

## **ESTONIAN TRAWLING FLEET**

# **Certificate Holder Forced and Child Labour Policies, Practices and Measures**

Control Union Pesca Ltd.

56 High Street, Lymington, Hampshire,  
SO41 9AH, United Kingdom

Tel: 01590 613007 Fax: 01590 671573

Email: [infopesca@controlunion.com](mailto:infopesca@controlunion.com)

Website: [www.cupesca.com](http://www.cupesca.com)

## 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
	- Statement is provided by the three Estonian PO's. Those three PO's have 16 member companies.
CH	
2	Responsibility for labour regulation
	<ul style="list-style-type: none"> <li>- The Employment Contracts Act,</li> <li>- Maritime Safety Act, Youth Work Act, Seafarers Employment Act etc.</li> <li>- Labour Inspectorate is responsible for labour enforcement.</li> </ul>
CH	
3	Risk identification and mitigation
	- It's is not a general practice in Estonia to use child labour, especially on vessels. All our seamen need a lot of different certifications and documentation. It is quite often controlled.
CH	
4	Crew recruitment
	- Usually captains or other seamen are suggesting someone from another vessel.
CH	
5	Engagement with fish worker groups
	- We only fish in the Baltic Sea, usually close to Estonian shore. There are no migrants working in any vessels or ports or factories.
CH	
6	Crew contracts
	- We have to follow different labour laws and the entire package of specific regulations (Maritime Safety Act, Youth Work Act, Seafarers Employment Act etc. )
CH	
7	Audits and labour inspections
	- Labour Inspectorate makes random controls in different companies, usually they inspect the vessels every other year.

CH	
<b>8</b>	<b>National minimum age requirements</b>
	<ul style="list-style-type: none"> <li>- In order to enter into an employment contract with a minor of 7–14 years of age, the employer must apply for consent from the labour inspector (Employment Contracts Act § 8).</li> <li>- In the application the employer indicates information about the working conditions of the minor, including the minor's place of work and duties, age and whether the minor is subject to the obligation to attend school.</li> <li>- If the labour inspector verifies that the work is not prohibited for the minor and the minor's working conditions are in accordance with the requirements provided by law and the minor wishes to do the work, the labour inspector grants the employer the consent.</li> <li>- If, in ascertaining the will of a minor of 7–12 years of age, the labour inspector has reasonable doubt that the minor is not expressing his or her true will in the presence of the legal representative, the labour inspector ascertains the will of the minor in the presence of the minor and a local child protection official.</li> <li>- An employer is prohibited from allowing a minor to work without the consent or approval of a legal representative.</li> <li>- An expression of will, made by a minor for entry into an employment contract without the consent of a legal representative is void, unless the legal representative subsequently approves the expression of will. The legal representative of a minor may not consent to the employment during the school holiday of a minor subject to the obligation to attend school for more than a half of each term of the school holiday. An employment contract which has been entered into with a minor without the consent of the legal representative is void.</li> </ul>
CH	
<b>9</b>	<b>Repatriation</b>
	<ul style="list-style-type: none"> <li>- Have never been in contact with this process.</li> </ul>
CH	
<b>10</b>	<b>Debt bondage</b>
	<ul style="list-style-type: none"> <li>- Have never been in contact with this process.</li> </ul>
CH	
<b>11</b>	<b>Grievance and remedy mechanisms</b>
	<ul style="list-style-type: none"> <li>- There are different organizations that deal with all those issues like Integration Foundation, Estonian Refugee Council, Estonian Unemployment Insurance Fund etc.</li> </ul>
CH	
<b>12</b>	<b>Identification documents</b>
	<ul style="list-style-type: none"> <li>- Everything is done by EU standards.</li> </ul>
CH	

13	<b>Additional comments</b>
	- No.
CH	
14	<b>Date this template was last updated</b>
	- 30/08/2019
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.