

To: David Hammond, CEO, Human Rights at Sea

Date: April 20, 2023

Re: FISH Response to HRAS Questionnaire

Dear Mr. Hammond,

Thank you again for including the FISH Standard for Crew in HRAS's review of international fisheries and aquaculture certifications. We look forward to your full consideration of our prior feedback about the scores that were assigned to the FISH Standard for Crew. In response to the HRAS questionnaire that you sent us on March 28<sup>th</sup>, please see the answers provided below.

Feel free to contact me if you have any questions.

Best regards,

## Questions

1. *How many cases of reported child labour, forced or compulsory labour have been reported to your organisation under your certification since inception, how reported and by whom?*

To clarify, the FISH Standard for Crew is a standard setting body and the owner of a certification scheme. In its capacity as standard setter, FISH does not itself issue certificates. Rather, certificates are issued by independent Certification Bodies (CBs) who are competent and accredited to perform assessments in accordance with FISH scheme requirements as set out in the Certification and Accreditation Framework for the FISH Standard for Crew (hereafter, the 'Framework')<sup>1</sup>.

We should also note that because FISH Standard for Crew is a relatively young organization (formally incorporated as a non-profit in 2019), only four (4) certificates<sup>2</sup> have been issued as of this writing.

Nonetheless, we can confirm that as of today's date there have not been any cases of child labour or forced/compulsory labour reported to FISH within the scope of our scheme's activities. We are unaware of the existence of any reports of child labour or forced/compulsory labour relating to organizations that are either currently certified to the FISH Standard for Crew or undergoing assessment against it.

2. *How many cases of human rights abuse have been reported to your organisation under your certification since inception, how reported and by whom?*

As explained above, FISH does not engage directly in the process of issuing certificates - this task is undertaken by independent, professional CBs. Nonetheless, we confirm that as of today's date there have not been any cases of human rights abuses reported to FISH. We are unaware of the existence of any reports of human rights abuses in relation to the organizations that are either currently certified to the FISH Standard for Crew or presently undergoing assessment.

3. *What is the structure, methodology and oversight mechanism(s) for your organisation's internal investigation, findings and remediation processes involving reported cases for i) human rights abuses, ii) labour rights abuses and specifically, iii) child labour or iv) forced or compulsory labour abuses?*

FISH sets out a detailed methodology for assessing applicants and certified organizations in the Framework. Briefly, FISH aligns with best practice for the sector. FISH's methods encompass accepted best practice for auditing as established in relevant ISO documents, as well as best practices in social compliance auditing as set out in key international benchmarks such as the Sustainable Supply Chain Initiative (SSCI). FISH's methodology has been further adapted to better align with the ILO Work in Fishing Convention 2007 (ILO C188) and to improve auditing processes reflective of the unique nature of

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<sup>1</sup> <https://fishstandard.files.wordpress.com/2022/10/certification-and-accreditation-framework-for-fish-version-1.0-22-sep-2022.pdf>.

<sup>2</sup> A complete list is available at <https://fishstandard.com/>

work on commercial fishing vessels. Examples of the latter are found in the Auditor Guidance Manual for the FISH Standard for Crew<sup>3</sup>.

FISH has established rigorous mechanisms to oversee audit findings that are, as outlined above, aligned with sector best practices. The precise mechanisms are described in detail in Part I of the Framework - only a summary is given here. The FISH scheme mandates that audit findings are graded according to severity. Findings which involve the most egregious of practices (i.e., child labour, forced labour, or imminent danger to crew) are always graded as critical non-conformities. A critical NC always precludes the certification of an applicant entity. For an entity already holding a certificate, detection of a critical NC will trigger immediate certificate suspension. Major non-conformities require successful close out before the CB can issue a certificate to the entity. In any event, the applicant or certified entity must always address all audit findings by performing a root cause analysis, developing a corrective action plan, taking action(s) to prevent recurrence, and providing the CB with satisfactory evidence of effective implementation of corrective measures.

With respect to remediation of child labour, the FISH Standard for Crew sets specific requirements in indicator 1.1.7 for the entity to have a policy providing for remediation of child labour. 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.

With respect to remediation of forced labour, the FISH Standard for Crew sets specific requirements in Indicator 1.2.7. The entity 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 consultation with organizations having appropriate expertise and services to address the needs of the affected fishers, compensation of fishers for personal and material damages and paying for reasonable and documented costs of services recommended by the organizations consulted, and reporting of labour violations as required by applicable laws and regulations; and (c) document and verify all corrective actions.

Oversight of the FISH certification scheme occurs at two levels: operational and performance. At the operational level, activities of individual CBs are overseen by designated Accreditation Bodies (ABs)<sup>4</sup>. ABs must operate according to processes and procedures that are aligned with ISO norms and best practices (primarily ISO/IEC 17011) and, in addition, they must meet FISH requirements set out in Part II the Framework. On a performance level, the scheme owner monitors the effectiveness of implementation of the standard through a monitoring and evaluation (M&E) program.

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<sup>3</sup> <https://fishstandard.files.wordpress.com/2021/09/auditor-guidance-manual-fish-standard-for-crew-version-1.1-12-aug-2021.pdf>

<sup>4</sup> Accreditation Bodies are professional organizations who operate independently of the FISH Certification Scheme.

The foregoing elements of the FISH certification scheme work together to provide an effective structure to evaluate conditions of work on board fishing vessels and, where necessary, provide for actions that shall be taken to remediate cases of child labour and forced labour.

4. How many entities have you suspended for i) human rights abuses, ii) labour rights abuses and specifically, iii) child labour or iv) forced or compulsory labour abuses since inception?

As noted previously, FISH is a standard setting body. Any formal action to suspend or withdraw a certificate must be done by the CB of record – not the scheme owner - and it must be done in accordance with the processes set out in the Framework. As well, the CB’s processes for certificate suspension and withdrawal must align with relevant ISO norms and guidelines<sup>5</sup>.

Notwithstanding the limitations of FISH’s role in the suspension process, we can confirm that there have been no instances to date where a CB has suspended or withdrawn a FISH certificate for any of the four (4) entities which are currently certified to the FISH Standard for Crew.

- 4.1 What are the details of the suspension, for how long was the suspension upheld, were the perpetrators identified and are these details publicly available?

Not applicable.

- 4.2 Please confirm public access and links.

Not applicable.

5. How many suspended entities have been re-certified, under what circumstances were they allowed to reapply and on what basis were they re-assessed for certification?

Not applicable.

6. How many entities have you banned for i) human rights abuses, ii) labour rights abuses and specifically, iii) child labour or iv) forced or compulsory labour abuses since inception?

Participation in the FISH scheme is voluntary and, as noted previously, FISH is a standard-setting body rather than a regulatory agency. As such, FISH does not have the authority to impose a “ban” on external entities and in any event, FISH would lack a mechanism to do so. Such bans are usually regulatory or legislative in origin and would thus typically fall under the purview of a competent authority such as a government agency.

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<sup>5</sup> For example, ISO/IEC 17065.

6.1 What were the details of the ban, were the perpetrators identified and are these details publicly available?

Not applicable - see response to #6

6.2 Please confirm public access and links.

Not applicable - see response to #6