

European South Pacific midwater otter trawl jack mackerel fishery

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. <p><i>The client group of the European South Pacific midwater otter trawl jack mackerel fishery consists of European vessels with quota for Chilean jack mackerel: Vessels of the Parlevliet & Van der Plas group (Germany/Lithuania/Netherlands/Poland) and vessels from Samherji HF (Poland). The two companies own a jointly owned company Dutch Pelagic BV, which is the cost sharing entity. The two companies within this client group have decided for a joint MSC certification of their fishery on jack mackerel in the SPRFMO Convention Area.</i></p> <ul style="list-style-type: none"> - Describe the relationship between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC). <p><i>The two companies are ship owning companies active in pelagic fisheries in the SPRFMO Convention Area with freezer-trawlers with vessels flying the flag of 4 EU member states (Netherlands, Germany, Lithuania and Poland). Expenses in relation to the MSC certification process are paid by Dutch Pelagic BV, a jointly owned company based in the Netherlands</i></p>
CH	
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? <p><i>Regarding prevention of child labour and/or forced labour the ILO conventions C182 (on child labour) and C138 (on minimum age) and C029 (on forced labour) have been ratified by all flag state governments of the UoC.</i></p> <p><i>The C188 ILO Work in fishing convention covers provisions on decent working conditions in fisheries and has been ratified by Lithuania. The Netherlands will ratify C188 during 2019. In Germany the Maritime Labour Convention is applied for fishing vessels, which is equivalent to C188.</i></p> <p><i>In Poland the Maritime Labour Convention (MLC) to some extent is applied for fishing vessels. However Poland will ratify C188 during 2019.</i></p> <p><i>Apart of that Council Directive (EU) 2017/159 implementing most of C188 provisions is applied to all member states.</i></p> <p><i>De flag state governments and its implementing bodies have the responsibility of implementing these legislations including the monitoring aspect by inspection and enforcement.</i></p>
CH	
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. <p><i>During the regular inspections on fishing vessels by the above mentioned governmental bodies these authorities will also look into signals of child and forced labour. With regard to the Work in Fishing Convention the authorities issue valid document to fishing vessels that state these vessels meet the requirements of the C188 convention (and of the MLC for Germany).</i></p>
CH	
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. <p><i>The basic route of recruiting is the regular employment by the ship-owners in which case the crew is employed on a permanent basis.</i></p> <p><i>This recruitment of personnel is done per flag state of the UoC. All flag states use minimum requirements for safe manning of the vessels. This results in employing flag state nationals or EU nationals with the required certificates of competence.</i></p> <p><i>In addition to this the ship-owners of the UoC make use of international crew. These are usually employed through manning agents specialized in the maritime and fishing industry.</i></p> <p><i>If we look at the crew composition a number of vessels in the UoC have a crew composed in large majority of nationalities from the flag states concerned.</i></p> <p><i>In other cases the basic crew of the vessel has the nationality of the flag state or the nationality of a EU Member State extended by crew with mostly Russian or Peruvian nationality.</i></p>
CH	
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). <p><i>Where a collective bargaining agreement (CBA) exists the ship-owners engage collectively with workers's representative organisations (Unions). An example is the Netherlands where the ship-owner of the UoC entertain a CBA for their crew of EU nationalities and another CBA for non-EU off-shore fishers. The counterpart for both CBA's is a Dutch trade union.</i></p>
CH	
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. <p><i>All fishers on board vessels of the UoC work on the basis of a labour contract, either directly with the ship-owner or with the manning agent. In those flag states belonging to the UoC that have ratified C188 (see under 2), the labour contracts have to be in compliance with the provisions regarding labour contracts as stipulated in this convention.</i></p>

	<p><i>In those flag states belonging to the UoC where MLC is applied for fishing vessels (see under 2) the labour contracts have to be in compliance with the provisions regarding labour contracts as stipulated in this convention.</i></p>
CH	
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. <p><i>In the flag states of the UoC the governments are responsible for monitoring compliance of the ship-owners with the labour regulations.</i></p>
CH	
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. <p><i>The flag states in the UoC follow the minimum age requirements as stipulated in C188. On top of that the EU working time directive also applies to fishermen in the UoC.</i></p> <ul style="list-style-type: none"> - Describe systems in place, both regulatory and private sector systems, to ensure that crew members meet national minimum age requirements. <p><i>In the flag states of the UoC the governments are responsible for monitoring compliance of the ship-owners with the labour regulations.</i></p>
CH	
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. <p><i>In the UoC repatriation of fishers at contract ending or otherwise is in accordance with the provision in C188.</i></p>
CH	
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. <p><i>Debt bondage is not occurring in the UoC.</i></p>

CH	
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. <p><i>Such a specific policy is not in place, but the workers representative organisation (union) is always available for labour related complaints by fishers as is the competent authority in the flag states of the UoC (such as national inspectorates).</i></p>
CH	
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. <p><i>In the UoC crew members have free access to their own ID documents.</i></p>
CH	
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC? <p><i>As stated under 2 all flag states of the UoC will shortly be in compliance with the requirements of the Work in Fishing Convention (C188) or the Maritime Labour Convention.</i></p>
CH	
14	Date this template was last updated
	<ul style="list-style-type: none"> - 29 August 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.