

# Fairness, Integrity, Safety and Health (FISH) Standard for Crew

# F · I · S · H



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## Responsibility for this Standard

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

<i>Amendment Record</i>		
<b>Version No.</b>	<b>Date of Release</b>	<b>Description of Amendment</b>
Draft for public consultation	30 December 2020	Draft standard released for public consultation as approved by the Standard Oversight Committee (SOC) and Board of Directors.
Version 1.0	14 April 2021	Amended by the SOC to address stakeholder input from public consultation and approved for release by the Board of Directors.
Version 1.1	12 August 2021	Amended to require: remediation of forced labour if detected; address seaworthiness of transport vessels; and keep records of disciplinary actions.

## Contents

Responsibility for this Standard .....	2
Introduction .....	5
Objective.....	5
Basis for Standard.....	5
Structure of Standard .....	6
Scope.....	6
Normative References .....	6
Terms and Definitions .....	6
General Provisions .....	7
1. Certification and Accreditation Framework .....	7
2. Legal Compliance.....	7
3. Applicable Laws and Regulations .....	8
4. Vessel Size and Voyage Duration .....	8
5. Access .....	9
6. Certificate Holders with Multiple Vessels .....	9
7. Unit of Certification .....	9
8. Policy Prerequisite .....	9
9. Records .....	10
10. Certified Claim .....	10
Principle 1. Emphasize Socially Responsible Labour Practices and Ethical Behaviours .....	11
Criterion 1.1 - No Child Labour .....	11
Criterion 1.2 - No Forced Labour .....	12
Criterion 1.3 - Crew List .....	13
Criterion 1.4 - Respect the Dignity of Fishers .....	14
Criterion 1.5 - Protect Migrant Fishers .....	14
Criterion 1.6 - Fair Recruitment and Placement of Fishers .....	15
Criterion 1.7 - Provisions for Repatriation .....	16
Principle 2. Establish Fair Conditions of Service for All Fishers .....	17
Criterion 2.1 - Fisher Work Agreement.....	17
Criterion 2.2 – Fair Remuneration .....	17
Criterion 2.3 - Freedom of Association and Collective Bargaining .....	18

Criterion 2.4 - Non-discrimination in Employment .....	19
Criterion 2.5 - Social Security.....	19
Criterion 2.6 – Health Protection and Medical Care .....	19
Criterion 2.7 – Fisher’s Compensation System .....	19
Criterion 2.8 – Grievances.....	20
<b>Principle 3. Ensure the Safety and Health of All Fishers.....</b>	<b>21</b>
Criterion 3.1 – Defined Roles and Accountability.....	21
Criterion 3.2 - Occupational Safety and Health .....	21
Criterion 3.3 - Safety Orientation and Training.....	23
Criterion 3.4 - Rest Periods and Hours of Work .....	24
Criterion 3.5 – Fitness Standards and Medical Exams.....	25
Criterion 3.6 – Medical Treatment .....	25
<b>Principle 4. Provide Decent Accommodations, Water and Food .....</b>	<b>27</b>
Criterion 4.1 – A Framework for Oversight.....	27
Criterion 4.2 - Accommodations are Appropriate .....	27
Criterion 4.3 - Spaces are Well Maintained .....	28
Criterion 4.4 - Spaces are Comfortable and Safe.....	29
Criterion 4.5 - Sanitary Facilities are Provided .....	30
Criterion 4.6 - Food and Potable Water.....	31
Criterion 4.7 – Galley and Other Facilities .....	31
<b>Annex 1. Glossary of Terms .....</b>	<b>34</b>
<b>Annex 2. List of Acronyms.....</b>	<b>37</b>
<b>Annex 3. Minimum Requirements for Fisher Work Agreement.....</b>	<b>39</b>
<b>Annex 4. Requirements for Certificate Holders with Multiple Vessels .....</b>	<b>40</b>
<b>Bibliography .....</b>	<b>43</b>

## Introduction

Seafood buyers want credible assurance that the fishers<sup>1</sup> who produce their seafood are treated fairly and have safe and decent conditions of work. The world's major harvesters initiated a process to develop a standard to fulfil this goal: The Fairness, Integrity, Safety and Health (FISH) Standard for Crew. The Standard is aligned with internationally recognized best practice for decent, socially-responsible working conditions in the seafood sector.

As owner of the FISH Standard for Crew, FISH SC will determine the process to set, monitor, review and revise the Standard. Additionally, FISH SC will oversee implementation of the Standard as a voluntary, independent, accredited third party certification program for labour practices on vessels in wild-capture fisheries.

As scheme owner, FISH SC wishes to acknowledge the seminal work of the At-Sea Processors Association (APA) in developing an early version of the Standard. APA's efforts served as a catalyst for establishing the FISH Standard for Crew as a rigorous, global certification standard.

## Objective

To create a voluntary labour certification standard for fishers that integrates internationally-recognized norms, applicable laws and regulations, and best practice. The Standard will establish a set of clear, measurable performance thresholds which are suitable for use in audits by third-party certification bodies (CBs). Rigorous application of this certification standard will serve to identify and distinguish those fishing vessel owners or companies that achieve and maintain the highest levels of performance with respect to fair, socially responsible labour practices.

## Basis for Standard

The FISH Standard for Crew is based on internationally recognized best practice in the field. It is adapted primarily from the International Labour Organization (ILO) Work in Fishing Convention, 2007, Number 188 ([ILO C188](#)) and related ILO Guidance Number 199 ([R199](#)). In addition, the Standard reflects the intent of the International Maritime Organisation [Torremolinos International Convention](#) for the Safety of Fishing Vessels, 1977 (as amended). It also incorporates elements from the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel ([STCW-F](#)) and the United Nations Universal Declaration of Human Rights ([UDHR](#)) as well as addressing some of the more general concerns that have been voiced in recent years by industry, researchers, and non-governmental groups. Lastly, it is aligned with the developing work of the [Sustainable Supply Chain Initiative](#) - the [Consumer Goods Forum](#)-initiated work to benchmark third party certification systems for labour conditions.

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<sup>1</sup> [ILO C188](#) defines fisher to include "every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers."

## Structure of Standard

The FISH Standard for Crew has a hierarchical structure. At the highest level there are four principles, each encompassing a broad theme. The Principles are: 1. Emphasize socially responsible labour practices and ethical behaviours; 2. Establish fair conditions of service for all fishers; 3. Ensure the safety and health of all fishers; and 4. Provide decent accommodations, water and food.

Underpinning each Principle are a number of criteria. The criteria were formulated to capture the key labour concerns identified by relevant international bodies such as the ILO, as well as reflecting other social issues of relevance to the sector. There are 28 criteria in all.

Beneath each criterion is a set of indicators. Indicators are the operational unit of the Standard. They define the performance level that an entity must achieve and maintain. Collectively, this suite of indicators represents the measurable performance thresholds and audit criteria of the FISH Standard for Crew.

## Scope

The scope of the FISH Standard for Crew covers all fishers who work onboard any fishing vessel identified in the Unit of Certification. 

## Normative References

ILO C188 is the basis for the FISH Standard for Crew and it is therefore a normative reference. R199 provides guidance to C188 but it is not considered normative in relation to the FISH Standard for Crew. Similarly, the numerous ILO conventions and related international instruments that were considered by the International Labour Office during formulation of C188 are not considered normative references for the FISH Standard for Crew but may provide guidance in terms of implementation of the Standard. However, all entities seeking certification to the FISH Standard for Crew should respect the principles elaborated in ILO Labour Conventions and associated international instruments - particularly those referenced in C188.

The *Auditor Guidance Manual for the FISH Standard for Crew* accompanies and supplements this Standard. The Manual provides auditors with additional clarification or guidance on implementation of the FISH Standard for Crew. An anchor symbol () identifies those sections or clauses for which guidance is available.

## Terms and Definitions

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

# General Provisions

## 1. Certification and Accreditation Framework

The FISH Standard for Crew will be implemented in accordance with the *Certification and Accreditation Framework for the FISH Standard for Crew*. As established in the framework, independent certification bodies (CBs) perform third-party audits of vessel owners/companies against the FISH Standard for Crew. CBs are accredited by an independent Accreditation Body (AB) as operating a certification system consistent with ISO/IEC 17065:2012 and with a scope encompassing the FISH Standard for Crew. In addition, CBs are approved by the Scheme Owner to participate in the Program. Audits are performed by CB lead auditors who have received specific training in the FISH Standard for Crew, as well as having demonstrated proficiency as lead auditors for social compliance audits including completion of SA8000 or SMETA training and have attained APSCA-certified/associate social compliance auditor status or equivalent (see Framework for a complete list of lead auditor competence requirements). CB audit programmes evaluate all Standard criteria and also evaluate compliance with applicable laws and regulations where expressly required by the Standard. In addition, CB audit programmes give due consideration to ongoing inspections programs, insofar as they may afford opportunities to reduce redundancies in the audit process.

## 2. Legal Compliance

The Board of Directors of FISH SC emphasizes that nations are sovereign and their laws sacrosanct. Accordingly, the FISH Standard for Crew was developed as a voluntary standard with the intention of ensuring that the minimum acceptable performance level meets or exceeds the performance level set by national laws and regulations. If the FISH Standard should define a performance level falling below that which is set by national laws or regulations, then the latter shall prevail. The FISH Standard may, however, define a higher level of performance than that which is set by national laws and regulations. The Standard will not enter into disputes over laws and regulations or jurisdictions that may arise between or among flag states, coastal states, port states, and/or other involved parties.

The FISH Standard for Crew is predicated on the notion that every entity seeking certification, whether vessel owner, company, or another type of organization, commits to meeting best labour practices and fulfilling social responsibilities. It is therefore expected that all certified entities and applicants will comply with applicable laws and regulations for labour (see below). The FISH Standard for Crew shall never be used to justify a vessel owner or company failing to fulfil its legal obligations. Whether stated explicitly or not, the expectation is that the vessel owner/company shall comply with the laws and regulations of the flag state of the vessel at all times<sup>2</sup>. In addition, whether stated explicitly or not, the expectation is that the vessel owner/company shall comply with the laws and regulations of any coastal state or port state which may apply to the vessel owing to the circumstances of its operations<sup>3</sup>. If a conflict between different requirements of the Standard should arise during implementation, it is expected that the owner/company will apply the requirement of the FISH Standard for Crew which is more favourable to fishers.

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<sup>2</sup> UNCLOS Article 94. [https://www.un.org/Depts/los/convention\\_agreements/texts/unclos/UNCLOS-TOC.htm](https://www.un.org/Depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm)

<sup>3</sup> UNCLOS Article 62(4) as cited in: The making of C188. [https://www.ilo.org/global/industries-and-sectors/shipping-ports-fisheries-inland-waterways/WCMS\\_181288/lang--en/index.htm](https://www.ilo.org/global/industries-and-sectors/shipping-ports-fisheries-inland-waterways/WCMS_181288/lang--en/index.htm)

### 3. Applicable Laws and Regulations

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

### 4. Vessel Size and Voyage Duration

The FISH Standard for Crew is a global standard intended for use by a broad range of commercial fishing operations and vessel types. Vessel size and voyage duration are widely recognized as essential considerations for defining best labour practices at sea. Consequently, these two variables are reflected in the scoping of many requirements of the FISH Standard for Crew. We follow ILO conventions by using measurement of vessel length<sup>4</sup> as a proxy for vessel size. A key threshold for vessel size occurs at 24 m in length. Conversions to equivalent measures of length overall and gross tonnage are given in (Table 1).

Table 1. Equivalence of Vessel Size Measurement

Length	Length overall	Gross tonnage
24 metres	26.5 metres	300 gt

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

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

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

<sup>4</sup> Length = 96% of the total length on a waterline at 85% of the least moulded depth measured from the keel line or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater.

## 5. Access

The FISH Standard for Crew is a global, voluntary certification standard intended for use in commercial fisheries<sup>5</sup>. Access is open to all entities meeting the scheme's definition of Certificate Holder described below.

## 6. Certificate Holders with Multiple Vessels

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

## 7. Unit of Certification

The Unit of Certification (UoC) is defined by:

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

## 8. Policy Prerequisite

The FISH Standard for Crew requires that applicants have a policy or policies addressing nine criteria (Table 2). This is a prerequisite for certification. Applicants will be asked to submit policies to the Certification Body at the start of the application process. If the CB cannot verify the applicant meets the policy prerequisite, then the CB shall not proceed with review of the application.

Policy priorities identified in Table 2 represent the minimum level of commitment that is required of a Certificate Holder. Policies shall be appropriate to the size and scope of the operation and its associated risks. Policies shall be written. They may be aggregated into a single policy document or presented in separate documents. In any event, there shall be evidence of effective implementation, including: clearly assigned roles of responsible personnel; training of personnel relevant to their roles; procedures

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<sup>5</sup> The Standard does not apply to recreational or subsistence fishing. 

to support policy implementation as appropriate; and an understanding by the crew of those policies. Effective implementation of policies shall be verified by the CB during the audit process. 

Table 2. Criteria with a policy prerequisite.

<b>Criterion</b>
1.1 No Child Labour
1.2 No Forced Labour
1.4 Respect the Dignity of Fishers
1.6 Fair Recruitment and Placement of Fishers
1.7 Provisions for Repatriation
2.3 Freedom of Association and Collective Bargaining
2.4 Non-Discrimination in Employment
3.2 Occupational Safety and Health
3.5 Fitness Standards and Medical Exams

## 9. Records

Where the FISH Standard for Crew specifies that records must be kept, the Certificate Holder shall retain records for at least one full certification cycle. Due diligence shall be exercised to ensure that the confidentiality of information is protected. Unless otherwise specified, records may be kept on board the fishing vessel(s) or held ashore.

## 10. Certified Claim

The FISH Standard for Crew is intended primarily as a tool for business-to-business communication. Entities that meet the Standard and have been awarded a certificate attesting to this fact from an approved Certification Body will be entitled to make a certified claim. The certified claim is:

*“<< name of Certificate Holder >>, comprising the vessel(s) << vessel name(s)>> and operating in << fishery jurisdiction(s)>>, is certified against the Fairness, Integrity, Safety and Health (FISH) Standard for Crew as an organization that meets internationally recognized best practice for ensuring decent working conditions for fishers.”*

The FISH Standard for Crew is intended primarily as a tool for business-to-business communications and consequently the scheme will not make provisions for use of a FISH Crew logo or label on seafood packaging and products. Nonetheless, the Scheme Owner acknowledges that, even in a business-to-business context, the FISH Standard for Crew will need a chain of custody (CoC) mechanism in order to ensure traceability and to validate certified claims. Development of a CoC mechanism is currently under way and Certificate Holders will be informed when a system is in place to enable certified claims.

## Principle 1. Emphasize Socially Responsible Labour Practices and Ethical Behaviours

Under Principle 1, the Certificate Holder shall emphasize socially responsible labour practices and take all steps necessary to show that abusive or unethical labour practices do not exist nor will they arise within the scope of operation.

### Criterion 1.1 - No Child Labour

Ref: ILO C188 Art. 9; R199(1-5)

1.1.1 The Certificate Holder shall have a policy prohibiting child labour and the Certificate Holder shall not employ child workers.

1.1.2 For the purposes of implementing Criterion 1.1, the following definitions apply:

- (a) A 'child' is a person who is less than 16 years old, which is normally considered to be the minimum age to work on board a fishing vessel.
- (b) A 'Young Fisher' is defined as a worker who is 16 or 17 years old. Persons 15 years old may be considered young fishers and permitted to work on fishing vessels provided that national law authorizes employment of persons aged 15 years on fishing vessels and that such employment is consistent with prescribed and limited circumstances (see ILO C188 Article 9).

1.1.3 In addition, the policy in 1.1.1 shall also:

- (a) explicitly address the employment of young fishers; and
- (b) clearly indicate whether or not the employment of young fishers is allowed.

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

- (a) are only required to undertake tasks/functions that are not harmful to their physical and mental health and wellbeing; 
- (b) receive adequate training (e.g., through an apprentice program) for the functions they will perform including periods of supervised instruction (i.e., on the job training);
- (c) are instructed as to which duties they must not perform, including any hazardous work assignments; and 
- (d) receive all protections afforded to adult fishers under Principles 1 to 4.

1.1.5 Exception for family owned/operated small vessels: An exception to the minimum age requirements in 1.1.1, 1.1.2 and 1.1.3 may be made for fishers who are under 16 years of age (or under 15 years of age if 1.1.2 defines 'young fisher' as being inclusive of 15 year olds) and are working on small, family owned/operated vessels provided that: 

- (a) the participation of fishers does not contravene applicable laws and regulations;
- (b) the requirements of 1.1.4 are met in full;
- (c) fishers are not assigned hazardous duties (in accordance with 1.1.4a) and they receive adequate training for the functions they will perform (in accordance with 1.1.4b);
- (d) fishers do not undertake work with dangerous machinery, equipment and tools, or which involves the manual handling of transport of heavy loads; and
- (e) work is done under the direct supervision of a parent or legal guardian.

1.1.6 The Certificate Holder shall maintain records sufficient to demonstrate that policies regarding child labour and young fishers are implemented on all fishing vessels in the Unit of Certification.

1.1.6.1 The records in 1.1.6 shall include age verification based on government-issued documents.

1.1.7 The Certificate Holder shall have a policy providing for remediation in the event that child labour in violation of this Standard is uncovered. This policy shall put the best interest of the child first and shall include provisions for:

- (a) notification of appropriate government agencies, especially those charged with child protective services;
- (b) family notification and reunification;
- (c) accessing qualified experts who can carry out an assessment of any harm to the child and, as needed, design and provide appropriate, remedial child services; and,
- (d) reimbursement of reasonable, documented costs incurred by government agencies and/or non-governmental organisations providing assessment and remedial services.

## Criterion 1.2 - No Forced Labour

Ref: ILO C188 Art.23,24

1.2.1 Policy shall prohibit the use of forced labour and trafficked labour.

1.2.2 Fishers are free to accept or reject employment. 

1.2.3 Fishers are free to terminate their employment at any time provided they give reasonable notice<sup>6</sup>. 

1.2.4 Fishers are free to leave the service of the vessel without penalty<sup>7</sup> during port calls. 

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

1.2.6 Fishers shall have the right to secure the advice and representation of a fishers' support organization<sup>8</sup> of their choosing prior to boarding the vessel, to deposit a copy of the Fisher Work Agreement with that organization and to maintain communication with the support organization consistent with criterion 4.7.13. 

1.2.7 Forced labour is a critical non-conformity and its detection<sup>9</sup> effectively stops the process of certification (see section 2.7.5 of the Framework).  If forced labour is detected, the Certificate Holder shall:

- (a) take immediate corrective actions to eliminate forced labour, address its root cause(s), and prevent its recurrence.
- (b) take actions to effectively remediate all fishers who have been impacted, including:
  - i. consultation with organizations having appropriate expertise and services to address the needs of the affected fishers;
  - ii. compensation of fishers for personal and material damages and paying for reasonable and documented costs of services recommended by the organizations consulted; 
  - iii. reporting of labour violations as required by applicable laws and regulations
- (c) document and verify all corrective actions in 1.2.7(a) and all remedial actions in 1.2.7(b).

#### Criterion 1.3 - Crew List

Ref: ILO C188 Art.15

1.3.1 There shall be a crew list carried on board the fishing vessel and held ashore. 

<sup>6</sup> Ten (10) days is generally considered a minimum timeframe for giving reasonable notice, subject to the terms of the Fisher Work Agreement.

<sup>7</sup> Subject to the terms of the Fisher Work Agreement

<sup>8</sup> A fishers' support organization might include seafarers support organization, a union, an ethnic/cultural/religious association, a migrant rights group or an NGO.

<sup>9</sup> Detection of forced labour may occur during routine audits (initial, surveillance or re-certification) or it may become known because of a conviction for a forced labour violation in the UoC within the past 3 years.

1.3.2 In accordance with applicable laws and regulations, the crew list shall be communicated to authorities prior to departure or else made available to authorities upon request.

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

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

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

#### Criterion 1.4 - Respect the Dignity of Fishers

Ref: ILO C188 Art.23; ISO 26000(6.3.8); UDHR 05

1.4.1 Policy shall prohibit the use of any form of abusive disciplinary practice<sup>10</sup>, whether physical or mental, towards fishers. 

- 1.4.1.1 Any disciplinary practice used shall comply with applicable laws and regulations.
- 1.4.1.2 Large vessels: Records of all disciplinary actions shall be kept.

1.4.2 Policy shall prohibit the harassment of fishers, including the prohibition of any form of physical, mental, or persistent verbal abuse, or threats by the captain, officers, fishers, or other personnel.

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

1.4.4 There shall be no withholding of a fisher's pay without his or her expressed consent unless the specific circumstances for doing so are stated in the Fisher Work Agreement (Annex 3).

#### Criterion 1.5 - Protect Migrant Fishers

Ref: ISO 26000(6.3.7)

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<sup>10</sup> See Glossary of Terms

FISH Standard for Crew

Version 1.1, August 12, 2021

1.5.1 Relevant worker documentation (e.g., passport, work permit, visa, etc.) shall be reviewed to ensure that all fishers meet legal requirements for employment in the applicable jurisdiction.

1.5.1.1 Copies of relevant documents shall be maintained to show compliance with 1.5.1.

1.5.2 If migrant fishers are employed, such fishers shall be given the same level of access as nationals are given to measures for worker protection, collective bargaining, training and health & safety. 

1.5.3 Record keeping for 1.5.2 shall be sufficient to show that the Principles 1 to 4 of this Standard are fulfilled with respect to migrant fishers.

#### Criterion 1.6 - Fair Recruitment and Placement of Fishers

Ref: ILO C188 Art 22(3)

1.6.1 Policy shall prohibit the use of coercive or deceptive recruitment practices.

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

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

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

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

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

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

1.6.5 In addition to 1.6.4, if a Recruitment Service is used for recruiting/placing fishers, the vessel owner/company shall ensure the service:

- (a) does not deter job seekers from engaging in work by using blacklists or other means; 

- (b) does not require fishers to pay recruitment fees or other charges for recruitment or placement<sup>11</sup>; and
- (c) has a valid license, certificate or similar authorization from the competent authority in the country of operation. 

#### Criterion 1.7 - Provisions for Repatriation

**Ref: ILO C188 Art.21(1-3)**

- 1.7.1 Policy and/or Fisher Work Agreements shall address the vessel owner's/company's responsibility for repatriation of any fisher who is transferred off the vessel or otherwise left behind in a foreign port. 
- 1.7.2 The policy and/or agreements in 1.7.1 shall identify the precise circumstances in which the vessel owner/company is or is not liable for the cost of repatriation including instances of expiry or termination of the Fisher Work Agreement. 

  - 1.7.2.1 The vessel owner/company shall bear the cost of repatriation except where the fisher has been found to be in serious default of the terms and conditions of the Fisher Work Agreement or as otherwise provided for in the Fisher Work Agreement or applicable law or regulation.
  - 1.7.2.2 The vessel owner/company shall bear the cost of repatriation from the nearest port if the vessel owner/company owner seeks to extend the fishing trip beyond what is stated in the Fisher Work Agreement. 

- 1.7.3 The vessel owner/company shall comply with applicable laws and regulations for repatriation of fishers and for the return of fishers to port of hire.

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<sup>11</sup> Exceptions may be allowed only in cases where such fees or costs are in line with ILO guidance. See: ILO (2019) *General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs*. FISH Standard for Crew

## Principle 2. Establish Fair Conditions of Service for All Fishers

Principle 2 sets out eight criteria that will ensure fair conditions of service are realized for all fishers on board fishing vessels: Fisher Work Agreement; fair remuneration; freedom of association and collective bargaining; non-discrimination in employment; social security; medical protection, fisher's compensation system, and grievance process.

### Criterion 2.1 - Fisher Work Agreement

Ref: ILO C188 Arts.16-20; Annex II

- 2.1.1 There shall be a signed Fisher Work Agreement (i.e., a contract) in place between the vessel owner/company and each fisher.
- 2.1.2 The Fisher Work Agreement shall cover all matters indicated in Annex 3.
- 2.1.3 The Fisher Work Agreement shall be made comprehensible to the fisher and he or she shall have an opportunity to review and seek advice on the terms of the agreement (see 1.2.6) before signing it.
- 2.1.4 Prior to signing a Fisher Work Agreement, fishers shall be given truthful description of the work assignment(s) and work environment by the vessel owner/company or Recruitment Service.
- 2.1.5 The fisher shall be given a copy of his or her signed Fisher Work Agreement.
- 2.1.6 A copy of the Fisher Work Agreement shall be carried on board the fishing vessel or it shall be accessible on board (e.g., as a paper copy, digital image, etc.), and the Fisher Work Agreement shall be made available to authorized persons upon request. 
- 2.1.7 The Fisher Work Agreement shall not be supplemented and/or substituted with terms and conditions less favourable to the fisher.
- 2.1.8 If a Recruitment Service is used, the vessel owner/company must demonstrate that 2.1.1 through 2.1.7 are fulfilled.

### Criterion 2.2 – Fair Remuneration

Ref: ILO C188 Annex II(i); ILO R199(15); UDHR Art.23(4)

- 2.2.1 Remuneration, as wages, a share of the catch, or some combination thereof, shall be in accordance with applicable laws and regulations. 
- 2.2.2 Where remuneration is based on a wage system, the wages shall:
  - (a) meet the minimum standard for the industry and sector; or

- (b) meet or exceed applicable minimum wage laws in accordance with applicable laws and regulations; or
- (c) comply with the wage set out in a collective bargaining agreement as applicable.

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

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

2.2.4 Pay periods are regular and payments are made directly<sup>12</sup> to fishers. 

2.2.5 Method of payment does not impede the worker from transferring pay to family members.

2.2.6 Where remuneration is based on a wage system, the fisher shall be provided with written details of their earnings (e.g., wage statements, pay slips, etc.) for each pay period.

2.2.7 Where remuneration is based on a share of the catch, the settling of share amounts shall be documented and those amounts shall be consistent with 2.2.3.

2.2.8 Wage deductions, as applicable, shall be done with the informed prior consent of fishers and in accordance with applicable laws and regulations. 

2.2.9 If the vessel owner/company allows fishers to take advances on earnings, the arrangement shall be documented and the repayment terms shall be reasonable and fair. 

#### Criterion 2.3 - Freedom of Association and Collective Bargaining

Ref: ILO C87 & C98; UDHR Art.23(4)

2.3.1 The Certificate Holder shall comply with applicable laws and regulations with respect to freedom of association and collective bargaining rights.

2.3.1.1 If there are no legal protections for freedom of association and collective bargaining in the applicable jurisdiction, the Certificate Holder shall engage fishers or their representatives in a dialogue about workplace issues.

2.3.2 Policy shall recognize the worker's right to freedom of association and collective bargaining.

2.3.3 There shall be no interference in the efforts of fishers to organize or bargain collectively.

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<sup>12</sup> Forms of direct payment may include cash, check, direct deposit or another method if agreed to by the fisher.

- 2.3.4 The Certificate Holder shall not retaliate, penalize or discriminate against fishers who are (or are not) members of trade unions or other labour organizations.
- 2.3.5 Large vessels: Fishers shall be informed of their right to freedom of association and collective bargaining by displaying a notice in the work area on board the fishing vessel or through other suitable means.

#### Criterion 2.4 - Non-discrimination in Employment

Ref: ILO 111; UDHR Art.02

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

#### Criterion 2.5 - Social Security

Ref: ILO C188 Arts.34-37; UDHR Art.22

- 2.5.1 The vessel owner/company shall meet applicable laws and regulations for providing fishers with social security protection<sup>13</sup>. 

#### Criterion 2.6 – Health Protection and Medical Care

Ref: ILO C188 Arts.38-39

- 2.6.1 The vessel owner/company is responsible for providing health protection and medical care (including medical treatment – see Criterion 3.6) to fishers while on board the fishing vessel. 
- 2.6.2 If medical treatment of a fisher is required in a foreign port, the vessel owner/company shall pay the cost of treatment until the patient has been repatriated<sup>14</sup>. 
- 2.6.3 The vessel owner/company shall meet applicable laws and regulations relating to worker health protection including provision of health insurance if mandated by applicable laws and regulations.

#### Criterion 2.7 – Fisher's Compensation System

Ref: ILO C188 Arts.38-39

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<sup>13</sup> The term "social security" does not refer specifically to the Social Security Administration or government programme of the United States.

<sup>14</sup> Exclusion of owner/company liability may be permitted in circumstances where an injury: was concealed before employment; was the result of willful misconduct; or was otherwise unrelated to service (ILO C188 Art.39(2)).

- 2.7.1 Fishers shall be provided access to a fisher's compensation system<sup>15</sup> or equivalent scheme covering work-related sickness, injury or death. 
- 2.7.2 The system in 2.7.1 shall meet applicable laws and regulations.
- 2.7.3 In response to a work-related injury or illness, the system in 2.7.1 shall:
  - (a) provide the fisher with access to appropriate medical care; and
  - (b) compensate the fisher in accordance with applicable laws and regulations.

#### Criterion 2.8 – Grievances

Ref: ILO C188, Arts.26(g),43; R199 (40); ILO-OSH-2001(3.16)

- 2.8.1 There shall be a process<sup>16</sup> for receiving and addressing grievances (i.e., complaints) about the Certificate Holder's operations in relation to compliance with this Standard. 
- 2.8.2 Large vessels: The process for handling grievances shall be stated in a written grievance or complaints procedure.
- 2.8.3 The grievance process referred to in 2.8.1 shall provide for the investigation of grievances while maintaining confidentiality as necessary and practical. The grievance process shall ensure that a person who lodges a grievance is not retaliated against for so doing. 
- 2.8.4 The grievance process referred to in 2.8.1 shall be accessible to, and shall allow that grievances may be submitted by, fishers, professional bodies, associations, trade unions, fisher's support organizations, or any other persons with a demonstrated interest in protecting the safety and health of the fishers on board and the safety of the vessel. 
- 2.8.5 Large vessels: A log of all grievances received shall be maintained.
- 2.8.6 The Certificate Holder's response to a grievance shall include, among other things, recording any corrective actions taken as a result of the matters raised therein.
- 2.8.7 If a grievance is found to identify a legitimate concern about worker safety or health on board the vessel, this information shall be used to update the OSH management system, if necessary, during OSH review (see 3.2.11).
- 2.8.8 The grievance process shall include a mechanism for appeals that is non-retaliatory towards the appellant.

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<sup>15</sup> See Glossary of Terms

<sup>16</sup> The grievance process may be implemented by the Certificate Holder or through an authoritative body such as a government agency (see ILO C188, Art.43).

## Principle 3. Ensure the Safety and Health of All Fishers

Commercial fishing is a hazardous occupation in comparison to other vocations. Principle 3 sets forth criteria to ensure the safety and health of the crew on fishing vessels. Occupational health and safety issues are considered broadly in order to identify and eliminate or mitigate the underlying causes of accidents and illnesses in fishing operations. Principle 3 also establishes provisions for the review of OSH management systems and for providing fishers with relevant orientation and training in relation to health and safety.

### Criterion 3.1 – Defined Roles and Accountability

Ref: ILO C188 Art.8

- 3.1.1 The vessel owner is responsible for ensuring that the captain has the necessary resources for the safety of the fishers on board and the safe operation of the fishing vessel.
- 3.1.2 The captain is responsible for the safety of the crew and vessel, including:
  - (a) supervising the crew to ensure their work is done safely;
  - (b) managing fishers to minimize or prevent fatigue;
  - (c) facilitating on-board health and safety training; and
  - (d) ensuring compliance with standards for good seamanship.
- 3.1.3 The vessel owner shall not constrain the captain from taking any decision which, in the captain's professional judgement, is necessary for the safety of the vessel and its safe navigation and operation, or the safety of the fishers on board.
- 3.1.4 Fishers shall comply with the orders of the captain and follow all health and safety measures.

### Criterion 3.2 - Occupational Safety and Health

Ref: ILO C188 Arts.31-33; R199(40-49); IMO STCW-F (Ch.III)

#### General

- 3.2.1 Policy shall clearly outline the Certificate Holder's commitment to occupational safety and health (OSH) and accident prevention<sup>17</sup>.
- 3.2.2 OSH policy and practice shall comply with applicable laws and regulations governing workplace safety and health on board fishing vessels.

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<sup>17</sup> The scope of a Certificate Holder's OSH policies and procedures should take into account vessel size, voyage duration, nature and area of fishing operations, and number of fishers (ILO C188, Art.32).

3.2.3 Large vessels: OSH procedures shall be implemented covering at least the following areas:

- (a) prevention of accidents, injuries and illness through review and management;
- (b) training of fishers in OSH fundamentals relevant to their operational assignments;
- (c) training of fishers in the relevant fishing operations and in the use of relevant fishing gear and processing equipment to include periods of supervised operation (i.e., on the job training);
- (d) reporting and investigating accidents on board the fishing vessel in accordance with applicable laws and regulations; and
- (e) actions to reduce or eliminate hazards which are specific to the vessel or fishing operations. 

3.2.4 Large vessels: Captain and fishers shall be given suitable guidance, training material, and related information in a language understandable to them on how to evaluate and manage health and safety risks on board the fishing vessel.

3.2.5 Small vessels: The Certificate Holder shall have an OSH policy that addresses each of the matters identified in 3.2.3(a) to (e), and there shall be evidence the OSH policy is implemented.

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



3.2.7 Fire-fighting equipment, fire alarms and emergency escapes that are required by applicable laws and regulations shall be operable and accessible at all times and marked in accordance with applicable laws and regulations.

3.2.8 Emergency evacuation equipment and survival gear<sup>18</sup> shall be accessible and sufficient for the number of persons on board and appropriate for the hazards associated with fishing operations. Emergency equipment shall be maintained in accordance with applicable laws and regulations.

3.2.9 Emergency evacuation routes shall be kept clear of obstacles at all times.

3.2.10 The fishing vessel and equipment must be registered, inspected and certified in accordance with applicable laws and regulations. 

3.2.10.1 If the vessel owner/company provides fishers with sea transportation to or from the fishing vessel, the transport vessel(s) used shall be fit for purpose. 

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<sup>18</sup> Also referred to as life-saving appliances. May include lifeboats, lifebuoys, life-jackets, life rafts and other emergency devices.

3.2.11 Fishers shall be familiar with the safe operation of onboard equipment before use.

#### **OSH Review and Update**

**Ref: ILO C188, Arts.31(e),33; R199 (44,47); ILO-OSH-2001**

3.2.12 The Certificate Holder shall review and update its OSH management system at regular intervals.

3.2.13 OSH reviews shall be sufficiently comprehensive so as to incorporate all aspects of vessel and fishing operations including processing if applicable.

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

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

3.2.15 Fishers are informed that they may report to management any potential hazards in the fishing operation without fear of retaliation (i.e., whistle-blower protection).

#### **Criterion 3.3 - Safety Orientation and Training**

**Ref: ILO C188, Arts.31-32; R199;**

3.3.1 All personnel shall be given a safety orientation before they undertake work on board the fishing vessel. The safety orientation shall be completed before the fishing vessel gets underway.

3.3.2 In addition to 3.3.1, fishers shall receive training which is specific to their assigned work duties before engaging in those work assignments on board the fishing vessel.

3.3.3 Large vessels: In addition to 3.3.1 and 3.3.2, all relevant personnel<sup>19</sup> shall receive Basic Safety Training covering at least the following areas:

- (a) personal survival techniques including donning of lifejackets and, as appropriate, immersion suits;
- (b) fire prevention and firefighting;
- (c) emergency procedures; 
- (d) elementary first aid;
- (e) marine pollution reporting/prevention; and
- (f) prevention of shipboard accidents.

3.3.4 The Basic Safety Training referred to in 3.3.3 should be given by an authoritative agency or else administered in a way consistent with that agency's requirements (e.g., training led by certified instructors).

3.3.5. The orientation and trainings referred to in 3.3.1 and 3.3.2, and if applicable 3.3.3, are provided at no cost during remunerated work periods, and are accessible on an ongoing basis (i.e., as 'refresher' courses).

3.3.6 The Certificate Holder shall maintain records of fisher training.

#### Criterion 3.4 - Rest Periods and Hours of Work

Ref: ILO C188 Arts.13-14

3.4.1 The vessel shall be sufficiently crewed and safely operated at all times and under the control of a competent captain. 

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

3.4.3 Rest periods and work hours shall comply with applicable laws and regulations and, if applicable, collective bargaining agreements.

3.4.4 Notwithstanding 3.4.2 and 3.4.3, the captain shall always have authority to temporarily suspend scheduled rest periods and/or work hours if doing so is necessary for the immediate safety of the crew or vessel, for the purpose of giving assistance to other ships or persons in distress at

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<sup>19</sup> Applicability of the requirement for Basic Safety Training will depend on fisher roles and responsibilities on board the fishing vessel, as well as the size and nature of the fishing operation. Authorities may also grant written exemptions from this training requirement for fishers who demonstrate equivalent knowledge and experience.

sea, or the occurrence of any other unusual and unforeseeable circumstances outside the control of the captain.

#### Criterion 3.5 – Fitness Standards and Medical Exams

Ref: ILO C188 Arts.10-12; R199(6-10)

- 3.5.1 Policy or procedures regarding OSH shall address how fitness for work on board fishing vessels is determined for every fisher before such assignments are undertaken. 
- 3.5.2 The policy or procedures in 3.5.1. shall set minimum requirements for fitness needed by fishers to execute their duties on board the fishing vessel (i.e., a fitness standard).
- 3.5.3 Information<sup>20</sup> about each person's fitness shall be collected through medical examination, questionnaire or other means before he or she is assigned to work as a fisher.
- 3.5.4 Health records<sup>21</sup>, including records of ongoing health surveillance, shall be retained to show that all fishers meet or exceed the fitness standards defined in 3.5.2.
- 3.5.5 Small vessels: Small vessels may be exempted from the requirements of 3.5.3 and 3.5.4 contingent on a documented determination that fishers are fit to perform their duties taking into account the safety and health of fishers, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation.

#### Criterion 3.6 – Medical Treatment

Ref: ILO C188 Arts.29-30; R199(35-39)

- 3.6.1 Medical equipment and supplies carried on board the vessel shall be sufficient for voyage duration, vessel size, area of operation and number of fishers.
- 3.6.2 Medical equipment and supplies in 3.6.1 shall be properly maintained, inspected at regular intervals in accordance with applicable laws and regulations, and accompanied by instructions.
- 3.6.3 At least one individual onboard the vessel shall be trained in first aid and competent in the use of the medical equipment and supplies referred to in 3.6.1.
- 3.6.4 Small vessels: The vessel shall be equipped to access medical advice (e.g., by radio, satellite phone, etc.), including specialist advice. 
- 3.6.5 Large vessels: The vessel shall:

<sup>20</sup> Due diligence shall be exercised in the handling any confidential health information as may be required under applicable laws and regulation.

<sup>21</sup> Health records may include medical certificates, medical examinations, medical questionnaires and other health-related records such as the results from hearing tests, vision tests and dental exams.

(a) carry the latest edition of the WHO International Medical Guide for Ships or its equivalent in accordance with applicable laws and regulations; and 

(b) have continuous access to medical advice (e.g., by radio, satellite phone, etc.), including specialist advice.

3.6.6 Fishers shall receive free medical treatment while on board or carrying out their duties while in port.

3.6.7 In the event of serious injury or illness, the involved fisher shall be transported ashore in a timely manner for treatment.

## Principle 4. Provide Decent Accommodations, Water and Food

Principle 4 requires that fishers are provided sufficient space and adequate accommodations, appropriate sanitary facilities, and food and potable water. Principle 4 also sets minimum requirements for other onboard facilities (e.g., galley, food stores, recreation spaces) and requires that all spaces are properly maintained.

The FISH Standard for Crew allows a transition period for older fishing vessels to come into conformity with specified Principle 4 requirements relating to accommodations. Vessels constructed before November 17, 2017 may be exempted from those requirements indicated with an asterisk (\*) for a time period to be determined by the FISH SC Board. Regardless of exemption status or transition period, however, vessel accommodations shall comply with applicable laws and regulations at all times. 

### Criterion 4.1 – A Framework for Oversight

Ref: ILO C188 Arts.25,26(a,e),28; Annex III(9-12)

- 4.1.1 The vessel owner/company shall comply with the regulatory framework of oversight which includes vessel inspection to ensure that the make-up<sup>22</sup> of fisher accommodations on board fishing vessels is appropriate to the nature and duration of voyages if such a framework exists.
- 4.1.2 The vessel owner/company shall comply with the formal process for approving plans for new construction of, or substantial modification to, all fishing vessels if such a process exists.

### Criterion 4.2 - Accommodations are Appropriate

Ref: ILO C188 Art.26(e); Annex III (16,17,30-55)

- 4.2.1 All accommodation spaces on board the fishing vessel shall be fit for service in terms of location, size, construction materials, furnishing and equipment. This requirement shall apply to all sleeping rooms, mess rooms, and other accommodation spaces.

#### Sleeping Rooms

- 4.2.2 Sleeping rooms shall be reasonably comfortable and furnished with:

- (a) Individual berths;
- (b) mattresses of suitable material; and
- (c) lockers or storage spaces for personal effects.

- 4.2.3 Sleeping rooms shall provide adequate space and comfort for fishers\*. 

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<sup>22</sup> Make-up of accommodations encompasses the design, construction, size, quality and equipping/furnishing of spaces as well as other attributes which are essential to determining the appropriateness of accommodations.

4.2.4 Sleeping rooms shall not have direct openings from fish rooms and machinery spaces except where provided for emergency escape.

4.2.4.1 Small vessels: To the extent practical, sleeping rooms should not have direct openings from galleys, storerooms, drying rooms or communal sanitary areas except where provided for emergency escape.

4.2.4.2 Large vessels: Sleeping rooms shall not have direct openings from galleys, storerooms, drying rooms or communal sanitary areas except where provided for emergency escape.

4.2.5 Bulkheads that separate sleeping rooms from fish rooms, machinery spaces, galleys, storerooms, drying rooms and/or communal sanitary areas shall be made of steel or a comparable material and shall be watertight and gas-tight. 

4.2.6 Sleeping rooms for officers shall be separate from sleeping rooms for crew whenever practicable.

4.2.7 Large vessels: Officer sleeping rooms shall be for one person whenever practicable and in any event shall never contain more than two berths.

4.2.8 Sleeping rooms shall, to the extent practical, be arranged to give men and women privacy.

### **Mess Rooms**

4.2.9 Mess rooms shall be:

- (a) provided for on all vessels in a condition that is fit for service;
- (b) located as close to the galley as possible but never forward of the collision bulkhead;
- (c) separated from sleeping quarters where practicable;
- (d) large enough for the number of people likely to use it at one time; and
- (e) furnished with eating and drinking utensils.

4.2.10 Large vessels: In addition to 4.2.9, mess rooms shall be fully separated from sleeping quarters and they shall be equipped with facilities for making hot and cold drinks.

### **Criterion 4.3 - Spaces are Well Maintained**

**Ref: ILO C188 Art.26(b); Annex III(80-83)**

4.3.1 Accommodation and galley spaces shall be properly maintained with due regard to hygiene and overall safe, healthy and comfortable conditions.

4.3.2 To ensure waste does not compromise crew food safety or hygiene, food waste shall be placed in appropriate containers and shall be regularly removed from food handling areas as appropriate.

4.3.3 Large vessels: The captain shall ensure that frequent inspections are performed to confirm that:

- (a) accommodations are clean, decent, habitable, safe, and properly maintained;
- (b) food and water supplies are sufficient; and
- (c) galley and food storage spaces and equipment are hygienic and in good order.

4.3.4 Large vessels: Records shall be kept of the inspections in 4.3.3 and any corrective actions taken.

**Criterion 4.4 - Spaces are Comfortable and Safe**

**Ref: ILO C188 Art.26(c,d); Annex III (13-34)**

- 4.4.1 All accommodations shall have emergency escapes as necessary.
- 4.4.2 As applicable, accommodation spaces shall meet relevant national or international standards for noise and vibration to protect the health and safety of fishers.
- 4.4.3 To minimize exposure of crew to noxious fumes or foul odours, the fishing vessel shall have adequate ventilation whenever fishers are on board.
  - 4.4.3.1 Large vessels: Ventilation systems shall be capable of maintaining satisfactory air quality and air movement in all weather conditions and climates the vessel may encounter. 
- 4.4.4 Effective measures shall be in place to minimize/eliminate exposure of non-smokers to tobacco smoke.
- 4.4.5 Accommodation spaces shall be adequately heated whenever fishers are on board as appropriate to climatic conditions.
  - 4.4.5.1 Large vessels: The heating system shall be capable of providing adequate heat in all weather conditions as required except for those vessels operating exclusively in tropical climates<sup>23</sup>.
- 4.4.6 Large vessels: The fishing vessel shall have air conditioning in accommodation spaces, the bridge, radio room and centralized machinery control rooms except in cases where the vessel is regularly engaged in areas with temperate climatic conditions<sup>24</sup>.

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<sup>23</sup> ILO C188 Annex III(27)

<sup>24</sup> ILO C188 Annex III(28)

FISH Standard for Crew

Version 1.1, August 12, 2021

4.4.7 Accommodation spaces shall be adequately insulated from heat sources to prevent overheating of spaces and as necessary to prevent condensation.

4.4.8 Accommodation spaces shall have no evidence of pooling of liquids. 

4.4.9 Internal bulkheads, panelling, sheeting, floors and joints shall be built of materials which are fit for purpose and conducive to a healthy environment.

4.4.10 Accommodation spaces shall have adequate lighting, in compliance with applicable laws and regulations and to include the provision of natural light in addition to artificial light when practical.

4.4.10.1 Large vessels: Any space intended for free movement shall always be adequately illuminated<sup>25</sup>.

4.4.11 Emergency lighting or permanent night lighting shall be installed in mess rooms, passageways, and any other space that may be used for emergency escape.

4.4.12 Headroom shall be adequate for fisher comfort in sleeping spaces and other accommodation spaces where prolonged standing is expected\*. 

4.4.13 Measures shall be taken as needed to protect fishers from insect pests (mosquitos, flies).

#### Criterion 4.5 - Sanitary Facilities are Provided

Ref: ILO C188 Art.26(f); Annex III(56-62)

4.5.1 Sanitary facilities shall be provided for all persons on board and they shall meet minimum standards of health and hygiene and reasonable standards of quality.

4.5.2 Sanitary facilities shall:

- (a) be situated to minimize/eliminate contamination of other spaces;
- (b) allow for reasonable privacy;
- (c) be fitted with ventilation;
- (d) have surfaces that facilitate easy and effective cleaning; and
- (e) have non-slip flooring.

4.5.3 There shall be a sufficient supply of hot and cold freshwater on board.

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<sup>25</sup> Level of illumination should enable a person with normal vision to read a printed newspaper (Annex III(34)).

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

#### Criterion 4.6 - Food and Potable Water

Ref: ILO C188 Art.27, Annex III(78-79); R199(34)

4.6.1 The fishing vessel shall have a sufficient store of: 

- (a) food; and
- (b) potable water.

4.6.2 Food and water shall be provided at no cost to fishers<sup>26</sup>. 

4.6.3 The captain shall be responsible for ensuring that all personnel engaged in food preparation know and practice the basic standards for food safety. 

4.6.4 The vessel owner/company shall comply with applicable laws and regulations pertaining to minimum standards for quality and quantity of food and/or potable water carried on board fishing vessels.

#### Criterion 4.7 – Galley and Other Facilities

Ref: ILO C188 Annex III(63-68,70-77)

##### Galley and Food Storage

4.7.1 Where practicable, the fishing vessel shall have cooking equipment installed in a separate galley\*. If a separate galley is not provided, the vessel shall have a cooking area. 

4.7.2 The galley or cooking area referred to in 4.7.1 shall be:

- (a) of a suitable size for its purpose;
- (b) well lit;
- (c) adequately ventilated;
- (d) properly equipped; and
- (e) well maintained.

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<sup>26</sup> The vessel owner/company may recover the operational costs of providing food and water if doing so is consistent with applicable laws and regulations and it is provided for under the Fisher Work Agreement or a collective bargaining agreement (ILO C188 Art.27c).

4.7.3 Gas cylinders used for cooking shall be kept on deck and sheltered from external heat sources or external impacts.

4.7.4 Fishing vessels shall have appropriate areas or storerooms for provisions. 

4.7.5 To avoid possible deterioration of stores, the storage area referred to in 4.7.4 shall:

- (a) have adequate capacity for the service of the fishing vessel;
- (b) be capable of keeping stores dry and cool; and
- (c) be adequately ventilated.

4.7.6 Small vessels: The provisions storeroom referred to in 4.7.4 should have a refrigerator and/or other low-temperature storage equipment, if applicable, for food onboard.

4.7.7 Large vessels: The vessel shall have, in addition to 4.7.4 and 4.7.5, a refrigerator and other low-temperature storage equipment.

### **Infirmary**

4.7.8 Small vessels: A cabin or other appropriate space shall be made available to an injured or ill fisher whenever necessary.

4.7.9 Large vessels: A facility for treating fishers who suffer illness or injury shall be provided which may be in the form of a cabin that is made available to the injured or ill fisher on an as-needed basis.

4.7.10 For vessels of 45 m in length or over, there shall be a properly equipped infirmary which is maintained in a hygienic state\*. 

### **Laundry**

4.7.11 Fishers shall be provided access to a facility for washing and drying clothes which is appropriate to the service of the fishing vessel. 

### **Recreation**

4.7.12 Large vessels: Appropriate recreational facilities<sup>27</sup> shall be provided for all fishers on board, noting that mess rooms may be used for recreational activities. 

### **Communication**

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<sup>27</sup> See Glossary of Terms

FISH Standard for Crew

Version 1.1, August 12, 2021

4.7.13 Fishers shall have full access to their own communication devices and be given reasonable access to vessel communications, reflecting trip duration and personal situations but without compromising normal vessel activities. 

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

4.7.15 There shall be a shore-to-ship relay mechanism in place to notify fishers of urgent private matters (e.g., an illness or death in the family).

#### **Gear/PPE Storage**

4.7.16 There shall be a place to store foul-weather gear and/or PPE located outside sleeping rooms.

## Annex 1. Glossary of Terms

<b>Abusive Disciplinary Practice</b>	Any disciplinary practice that undermines the dignity and physical and mental health of an individual. Examples include corporal punishment, mental coercion, physical coercion, and verbal harassment.
<b>Appeal</b>	Request by a party for reconsideration of a decision made by an organization in relation to a grievance or complaint.
<b>Captain</b>	The person in command of a fishing vessel. Skipper is a synonym.
<b>Certificate Holder</b>	The individual(s) assuming overall responsibility for meeting the requirements of the FISH Standard for Crew and providing liaison with the Certification Body. The term applies to both applicant and certified entities. The Certificate Holder may be a vessel owner, a vessel operator, a company appointee, a fishermen's association representative, or another third-party with delegated authority for the UoC.
<b>Certification Body (CB)</b>	An independent body providing conformity assessments and certification services. Also known as Conformity Assessment Body or CAB.
<b>Certified Claim</b>	A claim about certification that may be made by a vessel owner or company shown to have met the FISH Standard for Crew.
<b>Child</b>	A person less than 16 years old. Normally 16 is the minimum age to work on a fishing vessel. However national authorities may allow persons of 15 years of age to work under prescribed and limited circumstances.
<b>Company</b>	A commercial enterprise that owns/operates one or more fishing vessel. A company may be the object of certification (i.e., the Certificate Holder).
<b>Crew</b>	The full complement of fishers employed onboard a fishing vessel.
<b>Deposit</b>	Monetary or collateral transfers from a fisher to a vessel owner or recruiter either upfront, or as contractual commitment to deductions from future anticipated wages as a condition to employment.
<b>FISH SC</b>	Organization that owns the <i>FISH Standard for Crew</i> certification scheme.
<b>Fisher</b>	Any person who is employed or engaged by the vessel owner/company to work in any capacity on board a fishing vessel including persons who are paid on the basis of a share of the catch. Fishers may be employed on a permanent, part-time or seasonal basis. Excluded from this definition are pilots, fisheries observers, naval personnel, and other persons in the permanent service of government, as well as shore-based persons carrying out temporary work aboard a fishing vessel such as vendors and technicians. A fisher may also be the owner/operator of the fishing vessel.
<b>Fisher Work Agreement</b>	A contract of employment, work agreement or other similar written instrument which governs a fisher's living and working conditions on board a vessel.
<b>Fisher's Compensation System</b>	Compensation systems for disability (by injury or illness) or premature death resulting from employment as a fisher. Compensation may be provided by: a compensation system set up exclusively for fishers; a broad-based social insurance or social security system; an accident compensation system; sick pay; disability insurance; and/or employers' liability. Most industrial nations use some combination of these regimes.
<b>Fishers' Support Organization</b>	An organization providing support to fishers in respect of their employment and/or human rights. Examples may include, among others, seafarer support organizations, workers unions, ethnic/cultural/religious associations, migrant rights groups and NGOs.

<b>Fishing Vessel (Vessel)</b>	A ship or boat used or intended to be used for commercial fishing.
<b>Fishing Vessel Operator (Vessel Operator)</b>	A person or organization other than the fishing vessel owner who has assumed responsibility for the operation of that fishing vessel from the owner. Where the FISH Standard for Crew specifies that the fishing vessel owner is responsible for meeting a requirement, the fishing vessel operator, if applicable, shall assume responsibility for meeting said requirement unless otherwise specified and regardless of whether any other organization or person has assumed responsibilities on behalf of the fishing vessel owner. The fishing vessel operator may also be a fisher on board the vessel.
<b>Fishing Vessel Owner (Vessel Owner)</b>	The legal owner of a fishing vessel. A fishing vessel owner may be the object of certification (i.e., the Certificate Holder). The fishing vessel owner may also be a fisher on board the vessel.
<b>Forced Labour</b>	All work or service that a person has not offered to do voluntarily and is made to do under the threat of punishment or retaliation or that is demanded as a means of repayment of debt. Compulsory Labour is a synonym.
<b>Grievance (Complaint)</b>	An expression of dissatisfaction made to an organization where a response or resolution is expected. Note: complaint is a synonym of grievance.
<b>Harassment</b>	Aggressive pressure or intimidation. Harassment in the workplace is a form of misconduct that undermines the integrity of the employment relationship and may be in violation of the law.
<b>Health Protection</b>	Protection of fishers in the event of work-related sickness, injury or death. May include the provision of access to appropriate medical care and, as applicable, corresponding compensation in accordance with national laws and regulations.
<b>Labour Trafficking</b>	The recruitment, transfer, harbouring or receipt of persons, by means of the use of threat, force, deception or other forms of coercion, for the purpose of exploitation. Labour trafficking is a process that very often ends in forced labour.
<b>Legal Guardian</b>	A person who has accepted and been granted through proper judicial proceedings, custody and care of a minor child.
<b>Member</b>	A vessel owner, vessel operator, company or other person or entity who has a legal or contractual link with the Certificate Holder.
<b>Member Vessel</b>	A fishing vessel owned or operated by a Member. Member vessels are identified in the Unit of Certification.
<b>Migrant Fisher</b>	Any person who is or will be employed or engaged by the vessel owner/company to work in any capacity on board a fishing vessel registered in a State of which he or she is not a national.
<b>Personal Flotation Device (PFD)</b>	A piece of equipment designed to be worn on the body and assist a wearer to keep afloat in water. Also referred to as a life jacket, life preserver, life belt, life vest, buoyancy aid, cold water immersion suit, or flotation suit.
<b>Procedure</b>	A specified way to carry out an activity or a process. Procedures may or may not be written. Unless otherwise stated, the FISH Standard for Crew does not require that procedures must be written.
<b>Recreational Facility</b>	A space for the recreation (entertainment, diversion, leisure, etc.) of fishers when not working. Recreational facilities may be equipped to provide for reading, viewing of movies or videos, listening to radio broadcasts or music, playing games or sports, doing handicrafts or other activities.
<b>Recruitment Fee</b>	A fee or related cost incurred during the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of its imposition or collection.

<b>Recruitment Service</b>	A person, company, institution, agency or other organization - whether public or private - which engages in recruiting fishers on behalf of, or placing fishers with, the fishing vessel owner/company.
<b>Sanitary Facility</b>	Facilities in a sanitary accommodation space. Includes toilets, washbasins, tubs and showers.
<b>Standard</b>	The Fairness, Integrity, Safety and Health (FISH) Standard for Crew; The FISH Standard for Crew.
<b>Social Security</b>	A system of assistance measures, usually governmental, that provides access to health care and income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a main income earner.
<b>Unit of Certification (UoC)</b>	A concise delineation of the unit to be certified. The UoC is comprised of the Certificate Holder, fishing vessel(s), and applicable jurisdiction.
<b>Worker</b>	A synonym of 'Fisher'
<b>Young Fisher</b>	A fisher who is less than 18 years old but older than the age of a child as defined here.

## Annex 2. List of Acronyms

ABNJ	Area Beyond National Jurisdiction
APA	At-Sea Processors Association
APSCA	Association of Professional Social Compliance Auditors
C188	ILO Work in Fishing Convention, 2007 (No. 188)
CB	Certification Body
CoC	Chain of Custody
d	day
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization
FISH	Fairness, Integrity, Safety, and Health
FISH SC	Owner of the FISH Standard for Crew certification scheme
gt	gross tonnes
ILO	International Labour Organization
IMO	International Maritime Organization
ISO	International Organization for Standardization
L	Length of vessel
NGO	Non-Governmental Organization
OSH	Occupational Safety and Health
PFD	Personal Flotation Device
PPE	Personal Protective Equipment
R199	ILO Work in Fishing Recommendation, 2007 (No. 199)
SA	Social Accountability
SMETA	Sedex Member Ethical Trade Audit

SOC	Standard Oversight Committee
STCW-F	Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCLOS	United Nations Convention on Law of the Sea
UoC	Unit of Certification
WHO	World Health Organization

### Annex 3. Minimum Requirements for Fisher Work Agreement

These requirements were adapted from Annex II and Article 17(b) of ILO Convention 188.

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



A	the fisher's family name and other names, date of birth or age, and birthplace;
B	the place at which and date on which the agreement was concluded;
C	the name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the fisher undertakes to work;
D	the name of the vessel owner, company or other party to the agreement with the fisher;
E	the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
F	the capacity in which the fisher is to be employed or engaged;
G	if possible, the place at which and date on which the fisher is required to report on board for service;
H	the provisions to be supplied to the fisher
I	the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on the basis of a share of the catch, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage;
J	the termination of the agreement and the conditions thereof, namely: (i) if the agreement has been made for a definite period, the date fixed for its expiry; (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged; (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period shall not be less for the vessel owner, company or other party to the agreement with the fisher; (iv) actions that may be taken in the event of early termination of the agreement;
K	the protection that will cover the fisher in the event of sickness, injury or death in connection with service;
L	the amount of paid annual leave or the formula used for calculating leave, where applicable;
M	the health and social security coverage and benefits to be provided to the fisher by the vessel owner, company or other party or parties to the Fisher Work Agreement, as applicable;
N	the fisher's entitlement to repatriation and any conditions that may be attached to the recovery of associated repatriation costs;
O	a reference to the collective bargaining agreement, where applicable;
P	the minimum periods of rest, in accordance with national laws and regulations;
Q	any other particulars which national law or regulation may require; and
R	the means of settling disputes in connection with a Fisher Work Agreement.

## Annex 4. Requirements for Certificate Holders with Multiple Vessels

This Annex sets out requirements of the FISH Standard for Crew that shall be fulfilled by Certificate Holders with multiple vessels. These requirements are in addition to those set out in the Standard itself.

In assessing conformity of a Certificate Holder with multiple vessels against the requirements of Annex 4, the Certification Body (CB) shall follow the requirements of the *Certification and Accreditation Framework for the FISH Standard for Crew*.

### A4.1 Administration

- A4.1.1 The Certificate Holder shall act, on behalf of its Member(s), as the overall certification administrator for the FISH Standard for Crew.
- A4.1.2 The Certificate Holder shall have a legal or contractual link with each Member.
  - A4.1.2.1 Where fulfilment of A4.1.2 is based on a contractual link, the agreement shall clearly establish the authority of the Certificate Holder to require that Members take corrective actions in response to non-conformities.
  - A4.1.2.2 Where fulfillment of A4.1.2 is not based on a contractual link, (i.e., when it is based on ownership or another type of legal relationship), the Certificate Holder shall have authority to ensure that corrective actions are taken on all Member vessels in response to identified non-conformities.
- A4.1.3 The Certificate Holder's administrative responsibilities referred to in A4.1.1 shall be executed so as to facilitate the demonstration of compliance of its Member(s) with requirements of the FISH Standard for Crew including, among other things, the following matters:
  - (a) maintenance of policies and procedures;
  - (b) record keeping; and
  - (c) performing OSH reviews and management reviews.
- A4.1.4 Notwithstanding the provisions of A4.1.1 to A4.1.3, the Certificate Holder does not assume liability for the actions of Member(s), and each Member shall be responsible for ensuring its own vessels/operations are in conformity with requirements of the FISH Standard for Crew.
- A4.1.5 The Certificate Holder shall keep an up-to-date register of all Member vessels to be included in the Unit of Certification.
- A4.1.6 The Certificate Holder shall have a written procedure for adding Member vessels to, and removing Member vessels from, the Unit of Certification.
  - A4.1.6.1 The procedure to remove Member vessels from the Unit of Certification shall require that the Certificate Holder notifies the CB in writing within 10 days of taking action.

A4.1.6.2 The procedure to add Member vessels to the Unit of Certification shall require that the Certificate Holder submits a written request to the CB together with supporting information (e.g., internal audit report) showing the new vessel is in conformity with requirements of the FISH Standard for Crew.

#### **A4.2 Internal Audits**

A4.2.1 The Certificate Holder shall ensure there is a programme for conducting internal audits against all requirements of the FISH Standard for Crew. The programme shall have a written internal audit procedure specifying the number, frequency, and scope of internal audits.

A4.2.2 The scope of the internal audit programme shall extend to all Member vessels identified in the Unit of Certification.

A4.2.2.1 If the internal audit programme relies on audit sampling, the rationale for doing so shall be stated in the internal audit procedure.

A4.2.3 Results of internal audits shall be documented and made available for CB review.

#### **A4.3 Non-conformities**

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

A4.3.2 The Certificate Holder shall ensure that all non-conformities raised through internal audit are resolved (i.e., closed-out) within 12 months of detection.

A4.3.3 In addition to A4.3.2, where the link between Certificate Holder and Member(s) is contractual as set out in A4.1.2.1, the Certificate Holder shall meet the following requirements:

A4.3.3.1 If a Member does not resolve the non-conformity within 12 months, the Certificate Holder shall request further corrective action and the Member shall be suspended for a period of up to six months.

A4.3.3.2 If the Member has not resolved the non-conformity by the end of the suspension period, the Certificate Holder shall terminate its agreement with the Member and the Member vessel(s) shall be removed from the Unit of Certification.

A4.3.3.2 A terminated member may rejoin the Unit of Certification only after successful completion of an internal audit and no sooner than one year from the date of removal.

#### **A4.4 External Audits**

A4.4.1 The Certificate Holder shall assume responsibility for coordinating matters related to attaining and maintaining certification to the FISH Standard for Crew including:

- (a) preparing and submitting applications for certification or re-certification;
- (b) responding to information requests from the CB;
- (c) coordinating external audits and crew interviews of Member vessels by the CB; and
- (d) following-up on results of external audits and corrective action requests from the CB.

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