

## **[The Bahamas Spiny Lobster Fishery]**

# **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**

<b>1</b>	<b>Composition of fishery client group on behalf of who the statement is provided</b>
	<ul style="list-style-type: none"> <li>- The fishery client group is composed of legal members of The Bahamas Marine Exporters Association (BMEA) which is made up of a voluntary membership of licensed spiny lobster exporters. The BMEA is funded and maintained through a cost levy by members.</li> <li>- In the Unit of Certification (UoC) the vessels and vessel operators are independent voluntary suppliers of spiny lobster to processing facilities of The Bahamas Marine Exporter Association. Product is purchased by the client group based on fair market value.</li> </ul>
CH	
<b>2</b>	<b>Responsibility for labour regulation</b>
	<ul style="list-style-type: none"> <li>- Labour Regulations in the Unit of Assessment (UoA) are governed by The Bahamas Ministry of Labour, specifically The Department of Labour with authority given under The 2006 Employment Act. The Employment Act speaks to regulations regarding forced labour and child labour specifically Part X “Children and Young Persons”.</li> <li>- Enforcement of this Act falls under the responsibility of The Ministry of National Security, Bahamas.</li> </ul>
CH	
<b>3</b>	<b>Risk identification and mitigation</b>
	<ul style="list-style-type: none"> <li>- To identify and mitigate any risk of child and forced labour, upon employment within a processing center of the UoC, a valid legal form of a government issued identification must be submitted. To receive a boat licence and registration from The Department of Marine Resources the boat captain must present a valid government issued identification. Vessels must also be registered under The Bahamas Port Department.</li> </ul>
CH	
<b>4</b>	<b>Crew recruitment</b>
	<ul style="list-style-type: none"> <li>- The members of the UoC only purchase product from licenced boats and captains. Captains normally recruit labour for their vessels from experienced or abled persons within their communities.</li> </ul>
CH	
<b>5</b>	<b>Engagement with fish worker groups</b>

	Not Applicable
CH	
<b>6</b>	<b>Crew contracts</b>
	Not Applicable
CH	
<b>7</b>	<b>Audits and labour inspections</b>
	<ul style="list-style-type: none"> <li>- Members of The Bahamas Marine Exporters Association conduct annual independent 3rd Party Code of Conduct Social Audits. These audits measure the processing facilities compliance with labour and health &amp; safety laws relative to workers. Areas of Labour Practices, Wages &amp; Working Hours, Production, Health &amp; Safety programs, and Environmental Programs are all assessed for compliance.</li> </ul>
CH	
<b>8</b>	<b>National minimum age requirements</b>
	<ul style="list-style-type: none"> <li>- The national minimum age requirement Under The Employment Act, Part X “Children and Young Persons” states that “Child” by definition means any person under the age of fourteen years. This act also describes “young person” as a person who is fourteen years of age and upwards and under the age of 18 years. Labour inspectors under The Department of Labour enforce this act.</li> </ul>
CH	
<b>9</b>	<b>Repatriation</b>
	<ul style="list-style-type: none"> <li>- Within the UoC The Ministry of Immigration is responsible for matters of repatriation. Relevant information is relayed to The Ministry of Immigration and The Ministry is responsible for executing the necessary actions.</li> </ul>
CH	
<b>10</b>	<b>Debt bondage</b>
	<p>Employment laws are guided by The Bahamas Labour Laws and are overseen and implemented by the labour board. These laws prevent employers from engaging in debt bondage practices and keep employers accountable against these practices. There is an open-door approach to the Department of Labour for crew and employees to file and resolve grievances against employers.</p>
CH	

<b>11</b>	<b>Grievance and remedy mechanisms</b>
	<ul style="list-style-type: none"> <li>- Members of the BMEA each hold their own policies found within an employee handbook on how to address grievances. These policies allow employees to express grievances without retaliation. If grievances are not remedied internally there is an open-door approach for employees to file grievances to the Department of Labour. Crew and captains also can file grievances to the Labour Board.</li> </ul>
CH	
<b>12</b>	<b>Identification documents</b>
	<ul style="list-style-type: none"> <li>- Not Applicable.</li> </ul>
CH	Not Applicable
<b>13</b>	<b>Additional comments</b>
	<p>The Bahamas Fishing Industry is governed by laws and policies under The Ministry of Agriculture and Marine Resources, The Ministry of Foreign Affairs, Ministry of Labour and Immigration, and Ministry of National Security. The Bahamas and the UoC support fair and legal employment and does not support forced labour or child labour.</p>
CH	
<b>14</b>	<b>Date this template was last updated</b>
	16/07/2019
CH	

### **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.