

FOR IMMEDIATE RELEASE
January 3, 2018

Desmond Lee / 646-517-1826 / cohenmilstein@berlinrosen.com
Carole Vigne / 415-593-0135 / cvigne@legalaidatwork.org

OWNER OF U.S.-BASED FISHING VESSEL AGREES TO PRECEDENT-SETTING SETTLEMENT OVER ALLEGATIONS OF HUMAN TRAFFICKING, ABUSIVE LABOR PRACTICES

After federal lawsuit alleged seamen were subjected to human trafficking and forced labor, ship's owner agrees to new precedent-setting policies for informing workers of their rights under U.S. law

SAN FRANCISCO – Two Indonesian men have settled their claims against an American fishing boat captain whom they allege subjected them to forced labor and human trafficking. In a precedent-setting move for the U.S. commercial fishing industry, the ship's owner also agreed to a code of conduct and to inform future seamen of their rights under U.S. law, setting the stage for improved business practices across the fishing industry. The lawsuit was also the first such litigation brought under the U.S. Trafficking Victim's Protection Act.

"This settlement should be a wakeup call to the commercial fishing industry," said **Agnieszka Fryszman, a partner at Cohen Milstein Sellers & Toll who represents the plaintiffs and has been recognized nationally for her work combatting human trafficking and forced labor.** "There's simply no excuse for turning a blind eye to human trafficking, and we look forward to continuing our efforts to hold others in the industry accountable."

In a September 2016 federal lawsuit filed in the U.S. District Court for the Northern District of California, Sorihin (who uses one name) and Abdul Fatah alleged they were promised good jobs at good wages in the U.S. commercial fishing industry. Instead of the promised job at the promised wage, the men were taken to sea and transferred against their will while in the middle of the Pacific Ocean to another ship, the Sea Queen II, where they allege they were subjected to forced labor fishing for tuna, swordfish, and other seafood in the waters around Hawaii and California at less than the promised pay.

The lawsuit alleged that the owner of the ship, Thoai Van Nguyen, verbally abused the plaintiffs and refused to return their passports, telling Sorihin and Fatah that they could not leave the Sea Queen II unless the workers paid him thousands of dollars. The plaintiffs alleged they were forced to perform hazardous work for up to 20 hours per day without adequate protective equipment, and were denied medical treatment for injuries sustained on the job, including

wounds to the face and a thumb that was impaled by a machine on board. The plaintiffs eventually took their opportunity to escape when the Sea Queen II docked in San Francisco, California.

In addition to confidential financial terms, the ship's owner also agreed to implement a code of conduct and to distribute information outlining the rights and protections guaranteed under U.S. law, as well as contact information for help lines and legal assistance for those whose rights are violated. Additional protections for current and future fishermen aboard the Sea Queen II secured by the settlement include: guaranteed access to passports; the provision of medical attention for injuries; minimum rest hours and appropriate protective clothing at no cost; the right to terminate the contract early without incurring penalties; and employment contracts in the employee's own language.

"I hope the captain treats the seamen as he has agreed to. The help lines on the flyer will be very useful for seamen in difficulties. I hope these protections help others from feeling trapped like I did," said **Abdul Fatah**.

"I hope the code of conduct will bring better treatment to seamen on the Sea Queen and in the fishing industry. No one should have to go through what I went through," added **Sorihin**. "That is why I had to bring this case. I feel more at peace now."

Carole Vigne, Senior Staff Attorney at Legal Aid at Work, who is also representing these plaintiffs shared this hope: "The basic protections secured in this agreement lays the groundwork for minimum labor standards in the commercial fishing industry. We hope it becomes a model for all captains who want to do right by their immigrant crew."

The International Labor Organization has found that commercial fishing operations are increasingly recruiting seamen from developing countries to cut costs. Advocates say these workers are especially vulnerable to coercion and exploitation because of their isolation at sea.

"I hope the critical victory we secured today inspires Indonesians and others in this country who have been subjected to gross injustices to take a stand and seek help," said **Yenny Teng-Lee, who also represents the plaintiffs and is active in the Indonesian-American community in the Bay Area**.

The case is [Sorihin and Abdul Fatah v. Thoai Van Nguyen dba Sea Queen II, Case No. 16-5422](#), in U.S. District Court for the Northern District of California.

ABOUT COHEN MILSTEIN SELLERS & TOLL PLLC

Founded in 1969, Cohen Milstein Sellers & Toll PLLC is recognized as one of the premier law firms in the country handling major, complex plaintiff-side litigation. With more than 90 attorneys, Cohen Milstein has offices in Washington, D.C., Chicago, Ill., Denver, Colo., New York, N.Y., Palm Beach Gardens, Fla., Philadelphia, Pa., and Raleigh, N.C. For additional information, visit www.cohenmilstein.com or call 202.408.4600.

ABOUT YENNY TENG-LEE

The Law Office of Yenny Teng-Lee provides quality and affordable legal services. We focus on core legal services and extensive use of technology to cut down on legal costs. We are built on meaningful connection with local communities and helping people.

ABOUT LEGAL AID AT WORK

Legal Aid at Work (formerly Legal Aid Society-Employment Law Center) delivers on the promise of justice for low-income people. We provide free direct services through our clinics and helplines. We offer extensive legal information for free online and in trainings, we litigate individual and class actions, and we advocate for new policies and laws. For additional information, visit www.legalaidatwork.org.