

Kolkhoz Udarnik Pacific Salmon in Karaginsky Gulf, Karaga Bay and Litke Strait

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>Limited Liability Company “Kolkhoz “Udarnik” (hereinafter – Kolkhoz Udarnik LLC) is the quotas (volumes) holder. It fishes out quotas (volumes), transports them to the shore fish processing facility and processes the limits.</p> <p>Collective fisheries farm named after V.I. Lenin (transport vessels owned by the Collective fisheries farm named after V.I. Lenin transport certified raw products to the processing vessels owned by the Collective fisheries farm named after V.I. Lenin and to the shore fish processing facility (shore fish processing factory). The certificate holders will be: Kolkhoz Udarnik LLC; Collective fisheries farm named after V.I. Lenin.</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>Labour Code of the Russian Federation of 30.12.2001. Federal Law No. 197. Forced labour is prohibited. Forced labour is the execution of works under the threat of application of any punishment (violent impact), including that applied:</p> <ul style="list-style-type: none"> - as a measure to maintain labour discipline; - as a disciplinary measure for participation in a strike; - as a means of mobilization and use of workforce for economic development needs; - as a punitive measure for holding or expressing political views or ideological convictions opposite to the established political, social or economic system; - as a measure of discrimination based on racial, social, national origin or religious affiliation. <p>The forced labour also includes the work that the worker has to perform under the threat of application of any punishment (violent impact), while in accordance with this Code or other federal laws such worker has a right to refuse to perform the work, including due to:</p> <ul style="list-style-type: none"> - breach of established salary payment deadlines or partial payment of salary; - occurrence of immediate risk to a worker’s life and health due to the breach of occupational safety and health requirements, particularly – failure to provide the worker with collective or personal protective equipment in accordance with the established norms. <p>When concluding the agreement (contract) with every employee the latter shall provide the package of documents which must include the national passport (which is the proof of the worker’s legal age). Compliance with requirements of labour laws shall be monitored by: labour inspection, trade union of the Kolkhoz Udarnik LLC, Prosecutor’s Office of Kamchatka Krai.</p>
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>The UN and the International Labour Organization consider child labour as exploitation. Article 32 of the Convention on the Rights of the Child guarantees protection “from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development” [3]</p> <p>The State Labour Inspection in Kamchatka Krai is a supervisory body in the sphere of compliance with labour legislation. In case of impairment of labour rights every employee may submit a complaint with their employer by addressing the labour inspection.</p> <p>Article 37 of the Constitution states that the labour is free and no coercion may be acceptable in this sphere.</p>

	<p>The labour shall occur in due conditions, including the fair wage.</p> <p>The Law No. 273-FZ, which sets out the conditions of education in the RF, states that employment of a child outside of the program of an educational institution is unacceptable (clause 4 of Article 34).</p> <p>Moreover, there exists a professional union of workers, which monitors the employer's compliance with laws, in Kolkhoz Udarnik LLC.</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>Kolkhoz Udarnik LLC provides information to the media to recruit crew members and employees for fishing. When concluding the agreement (contract) every employee provides a package of documents which includes (specification certificates, regular civil documents and personal medical record marked to prove the completion of regular medical commission).</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>In the course of employment the meetings with representatives of labour inspection and trade unions of workers are held to protect the fishers' rights.</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>The main positions of agreements (contracts) include:</p> <ul style="list-style-type: none"> - Subject of agreement (workplace); - Term of agreement; - Provisions on compliance with safety rules; - Provisions on payment; - Conditions of labour activity; - Payment of travel costs to/from the workplace and back.
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	<p>The labour inspection draws up a schedule of independent audits, labour certifications and audits of compliance of requirements of the Labour Code for the current year.</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>1. The Occupational Safety and Health Rules in the Marine and River Fleet Vessels (hereinafter – the Rules) shall apply to employers (shipowners), crews of marine and river fleet vessels under the flag of the Russian Federation being in operation, holding anchorage, under repair, reconstruction regardless of their type and form of ownership, registered in accordance with the established procedure (hereinafter – the Vessels), except for the vessels engaged in fishery or similar field, naval vessels and support vessel of the Navy.</p> <p>2. The Rules comply with requirements of the Maritime Labour Convention of the International Labour Organization of 2006 ratified by the Federal Law No. 56-FZ "On Ratification of the Maritime Labour Convention of 2006" of June 5, 2012 (Collection of Laws of the Russian Federation, 2012, No. 24, p. 3073) (hereinafter – the Convention).</p> <p>3. The projects of newly constructed and reconstructed vessels shall comply with the Rules.</p> <p>4. In accordance with the Rules the employer (shipowner) shall ensure development, approval of the labour protection instructions and their availability on vessels.</p>

	<p>5. In accordance with Article 353 of the Labour Code of the Russian Federation (Collection of Laws of the Russian Federation, 2002, No. 1, p. 3; 2011, No. 30, p. 4590) (hereinafter – the Code), the federal state supervision over execution of the Rules shall be performed by the Federal Labour Inspectorate.</p> <p>6. Public supervision over execution of the Rules shall be performed by authorized representatives of the respective trade union (managers, technical and legal labour inspectors).</p> <p>Control over execution of the Rules in workplaces of the vessel crew members shall be organized by employer (shipowner) through the specialists of occupational safety and health services (departments), navigation safety departments, engine departments.</p> <p>In accordance with Article 265 of the Code (Collection of Laws of the Russian Federation, 2002, No. 1, p. 3; 2006, No. 27, p. 2878; 2013, No. 14, p. 1666) it is prohibited to use the labour of persons under 18 years of age in works set forth in the List of Hard Works and Works with Harmful or Hazardous Labour Conditions, in Performance of Which it is Prohibited to Use the Labour of Persons under 18 Years of Age, approved by the Order of the Government of the Russian Federation No. 163 of February 25, 2000 (Collection of Laws of the Russian Federation, 2000, No. 10, p. 1131; 2001, No. 26, p. 2685; 2011, No. 26, p. 3803).</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	When concluding the agreement (contract) between Kolkhoz Udarnik LLC and every employee, the conditions of delivery of the worker to/from his workplace shall be indicated.
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	<p>Subject to conditions of agreement concluded with workers Kolkhoz Udarnik LLC provides the worker with placement, delivery to workplace, protection equipment, garment/protective outfit, meal at workplace, access to communications.</p> <p>No candidates for collection of brokerage fees, visa fees, fees for medical services and fees for transfer of funds, repatriation and other fees from the crew members (workers) were detected.</p>
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	<p>Forced labour and child labour in the Kolkhoz Udarnik LLC is excluded as it conflicts with the laws of the RF. There exist the following methods to report on the forced and child labour and prevent it:</p> <ul style="list-style-type: none"> - Labour inspection hotline; - Fishers trade union hotline;: - Children’s ombudsman phone.
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	When concluding the agreement (contract), every employee provides his/her identification documents, including the national passport. Upon execution of the agreement all the identification documents shall be returned to the employee and kept by him/her.
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	No additional comments.

14	Date this template was last updated
	- DD/MM/YYYY
CH	10/03/2021

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		
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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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