

NIPSG Mackerel Fishery

Certificate Holder Forced and Child Labour Policies, Practices and Measures

1. Introduction

Fisheries and at-sea Certificate Holders (CH) in the Marine Stewardship Council (MSC) program are required to provide a self-description of policies and measures, including regulatory requirements and procedures that are in effect in the Unit of Assessment, to protect fishing crew from forced labour or child labour, as well as any efforts by the private sector. The objective is to require certificate holders to communicate how government, industry, or other relevant entities protect against forced or child labour.

Each fishery and at-sea Chain of Custody client shall provide this information by completing this template. This template should be completed by the client in good faith and be based on information known and available to the client at the time of completion. The information provided should be representative of the range of measures known to the certificate holder.

The completed form will be uploaded to MSC database to be published on the MSC website at the same time as the Public Certification Report.

Guidance for filling in the template is found in the [Appendix](#) of this template. Information is required on all issues addressed in the template and should be provided in English, which is the official language of the MSC.

Please complete all unshaded fields. Please fill in N/A if an issue is not applicable, including a short justification for why it is not applicable.

2. Marine Stewardship Council certificate holder forced and child labour policies, practices and measures

Table 2.1 – Certificate holder information

1	Composition of fishery client group on behalf of who the statement is provided
	<ul style="list-style-type: none"> - The client group is comprised of 3 pelagic trawlers and 3 pelagic processors, all based in Northern Ireland. All costs are split equally between the six parties. - The client group, vessel owners and processors are the cost sharing members.
CH	
2	Responsibility for labour regulation
	<ul style="list-style-type: none"> - The Group is managed according to the laws on the United Kingdom, which includes Modern Slavery Legislation. In addition with the implementation of the ILO Work in Fishing Convention (ILO C188)¹ into UK national law on 31 December 2018, members are now formally subject to the provisions set out under The Merchant Shipping (Work in Fishing Convention) Regulations 2018 (WIFC Regulations 2018)². This cements in place all the work undertaken since 2007 when ILO C188 was first signed. Members have played a pivotal role in defining the process of implementation in the UK and may be a key leader in respect of advancing the spirit of ILO C188 during the formative years of the WIFC Regulations 2018, and the application of its respective provisions. - The Maritime & Coastguard Agency are responsible for the application on these laws in the United Kingdom, through regular port visits and inspection of the vessels. Relates inspections are also carried put with employers on-shore.
CH	
3	Risk identification and mitigation
	<ul style="list-style-type: none"> - With the assistance of the Anglo-North Irish Fish Producers Organisation (“ANIFPO”), NIPSG members have in 2019 and for the third consecutive year commissioned a bespoke Business and Human Rights Audit from Human Rights at Sea International (“HRASI”) Ltd. Based in Kilkeel, County Down, ANIFPO acts as Secretariat for the NIPSG. Beyond this, the organisation has taken a lead in respect of its members’ Corporate Social Responsibility (CSR), business ethics, and human rights considerations, particularly in relation to modern slavery and supply chain due diligence.
CH	
4	Crew recruitment
	<ul style="list-style-type: none"> - There are no migrant crew employed on board the NIPSG member vessels. All crew are domestic (UK) nationals. Positions on member vessels are particularly sought after and potential crew will approach vessel owners seeking a position. Owners follow a due diligence procedure with prospective crew, ensuring that applicants have any mandatory certification required. Where this is not available owners will arrange for the necessary training to be provided.
CH	
5	Engagement with fish worker groups
	<ul style="list-style-type: none"> - As described at 3. Risk identification and mitigation, via the ANIFPO the NIPSG members engage with Human Rights at Sea International (“HRASI”) Ltd to provide an annual audit in respect of crew rights, in particular non-EEA crew. To the best of our knowledge this process in unique in the UK and Europe
CH	
6	Crew contracts
	<ul style="list-style-type: none"> - All crew are self-employed share fishermen and comply with the necessary UK Legislation. As such there are no contracts between owners and crew.

CH	
7	Audits and labour inspections
	<ul style="list-style-type: none"> - Working with Human Rights at Sea ANIFPO aimed to include a sample size of 40 or more crew respondents in the 2019 (Year Three) audit. This was based on a confidence level of 95% and a maximum margin of error of 7% +/-. - A combination of structured personal interviews and self-completion questionnaires were used during the course of the audit. Exactly the same question set was used in both cases. A question guide can be found at Annex A to this report. - 30 respondents subsequently participated in the audit. 11 respondents were interviewed in person at the offices of ANIFPO in Kilkeel, whilst the remaining 19 responded via self-completion questionnaires. The sample size produced a confidence level of 95% with a margin of error of 11% +/-. - Interviews were carried out over the course of two days and at the end of the week in order to fit in with ANIFPO members' fishing patterns and to maximise participation. Self-completion questionnaires were distributed to members for onward distribution to their non-EEA crew approximately two weeks prior to interviews being conducted.
CH	
8	National minimum age requirements
	<ul style="list-style-type: none"> - The minimum age for working on a UK fishing vessel is 16 years of age - Owners are required to maintain crew lists, which provide details including date of birth of all crew members. These records are made available during regular Maritime & Coastguard Agency inspections. - Minimum age requirements are checked by both the Maritime & Coastguard Agency and the process described earlier with Human Rights at Sea.
CH	
9	Repatriation
	<ul style="list-style-type: none"> - All crew are UK nationals, working as self-employed share fishermen. As such there are no employment contracts between vessel owners and crew. The nature of the NIPSG pelagic fisheries are that crew are working on a seasonal basis for no longer than six months of the year. During the fishing season crew visit home on a regular basis with all travel costs met by the owners. As self-employed share fishermen crew have total freedom of movement and are free to leave the vessel at any time.
CH	
10	Debt bondage
	<ul style="list-style-type: none"> - No such evidence exists with the share fishermen serving on the NIPSG pelagic trawlers. To repeat all crew are UK nationals.
CH	
11	Grievance and remedy mechanisms
	<ul style="list-style-type: none"> - Please list any policies or measures (e.g. hotline) that are in place for crew voices to be heard and to report and remediate any instances of forced or child labour.
CH	
12	Identification documents
	<ul style="list-style-type: none"> - All crew are themselves responsible for the safe-keeping of identification documents, including passports. In case of loss copies of the same maybe held by the owners.
CH	
13	Additional comments
	<ul style="list-style-type: none"> - None

CH	
14	Date this template was last updated
	- 06/06/2019
CH	

3. Appendix – Guidance on filling in the Certificate Holder Forced and Child Labour Policies, Practices and Measures Template

3.1. Composition of the fishery client group on behalf of who the statement is provided

If a fishery is in full assessment and the cost-sharing participants and arrangements are not yet determined, provide as much detail as possible regarding the expected cost-sharing entities that will comprise the client group, should the fishery achieve certification, and the relationship between such client group representatives and the vessel owners and operators in the Unit of Certification (UoC).

3.2. Responsibility for labour regulation

Provide information on laws and regulation and the authorities that have responsibility for labour regulations in the area in which the fishery operates, including flag state authorities where this is applicable. Describe how these are enforced.

3.3. Risk identification, mitigation and remediation

The information required in this section includes information known by the certificate holder on processes and practices that are applicable in the UoC to identify, assess, prevent and mitigate forced and child labour risks. The information may include government policy or measures, or where applicable, measures being implemented by the certificate holder.

3.4. Crew recruitment

The information required here includes information on the methods used to recruit crew in the UoC, any widespread use of migrant labour, the countries that crew come from and information on recruitment agencies used where this information is available and known to the certificate holder. It may also include information known of visa programs used to bring in workers to the UoC and on payment of recruitment fees.

3.5. Engagement with fish worker groups

In some countries, there may be engagement with fish worker groups or other types of organisations that work to address risks of forced labour. Where this occurs provide information on such engagement. This may include information on any organizations in the port area which support crew members socially, e.g. seafarers' ministry, fishers' association, local committees.

3.6. Crew contracts

Contracts are legal work agreements with labour duties and payments clearly spelled out. Describe the nature of crew contracts in the UoC, specifically features related to forced and child labour, whether the contracts are written in languages understood by crew and how provisions in the contract are enforced.

3.7. Audits and labour inspections

Describe any government labour inspections or social audits and certifications of working conditions within the UoC in the past 2 years. Where the information is available provide a link to the criteria against which the audit took place.

3.8. National minimum age requirements

For this section describe national minimum age requirements and provide a description of regulatory and private sector systems in place to confirm that minimum age restrictions are met. Include information on any exceptions to statutory minimum age requirements which are used by the UoC and information on policy for hiring young workers in compliance with national legislation. This should also include description of any policy or practices for monitoring including hours of work and rest for young workers. This may include information on any other programs which are monitoring labour in your UoC fishing area.

3.9. Repatriation

This section requires a description of how departure of crew members across the UoC is handled. This may include information about government, and/or where known, any applicable company policy on end of crew members' contracts; involuntary termination; leave (including family visits and medical treatment); freedom of movement during the work term and departure terms within crew member contracts.

3.10. Debt bondage

Deductions for costs of work from pay can cause debt bondage and put crew at risk of forced labour. Examples of such work costs include costs of getting to work, placement/broker fee, medical costs, safety gear, food at the workplace, remittance fees and repatriation costs.

Describe systems in place to avoid debt bondage. If there is evidence of systemic practices to impose costs on workers, what measures are in place to avoid debt bondage.

3.11. Grievance and remedy mechanisms

Provide a description of systems known to be in place that allow crew to share information, access assistance and report labour violations and how the systems work to address such reports and provide remediation.

3.12. Identification documents

Describe provisions across the UoC for crew to access their official identification (passports, visas, seafarers book). Where the law in a jurisdiction requires the vessel owner or captain to hold the crew members' official identification, describe the protocol, including government regulations in place to ensure that crew members can access their personal documents and have freedom of movement.

4. Template information and copyright

This document was drafted using the 'Certificate Holder Forced and Child Labour Policies, Practices and Measures Template v1.01'.

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Template version control		
Version	Date of publication	Description of amendment
1.0	17 December 2018	Release alongside Fisheries Certification Process v2.1
1.01	28 March 2019	Minor document change for usability

A controlled document list of MSC program documents is available on the [MSC website](http://msc.org) (msc.org).

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