



**SEAFOOD  
TASK FORCE™**  
CONFIDENCE TO TRADE

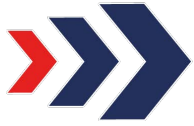
***CODE OF  
CONDUCT  
&  
AUDITABLE  
STANDARDS***

TUNA HANDBOOK  
VERSION 1 | MARCH 2020

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# ABOUT THE SEAFOOD TASK FORCE



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The Seafood Task Force (STF) is an industry-led organization driven by 35 commercial members. It aims to promote the application of social, environmental and related standards within seafood supply chains alongside strengthening worker well-being and compliance. The Seafood Task Force emphasizes addressing Illegal, Unreported and Unregulated fishing (IUU) because it believes that both social and environmental issues are closely linked to IUU and associated labor rights abuses. Underpinning the Seafood Task Force's work is the Seafood Task Force Code of Conduct and STF Vessel Auditable Standards which set out clear expectations for all actors in the seafood supply chain, all the way from fishing vessel to the retailer.

STF.G.S.002.EN

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# EXECUTIVE SUMMARY & INTRODUCTION

## EXECUTIVE SUMMARY

The Seafood Task Force (STF) has initiated a program to extend ethical labor compliance to tuna fishing vessels. This will aid in assuring that the tuna reaching consumers is from fisheries where fishers were employed legally, paid fairly, assured a safe working environment, provided acceptable living conditions and treated with respect. This handbook presents the STF Code of Conduct (the Code) and Vessel Auditable Standards (AS) designed to achieve these goals of social responsibility. The Code and AS were developed by collaboration among the Seafood Task Force members, seafood industry experts, NGOs and other technical experts. This handbook contains the STF Code, the basic requirements for compliance with the Code, and guidelines about how the Code can be implemented and assessed on tuna fishing vessels, including best-practice guidelines and sample policy language.

## INTRODUCTION

This handbook is designed as a resource for Tuna Fishing Vessel owners and operators to assist in implementing practices to meet the requirements of the STF Code and AS. Businesses are encouraged to review their individual operational practices and business needs to determine the best approach for adoption and implementation of the Code.

The STF Code is the overarching policy to be applied to all parts of the seafood supply chain of STF members. The STF code is posted on the STF website making it readily available to the public. The Code consists of 15 basic principles related to hiring practices, worker contracts, compensation, working hours, treatment of employees, wages and benefits, safety and several other factors which STF members consider essential for a socially-responsible seafood supply chain that is in compliance with international labor standards and applicable national labor laws.

Each STF Principle and the general documentation required of vessel operators for its implementation will be presented below. The specific requirements for verification that vessels are in compliance with each Principle will require evidence of procedures and existence of written policies and plans for dealing with particular circumstances. The program also requires observations about worker behavior, attitudes, working conditions, safety, and other conditions on vessels. [A self-assessment questionnaire \(SAQ\)](#) for vessel operators is provided as an attachment to assist in determining if a vessel likely is in compliance with the [STF Code and Auditable Standards](#).

# 1. CHILD LABOR

This Principle of the STF Code is intended to prevent underage labor on vessels and to provide a safe mechanism for removal of underage workers who may have been hired unknowingly.

The Seafood Task Force prohibits employment on vessels of anyone under the age of 18 or, where national law sets a stricter limit, at the legally mandated age.

The procedures and documents necessary for compliance with the Child Labor Code are:

- 1** Written policy prohibiting underage labor. The policy should include at a minimum:
  - a** A clear company statement prohibiting underage labor in its operations and that of their suppliers and vendors.
  - b** The steps followed to assure the correct age of workers (age verification procedure)
  - c** A commitment to remediate child labor situations if a child is ever found working on a vessel
  
- 2** A clear procedure for age documentation. Typical documents for the purpose of verification may include:
  - Passports
  - national identity cards
  - work permits
  - birth certificates
  - Other legally issued documents

**Note:** Where government-issued documentation is not available, the employer should require equivalent independent proof of the new-hire's age.

#### Annex A for sample policy and age verification procedure

- 3** A procedure for safely protecting and removing any underage worker who may have been unknowingly hired.

#### Annex B for best-practice child labor remediation procedure



## 2. FORCED LABOR

Although forced labor is widely prohibited, the ILO estimates that about 14.2 million people are subject to forced labor and exploited by private individuals and enterprises today. The term “forced labor” encompasses various forms that include practices like debt bondage and modern-day slavery. In accordance with UN and ILO Conventions, the Seafood Task Force prohibits all forms of forced labor and modern slavery, including bonded and indentured labor, prison labor or trafficked labor.

The Principle on forced labor in the STF Code is intended to provide a mechanism to eliminate the possibility of workers being forced to work on tuna vessels. This Principle also assures that work outside that agreed upon in worker contracts is voluntary, no threats of denunciation of migrant workers to authorities are made, and freedom to terminate employment (with 10-day notification) at the next port visit is possible.

**Note: Where employers or recruiters charge fees for the purpose of placement or repatriation, all fees must be consistent with section 6 of this document and the Seafood Task Force’s Guidance on Responsibility for Recruitment Related Costs.**

Procedures and documents necessary for compliance with the Forced Labor Principle of the STF Code are:

- 1 Worker contracts and policies must be available and explained in a language understandable to the worker
- 2 Written policy prohibiting the use of forced, bonded, indentured, penal, enslaved or trafficked labor.
  - a The concept of voluntary and informed consent regarding all work aspects is central to implementing any policy prohibiting forced labor
- 3 Explicit human resource policies on recruitment, contracts, wages, and working hours, including their rights to overtime work, must be available.
  - a Employee’s right to terminate their employment on board a vessel by giving notice with a minimum 10 days before the next scheduled port visit.
- 4 A clear procedure for explaining contract conditions to employees must be available.
  - a Workers enter into employment freely
  - b There is no requirement of deposits or any other security payments, posting of bonds, or collateral guaranteed at the time of employment or at any time during the course of employment.

**Annex C: Sample policy on forced labor and other forced labor conditions**



# EMPLOYMENT

## 3. CONTRACTS

The principles of voluntariness and informed consent that are critical to avoiding forced labor can be best secured through the use of clear, transparent and legal employment contracts. Contracts protect the rights of both employee and employer, and the employer must not include hidden aspects (clauses) in contracts that take advantage of the worker.

By ensuring that employees are fully aware of all work conditions and that they freely agree to these, employers can take measures to avoid forced labor and modern slavery in their operations.

The Seafood Task Force requires that all new hires be issued written contracts that are explained to them in a language they fully understand, regardless whether or not this is a legal requirement or customary in the country of operation.

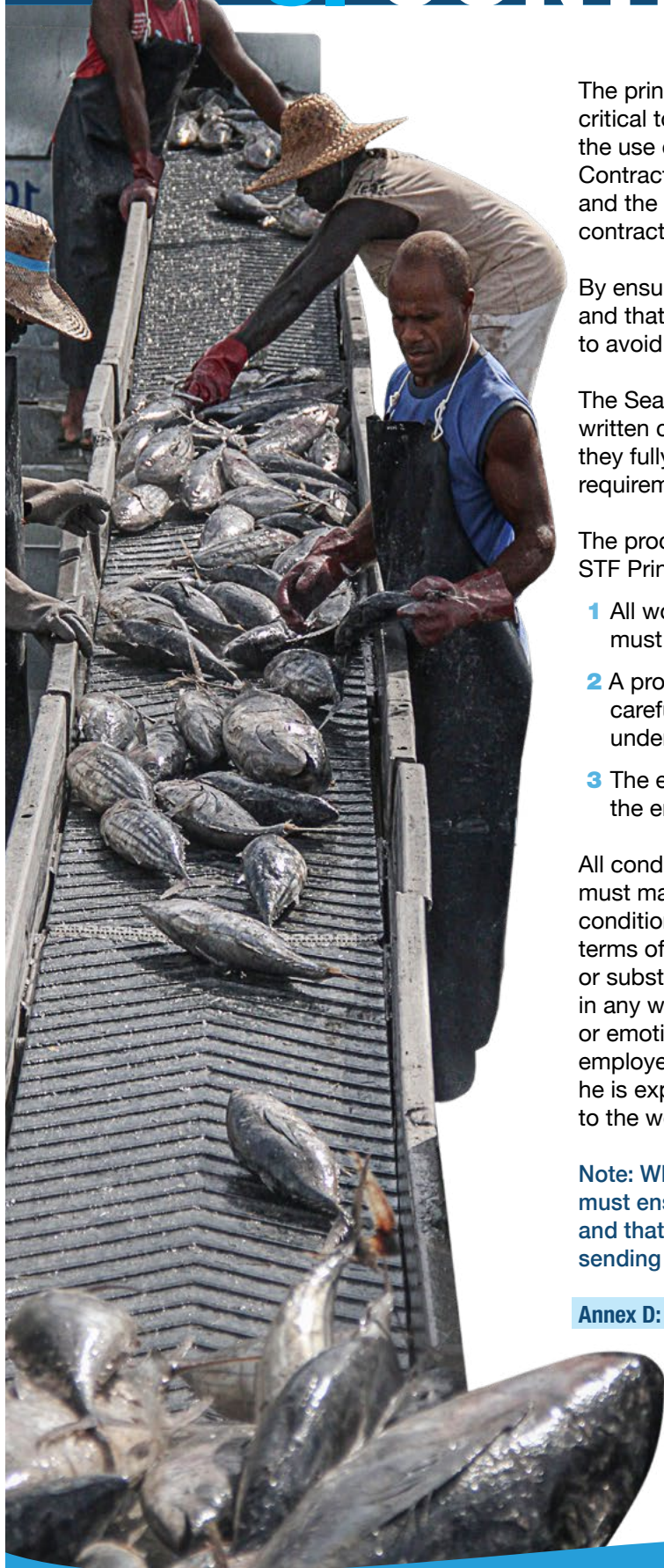
The procedure and documents necessary for compliance with this STF Principle are:

- 1 All workers must have an employment contracts in place and must be in a language that the workers understand.
- 2 A procedure must be in place to assure that the contract is carefully explained to the worker in a language that the worker understands.
- 3 The employer and the worker each must keep a signed copy of the employment contract.

All conditions described to an employee during recruitment must match the conditions outlined in their contract and the real conditions on the ground. Under no circumstances may any terms of a signed contract be modified, amended, supplemented or substituted for terms less favorable to the employee or that in any way may pose a high physical risk, cause psychological or emotional trauma or otherwise disadvantage him. Where an employer is expected to make changes to the working conditions, he is expected to notify employees prior to making modifications to the working conditions.

**Note:** Where migrant workers are hired, employers and recruiters must ensure that the content of all contracts is exactly the same and that there are no differences between contracts issued in the sending country and contracts issued by the employer.

**Annex D: Minimum elements of an Employment Contract**



# FREEDOM OF MOVEMENT & 4. PERSONAL FREEDOM

A red flag for forced labor and modern slavery is any restriction on an employee's freedom of movement. Employees' freedom to move must be respected by employers unless reasonable reasons exist to restrict the freedom. Employers should put systems in place to make sure any threats to employees' freedom of movement are properly assessed, where necessary mitigated, and continuously respected.

The Seafood Task Force recognizes the need to protect employees' freedom of movement and personal freedom. Foreign and migrant workers, who take up employment away from home and are therefore often more dependent on their employers, are particularly at risk of their freedoms being restricted. This is especially the case where employers or labor recruiters also provide accommodation to employees, thereby also substantially impacting employees' lives outside of the workplace.

The basic elements for compliance with this STF Principle follow:

- 1 Workers must have freedom of access to clean drinking water and toilets when at work or off-duty.
- 2 There must be no confiscation of personal documents, fines, pay deductions, or physical force implemented for the purpose of restricting freedom of movement allowable under law and normal policies for safe boat operation.
- 3 The rights to freedom of movement extends to choosing to decline employer- or recruiter-operated residences (unless required by law), and to return home during authorized leave without fear of reprisal.
- 4 The vessel owner must be able to demonstrate that employee's freedom of movement and personal freedom is respected.

**Note:** While there is no requirement for a written plan for avoiding freedom of movement or personal freedom on tuna vessels, employers should evaluate their practices and make sure they do not knowingly or unknowingly physically or otherwise restrict employees' movement. All personnel responsible for any supervisory role should be aware of the vessel practices in regard to freedom of movement.

**Annex E: Other types of freedom of movement and personal freedom**





# 5. RETENTION OF PERSONAL DOCUMENTS

A central feature of forced labor and modern slavery and also a form of restriction of movement is the retention of employees' personal documents. Often the fear of losing personal documents effectively prevents employees from leaving their employer and acts as a de facto restriction of their movement.

In many cases the lack of personal documentation can prevent employees from obtaining another job. For migrant workers, the fear of being undocumented and unable to move freely can therefore act as a strong deterrent from leaving their employer.

The Seafood Task Force requires all employers to ensure that employees and applicants retain full and complete control over original copies of their personal documents. In general, even where employees provide their consent to employers holding documentation or where they request that employers hold personal documentation (e.g. for safekeeping), this is not permitted unless clear access procedures are implemented.

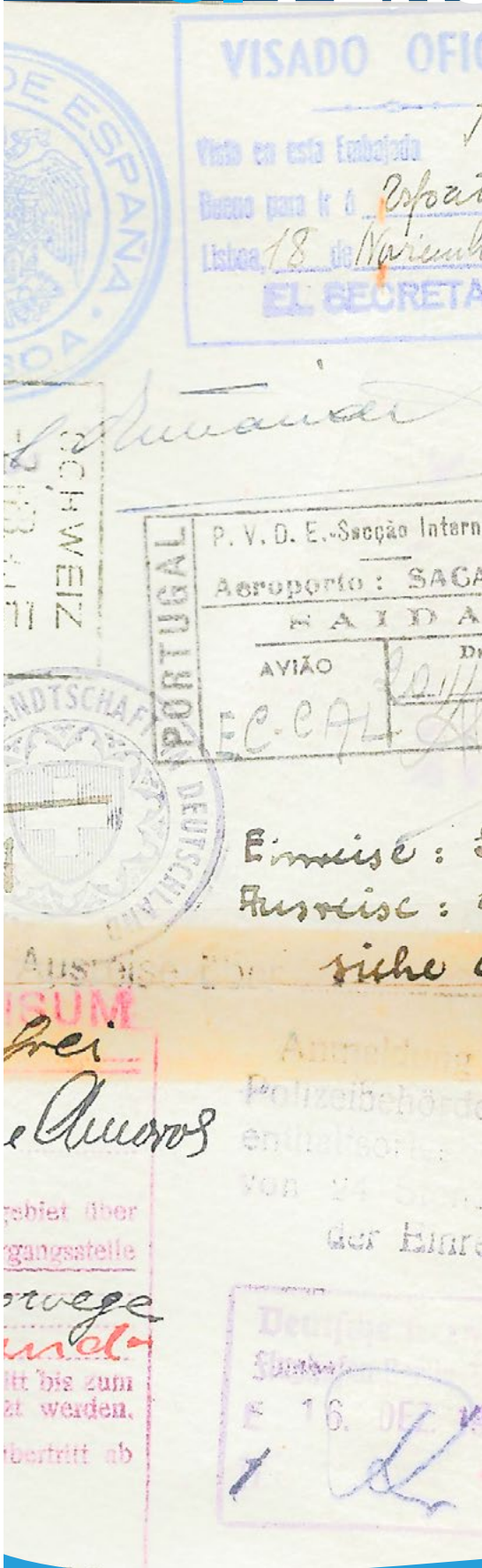
### What are personal documents?

- Identity documentation may include passports, national identity cards, birth certificates, travel documents, and religious age records
- Immigration documentation may include visas, work permits, residency documents
- Other personal documents include bank books, ATM cards, home ownership documentation

Compliance with this Principle of the STF Code has several requirements:

- 1** A written policy with procedures to avoid abuse of the worker's right to access personal documents. This procedure must state that unless legally required to do so, the employer cannot hold personal documents without consent of workers.
- 2** Workers must be given copies of any documents held legally and assured immediate return upon request.
- 3** The policy statement must explain all aspects of how the boat operator will assure that the employee's rights related to personal documents will not be infringed upon, particularly when National Law requires employers to hold workers personal documents.

### Annex F: Sample Policy and Procedure on Retention of Personal Documents



# 6. RECRUITMENT FEES

This chapter should be read in conjunction with the **Seafood Task Force's Guidance on Responsibility for Recruitment Related Costs**.

Recruitment fees include any fee or costs incurred in the recruitment process of workers. There are some situations in which the worker may be legally required to pay fees to a labor broker or directly to the employer and in such cases, the fee must not exceed legal limits.

The Seafood Task Force prohibits any recruitment and hiring-related fees, other than legally permitted fees, to be paid directly to employers, agents or labor brokers. The *Seafood Task Force's Guidance on Responsibility for Recruitment Related Costs* provides additional detailed information on permitted and non-permitted fees and employers should refer to this Guidance when determining prohibited fees.

Compliance with this Principle of the STF Code requires written policies and clear procedures that demonstrate that workers shall only pay legally allowed fees in accordance with the Seafood Task Force Guidance on Responsibility for Recruitment Related Costs. This statement also must be included in job advertisements. The written policy also must explain that:

- 1 The worker's transportation cost from home country and return will be paid by the employer.
- 2 Any fees that legally must be paid by the employee must be described.
- 3 There must be a monitoring system in place to assure that no fees have been charged illegally.
- 4 There must be a repayment mechanism for fees that may have been charged in addition to legally allowed fees.

**Note:** In some cases, the employer may elect to participate and/or partner with other reputable organizations who are experts in this area to address recruitment fees in a more holistic manner. This is ideal, since a third party is involved, and the employer would benefit from already established best practices.

**Annex G: Sample policy and procedures on Recruitment Fees**



# HUMANE 7. TREATMENT

In alignment with international standards and conventions, the Seafood Task Force recognizes all human beings' inherent dignity and requires that each person be treated with respect. This requirement extends to all workplaces and prohibits any form of abuse or inhumane treatment by the employer both in their own operations and when engaging with suppliers, agents and other business partners.

When exercising discipline in the workplace, employers must be careful to only use disciplinary measures that are legal and that in no way infringe on an employee's dignity.

Procedures and documents for compliance with this Principle of the STF Code are:

- 1** No worker harassment, abuse, or illegal disciplinary action is allowed.
- 2** A written policy must be available that strictly prohibits the use or threat of physical or sexual violence, harassment, and intimidation. Senior management must express their commitment to this policy.
- 3** There must be a written policy prohibiting illegal disciplinary actions that also describes the measures that are in place to ensure employer-wide compliance with the policy.

**Note:** Many of these aspects also are included in the other Principles of the STF Code. The focus in Principle 7 is on assuring respect and dignity and avoiding physical, sexual, psychological, or verbal harassment or abuse. It also puts limits on disciplinary action beyond legal means of which the worker is clearly informed.

**Annex H: Sample policy on Humane Treatment**



# 8. WORKPLACE EQUALITY

All humans have inherent dignity, regardless of nationality, legal status or any other protected characteristic. Accordingly, the Seafood Task Force requires employers to respect each employee and provide the same set of conditions in the workplace, regardless of protected characteristics; employees must be selected simply on the basis of their ability to do a job and not on any other grounds. Any distinction between employees during hiring, employment, and in working conditions, compensation, training or for the purposes of promotion, retirement or termination on the basis of race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, political beliefs and affiliation or union membership must be prohibited.

Employers should keep in mind that discrimination may be direct or indirect and that it need not be deployed intentionally. This means that there may be established industry or operational practices that exist that ultimately indirectly discriminate against an employee although this may never be the intended outcome. Employers should review all practices and job descriptions and ask whether any limitations for job that are based on the protected characteristics mentioned above are due to an inherent requirement of the job or not.

### Special note on Migrant Workers:

The Seafood Task Force recognizes that the seafood industry relies strongly on migrant workers and requires special attention to be given to this group. Migrant workers are more vulnerable to exploitation or otherwise discriminated against especially in cases they may have illegal or restricted employment status. Nevertheless, apart from specific legal restrictions, the employer must strive to ensure that migrants and national employees' conditions of work do not differ and that they are equivalent to each other.

Compliance with this Principle of the STF Code requires the following:

- 1 A written policy that prohibits all types of discrimination including any security enforcement.
- 2 Evidence of equal treatment of all workers including migrant workers in hiring, compensation, training, promotion, termination, or retirement.
- 3 There must be a written policy prohibiting illegal disciplinary actions that describes the measures that are in place to ensure employer-wide compliance with the policy

### Annex I: Sample Non-Discrimination Policy



# 9. FREEDOM OF ASSOCIATION

## ABOUT COLLECTIVE BARGAINING:

*Often workers' associations can lead to collective bargaining activities. Employers must ensure they follow all legal requirements when engaging in collective bargaining and that any valid and agreed upon Collective Bargaining Agreement (CBA) is duly communicated to all workers. This includes providing all workers with a copy of the CBA or providing access to and training on the CBA.*

## NATIONAL LAW RESTRICTIONS:

*Where laws restrict formal freedom of association and/or collective bargaining, employers should allow any alternative means of independent and free association and bargaining to take place. This can take the form of, for example, worker representatives and worker welfare committees. Employers shall not interfere in any management activities of workers' organization.*

Effective employee representation can be a cornerstone to ensuring good and fair labor relations and help prevent labor abuse. Nevertheless, in many countries labor organizing may not be encouraged or even legally permitted.

The Seafood Task Force requires employers to comply with all applicable laws that pertain to freedom of association and collective bargaining, and to ensure no discrimination takes place on the basis of any such affiliations. This means that employers need to understand workers' rights and freedoms to join or not to join labor associations in the operating country, and/or in the sending country whenever migrant workers are employed. Where employees choose to organize, employers should not in any way interfere with this process.

The Principle of Freedom of Association is directed at assurance that workers have rights as individuals and groups to associate and bargain collectively with the employer in relation to working conditions, fair treatment, reasonable wages, and other workplace issues.

Compliance with this Principle requires the following:

- 1 A written policy that clearly states the employer's position with regard to freedom of association and compliance with applicable laws related to freedom of association.
- 2 There must be no discrimination on basis of affiliation or non-affiliation.
- 3 Workers must be free to organize without harassment or intimidation.
- 4 Where countries place restrictions on freedom of association laws, the employer should allow independent means of association and collective bargaining.

## Annex J: Sample Freedom of Association Policy & Alternative Worker Representation



# GRIEVANCE 10. PROCEDURE

A grievance procedure provides workers a formal way by which to express concerns about their working conditions, health and safety issues, treatment, living conditions, and similar situations

Good and effective grievance management can be crucial to maintain order and a respectful working environment. A safe environment for employees to communicate issues is a critical means to identify potential labor abuses and remediate these effectively. Oppositely, preventing employees from communicating grievances or if employees feel this is unsafe to do so, may contribute to problems amongst the workforce and decreasing productivity.

In order to ensure a grievance procedure is truly effective and that employees feel the environment is mutually responsive, employers must

- Create a safe environment for workers to communicate issues and ensure this can be done anonymously,
- Ensure workers are aware of the system and willing to use it,
- Train key employees (e.g. Captain, first mate) to handle complaints.



The Seafood Task Force requires an effective, confidential grievance process shall be established that provide a means by which any worker, acting individually or with other workers, can submit a grievance without suffering prejudice or retaliation of any kind. The grievance procedure shall include a nonretaliatory appeals process for workers who disagree with how a grievance is resolved.

The requirements for compliance with the grievance procedure are:

- 1** A written grievance procedure must be available to all workers in a language that they understand. This procedure must also be explained to all workers at the initiation of employment and reviewed as necessary.
- 2** The procedure must contain instructions on reporting (to someone other than the worker's immediate supervisor), management follow up, a procedure for the worker to monitor the status of a complaint, and an appeal system.
- 3** Those responsible for acting on grievances must have formal training about the process.
- 4** Documentation of each grievance must be maintained and there must be evidence of prompt responses to grievances.
- 5** In addition to the grievance procedure, there must be a written plan describing a procedure to protect the identity of "whistleblowers" who may provide information to the investigators of a grievance.

**Note:** As a best-practice, grievances made throughout the year should be communicated to senior management and be part of the management review process. Additionally, employers may engage a third party to manage the grievance procedure which results in a more robust and credible process.

#### Annex K: Grievance Procedure Best Practices

# 11. WAGES & BENEFITS

## PAYMENTS ON VESSELS:

*Making payments on vessels can be challenging and employers must make sure all wages are paid in full and directly to the employee, thereby ensuring that the employee has full control over all earnings paid out. This is also an important practice to ensure that any situations of debt bondage (i.e. a worker may be working to repay a loan) are prevented. In practice this means that employers must take care to not pay wages to the employee's labor agency or family directly. Where employees are concerned about keeping their earnings safe or wish to remit these back-home employers should provide assistance to employees so they can send their earnings back home.*

## PAYMENT FOR EMPLOYER PROVIDED HOUSING:

*Where employees require onshore housing and the employer provides this, this must be done in a manner that does not exploit employees. As such, any fees or rates charged to employees should not exceed what employees could otherwise obtain in the local market and any housing and food provided should not be a means for employers to otherwise recoup recruitment fees or be a main means to earn a profit at the expense of the employee. Where housing is provided by an agency, employers should make sure these same practices are respected.*

The Wage and Benefit Principle of the STF Code is intended to assure that workers are given fair pay and benefits for the work that they perform and in compliance with existing national wage and benefit laws.

The Seafood Task Force requires all employers to pay wages as stipulated in the employment contract and at least the legally required minimum wage to each worker, as well as all legally mandated benefits. Where employees are made up of a migrant workforce, employers must make sure that the minimum wage paid meets at least the legal minimum wage of their sending country and that all benefits required in the sending country are paid to the employee.

The major steps for compliance with the Wages and Benefits Principle are summarized below:

- 1 The employer should have a clear and transparent wage & benefits payment policy that is clearly communicated and understood by the workers.
- 2 Workers must be contracted at no less than the minimum legal wage, and where a share in profits is specified, the share must be a bonus that is not applied to meeting the required minimum wage.
- 3 Wages must be paid at a maximum monthly or more frequent intervals, and wages cannot be withheld to bind workers to employment.
- 4 Wage rates and payments must be calculated transparently and promissory notes, non-cash vouchers, and “in-kind” payments are not allowable. A wage statement (pay slip) that allows the worker to confirm that his or her wages are the amount specified contractually. Employers and agents cannot withdraw funds from workers’ accounts; and workers are not required to participate in mandatory savings in order to recoup costs of recruitment or other services.
- 5 Wage advances or loans and interest on loans must not exceed legal limits and must be clearly documented and communicated to the workers. There should be no unauthorized or illegal deductions.
- 6 If workers (including migrant workers) pay for arranged housing and food, the charges do not exceed local market rate, benefit employers or subcontractors, or offset recruiting feed.
- 7 Workers must receive all legal benefits as specified in their contracts.
- 8 Workers must have complete control over the use of their wages.

### Annex L: Minimum elements in a Wage & Benefit policy

# WORKING 12. HOURS

Work hours are important because workers should know the number of hours and the time schedule that will be required from them in their daily jobs

Documenting regular working hours including overtime hours can be challenging to maintain in the fishing industry due to the nature of the work. However, an accurate fishing logbook can be very useful and beneficial for both employer and employees to systematically demonstrate that workers receive break times and rest days in accordance with the law and other standards applied.

The Seafood Task Force requires all employers to ensure that workers shall not be required to work in excess of the number of hours permitted by applicable law and/or collective agreements, whichever affords the greater level of protection for workers.



## A note on overtime work:

Employers also need to maintain a system or tool as a mean to demonstrate that any overtime work is conducted voluntarily. Any threat of penalty, dismissal, or denunciation to authorities, as a disciplinary measure, or for failure to meet production quotas cannot be used to require workers to work overtime.

Compliance with the Working Hours Principle require the following:

- 1 A clear policy on work hours should be clearly documented and communicated to the workers in a language they can understand.
- 2 Workers' must not be forced to work more hours than the legal limit, overtime work is voluntary and cannot be forced on workers, and fishers must be given periods of rest sufficient to ensure their health and safety.
- 3 The work hours for a vessel at sea for more than 3 days are as follows (unless stricter limits are set by applicable law):
  - a at least 10 hours of rest in any 24-hour period,
  - b average of 77 hours per week over the entire duration of the trip,
  - c 10 hours of rest per day may be reduced to no less than 6 hours during active fish catching and fish processing.
  - d the operation of a fishing vessel may require deviations in work schedules, but there must be compensatory rest time.
- 4 For land-based work: Where the law is silent, normal working hours
  - a shall not exceed eight per day and 48 per week
  - b total working hours including overtime shall not exceed 60 per week
  - c and one day of rest per seven-day work period shall be provided.

**Note:** Compliance with the policy requires that the vessel operators keep careful records of the working times of the employees. These records are an integral part of the audit for compliance.

## Annex M: Developing a Working Hours policy



# 13. WORKER AWARENESS & TRAINING

The purpose of this Principle of the STF Code is to assure that workers are knowledgeable at the time of hiring about the terms of their contracts and the employer's expectations of them. Workers also must be given training about living and working conditions.

Where an employer uses any recruiters, agents or labor brokers they should verify that these also provide all required information is provided to new-hires verbally and in writing.

Compliance with this principle requires:

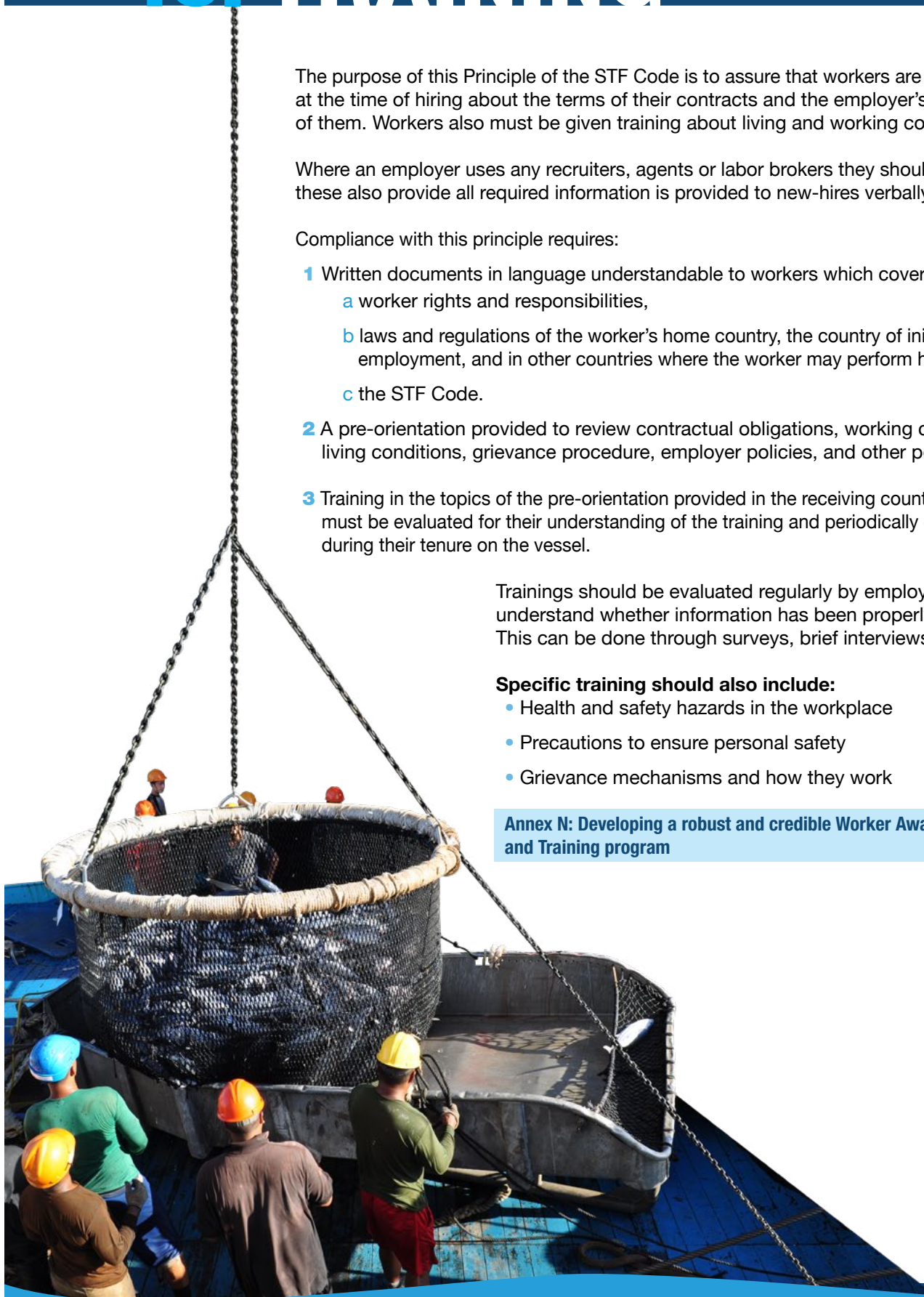
- 1** Written documents in language understandable to workers which cover the following:
  - a** worker rights and responsibilities,
  - b** laws and regulations of the worker's home country, the country of initial employment, and in other countries where the worker may perform his job.
  - c** the STF Code.
- 2** A pre-orientation provided to review contractual obligations, working conditions, living conditions, grievance procedure, employer policies, and other pertinent items.
- 3** Training in the topics of the pre-orientation provided in the receiving country. The workers must be evaluated for their understanding of the training and periodically evaluated during their tenure on the vessel.

Trainings should be evaluated regularly by employers to understand whether information has been properly conveyed. This can be done through surveys, brief interviews or short tests.

**Specific training should also include:**

- Health and safety hazards in the workplace
- Precautions to ensure personal safety
- Grievance mechanisms and how they work

**Annex N: Developing a robust and credible Worker Awareness and Training program**



# PRIVATE EMPLOYMENT

# 14. AGENCIES & RECRUITERS

Responsible recruitment is a key factor in ensuring that forced labor and modern slavery do not take place. Private employment agencies, recruiters and labor brokers play a crucial role in many supply chains and especially in the fishing industry by ensuring a reliable supply of labor. The Seafood Task Force has therefore established specific requirements for employers choosing to work with such third parties.

Given the elevated risk when using external recruiters due to a lack of clear oversight and control over the recruitment process, the Seafood Task Force strongly encourages employers to instead opt for direct hiring where possible. This means that employers themselves take on the responsibility of posting relevant job advertisements, inviting applicants for interviews and ultimately selecting and hiring the right candidates. This assures the employer that all necessary steps are being taken to minimize opportunities for forced labor situations and unethical recruitment practices.

Nevertheless, it is understood that direct hiring is not always possible for a variety of reasons and that this is especially in the case of high seas fishing. The Seafood Task Force Auditable Standards explain both what employers must do to ensure recruitment is responsible when working with external recruiters and it sets out specific requirements directly for external recruiters themselves. This Guidance document will only consider the actions required of employers when engaging employment agencies and recruiters.

The major points of due diligence are to assure the following:

- 1** Agencies are legal operations, certified or licensed by a competent authority, do not charge illegal fees, and do not place workers at risk of trafficking for labor exploitation.
- 2** The employer must have a contract with the employment agency, and this requirement extends to subcontractors of the employer.
- 3** The employer and its supplier must have documents proving the legality of any employment agency that is used. There also must be evidence that the employment agency involved has not recruited workers by illegal means or dealt illegally with workers whom it has recruited. This effort obviously requires continual monitoring by the employer.
- 4** With respect to recruitment of workers, the employment agency must
  - a** describe the work, terms of employment, wages and benefits, living conditions, and other issues to potential recruits,
  - b** present clear procedures to show that all policies comply with legal legislation and regulations,
  - c** provide a code of conduct that prohibits forced labor and set forth protective preventive measures against this practice,
  - d** have a mechanism for reporting non-compliance and grievance, and for protecting “whistleblowers,”
  - e** have a method for remediation of non-compliance and reimbursement of illegal recruitment fees to workers.

## Annex O: Working with a Recruitment Agency

# 15. HEALTH & SAFETY

All employees are entitled to work in safe working places that do not expose them to undue risk of life and limb.

The fishing industry is very high risk and fishing is considered one of the most dangerous jobs in the world with the ILO and FAO estimating that 7% of all fatalities occur in the fishing industry – a rate that increases in proportion when considering that it accounts for less than 1% of the global workforce. Fishing activities therefore require special attention on the part of employers to ensure that employees can perform their work safely and securely and that their working living environments do not pose any risks or threats to their health.

Compliance with this Principle requires the following:

- 1 Copies of legally required Health and Safety Licenses.
- 2 Health and safety training to workers
- 3 Records of all work accidents to include near-miss accidents, analysis of event, and actions for future prevention of same
- 4 A written safety policy.
- 5 Medical certificates on file for fishers on boats at sea for more than 3 days.

- 6 Evidence that a health and safety risk assessment has been made and the identified risks have been managed.
- 7 Evidence of a workplace maintenance system.
- 8 Other items that are necessary include:
  - a first aid supplies and trained first aid personnel,
  - b hazardous work limited to capable, healthy, non-pregnant workers,
  - c personal protective equipment provided free of charge,
  - d potable drinking water available,
  - e separate sanitary facilities for men and women,
  - f hazard identification signs and instructions in place,
  - g safety training to include occasional drills,
  - h personal flotation devices and/or lifeboat sufficient for entire crew,
  - i fire-fighting equipment onboard
  - j ship-to-shore communication

**Annex P: A practical guide to implement good Health and Safety practices**



# Annexes

- Annex A **Child Labor**  
Sample Child Labor Policy & Age Verification Procedures
- Annex B **Child Labor**  
Best-practice child labor remediation procedure
- Annex C **Forced Labor**  
Sample policy on forced labor and other forced labor conditions
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Working with a Recruitment Agency
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# Sample Child Labor Policy & Age Verification Procedure

[THE COMPANY] recognizes the UN Convention on the Rights of the Child's definition that a child means every human being below the age of 18.

[THE COMPANY] prohibits the employment of any person for work on vessels who is below the age of 18 or, where national law sets a stricter limit, below that age limit in compliance with the Seafood Task Force Code of Conduct.

[THE COMPANY] requires all partners, suppliers and agents to take appropriate measures to ensure that no child labor occurs in their own operations or supply chains.

[THE COMPANY] retains the right to terminate any relationship with a partner, supplier or agent where child labor is found.

If child labor is found on any vessel, [THE COMPANY] will ensure the child is removed from employment and that corrective action is taken with the child's best interest at heart.

Furthermore [THE COMPANY] has implemented an **age verification** procedure as follows:

- 1** New hires must present at least **two** forms of age verification documentation issued by the competent government agency as a hiring condition
- 2** The documents must be original, copies are not accepted; however, copies of the age verification documentation should be kept in the employee personnel file
- 3** The hiring manager must ensure that information on the documents presented match and that there is no discrepancy detected
- 4** If the government has a mechanism of confirming age documentation, the hiring manager should ensure that documents presented are legal through the use of such mechanism
- 5** If the documents presented seemed to be suspicious, then the hiring manager should reject the documents and request additional age verification documents
- 6** Where government-issued documentation is not available, the employer should require equivalent independent proof of the new-hire's age
- 7** Employers are recommended to keep records demonstrating that age-verifying documentation has been reviewed when hiring new employees.

## Best-practice Child Labor Remediation Procedure

**The employer should adopt procedures for remediating any potential child labor, where this is found to have occurred.**

Employers should make a commitment in their child labor policy to remediate any child labor should this occur and devise a plan for what to do if a child is ever found working on a vessel.

Some best practice actions to remediate child labor can include:

- Immediately removing the child from work and providing the child with free food and free and safe accommodation until the remediation plan is operational;
- Paying a stipend to the child equivalent to what he or she would have earned;
- Obtaining contact details for the child and parents or guardians, where present;
- Where age documentation was provided upon hiring, review the documentation and verify whether this is genuine. It may be necessary to review the age-verifying procedure and see if it needs to be strengthened in any way;
- Reaching out to a remediation team made up of local experts from NGOs, government resources, health professional or other knowledgeable individuals;
- Collaborating with authorities for the safe repatriation or return of said minor to their country of origin or region
- Offering another eligible family member employment instead.

# Sample Policy On Forced Labor and Other Forced Labor Conditions

[THE COMPANY] strictly prohibits all forms of forced, bonded, indentured, prison labor, slavery or trafficked labor.

This prohibition includes, but is not limited to,

- Destroying, concealing, confiscating, or otherwise denying access by an individual to the individual's identity or immigration documents, such as passports or drivers' licenses, regardless of issuing authority;
- Withholding any portion of a wage payment unless legally required;
- Any form of deception during wage payment;
- Using misleading or fraudulent practices during the recruitment of candidates or offering of employment/contract positions; such as failing to disclose, in a format and language accessible to the potential candidate, basic information or making material misrepresentations during the recruitment of candidates regarding the key terms and conditions

Workers enter into employment freely and are able to terminate their employment at any time without penalties.

Workers on fishing vessels are free to terminate their employment exercised at the next regularly scheduled port visit with a minimum notice of 10 days before said port visit.

[THE COMPANY] will not conduct business with any partner, supplier or agent who engages in any form of forced labor or modern slavery or any kind of practices as listed above.

## OTHER FORMS OF FORCED LABOR

**Slavery:** *Exercise of the right of ownership over a person. Today this frequently takes the form of one person exploiting another person's labor until such time as it no longer suits the owner .*

**Bonded Labor:** *Includes, debt bondage where a debtor makes a pledge of his personal service or of a person under his control as security for a debt. Typically, people become bonded laborers by taking loans or being tricked into taking loans but are often trapped due to the inability to repay the loan either due to no proper remuneration or interest rates that make repayment impossible.*

**Prison Labor:** *Prison labor can be part of a government's penal system and even a prisoner rehabilitation program. In the case of forced prison labor however prisoners have no right to consent to work and do not receive reasonable remuneration.*

**Forced Overtime:** *Where a worker does not voluntarily offer to work overtime and works under threat of penalty. Penalties can range from wage retention to physical or mental harassment or restriction of their ability to leave the premises.*

**Trafficking:** *Workers are lured by false promises of job advertisements but find themselves forced to work in a completely different situation. Often workers are drawn into work by means of threat or use of force or other forms of coercion.*

# Minimum Elements of an Employment Contract

Regardless of law, all written contracts must at minimum clearly and accurately state:

- The employee's rights and responsibilities under the applicable legal framework;
- Specific conditions of employment including, but not limited to,
  - Wages and benefits the employee is entitled to under law,
  - Mode and time of payment
  - Working hours – Standard working hours, overtime arrangements, hours of rest and working hour and rest arrangements during fishing periods or other emergency situations,
  - Location of work,
  - Living conditions, housing and any associated costs,
  - Work-related hazards, including for example a clear statement of the hazards of working on a fishing vessel,
  - Other working and employment conditions, including the physical demands of fishing,
- Termination procedures, including
  - Legally required notice periods for employees and employers,
  - Where no legal notice period exists, required notice periods should not exceed more than one month. In case vessels are travelling or fishing on the high seas, employees may be required to give a minimum of 10 days' notice prior to the next scheduled port visit
- Repatriation Costs
  - Where the scheduled work takes an employee to a foreign country or where the employer sources foreign labor for work in another country, all costs associated with the employee's return travel to their country of origin must be borne by the employer.



## Other Types of Freedom of Movement and Personal Freedom

Examples of physical restriction of movement can include:

- Confinement through lock-ins, i.e. locking exists and accesses to the workplace or housing and preventing employees from leaving.
- Physical restrictions by physically stopping an employee from leaving a site, e.g. through the use of security guards or other personnel physically stopping the employee from leaving.

Other restrictions may include:

- Mandating that employees live in employer- or recruiter-provided housing;
- Having surveillance systems in the form of security guards or electronic surveillance in place at the workplace or in housing that serve as a deterrent for employees to leave as they wish;
- Prohibiting employees from travelling home during their authorized annual leave time or threatening with penalties or termination if somebody returns home during authorized leave;
- Confiscating relevant identity or travel documentation or otherwise holding back wages or other items of value that will have the effect that an employee cannot leave the workplace for fearing of losing this item.

Under no circumstances should an employer restrict an employees' access to basic necessities such as clean drinking water and the use of toilets, whether during or outside of working hours.

### WHAT CONSTITUTES A REASONABLE RESTRICTION?

*When determining reasonableness, employers should consider whether any restrictions to employees' freedom of movement are implemented for safety or security reasons. For example, access restrictions on vessels to spaces like the engine room or fish refrigerators may be permissible if these are for protection of the employees and the vessel or the product.*

*Any such actions taken should never be used to intimidate employees or stop them from exercising their freedom of movement beyond what directly pertains to safety and security. If security personnel are used to guard a premises or product for example, employers must ensure they know not to overstep their duties and intimidate or otherwise restrict employees.*

# Sample Policy and Procedure On Retention of Personal Documents

[THE COMPANY] strictly prohibits the retention of personal documents for reasons outside of safekeeping or to meet legal requirements. In the event that personal documents are kept by [THE COMPANY] for safekeeping or legal requirements, [THE COMPANY] will take the following steps to prevent abuse.

## Safekeeping:

In the event that workers request [THE COMPANY] to maintain personal documents for safekeeping purposes, [THE COMPANY] will implement the following:

- Every effort will be made to ensure that all workers are provided with personal secure storage space to maintain their documents and other valuables.
- In cases where personal documents are given to the boat captain for safekeeping during sea-based work, workers must receive their documents once docked or at any time requested.
- [THE COMPANY] has identified [NAME OF THE INDIVIDUAL] to hold crews' passports and/or contracts and to facilitate port clearance.

## Legal Requirements:

[CITE NAME OF THE LAW] requires that [THE COMPANY] hold the following workers documents [DESCRIBE THE PERSONAL DOCUMENTS REQUIRED BY LAW TO BE WITHHELD]. However [THE COMPANY] has implemented the following steps to ensure that workers have free access to their personal documents at all times and that their freedom of movement is thus not restricted. These procedures have been communicated to the managers, operators and other staff responsible for managing the workers. Employees have also been informed about these procedures to ensure they understand how to access their personal documents.

- Personal documents are available to employees upon request and without any preconditions,
- Workers are provided with an exact copy of their personal document when this is not in their possession,
- [NAME, TITLE AND CONTACT DETAILS OF DESIGNATED PERSON] has been appointed as the responsible person; [HE/SHE] is accessible at all times and can hand out documents immediately upon request.
- [If the law has specific steps to be taken, those should be listed here]

# Sample Policy and Procedures On Recruitment Fees

- [THE COMPANY] recognizes that employers are responsible for fees associated with the recruitment of employees and as such does not tolerate any recruitment or hiring-related fees to be charged to applicants and/or employees for the purposes of hiring or retaining a job with [THE COMPANY] unless these fees are legally permitted.
- [THE COMPANY] adheres to the *Seafood Task Force's Guidance on Responsibility for Recruitment Related Costs*.
- In the event that illegal fees have been paid, [THE COMPANY] will reimburse workers for the illegally paid fees as follows:
  - [EACH COMPANY HAS UNIQUE CIRCUMSTANCES THAT WOULD DICTATE HOW FEES WILL BE REIMBURSED].
- All applicants must be informed that [THE COMPANY] requires all suppliers, agents and labor brokers to respect the same principle and may cease any business relationship where such practices are engaged in.
- [THE COMPANY] has implemented a monitoring program to ensure that workers do not pay fees in excess of any legally permitted fees

## RECRUITMENT FEES AND DEBT BONDAGE

*Responsible recruitment is a critical component to ending debt bondage and thereby reducing forced labor. An often-unseen component of the recruitment process are the fees charged to an applicant simply in order to find and secure a job. Recruitment fees can take many forms – some of which may be legal, others not – and can be charged at multiple stages and by different actors throughout the recruitment process. Recruitment and hiring-related fees can add up to tens of thousands of dollars and require years of work until an employee can pay off their recruitment debt.*

*Because the recruitment process can be very complex, especially in an international context, myriad opportunities present themselves for applicants to be charged additional fees for so-called services rendered (e.g. accommodation during the interview stage, language classes, transportation to the worksite). In some cases, these fees may be charged at an elevated rate, abusing an applicant's vulnerability; typically, applicants are not informed about these fees before starting the recruitment process. In order to make required payments, many applicants find themselves borrowing money, often at higher interest rates.*

# Sample Policy and Procedures On Recruitment Fees

Employers should adopt policies accordingly and introduce monitoring mechanisms to ensure the policy is being adhered to at all levels of the recruitment process. All job advertisements should include this commitment and applicants must be informed about the general “No Fees” policy immediately when commencing the recruitment process as well as about any required legal fees in a language understood by the applicant. In addition, in cases of international recruitment, the employer must make clear that any repatriation costs, i.e. any transportation costs to an employee’s country of origin, will be borne by the employer.

Where an employer discovers that employees have paid recruitment fees beyond what is legally permitted, they must ensure that all fees paid are reimbursed to the employees.

## HOW TO SET UP A MONITORING MECHANISM:

*Setting up an effective monitoring process is key in ensuring on-going compliance with the STF policy on recruitment fees. When setting up a monitoring process, the following best practices can be adopted:*

- *Introduce a process to interview employees immediately upon hire and several months into the hiring relationship and ask for information about any fees paid. Note that especially new-hires may initially be intimidated by the new surroundings and not divulge all aspects of their hiring process. It can therefore be useful to repeat the interview after a time period when the employee feels more at ease in their job.*
- *Where employees report paying fees, ask them to list the types of fees and amounts charged. Note that this may vary between employees, even those who have come through the same recruitment process. Where fees charged are not documented, employees may not recall exact purposes and amounts.*
- *Regularly engage with any agents, recruiters or labor brokers used and visit their premises at least once per year to verify that they have introduced a policy to the same effect and procedures to ensure no fees are charged to applicants beyond what is legally permitted.*

## HOW TO REIMBURSE RECRUITMENT FEES:

*By nature, reimbursing recruitment fees paid by employees can be a complicated and lengthy process and unique to each situation due to the undocumented and often unsystematic way in which employees are charged fees during the recruitment process. Employers should act in good faith when determining the rate and period of fee reimbursement. The following aspects should be taken into consideration when determining how to reimburse fees:*

- *What fees are employees reporting to have paid? This information should be generated through an employer’s regular monitoring activities (see the box above).*
- *Fees paid may not be documented and can vary; employees will not typically hold objective evidence such as receipts for fees paid. Different employees may have been charged different rates so establish low and high ranges for employees coming through the same channels.*
- *Understand what the legal recruitment fees that may be charged and determine how much in excess of that employees have paid.*
- *Depending on the vulnerability of employees, reimbursement of fees may need to happen immediately or be staggered over time; future reimbursement of fees should not become a further tool to restrict employees from leaving the workplace.*

## Sample Policy on Humane Treatment

[THE COMPANY] recognizes the inherent dignity of every human being and commits to accordingly treat all employees with respect.

[THE COMPANY] prohibits any form of physical, sexual, psychological or verbal harassment, abuse, violence or intimidation.

Furthermore, [THE COMPANY] recognizes that all disciplinary action is taken in accordance with law and under no circumstances allows employees to be disciplined using any form of physical, sexual, psychological or verbal harassment, abuse, violence or intimidation or to in any way deduct wages or benefits as a form of discipline.

Any instances of inhumane treatment and abuse will be fully investigated and addressed.

[THE COMPANY] requires all suppliers and subcontractors to adhere to the same principles.

*As a best practice, all disciplinary measures should be held in writing and the employer should record and keep on file any disciplinary measures taken against an employee. An effective grievance procedure (see section 10) can help ensure that any instances of inhumane treatment are brought to the employer's attention.*

# Sample Non-Discrimination Policy

[THE COMPANY] prohibits any direct or indirect discrimination that results in distinction, exclusion or preference in the workplace for the purpose of access to employment, terms and conditions of employment, promotion, termination, or retirement on the basis of race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, political beliefs and affiliation or union membership.

To aid in determining possible discriminatory practices [THE COMPANY] carries out periodic reviews of the following operational practices.

AREAS TO REVIEW FOR POSSIBLE DISCRIMINATION	IS DISCRIMINATION BASED ON ANY OF THE FOLLOWING?
<ul style="list-style-type: none"> <li>• <i>Hiring</i></li> <li>• <i>Compensation and Compensation increases</i></li> <li>• <i>Access to training</i></li> <li>• <i>Promotion</i></li> <li>• <i>Termination</i></li> <li>• <i>Retirement</i></li> <li>• <i>Hours of work/overtime</i></li> <li>• <i>Holidays with pay</i></li> <li>• <i>Membership in labor unions/ Worker representative organizations</i></li> <li>• <i>Accommodation</i></li> <li>• <i>Legal and voluntary benefits</i></li> <li>• <i>Medical testing</i></li> <li>• <i>Physical examinations</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Race</i></li> <li>• <i>Caste</i></li> <li>• <i>National origin</i></li> <li>• <i>Religion</i></li> <li>• <i>Age</i></li> <li>• <i>Disability</i></li> <li>• <i>Gender</i></li> <li>• <i>Marital status</i></li> <li>• <i>Sexual orientation</i></li> <li>• <i>Political beliefs</i></li> <li>• <i>Affiliation or union membership</i></li> </ul>

We, [THE COMPANY] maintain adequate documentation such as contracts, job descriptions, promotion increases, medical records, wage and benefit records, and any other documents to demonstrate compliance to this policy.

# Sample Freedom of Association Policy & Alternative Worker Representation

[THE COMPANY], respects our workers right to associate and bargain collectively in a peaceful manner in accordance to the applicable law.

[THE COMPANY], strives to ensure that employees who wish to participate in a union or any other worker representation organization is not discriminated against, or subject to harassment, intimidation or retaliation.

All managers and supervisors have been trained in regard to this policy and are required not to interfere with workers actions in regard to their association.

## ALTERNATIVE WORKER REPRESENTATION

*Effective alternative worker representation can prove more challenging on-board vessels, especially where migrant workers make up most of the crew and employers should look to leverage what is already in place. Often migrant workers will organize themselves naturally, forming groups based on nationality. Typically, one person from such a group will become the de facto spokesperson for the group and made responsible for communicating with the employer or captain. Groups may communicate amongst each other and collect important and sensitive information relating to the work environment. Employers should not interfere with these processes but rather seek to proactively identify groups and de facto group leads and engage with these to address emerging issues.*

## FREEDOM OF ASSOCIATION & EMPLOYEE ENGAGEMENT

*If properly engaged in, organized labor and worker associations can actually become effective partners for employers to communicate and gauge employee interest and to identify and streamline common goals. By acknowledging workers' right to associate, unionize and bargain collectively the employer not only enables workers to partner in ensuring better and safer working conditions but this can also become a mechanism to better communicate information with employees relating to rights and responsibilities, training and other conditions as well as gathering better and more accurate information from employees about possible abuses, for example during the recruitment process.*

## Grievance Procedure Best Practice

When deciding on what grievance procedure to adopt, the employer should consider various factors such as educational level of the worker, use of technology, language of the workers, time that it will take to address each grievance, follow up communication with the worker, etc. In many cases, employers can utilize the confidential grievance mechanism to gauge interest in specific issues that affects the entire work population. By demonstrating a transparent and regular handling of grievance, communicating follow up steps, and end results of any grievances submitted to workers, employers can generate active feedback in return. Anonymity and confidentiality should always be a mandatory, but outcomes should be communicated transparently.

### TYPES OF GRIEVANCE CHANNEL MECHANISM

- *Grievance box,*
- *Hotline number, or*
- *Grievance portal or platform (e.g. dedicated online apps)*

Where language barriers may be a concern, employers are encouraged to interact with group representatives to gather information about grievances and understand how the grievance mechanisms can be made more effective for specific migrant worker groups. (see s. 9 Freedom of Association).

- Employees must be informed about the grievance mechanism and how to use it as part of their onboarding training.
- The employer must clearly emphasize and guarantee the anonymity of anyone who reports and make sure that employees are also aware that there will be no retaliation for whistleblowing.
- Employers should take care to regularly check the channels made available to employees and where grievances are submitted maintain complete and accurate documentation about the grievance, how it was handled, how it was resolved and the actual implementation of the resolution itself.
- Although effective grievance mechanisms are a cornerstone of good workplace relations, employers should remember that the mere lack of grievance submissions does not necessarily mean that no issues are occurring onsite.
- Workers should regardless be encouraged to always actively communicate with supervisors and amongst each other.



# Minimum Elements In a Wage & Benefit Policy

When developing a Wage & Benefits policy & procedures, employers should consider the following:

## Recordkeeping

Accurate bookkeeping and complete payroll documentation are important components to ensuring that employees are properly remunerated for their work. Employers must have measures in place that ensure all information related to wages and benefits is systematically captured and recorded and that employees can access at any given time.

## Minimum Wage and Profit-Sharing

The minimum wage must be considered the minimum baseline for an employee's earnings and be paid under all circumstances and regardless of the actual earnings and haul made. Where shared remuneration systems are put in place that, for example, shares in catch revenue are paid to employees, these systems may only be used to supplement an employee's pay and cannot be used to meet the employer's minimum wage obligations.

Where an employment contract sets a fixed base salary, employers must take care to make these payments, regardless of possible additional profit-sharing schemes.

## Wage Statement

At the time of payment, employees must also receive a wage statement or pay slip documenting all legally required information. Employers should again familiarize themselves with sending countries' legal requirements in this respect. At minimum, however, the Seafood Task Force requires the following information to be given to employees:

- Employee credentials (Name, Job Title)
- Base wage for the pay period
- Additional earnings or bonuses (e.g. profit shares)
- Allowances
- Deductions
- Overtime rates
- Number of overtime hours worked
- Period of payment
- Date of wage issuance
- Employee signature

# Minimum Elements In a Wage & Benefit Policy

## Deductions

Deductions, pay advances and loans to the employee may only be made where authorized by the employee's local law. Where deductions are made, employees must fully understand why these are made and give their consent. Employers should make sure that all relevant information is properly and legally communicated to employees (see s. 3 Employment Contracts and s. 13 Worker Awareness and Training) that all items of deductions, are clearly explained and listed in the wage statement.

Wage deductions must never be used to keep workers tied to the employer or their jobs. Employees shall not be held in debt bondage or forced to work to pay off a debt. Oftentimes workers need to pay debt and bond to agencies back home or in destination country over a specific timeframe and deductions may be made for the recruitment process, paperwork, and also for transportation from the sending country to destination country. These deductions are often accompanied by some physical constraints applied at home country.

## Pay Advances and Loans

Employers should only provide wage advances or loans where these are permitted by local law. In these cases, employers must make sure they follow are legal requirements that govern wage advancements and loans. In addition, the Seafood Task Force sets the following minimum requirements:

- Interest rates and repayment terms must be fair. Payments should not exceed 10% of a worker's monthly wage, such that loans can be repaid in a timeframe not exceeding six months;
- The calculation of interest rates for loans and advances, and wage deductions made for their repayment are made with complete transparency to the worker (see s. 3 Employment Contracts and s. 13 Worker Awareness and Training);
- Interest rates do not exceed the local prevailing local market bank rates in the employee's sending country;
- The terms of wage advances and their repayment are agreed to by both parties in advance and in written form (see s. 3 Employment Contracts and s. 13 Worker Awareness and Training).

## Time and place of payment:

Wages shall be paid as per legal requirements but not to exceed one month, whichever provides greater benefit to the worker. Place of payment should be specified in the employment contract and the wage & benefits policy.

## Developing a Working Hours Policy

Employment contracts must contain clear information of working hours arrangement for workers in the language they understand. The STF has adopted reasonable work hour limitations to ensure the health and safety of the fisher as per below. From time to time, the vessel may apply variations from a schedule that provides for regular periods of rest in order to ensure vessel or product safety. Under those circumstances, such variations shall be reasonable and compensatory periods of rest shall be made available to fishers as soon as practicable.

The work hours for a vessel at sea for more than 3 days are as follows (unless stricter limits are set by applicable law):

- at least 10 hours of rest in any 24-hour period,
- average of 77 hours per week over the entire duration of the trip,
- 10 hours of rest per day may be reduced to no less than 6 hours during active fish catching and fish processing.
- the operation of a fishing vessel may require deviations in work schedules, but there must be compensatory rest time.

For land-based work: Where the law is silent, normal working hours

- shall not exceed eight per day and 48 per week
- total working hours including overtime shall not exceed 60 per week
- and one day of rest per seven-day work period shall be provided.

### WHAT ARE PERMITTED REASONS TO VARY FROM WORKING HOUR LIMITS?

*Life on board a vessel and at sea poses special challenges and threats. Employees may be required to work beyond usual working hours in the following cases:*

- *Wherever there is an immediate threat to the safety of the vessel,*
- *Where there is an immediate threat to persons on board the vessel,*
- *Where there is a threat to the product (i.e. catch),*
- *Where assistance must be given to other vessels or persons in distress.*

*In such cases all necessary measures may be taken until the normal situation has been restored. Employers should take care to immediately, and as soon as is reasonable, provide employees with any compensatory rest in order to properly recuperate.*

# Developing a Robust and Credible Worker Awareness and Training Program

## When adopting and developing a worker awareness and training program, the employer at a minimum shall:

- Make sure that all information is provided in a language that employees understand
  - Remember that some employees may speak multiple languages but not necessarily read all of them
- Review all written information in detail with employees; some employees may not be good readers so oral review makes sure all information is understood
- Provide opportunities for employees to ask clarifying questions and confirm they fully understand everything
- Select the right format to convey information to employees – some information may be covered in brief sessions; other information may require more formalized training settings (see boxes below)

## What do employees need to be informed about before starting to work?

- All legal rights and responsibilities that apply to the employee in both the sending and host country as well as any relevant applicable legal requirements from the jurisdiction contracting the work
- Terms and conditions of the employment contract
- The requirements set by the Seafood Task Force Code of Conduct
- Living conditions, where applicable
- Employer policies, rules and procedures (including policies on child labor, forced labor, employment contracts, employees' freedom of movement, retention of personal documents, recruitment fees, against abuse and harassment, non-discrimination, health and safety)
- Grievance mechanisms (see section 10)
- Health and safety hazards and requirements

# Working with a Recruitment Agency

## Steps to take when working with a recruitment agency

- Sign a formal contract for services with the agency
- Inform the agency about your policy to not charge any illegal recruitment fees (see s.6 Recruitment Fees)
- Inform the agency about requirement to respect all provisions of the Seafood Task Force Code of Conduct and Auditable Standards
- Require agency to provide complete training to new hires in a language they understand on
  - The Seafood Task Force Code of Conduct
  - Employees’ legal rights and responsibilities
- Require agency to provide complete and accurate details to all jobseekers about their working conditions in a language they understand (see s.13 Worker Awareness and Training)
- Require the agency to maintain adequate documentation to demonstrate compliance with the STF requirements
- Develop an internal system to regularly monitor the recruitment agency’s practices, including regular onsite visits at the agency’s office(s), documentation review and interviews with agency staff and employees hired through the agency

## ITEMS TO VERIFY WHEN SELECTING AN EXTERNAL RECRUITMENT AGENCY

YES	NO	Make sure that the third party is operating legally
<input type="radio"/>	<input type="radio"/>	Do they have all legally required licenses or certificates to recruit employees in their country of operation?
<input type="radio"/>	<input type="radio"/>	Do they have all legally required licenses or certificates to deploy employees abroad for the purposes of work?
<input type="radio"/>	<input type="radio"/>	Are all licenses, permits and certificates up to date?
<input type="radio"/>	<input type="radio"/>	Are the licenses, permits and certificates issued by the right responsible authority?
<input type="radio"/>	<input type="radio"/>	Do subcontractors used by the agency have all required licenses, certificates or permits for the countries, regions or areas where they operate?
<input type="radio"/>	<input type="radio"/>	Are there any ongoing investigations against the agency or its subcontractors?
<input type="radio"/>	<input type="radio"/>	Have there been any citations, suspensions or other sanctions against the agency or its subcontractors? If so, can the agency/subcontractor demonstrate that they have been remediated?
<input type="radio"/>	<input type="radio"/>	Verify the types of fees, including hiring-related payment, the agency charges <ul style="list-style-type: none"> <li>• Does the agency already have a ‘No Fees’ policy in place?</li> <li>• What fees are permitted by law?</li> <li>• What fees does the agency permit?</li> <li>• Are the fees charged legally permitted?</li> </ul> Are there any signs that the agency engages in fraudulent practices?
		Is there any evidence or are there any claims from people hired that indicate the agency has deceived workers about their employment or engaged in job scams?

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At minimum, employers must ensure that workplaces are as safe as possible and that where required, a vessel and vessel operator have obtained all legally required licenses and permits and undergone all required vessel inspections by relevant authorities.

In all cases, employers must abide by local applicable regulations and industry standards as they pertain to:

- Accident and incident prevention
- Risk and hazard mitigation and management
- Fire safety
- Emergency procedures
- Training of employees
- First aid and access to medical services
- Provision and use of personal protective equipment (PPE)
- Employee training on use of PPE
- Safety of all equipment and electrical installations
- Work environment (including noise, lighting and ventilation)
- Sanitary installations
- Access to drinking water
- Clean and hygienic food preparation areas
- Emergency preparedness
- Ship-to-shore communication

The following actions must be taken, regardless of applicable legal requirements and local industry practice:

## Health and Safety Risk Analysis

- Employers should perform thorough health and safety risk analyses that provide the basis for the employer's health and safety program.
  - Records of health and safety risk assessments and analyses must be kept on file.
  - Health and safety risk assessments should consider all aspects of work related to fishing activities and the special risks posed by vessels as a work environment.
  - Employers should solicit employees' feedback when creating the risk assessment to ensure that all aspects are duly considered.
  - Employers should also include considerations related to loading and unloading of fish in their risk assessment and mitigate against any risks to employees during these operations.

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- The risk assessment should determine what areas of work are hazard and the employer must ensure that no person who is pregnant or nursing woman, person with incapacitating mental conditions, respiratory diseases or chronic, hepatic or renal diseases is assigned to any of these tasks or jobs.
- Records and procedures implemented to mitigate identified health and safety risks must be kept on file

All risks identified must be addressed and either fully removed or, where they cannot be completely removed, mitigated.

- Identified hazards that cannot be removed must be clearly identified through visible signs and employees must be given written instructions for how to manage these risks.
  - Where risks are not completely removed, the employer must provide employees with all necessary and appropriate **personal protective equipment (PPE)** and working clothes.
  - The PPE must be appropriate to the specific task and risk and fit employees performing the task properly.
  - Employers must ensure that employees are trained how to properly use the PPE and that they actually use it in the performance of their duty.
- Records of accidents and near-miss accidents must be recorded, analyzed and activities to remediate must be kept on file
  - The health and safety risk assessment and action plan must include a plan for a workplace maintenance system that includes procedures to ensure cleanliness and good housekeeping.

## Vessel Maintenance

A vessel maintenance system should be in place that allows for regular and systematic maintenance both in dry dock, wet dock and emergency maintenance at sea.

- A good vessel maintenance system will include procedures for pre-sailing checks to verify that all critical equipment is functioning and thereby reduce the need for emergency maintenance.
- A complete workplace maintenance and cleaning system will further ensure that work and living areas are cleaned regularly and systematically to prevent the build-up of dirt or other material, for example, flammable material and that may provide a further risk.
- Vessels must have separate safe living quarters and sanitary facilities for each gender where both men and women work onboard the vessel.
- All employees must be able to access potable drinking water at all times.

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## Medical Care

- Vessels must have appropriate medical equipment on board and sufficient supplies given the number of crew on board.
- At least one employee must be qualified or trained in first aid with the necessary knowledge to address any injuries.

## Other Minimum requirements

- **Medical Certificates** – All fishermen and crew members working on board vessels for more than 3 days must have an up-to-date medical certificate stating they are fit to work. Medical certificates must be issued by the competent authority and not be expired.
- **Ship to Shore Communications** – All vessels must be equipped with functioning radio or satellite or other ship to shore communication. Where reasonable, employers should also strive to give employees access to use the communication system and not charge employees beyond the actual cost of operation.
- **Flotation Devices** – Vessels must be equipped with enough functioning Personal Flotation Devices that every person on board is equipped with their own device. Employer should make sure they regularly revise the number and quality of personal flotation devices. Employees should know how to use personal flotation devices and have immediate access to them in case of an emergency.
- Vessels must be equipped with enough life rafts to ensure there is sufficient space for all persons on board to safely and securely evacuate the vessel in case of an emergency. Employees must be trained in the proper deployment of life rafts.
- **Fire Fighting Equipment** – Vessels must be equipped with sufficient and appropriate fire-fighting equipment, especially in areas with an increased risk of fire breaking out (e.g. engine rooms). Employers must ensure that the right kind of equipment is used and that employees are properly trained on how to use the equipment. The employer must make sure that all equipment is properly and regularly maintained and replaced as needed.

Further practical resources for relevant medical care on board can be found in the World Health Organization's (WHO) *International Medical Guide for Ships* - [https://apps.who.int/iris/bitstream/handle/10665/43814/9789240682313\\_eng.pdf;jsessionid=387654A94B70482862639812278DD486?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/43814/9789240682313_eng.pdf;jsessionid=387654A94B70482862639812278DD486?sequence=1).



## Additional Resources and Best Practices

STF CODE	ADDITIONAL RESOURCES AND BEST PRACTICES
<b>Child Labor</b>	More guidance and best practices on how to engage in remediation of child labor can be found at <a href="http://impactlimited.com/wp-content/uploads/2017/01/Impactt_CLOPIndustrialcontexts_REVISION_26112008.pdf">http://impactlimited.com/wp-content/uploads/2017/01/Impactt_CLOPIndustrialcontexts_REVISION_26112008.pdf</a>
<b>Force Labor</b>	<a href="https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang--en/index.htm">https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang--en/index.htm</a>
<b>Workplace Equality</b>	Further resources: <a href="https://betterwork.org/portfolio/global-gender-strategy/">https://betterwork.org/portfolio/global-gender-strategy/</a>
<b>Health and Safety</b>	World Health Organization's (WHO) <i>International Medical Guide for Ships</i> <a href="https://apps.who.int/iris/bitstream/handle/10665/43814/9789240682313_eng.pdf;jsessionid=387654A94B70482862639812278DD486?sequence=1">https://apps.who.int/iris/bitstream/handle/10665/43814/9789240682313_eng.pdf;jsessionid=387654A94B70482862639812278DD486?sequence=1</a>  <a href="https://www.parliament.nz/resource/en-NZ/51DBHOH_PAP68720_1/a3bce13917a069ca8b800deb29b36b4de3a4f071">https://www.parliament.nz/resource/en-NZ/51DBHOH_PAP68720_1/a3bce13917a069ca8b800deb29b36b4de3a4f071</a>  <a href="https://osha.europa.eu/en/tools-and-publications/publications/e-facts/efact55">https://osha.europa.eu/en/tools-and-publications/publications/e-facts/efact55</a>
<b>General Provisions for Fishers</b>	C188 - Work in Fishing Convention, 2007 (No. 188) <a href="https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188">https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188</a>