

Northeastern Tropical Pacific Purse Seine yellowfin and skipjack tuna fishery

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

1. Introduction

Fisheries and at-sea Certificate Holders (CH) in the Marine Stewardship Council (MSC) program are required to provide a self-description of policies and measures, including regulatory requirements and procedures that are in effect in the Unit of Assessment, to protect fishing crew from forced labour or child labour, as well as any efforts by the private sector. The objective is to require certificate holders to communicate how government, industry, or other relevant entities protect against forced or child labour.

Each fishery and at-sea Chain of Custody client shall provide this information by completing this template. This template should be completed by the client in good faith and be based on information known and available to the client at the time of completion. The information provided should be representative of the range of measures known to the certificate holder.

The completed form will be uploaded to MSC database to be published on the MSC website at the same time as the Public Certification Report.

Guidance for filling in the template is found in the Appendix of this template. Information is required on all issues addressed in the template and should be provided in English, which is the official language of the MSC.

Please complete all unshaded fields. Please fill in N/A if an issue is not applicable, including a short justification for why it is not applicable.

2. Marine Stewardship Council certificate holder forced and child labour policies, practices and measures

Table 2.1 – Certificate holder information

1 Composition of fishery client group on behalf of who the statement is provided	
	<ul style="list-style-type: none"> - Characterise the composition of the fishery client group, including cost sharing entities. - Describe the relationship between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC).
CH	<p>The Units of Assessment include the Northeastern Tropical Pacific Ocean Yellowfin (<i>Thunnus albacares</i>) and Skipjack tuna (<i>Katsuwonus pelamis</i>) stocks caught by the 36 vessels with a hold capacity of greater than 363 metric tons (mt) (400 short tons) carrying capacity or equivalent in m³ that belong to members of the Pacific Alliance for Sustainable Tuna (PAST), licensed by Mexico, using purse seine gear, fishing within the Mexican EEZ and on the high seas within the IATTC management area defined by the Antigua Convention.</p> <p>PAST is an association that was formed in Mexico in 2014 specifically for collaborating on sustainability and corporate social responsibility (see their website for more details: http://www.pacifictunaalliance.org/)</p> <p>There are 4 cost sharing entities in PAST that operate these 36 vessels, hereafter referred to as “member companies” or “PAST”: Grupomar (MarIndustrias), Herdez del Fuerte, Pesca Azteca, and Procesa.</p> <p>The 4 member companies each wholly own the vessels that comprise the UoC, in the following distribution:</p> <ul style="list-style-type: none"> • Pesca Azteca - 20 • Grupomar - 7 • Herdez - 7 • Procesa - 2 <p>Each company has its own canning facility. Each purse seine vessel is equipped with a large skiff, a helicopter, multiple speed boats, and a mandatory on-board observer (for boats 363 mt capacity and greater).</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 principal authorities regulating labour in Mexico are:</p> <ul style="list-style-type: none"> ○ Secretaria del Trabajo y Previsión Social (STPS), ○ Instituto Mexicano del Seguro Social (IMSS), ○ Instituto Nacional de Migración (National Institute of Migration) <p>Additionally, other authorities regulate some aspects of labor. These include:</p>

	<ul style="list-style-type: none"> ○ Unidad de Capitanía de Puertos y Asuntos Marítimos, ○ Secretaria de Hacienda y Crédito Público, ○ Armada de México, etc. <p>The primary law that regulates labour in Mexico is the Federal Labour Law - La ley Federal de Trabajo; although there are many labor regulations at the national, state, or local levels.</p> <p>Laws are enforced by all regulating authorities through frequent inspections and audits of the fleet and production facilities of each member company, as well as of the accounts and records. In addition to regular audits, there are surprise audits including in any instance where a breach or disagreement were to be reported.</p> <p>In instances where there are labour unions, those unions are also required to also abide by all relevant laws.</p> <p>All companies operate with strict compliance to all laws and regulations.</p> <p>In addition to legal compliance, as part of their participation in the Alliance, the CEOs of each member company signed a public document pledging to always operate with fair and ethical labour practices and to ensure respectful employment.</p> <p>Jobs with these four companies are highly coveted.</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>All member companies prohibit minors from working; and each company has clear signage in recruitment offices stating such policies (according to Article 123 of the “Ley Federal del Trabajo” – Federal Labour Law. During the recruitment and selection process, all companies that candidates are of legal age and have official documents that prove this information such as: INE (Instituto Nacional Electoral voter registration card), birth certificate, CURP (Clave Única de Registro de Población, unique person’s code), and RFC (Registro Federal de Contribuyentes, tax identification).</p> <p>Additionally, authorities ensure compliance with:</p> <ul style="list-style-type: none"> • Regular on-site visits during which any regulatory agency has the right to surveil and monitor ages and other matters of compliance (as aforementioned in our response to #2). <p>Where there are active unions, unions:</p> <ul style="list-style-type: none"> • Monitor work environment constantly, including ensuring that minors do not enter the company. • Inside union recruitment offices, there is posted signage and information boards that outline prohibitions related to child labor.
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>Recruitment. Each member Company has distinct methods for recruitment that include utilizing the following:</p> <ul style="list-style-type: none"> • Leveraging the company’s employee network, including current and former employees and their extended networks. • Port Authority databases from Manzanillo, Mazatlán, etc. that show candidates that have an updated track record and willing to enter the fisheries. • Mazatlán Nautical Academy “Antonio Gómez Maqueo” that offers information regarding students about to finish their programs. <p>Each company conducts interviews and evaluations to ensure seaworthiness; and each company collects the required documentation, including but not limited to certifications and “Seafarers Books”.</p> <p>Information collected by member companies to ensure proper identification and full legal compliance. Each company requires the following minimum information for all candidates, including for foreign workers:</p> <ol style="list-style-type: none"> 1.- Full name 2.- Address, telephone and marital status 3.- Nationality 4.- Sex 5.- Federal Taxpayer Registry number 6.- IMSS number 7.- CURP - Individual Population Registration Card 8.- Certificates for past academic studies 9.- # of dependents 10.- Previous employers with telephone numbers 11.- References of previous employers 12.- Account number for the Retirement Savings System and Proof of Payment (only in case of having credit from INFONAVIT) 13.- In case that the candidate is a foreigner, documentation to prove that the individual has the approval to work. 14.- In case of affiliation with a government support program, the F1 permit. 15.- Qualifications: additional skills, knowledge or training. 16.- Proof that the candidate will be 18 years or older at the time of hiring. 17.- Signature on the work contract. <p>If not immediately clear from the above list, any foreign applicant must have a temporary or permanent residence permit, a valid passport, and an authorization from the port authority to board ships.</p> <p>Regarding immigrant composition in member company crews:</p> <ul style="list-style-type: none"> • Grupomar employs 1 foreign fishing technician – a Portuguese fishing technician. • Herdez employs 2 foreigners – an American fishing technician and a Portuguese deputy fishing technician.

	<ul style="list-style-type: none"> • Pesca Azteca employs 1 foreigner in the crew – an American captain. • Procesa employs 1 foreigner – a Panamanian crewmember. A second crewmember from Panama is in the process of being hired (as of July 11, 2019). <p>The rest of the crews are Mexicans of legal working age.</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	<ul style="list-style-type: none"> • Generally engagement with workers right groups is lead and managed through Port Authorities and/or through marine registration offices. These offices communicate the company's recruitment needs and yearly fishing programs. • Regarding migrant workers, for any non-Mexican citizen, the member companies are obliged to ask for the FM-3 document that permits a foreign worker to have a temporary formal job at México. Such FM-3 control is surveilled by the authorities and the member companies, as the formal employers, are obliged to monitor the expiring date of such document. These workers are regulated by the same agencies as Mexican workers as well as by the Instituto Nacional de Migración (National Institute of Migration).
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>Legal contracts are signed with each crew member. Depending on the position, these might be:</p> <ul style="list-style-type: none"> a) By defined work b) For a determined period of time c) For an indefinite period of time <p>In every individual work contract, remuneration is clearly and precisely specified. Social Security registration and benefits are paid on time and in full compliance with the law.</p>
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>Regulatory audits. All companies have received audits from each of the following:</p> <ul style="list-style-type: none"> • Secretaria del Trabajo y Previsión Social (STPS). Frequent audits. • Instituto Mexicano del Seguro Social (IMSS) regarding quotes payment and accidents as well. Frequent audits. • Instituto Nacional de Migración (INM) • Secretaria de Hacienda y Crédito Público (SHCP) • Unidad de Capitanía de Puertos y Asuntos Marítimos (Inspecciones) • Armada de México. <p>Independent observers. Additionally, as is well documented, all member companies have an independent scientific observer aboard each vessel to monitor fishing practice. These observers can also report if any child labour were used as they are committed with such preventive practice.</p> <p>Internal audits.</p> <ul style="list-style-type: none"> • Each company's internal audit teams, part of their annual activities program. • Each company's recruitment policy and ethical positions, which reinforce that all recruitment, hiring, and employment must be fully compliant with legal and ethical standards.
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>The national minimum age for crew member employment is 18, as is stated in Article 123 of the Federal Labor Law; and all member companies comply with this requirement.</p> <p>Systems to ensure that crew members meet minimum age requirements. As aforementioned in our response to #4, standard legal documents are required for employment with any of the member companies including those that demonstrate legal working age. For example, candidates must provide one or more of the following documents:</p> <ul style="list-style-type: none"> ○ INE (voter registration card) ○ RFC (Registro Federal de Contribuyentes Mexican tax ID) ○ Birth certificate ○ CURP (Clave Única de Registro de Población, a unique number for registering the population in Mexico that is provided to each citizen or resident of Mexico and which can be reviewed by employers through national databases). <p>Regarding enforcement:</p>

	<ul style="list-style-type: none"> • Each person boarding a vessel that is leaving port must have a maritime identity permit, which is granted by Port Authority/Harbor Master's Office only to citizens who are of legal age. • The company is required to provide a list of the crew members that will be leaving port, attaching each of the Seafarers Books, which are all reviewed and verified by the Port Authority/Harbor Master's Office before the vessel is granted departure. • As well, the IMSS has the authority to directly review member company worker records and databases to review and confirm minimum legal age to work in México. As aforementioned there are regular audits by labor authorities outlined in our responses to #2 and #3.
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	<ul style="list-style-type: none"> • Freedom of movement is granted by the Mexican Constitution to all individuals – and therefore implicitly or directly included in all labor laws (and employment contracts) in Mexico. • The regulating authority is the INM (Instituto Nacional de Migración) which controls Mexican and immigrant flows within and outside of the country. • Hiring and contracting. This process was explained in detail above. In addition to that explanation, for any non-Mexican citizen, the member companies are obliged to ask for the FM-3 document that permits a foreign worker to have a temporary formal job at México. Such FM-3 control is monitored by the authorities; and the member companies, as the formal employers, are obliged to monitor the expiration date of such document and ensure that the company is complying with only hiring legal labor. • Payment for all onboard and work costs at company expense. All members companies have established policies for transportation and lodging for all crew members, including for foreign crew (resident and non-resident). All costs of transportation (to and from point of origin), and food and lodging while working are provided to the crew, at the company's cost (and at no cost to the crew). This is true with foreign or migrant labor as well. Member companies cover the cost of return transportation to origin. At their time of a foreign resident or foreign non-resident's departure, member companies inform the National Migration Institute of the separation from the company. (This is true after their contract has completed or at any time prior). • All of this is stipulated in written employment contracts.

	<ul style="list-style-type: none"> Regarding enforcement, the Institute has access and control of the NSS and the Tax authority.
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>None of the members companies impose any kind of fees to the crew for the items listed in question #10. Each member company provides all the necessary tools for them for safe productive living and work, at no cost to the employee. This includes providing and covering costs for transportation, food, protective gear, safety gear, medical attention, communications access, remittance fees, repatriation if relevant, etc.</p> <p>Fees for visas are covered when relevant and/or as stipulated in the employment contract.</p> <p>The only instance where costs are not covered for transportation to origin is if a crew member were to choose to voluntarily disembark prior to the end of a fishing trip.</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 companies have complaint policies which are clearly communicated to each employee. Each company also has several points of contact within the company for grievances and remedies. Each company has clear multi-contact processes to receive and process any and all employee complaint.</p> <p>At sea, ship captains, operations engineers, and other senior crew are also obliged to receive complaints and address them directly with the company. As well, the HR managers are also available at any time with a cellular phone to receive any call.</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>Each company complies with all legal and company requirements which includes requesting, verifying, copying, and retaining copies of identification documents that underlie the employment contract.</p> <p>As such, each member company's HR office has and holds <u>copies</u> of all identification documents that were provided at the time of contract execution. These documents are always available for any regulatory</p>

	<p>inspections. In the event that a crew member was to need copies of any of his/her personal identification documents, those would be provided.</p> <p>Please note that crew is individually responsible for holding and managing their own <i>original</i> identification documents.</p>
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	All member companies comply with all national employer requirements and all employee protection regulations, including but not limited to laws and regulations related to immigrant/non-resident labor and the non-employment of children (and rules that protect children from forced labor).
14	Date this template was last updated
	<ul style="list-style-type: none"> - DD/MM/YYYY
CH	July 13, 2019

3. Appendix – Guidance on filling in the Certificate Holder Forced and Child Labour Policies, Practices and Measures Template

3.1 Composition of the fishery client group on behalf of who the statement is provided

If a fishery is in full assessment and the cost-sharing participants and arrangements are not yet determined, provide as much detail as possible regarding the expected cost-sharing entities that will comprise the client group, should the fishery achieve certification, and the relationship between such client group representatives and the vessel owners and operators in the Unit of Certification (UoC).

3.2 Responsibility for labour regulation

Provide information on laws and regulation and the authorities that have responsibility for labour regulations in the area in which the fishery operates, including flag state authorities where this is applicable. Describe how these are enforced.

3.3 Risk identification, mitigation and remediation

The information required in this section includes information known by the certificate holder on processes and practices that are applicable in the UoC to identify, assess, prevent and mitigate forced and child labour risks. The information may include government policy or measures, or where applicable, measures being implemented by the certificate holder.

Crew recruitment

The information required here includes information on the methods used to recruit crew in the UoC, any widespread use of migrant labour, the countries that crew come from and information on recruitment agencies used where this information is available and known to the certificate holder. It may also include information known of visa programs used to bring in workers to the UoC and on payment of recruitment fees.

3.4 Engagement with fish worker groups

In some countries, there may be engagement with fish worker groups or other types of organisations that work to address risks of forced labour. Where this occurs provide information on such engagement. This may include information on any organizations in the port area which support crew members socially, e.g. seafarers' ministry, fishers' association, local committees.

3.5 Crew contracts

Contracts are legal work agreements with labour duties and payments clearly spelled out. Describe the nature of crew contracts in the UoC, specifically features related to forced and child labour, whether the contracts are written in languages understood by crew and how provisions in the contract are enforced.

3.6 Audits and labour inspections

Describe any government labour inspections or social audits and certifications of working conditions within the UoC in the past 2 years. Where the information is available provide a link to the criteria against which the audit took place.

3.7 National minimum age requirements

For this section describe national minimum age requirements and provide a description of regulatory and private sector systems in place to confirm that minimum age restrictions are met. Include information on any exceptions to statutory minimum age requirements which are used by the UoC and information on policy for hiring young workers in compliance with national legislation. This should also include description of any policy or practices for monitoring including hours of work and rest for young workers. This may include information on any other programs which are monitoring labour in your UoC fishing area.

3.8 Repatriation

This section requires a description of how departure of crew members across the UoC is handled. This may include information about government, and/or where known, any applicable company policy on end of crew members' contracts; involuntary termination; leave (including family visits and medical treatment); freedom of movement during the work term and departure terms within crew member contracts.

3.9 Debt bondage

Deductions for costs of work from pay can cause debt bondage and put crew at risk of forced labour. Examples of such work costs include costs of getting to work, placement/broker fee, medical costs, safety gear, food at the workplace, remittance fees and repatriation costs.

Describe systems in place to avoid debt bondage. If there is evidence of systemic practices to impose costs on workers, what measures are in place to avoid debt bondage.

3.10 Grievance and remedy mechanisms

Provide a description of systems known to be in place that allow crew to share information, access assistance and report labour violations and how the systems work to address such reports and provide remediation.

3.11 Identification documents

Describe provisions across the UoC for crew to access their official identification (passports, visas, seafarers book). Where the law in a jurisdiction requires the vessel owner or captain to hold the crew members' official identification, describe the protocol, including government regulations in place to ensure that crew members can access their personal documents and have freedom of movement.

4. Template information and copyright

This document was drafted using the 'Certificate Holder Forced and Child Labour Policies, Practices and Measures Template v1.0'.

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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

A controlled document list of MSC program documents is available on the MSC website (msc.org)

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

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