

[The Falkland Islands Longline Toothfish 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>Consolidated Fisheries Ltd (“CFL”), a company registered in the Falkland Islands, is the sole client for the MSC Falkland Islands longline toothfish fishery. There are no cost sharing arrangements with other parties.</p> <p>CFL is the owner and operator of the sole longline fishing vessel operating in the fishery <i>F/V CFL Hunter</i>. This vessel is registered in the Falkland Islands.</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 Falkland Islands is an independent legal jurisdiction. Labour-related regulations regarding fishing activities are governed and enforced by the Falkland Islands Government. Fishing vessels are further regulated by the fishing licence conditions set by the Falkland Islands Government and enforced by the Falkland Islands Government through the licence system.</p> <p>In addition, the Falkland Islands is a member of the Red Ensign Group (the group of British Shipping Registers from the United Kingdom, Crown Dependencies and UK Overseas Territories). Vessels registered in the Falkland Islands are British ships entitled to fly the Red Ensign flag. The UK Marine and Coastguard Agency (“MCA”) has oversight of British flagged ships, including those registered in the Falkland Islands. The MCA conducts regular audits of Falkland Islands registered vessels.</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><u>Falkland Island Government measures</u> While the Work in Fishing Convention, 2007 (ILO 188) does not apply directly to the Falkland Islands, as part of the fishing licence system, Falkland Islands Government incorporates certain aspects from ILO 188 directly into the licence conditions.</p> <p>Fishery observers appointed by the Falkland Islands Government are present on board during certain voyages to monitor compliance with licence conditions and report on general conditions on board.</p> <p><u>MCA measures</u> As part of its oversight of Falklands registered vessels, the MCA carries out routine audits of CFL’s vessel and provides guidance on compliance with UK standards relating to child and forced labour including the provisions laid out in the ILO 188.</p> <p><u>Certificate Holder Measures:</u> CFL voluntarily follows the provisions set out in ILO 188 despite the Convention not being directly applicable to Falklands registered vessels. In particular, this includes a minimum age of employment of 16. In practice, <i>CFL does not employ any fishermen under the age of 18 onboard its vessel.</i></p> <p>CFL uses reputable crew agencies to recruit trained and professional crew only. Child and forced labour are kept under review and play no part in the crewing of the vessel or any of the shore-based related activities. CFL ensure that all crew members are properly paid for their efforts, either directly or through the crewing agency.</p>

	CFL maintains a close relationship with the officers and crew onboard the <i>CFL Hunter</i> so as to remain aware on any crew welfare issues that may arise. This includes regular visits on board the vessels during periods of transshipment or crew exchange in port in the Falkland Islands.
4	Crew recruitment
	- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	CFL employs Spanish, Peruvian, Chilean and Indonesian crew. Peruvian and Indonesian crew are recruited through reputable and professional crew agencies in each country. One of the crew agencies is ILO 188 certified, and the other agency is in the process of achieving similar compliance certification. The two Chilean crew members have served with the company for approximately 20 years. Spanish crew, who comprise all the officer positions on the vessel, are usually recruited through word-of-mouth and by direct application from interested fishermen.
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	Given that the Falkland Islands is a very small jurisdiction, there are no formally established fisher, migrant or worker rights groups. CFL is a member of the Falkland Islands Fishing Company Association (“FIFCA”), the trade body for fishing companies which looks at crew welfare as part of its remit. In addition, CFL, both independently and through membership of FIFCA, supports various organisations which assist crew including the Port Welfare Board and the charity Lighthouse Mission to Seafarers.
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	All crew are employed directly by CFL, as owner and operator of the vessel. CFL has adopted ILO 188-compliant fisher work agreements for all crew, including provisions relating to the name, date of birth and place of birth of the crewman; pay; protective clothing and equipment; vessel operations (including watch system) and insurance and medical expenses. All crew have written contracts in both English and their own language. Crew contracts are governed by Falkland Islands law and are monitored by CFL and the officers on board the vessel.
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	There have been no labour inspections or audits carried out by the Falkland Islands Government in the last two years.
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 Falkland Islands Employment of Children Ordinance 1966 prevents children under 16 from working on a vessel by virtue of the nature of work required.

	<p>CFL voluntarily follows the provisions of ILO 188 which prohibits persons under 18 working on dangerous tasks or working at night unless subject to particular surveillance.</p> <p>CFL employs all crew through reputable crew agencies. All crew employed have minimum required basic training and receive full additional training once on board. All CFL crew are over 18 years of age.</p> <p>Crew members are required to provide a copy of their passport to CFL before starting work on board the vessel to allow date of birth to be verified.</p>
9	Repatriation
	<ul style="list-style-type: none"> - Describe how repatriation issues are dealt with in the UoC with respect visits end of contract, voluntary and involuntary termination, and freedom of movement and the extent to which these are included in contracts.
CH	<p>All crew contracts state that crew will be repatriated to their country of residence on disembarkation, medical grounds and/or completion of contract at the Employer's cost.</p> <p>In the event of abandonment of contract by the crew member for unjustified reason, or dismissal for gross misconduct, CFL reserves the right to deduct reimbursement for repatriation costs from wages owed to the crew member.</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>CFL cover all transport costs to the place of work and repatriation costs (except in instances of crew abandonment or gross misconduct in which case repatriation costs may be recovered from any wages owed). Crew are provided with all safety gear and food on board at no charge. CFL cover all medical costs of crew in relation to their employment on board the vessel. Crew are provided with free access to communications services.</p> <p>CFL is not aware of any evidence that any of our respective crewing agents employ debt bondage practices.</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 crew contracts set out a clear grievance policy. Issues are raised first with the vessel Master. Where an issue cannot be resolved on board, the issue is to be raised in writing with CFL management in port. If an issue cannot be resolved by CFL management, it may be escalated to the Chairman. Details on the crew reporting procedures are also contained in the vessel's Manual of Safety Management Systems available to all crew.</p> <p>Concerns may also be raised in port through the Lighthouse Mission to Seafarers, the Port Welfare Board and the Harbour Master.</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>All crew hand in their identification documents to the vessel's officers to be stored for safekeeping on the bridge, and to have required documents on hand in the event of an inspection by port authorities. Identification documents are returned to crew upon arrival in the port of disembarkation.</p>
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?

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

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

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

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

3.2 Responsibility for labour regulation

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

3.3 Risk identification, mitigation and remediation

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

3.4 Crew recruitment

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

3.5 Engagement with fish worker groups

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

3.6 Crew contracts

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

3.7 Audits and labour inspections

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

3.8 National minimum age requirements

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

3.9 Repatriation

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

3.10 Debt bondage

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

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

3.11 Grievance and remedy mechanisms

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

3.12 Identification documents

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

4 Template information and copyright

This document was drafted using the 'Certificate Holder Forced and Child Labour Policies, Practices and Measures Template v1.01'.

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Template version control

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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](http://msc.org) (msc.org).

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