



At-Sea Operations (ASO) Scope

Draft V2 Social Criteria (including references)

Changes to criterion or added source reference **in red**

Number	Criterion	Sources
Chapter 1: Management System		
1.01	The standard shall require that the entity has a human rights policy in place.	<p>The criterion is taken from the UNGP Section II (The Corporate Responsibility to Respect Human Rights), which requires a policy commitment to meet the responsibility to respect human rights. The policy should reflect the scale, complexity and risk of the operation.</p> <p>The UNGP state (Chapter 16): "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy."</p> <p>The UNGP state (Chapter 14): "The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise's adverse human rights impacts."</p>
1.02	The standard shall require that the human rights policy is communicated to all workers on the fishing vessel and other relevant entity or person, such as managers or agencies, who assume the responsibility or duties for the operation of the fishing vessel or its workers.	The criterion is based on the UNGP, Chapter 16, which requires the policy commitment to be communicated to all personnel and the intent of ILO C188 (such as Art 32) to ensure sufficient procedures for the health and welfare of workers.

	<p>Communication to all workers on the fishing vessel and other relevant entity or person shall be provided in a form and language that the worker understands.</p>	<p>The UNGP state: "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (...) (c) Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services; (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties (...)".</p> <p>ILO C188 Art 32 (2). "...the fishing vessel owner, in accordance with national laws, regulations, collective bargaining agreements and practice, establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned;"</p>
<p>1.03</p>	<p>The standard shall require that clear responsibility is assigned and operational procedures are in place to implement the human rights policy.</p>	<p>The criterion is taken from the UNGP, Chapter 16, which requires the policy to be reflected in operational policies and procedures.</p> <p>The UNGP state: "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (...) (e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise."</p>
<p>1.04</p>	<p>The standard shall require that workers and other personnel receive training on the entity's human rights policy and are made aware of how to access grievance mechanisms if the human rights policy is not upheld. Training is provided to workers and other personnel in a form and language that they understand.</p>	<p>The criterion is taken from the UNGP, Chapter 16, and the 66/137. United Nations Declaration on Human Rights Education and Training, Article 10, which encourages the private sector and other relevant stakeholders to ensure adequate human rights education and training for their staff and personnel.</p> <p>The United Nations Declaration on Human Rights Education and Training states: "Civil society institutions, the private sector and other relevant stakeholders are encouraged to ensure adequate human rights education and training for their staff and personnel." & "Human rights education and training encompasses... (c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others."</p> <p>The UNGP state:</p>

		Internal communication of the statement and of related policies and procedures should make clear what the lines and systems of accountability will be, and should be supported by any necessary training for personnel in relevant business functions.
1.05	The standard shall ensure the human rights policy and its implementation (including training and OHS measures) shall reflect the size and structure of the entity, the type of vessel(s), its operations and level of risk.	<p>The criterion is taken from the UNGP Section II (The Corporate Responsibility to Respect Human Rights), which requires a policy commitment to meet the responsibility to respect human rights. The policy should reflect the scale, complexity and risk of the operation.</p> <p>The UNGP state (Chapter 16): "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy."</p> <p>The UNGP state (Chapter 14): "The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise's adverse human rights impacts."</p>
1.06	The standard shall require that a mechanism is in place for identifying workers and other personnel onboard the fishing vessel.	<p>The criterion reflects ILO188 Art 15.</p> <p>ILO188 states: "Every fishing vessel shall carry a crew list, a copy of which shall be provided to authorized persons ashore prior to departure of the vessel, or communicated ashore immediately after departure of the vessel."</p>
1.07	The standard shall provide guidance as to the evidence required to comply with the standards' requirements.	<p>The criterion reflects standard industry practice as required by ISO 9001.</p> <p>The ISO 9001:2015 states: "4.4.2 To the extent necessary, the organization shall: a) maintain documented information to support the operation of its processes; b) retain documented information to have confidence that the processes are being carried out as planned."</p>

Chapter 2: Legislation

2.01	<p>The standard shall have a procedure for determining under what jurisdiction(s) the audit takes place. The procedure must take into account legally relevant factors, including entity ownership and operations, vessel ownership, at-sea operations and worker nationality.</p>	<p>The criterion is taken from ISO9001 and UNGP, Chapter 23.</p> <p>ISO9001 states: "1. Scope This international standard specifies requirements for a quality management system when an organization: (a) needs to demonstrate its ability to consistently provide products and services that meet customer and applicable statutory and regulatory requirements (...)"</p> <p>The UNGP state: "In all contexts, business enterprises should: (a) comply with all applicable laws (...)"</p>
2.02	<p>The standard shall require that if applicable national legal requirements set a different level of adherence than set by the scheme, the scheme shall require that whichever affords the highest level of adherence for workers is audited against.</p>	<p>The criterion is taken from ISO9001 and UNGP, Chapter 23, which requires compliance with applicable laws. The requirement to apply the highest level of protection is derived from the statement that businesses should honour the principles of internationally recognized human rights.</p> <p>ISO9001 states: "1. Scope This international standard specifies requirements for a quality management systems when an organization: (a) needs to demonstrate its ability to consistently provide products and services that meet customer and applicable statutory and regulatory requirements (...)"</p> <p>The UNGP state: "In all contexts, business enterprises should: (a) comply with all applicable laws (b) Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements (...)"</p>
2.03	<p>The standard shall require the entity and fishing vessel(s) under consideration demonstrate they are legally authorised to fish within the jurisdiction(s) under which the audit is being conducted.</p>	<p>The criterion is based on the UNGP, Chapter 23, which requires compliance with applicable laws.</p> <p>The UNGP state: "In all contexts, business enterprises should: (a) Comply with all applicable laws (...)"</p>

Chapter 3: Freely Chosen Labour

3.01	<p>The standard shall require that all workers enter into employment voluntarily and work agreements allow workers to terminate employment with reasonable notice without penalty.</p>	<p>The criterion is taken from the ILO Declaration on Fundamental Principles and Rights at Work, Art. 2, ILO C105, Art 1 & 2 and ILO C29, Art. 2, which require all work to be voluntary and prohibit the use of any form of forced or compulsory labour. It is also based on ILO C188 Art 16 and the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Declaration on Fundamental Principles and Rights at Work states: Declares that all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:</p> <ul style="list-style-type: none"> (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination <p>ILO C105 states: "Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour"</p> <p>ILO C29 states: "For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. "</p> <p>ILO C188 Art 16 states: "Each Member shall adopt laws, regulations or other measures: (a) requiring that fishers working on vessels flying its flag have the protection of a fisher's work agreement that is comprehensible to them and is consistent with the provisions of this Convention."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
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3.02	<p>The standard shall require that workers are informed about their terms and conditions of work in a form and language that the worker understands at the point of recruitment, where applicable, or before they enter into employment.</p>	<p>The criterion is taken from ILO C095, Art. 14, which requires that workers are informed of the conditions in respect of wages under which they are employed before they enter employment and when any changes take place. It is also based on the CGF Priority Industry Principle (CGF PIP) #3. ILO 188 Art 16 is similarly relevant.</p> <p>ILO C095 states: "Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner-- (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed;"</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p> <p>ILO 188 states: " Each Member shall adopt laws, regulations or other measures: (a) requiring that fishers working on vessels flying its flag have the protection of a fisher's work agreement that is comprehensible to them and is consistent with the provisions of this Convention.."</p>
3.03	<p>The standard shall require that workers have an opportunity to review and seek independent advice on their work agreement before they enter into employment.</p>	<p>The criterion is taken from ILO188 Art 17(a), with particular attention regarding the use of agents.</p> <p>ILO188 states: "Each Member shall adopt laws, regulations or other measures regarding (a) procedures for ensuring that a fisher has an opportunity to review and seek advice on the terms of the fisher's work agreement before it is concluded."</p>
3.04	<p>The standard shall require that all workers have the protection of a documented work agreement that is in a form and language that the worker understands.</p>	<p>The criterion is taken from ILO General principles & operational guidelines for fair recruitment, Chapter III, 8 and ILO C188 Art 16, which require that the terms and conditions of a worker's employment are specified preferably through written contracts and that it is comprehensible to the worker.</p> <p>ILO General principles & operational guidelines for fair recruitment states: "The terms and conditions of a worker's employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements."</p> <p>ILO C188 Art 16 states: "(1). Each Member shall adopt laws, regulations or other measures: (a) requiring that fishers working on vessels flying its flag have the protection of a fisher's work agreement that is comprehensible to them and is consistent with the provisions of this</p>

		Convention”
3.05	The standard shall require that changes to the worker’s work agreement and/or terms and conditions of work be communicated in a form and language that the worker understands and made with the knowledge and voluntary consent of the worker.	<p>The criterion is taken from ILO C095, Art. 14, which requires that workers are informed of the conditions in respect of wages under which they are employed before they enter employment and when any changes take place. It is also based on the CGF Priority Industry Principle (CGF PIP) #3. ILO 188 Art 16 is similarly relevant.</p> <p>ILO C095 states: “Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner-- (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed;”</p> <p>CGF PIP #3 states: “No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed.”</p> <p>ILO C188 Art 16 states: “Each Member shall adopt laws, regulations or other measures: (a) requiring that fishers working on vessels flying its flag have the protection of a fisher’s work agreement that is comprehensible to them and is consistent with the provisions of this Convention.”</p>
3.06	The standard shall require that no employment arrangements (including the use of employment agencies) are used to avoid obligations to workers under applicable national labour and social security laws.	<p>The criterion is taken from ILO C188 Art 34 and ILO R198, Chapter I, 4, which requires combating disguised employment relationships.</p> <p>ILO C188 Art 34 states: “Each Member shall ensure that fishers ordinarily resident in its territory, and their dependants to the extent provided in national law, are entitled to benefit from social security protection under conditions no less favourable than those applicable to other workers, including employed and self-employed persons, ordinarily resident in its territory.”</p> <p>ILO R198 states: “National policy should at least include measures to: (...) (b) combat disguised employment relationships in the context of, for example, other relationships that may include the use of other forms of contractual arrangements that hide the true legal status, noting that a disguised employment relationship occurs when the employer treats an individual as other than an employee in a manner that hides his or her true legal status as an employee, and that situations can arise where contractual arrangements have the effect of depriving workers of the protection they are due;”</p>
3.07	The standard shall require that the entity does not force any person to work under the menace of any penalty or sanction.	The criterion is taken from ILO C105, Art 1 & 2 and ILO C29, Art 1 & 2, which require that workers are not to be forced to work under the menace of any penalty. It is also based on the CGF Priority Industry Principle (CGF PIP) #1

		<p>and 3.</p> <p>ILO C29 states: "For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."</p> <p>ILO C105 states: "Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour"</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
3.08	The standard shall require that no prison labour is used.	<p>The criterion is taken from ILO C29, Art 2, which specifies under which conditions prison labour is not considered a form of forced labour.</p> <p>ILO C29 states: "Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include-- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;"</p>
3.09	The standard shall require that no fees for recruitment (either directly or indirectly, in whole or in part) be borne by applicants or workers; nor shall applicants or workers bear related costs that may lead to situations of forced or compulsory labour.	<p>"The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Human Trafficking & Forced Labour, ii, ILO C181, Art 7, ILO C188 Art 22 and the CGF Priority Industry Principle (CGF PIP) #2, which state that no fee or cost for recruitment shall be charged to the worker.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "ii. Recruitment of Migrant Workers: No fee or cost for recruitment shall be charged directly or indirectly, in whole or in part, to the worker. If an exception is made, it should be in the interest of the workers concerned, and after consulting the most representative organizations of employers and workers. All costs related to recruitment should be disclosed to the workers."</p> <p>ILO C181 states: "Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers. "</p> <p>CGF PIP #2 states:</p>

		<p>"No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p> <p>ILO 188 states: "Each member shall, by means of laws, regulations or other measures: (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..."</p>
3.10	<p>The standard shall require that no monetary deposits, financial or collateral guarantees or personal possessions are demanded as a condition of obtaining or maintaining employment.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, ii, which prohibits the withholding of deposits or documentation and the imposition of financial fees as a means to restrict worker's ability to terminate employment. It is also based on the CGF Priority Industry Principle (CGF PIP) #1, 2 and 3 and ILO Protection of Wages Convention C095.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Employers shall not use means to restrict a worker's ability to terminate employment, for example by requiring deposits, withholding employee documentation, threats or use of violence, imposing financial penalties or requiring payment of recruitment fees."</p> <p>ILO C095 Art 9 states: "Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited."</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p> <p>CGF PIP #2 states: "No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>

N/A	Delete	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iv, which prohibits be held in debt bondage or forced to work for an employer in order to pay off an actually incurred or inherited debt. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Workers shall not be held in debt bondage or forced to work for an employer in order to pay off an actually incurred or inherited debt."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
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3.11	<p>The standard shall require that, if the possibility of advances and loans to workers is provided, then the terms and conditions (including but not limited to corresponding interest rates) shall be documented and provided to workers in a form and language that the worker understands.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iv, which prohibits that loans to employees are used as a means to bind workers to employment and requires that workers are duly informed of loans terms and conditions. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: " (...) wage advances, and loans to employees shall not be used as a means to bind workers to employment. Advances and loans, and deductions from wages made for their repayment, shall not exceed the limits prescribed by national law. Workers shall be duly informed of the terms and conditions surrounding the granting and repayment of advances and loans." and "Workers shall not be held in debt bondage or forced to work for an employer in order to pay off an actually incurred or inherited debt."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
3.12	<p>The standard shall require that where access to stores or services is provided, the entity shall ensure that goods or services are sold or provided at fair and reasonable prices, without the aim of indebting or otherwise coercing the workers concerned. Workers shall not be compelled to make use of stores or services.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iv, which prohibits that loans to employees are used as a means to bind workers to employment and requires that workers are duly informed of loans terms and conditions.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: " (...) (h) Workers shall not be compelled to make use of stores or services operated in connection with an undertaking. Where access to other stores or services is not possible, employers shall ensure that goods or services are sold or provided at fair and reasonable prices, without the aim of indebting or otherwise coercing the workers concerned."</p>
3.13	<p>The standard shall require all workers retain full and complete control over their original copies of their personal documents.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Human Trafficking & Forced Labour, iii, which prohibits confiscating or withholding worker identity documents for the purpose of binding workers to employment. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "iii. Document Retention: (a) Practices such as confiscating or withholding worker identity documents or other valuable items (e.g. work permits and travel documentation) are prohibited. (b) However, if requested by workers, employers may provide secure storage for such documents. Workers must then be free to access them at any time upon request.</p>

		<p>(c) Employers shall not retain personal documents for the purpose of binding workers to employment.””</p> <p>CGF PIP #1 states: “Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions.”</p>
N/A	Delete	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Human Trafficking & Forced Labour, iii, which requires that if employers provide secure storage for identity documents, workers must be free to access them at any time. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: ””(…) if requested by workers, employers may provide secure storage for such documents. Workers must then be free to access them at any time upon request.””</p> <p>CGF PIP #1 states: ”Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions.”</p>
3.14	The standard shall require that if employment agencies are used, that the entity monitors the employment agencies compliance with the relevant standards’ requirements for workers within the unit of assessment and, if applicable, requires remedy of non-conformances.	<p>”The criterion is taken from ILO C181 Art 7, which requires a system of licensing or certification for private employment agencies and from the ILO General principles & operational guidelines for fair recruitment, Chapter B, 15, that require companies to perform due diligence regarding recruitment activities, ensure legal compliance of labour recruiters and having an evaluation procedure of parties involved in recruitment. It also reflects ILO C188 Art 22.</p> <p>ILO C181 states: ””A Member shall determine the conditions governing the operation of private employment agencies in accordance with a system of licensing or certification, except where they are otherwise regulated or determined by appropriate national law and practice.””</p> <p>ILO General principles & operational guidelines for fair recruitment states: “B. Responsibilities of enterprises and public employment services They should undertake due diligence regarding their recruitment activities. (...) enterprises should engage workers only through compliant labour recruiters, including public employment services and private recruitment agencies. Where it is not feasible to verify directly the conduct of all the parties involved in recruitment, there should, at a minimum, be a contractual obligation requiring labour recruiters to work with third parties operating in accordance with legal requirements (...), (...) The enterprise should have in place a procedure for evaluating other parties involved in the recruitment process.”</p>

		ILO C188 Art 22 3(c) states: “(c) determine the conditions under which any licence, certificate or similar authorization of a private recruitment or placement service may be suspended or withdrawn in case of violation of relevant laws or regulations; and specify the conditions under which private recruitment and placement services can operate.”
3.15	The standard shall require that worker's freedom of movement is not unduly restricted beyond their agreed terms and conditions of work and/or applicable national requirements. Terms and conditions should not allow for restriction of movement under the definitions of forced labour.	The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, vii, which prohibits to confine or imprison workers to the workplace or related premises. It is also based on the CGF Priority Industry Principle (CGF PIP) #1. The ILO Guiding Principles to Combat Forced Labour state: "Coercion shall not be used to physically confine or imprison workers to the workplace or related premises, for example employer-operated residences." CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."
3.16	The standard shall require that workers are entitled to timely repatriation in the event that the worker's contract has expired or has been terminated for justified reasons or the worker is no longer able to carry out their duties. This applies to workers aboard the fishing vessel and those who are transferred for the same reasons to a foreign port. The standard shall require the cost of repatriation not be borne by the worker except where the worker has been in serious default of the terms and conditions of their work agreement.	The criterion is taken from ILO C188 Art 21, which states: "1. Members shall ensure that fishers on a fishing vessel that flies their flag and that enters a foreign port are entitled to repatriation in the event that the fisher's work agreement has expired or has been terminated for justified reasons by the fisher or by the fishing vessel owner, or the fisher is no longer able to carry out the duties required under the work agreement or cannot be expected to carry them out in the specific circumstances. This also applies to fishers from that vessel who are transferred for the same reasons from the vessel to the foreign port. 2. The cost of the repatriation referred to in paragraph 1 of this Article shall be borne by the fishing vessel owner, except where the fisher has been found, in accordance with national laws, regulations or other measures, to be in serious default of his or her work agreement obligations."

Chapter 4: Minimum Age

4.01	<p>The standard shall require compliance with the minimum age for work as defined by applicable national legal requirements or the age of completion of compulsory education, whichever is higher.</p> <p>The minimum age for non-hazardous work shall not be less than 16 years. The minimum age for hazardous work shall not be less than 18 years.</p>	<p>The criterion is taken from the ILO188 Art 9 (which establishes the minimum age for work on board a fishing vessel). The exceptions recognise ILO C138, Art. 2 (which establishes the minimum age for work in developing countries) and the draft FAO Guidance on Social Responsibility in Fisheries and Aquaculture Value Chains (which acknowledges small-scale, artisanal/community or family-based fishing activities).</p> <p>ILO 188 states: "The minimum age for work on board a fishing vessel shall be 16 years. However, the competent authority may authorize a minimum age of 15 for persons who are no longer subject to compulsory schooling as provided by national legislation, and who are engaged in vocational training in fishing."</p> <p>ILO C138 states: "The minimum age (...) shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. (...) a Member whose economy and educational facility are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years."</p> <p>FAO Guidance states: "The following specific principles shall be observed to secure compliance with social responsibility based on this guidance: ... (e) recognition and respect of any traditional form of organization, local knowledge, and associated practices, including traditional communities, small-scale fishers, indigenous peoples, ethnic minorities and religion or beliefs."</p>
4.02	<p>The scheme may allow for the following exceptions to minimum age</p> <ul style="list-style-type: none"> (a) Children under the age of 16 may be permitted to perform light work on fishing vessels under the direct supervision of a parent or legal guardian in a business owned and operated by a parent or legal guardian or on a fishing vessel owned and operated by their parent or legal guardian. (b) Children of the age of 14 and/or 15 may be permitted to perform light work in line with applicable national legal requirements if local minimum age law is set at 14 or 15 years of age respectively. 	See sources under 4.01
4.03	<p>The scheme shall require that details on any workers under the age of 16 years that are identified during the audit to be working on the fishing vessel are reported in the audit or assessment report. This shall include but not be</p>	See sources under 4.01

	limited to the nature of work being carried out by any such worker on the fishing vessel.	
4.04	The standard shall require that for any activity performed by workers less than 18 years of age (a) it is not likely to be harmful to the health, safety, morals or development of the worker, (b) it does not prejudice the education of the worker, AND (c) the worker has received the necessary training programme in line with applicable national legal requirements.	<p>The criterion is based on ILO188 Art 9 (1)(3)(5), which provides protections for ensuring the welfare of the child are taken into account.</p> <p>ILO188 Art 9 states: "1. The minimum age for work on board a fishing vessel shall be 16 years. However, the competent authority may authorize a minimum age of 15 for persons who are no longer subject to compulsory schooling as provided by national legislation, and who are engaged in vocational training in fishing. ... 3. The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardize the health, safety or morals of young persons, shall not be less than 18 years. ... 5. The performance of the activities referred to in paragraph 3 of this Article as from the age of 16 may be authorized by national laws or regulations, or by decision of the competent authority, after consultation, on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training and have completed basic pre-sea safety training."</p>
4.05	The standard may allow for training/apprenticeship schemes that are in line with applicable national legal requirements and the specific nature of the duty performed will not have a detrimental impact on the health or well-being of the trainee/apprentice.	<p>The criterion is taken from the ILO R117, chapter X (which establishes the requirements for apprenticeship schemes) and ILO 188 Art 9 (which establishes the minimum age for work on board a fishing vessel).</p> <p>ILO R117 states: "46. Systematic long-term training for a recognised occupation taking place substantially within an undertaking or under an independent craftsman should be governed by a written contract of apprenticeship and be subject to established standards."</p> <p>ILO188 Art 9 states: "1. The minimum age for work on board a fishing vessel shall be 16 years. However, the competent authority may authorize a minimum age of 15 for persons who are no longer subject to compulsory schooling as provided by national legislation, and who are engaged in vocational training in fishing. ... 3. The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardize the health, safety or morals of young persons, shall not be less than 18 years."</p>

4.06	<p>The standard shall require that workers under 18 do not perform work at night or in hazardous conditions. The scheme may allow for exceptions of performing work at night if the specific nature of the duty performed will not have a detrimental impact on the worker's health or well-being.</p>	<p>"The criterion is taken from the ILO C138, Art. 3, which prohibits young persons under 18 years of age to carry out dangerous work and from ILO R190 which considers work at night as dangerous. The exception is taken from ILO 188 Art 9 (6) which provides provisions for work at night under specific conditions.</p> <p>ILO C138 states: "The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years."</p> <p>ILO R190 states: "II. Hazardous work 3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to: (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer."</p> <p>ILO 188 states: "6. The engagement of fishers under the age of 18 for work at night shall be prohibited. For the purpose of this Article, "night" shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. An exception to strict compliance with the night work restriction may be made by the competent authority when: (a) the effective training of the fishers concerned, in accordance with established programmes and schedules, would be impaired; or (b) the specific nature of the duty or a recognized training programme requires that fishers covered by the exception perform duties at night and the authority determines, after consultation, that the work will not have a detrimental impact on their health or well-being."</p>
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4.07	<p>The standard shall require that age verification mechanisms are established for all workers and valid age verification records are maintained.</p>	<p>The criterion is taken from ILO R190, Chapter V, which requires age verification records.</p> <p>ILO R190 states: "The following measures should be taken to facilitate the verification of ages: (b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;"</p>
4.08	<p>The standard shall require that the entity has effective remediation procedures in place in the event child labour is found that does not comply with applicable national legal requirements and/or the standard criteria (through either internal or external sources). These procedures put the best interest of the child first.</p>	<p>The criterion is based on the UNGP, Chapters 15 & 22, which require remediation of any adverse human rights impacts.</p> <p>The UNGP state: "Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes."</p>

Freedom of Association

5.01	<p>The standard shall require that workers have the right to join or form trade unions or other worker organisations of their own choosing - or refrain from doing so - and to advocate and bargain collectively in accordance with applicable national legal requirements without interference by the entity.</p>	<p>The criterion is taken from the ILO Declaration on Fundamental Principles and Rights at Work, ILO C87, Art. 2 and ILO C98 Art 2, which establishes worker's and employees right to establish and join organisations of their own choosing without previous authorisation and R163, Chapter II, which requires the recognizing of representative employers' and workers' organisations for the purposes of collective bargaining;</p> <p>The ILO Declaration on Fundamental Principles and Rights at Work states: Declares that all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.</p> <p>ILO C87 states: "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation."</p> <p>ILO R163 states: "As appropriate and necessary, measures adapted to national conditions should be taken so that (a) representative employers' and workers' organisations are recognised for the purposes of collective bargaining;"</p> <p>ILO C98 Art 2 (1) states: "Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration. (2) In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article."</p>
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5.02	<p>The standard shall require that worker representatives or members of trade unions or other worker organisations are not discriminated against or otherwise penalised by the entity because of their membership in or affiliation with a trade union or worker organisation.</p>	<p>The criterion is taken from the ILO C98, Art. 1, which requires the provision of worker protection against acts of anti-union discrimination and C135, Art. 1 which prohibits the penalisation of worker's representatives based on their status or activities as worker's representatives.</p> <p>ILO C98 states: "Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment."</p> <p>ILO C135 states: "Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements."</p>
5.03	<p>The standard shall require that duly elected worker representatives of trade unions and other worker organisations have the ability to carry out their representative functions in accordance with applicable national legal requirements without impediment by the entity.</p>	<p>The criterion is taken from the ILO C135, Art. 2, which requires appropriate facilities are afforded to workers representatives to enable them to carry out their functions promptly and efficiently and ILO R143 which requires access to all workplaces by workers and trade union representatives.</p> <p>ILO C135 states: "Such facilities in the undertaking shall be afforded to workers' representatives as may be appropriate in order to enable them to carry out their functions promptly and efficiently."</p> <p>ILO R143 states: "Workers' representatives in the undertaking should be granted access to all workplaces in the undertaking, where such access is necessary to enable them to carry out their representation functions." "Trade union representatives who are not employed in the undertaking but whose trade union has members employed therein should be granted access to the undertaking."</p>
5.04	<p>The standard shall require that where there are no legal protections for the right to collective bargaining or freedom of association, the entity engages workers through alternative lawful mechanisms that allow worker representatives to enter into a dialogue about workplace issues.</p>	<p>The criterion is taken from the ILO R163, Chapter II, which requires the facilitation of collective bargaining.</p> <p>ILO R163 states: "2. In so far as necessary, measures adapted to national conditions should be taken to facilitate the establishment and growth, on a voluntary basis, of free, independent and representative employers' and workers' organisations. (...) Measures adapted to national conditions should be taken, if necessary, so that collective bargaining is possible at any level whatsoever, including that of the establishment, the undertaking, the branch of activity, the industry, or the regional or national levels."</p>

5.05	<p>The standard shall require that workers and other personnel are made aware that they have rights to organise and bargain collectively and are made aware of how to access existing workers organisations (where applicable). Communication is provided to workers and other personnel in a form and language that they understand.</p>	<p>The criterion is taken from the United Nations Declaration on Human Rights Education and Training, Article 10, which encourages the private sector and other relevant stakeholders to ensure adequate human rights education and training for their staff and personnel.</p> <p>The United Nations Declaration on Human Rights Education and Training states: "Civil society institutions, the private sector and other relevant stakeholders are encouraged to ensure adequate human rights education and training for their staff and personnel." & "Human rights education and training encompasses... (c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others."</p>
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Worker Remuneration

6.01	The standard shall require that remuneration for work performed meets or exceeds applicable national legal requirements or collective bargaining agreements (where applicable), whichever is higher.	<p>The criterion is not specifically defined in international reference frameworks; however, this is considered necessary to highlight as a specific criterion to protect the variability in legal compensation approaches throughout at-sea operations as well as protect the efforts of bargaining agreements.</p> <p>The GSCP Reference Code, Criterion 6.3 similarly acknowledges "Suppliers must compensate their workers by providing wages, overtime pay, benefits and paid leave which respectively meet or exceed legal minimum and/or industry benchmark standards and/or collective agreements, whichever is higher."</p>
6.02	The standard shall require that remuneration is paid in line with what was agreed at the time of employment regarding regularity, timeliness and completeness. All payments are made directly to the worker in legal tender or into a bank account the worker specifies. Any conversion rate that is applied must be based on current exchange rates and be justifiable.	<p>The criterion is taken from ILO C095, Art. 12, which requires wages to be paid regularly and the Guiding Principles to Combat Forced Labour, Chapter iv, which requires payments to be paid in a timely manner. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award" ... and "Article 3. Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons, or in any other form alleged to represent legal tender, shall be prohibited."</p> <p>ILO Guiding Principles to Combat Forced Labour state: "Wages shall be paid regularly (...). Wage payments shall not be delayed or deferred such that wage arrears accumulate."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p> <p>ILO 188 states: "Each member, after consultation, shall adopt laws, regulations or other measures providing that fishers who are paid a wage are ensured a monthly or other regular payment."</p>
6.03	The standard shall require that all workers (or their delegate) have full and complete control over their earnings, including means to transmit and verify all or part of their payments received, in line with their work agreement.	<p>The criterion is taken from ILO 188 Article 24.</p> <p>ILO 188 states: "Each member shall require that all fishers working on board fishing vessels shall be given a means to transmit all or part of their payments received, including advances, to their families at no cost."</p>

6.04	<p>The standard shall require that all workers are provided with clear details of their remuneration for the pay period concerned each time that they are paid. Remuneration details shall be provided to the worker in a form and language that the worker understands, and where applicable workers are allowed to witness procedures used to make remuneration payments.</p>	<p>The criterion is taken from ILO C095, Art. 14, which requires the provision of information of wages at the time of each payment. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner (...) (b) at the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
6.05	<p>The standard shall require that no deductions from remunerations are made unless permitted by applicable national legal requirements or a collective agreement (where applicable). Prior to consenting to a work agreement, workers are informed about any deductions in writing and in a form and language that the worker understands.</p>	<p>The criterion is taken from ILO C095, Art. 8, which limits the deductions from wages. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
6.06	<p>The standard shall require that no deductions from remuneration are made as a disciplinary measure.</p>	<p>The criterion is based on ILO R085, Art. 1, which requires limitation of wage deductions. It is further taken from the GSCP Reference Code, Criterion 6.5, which states that no deduction shall be made as a disciplinary measure. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO R085 states: "1. All necessary measures should be taken to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family."</p> <p>The GSCP Reference Code states: "Suppliers shall not make any deductions from wages which are unauthorised or not provided for by national law. Suppliers shall not make any deduction from wages as a disciplinary measure."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>

Work and Rest Periods

7.01	<p>The standard shall require that work and rest periods shall: (a) be clearly defined within the work agreement (b) meet all applicable national legal requirements or collective agreements (where applicable) AND (c) demonstrate that appropriate safeguards are taken to protect the worker's health and safety.</p>	<p>The criterion is based on a combination of criteria (including fisher work agreements, grievance mechanisms, barriers to forced labour, etc) and normative references. In order to accommodate the full scale and diversity of the fleet, the focus is on worker empowerment, transparency and OSH rather than limits. The criterion specifically references CGF PIP #3, ILO General principles and operational guidelines for fair recruitment, ILO C188 and GSCP Reference Code.</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p> <p>ILO General principles & operational guidelines for fair recruitment states: "The terms and conditions of a worker's employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements."</p> <p>ILO 188 states: "Each member shall adopt laws, regulations or other measures requiring the owners of fishing vessels flying its flag ensure that: ... (b) fishers are given regular periods of rest of sufficient length to ensure safety and health." and "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: (b) managing the fishers in a manner which respects safety and health, including prevention of fatigue;"</p> <p>ILO C188 Art 14 also states: "1. In addition to the requirements set out in Article 13, the competent authority shall: 1...(b) 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: (i) ten hours in any 24-hour period; and (ii) 77 hours in any seven-day period. 2. The competent authority may permit, for limited and specified reasons, temporary exceptions to the limits established in paragraph 1(b) of this Article. However, in such circumstances, it shall require that fishers shall receive compensatory periods of rest as soon as practicable."</p> <p>The GSCP Reference Code states: "Suppliers shall respect all workers right to breaks during work shifts (...).</p>
N/A	Delete	<p>The criterion is based on ILO 188 Art 13, which provides for rest to ensure health and safety of the fishers and GSCP Reference Code, Criterion 7.4, which requires the respect of workers right to breaks during work shifts.</p> <p>ILO 188 states: "Each member shall adopt laws, regulations or</p>

		<p>other measures requiring the owners of fishing vessels flying its flag ensure that: ... (b) fishers are given regular periods of rest of sufficient length to ensure safety and health."</p> <p>The GSCP Reference Code states: "Suppliers shall respect all workers right to breaks during work shifts (...).</p>
N/A	Delete	<p>The criterion is based on ILO 188 Art 13, which provides for rest to ensure health and safety of the fishers and GSCP Reference Code, Criterion 7.4, which requires the respect of workers right to breaks during work shifts.</p> <p>ILO 188 states: "Each member shall adopt laws, regulations or other measures requiring the owners of fishing vessels flying its flag ensure that: ... (b) fishers are given regular periods of rest of sufficient length to ensure safety and health."</p> <p>The GSCP Reference Code states: "Suppliers shall respect all workers right to breaks during work shifts (...).</p>

Chapter 8: Fair Treatment of Workers

8.01	<p>The standard shall require that equal opportunities and treatment in employment and occupation are respected. Workers shall not be discriminated in recruitment or employment practices based on any legally protected characteristics, and any personal characteristics (such as race, colour, sex, religion, political opinion, nationality or social status) that do not interfere with a worker's ability to do a specific job.</p>	<p>The criterion is based on ILO C111, Art. 1 & 2, which require equal opportunities and treatment in respect of employment and occupation and the elimination of discrimination on the basis of distinctions, exclusions or preferences.</p> <p>ILO C111 states: "(...) the term discrimination includes-- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (...) to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof."</p>
8.02	<p>The standard shall require that measures are in place to prevent the use or threat of corporal punishment, mental or physical coercion, bullying, harassment, including sexual harassment, or abuse of any kind or for any reason.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iii, which prohibits the use or threat of physical or sexual violence, harassment and intimidation against the worker, his/her family or close associates with the aim of coercion. It is also based on the CGF Priority Industry Principle (CGF PIP) #1. It connects with ILO C11 in 8.01 as well.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Employers shall not exact work or service from any person under the menace of any penalty. This includes the use or threat of physical or sexual violence, harassment and intimidation against the worker, his/her family or close associates with the aim of coercion."</p>

		<p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p> <p>ILO C111 states: "(...) the term discrimination includes-- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (...) to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof."</p>
8.03	<p>The standard shall require that disciplinary procedures are in place, do not include sanctions that obligate or coerce workers to work and they are communicated to workers in a form and language that the worker understands.</p>	<p>The criterion is based on the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, v, which prohibits the use of disciplinary measures the result in an obligation to work. The SSCI criterion further operationalises this requirement. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Disciplinary measures should not include sanctions that result in an obligation to work."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
8.04	<p>The standard shall require that records of all disciplinary action are kept.</p>	<p>The criterion is taken from the GSCP Reference Code, Criterion 4.6, which requires written disciplinary procedures and the recording of disciplinary actions.</p> <p>The GSCP Reference Code states: "Suppliers shall establish written disciplinary procedures and shall explain them in clear and understandable terms to their workers. All disciplinary actions shall be recorded."</p>

Chapter 9: Grievance Mechanism

9.01	<p>The standard shall require that there is a process to address complaints or concerns. This grievance mechanism shall be legitimate and easily accessible to all workers, worker organisations and other personnel. Training shall be provided to workers in a form and language that the worker understands.</p>	<p>The criterion is taken from the UNGP, Chapter 30 (which requires that effective grievance mechanisms are available) and Chapter 31 (which requires the grievance process to be clear and known).</p> <p>The UNGP state: "30. Industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available.</p> <p>Effectiveness criteria for non-judicial grievance mechanisms 31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: ... (c) Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;"</p> <p>The criterion also reflects ILO188 Art 17 (3), which states: "Each Member shall adopt laws, regulations or other measures regarding: (c) the means of settling disputes in connection with a fisher's work agreement."</p>
9.02	<p>The standard shall require that investigation into complaints or concerns is legitimate, accessible, equitable and based on engagement and dialogue. Confidentiality shall be maintained wherever necessary and possible.</p>	<p>The criterion is taken from the UNGP, Chapter 31 (which requires the grievance process to be accessible) and based on the UNGP commentary to Chapter 31 (which describes transparency as it balances ways to protect confidentiality where necessary and possible).</p> <p>The UNGP state: "31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: ... (b) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;"</p> <p>UNGP Commentary on Chapter 31 "(e) (...) confidentiality of the dialogue between parties and of individuals' identities should be provided where necessary;"</p>
9.03	<p>The standard shall require that no worker or other personnel that lodged a complaint or concern is disciplined, dismissed or otherwise retaliated against for lodging that complaint or concern.</p>	<p>The criterion is based on the UNGP, Chapter 31, which requires grievance processes to enable trust from stakeholders. Enabling trust implies that workers that lodge a complaint are not disciplined, dismissed or otherwise retaliated against.</p> <p>The UNGP state: "31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: (a) Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;"</p>

Chapter 10: Occupational Health and Safety

10.01	<p>The standard shall require that clear responsibility is assigned and operational procedures are in place for the development, implementation, performance and maintenance of the occupational health and safety management system and the achievement of the relevant occupational health and safety objectives.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.3.2, which requires the allocation of OHS responsibility, accountability and authority for the development, implementation and performance of the OSH management system and reflects ILO 188 Art 8, which allocates the safety responsibilities to the fishing vessel owner and skipper.</p> <p>ILO ILO-OSH 2001 states: "The employer and senior management should allocate responsibility, accountability and authority for the development, implementation and performance of the OSH management system and the achievement of the relevant OSH objectives."</p> <p>ILO 188 Art 8 states: "1. The fishing vessel owner has the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply with the obligations of this Convention. 2. The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel"</p>
10.02	<p>The standard shall require that workers and other personnel are provided safe, healthy and hygienic conditions on board the fishing vessel.</p>	<p>The criterion is not specifically defined in international reference frameworks; however this is considered necessary to highlight the provision of safe, healthy and hygienic conditions as a non-negotiable pre-requisite to the remaining criteria in Chapter 10, particularly for instances where this is not specified within national legal requirements. ILO C188 serves as the formative guiding document in this regard, for example in C188 Art 26. ILO C188 Art 26 states: "Each Member shall adopt laws, regulations or other measures requiring that accommodation on board fishing vessels that fly its flag shall be of sufficient size and quality and appropriately equipped for the service of the vessel and the length of time fishers live on board. In particular, such measures shall address, as appropriate, the following issues: (a) approval of plans for the construction or modification of fishing vessels in respect of accommodation; (b) maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions; (c) ventilation, heating, cooling and lighting; (d) mitigation of excessive noise and vibration; (e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces; (f) sanitary facilities, including toilets and washing facilities, and supply of sufficient hot and cold water; and (g) procedures for responding to complaints concerning accommodation that does not meet the requirements of this Convention."</p>

10.03	<p>The standard shall require that all workers and other personnel are provided with and have access to:</p> <ul style="list-style-type: none"> (a) sanitary facilities with appropriate privacy; (b) potable water of sufficient quality and quantity; AND (c) food of sufficient nutritional value, quality and quantity 	<p>The criterion is taken from ILO 188 Art 25 and Art 27, which require appropriate food and water on board the vessel and Art 26, which requires adequate sanitary facilities appropriate to the vessel operations.</p> <p>ILO 188 states: "Each Member shall adopt laws, regulations or other measures for fishing vessels that fly its flag with respect to accommodation, food and potable water on board..."</p> <p>Each Member shall adopt laws, regulations or other measures requiring that: (a) the food carried and served on board be of a sufficient nutritional value, quality and quantity; (b) potable water be of sufficient quality and quantity...</p> <p>Each Member shall adopt laws, regulations or other measures requiring that accommodation on board fishing vessels that fly its flag shall be of sufficient size and quality and appropriately equipped for the service of the vessel and the length of time fishers live on board. In particular, such measures shall address, as appropriate, the following issues: (a) approval of plans for the construction or modification of fishing vessels in respect of accommodation; (b) maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions; (c) ventilation, heating, cooling and lighting; (d) mitigation of excessive noise and vibration; (e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces; (f) sanitary facilities, including toilets and washing facilities, and supply of sufficient hot and cold water; and (g) procedures for responding to complaints concerning accommodation that does not meet the requirements of this Convention."</p>
10.04	<p>The standard shall require that accommodation (where provided) shall be of sufficient size and quality and appropriately equipped for the service of the fishing vessel and the length of time workers and other personnel live on board.</p>	<p>This criterion is taken from ILO 188 Art 25 and 26, which requires appropriate accommodation at sea.</p> <p>ILO 188 states: "Each Member shall adopt laws, regulations or other measures for fishing vessels that fly its flag with respect to accommodation, food and potable water on board..."</p> <p>Each Member shall adopt laws, regulations or other measures requiring that accommodation on board fishing vessels that fly its flag shall be of sufficient size and quality and appropriately equipped for the service of the vessel and the length of time fishers live on board"</p>

10.05	The standard shall require that if transport to or from the fishing vessel while at sea is provided by the entity , the vessel (including motherships and carrier vessels) used for the transport are fit for purpose .	This criterion is taken from ILO C110, Art. 12, which provides requirements for the transport of workers to the place of employment. ILO C110 states: "1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers. 2. The competent authority shall take all necessary measures to ensure-- (a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded."
10.06	The standard shall require that the fishing vessel and major equipment are registered, inspected and certified in accordance with all applicable national legal requirements. This includes all radio and satellite communications.	The criterion is taken from ILO R164, Chapters II & IV, requiring to provide safe workplaces, including structural features. The criterion also reflects the structural and seaworthiness measures of the Cape Town Agreement and obligations of the skipper under ILO188 Art 8. ILO R164 states: "II. Technical Fields of Action (...) taking into account the principle of giving priority to eliminating hazards at their source, measures should be taken(...) in particular in the following fields: (a) design, siting, structural features, installation, maintenance, repair and alteration of workplaces and means of access thereto and egress therefrom;" "IV. Action at the Level of the Undertaking The obligations placed upon employers (...) might include (...) the following: (a) to provide and maintain workplaces, machinery and equipment, and use work methods which are as safe and without risk to health as is reasonably practicable."
10.07	The standard shall require that the entity ensure minimum levels of manning, qualification and rest periods for the safe navigation and operation of the fishing vessel are identified and adhered to. The entity shall ensure the fishing vessel is under the control of a competent skipper.	The criterion is taken from ILO 188 Art 13-14, which requires the identification and application of minimum crew requirements. ILO 188 states: "Each Member shall adopt laws, regulations or other measures requiring that owners of fishing vessels flying its flag ensure that: (a) their vessels are sufficiently and safely manned for the safe navigation and operation of the vessel and under the control of a competent skipper; and (b) fishers are given regular periods of rest of sufficient length to ensure safety and health. ... (a) for vessels of 24 metres in length and over, establish a minimum level of manning for the safe navigation of the vessel, specifying the number and the qualifications of the fishers required;"
N/A	Delete	The criterion is taken from ILO C155, Art. 16 requiring safe workplaces. This applies specifically to the operating equipment of the vessel. As radio communication is part of the critical vessel equipment, and its functioning critical to the ability to provide sufficient care, ILO 188 Art 30 is also relevant. ILO C155 states: "1. Employers shall be required to ensure

		<p>that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health."</p> <p>ILO 188 states: "...(d) the vessels 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 times; (e) the vessels carry on board a list of radio or satellite stations through which medical advice can be obtained..."</p>
10.08	<p>The standard shall require that all workers and other personnel receive effective health and safety training as required to carry out the duties and responsibilities of the job. Health and safety training is timely and repeated on a regular basis. It shall also be repeated for new and reassigned workers or other personnel and when changes in fishing vessel activities or equipment present new risks. Training is provided to workers and other personnel in a form and language that they understand.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.4, which requires that documented OHS training programs cover all members of the organization and requires refresher training at appropriate intervals.</p> <p>ILO ILO-OSH 2001 states: "... training programmes should: (a) cover all members of the organization, as appropriate; (...) (f) be documented, as appropriate and according to the size and nature of activity of the organization."</p> <p>"provide effective and timely initial and refresher training at appropriate intervals;"</p> <p>ILO 188 Art 32 states: "3. Fishing vessel owners shall: (...) (b) ensure that every fisher on board has received basic safety training approved by the competent authority; the competent authority may grant written exemptions from this requirement for fishers who have demonstrated equivalent knowledge and experience; and (c) 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."</p>

10.09	<p>The standard shall require that health and safety training is provided to all workers and other personnel at no cost. Worker remuneration for training shall be in accordance with their terms and conditions of work.</p>	<p>The criterion is based on the ILO-OSH 2001, Chapter 3.4, which requires training to be provided to all participants at no cost and during working hours, if possible.</p> <p>ILO ILO-OSH 2001 states: "Training should be provided to all participants at no cost and should take place during working hours, if possible."</p>
10.10	<p>The standard shall require onboard procedures for the prevention of accidents, injuries and diseases are in place, taking into account the specific hazards and risks on the fishing vessel concerned. Risk assessments in relation to fishing vessel activities shall be conducted as appropriate to detect and assess potential threats to the health and safety of workers and other personnel, and effective measures are taken to address the findings from the risk assessment.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.10, which requires the identification of hazards and risks to workers and hazard prevention and control procedures and arrangements. It also reflects the intention of ILO 188 Article 32.</p> <p>ILO ILO-OSH 2001 states: "Hazards and risks to workers' safety and health should be identified and assessed on an on-going basis."</p> <p>"Hazard prevention and control procedures or arrangements should be established"</p> <p>ILO 188 states: "2. The competent authority shall: (a) after consultation, require that the fishing vessel owner, in accordance with national laws, regulations, collective bargaining agreements and practice, establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned; and (b) require that fishing vessel owners, skippers, fishers and other relevant persons be provided with sufficient and suitable guidance, training material, or other appropriate information on how to evaluate and manage risks to safety and health on board fishing vessels... Risk evaluation in relation to fishing shall be conducted, as appropriate, with the participation of fishers or their representatives."</p>
10.11	<p>The standard shall require that workers and other personnel have the opportunity to communicate risks and potential threats to the health and safety of themselves and others without fear of recourse.</p>	<p>This criterion is taken from ILO 188 Art 13, which protects workers to identify hazards.</p> <p>ILO 188 states: "A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice."</p>

10.12	<p>The standard shall require that in the event of a health and safety incident on board a fishing vessel,</p> <p>(a) the entity maintains written records</p> <p>(b) the cause of the incident is determined when it occurs, AND</p> <p>(c) appropriate corrective action is taken to prevent recurrence of similar incidents.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.12, which requires the investigation of the origin and underlying causes of work-related injuries, ill health, diseases and incidents and the implementation of corrective actions to prevent its repetition.</p> <p>ILO-OSH 2001 states: "The investigation of the origin and underlying causes of work-related injuries, ill health, diseases and incidents should identify any failures in the OSH management system and should be documented." "The corrective action resulting from such investigations should be implemented in order to avoid repetition of work-related injuries, ill health, diseases and incidents."</p>
10.13	<p>The standard shall require that appropriate and effective personal protective equipment (PPE) and personal floatation devices (PFD) are provided as needed and accessible at all times. PPEs and PFDs shall be provided at no cost to the workers and other personnel. PPEs and PFDs shall be maintained and replaced as necessary. Workers and other personnel shall be instructed and monitored on their proper use.</p>	<p>The criterion is taken from ILO C155, Part IV, Art. 16, which requires the provision of PPEs at no cost to protect from residual risks and measures to ensure its use and maintenance. ILO 188 Art 32 also covers the necessary PPE/PFD requirements specific to at-sea operations.</p> <p>ILO C155 states: "(...) where residual hazards/risks cannot be controlled by collective measures, the employer should provide for appropriate personal protective equipment, including clothing, at no cost, and should implement measures to ensure its use and maintenance."</p> <p>ILO 188 states: "3. Fishing vessel owners shall: (a) ensure that every fisher on board is provided with appropriate personal protective clothing and equipment; (b) ensure that every fisher on board has received basic safety training approved by the competent authority; the competent authority may grant written exemptions from this requirement for fishers who have demonstrated equivalent knowledge and experience; and (c) 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."</p>
10.14	<p>The standard shall require that clear arrangements for providing first aid and medical assistance are in place for any accidents, injuries or sickness that occur on board the fishing vessel.</p>	<p>The criterion is taken from ILO C155, Part IV, Art. 18, which requires the provision of first-aid and medical assistance in the event of accidents; ILO-OSH 2001, which includes the planning and provision of first-aid and medical assistance; and ILO 188 Art 29 and 30, which ILO C155 states: "Emergency prevention, preparedness and response arrangements should be</p>

		<p>established and maintained. (...) They should: (...) (c) address first-aid and medical assistance, (...)"</p> <p>ILO ILO-OSH 2001 states: "Emergency prevention, preparedness and response arrangements should be established and maintained. These arrangements should identify the potential for accidents and emergency situations, and address the prevention of OSH risks associated with them. The arrangements should be made according to the size and nature of activity of the organization. They should: (...) (c) address first-aid and medical assistance, firefighting and evacuation of all people at the worksite; and (...)"</p> <p>ILO 188 states: "Each Member shall adopt laws, regulations or other measures requiring that: (a) fishing vessels 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; (...) (e) 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."</p>
10.15	<p>The standard shall require that the workers are provided with protection, in accordance with applicable national legal requirements, for work-related sickness, injury or death. Where protections are not provided for in legislation, the standard shall require that the entity provides insurance and compensation for work-related sickness, injury or death appropriate to the size and type of vessel, its operations and level of risk.</p>	<p>The criterion is taken from ILO 188 Art 38, which provides measures for sickness, injury or death at sea.</p> <p>ILO 188 states: "1. Each Member shall take measures to provide fishers with protection, in accordance with national laws, regulations or practice, for work-related sickness, injury or death."</p>
10.16	<p>The standard shall require that the entity has a mechanism in place to ensure workers are fit to perform their duties under their work agreement.</p>	<p>The criterion is taken from ILO 188 Art 10, which requires workers are fit to conduct their duties safely at sea.</p> <p>ILO 188 states: "1. No fishers shall work on board a fishing vessel without a valid medical certificate attesting to fitness to perform their duties. 2. The competent authority, after consultation, may grant exemptions from the application of paragraph 1 of this Article, taking into account the safety and health of fishers, size of the vessel, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation."</p>

Chapter 11: Emergency Preparedness

11.01	<p>The standard shall require that appropriate emergency, fire safety, rescue, evacuation and survival procedures are in place.</p>	<p>The criterion is taken from ILO R164, Chapter II, which requires fire prevention measures at the workplace, ILO C155 Art 18, which requires measure to deal with emergencies and accidents and ILO-OSH 2001 Chapter 3.10, which addresses the appropriate measures for appropriate activity.</p> <p>ILO R164 states: "II. Technical Fields of Action (...) measures should be taken (...) in particular in the following fields: (m) prevention of fires and explosions and measures to be taken in case of fire or explosion;"</p> <p>ILO C155 states: "Employers shall be required to provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements."</p> <p>ILO OSH 2001 states: "3.10.3.1. Emergency prevention, preparedness and response arrangements should be established and maintained. These arrangements should identify the potential for accidents and emergency situations, and address the prevention of OSH risks associated with them. The arrangements should be made according to the size and nature of activity of the organization. They should: ... (c) address first-aid and medical assistance, firefighting and evacuation of all people at the worksite;"</p>
11.02	<p>The standard shall require that all workers and other personnel are trained on the emergency, fire safety, rescue, evacuation and survival procedures, including exercises in emergency prevention, preparedness and response. Training is timely and repeated on a regular basis. It shall also be repeated for new and reassigned workers or other personnel and when changes in fishing vessel activities or equipment present new risks. Training is provided to workers or other personnel in a form and language that they understand.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.10, which specifies the provision of emergency training.</p> <p>ILO-OSH 2001 states: "provide relevant information and training to all members of the organization, at all levels, including regular exercises in emergency prevention, preparedness and response procedures."</p>
11.03	<p>The standard shall require that fire exits, escape routes, fire fighting equipment and fire alarms are properly marked according to national and industry standards. Emergency evacuation equipment and survival gear are accessible and of sufficient quantity and quality. Fire exits and escape routes are open, accessible and clear of obstacles so as to permit safe rescue and/or evacuation in case of an emergency.</p>	<p>The criterion is taken from ILO C155, Art. 16, which requires adequate equipment for accidents and illness, and the ILO-OSH 2001, Chapter 3.10, which requires firefighting and evacuation arrangements.</p> <p>ILO-OSH 2001 states: "10.3.1. Emergency prevention, preparedness and response arrangements should be established and maintained. These arrangements should identify the potential for accidents and emergency situations, and address the prevention of OSH risks associated with them. The arrangements should be made according to the size and nature</p>

		<p>of activity of the organization. They should: (...) (c) address first-aid and medical assistance, firefighting and evacuation of all people at the worksite;"</p> <p>ILO 155 Article 16 states: "3. Employers shall be required to provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health."</p>
N/A	Delete	<p>The criterion is taken from ILO C155, Art. 13, which protect the worker right to remove himself from danger.</p> <p>ILO C155 states: "A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice."</p>
11.04	The Scheme Owner shall ensure that nothing in the standard would be deemed to impair the right and duties of the skipper of a fishing vessel or the entity from performing any work necessary for the immediate safety of the fishing vessel, the persons on board, or the purpose of giving assistance to other boats or ships or persons in distress at sea.	<p>This criterion is taken from ILO188 Art 14 (4), which ensures the immediate safety of workers at sea.</p> <p>ILO188 states: "Nothing in this Article shall be deemed to impair the right of the skipper of a vessel to require a fisher to perform any hours of work necessary for the immediate safety of the vessel, the persons on board or the catch, or for the purpose of giving assistance to other boats or ships or persons in distress at sea. Accordingly, the skipper may suspend the schedule of hours of rest and require a fisher to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the skipper shall ensure that any fishers who have performed work in a scheduled rest period are provided with an adequate period of rest."</p>

Business Ethics

12.01	The Scheme Owner shall require that the entity does not engage in any act of corruption, extortion, embezzlement, nor in any form of bribery - either directly or indirectly.	<p>This criterion is based on the OECD Guidelines for multinational enterprises which prohibits enterprises to offer or demand bribes.</p> <p>The OECD Guidelines state: Enterprises should not, directly or indirectly, offer, promise, give, or demand a bribe or other undue advantage to obtain or retain business or other improper advantages. Enterprises should also resist the solicitation of bribes and extortion.</p>
12.02	The Scheme Owner shall require that the entity does not falsify any information regarding their activities, structure and performance and is not involved in any act of misrepresentation in the supply chain.	<p>This criterion is based on the OECD Guidelines for multinational enterprises, which requires information to be disclosed in accordance to high-quality standards.</p> <p>The OECD Guidelines state: "Information should be prepared and disclosed in accordance with high-quality standards of accounting and financial and non-financial reporting."</p>
N/A	Moved to 11.04	<p>This criterion is taken from ILO188 Art 14 (4), which ensures the immediate safety of workers at sea.</p> <p>ILO188 states: "Nothing in this Article shall be deemed to impair the right of the skipper of a vessel to require a fisher to perform any hours of work necessary for the immediate safety of the vessel, the persons on board or the catch, or for the purpose of giving assistance to other boats or ships or persons in distress at sea. Accordingly, the skipper may suspend the schedule of hours of rest and require a fisher to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the skipper shall ensure that any fishers who have performed work in a scheduled rest period are provided with an adequate period of rest."</p>