



Consultation Topic: On-shore Labour Practices

Public consultation feedback: 15 August to 15 October 2018

Disclaimer:

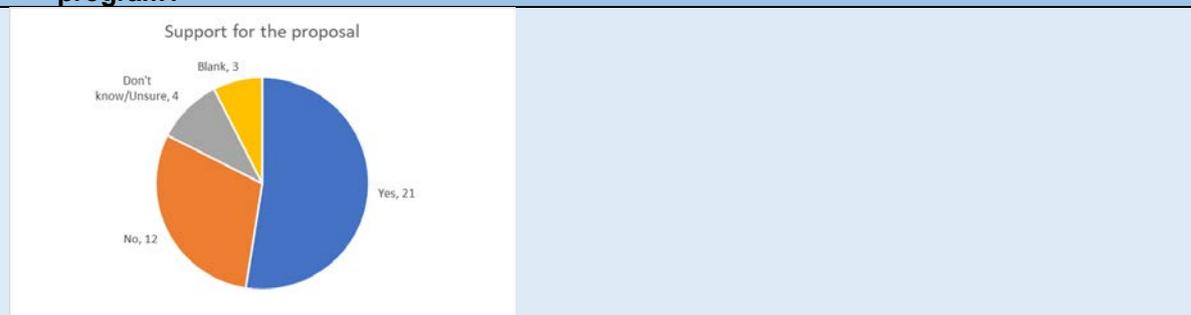
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The MSC publishes this information in order to demonstrate transparency, allow others involved in the consultation to fully understand different stakeholder perspectives and to assist in growing understanding of sustainable seafood certification.

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Consultation topic: On Shore Labour Practices

1. Do you support the proposed process for managing labour requirements in the CoC program?



If no, what part of the process do you disagree with? What would you prefer in place of the part you disagree with? How can it be improved?

Comments:

[Organisation] welcomes the MSC's endeavor to mitigate the potential for forced and child labor in certified fisheries. However, we are concerned that the proposed audit programs have weaknesses that would not ensure that forced and child labor are identified and remedied in MSC certified fisheries. These shortcomings include: - lack of transparency - ineffective audits - inexperienced auditors - lack of direct and meaningful worker engagement to ensure accurate information is collected - lack of a mechanism for workers to report grievances outside of the audit period (making it easy for certificate holders to manipulate what the auditors see) - potential conflicts of interest between the audit programs and certificate holders due to the financial relationship - potential increase in operational costs for the certificate holders, which could in turn affect worker wages - lack of support given to victims for protection and rehabilitation Please refer to the comments of labor rights organizations such as ILRF for suggested improvements. In addition, the MSC should provide more information on the cost and burden of these requirements, particularly for small-scale fisheries and those in developing countries. Has pilot testing occurred with the proposed audit programs? Overall it is unclear whether the proposed approach will adequately address the concerns raised regarding forced and child labor.

Social audits, including by the 3rd party labour programmes proposed, have proven to be ineffective in other sectors. If the intention of the standard is to eliminate forced and child labour it would be more effective to support a worker-centered and worker-driven approach to labour rights monitoring that offer genuine protection for workers in seafood supply chains. Such an approach requires certificate holders to create an enabling environment for workers, including migrant workers, to organise and be active in their own unions without interference from the company. Furthermore this approach to dealing with rights-based issues places considerable financial burden to small-scale producers in an already expensive process. A more inclusive rather than audit-based approach would be both more effective and financially viable.

[Organisation] inputs to MSC Stakeholder Consultation on On-Shore Labour Practices Although [organisation] is happy to see that MSC is making efforts to include labour rights in its standards, the overall impression of the currently proposed inclusion of labour rights in the CoC is that it is too little and incomplete. We are happy that finally MSC takes some steps following the broad recognition that human rights violations are happening widely in the seafood industry. Not addressing these in the MSC standards severely undermined the 'social stewardship' of MSC. We acknowledge that the most extreme cases of human rights violations are indeed related to forced and child labour. However, there are various issues related to working conditions and other human rights that go beyond these two issues. The main point that we want to raise is therefore: the current scope of the proposed changes in off and on shore MSC standards and CoC is too narrow. We would like to urge MSC to:

- * Start including a broader perspective on inclusion of social stewardship criteria in its overall set of standards, audits and CoC. Please be referred to the Certification and Ratings Collaboration Initiative (of which MSC is a member!) which in our opinion has made a good effort in creating an overview of social issues in the seafood industry, including best practices. This overview is much broader in scope and shows that there are various social issues that need to be considered to make a claim of 'responsible' seafood or 'marine stewardship'. Please also note that we are understanding that the Aquaculture Stewardship Council (ASC) is taking this broader framework fully into account while working on their planned revision of the ASC standards.
- * With regard to labour and working conditions issues (please note that these are just one part of the broader scala of social issues as indicated above) there is world-wide recognition that labour and working conditions issues are much broader than just forced and child labour. We refer to various standards: ILO conventions, SAI8000, BSCI, Consumer Goods Forum SSCI etc. MSC should acknowledge this and therefore include criteria on Freedom of Association, No discrimination, harrassment or abuse, wages and employment, health and safety, etc. Please also refer to [organisations] publication on worker's rights in the seafood sector.

Additionally, we have a number of specific concerns:

1. Why does the social audit only have to be completed within 12 months after the initial certification? Just like the environmental criteria, the social criteria should be preconditions for obtaining MSC certification.
2. The minimum requirements for recognition by MSC of a third-party labour audit & suspension process (Table 6) are too weak. Auditor competencies should be more clearly defined. Social auditing is not easy, as there are a lot of challenges involved. Adequate stakeholder selection and interviewing is necessary. Adequate grievance mechanisms should be in place, so that workers can anonymously report abuses.
3. Social audit reports should also be made publicly available.
4. We strongly object the development of a customized MSC-SEDEX audit. The sole purpose of this audit is too lower the bar on social issues. MSC itself already recognizes that this initiative would do little to lower the costs for smaller units in the global South, thereby indicating that there is no proper rationale for developing this audit methodology.

Concern related to confirming subcontractor risk level. Will transportation subcontractors be evaluated? The new scope classification of "manual offloading" is not adequately defined.

the extra on-site audit is much extra effort

The Duration of 12 months in which a company without a valid audit has to be audited, is too long. The company should provide proof of a valid social audit within 6 months after the MSC CoC audit.

MSC's proposed process would likely result in failure to effectively identify certificate holders and their subcontractors who use forced labor or child labor in their operations. Social audits, including by the 3rd party labor programs proposed, have proven to be ineffective in other sectors such as apparel, palm oil, and cocoa. The programs proposed (SA8000, Amfori, and SEDEX) have fundamental shortcomings that would leave victims of forced labor and child labor at MSC-certified sites without remedy, and would allow certificate holders to continue to profit from forced labor and child labor while misleading consumers about how their seafood was produced. Among the weaknesses of these programs are:

- 1) Lack of transparency: the audit reports are not shared with workers or with the public and thus not subject to the scrutiny needed to ensure certificate holders are accountable to the workers and society at large. It is unclear whether and how MSC would deal with gaps in the audit, errors, and other material risks to the accuracy of the reports. Table 6 in the MSC consultation document states that SEDEX SMETA audit outcomes are not publicly available and even MSC access would be dependent on approval from the certified site. Without public access, such audit reports cannot be considered credible.
- 2) Audits are ineffective: the audits proposed are often not unannounced and too short/simple to identify violations, especially for crimes as

complex as forced labor. They are also often conducted by auditors who do not have sufficient expertise in labor rights and industrial relations, nor in the specific labor relations issues in the country/region they are auditing. Table 1 on P. 9 of the August 2018 version of the MSC Chain of Custody Certification Requirements lists the qualifications and competencies required of CoC auditors. None of these criteria would result in the hiring of auditors with sufficient expertise to identify and effectively address (from the perspective of the workers) forced labor and child labor at MSC-certified sites.

3) Lack of worker involvement: the proposed audits would lack meaningful worker engagement. Worker interviews are rarely conducted off-site and without sufficient guarantees of non-retaliation for reporting forced labor or child labor. Therefore it is unlikely the audits will reveal a real picture of the situation at the work site.

4) Lack of complaints mechanisms: the proposed process is completely driven by MSC and the 3rd party labor programs. There is no mechanism for workers to report grievances such as forced labor and child labor outside of the audit period. Under the proposed scheme, it will not be difficult for certificate holders to manipulate the work environment so they are able to pass the social audit.

5) Conflict of interest: the proposed audit programs are business-driven and paid for by the certificate holders. It is in these programs' interest to produce reports and recommendations that generate repeat business and therefore unlikely they will take steps that would strain or sever the business relationship.

6) Lack of brand support: the proposed requirements would increase the cost of business for the certificate holders unless the brands and retailers buying their seafood are willing to help offset the costs through changes to their pricing and purchasing practices. Such an increase in operational costs could lead some certificate holders to cut costs elsewhere, such as wages for workers, which increases the risk of forced labor at the work sites. Without brand support, both financially and non-financially, their suppliers will seek ways to skirt the requirements of MSC.

7) Lack of appropriate support services for victims: The 3rd party labor programs and MSC are ill-suited to assist victims of forced and child labor and not the appropriate groups to ensure the correct steps are taken to protect and rehabilitate the victims. The 3rd party programs and MSC should be required to automatically refer victims of forced labor and child labor discovered during the audit process to a pre-approved list of local NGOs/unions capable of providing the support services needed to protect and rehabilitate the victims. This list should be determined in consultation with international NGOs and trade unions. There should not be any automatic referrals to the local authorities. In many countries where these problems exist, the authorities may make the situation worse. And ultimately it is the victims who should be empowered to make decisions on pressing charges against the perpetrators. There are sometime very good reasons why they would not want to do so. For child labor, the remediation program should be country-specific and sensitive to the local context. It must include: 1) Removal of children from the work place (as appropriate to the situation); 2) Counselling and care; 3) Advocacy of child rights; 4) Education; 5) Rehabilitation into community/family; 6) Ongoing support; 7) Follow up and tracking; and 8) Prevention through awareness raising and community-based interventions. These steps require the involvement of trusted NGOs/unions. While it is important for MSC to address the weaknesses outlined above, a more effective way to eliminate forced and child labor would be to support a worker-centered and worker-driven approach to labor rights monitoring that offer genuine protection for workers in seafood supply chains. Such an approach requires certificate holders to create an enabling environment for workers, including migrant workers, to organize and be active in their own unions without interference from the company. Labor unions with strong collective bargaining agreements fully respected by certificate holders offer real protection against forced and child labor. The union would be the trusted voice of the workers at the MSC-certified site, accurately reporting violations of MSC requirements, and risks of forced labor and child labor would be addressed before MSC certificate holders would have to be suspended due to violating their agreement.

Where present, trade union or other worker representative organisations must be included in the audit process. The auditor should speak the certificate holder and any worker representative organisations present at their site to clarify labour-related issues. where worker representatives are absent, a feedback mechanism for workers to raise issues and concerns should be incorporated into the auditing process.

Current MSC and ASC CoC auditors do not automatically have SA8000 or similar qualifications, so the proposal puts unreasonable time and financial burdens on existing CABs to meet the additional competencies. The cost for existing clients will increase significantly, particularly if both a technical and social auditor visit the client. MSC will likely push the new program by offering multi-competent auditors to reduce the cost to CoC companies, however for a CAB to maintain such competencies is

time-consuming and expensive. This is because there is a shadow/ witness and training program to be managed by the CAB and much of this will be overseas. ASI will want to measure competency in the field; this will also add to accreditation costs. Key for social auditing is that auditors speak the local language and are knowledgeable of local employment law etc. Most of our auditors are UK citizens but audit worldwide and would not be able to interview staff in their own language. Also, their knowledge of individual country legislation could be challenged. In other words, training may be given, but auditing on the ground is likely to be difficult. We already operate the ASC farm certification program where a Lead and Social auditor are used, and this should be the preferred model for MSC CoC. If a CAB has an auditor that is multicompetent, then they make a case for using them to ASI, but the default should be two auditors. Effectively this means that CABs can source SA8000 auditors globally, selecting only those that are local speakers and have appropriate knowledge of local law. It also means that the additional cost of an interpreter for the social auditor is avoided. The source of these auditors may be individuals or companies who themselves are competent and approved by ASI to audit the MSC social auditor requirements, or may be approved via something akin to the MSC Peer Reviewer School arrangement?

First part: Disagree with 12 months. Should be according to the validity of the accepted standards (e.g. 24 months for BSCI, when A- or B-Rating). Additional question: How should the MSC get the results of the external social/labour audits?

I think MSC is losing focus a bit on their purpose which is Sustainable fishing. No doubt labour issues are relevant, but it is better to keep things separate. Giving preference to SEDEX is a further mistake. There are so many different approaches to ensuring an ethical and sustainable production and many use fx. BSCI or similar. Making an MSC labour standard or handing it to SEDEX is not the way to go. Please consider just identifying key areas and then leaving it open how to address these.

All stages. MSC needs to focus on rebuilding trust in the process of certifying sustainable fisheries. If this process goes forward it will be a colossal mistake that will further diminish the credibility of the organization.

Risk-based approach, threshold and timeframe for suspension. For designate countries, the risk level is certain, MSC should provide a recommendation (high risk or not) of the countries which have large market such as China, in addition, the proposed indicator should be simpler to avoid discrepancy of results in the same country; the labour requirements are only related forced labour and child labour, so it is not appropriate to suspend the certificate just due to the suspension of third-party labour audit, and for some labour audit, there is no suspension, only need corrective actions to the NCs. It is not fair to those who did strict labour audit such as SA8000.

Currently there are a lot of programs asking labour/human rights, the content and requirement is basically the same, just different from name, I don't suggest add the content into MSC requirement.

Regarding the content MSC wishing to add, our company have the following suggestion:

Our company would conduct many kinds of social audit every year, and our company comply with national labour law, we don't have child labour and forced labour issue.

While MSC is mainly CoC standard, if add social content that would make the standard more complicated, and bring more inconvenient for the companies, the audit would be difficult to implement.

In principle our company disagree to add the social requirements.

I have looked through the questionnaire.

I don't familiar with a lot of the indicators and policies mentioned there. It is too complicated and not clear.

Personally I feel the standard is too complicated, for most of the Chinese companies, it is not really associated with real meaning of forced labour and child labour issue. If asking us to pass the SEDEX or other third party social audit, it is not only add company cost, but also because of a lot of regulation

and indicator is not suitable for Chinese scenario. But if take the risk based scoring principle, surely China will be categorized as high risk.... In summary it is not fair!

If MSC really have to prove social responsibility, I suggest set min bar for each different country! After all, whether MSC product is substituted /mislabelled does not in relation with any case of illegal worker! If you want to present responsible for society, the developing countries is working hard to create more job opportunities, get workers employed, and also there is no evidence of forced labour, it is the representation for companies have social accountability and responsibility.

Our question would be whether the third-party auditing schemes are:

- a) Affordable – how do social auditing costs compare with CoC auditing costs? This could be particularly important as most higher-risk countries are likely to be in global south
- b) Practical – how many companies are likely to require auditing within the first 12 months after implementation. Given locations, are there sufficient auditing resources available (or expected to be available) to complete all necessary audits?
- c) Three separate schemes are proposed. Are these equally costly, demanding and accessible? Is there likely to be higher demand for one scheme in particular? How would an emphasis on e.g. one scheme affect the first two points? Would there be equal availability to applicants audited at different times?
- d) There is a proposal for MSC to work with SEDEX to develop a customised SEDEX audit on forced/child labour. Given that the CoC CR are to be released in Feb 2019, will these be developed and tested in time?
- e) Determining the indicators, scoring and weighting for the 'Country Risk Score' will be fundamental in delivering on the points above. Will these be scenario-tested to determine effects on the points above?

General comment:

1. An organisation may have an audit e.g. on its own behalf, on the behalf of a customer. In the latter case, the organisation itself may not have possession of the audit results or certificates. How would this be recognised.
2. It is understood that MSC may arrange access to scheme databases which list audited organisations. Would such access be provided to CABs?

this erodes the value of a FISHERIES "SUSTAINABILITY" scheme. it has yet to accomplish all it promised, and already more requirements are being attached to a certification.

2. Auditability of the new labour requirements (for CoC CABs only): Do you have any feedback on how to improve the process to confirm a certificate holder's compliance with the labour requirements?

Comments:

CABs do not have the appropriate expertise to confirm compliance with labor requirements. Workers themselves should be involved in the determination of a certificate holder's compliance.

-Handling of audits with low rating: We support the introduction of immediate measures to remedy the issues (e.g. development of improvement plans) -Confirmation of planned audit; if no valid audit is in place. 12 months' time without a follow-up is too long -Subcontractor -> Definition unclear

In step 1. above recommend having either scheme or auditor verify the risk rating - often Certificate holders may not be aware of their risk rating. Another option may be to ask if the certificate holders are a member of Sedex / BSCI / ICTI etc. to verify their risk rating - if this risk is a Social / environmental risk. Otherwise the process looks very good.

Audit should require certificate holders to maintain list of subcontractors along with the risk factors that must be considered for this section. Certificate holders must be responsible for the compliance of their subcontractors. Auditor could verify a sample of subcontractor risk classification for accuracy.

auditor should check this

Please list high risk country as a reference.

CABs are not well suited to verify a certificate holder’s compliance with MSC labor requirements. Workers through their unions or other representative organizations should be the ones to verify whether a certificate holder is compliant.

again, speaking to workers representatives is an absolute must. Confirmation of compliance must be a bottom up as well as top down exercise.

N/A

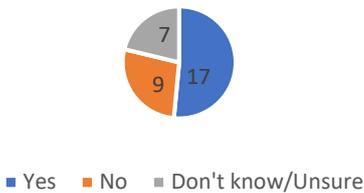
Yes. Do not conduct said audits. Do not move forward with this initiative.

Regarding how to improve the process to confirm a certificate holder's compliance with the labour requirements, I suggest set up a separate checklist, and MSC or other qualified people train the users and use them directly.

It is better to use a customized MSC specific requirements for labour audit and CoC auditors can be qualified through an MSC internal training because most CoC auditors are not social auditors, it will increase the cost both for CB and the client. The client can conduct an internal audit to cover the labour requirement and during CoC audit, the qualified CoC auditor can verify the process and relevant procedure to assess the compliance. The internal auditor within the client's company can be qualified through a third-party training.

3. Do you support the indicators selected to be part of the Scoring Tree?

Support for the risk assessment indicators



If no, what indicators do you disagree with and why? Please explain

Comments:

Whilst we agree with the indicators selected (and use the top 3 as part of our own due diligence), we feel that the indicators (Q2) along with the methodology / their weighting (Q15) should be determined by a qualified expert, rather than a polling of stakeholders. We note that there are studies that suggest state ratification of ILO conventions might actually increase worker repression (see Peksen, D. & Blanton (2017) ‘The Impact of ILO Conventions on Worker Rights: Are Empty Promises Worse Than No Promises?’ The Review of International Organizations, Volume 12, Issue 1, pp 75–94.). This type of information should be considered by a subject matter expert.

-The more indicators and weighting factors, the more non-transparent it gets (amfori BSCI risk countries are based on the World Bank WGIs that include six dimensions) -transition period for newly added risk countries needs to be defined -We support lists that are valid for several years (for us it is not suitable with regard to transition periods for suppliers)

would add in UN sanctioned countries / nationalities on site e.g. north korea

Not currently familiar with labor risk indicators.

Independent, non-governmental information should be used as well in order to provide a politically independent assessment of the situation in the country.

The BSCI list is sufficient to evaluate the risk. The BSCI list is based on different Independent sources, including some of the suggested indicators. To reduce complexity, only the BSCI list should be used.

International Labour Organization (ILO) - Country Profile - ILOSTAT United Nations Development Programme (UNDP) - Human Development Index (HDI) - Human Development Report World Bank - World Development Indicators (WDI) - Worldwide Governance Indicators (WGI) - World Bank Open Data U.S. State Department - Human Trafficking in Persons (TIP) Report Waste Atlas Transparency International - Corruption Perception Index (CPI)

in addition it should include the ITUC Global Rights Index countries ranked 5 or 5+

ILO conventions are included in BSCI. We work with the classification of BSCI for many years and this is adequate. There is no Need for an additional Country risk classification list.

Agree with high risk activity, but to use country score to represent company's activity need re-consideration. The risk can be categorized by company risk, but risk all companies in one country the same score, may not be appropriate.

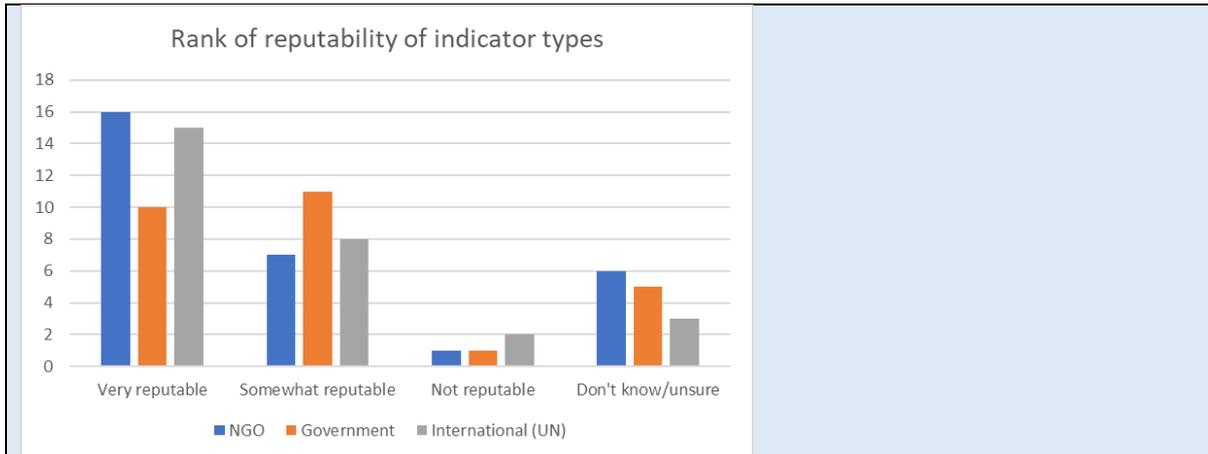
I don't support to use US labour category as reference indicator, it would be very hard to persuade the party being audited. And also risk based on country is also a discrimination to some level.

It's too complicate to refer so many indicators, If they are all acceptable, MSC should give an recommendation of the risk level to designate countries that have large market such as China. the others can use a more simple scoring tree to confirm the risk level. no matter what level is, the CoC auditor has the responsibility to audit the labour requirement to avoid severe issues.

4. Please rank the indicators in terms of their importance to identifying risk of forced and child labour in seafood supply chains. 1-9 (1 being the most important, 9 being the least important)

Indicator	1	2	3	4	5	6	7	8	9	10	NA
US DoL List of Goods	4	2	4	0	5	1	1	0	3	0	10
amfori BSCI Country Risk Classification	5	4	3	1	1	1	1	4	2	1	7
Global Slavery Index	2	3	4	2	0	2	4	2	1	1	10
Palermo Protocol	1	2	1	2	2	2	2	2	5	1	10
C188	2	1	2	8	3	2	2	1	0	0	11
EU IUU carding	1	0	1	0	0	2	2	2	3	2	8
ILO c29	6	1	3	5	2	1	2	0	1	0	10
ILO c98	0	4	4	2	4	1	2	3	0	2	9
PSMA	0	2	1	2	1	5	2	5	2	1	9
TiP	1	1	0	2	4	4	3	1	1	1	10

5. How would you rank the following as indicators of forced and child labour:



6. Please rank your preference for each attribute, based on its strength in identifying risk of forced and child labour in seafood supply chains.

Preference for attribute	Strongly agree	Somewhat agree	Neutral	Somewhat disagree	Strongly disagree	Don't know/Unsure	Blank
Commodity type: All consumer goods	3	8	2	0	8	5	14
Commodity type: Government policy	5	7	3	0	1	9	15
Commodity type: Seafood	16	4	0	0	2	4	14
Methodology: Detailed research	13	4	1	1	3	5	13
Methodology: Ratification	9	5	1	3	2	7	13
Owner: Government	5	7	7	2	2	4	13
Owner: International	15	6	0	1	1	4	13
Owner: NGO	7	12	1	1	2	4	13
Scope: Forced labour	17	2	1	0	2	4	14
Scope: Government policy	10	4	6	1	1	4	14
Scope: Human Trafficking	15	3	2	0	2	4	14
Scope: IUU fishing	10	7	1	2	2	4	14
Scope: Other labour issues	8	7	3	0	2	5	15
Transparency: Is not transparent	3	3	3	1	10	5	15
Transparency: Is transparent	13	4	1	1	3	4	14

Comments:

Additional considerations: effective implementation of ratified conventions and government policies must be considered.

We think for MSC it is most important to have tool which assess risk specifically for the fishing industry - so that risk isn't being diluted by other industry risk indicators.

- 1) amfori BSCI should not be included under the NGO category. They belong under a separate 'industry' category. NGOs should be defined as non-governmental civil society organizations, not business or government organizations. If amfori BSCI is not separated from the Walk Free Foundation, then our preference for the NGO owner attribute would be closer to other end of the spectrum.
- 2) Please add: Methodology – How does the organization determine the score/ranking:

Effective implementation of the ratified convention. Many countries ratify conventions but do not effectively implement them in line with the requirements of the convention and/or international organization responsible for the convention. Without effective implementation, ratification is just signing a piece of paper – it makes no difference in the lives of the people it is intended to benefit. 3)

Please note that we strongly agree with “Methodology – How does the organization determine the score/ranking: Detailed research” only if detailed research as written implies, among other things, qualitative in-person interviews with witnesses, especially victims and their families, and under protective conditions with adequate safeguards to protect those willing to testify from retaliation. Applicable ethics requirements in social science research should be observed. 4)

We suggest adding freedom of expression to “Scope: Forced and/or child labor; human trafficking; other labor issues; governance and/or corruption; IUU”. e suggest adding labor migration policy and labor recruitment regulation to “Scope: Forced and/or child labor; human trafficking; other labor issues; governance and/or corruption; IUU”. 6) We suggest adding other human rights issues to “Scope: Forced and/or child labor; human trafficking; other labor issues; governance and/or corruption; IUU”. All human rights are universal, indivisible, interrelated, interdependent, and mutually reinforcing. As such, human rights such as the right to food, access to resources, equality and equitable opportunity to benefit – all rights that may be infringed in coastal communities when forced labor is present in industrial fisheries – should receive due consideration when assessing risks of forced and child labor at the country level. 7)

We suggest adding “Scope: Government actions” under “Scope: Government policy”. We strongly agree that government actions, not just government policy, are a strong indication of risk of forced and child labor in seafood supply chains.

7. In your opinion and in order of importance, what are the top five most important attributes for indicators in the Labour Risk Scoring Tree. 1 being the most important attribute. Please refer to the above list (Q12)

Comments:

1. Methodology - How does the organisation determine the score/ranking: Ratification
2. Transparency: Process of ranking/scoring is transparent
3. Scope: Forced and/or child labour; human trafficking; other labour issues; governance and/or corruption; IUU
4. Commodity type: All consumer goods
5. Owner of the indicator: NGO

1. Scope: Forced and/or child labor; human trafficking; other labour issues; etc
2. Owner of the indicator: International
3. Owner of the indicator: NGO
4. Methodology - How does the organization determine the score/ranking: Effective implementation of the ratified convention
5. Scope: Government actions

1. Owner of the indicator: NGO
2. Transparency: Process of ranking/scoring is not transparent
3. Scope: IUU fishing
4. Scope: Human trafficking
5. Scope: Forced and/or child labour; human trafficking; other labour issues; governance and/or corruption; IUU

1. Owner of the indicator: International
2. Owner of the indicator: NGO
3. Transparency: Process of ranking/scoring is transparent

1. We feel that this should be determined by qualified experts

1. Owner of the indicator: NGO
2. Government policy
3. Owner of the indicator: International
4. Owner of the indicator: National

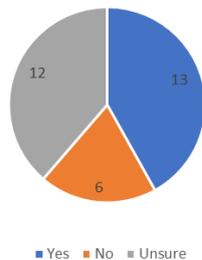
1. Industry specific
2. scope e.g. cover forced labour only or Env or Governance country risks

- | |
|---|
| <ul style="list-style-type: none"> 3. political stability and infrastructure factors 4. aggregated historic data from other social platforms |
| <ul style="list-style-type: none"> 1. Forced and/or child labour 2. Transparency 3. IUU Fishing 4. Ownership of national government 5. Methodologie Ratification |
| <ul style="list-style-type: none"> 1. International owner 2. Thorough research behind methodology or rating 3. Scope: Forced labour 4. Scope: Child labour 5. Scope: Human trafficking |
| <ul style="list-style-type: none"> 1. scope: forced and child labour, governance, corruption 2. IUU fishing 3. Government policy 4. Owner of indicator NGO 5. process of anking is transparent |
| <ul style="list-style-type: none"> 1. Scope: Forced and/or child labour; human trafficking; other labour issues; governance and/or corruption; IUU 2. Methodology - How does the organisation determine the score/ranking: Detailed research 3. Transparency: Process of ranking/scoring is transparent 4. Commodity type: Seafood |
| <ul style="list-style-type: none"> 1. Scope - Forced and / or child labor 2. Scope: human trafficking 3. Scope: other labour questions 4. Transparency 5. Methodology: Ratification |
| <ul style="list-style-type: none"> • 1. Methodology - How does the organisation determine the score/ranking: Detailed research 2. Owner of the indicator: NGO 3. Scope: Forced and/or child labour; human trafficking; other labour issues; governance and/or corruption; IUU 4. Owner of the indicator: International 5. Transparency: Process of ranking/scoring is transparent |
| <ul style="list-style-type: none"> 1. Scope: Forced and/or child labor; human trafficking; other labor issues (especially freedom of association, collective bargaining, non-discrimination, as well as labor issues specific to work in the fishing and seafood processing sectors, and labor issues related to the ILO indicators of forced labor); freedom of expression; governance and/or corruption; labor migration policy and labor recruitment regulation; IUU. 2. Owner of the indicator: International 3. Owner of the indicator: NGO 4. Methodology – How does the organization determine the score/ranking: Effective implementation of the ratified convention. 5. “Scope: Government actions” |
| <ul style="list-style-type: none"> 1. Scope 2. Methodology 3. Transparency 4. Ownership 5. Commodity type |
| <ul style="list-style-type: none"> 1. Scope 2. Transparency 3. Methodology |

- 4. Owner
 - 5. Commodity
1. Owner of the indicator: International
 2. Methodology - How does the organisation determine the score/ranking: Detailed research
 3. Scope: Forced and/or child labour; human trafficking; other labour issues; governance and/or corruption; IUU
 4. Transparency: Process of ranking/scoring is transparent
 5. Commodity type: All consumer goods
1. Owner of the indicator: National
 2. Methodology - How does the organisation determine the score/ranking: Ratification
 3. Commodity type: Seafood
 4. Transparency: Process of ranking/scoring is transparent
 5. Scope: Forced and/or child labour; human trafficking; other labour issues; governance and/or corruption; IUU
1. Employee Feedback and interview
 2. Informaiton and data supplied from local community
 3. Previous record about law violation.
 4. On site record.
 5. Local condition
1. Transparency
 2. Transparency
 3. Transparency
 4. Scope
 5. Commodity type

8. Do you think any of the indicators should be weighted more heavily than others?

Do you think any of the indicators should be weighted more heavily than others?



If yes, which indicator(s) should be weighted more heavily?

US Department of Labor List of Goods Produced by Child Labour or Forced Labour	6
amfori BSCI's Country Risk Classification list	3
Global Slavery Index compiled by Walk Free Foundation	4
Palermo Protocol	3
ILO Forced Labour Convention 29	7
ILO Right to Organise Convention 98	5
FAO Port State Measures Agreement	2
Trafficking in Persons (TiP) report	2
Work in Fishing Convention 188	6
EU carding system for IUU fishing	2

Are there any other indicators you feel strongly should be included? Please list and explain their relevance
Comments:
<p>Please refer to suggestions of labor rights organizations such as ILRF</p> <p>The tool should reflect not only known incidents of child labour / forced labour risks but also the prevalence of risk factors that might indicate or lead to issues and exploitation, such as vulnerable workers, low wages, migration flows, lack of legal framework or enforcement etc. This aligns with the UN guiding principles on business and human rights.</p> <p>To complement the existing selection of indicators, [organisation] recommends the following, specifically to complement the pool by the core ILO Conventions which have been partially already selected. The selection follows the logic of the interconnectedness of human rights violations:</p> <ul style="list-style-type: none"> o World Bank: Worldwide Governance Indicators (WGI) - Voice and Accountability, Political Stability and Absence of Violence/Terrorism, Government Effectiveness, Regulatory Quality, Rule of Law, Control of Corruption o UNPD Human Development Report (e.g. child labour) o Fundamental ILO Conventions -Abolition of Forced Labour Convention, 1957 (No. 105) - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) -Equal Remuneration Convention, 1951 (No. 100) -Discrimination, Employment and Occupation Convention, 1958 (No. 111) -Minimum Age Convention, 1973 (No. 138) -Worst Forms of Child Labour Convention, 1999 (No. 182) <p>No</p> <p>Ratification and effective implementation of the following conventions: ILO Convention 87 (Freedom of Association and Protection of the Right to Organize). This convention is absolutely necessary for effective protection of migrant workers from exploitation, including forced and child labor, in the seafood industry. We are surprised it was not included in your original list. In some seafood exporting countries such as Thailand, migrant workers make up over 90% of the workforce in the seafood industry, yet they are denied the right to form and be active in their own unions. Without this right, migrant workers will be unable to protect themselves and obtain better conditions in a high-risk, dangerous industry. This Convention cannot be separated from C29, C98, C188, and Protocol to C29 in all of the above questions and answers where those conventions are referenced. ILO Protocol of 2014 to the Forced Labor Convention 29 ILO Convention 105 (Abolition of Forced Labor) ILO Convention 138 (Minimum age). ILO Convention 182 (Worst Forms of Child Labor) ILO Convention 100 (Equal remuneration). This is one of the eight fundamental conventions covered by the ILO's Declaration on Fundamental Principles and Rights at Work. ILO Convention 111 (discrimination in employment and occupation). This is one of the eight fundamental conventions covered by the ILO's Declaration on Fundamental Principles and Rights at Work. ILO Protocol of 2014 to Forced Labor Convention 29 ILO Convention 97 (Migration for Employment). This convention specifically provides protections for migrant workers, many whom work in fishing and seafood processing. ILO Convention 143 (Migrant Workers). This convention specifically provides protections for migrant workers, many whom work in fishing and seafood processing. ILO Convention 181 (Private Employment Agencies). This convention provides workers protection from exploitative recruitment practices, many which are common in the seafood industry. UN Slavery Convention (1926) UN Supplemental Slavery Convention (1956) UN International Covenant on Civil and Political Rights (ICCPR). This convention provides protections against forced and child labor. Optional Protocol to ICCPR. This convention allows victims to file complaints against states responsible for violating their human rights under the ICCPR. UN International Covenant on Economic, Social, and Cultural Rights (ICESCR). This convention provides protections against forced and child labor. Optional Protocol to ICESCR. This convention allows victims to file complaints against states responsible for violating their human rights under the ICESCR. UN Convention on Rights of the Child UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families UN Convention on the Law of the Sea. This convention provides protections against forced and child labor. NGO reports: Transparency International Corruption Perceptions Index. This is a reputable civil society report on corruption. Freedom House Freedom in the World and Freedom in the Press reports. These are reputable civil society reports on civil and political rights, including freedom of expression and association, which are vital to prevent forced and child labor in the seafood industry. Civil society complaints to the UN, ILO, OECD NCPs: Complaints to the UN Special Procedures mandate holders on human rights</p>

defenders, freedom of expression, freedom of association, contemporary forms of slavery, and business & human rights
 Complaints filed by trade unions against governments under the ILO supervisory system
 Complaints to the OECD National Contact Points for Responsible Business Conduct alleging violations of the OECD Guidelines for Multinational Enterprises.
 UN reports: UN Human Rights Council report (Universal Periodic Review – both UN and stakeholder reports)
 Reports of the various treaty bodies associated with the UN treaties listed above
 Reports by the Special Procedures mandate holders on communications received from civil society alleging violations of relevant standards and laws
 National reports: US Human Rights report
 National laws and policies: Whether a country has a National Action Plan to implement the UN Guiding Principles on Business and Human Rights
 Whether a country has developed and implemented policies and laws consistent with the FAO Code of Conduct for Responsible Fisheries
 Whether a country observes the UN Declaration on Human Rights Education and Training in its national laws and policies
 Whether a country has criminal defamation laws or other laws that effectively chill freedom of expression and limit the work of human rights defenders in contravention of the UN Declaration on Human Rights Defenders
 Whether a country applies its labor law to cover all workers in the seafood industry, including migrant workers on distant water fishing vessels. Taiwan and South Korea are two examples of countries that exclude migrant workers in their distant water fleet from protections under the national labor law. There have been numerous reports documenting serious human rights abuses in the distant water fleet of these countries.
 Whether a country's companies use flags of convenience identified by the International Transport Workers Federation's (ITF) fair practices committee. The use of flags of convenience significantly increases the risk of forced and child labor on these vessels.
 Whether a country is listed as a flag of convenience by the ITF fair practices committee
 National sanctions: Withdrawal of trade benefits, e.g. GSP in the USA
 Exclusion of seafood goods from an exporting country, e.g. enforcement of the US Trade Facilitation and Trade Enforcement Act
 UN or ILO sanctions: UN Security Council or General Assembly sanctions
 ILO sanctions
 Other: Interpol Purple Notice
 RFMO IUU vessel lists/blacklists
 "B" or "C" ranking from the Global Alliance of National Human Rights Institutions (GANHRI).

ITUC countries at risk
 ITUC global rights index

No

Do not use any.

National Labour Law such as Labor law of the People's Republic of China

9. Do you support the prioritised scope activities?

Processing (primary/secondary/preservation/contract processing/use of a contract processor)

Yes: 27	No: 2	Unsure: 1
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Packing or repacking

Yes: 27	No: 2	Unsure: 2
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Manual offloading from a fishery or farm

Yes: 24	No: 2	Unsure: 5
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10. The proposal would require CFO Operations sites that do processing to complete a labour audit (value-added processing only, not fish counters). Do you agree with this approach?

Yes: 18	No: 6	Unsure: 9
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11. Is there anything else MSC should consider and/or reference to strengthen the risk-based approach?

Comments:

We are unsure of the determinations for high and low risk. As forced and child labor are often invisible given the nature of fishing operations, there may be high risk even in "low risk" countries. National compliance with ILO Conventions 87 and 98 as well as unionization rates can more reliably indicate whether a country is high or low risk.

To make sure the most relevant countries are being targeted, MSC should consider using qualified experts to determine the risk assessment methodology, indicators and weightings. - Risk factors that might indicate or lead to issues and exploitation, such as vulnerable workers, low wages, migration flows, lack of legal framework or enforcement etc. should be included - Sedex will be building a new risk assessment tool for launch in Q4 2019. There could be an opportunity to build the MSC requirements into the Sedex tool as part of a wider partnership including the audit.

I would like to know how to pay attention to differences in labor regulations and regulations in each country.

The scope of activities should not be limited. The target of the scope should cover all activities.

The proposal (questions 18.) needs to be defined in more detail

Tier of supply chains

Please consider CFO operations audit please together with existing SEDEX organisation, to avoid double work and double time and avoid extra costs

Breaches of ETI base code.

please keep it simple....

In addition to the update of the data-set itself that determines high-risk countries which is updated on a yearly basis, how frequently are the countries itself are re-evaluated of their risk? If country X has been categorized as low/medium risk in 2018 and therefore does not need to undergo a social labour audit, in case it will become high risk in 2019 due to the updated data, when and how will the change be introduced?

No

All fisheries and onshore seafood facilities should be considered high risk due to the nature of the work and the invisibility/vulnerability of the workforce. The most reliable indicator of whether a country is high or low risk is whether the government complies with the requirements of ILO Conventions 87 and 98, and the unionization rate in these countries across all industries and in the seafood sector. Compliance with ILO Conventions 87 and 98 is reflected in a high rate of independent and democratic trade unions across all sectors, including fisheries and seafood processing. There should be increased risk under the US TIP report indicator for countries on Tier 2, Tier 2 WL, and Tier 3. Sometimes countries are prematurely upgraded to Tier 2 by the US for political reasons when the facts show the country should remain on Tier 2 WL. As noted under Question 12, other human rights issues should be included in the scope of risk assessment. All human rights are universal, indivisible, interrelated, interdependent, and mutually reinforcing. As such, human rights such as the right to food, access to resources, equality and equitable opportunity to benefit – all rights that may be infringed in coastal communities when forced labor is present in industrial fisheries – should receive due consideration when assessing risks of forced and child labor at the country level. It is worth considering the “Monterey Framework” for social responsibility which covers a wider range of human rights that are often violated in countries where forced and child labor are prevalent in the seafood industry, yet less commonly addressed by private compliance initiatives. The Monterey Framework links Sustainable Development Goal (SDG) 14 to other relevant SDGs and has been incorporated into the Seafood Certification and Ratings Collaboration’s Framework for Social Responsibility, as well as the Conservation Alliance for Seafood Solutions’ Common Vision for Sustainable Seafood.

No

NO. Do not create any new procedures.

12. Do you support the proposed 3rd party labour programs for recognition?

SA8000

Yes: 17	No: 6	Unsure: 9
Amfori BSCI		
Yes: 15	No: 7	Unsure: 10
SEDEX SMETA		
Yes: 17	No: 6	Unsure: 8
13. Do you support the minimum requirements proposed for each of the programs?		
SA8000		
Yes: 15	No: 7	Unsure: 9
Amfori BSCI		
Yes: 12	No: 9	Unsure: 10
SEDEX SMETA		
Yes: 15	No: 7	Unsure: 10
14. Do you agree with the proposed threshold for suspension for each of the programs?		
Yes: 11; No, too strict: 1; No, not strict enough: 5; No, too complicated: 2; Don't know: 8		
Other (please specify): 4		
<p>It is important that the focus should be on remediation / corrective actions. Where serious issues are identified it is important that suspension would not leave the affected parties (e.g. workers / children) in an even worse situation</p> <p>for Sedex - would include all Business critical issues</p> <p>[Organisation] would like to explore the possibility to introduce the treatment of Zero Tolerance cases that have been identified during an amfori BSCI audit as a major non-conformity with a 30 days grace period instead of immediate suspension for 3 months. This approach would allow to facilitate immediate remediation and ensure an aligned message to the entity by MSC and [organisation] that builds on the logic of continuous improvement.</p> <p>MSC should NOT be involved in this.</p> <p>the suspension of the certificate should be related to actual exist of labour issues or not addressing the major NC within the timeframe. for some incidental issues related to labour requirement, it can be flexible(a major NC can be raised first to allow the client address it within the timeframe.)</p>		
If no, what is needed to make the suspensions process more robust? For example, changes to the suspension process or minimum requirements.		
Comments:		
<p>- Audits should be done by independent labor rights experts with no financial ties to certificate holders</p> <p>- Audits should be done more frequently - A three-month suspension for non-disclosure seems like an ineffective deterrent; any finding of forced or child labor should be penalized much more harshly</p> <p>All performance areas of the 3rd party labour programs are relevant -BSCI (preferred to only accept audits with score A, B, C, D) -SEDEX SMETA -> clear definition of minimum requirement that cover all performance areas</p> <p>for Sedex - would include all Business critical issues to increase from Child labour & forced labour</p> <p>Provide guidelines, corrective actions</p> <p>To ensure the credibility of the labour requirements and the compliance with minimum requirements, it is recommended to introduce a suspension mechanism whereby potential conflict of interest is avoided or reduced to a minimum, this particularly refers to the current approach of self-suspension by the entity itself that poses a high risk of non-compliance. A potential retroactive penalty may trigger the necessary motivation needed by the entity to be compliant but does not avoid the risk of potential severe human rights violations during the time-period in which the violation has not been reported.</p> <p>Alternative suggestions: • Randomized checks performed by CAB on a sample of certificate</p>		

holders to verify that no critical issue – Zero Tolerance occurs before or after the surveillance. These can be distant checks undertaken by CAB through communication with the partnering labour schemes. • Unannounced audits on sample certificate holders to verify minimum requirements

Clarification in the suspension process: - If suspension process is due to Zero Tolerance, the suspension should only be lifted once ZT is remedied and an audit of the same scheme is completed. It should not be allowed that a suspension is lifted after undertaking an audit with another of the schemes. A good functioning information process needs to be introduced between MSC, the labour schemes and the entities that allows to reflect the current labour conditions of the entity, this particularly refers to the remediation of incidences that have been identified during and audit (e.g. Zero Tolerance issues).

For BSCI, only focusing on zero tolerance cases is not strict enough. Zero tolerance cases are very rare (out of roughly 20.000 BSCI audits in 2017, less than 100 were zero tolerance cases), especially when it comes to forced and child labour (only 15 zero tolerance cases). Instead a continuous improvement process should be installed where companies have to improve from year to year until they have at least a "C" rated Report. In addition, all labour aspects of the BSCI audits should be considered. Not only forced and child labour. For SEDEX it highly depends on the criteria which the MSC will determine.

CoC certificates should also be suspended if investigations following complaints filed by civil society organizations, or workers at the MSC-certified sites, result in determination of forced or child labor. An independent body of labor right experts, not auditors, should be asked to conduct the investigations and these experts should not receive financial compensation from MSC or its certificate holders for this work. One source of funding for this body of experts could be a set percentage of consumer purchases of MSC certified seafood products. The funds could be deposited by MSC in a dedicated trust fund established solely for the body of experts to carry out their work. If labor audits are conducted, they should be done at least twice a year, with increasing frequency depending on the results of the audits. The frequency of the audits should also depend on fluctuations in production cycles to the extent such changes can be anticipated. Forced labor has two elements and if even one element is present that should be sufficient harm to the worker to trigger an immediate suspension and increased scrutiny of the certificate holder. In Table 6, p. 12 of the consultation document, it's stated that under the SA8000, amfori BSCI, and SEDEX SMETA schemes, "if CoC holder does not inform their CAB of the issue: Suspension lasts for a minimum of three months or until the issue is remedied, whichever is longer." Such penalties for non-disclosure are insufficient to deter certificate holders from concealing issues or failing to inform MSC of possible grounds for suspension. Remedy should be timely in order to be effective and thus certificate holders must immediately remediate according to the wishes of the victims. In some instances, 3 months would be too long and result in ineffective remediation of the issue. Additionally, the enhanced penalty for non-disclosure should be 3 years (one certification cycle), heightened scrutiny and thorough examination by an independent body of labor rights experts. That would sufficiently deter certificate holders from not disclosing issues. CoC holders who do inform their CAB of the issue should still be penalized to deter repeat violations. Any discovery of forced or child labor should result in immediate suspension for a minimum of 3 years and full reinstatement should be contingent on passing an additional probation period of 3 years during which the certificate holder is subject to heightened scrutiny and thorough examination of their labor practices by an independent body of labor rights experts. Repeat offenders should be permanently barred from participation in the MSC program. In cases of physical violence or violations of physical integrity, certificate holders should be immediately and permanently barred from re-entry into the MSC program. All certificate holders who are suspended should be listed on a public website with details of their suspension (facts, rationale, term of suspension, remedy provided, circumstances of reinstatement, etc.) shared so the general public is aware of corporate offenders, the offenses committed, and the remedy provided to the victims. This transparency is needed to assure civil society that MSC is taking the necessary measures to prevent dilution of its program, consumer fraud, and corporate malfeasance. It could also be a form of remedy to the victims. It is important to note that in the US, the penalty for forced labor is a minimum of 20 years imprisonment. With aggravating circumstances such as murder, rape, or torture, the penalty could be life imprisonment. If companies are knowingly using forced labor in their supply chains, that is a serious criminal offense. Even those who do so unknowingly but without adequate due diligence should be held responsible and face serious repercussions from MSC.

MSC minimum requirements should be according to the accepted Standards.

Do not enact this protocol.			
15. Do you currently complete a labour audit?			
Yes: 10	No: 17	Unsure: 1	Prefer not to say: 0
16. Based on your new knowledge on the recognition process, would your labour audit meet the MSC requirements?			
Yes: 13	No: 2	Unsure: 2	N/A: 14
17. Is there anything else MSC should consider to strengthen the recognition process?			
Comments:			
<p>No - this looks solid will work well in practice</p> <p>Suggest creating a benchmarking tool that sets a base line for accepted programs.</p> <p>Keep it simple...</p> <p>Is there a process foreseen in case claims are raised by any party (labourer, NGOs etc.) against the outcome of audits? Clear guidance should be developed and disseminated to the users (certificate holders, entities) reg the auditing schemes and systems that are offered for use and how they differ.</p> <p>No</p> <p>See response to Question 5 above.</p> <p>Third party audits should be conducted by APSCA registered auditor.</p> <p>Do less not more.</p>			
18. Do you support the proposal for MSC to work with SEDEX to develop a customised SEDEX audit on forced and child labour?			
Yes: 18	No: 9	Unsure: 4	
If no, please explain why			
Comments:			
<p>It is unclear how this fits in with the other requirements and which approach should be used in a given situation. Overall, the methodology for developing this approach is unclear - this process should be transparent and consider stakeholder input.</p> <p>See answer to 5</p> <p>Yes – however there should be a threshold for which sites can apply for this type of audit, perhaps based on number of workers. Larger sites should complete a full SMETA audit.</p> <p>In our perspective, it is not enough to focus only on forced and child labour. We support to include all performance areas of the suggest 3rd party labour programs</p> <p>However suggest that there is a common 'basic social checks' bolt-on.</p> <p>We don't want to see duplication of existing systems and standards.</p> <p>For us, labour practices include more than only child and forced labour and that is why we don't support an audit only for child and forced labour</p> <p>yes, support it. but should also work with BSCI Amfori to have the same for BSCI</p> <p>See response to Question 5 above. If MSC moves forward with this idea, the public should be informed of its plans, the methodology, and all of this should be informed by civil society input and open to critique.</p>			

No customised Audit / standard

The Focus on child labour and forced labour is not wide enough. All criteria of ILO human rights should be included

This is 100% outside the scope of MSC.

19. Which audit frequency should MSC set for SEDEX SMETA and focused MSC SEDEX audit?

Annual: 11	Biannual: 3	Dependant on performance: 13	Unsure: 1
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20. Do you support the amendments to the CoC CR 6.2.9?

Yes: 14 ; No, too strict: 1; No, not strict enough: 7; No, too complicated: 3; Don't know/unsure: 4

Other (please specify): 2

exclusion for misbehaviour during past two years is too strong and gives no room for continuous improvement. One year should be enough.

NO.

Why or why not? Please explain

Comments:

- Successful prosecution sets a low bar - should be based on indictments. - Many operations outside the list of "high-risk" countries could have high risk of forced or child labor due to the nature of these issues. Some countries considered low risk may have issues and their operations should be audited.
 - Penalties for forced and child labor should match the severity of the issues - operations should not be able to easily "comply" and re-enter the program. Is a three-year suspension adequate punishment for forced/child labor?

If we have understood correctly, under the current proposal a site prosecuted for forced and child labour could be allowed back into the program once it has undertaken an MSC / SEDEX Forced Labour / Child labour audit. We would suggest that a site prosecuted for forced and child labour should undertake a full 2-pillar SMETA audit, and share a full management plan in response to findings, since it is likely that the forced labour / child labour issue would be indicative of wider failures that should also be assessed.

I think that the content is appropriate.

In our perspective, it is not enough to focus only on forced and child labor. We support to include all performance areas of the suggest 3rd party labour programs -We suggest unannounced audits after a prosecution, as an action to minimises the risk of forced and child labour

Would suggest there is an outlined remediation process implemented before there is a cut in contract from applicant. This could be over a 3 - 6 month process and should keep the worker in the forefront.

We agree that no company found to use forced or child labor should be certified. We also think there should be a mandatory suspension period of 1 year before being allowed to continue the certification, regardless of when they successfully complete their labor audit.

'Prosecution' is too low a threshold. Significant evidence of child / forced labour or repeated audit failure should lead to MSC certificate being removed.

A social audit cannot compensate for being prosecuted for a forced labour violation. However, child labour should be included. Companies, regardless of the country they are coming from, that have been prodecuted for child or forced labour should be suspended for two years. Doesn't matter what social audit they have.

exclusion for misbehaviour during past two years is too strong and gives no room for continuous improvement. One year should be enough.

All fisheries and onshore seafood facilities should be considered high risk due to the nature of the work and the invisibility/vulnerability of the workforce. Some countries considered low risk may have weak or corrupt judicial systems unable or unwilling to prosecute perpetrators of forced labor and child labor. Thus MSC would be faced with the same problem as it has now – successful prosecution, even in high income countries, is too high of a bar and results in an ineffective policy. Instead, MSC should suspend certificate holders who are indicted, not successfully prosecuted. The threshold for indictment is lower yet still demonstrates a sufficient level of culpability to warrant suspension of the company. If MSC proceeds with this amendment concerning low risk countries, it should not allow sites prosecuted back into the program once they have complied with the labor requirements for high risk countries. That is not a sufficient penalty to deter criminal behavior and incentivize changes to the root causes of forced labor and child labor at the site. Prosecuted sites should be barred from re-entry into the program until there's been public consultation and approval from civil society stakeholders, including the victims themselves. Prosecuted sites must publicly demonstrate that they have made the reforms necessary to prevent forced labor and child labor from recurring in the company's operations and supply chains. At a minimum, the suspension should be 3 years followed by another 3 years of probation during which the certificate holder is subject to heightened scrutiny and thorough examination of their labor practices by an independent body of labor rights experts. Certificate holders that are indicted more than once should be permanently barred from participation in MSC. Serious abuses associated with forced and child labor such as physical violence or other violations of physical integrity also demand the responsible certificate holder be permanently barred from MSC.

As stated repeatedly for years, it is completely outside the scope of MSC.

high-risk countries are not easy to confirm and it may somehow relate to region discrimination.

21. Based on the amendments to 6.2.9, how long do you think the successfully prosecuted entity should be required to be treated as a high-risk entity?

One year: 5; Two years: 4; Three years (one certification cycle): 10; Don't know/unsure: 4

Other (please specify): 6

Indefinitely

If the prosecuted entity shows that all issues are fixed, no need to be treated as a high-risk entity, but if the same issues occur multiple times, action must be taken.

Successfully prosecuted entities should be required to be treated as a high-risk entity for a maximum of 1 year. To align the approach with the philosophy of the amfori BSC system which is based on an approach that supports entities in continuously improving their social performance, [organisation] believes that long-lasting punishment does not provide the necessary motivation and correlation with improvement. Depending on the case, entities in the amfori BSCI system are usually given 3 months to resolve the violations plus additional time to resolve long-term changes that require more time. [Organisation] takes this opportunity to stress again the importance of the remediation approach rather than the timeframe that is secondary to the success of improvement of human rights violations.

They should be treated as a high-risk entity indefinitely and not be allowed back into the MSC program without public consultation and approval from civil society stakeholders, including the victims themselves. At a minimum, the suspension should be 3 years after which the entity should be flagged for heightened scrutiny from MSC. Serious abuses associated with forced and child labor such as physical violence or other violations of physical integrity demand the responsible certificate holder be permanently barred from MSC.

Until a reaudit proves that the reasons for the prosecution have been completely and proveably removed / amended

It is outrageous to use the term "prosecuted entity" and this entire endeavor should be abandoned forthwith.

Feedback via Email

We generally do not believe that the MSC should deal with labor requirements. In Germany for this are responsible the Sea BG, customs and harbor ports. Our boats are inspected annually with regard to working hours, minimum wages, on-board facilities, etc. The same happens in our production facilities.

Apart from the fact that we already have a lot of double and triple checks - which also costs money - we do not agree with the MSC dealing with labour law worldwide.

This will give the impression that based on the MSC assessment e.g. Tanzania fulfills all the labour law requirements, as do the fishermen in Europe. This leaves the impression that everything worldwide is ok. Whereas we all know that the costs in Europe are many times higher than in the country mentioned.

We understand MSC as a sustainability label worldwide for fisheries. (whether you are sustainable fishing the resource as well as the ecosystem)

If you now want to use this label to pretend that that everyone in their own country's laws fulfills the labour requirements, this is in our opinion consumer fraud. It is comparing apples and pears.

We know that the industry is pushing for it, and we can only recommend MSC not to get involved. Namely to whitewash the industry.

Summary of key comments:

- There are some contradictions within the proposed indicators (i.e. competent authority)
- Some of the indicators (e.g. ILO 188 ratification, PSMA) are not practical at this time given the low ratification status overall- these should be reconsidered/ lightly weighed for the first few years.
- It would be helpful if the MSC made clear what is not included in the requirements/ out of scope, particularly the prioritised scope activities.
- Suggest that MSC review competition law boundaries on the MSC approved third party social audits- especially since one programme being proposed (and not even developed yet) is the MSC-SEDEX programme – any implication that the three ethical audits proposed are the only route is entering legal territory and should be carefully reviewed. Our experience is that choice must be explicit and permissible, and any alluding to only a few entities that could meet the criteria is fraught with risk in market/competition terms. This point is even more pertinent regarding the MSC-SEDEX standard. We would urge caution on MSC itself co-developing any ethics standard. When a site is required to have a social audit to meet the MSC CoC criteria it seems inappropriate that one of the third-party audits is an MSC standard (which does not appear third party). It would be more preferable for SEDEX to create the force/child labour tool alone, without MSC ownership to ensure MSC remains independent on this issue. Furthermore, would be more appropriate for MSC to list the minimum criteria that a social audit must meet only.
- The difference between Tables 2 and 4 are not clear and the rational for many indicators in table 4 is not clear- more is needed as we would propose that certain indicators which are not ethics-specific should only be used if consideration for wider tools were also reflected here (see next point).
- MSC note that the focus of the labour requirements in the CoC should be forced and child labour, yet many of the indicators are much broader including trafficking and IUU, which not only undermines this focus (particularly if e.g. IUU indicators are not already used the existing MSC fisheries and CoC standards), but if such indicators are to be included they may be others which look at these broader subject areas which should be equally considered for use.
- Audits involved with e.g. SEDEX imply a cost burden which is a concern, and a particular further concern for Global South based operations (many of which inevitably will be the those with potential ethical/labour issues).

Further opinion

The following are some specific opinions which would need further discussion and thought

- Ratification is used as the indicator for many tools, but implementation is key and, in our experience, countries frequently ratify but do not fully implement for years, thus greater consideration of this is recommended.
- Will the third-party audits (and in particular the proposed MSC – SEDEX option) suggested specifically review the use of agency workers, since this is an identified high risk?
- We believe it is vital ethical standard used for the social audit includes the need for a whistleblowing procedure.

- We think it important that the use of a civil society indicator is used with appropriate consideration i.e. such organisations may and do change, and may be influenced by external factors such as funding.
- Unintended consequences- we appreciate this is onshore only, but a scenario to consider is a high-risk flag state operating fishing vessel (with labour abuse occurring) lands in low risk flag state country where it is processed and exported, therefore labour abuse is occurring in an MSC fishery. Similarly, if there was an environmentally outstanding MSC fishery landing or processing in a country identified as high risk for labour standards could be disincentivised from entering MSC.
- Does there need to be any different handling for SEDEX A vs SEDEX B members.
- We think it is imperative to pilot the new on-shore labour practice requirements thoroughly in a variety of scenarios/countries before the reviewed standard is launched.

Specific comments

The following are detailed comments on the proposal with numbered paragraphs for your easy reference, and we have referenced line numbers or tables where possible.

- 1) Section 4, line 29: Source for child labour definition not given.
- 2) Section 5, line 40: since it can be up to 12 months after initial certification/CoC V5 until a labour audit must be completed, suggest a self- assessment questionnaire such as SEDEX is completed before certification.
- 3) Section 5, line 48: it is not clear how the ASC future social audit methodology and the MSC version proposed marry up – vital to require either or and not both.
- 4) Table 1, line 49: indicators are used to evaluate if countries are low or high-risk countries? Why only low and high risk and no medium risk result? Surely it would be sensible to have a middle option as countries could slip into high risk and businesses suddenly find they have gone from low to high risk, rather than a medium rating which acts as a warning indicator.
- 5) Line 49, recognised third party labour programmes: previous experience has indicated that naming programmes in certain cases can infringe competition law. Any implication that the three audits proposed are the only route is entering legal territory and should be carefully reviewed. Our experience is that choice must be explicit and permissible, and any alluding to only a few entities is fraught with risk in market/competition terms. This point is even more pertinent regarding the MSC-SEDEX standard.
- 6) Appendix A- what if the (high risk) site already has had an audit that meets MSC criteria before the COC audit was conducted? It appears they would have to have another one? Wording needs changing/clarifying for such scenarios.
- 7) What is MSC/ the auditor's responsibility if they fail an audit? I.e. if there is forced/child labour and there is a Zero tolerance policy, what are their responsibilities? e.g. akin to safeguarding requirements, once they have been made aware of the situation, is the auditor and MSC required to ensure the issue is resolved satisfactorily (e.g. child is removed from child labour situation)?
- 8) Appendix B, line 111: MSC will make country scores available on website- will they do the same for prioritised scope activities? Such transparency will help those applying for MSC
- 9) Appendix B, line 118: the MSC approach for the risk-based approach refers to being informed by 'indicators or tools developed by competent authorities' yet tables 2 & 4 refer to organisations that are not a legally competent authority (e.g. Global Slavery Index/walk free foundation)- suggest rephrasing competent authority, or reconsidering whether GSI and others are suitable.
- 10) TABLE 2:
 - a. GSI: where did the >1/200 score for this indicator come from? Given the GSI stats are in /1000 why not give that or simple percentage (e.g. (0.5%) or use the prevalence index ranking?
 - b. The Palermo protocol ratification- why is this suggested for use when concerned with trafficking/smuggling and this new element of the MSC CoC is noted to be specifically about forced labour/child labour? Of course, the two can be intrinsically linked but surely if we are to include trafficking there are many more tools that could be used? Suggest consideration of tightening to child/forced labour indicators only, or if you keep Palermo protocol, to consider other trafficking indicators/tools.
 - c. Use of ILO 188: though of course an important indicator, it will result in many countries gaining a high-risk result since only 12 have ratified it so far (UK not yet ratified). Likely this could skew the results – bearing in mind the aim to reduce burden on low risk countries this probably needs reconsidering. Perhaps for now ILO 188 should be lower weighted and reviewed after more countries have ratified?

- d. On all ILO protocols listed- should it not include “acceptance and approval and accession” for clarification (have the same legal effect as ratification and consequently express the consent of a state to be bound by a treaty)
- e. On Countries issued with EU card for IUU- there are many other IUU tools we could use and this scope is limited to ON SHORE thus seems inappropriate to use carding. Unless for example IUU at e.g. processing sites is noted? Also, is this not already covered by MSC fisheries standard/CoC and thus double-penalising/risk assessing? If it is not covered by these then it seems inappropriate to over in the social element only?
- f. PSMA – as above, is this not already covered by MSC CoC and thus double-penalising/risk assessing? Or otherwise seems inappropriate to only include it for the social element?
- g. US Tip report- although useful, given the scope of this onshore labour practices is specifically forced & child labour seems to undermine the standard to then using trafficking indicators? Although note it is only used if ‘seafood’ mentioned’ –it would be even more appropriate if seafood at “onshore sites is mentioned rather than at sea (similar reason to EU IUU carding not being appropriate)
- 11) Table 3- each need definitions. E.g. does manual offloading include at-port transshipment? Also unclear what on-shore activities are not included? Would be useful to state what is not in the prioritised list.
- 12) Table 4
- a. unclear what this is? Repeat for table 2 but wider?
- b. GSI is not created by a ‘competent authority’ as per MSC statement for the risk-based approach (line 118)- see earlier comment
- c. GSI rationale does not explain where did the >1/200 (0.5%) come from? Given stats are in /1000 why not give that or simple percentage or use the prevalence index score?
- d. ILO Right to Organise convention 98- because it is specific to forced & child labour, it seems inappropriate. If going to use it as indication of will, then why not use other indicators on this use too?
- e. List of categories seems illogical- Nile perch, and Tilapia covered (surely ASC not MSC) and one important farmed fish category that may carry risk – Pangasius- is not covered
- 13) Appendix C, Table 6: the SEDEX SMETA audit schedule is proposed to be 6 months – 2 years), this is more frequent than UK retailers require so will place extra burden on many businesses.
- 14) Table 6 – need clarity on confidentiality regarding SMETA and BSCI reports –but putting a compulsory part of MSC certification into a shared (cost-based) database (noting site permission to access), we think there is potential to blur the lines between MSC certification (which can be owned by Unit of certification) into an arena which is essentially shared, thus unintentionally removing the advantage of first mover into a certification. We think this requires in-depth consideration to ensure no unintended advantages/disadvantages.
- 15) Appendix D – really need to consider competition law on minimum requirements and especially since one programme being proposed (when not even developed yet!) is the MSC-Sedex programme –this seems biased. It would be more preferable for SEDEX to create a force/child labour tool alone, without MSC ownership to ensure MSC remains independent on this issue for which they are not experts.
- 16) Appendix E- line 203- is this equivalent to fisheries who have been prosecuted for IUU in the last 2 years? Are they allowed to enter MSC fishery certification /CoC once complied with e.g. traceability audit after 12months? If not, this needs revising to ensure equality.
- 17) Appendix G – line 216-8: should this not also include reference to prioritised scope activities?
- 18) Appendix G – since each indicator used for country level risk is not revised at the same time, should the MSC not update immediately after release of each indicator status (e.g. GSI/Tip report) / each new ratification (e.g. ILO conventions) rather than once a year? Otherwise it could discriminate for those in countries that have now improved but that MSC has not yet caught up for up to 12 months.

I would like to comment on on the proposed risk-based approach that uses country-based risk indicators and prioritized scope activities to determine a site’s need for an on-site labour audit.

[Fishery Association] have 33 active member companies which are eligible for the MSC certification of the Sea of Okhotsk pollock fishery. All there companies have MSC CoC certification. Majority of companies have been going through MSC CoC inspections since 2012 (annually and now per 18 months). I have not heard about any issues or problems with CoC standard of Russian pollock catchers as obligatory traceability system run by the government is much wider that MSC CoC requirements.

We understand the dynamics with Labour requirements as [fishery association] is also a member of [fishery client].

What is our concern is that the proposed risk assessment contains indicators associated with governmental assessment of national legislation and situation in labour. My particular concern is that the proposed model has a reference to the US State Department estimates. I believe that you are quite familiar with a tension in politics between Russia and the US. That means that estimates by the US government regarding different aspects of the Russian national systems may be politically driven and motivated. It means that 1,68 mln tons of MSC-certificated catch in Russia and 100+ companies in Russia holding valid MSC-CoC certificates may be disadvantaged due to political speculations.

We believe that MSC is independent verification scheme based on international accepted practices like FAO and ILO, and this approach allows different fisheries from different countries to be assessed towards unbiased standard. Therefore, we are encouraging MSC to exclude any national assessments / reports / etc. (in particular, US Department of State Trafficking in Persons (TIP) report) from the list of country-based risk indicators and prioritized scope activities to determine a site's need for an on-site labour audit.

The [organisation] hereby submits its comments on the second public consultation round of the MSC On-Shore Labour Requirements. As with our comments submitted on the first public consultation round, [organisation] views these comments from an equal partnership perspective. We therefore also appreciate the inclusion of a box in the consultation document (On-shore labour practice, page 2) letting stakeholders, especially [organisation] CoC Certificate holders know of the ongoing work of the [organisation] on social issues.

As with many other industries, labour conditions within the seafood processing industry are constantly under scrutiny. Some recent examples are listed below:

- <https://www.sgs.com/en/news/2018/10/new-white-paper-examining-corporate-social-responsibility-in-the-seafood-sector>

- <https://danwatch.dk/en/undersogelse/vietnamese-workers-get-chronical-diseases-from-peeling-shrimp-for-danish-supermarkets/>

- https://www.ilo.org/asia/media-centre/news/WCMS_619724/lang--en/index.htm

- <http://advances.sciencemag.org/content/4/7/e1701833?rss=1>

- <https://oem.bmj.com/content/oemed/61/5/471.full.pdf>

- <https://policy-practice.oxfam.org.uk/publications/ripe-for-change-ending-human-suffering-in-supermarket-supply-chains-620418>

- <https://www.ilo.org/global/topics/safety-and-health-at-work/lang--de/index.htm>

As can be seen from these examples, as well as from more dated cases, violations of labour conditions cover a broad range of labour-related topics – from modern slavery and forced labour to a safe work place, and from adhering to responsible working hours to the freedom to associate and collectively bargain.

It is for this reason that the International Labour Organization (ILO) has identified eight conventions as fundamental – covering the fundamental principles and rights at work. These fundamental conventions are covered by the ILO “Declaration on Fundamental Principles and Rights at Work”.

This declaration is not limited to Child Labour and Forced Labour, but also covers the right to associate and collective bargain, equal remuneration and discrimination.

This document, as the topics covered in it, serves as a backbone for many, if not all, of the labour standards commonly used in industry – regardless of the product produced. As a fish processing factory is conceptually not different to any other processing factory, one would expect a similar approach to assure that these topics are addressed. Typically, the following topics are covered: child labour, forced and bounded labour, freedom to associate and collectively bargain, discrimination, working hours, contracts and wages, health and safe working places, decent living conditions (where applicable), and disciplinary practices.

These topics are lately also recognised by the Sustainable Supply Chain Initiative (SSCI) under their (draft) labour requirements for processing and manufacturing sites¹. As the SSCI is part of the Consumer Goods Forum, it is expected that these requirements will apply to seafood processing facilities as well, once finalised.

The ASC Standard and Certification Programme assures buyers and consumers that environmental and social negative issues within the aquaculture supply chain are sufficiently assured through a stringent and comprehensive standard in combination with an equal stringent auditing process and methodology. Although it is broadly understood that labour concerns are

more prevalent in some countries over others, it can be concluded from the public ASC audit reports that labour concerns are global and not bound to certain countries or regions.

[Organisation] maintains its position - as held over the past years - that both the [organisation] and its supply chain partners see a (too) high risk in not addressing the complete set of labour and social issues that have been reported and recommended for and by the seafood sector, as well as by relevant concerned stakeholders.

More specifically, [organisation] would like to make the following remarks:

1. The current MSC requirements are labelled as “Labour Requirements”. Given the scope of these requirements in reality only focusses on child labour and forced labour, the title could be considered as misleading given the broader scope of normally covered topics.
2. Forced labour in low risk countries - This comment is made due to the fact that the Country based risk scores are not yet available. [Organisations] concern is that forced and slavery labour has been found and reported in the EU and other countries like the US. Even though most reports are in other sectors but that gives us sufficient ground to raise this concern for seafood as well.

○ https://www.ilo.org/wcmsp5/groups/public/@europe/@ro-geneva/@ilobrussels/documents/genericdocument/wcms_184976.pdf

○ <https://www.theguardian.com/us-news/2018/oct/12/louisiana-seafood-workersunion-undocumented-abuse>

○ <https://www.ft.com/content/f7ae5cf8-8f94-11e8-b639-7680cedcc421>

○ <http://www.arc2020.eu/forced-labour-industrialised-food-system/>

○ <https://www.coe.int/en/web/anti-human-trafficking/-/21st-century-slaveryeuropean-anti-trafficking-experts-raise-the-alarm-over-labour-exploitation>

1 <https://www.theconsumergoodsforum.com/initiatives/sustainable-supply-chain-initiative/key-projects/publicconsultation/>

3. It is a big concern for [organisation] that there are measures required to address situations when a client may violate other requirements of the recognised schemes (Amfori BSCI and Sedex Smeta), reasons for CoC certificate to be suspended are only limited to zero tolerance issues (in Amfori BSCI and Sedex Smeta).

4. 6.2.9: [organisation] encourages MSC to take a precautionary approach to not only limit to already prosecuted violations, but also on-going court cases or reported by other parties.

5. 6.2.9.1: [organisations] encourages MSC to consider inclusion of conditions for the applicant to "be allowed to continue certification process...". Those conditions may be a proper process/system to screen/evaluate their subcontractors. That is to make sure that they know.

6. 8.4: It is not clear how auditors are going to verify whether/which client's subcontractors are classified as high risk and if they have been prosecuted on the issues related to forced and child labour.

7. Section 9: It is not clear if the social requirements 5.21 are zero-tolerant for CoC client; whether there are any category of non-conformity applies if any of 5.21 (a/b/c) is not met.

Once more, [organisation] wants to express its concerns over the current topic scope as well as the proposed assurance model.

Nevertheless, we hope that the above topics are considered by MSC. In addition, we look forward to continuous discussion in order to explore possible solutions.

Although [organisation] is happy to see that MSC is making efforts to include labour rights in its standards, the overall impression of the currently proposed inclusion of labour rights in the CoC is that it is **too little and incomplete**. We are happy that finally MSC takes some steps following the broad recognition that human rights violations are happening widely in the seafood industry. Not addressing these in the MSC standards severely undermined the 'social stewardship' of MSC. We acknowledge that the most extreme cases of human rights violations are indeed related to forced and child labour. However, there are various issues related to working conditions and other human rights that go beyond these two issues. The main point that we want to raise is therefore: **the current scope of the proposed changes in off and on shore MSC standards and CoC is too narrow**.

We would like to urge MSC to:

- Start including a broader perspective on inclusion of social stewardship criteria in its overall set of standards, audits and CoC. Please be referred to the Certification and Ratings Collaboration Initiative (of which MSC is a member!) which in our opinion has made a good

effort in creating [an overview of social issues in the seafood industry](#), including best practices. This overview is much broader in scope and shows that there are various social issues that need to be considered to make a claim of 'responsible' seafood or 'marine stewardship'. Please also note that we are understanding that the Aquaculture Stewardship Council (ASC) is taking this broader framework fully into account while working on their planned revision of the ASC standards.

- With regard to labour and working conditions issues (please note that these are just one part of the broader scale of social issues as indicated above) there is world-wide recognition that labour and working conditions issues are much broader than just forced and child labour. We refer to various standards: ILO conventions, SAI8000, BSCI, Consumer Goods Forum SSCI etc. MSC should acknowledge this and therefore include criteria on Freedom of Association, No discrimination, harassment or abuse, wages and employment, health and safety, etc. Please also refer to [organisations] [publication on worker's rights in the seafood sector](#).

Additionally, we have a number of specific concerns:

1. Why does the social audit only have to be completed within 12 months after the initial certification? Just like the environmental criteria, the social criteria should be preconditions for obtaining MSC certification.
2. The minimum requirements for recognition by MSC of a third-party labour audit & suspension process (Table 6) are too weak. Auditor competencies should be more clearly defined. Social auditing is not easy, as there are a lot of challenges involved. Adequate stakeholder selection and interviewing is necessary. Adequate grievance mechanisms should be in place, so that workers can anonymously report abuses.
3. Social audit reports should also be made publicly available.
4. We strongly object the development of a customized MSC-SEDEX audit. The sole purpose of this audit is too lower the bar on social issues. MSC itself already recognizes that this initiative would do little to lower the costs for smaller units in the global South, thereby indicating that there is no proper rationale for developing this audit methodology.

On September 3rd, 2018, MSC Chain of Custody (CoC) members received the program letter for updating existing requirements as well as introducing work-related requirements for companies on land.

General remark for MSC as industrial initiative:

For members and consumers, MSC is associated with sustainable fisheries within the MSC Chain of Custody program. The mark is easily recognisable and unambiguous for the purpose.

The proposed process of including employee rights in the MSC traceability standards for land-based companies distorts the purpose of the standard and is an unnecessary parallel to existing certification schemes.

At EU level, labor legislation is regulated by legislation and effective control of compliance with applicable rules is being implemented. In Denmark, the working environment and workers' rights are controlled by Danish Labor Inspection and Labor Organizations.

Internal working environment is often certified according to OHSAS 18001 (Occupational Safety Assessment), International Standard for Occupational Safety Management. OHSAS 18001 sets several specific requirements for managing the working environment and covering the company's work for safe and health working environment.

For external work environment, the UN's Global Compact principles, ILO Convention, OECD Corporate Governance Guidelines, Workers International and the 10 principles of the UN Global Compact, based on internationally recognized human rights, labor law, environmental and anti-corruption conventions, are already existing tools to corporate social responsibility and sustainability. In the consultation document, BCSI, SEDEX and SA8000 are referred to as already accepted standards. By listing a "positive list" for recognised occupational health and safety lists, similar is an unwritten "negative list" made, which creates doubts about compliance with other work-related certifications, eg OHSAS18001.

With the introduction of work-related requirements, the MSC label will no longer be uniquely associated with sustainable fishing. Including labor rights is an unfortunate confusion with sustainable fishing.

It is unclear whether any disputes, occupational accidents or injunctions may affect the MSC label on products for certified companies. We cannot see that MSC can be a guarantor of the working environment under the ecolable "Sustainable Fisheries", and a mix of two purposes will cause doubt on what the brand represents among consumers.

Many of the consultation questions are highly technical, and not part of [organisation] competency. Our concerns relate more to the practicality of implementation.

5. Do you support the proposed process for managing labour requirements in the CoC program?

Unsure. Our question would be whether the third-party auditing schemes are:

- a) Affordable – how do social auditing costs compare with CoC auditing costs? This could be particularly important as most higher-risk countries are likely to be in global south
- b) Practical – how many companies are likely to require auditing within the first 12 months after implementation. Given locations, are there sufficient auditing resources available (or expected to be available) to complete all necessary audits?
- c) Three separate schemes are proposed. Are these equally costly, demanding and accessible? Is there likely to be higher demand for one scheme in particular? How would an emphasis on e.g. one scheme affect the first two points? Would there be equal availability to applicants audited at different times?
- d) There is a proposal for MSC to work with SEDEX to develop a customised SEDEX audit on forced/child labour. Given that the CoC CR are to be released in Feb 2019, will these be developed and tested in time?
- e) Determining the indicators, scoring and weighting for the 'Country Risk Score' will be fundamental in delivering on the points above. Will these be scenario-tested to determine effects on the points above?

General comment:

1. An organisation may have an audit e.g. on its own behalf, on the behalf of a customer. In the latter case, the organisation itself may not have possession of the audit results or certificates. How would this be recognised.
2. It is understood that MSC may arrange access to scheme databases which list audited organisations. Would such access be provided to CABs?

Summary of feedback via CAB consultation workshop in London

MSC presented the proposed labour requirements and CABs were invited to submit questions and comments on the process for applying the requirements. Break-out groups focused on: Process; Minimum requirements for recognition of a labour audit by MSC; and, an amendment to CoC CR 6.2.9.1. Comments noted areas of confusion and potential challenges in implementation that MSC will seek to address, as well as where further clarity is needed on intent and where adjustments should be made to align labour requirements with existing CoC processes.