

Alaska Pollock, U.S., Gulf of Alaska

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
CH	<ul style="list-style-type: none"> - The At-sea Processors Association (APA) is the fishery client for the Alaska Gulf of Alaska (GOA) pollock fishery certified under the MSC program. Only one APA company, however, is a client company on the Alaska pollock GOA certificate. All 11 companies on the certificate, including the one APA member company, are primary processors. As with the Bering Sea/Aleutian Islands Alaska pollock certificate, only primary processors and not harvester-only entities, are on the certificate. All companies on the certificate are invited by APA to join the certificate as cost-sharing members. - All GOA pollock is processed onshore. The onshore processors take deliveries from U.S.-flag trawl vessels eligible by regulation to fish for GOA pollock. Some trawl vessels are owned and operated by primary processing plants. Most eligible trawl vessels, however, are independently owned and operated. Vessel trips are typically of a short 2 to 3 day duration.
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2	Responsibility for labour regulation
CH	<p>Alaska pollock is harvested exclusively by U.S.-flag vessels operating within the U.S. EEZ. With limited exceptions for vessels fishing for highly migratory species or operating beyond the U.S. 200-mile zone, fishing vessels are subject to U.S. law requiring that 75% of crewmembers be U.S. citizens or permanent residents. (See 46 U.S.C. 8103.) U.S. law also requires 75% U.S. ownership and control of any documented U.S. vessel holding a fishery endorsement that is a basic requirement of participating in U.S. fisheries.</p> <ul style="list-style-type: none"> - In addition to U.S. ownership and manning requirements, vessels are subject to myriad federal and state laws and regulations, including those related to fair labor practices and safety. The principal agencies regulating fishing vessels, including Alaska pollock vessels, are the U.S. Coast Guard (USCG), U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), and the U.S. Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). Vessels are subject to mandatory dockside inspections at regular intervals, as well as unannounced inspections at sea. - GOA pollock trawl vessels are subject to a federal fishery observer program. Vessels are randomly selected by federal fishery regulators to carry a federal fishery observer onboard when fishing. While the principal function of federal fishery observers is to monitor and record catch and to collect data to assist fishery dependent research activities, observers are required to report on general health and safety issues pertaining to vessel operations, which provides an additional level of federal oversight.
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3	Risk identification and mitigation
CH	<ul style="list-style-type: none"> - The U.S. federal Fair Labor Standards Act (FLSA) and State of Alaska laws and regulations strictly regulate labor practices in the Alaska pollock fishery. The GOA pollock fishery is generally comprised of smaller, locally-based harvester vessels. All crewmembers are required to obtain a commercial fishing crewmember license from the State of Alaska, and those licenses must be provided to fishery enforcement authorities during any inspections. There is provision in law for a minor under the age of 16 to work onboard a vessel under direct supervision of the parent, but only outside school hours and when the minor is issued a commercial fishing crewmember license. A minor aged 16 or 17 may be employed on any commercial fishing vessel if parental consent is given and the State issues a work permit covering the duties to be performed. State and federal law set out limitations on job duties, work hours, and work-week for minors. In the event the laws conflict, the stricter standard applies.

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4	Crew recruitment
	<ul style="list-style-type: none"> - As noted above, federal law requires that 75% of crewmembers onboard U.S. vessels be U.S. citizens or permanent residents, also known as “green card holders.” The Alaska pollock fleet is widely recognized as having extremely high retention rates, reflecting that these are good paying jobs. 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.
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5	Engagement with fish worker groups
	<ul style="list-style-type: none"> - As the MSC fishery client, APA is not engaged in labor issues involving its member companies and their work force, nor with the cost sharing partners’ work forces or harvesters delivering pollock to the primary processors.. By and large, in U.S. fisheries, crewmembers are not unionized, and the GOA Alaska pollock fishery is no exception, so there is 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, and companies individually manage employee relations.
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6	Crew contracts
	<ul style="list-style-type: none"> - The Alaska Groundfish Data Bank, which represents various GOA pollock participants confirms that it is standard practice among GOA pollock vessel owners to maintain copies of signed contracts with terms of employment onboard the vessel and made available to fisheries enforcement agents. Crewmembers are also provided a copy of such agreements. Remuneration is based on specific responsibilities of the job, years of service, work experience, and/or value of the catch.
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7	Audits and labour inspections
	<ul style="list-style-type: none"> - GOA Alaska pollock vessels are subject to mandatory USCG and OSHA dockside inspections at regular intervals. USCG also frequently conducts unannounced at-sea inspections of the fleet, often in concert with NOAA Fisheries’ enforcement personnel. Compliance with fishery regulations, safety requirements, and labor laws are included in the scope of comprehensive and frequent inspections.
CH	
8	National minimum age requirements
	<p>The Fair Labor Standards Act of 1938 (FLSA), as amended, establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in the Federal, State, and local governments. There are additional, relevant State of Alaska laws and regulations.</p> <p>All candidates for employment must provide a government-issued ID when applying for crewmember positions and again when boarding the vessel. As noted above, vessels are subject to dockside inspections and to frequent, unannounced boarding at sea. Catcher vessels operate with approximately 3 to 4 crewmembers, including the skipper, so checking workers documents is easily done during onboard government inspections. For more information about age requirements, see #3 above.</p> <ul style="list-style-type: none"> -
CH	

9	Repatriation
	<ul style="list-style-type: none"> - A typical catcher vessel voyage for harvesters delivering to inshore processors lasts several days. Crewmembers are free to leave the service of the vessel when vessels make port.
CH	
10	Debt bondage
	<p>Alaska pollock vessel operators do not use recruitment services that charge a fee to crewmembers. As mentioned previously, most crewmembers reside permanently in the U.S. Repatriation to foreign countries has not been an issue.</p> <p>Employers provide personal protective gear. Medical treatment is provided at no cost to employees. The U.S. Jones Act imposes stringent requirements upon maritime employers to cover costs associated with any injuries to crewmembers. Employees completing contracts are well compensated; there are no issues with debt bondage.</p>
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11	Grievance and remedy mechanisms
	<ul style="list-style-type: none"> - U.S. law provides “whistleblower protection” to any worker who files a complaint with OSHA, the Coast Guard, or the crewmember’s employer about workplace health and safety issues. While such protection is afforded to workers, the client, who has consulted with the Alaska Groundfish Data Bank, which includes GOA primary processors among its members, and two harvester organizations, the Alaska Whitefish Trawlers Association and Midwater Trawlers Cooperative in preparing this self-description, is unaware of any instance where a whistleblower filed a complaint relating to forced or child labour in the GOA Alaska pollock fishery. Beyond federal protections, individual companies maintain their own internal systems for general labor relations matters, including grievance mechanisms.
CH	
12	Identification documents
	<ul style="list-style-type: none"> - As noted above, at least 75% of all crewmembers onboard Alaska pollock vessels are U.S. citizens or non-citizens granted permanent resident status in the U.S., so there is not a significant migrant work force. The client is unaware of any vessel operator who might employ non-citizens and hold the documents of those workers. APA has consulted with the Alaska Groundfish Data Bank, which includes GOA primary processors among its members, and two harvester organizations, the Alaska Whitefish Trawlers Association and Midwater Trawl Cooperative. Those associations have consulted with their membership and report that vessel owning companies do not hold worker documents.
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13	Additional comments
	<ul style="list-style-type: none"> - APA’s Matting Tinning is the association’s principal point of contact on MSC policy issues. Mr. Tinning can be reached at mtinning@atsea.org.
CH	
14	Date this template was last updated
	June 17, 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.