

Alaska Pacific Cod, Bering Sea/Aleutian Islands and Gulf of Alaska (U.S.)

Self-Description of Responsible Labour Practices

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
	<p>The Alaska Fisheries Development Foundation (AFDF) is the fishery Client for the Alaska Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Pacific cod fishery certified under the MSC program. AFDF is a non-profit organization which represents the seafood industry in areas of research and development. AFDF does not directly employ any persons in the Client Group.</p> <p>The fishery Client Group is composed of 32 member companies and include catcher vessels, catcher-processor vessels and inshore processors that participate in the GOA and/or BSAI Pacific cod fisheries off Alaska. All member vessels are U.S.-flagged catcher and catcher-processor vessels and are eligible via state and federal licenses/permits to participate in relevant BSAI and/or GOA state fisheries (0-3 NM from shore) and/or federal fisheries (US EEZ; 3-200 NM from shore).</p> <p>AFDF has employed a transparent cost-share mechanism for the Client Group based off the current year's Allowable Biological Catch (ABC) and Total Allowable Catch (TAC) (released by the North Pacific Fisheries Management Council), the gear type, number of vessels in operation and area of operation for each of the member companies. The updated Client Group is posted on the AFDF website and MSC website.</p> <p>The Client Group is diverse in makeup and ranges from a few large companies with inshore processing facilities to companies with catcher or catcher-processor vessels operating in the fisheries. The gear types utilized include jig, longline, pot and trawl. Although, maximum vessel lengths in the Client Group may reach upwards of 190 feet, nearly all of the crew sizes and lengths of voyages are relatively small at under 10 persons and 10 days, respectively.</p>
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2	Responsibility for labour regulation
	<p>The main management authorities/agencies involved in ensuring fair labor practices and regulations include the Department of Labor and Workforce Development (DOLWD), the United States Coast Guard (USCG), Occupational Safety and Health Administration (OSHA), National Oceanic and Atmospheric Administration (NOAA), Alaska Wildlife Troopers (AWT), Alaska Department of Environmental Conservation (DEC) and the United States Department of Homeland Security. A main component to labor-related regulations includes workplace safety and the agencies/regulations follow suit.</p> <p>Enforcement is conducted through a suite of processes: 1) at-sea and dockside vessel inspections (USCG, Department of Homeland Security, AWT, OSHA, DEC); 2) inshore inspections of processing facilities and longshored vessels (DEC, OSHA); 3) third-eye witness by industry (other commercial fishing vessels, complaints to DOLWD, OSHA and USCG by crew members or other employees); 4) port authorities and municipalities (vessel safety and insurance requirements) 5) legal justice system upholding labor legislation.</p>
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3	Risk identification and mitigation
	<p>Fisheries in Alaska operate under a comprehensive suite of federal and state laws and regulations, in conjunction with enforcement, insurance requirements, and common industry practices, which create a fair and safe working environment, free of any risk of child and forced labor.</p>

	<p>The United States has strict allowable duties and work hours for minors employed in any industry in the per the Fair Labor Standards Act of 1938. No person under the age of 18 (minor) is allowed to work in any occupation deemed hazardous by the U.S. DOLWD.</p> <p>Thus, no minor is ever employed in processing jobs in the Alaska Pacific cod fishery, both inshore and at-sea. Additionally, there are strict allowable work hours for minors in the workforce. In relation to the Alaska Pacific cod fishery, both U.S. federal law and state law have exemptions for minors working in the commercial fisheries: a minor that is 16 or 17 can work on commercial fishing vessels (excluding processing vessels, processing operations and other hazardous duties) with a work permit signed by a parent or parental guardian and approved by the Alaska DOLWD. Minors under 16 can only work on commercial fishing vessels under direct parental supervision (parental exemption). Every crew member (of any age) is required to have a crew member license to fish commercially in Alaska. This is documented onboard vessels and requires a social security number, address, name, etc.</p> <p>USCG enforcement of these regulations occurs through both involuntary, unannounced at-sea inspections as well voluntary and involuntary dockside inspections. The USCG inspections cover the following: proper documentation, licenses, permits, gear, safety gear and training, personal protective gear, employment contracts, vessel stability, etc. Additionally, the USCG holds the authority to enforce all pertinent federal regulations while inspecting/monitoring commercial fishing vessels in Alaska, including legislation related to minimum age requirements, employment contracts and employee rights.</p> <p>The U.S. Department of Homeland Security enforces human trafficking laws and regulations in a coordinated effort with the USC. The <i>Victims of Trafficking and Violence and Protection Act</i> (TVPA) combats trafficking in persons, especially into the sex trade, slavery, and involuntary servitude. The TVPA clearly regards human trafficking as a serious crime with felony penalties. Alaska state statute defines the crime of human trafficking as “. . . labor by force or threat of force against any person, or by deception.” Forcing any person against their will to engage in any act that threatens the safety of themselves or others is considered a felony by both state and federal law.</p>
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4	Crew recruitment
	<p>Most of the recruitment in the Alaska Pacific cod fishery is conducted via “word of mouth”. Alternatively, employees may be hired through company human resource departments (no third-party labor provider). New hires generally contact and apply to fishing companies/vessel owners directly, although companies do engage in other recruitment processes, including advertising, participating in job fairs regionally, etc. to identify potential hires.</p> <p>All fishing vessels operating in the Alaska Pacific cod fishery are U.S.-flagged and U.S.-owned. Per U.S. federal law (46 U.S.C. 8103), at least 75% of crew members must be U.S. citizens. The remaining crew members may be non-citizens with temporary H-2B work visas. All crew members must hold a crew member license and have a social security number for employment.</p>
CH	
5	Engagement with fish worker groups
	<p>As the MSC fishery Client, AFDF does not directly employ any of the Client Group members, thus, AFDF is not directly engaged in labor issues involving member companies and their work force.</p> <p>In U.S. fisheries, crew members are usually not unionized. The Alaska Pacific cod fishery is no exception and, thus, has no identifiable worker group with which to engage. Individual vessel owners are responsible for compliance with myriad federal and state laws and regulations that protect workers’ rights. Additionally, participants and crew members of the Alaska Pacific cod fishery have many avenues to file grievances through the following: DOLWD, USCG, OSHA, insurance agencies, AWT, legal justice system, etc.</p> <p>Aside from the robust labor, safety and worker’s rights legislation, protections are in place to ensure fair payment and compensation in case of a work-related injury or illness in the Alaska Pacific cod fishery. For example, established by state law in 1951, the Fishermen's Fund provides for the treatment and care of</p>

	Alaska licensed commercial fishermen who have been injured or become ill due to fishing related activities on shore or in Alaska waters. The Jones Act provides legislation requiring crew member compensation for injury or illness by the associated company/vessel owner. Protection and Indemnity (P&I) insurance is liability coverage for vessel owners which is widely used in the Alaska commercial fishing industry as a protection for worker's compensation in case of injury or illness. P&I insurance is sometimes a requirement for ports and municipalities, or financial institutions with outstanding loans on vessels.
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6	Crew contracts
	<p>Fishermen in Alaska are often considered contractors who willingly agree to the fishing trip(s) or fishing season(s). As a standard practice, most commercial fishing vessels utilize either employment contracts (for larger vessels with processing employees) or crew member contracts (for crew members) guaranteeing remuneration at the completion of the fishing voyage or season based on predetermined factors. Crew shares are commonly based on a percentage of the ex-vessel value of the catch after certain expenses are paid. These agreements are either written or verbal contracts. If written, vessels maintain copies of signed contracts onboard the vessel made available to fisheries enforcement agencies. Crew members are also provided a copy of such agreements.</p> <p>Employment and/or crew member contracts are required by U.S. federal law (the Jones Act) to be written, signed and agreed to prior to the voyage; state the terms of payment, wage, deductions, and the period of effectiveness; and be held by crew members and processing employees on any commercial fishing vessel weighing over 20 gross tons. Operators of fishing vessels under 20 gross tons are encouraged to have written contracts by insurance companies and it is standard industry practice.</p>
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7	Audits and labour inspections
	<p>USCG - The USCG is the primary enforcement agency for commercial fishing vessel safety and fisheries regulations. The USCG conducts voluntary and involuntary dockside and at-sea vessel inspections. USCG dockside safety exams are mandatory for all vessels greater than 50' in length that operate in the EEZ off Alaska. The 45 requirements used during dockside exams cover a spectrum of standards ranging from personal safety/survival equipment to safety training, crew contracts and manning requirements. A vessel is issued a Certificate of Compliance (COC) upon completion of a successful dockside exam. The USCG conducts unannounced at-sea inspections (safety and fishery compliance) for all commercial fishing vessels in both federal and state waters off Alaska. If a vessel is not compliant, the USCG may terminate the fishing voyage and return the vessel to port. Vessels are subject to approximately 180 requirements during at-sea inspections.</p> <p>OSHA - OSHA is an agency of the U.S. DOLWD which requires that the vessel, including its operations at sea, has been assessed to determine if hazards are present. OSHA inspections only occur within three nautical miles off Alaska and focus on workplace safety for docked and longshored vessels.</p> <p>NOAA - In general, vessels over 40 feet in length operating in the Federal waters of the GOA and BSAI are required to have full or partial observer coverage (especially longline, pot and trawl vessels). Vessels that carry observers are required to have a valid USCG COC issued within the last two years.</p> <p>DEC – Alaska DEC enforces its food safety and sanitation regulations for processor and catcher-processor vessels through onboard inspections to ensure health and safety of workers.</p>
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8	National minimum age requirements
	Alaska and U.S. labor laws allow exemptions to the “no child labor” law for fishing families. A parental exemption is granted to minors working under direct supervision of the parent if he/she is the vessel owner/operator. Minors ages 16 and 17 may be employed on commercial fishing vessels if parental consent

	is given and a state work permit is approved, given limitations on work hours and job duties. See description in #3 for more details.
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9	Repatriation
	A crew member or processing employee always maintains freedom of choice for employment or termination of employment. At any time, a crew member or employee is free to terminate his/her employment (subject to loss of wages and deductions outlined in the employment contract) and permanently leave the vessel while in port.
CH	
10	Debt bondage
	<p>Alaska Pacific cod vessel operators do not use recruitment services that charge a fee to crew members. As mentioned previously, most crew members reside permanently in the U.S. Repatriation to foreign countries has not been an issue. Employers also provide personal protective gear and medical treatment to crew members (Jones Act places stringent requirements upon maritime employers to cover costs associated with any injuries to crew members).</p> <p>As previously noted, crew share agreements are commonly based on a percentage of the ex-vessel value of the catch after certain expenses are paid, which is outlined in the contract.</p>
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11	Grievance and remedy mechanisms
	U.S. federal law provides “whistleblower protection” to any worker who files a complaint with OSHA, the USCG, or the crew member’s employer about workplace health and safety issues. Beyond federal protections, individual companies maintain their own internal systems for general labor relations, including grievance mechanisms (i.e. employee handbook, company policies, etc.). Additionally, the Alaska DOLWD offers mechanisms for crew members to file grievances about remuneration and wage reimbursements based on verbal or written employment/crew contracts. The USCG and DOLWD are the primary agencies through which any instances of forced or child labor are reported. The U.S. and Alaska justice system provides an additional mechanism to report and remediate any instance of forced or child labor.
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12	Identification documents
	All crew members must have a social security number, whether or not they are a U.S. citizen, and a crew member license which documents name, address, social security number, etc. Crew members maintain original copies of documents, including National ID, passports, visas, etc.
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13	Additional comments
	None.
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14	Date this template was last updated

	25/06/2019
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.