

Illex and Loligo Squid Fishery

MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures v1.0

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	We are composed of Seafresh USA and Seafreeze Ltd. and Seafreeze Shoreside all located in RI USA, are the producers/processors of Illex and Loligo squid representing the permitted squid trawlers on the US east coast.
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>We follow the laws and regulations of the RI Department of Labor and the federal state laws (US department of Labor).</p> <p>Labor regulation is governed federally by the United States Department of Labor and under state jurisdiction by the RI Department of Labor</p> <p>The United States Department of Labor Wage and Hour Division is authorized by the Fair Labor Standards Act of 1938 to enforce child labor laws as described in US Code of Federal Regulations Title 29 Part 570. Labor laws are also enforced by federal and state law enforcement divisions and agencies.</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	All fisheries are required by law to follow the state and federal policies described in RI Dept. of Labor and the Fair Labor Standards Act.
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>Rhode Island fishermen born in the U.S.A. are the majority of the fishing population. There is no recruitment for these individuals.</p> <p>Migrant workers are recruited into the fishery following the requirements in 20 CFR §§ 655.40 - 655.48.</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	Squid fisheries have resources through many outlets to receive assistance, express concerns, or to address risks. These outlets are not limited to the following: DEM and Fish and Wild Life, Commercial Fisheries Research Foundation,
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	Migrant workers, or H-2B, are held to the standards listed in 8 CFR 214.2(h)(6). Also, the Immigration and Nationality Act (INA) and US Department of Labor regulations issued jointly with Department of Homeland Security establish employer requirements and numerous worker protections with respect to wages and working conditions. The Department's Wage and Hour Division (WHD) has responsibility for enforcing provisions of worker contracts and applicable employment laws.
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	I-9 verification and completion of form.
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	Fair Labor Standards Act (FLSA) sets the minimum age for employment (14 years for non-agricultural jobs), restricts the hours youth under the age of 16 may work, and prohibits youth under the age of 18 from being employed in hazardous occupations.
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	Assurances and obligations pertaining to migrant workers are defined in 29 CFR § 503.16. This defines what an employer covers during a contract.
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	Assurances and obligations pertaining to migrant workers is defined in 29 CFR § 503.16. This defines what an employer covers during a contract. Additional information can be found at https://www.dol.gov/whd/posters/pdf/h2b-eng.pdf .
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	Complaints or grievances are to be reported by phone or online to the Department of Labor Wage and Hour Division. These reports are confidential.
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	The U.S. Department of Justice states it is against the law to restrict or possess any immigration documentation (18 U.S.C. § 1592).
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	We conform to OSHA standards, rules and regulations. We are inspected regularly by Workers Compensation Insurer.
14	Date this template was last updated
	- DD/MM/YYYY
CH	July 30 th 2019