

Social Accountability Guidelines For Purse Seine Tuna Fishing Vessels

At Pacifical we are committed to providing tuna products that are sustainably and social responsibly caught. We only work with suppliers who share our commitments to MSC standards for sustainable wild fishing and follow our Social Accountability Guidelines. Put simply, fishing companies catching tuna for Pacifical do not use forced or child labour, and must provide good living conditions for crew on board as well as decent employment with fair remuneration and benefits. Pacifical MSC certified onboard observers work with officials using advanced vessel satellite-monitoring and sophisticated database systems, to register, monitor and manage vessels fishing within PNA waters. This guideline summarizes our social accountability guidelines at sea for vessels working with Pacifical.

This is a living document that will be reviewed on a regular basis. The definitive version is published on the Pacifical website – www.pacifical.com. Any discrepancy between copies, versions or translations shall be resolved by reference to the definitive English version.

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With support of



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Pacifical is committed to delivering sustainably caught and socially responsible tuna products of the highest quality from the PNA waters/Pacific to our customers around the world. Pacifical is involved at all stages of product development – from catching and processing to distribution and marketing - to ensure our products meet the highest standards of sustainability and social accountability.

We work closely with our suppliers to ensure that employment onboard vessels in our waters is safe and meaningful, and that these jobs allow fishers to make a decent living to support themselves and their families.

Work on board purse seine fishing vessels is very different to employment in other sectors. Even on the newest and most technologically advanced purse seiners, fishing is physically demanding and not without risk. The hours are long and fishers are at sea for long periods of time, living on board while they work.

The multi-jurisdictional nature of fishing and the use of labour and crews of mixed nationality adds a layer of complexity to the already difficult task of ensuring socially responsible employment standards are being upheld at sea.

The lack of any binding legal instrument specifically formulated to ensure fair labour practices in the global fishing industry that applies to all flag states (and the commercial fishing vessels flying those flags), remains an obstacle to the enforcement of worker's rights at sea. Pacifical has developed these Social Accountability Guidelines to protect fisher's rights and ensure that fishers have decent, safe and meaningful employment on board fishing vessels.

These Guidelines outline minimum requirements related to the employment; social protection, health and safety, food, accommodation, and medical care of fishers at sea. The provisions of these Guidelines are consistent with relevant international labour standards such as the ILO Convention concerning work in the fishing sector (C188) and FAO Code of Conduct for Responsible Fisheries.

Our Social Accountability guidelines are guided by

- Decent jobs - personal development and social integration
- Integrity and fairness
- Health and Safety
- Traceability and access to information
- Transparency
- Responsive governance

All vessels participating in the PNA MSC certification and catching Pacifical MSC certified skipjack and yellowfin tuna are required to follow these Guidelines. Pacifical is committed to working with our fishery partners to ensure that we are able to maintain the standards outlined below as a minimum benchmark to be improved upon, and ensure that consumers around the world can access sustainably caught and socially responsible tuna products at an affordable price year round with confidence.

The following provisions constitute minimum guidelines and should not be used to prevent fishing vessel owners from exceeding these guidelines. Nothing in these Guidelines shall affect or limit any law, custom, or agreement between fishing vessel owners and fishers which ensures more favorable conditions than those minimums provided for below.

Definitions

For the purposes of these Guidelines

- a. **crew** means the skipper and all persons employed or engaged in any capacity on board a fishing vessel
- b. **fishing vessel** or **vessel** means any purse seiner, mother ship or reefer carrier ship operating under this scheme

c. **fishing vessel owner** means the owner of the fishing vessel or any other organization or person, such as the manager, agent or charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities of fishing vessel owners under these Guidelines, regardless of whether any other organization or person fulfills certain of the duties or responsibilities on behalf of the fishing vessel owner

d. **fisher** means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers

e. **fisher's work agreement** means a contract of employment, articles of agreement or other similar arrangements, or any other contract governing a fisher's living and working conditions on board a vessel

f. **flag state** means the state in which a vessel is registered and the flag state that takes responsibility for the vessel in the operating in the region

g. **recruitment and placement service** means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting fishers on behalf of, or placing fishers with, fishing vessel owners

h. **skipper** means the fisher having command of a fishing vessel also known as the captain

1. Contracts and Social Protection

1.1. Fishing vessel owners shall provide all workers with a signed copy of their fisher's work agreement in a language the fisher understands

1.2. The fisher's work agreement must clearly specify the length and terms of employment, as well as a detailed description of the working and living conditions in a language the fisher understands

1.3. Fishing vessel owners shall ensure that salaries and wages are paid on a regular basis and that a record of funds received are made available to the crew in accordance with applicable flag state employment regulations.

1.4. All fishers are entitled to benefit from social protection in accordance with flag state laws and regulations

1.5. Fishers shall have the right to join or establish associations of their own choice and bargain collectively subject to applicable flag state laws, and without prejudice to the skipper's command and overall responsibility for the safety of the crew and the safe operation of the vessel at sea

2. child labor restrictions

2.1. Workers under the age of 16 shall not be employed on board fishing vessels.

2.2. All workers under the age of 18 shall be protected against the obligation to

a. Engage in dangerous work; and

b. Work at night

3. Prohibition on Forced Labor and human trafficking

3.1. Fishing vessel owners shall not use or support the use of any form of forced or compulsory labour

3.2. All fishers are fully entitled to abandon their employment with prior notification in accordance with international law

3.3. Fishing vessel owners, recruitment and placement services shall not withhold any part of a fisher's salary, benefits, or property including passport in order to force a fisher to continue working

4. Fair Remuneration

4.1. Fishing vessel owners shall ensure that fishers receive fair remuneration that is sufficient to provide a decent standard of living for themselves and their families

4.2. Remuneration must comply with all flag state labour laws and regulations

4.3. All fishers with the same experience and qualifications on the same vessel shall receive equal pay for equal work, and where in force on the vessel, the crew additionally will be eligible to catch or other productivity bonus

5. Prohibition on discrimination

5.1. Fishing vessel owners shall not discriminate for reasons of race, color, age gender, sexual orientation, ethnicity, disabilities, religion, affiliation, politics, participation in collective bargaining arrangements or marital status in employment and work practices

5.2. It is however recognized that there are minimum standards in force for fishers where it relates to individual and collective safety of the vessel and crew - e.g. health standards and vision etc. as provided under national and international standards

5.3. Medical assessments should be carried out in the interests of the individual and fellow crewmembers and not used as a means of unreasonable discrimination

6. Health and Safety

6.1. Fishing vessel owners have the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply with these Guidelines

6.2. There is no standard work schedule on board a fishing vessel. Fishing is hard work and often requires a fisher to be on their feet performing physically demanding and strenuous work for long hours. Prospective fishers shall be briefed on the work demands of purse seine vessels

6.3. Fishers shall be given regular periods of rest of sufficient length to ensure individual and collective safety and health

6.4. Fishers shall comply with the lawful orders of the skipper and all applicable safety and health protocols

6.5. Fishing vessel owners shall ensure that every fisher on board is provided with appropriate personal protective clothing and equipment free of charge

6.6. Vessel owners shall ensure that fishers are sufficiently and reasonably familiarized with equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned

6.7. The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel, including but not limited to the following areas

- a. providing such supervision as will ensure that, as far as possible, fishers perform their work in the best conditions of safety and health;
- b. managing the fishers in a manner which respects individual safety and health, including prevention of fatigue;
- c. facilitating onboard occupational safety and health awareness training including the identification of potential operational hazards; and
- d. ensuring compliance with safety of navigation, watch keeping and associated good seamanship standards e.g. STCW

6.8. The skipper shall not be constrained by the fishing vessel owner from taking any decision which, in the professional judgment of the skipper, is necessary for the safety of the vessel and its safe navigation and safe operation, or the safety of the fishers on board

6.9. Fishing vessel owners shall maintain records of all accidents and injuries to fishers and all incidents of physical or emotional abuse on PNA-MSC fishing trips, and shall make such information available to Pacifical

7. Medical certification

7.1. No fishers shall work on board a fishing vessel without a valid medical certificate signed by a medical practitioner attesting to the fisher's fitness to perform their duties

7.2. Medical certificates must comply with all flag state laws and regulations relating to medical certificates for fishers

7.3. The medical certificate of a fisher shall state, at a minimum, that

- a. the hearing and sight of the fisher concerned are satisfactory for the fisher's duties on the vessel; and
- b. the fisher is not suffering from any medical condition likely to be aggravated by service at sea or to render the fisher unfit for such service or to endanger the safety or health of other persons on board

7.4. Medical certificates shall be valid for a maximum period of two years unless the fisher is under the age of 18, or over 65, in which case the maximum period of validity shall be one year

7.5. If the period of validity of a certificate expires in the course of a voyage, the certificate shall remain in force until the end of that voyage

8. Medical Care

8.1. To the extent consistent with the flag state's national law and practice, or otherwise as a minimum, all medical care while the fisher is on board or landed in home port or a foreign port shall be provided free of charge to the fisher, and shall include repatriation in case of serious injury or illness

8.2. Vessels shall carry appropriate medical equipment and medical supplies for the service of the vessel, taking into account the number of fishers on board, the area of operation and the length of the voyage

8.3. Vessels should carry a medical guide or instructions appropriate to the size, type and operating area of the vessel. The medical guide or instructions should be illustrated, should explain how the medical supplies should be used and should be designed to enable persons other than a medical doctor to care for the sick or injured person on board both with and, if necessary, without medical advice by radio or satellite communication

8.4. Vessel owners shall ensure that fishers have access to a prearranged system of medical advice to vessels at sea by radio or satellite communication, including specialist advice, which shall be available at all time

8.5. Onboard medical supplies shall be properly maintained and inspected at regular intervals in accordance with flag state requirements. They should be held securely but with access to those who need to use them at a location convenient to any onboard facilities for the care of ill or injured crewmembers

8.6. Vessels shall have at least one fisher on board who is qualified or trained in first aid and other forms of medical care and who has the necessary knowledge to use the medical equipment and supplies for the vessel concerned, taking into account the number of fishers on board, the area of operation and the length of the voyage

8.7. Fishers have the right to medical treatment ashore and the right to be taken ashore in a timely manner for treatment in the event of serious injury or illness

8.8. Vessels shall document all accidents and injuries to fishers, and report to relevant authorities immediately

9. Working environment

9.1. The working environment shall offer satisfactory personal integrity

9.2. Mental or physical abuse, including sexual abuse and any form of humiliation, corporal punishment or the threat of it shall be prohibited

9.3. All disciplinary procedures must be established in writing, and be explained verbally to workers in clear and understandable terms upon employment

9.4. Working environments shall be safe and conducive to good health taking into account the existing knowledge of the industry and its related hazards

9.5. All areas on or below deck where crewmembers are working or passing should have adequate lighting and ventilation

9.6. Employees shall have access to clean sanitary facilities and sufficient clean drinking water

9.7. Vessels must comply with all flag state requirements related to occupational health and safety management systems and labour practices

10. Crew List

10.1. Every vessel shall carry a crew list, a copy of which shall be provided to authorized person within the fishing vessel owner's office, the flag state and port state competent authorities prior to the departure of the vessel, or communicated ashore immediately after departure of the vessel

10.2. Fishing vessel owners and vessels shall maintain information of the crew onboard that is essential to emergency medical treatment in the event of injury or illness. This may include, for example, contact persons ashore (family member, friend, etc.), phone numbers, address, medical considerations, blood type, allergies (including allergies to medicaments), name of personal doctor, personal / company medical coverage (insurance) plan

10.3. Fishing vessel owners shall provide Pacifical a copy of the crew list with vessel IMO registration for each Pacifical-MSA trip

11. Living Conditions of Workers

11.1. Vessels shall be subject to national marine survey, IMO registration, have full marine insurance and have flag state endorsement to work regionally within PNA waters

11.2. Toilet and washing facilities, cloakrooms, lockers and other personal service spaces shall be maintained in a clean and sanitary condition and protected against insects, rats and mice

11.3. Vessels shall be equipped with cleaning equipment and carry cleaning agents necessary to maintain hygienic conditions on board

11.4. Vessel owners shall ensure that vessels carry sufficient potable water for the expected needs of the crew including extra water which may be required in the event of an extension of the intended voyage

11.5. Vessel owners shall ensure that crew are provided with clean and fresh water for washing. Potable water should be made available for brushing teeth

11.6. Skippers shall carry out periodic inspections of conditions in sanitary spaces, as well as equipment and cleaning agents

11.7. All crew living spaces shall have adequate lighting and ventilation

11.8. Methods of lighting shall not endanger the health or safety of the crewmembers or the safety of the vessel

11.9. Emergency lighting shall be maintained in an efficient operating condition and be tested periodically

11.10. Ventilation systems shall be controlled so as to maintain the air in a satisfactory condition and ensure adequate air movement in all conditions of weather and climate

11.11. Appropriate measures shall be taken, as far as possible, to protect non-smokers from the discomfort caused by tobacco smoke

11.12. All reasonable efforts shall be made to limit noise in accommodation spaces which may interfere with rest

11.13. Fishing vessel owners shall ensure that food carried and served on board is of a sufficient nutritional value and quantity, for the expected needs of the crew including extra food which may be required in the event of an extension of the intended voyage

11.14. Fishing vessel owners shall provide food and water at no cost to the fisher. However, in accordance with flag state laws and regulations, the cost can be recovered as an operational cost if the collective agreement governing a share system or a fisher's work agreement so provides

11.15. Onboard accommodation shall comply with all flag state laws and regulations

12. Free Repatriation of Seafarers

12.1. Fishers have the right to be repatriated on the vessel owner's account once their contract is completed

13. Transparency and Access to Information

13.1. Fishing vessel owners shall ensure that these Guidelines are communicated to all fishers on vessels assigned a PNA-MSC trip number

13.2. Vessel owners shall maintain a copy of these Guidelines on board all vessels

14. Cooperative Implementation

14.1. Pacific and fishing vessel owners shall work cooperatively to implement, monitor and enhance these Guidelines and progressively improve fisher welfare

14.2. Vessel owners shall facilitate annual assessments of vessels by Pacifical, including inspections of living conditions and working environments on board, and fisher surveys training

Pacifical will publish and maintain a list of companies that agree to follow these Social Accountability Guidelines at www.pacifical.com

This is a living document that will be reviewed on a regular basis.

Disclaimer 2017 Pacifical CV reserves the right to amend and alter this code at any time and for any reason.