

[Faroe Islands Silver smelt]

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	Tavan has an agreement with the vessel owners, P/F JFK, P/F Vørðustíggjur, and P/F Vesturbúgvín regarding silver smelt. The silver smelt is landed on landing sites covered by the MSC certification.
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 overall authority of industry in the Faroe Islands are called Uttanríkis- og vinnumálaráðið (www.uvmr.fo) - the management authority is called Sjóvinnustýrið (www.fma.fo). These are the authorities enforcing the laws related to crews on fishing vessels in the Faroese waters.</p> <p>Fiskimálaráðið (www.fisk.fo) are the overall fishing authorities in the Faroe Islands. The management authority is called for fisheries is called Vørn (www.vorn.fo). Vørn has two guard vessels controlling the fishery in the Faroe Islands. Is there a problem relating to the crew, Sjóvinnustýrið and Vørn can work together to solve the problems.</p> <p>Sjóvinnustýrið has the responsibility to control that the laws are enforced. There is a Signing on and signing off act regulating the manning. The captain has to send a list over the manning to the authority before the start of every trip. The relevant legislation regarding manning list can be found here: https://fma.fo/wp-content/uploads/2019/01/uk-tgva-lgtingslg-no--55-fr-30--apr-2018-um-mynstring-mynstringarlgm.pdf. On this way the authority can make sure that the regulations are enforced.</p> <p>The law regarding crew and Faroese vessels is called Løgtingslóg um fyrisiting av sjófeingi, sum seinast broytt við løgtingslóg nr. 66 frá 9. mai 2019. § 6 states that the age limit to sign on is 16. § 7 states that everyone has the right to quit with a 4 weeks warning and leave the ship at the next harbour. § 8 states that Sjóvinnustýrið has to accept the crew contracts regarding wages. (the situation in the Faroe Islands is though, that we have powerful labour unions and that the all the crews are contracted through union agreements). Regarding forced labour § 51 states that the captain and the crew shall be paid according to the labour unions agreements. This is a requirement both for vessels under the Faroese flag and vessels fishing in Faroese waters. §§ 9 – 15 describes the right to leave a vessel. §§ 63 – 69 states the punishment by not following the law. Breach of the law can be punished with a fine and prison up to one year. Also, the vessel can be removed from the Ship Register.</p> <p>The relevant law regarding manning, including child labour is https://fma.fo/wp-content/uploads/2016/07/parl-act-no--4-from-15-january-1988-on-seafarers-conditions-of-employment-with-later-amendments.pdf. The age limit for manning is 16 years, see § 4, stk. 1. There are certain regulations regarding labouring of people between 16-18, These can be found here: http://www.fmareglur.konsult.fo/regluskj%C3%B8/228-fma-fmaa-kap1-2013</p> <p>In Mai 2019 the Faroese government signed the ILO convention 188 (Work on fishing convention). As the situation is today, the Faroese regulation fulfil most of the requirement in the convention but there will be made small adjustments in the Faroese regulations regarding work on fishing. Though, in most of the requirements, the manning is better protected by the Faroese legislation.</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>The government processes:</p> <p>There is a Signing on and signing off act regulating the manning. The captain has to send a list over the manning to the authority before the start of every trip. The relevant legislation regarding manning list can be found here: https://fma.fo/wp-content/uploads/2019/01/uk-tgva-igttingslg-no--55-fr-30--april-2018-um-mynstring-mynstringarlgm.pdf. On this way the authority can make sure that the regulations are enforced.</p> <p>The certificate holder processes:</p> <p>We as a production company don't have any processes in place to mitigate risk of child and forced labour. As we are a sophisticated Western European country, we rely on the system.</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 captain has the responsibility to manning the ship. There aren't any described methods for this. Normally people are calling directly to the captain. Some meet at the harbour and ask for a place on the ship. Others ask the captain when they meet in public. It is possible to call the office and ask for a place on the ship – the office people have a list of all the people that have asked for a place on the ship. The captain is free to choose method for recruiting people and one opportunity is to call the office for people. This method is normally not used because its so attractive to be a crew, so the captain has plenty of contacts on his own.</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>The Faroese “fisher organization” is a very strong very strong organization. They have contracts with the shipowners, whom they have negotiated.</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 contracts are based on labour union agreements. The law states that the captain and the crew shall be paid according to the labour unions agreements. This is though a minimum requirement. They are free to make better contracts.</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	n/a
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>The age limit is 16. Crew members need to have a sailing-certificate to be able to join the crew. The captain has to collect a sample of the sailing-certificate from every crewmember to make sure, the crew has the relevant training. The Faroese government checks weather vessels fulfils this requirement. The consequences for not fulfilling this requirement is a fine for the captain and a fine for the company.</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>The crew on the vessels within the UoC are only Faroese. The law regarding crew and Faroese vessels is https://logir.fo/Logtingslog/4-fra-15-01-1988-um-sjomenn-sum-seinast-broytt-vid-logtingslog-nr-124-fra-22?. §§ 9 – 15 describes the right to leave a vessel:</p> <p>§ 9: pregnant people can leave the vessel at the next harbour.</p> <p>§ 10, stk. 1: In case of death of a child or a spouse of a crew member the member has the right to leave the vessel at any time. In this case the Faroese government pays the cost of the transportation.</p> <p>§ 10, stk. 2: In case of a new job offer the crew member can leave the vessel at any time. In this case the crew member has to pay the extra cost for the company, if the company has had any extra cost of this, jf. Stk. 3.</p> <p>§ 10, stk. 4: Other situations are: the company bankruptcy, the shipowner dies, the owner stops the company, if the company isn't able to pay or if the company has breached the contract.</p> <p>§ 11: if the ship isn't safe or if safety requirements aren't followed. If the vessel aren't inspected as stated in § 54. And if people onboard are treated badly.</p> <p>§ 12, stk. 1: if the ship is in war zone or in uncertain area and if there is an epidemic</p> <p>§ 12, stk. 2:</p> <p>§ 12, stk. 3 – 4: The captain shall inform the crew about the planed schedule. Based on that the crew can choose to leave the ship.</p> <p>§ 13: if the plan scheduled isn't followed.</p> <p>§ 14: if the ship is removed from the Faroese register list.</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	At our knowledge there aren't any evidence of debt bondage
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	We don't have any hotline or policies but the crew are always able to contact the authorities or the office.
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	We don't collect private documents of our employees. All the employees are Faroese and the ships in the UoC never leave the Faroese waters. They always land the fish in Faroese harbours.
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	n/a
14	Date this template was last updated
	<ul style="list-style-type: none"> - DD/MM/YYYY

CH	23/07/2019
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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 v1.01'.

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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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