

SZLC, CSFC & FZLC Cook Islands EEZ South Pacific Albacore and Yellowfin 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 client group is made up of Liancheng Overseas Fishery (Shenzhen) Co.,Ltd (SZLC), China Southern Fishery Co.,Ltd (CSFC), and Liancheng Overseas Fishery (FSM) Co., Ltd (FZSL). They are also the vessel owners and operators of the UoC.</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 Chinese government and Cook islands parliament are responsible for labour regulation.</p> <p>China: The Chinese government has enacted the <i>Labor Law of the People’s Republic of China</i> and the <i>Prohibition of Using Child Labour</i> law. These laws prohibit employers from recruiting minors under the age of 16 and prohibit forced labour. If any employer violates these laws, then the China Labour Administrative Department shall order the company to make corrections and shall impose a fine. If the violation is serious, then the Industrial and Commercial Administrative Department shall revoke the business license.</p> <p>Cook Islands: The Cook Islands parliament enacted the <i>Employment Relations Act 2012</i>, which states that an employer must not employ any person under the age of 13, must not employ a school-aged (13-16) person without the approval of the Secretary, and must not subject an employee to duress in the employee's employment in relation to membership or non-membership of an employees' association. Violation of this law results in a fine of between \$1000 and \$5000.</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>Throughout the hiring process, China, the Cook Islands and the companies in the client group work to identify and mitigate any risk of child and forced labour.</p> <p>China: According to relevant labour laws, firstly when an employer recruits persons, the employer must verify the IDs of the persons to make sure no minors under the age of 16 shall be employed, and properly keep the employment information or else be subject to a fine. Secondly the conclusion and alteration of a labour contract shall follow the principles of equality, voluntariness and consensus through consultation. Finally, local people’s governments are responsible for supervision and inspection, and any unit or individual that finds that child or forced labour is occurring shall have the right to report this to the government.</p> <p>Cook Island: The Secretary and the Head of Ministry of the Ministry of Education has the responsibility</p>

	<p>for supervision of child and forced labour.</p> <p>Certificate holder: When recruiting new crew, the companies require them to provide their IDs, such as seaman's book, passport, etc. enabling confirmation of their age so as to prevent violating labour laws.</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>There are two types of recruitment in our company, one for Chinese crew and one for Indonesian crew. A recruitment company is hired to recruit Chinese crew, where the client group companies sign contracts with crew and pay salaries directly. As for Indonesian crew, the client group companies cooperate with agent companies that recruit and pay salaries to crew.</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>There is no engagement with fish worker groups at the client group company's fish bases, but we support crew members' rights. All crew have the right to freely express their questions and concerns to their employer.</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>Due to there being two different mechanisms for employment, there are also two types of contracts. One is a labour contract signed with Chinese crew, and the other is the agency contract signed by Indonesia crew with the agency company. A labour contract defines the work content, salary structure, salary payment, welfare treatment, management regulations violation responsibility, etc. that makes it clear for Chinese crew to understand and carry out. The agency contract states not only age, welfare, and contract period, but also consular expenses, agency fee and salary, ship operation, transfer of crew, etc. At this level, the rights and obligations of our company, agency company and Indonesian crew have been clarified.</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>In September 2018, a third party conducted a social audit of the client group vessels. The audit criteria can be download from the weblink-Vessel Code of Conduct: http://www.thaiunion.com/en/sustainability/policy?category=policy&page=1</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>National minimum age requirements of China and the Cook Islands are both 16. The client group companies strictly abide by the laws and regulations of China and the Cook Island.</p>

	<p>China: According to relevant labour laws, when an employer recruits a person, the employer must verify the IDs of the persons employed to make sure that no minors under the age of 16 are employed, and properly keep the employment information. If the employer does not comply with these requirements, then they will be fined. The conclusion and alteration of a labour contract shall follow the principles of equality, voluntariness and consensus through consultation. Finally, local people’s governments are responsible for supervision and inspection, and any unit or individual that finds child or forced labour shall have the right to report this to the government.</p> <p>Cook Island: The Secretary and the Head of Ministry of the Ministry of Education has the responsibility for supervising child and forced labour.</p> <p>Client group companies: When recruiting new crew, we require them to provide their IDs, such as seaman’s book, passport, etc. which enables confirmation of their age and avoid violating the labour laws.</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>There are three conditions to deal with repatriation, which fully guarantee the rights of crew and the company. Crew have freedom of movement.</p> <p>a. After finishing the contract, company will bear the repatriation costs of the crew. b. If crew breaks the contract at his own request for any reason, then the crew bears part of return costs depending on the contract working period. c. If crew is fired and repatriated for breach of contract, crew bears part of the return costs depending on the reason of involuntary termination.</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	The client group companies bear these types of fees based on the contract.
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>The client group companies enacted a management policy entitled <i>Human Rights Policy for Vessel Crew</i> , which ensures that the decision to join or leave the vessel is freely made by all crew and commits to respect the rights of all employees and allow the crew to reflect any concerns or grievances with the vessel captain, crew agent, base manager or company fleet The fleet or base manager should investigate the grievance matters and result in swift unbiased and a fair resolution, the result can be accepted and understood by crew, reply will be limited by next trip. If the matters is urgency and Crew insist on to back to port after the communication between Crew and Crew agent and base manager by satellite phone or SSB, then arrange the crew back to base to deal the Grievance according to Crew Contract. All the processing of Grievance matters must be reported to SZHQ Recorded and Monitor, ensure confidentiality and Prohibiting retaliation.</p>
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	Upon signing a contract, the crew shall provide the employer with relevant identification documents for handling the procedures of boarding and going abroad, and the employer will return that to the crew after completed.
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	N/A.
14	Date this template was last updated
	- DD/MM/YYYY
CH	4/3/2019.

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.