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Blacklisting

Workers who speak up against human rights or labor violations or who join trade unions or worker organizations are sometimes targeted for reprisal. Such reprisal can take many forms, such as employment termination or “blacklisting.” In the case of blacklisting, workers might be barred from future employment and be unable to find another job in a particular country or sector ([Resources for Responsible Recruitment](#)).

Bonded labor (also referred to as debt bondage)

The United Nations (UN) states that “people enter the status or condition of debt bondage when their labor... is demanded as a repayment of a loan or of money given in advance, and the value of their labor is not applied towards the liquidation of the debt or the length of the service is not limited and/or the nature of the service is not defined” ([UN 2016](#)). In informal recruitment systems, during the recruitment process, foreign migrant workers may begin to accrue debts to obtain registration documents, be required to pay excessive security deposits or undisclosed fees to brokers and recruitment sub-agents to secure employment, or be required to pay for pre-employment travel, food, and shelter costs. Even before they start employment, these debts can make workers vulnerable to a range of coercion, control, and abuse by employers, producing the circumstances that lead to forced labor and debt bondage.

Certifications

A process used to verify products were produced in accordance with a standard or criteria set by a third party, that may cover environmental, economic, food safety, or social topics, often verified via audits.

Child labor

The International Labour Organization’s (ILO) website defines ‘child labor’ as “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.” This includes work that is “mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school.” The ILO’s Worst Forms of Child Labor Convention (No. 182) considers a ‘child’ to be any person under the age of eighteen ([ILO 1999](#)). Although it is difficult to determine the exact number of child laborers employed specifically in the seafood industry, case studies and surveys suggest it is pervasive, both in number and geographic scope ([FAO and ILO 2013](#)).

Code of Conduct

Supplier Code of Conduct (corporate version)

Outlines the behaviors, policies, and/or practices expected of suppliers by a downstream purchaser. Can also take other forms, such as a Supplier Expectations Letter, Model Contract Clause (MCC), or Enforceable Brand Agreement (EBA).

Worker-Driven Social Responsibility (WSR) Code of Conduct

In the WSR model, a Code of Conduct, also known as a Standard, establishes the enforceable workplace criteria that will be implemented in a Supplier's operation. A Code/Standard may be comprehensive and address a broad range of workplace issues, or it may be more tightly focused around a narrower scope of issues ([WSR Network](#))

Collective bargaining

The process in which working people, through their unions or other worker representative organizations, negotiate contracts with their employers to determine their terms of employment, including pay, benefits, hours, leave, job health and safety policies, ways to balance work and family, and more (AFL-CIO).

Collective bargaining is a key means through which employers and their organizations and trade unions can establish fair wages and working conditions. It also provides the basis for sound labour relations. Typical issues on the bargaining agenda include wages, working time, training, occupational health and safety and equal treatment. The objective of these negotiations is to arrive at a collective agreement that regulates terms and conditions of employment. Collective agreements may also address the rights and responsibilities of the parties thus ensuring harmonious and productive industries and workplaces. (ilo.org)

The ILO Collective Bargaining Convention, 1981 (No. 154) defines collective bargaining as all negotiations that take place between workers' organizations and an employer, a group of employers, or employers' organizations. Such negotiations may involve discussion on "determining working conditions and terms of employment, regulating relations between employers and workers, and/or regulating relations between employers or their organizations and workers' organizations" ([ILO 1981](#)).

Corrective action planning (CAP)

A corrective action plan (CAP) is a step-by-step plan developed to remediate non-conformance issues found in business operations, such as if an audit reveals labor violations. The CAP details mechanisms for remediation and timelines for taking action. If an audit uncovers issues upstream in a supply chain, a company may send a CAP to a supplier to guide the remediation process. Taking a systems improvement approach to CAPs can help companies not only respond to problems surfaced during social audits but also anticipate and prevent these problems from happening again. Effective CAPs outline the company's specific response to the issue, ensure that vulnerable workers are protected, address the root causes of the issues, map out the risks (such as particular business processes or structural gaps), and feed results into a management systems improvement plan ([Verite](#)).

A process for the timely correction of any issues counter to legal, or voluntary commitments identified by an internal or external audit, assessment, inspection or review. Corrective action processes may or may not address remedy (see definition), and may be voluntary or mandatory.

Debt bondage (also referred to as bonded labor)

The UN states that “people enter the status or condition of debt bondage when their labor is...demanded as a repayment of a loan or of money given in advance, and the value of their labor is not applied towards the liquidation of the debt or the length of the service is not limited and/or the nature of the service is not defined” ([UN 2016](#)). As a result, the value of the bonded laborer’s efforts can at times exceed the original amount of money owed.

Decent work

Decent work means opportunities for everyone to get work that is productive and delivers a fair income, security in the workplace, social protection for families, better prospects for personal development, and social integration ([ILO](#)).

Due diligence

“Due diligence is an ongoing risk management process that a reasonable and prudent company needs to follow in order to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts. It includes four key steps: assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed” ([UN Guiding Principles Reporting Framework](#)).

Human rights due diligence

Human rights due diligence refers to ongoing risk management processes that reasonable and prudent companies need to follow in order to identify, prevent, mitigate, and account for how they address their adverse human rights impacts. Human rights due diligence includes four key steps: assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed ([UNGP Reporting Framework 2015](#)).

Corporate Human Rights Due Diligence

An ongoing risk management process that a reasonable and prudent company needs to follow in order to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts. It includes four key steps: assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed. (UNGP Reporting Framework)

Mandatory Human Rights Due Diligence

The growing worldwide movement to legally require companies to undertake human rights and environmental due diligence. (Business and Human Rights Resource Centre)

OECD Due Diligence Guidance for Responsible Business Conduct

Provides practical support to enterprises on the implementation of the OECD Guidelines for Multinational Enterprises by providing plain-language explanations of its due diligence recommendations and associated provisions ([OECD](#))

Freedom of association

The ILO defines freedom of association as “the right of workers and employers to form and join organizations of their own choosing” and states that freedom of association is a human right that is at the core of ILO values ([ILO](#)). The formation of independent employer and worker organizations allows for collective bargaining and social dialogue and is critical to protecting worker rights. Freedom of association is enshrined in the ILO Constitution, the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the Universal Declaration of Human Rights.

Everyone has the rights to freedom of peaceful assembly and association, which are essential components of democracy. The right of peaceful assembly includes the right to hold meetings, sit-ins, strikes, rallies, events or protests, both offline and online. The right to freedom of association involves the right of individuals to interact and organize among themselves to collectively express, promote, pursue and defend common interests. This includes the right to form trade unions. Freedom of peaceful assembly and of association serve as a vehicle for the exercise of many other rights guaranteed under international law, including the rights to freedom of expression and to take part in the conduct of public affairs. The right to freedom of peaceful assembly and association is protected by article 20 of the Universal Declaration of Human Rights. (OHCHR)

Freedom of movement

Freedom of movement, sometimes also referred to as mobility rights, refers to the right of individuals to travel within a country or territory and to leave a country and return to it. In the context of human and worker rights, freedom of movement also refers to a worker’s ability to terminate employment, switch jobs, or leave their site of work. Restricted freedom of movement is one of the indicators used to ascertain whether a situation amounts to forced labor ([ILO](#)).

Forced labor

All work or service that is extracted from any person under the threat of any penalty and that a person has not offered voluntarily is considered forced labor ([ILO 1932](#)). The definition of forced labor encompasses traditional forms of forced labor, such as slavery, as well as new forms of forced labor that have emerged in recent decades, such as human trafficking ([ILO](#)). According to the U.S. Department of State (USDOS), “forced labor, sometimes also referred to as labor trafficking, encompasses the range of activities – recruiting, harboring, transporting, providing, or obtaining – involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person’s labor is exploited by such means, the person’s prior consent to work for an employer is legally irrelevant: the employer is a trafficker and the employee is a

trafficking victim” ([USDOS 2017](#)). In addition, workers may be deceived as to the type, location, or conditions of their employment.

Enforcement Industry

Accreditation

Groups in the business of creating, certifying, and auditing labor standards in global supply chains, including private groups like: MSIs, auditors, tech firms, ethical certifiers, labeling organizations, consultants, and NGOs. (adapted from *Combatting Modern Slavery*)

Regulatory enforcement

Regulatory enforcement can come in many forms, such as fines relating to reporting requirements, Withhold Release Orders (WROs), and sanctions.

Grievance mechanisms

Effective grievance mechanisms are a formal mechanism for workers to elevate issues related to their employment and work experience to get them resolved via due diligence and remedy.. Mechanisms can include hotlines, complaint or whistleblower procedures, customer support, a local council or community liaison, trade unions, and the judicial system. These may be formal or informal mechanisms and may be provided by the company, a third party, or a government. The UNGPs list ‘effectiveness criteria for non-judicial grievance mechanisms’. (adapted from [Doing business with respect for human rights](#))

Human rights

According to the UN, “human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination” ([UN](#)).

Human rights due diligence

Human rights due diligence refers to ongoing risk management processes that reasonable and prudent companies need to follow in order to identify, prevent, mitigate, and account for how they address their adverse human rights impacts. Human rights due diligence includes four key steps: assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed ([UNGP Reporting Framework 2015](#)).

Human trafficking (also referred to as trafficking in persons)

Human trafficking, or trafficking in persons, occurs in a variety of sectors, include seafood. The United Nations Office on Drugs and Crime (UNODC) defines trafficking in persons as “control over another person for the purpose of exploitation” ([UNODC 2004](#)). Trafficking victims can include individuals born

into servitude, exploited in their hometown, or smuggled to the exploitative situation as well as individuals who previously agreed to work for a trafficker or participated in a crime as a result of being trafficked ([USDOS](#)). At the core of human trafficking is the traffickers' intention to exploit or enslave another human being, the coercive, underhanded practices they engage in to do so, and the purpose behind the exploitation ([UNODC 2004](#)).

Labor Governance

The public and private standards regulations, responses and forms of power (including rules, norms, and actions) that surround labor standards in the global economy (Combating Modern Slavery)

Labor rights

Labor rights encompass a broader category of issues than trafficking, forced labor, or modern slavery. Labor rights include the ILO's core standards: freedom of association, right to collective bargaining, prohibition of forced labor, elimination of the worst forms of child labor, and non-discrimination in employment ([ILO 1999](#)).

Labor Union

A labor union is a group of two or more employees who join together to advance common interests such as wages, benefits, schedules and other employment terms and conditions. Joining together - or "acting collectively" - workers represented by unions within a governance structure that supports them, have a powerful voice that strengthens their ability to negotiate with their employer about their concerns. (US DOL)

Modern slavery

Modern slavery refers to the severe exploitation of other people for personal or commercial gain ([Anti-Slavery](#)). Modern slavery is an umbrella term that can be used to describe a range of situations in which a person is held in compelled service, including trafficking, forced labor, involuntary servitude, and bonded labor ([US DOS 2013](#)).

Multi Stakeholder Initiatives (MSI)

MSIs are collaborations between businesses, civil society and other stakeholders that seek to address issues of mutual concern, including human rights and sustainability. To do so, initiatives may work to facilitate dialogue and collective action across stakeholder groups, foster cross-sector engagement, or develop and apply standards for corporate or government conduct. (MSI Integrity)

OECD Guidelines for Multinational Enterprise (OECD Guidelines)

Are the most comprehensive international standard on responsible business conduct (RBC). The OECD Guidelines reflect the expectation from governments to businesses on how to act responsibly. They cover all key areas of business responsibility, including human rights, labor rights, environment, bribery,

consumer interests, as well as information disclosure, science and technology, competition, and taxation. (OECD)

Overwork and illegally low wages

Workers may be forced to work excessive hours, sometimes up to 20 hours per day, and experience a delay or withholding of wage payment, wages below the legal minimum wage, and salary deductions. Lack of fair wages can keep workers in a cycle of debt bondage ([Environmental Justice Foundation 2019](#)).

Physical and psychological abuse

Workers may experience or witness egregious violations of human rights such as physical abuse and violence, including murder at sea, and psychological and verbal abuse, including derogatory and discriminatory language. Workers may also lack appropriate health care and safe working conditions ([Environmental Justice Foundation 2019](#)).

Private supply chain governance

Multi stakeholder initiatives (MSIs), standards, certs, codes of conduct, and the structure that supports their oversight and management. Also includes binding agreements with workers and unions. (Combatting Modern Slavery)

Recruitment Industry

Comprises labor market intermediaries - also called recruiters, third party labor agencies, labor brokers, gangmasters, labor contractors, and labor providers - consisting of individuals or organizations, formal and informal, that mediate between individual workers and employers (adapted from Combatting Modern Slavery)

Regulation

Mandated by a government body and requires that—by law—those in the industry that meet the specified criteria comply. The regulation can incorporate codes or standards, or be created independently. Unlike a code or standard, a regulation does not necessarily require any industry consensus or knowledgeable body to put it in effect.

Remediation

In the UN Guiding Principles, the term ‘remediation’ is used to refer to the process or act of providing remedy. ‘Remediation’ in the context of social audits, typically focuses on forward-looking actions to prevent a non-compliance from recurring. (Doing business with respect for human rights)

Remedy

At its core, the concept of remedy aims to restore individuals or groups that have been harmed by a business’s activities to the situation they would have been in had the impact not occurred.

Where this is not possible, it can involve compensation or other forms of remedy that try to make amends for the harm caused. Companies are responsible to remedy issues that arise in their supply chains, as a result of direct and indirect business operations.

As the Guiding Principles set out, judicial remedy includes: “apologies, restitution, rehabilitation, financial or non-financial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well the prevention of harm through, for example, injunctions or guarantees of non-repetition”. (Doing business with respect for human rights)

Remittance

A sum of money sent, especially by mail, in payment for goods or services or as a gift (Wikipedia). Often remittances are sent abroad.

Restricted freedom of movement

Employers or brokers may take possession of workers identification documents, significantly restricting their freedom of movement and leading to the possibility of imprisonment, deportation, torture, or death if workers attempt to escape. In some cases, workers may even be locked up after disembarkation. Workers lacking documents may not exercise basic rights to health care due to fear of reprisal ([Human Rights Watch 2018](#)).

Social auditing

As a desk-based or in-person review of working conditions, labor management, health and safety for workers, etc. Audits are often conducted by third party groups called certifiers, auditors, assessors or verifiers. Audits may be a part of a certification scheme or may assess conditions against a standard that is not a part of a certification scheme. Ideally worker interviews would be conducted as part of the audit process.

Social compliance

Social compliance involves a focus on a company’s policies and practices as well as the policies and practices of supply and distribution chains to protect the rights, health, and safety of workers ([Insight](#)).

Social responsibility

Social responsibility, applied here within the concept of corporations, refers to the notion that businesses have a responsibility to society, including consumers, employers, the greater community, government, workers, and the natural environment ([CSR and Related Terms](#)). The Monterey Framework for Social Responsibility provides pillars for advancing human rights, equity, and food and livelihood security and is specific to seafood ([Monterey Framework](#)).

Corporate(-Driven) Social Responsibility (CSR)

A management concept whereby companies integrate social and environmental commitments and/or accountabilities into their business operations, strategies and formal relationships with their stakeholders. CSR typically encompasses a company's response to their own impacts and/or issues somehow linked to their business (UNIDO)

"The continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as the local community and society at large" (WBCSD). It is a strategy with which companies try to create a positive impact on society while doing business, although most companies start by prioritizing 'do no harm'.

Worker-driven social responsibility (WSR)

Meeting the [6 principles of the WSR Network](#)

1. Labor Rights Initiatives Must Be Worker Driven
2. Obligations for Global Corporations Must Be Binding and Enforceable
3. Buyers Must Afford Suppliers the Financial Incentive and Capacity to Comply
4. Consequences for Non-Compliant Suppliers Must Be Mandatory
5. Gains for Workers Must be Measurable and Timely
6. Verification of Workplace Compliance Must Be Rigorous and Independent

Standards (voluntary, mandatory, internationally recognized, industry)

Standards are principles or measurements that serve as specific benchmarks for expected practices and performance. These may apply to a company, its direct suppliers, or its entire supply chains. Standards may be voluntary (also called guidelines, rules) or mandatory (enforced by law or contractual agreements), may be created by the company or use language from a third party.

UN Guiding Principles on Business and Human Rights (UNGPs)

A set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations that were endorsed by the UN Human Rights Council in June 2011. (<https://www.business-humanrights.org/>)

Its three pillars are: respect, protect, and remedy. Importantly, the UPGPs say "the responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate." And that "business enterprises should not undermine States' abilities to meet their own human rights obligations, including by actions that might weaken the integrity of judicial processes."

Worker engagement

Worker engagement refers to a spectrum of activities ranging from effective grievance mechanisms to worker committees and other forms of worker representation such as unions ([Doug Cahn Group 2018](#)).

Is the term for a variety of mechanisms that a company employs to hear from, listen to, and involve workers in their due diligence efforts. Engagement can take many forms and must include a way for workers to share grievances and for companies to remedy those problems (often called worker voice mechanisms in the SR field). Best practices are worker-led engagements, including input from workers via unions or other worker representative organizations, and programs that meet the 6 WSR Network principles.

Worker voice

Worker voice is a critical part of equitable and inclusive worker success strategies. Authentic worker voice is more than employee satisfaction surveys. It is a whole-of-workplace approach in which frontline employees have the power and mechanisms to influence their workplace and their experience at work. This has real benefits for individual workers and businesses as it addresses organizational, social, and racial barriers to full participation. The National Fund developed the following definition of “worker voice” in partnership with their diverse network of workforce practitioners based at nearly 30 workforce collaboratives around the country.

The core elements of worker voice are representation (workers have freedom and ability to represent their own interests or have their interests represented by a larger collective), empowerment (workers feel empowered to raise concerns), agency (there is two-way transparency communication where worker input is valued and yields changes), and value (workers are valued for their skills and talents and are considered assets instead of expenses). (National Fund for Workforce Solutions)

‘Worker voice,’ a concept that emerged with the birth of the organized labor movement during the Industrial Revolution. Two fundamental aspects of ‘worker voice’ have always been: (1) Capturing the voices, experiences, and needs of workers, and (2) Channeling that voice into a clear mechanism for remediation for those workers (Issara brief).