

# Pacific Hake

## U.S. Pacific Coast

### Self-Description of Responsible Labour Practices

## 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>- The Pacific Whiting Conservation Cooperative (PWCC) is the U.S. fishery client for the Pacific Hake Mid-Water Trawl fishery certified under the MSC program. PWCC is a seafood trade association comprised of three companies that, among other harvesting and processing interests, operate U.S.-flag catcher/processor vessels in the Pacific coast Pacific hake fishery within the U.S. EEZ. All three PWCC member companies are covered by the U.S. Pacific hake certificate. As noted, PWCC member companies operate catcher/processor vessels and, as such, directly employ the men and women who conduct harvesting and at-sea processing operations in the fishery. The PWCC works closely with the At-Sea Processors Association (APA) the fishery client for the Alaska Bering Sea/Aleutian Islands pollock fishery certified under the MSC program. PWCC member companies are a subset of APA member companies and, as such, comply with APA’s “Principles and Policies for Socially Responsible Labor Practices,” a document that summarizes standard employment practices in the catcher/processor sector.</li> <li>- PWCC partners with the mothership sector (processing-only vessels) and shore-based processing sector to share the costs of certification. These sectors are also covered by the U.S. Pacific hake certificate. In both the mothership and shore-based processing sectors, some of the catcher-only vessels are owned by the processors. In many cases, the vessels delivering to processors are independently owned and operated. The harvest sector and at-sea processing sectors are closed classes. That is, the U.S. Pacific hake fishery is managed under a Catch Shares Program that requires, among other things, sector-endorsed limited entry permits to participate in the U.S. Pacific hake fishery; no other vessels (including catcher vessels and at-sea processing vessels) are eligible to participate. The U.S. Pacific hake certificate identifies all parties eligible to use the MSC certificate.</li> </ul>
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2	Responsibility for labour regulation
	<ul style="list-style-type: none"> <li>- Within the U.S. EEZ, Pacific hake is harvested exclusively by U.S.-flag vessels. With limited exceptions for vessels fishing for highly migratory species (HMS) or operating beyond the U.S. 200-mile zone (none of the U.S. Pacific hake vessels fish for HMS nor operate outside the U.S. EEZ), fishing vessels are subject to U.S. law requiring that 75% of crew members be U.S. citizens or permanent residents (See 46 U.S.C. 8103). U.S. law also requires 75% U.S. ownership and control of any documented U.S. vessel holding a fishery endorsement that is a basic requirement of participating in U.S. fisheries.</li> <li>- In addition to U.S. ownership and manning requirements, vessels are subject to myriad federal and state laws and regulations, including those related to fair labor practices and safety. The principal agencies regulating fishing vessels, including U.S. Pacific hake vessels, are the U.S. Coast Guard (USCG), U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA), and the U.S. Department of Commerce’s National Oceanic and Atmospheric Administration (NOAA). Vessels are subject to mandatory dockside inspections at regular intervals, as well as unannounced inspections at sea.</li> <li>- All U.S. Pacific hake at-sea processing vessels and harvester-only vessels carry at least one federal fishery observer onboard at all times when fishing and/or use a combination of electronic monitoring and onshore catch monitor systems. While the principal function of federal fishery observers and catch monitors is to monitor and record catch and to collect data to assist fishery-dependent research activities, they are also expected to report on general health and safety issues pertaining to vessel operations, which provides an additional level of federal oversight.</li> </ul>

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3	Risk identification and mitigation
	<ul style="list-style-type: none"> <li>- All candidates for employment must be 18 years of age and provide a government-issued ID when applying for crewmember positions and again when boarding the vessel. All crew members are informed of the vessel to which they will be assigned, the nature of their duties, and the expected working conditions. Federal inspections include verifying that crew members meet eligibility requirements.</li> </ul>
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4	Crew recruitment
	<ul style="list-style-type: none"> <li>- As noted above, federal law requires that 75% of crew members onboard U.S. vessels be U.S. citizens or permanent residents, also known as “green card holders.” The U.S. Pacific hake fleet is widely recognized as having extremely high retention rates, reflecting that these are good paying jobs. New hires generally contact and apply to fishing companies/vessel owners directly, although companies do engage in other recruitment processes, including advertising and participating in job fairs to identify potential hires.</li> </ul>
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5	Engagement with fish worker groups
	<ul style="list-style-type: none"> <li>- As the MSC U.S. Pacific hake fishery client, PWCC is not engaged in labor issues involving member companies and their work force, nor with cost sharing partners in the certification and their work forces. By and large, in U.S. fisheries, crew members are not unionized, and the U.S. Pacific hake fishery is no exception, so there is no identifiable worker group with which to engage. Individual vessel owners are responsible for compliance with myriad federal and state laws and regulations that protect workers’ rights, and companies individually manage employee relations.</li> </ul>
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6	Crew contracts
	<ul style="list-style-type: none"> <li>- In the at-sea processing sector, both the employer and employee maintain copies of signed contracts with terms of employment. Remuneration is based on specific responsibilities of the job, years of service, work experience, and value of the catch. Similarly, the Oregon Trawl Commission (OTC), an Oregon state government agency that operates under the Oregon Department of Agriculture Commodity Commissions Program, whose members own and operate catcher-only vessels in the U.S. Pacific hake fishery, attest that catcher vessel companies have written crew contracts with crew members.</li> </ul>
CH	
7	Audits and labour inspections
	<ul style="list-style-type: none"> <li>- U.S. Pacific hake vessels are subject to mandatory USCG and OSHA dockside inspections at regular intervals. USCG also frequently conducts unannounced at-sea inspections of the fleet, often in concert with NOAA Fisheries’ enforcement personnel. Compliance with fishery regulations, safety requirements, and labor laws are included in the scope of comprehensive and frequent inspections.</li> </ul>
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8	National minimum age requirements
	The Fair Labor Standards Act of 1938 (FLSA), as amended, establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and

	<p>in the Federal, State, and local governments. The FLSA bars minors (that is, individuals under 18 years of age) from operating “power driven hoisting apparatus” or seafood processing machines, thereby effectively precluding employment of minors under 18 on U.S. Pacific hake vessels in either harvesting or processing operations.</p> <p>All candidates for employment must provide a government-issued ID when applying for crew member positions and again when boarding the vessel. This is consistent with Federal requirements to use Form I-9, and acceptable forms of ID are based on I-9 definitions; typically a passport, green card, or an enhanced driver’s license. As noted above, vessels are subject to dockside inspections and to frequent, unannounced boarding at sea. Catcher vessels operate with approximately six crew members, thus, checking worker’s documents is easily done during onboard government inspections. At-sea processing vessels, which can have crews of 130 men and women, maintain worker manifests, which are made available to inspectors and required to be submitted to the Coast Guard officials when returning to home port.</p>
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9	Repatriation
	<ul style="list-style-type: none"> <li>- At-sea processing vessels return from the fishing grounds when cold storage holds are full. As such, voyages usually last 10-14 days. Catcher vessels that deliver to at-sea processing vessels also have trips lasting 10-14 days. For catcher vessels delivering to shore-based processors trips typically last one to two days. Crew members are free to leave the service of the vessel when vessels make port. If a worker fails to fulfil the terms of the contract, they may be required, under terms of their work agreement, to reimburse the employer for travel and room and board costs. Otherwise, in the at-sea processing sector, food, room, and board costs are generally covered by the employer. Consistent with most U.S. harvesting operations, on catcher vessels food expenses are split evenly among all crew members and those costs are deducted off the top in determining crew member payments.</li> </ul>
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10	Debt bondage
	<p>U.S. Pacific hake vessel operators do not use recruitment services that charge a fee to crew members. Generally, crew members pay their own way to meet the vessel in port, particularly when meeting the vessels at the beginning of a season. For crew members rotating in during the season and meeting the vessel at a U.S. port, employers generally cover the cost of travel to the vessel. As mentioned previously, most crew members reside permanently in the U.S. Therefore, repatriation to foreign countries has not been an issue.</p> <p>Employers provide personal protective gear. Medical treatment is provided at no cost to employees. The U.S. Jones Act imposes stringent requirements upon maritime employers to cover costs associated with any injuries to crew members. Employees completing contracts are well compensated; there are no issues with debt bondage.</p>
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11	Grievance and remedy mechanisms
	<ul style="list-style-type: none"> <li>- U.S. law provides “whistleblower protection” to any worker who files a complaint with OSHA, the Coast Guard, or the crewmember’s employer about workplace health and safety issues. While such protection is afforded to workers, the client is unaware of any instance where a whistleblower filed a complaint relating to forced or child labour in the U.S. Pacific hake fishery. Beyond federal protections, individual companies maintain their own internal systems for general labor relations matters, including grievance mechanisms.</li> </ul>

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12	Identification documents
	<ul style="list-style-type: none"> <li>- As noted above, at least 75% of all crew members onboard U.S. Pacific hake vessels are U.S. citizens or non-citizens granted permanent resident status in the U.S., so there is not a significant migrant work force. The client is unaware of any vessel operator who might employ non-citizens and hold the documents of those workers. PWCC has consulted with OTC and other trade associations whose members represent vessel owners in the U.S. Pacific hake fishery. The OTC, United Catcher Boats (based in Seattle, WA), and Mid-Water Trawlers Cooperative (based in Newport, OR), represent owners and operators of harvest-only trawl vessels. These associations have consulted with their membership and report that vessel owning companies do not hold worker documents.</li> </ul>
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13	Additional comments
	<ul style="list-style-type: none"> <li>- Daniel Waldeck, Executive Director of the PWCC is the U.S. Pacific hake fishery client principal point of contact on MSC policy issues. Mr. Waldeck can provide to any interested party a copy of APA's "Principles and Policies for Socially Responsible Labor Practices," a document that summarizes standard employment practices in the catcher/processor sector. Mr. Waldeck can be reached at <a href="mailto:dwaldeck@comcast.net">dwaldeck@comcast.net</a>.</li> </ul>
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14	Date this template was last updated
	<ul style="list-style-type: none"> <li>- 26/05/2019</li> </ul>
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### **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.