

Waterhen Lake

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>Skownan First Nation (on behalf of the Waterhen Lake Winter Fishermen’s Association) working in collaborative partnership with Manitoba Agriculture and Resource Development (Wildlife and Fisheries Branch), are currently proceeding through a third party assessment to re-certify the Waterhen Lake Walleye and Northern Pike commercial gillnet fishery under the Marine Stewardship Council (MSC) Program.</p> <p>These client groups are comprised of 21 licenced commercial who compromise the Waterhen Lake Winter Fishermen’s Association.</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 the province of Manitoba, the governing body for labour regulations is the Ministry of Labour and Immigration.</p> <p>Manitoba’s Labour and Regulatory Services is responsible for the delivery of programs and services pertaining to workplace safety and health, employment standards, labour relations, and public safety.</p> <p>Conciliation and Mediation Services promotes and maintains harmonious labour-management relations in Manitoba by providing conciliation, grievance mediation and preventive mediation services to organized labour and management.</p> <p>Employment Standards is a neutral third-party regulatory body that promotes compliance with minimum employment standards legislation and conducts proactive services to protect vulnerable workers. The Division also offers labour adjustment services to assist employers find solutions to potential business closures or layoffs while supporting workforce adjustment committees to develop retraining and reemployment strategies for employees.</p> <p>The Manitoba Labour Board is an independent and autonomous specialist tribunal responsible for the fair and efficient administration and adjudication of responsibilities assigned to it under <i>The Labour Relations Act</i> and sections of Manitoba’s labour laws.</p> <p>The Worker Advisor Office, established under Section 108 of <i>The Workers Compensation Act</i>, is independent of the Workers Compensation Board (WCB) and provides professional and timely service to workers and their dependents who require advice, assistance and representation with their workers compensation claims.</p> <p>Workplace Safety and Health enforces <i>The Workplace Safety and Health Act</i> and its associated regulations in order to protect the safety and health of workers in Manitoba. Workplace Safety and Health’s inspection</p>

	<p>and investigation activity focuses on improving legislative compliance in order to eliminate workplace fatalities, injuries and illnesses.</p> <p>Manitoba's Worker Recruitment and Protection Act and its regulations help protect children from dishonest talent and modelling agencies and improve protection for foreign workers wanting to live and work in the province.</p>
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>The <i>Employment Standards Code</i> of Manitoba regulates conditions of employment and sets minimum ages for employment. The Code defines a “child” as an individual under the age of 16 years. Children in Manitoba are protected by legislation from engaging in work that would constitute a threat to their health or education.</p> <p>Minimum standards such as general holidays, vacations, minimum wage and termination apply to all employees regardless of age. Young people who are 13, 14, or 15 years of age need to complete a Young Worker Readiness Certificate Course before they can begin working, and there are rules that restrict their hours of employment and the types of work they can perform. In Manitoba, children under 13 years of age cannot be employed.</p> <p>Under the Code, young people 13, 14, or 15 years of age cannot work</p> <ul style="list-style-type: none"> • On a construction site; • In industrial or manufacturing processes; • On drilling or servicing rigs; • On scaffolds or swing stages; • Pruning, repairing, maintaining, or removing trees or shrubs; • At heights more than 1.5 meters; • With herbicides or pesticides; • Without direct adult supervision; or • In a designated trade because apprentices must be at least 16 years of age. <p>In addition, young people under 18 years of age cannot work:</p> <ul style="list-style-type: none"> • In forestry; • In saw or pulp mills; • In confined spaces; • In underground in mines or on the face of open pit quarries; or • In asbestos abatement and removal.
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>In the included fisheries, all licenced fishers must actively participate in the fishing activity as a condition of their commercial fishing licence. Licenced commercial fishers may hire a helper or helpers but the commercial fisher must be present with the helper during the fishing activity. The traditional means of recruiting fisher helpers is hiring known individuals from the local community or area. Recruiting websites are not used in the Manitoba commercial fishery.</p> <p>There is no current migrant employment in the included units of assessment. However, to provide additional information it is noted that all employers wanting to recruit foreign workers, other than Manitoba Provincial Nominees, are first required to register with Employment Standards. This requirement results from the <i>Worker Recruitment and Protection Act</i>, which improves protections for foreign workers. A licence is required from Employment Standards for persons engaging in foreign worker recruitment in Manitoba under the <i>Worker Recruitment and Protection Act</i>. This Act further sets out the obligations that recruiters must meet to be approved for a license in Manitoba.</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 organizations engaged with workers in the Unit of Assessment (UoA).
CH	All employees and employers in Manitoba are governed by the Employment Standards Act.
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	Licensed commercial fishers generally hire one or two individual helpers for the duration of their commercial fishing activity. The general nature of such arrangements includes verbal contracts which include basic terms including salary and hours of work. There are no “crews” hired in the same sense as would apply to larger commercial fishing operation as occurs for Great lakes or marine fisheries. Therefore there are generally no crew contracts existing in the UoC..
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	Manitoba Agriculture and Resource Development (Wildlife and Fisheries Branch) is not aware of any investigations on child labour being initiated in the UoC within the last two years (see comment in section 8).
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>Under <i>The Employment Standards Code</i> of Manitoba, as described in greater detail in section three, there are a number of restrictions that govern minimum age requirements. In addition, employees under 16 years old cannot work between the hours of 11:00 p.m. and 6:00 a.m. Employees less than 18 years old cannot work alone between 11:00 p.m. and 6:00 a.m. During a week of school, employees under 16 years old are not permitted to work more than 20 hours per week. Further, a child required to attend school cannot be employed during school hours. A child must attend school until graduation from high school or until he/she reaches the age of 18.</p> <p>Minimum age investigations are initiated by Employment Standards on receipt of tips or complaints from individuals suspecting or witnessing (as either an external observer or a workplace participant) the use of child labour.</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	Not applicable to any of these commercial fisheries.
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	There is no evidence of systematic practices to impose costs on hired helpers or fish workers within the assessment area.

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	All employees have the right to file a grievance with the Ministry of Labour and Immigration. In Manitoba, if an employee is injured on the job, they can apply for workers' compensation benefits. If an employee is having a dispute with the Workers Compensation Board, they can contact the Workers Advisory office. If an employer violates the <i>Employment Standards Code</i> of Manitoba, employees can file a complaint with Employment Standards. Employment Standards will investigate. In some cases, the dispute may go to the Manitoba Labour Board, which will hold a hearing. The Board can make binding orders, forcing employers to pay money to employees.
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	Members of the client group do not hold any original personal identification documents of their workers.
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	None
14	Date this template was last updated
	- DD/MM/YYYY
CH	29/08/2019

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 v1.01'.

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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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