

Thai Union Fishing Vessel Improvement Program and Code of Conduct 2018



Working in partnership with our suppliers

Introduction

Thai Union Group Public Company Limited and its subsidiaries, hereafter referred to as Thai Union, set out our commitment to the safe and fair treatment of our workers in 2015 with the publication of our [Business Ethics and Labor Code of Conduct](#). This vessel improvement program and Code of Conduct (VCoC) is an extension of the Business Labor and Ethics Code of Conduct and reflects the unique set of working conditions on fishing vessels and the fact that they require specialist consideration. The 12 ‘Fundamental Principles’ apply to every part of our business and frame both codes of conduct, however, in this document the clauses are tailored for application to vessels. The implementation of this program will provide clear guidance to the fishing vessels that we source from and aims to continue to improve labor and ethical performance in the fishing sector.

Thai Union would like to draw attention to the following documents’ standards, conventions and codes of practice that verification against these standards should be able to satisfy this VCoC. We do not wish to recreate any of these accomplished documents, rather we wish to support their implementation by the industry and progress towards achieving best practice.

- United Nations International Labour Organization (ILO) [C188 - Work in Fishing Convention](#), 2007 (No. 188) *Convention concerning work in the fishing sector C188*.
- Asociación Española de Normalización y Certificación (AENOR) [UNE195006:2016 Tuna from Responsible Fishing Purse Seine Freezer Vessels](#).
- The Seafood Task Force (not yet publicly available).

Other additional references have been used in the creation of this code including, but not limited to, the [United Nations Guiding Principles](#) for Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, SAI [Social Accountability 8000](#) International 2014, Seafish [Responsible Fishing Scheme Standard](#) Requirements for Certification (2016) and the British Standards Institute [PAS 1550:2017](#) Exercising due diligence in the legal origin of seafood and marine products.

Implementation Guidelines

This VCoC must be signed by suppliers before we enter into a business relationship and by all of our existing suppliers. This will ensure that it applies to all of the fishing vessels that supply Thai Union. Thai Union reserves the right to request verification of the level of compliance of a supplier to the VCoC, such as through third party audits, at any point in our business transactions. A rolling annual audit program against this VCoC will be conducted by Thai Union.

The VCoC includes a commitment by the supplier to develop a Vessel Improvement Program (VIP) towards meeting the clauses unconditionally and by addressing any non-compliances that are identified to be of a major or critical concern. Thai Union believes that this is an opportunity to increase transparency, demonstrate accountability and to remedy any shortfalls.

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1. Business is conducted lawfully and with integrity.

The required management systems and procedures are in place and they comply with the appropriate laws, regulations and conventions. Vessels are transparent about their operations and it is possible to verify their claims. Supply chains deliver full traceability, identifying the legal origin of the seafood. All movement and transformation of seafood is documented and recorded.

- 1.1 Corruption and bribery is prohibited and procedures are in place to prevent it.
- 1.2 Business / financial transactions and commercial dealings are transparent and accurately recorded.
- 1.3 All relevant licenses for the vessel(s) are held and are validated by the appropriate authority.
- 1.4 All laws of the flag State and relevant national and international regulations are complied with.
- 1.5 Fishing vessels should not have been put on the Regional Fisheries Management Organisation's 'Illegal, Unreported and Unregulated' vessel lists and should be authorized to fish in the waters.
- 1.6 Catch, storage, processing and transfer documentation is completed accurately and made available.
- 1.7 A logbook is completed with all required legal information and details such as species, date/time, weight, area, fishing gear type.
- 1.8 Transshipment at sea is either banned or recorded.
- 1.9 For long line vessels, there will be an electronic or human observer on board the vessel.
- 1.10 Vessels over 100GT should have a Unique Vessel Identifier and be listed on the 'Global Record'.

2. Work is conducted on the basis of freely agreed and documented terms of employment with legal compliance.

Crew have legal contracts that they understand and can enter into freely. Crew do not pay any recruitment fees and all aspects are explained and negotiated before the contract is signed.

- 2.1 Crew have a legal work permit or the right to work.
- 2.2 Crew members have a signed contract written in a language that they understand, and they are issued with a copy.
- 2.3 The content of the contract includes at a minimum the payment schedule, grievance and disciplinary procedures, work and rest hours, overtime, holiday, repatriation, resignation and termination (including 'force majeure' situations).
- 2.4 No force or coercion is used to make the crew sign the contracts, or to obtain consent on contract amendments.
- 2.5 Crew and employees can review and seek advice on the terms of their contract before it is concluded.
- 2.6 Resignation and contract termination records are maintained and kept for at least 12 months after crew contracts end.

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- 2.7 Crew should not be charged recruitment or hiring related fees.
- 2.8 If crew are found to have been charged fees outside of those legally allowed then a repayment mechanism can be put in place, and this is communicated to the crew.
- 2.9 The terms in the contracts are met during employment on the vessel.
- 2.10 The employer pays for the repatriation of the crew.

3. All workers are treated equally and with respect and dignity.

Crew are treated with respect and dignity, and no one is subject to any kind of abuse, harassment, intimidation or inhumane treatment.

- 3.1 Discrimination is prohibited and includes but is not limited to, that based on: caste, national origin, ethnicity, religion, age, disability, gender, marital status, sexual orientation, union membership, political affiliation/beliefs, pregnancy, health or disability.
- 3.2 On board, there is no harsh or inhumane treatment of crew, including no physical, sexual, verbal, or psychological abuse or harassment, other forms of intimidation.
- 3.3 Crew are accorded equal opportunity to develop their knowledge, skills and competencies.
- 3.4 Migrant workers are treated as equals and provisions are made to meet their welfare and employment needs in accordance with this VCoC.

4. Work is conducted on a voluntary basis with no forced or compulsory labor.

Crew are on board of their own will and are not forced to work by means of bribery or coercion. The recruitment and employment processes are legal and understood by all crew before departure.

- 4.1 The vessel is free from any form of forced, compulsory, bonded, indentured labor, prison labor or trafficked labor, with the exception of documented and signed salary advances.
- 4.2 Personal documents of the crew are only retained according to legal procedures and they have access to these documents.
- 4.3 Freedom of movement is not unreasonably restricted during work or non-work hours.
- 4.4 Records of employment, contracts and legal verification are maintained.
- 4.5 Everyone has the legal right to work.
- 4.6 For vessels in the high seas:
 - 4.6.1 Workers have the freedom to terminate their employment exercised at the next regularly scheduled port visit with a minimum notice to the Captain of 10 days before the nominated port visit.
 - 4.6.2 A fee may be charged on a pro-rata scale for actual expenses incurred to repatriate an employee that terminates employment prior to the end of the contract as described in the written contract.
- 4.7 The vessel(s) / vessel company covers the cost of repatriation of the crew in event of contract or trip end or termination of employee.

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5. All workers are of an appropriate age.

Crew are of legal age for working on board a fishing vessel and the tasks assigned to them are appropriate for their age and level of experience. There are processes in place to verify the age of new recruits to ensure that child labor is not used.

- 5.1 The age of every crew member is verified before a contract is signed.
- 5.2 For crew between the minimum age and 18, an assessment will be conducted of the tasks that the individual will complete and any relevant hazards.
- 5.3 The minimum age is to be set by the legal authority i.e. the coastal or flag State.
- 5.4 Documentation for crew under 18 must be maintained and produced upon request.

6. All workers are paid fair wages.

Remuneration of the crew is legal and full records are maintained. The procedures for payments are documented and understood by all crew members.

- 6.1 Legal payroll records that include bonuses and deductions are maintained.
- 6.2 Payslips (or receipts) are issued to crew which clearly detailed all aspects of the transactions, such as agreed wage, catch bonuses and any legal or agreed deductions.
- 6.3 Crew are paid monthly or other regular payments (not less than one per quarter).
- 6.4 Deductions shall not be made unless for legal disciplinary action or by prior agreement, and are made in writing to the crew member.
- 6.5 Wages are paid directly to the crew or, at no extra cost, they are transmitted in all or part to a designate of the crew member.
- 6.6 The wages that are agreed in the crew contract are those which are paid.

7. Working hours for all workers are reasonable.

Crew work and rest on board the vessel in a structure that is fair to the crew and allows the vessel to operate safely. The number of hours complies with the law and as agreed in crew contracts.

- 7.1 A list of the crew and accurate time records for each member are maintained.
- 7.2 A Minimum Safe Manning Certificate is available and issued by the flag state.
 - 7.2.1 All vessels of 24 meters in length and over must provide evidence of an established 'minimum level of manning' for the safe navigation of the vessel, specifying the number and the qualifications of the fishers required.
- 7.3 For vessels remaining at sea for more than three days, minimum hours of rest must not be less than 10 hours in any 24-hour period; and 77 hours in any seven-day period.
- 7.4 The minimum period of 10 hours of rest per day may be reduced to no less than six consecutive hours during active fish catching and fish processing, however the fisher shall receive compensatory periods of rest as soon as practicable.

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8. All workers are free to exercise their right to form and/or join trade unions and to bargain collectively where permitted by law.

Crew shall have the right to join or establish associations of their own choice and bargain collectively without prejudice to the skipper's command and overall responsibility for the safety of the crew and the safe operation of the vessel.

- 8.1 Crew have the right to freedom of association and are able to join any unions and organise themselves.
- 8.2 Crew have the right to operate the power of collective bargaining.
- 8.3 Any collective bargaining agreement or labor contract covering crew members shall be made available by the Captain or vessel owner to the crew upon request.

9. Workers' health and safety are protected at work.

The working conditions on board the vessel are safe and sanitary and ensure that the basic needs of the crew are met. The health and safety of the crew is a priority and provisions are in place for any medical emergency.

- 9.1 The vessel is sea worthy, inspected regularly and health and safety issues are assessed.
- 9.2 Health and safety policies and training are in place to cover risks to the crew, and they are based on a comprehensive risk assessment for the vessel.
- 9.3 For working on a vessel over 24 meters, the crew members must have a full medical certificate.
- 9.4 Working medical equipment and lifesaving equipment are on board the vessel and are suitable for the number of crew members and the length of the voyage.
- 9.5 At least one person on board is qualified or trained in first aid and to use the medical equipment on board.
- 9.6 Records of sickness and injuries are maintained.
- 9.7 In an event of serious injury, crew have the right to go ashore.
- 9.8 Crew are provided with personal protective equipment (PPE) and working clothes (in accordance with the H&S risk assessment) at no cost to the worker, and are replaced if broken due to normal wear and tear.
- 9.9 Crew members have access to basic necessities, such as potable water and toilets during work and non-work hours.
- 9.10 The amount of water (and food for extended trips) is assessed against the crew numbers for every voyage.
- 9.11 Hazardous areas that pose a safety risk are restricted to unexperienced or unskilled crew members.
- 9.12 The life boats have enough space for every crew member, are easily mobilized and everyone is trained to use them in an emergency event.
- 9.13 Vessels have a private sanitary area, and facilities are provided on vessels larger than 24 meters in length.

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10. Workers have access to fair procedures.

The vessels have fair and transparent procedures to ensure that the ending of contracts, grievances and disciplinary actions are conducted fairly and confidentially. Any incidences are dealt with without repercussions for the crew member and are monitored as they progress to an unbiased resolution.

- 10.1 There is a system to effectively monitor and report concerns and grievances that allows crew / employees to do so without being put at risk of negative repercussions.
- 10.2 The procedures for the ending of contracts, grievances and disciplinary actions are widely communicated prior to departure and ensures that they are understood by all crew.
- 10.3 The procedures include, but are not limited to, a description of: confidentiality, channels of reporting, a mechanism to report to someone other than their direct supervisor, how to follow-up of reported grievance, how crew can monitor the status of their complaint, prohibiting retaliation, and an appeal system for unfavorably resolved complaints and disciplinary actions.
- 10.4 Grievance matters are investigated and result in swift unbiased and a fair resolution.
- 10.5 Auditors or inspectors are able to interview workers in a safe environment.

11. Business is conducted in a manner that embraces sustainability and reduces environmental impact.

We would encourage all fishing vessels to operate responsibly and in a manner that respects the ecosystem and reduces impacts on the marine environment. They should aim to operate best practice standards and comply with applicable conventions and laws. While of vital importance, environmental criteria will not be audited as part of this process – refer to guidance document for more information.

12. Progress and compliance are monitored.

Compliance with the VCoC is reinforced through monitoring and checks against its clauses. A VIP is initiated if any major or critical non-compliances are identified.

- 12.1 Work activities should be monitored against this VCoC.
- 12.2 Reviews of the systems and policies should be completed regularly.
- 12.3 No crew or employee shall be disciplined or dismissed for providing truthful information or assisting in the application of this VCoC.
- 12.4 A VIP is to be initiated if any major or critical non-compliances are identified during an audit against this VCoC.
- 12.5 A VIP will include documentation of the actions identified, milestones and time scales.

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The channels for reporting on breaches are as follows:

Address: 72/1 Moo 7, Sethakit 1 Road, Tambon Tarsrai,
Amphur Muang, Samutsakorn 74000, Thailand

Telephone: +66 (0) 3481-6500 Fax: +66 (0) 3481-6499

Confidential Email: VesselCode@thaiunion.com

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Failure to comply with this Code of Conduct or recommended remedial action will result in supplier contract termination and legal actions, without recourse.

Announced on 27th December 2017.

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Mr. Cheng Niruttinanon
Executive Chairman
Thai Union Group PCL

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Mr. Thiraphong Chansiri
President & CEO
Thai Union Group PCL

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Acknowledgement and Acceptance

This is to certify that I have fully read and understood the Thai Union Vessel Code of Conduct. As an authorized representative of the company, I hereby commit my company and or vessel(s) to comply with this Code of Conduct. If non-compliances are identified, then we will initiate a work program that will deliver any required improvements

Supplier: _____

Address: _____

Representative: _____

Signature: _____

Date: _____