

Barents Sea cod, haddock and saithe 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>The client group consist of Russian fishing companies (companies that are established under Russian law, registered in Russia and hold fishing rights and own fishing vessels authorized to fish under Russian flag) that belongs to the same ownership group, which acts as a veetically intergrating group of companies (Norebo Group). One of the vessels bwlongs to the fishing company, which is not a part of the Norebo Group but the company has signed written obligations to comply with the conditions and requirements of the MSC certification and all additional requireemnts as set by the Norebo Group. All catch taken by the client group is slod though the Norebo Group’s sales structures. All costs related to the MSC certification are covered by Norebo Overseas ltd acting as a corporate structure controlling Norebo Group’s sales companies outside Russia.</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 legal framework consists of two main parts: 1) international regulation and 2) national laws and regulations.</p> <p>I. ILO Conventions and Protocols Ratified in Russia</p> <p>According to Russian law the ratified conventions have a priority over the national federal laws and regulations. Therefore, the ILO conventions are crucial for social and labour legal framework of the fishing sector in Russia.</p> <p>1. Fundamental Conventions</p> <ul style="list-style-type: none"> - Forced Labour Convention, 1930 (No. 29) - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Equal Remuneration Convention, 1951 (No. 100) - Abolition of Forced Labour Convention, 1957 (No. 105) - Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Minimum Age Convention, 1973 (No. 138) - Worst Forms of Child Labour Convention, 1999 (No. 182) <p>2. Governance (Priority) Conventions</p> <ul style="list-style-type: none"> - Labour Inspection Convention, 1947 (No. 81), including the Protocol of 1995 to the Labour Inspection Convention - Employment Policy Convention, 1964 (No. 122) - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) <p>3. Technical Conventions</p> <ul style="list-style-type: none"> - Protection of Wages Convention, 1949 (No. 95) - Medical Examination (Fishermen) Convention, 1959 (No. 113) - Accommodation of Crews (Fishermen) Convention, 1966 (No. 126) - Workers' Representatives Convention, 1971 (No. 135) - Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148) - Collective Bargaining Convention, 1981 (No. 154) - Occupational Safety and Health Convention, 1981 (No. 155) - Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), Russia has accepted the obligations of Part II

- Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) as amended
- Maritime Labour Convention, 2006, as amended (MLC, 2006)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

All above conventions apply to fishing sector in Russia as decided by Russian authorities. Russia has obligations to report regularly to the ILO the compliance under these conventions.

II. National Laws and Regulations in Fishing Sector

The Code of Labour of the Russian Federation of 30.12.2001 was adopted as a federal law No 197-FZ and amended on 05.02.2018 (the Code) regulates all major issues regarding labour and employment conditions. The Code sets requirements to the minimum age of employees, conditions of employment, working hours etc. in compliance with the ILO conventions.

Besides there are a number of regulations that regulate social and labour conditions on the fishing vessels. The main regulation applicable for fishing sector is the Regulations for Service on the vessels of Russian fishing fleet approved by the Order of Russian Committee of Fisheries No 140 of 30.08.1995. There is a minimum crew number requirement for each type of fishing vessel set in a separate regulation. Another regulation sets procedures for employment of any foreign citizen on a Russian fishing vessel.

In addition to the applicable international treaties, national laws and regulation in Russia there is a legal requirement implement a Sectoral Agreement for Enterprises of the Fishery Industry. The legal basis of such Agreement is the Constitution of the Russian Federation, the Labour Code of the Russian Federation, the Federal Law on Associations of Employers, the Federal Law on Trade Unions, their Rights and Guarantees, the Regulation of the Government of the Russian Federation on Rights of the Federal Executive Bodies to Represent Employers in Collective Bargaining, Enter and Change Sectoral (Intersectoral) Agreements at Federal Level, Merchant Marine Code of the Russian Federation and other laws and regulations as well as international treaties.

In order to comply with this requirement Russian enterprises of the fishery sector (fishing, aquaculture and fish processing business companies) established the Russian Association of Employers in Fishery Industry. This Association has developed a Sectoral Agreement for Enterprises of the Fishery Industry that shall be agreed with the Russian Fishery Trade Union and Federal Agency for Fisheries (Ministry of Agriculture). This Agreement shall be the legally binding document that sets general principles for regulation of social and legal relations and associated economic relations between employees and employers, wages and labour conditions, social guarantees, privileges and compensations for workers as well as rights and obligations of the parties of social partnership in fishery organizations.

This agreement shall be agreed and signed by three parties in 2019 and will be valid for 2019-2021.

The compliance to national and international requirements is enforced by the Federal Service for Labour and Employment (Rostrud).

The Federal Service for Labour and Employment is a federal executive body performing the functions of control and supervision over labor, employment, alternative civilian service, special assessment of workplace conditions and social protection issues; provision of state services in connection with employment promotion and protection against unemployment, labor migration, and settlement of collective labor disputes; and provision of social guarantees for socially disadvantaged groups stipulated by the laws of the Russian Federation.

The Rostrud is under the jurisdiction of the Ministry for Labor and Social Protection of the Russian Federation.

The Federal Service for Labour and Employment is governed by the Constitution of the Russian Federation, federal constitutional laws, federal laws, decrees of the President of the Russian Federation and the Government of the Russian Federation, international agreements of the Russian Federation, statutory acts of the Ministry for Labor and Social Protection of the Russian Federation, and this Regulation.

The Rostrud operates directly and through its local offices, in cooperation with other federal executive bodies, executive bodies of subjects of the Russian Federation, self-governing authorities, non-governmental organizations, and other organizations.

	Additional control and enforcement is performed by the harbour administration when each fishing vessel is registered. The harbour administration shall approved the list of crew members and check all documents supporting the qualification of each member for his/her position in the crew (education, training, certificates, age etc.).
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	<p>The risk associated with forced labour and child labour are very low. Every crew member shall be included on the list of crew members, which subject to established procedures that include approval of the harbour administration, verification of all documents that support Russian citizenship, legal age (above 16), school certificates, special training certificates (depending on the position), higher education for officers etc. The list of crewmembers shall be submitted by the shipowner based on the labour contracts with crew members. While working on a fishing vessel there are special registration protocols for working hours (timesheets). Working conditions shall be regularly approved by Russian labour inspection.</p> <p>The workers at the fish-processing factory on board the fishing vessels normally work in shifts 12 hour after 12 hours. However, the actual work time pattern can depend on the fishery (the rest time shall be at least 12 hours a day). No additional work is obligatory.</p> <p>The shipowners provide good living conditions on board the vessels that include modern cabins, food, medical care, access to Internet etc.</p>
4	Crew recruitment
	- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	<p>Every crewmember on the fishing vessels shall have an individual contract of employment, where all significant conditions of employment are set. In case of any conflicts, the employee can send a claim to the Labour Inspection and Trade Union for Seamen. The fishing companies may also have collective bargaining agreements.</p> <p>No crewing agencies are used, only direct employment. No migrants usually are used accept some rear cases when citizens of Belarus are employed (special agreement between Russia and Belarus).</p> <p>According to the Norebo's Code of Conduct for sustainable fishery and corporate social responsibility (Code of Conduct) the shipowners shall enter into individual labour contracts with its crew and masters. The labour contract shall stipulate the terms of employment, dismissal, remuneration, welfare, labour safety, and labour insurance.</p> <p>The employment of foreign workers as crew members and masters (in case worker's nationality is different from the flag of the vessel) shall be in strict compliance with the applicable laws, regulations, codes and industry standards of the flag state.</p>
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	There is no engagement with fish worker groups in relation to forced labour and child labour as such risks in this fishery considered to be very low.
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 labour contracts with each member of the crew are made in writing in two original copies (one for employee and another for the shipowner). The contracts are usually temporary for the length of fishing trip (about 3 month). The contracts set all significant conditions of employment that shall comply with Russian

	<p>labour laws and regulations and international treaties. The remuneration is divided in two main part: 1) fixed salary (can be paid to the family while the employee is at sea) and 2) bonus (depends on the performance and production of the vessel). In general the average salary is much higher than average salary in Russia.</p> <p>As a minimum requirement each individual labour contract shall contain the following information:</p> <ul style="list-style-type: none"> • Employer's name. • Employee's name, job title, vessel name and start date. • Indication of hours of work and minimum rest periods where applicable. • Length and frequency of a typical fishing trip. • Transportation of the crew member to the fishing vessel by the shipowner. • Insurance cover and compensation rights. • Legal services provided by the shipowner to the crewmember. • Personal protective equipment entitlements and requirements. • Repatriation entitlements. • Leave entitlements. • Injury and/or death in service provisions. • Additional benefits such as use of vessel equipment to contact family and friends. • Notice period to terminate this contract/agreement. • How much and how often the crew member shall be paid by the applicant. • Information on the applicant's grievance and disciplinary procedures. <p>The use of forced and child labour is prohibited under Russian laws and regulations so the provisions of the labour contracts ensures that compliance with Russian labour regulations in this respect.</p> <p>In case of any conflicts, the employee can send a claim to the Labour Inspection and Trade Union for Seamen.</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	The Labour Inspection performs regular audits of the employment conditions (labour contracts, payment etc.). The Russian Maritime Register of Shipping audits the actual compliance of the conditions on each vessel to all applicable international conventions and Russian laws and regulations during regular audits.
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	The general minimum requirements id 16 years. However, in the Norebo's fleet there are no crew members younger than 18 years old. The age and required qualification and training is controlled when employed. Besides the Russian harbour authorities perform additional control when approving the crew list for eat vessel before each fishing trip.
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	The repatriation shall be covered by the employer (the shipowner) in all cases.
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	There is no evidence for any debt bondage. All crew members are employed directly.
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	Any crew member can contact the shipowner, the Trade Union or Labour Inspection to report on any issues related to forced or child labour.
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	Any crew member has a free and timely access to his/her ID documents (passport etc.) as provided for by Russian law. On a fishing vessels the documents can be kept by the master in one place in order to have control that no necessary documents are missing (in case of inspection by a foreign state authorities). In this case the crew members know where the documents are kept and have access to them, any time they need.
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	<p>Apart from the international and national regulations Norebo included provisions on forced and child labour in its Code of Conduct:</p> <p>Child Labour</p> <p>Norebo has based its policy on child labour on the UN Convention on the Rights of the Child, Article 32.1.</p> <p>Norebo recognizes and honours the rights of every child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, spiritual, moral or social development.</p> <p>Child labour is not to be used in any stage of manufacturing. The term "child" refers to any person employed under the age of 15 (or 14 where the law of the country permits), or under the age for completing compulsory education, or under the minimum age for employment in the country, whichever is greatest. This does not prohibit legitimate workplace apprenticeship programs which comply with applicable laws and regulations. Hazardous work should not be performed by workers under the age of 18.</p> <p>The sub-contractors shall guarantee and undertake towards Norebo that no person under the age of fourteen (14) will participate, either directly or indirectly, in the conduct of the business.</p> <p>If a child is found working in the third-party supplier's business operations or else is found to be engaged in the conduct of the business, whether on board a vessel or not, Norebo will request such supplier to make sure that effective measures are taken in the child's best interest. Norebo will in co-operation with the third-party suppliers seek to find a satisfactory solution, taking into account the child's age, social situation, education etc. Norebo will not ask the third-party supplier to dismiss a child without first having had a discussion about the child's future and any measures taken shall always aim to improve, not worsen each individual child's situation. Any costs for education etc. must be paid by the third-party supplier.</p> <p>Norebo acknowledges that, according to the UN Convention on the Rights of the Child, a person is a child until the age of 18. Norebo will ensure and require the same from any third-party supplier that any employees of the supplier who are in the age group between 14 and 18 years of age are treated accordingly.</p> <p>Involuntary Labour</p> <p>Forced, bonded, indentured, or prison labour, slavery or trafficking of persons should not be used in the workplace. This includes transporting, harbouring, recruiting, transferring or receiving persons by means of threat, force coercion, abduction or fraud. All work must be voluntary and workers should be free to leave work or terminate their employment with reasonable notice. Workers must not be required to surrender any government-issued identification, passports, or work permits as a condition of employment.</p>

	Each of Norebo's sub-suppliers and sub-contractors shall guarantee and undertake towards Norebo and the suppliers that it will not, either directly or indirectly, use prisoners, bonded workers, illegal workers or other non-paid workers, in the conduct of the business.
14	Date this template was last updated
	- DD/MM/YYYY
CH	19/08/2019

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 v1.0'.

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Template version control

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1.0	17 December 2018	Release alongside Fisheries Certification Process v2.1

A controlled document list of MSC program documents is available on the [MSC website](http://msc.org) (msc.org)

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