

[Solomon Islands Longline Albacore and Yellowfin Tuna 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).
C H	<p>The fishery client is Tri Marine International Pte. Ltd., a global tuna company: http://www.trimarinegroup.com/</p> <p>All vessels covered under the UoC are chartered by National Fisheries Developments, Ltd. (NFD), a Solomon Islands registered company which is a 100% subsidiary of Tri Marine International Pte. Ltd. All MSC-qualified catch from the UoC is sold by NFD to Tri Marine International Pte. Ltd.</p> <p>The UoC currently consists of 21 Taiwan, 5 China and 4 Fiji flagged Long Line vessels.</p> <p>These vessels fish within Solomon Islands EEZ and adjacent High seas areas; they unload catch in the port of Noro, Solomon Islands and do not tranship in high seas.</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?
C H	<p>NFD and its chartered vessels are bound by Solomon Islands legislation and regulations including: <i>Labour Act 1996, Employment Act 1987, Immigration Act 2012, Trade Unions Act 1966, Safety at Work Act 1982, Maritime Safety Administration Act 2009</i> and the <i>Shipping Act 1998</i> which lay out national regulatory requirements for freedom of association and collective bargaining, wages, working hours, workers' age, workers' care, forced labour, workplace health and safety etc. A full list is available at: https://www.ilo.org/dyn/natlex/natlex4.countrySubjects?p_lang=en&p_country=SLB http://www.parliament.gov.sb/index.php?q=node/237</p> <p>Solomon Islands has ratified various International Labour Organization (ILO) instruments including: <i>ILO C029 Forced Labour Convention, C087 Freedom of Association and Protection of the Right to Organise Convention, C100 Equal Remuneration Convention, C105 Abolition of Forced Labour Convention 1957, C111 Discrimination (Employment and Occupation) C138 Minimum Age Convention 1973, C182 Worst Forms of Child Labour Convention 1999, Medical Examination of Young Persons (Sea) Convention 1934</i> etc. A full list is available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103193</p> <p>The relevant authorities from Taiwan, China and Fiji serve as the vessels' flag state authorities. Each Government entity is responsible for implementing their respective national and international requirements related to fishing, maritime, labour and immigration laws.</p> <p>Taiwan, China, Fiji and Solomon Islands are all cooperating members of the Western and Central Pacific Fisheries Commission (WCPFC) and as such are implementing Resolution 2018-01 on labour standards for crew on fishing vessels. Full text is available here: https://www.wcpfc.int/doc/resolution-2018-01/resolution-labour-standards-crew-fishing-vessels</p> <p>Effective 1 January 2020, all vessels fishing in FFA waters, including Solomon Islands, will be required to comply with Forum Fisheries Agency (FFA) Harmonized Minimum Terms and Conditions (HTMCs) in relation to crewing employment conditions, which are broadly based on the <i>ILO Work in Fishing Convention 2007</i>. These HTMCs will be implemented via national laws or licencing conditions and will be published on the FFA website.</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.

	<p>All vessels covered under the UoC must comply with Tri Marine's Code of Conduct which strictly prohibits the use or employment of child and forced labour. Available at: http://www.trimarinegroup.com/wp-content/uploads/2017/07/Group-Code-of-Conduct.pdf. Official identity documents (i.e. passport, birth certificate) are reviewed prior to employment to verify the applicant's age meets company and flag-state regulations.</p> <p>Tri Marine is a member of the Seafood Task Force (STF) and is required to implement industry-wide social standards to its own (including all vessels covered under the UoC) and supplier vessels. The STF core objective is to mitigate labour abuses and IUU fishing through better supply chain oversight. Vessels are required to comply with, and be third-party audited against, STF's Code of Conduct and Vessel Auditable Standards, which have been developed in line with international labour standards. Available at: https://www.seafoodtaskforce.global/wp-content/uploads/2019/01/STF_Code-of-Conduct-and-Vessel-Auditable-Standards-V.2_20181212.pdf</p> <p>C The longline vessels operating in the Solomon Islands are required to carry an independent observer from the SI H National/PNA/Regional Observer Programs on at least 5% of fishing trips. Observers are required to monitor and record information relating to crew, including full crew listing (name, rank, years of experience, nationality); safety equipment on board and suitability/condition (life jackets, life buoys/rings, life rafts, EPIRBs); and incidents relating to crew or observer mistreatment. Some vessels in the UoC carry electronic monitoring (camera) systems.</p> <p>As part of national licencing conditions, the longline are inspected annually by MFMR Fisheries Inspectors. 100% of longline vessel unloadings in Solomon Islands are monitored by MFMR Fisheries Officers. Upon every port entry/exit into Noro, the vessels are also inspected by Solomon Islands Customs and Immigration officials. Crew lists are submitted to Immigration officials which are checked against passports and crew in person; the captain is interviewed by Solomon Islands Fisheries, Immigration and Customs officials.</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.
C H	<p>The chartered longline vessels fish mostly in Solomon Islands waters and are manned by officers from Taiwan and China. Crew on these vessels originate from: Taiwan, China, Fiji, Vietnam, Indonesia and Philippines.</p> <p>Officers are recruited by vessel owners. Crew recruitment is handled via licenced recruitment agencies appointed by vessel owners; some crew are recruited via referrals from current crew members.</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).
C H	<p>Tri Marine and NFD fully support the freedom of association for all staff including vessel crew members and shore-based staff.</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.
C H	<p>All crew on the longline vessels have an employment contract in accordance with flag state requirements.</p> <p>Contracts are provided in the respective crew's language. If a crew member indicates they are unable to understand the contract, translation services are provided by the recruitment agency. Each crew member is given a copy of his/her contract of employment.</p> <p>TMI Office in Taiwan maintains a database for each of the longline vessels with crew and contract details.</p> <p>TMI/NFD will be reviewing the format of crew contracts to ensure they fully comply with FFA's crewing MTCs and the Seafood Task Force's Code of Conduct.</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.
C H	<p>Effective 1 January 2020, vessels in the UoC will be subject to third-party audits against the Seafood Task Force's Code of Conduct and Auditable Standards for Fishing Vessels.</p> <p>In order to be licenced to fish in FFA waters (including Solomon Islands), effective 1 January 2020, vessel owners will also be required to furnish FFA with evidence of compliance with crewing MTCs.</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.
C H	<p><u>Taiwan</u> For basic crew: minimum 16 years old (exception for 15year olds that have graduated from junior high if they are relatives of the business owner, serving on vessel that does not exceed 24metres LoA and operates on limited waters) For crew officers: minimum 18 years old Source: 'Regulations on the Management of the Crew of Fishing Vessels' https://www.fa.gov.tw/en/LegalsRegulation/content.aspx?id=10&chk=4ffb0e37-2bc6-4e1a-85f6-3154945de418&param=pn%3d2</p> <p><u>China</u> Minimum 15 years old other than vessels upon which only members of the same family are employed For workers aged below 18, subject to conditional approvals from competent authority and requires annual medical checkups. Source: Convention Fixing the Minimum Age for the Admission of Children to Employment at Sea http://www.mohrss.gov.cn/gjhzs/GJHZzhengcewenjian/201011/t20101112_83642.html Convention on Mandatory Medical Examination of Children and Minors Working at Sea http://www.mohrss.gov.cn/gjhzs/GJHZzhengcewenjian/201011/t20101112_83658.html</p> <p><u>Fiji</u> Minimum 18 for fishing industry Source: 'Hazardous Occupations Prohibited to Children Under 18 Years of Age' http://www.paclii.org/cgi-bin/sinodisp/fj/legis/sub_leg/erp2007hoptcu18yoao3020131032/index.html?stem=&synonyms=&query=hazardous%20Occupations%20Prohibited%20to%20Children%20Under%2018%20Years%20of%20Age</p> <p><u>Philippines</u> Minimum 18 years old Sources: 'Hazardous Occupations to Young Workers' (list of hazardous work) http://www.oshc.dole.gov.ph/updates/events-calendar/11-local/70-hazardous-occupations-to-young-workers Labor Code Provisions on Young Workers Book III, Title III, Chapter II – Employment of Minors' https://www.bwsc.dole.gov.ph/policy-issuances/compilationoflaws/233-laws-on-child-and-young-workers.html</p> <p><u>Vietnam</u> Minimum age 18 Sources: 'Labour Code' (definition for Minor; below 18) https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/91650/114939/F224084256/VNM91650.pdf 'promulgating the list of jobs and workplaces prohibited to young workers' https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94648/111116/F1763762476/VNM94648%20Vnm.pdf ILO Compendium in Hazardous Child Labour (English summary for above) https://www.ilo.org/ipecc/Informationresources/WCMS_382487/lang--en/index.htm</p> <p><u>Indonesia</u> Minimum age 18</p>

	<p>'Minister of Manpower and Transmigration Decree No. Kep.235/MEN/2003 concerning Jobs that Jeopardize the Health, Safety and Morals of Children'</p> <p>https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=71282&p_country=IDN&p_count=575&p_classification=04&p_classcount=14</p> <p>(full text)</p> <p>http://turc.or.id/news/wp-content/uploads/2016/01/10.-Kepmen-No-Kep.235-MEN-2003.pdf</p> <p>ILO Compendium in Hazardous Child Labour (English summary for above)</p> <p>https://www.ilo.org/ippec/Informationresources/WCMS_382487/lang--en/index.htm</p> <p>TMI/NFD maintain an up-to-date database for all officers and crew for each of the chartered longline vessels in the UoC. There are no crew below the age of 18 years employed on any of the vessels. This database is open to inspection.</p> <p>NFD and its agency staff also reviews official documents (i.e. passport, birth certificate) at each unloading to verify that crews' age is following internal, as well as national and other private regulations. Solomon Islands Immigration Officials also review crew passports against the crew list prior to every port entry/exit.</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.
C H	<p>To TMI/NFD's knowledge, the costs associated with crew repatriation at the end of contract, voluntary and involuntary termination are covered by the chartered vessel owner.</p> <p>When off-duty, crews are allowed freedom of movement in port to the extent permitted by national laws.</p>
1 0	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.
C H	<p>Not applicable.</p> <p>To TMI/NFD's knowledge, the crew have full and complete control over their earnings. The vessel owning company is liable for costs associated with crew employment relating to agency fees, travel to/from work, visas, medical expenses, safety gear, clothing/protective gear, food, communications access, remittance fees and repatriation etc. No deductions are made from crew payments for these items.</p> <p>TMI/NFD will be reviewing crew payments to ensure full compliance with FFA's crewing MTCs and the Seafood Task Force's Code of Conduct.</p>
1 1	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.
C H	<p>Crew have an opportunity to raise a grievance in person to the NFD Agency once in port in Noro. NFD Agency is committed to ensuring that the employee shall not be subjected to any form of retaliation/retribution for raising grievances.</p> <p>Crew may also report issues to onboard observers or government authorities in port.</p>
1 2	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.
C H	<p>All crew members retain full and complete control over their original copies of their personal documents (e.g. passport, birth certificate, qualifications etc.). Confiscating, destroying, withholding or otherwise denying workers'</p>

	<p>access to their identity or immigration documents, including work permits and travel documentation is strictly prohibited.</p> <p>These documents are inspected on every port visit in the Solomon Islands by the Immigration authority of Solomon's.</p>
1 3	Additional comments
	<p>- Do you have additional comments on labour practices within the UoC?</p>
C H	<p>The vessels in the UoC should comply with labour requirements in the Seafood Task Force Code of Conduct and the FFA crewing MTCs (from 1 January 2020).</p> <p>Fishing trips undertaken by vessels in the UoC are relatively short, every 6-8 weeks. Given the vessels are making regular port calls, do not tranship in high seas, carry independent observers for some of the trips and are increasingly using electronic monitoring (on board cameras, the risk of undetected labour abuse is extremely low.</p>
1 4	Date this template was last updated
	<p>- DD/MM/YYYY</p>
C H	27 Aug 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](http://msc.org) (msc.org).

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