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Social Responsibility Onboard Commercial Fishing Vessels in Alaska:

*Labor and Safety Laws,
Practices, and Enforcement
By Vessel and Target Species*

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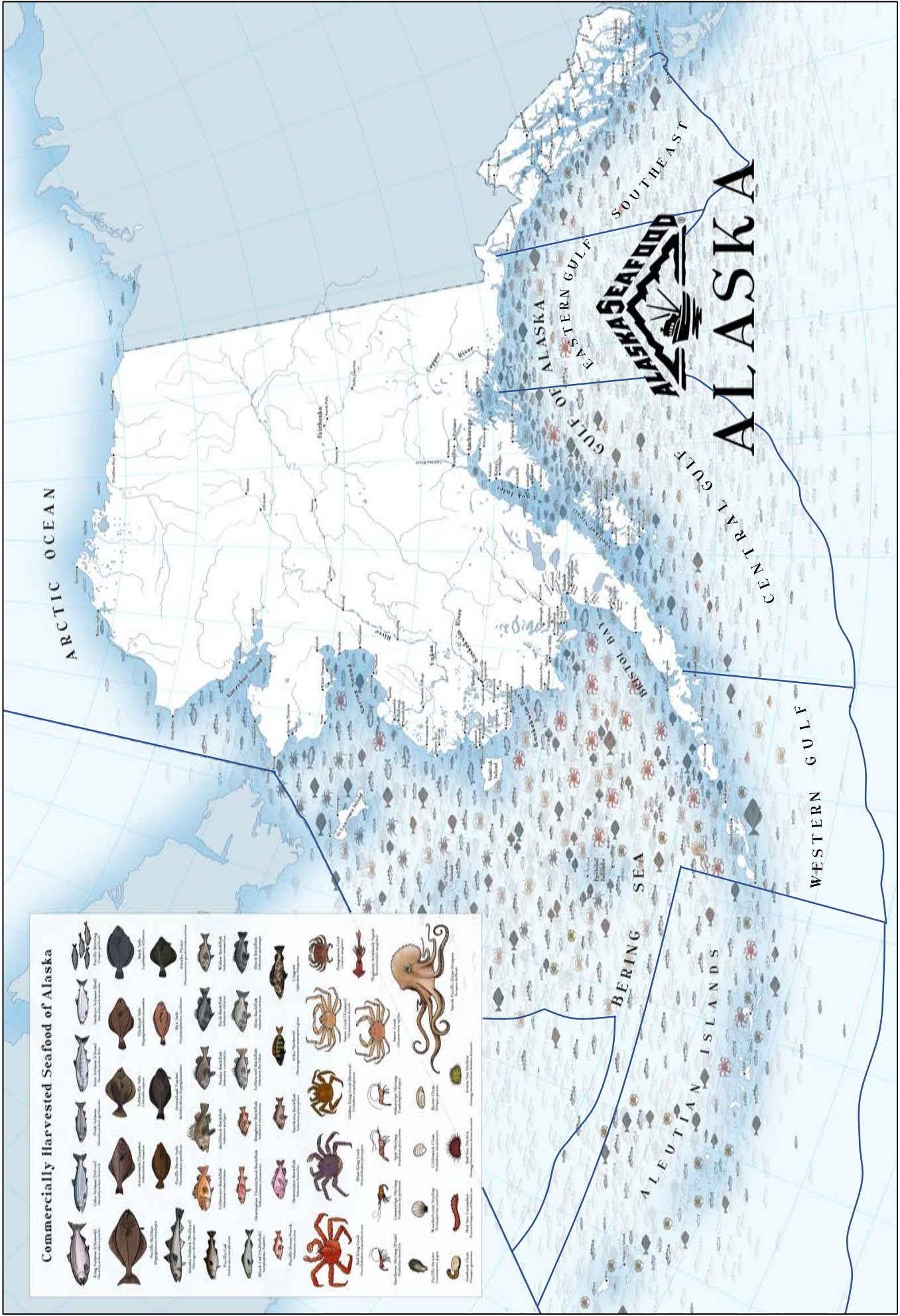


Figure 1. Alaska overview map showing boundary lines, fishing communities, and species commercially fished for in the state and federal waters off Alaska (Image credit: Alaska Seafood).

Demand is increasing quickly for documentation of socially responsible practices on commercial fishing vessels in response to efforts to eradicate the use of slave, forced or child labor. Buyers and the public are now asking U.S. seafood companies for credible and transparent documentation that the seafood purchased was not produced using these forms of labor, with particular concern regarding labor practices onboard commercial fishing vessels, due to their isolation at sea and the violations previously found on foreign vessels. However, using a one-size-fits-all approach to solve this global issue ironically could harm Alaska and other U.S. fishermen, especially the small boat fleet and fishing families.

Alaska is a world leader in environmental sustainability and social responsibility. The culture of the fishing industry values independence, freedom of choice, and fishing families. Fisheries in Alaska operate under a comprehensive suite of federal and state laws and regulations, in conjunction with enforcement, insurance requirements, and common industry practices, which create a fair and safe working environment for commercial fishermen. Transparency, including frequent opportunity for third-eye witness to vessel practices and clarity of jurisdiction in fisheries off Alaska, promotes responsible practices onboard. The combination of government oversight and business incentives to reduce risk ensures an extremely low risk of egregious labor practices (such as slave, forced and child labor) for customers purchasing Alaska seafood throughout the supply chain.

With regards to enforcement, the U.S. Coast Guard (USCG) is the primary enforcement agency for commercial fishing vessel safety and conducts countless vessel inspections. In 2017, over 9,000 commercial fishing vessels were licensed to operate in Alaska. Over 8,500 (or 93%) of these vessels were under 59 feet in length, had crews of 5 people or less, and regularly returned to port in 10 days or less. ***In the years 2014 to 2018, the USCG conducted 2,168 at-sea inspections of commercial fishing vessels in state and federal waters off Alaska for safety and fisheries regulations and documented a 91.9% compliance rate. During this reporting period, the USCG also conducted over 9,000 dockside safety inspections of commercial fishing vessels operating in state and federal waters off Alaska.***

The Alaska Fisheries Development Foundation (AFDF) and the United Fishermen of Alaska (UFA) have taken the initiative to document socially responsible practices onboard Alaska commercial fishing vessels in a series of documents. The table on page four of this document provides a brief overview of the vessel classes, regulations and laws governing vessels used in commercial fishing and the common practices employed by the fishing industry to ensure a safe and fair working environment for commercial fishermen in Alaska. The table is followed by additional descriptions to provide a more complete contextual understanding. ***This information can be provided to customers as validation that the Alaska commercial fishing fleet represents an extremely low-risk of egregious labor practices, particularly slave, forced, or child labor.*** This information can also be provided to other fishing regions in the U.S. to serve as a template for demonstrating low risk in other regions. More detailed information can be found at www.afdf.org.

Common Vessel Classes in Alaska Commercial Fisheries and Information Relevant to Social Responsibility

(Vessel Illustrations Credited to: McDowell Group and Alaska Seafood)



Vessel Classes by Length	< 28'	28' – 32'	33' – 58'	59' – 79'	80' – 135'	+ 136'	CPs 98' – 380'
Count (% of total)	2962 (32%)	2629 (28.4%)	2978 (32.1%)	210 (2.3%)	326 (3.5%)	84 (0.9%)	72 (0.8%)
Tonnage (est)	< 5 GT	5 - 20 GT	20 - 100 GT	100 - 150 GT	150 - 200 GT	200 – 2000 GT	200 – 5000 GT
People Onboard	< 5	≤ 5	≤ 5	< 10	< 10	< 10	15 – 140
Voyage Length	< 24 hours	< 3 days	< 10 days	< 14 days	< 14 days	< 14 days	< 30 days
Area of Operation	State Waters	State Waters	State and Federal Waters	State and Federal Waters	State and Federal Waters	State and Federal Waters	State and Federal Waters
Common Gear Types	J, LL, SN, P	J, PS, LL, DN, TRO, P	PS, DN, TRA, TRO, P, TE, LL	TRA, LL, TE, P	TRA, LL, TE, P	TRA, P	LL, TRA, P
Species Targeted	Sa, GF, SF, H, Ha	H, Sa, SF, GF, Ha	H, Sa, SF, GF, Ha	SF, GF, Ha	SF, GF, Ha	GF, SF	GF, SF
Ownership	F/I	F/I, CO	F/I, CO	F/I, CO	F/I, CO	F/I, CO	CO
Forced Labor	N	N	N	N	N	N	N
Child Labor	PC, PE	PC, PE	PC, PE	PC, PE	PC, PE	N	N
Discrimination	N	N	N	N	N	N	N
Payment Agreement	FI, CS	FI, CS	FI, CS	FI, CS	CS	CS	CS, Wages
Contract Agreement	*Written	*Written	Written	Written	Written	Written	Written
Insurance – P & I	S	Y	Y	Y	Y	Y	Y
Emergency Equipment	Y	Y	Y	Y	Y	Y	Y
First Aid/CPR Training	S	Y	Y	Y	Y	Y	Y
Bunkroom	N	Y	Y	Y	Y	Y	Y
Living Space	N	S	Y	Y	Y	Y	Y
Vessel License	Y	Y	Y	Y	Y	Y	Y
USCG COC	N	N	S	Y	Y	Y	Y
Survival Crafts	N	S	Y	Y	Y	Y	Y
USCG Safety Inspections	Y	Y	Y	Y	Y	Y	Y
AK Crew License	Y	Y	Y	Y	Y	Y	Y
Observer Onboard	N	N	S	S	S	Y	Y
Vessel Insurance	S	Y	Y	Y	Y	Y	Y

- | | | | |
|------------------------|----------------|-------------------------------|------------------|
| CO: Company-Owned | GF: Groundfish | P: Pot | SF: Shellfish |
| CS: Crew Share | GT: Gross Tons | P & I: Protection & Indemnity | SN: Setnet |
| CP: Catcher-Processor | Ha: Halibut | PC: Parental Consent | SW: State Waters |
| DN: Drift Net | J: Jig | PE: Parental Exemption | TE: Tender |
| FI: Family Income | LL: Longline | PS: Purse Seine | TRA: Trawl |
| F/I: Family/Individual | H: Herring | S: Sometimes | TRO: Troll |
| FW: Federal Waters | N: No | Sa: Salmon | Y: Yes |

The information presented in the above table is generalized by vessel class; exceptions may exist.

Parental Consent (PC): Minors ages 16 and 17 may be employed on commercial fishing vessels if parental consent and a work permit is provided and approved by the AK Department of Labor. The employment of minors is prohibited when jobs include hazardous duties.

Parental Exemption (PE): Granted to parents of minor children working under direct supervision of the parent if he/she is the vessel owner/operator.

Contract Agreement: Written crew and/or employment contracts required for all vessels of 20 GT or more (roughly 40% of CFEC permitted vessels are > 20 GT).

*Commercial fishing vessels under 20 GT are not required by law to have written crew contracts, however, it is encouraged by insurance companies & industry insurance pools. If no written contracts exist, verbal contracts are the industry norm.

Insurance – P & I: Compensates for medical care, legal costs, and lost wages for crewmembers who were injured or fell ill while at sea.

Voyage Length: Duration between deliveries at-sea or in port.

Emergency Equipment: Personal floatation devices and/or survival suits.

AK Crew License: State of Alaska requires all crewmembers of any age to be licensed.

In 2015, the Associated Press (AP) published a series of news stories regarding an investigation by reporters into egregious labor practices onboard foreign fishing vessels in Southeast Asia, including slavery. In response to these reports, markets are demanding U.S. seafood companies provide credible and transparent documentation that the seafood purchased was not produced using these forms of labor. Additionally, fishery certification programs are receiving pressure to include human rights and labor criteria in existing sustainability standards. Independent international standards, largely derived from preexisting templates by the International Labour Organization (ILO) and the Food and Agriculture Administration (FAO), have helped shape the human rights criteria in the proposed fishery certification standards.

Several efforts are moving forward in response to retailer and consumer concerns over forced labor. In general, the efforts fall into two categories: 1) third-party certification standards, 2) credible demonstration of low-risk fleets. In the first category, SeaFish's Responsible Fishing Scheme (RFS) standard requires third-party certification of captains and vessels commercially harvesting fish in the UK. The SeaFish standard regarding labor practices includes criteria related to safety and ethics issues. The Marine Stewardship Council (MSC) is another example of efforts to address the issue of slave labor in the first category. In 2016, the MSC Board of Trustees investigated options to introduce additional requirements for labor practices into its seafood sustainability certification program, including a list of 26 separate criteria. MSC decided to begin with a phased approach. In 2019, MSC will begin to require fisheries and supply chain companies to complete a self-disclosure document that reports on the policies and practices that ensure the absence of forced or child labor.

In the second category of responses to concerns over slave labor (credible demonstration of low-risk fleets), individual commercial fishing fleets have begun to assess their socially responsible practices and demonstrate low-risk of forced or child labor in these fleets. This information can then be provided to retailers or consumers as validation of the low-risk of forced or child labor in these fleets. This documentation of socially responsible practices onboard commercial fishing vessels in Alaska is intended to inform market-based certification programs and risk assessments related to labor practices in U.S. commercial fishing fleets. It is designed to be replicable by other regions and U.S. seafood producers will utilize this information to maintain market access and seafood sales across the globe.

Transparency, including frequent opportunity for third-eye witness to vessel practices and clarity of jurisdiction in fisheries off Alaska, promotes responsible practices onboard. ***The following federal and state laws and regulations, cooperatively enforced, in combination with agency oversight, insurance requirements, business incentives to mitigate risk, and common industry practices, create a fair and safe working environment for commercial fishermen in Alaska and ensure an extremely low risk of egregious labor practices for customers purchasing Alaska seafood.***

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Overview of Alaska Commercial Fisheries



F/V Arcturus (Photo credit: Alaska Seafood)

Common species targeted in Alaska’s commercial fisheries include: salmon, herring, shellfish (crab, shrimp, scallop, and clam), sea cucumber, octopus and squid, groundfish (Pacific cod, walleye pollock, sablefish, Atka mackerel, lingcod, and various rockfish species), and flatfish (Pacific halibut, yellowfin, flathead and rock sole, Greenland turbot, and Alaska plaice). Alaska fish stocks are healthy and none have been identified as threatened or endangered under the [Endangered Species Act](#).

Common gear types used by catcher vessels in the Alaska commercial fishing industry include drift net, jig, longline, pot, purse seine, setnet, trawl, and troll (*see appendix for more detailed information on vessels and gear types in the Alaska commercial fishing industry*). These catcher vessels may offload catch to tender vessels for transport for processing. Additionally, other vessels operate as catcher-processors or motherships and process the catch onboard. Commercial fishing in Alaska is a key contributor to both the sustenance and economy of the state of Alaska, the U.S., and the world (Figure 1). Over 50% of the seafood landed in the U.S. is harvested off the coast of Alaska, creating an estimated 99,000 full time jobs, \$5.2 billion in annual labor income and over \$12.8 billion in economic output. ¹

Regulatory Framework and Fisheries Management

The U.S. Exclusive Economic Zone (EEZ) encompasses waters from 0–200 nautical miles from shore. Only U.S.-flagged commercial fishing vessels are permitted to fish within the U.S. EEZ. The commercial fisheries off Alaska occur in areas under state or federal management jurisdictions. State waters contain inland and coastal waters off Alaska from 0–3 nautical miles, whereas federal waters encompass waters from 3–200 nautical miles off shore. In general, the state fisheries management agency is the Alaska Department of Fish and Game (ADF&G), which has management authority for fisheries for salmon, herring, crab, and other invertebrates. The federal management agency is the National Marine Fisheries Service (NMFS), which has management authority for the majority of the groundfish fisheries and others, except those within three nautical miles of shore. The International Pacific Halibut Commission (IPHC) jointly regulates international halibut harvest and stocks in the North Pacific. The IPHC determines catch quotas with in-nation catch allocations implemented by the North Pacific Fisheries



Troller vessels (Photo credit: Alaska Seafood)

Management Council (NPFMC) in the U.S. (*this document will not discuss the stock management systems governing the Alaska commercial fisheries*). Federal and state laws, regulations and policies related to labor and occupational health and safety, apply to all U.S.-flagged commercial vessels fishing in the U.S. EEZ. Additionally, U.S. federal law holds jurisdiction over U.S.-flagged vessels operating in international waters.

Commercial Fishermen and Vessels; Required Documentation and Permits

All people onboard a commercial fishing vessel who are participating in the fishery must either hold a limited entry permit, interim-use permit, Federal Fishing Permit (FFP), or a crewmember license. Limited entry permits and interim-use permits are the two types of permits issued by the state's Commercial Fisheries Entry Commission (CFEC). Permits are gear- and area-specific.² FFPs are issued by NMFS and designate allowable gear types, fishery location and fishing operations. FFPs are non-transferable, two-year permits, issued to owners on request without charge.³ Regardless of age, commercial fishermen who do not hold the above permits must have a crewmember license (e.g. a five-year-old child who is onboard a parent's commercial fishing vessel must also hold a crewmember license).

Vessels used for commercial fishing or related activities in the waters off Alaska must be registered by the CFEC. This includes fishing, tender, processing and transporter vessels. The USCG requires documentation of a vessel five net tons or more and the Alaska Division of Motor Vehicles registers vessels under five net tons. Before a vessel can be documented for the fisheries trade with a Certificate of Documentation (COD), it must demonstrate, to the satisfaction of the USCG, that the vessel qualifies as a U.S. built vessel (all parts and components must have been manufactured and certified for use in the U.S.).⁴ A COD is valid for one year and must be renewed annually.

Human Rights and Labor Agencies

Alaska Department of Labor and Workforce Development (ADOLWD)

The ADOLWD is the agency designed to ensure safe and fair labor conditions in the state of Alaska. The agency acts on behalf of workers to collect unpaid or underpaid monies from employers through a variety of administrative, quasi-judicial, and judicial procedures. The Division of the Workers' Compensation, within ADOLWD, is the agency charged with administration of the [Alaska Workers' Compensation Act](#). The Alaska Workers' Compensation Board provides sole enforcement of several laws dealing with payment of wages to workers (wage claims, prevailing wage, minimum wage and overtime). The ADOLWD also oversees enforcement of child labor laws to ensure that minor workers are not exploited, administers licensing of private employment agencies and oversees their operations, and enforces the [Alaska Family Leave Act](#) as it applies to public employees. All commercial crewmembers can file a wage claim with the ADOLWD in the event that they are not compensated for the time of employment.



Crewmembers onboard seine vessel (Photo credit: Alaska Seafood)

Fishermen's Fund

Established by state law in 1951, the [Fishermen's Fund](#) provides for the treatment and care of Alaska licensed commercial fishermen who have been injured or become ill due to fishing related activities on shore or in Alaska waters. Benefits from the Fishermen's Fund are financed from revenue received from each resident and nonresident commercial fisherman's license and permit fee. The Commissioner of ADOLWD oversees administration of the program with the assistance of the Fishermen's Fund Advisory and Appeals Council. The Appeals Council is composed of the Commissioner or his designee, who serves as chairman, and five members appointed by the Governor.

Alaska State Commission for Human Rights

The Alaska State Commission for Human Rights is the agency that enforces the Alaska Human Rights Law.⁵ The Alaska statute precludes discrimination based on race, color, religion, sex, national origin, age, marital status, parenthood, pregnancy, or physical or mental disabilities in employment and other areas.

Alaska Department of Environmental Conservation (DEC)

Alaska DEC sets the regulatory practices for processor and catcher-processor vessels and requires training for preservation of the catch, care of the catch, and “Treat Fish as Food” initiatives. This is largely due to the [Food and Drug Administration’s \(FDA\) Fish and Fishery Products and Hazard Analysis Critical Control Point \(HACCP\)](#) protocol along with the DEC regulations on processing operations. Often the processor’s hazard analysis and HACCP plan are the governing forces ensuring care of the catch and preservation of the catch aboard fish processors and tender vessels delivering the catch in port or while at sea. Alaska DEC conducts inspections onboard vessels processing at-sea to ensure health and safety of workers, including safe galley operations, safe drinking water, proper waste disposal, and appropriate processing operations and vessel accommodations.



Catcher-processor (Photo credit: Alaska Seafood)

The Occupational Safety and Health Administration (OSHA)

Labor practices and safety requirements onboard commercial fishing vessels operating in Alaska waters are regulated by both the state and federal governments under the Occupational Safety and Health Act (OSH Act).⁶ OSHA is responsible for ensuring fair and adequate workplace, and worker health and safety standards for vessels that are dry-docked for repairs. State commercial fishing vessel safety standards must cover those of the federal law.⁷

The U.S. Coast Guard (USCG)

The USCG is the primary enforcement agency for safety onboard commercial fishing vessels operating within the U.S. EEZ off of Alaska. The USCG is responsible for ensuring appropriate permitting and licensing for crewmembers and the vessel (i.e. fishery endorsement, crew licensing, allowable gear type, length of vessel and area of operation) along with adequate manning, safety equipment, crewmember training, vessel stability and maintenance, and more. Additionally, the USCG has the authority to enforce all applicable federal regulations during commercial fishing vessel inspections (i.e. evidence of illegal narcotics, crewmember or labor abuse, human trafficking, etc.).

The International Labour Organization (ILO)

The International Labour Organization (ILO) [Work in fishing Convention No. 188](#) (C188), which came into effect on November 16th, 2017, plays an important role in the fisheries industry. ILO C188 sets forth the minimum European Union (EU) requirements for working conditions in the commercial fishing industry and individual countries may choose to apply stricter regulations. Often times with the ILO C188 and other independent programs, the minimum allowable human rights and labor standards defer to the flag-state legislation relative to the fishery in question. Although the U.S. has not ratified this international standard, it is largely in adherence to the standards set forth by the ILO C188. According to the U.S. working model, individual businesses or companies are required to meet and safeguard the minimum federal and state legislation concerning important principles such as workers' rights, including health, safety, and the environment. The Alaska commercial fishing industry embodies this model.

No Slave or Forced Labor; Freedom of Choice

Fishermen in Alaska are often considered contractors who willfully and willingly sign up for the fishing trip(s) or fishing season(s). ***Fishermen are extremely independent and value their freedom of choice. This culture prevails throughout the industry.*** A crewmember or processing employee always maintains freedom of choice for employment or termination of employment. At any time, a crewmember or employee is free to terminate his/her employment (subject to loss of wages and deductions outlined in the employment contract) and permanently leave the vessel while in port. This is an important premise that is documented through the following legal requirements and industry practices.

Recruitment for crewmembers in the Alaska commercial fishing industry generally occurs via “word of mouth”. Although some crewmembers are hired directly through the human resource departments of larger individual companies (not through third-party labor providers), skippers are primarily responsible for hiring crewmembers even when vessels are not owner-operated. Most commercial fishing vessels utilize either employment contracts (for larger vessels with processing employees) or crewmember contracts (for crewmembers) guaranteeing remuneration at the completion of the fishing voyage or season based on pre-determined factors. Commonly, crew shares are based on a percentage of the ex-vessel value of the catch after the expenses of food and fuel are paid. Crewmember contracts are structured differently by different employers, regions, and fisheries. Some contracts are based on a 7 to 14



Skipper and crewmember onboard salmon troller vessel
(Photo credit: Alaska Seafood)

day trip and renewed for subsequent trips; others might run through a season with certain key crew working on annual contracts. Consequently, lengths of contracts vary.



Rafted troller vessels resting on anchor (Photo credit: Alaska Seafood)

Notwithstanding the length of any signed contract, once a vessel returns to port and the reasonable and understood duties of the crewmember are fulfilled, he/she is free to disembark the vessel without penalty as long as doing so does not breach the employment contract or safety of the vessel and its crew. Both documented recruitment records and employment contracts onboard commercial fishing vessels demonstrate no bonded, prison, or forced labor in the Alaska commercial fishing industry.

Employment and crew contracts are required by U.S. federal law to be written, signed and agreed to prior to the voyage; state the terms of payment, wage, deductions, and the period of effectiveness; and be held by crewmembers and processing employees on any commercial fishing vessel weighing over 20 gross tons. ⁸ Operators of fishing vessels under 20 gross tons are still encouraged to have written contracts by both insurance companies and industry norms. Per company policies in the industry, general warranties of employment require that:

- Both employer/vessel owner and fisherman/employee hold employment or crewmember contracts depicting the duties of the employee or crewmember, duration of contract, wage pay, and employee rights;
- Each employee acknowledges that he/she has carefully read the job description, physical requirements, and required licenses/documents applicable to the position for which the employee was hired, and that he/she is willing, capable, and qualified to perform such position and meets all applicable requirements;
- Each employee warrants that all information provided, all statements made, and all forms, questionnaires, and documents completed and/or provided by the employee during the hiring process are true and accurate; and,
- Each employee has reviewed the fishing agreement and the vessel policies handbook and agrees to abide by the terms and conditions of employment set forth.

The U.S. Department of Homeland Security enforces human trafficking laws and regulations in a coordinated effort with the USCG. The [Victims of Trafficking and Violence and Protection Act](#) (TVPA) combats trafficking in persons, especially into the sex trade, slavery, and involuntary

servitude. The TVPA clearly regards human trafficking as a serious crime with felony penalties. Alaska state statute defines the crime of human trafficking as “. . . labor by force or threat of force against any person, or by deception.”⁹ Forcing any person against their will to engage in any act that threatens the safety of themselves or others is considered a felony by both state and federal law.

No Child Labor; Exemption for Fishing Families

Fishing families are the fabric of coastal communities and culture in Alaska. They provide an important source of informal workforce development and experiential training for the industry, particularly on vessels under 59 feet in length. Of all the professions in the U.S., commercial fishermen are 296 times more likely to have had a parent who was a fisherman.¹⁰

Consequently, Alaska and U.S. labor laws allow exemptions to the “no child labor” law for fishing families through a parental exemption. A parental exemption is granted to minors working under direct supervision of the parent if he/she is the vessel owner/operator. Minors ages 16 and 17 may be employed on ANY commercial fishing vessel if parental consent is given and a state work permit is provided and approved (aside from processing vessels). In either scenario, job duties are limited by law.¹¹



Father and son holding catch on skiff (Photo credit: Alaska Seafood)

The employment of minors is prohibited when jobs include duties deemed hazardous by the OSHA under the Fair Labor Standards Act (FLSA) (manufacturing, mining, processing or other hazardous occupations).¹² Additionally, strict work-hour and work-week restrictions exist for all minors (more stringent than the overtime laws present in the FLSA for adults).

Parallel to other U.S. fleets, the majority of the fishing fleet in Alaska (particularly in the salmon, shellfish, and herring fisheries) consists of small vessels that are often owned and operated by fishing families raising children onboard where they learn impressive life skills that transfer to success in the industry and others areas of their lives. These small vessels have small crew sizes and normally operate in state waters, close to home, and close to port. Close proximity to both delivery and home ports creates a high level of visibility and minimizes the risk associated with long at-sea voyages. Employment of children is provisionally allowed under both state and federal laws.¹³

Due to the distance from shore, length of fishing voyage, fishing operations, and fishing seasons onboard larger vessels, including catcher-processors, minors are never hired. The minimum age for a worker onboard a catcher-processor or other processing vessels is 18 years of age.¹⁴

Food and Agriculture Organization (FAO) and International Labour Organization (ILO)

The Food and Agriculture Organization (FAO) of the United Nations defines child labor as work of children who are too young for the type of work they do, work that interferes with their schooling and, as applies to all children under 18 years of age, work that risks harming their health, safety or morals. Of course, not all activities children engage in are child labor. The FAO acknowledges that some activities may stimulate their development as they allow them to acquire precious skills and contribute to their survival and food security. These activities can be beneficial as long as they are not hazardous, not undertaken for long hours and do not interfere with school and learning.

The FAO and ILO define work hazardous to children and preventing their physical, mental, spiritual, moral or social development as not acceptable under any circumstance. Egregious child labor hampers societal progress. It affects children’s development and their capability to work productively when becoming adults. It also poses a threat to business sustainability. Respect for human rights, including the rights of the child and fundamental rights at work, is an important element in the choice of business partners. In a globalized world, the presence of child labor may thus exclude producers from lucrative value chains and new market opportunities. This also applies to fisheries and aquaculture.



Teenager fishing onboard parents’ vessel (Photo credit: Rich Einert)

Immigration Requirements

All commercial crewmembers must have a social security number, whether or not they are a U.S. citizen. Employers in the Alaska commercial fisheries require a government-issued form of identification for employment. At least 75% of workers onboard U.S.-flagged commercial fishing vessels must be U.S. citizens or non-citizens granted permanent U.S. resident status. The other 25% of workers may be non-citizens via approved visas (H-2B Work Visas).¹⁵

No Discrimination



Crew of the F/V Ocean Hunter (Photo credit: Alaska Seafood)

Pursuant to the National Labor Relations Act (NLRA) and the other federal labor laws ensuring equal opportunity employment, the Alaska commercial fishing industry does not discriminate in the hiring of crewmembers based on race, religion, age, gender, marital status, or sexual orientation. Discrimination is also not tolerated in providing remuneration for work, nor in providing opportunities for job advancement. Additionally, the U.S. Equal Employment Opportunity Commission enforces federal laws prohibiting workplace discrimination. [Title VII of the](#)

[Civil Rights Act of 1964](#) (Title VII) prohibits discrimination in employment on the basis of race, color, sex, or ethnic origin. Title VII is widely accepted, adhered to, and enforced by employers in the U.S.; however, it generally applies to employers with 15 or more employees, including federal, state, and local governments. Supplemental to Title VII, the [Age Discrimination in Employment Act](#) prohibits discrimination against employees 40 years and older; and the [Americans with Disabilities Act](#) prohibits discrimination in employment on the basis of disabilities and requires that employers reasonably accommodate individuals with disabilities who can otherwise perform a job.

Minimum Wage and Overtime

The [FLSA](#) is a federal law which establishes minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state and local government. The FLSA is adhered to and enforced by employers across the U.S. It generally applies to companies with at least 50 employees within a 75-mile radius. However, due to the seasonal nature of commercial fishing, the portions of the FLSA related to statutory holidays, annual vacations, termination of employment, and most of the provisions related to hours of work and overtime do not apply to commercial fishermen in Alaska. Fishing-related employment in the U.S. is by no means the only category of work that is exempted from overtime and work-week limits. The federal government has provided for flexibility in work hours in other sectors, including agriculture and transportation, and recognizes the unique employment aspects of working at sea.



Various types of fishing vessels docked in harbor (Photo credit: Alaska Seafood)

Deckhands and other “seamen” are often exempt from overtime and maximum work hour restrictions.¹⁶ However, if paid crewmembers or fish processor workers are paid on a wage-per-hour-basis their pay is subject to the state and federal minimum wage (\$9.84 and \$7.25, respectively) and overtime laws. Both “seamen” and processing workers must be told, in writing, what the wages are. If being paid on a wage-per-hour basis, the wage must meet the minimum wage standards of Alaska if operation is within the 3-mile limit, or the federal minimum if outside the 3-mile limit. Included in the employment contract, it is common for fishermen and processors aboard fishing vessels to have a crew share agreement where remuneration is based upon a percentage of the catch. In both cases, the amount of work and resulting monetary gain is based on the amount of fish caught and landed.

Working Hours

Statutory requirements for manning (i.e. credentialed officers) onboard fishing industry vessels are limited to only those vessels greater than 200 GT. Specifically, documented commercial fishing vessels of 200 GT or more operating on the high seas are subject to the manning provisions of federal law (“high seas” defined as waters seaward of the EEZ).¹⁶ Additionally, the master, mates and engineers on any fishing industry vessel are subject to the aforementioned law and are required to hold a USCG-issued license or Merchant Mariner Credential officer endorsement to serve in that capacity. Below is an overview of the federal requirements for licensed crew and industry practices for watchkeeping:

- Masters: Subject vessels are required to have a master.¹⁷
- Mates, Chief Engineers, and Assistant Engineers: While the regulations do not explicitly state a minimum number of mates or engineers for these vessels, individuals serving in those capacities must be credentialed or licensed appropriately.
- Watches: In the context of fishing industry vessels, the term watch refers to navigation and engineering sections of a vessel and does not include deck or fish processing. No

statutory requirements for watch systems or minimum number of credentialed officers exist onboard documented fishing industry vessels, with the exception of certain fish processing vessels or fish tending vessels engaged in the Aleutian Islands. It is the master's responsibility to ensure an adequate watch for the safety of the vessel. While there may be individuals who can routinely and safely perform work for periods in excess of 12 consecutive hours, the rigors of watchkeeping at sea greatly increase the likelihood of fatigue beyond such a period. It is industry standard that crew are not required to take watch for more than 12 hours in a 24-hour period without rest.

During at-sea and dockside inspections, the USCG will determine if the commercial fishing vessel is adequately manned (i.e. adequate number of crew and licensed individuals) before issuing a Certificate of Compliance (COC) for vessel. Between 12 and 24 hours of operation there is a gray area in which the Officer in Charge, Marine Inspection must judge the prudence of the master's decision to sail without a second credentialed officer or licensed individual to implement the watch, based on the specific circumstances.

Smaller fishing vessels often engage in fishing trips along the coast and frequently are at port within 24 hours. Larger processor and catcher-processor vessels may undergo fishing voyages of up to 45 days. It is important to note that although federal regulations allow crewmembers to work as many hours as their employment contract dictates per day, watch restrictions are more stringent and require the master (or licensed operator) to provide adequate and fit



Purse seine vessel hauling in salmon (Photo credit: Alaska Seafood)

watch. Consequently, if the licensed or unlicensed individuals have no relief and are too fatigued to stand on alert and fit watch, a hazardous condition may be present. The vessel is then in opposition of both OSHA and USCG watch requirements. If the condition is not remediated, the USCG may choose to prohibit the vessel from further operation.¹⁸ The captain or a licensed crewmember can require any part of the crew to work in case of emergency or when, in his or her judgment, they are needed for:

- Maneuvering, shifting berth, mooring, unmooring;
- Performing work necessary for the safety of the vessel, or the vessel's passengers, crew, or cargo;
- Saving of life on board another vessel in jeopardy; or
- Performing fire, lifeboat, or other drills in port or at sea.¹⁹

To assist commercial fishing industry vessels, the USCG has developed a voluntary [Crew Endurance Management](#) (CEM) program designed to ensure the safety of crewmembers by maintaining performance within safety limits while enduring job-related physiological, psychological and environmental challenges. CEM was designed to identify and control crew endurance risk factors in maritime work environments like commercial fishing. This program can identify safety risks onboard and improve mariner health and well-being. Human factors, human error and loss of situational awareness are recognized causes of transportation accidents and incidents. Industry policies warrant a period of rest every 24 hours unless the master deems continued work necessary for the safety of the vessel and its crewmembers or that of another vessel.

Enforcement of Federal Laws and Regulations



Boats docked in Kodiak harbor (Photo credit: Alaska Seafood)

Laws and regulations related to commercial fishing vessels in Alaska are enforced through a variety of formal and informal procedures (legislation, regulation, agency policy, insurance requirements and industry standards). The [Commercial Fishing Industry Vessel Safety Act \(CFIVSA\)](#) of 1988 authorized the USCG to issue regulations for safety equipment standards, training and operating procedures on fishing, fish tender, and fish processing vessels, along with increased casualty and injury reporting requirements

in U.S. waters. The USCG regulations in the CFIVSA focus on mandated safety equipment. Primary lifesaving equipment includes survival suits, personal flotation devices, survival craft, Emergency Positioning-Indicating Radio Beacon, fire-fighting and fire prevention equipment, and safety training and emergency drills.²⁰ Additionally, the CFIVSA is risk-based, requiring additional safety requirements depending on the size, type and age of the vessel, as well as the number of crew on board, and distance from shore.

Stability Requirements

Through the duties and responsibilities of the skipper or master, a risk assessment is conducted for crew training, safety gear, vessel condition, equipment and emergency instructions. For instance, it is required that the skipper must ensure proper stability of the vessel before embarking on a fishing voyage and provide stability instructions considering the conditions that the vessel may reasonably be expected to encounter (including related training), including weathertight and watertight integrity of the vessel, loading constraints, workplace

safety/hazards, operating restrictions, location of safety equipment, and emergency plans (i.e. muster stations).²¹

Existing vessels greater than 79' in length and built after 1991, or existing vessels that have undergone a substantial alteration, must meet vessel stability standards published in the U.S. federal code (see above). It is also the duty and responsibility of the owner to provide stability instructions to the master. New fishing vessels have additional requirements. For example, new fishing vessels greater than 180' in length are required to be built and maintained to class requirements. New vessels greater than 79' in length are required to be built and maintained to loadline requirements. Further, existing vessels greater than 79' in length must meet vessel stability standards and the operator of the vessel must receive stability training. Regulations further delineate unacceptable safety conditions which may cause the USCG to end (terminate) the voyage of the vessel.²²

Vessel Safety Training and Drills

A major focus of the CFIVSA is the requirements for safety training and emergency drills. The USCG ensures that the minimum training requirements have been met by enforcing regulations governing the safety training within the Alaska commercial fishing industry. Many vessels are members of and trained by [North Pacific Fishing Vessel Owners Association](#), a non-profit organization that works with the USCG to develop vessel safety protocols and train



Marine safety training class for commercial fishermen
(Photo credit: AMSEA)

crewmembers based on USCG regulations. Another non-profit organization, the [Alaska Marine Safety Education Association \(AMSEA\)](#), is dedicated to reducing injury and death in the marine and freshwater environment through education and training provided by a network of qualified marine safety instructors. AMSEA provides affordable, effective, hands-on marine safety training which adhere to the USCG training standards. Vessel owners/employers commonly pay in full for crewmember training onboard commercial fishing vessels.

The National Institute for Occupational Health and Safety (NIOSH) Western States Division (WSD) has conducted extensive studies of fishing safety to reduce the incidence of injuries and fatalities among the nation's fishermen in Alaska. NIOSH WSD provides recommendations to commercial fishermen to minimize risk in the waters off Alaska.

The USCG regulations require mandatory safety and operational training for crewmembers and licensed individuals (Masters, Mates and Engineers). All safety training must be frequently refreshed (at least once a month when the vessel is fishing) and renewed every five years for crewmembers and every two years for licensed individuals. The master or individual in charge of a vessel must ensure that an induction safety orientation is given to each individual onboard that has not participated in the required drills before the vessel may be operated. The induction safety orientation/training must explain emergency instructions required by federal law and include information on the person's responsibilities for potential emergencies.



Marine safety training class for commercial fishermen
(Photo credit: Trident Seafoods)

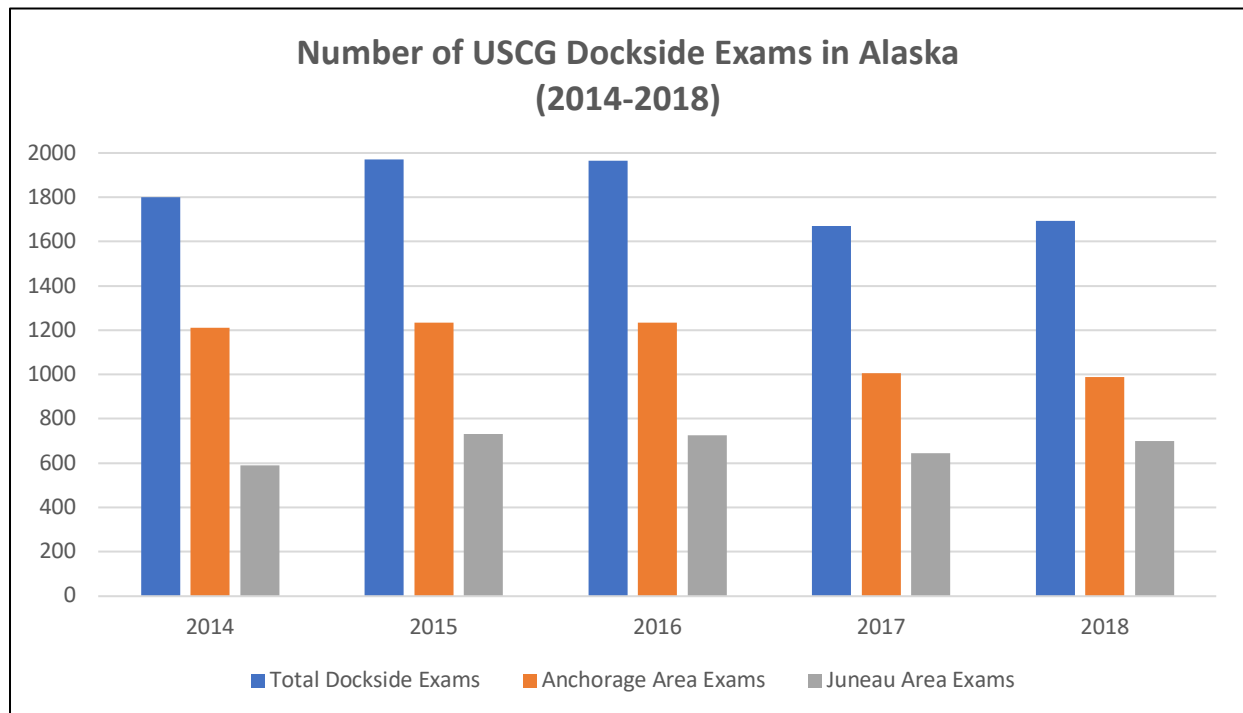
Adequate first aid and CPR training is a federal requirement onboard all commercial fishing vessels with at least two persons.²³ Federal law outlines the requirements for emergency instructions onboard a commercial fishing vessel.²⁴ The instructions serve as a documented procedure to ensure the health and safety of all crewmembers in case of emergency.

USCG Dockside Vessel Safety Inspections

Effective in 2015, the USCG introduced mandatory dockside safety exams that must be completed for all commercial fishing vessels greater than 50' in length that operate beyond three nautical miles from shore in Alaska. Upon successful completion of a dockside exam, the vessel is issued a COC which is valid for five years. An important exception to this exam interval is that if the vessel carries a North Pacific Observer Program, State of Alaska, or IPHC fishery observer on board, then the exam interval is every two years. Additionally, all fish processor vessels and tender vessels are required to have a valid and current COC that is renewed every two years.²⁵

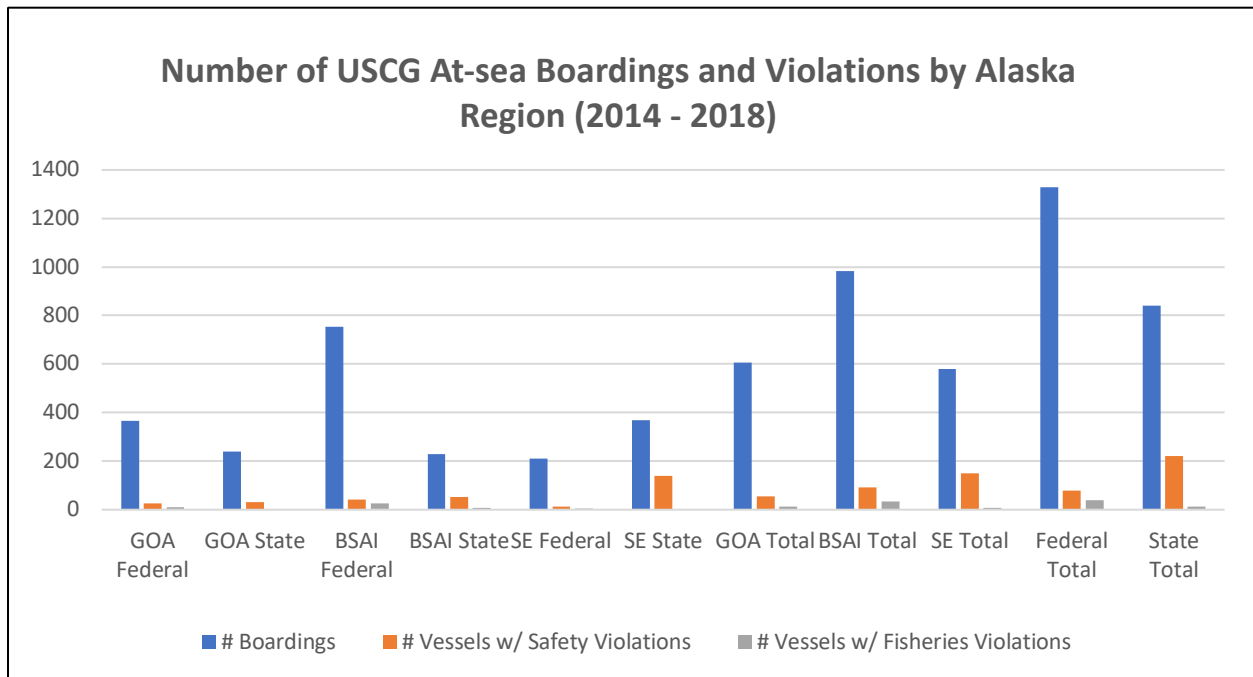
For the remainder of the fleet, the USCG conducts voluntary dockside inspections, offering commercial fishing vessels a no-fault safety assessment. To aid the owner in understanding what the requirements are for a particular type of commercial fishing vessel or area of operation, the USCG has developed an [online tool](#) that allows the owner to input the specifications of their vessel and display applicable safety and/or fishery requirements. The [Safety of Life at Sea](#) guidelines, designed to safeguard human life in marine industries, are evident in USCG regulations and inspection standards for life-saving equipment within the Alaska commercial fishing industry, specifically, in the maintenance and inspection of life-saving equipment in accordance with the manufacturer's standards. The USCG dockside exams cover an extensive set of vessel safety and fishery documentation standards for commercial fishing

vessels. The 45 requirements used during dockside inspections cover a spectrum of standards ranging from personal safety/survival equipment to safety training, crew contracts, and manning requirements. During the period from 2014 to 2018, the USCG averaged over 1,600 mandatory and voluntary dockside exams for commercial fishing vessels in Alaska per year. Even with this extensive inspection, the compliance rate for commercial fishing vessels passing these dockside exams in Alaska is very high (over 80%). Recordkeeping for the USCG dockside exams are separated into two geographic regions: Juneau and Anchorage, which represent the examinations for vessels operating in Southeast (SE)/Gulf of Alaska (GOA) and the Bering Sea Aleutian Islands (BSAI), respectfully.



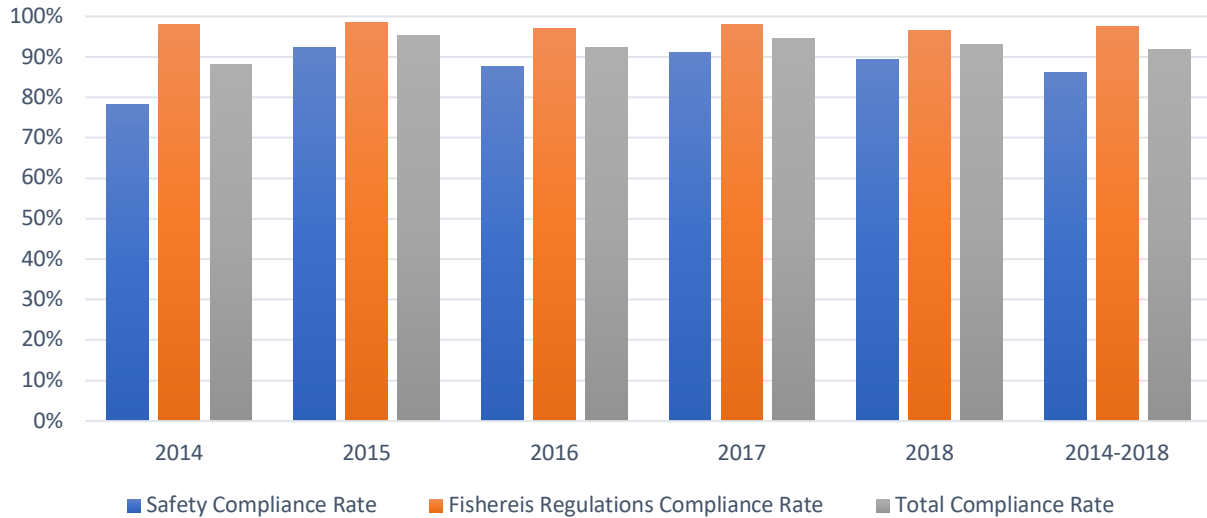
USCG At-Sea Vessel Safety Inspections

The USCG conducts unannounced at-sea inspections (safety and fishery compliance) for all commercial fishing vessels in both federal and state waters off Alaska. If a vessel is not compliant and a “hazardous condition” is present, the USCG may terminate the fishing voyage and return the vessel to port. This regulation defines “hazardous conditions” as including, but not limited to: insufficient amounts, unserviceable or inoperable: immersion suits or PFDs survival crafts, communications equipment, firefighting equipment; volatile fuel/vapors in the bridge; instability caused by overloading; improper loading and/or lack of freeboard; inoperable bilge system, navigation lights, or watertight closures; intoxication of vessel operator; flooding or uncontrolled leakage; and load line certificates (when applicable).²⁶

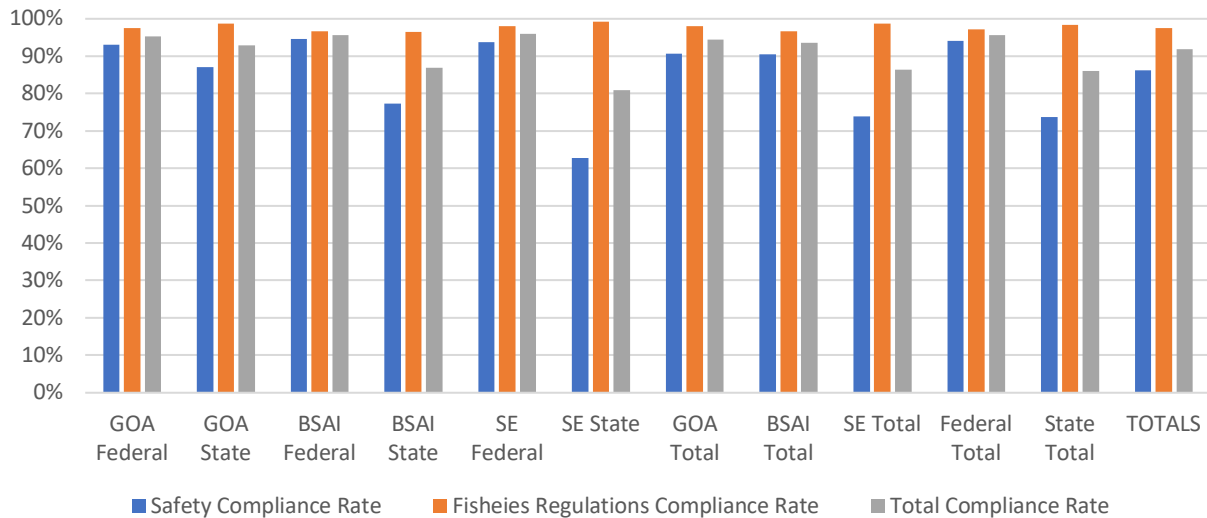


During the period from 2014 to 2018, the USCG conducted 1,328 at-sea inspections of commercial fishing vessels in federal waters and 840 at-sea inspections in state waters off Alaska (2,168 total inspections) and averaged over 430 at-sea inspections per year. The number of USCG vessel inspections are slightly more concentrated in federal waters due to the high visibility of vessels operating in state waters and the lower risk associated with fishing activities (smaller crew, shorter fishing voyages, and close proximity to shore and nearby ports). A commercial fishing vessel may be subject to over 180 requirements (depending on fishery, vessel length, area of operation, number of crew, tonnage, etc.) during at-sea inspections for commercial fishing vessels in Alaska from vessel and equipment safety standards to fishery, crew and vessel documentation and licensing. These at-sea inspections complement the safety oversight provided by the mandatory and voluntary USCG in dockside exams. Over 40 of these requirements are strictly dedicated to vessel, training, and crew and equipment safety standards. Even with this rigorous inspection, Alaska commercial fishing vessels demonstrated a 91.9% compliance rate for fishery and safety regulations during the reporting period. The total number of safety and fisheries violations reported by the USCG during that period was only 597. This is a very low number when you take into account the sheer amount of at-sea inspections (over 2,000), coupled with the extensive checklist for safety and fisheries requirements. Additionally, the USCG enforces all applicable federal regulations during inspections. For instance, if during the course of a routine boarding they encounter evidence of narcotics, illegal firearms, crew assaults or abuse, etc., those violations are documented and processed accordingly. ***The following graphs illustrate the vast number of USCG at-sea inspections of commercial fishing vessels in Alaska and the corresponding high compliance rate by year, region, and inspection category (fisheries or safety regulations).***

Safety and Fisheries Compliance Rates for At-sea USCG Boardings by Year in Alaska (2014-2018)



Safety and Fisheries Compliance Rates for At-sea USCG Boardings by Alaska Region (2014-2018)



North Pacific Observer Program

The North Pacific Observer Program plays a vital role complementing existing USCG fishing vessel safety regulations for vessels participating in the federal BSAI and GOA groundfish and halibut fisheries. The program trains, briefs, debriefs and oversees more than 450 observers annually who collect catch data onboard fishing vessels and processing plants that is used for in-season management and scientific purposes. In general, vessels over 40 feet in length operating in the Federal waters of the GOA and BSAI are required to have full or partial observer coverage (especially longline, pot and trawl vessels). Vessels that carry observers are required to have a valid USCG COC issued within the last two years, which ensures the vessel is compliant with USCG safety requirements. The current regulations recommend observers conduct a pre-trip safety check, including the check for USCG required safety equipment and an assessment for hazardous conditions.²⁷ Additionally, federal law states that an observer is not required to board (or stay onboard) a vessel that is inadequate or unsafe and ensures for the safety, well-being and protection of the observers onboard vessels (i.e. adequate living conditions, accommodation spaces and protection from any form of discrimination).

Occupational Safety and Health Administration (OSHA)

OSHA is an agency of the U.S. Department of Labor (DOL) and was established by the [Occupational Safety and Health Act of 1970](#) (OSH Act). OSHA's primary mission is to assure safe and healthy working conditions. All working conditions onboard vessels outside of the CFIVSA requirements are subject to OSHA authority. Additionally, the OSH Act provides "whistleblower protection" to any worker who files a complaint with OSHA, the USCG, or the crewmember's employer about workplace health and safety concerns. It is industry standard that employees are protected from retaliation for notifying the company of any actions or circumstances that endanger the safety of the crew, the ship, or the environment, as well as, any violations of law or any ethical misconduct.

Additionally, the OSH Act requires that the vessel, including its operations at sea, has been assessed to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment.²⁸ The hazards assessment must be documented in written certification that includes identification of the workplace evaluated, the person certifying that the evaluation has been performed and the date(s) of the hazard assessment. Areas



Boats docked in Kodiak (Photo credit: Alaska Seafood)

to assess include: Chemicals used in the workplace; sources of harmful dusts, like insulation and grinding; sources of light radiation, such as welding, brazing, cutting, etc.; the potential for falling or dropping objects like on deck when the crane is being used; sharp objects that could poke, cut, stab or puncture; biological hazards such as blood or other potentially infectious material; sources of electricity; sources of motion like machines or processes where movement could result in an impact injury; sources of high temperature, like welding, that could result in burns, eye injuries or fire.



Crewmember of the Ocean Peace
(Photo credit: Alaska Seafood)

OSHA inspections only occur within three nautical miles off Alaska and focus on workplace safety for docked vessels. OSHA mainly conducts dockside inspections of commercial fishing vessels, including when vessels are undergoing repairs. Other OSHA requirements that may be enforced on fishing industry vessels include: recordkeeping and reporting requirements and NLRA collective bargaining notices, no discrimination notices, and all standards related to working conditions when it is undergoing major repair or renovation. When violations of workplace safety occur, mitigation and corrective action is required. If not remedied, a financial penalty and/or termination of a fishing voyage is imminent. In the case of OSHA inspections, if citations are present, the employer of the vessel must post a notice of any safety violation at or near the area in which the violation occurred for three days or until the violation is abated, whichever is longer.

Enforcement of State and Local Laws and Regulations

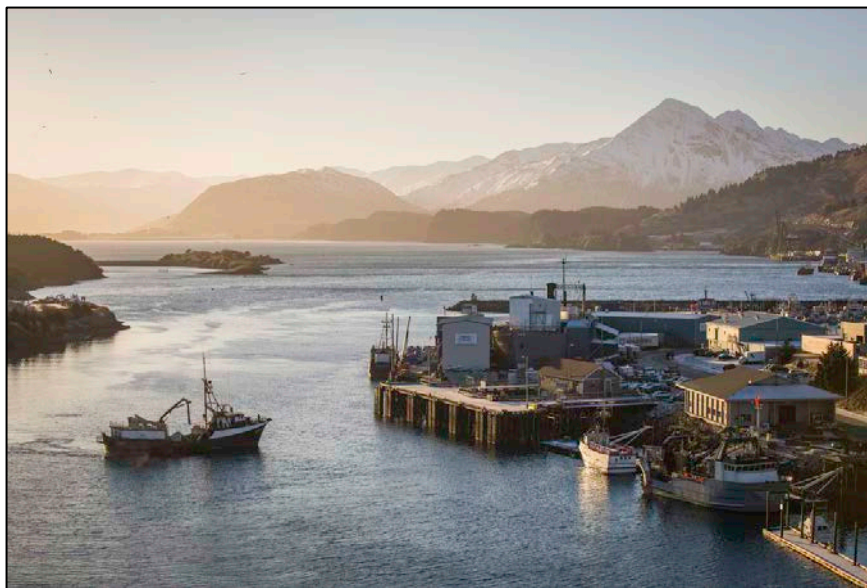
Alaska Department of Fish & Game - Alaska Troopers

The primary responsibility for enforcing fish and wildlife-related statutes and regulations in Alaska lies with the Alaska Department of Public Safety, through its Division of Alaska Wildlife Troopers (AWT). AWT are committed to reducing boating-related deaths and injuries, directing various fisheries, wildlife, and habitat protection actions across the state, and preventing unlawful and illegal fishery harvests (including the sale of sport fish and unauthorized commercial wild stocks). The division also enforces other types of regulations passed by the Board of Game and the ADF&G's Board of Fish (BOF). Biologists and other staff of the ADF&G sometimes participate in enforcement activities and assist the AWT as needed, however, law enforcement is not a primary function of ADF&G.

Other State Agencies

The Alaska DEC is responsible for the permitting and safety/health standards for both land and at-sea processing operations. The Department of Transportation's Maritime Administration is responsible for marine education and training along with the National Oceanic and Atmospheric Administration (NOAA). The ADOLWD is responsible for enforcing labor standards, including hazardous conditions, child labor laws, minimum wage and work hour restrictions. The NMFS is responsible for fisheries management (including the North Pacific Observer Program) along with NOAA/National Weather Service for marine forecasting. ADF&G is the primary state agency enacting commercial fisheries regulations with AWT enforcing these regulations in state waters with the aid of the USCG.

Port Authorities or Municipalities



Boats docked in Kodiak (Photo credit: Alaska Seafood)

A vital mission of the ports in Alaska is to minimize and prevent all occupational mishaps, injuries, illnesses, and exposures to hazardous conditions. This is evident with the Safety and Health Program at the Port of Alaska (Anchorage, Alaska), which gives the responsibility to the Port staff and management to identify dangers and provide the safest possible working conditions through the identification

of risks, providing training, establishing safety policies and minimum standards, procedures, and instructions, and enforcing periodic risk assessments to ensure the safety and health of those delivering and receiving fishery products at port. Port authorities, management and staff work in conjunction with the USCG, OSHA, the DEC, and others to allow for periodic vessel inspections ensuring that social and environmental standards have been met onboard vessels (i.e. safety standards, insurance coverage and environmental pollution).

Vessel Insurance

Although each fishery is unique in its risks, the insurance coverage of commercial fishing vessels is expansive in Alaska. For example, many ports across Alaska require minimum vessel and P&I insurance coverage for vessels utilizing the port. Additionally, any vessel financed with a state, federal or private loan is required to carry insurance for the value of the vessel as determined by a marine surveyor. If equity of a vessel is used to secure a separate loan, insurance is also

required. Several trade groups also provide access to an insurance pool which also require marine surveys every two to five years. These insurance pools incentivize safe industry practices, because a rebate of a portion of the premium is given to the members of the pool when no claims are made.

When a vessel successfully obtains insurance, the marine surveyor for the insurance company essentially becomes a third-party assessor of safety of the workplace, equipment and crew. Marine surveys are commonly conducted at a minimum of every two to five years and are effectively a multi-faceted risk assessment of the vessel. Insuring vessels in the Alaska commercial fishing industry reinforces best practices for workplace safety and stability of the vessel, and reinforces recordkeeping for safety equipment, training, and equipment maintenance. For an un-classed vessel, a marine surveyor inspects the vessel every two to five years to assess the condition and valuation of the vessel, which allows the insurance agency to determine risks and set coverage for the vessel and its crewmembers. Any retrofitting or major repair of the vessel gear, machinery or hull must be reported to the insurance agency to be assessed for safety and stability issues.

Detailed maintenance records accompany this report. For classed vessels (over 200 GT), classified under the American Bureau of Shipping (ABS) and/or Det Norske Veritas (DNV), the inspection and survey process is more robust. These classed vessels must be inspected by an ABS, DNV or USCG marine surveyor every two years and drydocked and fully inspected every five years. These classed vessels may include catcher-processors, motherships, or other processing vessels in the Alaska commercial fishing industry.



Trawl vessel underway at-sea (Photo credit: Alaska Seafood)

Injury Reporting

Federal law requires that each crewmember on a commercial fishing vessel notify the master or individual in charge of the vessel or other agent of the employer regarding any illness, disability, or injury suffered by them when in service to the vessel not later than seven days after the date on which the incident occurred.²⁹ Every commercial fishing vessel in Alaska is required to visibly display a placard describing this regulation. In the case of an injury or illness on an insured commercial fishing vessel in Alaska, each underwriter of primary insurance for a commercial fishing vessel must submit a report of each casualty involving that vessel to the insurance data collection organization accepted by the USCG within 90 days of receiving notice of the casualty and whenever it pays a claim resulting from the casualty. Reports must contain sufficient information to identify the casualty and any new or corrected casualty data. The

owner, agent, operator, master, individual in charge of the vessel, or the insurance underwriter must include information to identify the incident in the report of the casualty.

Protection and Indemnity Insurance – A Fisherman’s Workers Compensation

Many marine insurance companies recommend coverage of at least \$1 million per crewmember in the Alaska commercial fisheries. Protection and Indemnity (P&I) insurance is liability coverage for vessel owners. P&I is widely used in the Alaska commercial fishing industry as a protection for worker’s compensation in case of injury or illness. A crewmember is not required to prove negligence in order to collect money from the vessel owner. Regardless of whether the owner was in any way to blame, a crewmember who is injured, or even becomes ill, while in the service of the vessel is automatically entitled to “maintenance and cure”. This means that the vessel owner is obliged to pay medical costs, living expenses, and potentially the crew share or wage he/she would have earned for the remainder of the expected employment until either he/she recovers or is determined to be permanently disabled. P&I insurance is commonplace in the Alaska commercial fishing industry and pays for the following: maintenance and cure for sick or injured crew; defense costs in a personal injury lawsuit; repairs damages caused by your vessel to another vessel, equipment, or facility, and compensates for death or injury to people caused by your boat; and pays for removal of the wreck and abatement of pollution caused by the wreckage of your vessel, if required by authorities.



Crewmembers hauling in crab pot (Photo credit: Alaska Seafood)

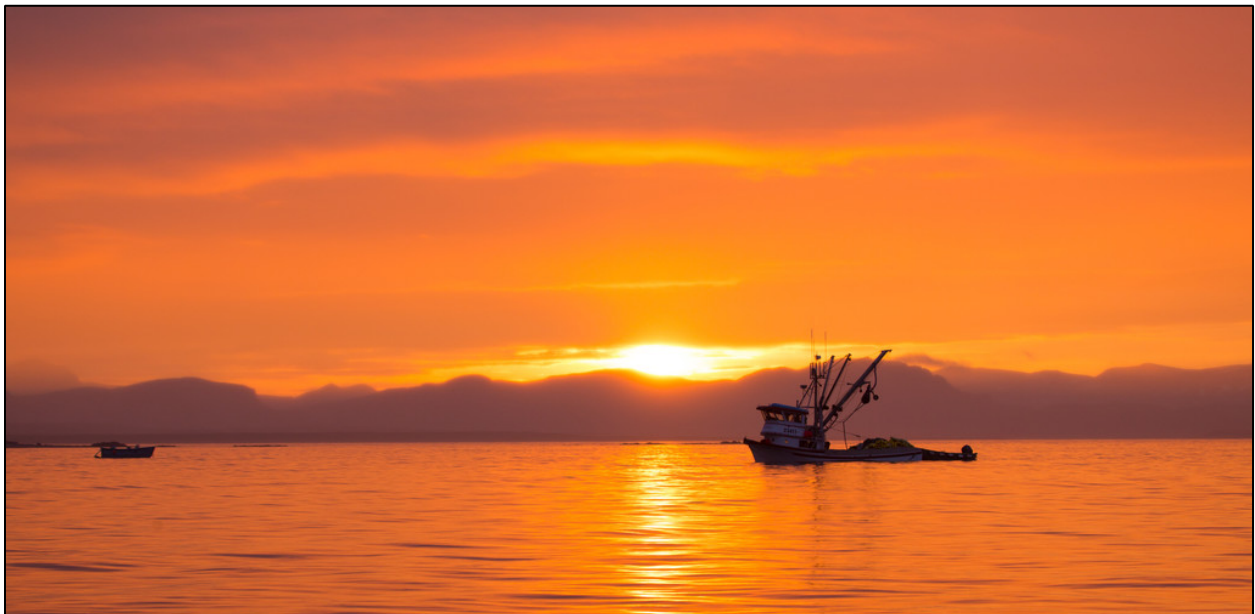
Unlike land workers, “seamen” often cannot claim worker’s compensation benefits. Instead, an injured crewmember must file a claim for damages under the [Jones Act](#). The legislation gives a "seaman" the right to claim damages (including lost future wages) against his employer in the event of injury caused by the employer’s negligence or a ship owner’s failure to ensure a safe and seaworthy vessel. Under the act, Congress defines a “seaman” (or crewmember) as a person whose duties contribute to the function of the vessel or to the accomplishment of its mission, and who has a connection to a vessel in navigation (or to an identifiable group of such vessels) that is substantial in terms of both its duration and nature. Although other maritime workers onboard commercial fishing vessels in Alaska, whose duties are outside of the navigation or operation of the vessel (i.e. processing workers, galley cooks, management, etc.),

often still qualify as “seamen” under the Jones Act, they also are eligible for compensation in the case of a work-related injury or illness under Alaska’s workers compensation system with the ADOLWD. In fact, some of the larger Alaska fishing companies provide additional coverage to processing workers under the [Alaska workers compensation system](#).

Summary

The Alaska seafood industry represents over half of the commercial fishing landings in the U.S. and is harvested exclusively by U.S.-flagged vessels that are permitted and registered under U.S. federal or state of Alaska authorities. State managed fisheries occur within three miles of shore and federally managed fisheries occur within the 200-mile U.S. EEZ. Transparency, including frequent opportunity for third-eye witness to vessel practices, and clarity of jurisdiction in fisheries off Alaska, promote responsible practices onboard. Comprehensive federal and state laws and regulations, cooperatively enforced, in combination with insurance requirements and common industry practices, create a fair and safe working environment for commercial fishermen in Alaska. This combination of government oversight and business incentives to reduce risk ensures extremely low risk of egregious labor practices (such as forced, slave and child labor) for customers purchasing Alaska seafood throughout the supply chain.

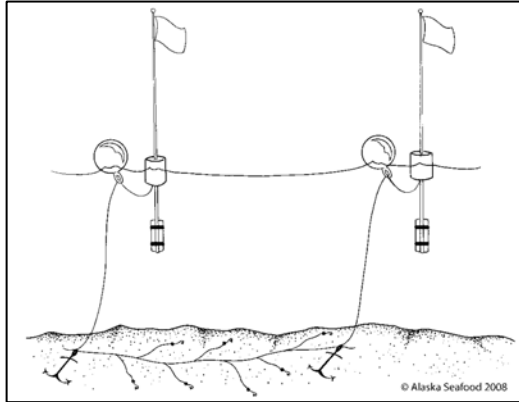
More detailed information on *Social Responsibility Onboard Commercial Fishing Vessels in Alaska* can be found at www.afdf.org, including this document, a briefing document and a table providing an overview of the priority human rights issues addressed by practices onboard vessels in the Alaska commercial fishing industry.



Purse seine vessel at sunset (Photo credit: Alaska Seafood)

Appendix: Common Fishing Vessels and Gear Types ³⁰

Longliner Vessels



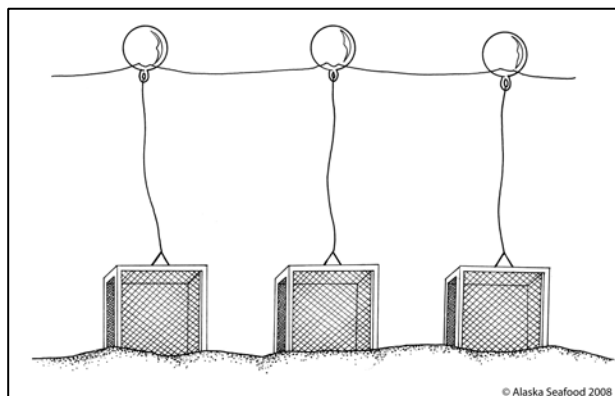
Longliner gear (Image credit: Alaska Seafood)

Longliners catch primarily halibut, sablefish, lingcod, Pacific cod, and rockfish with a longline that is anchored to the bottom. Attached are leaders with baited hooks. Each longline can be up to a mile in length and have thousands of baited hooks. A longline vessel typically sets several lines for a 2 to 24-hour soak. Upon haulback, the groundline is fed through a hauler (a side roller with a power winch) and the fish are taken from the hooks, bled or dressed and then packed in ice in the vessel's hold.

The longlines are coiled and stacked on deck in tubs or on drums when not in use. Although longliners are

typically vessels between 50 to 100 feet in length, they can be very diverse – ranging from small skiffs to catcher-processor vessels over 150 feet in length (freezer longliner fleet) depending on the species and area being fished. Voyage lengths vary from three to 30 days depending on the concentration of fish, management of the fishery, time of year and area of operation. Crew sizes vary by vessel length; however, they are commonly under six persons (see **Vessel Classes: < 28', 28' – 32', 33' – 58', 59' – 79', 80' – 135', +136**).

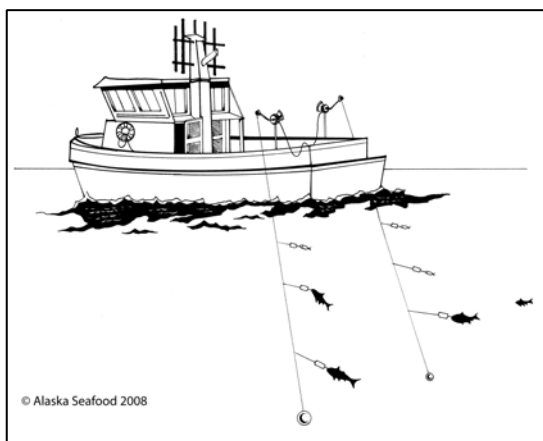
The **freezer longliner** fleet consists of 27 active vessels which fish primarily for Pacific cod, sablefish, and turbot. These are catcher-processors from 107 to 220 feet in length operating in the BSAI and GOA in predominantly federal waters and can operate during most weather conditions. When fishing for cod, the gear is normally set in a straight line, with average set lengths of about eight miles long. When fishing for sablefish, freezer longliners employ the same gear used in the Pacific cod fishery. When picking up gear, most longline sets are retrieved with hydraulic power over a roller mounted on the side of the vessel. Fish hauled onboard is immediately shaken loose and sent over a flow scale to be weighed before it is processed. The fish are bled, headed and gutted, sorted by size/weight, frozen in plate freezers, and packed. Fishing trips tend to range in length from two to five weeks, depending on the time of year and catch rates. Vessels often have shorter trips in the winter months when catch rates are higher. Crew sizes vary between 15 to 25 persons. All freezer longliners participating in federal fisheries are 100% observed, with some vessels carrying two observers on a given trip (see **Vessel Classes: CPs 98'-380'**).



Pot gear (Image credit: Alaska Seafood)

Pot vessels primarily target Pacific cod, sablefish, and crab. Many of the vessels using pot gear in the federal Pacific cod fisheries often also participate in the state water fisheries for tanner crab, shrimp and Pacific cod. The pots are set on a single line. When retrieving the pots, a crewmember throws a hook between the buoys to get the line. The line is fed into the hauler and the pot is brought aboard the vessel by a crane. The fleet consists of both catcher-processors and catcher vessels. Crabbers target Dungeness,

King, snow crab, and other species using twine or wire-meshed steel pots. Baited with herring or other fresh bait, the pots are left to soak for several days. A power winch is used to retrieve the pots. Once aboard, a pot is opened and the catch is sorted. Crab boats come in a variety of shapes and sizes, from aluminum skiffs with outboard motors that fish the inside waters for Dungeness, to seagoing vessels of 100 feet or more in length that fish the BSAI and GOA for King crab. Therefore, crew sizes often range from 2 to 10 persons (see **Vessel Classes: < 28', 28' – 32', 33' – 58', 59' – 79', 80' – 135', + 136'**).

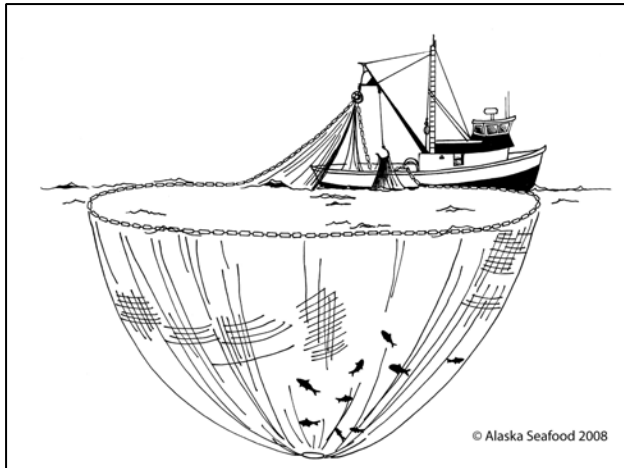


Jig vessel (Image credit: Alaska Seafood)

Commercial jig fishing, also known as handlining, is a method of fishing using hooks with lures which are jigged up and down in the water. Hydraulic or electric automated jigging machines have eliminated much of the manual labor required to haul fish from great depths. This fleet primarily targets Pacific cod with actively fished vertical lines, onto which baited hooks or surge tube jigs are attached. The fish are hauled aboard the vessel and removed one by one. Jig vessels are normally under 40 feet in length and have crew sizes of three persons or less (see **Vessel Classes: < 28', 28' – 32'**).

Aside from the one catcher-processor in the fleet, fishing voyages are relatively short and under 24 hours in length. One catcher-processor and 76 smaller catcher vessels comprise this fleet.

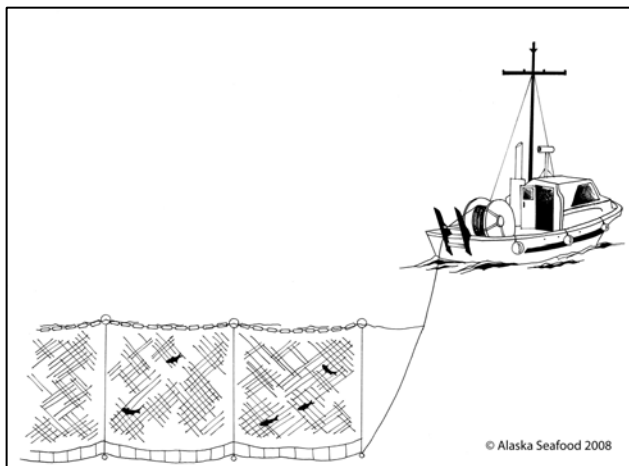
Purse Seine Vessels



Purse seine vessel with gear (Image credit: Alaska Seafood)

Purse seiners use two vessels (small skiff and larger seiner) to encircle the fish with a long net, then draw the bottom closed with a purse line to capture the fish. They are used primarily in the Alaska salmon and herring fisheries. The crew use a hydraulic power block to pull the net and catch onboard the main vessel. Purse seiners are commonly between 40 to 58 feet in length (see **Vessel Classes: 28' – 32', 33' – 58'**). The BOF, a section of the ADF&G, regulates length and depth of nets, mesh size appropriate for species being targeted, as well as time and area by region. State law limits the maximum length of purse seine vessels to 58 feet.

Gillnet Vessels



Drift net vessel with gear (Image credit: Alaska Seafood)

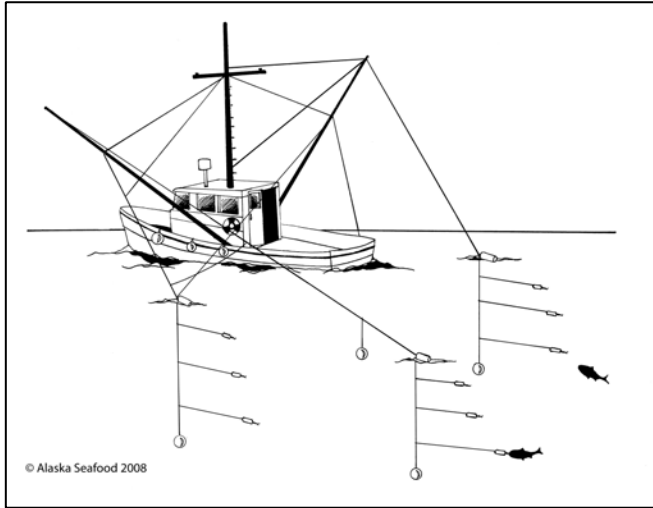
Gillnet vessels are used primarily in the Alaska salmon and herring fisheries. These vessels set web with a corkline at the top and leadline on the bottom to make the net hang vertically in the water column. Generally, the nets are set perpendicular to the beach, or the direction that the fish are traveling. Gillnet vessels exist in two different types, drift net and setnet. **Drift net** vessels are commonly 30 to 40 feet in length. The BOF regulates length and depth of nets, mesh size appropriate for species being targeted, as well as time and area by region. Crew sizes are typically 1 to 3 people and

fishing occurs mainly in state waters. Net retrieval is accomplished by a hydraulic drum that pulls the net onboard the vessel. Fish are then removed individually from the net by hand. (see **Vessel Classes: 28' – 32', 33' – 58'**).

Setnet fishing is a small-scale type of gillnetting done by hand from a skiff or from shore with fixed nets that are held onshore or offshore with anchors. A **setnet** fishing operation may use

multiple skiffs at one time to both set the nets and haul out the catch. Total crew sizes may range from 2 to 5 persons and fishing occurs in state waters (see **Vessel Classes: < 28'**).

Troller Vessels



Troller vessel with gear (Image credit: Alaska Seafood)

Trollers catch salmon by “trolling” bait or lures through concentrations of fish that are feeding. Two types of trollers are common: a hand troll vessel or a power troll vessel. A hand troller pulls its multiple lines via a hand crank and the power troller pulls its six lines using hydraulics. Troller vessels range in size from hand troll skiffs under 28 feet in length, to ocean-going power troll vessels of 50 to 60 feet in length. Due to the simple gear operation, trollers usually have crew sizes of 2 to 3 persons (see **Vessel Classes: < 28'**, **28' – 32'**, **33 - 58'**). Trolling occurs in both the state and federal waters with NPFMC

delegating authority for management of the fishery to ADF&G through a salmon fishery management plan. Some larger trollers are equipped with freezers to freeze headed and gutted fish at-sea. Most salmon harvested by trollers are bled, gutted, and gilled as soon as they are caught because the salmon are actively feeding; cleaning the fish immediately helps to preserve the quality of the salmon.

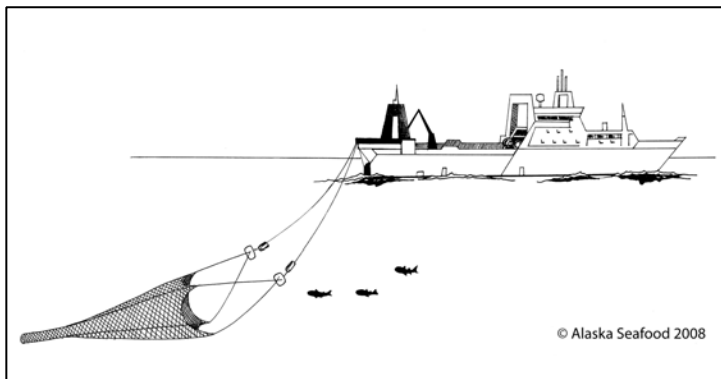
Tender Vessel



Tender vessel on right (Image credit: Alaska Seafood)

Larger fishing vessels are commonly utilized as “tenders” in other fisheries, most commonly in the salmon and herring fisheries. Tenders are essentially platforms for transporting fresh salmon from remote locations to shore-based cold storage and processing plants. Tenders typically have a crew size of five or less (**Vessel Classes: 33' – 58'**, **59' – 79'**, **80' – 135'**).

Trawler Vessels



Trawler vessel with gear (Image credit: ADF&G)

Trawlers typically catch large quantities of midwater species such as pollock or pink shrimp, and bottomfish such as flounder, by towing a large, cone-shaped net. The end of the net, the bag or codend, holds the fish and is usually pulled onboard into the stern of the vessel on a slanting stern ramp. Trawl variants include beam trawls, midwater trawls, and bottom trawls. Although smaller trawler vessels do

exist (under 30 feet in length), trawlers are usually larger vessels (see **Vessel Classes: 59' - 79', 80' - 135', + 136'**). The fishing operation is a relatively efficient process allowing for small crew sizes relative to the length of the vessel. For instance, a 150-foot trawler fishing for Alaska pollock in the BSAI area may have a crew size as small as four to eight people and undertake fishing voyages of two to six days.

AFA Vessels

The American Fisheries Act (AFA) was signed into law in October of 1998. The AFA was intended to tighten the U.S. ownership standards for U.S. fishing vessels under the Anti-Reflagging Act and to provide the BSAI pollock fleet the opportunity to conduct its fishery in a more rational and safe manner while protecting non-AFA participants in the other fisheries (pollock cooperatives).

AFA Catcher Vessels

Vessels in this fleet range from 60 to 200 feet in length, with the largest number measuring 90 to 124 feet in length (roughly 20% in the range of 60 to 89 feet, 40% in the range of 90 to 124 feet, and 15% in the range of 125 to 200 feet) (see **Vessel Classes: 59' - 79', 80' - 135', +136'**). The AFA has 81 active catcher vessels in this fleet (seven vessels are also in the AFA mothership fleet, 22 vessels are also in the central Gulf trawl fleet, two are also in the western Gulf trawl fleet, two are also in the halibut IFQ fleet, and three are also in the crab fleet). Crew sizes vary, but typically are 10 or less persons with average voyage lengths of five to six days. The vast majority of the vessels declare their hailing ports as being in Washington State. Over 90% of the catch within this fleet is pollock and the general fishing area tends to fall in the federal waters of the BSAI. Tow duration in this fishery ranges from 20 minutes to 10 hours, depending on the catch rate. Pelagic trawls do not come in contact with the ocean floor; in fact, bottom trawling

in the pollock fishery is prohibited. Numerous regulations and voluntary measures have been undertaken to limit the catch of salmon or halibut in the pollock fisheries. These vessels deliver whole fish to processing plants or processing vessels, which then convert the landings to a range of products that typically includes fillets, surimi, roe, minced fish, and fish meal.

AFA Catcher-Processors

The AFA specifically lists 20 catcher-processor vessels eligible to participate in the offshore fisheries, as well as seven catcher vessels eligible to fish and deliver a sub-allocation to catcher-processors. Roughly 86% of the catch by weight is pollock, with flatfish making up 10% of the total catch by weight. All vessels in this sector use pelagic trawls, with the catcher-processors generally using larger gear than many catcher vessels due to their larger size and horsepower. All the AFA catcher-processors exceed 200 feet in length, and the majority of vessels declare Washington State as their hailing port (see **Vessel Classes: CPs 98'-380'**). These vessels can be up to 380 feet in length and can carry up to 140 persons onboard, the majority of which are processor employees. Fishing operations are identical to the smaller catcher vessels, with the catch loaded into refrigerated holding bins below deck. On catcher-processors, the fish are then put through various processing lines (depending on the choice of product), frozen, boxed, and stored in the freezer compartment until the vessel is offloaded days or weeks later.

AFA Motherships

Motherships are large at-sea processing vessels with sizes over 100' in length and carry up to 100 people onboard, most of which are processing workers (see **Vessel Classes: CPs 98'-380'**). The eligible motherships under the AFA are the *Excellence*, *Golden Alaska*, and *Ocean Phoenix*. Nineteen catcher vessels are eligible to deliver to these motherships. A mothership does not fish; rather, it processes pollock harvested by the eligible fleet of catcher vessels that transfer catch at-sea to the mothership.

Amendment 80 Vessel

The Bering Sea flatfish fisheries, along with the Atka mackerel and Pacific Ocean Perch fisheries in the Aleutian Islands have been harvested almost exclusively by a fleet of trawl catcher-processors that do not target pollock. This fleet has been known as the Amendment 80 Fleet. Processing operations typically include heading, gutting, and freezing. The fleet mainly targets flatfish, Pacific cod, Atka mackerel and Pacific Ocean Perch. Trawl configurations vary depending upon the target fishery. This fleet contains 21 vessels and commonly have 25 to 70 people onboard (see **Vessel Classes: CPs 98'-380'**).

- ¹ [McDowell Group](#)
- ² [Alaska Fishery Research Bulletin](#)
- ³ [50 Code of Federal Regulations \(CFR\) 679.4\(f\)](#)
- ⁴ [The Jones Act](#)
- ⁵ [AS 18.80](#)
- ⁶ [OSHA Act of 1970](#)
- ⁷ [29 CFR 1915, 1916, 1917, 1918, and 1919](#)
- ⁸ [46 United States Code \(U.S.C.\) 11601](#)
- ⁹ [AS 11.41.360](#)
- ¹⁰ [The New York Times](#)
- ¹¹ [Alaska Department of Labor, Labor Standards and Safety Division](#)
- ¹² [See particularly hazardous occupations for children under 18; 29 US Code 203\(l\)\(1\); 29 U.S. Code 570.126.](#)
- ¹³ [U.S. Fair Labor Standards Act of 1938; 29 US Code 203\(l\); Alaska Statutes and Regulations](#)
- ¹⁴ [USDOLWD, Child Labor Laws in Net Fishing](#)
- ¹⁵ [46 U.S.C. 8103](#)
- ¹⁶ [29 U.S.C. 213\(a\)\(5\)](#)
- ¹⁷ [US Coast Guard Marine Safety Manual, Volume III](#)
- ¹⁸ [46 CFR 15.1111; 46 CFR 15.705](#)
- ¹⁹ [46 CFR 15.710](#)
- ²⁰ [46 CFR Parts 24, 25, 26 and 28](#)
- ²¹ [46 CFR 28.265](#)
- ²² [46 U.S.C. 4503](#)
- ²³ [46 CFR 28.210](#)
- ²⁴ [46 CFR 28.265](#)
- ²⁵ [USCG Marine Safety Bulletin](#)
- ²⁶ [46 CFR 28.60](#)
- ²⁷ [50 CFR 600.746\(c\)\(3\)](#)
- ²⁸ [OSH Act 1910.132\(d\)\(1\)](#)
- ²⁹ [46 U.S.C. 10603](#)
- ³⁰ Information regarding common fishing vessels and gear types in Alaska’s fisheries was gathered from the Industry Representatives, the ADF&G and the NPFMC

Additional Sources: ADF&G, OSHA, USCG, NOAA, NPFMC, McDowell Group, NIOSH, The Jones Act, American Fisheries Act, Magnuson-Stevens Fishery Conservation Act, Marine Mammal Protection Act, Endangered Species Act, Alaska State Statute, Alaska Administrative Code, The Code of Federal Regulations, United States Code, Commercial Fisheries Entry Commission, Industry Representatives, National Labor Relations Act, Fair Labor Standards Act, Victims of Human Trafficking and Violence Protection Act, Immigration and Nationality Act, Commercial Fishing Industry Vessel Safety Act, Safety of Life at Sea (SOLAS), ILO C-188, Occupational Safety and Health Act, Coast Guard Authorization Act of 2010, 2015 & 2017, the Coast Guard and Maritime Transportation Act of 2012.