



Canned Tuna Brands - Questions on Human Rights in Pacific Tuna Fishing Operations and Supply Chains (2020/21)

* The term 'modern slavery' used in this survey is taken to include forced labour, slavery, human trafficking, servitude, bonded and child labour.

Company: Simplot Australia

Canned Tuna Brands: John West

Human Rights Policy

1.

- a. Since January 2019, has your company introduced any **new** human rights policies to address the risk of **modern slavery*** in its operations or supply chains? Yes / No
If yes, please provide full details and a link.

Yes. Simplot Australia has updated its Supplier Guidelines, which are now the Simplot Partner Code of Conduct ([see link](#)).

As detailed in the responses below, we have the unique advantage of having 100% observer coverage (with the exception of the period during the COVID-19 pandemic) on all purse seine trips through our relationship with Pacifical and the Parties to the Nauru Agreement (PNA) who are global leaders in tuna conservation and management. This sets us apart from others in the industry.

Independent observers audit every trip by every vessel. Observer checks include crew lists and identification, verification that conditions are acceptable onboard, and no underage or slave labour. Observers report any incidents or issues they find.

- b. Since January 2019, has your company **revised or updated** any of its existing human rights policies to address the risk of modern slavery in its operations or supply chains?

Yes. Simplot Australia has updated our John West Sustainable Seafood Policy, which references modern slavery ([see link](#)).

2. Since January 2019, if your company has made a **new** commitment address **modern slavery** does it apply throughout your supply chains?

Simplot Australia has launched a modern slavery project team and will be submitting its first annual modern slavery statement in March 2021.

In reference to tuna, our supply chain partners are required to have policies in place to address Modern Slavery. The Pacific/PNA MSC certified fishery is a leader in addressing Modern Slavery within the tuna purse seine fishery in the PNA region. In 2016, they published a policy that prohibits modern slavery and in 2020 initiated a collaboration with Conservation International with the intention to collect primary data from fishery observers and crew in regards to human rights and slavery risks.

This work is ongoing and provides Simplot Australia with class-leading data to support our sourcing goals in this important area of the tuna supply chain. Simplot Australia is working with Pacific/PNA to have the current processes independently reviewed and will assess the next steps required as part of continuous improvement efforts.

3. Since January 2019, has your company adopted or revised a responsible sourcing or **supplier code of conduct** that prohibits modern slavery?

Yes, as per Simplot Australia's [Partner Code of Conduct](#).

Human Rights Due Diligence Process

4. Has your company **mapped** its tuna supply chains, in whole or part? Yes / No

Simplot Australia source 100% of our skipjack and yellowfin tuna requirements from the Pacific/PNA MSC certified fishery. The Pacific/PNA MSC certified skipjack and yellowfin supply chain is 100% transparent and traceable. Each tuna tin can be traced back to a single fishing vessel trip, including trip dates and coordinates. The MSC certified skipjack and yellowfin is 100% independently monitored.

This program is leading the way within the tuna industry in developing independent and robust Human Rights initiatives.

The Pacific/PNA MSC skipjack and yellowfin range of products are sourced from a fishery governed by a unique public-private partnership with the PNA countries. All fishing trips have an independent observer onboard (with the exception of the period during the COVID-19 pandemic) to register compliance with the [Harmonised Minimum Term and Conditions](#) (HMTTC) as well as [voluntary certification policies](#) which cover Human Rights issues.

In May 2019, Pacific Island Fisheries Ministers agreed to broaden the regional HMTTC for fishing licensing to include crew employment conditions, human rights and labour conditions. HMTTC apply to all fishing vessels fishing in PNA waters, including PNA flagged vessels.

The data collected includes:

- Vessel details, such as the state of the vessel (e.g. old, new, poorly maintained), fishing gear, and safety equipment (lifejackets, life raft, etc.)
- Company details and agents used in all ports
- Crew lists, crew nationality, experience, rank, if any crew left or joined the vessel during the trip
- Details of crew backgrounds, the social behaviour of crew on-board including any incidents, and mistreatment of observer and/or crew

All HMTTC provisions are implemented domestically, including through legislative amendments and license conditions. They are minimum standards and do not preclude more stringent national license terms and conditions. Penalties for non-compliance with laws and license conditions, including those relating to crew employment and vessel

safety, include prosecution, fines, detention of the vessel, and/or exclusion from fishing in PNA waters and revoking of the [PNA MSC Chain of Custody Group Certification](#).

5. Does the company source tuna from the **Pacific** region? Yes / No
If yes, provide location (by country).

Yes. Simplot Australia source 100% of our skipjack and yellowfin tuna requirements from the Pacific/PNA MSC certified fishery. The PNA MSC skipjack and yellowfin are sourced from the PNA countries' Economic Exclusion Zone (EEZ): Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu plus Tokelau.

6. Since January 2019, has your company adopted, or revised, a human rights due diligence policy, process or procedure to identify, assess and manage human rights risks (actual or potential), including modern slavery, in its operations (and those of its subsidiaries) and supply chains? Yes / No

If yes, please provide details and describe the human rights due diligence process. **Key steps include:** (i) identifying and assessing human rights impacts; (ii) integrating and acting on assessment findings; (iii) tracking the effectiveness of the company's response; and (iv) communicating externally about how the company is addressing its human rights impacts.

Yes, as detailed in our Partner Code of Conduct. Simplot Australia's modern slavery project team has progressively been contacting suppliers to seek endorsement/support of Simplot Australia's Partner Code of Conduct and request they join Sedex. Conduct self-assessments and provide results to Simplot Australia for evaluation and identification of any further action.

In line with Australian legislative requirements, this information will be included in our first modern slavery statement, which will be published in March 2021.

7. Since January 2019, has your company taken **practical action** to ensure that modern slavery does not occur in your company's (or its subsidiaries') operations and supply chains for tuna procurement from the Pacific? If yes, please describe.

Examples might include:

- i) *training* staff and management, workers, suppliers or business partners about rights, risks, responsibilities and remediation;
- ii) *engaging* with NGOs, fishers/ their representatives (including unions) and policy-makers;
- iii) *cascading contractual* clauses in supply agreements;
- iv) *digital traceability* of fish (across entire supply chain, or part only);
- v) *prohibition on recruitment fees*;
- vi) *protective measures* to protect against exploitation of *migrant* fishers;
- vii) *prohibition on sourcing* from suppliers that *transship* at sea, or use *flags of convenience*;
- viii) *ensuring freedom of association* and collective bargaining by fishers/ their representatives (including unions);
- ix) *oversight of recruitment* or labour hire entities; and
- x) *independent supply chain auditing*.

Please provide details.

Simplot Australia has taken the following practical actions:

- Undertaken company-wide modern slavery training, including the release of an awareness video. In addition, we have a Sustainability Working Group and Corporate Social Responsibility Committee (which includes four Executive Directors) that oversee all company- activity, including identifying human rights' risks.
- *Liaising with our key partners in WWF, MSC, ASC and Pacifical regarding ongoing developments in this sector.*
- Updating our contract templates with new modern slavery clauses.
- Prohibiting recruitment fees, which is captured in our John West Sustainable Seafood Policy (see <http://johnwest.com.au/sustainability>).

- Ensuring *freedom of association* and collective bargaining by fishers and their representatives (including unions). This is captured in our John West Sustainable Seafood Policy (see <http://johnwest.com.au/sustainability>).
- After existing COVID-19 restrictions and impacts lift, Simplot Australia will be undertaking some targeted 3rd party auditing in our supply chain.

In addition, for Pacifical/PNA MSC Certified skipjack and yellowfin, Simplot Australia is in close cooperation with the PNA representatives and fishery management to raise awareness about the importance of due diligence.

All vessels will have to acknowledge and implement [the social guidelines](#), as well as meet the requirements set out in the [HMTC](#). Both frameworks cover human rights policies and prohibition of slavery. The social guidelines prohibit recruitment fees and secure freedom of association.

The Pacifical/PNA MSC Certified skipjack and yellowfin from the PNA MSC fishery has 100% full chain traceability.

8. If the company has taken steps to identify and address human rights risks, how does it (a) **prioritise** which risks to address first; and (b) assess and track the **effectiveness** of its actions and response?

Simplot Australia's modern slavery project team have fully assessed and segmented our supplier base in order to commence due diligence with the highest perceived risks – based on product, industry and geographical data.

We utilise Sedex to determine each supplier's risk rating, this allows us to determine if further due diligence needs to be undertaken such as a Sedex Members Ethical Trade Audit.

In regards to our Tuna Supply Chain, we will use the Pacifical and PNA assurance policies which verify independent observer data to identify and assess if any action is required regarding any specific fishing trip we source from.

Grievance Mechanism

9. Since January 2019, per the [UN Guiding Principles on Business and Human Rights](#), has your company adopted, or made changes to improve, a **grievance/ complaints mechanism** through which workers, including fishers in your supply chains, can raise concerns about human rights? Yes / No

If so, can they access this in their own language and in a way that allows grievances, or concerns, to be reported safely, in confidence and without intimidation? Have any human rights concerns connected with the Pacific tuna sector been reported via your company's complaints mechanism? Please provide details.

Yes. Simplot has globally released a [Code of Conduct](#) which includes a grievance mechanism. A Whistleblower policy was also released in 2019 for Simplot Australia. Simplot Australia and New Zealand team members also have full access to a confidential counselling service.

For the Pacific/PNA MSC Certified skipjack and yellowfin the due diligence project, which will be led by Conservation International, it intends to specifically focus on the evaluation and implementation of an effective grievance mechanism for crew and observers.

10. Since January 2019, have you introduced a corrective or **remediation plan** if instances of modern slavery are identified in your operations, or supply chains? Can you describe it?

Through adoption of Sedex we identify medium and high-risk suppliers to determine if further due diligence needs to be undertaken such as a Sedex Members Ethical Trade Audit.

If modern slavery is detected with any supplier we follow all legal obligations and have an internal escalation process for working with our suppliers to address the issues identified. For the PNA MSC certified vessels, they have an internal process for managing non-conformances. They have zero tolerance for any form of human rights abuses or modern slavery. Vessels found in breach of their policy are not eligible to participate in PNA MSC program or fish in PNA waters.

11. How many **instances** of modern slavery has your company **identified** over the last 3 years (from and including 2018) in its own operations (including subsidiaries) or in its supply chains that relate to tuna procurement from the Pacific?

Please describe by reference to:

- (a) Number of instances (broken down for each calendar year)

Zero direct instances of modern slavery in the previous three years in our operations.

- (b) Do you know where they occurred? Please describe event(s).

- (c) How did the company respond to address the issue(s)?

Reporting

12. Does your company communicate, or **report**, externally on steps taken to address modern slavery? Yes / No

Simplot Australia will commence lodging annual modern slavery statements under the Australian legislation from March 2021. The period covered by our first modern slavery statement will be our most recent financial year (1 September 2019 to 31 August 2020).

If yes, please provide relevant details, in period since January 2019. This could include statements issued under the [UK](#) or [Australian](#) Modern Slavery Acts.

Other information

13. Since January 2019, has your company encountered **obstacles or challenges** in implementing its human rights commitments, taking practical action against modern slavery in tuna supply chains and/or in relation to any of the areas mentioned above? Yes / No

If yes, please explain and provide details of any strategies to overcome them.

No, mainly due to our strong partnership with Pacifical/PNA and our unique assurance based on observer data via this partnership with the island countries we source from. We

also have full cooperation from our processors in Thailand, all of which have implemented recommendations from the United Nations International Labour Organization (ILO).

14. Since January 2019, has your company joined or been active in any regional, or sectoral, **multi-stakeholder initiatives** that address modern slavery in fishing?

If yes, please provide details.

Simplot Australia is an active supporter of the ILO's Good Labour Practices Guidelines in Thailand. This work is in conjunction with the Royal Thai Government, United Nations, employees and industry associations, trade unions, NGOs and major global brands. For further information please visit http://www.ilo.org/asia/WCMS_221455/lang-en/index.htm

Simplot Australia also supports the Tuna 2020 Traceability Declaration. PNA members make up the eight governments that support the Tuna 2020 Traceability Declaration.

15. Please provide any **other information** about your company's policies and practices on human rights that may be relevant.

COVID-19 impacts

16. Has the **COVID-19** pandemic affected your ability to identify, assess or respond to modern slavery risks in your tuna supply chains?

Please explain and provide details, including any actions (a) taken or (b) delayed/suspended, by you.

Yes, due to COVID-19, PNA suspended the requirement for 100% observer coverage. However, the region is still maintaining around 30% coverage which is significantly higher than other oceans where the recommended coverage is around 5%. In addition to this, the PNA Chain of Custody has been amended to provide alternative and additional compliance monitoring as a result of the impacts of COVID-19. This includes mandatory e-reporting to maintain chain of custody and traceability. In addition, crew and passport checks are still conducted for every trip.