

Control Union (UK) Limited
South Africa Hake Longline

MSC At Sea Labour Eligibility Requirements Reporting Template

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Instructions to the client/client group

Fisheries and at-sea Certificate Holders (CH) in the Marine Stewardship Council (MSC) program are required to confirm that they do not include an entity that has been implicated for forced or child labour in the last two years. They are also required to provide a self-description of policies and measures, including regulatory requirements and procedures that are in effect in the Unit of Assessment, to protect fishing crew from forced labour or child labour, as well as any efforts by the private sector. The objective is to require certificate holders to communicate how government, industry, or other relevant entities protect against forced or child labour.

Each fishery and at-sea Chain of Custody client shall provide this information by completing both sections of this template. This template should be completed by the client in good faith and be based on information known and available to the client at the time of completion.

The completed form will be uploaded to MSC database to be published on the MSC website at the same time as the Public Certification Report.

Section 1 - Conviction for forced or child labour

The fishery or at sea CoC applicant or certificate holders seeking to be assessed, reassessed or audited against MSC standards is required to confirm whether they comply with the requirement for no conviction for forced or child labour in the last 2 years.

Section 2 - Certificate holder forced and child labour policies, practices and measures

Guidance for filling in section 2 is found in the [Appendix](#) of this template. Information is required on all issues addressed in the template and should be provided in English, which is the official language of the MSC. The information provided should be representative of the range of measures known to the certificate holder.

Please complete all unshaded fields. Please fill in N/A if an issue is not applicable, including a short justification for why it is not applicable.

1. Conviction for forced or child labour

Table 1: Conviction for forced or child labour

Does the fishery include an entity that has been implicated in a conviction for forced or child labour in the last 2 years?	
CH	<p>Yes/No</p> <p>No</p> <p>Supporting information</p> <p>There have been no convictions or implications of forced or child labour to the knowledge of the client. Employees are protected by the basic conditions of employment act as well as the Merchant Shipping Act, which prohibits forced labour and the employment of children under the age of 18 into the industry.</p>

2. Certificate holder forced and child labour policies, practices and measures

Table 2: Certificate holder information

1	Composition of fishery client group on behalf of who the statement is provided
	<ul style="list-style-type: none"> - Characterise the composition of the fishery client group, including cost sharing entities. - Describe the relationship between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC).
CH	<p>The client is the South African Hake Longline Association (SAHLLA), which represents 86 of the 89 right holders and 33 vessels in the demersal longline fleet. Those 34 vessels sell their catch of hake and other bycatch to their respective companies (agent/marketer). SAHLLA will recover the costs of certification through proceeds generated by sale of MSC-certified deep and shallow water hake. Proceeds generated from sales will also be used to cover the costs of improvements to the fishery to maintain certification. All costs will be borne by SAHLLA through membership. SAHLLA member vessels are listed at the end of this document (SAHLLA registered vessel list) and are bound each and all by the same national regulations and legislation as described herein. Each member and vessel is bound through contract with SAHLLA to abide by the SAHLLA Code of Conduct and Constitution, contracts make specific reference to participation in the Marine Stewardship Council Fishery Improvement Project and adherence to the Labour at sea requirements of the MSC.</p>
2	Responsibility for labour regulation
	<ul style="list-style-type: none"> - What management authorities and laws, including flag state authorities, control labour-related regulations in the unit of assessment area? - How are laws enforced?
CH	<p>South Africa has a sophisticated and developed labour legislation framework developed in line with applicable International Labour Organization conventions.</p> <p>The primary management authority (including the responsibility for the application of the enforcement mechanisms) is the national Department of Labour and its inspection and enforcement directorates.</p> <p>Secondary management authorities are:</p> <ol style="list-style-type: none"> 1. The Department of Forestry, Fisheries and the Environment (DFFE) which is responsible for the management of the resource and regulates the allocation of licences to fisheries and at-sea certificate holders; and

	<p>2. The South African Maritime Safety Agency (“SAMSA”), the government agency (established in terms of the South African Maritime Safety Authority Act, 1998 as amended) that monitors South African seafarers’ welfare and conditions of service.</p> <p>The relevant labour-related legislation that regulates the protection of employees in the unit of assessment area are:</p> <ol style="list-style-type: none"> 1. The Labour Relations Act, 1995 as amended, which regulates collective and individual employment rights and the enforcement thereof; 2. The Basic Conditions of Employment Act, 1997 as amended, which regulates basic conditions of employment; 3. The Employment Equity Act, 1998 as amended, which regulates equal opportunity and fair treatment in employment; 4. The Unemployment Insurance Act, 2001 as amended, which regulates the protection of employees who become unemployed; 5. The Employment Services Act, 2014 as amended, which regulates the promotion of employment of unskilled job seekers, migrants and foreigner nationals; 6. The National Minimum Wage Act, 2018 as amended, which regulates the review and adjustment of the national minimum wage and any exemption from its provisions; 7. The Compensation for Occupational Injuries and Diseases Act, 1993 as amended, which regulates compensation in the case of death or disablement caused by occupational injuries and diseases sustained or contracted by employees in the course of their employment; 8. The Occupational Health and Safety Act, 1993 as amended, which regulates the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery; 9. The Merchant Shipping Act, 1951 as amended, which regulates, as monitored by SAMSA, inter <i>alia</i> safety on board ships, the competence of persons at sea, payment of wages and facilities at sea. <p>The legislation in each instance listed in 1 – 9 above provides for the monitoring and enforcement of compliance by the Department of Labour’s various inspection and enforcement directorates.</p>
3	Risk identification and mitigation
	<ul style="list-style-type: none"> - Describe the processes, including government and certificate holder measures, that are in place in the UoC to identify and mitigate any risk of child and forced labour.
CH	<p><u>Child Labour</u></p> <ol style="list-style-type: none"> 1. South Africa has ratified the International Labour Organization Minimum Age Convention, 1973 and the International Labour Organization Worst Forms of Child Labour Convention, 1999. 2. South Africa has also ratified Maritime Labour Convention, 2006 (MLC,2006) that stipulates the minimum age to be employed or engaged or work on a ship as 16 years, subject to 18 years in respect of night work or work that is likely to jeopardize the seafarer’s health or safety although the ratification does not provide for any enforcement procedure for non-compliance. 3. The Children’s Act, 2005 defines ‘abuse’ as including a labour practice that exploits a child. 4. The Department of Labour has a close working relationship with the Department of Welfare, the Department of Justice and Constitutional Development and the Department of Social Development to remove children from the working environment and has engaged

	<p>inspectors, welfare officials, police officials and members of Non-Governmental Organizations in enforcing the prohibition on child labour.</p> <ol style="list-style-type: none"> 5. Section 110 of the Merchant Shipping Act, 1951 as amended prohibits the employment of children under the age of 16 years in any capacity on board a ship. 6. Section 43 of the Basic Conditions of Employment Act, 1997 as amended prohibits work by children under 15 years of age (or under the minimum school-leaving age in terms of any law). 7. Item 10 (a) of Schedule 2: Summary of regulations on the health and safety of children at work and on hazardous work by children issued in terms of the Basic Conditions of Employment Act, 1997 as amended prohibits an employer from requiring or permitting a child to work in deep sea fishing ('child' is defined as a person under 18 years old); 8. The Department of Labour has monitoring and inspection directorates that are tasked specifically with the enforcement of the Basic Conditions of Employment Act, 1997 as amended. <p><u>Forced Labour</u></p> <ol style="list-style-type: none"> 9. South Africa is a signatory to the Slavery Convention, 1926 and has furthermore ratified the International Labour Organization Forced Labour Convention, 1930 and the International Labour Organization Abolition of Forced Labour Convention, 1957. 10. Section 13 of the Constitution of the Republic of South Africa, 1996 as amended stipulates that no one may be subjected to slavery, servitude or forced labour. 11. Section 48 of the Basic Conditions of Employment Act, 1997 as amended prohibits all forced labour. 12. The Department of Labour has monitoring and inspection directorates that are tasked specifically with the enforcement of the Basic Conditions of Employment Act, 1997 as amended. <p>In both cases employees and employers are protected by a statutory council, which is specifically setup for the sector.</p>
4	Crew recruitment
	<ul style="list-style-type: none"> - Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.
CH	<ul style="list-style-type: none"> ● The MLRA requires certificated officers to hold South African SAMSA approved certification. All sea going staff are recruited by individual companies, with the staff free to come and go as they please subject to standard conditions of employment. ● Should the need arise to appoint a foreign national, the officially required process involves writing a motivational letter to the Department of Home Affairs immigration office, detailing reasons for the appointment, how long and what plan is in place to ensure that the "scarce skills" that local people do not possess will be transferred to them, police clearance of the candidate from their country of origin, etc. Recruitment methods include: advertising on recruitment websites, referrals, walk-ins and newspaper advertisement. ● At present, the number of foreign nationals employed to the sector is high, which is due to the unique skills required by the sector. All foreign nationals have either a South African citizenship, or hold a working visa, with regular checks at the harbours being conducted by immigration officials.
5	Engagement with fish worker groups

	<ul style="list-style-type: none"> - Where there is known engagement with fisher, migrant, and worker rights groups, describe how this occurs and the organisations engaged with workers in the Unit of Assessment (UoA).
CH	A statutory council with a Chamber for the Hake Longline sector has been formed by registered trade unions, to represent the employee, and employers organisations to manage labour disputes, schemes and funds, education and training, and to make collective agreements. This union will communicate on behalf of the employee while the employers are represented by the Affiliated Fishing Employers Organisation (AFEO).
6	Crew contracts
	<ul style="list-style-type: none"> - Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.
CH	<p>Individual employees are subject to specific written particulars of employment with the particular employer, these include: Job title, address, contact number, next of kin, period of employment, wages, terms of employment, termination terms, leave details, repatriation details, provisions, compliance with maritime law.</p> <p>Material issues addressed in individual contracts of employment include the particular employer's employment policies and practices. These contracts are prescribed by SAMSA, and are put into place alongside the crew list. Employers will also in turn ensure that all seafarers are covered under both a private policy (i.e. Injury and Death) together with taking off the prescribed deductions from their wages).</p>
7	Audits and labour inspections
	<ul style="list-style-type: none"> - Describe any 3rd Party audits and certifications on labour, or labour inspections conducted within the UoC in the last two years.
CH	<ol style="list-style-type: none"> 1. The Department of Labour conducts <i>ad hoc</i> inspections and audits of the certificate holders' workplaces on an ongoing basis in order to confirm compliance with the legislation detailed above. 2. SAMSA conducts <i>ad hoc</i> safety related inspections and audits of the certificate holders' workplaces on an ongoing basis in order to confirm compliance with the safety related issues arising from the Merchant Shipping Act, 1951 as amended. This includes, checking crew lists, contracts, and certification. Crew lists are also used for signing on and off of vessels for each trip, and become a record of each member's time onboard.
8	National minimum age requirements
	<ul style="list-style-type: none"> - Describe national minimum age requirements for crew members serving on vessels within the UoC. - Describe systems in place, both regulatory and private sector systems, to ensure that crew members meet national minimum age requirements. - Describe how this is checked, including enforcement within the UoC by the responsible governing authority or oversight body such as labour inspectors.
CH	<ol style="list-style-type: none"> 1. Section 43 of the Basic Conditions of Employment Act, 1997 as amended prohibits work by children under 15 years of age (or under the minimum school-leaving age in terms of any law). 2. Item 10 (a) of Schedule 2: Summary of regulations on the health and safety of children at work and on hazardous work by children issued in terms of the Basic Conditions of Employment Act, 1997 as amended prohibits an employer from requiring or permitting a child to work in deep sea fishing ('child' is defined as a person under 18 years old); 3. The Department of Labour has monitoring and inspection directorates that are tasked specifically with the enforcement of the Basic Conditions of Employment Act, 1997 as amended.

	<p>4. Prescribed minimum certification required for all seafarers and enforced by SAMSA includes, and the minimum age for enrolment is 16 years or older:</p> <ol style="list-style-type: none"> Valid seafarers medical certificate; Personal Survival Techniques (STCW-2010 approved); Fire Fighting; Medical First aid and Personal Safety and Social Responsibility.
9	Repatriation
	<ul style="list-style-type: none"> - Describe how repatriation issues are dealt with in the UoC with respect to visits, end of contract, voluntary and involuntary termination, freedom of movement and the extent to which these are included in contracts.
CH	<ol style="list-style-type: none"> South Africa ratified the Maritime Labour Convention (Work in Fishing Convention 2007, Convention 188) in 2013 and promulgated the Merchant Shipping Amendment Act, 2015 to address the requirements imposed by the Convention, and included in their contract of employment: <ol style="list-style-type: none"> Section 102 of the Merchant Shipping Amendment Act, 2015 provides that every agreement with the crew of a South African ship shall contain particulars of the seafarer's entitlement to repatriation; Section 113 of the Merchant Shipping Amendment Act, 2015 provides that a seafarer shall be entitled to the return of any certificate of competency or qualification held by the master of the vessel upon discharge. Section 114 of the Merchant Shipping Amendment Act, 2015 provides for the adequate maintenance of the seafarer and the repatriation of seafarers to a proper return port (also included in crew contracts).
10	Debt bondage
	<ul style="list-style-type: none"> - Describe if there is evidence of systemic practices to impose costs on crew members for placement or brokerage fees, travel to the workplace, visa, medical, safety gear, clothing/protective gear, food at the workplace, communications access, remittance fees, repatriation, etc. - If so, describe such practices and how debt bondage is avoided.
CH	<ol style="list-style-type: none"> There is no evidence of systemic practices to impose costs on crew members for any placement or brokerage fees as contemplated herein. Section 34 of the Basic Conditions of Employment Act, 1997 as amended precludes any deductions from the remuneration of an employee unless agreed in writing or permitted in terms of a law, collective agreement, court order or arbitration award. The Department of Labour has monitoring and inspection directorates that are tasked specifically with the enforcement of the Basic Conditions of Employment Act, 1997 as amended. It is included in crew contracts that all expenses will be deducted at the end of a trip.
11	Grievance and remedy mechanisms
	<ul style="list-style-type: none"> - Please list any policies or measures (e.g. hotline) that are in place for crew voices to be heard and to report and remediate any instances of forced or child labour.
CH	<ol style="list-style-type: none"> The Employment Equity Act, 1998 as amended regulates equal opportunity and fair treatment in employment and provides for the resolution of such disputes via statutory mechanisms in the event that such disputes are not resolved internally.

	<p>2. Any employee may approach SAMSA, the Commission for Conciliation, Mediation and Arbitration (CCMA) and/or the Labour Department responsible for enforcing the Labour Relations Act (LRA) for any sea going grievances.</p>
12	Identification documents
	<ul style="list-style-type: none"> - Describe policies and practice in place across the UoC to ensure that crew members have free and timely access to their identification documents, including National ID, passports, visas, etc.
CH	<ol style="list-style-type: none"> 1. Once the required recruitment checks are conducted, companies make copies of the certificates of the employees - this is the standard process enforced by the Department of Labour. 2. Any Inspector from the Department of Labour can at random times request a visit to the company to check employee documentation. 3. During the trip/voyage, crew on-board are required to have their Seaman's Book and SAMSA can request the information. No documentation is kept against the employees' free will. 4. Because the vessels fish locally for short trip these documents are never kept from the crew members, it remains in their possession. 5. All foreign nationals have either a South African citizenship, or hold a working visa, with regular checks at the harbours being conducted by immigration officials.
13	Additional comments
	<ul style="list-style-type: none"> - Do you have additional comments on labour practices within the UoC?
CH	<p>The South African Hake Longline Fishery is specifically protected against forced labour and child labour through the interaction between various legislation, subordinate regulation and statutorily enforced agreements. In addition, South Africa has strict legislation in place for the protection of the employee, with employment law designed to protect the employees' rights</p>
14	Date this template was last updated
	<ul style="list-style-type: none"> - DD/MM/YYYY
CH	25 / 07 / 2023

Disclaimer: The Certificate Holder Forced and Child Labour Policies, Practices and Measures Template is intended for at- sea fishery and supply chain certificate holders to provide a statement on measures, policies, and practice in place in the fishery to ensure the absence of Forced and Child Labour. Submission of this statement is a requirement to confirm eligibility to participate in the MSC program. It has not been audited or verified by any third-party entity. It is provided for information purposes and should not be construed to constitute certification of performance against a labour standard.

SAHLLA registered vessel list

No.	Member name (Vessel Owner)	Name of Vessel
1.	Abraham T (Pty) Ltd	Abraham T
2.	Soliprops 1083 (Pty) Ltd	Abe Shapiro
3.	MFV Augusta Vessel Company (Pty) Ltd	Augusta 1
4.	Boloko Trading and Investments (Pty) Ltd	Boloko 1
5.	Nacimiento Fishing CC	Leontina Maria
6.	Hentiq 1173 (Pty) Ltd	Intini
7.	Caprivi Fishing (Pty) Ltd	Karin 1
8.	Imperial Crown Trading 398 (Pty) Ltd	Nicolette
9.	Mosgus Fishing & Exporters No. 1 CC	RRR
10.	Rocket Trading 35 CC	SW Lapwing * currently not working to be replaced in 2024 by Poseidon
11.	Kentucky Fishing CC	Kentucky
12.	Compass Fishing Enterprises (Pty) Ltd	Emerald
13.	J&AV Mostert Grasveld Visserye BK	Amoria
14.	SW Condor Vessel Company (Pty) Ltd	SW Condor
15.	Bayana Bayana Fishing CC	Southern Tiger
16.	Dyer Eiland Visserye (Edms) Bpk	I Do
17.	Valhalla Fishing Enterprises (Pty) Ltd	Valhalla
18.	Shivon Fishing Enterprises (Pty) Ltd	Shivon
19.	Intlanzi Fishing (Pty) Ltd	Arizona
20.	Ferro Fishing (Pty) Ltd	Armando
21.	Blue Venture Fishing (Pty) Ltd	Monickendam
22.	Dewmist Investments CC	Capt De Sousa
23.	MFV Westerdam (Pty) Ltd	Staalkop
24.	Joenardo Fishing CC	Tina
25.	Ukloba Fishing (Pty) Ltd	Estrella Do Mar
26.	Nalitha Fishing Group (Pty) Ltd	Cape Frio
27.	Pakamani Fishing (Pty) Ltd	Pakamani
28.	Lady's Crop Fishing (Pty) Ltd	Oceana Amethyst
29.	Mother City Vessel Company (Pty) Ltd	Penkop II
30.	Moniz Fisheries (Pty) Ltd	Aquilla
31.	Transat Company (Pty) Ltd	Alpha
32.	MVB Highland Queen Beleggings (Pty) Ltd	Highland Queen
33.	Two Line Trading 163 (Pty) Ltd	Malachite
34.	Poseidon Fish Traders (Pty) Ltd	Poseidon * 2024 inclusion

3. Appendix – Guidance on filling in the Certificate Holder Forced and Child Labour Policies, Practices and Measures Template

3.1 Composition of the fishery client group on behalf of who the statement is provided

If a fishery is in full assessment and the cost-sharing participants and arrangements are not yet determined, provide as much detail as possible regarding the expected cost-sharing entities that will comprise the client group, should the fishery achieve certification, and the relationship between such client group representatives and the vessel owners and operators in the Unit of Certification (UoC).

3.2 Responsibility for labour regulation

Provide information on laws and regulation and the authorities that have responsibility for labour regulations in the area in which the fishery operates, including flag state authorities where this is applicable. Describe how these are enforced.

3.3 Risk identification, mitigation and remediation

The information required in this section includes information known by the certificate holder on processes and practices that are applicable in the UoC to identify, assess, prevent and mitigate forced and child labour risks. The information may include government policy or measures, or where applicable, measures being implemented by the certificate holder.

3.4 Crew recruitment

The information required here includes information on the methods used to recruit crew in the UoC, any widespread use of migrant labour, the countries that crew come from and information on recruitment agencies used where this information is available and known to the certificate holder. It may also include information known of visa programs used to bring in workers to the UoC and on payment of recruitment fees.

3.5 Engagement with fish worker groups

In some countries, there may be engagement with fish worker groups or other types of organisations that work to address risks of forced labour. Where this occurs provide information on such engagement. This may include information on any organizations in the port area which support crew members socially, e.g. seafarers' ministry, fishers' association, local committees.

3.6 Crew contracts

Contracts are legal work agreements with labour duties and payments clearly spelled out. Describe the nature of crew contracts in the UoC, specifically features related to forced and child labour, whether the contracts are written in languages understood by crew and how provisions in the contract are enforced.

3.7 Audits and labour inspections

Describe any government labour inspections or social audits and certifications of working conditions within the UoC in the past 2 years. Where the information is available provide a link to the criteria against which the audit took place.

3.8 National minimum age requirements

For this section describe national minimum age requirements and provide a description of regulatory and private sector systems in place to confirm that minimum age restrictions are met. Include information on any exceptions to statutory minimum age requirements which are used by the UoC and information on policy for hiring young workers in compliance with national legislation. This should also include description of any policy or practices for monitoring including hours of work and rest for young workers. This may include information on any other programs which are monitoring labour in your UoC fishing area.

3.9 Repatriation

This section requires a description of how departure of crew members across the UoC is handled. This may include information about government, and/or where known, any applicable company policy on end of crew members' contracts; involuntary termination; leave (including family visits and medical treatment); freedom of movement during the work term and departure terms within crew member contracts.

3.10 Debt bondage

Deductions for costs of work from pay can cause debt bondage and put crew at risk of forced labour. Examples of such work costs include costs of getting to work, placement/broker fee, medical costs, safety gear, food at the workplace, remittance fees and repatriation costs.

Describe systems in place to avoid debt bondage. If there is evidence of systemic practices to impose costs on workers, what measures are in place to avoid debt bondage.

3.11 Grievance and remedy mechanisms

Provide a description of systems known to be in place that allow crew to share information, access assistance and report labour violations and how the systems work to address such reports and provide remediation.

3.12 Identification documents

Describe provisions across the UoC for crew to access their official identification (passports, visas, seafarers book). Where the law in a jurisdiction requires the vessel owner or captain to hold the crew members' official identification, describe the protocol, including government regulations in place to ensure that crew members can access their personal documents and have freedom of movement.