

SMALL PELAGIC FISHERY IN SONORA GULF OF CALIFORNIA

MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures v1.0

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

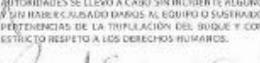
1 Composition of fishery client group on behalf of who the statement is provided	
	<ul style="list-style-type: none"> - Characterise the composition of the fishery client group, including cost sharing entities. - Describe the relationship between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC).
CH	The client group is made up of nine companies that own and operate the vessels that make up the UoC. The vessels make up a total of 43 for the Guaymas, Yavaros area, and represent about 95 % of the fleet. The cost is divided equally in relation to their hold capacity, there are no vessel owner all the vessels are owned by the companies.
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	Secretaria de trabajo y prevision, the navigation federal law relevant to the secretary of communications and transport, the enforcement is by the Navy on routine inspections at sea, and by port authority on inspection before it sails. Forced labor is not defined because it is illegal in Mexico, the federal law for workers regulate everything that is related with the relation between employer and worker, and the navigation law.
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	By law no one under 18 years of age can work in the vessels, the port authority checks the crew manifest before permitting the vessel to Sail on a fishing trip, nobody can be part of the crew if it does not have the equivalent of a sea fearer’s book and this book is not issued to minors.
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	There are no migrant sailors in the crew, the crew must be made up of Mexican nationals, normal method of recruitment is that they apply for an opening in the crew with fleet manager of a company and he decides upon the references and needs.
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	At this moment the organizations and cooperatives, are so disorganized that the crews do not belong to them, they have practically no relations with the crew and don't take part in any negotiation, the sailors say that they only want their money, and use them for political reasons.
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	There is a contract that is signed by each crew member which it stipulates all the obligations by the company and all obligations by the crew member is very specific, in appendix A you will find one from one of the companies. Most of the contracts are very similar. Forced labor is prohibited by the Mexican law, the clauses in the attached contract mark the rights and responsibilities of the employer and the sailor.
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	The labour inspections are conducted every time the ship sails, an inspector from the direccion de marina mercante , capitania de Puerto, and the Region naval (navy) conduct an onsite inspection where they check every aspect of the boat an especially the crew manifest for their identifications, and the sea fearer's book, identification of each crew member, appendix B .
8	National minimum age requirements
	- 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	The ley federal de trabajo y la ley de Navegacion, specifically estate that no one under 18 years of age can work, for some cases under age kids can work for 7 hours and with a written permit of their parents but for sailing boats it is not possible because they must have a sea fearer's book to be able to work on a fishing boat and if they do not comply with this, then at the inspection before sailing they will be turned back. Even observers in different programs must comply with all the requisites and carry a special permit from the port captain. Please go to appendix B .
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	Since the crew must be made of Mexican nationals there are no repatriation issues, since the boats leave Guaymas and returns to Guaymas, they cannot unload at other ports because they must unload at their company plant so there is no repatriation when a fishing trip is over, they can claim their pay, papers and leave.
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 debt bondage what so ever, everything is provided by the company, and upon termination of the contract or season it must be given back, some of this they can keep at no cost, bust mostly stays on the boat, all the medical costs are covered by the obligatory medical insurance, the official social security provided by the government, no vessel can leave port without proof that they are covered, debt bondage is against the law and is enforced by the secretaria de trabajo y prevision social and in the contracts.
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 is no forced labor and no child labour, there is an office in Guaymas where the sailors can report any grievances, and an officer of the secretaria de trabajo will investigate and mediate any problem.
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	The sailors when they arrive to the port and collect their pay, are free to request their documents and transfer to another company if they so choose. The Mexican law does not allow the retainment of documents.
13 Additional comments	
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	I think that the definition of forced labor is not well described at the beginning of the document and the responses will not necessarily be the ones that the MSC is expecting.
14 Date this template was last updated	
	<ul style="list-style-type: none"> - DD/MM/YYYY
CH	11/07/2019

 COORDINACIÓN GENERAL DE PUERTOS Y MARINA MERCANTE DIRECCIÓN GENERAL DE MARINA MERCANTE CAPITANÍA DE PUERTO DE	SECRETARÍA DE MARINA - FIDECOMSA REGION NAVAL ZONA O SECTOR NAVAL	 SECRETARÍA DE MARINA - FIDECOMSA REGION NAVAL ZONA O SECTOR NAVAL
---	--	--

FORMULARIO PARA ASENTAR LAS OBSERVACIONES DE INSPECCIÓN-VERIFICACIÓN A EMBARCACIONES MENORES NACIONALES EN MATERIA DE SEGURIDAD Y PROTECCIÓN MARÍTIMA

FECHA: 23-11-2018		HORA DE INICIO: 15:00		HORA DE TERMINO: 17:15		FOLIO:	
SECCION I PARA SER LLENADO POR PERSONAL DE LA SCT, EN FUNCIONES DE AUTORIDAD MARÍTIMA MERCANTE PARA VERIFICAR QUE LAS EMBARCACIONES MERCANTILES DAN CUMPLIMIENTO A LAS NORMAS OFICIALES MEXICANAS EN MATERIA DE SEGURIDAD DE LA NAVEGACIÓN Y LA VIDA HUMANA EN EL MAR, ASÍ COMO DE LA PREVENCIÓN DE LA CONTAMINACIÓN MARINA.				SECCION II PARA SER LLENADO POR PERSONAL DEL SEMAR, EN FUNCIONES DE POLICÍA MARÍTIMA, PARA GARANTIZAR EL ESTADO DE DERECHO EN LAS ZONAS MARINAS, LA CONSERVACIÓN DEL ORDEN Y LA SEGURIDAD EN LOS RECIENTOS PORTUARIOS Y PARA EVITAR EL TRÁFICO ILÍCITO DE PSICOTRÓPICOS Y ESTUPEFACIENTES.			
NOMBRE DE LA EMBARCACIÓN: <i>PEQUEÑA LUNA II</i> MATRÍCULA: <i>05-10-301</i> TIPO DE EMBARCACIÓN (CONFORME AL REPORTE MENSUAL ESTANDAR): <i>PEQUEÑA LUNA II</i> COLOR DEL CASCO: <i>BLANCO</i> PATRÓN DE LA EMBARCACIÓN: <i>Antonio Guadalupe Lopez</i> TIPO DE DESPACHO: <i>De Pesca</i> VIGENCIA DEL DESPACHO: <i>3 meses</i> ZARPE/LUGAR DE EXPEDICIÓN: <i>Guaymas</i> No. DE TRIPULANTES: <i>8</i> COINCIDEN LOS NOMBRES DE LOS TRIPULANTES CON LOS DE LA LISTA DEL DESPACHO: <input checked="" type="checkbox"/> SI <input type="checkbox"/> NO MAQUINA PRINCIPAL: <i>Gasolina</i> No. DE SERIE:				PROPIETARIO: <i>Donato De Luna II</i> EMPRESA NAVIERA: AGENTE CONSIGNATARIO: <i>Donato De Luna II</i> NOMBRE DE LA COOPERATIVA: <i>Pequeña Luna II</i> NUMERO DE PERMISO DE PESCA: <i>00033</i> ZONA DE PESCA/TINERARIO: <i>Guaymas</i> ESTADO DE LAS ARTES DE PESCA: <i>816</i> ESTADO DEL SEMEP: <i>816</i> ESTADO DE LAS BODEGAS: <i>816</i> AGENTE CONSIGNATARIO: <i>Donato De Luna II</i> CAPACIDAD: ESPACIOS A INSPECCIONAR:			
MODELO: GENERADOR DE ENERGIA ELECTRICA: No. DE SERIE: MODELO: EQUIPO?				CASETERIA: CUBIERTA MAGISTRAL: PUENTE DE MANDO: CAMAROTES: COMEDOR: COCINA: LOCKERS: BOYERO: NIVELES REVISADOS: CUARTO DE MAQUINA: TANQUES DE COMBUSTIBLE: TANQUES DE LASTRE: TANQUES DE AGUA DULCE: TAMBORERIA: TUNEL DEL EJE DE LA HELICE: PAÑALES: CITROS ESNCIOS: CUBIERTA: TAMBUCHOS: CAJAS DE CAJENA: ESCOBENES: PAÑALES: APAREJOS DE PESCA: NEVERAS: CUARTO DE REFRIGERACION: BODEGAS:			
EQUIPO?		SI		NO			
RADIO VHF		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
RADIO BANDA LATERAL		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
RADAR		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
GPS		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
BITACORA		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
LINTERNA ELECTRICA		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
COMPAS		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
BINOCULARES		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
RELOJ		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
CARTAS NAUTICAS		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
TERMOBATERIA		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
BAROMETRO		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
ROTOQUIN		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
SILBATO		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
CAMPAÑA		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
ANCLA		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
BALAS SALVAVIDAS		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
BOMBA DE ACHIQUE		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
SENALES DIURNAS		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
EXTINGUIDORES		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
LUCES DE BOMBA		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
COHETES CON PARACAIDAS		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
HELIOGRAFO (ESPEJO DE SEÑALES)		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
HACHA		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
BANCO DE BATERIAS		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
CHALECOS SALVAVIDAS		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
AROS SALVAVIDAS		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
BALSA RIGIDA		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
LUCES DE NAVEGACION		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
LUZ DE PESCA DE ANRASTRIE		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
CABLE DE REMOLQUE		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
DOCUMENTOS DE LOS TRIPULANTES		<input checked="" type="checkbox"/>		<input type="checkbox"/>			
CERTIFICADOS		EXPEDIDO		VENCIMIENTO		AUTORIDAD	
CERTIFICADO DE MATRÍCULA		05-10-301		01-01-2019		CGP Buqueadero	
CERTIFICADO DE SEGURIDAD MARÍTIMA		07-07-2018		31-08-2019		Mj Caballero	
OBSERVACIONES		<i>Pequeña Luna II 23-11-2018</i>					
EXISTE IMPEDIMENTO PARA ZARPAR		SI <input type="checkbox"/>		NO <input checked="" type="checkbox"/>		MOTIVO:	
ESTA INSPECCIÓN-VERIFICACIÓN SE REALIZA EN CUMPLIMIENTO AL ACUERDO DE COLABORACIÓN ENTRE LA SECRETARÍA DE COMUNICACIONES Y TRANSPORTES Y LA SECRETARÍA DE MARINA, FIRMADO EL 1RO DE JUNIO DE 2009							
NOMBRE Y FIRMA DEL OFICIAL DEL SEMAR: 		MANIFIESTO QUE LA INSPECCIÓN EFECTUADA POR LAS AUTORIDADES SE LLEVO A CABO SIN INCIDENTE ALGUNO Y SIN HABER RESULTADO EXPOS AL EQUIPO O SUSARNDOS PERTENENCIAS DE LA TRIPULACION DEL BUQUE Y CON ESTRUCTO RESPETO A LOS DERECHOS HUMANOS.		NOMBRE Y FIRMA DEL PATRÓN: 		NOMBRE Y FIRMA DEL OFICIAL DE SEMAR: 	

Apéndice B

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.

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.

3.4 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.

3.5 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.

3.6 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.

3.7 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.

3.8 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.

3.9 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.

3.10 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.

3.11 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'.

The Marine Stewardship Council's 'Certificate Holder Forced and Child Labour Policies, Practices and Measures Template' and its content is copyright of "Marine Stewardship Council" - © "Marine Stewardship Council" 2018. All rights reserved.

Template version control

Version	Date of publication	Description of amendment
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 (msc.org)

Senior Policy Manager
Marine Stewardship Council
Marine House
1 Snow Hill
London EC1A 2DH
United Kingdom

Phone: + 44 (0) 20 7246 8900
Fax: + 44 (0) 20 7246 8901
Email: standards@msc.org