

# Chile Squat Lobsters Camanchaca<sup>o</sup> Demersal Trawl 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"> <li>- Characterise the composition of the fishery client group, including cost sharing entities.</li> <li>- Describe the relationship between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC).</li> </ul>
CH	Camanchaca Pesca Sur S.A. The traceability of this certificate starts with landings in port and a process plant under certificate COC no. 55641
2	Responsibility for labour regulation
	<ul style="list-style-type: none"> <li>- What management authorities and laws, including flag state authorities, control labour-related regulations in the unit of assessment area?</li> <li>- How are laws enforced?</li> </ul>
CH	
We work under the laws in force in the country. The Chilean labour law is the labour code and the government entities associated with Labour are the Ministry of Labour which promotes labour legislation and the Labour Inspectorate which monitors compliance with such standards.	
3	Risk identification and mitigation
	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
CH	<p>Child labour is prohibited in Chile  <a href="https://www.dt.gob.cl/portal/1626/articles-95516_recurso_2.pdf">https://www.dt.gob.cl/portal/1626/articles-95516_recurso_2.pdf</a>  <b>(Chapter II, talks about child labour)</b></p> <p>Camanchaca does not hire people under 18 years of age, which is stated in our code of conduct and corporate ethics, available on our website <a href="http://www.camanchaca.cl">www.camanchaca.cl</a> page 4.</p> <p>It is necessary for the contract to present :</p> <p>Affiliation to Pension Fund Administrator (AFP)</p> <p>Affiliation to National Health Fund Fonasa or Isapres          (Under age people cannot be affiliated, only be covered by their parents insurance)</p> <p>Presentation of identity card in which the minimum age of 18 is verified.</p> <p>The Labor Inspectorate carries out audits to check compliance with the working legal age.</p>
4	Crew recruitment
	<ul style="list-style-type: none"> <li>- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.</li> </ul>
CH	All hiring go through the Department of Human Capital. It is a requirement for both Chilean and foreigner to have their identification card issued by the Chilean Registration Office.

	If foreigners do not have an identity card, their recruitment takes place for as long as they have the legal authorization to work in the country, as stated in their passports minus one month.
5	Engagement with fish worker groups
	<ul style="list-style-type: none"> <li>- 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).</li> </ul>
CH	<p>In Chile, by law, the captain of the ship must be a Chilean citizen. And within the crew a maximum of 15% of foreigners is allowed. They must have their Registration, which is issued by the Directorate of the National Territory (Directemar), in order to obtain their registration, they must undergo theoretical and practical tests, as well as a medical certificate indicating that their health is compatible with the work they are going to perform.</p> <p>In Camanchaca Pesca Sur, there are workers unions for both boarded personnel and process plant personnel. Every worker is free to join a union, and it is the representatives elected by the Workers of each union who meet regularly with representatives of the company to express their concerns, requests and/or suggestions. However, any worker can freely approach his or her head office or Department of Human Capital if he or she wishes to raise his or her requirements. The above is stated in our Code of Conduct and Corporate Ethics available on our website. <a href="http://www.camanchaca.cl">www.camanchaca.cl</a> point 3.5 trade union organisation Policy page 10.</p>
6	Crew contracts
	<ul style="list-style-type: none"> <li>- Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.</li> </ul>
CH	Each time a worker is hired, Camanchaca issues a contract of employment which is signed by both the company and the worker, consistent with the requirements of the Chilean Labor Standard. The contract indicates the name, their quality of being over 18 years of age, the work to be performed, the duration of the contract, the salary, the working hours, the place where he or she will work, the frequency of salary payment, production bonuses and the overtime agreement, if applicable.
7	Audits and labour inspections
	<ul style="list-style-type: none"> <li>- Describe any 3rd Party audits and certifications on labour, or labour inspections conducted within the UoC in the last two years.</li> </ul>
CH	The Labor Inspectorate is the entity in Chile that controls us by visiting us once or twice a year. Camanchaca, when facing a massive hiring or dismissal of personnel, requests the Labor Inspectorate presence in order to ensure that the procedure has been carried out in full compliance with the Law. We do not have audits from other third-parties entities but them.
8	National minimum age requirements
	<ul style="list-style-type: none"> <li>- Describe national minimum age requirements for crew members serving on vessels within the UoC.</li> </ul>

	<ul style="list-style-type: none"> <li>- Describe systems in place, both regulatory and private sector systems, to ensure that crew members meet national minimum age requirements.</li> <li>- Describe how this is checked, including enforcement within the UoC by the responsible governing authority or oversight body such as labour inspectors.</li> </ul>
CH	<p>1.- All boat workers must have a Registration to which it is granted by the Directorate of the National Territory (Directemar), in order to obtain their registration they must undergo theoretical and practical tests, as well as a medical certificate indicating their health is compatible with the work that will be carried out this registration is not granted to people under the legal working age (18 years, in Chile).</p> <p>2.- Camanchaca does not people under the legal working age.</p> <p>3.- We are subject to inspection without prior notice by the Labour Inspectorate where they verify that all staff are of legal age.</p>
9	Repatriation
	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
CH	<p>Camanchaca does not bring workers from other countries, so it does not handle repatriation issues.</p> <p>Camanchaca only hires foreigners with temporary or permanent residence in Chile, or with the processing thereof, who have all their documentation in order according to the Chilean legislation.</p>
10	Debt bondage
	<ul style="list-style-type: none"> <li>- 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.</li> <li>- If so, describe such practices and how debt bondage is avoided.</li> </ul>
CH	<p>Camanchaca does not work in this mode Camanchaca Pesca Sur S.A.</p> <p><b>Delivery to all its personnel On board:</b> 100% of the food Work clothes Warm clothes Safety equipment: goggles, helmet, safety shoes, reflective vests, sunscreen, etc Money allowance for transportation from their home to the company</p> <p><b>To their process plant staff</b> Food during work shift Suitable work clothes for the working section (e.g. thermal suits for freezing area) All clothes are delivered and washed by the company Safety equipment: goggles, helmet, safety shoes, reflective vests, sunscreen, etc Money allowance for transportation from their home to the company.</p>
11	Grievance and remedy mechanisms

	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
CH	<p>All workers are free to go to the Labor Inspectorate to raise their concerns, non-conformities with their work contract, etc., and it is the obligation of the Labor Inspectorate to verify the worker's complaints. There are worker unions within the company, and workers can also make their complaints or demands to both their union leaders or directly to the department of Human Capital.</p>
12	Identification documents
	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
CH	<p>Camanchaca does not retain any kind of documents, only leaves copies of them in the worker's personal folder Camanchaca Pesca Sur does not hire foreign workers who do not have legalized documents in Chile and only leave a copy of those documents in the worker's personal folder ??</p>
13	Additional comments
	<ul style="list-style-type: none"> <li>- Do you have additional comments on labour practices within the UoC?</li> </ul>
CH	
14	Date this template was last updated
	<ul style="list-style-type: none"> <li>- DD/MM/YYYY</li> </ul>
CH	March 20, 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.

### **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 v1.0'.

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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](http://msc.org) (msc.org)

Senior Policy Manager  
Marine Stewardship Council  
Marine House  
1 Snow Hill  
London EC1A 2DH  
United Kingdom

Phone: + 44 (0) 20 7246 8900  
Fax: + 44 (0) 20 7246 8901  
Email: [standards@msc.org](mailto:standards@msc.org)