

No.	Fish Standard Section	Comment/Recommendation	FISH Response
1	Overarching	<p>1 – Management procedure for certification scheme</p> <p>The board/standard committee should consider the development of supporting procedures. Just a standard on its own will not be sufficient to ensure consistent implementation across the fishing industry.</p> <p>Following procedures/processes are examples that may be required to ensure effective implementation of the certification standard:</p> <ul style="list-style-type: none"> - Procedure to recognize approved independent certification bodies. Just to mention ISO 17065 (or better ISO 17021) and some auditors with some factory social auditing (Sedex, SA 8000) experience may not be sufficient. There should be an application process, so that applications can at least be reviewed and a list of approved certification bodies be published on the Website. - Procedures for periodic update of the standard - Procedure for developing guidance and responding to enquiries about some unclear requirements - Procedure to deal with complaints and potentially appeals against some decisions made by Certification bodies - Procedure to conduct interviews - Procedure for sampling of vessel audits required - Procedure for reporting results of audit program to the organization, as a general oversight will be required to communicate on the impact of the standard. With no communication, the standard will have very limited value, even in B2B situation. - Procedures for follow-up on nonconformities and timelines to address critical issues identified - etc 	<p>Comment accepted. The Scheme Owner is aware of the need for internal procedures covering processes such as standard setting & revision, complaints, data management, management of conflict of interest, and monitoring and evaluation of scheme effectiveness. These procedures will be essential in demonstrating that the FISH Standard for Crew meets SSCI Benchmarking Requirements. Procedures are now in development.</p> <p>The Scheme Owner is also aware of the need for procedures covering certification and accreditation processes for issues like CB follow-up on NCs, auditor qualifications, application and certification processes, audit protocols, standardized audit reporting mechanisms, etc. Many of these topics are already addressed in the draft Certification and Accreditation Framework for the FISH Standard for Crew. And as noted above, such documentation will be essential in demonstrating that the scheme meets SSCI benchmark requirements.</p>
2	Overarching	<p>2 – Centralised reporting mechanism</p> <p>- Organisation may consider that it may need certification bodies to report on aggregated audit findings. Such information will help the organization in communicating on the impact of the standard over time</p>	<p>Comment accepted. The Scheme Owner is aware of the need for database management as set out in SSCI Part II, Chapter B7. Associated procedures are now in development. The form and content of the database has yet to be determined.</p>
3	Overarching	<p>The FISH Standard for Crew is based on internationally recognized best practice in the field. It is adapted primarily from the International Labour Organization (ILO) Work in Fishing Convention, 2007, Number 188 (ILO C188) and related ILO Guidance Number 199 (R199). In addition, the Standard reflects the intent of the International Maritime Organisation Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (as amended). It also incorporates elements from the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) and the United Nations Universal Declaration of Human Rights (UDHR) as well as addressing some of the more general concerns that have been voiced in recent years by industry, researchers, and non-governmental groups.</p> <p>Since the standards uses relevant guidelines and normatives developed by international bodies for their own profit (potential users of the certificate pay to be assessed), does the The FISH Crew Standard Group (FISH CSG) as the owner of the FISH Standard for Crew and associated elements of the certification scheme, intends to devolve part of their earnings to the referenced bodies, or at least to support the work of the official bodies at flag and coastal states where the vessel in the UoC operates, that have statutory responsibility under ILO and IMO? Otherwise the certification competes unfairly with usually the labour and maritime department in developing countries as it creates a separate body, and provides for certification holders to potentially say: why you ask me for that? I already have certification on this!</p>	<p>The FISH scheme does not compete with the international bodies who develop conventions and guidelines for labour at sea. Nor does the FISH scheme compete with the offices of coastal states who are charged with implementing such instruments. Those agencies provide the legal and regulatory foundation for implementing labour practices. Certification programs such as FISH may augment those efforts but should not be perceived as replacing them.</p> <p>With respect to the recommendation that FISH provides financial support to external agencies, we note that the FISH is a non-profit organization. Revenues generated by the scheme go will go exclusively towards supporting its minimal staffing and operations. According to the current business model, it seems very unlikely that the program could ever generate surplus revenues on a scale that would justify devolving part of its earnings to international bodies or coastal state offices involved in labor regulation at sea. Certainly, FISH will not attain such a level of revenue generation within its first 2-3 years of operation. If it does achieve such levels of revenue, FISH would seek to lower prices commensurate with maintaining basic operations.</p> <p>Nonetheless, FISH does support and will continue to support the important work of those national and international bodies who work to address labour issues at sea by partnering with and promoting their efforts through promotion in appropriate public fora.</p>

4	Overarching	<p>Does the criterion of this FISH Standard not include Environment and / or Management System to see to it that all criterion are adequately taken care by identifying the root cause and then the Corrective / Preventive Action in case there is a discrepancy found?</p> <p>Note: SMETA Social Auditing Standard / BSCI has Environment</p>	<p>In general, the FISH Standard for Crew treats the field of environmental management as being out of scope. The Standard does, however, address some environmental variables either directly (e.g. training in pollution reporting/prevention) or indirectly (e.g. as an element of OSH and safety training) where applicable.</p> <p>For reference, SMETA 10B.4 has seven compliance criteria relating to environmental management. Topics covered are: legal compliance; permitting; resource use/disposal; impacts; end-user requirements; and continuous improvement.</p>
5	Overarching	<p>Since FISH is a Certification standard, it should encompass Management System Criteria into the Standard.</p> <p>Note: Since SA8000 is a certification standard, this has Management System</p>	<p>in a separate section. The theme of 'Management System' is the first Chapter of SSCI's Benchmarking requirements for At-Sea Operations Scope. In addition, as the commenter notes, the theme of 'Management Systems' is integral to SA8000. We believe the FISH Standard meets SSCI benchmark requirements pertaining to management systems. SSCI specifies requirements for entities to develop a human rights policy (1.01) and take steps to ensure the policy is effectively implemented (1.02, 1.03, 1.04, 1.05), to keep a crew list (1.06), and to provide additional guidance to the standard (1.07). The FISH Standard for Crew addresses each of these issues.</p> <p>With respect to SA8000, some of the key management system requirements are also addressed, fully or in part, by the FISH Standard for Crew. For example, FISH has requirements pertaining to: policy, procedures and records (9.1); assessment of risk (9.3); monitoring (i.e., internal audits; 9.4); complaint management and resolution (9.6), Internal Audits, corrective and preventive actions (9.8); training and capacity building (9.9); and management of suppliers and contractors (i.e., recruiters; 9.10); However some other SA8000 requirements may be too onerous for vessel operators, particularly for small vessel fleets. Examples are: having a social performance team (9.2); internal involvement and communication (9.5); stakeholder engagement (9.7). These issues are either tailored specifically to SA8000 or exceed the administrative capacities of many harvester operations.</p> <p>It is the Scheme Owners view that a performance-based approach should take priority over a management system orientation, particularly in light of the fact that the MS approach may tend to limit access by small vessel fleets or other groups lacking in the more typical corporate structure. Nonetheless, we take due account of all stakeholder feedback that has properly identified areas where the FISH Standard can be strengthened in relation to management systems (i.e., document and record control, effectiveness of policy implementation, clarity on written procedures, etc.).</p>
6	Overarching	<p>The certification process should be defined.</p> <ul style="list-style-type: none"> • What is the validity of certificate, • what are the audits to be performed and in which intervals (note in ISM and MLC there are ship audits in intervals 2.or 3 years). • Is there a fishing company (office) audit to be performed or only onboard (we have company and ship audits in ISM and only ship audits in MLC)? • How to treat NCs raised during External Audits. 	<p>Accepted. The Certification and Accreditation Framework for the FISH Standard for Crew, a document which is currently in development, will address the questions/concerns raised by the reviewer. Briefly:</p> <ul style="list-style-type: none"> - certificates are valid for a maximum of 3 years - the CB's audit will involve a desk study, on-site office audit, on-site interviews with crew, captains and other key personnel, and on-site inspection of vessel(s) and other facilities within scope. - audit frequency to be determined by CBs in consideration of risks and contingent on any required work related to NC follow-up .

7	Overarching	Difference with the usual ISO/ISM/MLC requirements related to closing of NC on the internal audit is that in FISH standard NCs should be closed in 12 months and in other standards (ISM, MLC and ISO) the usual period is 3 months (I have made a comment on that in the attached document).	Accepted. The Certification and Accreditation Framework for the FISH Standard for Crew, a document currently in development, will address how CBs follow up on non-conformities. In brief, all NCs will require a corrective action plan and root cause analysis submitted within a timeline for close-out that is based on the NC's grade. Note: a Critical NC results in immediate suspension or a negative certification decision. Minor NCs require a satisfactory RCA + CAP submitted within 1 month but documented close-out, as supported by evidence, may extend out to 12 months. To align the timelines for NC follow-up between internal and external audit, Annex 4 also prescribes a maximum period of 12 month to resolve findings from internal audits. To the reviewer's point, however, Annex 4 does not preclude a CH from observing a shorter timeframe for NC resolution such as 3 months.
8	Overarching	"Approved CBs are independently accredited and they operate certification systems consistent with ISO/IEC 17065:2012". It would be better to require accreditation against ISO 17021:2015 which is related to management system, as the FISH standard is clearly a management system based standard.	Note that the SSCI benchmark requirement B1.01 provides for accreditation of CBs against either ISO 17065 or ISO 17021. FISH selected ISO 17065 because it aligns better with the scheme's emphasis on demonstrable levels of performance. Thresholds are rooted in observable processes (e.g., provision of rest periods) as well as verifiable outcomes (e.g., food and water, vessel accommodations, PPE, storage). Although the FISH Standard does formulate some of its thresholds as management system requirements (e.g., OSH Review and Update), the overall emphasis is on performance and outcomes. We believe these objectives are better served by ISO 17065 which deals with products, processes and services.
9	Overarching	The standard makes reference to requirements that shall be audited in the company's office (Policy, procedures, records, etc) while other requirements shall be audited on the vessel. It maybe wish to split the standard into 2 sets of requirements: Requirements to be audited during office audits and requirements to be audited during vessel audits.	The Certification and Accreditation Framework for the Fish Standard for Crew describes how CB evaluations will be comprised of a number of elements including desk study, office audit, interviews, and vessel/facility inspection. All requirements will be checked during the course of the evaluation. Many will be checked more than once during the different phases of the audit. We are preparing a spreadsheet for the CBs to use as guidance that shows minimum expectations for which clauses are to be checked during each audit phase.
10	Overarching	4. Carrying the family on large vessels by Captain or other senior officers not mentioned	We are unclear as to why there should be concerns about the presence of family members on board fishing vessels. We found no direct reference to this issue in the literature. We also sought clarification from the reviewer as to the nature of this concern but received no further information.
11	Objective	recommendation – edit To create a voluntary labour certification standard for fishers that integrates internationally-recognized norms, applicable laws and regulations, and current best practice.	Accepted. The Objective section will be revised as suggested.
12	Structure of Standard	recommendation – edit, Remove the word variable "Underpinning each Principle is a variable number of criteria."	Accepted. The section on Structure of Standard will be revised as suggested.
13	Structure of Standard	recommendation – edit They define the performance level that an entity must achieve and maintain.	Accepted. The section on Structure of Standard will be revised as suggested.
14	Structure of Standard	recommendation – edit Collectively, this suite of indicators represents the measurable performance thresholds and audit criteria of the FISH Standard for Crew.	Accepted. The section on Structure of Standard will be revised as suggested.
15	Scope	recommendation – edit The scope of the FISH Standard for Crew covers all fishers who work onboard any fishing vessel identified in the Unit of Certification.	Accepted: To Scope section will be revised as suggested.

16	Overarching	Recommendation – remove blank page or add (this page intentionally left blank)	Accepted. Blank page to be removed.
17	Normative References	<p>However, all entities seeking certification to the FISH Standard for Crew should respect the principles elaborated in ILO Labour Conventions and associated international instruments - particularly those referenced in C188.</p> <p>Should this be changed to</p> <p>However, all entities seeking certification to the FISH Standard for Crew should implement the principles elaborated in ILO Labour Conventions and associated international instruments - particularly those referenced in C188.</p>	The primary obligation for <i>implementing</i> an ILO convention rests with the ratifying nation and not with private enterprises. Oftentimes, the substance of an ILO provision can only be implemented and enforced through enactment of laws, regulations or other measures by Members. Nonetheless, private enterprises can and should respect the intent of those ILO provisions.
18	Terms and Definitions	<p>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.</p> <p>Does the above mean that the standard is ISEAL compliant?</p>	At the present time, the Scheme Owner intends to have the FISH Standard for Crew evaluated against the Sustainable Supply Chain Initiative (SSCI) Benchmarking Requirements for At-Sea Operations Scope and for Scheme Management. The Scheme Owner does not have any immediate plans to pursue ISEAL membership.
19	GP 1	Suggest clarifying process as it is currently unclear who is the independent accreditation body if CBs are approved by the Standard	Accepted. General Provision 1 will be revised to better clarify the independent role of Accreditation Bodies.
20	GP 1, GP 2	<p>Audit Criteria:</p> <p>a. Standard Statement: As part of this framework, the scheme owner approves independent certification bodies (CBs) to perform third-party audits against the FISH Standard for Crew.</p> <p>Are Audits only to be performed by CB's against the FISH Standard for Crew? Or, like other Social Compliance Audits, Audits are to be conducted against the Local Law as well? If yes, then this has to be clearly indicated here as 2nd and 3rd provision of the Standard does talk about adhering to legal laws.</p>	Accepted. General Provision 1 will be revised to clarify CB auditing of compliance with applicable laws and regulations.
21	GP 1, Framework	<p>b. APSCA is not a Social Audit Standard to be described in example with other Audit Standards – SMETA and SA8000.</p> <p>If the Auditors conducting the FISH Standard Audit require to be qualified / enrolled as per APSCA Criteria, then the same has to be clearly indicated here separately.</p>	Accepted. GP 1 will be revised to more clearly summarize the auditor competency requirements that are to be set out in the Framework document.
22	GP 3	<p>This standard makes reference to “applicable laws and regulations” pertaining to labour. The scope of application of labour laws and regulations is determined by the jurisdiction in which the fish is harvested.</p> <p>You should refer to UNCLOS for guidance on this as flag state responsibility is framed there, as well as coastal state. This section should also include the notion of the state of nationality of crew, as they may be requirements associated to it.</p> <p>Furthermore, a protocol for how it does apply to developing countries that may not have an advanced set of “applicable laws and regulations” pertaining to labour (and maritime safety) should be presented.</p>	<p>Accepted. GP 2 and GP 3 will be expanded to clarify the relationship of the FISH Standard to existing international legal frameworks. The UNCLOS will be cited in reference to vessel owner's obligation to comply with applicable laws of flag state and coastal state.</p> <p>The FISH Board of Directors emphasizes that nations are sovereign and their laws sacrosanct. Therefore the FISH Standard will not work to undermine the legitimacy of the laws and regulations of any country - whether a developing nation or otherwise. The FISH Standard may, however, define a higher level of performance than that which is set by national laws and regulations. In fact, for most Criteria, the FISH Standard does set a higher level of performance than that specified in local and/or national laws and regulations.</p> <p>Also note that the Standard will not enter into disputes over laws and regulations or jurisdictions that may arise between or among flag states, coastal states, port states, and/or other involved parties.</p> <p>The above points will be clarified by revisions to GP 2 and GP 3.</p>

23	GP 3	the standards need to consider alternatives for vessels that are flagged to countries that do not have sufficiently developed “applicable laws and regulations” pertaining to labour, and maritime safety... otherwise you can get away by flagging to FoCs	<p>Accepted. GP 2 and GP 3 will be expanded to clarify the relationship of the FISH Standard to existing international legal frameworks. The UNCLOS will be cited in reference to vessel owner’s obligation to comply with applicable laws of flag state and coastal state.</p> <p>The FISH Board of Directors emphasizes that nations are sovereign and their laws sacrosanct. Therefore the FISH Standard will not work to undermine the legitimacy of the laws and regulations of any country - whether a developing nation or otherwise. The FISH Standard may, however, define a higher level of performance than that which is set by national laws and regulations. In fact, for most Criteria, the FISH Standard does set a higher level of performance than that specified in local and/or national laws and regulations.</p> <p>Also note that the Standard will not enter into disputes over laws and regulations or jurisdictions that may arise between or among flag states, coastal states, port states, and/or other involved parties.</p> <p>The above points will be clarified by revisions to GP 2 and GP 3.</p>
24	GP 3	Would be helpful to reconcile the statement in section 3 “Applicable laws and regulations” which states that the laws and regulations of the Certificate Holders flag state shall apply, with the provision in section 6: “Certificate Holder” which acknowledges that the Certificate Holder could be a third party e.g processors. i.e. the reference in section 3 should be to the flag state of the vessel rather than the flag state of the certificate holder	<p>Accepted. GP 3 will be revised to clarify that flag state of vessel - not CH - takes priority when determining applicable laws and regulations for the purpose of audit.</p> <p>Guidance for identifying the applicable flag state - including instances where the vessel flag may differ from the Certificate Holder’s country of operation - will be clarified in the Auditor Guidance Manual.</p>
25	GP 3	Suggest accounting for multiple jurisdictions e.g. within and outside an EEZ	The Auditor Guidance Manual gives guidance to GP 3 on how CBs should structure the UoC when confronted with a client who operates in multiple jurisdictions.
26	GP 3, GP 7	Is it intended that the scope of the FISH Standard limits the scope of compliance to harvest area and/or flag state (as applicable) and not with others e.g. port states?	We have previously noted the expectation for legal compliance. We will include text in GP 2 and GP 3 to specify that the expectation encompasses compliance with the laws and regulations of port states as well. However, the audit criteria would not normally involve explicit reference to the laws and regulations of a port state unless identified as part of the fishery jurisdiction during the process of defining the unit of certification.
27	GP 3, GP 7	Given that expectation for legal compliance may involve the flag state(s) of the vessels, would this also not need to be accounted for in the UoC?	Accepted. The Framework (section 2.2) ensures that CBs collect additional details about the scope of certification including the following information: fishery or fisheries sector; activity; flag; geography; vessel size(s); and number of fishers. However, we accept that flag state of vessels should be clearly identified in the UoC. GP 7 will be revised accordingly.
28	GP 4	5. How the three days at sea are counted? From the time of cast off to Berthing or if at Anchor to anchor in the port. How the anchorage period in out anchorage is treated	The Auditor Guidance Manual gives guidance to GP 4 on how to calculate voyage duration. We note, however, that our approach is similar to C188 in not being overly prescriptive but instead focussing on how long vessels “normally” remain at sea.
29	GP 4	6. Coastal fishing within 12 nautical miles from the shore. How this is considered in the three days	The Auditor Guidance Manual gives guidance to GP 4 on how to calculate voyage duration. The calculation does not distinguish coastal fishing (< 12 nm) from non-coastal fishing (> 12 nm). In our categorization system, the most relevant variables are voyage duration and vessel size. This is consistent with C188 which primarily relies on vessel size and voyage duration to partition the applicability of its provisions. C188 only rarely identifies a distance of normal navigation and in those instances it is referring to distances much further from shore (e.g., > 200 nm).

30	GP 4	<p>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.</p> <p>How the treshhold of 3 days apples in the certification of any commercial tuna in the pacific for example, as well with the length of the contract?</p> <p>The number of days a vessel normally remains at sea how is that defined? as not being toied up to wharf?</p> <p>For crew in longliners in the WCPFO the voyage duration may be in the range of years, how does the standard deal with this fact</p> <p>3 year no returning home are normally contract standards in the tuna fishery in the WCPO.</p> <p>For Purse seiners the range is normally 10 to 45 days at sea, fo lomngline anything form 10 dyas to a year without coming back to ports. Over 60% of the fleet relies on transhipments at sea.</p> <p>The number of at-sea longline transhipments within the WCPFC area increased by 165% in five years, from 554 in 2014 to 1472 in 2019 and as 2 November 2020, 61% of vessels on record were authorized to tranship in the high seas by their Flag States. In descending order, these vessels are flagged to Taiwan, China, Vanuatu and Republic of Korea, as well as (also in descending order) carriers are flagged to Taiwan, Panama, Korea, Liberia, China and Vanuatu.</p> <p>For crew in those vessel the voyage duration may be in the range of yerars</p>	<p>We see two concerns, or questions, raised in this comment. The first is defining voyage duration with respect to FISH. We believe this is clear to most and does not require additional clarification or guidance. The second appears to ask whether FISH will set a maximum time at sea threshold. FISH does not believe a maximum time at sea threshold is required as believes such extended times cited in the comment would effectively preclude certification to the FISH Standard given the inability of auditors to access vessel and crew and/or meet other criteria. FISH does, however, require full transparency via FWA about expected terms of employment (voyages, termination, dates of service, etc).</p>
31	GP 6	<p>No reference to workers involved in the “actions to meet a requirement”, is there meant to be? For example, worker interviews.</p>	<p>Accepted. GP 6 will be revised to clarify intent which is that compliance may require actions arising from multiple levels within the membership.</p>
32	GP 8	<p>Some criterion are more explicit about the requirement for a policy or process whereas other criterion are not. For example, Criterion 1.4 specifies the need for a policy but Criterion 2.6 on Health Protection and Medical Care does not. It may be useful to clarify via requirements or guidance what exactly needs to be included (i.e. documented) in a policy or procedure.</p>	<p>The intent of General Provision 8 was to be explicit about which criteria shall be addressed through the formulation of written policies. Nine criteria are listed. We believe this is stated clearly. GP 8 does not attempt to address the required content of those policies nor does GP 8 address procedures. GP 8 will be revised to clarify.</p>
33	GP 9	<p>The FISH Standard for Crew states it is intended primarily as a tool for business-to-business communication and not a tool for business-to-consumer communications but the website infers that consumers can get assurances that the companies bringing them seafood are doing the right thing because of the FISH Standard.</p> <p>From https://fishstandard.com/why-fish/ “Media reports of these challenges have shined a spotlight on the fact that everyone harvesting seafood deserves fair and equitable treatment and consumers want assurance that this the case.”</p>	<p>Accepted. The Scheme Owner acknowledges that even in a business-to-business context, the FISH Standard for Crew will need a chain of custody assurance mechanism in order to validate its claim. We will revise GP 9 to reflect the fact that our traceability/chain of custody requirements are currently under development.</p>

34	GP 9	<i>The Standard has no Chain of Custody (CoC) mechanism</i> How then the consumer (or portentially regulators) will know if the product cught in bteen dates of certification and the date of harvest represents the principles of the certification?	Accepted. The Scheme Owner acknowledges that even in a business-to-business context, the FISH Standard for Crew will need a chain of custody assurance mechanism in order to validate its claim. We will revise GP 9 to reflect the fact that our traceability/chain of custody requirements are currently under development.
35	P1 (intro)	Suggest defining or rewording sphere of influence as may be difficult to understand and/or translate for non-Native English speakers. Suggest rephrasing to refer to practices within the Unit of Certification	Accepted. The introductory text for Principle 1 will be revised per the reviewer's suggestion.
36	1.1	I think this section should and could be made clearer/more transparent in terms of what exactly FISH allows with regards to 15/16 year olds as currently you have to jump between subsetsions of section 1 to fully understand.	Accepted: The structure of criterion 1.1 will be revised and clarified.
37	1.1	Suggest restructuring this clause to focus on 1) Policy in place; 2) Minimum requirements; 3) Exemptions for family fishers, in such a way that reduces the number of cross-references as this makes the section more difficult to follow.	Accepted: The structure of criterion 1.1 will be revised and clarified.
38	1.1	Missing in the Standard – If Child labour is found during the audit, what immediate actions needs to be taken? (Child Remediation Program) "When child workers are found, a holistic approach to resolving problems is required, i.e. <ul style="list-style-type: none"> ● gradually restrict and regulate situations where children work ● increase availability, quality and flexibility of school facilities ● improve the financial circumstances of working adults" 	Accepted: FISH will add an Indicator to Criterion 1.1 to address remediation if child labour is found.
39	1.1.1	Suggest starting the clauses with "The certificate holder shall have a..."	Accepted: Indicator 1.1.1 will be revised accoringly .
40	1.1.5, 1.5.1.1, 2.8.4, 3.3.6, 3.5.4	Suggest defining the length of times records shall or should be kept.	Accepted: We will add a General Provision that addresses concerns about control of documents and records.
41	1.1.6	Worth highlighting the "does not contravene applicable laws and regulations" in bold to highlight this point since this point might attract quite a lot of feedback?	Agreed. For Indicator 1.1.6, the last subclause (d) will be moved up to the first position (a) in order to highlight its importance.
42	1.2	Need top relate to criterion 1.5 and 1.7 (Repatriation)	All of the topics under Principle 1 are interrelated and were grouped together on this basis. While we agree that abuse of migrants (Criterion 1.5) and failure to repatriate fishers (Criterion 1.7) may contribute to forced labour (Criterion 1.2), we contend that each topic merits consideration in its own right during audit.
43	1.2	Missing in the Standard and can be added Fishers are free to engage in overtime work provided it is been done on a voluntary basis. Fishers are allowed to use washrooms and take water-breaks without any restriction	Voluntary overtime: The FISH Standard already addresses the voluntary nature of all work (Criterion 1.2). The issue of rest periods and hours of work is addressed under Criterion 3.4 and associated auditor guidance. We note, however, that some of the land-based concepts like overtime don't readily transfer over to the fishing sector. This makes 'overtime' work an extremely elusive concept to apply to fishing vessels at sea. Freedom to use washrooms/take water breaks: We believe the FISH Standard adequately addresses this concern through a combination of criteria. The Standard ensures that water is provided (Criterion 4.6) and rest and work hours are sufficient (Criterion 3.4) as well as respecting the dignity of fishers (Criterion 1.4).

44	1.3.1	<p>"There shall be a crew list carried on board the fishing vessel and held ashore". [An example to illustrate] The standard makes reference to requirements that shall be audited in the company's office (Policy, procedures, records, etc) while other requirements shall be audited on the vessel. It may be wish to split the standard into 2 sets of requirements: Requirements to be audited during office audits and requirements to be audited during vessel audits.</p>	<p>We agree that the crew list should be cross-checked to other information sources. This is addressed in auditor guidance to indicator 1.3.1 which reads in part "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>Also see response to #9 regarding audit structure and evidence reviewed by the auditor while on-site vs. desk study.</p>
45	1.3.3	<p>recommendation – include Crew List Criterion for small vessels</p>	<p>We believe current requirement for crew list for small vessels meets objective of having accounting of those on board while being conscious of administrative burden of small scale vessels.</p>
46	1.3.3	<p>Should the crew list also be cross-checked and/or made available to the CB and/or standard owner on request?</p>	<p>The Auditor Guidance Manual provides additional information for Indicator 1.3.1 which makes clear that the crew list is a required record and, as such, the Certificate Holder shall provide it to the CB upon request. It is expected that auditors will review crew lists during the course of an audit and will cross-check the crew list against other records (e.g., personnel files, FWAs, etc).</p> <p>As per the Framework, the Scheme Owner already has access to audit reports which should adequately summarize the audit evidence reviewed. Therefore it seems unlikely the Scheme Owner would ever need to have direct access to crew lists.</p> <p>Also see response to #148 in regards to the use of a standardized form for crew lists.</p>
47	1.3.4	<p>Fishers should only be transferred between vessels IF they have advance warning of this and only if they agree to it? Surely they have a right to refuse this (otherwise it might extend their trip duration to more than what they want, and they might end up in a different location than planned)</p>	<p>We believe the phrase "only...with their consent" makes clear that the fisher must in fact agree to any transfers between vessels. The question of whether the fisher has advance warning about a transfer at sea is already addressed in the Fisher Work Agreement. Return to port of hire is ensured by Indicator 1.7.3 and also by the FWA. Nonetheless, there may be a legitimate concern that the fisher does not understand that 'consent' implies the he/she has right of refusal. This will be added as auditor guidance for 1.3.4. During interviews, fishers who have been/will be transferred between vessels at sea will be asked questions to ensure they understand their right to refuse.</p>
48	1.4	<p>Criterion 1.4 - Respect the Dignity of Fishers Should be linked to clear requirements for the interview of a sample of crew members in confidence</p>	<p>Agreed. Crew interviews will be an essential source of information to verify compliance with Criterion 1.4. Additional detail is included in the Auditor Guidance Manual. Sampling rates for conducting crew interviews are covered in the Framework</p>
49	1.5	<p><i>Relevant worker documentation (e.g., passport, work permit, visa, etc.) shall be reviewed to ensure that all fishers meet legal requirements for employment in the applicable jurisdiction</i></p> <p>Considering that vessels are an extension of the territory of the flag state, is important that crew have work visas or permits equivalent to those needed to enter and work in any land based operation at the flag state. For DWFN such as the US, Vanutu, Korea, Taiwan, China and others, this is not the case, while it should be.</p>	<p>It is beyond the scope of FISH to resolve the reviewer's concerns about the inconsistencies among governmental work visa programs. See also response to #30 regarding shore leave.</p>
50	1.5.1.1	<p>recommendation – provide additional clarification or guidance whether copies of relevant documents shall be maintained, carried on board the fishing vessel or held ashore</p>	<p>Accepted: We will add a General Provision that addresses concerns about control of documents and records.</p>

51	1.5.1.1	Who holds the copies? If it's the vessel owner could there be some data protection issues here? How long do they hold the data for? (Same applies for 1.5.2/1.5.3)	Accepted: We will add a General Provision that addresses concerns about control of documents and records.
52	1.5.2	Do you need to add in something here about pay for migrant fishers being debated / considered with labour unions etc?	Agreed. Indicator 1.5.2 will be revised to include protections for migrant's access to collective bargaining.
53	1.6.3	Should there be clarity on what type of deposits? E.g. all deposits?	The Auditor Guidance Manual provides additional guidance to Indicator 1.6.3: "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." In addition, the term "deposit" is defined in the Glossary of Terms: "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."
54	1.6.5	Statement mention "does not deter job seekers from engaging in work by using blacklists or other means" What does blacklist mean here"?	Agreed. Indicator 1.6.5a specifically addresses the provision of 188 (Art. 22(3a)) which prohibits "...recruitment and placement services from using means, mechanisms or lists intended to prevent or deter fishers from engaging for work." Although C188 does not define the term 'blacklist' to describe this practice, many C188 supporting documents do use the term (see ILO training pack, flag state inspector guide, etc). Additional guidance will be added to the Auditor Guidance Manual to provide context and to ensure alignment with ILO usage of 'blacklist'.
55	1.6.5a	Can you give more clarity on blacklists?	See response to #54.
56	1.6.5.d	Suggest setting a timeframe for not using a service that has been convicted of a human rights abuse so certificate holders understand the level of due diligence expected of them, e.g. 2, 5 years.	We believe that 1.6.5 a,b and c address current performance and ongoing performance of the recruitment service which is most relevant in this case and also consistent with the approach of the SSCI benchmark. 1.6.5.d will be removed.
57	1.6.5d	What if the recruitment company / service has been convicted for other reasons? Would that not matter?	See response to #56.
58	1.7	What about repatriation in the instance of death?	The FISH Standard for Crew does not explicitly address repatriation of a deceased fisher. However, the Standard does require that the Fisher Work Agreement contain provisions to address the protection that will cover the fisher in the event of injury or death in connection with service (Annex 3, item k).
59	2.1	Needs to be shruned under the "applicable laws and regulations" pertaining to labour and migration of the flag state	This concern is addressed by General Provisions 2 and 3 which stipulate that CH must operate legally under the Applicable Laws and Regulations and as such, the Fisher Work Agreement would be required to comply with those applicable laws.
60	2.1.1	"There shall be a signed Fisher Work Agreement (i.e., a contract) in place between the vessel owner/company and each fisher". Employment agreement is generally signed between the labour agency and the crew member in the country of origin, with the exception of Taiwan where a second contract needs to be signed and presented to TFA. This requirement may lead to what could be perceived as contract substitution. To avoid contract substitution, the contract signed should be the same as the contract between the labour agent and the crew member. It should also be checked whether such second contract would be legally binding in the country of origin or under which jurisdiction. Finally it is important to make it clear which legal entity will be responsible to pay required social insurances and other relevant taxes in the country of origin.	While FISH recognizes that it is common practice in some fleets using foreign workers where the vessel owner will not sign a contract directly with the fisher but owner will sign a contract with agent who has a signed contract with fisher, FISH believes best practice is to have the vessel owner sign a contract directly with the fisher. This establishes a clear and direct relationship between the owner and the fisher. With respect to the comment regarding the second contract, 2.1.8 prohibits contract substitution less favorable to fisher which adequately addresses this. The FISH Unit of Certification must clearly define jurisdiction which would provide clarity on required social insurances and other taxes.

61	2.1.3	<p>“The Fisher Work Agreement shall be made comprehensible to the fisher and he or she shall have an opportunity to review and seek advice on the terms of the agreement (see 1.2.6) before signing it”.</p> <p>This does not work, as the crew has to sign a contract before they depart from the country of origin, for passport, visa, etc. So unless the vessel owner can have this second contract signed before the crew has departed, I am not sure how this could work. This requirement may need to be checked and revised to clarify.</p>	<p>We note that this comment is referring to a specific situation in which fishers are contracted by a recruiter operating in another country. Indicator 2.1.8 prohibits contract substitution less favorable to fisher which should adequately address this as any second contract could not be less favorable to fisher.</p>
62	2.1.8	<p>“The Fisher Work Agreement shall not be supplemented and/or substituted with terms and conditions less favourable to the fisher.”</p> <p>Requirement to be clarified in case multiple employment contracts are signed (labour agent, vessel owner, TFA). Does this requirement applies only to the vessel owner agreement in case it is changed or does the requirement applies to all contract, meaning that all contracts signed need to have the same clauses?</p>	<p>Accepted. Indicator 2.1.7 expresses the intent that use of Recruitment Service does not alleviate the vessel owner/company from ensuring compliance with 2.1.1 - 2.1.6 of the FISH Standard. As the reviewer correctly notes, contract substitution (2.1.8) should also fall under this clause so we will follow the recommendation and switch the positions of 2.1.7 and 2.1.8 so that Indicator 2.1.8 gives inclusive coverage of 2.1.1 through 2.1.7.</p>
63	2.2	<p>Does this section need to specifically call out migrant workers</p>	<p>The FISH Standard for Crew requires that all fishers, regardless of their national origin, be treated in accordance with the Standard. More specifically, Indicator 1.5.3 states that "record keeping...shall be sufficient to show that the Principles 1 to 4 of this Standard are fulfilled with respect to migrant fishers." All of the Indicators for fair remuneration (Criterion 2.2.) apply equally to all fishers and most will entail some form of documentary evidence to demonstrate compliance. Given these cross-checks, we do not see need to call out migrants specifically.</p>
64	2.2.2	<p>2.2.2 Where remuneration is to be based on a wage and catch share system, the wages shall:</p> <p>(a) meet the minimum standard for the industry and sector; or and</p> <p>(b) meet or exceed applicable minimum wage laws in the flag state in accordance with applicable laws and regulations; or and</p> <p>(c) comply with the wage set out in a collective bargaining agreement for fishers in the flag state as applicable.</p>	<p>Thre proposed revision would undermine the logical basis of Indicator 2.2.2 which is intended to account for situations in which one or more of the specified thresholds cannot be met because of circumstances which are external to the Certificate Holder (i.e. factors beyond the CH's control). For example, when the fishery operates in a jurisdiction in which there is no legal or regulatory definition of minimum wage (b), then the CH may demonstrate conformity with the Standard by meeting the threshold specified in either (a) or (c).</p>
65	2.2.3	<p>Statement – “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). “</p> <p>Question which has not been covered and requires clarity is –</p> <p>In case of salary based on piecework or pro-rata, are the payment processes and incentives compliant with legal practices and is minimum wage guaranteed?</p>	<p>Pay practices within fishing industry on vessels are generally either wage or catch share. Piecework, or pro rata work, is very uncommon to our knowledge. Perhaps the reviewer suggests that share of catch systems are equivalent to pro rata systems? Regardless, FISH takes the view that all remuneration systems must comply with Indicator 2.2.1 as being in compliance with applicable laws and regulations.</p>
66	2.2.4	<p>“Pay periods are regular and payments are made directly9 to fishers”.</p> <p>Payment period shall be defined: “At least quarterly”</p>	<p>FISH has deliberately chosen to allow for pay periods to be mutually agreed upon between owner and fisher via the FWA. We do not believe it is necessary or even practical to mandate a more narrowly defined pay period.</p>
67	2.2.5	<p>Generally payment is transferred directly to bank account in the country of origin, even if sometimes cash payment takes place. Transfer to bank account is safer if the transfer takes into account the correct currency exchange rate and if all bank fees are paid by the vessel owner.</p> <p>Would propose to remove or reword this requirement.</p>	<p>As currently written, Indicator 2.2.5 should not preclude transfers to a home country bank as described by the reviewer. At the same time, we want to avoid being too prescriptive in setting transfer requirements given there are diverse arrangements worldwide.</p> <p>With respect to the reviewer's concern about the employer using the correct currency exchange rate, we will include this in guidance to Indicator 2.2.4.</p>

68	2.3.1.1	'The certificate holder shall engage fishers or their representatives in a dialogues about workplace issues' seems rather vague and open to interpretation	Agreed. The FISH Standard does not mandate specific and detailed requirements for engaging fishers in a workplace dialogue. Our intent was to avoid being overly prescriptive so as to allow for a range of potential approaches to engagement. We also note that Indicator 2.3.5.1 only pertains in jurisdictions where there are no legal protections for FOA. We expect this to be rare.
69	2.3.5	Should there not be a note for small vessels instead of just large?	FISH is clear that there is a requirement for small vessels to inform fishers of right but we believe it is impractical for small vessels to require a display of these rights.
70	2.4.1	'regardless of race, sex, belief system...' this does not cover all aspects as per the UNGP	Accepted: Indicator 2.4.1 will be revised to more closely mirror the UDHR.
71	2.4.2	How do you ensure 'effective implementation'?	See response to #5 and #72.
72	2.4.2	This clause states an obligation for the CH to ensure the policy is effectively implemented but this is not stated for other policies. For the purposes of consistency, suggest revising throughout. It may be easier to create an overarching requirement for CH responsibility in ensuring implementation and effectiveness of the required policies,	Accepted: GP 8 will be revised with an overarching requirement for effective implementation of policies that shall be verified by the CB during the audit process. Auditor guidance will be aligned.
73	2.5.1	2.5.1 The vessel owner/company shall meet applicable flag state laws and regulations for providing fishers with social security protection If the flag state does not have it? then the vessls owner or charterere should engage private social security for crew Opens the door for operatros to use flag of convininece	This concerns is adequately addressed in GP 3 Applicable Laws and Regulations. Also see above response in relation to the determination of jurisdiction/applicable laws and regulations.
74	2.6.1 , 2.6.2 , 3.6.6	Criterion 2.6.1 and Criterion 3.6.6 read that the owner/company is responsible for providing health protection, medical care and medical treatment and these come at no cost to the fisher, except under the circumstances noted. Criterion 2.6.2 implies that the fisher is responsible for the cost of treatment once repatriated. Is the intention that the owner/company is responsible for only the first aid necessary to repatriate the fisher and responsibility afterwards is dictated by applicable laws, regulations and fisher's compensation system or equivalent scheme?	Indicator 2.7.1 and associated Auditor Guidance states that "Fishers shall be provided access to a fisher's compensation system or equivalent scheme covering work-related sickness, injury or death." The expenses associated with a work-related injury upon repatriation would be covered here.
75	2.6.2	Does this mean that the vessel owner/company only pays the cost of treatment in foreign ports (I think the wording might be misleading?)	Accpeted. The text of Indicator 2.6.2 will be revised to indicator that the vessel owner/company shall <u>pay</u> the cost of treatment in a foreign port until the patient has been repatriated. Auditor guidance to 2.6.2 already clarifies the meaning of 'foreign' port.
164	2.6.2	Criterion 2.6 – Health Protection and Medical Care Item 2.6.2: It should be made clear what is meant by "foreign port". Is it a port foreign to the fishing vessel or a port foreign to the fisher concerned?	Accpeted. The text of Indicator 2.6.2 will be revised to indicator that the vessel owner/company shall <u>pay</u> the cost of treatment in a foreign port until the patient has been repatriated. Auditor guidance to 2.6.2 already clarifies the meaning of 'foreign' port.
76	2.6.3	2.6.3 The vessel owner/company shall meet applicable laws and regulations relating to worker health protection including provision of health insurance if so mandated. Fisheries is the most dangerous job in the world http://www.fao.org/fishery/safety-for-fishermen/en/	Accepted. Text will be revised to clarify the intent of 'if so mandated' in Indicator 2.6.3 .

77	2.6.3	'if so mandated' seems to be deliberately vague?	See response to #76.
78	2.7	Criterion 2.7 – Fisher’s Compensation System New requirement shall be added: “In case of accidental death due to injury, illness or accident, the crew’s family shall be compensated within a period that does not exceed 3 months, in accordance with applicable laws and regulations.	It is not clear where this compensation refers to any wages owed to worker from owner or a pay out as part of a compensation system. If the latter, this would be dictated by the terms of the Fisher Compensation System. The FWA must address protections in the event of death (Annex 3 item k).
79	2.7.2	2.7.2 The system in 2.7.1 shall meet applicable laws and regulations. Needs to include alternatives for flag states that don not have this option.	Indicator 2.7.1 stands alone as requiring fishers have access to fisher’s compensation system regardless of whether mandated by law. Annex 1 Glossary of Terms notes "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."
80	2.8	Criterion 2.8 – Grievances PNG Fishing Industry Association should develop some guidance on acceptable Grievance mechanism and best industry practice, as this is a key issue for small as well as large organisations. It is also important to clarify whether grievance procedure shall be accessible at all time, even at seas. But in such cases it will be difficult to comply with “2.8.3 The grievance process referred to in 2.8.1 shall be confidential, non-retaliatory,....”.	Agreed. It is important to have an effective grievance mechanism while underway, especially on extended voyages. This is a challenging area where the development of improved Worker Voice mechanisms will benefit the entire fishing industry. Also see response to #82 regarding the confidentiality of grievances.
81	2.8	3 – Grievance mechanism - This is key for the credibility of such standard, but also complex to implement for independent companies. The Organisation could consider implementing a Workers’ Voice and Grievance mechanism that certified companies could have access to and use, to ensure appropriate follow-up and resolution. Such system may need to be managed through independent third party.	See response to #80. The FISH Standard for Crew does not prescribe the use of an external/3rd party system by the Certificate Holder to manage grievances. However, our standard should be able to accommodate the use of such systems by CHs provided they fulfil the requirements of Criterion 2.8.
82	2.8.2	"The grievance process referred to in 2.8.1 shall be confidential," What does it mean that the grievance process shall be confidential? Are processes for anonymous grievances expected to be in place? Who is to hear a grievance and who should the grievance be kept confidential from?	Agreed. Indicator 2.8.3 will be modified by splitting into two indicators that address the issues of access and confidentiality/retaliation as separate matters. Auditor guidance will also be added to clarify our use the terms 'confidentiality' and 'retaliation', and to better identify the roles of involved persons.
83	2.8.4	"A log of all grievances received shall be maintained." Is the grievances log able to be maintained aboard the vessel, ashore, both or either?	The FISH Standard does not prescribe where the grievance log is to be held. This allows flexibility to accommodate a variety of different grievance mechanisms and circumstances. But regardless of whether the log is held on board the vessel or at a central office location, it shall be made available to the auditor for review during the audit. Also see response to #40.
84	2.8.4	Shouldn't all grievances be logged, regardless of vessel size?	Small vessels such as found in Alaskan salmon fisheries may have 2-3 crew onboard. Exclusion of the log keeping requirement was for practical considerations. The ask would unduly increase the administrative burden placed on small vessels.

85	3.1	3. Minimum manning requirements according to the size of the vessel not addressed	Agreed. Indicator 3.4.1 addresses minimum levels of manning in general terms: "The vessel shall be sufficiently crewed and safely operated at all times and under the control of a competent captain." This approach is consistent with Article 13(a) of C188. Given the wide variety of fishing vessel types, it is difficult to effectively address every possible situation by setting more prescriptive requirements for minimum manning levels. We recognize that C188 addresses manning levels more specifically in Article 14(a) but we note that those provision apply only to vessels ≥ 24 m in length and they rely on the actions of a competent authority (i.e., governmental agency) which may not exist in the jurisdiction in which the vessel operates. Auditor guidance will be added to clarify this point.
86	3.1.1	Standard Statement – "The vessel owner is responsible for ensuring that the captain has the necessary resources to safely crew and operate the fishing vessel" Grammatical error – Should be "has the necessary resources for the safety of the crew and operation of the fishing vessel". Please check	Accepted. The Standard will be reviewed to remove such idiomatic expressions and revised to eliminate use of the word 'crew' as a verb rather than as a noun. Indicator 3.1.1 will be revised per the reviewer's suggestion.
87	3.2	Criterion 3.2 - Occupational Safety and Health Should include requirement that appropriate safety equipment in good working order, in sufficient number and with the relevant valid inspection certificate is available onboard: Safety rings, life jackets, life rafts, fire extinguishers.	Accepted. Criterion 3.2 will be revised to address the reviewer's concerns about the availability of Life Saving Appliances (LSAs) on board vessels.

88	3.2	I think this section could be put together in a clearer manner because you have to jump around for what large and small vessels have to do even though they cover the same areas?	Accepted. The indicators under Criterion 3.2 will be re-ordered to make clearer which requirements apply to small vessels vs. large vessels.
89	3.2	Suggest referencing Cape Town Agreement	The Cape Town Agreement has a limited scope (vessels >24m), it is not in force, and many of its basic safety provisions are already covered by other instruments already cited in the FISH Standard. For Criterion 3.2, the key references are C188 and STCW-F as stated.
90	3.2	2. Availability of life boats/Life rafts/ life jackets for the full complements on board not addressed	See response to #87.
91	3.2.2	"Large vessels: OSH policies and procedures shall be implemented covering at least the following areas:" recommendation – edit (each of these OSH procedures should also be covered within written policies)	We do not believe that every procedure needs to have a written policy.
92	3.2.9	Standard Statement – “The Certificate Holder shall review and update its OSH management system at regular intervals. “ Standard refers to OHS management system. Is there any Management review conducted post the internal / external audit to address the gaps?	In keeping with our views on a performance-based approach (see response to #5 regarding management systems), the FISH Standard does not prescribe that every vessel owner/company shall undertake a formal management review. We do note, however, that for Certificate Holders with multiple vessels (Annex 4), administrative responsibilities extend to the performance of "OSH reviews and management reviews" (A4.1.3c). In addition, every participant - regardless of size and complexity - will be subject to an independent, external audit by a CB.
93	3.3	7. Certification of each crew member for his role by independent authority. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) must be mandatory.	Rather than requiring the certification of fishers to STCW by an independent authority, the FISH Standard follows the example set by C188 (and R199 - the recommendation to C188) by placing STCW-F in the context of occupational health and safety. Auditor guidance to Indicator 3.2.11d states that "The auditor should verify the OSH review considered the development of relevant new international instruments" and STCW-F is identified as an instrument that should be considered by the vessel owner/company. Also note that Indicator 3.3.3 covers STCW-F requirements for basic safety training for fishing vessel personnel.
94	3.3.1	recommendation – edit All personnel shall be given a safety orientation before they undertake work on board the fishing vessel. The Initial safety orientation must be completed before the fishing vessel gets underway.	Accepted. Indicator 3.3.1 will be revised as suggested.
95	3.3.3	recommendation – edit Large vessels: In addition to 3.3.1 and 3.3.2, all relevant personnel shall receive Basic Safety Training covering at least the following areas: The Initial Basic Safety Training must be completed before the fishing vessel gets underway.	While some of the clauses listed under Indicator 3.3.3 should be performed prior to departure (a, b, c), it could be argued that some others could be performed just as effectively during the trip (d and e). Also note that our revisions to Indicator 3.3.1 (see response to #94) will help to address the reviewer's concern.
96	3.4	Criterion 3.4 - Rest Periods and Hours of Work Not clear how work hours and rest periods need to be recorded. Without records and clear requirement, it will not be possible to verify compliance against this requirement. Clarification or additional guidance shall be developed. Recording of work hours is also key despite the fact that it is a challenging topic.	Agreed. This is an extremely challenging topic. FISH Auditor Guidance that will be made publicly available upon finalizing the Standard contains specifics on what type of evidence auditors might use to demonstrate compliance with this criterion.

97	3.4.3	<p>3.4.3 Rest periods and work hours shall comply with applicable laws and regulations and, if applicable, collective bargaining agreements.</p> <p>Needs to include alternatives for flag states that don't have this option. Furthermore if you claim to be following C188, then use the requirements thereby (article 14) for fishing vessels regardless of size remaining at sea for more than three days, after consultation and for the purpose of limiting fatigue, establish the minimum hours of rest to be provided to fishers. Minimum hours of rest shall not be less than:</p> <ul style="list-style-type: none"> i. ten hours in any 24-hour period; and ii. 77 hours in any seven-day period. 	<p>The Auditor Guidance Manual will be made publicly available upon finalizing of the FISH Standard for Crew. The Manual contains specifics on what type of evidence auditors might use to evaluate compliance with rest periods per Indicator 3.4.2. FISH recognizes the adherence to rest periods as prescribed by C188 as one means of fulfilling Indicator 3.4.2. However, the Manual also describes how to evaluate the safety management practices of the CH as an alternative means of demonstrating compliance with 3.4.2. While FISH is based on ILO C188, it is transparent in areas that it intentionally diverges or does not fully align.</p>
99	3.5	<p>1. The Alcohol and Tobacco, Drug policy is not addressed</p>	<p>In specifying policy prerequisites, FISH emphasizes the issues most relevant to social and labour concerns in the wild-capture fisheries sector - especially the concepts expressed in C188. In the context of the wider maritime industry, though, it is recognized that MLC 2006 requires that management addresses drug and alcohol use/dependency as a matter of occupational safety and health. From the OSH viewpoint, the provisions of criterion 3.2 and 3.5 of FISH should be adequate to address concerns about alcohol and drug policy across the range of fishing vessel characteristics, operations, and local customary practices.</p> <p>Note also that Indicator 4.4.4 addresses tobacco smoke.</p>
100	3.5	<p>Similar to an earlier point, who is keeping these documents and are there any data issues there?</p>	<p>Accepted: We will add a General Provision that addresses concerns about control of documents and records.</p>
101	3.5.5	<p>"Small vessels: Small vessels may be exempted from the requirements of 3.5.3 and 3.5.4 contingent on a documented determination that fishers are fit to perform their duties taking into account the safety and health of fishers, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation." Shall this exclusion clause also apply to crew members coming from Islands where medical examination may not be required.</p>	<p>FISH already provides sufficient flexibility under Criterion 3.5 for vessel owners/companies to address a situation where the fisher originates from a country that does not have formal medical certification systems for fishers.</p>
102	3.6.1	<p>"Medical equipment and supplies carried on board the vessel shall be sufficient for voyage duration, vessel size, area of operation and number of fishers." Medical equipment required is dependent on the type of accident, injury, illness that may have happened, not on the duration of a fishing trip or the size of the vessel. Therefore this requirement shall be reworded and guidance is required to clearly establish the list of medical equipment required on relevant fishing vessels.</p>	<p>Given the wide variety of fishing vessel types and sizes and range of potential injuries and varying qualifications of onboard personnel, it is impractical for the FISH Standard to be more prescriptive about which medical equipment must be carried on board. Indicator 3.6.1 was deliberately formulated to reflect this reality in line with C188 Art 30(a). Vessel owners must consider types of equipment to be carried based on vessel capacity, personnel capability as well as taking into account insurance considerations.</p>
103	3.6.7	<p>Should this not explicitly say that the cost of this treatment is on the vessel owner / not the fisher</p>	<p>Indicator 3.6.6 states "Fishers shall receive free medical treatment while on board or carrying out their duties while in port." Criterion 2.6 also addresses medical care. Indicator 2.6.1 requires the vessel owner/company to provide medical care/treatment while on board. Indicator 2.6.2 requires the vessel owner/company to pay medical costs in a foreign port.</p>
104	4.2.10	<p>You should call out drinking utensils if eating utensils are called out?</p>	<p>Accepted. Indicator 4.2.10 (e) will be revised to read "furnished with eating <i>and drinking</i> utensils."</p>

105	4.2.2	'reasonably comfortable' seems quite vague and open to interpretation	It is noted that Indicator 4.2.2 was adapted from C188 (Annex 3, clause 48) which refers to the 'reasonable comfort' of the occupants of sleeping rooms. No doubt the threshold set in 4.2.2 is somewhat subjective. Auditors will need to use their judgement. Crew interviews will be essential in gathering evidence to decide if sleeping rooms are 'reasonably comfortable' for fishers. Additional guidance to auditors will be included.
106	4.2.4, 4.2.5	Appears to be a bit of duplication. Suggest amending the clause to specify requirements for small and large vessels if that is the intention of the two clauses.	Accepted. Indicators 4.2.4 and 4.2.5 will be revised to reduce duplication and clarify which requirements apply to small vessels vs. large vessels.
107	4.3.3	Should there not be something about small vessels and them providing adequate water?	Indicator 4.6.1 covers provision of food and water.
108	4.4.3.1	recommendation – edit (maintaining a comfortable temperature and humidity should only be required for climates the vessel may encounter. A vessel that works in a tropical climate shouldn't be expected to have systems capable of maintaining comfortable temperatures in an arctic climate.) Example: "Large vessels: Ventilation systems shall be capable of maintaining satisfactory air quality and air movement in all weather conditions and all climates <u>the vessel may encounter.</u> "	Accepted. We will revise Indicator 4.4.3.1 as suggested.
109	4.4.4	I think remove the word 'minimize' and just have eliminate	We believe the current language, using the phrase 'minimize/eliminate', is more realistic and practical given that even the best efforts and practices may not completely eliminate all risk of exposure.
110	4.5	Considering the pandemic time, No mention of any extra precaution being mentioned in the Standard Requirement	We do not wish to address specific health situations such as COVID-19. Criterion 4.5 already sets out general requirements for the provision of sanitary facilities, including matters related to hygiene, privacy and adequate ventilation. Vessel owners and operators have the capacity to apply appropriate additional measures in response to COVID-19.
111	4.5.3	Should this specify the supply of hot and cold freshwater is for showers?	The Standard recognizes that hot water could be for other purposes on board as well and so we chose not to specify further.
112	4.6	Criterion 4.6 - Food and Potable Water Add requirement that food provided onboard respects religious believes of all the crew members.	This concern is addressed by Auditor Guidance to Indicator 4.6.1 as follows: "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."
113	4.6.1	Should this specifically call out that fishers are free to access food and water	We believe that fisher access to food is adequately addressed. Indicator 4.6.2 states food and water is provided at no cost to fishers. Indicator 4.6.3 requires that personnel engaged in food handling and preparation are knowledgeable on basic food safety," and it is noted that affording unrestricted access may compromise food safety. Also see response to #43 regarding work breaks.
114	4.7.8 - 4.7.10	Suggest restructuring clause to outline expectations for different categories of vessels to avoid conflict or confusion. For example, clause 4.7.9 and 4.7.10 are not discrete and expectations of compliance could be confused.	We believe the intent is stated clearly enough as written. Indicators 4.7.8, 4.7.9 and 4.7.10 apply to three different vessel size classes in ascending order. Each builds on the previous indicator by setting a progressively higher bar. This format follows the general structure of the C188 provisions relating to vessel size including two of those on which the indicators are based (Annex III, 66,67).
115	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." Not sure what is required here, especially for smaller vessels. Guidance or clarification required to define the acceptable level of compliance with the requirement.	The Auditor Guidance Manual gives guidance to Indicator 4.7.11 on how the auditor should evaluate washing and drying facilities on small vessels.

116	4.7.13	<p>"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."</p> <p>Does this requirement means that crew members should be provided with Internet access onboard? Clarification required.</p>	<p>This question is addressed by Auditor Guidance as follows: 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.</p>
117	4.7.14	<p>Is it right that fishers are charged to use vessel communication systems?</p>	<p>The intent is that fishers <i>may</i> be charged the cost of utilizing vessel communications such as satellite phone time or any incremental costs borne by the vessel specifically for fisher communications. Guidance will be added and Indicator 4.7.14 will be changed to read "The <u>access to vessel</u> communications in 4.7.13 shall be provided to fishers at a cost not to exceed the cost to the vessel owner/company."</p>
118	4.7.14	<p>The clause implies that workers could be charged for the costs of the equipment needed to conduct those communications. Is that the intent?</p>	<p>See response to #117.</p>
119	Glossary	<p>recommendation – revise: Procedure – A specified way to carry out an activity or a process. Procedures may or may not be written. Unless otherwise stated, the FISH Crew Standard does not require that procedures must be documented in writing.</p> <p>This is confusing because all of the instances that "procedure" is used in the FISH Standard for Crew it is either stated that a procedure is written or requires the documentation of a procedure. If the FISH Crew Standard does not require that procedures must be documented in writing, what other kind of documentation is acceptable?</p> <p>1.1.5 – requires records demonstrating procedures are maintained. This is counter to the glossary stating that written documentation of procedures are not required. 2.4.1 and 2.4.2 refer to a policy and procedure as a single item. 2.8.2 requires the process for handling grievances shall be documented in a written procedure. A4.1.6 refers to written procedure. A4.2.1 refers to a procedure specifying a number of items. If the procedure is specifying items it implies it is written. A4.2.2.1 shall be documented in the internal audit procedure.</p>	<p>We believe our definition of the term 'procedure' makes it clear when a written procedure is required and when it is not. If the Standard does not specify that a given 'procedure' must be in writing, then that procedure is not required to be documented in writing (e.g., 3.3.3 emergency procedures). We would contend that it is actually a common aspect of work on board fishing vessels that many processes occur without a written underpinning. And we can gather objective evidence to evaluate whether such unwritten procedures are followed (i.e., implemented) by conducting interviews with captain and crew and cross-checking their responses for common understanding.</p> <p>We also note that the implementation of some procedures may entail the generation of records (i.e., documentary evidence) regardless of whether the procedure itself is written or not.</p> <p>Nonetheless, we accept the reviewer's main point which is that this issue should be clarified. Documents will be reviewed throughout - both generally (Standard, Guidance, Framework) and specifically for Indicators 1.1.5, 2.4.1, 2.4.2, 2.8.2 and A4.2.1, to ensure accuracy, consistency and clarity. And the definition will be revised per the reviewer's recommendation.</p>
120	Annex 4, 4.2	<p>Suggest including a requirement on expectations for follow-up and close out of corrective actions as well as logging/reporting of NCs found during an internal audit for CB review</p>	<p>Accepted. The FISH Framework details how CBs are required to grade non-conformities, including the assignment of a critical NC to any identified case of child labour or forced labour. This approach may serve as a guide to the internal audit programs of Certificate Holders as well. Guidance to A4.3.1 will be added.</p> <p>With respect to ensuring an external review of results from the CH's internal audit programs, we will revise A4.2.3: "Results of internal audits shall be documented <u>and made available for CB review</u>." A requirement will be included in the Framework document specifying that the CB shall conduct a review of results from the internal audit program.</p>

121	Annex 4, 4.2	Suggest clarify that internal audit shall cover all aspects of the FISH Standard, if that is intent.	Accepted. The text of Indicator A4.2.1 will be revised to specify that internal audits are against all criteria of the FISH Standard .
122	Annex 4, 4.3.2	Many standards, including social standards, have gradings for non-conformities to reflect more serious violations. Suggest to consider grading and timescales for resolving more serious issues (e.g. forced labour found on-board vessel during an audit).	<p>Please note the distinction between an external audit (conducted by a CB) and an internal audit (conducted by the Certificate Holder).</p> <p><u>Internal audits</u> : The requirements of Annex 4 apply to internal audits whereas requirements for external audits are covered by the FISH Framework document. With respect to verifying the effectiveness of an internal audit program, the grading (minor vs. major) and timeframes (3 mo vs. 6-12 mo) are less important than are the actions taken 'on the water' to follow-up on and resolve identified non-conformities. Therefore the FISH Standard is not prescriptive and leaves NC grading/ timelines to the discretion of the Certificate Holder. We note that the CB's audit process does assess the effectiveness of a CH's internal audit program. Such external reviews should suffice to alleviate the reviewer's concerns about the grading of NCs arising from internal audits.</p> <p><u>External audits</u> : The FISH Framework document gives detailed requirements on how CBs shall grade NCs. Notably, any finding involving child labour or forced labour is automatically graded as a critical NC and as such grounds for suspension or a negative certification determination as the case may be.</p>
123	Annex 4, 4.3.2	Suggest defining timeframe for when a Member vessel may be able to rejoin the certificate (e.g. 2 years) if that option will be available.	Accepted. The text of Indicator A4.3.3.2 will be revised to indicate a minimum timeframe of one year from the date of removal.
131	Overarching	<p>Basis for Standard</p> <p>The document states, in the paragraph 'Basis for Standard', that the FISH Standard is based on inter-nationally recognized best practice in the field, but does not substantiate this.</p>	FISH strives to capture best practice in the sector by following the most well-established processes for standard development as recognized by international authorities such as the Global Sustainable Seafood Initiative (GSSI) and Sustainable Supply Chain Initiative (SSCI). Both GSSI and SSCI set benchmarks that are considered to reflect best practice for certification schemes in the sectors of sustainability and social accountability, respectively. Development of the FISH Standard included participation of technical experts and balanced participation by stakeholders. Further, FISH has undertaken this public consultation in order to assess stakeholder concerns more broadly and to better understand stakeholder priorities.
132	Overarching	It further states that it is adapted primarily from the International Labour Organization (ILO) Work in Fishing Convention, 2007 (C188), reflects (in addition) the intent of the International Maritime Organization (IMO) Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (1977 Convention), as amended 1, and also incorporates elements from the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F) and the United Nations Universal Declaration of Human Rights (UDHR).	Every international instrument that was consulted during formulation of the FISH Standard has been clearly cited. Citations appear as boxed entries at the beginning of each criterion. Links are provided throughout.

133	Overarching	<p>We wonder why the FISH Standard is only adapted from C188, why it only reflects the intent of the 1977 Convention, and only incorporates elements from the STCW-F and the UDHR. This is not explained in the document that is now up for public consultation. The 1977 Convention, STCW-F, and C188 should, on basis of Article 94 of the United Nations Convention on the Law of the Sea (UNCLOS), be fully implemented in any self-respecting fisheries across the planet.</p>	<p>Accepted. We do not question the reviewer's assertion of a legal basis for full implementation of the cited international instruments worldwide. However, we do note that these instruments are not universally ratified, they are not fully implemented and they are not uniformly enforced in all fisheries across the planet. This illustrates, at least in part, why a private certification scheme may make a valuable contribution to ensuring decent conditions of work for fishers.</p> <p>With respect to the assertion that STCW-F should "be fully implemented by any self-respecting fisheries across the planet," it is our understanding that many of the provisions of STCW-F pertaining to certification and minimum training requirements for crews of seagoing fishing vessels are restricted in their applicability to vessels 24 metres in length and above.</p>
134	Overarching	<p>The UDHR has universal application and therefore applies in full, not just elements from it, to every single human being, so including fishers, anywhere on the planet. The Geneva Declaration on Human Rights at Sea of the Human Rights at Sea charity, to which we subscribe, makes it very clear: (a) human rights apply at sea to exactly the same degree and extent that they do on land; (b) all persons at sea, without any distinction, enjoy human rights at sea; (c) there are no maritime specific rules allowing derogation from human rights standards; and (d) all human rights established under treaty and customary international law must be respected at sea. The UDHR has universal application and therefore applies in full, not just elements from it, to every single human being, so including fishers, anywhere on the planet.</p>	<p>Agreed.</p>
135	Overarching	<p>It should be noted that the 1977 Convention has been implemented in the entire European Union through Directive 97/70/EC and C188 through Directive (EU) 2007/159.</p>	<p>Let it be here noted.</p>
136	Overarching	<p>In general we do not know the reason for and therefore have great difficulty with the rewording or rephrasing of meticulously negotiated, with the participation of employer representatives from the United States of America, Canada, Iceland, Norway, Japan, United Kingdom, France, Spain, The Netherlands and other Member States of the European Union, and internationally agreed texts which can only lead to unwanted deviations from those texts. This is not in the interest of fisheries that are subject to flag state legislation implementing those texts and is therefore not conducive to the creation of a level playing field.</p>	<p>While we appreciate the effort that went into C188 language, a document that FISH Standard uses as a Normative Reference, it is important to note a key difference between an ILO convention and a private, third-party certification standard is that the convention lays down the principles to be implemented by the ratifying countries. This complicates directly transferring language which is applicable to government bodies (e.g. a competent authority) to private enterprise. FISH Standard intent has always been a practical interpretation of C188 for the private sector. We are transparent about deviations from ILO and all terms are carefully defined in accordance with best practice.</p>
137	Overarching	<p>Normative References The document refers to the Auditor Guidance Manual for the FISH Standard for Crew that companies and supplements the standard. We have not been able to refer to that guidance document as it has not been made available for public consultation so far. In quite a number of occasions, the standard refers with an anchor symbol to the manual for guidance. As the manual was not available it hampered the review.</p>	<p>Accepted. The Auditor Guidance Manual will be made publicly available.</p>

138	GP 1	<p>General Provisions</p> <p>1. Certification Framework</p> <p>Our problem with the certification framework is that it does not give any derogation for state certificates, nor for other valid documents, that have been awarded by the competent authority of the flag state for compliance with legislation implementing internationally agreed standards, such as the 1977 Convention, STCW-F, and C188. It does, however, require from certification bodies' audit programmes to give due consideration to applicable laws and regulations, as well as ongoing inspections programs, insofar as they may afford opportunities to reduce redundancies in the audit process. So, it is at the discretion of the certification body to decide whether or not to reduce redundancies in the audit process. We consider this an insufficient gesture that places fishing vessel owners within the European Union, who have to fully comply with the international standards referred to, in an unacceptable, uncertain, disadvantaged position.</p>	<p>In the interest of avoiding audit redundancy, the FISH Guidance does allow auditors to utilize document such as competent authority vessel certifications as evidence to demonstrate compliance with relevant FISH criteria. FISH Guidance will continue to become more specific in this area as we are able to review and better understand certificates from various C188 nations.</p> <p>We do not however feel it appropriate that there be "blanket" FISH Standard certification granted to C188 certified vessels given the fact that there is not full alignment of criteria and also due to possible differences in how C188 nations will implement C188 i.e. will C188 country A have as robust an implementation as C188 country B? This potential inconsistency of application and implementation is one of the drivers of independent third party certification programs the market has sought in the past in other areas such as fisheries and food safety certifications.</p>
139	GP 2	<p>2. Legal Compliance</p> <p>The FISH Standard is predicated on the notion that every entity seeking certification commits to meeting best labour practices and fulfilling social responsibilities. It is therefore expected that all certified entities and applicants will comply with applicable laws and regulations for labour. That is, of course, stating the obvious. Where there is no legislation that meets the levels of protection the international standards provide for, because the flag state has not ratified and implemented them, the FISH Standard is the only reference. If the FISH Standard weakens the international standards, it then enables unfair competition because it is not conducive to the creation of an international level playing field.</p>	<p>We agree that it is required that all FISH certificate holders must operate in compliance with applicable laws and regulations and in some areas criteria goes above applicable laws and regulations. FISH Standard uses several international conventions as Normative References, it is important to note a key difference between an ILO convention and a private, third-party certification standard is that the convention lays down the principles to be implemented by the ratifying countries. This complicates directly transferring language which is applicable to government bodies (e.g., a competent authority) to private enterprise. FISH Standard intent has always been a practical interpretation of C188 for the private sector. We are transparent about deviations from ILO and all terms are carefully defined in accordance with best practice.</p> <p>Also see response to #22.</p>
140	GP 3	<p>3. Applicable Laws and Regulations</p> <p>The FISH Standard makes reference to "applicable laws and regulations" pertaining to labour. The scope of application of labour laws and regulations is determined by the jurisdiction in which the fish is harvested. We have a different understanding of international law, the Law of the Sea in particular. First and foremost, under Article 94 of UNCLOS it is the duty of the flag state, who has exclusive jurisdiction over ships flying its flag 2, to effectively exercise its jurisdiction and control in administrative, technical and social matters over fishing vessels flying its flag. In particular every flag state shall, inter alia, assume jurisdiction under its internal law over each fishing vessel flying its flag and its skipper, officers and crew in respect of administrative, technical and social matters concerning the vessel. Every flag state shall take such measures for fishing vessels flying its flag as are necessary to ensure safety at sea with regard, inter alia, to (a) the construction, equipment and seaworthiness of fishing vessels, and (b) the manning of fishing vessels, labour conditions and the training of crews, taking into account the applicable international instruments. If a coastal state gives a fishing vessel of another state access to its exclusive economic zone, that foreign vessel shall comply with the terms and conditions established in the laws and regulations of the coastal state. These laws and regulations shall be consistent with UNCLOS and may relate to issues covered by, inter alia, the international standards referred to in this review.³ However, in the exclusive economic zone, all states enjoy the freedom of navigation and other internationally lawful uses of the sea related to that freedom, such as those associated with the operation of ships. Therefore Article 94 applies in the exclusive economic zone. While flag states in exercising their rights and duties in the exclusive economic zone shall have due regard to the rights and duties of the zone's coastal state, the latter state shall not legislate such that the flag state cannot exercise its jurisdiction over fishing vessels flying its flag with regard to safe manning and the living and working conditions aboard these vessels.⁴ On the other hand, an ILO "Member, in its capacity as a coastal state, when granting licences for fishing in its exclusive economic zone, may require that fishing vessels comply with the requirements of [C188]. If such licences are issued by coastal</p>	<p>We can accept the need for greater alignment to UNCLOS and the recommended citations of UNCLOS Articles will be incorporated into the document. However, we also recognize that there are going to be jurisdictional issues that the FISH Standard, or any labour standard, simply cannot resolve. Our focus is on identifying practical solutions and providing guidance on which jurisdictions (e.g. flag state, port state, coastal state, worker home country) shall be defined as applicable as part of the process of identifying the unit of certification.</p> <p>Also see response to #22.</p>

141	GP 4	<p>4. Vessel Size and Voyage Duration</p> <p>In view of the following paragraph of this letter, Table 1 should include the conversion given in Annex I, paragraph (b), of C188 as well because there are provisions of C188 that only apply to fishing vessels with a length (L) of 45 metres or more.</p>	<p>Accepted. We omitted from Table 1 the C188 conversion factor for vessels of 45 m in length as it is not relevant to our system of vessel categorization. It is, however, relevant to evaluation of Indicator 4.7.10. A note will be added to auditor guidance to explain how to convert 45 m L to LOA or gross tonnage as per C188.</p>
142	GP 4	<p>4. Vessel Size and Voyage Duration</p> <p>Not in line with C188 is the distinction between small and large vessels. Therefore the distinctions should follow the categories C188 determines per provision. There are provisions applying to all vessels, provisions that only apply to vessels of 24 metres in length (L) and over (e.g. Article 14, paragraph 1(a), of C188), provisions that apply to fishing vessels of 24 metres in length (L) and over normally remaining at sea for more than three days (e.g. Article 32 of C188), provisions that apply to vessels of 45 metres in length (L) and over (e.g. Annex III, items 37 and 38, of C188), provisions applying to vessels, regardless of size, remaining at sea for more than three days (e.g. Article 14, paragraph 1(b), of C188), and vessels, regardless of size, remaining at sea for more than three days which normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag state or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater (e.g. Article 41, paragraph 1(b), of C188).</p>	<p>While we appreciate the effort that went into C188 language, a document that FISH Standard uses as a Normative Reference, it is important to note a key difference between an ILO convention and a private, third-party certification standard is that the convention lays down the principles to be implemented by the ratifying countries. This complicates directly transferring language which is applicable to government bodies (e.g., a competent authority) to private enterprise. FISH Standard intent has always been a practical interpretation of C188 for the private sector. We are transparent about deviations from ILO and all terms are carefully defined in accordance with best practice.</p> <p>In this case, we believe FISH captured ILO intent by using thresholds focused on the two most important attributes: vessels size and voyage duration.</p>
143	GP 6	<p>6. Certificate Holders with Multiple Vessels</p> <p>The 1977 Convention and C188 apply to single vessels only. Therefore a system of multiple vessel certification does not comply with standards agreed under international law.</p>	<p>We agree that C188 does not provide for multi-vessel certification. However, the inclusion of multiple vessels within a single unit of certification is commonplace among many of the well-respected, globally-relevant, certification schemes for wild capture fisheries. More broadly, the practice of multi-site certification has a strong technical basis and is recognized by the most reputable bodies in the sector including the International Accreditation Forum (IAF). Therefore it is hard to see how FISH does not comply with international law in this regard.</p>
144	GP 6	<p>The word "captain" is used here for the first time. C188 speaks of "skipper" which is the agreed term for "the fisher having command of a fishing vessel" (Article 1, paragraph 1(l), of C188).</p>	<p>As stated in the Glossary of Terms, 'skipper' is a synonym of captain.</p>
145	GP 8	<p>8. Policy Prerequisite</p> <p>We do not understand why several criteria have been left out of Table 2. Criteria with a policy pre-requisite, for instance criterion 3.4 on rest periods and hours of work.</p>	<p>Table 2 is not intended to be a list of every criterion for which a policy might be relevant. It is a list of every policy that is <u>required</u> by the Standard. In other words, the list identifies the minimum scope issues to be covered by policies; it does not restrict the maximum extent/number of issues that may be addressed through policy. This will be made clear in GP 8.</p> <p>We acknowledge the reviewer's concern that policy should cover rest periods and hours of work. See also response below regarding C188 not requiring policies at the level of vessel owner/company.</p> <p>Also see response to #32.</p>
146	GP 8	<p>8. Policy Prerequisite</p> <p>C188 does not require policies on complying with the Convention, be it that the requirement of risk evaluation for all fishing vessels (Article 33 of C188) could, in some jurisdictions, be understood as an obligation to have a policy on occupational safety and health and accident prevention.</p>	<p>We concur that C188 does not explicitly require that vessel owners/companies formulate policies. We also note that much of ILO supporting documentation for C188 is silent in regards to vessel owner/company policy. R199 briefly mentions that Members "may" require an H&S policy. However the Guideline on Flag State Inspection does not identify vessel/company policy as part of the evidence base that is used to determine vessel compliance. This tends to confirm the overall conclusion that, unlike the FISH Standard, vessel/company policy is not central to C188 implementation.</p>
147	GP 9	<p>9. Certified Claim</p> <p>Different from the FISH Standard certification scheme, state certification under the 1977 Convention and C188 is public and therefore includes both business to business communication and business to consumer communication.</p>	<p>Noted.</p>

148	1.3.4	<p>Criterion 1.3 – Crew List</p> <p>Item 1.3.3: Although C188 does not specify the minimum required content of the crew list, it is advisable to make a reference to the IMO FAL Form 5 (included in Appendix 1 to the Convention on Facilitation of International Maritime Traffic, 1965 (FAL Convention), as amended) which details internationally agreed minimum content of the crew list, while there is no reason to assume that this does not apply to fishing vessels as the FAL Convention applies to all sea-going ships.</p>	Accepted. However, we are unable to confirm that FAL should apply to fishing vessels and if so, whether it is scoped to all vessel sizes or restricted to fishing vessels > 24 m. Nonetheless, this is an informative citation and a link to the FAL Form 5 will be added to the Auditor Guidance Manual.
149	1.3.4	Item 1.3.4: Annex II (c) of C188 prescribes that the fisher’s work agreement shall contain “the name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the fisher undertakes to work”.	The FISH Standard for Crew already specifies that the FWA shall contain vessel name and registration number as stated clearly in Annex 3 item c.
150	1.6.2	<p>Criterion 1.6 – Fair recruitment and Placement of Fishers</p> <p>Item 1.6.2: This item contradicts Article 22, paragraph 3, of C188 which reads: “Each Member shall, by means of laws, regulations or other measures: (a) [...]; (b) require that no fees or other charges for recruitment or placement of fishers be borne directly or indirectly, in whole or in part, by the fisher; and (c) [...]”. Hence, the passage from “unless doing so:” up to and including “forced labour” should be deleted from the standard.</p>	We believe the FISH Standard and associated auditor guidance adequately covers the issue of recruitment fees and related costs. Our approach is consistent with ILO (2019) <i>General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs</i> and reflects the practical reality that some nations have exercised their right to flexibility in determining exceptions in the applicability of ILO definitions of recruitment fees and related costs, consistent with relevant international labour standards, through national regulations, and/or after consulting the most representative organizations of workers and employers.
151	1.6.5	Item 1.6.5: It is not clear to which country the phrase “country of operation” refers to. Is it the country in which the service provider is domiciled or is it the country in which the fishing vessel is registered?	Accepted. Auditor guidance to Indicator 1.6.5c will be amended to make clear how auditors should interpret “country of operation” of the Recruitment Service in the context of licensing, certification and authorization.
152	2.1.1	<p>Criterion 2.1 – Fisher Work Agreement</p> <p>Item 2.1.1: C188 offers, through Article 22, paragraphs 4-6, the possibility that not the fishing vessel owner signs the fisher’s work agreement, thus becoming the employer or principal of the fisher, but a private employment agency as defined in Article 1, paragraph 1(b), of ILO’s Private Employment Agencies Convention, 1997 (C181), in which case the agency becomes the formal employer of the fisher who makes the fisher available to the fishing vessel owner who then assigns the fisher his tasks and supervises the execution of these tasks. We estimate that a majority of, mostly, migrant fishers is contracted and made available (‘posted’) in this manner and it would be a mistake to not recognise this and the consequences of these relationships in the FISH Standard.</p>	While FISH recognizes that it is common practice in some fleets using foreign workers where the vessel owner will not sign a contract directly with the fisher but owner will sign a contract with agent who has a signed contract with fisher, FISH believes best practice is to have the vessel owner sign a contract directly with the fisher. This establishes a clear and direct relationship between the owner and the fisher. The citing of ILO Article 22 which allows a private employment agency to become the “user enterprise” and sign FWAs with fishers is provided under limited/defined circumstances. FISH Annex III doesn’t identify who must countersign the FWA (nor does C188). Additionally, the article from ILO applies only to nations who have ratified the Private Employment Agencies Convention, 1997 (C181). To date, only 32 nations have ratified it.
153	2.1.1	Further, it is not clear who is meant by “company”.	The FISH Standard defines “Company” in the Glossary of Terms.
154	2.1.4	Item 2.1.4: Not a requirement of C188 and often too difficult to comply with.	Accepted. Indicator 2.1.4 will be revised to reflect concerns about the practicality of implementation.
155	2.2.1	Why prescribing that pay shall be in accordance with applicable laws and regulations? Isn’t that stating the obvious because that applies always, for any provision?	Indicator 2.2.1 is a statement that emphasizes the core FISH requirement against which subsequent Indicators within Criterion 2.2 are evaluated. By being explicit, we ensure that evaluation of legal compliance is expressly included in audit processes (audit checklists, interview questionnaires, audit evidence, reporting, etc.).
156	2.2.3.1	Item 2.2.3.1: How does this relate to self-employed fishers who could, for instance, be partner in a partnership of self-employed fishers operating a fishing vessel together?	Accepted: Clarification and additional guidance will be added that Indicator 2.2.3.1 does not “apply in cases where the fisher is a vessel owner or part owner of the fishing business.”
157	2.2.4	Item 2.2.4: It is not always possible to pay at regular intervals if the remuneration is a share of the catch or the proceeds thereof and the fishing trips are not of a regular length. For this reason Article 23 of C188 only applies to fishers who are paid a wage instead of a share of the catch.	FISH auditor guidance to Indicator 2.2.4 adequately addresses the concern about the regularity of payments under both a share of catch system and a wage-based system.

158	2.8	<p>Criterion 2.8 – Grievances This is useful, but much more detailed than C188.</p>	<p>We agree that the FISH Standard for Crew provides much more detail than C188 about grievance mechanisms. This fact may be a reflection of the growing awareness over the last decade of how important the issue of worker voice has become in the wild capture fisheries sector.</p>
159	3.3.3	<p>Criterion 3.3 – Safety Orientation and Training Item 3.3.3: Goes below the requirements of C188. The Work in Fishing Recommendation, 2007 (R199), Item 46(1)(b), refers to Chapter III, Basic safety training for all fishing vessel personnel, of the STCW-F Convention. Article 32, paragraph 3(b), of C188 requires that fishing vessel owners shall ensure that every, so not just a “relevant”, fisher on board has received basic safety training approved by the competent authority; [...]”. Article 32 applies to fishing vessels of 24 metres in length and over normally remaining at sea for more than three days and, after consultation, to other vessels, taking into account (in relation to these other vessels) the number of fishers on board, the area of operation, and the duration of the voyage. The corresponding requirement under Directive (EU) 2017/159 applies in line with STCW-F to all fishing vessels, so regardless of their sizes and days at sea.</p>	<p>Footnote 15 to Indicator 3.3.3 clarifies and we believe adequately addresses the reviewer's concern about ensuring proper training: "Applicability of the requirement for Basic Safety Training will depend on fisher roles and responsibilities on board the fishing vessel, as well as the size and nature of the fishing operation. Authorities may also grant written exemptions from this training requirement for fishers who demonstrate equivalent knowledge and experience."</p>
160	3.4	<p>Criterion 3.4 – Rest periods and Hours of Work Here we have a crucial, and unacceptable, difference with the requirements of C188 that, in its Article 14, paragraph 1(b), in addition to the general fishing vessel owner's responsibility to ensure that fishers are given regular periods or rest of sufficient length to ensure safety and health prescribed in Article 13 (b), prescribes that the competent authority shall, for fishing vessels, regardless of size, remaining at sea for more than three days, after consultation, and for the purpose of limiting fatigue, establish the minimum hours of rest to be provided to fishers and that the minimum hours of rest shall not be less than (i) ten hours in any 24-hour period; and (ii) 77 hours in any seven-day period.</p>	<p>While we appreciate the effort that went in to C188 language, it is important to note a key difference between an ILO convention and a private, third-party certification standard is that the convention lays down the principles to be implemented by the ratifying countries. This complicates directly transferring language which is applicable to government bodies (e.g., a competent authority) to private enterprise. FISH Standard intent has always been a practical interpretation of C188 for the private sector. We are transparent about deviations from ILO and all terms are carefully defined in accordance with best practice.</p> <p>Further, FISH fully integrates C188 rest periods into the Auditor Guidance Manual as a means to demonstrate compliance with Criterion 3.4. This specific Criterion was heavily debated internally. FISH still requires the certificate holder to demonstrate rest periods of sufficient duration are afforded to protect the safety and health of fishers. Means to demonstrate this are captured in auditor guidance.</p>
161	3.4	<p>From the criterion is missing the consultation requirement, where “‘consultation’ means consultation by the competent authority with the representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist” (Article 1, paragraph 1(c), of C188). Also missing are the minimum hours of rest in any 24-hour period and any seven-day period. Rest periods and work hours to apply are left to the “applicable laws and regulations” (item 3.4.3 of the FISH Standard). What if no laws and regulations on (minimum) hours of rest applying to fishing vessels exist or if the applicable laws and regulations go below the minimum levels set by C188? This particular criterion is too free of obligations and too easy.</p>	<p>While we appreciate the effort that went in to C188 language, it is important to note a key difference between an ILO convention and a private, third-party certification standard is that the convention lays down the principles to be implemented by the ratifying countries. This complicates directly transferring language which is applicable to government bodies (e.g., a competent authority) to private enterprise. FISH Standard intent has always been a practical interpretation of C188 for the private sector. We are transparent about deviations from ILO and all terms are carefully defined in accordance with best practice.</p> <p>Further, FISH fully integrates C188 rest periods into the Auditor Guidance Manual as a means to demonstrate compliance with Criterion 3.4. This specific Criterion was heavily debated internally. FISH still requires the certificate holder to demonstrate rest periods of sufficient duration are afforded to protect the safety and health of fishers. Means to demonstrate this are captured in auditor guidance.</p>

162	3.6	<p>Criterion 3.6 – Medical Treatment</p> <p>Item 3.6.5 (b): First and foremost it is the responsibility of states to have medical advice, including specialist advice, by radio, satellite phone or other means available for ships, including sea-going fishing vessels. If there is none, fishing vessels cannot comply with this requirement. One cannot expect from fishing vessel owners that they organize the availability of medical advice themselves.</p>	<p>When flag states do provide medical advice, this clearly would meet Indicator 3.6.5b. However, in the absence of state mandated provisions, there are still other mechanisms that may be accessible to vessel owners/companies to ensure the safety and well-being of their crew in response to medical emergency and thereby fulfil Indicator 3.6.5b.</p>
163	P4	<p>Principle 4. Provide Decent Accommodations, Water and Food</p> <p>The entire principle is goal setting, while C188 is, especially for new fishing vessels, rather prescriptive through its Annex III, as was Accommodation of Crews (Fishermen) Convention, 1966 (C126) that C188 replaces. Although we have sympathy for the approach chosen in the FISH Standard, in comparison with both C126 and C188, we think the principle is too free of obligations. In relation to the restrictions placed by the Common Fisheries Policy of the European Union on gross tonnage of fishing vessels, the FISH Standard places EU fishing vessel owners in an unacceptable, disadvantaged position.</p>	<p>FISH is focussed on the performance of vessels currently active within the Unit of Certification rather than future or new vessels. FISH's expectation is that any new vessels would also meet the criteria of Principle 4. This reflects FISH's objective of focussing on current performance rather than setting goals for future performance.</p>