

# THE CONSUMER GOODS FORUM

## Sustainable Supply Chain Initiative | At-Sea Operations Scope – Social and Scheme Management Criteria | Comments Received from Stakeholders – Due Diligence Report | 26<sup>th</sup> of May 2021

SSCI-GSSI Joint Development

Reflecting Stakeholder Engagement of  
July – September 2020 & January – February 2020<sup>1</sup>

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## SSCI- GSSI Team and Technical Working Group

<b>TWG/Development lead:</b>	Jodie Kuntzsch (Independent Consultant)
<b>SSCI representative:</b>	Thomas van Haaren (Senior Manager) Sairindri Christisabrina (Coordinator)
<b>GSSI representative:</b>	Eva van Heukelom (Technical Manager)

## Technical Working Group Members

Audun Lem / Mariana Toussaint	UN Food and Agricultural Organization (FAO)
Elena Finkbeiner	Conservation International
Sevaly Sen	Fisheries Research Development Corporation (FRDC)
Ernesto Godelman	CeDePesca
Yumi Kawashima	AEON
Prad Kerdpaioj	Thai Union
Stefanie Moreland	Trident
Mike Kraft	Bumble Bee
Stephan Fisher	SeaDelight
Anne Vanderhoeven	Actic Storm
Ashton Meier	Pacific Seafood
Axel Fridriksson	BRIM
Niklas Wehner	Aldi South

## Expert Consultations

Birgitte Poulsen	Consultant (Seafood Slavery Risk Tool)
Matt Tinning	At-Sea Processors
Angel Matamoro Irago & Miguel Angel Tordesillas	Nueva Pescanova
Marcelo Hidalgo	Onboard Social Accountability (OSA)
Juno Fitzpatrick & Alejandro Garcia Lozano	Conservation International

Ally Dingwall & Abi Rushton	Sainsbury's
Randi Ponce	Kroger
Mariah Boyle	Conservation Alliance for Seafood Solutions (CASS)
Julio Moron & team	OPAGAC / AENOR
Hector Martín Fernández Alvarez & team	Bolton Foods
Borja Alonso	ALBACORA

### Public Consultation

Waitrose	Retailer
Co-op	Retailer
Aldi South	Retailer
Oxfam	NGO
Conservation International	NGO
FishWise	NGO
Association of Sustainable Fisheries	NGO
Stockholm Water House (SIWI)	NGO
Marine Stewardship Council (MSC)	Scheme owner
Fair Trade USA (FTUSA)	Scheme owner
Global Seafood Assurances/Global Aquaculture Alliance	Scheme owner
GIZ	Government Agency
Green Leave, Green Life (GLGL)	Consultancy
MRAG	Consultancy
UL	Service Provider
Hilton Food Group	Food producer
Alaska Fisheries Development Organization (AFDF)	

### Scheme Owner Meeting

Virginie Chouzenoux	AIM-Progress
Jeff Regnart	Alaska Seafood Marketing Institute
Raquel Seroa da Motta	amfori
Yakut Oktay	amfori
Anna Stancher	amfori
Juliana Herrera	Fair Trade USA
Avery Siciliano	Global Aquaculture Alliance (GAA)
Dan Lee	Global Aquaculture Alliance (GAA)
Katy Hladaki	Global Seafood Assurances (GSA)
Nolan Quiros	GlobalGAP
Oluyemisi Oloruntuyi	Marine Stewardship Council (MSC)
Sonia Slavinski	Marine Stewardship Council (MSC)
Leah Buckley	Marine Stewardship Council (MSC)
Michael Bacon	Responsible Fishing Scheme (RFS)
Mike Platt	Responsible Fishing Scheme (RFS)
Rochelle Zaid	Social Accountability International
John Brookes	Social Accountability International

#### **Retailers Meeting**

Leon Mol	Ahold Delhaize
Christian Haller	ALDI Nord
Petra Stabauer	ALDI South Group
Niklas Wehner	ALDI South Group
Eric Lemerancier	European Market Distribution
Rita de Brito Martins	Jerónimo Martins
Randi Ponce	Kroger
Veronika Pountcheva	METRO AG
Joe Prosho Morrisons	Morrisons
Ally Dingwall	Sainsbury's
Abi Rushton	Sainsbury's
Huynh Thi Cam Hang	Tan Viet International

Andy Hickman

Tesco

**NGO/Human Right Experts Meeting**

Dominic Thomson

Environmental Justice Foundation

Garrett Okrasinski

FishWise

Jen Cole

FishWise

Annika Mackensen

GIZ

Daniel Murphy

Impactt Ltd

Aurora Oberg

Makaira Advising

Henk Peters

Oxfam

Rapatsa Trirath

Oxfam

Michael Bacon

Seafish

Siti Masithah

STF

Corey Norton

WWF US

David Schorr

WWF/GDST

## Introduction

### A. Summary of stakeholder comments on TWG approach

Throughout the stakeholder consultation phase (and captured in written, 1-1 and group engagements) was a strong recognition of the approach taken by the TWG in developing the benchmark. It is well noted that the criterion clearly and consistently reflected the approach. There also appeared to be an authenticity to how the language was drafted (both the benchmark and consultation) that encouraged stakeholders to speak freely and openly about both positives and negatives they saw within the draft (e.g. no apparent ‘patch protections’ or hidden agendas coming through). As seen below, there were many comments on technical details. However, the feedback shows general support for where we are and encouragement across the full supply chain to fine-tune this benchmark for completion and uptake. No major overhauls or reconsiderations appear necessary.

In particular, the feedback on approach highlighted;

**Expertise.** Fisheries specific expertise of the Technical Working Group was consistently evident, acknowledged and appreciated by stakeholders.

**Comprehensiveness.** Feedback across the board noted the suite of topics covered as positive and important: nothing fundamental was missing. Not that there is no room for improvement (there are certainly tweaks and technical adjustments that could be made), but the benchmark was seen as appropriate in scope and its ability to protect key safety and human rights criteria.

**Accessibility:** The benchmark met a very difficult challenge of allowing for the vast diversity of contexts in which at sea operations occur. Many (although not all) praised the maintenance of universality and flexibility over prescriptiveness and specificity. Some highlighted the benchmark recognition of credible national law and cultural traditions as extremely important to access.

**Worker empowerment:** The worker empowerment thread that runs throughout the benchmark criteria was highly valued by stakeholders. This is reflected in the continued focus on the worker through their specific comments on improvements. Some stakeholders are keen for the benchmark to push further in this space.

**Uptake:** Many questions were already raised about application and implementation for those seeking SSCI recognition. As highlighted by one submitter, the logical organisation and concise drafting will help standard-setters and stakeholders efficiently and accurately prepare for that.

## B. Comments relating to generalised issues/concerns within draft Framework

### 1. Section 1: Overarching Comments

#### a) Scheme Management

##### Auditor Competence

Social auditors for schemes benchmarked under this scope, should have a background in fisheries and aquaculture. Especially when it comes to interviews, where a good understanding of the industry is required for sensitivity (language difficulties, living in isolated space, migrant workers).

Changes and Justification	
None	<p>SSCI recommends keeping the Scheme Management criteria the same between scopes unless a fundamental error or omission would result.</p> <p>SSCI and the ASO TWG have both reviewed the criteria previously and felt Chapter B3 of Scheme Management sufficiently covers auditor competencies, including the technical and best practice knowledge of the relevant industry.</p> <p>For example, B3.04 reads:  <i>The Scheme Owner shall require audit firms that auditor competence is demonstrated on a recurring basis. The competence assessment of lead auditors and audit team members shall include the following:</i></p> <ul style="list-style-type: none"> <li>- an assessment of knowledge of local and national labour and human rights issues and legislation;</li> <li>- an assessment of skills in interviewing workers on human and labour rights issues,</li> <li>- an assessment of knowledge of the relevant sector;</li> <li>- an assessment of the personal attributes of the auditor, to ensure they conduct themselves in a professional manner;</li> <li>- a period of supervision (witnessed audits) to cover specific audit techniques and specific category knowledge;</li> <li>- a documented sign off by the audit firm of the satisfactory completion of assessment requirements.</li> </ul> <p>It may be in future that more determinative expectations are placed on auditor competency, but for now it is accepted as enough.</p> <p>Following the ASO public consultation, SSCI also received feedback from stakeholders on the Primary Production scope public consultation on this point, specifically Scheme Management criteria 3.02. This is covered in detail below.</p>

## Audit Sampling

Benchmarking require a risk based approach for audit sampling. Matrices to assess the risk for sampling, like MSC and ASC have, are very useful for auditors and provide clarity on what is expected. The more clarity can be provided to an auditor, the better.

Changes and Justification	
None	<p>SSCI recommends keeping the Scheme Management criteria the same between scopes unless a fundamental error or omission would result.</p> <p>SSCI and the ASO TWG have both reviewed the criteria previously and felt Chapter B4 of Scheme Management (collectively) offers enough guidance to scheme owners. It was acknowledged by the TWG that bringing that down to an auditor level would be too far for the benchmark. The option for risk-based approaches is available but not required. A similar criterion exists for interview selection.</p> <p>B4.08 reads: <i>The Scheme Owner shall have in place auditing procedures and guidance for multi-site auditing and requires audit firms to apply the methodology consistently, if allowed under the scheme.</i></p> <p>It may be in future that more determinative measures are placed on the scheme owners, but for now it is accepted as enough.</p>

## b) Social Criteria

### Applicability of scope: additional risk-based requirements

#### Comments Public Consultation 1

**Relates to:** 1.01, 3.01, 6.01 10.04, 10.16, 11.01

While generally the openness of the criteria, allowing for different types of operations and vessel sizes under this framework, was much appreciated and encouraged, some consequent concerns were raised. The mentioned stakeholders were concerned certain criteria would adequately apply to most operations, but could lead to abuse for larger (industrial) fleets. Therefore, an additional (more prescriptive) criterion for those operations was recommended. This concerned the following topics in particular: minimum age for industrial fleets, occupation risk assessment, medical certification, repatriation.

Others were in favour of including the mentioning of "depending on the size of .." as done in 10.16 and 11.01, in more criteria.

The practicality of applying this to all vessels as the main issue of the benchmark. Difficult to take the criteria of the benchmark, translate this to a standard and then to a vessel. Especially concerning clauses around safe and sanitary conditions onboard a vessel, she wondered how you could translate it to small scale in a developing country, but also to a large Nordic industrial vessel. Understanding the desire to have one set of criteria for all different sizes of operations, she mentioned it might make sense to have a criterion requiring the scheme owner to specify who the standard applies to. It would make it easier to see if a standard lives up to the benchmark.

#### Specific comments:

Specific examples/topics were mentioned by the stakeholders for the criteria mentioned above. The specific suggestion is marked in a blue box under the relevant criterion.

Changes and Justification	
Various	The TWG recognises the support for an open benchmark – one that ideally has one set of criteria to address the range of operations. However, there are significant variances that if not accommodated could result in underperforming fleets and/or unrealistic expectations on others.
	The TWG accepts the goal is to address the risks associated with vessel size through appropriate scope setting (from the human rights policy and flowing on to all operational and procedural measures throughout the benchmark).
	Discussion needs to be had about where and how this is addressed but will likely be approached in many ways through multiple criteria, starting with 1.01. The TWG will

	<p>consider what is ‘appropriate’ against the size, type and risk of the vessel and its operations, but does not require all criteria to individually specify ‘risk’.</p> <p>Key things to consider:</p> <ul style="list-style-type: none"> <li>- Large vessels should not be held back from where they should be because we are trying to accommodate all vessels</li> <li>- Small vessels could be exempt from administrative components but should not be exempt from performance-based components (at least those that are applicable).</li> <li>- Specific application and exemptions must be listed as part of benchmark options (not in guidance).</li> </ul>
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### **Applicability of scope: exclusion of small-scale fisheries, need for greater flexibility** **Comments Public Consultation 1**

*Relates to: Chapter 1, Chapter 8, Chapter 10.*

#### **Specific comments:**

- "When reading the requirements, it's clear to me that the scope of applicability is exclusive for vessels where there is hired labor. The requirements are written taking into consideration an employer-employee relationship, which is very common in the fishing industry, however, it does not include all of the realities in the industry. Vessels where fishers are self-employed (independent), would not be covered under any of these requirements. We suggest making this very clear in the scope of the requirements. The lack of inclusion of these independent fishers is excluding a large part of the industry. That said, we recognize it is challenging to include independent fishers, who form most of the artisanal fisheries. Therefore, we urge SSCI to be very clear in the communication to buyers and partners, we don't want this initiative to provide market access only to fisheries that are certified under schemes recognized by SSCI, while a large part of the fisheries are not even eligible to receive a certification with this recognition. We think a clear scope and eligibility document would help clarify this. Hopefully SSCI will take as a next step to find ways how to recognize best social practices in independent fisher settings, encourage them, and have market recognition."
- "Although we note the efforts to mention specific criteria which relate to small scale fisheries, we feel that the present scope does not specifically enough refer to the difficulties of small-scale fisheries complying with all these social standards. A small-scale vessel will not have a “human rights policy” or provide trainings. Certainly, this comment will also come from the certification initiatives as these are very challenged by these difficulties. Some try to address by working on group approaches, others on lowering the criteria for them, others again focus on step-by-step improvement programmes. This is

complex and therefore it might require an extra chapter in the ASO scope. It should be addressed in our opinion and not forgotten as it seems in the proposed draft."

- In addition to their component-specific comments, AFDF mentioned there are several criteria that would impose recordkeeping and reporting requirements that could create a significant administrative and financial burden for smaller operations. They ask whether the value of such reporting outweighs the additional burden it will place on small operators.

Change and Justification	
<b>Overall</b>	<p>The TWG recognises clarity for small-scale fisheries (including definitions for and administrative requirements of) would help improve the application of the benchmark overall.</p> <p>Significant discussion was had about whether the benchmark should identify small-scale fishers separately and set exceptions in cases where unintentional barriers could result. For example, there is recognition that many vessels do not have employee/employer relationships and therefore many of the criteria would not apply. There is no intention of excluding those that do not have 'workers' from the recognised schemes.</p> <p>The TWG was also careful to ensure large vessels are not held back from where they should be because we are trying to accommodate all vessels within all criteria. This is a balance debated at length during both the draft and finalisation processes.</p> <p>SSCI accept that the benchmark scheme could allow small vessels exemption from administrative components but should not allow exemption from performance-based components (at least those that are applicable). The human rights awareness, business ethics, and health and safety components (for example) would still apply to a sole operator.</p> <p>During this revision process, the TWG began with discussion regarding risk-based requirements across the benchmark for all vessels (industrial through to small scale). This was reflected in improvement to Chapter 1 (1.01b and 1.06). The TWG also took a very considered approach to all other revisions through specific reflection on the outcome for Artisanal / Small-scale fisheries.</p> <p>In the end, the TWG was torn as how to best accommodate potential nuisances in small scale/artisanal vessels in a reasonable, transparent and consistent way. The TWG agreed that the best way to address this concern was through informed decision making. We currently lack clear industry expectations for this category of social auditing but know that the data collection will evolve as the category matures. Our ability to ground truth the impacts and outcomes of various criteria (and the benchmark overall) on the expectations and performance of small-scale fisheries will most certainly help with defining and adapting the ASO benchmark in future.</p> <p>SSCI and the TWG are comfortable with the benchmark criteria as a starting point for all vessel (the risk of significant exclusion at this point in time was also considered low by the TWG), with the knowledge and experience that they will gain necessary insights going forward.</p>

	Accommodations for small-scale/artisanal fleets will remain a topic for consideration in future revisions of the benchmark.
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## Unclear language or application Comments Public Consultation 1

*Relates to: 1.01, 3.16, 4.01, 4.02, 4.03, 10.07, 10.16, 10.17*

For several components, Stakeholders have indicated there is a lack of clarity due to the phrasing. In most instances, the cloudiness relates to the scope of the criterion, the intent of the criterion or the limits set by the criterion. Please note that it only concerns needs for a language change to provide more clarity, not for any other objective.

### Specific comments:

The criteria for which this lack of clarity exists are **listed in a green box** under the relevant component. In case language change is suggested for other reasons to improve clarity on the scope, intent or limits set, then the proposed text is marked in **purple**.

Changes and Justification	
Various	Improvements in language are noted and addressed under each relevant criterion. (The use of the term 'adequate' in 1.04 is an example.)

## Comments Public Consultation 2

Many criteria refer to "standard", "scheme", "scheme owner", "entity" etc. So the objective of the SSCI standard and how it should be used and by whom is not clear.

Need to define all the different terminologies used in the SSCI document to ensure consistency throughout the document and to make sure who should do what to implement the standard.

Some requirements focus on documentation/record that will be kept by the vessel owner, other documents/records that will only be available at the level of the recruitment agents in the country of origin and finally some element that will need to be checked on the fishing vessel(s). Not clear how such complex process is supposed to be implemented.

SSCI should develop some appropriate procedures to support the practical implementation of this SSCI standard/document, including audit procedure, sampling procedure, qualification of auditors, complaint procedure, periodic review process etc.

Changes and Justification	
Various	SSCI is not a standard and operates as a benchmarking tool for third-party sustainability programmes.

## Illiteracy / Language requirements

### Comments Public Consultation 1

**Relates to:** 1.02, 1.04, Chapter 3, 5.02, 6.04

Several stakeholders mentioned the need for documents and or training to be provided in a language the workers speak, or in case of illiteracy other systems in place to make sure the worker understands. This was mentioned especially for criteria relating to worker empowerment, to appropriately ensure the worker understands his rights.

#### Specific comments:

See criteria

Changes and Justification	
Various	The TWG recognises the details for illiteracy and language were highlighted in the guidance and not in the criteria themselves (it was implied). The TWG will consider creating specific criteria that ensures all communication is comprehensible and defining workers within the requirements as well (this could be through one new overarching criteria or inclusion across a number of existing criteria). References to communication requirements in other criteria will also be checked.

## Reliance on national laws

### Comments Public Consultation 1

**Relates to:** 2.01, 2.02, 3.05, 3.08, 3.09, 3.12, 4.01, 4.02, 4.04, 5.03, 7.03, 10.13, 10.16.

Concern was raised about the reliance on national laws. A common suggestion was that for criteria relying on national law, it should be added that there should be compliance with the standard or applicable national law, "whichever sets the higher expectation".

Under 11.01: "This is the first time it has stipulated where there is no legal requirement in place, the standard will determine the requirements. It is needed throughout the benchmark tool."

However, some mentioned that they were in favor of the reliance on national law for the region/country they operate in. "Given the clarity of jurisdiction, strong coordinated enforcement programs, and transparency of practices that exist within our region, we are concerned with the duplicative burden that may arise as a result of social compliance standards placing additional standards and oversight in our region. Particularly the additional administrative and financial burden the requirements could place on smaller vessels.

Changes and Justification	
2.02	The TWG recognises this issue was of importance to many stakeholders and may require some clarity. The topic of 'whichever sets the higher expectation' and the necessity of relying on national law (pros and cons) will be considered within the overall context of

	Chapter 2 and subsequent references (currently 19 references throughout the benchmark). References to the impact of ‘flags of convenience’ on the ‘softening’ of national laws that applies was a consistent concern. This may see additional criteria added to ensure expectations of checks on jurisdiction and authorised fishing activities within the audit scope are met.
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## Reference to ILO C188

### Comments Public Consultation 1

**Relates to:** 1.01, 1.02, 2.01, 2.02, 3.01, 3.02, 3.04, 3.05, 3.08, 3.09, 3.12, 4.01, 4.02, 4.04, 5.03, 7.03, 10.13, 10.16.

One of the most frequent comments related to a lack of reference to ILO C188 (either that the criteria is not from ILO188 or that the reference to ILO188 is not strong enough). It is mentioned under the specific criteria where this was the case. If provided by the stakeholder, it includes a reference to a specific article.

Changes and Justification	
Various	With the large support for the TWG approach overall, the TWG recognises and accepts there will likely be areas that remain unlinked (directly or indirectly) to ILO C188. However, the TWG also recognises there are opportunities to provide greater clarity through referencing the guiding ILO C188 articles used throughout the benchmark.
	The ASO scope is intended to cover broad interest in human rights practices (in line with the UN Guidelines) of a business and its workers. ILO C188 is a fundamental normative document but is not intended to be incorporated verbatim (ie. If C188 could be used as is for all schemes, we wouldn’t need a benchmark).
	ILO C188 also has a slightly different scope and was not intended to serve as a benchmark document for scheme owners: it’s audience is on a regulatory level. The TWG also seeks to recognise responsible fisheries of non-traditional nature, which may not meet the practices of vessels greater than 24 m (as intended by ILO C188).
	The connection to other SSCI Guiding Principles and normative documents is appropriate for various criterion, so the TWG is comfortable accepting some anomalies between ILO C188 and this benchmark.
	For many of the draft criteria, the TWG ensured they aligned with ILO C188 in intent, but used other normative documents to assist with language or application. It was these later documents that were referenced rather than ILO C188. The TWG recognises this may have been incomplete or suggest ILO C188 was not fully considered during development. The combined utilisation of references will be

	included in future versions so the link between ILO and different components of the benchmark can be made more clearly.
	The consultant will lead capturing all references more comprehensively in the revised benchmark.

## Debt Bondage

### Comments Public Consultation 1

**Relates to:** 3.08, 3.10, 3.11, 13.12, 3.13, 3.14, 3.15

Different stakeholders were concerned with the criteria of chapter 3 that focused on debt bondage. While the intent is supported, allowing anything that could lead to debt bondage would be problematic. Especially retailers emphasized the importance of the employer pays principle in this context, and indicated they would be unable to source from schemes that have not included the employer pays principle in their standard.

Changes and Justification	
Ch3	<p>The TWG recognises this topic spans many criteria within Chapter 3. Criteria relating to employer pays principle and the use of recruitment agents touch on many of the technical issues raised throughout the Chapter. Feedback was not determinative but more focused on ensuring 'what is permissible and what is not' can be clearly seen and meets supply chain expectations.</p> <p>Debt bondage criteria could also have flow on effects in small-scale fisheries so the TWG will keep this in mind through reviewing criteria related to points 1 &amp; 2 above.</p>

## Migrant workers

### Comments Public Consultation 1

**Relates to:** 3.02, 3.03, 9.01

Despite understanding that migrant workers are included in the term "all workers", some stakeholders feel it would be appropriate to specifically mention them for certain criteria. This specifically concerned Chapter 3 on Freely Chosen Labour, since most instances of forced labour concern migrant workers. After explaining the TWG approach here, it did not pose a major issue for most stakeholders. Some suggestions were still given. For example to provide an additional requirement for migrant workers, to make sure they have the same access to worker knowledge as nationals (i.e. providing documentation before they migrate). These are mentioned under the relevant component in the next section.

Changes and Justification	
<b>2.03/ 3.02</b>	<p>The TWG recognised that explicitly identify migratory workers and migratory activities within the criteria could be helpful. This is already implied through the definitions and explanatory notes, but some feel the extra clarity is necessary.</p> <p>This can be done through expanding the definition of ‘worker’ to specify migratory workers, place specific requirements on the standard to include all workers and/or include reference to migratory activities as integral to freely chosen labour. These options will be taken into consideration in discussions for individual criteria.</p>

## Repatriation

### Comments Public Consultation 1

*Relates to: 3.01, 3.16*

Several stakeholders mentioned they could not find any criteria on repatriation. Recommendation to add this to the framework as a requirement, given that it was such an essential part of ILO C188, Article 21 and assuming there is a desire to follow this convention where possible.

#### Specific comments:

- Birgitte Poulson mentioned that fishermen that do not get repatriated, would lead to real concern since this is often part of the complexities around exploitation. Specific criteria needed. Any scheme owner should include this in their standard. If it is mentioned in the benchmark tool, schemes will know to include it in their standard. It is fair to ask scheme owners to include this. Any decent fishing company would provide repatriation.

Changes and Justification	
<b>3.16</b>	<p>The TWG noted that some submitters mentioned the inclusion (or absence of) repatriation measures as it relates to debt bondage but also as a way to provide clarity on how this should be dealt with by scheme owners. The addition of a new criteria to Chapter 3 or expand 3.16 will be considered. The exact language and coverage may be dependent upon the earlier conversations re worker choice, fees and debt bondage.</p>

## OHS coverage

### Comments Public Consultation 1

*Relates to: Chapter 10*

The following topics were mentioned by stakeholders as “missing” under operational health and safety:

1. Crew accommodation areas are maintained in a safe condition, e.g. have fire detectors, are correctly positioned on the vessel, etc.
2. Crew training on dangerous machinery
3. Protective gear for hearing damage

4. Vessel insurance or crew person liability insurance
5. Crew welfare considerations - no mention of crew welfare in general and the need to communicate to family/friends whilst on board. Assumed to be under OHS chapter, but missing the specific mention of that title "living conditions onboard".
6. Access to adequate sanitary facilities and water provided under any circumstances

## Comments Public Consultation 2

*Relates to: Chapter 10*

The following topics were mentioned by stakeholders as “missing” under operational health and safety:

1. Crew training on dangerous machinery

Changes and Justification	
<b>Ch10</b>	<p>The chapter is very large and it may appear to hide some key categories of interest. The TWG will consider chapter subheadings as a way to highlight some of the topics that might have been missed by submitters.</p> <p>With regards to the specific topics above;</p> <ol style="list-style-type: none"> <li>1. Covered in 10.02 and Ch 11</li> <li>2. Covered in 10.09</li> <li>3. Covered in 10.14</li> <li>4. Was decided by TWG as not specifically necessary in benchmark. 10.16 covers worker protection.</li> <li>5. See recommendation above. Applies to all topics generally.</li> <li>6. Covered in 10.02 and 10.03</li> </ol> <p>These will be addressed more fully by the TWG in chapter 10, particularly in light of any changes made to other criteria in the chapter.</p>

## Missing topics

### Comments Public Consultation 1

No comments

### Comments Public Consultation 2

*Relates to: Social Criteria*

The following topics were mentioned by stakeholders as “missing” from the framework:

1. Method of communication by the family and friends (on land) while on board the vessel.
2. Catch traceability and vessel legality requirements to combat possible IUU activities as there is a common link between this and possible forced labour issues aboard the vessel.

### 3. Mitigating the impact of the vessel on the environmental

## c) Approach

### Based on “do no harm” instead of “do good”

#### Comments Public Consultation 1

*Relates to: Part 1 (Scheme Governance) and Part 2 (Scheme Management)*

This part is meagre in our opinion. We feel the overall ASO scope as well as the Man/Pro is very much based on “do no harm” criteria, while we would seek to push companies towards “do good”. This implies e.g actively engaging with local communities, promoting small scale producers inclusion, promoting change in gender relations. These might again be not that applicable in ASO operations (e.g seldomly women are working on vessels), but certainly they are in Man/Pro. Another key area for us is also public transparency and accountability of the involved companies. This implies e.g publishing sustainability reports, have a fair CEO/median pay ratio, engagement in credible Multi stakeholder initiatives, and engagement in influencing local public policies. We refer here to the Oxfam Behind the Barcode scorecard which is assessing performance of leading international retailers on women, workers, small scale producers and transparency and accountability. <https://policy-practice.oxfam.org.uk/publications/behind-the-barcode-supermarket-scorecard-2019-data-620836>

We would like to draw attention to one key criteria also re. involvement of stakeholders. Although we are seeing a good connection to stakeholders in this ASO scope development, we note that this is certainly not (yet) part of the overall GSSI/SSCI projects and CGF overall governance.

Changes and Justification	
None	<p>Some of the issues raised relate to SSCI and/or GSSI generally or to an alternative SSCI scope. The inclusion of criteria that require active engagement with external groups, promotion of social objectives or corporate social responsibility extend beyond activities at sea and beyond the current benchmark scope (for vessel(s) and its workers).</p> <p>SSCI’s goal is to set expectations for schemes through the benchmark (that is how they measure and assess schemes on the ground), rather than company best practice. At this point in time, the benchmark is purely at the beginning stage of establishing a baseline.</p> <p>All the while, SSCI also acts as a platform for any emerging discussions around certification/monitoring/auditing aspects or other social compliance risks that the industry perceives could pose a challenge on sustainability issues in supply chains. SSCI will adopt or modify its launched criteria based on (new) dynamics/risks perceived in the industry but admit that changes cannot always be realised overnight especially on</p>

	<p>very much complex issues of social topics - but we will continue to set and raise the bar of the SSCI criteria progressively through these efforts.</p> <p>CGF is an industry association for retailers and manufacturers in the consumer goods industry. While there is no explicit allocated slot in the governance hierarchy of CGF for stakeholders, stakeholder engagement and involvement have always been among our main core activities at the CGF. Human rights is an ongoing focus of work for the organisation.</p> <p>The TWG accepts the concerns raised here will be considered in future reviews and the comments will be forwarded on to relevant interests within CGF/SSCI.</p>
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## Definition of social issues and ASO scope

### Comments Public Consultation 1

*Relates to: Part 3 (Social Criteria)*

The global tendency to focus "social issues" on labour conditions in facilities and on employed workers only. They noted the ASO scope uses this incomplete focus. Although it is considered understandable that the primary focus of the ASO scope is on workers' rights and working conditions, both the ASO scope and the Manufacturing and Processing scope should include other social issues. These are related to impact of the at-sea activities on the livelihood of coastal communities, for instance the employment of fishermen from the local community on distant water fishing vessels and respect for local communities' customary resources' rights.

For the ASO scope, it was recommended to review the Certification and Ratings Initiative to provide some examples, e.g. criteria 1.2.1. and 1.2.2. <https://certificationandratings.org/>

A few other points that were made about scope were;

- The benchmark should include catch traceability and vessel legality requirements to combat possible IUU activities as there is a common link between this and possible forced labour issues aboard the vessel
- There is currently nothing on mitigating the impact of the vessel on the environment
- There is no provision that the criteria are also valid in the case of subcontracting

### Changes and Justification

<b>2.02b</b>	<p>The TWG recognises the ASO scope is focused on the vessel, its' workers' rights and their working conditions. The TWG also notes this scope issue is not unique for at sea operations; agriculture similarly struggles with the benchmark's reach into community and freshwater impacts.</p> <p>It was agreed impacts on the environment and coastal communities are currently out of scope. However, these issues relate to wider human rights influenced by at sea</p>
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	<p>activities so may play a role in future expansion of the benchmark. The comments will be forwarded on to relevant interests within SSCI to capture this.</p> <p>On the other hand, the TWG felt the IUU link might need further consideration. There is some level of due diligence from the schemes to ensure the operations under consideration are authorised (ie. the vessel is legally authorised, its catch is legally authorised and its crew is legally authorised).</p> <p>With this type of vessel level approach, inclusion of some commonly accepted criteria and/or authorisation checks and balances might be warranted. However, the TWG note that, at the benchmark level, it is important to stay within the scope of scheme owner expectations and ultimately what an auditor could legitimately be expected to do/obtain in evidence.</p> <p>The inclusion of an IUU proxy criteria therefore could strengthen the benchmark by increasing transparency and/or accountability against 'flags of convenience' and weak national legal requirement criteria. This is included as a subpart of criteria 2.02.</p>
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## 2. Section 2: Comment per criterion

### a) Scheme Management

#### Comments Public Consultation 1

##### Chapter 4: Audit Protocol

<b>4.06</b>	<b><i>The audit shall take place during a period when onsite observation can take place, evidence can be collected and interviews can occur. Resulting variations to audit frequency shall be clearly defined and documented.</i></b>
	Why such change? This may give room for audits to take while the operations are not representative, even if onsite observation can take place, evidence can be collected and interviews can occur, and thus.
	Auditors should have experience in the seafood sector, especially considering the needed sensitivity to circumstances of fishermen during worker interviews.

#### Changes and Justification

<b>4.06</b>	<b><i>None.</i></b>
	<p>The TWG felt the current language speaks accurately to the importance of data triangulation (observation, evidence and interviews) of actual at sea activities. It also best reflects the practical aspects of auditing fishing vessels, their operations and access to do so (e.g. finding something that is 'representative' of fisheries inclusive of seasonality, multiple methods/species per vessel, changing crew, etc). In particular, crew interviews were highlighted as highly valuable in gathering insights into activities at sea.</p> <p>The TWG felt auditor competence and expertise is addressed sufficiently through various other criteria (see comments below).</p>

<b>4.07</b>	<p><b><i>DELETED in ASO Scheme Management Criteria</i></b></p> <p><i>The Scheme Owner shall clearly define the expected duration of audits and the rationale for the determination of the duration of the audit that audit firms are required to follow during the audit. The rationale shall at a minimum include the size of the workforce and should include additional criteria that will ensure the effectiveness of the audit such as the physical size of the location to audit, number of locations, nationalities of the workforce, product lines and product categories, etc.</i></p>
	<p>Not having a clear indication on the audit duration or a minimum or some kind of expectation on how the duration will be determined might create room for big fluctuations, "free riders" and audit quality compromise.</p>
	<p>Curious to know why this was deleted as this brings value to companies interested in obtaining a certification as there's transparency about cost. There should be a mechanisms for the scheme owner to require the Conformity Assessment Body to fulfil this requirement. Perhaps this language could be included under B4.12.</p>

Changes and Justification	
<b>4.07</b>	<b><i>None.</i></b>
	<p>The TWG notes the duration of audits could vary widely due to the sheer nature of vessel operations, but also due to the lack of development, experience and precedent in at-sea social standards. Even if a criterion was included to provide expectation on duration, the TWG felt it would be so general as to not add any further rigour to audits under this scope (beyond existing provisions for audit consistency and scheme management).</p> <p>One question raised was whether it wouldn't be wiser to meet the intentions of this criteria (ie. audit consistency) by using another metric (e.g. risk based measures). However, the other criteria in Scheme Management Chapter 4 likely provide for the necessary audit consistency (and protection against quality compromise) sought by the TWG.</p> <p>The criteria cover consistency in</p> <ul style="list-style-type: none"> <li>- programme methodology (B4.01),</li> <li>- site selection (B4.03),</li> <li>- multi-site auditing (B4.08) and</li> <li>- worker interviews (B4.10).</li> </ul> <p>Inclusion of 4.07 would not be necessary.</p>

<b>4.12</b>	<b><i>The Scheme Owner shall require audit firms to have policies and procedures in place to ensure the safety, protection and security of their auditors.</i></b>
	"Procedures in place to prevent any conflict of interest and manage integrity" should also be included
	Why is this exclusive to vessels? Auditors could be threatened in other industries and scenarios (i.e. at factories). Consider including it under the Processing & Manufacturing Scope as well.

#### Changes and Justification

<b>4.12</b>	<i>None.</i>
	<p>The TWG accepted that conflict of interest and credibility aspects are picked up through the independent ISO accreditation of the scheme owner and Accreditation Body (B1.01, B1.03)</p> <p>Reference to other scopes will be passed on to relevant staff within SSCI.</p>

<p><b>3.02</b></p>	<p><i>The lead auditor performing audits for the audit firm shall have the following experience:</i></p> <ul style="list-style-type: none"> <li><i>- a minimum of 1-year experience in social compliance auditing and a minimum of 100 social compliance audit days</i></li> </ul> <p><i>OR</i></p> <ul style="list-style-type: none"> <li><i>- a minimum of 2 years experience in any other type of auditing and 150 audit days of which a minimum of 50 are social compliance audit days. Other audit days may include management system, health and safety, labour inspections, investigations, audit components.</i></li> </ul> <p><i>OR</i></p> <p><b>- a detailed combination of minimum relevant experience in social compliance, trainings, and social compliance audit days that are publicly available and consistent with standard industry practices &amp; norms</b></p>
	<p>SSCI advised they are receiving a lot of pushback from scheme owners in the Primary Production Scope public consultation (currently underway) regarding the auditor competence clause - especially in light of changes to the APSCA criteria and concerns about the ability for auditors to get this year in terms of COVID19.</p> <p>To create a more evergreen version of the Scheme Management B3.02, they are proposing a change for Primary Production and would like to change ASO so they are consistent with the 2 new scopes and then changing the original manufacturing scope later on. Note neither PP or ASO scopes made any edits to this criteria previously.</p> <p>SSCI proposed this new language above.</p> <p>The TWG supports the change and asked to be advised of any further revisions and/or considerations on behalf of the PP TWG or SSCI prior to finalisation. Comment was made regarding the opportunities for building auditor capacity in developing regions, with the general acceptance at the moment that this criteria provides some the incentive (even if not overtly).</p>

## b) Social Criteria

**Green box** - *unclear language* (1.01, 1.06, 3.03, 3.16, 4.01-4.04, 5.03, 9.01, 10.07, 10.16, 10.17)

**Blue box** - *suggested differentiation between different size of operations* (1.01, 3.01, 10.16, 11.01)

**Purple text** - *suggested revision to language* (3.07, 8.02, 8.03, 9.01)

### Chapter 1: Management System

#### Criterion 1.01

##### Comments Public Consultation 1

1.01	<b><i>The standard shall require that a human rights policy is in place</i></b>
	Unclear whether a human rights policy will be required for each vessel, at fishery level or company/vessel owner level?
	Clarify whether/that the policy covers all operations/certified operation
	Guidance or an external reference is necessary here to ensure some level of consistency between schemes
	Include provision of Human Rights Due Diligence Assessment and 4 key steps (assessing actual and potential human rights impacts; integrating and acting on findings; tracking responses; communicating about how impacts are addressed) as described in UN Guiding Principles Reporting Framework.
	Agreed, with reference to “respecting human rights” as a well-defined statement.
	This management system shall explicitly address the sections included within this standard.
	It might be relevant to define agencies in the guidance and to state that brokers and all potential actors at recruitment level are included as well.
	Suggest to include a general sentence in the beginning that international standards or national law applies, whichever is more stringent.
	Suggest policy covers conventions of <b>ILO</b> as a minimum
	While the principle is very welcome and needed, being very prescriptive could create the need for a sophisticated structure with no room for compliance by other simpler means especially for small companies/vessels. Relations to government authorities on obligations to report violations
	Management system can be as complex as decided by the fishery so this is not considered as potentially excluding small-scale fishery.
	Why is national law not allowed for as documentation for compliance? Abundant, credible and robust in low-risk fisheries.
	If at the vessel-level, this is an administrative burden and unreasonable in application. We suggest to consider an alternative formulation that provides greater flexibility for smaller operations. One way we propose this could be accomplished is by explicitly

	providing for greater flexibility within the benchmark (i.e. alternative compliance) based on the size and risk that the fishery presents.
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## Comments Public Consultation 2

<b>1.01</b>	<b><i>The standard shall require that the entity has a human rights policy in place</i></b>
	Is there a definition of what is a human rights policy? Suggest that CGF includes a definition of a human rights policy in the glossary.

Changes and Justification	
<b>1.01</b>	<b><i>The standard shall require that <del>the entity has</del> a human rights policy <del>is</del> in place</i></b>
	<p>The TWG recognised the criteria wasn't clear that the human rights policy can apply to the entity in question (e.g. the company, group of vessels, etc), and should not default to every vessel. However, the communication/training should flow down to the vessel level. This is reflected in the revised text but will be clarified in the guidance as well.</p> <p>Changes to 1.01b are the start to several changes that mark differences between small-scale and industrial fisheries, particularly taking a risk-based approach to the extent of which the policy and its procedures apply. Expectations on large-scale vessels should not be compromised to accommodate small-scale operations.</p> <p>The TWG felt the referenced link to the UNGP provides sufficient direction as to the purpose of the policy (to respect human rights). Recruitment agencies/brokers are identified in communications (1.03) and performance measures (Chapter 3) elsewhere.</p> <p>References to provision of more prescriptive measures in line with the UNGP process were seen as aligned with concerns on forced labour, as the assessment corresponds with the activities addressed in Chapter 3 rather than policy level (as here in 1.01).</p> <p>A definition for "human rights policy" will be added to both the Primary Production and ASO scope glossaries.</p>

## Criterion 1.02

### Comments Public Consultation 1

1.02	<b><i>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.</i></b>
	Ensure the HR-policy has provisions of literacy and communication in multiple languages/a language the worker understands (ILO C188)
	It appears that this takes in the potential scope of supplying vessels, although perhaps could explicitly mention that this requirement extends to all vessels involved in the supply chain, including support vessels, as well as supply vessels also.

## Comments Public Consultation 2

1.02	<b><i>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. 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.</i></b>
	It is not so much the Policy that should be communicated but all relevant procedures that will need to be developed and implemented so that objectives of the Policy can be achieved. Therefore the criterion should be adjusted so that: Policy is made publicly available and all related procedures are communicated to fishers and relevant partners.
	The wording in the criterion refers to "the vessel". However, generally such Policy shall be developed by a vessel owner that may own a large number of fishing vessels. Therefore, I would propose to change "the fishing vessel" for "fishing vessels".

## Changes and Justification

1.02	<b><i>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. Communication to all workers on the fishing vessel and other relevant entity or person shall be provided in comprehensible language(s) and/or medium.</i></b>
	The TWG sees that the definition of workers and procedures for audit scope would set the boundaries for including workers on support vessels appropriately – noting the focus is on at-sea fishing activity. There was agreement that if they are not covered within those definitions (e.g. out of scope), the benchmark does not need to generate criteria to explicitly include them. The benchmark should also be careful to avoid criteria with unintended over-reach.

	<p>In response to feedback on communication (which was mentioned across a number of criteria), the TWG sought to ensure the benchmark provided overt direction regarding communication expectations. The TWG considered creating specific criteria that specified all communication is comprehensible to all workers. Although that would have met the intention, the TWG wanted to see a clear and reinforced approach (particularly to support carry down to auditor level). As such, the phrasing for comprehensible language and/or medium will be used through a number of criteria.</p> <p>Source: ILO C188 Art 32 (1). The requirements of this Article shall apply to fishing vessels of 24 metres in length and over normally remaining at sea for more than three days and, after consultation, to other vessels, taking into account the number of fishers on board, the area of operation, and the duration of the voyage.</p>
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Changes and Justification	
<b>Glossary:</b> Worker	<i>Every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel on behalf of the entity, including (but not limited to) migratory workers, trainee/apprentices and persons working on board who are paid on the basis of a share of the catch.</i>

### Criterion 1.03

#### Comments Public Consultation 1

<b>1.03</b>	<b><i>The standard shall require that clear responsibility is assigned and operational procedures are in place to implement the human rights policy</i></b>
	Agreed, with the request that business enterprises commit to adequate funding to meet its goals and demonstrate continuous improvement.
	Should this be extended to state clear and legal/contractual responsibility?

#### Comments Public Consultation 2

<b>1.03</b>	<b><i>The standard shall require that clear responsibility is assigned and operational procedures are in place to implement the human rights policy.</i></b>
	This criterion should be moved up to 1.02, and then it should be requested that these procedures are communicated to workers on fishing vessels.
	Suggestion to replace "operational procedures" with "due diligence" which is the common standard to which companies implement their policies that address

	environmental and social risks. In addition, due diligence-based legislation is common in many countries (ex. UK, EU forthcoming legislation on environmental and social risk-based due diligence, NL child labour act, etc), including direct reference to due diligence in most National Action Plans on Business and Human Rights. Linking the GSSI-SSCI to the due diligence framework for companies in the agriculture, fisheries and forestry sector can be useful, please see page 22 of the OECD-FAO Guidance, along with section 2 (p.25 Model enterprise policy for responsible agricultural supply chains) and section 3 (p.31 Five-step framework for risk-based due diligence along agricultural supply chains).
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Changes and Justification	
<b>1.03</b>	<i>None</i>
	The TWG felt the benchmark should accommodate sufficient manoeuvrability around legal aspects to account for things like small-scale fishers and multi-national operations. The intent of the criterion is to ensure the policy is put into practice and operational procedures set relatively tangible expectations in that regard (flowing through to auditing evidence and clarity for scheme owners).

#### Criterion 1.04

##### Comments Public Consultation 1

<b>1.04</b>	<b><i>The standard shall require that workers receive adequate training on human rights and are made aware of how to access grievance mechanisms if the human rights policy is not upheld.</i></b>
	The standard shall require that everyone in the enterprise, including management, human resources receive adequate training on HR. Inclusion language “on adequate training” depending on scale.
	Is this intended to be similar to mandatory safety training? Or would placards suffice?
	Include provisions on illiteracy and communication in multiple languages.
	While covered under 1.05, it may be worth describing the grievance mechanism as documented and confidential. This is also contingent on management having up to date information on crew and workers, which may be especially pertinent in the case of distant water fleets.
	There needs to be a consensus on what would be deemed "adequate" training on human rights. Benchmark should not leave any room for interpretation (GIZ).
	It should be possible that the training should be on the policy or procedures rather than on "human rights".

##### Comments Public Consultation 2

1.04	<i>The standard shall require that workers and other personnel receive training on 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.</i>
	Should replace "The standard" by "The Policy and related procedures".
	Training on aspects that are not directly mentioned in the human rights policy, including impacts that companies can have on food security, natural resource depletion, child labour, among others, is also suggested.

Changes and Justification	
1.04	<p><i>The standard shall require that workers <b>and other personnel</b> receive <del>adequate</del> training on <b>the entity's</b> human rights <b>policy</b> and are made aware of how to access grievance mechanisms if the human rights policy is not upheld. <b>Training is provided to workers and other personnel in comprehensible language(s) and/or medium.</b></i></p> <p>The reference to adequate as is already covered via 1.01b ("appropriate to the size and type of vessel(s), its operations and level of risk") so can be removed.</p> <p>The TWG changed human rights to the "entity's human rights policy" to make the connection more specific with 1.01 and to provide better auditor direction.</p> <p>The TWG considered how best to address expectations around training. Public consultation raised comments on several criteria regarding increased clarity. As such, it was decided training should be stated in each criteria to which it applies, rather than a blanket criteria that could leave open gaps. The term "understandable manner" is consistent across SSCI scopes and has been added to the ASO glossary as well.</p> <p>Comments related to scope are addressed elsewhere.</p> <p>As covered in 1.02, the TWG sought to ensure the benchmark provided overt direction regarding communication expectations and believed training was essential to this as well. The same language is therefore pulled through.</p>

## Criterion 1.05

### Comments Public Consultation 1

Included in framework after Public Consultation 1, following the comments on criterion 1.04.

### Comments Public Consultation 2

<b>1.05</b>	<b><i>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.</i></b>
	What criteria is being used to assess “level of risk”? GSA recommends clarifying how the level of risk will be established for each vessel. Is it based on flag state or where the vessel is fishing? Currently the clause is a bit vague.
	Should replace "The standard" by "The Policy and related procedures".
	Also in this criterion it is referred to "the type of vessel(s)" and does not refer to only one fishing vessel. So the different criteria shall be aligned to ensure consistency.
	In order to address risks, it is important that the GSSI-SSCI also addresses the issue of suppliers or subcontracting (both formal and informal) and ways in which it can mitigate risk beyond tier 1 suppliers of lead companies, as illustrated in the OECD-FAO Guidance.
	We understand the criteria but fishing operations are risky by its very nature. To define the level of risk is not necessary

#### Changes and Justification

<b>1.05</b>	<b><i>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.</i></b>
	<p>The TWG considered how to add language to 1.01 that would cover application of the human rights measures throughout the operation. The TWG felt the various references to the value of risk-based procedures and practices reflected positively on that approach and perhaps called attention to giving it its own criteria. The positioning of the criteria together with 1.01 shows the tie from top down, starting at the policy level and flowing from the entity to its vessels and workers.</p> <p>The benchmark does not determine the necessary levels of risk for each standard. The scheme owners are responsible for setting risk appetite. The focus is on transparency of this consideration (as in Chapter 2 as well), which ensures the supply chain is able to see and value together with their own.</p> <p>Comments relating to scope are addressed elsewhere.</p> <p>Source: same as 1.01</p>

#### Criterion 1.06

##### Comments Public Consultation 1

<b>1.06</b>	<b><i>The standard shall require that a mechanism is in place for identifying workers and other personnel while on board the fishing vessel</i></b>
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	Ensure elevation of observers as “other personnel” throughout the benchmark.
	The difficulties associated with verification of this requirement for distant water fleets that resupply by transshipment should be considered.
	Recommend to specify examples in the guidance
	Recommend to provide clarification as to whether this is a reference to the crew list. As currently phrased, it appears to refer to personal id.
	Wording implies that this is about identifying people already on board, when initial verification should be completed as boarding occurs.

## Comments Public Consultation 2

1.06	<b><i>The standard shall require that a mechanism is in place for identifying workers and other personnel onboard the fishing vessel.</i></b>
	Should replace "The standard" by "The Policy and related procedures".

### Changes and Justification

1.06	<b><i>The standard shall require that a mechanism is in place for identifying workers and other personnel while on board the fishing vessel</i></b>
	<p>The TWG noted the slight nuance of ‘while on board’ might connote identity tracking. That is not the intention. The intention is to know who is on the vessel, aligning with the crew list approach of ILO C188 but without specifying that in all instances it must be specified. Many countries will have legal requirements around crew lists, which would sufficiently meet expectations here. As would regulations under ILO C188. Smaller fisheries may have locally based crew identification. This is also acceptable and will be included in the guidance.</p> <p>Observers are the first group identified in the definition of ‘other personnel’. In order to keep all aspects of these groups protected, the TWG felt that singling out groups could unintentionally allow for discounting others (e.g. migratory workers, observers, etc.). For this reason, the TWG sought to use one consistent term throughout the benchmark and ensure the definition was clear and easy to access.</p>

## Criterion 1.07

### Comments Public Consultation 1

1.07	<b><i>The standard shall require that evidence is maintained to demonstrate compliance with the standards’ requirements</i></b>
	Unclear: audit reports? Recordkeeping of pertinent documentation by company/vessel?
	“Evidence” to stipulate the documentation of HR training (via paper trails)
	Please expand on what the intent of this clause is and if this applies to documentation only. For some aspects in determining compliance, there will be a need for worker

	interviews which should remain confidential. This requirement should be clarified or treated separately to include confidential nature of the social compliance material.
	Do the troubles arise from the inclusion of this statement: “to the extent necessary”. Suggest these words to be removed
	Unclear whether this means that the human rights policy in place should exist in writing (which would then also be valid for the rest of Chapter 1).
	The only way to effectively and consistently ensure this is to cultivate safe worker voice mechanisms. We suggest making this a requirement.

## Comments Public Consultation 2

1.07	<b><i>The standard shall provide guidance as to the evidence required to comply with the standards’ requirements.</i></b>
	Suggest revise to better account for intent, i.e. that it’s guidance not required. For example, “shall provide guidance on the types of evidence that can be used to comply with the standard requirements.”
	Suggestions can also include providing guidance as to how enterprises can remediate instances that do not conform with its requirements, and that can support sustainable development

Changes and Justification	
1.07	<p><del>The standard shall require that evidence is maintained</del> <b>provide guidance as to the evidence required to demonstrate compliance</b> <del>comply</del> with the standards’ requirements</p> <p>Feedback shows some confusion about the purpose of this criteria. The TWG previously sought clarification on this criterion from SSCI as well as it was originated from the Processing and Manufacturing scope. They said the point here is about what the SCHEME must have as far as expectations of evidence maintained, not what the auditee evidence must be. The benchmark will not specify what evidence an audit must collect - it needs to stay on the benchmark level. However, there is a need for the benchmark to require scheme owners to set expectations about evidence, particularly in light of the risk-based approach recognised here.</p> <p>The TWG felt the responsibility should focus on guidance, as this mirrors best practice by schemes, CABs and auditors.</p> <p>The modification may seem editorial, as it doesn’t make a big difference technically. The TWG did not see a need for requirements on evidence maintenance. The use of “demonstration” in the same sentence could possibly be read as physical appearance of evidence is necessary in the context, which is not the intent and hence the change.</p> <p>Evidence is essential for the audit, but evidence doesn’t necessarily mean documented evidence. There is the global trend to reduce the requirements on documentation since</p>

	<p>ISO 14001 &amp; 9001 revised the high-level structure of management system and highlighted on this reduction a few years ago.</p> <p>ISO17021 (one of the references in SSCI's system requirements for assurance) summarises of requirements on "evidence" as follows;</p> <ul style="list-style-type: none"> <li>• <i>Need to collect and verify information as evidence during audit through, but not limited to following means</i></li> <li>• <i>Interview</i></li> <li>• <i>observation of the processes and activities</i></li> <li>• <i>review of documents and records</i></li> </ul> <p>The reference to ISO 9001 extends from the associated criteria in Scheme Management, which require the scheme to maintain consistency and quality across audits and auditing firms. This criteria helps pull that through, ensuring expectations are set regarding documentation and evidence, but that they are most appropriately set at the scheme level not the benchmark level.</p>
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## Chapter 2: Legislation

### Criterion 2.01

#### Comments Public Consultation 1

<b>2.01</b>	<b><i>The standard shall have a procedure for determining under what jurisdiction(s) the audit takes place</i></b>
	Not strong enough, since it still allows for flags of convenience / jurisdiction with the minimal requirements. Recommendation to establish that either the strictest legal standard applies or to defer to international standards at minimum.
	Extremely important re: flag states, national port laws, and where the audit takes place. Also important to clarify whether the jurisdiction the audit takes place also refers to where the violation takes place.
	Requested to provide more guidance here, as this is complex for fisheries

#### Comments Public Consultation 2

<b>2.01</b>	<b><i>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.</i></b>
	This criterion is not clear, as to how a "standard" could have "a procedure". I think that "standard" should be changed for "auditing organisation".
	It is also not clear why the relevant jurisdiction shall be defined as this should be SSCI that defines the relevant jurisdiction applicable such as for example the flag of the vessel or the requirements from the sending or receiving countries for migrant fishers.

	Perhaps worth being more explicit that this may refer to multiple jurisdictions (flag, port state) if that's the intent?
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Changes and Justification	
<b>2.01</b>	<i>The standard shall have a procedure for determining under what jurisdiction(s) the audit takes place. <b>The procedure must take into account legally relevant factors, including entity ownership and operations, vessel ownership, at-sea operations and worker nationality.</b></i>
	<p>Several discussions mentioned the use of 'flags of convenience' together with why they are concerned about the reliance on national legal requirements (see comments in 2.02 and Section 1). The TWG felt it was possible to make adjustments to these together to strengthen the benchmark more broadly.</p> <p>By increasing the expectations in 2.01, together with 2.02 and 2.02b edits, the jurisdictional boundaries are more transparent and associated laws (or lack thereof) more strongly covered by the scheme requirements.</p> <p>The TWG recognise that multiple jurisdictions may apply, which is acceptable and accommodated for by the criterion. There would not be a need to have a separate audit or assessment for every jurisdictional combination for the entity.</p>

## **Criterion 2.02**

### **Comments Public Consultation 1**

<b>2.02</b>	<b><i>The standard shall require that all applicable national legal requirements are complied with.</i></b>
	Not strong enough, since it still allows for flags of convenience / jurisdiction with the minimal requirements. Include specification on (international) legal requirements i.e. <b>ILO</b> core conventions (HT, FL, CL).
	Given the nature of international fisheries, this should consider jurisdiction of coastal, flag and port states.
	Should state "that applicant complies with standard or applicable national law, whichever sets the higher expectation".
	Suggest including/explicitly stating that the standard should also require that local labour laws are complied with.
	Unclear how this will be audited
	A number of these requirements would be difficult to audit with any degree of certainty and may stop the standards certification model from gaining full accreditation which would be contrary to section B of this benchmark tool.

## Comments Public Consultation 2

2.02	<b><i>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.</i></b>
	Agree, but this will create a need to benchmark each national regulation prior to the audit. GSA suggests that there shall be a default statement stating that certification to a standard DOES NOT exempt them from their legal obligation in the country where they operate. This updated criterion implies that audit clauses would need to be reviewed and possibly modified in each jurisdiction. If an auditor is now auditing against/checking against the letter of the law, it implies a policing role rather than an auditing role and different liabilities. Voluntary standards programs are supposed to build on legal requirements and their enforcement, not to replace them
	SSCI shall clearly define the terminology used, as the following are not clear: standard? vs scheme? vs legal entity (vessel owner or each fishing vessels?) vs Policy? vs Procedures?
	Legality sounds simple in theory but can be difficult to verify in practice especially on social issues where compliance involves many different government departments. There is the added complexity that the auditor may be from a different country from where the audit is taking place and may not have a full understanding of the laws of the flag state for example.
	As outlined above, it is suggested that the OECD-FAO Guidance for Responsible Agricultural Supply Chains, which also speaks to enterprises in the fisheries sector is referenced by the GSSI-SSCI. As the leading global tool for social and environmental risk mitigation, the OECD-FAO Guidance was developed through a 3 year multi-stakeholder process. It is considered the leading global tool to help companies understand adverse risks and impacts in supply chains, ways to reduce those risks - namely through a 5 step process to due diligence among other tools. Further, it helps companies consider how their efforts can address development challenges, or lower the potential to creating new ones, while respecting the SDGs. The OECD-FAO Guidance is the global sector standard (including fisheries and forestry) linked to the larger OECD Guidelines for Multinational Enterprises, which is commonly referenced in legislation as the tool for companies to lower risk in business conduct. Ensuring coherence with international frameworks and guidance for business, is crucial for lowering risk for companies, and for people.
	We would include the word “reasonably” so that it reads “whichever reasonably affords”

### Changes and Justification

2.02	<b><i>The standard shall require that <del>if</del> 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.</i></b> <del>are complied with.</del>
	The TWG agreed that that the benchmark could be clearer about circumstances that set higher expectation than national legal requirements, particularly since this is references several times throughout the benchmark. They also felt that together with the changes to

	<p>2.01 re flags of convenience, the opportunities to ride through on soft legislation are tightened (or at least much more visible).</p> <p>The issue is also relevant within the Primary Production Scope and hence, the TWG chose to carry over the same wording from that scope.</p> <p>This is not intended to result in auditors serving a policing role and checking against the letter of the law. Schemes should build on legal requirements and their enforcement, not replace them. Scheme owners may want to ensure auditees understand that certification does not exempt them from the law (but that is not something to be considered at the level of the benchmark).</p> <p>Source: The criterion is based on the 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>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> <p>The the OECD-FAO Guidance for Responsible Agricultural Supply Chains is a relevant and informative international framework for this scope. It was referenced generally through the development of the ASO scope (rather than per individual criteria), and as such, not included in the original reference list as it may have appeared to confuse some stakeholders as to why agricultural references were included that weren't quoted in criterion. Since it is already referenced through the Scheme Management section, it was not seen as necessary to duplicate.</p>
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### **Criterion 2.03**

#### **Comments Public Consultation 1**

Included in framework after Public Consultation 1

#### **Comments Public Consultation 2**

<b>2.03</b>	<b><i>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.</i></b>
	It is not clear why each criterion of the SSCI standard makes reference to "the standard"? Do you mean the Policy that was

	<p>developed by the entity (vessel owner) or another standard that should be developed by an auditing organisation? This is not clear as SSCI in the introduction states that:</p> <ul style="list-style-type: none"> <li>- SSCI will not be another social compliance standard</li> <li>- Suppliers cannot be audited or certified against it</li> </ul> <p>So it is not clear why this reference to "the standard" is included and this could be misleading regarding the intent and scope of this SSCI document.</p>
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Changes and Justification	
<b>2.03</b>	<p><i>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.</i></p>
	<p>From Section 1. Criterion 2.01 addresses the legality of the audit that will take place. This criterion addresses the legality of the entity and vessels considered during that audit. The TWG is well aware of the complexity and high-risk issues of various nationalities for fishing vessels and areas (e.g. flags of convenience), it is important to provide this visibility to every audit.</p> <p>Source: 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 Employment

### Criterion 3.01

#### Comments Public Consultation 1

<b>3.01</b>	<p><i>The standard shall require that all workers enter into employment voluntarily and may terminate employment with reasonable notice</i></p>
	<p>Unclear how "reasonable notice" is determined. Example of a worker who wishes to terminate their employment 2 weeks into a 90 day fishing trip, how much guidance will be provided around this?</p>
	<p>It may make sense to define (maximum) "reasonable notice" as this is difficult to ensure in high seas fishing.</p>
	<p>This should be explicit within the contractual arrangements, and involve no fees or deductions beyond any fees associated with repatriation. While this may be implicit in the below sections, it is worth reiterating perhaps. Also perhaps worth requiring that resignation and contract termination records are maintained for at least 1 year.</p>

	Cases where fishing vessels are not scheduled to return to port for many months and repatriating workers that wish to terminate employment would require considerable costs and changes of schedule may cause considerable differences between workers.
	It is not clear whether it can be included in another clause or made separate, but there should be a clear requirement that the vessel operator pays repatriation fees (except in the case of resignation on behalf of the crew members).
	<p>We recommend amending to 'The standard shall require that all workers shall enter into employment voluntarily and <b>contracts state that workers</b> may terminate employment with reasonable notice <b>without penalty</b>.</p> <p>Employment contracts should clearly specify the circumstances in which a worker can terminate his or her contract without penalty, given reasonable notice, and in accordance with national law. The required notice period for workers to terminate their contracts early should not exceed one month or as specified by local law, whichever is shortest. The notice period should be waived in situations where the worker has suffered harassment or abuse, or is a victim of trafficking in persons. In such cases the employer should also be responsible for paying the cost of return transportation for the affected worker.</p> <p>In some contexts, vessel-based workers have been deceived about the length or geographic location of fishing activities. This deception can have serious implications for freedom of movement and the legality of the voyage. In some cases, workers on vessels fishing illegally have been detained in foreign detention centers. Worker contracts should always specify the length of voyage and planned route/destination, as defined in <b>ILO C188 Annex II</b>.</p>
	Unclear why another ILO Convention would be used when <b>ILO C188</b> (art 16) was developed to take these into account for fishing vessel operations / reference to ILO C188 would be appropriate
	Across chapter 3 on Freely Chosen Employment, a criteria could be included that where workers do not speak the native language of the employer, workers are sufficiently provided with translated terms and conditions and appropriately ensure workers understanding their rights.
	This criterion should require that repatriation is provided to all crew that choose to terminate their contract, or have it terminated by the skipper, at no cost to them (unless they are found - according to jurisdictional regulations - to be in serious default of work obligations).
	Are workers rights included in human rights? This should be mentioned in the policy.
	Knowing that forced labour appears on vessels, is it appropriate to not mention this by name?

## Comments Public Consultation 2

3.01	<b><i>The standard shall require that all workers enter into employment voluntarily and work agreements allow workers to terminate employment with reasonable notice without penalty.</i></b>
	We seek clarification on the addition of the phrase “without penalty” that was added from prior version. If this is specific to avoiding situations where costs of repatriation are not covered by the employer or where pay would be withheld? If so, we believe these situations are adequately covered in 3.16 addressing repatriation, 6.06 prohibiting wage deductions for disciplinary measures, and through a number of references to work agreements throughout the benchmark. Recommend delete without penalty as it is adequately addressed elsewhere and is not clear.”
	Why are here the relevant articles from C188 not used? There is no need to repeat C188

### Changes and Justification

3.01	<b><i>The standard shall require that all workers enter into employment voluntarily and <del>work agreements allow workers to may</del> terminate employment with reasonable notice <del>without penalty</del>.</i></b>
	<p>The TWG felt the benchmark should accommodate sufficient manoeuvrability around notice periods, accounting for things like small-scale fishers and high seas operations. The benchmark level does not seek to set limits but rather ensure that the necessary worker protections are in place across them all. That is also why the references for this criterion do indeed align with ILO188 in intent but not in outcome. However, the TWG agreed the Fishwise recommendation provided additional clarity in line with the purpose of the criteria and addressed many of the overarching concerns raised. Reasonable notice is then something that must be defined within the contract and be applied without penalty.</p> <p>However, the TWG also agree that the criterion is really about where pay would be withheld by the employer, so these situations ‘without penalty’ are adequately covered in 3.16 and 6.06.</p> <p>Repatriation is covered in later criteria.</p> <p>The definition of ‘worker’ in the glossary has been revised to include specific reference to migrant worker. See Chapter 1. This ensures migratory workers are highlighted in every reference to worker throughout the benchmark. The TWG also considered adding specific references to migratory workers in individual criteria (such as ‘or undertaking any migratory actions’ to the next criteria). However, the TWG felt that specific reference to migratory workers but not other types of workers could leave open the benchmark for manipulation by allowing for certain ‘workers’ from the definition to be excluded from that criteria because they were not specified.</p>

	Source: ILO C188 Art 16. 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
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### **Criterion 3.02**

#### **Comments Public Consultation 1**

<b>3.02</b>	<b><i>The standard shall require that workers are informed about their terms and conditions of work in a manner understandable to the worker before they enter into employment</i></b>
	Include a procedural requirement to remedy forced labour. You can never certify and assure no forced labour will ever occur, so a policy on remedies should always be in place for when they arise.
	During an audit, it should be clear what could potentially lead to forced labour, even if not happening at the time.
	In the context of the clauses of <b>ILO C188</b> : in language understood by the crew.
	If they are migrating for a job then this information should be provided and the formalisation of the T7C should occur in the home country before travel occurs.
	In addition, workers should be made aware of their rights and responsibilities, both verbally and in writing, at the time of hire including all applicable laws and regulations of their home country, the country where the work is performed, and of any country and jurisdiction contracting the work. Ideally, the employer would have the means to verify that the terms are clearly understood and fully agreed to by the workers. The employer should also evaluate the effectiveness of its training and awareness efforts by measuring employee knowledge upon completion of training and periodically thereafter using surveys, interviews and other means.  <b>ILO C188</b> Annex II states requirements for fisher's work agreements, and Verite's Responsible Sourcing Tool lists the following specifics for contracts for vessel-based workers
	Missing explicit requirement that workers are provided with a copy of the work agreement (art 18, <b>ILO C188</b> ). Guidance should focus on <b>ILO C188</b> , art 16-18.
	It should be specified if this is about the need for contract/fish worker agreements to be in place for workers. The explanatory text provided makes references to freedom of movement?
	Should give an outline of what should be considered in the terms and conditions, e.g. pay, period of work, etc.
	In addition, changes to working conditions should be made with the knowledge of the worker and consent from the changes should be obtained voluntarily. Any changes should not diminish the worker's originally anticipated wages, benefits, or other conditions of work, or place the worker at risk or disadvantage. It is important that

	contracts clearly state the rights and responsibilities of each party regarding the termination of employment. (moved from 3.06)
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## Comments Public Consultation 2

<b>3.02</b>	<b><i>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.</i></b>
	It is not clear how this will be verified. Does it mean that audits will have to take place of the recruitment agents to make sure they have procedures in place covering this requirement? Or what is the procedure that the vessel owner needs to have in place to ensure compliance?

## Changes and Justification

<b>3.02</b>	<b><i>The standard shall require that workers are informed about their terms and conditions of work in <del>a manner understandable to the worker</del> <b>comprehensible language(s) and/or medium at the point of recruitment, where applicable, or before they enter into employment.</b></i></b>
	<p>Clarification of comprehensible language carried through from 1.02 and consistent with ILO188.</p> <p>The TWG agreed that the benchmark needs to stay one level above the standard with regards to specifying what terms and conditions must be met. Several other requirements reference the terms and conditions of work (e.g. working hours in Chapter 9), which cover the baseline expectations for all workers regardless of operations.</p> <p>Guidance should also be added to clarify workers understand the terms, conditions and structure of their work before they commit to undertaking any travel or leave their home country.</p>

## Criterion 3.03

### Comments Public Consultation 1

<b>3.03</b>	<b><i>The standard shall require that workers have an opportunity to review and seek independent advice on their terms and conditions of work before it is agreed.</i></b>
	Agree, and employers with best practices should provide free-of-charge provisions of services to jobseekers
	Really important, however it seems challenging for migrant fishers and illiterate individuals. There should be a specific callout of them.

## Comments Public Consultation 2

3.03	<i>The standard shall require that workers have an opportunity to review and seek independent advice on their work agreement before they enter into employment.</i>
	How this will be verified? Same comment as above

### Changes and Justification

3.03	<i>The standard shall require that workers have an opportunity to review and seek independent advice on their <del>terms and conditions of work</del> <b>agreement</b> before it is <del>agreed</del> <b>they enter into employment.</b></i>
	<p>No technical change required. The TWG notes best practice but are currently focused on the minimum bottom line to ensure the benchmark gets off the ground. At this point in time, it can be a space that the scheme owners and/or NGOs can work with businesses on. A note will be provided to SSCI regarding future improvements in the benchmark.</p> <p>The reference to migrant workers has been addressed through the definition.</p> <p>Change to work agreement is just to align language more consistently across the benchmark.</p>

## Criterion 3.04

### Comments Public Consultation 1

3.04	<i>The standard shall require that work be performed by individuals with a formal verifiable working relationship in accordance with applicable national legal requirements.</i>
	Recommend to require that at least the content set out in <b>ILO C188</b> , annex II, be required (not accepting verbal agreements), in circumstances where a nation does not have applicable legal requirements.
	The written contract should be signed by both employer and employee.
	Unclear whether this just refers to contracts.

### Comments Public Consultation 2

3.04	<i>The standard shall require that all workers have the protection of a documented work agreement that is comprehensible to them.</i>
	C188 article 18 contains better text.

### Changes and Justification

3.04	<p><i>The standard shall require that <del>work be performed by individuals with a formal verifiable working relationship in accordance with applicable national legal requirements</del> all workers have the protection of a documented work agreement that is comprehensible to them.</i></p>
	<p>The goal is to avoid circumstances of forced labour but allow for work under other arrangements (non-traditional employer/employee contracting). It may be acceptable to leave it within the scheme owners responsibility to determine the spirit of this criteria and what auditors would have to collect in terms of evidence to show informal arrangements are working properly.</p> <p>The TWG recommends adding guidance to ensure consistent application of this criteria (e.g. what forms of evidence would be admissible).</p> <p>The TWG also notes the various criteria about checks and balances on the terms and conditions of work provide protection for the worker in the knowledge of and ability to protect those terms and conditions.</p> <p>The secondary clauses to this criterion were added to prevent large scale vessels (and those that should expectedly have written contracts in place) from circumventing the requirement. Due to the endless possibilities that arise globally, the TWG refrains from specifying the length, duration of voyage or number of crew under which specific criteria apply. Rather, the scheme owner is able to determine a transparent risk profile within its own scope.</p> <p>Source: ILO C188 Art 16 (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 Convention</p>

Changes and Justification	
<p><b>Glossary:</b> Work agreement</p>	<p><i>A contract of employment, articles of agreement or other similar arrangement. A work agreement would be expected to identify the terms and conditions of work (including but not limited to work and rest periods and remuneration) in an appropriate, verifiable and easily understandable manner.</i></p> <p><i>The particulars included in work agreements shall be reflective of the size and structure of the entity and type of vessel(s), its operations and level of risk.</i></p>
	<p>The TWG was concerned that 3.01, 3.02 and 3.04 needed more clarity as far as what is the minimum requirement (particularly with regards to written contracts) that would meet expectations. If it is not strict enough, it may undermine the benchmark as it could fall short of protecting the necessary terms and conditions of work throughout. Alternatively, it risks exclusion to some fisheries by over-burdening existing legitimate practices and putting the resulting standard out of</p>

	<p>reach for these fisheries. The TWG felt that rather than develop multiple exclusion criteria that differentiated between fisheries/fishers, it would be more helpful to provide clarity in terms of a definition.</p> <p>The terms and conditions that are expected within the contract span a number of Chapters throughout the benchmark.</p> <p>Source: ILO General Principles and Operational Guidelines for Fair Recruitment, Chapter III, 8</p>
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### **Criterion 3.05**

#### **Comments Public Consultation 1**

Included in framework after Public Consultation 1

#### **Comments Public Consultation 2**

No comments

Changes and Justification	
<b>3.05</b>	<p><i>The standard shall require that changes to the worker's work agreement and/or terms and conditions of work be communicated in comprehensible language(s) and/or medium and made with the knowledge and voluntary consent of the worker.</i></p>
	<p>The criteria above specify the checks and balances each worker has on the terms and conditions of their work. The TWG noted that there was not a check on the changes of the terms, which could be problematic if (for example) the worker was told they had to now work more hours during the trip but they never had an opportunity to agree to that. The ability to protect workers in this instance comes down to protecting the 'voluntary' and 'in advance' nature of changes.</p> <p>Source: 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:</p>

	"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."
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### **Criterion 3.06**

#### **Comments Public Consultation 1**

<b>3.06</b>	<b><i>The standard shall require that no employment arrangements are used in order to void obligations to workers under applicable national labour and social security laws.</i></b>
	Perhaps worth highlighting the potential use of employment agencies
	In circumstances where a nation does not have applicable legal requirements, the benchmark should be clear what will satisfy this requirement (ILO 188) / ILO C188 as a minimum

#### **Comments Public Consultation 2**

<b>3.06</b>	<b><i>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.</i></b>
	We see a potential concern about the possibility of an employer using disguised employment arrangements to subvert their legal obligations. However, the current formulation does not identify any specific/measurable audit objectives beyond assessing compliance with the applicable labour and social security laws. That is, the benchmark has the Standard assess compliance in a positive test where Standard must ensure the assessed entity does meet obligations to workers under applicable laws regardless of the employment arrangement. More clarity is needed on what would need to be audited to comply with 3.06 or we feel this could be eliminated as compliance is covered elsewhere.
	This requirement is not clear and not sure how it will be verified. Do you imply that because a crew member is on a fishing vessel with a specific flag, then the crew member and dependants would be considered to be a resident of this country, that they social insurance and pensions should be paid in the country of the vessel flag? I do not think that this would be practical or even legal, as dependant generally remain in the country of origin and if all social insurance payments were made in another country, how this would work? For example I am not sure that it would be possible for an Indonesian crew member working on a USA Purse Seiner to legally claim that he is a USA resident. I think that this criterion needs to be clarified in its intent.
	This seems to imply that it's only wrong if the employment arrangements were developed with that in mind, rather than an unintended consequence.

	The use of employment agencies can be very important, particularly to get crew from other countries. The way this is phrased here makes it look like employment agencies are all trying to skip national laws. The laws of the flag state should apply. article 22 of C188 refers.
	Reference to social security and insurance aspect are missing from this chapter and should be included.

Changes and Justification	
<b>3.06</b>	<i>The standard shall require that no employment arrangements (including the use of employment agencies) are used in order to void obligations to workers under applicable national labour and social security laws.</i>
	<p>The definition of worker includes migrant, employed, share-fishers, etc to the extent that it covers the national legal requirements applying to all fishers (the intent of ILO188 Art 34). The addition of the employment agencies references strengthens any potential gap for off-loading responsibility.</p> <p>The TWG agreed it was more appropriate to set the standard up for a negative finding rather than providing all (by the use of ‘no’).</p> <p>Guidance may be helpful to clarify that a standard that positively affirms/requires that all national obligations and social security laws be honoured would be acceptable. That is, a standard would not have to specifically have a clause addressing this possible loophole.</p> <p>Source: ILO C188 Art 34. 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>

### Criterion 3.07

#### Comments Public Consultation 1

<b>3.07</b>	<i>The standard shall require that the entity does not force any person to work under the menace of any penalty or sanction.</i>
	Moved to 3.02

#### Comments Public Consultation 2

<b>3.07</b>	<i>The standard shall require that the entity does not force any person to work under the menace of any penalty or sanction.</i>
	I agree with Tom, including debt bondage or any type of slavery

Changes and Justification	
3.07	None

### Criterion 3.08

#### Comments Public Consultation 1

3.08	<b><i>The standard shall require that no involuntary prison labour is used.</i></b>
	We recommend adding: "this standard shall require that no involuntary prison labor <b>or prison labor that violates basic human rights</b> is used.
	In GSA's Responsible Fishing Vessel Standard (RFVS) it is stated as part of the Eligibility Criteria which must be complied with a prerequisite requirements and also a fail-safe if a certified member is subsequently prosecuted if this requirement is not complied with, rationale is that it would be very difficult to audit this on board a vessel. It is therefore not technically part of the Standard criteria but it is part of the certification model. Would this be acceptable by SSCI?
	Why did SSCI decide on the terminology "involuntary prison labor"
	Given the particular situation and context in which fishing operations happen, the difficulty to ensure appropriate safeguards, using prison labor should not be allowed. Even though ILO states that "the use of prison labour is not forced labour, per se. However, prison workers should be hired to companies only on a voluntary basis, and conditions with regard to wages, benefits and occupational safety and health should be comparable to conditions for free workers." We recommend to not allow for voluntary prison labour on fishing vessels as in most cases it might be rather involuntary.
	Whilst this must be a criteria, it would be very difficult to audit this onboard a vessel so it should be part of the declaration ahead of the audit and certification can be removed if evidence is subsequently found.
	Concern about certifying prison labour: suggest to remove "involuntary".

#### Comments Public Consultation 2

3.08	<b><i>The standard shall require that no prison labour is used.</i></b>
	Recommend clarifying if intent is to not allow any prison labour, or only not allow forced prison labour. Currently it's a little unclear as the Sources references outline when prison labour is not forced labour, implying that there are certain conditions where prison labour could be acceptable.
	Clear mention to forced and slave labour could also be helpful.

Changes and Justification	
3.08	<b><i>The standard shall require that no <del>involuntary</del> prison labour is used.</i></b>
	The intent is to not allow any prison labour, even though the reference document accommodates certain conditions where prison labour could be acceptable. The TWG felt

	<p>this was of low risk and concern in at-sea operations and due to the difficulties of trying to manage the ‘voluntary’ nature of the requirement. The terms and conditions (or other criteria more broadly) would largely limit its use in practice and to avoid confusion, ‘no prison labour’ is clarified here.</p> <p>The criterion reference will be updated as well.</p>
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### Criterion 3.09

#### Comments Public Consultation 1

3.09	<p><b><i>The standard shall require that if fees or relates costs are charged (directly or indirectly, in whole or in part) to applicants and workers for services directly related to recruitment, it is ensured that: (a) all fees and costs comply with all applicable national legal requirements (b) all fees and costs are disclosed within the terms and conditions of work (or its application process) before it is agreed AND (c) they do not lead to situations of forced or compulsory labour.</i></b></p>
	<p>This should go further and also reference <b>ILO 188</b>, art 22, specifying that fees should not be borne in whole or part by the fishers (no-fee recruitment).</p>
	<p>Full transparency is essential here, and that any fees are stipulated within the contract, as well as being detailed in payment slips.</p>
	<p>The criteria reads like it would enable circumventing the "employer pays principle (EPP) (<b>ILO C188</b>, Art 3b). Our company (retailer) strictly opposes any forms of contracts/agreements that would allow circumventing this principle. Suggest to focus guidance on ILO C188.</p>
	<p>Should default to the "employer pays principle", which is setting the best practice example from progressive industry and no standard should undermine this (GIZ).</p>
	<p>Unacceptable the way it is currently formulated. The very first entry point for labor abuse often stems from the debt that accumulates due to recruitment fees. <b>ILO C188 (art 12)</b>.</p>

#### Comments Public Consultation 2

3.09	<p><b><i>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.</i></b></p>
	<p>While we understand the need to drive positive change, criterion 3.09 sets out a ‘zero tolerance’ view towards having workers bear any responsibility for recruitment fees and related costs. This is consistent with the letter of C188 but it is not fully aligned with more recent ILO guidance on recruitment fees and related costs which recognizes national authority to determine exceptions (<a href="https://www.ilo.org/global/topics/labour-migration/publications/WCMS_536755/lang--en/index.htm">https://www.ilo.org/global/topics/labour-migration/publications/WCMS_536755/lang--en/index.htm</a>). Criterion 3.09 may be too aspirational given current industry practice and the prevalence of exceptions which are</p>

	allowed in national laws and regulations. Suggest revert back to the text of version 1 which said “3.08 The standard shall require that if fees or related costs are charged (directly or indirectly, in whole or in part) to applicants and workers for services directly related to recruitment, it is ensured that:(a) all fees and costs comply with all applicable national legal requirements (b) all fees and costs are disclosed within the terms and conditions of work (or its application process) before it is agreed and (c) they do not lead to situations of forced or compulsory labour.”
	It would be good to have explicitly define “forced labour” in order to avoid any bias. Using the ILO’s definition as follows: “Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities. Forced labour, contemporary forms of slavery, debt bondage and human trafficking are closely related terms though not identical in a legal sense”

Changes and Justification	
3.09	<p><i>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. The standard shall require that if fees or relates costs are charged (directly or indirectly, in whole or in part) to applicants and workers for services directly related to recruitment, it is ensured that: (a) all fees and costs comply with all applicable national legal requirements (b) all fees and costs are disclosed within the terms and conditions of work (or its application process) before it is agreed AND (c) they do not lead to situations of forced or compulsory labour.</i></p> <p>The TWG does intend to be ambitious on this issue; it is a high profile and priority issue throughout the supply chain. For SSCI and as noted by many submitters, the desired alignment for this criteria is with the CGF's Priority Industry Principles: Fees and costs associated with recruitment and employment should be paid by the employer, not the employee. These were principles that all CGF board members committed to. (GUIDANCE ON THE PRIORITY INDUSTRY PRINCIPLES)</p> <p>The TWG also looked at alignment with Primary Production scope 3.04 “The standard shall require that no fees or related costs are charged (directly or indirectly, in whole or in part) to applicants and workers for services directly related to recruitment that may lead to situations of forced or compulsory labour.”</p> <p>The underlying issue being addressed here is that migrant workers frequently pay fees to agencies and brokers for recruitment and placement in jobs abroad. These fees may cover costs including the recruitment itself, travel, visa and administrative costs, and often other unspecified ‘fees’ and ‘service charges’. These fees are often substantial and are sometimes set up as loans with high rates of interest.</p>

	<p>While some fees may be legally permitted, they can still impoverish or indebt workers, therefore it is important that the standard puts provisions in place to ensure that the payment of recruitment fees do not lead to situations of forced labour. The TWG saw these as two distinct pathways that needed to be protected for workers, hence the “;” approach to the criteria.</p> <p>However, the TWG also notes this criteria only relates to recruitment related fees and any costs that could lead to forced or compulsory labour. It does not intend to create an absolute prohibition on any costs to workers. There are means in which fair, transparent and justifiable costs are passed along to a worker (e.g. PPE that they get to keep later). As such, it is possible for the standard to allow for the charging of non-recruitment related fees if and only if they are not for recruitment purposes and they do not lead to situations of forced or compulsory labour. It is also worth noting that any circumstances like this would need to comply with other criteria (e.g. 3.01, 3.02, 3.09, 3.10 to ensure the worker is protected first and foremost. Scheme owners would absolutely need to clarify under what conditions that could be met.</p> <p>Guidance should be written in alignment with other SSCI scopes to ensure there is a reference for the benchmark assessor as to what is permissible and what is not. Further explanation will be provided in the guidance by way of examples in order to set similar expectations across schemes (possibly Veritae and US register).</p> <p>Source: ILO C188 Art 22 (already included but double check due to referencing here)</p>
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### **Criterion 3.10**

#### **Comments Public Consultation 1**

<b>3.10</b>	<b><i>The standard shall require that no monetary deposits, financial or collateral guarantees or personal possessions are demanded as a condition of employment.</i></b>
	Including to any employment agency.
	In addition, no salary, benefits, property or documents should be withheld in order to force workers to continue working.
	Agree, with <b>ILO C188</b> as the principle ILO Convention
	Appears to contradict 3.08, which allows for deposits as long as they are legal.

#### **Comments Public Consultation 2**

<b>3.10</b>	<b><i>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.</i></b>
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	Not sure how this will be verified and who is legally responsible if the fees are charged by the recruitment agents when the vessel owner already pays the relevant recruitment fees to the agent.
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Changes and Justification	
<b>3.10</b>	<i>The standard shall require that no monetary deposits, financial or collateral guarantees or personal possessions are demanded as a condition of <b>obtaining or maintaining</b> employment.</i>
	<p>Edits to 3.08 clarify some of the concerns here.</p> <p>The TWG agreed that recruitment agencies should be addressed. The inclusion of “obtaining or maintaining” employment aims to reach into the point of recruitment (regardless of who does that) as well as cover ongoing controls at sea (by the employer). This can be covered in guidance as well.</p> <p>The debt bondage is covered in 3.10.</p> <p>Source: Add Reference to Art 9, Protection of Wages convention C095. "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>

### **Criterion 3.10 DELETED**

#### **Comments Public Consultation 1**

<b><del>3.10</del></b>	<b><i>The standard shall require that workers are not held in debt bondage or forced to work by the entity to pay off debts</i></b>
	Change “which prohibits be held” to “which prohibits workers from being held”
	This is covered in the RFVS Eligibility criteria; as such, would it be acceptable as it is part of the certification model?
	Support the intent, but it should be revisited to ensure it is really needed and not duplicating possibly rephrased requirements that would ensure the employer pays principle.
	Redundant is 3.08 is adjusted following suggestion.

#### **Comments Public Consultation 2**

Criterion deleted

Changes and Justification
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<b>3.10</b>	<del><i>The standard shall require that workers are not held in debt bondage or forced to work by the entity to pay off debts</i></del> Delete.
	This is redundant following edits to 3.08. Criteria 3.06, 3.08, 3.09 and 3.11 sufficiently cover the key risks.

### Criterion 3.11

#### Comments Public Consultation 1

<b>3.11</b>	<b><i>The standard shall require that if the possibility of advances and loans to workers is provided, a written policy about the terms and conditions is in place that is communicated to workers in an understandable manner. These terms (and related interest rates) shall not be used to bind workers to employment.</i></b>
	Suggestion to also state that the term of any loan or advance is fair / not higher than from a bank or any other loaning entity
	Include the provision/language that would imply that the content of those agreements would not be abusive or “apparently legal” and therefore used to commit fraud.
	The RFVS does not allow these criteria as any loan is an opportunity for debt bondage. The only time a debt can be recovered is for personal protective equipment if the fisher is classified as a share-fisher who is self-employed and they can take this gear with them if they leave the employment of the vessel.
	Concern that any loan is an opportunity for debt bondage and should only be allowed for personal protective equipment for crew that are share fishers, i.e. self-employed and they can take gear with them when moving vessels.
	Is this saying (which we believe it should) that the loan is on the company to secure, and if a worker leaves then they accept that the money won't be returned if the loan is too high to reasonably pay off?
	Further clarification is needed so this requirement reconciles with 3.10.

#### Comments Public Consultation 2

<b>3.11</b>	<b><i>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.</i></b>
	OK with the new requirements. Safety equipment should be provided free of charge unless they are a share fisher (where they would take the gear they purchase).
	I assume that this requirement will require the recruitment agencies to be audited a part of the audit process.

### Changes and Justification

3.11	<p><i>The standard shall require that, if the possibility of advances and loans to workers is provided, <del>a written policy about</del> then the terms and conditions (including but not limited to corresponding interest rates) shall be documented and provided to workers in comprehensible language(s) and/or medium. <del>is in place that is communicated to workers in an understandable manner.</del> Terms and conditions of the loan should be fair and reasonable and not exceed the limits prescribed by applicable national legal requirements. These terms <del>(and related interest rates)</del> shall not be used to bind workers to employment.</i></p>
	<p>The TWG recognised a need to clarify the communication and understandability for the worker, as well as specifically all out interest rates. The specific reference to ILO's debt bondage Chapter strengthens the second half of the criteria (this was covered in 3.10 previously).</p> <p>Source: Add ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iv, "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>

### **Criterion 3.12**

#### **Comments Public Consultation 1**

3.12	<p><b><i>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.</i></b></p>
	<p>The RFVS does not allow for this to take place as all food on a trip vessel shall be provided by the vessel owner and the employed crew will not be charged for it. If the crew are share fishers they will agree to the share of the catch they received and they will be aware of the vessel's share to cover running costs and the supply of food for the trip. Allowing this clause could allow for some loopholes that could see the crew directly charged for food which again could lead to debt bondage issues if the crew decide to leave.</p>
	<p>The clause on access to stores and services is not aligned with the modifying references exclusive to compensation to victims of forced labor. Correct the reference clauses to that cited below in 3.13 (also a mismatch) - 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. 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." CGF PIP #3 guidance states: "Work should always be performed in accordance with previously and freely agreed upon terms and conditions. This means that</p>

	the worker must know the nature of the tasks to be performed, hours of work, period of employment and rate of pay, amongst other terms, before they start work."
	Rephrase to ensure <b>ILO C188</b> (art 27c) is respected: no cost for food/water charged to fishers unless operating under an agreed share system. Currently unclear what is meant.
	All food on a trip vessel should be provided free of charge. This could allow crew being charged for food leading to debt bondage.
	There needs to be more rigorous guidance around what is "fair and reasonable" because the criterion and notes don't appear to match up with each other.
	Prices/deductions should be transparent and part of the contract
	Unclear how application to fisheries works for this requirement: reframing suggested (e.g. food access for long trips at sea).

## Comments Public Consultation 2

3.12	<b><i>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.</i></b>
	The Responsible Fishing Vessel Standard requires the following, "The RFVS does not allow for this to take place as all food on a trip vessel shall be provided by the vessel owner and the employed crew will not be charged for it. If the crew are share fishers they will agree the share of the catch they received and they will be aware of the vessel's share to cover running costs and the supply of food for the trip. Allowing this clause in could allow for some loopholes that could see the crew directly charged for food which again could lead to debt bondage issues if the crew decide to leave." GSA agrees with the intent of this requirement but the language is very restrictive.
	How would this work on a vessel where, presumably, workers would rely on what was made available to them?

Changes and Justification	
3.12	<b><i>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. <b>Workers shall not be compelled to make use of stores or services.</b></i></b>
	The TWG notes this criterion specifically relates to the circumstances where <u>additional</u> goods and services are provided. A clarifying sentence is provided. The provision of and requirements for adequate food and water while at sea is covered in Chapter 10.  Source: Remove reference to CGF PIP #3

## Criterion 3.13

## Comments Public Consultation 1

3.13	<b><i>The standard shall require that no personal documents or any valuable possessions, such as identity or immigration papers, work permits, or travel documents are confiscated, retained, nor shall workers be required to lodge them with the entity and/or agency.</i></b>
	This will need to be adapted to the realities of many fishing vessels that require workers who can access their documents at any time and immediately where documents are held by the Captain or other personnel.
	Mismatch of standard and reference.
	It is very pertinent given the need for vessels to provide crew documentation at a regular basis as well as safely store them.
	In some cases, sea-faring workers may not have access to foreign ports, even while they retain their personal documents due to legal restrictions. The ILO Seafarers' Identity Documents Convention 2003 (No. 185) lays out guidelines for nationally issued ID documents that sea-farers can use to access foreign ports, which is critical for vessel-based worker well-being, particularly in instances of abuse.
	Value needs to be monetary and sentimental
	Suggest accounting for the exemption in 3.14

## Comments Public Consultation 2

3.13	<b><i>The standard shall require all workers retain full and complete control over their original copies of their personal documents.</i></b>
	It needs to be clearly stated in the criteria or guidance that voluntary storage of fisher's personal documents for safekeeping with the captain during fishing trips is permissible as long as fisher can receive documents upon request. This is common, accepted and legitimate practice on board fishing vessels.
	Add "As well as the work agreement and/or term and conditions of work"

## Changes and Justification

3.13	<del><i>The standard shall require that no personal documents or any valuable possessions, such as identity or immigration papers, work permits, or travel documents are confiscated, retained, nor shall workers be required to lodge them with the entity and/or agency.</i></del> <b><i>The standard shall require all workers retain full and complete control over their original copies of their personal documents.</i></b>
	The TWG felt that clarification between 3.13 and 3.14 was warranted. 3.13 now seeks to address the risk of employers retaining personal documents for the purpose of binding workers to employment. A relatively common practice that can be used to restrict freedom of movement is withholding employees' identity papers, passports, valuable

	<p>possessions (e.g. jewellery, ATM cards) and other documents (e.g. land deeds, diplomas etc.).</p> <p>3.14 had meant to address the optional use of secure storage while at sea, while also protecting the accessibility issues (particularly upon returning to shore). However, this relates to the ability to access and control their own documents, which is now covered in 3.13.</p> <p>Guidance should add a clarifying example/expansion on this stating that if a secure storage option for personal documents and valuable possessions is provided during sea-based work, workers receive their personal documents and valuable possessions once docked or at any time upon request. Also, where the law requires presentation of passports, work permits, or other identity documents by the employer, the employer can access the documents but is required to return them promptly to the worker.</p> <p>Guidance can include reference to PIP: Confiscating, withholding, destroying or otherwise denying workers' access to their identity or immigration documents, including work permits, work agreements and travel documentation (e.g. passports), is prohibited.</p>
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### **Criterion 3.14 DELETED**

#### **Comments Public Consultation 1**

<b>3.14</b>	<b><i>The standard shall require that if a secure storage option for personal documents and valuable possessions is provided, it shall be ensured that it is the choice of the worker to utilise the storage and workers have access to their possessions.</i></b>
	Mismatch of standard and reference
	It is very pertinent given the need for vessels to provide crew documentation at a regular basis as well as safely store them.
	Key point is that safe storage actually needs to be safe and secure, so it will offer protection for the worker's belongings (for instance lockers).
	There should be no ambiguity in workers having access to documents 24/7 and anywhere near or on land the workers should have documents in their possession.

#### **Comments Public Consultation 2**

<b>3.14</b>	<b><i>Deleted</i></b>
	Not sure why the criterion has been deleted. It may be good to explain the reason so that it is clear. Safekeeping of passport is always an issue that this SSCI standard should address.

Changes and Justification	
<b>3.14</b>	<del><i>The standard shall require that if a secure storage option for personal documents and valuable possessions is provided, it shall be ensured that it is the choice of the worker to utilise the storage and workers have access to their possessions. Delete</i></del>
	This criterion is now redundant. See notes in 3.13 above. Voluntary nature is the critical issue here – It is acceptable to give valuables to the skipper for safe keeping (for example) but they must be returned on land. This is specifically connected to protecting freedom of movement (3.16) and is already covered by the adjustments to 3.13. This will be covered in guidance as an example.

### Criterion 3.14

#### Comments Public Consultation 1

<b>3.14</b>	<i>The standard shall require that the entity demonstrates that, when employment agencies are used, they are required to: (a) be licensed or certified by the competent national authority, if applicable, (b) be compliant with applicable national legal requirements, (c) be compliant with the standards' requirement on forced labour and recruitment fees, AND (d) not engage in fraudulent or corrupt recruiting practices, including but not limited to debt bondage and human trafficking.</i>
	Unclear how point C will be assessed. As a buyer, I am concerned not only in the terms under which fishermen have their contracts, but the terms that their contract was advertised to them through an agency. Will the standard seek to provide assurance of the fishermen's journey to the fishery?
	Guidance is missing.
	Reference to <b>ILO definition</b> of recruitment fees in the standard.
	Recruitment for vessel-based workers is sometimes informal which poses a challenge for monitoring and remediating conditions. Therefore formalization of labor supply chains is an important step whenever possible. Where broker registration systems are weak or non-existent, employers should move progressively towards direct hiring or contracting with brokers whose performance has been determined to be ethical through on-going monitoring.  Examples of good practices can be found in Verite's Responsible Sourcing Tool.
	High recruitment fees should be covered.
	Not all countries require licensing or certification in order for a recruitment agency to be legal. Some may simply require registration to establish their legality.

#### Comments Public Consultation 2

<b>3.14</b>	<i>The standard shall require that if employment agencies are used, that the entity monitors the employment agencies compliance with the relevant standards'</i>
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	<b><i>requirements for workers within the unit of assessment and, if applicable, requires remedy of non-conformances.</i></b>
	The previous criterion language is preferred. The language “relevant standards” is very vague and hard to apply to jurisdiction on the high seas.
	The use of the term “non-conformances” that is commonly associated with audits could cause some confusion and imply the entity needs to perform audits of the employment agencies operations. Our reading, which we believe is the intent of the criterion, is that the entity ensures workers in its operation are treated in compliance with the standards’ requirements. Changing last term to “... requires remedy of inconsistencies with the standard” or similar could clarify.
	This criterion shall make it clear if it is required for the Vessel Owner (the entity) to perform second party audits of all the recruitment agencies it uses and whether instead of performing the audit itself it could be delegated to independent third parties such as certification bodies.
	Given the risks associated with agencies and other subcontractors, suggest revising this clause for a clear expectation of conformity? As in, “the entity assumes responsibility for ensuring conformity of the agents with the standard requirements.”
	There isn’t a requirement about defining the unit of assessment but is referenced here and would be useful to define given the interactions with service providers mentioned throughout (agents, transport vessels, etc.)
	A bit unclear on the intent of the last part. Is it intended to refer to remedy for issues around grievances or corrective actions to close out non-conformities?

Changes and Justification	
<b>3.14</b>	<p><i>The standard shall require that <del>the entity demonstrates that, when if</del> employment agencies are used, <del>that the entity has in place mechanisms to monitors, measure and remedy</del> they are required to: (a) be licensed or certified by the competent national authority, if applicable, (b) be compliant with applicable national legal requirements, (c) <del>be the employment agencies compliance</del> compliant with the relevant standards’ requirements on forced labour and recruitment fees, AND (d) not engage in fraudulent or corrupt recruiting practices, including but not limited to <del>and debt bondage and human trafficking</del>. <b>for workers within the unit of assessment and, if applicable, requires remedy of non-conformances.</b></i></p> <p>The TWG saw changes to this criteria necessary to align with the updated approach across Chapter 3. There was also a focus on closing potential gaps within the standard, beyond just recruitment fee related concerns.</p> <p>The directive to the entity to provide the checks and balances on recruiters provides cover in the event ILO C188 does not applied (ie. non-ratifying jurisdictions). It also shifts the responsibility and audit expectations onto the entity, which better aligns with the rest of the benchmark.</p>

	<p>The use of terms like ‘unit of assessment’ and ‘non-conformances’ made the criterion sound like auditing (even by a 3<sup>rd</sup> party) was required. This was not the intention.</p> <p>Recruitment fees are addressed through the edits to 3.08.</p> <p>Source: Remove CGF PIP #3. Add ILO C188 Art 22 3(c). (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.</p>
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### Criterion 3.15

#### Comments Public Consultation 1

3.15	<b><i>The standard shall require that worker’s freedom of movement is not restricted beyond their agreed terms of conditions of work and/or applicable national requirements</i></b>
	If this is a reference to the physical limitations of vessel size and the lack of proximity to land then this criterion should be reworded a bit.
	Terms and conditions should not be unduly restrictive.
	Terms and conditions should not allow for restriction of movement under the definitions of forced labour.
	Vessel-based workers should have the right to repatriation at no cost to themselves when their employment agreement expires, in the event of illness or injury, or in the event of ship-wreck or foundering. It is also important that vessel-based workers should be allowed to access ports on a regular basis.
	Clarity what will be the minimum requirement when national legal requirements are nonexistent.

#### Comments Public Consultation 2

3.15	<b><i>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.</i></b>
	Need to define “unduly” as this could be perceived that a limited amount of restriction will be allowed.
	It should refer to ILO’s definition or having the definition in the criteria
	Agree on the principle. Do we need to consider the extraordinary situation of COVID?

### Changes and Justification

3.15	<b><i>The standard shall require that worker’s freedom of movement is not <b>unduly</b> restricted beyond their agreed terms and conditions of work and/or applicable national</i></b>
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	<i>requirements. Terms and conditions should not allow for restriction of movement under the definitions of forced labour.</i>
	<p>The intention is to avoid circumstances of forced labour but also acknowledge that work at sea is necessarily restrictive due to environment and safety considerations. The TWG added a list of circumstances from the CGF PIPs (<i>physical restriction, abuse, threats and practices such as retention of passports and valuable possessions</i>) to better address specific issues at sea, which also covers some of the key concerns in criteria above.</p> <p>Guidance should include the ability of workers to move freely shall not be restricted by the employer through physical restriction, abuse, threats and practices (such as retention of passports and valuable possessions).</p>

### Criterion 3.16

Changes and Justification	
<b>New</b>	<p><i>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.</i></p> <p><i>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.</i></p>
	<p>Repatriation is discussion in Section 1. The changes to Chapter 3 reflect a targeted approach on risks regarding recruitment fees, debt bondage and freedom of movement. The TWG agree with comments about the need for clarity and direction on the issue and felt specific criteria on repatriation was appropriate.</p> <p>The language used aims to reflect the intention of ILO C188 on the benchmark level.</p> <p>Guidance should ensure that workers/movement off vessel includes transferred workers. Circumstances, such as COVID, where health and safety and/or legal requirements for staying at sea directly impact workers (both employed and those whose contracts are terminated). The TWG intended to recognise and capture these legitimate irregularities through the use of 'timely repatriation' rather than setting a time limit.</p> <p>Source: ILO C188 Art 21. 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</p>

	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.
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### Comments Public Consultation 1

Included in framework after Public Consultation 1

### Comments Public Consultation 2

3.16	<p><b><i>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.</i></b></p> <p><b><i>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.</i></b></p>
	Fully agree with the inclusion of this new clause.

### Deleted criterion

Changes and Justification	
New	<p><del>The standard shall require that the entity has a system in place to monitor, address and report on both its own performance on recruitment and labour practice, and when applicable, the performance and compliance of employment agencies.</del></p>
	<p>Discussions in Chapter 1 led to the TWG considering whether the addition of the HRDD assessment should be used in conjunction with human rights policies. For example, "For vessels of 24 metres in length and over, the policy shall include a Human Rights Due Diligence Process...". Although the TWG did not feel it necessary to specify size specific requirements on the benchmark level, they did recognise consultation highlighted stakeholder views that the benchmark was missing a procedural requirement to remedy forced labour (noting this is included for child labour).</p> <p>The TWG has repeatedly discussed that forced labour should not be acceptable by any scheme. The biggest concern is that by creating the opportunity to remedy issues and/or circumstances that may not have been found via other means, the benchmark has to accommodate findings of forced labour. The key risks/indicators of forced labour are already addressed within the benchmark, and arguably more clearly than presented in this suggestion.</p>

	<p>The TWG also felt this may be treading into setting a best practice expectation rather than bottomline. In future, it would be possible to have a criterion such as this (or like 4.04) to complement Chapter 3 and ensure all other criteria are being met outside of an auditing period when conditions of forced labour or unsafe working conditions may arise. As with the HRDD process, the intention would be to bring forth transparency with the goal to improve worker wellbeing.</p> <p>Source: The report of the Working Group on the issue of human rights and transnational corporations and other business enterprises. In the present report, the Working Group on the issue of human rights and transnational corporations and other business enterprises takes stock of business and government action to advance the implementation of corporate human rights due diligence as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. It highlights emerging good practices that should be built upon and scaled up in order to address gaps in current practice. Note – Key features.</p>
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## Chapter 4: Minimum Age

### Criterion 4.01

#### Comments Public Consultation 1

4.01	<p><b><i>The standard shall require compliance with the minimum age for work as defined by applicable national legal requirements or the age of completion or compulsory education, whichever is higher. The minimum age for work shall not be less than 16 years. The Scheme may allow for the exceptions to the minimum age if (1) local minimum age law is set at 14 years of age OR (b) the child works under the direct supervision of a parent or legal guardian in a business owned and operated by a parents or legal guardian or on a fishing vessel owned and operated by their parent or legal guardian. The scheme shall require that details on any children under the age of 16 years that are found to be working on the fishing vessel are reported in the audit report.</i></b></p>
	Unclear whether there is a minimum age for children under direct supervision of a parent or legal guardian. Wording should reflect an actual minimum age.
	Does this reporting requirement apply to anyone under 16 working on the vessel or anyone under 16 working on the vessel under provision B? Also, is this reporting requirement during the audit expected to be on a per-vessel basis?
	Seems unreasonable and an administrative burden to require vessel owners or companies to report on the per-vessel and per-occurrence basis.
	This requires more nuance. Fishing is one of the most hazardous industries: by definition this should be considered hazardous labour and therefore the minimum age should not be below 18 years of age. <b>ILO C188</b> sets a minimum age of 15 (working under consent parents & engaged in vocational training) but Art 9(4) specifies limitations around hazardous work and sets the age limit at 18.

	All records and exemptions from minimum age shall be documented and maintained. "Details on any children" should include the nature of work being carried out by any of such children on the vessel.
	This exception is a little extreme. While I appreciate that the industry often works in this way, this allows too much grey area.
	The RFVS will not allow a child under the age of 16 to WORK on a vessel and think that by allowing this in the benchmark will allow the continued exploitation of children in this dangerous industry to continue. The RFVS will only allow a 15 year old to gain experience on board a vessel as long as the safeguards are in place and they are part of an authorized apprenticeship scheme. Allowing a 14 year old to work on a vessel is not allowed in the RFVS, but the RFVS will investigate if this child is a family member that they can be onboard the vessel but they must not do any work and there are safeguards in place to protect the well-being of the family member.
	Despite that under B it is mentioned that for work under 18, it cannot prejudice the education, I would stress this requirement again when speaking about family operations.
	It should be made clear: a) that 16 is the minimum working age for non-hazardous work and that hazardous work in compliance with labour standards is only allowed from an age of 18 b) how non-hazardous work is defined c) if it is allowed for children of the age of 15 to perform light work on fishing vessels during school holidays. We recommend to state in guidance that if cases of child labor are detected at the first application of the benchmark, the financial security of the children must be ensured.
	Suggest removing clause A

## Comments Public Consultation 2

4.01	<b><i>The standard shall require compliance with the minimum age for work as defined by applicable national legal requirements or the age of completion or compulsory education, whichever is higher. The minimum age for non-hazardous work shall not be less than 18 years.</i></b>
	Child labour is missing from the glossary

## Changes and Justification

4.01	<p><i>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.</i></p> <p><i>The minimum age for <b>non-hazardous</b> work shall not be less than 16 years. <b>The minimum age for hazardous work shall not be less than 18 years.</b></i></p>
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	<p><del>The Scheme may allow for the exceptions to the minimum age if (1) local minimum age law is set at 14 years of age OR (b) the child works under the direct supervision of a parent or legal guardian in a business owned and operated by a parents or legal guardian or on a fishing vessel owned and operated by their parent or legal guardian.</del></p> <p><del>The scheme shall require that details on any children under the age of 16 years that are found to be working on the fishing vessel are reported in the audit report.</del></p>
	<p>The TWG recognises that most of the comments received were aligned with the intention of this criteria and accept the structure and wording created confusion, and possibly inaccuracies. Based on the feedback, the TWG tried to separate the individual components as a means to provide the necessary clarity.</p>

## Criterion 4.02

### Comments Public Consultation 1

Included in framework after Public Consultation 1

### Comments Public Consultation 2

4.02	<p><b><i>The scheme may allow for the following exceptions to minimum age</i></b></p> <p><b><i>(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.</i></b></p> <p><b><i>(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.</i></b></p>
	Suggest adding: as long as the participation of children in work does not affect their health and personal development or interfere with their schooling
	Maybe this should be reviewed and better aligned to ILO C188 Article 9?
	(a) should be in accordance with ILO convention on child labour

## Changes and Justification

4.02	<p><i>The scheme may allow for the following exceptions to minimum age.</i></p> <p><b><i>(a) Children under the age of 16 may be permitted to perform light work on fishing vessels</i></b> <del>The child works 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.</del></p>
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	<i>(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 <del>in accordance with ILO Convention 138.</del></i>
	See comment on clarity above. Guidance on ILO C138 should be brought through to this criterion (from draft 4.01). Note the definition of light work below.

Changes and Justification	
<b>Glossary:</b> Hazardous and light work	<i>Hazardous work: work which, by its nature or circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of children.</i>  <i>Light work: work that is not harmful to the child and does not interfere with a child's education, or her ability to benefit from education.</i>
	The TWG agree that definitions for hazardous and light work would help with understanding and application of 4.01 and the new criteria below.  Source: ILO Article 3(1) of C138 and Article 3(d) of C182.

### Criterion 4.03

#### Comments Public Consultation 1

Included in framework after Public Consultation 1

#### Comments Public Consultation 2

No comments

Changes and Justification	
<b>New</b>	<i>The scheme shall require that details on any <del>children</del> workers under the age of 16 years that are <del>found</del> 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 limited to the nature of work being carried out by any such worker on the fishing vessel.</i>
	The TWG seek to clarify the intention for this clause is not to require identification of every child that possibly works on every vessel in scope. It is intended to specify that if child labour (either legitimate or illegal) is found during the course of the audit (particularly onsite observation and crew interviews), that is recorded in the audit report. The 'to be working'  The term 'details' was deliberately left unchanged by the TWG to provide opportunity for Scheme Owners to provide the specificity that aligns with their requirements. It is really about transparency and ensuring the circumstance is brought to light. That being said,

	guidance is added within the criteria itself to ensure the intention of understanding the circumstances for that child (ie. what are they doing?) is not omitted.
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Changes and Justification	
<b>Glossary:</b> Child	<p>Any person less than <del>15</del> 16-years of age unless local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age shall apply. <i>If, however, local minimum age law is set at 14 years of age in accordance with developing country exceptions under ILO Convention No. 138, the lower will apply.</i></p> <p><i>Note: The term 'child' refers to any person less than 16 years of age within the ASO scope as relevant criteria are based on the minimum age for work referenced in ILO C188 Art 9.</i></p>
	<p>SSCI recommended using the corresponding definition of 'Child' from the Processing &amp; Manufacturing and Primary Production scopes as it would make sense to ensure consistency across the 3 scopes. This definition refers to a 'Child' in terms of 15 years old instead of a minimum age of work at 16 years of age. It is a slight nuance but does not change the intentions set by the ASO scope criteria, which set minimum age for work on ILO188 requirements rather than base expectations on the definition of children. ILO C188 does not use the term 'child' but rather sets expectations in terms of "minimum age for work" (Art 9). This is the approach that is used by the ASO scope.</p> <p>The TWG accepts the value of alignment between the scopes and requests the definition to maintain a link to the ILO normative document (referencing 16 years of age) for ASO therein.</p>

#### **Criterion 4.04**

##### **Comments Public Consultation 1**

<b>4.04</b>	<b><i>Where the minimum age for work is less than 18 years, the standard shall require that for the specific duty performed: (a) it is not likely to be harmful to the health, safety, morals or development of the child, (b) it does not prejudice the education of the child, AND (c) the worker has received the necessary training programme in line with applicable national legal requirements.</i></b>
	It is worth defining child workers (i.e. less than 16) and young workers (16-18).
	Suggest that if national legislation is not in place, that the benchmark refer to <b>ILO C188</b> as the minimum requirements within the clause.
	Safety - should include working hours restrictions, night work, etc.

##### **Comments Public Consultation 2**

4.04	<b><i>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</i></b>
	Need to define "Light work" , RFVS we state no work , but can observe, need to explore this one further before we could accept as this could be loop hole to let in child labour.
	Add "The nature of the work or the circumstances..." in (a)

Changes and Justification	
4.04	<p><del>Where the minimum age for work is less than 18 years, The standard shall require that for any activity performed by workers less than 18 years of age for the specific duty performed:</del> (a) it is not likely to be harmful to the health, safety, morals or development of the <del>worker child</del>, (b) it does not prejudice the education of the <del>worker child</del>, AND (c) the worker has received the necessary training programme in line with applicable national legal requirements.</p> <p>The criteria can be read as: The standard must require (a),(b)&amp;(c) be met for all young workers (anyone under 18 regardless of whether defined by national law or not). The edits seek to make this more explicit.</p> <p>Safety concerns for young workers are the same as for all workers. See Chapter 10. This criterion 4.02 already states that working hours for young workers would be required to take into account the 3 points here within. The clarification should help make that more explicit too.</p> <p>Chapter 4 is designed as a suite of criteria that together provide the intended protections for young workers. The three elements listed here in 4.02 apply to all instances identified in 4.01, 4.03, 4.05 &amp; 4.06.</p>

## Criterion 4.05

### Comments Public Consultation 1

4.05	<b><i>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</i></b>
	It is worth defining child workers (i.e. less than 16) and young workers (16-18).
	Ensure that the language doesn't allow abuse of legally permitted provisions to be used fraudulently, example of continuous use of apprenticeship schemes to cover permanent positions (pay people less for the same work).
	Need for guidance on how allowing for "training/apprenticeship" reconciles with the requirement on "verifiable working relationship" (3.04)

## Comments Public Consultation 2

4.05	<b><i>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.</i></b>
	Prefer the original clause as this was specific to apprenticeship schemes, so not sure what this new clause adds.
	Shall be clarified that personal confidential information related to data privacy shall not be collected during such audit. Maybe there is a need to clarify which "details" shall be reported

### Changes and Justification

4.05	None
	Expand definition of 'worker' to specify trainee/apprentice as well. This ensures the trainee/apprentice is covered by all the same worker rights, privileges and protections listed throughout the benchmark criteria.  Language around age has been adapted to consistently state 'workers under 18'. This helps with any clarity about 'young workers' and other workers, particularly since they must be recognised as workers in other Chapters of the benchmark regardless of their age.

## Criterion 4.06

### Comments Public Consultation 1

4.06	<b><i>The standard shall require that young workers under 18 are not employed at night or in hazardous conditions. The scheme may allow for exceptions of performing work at night if the worker is supervised and has received the necessary training programme, in accordance with applicable national legal requirements, and the specific nature of the duty performed will not have a detrimental impact on their health or well-being.</i></b>
	It is worth defining child workers (i.e. less than 16) and young workers (16-18).
	Agreed, except should you not add that if the scheme allows for work at night (repairing nets, setting gear prior to a voyage) that this work does not conflict with required hours or rest per day/week?
	Explicitly define the working hours.
	Suggest that if national legislation is not in place, the benchmark should refer to <b>ILO C188</b> as the minimum requirement
	As a best practice standard then this criterion should stop at: "The standard shall require that young workers under 18 are not employed at night or in hazardous conditions, and should have no exceptions."

## Comments Public Consultation 2

4.06	<i>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.</i>
	Accept change but can we define MORALS in this context.

Changes and Justification	
4.06	<i>The standard shall require that <del>young</del> workers under 18 <del>are not employed</del> <b>do not perform work</b> at night or in hazardous conditions. The scheme may allow for exceptions of performing work at night if the <del>worker is supervised and has received the necessary training programme, in accordance with applicable national legal requirements, and the</del> specific nature of the duty performed will not have a detrimental impact on the worker's health or well-being.</i>
	The TWG agreed that exceptions may be necessary and but the least room for potential gaps is preferable. This clause also cannot be considered in isolation; Clauses 4.01 – 4.03 (and all other benchmark criteria for that matter) must also be met. The considerations for schooling, hours, safety, etc must be maintained in all exceptions.  See definition of hazardous work above.

## Criterion 4.07

### Comments Public Consultation 1

4.07	<i>The standard shall require that age verification mechanisms are established for all workers and valid age verification records are maintained.</i>
	These records are maintained, and recruitment procedures have clear mechanisms in place to document and register these. The difficulties associated with verification of this requirement for distant water fleets that resupply by transshipment should be considered.

### Comments Public Consultation 2

No comments

Changes and Justification	
4.07	<i>None</i>
	The requirement is that the verification mechanisms are in place and maintained. Even for distant water fleets and/or transshipment, the auditor would still need to collect and verify information as evidence during audit through interview, observation of the processes/activities and review of documents and records. If age verification mechanisms are too difficult, it is likely that many of the other requirements will be as well and conformity across the standard unlikely to be demonstratable. Alternatively,

	things like crew interviews provide spot checks, documentation of contract and work permit records, etc show age but also are required to meet expectations for other criteria.
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#### **Criterion 4.08**

##### **Comments Public Consultation 1**

<b>4.08</b>	<b><i>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.</i></b>
	These remediation procedures shall be documented and independently reviewed.
	Not currently in RFVS, but could be in CB Requirements. GSA are conducting a scoping project with a number of key stakeholders to look at worker voice mechanisms so this could be added to this project to see what options would be best suited to support.

##### **Comments Public Consultation 2**

<b>4.08</b>	<b><i>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.</i></b>
	We are concerned that this criterion sends the potentially unintended message that child labour is acceptable as long as there is an effective remediation procedure that puts the best interest of the child first. We believe the other criteria in chapter 4 are robust and mandate strong practices which should prevent use of labour under the minimum age. Any credible audit standard should make the finding of labour under the minimum age a critical non-conformance that would prohibit certification.

#### **Changes and Justification**

<b>4.08</b>	<b><i>None.</i></b>
	<p>The TWG aims to accommodate options that aren't documented, provided the best interest of the worker can be protected in this case. The use of the term "effective" is intended to guide the strength of the process. Standard requirements will need to be set that not only require procedures are in place, but that action is taken and remedy occurs. Demonstrating that may require documentation and independent review; but would not be expected as a minimum bottom-line for all vessels.</p> <p>Although not prescribed in the criterion, the TWG felt the remedy and documentation would naturally scale to the operations. It may warrant reiterating the risk clause too in the guidance.</p>

## Chapter 5: Freedom of Association

### Criterion 5.01

#### Comments Public Consultation 1

5.01	<b><i>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.</i></b>
	Broaden this to include freedom of association and right to collective bargaining. <i>Example given:</i> Workers are free to form worker organizations, including trade unions, to advocate for and protect their rights, and have the right to decide their own structure, policies, programs etc. without employer interference. There are national laws protecting collective workers' rights which are upheld and respected, or the country restricts trade union rights but the company/fishery/farm has provided a way for workers to organize and express grievances.
	As stated, 5.01 should be the legal minimum. For best practice, the employer should have a policy that demonstrates respect for the rights of workers to Freedom of Association and Collective Bargaining. Workers should be trained on their rights to organize and bargain collectively. Women should participate in unions commensurate with their representation in the workforce. There should be a freely negotiated collective bargaining agreement.

#### Comments Public Consultation 2

No comments

Changes and Justification	
5.01	<i>None.</i>
	<p>The TWG accepts that this is the minimum expectation but it does accommodate workers' right to collective bargaining and the ability to develop their organisation without interference. Although freedom of association is not specified in this criterion, the TWG notes that other worker organisations encompasses both formal and informal organisations. A guidance note can be added in this respect.</p> <p>Add additional source: ILO C98 Art 2 (1) 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>

## **Criterion 5.02**

### **Comments Public Consultation 1**

<b>5.02</b>	<b><i>The standard shall require that worker representatives or members of trade unions are not discriminated against or otherwise penalised because of their membership in or affiliation with a trade union or worker organisation in accordance with applicable national legal requirements</i></b>
	There is no discrimination against workers who are members or leaders of organizations, unions or cooperatives, and workers are not dismissed for exercising their right to strike. The employer or association has a written policy or by-laws (consider illiteracy/languages) that they respect the rights of workers to Freedom of Association and Collective Bargaining.
	Worker representatives shall also be nominated by the crew, not the operator.
	<p>This is one of the most critical aspects of the benchmark to implement correctly. Important considerations include:</p> <p>How might auditors determine a lack of discrimination or penalization? Will auditors receive a list or recently terminated staff? Will auditors reach out to a selection of terminated employees?</p> <p>And in what ways will former employees be incentivized to discuss if the auditor can actually find them?</p> <p>Is the employer negotiating in good faith with worker organizations?</p> <p>Given the culture of fear that real threats of termination create, many labor rights experts are concerned about the ability of workers in non-union representative organizations to receive this right and auditors to determine it is well supported. The implementation of a comprehensive and proactive anti-discrimination policy through procedures and practices is a good first step, and can be strengthened by actively training managers and workers on the policy.</p>

### **Comments Public Consultation 2**

<b>5.02</b>	<b><i>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.</i></b>
	It is recommend to include members who have chosen to not join a union or CBA in this section as those members should also not be discriminated against or penalized.

### **Changes and Justification**

<b>5.02</b>	<b><i>The standard shall require that worker representatives or members of trade unions <b>or other worker organisations</b> are not discriminated against or otherwise penalised <b>by the entity</b> because of their membership in or affiliation with a trade union or worker organisation <del>in accordance with applicable national legal requirements</del>.</i></b>
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	<p>The TWG felt policies and procedures reflect best practice but not necessarily bottom-line expectations from the benchmark at this time. The basic components would be expected to be part of basic human rights policy, particularly for larger vessels and fleets. Alternatively, a scheme could set requirements for specific policies, which would also then aid auditors.</p> <p>Training of collective bargaining (see new criteria below), human rights and grievance mechanisms all come together to meet much of the above expectation.</p> <p>The TWG seeks to remove redundant or unnecessary references to applicable national legal requirements that do not strengthen the intention of the criterion, such as in this case. The focus is on discrimination – applicable national requirements relating to legal bounds on freedom of association are already covered in 5.01.</p> <p>The original criterion covered members of workers organisations, but the benchmark missed any protections for workers not in one. This has been addressed here.</p>
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### **Criterion 5.03**

#### **Comments Public Consultation 1**

<b>5.03</b>	<b><i>The standard shall require that duly elected worker representatives of trade unions and other worker organisations have access to the workplace to carry out their representative functions in accordance with applicable national legal requirements.</i></b>
	<p><b>Is the workplace the vessel?</b> How does this work with small vessels frequently on short fishing voyages in remote coastal communities? It should be clarified how it intends for operators to ensure that representatives will have access to the workplace when vessels are at sea. We suggest to explicitly include some flexibility in drafting requirements to align with 5.03 so as to accommodate, for example, fleets of small vessel operators with shore-based representation.</p>
	<p>In case of distant water fleets, alternative mechanisms such as communications may have to be considered.</p>
	<p>Even when legal requirements are followed, there is still a risk of irresponsible practices. In addition to workplace access, for situations in which non-union workers are representatives there should be a requirement that workers have access to training or civil society organizations to share information about legal rights in the workplace. Beyond the legal minimum, employers can support policies and practices with training, targeted programs, and empowerment of workers to support the implementation of good practice.</p>
	<p>Unclear what is meant by "access to the workplace" as it is not clear how this translates to vessels while they are at sea.</p>
	<p>Worker representatives should also be provided with training to do their job effectively (converse with management etc.) and have access to facilities needed to do their job (e.g. methods of communication).</p>

## Comments Public Consultation 2

No comments

Changes and Justification	
5.03	<i>The standard shall require that duly elected worker representatives of trade unions and other worker organisations have <b>the ability</b> <del>access to the workplace</del> to carry out their representative functions in accordance with applicable national legal requirements <b>without impediment by the entity.</b></i>
	The TWG note the intention of the criterion is to protect worker representatives' ability to carry out their functions promptly and efficiently. Access to each and every fishing vessel isn't the only way in which that can be achieved. Certainly there will be times that access to a fishing vessel is necessary in order to meet that objective. However, there are also many practical reasons that continual and uninhibited access to a fishing vessel is not appropriate (e.g. health and safety or distance from shore). The changes aim to reflect that accommodation without undermining the importance of protecting the representatives' role.

## Criterion 5.04

### Comments Public Consultation 1

5.04	<i><b>The standard shall require that where there are no legal protections for the right to collective bargaining or freedom of association, the entity strive to engage workers through alternative lawful mechanisms of engagement to allow worker representatives to enter into a dialogue about workplace issues.</b></i>
	Workers are trained by workers' organizations on their rights to organize and bargain collectively. Women participate in unions or cooperatives commensurate with their representation in the workforce.
	To support alternate legal means of engagement, recommend that the language in 5.04 is "the entity engages workers through alternative lawful mechanisms..." instead of "the entity strives to engage workers..." Without a requirement for alternative means of engagement, the likelihood that it occurs is not promising.
	Wondering how "strive to" is defined. I would be looking at: do they have an alternative mechanism for conversation; do they have a worker committee; are they using the full potential of whatever law they have in place? One thing we have looked at for the Seafood Slavery Risk Tool, was collective bargaining, specifically: assistance, that allow workers to speak. For instance committees, and access to third parties (incl. trade union representatives).

## Comments Public Consultation 2

No comments

Changes and Justification
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5.04	<i>The standard shall require that where there are no legal protections for the right to collective bargaining or freedom of association, the entity <del>strive to engage</del>s workers through alternative lawful mechanisms <del>of engagement to</del> <b>that</b> allow worker representatives to enter into a dialogue about workplace issues.</i>
	The TWG agrees that supporting alternative lawful mechanisms is the intention and adjustments to language reduce potential gaps.

### **Criterion 5.05**

#### **Comments Public Consultation 1**

Included in framework after Public Consultation 1

#### **Comments Public Consultation 2**

5.05	<b><i>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.</i></b>
	This will be onerous to the applicant as it puts the requirement on them to find these worker organizations and to inform their employees. Communication on worker rights and collective bargaining should remain, but outside organizations will not be achievable for the majority of vessels at this time.

<b>Changes and Justification</b>	
5.05	<b><i>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 comprehensible language(s) and/or medium.</i></b>
	<p>This could easily be part of the human rights policy training, but by calling it out here specifically, it cannot be negated by those that don't have legal requirements or experience in collective bargaining and workplace organisations. It also strengthens the other criteria within this Chapter without having to specify the training and accessibility within each one.</p> <p>The focus is on workers knowing they have rights and what direction they can go to protect those. It is not intended for the entity to be responsible for finding and sponsoring any/all relevant organisations.</p> <p>The TWG did not include provision for the training to be conducted by workers' organizations in case that was used as an excuse not to do training (ie. we don't have any of these groups so we therefore don't need to provide training). The TWG also notes the</p>

	<p>value of training all workers and other personnel on this issue as a means to increase mutual understanding and pathways to protecting human rights.</p> <p>Source (same as 1.04): United Nations Declaration on Human Rights Education and Training, Article 10. "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." &amp; "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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## Chapter 6: Worker Remuneration

### Criterion 6.01

#### Comments Public Consultation 1

6.01	<i>The standard shall require that remuneration for work performed meets or exceeds applicable national legal requirements or collective bargaining agreements (where applicable).</i>
	How will this apply for share fishermen, where poor catch could result in wages below minimum wage.
	Suggest to include “ <b>equal</b> ” to make it “ <b>equal</b> remuneration”.
	Should the sentence read: “The standard shall require that remuneration for regular work performed meets or exceeds...”?
	Include "whichever is higher" at the end - this allows for countries where there is no minimum wage, which is bound to be raised, and also where industry standards for fishing is higher than the national minimum wage.
	There should be a link to international recommendations from ILO in the case of industrial fisheries.

#### Comments Public Consultation 2

6.01	<i>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.</i>
	Need to clearly define "applicable national legal requirements". Are we making reference to the legal requirements from the flag of the vessel (as apparently it was assumed before that flag was the relevant jurisdiction) or the legal requirements from the country of origin, or from the country of the vessel owner? Applicable legal requirements should be clearly stated here.
	Does the framework take into account that workers on fishing boats in some instances get paid as a percentage of the final catch?

#### Changes and Justification

6.01	<i>The standard shall require that remuneration for work performed meets or exceeds applicable national legal requirements or collective bargaining agreements (where applicable), <b>whichever is higher.</b></i>
	<p>The TWG notes that the higher provisions should be met in all cases. The risk of adding ‘equal’ or ‘regular’ to the criteria is that these would also need to be defined, which could be problematic.</p> <p>All workers, including share fishermen, must be remunerated in a way that meets or exceeds national legal requirements. Where legal requirements do not specify what this</p>

	is, these workers are also protected through their contract agreement (ie. the employer could not just change the rate that they get paid without worker consent in advance).
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## Criterion 6.02

### Comments Public Consultation 1

6.02	<b><i>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 employee in legal tender or into a bank account in their name.</i></b>
	As long as the agreed completeness takes them to a reasonable and fair wage. If workers agree to a contract on a fixed salary, but are working additional hours, then they will fall below minimum wage so this criterion should be tightened up.
	Should this also include a nominated person, for example wife, family, and be made in currency of their choosing? The difficulties associated with verification of this requirement for distant water fleets that resupply by transshipment should be considered where the workers more often than not do not have any means to verify that payments have been made.
	Any conversion rate should also be accurate and justifiable.

### Comments Public Consultation 2

6.02	<b><i>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.</i></b>
	Not sure why the “conversion rate” needs to be added as this will be down to the banks so how can you determine if it’s justifiable.
	Suggest to rephrase first sentence to “... at the time of employment, as stipulated in the the work agreement and/or term and conditions of work, regarding regularity,...”

### Changes and Justification

6.02	<b><i>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 <del>employee</del> <b>worker</b> in legal tender or into a bank account <b>the worker specifies</b> <del>in their name</del>. Any conversion rate that is applied must be based on current exchange rates and be justifiable.</i></b>
	The TWG noted the intention of this criterion is about the monetary transfer of wages. Hours, minimum wage, etc should be dealt with in separate criteria.

	Source: CGF PIP #3. “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.
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### Criterion 6.03

#### Comments Public Consultation 1

6.03	<b><i>The standard shall require that all workers have full and complete control over their earnings, including means to transmit all or part of their payments received, in line with their terms and conditions of work</i></b>
	Include a requirement that specifies what should be included in the terms and conditions (contracts).
	Should this also include a nominated person, for example wife, family, and be made in currency of their choosing? The difficulties associated with verification of this requirement for distant water fleets that resupply by transshipment should be considered where the workers more often than not do not have any means to verify that payments have been made. (idem under 6.03)
	Intent is correct but change in wording needed. Our crew members from African countries often don't have a bank account. We give their families an advance and after the fishing trip we pay them with a check or in cash.

#### Comments Public Consultation 2

6.03	<b><i>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.</i></b>
	Need to define “delegate”. A delegate could potentially be seen as a member from the recruitment agency.

### Changes and Justification

6.03	<b><i>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 <del>terms and conditions of work</del> agreement.</i></b>
	The TWG recognised the remote nature of the workers in some cases and the need to have a support person involved in receiving their wages. There is also recognition that it is extremely important to workers to have means to verify that payment has been received.  Concerns about the ‘delegate’ being seen as a loophole that the employer, recruiter or other staff could use to abuse and misdirect funds identify a weakness in this criterion. It is addressed through specifying it is a delegate selected by the worker themselves.

#### **Criterion 6.04**

##### **Comments Public Consultation 1**

6.04	<i><b>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. In the event that written details are not provided, workers understand how and when they are paid and/or are allowed to witness procedures used to determine remuneration.</b></i>
	In the form of payslips which details remuneration for hours/days/shared. This shall also be in a language understandable to them (also consider illiteracy), and they shall be able to seek verification.
	Leave out "in the event that written details are not provided". They should be provided and this is just a get-out clause for not complying/demonstrating basic good practice.

##### **Comments Public Consultation 2**

No comments

Changes and Justification	
6.04	<i><b>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. <del>In the event that written details are not provided, workers understand how and when they are paid and/or are allowed to witness procedures used to determine remuneration.</del> Remuneration details shall be provided to workers in comprehensible language(s) and/or medium, and where applicable workers are allowed to witness procedures used to make remuneration payments.</b></i>
	The TWG noted the gap for a 'get out clause', which certainly wasn't the intention. The adjustment to the language and addition of communication expectations aims to tighten this without prescribing a necessary alternative to pay slips.

#### **Criterion 6.05**

##### **Comments Public Consultation 1**

6.05	<i><b>The standard shall require that no deductions from remunerations are made unless permitted by applicable national legal requirements or a collective agreement (where applicable). Workers are informed about any deductions in writing and/or in an understandable manner to the worker. Deductions are no less favourable than agreed under their terms and conditions of work.</b></i>
	Legal payrolls records include information on any relevant deductions.
	Need for more clarity about what deductions are allowed, e.g. tax or pension if stipulated in national legislation. Also that deductions for the same things cannot be levied at different rates for different individuals
	Include in here that loan repayments shouldn't be more than a small percentage of the pay package.

	Deductions should also be required to be fair and/or justifiable.
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## Comments Public Consultation 2

6.05	<b><i>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.</i></b>
	Again, please clarify "national legal requirements".

Changes and Justification	
6.05	<i>The standard shall require that no deductions from remunerations are made unless permitted by applicable national legal requirements or a collective agreement (where applicable). <b>Prior to consenting to a work agreement</b>, workers are informed about any deductions in writing and in comprehensible language(s) and/or medium. <del>in an understandable manner to the worker. Deductions are no less favourable than agreed under their terms and conditions of work.</del></i>
	<p>The TWG felt the existing language ensures that any potential or actual deductions were identified and justified under the agreed terms and conditions of work, were legal and understandable to the worker. The critical piece is worker visibility in advance, with the ability to understand and raise an issue if it's not adhered too. Utilising those bounds, the TWG did not feel it was necessary to further identify what deductions are permissible and what are not.</p> <p>The terms and conditions of work are already covered by changes to prior criteria (namely Chapter 3 clarifications on work agreements).</p>

## Criterion 6.06

### Comments Public Consultation 1

6.06	<b><i>The standard shall require that no deductions from remuneration are made as a disciplinary measure.</i></b>
	Legal payrolls records include information on any relevant deductions. These records are maintained.
	This is legal in Japan.
	This can be legal in Spain, if penalty for misconduct.

### Comments Public Consultation 2

No comments

Changes and Justification	
6.06	None
	This is one instance where the TWG felt the benchmark should set the bar in a very clear manner. Although it may be legal in some jurisdictions, it doesn't align with the intention of the criterion or Chapter to provide exceptions.

## Chapter 7: Work and Rest Periods

### Criterion 7.01

#### Comments Public Consultation 1

7.01	<b><i>The standard shall require that work and rest periods shall be: (a) clearly defined (b) in accordance with 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.</i></b>
	This criterion seems more appropriate in Section 10
	These are clearly defined within the contract
	Consider including communication of exceptional circumstances that may come up. These should be voluntary and workers/fishers must be aware that they might have to work longer hours because of these circumstances (i.e. emergencies).
	The following is missing in this chapter: clear definition of exceptions to the limit of weekly working hours, agreement with workers on overtime, overtime not required on a regular basis, paid leave in accordance with applicable national legal requirements.
	Ambiguity here can lead to challenges. It should read/be best draft as: "a rest period shall a. be clearly defined b. in accordance with national requirements c. demonstrate appropriate safeguards and measures are taken". Minor drafting issue to make sure it is unambiguous, given the importance of this chapter.
	This chapter is quite open and leaves room for more detail. Concern regarding industrial fisheries that might use the openness to be less strict than they should.

#### Comments Public Consultation 2

7.01	<b><i>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.</i></b>
	I do not think that it will be possible to ensure that work and rest periods are clearly defined in the work agreement, as fishing activity depends on fish availability and work hours can vary greatly, when the fishing vessel is transshipping, traveling to the fishing grounds or during fishing activities or when there is no fish. To clearly define hours in a fishing operation is difficult. We have an obligation to adopt national legislation and conventions

	There should be another component explicitly mentioning that in fishing vessels, regardless of its size, the minimum hours of rest shall not be less than (a) ten hours in any 24-hour period and (b) 77 hours in any seven-day period.
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Changes and Justification	
7.01	<p><i>The standard shall require that work and rest periods shall be: (a) <b>be</b> clearly defined <b>within the work agreement</b> (b) <del>in accordance with</del> <b>meet all</b> 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.</i></p> <p>The TWG notes the structure of considerations here reflects the same intention as ILO C188 Art 14, but also provides mechanisms for small-scale and artisanal vessels or non-traditional fleets to put in place appropriate boundaries around work and rest periods for all workers. It is expressly meant to refrain from setting limits and rather focus on the criteria that would ensure limits that apply to an individual worker are transparent, agreed and provide the same level of worker protection as intended in ILO C188.</p> <p>Some clarity is provided via editorial changes. It is strengthened by the support of a new criterion below. The fundamental intention is to ensure clear expectations for the worker. This criterion is enhanced by many others that ensure the terms and conditions of work, grievance mechanisms and responsibilities for human rights are all transparent for all parties.</p> <p>Source: ILO C188 Art 14. 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:</p> <ul style="list-style-type: none"> <li>(i) ten hours in any 24-hour period; and</li> <li>(ii) 77 hours in any seven-day period.</li> </ul> <p>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>

### Deleted Criterion

Changes and Justification	
New	<p><del><i>The standard shall require that changes to agreed work and rest periods be made with the knowledge of the worker and consent to the changes be obtained voluntarily. Communication of changes shall be provided to the worker in comprehensible language(s) and/or medium.</i></del></p>

	Redundant. The intention of this criterion is now covered through changes to Chapter 3 regarding the documented work agreement and how/under what conditions those may change.
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### **Criterion 7.02 Deleted**

#### **Comments Public Consultation 1**

<b>7.02</b>	<b><i>The standard shall require that all workers right to breaks during work periods is provided for.</i></b>
	Include definition on appropriate break periods
	Guidance to be taken from <b>ILO C188</b> , for the above
	Should "breaks", like "rest periods under 7.01, not also be in line with national regulations and be well defined?
	Scheduled breaks will be problematic to implement in most fishing operations. On some fishing platforms, fishing safely involves brief periods of sustained work by all crewmembers. Given that criteria 7.01c and 7.03 already address safety/rights associated with rest periods, we suggest to delete this provision.

#### **Comments Public Consultation 2**

No comments

<b>Changes and Justification</b>	
<b>7.02</b>	<del><i>The standard shall require that all workers right to breaks during work periods is provided for.</i></del> Delete
	<p>The considerations for rest periods (whether during or between work periods) in 7.01 sufficiently covers the scope of this criterion, particularly noting the difficulty in prescribing breaks during work shifts at sea.</p> <p>The TWG had originally tried to accommodate protections for breaks during work and rest between work. However, it appears that may be redundant.</p> <p>Rather than trying to wordsmith the nuances here, the TWG aims to strengthen other provisions instead.</p>

### **Criterion 7.03 Deleted**

#### **Comments Public Consultation 1**

<b>7.03</b>	<b><i>The standard shall require that all workers right to rest between work periods is provided for.</i></b>
	Is any further precision required in terms of resting periods as defined in <b>ILO C188</b> art 14?
	Include definition on appropriate rest periods

## Comments Public Consultation 2

No comments

Changes and Justification	
7.03	<del>The standard shall require that all workers right to rest between work periods is provided for.</del> Delete
	See 7.02

## Chapter 8: Fair Treatment of Workers

### Criterion 8.01

#### Comments Public Consultation 1

8.01	<b><i>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 that do not interfere with a workers ability to do a specific job.</i></b>
	It is important to go the extra mile to ensure that migrant workers are treated equally to country nationals. This includes hours of work, access to training, membership in labor unions or worker organizations, etc. The employer, or subcontractors acting on its behalf, should explicitly prohibit the abuse of migrant workers, including the threat of denunciation to authorities as a means of coercion. And, workers receive equal pay for work of equal value.
	Unclear whether this means the scheme would be required to audit the vessel/fishery as well as any recruitment agencies used?
	Unclear what happens under circumstances where characteristics are not legally protected, i.e. a country where sexual orientation or religion are not legally protected.

#### Comments Public Consultation 2

8.01	<b><i>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.</i></b>
	How is this going to be verified? Are audits of recruitment agents going to be required? Please clarify
	Should "colour" not be 'ethnicity'?
	Should include "language" in personal characteristics

### Changes and Justification

<b>8.01</b>	<i>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 workers ability to do a specific job.</i>
	As mentioned above, the definition of worker specifically calls out migrant workers to ensure they are recognised on equal footing across all benchmark criteria. The TWG prefers to avoid specific mention as it may offer opportunity to discount other groups from a criterion. The list in brackets is just an example and not exhaustive, which will be added to guidance.  Revisions to 3.15 may also help clarify concerns about audit reach.

## **Criterion 8.02**

### **Comments Public Consultation 1**

<b>8.02</b>	<i>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.</i>
	Is any further “formal” commitment deemed necessary (formal policy, way to evaluate the measures in place?)
	Include a code of professional and behavioural conduct
	Example measures may include: there is a written policy that prohibits physical abuse; bullying, and sexual harassment. Managers and workers are trained on the sexual harassment policy. Workers have access to grievance procedures to report harassment, and do not face retaliation for using them. Grievance procedures include access to third-parties beyond direct employers, and ensure equality of access and voice.
	We recommend to add: "for any possible reason such as race, class, colour, gender, sexual orientation, religion, political position, and others."

### **Comments Public Consultation 2**

<b>8.02</b>	<i>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.</i>
	Suggest the inclusion of "Gender-based violence (GBV), including physical, verbal, psychological, socio-economic, sexual violence and sexual exploitation/abuse"

## **Changes and Justification**

<b>8.02</b>	<i>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 <b>or for any reason</b></i>
	<p>The TWG understands that policies play a role in ensuring effective measures are in place for certain types of organisations and fleets. However, there is also recognition for small-scale vessels utilising alternative measures. As such, adding more specificity into the content of 8.01 and further reach in 8.02 (rather than how these criteria are delivered) goes some way towards a more formal approach.</p> <p>Chapter 1 also states that <i>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.</i> The TWG sees this criterion as one example where that risk-based approach comes to apply.</p> <p>Source (bring down from 8.01 to connect the two more overtly): ILO C111, Art. 1 &amp; 2. "(...) 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"</p>

### Criterion 8.03

#### Comments Public Consultation 1

<b>8.03</b>	<i>The standard shall require that disciplinary procedures are in place and they are effectively communicated to workers</i>
	We recommend being more explicit in this criteria - <b>The standard shall require that disciplinary procedures are in place</b> , do not include sanctions that obligate or coerce workers to work, <b>and they are effectively communicated to workers..</b> In addition, wages should never be withheld as a form of workplace discipline.
	We suggest including the parts of the guidance that refer to the fact that no measure can result in an obligation to work in this criterion, as we consider this an important specification.

#### Comments Public Consultation 2

<b>8.03</b>	<i>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.</i>
	Suggest to amend for clarity (e.g. "that if/any disciplinary procedures are in place...") as currently implies disciplinary procedures are required.

### Changes and Justification

<b>8.03</b>	<i>The standard shall require that disciplinary procedures are in place, <b>do not include sanctions that obligate or coerce workers to work</b> and they are <del>effectively</del> communicated to workers <b>in comprehensible language(s) and/or medium.</b></i>
	The TWG agreed with the addition of a forced labour component, aligning with the existing normative references. The communication language has been changed to maintain consistency throughout.

#### **Criterion 8.04**

##### **Comments Public Consultation 1**

<b>8.04</b>	<b><i>The standard shall require that records of all disciplinary actions are kept</i></b>
	Provide guidance on where records can be kept.
	Appears overly burdensome for small vessel operators without a centralized management system. While we agree that it is essential for social standards to address the issue of abusive disciplinary actions, we question whether such prescriptive record-keeping is actually an effective approach to eliminating abusive disciplinary practices (i.e., will it serve as a deterrent?). Does the effectiveness of the measure offset the additional burden it would place on good actors? We suggest explicitly providing for greater flexibility for smaller operations. This could include greater flexibility (i.e., alternative compliance) based on the size and risk that the fishery presents

##### **Comments Public Consultation 2**

No comments

<b>Changes and Justification</b>	
<b>8.04</b>	<i>None</i>
	The TWG note the burden of record keeping but also highlight the criterion does not specify the what or where deliberately.  Chapter 1 also states that <i>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.</i> The TWG sees this criterion as another example where that risk-based approach comes to apply.

## **Chapter 9: Grievance Mechanism**

#### **Criterion 9.01**

##### **Comments Public Consultation 1**

<b>9.01</b>	<b><i>The standard shall require that a procedure to address complaints or concerns is established. The grievance mechanism shall be accessible to all workers and other personnel.</i></b>
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	Unclear whether this will be at vessel level or a grievance mechanism across the fleet.
	Need for a definition on accessible: is the expectation that grievances can be aired and addressed while fishers are at sea? Could there be risks to maintain anonymity on smaller sized vessels?
	Replace the word “procedure” with process. Procedure may only refer to a document rather than an effective process/mechanism.
	In addition to the criteria stated, the grievance procedure should also include special consideration for vulnerable populations, e.g. migrant workers. For example, the grievance mechanism should be available in a language that they understand, with extra provisions made for illiterate workers, and workers should have access to independent organizations that could assess complaints.  Grievance mechanisms are challenging for the at-sea segment of seafood supply chains, especially when workers are on vessels without access to port for long periods of time. Fortunately, technological advances are becoming available. There are several initiatives exploring how technology, including satellite technology, catch traceability systems, and mobile apps can increase vessel-based workers’ access to communication services such as phone and email. This benchmark could consider adding a clause on worker welfare and the need./ to allow workers to communicate to family/friends while on board.
	This section should be enhanced to have a more established complaints procedure.
	"shall be accessible <b>easily</b> ".
	This is another critical area to get the implementation right, beyond just establishing a procedure. Suggest to require maintenance of record/evidence that the procedure was followed.
	Suggested text: “the standard shall require that a procedure or law to address complaints or concerns is established”.
	Worker voice means making sure that workers are able to communicate 24/7. Therefore their ability to use Facebook or WhatsApp for instance, or having internet onboard. For grievance mechanisms, this is important.
	Suggestion to link with OECD-FAO Guidance and its reference to grievance mechanisms.
	How crew members are able to communicate o family and friends (on land) while on board the vessel is not included in the Standard

## Comments Public Consultation 2

9.01	<b><i>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.</i></b>
	Training shall not be mixed up with grievance mechanism, unless you are referring specifically to "Training on the grievance mechanism.." If it is the case then this should be clarified.

	Here and in a few places there are several topics covered in one; suggest considering to break into sub-clauses where appropriate
	Training is mentioned a few places but may be more efficient to have an overarching training requirement that covers the standard?

Changes and Justification	
9.01	<p><i>The standard shall require that <b>there is a process</b> <del>a procedure</del> to address complaints or concerns <del>is established</del>. <del>The</del> <b>This</b> grievance mechanism shall be <b>legitimate and easily accessible to all workers, worker organisations</b> and other personnel. <b>Training shall be provided to workers in comprehensible language(s) and/or medium.</b></i></p> <p>The TWG's revisions aim to break the key components of this criterion into distinct pieces. A grievance mechanism can only serve its purpose if the people it is intended to serve know about it, trust it and are able to use it.</p> <p>Guidance will need to be provided as to the following: All workers need access to raise grievances but whether this is monitored/administered on a vessel or entity level is totally up to the scheme owner to decide (or leave open). The crux is the access for all workers. It would be acceptable for the process to be fully covered by national legal requirements (ie. law) and therefore no separate process required.</p> <p>Guidance – The definition of <i>legitimate</i> from UNGP 'enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes.'</p>

## Criterion 9.02

### Comments Public Consultation 1

9.02	<b><i>The standard shall require that information is revealed only as necessary to investigate and handle the complaint</i></b>
	Unclear how this will be determined. Workers may be in highly vulnerable situations and may be reluctant to talk openly about their work situation. Effective grievance mechanisms should have easy to understand procedures, ensure confidentiality and allow workers to confidentially report grievances without fear or retaliation or reprisal of any kind.
	There is nothing on how this investigation should be conducted to ensure that it is thorough, credible and transparent, and handled in a timely manner. It should also include how the investigation is communicated back for any complaint.
	Unclear who the information is revealed to.

### Comments Public Consultation 2

9.02	<b><i>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.</i></b>
	Should clarify that any investigation shall be performed by an independent entity and that will not lead to any retaliation against the worker.

#### Changes and Justification

9.02	<b><i>The standard shall require that investigation into complaints or concerns is legitimate, accessible, <del>predictable</del>, equitable and based on engagement and dialogue. Information is revealed only as necessary to investigate and handle the complaint. Confidentiality shall be maintained wherever necessary and possible.</i></b>
	The TWG felt the inclusion of investigation expectations helps address communication issues as well (e.g. it would be difficult to have a thorough or transparent process without any feedback to the complainant). Due to the nature of fishing vessels (their size, location at port, use as accommodation and working facilities), it isn't always possible to keep all aspects of an investigation completely confidential. However, the intention should be to do so unless somehow prohibited. The UNGP commentary describes transparency as it balances way to protect confidentiality where necessary and possible.  Source: UNGP, Chapter 31.

### Criterion 9.03

#### Comments Public Consultation 1

9.03	<b><i>The standard shall require that no worker or other personnel that lodged a complaint in good faith is retaliated against</i></b>
	Unclear how this will be determined. Will workers be instructed how to file complaints and what an appropriate vs retaliatory response to the complaint looks like? What are their options if they suspect retaliation?
	This could be strengthened on how the crew are informed of how to raise a complaint or feedback if they have been discriminated against. Possibly via the contract or induction training.
	This should be rephrased as it suggests that retaliation is acceptable in the event of a baseless complaint.

#### Comments Public Consultation 2

9.03	<b><i>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.</i></b>
	Where is feedback on how to lodge a complaint covered? Is it in 9.01 in training?

Changes and Justification	
9.03	<i>The standard shall require that no worker or other personnel that lodged a complaint <b>or concern</b> <del>in good faith</del> is <b>disciplined, dismissed or otherwise</b> retaliated against <b>for lodging that complaint or concern</b></i>
	The TWG agrees that there was an unintended consequence of the ‘in good faith’ clause. The addition of training in 9.01 and investigative complaint criteria in 9.02 help address that piece. The language added here stems from the UNGP Chapter 31, which talks about the key to enabling trust is to provide confidence to workers that lodge a complaint that they will not be disadvantaged for doing so. The TWG how the combination of these criteria in Chapter are intended to work together in that regard.

## Chapter 10: Occupational Health and Safety

### Criterion 10.01

#### Comments Public Consultation 1

10.01	<i><b>The standard shall require that clear responsibility is assigned and operational procedures are in place for the development, implementation and performance of the occupational health and safety management system and the achievement of the relevant occupational health and safety objectives.</b></i>
	The standard should specify that the OHS management system, its policies and procedures including requiring risk assessments and training, and documentary evidence implementation are independently assessed on an annual basis, notwithstanding a review upon any violation of one of its clauses, change in vessel ownership, or other regulatory action.
	Require evidence that the procedures are implemented/being followed.
	For this chapter, we suggest referencing relevant IMO guidelines and provisions.

#### Comments Public Consultation 2

No comment

Changes and Justification	
10.01	<i>The standard shall require that clear responsibility is assigned and operational procedures are in place for the development, implementation, <del>and</del> performance <b>and maintenance</b> of the occupational health and safety management system and the achievement of the relevant occupational health and safety objectives.</i>
	The TWG recognise the comments regarding updating the OHS system as part of its procedures will support the implementation of other criteria in the chapter too.

### Criterion 10.02

### Comments Public Consultation 1

10.02	<i>The standard shall require that workers and other personnel are provided safe, healthy and hygienic conditions on board the fishing vessel</i>
	There is an applicable reference to <b>ILO C188</b> , article 26
	Agreed, especially important due to COVID situation and other virus infections that are more prone to spread in these tight environments. Could WHO rules apply?

### Comments Public Consultation 2

No comments

Changes and Justification	
10.02	<i>None</i>
	<p>Clarify reference and add guidance about using broader references like WHO by standard setters as ok.</p> <p>The reference to ILO C188 had not been included as a guiding document and will be updated.</p> <p>Source: ILO C188 Art 26. 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:</p> <ul style="list-style-type: none"> <li>(a) approval of plans for the construction or modification of fishing vessels in respect of accommodation;</li> <li>(b) maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions;</li> <li>(c) ventilation, heating, cooling and lighting; (d) mitigation of excessive noise and vibration;</li> <li>(e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces;</li> <li>(f) sanitary facilities, including toilets and washing facilities, and supply of sufficient hot and cold water; and</li> <li>(g) procedures for responding to complaints concerning accommodation that does not meet the requirements of this Convention.</li> </ul>

### Criterion 10.03

### Comments Public Consultation 1

10.03	<b><i>The standard shall require that all workers and other personnel are provided with and have access to: (1) sanitary facilities with adequate privacy; (b) potable water of sufficient quality and quantity; AND (c) food of sufficient quality and quantity</i></b>
	This comment applies to this and other sections in ILO C-199. Re use of the term “member” (specify party to <b>ILO C188</b> ). If the vessel audited is from a flag state that has not signed <b>ILO C188</b> , Port State Measures Agreement, then the Standard or guidance should not excuse any exemption based on flag state/flag of convenience.
	Would need to agree on what "quality" is defined as (under c)
	Use of "sufficient" is very ambiguous. As a scheme owner, it's not clear what would have to be included in the standard in order to fulfil this requirement. Add definition to the glossary, or define minimum expectations.
	Could add that food storage must be refrigerated.
	Consider including menstrual hygiene for gender sensitivity.

## Comments Public Consultation 2

No comments

Changes and Justification	
10.03	<p><i>The standard shall require that all workers and other personnel are provided with and have access to: (a) sanitary facilities with <b>appropriate</b> <del>adequate</del> privacy; (b) potable water of sufficient quality and quantity; AND (c) food of sufficient <b>nutritional value</b>, quality and quantity</i></p> <p>Adequate is replaced with “appropriate” and the link to 1.01 is better made throughout.</p> <p>Guidance from ILO C188 should again appear here in full detail, particularly in reference to the use of terms like “sufficient”, “quality” and “appropriate”. The connection between the two is deliberate on behalf of the TWG and should be made more clear within the references. The TWG considers clarity of the benchmark as paramount but recognises the complexity of this topic so is trying to stick with the normative document language as much as possible. Nutritional value is also added to align more directly.</p> <p>The TWG continues to aim for outcome based criteria. For example, ensuring food of sufficient quality may necessitate that refrigeration is part of it, but in some instances it may not (e.g. vessels fishing day trips).</p> <p>Source: ILO C188 Art 26. 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:</p> <p>(a) approval of plans for the construction or modification of fishing vessels in respect of accommodation;</p>

	<p>(b) maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions;</p> <p>(c) ventilation, heating, cooling and lighting; (d) mitigation of excessive noise and vibration;</p> <p>(e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces;</p> <p>(f) sanitary facilities, including toilets and washing facilities, and supply of sufficient hot and cold water; and</p> <p>(g) procedures for responding to complaints concerning accommodation that does not meet the requirements of this Convention.</p>
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#### **Criterion 10.04**

##### **Comments Public Consultation 1**

<b>10.04</b>	<b><i>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</i></b>
	This would be strengthened to say that on longer fishing trips, a crew member will have their own designated bunk allocated.
	Use of "sufficient" is very ambiguous. As a scheme owner, it's not clear what would have to be included in the standard in order to fulfil this requirement. Add definition to the glossary, or define minimum expectations.
	"Sufficient" definition should also mean "sufficient" to the "number" of workers on board.
	The language is very open to interpretation. We are comfortable with that, but in order to establish a standard and set a minimum, it would be recommended to distinguish between industrial and small-scale operations. More precise conditions for industrial fisheries in this chapter.

##### **Comments Public Consultation 2**

<b>10.04</b>	<b><i>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.</i></b>
	Possibility to include a similar point here on privacy as were included in 10.04 otherwise this is another way in which the engagement of women in at-sea activities is de-facto excluded.

<b>Changes and Justification</b>	
<b>10.04</b>	<i>None</i>
	As mentioned in 10.03, the connection between ILO C188 Art 26/27 and the language used here is deliberate on behalf of the TWG and should be made more clear within the

	<p>references. The TWG considers clarity of the benchmark as paramount but recognises the complexity of this topic so is trying to stick with the normative document language as much as possible.</p> <p>Source: ILO C188 Art 26/27 in full.</p>
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### **Criterion 10.05**

#### **Comments Public Consultation 1**

<b>10.05</b>	<b><i>The standard shall require that if transport to the fishing vessel is provided or mandated, the vehicles (including transportation vessels) used for the transport are safe and suitable.</i></b>
	The language should include to and from the vessel. The transportation should also be free of charge to the crew/worker.
	It could be highlighted that this can be part of the crew embarkation risk assessment
	Difficult to verify

#### **Comments Public Consultation 2**

<b>10.05</b>	<b><i>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.</i></b>
	Should add that the number of crew on such vessel does not exceed the number of people allowed on the vessel and that an appropriate number of life jacket and life rafts are available on the vessel for the number of people transported.
	A bit unclear on how will this be assured as may not be able to see/visit transport vessels? Suggest considering more broadly how subcontractors and other service providers should be covered by the standard.

### **Changes and Justification**

<b>10.05</b>	<b><i>The standard shall require that if transport to <b>or from</b> the fishing vessel <b>while at sea</b> is <b>provided by the entity</b>, the vessel (including <b>motherships</b> and carrier vessels) used for the transport are <b>fit for purpose</b> <del>safe and suitable</del>.</i></b>
	<p>Any costs associated with transport would be covered under the criteria in Chapter 3 and must meet all requirements there. The TWG feels it is better to keep it that way since the Chapter is comprehensive, but also because it saves the risk of shortcutting anything through edits here.</p> <p>Fit for purpose covers safety and suitability, such as the number of people, seaworthiness of carrier vessels, etc. This can be expanded in guidance.</p>

	This criterion is only meant to cover at-sea operations and not all other transport related to getting to the vessel (e.g. commercial air craft carriers).
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## Criterion 10.06

### Comments Public Consultation 1

10.06	<b><i>The standard shall require that appropriate measures are taken to ensure the strength, stability and sea-worthiness of fishing vessels and equipment.</i></b>
	This could be strengthened to say that a vessel stability testing should be undertaken by persons who are competent and have been trained to undertake this work.
	The Standard should be more specific to its measures requiring appropriate Health & Safety Licenses for the vessels and equipment including fishing, fish processing, support vessels, and ship to shore communication. The Standard should recommend annual audits of the vessel and its equipment. All of this assumes “Accountability for Safety” and “Training” are addressed in other sections. ILO document for its flag state Inspectors cites ILO 188 requirement; A valid document, issued by the competent authority stating that the vessel has been inspected by the competent authority or on its behalf, is required to be carried by fishing vessels remaining at sea for more than three days, which: (a) are 24 metres in length and over; or (b) normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag State or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater.
	Provide guidance on what should be considered "appropriate measures".
	This criteria could benefit from a definition for “seaworthiness”: <i>The ability of a ship or other vessel to make a sea voyage with probable safety: there is, in every insurance, whether on ship or goods, an implied warranty that the ship shall be worthy when she sails on the voyage insured; that is, that she shall be tight, staunch, and strong, properly manned, provided with all necessary stores, and in all respects fit for the intended voyage.</i>

### Comments Public Consultation 2

10.06	<b><i>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.</i></b>
	Taken out stability reference which should be reintroduced to ensure that a national regulator checks this and to ensure the safety for the crew operating on the vessel.
	Safety equipment inspection should be specifically mentioned here.

## Changes and Justification

10.06	<i>The standard shall require that <del>appropriate measures are taken to ensure the strength, stability and sea-worthiness of</del> 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.</i>
	The TWG notes that “accountability for safety” and “training” are addressed elsewhere. Incorporates deletion of 10.08

#### Changes and Justification

<b>Glossary:</b> Sea-worthiness	<i><del>The ability of a ship or other vessel to make a sea voyage with probable safety: there is, in every insurance, whether on ship or goods, an implied warranty that the ship shall be worthy when she sails on the voyage insured; that is, that she shall be tight, staunch, and strong, properly manned, provided with all necessary stores, and in all respects fit for the intended voyage.</del></i>
	The definition no longer required following changes to 10.06.

#### Criterion 10.07

##### Comments Public Consultation 1

10.07	<i>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.</i>
	Unclear whether "Entity" is the vessel owner, captain, or other?
	Relative to Navigation and Operation, the clause should require the vessel owner to have up-to-date, standardised training and license information on behalf of its "competent skipper"(s).

##### Comments Public Consultation 2

10.07	<i>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.</i>
	Agree with the amendment, suggest though to use the word Skipper/Captain/Master
	Rest periods are already covered under another section of this SSCI standard. Should be removed from this criterion
	Suggest to define competent, or offer guidance on what it would mean in this context.
	Possibly replace 'manning' with 'crewing' to use a gender-neutral term

#### Changes and Justification

10.07	<i>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</i>
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	<i>and adhered to. <b>The entity shall ensure the fishing vessel is under the control of a competent skipper.</b></i>
	<p>The use of the term entity is as per the glossary definition. Competent has been revised to align with the first sentence.</p> <p>ILO C188 Article 13-14 specifies the responsibility of a competent skipper, which was only eluded to within the existing language. The TWG recognises this could be added specifically but is also covered in the ‘manning’ provision.</p>

### **Criterion 10.08 Deleted**

#### **Comments Public Consultation 1**

<b>10.08</b>	<i><b>The standard shall require that the machinery and equipment comply with national or other globally recognised safety and health standards and be appropriately installed, maintained and safeguarded. This includes all radio and satellite communications.</b></i>
	Provide guidance on what are equivalent "globally recognised safety and health standards".

#### **Comments Public Consultation 2**

No comments

<b>Changes and Justification</b>	
<b>10.08</b>	<del><i>The standard shall require that the machinery and equipment comply with national or other globally recognised safety and health standards and be appropriately installed, maintained and safeguarded. This includes all radio and satellite communications. Delete</i></del>
	The TWG saw this as repetitive of 10.06, and in some ways confusing in scope with the overlap of equipment and the difficulty of a social auditor trying to validation ‘national or other globally recognised’ standards for equipment and machinery.

### **Criterion 10.08**

#### **Comments Public Consultation 1**

<b>10.08</b>	<i><b>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 provided 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.</b></i>
	Agreed and the Standard should specify that training for workers should be performed before boarding the vessel and embarking on the voyage
	Implementation and participation on training need to be documented and made available to external auditors and relevant stakeholders.

	Recommend defining or adding guidance on "timely" and "on a regular basis", or that the training schedule shall be justifiable and appropriate for the vessel. Also, training records should be kept.
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## Comments Public Consultation 2

10.08	<b><i>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.</i></b>
	Feedback on Share fishers has not been taken into account, as this type of training is in some countries mandatory and should be borne by them as they are self-employed. If fishers are employed then agree with amend.
	In the review process of the STCW-F the on-board safety briefing is specifically mentioned in addition to the preparatory/basic safety training on land. I think also that the FAO/ILO/IMO Document for Guidance on fishermen's training and certification: an international maritime training guide would be a useful guide to consult in the development of the standards

## Changes and Justification

10.08	<b><i>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 <del>provided</del> 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 comprehensible language(s) and/or medium.</i></b>
	The TWG acknowledges the role of documentation in audit verification procedures. The specification of audit evidence is the responsibility of the scheme owner (see Chapter 1 where guidance is required). The requirement for training to meeting the duties and responsibilities of the job necessitates it occurs prior to the work being conducted but in some instances, the TWG recognises that training could (and should) occur while at sea in order to understand the realities/impacts of certain gear/equipment/etc. The benchmark aims to accommodate those variabilities and practicalities.  The STCW-F guide was used generally in the development of the ASO scope but is not specifically referenced in any criteria (see reference list).

## Criterion 10.9

### Comments Public Consultation 1

10.9	<b><i>The standard shall require that health and safety training is provided to all workers and other personnel at no cost. Training for workers shall take place during remunerated work periods.</i></b>
	Please reference that the compensation means for payment for training shall be specified in the Fisher's Work Agreement
	If a crew member is classified as a share fisher, they are deemed to be self-employed and they will be expected to get this formal training (not delivered by the Skipper but by the regulatory authorities) prior to going on the vessel. If a crew member is employed, then this clause is accurate. This difference needs to be communicated.

## Comments Public Consultation 2

10.9	<b><i>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.</i></b>
	It should be clarified that the training required to obtain the Seaman Book should be at the charge of the worker as this is part of the qualification required to be recruited.

## Changes and Justification

10.9	<b><i>The standard shall require that health and safety training is provided to all workers and other personnel at no cost. <del>Worker remuneration for training for workers shall be in accordance with their terms and conditions of work.</del> take place during remunerated work periods</i></b>
	The TWG sees the challenge in remuneration for training under the varying contract arrangements that occur for at sea workers. It is best to leave that requirement to the specifications within each agreement. The non-negotiable for all workers is that there can be no cost borne on them.

## Criterion 10.10

### Comments Public Consultation 1

10.10	<b><i>The standard shall require that risk assessments are performed 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.</i></b>
	Glad to see this included, feel that a requirement for a risk assessment ensures the inclusive nature of the standard. Actions and requirements will be appropriate to size, gear type, and number of workers on vessels.
	Included in the first line language after "the Risk Assessments are performed as appropriate" by the mutual agreement of the vessel owner and captain".
	Recommendation to require records of these risk assessments to be kept.

	This criterion appears to imply that formalized risk assessments are the only means of detecting and assessing occupational health and safety issues, when in fact there may be other acceptable approaches, particularly on smaller vessels (i.e., applicable industry standards, state and federal law, U.S. Coast Guard inspections, etc.). Rather than mandating a formal risk assessment, we ask that it allows flexibility with respect to the method for detecting and assessing potential threats to fishermen's health and safety.
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## Comments Public Consultation 2

10.10	<b><i>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.</i></b>
	Do we need to consider extraordinary situations such as COVID?

## Changes and Justification

10.10	<b><i>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. <del>risk assessments are performed</del> Risk evaluation assessments in relation to fishing vessel activities shall be conducted</i></b> 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.
	The TWG recognises the need to ensure risk assessments exist, are thorough and are useful. But also that flexibility is needed as not to unnecessarily demand conformity without purpose. The language used it adapted from ILO 188 to try to accommodate this balance between robustness and manoeuvrability.

## Criterion 10.11

### Comments Public Consultation 1

10.11	<b><i>The standard shall require that workers and other personnel have opportunity to communicate risks and potential threats to the health and safety of themselves and others without fear of recourse.</i></b>
	Agreed, further supported by documentation in 10.13

### Comments Public Consultation 2

10.11	<b><i>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.</i></b>
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	Please clarify to whom they should have such opportunity to communicate, as in such circumstances it may not be to the captain of the vessel.	
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Changes and Justification	
10.11	None
	None

### Criterion 10.12

#### Comments Public Consultation 1

10.12	<b><i>The standard shall require that in the event of a health and safety incident on board a fishing vessel: (a) the entity maintains written records in accordance with applicable national legal requirements (b) the cause of the incident is determined when it occurs, AND (c) appropriate corrective action is taken to prevent recurrence of similar incidents.</i></b>
	After "on board a fishing vessel", suggest to add language that covers loading and unloading activities at the port.
	Unclear what happens if there are no applicable national legal requirements in place.

#### Comments Public Consultation 2

10.12	<b><i>The standard shall require that in the event of a health and safety incident on board a fishing vessel, (a) the entity maintains written records (b) the cause of the incident is determined when it occurs, AND (c) appropriate corrective action is taken to prevent recurrence of similar incidents.</i></b>
	The Cape Town Agreement and C188 both also require the reporting of accidents and fatalities.
	And about compensation?

Changes and Justification	
10.12	<b><i>The standard shall require that in the event of a health and safety incident on board a fishing vessel: (a) the entity maintains written records <del>in accordance with applicable national legal requirements</del> (b) the cause of the incident is determined when it occurs, AND (c) appropriate corrective action is taken to prevent recurrence of similar incidents.</i></b>
	The changes in Chapter 2 ensure that applicable national legal requirements are met regardless. The removal of this here provides expectation that records are kept in all cases (ie. if specified in legislation or not).

	<p>The scope of the benchmark is on at sea operations (ie. operations on board and the shore based management to support it) so the TWG would not seek to expand this criteria beyond those boundaries.</p> <p>Measures for reporting were not included at this time because there may be some instances where the entity has no one to report to. However, the intent of the criterion is to ensure transparency and improvements for the protection and betterment of the worker rather than regulatory compliance.</p>
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### Criterion 10.13

#### Comments Public Consultation 1

10.13	<p><b><i>The standard shall require that appropriate and effective personal protective equipment (PPE) and personal floatation devices (PFD) are provided as needed. PPEs and PFDs shall be provided free of charge 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.</i></b></p>
	<p>Suggest to include reference to the requirement that PPE and PFD are accessible at all times, and upon request</p>

#### Comments Public Consultation 2

10.13	<p><b><i>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.</i></b></p>
	<p>Should also make reference to life raft.</p>

### Changes and Justification

10.13	<p><b><i>The standard shall require that appropriate and effective personal protective equipment (PPE) and personal floatation devices (PFD) are provided as needed <b>and accessible at all times</b>. PPEs and PFDs shall be provided <del>free of charge</del> <b>at no cost</b> 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.</i></b></p>
	<p>The TWG agrees with the inclusion recommended.</p> <p>Coverage for life rafts and other major safety equipment are covered in 10.06 and 11.01.</p>

### Criterion 10.14

#### Comments Public Consultation 1

10.14	<b><i>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.</i></b>
No specific comments	

## Comments Public Consultation 2

No comment

Changes and Justification	
10.14	None
	None

## Criterion 10.15

### Comments Public Consultation 1

10.15	<b><i>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 protection for work-related sickness, injury or death appropriate to the size and type of vessel, its operations and level of risk.</i></b>
	Does Protection in this clause imply insurance including but not limited to life (annual or by voyage), workers compensation, disability or accidental death or dismemberment? If yes, suggest it is appropriately stated.
	This is the first time it has stipulated where there is no legal requirement in place, the standard will determine the requirements. It is needed throughout the benchmark tool.
	This is the first time that there is a reference to the size and type of vessel, its operations and level of risk. This is a very important index for potential risk and required scrutiny of the standard. For example, size of vessel and crew, distance from shore and port, length of voyage, etc. are important risk factors for any social or human rights criteria. Additionally, the ability to document compliance with these criteria may be directly dependent on size of company or vessel. This is due to administrative or financial burden surrounding reporting and potential inability to form comprehensive fleet-wide representation. The benchmark should address the risk of the fishery (or unit of assessment) when defining audit and reporting requirements and explicitly allow for flexibility (i.e. alternative compliance).
	Just double checking that "protection" means "compensation" for workers.

### Comments Public Consultation 2

10.15	<b><i>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</i></b>
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	<b><i>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.</i></b>
	Possible to add 'appropriate protection' so that, for example, women are not subject to wearing survival suits that do not fit as they are sized for men?

Changes and Justification	
<b>10.15</b>	<p><i>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.</i></p> <p><i>Where protections are not provided for in legislation, the standard shall require that the entity provides <del>protection</del> <b>insurance and compensation</b> for work-related sickness, injury or death appropriate to the size and type of vessel, its operations and level of risk.</i></p>
	<p>The criterion is not limited to insurance and compensation but could be met by social programs (for example in New Zealand there isn't a need for a vessel owner to have accident cover as there is Accident Compensation for injury and income provided by the government directly to a worker). However, where that is missing, the TWG agrees that it is necessary for the entity to ensure appropriate measures are in place.</p> <p>As noted in Chapter 1, consideration for size, operations and risk cannot excuse the entity from meeting their obligations. The intent here is to accommodate small scale and artisanal fishers without compromising expectations on industry fleets. The more specificity that arises, the more likely the criteria are to be exclusive.</p>

### Criterion 10.16

#### Comments Public Consultation 1

<b>10.16</b>	<b><i>The standard shall require that the entity conducts due diligence to ensure workers are safe and well for working at sea.</i></b>
	Who is "the entity", who is accountable for this determination? The labour agency, the vessel operator, the captain or the vessel owner?
	Is there a standard for medical exams and are they free of charge?
	Vague criteria: unclear what a scheme owner would have to include in the standard to comply with this. In general, requirements that leave less to auditors discretion are going to be more consistently implemented.
	Should they also conduct internal reviews/audits?
	Clear definition of "at sea" is an avenue to address above issues concerning smaller vessels complying to reporting standards, documentation and audit requirements. At-sea thresholds regarding distance from shore and proximity to port would be a proxy for level of risk, not to mention visibility by industry.

#### Comments Public Consultation 2

10.16	<b><i>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.</i></b>
	Please clarify whether this requirement applies prior to the recruitment process, or do you refer to a permanent mechanism that needs to be implemented onboard? What type of mechanism this should be, such as periodic medical examination? How frequent? These details should be clarified here
	The C188 has a requirement for medical certification each 2 years. Article 12 is clear on this and would leave no place for exceptions

#### Changes and Justification

10.16	<b><i>The standard shall require that the entity <del>conducts due diligence</del> has a mechanism in place to ensure workers are <del>fit safe and well for working at sea</del> to perform their duties under their work agreement.</i></b>
	<p>The TWG acknowledges this criterion does leave much to auditor discretion. ILO C188 speaks to ‘attesting’ fitness but also identifies risk-based exemptions to medical certificates. As the benchmark seeks to accommodate the full size range of vessels, the TWG is aiming to capture the process at which an entity goes through to consider and decide the suitability of any individual to go to sea. Obviously where ILO C188 has been ratified, this is straight forward. Many other seafaring nations have medical certificates as part of crew licensing requirements. However, this expectation is not seen as critical to ensuring small scale or near shore vessels are competently crewed. The use of ‘mechanism’ places responsibility on the entity to demonstrate how they ensure workers are able to perform their duties.</p> <p>The move to duties aligns with the language used in ILO C188 Art 10. It also removes doubt as to the locational aspect of their role.</p> <p>Entity is per the glossary definition.</p>

## Chapter 11: Emergency Preparedness

### Criterion 11.01

#### Comments Public Consultation 1

11.01	<i>The standard shall require that adequate emergency, fire safety, evacuation and survival procedures are in place. The procedures are appropriate to the size and type of vessels, its operation and level of risk, and comply with all applicable national legal requirements.</i>
	Procedures should include drills under all foreseeable conditions, and specify that these drills occur at least annually, or when there are crew changes.
	This is the second and final reference to "size and type of vessel, its operations and level of risk". If these criteria are tailoring requirements based on risk, why not in the other areas of the benchmark.
	Before "evacuation" add the word "rescue".
	This is the first time it has stipulated where there is no legal requirement in place, the standard will determine the requirements. It is needed throughout the benchmark tool.
	For this chapter, we suggest referencing relevant IMO guidelines and provisions.

#### Comments Public Consultation 2

11.01	<i>The standard shall require that appropriate emergency, fire safety, rescue, evacuation and survival procedures are in place.</i>
	Emergency preparedness can also take the form of depletion of natural resources, including overfishing. In the context of the OECD-FAO Guidance, this can also be linked to energy and food security, particularly if certain seafood are considered part of the regular diet of communities. In the context of mitigation and emergency preparedness, overfishing, or abuse of natural resources by growing demand for some commodities in aquaculture may have serious consequences to human rights and the flow of trade.

#### Changes and Justification

11.01	<i>The standard shall require that <b>appropriate</b> <del>adequate</del> emergency, fire safety, <b>rescue</b>, evacuation and survival procedures are in place. <del>The procedures are appropriate to the size and type of vessels, its operation and level of risk, and comply with all applicable national legal requirements.</del></i>
	The changes in 1.01 apply to the full benchmark so the second half of this criteria can be removed and adequate should be changed to align with the risk based approach language. The TWG note the inclusion of rescue in this chapter.  Comments about scope are addressed elsewhere.

### Criterion 11.02

### Comments Public Consultation 1

11.02	<i>The standard shall require that all workers and other personnel are trained on the emergency, fire safety, evacuation and survival procedures.</i>
	Can this phrase from the guidance be added into the criteria after "survival procedures": "including regular exercises in emergency prevention, preparedness and response procedures.". Before evacuation, add the word "rescue". Routes need to be open to permit safe and expedient rescue.
	In 10.09, the language is very specific on cadence and staff turnover for training. Should this be specified here too?

### Comments Public Consultation 2

No comment

Changes and Justification	
11.02	<p><i>The standard shall require that all workers and other personnel are trained on the emergency, fire safety, <b>rescue</b>, evacuation and survival procedures, <b>including exercises in emergency prevention, preparedness and response</b>.</i></p> <p><i>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 comprehensible language(s) and/or medium.</i></p>
	The TWG has pulled through previous decisions on training, communication, language and increased specificity to criteria for the changes made here.

### Criterion 11.03

#### Comments Public Consultation 1

11.03	<p><i>The standard shall require that fire exits, escape routes, fire fighting equipment and fire alarms are properly marked according to national and industry standards.</i></p> <p><i>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 evacuation in case of an emergency.</i></p>
	As under 11.02: you must add "rescue" concept into this clause. Suggest Emergency Rescue and Evacuation.

#### Comments Public Consultation 2

No comment

Changes and Justification	
11.03	<i>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</i>

	<i>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 <b>rescue and/or</b> evacuation in case of an emergency.</i>
	See above.

#### **Criterion 11.04 Deleted**

##### **Comments Public Consultation 1**

<b>11.04</b>	<b><i>The standard shall require that workers and other personnel have the right to remove themselves from imminent serious danger without seeking permission.</i></b>
	This clause should be part of an Emergency Response Policy (add a Policy concept to 11.01 Procedures), with specific procedures to set off warnings, sound alarms, engage emergency gear stops, etc. Otherwise, it looks like a permissible chaos clause - everyman for himself. Not the intent.
	More clarity needed: definition of what "imminent serious" condition would be in this context is unclear. Concern here is that if someone leaves without permission from their job, this action may lead to even more danger for the vessel and other crew members.
	It is recognized that there may be situations where fishers need the autonomy to exercise their own judgment when confronted with dangers. Still, the crew must also follow the lawful orders of the captain while at sea – especially in the context of an emergency which could jeopardize the safety of the vessel and crew. We suggest to clarify the conflict between this criterion and 12.03
	Do you give a warning if a dangerous situation occurs? Do you remove yourself and that is it? Unclear how this relates to your own responsibility.

##### **Comments Public Consultation 2**

No comment

<b>Changes and Justification</b>	
<b>11.04</b>	<del><i>The standard shall require that workers and other personnel have the right to remove themselves from imminent serious danger without seeking permission.</i></del> Delete.
	Health and safety aspects are covered sufficiently in Chapter 10. 12.03 also highlights the responsibility of the skipper to ensure the safety of the vessel and its crew, so agree there is an unintended contradiction there.

#### **Criterion 11.04**

##### **Comments Public Consultation 1**

New, moved from 12.03

## Comments Public Consultation 2

11.04	<b><i>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.</i></b>
	Who is the "Scheme Owner"? New terminology used here for the first time in this SSCI standard which is a very confusing reference. I think that SSCI needs to clarify in its introduction what is the intent of this SSCI standard/document? should it be used as a basis to create new standards? However this document is clearly not a guidance document but already a set of quite specific requirements. This is really confusing.

### Changes and Justification

11.04	<b><i>The <b>Scheme Owner</b> 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.</i></b>

## Chapter 12: Business Ethics

### Criterion 12.01

#### Comments Public Consultation 1

12.01	<i>The standard 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.</i>
	Regarding falsification should include specific references to what fishing vessels (captains) actually falsify including vessel number, fishing licenses, vessel registration, crew details (in/out) and catch logs.
	12.01 and 12.02 are the only places in which the Standard could specifically require adherence to the Port State Measures Agreement to prevent illegal, unregulated and unreported (IUU) fishing. Activities such as offloading illegal catches during transshipment or at the port at night and prior to the arrival or port or flag state inspectors.
	This is covered in [our standard's] Eligibility Criteria, that they must act legally. Unclear whether this would meet the intent of this requirement.
	For this chapter, we suggest referencing relevant IMO guidelines and provisions.

#### Comments Public Consultation 2

12.01	<i>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.</i>
	Please define "scheme owner", "entity", etc

#### Changes and Justification

12.01	<i>The <b>Scheme Owner</b> <del>standard</del> 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.</i>
	<p>Changing the subject to Scheme Owner allows for the criteria to be met through requirements in the standard scope and application processes.</p> <p>Guidance will be expanded to include: Regarding falsification should include specific references to what fishing vessels (captains) actually falsify including vessel number, fishing licenses, vessel registration, crew details (in/out) and catch logs.</p> <p>IUU proxy measure has been introduced into Chapter 2.</p>

### Criterion 12.02

#### Comments Public Consultation 1

<b>12.02</b>	<b><i>The standard 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.</i></b>
	This is covered in [our standard's] Eligibility Criteria, that they must act legally. Unclear whether this would meet the intent of this requirement.
	12.01 and 12.02 are the only places in which the Standard could specifically require adherence to the Port State Measures Agreement to prevent illegal, unregulated and unreported (IUU) fishing. Activities such as offloading illegal catches during trans-shipment or at the port at night and prior to the arrival of port or flag state inspectors.

## Comments Public Consultation 2

<b>12.02</b>	<b><i>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.</i></b>
	Why is this criterion referring to supply chain if this SSCI standard/document applies to fishing vessels? Which supply chain are you referring to as the fishing activity in this case appears to be the first step in the supply chain.

## Changes and Justification

<b>12.02</b>	<b><i>The <del>standard</del> <b>Scheme Owner</b> 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.</i></b>
	Changing the subject to Scheme Owner allows for the criteria to be met through requirements in the standard scope and application processes.  IUU proxy measure has been introduced into Chapter 2.

## Criterion 12.03

### Comments Public Consultation 1

<b>12.03</b>	<b><i>The standard 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.</i></b>
	No specific comments

### Comments Public Consultation 2

<b>12.03</b>	<b><i>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</i></b>
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	<b><i>persons on board, or the purpose of giving assistance to other boats or ships or persons in distress at sea.</i></b>
	Criterion was deleted, but it is referring to "scheme" which is another terminology that is not clearly defined.

#### Changes and Justification

<b>12.03</b>	<i>The <b>Scheme Owner</b> <del>standard</del> 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.</i>
	Changing the subject to Scheme Owner ensures that this applies to all criteria across the standard and should be taken into account during the development process rather than in a single audit.  MOVE TO 11.05

## 3. Section 3: Annexes

### Public Consultation

Annex 1\_Overview of entries via website\_Social Criteria

Annex 2\_Overview of entries via website\_Scheme Management

Annex 3\_Overview of entries via email\_Social Criteria and Scheme Management

### Stakeholder Meetings

Annex 4\_Meeting Minutes ASO Scheme Owner\_Final

Annex 5\_Meeting Minutes ASO Retailers\_Final

Annex 6\_Meeting Minutes ASO Stakeholders\_Final

### Expert Consultations

Annex 7\_Expert Consultation w At-Sea Processors

Annex 8\_Expert Consultation w Bolton Foods & OPAGAC

Annex 9\_Expert Consultation w Birgitte Poulsen (Seafood Slavery Risk Tool)

Annex 10\_Expert Consultation w Conservation International

Annex 11\_Expert Consultation w Kroger

Annex 12\_Expert Consultation w Nueva Pescanova

Annex 13\_Expert Consultation w Mariah Boyle

Annex 14\_Expert Consultation w OSA

Annex 15\_Expert Consultation w Sainsbury's