

# Southern Gulf of California Thread Herring Fishery, Sinaloa & Nayarit, Mexico

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## *MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures v1.0*

### **1. Introduction**

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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**

<b>1 Composition of fishery client group on behalf of who the statement is provided</b>	
	<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	Maz Sardina S.A., C.V. is the only small pelagic fishery company in the port and city of Mazatlan Sinaloa, Mexico. Thus, Maz Sardina is the only client and fully covers the costs of certification in sustainable fisheries. It also the owner of 8 sardine vessels named: Maz Sardina I, IV, V, VII, VIII, IX, X and Pancho Villa.
<b>2 Responsibility for labour regulation</b>	
	<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>The Ministry of Labor and Social Welfare is the regulatory body in Mexico that monitors companies in our country to check if they are complying with the rights of employees arising from the Constitution of the United Mexican States, the Federal Labor Law, and secondary laws, regulations and norms that emanate from these as those corresponding to the social security of employees, health and safety and hygiene at work.</p> <p>Through its labor inspectors, the Ministry of Labor and Social Welfare carries out the necessary annual visits to the different companies to inspect on: General Conditions of Work, industrial safety, training and participation of workers in the profits of the company. Generating the corresponding inspection records in collaboration with employer representatives and employee representatives, to ensure compliance with the requirements of the law, and in case of any observation, a period is provided to attend and return to inspect compliance with that issue. In the event that the companies do not comply with the deadline, they become creditors to the different sanctions established in the laws themselves and Secretariat is responsible for executing them.</p>
<b>3 Risk identification and mitigation</b>	
	<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>Article 22 Bis of the Federal Labor Law in Mexico states that: “The work of children under fifteen years of age is prohibited; The work of persons over this age and under eighteen years of age who have not completed their compulsory basic education may not be used, except in the cases approved by the corresponding labor authority where in their judgment there is compatibility between studies and work.”</p> <p>In the company's policies, the hiring of only persons over eighteen years of age has been established, the procedure for recruiting, selecting and hiring staff, corresponding to the department of human capital who is responsible for managing relations, is also established of work of the collaborators with the company. As part of this procedure, official documents are required for applicants to fill a position such as: birth certificate, identification card of the National Voter Institute, sea books that include the date of birth.</p>

	These documents issued by the federal government, prove the age of the people and only those that prove the age of majority are hired.
<b>4</b>	<b>Crew recruitment</b>
	- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	Sardine fishing is local and only crews of Mexican nationality have been hired to date. In the recruitment procedure once a vacancy in crews is submitted, a request for contracting fleet management is issued to the human capital department. In human capital the person in charge of admission of personnel can recruit through different means: internal job bank, Facebook page of the company, through the same crew members who recommend acquaintances.
<b>5</b>	<b>Engagement with fish worker groups</b>
	- 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	Sardine fishing is local and only crews of Mexican nationality have been hired to date.
<b>6</b>	<b>Crew contracts</b>
	- Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.
CH	All the people who integrate the crews from their first day of entry to the company sign their employment contract. This contract establishes the corresponding clauses that contain the following topics: Identification of the company-worker parties, justification of the contract, time of the contract, establishment of the trial period, nature of the work, place of work, the salary to be received, days and form of payment of the same, authorization of the worker to make deductions of credits, workday, rest days, bonus payment, vacations and vacation bonus, mandatory breaks, disabilities, training, paternity leave, prohibitions and obligations, seniority, causes of remission of the contract without responsibility for the employer, subject to the internal labor regulations, signatures.
<b>7</b>	<b>Audits and labour inspections</b>
	- Describe any 3rd Party audits and certifications on labour, or labour inspections conducted within the UoC in the last two years.
CH	The Ministry of Labor and Social Welfare conducts random inspections during the year to the different companies in terms of general conditions of work, safety and hygiene, training and participation of workers in the company's profits. Maz Sardina in the last two years has received two inspections, one in terms of safety and hygiene and another in terms of participation of workers in the profits of the company, presenting compliance on all occasions as it was recorded in the signed inspection records by representative of the company, of the representatives of the collaborators and of the labor inspector.
<b>8</b>	<b>National minimum age requirements</b>
	- 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.

	<ul style="list-style-type: none"> <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>Article 22 Bis of the Federal Labor Law in Mexico states that: “The work of children under fifteen years of age is prohibited; the work of persons over this age and under eighteen years of age who have not completed their compulsory basic education may not be used, except in the cases approved by the corresponding labor authority where in their judgment there is compatibility between studies and work.”</p> <p>In the company's policies, the hiring of only persons over eighteen years of age has been established, the procedure for recruiting, selecting and hiring staff, corresponding to the department of human capital who is responsible for managing relations, is also established of work of the collaborators with the company. As part of this procedure, official documents are required for applicants to fill a position such as: birth certificate, identification card of the National Voter Institute, sea books that include the date of birth. These documents prove the age of the people and only those that prove the age of majority are hired. The Ministry of Labor and Social Welfare, through inspections carried out by companies, labor inspectors verify compliance with those established and the Federal Labor Law.</p>
<b>9 Repatriation</b>	
	<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>N/A. Sardine fishing is local and only crews of Mexican nationality have been hired to date. Because of this, repatriation does not apply.</p> <p>The crews are free to make the voluntary termination of their employment contracts with the company at the time that is convenient for their personal interests, submitting their resignation in writing and receiving their payment corresponding to the accrued wages from the company. Similarly, if involuntary terminations are made, the corresponding salary payments are made in accordance with the provisions of the Feral Labor Law.</p>
<b>10 Debt bondage</b>	
	<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, food at the workplace, communications access, remittance fees, repatriation, etc.</li> <li>- If so, describe such practices and how debt bondage is avoided.</li> </ul>
CH	<p>N/A. Sardine fishing is local and only crews of Mexican nationality have been hired to date. Therefore, repatriation does not apply.</p> <p>The hiring is carried out directly without intermediaries and does not imply any cost for the crew or for placement, nor for uniforms or tools, nor for food, nor for doctors or visas, nor for access to communications, everything is provided free of charge as part of the work. At the moment that the collaborator decides to withdraw voluntarily or involuntarily, he will receive his sea notebook, which is the official document that he delivers to carry out the procedure for dispatching the vessel required by the port captaincy, as well as the corresponding settlement according to those established in the Feral Labor Law.</p>
<b>11 Grievance and remedy mechanisms</b>	
	<ul style="list-style-type: none"> <li>- 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.</li> </ul>

CH	<p>The company has an open door policy for all employees to present their concerns directly with management, administration, human capital, fleet management and comptroller.</p> <p>There is also a suggestion box where staff can submit their comments, this mailbox is reviewed by the comptroller and direct management and human capital are informed for the attention and follow-up of the concerns presented.</p> <p>Port captaincy performs during each trip the verification of the crews and can receive any concern or complaint of this type.</p>
<b>12 Identification documents</b>	
	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
CH	<p>Sardine fishing is local and only crews of Mexican nationality have been hired to date. The local personnel of Mexican nationality have direct access to these documents and therefore do not require the intermediation of the company at any time.</p>
<b>13 Additional comments</b>	
	<ul style="list-style-type: none"> <li>- Do you have additional comments on labour practices within the UoC?</li> </ul>
CH	No
<b>14 Date this template was last updated</b>	
	<ul style="list-style-type: none"> <li>- Dd/mm/yyyy</li> </ul>
CH	15/03/2022

### **3. Appendix – Guidance on filling in the Certificate Holder Forced and Child Labour Policies, Practices and Measures Template**

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#### **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.

#### **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.

#### **3.4 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.

### **3.5 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.

### **3.6 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.

### **3.7 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.

### **3.8 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.

### **3.9 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.

### **3.10 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.

### **3.11 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

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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

Version	Date of publication	Description of amendment
1.0	17 December 2018	Release alongside Fisheries Certification Process v2.2

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

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