

Argentine anchovy (*Engraulis anchovy*), Bonaerense stock, semi-pelagic mid-water trawl fishery

Certificate Holder Forced and Child Labour Policies, Practices and Measures

1 Introduction

Fisheries and at-sea Certificate Holders (CH) in the Marine Stewardvessel 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 Stewardvessel 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																																																																																					
	- Characterise the composition of the fishery client group, including cost sharing entities. - Describe the relationvessel between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC).																																																																																					
CH	The Client Group is made up of fishing companies that process and export Argentine anchovy (<i>Engraulis anchoita</i>), Bonaerense stock, semi-pelagic mid-water trawl net fishery. They have an agreement with the vessels that carry out the capture.																																																																																					
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SUMMARY OF THE AGREEMENT

CONTRACTORS: CLIENT GROUP
SUBCONTRACTED: VESSELS

THE CONTRACTORS hire THE SUBCONTRACTED and they accept, for the name of the client group, the activities of anchovy capture (Engraulis Anchoita), Buenos Aires stock. This activity will be carried out within the MSC Sustainable Fisheries Certification Program, thus responding to the commitment of the contracting party to OIA. THE CONTRACTORS are responsible for the development and compliance with the Action Plan drawn up and the respective certification requirements, pledging to enforce them by THE SUBCONTRACTORS.

Said operation service will be extended ONLY to the identified SUBCONTRACTED vessels during the stipulated period regarding the duration of this agreement. Any fishing vessel that captures anchovy outside this agreement and that is not linked to the Certification Unit (UoC) notified by OIA, may not sell its product as a MSC Certificate.

This agreement will have a duration of 180 days from the date of signature of the agreement and will have automatic renewal unless expressly stated otherwise by any of the parties 30 (thirty) days before the expiration of the same.

SUBCONTRACTORS may not make use of the MSC Certification of Sustainable Fisheries and undertake to comply with the audits of the authorized personnel of THE CONTRACTORS in order to follow the evolution of the agreed process and process the corresponding certifications, keeping a record of data for that OIA can check with the register of THE CONTRACTORS.

THE CONTRACTORS undertake to demonstrate that THE SUBCONTRACTORS who handle certified products comply with the MSC Sustainable Fishing and MSC Chain of Custody certification requirements, declaring to know it. Likewise, it undertakes to provide all the necessary information as well as allow audits of the Certifying Agency / Control Authority / Accreditation Bodies, allowing the exchange of information with them about the operations; OIA may exchange information conveniently with the contracting party to determine compliance with the regulations.

SUBCONTRACTORS have a system that guarantees the traceability, segregation and identification of certified fish at each stage of handling; and will allow the MSC, OIA and the MSC accreditation body to have access to the establishments and any registration related to the products certified upon request.

Each of the vessels that are part of the subcontracted group undertakes to bring staff of the INIDEP Observer Program on board at least three tides during the duration of the anchovy capture campaign.

2 Responsibility for labour regulation

- What management authorities and laws, including flag state authorities, control labour-related regulations in the unit of assessment area?
- How are laws enforced?

CH

Fishery Management: SAGPyA, SSPyA, CFP, Prefectura Naval e INIDEP. Argentine Labour Law and Maritime laws. The Ministry of Labour is the governmental institution that understands labour issues. Companies must comply with general and private labour regulation related to each collective bargaining agreement, since there are several trade unions related to fishing activity.

The National Coast Guard (Prefectura Naval Argentina - PNA) is the Maritime Authority, that is, the security force that performs the functions of navigation security police, public order prevention, environmental protection, judicial police, customs auxiliary, among others. It is then, which enforces the laws through pre-boarding controls of each crew on each merchant marine vessel.

The legal instrument of operation is the regulation called "Regime of Maritime, Fluvial and Lacustrine

	Navigation" (REGINAVE), which constitutes a set of regulatory rules derived from the laws and internal decrees in force regarding navigation intended to provide the safety of people and merchant vessels. Decree No. 4,516 of May 16, 1973 and following articles.
3	Risk identification and mitigation
	- 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>PNA exercises control of compliance with national laws, which ensure the mitigation of any risk of child and forced labour:</p> <p>Law 20.744: Work Contract Regime;</p> <p>Law 26.390: Prohibition of child labour and protection of adolescent labour.</p> <p>Law 26.061: Integral protection of the rights of children and adolescents. The Argentine government also ratified ILO conventions 138 and 182.</p> <p>Each worker who embarks must have a book that enables him to perform this type of work. This seafarers book is granted by National Coast Guard and is mandatory for boarding a fishing vessel.</p> <p>The seafarers book is granted with compliance with the following documentation, in accordance with the aforementioned laws:</p> <ul style="list-style-type: none"> -Qualifying title for the position. -National identity document -Criminal record. -Domicile certificate. -Certificate of approval of swimming and rowing exam -Certificate of medical aptitude.
4	Crew recruitment
	- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	<p style="text-align: center;">CREW RECRUITMENT BOARD STAFF</p> <ul style="list-style-type: none"> • Interview with the owner of the fishing vessel. • Interview and presentation at the company's office. • Review of the seafarers book. See category in which the employee is enabled. • See the medical apt and that PNA endorses it. <p>Law 20.094: 75% of the crew must be Argentine.</p> <p>Article 143° - Seventy-five percent (75%) of the vessel's master and maritime personnel must be made up of Argentines. If possible, having Argentine crew members, in availability, the crew must be completed with them. The competent authority may agree exceptions to said principio when it will verify, in each case, the lack of qualified Argentine personnel.</p>
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	As regards the policies or measures that are in force to let the crew be heard and to report any cases of forced or child labour, there is an agreement on maritime labour (https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_090250.pdf) which it clearly expresses the minimum age a

	<p>person can be able to navigate is 16 years with parental consent. It also refers to the special conditions that must be considered for the child, in case there is any type of work at sea involving danger to their physical integrity. Vessel control is carried out by National Coast Guard (PNA), the entity that extends the boarding pass and requests the mandatory medical check that certifies its optimal state of health, in order to navigate. In this comprehensive convention you can observe the necessary conditions to embark and thus avoid forced or child labour. PNA is assured by all means of exercising its comptroller authority and ensuring the people integrity under its responsibility.</p>
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	<p>Union agreements with legal contracts before sailing to a fishing trip. The National Ministry of Labour and the Provincial Ministry and Secretariat of Labour with coastal domain have delegations in each loading port. From these, periodic inspections are performed to verify compliance according to the current labour regulations.</p> <p>Collective Labour agreement 711 / 15.- Maritime. Patrons and river, fishing and maritime cabotage officers. -Collective Labour agreement 701 / 14- fishing coastal and distant coastal fisheries. Captains and / or fishing patterns. Mar del plata, which comply with national Navigation Law 20094, and Law 26920 approving the MARITIME WORK AGREEMENT, 2006 as amended. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_090250.pdf, adapted by the General Conference of the International Labour Organization, in Geneva- Confederation Switzerland</p>
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	<p>The MINISTRY OF LABOUR performs inspections at any time of the year.</p> <p>NATIONAL COAST GUARD (PNA) performs inspections before each vesselment. They must comply with the "Regime of Maritime, Fluvial and Lacustrine Navigation" (REGINAVE). Surprise inspections are also carried out without established frequencies.</p> <p>SUPERINTENDENCE OF WORK RISKS According to Annex III of 2009 - Resolution SRT 0463.* services for fishing once every two calendar years. *Marine, coastal and deep sea fishing: once every two calendar years. *Fishing service: once every two calendar years. *Preparation of sea fish, crustaceans and marine products: once every two calendar years. *Wholesale of fish: once every three calendar years.</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>-In Argentina, the minimum age for work is 16 years according to C188 - Work in Fishing Convention, 2007 (No. 188) Convention concerning work in the fishing sector (Entry into force: 16 Nov 2017) of International Labour Organisation. Currently, the principle of supremacy of treaties over internal laws has constitutional status, according to art. 75 inc. 22, first paragraph, of the National Constitution amended in 1994, whose second part says, verbatim, that "treaties and concordats have a higher hierarchy than laws." Likewise, in the constitutional regime the treaties are incorporated into domestic law according to article 31 of the National Constitution, this constitution, the laws of the Nation that are consequently dictated by Congress, and treaties with foreign powers are the Law Supreme of the Nation; and the authorities of each Province are obliged to comply with them, notwithstanding any provision to the contrary that contains the laws or provincial constitutions. Although this article establishes the primacy of national norms over provincial ones, precisely that primacy of international treaties presupposes their incorporation into national law.</p> <p>Any minor between 16 and 18 years of age may embark as an "apprentice" on nationally registered</p>

	<p>vessels, provided that it is accompanied by the corresponding “Embark identification card” granted by PNA. The requirements for obtaining, among other technical, are the minimum age detailed above and a mandatory authorization signed and legalized by a father, mother or guardian, according to article 502.0401 of section 4 of title 5 of the REGINAVE Regulation, "Regime of Maritime, Fluvial and Lacustrine Navigation".</p> <p>-Every crew member under 18 years of age (apprentice) must have a “Embark identification card” and those over 18, with a “Seafarers book”, both granted by the National Coast Guard (PNA). The personal data and the technical and safety skills of each one are verified.</p> <p>Prior to boarding, each Vesselowner must provide the PNA in their Vessel Dispatch Office, the vessel's book and the original cards / passbooks of the entire crew. It is then generated a manifesto called "Vesselping Role" type sworn declaration.</p> <p>-At the time of boarding the vessel, two PNA officers verify, according to the Vesselping Role Manifesto, in addition to the boat's safety measures, the presence of the entire crew previously declared. Each crew member must embark without exception with their corresponding original card / passbook where the officers will take the seat of the control carried out and authorize the departure.</p>
9	Repatriation
	- 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	Every foreign person has the national immigrant protection law, which stipulates the form of hiring and repatriation. Law 25871 on Migration. Likewise, they have the labour laws already mentioned in point 6.
10	Debt bondage
	<p>- 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.</p> <p>- If so, describe such practices and how debt bondage is avoided.</p>
CH	<p>A safety management system has been established that complies with the requirements: of Ordinance No. 05/2018 DPSN VOLUME 2 “Norms of Operational Safety of Vessel and Pollution Prevention (NGS); which aims to ensure maritime safety, avoid personal injury or loss of human life, damage to the environment and property.</p> <p>Laws No. 23,592 Criminalization Discriminatory acts and No. 24,515 Creation of INADI. National Institute against Discrimination, Xenophobia and Racism.</p> <p>MAINTENANCE / FOOD</p> <p>Expte Ex 2019- 14593611-APN-ATMP # MPYT</p> <p>Expte 1,789,546 / 18</p> <p>The on-board personnel of the fishing vessel, both sailors represented by the Maritime Fishermen's Union (SI.MA.PE) and by the United Maritime Oberos Union, as well as the captain and the first officer, represented by the Argentine Association of Pilot Captains and Fishing Patterns, and lastly the machine personnel, represented by the Naval Drivers Union of the Argentine Republic, have agreed to a salary agreement. The included crew members will receive as daily maintenance / food, a daily value for each member. In the event that the vessel operates in Patagonia, the maintenance / food will be in a neutral situation by the vesselowner, and the vesselowner must not pay or deduct any amount for this concept.</p> <p>MEDICAL / HEALTH</p> <p>LAS ASEGURADORAS DE RIESGOS DEL TRABAJO SA, authorized by the Resolution of the Superintendence of Insurance of the Nation No. 24.433-96 and Resolution of the Superintendence of Labour Risks No. 31/96 to affiliate throughout the country with the established scope of Law No. 24,557 on Occupational Risks certifies that the vesselowners have issued the corresponding Insurance Policies,</p>

	<p>under the terms of Law 24,557 on Occupational Risks.</p> <p>COMMUNICATION</p> <p>Satellite monitoring service in accordance with provision 2/2003 of SAGPYA --- N / CTA: 1780 --- Communication is by e-mail, and with monitored service.</p>
11	Grievance and remedy mechanisms
	- 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	<p>The groups committed to the rights of workers, migrants and fishermen are the Ministry of Production and Labour of the Argentine Republic, National Coast Guard and the SIMAPE and SOMU unions.</p> <p>These are responsible for ensuring the safety of workers and allow their proposals and complaints to be heard when it is deemed convenient.</p> <p>For suffering or being in situations of unregistered work or making a complaint for irregular child and / or adolescent work, the Ministry enables the following means of communication:</p> <p>Send an email to the following box: denuncias@trabajo.gob.ar</p> <p>Call 0800-666-4100 by phone (option 1, then option 5, Monday through Friday from 7 a.m. to 7 p.m.)</p> <p>National Coast Guard offers a complaint assistance line: Line 106</p> <p>Abnormality related to safety on board 0800-444-0436</p>
12	Identification documents
	- 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	<p>According to the legal regulation of operation, Regime of Maritime, River and Lacustrine Navigation, of the National Coast Guard (PNA), Section 3 "Of the embarkation and computation documents", in its articles 501.0301 to 501.0312, all crew members have no exception with your original "Seafarers card or book" (according to your age). These will be the official documents with which the staff can enroll to work on board, and in which their Habilitation will be certified. The Verification Entities may use them during the controls but must be carried out in the presence of the crew at all times.</p>
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	There have not additional comments.
14	Date this template was last updated
	- DD/MM/YYYY
CH	09/08/2019

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 v1.0'.

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Template version control

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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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