

North Sea Joint Demersal Fisheries

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>Client group exist of the producer organisations:</p> <ul style="list-style-type: none"> - Danish Fishery Producer Organisation (DFPO) from Denmark - Cooperative Visserij Organisatie (CVO) from the Netherlands - Sveriges Fiskares Producentorganisation (SFPO) from Sweden. - Erzeugergemeinschaft-Nordsee (EZG) from Germany <p>Common expenses associated with the management plan, as well as with an MSC assessment and surveillance, are shared by the parties according to the following key: DFPO 48,8%; CVO 34,9%; SFPO 10,7%; EZG 5,6%</p> <p>Participating vessel owners are a member of one of the producer organisations mentioned above.</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>CVO: Labour inspection (Arbeidsinspectie), part of Ministry of Social Affairs and Employment Opportunities (Ministerie SZW) ensures that the 'Arbeidsomstandighedenregeling' (Working conditions regulation, part of the Labour Law) is followed. The law is enforced by controls/inspections, and fines can be given when infringements are found.</p> <p>Article 3 of the Maritime Labour Convention, 2006 states that: <i>"Each Member shall satisfy itself that the provisions of its law and regulations respect, in the context of this Convention, the fundamental rights to: [...] (c) the effective abolition of child labour;"</i> Regulation 1.1 of the Maritime Labour Convention, 2006 sets further rules regarding the requirements of minimum age for work on board of fishing vessels. The Netherlands have implemented this convention at the 13th of December 2011.</p> <p>Article 9 of the Work in Fishing Conventions also sets further rules regarding the requirements of minimum age for work on board of fishing vessels. The Netherlands will implement the Work in Fishing Convention, 2007 (C188) by November the 15th of 2019.</p> <p>The Netherlands Shipping Inspectorate (Scheepvaartinspectie), part of the Ministry of Infrastructure and Water Management (Ministerie I&W) ensure compliance to this convention. It is enforced by controls/inspections and fines can be given when infringements are found.</p>
3	Risk identification and mitigation
	<ul style="list-style-type: none"> - Describe the processes, including government and certificate holder measures, that are in place in the UoC to identify and mitigate any risk of child and forced labour.
CH	CVO: Child labour is prohibited by law, and compliance is controlled by the inspection authorities
4	Crew recruitment
	<ul style="list-style-type: none"> - Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	CVO: Recruitment is organised via the fishers local network, local newspapers and by advertisement in 'Visserijnieuws'; the national weekly fishery newspaper or local recruitment companies. Almost all crew is Dutch; mainly local from fishery communities

5	Engagement with fish worker groups
	<ul style="list-style-type: none"> - Where there is known engagement with fisher, migrant, and worker rights groups, describe how this occurs and the organisations engaged with workers in the Unit of Assessment (UoA).
CH	CVO: there is no known engagement, most fishermen are self-employed working in partnerships. Some are employees and might join labour-unions like CNV (www.cnavvakmensen.nl).
6	Crew contracts
	<ul style="list-style-type: none"> - Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.
CH	CVO; Labourers are either under official labour contract or under partnership contract (maatschapscontract). Both contracts have to comply with the Dutch labour-law and international Conventions
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	CVO: All legal work agreements have to be conform Dutch labour laws, and specify e.g. working hours, days off, safety measures, etc. National inspection service (Human Environment and Transport Inspectorate (IL&T)) inspects if obliged safety training courses have been followed and if a Risk Inventarisation and Evaluation has been carried out..
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	CVO: Minimum age to work onboard a vessel is 16 years. More details about legally measures to protect children of 16 and 17 year can be found at (in Dutch): https://www.rijksoverheid.nl/onderwerpen/jongeren-en-werk/vraag-en-antwoord/welk-werk-is-verboden-voor-jongeren-tot-18-jaar ; https://www.rijksoverheid.nl/onderwerpen/jongeren-en-werk/vragen-antwoord/hoeveel-mogen-jongeren-van-16-en-17-jaar-werken
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	CVO: Doesn't apply since almost all crew has a Dutch nationality and workers from other nationality are long-lasting citizens.
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	<p>CVO: In the shrimp fishery different situations occur regarding the working relation between vessel owner and crew. The vessel owner can either work in an employer and employee relationship or have crew in a partnership contract. Below are the different options split out regarding risk of debt bondage:</p> <ol style="list-style-type: none"> 1. In case of an employee contract gear, insurance and quota rental costs are provided by the employer. Therefore there is no risk for debt bondage. 2. In case of partnership contracts such costs are shared between crew and owner before the shares are distributed. A contract is made before activities are started on how these costs are shared. For an example

	<p>(in English) of a CVO member PO please see: http://visned.nl/images/PDFs/PO-Urk-Maatschapscontract-2019_ENG.pdf</p> <p>Since all costs are shared among the crew before the profits are split a debt can only occur if the fishing vessel is not making a profit. This can happen occasionally, but not for a longer period of time. Whenever a vessel is not making a profit crew are free to leave and will generally do so. Standard there is a 4 week cancelation period as described in the referred to contract. There are no known cases of debt bondage.</p>
11	Grievance and remedy mechanisms
	<ul style="list-style-type: none"> - Please list any policies or measures (e.g. hotline) that are in place for crew voices to be heard and to report and remediate any instances of forced or child labour.
CH	CVO: There are no known issues of forced or child labour. Crew can always become a member of a labor union if there are issues to be resolved. .
12	Identification documents
	<ul style="list-style-type: none"> - Describe policies and practice in place across the UoC to ensure that crew members have free and timely access to their identification documents, including National ID, passports, visas, etc.
CH	CVO: There is free access to identification documents. There is no need for a policy on this..
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	CVO: No, but we feel the Marine Stewardship Council should shy away from these matters as there are
14	Date this template was last updated
	<ul style="list-style-type: none"> - DD/MM/YYYY
CH	09/07/2019

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

3.1 Composition of the fishery client group on behalf of who the statement is provided

If a fishery is in full assessment and the cost-sharing participants and arrangements are not yet determined, provide as much detail as possible regarding the expected cost-sharing entities that will comprise the client group, should the fishery achieve certification, and the relationship between such client group representatives and the vessel owners and operators in the Unit of Certification (UoC).

3.2 Responsibility for labour regulation

Provide information on laws and regulation and the authorities that have responsibility for labour regulations in the area in which the fishery operates, including flag state authorities where this is applicable. Describe how these are enforced.

3.3 Risk identification, mitigation and remediation

The information required in this section includes information known by the certificate holder on processes and practices that are applicable in the UoC to identify, assess, prevent and mitigate forced and child labour risks. The information may include government policy or measures, or where applicable, measures being implemented by the certificate holder.

3.4 Crew recruitment

The information required here includes information on the methods used to recruit crew in the UoC, any widespread use of migrant labour, the countries that crew come from and information on recruitment agencies used where this information is available and known to the certificate holder. It may also include information known of visa programs used to bring in workers to the UoC and on payment of recruitment fees.

3.5 Engagement with fish worker groups

In some countries, there may be engagement with fish worker groups or other types of organisations that work to address risks of forced labour. Where this occurs provide information on such engagement. This may include information on any organizations in the port area which support crew members socially, e.g. seafarers' ministry, fishers' association, local committees.

3.6 Crew contracts

Contracts are legal work agreements with labour duties and payments clearly spelled out. Describe the nature of crew contracts in the UoC, specifically features related to forced and child labour, whether the contracts are written in languages understood by crew and how provisions in the contract are enforced.

3.7 Audits and labour inspections

Describe any government labour inspections or social audits and certifications of working conditions within the UoC in the past 2 years. Where the information is available provide a link to the criteria against which the audit took place.

3.8 National minimum age requirements

For this section describe national minimum age requirements and provide a description of regulatory and private sector systems in place to confirm that minimum age restrictions are met. Include information on any exceptions to statutory minimum age requirements which are used by the UoC and information on policy for hiring young workers in compliance with national legislation. This should also include description of any policy or practices for monitoring including hours of work and rest for young workers. This may include information on any other programs which are monitoring labour in your UoC fishing area.

3.9 Repatriation

This section requires a description of how departure of crew members across the UoC is handled. This may include information about government, and/or where known, any applicable company policy on end of crew members' contracts; involuntary termination; leave (including family visits and medical treatment); freedom of movement during the work term and departure terms within crew member contracts.

3.10 Debt bondage

Deductions for costs of work from pay can cause debt bondage and put crew at risk of forced labour. Examples of such work costs include costs of getting to work, placement/broker fee, medical costs, safety gear, food at the workplace, remittance fees and repatriation costs.

Describe systems in place to avoid debt bondage. If there is evidence of systemic practices to impose costs on workers, what measures are in place to avoid debt bondage.

3.11 Grievance and remedy mechanisms

Provide a description of systems known to be in place that allow crew to share information, access assistance and report labour violations and how the systems work to address such reports and provide remediation.

3.12 Identification documents

Describe provisions across the UoC for crew to access their official identification (passports, visas, seafarers book). Where the law in a jurisdiction requires the vessel owner or captain to hold the crew members' official identification, describe the protocol, including government regulations in place to ensure that crew members can access their personal documents and have freedom of movement.

4 Template information and copyright

This document was drafted using the 'Certificate Holder Forced and Child Labour Policies, Practices and Measures Template v1.01'.

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Template version control

Version	Date of publication	Description of amendment
1.0	17 December 2018	Release alongside Fisheries Certification Process v2.1
1.01	28 March 2019	Minor document change for usability

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

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