

## **Northern Demersal Species (SFSAG)**

# **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
	The Sustainable Fisheries Accreditation Group is made up of Producer Organisations and the Scottish White Fish Producers Association. The members of the Group do not own vessels but manage the quota available to member vessels.
CH	
2	Responsibility for labour regulation
	<ul style="list-style-type: none"> <li>- The fishing industry in the UK has to conform with the International Labour Organisation’s Work in Fishing convention (ILO 188) and the modern slavery act of 2015.</li> <li>- These are observed and enforced by the Maritime and Coastguard Agency (MCA) who routinely inspect vessels.</li> </ul>
CH	
3	Risk identification and mitigation
	<ul style="list-style-type: none"> <li>- UK fishing vessels are routinely inspected by the MCA to ensure that regulations are being enforced. A number of vessels are now being certified under the Seafish Authority Responsible Fishing Scheme (RFS) to achieve a certified standard that further ensures that standards are being delivered. Routine visits take place overseas to speak with crew and families that work on UK fishing vessels to ensure that crew are free from overseas bonding. Crew discharge books and passports are checked to ensure validity of date of birth.</li> </ul>
CH	
4	Crew recruitment
	<ul style="list-style-type: none"> <li>- Traditionally crew are recruited from the fishing villages up and down the UK coastline. This is a result of exposure to the culture of fishing but also comes as a result of family connections and relationships. The industry ensures that every young person entering fishing as a career of choice completes the mandatory courses such as safety at sea life saving etc.</li> <li>- We recruit non EEA fishermen through our network of overseas agents who, as mentioned previously, we visit routinely to audit their approaches and standards. They employ similar techniques making themselves known to the local fishing villages and islands.</li> </ul>
CH	
5	Engagement with fish worker groups
	Associations representing fishermen are members of the Fishermen’s Welfare Alliance (FWA) which also has within its membership Human Rights at Sea, Apposleship of the Sea and the Fishermen’s Mission. The purpose of the alliance is to “As an alliance each member must be focused on delivering a common goal of

	<p>legal compliance in a safer, healthier and more secure fishing industry. Structured with four key stakeholder groups, with clear pillars of responsibility across the groups, the Alliance will work for the benefit of all fishermen, including supporting the human and labour rights of fishermen internationally”.</p>
CH	
<b>6</b>	<b>Crew contracts</b>
	<p><b>If employed</b></p> <ul style="list-style-type: none"> <li>- Crew contracts have been drawn up by the MCA with a view to meeting the legal requirement of ILO 188 and the modern slavery act. These are routinely checked as part of the MCA and RFS audits. Areas covered by these contracts include</li> <li>- The full name, birthplace and date of birth (or age at the time of entering into the agreement) of the seafarer.</li> <li>- The name and address of the shipowner.</li> <li>- The place where the agreement is entered into.</li> <li>- The date on which the agreement is entered into.</li> <li>- The capacity in which the seafarer is to work.</li> <li>- If the agreement has been made for a definite period, the termination date.</li> <li>- If the agreement has been made for an indefinite period, the period of notice of termination required and the circumstances in which such notice may be given.</li> <li>- If the agreement has been made for a particular voyage, the destination port and the period following arrival after which the agreement terminates.</li> <li>- The health and social security protection benefits to be provided to the seafarer by the shipowner</li> <li>- The maximum period of service on board following which the seafarer is entitled to repatriation (which must not exceed a period of 12 months less the number of days statutory paid leave to which the seafarer is entitled).</li> <li>- The seafarer’s entitlement to repatriation (including the mode of transport and destination of repatriation) and the circumstances in which the seafarer is required to meet or reimburse the shipowner for the costs of repatriation.</li> <li>- The maximum sum which the shipowner will pay to the seafarer in respect of compensation for any loss of personal property arising from the loss or foundering of the ship.</li> <li>- Details of any collective bargaining agreement</li> <li>- The wages (either the amount or the formula to be used in determining them).</li> <li>- The manner in which wages must be paid, including payment dates (the first of which must be no more than one month after the date on which the agreement is entered into, with all subsequent dates being no more than one month apart) and the circumstances (if any) in which wages may or must be paid in a different currency.</li> <li>- The hours of work.</li> <li>- The paid leave (either the amount or the formula to be used in determining it).</li> <li>- Any pension benefits to be provided to the seafarer, including any entitlement to participate in a pension scheme.</li> <li>- The grievance and disciplinary procedures.</li> </ul> <p><b>If self employed</b></p> <ul style="list-style-type: none"> <li>- The remuneration (either the amount or the formula to be used in determining it)</li> <li>- The manner in which the remuneration must be paid, including payment dates (the first of which must be no more than one month after the date on which the agreement is entered into, with all subsequent dates being no more than one month apart) and the circumstances (if any) in which the remuneration may or must be paid in a different currency.</li> </ul>
<b>7</b>	<b>Audits and labour inspections</b>
	<ul style="list-style-type: none"> <li>- Uoc vessels are audited routinely by the MCA. In addition, a number of vessels are audited separately as part of their own RFS certification requirements</li> </ul>

CH	
<b>8</b>	<b>National minimum age requirements</b>
	<ul style="list-style-type: none"> <li>- Members must respect the National minimum wage requirements and any requirements made in the personal contracts. The current minimum Living wage requirement is set at £8.21 per hour.</li> <li>- All crew are vetted by the agents and principles to ensure minimum age requirements are met.</li> <li>- Such issues would arise as part of RFS MCA audits</li> </ul>
CH	
<b>9</b>	<b>Repatriation</b>
	<ul style="list-style-type: none"> <li>- The operator of the vessel has a responsibility to repatriate crew to their homeland. To fail in this responsibility would leave them open to legal challenge. This responsibility is clearly set out in crew contracts. All crew have freedom of movement except those being employed on a transit visa.</li> </ul>
CH	
<b>10</b>	<b>Debt bondage</b>
	<ul style="list-style-type: none"> <li>- There is no current evidence of such practices. Agents and families are routinely visited to prevent against such malpractice.</li> </ul>
CH	
<b>11</b>	<b>Grievance and remedy mechanisms</b>
	<ul style="list-style-type: none"> <li>- The Fishermens Mission operate a hotline for fishermen to contact them</li> </ul>
CH	
<b>12</b>	<b>Identification documents</b>
	<ul style="list-style-type: none"> <li>- It is currently illegal for anyone to remove passports visas's etc from crew.</li> </ul>
CH	
<b>13</b>	<b>Additional comments</b>
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CH	
<b>14</b>	<b>Date this template was last updated</b>
	<ul style="list-style-type: none"> <li>- 06/06/2019</li> </ul>
CH	



## **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.