

[Deris S.A.]

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>Deris S.A. is the holding company for the fishing and aquaculture activities of Inder Group since the Group acquired Pesca Chile's fleet (one of the largest fishing companies in Chile at that time) in 2014. Deris S.A. comprises a fleet composed of: 6 factory vessels (3 trawlers and 3 longliners) and 1 wet fish trawler. Currently, the company has quota for more than 5,000 t of demersal species in Chile's southern demersal fisheries.</p> <p>Deris S.A. has kept the well know commercial brand –Pesca Chile- for its products, although the fishing company that gives its name to the product no longer exists.</p> <p>Deris S.A operates its fleet directly and the certification corresponds to its trawler factory ship “Antarctic Endeavor”, adapted to fish exclusively krill (<i>Euphausia superba</i>) in Antarctic waters.</p> <p>Also, Deris S.A. is member of the Association of Responsible Krill harvesting companies (ARK). Currently ARK is integrated by five krill fishing companies: AkerBioMarine, Rimfrost, Insung, CNFC and Deris-Pesca Chile. The ARK aims to facilitate communication between the industry, CCAMLR and the scientific community, and also to promote research for the sustainable harvest of Antarctic krill. The ARK agree that the industry must develop sustainably to ensure long term viability of the krill stocks and dependent predators.</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 Chilean labor law is regulated by the labor code and its complementary laws. The body responsible for overseeing the compliance with these standards is the Labor Inspection.</p>
3	Risk identification and mitigation
	<ul style="list-style-type: none"> - Describe the processes, including government and certificate holder measures, that are in place in the UoC to identify and mitigate any risk of child and forced labour.
CH	<p>The Chilean legislation indicates in Article 13 of the labor code, the prohibition to hire minors under 18 years of age. (https://www.dt.gob.cl/portal/1626/articles-95516_recurso_2.pdf)</p> <p>The same legal body indicates the minimum clauses that should indicate a contract of employment. In our internal order, hygiene and safety regulations, the documentation required to enter our organization is indicated.</p> <p>Identity card</p> <p>Affiliation to the pension system</p> <p>Affiliation to the health system, in both cases they can only be granted to people over 18 years of age.</p> <p>The Labor Inspectorate carries out audits to check compliance with the working legal age.</p>
4	Crew recruitment

	<ul style="list-style-type: none"> - Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	<p>Our Human Resources department is responsible for hiring personnel.</p> <p>Both for the hiring of Chilean crew members and foreigners, it is required to have current identification, and in the case of foreigners, documentation to be able to work in Chile, in addition to the documentation required by the Maritime Authority.</p>
5	Engagement with fish worker groups
	<ul style="list-style-type: none"> - Where there is known engagement with fisher, migrant, and worker rights groups, describe how this occurs and the organisations engaged with workers in the Unit of Assessment (UoA).
CH	<p>In our company, there is no labor union.</p> <p>In Chile, by law, the captain of the ship must be a Chilean citizen. And within the crew a maximum of 15% of foreigners is allowed. They must have their Registration, which is issued by the Directorate of the National Territory (DIRECTEMAR), in order to obtain their registration, they must undergo theoretical and practical tests, as well as a medical certificate indicating that their health is compatible with the work they are going to perform.</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>Every person who enters our organization must sign an employment contract, and it is the obligation of the company to comply with this rule.</p> <p>The work contract must contain minimum and mandatory clauses, for example, indicate the nature of the work to be performed, salary, working day, prohibited clauses, all those that mean giving up labor rights.</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>The labor inspection is the body in charge of auditing, through the control programs they have, at least once a year or through any complaint or accident.</p>
8	National minimum age requirements
	<ul style="list-style-type: none"> - Describe national minimum age requirements for crew members serving on vessels within the UoC. - Describe systems in place, both regulatory and private sector systems, to ensure that crew members meet national minimum age requirements. - Describe how this is checked, including enforcement within the UoC by the responsible governing authority or oversight body such as labour inspectors.
CH	<p>Every person, in order to work on board our ships, must necessarily have a marine book issued by the Maritime Authority, through the General Directorate for Maritime Territory (DIRECTEMAR) that sets the study programs.</p> <p>One of the requirements to obtain this booklet is to be over 18 years of age, to take a theoretical exam, and to have compatible health, accredited through a medical exam.</p> <p>There can be no minors working on board our ships.</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>It is our obligation, once the employment contract is finalized, to send foreign crews back to their country of origin. Our company pays the round trip tickets.</p> <p>This is indicated in the employment contracts and required by the department of immigration and foreigners.</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>We do not record debts of this nature.</p> <p>It is the obligation of our company to pay the transfer expenses of our crews from and to their place of origin.</p> <p>It is the obligation of our company to provide adequate clothing for work, and complete and varied food and bedding.</p> <p>Safety equipment: goggles, helmet, safety shoes, reflective vests, sunscreen, etc.</p> <p>Salaries will be paid on the last business day of each month.</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>The body responsible for supervising and monitoring compliance with labor obligations is the Labor Inspection. This body is responsible for receiving complaints, where all workers can go freely and anonymously to submit their complaints.</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>Our company does not retain personal identification documentation.</p> <p>Our Human Resources department only keeps a copy of the personal documentation.</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
	<ul style="list-style-type: none"> - DD/MM/YYYY
CH	16/06/2019

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

Version	Date of publication	Description of amendment
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](https://www.msc.org) (msc.org).

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