This report summarises the feedback received from the recent public consultation on MSC’s development of Labour requirements for fisheries and supply chains. All comments received are included in full in Section 6.

1. Introduction

The MSC Board of Trustees released a statement condemning the use of forced labour and to seek solutions that mitigate the risk of egregious labour violations in certified fisheries and supply chains. Since then, the MSC has been investigating solutions to address these risks and in March 2017 went to public consultation on an approach for a self-declaration.

The MSC developed a proposal for a self-declaration on forced and child labour comprising of the following key elements.

- A requirement for fishery and supply chains to submit a self-declaration on forced and child labour, which CABs would check as part of the scope requirements for MSC certification.
- A proposal for the proxies, or indicator questions, on forced and child labour that would be included in the self-declaration.
- A proposal for a complaints process that would be triggered if complaints arise in relation to the claims made in the self-declaration.
- A labour panel which would have the role of determining if a complaint requires further consideration.
- Proposal for an entity to undertake an independent 3rd party audit if the labour panel determines that a complaint against a fishery or supply chain entity requires further consideration.

2. Stakeholder Consultation

Public consultation ran from 15 March to 14 May 2017. It included two public webinars, as well as several one-on-one meetings and phone calls with interested stakeholders.

Figure 1. Breakdown of consultation respondents by stakeholder type
3. Summary of stakeholder feedback

There was considerable and substantive stakeholder interest and feedback on the proposals. There was no consensus that the MSC should proceed with the proposals as drafted in the consultation paper, the feedback enabled the MSC to formulate revised proposals. 12 respondents (mostly mid-chain companies with some associations) supported MSC’s proposal and provided feedback on how to move forward.

- 11 respondents (mostly NGOs and end-of-chain companies) supported the self-declaration as a first step but emphasised the need to strengthen its impact through a more comprehensive scope and accompanying complaints process and/or for MSC to define the timeline for adding auditable requirements to the Standard in the future.
- Five respondents (including NGOs) said they support MSC’s work in this area but that a self-declaration is not the right approach. Their feedback was for greater emphasis on 3rd party audits, worker participation and tools such as VMS monitoring and observer coverage.
- Two responses were mixed, with general support for the self-declaration but some concern and requests for clarification on the process.
- Two fishing industry representatives expressed concern that labour issues were outside of MSC’s core mission of environmental sustainability and that fisheries could become subject to vexatious complaints.

Figure 3 below provides a visual of the above feedback.
4. Conclusion

Based on the feedback received, the MSC is proposing the following:

**Fisheries and off-shore supply chain**

Employ a phased approach towards introduction of labour requirements for fisheries and off-shore supply chain entities which involves:

- By 2018 – Including a section within the fisheries Full Assessment Reporting Template (and surveillance and reassessment templates) for clients to self-report on measures, policies and practices in place to ensure absence of forced and child labour.

- For 2020 - Engage with Responsible Fishing Scheme (RFS) and await internationalisation of the scheme, while tracking the development of alternative/equivalent schemes, and require all high-risk fisheries to undertake either Fairtrade USA, RFS or other first party audit or other credible labour standard that may be established at that time.

**Supply chain (land based)**

Investigate the following options for land based supply chain entities, each of which represents varying levels of ease of introduction and likely impact on certificate holders. The work undertaken over the next six months will enable a decision on whether Option 2 or 3 should be implemented; and whether, in addition, Option 1 should be introduced.

- **Option 1**: Certificate holders required to self-report on measures, policies and practices in place to ensure absence of forced and child labour. This is made public in some form (noting that COC audits are not public documents); and

- **Option 2**: A risk-based approach to require some certificate holders to undertake a self-assessment with a recognised 3rd party. No on-site audit required; or
Option 3: A risk-based approach to require some certificate holders to participate in social reporting initiative that includes an on-site audit but not necessarily certification (no pass/fail).

The proposed schemes to work with on options 2 and 3 are SEDEX/ETI, BSCI and SA8000.

Policy development will be informed by further research and targeted consultation. The deliverable is a single option to introduce labour requirements for land-based supply chain entities with the release of the CoC Standard and Certification Requirements in September 2018, and a work plan if a phased approach will be taken.

5. Next Steps

All feedback received will be considered in the development of this work. The next steps are listed below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Objectives</th>
<th>Timeline</th>
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</thead>
<tbody>
<tr>
<td>Identify key stakeholders for targeted consultation</td>
<td>Provide input on proposal development and feasibility. Support engagement and ensure stakeholder buy-in for proposal. Ensure proposals are acceptable to key stakeholder groups</td>
<td>July 2017</td>
</tr>
<tr>
<td>Detailed research and impact assessments</td>
<td>Evaluate feasibility of proposed options, including cost and impact</td>
<td>June-August 2017</td>
</tr>
<tr>
<td>Review of, and discussions with other standards to pursue potential recognition</td>
<td>• Explore feasibility for recognition/use of external standards for CoC • Understand key attributes of external standards: scope of audit, transparency and accessibility of information, dispute procedure, logistics (cost, time, auditor availability) • Ensure alignment with a Risk-based approach</td>
<td>July-October 2017</td>
</tr>
<tr>
<td>Develop template for fisheries</td>
<td>• Develop labour template for inclusion in full assessment report template</td>
<td>July - October</td>
</tr>
<tr>
<td>Stakeholder workshop</td>
<td>• Review of research, impact assessments and options • Review of other standards and potential implications for recognition • Feedback and discussion • Consensus on way forward</td>
<td>November 2017</td>
</tr>
<tr>
<td>Finalise proposals and draft wording for changes to scheme documents</td>
<td>• Finalise proposals for fisheries and supply chain using outcomes of workshop and targeted consultation • Draft the wording for the requirements changes</td>
<td>November 2017</td>
</tr>
<tr>
<td>TAB 27</td>
<td>Proposal of intent for changes to scheme documents and draft wording</td>
<td>December 2017</td>
</tr>
<tr>
<td>Final public consultation</td>
<td>Public consultation on the proposal and draft wording of changes to the scheme documents</td>
<td>February 2017-April 2018</td>
</tr>
<tr>
<td>Scheme document release</td>
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<td>September 2018</td>
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</table>
## Q1. Are there additional proxies for forced and child labour that should be included as indicators in the standard and advanced self-declaration section of the form:

<table>
<thead>
<tr>
<th>Additional proxies</th>
<th>MSC response</th>
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</thead>
<tbody>
<tr>
<td><strong>For fisheries</strong></td>
<td>Thank you for your feedback. We will include the recommended proxies that are specific to forced and child labour within the guidance on the template and use them as part of the criteria to review external standards for CoC.</td>
</tr>
<tr>
<td>• number of workers on board</td>
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<tr>
<td>• nationalities of workers</td>
<td></td>
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<tr>
<td>• licenses (and licenses of subcontractors and employment agencies);</td>
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<tr>
<td>• forms of (physical) abuse;</td>
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<tr>
<td>• language in contracts;</td>
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<tr>
<td>• obligatory deductions from salary or wage;</td>
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<tr>
<td>• workers’ awareness of rights</td>
<td></td>
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<tr>
<td>• Use of agencies/foreign workers/min wages/hours/safety</td>
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<tr>
<td>• language in contracts;</td>
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<tr>
<td>• obligatory deductions from salary or wage;</td>
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<td></td>
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<tr>
<td>• Use of agencies/foreign workers/min wages/hours/safety</td>
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<tr>
<td><strong>For supply chains</strong></td>
<td></td>
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<tr>
<td>• licenses (and licenses of subcontractors and employment agencies; discrimination; forms of (physical) abuse; language in contracts; obligatory deductions from salary or wage; workers’ awareness of rights; workplace safety</td>
<td></td>
</tr>
<tr>
<td>• No withholding of wages, no wage deductions</td>
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<tr>
<td>• Workers are not required to pay any fees in order to begin, maintain, and leave work in a fishery or the rest of the supply chain.</td>
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<tr>
<td>• If recruitment fees for workers have been formally abolished.</td>
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<tr>
<td>• Workers are provided written information in workers’ language on all working conditions / Workers’ contracts are written in workers’ native language</td>
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<tr>
<td>• Employers and labor providers/brokers does not retain any part of workers’ salaries, benefits, property, or documents as a condition to recruitment, employment, and leaving employment (Referenced from Naturland (2016) Naturland Standards for Sustainable Capture Fishery. Grafelfing, Germany. Retrieved from: <a href="http://www.naturland.de/images/UK/Naturland/Naturland_Standards/Other_Standards/Naturland-Standards_Sustainable-CaptureFishery.pdf">http://www.naturland.de/images/UK/Naturland/Naturland_Standards/Other_Standards/Naturland-Standards_Sustainable-CaptureFishery.pdf</a>)</td>
<td></td>
</tr>
<tr>
<td>• Workers are not intimidated, harassed, or punished verbally or corporeally. No use of violence and/or threat of violence</td>
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</tr>
<tr>
<td>• We also suggest working towards workers having full access to grievance mechanisms, including convenient and easily accessible communication system to report abuse or violations Child labor:</td>
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</tr>
<tr>
<td>• Verifiable proof of age documentation is maintained for every worker (Referenced from SA8000®: 2014)</td>
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<tr>
<td>• Additional indicators should include whether appropriate and timely submission of reporting by companies under the Modern Slavery Act occurred (if applicable);</td>
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</tbody>
</table>
• No additions at this time
• No
• definition of forced labour needs clarity - is it bonded? Is it slavery? etc.

Thank you for your feedback.

We intend for our definition to be consistent with ILO's definition of forced labour. ILO definition of forced labour encompasses, “traditional practices of forced labour, such as vestiges of slavery or slave-like practices, and various forms of debt bondage, as well as new forms of forced labour that have emerged in recent decades, such as human trafficking, also, called “modern-slavery”

Risk-based approach
Some responses to Q1 related more to the design of the risk-based approach. These comments are captured separately below.

<table>
<thead>
<tr>
<th>Feedback received</th>
<th>MSC response</th>
</tr>
</thead>
</table>
| • Section A questions are of a similar nature and not that many more so I suggest all the questions are asked rather than Tier 1 / 2&3 split  
• Add the question: Evidence of social audit in the last year  
• There should not be a single factor or proxy, all certified businesses should have to provide evidence, no matter where they are in the world.  
• Transhipment | These comments appear to relate more to the proposal for a risk assessment. They provide insight into how some stakeholders perceive risk in seafood supply chains.  
We will consider this feedback on future work on development of a risk-based approach |

Fisheries-specific risk factors
Some respondents to Q1 indicated that they did not feel a self-declaration was the right approach for MSC. These comments have been captured below.

<table>
<thead>
<tr>
<th>Feedback received</th>
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</tr>
</thead>
</table>
| • FAO numbers, where relevant ICES number, IMO numbers of all vessels in the fishery; What is the average duration of a fishing trip?  
• The HRRTS risk assessment process, that is currently in development, should also be considered. This will potentially identify a more accurate risk score for fisheries, fleets, or groups of vessels than a broad country tier level. Whatever system is chosen the scoring process must be the same for all fisheries and agreed by the MSC board.  
• By the way, in our view the reference to the flag state is not relevant. Instead, the fishing area/region should be the relevant risk filter. | |

Self-declaration is insufficient
Some respondents to Q1 indicated that they did not feel a self-declaration was the right approach for MSC. These comments have been captured below.

<table>
<thead>
<tr>
<th>Feedback received</th>
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</tr>
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</table>
| • In risk countries, the self-declaration is not considered sufficient. Instead, a full social third party audit (e.g. BSCI or equivalent) should be precondition to receiving MSC certificate.  
• For both areas, self-certification by itself is insufficient and incapable of effectively identifying indicators of forced labour.  
• In our experience, a social audit of the premises/vessels that includes interviews with the workers is the only effective way of checking for labour abuses  
• We are unaware of any instance in which self-declaration has improved conditions for workers in supply chains and do not believe it is the appropriate approach. In addition, we are very concerned with the decision to limit the scope to include only forced and child labor. | We appreciate the comments from stakeholders on the limitations of a self-declaration approach.  
We acknowledge that a self-declaration will not completely eliminate risks of forced and child labour in seafood supply chains. The intention at this time is to provide greater transparency of measures in place to ensure absence of forced and child labour.  
Following the feedback, we have received, we are exploring alternative approaches in consideration of the |
• Additional indicators should include whether vessels are sourced from that are not equipped with Vessel Monitoring System (VMS). For both areas, self-certification by itself is insufficient and incapable of effectively identifying indicators of forced labour.

lack of solutions currently available for vessel-based activities.

**Out of scope**

Some respondents to Q1 provided indicators on labour issues outside of forced and child labour. These comments are included below.

<table>
<thead>
<tr>
<th>Feedback received</th>
<th>MSC response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fisheries</strong></td>
<td></td>
</tr>
<tr>
<td>• Discrimination</td>
<td></td>
</tr>
<tr>
<td>• Vessel safety (cf. IMO)</td>
<td>We appreciate the importance of the broader list of labour issues to our stakeholders. However, for this phase the scope will remain on forced and child labour.</td>
</tr>
<tr>
<td>• Working conditions on vessels</td>
<td></td>
</tr>
<tr>
<td>• Does the company pay the minimum wage relevant to the country of operation and comply with other national laws on wages? (for example, sick pay and maternity rights, zero-hour contracts etc.).</td>
<td></td>
</tr>
<tr>
<td>• Do workers have the right to unionise without fear of intimidation or penalty?</td>
<td></td>
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</tbody>
</table>

**Supply chain**

• Does the company pay the minimum wage relevant to the country of operation and comply with other national laws on wages? (for example, sick pay and maternity rights, zero-hour contracts etc.).

• Do workers have the right to unionise without fear of intimidation or penalty?


• existences of independent, third-party and unannounced auditing; existence of electronic data collection;

• Workers are provided rest periods (Referenced from Thailand Ministerial Regulation No.10)

• if all workers are formally granted the freedom of association and right of collective bargaining;

We appreciate the importance of the broader list of labour issues to our stakeholders. However, for this phase the scope will remain on forced and child labour.

MSC regularly reviews its program to ensure continuous improvement and encourage stakeholder feedback on an ongoing basis. Future programme reviews may provide the opportunity for consideration of other issues.

Q2. Should fishery or supply chains associated with a Tier 2 watch list or Tier 3 country in the most current Trafficking in Persons (TIP) Report be required to provide additional information? Are there other conditions under which entities should be required to provide additional evidence?

<table>
<thead>
<tr>
<th>Feedback received</th>
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Some responses to Q3 had overlap. Therefore for consistency and brevity, these have been grouped into categories with a single response provided.

<table>
<thead>
<tr>
<th>Feedback received</th>
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</tr>
</thead>
<tbody>
<tr>
<td>All entities should be required to submit the same information</td>
<td>We appreciate the comments from stakeholders that the labour requirements should be applied equally across all our certificate holders. We note that responses from other stakeholders acknowledge that there are certain attributes that correlate with higher likelihood of risk of forced and child labour (see below). We must also be aware of the range in size and complexity of our certificate holders – from single operator vessels and traders to large vessels and processors employing up to hundreds of people. Further, we want to ensure we target our efforts to focus on the entities that pose the greatest risk of forced or child labour. We will consider these comments as we investigate alternatives to the risk-based self-declaration as the best first step for MSC in mitigating forced and child labour risks in our program.</td>
</tr>
<tr>
<td>All entities should be held to the same standard and requirements, not only to best safeguard against violations, but also to effectively prevent instances of violations in the future. Additional info should apply to all fisheries, regardless of Tier. Could also consider ILO convention ratifications, Palermo Protocol etc. All fisheries should be required to hand in supporting documents Section A questions are of a similar nature and not that many more so I suggest all the questions are asked rather than Tier 1 / 2&amp;3 split The additional information proposed for Tier 2 watch list and Tier 3 countries in section B of the self-declaration contains information that is critical in preventing forced and child labor in all fisheries and supply chains. Therefore, we recommend that all clients seeking MSC certification for their products be required to fill the entire self-declaration and provide the necessary information and documentation, regardless of their country’s TIP report status. There should not be a single factor or proxy, all certified businesses should have to provide evidence, no matter where they are in the world. MSC should seek a validation process that applies to all equally</td>
<td></td>
</tr>
<tr>
<td>Other risk tools</td>
<td>Supply chains: This feedback will be considered as part of developing a more detailed risk-based approach for labour requirements in the CoC Standard.</td>
</tr>
<tr>
<td>It was quite hard to find the list. Yes, they should provide further information. Of course. The MSC is an independent, credible, 3rd party-audited certification scheme. Being satisfied with a self-declaration goes against everything that the MSC stands for. Possibly certain ACTIVITIES should require more information, on a risk-assessment basis. I don’t know the answer, but I imagine that prawn-shelling</td>
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</table>
and fishing itself comes with a higher risk of bonded labour than working as a chef.

- All processing operations, regardless of the country tier, could register on SEDEX and complete a self-declaration that generates a risk score.
- Entities listed on the US Department of Labor, list of countries/commodities that are at risk for forced and child labor
- Number and origin of the workers, control of legality of workers, control of crew list at departure and at arrival, control of age of workers; procedure on remediation in case children are detected on vessels,
- Other conditions under which entities should be required to provide additional evidence include countries associated with a yellow or red card issues by the EU; countries that have not fully implemented ILO C188 or the Port State Measures Agreement (PSMA) countries that have been linked to Flags of Convenience (FoC); countries that allow the practice of transshipment at sea; countries that do not require Unique Vessel identifiers (UVIs) or Vessel Monitoring Systems (VMS) for the majority of their commercial fishing fleet; as well as flag States that do not make their fishing licensing list publicly available. While some of the above conditions relate primarily to transparency and traceability issues, EJF’s work has established that limitations to these two often intersect with labour and human rights abuses
- ("risk" fishing area + number /nationalities of workers. In risk countries, the self-declaration is not considered sufficient. Instead, a full social third party audit (e.g. BSCI or equivalent) should be precondition to receiving MSC certificate.

**Other conditions**

In our experience, a social audit of the premises/vessels that includes interviews with the workers is the only effective way of checking for labour abuses.

We are engaging with initiatives to recognise existing solutions for labour issues in seafood supply chains. Unfortunately, the options for social audits of vessels are limited and not available for global utilisation at this time; nonetheless, we are supporting the development of new solutions designed for auditing at-sea activities.

Q3. Should the self-declaration allow certain fishery or supply chain types that may be considered structurally immune to forced or child labour to only sign the self-declaration statement and be exempt from the requirement to provide information on policies and measures in place?

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<tr>
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**Fisheries:** The feedback will be considered as we look at different tools to evaluate risk for at-sea activities, particularly during the second phase of work.
### Yes to exemptions
- It makes total sense to exempt a company that holds an independent accreditation for labour standards. I don't employ anyone so it would be a waste of time for me to sign!
- The definition of low risk should be agreed by MSC board and could be ascertained using the HRRTS Risk Assessment.

Thank you for your feedback.

We will be further developing the proposal over the coming months, including adding definitions and identifying thresholds and criteria in relevant areas.

### No to exemptions
- No but there should be allowance for children on fishing vessels in some supply chains.
- The existence of a third-party standard in itself cannot be taken as a meaningful assurance that labour abuses are not occurring.

On child labour, we intend to refer to the relevant national and international regulations which would allow for work by children under certain conditions. For example, children working with their parents in a family fishing operation.

Many of our fisheries and CoC auditors are not accredited to conduct social audits. Therefore, we cannot require that they evaluate documents on labour policies or assign a risk level as this is outside of their expertise.

We acknowledge that a self-declaration will not completely eliminate risks of forced and child labour in seafood supply chains. Our objective of the Labour Requirements project now is to provide greater transparency of measures in place to ensure absence of forced and child labour.

### No to using a risk-based approach
- Evidence should always be required in line with MSC fisheries burden of proof for fairness.
- All entities should be held to the same standard and requirements, not only to best safeguard against violations, but also to effectively prevent instances of violations in the future.

We appreciate the comments from stakeholders that the labour requirements should be applied equally across all our certificate holders.
• Labor and human rights violations can occur even in countries not identified as high risk, so assurance of “structural immunity” may be difficult to identify. We recommend clarifying the term “structural immunity” to help clearly determine where this line is drawn. However, given the complexities and frequent lack of transparency within seafood supply chains, we consider it best practice for ALL applicants to provide information on policies and measures to ensure accountability. Conditions in the fishing industry can increase the risk of forced or child labor. This means that day boats, single handed vessels, self-employed supply chains, and smaller companies may not be immune to forced or child labor.

• No fishery/supply chain is immune - exempt status should only be granted if the entity is certified by another social standard. Even day boats or small companies can have these issues. For example, day boats in rural areas are in high risk for child labor, even if at low risk for forced labor. Additionally, how do you define “very small”? And how are you defining what “structurally immune” means?

We must also be aware of the range in size and complexity of our certificate holders – from single operator vessels and traders to large vessels and processors employing up to hundreds of people. Further, we want to ensure we target our efforts to focus on the entities that pose the greatest risk of forced or child labour.

We will consider these comments as we investigate alternatives to the risk-based self-declaration as the best first step for MSC in mitigating forced and child labour risks in our program.

No to the self-declaration

• In our experience, having a policy in place does not mean that the abuses are not taking place. The opposite is also true: some small companies might not have policies in place but use no forced labour

We appreciate the comments from stakeholders on the limitations of a self-declaration approach.

We acknowledge that a self-declaration will not completely eliminate risks of forced and child labour in seafood supply chains. Our objective of the Labour Requirements project now is to provide greater transparency of measures in place to ensure absence of forced and child labour. Following the feedback, we have received, we are exploring alternative approaches in consideration of the lack of solutions currently available for vessel-based activities.

Q4. If yes, under what conditions, and what criteria should be used to determine fisheries or supply chains that should be exempt?

Feedback received | MSC response
--- | ---
Dayboats/small vessels/single operators
• Also, I think single-vessel fisheries with small crews (<5) may be exempted as risks are small versus costs of showing compliance.
• Day boats even with multiple crew up to 15m where a large number of independent vessels would be a sensible exemption as they will have a higher number of independent (owner) operators who have different systems
• small-scale fisheries should be exempt
• I don’t employ anyone so perhaps sole traders exempt?
• Single handed crews would be exempt but not all day boats
• Also, I think single-vessel fisheries with small crews (<5) may be exempted as risks are small versus costs of showing compliance.

We will consider these factors in our definition of risk and carry out further research to see if, how and under what circumstances such entities may be exempt.

Independent certification

Labour requirements for fisheries and supply chains – Summary of consultation feedback
2 situations. (1) a fishery that has been comprehensively audited against a recognised social standard. (2) those within scope of the FT capture fisheries standard. I would seek equivalence benchmarking here.

Fisheries that have received a BSCI 2.0 audit (no older than 12 month) could be exempt from the self-assessment. MSC could request information to BSCI on that specific producer.

It makes total sense to exempt a company that holds an independent accreditation for labour standards.

A fishery and/or supply chain is already certified by a scheme or standard that includes auditable social criteria

A fishery and/or supply chain can demonstrate it meets an equivalent standard

It is our intention not to duplicate the efforts of our certificate holders if they are already certified against an existing social standard. We are engaging with a number of initiatives to see how we can collaborate.

We will make note of the use of BSCI for fishing activities for consideration in project planning in phase 2.

**Low risk** entities

- A fishery and/or supply chains is deemed low risk by risk assessment tools
- Regulatory authorities

Agreeing with excerpt 4.1 above, those cases Thank you for your feedback.

Fisheries characteristics

- There are some fisheries where children go fishing with families and it may not be considered ‘child labour’ in the standard child labour definition. In these instances, could look at characteristics of fishery/working conditions e.g. don't get paid, short fishing trips, with family? However, will be difficult to define what would meet definition of 'structurally immune' - also perhaps policy on no child labour could still be required but includes acknowledgment that children/members of family will be fishing but not as ‘child labour’ in the meaning of this requirement.

On child labour, we intend to refer to the relevant national regulations which would allow for work by children under certain conditions.

We will further develop the definitions and criteria for the elements of the proposal over the coming months.

Q5. Should there be a requirement that CABs check that underlying documentation exists?

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<th>Feedback received</th>
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<tbody>
<tr>
<td>Number of responses</td>
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</tbody>
</table>

- **No**
- **Other conditions**
- **Yes**
The MSC client groups are in many shapes and sizes. Most stock assessments / fleet controls have common groups already in place that can be operated by fleets. Labour practices however are often unique to each individual vessel. It will be difficult for some Client Group representatives from a stock management to sign on behalf all members labour practices. It may lead to need for each vessel to complete and sign, so having many combinations of answer. It acts to differentiate between the Fisherman groups having a client group and company owned Client groups. The company owned fleet Client group will have a significant easier ability to complete this process. The process hinders the process of harmonisation and the joining of client groups as it is an area where different practices of labour work within the same stock. In multiple ownership vessel operating Client Groups the additional steps may discourage further new entries to the MSC process. Client Group representatives may not be willing to sign on labour practices on behalf of other owners as the Client Group of mixed operators have come together for fisheries / stock / quota management only.

**Yes – Support for CAB verification of documents**

- The additional verification should be done only if suspicions about the honesty of the statements arise during the certification process
- Verification is a critical aspect of the process to determine the validity and accountability connected to a self-declaration. Therefore, we believe that requiring CABs to check underlying documentation would be beneficial to MSC in order for its social component to be viewed as robust. A verification process that requires supporting documentation supports the legitimacy of MSC social declarations and lends increased credibility to the assertion that MSC products meet human rights standards. The guidance to the CABs on how to effectively verify should also be public. In addition, underlying documentation is important to demonstrate an applicant’s assertion that its supply chains are free from forced and child labor. We also support the option of making publicly available the completed self-declaration form on the MSC website.
- While determinations on eco-labelling can be made by assessing stock health of particular species and in specific regions, that is certainly not true of labor certification. Labor certification requires vessel-level verification, and MSC should absolutely expect its certifying bodies to check that underlying documentation on labor conditions exists. However, this is a very low bar and if MSC intends to move into labor certification, it will need to establish more robust auditing mechanisms to do it effectively.
- CABs need to verify that documentation exists. If they don't check in some way, what is the point? - That said, checking that someone has a policy without checking about whether they implement that policy isn't actually going to tell us anything about the reality. Also, guidance about what documents are needed would be necessary.
- CABs should check documentation. An on-site verification of documents can support in transparency and veracity; and safeguarding against falsification of documents.
- ok pour les exigences mentionnées ci-dessus, la documentation doit être vérifiée par l'auditeur

We acknowledge the diverse and complex structures of some fishery client groups and will be looking for a solution that is feasible for such entities. This will be part of the impact assessment work we will be doing in the coming months.

Future work will involve understanding how the Labour Practices project interacts with ongoing efforts within MSC to simplify the fisheries certification process.

The proposal was for certifiers to check that the supporting documentation exists not to verify its contents and/or implementation. This is because many of our fisheries and CoC auditors are not accredited to conduct social audits. Therefore, we cannot require that they evaluate documents on labour policies or assign a risk level as this is outside of their expertise.

Nonetheless, we appreciate the comments received and will consider this particular concern as we review the options for a more robust approach to managing perceived labour risks in the MSC program.
### Additional feedback

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<tr>
<th>Feedback received</th>
<th>MSC response</th>
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<tbody>
<tr>
<td>on the principle of the MSC labour policy being SAQ / Self declaration then no.</td>
<td>Thank you for your feedback.</td>
</tr>
<tr>
<td>As you would to check in scope from fishery perspective and for fishery assessments.</td>
<td>Thank you for your feedback.</td>
</tr>
<tr>
<td>Absolutely. Additionally, a list of mandatory documentation needs to be defined.</td>
<td>We will consult with our certificate holders and other standards to define what is good practice and what will help us meet the objectives of the Labour Requirements project. Guidance will be provided on the type of information that can be included in a self-report.</td>
</tr>
</tbody>
</table>

- Self-assessments should always be made public if a company self-declares being free from child and bonded labour. In audits, I do recommend to try out validation (document checks + random/sampled fact-finding). In my view results of these remain off-line until MSC has a standard and underlying verification process ready. Consider a middle-ground between self-assessment and validated assessment (cf. GRASP and/or EICC).
- Any documentation submitted, including the auditing report, should be made publicly accessible. Furthermore, a self-declaration tool without boat-level verification will not yield any credible data. It will also not help bring about transparency as the information cannot be relied upon. It is not sufficient to provide any level of assurance, as there is no data verification process. Self-certification can only serve as part of a checklist for potential applicants before they undergo a robust, in-depth audit that involves interviews with each crew member. Any audit model that does not involve crew interviews in a safe and neutral setting, is not capable of serving as a credible tool. The auditing scope and indicators checked for by auditors should be based on an internationally recognised and applied definition, such as the ILO forced labour definition, and should include all forms of forced labour as outlined by the ILO.
- If MSC is to include a mandatory social component into its standard, one of the suggestions we have received was to design a system that includes social aspects on board of vessels, whilst ensuring the responsibility and ownership for the monitoring of these aspects lie with organisations with the appropriate expertise (such as BSCI, SA8000, or ETI). The MSC auditor will need to be able to access a partnering system to assess the existence of a self-assessment.

#### Q6. Are there additional factors that should be considered in the design of the complaints process?

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<th>Feedback received</th>
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It makes sense that in any trial or testing period, that information may not necessary be publicised.

We support the use of ILO definitions on forced labour.
## General support

- This seems sensible
- Agreeing with complaints process
- c’est suffisant

Thank you for your feedback.

## Complaints mechanism/ workers involvement

- A worker’s ability to raise allegations can be significantly compromised by a variety of factors, including their geography, access to grievance mechanisms, and the potential threat of retribution. Therefore, it is important to consider that workers may not be able to bring allegations forward in the complaints process and thus a lack of allegations may not be an indicator that forced and child labor does not exist.

- A long-term mechanism that could improve the design of the complaints process and reduce the risk of forced and child labor is a mechanism for workers themselves to bring complaints directly to the CAB and MSC labor panels. This can include ensuring that contact information to the CAB and MSC labor panels is disclosed to workers in contracts, advertisements, flyers, and other appropriate means. This can also help alleviate some concerns of inadequate grievance mechanisms, and barriers for workers to bring forth allegations in some fisheries and supply chains. The MSC may consider establishing a worker grievance hotline. Sharing or posting the hotline could be a requirement for MSC-certified product, allow for increased information flow, and may make a big difference for workers.

- In the decision whether or not to uphold a complaint, the MSC Labour Panel can take into account the various factors that may prevent other workers from confirming the original allegation (such as the fear of retaliation which may include job loss, docking pay, or other factors).

- Potentially the ability for the anonymous “whistleblowing” within the fleet / crew

The feedback has highlighted complexities in the implementation and structure of the proposed complaints panel and process, including legal considerations and potential limitations in the ability of the proposed panel to meet expected objectives. Based on this feedback we will not be including a complaints process during this phase.

## Additional feedback

<table>
<thead>
<tr>
<th>Number of responses</th>
<th>No</th>
<th>Other conditions</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>The first point “absence of documented measures” can be avoided by requiring self-declarations to include verification documentation upfront.</td>
<td>Many of our fisheries and CoC auditors are not accredited to conduct social audits. We also received feedback from our certifiers that they are not comfortable checking documents because it implies an audit. Therefore, we cannot require that they evaluate documents on labour policies.</td>
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<tr>
<td>the certification status of the entity during this investigation time - will it’s certification status be paused or suspended? 2. the need for an on-site verification at the soonest after a complaint is received is vital to a thorough investigation and determination of the facts before a decision is reached by the Panel.</td>
<td>The feedback received has highlighted complexities in the implementation and structure of the proposed complaints panel and process, including legal considerations and potential limitations in the ability of the proposed panel to meet expected objectives. Based on this feedback we will not be including a complaints process during this phase.</td>
<td></td>
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<tr>
<td>It is also important for the MSC to be aware that the absence of a complaint does not indicate an absence of forced and child labor.</td>
<td>We will be reviewing the options for a phased approach to introduce labour requirements that works within the capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels.</td>
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<tr>
<td>The additional verification should be done only if suspicions about the honesty of the statements arise during the certification process. but a limited time monitoring should even after such a verdict take place</td>
<td>The absence of a complaint does not necessarily guarantee no forced or child labour is occurring. The process was intended to meet the project objective to provide a means by which an entity can be removed from the MSC program if they are found to be using forced or child labour.</td>
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<tr>
<td>Given that RFS and Fairtrade are not applicable to all fisheries - not sure they offer the solution to dealing with a complaint in this regard. e.g who would do the audits? It would be good if the MSC CAB could also audit against social standard if required. How would the timeline be determined of when completed by and could MSC proceed without it or would it stall the MSC assessment process? Could this potentially lead to a difficulty in completing MSC full assessment within a required time e.g. RFS can take months to complete.</td>
<td>Given the feedback on the panel we will however not be including a complaints process during this phase.</td>
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<td></td>
<td>We will be reviewing the options for a phased approach to introduce labour requirements that works within the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels.</td>
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<tr>
<td></td>
<td>Many of our fisheries and CoC auditors are not accredited to conduct social audits. Therefore, we cannot require that they evaluate documents on labour policies.</td>
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</tbody>
</table>
• Explanations to complainant of decisions must be made in writing. Any appeals from that may go to MSC SC.
• Labour Panel should provide a public report to explain and document why the complaint is not upheld.
• It’s important to be consistent that the labor requirements are always talking about forced and child labor. Proposals to address the issue within 6 months is misleading. Does this mean the issue must be fully fixed in 6 months? Or that steps are being taken within that time frame? If complaints must go directly to CABs, is there an easy way to do this anonymously?
• Yes, these are additional factors that need to be taken into consideration:
  o The composition of the MSC Labour Panel should be clearly defined. We recommend that it is made of external and independent stakeholders with relevant expertise.
  o The client for which the self-assessment has been challenged should undergo a 3rd party audit against a recognised third party standard as soon as possible. The investigation of such human right violations cannot be delayed.
  o The procedure should indicate who will pay for the 3rd party audit and how the client will be reimbursed and compensate if the allegation is proven false.
  o The procedure should indicate who decides the type of 3rd party audit that will be conducted.
  o The procedure should add as possible workers/employees which should be able to challenge the self-declaration.
  o The procedure should include information on the steps to be taken after the investigation as well as the proper protection of victims and further remediation if needed.
• Under point A, stakeholders should be defined as internal (members) and external (media, civil society, calls through a hotline or online submissions) and it should be ensured that external complaints can also trigger an investigation. Under point B, the evidence level required should be set low to ensure that all cases of concern can be picked up on.
• Who would bear the costs of the labour panel?

To be robust, The Complaints process should be comparable with the fisheries complaints process

Given the feedback on the panel we will not be including a complaints process during this phase

We [certifiers] do not want be responsible for following up with the client/applicant to request a response and provide evidence against a claim, as we have not been trained to know what would be the right evidence against a e.g. child labour claim. We propose that any claims are forwarded to the MSC Labour Panel and are dealt with through this panel.

The consensus among certifiers is they should not check documents or provide any sort of verification as this would imply an audit. We will review the proposal to clarify the expectations and role of the certifier with regards to labour issues.

Q7. What additional criteria should be considered in determining whether a complaint should be upheld or not?

<table>
<thead>
<tr>
<th>Feedback received</th>
<th>MSC response</th>
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</thead>
<tbody>
<tr>
<td>None</td>
<td>Thank you for your feedback.</td>
</tr>
<tr>
<td>I’m afraid I don’t know enough about it - maybe ask a modern slavery charity or the ILO</td>
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</tbody>
</table>

Given the feedback on the panel we will not be including a complaints process during this phase
**Public Consultation – 15 March to 14 May 2017**

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<table>
<thead>
<tr>
<th><strong>Labour requirements for fisheries and supply chains</strong></th>
<th><strong>Summary of consultation feedback</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Interviews with workers</strong></td>
<td>Given the feedback on the panel we will not be including a complaints process during this phase. We are reviewing the options for a phased approach to introduce labour requirements that works within the capacity of MSC and our certificate holders as well as the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels.</td>
</tr>
<tr>
<td><strong>When determining whether to uphold a complaint, civil society reporting as well as statements from potentially affected crew should be explicitly included.</strong></td>
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<tr>
<td><strong>To consider whether a complaint should be upheld, interviews with workers by third party auditors should be mandatory to countercheck allegations.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Given the feedback on the panel we will not be including a complaints process during this phase.</strong></td>
<td><strong>Thank you for your feedback. We will investigate what role these different tools may have in the Labour Requirements project.</strong></td>
</tr>
</tbody>
</table>

**Recommended tools**

- In case a country has issued a “yellow card” or “red card” against another country. For instance, in April 2016, the European Union renewed a “yellow card” warning to Thailand, threatening to ban all seafood exports unless the military government tackled rampant illegal fishing and labour abuses among its fleets.
- Consider using VMS/GPS and (on large vessels now quite common) vessel CCTV systems as possible evidence. In using VMS as part of a developing labour compliance system I see congruity with WWF advocacies on this point. VMS data can show when and where vessels may have taken crew on board or off board.
- In a situation where there is a self-declaration but no supporting documentation, and the fishing or supply chain activity/fishing activity occurs in high risk areas, these elements may present enough risk to generate a complaint, even in the absence of “irrefutable evidence”. We suggest the use of risk assessment tools early in the process to identify applicants required to submit supporting documentation.
  - All complaints made by workers in the supply chain should be weighted more heavily toward being upheld.
  - Note: For the complaint system to be a reliable safeguard against forced and child labor it will be vital that the CAB be ready to accept complaints and allegations from reliable third party organizations, and in particular the workers themselves. Thus, CAB should work to develop an anonymous and safe mechanism for workers to contact the CAB directly to raise complaints. This can include ensuring that contact information to the CAB and MSC labor panels is disclosed to workers in contracts, advertisements, flyers, and other appropriate means. It is also important for the MSC to be aware and inform the public that the absence of a complaint does not indicate an absence of forced and child labor.

**Complaints should be upheld by default unless unambiguous evidence of being irrelevant. The precautionary principle should apply.**

- Whether the evidence is public or not
- Involvement of the legal authorities

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**Process/clarity/definitions**

- What are the criteria for making a complaint? Would it be similar to an objection? e.g. an invalid complaint could be

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**Thank you for your feedback. We will investigate what role these different tools may have in the Labour Requirements project.**
raised due to personal differences. Need to have clarity on how to make complaints.

- What if there isn’t clear and irrefutable evidence but sufficient evidence to point to a risk? Will anything additional be required then? Getting clear and irrefutable evidence can be hard for these types of issues... workers in these situations are often threatened, as are their families, and it’s not acceptable to put them at risk.

- It would be important to establish a common understanding with the entities around forced and child labour definitions; debt bondage; a valid work contract; the parameters of good recruitment policies/practices; and the negative aspects of recruitment fees.

We will be reviewing the options for a phased approach to introduce labour requirements that works within the capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels.

We will include the comments around defining credible evidence, process and decision-making, complaints, protection of workers, publicly-available information, on-site verification and follow-up visits in our conversations with these organisations.

Q8. Should the MSC employ the use of risk assessment tools to support the complaints process?

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<th>Feedback received</th>
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<tr>
<td>Number of responses</td>
<td>Thank you for your feedback.</td>
</tr>
</tbody>
</table>

- No - please see submitted statement
- No, this has to be fact based.

Yes

- Very much so. Use the phase 1 as much as possible to try out audit approaches and tools! So that phase 2 becomes effective and efficient.
- A risk-based approach should always be used in support of this process, but every complaint issued should – as a standard protocol - be followed by a thorough review that includes interviews with the potentially affected crew members.
- These should be used to determine the need for additional evidence of compliance beyond a self-declaration.

We will include these comments when considering how to best make use of risk tools.

Additional feedback (Other conditions)

Risk assessment tools can provide a first level analysis of fisheries and seafood products. They can also be used to identify high risk products and supply chains where a more detailed risk analysis may be necessary. Therefore, the use of risk assessment tools can be a component to inform the complaints process. However as forced labor abuses and child...
labor is a complex issue, risk assessment tools should be used alongside other tools and procedures. Moreover, if there is already credible evidence and complaints by workers in the complaints process, moving straight to an audit to investigate the claims may be more appropriate.

The aforementioned procedure is about an investigation while Risk Assessment is a suitable tool of defining risk level based on more general factors/ information, so the labour panel is an investigation of a complaint / allegation so any risk assessment used should be for specific investigation and intelligence.

We will include these comments in how and when to use risk tools as we further develop the proposal.

We would recommend that MSC complaint process would lead into a third-party social audit or special investigation.

We agree that to the fullest extent possible we should collaborate with existing 3rd party solutions to use their expertise and reduce duplication of efforts. However, given the overall feedback on the complaints panel we will not be including a complaints process during this phase.

Not sure what the tools would look like, maybe. Might dilute things if not precautionary enough. What benefits would this bring?

The benefits of a risk-based approach and using risk tools is to allow us to target our efforts to focus on the biggest risks to the MSC program. We will work on further detail of our risk approach to provide greater clarity on what it will look like, how it will work and how it will strengthen not dilute the labour project.

Using a risk assessment to support complaints makes it sound like in low-risk areas complaints won't be investigated as thoroughly, if at all.

It is not our intention to exclude low-risk entities from having a complaint investigated. We will work on further detail of our risk approach to provide greater clarity on what it will look like, how it will work and how it will strengthen not dilute the labour project.

| Q9. Is the proposed structure and role of the Labour Panel the right approach for MSC? |
|---|---|
| Feedback received | MSC response |
| Yes | 14 |
| No | 14 |
| Blank | 4 |

No – Additional feedback

Organisations working on forced labour should also have an active monitoring role

Given the overall feedback on the complaints panel we will not be including a complaints process during this phase. We are proposing a phased approach to introduce labour requirements that works within the
<table>
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<tr>
<th>Public Consultation – 15 March to 14 May 2017</th>
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<tbody>
<tr>
<td><strong>This feels a little bit like the fox guarding the hen house.</strong></td>
</tr>
<tr>
<td>Capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels.</td>
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<tr>
<td>Given the overall feedback on the complaints panel we will not be including a complaints process during this phase. This removes any proposed requirement for a fishery client to be subject to a social audit following findings by the complaints pane at this time.</td>
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<tr>
<td>This includes looking to refer more to 3rd party solutions. It is our intention to focus on the elements of the social standard related to forced and child labour; however, as these solutions often have a much broader scope, we will be reviewing our options to understand how this collaboration would work in practice.</td>
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</table>

| The evaluation of the absence of forced or child labour is only part of a social audit. By requiring a fishery client to obtain certification to a standard for all participating fleets may not be possible if the fleet does not meet the standard in other areas, eg. due to the absence of suitable local regulation or local vessel inspection. |
| Capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels. |
| We are exploring options for a phased approach to introduce labour requirements that works within the capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits that are more appropriate to fishing vessels. |

| Yes |
| The structure of a separate labor panel to determine the veracity of a complaint or challenge will add to the authority of the complaints process and the decisions that come out of it. To further improve the level of trust of the MSC Labour Panel, we recommend that MSC selects the option of: “Labor Panel membership is comprised solely of external accredited auditors with no inclusion of membership from MSC’s governance bodies”. This can help to ensure that the review process is as objective as possible and add a further level of authority and trust behind any decisions it makes. However, to further improve the robustness of the MSC Labour panel we recommend that the MSC Labour Panel also include a balance of human rights, workers’ rights, and labor experts and representatives alongside external |
| Given the overall feedback on the complaints panel we will not be including a complaints process during this phase. |
| We are proposing a phased approach to introduce labour requirements that works within the capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels. |

Labour requirements for fisheries and supply chains – Summary of consultation feedback
accredited auditors. Additionally, to incentivize improvements, entities that had their MSC certificate revoked due to upheld complaints can be allowed to apply again for MSC certification if they can make improvements and achieve certification from a credible human rights standard.

- Yes and to include the MSC membership
- Labour panel should be completely independent. Stakeholder Council and Board have various interests, be they business, NGO, and this issue is too important to risk partiality.
- The labour panel should not include MSC staff, it should consist of independent experts.
- Ensuring relevant competencies are a part of the Panel would be the key to the Panel's abilities and effectiveness.
- Ensure independence of the panel from MSC. Include a tripartite membership in which certainly SAI and a social (fishery) NGO must be present.
- I would think that panel made solely of external accredited social auditors would have more credibility, but it would be worth checking what reputable NGOs working on labour abuses think of it.

### Additional feedback

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<thead>
<tr>
<th>Question</th>
<th>Feedback received</th>
<th>MSC response</th>
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<tbody>
<tr>
<td>What is the precise flow of the grievance process including information on if the compliant and affected party will be informed about proposed remediation actions, the final results of the case and timeline for each step? To increase transparency, it is recommended to publish statistics of self-declarations which have been challenged and been subject to a grievance and how it has been dealt with. To diversify the MSC Labour Panel and therefore reduce the risk of conflict of interest, [RESPONDENT] considers the Panel comprised of retained Social Accountability International accredited auditors, members of MSC’s Stakeholder Council and two members from the MSC's Board of Trustees as the better option. Furthermore, we highly encourage MSC to select SAI accredited auditors who may have successfully passed the exams of the 5 days BSCI Auditors training + 2 days [RESPONDENT] Food auditors training. We highly recommend that the MSC Labour Panel takes into consideration the protection of the victims and necessary remediation steps, in addition to the removal of the MSC certificate.</td>
<td>Owing to this feedback, we are proposing options for a phased approach to introduce labour requirements that works within the capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels.</td>
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</table>
### No membership from MSC or its governance bodies

- MSC's board of trustees should not be included in the Panel.
- [We] support the stated option in which "Labor Panel membership is comprised solely of external accredited auditors with no inclusion of membership from MSC's governance bodies." This option ensures that risk analysis and verification of documentation is as objective as possible, carried out by experts with intimate knowledge and experience in the human rights field. In addition, external auditors can add an increased level of trust in the MSC standard...
  - An additional consideration is to explore the option in which Labor Panel membership consists of a balance of human rights and labor experts; industry, NGO, and worker representatives; and other relevant non MSC stakeholders alongside external accredited auditors. This can broaden the expertise of the Labor Panel and further improve the trust and objectivity of the labor panel.
  - Just the independent thing, above
  - The panel should consist of Labour experts independent to the MSC staff as the MSC is a fisheries expert body and thus labor expertise needs to be external to be credible.

### On-site visit/verification

- When reviewing information, or deciding on whether to uphold a complaint, the panel needs to - always - initiate a visit of the affected vessels and conduct crew interviews. No consideration should be given in such cases as to whether or not the vessel is part of a third-party audit, as this by itself is no guarantee of compliance.
  - While the complexities are acknowledged, there is a need to include on-site verification as a natural step of the Panel's ways of working.
  - see answer to questions 6 and 7: interviews with workers should be compulsory and reports published

### Expertise

- The ability of such a panel to have relevant experience linked to any specific operating area / fleet
- Consider inviting ILO to participate as some sort of adviser. I assume formal links (member of panel) might not be appropriate, but accessing their expertise is worthwhile.

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**Labour requirements for fisheries and supply chains – Summary of consultation feedback** 23
<table>
<thead>
<tr>
<th>Ensure the Panel has communicative mandates, so be clear on what MSC and what/when the panel communicates to members, stakeholders, public</th>
<th>labour requirements that works within the capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels.</th>
</tr>
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</table>

### Additional feedback

To gain more understanding of the process on how the MSC Labour Panel operates, it would helpful to explain how MSC envisions the approach and follow-up process whenever a 3rd party audit is required including who follow-ups with whom (MSC Panel with company and/or audit scheme?), what kind of proof is required to ensure the maintenance of the MSC certification and is there a time limit associated? It is furthermore recommended to explain that if a 3rd party audit has been requested, the scope of the auditing scheme or system will apply to evaluate and mitigate the risk of child and/or forced labour and additional areas being part of the system or scheme.

Owing to these comments and others on the complaints process we are proposing options for a phased approach to introduce labour requirements that works within the capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels.

For CoC where more solutions are available we will be looking to refer more to 3rd party solutions.

Given that other social standards include a much greater suite of indicators other than forced and child labour - it may be that the fishery fails on things outside of the scope of this requirement e.g. quality/handling of catch which is included in the RFS standard. Would suggest a mechanism that only requires forced/child labour components of standards to be audited against.

Given the overall feedback on the complaints panel we will not be including a complaints process during this phase. There will therefore not be a requirement to refer to other standards at this time. We are proposing a phased approach to introduce labour requirements that works within the capacity of MSC and our certificate holders and the limited solutions available for fisheries, while supporting the development of solutions for social audits of vessels.

The second point is the question how far the self-declaration requirement goes, and when do companies sufficiently substantiate its justification. Bear in mind some companies have complex international operations which makes fulfilling due diligence through the length of the chain quite challenging. The sector can accept a reasonable level of added administrative burden, but the purpose and added benefits for this must be clear and widely supported.

We will be further investigating the different structures of operations that make up our base of certificate holders, and how the introduction of labour requirements is likely to impact them (cost, time, legal structures, etc.) We will include your comments in this work.

We foresee an added complexity with regard to the UoC. The proposed self-declaration applies to a fisheries, and not individual vessels. What impact would a case of non-conformity at the level of a single vessel have on the MSC certification of the entire fishery?

The intention is that if a vessel was found to use forced or child labour, that vessel would be removed from the fishery certificate. The certificate itself would not be affected.

The final point addresses the issue of responsibility. As a matter of principle, we view that the responsibility for the social protection of workers in the seafood supply chain (both employed and self-employed persons) should rest with national governments. On the grounds of the Law of the Sea of the UN, governments should be tasked with the obligation to translation international agreements into national legislation and enforce these laws through appropriate labour inspections.

Given the global nature of our program, and differing social and cultural expectations, we will look to work within national regulatory frameworks as much as possible. However, in some cases a government may not be willing or able to respond to egregious labour violations such as forced labour. As labour issues in seafood supply chains are receiving a lot of attention, there is an expectation that MSC will take a position on this issue and...
**Q11. What should MSC do in the absence of a suitable third party standard, e.g. for some types of distant water fishing which are not currently covered by FTUSA or RFS?**

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<tr>
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<tr>
<td>We recognize the importance of the MSC’s role and hope it can have positive impacts on the difficult situation of fishermen. MSC could help strengthen our call for a moratorium on unobserved transhipments at sea by refusing to certify seafood that has been transshipped. MSC could also call for a prohibition on recruitment fees within the seafood industry and partner with worker organizations to help certified fisheries and supply chains change labor sourcing practices to implement such a prohibition. MSC could also use its global status to encourage ratification of ILO Convention 188 (Work in Fishing) and help develop market incentives for countries to adopt the convention and improve labor laws and regulations for the fishing industry in line with that convention’s requirements.</td>
<td>Thank you for this feedback. These recommendations provide useful insight into our stakeholders’ areas of concern. MSC is not an advocacy organisation but we do see some overlap between the comments provided and other MSC projects (Fishery Traceability and Product Provenance) that seek to improve reporting and documentation of traceability within the fishery certificate. This will bring more transparency to issues such as transhipment which will help us better understand potential risks in our program. Following the feedback received we are proposing that all fisheries be required to self-report on measures in place to ensure absence of forced or child labour. We believe the resulting transparency will contribute significantly to global efforts to address these.</td>
</tr>
</tbody>
</table>

- The adoption of the audit clause should wait until suitable social standards are able to be developed
- Exclude them in the first instance
- Consider offering the company to develop a different assurance mechanism that isn’t one of those third-party standards - no obvious solution available at present.

<table>
<thead>
<tr>
<th>Sorry I can’t answer this</th>
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<tbody>
<tr>
<td>We are proposing options for a phased approach to introduce labour requirements that works within the capacity of MSC and our certificate holders and the limited solutions available for fisheries. As part of this work, we will be supporting the development of 3rd party solutions for social audits of vessels.</td>
<td>Thank you for your feedback.</td>
</tr>
</tbody>
</table>

- Consider also giving this panel a mandate to experiment with more comprehensive standards and verification tools. Make it a TWG (equivalent to ASC development processes). Building blocks from which a suitable standard can be made are plenty.
- The MSC would need to develop their own standard. Alternatively, there is the option of taking over or having an agreement with a private standard e.g. we have developed a social standard for fishing operations and vessels: we recently audited an MSC fishery against it.

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| Our expertise, and the expertise of our auditors, is in environmental sustainability and traceability. We do not want to add social requirements to the standards at this time; instead we feel our efforts are best placed to support and recognise existing standards and solutions that work on labour issues in seafood supply chains. | Towards this aim, we have reviewed our approach to the labour panel and self-declaration. Instead, we will look to work more with 3rd party solutions, including supporting the development where solutions may not currently exist (as with fisheries). This should

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Labour requirements for fisheries and supply chains – Summary of consultation feedback
provide the additional verification that some stakeholders have requested without requiring us to develop our own standard.

<table>
<thead>
<tr>
<th>Feedback received</th>
<th>MSC response</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The MSC needs to, as a standard policy, introduce confidential crew interviews for all vessels accredited.</td>
<td>The challenge is who conducts these interviews and when. Vessels may be at sea for weeks or months, and there isn't always a lot of notice when they will be in port. It may be difficult to get an auditor with sufficient expertise (e.g. local language capability) to the location at the right time.</td>
</tr>
<tr>
<td>• MSC should develop auditable guidelines or a code of ‘Good Social Practice’ based on extant criteria set out by the ILO and ETI.</td>
<td>For this reason, we have reviewed our approach to the labour panel. Instead, we will look to work more with 3rd party solutions, including supporting the development where solutions may not currently exist (as with fisheries). We will include confidential crew interviews as a factor and reference the ILO and ETI criteria in our conversations with these organisations. We propose to require a self-report only in the first phase for fisheries.</td>
</tr>
<tr>
<td>• ILO Labour standards</td>
<td>We will look into opportunities to collaborate with the ILO labour standards and the Seafood Taskforce.</td>
</tr>
<tr>
<td>• Check Options with the auditing program of the Sustainable Sea Food Task-Force. <a href="http://www.seafoodtaskforce.global/">http://www.seafoodtaskforce.global/</a></td>
<td>Owing to the feedback from this consultation, we have revised our approach to the labour panel and self-declaration. Instead, we will look to work more with 3rd party solutions, including supporting the development where solutions may not currently exist (as with fisheries). We will take these comments into considerations as we organise discussions with these organisations.</td>
</tr>
<tr>
<td>• Partnering with able supply chain organisations that incorporate social and labour standards into their ways of working could be a way to approach securing labour requirements in these locations/situations.</td>
<td>Owing to the feedback from this consultation, we have revised our approach to the labour panel and self-declaration. Instead, we will look to work more with 3rd party solutions, including supporting the development where solutions may not currently exist (as with fisheries). We will include looking at a self-assessment and/or working with NGOs and local authorities in our considerations.</td>
</tr>
<tr>
<td>• Make existing third party standards applicable for those types of fishing.</td>
<td>• MSC seems to be using ‘third party labour certification’ as a fall-back option in the absence of an alternative. The problem remains that there is no suitable option available. “</td>
</tr>
<tr>
<td>• We commend MSC’s consideration of how to address gaps in coverage by third party standards in particular distant water fishing vessels and their activities. This area is often difficult to accurately assess, yet is an important element in ensuring supply chains are protected from human rights abuses. In the absence of a third party standard covering distant water fishing, MSC could work with relevant third party standards, such as the Responsible Fishing Scheme, to expand their coverage of distant water fishing fleets.</td>
<td>• In the absence of a suitable third party standard, e.g. for some types of distant water fishing which are not currently covered by FTUSA or RFS, MSC should revert the case to local authorities or liaise with local NGOs as appropriate. The issue should get investigated with the existing limitations.</td>
</tr>
<tr>
<td>• Could a voluntary self-assessment questionnaire be available on those cases.</td>
<td>• Could a voluntary self-assessment questionnaire be available on those cases.</td>
</tr>
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</table>

**Feedback received**

<table>
<thead>
<tr>
<th>Q12. Are there additional credible third party standards that should be considered?</th>
</tr>
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<tbody>
<tr>
<td><strong>MSC response</strong></td>
</tr>
<tr>
<td>Feedback received</td>
</tr>
<tr>
<td>Owing to the feedback from this consultation, we have revised our approach to the labour panel and self-declaration. Instead, we will look to work more with 3rd party solutions, including supporting the development where solutions may not currently exist (as with fisheries). We will include looking at a self-assessment and/or working with NGOs and local authorities in our considerations.</td>
</tr>
</tbody>
</table>
We are not aware of any standards that adequately monitor labor rights abuses in the fishing sector.

<table>
<thead>
<tr>
<th>Labour standards</th>
<th>The options for vessels is limited. We are supporting the development of initiatives underway to address this gap and provide a solution to social audits of vessels.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreeing with the above standards</td>
<td>Thank you for your feedback. We will be working with RFS to see what opportunities exist to scale up that standard to provide a solution for MSC.</td>
</tr>
<tr>
<td>Friends of the Sea</td>
<td></td>
</tr>
<tr>
<td>I'm afraid I don't know any - check with anti-slavery charity?</td>
<td></td>
</tr>
<tr>
<td>SA8000</td>
<td></td>
</tr>
<tr>
<td>ETI Basecode</td>
<td></td>
</tr>
<tr>
<td>ISO26000</td>
<td></td>
</tr>
<tr>
<td>This subject needs further investigation.</td>
<td>Thank you for your feedback. We will review the paper and include any additional standards for consideration of recognition.</td>
</tr>
<tr>
<td>non, c'est ok</td>
<td></td>
</tr>
<tr>
<td>Cooperate with the Responsible Fishing Scheme to see how their approach on social standards could be applied to the MSC</td>
<td></td>
</tr>
<tr>
<td>Work with Labour Voice, ILO LISA system”</td>
<td></td>
</tr>
<tr>
<td>SA8000 is considered the best one for supply chains. I am not familiar enough with RFS and FT-USA fisheries standards and auditing requirements to have an opinion.</td>
<td></td>
</tr>
</tbody>
</table>

FishWise's white paper on social responsibility in the seafood industry has a list that include third party standards addressing supply chains. (Page 49-68 https://www.fishwise.org/images/white_papers/Social Responsibility_in_the_Global_Seafood_Industry.pdf) Please note the list is not intended to be comprehensive, serve as an endorsement, or as an indication of a particular certification or standard's robustness. We recognize that comments from labor experts indicate that more is needed to make a labor certification program effective, emphasizing the importance of ensuring that a certification program inflicts no further harm on workers. We encourage the MSC to consider the advice of these experts and we have also submitted comments to provide feedback on the specific questions proposed by the MSC.

For fisheries SEDEX SMETA can be used on large vessels but is costly.

ASC (e.g. shrimps says worthwhile things about contracting, part-time and temporary labour). EICC (electronic industry) has a middle ground between self-assessment and validated assessment. Could be worthwhile to check out. And Goodweave is worth looking at when considering auditing realities (it is not third party but many of their auditors are from risky countries). 2 additional comments/observations: - One real added value of the FT approach lies in enabling continuous improvements…..a thought I miss in MSCs own considerations. Utz has that too for other commodities. Do check these out and take useful ideas in. - I urge MSC to expand the scope (in phase 2) beyond labour to include also 'communities'. The FAO Codes do refer to community stakes as a risk to consider. Fishing is always about privatising a public resource. So others (outside the certified fishery) do have a legitimate stake that a responsible industry considers. And approaches and tools exist from which also the MSC can learn and make a cost-effective negative impact risk management tool.

We will add SEDEX SMETA for consideration for vessels.

We will look into the EICC, Goodweave and UTZ.

We appreciate the feedback on continuous improvement and will look to see how we can integrate this into our own proposals.

Communities are important but as this is a new area for MSC, we would like to focus our approach for the first phase. The impacts on communities are captured within another work stream on socio-economic impacts of a fishery’s certification. MSC is investigating this as part of our Strategic Research work at this time we will not be adding add specific requirements to this effect.
<table>
<thead>
<tr>
<th>Public Consultation – 15 March to 14 May 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>We do not consider Global GAP GRASP a sufficiently robust social standard, as it is also only a checklist and not a full social audit.</td>
</tr>
<tr>
<td>Not all the proposed schemes are fully accredited. This differs from MSC’s approach to certification but as labour issues is a new area for our organisation, we still see this as being a good first step. Nonetheless, we will be doing further benchmarking on these organisations and will include these comments in our considerations.</td>
</tr>
<tr>
<td>[RESPONDENT] recommends that MSC relies on systems or social schemes that have a similar level of assurance and capacity to deliver a reliable third party investigation than [RESPONDENT]. We recommend MSC to look at the GSCP equivalence process, ISEAL or IDH Sustainability Commitment for reference on how social systems may compare. [RESPONDENT] is also willing to share its internal methodology on how to benchmark social schemes.</td>
</tr>
<tr>
<td>Not all the proposed schemes are fully accredited. This differs from MSC’s approach to certification but as labour issues is a new area for our organisation, we still see this as being a good first step. Still, this is useful feedback and we will look at the references provided to support our benchmarking. We will follow up with you directly as we would greatly appreciate greatly to learn from you more on your methodology on how to benchmark social schemes.</td>
</tr>
<tr>
<td>Due to limitations and significant shortcomings of the RFS, this should not be referenced as a proposed standard as it cannot provide any meaningful assurance of compliance.</td>
</tr>
<tr>
<td>We would be interested to hear more on the ways in which RFS does not provide meaningful assurance? The options for vessels are quite limited. We are thus looking at alternative options that give us more time to investigate solutions, meanwhile supporting the development of initiatives underway that are designed for vessels.</td>
</tr>
<tr>
<td>Email: Please correct for &quot;Fair Trade USA&quot;. Please include Fair Trade USA under supply chain as well. You might consider including processing facilities that have the GAA processing certification (e.g. if they process both wild caught and farmed fish).</td>
</tr>
<tr>
<td>We will add FTUSA and GAA for consideration for the supply chain as well.</td>
</tr>
<tr>
<td>How is “credible” defined?</td>
</tr>
<tr>
<td>• What criteria (or performance measures) are necessary for a standard to meet the requirements of the MSC declaration?</td>
</tr>
<tr>
<td>• The RFS and FTUSA have very different scopes. Would the certified fishery be required to meet all aspects of the scope or just those aspects that relate to forced and child labour?</td>
</tr>
<tr>
<td>• [RESPONDENT] also cautions the MSC to be very careful in endorsing other third-party standards where they do not have any control over the objectives, scope or applicability of those standards.</td>
</tr>
<tr>
<td>We will be working out the relevant definitions over the coming months, as well as the criteria and process for recognising other standards.</td>
</tr>
<tr>
<td>Of particular interest for MSC is engaging with other standards regarding managing the scope of the issues to be covered.</td>
</tr>
<tr>
<td>Our expertise are environmental sustainability and traceability; we wish to make use of the experiences and expertise of existing social standards rather than create our own. However, this is a new approach for us and we will be engaging with these other standards to understand the impacts.</td>
</tr>
</tbody>
</table>

Labour requirements for fisheries and supply chains – Summary of consultation feedback 28
Q12: Emailed feedback

Table 14

<table>
<thead>
<tr>
<th>The enclosed documentation is organized as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ILO Work in Fishing Convention 188 (2007). We</td>
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<tr>
<td>consider that is the basic reference that any social</td>
</tr>
<tr>
<td>standard on fisheries should consider to start.</td>
</tr>
<tr>
<td>2. EU COUNCIL DIRECTIVE (EU) 2017/159 of 19</td>
</tr>
<tr>
<td>December 2016 implementing the Agreement</td>
</tr>
<tr>
<td>concerning the implementation of the ILO Work in</td>
</tr>
<tr>
<td>Fishing Convention, 2007. Just for your information</td>
</tr>
<tr>
<td>about how the EU Member states will have to</td>
</tr>
<tr>
<td>implement the ratification of the Convention 188.</td>
</tr>
<tr>
<td>3. SPANISH Standard UNE 195006 AENOR “Tuna from</td>
</tr>
<tr>
<td>Responsible Fishing (Atún de Pesca Responsible</td>
</tr>
<tr>
<td>“APR”). This is the first fisheries standard in the World</td>
</tr>
<tr>
<td>introducing the Convention 188 clauses applied to</td>
</tr>
<tr>
<td>certification scheme.</td>
</tr>
<tr>
<td>4. Review of International Labour Requirements and</td>
</tr>
<tr>
<td>Social Standards with Applicability to Fisheries</td>
</tr>
<tr>
<td>Certification Schemes, prepared by SAI Global and</td>
</tr>
<tr>
<td>ourselves, that could serve as basis for the future work</td>
</tr>
<tr>
<td>to develop the MSC Social Standard.</td>
</tr>
</tbody>
</table>

As you can learn from Directive 2017/159, we as members of EUROCPEHE, have been promoting this directive with ETF for long time, and finally got this that will mark the application of ILO C188 at EU level.

From [respondent], as you might know, we are already certifying our fleet under the Spanish APR Standard UNE 195006, and we believe that leading by example, we could contribute substantially when MSC determine it is necessary.

<table>
<thead>
<tr>
<th>MSC response</th>
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</thead>
<tbody>
<tr>
<td>Thank you for your feedback. We agree on the importance to recognise the work underway by fisheries, companies and governments to improve labour conditions in seafood supply chains. We will reference the documents provided to help guide the proposal development.</td>
</tr>
</tbody>
</table>

4.2. Scope of MSC-definition. I agree that at this stage the scope could be limited to child labour and forced labour. The ambition should remain open for adding other labour concerns at a later stage, and the formulation should indicate that option.

4.4 Who gets assessed? MSC could refer to internationally accepted rules as a reference point for avoiding the need of self-declarations. For example, when a company can show that it complies with the relevant items 1.1 – 1.4 (child labour) and 2.1 - 2.5 (forced/compulsory labour) of the certificate to the SA8000 of the standard of Social Accountability International (SAI) SAI is an ISEAL Alliance member, and it seems appropriate to refer to a fellow ISEAL Alliance member, thus being consistent in ambitions of transparency and thoroughness of standards. When appropriate arguments are provided, MSC could consider an alternative to SAI as the reference point.

4.6 Recognition of other labour standards. In principle, MSC should refer to (an) existing standard(s), since MSC should not re-invent existing experience. See under 4.4. for suggestions.

4.7 Risk-based criteria I am strongly in favour of introducing risk-based labour conditions. The risks could be used in phase 1 of self-declaration. One the basis of the interpretation of the risks by a CAB/auditor, the next step would be to have a detailed audit of the UoC. There is a lot to be considered about this subject, since it is still in an exploratory phase, but it would be very timely for the MSC to take this route. The MSC could introduce the
possibility of waivers. For example, a certificate to SA8000 would allow a waiver to the self-declaration requirements.

General Fisheries share an exceptional position with other seafarers that fishing can take place in international waters. The MSC should investigate constructions in merchant shipping and other seafaring activities, or in airlines. For example, can we learn from the way that naval vessels, that will be in international waters, organise their labour requirements? When a case of forced labour would be discovered in international waters, what are the current responsibilities of flag state, captain’s nationality and victim’s nationality and how forced labour being addressed in other sectors? ILO’s Maritime Labour Convention One interesting example is the ILO’s 2006 Seafarers’ Bill of Rights, the Maritime Labour Convention. The MLC applies to all vessels engaged in commercial activities, but unfortunately with the exception of “fishing vessels, traditional vessels like dows or naval vessels”.

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILCO_CO:DE:C186 MSC should consider how UoCs could best be prepared to subscribe to the MLC. For example, the flag states of UoCs should be signatories to the latest amendments of the MLC. Secondly, the MSC may propose ways in which a UoC could subscribe to the MLC in her effort to meet child/labour conditions. I would encourage the MSC to look into this exception and propose how fishing vessels could become subject to the MLC in another way.

### Requirements for working conditions

| • The selection of criteria on “the absence of forced labor and child labor” seems to us to be a satisfactory first step, since it seems to be appropriate for the different stakeholders you may have met. However, it seems necessary to consider the integration of additional social requirements at the next stages of consultation. |
| MSC regularly reviews our program and encourages stakeholder feedback on the impacts of changes and further changes our stakeholders would like to see brought in. |
| • The proposal to incorporate these requirements into the eligibility conditions for certification of fisheries or supply chains also seems relevant. |
| Many of our fisheries and CoC auditors are not accredited to conduct social audits. Therefore, we cannot require that they evaluate documents on labour policies or assign a risk level as this is outside of their expertise. We received feedback from our certifiers that they are not comfortable checking documents because it implies an audit. We will provide clarity on the responsibilities and scope of the auditor during a fishery or CoC audit. |
| • The introduction of a self-declaration form will undoubtedly make it possible to reach a first level of commitments of the candidates, but it seems important that the auditor verify the existence of the necessary supporting documents. |
| • It also seems very important that additional proofs requested from actors operating in a country on the Category 2 surveillance list or in category 3 of the most recent report on trafficking in human beings (TEH). |
| • Finally, the complaint management system you propose to implement seems satisfactory and the recognition of third-party standards. |
| Finally, thank you for your feedback and your support for the proposal. |

| 1. In the feedback form, there was no opportunity to comment on the scope of the self-declaration. We believe that the questions in the self-declaration form do not go far enough, as they only include forced labour. We strongly recommend to include all “Zero tolerances” (Child Labour, Bonded Labour and inhumane treatment, Occupational Health and Safety, Unethical behavior). |
| 1. Labour issues is a new area for MSC and our certificate holders. We would like to focus our efforts to ensure that we have the capacity to effectively implement and oversee this change to our program. MSC regularly reviews its program and continues to encourage stakeholder feedback. |
| 2. In chapter 4.4 “Who gets assessed” it states: – There was a recognition that providing a self-declaration at the single |

### MSC to look in effort to meet child/labour conditions.

The proposal to incorporate these requirements into the MLC to support the Labour Requirements project development.

In the feedback form, there was no opportunity to comment on the scope of the self-declaration. We believe that the questions in the self-declaration form do not go far enough, as they only include forced labour. We strongly recommend to include all “Zero tolerances” (Child Labour, Bonded Labour and inhumane treatment, Occupational Health and Safety, Unethical behavior).

In chapter 4.4 “Who gets assessed” it states: – There was a recognition that providing a self-declaration at the single
vessel/company level would provide the greatest assurance. It was however also observed by stakeholders that this level of granularity would have significant cost implications and would be counter to other work being undertaken by the MSC to simplify and reduce the cost of the assessment process.

⇒ Yes, it would be too much to ask the self-declaration from all individual vessels, in case a fishery has several vessels. However, do we understand it correctly that the self-declaration will be signed and filled in on the level of the fishery?

3. It states that any complaints arising that contradict the declaration that there is no Forced or Child labour in the entities that comprise the client group will be referred to an independent panel.

⇒ That’s fine. However, how can workers, NGO’s, workers’ unions etc. know, that there is the possibility to complaint and where to address the complaint?

4. In the Chapter “2.0 Purpose and general principles” it says: The Self-Declaration protocol is not intended to cover all the elements of a social audit, nor provide the same level of assurance as an accredited social standard. Nor is it a part of the MSC standards against which fisheries or supply chains are evaluated for their performance. It is intended to be a mechanism for MSC to disassociate itself from any entity engaging in forced or child labor.

⇒ Why is the self-declaration with its explanations on policies and measures not part of the part of the MSC standards against which fisheries or supply chains are evaluated for their performance? There is a risk that the self-declaration will not be evaluated seriously by the auditors.

⇒ How far do the auditors have to check in detail if there is enough evidence which supports the statements in the self-declaration regarding policies and measures?

⇒ Which evidence will the auditor check? For us its clear, that auditors have to check supporting documentations.

5. What qualifications will auditors need in order to ensure they are make sure auditors are able to check and evaluate the self-declaration?

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**[RESPONDENT] General Comments**

In late 2016, [RESPONDENT] specifically consulted members on this issue. Some results of this internal survey are:

- 59% of respondents (N=17) were opposed or strongly opposed to the inclusion of labour requirements in the MSC process: 35% were neutral: 6% supportive.
- Setting this aside, almost all were neutral on the issue of introducing a self-declaration for fishery certificate holders, but:

This is comprehensive feedback and we appreciate the time taken to submit these detailed comments.

We have attempted to respond to your comments here but will engage with you separately in a more detailed discussion on the issues raised.

Owing to this feedback, particularly on the limited solutions available for fisheries and some concerns around the process for responding to a
• 68% were opposed or strongly opposed to the introduction of labour related performance indicators: 32% were neutral: none supported this
• Again, setting aside this general opposition, support for potential issues for inclusion in the MSC process were considered as follows:
  o Fundamental Human Rights: (e.g. forced labour; human trafficking; freedom of association; protection of children and young persons): 40% support
  o Wages and Working Conditions: (e.g. mandatory worker contracts; maximum working hour limits; minimum rest periods; decent housing): 6% support
  o Worker Health and Safety, Including Vessel Safety: 13% support
  o Community and Livelihoods: 0% support
  o Economic Sustainability: 0% support
• Other results of the survey are considered in responses below. Specific comments of some [RESPONDENT] respondents (anonymised) are included as Annex 1.

This general antipathy among the [RESPONDENT] membership (representing some 100 fisheries in the MSC program, both large and small scale, and about 2/3 of the tonnage in the MSC program) should be clear in representations of stakeholder views.

Notwithstanding the above, and if MSC is committed to this pathway, there is some acceptance from within [RESPONDENT] of a practical self-declaration protocol addressing fundamental human rights (notably forced labour and, at a culturally-appropriate level, child labour).

A key issue not fully addressed in the consultation questions is who is responsible for completing the self-declaration? What are their responsibilities, obligations, consequences or requirements for control? The proforma in the consultation document has the client for the assessment. However:

• 40% (6/15) of respondents to the [RESPONDENT] survey have made their certificate accessible to other parties; 5 have no formal relationship with the other parties.
• 26% of respondents did not have the ability to readily communicate with harvesters included in an certificate
• Processors and other may also be clients or co-clients to fishery certificates with limited knowledge or influence over labour practices throughout the fishery
• Certificate sharing is an important tenet of the MSC programme (e.g. for harmonisation) and should not be discouraged.

complaint, we have revised our approach to the introduction of Labour Requirements in the MSC program. This means we will not be looking to introduce a self-declaration accompanied with a labour panel in 2018.

For fisheries, we propose taking a more phased approach that gives more time to support the development and scalability of 3rd party solutions to audit labour issues for at-sea activities. In the meantime, fisheries will be required to self-report on measures and policies to ensure absence of forced labour from their operations.

This responds to the comments provided because it maintains MSC’s focus on our areas of expertise – environmental sustainability and traceability – without introducing a social audit (or ‘P4’) into the fisheries assessment process. It also responds to the feedback that other 3rd party initiatives are better placed to provide a solution.

Still, MSC recognises the increasing concern around labour issues in the seafood sector. The MSC Board of Trustees released a statement in July 2014 condemning the use of forced labour. Building on this, both forced and child labour were identified as areas where MSC wanted to build assurance that these practices were not associated with the MSC Program. Stakeholders are also concerned that we should not tolerate entities that are found to be using forced or child labour and we are working with other standards to provide assurance to our stakeholders that the fish they buy is not associated with forced or child labour.

Additional points of clarification on intention of earlier proposal:
- It was intended that an entity’s certification status will not change or be affected until any 3rd party audit confirms that forced or child labour is taking place within that entity. This is however now redundant with the revised proposal.
So, the self-declaration:
1. Cannot be completed by each harvester/company, this would not be possible to administer
2. Must recognise that the client may not be familiar with, or have any direct control over, practices of each harvester/company included in the certificate

On this basis, it seems that the self-declaration can only really, as a minimum, attest to the presence of relevant laws and/or regulations and that the client group does not include entities prosecuted for forced labour violations in the last 2 years (or whatever language is eventually used). We note that this is already included in CRv2.0 s7.4.1.4 but we are unclear as to how MSC applies that requirement (if it has been applied at all to date). If laws or regulations do not exist, then additional policies or procedures may need to be cited, but it will be problematic to have these universally required.

Many situations also exist where labour arrangements meet the spirit and intent of this self-declaration, but formal contracts may not be used. Also, we are not familiar with all regulation around issues such as use of recruitment agencies, recruitment fees or provision of information to employees - any non-critical requirements should be avoided.

Responses to MSC Questions:

Are there additional proxies for forced and child labour that should be included as indicators in the standard and advanced self-declaration section of the form:

- For fisheries?
- For supply chain companies?

[RESPONDENT]: We would argue that the information MSC is seeking in the self-declaration doesn’t serve as a proxy for forced and child labour at all. The fishery information is redundant to the certification report and doesn’t provide any clarity as to who/how/whether the signatory has ‘control’ over the necessary measures to demonstrate and maintain conformance with the declaration. Section A is subjective and unbounded. Also, if the CAB is not auditing the information, they should make NO comment whatsoever. (as indicated below)

Should fishery or supply chains associated with a Tier 2 watch list or Tier 3 country in the most current Trafficking in Persons (TIP) Report be required to provide additional information? Are there other conditions under which entities should be required to provide additional evidence?

[RESPONDENT]: As stated above, if laws or regulations do not exist, or some risk assessment process identifies a potential problem, then additional policies or procedures may need to be cited, but these should not be universally required.
Should the self-declaration allow certain fishery or supply chain types that may be considered structurally immune to forced or child labour to only sign the self-declaration statement and be exempt from the requirement to provide information on policies and measures in place?

[RESPONDENT]: This assumes that other clients will have specific 'policies, measures and practices in place', but this is unlikely to be the case above and beyond compliance with relevant laws and regulations. Restriction to such laws and regulations may make such exemptions unnecessary, and the process more simple.

Should there be a requirement that CABs check that underlying documentation exists?

[RESPONDENT]: It is unclear as to the mandate, responsibilities and consequences bestowed on CABs for this requirement. It is either the case that CABs are not checking that laws, regulations, policies or procedures are being implemented and so having such CAB involvement gives a false impression of conformity assessment. Alternatively, the consultation document suggests the CABs will have responsibilities for confirming the validity and veracity of the self-declaration, an active role in any complaints and authorities to decline to certify a fishery based on such information. If that is indeed the case, then the CAB is in fact auditing the social performance of the fishery and must implement processes commensurate with this responsibility.

Are there additional factors that should be considered in the design of the complaints process?

[RESPONDENT]: Yes. We are concerned that the process is undefined and unbounded and oppose an internally nominated panel making any determination without the right of the client fishery to appeal this, especially if that could terminate a fishery or supply chain certification. Alternatively, this opens companies to significant reputational or financial risk.

Specifically:

a. The mechanism for dealing with disputes does involve CABs, albeit in an administrative capacity only. What liabilities reside with the CAB – for example, what if the CAB does not (for whatever reason) follow up with the client within 3 days?

b. What happens if the client does not respond within 1 week?

c. In dealing with complaints, recent experience suggests that not responding in a fairly comprehensive manner to complaints of great public concern (such as child abuse, forced labour) results in significant criticism and pressure for greatly increased responsiveness. Is the MSC prepared for this? The threshold of evidence in the proposal seems quite high, but experience with the objections process suggests a general tendency towards accepting and investigating complaints. On the basis that the ‘safe’ option will probably be to accept rather than reject complaints, will there then be...
an option for a hearing involving the client and complainant to provide ‘natural justice’?

d. What happens to a fishery certificate during the (up to) 6 months of the labour panel investigation?

e. If a complaint is upheld, an ‘entity’ is required to undergo a third party audit against a recognised standard. As there is no apparent global third party standard in existence, how can this be implemented? Or will implementation of the labour requirements process await the availability of a suitable 3rd party standard? Is the entity the fishery client who signed the self-declaration, or the company against which the complaint was made, or the UoA?

f. Who would bear the costs of the labour panel?

What additional criteria should be considered in determining whether a complaint should be upheld or not?

[RESPONDENT]: As above, a labour panel would need good evidence before committing to a 3rd party audit, would this entail some form of hearing? If not, it could be asked why the labour panel is much less rigorous than the objections procedure.

What happens if a complaint is upheld but no 3rd party standard is available? How long will an ‘entity’ be allowed to achieve certification?

Should the MSC employ the use of risk assessment tools to support the complaints process?

[RESPONDENT]: We are not clear as to what these might be, or how they would be used. Nevertheless, some risk-based approach would appear suitable.

Is the proposed structure and role of the Labour Panel the right approach for MSC? Are there additional factors that should be considered in how the MSC Labour Panel operates?

[RESPONDENT]: The question remains over why this is so different to the objection process? Other questions as above.

What should MSC do in the absence of a suitable third party standard, e.g. for some types of distant water fishing which are not currently covered by FTUSA or RFS?

[RESPONDENT]: RFS currently only covers UK vessels at present. FTUSA, as we understand, applies only to small-scale fishers (and would the ‘entity’ need to be certified against the entire FTUSA standard?). So most UoAs do not have a suitable standard available, as far as we know. This process then seems to fall over. This must call into question the basis of this element of the process.
MSC seems to be using ‘third party labour certification’ as a fall-back option in the absence of an alternative. The problem remains that there is no suitable option available. We would also caution MSC in endorsing ANY third-party standard when they do not have control over the objectives, scope or applicability of said standard.

Annex 1: [RESPONDENT] members’ specific comments on Labour Requirements

The following set of responses from [RESPONDENT] members were collected in Nov/Dec 2016, and reflect the general views of [RESPONDENT] members at the time. While the current consultation document focuses on confirmation of scope, rather than performance requirements, these reflect an on-going opposition and concern over this issue.

1. This whole push by the MSC to wade into this space is unwarranted. There is no way that this can be half done and to do it properly will require, to my way of thinking, the addition of P4 and another specialist to the assessment teams. To cover OSH and payments and practices and working hours and food and accommodation for the unit of certification means that multiple operators have to be investigated and audited and this is a huge job and well wide of the core scope of the MSC. I have very strong views about this issue and am very grumpy that the intelligentsia of the MSC seem to want to charge on regardless of opposition from the [RESPONDENT] who are best placed to understand the impact and most engaged in finding ways to satisfy the market place about labour practices.

2. Of course, the point that I want to make to the MSC is that the entity identified as the fishery client does not necessarily represent all the entities listed on the certificate. And in our case—and likely the case for many others—even the entities identified on the certificate do not represent all of the harvesting vessels. This limits the ability of a fishery client to make representations in a self-declaration or to practically work with the CAB in auditing any new labour standard that the MSC might incorporate into its standard.

3. We are strongly opposed to the inclusion of labour practices within the MSC scheme in any form. Our fishery is dominated by small, family-owned businesses. Children, even at young ages, are often on the boat and work as part of the fishing operation. It is a way of life and part of the social fabric of our fishery. Most vessels operate on a share basis, operating under a series of standard agreements on rights and obligations, enforced under Employment Standards. Our fishery should be considered at very low risk of employing enforced labour. If MSC moves ahead with the inclusion of labour practices within the MSC scheme in any form, we will be forced to leave the program because the information, data and evidence that would be required to respond to any...
performance indicators related to labour practices does not exist and would be too costly to collect. The MSC would force our fishery out of the program. We have begun looking at other certification options for our fishery in the event MSC moves forward with this ill-conceived and poorly thought out initiative.

4. We oppose the inclusion of labour practices within the MSC scheme in any form for low risk fisheries. Our fishery is dominated by small, family-owned businesses. Children, even at young ages, are often on the boat and work as part of the fishing operation. It is a way of life and part of the social fabric of our fishery. Fishermen and their families may work intensely for short periods of time but not for long as openings are not continuous. Most vessels operate on a share basis, operating under a series of standard agreements on rights and obligations, enforced under Employment Standards. Our fishery should be considered at very low risk of employing enforced labour. As the certificate holder, we have no ability to communicate with the fleet or to require adherence to any MSC performance indicators. Neither do our members—apart perhaps from those who own vessels. Our members could not require a skipper to adhere to indicators (only to the law of the land). The certificate holder and our individual members would be in legal jeopardy if we did. If MSC moves ahead with the inclusion of labour practices in a way that we cannot apply, we would have to leave the program. This is an ill-thought approach for low risk fisheries in countries where there are both solid, enforced legal protections and a free press. Lastly, we note that the intent to include the entire value-chain is equally fraught with practical challenges. For instance, only one of our 27 members has BRC or other retailer audits (none of which are quite the same on labour/ethical issues). The cost of similar audits would be prohibitive for our smaller members who do not sell to UK supermarkets. Salmon generally does not meet SEDEX for instance.

5. I think the standard should be about fisheries sustainability. In most developed nations, existing requirements cover most if not all of the above. Where there are gaps, they can or should be addressed independent of the MSC standard.

6. There are no half measures with this issue. Whilst it has been contemplated that a self-declaration on the fishery certificate may address this issue the reality is that for the MSC to go down this path will inevitably lead to a requirement for an auditable standard and the development of 4th MSC principle. This will add considerable costs to assessments that are already expensive and are acting as a barrier to fisheries entering into the MSC program. In addition, the practicalities of requiring assurance, and to make any such assurance meaningful, would require individual vessel operators to make declarations and/or be audited- thus a MSC
assessment would have to cover not only the sustainability of the fishery but individual practices by vessel operators - this would be a logistical nightmare.

7. Our Associations believe that social standards should be addressed separately by those entities that have a need for them. The MSC standard should purely address environmental and sustainability issues, since the MSC currently has the expertise to do so. It does not have the expertise to address social issues and that should be left to another body. It would significantly increase costs if a social standard was also to be included, in an environment where costs are already unacceptably high.

8. The main fear I share with the rest of [RESPONDENT] is that this will start rolling like a snowball. Our feedback should urge the MSC team to keep in mind their July press release:

   • a risk-based approach to have auditable requirements for high risk entities.
   NOT:
   • standards of social welfare
   • a fourth principle
   • standards of labour practices
   • the same level of requirements for all MSC certified organizations.

If the MSC delivers on this, it may be quite acceptable. If they through consultations see that they are not able to deliver on their intentions (which many in [RESPONDENT] predict will be the case), or that extra requirements will be necessary, they should admit defeat and abandon this project leaving it to more relevant and competent organizations.

The most important point for us is that this takes a national/fishery level principle 3-type approach. The risk-based approach must look at the legal and social framework the fishery operates in and stop there. What extra assessments will be necessary to do in the high-risk countries/fisheries is the most difficult question. This will probably (as it should) create additional barriers for developing countries, and raise the cost/bar for those that already struggle the most. However, this is a problem the MSC program has chosen to bring on itself.

In any case: any form of auditing/declarations by individual fishery operators would render the MSC program useless to many of the other largest MSC certified fisheries around the world.

In conclusion: this is an initiative we may ambivalently welcome if—and only if— the MSC is able to stick to its goals on this project.

9. The diversity of participation in our certificate makes management of labor standards by the certificate holder level virtually impossible. This is not to suggest that adequate safeguards are not in place to limit the potential for violation of reasonable labor standards tailored to the
fisheries. In addition, vessel safety is well-defined by and enforced through US Coast Guard regulation. The use of a self-declaration might be acceptable depending on the nature of the declaration. We cannot make self-declarations specific to all entities that rely on our certificate, as they operate independently of our cooperative. We can make general statements concerning laws governing our labour practices.

10. The strength of the MSC is its image and its standard. Inclusion of labour practices would incredibly complicate the standard and actually include many subjective aspects into it, therefore losing its neutral and scientific stance. There is little way to approach labour standards without incurring into ideological and cultural aspects, even if something as the ILO 188 convention is applied. How it is implemented and interpreted in each country or by each company could create distortions difficult to reconcile for the CABs. In the best case scenario it would create differences by country, with practices censurable in one being certified in another. Also it would certainly not help in the objective of cost reduction and would complicate even more the desired concentration of fisheries into fewer certification units. To use a tone more in line with the emotions this issue arises, stay away from my private contracts, pay and boat railings.

11. We would like for MSC to remain as a standard for environmental sustainability, as we need a strong credible standard and label for this part of sustainability. We feel that a broader scope of the standard increases complexity and risks to its integrity. That being said, social and economic sides to sustainability need to addressed properly and companies made to perform. The MSC standard currently stipulates that fisheries who have been successfully prosecuted, will pay the consequences. Perhaps MSC standard can be more strict and rely on the courts and independent and separate schemes regarding social and economic performance.

12. Labour standards are well and truly outside of MSC’s remit of certifying sustainable fisheries. MSC does not have the expertise to be involved in assessment, monitoring or compliance activities which would be required if such a standard were to be introduced. We are totally opposed to the introduction of a labour standard and/or of Principle 4 relating to labour standards. There are global standards and organisations which are already in this space – MSC should stay out of it and stick to their core business. This is yet another example of MSC’s tendency for ‘mission creep’. It was mentioned at the recent STC meeting that retailers are concerned about risks of buying MSC–certified products from operators.
who been implicated in slave labour practices. The best and most appropriate way for retailers to manage that risk is to not buy that product, not pass the problem on to MSC. FYI - We are the certificate holder for the Fishery. We are an unlisted registered company –fishers are shareholders in the company. As such we are unable to ‘sanction’ shareholders in the same way that members of industry associations can be sanctioned. As such it is very doubtful that we could legally make any ‘self declaration’ on behalf of company shareholders.

13. This issue was largely discussed in the last Stakeholder Council meeting (held in Bali). The Commercial Chamber (plus several assistants from the other chamber) unanimously opposed to MSC becoming involved in this issue, and this is also our position. The reasons are not different to what [RESPONDENT] has concluded. That is:
   - Getting involved in social issues will divert MSC for their original scope and purposes.
   - MSC does not have expertise on this issue, thus to become involved it should develop a new team of experts (probable much more complex than the one that they have now).
   - The issue is now being discussed in FAO, so why get ahead of a global organization that surely has much more expertise and experience than MSC and still has not solve the problem.
   - It will be extremely difficult, and thus increase costs, to implement on site visits to certify boats. The fishing fleets are often complex and diverse, and sometimes difficult to predict their port arrival for inspections. As a result certification will be much more costly enhancing the barrier to accede to the certification by several fisheries that are not certified due to costs.

First of all, we would like to honor the efforts to ensure that the fisheries and supply chain is free from forced and child labour. The self-declaration is a big first step and will help us to get more information and secure towards our MSC certified fisheries. Great praise for your commitment and the work you invest to improve/develop the MSC standard.

We would like to use the opportunity to participate in this development and give you a short feedback.

We thought the questionnaire would have a stronger impact on the process. It should be more than a written and signed statement by MSC participants. As a first step, it is a good measure but what follows next? What is the forecast and the final target?

• Can social aspects be checked during the MSC audit on board of the ships?

Thank you for your feedback and for your support for this project.

On checking social aspects during an audit: Many of our fisheries and CoC auditors are not accredited to conduct social audits. Therefore, we cannot require that they check social aspects or interview works during a regular MSC audit as this is outside of their expertise.

Owing to feedback received during consultation, we have revised our approach to labour requirements.

For fisheries, this means a phased approach that acknowledges the limited solutions currently available and supports the development of solutions for social audits of vessels.
- Can social questions to employees play a role during the MSC audit?
- How long will the signed self-declaration be valid?

We hope our ideas will help to improve the development of the MSC standard and remain with best regards.

The first phase will involve self-reporting without the labour panel and the second phase will involve the use of established standards in high risk situations.

For supply chains, this means greater emphasis on 3rd party solutions to reduce the risk of forced or child labour in MSC supply chains.

This new direction will hopefully address some of the concerns raised on the robustness of MSC’s approach to labour issues.

The [RESPONDENT] is a Client for the MSC certification of the Pacific Cod fishery. [RESPONDENT] broadly represents the Alaska seafood industry, including harvesters, processors and support sector businesses. [RESPONDENT] was founded in 1978 and is dedicated to identifying problems common to the Alaska seafood industry and developing efficient, sustainable solutions that provide benefits to the economy, environment and communities.

[RESPONDENT] is a member of the Association of Sustainable Fisheries (ASF) which represents some 100 fisheries in the MSC program and about two-thirds the tonnage in the MSC program. [RESPONDENT] is also a Client for the Alaska Responsible Fisheries Management (RFM) certification of the Alaska salmon and Pacific cod fisheries. Additionally, [RESPONDENT] was the Client for the MSC Alaska salmon fishery. Therefore, [RESPONDENT] has a broad industry view of certification issues that spans multiple species and certification programs.

[RESPONDENT] opposes the inclusion of forced and child labor standards into the MSC certification program. [RESPONDENT] recognizes that “bad actors” in the international seafood industry using forced and child labor are causing buyers to look for options to assure them that seafood they are buying is not sourced from these “bad actors”. However, [RESPONDENT] does not believe the MSC standard, which was created to assure buyers that their seafood comes from a sustainably managed fishery, is the correct tool to do this. [RESPONDENT] also believes the inclusion of labor standards into the MSC standard will cause unintended consequences that will either be harmful to commercial fishing families and communities or harmful to the MSC program.

Over 50% of the seafood harvested in the U.S. is harvested off the coast of Alaska. The majority of the commercial fishing fleet in Alaska consists of small vessels. In 2013, Alaska records show approximately 5,000 registered commercial fishing vessels, and 94% of which were under 80 feet long. These smaller vessels are also the most at risk of harm from the introduction of a labor standard, because small vessels do not fit the traditional labor practices mould. The small boat fleet is MSC’s expertise is in environmental sustainability and traceability. However, MSC recognises the growing concern about labour issues in the seafood sector. The MSC Board of Trustees released a statement in 2014 condemning the use of forced labour. The MSC Board in 2016 further committed to seek solutions that mitigate the risk of egregious labour violations in certified fisheries and supply chains. The Labour Requirements project was approved by the board and we have been consulting with our fisheries and CoC certificate holders and the wider stakeholder community on the best role for MSC in this space.

There are a number of organisations and standards working to develop solutions for addressing labour issues in seafood supply chains. We want to work with these organisations to take advantage of their expertise and to reduce duplication or ‘go at it alone’.

Owing to your comments and the feedback received during the consultation, particularly on the limited solutions available for fisheries and some concerns around the process for responding to a complaint, we have agreed to review our approach to the introduction of Labour Requirements in the MSC program. This means we will not be looking to introduce a self-declaration in combination with a labour panel in 2018.

For fisheries, this means taking a more phased approach that gives more time to support the development
often owned and operated by commercial fishing families raising children on-board where they work and grow up as a part of the seafood industry. These fishing families are the fabric of the industry and coastal communities; however, they could be dramatically harmed by the unintended consequences of approaching the problem of slave labor on foreign commercial fishing vessels by instituting a one-size-fits-all solution, such as lumping child labor together with forced labor.

The Alaska commercial fishing industry is an extremely low-risk of using forced or child labor for the following reasons: • Existing federal and state laws and regulations prohibit slave and child labor, with an exception for children under 16 years old to commercial fish with their parents, and an exception for children 16 and 17 years old to commercial fish with other adults with a limitation on dangerous activities and numbers of hours worked. • Random vessel boardings and inspections by US Coast Guard (primarily for safety issues), Alaska Dept. of Fish & Game (fishing regulation enforcement) and the Alaska State Troopers (general law enforcement) enforce the laws and regulations. • All children working as deckhands in Alaska must register with the State of Alaska by purchasing a deckhand license. • 94% of the approximate 5,000 commercial fishing vessels in Alaska are small (under 80 feet) and fish close to ports with regular stops to re-fuel and re-stock fresh water and other provisions. • Larger commercial fishing vessels that travel further from port and are at-sea for longer periods of time are required to have on-board observers. • Commercial insurance companies also have stringent safety requirements on-board commercial fishing vessels and require regular inspections (commonly once every 3 years).

[RESPONDENT] is actively looking for other options to solve this problem. For example, [RESPONDENT] submitted a grant application to NOAA in partnership with the United Fishermen of Alaska (UFA) for a project that would document socially responsible fishing laws, regulations, and practices for all fisheries and vessel types in Alaska.

The self-declaration tool that MSC has proposed is also problematic for two reasons. First, it is not representative of the way the industry in Alaska is structured and organized. Most of Alaska's commercial fishing industry is not composed of vertically integrated companies. Instead, it is primarily a flat group of individually owned small businesses that operate independently of one another. MSC Clients and Client Group Members (typically seafood processing companies) usually have no authority over the independently owned and operated commercial fishing vessels. Therefore, asking a Client to sign a self-declaration is problematic, because of the disconnect between the Client, Client Group Members, and independently owned and operated commercial fishing vessels. Another example of a one-size-fits-all solution that fails to actually fit all situations.

and scalability of 3rd party solutions to audit labour issues for at-sea activities.

This responds to the comments provided because it maintains MSC's focus to our areas of expertise – environmental sustainability and traceability – without introducing a social audit (or 'P4') into the fisheries assessment process. It also responds to the feedback that other 3rd party initiatives are better placed to provide a solution.

Additional points of clarification:

- The intention in the initial proposal was that an entity’s certification status would not change or be affected until any 3rd party audit confirms that forced or child labour is taking place. This is however now redundant with the revised proposal.
- We appreciate the comments on the areas that were not clear to readers and will ensure these areas receive attention as we develop the proposal further.
- An important component of the work will be the risk-based approach that ensures that the requirements and our efforts are targeted. We acknowledge the importance of our certified fisheries and the important role small-scale and family fisheries play around the globe. We also acknowledge the situations under which children may be working on vessels and will ensure future work allows for recognition of the relevant regulatory requirements that permit children as in the case you provided in your comments.
- We also appreciate your comments on the structure of your fishery and how any labour requirements should be applied. We are in the process of collecting information on the relationship between client groups and vessels to better inform our proposals.
- Risk tools form an important part of this project to help target efforts, which includes the relevant regulations under which an entity may operate as well as the effectiveness of the
I submit the following comments to Marine Stewardship Council’s consultation on labor requirements for fisheries and supply chains as the facilitator of the [Respondent].

The [Respondent] is a coalition of nearly 60 environmental, human rights and labor organizations from about a dozen countries dedicated to the eradication of all forms of worker exploitation, including human trafficking and forced labor, in the seafood trade, particularly in Thailand. Our membership includes leading organizations with expertise in ridding supply chains of labor rights abuses and protecting the ocean’s ecological resources by combatting IUU fishing.

We are deeply concerned with the proposed policy to include labor standards into MSC’s Fishery and Chain of Custody (CoC) programs. With a carefully structured approach, the MSC could serve a positive role in this space by encouraging transparency in fishing supply chains and using your position as a well-regarded environmental certification program to encourage meaningful social dialogue that could address labor problems in the industry. However, the voluntary self-declaration approach currently proposed is utterly insufficient. It carries a serious risk, in fact a near certainty, that fisheries will paper over serious abuses and has the potential to seriously undermine implementation of genuine reforms that might be more effective in addressing labor concerns.

It would be nearly impossible to determine that “the client/applicant fishery or supply chain is free from forced and child labour in their operations,” even with a comprehensive and ongoing monitoring process. Noting that the MSC is undertaking work to “simplify and reduce the cost of the assessment process,” it is irresponsible of the MSC to allow certified fisheries to make such a sweeping claim about absence of forced or child labor based on the limited methodology proposed. The consequences for workers of certifying poor working conditions as safe has been dire in other sectors. A paper published in 2015 found that in the previous decade 1,800 workers had died in factory fires and building collapses in garment-producing facilities that had been audited and certified as compliant with voluntary corporate codes.

We believe this proposal poses a significant risk to the credibility of the MSC and urge a more measured approach. If MSC is not going to invest the resources required to implement an effective labor monitoring mechanism (more on how to develop effective labor monitoring is included in our detailed comments below), it would better serve its mission by either not entering into the labor space at all or working with worker organizations to incentivize particular changes that could reduce the likelihood of workers being trafficked, such as mandatory vessel tracking audits.

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<td>All Working Group members were invited to engage in the review and drafting of these comments, and many members contributed to the drafting and editing process. However, time limitations prevented us from doing a formal sign-on process, and thus endorsement by any particular organization cannot be assumed.</td>
<td>Claeson, Bjorn, “Emerging from the Tragedies in Bangladesh: A Challenge to Volunteerism in the Global Economy,” Comment and Commentary section, New Solutions, Vol. 24(4) 495-509, 2015</td>
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systems with public reporting on ship movement and prohibition on transshipment at sea.

In practice, effective labor certification programs are exceedingly difficult to implement. There is a long track in multiple industries that has at best mixed results, and has at worst inflicted real harm on workers and their communities. A recent evaluation of labor certification programs in the agricultural sector completed by the U.S.-based NGO Fair World Project concluded that:

To be effective, voluntary certification programs must have strong enforcement mechanisms and include workers in all levels of decision-making, governance, and enforcement. This includes independent auditing programs, worker control of claims made regarding labor practices, and complaint mechanisms that result in correction of violations. To make a market claim, programs must include rigorous standards that go far beyond legal requirements, along with meaningful economic leverage, both to encourage proactive compliance with those standards and to enforce them when necessary.

Credible certification systems should incorporate as fundamental principles the following standards and practices: a fair wage for workers paid in a timely way; inclusion of independent worker organizations at all stages of standard-setting, monitoring and enforcement, and remediation; a secure complaint reporting and resolution mechanism with a strictly enforced policy of zero tolerance for retaliation; and a focus on enforcement, with binding legal agreements that ensure real consequence for non-compliance.

The remainder of our comments will focus on best practices in labor monitoring that we think MSC would be wise to consider before seriously undertaking any labor certification program. They are organized according to the categories for which MSC requested feedback, but because the particulars of the questions asked are often subsumed by concerns about the overall approach, we are submitting these comments directly to you instead of completing the online survey.

1. Format of self-declaration forms
We are unaware of any instance in which self-declaration has improved conditions for workers in supply chains. MSC does not rely on self-declaration for its environmental standards because, as rightly noted on the MSC website, first-party programs are likely to be biased and have a low level of assurance. MSC prides itself on a robust eco-certification model that meets the highest international standards with, "an independent assessment [that] shows that the organisation, product or service meets standards that have been established by impartial available to MSC to target efforts to high-risk areas.

- Additional areas we will include in our conversations with 3rd party solutions for CoC include: access to grievance mechanisms and collaboration with local NGOs or similar organisations, expertise, timelines, scalability, suitability and other such factors.

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It should expect the same high standards for all portions of its certification regime, including on labor issues.

In addition, we are very concerned with the decision to limit the scope to include only forced and child labor. The ILO Declaration on Fundamental Principles and Rights at Work, which is considering binding on all members of the ILO, lists four categories of rights to which all people are entitled, regardless of nationality or country of origin: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labor, the abolition of child labor, and the elimination of discrimination in respect of employment and occupation. We consider the selective use of ILO core standards as unacceptable. To prevent serious labor abuses in seafood supply chains requires respect for all fundamental rights at work, and any program MSC establishes on labor should require respect for all of these rights equally.

Regarding the proposed proxies, the items in section A are vague and aspirational rather than demonstrable, and will be difficult for certified bodies to verify are being enforced. The items in section B are closer to being proxies for the forced labor indicators listed in section A, and the information requested in that section would be useful to collect from certified fisheries and supply chains and make available to the public. Collecting relevant documentation on contracts, pay slips and recruitment practices, however, would require extensive investigation from MSC’s certification bodies and would not actually be a good indicator of labor exploitation in the absence of a functioning worker grievance mechanism.

Regarding the Trafficking in Persons Report, while a very useful advocacy tool, the TIP report is not meant to be used as a risk assessment tool in the way proposed by MSC. It is also important to note that in the last several TIP reports trafficking was documented in more than 50 countries, not all of which were on Tier 3 or the Tier 2 Watch List. Unfortunately, practices currently widespread in the fishing sector -- including an over-reliance on labor subcontracting for temporary workers, dependence on a migrant workforce procured through illegal labor brokers, and the isolation of fishing vessels with no satellite tracking or vessel-based communications systems accessible to crew -- makes it difficult to isolate the risk to only countries identified in the TIP report. As the Associated Press expose on Hawaiian fishing fleets shows, individual vessels may be at high risk of serious labor abuse regardless of the sophistication of fisheries oversight or ranking in the TIP report.

Exemptions to self-declaration
As we have made clear above, we do not believe self-declaration should be considered as a viable or credible procedure for certification of labor standards. MSC should require companies to report on positive evidence of compliance, using impact indicators that are reported publicly and can be verified by workers and their advocates. If MSC continues with the self-declaration plan, then no exemptions should be allowed for provision of the very basic level of information being requested and it should be made clear that fisheries, supply chains, and the MSC are not permitted to make any claims
about working conditions on certified fisheries and supply chains based on the information requested.

We reiterate, however, that this is an extremely slippery slope. If MSC moves forward as proposed, we predict that the most likely outcome is that claims will be made about labor conditions in MSC-certified fisheries that cannot be verified, which will do immeasurable harm to MSC’s credibility if and when egregious labor exploitation is discovered in an MSC-certified supply chain. In such a situation, MSC should expect that the members of [Respondent] would work diligently to ensure that such information, along with our analysis, reaches all the stakeholders involved with the MSC.

Process: Auditing requirements
While determinations on eco-labeling can be made by assessing stock health of particular species and in specific regions, that is certainly not true of labor certification. Labor certification requires vessel-level verification, and MSC should absolutely expect its certifying bodies to check that underlying documentation on labor conditions exists. However, this is a very low bar and if MSC intends to move into labor certification, it will need to establish more robust auditing mechanisms to do it effectively.

Workers are the best monitors or auditors of their workplace, and any certification system should rely on and reinforce worker participation rather than try to supplant it. The first, critical step in empowering workers to act as frontline defenders of their own rights is mandatory, accessible, in-depth worker education for all workers, conducted in collaboration with any local trade unions and/or independent, representative worker organizations, at the work site and on the clock about their rights under the certification program. This step is particularly difficult with fishers at sea because of the lack of connectivity. However, ILO Convention 188 on Work on Fishing requires vessel owners to provide on-board occupational health and safety trainings. Worker rights information could be included into such trainings, though careful consideration would need to be made regarding what information was provided and by whom.

Once educated on their rights, workers must have access to a fully functioning complaint mechanism or grievance procedure that protects worker confidentiality and includes a strictly enforced zero-tolerance policy prohibiting retaliation against workers who file complaints. Workers are uniquely positioned to monitor conditions in a workspace, but in our experience, any certification scheme without a protected complaint mechanism will fail to catch violations. Setting up such a mechanism is also complicated by the isolation of fishers at sea. Thus, we encourage vessel owners to install satellite-based vessel tracking systems that also provide basic communications capabilities to crew. Frequent returns to port and robust port-based inspection programs can also assist workers in reporting labor abuses.

In addition, audits conducted by independent and qualified third-party organizations should take place at least yearly and should include interviews with a broad, representative sample of workers in a secure place off the boat where workers can speak
freely, free from influence of vessel owners, captains or other representatives of management. Unannounced audits should also be utilized routinely on a subset of certified entities. Auditors should be familiar with regional/sectoral labor issues, be fluent in the local language as well as the language of majority of fishers, and be extensively trained and certified in the applicable standards. These audits can serve to complement the worker complaint mechanism, but we emphasize that audits alone are insufficient mechanisms to monitor compliance without worker enforcement.

All audit report findings with recommended improvements or corrective actions noted should be accessible to workers and, where applicable, to their representative organizations. Workers should be able to appeal the results of the complaints filed and/or discuss with worker representatives coordinating the complaints process their perspectives on the results and on the complaints process, in order to document their input and improve the handling of future complaints.

Process: Complaints
As with auditing, complaints mechanisms are very complex. To be effective they require involvement of worker organizations, transparent reporting, worker consultations, and support for workers to understand and utilize the mechanisms without fear. Few certifiers have done this well, and we know of no existing effective models on labor issues in the seafood sector. The complaints process as laid out by the MSC does not seem to include any on-the-ground investigation or interviews with workers about labor conditions, which is a huge oversight that we predict will make any genuine settlement of complaints impossible.

We believe the process will be complicated further for the MSC because it is likely many workers within MSC-certified fishing vessels and supply chains do not even realize they are on vessels that participate in a certification program, especially one that is to start declaring compliance with labor requirements. The comments in the section above on worker education and grievance mechanisms established in line with the UN Guiding Principles on Business and Human Rights would also be critical to an effective complaint mechanism.

In addition, worker grievances will be very difficult to support given the lack of connectivity at sea. Fishers need basic telephone and internet access, or regular access to worker leaders, to communicate a complaint, and this will be inordinately difficult in an industry where vessel owners are often challenged to know exactly where their ships are at sea at any given moment. This is an area where MSC could play a helpful role by promoting technology that allows for greater communication at sea, entirely separate from this discussion of establishing a labor component in its certification process.

MSC should also consider that many fishermen are likely too afraid to raise worker rights issues because they are debt bonded to their employer, fear wage deductions for disobedience, or worry about losing all their wages because they are working on a contract that pays their wages only after a designated period of between six months to two years. Other
fishermen fear permanently losing their identity documents which have been seized by the fleet owner or captain, and thus their legal work status. Victims of trafficking aboard vessels as well as fishermen who voluntarily decided to board the vessel also fear that the regular use of physical abuse by captains and boatswain employed to keep fishermen compliant would be used against any one complaining about their rights. So it is clear that any grievance mechanism would require confidentiality for the complainant and serious consideration about how to protect a complaining worker protection in the lag time between when he files a complaint and when the certification process addresses the problem.

In addition to educating on core labor standards and provisions of national labor laws applicable to fishermen, any rights training programs should also include coverage of what human trafficking is, based on international standards such as ILO conventions and the Palermo Protocol, given the variances between national law in defining these crimes.

Regarding the resolution of complaints, MSC’s current proposal indicates no further requirements against the client/applicant entity are required if the complaints receiving panel decides to dismiss, in part or whole, a worker’s complaint. This is not sufficient, in our view, and a system for following up on the complaint to ensure that the panel’s determination was accurate should be implemented. At a bare minimum, there needs to be a transparent public report of the results of the complaint process, including the panel’s entire report on the decision, and opportunity for the worker to appeal an adverse decision. And as noted previously, the MSC would also need to put in place a mechanism to protect the complainant during the entire complaint and appeal process. Finally, the MSC should maintain a public watch list/register containing detailed information about any vessel for which a complaint has been received by MSC, and ensure the listing continues for while the complaint is active and for some period of time after the complaint is resolved.

Finally, the MSC fails to provide details about what it will do if forced or child labor are found in certified fisheries or supply chains. For the workers, access to remedy is an important component and the UN Guiding Principles on Business and Human Rights outline a clear obligation for businesses with egregious abuses in their supply chains to ensure victims of those abuses receive suitable compensation to make themselves whole. In the case of employer non-compliance with a complaints panel decision, MSC should require clear, time-bound plans to remedy violations that include a clear delineation of costs and financing agreed upon by the producer and buyer. If situations are not remedied within the timeframe set out in such a plan, then mechanisms should be in place for the publicly-announced denunciation of the employer’s actions, and removal of the certification and any associated benefits.
disconcerting that such a simple provision is currently lacking in both proposals for composition of the Labor Panel.

However, our bigger concern is that this body, or any entity associated with enforcement of MSC requirements, will not be expected to do any actual monitoring of labor conditions. In fact, the MSC’s current proposal in, in our view, an incredibly ad hoc approach that makes it clear the scheme will not be using defined standards to make its assessments. While the proposal lists standards in the fishing sector that could be used, it fails to reference any research done to determine if they are effective, and openly acknowledges that standards simply do not exist for some fisheries. Moreover, the panel as currently proposed simply does not appear to have the necessary expertise required to sort through these complicated issues of labor standards. If the MSC is serious about its responsibilities and reputation in this matter, it should initiate a process to develop relevant standards to be used, with worker organizations involved each step of the way from design of the standards, through implementation, and naturally onto a labor panel or other entities set up to resolve disputes.

We recognize the importance of the MSC’s role and hope it can have positive impacts on the difficult situation of fishermen. MSC could help strengthen our call for a moratorium on unobserved transshipments at sea by refusing to certify seafood that has been transshipped. MSC could also call for a prohibition on recruitment fees within the seafood industry and partner with worker organizations to help certified fisheries and supply chains change labor sourcing practices to implement such a prohibition. MSC could also use its global status to encourage ratification of ILO Convention 188 (Work in Fishing) and help develop market incentives for countries to adopt the convention and improve labor laws and regulations for the fishing industry in line with that convention’s requirements.

We are sure that these and other innovative ideas can come out of an ongoing dialogue between the [Respondent], our member organizations in the human rights, labor and environmental fields, and the MSC on your possible future role on issues of labor rights on fishing vessels. But first we would like to work with you to ensure that MSC does not embrace a system of providing assurances that cannot be substantively verified about labor conditions on the many far flung fishing vessels the MSC currently oversees as part of your Fisheries and Chain of Custody program.

We sincerely hope that the MSC find these comments helpful as it begins the very difficult work of considering how to incorporate labor standards into its certification scheme.

We welcome further dialogue with you on how to best move forward.

We recognise that the MSC, through this proposal, is taking a step in a new direction. However, it is our input that limiting the verification of labour requirements to a self-declaration does not adequately prevent or safeguard against labour violations in particularly a complex fishing supply chain; and the need for an on-site verification of requirements will always be present.

Thank you for your feedback and offer to support and provide lessons learned on your experiences in this area.

We acknowledge that a self-declaration will not completely...
While there are some shortcomings to the proposed approach, given the complexity of the supply chains in question as well as the constraints that MSC has identified through this process, the proposed approach is probably the best way forward at this time.

[RESPONDENT] would however encourage the MSC to identify how to go further (i) beyond the two issues, forced and child labour; and (ii) beyond the proposed approach to labour issues. [Respondent] is willing to collaborate with the MSC on the possible ways forward, also drawing on our experiences and ambitions as company in securing human rights and decent working conditions in our supply chains.

The following comments are aimed at strengthening the MSC’s social policies and standards (particularly for chain of custody) with the objective of benefiting workers. The MSC has an opportunity to do good for those people risking their lives at sea to supply MSC certified fish.

The current proposals miss this opportunity and also to learn from the [RESPONDENT]’s experience in this area.

1. The objectives of MSC (as proposed) and [RESPONDENT] around social are fundamentally different

   The premise to the paper that the MSC programme is “free of serious labour abuses” is inconsistent with the [RESPONDENT]’s experience in the area. The MSC recognises the growing concern around labour issues in the seafood sector. The Labour Requirements project now is to provide greater transparency of measures in place to ensure absence of forced and child labour.

   Following the feedback, we have received, we are exploring alternative approaches in consideration of the lack of solutions currently available for vessel-based activities, as well as the solutions available for land-based activities.

   MSC regularly reviews its program to ensure continuous improvement and encourage stakeholder feedback on an ongoing basis. Future programme reviews may provide the opportunity for consideration for other issues.

2. Self-declaration vs. Independent third party audit

   The MSC recognises the growing concern around labour issues in the seafood sector. The Labour Requirements project was approved by the board to provide a response to this concern and we have been consulting with our fisheries and certificate holders and the wider stakeholder community on the best role for MSC in this space. We also recognise the need for a phased approach due to the limited solutions available particularly for the fisheries sector.

   Owing to your comments and the feedback received during the consultation, particularly on the availability of solutions for land-based supply chains, we have revised our approach to the introduction of Labour Requirements.

   For supply chains, we will look to the use of 3rd party solutions on a risk based approach while for fisheries we propose to explore a risk based approach involving other 3rd party standards during the standard review in 2020.

   This allows us to work with initiatives that have proven success in this area, rather than ‘go it alone’ and try to develop our own solution. This new direction will hopefully address some
and not fully understandable without detailed knowledge of the issues. For example, you would not ask a seafood trader to self-declare that their fishery is 90% likely not to impact habitat. [RESPONDENT] social auditors are skilled and experienced in techniques that ensure workers are protected throughout the certification process. How will the MSC proposal ensure that workers are not disadvantaged by the proposals? For instance, if an organisation is using child/forced labour and then stops their employment, what happens to those workers? And their families? It’s irresponsible to not address these potential consequences.

In particular Section 6 (4.6 of the consultation document) has the potential to do serious damage to vulnerable workers. There is no consideration of the consequences of this and how workers will be protected during investigations. Being on the MSC’s labour panel would be very dangerous because their actions may lead to harm of workers and their families. There is no mention of CAB qualification and the processes they’re required to have in place in order to protect the workers. Section “5.0 / 4.5 Process: Auditing requirements” is misleading as there is no auditing involved. Either the title needs changing or the CAB should be required to carry out an audit. The consultation question 5 is meaningless, whether or not the CAB checks the existence of documentation will have no bearing on whether child or forced labour exists.

3. Scope; the MSC proposals only cover child and forced labour All the ILO core conventions are of equal importance to worker rights, so why has the MSC chosen only two of them to be included? It is acknowledged that prioritisation of some rights over others is necessary but eventually all should be included. Trade unions for example will argue that freedom of association is a priority.

What is the MSC’s timeline for including the other ILO core conventions in their scope? Including:

☐ Freedom of association ☐ Discrimination ☐ Health and safety ☐ Wages ☐ Working hours

And what about other responsible practices like disciplinary action and conflict resolution? When will these be included? The [RESPONDENT] standards include all of these labour rights for workers.

4. Costs of implementation

One of the MSC’s stated objectives is to keep costs down by using a self-declaration than an auditable standard. But even to implement this proposal properly will incur considerable cost. This is because in order to fully understand the principles those involved need to know what they’re talking about. This will involve education and training of MSC staff, clients and stakeholders in exactly the same way as had to be done with the MSC’s original three principles.

Covering these extensive costs without gaining the social benefits seems like a waste of money. The only benefit seems to be protecting the image of the MSC.

5. Opportunity to benefit from [RESPONDENT]’s experience of implementing social / labour standards

There is an opportunity for the MSC to benefit from the [RESPONDENT]’s experience of implementing social labour standards (good and bad). There are now 400 [RESPONDENT] certified farms all around the world, large and small-scale producers.

We understand that this does not address your concerns around the scope of issues under consideration and we will work with you to reach a consensus on this point. At this stage, we will retain a focus on forced and child labour. Labour issues is a new area for MSC and our certificate holders and we would like to focus our efforts to ensure that we match our commitment to our capacity to effectively implement and oversee this change to our program. Finally, many of our CoC auditors are not accredited social auditors. Therefore, we want to manage implementation of the requirements recognising the availability of auditors to conduct audits for our growing program.

Additional comments:

- we will provide clarity on the responsibilities and scope of the auditor during a fishery or CoC audit.
- We will include consideration of costs, impacts, particularly as we develop a risk-based approach for the labour requirements.
6. There is a focus on fishery and producers rather than market. It seems that MSC is taking on-board the views of the client fishery and primary producers resulting in weakened proposals. The market is asking for assurances over social and supportive of labour standards in the supply chain. And this is in fact consistent with the Theory of Change where market incentives drive positive change.

Recommendations

The [RESPONDENT] would like the MSC to consider strengthening its proposals around the supply chain for social towards the [RESPONDENT]'s standards by adding labour requirements to the chain of custody standard. The [RESPONDENT]'s labour standards are tried and tested, consistent with international labour norms and can be used as the basis for these standards. The MSC is a standard setter and should be consistent in its approach by converting this self-declaration into a set of auditable performance indicators. [RESPONDENT] can assist the MSC with developing guidance and process from its experience in implementing social standards. It is particularly important for the [RESPONDENT] that these social standards are applied for chain of custody certificate holders.

It is understandable that it may take time to strengthen these standards and this proposed self-declaration could be considered as a stepping-stone to setting standards. In this case, it is important to set out the pathway towards the end objective of labour standards and the MSC should clearly set out these objectives and next steps.

We hope that the items raised above will be considered during the further development of the labour requirements for fisheries and supply chains.

I would first like to thank you in particular for taking the time to meet with the [RESPONDENT] in Brussels. The MSC presentations were informative and served to reaffirm our concerns regarding MSC’s proposed engagement on labour requirements for MSC certified fisheries and supply chains. The [RESPONDENT] absolutely agrees that any form of unacceptable labour practice (particularly forced or child labour) has no place in responsible seafood supply.

However, we are of the view that this is a matter that MSC should not become involved in. We submit that MSC should not move away from its current role and should not attempt to impose labour requirements on client fisheries who are demonstrating environmentally sustainable practices.

[RESPONDENT] remains steadfastly opposed to the inclusion of labour requirements in the MSC standard or of MSC actively involving consideration of these matters in its programme in any material way.

[RESPONDENT] continues to work closely with ASF and its members to address social issues in seafood supply chains through other means and endorses and supports ASF’s submission on this matter.

With that in mind, we have endeavoured to address the consultation questions as constructively as possible. This letter is a brief summary of our main concerns.

Background

[RESPONDENT] represents shareholders who collectively represent over 90% of New Zealand’s deepwater quota. [RESPONDENT] works in close partnership with New Zealand’s MSC’s expertise is in environmental sustainability and traceability. However, the MSC Board has condemned forced labour and directed the Executive to investigate options for addressing the risk of forced and child labour being associated with MSC certified fisheries. MSC has been consulting with our fisheries and CoC certificate holders and the wider stakeholder community on the best role for MSC in this space.

Owing to your comments and the feedback received during the consultation, we have revised our approach to the introduction of Labour Requirements in the MSC program. This is in recognition of the limited solutions available for fisheries and the concerns raised on the process for responding to a complaint. This means we will not be looking to introduce a self-declaration in combination with a complaints process in 2018.
Ministry for Primary Industries (MPI), to ensure New Zealand’s deepwater seafood resources are harvested sustainably and with minimal environmental impacts. [RESPONDENT]’s vision is “To be recognised as the best managed deepwater fisheries in the world.” Engagement with MSC and your programme to assess fisheries demonstrating environmentally sustainable practices against your internationally recognised standards is a key component in our independent validation of this claim. [RESPONDENT] now has 20 UoCs (all but two of which are without any conditions) that encompass an annual production of some 210,000 GWT (~75% of our deepwater catch, ~50% of the total New Zealand catch) under MSC’s programme.

General comments
MSC advises that the purpose of this proposed policy is to disassociate its own interests and reputation from possible allegations of labour issues in MSC certified fisheries. Do you also propose to do so on other related matters such as those concerning ‘food safety’, ‘carbon footprints’, ‘animal welfare’ etc? There is a large range of topical ‘of the moment’ matters, some like labour of real concern, that MSC could but should not concern itself with. [RESPONDENT] submits labour issues is but one of these.

The purpose of the proposed policy does not appear to protect the interests and reputation of MSC client fisheries or of their seafood supply chains. The proposed policy essentially allows MSC, if questioned about labour issues in certified fisheries, to either say, “Not our problem….” or to empower a select group of individuals to withdraw MSC certification from an environmentally sustainable fishery should they determine to do so.

As a result, the policy as proposed provides no inherent value to client fisheries while at the same time providing them with a clear and inherent reputational risk. There will be no change to certification status and there will be no additional claims client fisheries can make or value they can generate based on these proposed changes. Yet, this proposed policy if enacted would expose our certification to unsubstantiated and uncontrolled processes and to frivolous and vexatious complaints.

This proposed policy both increases the reputational risk and cost of certification for client fisheries. MSC may well find that in the desire to reduce your risk profile, you inadvertently increase the risk exposure for client fisheries to a level that outweighs the value to them of MSC certification.

We submit that alternative options should be sought and are available, outside of the MSC Certification programme.

Context
It is [RESPONDENT]’s submission that MSC should not allow itself to be, in effect, ‘bullied’ into incorporating any measures of labour requirements for fisheries and supply chains by any of its stakeholders.

There exists a whole raft of requirements and obligations, both internationally and nationally, which the producers, distributors and sellers of any food, including seafood, must be cognisant of and comply with. Such requirements may be legislated, may be as a result of international agreements, or may simply be driven by the purchasing/sourcing policies of those in seafood supply chains. Almost all of these requirements are understandable and almost none of which are relevant to MSC’s brief to maintain

For fisheries, this means taking a more phased approach that gives more time to support the development and scalability of 3rd party solutions to audit labour issues for at-sea activities. The first phase will involve fisheries providing a self-report within the full assessment reporting template, on measures and policies to ensure absence of forced and child labour.

This responds to the comments provided because it maintains MSC’s focus to our areas of expertise – environmental sustainability and traceability – without introducing a social audit (or ‘P4’) into the fisheries assessment process. It also responds to the feedback that other 3rd party initiatives are better placed to provide a solution.

Additional points of clarification:
- MSC is responding to growing pressure on labour issues on fisheries. It is not our intention to expand into areas such as food safety or carbon footprints, however, we must respond to the needs and concerns raised by our stakeholders and reach the most appropriate solution for all involved.
- For areas such as food safety there are existing solutions and standards that are in use in seafood supply chains. For labour issues at sea, this is not the case. Hence why MSC is being pressured to provide that assurance. We agree that our expertise is environmental sustainability and traceability, and that working to support 3rd party standards to provide this solution is the preferred option.
- We appreciate the comments on the risks posed to fisheries and will be addressing this through the phased approach and focus on transparency and information rather than claims and a self-declarations.
- We also appreciate your comments on the structure of your fishery and how any labour requirements should be applied. We are in the process of
a set of internationally recognised standards against which the sustainable utilisation of seafood resources can be measured. In particular there are understandably stringent policies and requirements around food safety, labelling, and documentation for export and the like in most western markets. Is MSC proposing to also engage in these fields, all of which are essential for the business activities of your client fisheries and their customers, and almost all of which are clearly specified and already have in place processes for monitoring, auditing and therefore reassurance of conformance?

Should your NGO stakeholders insist that MSC become involved in monitoring and ensuring seafood quality or food safety, would you bow to the pressure and propose to modify your certification requirements?

Would you do the same if you were pressured into expanding your scope to consider ‘carbon footprint’, ‘carbon miles’, ‘animal rights’, or such other ‘ethical’ matters which are held dear to those who proselytise these causes but which generally have no direct bearing or relevance to environmental sustainability of seafood production?

Our submission is simply that, as for food safety and other like and necessary matters, labour requirements are well outside of MSC’s mandate, area of expertise and area of competence, and should remain so. There is already a market replete with of standards, requirements and processes to audit and assure conformance with most of these matters.

In New Zealand, by way of example, we have complex and binding legislation requiring adherence to a range of matters pertinent to labour requirements, all of which serve to reassure our customers that any seafood sourced from New Zealand has no issues in relation to labour concerns. [RESPONDENT] submits that this is likely to also be the case within most of the national jurisdictions under which your client fisheries are legally obliged to operate.

That is not to say that further work on developing and implementing appropriate systems and processes is not required for seafood, rather that this is not a role that [RESPONDENT] supports MSC undertaking.

At most, [RESPONDENT] submits that MSC should encourage the market, centred on MSC fisheries clients, to develop an appropriate and internationally recognised set of standards and processes to assure seafood retailers and customers that the seafood produced by your client fisheries meets acceptable standards for labour, as they already do for the requirements for food safety and the like.

Self-declaration form [RESPONDENT] would argue that the information MSC is seeking in the self-declaration will not serve as a proxy for forced and child labour.

In fact, the document overall appears inadequate for the following reasons: 1. The consultation document defaults at having the client for the fishery assessment as the required party for making a self-declaration. However, MSC must recognise that the client fishery may not be familiar with, nor have any direct control over, practices of each harvester/company included in the certificate. There is no ability for a CAB to determine whether the person making the declaration has the mandate and authority to make such a claim on behalf of all members of the certificate. Because of this, it seems that the collecting information on the relationship between client groups and vessels to better inform our proposals.

- Given the global nature of our program, and differing social and cultural expectations, we will look to work within national regulatory frameworks as much as possible. However, in some cases a government may not be willing or able to respond to egregious labour violations such as forced labour. As labour issues in seafood supply chains are receiving a lot of attention, there is an expectation that MSC will take a position on this issue and provide a means to respond to egregious labour violations as well.

- We apologise that you feel you can’t respond to the consultation. The recommendations were developed over six months and following extensive targeted consultation with stakeholders from all stages of the supply chain, certifiers, NGOs and MSC governance bodies.

Labour requirements for fisheries and supply chains – Summary of consultation feedback
self-declaration can only really, as a minimum, attest to the presence of relevant laws and/or regulations and that the client group does not include entities prosecuted for forced labour violations in the last 2 years (which is already included in CRv2.0 s7.4.1.4). If laws or regulations do not exist, then additional policies or procedures may need to be cited, but it will be problematic to have these universally required or universally measured for conformance (in the absence of a full third-party audit). What is the outcome of one participant (or company) within a UoC is determined to have breached the standard? Does MSC propose that the Certificate would be withdrawn from all? 2. The fishery does not capture relevant information. Firstly, most of it is redundant as it is already available within the certification report. More importantly, information about the ‘people’ associated with the fishery, which is what “forced labour and child labour” are about, has been completely missed. 3. Section A is subjective and unbounded. For example, here in New Zealand, “Compliance with labour legislation” could involve more than five Government agencies and thousands of pages of legislation, regulations and notices, as well as all business-related legislation as these relate to minimum wage requirements, employer responsibilities etc. It may well be as complex, or more so, in other jurisdictions where you have client fisheries. 4. Section B is equally unbounded in the proposed methodologies expected or required. For example, would a CAB be expected to interview subcontractors to “ensure” they are aware of the policies and practices? 5. If the CAB is not auditing the self-declaration, then they should not make any comment.

Role of CABs
It is [RESPONDENT]’s understanding is that this policy should not create a fourth principle or generate any new conformance requirements.

The proposed policy places a requirement for a CAB to receive a self-declaration regarding forced labour and child labour prior from the client prior to confirming the scope of certification. However, the consultation document also suggests the CAB will have responsibilities for

- confirming the validity and veracity of the self-declaration,
- an active role in any complaints, and
- authorities to decline to certify a fishery based on such information.

If this is indeed to be the case, [RESPONDENT] would argue that MSC is in fact proposing that the CAB would be auditing the social performance of the fishery. CABs currently do not have the competence and expertise to do so. This would require them to obtain the additional expertise and result in additional cost for the assessments, re-assessments and audits – all to the charge of client fisheries.

The inconsistencies are confusing and demonstrate a lack of understanding by MSC about the accountabilities and activities already in place and how this proposed policy might work. It also appears to falsely suggest conformity would be verified by a third-party.

As a result, it remains extremely unclear as to the mandate, responsibilities and consequences that MSC proposes to bestow on CABs for this requirement. This raises many questions, such as:
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<th>Questions</th>
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<td>Who determines “sufficient” evidence?</td>
<td>[RESPONDENT] anticipates CABs will ‘play it safe’ and seek to use the complaints procedure as a preferred option than to risk their own credibility. Although this might not be a matter for MSC, it will likely have direct costs and effects on your client fisheries.</td>
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<td>What is the evidence going to be used for?</td>
<td>[RESPONDENT] is extremely concerned about the lack of clarity and knowledge around the proposed complaints process. The entire process as is proposed is both undefined and unbounded. For a start, the proposed approach contains the incentives that will serve to encourage frivolous and vexatious complaints, particularly if the proposed uncontrolled ‘review and determination’ processes lead to client fisheries certification being exposed to the risk of sanctions, including the loss of certification. The ‘evidential’ test of “clear and irrefutable evidence of forced labour” must be a legal test, such as ‘upon conviction’, not one based on the court of public opinion as is proposed. To suggest that a “credible media report” (surely close to an oxymoron) could be used by the MSC Labour Panel “in determining whether to uphold a complaint”, let alone “credible independent research” (who would decide what is credible or not and on what basis?) clearly demonstrates the lack of understanding or knowledge that has gone into this policy development at this time.</td>
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<td>If the CAB isn’t checking it, then what’s the purpose?</td>
<td>• As a client fishery, [RESPONDENT] submits that this process must accord with the principles of British justice, namely ‘innocent until proven guilty’ and a proper due process, based on evidential enquiry and the rights of the ‘defendant’ to a fair and impartial hearing in front of a suitably qualified and experienced member of the judiciary. Any such complaints should only be upheld by the MSC Labour Panel if the client fishery has been first been found to have breached the law and has been convicted of the same. It is all too easy for those of anti-business or anti-fishing persuasion to make unsubstantiated claims in public which are picked up by the mainstream media without due critique, or to advance their concerns through ‘academic’ research (including published papers) without a substantive evidential basis. There are numerous examples of these very concerns being expressed publicly and in academic papers without any facts that would satisfy a court of law that such alleged practises actually exist. The proposed MSC Labour Panel process is much less rigorous than the objections procedure and must be at least as rigorous or more so, given what is at stake here. The purpose of the MSC Objections Procedure is to provide an orderly, structured, transparent and independent process by which objections can be considered within a rigorous process. This includes the right to Independent Adjudication. Why is this proposal so different? For example, the policy states complaints about the self-declaration may be raised during or after certification. Would there ever be a time that a certificate is not open to appeal? The</td>
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subjectivity, lack of accountability and uncontrolled nature of appeals is of great concern to [RESPONDENT] and to other client fisheries.

In regard to the proposed MSC Labour Panel, there is so little clarity about who, what, how and how much that it is not possible to provide informed comment. What are the criteria for appointment? Is this to be drawn from MSC stakeholders, their representatives, from MSC staff or from external parties with recognised experience and expertise in these matters (including jurisprudence)? Who bears the costs of this?

[RESPONDENT] is very clear in our strong opposition to any such internally nominated panel making any determination that could terminate a fishery or supply chain certification without ‘due process’ incorporating the principals of natural justice under British jurisprudence and containing an open and effect process that gives effect to a right of appeal. This opposition is not intended to suggest a complicated and costly procedure should be adopted by MSC as a solution. On the contrary, the complexity and technical nature of the issues leads to our view that alternative options are best sought outside of the MSC programme.

Third-party standards

It is impossible to respond to consultation on this topic without knowing what criteria the MSC is using to justify the recommendations provided in the consultation document (i.e. RFS and FTUSA).

• How is “credible” defined? • What criteria (or performance measures) are necessary for a standard to meet the requirements of the MSC declaration? • The RFS and FTUSA have very different scopes. Would the certified fishery be required to meet all aspects of the scope or just those aspects that relate to forced and child labour?

[RESPONDENT] also cautions the MSC to be very careful in endorsing other third-party standards where they do not have any control over the objectives, scope or applicability of those standards.

Weakening MSC’s credibility

The inclusion of self-declaration components to the MSC standard will likely serve to weaken the credibility, robustness and impartiality of the certification.

If MSC were to introduce labour components into your scheme, the requirements must be as stringent and results equally reproducible as the current scheme.

[RESPONDENT] does not believe this is possible (at least at the current time) due to the lack of international harmonisation on social performance indicators and the inability for the MSC process (including appeals) to deal with decisions based on social value judgements.

Summary of [RESPONDENT]’s position

1. [RESPONDENT] does not support the inclusion of labour requirements in the MSC standard, or by way of any alternative proxy or process, 2. [RESPONDENT] believes that the proposed policy will provide no material benefit to certified fisheries, and 3. [RESPONDENT] is of the view that the proposed approach contains the incentives that will serve to encourage frivolous and vexatious complaints that do
not serve to support the recognition of environmentally sustainable fisheries.

However, while not in support, but based on what MSC is proposing, [RESPONDENT] submits that: 4. The proposed self-declaration is not fit for purpose, 5. The roles, responsibilities and power of CABs need to be clarified and need to be defensible, 6. The proposed complaints process (including the structure and role of the proposed MSC Labour Panel) is not fit for purpose, 7. Any procedures adopted by MSC to verify labour practises must incorporate proper due processes, based on evidential enquiry and the rights of the ‘defendant’ to a fair and impartial hearing in front of a suitably qualified and experienced member of the judiciary.

[RESPONDENT] encourages the MSC to retain its focus on certifying environmentally sustainable fisheries. The MSC would be better positioned to support other organisations in their development of appropriate social standards for seafood supply chains.

I would be happy to discuss the matters we raise in this letter in more detail if that would be helpful.

Our desire is to continue to support improvements to the MSC programme, but we submit this support is contingent upon the focus remaining on MSC’s core purpose – the recognition and reward by certification of environmentally sustainable fisheries.

### General remarks

- We welcome that the MSC is starting to get involved in social issues.
- We see the planned self-declaration as a starting point. At the same time, we want to stress that the proposed is a relatively weak control mechanism and that further development of the mechanism is of high importance to us, both regarding the coverage of human right and working conditions as well as regarding the intensity of the control.
- We propose that the established mechanism should be evaluated in 2 years to see if how it can be advanced. Such an improvement process should be officially included in the process.
- The different internal management systems fisheries use to ensure that there is no forced or child labor and that they will have to hand in should be evaluated and best practices exchanged and promoted.
- Cooperate with the Responsible Fishing Scheme to see how their approach on social standards could be applied to the MSC.

### Mandatory Complaint Mechanism for workers on vessels

- We propose that the MSC investigates further possibilities to include a mandatory complaint mechanism for workers in the system by which affected workers on boats could contact MSC to raise their complaints directly. E.g. posters should be on display on all vessels (and this should be controlled whenever auditors visit vessels) with contact information for workers. MSC should also work together with organizations like “Labor voice” or with the ILO LISA system to see how these complaint raising systems could of use.

### Self-Declaration form

Thank you for your feedback.

Owing to the feedback from this consultation, we have revised our approach to the labour panel and self-declaration. Instead, we will look to work more with 3rd party solutions, including supporting the development where solutions may not currently exist (as with fisheries). This new direction will hopefully address some of the concerns raised on the robustness of MSC’s approach to labour issues.

MSC regularly reviews the program and encourages stakeholder feedback on the impacts of changes and further programme improvements our stakeholders would like to see considered in the future.

We are in conversation with RFS to monitor its development and growth, and to see what role we may play in helping scale it up to provide a recognised 3rd party solution for social audits of at-sea activities.

As we engage with these 3rd party solutions, we will include worker involvement, access to grievance
Apart from the self-declaration, fisheries should be required to hand in supporting documents, these documents should be specified and auditors need to evaluate these documents and indicate e.g. a risk level, which might then also trigger a social audit.

A registry of all workers should be one mandatory document to be provided and that auditors would need to check (to be decided how to work with the issue of changing workforce during assessment time).

Fisheries need to explain their internal management systems that they use to ensure the absence of forced or child labor.

All fisheries in Germany already fulfill maritime labor conventions based in large parts on ILO requirements and European directive 2009/13/EG. Also FYI - For fisheries there is a social standard in the making (RL EU 2017/159).

The official checklist and the law, which German fisheries obey is attached in English. In essence, the feedback was mainly concerned about doubling effort. Since the fishery is already checked for social it should be easy to ‘tick off’ any future MSC performance indicators.

On behalf of [RESPONDENT] we would like to respond to the MSC online consultation regarding ‘Labour Requirements for fisheries and supply chains’.

We have circulated the consultation document to our members and have discussed the content within our internal ‘Sustainability’ and ‘Food Law’ working groups. Contrary to previous reactions from our organisation to MSC consultation, the feedback we have received in this case is not unanimous. With this letter, we would like to share with you the different views member companies have expressed in their responses.

The sector as a whole can agree that forced and child labor are unacceptable practices, and on the principle to disassociate their businesses from them. However, companies do not share the same views as to the means by which this can be achieved.

There are companies in the seafood supply chain that welcome MSC’s initiative to integrate an additional requirement into its standard covering forced and child labour. Like MSC, these companies wish to respond to external pressures related to these issues and welcome a broadening of MSC's scope to include a social component, for the sake of efficiency.

However, a majority of our members is more sceptical, specifically with regard to the question whether the MSC is the appropriate vehicle to take on labour issues. It is this view we would like to elaborate on further in this letter. It is based on four main points.

- The MSC has been founded based on a clear set of ecological sustainability principles, an expertise very distinct from social/labour aspects. We question the wisdom to deviate the MSC scope from its core expertise. Setting a clear standard based on solid ecological principles gives clarity in terms of expectations that can be delivered. We are concerned for the precedents that can result from expanding the MSC scope. Food safety and quality are other examples of separate disciplines that are not covered by MSC, and for which a market demand exists. Other mechanisms and collaboration with local NGOs or similar organisations to our list of considerations.

On auditor evaluation of documents, many of our fisheries and CoC auditors are not accredited to conduct social audits. Therefore, we cannot require that they evaluate documents on labour policies or assign a risk level as this is outside of their expertise.

Thank you for your feedback. We will include this in our considerations.

MSC’s expertise is in environmental sustainability and traceability. However, we recognise the growing concern about labour issues in the seafood sector. The MSC Board has condemned forced labour and directed the Executive to investigate options for addressing the risk of forced and child labour being associated with MSC certified fisheries and CoC certificate holders.

MSC has been consulting with our fisheries and CoC certificate holders and the wider stakeholder community on ways to address these issues.

Owing to your comments and the feedback received during the consultation, we have agreed to review our approach to the introduction of Labour Requirements in the MSC program. This is in recognition of the limited solutions available for fisheries and the concerns raised on the process for responding to a complaint. This means we will not be looking to introduce a self-declaration in combination with a complaints panel in 2018.

For fisheries, this means taking a more phased approach that gives more time to support the development and scalability of 3rd party solutions to audit labour issues for at-sea
standards are in place to cover those aspects, a situation which in our view, is appropriate.
If MSC is to include a mandatory social component into its standard, one of the suggestions we have received was to design a system that includes social aspects on board of vessels, whilst ensuring the responsibility and ownership for the monitoring of these aspects lie with organisations with the appropriate expertise (such as BSCI, SA8000, or ETI). The MSC auditor will need to be able to access a partnering system to assess the existence of a self-assessment.

- The second point is the question how far the self-declaration requirement goes, and when do companies sufficiently substantiate its justification. Bear in mind some companies have complex international operations which makes fulfilling due diligence through the length of the chain quite challenging. The sector can accept a reasonable level of added administrative burden, but the purpose and added benefits for this must be clear and widely supported.

- We foresee an added complexity with regard to the UoC. The proposed self-declaration applies to a fisheries, and not individual vessels. What impact would a case of non-conformity at the level of a single vessel have on the MSC certification of the entire fishery?

- The final point addresses the issue of responsibility. As a matter of principle, we view that the responsibility for the social protection of workers in the seafood supply chain (both employed and self-employed persons) should rest with national governments. On the grounds of the Law of the Sea of the UN, governments should be tasked with the obligation to translation international agreements into national legislation and enforce these laws through appropriate labour inspections.

Certain (international) labour standards for fisheries already exist. *The Work in Fishing Convention 2007 (C188) is expected to enter into force by end of 2017, and has been translated into a European Directive (2017/159).* The Convention sets out obligations for ILO Member States with regard to the setting-up of an adequate inspection body. It is expected that the EU will adopt a similar obligation for its Member States. In the NL, for example, inspections are executed by the ‘Inspector Leefomgeving en Transport (ILT)’, providing the needed certification. For the C188, the ILO has adopted guidelines for flag and port state inspections.

A third-party certification scheme like the MSC does not add value in situations where flag states already meet their international requirements regarding the social protection of their fishers and supply chain workers. It will only result in unnecessary cost increases, especially if it is uncertain which social standards need certifying. Certification could be useful in situations where flag states fail to fulfil their international obligations, but the extent of social protection of workers will be limited as long as inspections are not part of the programme. Therefore, the more critical voices in the industry on the subject of labour issues, view certification of labour components by bodies like the MSC as ‘window dressing’ as best, but will not

activities, with a requirement to only self-report in the initial phase.

This responds to the comments provided because it maintains MSC’s focus to our areas of expertise – environmental sustainability and traceability – without introducing a social audit (or ‘P4’) into the fisheries assessment process. It also responds to the feedback that other 3rd party initiatives are better placed to provide a solution.

Additional comments:
- We acknowledge the diverse and complex structures of some fishery client groups and will be looking for a solution that is feasible for such entities. This will be part of the impact assessment work we will be doing in the coming months.
- The intention of the original proposal was that if a vessel was found to use forced or child labour, that vessel would be removed from the fishery certificate. The certificate itself would not be affected.
- Given the global nature of our program, and differing social and cultural expectations, we will look to work within national regulatory frameworks as much as possible. However, in some cases a government may not be willing or able to respond to egregious labour violations such as forced labour. As labour issues in seafood supply chains are receiving a lot of attention, there is an expectation that MSC will take a position on this issue and provide a means to respond to egregious labour violations as well.
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be sufficient for the true protection of workers, which will require flag states complying with international rules.

Considering the above mentioned points, we conclude that the sceptic remarks on the issue of labour requirements in the MSC Standard appear to outweigh the benefits. We therefore question the added value of introducing labour requirements into the MSC.

I ask that you share these comments within your organisation and hope you can take these views into consideration in determining the follow up. If you have any questions regarding the above, do not hesitate to contact the secretariat.

- Having clients be exempt on providing additional information on policies and measures sounds very risky. Unless a fishery has a social certification, exempt shouldn’t exist, because forced and child labor can happen in any supply chain.
- It’s important to be very clear that even with a self-declaration policy, MSC can never eliminate the risk of child and forced labor, only reduce it.
- Under Scope, does “national jurisdiction” mean flag state? Also, important to note that not every country may have specific laws on forced and child labor.
- For the self-declaration, who fills this out and would have appropriate access to evidence, especially at the fishery level? For example, each large vessel within a big fleet may have their own practices and policies. We struggle to see how this would be implemented in the fisheries context. Also, in the supply chain context, how do you get every entity along the supply chain to make this declaration? Is it the responsibility of a single actor, or every entity within the supply chain?
- Will entities that are certified by a social certification also be required to fill out the form, or will they only be exempt from providing additional evidence?
- Seems sensitive to ask companies to make detailed information about their practices and policies about forced and child labor public.
- In the actual form, it’s difficult to see how a single person filling this out, for multiple vessels from multiple flag states has the information needed to do this meaningfully.
- In the form “Child labour is generally defined by ILO and the flag state of our operation”, creates wiggle room, unless the MSC clearly defines what is meant by child labor. We recommend adding a clear definition.
- Subcontractors needs a definition. We are not sure if you mean labor contractors, or additional facilities where product is sent.
- We suggest specifying what type of recruitment fees are included in the form.
- What is your definition of “worker”?

Thank you for the comprehensive feedback. We have attempted to respond to the comments provided but will follow up with you separately for a more detailed discussion.

Following the feedback, we received, we have revised our approach to the introduction of Labour Requirements to strengthen our approach by placing greater emphasis on 3rd party solutions. For fisheries, this means taking a more phased approach. Meanwhile, we will support the development and scalability of 3rd party solutions for vessel-based social audits.

This new direction will hopefully address some of the concerns raised on the robustness of MSC’s approach to labour issues.

Additional comments:
- We appreciate the comment on the sensitivity of information and will include this in our considerations.
- We acknowledge the diverse and complex structures of some fishery client groups and will be looking for a solution that is feasible for such entities. This will be part of the impact assessment work we will be doing in the coming months.
- The flexibility in child labour was intentional as it is meant to permit certain cultural norms around children engaged in family fishing activities, permitted through the relevant regulatory framework.
- We agree that a definition is needed on subcontractors, workers as well as further clarification on recruitment fees.