

Canada 3LN Redfish 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. - 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>The fishery client for the MSC certified Canada 3LN Redfish Fishery is the Atlantic Groundfish Council (AGC). AGC represents like-minded organizations to provide a unified voice on regulatory and policy issues, and management measures affecting all groundfish fisheries. Currently, there are eight AGC member companies who comprise the fishery client group who are eligible to enter into MSC Chain of Custody certification based on equitable sharing of the initial and on-going cost of the fisheries certification. These eight companies include small to medium sized harvesting and processing enterprises situated in Nova Scotia, New Brunswick or Newfoundland and Labrador.</p> <p>The companies either directly own and harvest allocations in the certified UoC or purchase directly from independent harvesters legally permitted to prosecute the fishery.</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>In all cases, the flag state is Canada.</p> <p>Please see the attached document “Eastern Canadian Fisheries Labour Framework: A legislative and regulatory overview of the fisheries industry in Eastern Canada”. Section A describes the Canadian Federal Framework, including descriptions of the various management authorities which control and enforce labour-related regulations, and how those are enforced. Section B describes the Nova Scotia Provincial Framework, Section C describes the New Brunswick Framework, and Section D describes the Newfoundland and Labrador Provincial Framework.</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	<p>See the descriptions in the following sections:</p> <ul style="list-style-type: none"> - Canadian Labour Code (pg 8) - Nova Scotia Labour Standards Code (pg 10) - New Brunswick Employment Standards Act (pg 13) - Newfoundland and Labrador Labour Standards Act (pg 16).
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>Section A, Fisheries Act (pg 5) details general fishing crew requirements, specifically:</p> <p>The Fishery General Regulations and the Atlantic Fishery Regulations, 1985 state that all persons 16 years and older who are employed or on board Canadian fishing vessels are required to obtain a Fisher Registration Card (FRC) issued by Fisheries and Oceans Canada. FRCs are only available to individuals who have authorization to work in Canada: citizens, permanent residents, authorized refugees and those with employment authorization such as a work permit. Vessels must be registered to be granted the legal privilege of engaging in fishing. The Fishery General Regulations also state that fishery officers may carry out “on demand” document checks, including vessel</p>

	<p>registration and license and FRCs. These document checks create a safeguard to ensure only individuals authorized to fish in Canada on authorized vessels are employed for this task, which prevents exploitation of fishers and mitigates against the risks of child labour, forced labour and debt bondage.</p> <p>The provincial sections (Nova Scotia Labour Standards Code (pg 10), New Brunswick Employment Standards Act (pg 13) and Newfoundland and Labrador Labour Standards Act (pg 16)) include additional provincial employment requirements.</p> <p>Recruitment is typically conducted by individual permit/ vessel owner or Captains from the local population of eligible FCR holders, based on the competitive labour market conditions of the time and the applicable federal and provincial employment requirements in force.</p> <p>There is no known migrant crew composition within these fisheries, FRCs are only available to individuals who have authorization to work in Canada: citizens, permanent residents, authorized refugees and those with employment authorization such as a work permit.</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	<p>Applicable Federal and Provincial legislation outlines the opportunities for fisher and worker rights groups to engage on employment issues.</p> <p>Worker rights groups, such as the Maritime Fishermen's Union (MFU) or the Fish, Food and Allied Workers Union (FFAW) are active in some areas of Atlantic Canada (i.e. MFU in Gulf region, FFAW in NL region).</p>
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	<p>Employment contracts in the 3LN redfish fishery (and the majority of Atlantic Canadian fisheries) are almost exclusively informal, verbal contracts negotiated between vessel owners and/ or Captains of the vessel and the crew being engaged. Employment is based on the catch share income and the responsibilities of the person being contracted. All crew are required to hold an FCR. Captains and First Mates require specific certificates of competency, issued by Transport Canada, percentage of catch share income is higher for these positions than deck hands. Catch share rates are based on free market conditions and are not prescribed by law.</p> <p>Individual companies may have additional training requirements for employees (e.g. Marine Emergency Duties training, First Aid, Occupational Health and Safety training) which are external to the negotiated crew share terms of employment.</p>
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	<p>See the Canada Shipping Act, 2001 section on page 6.</p> <p>Individual Captains and First Mates are required to take safety related training as part of their certifications, including components related to domestic vessel safety, advanced first aid and navigation safety, all of which have labour related responsibilities for crew members.</p> <p>Individual fishing companies may be subjected to random vessel inspection requirements by Transport Canada.</p> <p>Provincial Departments of Labour conduct investigations related to workplace safety accidents.</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.
CH	<p>See the descriptions in the following sections:</p> <ul style="list-style-type: none"> - Canadian Labour Code (pg 8) - Nova Scotia Labour Standards Code (pg 10) - New Brunswick Employment Standards Act (pg 13) - Newfoundland and Labrador Labour Standards Act (pg 16).
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	Not applicable, there are no migrant workers employed in this fishery.
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	Not applicable, there are no migrant workers employed in this fishery.
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	Instances of forced or child labour can be reported to departments (i.e. Labour) within the individual province of jurisdiction.
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	Employment is based federal and provincial labour laws and regulations in the province of employment. Crew are not required to surrender identification documents to vessel owners/ Captains.
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	
14	Date this template was last updated
	<ul style="list-style-type: none"> - DD/MM/YYYY

CH	04/11/2021
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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 v1.0'.

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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

A controlled document list of MSC program documents is available on the [MSC website](http://msc.org) (msc.org)

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