



Guidance to the
Thai Union
Fishing Vessel Improvement Program
and Code of Conduct

Working in partnership with our suppliers

Version 1.0, June 2018

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Abbreviations

FAO	Food and Agricultural Organization
GPS	global positioning system
GT	gross tonnage
ILO	International Labour Organization
ILO C188	International Labour Organization C188 - Work in Fishing Convention, 2007 (No. 188)
IMO	International Maritime Organization
ITF	the International Transport Workers' Federation
IUU	illegal, unreported and unregulated [fishing]
PIPO	port-in – port-out
PPE	personal protective equipment
RFMO	Regional Fisheries Management Organization
US	United States [of America]
UVI	unique vessel identifier
VCoC	[Thai Union's] Vessel Code of Conduct
VIP	vessel improvement program

Terms and definitions

For the purpose of the application of the VCoC the following definitions apply.

auditor	someone who conducts an audit
captain	person in charge of the vessel
child labor	the employment of children typically resulting in their childhood, education, dignity and safety being put at risk
contract	a written agreement that is binding
consent	when someone agrees, or gives permission, for something to happen
consultant	someone who provides expert services
collective bargaining	a process where an organized group of employees negotiates terms and conditions with an employer
compliance (comply); non-compliance	being in conformance with something; not being in conformance with something
crew	employees of the vessel company and anyone working on board the vessel inclusive of engineers, fishers, cooks, deck hands
disciplinary actions	a process that will be followed when an employee's actions or performance do not meet the standards expected
flag State	the State that the vessel is registered to and that has jurisdiction over it

force majeure	something that occurs which could not be foreseen and was unavoidable
forced labor	situation where someone has intimidation or manipulation used on them to coerce them to work
freedom of association	the right to gather in groups to protest, defend, negotiate, unionize or associate on a common issue without interference
freedom of movement	someone is permitted to move location of their own free will
full traceability	the ability to follow seafood from the end consumer product back to when it was fished
grievance procedure	a formal process to raise a complaint, concern or issue
health and safety	the consideration and actions taken to ensure places of work are sanitary, able to prevent accidents and safeguard the wellbeing of employees
inhumane treatment	not humane; cause of suffering, harm and devoid of compassion
lifesaving equipment	equipment that is used to rescue and assist persons
medical equipment	equipment that is used in the treatment, diagnosis or monitoring of a person's health
personal protective equipment	all equipment for the crew to keep themselves protected whilst they work and also in case of emergencies such as personal floatation devices
repatriation	the transportation of an employee from the place of a vessel that they are working on back to their home or a specified location on land
resignation	when an employee willingly submits a request to terminate their contract
risk	something that could pose a threat, hazard or danger
risk assessment	an evaluation that investigates potential risks in the workplace
seafood	consumable aquatic organism(s)
supply chain	the journey of different stages that seafood goes through from the vessel to the end consumer
transshipment	movement of seafood from one vessel to another at sea
unique vessel identifier	a number that is exclusively created for a vessel when it is constructed that stays with it to the time that it is decommissioned and dismantled

1 Introduction

The fishing vessels and fleets around the world are the foundation of our wild capture-based seafood industry. Making sure that seafood comes from supply chains that are free from forced labor, slavery, child labor, discrimination and other welfare concerns is a priority for the commercial sector. In recent years, reported incidents in the seafood industry have instigated discussions and initiatives in the sector to prevent infringements of human rights and establish decent working conditions on board fishing vessels.

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](#). On 27 December 2017, we published our Vessel Improvement Program (VIP) and Vessel Code of Conduct (VCoC) which is an extension of the Business Ethics and Labor Code of Conduct. The 12 ‘Fundamental Principles’ apply to every part of our business and frame both codes of conduct, however, in the VCoC the clauses have been tailored for application to fishing vessels to reflect the unique set of conditions that exist working at sea. Our intention is that the implementation of this program of work will provide guidance to the fishing vessels that we source from and improve the labor and working practices of the fishing sector.

Thai Union sources seafood from fishing vessels all over the world that have different characteristics by way of different types of vessels, fishing gear, flag States and crews. The seafood is processed in factories and sourced from a wide range of places including Europe, U.S., Asia and others. Our expectation is that all of the fishing vessels in our supply chains are in compliance with our VCoC and we are committed to monitoring their level of compliance. Thai Union wants to work with its suppliers and partners to improve conditions on board vessels. Engaging and working with governments who are the coastal and flag States of the vessels will be key to change within the industry.

2 Scope

The focus of the VIP and VCoC is the working conditions and treatment of crew on board vessels that Thai Union source from. The VCoC must be signed by suppliers before we enter into a business relationship and by all of our existing suppliers.

The VCoC applies to all of the fishing vessels in our global supply chains that supply us with directly with fish and other seafood including tropical tuna, mackerel, salmon and others. The VCoC includes a commitment by the supplier to develop a VIP towards meeting the clauses unconditionally and to address any non-compliances that are identified in the assessment process. Thai Union believes that this is an opportunity to increase transparency, demonstrate accountability and to remedy any shortfalls, although it is not a certification scheme.

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 the VCoC will be conducted by consultancy firm(s) contracted by Thai Union (this is explained in more detail below in section 3.2.2).

This document provides information to all of those that are involved in the application of the VCoC including, but not limited to, consultants, auditors, vessel companies, vessel owners, crew and suppliers.

The document seeks to provide explanations and clarifications on the clauses and assist in the ability of our suppliers, if needed, to improve so that they comply with the VCoC.

The VCoC is not a replacement for the law or existing conventions or regulations on the subject, rather it is intended to support and be used alongside as a part of a ‘toolkit’ to demonstrate best practice and drive improvement where it is necessary. It is the responsibility of each individual in the supply chain to ensure that they comply with legal requirements.

3 Implementation

3.1 Reporting and results

At the start of any assessment against the VCoC it will be necessary for the scope of the assessment to be identified. This should include details such as the name of the vessel(s) being assessed, the length or tonnage (or both), the flag State, the type of fishing gear used, the fishing area, ports of landing, species targeted, the duration of fishing trips and other relevant information.

Thai Union will commission a consultancy firm(s) to conduct third-party audits of the vessels in their supply chains. The consultants will be required to provide an overview of the results of the audits that they have been commissioned to complete plus any submitted self-assessments for that region or species or category. The aim of this is to produce an overview that will enable both a vessel level and a ‘high-level’ analysis of the results, including any themes or recurring non-compliances to particular clauses. This analysis will identify actions that can be undertaken at, for example, a governance level that Thai Union or other supply chain actors can support in the improvement program.

An aggregated and anonymized summary of the results of the audit program will be reported in the annual Thai Union sustainability report.

Suppliers should be aware that the performance results against the VCoC may affect sourcing decisions made by Thai Union. If results demonstrate that there are critical non-compliances which are deemed to be unacceptable to our standards, Thai Union may suspend or discontinue purchasing from that supplier. The following are examples where we would consider such steps:

- If vessels are involved in IUU fishing and do not have valid licenses.
- If crew are not legal to work and do not have a signed contract that they have entered into freely.
- If forced, compulsory, bonded, indentured labor, prison labor or trafficked labor is used.
- If there is evidence of child labor.
- If the lives of the crew are put at risk due to a lack of health and safety assessment, training, procedures or equipment.

Thai Union has an internal ‘risk assessment’ style tool that we will apply to the VCoC clauses. This will be used to decide how the audit results will be interpreted and make decisions about sourcing. This process acknowledges that there is a need to prioritize improvements on certain topics/clauses over the next few years and makes it a focus to address the most critical items in the short term. If you would like to understand more about this, please do not hesitate to get in contact with us.

3.2 Types of assessment

3.2.1 Self-assessment

A supplier can complete a benchmarking exercise against the VCoC using the VCoC self-assessment checklist¹. There are advantages to doing this: firstly, it will be possible to prepare for a third-party audit and for the supplier to start to address any identified non-compliances before a formal assessment takes place; secondly, it will be possible to demonstrate performance against the VCoC to other companies which suppliers are doing business with. Any results of self-assessment exercises can be submitted to the Thai Union confidential email address: VesselCode@thaiunion.com and/or a main contact point at Thai Union.

The self-assessment checklist is not designed to replace a third-party audit rather it serves to provide a simplified benchmarking exercise to help identify any prominent non-compliances against the VCoC.

3.2.2 Second party

An assessment against the VCoC could be completed by a second party, for example, an employee of Thai Union. This is a process that has been carried out on vessels in Thailand against the Thai Union Business Ethics and Labor Code of Conduct. These are carried out at the bequest of Thai Union.

3.2.3 Third-party audit

Thai Union commissions a rolling program of independent third-party auditing in its supply chains. Audits will be completed in accordance with industry best practice standards. Each audit will result in an audit report that will assess compliance of the vessel(s) with the VCoC and provide an evaluation if an improvement program is needed to be initiated. The presentation of the information on the results of the audit will enable the vessel(s) to propose the corrective actions that they are required to complete as part of the improvement program, in agreement with the auditor. These corrective actions will have the expected timescales of completion outlined and agreed. Individual vessel audit results will be kept confidential between the vessel owners, the auditors and Thai Union and, as stated, only aggregated and anonymized audit results will be shared publicly.

As previously stated, all suppliers to Thai Union are required to sign the VCoC, which contains within it the requirement to engage and progress towards improvement against the clauses.

3.3 Vessel Improvement Program

The VIP can begin following any type of assessment and basically describes the process that Thai Union encourages its suppliers to take to comply with the VCoC. A VIP should include documentation of the actions identified to close out the non-compliances, milestones and time scales to completion. The length and cost of the VIP will differ across our supply chains; however, suppliers are encouraged to be ambitious about what they are aiming to achieve and the timeframes they anticipate they can do it in.

Thai Union understands that there may be clauses that require institutional or regional level change to be considered as 'compliant' to the VCoC clauses. With recognition of this, consultants will complete an overview analysis of the audit results (as described above) and identify if there are any sector or regional level improvements that can be identified, and support improvements that will be of benefit to

¹ Provided on webpage: <http://www.thaiunion.com/en/sustainability/sustainability-at-thai-union/code-of-conduct>

our suppliers. Thai Union will continue to engage with institutions and organizations that are currently working on some of these issues to create positive change that would not be possible if we were all to work in isolation. Through collaboration between industry partners, governments and organizations we can aim to resolve some of these challenges and showcase best practices in our supply chains.

The steps in the VIP and the benchmarking exercise against the VCoC can be summarized as:

1. Create a checklist or questionnaire for assessment against the VCoC clauses.
2. Using the questionnaire, conduct a benchmarking exercise for the vessel(s).
3. Complete an analysis of the benchmarking exercise and for every non-compliance, identify the actions required to ‘close’ them out.
4. Based on the identified actions, draw up a detailed action plan which would include time frames for completing the actions and the resources required.
5. Complete the work in the action plan and monitor progress against the action plan.
6. Conduct another benchmarking exercise.

The Thai Union VIP ‘toolkit’ can be found on the webpage² and will include the following³:

1. The VCoC published document.
2. This guidance document.
3. A list of useful resources and reference documents.
4. A checklist to complete a benchmark exercise against the VCoC.
5. Templates and examples of different procedures and agreements.

3.4 Guidance on clauses

This document provides additional information about each of the clauses in the VCoC to explain the meaning behind the clause, and it also provides a list of suggested evidence that may be required to demonstrate compliance (see section 3.5). This information is designed to act as an indicator and ‘for information;’ please note that auditors, inspectors and other assessors may pose different questions or approach the task in a different way.

For each of the clauses, section 4 provides notes and explanations to provide clarification and deeper understanding of the intention of the clause.

There are certain issues covered by the VCoC that Thai Union has acknowledged will require time and investment to transition towards implementing good working practices, e.g. eliminating recruitment fees.

² Refer to webpage: <http://www.thaiunion.com/en/sustainability/sustainability-at-thai-union/code-of-conduct>

³ This toolkit is under development and documents will be added during the course of 2018. In the meantime, please do contact us if you have any questions.

3.5 Evidence of compliance

The following have been identified as evidence that may be necessary to demonstrate compliance to the clauses. A comprehensive self-assessment should include a review of whether these documents are relevant and exist for each of the clauses. This list is not exhaustive nor prescriptive.

- Policy and procedure documents that cover things such as disciplinary, grievance, recruitment, contract negotiation, repatriation, health and safety, hygiene, welfare of the crew at sea, management and payroll.
- Documentation about the applicable laws, regulations and management requirements that the vessel(s) must adhere.
- Communication of the policies and procedures to employees, crew and other relevant employees. Potentially in the form of meeting notes, procedures, interviews, notices, posters and signs on board the vessel.
- Implementation of any relevant policies, procedures and systems.
- Control of access to areas, systems and documents is managed such that any restrictions are not to the detriment of the crew's wellbeing.
- Vessel registration, licenses and authorizations (originals that are in date).
- Any of the employees and crew are available for interview by third-parties. These can be freely chosen by the third-party.
- Catch documentation, vessel policy document (contains logbook and transshipment procedures), transshipment declarations and landings declarations.
- Demonstration of effective and functional systems including accounts, payments to the recruitment company, payroll to the crew, internal assessments (to best practice standards and conventions) and benchmarking against the VCoC.
- Cross reference checking with the Global Record of Vessels and Regional Fisheries Management Organization's 'Illegal, Unreported and Unregulated' vessel lists.
- Records pertaining to the crew including personnel details, time logs of work and rest, sickness, injury, work permits, contracts, payments (receipts or pay slips), resignations and terminations. This information should make it possible to form a profile of the crews employed. The location and handling of this information and documentation.
- For young crew, particularly reference documents on the legal age to work.

There should be no contradictions or discrepancies during the process of third-party auditing of the evidence nor should there be any attempts to disrupt or interfere with the independent assessment process.

4 VCoC clause clarification

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

This clause refers to the Thai Union Business Ethics and Labor Code of Conduct which states “*There is a prohibition of any and all forms of bribery, corruption, extortion or embezzlement and there are adequate procedures in place to prevent bribery in all commercial dealings undertaken by the supplier.*” This point is replicated here in the VCoC to make sure that the vessel(s) has the policy and procedures in place to prevent bribery and corruption.

1.2 Business / financial transactions and commercial dealings are transparent and accurately recorded

This clause refers to the Thai Union Business Ethics and Labor Code of Conduct clause 1.3 “*Adequate financial transaction policies and procedures are maintained to ensure proper recording of all financial transactions, as well as to identify possible money laundering. No undisclosed or unrecorded account, fund or asset will be established or maintained.*” In addition, it also states “*Financial Records, Money Laundering and Insider Trading: All business and commercial dealings are transparently performed and accurately recorded in the supplier’s books and records. There is no actual or attempted participation in money laundering. No confidential information in the supplier’s possession regarding Thai Union is used either to engage in or support insider trading.*” This point is replicated here in the VCoC to make sure that the vessel(s) have policies and procedures in place to ensure that there is transparency in their business operations with regards to the completion of annual financial audits such as per the requirement of their country of company registration. This clause relates to the ability of the vessel(s) to demonstrate that payments are made to the crew and that these are accurately reported (refer to principle 6 below).

1.3 All relevant licenses for the vessel(s) are held and are validated by the appropriate authority

The vessel(s) should be able to demonstrate that it has the relevant valid licenses to fish. This could include verification of: the vessel license, the vessel check certificate, the aggregator license, the gear type license etc. The auditor may want to add more to this list to ensure that the vessel(s) can demonstrate that it has all of the relevant licenses for the area of jurisdiction (requirements differ depending on the location).

1.4 All laws of the flag State and relevant national and international regulations are complied with

The VCoC is not a replacement for the law or regulations. It is the responsibility of each individual in the supply chain to ensure that they comply with legal requirements. This clause states the requirement that Thai Union will only source from vessels that are operating legally. This point is included in the VCoC to make sure that the vessel(s) have policies and procedures in place to ensure this.

1.5 Fishing vessels should not have been listed or put on the Regional Fisheries Management Organization's 'Illegal, Unreported and Unregulated' vessel lists and should be authorized to fish in the waters

The vessel(s) should have the correct authorizations to fish in the waters, they should only be fishing in a legal manner which is regulated, and they should be reporting their fishing activity. It would be of interest to know if the vessel(s) are currently listed on any of the official IUU vessel lists. The records of where the vessel(s) are licensed to fish should reflect the reported areas of catch on the catch certificates (and others). The RFMO's have publicly available lists; here is the link to the 'International Commission for the Conservation of Atlantic Tunas' webpage, <http://www.iccat.int/en/IUU.asp>, which features their list and has links to the lists of the other RFMOs.

1.6 Catch, storage, processing and transfer documentation is completed accurately and available

This documentation should be available and enable full traceability in the Thai Union supply chain to be achieved.

1.7 A logbook is completed with all legally required information and details such as species, date/time, weight, area, fishing gear type

The logbook should have a process for completion and include:

- The species which have been caught (inclusive of the entire catch i.e. non-target species) should be recorded using their common and scientific names.
- At a minimum, the FAO area should be recorded for the fishing activity. A GPS location is preferred for the recording of the location and time of the fishing activity.

The fishing gear reported should be consistent with the [FAO gear classification](#). The gear used should comply with management measures in the area.

The logbook should be in compliance with the template issued by the relevant RFMO of the area of catch and of the flag State of the fishing vessel.

1.8 Transshipment at sea is either banned or recorded

Transshipment presents a high-risk point within the supply chain for IUU fishing and labor abuses. This is because the vessels can stay at sea for prolonged periods with low contact for inspections to check standards and regulations. This clause should firstly consider whether any transshipment at sea takes place in the supply chain. If it does, then it is important that the activity is recorded and reported. There should be a procedure for any transshipments that do take place and transshipment declarations should be available. Transshipments on long line vessels should have a human observer on board the carrier. Thai Union has a [published statement](#) on the topic of transshipment; we encourage our suppliers to review this document.

1.9 For long line vessels there will be an electronic or human observer on board the vessel

Long line fisheries are known to be high risk for the capture of non-target species, many of which are endangered, threatened or protected. Adequate monitoring and surveillance allows for vessels to verify their good practice and catches and demonstrate that there are no unreported or illegal practices taking place like shark finning. Long line vessels should be able to demonstrate that there is an electronic or human observer on board by 2020 or before. Please contact Thai Union to find out more: VesselCode@thaiunion.com.

1.10 Vessels over 100GT should have a Unique Vessel Identifier and be listed on the Global Record

An internationally recognized ‘UVI’ is the ‘IMO number,’ after the International Maritime Organization numbering system which is administered by HIS-Fairplay. This system assigns vessels with a number which should stay with it permanently, regardless of any changes to the flag State and/or ownership. For more information about the IMO identification number schemes, please refer to the website: <http://www.imo.org/en/OurWork/MSAS/Pages/IMO-identification-number-scheme.aspx>

For more information on the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, please refer to the website: <http://www.fao.org/global-record/en/>

For vessels that are not eligible for an IMO number (e.g. because they are under 100GT), suppliers are encouraged to register their tuna vessels with the ISSF to receive an ISSF-UVI for their vessel. Please refer to their website for more information: <https://iss-foundation.org/knowledge-tools/databases/uvi-database/>

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

Records of important documents (e.g. work permit, passport, ID card) should be maintained for every crew member to allow verification that they are legally employed. The requirements of the ‘legal right to work documentation’ differs between countries / authorities. The clause is intended to ensure that suppliers are recruiting employees that are legally able to work. The following are notes on some of the country specifics:

- Filipino crew members working on Filipino vessels do not need a permit.
- The U.S. does not issue legal permits to crew members on U.S. vessels.
- In Thailand, due to Port-in – Port-out (PIPO) inspection requirements, the documents are available on most if not all vessels over 30GT. Also, due to the PIPO requirements, records of employment, contracts and legal verification of employment are maintained by the vessel owner or Captain and available to the fishers for examination and a copy upon request on most if not all vessels over 30GT.

2.2 Crew members have a signed contract written in a language that they understand, and they are issued with a copy

All crew members have a contract that is signed (by both parties) and they are given a copy. The crew fully understand the terms and conditions in the work contract that they are entering. The contract must be written in a language that they understand, therefore copies of the contracts should be available in all of the languages of the nationalities of the crew that are on the crew list. All aspects of their employment should be explained before the contract is signed (see clause 2.3). All aspects of contracting and discussing the terms should be completed before departure from port.

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)

The terms and conditions of employment that are in the contract cover all of these points, and as per 2.2 these are all explained to the crew before departure. Wage policies, which outlines the date(s) of pay and the pay rates, are included in the contract and are clearly communicated to the crew.

For this clause, attention is drawn to Article 21 (Repatriation) and Annex II (Fisher's work agreement) within the ILO C188. These are considered to be the best practice and vessels are encouraged to work towards achieving this in the future.

2.4 No force or coercion is used to make the crew sign the contracts, or to obtain consent on contract amendments

The crew enter into the contract without force or coercion. Employers should not prohibit amendments to be made to the contract (within reason) as per 2.5. If the employer wishes to make changes to the work contract, details or conditions, then the employer should notify the crew before any changes are made (i.e. before departure).

2.5 Crew and employees can review, seek advice on the terms of their contract before it is concluded

The employer should have procedures that are implemented to enable the crew to review and seek advice on the terms of their contract. The crew could ask for their contract to be explained to them and then allowed time to consider and review the terms. The potential employee could seek advice about any part of the contract and return with any queries.

2.6 Resignation and contract termination records are maintained and kept for at least 12 months after crew contracts end

There should be a procedure that is implemented which ensures that the records of the resignation and termination of the crew's contracts (this links to clauses 10.2 and 10.3) are maintained. Complications may arise in certain situations such as, if the vessel has a major breakdown and the trip is cut short, meaning the contracts are terminated because it will stay in a shipyard for months. It should be excepted that the contract contains something to cover 'force majeure,' and in such cases there should be something to ensure that the crew are suitably compensated e.g. the owner sends the crew home and pays wages until they reach home.

2.7 Crew should not be charged recruitment or hiring related fees

There should be policies and procedures that are implemented to make sure that recruitment or hiring fees are not charged to the crew. It should be clear in the procedures who is paying for the costs associated with recruitment and hiring. The policies and procedures should be communicated to the crew before any costs are accrued. Any costs that the employer pays and recharges to the crew should be listed in the contract and fully understood before the crew sign the contract.

Suppliers are encouraged to refer to Thai Union's ethical migrant policy statement for more information on this topic: <http://www.thaiunion.com/files/download/sustainability/20160116-ethical-migrant-recruitment-policy.pdf>.

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

There should be policies and procedures that are implemented which describe the repayment mechanism and these should be communicated to the crew. These details should be included in the contract and outlined in conjunction with discussions about clause 2.7. If no form of recruitment fees or other fees to crew are allowed (clause 2.7), then this clause is moot and need not be addressed.

2.9 The terms in the contracts are met during employment on the vessel

The employer should be committed to meeting the employment terms and conditions in the contract. This point relates to all of the other clauses which refer to the crew's contracts.

2.10 The employer pays for the repatriation of the crew

There should be policies and procedures that are implemented which outline the processes that exist for repatriation, and these should be communicated to the crew (before departure).

Attention is drawn to ILO C188 Article 21 (Repatriation), this is considered to be the best practice and vessels are encouraged to work towards achieving this in the future.

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

Companies should have an anti-discrimination policy that is implemented and communicated to employees, crew and the recruitment agencies. Procedures should be in place to deal with reports of discrimination and these should mirror that of the grievance procedure (refer to principle 10). This clause refers to the Thai Union Business Ethics and Labor Code of Conduct 3.1. This clause seeks to ensure that in the work place conflict is prevented based on any discriminatory attitudes or beliefs.

This clause supports the United Nations [Universal Declaration of Human Rights](#) statement that "All human beings are born free and equal in dignity and rights."

3.2 On board there is no harsh or inhumane treatment of crew, including no physical, sexual, verbal, or psychological abuse or harassment, or other forms of intimidation

There should be a policy that states that harsh treatment or inhumane treatment of any crew is strictly prohibited. This should be reflected in the disciplinary procedures (relates to principle 10) where the implementation of the policy and consequences of these types of actions are outlined. This is communicated to the crew, the vessels and the recruitment agencies.

3.3 Crew are accorded equal opportunity to develop their knowledge, skills and competencies

The anti-discrimination policy (clause 3.1) should include that equal opportunities are accorded to all members of the crew.

3.4 Migrant workers are treated as equals and provisions are made to meet their welfare and employment needs in accordance with this VCoC

The anti-discrimination policy (clause 3.1) should include that migrant workers are treated as equals to the other members of the crew. There should be a procedure that outlines if any extra provisions are required to employ them to work on board to overcome issues such as the language barrier. This is important with specific regards to understanding the terms of employment and the procedures (relates to principle 10).

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

Policies and procedures which are designed to prevent compulsory, bonded, or indentured labor, or prison labor, or trafficked labor, should be implemented. This clause links to the recruitment process (principle 10) which should be considered as a way to demonstrate that the recruitment process permits the crew to enter into employment of their own free will. Crew should not be forced into a vulnerable state through the process of working for the company/vessel. For example, there should be no reports that: crew are required to accept large loans or advances that are onerous to pay back/restricted; crew are forced to stay in employment longer than expected; crew are denied access to a bank account or cash machine card if the account was opened by the employer on the fisher's behalf; crew are forced to pay exorbitant amounts of interest if wage advances are given.

Attention is brought to the “Results from the Delphi survey implemented by the ILO and the European Commission” which outlines a harmonized approach to identifying indicators of trafficking for labor exploitation, and the “ILO indicators of Forced Labour.” These should be used as guidance on this topic.

4.2 Personal documents of the crew are only retained according to legal procedures, and they have access to these documents

There are implemented procedures for the handling and storage of the documentation of the crew; these should outline where documents are stored, who has access to the documents and when, and how the crew access them. This must be communicated and understood by the crew before departure. Options for employees include, but are not limited to, providing personal lockers, or designating an individual on board (i.e. fishing masters or radio operators) to hold the documents to keep them safe and to facilitate port clearance. There must be evidence that the documents are returned to crew at the end of the trip or upon demand. Examples of ‘documents’ that are included within this, but are not limited to, are; passports, contracts, birth certificate, official identification card, work permit, driving license, family record book, seafarers’ book/passport.

4.3 Freedom of movement is not unreasonably restricted during work or non-work hours

There are procedures and policies that are implemented which cover the movement of crew on board. These include details of what happens to the crew when the vessel arrives in port, what the management process of the disembarkment is, restrictions and the rationales. The clause is intended to ensure that

employees' freedom to move during working hours (e.g. take bathroom breaks, water breaks) is not restricted. It should be noted that when in port, the freedom of movement is subject to visa restrictions.

4.4 Records of employment, contracts and legal verification are maintained

There should be procedures that are implemented to maintain records of the crew which ensure that the information which is stored is accurate and complete. The vessel owner or company should be accountable for every crew member that goes to sea, while the information that is stored on shore is for safety and responsibility purposes. This information can be used by the company to understand the crew portfolio (i.e. nationalities, ages etc.) and ensure that there are the right provisions at sea for all crew members.

4.5 Everyone has the legal right to work

This relates to clause 2.1 and is intended to ensure that suppliers are recruiting employees that are legally able to work. The requirements will differ for each country / authority.

The following are notes on some of the country specifics:

- In Thailand, records of employment, contracts and legal verification of employment are maintained by the vessel owner or Captain and are made available to the fishers for examination, and a copy provided, upon request. These are available on most if not all vessels in Thailand over 30GT because of PIPO inspection requirements.

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.

There should be procedures and policies that are implemented which outline the process which is followed when there is a request from a crew member to terminate their contract, and any fees which are incurred should be outlined. The expectation is that the crew member whose contract is terminated is paid what they are owed for the work that they have completed. It is noted that consideration will be required about how this works during trips to the high seas when they may not return to a port for a period of months.

4.7 The vessel / vessel company covers the cost of repatriation of the crew in event of contract or trip end or contract termination

There should be procedures and policies that are implemented which outline the process for the repatriation of the crew in event of their contract or trip ending, or the termination of their contract. These should be communicated to the crew and understood by them before departure; including all aspects of the fees and who will have to pay them.

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

A system for verifying the age of all new crew should be in place. Documents that should be included in this verification process could be, but are not limited to: passport, birth certificate, residency document, work permit.

5.2 For crew between the minimum age and 18, a risk assessment will be conducted of the tasks that the individual will complete and any relevant hazards

There should be policies and procedures that are implemented to cover the employment of a person between the minimum age and 18. These crew members should be on restricted duties compared to those aged 18 and over. The crew member would complete tasks that have been evaluated in a risk assessment to match their skill, not be of a hazardous nature to their health or morals, and during their work activities they would receive adequate specific instruction and/or vocational training.

5.3 The minimum age is to be set by the legal authority i.e. the coastal or flag State

The company should be informed of the minimum age of the relevant legal authority. The minimum age differs between legal authorities. For example, in the U.S. children are permitted to work at 11 years of age, and the issue is particularly prevalent for children working on their parent's vessel, whereas ILO C188 Work in Fishing Convention, 2007 (No.188) establishes 16 as the minimum age for working on a fishing vessel. Different authorities, standards and conventions may state differences in the rules on children working such as, the type of work that children can do, their life situation, amongst other things.

5.4 Documentation for crew under 18 must be maintained and produced upon request

Procedures which maintain documentation for the crew that are between the minimum age and 18 should be implemented. This includes documentation (e.g. proof of age, permit) for apprentices, trainees, employees and anyone under 18. Documentation for the crew is produced.

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

There should be records of the payroll which include production bonuses and deductions. Deductions could be as per disciplinary procedure (in principle 10), for additional costs (e.g. agreed costs for satellite telephone use) but not for essentials such as food, water or accommodation. Bank account or other demonstrating payments are made. As per other clauses, all of these details should be included in the contract and communicated before the contract is signed by the employee. These should be reflected in the pay slips to the crew.

6.2 Pay slips (or receipts) are issued to crew which clearly detailed all aspects of the transactions, such as, regular and overtime hours worked, regular and overtime earnings, and any legal or agreed deductions

The pay slips (or receipts) should not be manipulated or altered in any way and reflect a full and accurate accounting of all payment(s) to the crew, including all of the details listed. The pay slips should be understood by all employees (preferably in a language they understand) and a copy given to each employee. If a crew member doesn't challenge the receipt of payment within 30 days then it should be accepted as accurate.

6.3 Crew are paid monthly or other regular payments (not less than one per quarter)

Crew should be paid on a weekly or monthly basis, but not less than every three months. It is noted that there could possibly be situations where it could be longer than three months, for example where a crew member is being sent home and the salary has to cover this cost. All terms of payment should be in the contract, which is understood by the crew before they sign the contract.

6.4 Deductions shall not be made unless for legal disciplinary or agreed negotiated, and are made in writing to the crew member

Policies and procedures which state that no deductions should be made unless for legal disciplinary reasons or due to a negotiated agreement, should be implemented. This should include details of how, and if, any advances are made on the salary. Any of these deductions should be communicated to the crew in writing (possibly in the contract) and efforts should be made to ensure that the crew understand them before departure. This relates to clause 4.1 which aims to safeguard employees from entering into situations whereby they are enslaved or 'trapped.'

6.5 Wages are paid directly to the crew or, at no extra cost, they are transmitted in all or part to designate of the crew

There should be a system in place for paying the crew their wages or to make the payment (or part of it) to a designate of the crew. In the policies which are implemented it should state that this does not incur any extra cost. It should be noted that without pay slips (or receipts of payment) as evidence it will be difficult to demonstrate the payments received.

6.6 The wages that are agreed in the crew contract are those which are paid

The crew should be paid the wages that are agreed in the contract, as per the processes outlined in principle 2. It should be noted that without pay slips as evidence it will be difficult to demonstrate the payments received.

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 is maintained

There should be a system in place which records the crew members and their work hours. The system should demonstrate that the records are accurate and maintained. There should be no fraudulent or intentional alteration of time records to misrepresent actual working hours, and any time record

corrections shall require employee written verification and approval. In addition to accuracy for crew wages, this point is also important because the crew need to be accounted for and there should be a record of them going to sea. From this information it should be possible to analyze the working hours of the crew. It could be advisable for consistency purposes for the vessel company to develop a model time sheet or time record system and disseminate it to all of the vessels.

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.

This clause is for vessels over 24 meters in length. The certificates should be available for verification. The aim is to adhere to ILO C188, however how to comply is still to be determined and it has not yet been ratified by some States.

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

There should be policies and procedures that are implemented which ensure that the above periods of rest are provided to the crew. For the entire trip, it should be an average of 77 hours per week over the entire duration of the fishing trip. From time to time, it is recognized that demands on the vessel may require variations from a schedule that provides for regular periods of rest. Under those circumstances, such variations shall be reasonable and compensatory periods of rest shall be made available to fishers as soon as practicable.

Adhering to this clause should not impair the right of the Captain of a vessel to require a fisher to perform any hours of work necessary for the immediate safety of the vessel, the persons on board or the catch, or for the purpose of giving assistance to other boats or ships or persons in distress at sea.

The goal is to adhere to ILO C188, however how to comply is still to be determined and it has not yet been ratified by some States. Article 14 should be referred to more information.

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

There should be policies and procedures that are implemented which ensure that the above periods of rest are provided to the crew. From time to time, it is recognized that demands on the vessel may require variations from a schedule that provides for regular periods of rest. Under those circumstances, such variations shall be reasonable and compensatory periods of rest shall be made available to fishers as soon as practicable.

Adhering to this clause should not impair the right of the Captain of a vessel to require a fisher to perform any hours of work necessary for the immediate safety of the vessel, the persons on board or the catch, or for the purpose of giving assistance to other boats or ships or persons in distress at sea.

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 Captain'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 organize themselves

There should be policies and procedures that are implemented which permit the crew the right to form and belong to associations. As per principle 3, there should be no discrimination about who can form associations or belong to them. In countries where this is illegal, alternatives such as worker representatives and worker welfare committees should be facilitated.

8.2 Crew have the right to operate the power of collective bargaining

There should be policies and procedures that are implemented which permit the crew the right to collective bargaining and they should outline the process for this to take place. In countries where this is illegal, alternatives such as worker representatives and worker welfare committees are supported.

8.3 Any collective bargaining agreement or labor contract covering the crew member shall be made available by the Captain or vessel owner to the crew upon request

It should be included in the procedures for collective bargaining that any agreements and arrangements are made available to the crew upon request. This should be communicated to the crew before departure.

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

There should be procedures and policies that are implemented to ensure that the health and safety of the crew is assured. This includes that there is an assessment completed to consider all of the potential risks on board and that the right precautions are taken to prevent accidents and injury. An important aspect of this clause is to ensure that there is a process to establish that the vessel is sea worthy. It is expected that where legislation or codes are to be complied with that cover the integrity of the vessel structure and function, then evidence should be provided of these inspections. Where these are not in place or required, then it might be that an assessment is conducted by the vessel owner/company. For vessels that are at sea for more than three days, over 24 meters in length, or exceed 200n.m. from shore, then they should have a validated document stating that the competent authority has inspected the living conditions in accordance with ILO C188.

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

There should be policies and procedures that are implemented which cover all potential health and safety risks to the crew. This is in place to reduce the risk of accidents occurring and to improve the health and safety performance of the vessel(s). These should be based on a detailed assessment and it should be reviewed and updated regularly. It should include provisions about what happens if the necessary safety equipment is not available to operate in compliance with any of the regulations, and the fact that the crew should not be permitted or requested to perform the task(s). The crew are sufficiently and reasonably familiarized with equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned. Fishers should be advised of the dangerous nature and possible hazards of any work to be carried out and instructed of any necessary precautions to be taken as well as of the use of protective equipment. This should all be in the policies and procedures, which are communicated to crew.

It is recommended that the vessel / vessel company should nominate a health and safety officer on board to ensure that the policies and procedures are implemented in accordance with the risk assessment. The risk assessment should include controls and results of analysis of previous accidents. The nominated person can advise the crew on precautions and safe operation of equipment. This person can investigate, document and report on any safety violations, concerns or complaints. Safety reports should be made to the company and/or ITF/FRN or Stella Maris as soon as reasonably possible.

9.3 For working on a vessel over 24 meters, the crew members must have a full medical certificate

This clause is intended to minimize the risk at sea by making sure the crew are medically fit to work on board the vessels that they are going out on. It would be expected that all vessels are at a minimum complying with the flag State rules. The full medical certificates for crew on the vessels over 24 meters should be in line with the provisions in ILO C188.

9.4 Working medical and lifesaving equipment are on board the vessel and are suitable for the number of crew members and the length of the voyage

There should be policies and procedures that are implemented which ensure that the medical and lifesaving equipment on board is based on a detailed assessment, taking into account, at a minimum, the number of crew and the length of the trip. Crew should be sufficiently familiarized with the equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned. There should be personal floatation devices for every crew member. There should be established on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the vessel/s concerned (in compliance with ILO Convention 188, Articles 29 and 30). The definition of 'suitable' also covers the fact that the equipment should be in good working order, evidenced by records of inspections.

9.5 At least one person on board is qualified or trained in first aid and to use the medical equipment on board

There should be a policy stipulating that one person (at least) on board should be trained to use the medical equipment and administer first aid. There should be a procedure in place for this person to follow and details of what to do if it is this person who is injured. Ideally the nominated 'medical' person would also be in charge of checking that there are the identified and required provisions on

board, based on a risk assessment. The equipment that is required on board will vary depending on the number of crew, length of trip etc., which is why the provision should be assessed. These would be provided by the vessel owner/company.

9.6 Records of sickness and injuries are maintained

There should be procedures that are implemented to maintain records of sickness and injuries of the crew. The information which is stored should be accurate and completed by the crew member nominated to deal with medical situations.

9.7 In an event of serious injury, crew have the right to go ashore

There should be policies and procedures that are implemented which outline what happens in the case of a medical emergency; this should include the fact that the crew have a right to be moved to land (depending on the incident). This is a challenge that increases with the distance from shore. What happens to the crew once they are on land should also be outlined in the procedures; it would be expected that they are provided with the treatment and transportation that they need, at the expense of the vessel owner/company. This should be communicated to the crew before they depart from the port.

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

The PPE, working clothes and equipment should be provided to the crew in accordance with the relevant international regulations and applicable national regulations. Fishers should be advised of the dangerous nature and possible hazards of any work to be carried out and instructed of any necessary precautions to be taken, as well as of the use of protective equipment. If the necessary safety equipment is not able to be operated in compliance with safety regulations, crew should not be permitted to perform the work. Fishers are sufficiently and reasonably familiarized with equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned. This should all be reflected in the policies and procedures, which are communicated to crew.

9.9 Crew members have access to basic necessities, such as potable water and toilets during work and non-work hours

The crew should always have access to potable water, toilets and other basic necessities. This point should be evident in the policies and procedure documents.

9.10 The amount of water (and food for extended trips) is assessed against the crew numbers for every voyage

Vessel owners should ensure that there is enough water (and food) for the crew for the entire trip.

9.11 Hazardous areas that pose a safety risk are restricted to unexperienced or unskilled crew members

There should be policies and procedures that are implemented to ensure that the hazardous areas on board which have been identified (through a risk assessment) of posing a safety risk are restricted to those who have the relevant experience and authorization to be there.

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

There should be policies and procedures that are implemented about the crew's training to ensure that they are sufficiently and reasonably familiarized with the life boat equipment and its method of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned. The vessel company or owner is responsible for ensuring that there are enough spaces provided for every member of the crew on each fishing trip.

9.13 Vessels have a private sanitary area, and facilities are provided on vessels larger than 24 meters in length

There should be policies and procedures that are implemented about the facilities and sanitary conditions on board the vessels for the crew. This clause is for vessels over 24 meters in length.

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.

Note: Templates for grievance and disciplinary procedures will be published on the VCoC webpage⁴.

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

There should be procedures that enable employees to report any concerns and grievances. The policy should state that no one will be penalized for reporting concerns and grievances. The grievance mechanism channels should be widely communicated (ensuring understanding by crew) and guarantee the confidentiality of any complainant (if so desired) and prohibit retaliation.

The following are known barriers that can prevent access to a system: lack of awareness of the mechanism, language, literacy, costs, physical location and fear of reprisal. These factors should be considered in the implementation of 'fair' procedures. Based on this, the procedures should address how illiterate crew and crews of multiple languages are provided for.

10.2 The procedures for the ending of contracts, grievances and disciplinary actions are widely communicated to employees prior to departure and ensures that they are understood by all crew

The procedures should be communicated to the crew before departure, such as in the initial conversation before the contract is signed. There should be steps taken to ensure that these are also understood. "Ending of the contract" includes termination, resignation and any other reasons for the contract of the employee being brought to an end before the term stated in the contract.

⁴ Refer to webpage: <http://www.thaiunion.com/en/sustainability/sustainability-at-thai-union/code-of-conduct>

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

The grievance and disciplinary procedures should be comprehensive and include, but are not limited to, the disciplinary actions (including the prohibition of violence and intimidation etc.), contract termination procedure, repatriation procedure, grievance mechanism. These procedures should be transparent, fair and confidential.

10.4 Grievance matters are investigated and result in swift unbiased and fair resolution

Crew should be provided with transparent, fair and confidential procedures that result in a swift, unbiased and fair resolution of difficulties that may arise as part of their working relationship. Grievance matters should be investigated and there should be a process for resolution of the grievance. In order for the process to be trusted and used, it should provide public information about the procedure that is in place. Time frames for each stage should be respected wherever possible, while allowing that flexibility may sometimes be needed. The process should allow a crew member to appeal a decision / result, and where adjudication is needed, this should be provided by a legitimate, independent third-party mechanism.

10.5 Auditors or inspectors are able to interview employees in a safe environment

It should be possible for the auditor to interview employees in a safe environment. Best practice for auditors or inspectors to interview employees would be for the staff to be guaranteed anonymity and for the interview to be conducted in a way to ensure confidentiality. If any auditor is prevented from interviewing crew under these terms, then it should be noted.

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 the impact 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.

The focus of the VIP and the VCoC in 2018 is on labor and ethical performance in the fishing sector. It is due to this reason that there are no auditable clauses in this section. We did want to include the statement in the VCoC because this is part of the Thai Union fundamental principles of ethical working. Our environmental commitments are published in our global [SeaChange®](#) sustainability strategy.

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.

Note: For this section, a period of time will be given (dependent on the results of the audit) for suppliers to develop and put in place the required systems and processes to deliver improvements to comply with the VCoC.

12.1 Work activities should be monitored against this VCoC

Every supplier should have a copy of the VCoC and the requirement to work towards achieving full compliance. It is considered that this will only be possible if a benchmarking exercise or audit against the VCoC is completed that would result in corrective actions being put in place against any non-compliances. Investment of time and / or financial may be required to close out corrective actions. To ensure that these are effective and that activities are completed to the required standard, monitoring should be completed.

12.2 Reviews of the systems and policies should be completed regularly

There should be procedures in place to review the company and operations against the VCoC, and it should be possible to demonstrate the results of the reviews and any actions that have been taken as a result of the reviews.

12.3 No crew or employee shall be disciplined or dismissed for providing information or assisting in the application of this VCoC

There should be a policy stating that no one will be penalized for assisting in the application of the VCoC or the VIP. Additionally, there should be procedures that enable employees to report any non-compliances.

12.4 A VIP is to be initiated if non-compliances are identified during an audit against this VCoC

If non-compliances are identified, then the vessel(s) will work to correct any non-conformances through the establishment of a VIP; this will be based on the corrective actions agreed with the auditors. A VIP should include the details outlined in 12.5, and will result in the non-compliances being closed out.

12.5 A VIP will include documentation of the actions identified, milestones and time scales

The VIP should include documentation about the actions identified, milestones and time scales. A copy of the audit results and the corrective action report with all details should be used and referred to in the creation of the VIP.

ANNEX A: Self-Assessment Checklist

A supplier can complete a benchmarking exercise against the VCoC using this self-assessment checklist. There are advantages to doing this: firstly, it will be possible to prepare for a third party audit and for the supplier to start to address any identified non-compliances before a formal assessment takes place and potentially pass on more criteria; secondly, it will be possible to demonstrate performance against the VCoC. This checklist is available as a template in Excel spreadsheet format. It is advised that the checklist is used in combination with the VCoC guidance document and other documents provided on the Thai Union webpage: <http://www.thaiunion.com/en/sustainability/code-of-conduct>. Any self-assessment results can be submitted to the Thai Union confidential email address: VesselCode@thaiunion.com

Suppliers should be made aware that performance against the VCoC may affect sourcing decisions made by Thai Union. If results demonstrate that there are critical non-compliances which are deemed to be unacceptable to our standards, then Thai Union may have to discontinue business operations. The following are examples where we would have to consider such steps:

- If vessels are involved in IUU fishing and do not have valid licenses.
- If crew are not legal to work and do not have a signed contract that they have entered into freely.
- If forced, compulsory, bonded, indentured labor, prison labor or trafficked labor is used.
- If there is evidence of child labor.
- If the lives of the crew are put at risk due to lack of health and safety assessment, training, procedures or equipment.

The self-assessment checklist is not designed to replace a third party audit rather it serves to provide a simplified benchmarking exercise to help identify any prominent non-compliances against the VCoC. The list is not exhaustive nor is it meant to prescribe the third party audit; these will be developed by the consultants.

1. Are internal reviews completed to check compliance with the VCoC?
2. If non-compliances against the VCoC are identified during an internal review or audit, then the company/vessel has developed a VIP to close out the non-compliances?
3. Does the VIP include documentation of the actions identified, milestones and time scales?
4. Are there policies and procedures in place in accordance with the VCoC that cover corruption and bribery, transparency, recruitment, ending of contracts, disciplinary actions, grievances, discrimination, forced labor, migrant workers, health and safety, and medical emergencies?
5. Does the vessel(s):
 - a. Have the required valid licences?
 - b. Comply with the relevant laws and regulations?
 - c. Appear on any of the Regional Fisheries Management Organization's 'Illegal, Unreported and Unregulated' vessel lists?
 - d. Keep accurate documentation for catch, unloading and/or transshipment where allowed?
 - e. Complete the logbook with all of the required information e.g. species, date/time, weight, area and fishing gear?
 - f. Ban transshipment, or is the activity recorded and reported? For long line vessels is there an observer (electronic or human) on board?
 - g. If vessels are over 100GT do they have an 'IMO number'?
6. Are exercises completed that ensure full traceability of products at all times back to the point of capture?

7. Do the crew have contracts/work agreements that they understand and which includes details of all of the terms and conditions of employment (see clauses 2.2 and 2.3)?
8. Are the terms of the contracts/work agreements and the company/vessel procedures explained by the company/vessel owners before departure and in a way that the crew understands?
9. Does the recruitment process allow the crew to review the contract before they sign it and enter into the contract of their own free will?
10. Are crew permitted the right to freedom of association and bargain collectively?
11. Is there a process of verifying documents to make sure that crew are of a legal age and are entitled to work legally?
12. Are accurate records kept and maintained for employment, contracts, resignations, contract terminations, payroll, fees that the crew pay and repayments to the crew for fees incurred?
13. Are the crew given pay slips or pay receipts that detail all information such as hours worked, earnings and deductions?
14. Are crew paid monthly or at other regular intervals into their own bank account, or alternatively to a designate of the crew?
15. What is the process for the handling of the crew's personal documents e.g. passports? Are the crew permitted access to their documents if they are retained by the vessel/company?
16. On the vessel, are records maintained for the hours that the crew members work, injuries, sickness and rest?
 - a. For vessels remaining at sea for more than three days, do the records demonstrate that each crew member has minimum rest hours not less than 10 hours in any 24-hour period; and an average of 77 hours in any seven-day period over the duration of the trip?
 - b. Are the crew given compensatory periods of rest as soon as practically possible after periods where variations from the rest schedule happen?
 - c. For vessels over 24 meters, do the crew have a full medical certificate?
17. On board the vessel, the crew are at all times:
 - a. Provided with potable water?
 - b. Provided with access to toilets?
 - c. Provided with PPE relevant for the tasks that they are performing?
 - d. Provided access to medical treatment?
 - e. Provided access to lifesaving equipment and a space on a life boat?
 - f. Allowed to move freely around the vessel in accordance with the health and safety requirements?
 - g. For vessels over 24 meters, provided with a sanitary area?
18. Is there a member of the crew nominated and trained to look after medical, and health and safety aspects?
19. Do the crew receive training and understand the health and safety procedures?
20. Do vessels over 24 meters have a Minimum Safe Manning Certificate?
21. Has a risk assessment been completed to ensure that all health and safety aspects have been considered and actions taken to prevent accidents occurring?
22. Has the vessel been checked or inspected to make sure that it is sea worthy?
23. For audits and inspections, is access to the documentation and staff for interviews provided?