Norway North East Arctic cod

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.
Appendix1Appendix1

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
	- 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 Norwegian Fishermen's Association (NFA) is a member-based interest organization for the Norwegian harvesting industry, representing vessel owners as well as employees aboard vessels. All current MSC certifications are done by NFA on behalf of the entire Norwegian fleet, in cooperation (and part financing by) the Norwegian Seafood Council and Norsk Villfisk (a coordination entity for the regional fishermen's sales POs
2	Responsibility for labour regulation
	- What management authorities and laws, including flag state authorities, control labour-related regulations in the unit of assessment area? - How are laws enforced?
CH	Control authorities: -The **Norwegian Maritime Authority (NMA)** is the administrative and supervisory authority related to safety of life, health, material values and the environment on vessels under Norwegian flag and foreign ships in Norwegian waters. Conducts certifications and unannounced supervisions. -**Coast Guard**: inspects at sea for a variety of regulations, including crew health/safety per request by the NMA if there is suspicion of violations. -**Safety Management System (ISM)** certification required for vessels larger than 500 MT to comply with ILO 188. -**Norwegian Seafarer's Union** is a union for many deckhands at offshore vessels and has its own inspectors that board vessels in port to check crew lists, notifying NMA or police if they suspect violations. Laws: The Constitution of Norway — CN The Basic Agreement — BA Convention for the Protection of Human Rights and Fundamental Freedoms, article 4 (The human rights act) LOV-1999-05-21-3 — CHUM Penal Code — PC The Ship Safety Act — SA Regulations on work and deployment of young people on Norwegian ships (2002-04-25-423) — RYNS The Ship Labour Act — SLA Labour Disputes Act — LDA Regulations on employment agreement and salary settlement (FOR-2013-08-19-1000) — REAS The Ship Labour Act chapter 4, Regulation of 19 August, 2013, No. 1000 on employment agreements and pay statement — SLA No 1000 The Equality and Anti-Discrimination Act — EAD Regulation on holiday for employees on ships — RHS Regulation on work environment on ships (FOR 2005-01-01) — RWENV Regulations on working environment, safety and health for those who work on board ships — RWESH Regulation on medical examination on ships (FOR-2014-06-05-805) — RMED Regulation on working- and rest hours at Norwegian fishing vessels (FOR-2017-11-10-1758) — RREST Regulations on safety training for fishermen (FOR-1989-02-10-88) — RSAFE Regulation on crew of Norwegian ships (FOR-2009-06-18-666) — RCREW Regulation on report obligation at sea (FOR 2008-06-27) — RREP National Insurance Act — NIA Law on pension for fishermen (1957-06-28-12) — LPEN Regulations on reporting of position and electronic reporting for Norwegian Fishing vessels. (FOR-2009-12-21-1743 — RPEL Guarantee fund for fishermen — GFF Regulation concerning the construction, equipment, operation and inspection of fishing vessels with a maximum length of 15

	meters or more (FOR-2000-06-13-660) ILO 188: Ratified and implemented by Norway.
3	Risk identification and mitigation
	- 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	The system with legislation and control described under point 2 is designed to mitigate risks of child and forced labour in Norwegian fisheries.
4	Crew recruitment
	- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	Recruitment in the fleet takes form in a variety of ways: -Traditional recruitment through contacts and acquaintances is still quite prevalent. -Related to the former, there is now a lot of recruitment through groups on social media. -Job listings in media -Job placements through the social security system (NAV) Crew is typically Norwegian, but with EU/EEC/foreign fishermen from typically Iceland, Faroe Islands, Eastern Europe and Russia.
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	Strong engagement between authorities, employer organizations and employee organizations/unions is one of the hallmarks of the “Nordic Labour model”. Dølvik *et al.,* 2015 argue that the model emerged as the “Nordic triangle model” with three correlative pillars: • o Strong centralized worker and employment organizations that contribute to policy coordination, • o development of institutions to facilitate broad tripartite cooperation between governmental authorities and the two sides of industry, and • o emergence of stable party constellations and hegemonic parties with enough support and legitimacy to pursue long-term strategies focused on the expansion of welfare schemes, the investment in productive assets like capital, people and knowledge, and the commitment to fair, equitable distribution of benefits and burdens. Central organizations working with fisher, migrant and worker rights is -Norwegian Fisherman’s Association – Mannskapsseksjonen (the deck-hands organization within the NFA) -Norwegian Seafarer’s Union The other organizations under point 2 also apply.
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	Employment contracts are compulsory in Norway, and must be signed before the employee goes aboard. Contracts shall by law contain: -Identities of the parties. -Place of work/business address -Description of work tasks/title -Date of commencement of work -Expected duration of employment (if temporary: also the justification for temporary employment) -Trial period rules if applicable. -Employees rights to vacation and vacation pay. -Mutual time limits to termination of contract -Agreed pay, benefits, and time/method of payment. -Duration and time of work times.

	-Specification of breaks. -Information about special work times if applicable. -Information of applicable tariff agreements that regulate the employment https://www.arbeidstilsynet.no/arbeidsforhold/arbeidsavtale/
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	Regular audits under the official system described under point 2. There are also a number of technical vessel safety audits for a fishing vessel to receive and maintain its licence. No private scheme social audits at UoC level.
8	National minimum age requirements
	- 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	Minimum age aboard ships is 16 years. There are specific regulations for youths under 18 years of age, whether they are employed or taking part in vocational training (apprentice). The employer must, before entering into a contract ensure whether the effects in the working environment can cause a risk of injury to young workers. This includes assessment of equipment, exposure to physical, biological and chemical factors and the organization of work. Youths shall not perform work that exceeds their physical or mental performance, cause deleterious exposure to toxic or carcinogenic factors, harmful radiation, which involves accident risk, which they must be presumed not to be familiar with or involving extreme cold or heat. Young workers are not allowed to work overtime and are not allowed to take night shifts. They also have the right to weekly leisure time of at least 36 hours continuously. System for control and inspections described under pt 2 is set up to ensure that also infringements on minimum age are discovered. The official system is the main method of ensuring compliance, and private sector systems are generally N/A, and child labour exploitation/infringements is considered non-existent in the Norwegian industry.
9	Repatriation
	- 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	EU/EEC workers have freedom of movement. No national policies with regards to 3rd country workers. Paid travel home for workers is common practice within many companies, but not a national requirement.
10	Debt bondage
	- 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	No evidence of debt bondage in Norwegian fisheries. The Ship Safety Law regulates all medical, safety gear and clothing which is the responsibility and cost of the vessel owner. Food can be a part of the common costs of fishermen that are paid by the “lot” (share of catch) system. This well-established sharing system is very popular among crew and is not known to have caused adverse effects such as negative pay for a trip.

11	Grievance and remedy mechanisms
	- 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	The strong position of worker's unions is the main source of making crew voices heard both in the individual companies and in the Industry as a whole. Tips or complaints about problematic issues in the workplace can be phoned in to the union offices of Sea Farer's Union or NFA Mannskapsseksjonen that would follow up towards authorities. The employees also have the right to notify censurable conditions at the workplace without retaliation (whistleblowing). The employee shall proceed responsibly when making such notification. The employer has the burden of proof that notification has been made in breach of this provision.
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	There are no reports of withheld documents for crew on board Norwegian vessels, and no known policies are in place to counter it. It is safe to assume that an employer doing such a thing would be persecuted under law for such a violation. It is also worth noting again that the majority of non-Norwegian workers are from the EU/EEC and technically part of the same labour market and are free to move around regardless.
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	The research institution NOFIMA has recently published a comprehensive study of the social aspects of the Norwegian fishing industry. This report forms much of the basis of this self declaration and can be downloaded from: https://nofima.no/en/pub/1700109/
14	Date this template was last updated
	- DD/MM/YYYY
CH	27/08/2019

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

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A controlled document list of MSC program documents is available on the MSC website (msc.org).

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