DFPO Denmark North Sea plaice

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
	- 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	- The Danish Fishery Producer Organisation (DFPO) and the Danish Pelagic Producer Organisation (DPPO) represent approximately 750 fishing vessels – vessel owners/employers – and have a collective agreement with the United Federation of Danish Workers (3F) representing the employees.
2	Responsibility for labour regulation
	- What management authorities and laws, including flag state authorities, control labour-related regulations in the unit of assessment area? - How are laws enforced?
CH	- The Danish Maritime Authority is responsible for issuing acts and executive orders on maritime safety, maritime employment and social law as well as ships registration. The Danish Maritime Authority is therefore the relevant authority for the general safety organization and working environment on fishing vessels . - No person under the age of 18 is allowed to work on a fishing Vessel, unless he or she is undergoing relevant education in an apprenticeship. - I Denmark children under the age of 16 are not allowed to work onboard fishing vessels. - Infringements of the basic safety legislation is punished with fines and in certain cases up to two years prison. - All vessels and fishers are connected to a safety committee that meets regularly – and at least 4 times per year. All vessels with 8-15 employees have representatives (employees and employer) on a regional safety board serving both as advisers to legislators as well as receiving information on new standards and demands to safety and working environment on board. Additionally, these vessels have a “Security Group” encompassing Captain and part of the crew. The group members must undergo a security course and will among other things oversee and control that the daily work is taking place in a safe environment. Any irregularities shall be reported to the regional security board. - Links to the legal basis of all requirements in place can be found on the Danish Maritime Authority’s website www.dma.dk: regulations, legislation, regional or local safety committee. - Recent rules and regulations issued within the area of responsibility of the Danish Maritime Authority can be found here: https://www.dma.dk/Vaekst/Rammevilkaar/Legislation/Pages/Notice-A-from-the-DMA.aspx - The Danish Fishermen’s Occupational Health Services Board (Danish: Fiskeriets Arbejdsmiljøråd) is an independent organisation advising on occupational health and safety on board. The board work to enhance fishermen’s safety, preventing accidents at work and the aim is to maintain a healthy and safe working environment. DFPO, DPPO and 3F are members of the management board. Specifically, the objectives of the Danish Fishermen’s Occupational Health Service in relation to shipowners (employers) and crew members (employees) are a.o.:

	• Identify and assess occupational health problems and assist shipowners, crew members and the safety organisations of the fishery in solving them. • Advice about personal protective equipment • Take part in systematic health examinations of exposed groups and individuals • Teach and advice on safety, health and hygiene -
3	Risk identification and mitigation
	- 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	- Addressed under point 2, bullet 2 and 3.
4	Crew recruitment
	- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	- Crew members are recruited in various ways: (1) The traditional "word of mouth" in fishing ports (2) Advertisements in fishery related papers and websites (3) Through so-called UU-centres (Young Education Centres), where job and career possibilities are presented to young fishermen leaving school (4) Through targeted fisher-campaigns on social media and websites - Regarding migrant crew members, only very few crew members come from foreign countries, and almost all from European Union countries, where we have mutual recognition of qualifications. Those who are employed have to have the same basic qualifications as Danish crew members, particularly as regards safety. For those not having adequate qualifications, the Danish Maritime Authority specifies which courses each individual must take to qualify.
5	Engagement with fish worker groups
	- 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	- As described under point 1, there is a social contract between DFPO/DPPO and 3F. This social contract, which normally runs for 3 years on a revolving basis, covers all crew members, both Danish and foreign. This means that social conditions, pay etc. follow the same rules for all. The social contract covers all crew members onboard vessels belonging to DFPO/DPPO regardless of whether the crew members are members of the workers union or not! - The collective agreement can be found here (in Danish only): https://www.3f.dk/fagforening/fag/fisker/danmarks-fiskeriforening
6	Crew contracts
	- Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.
CH	- The general conditions on employment can be found here: https://www.dma.dk/SoefarendeBemanding/AnsaettelsesforholdMLC/Sider/default.aspx

	- As described previously we have a collective agreement setting out the overall relationship between employers and employees. - Further to the collective agreement we have in Denmark compulsory employment contracts for the individual fisherman. Regarding contracts for fishermen and what they may contain can be found on the webpage of the Danish Maritime Authority: https://www.dma.dk/SoefarendeBemanding/AnsaettelsesforholdMLC/Ansaettelsesforhold/Sider/AnsaettelsesaftalerForFiskere.aspx. Additionally, templates for these contracts can be found here: http://fiskeriforening.dk/om-fiskeriet/dokumenter/hyrekontrakter/. It is a special feature of the individual contracts that they are revolving. A contract is valid for an unlimited number of fishing trips, *but only during the fishing trips!* This means that the employer is free not to take the employee onboard for the next fishing trip, and the employee is free not to go on the next fishing trip – but if he/she goes onboard the contract is in operation again.
7	Audits and labour inspections
	- Describe any 3rd Party audits and certifications on labour, or labour inspections conducted within the UoC in the last two years.
CH	- All Danish vessels are legally subject to auditing of the working conditions. Audit is undertaken by the Danish Maritime Authority. For vessel under 15 meters, the audit takes place every 5 years. For vessels 15 meters and above, the audit takes place every 2 years. - All fishing vessels must, further to this, undergo an audit if they are rebuilt/modernized.
8	National minimum age requirements
	- Describe national minimum age requirements for crew members serving on vessels within the UoC. - Describe systems in place, both regulatory and private sector systems, to ensure that crew members meet national minimum age requirements. - Describe how this is checked, including enforcement within the UoC by the responsible governing authority or oversight body such as labour inspectors.
CH	- The national minimum age for crew members is 18 years unless the person is in an apprenticeship, in which case the minimum age is 16 years. - Crew lists with information on date of birth of all crew members are available onboard and can be checked both by the Fisheries Control officers and the Danish Maritime Authority. - All apprentices in the Danish fishing fleet are employed by the DFPO, and no one is admitted below the age of 16 years.
9	Repatriation
	- 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	- The collective agreement is embraced by the EU and EFTA rules for free movement of labour - free movement of workers is a fundamental principle of the Treaty enshrined in Article 45 of the Treaty on the Functioning of the European Union and developed by EU secondary legislation and the Case law of the Court of Justice. - The collective agreement has a specific protocol on “fishers from Easten Europe” in which it is stipulated that:

	(1) the employer must pay the costs associated with obtaining visas, medical certificates and other similar documents, and that (2) if the period of work (cumulative) is shorter than 3 months, the employer must pay the repatriation travel costs. - As regards termination of contract, see point 6.
10	Debt bondage
	- 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	- No evidence of debt bondage. - Safety gear, clothing/protective gear must be furnished by the vessel. - Food is normally deducted from the overall value of the catch at landing, before the value of the catch is "shared" between the vessel and the crew – the age-old sharing system with fixed percentages for the vessel and the crew respectively.
11	Grievance and remedy mechanisms
	- 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	- Instances of forced or child labour is not occurring in the Danish fishery. Should specific situations occur fishermen can always contact DFPO/DPPO/3F or the Danish Maritime Authority for help and/or guidance.
12	Identification documents
	- 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	- There are free access to identification documents etc. at all times onboard Danish vessels. No policies needed.
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	NO
14	Date this template was last updated
	- DD/MM/YYYY
CH	- This was last updated by DFPO and DPPO on the 15 March 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.

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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1.0	17 December 2018	Release alongside Fisheries Certification Process v2.1
1.01	28 March 2019	Minor document change for usability

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

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