers are provided with adequate food and potable water. The regulations also mandate that vessels carrying 100 or more fishers have a qualified doctor on board. For new fishing vessels above 500 GT, the PFVSRR outlines minimum requirements for accommodations and working conditions, including a minimum of 1.5 square meters for sleeping. The PFVSRR also adopts the 2016 Implementing Rules and Regulations of Republic Act No. 9379, “An Act Defining Handline Fishing, Providing Effective Regulations therefore and for other purposes” (HFL-IRR). The IRR mandates that all handline fishing boats be equipped with first aid supplies and radio communication facilities.²⁷ With these regulations already in place, the safety and health of workers should be of primary concern even before a fishing operation or venture begins. It is also intrinsic to recruitment, as fishers should be assured of their safety and wellbeing and informed of these measures and conditions prior to boarding a vessel.

Regulatory and Implementation Gaps

The Philippines has yet to ratify the ILO’s Work in Fishing Convention No. 188, but ratification appears to be imminent. In 2019, the ILO produced a report analyzing Philippine labor law in the fishing sector against the provisions of C188 to support the Government of the Philippines’ preparations for ratification. The report highlights areas of conformity, partial conformity, and nonconformity with C188, demonstrating that the Philippines has made notable progress when it comes to legal protections for workers. Key conformities the ILO identified include requirements for minimum working age, medical examination, recruitment and placement regulations, payment of fishers, and accommodation and food.²⁸ However, Verité’s research found that these legal advances have yet to reach the tuna handline sector.

New regulations such as DO-156, which defines the legal minimum age, regulates worker-employer relations and applicable compensation schemes, describes training requirements, and mandates that fishers provide a medical certificate before boarding a vessel, represent a significant development for the fishing sector.²⁹ These requirements ensure that workers meet the skill and age requirements necessary to perform their job safely, thus providing very basic protections in an extremely hazardous line of work. However, these basic regulations are rarely complied with in the handline fishing sub-sector. For example, Verité’s worker interviews revealed that fishers begin their work with no medical screening, formal training, or orientation. Most fishers interviewed had no knowledge of their basic labor rights, formal health and safety requirements, or relevant legal frameworks such as DO-156, although they have been engaged in handline fishing for

many years. At the time of research, none of the vessel owners or employers in handlining had been cited for noncompliance with said regulations.

Another gap identified by this review of DO-196, the 2018 amendment to DO-156, is the provision that allows for some fishers to be deemed “field personnel,” which would exclude them from benefits outlined in the Labor Code, including protective provisions related to working conditions and rest periods. Under the amendment, field personnel are broadly defined as fishers who regularly perform their work away from the “principal [sic] place of business or branch office” of the vessel owners, which has the potential to effectively apply to all workers on fishing vessels.³⁰

In terms of implementation, despite strong opposition from some fishing industry employers to DO-156,³¹ DOLE has rolled out activities to support the Order’s execution and enforcement. In the last three years, DOLE organized joint inspection trainings on pertinent DO-156 standards for government, private sector, and civil society actors. Trained inspectors have carried out some audits of working conditions in the fishing sector, primarily in land-based facilities. Inspections are also planned to cover all fishing vessels owned and operated by entities based in General Santos City once a mapping or profiling of the vessels has been done.³² At the time of research, no inspections had been conducted yet on handline fishing vessels, although dialogues among handline fishing operators and fleet owners were ongoing at the time.



Primie Villa Parcon/shutterstock.com

Research Findings

Recruitment Practices

Although the recruitment and hiring of handline fishers is informal and unregulated, practices are relatively consistent across the sector. Many handliners interviewed reported being recruited by the boat operator, who has the direct contract with the operation financier or vessel owner. However, there were also some handliners who were directly contacted by the vessel owner or the financier, then assigned to a specific tuna capture operation. Handline vessel operators reported that they applied to or were selected by the vessel owners.

Based on accounts from vessel operators and owners interviewed, handline fishers are typically recruited via personal relationships. Handline operators and fleet owners reported that, traditionally, operators hire crew members they are comfortable with, such as their relatives and neighbors. These fishers are also likely to be known to the vessel owners. Respondents also confirmed that recruitment for participation in handline fishing ventures has always been by word of mouth.

In other cases, recruitment is facilitated by an intermediary — an entity other than the employer acting as a labor contractor — who gathers the crewmembers and assigns them to the handline operation. Under this system, the intermediary is the only one who has a direct contract with the owner of the operation, and the owner can often deny any employer-employee relationship with handline workers. This *cabo* hiring system, analogous to labor-only contracting, is prevalent in both tuna fishing operations and land-based tuna processing facilities. In these cases, tuna vessel owners can often deny any employer-employee relationship with handline workers.

Verité's research found that none of these transactions are documented in writing. Some handliners described filling out biodata forms as part of the recruitment process, while others reported providing their Fisher ID, which is issued by the Bureau of Fisheries and Aquatic Resources (BFAR). Boat operators described an informal orientation process, if any. Research found that prior to commencing work, some vessel owners explain the terms of engagement through a point person or supervisor, while some operators provide handliners with basic information on the payment process, including terms on advances and debts.³³ These recruiting practices have remained largely unchanged for at least the past decade.

EMPLOYMENT PRACTICES AND WORK AGREEMENTS

The predominant recruitment and hiring practices in the handline tuna sector set the stage for informal and precarious employment arrangements.

Multiple levels of informality can increase fishers' exposure to a variety of labor issues, including unreliable payment practices, indebtedness, severe working conditions, and vulnerability to apprehension and detention.

EMPLOYMENT ARRANGEMENTS

Verité found that although handline fishing policies are not formally documented, many management practices are consistently implemented across the tuna sector. All handline workers interviewed in 2016 and 2019 described common work arrangements and shared that these practices and processes have been in place for years. Regarding employment, most handline operators and vessel owners interviewed did not consider their fishers as employees, stating that the relationship is more transactional and arranged on a per-fishing venture basis. Most handline vessel owners described the fishers as “partners” in a venture, rather than employees, as they are free to move from one fishing operation to another.

Vessel operators and owners reported that formal employment agreements, when they do exist, are only made between the fleet owner and the operator. During interviews, handline vessel operators and fleet owners acknowledged that there needs to be more transparency and some level of formality in the way fishers are engaged, and that some agreements can be put in writing for the protection of both handline fishers and operators. However, they also said the DO-156 standards requiring minimum wage and benefits for handline fishers will be very difficult for them to implement in full both because of the unpredictability of catch and income, and because of the informal nature of the relationship between vessel owners, operators, and fishers. They also explained that most fishers do not want to be bound to one vessel, preferring to move from one vessel to another.

However, most of the handline fishers interviewed in both 2016 and 2019 reported working for the same operator or fishing fleet owner for several years. Some handliners reported having worked for the same company for over 15 years, while a few workers interviewed had been working for the same operator for more than 20 years. They also said that while they are on a fishing operation, they are treated and behave as workers answerable to the vessel operator. Moreover, instructions on how, where, and how long they should fish mostly come from the vessel owner.³⁴

PAY PRACTICES AND THE SHARING SYSTEM

Handline fishers reported that their pay, including the advanced partial payment provided right before a fishing operation, is issued to them by either the financier, vessel fleet owner, or operator. Handline fishers also confirmed that they continue to be paid through profit-sharing schemes. The payment in these schemes is based on the size of the tuna catch: handliners are paid according to the nilima system, which refers to the

fishers' share—equivalent to one-fifth of the gross sales of captured tuna. Once the fishers' share, commissions for financiers and brokers, incidental expenses, and start-up capital are deducted from the gross sales, the remaining money is considered the net sale of the fishing expedition. This net sale is then divided between the boat owner and the operator, with the operator usually receiving 15–25 percent, depending on the success of the expedition. In the sukod sharing system, which translates to “of equal footing,” the operator is considered a partner of the boat owner in terms of benefits and costs. If the fishing expedition loses money, the operator is also responsible for absorbing the losses. According to fishers and operators interviewed, there is no fixed timeline for the boat owner to pay their financial obligation to the financier. If the boat owner is lucky, he/she can pay his/her debt in a few months' time, while others take a year-and-a-half to recover. There are also cases when a boat owner becomes so deep in debt that they must give up the boat to the financier as a form of repayment.³⁵ Profit-sharing payment schemes often result in unreliable and unpredictable wages for workers, increasing handline fishers' risk of exploitation—including increased dependence on loans and an inability to cut ties with the boat owner and financier. During Verité's 2016 field research, fishers across all communities expressed difficulty surviving on a day-to-day basis. Almost all the workers interviewed were in debt, whether to local stores and suppliers, their boat operator, or local loan sharks.³⁶ Verité's 2019 research confirmed that the practice of boat owners providing fishers with cash loans at interest rates ranging from zero to 20 percent continues. Workers also often receive in-kind loans from financiers, such as rice or medicine, which are sometimes borrowed at inflated prices, in turn increasing their debt loads. Since boat operators and fishers are typically not paid until after the fish have been weighed, valued, and sold—a process that can take anywhere from three days to one month—they often request cash advances from boat owners while they wait, which are later deducted from their income.³⁷



During worker interviews, fishers shared that their main concern is the pricing of the fish—which is generally controlled by graders and buyers. According to handliners interviewed, when the costs of fuel and supplies are high, the price of the catch does not necessarily increase. Some handliners reported that they occasionally do not receive any payment after a trip, such

as when the expedition does not turn a profit. Even worse, some handliners reported incurring a negative balance once all the cash advances are deducted from their share. When this happens, handline fishers often request another advance from the operator, and in turn, have no choice but to join the next fishing venture in order to pay down their debt.³⁸

WORKING AND LIVING CONDITIONS

Working conditions in the handline tuna sector are described by workers as being marked by long hours, natural hazards, verbal abuse, and risk of apprehension by foreign authorities. Working hours on tuna vessels are described as irregular, at best, and are rarely recorded or tracked. During Verité's field research, handliners and handline operators reported that fishing is a continuous activity, offering rest time only when the catch is low. When at sea, handliners take out their bangkas (small fishing boats), fishing on their own until they are called back to the "mother boat." During slow seasons, the vessel owner only allows boats to return if they have enough fish to cover the capital invested in the venture.³⁹

In addition to irregular working hours, handline fishers also face uncertainty about the length and location of the expedition. Because of the informality of recruitment procedures, workers are not always informed of these details before heading out to sea. Boat operators reported that both the location and duration of the expedition are determined by the vessel owner. Although fishers are typically at sea for anywhere from one to three months, then at home for one to two weeks, the length of each trip is subject to change.⁴⁰

Many of the hazards on board tuna fishing vessels come in the form of natural disasters and extreme weather conditions. Fishers also face risks of violence, such as attacks from pirates at sea or altercations with other fishers. Workers reported serious work-related accidents, injuries, and deaths. Interviews with NGOs in 2018 corroborated Verité's 2016 research on the cases of fishers going missing, falling into the water, or being abandoned at sea. Some handline fishers also reported verbal abuse from the vessel operators but dismissed these as commonplace in their type of work.⁴¹

Moreover, every time vessels fish beyond the Philippine exclusive economic zone (EEZ) and into foreign waters, workers are vulnerable to apprehension, extortion, and detention. In some cases, detained workers are forced to work while in detention. Some workers who had experienced being detained in Indonesia reported being required to work in house construction and other errands and tasks while in detention.

The lack of any documentation or written record of such incidents, especially when they occur in illegal or unregulated fishing grounds, or while in detention, and the lack of identification documents and formal written agreements with their employers, compound the issue for workers and make

the processing of such cases even more challenging. Since handline fishers lack written work agreements, health insurance, social security, and other benefits, bereaved families, in turn, are unable to claim any support from the employers.⁴²

Summary of Recruitment and Labor Issues Identified

A closer examination of the recruitment and employment experiences described by tuna handliners reveals widespread recruitment and hiring practices that increase workers' vulnerability to abuse and expose them to unsafe and exploitative working conditions. While the charging of recruitment fees to handline workers was not common, Verité's 2019 field research identified and validated several issues in violation of labor regulations and standards of responsible recruitment.

No formal employment agreements. Interviews with tuna handliners in 2019 confirmed that very few workers have any kind of formal working agreement or relationship with their employer. The lack of formality in the work agreement or relationship makes it difficult for handline fishers to negotiate any terms of work, including benefits, wages, and the length of time at sea.⁴³ It may also deprive them of legal protection and make them ineligible for minimum social protections.

Verité found that employment arrangements in handline fishing are based predominantly on verbal agreements, meaning there is no established document that protects workers or details the obligations of all parties, including the boat owners and operators. Although Philippine law recognizes unwritten or verbal contracts,⁴⁴ this practice leaves room for boat operators and vessel owners to renege on their responsibilities to provide workers even the minimum benefits mandated by national policies. With limited bargaining power, fishers and their families, whose main source of income is fishing, are forced to accept unfair employment terms and conditions. For many, this may mean risking their lives only to return home with meager income below the minimum wage, or worse, with a negative balance after deductions for advances and loans have been made.

Deception about the nature and location of work. Interviews with handline crewmembers, including some handline operators, revealed that within the handlining sub-sector, there are practices by vessel owners that can be considered abusive and corrupt—such as deliberately not specifying the type of work involved, the length of a fishing voyage at sea, or the payment

Core Elements of Responsible Recruitment

- Prohibition of recruitment fees to jobseekers
- Complete and accurate information about worker's rights and recruitment and employment conditions
- Voluntary and transparent employment contracts
- Recruitment free from deception or coercion
- Freedom of movement and no confiscation of identity documents
- Freedom to terminate employment
- Access to remedy and grievance mechanisms

system. All handline crewmembers interviewed in both 2016 and 2019 reported that they are not always informed of the precise location of fishing operations nor how long they will be at sea. They also have no control over the fishing grounds to which they are assigned. Most handliners interviewed reported that it was common for their fishing expeditions to reach the waters of Indonesia, but only a few of them clearly understood that they were legally restricted from fishing in these waters. They said that they are not informed of the legal requirements necessary to fish in these fishing grounds and that some of them had been told that all they needed were identification cards or fisher IDs.

No formal training or orientation. Interviews with handliners in 2019 revealed that in general, anyone who is willing to learn handline fishing can be part of the crew: some respondents narrated that they started working as handline fishers with no previous experience or knowledge; other workers said they were brought on board as cooks and eventually learned how to fish; and many have honed their skills as handliners over several years. None of the workers interviewed reported receiving any formal training on fishing, and they said that it is a skill that is learned or taught to them by elders.

None of the workers reported receiving any formal training on the terms and conditions of the job, or on health and safety procedures. Most workers



RaksyBH/shutterstock.com

had not been through any orientation on their rights or labor regulations relevant to their work. Although some workers reported attending community activities organized by NGOs or barangay (village) officers on their rights and benefits, none of them had ever received this information from the vessel owner for whom they worked.

Lack of formal identity documents. Across Verité’s 2016 and 2019 field research, only a handful of handliners had their Fisher ID, an identification document issued by the Philippine Bureau of Fisheries and Aquatic Resources (BFAR). Most handliners interviewed did not have any kind of formal identification or travel documentation, including birth certificates. As long as they fish at the sentro (the boundary between the Philippines and Indonesia), handliners did not perceive the lack of documentation as an issue.⁴⁵

Among the handline operators interviewed, all reported having their Fisher ID—some had passports but said that a Fisher ID or passport is not sufficient to provide them legal protection when they cross the boundary into Indonesia. Operators said that if they wanted to obtain other documents, they would have to pay for these themselves.⁴⁶

In addition to the legal risks associated with this lack of documentation, it also precludes workers from seeking employment in more formally established fishing operations, such as purse-seine fishing or other sectors, which have more formal recruitment practices and may offer more protections to workers. Employment on purse-seine vessels, for example, requires a birth certificate, passport, and a seaman’s book, at a minimum.

No identity or age verification mechanisms. Verité found that most of the interviewed handliners were never asked to show their passports upon employment, even though most of them traveled beyond the Philippine EEZ, particularly in waters around Palau and Indonesia. This absence of identity and age verification mechanisms during recruitment and employment processes puts handline operations at risk of employing ineligible workers and a host of other labor violations. It also makes workers vulnerable to apprehension and detention in foreign lands.

Employment of underage workers. Through worker interviews and observation, Verité’s research confirmed earlier findings that most handline workers were underage when they began working. Most reported being between the ages of 13 and 15 when they began working, although they were adults at the time of interviews. Researchers observed minors working

Indonesia’s Ban on Foreign Fishing

In 2014 Indonesia’s Fisheries Minister Susi Pudjiastuti—famous for her hardline stance on IUU fishing—enacted a ban on foreign fishing in Indonesian waters. Under her administration about 10,000 foreign vessels were turned away from Indonesian waters, and more than 500 foreign vessels were seized and destroyed. A 2019 analysis by Global Fishing Watch found that the presence of foreign fishing vessels in Indonesia has declined since the moratorium.⁵¹

in the fishing port, hauling fish products, and completing various other tasks. Researchers also documented additional evidence through interviews with handliners' family members. Handline fishers' wives reported that they let their minor children work in handline operations to ease the family's financial burden; some saw handlining as a better alternative to having their children exposed to illegal drug use and other vices.

Stories from handliners interviewed help illustrate the issue of underage workers in the tuna sector and the risk of apprehension. One handliner described fishing with a 14-year-old Philippine boy when their crew was caught and detained in Indonesia. The boy was repatriated and returned to his home only after three years in detention.⁴⁷ Another handliner who had been recently repatriated to General Santos City reported that he was 14 when he and his friend joined a tuna fishing venture that was apprehended in Indonesia and caused their detention. He recounted his experience detained in a cell alongside adult workers and how he was eventually rescued and repatriated.



xuperduper/shutterstock.com

Case Study: Child Worker Exposed to Fishing Hazards and Detention

Angelo and his younger brother lived in Barangay Calumpang, General Santos City, with their parents, Gina and Jun. Angelo had just turned fourteen and was in seventh grade when his father, a mananagat (fisherman), had to stop working after falling ill. While Gina was taking care of her husband in the hospital, Angelo and a friend from school asked for work from the handline fishing crew his father used to work with. The captain said he took pity on the boy, as he knew that the father was the family's only breadwinner before he got sick. He agreed to take Angelo in. Angelo said he did not have the proper documentation but was not worried since there was another boy his age on the boat. Neither of them was asked for documentation before beginning work.

At first, Angelo was instructed to simply assist some of the older handliners but was eventually allowed to fish on his own. After two weeks at sea, a storm struck. Waves crashed overboard, ultimately breaking the boat. The whole crew almost drowned. Some crewmembers were able to swim to shore, while others were rescued by Indonesian authorities. Angelo said they were brought to an outpost where they were given some food and a change of clothes. Later, they were brought to a detention center where they met other Filipinos who had been there for months.

While in detention, Angelo just made sure to stick with his crew and to follow instructions. They were given very little food and slept on the ground. He said that minors and adults were all kept in the same cell. After a few days, Angelo and a few of the Filipinos he was with were taken out of detention to work on a construction site. It was not clear to him if the house being constructed belonged to one of the prison guards. They were sometimes given small amounts of money after a week of work. The money was just enough to buy a packet of noodles and some bread.

With the help of an NGO in General Santos City that coordinated with the Philippine foreign affairs office in Indonesia, Angelo was repatriated four months after being detained in Indonesia. He spent a few weeks in a social welfare facility in Metro Manila before he was brought to General Santos City and reunited with his family.

After just a few months back at home, Angelo left school again without informing his mother. According to reports from neighbors, he joined another handline fishing operation. At the time, it was unknown where the crew would be heading.

This case study is based on interviews Verité conducted in 2019 with a young worker, his mother, and NGOs that were assisting the family. Names and other identifying personal information were changed to protect the sources' identities.

Risk of apprehension and detention in foreign waters. Uninformed of the expedition location before beginning work and unable to refuse where they are instructed to work, handliners often unwittingly find themselves in illegal and unregulated fishing grounds, where they are at risk of apprehension and detention by authorities, and of having their fishing implements confiscated.⁴⁸ All handliners interviewed confirmed that tuna catch operations are now almost exclusively outside of Philippine waters. While NGOs report a decrease in the number of Philippine fishers detained in Indonesia since 2018—which could mean that fewer vessels are venturing beyond Philippine waters due to stricter enforcement in Indonesia — the practice of fishing in prohibited fishing grounds has not stopped. The lack of established recruitment procedures and the informal employment arrangements in handline fishing allow vessel owners to deflect their responsibility in the event of apprehension by foreign authorities. According to an NGO that provides repatriation assistance to Philippine fishers detained in Indonesia, most, if not all, the fishers they have assisted did not receive any form of support from the vessel owners for whom they were working. Furthermore, many fishers experiencing detention lack any form of identification or documentation, underscoring a key issue with informal and unregulated recruitment in the handline tuna sector.

Notably, DO-156 specifically provides that, for crew members of a fishing vessel arrested in foreign countries due to illegal fishing, the vessel owner should pay workers their minimum wage while they are in detention and cover the cost of repatriation.⁴⁹

Benefit ineligibility. The lack of established relationships and documented agreements common in the handline tuna sector have often relieved vessel owners of the moral and legal obligation to assist workers, not only when they are detained and have to be repatriated, but also in the event of workplace injury or illness. It also frees them from providing mandatory benefits, such as government health insurance and other entitlements. Fishers Verité interviewed were not registered for any form of private or government healthcare insurance or benefits, including sick leave, remittance, contribution to government housing, or social security programs.

Risk of indebtedness to the employer. With declining tuna catches and potential deception in payment practices, handline fishers receive lower wages, in turn increasing their dependence on loans to smooth income disruptions.⁵⁰ Handline fishers said that they are shown a receipt which details their income from a voyage alongside the deductions from their loan, although many reported that they did not receive a copy of the receipt. In the event that fishers are not paid for a trip (if the expedition does not turn a profit or a worker's loans exceed their share), handliners may be forced to request another cash advance. In a highly informal, unregulated, and opaque industry, this debt cycle exacerbates the fishers' inability to leave the job, despite having no written employment contract with the vessel owner for whom they work.

Freedom of Association and Martial Law in Mindanao

At the time of Verité's field research, Mindanao was placed under Martial Law (May 23, 2017 to December 31, 2019) to quell terrorism and the communist insurgency.⁵² This situation, combined with the pervasive practices of blacklisting organized workers and red-tagging labor advocates and rights defenders, has significantly impeded workers' ability to organize and advocate for improvements to their working conditions.

For handliners, Martial Law presented another barrier to their ability to organize and collectively bargain with management. The lack of clarity on their employment status and the lack of formal employment arrangements already preclude handliners from formally organizing and advocating for better protections. The declaration of Martial Law in Mindanao further intensified workers' difficulties in exercising their rights to freedom of association and collective bargaining.



tuzla/shutterstock.com

Conclusions & Recommendations

The handline tuna fishing sector, producing high-value eco-friendly tuna, is of vital economic importance to the Philippines. And yet, many handline fishers, their families, and fishing communities that depend on the sector for their livelihood remain in poverty and often without any form of social protection, hampered by decades of unethical recruitment and informal work arrangements.

Verité's 2019 research found that recruitment and hiring practices in handline tuna fishing remain unchanged. Workers in the sector are, at best, under precarious employment arrangements, rarely acknowledged as workers, and unable to access the protections and entitlements that come with more formal arrangements marked by clear, written employment agreements.

There have been no significant improvements in the labor conditions facing handline fishers in the past few years, despite new regulations and concerted efforts of various stakeholders. Payment and pricing systems continue to lack transparency, preventing workers from ensuring that they are paid fairly.

Although DO-156 is already in place, it has faced implementation challenges, particularly in the handline fishing sector, where vessel owners and financiers rarely comply with the basic requirements put forth by the regulation. Inspections of tuna handline operations and strict enforcement of labor standards in this sector have been met with opposition from industry players and hampered by various factors.

While fewer handline vessels are venturing to international and foreign waters, the practice has not stopped altogether. The decline in tuna fishing in foreign waters has also led to massive unemployment and loss of income for many handline fishers who are unable to catch fish in local fishing grounds or secure employment in other fishing operations.

Almost all handline crewmembers interviewed lacked the basic documents required for formal employment in other fishing operations, for acquiring formal safety training, or for fishing legally in international waters. This lack of documentation exacerbates handline fishers' vulnerability to abuse, and for many workers, spells a fate that is difficult to escape.

To address the recruitment and employment-related issues identified above, Verité recommends that the private sector, government, and civil society undertake the following actions to reduce risks to workers in the Philippines handline tuna sector:

To the Philippine Government

- ✓ Ratify the ILO Work in Fishing Convention 188 and strengthen the implementation of DO-156 and other national policies that protect the rights of handline fishers.
- ✓ Local governments, in partnership with industry players, the tripartite council, and the Department of Labor and Employment, should establish minimum requirements and protocols for the safe and ethical recruitment of handline fishers to the sector to ensure that there is strict age verification, a documents check, and clear orientation on the terms and conditions of the job.
- ✓ Local governments, in partnership with industry players and the tripartite council, should support the implementation of labor inspections on handline fishing operations. Inspections will help ensure that basic labor regulations on employment age, contracts, wages, health, and safety, are complied with in these workplaces and operations, and that conditions are at least on par with other commercial fishing operations.
- ✓ Local governments should implement programs to address the risk of child labor in tuna handline fishing. Initiatives may include community awareness-raising activities and sustainable income-generating programs for adult members of the household to help families comply with the minimum working age as outlined in the Philippine Labor Code.
- ✓ Local governments and funding institutions should assist workers in procuring key documents necessary for formal employment. The Department of Labor and Employment, National Statistics Office, Department of Foreign Affairs, and local government units should organize campaigns and missions to encourage documentation of handline fishers.
- ✓ District, municipal, and local government units should develop a fishers' registry that includes not only formally employed fishers, but also and especially artisanal and commercial handline fishers, who benefit the most from documentation. Having a robust and comprehensive fishers' registry in place will also inform local government planning of appropriate programs and services for fishing communities.
- ✓ The Philippine government should create a program that recognizes the specific skills and techniques involved in handline fishing and promotes the preservation of handlining as a viable and sustainable fishing activity.
- ✓ Basic Safety Training (previously Safety of Life at Sea [SOLAS]), which is a minimum requirement for work in commercial fishing

vessels, should also be required for handline fishers. Basic Safety Training should be affordable, accessible, and customized for handliners. This training will not only help handliners stay safe at work, but will also open opportunities for handliners to seek employment in other commercial fishing operations.

- ✓ Handline fishing vessels, which are excluded from fishing in prohibited waters, should be provided viable alternative fishing grounds in consultation with environmental organizations and the government agencies responsible for environment and natural resources protection.
- ✓ To address the issue of fish pricing and the grading system, local government units should install mechanisms that will make the process transparent and accessible to all, especially to fishers. Grievance mechanisms and remediation protocols should also be established to receive and address fishers' concerns in a timely and just manner.

To the Private Sector

- ✓ All consumer brands, seafood traders, buyers, and manufacturing facilities sourcing tuna from the Philippines should ensure that responsible recruitment processes and protocols are in place in tuna handline fishing in the Philippines.
- ✓ Codes of conduct should specify strict legal compliance and incorporate C188 provisions, a “zero fees to workers” standard, and a requirement to establish formal employment arrangements for handline fishers. Codes of conduct should require that employment of workers in handlining is supported by standard, written employment contracts, and that payment practices are in accordance with Philippine regulations such as DO-156 and international responsible recruitment standards.
- ✓ Supplier responsibility programs should include processes for buyers to have full visibility into and responsibility over the manner by which the workers who catch their fish are recruited and hired.
- ✓ Supplier monitoring tools and processes should scrutinize:
 - a) the process by which workers were recruited and whether these include strict age verification, a documents check, and clear orientation on the terms and conditions of the job;
 - b) whether work and payment agreements are in writing and in accordance with legal regulations;

- c) the formality and clarity of work agreements, and the inclusion of key information such as the duration and location of the fishing venture; and
 - d) the modes of payment and whether mandatory wages and benefits are provided.
- ✓ Handline vessel owners and operators, who serve as employers of handline workers, must ensure that responsible recruitment processes are in place and that employment arrangements and payment systems do not put the handline fishers at a disadvantage. At the minimum, vessel owners and operators should:
- a) set clear recruitment processes and standard requirements for the fishers who will work for their vessels;
 - b) require basic identification and age verification documents to ensure that workers on board fishing vessels are of legal working age and are legally allowed to participate in fishing ventures;
 - c) support handline fishers in obtaining appropriate documentation and training required for the job;
 - d) have work agreements in place and provide prospective fishers with information on employment arrangements in accordance with DO-156 and other legal regulations;
 - e) pay workers the legally mandated minimum wage and provide detailed pay slips with information about how earnings are calculated and the reason for any deductions;
 - f) ensure that workers receive the social benefits and protection accorded to them by existing national regulations, including the Philippine Labor Code and DO-156; and
 - g) refrain from engaging in fishing activities that will put the fishers in precarious situations.

To Civil Society Organizations and Labor Groups

- ✓ Continue to support efforts to establish responsible recruitment systems and prevent the forced labor and trafficking of fishers.
- ✓ Continue efforts to provide orientation on workers' rights and protections, and on pathways for handline fishers to obtain documentation.
- ✓ Strengthen communication, grievance mechanisms, and support systems for workers and their families. Collaborate with Indonesian

and other civil society organizations in the region, as well as local government units, where feasible, in order to develop more avenues for workers to report concerns and seek help in a safe manner.

- ✓ Continue to document emerging trends and risks in the recruitment and hiring of workers in the tuna handline fishing sector.

Responsible recruitment standards are especially critical in sectors that employ some of the most economically and politically disadvantaged people, such as in tuna handline fishing. Establishing recruitment and hiring systems that prohibit recruitment fees; provide complete and accurate information about workers' rights and employment conditions; utilize transparent employment contracts; eliminate deception and coercion; ensure freedom to terminate employment; and provide access to remedy and grievance mechanisms, can prevent and address many of the issues that handline fishers continue to experience. The absence of these elements, associated with the informality and lack of transparency in the recruitment and hiring of handline fishers, have for many years contributed to their vulnerability to exploitation and abuse. For handline fishing in particular, responsible recruitment starts with providing workers the necessary documents that make them eligible for formal employment and its legal entitlements, empower them to secure protections, and prepare them more effectively for the job and its conditions.

Annex

Responsible Recruitment Elements	Department Order 156 (DO-156)
Employment agreements or contracts	<p>There shall be an employment agreement in a language or dialect comprehensible to the latter governing fisher's living and working conditions on-board commercial fishing vessels, containing, among others, the voyage or voyages to be undertaken; capacity in which the fisher is to be employed or engaged; compensation structure composed of wage, mandatory wage-related benefits, and productivity/performance-based pay; hours of work; and health and social security benefits. (Rule IV, Section 1)</p>
Minimum requirements	<p>Minimum age. The minimum age for assignment to activities onboard commercial fishing vessels, which by their nature or circumstances in which they are carried out are likely to jeopardize the health, safety, or morals of young persons, shall not be less than eighteen (18) years.</p> <p>Medical examination. No fisher shall work on board a fishing vessel without a valid medical certificate.</p> <p>Training. Fisher shall be provided with adequate specific instructions and applicable basic safety and health training. (Rule III, Section 1)</p>
Employment arrangements <ul style="list-style-type: none"> • Compensation scheme • Minimum benefits • Transparency in fishers' pay • Work hours and rest period • Social protection benefits • Repatriation of fishers 	<p>Compensation scheme. Fishers shall receive minimum wages. Productivity improvement measures shall be introduced to ensure decent working standards for fishers and decent living standards for their families. Compensation schemes may vary depending on the size of fishing operations. (Rule V, Section 2)</p> <p>Minimum benefits. In addition to the minimum wage, DO-156 requires the provision of the following (Rule IV, Section 3):</p> <ul style="list-style-type: none"> • Holiday pay • Premium pay if fishers were required to work on a rest day and/or special day • Overtime pay • Night shift differential for work performed between 10:00 pm to 6:00 am of the following day • Paid incentive leave • 13th month pay • Paid maternity or paternity leave, or solo parent leave • Retirement pay

Responsible Recruitment Elements	Department Order 156 (DO-156)
<p>Employment arrangements (continued)</p> <ul style="list-style-type: none"> • Compensation scheme • Minimum benefits • Transparency in fishers' pay • Work hours and rest period • Social protection benefits • Repatriation of fishers 	<p>Transparency in fisher's pay. Fishing vessel owners shall maintain payrolls and provide fishers with payslips. Moreover, payments for fishers or their family's advances shall be properly documented. (Rule V, Section 6)</p> <p>Work hours and rest period. Fishers shall be entitled to an aggregate daily rest period of ten hours per day and to a rest period of not less than 24 consecutive hours after every six consecutive work days. (Rule IV, Section 5)</p> <p>Social protection benefits. Fishers shall be entitled to coverage for social welfare benefits provided by Pag-Ibig, Philhealth, SSS, and other applicable laws. In the absence of social security coverage, medical and hospitalization costs of work-related injuries and sickness of fishers shall be shouldered by fishing vessel owners. (Rule IX, Section 1)</p> <p>Repatriation. In cases of death, illness, or detainment due to illegal fishing in other countries, the fishing vessel owner shall shoulder the repatriation expenses of the fisher. (Rule VIII, Section 2)</p>

Endnotes

- ¹ Lamarca, Napoleon Salvador J. *Fisheries Country Profile: Philippines*. Regional Fisheries Policy Network (RFPN) Member for the Philippines. 2017. <http://www.seafdec.org/fisheries-country-profile-philippines/>.
- ² The USAID Oceans and Fisheries Partnership (USAID Oceans). "Learning Site: General Santos City, Philippines." <https://www.seafdec-oceanspartnership.org/learning-sites-philippines/#:~:text=Tuna%20caught%20and%20landed%20in,which%20came%20from%20foreign%20vessels.>
- ³ Peji, Brenalyn A. *A Study on Decent Work of Tuna Hand Line Fishermen in The Philippines*. Institute for Labor Studies. Policy Brief Series No. 2014-PB06. June 16, 2014.
- ⁴ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans), 2018. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ⁵ International Labour Organization (ILO). *Private Employment Agencies Convention*, 1997 (No. 181). 1997. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:P12100_INSTRUMENT_ID:312326
- ⁶ International Labour Organization (ILO). *General Principles and Operational Guidelines for Fair Recruitment*. 2016. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536263.pdf.
- ⁷ Institute for Human Rights and Business. *Dhaka Principles for Migration with Dignity*. December 2012. <https://www.ihrb.org/dhaka-principles>.
- ⁸ Office of the High Commissioner for Human Rights (UN Human Rights). *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*. 2011. https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.
- ⁹ International Organization for Migration (IOM). *International Recruitment Integrity System*. <https://iris.iom.int/>.
- ¹⁰ Fair Hiring Initiative. *On the Level Core Principles and Standards of Ethical Recruitment*. <https://otl-protocol.com/>.
- ¹¹ Responsible Business Alliance (RBA). *Responsible Business Alliance Code of Conduct*. Version 6.0. 2018. http://www.responsiblebusiness.org/media/docs/RBACodeofConduct6.0_English.pdf.
- ¹² Seafood Task Force. *Code of Conduct and Vessel Auditable Standards*. Version 2. 20181212. 2018. https://www.seafoodtaskforce.global/wp-content/uploads/2019/01/STF_Code-of-Conduct-and-Vessel-Auditable-Standards-V.2_20181212.pdf.
- ¹³ Institute for Human Rights and Business. *Dhaka Principles for Migration with Dignity*. December 2012. <https://www.ihrb.org/dhaka-principles>.

- ¹⁴ International Labour Organization (ILO). *Work in Fishing Convention* (No. 188). 2007. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188.
- ¹⁵ Government of the Republic of the Philippines. Department of Labor and Employment. *Laws on Child and Young Workers*. <http://www.bwsc.dole.gov.ph/policy-issuances/compilationoflaws/233-laws-on-child-and-young-workers.html>.
- ¹⁶ International Labour Organization (ILO). *Work in Fishing Convention* (No. 188), Annex II. 2007. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188.
- ¹⁷ Government of the Republic of the Philippines. Department of Labor and Employment. *Department Order No. 156-16*. Series of 2016. http://bwc.dole.gov.ph/images/Issuances/DepartmentOrder/DO_156_16_WorkingandLivingConditionsOfFishersonboardFishingvesselsEngaged_Commercial-FishingOperation.pdf.
- ¹⁸ Verité. *Research on Indicators of Forced Labor in the Supply Chain of Tuna in the Philippines*. 2016. https://www.verite.org/wp-content/uploads/2016/11/Research-on-Indicators-of-Forced-Labor-in-the-Philippines-Tuna-Sector__9.16.pdf.
- ¹⁹ Llanto, G.M., Ortiz, M.K.P., and Madriaga, C.A.D. “The Philippines’ Tuna Industry.” *Reducing Unnecessary Regulatory Burdens in ASEAN: Country Studies*, edited by Jeremy Gross and Ponciano Intal, Jr. Economic Research Institute for ASEAN and East Asia, 2018, p. 210-238. https://www.eria.org/uploads/media/RURB_2018_Chapter_8_Tuna_Philippines.pdf.
- ²⁰ Almendral, Aurora. “The Philippines, Dynamite Fishing Decimates Entire Ocean Food Chains.” *The New York Times*. June 15, 2018. <https://www.nytimes.com/2018/06/15/world/asia/philippines-dynamite-fishing-coral.html>.
- ²¹ Gutierrez, Jason. “In Pictures: The decline of Philippine tuna: regulating fishing is threatening the collapse of the tuna industry, conservationists say.” *AlJazeera*. October 8, 2014. <https://www.aljazeera.com/indepth/inpictures/2014/10/pictures-decline-philippine-tun-201410693837628541.html>.
- ²² Bernal, Buena. “Help Needed for PH Industry Workers.” *Rappler*. August 15, 2016. <https://www.rappler.com/newsbreak/in-depth/143036-tabang-help-tuna-industry-workers-general-santos>.
- ²³ Government of the Republic of the Philippines. Department of Labor and Employment. *Department Order 196: Amending Section 1, Rule V and Section I, Rule VI of Department Order No. 156-16*. Series of 2018. <https://www.dole.gov.ph/news/do-196-18-amending-section-i-rule-v-and-section-1-rule-vi-of-department-order-no-156-16/>.
- ²⁵ Government of the Republic of the Philippines. Department of Labor and Employment. *Department Order No. 174, Series of 2017: Rules Implementing Articles 106 to 109 of the Labor Code, As Amended*. <https://blr.dole.gov.ph/news/departament-order-no-174-series-of-2017-rules-implementing-articles-106-to-109-of-the-labor-code-as-amended/>.
- ²⁶ Government of the Republic of the Philippines. Department of Transportation. *Board Resolution No. 2018-09-01 Series of 2018*. <https://marina.gov.ph/wp-content/>

uploads/2018/10/PFVSRR_.pdf.

²⁷ Lim, Janina C. "IRR for handline fishing finally out after nine years." June 14, 2016. *Business World Online*. <https://www.bworldonline.com/content.php?id=128948>.

²⁸ International Labour Organization (ILO). *Working Paper: The Philippines and the Work in Fishing Convention, 2007 (No. 188): a comparative analysis. 2019*. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_739446.pdf.

²⁹ Government of the Republic of the Philippines. Department of Labor and Employment. *Department Order No. 156-16. Series of 2016*. http://bwc.dole.gov.ph/images/Issuances/DepartmentOrder/DO_156_16_WorkingandLivingConditionsOfFishersonboardFishingvesselsEngaged_Commercial-FishingOperation.pdf.

³⁰ International Labour Organization (ILO). *Working Paper: The Philippines and the Work in Fishing Convention, 2007 (No. 188): a comparative analysis. 2019*. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_739446.pdf.

³¹ International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). "Philippines: Unions call on government to reject industry pressure and implement regulation enforcing the rights of fishing vessel workers." August 18, 2017. <http://www.iuf.org/w/?q=node/5690>.

19th National Tuna Congress. "Resolution No. 04, Series of 2017." <https://drive.google.com/file/d/0B3-iyZ1ZdUqNYk56QUhYUXNiUIE/view>.

³² Republic of the Philippines, Philippine News Agency. "DOLE to conduct compliance inspections on fishing vessels in GenSan." July 9, 2018. <https://www.pna.gov.ph/articles/1040828>.

³³ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.

³⁴ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 24. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.

³⁵ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 34. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.

³⁶ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 34. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.

- ³⁷ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 34. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ³⁸ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 34. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ³⁹ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 31. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ⁴⁰ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 32. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ⁴¹ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 30. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ⁴² Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ⁴³ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 23. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ⁴⁴ Government of the Republic of the Philippines. *Republic Act No. 386, Civil Code of the Philippines, Article 1305*. June 18, 1949. <https://www.officialgazette.gov.ph/1949/06/18/republic-act-no-386/>
- ⁴⁵ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 25. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ⁴⁶ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 25. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.
- ⁴⁷ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 27. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_

PHILIPPINES_Final-2018.pdf.

⁴⁸ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 41. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.

⁴⁹ Government of the Republic of the Philippines. Department of Labor and Employment. *Department Order No. 156-16, Section 2, Rule VIII. Series of 2016*. June 15, 2016. http://bwc.dole.gov.ph/images/Issuances/DepartmentOrder/DO_156_16_WorkingandLivingConditionsOfFishersonboardFishingvesselsEngaged_Commercial-FishingOperation.pdf

⁵⁰ Verité. *Labor Conditions in the Tuna Sector: General Santos City, Philippines*. The USAID Oceans and Fisheries Partnership (USAID Oceans). 2018. P. 45. https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf.

⁵¹ Global Fishing Watch. *Foreign Vessels Analysis in Indonesian Water Up To 2014 And After 2014*. Version 2.1. Global Fishing Watch. July, 27, 2019. https://globalfishingwatch.org/wp-content/uploads/GFW_ID_vessel_analysis_July_2019.pdf.

Aspinwall, Nick. "Martial law is lifted but "state of emergency" persists in Mindanao." The Interpreter, Published by the Lowy Institute. January 7, 2020. <https://www.lowyinstitute.org/the-interpreter/martial-law-lifted-state-emergency-persists-mindanao>

⁵² Sarah Bladen. "Sharp Decline in Foreign Fishing Boats in Indonesia Waters Global Fishing Watch Analysis." *Global Fishing Watch*. July 24, 2019. <https://globalfishingwatch.org/press-release/sharp-decline-in-foreign-fishing-boats-in-indonesian-waters-global-fishing-watch-analysis/>.

⁵³ Food and Agriculture Organization of the United Nations (FAO). "Fishing Techniques: Tuna Purse Seining." <http://www.fao.org/fishery/fishtech/40/en>.

⁵⁴ Seafood Watch. "Fishing and Farming Methods." <https://www.seafoodwatch.org/ocean-issues/fishing-and-farming-methods>.

Attributions:

The photo(s) included in this report are used solely to illustrate the locations and situations in which risk of forced or child labor is being discussed. The people shown in the photo(s) do not represent any specific person or group of people noted in the text.