

## GUIDANCE ON RESPONSIBILITY FOR RECRUITMENT RELATED COSTS

The following provisions are intended to guide the implementation of the Seafood Task Force Code of Conduct standard on Recruitment related costs, which states: **Workers shall not be required to pay recruitment and hiring-related costs to employers, agents or labor brokers outside what is allowed in this guidance. All recruitment related costs charged to workers must be disclosed in advance and documented in a language that workers understand.**

<b>Definitions</b>	<p>Recruitment related costs: Any fee<sup>1</sup> that a worker incurs relating to their recruitment, application, recommendation, hiring, placement or processing fees related to the recruitment or onboarding process, beyond the costs that are allowable to be borne by workers as defined in section below.</p> <p>Employer: An <i>employer</i> shall be considered as the organization that has responsibility and control over the employment relationship of the worker (e.g., has a written contract with the worker), whether it is a processing facility or vessel. This may or may not be the employer on record of the worker.</p>
<b>Policy Release Date</b>	April 24, 2019
<b>Verification Date</b>	April 24, 2024
<b>Implementation</b>	Details of agreed phase-in steps as well as reporting requirements, if any, to be included here when agreed by sub-group
<b>Contractual Obligation</b>	There shall be a Recruitment Policy in place that is included in service agreements with recruitment agencies. The workers' employment contracts shall be consistent with this Recruitment Policy. Contracts between receiving country recruitment agencies and sending country recruitment agencies and any potential sub-agents shall be consistent with this Recruitment Policy.
<b>Allowable Costs to Worker</b>	<p>These refer to costs that can be borne by worker(s) if clearly and specifically indicated in their employment contract, and a receipt or record of payment is provided to the worker by the agent, vessel/factory owner that made respective payment(s). All such allowable worker-paid costs shall be reasonable and charged without mark-up.</p> <ul style="list-style-type: none"> <li>A. Costs to prepare for employment interviews such as CV copies, photos, copies of existing documents and certificates, incidentals.</li> <li>B. Costs to meet minimum qualifications for the job such as any degree or certifications. (Basic qualification requirement)</li> <li>C. Passport fee, including renewals and replacement due to loss by the employee. For replacing visa / permits this also includes photo(s), providing photocopying any documents, etc.</li> </ul>

<sup>1</sup> Some examples of recruitment-related costs can be as follow: birth certificate, police clearance, passport fee, medical exam, reservation fee, broker fee, recruitment service fee, referral commission, facilitation fee to fast track release of documents, deposit, insurance/ bond, food and lodging during transit, skills/ trade test, post-departure training, travel to worksite, entry visa, work permit, etc.



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	<p>D. Seaman's Book</p> <p>E. Transportation costs in the sending country (including meals and accommodation) during transit from the worker's home to the first point of departure only. This shall not include cost of airfare, train, bus ticket or other transportation / accommodation costs associated with sending the worker to their final destination beyond the first point of departure.</p>
<p><b>Costs that Workers should not Pay</b></p>	<p>A. Agreed recruitment costs as indicated in the recruitment policy, workers' contracts and contracts between vessel/factory owner and the recruitment agency (ies). Recruitment fees charged by the recruitment agency to the vessel/factory owner shall be sufficient to cover the full costs of the recruitment process in the sending country, in addition to the expenses incurred in the receiving country.</p> <p>B. Application, recommendation, recruitment, reservation, commitment, or placement costs in sending and receiving countries including commissions, referral costs or expenses</p> <p>C. Recruitment agent and sub-agent service costs, both one-time and recurring</p> <p>D. Airfare or costs of other mode of international transportation, terminal fees and travel taxes associated with travel from sending to receiving country, and the return journey at the end of the contract</p> <p>E. Pre-employment medical examinations or vaccinations in the sending country</p> <p>F. Visas including exit clearances or certificates</p> <p>G. Monthly broker service costs, if applicable</p> <p>H. Pre-departure skills testing, training or orientation</p> <p>I. Documentation costs including notarization, translation and legal fees, except those related to the obtaining of a passport</p> <p>J. Sending and receiving country government mandated fees, levies, and insurance</p> <p>K. Security deposits and bonds</p> <p>L. Receiving country medical examinations</p> <p>M. Transportation from the airport or disembarkation point to dormitories or facility</p> <p>N. Work permits, residence certificates, and Security clearances (including renewals)</p> <p>O. Uniform, tools, Personal protective equipment (PPE), or other items required for Work</p> <p>P. Background references and Security clearance</p> <p>Q. Relocation costs if required to move once employment has begun</p>
<p><b>Post-arrival Verification</b></p>	<p>There shall be a verification process to confirm that workers have not been charged recruitment related costs in compliance with this guidance document. Appropriate records shall be maintained to demonstrate that such verification process is duly implemented. A formal procedure must be established to remediate any issues identified as a result of the verification processes.</p>



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<p><b>Repayment Procedure</b></p>	<p>Where a worker has been asked to pay recruitment costs and expenses not allowed as set forth in this guidance, workers shall be reimbursed of such costs and expenses within 30 days of the worker's date of hire or as soon as practicable upon discovery. Proof of repayment shall be documented.</p> <p>This repayment procedure will become compulsory 12 months prior to the verification date included in this guidance document.</p>
<p><b>Early Contract Termination with Reasonable Notice</b></p>	<p>If the worker has provided reasonable notice, there shall be no penalty and return transportation shall be provided. Reasonable notice shall be defined as, at a maximum, 30 days.</p> <p>The resignation policy should be clearly set out in the contract and agreed to by the worker. The vessel/factory owner should have a clear process in place to demonstrate that workers are aware of the resignation procedure and understand the consequences.</p>
<p><b>Early Contract Termination without Fulfilling the Notice Period</b></p>	<p>The workers' freedom of movement is respected, and they shall not be penalized for voluntarily terminating their employment contracts at any time.</p> <p>If the worker has not fulfilled the notice period, s/he may be asked to cover the costs of return transportation, lodging and subsistence allowance to the worker's home in his/her country of origin, provided that this is allowed by applicable law, that there is a specific clause in the worker's contract, that this has been clearly explained to the worker, and that the worker is not leaving due to demonstrated abuse, threat to safety or serious injury or ill health.</p>
<p><b>Repatriation Policy</b></p>	<p>Workers shall be repatriated at no cost to them in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Upon completion of the employment contract, or if the vessel/factory owner terminates the contract prior to completion</li> <li>• On termination of the contract due to employee illness or incapacity or failure to perform to the expected level</li> <li>• The worker has been subjected to harassment or abuse or other violations of his or her rights</li> <li>• Death</li> </ul> <p>Workers will be repatriated to no other country except the sending country.</p> <p>This repatriation requirement does not apply when the worker:</p> <ul style="list-style-type: none"> <li>• Is terminated for misconduct or illegality</li> <li>• Obtains other employment within the country</li> <li>• Terminates employment contract early without reasonable notice.</li> </ul>
<p><b>Non-retaliation</b></p>	<p>There shall be a non-retaliation policy that prohibits reprisals against workers for information provided on fees paid as indicated in this guidance document.</p>