

Russian Sea of Okhotsk Mid-water Trawl Pollock Fishery

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>Pollock Catchers Association (hereinafter referred to as PCA) acts as MSC certificate holder for the Sea of Okhotsk Mid-water Pollock fishery. Fishery certificate is eligible for all acting PCA member companies and registered vessels. At the moment, PCA includes 30 member companies and 104 fishing vessels of different types (mostly, large trawler-processors). Companies harvest Alaska (Walleye) Pollock by mid-water (pelagic) trawl, and process fish at-sea.</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>The administrative and legal systems of labor regulation described below are applicable to the Sea of Okhotsk Pollock fishery. In Russia, a multi-level system of labor relations management is in place. This system comprises the regulatory (legal) framework, as well government establishments and other organizations engaged in development of regulatory measures and supervision over the observance of the employees' rights.</p> <ul style="list-style-type: none"> • Regulatory authorities (agencies) <p>The Russian Federation has a reliable system of state regulation and control of social and labor relations. The fishermen's labor has its own special nature, so it is regulated and controlled by a number of government institutions, each of which performs its own specific function.</p> <p>The main government authority which develops and implements the national policy and provides legal and regulatory framework in the sphere of employment, labor remuneration, labor conditions and occupational safety in the Russian Federation is the Ministry of Labor and Social Security of the Russian Federation (Mintrud).</p> <p>Federal Service for Labor and Employment of the Russian Federation (Rostrud) reports to Mintrud. Rostrud controls compliance with labor laws and other regulatory legal acts containing labor standards. Structure of Rostrud includes the State Labor Inspectorate which is in charge of direct audits (scheduled, unscheduled) of employers for compliance with labor laws and regulations.</p> <p>State policy in transport sphere is within the competence of the Ministry of Transport of the Russian Federation (Mintrans). Mintrans develops the state policy in the sphere of social and labor relations and advancing human potential in transportation industry.</p> <p>Federal Service for Supervision in Transport Sphere (Rostransnadzor) reports to Mintrans and controls the compliance with the laws of the Russian Federation, including international treaties, which provide for safety of navigation and protection of life and health of marine vessels' crew members.</p> <p>Ministry of Healthcare of the Russian Federation establishes procedures for regular medical examination of vessels' crew members and presents and coordinates the list of diseases preventing them from working aboard fishing vessels.</p> <p>Ministry of Foreign Affairs of the Russian Federation supports citizens of Russia in the territory of foreign countries and provides for compliance with the requirements for repatriation of Russian citizens from the territory of foreign countries to the territory of the Russian Federation in cases where repatriation by shipowner is impossible.</p> <p>Office of the General Prosecutor of the Russian Federation maintains supervision over compliance</p>

with the requirements of labor laws in the field of occupational safety.

[Federal Security Service of the Russian Federation](#), [Ministry of the Interior of the Russian Federation](#) ensure the exercise of the right to work, pass resolutions on prohibition/restriction of access to work in any marine profession or position, take part in the State port control, prohibit port exit in case of non-compliance with law, and convoy vessels from fishing area to port.

[Federal Service of Court Bailiffs of the Russian Federation](#) may impose a ban on a citizen's exit from the Russian Federation as a part of provision for court enforcement proceedings.

[Federal Migration Service of the Russian Federation](#) issues permits to engage foreign labor and maintains control over the foreign employees' compliance with migration laws.

[Federal Service for Consumer Rights Protection and Human Welfare \(Rospotrebnadzor\)](#) maintains control over provision for safe hygiene and sanitary conditions of labor.

In addition to the State authorities, there is a system of public control of social and labor relations. The authorities engaged in public control are trade unions. Designated trade union safety and health officials check on compliance with the occupational safety requirements and make proposals for elimination of identified breaches of occupational safety, which are subject to compulsory consideration by the officials of organizations.

Control over compliance with and protection of labor rights is also maintained by the [Human Rights Ombudsman At the President of the Russian Federation](#). This is an independent person possessing the wide range of powers and immunity. Human Rights Ombudsman handles complaints of citizens of the Russian Federation and foreign citizens and persons without citizenship located in the territory of Russia.

Pursuant to [Federal law No. 92-FZ dd. May 01, 1999](#) the Russian Tripartite Commission for Regulation of Social and Labor Relations is in place. The Commission is composed of representatives of trade unions, employers' associations, State executive authorities. The Commission is intended to regulate social and labor relations and to coordinate social and economic interests of trade unions, employers' associations and the Government of the Russian Federation. Main aims and objectives of the Commission see [here](#). Locally, there are regional trilateral commissions for regulation of social and labor relations, and interdepartmental commissions for occupational safety are created.

- **Laws and regulations (including laws of flag state) governing labor relations in the fishery**

There is a well-developed legal framework for regulation of fishermen's labor relations in the Russian Federation. Fishermen's labor aboard fishing vessels is regulated by the provisions of labor, maritime, transport, international law. Since in accordance with the Constitution of the Russian Federation, the standards of international law prevail over the national laws, the Russian Federation recognizes and participates in all major international treaties and agreements which guarantee the civil rights and freedoms, including the right to free and decent work. National legislation of the Russian Federation was developed on the basis of standards of international law recognized by the Russian Federation.

- **Fundamental international treaties to which the Russian Federation is a party**

The Russian Federation ratified the [European Convention for the Protection of Human Rights and Fundamental Freedom](#) (ETS N005).

The Russian Federation is a party to the [International Convention for the Safety of Life at Sea 1974](#) (SOLAS 74). This Convention sets the standards of safety in construction, equipping and operation of vessels.

[Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing](#) (signed by the Russian Federation in 2010).

[Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#), supplementing the United Nations Convention against Transnational Organized Crime (ratified by the Federal law of the Russian Federation No. 26-FZ dd. April 26, 2004).

[UN Convention on the Abolition of Slavery](#) (the USSR joined it in 1956).

[Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery](#) (ratified by the Presidium of the Supreme Council of the USSR on February 16, 1957).

The Russian Federation ratified 73 ILO Conventions, of which 53 are in force, 20 were denounced).

The following ILO Conventions are of greatest importance for the purposes of the matter in question:

[Convention No. 105](#) concerning the Abolition of Forced Labor (ratified by Federal law of the Russian Federation No. 35-FZ dd. March 23, 1998).

[Convention No. 32](#) concerning the Protection against Accidents of Workers Employed in Loading or Unloading Ships (revised in 1932) (ratified by the Decree of the Presidium of the Supreme Council of the USSR No. 3962-VII dd. June 18, 1969).

[Convention No.126](#) concerning Accommodation on Board Fishing Vessels (1966).

[Convention No. 138](#) concerning Minimum Age for Admission to Employment (ratified by the Decree of the Presidium of the Supreme Council of the USSR No. 8955-IX dd. March 05, 1979).

[Convention No. 179](#) concerning the Recruitment and Placement of Seafarers (ratified by the Federal law of the Russian Federation No. 88-FZ dd. July 10, 2001).

[Convention No. 182](#) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (ratified by the Federal law of the Russian Federation No.23-FZ dd. February 08, 2003).

[Convention No. 29](#) concerning Forced or Compulsory Labor (ratified by the Decree of the Presidium of the Supreme Council of the USSR dd. June 04,1956).

[Protocol to ILO Convention No. 29](#) on forced labor (ratified by the Federal law of the Russian Federation No. 395-FZ dd. November 12, 2018).

The supreme legislative act of the Russian Federation – [Constitution of the Russian Federation](#) – guarantees fundamental civil rights and freedoms, including the right to safe labor practices, remuneration at least equal to the minimum rate of labor payment established by the Federal law, protection against unemployment, forbids forced labor, guarantees the right to rest.

National legislation system includes federal laws, which have superior legal force (after the Constitution) and set forth basic principles of legislation in a certain sphere of their application; secondary legislation by the Government of the Russian Federation and departmental regulatory legal acts, which regulate certain aspects of social and employment relations directly pertaining to the seafarers' labor, protection of life and health, safety of navigation, social security, medical and household services.

- **Federal laws**

Principal omnibus federal laws in the sphere of regulation of labor relations include: [Labor Code of the Russian Federation](#) (No.197-FZ dd. December 30, 2001), which sets forth the core principles of state guarantees of civil labor rights and freedoms, provision of favorable working conditions, protection of employees' and employers' rights and interests, and [Merchant Marine Code](#) (No. 81-FZ dd. April 30, 1999), regulating the merchant shipping relations in the territory of the Russian Federation.

["On Fisheries and Conservation of Aquatic Biological Resources"](#) No. 166-FZ dd. December 20, 2004 regulates relations in the sphere of fishing and conservation of aquatic biological resources.

["On Animal Welfare"](#) No. 52-FZ dd. April 24, 1995 sets the principles of use and protection of fauna.

["On the Russian Tripartite Commission for the Regulation of Social and Labor Relations"](#) No. 92-FZ dd. May 01, 1999 designates the legal framework of creation and activities of the Russian Tripartite Commission on the Regulation of Social and Labor Relations.

["On Sanitary and Epidemiological Welfare of the Citizens of the Russian Federation"](#) No. 52-FZ dd. March 30, 1999 is aimed at the protection of the citizens' health and exercise of their right to live in favourable environment.

["On Compulsory Social Insurance against Accidents at Work and Occupational Diseases"](#) No. 125-FZ dd. July 24, 1998 designates the basic principles of compulsory medical insurance against accidents at work and occupational diseases and determines the procedure for compensation of

harm inflicted to the employees' life and health during performance of their duties under employment agreements.

[“On Industrial Safety of Hazardous Production Facilities”](#) No.116-FZ dd. July 21, 1997 specifies the fundamentals of management of safe operation of hazardous production facilities and is intended for prevention of accidents in hazardous production facilities.

[“On Employment in the Russian Federation”](#) No.1032-1 dd. April 19, 1991 sets the basic principles of the State employment promotion policy, including guarantees of the State in respect of exercise of the constitutional rights to labor and social protection from unemployment granted to the citizens of the Russian Federation.

[“On Special Assessment of Labor Conditions”](#) No. 426-FZ dd. December 28, 2013 lays the legal and organizational basis and procedure for conduct of special assessment of labor conditions, sets the legal status, rights, duties and liability of employer and employee.

- **Ordinances of the Government of the Russian Federation:**

[“On food ration of the crews of marine and river vessels of fishing fleet”](#), Ordinance No. 628 dd. July 30, 2009.

[“On payments of foreign currency in lieu of daily subsistence allowance to the crews of foreign-going fishing vessels”](#), Instruction No. 1741-p dd. November 03, 1994. Establishes the limits of payment of foreign currency in lieu of daily subsistence allowance for the foreign-going vessels.

[“On approval of the list of heavy manual operations and harmful and/or hazardous working environments where labor of persons under the age of 18 is forbidden”](#), Ordinance No. 163 dd. February 25, 2000. Restricts the application of labor of persons under the age of 18 as workers and crew members (other than sea cadets and apprentices) aboard fishing vessels and factory ships.

[“On approval of the Regulation on the federal State supervision over compliance with labor laws and other regulatory legal acts containing labor standards”](#), Ordinance No. 875 Φ dd. September 01, 2012. Establishes the procedure and time frames for the employers' audits to identify compliance with labor laws.

[“On approval of the list of diseases precluding working aboard sea vessels, inland navigation vessels, and combined river-sea navigation vessels”](#), Ordinance No. 742 dd. June 24, 2017. Identifies 108 diseases which prevent a person from working aboard sea vessels.

[“On the Regulation on seafarer identity card, the Regulation on seaman's book, sample and description of seaman's book form”](#), Ordinance No. 628 dd. August 18, 2008. Introduces the seafarer identity card and the seaman's book in the Russian Federation, establishes the procedure for completion, issue and application of seafarer identity card.

- **Departmental regulatory legal acts:**

Order of the Federal Agency for Fishery (Rosrybolovstvo) No. 836 dd. September 21, 2009 [“On minimal safe manning of vessels of fishing fleet of the Russian Federation”](#). Establishes minimal safe manning of vessels for the purpose of navigation safety.

Order of the Russian Fishery Committee No. 140 dd. August 30, 1995 [“On approval of the Service manual for vessels of fishing fleet of the Russian Federation”](#). Sets forth the fundamentals of the service organization and the rights and obligations of crew members on fishing vessels of fishing fleet of the Russian Federation.

Order of the Ministry of Transport of the Russian Federation No. 62 dd. March 15, 2012 [“On approval of the Regulation on certification of the marine vessel crew members”](#). Establishes the procedure for training and obtaining of qualification certificates for the crews of marine vessels.

Order of the Ministry of Transport of the Russian Federation No. 39 dd. February 17, 2014 [“On approval of the Regulation on Harbour Master”](#). Harbour Master issues diplomas and certification documents to the vessel crews.

Order of the Russian State Fishery Committee No. 271 dd. August 08, 2003 [“On approval of the Regulation on special aspects of working hours and time off work of certain categories of fisheries industry workers with specific nature of work”](#). The Regulation establishes working hours and time off work for the seafarers of fishing fleet.

Order of the USSR Ministry of Fisheries No. 177 dd. May 27, 1991 [“On maximum periods of continuous stay at sea for the crews of fishing vessels”](#). Establishes the time limits of continuous

stay at sea for the crews of fishing vessels.

Order of the Russian Ministry of Agriculture No. 332 dd. July 27, 2016 [“On approval of the Procedure for preparation and issue of statement about engagement and use of labor of the foreign employees in the crews of fishing vessels flying the State flag of the Russian Federation”](#). Federal Agency for Fishery prepares and issues the statement about engagement and use of labor of foreign employees in the crews of fishing vessels.

Order of the Federal Agency for Fishery (Rosrybolovstvo) No. 575 dd. June 28, 2010 [“On procedure for catering of sea-going and river fishing vessel crews”](#). Establishes procedures for provision of meals to sea-going fishing vessels.

Order of the Russian State Fishery Committee No. 112 dd. March 03, 2004 [“On approval of crew list keeping regulations on board fishing vessels of the Russian Federation”](#). Crew list is a key document for exit/entry from/to ports. This order established regulations for filling in this document.

Order of the Russian State Fishery Committee No. 299 dd. July 29, 2002 [“On approval of Conditions on which foreign citizens and stateless persons can join crews of fishing vessels sailing under the State Flag of the Russian Federation”](#). Regulates employment and use of foreign work force on board fishing vessels in Russian Federation.

Order of the Russian State Fishery Committee No. 202 dd. May 21, 2002 [“On approval of Requirements to issue of diplomas and certificates of qualification to personnel of fishing vessels of the Russian Federation”](#). These requirements apply to issue of diplomas of qualification to officers and certificates of qualification to ratings of fishing vessels.

Order of Mintrud (the Ministry of Labor and Social Security of the Russian Federation) No. 604H dd. November 02, 2016 [“On approval of occupational safety rules during harvesting \(catching\) and processing of aquatic living resources and output of particular products from aquatic living resources”](#). Establishes occupational safety rules during harvesting (catching) and processing of aquatic living resources by sea-going fishing vessels.

Order of Mintrud (the Ministry of Labor and Social Security of the Russian Federation) No. 301H dd. May 18, 2015 [“On approval of specific aspects in working environment assessment at workplaces of crew members of sea-going vessels, inland vessels and fishing vessels”](#) establishes procedures for conduction of a special assessment of working conditions on board fishing vessels.

[Order of the Federal Agency for Technical Regulation and Metrology No. 1611-CT dd. November 29, 2012](#) “On approval of the National Guidance”. The Russian Federation National Guidance on Social Responsibility, GOST R ISO 26000-2012 describes key principles of social responsibility recommended for implementation by all organizations for sustainable development purposes.

Order of the Federal Security Service of Russian Federation No. 562 dd. November 08, 2012 [“On approval of the Administrative Regulations of the Federal Security Service of Russian Federation for performance of the governmental function of border control in Russian Federation state border crossing points”](#).

Order of the Federal Security Service of Russian Federation No. 675 dd. December 25, 2012 [“On approval of the Administrative Regulations of the Federal Security Service of Russian Federation for performance of the governmental function of state control in the area of protection of marine living resources”](#).

- **Compliance with regulatory requirements is ensured (controlled) by state control and supervision, internal (local) control in the employer company and public control.**

a) *State control is performed by Harbor Master, Border Guard Service of the Federal Security Service of Russia, State Labor Inspectorate and Prosecutor's Offices*

The harbor master of a sea port performs state port control immediately before ship's departure from port. The harbor master controls compliance with labor requirements laws applicable to maritime industry, issues diplomas, qualification certificates, and checks vessel's documents.

The Border Guard Service of the Federal Security Service of Russia checks documents certifying identities of ship's crew members, ship's and fishing documents at ship's exit from port and at sea.

The State Labor Inspectorate performs supervision of compliance with labor laws and other regulatory and legal acts, containing labor law norms, in the form of planned and unscheduled inspections. Each year, a labor inspectorate office approves an inspection plan, covering fishing companies among others, with unscheduled inspections normally held in case of employees'

	<p>applications and grievances regarding violations of their labor rights.</p> <p>Prosecutor's offices perform supervision of compliance with labor laws based on applications regarding violations of citizens' labor rights.</p> <p><i>b) Internal control</i></p> <p>All companies establish an occupational safety department or appoint an occupational safety specialist. The occupational safety department controls compliance with laws and other regulatory and legal acts, collective bargaining agreement, occupational safety agreements, other local regulatory acts of corporate level. This department performs work on improvement of working conditions.</p> <p>The ship master approves employment of crew members. When at sea, ship master protects lawful interests and rights of crew members, ensures safety of navigations, maintains order and prevents harm and damage.</p> <p>The ship master gives rewards to and takes disciplinary actions against ship's crew members and suspends them from work. In cases stipulated by law, ship masters may withdraw or cancel diplomas and certificates of qualification.</p> <p><i>c) Public control</i></p> <p>There is a system of fishermen's and seafarers' professional associations in Russia aimed at protection of employees' interests.</p> <p>The Russian Fishing Industry Trade Union runs its territorial branches, and a system of shop-floor union organizations exists in companies.</p> <p>One of forms for regulation of social and labor relations may be a collective bargaining agreement (Article 40 of the Labor Code of Russian Federation). This agreement is concluded between employer and employees. As a rule, employees are represented by the leader of a shop-floor union organization. A list of matters that may be regulated by a collective bargaining agreement is provided in Article 41 of the Labor Code of Russian Federation. The collective bargaining agreement protects employees' interests, supports simplification of employment agreements and allows for avoidance of labor conflicts.</p> <p>The public organization in the area of protection of seafarers' rights and interests is the Seafarers' Union of Russia. It is represented in all Russian ports, runs 11 territorial and 59 shop-floor organizations and unites more than 70,000 Russian seafarers. Every seafarer who is this union's member may seek for its assistance.</p> <p>In 2018, the All-Russia Fishing Industry Association "Russian Union of Fishing Industry Employers" was set up. Its key objectives are handling of social, labor and economic issues specific for fishing industry, including professional training, health protection of employees at workplace, support to employment in communities and solution of social problems.</p> <p>This employers' union has initiated a tripartite industry-level agreement, parties of which will be the Federal Agency for Fishery (Rosrybolovstvo), Russian Fishing Industry Trade Union and Russian Union of Fishing Industry Employers. The purpose of this agreement is improvement of living standards and quality of life of fishing industry employees, sustainable economic development of fishing industry and securing of social guarantees to employees. This agreement will regulate economic relationships between employees and employers, labor remuneration and working conditions, social guarantees, benefits and compensations for employees.</p>
3	<p>Risk identification and mitigation</p>
CH	<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. • Any risk of child and forced labor in the fishery (SOO pollock fishery) is precluded due to a set of measures of state and internal control. <p>State control. Russian laws do not allow for employment of persons younger than 18 years on board fishing vessels. Russian Federation Government Ordinance No. 163 dd. February 25, 2000 "On approval of the list of heavy manual operations and harmful and/or hazardous working environments where labor of persons under the age of 18 is forbidden" prohibits to persons under 18 years of age to occupy any seafaring positions on board fishing vessels and factory ships as well as in harvesting, handling and processing of aquatic living resources. According to official</p>

	<p>statistics published on the website of the Federal State Statistics Service, the line item on average staff number of workers under 18 years contains no data, i.e. shows 0, for economic activity “Fishing and fish farming”.</p> <p>As part of state port control procedures before ship’s departure from port, her crew list, containing data on crew members (full name, year and date of birth), is checked and thereby control of the age of crew members is performed.</p> <p>Upon ship’s departure from port, a repeated check is performed by the Border Guard Service of the Federal Security Service of Russia which addresses crew list data and included verification of its data against crew member documents. The powers of the Border Guard Service of the Federal Security Service of Russia include checks of crew member documents at sea.</p> <p>In-company control. Corporate staff departments check documents at pre-employment stage and refuse to employ persons younger than 18 years.</p> <ul style="list-style-type: none"> • Any risk of forced labor in the SOO Pollock fishery is precluded. <p>State control. Russian laws – the Constitution, the Labor Code of Russian Federation – prohibit forced labor, i.e. execution of work under the menace of a forceful action.</p> <p>Article 127.2 of the Criminal Code of Russian Federation qualifies use of slave labor as a crime and provides for punishment in the form of correctional labor or imprisonment.</p> <p>Service regulations for fishing vessels clearly state job responsibilities of crew members. There are ship procedures on board each vessel: manning schedule, muster list, duty roster, mooring roster, fishing operation roster, daily routine, crew accommodation and conduct rules on board the ship. Ship procedures prescribe duties of all crew members. Work and rest hours of crew members are established by an order of the Federal Agency for Fishery (Rosrybolovstvo)</p> <p>When at sea, border guard inspectors are authorized, as part of border control procedures, to check documents of all crew members, inspect all ship’s spaces, be present during fish cargo reloading occurring roughly twice per month in the course of fishing activities.</p> <p>In-company control. As the ship master is personally responsible for safety of navigation, keeping order and prevention of any harm to crew members, he controls performance of job duties by crew members and compliance with ship’s procedures.</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	<ul style="list-style-type: none"> • Typical methods for ship crew recruitment <p>Crew members are recruited by direct hire method and through crewing agencies.</p> <p>Each company has a staff department within its organizational structure. The e-mail addresses, telephone numbers and locations of staff departments are published on company websites. Applicants may send their C.V.’s directly to staff departments of fishing companies. Some companies operate special services to simplify application procedures. They include obtaining an electronic queuing slip, filling in of an applicant’s electronic questionnaire, interview with a recruiter, tests and medical examination directly in the HR Center.</p> <p>Crewing agencies provide ship crew member recruitment services. They are middlemen between ship owner and seafarer. Crewing agency specialists check seafarer’s documents and his/her fitness for purpose, provide consultations on document preparation, visa support, organize crew transfer to ship. Crewing agency services are paid by ship owners.</p> <p>A specific feature of ship crew recruitment is that none of crew members can be employed without ship master’s consent. The Merchant Marine Code stipulates that ship crew member employment shall be agreed with ship master.</p> <ul style="list-style-type: none"> • Foreign workforce <p>In accordance with Russian laws, foreign citizens can be employed for work on board fishing vessels. Rosrybolovstvo issues its conclusions on employment and use of foreign employees in crews of fishing vessels sailing under the State Flag of Russian Federation.</p> <p>In accordance with the Merchant Marine Code, foreign citizens cannot occupy senior officer</p>

	<p>positions in ship's crew.</p> <p>The Russian Federation Government annually sets an allowable percentage of foreign employees for particular types of economic activities. Mintrud (the Ministry of Labor and Social Security of the Russian Federation) establishes by its annual order a list of professions and quotas for foreign employees arriving for employment in the Russian Federation.</p> <p>A total of 275 foreigners are employed in the Far Eastern Basin in 2019 which accounts for 1.1% of the total number of those employed in fishing industry in the Far Eastern Basin.</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 a system of fishermen's and seafarers' professional associations in Russia aimed at protection of employees' rights and interests.</p> <p>The key professional organization of fishermen is the Russian Fishing Industry Trade Union which runs its territorial branches, and its shop-floor union organizations may be established in fishing companies.</p> <p>There is the Seafarers' Union of Russia operating in Russia. It is represented in all Russian ports, runs 11 territorial and 59 shop-floor organizations and unites more than 70,000 Russian seafarers. Every seafarer who is this union's member may seek for its assistance.</p> <p>The Seafarers' Union of Russia is a member of the International Transport Workers' Federation (ITF). There is a seafarers' and fishermen's section in ITF (ITF Seafarers). ITF works to improve working conditions for seafarers of all countries and to ensure adequate regulation in shipping industry for protection of employees' interests and rights. ITF gives assistance to ship crews regardless of their state or flag under which their ships sail.</p> <p>One of ITF's objectives is campaigning for and lobbying of contractual obligations and advanced methods in such matters as medical services, labor remuneration, rights and employment in each country engaged in fisheries.</p> <p>There is an ITF inspectorate operating in the Russian Federation which consists of 5 inspectors based in St. Petersburg (2 inspectors), Vladivostok, Kaliningrad, and Novorossiysk. ITF inspector powers are specified on ITF's official website.</p> <p>In 2018, the All-Russia Fishing Industry Association "Russian Union of Fishing Industry Employers" was set up. Its key objectives are handling of social, labor and economic issues specific for fishing industry, including professional training, health protection of employees at workplace, support to employment in communities and solution of social problems.</p> <p>This employers' union has initiated a tripartite industry-level agreement parties of which will be the Federal Agency for Fishery (Rosrybolovstvo), Russian Fishing Industry Trade Union and Russian Union of Fishing Industry Employers. The purpose of this agreement is improvement of living standards and quality of life of fishing industry employees, sustainable economic development of fishing industry and securing of social guarantees to employees. This agreement will regulate economic relationships between employees and employers, labor remuneration and working conditions, social guarantees, benefits and compensations for employees.</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>Ship crew members are employed under employment agreements (contracts). An employment agreement is concluded between ship owner (or charterer) and person who are named employer and employee.</p> <p>Such agreements are based on provisions of the Labor Code of Russian Federation. Employment agreements with ship crew members in fishing industry are concluded for a specified period of time.</p> <p>Each employment agreement contains information about the employer and employee, ship's</p>

	<p>name and employee's job position within the ship's crew, employee's rights and obligations according to his/her duties, employer's rights and obligations, voyage start and end dates.</p> <p>Each employment agreement contains ship owner's obligations regarding provision for the employee of working clothes, meals, accommodation conforming to sanitary standards, medical assistance, transfer to/from ship, repatriation, life and health insurance.</p> <p>Such agreement specifies the amount of labor remuneration, wage payment days, type of labor remuneration, bonus payment procedures and regulates employee's hours of work and rest. In addition to employee's job position-specific wage, employment agreements normally specify the amount of foreign currency due to employee in lieu of per diem after the vessel crosses the state border of the Russian Federation.</p> <p>Employment agreements may contain references to employer's local acts: payroll regulations, bonus payment regulations, regulations on formation of voyage-specific funds, order on approval of ship's manning schedule and labor discipline regulations.</p>
7	Audits and labour inspections
	<p>- Describe any 3rd Party audits and certifications on labour, or labour inspections conducted within the UoC in the last two years.</p>
CH	<p>Procedures for inspection by officials of the Federal Labor Inspectorate are specified in the ILO Convention No. 81 dated July 11, 1947 "Convention concerning Labor Inspection in Industry and Commerce" ratified by the Russian Federation, Labor Code of the Russian Federation, federal laws and Russian Federation Government Ordinances.</p> <p>State supervision of compliance with labor laws and other regulatory and legal acts containing labor law provisions is performed at the federal, regional and municipal levels. These laws specify planned inspection timelines and cases for unscheduled inspections. Any unscheduled inspections to be performed in accordance with Federal Law No. 294-FZ "On protection of the rights of juridical persons and individual entrepreneurs in the process of state control (supervision) and municipal control".</p> <p>In accordance with law, experts and expert organizations (juridical persons), accredited in accordance with established procedures, can be engaged for inspections.</p> <p>Russian Federation Government Ordinance No. 1080 dated September 08, 2017 took effect on January 01, 2018 and prescribes to state labor inspectors to use check lists when auditing employers. Such check list include questions relating to most important mandatory requirements of labor laws and other regulatory and legal acts, containing labor law provisions, applicable to employers.</p> <ul style="list-style-type: none"> • Audits. <p>The State Labor Inspectorate performs planned and unscheduled inspections. The purpose of such inspections is supervision of compliance with labor laws and other regulatory and legal acts containing labor law provisions. Planned and unscheduled inspections to be performed by agreement with, on behalf of and with participation of prosecutor's offices. In some cases (Article 360 of the Labor Code of Russian Federation), notice to prosecutor's office is sufficient.</p> <p>Audit plans are published on the website of state labor inspectorate offices (which operate in each region of Russian Federation).</p> <p>Audit findings (reports) are published on the website of state labor inspectorate offices.</p> <p>Unscheduled inspections are normally held upon an employee's application regarding violation of his/her labor rights, and in some other cases (Article 360 of the Labor Code of Russian Federation).</p> <p>29 inspections were held by the State Labor Inspectorate during 2017–2018 in the companies holding membership in the Association. Of this number, 3 inspections were planned and 26 ones were unscheduled. 13 inspections were held upon employees' applications regarding violations of their labor rights. In 8 cases, violations were uncovered and orders were given to eliminate those violations. Inspection results are available on the website of the Federal State Information System "Unified Audit Register".</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	<ul style="list-style-type: none"> • Minimum age requirements for crew members established by the national laws. <p>Minimum age for crew members of fishing vessels in the Russian Federation is 18 years. This requirement is regulated by:</p> <p>ILO Convention concerning Minimum Age for Admission to Employment No. 138 (C138 – Minimum Age Convention, 1973 (No. 138) (ratified by Decree of the Presidium of the USSR Supreme Council No. 8955-IX dated March 05, 1979).</p> <p>Labor Code of the Russian Federation (Article 265) “Works where use of labor of persons younger than eighteen years is prohibited”.</p> <p>Russian Federation Government Ordinance No. 163 dd. February 25, 2000 “On approval of the list of heavy manual operations and harmful and/or hazardous working environments where labor of persons under the age of 18 is forbidden”.</p> <ul style="list-style-type: none"> • Mandatory/state and private/corporate/industry system that guarantees compliance with minimum age requirements to employees engaged in fishery <p>1. Russian law provisions guarantee compliance with minimum age requirements to employees engaged in fishery.</p> <p>Article 63 of the Labor Code of RF. This provision contains a general rule about minimum age at which it is allowed to conclude an employment agreement. It is allowed to conclude employment agreements with persons who have reached 16 years of age, except cases stipulated in the Code and other federal laws.</p> <p>A special case stipulated in the Code is its Article 265 “Works where use of labor of persons younger than eighteen years is prohibited”. Earlier, we made a reference to Russian Federation Government Ordinance No. 163 dd. February 25, 2000 which directly prohibits employment and use of labor of person younger than 18 years on board fishing vessels.</p> <p>2. Private/corporate/industry system that guarantees compliance with minimum age requirements to employees engaged in fishery.</p> <p>Article 65 of the Labor Code of RF “Documents to be provided for conclusion of an employment agreement”. According to this provision of the Code, any person to be employed shall provide to employer a specified package of documents, issued by governmental bodies and containing among others information about such person’s age, at the time of conclusion of an employment agreement.</p> <p>Article 68 of the Labor Code of RF “Procedures for admission to employment”. According to this provision, admission to employment shall be documented by employer’s order (directive) to be issued on the basis of a concluded employment agreement. No employment agreement will be concluded unless the person to be employed provides appropriate documents.</p> <p>Non-compliance with the above labor provisions by employer’s representatives (staff department) is punishable in accordance with criminal laws.</p> <p>The Criminal Code of RF contains Article 151.2. “Involvement of a minor into activities posing danger for such minor’ life” and provides for punishment in the form of a penalty or imprisonment.</p> <ul style="list-style-type: none"> • Control and assurance of compliance with requirements, authorities responsible for such type of control <p>As part of state port control procedures, harbor master of a sea port checks ship’s crew list which is the key document containing data on each crew member’s date of birth.</p> <p>Crew list keeping procedures are mandatory for officials of the Federal Transport Supervision Service, Federal Maritime and River Transport Agency, Federal Agency for Fishery, sea port administrations, state basin-level offices for management of waterways and shipping operations,</p>

	<p>sea port harbor masters, Russian ship owners, sea-going vessel masters, fishing vessel masters and masters of mixed-type vessels sailing under the State Flag of the Russian Federation.</p> <p>No vessel carrying a person under 18 years on her board will be cleared for departure from port.</p> <p>The Border Guard Service of Federal Security Service of Russia checks information about the age of persons present onboard the ship by verification of employee's data in the crew list and in his/her identification document. This check is completed by putting a special stamp of Federal Security Service of Russia in the international passport of each person included in the crew list.</p> <p>Certificate holder checks information about a candidate's age as early as at the stage of examination of his/her questionnaire or C.V. Any persons under 18 years are denied admission to employment.</p>
9	Repatriation
	<ul style="list-style-type: none"> - Describe how repatriation issues are dealt with in the UoC with respect visitsend of contract, voluntary and involuntary termination, and freedom of movement and the extent to which these are included in contracts.
CH	<p>Article 58 of the Merchant Marine Code specifies cases in which ship's crew members have a right for repatriation including: end of contract, contract termination by ship owner and crew member, etc.</p> <p>Ship owner must organize fast and appropriate repatriation at its own cost. If repatriation occurred through employee's fault, employer may receive a compensation for incurred costs.</p> <p>Employer's obligations and employee's rights regarding repatriation shall be stated in the employment agreement with such employee.</p> <p>If employer is unable to perform repatriation or pay repatriation costs, responsibility for repatriation will pass to competent governmental bodies of the Russian Federation.</p> <p>Order of the Russian Ministry of Foreign Affairs No. 1692 dated February 10, 2016 "On approval of the procedures for repatriation from the territory of a foreign state of seafarers working on board vessels sailing under the State Flag of the Russian Federation and seafarers who are Russian Federation citizens and crew members of vessels sailing under foreign flags" specifies procedures for repatriation of Russian seafarers from the territory of a foreign state if employer is unable to perform such repatriation.</p>
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>There are no systematic practices in the Russian Federation, and in particular on the Sea of Okhotsk Pollock fishery, to impose costs on crew members for damage compensation, travel to the workplace, visa, medical, safety gear, working clothing, food at the workplace, communications access, remittance fees, travel to/from fishing area, etc.</p> <p>Ship owner's (employer's) responsibilities for crew member travel to/from the workplace, visa, medical, working clothing and food are regulated by the Russian Federation laws, stipulated in employment agreements and shall be fully at the employer's cost.</p> <p>In certain cases such as repatriation through employee's fault, ship owner may charge such employee for incurred costs. An employee always has an opportunity to challenge this in the court, or apply to the labor enforcement agencies.</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>All fishing vessels harvesting Pollock are equipped with telephone and Internet communications. All agencies, involved in control of compliance with labor laws in the Russian Federation, publish telephone numbers on their official websites and organize online front desks via which employees may apply to relevant agencies.</p> <p>Thus, the website of the Federal Service for Labor and Employment indicates its free-of-charge “hotline” telephone number.</p> <p>The website of the Federal Service for Labor and Employment contains “Send your application” option via which any employee may post or send his/her application for protection of labor rights or grievance regarding violation of labor rights of any category.</p> <p>The information website онлайнинспекция.рф gives access to labor inspectorate offices, free-of-charge consultations on labor relationship issues and may be used for filing employee’s grievance in case of violation of his/her labor rights.</p> <p>The website of the Russian Federation General Prosecutor’s Office contains an “online front desk” where users may post information about any violation of civil rights including photo and video materials.</p> <p>The website of the Presidential Human Rights Ombudsman also contains an “online front desk” and telephone numbers for applications.</p>
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	<p>Upon arrival to ship, each crew member submits his/her identification documents into ship master’s or chief officer’s custody. Upon crew member’s request, his/her documents must be immediately given to him/her and he/she shall confirm such receipt by his/her signature. There are no known cases in practice when employee’s documents were unlawfully withheld, appropriated or concealed.</p> <p>There are terms “unlawful withholding of a document”, “concealment of official documents” and “theft of a document” in the Russian laws. Theft of a passport or other important personal document is qualified in the Russian Federation as a crime and is punishable in accordance with criminal laws. Part 1 of Article 325, Criminal Code of the Russian Federation also covers actions taken to conceal an official document of mercenary or other personal interest. This Article provides for punishment in the form of a penalty or compulsory works or correctional works or imprisonment depending on the extent of inflicted harm.</p>
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	n/a
14	Date this template was last updated
	<ul style="list-style-type: none"> - DD/MM/YYYY
CH	14/08/2019