

**French Polynesia albacore and yellowfin longline fishery**

# **Certificate Holder Forced and Child Labour Policies, Practices and Measures**

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## 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"> <li>- Characterise the composition of the fishery client group, including cost sharing entities;</li> <li>- Describe the relationship between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC).</li> </ul>
CH	<p>The client group is : UoA1: South Pacific albacore; UoA2: Western Central Pacific Ocean yellowfin, UoA3: Eastern Pacific Ocean yellowfin.</p> <p>The vessels are the vessels fishing in the EEZ of French Polynesia using pelagic longline and licensed by the Direction des Ressources Marines (DRM), which are on the list provided in the certificate. They are all domestic, no foreign vessel licensed by DRM.</p> <p>The DRM, the government authority which manages marine resources within the EEZ, bears the entire cost of the fishery certification.</p>
2	Responsibility for labour regulation
	<ul style="list-style-type: none"> <li>- What management authorities and laws, including flag state authorities, control labour-related regulations in the unit of assessment area?</li> <li>- How are laws enforced?</li> </ul>
CH	<p>In French Polynesia, labour issues may be divided into 2 items : labor sensus stricto (A) and social security linked to labour (B).</p> <p>(A): In French Polynesia, the labor –related regulations are gathered in a labour-code, inspired by the French labor code. The link to the labour code applicable in French Polynesia is <a href="http://lexpol.cloud.pf/LexpolAfficheCodes.php?code=22">http://lexpol.cloud.pf/LexpolAfficheCodes.php?code=22</a>.</p> <p>This code is applicable to fisheries and there is a specific section for fishermen, consistent with the ILO Convention n° 188. All that is not mentioned in this specific fishing section is subject to the general labour provisions of the code. This specific section, called “statut du marin pêcheur (SMP)” was promulgated in 2013 and is compound of one law and 7 decrees, that can be found here</p> <p>Law and decree n° 171 : <a href="http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=387969&amp;idr=1140&amp;np=2">http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=387969&amp;idr=1140&amp;np=2</a></p> <p>Decree n° 165 : <a href="http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390492&amp;idr=1161&amp;np=1">http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390492&amp;idr=1161&amp;np=1</a></p> <p>Decree n° 166 : <a href="http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390493&amp;idr=1162&amp;np=1">http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390493&amp;idr=1162&amp;np=1</a></p> <p>Decree n° 167 : <a href="http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390494&amp;idr=1165&amp;np=1">http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390494&amp;idr=1165&amp;np=1</a></p> <p>Decree n° 169 : <a href="http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390496&amp;idr=1172&amp;np=1">http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390496&amp;idr=1172&amp;np=1</a></p> <p>Decree n° 170 : <a href="http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390497&amp;idr=1153&amp;np=1">http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=390497&amp;idr=1153&amp;np=1</a></p> <p>Decree n° 1950: <a href="http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=424918&amp;idr=1174&amp;np=1">http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=424918&amp;idr=1174&amp;np=1</a></p> <p>The highlights of this SMP are the following:</p> <ul style="list-style-type: none"> <li>- This SMP requires the fishermen to be affiliated to the social security system as salaried employees, and thus they can access to the social services of this regime.</li> <li>- The SMP requires also the fishermen to have a contract of employment and a “livret professionnel”, which is a booklet that records all the trainings, medical visits and embarkations/tours of duty, function on board of the fisherman, during his whole career.</li> <li>- For ending the contract of employment, the fishermen can either resign or can be dismissed, according to the cases mentioned in the labour code and SMP.</li> <li>- The legal working time is 240 sea days per year, for a full time job, and extra time is accepted to a</li> </ul>

	<p>maximum of 275 seadays per year. The status requires some rest, both on board and on land. A fisherman must have at least 10 hours of rest per sea day. Under exceptional circumstances, if he cannot rest, he has to catch up later on board or on land. Rest on land must be at least 24h in a row per week.</p> <ul style="list-style-type: none"> <li>- For 7 days at sea, the status requires the fisherman to have 1 day of paid leave, so for a 240 sea days contract, he can have 35 days off.</li> <li>- The wage is a share system of the revenue from the catch. The wage must be monthly and the fisherman has to have a payslip. If the catch is bad, the wage must be at least 95 000 XPF monthly (around 905 USD) which is the wage floor, that the employer can take back on the next month if the catch is good enough.</li> <li>- The labour code and SMP require different sanctions, according to the offenses made.</li> </ul> <p>The labour code and all labour issues are managed by the Labor authority of French Polynesia (Direction du Travail). Useful information regarding labour in French Polynesia can be found online: <a href="https://www.service-public.pf/trav/">https://www.service-public.pf/trav/</a></p> <p>This authority has inspectors that can go anytime onboard for inspection and can inspect also boat owners. If there is a conflict between a crew member and the captain, or the boat owner, any of them can seek advice or information from this authority about rights and obligations, and also ask for an inspection. If the inspector discovers irregularities, some penalties, according to law, can be used.</p> <p>There is a labour court for any problem between employees and employers. Instructions on how to use it can be found on line at : <a href="https://www.service-public.pf/trav/wp-content/uploads/sites/23/2017/02/la_procedure_devant_les_juridictions_du_travail.pdf">https://www.service-public.pf/trav/wp-content/uploads/sites/23/2017/02/la_procedure_devant_les_juridictions_du_travail.pdf</a></p> <p>(B): Regarding the social security system, the “Caisse de Prévoyance Sociale” (CPS) : <a href="http://www.cps.pf">www.cps.pf</a> is the authority in charge of the recovery of contributions of employees and employers. It is also in charge of providing social care and health care : illness; old age/retirement; family; work accident and occupational disease. All crew and boat owners must be affiliated to CPS. Fishermen and boat owners have to pay contributions to the social security system. In return, they receive social and medical care. If the boat owner doesn't declare the crew, or makes a false declaration, the boat owner may have to pay adjustment.</p>
3	Risk identification and mitigation
	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
CH	<p>To deliver the “livret professionnel” , a copy of the fisherman ID is required. Thus, the “Direction Polynésienne des affaires maritimes” (DPAM) - Directorate of Maritime Affairs, which is the government authority in charge of delivering the “livret professionnel”, can check if the fisherman has the minimum age of 16 to work, according to the labour-code. On the contract also, the date of birth is mentioned. The health and safety inspection, depending on the labour authority of French polynesia, can inspect any time.</p> <p>To obtain the “livret professionnel”, the fisherman needs a medical certificate issued by the occupational medicine, no later than 3 months before the application.</p>
4	Crew recruitment
	<ul style="list-style-type: none"> <li>- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.</li> </ul>
CH	<p>All crew members are of French nationality. The majority come from French Polynesia. Some come from Wallis, which is another french overseas territory in the Pacific Ocean, or from France. There is no migrant.</p>

	<p>Different methods are used to recruit crew. Boat owners ask the vessel operator training school “Centre des métiers de la mer de Polynésie française”(CMMPPF) and other training centers to provide candidates that have completed their course. The students also have the opportunity, during their course, to go at sea on one of the fishing boats of the fleet, under the framework of a written training agreement between the school and the boat owner. In this case, the internship allows the trainee to assess if this type of job suits him, and if he wants to complete his course.</p> <p>Boat owners also search for candidates among their relatives, or among their current crew’s family members. Usually the captain participates also in the recruitment of his crew. In this case, the recruits are often the captain’s relatives.</p>
5	Engagement with fish worker groups
	<ul style="list-style-type: none"> <li>- 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).</li> </ul>
CH	<p>All the trade unions and employers organisations legally constituted and registered participated in the drafting of the SMP. The text went through a tripartite concertation also.</p> <p>According to the labour-code, any employee can join a trade union. The creation of a trade union is free, but has to be declared to the following competent authorities : Health and safety inspection, Labor court, District attorney.</p> <p>Currently, there are 5 general trade unions in French polynesia and 5 associations in the fishing sector. Some associations in the fishing sector are affiliated to a more general trade union, some are not.</p> <p>Since the SMP came into effect, a trade union asked for an improvement from 90 000 XPF to 95 000 XPF for the minimum wage, which was accepted by the boat owners and the government.</p> <p>The SMP, on title III “workers representation”, requires that any company that has a minimum of 11 employees organize an election of an employee representative.</p>
6	Crew contracts
	<ul style="list-style-type: none"> <li>- Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.</li> </ul>
CH	<p>The SMP has several sections about the contracts and one decree (arrêté CM n°166 du 14 février 2013-mentioned in question 2).</p> <p>This decree sets the minimal content that a contract should have:</p> <ul style="list-style-type: none"> <li>- the contract should be written;</li> <li>- it should mention if it is a temporary or permanent position. If it is a temporary position, it should stipulate the reason for the recruitment, for how long he is hired and the method to calculate the precarity compensation;</li> <li>- The contract should stipulate the full identification (last name and surname) of both parties, date and place of birth of the fisherman, address of the employer, his company identification number etc;</li> <li>- The contract should state the function on board for which the fisherman is hired. If there is a trial period, its duration and conditions for renewal should be mentioned;</li> <li>- The contract should state where and when the fisherman should start his duty;</li> <li>- It stipulates where on land his work will be, the name of the assigned ship(s) and its/their identification number;</li> <li>- It stipulates the number of sea days the fisherman will have to do, when it is different from the legal duration of 240 days at sea;</li> <li>- It has to stipulate that the wage is a share of the revenue from the catch and how this share will be calculated (according to the regulations in place). Given that the share can be different according</li> </ul>

	<p>to the function onboard, it has to mention what the share will be for each function.</p> <ul style="list-style-type: none"> <li>- The contract should mention that the wage cannot be less than the wage floor. The corresponding amount should be mentioned. If by law the level of the wage floor is changed, there should be written and signed amendment to the contract.</li> <li>- The contract also recalls several general provisions from the labour code.</li> </ul>
7	Audits and labour inspections
	<ul style="list-style-type: none"> <li>- Describe any 3rd Party audits and certifications on labour, or labour inspections conducted within the UoC in the last two years.</li> </ul>
CH	<p>There was no audit nor certification on labour or labour inspections those last 2 years. Nevertheless, DRM is currently doing some informal audits among boat owners and captains to collect their complaints, understand their problems in the application of the SMP and ideas to improve it, to further modify the text appropriately, according to the roadmap DRM has adopted at the Assembly on March 13<sup>th</sup>, 2018.</p>
8	National minimum age requirements
	<ul style="list-style-type: none"> <li>- Describe national minimum age requirements for crew members serving on vessels within the UoC.</li> <li>- Describe systems in place, both regulatory and private sector systems, to ensure that crew members meet national minimum age requirements.</li> <li>- Describe how this is checked, including enforcement within the UoC by the responsible governing authority or oversight body such as labour inspectors.</li> </ul>
CH	<p>According to the labour code, the minimum age to work is 16, and the student must have completed the compulsory school.</p>
9	Repatriation
	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
CH	<p>For ending the contract of employment, the fishermen can either resign or can be dismissed, according to the cases mentioned in the labour code and SMP.</p> <p>According to the SMP, the fisherman can resign anytime, but a minimum of one month notice is required. During this last month, the fisherman still has to work, except in the 2 following cases: common agreement between the boat owner and the fisherman, or probation period.</p> <p>For dismissal, the procedure is detailed in the SMP. In case of serious misconduct from the fisherman, the contract can be suspended.</p> <p>Since the fisherman belongs to the salaried branch at CPS, he can benefit from the services of this branch. Medical evacuations are possible if the fisherman is strongly injured or sick at sea, and if it is impossible to treat him on board, either by helicopter or plane directly from the boat or from the closest island. An injured or sick fisherman is sent to the nearest free clinic in the nearest island, or, if the injury or sickness is serious, he is evacuated to the public hospital in the capital city in Tahiti. Medical expenses and medical evacuation (called EVASAN) are borne by the social security system, but regular repatriation costs are borne by the boat owner, according to title IV of the SMP "health and security".</p>
10	Debt bondage
	<ul style="list-style-type: none"> <li>- 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,</li> </ul>

	<p>food at the workplace, communications access, remittance fees, repatriation, etc.</p> <p>- If so, describe such practices and how debt bondage is avoided.</p>
CH	<p>All fishermen live in Tahiti. If they are from neighbouring islands in French Polynesia, they live at relatives' in Tahiti, so they come to work at the vessel either by personal car, or mostly by public bus. There is no visa fee, since they have all the french nationality.</p> <p>The SMP requires a share of the expenses of each campaign between the boat owner and the fishermen, according to an allocation key in the decree "arrêté n°167 CM du 14 février 2013" mentioned above in question 2. The common expenses, that is to say the expenses shared between the fishermen and the boat owner are the consumables, such as small fishing equipment, gasoline, bait, food, etc. The expenses that the boat owner has to bear are the maintenance of the vessel, security equipments, heavy fishing equipment, insurance etc.</p> <p>After each campaign, a document called "fiche de partage" is established, as required by the decree n° 167. It is a document that shows what expenses have been made for the campaign, how these and the revenue are shared among the fishermen and the boat owner. All the compulsory mentions in this document are stipulated in the decree. If the fisherman wishes to denounce anything to the labour authority, this document, the contract, the "livret professionnel" and the payslip will be the proofs the Labor Authority can ask for.</p> <p>If the crew has any problem at sea, he can use the communication equipment on board (inmarsat), by asking the captain. If the fisherman does not feel good before a campaign or has family problems at home, he should advise the captain that he won't go at sea for this specific campaign.</p> <p>There are several boats of the fleet which belong to both a boat owner and the captain. Usually this happens when the captain has worked for a longtime with the same boat owner and the latter has great confidence in the captain. When he wants to expand his fleet, he will buy the additional boat with his captain. The boat owner is then sure the captain will take care of the boat because it is his own!</p>
11	Grievance and remedy mechanisms
	<p>- 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.</p>
CH	<p>There is a desk owned by the DRM at the fishing port, made available since the early 2000's to the fishing sector. It is permanently used by the national observer program coordinator, who takes care of the place and brings advice and information to the professionals. When the administration has information to share to them, it informs the observer coordinator who can pass it on to the professionals.</p> <p>Many information flyers or posters are made available in this room. There are a table, chairs and air conditioning, so it is a place boat owners and captains find convenient to organize their meetings.</p> <p>DPAM and DRM are respectively at 1 and 3 blocks from the port, at a walking distance, so the boat owners and fishermen can come at any time easily.</p> <p>In Tahiti, which is a small island, everybody at the fishing port knows each other, some DRM agents go to the port everyday. So there is very little chance some forced or child labour wouldn't be brought to light quickly.</p>
12	Identification documents
	<p>- 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.</p>
CH	<p>They don't need to give their ID card to the captain, they can keep it with them, because boats only fish inside French Polynesia EEZ. Fishermen usually don't have passports, they only have national French ID</p>

	cards.
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	no
14	Date this template was last updated
CH	August 13 <sup>th</sup> , 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.