

Western Asturias Octupos Traps Fishery of Artisanal Cofradias

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 Certification Holder is the Association of Owners of the Octopus Fishery holding the sustainability certificate (ARPESOS), a non-profit organization made up of 31 shipowners who own the vessels included in the certification. The owners of the vessels are also the skippers of the vessels, directly exercising the fishing activity. The UoC is formed by these vessels. All the vessels are small scale vessels registered in Spain.</p> <p>All shipowners members of the Association bear the same proportion of the cost of the certification</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>The responsibility for compliance with the labour regulations depends in Spain upon the Ministry of Labour, Migration and Social Security, mainly through the Labour Inspection and Social Security area. It is mandatory to fulfil the guidelines of the International Labour Organization within the framework of the maritime labour agreement.</p> <p>There is a specific regulation in labour matters, with administrative control and inspections. Application of a rigorous system of sanctions.</p> <p>Different State and Autonomous Community Administrations reflect regulations that affect workers in the fishing sector, ensuring that the work is carried out in the appropriate labour, social, welfare and safety coverage. As follows, the organigram of the different institutions and departments involved in labour issues</p> <table border="0" data-bbox="199 1346 1489 1906"> <tr> <td data-bbox="199 1346 628 1473">Ministerio de Fomento</td> <td data-bbox="651 1346 1193 1473"> <ul style="list-style-type: none"> ✓ Dirección General de la Marina Mercante ✓ Salvamento Marítimo ✓ Comisión de investigación de accidentes e incidentes marítimos </td> <td data-bbox="1267 1346 1489 1473"></td> </tr> <tr> <td data-bbox="199 1496 628 1653">Ministerio de Trabajo, Migraciones y Seguridad Social</td> <td data-bbox="651 1496 1193 1653"> <ul style="list-style-type: none"> ✓ Instituto Social de la Marina ✓ Instituto Nacional de la Seguridad Social ✓ Inspección de Trabajo y Seguridad Social ✓ Instituto Nacional de Seguridad e Higiene en el Trabajo </td> <td data-bbox="1267 1496 1489 1653">Fishing vessels and ship owners working on board</td> </tr> <tr> <td data-bbox="199 1675 628 1749">Ministerio de Agricultura, Pesca y Alimentación</td> <td data-bbox="651 1675 1193 1749"> <ul style="list-style-type: none"> ✓ Dirección General de Ordenación Pesquera y Acuicultura </td> <td data-bbox="1267 1675 1489 1749"></td> </tr> <tr> <td data-bbox="199 1771 628 1906">Comunidad Autónoma del Principado de Asturias</td> <td data-bbox="651 1771 1193 1906"> <ul style="list-style-type: none"> ✓ Consejería de Desarrollo Rural y Recursos Naturales ✓ Instituto Asturiano de Prevención de Riesgos Laborales </td> <td data-bbox="1267 1771 1489 1906"></td> </tr> </table> <p>The final objective is to promote employment in the sector and to protect the people who depend upon it, an objective that assumes and defends ARPESOS, and that combines with the principles of sustainability of the fishing activity, specifically the sustainable capture of the species certified under the MSC standard</p>		Ministerio de Fomento	<ul style="list-style-type: none"> ✓ Dirección General de la Marina Mercante ✓ Salvamento Marítimo ✓ Comisión de investigación de accidentes e incidentes marítimos 		Ministerio de Trabajo, Migraciones y Seguridad Social	<ul style="list-style-type: none"> ✓ Instituto Social de la Marina ✓ Instituto Nacional de la Seguridad Social ✓ Inspección de Trabajo y Seguridad Social ✓ Instituto Nacional de Seguridad e Higiene en el Trabajo 	Fishing vessels and ship owners working on board	Ministerio de Agricultura, Pesca y Alimentación	<ul style="list-style-type: none"> ✓ Dirección General de Ordenación Pesquera y Acuicultura 		Comunidad Autónoma del Principado de Asturias	<ul style="list-style-type: none"> ✓ Consejería de Desarrollo Rural y Recursos Naturales ✓ Instituto Asturiano de Prevención de Riesgos Laborales 	
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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>The national labour legislation clearly establishes the minimum age of incorporation to work, with the relevant limitations and exceptions in the case of specific risk works. The control mechanisms mentioned above are articulated to avoid the labour incorporation of minors to work.</p> <p>Likewise, specific procedures are established to ensure compliance with Law 31/95, of November 8, on Occupational Risk Prevention.</p> <p>Certified vessels are routinely inspected to ensure regulations are met. Given the characteristics of the certified ships, the ship owners act at the same time as the operators, and therefore those responsible for the certification are those who exercise direct control over compliance with the standards, thus avoiding any situation of forced labour or child labour.</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>The vessels included in the certification have a very small crew, less in most of the cases to 3 people, including the shipowner. Hiring workers is usually carried out based on family or proximity relations, in the context of small fishing tradition populations in which the brotherhoods are based. The fishing regulations, through the instruments established by the Maritime Fisheries Department of the Principado de Asturias and the Ministry of Development (Maritime Captainty) ensure that every crew member on board has the specific training and qualification necessary for the development of the activity. In the case of migrant workers, they must be all in legal residence status, and have the necessary accredited training for the work they do..</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>ARPESOS members collaborate with the Fishermen's Guilds of the ports in which certified vessels have their fleet in defence of workers' interests.</p> <p>They also collaborate with the Regional Administration through the General Directorate of Maritime Fisheries in the revision of standards that affect fishing activity (related to the certified species), regulated by exploitation plans</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>The employers, boat owners of vessels are registered as entrepreneurs in the Special Regime of the Sea. Temporary or indefinite contracts are made to third-party workers, usually indefinite contracts. Long-term contracts are also made to migrant workers, since it is sought the stability of hired workers and the rooting of non-natives in the host fishing population.</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>The labour, tax and social security authorities are the ones that carry out the inspections. Labour audits are performed independently of each vessel. There is no specific labour regulation or differential treatment in working issues that affects the vessels included in the Unit of Certification</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	In the case of the members of theUoC, the requirements established in the national labour legislation are respected, not allowing the incorporation of workers with a lower age (the average age of the workers ofUoCis over thirty years old).
9	Repatriation
	<ul style="list-style-type: none"> - Describe how repatriation issues are dealt with in the UoCwith respect visitsend of contract, voluntary and involuntary termination, and freedom of movement and the extent to which these are included in contracts.
CH	<p>Given the characteristics of the fleet and the crew, they are not affected by repatriation issues. The contracts are made in accordance with current labour legislation, respecting all the rights and obligations of the employer and the worker.</p> <p>Workers, if they desire voluntarily leave work, can do so by communicating it to the company. It will be in any case a free decision of the worker, not imposed by the employer.</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	This cannot be interpreted as the imposition of sanctioning costs on workers, nor the application of abusive practices by shipowners, but rather a cooperative, traditional and distinctive form of fishing practices in these territories. In no case there are practices to pass costs individually to specific workers, as a way of sanctions.
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	There are not, at all and in any way, cases of forced and / or child labor among the vessels that constitute the UoC. Workers are free to communicate, integrate into trade union or defence associations of their rights that they deem appropriate and report situations that they consider violating their rights as workers or persons to the Administration, the Justice or the security forces. There is no coercion in this regard.
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	It applies the Spanish and European labour regulations and complies with all the norms that guarantee the development of work in decent and safe conditions for adults, autonomous and free persons linked to the UoC.
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

	- DD/MM/YYYY
CH	14/8/2019

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.

4 Template information and copyright

This document was drafted using the 'Certificate Holder Forced and Child Labour Policies, Practices and Measures Template v1.01'.

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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
1.01	28 March 2019	Minor document change for usability

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

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