

Maldives Pole-and-line Skipjack 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.

[Appendix1](#)[Appendix1](#)

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 Maldives pole-and-line skipjack fishery was re-certified in Oct 2017. The current certificate expires on November 2022</p> <p>The UoC is the entire skipjack pole-and-line fishery of the Maldives as its management is vested with the Maldives Ministry of Fisheries, Marine Resources and Agriculture (MoFMA). The Ministry and the Client (MSPEA) has signed an MoU for the purposes of maintaining the MSC Certificate. Exporters, who are members of MSPEA, pay a levy to a Certificate Retention Fund managed by the Certificate Retention Fund Committee. CRFC is represented by MoFMA and MSPEA and is chaired by a Ministry staff. The arrangement has been working quite smoothly generating enough funds to maintain the MSC Certificate.</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>Labour Relations Authority (LRA) of the Maldives is mandated to oversee compliance of the Employment Act (2008/2) and its enacted regulations. LRA's function is to i) to inspect and implement the administrative steps required for the adherence of the Act ii) to investigate disputes and claims regarding employment and labour. iii) create awareness for the purpose of ensuring the proper observation of the Act and its regulations and iv) provide technical information and advice required by employers and employees.</p> <p>In general fishery law and its related regulations are implemented by the Maldives Coast Guard, Maldives Customs, and the Transport Authority of the Maldives. There has hardly been a case of violations of labour law in fishery sector (either harvesting or post-harvesting). Violations may either be self reported or reported by fishery-sector pressure groups (NGOs) – see below for the application of the this law to the fishery harvesting sector</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>Under Maldivian Labour Law employing minors (<18 years) are prohibited. It is important to appreciate that the Maldives has a long-established tradition of sharing the catch (now cash proceeds following sale of the catch) after each trip, which is maintained to this day. There are no written employment contracts with the crew. Fishing communities (Islands) are small (1000-3000 inhabitants) and the captain / owner knows most the families and potential crew on the island. It is also custom to have relatives of the captain / vessel owner as crew members. It is still practiced custom that crew members have right to leave the vessel any time, or indeed rejoin later. Under current fisheries regulation pole-and-line and handline vessel crew can be Maldivians only.</p> <p>There has never been a issues of engaging a minor on a fishing trip and it will almost be impossible for any member of the crew to find themselves forced to work on any vessel – it simply does not happen in the Maldives. MoFMA has recently started maintaining list and NID card details of crew that gets updated once every year at each renewal of the fishing license.</p>
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>Recruitment of crew is an informal arrangement between the captain and the crew. Each crew is familiar with their share of the proceeds depending on the function they perform on the vessel.</p> <p>Fishing communities are small and crew members are often family members or close friends.</p> <p>Under the Maldives Fisheries regulation, only Maldivians can be crew members of pole-and-line and handline vessel, or indeed any fisheries that operates within 100 miles from the shore.</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>There are no known engagements with fisher and worker rights groups. However, the Maldives Fishermen's Association runs a Fishermen's Community Training Centre in south central Maldives, where during their interactions issues of fisher concerns (though nothing specific on fisher rights per se) has been raised. In such cases, and where deemed necessary, the President of the Fishermen's association has communicated them with the Minister of Fisheries, Agriculture and Marine Resources.</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>There are no crew contracts as described earlier. Vessel crew are free to leave and re-join any time they want. The arrangement works because fishing communities (islands) are small. The captain would also be from the same island and he would be very familiar with the social norms and customs. Maintenance of a set of crew on vessel would entirely rest on the leadership qualities of the captain. Again, there are no records of disputes between captain and crew members.</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>There is no formal audits and inspection of crew on fishing vessels, except Ministry keeps records of crew starting from 2018.</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>High accord is given to the education throughout the Maldives and most islands have secondary schools, leaving school at 18 years of age. It is not acceptable in Maldivian community to have school children or minors engaged in fishing. Maldivian Labour forbids to engage any one below the age of 18 for paid employment (lir.gov.mv).</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>No applicable.</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	Not applicable. There has not been any case recorded in the Maldives where a crew has been forced to work due to his share of the proceeds has been withheld.
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	Currently there are no written policies to report or remediate. However, given the Employment Act shall be applicable to arrangements in gainful employment, it is understood that whistle blowers or any one who is concerned report island courts or Labour Relations Authority .
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	There is no need for the captain to ask for their IDs for the purposes of maintaining them on vessel as crew. Crews (or indeed any Maldivian) would carry their NIDs with them all the time.
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	MoFMA is currently in the process of reviewing the regulation to accommodate for labour practices and policies to meet international best practices. It is expected the new regulation will come into force before end of the year.
14	Date this template was last updated
	<ul style="list-style-type: none"> - DD/MM/YYYY
CH	03 July 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.