

# Patagonian scallop (*Zygochlamys patagonica*) bottom otter trawl fishery in Argentine Sea

## 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.

[Appendix1](#) [Appendix1](#)

## 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
	<p>1. Characterise the composition of the fishery client group, including cost sharing entities.</p> <p>2. Describe the relationship between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC).</p>
CH	<p>Only two companies have fishing authorization to harvest scallop in Argentine Sea: GLACIAR PESQUERA S.A. and WANCHESE ARGENTINA S.R.L.</p> <p>The scallop fleet is composed by four bottom otter trawlers: ATLANTIC SURF III and CAPESANTE (owned by GLACIAR PESQUERA S.A); ERIN BRUCE and MISS TIDE (owned by WANCHESE ARGENTINA S.R.L.)</p>
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	<p>The authorities for Fishery Management are:</p> <ul style="list-style-type: none"> <li>- Argentinean Ministry of Agriculture, Fisheries and Production (SAGPyA),</li> <li>- Sub-secretary of Fisheries and Aquaculture (SSPyA).</li> <li>- National Coast Guard (Prefectura Naval Argentina - PNA) is the maritime law enforcement organization that controls at sea compliance of fishing areas plus all issues related boat and sailor safety.</li> <li>- Argentine Labour Law and Maritime laws.</li> <li>- Labour Ministry (Ministerio de Trabajo) is the federal governmental institution that understands on labour issues. Companies must comply with both general and private labour legislation related to each collective bargaining agreement, since there are several trade unions related to fishing activity.</li> <li>- The ILO Convention Work in Fishing Convention, 2007 (N° 188) has been ratified by Argentine since 2011.</li> <li>- CAPECA agreement with sailor's union.</li> <li>- Argentine Labour Law.</li> </ul>
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>National Coast Guard (PNA) controls each person that is embarked, requiring age majority (fishermen must be older than 18 years) and updated seaman book is required.</p> <p>Any person requesting to embark on a fishing vessel, the seaman book is required from PNA to verify documentation and medical fitness controls. With this control it is verified that people under 18 are not boarding.</p>

	<p>To board it is necessary to have a seaman book issued by the National Coast Guard (PNA). To obtain the seaman book, it is necessary to pass a training course that can only be accessed by people over 18 years old.</p> <p>Working hours and breaks on board are regulated by union agreements, sailors and fisheries association and contracts between sailors and private companies.</p>
4	Crew recruitment
	- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	<p>Fishermen are recruited on the base of Union's lists and by company's human resources lists department, after personal interviews with the applicant.</p> <p>It is mandatory by the Argentine government to have at least 75% of Argentine crew, native or nationalized. It is compliance with the Law 24.922 that regulates Argentine fisheries.</p> <p>Each member crew must have seaman book approved by the National Coast Guard (PNA), and pass a medical examination, rowing and swimming exams.</p>
5	Engagement with fish worker groups
	- 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>This is regulated by the Argentine Labour Law, and if there is any dispute it is settled by the Federal Courts of Justice and eventually the Argentine Supreme Court of Justice.</p> <p>Specific labour unions:</p> <ul style="list-style-type: none"> <li>- Patrons and Fluvial Officers of Fishing and Maritime Cabotage Union.</li> <li>- Argentine Association of Captains and Fishing Patrons.</li> <li>- Naval Machinist Chiefs and Officers Center.</li> <li>- Overseas Captains Center.</li> <li>- Union of United Maritime Workers.</li> <li>- Fishermen's Maritime Union.</li> </ul>
6	Crew contracts
	- Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.
CH	<p>There are Union Agreements that regulate legal Contracts before sailing to a fishing trip.</p> <p>All fishermen on board have equal rights regulated by the government in agreement with unions.</p> <p>The National Ministry of Labour and the Ministry or Secretariat of Labour of each province with maritime littoral have delegations in each port location. Thus, they verify the compliance of the current labour regulations.</p>
7	Audits and labour inspections
	- Describe any 3rd Party audits and certifications on labour, or labour inspections conducted within the UoC in the last two years.

CH	<p>We have audits from Work Risk Insurers and Labour Risk Superintendency from the Ministry of Labour. There are also audits made randomly and directly by the Ministry of Labour to check compliances of safety issues.</p> <p>National Coast Guard (PNA) checks that all the sailors have the seaman book updated and good order.</p>
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> <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>The minimum age to be fisherman is 18 years old.</p> <p>Legal requirement: There is a requirement to have an updated seaman book issued by National Coast Guard (PNA).</p> <p>This is controlled by PNA one hour before the vessel departure for the fishing trip. As stated above, seaman book is required to embark, and it only extends to people over 18 who have approved medical examination plus the basic training (that include rowing, swimming, first aids, etc.)</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>Every foreign person has the national immigrant protection law, which stipulates the form of hiring and repatriation as it is described in the Migration Law N° 25.871.</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>There are no evidences of these types of practices. The Union Agreements are homologated by Ministry of Labour, and thus regulates all these issues. Travel from and to the workplace, medical, specific clothing and protective gear, food, communication access etc. are provided by the companies. At no cost for the crew member.</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>There are no forced or child labour in Argentinean Fishing Industry. At least one Union representative is on board of each fishing vessel. This person is responsible to supervise the compliance of the agreements for the sailors.</p> <p>There's is a coast guard free/anonymus 24 hours hotline where any person can report any issue within each boat. 0800-444-0436.</p> <p>Also, crew can denounce on their union's headquarters or Minister of Labour</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	<p>It is mandatory for National Coast Guard (PNA) that any person who embarks need to comply with all the documentation required by law. However, there is no retention of personal documentation by the government neither by the captain.</p> <p>There is an international protocol against trafficking in the United Nations that was signed by Argentina. In 2008, Law 26,364 on the Prevention and Punishment of Trafficking in Persons and Assistance to its Victims was passed, which was improved in 2012 by law 26842, which sets sentences of 3 to 15 years in prison, although there may be aggravating factors that extend the sentences.</p>
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	No
14	Date this template was last updated
	- DD/MM/YYYY
CH	12/08/2019

## **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 v1.01'.

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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
1.01	28 March 2019	Minor document change for usability

A controlled document list of MSC program documents is available on the [MSC website](http://msc.org) (msc.org).

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