

Îles-de-la-Madeleine lobster

Certificate Holder Forced and Child Labour Policies, Practices and Measures

Instructions to CABs and the client/client group

Fisheries and at-sea Certificate Holders (CH) in the Marine Stewardship Council (MSC) program are required to confirm that they do not include an entity that has been implicated for forced or child labour in the last two years. They are also 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 both sections of 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 completed form will be uploaded to MSC database to be published on the MSC website at the same time as the Public Certification Report.

Section 1 - Conviction for forced or child labour

The fishery or at sea CoC applicant or certificate holders seeking to be assessed, reassessed or audited against MSC standards is required to confirm whether they comply with the requirement for no conviction for forced or child labour in the last 2 years.

Section 2 - Certificate holder forced and child labour policies, practices and measures

Guidance for filling in section 2 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. The information provided should be representative of the range of measures known to the certificate holder.

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

Contact the CAB or your local MSC Outreach representative (info@msc.org) if you have questions on completing the template.

1. Conviction for forced or child labour

Table 1: Conviction for forced or child labour

Does the fishery include an entity that has been implicated in a conviction for forced or child labour in the last 2 years?		
CH	Yes/No	No
	Supporting information	Client group's knowledge and search of Statistics Canada website

2. Certificate holder forced and child labour policies, practices and measures

Table 2: 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	The Office of lobster fishermen of the Magdalen Islands (OPHIM) having its head office in the Magdalen Islands, province of Quebec in Canada. It allows the entire local lobster industry, without discrimination and without monetary gain, to benefit from the economic benefits of the certificate. MSC-F-31401 of which he is now sole owner for Atlantic lobster fishing area 22 (APH22).	
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	The government of Quebec, through the Minister of Labour, Employment and Social Solidarity and through the Standard, Fairness, Occupational Health and Safety Commission (CNESST), is responsible of monitoring the obligations that relate to child labour (under 18 years old). Any complaint is quickly looked at for a follow-up on the part of CNESST personnel.	
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	The license holder (OPHIM), like the other organizations in the sector, is always on the lookout for relevant information in this regard from the Bureau québécois d'agrément des pêcheurs et aides-pêcheurs (BAPAP). The BAPAP is an organization under the authority of the Ministry of Agriculture, Fisheries and Food of Quebec which has standards and regulations to respect in order to increase the professionalism of fishermen and fisherman's helpers and to act as a brake on the hiring of minors. and very under-educated children on Quebec fishing boats.	
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	The people that work for lobster fishermen, usually one or two persons, are recruited among the Magdalen Islands' population. They are often recruited within the family unit (immediate or extended family) or even among neighbors.
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. See points raised in 3.3 and 3.4
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	Employment contracts for the crew personnel are pretty much the same for all the fishermen under the certification MSC-F-31401 The contract corresponds to the effective fishing period (duration) of 9 weeks plus 2 to 4 weeks for the preparations necessary to the fishery. The weekly salary rarely exceeds the maximum insurable earnings in Canada to qualify the employees eligible for employment insurance in period of unemployment. In case of a disagreement between the fisherman-employer and the employee regarding the interpretation of the provisions of their contract, they can always refer to the Labour Standards Commission.
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	To our knowledge, no certification is being carried out by a third party. However, because of the dangers associated with the trade, certain studies could be done by the Quebec Standards, Fairness, Occupational Health and Safety Commission (CNESST) in order to improve the work procedures and make it as safe as possible.
8	National minimum age requirements
	- 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	There is no minimum age to join the work force in Quebec. However, the juvenile must obligatorily attend school until he reaches 16 years of age. Until the end of the school year, the employer must make sure that school has priority over said juvenile's job. In Canada, the age for obligatory school attendance varies according to provinces. Let us remind you that Canada is signatory of the Convention that relates to children's rights aimed at overseeing the work conditions for children all over the world. What's more, the CNESST for the province of Quebec is responsible for the regulations regarding children's work force.
9	Repatriation
	- Describe how repatriation issues are dealt with in the UoC with respect to visits, end of contract, voluntary and involuntary termination, freedom of movement and the extent to which these are included in contracts.
CH	N/A

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	[There is no systemic proof of such a practice.]
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	[In that sense there is no specific measure for the fishermen since the regulations and the services in effect in Quebec for all the labor force, and to our knowledge, are adequate.]
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	[To date, labor requirements on lobster fishing vessels for the Fishing Area 22 certification unit are still being met solely and totally without the need for foreign labor. The Quebec Fishermen's and Fishermen's Assistant Accreditation Bureau (BAPAP) is responsible for issuing recognition documents attesting that the candidates' ability to practice their trade meets the requirements of commercial fishing.]
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	[None]
14	Date this template was last updated
	<ul style="list-style-type: none"> - DD/MM/YYYY
CH	[29-03-2023]

Disclaimer: The Certificate Holder Forced and Child Labour Policies, Practices and Measures Template is intended for at- sea fishery and supply chain certificate holders to provide a statement on measures, policies and practice in place in the fishery to ensure the absence of Forced and Child Labour. Submission of this statement is a requirement to confirm eligibility to participate in the MSC program. It has not been audited or verified by any third-party entity. It is provided for information purposes and should not be construed to constitute certification of performance against a labour standard

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

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The CAB/Certificate holder shall delete the table below:

Table 3: 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
2.0	26 October 2022	Release alongside Fisheries Certification Process v2.3 and v3.0 and MSC Labour Eligibility Requirements v1.0 Section added on conviction for forced and child labour and document title changed from MSC Certificate Holder Forced and Child Labour Policies Practices and Measures Template.

A controlled document list of MSC program documents is available on the MSC website (<https://www.msc.org/for-business/certification-bodies/supporting-documents>).

Marine Stewardship Council

Marine House

1 Snow Hill

London EC1A 2DH

United Kingdom

Phone: + 44 (0) 20 7246 8900

Fax: + 44 (0) 20 7246 8901

Email: standards@msc.org