

[Tri Marine Pacific Longline 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"> - Characterise the composition of the fishery client group, including cost sharing entities. - Describe the relationship between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC).
CH	<p>The fishery certificate holder is Tri Marine International Pte. Ltd., a global tuna company. More info at: http://www.trimarinegroup.com/</p> <p>The UoC currently consists of 95 Taiwan/Vanuatu flagged vessels owned by a collective of vessel owners based in Taiwan. The vessels unload mainly in American Samoa, Solomon Islands, Fiji and sold to Tri Marine.</p> <p>Tri Marine is pursuing the MSC fishery assessment on behalf of these supplying vessels/vessel owners.</p>
2	Responsibility for labour regulation
	<ul style="list-style-type: none"> - What management authorities and laws, including flag state authorities, control labour-related regulations in the unit of assessment area? - How are laws enforced?
CH	<p>The Vanuatu flagged vessels abide by the regulations laid out by flag state authority, Vanuatu's Department of Labour and Employment Services (DOL) https://dol.gov.vu/index.php/2016-03-15-14-31-48, Employment Act http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=69554, Health and Safety at Work Act https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=60633&p_classification=14, Minimum Wage and Minimum Wages Act http://www.paclii.org/vu/legis/consol_act/mwamwba324/, Labour (Work Permits) http://www.paclii.org/vu/legis/consol_act/lpa240/, Maritime Act http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=83134 etc</p> <p>The Taiwan flagged vessels abide by the regulations laid out by flag state authority, Taiwan Fisheries Agency (TFA). The Fishermen Association Act: https://www.fa.gov.tw/en/LegalsActs/content.aspx?id=3&chk=e6760d67-d794-41ed-ab5a-c3a3449e34b4&param=pn%3d1 Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members: https://www.fa.gov.tw/en/LegalsRegulation/content.aspx?id=31&chk=1ab5d1ef-2c1f-4df7-92db-6db044616ec9&param=pn%3d2 Regulations on the Management of the Crew of Fishing Vessels: https://www.fa.gov.tw/en/LegalsRegulation/content.aspx?id=10&chk=4ffb0e37-2bc6-4e1a-85f6-3154945de418&param=pn%3d3 and the Employment Service Act under Ministry of Labour for local crew in particular: https://laws.mol.gov.tw/FLAW/FLAWDAT01.aspx?id=FL015128 The overarching regulations are Labor Safety and Health Act, Occupational Safety and Health Act, and Ship and Boat Equipment Regulations and Law of Ships. In addition, part of the UoC are also members of the Taiwan Tuna Association which applies CSR initiatives and requirements.</p> <p>As vessels operating in the WCPFC convention area, the UoA are also bounded by WCPFC resolution 2018-01: https://www.wcpfc.int/doc/resolution-2018-01/resolution-labour-standards-crew-fishing-vessels.</p> <p>Tri Marine is also a member of the Seafood Task Force (STF) and require our suppliers (including vessels in UoC) to abide by the STF Code of Conduct: https://www.seafoodtaskforce.global/resources/. Audits are conducted by an appointed 3rd party auditing body on a sample of vessels from all supplying vessels.</p>
3	Risk identification and mitigation

	<ul style="list-style-type: none"> - Describe the processes, including government and certificate holder measures, that are in place in the UoC to identify and mitigate any risk of child and forced labour.
CH	<p>The Director of Vanuatu Fisheries Department (VFD) maintains a record of all the crews employed on Vanuatu fishing vessels as per Fisheries Act 10. of 2014, which includes details such as the crew's date of birth and a copy of the crews' passport. Work permits issued by Commissioner of Labour are also required for non-citizens per Labour Act</p> <p>TFA has agents/appointed 3rd party agencies posted at authorised unloading ports, where crew can freely report instances of forced/child labour. Vessels employing foreign crew members are liable for inspections by personnel designated or commissioned by competent authority as per article 33 of the foreign crew regulation. Locally, authorities such as Occupational Safety and Health Administration, Ministry of Labour, and local Labour Affairs Bureau also conducts inspection on safety and working conditions when vessels enter Taiwan while the Maritime and Port Bureau, Ministry of Transportation and Communications, inspects safety equipment. TFA also conducts checks on general working, living and labour conditions on distant water fishing vessels. Crew can also raise complaints through a dedicated telephone line with multi-language services, seaman's/fishermen's service centers, NGOs, or write directly to TFA. Recruitment agents are vetted and authorised by competent authority as per article 9 of the foreign crew regulation, where validity of each application is 2 years. As per article 18 of the foreign crew regulation, the competent authority may also conduct an annual review and grading (A, B, C, D) of the approved agents. License will be revoked for agents graded C for two consecutive years or agents graded D.</p> <p>Tri Marine conducts random auditing of vessels (through an appointed third-party auditing body) against the STF Code of Conduct, which includes clauses on forced and child labour.</p>
4	Crew recruitment
	<ul style="list-style-type: none"> - Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	<p>The UoC engages agents to recruit crew.</p> <p>Typically, migrant crew include Vietnamese, Filipino and Indonesian nationals.</p>
5	Engagement with fish worker groups
	<ul style="list-style-type: none"> - Where there is known engagement with fisher, migrant, and worker rights groups, describe how this occurs and the organisations engaged with workers in the Unit of Assessment (UoA).
CH	<p>Tri Marine fully supports workers' right to associate and bargain. We require our suppliers to abide by the STF code of conduct which includes clauses relating to freedom and rights.</p>
6	Crew contracts
	<ul style="list-style-type: none"> - Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.
CH	<p>As stipulated by Vanuatu's Employment and Maritime Act, contracts ("shipping articles") are required for all crew on board vessels above GT 75 which includes all vessels under UoA. The items included in the shipping articles are as stipulated in the Maritime Act.</p> <p>As stipulated by TFA regulations, contracts must be established with crew (bilingual contracts for foreigners) and a copy of the contract is to be provided to the crew member. Minimum contract terms are as stipulated in the regulations, e.g., for foreign crew: minimum wage, insurance, medical treatment, transportation etc</p>
7	Audits and labour inspections
	<ul style="list-style-type: none"> - Describe any 3rd Party audits and certifications on labour, or labour inspections conducted within the UoC in the last two years.
CH	<p>Vessels are liable for inspections by personnel designated or commissioned by competent authority, as well as STF vessel audits conducted by Tri Marine's appointed third-party auditing body.</p>
8	National minimum age requirements

	<ul style="list-style-type: none"> - Describe national minimum age requirements for crew members serving on vessels within the UoC. - Describe systems in place, both regulatory and private sector systems, to ensure that crew members meet national minimum age requirements. - Describe how this is checked, including enforcement within the UoC by the responsible governing authority or oversight body such as labour inspectors.
CH	<p>As stipulated in Vanuatu's Maritime Act, persons under the age of sixteen shall not be employed or work on Vanuatu vessels. A register of all persons under the minimum age must also be kept on board if applicable, subject to inspection by a labour officer.</p> <p>As stipulated by TFA regulations, ordinary fishermen shall be above the minimum age of 16 or over the age of 15, subject to other conditions. Crew officers shall meet the minimum age of 18. In particular, foreign crew members employed by distant water fisheries operators must be above the age of 18, as per article 3 of the foreign crew regulation. To work at sea, fishers need to hold a Fishing Vessel Crew Identification (crew)/Fishing Vessel Officer Certificate (officers only)/Foreign Fishermen Certificate (foreigners only) issued by competent authority. In order to apply for the document, copy of identification documents, physical examination papers and photos etc need to be submitted to the competent authority for verification.</p>
9	Repatriation
	<ul style="list-style-type: none"> - Describe how repatriation issues are dealt with in the UoC with respect visits end of contract, voluntary and involuntary termination, and freedom of movement and the extent to which these are included in contracts.
CH	<p>As stipulated by the Vanuatu Maritime Act, repatriation of crew member at the completion of contract period is at the expense of the shipowner.</p> <p>As stipulated by TFA's foreign crew regulation, the distant water fisheries operator is liable to arrange for repatriation of the foreign crew member. Minimum contract terms are covered in both Crew Management Regulation and Foreign Crew Management regulation.</p>
10	Debt bondage
	<ul style="list-style-type: none"> - Describe if there is evidence of systemic practices to impose costs on crew members for placement or brokerage fees, travel to the workplace, visa, medical, safety gear, clothing/protective gear, food at the workplace, communications access, remittance fees, repatriation, etc. - If so, describe such practices and how debt bondage is avoided.
CH	<p>As stipulated in the Vanuatu Employment Act, no employer shall make any deduction or make any agreement with an employee for any deduction from the employee's remuneration unless mutually agreed or in line with the provisions of the Act.</p> <p>TFA regulations require agents to sign a service contract with foreign crew members and explicitly states that charging of service fees/any advance deduction of wages/indemnity is not allowed.</p>
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	Crew may report issues to onboard observers, third party auditors, or personnel designated/commissioned by competent authority in port.
12	Identification documents
	<ul style="list-style-type: none"> - Describe policies and practice in place across the UoC to ensure that crew members have free and timely access to their identification documents, including National ID, passports, visas, etc.
CH	Crew have free access to their identification documents. This may be inspected by personnel designated or commissioned by the competent authority.
13	Additional comments

	- Do you have additional comments on labour practices within the UoC?
CH	Given that UoA vessels mostly unload in port and carry independent observers for some of the trips, the risk of undetected labour abuse is extremely low.
14	Date this template was last updated
	- DD/MM/YYYY
CH	08/02/2021

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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