

Faroe Islands North East Arctic cold water prawn fishery

Sikuaq Trawl A/S

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	<p>The client group consists of Maresco A/S(Denmark), P/F Framherji(Faroe Islands), P/F JFK Troll (Faroe islands) and Royal Greenland A/S(Greenland).</p> <p>Costs in relation to the MSC-certificate for the Faroe Islands North East Arctic cold water prawn fishery have up until now all paid the same amount in participation fee, but going forward, the invoiced fee is determined proportionally by the quantities fished.</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	

In this fishery, M/tr Svend C have Greenlandic flag state authority; Greenland is a self-governing part of the Kingdom of Denmark. Hence, parts (majority) of the maritime legislation – incl. labour issues, which Greenlandic fishing vessels follow - is the same as in Denmark, while other parts are regulated locally in Greenland by the Government of Greenland.

In the so-called “Greenlandic law-register” (Link:

http://www.stm.dk/publikationer/GL_Lovregister_18/Grønlandsk%20lovregister%204.%20kvartal.pdf) it is specified which maritime laws and other regulations that apply in Greenland. See section 24 p. 119-127.

First and foremost, it's the Danish Maritime Act (Sea Law or Søloven) that apply in Greenland. Enforcement is carried out by the Danish Maritime Authority (Søfartsstyrelsen) and the Joint Arctic Command (Royal Danish Navy). When it comes specifically to labour-issues in relation to crewmembers on Greenlandic fishing vessels, Greenland has its own legislation. The Danish “Act on Seafarers conditions of employment” (Sømandsloven) does *not* apply in Greenland because some of the regulations in the Act is a national Greenlandic matter.

In Greenland there are two sets of legislation in force to regulate labour issues for crewmembers on Greenland fishing vessels:

1: The Act on Employment of Seafarers (Landstingslov nr. 2 af 24. april 1986 om Mønstring af Søfarende).

2: Government of Greenland Executive Order no. 13 of 17 November 2011 on employment on Greenlandic Fishing vessels (Selvstyrets Bekendtgørelse nr. 13 af 17. november 2011 om Bemandingen af Grønlandske Fiskefartøjer).

Furthermore, nearly all regulations in connection with the Maritime Labour Convention (MLC) apply in Greenland. Some regulations regarding terms of employment are however exempt, but these are “covered” by the Act and Executive Order mentioned above.

Lastly, it is worth noting that Greenland has a regulated labour market and follows international recommendations such as the various ILO conventions. Hence, a number of ILO-conventions have been adopted by Greenland. See list in the so-called “International handbook” which is published by the Government of Greenland and updated annually. See page 36-60: Link:

<https://naalakkersuisut.gl/~media/Nanoq/Files/Attached%20Files/Udenrigsdirektoratet/DK/International%20Håndbog%202019%20da.pdf>

See also a total human rights conventions adopted by Greenland: <http://humanrights.gl/om-menneskerettigheder/fns-menneskerettighedskonventioner-der-gaelder-for-greenland/>

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>There is no risk of child or forced labour on board Greenlandic fishing vessels. Minimum age and terms of contract in accordance with the legislation mentioned in section 2. Inspection and control are carried out by the Danish Maritime Authority (Søfartsstyrelsen) in accordance with the regulations on maritime labour mentioned in section 2. In order to be employed on board a vessel each crewmember furthermore must present a health-certificate, issued by the Danish National Health Authorities.</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>Crew is employed in accordance with the regulations mentioned in section 2. Contracts differ between the groups or types of crew. Captains, engineers, factory managers and fishers. All crewmembers have a corresponding pay contract. The fishers (not officers) are employed in accordance with a joint agreement with the APK, which is now part of the Greenland Business Association. The agreement is however still valid. The vessels owners sometimes advertise for crew but mostly people who wishes to be employed onboard a fishing vessel contact the company directly without prior job-advertisement.</p> <p>The crew can be both Greenlandic, Faroese and a very small part Danish. The large majority is residents of Greenland, very few in the Faroe Island and Denmark. These countries are all considered low risk countries in regards of human rights and labour breeches</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>There is no current engagement with fisher, migrant or working rights groups. However, a former association APK, (Greenlandic Offshore and Export Association) now a part of the Greenlandic Business Association, made a union agreement, which is still upheld by the companies represented in the fishery. Agreement title: "APK's generelle forhyringskontrakt"</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>Contracts are prepared in accordance with the rules and legislation mentioned in section 2. Crewmembers and officers have a pay contract. The fishers on-board however do not have individual contracts but are employed in accordance with the joint agreement mentioned in section 4 (APK). Contracts differ</p>

	between the different crew- groups. Captains, engineers, factory managers and fishers
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	The Danish Maritime Authorities (Søfartsstyrelsen) conduct regular inspections and audits regarding safety and labour on board the Greenlandic fishing vessels. If the authorities find any non-conformance, the vessel is not allowed to leave the harbour
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	The minimum age for crew members on board Greenland fishing vessels is 16. According to § 2 in the "Act on Employment of Seafarers" (Landstingslov nr. 2 af 24. april 1986 om Mønstring af Søfarende). If the person is under 18 it is necessary to have confirmation from the parents. The age is verified by the personnel-department of the company, the captain, the authority who issues the health certificate and the Port State Control.
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	Repatriation is included. This is part of all the crew member's contracts or joint agreements.
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 on board the trawlers and crew members are recruited locally and directly by the company. The refund of expenses and repatriation regulations is part of the checked pay contracts. Corresponding copies of insurance certificate are available on board the vessels.
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	The crew can always take contact to their closets manager of the company. Royal Greenland has established a grievance procedure for employees to use and has a formalised Breach of code of conduct procedures as well. Crew members can also always contact the Greenlandic authorities (GFLK / Ministry of Fisheries, Hunting and Agriculture) if they want to report anything. Furthermore, it is also possible to contact the Danish Maritime Authorities or KNAPK (Association of Fishers and Hunters in Greenland).
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	Each crewmember is responsible for their own passport and other personal documents. The ship owners organise visa when/if this is required. Personal documents must be kept by each crewmember and the company does not collect these documents.
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	
14	Date this template was last updated
	<ul style="list-style-type: none"> - DD/MM/YYYY
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.

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](https://www.msc.org) (msc.org).

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