

UNDERSTANDING AND ADDRESSING FAIRWASHING CHALLENGES IN THE SEAFOOD INDUSTRY: HOW CAN YOU TRUST YOUR FISH?

By Shannon Hardisty

Just as environmental reassurances are at risk of greenwashing, human and labour rights reassurances may be genuine or misleading – this is known as “fairwashing”, a term not widely known or used yet but it is one that deserves its time of day. The author, from the International Pole and Line Foundation (IPNLF), dives into this intricate concept of fairwashing, exploring how it differs from greenwashing; its profound significance within the seafood sector; the multi-faceted challenges facing the sustainable seafood movement; and what companies must undertake to adhere to ethical standards and meet the growing expectations of conscientious consumers.



How do you know if the fish on your plate was caught by someone independent or by a victim of forced labour? Your answer may be that you don't, that it doesn't matter, or most likely because certifications and ethical retailers have assured you that it is. In other words, it's a belief based on trust, but is this trust warranted?

Consumers have been concerned about the environmental impacts of their seafood choices for a long time. However, there is an increasing awareness and questioning of the human and labour rights issues that lurk beneath the surface, the proper observance of which may be genuine or misleading – this is known as “fairwashing”. As a result, the seafood industry must take steps towards addressing these concerns.

Fairwashing: A facade of fairness

Fairwashing primarily refers to when companies misrepresent how fair and equitable their labour practices are regarding wages and equality. It involves companies attempting to create a facade of fairness and ethical labour practices whilst not following through on their commitments through dishonest or misleading marketing claims¹.

Fairwashing can take different forms, including explicit false claims or more subtle tactics, such as using vague and meaningless language like “made with care” while ignoring fair wage considerations, labour laws, and transparency. Companies engage in fairwashing to avoid taking accountability for poor labour practices, to maintain a positive reputation, and increase margins by not paying workers fairly. Even if these activities are unintended in some situations, they still damage companies' efforts to establish truly responsible models and mislead consumers who want to do the right thing. The significance of fairwashing lies in its ability to mislead consumers and prevent them from making informed choices when supporting ethical brands. When companies falsely claim to have fair labour practices, conscious consumers might unknowingly endorse brands that do not genuinely prioritize workers' welfare.

Fairwashing vs greenwashing

Before diving into what fairwashing means for the seafood industry and those who depend on it, it's crucial to understand the difference between fairwashing and its sibling concept, greenwashing. Like greenwashing, fairwashing is the use of misleading marketing tactics by companies

¹ The Ethical Edit, 7 April 2022

to reassure consumers, making it difficult for them to make informed choices and diverting support and attention from genuinely responsible brands or businesses.

Greenwashing refers to companies implying they are more sustainable or environmentally-friendly than they actually are. It occurs when companies exaggerate or falsely claim to have environmentally-friendly practices, products, or initiatives. A company may label a product as “eco-friendly” or “green” when it is not, use specific packaging, or emphasize one green aspect of its business to divert attention from other unsustainable practices. An example of this in the seafood industry is when products may be labelled as “line-caught”; in this instance, consumers may assume that the tuna was caught using one-by-one methods such as pole-and-line or handline, whilst, in reality, it may have been taken by a longline which is a passive fishing gear with thousands of small hooks leading to high levels of bycatch and bycatch mortality.

Conversely, fairwashing focuses on labour and social responsibility practices; the ethics in the supply chain such as under-payment, forced labour, exploitative conditions; or portraying marginalized communities in marketing campaigns where the company's sourcing does not benefit these communities (or only by a tiny percentage)². It occurs when companies misrepresent or exaggerate how fair and equitable their labour practices are, particularly regarding wages and worker treatment. Fairwashing involves creating a misleading image of ethical labour practices through marketing, even when the company's actions do not align with these claims. Companies engaging in fairwashing may use deceptive language such as “supports local” or showcase diversity and inclusion efforts without addressing deeper systemic issues within their workforce.

The significance of fairwashing in the seafood sector

In the seafood sector, concerns about fairwashing primarily revolve around the potential for companies to misrepresent or exaggerate the fairness and ethicality of their labour practices through deceptive marketing tactics. Fairwashing in the seafood industry can mislead consumers and hinder their decision-making about supporting genuinely socially-responsible brands. In addition to the examples of fairwashing highlighted above, some significant concerns related to fairwashing in the seafood sector include the following:

- **Lack of transparency**

Fairwashing can thrive when seafood companies do not provide transparent information about their labour practices. Consumers may need help to verify the claims made by companies, making it difficult to discern the actual conditions for workers. This is particularly challenging in the seafood industry, where much of the activity occurs at sea, beyond the purview of land-based authorities;

- **Migrant worker vulnerability**

The seafood industry often relies on migrant labourers who may be more susceptible to exploitation due to language barriers, limited

legal protections, and precarious immigration statuses. Fairwashing can exacerbate their vulnerability;

- **Deceptive marketing language**

Companies may use vague or unsubstantiated language in their marketing materials to create a misleading image of ethical labour practices. Terms like “made with care” or “thoughtfully crafted” may be used without providing concrete evidence of fair treatment of workers; and

- **Conflating equality-minded practices**

Some companies may focus on specific equality-minded initiatives or fair labour practices while neglecting to address systemic issues within their workforce. This selective emphasis can create a misleading impression of overall fairness.

Fairwashing goes beyond economics

A broken economic model lies at the core of fairwashing in the seafood industry. It is a sector where the confluence of factors, including surging global demand for seafood, dwindling fish stocks, and escalating operational costs, should logically lead to higher prices. However, the paradox is that prices fail to rise and are subject to market pressures that drive them down. The repercussions of this economic paradox are far-reaching.

One of the most pressing issues arising from this skewed economic model is the prevalence of labour exploitation and human rights abuses within the industry. As retailers grapple with the increasing consumer demand for affordable seafood, they exert immense pressure on their suppliers to procure cheaper seafood. Suppliers, aware that consumers and thus retailers will often opt for cheaper alternatives, are compelled to minimize production costs, leading to adverse labour conditions, under-payment, and poor treatment of workers. Vulnerable populations, such as migrant labourers, often bear the brunt of these abuses.

Another aspect of this model is the interplay of market dynamics, retailer pressures, and competition between suppliers, which foster false price ceilings, contributing to a perilous race to the bottom regarding seafood prices. The consequences of this race extend beyond mere economics. They perpetuate an environment conducive to exploitative practices, putting the well-being and rights of workers at risk. The demand for cheap fish, while catering to consumer preferences, also inadvertently fuels exploitative labour practices, perpetuating a cycle that undermines human rights.

Ethical certifications: A trustworthy assurance?

The increasing scrutiny of labour rights and human rights within supply chains has resulted in the development of various voluntary, non-governmental social governance tools such as commitments, labelling schemes, ethical standards, codes of conduct, and certification schemes³. Ethical certifications offer consumers confidence in a brand's

² This is not an exhaustive list of the social issues affected by fairwashing.

³ “Worker-less social responsibility: How the proliferation of voluntary labour governance tools in seafood marginalise the workers they claim to protect”; Jessica L. Decker Sparks et al. *Marine Policy*, Volume 139, May 2022, 105044.

commitment to fairness. Seeking recognized ethical certifications and adhering to their stringent standards assures consumers that labour practices align with established ethical norms.

While a well-intentioned approach to assessing and ensuring ethical and fair practices within companies, ethical audits are only sometimes reliable for combatting fairwashing due to several inherent limitations and challenges. The parameters to watch in conducting truly ethical audits are outlined below.

Scope and frequency

Ethical audits typically focus on limited criteria, often related to labour practices, workplace safety, or environmental compliance. Fairwashing, on the other hand, encompasses a broader range of deceptive practices that may not be adequately addressed through traditional audits. Fairwashing can involve misleading marketing outings (including false claims), hidden labour violations, or a company's failure to address social and ethical issues beyond the scope of standard audits. Ethical audits are typically conducted periodically, often once a year or less. Fairwashing, however, can occur continuously, with companies adjusting their marketing messages and practices as needed to mislead consumers or regulators. Audits conducted at infrequent intervals may need to capture these dynamic changes more effectively.

Malicious intention and conflicts of interest

Fairwashing involves intentional deception and obfuscation by companies. They may manipulate data or use marketing tactics to create a facade of ethical behaviour. Ethical audits may not uncover these hidden practices, as auditors rely on information provided by the company being audited. Auditors may face conflicts of interest or be influenced by the companies they audit, compromising the objectivity of the audit process and leading to issues being overlooked or downplayed.

Barriers to engagement

Some companies undergo multiple audits, each focusing on different aspects of their operations, such as labour practices, environmental impact, or supply chain transparency. This fragmentation of audits can lead to audit fatigue of the workers and those responsible for the preparation within a company. This makes it challenging for auditors to maintain a comprehensive view of the company's ethical practices, as well as identify fairwashing across different domains, in cases where ethical audits may not provide adequate protection for whistleblowers or workers who want to report fairwashing practices. Fear of retaliation can deter employees from coming forward with crucial information, limiting the audit's effectiveness in uncovering deceptive practices.

Emphasis on compliance over genuine change

Ethical audits often prioritize compliance with established standards and regulations. While this is essential, fairwashing can involve technically legally-compliant practices that are still unethical or deceptive. Audits may not capture these subtler forms of fairwashing, which can result in companies maintaining unethical practices while avoiding legal

violations. Additionally, human rights and labour experts have raised concerns that voluntary tools, including certifications, tend to prioritize reputational management for those higher up in the supply chain rather than developing actionable and specific pathways for change and remediation for workers.

(Un)fit for purpose

In the seafood industry, standard-setting methods start with environmental standards and "add-on" labour standards or adapt environmental norms for labour and human rights, given the absence of operational advantages for workers' rights. The dimensions of these mechanisms may be based on the principles applied by environmental non-governmental organizations (NGOs) in seafood product supply chains in the absence of workers or tripartite procedures with worker representatives. They start with relation-less ecological boundaries and norms that don't consider power structures. Because of this, combining human and labour rights standards with environmental standards may seek to equate these sustainability pillars and mislead the worker perspective. Furthermore, the auditing process may only partially accommodate these additional social requirement needs.

In other cases, the social components have been superficially addressed by a requirement of self-declarations that do not undergo third-party validation. Not ideal for obvious reasons, but there also is a relationship between the perception of the methods of the environmental component of the certification and this added-on social component – because the ecological component is so rigorous, the assumption is made that the social declarations undergo a similar process. Whilst the documents may be self-declarations, the certifier/standard holder is responsible for clarifying that this does not purport that the organization is considered ethical by the standard; without this explicit statement, they perpetuate fairwashing by omission.

The social and ecological aspects of fishing activity are not interchangeable. On the other hand, they could reinforce one another, as seen in the established link between illegal, unregulated, and unreported (IUU) fishing and labour rights violations. When it comes to voluntary standards, there is a glaring difference between social and ecological standards. This is because ecosystem health is more objective and visible to outside observers. After all, it is not based on subjective interpretation tainted by racism, xenophobia, and other systemic and inter-sectional forms of discrimination or power dynamics. Furthermore, data indicates that combining social and environmental norms might serve as a cover for eliminating labour rights and diverting attention away from concerns about working conditions.

Furthermore, many tools have been developed to suit Western ideals and expectations regarding certifications; for example, requiring formal records of grievance mechanisms or financial loan systems and possibly requiring (historical) data that small-scale fishers cannot capture due to irrelevance and capacity within the fishery. This automatically excludes fisheries which may be more ethical, as it needs to account for the socio-political dynamics typical within remote, small-scale fisheries.

Does this mean I can't trust any auditing tools?

Whilst no tool is immune to being used for fairwashing, some certifications and tools genuinely assess and accurately report on the social conditions within a supply chain, or section of the supply chain. Some of the indicators of these tools include the following:

Worker-driven design

Fishers have the most invested interest in their working conditions and thus are their own best representatives in developing responses to these issues. According to Decker Sparkst et al.⁴, sector-wide, worker-driven labour and human rights initiatives have produced the following results in different industries:

- Better governance of human rights in supply chains;
- Better mechanisms for monitoring supply chains;
- Better capacity to recognize and address labour and human rights violations that affect workers in supply chains; and
- Incentives for companies to uphold and advance human rights.



Companies have a responsibility to ensure due regard for their workers' human and labour rights.

Continuous engagement

Many certifications require annual audits, but those that also demand evidence of continuous and proactive engagement with workers are better equipped to identify worker maltreatment or abuse indicators. Fairtrade USA is an example of such a certification. Each actor in the supply chain should engage in this type of ongoing communication with workers, regardless of the certification requirements.

A matter of trust

So, how do you know if the fish on your plate was caught by someone who is independent or a victim of forced labour? It is a matter of trust. However, it is not a passive or implicit trust, but one that needs constant evaluation and is held to a high standard. From catch-to-kitchen, every actor within the seafood supply chain has a role to play.

⁴ "Worker-less social responsibility: How the proliferation of voluntary labour governance tools in seafood marginalise the workers they claim to protect"; Jessica L. Decker Sparks et al. *Marine Policy*, Volume 139, May 2022, 105044.

Historically, environmental and social tools have been developed through stakeholder groups dominated by industry and NGOs. However, worker voice and worker representation can play a crucial role in combatting fairwashing by adding a layer of accountability and transparency within companies. Here's how these mechanisms can help address fairwashing:

Championing worker voice

Workers involved in production processes often know first-hand how a company operates. They can serve as whistleblowers, exposing any deceptive or misleading greenwashing practices within the organization. When workers are given a platform to speak openly about their company's practices, their testimonies carry credibility. Their personal experiences and insights can be robust evidence to verify or debunk fairwashing claims. This can be incredibly impactful when shared with consumers, investors, or regulatory bodies. By sharing their insights, workers can provide concrete evidence to the public, regulators, or advocacy groups about discrepancies between a company's environmental claims and its actual practices.

Recognition within the organization

When workers have a say in a company's decision-making, they can advocate for ethical and sustainable practices. This can result in genuine social and environmental policies being implemented. Companies can ensure they adhere to their corporate social responsibility (CSR) commitments by including worker representation in sustainability committees. Workers can also push for transparency and accountability, creating a more positive work environment.

Companies need to provide their employees with a platform to share their insights; advocate for fair treatment; and ensure accountability to move towards genuine responsibility and transparency. When these mechanisms are initiated from the top-down, they help organizations mitigate the risks of unfair working conditions. However, it is important to note that the responsibility for ensuring ethical working conditions falls on the companies, not their workers. While worker voice and representation are powerful tools in the fight against fairwashing, companies should continuously question their status quo and strive to do more for their workers and minority groups. We cannot expect workers to be solely responsible for speaking up when problems arise. Instead, we should expect companies to take a proactive approach towards maintaining ethical working conditions.

Going beyond audits: The role of the organization

Companies have a clear responsibility to identify and avoid fairwashing practices; However, they often also lack the resources or knowledge of where to start. Here are some clear examples and solutions to consider:

- Encouraging a positive workplace culture is crucial for the growth and success of any organization. To accomplish this, empowering and educating workers on their rights at the supplier/processor level is essential. As leaders in the industry, retailers have a tremendous opportunity to set an example and pave the way for a better tomorrow;

- Taking the results of an audit and actively addressing the issues raised. When relevant, conduct further investigations. Audits support the protection of workers, but they are not the resolution;⁵
- When implementing grievance procedures, it is important to ensure consistent remediation. Reporting the issue is only the first step; discussions are the second step, and remediation is the only point at which a grievance can be resolved;
- Partner with NGOs or other organizations to conduct programmatic social work;
- Source from small-scale fisheries: The social benefits of these types of fisheries are most often closely associated with coastal communities in developing countries. They underpin local livelihoods, employment opportunities, and food security;
- Advocate for labour standards: The sustainable seafood movement can advocate for labour standards in the seafood industry, including fair wages, safe working conditions, and protection of labour rights. This can help make fairwashing untenable; and
- Adopt zero tolerance for child and forced labour.

The role of the consumer

Companies alone cannot bear the responsibility in the quest for ethical seafood; consumers, too, play a pivotal role. To meet consumer expectations for ethical seafood, the following actions are imperative:

- Knowledge is power: Educated consumers can recognize fairwashing and labour issues within the seafood sector, and informed consumers are more likely to support ethical brands and advocate for ethical trade; and
- Collective advocating for change: Consumer engagement with advocacy groups and initiatives focused on labour rights and ethical seafood production is instrumental. The pressure exerted by informed consumers can drive systemic change within the seafood sector.



Informed consumers can help to weed out fairwashing practices by insisting on ethically-sourced seafood.

⁵ "Obsessed with Audit Tools, Missing the Goal", Why Social Audits Can't Fix Labor Rights Abuses in Global Supply Chains; Brian Stauffer for Human Rights Watch, 15 November, 2022.

The role of the sustainable seafood movement

The sustainable seafood movement, comprising NGOs, government bodies, retailers, and consumers, is pivotal in addressing fairwashing issues. To proactively address these challenges, the movement should:

- Advocate for labour standards: The sustainable seafood movement can advocate for labour standards within the seafood industry. By lobbying for fair wages, safe working conditions, and the protection of labour rights, the movement can help create an environment where fairwashing becomes untenable; and
- Advocate for small-scale fisheries: Artisanal fisheries create jobs, providing 90% of employment in the fisheries sector. They are not only important as a source of income for many families, but they also form social cohesion, that of coastal communities. To prevent these fisheries from being marginalized within the marketplace, it is essential to effectively communicate and promote the importance of social benefits to the seafood marketplace.

What's next?

Why aren't we talking about fairwashing as much as we do about greenwashing? Fairwashing poses formidable challenges to the seafood industry's endeavours to promote ethical trade and human rights. Distinguishing fairwashing from greenwashing is pivotal in addressing these concerns effectively, and we should give more attention to fairwashing in our industry in general.

Companies must prioritize transparency, fair pricing, ethical certifications, and regular labour audits to mitigate fairwashing and meet consumers' ethical standards and expectations. Ensuring that socially-responsible best practices are occurring throughout any supply chain is paramount. While supporting one-by-one tuna fisheries, the International Pole and Line Foundation (IPNLF) is a leader in shifting the global narrative towards responsible seafood, which duly considers the local, social, and economic impacts and human rights issues in fisheries. As such, securing, safeguarding, and building opportunities for coastal communities to participate in highly-competitive global seafood markets is a crucial area of our work.

By rectifying the broken economics of the seafood sector and supporting fair labour practices, we can transition toward an equitable and fair seafood industry that safeguards human rights, particularly vulnerable populations, while ensuring that ethical trade prevails.



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