

Lund's Fisheries, Inc / The Town Dock

MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures v1.0

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>Group consists of independent contractors working on company owned or privately-owned US flag fishing vessels.</p> <p>The Town Dock: The Town Dock’s fishery group consists of independent contractors working on The Town Dock fleet or its affiliates. The Town Dock also does business with reputable unaffiliated entities. Other than the cost of MSC certification, The Town Dock has no cost sharing relationships with Lund’s.</p>
2 Responsibility for labor 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>Labor regulation is controlled by the US Government Department of Labor. Laws are enforced through required reporting and random inspection by the Department. We work under the department of wage and hourly laws and are in full compliance with all National labor laws, including supplying all employees with access to their rights under the law in the US. However, fishing crew members are considered independent contractors.</p> <p>Ultimately US labor laws cover all workers, whether directly employed or working as independent contractors. Fishermen are covered by the Jones Act for injury or death claims, which is different than the Workers Compensation laws for direct employees. However, for child labor, forced labor issues the US Department of Labor laws rule</p> <p>The Town Dock: The laws of the United States and applicable state laws may apply. Each such jurisdiction has its own enforcement mechanisms through administrative agencies and the courts.</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>Crew lists are periodically checked by the Marine Coastguard Agency and individual State enforcement. Child labor is prohibited in USA.</p>

	<p>The Town Dock: The Town Dock’s affiliates hire professional captains and experienced crews as independent contractors to operate their vessels, under terms and conditions negotiated between such vessel owner and the captain and each crew member, pursuant to written agreements. Such agreements require the captain and the crew to comply with applicable law. As a general matter, The Town Dock understands that such crew members are recruited in the United States by such captains and are generally adults age 18 or over. The Town Dock and its affiliates only do business with reputable unaffiliated entities, who are governed by the laws of their own jurisdictions. Each vessel’s compliance with law is subject to audit by agencies of the United States, the applicable States and possibly other jurisdictions.</p>
<p>4 Crew recruitment</p>	
	<p>- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.</p>
CH	<p>All hiring goes through the boat captain. Crew members receive a 1099. Crew members must complete a W-9 prior to sailing. Foreign crew restrictions are mandated under 46 U.S.C. 8103(i)(1). There is a strict 25% of foreign crew limitation. Waivers can be requested but vessels in the fisheries we operate in have no problem hiring US citizens or permanent residents as required.</p> <p>The Town Dock: The Town Dock’s affiliates hire professional captains and experienced crews as independent contractors to operate their vessels, under terms and conditions negotiated between such vessel owner and the captain and each crew member, pursuant to written agreements. Such agreements require the captain and the crew to comply with applicable law. As a general matter, The Town Dock understands that such crew members are recruited in the United States by such captains and are generally adults age 18 or over. Such captains are aware of the laws of the United States with respect to limitations on the compositions of fishing crews. The Town Dock’s affiliates only do business with reputable unaffiliated entities, who are governed by the laws of their own jurisdictions.</p>
<p>5 Engagement with fish worker groups</p>	
	<p>- 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).</p>
CH	<p>There are currently no organized labor groups in the commercial fisheries we engage in. Captain and Crew are paid based on percentage of catch and have never felt the need to organize.</p> <p>The Town Dock: Not applicable.</p>
<p>6 Crew contracts</p>	
	<p>- Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.</p>
CH	<p>Fishing vessel owners may have a fisher work agreement in place between the vessel owner and each crew member. There is no requirement for this. There is no standard crew contract, every company, if they even use crew contracts, have different formats. Contracts do not address child labor or forced labor as it is strictly against the laws of the United States.</p>

	<p>The Town Dock: The Town Dock’s affiliates hire professional captains and experienced crews as independent contractors to operate their vessels, under terms and conditions negotiated between such vessel owner and the captain and each crew member, pursuant to written agreements. Such agreements require the captain and the crew to comply with applicable law. The Town Dock’s affiliates only do business with reputable unaffiliated entities, who are governed by the laws of their own jurisdictions.</p>
<p>7 Audits and labour inspections</p>	
	<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>This is not applicable for the vessels, but the Marine Coastguard Agency periodically checks crew lists.</p> <p>The Town Dock: None, to The Town Dock’s knowledge.</p>
<p>8 National minimum age requirements</p>	
	<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>Lund’s requirements are crew members must be 18 years of age to be on a vessel. Sufficient documentation is required prior to employment to ensure individuals are 18 years or older and citizens of the USA or resident aliens. Marine Coastguard Agency checks crew lists during routine vessel inspections.</p> <p>The Town Dock: The rules vary depending upon the jurisdiction, the age of the minor and the particular job involved. As a rule, the United States sets 14 years of age as the minimum age for employment and limits the number of hours worked by minors under the age of 16. The Town Dock’s affiliates hire professional captains and experienced crews as independent contractors to operate their vessels, under terms and conditions negotiated between such vessel owner and the captain and each crew member, pursuant to written agreements. Such agreements require the captain and the crew to comply with applicable law. As a general matter, The Town Dock understands that such crew members are recruited in the United States by such captains and are generally adults age 18 or over. The Town Dock’s affiliates only do business with reputable unaffiliated entities, who are governed by the laws of their own jurisdictions. Each vessel’s compliance with law is subject to audit by agencies of the United States, the applicable States and possibly other jurisdictions.</p>
<p>9 Repatriation</p>	
	<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>Vessel Captains and crew members are all local US citizens or permanent residents, therefore this is not applicable.</p> <p>The Town Dock: Not applicable, to The Town Dock’s knowledge.</p>

10 Debt bondage

- 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

Fishermen receive a percentage of the catch less consumables such as fuel and food. Fishermen are required to have their own working gear, such as boots, slickers, etc.

Medical insurance is not included in most fisheries in the ZUS, since the crew are considered independent contractors. There is a national mandate that requires all workers, including independent contractors, to buy their own insurance, which can be subsidized by the US Government. If workers are not provided insurance, and do not buy their own, they are fined by the Government. If injured while working all US fishermen are compensated and have their medical bills paid under US Jones Act guidelines.

The Town Dock: The Town Dock's affiliates hire professional captains and experienced crews as independent contractors to operate their vessels, under terms and conditions negotiated between such vessel owner and the captain and each crew member, pursuant to written agreements. Such agreements require the captain and the crew to comply with applicable law. The Town Dock's affiliates only do business with reputable unaffiliated entities, who are governed by the laws of their own jurisdictions. As a general matter, The Town Dock understands that crew members are required to supply their own working gear and are paid as a percentage of the net revenue of each catch.

11 Grievance and remedy mechanisms

- 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

All crews are local, non-forced and do not include children. All crew members are free to go to their chain of command to report any issues. We also have an open-door policy in our company. Any employee or independent contractor is free to bypass their supervisor (in these cases the Captain) and report to the owner management. If issue doesn't get resolved; they can report it to the NJ labor board.

The Town Dock: The Town Dock's affiliates hire professional captains and experienced crews as independent contractors to operate their vessels, under terms and conditions negotiated between such vessel owner and the captain and each crew member, pursuant to written agreements. Such agreements require the captain and the crew to comply with applicable law. The Town Dock's affiliates only do business with reputable unaffiliated entities, who are governed by the laws of their own jurisdictions. Each vessel's compliance with law is subject to audit by agencies of the United States, applicable States and possibly other jurisdictions. Each such jurisdiction has its own enforcement mechanisms through administrative agencies and the courts.

12 Identification documents

	- 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	<p>Lund's does not retain any personal crew documents & Crew's documentation is not retained by the vessel captain. Crew members must carry their own identification documents while aboard the vessels for presentation, if asked for, by the US Coast Guard or State enforcement agents.</p> <p>The Town Dock: The Town Dock's affiliates hire professional captains and experienced crews as independent contractors to operate their vessels, under terms and conditions negotiated between such vessel owner and the captain and each crew member, pursuant to written agreements. Such agreements require the captain and the crew to comply with applicable law. The Town Dock's affiliates only do business with reputable unaffiliated entities, who are governed by the laws of their own jurisdictions. As a general matter, The Town Dock understands that crew members are responsible for their own passports and other identification documents.</p>
13 Additional comments	
	- Do you have additional comments on labour practices within the UoC?
CH	None
14 Date this template was last updated	
	- DD/MM/YYYY
CH	22/07/2019

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.

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.

3.4 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.

3.5 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.

3.6 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.

3.7 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.

3.8 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.

3.9 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.

3.10 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.

3.11 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 v1.0'.

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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

A controlled document list of MSC program documents is available on the MSC website (msc.org)

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