

WPSTA Western and Central Pacific skipjack and yellowfin free school purse seine

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	The members within the certification scope are tuna fishing companies, chartered carriers managed by FCF CO., LTD (FCF), and FCF is acting as the certificate holder/group entity managing the certification process, maintenance of compliance with MSC requirements and arrangement for the relevant MSC audits.
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 flag states of the Western Central Pacific Fisheries Commission (WCPFC), including UoC countries, such as USA, China and Taiwan had agreed on the Resolution 2018-01 since the last WCPFC meeting.</p> <p><u>WCPFC Resolution 2018-01</u> RESOLUTION ON LABOUR STANDARDS FOR CREW ON FISHING VESSELS</p> <p>https://www.wcpfc.int/doc/resolution-2018-01/resolution-labour-standards-crew-fishing-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 certificate holder has its own social program and policy (Tuna Sustainability Policy) that requires the UoC to comply to mitigate any risks of having child and forced labour in the supply chain.</p> <p>http://www.fcf.com.tw/wp-content/uploads/2019/06/FCF_Tuna_Sustainability_Policy_v2.0.pdf</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 uses recruitment agencies to recruit migrant crews to work on the vessels of UoC.</p> <p>The composition of crew includes Vietnamese, Philippines, Chinese and Indonesian.</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>FCF ensures freedom of association for all crew members that are part of its supply chain. FCF Tuna Sustainability Policy indicates that:</p> <p>“10. FREEDOM OF ASSOCIATION FCF and our suppliers ensure that the rights of workers to associate and bargain collectively are respected and they enable workers to exercise their rights in accordance with applicable law.”</p> <p>Fisher and migrant workers within FCF supply chain are free to engage with any worker rights groups.</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>The recruitment agents sign employment contract or legal work agreement with the crew working for UoC that includes the terms of rights and responsibility of each party. While employment contracts may be different for crews from different nationalities, the following elements are generally covered in the employment contracts:</p> <ul style="list-style-type: none"> - Duration of employment agreement - Working conditions and working hours - Salary and bonus - Repatriation conditions - etc
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>FCF social program is implemented as second party internal social audits program for verification of the UoC to ensure that there's no social or labor-related violations occurred.</p> <p>Audits are performed with the support of an independent third party auditor.</p> <p>Audit results are recorded in an independent audit management platform and audit results are shared with FCF suppliers.</p> <p>FCF is also implementing an audit follow up process to ensure that appropriate corrective actions are implemented whenever a non-conformity is identified.</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>The UoC has policy to recruit workers with minimum age of 18 years old and above only.</p> <p>During the recruitment process, the agents of UoC only provide crews at least 18 years old. The crew and vessel management team under UoC verifies the passport of workers provided to ensure there's no underage worker working on the vessels.</p> <p>Minimum age is verified systematically during FCF internal audit, and the following documents are verified to ensure that no crew member below 18 years old is being employed:</p> <ul style="list-style-type: none"> - Passport - Seaman book - Employment contract - Crew member interviews
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>The repatriation arrangement is based on the contract terms with regards to contract termination and expiration. The crew is able to freely terminate the contract, and the associated cost of repatriation is responsible by both vessel owners and the crew in a pro-rata scale.</p> <p>All employment contracts contain a clause related to repatriation conditions based on the completion or early termination of the employment contract. Repatriation conditions are clearly established in each employment contract and clearly explained to each crew member at the time of the recruitment process. This is verified by FCF during its internal audit process and based on crew interview.</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>In the Tuna Sustainability Policy of certificate holder, it states that:</p> <p>"3. FORCED LABOUR</p>

	<p>FCF and our suppliers strictly prohibit forced, bonded (including debt bondage) or indentured labor, prison labor, slavery or trafficking of persons. This includes transporting, harboring, recruiting, transferring or receiving persons by means of threat, force, coercion, abduction, or fraud for labor or services.”</p> <p>Any kind of debt bondage is prohibited by the UoC. UoC avoids the debt bondage by remitting the amount of salary stated in the contract to the crew. FCF verifies during social audits that no debt bondage is taking place within the UoC. This is verified through the following activities:</p> <ul style="list-style-type: none"> - Review of employment contracts - Crew interviews
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	<p>In the Tuna Sustainability Policy of certificate holder, it states that:</p> <p>“11. GRIEVANCE PROCEDURE</p> <p>FCF and our suppliers ensure that an effective, confidential grievance process is implemented that provide a means by which any crew member, acting individually or with other crew members, can submit a grievance without suffering prejudice or retaliation of any kind, including raising complaints or grievances anonymously.”</p> <p>UoC has its own mechanism for grievance to ensure crew has a channel to complaint. Crews can contact the officers onboard, their agents and crew managers on land, or even contact their respective consulates.</p>
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	<p>In the Tuna Sustainability Policy of certificate holder, it states that:</p> <p>“7. RETENTION PERSONAL DOCUMENTS</p> <p>FCF and our suppliers ensure that all crew members retain full and complete control over their personal documents. Confiscating, destroying or otherwise denying crew members’ access to their identity or immigration documents, including work permits and travel documentation (e.g. passports), is strictly prohibited. Any withholding of personal documents for the purpose of authority inspections, to avoid misplacement, or other reasons stated in the employment contract, is permitted with mutual agreement between the supplier and crew members.”</p> <p>Passport of crews are collectively held at a safe box with consent of crews to prevent damaging and lost. It is verified during FCF social audits that all crew members have and maintain full access to their personal documents at any time.</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	24/07/2019

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		
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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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