

Ireland Bottom Grown Mussel

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>BIM's mission is to support and enable an increase in value creation of a sustainable Irish seafood sector across the supply chain, from catch to consumer. BIM hold the certificate and allows all eligible operators within the Bottom Grown Mussel Sector to access the certificate if they commit to providing final support to maintain the certificate and if they abide by the terms and conditions of the MSC Standards. All client group members hold an aquaculture licence in Ireland and client companies are based in Ireland and thus must comply with Irish and International Laws and Conventions.</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 Department of Transport, Tourism and Sport, DTTAS, regulates vessels of all types, including fishing vessels, for compliance with safety, security, environmental protection and living and working conditions. The Department is currently progressing the implementation into Irish law of the International Labour Organisation's (ILO) Work in Fishing Convention, 2007 (C188) and EU Directive 2017/159. The Convention will enter into force for Ireland 12 months from the date of our ratification. On 31 January 2017, Council Directive (EU) 2017/159 was published in the Official Journal of the European Union. This Directive contains a Social Partners' Agreement, concluded on 21 May 2012, which aims to implement the Work in Fishing Convention. This Agreement is similar in substance to the ILO Work in Fishing Convention but does not contain certain enforcement provisions or the requirements regarding payment of fishers. The Directive is due to be transposed into Irish law by 15 November 2019. Ireland, along with other ILO Member States, must bring the Convention into force via national legislation. A provision will be included in the Merchant Shipping (International Conventions) Bill, currently being prepared, which will allow the Minister for Transport, Tourism and Sport to make regulations to fulfil the State's commitments under the Work in Fishing Convention. In addition to the provisions of the Directive, the Convention sets out provisions for enforcement and for designating the competent authority with in Ireland will be the Marine Survey Office of the Department of Transport Tourism and Sport</p> <p>Fishing vessels come within the legislation enforced by the Health and Safety Authority since 1989. Under the Safety, Health and Welfare at Work Act 2005 as amended, a vessel is defined as a workplace and falls within the scope of Safety, Health and Welfare at Work.</p> <p>Inspectors of the Workplace Relations Commission (WRC) are authorised to carry out inspections for the purposes of monitoring and enforcing compliance with employment legislation. Inspectors operate in a fair and impartial manner, carrying out inspections throughout the country. Inspections arise as a result of:</p> <ul style="list-style-type: none"> • complaints received of alleged breaches of employment rights, • targeted inspection campaigns, and • routine inspection enquiries. <p>Physical inspection of active fishing vessels at sea or at the place of landing are undertaken by Sea Fisheries Protection Officers (SFPO's) of the Sea Fisheries Protection Authority and Naval Service in line with risk assessments undertaken to best target those vessels which, through their actions and indications via electronic monitoring of their vessel activities, might be consistent with a risk of noncompliance with the rules in force in relation to their fishing area, target species or any other relevant EU or national requirements. The inspections are required to physically check and record all findings in line with the specific detail as outlined in the EU Inspection Report as directed in Annex XXVII of EU Regulation 4094/2011.</p>

	<p>The Department of Justice and Equality issue permits to non-EEA residents to work on vessels in Ireland</p> <ol style="list-style-type: none"> 1. Candidates for the Atypical Working Scheme ('AWS') are restricted to working aboard fishing vessels 2. 'Stamp 4' candidates are Non-EEA but are normally resident in the state. An individual 3. who is on 'Stamp 4' permission, which allows them to work without restriction, will also be indicated 4. on their Irish Residency Permit card. 5. Candidates with 'Permission to Access the Labour Market' under the European Communities (Reception Conditions) Regulations 2018 may work on Irish registered vessels. A 'Permission to access the Labour Market' is issued which is renewable every six months. This is not restricted to any type of employment and candidates may operate as share fishers in Ireland.
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	<p>HSA inspectors are given extensive powers to fulfil their statutory role and can at any time enter any place where they have reasonable grounds to believe that it is used as a place of work. The Authority provides information, advice, guidance, promotion of workplace safety and inspects fishing vessels and has always done so. HSA interventions and inspections focus on activities that pose the highest risk and that can be controlled through the application of a safety management system based on a safety statement and risk assessment approach. Inspections do not examine any issues of boat stability, design or construction. The approach to inspection in this sector is in line with that adopted generally by the Authority so prior notice of inspection is not advised and the focus is on providing support and advice to achieve improved standards rather than immediate enforcement but supplemented by enforcement instruments such as improvement and prohibition notices, prosecution etc. when required. Under the Act 2005 Act, every employer must have a Safety Statement. Under Section 20(8) of the 2005 Act, persons with three or less employees can comply with the legal requirement to have a Safety Statement by observing the terms of a Code of Practice (COP) where one has been published or approved by the Authority in accordance with Section 60 of the 2005 Act.</p> <p>WRC inspections are undertaken to achieve compliance with the National Minimum Wage, Payment of Wages, Organisation of Working Time, Terms of Employment, Employment Agency and Employment Permits Acts. Such inspections relate to persons engaged under a contract of employment (employees) with the exceptions outlined below in relation to the fishing industry.</p> <p>The rest periods and maximum working time provisions for sea fishermen are set out in the European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulations 2003 (S.I. No. 709 of 2003). It is the Authorised Officers of the Minister for Transport, Tourism & Sport who have the enforcement role in relation to this piece of legislation. WRC inspectors are not authorised officers under the legislation and have no role in its enforcement. An inspector may also, in respect of a number of acts of non-compliance on the part of the employer, serve a Fixed Charge notice (similar to on the spot fines). Failure or refusal to pay the charge will also leave the person open to prosecution in cases which are not covered by the provisions of the Workplace Relations Act such as failure to pay the minimum wage, employment permit issues and offences pertaining to non-co-operation and obstruction, the WRC can initiate criminal proceedings in respect of the offences involved.</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>Bottom Grown Mussel Vessel owners employ local crew and crew members from the Netherlands. Retention is extremely high with a low turnover of crew members.</p> <p>No migrant (non- EEA) workers are currently working in the fishery. Under the Atypical Working Scheme for Crew Members, if migrant (non- EEA) workers were to be recruited to work in the sector they must be engaged through a standardised and transparent process with a valid contract of employment reflecting national and EU legislation in terms of the right to a safe working environment, regular breaks and rest periods, annual leave and payment of statutory minimum wage</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	N/A but BIM are a member of the government task force on non-EEA workers in the Irish fishing fleet.
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>All contracts and agreements must be compliant with S.I. No. 709/2003 – European Communities (Workers on Board Sea-Going Fishing Vessels) (Organisation of Working Time) Regulations 2003 Additionally under the Atypical Working Scheme if crew members are sought from non-EEA countries at a minimum, the contract of employment shall include, stipulate and be subject to the following:</p> <ul style="list-style-type: none"> • The contract must be for 12 months and may be renewed for further periods of 12 months provided the conditions of the scheme are fulfilled. • The contract must be between an employer (being the owner of a currently licensed and registered sea-fishing vessel or vessels) and the non-EEA crew member being employed on that or those vessels. • The contract must contain a commencement date which shall be the date of entry to the State of the employee (crew member). In the case of non-EEA crew members applying during the first three months of the scheme, the contract commencement date will be the date immigration permission is granted. • The contract must commit to the conditions set out in paragraphs 5-8 of this document. • The contract must provide for the provision, at the expense of the employer (licence holder), of health insurance cover for the employee (crew member). Such health insurance cover to be provided by a health insurer registered with the Health Insurance Authority and to provide for access to acute hospital care for the employee (crew member). • That all appropriate training, including safety training, required for the position will be provided, in advance of the employee (crew member) commencing employment at sea, at the expense of the employer (licence holder). • Where the licence holder (employer) owns more than one vessel, the contract of employment may provide for employment on any of these vessels, as named in the contract. <p>Note that these requirements will be updated in line with the agreement reached following mediation between the Government and the International Transport Workers' Federation (ITF) arising from a court challenge to Scheme.</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>The Guardian newspaper on 2nd November 2015 published claims of exploitation of undocumented migrant workers on Irish fishing trawlers. Following this the government established a task force on non-EEA workers in the Irish fishing fleet which led to the introduction of the Atypical Working scheme for Crew Members.</p> <p>In December 2017 the Migrant Rights Centre Ireland published a report on the fishing industry in titled The Exploitation of Migrant Workers in the Irish Fishing Industry – this in turn led to the International Transport Workers' Federation (ITF) initiating court proceedings against the Government. Court mandated mediation has recently resulted (April 2019) in an agreement which serves to provide additional protections for non-EEA workers.</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.

	<p>The minimum age for work on board a fishing vessel is currently set by Section 3 of No. 16/1996 Protection of Young Persons (Employment) Act, 1996 and SI 357/2014 Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping sectors) Regulations 2014</p>
CH	<p>In line with the (ILO) Work in Fishing Convention, 2007 (C188) and EU Directive 2017/159, it is the DTTAS intention to set the minimum age for work on board a fishing vessel at 16 years. This is for reasons of maritime safety and for consistency with existing regulations on the minimum age that young persons can work, such as the Regulations implementing the Maritime Labour Convention for seafarers. They also propose to provide that 15 year olds can perform light work during the school holidays</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>Not applicable for client group vessels. All crews are local or EU, non-forced and do not include children</p> <p>In line with the (ILO) Work in Fishing Convention, 2007 (C188) and EU Directive 2017/159 Member States must provide that fishers on fishing vessels that fly their flag and that enter a foreign port are entitled to repatriation in specified circumstances. The cost of repatriation must be borne by the fishing vessel owner except where the fisher has been found to be in serious default of his/her work agreement obligations. Regulations will be required prescribing the circumstances in which repatriation can take place.</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	<p>Under the Atypical Working Scheme for Crew Members, for non-EEA workers, the contract of employment shall include must provide for the provision, at the expense of the employer (licence holder), of health insurance cover for the employee (crew member). The contract must also stipulate that all appropriate training, including safety training, required for the position will be provided, in advance of the employee (crew member) commencing employment at sea, at the expense of the employer (licence holder).</p> <p>In addition, under the new agreement reached between the Government and the International Transport Workers' Federation (ITF) fishers will no longer be tied to one employer and will be able to seek work on other vessels without losing their right to work while boat owners will no longer be able to deduct the cost of a permit (€1,000) from the worker's wages.</p>
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 aim of the WRC is primarily to achieve a culture of compliance by informing employers and employees of their respective responsibilities and entitlements under employment law, and by working in close cooperation with them and their representatives. The Information and Customer Service Division handle about 1,200 telephone calls each week providing information to both employers and employees.</p>
12	Identification documents
	<ul style="list-style-type: none"> - 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	Not applicable for our vessels
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	09/05/2019

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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