

Auditor Guidance Manual for the FISH Standard for Crew

F · I · S · H



STANDARD FOR CREW

Version 1.0

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Responsibility for this Manual

FISH (Fairness, Integrity, Safety, and Health) Standard for Crew Standard (FISH SC) is owner of the *FISH Standard for Crew* and associated elements of the certification scheme. The Board of Directors of FISH SC is responsible for the *FISH Standard for Crew* and will review its contents on an ongoing basis. A record of amendments is shown below.

Amendment Record

Version No.	Date of Release	Description of Amendment
Draft 1	Unpublished	Internal working document reflecting input from industry representatives, NGOs and technical experts.
Version 1.0	14 April 2021	Manual amended by the SOC to address stakeholder input from public consultation on the FISH Standard. Approved for release by the Board of Directors.

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Introduction

The FISH Crew Standard is based on key international instruments in the fisheries labour sector, most notably the International Labour Organization (ILO) Work in Fishing Convention, 2007, Number 188 ([ILO C188](#)) and its guidance (ILO Guidance Number 199; [R199](#)). The Standard establishes a set of clear, measurable performance thresholds which are suitable for use in audits by third-party certification bodies (CBs). Its rigorous application as a certification standard will serve to identify and distinguish those seafood companies who demonstrate fair, socially responsible labour practices.

The objective of the Auditor Guidance Manual is to provide auditors with additional guidance for implementation of the FISH Crew Standard. This document will facilitate the accurate interpretation of scheme requirements and help to ensure consistent auditing against those requirements.

Scope

This document supplements the FISH Standard for Crew by providing auditors with additional guidance on how to audit standard requirements. It is intended to be used by lead auditors of approved CBs.

Normative References

Fairness, Integrity, Safety and Health (FISH) Standard for Crew, Version 1.0, April 14, 2021.

Certification and Accreditation Framework for the FISH Standard for Crew, Draft Version 1, April 14, 2021.

ILO (2011) Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188). International Labour Office, Geneva.
https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_177245/lang--en/index.htm

ILO (2017) Guidelines on flag State inspection of working and living conditions on board fishing vessels. International Labour Office, Geneva. https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_428592/lang--en/index.htm

ISO 19011:2011(E) Guidelines for auditing management systems.
<https://www.iso.org/standard/50675.html>

Terms and Definitions

All terms are defined in the *Glossary of Terms* (Annex 1) and the *List of Acronyms* (Annex 2). Terms generally follow the usage of ILO and ISO (e.g., ISO 9000:2005, ISO 17000:2004) although some definitions have been modified to better reflect scheme objectives.

Structure of Guidance

Guidance in this document expands on the general provisions and indicators of the FISH Standard for Crew. Auditor guidance is structured into a table with three parts (Table 1). In the first part, the standard requirement is reproduced verbatim, together with any relevant footnotes or definitions. In the second part, guidance and/or clarification is given that should be used by auditors. The third section presents a list showing examples of the types of evidence that may be reviewed by the auditor to determine conformity. This list is meant to be indicative; it is not exhaustive.

Table 1. Structure of Guidance

Requirement	The standard requirement is reproduced verbatim. Associated definitions and footnotes are also included.
Guidance for Auditors	<p><u>Clarification:</u> Clarifications provide more information about the meaning or intention behind a requirement (i.e., the 'intent'). Clarifications may explain how scheme requirements are to be applied to specific cases or in exceptional circumstances. Clarifications may be mandatory in nature or scope.</p> <p><u>Guidance:</u> Guidance provides additional information to help auditors better understand and interpret scheme requirements. Guidance is intended to ensure consistent, effective and accurate assessments of conformity with the Standard. Guidance is indicative but not mandatory.</p>
Examples of Evidence of Compliance	A list of examples is given of the types of evidence that the auditor may use to evaluate conformity with the requirement. The list of examples is indicative. It is not intended to be exhaustive.

Part I. Guidance for General Provisions

Requirement: Scope
<p>The scope of the FISH Standard for Crew covers all fishers who work onboard any fishing vessel identified in the Unit of Certification.</p> <p>Annex 1. Glossary of Terms Fisher - Any person who is employed or engaged by the vessel owner/company to work in any capacity on board a fishing vessel including persons who are paid on the basis of a share of the catch. Fishers may be employed on a permanent, part-time or seasonal basis. Excluded from this definition are pilots, fisheries observers, naval personnel, and other persons in the permanent service of government, as well as shore-based persons carrying out temporary work aboard a fishing vessel such as vendors and technicians.</p>
Guidance for Auditors
<p><u>Guidance:</u> The definition of ‘fisher’ was adapted from ILO C188 and it clarifies which persons should be included or excluded from the scope of the audit. Examples are given below.</p> <p>Note that ‘worker’ is a synonym of fisher and the term ‘crew’ refers to the full complement of fishers employed onboard a fishing vessel.</p>
Examples of Evidence of Compliance
<p>People who are included within audit scope as fishers:</p> <ul style="list-style-type: none">- Persons engaged directly in fishing operations- Crewmembers including captains, officers and engineers- Personnel involved in onboard processing <p>People who are excluded from audit scope as fishers:</p> <ul style="list-style-type: none">- Fishery observers and port samplers- Pilots, military personnel, enforcement officers, Port Agents and Coast Guard- Shore-based persons who do not go to sea with the vessel including contractors such as welders, electricians, and outfitters

Requirement: General Provision 3

3. Applicable Laws and Regulations

This standard makes reference to “applicable laws and regulations” pertaining to labour. For the purpose of audits performed against the FISH Standard for Crew, the scope of application of labour laws and regulations is determined by giving priority to the jurisdiction in which the fish is harvested. For a Certificate Holder fishing in one or more fisheries within the EEZ of any sovereign nation, the national and local laws and regulations of that sovereign nation shall apply at audit. For a Certificate Holder fishing in one or more fisheries exclusively in an area beyond national jurisdiction (ABNJ), the laws and regulations of the flag state of the vessel(s) within the Unit of Certification shall apply at audit. For a Certificate Holder fishing in one or more fisheries across multiple fishery jurisdictions, including ABNJs, certifications shall be structured accordingly. Because fishery jurisdiction is clearly identified in the Unit of Certification, there should be no doubt as to which laws and regulations are applicable to the Certificate Holder at audit.

Guidance for Auditors

Clarification: The Board of Directors of FISH SC emphasizes that nations are sovereign and their laws sacrosanct – a theme that is deeply embedded in the FISH Standard for Crew. National law is given priority in the certification scheme by requiring that, for the purposes of audit, vessel owners/companies must demonstrate compliance with applicable laws and regulations of the nation in which the fish is harvested. The intent of this provision is that UoCs will be structured according to jurisdiction so as to ensure that national labour laws and regulations apply to certified fishing operations in the area(s) where fishing occurs.

Guidance: If a vessel owner or company participates in fisheries that straddle national boundaries, then the CB should usually try to assign each unique fishery jurisdiction to its own UoC. In other words, there should be a 1:1 relationship of fishery jurisdiction-to-certificate. In practice, however, there may be opportunities to combine UoCs but only if doing so is justified (i.e., when the same labour laws and regulations would be applicable across two jurisdictions). The table below gives examples of how different combinations of fishery jurisdiction may relate to flag state and UoC.

Table. Prioritization for audit

	Flag State of Vessel	Jurisdiction of Fishery	Applicable Labour Laws and Regs	Number of UoCs
Domestic Fishery	Nation A	EEZ of Nation A	Nation A	One
High Seas Fishery	Nation A	ABNJ	Nation A	One
Domestic and High Seas Fishery	Nation A	Nation A and ABNJ	Nation A	One
International Fishery	Nation A	EEZ of Nation B	Nation B	One
Domestic and Int’l Fishery	Nation A	Nation A and Nation B	Nation A	Two
			Nation B	
Multinational Fishery	Nation A	Nation A, B and C	Nation A	Three
			Nation B	
			Nation C	

Examples of Evidence of Compliance
N/A

Requirement: General Provision 4**4. Vessel Size and Voyage Duration**

Voyage duration also follows ILO conventions and is measured as the number of days a vessel normally remains at sea. A key threshold for voyage duration occurs at three (3) days.

The Standard combines key thresholds into two functional vessel categories: small vessels - less than 24 metres in length and/or normally remaining at sea for three days or less; and large vessels - 24 metres in length and over and normally remaining at sea for more than three days.

Small vessels: $L < 24 \text{ m}$ and/or $\text{Voyage} \leq 3 \text{ d}$
Large vessels: $L \geq 24 \text{ m}$ and $\text{Voyage} > 3 \text{ d}$

Guidance for Auditors

Guidance: The choice of method for calculating voyage duration is left to the discretion of the Certificate Holder. However, the auditor should confirm that the method used is justified in terms of accuracy and precision.

Examples of Evidence of Compliance**Example calculation**

A single vessel made 40 fishing trips last year with trips ranging in duration from 1 to 5 days. The total number of days spent at sea last year was 108.

Average voyage duration = $108 \text{ days} / 40 \text{ voyages} = 2.7 \text{ days/voyage}$

Requirement: General Provision 5

5. Access

The FISH Standard for Crew is a global, voluntary certification standard intended for use in commercial fisheries (footnote). Access is open to all entities meeting the scheme's definition of Certificate Holder described below.

Footnote: The Standard does not apply to recreational or subsistence fishing.

Annex 1. Glossary of Terms

Certificate Holder - The individual(s) assuming overall responsibility for meeting the requirements of the FISH Standard for Crew and providing liaison with the Certification Body. The term applies to both applicant and certified entities. The Certificate Holder may be a vessel owner, a vessel operator, a company appointee, a fishermen's association representative, or another third-party with delegated authority for the UoC.

Guidance for Auditors

Clarification: In keeping with the above definition of a Certificate Holder, fishing vessel cannot be put forward for certification on its own. However, the individual(s) who legally owns/operates the fishing vessel may serve as the Certificate Holder.

Fishing operations participating exclusively in recreational fisheries are ineligible. Subsistence¹ fishing operations, wherein fish are caught primarily for direct consumption by the families of fishers rather than being sold at market, are ineligible as well.

Examples of Evidence of Compliance

- all Certificate Holders meet the definition given in Annex 1
- UoCs do not include recreational and/or subsistence fisheries

¹ FAO defines *Subsistence Fishery* as: "A fishery where the fish caught are shared and consumed directly by the families and kins of the fishers rather than being bought by middle-(wo)men and sold at the next larger market". FAO (1998): Guidelines for the routine collection of capture fishery data. FAO Fish. Tech. Pap, 382: 113 p <http://www.fao.org/faoterm/en/?defaultCollId=21> adapted FAO Term Portal:

Requirement: General Provision 6**6. Certificate Holders with Multiple Vessels**

The FISH Standard for Crew was developed with the aim of accommodating a wide variety of fishing operations. These operations may range in vessel size and crew size, from one single-handed boat to fleets comprised of multiple larger fishing vessels. To this end, the scheme allows that the Certificate Holder may be one of a diversity of entity types including vessel owners, vessel operators, companies or their appointees, fishing associations, or other third-parties (e.g., processors). The scheme also provides for a Unit of Certification that consists of multiple vessels. Certificate Holders with multiple vessels must comply with the requirements of Annex 4 which are in addition to the requirements of the FISH Standard itself. Annex 4 stipulates, among other things, that the Certificate Holder will act as the overall certification administrator on behalf of its Members, has authority to compel Members to take corrective actions, and will operate a programme of internal audits covering the Membership. In such a multi-vessel UoC, the evidence needed to demonstrate conformity with Standard requirements may come from various levels within the membership (e.g., vessel owners, company representatives, captains and/or fishers) as well as directly from the Certificate Holder.

Annex 1. Glossary of Terms

Certificate Holder - The individual(s) assuming overall responsibility for meeting the requirements of the FISH Standard for Crew and providing liaison with the Certification Body. The term applies to both applicant and certified entities. The Certificate Holder may be a vessel owner, a vessel operator, a company appointee, a fishermen's association representative, or another third-party with delegated authority for the UoC.

Member - A vessel owner, vessel operator, company or other person or entity who has a legal or contractual link with the Certificate Holder.

Member Vessel - A fishing vessel owned or operated by a Member. Member vessels are identified in the Unit of Certification.

Guidance for Auditors

Guidance: The concept of a 'Certificate Holder' has been defined broadly so that the scheme can accommodate a variety of different arrangements for grouping multiple vessels together under a single Unit of Certification. Regardless of the structure, size, or composition of its membership, however, all Certificate Holders with multiple vessels shall meet the requirements of Annex 4.

Examples of Evidence of Compliance

The Certificate Holder is...

- a harvester company with multiple vessels
- a fishing association with numerous Member vessels
- a shore-based processor with its suppliers participating as Members
- structured in another way that conforms with requirements of Annex 4

Requirement: General Provision 7

7. Unit of Certification

The Unit of Certification (UoC) is defined by:

- Certificate Holder;
- name, registration code, flag and category (large and/or small) of fishing vessel(s); and
- fishery jurisdiction.

Annex 1. Glossary of Terms

Unit of Certification (UoC) - A concise delineation of the unit to be certified. The UoC is comprised of the Certificate Holder, fishing vessel(s), and applicable jurisdiction.

Guidance for Auditors

Clarification 1: All vessels within the Unit of Certification should be clearly identified by their name, vessel registration number, and flag state. In addition, each vessel to be included within the UoC should be unambiguously assigned to a functional vessel category (either 'small vessel' or 'large vessel'; see General Provision 4). Two vessel categories may be combined within a single UoC. In other words, one UoC may have both large and small vessels.

Clarification 2: The UoC is defined by the flag state of the vessel(s) rather than by the nation in which the Certificate Holder resides. In general, the vessel's flag state and Certificate Holder's nation of residence should be one and the same. However, the FISH Standard does not require that the Certificate Holder shall be a resident in the nation representing the flag state of the vessel(s).

Guidance: When the UoC has a mix of vessel size categories, the auditor should plan the audit of the Certificate Holder accordingly to ensure that all respective elements of the Standard are covered.

Examples of Evidence of Compliance

The UoC is comprised of...

- only large vessels
- only small vessels
- both large and small vessels

Part II. Guidance for Indicators

Principle 1. Emphasize Socially Responsible Labour Practices and Ethical Behaviours

Requirement: Indicator 1.1.4
1.1.4 If young fishers are employed, the Certificate Holder shall have policies and practices to ensure that young fishers have the opportunity to exercise their basic rights; specifically, age and gender appropriate access to schooling or training, health care, nutrition, recreation, emotional support, peer interaction, and participation. The policies must stipulate that young fishers:
Guidance for Auditors
<p><u>Clarification:</u> The intent of Indicator 1.1.4 is to ensure that Certificate Holders commit through policy and practice to ensure that employment does not impede access by young fishers to their basic rights. It aligns with the rights guaranteed by the United Nations under the Convention on the Rights of the Child², which has been ratified by 194 nations.</p> <p>Use of the term ‘participation’ in 1.1.4 refers to the right of the young fisher or child as defined by Article 12 of the Convention on the Rights of the Child. In effect, it says that children who are capable of forming views have the right to express their views freely, to be heard and to have their views given due consideration in light of their age and maturity. One of the major reasons for this is to ensure that children can get access to courts and other quasi-judicial proceedings either directly or through a representative. It is critical to ensuring other child rights.</p> <p><u>Guidance:</u> Auditors will need to verify that the employment of young fishers complies with applicable laws and regulations relating to the age of completion of compulsory education. Duties assigned to young fishers should not interfere with their compulsory education, and employment should never impede a young fisher’s opportunity to exercise his or her right to continue education.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none">- Policy or procedures- Interviews with fishers- Applicable laws and regulations relevant to compulsory education

² <https://www.unicef.org/child-rights-convention>

Requirement: Indicator 1.1.4 a

1.1.4 If young fishers are employed, the Certificate Holder shall have policies and practices to ensure that young fishers have the opportunity to exercise their basic rights; specifically, age and gender appropriate access to schooling or training, health care, nutrition, recreation, emotional support, peer interaction, and participation. The policies must stipulate that young fishers:

(a) are only required to undertake tasks/functions that are not harmful to their physical and mental health and wellbeing;

Guidance for Auditors

Guidance: Auditors should consider whether any of the tasks or assignments performed by young fishers are potentially harmful to their physical and mental health and wellbeing. This may include consideration of 'night work' assignments. ILO C188 specifies that 'night work' shall be defined in accordance with national law and practice and shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. In general, any assignment that involves night work by young fishes should be avoided or eliminated. However, exceptions are recognized when the specific nature of the duty or training program requires that fishers perform duties at night. In such exceptional cases, the auditor should confirm that performance of night work by young fishers is in compliance with applicable local and national legislation, and the arrangements meet requirements for rest periods and hours of work under Criterion 3.4.

Examples of Evidence of Compliance

- Duty logs or timesheets
- Applicable laws and regulations relevant to hazardous/night work on fishing vessels
- Interviews with fishers

<p>Requirement: Indicator 1.1.4 c</p> <p>1.1.4 If young fishers are employed, the Certificate Holder shall have policies and practices to ensure that young fishers have the opportunity to exercise their basic rights; specifically, age and gender appropriate access to schooling or training, health care, nutrition, recreation, emotional support, peer interaction, and participation. The policies must stipulate that young fishers:</p> <p>(c) are instructed as to which duties they must not perform, including any hazardous work assignments;</p>
<p>Guidance for Auditors</p> <p><u>Clarification:</u> Young fishers may be employed onboard a fishing vessel where hazardous work duties exist so long as those young fishers are not themselves assigned to undertake hazardous work assignments.</p> <p><u>Guidance:</u> Auditors shall review evidence to confirm that young fishers are instructed as to which duties they must not perform. This includes review of any hazardous work assignments that are known to be part of the fishing operation such as working with dangerous machinery or manual handling and transport of heavy loads. With respect to the identification of hazardous duties, auditors may also consider ILO recommendations from R199, Part 1(1) “...including occupational safety and health issues such as night work, hazardous tasks, work with dangerous machinery, manual handling and transport of heavy loads, work in high latitudes, work for excessive periods of time and other relevant issues identified after an assessment of the risks concerned.”</p>
<p>Examples of Evidence of Compliance</p> <ul style="list-style-type: none"> - Duty logs or timesheets - Applicable laws and regulations relevant to hazardous/night work on fishing vessels - Interviews with fishers

Requirement: Indicator 1.1.5	
1.1.5	<p>Exception for family owned/operated small vessels: An exception to the minimum age requirements in 1.1.1, 1.1.2 and 1.1.3 may be made for fishers who are under 16 years of age (or under 15 years of age if 1.1.2 defines ‘young fisher’ as being inclusive of 15 year olds) and are working on family owned/operated small vessels provided that:</p> <p>(a) the participation of fishers does not contravene applicable laws and regulations;</p> <p>(b) the requirements of 1.1.4 are met in full;</p> <p>(c) fishers are not assigned hazardous duties (in accordance with 1.1.4a) and they receive adequate training for the functions they will perform (in accordance with 1.1.4b);</p> <p>(d) fishers do not undertake work with hazardous machinery, equipment and tools, or which involves the manual handling of transport of heavy loads; and</p> <p>(e) work is done under direct supervision of a parent or legal guardian.</p>
Guidance for Auditors	
<p><u>Clarification:</u> For any exception sought under 1.1.5 for fishing families, the requirements of 1.1.4 must be met in full. In other words, the requirements of 1.1.4 and 1.1.5 are <i>additive</i> with respect to evaluating an exception for fishers under 16 years of age (or under 15 years of age if applicable).</p> <p><u>Guidance:</u> In assessing Indicator 1.1.5, the auditor should also consider guidance to Indicator 1.1.4 which explains that employment should not impede a young fisher’s opportunity to exercise his or her right to continue education. It is expected that schooling considerations will tend to dictate the participation of children in family fishing activities, and that children will tend to accompany their parent or legal guardian when school is out of session (e.g., summer breaks, holidays, weekends, etc.). On the other hand, if the auditor sees a pattern of children being subjected to long deployments at sea (lasting several months), this practice would impede their educational opportunities and it could be indicative of abuse.</p> <p>In relation to assessing Indicator 1.1.5(d), if the fisher under 16 years of age (or 15 years of age as applicable) is supervised by a legal guardian rather than a parent, the auditor should request to see documentation of judicial grant of guardianship.</p>	
Examples of Evidence of Compliance	
<ul style="list-style-type: none"> - Policy or procedures - Interviews with fishers - Judicial record granting guardianship as applicable 	

Requirement: Indicator 1.2.3

1.2.3 Fishers are free to terminate their employment at any time provided they give reasonable notice (footnote).

Footnote: Ten (10) days is generally considered a minimum timeframe for giving reasonable notice, subject to the terms of the Fisher Work Agreement.

Guidance for Auditors

Clarification: This requirement should not be interpreted to mean the vessel owner/company is obligated to return the fisher to port within 10 days of receiving notice. Fishers who give notice should be returned to port at the next reasonable opportunity, but no later than 6 weeks from the date of giving notice unless otherwise specified in the Fisher Work Agreement.

Guidance: Auditors should review recent cases where fishers gave notice of termination.

Examples of Evidence of Compliance

- Fisher Work Agreement
- Termination notices
- Interviews with captain and fishers

Requirement: Indicator 1.2.4

1.2.4 Fishers are free to leave the service of the vessel without penalty (footnote) during port calls.

Annex 3 – Minimum Requirements for Fisher Work Agreement

General: The Fisher Work Agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable: (Section J) the termination of the agreement and the conditions thereof, namely:

- (i) if the agreement has been made for a definite period, the date fixed for its expiry;
- (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged;
- (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period shall not be less for the company or other party to the agreement with the fisher;
- (iv) actions that may be taken in the event of early termination of the agreement;

Footnote: Subject to the terms of the Fisher Work Agreement

Guidance for Auditors

Clarification: This requirement does not preclude the vessel owner/company from seeking restitution in the event of early termination by the fisher so long as the conditions for doing so are clearly set out in the Fisher Work Agreement. For example, if a fisher who had signed a contract for a full voyage (Annex 3, Section J(ii)) then chooses to leave the service of the vessel mid-trip during an unanticipated port call (e.g., because of a vessel breakdown), the vessel owner or company may have the right to recover operational costs arising from a breach of contract. Trip bonuses, if applicable, might also be subject to forfeiture upon breach of contract if stipulated as such in the Fisher Work Agreement.

Examples of Evidence of Compliance

- Fisher Work Agreement
- Interviews with fishers

Requirement: Indicator 1.2.5

1.2.5 Fishers retain control of their identity documents and there is no withholding of fisher property or benefits.

Guidance for Auditors

Clarification 1 - Identity Documents: The term ‘identity documents’ is intended here to include passports, drivers’ licenses, visas, work permits, and other documents relating to migration or travel. Fishers must retain full control over their identity documents. The fisher may ask the captain to hold his or her identity document for safekeeping while at sea but the document shall always be available at the fisher’s request and it shall always be promptly returned to the fisher when the vessel reaches port.

In some regions, applicable laws and regulations for repatriation may place an obligation on the vessel owner or company to ensure that each fisher’s identity documents are safe, in good condition and are capable of being produced upon request. In these circumstances, it may be necessary for the vessel owner/company to hold the original identity documents on shore. Fishers may need to be provided with certified copies for the voyage or another comparable may be taken measure to comply with applicable laws and regulations. In no circumstance, however, should a fisher be compelled to relinquish control of his or her identity documents to the vessel owner/company or a third party.

Clarification 2 - Benefits: The term ‘benefit’ refers to rights conveyed to the fisher as defined in the Fisher Work Agreement other than pay or bonuses. Thus, the benefits identified in indicator 1.2.5 do not include bonuses which may be offered by a vessel owner/company contingent on successful completion of a job task by a fisher (e.g., end of contract bonus, off-trip bonus, etc.). Payment of such bonuses, which may be documented in a Fisher Work Agreement or a collective bargaining agreement, should be considered when the auditor evaluates fair remuneration (Criterion 2.2).

Examples of Evidence of Compliance

- Identity documents
- Certified copies of passports
- Interviews with fishers
- Fisher Work Agreement
- Collective Bargaining Agreement

Requirement: Indicator 1.2.6
<p>1.2.6 Fishers shall have the right to secure the advice and representation of a fishers’ support organization (footnote) of their choosing prior to boarding the vessel, to deposit a copy of the Fisher Work Agreement with that organization and to maintain communication with the support organization consistent with criterion 4.7.13.</p> <p>Footnote: A fishers’ support organization might include seafarers support organization, a union, an ethnic/cultural/religious association, a migrant rights group or an NGO.</p>
Guidance for Auditors
<p><u>Guidance</u>: The auditor should consult with relevant fishers’ support organizations, as applicable, to elicit relevant information about potential forced labour violations or other severe abuses on fishing vessels.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Evidence from auditor consultation with fishers’ support organization

Requirement: Indicator 1.3.1
1.3.1 There shall be a crew list carried on board the fishing vessel and held ashore.
Guidance for Auditors
<p><u>Clarification:</u> Indicator 1.3.1 requires that there shall be a crew list carried on board the fishing vessel and held ashore. This requirement reflects the provision of Article 15 of ILO C188 which specifies that “every fishing vessel shall carry a crew list, a copy of which shall be provided to authorized persons ashore prior to departure of the vessel, or communicated ashore immediately after departure of the vessel.” ILO’s intent was to ensure that authorities would be in a position to quickly assess the number and identity of crew members on board a specific ship, in the event of a maritime accident. The requirement to maintain an accurate current crew list may also have deterrent value against some nefarious labour practices such as the at-sea transfer of fishers between vessels against their will (see Indicator 1.3.4).</p> <p><u>Guidance:</u> The auditor should verify that the company/vessel owner keeps an accurate crew list by examining records from a sample of fishing voyages. Crew lists may be recorded on paper or electronically (e.g., as digital images, cell phone pictures, etc.). The accuracy of crew lists may be verified by interviews with fishers and/or by cross-referencing to other documents that list fishers’ names. Such records could include payslips, FWAs, or copies of fisher’s identity documents.</p> <p>The auditor should verify that crew lists are held ashore as well. The FISH Standard requires that the crew list is, in accordance with applicable laws and regulations, communicated to authorities prior to departure or else made available to authorities upon request (Indicator 1.3.2). Otherwise, the FISH Standard does not restrict how crew lists are transferred to shore. A captain may, for example, fulfil this requirement by taking a picture of the crew list and sending it to someone or some organization on shore.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Crew list - Associated records of employment (FWAs, payslips, personnel files)

Requirement: Indicator 1.3.3

1.3.3 Large vessels: The crew list shall accurately specify the following information for every crew member:

- (a) full name;
- (b) rank, rating or position;
- (c) date and place of birth; and
- (d) number and type of identity document.

Guidance for Auditors

Guidance: Auditors should be aware that a standardized form for recording crew list information is available from the IMO. This template, known as FAL Form 5³, derives from Appendix 1 of the Convention on Facilitation of International Maritime Traffic, 1965 (FAL Convention) and it reflects the expectations of the wider international maritime sector for the minimum information that should be recorded on a crew list.

Examples of Evidence of Compliance

- Crew list or FAL Form 5 if used
- Fisher identity documents
- Associated records of employment (FWAs, payslips, personnel files)

³ <https://www.imo.org/en/OurWork/Facilitation/Pages/FormsCertificates-default.aspx>

Requirement: Indicator 1.3.4

1.3.4 Fishers are only transferred between vessels with their consent and in accordance with the terms of the Fisher Work Agreement, and the identity of all persons on board the vessels is accurately documented at all times.

Guidance for Auditors

Guidance: The auditor should verify that the transfer of fishers between vessels, if applicable, is done only with the consent of those fishers involved. In this context, the term 'consent' implies that the fisher understands he or she has right of refusal. During interviews with fishers, the auditor should determine whether or not fishers who have been/will be transferred between vessels at sea understand their right of refusal.

Examples of Evidence of Compliance

- Interviews with fishers
- Fisher Work Agreement
- Crew list

Requirement: Indicator 1.4.1

1.4.1 Policy shall prohibit the use of any form of abusive disciplinary practice (footnote), whether physical or mental, towards fishers.

Footnote: See Glossary of Terms

Annex 1. Glossary of Terms

Abusive Disciplinary Practice - Any disciplinary practice that undermines the dignity and physical and mental health of an individual. Examples include corporal punishment, mental coercion, physical coercion, and verbal harassment.

Harassment - Aggressive pressure or intimidation. Harassment in the workplace is a form of misconduct that undermines the integrity of the employment relationship and may be in violation of the law.

Guidance for Auditors

Clarification: It is the intent of Criterion 1.4 that the dignity of fishers will be respected at all times. Indicator 1.4.1 is specifically intended to prohibit abusive disciplinary practices towards fishers.

Guidance: In assessing 1.4.1, the auditor should first try to corroborate the accuracy of accounts of disciplinary actions by ‘triangulating’ using two or more independent information sources. Usually, this information will come from fisher interviews. Auditors may also seek input from external groups that monitor behaviour of captains at sea.

Once the veracity of a given disciplinary action has been established, the auditor will need to determine whether that action was abusive or not towards the fisher. In many cases, this decision will be straightforward. For example, when an action involves corporal punishment or withholding of food and water from the fisher, then the practice clearly has potential to undermine the fisher’s health. It is an abusive disciplinary practice.

In some other cases, however, the auditor may need to consider whether verbal reprimands tend to be isolated incidents or more pervasive and systematic occurrences. Consider a situation where a captain has yelled at a fisher. On the face of it, yelling can be viewed as abusive ‘verbal harassment.’ However, the auditor needs to look at the context in which the yelling occurred. Captains often use raised voices at sea because orders must be conveyed quickly (to prevent accidents) and clearly (often over a background of noise from machinery, wind, etc). In the context of an imminent threat to fisher safety during fishing operations, a captain’s decision to yell at a fisher might be appropriate and justified. On the other hand, it is a very different situation if the captain chose to scream at a fisher while he was eating in the mess during break in front of other crewmembers. In that context, the captain’s action could be considered an abusive disciplinary practice.

Examples of Evidence of Compliance

- Policy towards disciplinary practice
- Interviews with captain and fishers

Requirement: Indicator 1.4.3

1.4.3 Policy shall prohibit the sexual harassment of any individual onboard the fishing vessel, by the captain, officers, fishers, or other personnel.

Annex 1. Glossary of Terms

Harassment - Aggressive pressure or intimidation. Harassment in the workplace is a form of misconduct that undermines the integrity of the employment relationship and may be in violation of the law.

Guidance for Auditors

Clarification: There is no universally accepted definition of sexual harassment. The Violence and Harassment Convention, 2019 (Number C190)⁴ refers to “gender-based violence and harassment” but does not explicitly define sexual harassment. For the purposes of implementing the FISH Standard for Crew, a description of sexual harassment from ILO’s “Sexual Harassment in the World of Work⁵” may be used as a guide:

Sexual harassment can encompass a range of behaviours and practices of a sexual nature, such as unwanted sexual comments or advances, “jokes”, displaying pictures or posters objectifying women, physical contact or sexual assault.

(1) (quid pro quo) Any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person’s rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person’s job; or

(2) (hostile work environment) Conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

Examples of Evidence of Compliance

- Policy towards sexual harassment
- Interviews with captain and fishers

⁴ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

⁵ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738115.pdf

Requirement: Indicator 1.5.2
1.5.2 If migrant fishers are employed, such fishers shall be given the same level of access as nationals are given to measures for worker protection, collective bargaining, training and health & safety.
Guidance for Auditors
<u>Clarification</u> : The intent of Indicator 1.5.2 is to ensure that migrant fishers are afforded equitable training opportunities and access to collective bargaining and health & safety measures. Indicator 1.5.2 should not be in conflict with national objectives, where they may exist, to further the placement, training and career advancement of nationals within the fisheries sector.
Examples of Evidence of Compliance
- National objectives for employment in the fisheries sector (if applicable)

Requirement: Indicator 1.6.2

1.6.2 The vessel owner/company does not require fishers to pay any recruitment fees or costs arising from the recruitment process unless doing so:

- a) is in accordance with applicable laws and regulations;
- b) is stated in the Fisher Work Agreement;
- c) is done only with the prior informed consent of the fisher; and
- d) does not result in forced labour.

Guidance for Auditors

Clarification: The intent of Indicator 1.6.2 is that the vessel owner/company will take steps to ensure that debt bondage does not arise in the recruitment process, especially when fishers are recruited from vulnerable segments such as minority groups or immigrant populations. Conformity with 1.6.2 will prevent situations arising where recruitment fees and related costs are unfairly borne by fishers.

On the other hand, if recruitment processes are legal, transparent and well-managed, it may be acceptable for fishers to bear responsibility for some of the costs which are less directly associated with recruitment (e.g., costs associated with employee preparation, travel to point of embarkation). Further, government authorities often define through applicable laws and regulations which recruitment fees and related costs are to be borne by fishers. For example, Immigration New Zealand allows manning agents and employers to recover the cost of visa application fees, air travel, statutory medical exams, certificates, a personal travel document and national seafarer's book.

Guidance: The auditor should conduct interviews with fishers to verify that the vessel owner/company does not require fishers to pay any recruitment fees or related costs unless doing so is aligned with 1.6.2 (a) to (d). In the event of doubt, some guidelines for allowable and non-allowable costs are as follows:

Allowable (costs may be paid by the fisher):

- passport
- Seaman's book
- costs to meet basic minimum requirements for job
- transportation within own country from home to point of departure

Non-allowable (costs should not be paid by fisher):

- Recruitment fees to agent or sub-agent
- Pre- and post-employment medical exams
- Deposits
- Travel to/from home country and work country
- Visas/work permits
- PPE

Note that this list is indicative only. It is not intended to be exhaustive. Auditors may also consult ILO guidance on the matter including ILO (2019) *General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs*⁶.

Examples of Evidence of Compliance

- Applicable laws and regulations relating to recruitment fees
- Interviews with fishers
- Interviews with senior managers as applicable
- Fisher Work Agreement

⁶ https://www.ilo.org/global/topics/labour-migration/news-statements/WCMS_682734/lang--en/index.htm

Requirement: Indicator 1.6.3

1.6.3 Fishers are not asked to make deposits as a condition of their employment.

Annex 1. Glossary of Terms

Deposit - Monetary or collateral transfers from a fisher to a vessel owner or recruiter either upfront, or as contractual commitment to deductions from future anticipated wages as a condition to employment.

Guidance for Auditors

Clarification: The intent of Indicator 1.6.3 is that fishers are never asked by the vessel owner/company or Recruitment Service to make deposits as a condition of their employment.

Guidance: Auditors should verify that fishers are not asked to lodge deposits with their employer/recruiter, regardless of whether such deposits might take the form of a direct payment or they might arise when fishers are asked to put up personal property or other financial assets as a collateral guarantee.

Examples of Evidence of Compliance

- Interviews with fishers

Requirement: Indicator 1.6.4

1.6.4 If a Recruitment Service is used for recruiting/placing fishers, the vessel owner/company shall be responsible for demonstrating that the service complies with the requirement of this Standard.

1.6.4.1 The vessel owner/company shall have a formal written agreement or contract with the Recruitment Service covering the provision of recruitment services.

1.6.4.2 The vessel owner/company shall ensure that fishers recruited/placed by such a service understand and consent to their terms of employment voluntarily and without threat of penalty.

Guidance for Auditors

Guidance: If the vessel owner/company uses a Recruitment Service, the auditor should review the terms of the agreement for conformity with Criterion 1.6 of the FISH Standard for Crew. The auditor should also determine how the vessel owner/company performs due diligence to verify that the RS is not charging fishers any recruitment fees (aside from those which are aligned with 1.6.2 a-d), and the fishers understand and consent to their terms of employment voluntarily and without threat of penalty. As a verification step, the auditor should conduct interviews with fishers to confirm that the RS does not require fishers to pay recruitment fees or related costs (unless doing so is aligned with 1.6.2 a-d; see guidance to 1.6.2) and fishers understand and consent to the terms of employment.

If the auditor cannot establish, through document review and interviews with staff and fishers, that the Recruitment Service is in conformity with Criterion 1.6, it may be necessary to gather additional evidence directly from the Recruitment Service. This may entail review of RS documents to verify the service is properly licensed in the country of operation or, if necessary, performing an on-site audit of the Recruitment Service.

Examples of Evidence of Compliance

- Applicable laws and regulations relating to recruitment fees
- Contract with the Recruitment Service
- Documents showing proper licensing of the RS in the country of operation
- Other evidence the company has done its due diligence (e.g., background checks on the RS)
- Interviews with fishers
- Interviews with senior managers

Requirement: Indicator 1.6.5 a
<p>1.6.5 In addition to 1.6.4, if a Recruitment Service is used for recruiting/placing fishers, the vessel owner/company shall ensure the service:</p> <p>(a) does not deter job seekers from engaging in work by using blacklists or other means;</p>
Guidance for Auditors
<p><u>Clarification:</u> The intent of Indicator 1.6.5(a) is to ensure that blacklists or other means are not used to deter job seekers from engaging in work. This requirement does not prevent the vessel owner/company from complying with obligatory reporting to relevant authorities of the grounds for employee dismissal (e.g., because of abuse of alcohol or drugs) as may be required under applicable laws and regulations.</p> <p>Note that Indicator 1.6.5(a) is intended to align with Article 22(3a) of C188 which seeks to prohibit "...recruitment and placement services from using means, mechanisms or lists intended to prevent or deter fishers from engaging for work." Although C188 does not expressly identify the 'list' as being a blacklist, several C188 supporting documents clearly do attach this term to the aforementioned practice. This includes ILO Guidelines for Port State Inspectors⁷ and Flag State Inspectors⁸ as well as inspector training materials⁹. And while ILO has not formally defined blacklisting, the organisation clearly recognizes it as a significant threat to freedom of association¹⁰ and collective bargaining opportunities of fishers¹¹. Therefore, usage of the term blacklist by the FISH Standard for Crew should be interpreted in the same context.</p> <p><u>Guidance:</u> In assessing 1.6.5(a), the auditor should be aware that "other means" of deterrence might involve, for example, imposing penalties on employees for accepting employment in another enterprise or discriminating against job seekers who are members of a trade union.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Applicable laws and regulations - Interviews with fishers

⁷ ILO (2011) Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188). International Labour Office, Geneva. https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_177245/lang--en/index.htm

⁸ ILO (2017) Guidelines on flag State inspection of working and living conditions on board fishing vessels. International Labour Office, Geneva. https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_428592/lang--en/index.htm

⁹ ILO (2020) ILO training package on inspection of labour conditions on board fishing vessels. ILO Sectoral Polices Department Geneva. https://www.ilo.org/sector/Resources/training-materials/WCMS_766744/lang--en/index.htm

¹⁰ ILO (2018) Freedom of association. Compilation of decision of the committee on freedom of association. 6th Edition. https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/freedom-of-association/WCMS_632659/lang--en/index.htm

¹¹ ILO The making of C188. https://www.ilo.org/global/industries-and-sectors/shipping-ports-fisheries-inland-waterways/WCMS_181288/lang--en/index.htm

Requirement: Indicator 1.6.5 c
<p>1.6.5 In addition to 1.6.4, if a Recruitment Service is used for recruiting/placing fishers, the vessel owner/company shall ensure the service:</p> <p>(c) has a valid license, certificate or similar authorization from the competent authority in the country of operation.</p>
Guidance for Auditors
<p><u>Guidance</u>: Auditors should review documentary evidence for valid licensing, certification and/or authorizations for each Recruitment Service used by the vessel owner/company. Documentary evidence should be issued by authorities from the country in which the Recruitment Service has recruited or will recruit fishers on behalf of the vessel owner/company (i.e., the country of operation of the Recruitment Service). If such documentation cannot be provided for any Recruitment Service utilized, the auditor shall raise a non-conformity.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Copy of valid documentation from the Recruitment Service: license; certificate; or letter of government authorization for the country of operation

Requirement: Indicator 1.7.1

1.7.1 Policy and/or Fisher Work Agreements shall address the vessel owner/company's responsibility for repatriation of any fisher who is transferred off the vessel or otherwise left behind in a foreign port.

Guidance for Auditors

Clarification: The intent of Indicator 1.7.1 is to prevent the stranding of fishers in distant seaports. Unfortunately, the terms 'repatriation' and 'foreign' are context-dependent and therefore can only be loosely defined here. To reduce confusion, the general aim of Indicator 1.7.1 is to ensure that all crew are safely returned to the port of embarkation on every voyage. It is not the intent of 1.7.1 to require that the vessel owner/company shall "repatriate" fishers to their country of origin after each voyage (although the Standard does not preclude this possibility).

In practice, implementation of 1.7.1 will depend on the exact nature and geographic scope of fishing operations. In many cases, vessels will disembark from and return to the same port in the flag state, leaving little need for interpretation about repatriation from a foreign port. However, there may be instances where the matter is complicated by the fact that vessels disembark from a port which is not of the vessels' flag state and which is not the home country of the crewmembers on board. Other operational arrangements are possible (e.g., voyages with different origins and destinations). In these circumstances, it is important to interpret 'repatriation' as it applies to the actual scope of the fishing operation under consideration. Such interpretations should aim to prevent the stranding of fishers in distant ports, and they should be clearly and transparently documented in vessel owner/company policy and/or Fisher Work Agreements.

Guidance: In evaluating 1.7.1, the auditors should examine the geographic scope of fishing operations as well as the composition and origin of crew members (local, national, migrant) to determine whether vessel owner/company policy and/or Fisher Work Agreement adequately address issues relating to repatriation of a fisher who is transferred or left behind in a foreign port. The Fisher Work Agreement should, for example, clearly identify the destination to which fishers will be repatriated (see guidance to Indicator 1.7.2).

Examples of Evidence of Compliance

- Policy
- Fisher Work Agreement
- Log of vessel voyages
- Interviews with fishers

Requirement: Indicator 1.7.2

1.7.2 The policy and/or agreements in 1.7.1 shall identify the precise circumstances in which the vessel owner/company is or is not liable for the cost of repatriation including instances of expiry or termination of the Fisher Work Agreement.

1.7.2.1 The vessel owner/company shall bear the cost of repatriation except where the fisher has been found to be in serious default of the terms and conditions of the Fisher Work Agreement or as otherwise provided for in the Fisher Work Agreement or applicable law or regulation.

1.7.2.2 The vessel owner/company shall bear the cost of repatriation from the nearest port if the vessel owner/company owner seeks to extend the fishing trip beyond what is stated in the Fisher Work Agreement.

Annex 3 – Minimum Requirements for Fisher Work Agreement

General: The Fisher Work Agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable: (Section N) the fisher's entitlement to repatriation and any conditions that may be attached to the recovery of associated repatriation costs;

Guidance for Auditors

Clarification: As explained in guidance to Indicator 1.7.1, the intent here is to prevent the stranding of fishers in distant seaports. Indicators 1.7.2 and 1.7.2.1 are intended to ensure that the costs associated with repatriation of fishers do not create an obstacle to their successful return. The requirement does not prevent a vessel owner/company from establishing a fair arrangement for recovering all or a portion of the repatriation costs that may be associated with, for example, breach of contract by the fisher. What is essential is that such arrangements for repatriation costs are transparent, understood, documented in the Fisher Work Agreement, and consistent with the intent of the Standard.

Guidance: In evaluating 1.7.2, the auditors should confirm that any conditions which may be attached to the recovery of repatriation costs are clearly documented in the Fisher Work Agreement and that they are aligned with requirements of the FISH Standard for Crew. The auditor should confirm that fishers are informed and understand any such conditions relating to costs of repatriation. The auditor should review past cases of fisher repatriation if they exist.

The particulars contained in the Fish Work Agreement should generally align with Article 2 of ILO C166¹² including identification of the destination for repatriation which may be “the place at which the seafarer [fisher] agreed to enter into the engagement, the place stipulated by collective agreement, the seafarer's [fisher's] country of residence or such other place as may be mutually agreed at the time of engagement.”

Examples of Evidence of Compliance

- Fisher Work Agreement

¹² ILO C166 - Repatriation of Seafarers Convention (Revised), 1987 (No. 166)

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C166

- Policy
- Interviews with fishers
- Past cases of fisher repatriation

Requirement: Indicator 1.7.2.2

1.7.2.2 The vessel owner/company shall bear the cost of repatriation from the nearest port if the vessel owner/company owner seeks to extend the fishing trip beyond what is stated in the Fisher Work Agreement.

Annex 3 – Minimum Requirements for Fisher Work Agreement

General: The Fisher Work Agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable: (Section N) the fisher's entitlement to repatriation and any conditions that may be attached to the recovery of associated repatriation costs;

Guidance for Auditors

Clarification: The intent of 1.7.2.2 is to identify who is responsible for repatriation costs when a fisher declines to extend a fishing trip beyond what is stated in his or her Fisher Work Agreement. If, after having fulfilled the terms of the Fisher Work Agreement, the fisher then elects to leave the service of the vessel rather than renew/extend his or her agreement, the vessel owner remains responsible for repatriation costs. This should include the cost of accommodation and food from the time the fisher leaves the vessel's service until he or she reaches the repatriation destination¹³. It may also include a payment or allowance if provided for in the Fisher Work Agreement or applicable laws and regulations.

Examples of Evidence of Compliance

- Fisher Work Agreement
- Policy
- Interviews with fishers
- Past cases of fisher repatriation

¹³ Article 4(4), ILO C166 - Repatriation of Seafarers Convention (Revised), 1987 (No. 166)
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C166

Principle 2. Establish Fair Conditions of Service for All Fishers

Requirement: Indicator 2.1.6
2.1.6 A copy of the Fisher Work Agreement shall be carried on board the fishing vessel or it shall be accessible on board (e.g., as a paper copy, digital image, etc.), and the Fisher Work Agreement shall be made available to authorized persons upon request.
Guidance for Auditors
<u>Clarification</u> : The original signed FWA does not need to be on board but a copy of it does. Copies of signed FWAs may be made in a variety of ways including paper copies (e.g., from copy or fax machines), electronic copies (e.g., computer files from scanners, etc.), or digital images (e.g., cell phone photos) are acceptable provided they are accessible on board the vessel while at sea.
Examples of Evidence of Compliance
<ul style="list-style-type: none">- Copies of Fisher Work Agreements- Interview with captain and fishers

Requirement: Indicator 2.2.1
2.2.1 Remuneration, as wages, a share of the catch, or some combination thereof, shall be in accordance with applicable laws and regulations.
Guidance for Auditors
<u>Guidance</u> : The auditor should look for evidence that remuneration complies with applicable laws and regulations. The auditor may also consider related aspects of remuneration such as the regularity of payments, the means by which fishers may transmit payments, and whether or not the remuneration is consistent with the terms of the Fisher Work Agreement and/or Collective Bargaining Agreement.
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Fisher Work Agreement - Payslips or similar - Applicable laws and regulations pertaining to remuneration - Collective Bargaining Agreement as applicable

Requirement: Indicator 2.2.3 and 2.2.3.1

2.2.3 Where remuneration is based in whole or in part on a share of the catch, the fisher shall be informed in advance of the amount of the share and the method for calculating it including, as applicable, an explicit description of any deductions to be taken from the share (e.g., to cover operational costs).

2.2.3.1 When share of the catch is the remuneration system and fishers [who are not owners or part owners of the fishing business] bear some costs (e.g., food, fuel, etc.), if these costs exceed the share value, the fisher shall not be required to repay these costs.

Guidance for Auditors

Clarification 1: The amount fishers pay for operational costs (e.g., food, water, fuel, etc.) should not exceed actual costs to vessel owner/company. In other words, there should be no ‘up-charging’ of fishers. Also see guidance to Indicator 4.6.2.

Clarification 2: The intent of Indicator 2.2.3.1 is to safeguard fishers who are working for vessel owners/companies under a catch share remuneration system from becoming indebted to the vessel owner/company and becoming bound to the vessel owner/company as a result of this debt. Fishers working under a catch share remuneration system who are not owners or part owners of the fishing business who incur costs exceeding their share value, shall not be required to repay these costs either directly or through uncompensated labour.

Fishers onboard who are also owners of the vessel or the fishing business, sole proprietors, single-handed vessel operators, or fishing cooperative members have entered these roles aware of both the risks and rewards of fishing business, indicator 2.2.3.1 does not apply to these individuals. In determining whether a fisher in a catch share remuneration system is exempt for the purposes of 2.2.3.1, auditors should utilize documentation or verification establishing them in one of those roles. Credible documentation or verification could include, but is not limited to, ownership documents, fishery cooperative documents, etc. An FWA for a fisher in a catch share remuneration system that establishes ownership or partnership on a temporary basis or finite time period should not be taken on its face as evidence of exemption from 2.2.3.1 and would require more vetting via additional documentation and/or interviews to make that determination.

Examples of Evidence of Compliance

- Fisher Work Agreement
- Interviews with captain and fishers
- Purchase records for operational costs
- Records from settling of shares of the catch
- Documents demonstrating ownership

Requirement: Indicator 2.2.4

2.2.4 Pay periods are regular and payments are made directly (footnote) to fishers.

Footnote: Forms of direct payment may include cash, check, direct deposit or another method if agreed to by the fisher.

Guidance for Auditors

Clarification: Payments should be ‘regular’ insofar as the fisher receives payments on a recurring basis. The actual frequency of payment may depend on whether the system is based on wages or share of the catch, but should nonetheless occur on a predictable timeframe (e.g., bi-weekly, monthly, etc.) or in relation to reasonably well-defined targets (e.g., at end of voyage, at end of season, etc.).

Guidance: The auditor should review documentary evidence that pay periods are ‘regular’ giving due consideration as to whether the system is based on wages or share of the catch as well as other relevant aspects of the fishing operation. There should be documentary evidence to substantiate that direct payments are made to fishers in the form of checks, bank deposit slips/statements, wire transfers, or another method if agreed to by the fisher.

Sometimes fishers are paid via an international bank transfer. When payment of fishers involves the exchange of one currency for another, the auditor should confirm that the conversion rate used is consistent with market rates, and that exchange fees, if any, are not unreasonable. If observed conversion rates and/or transfer fees seem excessive, the auditor should use investigate further during interviews with fishers.

Examples of Evidence of Compliance

- Fisher Work Agreement
- Payslips, bank deposit slips or similar
- Interviews with fishers

Requirement: Indicator 2.2.8
2.2.8 Wage deductions, as applicable, shall be done with the informed prior consent of fishers and in accordance with applicable laws and regulations.
Guidance for Auditors
<p><u>Guidance:</u> In situations where wage deductions are made, the auditor should verify those deductions:</p> <ol style="list-style-type: none"> 1) are in compliance with applicable laws and regulations; and 2) are consistent with the terms of the Fisher Work Agreement. <p>Fisher interviews may be used to try to establish prior informed consent. For example, the auditor may ask whether the fisher was informed about deductions and understood the reasons for them.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Interviews with fishers - Payslips or wage statements - Fisher Work Agreement

Requirement: Indicator 2.2.9
2.2.9 If the owner/company allows fishers to take advances on earnings, the arrangement shall be documented and the repayment terms shall be reasonable and fair.
Guidance for Auditors
<p><u>Clarification</u>: The intent of Indicator 2.2.9 is that the arrangements for advances on earnings, where offered by the employer, are documented and the repayment terms are reasonable and fair. Arrangements are not used to bind fishers to their jobs.</p> <p><u>Guidance</u>: Auditors should verify that arrangements for advances on earnings are set out in writing in the Fisher Work Agreement or other documentation. Repayment terms should be clearly specified and understood by the fisher. The currency of the loan should be identified. Terms for repayment shall be reasonable and fair. The timeframe for repayment should normally not exceed 6-12 months. Interest rates, if charged, should not exceed the prevailing market rate for the region/sector.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Interviews with fishers - Fisher Work Agreement - Other documents relating to advances on earnings - Evidence of repayment

Requirement: Indicator 2.4.1

2.4.1 There shall be a non-discrimination policy and procedure that promotes equal treatment and opportunities for all fishers regardless of race, colour, sex, language, belief system, religion, political opinion, sexual orientation, property or national origin.

Guidance for Auditors

Guidance: The auditor should look for evidence that the Certificate Holder has effectively implemented the non-discrimination policy and procedure. No single auditing approach is adequate to evaluate every type of operation so audit plans must be tailored to the specific characteristics of the entity being audited and its non-discrimination policy. Some combination of generic audit approaches may be used to assess whether or not a Certificate Holder has effectively implemented its non-discrimination policy.

1) Grievances/Complaints

The auditor should review records of grievances/complaints to determine if any filings alleged discrimination on the basis of race, colour, sex, language, belief system, religion, political opinion, sexual orientation, property or national origin. Where such a filing exists, the auditor should look for evidence that the Certificate Holder investigated the concern and, if applicable, took action to adequately resolve the concerns raised.

2) Fisher Interviews

Fishers' perceptions about equal treatment may also be indicative of discrimination in the workplace. The auditor should collect fisher's views in interviews conducted outside the presence of captains or vessel owners, noting that such discussions are likely to be sensitive. Any assertions about discrimination will need to be handled carefully and they should be independently corroborated (i.e., through triangulation) to ensure audit conclusions are presented factually and impartially.

3) Interviews with Certificate Holder management

The auditor should interview senior management personnel to evaluate how the Certificate Holder promotes equal treatment and opportunity for fishers. Evidence should focus on equitable treatment in terms of hiring, advancement, remuneration, and termination.

4) Regional Considerations

The auditor should review and determine whether the Certificate Holder's policy towards non-discrimination aligns with/addresses applicable laws and regulations in the region of operation. Note that some forms of discrimination may predominate in a given region owing to, for example, the selective employment of members of migrant groups as fishers.

Examples of Evidence of Compliance

- Policy on non-discrimination
- Procedures on non-discrimination
- Grievance or complaint log and follow-up
- Interviews with fishers
- Interviews with senior managers
- Applicable laws and regulations pertaining to non-discrimination

Requirement: Indicator 2.5.1

2.5.1 The vessel owner/company shall meet applicable laws and regulations for providing fishers with social security protection (footnote).

Footnote: The term "social security" does not refer specifically to the Social Security Administration or government programme of the United States.

Annex 1. Glossary of Terms

Social Security - A system of assistance measures, usually governmental, that provides access to health care and income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a main income earner.

Annex 3. Minimum Requirements for Fisher Work Agreement

General: The Fisher Work Agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable: (Section M) the health and social security coverage and benefits to be provided to the fisher by the company or other party or parties to the Fisher Work Agreement, as applicable;

Guidance for Auditors

Clarification: The intent of Indicator 2.5.1 is to ensure that the vessel owner/company meets applicable laws and regulations for providing fishers with social security protection. If there are no applicable laws or regulations mandating the provisions of social security protection to fishers, then Indicator 2.5.1 is not applicable.

Guidance: If applicable laws or regulations exist which mandate that fishers are provided with social security protection, then the auditor should evaluate the vessel owner's/company's compliance with those laws and regulations. The particulars of social security protection should be set out in the Fisher Work Agreement.

In addition, a key consideration for audit is whether the provision of social security protection is extended to non-resident or migrant fishers. Here, the auditor may refer to Article 34 of ILO C188 as guidance: *"Each Member shall ensure that fishers ordinarily resident in its territory, and their dependants to the extent provided in national law, are entitled to benefit from social security protection under conditions no less favourable than those applicable to other workers, including employed and self-employed persons, ordinarily resident in its territory."* While the FISH Standard for Crew does not explicitly require that social security protection shall extend to all fishers ordinarily resident in a territory, the Standard does require that vessel owners/companies comply with the scope of such laws if social security protection is so mandated in the applicable jurisdiction.

Examples of Evidence of Compliance

- Fisher Work Agreement
- Applicable laws and regulations pertaining to social security protection
- Interviews with fishers

Requirement: Indicator 2.6.1

2.6.1 The vessel owner/company is responsible for providing health protection and medical care (including medical treatment – see Criterion 3.6) to fishers while on board the fishing vessel.

Annex 1. Glossary of Terms

Health Protection - Protection of fishers in the event of work-related sickness, injury or death. May include the provision of access to appropriate medical care and, as applicable, corresponding compensation in accordance with national laws and regulations.

Annex 3 – Minimum Requirements for Fisher Work Agreement

General: The Fisher Work Agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable: (Section K) the protection that will cover the fisher in the event of sickness, injury or death in connection with service; (Section M) the health and social security coverage and benefits to be provided to the fisher by the company or other party or parties to the Fisher Work Agreement, as applicable;

Guidance for Auditors

Guidance: The auditor should confirm that the vessel owner/company provides fishers with health protection and medical care (including medical treatment) while on board the fishing vessel. The particulars of health protection and medical care may appear in the Fisher Work Agreement or a collective bargaining agreement. Evidence of conformity may also come from national programs (e.g., a worker compensation system) or vessel owner/company insurance policies. The auditor should also confirm that the vessel owner/company meets applicable laws and regulations relating to worker health protection including the provision of health insurance if mandated by applicable laws and regulations (Indicator 2.6.3). Finally, in the event of doubt, the auditor may consider the intent of 2.6.1 which was guided by Article 39 of ILO C188: *“In the absence of national provisions for fishers, each Member shall adopt laws, regulations or other measures to ensure that fishing vessel owners are responsible for the provision to fishers on vessels flying its flag, of health protection and medical care while employed or engaged or working on a vessel at sea or in a foreign port. Such laws, regulations or other measures shall ensure that fishing vessel owners are responsible for defraying the expenses of medical care, including related material assistance and support, during medical treatment in a foreign country, until the fisher has been repatriated.”*

Examples of Evidence of Compliance

- Fisher Work Agreement or collective bargaining agreement
- Vessel owner/company insurance policy
- Applicable laws and regulations
- Interviews with fishers

Requirement: Indicator 2.6.2

2.6.2 If medical treatment of a fisher is required in a foreign port, the vessel owner/company shall pay the cost of treatment until the patient has been repatriated (footnote).

Footnote: Exclusion of vessel owner/company liability may be permitted in circumstances where an injury: was concealed before employment; was the result of wilful misconduct; or was otherwise unrelated to service (ILO C188 Art.39(2)).

Guidance for Auditors

Clarification: The intent of Indicator 2.6.2 is to ensure that any fisher who is injured while working on a fishing vessel in a distant/remote location can still reasonably expect to receive medical care in a nearby port rather than having to wait for treatment until the vessel returns to its home port. However, use of the term ‘foreign port’ (which is taken from C188 Article 39 to remain consistent with ILO terminology) may cause confusion because it does not equate precisely with more familiar terms like ‘home port’ or ‘port of embarkation.’ Also see guidance to Indicator 1.7.1 in this respect. Depending on the geographic scope of a fishing operation, a ‘foreign port’ could be defined as: 1) any port other than those of the vessel’s flag state; 2) any port other than the vessel’s port of embarkation; 3) any port other than the vessel’s home port; or 4) some other possibility still. This ambiguity is exacerbated by the fact that almost every port will be ‘foreign’ from the perspective of a migrant fisher. From a practical perspective, the question is whether existing arrangements to pay fisher’s medical costs until repatriation are appropriate to the specific nature and geographic scope of the fishing operation under evaluation.

Guidance: In evaluating this requirement, the auditor should give due consideration to the geographic scope of operation of the vessel owner/company. The auditor should look for documentary evidence that the vessel owner/company will pay the cost of medical treatment of a fisher in a foreign port as may be required, including upfront payment as may be needed to avoid treatment delay. This arrangement may be documented in vessel owner/company policy, the Fisher Work Agreement, or elsewhere.

Examples of Evidence of Compliance

- Policy
- Fisher Work Agreement
- Past cases of medical treatment in a foreign port
- Health insurance policy as applicable

Requirement: Indicator 2.7.1

2.7.1 Fishers shall be provided access to a fisher’s compensation system (footnote) or equivalent scheme covering work-related sickness, injury or death.

Footnote: See Glossary of Terms

Annex 1. Glossary of Terms

Fisher’s Compensation System - Compensation systems for disability (by injury or illness) or premature death resulting from employment as a fisher. Compensation may be provided by: a compensation system set up exclusively for fishers; a broad-based social insurance or social security system; an accident compensation system; sick pay; disability insurance; and/or employers’ liability. Most industrial nations use some combination of these regimes.

Annex 3. Minimum Requirements for Fisher Work Agreement

General: The Fisher Work Agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable: (Section K) the protection that will cover the fisher in the event of sickness, injury or death in connection with service;

Guidance for Auditors

Guidance: The auditor should confirm that the vessel owner/company provides fishers with access to a compensation system that covers work-related sickness, injury or death. The particulars of coverage should appear in the Fisher Work Agreement. Additionally, evidence of conformity may be found in the coverage provided as part of a social security system, an accident compensation system, or an insurance policy.

Examples of Evidence of Compliance

- Fisher Work Agreement
- Applicable laws and regulations pertaining to fisher’s compensation systems
- Insurance policy
- Interviews with fishers

Requirement: Indicator 2.8.1

2.8.1 There shall be a process (footnote) for receiving and addressing grievances (i.e., complaints) about the Certificate Holder's operations in relation to compliance with this Standard.

Footnote: The grievance process may be implemented by the Certificate Holder or through an authoritative body such as a government agency (see ILO C188, Art.43).

Guidance for Auditors

Guidance: The auditor should first establish that whether or not the grievance process conforms with minimum requirements of the Standard. This should include reviewing evidence to confirm that the process has the following required elements:

- it is confidential (2.8.3)
- it is non-retaliatory (2.8.3)
- it will consider grievances from parties or persons with a demonstrated interest in fisher safety as specified in 2.8.4
- it will consider grievances covering a range of relevant concerns (2.8.4)
- implementation of the process is documented (2.8.6-7)
- the outcomes of the process are subject to appeal (2.8.8)

In addition to confirming the above elements, the auditor should consider whether the grievance process is robust and effectively implemented. Some features of a robust grievance procedure may include the following:

- The procedure should be known by all fishers (e.g., through training, posting, etc.);
- The procedure should be made available in a language understood by all fishers;
- The procedure should ensure that each grievance review is undertaken by a person or committee who is independent of the grievance, and such reviews should never engage a person who is named in the grievance itself (i.e., independent review);
- The reviewer of the grievance should not be the direct supervisor of the aggrieved party/complainant; and
- The procedure should engage senior management to review all grievance investigations on a regular basis (e.g., seasonally, semi-annually, etc.).

Examples of Evidence of Compliance

- Grievance procedure
- Grievance or complaint log
- Grievance investigations
- Interviews with fishers

Requirement: Indicator 2.8.3

2.8.3 The grievance process referred to in 2.8.1 shall provide for the investigation of grievances while maintaining confidentiality as necessary and practical. The grievance process shall ensure that a fisher who lodges a grievance is not retaliated against for so doing.

Annex 1. Glossary of Terms

Grievance (Complaint) - An expression of dissatisfaction made to an organization where a response or resolution is expected. Note: complaint is a synonym of grievance.

Guidance for Auditors

Clarification1: In the context of Indicator 2.8.3, use of the phrase ‘maintaining confidentiality’ means the process will ensure that the person(s) named in a grievance is not informed of the nature and/or content of the grievance nor the identity of the aggrieved party (i.e., complainant) prior to conclusion of the grievance investigation.

Clarification2: In the context of Indicator 2.8.3, use of the phrase ‘retaliated against’ means an action directed towards an aggrieved party and in response to the lodging of a grievance. Retaliatory actions may take the form of verbal harassment, physical abuse, disciplinary action, dismissal, or other such reactions.

Examples of Evidence of Compliance

- Grievance procedure
- Grievance log
- Grievance investigations
- Interviews with captain and fishers
- Interviews with senior managers

Requirement: Indicator 2.8.4

2.8.4 The grievance process referred to in 2.8.1 shall be accessible to, and shall allow that grievances may be submitted by, fishers, professional bodies, associations, trade unions, fisher’s support organizations, or any other persons with a demonstrated interest in protecting the safety and health of the fishers on board and the safety of the vessel.

Annex 1. Glossary of Terms

Grievance (Complaint) - An expression of dissatisfaction made to an organization where a response or resolution is expected. Note: complaint is a synonym of grievance.

Guidance for Auditors

Clarification 1: Having a “demonstrated interest” should include prior active engagement with the vessel or vessels seeking certification, or comparable vessels.

Clarification 2: The definition of grievance assumes that the aggrieved party has made a good faith effort to address his or her concern through the grievance process of the Certificate Holder. Excluded from the definition are the more mundane issues (e.g., gripes, peeves, irks, distastes) that might be voiced by fishers during an audit interview but which they have not lodged as a formal grievance or complaint with the Certificate Holder.

Guidance: Auditors should remain objective and impartial whenever expressions of dissatisfaction are voiced during interviews with fishers. Particular care must be taken in evaluating assertions of unsatisfactory and potentially abusive behaviour when a fisher communicates his or her concerns verbally to the auditor but the fisher has not formally lodged those concerns within the grievance process of the Certificate Holder. There is likely to be a great deal of sensitivity surrounding these issues and the auditor should proceed judiciously. Attestations by interviewees should be cross-checked - ideally in a separate interview with the implicated person(s) - before being reported. It may be necessary to ‘triangulate’ using a third source of information who is independent of the interviewee and a named party. If the evidence supports a conclusion that the fisher has a valid grievance, then the auditor should consider this when evaluating conformity with Indicator 2.8.1 and associated Standard requirements pertaining to grievances. However, it is not the auditor’s role to resolve a grievance as part of the audit. Rather, the auditor should use the apparent failing of the system to explore what it reveals about the effectiveness of the grievance process to resolve employee grievances.

Examples of Evidence of Compliance

- Grievance procedure
- Grievance log
- Grievance investigations
- Interviews with captain and fishers
- Interviews with senior managers

Principle 3. Ensure the Safety and Health of All Fishers

Requirement: Indicator 3.2.3 e
3.2.3 Large vessels: OSH procedures shall be implemented covering at least the following areas: (e) actions to reduce or eliminate hazards which are specific to the vessel or fishing operations.
Guidance for Auditors
<p><u>Clarification:</u> The intent of Indicator 3.2.3(e) is to ensure that OSH procedures have been implemented to address hazards which are specific to the vessel or fishing operations. One widely used approach to OSH is to identify such hazards and then take actions to reduce or eliminate them. An alternative OSH approach is to address identified hazards through a mitigation and risk management strategy. Assuming such actions are effectively implemented, either approach would achieve the same endpoint and would therefore be in conformity with Indicator 3.2.3(e).</p> <p><u>Guidance:</u> The auditor should determine whether or not the Certificate Holder has taken steps to identify hazards which are specific to its vessels and fishing operations. The auditor should look for evidence that the Certificate Holder has taken actions in response to those identified hazards – whether through a hazard reduction and elimination approach or through risk management and mitigation. Evidence for the effectiveness of those actions should be reviewed by the auditor as well.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none">- OSH Procedures- Accident reports or logs- Accident investigation reports- Training program materials and training logs- Interviews with captain and fishers

Requirement: Indicator 3.2.6

3.2.6 Fishers shall be provided with personal protective equipment (PPE) and personal flotation devices (PFDs) at no cost to the fisher sufficient for the number of persons onboard and appropriate to the hazards associated with fishing operations. PPE and PFDs shall be maintained in serviceable condition, accessible at all times, and fishers shall be trained in their effective use.

Guidance for Auditors

Clarification: PPE includes equipment critical to protect life and limb but does not include rain gear, boots or gloves.

Annex 1 Glossary of terms

Personal Flotation Device (PFD) - A piece of equipment designed to be worn on the body and assist a wearer to keep afloat in water. Also referred to as a life jacket, life preserver, life belt, life vest, buoyancy aid, cold water immersion suit, or flotation suit.

Examples of Evidence of Compliance

- Vessel inspection
- Equipment inspection
- Crew interview

Requirement: Indicator 3.2.10
3.2.7 The fishing vessel and equipment must be registered, inspected and certified in accordance with applicable laws and regulations.
Guidance for Auditors
<u>Clarification:</u> In addition to machinery etc., the term 'equipment' includes radio and satellite communications devices.
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Vessel inspection reports - Applicable laws and regulations

Requirement: Indicator 3.2.14

3.2.11 OSH reviews shall consider each of the following topics as they may apply:

- (a) any work-related injuries, accidents or incidents that may have occurred and corrective actions to prevent their recurrence;
- (b) any changes to the fishing operation or equipment used;
- (c) grievances received with regards to safety and health on board the vessel;
- (d) development of new international instruments (standards, codes, guidance);
- (e) advances in knowledge and technology in the field of occupational safety and health including pertinent best practice recommendations from relevant centres of expertise; and
- (f) input from fishers about actual or potential workplace hazards.

Guidance for Auditors

Clarification: Interpretation of the term “consider” requires context. The degree of consideration given to the topics in Indicator 3.2.14(a) through (f) should reflect what measures are reasonable, economically feasible, and practical for the Certificate Holder to accommodate and implement based on the nature of the fishing operation.

Examples of Evidence of Compliance

- Documents from OSH review
- Accident logs
- Grievances related to OSH as applicable
- New international instruments pertaining to OSH
- Applicable advances in OSH knowledge and technology

Requirement: Indicator 3.2.14 d
3.2.11 OSH reviews shall consider each of the following topics as they may apply:
(d) development of new international instruments (standards, codes, guidance);
Guidance for Auditors
<p><u>Guidance:</u> The auditor should verify the OSH review considered the development of relevant new international instruments. Examples of international instruments that are currently available are:</p> <ul style="list-style-type: none"> - ILO conventions^{14,15}, recommendations¹⁶ and guidelines^{17,18} - FAO Codes of Conduct¹⁹ - IMO conventions²⁰ or protocols²¹ <p>In evaluating 3.2.14(d), it should be remembered that the intent is not to review <u>all</u> international instruments but rather for the Certificate Holder to focus on <u>new</u> instruments of relevance to its fishing operation. These would include instruments that were published/updated in the time since the Certificate Holder's previous OSH review. The auditor should verify that the Certificate Holder, as part of the OSH review process, has considered any such new international instruments as may be applicable.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Documents from current and previous OSH reviews - Relevant new international instruments pertaining to OSH in fishing operations

¹⁴ ILO (2007) C188 - Work in Fishing Convention, 2007 (No. 188) Convention concerning work in the fishing sector. Adoption: Geneva, 96th ILC session (14 Jun 2007) - Status: Up-to-date instrument (Technical Convention).

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188

¹⁵ ILO (2009) Guidelines on occupational safety and health management systems, ILO-OSH 2001. Second Edition, 2009. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normativeinstrument/wcms_107727.pdf

¹⁶ ILO (2007) R199 - Work in Fishing Recommendation, 2007 (No. 199) Recommendation concerning the work in the fishing sector. Adoption: Geneva, 96th ILC session (14 Jun 2007) - Status: Up-to-date instrument.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R199

¹⁷ ILO (2011) Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188). International Labour Office, Geneva. https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_177245/lang--en/index.htm

¹⁸ ILO (2017) Guidelines on flag State inspection of working and living conditions on board fishing vessels.

International Labour Office, Geneva. https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_428592/lang--en/index.htm

¹⁹ FAO, ILO & IMO (2005) Code of Safety for Fishermen and Fishing Vessels, 2005,

<http://www.fao.org/fishery/safety-for-fishermen/50769/en/>

²⁰ IMO (1995) International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F). Adoption: 7 July 1995; Entry into force: 29 September 2012.

<http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Standards-of-Training,-Certification-and-Watchkeeping-for-Fishing-Vessel-Personnel.aspx>

²¹ IMO [Torremolinos International Convention](#) for the Safety of Fishing Vessels, 1977. Superseded by the 1993 Torremolinos Protocol; Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels.

<http://www.imo.org/en/about/conventions/listofconventions/pages/the-torremolinos-international-convention-for-the-safety-of-fishing-vessels.aspx>

Requirement: Indicator 3.4.1
3.4.1 The vessel shall be sufficiently crewed and safely operated at all times and under the control of a competent captain.
Guidance for Auditors
<p><u>Guidance:</u> Indicator 3.4.1 is intended to align with Article 13(a) of C188 which states: Each Member shall adopt laws, regulations or other measures requiring that owners of fishing vessel flying its flag ensure that: (a) their vessels are sufficiently and safely manned for the safe navigation and operation of the vessel and under control of a competent skipper;” In evaluating Indicator 3.4.1, the auditor may consider Art.13(a) as a guideline. The auditor may also consider Article 14(a) as a guideline. It states: “In addition to the requirements set out in Article 13, the competent authority shall: for vessels of 24 metres in length and over, establish minimum levels of manning for the safe navigation of the vessel, specifying the number and qualifications of the fishers required.”</p> <p>For jurisdictions in which the competent authority has established a minimum manning level that is applicable to fishing vessels within the UoC, the auditor should evaluate compliance with those established minimum manning levels. For jurisdictions lacking an established minimum manning level that is applicable to fishing vessels within the UoC, the auditor should evaluate other relevant data sources including interviews with captain and crew, safety records, and safety management practices of the vessel owner/company as discussed in guidance to Indicator 3.4.2.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Applicable laws and regulations pertaining to minimum manning levels - Interviews with captain and crew - Safety management practices

Requirement: Indicator 3.4.2

3.4.2 All fishers on board fishing vessels shall have rest periods of sufficient duration to protect their safety and health.

Guidance for Auditors

Guidance: The FISH Standard for Crew recognizes two general approaches to assess whether or not fishers receive rest periods of sufficient duration to protect their safety and health: 1) Periods of rest based on C188, and 2) safety management practices.

Periods of Rest Based on C188

The auditor should determine if the rest periods provided to fishers align with ILO C188 Article 15 which states, in brief, that for vessels remaining at sea for more than 3 days, fishers should receive rest periods of no less than:

- ten hours in any 24-hour period; and
- 77 hours in any seven-day period.

Deviations from these rest periods may be permitted for limited and specified reasons, and temporary exceptions to these limits are also acceptable provided there is reasonable and documented justification. In all cases where limits are exceeded, however, the vessel owner/company should provide fishers with compensatory periods of rest as soon as practicable.

In jurisdictions where ILO C188 has been ratified, applicable laws and regulations may already fully address the rest periods and hours of work set out in Article 15. In such a case, the auditor should verify that the vessel owner/company complies with applicable laws and regulations per Indicator 3.4.3.

Safety Management Practices

The second approach looks at the safety performance of the Certificate Holder. The auditor should evaluate whether existing safety management practices provide evidence that fishers receive rest periods sufficient to protect their safety and health, consistent with the intent of C188. The auditor should review at least four sources of information on safety performance:

1. safety records or vessel logs;
2. documents from the insurer which indicate whether or not vessel operations fall within acceptable risk levels for safety in the sector (vessel size, gear, area of operation, etc.);
3. discussions of safety incidents with fishers obtained during interviews; and
4. patterns of crew retention or other 'soft' indicators of fisher confidence in the safety of the fishing vessel and its operation.

In respect of safety performance, the auditor may also evaluate crew fatigue management if applicable. Limiting fisher fatigue is a primary concern for ensuring safe work at sea^{22,23,24,25} but its consideration here should not duplicate the assessment of Indicator 3.1.2(b): “The captain is responsible for the safety of the crew and vessel, including: (b) managing fishers to minimize or prevent fatigue.” Rather, the auditor should focus on the performance of safety management practices. If a Certificate Holder has adopted best practice for management of fisher fatigue, then the auditor should evaluate whether this is evident in safety performance. Note, however, that guidelines for crew fatigue management vary by region. Some examples are given below.

Regional Examples of Guidelines for Crew Fatigue Management

AMSA (2020) Fatigue Guidelines: Managing and reducing the risk of fatigue at sea. Published by: Australian Maritime Safety Authority, GPO Box 2181 Canberra ACT 2601.

<https://www.amsa.gov.au/sites/default/files/amsa-fatigue-guidelines-web.pdf>

Fish Safe (2020) Fish Risks: Fight Fatigue. Fish Safe BC, #100 - 12051 Horseshoe Way, Richmond, BC, V7A 4V4, Canada - <https://www.fishsafebc.com/fight-fatigue>

Maritime New Zealand (2017) How to develop a fatigue management plan. A guide for small fishing vessel owners and operators. <https://www.maritimenz.govt.nz/commercial/safety/health-and-safety/fatigue/managing-fatigue.aspx>

USCG (2003) Crew Endurance Management Practices: A Guide for Maritime Operations. U. S. Coast Guard Research and Development Center. <https://www.dco.uscg.mil/CG-ENG-1/cems/>

Lincoln, J.M., KC Elliott, K.C., Syron, L.N. Flynn, M., Levin, J.L., Smidt, M. and Dzugan, J. (2019) Working Hours and Fatigue In The Agriculture, Forestry, and Fishing Sector.

<https://www.cdc.gov/niosh/topics/workschedules/2019abstracts/AgForestryFish2.html>

MNZ (2018) Fatigue in Commercial Fishing: 2018 survey results. Maritime New Zealand. 5 p.

[www.maritimenz.govt.nz > safety > fatigue > documents](http://www.maritimenz.govt.nz/safety/fatigue/documents)

Examples of Evidence of Compliance

- Applicable laws and regulations
- Fisher Work Agreement
- Practice, policy and/or procedure relating to rest periods
- Timesheets or logs
- Safety records

²² Allen, P., Wellens, B. and Smith, A. (2010) Fatigue in British fishermen. *Int. Marit. Health* 2010; 61, 3: 154–158. www.intmarhealth.pl

²³ Høvdanum, A.S., Jensen, A.C., Petursdóttir, G., and I.M. Holmen (2014) A review of fatigue in fishermen: a complicated and underprioritised area of research. *Int Marit Health*. 2014; 65, 3: 166–172. DOI: 10.5603/IMH.2014.0031. <https://pubmed.ncbi.nlm.nih.gov/25471166/>

²⁴ Lincoln, J.M., KC Elliott, K.C., Syron, L.N. Flynn, M., Levin, J.L., Smidt, M. and Dzugan, J. (2019) Working Hours and Fatigue In The Agriculture, Forestry, and Fishing Sector. <https://www.cdc.gov/niosh/topics/workschedules/2019abstracts/AgForestryFish2.html>

²⁵ MNZ (2018) Fatigue in Commercial Fishing: 2018 survey results. Maritime New Zealand. 5 p. [www.maritimenz.govt.nz > safety > fatigue > documents](http://www.maritimenz.govt.nz/safety/fatigue/documents)

- Insurance documents relating to assessment of safety risks
- Interviews with fishers
- Guidelines for crew fatigue management as applicable

Requirement: Indicator 3.5.1, 3.5.2, and 3.5.3

3.5.1 Policy or procedures regarding OSH shall address how fitness for work on board fishing vessels is determined for every fisher before such assignments are undertaken.

3.5.2 The policy or procedures in 3.5.1. shall set minimum requirements for fitness needed by fishers to execute their duties on board the fishing vessel (i.e., a fitness standard).

3.5.3 Information (footnote) about each person’s fitness shall be collected through medical examination, questionnaire or other means before he or she is assigned to work as a fisher.

Footnote: Due diligence shall be exercised in the handling any confidential health information as may be required under applicable laws and regulation.

Guidance for Auditors

Clarification: The intent of Indicator 3.5.1 is to ensure that the Certificate Holder commits, through policy or procedure, to a due diligence process for determining whether or not fishers are fit for work on board fishing vessels. The Certificate Holder may fulfil this due diligence requirement by showing that its fitness determinations are based on a regional or national programme for medical examination and certification of fishers as prescribed by Articles 10, 11 and 12 of ILO C188.

Guidance: The auditor should verify the Certificate Holder has in place a due diligence process to determine whether fishers are fit to execute their duties. This process should be outlined in a policy or procedure (Indicator 3.5.1) which identifies minimum fitness requirements relative to the fisher’s duty assignments (Indicator 3.5.2), and uses relevant information collected from fishers (Indicator 3.5.3) to make a fitness determination. Fitness information may come from a variety of sources including medical exams, questionnaires, testing, interviews, and personal or professional references. Auditors should bear in mind that the scope and level of detail of policies or procedures may vary depending on the nature of the fishing operation. Three examples are given below to illustrate.

Example 1. The Certificate Holder is a company which operates a large longline vessel in open seas with voyages often lasting more than eight weeks. The company has in place a written fitness policy requiring that all fishers undergo an annual physical exam administered by a qualified medical doctor. The company asks the doctor to use the company’s standardized medical evaluation form in order to ensure that relevant information is captured. The company does not clear any fisher for service until all fitness requirements are met.

Example 2. The Certificate Holder is the owner and captain of a small purse seine vessel which participates in a seasonal inshore fishery with a crew of four people. Fishing trips are typically 5-7 days long. The captain knows, largely from prior experience, that newcomers must meet several basic fitness requirements (e.g., physical strength, good eyesight, good hearing, no current medical issues, etc.) in order to do the job properly. Part of the captain’s hiring procedure is to interview new people and ask them questions about their fitness relative to the specific demands of work on the vessel. Answers are recorded on a checklist which the captain keeps as a record of his fitness determination.

Example 3. The Certificate Holder is a local fishing association which represents a membership of approximately 20 small fishing vessel owners or operators. Association members participate in a midwater trawl fishery. They all operate out of the same port. Voyage duration is usually 2-3 days. Members have agreed to a fitness policy stipulating that every jobseeker must complete a health

questionnaire before he or she is hired on as a fisher. The questionnaire solicits health information relevant to work at sea (e.g., allergies, medical conditions, etc.). For audit purposes, the fishing association compiles health records on behalf of all its members. All health records are kept confidential.

Examples of Evidence of Compliance

- Applicable laws and regulations
- Medical certificates
- Policy or procedure pertaining to fitness determination
- Fitness questionnaires or checklists

Requirement: Indicator 3.6.4

3.6.4 Small vessels: The vessel shall be equipped to access medical advice (e.g., by radio, satellite phone, etc.), including specialist advice.

Guidance for Auditors

Clarification: The intent of Indicator 3.6.4 is to ensure that small vessels are equipped to access medical advice while at sea. However, the cost of maintaining a continuous communication channel with shore-based medical specialists (e.g., via subscription to a telemedicine service) may be prohibitive for small vessel fleets. The vessel owner/company can meet indicator 3.6.4 by showing how medical advice is accessed when needed. This may include arrangements for relaying communications with medical experts via an intermediary such as a government maritime agency.

Examples of Evidence of Compliance

- Interview with captain
- Vessel inspection

Requirement: Indicator 3.6.5 a
<p>3.6.5 Large vessels: The vessel shall:</p> <p>(a) carry the latest edition of the WHO International Medical Guide for Ships or its equivalent in accordance with applicable laws and regulations;</p>
Guidance for Auditors
<p><u>Guidance:</u> The auditor should verify that a copy of the latest edition of the WHO International Medical Guide for Ships (or its equivalent) is available on board the vessel in an appropriate language(s). Note WHO makes the 3rd edition of the guide available online in English, Russian, Chinese and Greek (https://apps.who.int/iris/handle/10665/43814).</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - WHO International Medical Guide for Ships - Vessel inspection

Principle 4. Provide Decent Accommodations, Water and Food

Requirement: Implementation of Principle 4
<p>The FISH Standard for Crew allows a transition period for older fishing vessels to come into conformity with specified Principle 4 requirements relating to accommodations. Vessels constructed before November 17, 2017 may be exempted from those requirements indicated with an asterisk (*) for a time period to be determined by the FISH SC Board. Regardless of exemption status or transition period, however, vessel accommodations shall comply with applicable laws and regulations at all times.</p>
Guidance for Auditors
<p><u>Clarification:</u> It must be noted that ILO C188 Article 28 states the following:</p> <ol style="list-style-type: none"><i>1. The laws, regulations or other measures to be adopted by the Member in accordance with Articles 25 to 27 shall give full effect to Annex III [on which Principle 4 is largely based] concerning fishing vessel accommodation. Annex III may be amended in the manner provided for in Article 45.</i><i>2. A Member which is not in a position to implement the provisions of Annex III may, after consultation, adopt provisions in its laws and regulations or other measures which are substantially equivalent to the provisions set out in Annex III, with the exception of provisions related to Article 27 [Art.27 addresses the provision of food and potable water].</i> <p>The Board of Directors of FISH SC introduced a transition period in order to keep the Standard aligned with C188 and also to acknowledge the reality that some aged fleets need time to improve accommodations. The cut-off date of November 17, 2017 was chosen to reflect the date when ILO C188 came into force.</p> <p><u>Guidance:</u> The auditor should review documentary evidence to confirm the date of construction of the vessel(s) to determine if an exemption may be applicable based on a date of construction prior to November 17, 2017. The auditor may also need to review documents relating to vessel conversion or refitting since the original construction date.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none">- Applicable laws and regulations- Documents on vessel construction/conversion

Requirement: Indicator 4.2.2
<p>4.2.2 Sleeping rooms shall be reasonably comfortable and furnished with:</p> <p>(a) Individual berths;</p> <p>(b) mattresses of suitable material; and</p> <p>(c) lockers or storage spaces for personal effects.</p>
Guidance for Auditors
<p><u>Guidance</u>: In addition to the inspection of sleeping rooms to verify that adequate space is provided for fishers (see guidance to Indicator 4.2.3), the auditor should interview crew members to determine if they feel that their sleeping rooms are reasonably comfortable.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Vessel inspection - Interviews with fishers

Requirement: Indicator 4.2.3
4.2.3 Sleeping rooms shall provide adequate space and comfort for fishers*.
Guidance for Auditors
<p><u>Guidance:</u> The auditor should inspect the vessel's sleeping rooms to verify that rooms provide adequate space and comfort for fishers. The following figures may be used as approximate guidelines for the minimum floor area provided in sleeping rooms:</p> <ul style="list-style-type: none"> - 1.0-1.5 m² per person [for vessels of 24 m in length or over] - 1.5-2.0 m² per person [for vessels of 45 m in length or over] <p>The calculation of floor area should exclude space occupied by berths and lockers (Annex III of C188).</p> <p>Note that an exemption to the above guidance may apply to vessels constructed before November 17, 2017. Regardless of exemption status, however, the auditor should confirm that sleeping rooms aboard the vessel comply with applicable laws and regulations for providing fishers with space and comfort.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Vessel inspection - Interviews with fishers

Requirement: Indicator 4.2.5
4.2.5 Bulkheads that separate sleeping rooms from fish rooms, machinery spaces, galleys, storerooms, drying rooms and/or communal sanitary areas shall be made of steel or a comparable material and shall be watertight and gas-tight.
Guidance for Auditors
<p><u>Guidance:</u> In evaluating “steel or a comparable material” auditors should consider two scenarios:</p> <p>1) If applicable laws and regulations specify which materials are to be used for bulkhead construction, then indicator 4.2.6 should be interpreted as “steel or any other approved material.”</p> <p>2) If applicable laws and regulations do not identify approved alternatives to steel bulkheads, then the auditor should evaluate the comparability of a non-steel bulkhead in light of functionality: structural soundness, fisher comfort (insulated from heat/cold), sanitary (will not harbour vermin), cleanliness (ease of disinfecting), moisture control (water-tight) and odour control (gas tight). Such considerations are likely to prevail for small vessels in particular.</p> <p>Note that Indicator 4.4.9 also addresses materials used in bulkheads.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Applicable laws and regulations - Vessel inspection

Requirement: Indicator 4.4.3

4.4.3 To minimize exposure of crew to noxious fumes or foul odours, the fishing vessel shall have adequate ventilation whenever fishers are on board.

4.4.3.1 Large vessels: the ventilations system in 4.4.3 shall be capable of maintaining satisfactory air quality and air movement in all weather conditions and climates the vessel may encounter.

Guidance for Auditors

Clarification: The intent of Indicator 4.4.3 is that “satisfactory air quality” should include, among other things, maintaining a comfortable temperature and humidity, ensuring a supply of fresh outdoor air, and controlling any volatile pollutants or odours that may arise. If applicable laws and regulations establish thresholds or minima for air quality, then the vessel’s ventilation system shall be capable of maintaining these levels of air quality onboard the vessel in all climatic conditions.

Guidance: The auditor should review applicable laws and regulations in respect of the capacity of the vessel’s ventilation system to deliver/maintain satisfactory air quality on board. In the absence of such regulations, the auditor may need to rely on evidence from subjective information sources such as interviews with captain and crew.

Examples of Evidence of Compliance

- Applicable laws and regulations relating to vessel air quality/ventilation systems
- Reports on vessel inspection (as applicable)
- Interviews with fishers

Requirement: Indicator 4.4.8
4.4.8 Accommodation spaces shall have no evidence of pooling of liquids.
Guidance for Auditors
<u>Clarification:</u> The drainage provided in accommodation spaces should be sufficient to prevent/eliminate the accumulation of liquids on floors. For vessels without separate sleeping quarters (as may be common on smaller vessels), the pooling of liquids may be prevented with a bilge pump or similar mechanism.
Examples of Evidence of Compliance
- Vessel inspection

Requirement: Indicator 4.4.12
4.4.12 Headroom shall be adequate for fisher comfort in sleeping spaces and other accommodation spaces where prolonged standing is expected*.
Guidance for Auditors
<p><u>Clarification:</u> Indicator 4.4.12 does not apply to passageways and other spaces where fishers are not expected to stand for prolonged periods.</p> <p><u>Guidance:</u> The auditor should perform a vessel inspection to confirm that there is adequate headroom in all sleeping spaces and other accommodation spaces where prolonged standing is expected (for example, in areas where processing occurs). For vessels of 24 m in length and over, headroom in sleeping spaces should be ≥ 200 cm unless otherwise legislated (C188 Annex III paragraphs 14 and 15). However, an exemption to the guideline of ≥ 200cm of headroom in sleeping spaces may apply to vessels constructed before November 17, 2017. Regardless of exemption status, the auditor should confirm that all sleeping rooms aboard the vessel comply with applicable laws and regulations for providing fishers with adequate space for their comfort.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Applicable laws and regulations relating to headroom - Vessel Inspection

Requirement: Indicator 4.4.13
4.4.13 Measures shall be taken as needed to protect fishers from insect pests (mosquitos, flies).
Guidance for Auditors
<p><u>Clarification:</u> Indicator 4.4.13 is intended to be consistent with §19, Annex III of ILO C188: “All practicable measures shall be taken to protect fishing vessels' crew accommodation against flies and other insects, particularly when vessels are operating in mosquito-infested areas.” As such, the proper focus is on protecting fishers from mosquitos and flies. If practical, measures should reduce or prevent the entry of mosquitos and flies into crews’ accommodation spaces. Indicator 4.4.13 is not intended to cover other types of pest (e.g., bedbugs, lice, fleas, etc.) which should be assessed under Indicator 4.3.1 and elsewhere.</p> <p><u>Guidance:</u> In assessing indicator 4.4.13, the auditor should first understand if insect pests (mosquitos, flies) are an issue of concern in the area where fishing operations occur. If so, the auditor should seek to identify what measures have been taken to protect fishers, and whether those measures are reasonably effective. Measures may range from simple actions like providing repellent or strategic placement of netting, to more elaborate approaches such as the permanent installation of mesh covers/screens.</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Vessel Inspection - Interviews with fishers

Requirement: Indicator 4.5.4

4.5.4 There shall be a sufficient number of toilets, sinks and tubs or showers for the crew size and nature and duration of fishing operations, to ensure personal hygiene.

Guidance for Auditors

Clarification: The intent of 4.5.4 is that the number of toilets, sinks and tubs or showers is sufficient for the crew to maintain personal hygiene. This aim aligns with Article 26 of ILO C188. Number of toilets, sinks, and tubs or showers will depend on crew size and nature and duration of fishing operations. On small vessels, it may not be practical to install tubs/showers. On large vessels, showers and/or tubs should be installed if and when practical.

Guidance: For auditing large vessels, the auditor may use C188 Annex III (§61-62) as guidance. ILO suggests there should be at least 1 tub or shower or both and 1 washbasin for every 6 persons or fewer, and at least 1 toilet for every 8 persons or fewer. These values are guidelines only. The auditor should keep in mind the goal is to verify that sanitary facilities are sufficient for fishers to maintain their personal hygiene.

For auditing small vessels, the auditor may need to exercise discretion when relating the nature of the voyage (crew size, type of fishing operation, voyage duration) to the practicality of installing sanitary facilities on board. The installation of toilets, wash-basins and showers may depend on whether or not the vessel has living quarters (e.g., (EU)COUNCIL DIRECTIVE 93/103/EC²⁶). It may be acceptable that a vessel has no shower or tub and only minimal toilet capacity provided it does not undermine the fisher's ability to maintain personal hygiene. Note that where small vessels lack showers/tubs, it may be possible to provide fishers with opportunities to shower on tender vessels, where applicable.

Examples of Evidence of Compliance

- Applicable laws and regulations relating to sanitary facilities
- Vessel Inspection

²⁶ <https://osha.europa.eu/en/legislation/directives/13>

Requirement: Indicator 4.6.1
4.6.1 The fishing vessel shall have a sufficient store of: <ul style="list-style-type: none"> (a) food; and (b) potable water.
Guidance for Auditors
<u>Guidance:</u> The auditor should confirm that stores of food and drinking water are sufficient. The auditor should evaluate the sufficiency of stores with due consideration of the number of fishers on board and the nature and duration of the voyage. In assessing quantity or quality, the auditor should verify that food is palatable to fishers and drinking water is potable. If the crew have special dietary needs, religious requirements, or cultural practices relating to food, the auditor should confirm those needs are met to the extent practical.
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Applicable laws and regulations relating to food and potable water - Vessel Inspection - Interviews with fishers - Inspection reports as applicable

Requirement: Indicator 4.6.2

4.6.2 Food and water shall be provided at no cost to fishers (footnote).

Footnote: The vessel owner/company may recover the operational costs of providing food and water if doing so is consistent with applicable laws and regulations and it is provided for under the Fisher Work Agreement or a collective bargaining agreement (ILO C188 Art.27c).

Guidance for Auditors

Clarification: It is acceptable for the vessel owner/company to recover all or a portion of the operational costs associated with providing fishers with food and water but only if doing so is consistent with applicable laws and regulations and is provided for under the Fisher Work Agreement or a collective bargaining agreement. The cost paid by fishers for food and water, however, should not exceed the cost to vessel owner/company. In other words, there should be no ‘up-charging’ of fishers for operational costs. Also see guidance to Indicator 2.2.3.

Examples of Evidence of Compliance

- Interviews with captain and fishers
- Purchase records for operational costs
- Records from settling of shares of the catch if applicable

Requirement: Indicator 4.6.3
4.6.3 The captain shall be responsible for ensuring that all personnel engaged in food preparation know and practice the basic standards for food safety.
Guidance for Auditors
<u>Guidance</u> : The auditor should determine whether persons engaged in food preparation on the vessel know and practice basic food safety standards. The World Health Organization’s <i>Five Keys to Safer Food Manual</i> ²⁷ sets a basic and readily available standard for food safety. Evidence of conformity may also come from the review of training records of persons engaged in food preparation. For example, the United Food and Commercial Workers union (UFCW Canada) offers online training courses on Safe Food Handling ²⁸ . Additional general guidance on food safety and hygiene can be found in Annex 1 of MGN 595 (F) of the Maritime & Coastguard Agency ²⁹ .
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Interviews with persons involved in food preparation - Review of training records for food safety as applicable - Vessel inspection (e.g., to look for posters)

²⁷ <https://www.who.int/foodsafety/publications/5keysmanual/en/>

²⁸ <https://webcampusmenu.ufcw.ca/program/3/food--retail>

²⁹ <https://www.gov.uk/government/publications/mgn-595-ilo-work-in-fishing-convention-food-and-water>

Requirement: Indicator 4.7.1
4.7.1 Where practicable, the fishing vessel shall have cooking equipment installed in a separate galley*. If a separate galley is not provided, the vessel shall have a cooking area.
Guidance for Auditors
<u>Guidance:</u> The auditor should perform an inspection to confirm that the vessel’s galley configuration meets the requirement of Indicator 4.7.1. For vessels of 24 m in length and over, the fishing vessel should have cooking equipment installed in a separate galley (C188 Annex III paragraph 74). However, an exemption to the guideline for a separate galley may apply to vessels constructed before November 17, 2017. Regardless of exemption status, however, the auditor should confirm that the vessel’s galley configuration complies with applicable laws and regulations.
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Applicable laws and regulations relating to headroom - Vessel Inspection

Requirement: Indicator 4.7.4
4.7.4 Fishing vessels shall have appropriate areas or storerooms for provisions.
Guidance for Auditors
<u>Clarification</u> : The intent of Indicator 4.7.4 is to ensure that vessels have the capacity to carry/maintain sufficient provisions over the duration of the voyage. This requirement does not preclude the possibility of the company using free storage areas to hold surplus provisions. For example, it is common practice among some long-range fishing operations to put surplus provisions in the main freezer hold at the start of a trip, thereby utilizing space which would otherwise be left empty.
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Vessel Inspection - Interviews with captain and fishers

Requirement: Indicator 4.7.10
4.7.10 For vessels of 45 m in length or over, there shall be a properly equipped infirmary which is maintained in a hygienic state*.
Guidance for Auditors
<p><u>Clarification:</u> The intent of Indicator 4.7.10 is to ensure that larger fishing vessels (> 45 m) have a space to serve as an infirmary if/when needed, consistent with C188 Annex III paragraph 67. For vessels of 45 m in length or over, the infirmary shall be a dedicated space which is maintained in a hygienic state. However, an exemption to the requirement for a dedicated infirmary space may apply to vessels constructed before November 17, 2017. This would accommodate the practice, common on some older vessels, of converting a room to an infirmary on an as needed basis. Regardless of exemption status, the auditor should confirm that the configuration of an infirmary to treat ill/injured fishers, or the provision of an infirmary on an as needed basis by conversion of an existing room, is consistent with applicable laws and regulations.</p> <p><u>Guidance:</u> To use vessel length (L) rather than length overall (LOA), the auditor should use the following conversion taken from Annex 1 of ILO C188: “a length overall (LOA) of 50 metres shall be considered equivalent to a length (L) of 45 metres.”</p> <p>To use gross tonnage rather than L or LOA, the auditor should use the following conversion from Annex 3 of ILO C188: “a gross tonnage of 950 gt shall be considered equivalent to a length (L) of 45 metres or a length overall (LOA) of 50 metres.”</p>
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Vessel Inspection - Applicable laws and regulations

Requirement: Indicator 4.7.11
4.7.11 Fishers shall be provided access to a facility for washing and drying clothes which is appropriate to the service of the fishing vessel.
Guidance for Auditors
<u>Clarification</u> : The intent of Indicator 4.7.11 is to ensure that fishers have access to washing facilities in order to enable crew to maintain personal hygiene.
<u>Guidance</u> : In evaluating access to and/or appropriateness of facilities provided for washing and drying clothes, the auditor should consider the vessel's service (nature of the fishing operation, voyage duration) and its ability to provide access to shoreside or tender washing and drying facilities.
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Vessel inspection - Interviews with fishers

Requirement: Indicator 4.7.12

4.7.12 Large vessels: Appropriate recreational facility (footnote) shall be provided for all fishers on board, noting that mess rooms may be used for recreational activities.

Footnote: See Glossary of Terms

Annex 1. Glossary of Terms

Recreational Facility - A space for the recreation (entertainment, diversion, leisure, etc.) of fishers when not working. Recreational facilities may be equipped to provide for reading, viewing of movies or videos, listening to radio broadcasts or music, playing games or sports, doing handicrafts or other activities.

Guidance for Auditors

Guidance: The auditor should confirm during vessel inspection that an appropriate recreational facility is provided for fishers on board. The mess room may be configured to serve as both a ship's mess area and a recreational facility.

It is noted that the provisions of ILO C188 covering recreational facilities (Annex 3, paragraph 70) apply only to vessels of 24 metres in length and over. Auditors may consider ILO Guidance to C188 when evaluating a recreational facility onboard a fishing vessel. R199 paragraph 33 states: "Where recreational facilities are required, furnishings should include, as a minimum, a bookcase and facilities for reading, writing and, where practicable, games. Recreational facilities and services should be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of fishers resulting from technical, operational and other developments. Consideration should also be given to including the following facilities at no cost to the fishers, where practicable:

- (a) a smoking room;
- (b) television viewing and the reception of radio broadcasts;
- (c) projection of films or video films, the stock of which should be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;
- (d) sports equipment including exercise equipment, table games, and deck games;
- (e) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;
- (f) facilities for recreational handicrafts; and
- (g) electronic equipment such as radio, stereo, television, video recorder, CD/DVD player, and personal computer.

Examples of Evidence of Compliance

- Vessel inspection
- Interviews with fishers

Requirement: Indicator 4.7.13
4.7.13 Fishers shall have full access to their own communication devices and be given reasonable access to vessel communications, reflecting trip duration and personal situations but without compromising normal vessel activities.
Guidance for Auditors
<u>Clarification:</u> The intent of Indicator 4.7.13 is to promote the mental well-being of crew by ensuring they have agency to communicate with their families ashore with some regularity depending on the nature of fishing operations. In this context, acceptable forms of communication may include, among other things, radio calls, cell phone calls or texts, satellite phone calls, and messages conveyed via the internet (e.g., emails, instant messages, etc.). As stated in Indicator 1.2.6, the scope of Indicator 4.7.13 also extends to providing for the fisher’s right to maintain communication with a fishers’ support organization as applicable. However, it is not the intent of 4.7.13 to mandate that the vessel owners/company shall provide fishers with continuous internet access while on board.
Examples of Evidence of Compliance
<ul style="list-style-type: none"> - Vessel inspection - Interviews with fishers - Evidence of ship-to-shore communication by fishers (e.g., call logs, emails, texts, etc).

Requirement: Indicator 4.7.14

4.7.14 The access to communications in 4.7.13 shall be provided to fishers at a cost not to exceed the cost to the vessel owner/company.

Guidance for Auditors

Clarification: The intent of Indicator 4.7.13 is that the fisher should not pay a cost for accessing communications that exceeds the cost paid by the vessel owner/company for providing such usage. In other words, fishers should not be 'upcharged' by the vessel owner for communications access. Under no circumstances should the vessel owner/company charge fishers for the fixed costs associated with vessel communications. Such fixed costs include, for example, the purchase and installation of communication devices, equipment and other supporting infrastructure.

However, the vessel owners/company does have a right to recover a portion of the variable costs associated with the use of onboard communication devices. For example, it may be reasonable for the vessel owner/company to charge fishers for their time used on a satellite phones if the vessel owner/company bears an incremental cost of that usage. Another example of variable cost recovery: monthly subscriber fees from an internet provider might be recovered via an equitable distribution of payments among the internet users on board the vessel.

Examples of Evidence of Compliance

- Vessel inspection
- Interviews with fishers and captain
- Invoices, bills, or other evidence of the variable costs of onboard communications
- Payslip deductions or other evidence for communication costs paid by fishers

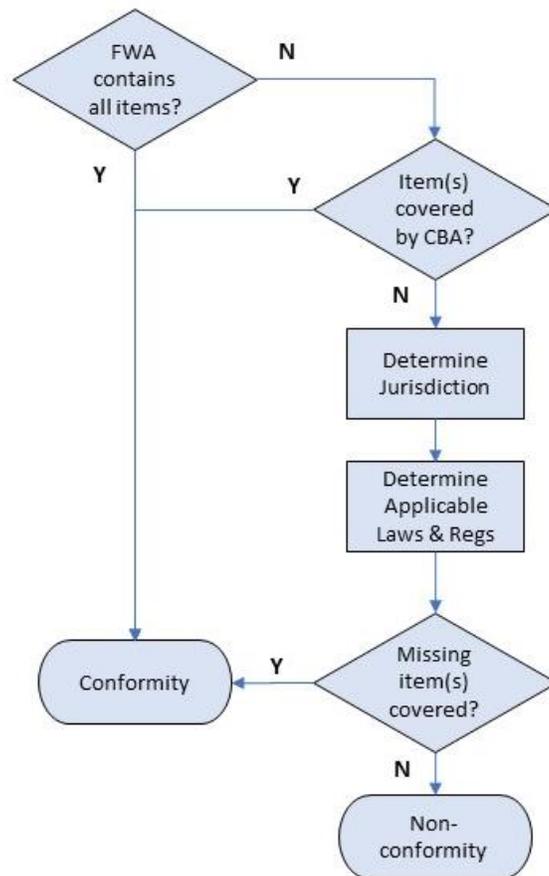
Requirement: General Provision of Annex 3

Annex 3. Minimum Requirements for Fisher Work Agreement

General: The Fisher Work Agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable: [Annex 3, items A through R are not shown]

Guidance for Auditors

Guidance: In assessing conformity of a Fisher Work Agreement with the requirements of Annex 3, the auditor should integrate consideration of the *General Provision* as shown in the flow chart below.



When a Fisher Work Agreement does not include a required item from Annex 3...

- If the auditor confirms that inclusion of a particular matter in the FWA was rendered unnecessary by the fact that the matter is regulated in another manner by a collective bargaining agreement, then this should be stated clearly in the audit report.
- If the auditor confirms that inclusion of a particular matter in the FWA was rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, then this should be stated clearly in the audit report, together with supporting evidence explicitly identifying relevant section(s) of applicable laws or regulations.

- If neither of the above two conditions applies, then the absence of the required item(s) from the FWA does not meet the Standard and auditor should raise a non-conformity.

Examples of Evidence of Compliance

- Fisher Work Agreement
- Applicable laws and regulations

Requirement: A4.3.1**A4.3 Non-conformities**

A4.3.1 If internal audit shows that a requirement of the FISH Standard for Crew has not been met, the Certificate Holder shall raise a non-conformity and request that corrective action be taken to resolve the non-conformity within a defined timeframe not to exceed 12 months.

Guidance for Auditors

Clarification: The intent of Indicator A4.3.1 is that the internal audit program of the Certificate Holder will evaluate conformity against all requirements of the FISH Standard for Crew, and that a non-conformity (NC) will be raised whenever a standard requirement goes unmet. The Scheme Owner does not prescribe an NC grading system that the Certificate Holder must use for internal audits. A maximum allowable timeframe for NC close-out is set at 12 months but otherwise the Certificate Holder may decide on the most appropriate means to process NCs raised at internal audit. Such processes may entail performing root cause analyses, developing corrective action plans, conducting verification audits, and/or other close-out actions as may be appropriate the size and scope of the operation. It should be noted, however, that during the external audit the CB will review results from the Certificate Holder's internal audit program.

If further guidance is sought on how to establish grading systems and timelines for an internal audit program, the *Certification and Accreditation Framework for the FISH Standard for Crew* may be used as a guideline.

Examples of Evidence of Compliance

- Procedures for internal audits
- Internal audit reports
- Evidence of NC follow-up and close-out

Annex 1. Glossary of Terms

Abusive Disciplinary Practice	Any disciplinary practice that undermines the dignity and physical and mental health of an individual. Examples include corporal punishment, mental coercion, physical coercion, and verbal harassment.
Appeal	Request by a party for reconsideration of a decision made by an organization in relation to a grievance or complaint.
Audit	Systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which the audit criteria are fulfilled (from ISO 19011:2011).
Audit Criteria	Set of policies, procedures or requirements used as a reference against which audit evidence is compared (from ISO 19011:2011).
Audit Evidence	Records, statements of fact or other information which are relevant to the audit criteria and verifiable. Can be qualitative or quantitative (from ISO 19011:2011).
Audit Finding	Results of the evaluation of the collected audit evidence against audit criteria. Audit findings may indicate conformity or nonconformity or lead to the identification of opportunities for improvement.
Audit Program	Arrangements for a set of one or more audits planned for a specific time frame and directed towards a specific purpose (from ISO 19011:2011).
Auditor	Person who conducts an audit (from ISO 19011:2011).
Captain	The person in command of a fishing vessel. Skipper is a synonym.
Certificate Holder	The individual(s) assuming overall responsibility for meeting the requirements of the FISH Standard for Crew and providing liaison with the Certification Body. The term applies to both applicant and certified entities. The Certificate Holder may be a vessel owner, a vessel operator, a company appointee, a fishermen’s association representative, or another third-party with delegated authority for the UoC.
Certification Body (CB)	An independent body providing conformity assessments and certification services. Also known as Conformity Assessment Body or CAB.
Certification Agreement	A legally enforceable agreement between CB and client for the provision of certification services (adapted from ISO 17065).
Certification Requirement	Mandatory requirement for CBs
Certification Scheme	A certification system to which the same specified requirements, specific rules and procedures apply (adapted from ISO 17065).
Certified Claim	A claim about certification that may be made by the vessel owner or company shown to have met the FISH Standard for Crew.
Child	A person less than 16 years old. Normally 16 is the minimum age to work on a fishing vessel. However national authorities may allow persons of 15 years of age to work under prescribed and limited circumstances.
Company	A commercial enterprise that owns/operates one or more fishing vessel. A company may be the object of certification (i.e., the Certificate Holder).
Competence	Ability to apply knowledge and skills to achieve intended results. Note: Ability implies the appropriate application of personal behaviour during the audit process (from ISO 19011:2011).
Corrective Action	Action taken to eliminate the cause of a non-conformity or other undesirable situation.
Crew	The full complement of fishers employed onboard a fishing vessel.

Deposit	Monetary or collateral transfers from a fisher to a vessel owner or recruiter either upfront, or as contractual commitment to deductions from future anticipated wages as a condition to employment.
Fisher	Any person who is employed or engaged by the vessel owner/company to work in any capacity on board a fishing vessel including persons who are paid on the basis of a share of the catch. Fishers may be employed on a permanent, part-time or seasonal basis. Excluded from this definition are pilots, fisheries observers, naval personnel, and other persons in the permanent service of government, as well as shore-based persons carrying out temporary work aboard a fishing vessel such as vendors and technicians. A fisher may also be the owner/operator of the fishing vessel.
Fisher Work Agreement	A contract of employment, work agreement or other similar written instrument which governs a fisher's living and working conditions on board a vessel.
Fisher's Compensation System	Compensation systems for disability (by injury or illness) or premature death resulting from employment as a fisher. Compensation may be provided by: a compensation system set up exclusively for fishers; a broad-based social insurance or social security system; an accident compensation system; sick pay; disability insurance; and/or employers' liability. Most industrial nations use some combination of these regimes.
Fishers' Support Organization	An organization providing support to fishers in respect of their employment and/or human rights. Examples may include, among others, seafarer support organizations, workers unions, ethnic/cultural/religious associations, migrant rights groups and NGOs.
Fishing Vessel (Vessel)	A ship or boat used or intended to be used for commercial fishing.
Fishing Vessel Operator (Vessel Operator)	A person or organization other than the fishing vessel owner who has assumed responsibility for the operation of that fishing vessel from the owner. Where the FISH Standard for Crew specifies that the fishing vessel owner is responsible for meeting a requirement, the fishing vessel operator, if applicable, shall assume responsibility for meeting said requirement unless otherwise specified and regardless of whether any other organization or person has assumed responsibilities on behalf of the fishing vessel owner. The fishing vessel operator may also be a fisher on board the vessel.
Fishing Vessel Owner (Vessel Owner)	The legal owner of a fishing vessel. A fishing vessel owner may be the object of certification (i.e., the Certificate Holder). The fishing vessel owner may also be a fisher on board the vessel.
FISH Crew Certification Programme	A programme operated by an accredited CB for the purpose of evaluating organizations against the requirements of the FISH Crew Standard.
FISH Crew Certification Scheme	A framework for the implementation of the FISH Crew Standard consisting of certification requirements, accreditation requirements, guidance materials, and other associated scheme documents.
FISH Crew Standard	See Standard
FISH SC	Organization that owns the <i>FISH Standard for Crew</i> certification scheme.
Forced Labour	All work or service that a person has not offered to do voluntarily and is made to do under the threat of punishment or retaliation or that is demanded as a means of repayment of debt. Compulsory Labour is a synonym.
Grievance (Complaint)	An expression of dissatisfaction made to an organization where a response or resolution is expected. Note: complaint is a synonym of grievance.

Harassment	Aggressive pressure or intimidation. Harassment in the workplace is a form of misconduct that undermines the integrity of the employment relationship and may be in violation of the law.
Initial Audit	Full audit of an uncertified company to determine the extent of conformity with the FISH Crew Standard. An initial audit is the basis for initial certification of a company by a CB.
Labour Trafficking	The recruitment, transfer, harbouring or receipt of persons, by means of the use of threat, force, deception or other forms of coercion, for the purpose of exploitation. Labour trafficking is a process that very often ends in forced labour.
Management System	System to establish policy and objectives and to achieve those objectives. Note: A management system of an organization can include different management systems, such as a quality management system, a financial management system or an environmental management system (from ISO 19011:2011).
Medical Protection	Protection of fishers in the event of work-related sickness, injury or death. May include the provision of access to appropriate medical care and, as applicable, corresponding compensation in accordance with national laws and regulations.
Member	A vessel owner, vessel operator, company or other person or entity who has a legal or contractual link with the Certificate Holder.
Member Vessel	A fishing vessel owned or operated by a Member. Member vessels are identified in the Unit of Certification.
Memorandum of Understanding (MOU)	Formal agreement between two or more parties to establish official partnerships. MOUs are not legally binding but carry a degree of seriousness. The term 'Memorandum of Agreement' (MOA) is a synonym.
Non-Conformity (NC)	The non-fulfilment of a requirement.
Personal Flotation Device (PFD)	A piece of equipment designed to be worn on the body and assist a wearer to keep afloat in water. Also referred to as a life jacket, life preserver, life belt, life vest, buoyancy aid, cold water immersion suit, or flotation suit.
Procedure	A specified way to carry out an activity or a process. Procedures may or may not be written. Unless otherwise stated, the FISH Standard for Crew does not require that procedures must be written.
Re-Certification Audit	Full audit of a certified company to determine the extent of conformity with the FISH Crew Standard. A re-certification audit is the basis for re-certification of a company by a CB.
Recreational Facility	A space for the recreation (entertainment, diversion, leisure, etc.) of fishers when not working. Recreational facilities may be equipped to provide for reading, viewing of movies or videos, listening to radio broadcasts or music, playing games or sports, doing handicrafts or other activities.
Recruitment Fee	A fee or related cost incurred during the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of its imposition or collection.
Recruitment Service	A person, company, institution, agency or other organization - whether public or private - which engages in recruiting fishers on behalf of, or placing fishers with, the fishing vessel owner/company.
Sanitary Facility	Facilities in a sanitary accommodation space. Includes toilets, washbasins, tubs and showers.
Scheme Owner	The organization owning a certification scheme. FISH SC is Scheme Owner of the FISH Standard for Crew certification scheme.
Scope of Certification	The specific products and processes for which certification is sought or granted and the standard to which they comply (adapted from ISO 17065).

Social Security	A system of assistance measures, usually governmental, that provides access to health care and income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a main income earner.
Suspension	The process of making certification temporarily invalid for all or part of the scope of certification.
Standard	The Fairness, Integrity, Safety and Health (FISH) Crew Standard; FISH Crew Standard
Termination	Process for voluntary cancellation of certification.
Unit of Certification (UoC)	A concise delineation of the unit to be certified. The UoC is comprised of the Certificate Holder, fishing vessel(s), and applicable jurisdiction.
Withdrawal	Process of revoking or cancelling a certification in full.
Worker	A synonym of 'Fisher'
Young Fisher	A fisher who is less than 18 years old but older than the age of a child as defined here.

Annex 2. List of Acronyms

CB	Certification Body
C188	ILO Work in Fishing Convention, 2007 (No. 188)
FAL	Convention on Facilitation of International Maritime Traffic, 1965 (FAL Convention)
FAO	Food and Agriculture Organization
FISH	Fairness, Integrity, Safety, and Health
FISH SC	Owner of the FISH Standard for Crew certification scheme
FWA	Fisher Work Agreement
ILO	International Labour Organization
IMO	International Maritime Organization
ISO	International Organization for Standardization
MOU	Memorandum of Understanding
NC	Non-Conformity
OSH	Occupational Safety and Health
PFD	Personal Flotation Device
PPE	Personal Protective Equipment
QMS	Quality Management System
R199	ILO Work in Fishing Recommendation, 2007 (No. 199)
SOC	Standard Oversight Committee
UoC	Unit of Certification
WHO	World Health Organization