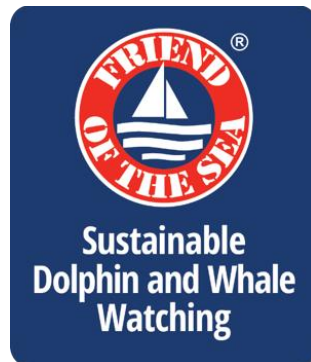


Audit Guidance for Friend of the Sea Dolphin and Whale Watching Standards



Friend of the Sea non-Seafood Standard

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1. Introduction

1.1 Friend of the Sea

Founded in 2008, Friend of the Sea (FOS) is a non-governmental organization that has become the leading certification standard for products and services which respects and protects the marine environment.

The mission of FOS is to safeguard the marine environment and its resources by incentivising a sustainable market and implementing specific conservation projects. The present document is a guideline for auditors that are operating with the FOS standards for dolphin and whale watching.

1.2 Purpose of the document

The purpose of this document is to provide guidance on the FOS standards for Certification Bodies (CBs) and auditors, to ensure consistent interpretation and application across Countries and CBs, hence improving the efficiency of the assessment process.

This Audit Guidance document provides this guidance through:

- 1- Description of how to interpret the principles and criteria from the FOS standards;
- 2- Audit instructions to verify compliance through indicators;
- 3- Information relating to exceptional situations;
- 4- Objective criteria for critical limits;
- 5- Instructions to complete the audit report.

A brief explanation is given for each criterion, together with the description of indicators and list of documentation to collect and attach to the report.

1.3 Requirements classification

Requirements are classified as Essential or Recommendations, according to their level of importance.

- **Essential Requirements:** 100% conformity to essential requirements is mandatory in order to be certified. The company must propose effective corrective actions (declaration of intents and implementation plan), to be submitted to the certification body within three weeks from the issuing of the non-conformity. This proposal shall also include a timetable concerning the implementation of each corrective measure. Each proposed corrective action shall be fully implemented within the following 12 months and verified during the surveillance audit.
- **Recommendations:** Compliance with recommendations is not mandatory for the company to be certified. However, compliance with recommendations will be verified during the audit and any deficiency will be included in the Audit Report as a recommendation. The company shall inform the certification body, during the following audit, regarding any corrective measures implemented.

Requirements which are not applicable to the audited company will be marked with 'N.A.'

2. Description of the company to be audited

This preliminary part of the checklist must be filled in each field by the auditor, in order to have useful data about the operator.

a) Name of the company under audit

b) Is the company under audit part of a group? If yes, specify the name

c) Address of the company under audit

d) Name, role and contact of the representative(s) of the company under audit accompanying the auditor during the inspection:

e) Whale watching boat(s) and their registration number, horsepower, people capacity (crew included) and home port

Name of the boat	Registration number	Horsepower (Kw)	People capacity	Home port

f) If the owner of the boat(s) is different from the company, please specify

g) Boat(s) inspected by the auditor

h) Cetacean species (common and scientific name) normally found in the area where whale watching is carried out and period of the year during which they can be spotted in the area.

Common name	Scientific name	Period

i) Geographical extension of the whale watching target area

j) Number of employees (specify seasonal or permanent employees)

k) Certification and awards

l) Date and type of the audit (initial audit, surveillance audit, recertification audit)

m) Other relevant information

3. Audit guidance

In this section Friend of the Sea provides the auditors and the operators with a complete explanation of the requirements and how to be in compliance with them. This section refers to the [FOS Dolphin and Whale Watching Standard v.2](#)

3.1 Authorization and permits

Requirement		Level
1.1	Dolphin and whale watching operations are authorized by a permit granted by the responsible authority, for a given area, where applicable.	Essential

In many countries, a limited number of licensed operators and/or a limited number of vessels can undertake commercial whale and dolphin watching activities. This is important to guarantee the sustainable management of these operations, since, ideally, the number of permits reflects the carrying capacity for a specific area. The carrying capacity of the site is determined by considering the results of ongoing scientific research on local cetacean populations and the evidence collected from stakeholder groups including tour operators, NGOs, scientists and the public.

As a proof of conformity, the auditor shall collect a copy of the license issued to practice dolphin and whale watching operations into a given area. If the national legislation does not provide specific licenses for this kind of operations, the auditor shall collect evidence of compliance with the local nautical standards. If no information is available, the auditor shall report it in the column of the comments of the audit report.

Requirement		Level
1.2	All vessels used in dolphin and whale watching operations are authorized under the national legislation, where applicable.	Essential

All vessels to be certified, and hence included in the scope of certification, shall be officially registered according to the system in use. Vessel registrations shall be requested for all vessels in the scope of certification (not just those inspected by the auditor).

As a proof of conformity, the auditor shall collect a copy of the authorization to navigation for each vessel under audit. Authorization to navigation shall not be confused with commercial operating license or similar, which means that operators are allowed to carry passengers regardless of the scope. This documentation can also be requested remotely during the preliminary audit phase. Incomplete or partially completed vessel registrations and license details are not accepted.

3.2 Detection of dolphin and whales

Requirement		Level
2.1	The boats do not use active sonars, depth sounders, or systems emitting sounds in the water to attract cetaceans.	Essential

Marine mammals rely heavily on sound for important life functions and anthropogenic noise, in-air and underwater, could affect cetacean ability to communicate, navigate and forage, and for this reason it should be mitigated (Jensen, Bejder, Aguilar Soto, & Madsen, 2009) (Guerra, Dawson, Brough, & Rayment, 2014) (Wladichuk J.L., 2019) (Sprogis et al. eLife 2020;9:e56760. <https://doi.org/10.7554/eLife.56760>). The use of music or playbacks of animal sounds (i.e. humpback whale songs) to attract cetaceans is forbidden.

In order not to interfere with cetaceans, the boats used during dolphin and whale watching operations must turn off active sonar, depth sounders or systems emitting sounds in the water to attract cetaceans.

To verify the compliance with this requirement, the auditor shall check that these instruments are not present on the boats under audit. If present, a self-declaration confirming that these systems are not used during excursions of dolphin and whale watching is required. In addition, the auditor shall collect images of on-board instruments as a proof of conformity.

3.3 Boats’ authorized location and approach

Requirement		Level
3.1	In the Watching Zones boats shall keep a slow and constant no-wake speed (≤ 5 knots). Chasing whales and dolphins is not permitted.	Essential

Watching whales and dolphins in their natural habitat permits everyone to appreciate these beautiful animals, but if boats get too close to wildlife in their ecosystems, interfering with their activities, they risk causing stress or even physical harm. Compliance with simple rules dictated by common sense and scientific evidence (Constantine, D.H., & Denis, 2004) (Christiansen, Lusseau, Stensland, & Berggren, 2010) allows tourists to admire whales and dolphins in a sustainable way, ensuring animal welfare as well as human safety.

In order to approach the animals in the most cautious way possible, once within 300 meters of a cetacean, boats should reduce their speed to a no wake speed, avoiding abruptly changing gear, speed or direction n except in cases of emergency.

There are two types of watching zones:

- ***Whale Watching Zone;***
- ***Dolphin Watching Zone.***

The *Whale Watching Zone* is the area between 300 meters (984 ft) and 100 meters (328 ft) from the whales.

The *Dolphin Watching Zone* is the area between 300 meters (984 ft) and 50 meters (164 ft) from the dolphins.

If during a dolphin and whale watching tour both types of cetaceans are spotted at the same time, the operator shall respect the distances of the *Whale Watching Zone*.

Once in the *Watching Zone*, the boats must always keep a slow and constant no-wake speed (≤ 5 knots).

The auditor is required to assess the procedure for approaching cetaceans from the company under audit.

The auditor shall verify compliance with the procedure for approaching cetaceans, evaluating if the boats respect the established distances and maintain an appropriate behaviour in the *Watching Zone*.

The auditor is requested to assess this and other requirements for which getting on-board is requested at least once. If the auditor believes that one on-board assessment is not sufficient, he/she may request the company under audit to participate in an extra tour in order to more accurately verify compliance with the requirements (here we refer to all the requirements of section 3, 4, 5 and 6 of the Friend of the Sea Sustainable Dolphin and Whale Watching Standard Ver. 2, 1/04/2019).

For the purpose of this document, we define:

- **Whales:** All cetaceans belonging to the group of *mysticetes* (also known as baleen whales), plus sperm whales.
- **Dolphins:** All cetaceans belonging to the group of *odontocetes* (also known as toothed whales), excluding sperm whales.



Requirement		Level
3.1.1	When dolphins and whales approach the boats while cruising, the boats shall keep the same speed and not change direction.	Essential

During a dolphin and whale watching operation, it is possible that cetaceans themselves approach the boat while it is sailing or maintaining a no-wake speed in the Watching Zone. In these cases, it is important that the boat keeps the same speed and does not change direction, thus avoiding potential disturbance and/or danger to the animals.

The auditor shall verify on-board the compliance with the procedure that must be adopted when a cetacean/s approaches the boat.

Requirement		Level
3.2	Except when cetaceans approach the boats, boats shall always maintain a minimum distance from cetaceans. The minimum distance is 100 m (328 ft) from whales and 50 m (164 ft) from dolphins (<i>Watching Zone</i>).	Essential

As explained in Requirement 3.1, a minimum distance exists to minimize disturbance. While, for whales, the minimum distance is 100 meters (328 ft), for dolphins the minimum distance is shortened to 50 meters (164 ft). For both whales and dolphin, bypassing the *Watching Zone* to get closer to the cetacean/s is prohibited in order to preserve the animal/s well-being as well as human safety.

The minimum distance has been established based on the animals' speed: boats can get closer to dolphins than to whales, since dolphins are faster and can thus more easily evade an approaching boat. In both cases, if cetaceans change swimming speed, course of travel and orientation during and/or before interaction with the boats, it could indicate an avoidance reaction (Bejder & Samuels, Evaluating impacts of nature-based tourism on cetaceans, 2003).

Boats must always keep a slow and constant no-wake speed (≤ 5 knots).

If the operators notice cetaceans that show signs of disturbance, such as sudden changes in direction or changes in their usual behavior, the whale watching operation must be ended and the boat shall leave the *Watching Zone* at a no-wake speed, paying attention to the cetaceans' position in order to avoid any accidental collision.

The auditor shall verify on-board the compliance with the procedure of approaching cetaceans, evaluating if the boats respect the established distances and maintain a proper behaviour in the *Watching zone*.

Requirement		Level
3.3	The boats never intentionally approach cetaceans head on or from the rear. The approach must begin with an inclined route of approximately 30° with respect to the route of the target animals, and become gradually parallel to their route.	Essential

In order to avoid disturbing cetaceans, it is important to approach with caution, ideally with an initial inclined route of approximately 30°, with respect to the route of cetaceans. The vessel should then gradually position on a parallel course to the targeted individuals, always respecting the minimum distance.

The auditor shall verify on-board the compliance with the procedure of approaching cetaceans, evaluating if the boats respect the established distances and maintain a proper behavior in the *Watching zone*.

Requirement		Level
3.4	Care shall be taken to make sure that no pod is dispersed, and calves and juveniles are not separated from their mothers.	Essential

A pod is a social group of cetaceans. The operator should be particularly careful when calves are present because a calf is an especially vulnerable individual, more

prone to stress in the presence of external factors. Limited studies revealed that tourism pressure may reduce calf survival (Bejder L. , Linking short and long terms effects of nature based tourism on cetaceans, 2005). Human disturbance can reduce calves’ resting time and/or increase energy expenditure to avoid disturbances, increase the risk of predation when calves are separated by mothers and reduce socializing and learning opportunities.

The auditor shall verify on-board the compliance with the procedure of approaching calves, evaluating if the boats respect the established distances and maintain a proper behavior in the *Watching zone*.

Requirement		Level
3.5	The boats shall not intentionally approach isolated mothers, calf/juveniles’ pairs, isolated calves/juveniles, mating cetaceans or cetaceans that appear to be resting or avoiding boats.	Essential

In reference to Requirement 3.4, the operator should not intentionally approach isolated mothers, calves or juveniles isolated or in pairs. This kind of approach could disturb the cetaceans, negatively impacting their health. Moreover, it can endanger the survival of calves that rely on mothers for food and protection. Thus, the operators should be able to identify calves during a watching operation, focusing on their dimension and color.

The auditor shall verify on-board the compliance with the procedure of approaching and identifying cetaceans, evaluating if the boats respect the established distances and maintain a proper behaviour in the *Watching Zone*.

Requirement		Level
3.6	Only one boat at the time can be in the <i>Watching Zone</i> while the others must wait outside (over 300 meters).	Essential

If more than one boat reaches a cetacean sighting site, only one boat at the time can access the *Watching Zone*, while the others must wait outside. This requirement is intended to protect cetacean well-being, reducing the amount of human disturbance, and it is supported by scientific evidence revealing that prolonged interactions between dolphins and vessels can have negative effects (Bejder, Dawson, & Harraway, 1999),

The auditor shall verify on-board the compliance with the procedure of approaching cetaceans, evaluating if the boats access one by one in the *Watching Zone* respecting the established distances.



Requirement		Level
3.7	Time in the <i>Watching Zone</i> shall be limited to 30 minutes. It is reduced to 15 minutes if there are other boats waiting.	Essential

Since scientific evidence reveals that prolonged interactions between dolphins and vessels can have negative effects on marine mammals (Bejder, Dawson, & Harraway, 1999), the time in the *Watching zone* should be limited to 30 minutes. If there is more than one boat in the cetacean sighting site, the access to the *Watching zone* is reduced to 15 minutes per boat, accessing the *Watching zone* one by one following the order of arrival.

The auditor shall verify on-board the compliance with the procedure of approaching cetaceans, evaluating if the boats access one by one in the *Watching zone* respecting the established distances and time.

Requirement		Level
3.8	Engines shall be put in neutral when boats stop in the <i>Watching Zone</i>.	Essential

As explained in Requirement 2.1, anthropogenic noise is a source of disturbance for cetaceans. To minimize the impact of watching operations, it is required not to switch the engine off and on when the boat is situated in the *Watching zone*; instead, it is good practice to put engines in neutral. Exceptions are allowed if the sea conditions do not guarantee the of the boat and the safety conditions on board.

This requirement is not applicable when Southern right whales (*Eubalaena australis*) are spotted, since whales reacted negatively by moving away from the boat and avoiding contact when the engine is on.

The auditor shall verify on-board the compliance with the procedure of approaching cetaceans, evaluating if the boats respect the established distances and maintain a proper behavior in the *Watching zone*.



Requirement		Level
3.9	The crew is aware of the position of the cetaceans at any time, in order to avoid collisions or close approaches.	Essential

In order to avoid any possibility of collision or close approach, the crew must be aware of the animals' position at any time. In particular, if the animals dive, the driver must wait for them to return to the surface to be sure of their position. To meet this requirement, at least two observers are needed, each patrolling an angle of 180° from the bow to the stern on each side.

Moreover, the crew must be trained on how to detect cetaceans at sea and must have the appropriate gear on board (i.e. binoculars with a integrated indicator of the distance scale).

The auditor shall verify on-board the compliance with the procedure for approaching cetaceans, evaluating if the boats respect the established distances and maintain a proper behavior in the *Watching zone*.

3.4 Special considerations for Sperm whales

Requirement		Level
4.1	When a sperm whale abruptly changes its orientation or starts to make short dives of about 1 to 5 minutes in duration, without showing its tail flukes, the boat shall leave the <i>Watching Zone</i> at a no-wake speed (≤ 5 knots), until outside of the approach zone, and always monitor the sperm whale's position to avoid accidental collisions.	Essential

A special Requirement is required for operations encountering sperm whales. These cetaceans can respond to disturbance by abruptly changing orientation or reducing dive times to about 1 to 5 minutes in duration. These changes in surfacing, breathing and dive patterns are commonly used as indicators of disturbance, supported by scientific evidence (Bejder & Samuels, Evaluating impacts of nature-based tourism on cetaceans, 2003).

If the operators notice such behavior in the sperm whale, the whale watching operation must cease and the boat shall leave the *Watching zone* at a no-wake

speed, paying attention to the sperm whale’s position in order to avoid any accidental collision.

The auditor shall verify on-board the compliance with the procedure of approaching sperm whales, evaluating if the boats respect the established distances and maintain a proper behavior in the *Watching zone*.

3.5 Swim-with

Requirement		Level
5.1	The company does not provide or organize swim-with activities.	Essential

Scientific research highlighted short-term behavioral changes in dolphins approached by swim-with-dolphin (SWD) vessels. Swim-with-dolphin practices affect dolphins’ travelling, foraging, milling and socializing behaviors (Filby, Christiansen, Scarpaci, & Stockin, 2017). In particular, a reduction of foraging time and an increase in energy consumption has been recorded during SWD tourism, affecting principally pregnant or lactating dolphins (Reddy M, Kamolnick T, Skaar D, Curry C, Ridgway S (1991)). An increase in average diving time and in avoidance responses has been recorded during SWW activities (Fiori, Martinez, Orams, & Bollard, 2019).

Given all these observations, in order to preserve cetacean well-being and human safety, during a whale or dolphin watching operation it is forbidden to swim with cetaceans. For this reason, the company must not provide or organize swim-with activities.

The auditor shall verify on-board the compliance with the procedure of approaching cetaceans, evaluating if swim-with activities are provided or organized.



3.6 Interaction with cetaceans

Requirement		Level
6.1	Feeding cetaceans and/or other animals is forbidden	Essential

Feeding cetaceans and/or other animals is forbidden because it could alter the behavior of wildlife, which could develop an association between humans and a source of food. For this reason, feeding cetaceans is dangerous not only for marine mammals, which could ingest toxic substances or unbalance their diet, but for customers too, because cetaceans could become aggressive expecting to be fed by humans.

The auditor shall verify on-board compliance with the proper procedure of approaching cetaceans, evaluating if the crew and costumers maintain a proper behavior in the *Watching zone*.



Requirement		Level
6.2	Accurate information is provided to tour participants on how to behave when the cetaceans are sighted.	Essential

It is important to explain to the customers how to behave in the presence of cetaceans, in order to perform a sustainable whale or dolphin watching operation. The operators shall make an initial briefing to introduce the customers to the marine mammal world.

The auditor shall verify on-board the compliance with the proper procedure of approaching cetaceans, evaluating if the operators provide accurate information to tour participants about the importance of maintaining a sustainable behavior for cetacean well-being and customer safety.

Requirement		Level
6.3	Accurate information is provided to tour participants about environmental issues related to cetaceans and the marine environment and how everybody can contribute to reduce human impact.	Essential

In connection with Requirement 6.2, the operators should sensitize tour participants to the importance of conserving marine ecosystems to preserve cetacean well-being and survival. Customers need to be aware of the threats to marine mammals, knowing that some species are classified as endangered. The operators shall explain to tour participants how everybody can contribute to reduce the negative impact of human activities on cetaceans.

The auditor shall verify on-board the compliance with the proper procedure of approaching cetaceans, evaluating if the operators provide accurate information to tour participants about the importance of preserving marine ecosystems and how everyone can positively impact marine conservation.

Requirement		Level
6.4	Operators shall not try to attract cetaceans by making noise. Tour participants and crew will avoid loud sounds when near cetaceans.	Essential

To complete Requirements 2.1 and 3.8 relating to anthropogenic disturbance to cetacean well-being, this requirement underlines the importance of virtuous behavior by the operators and tour participants during the operation of dolphin and whale watching. The operators shall not try to attract cetaceans by producing noise with any device, and tour participants and crew shall avoid loud sounds when near cetaceans.

The auditor shall verify on-board the compliance with the proper procedure of approaching cetaceans, evaluating if the operators, the crew and tour participants maintain a virtuous behavior when they reach the *Watching zone*.

Requirement		Level
6.5	Training programs for operators and crew on the biology and behaviour of target species and on responsible dolphin and whale watching operations are carried out.	Essential

In order to adequately train the staff and provide accurate information to tour participants, the operators and crew must follow training programs on the biology and behavior of target species and on responsible dolphin and whale watching operations. In the case of remote sites, or wherever it is difficult to organise on-site training, operators can follow online courses.

The auditor shall collect any evidence of training, workshop or course organized by the company to train all staff involved in the dolphin and whale watching operations. To verify this requirement, the auditors shall evaluate the content of training/workshop/courses and may interview the operators and crew to verify their competency. As an evidence of conformity, the auditors will collect certificates of attendance of the operators and crew.

3.7 Waste management

Requirement		Level
7.1	The company recycles all waste when recycling options are provided locally. In the alternative, it appropriately disposes of waste.	Essential

The auditor shall review protocols and procedures for recycling, reusing, reprocessing all materials used on-board during the tour and at the landing port and describe them briefly. Moreover, they shall evaluate the presence of recycling bins.

Requirement		Level
7.2	The company implements measures to prevent dispersion of waste at sea (including fuels, lubricants and plastic materials).	Essential

The auditor shall review protocols and procedures in place for preventing the dispersion of waste at sea and describe them briefly.

Requirement		Level
7.3	The company uses non-toxic alternatives available in order to avoid the use of toxic, persistent or bio-accumulating substances.	Recommendation

The auditor shall verify and report on evidence that the company under audit actively seeks to replace toxic, persistent and bio-accumulating chemicals with non-toxic alternatives, for example for anti-fouling purposes. Policy, procedures and a list of chemicals on board shall be reviewed.

Requirement		Level
7.4	The company does not use CFC, HCFC, HFC or other refrigerants that cause ozone depletion.	Essential

The auditor shall verify and report on evidence that the company under audit does not use CFC, HCFC, HFC or other refrigerants that cause ozone depletion.

Requirement		Level
7.5	If spotted, crew must collect floating fishing gear and equipment lost from other boats.	Recommendation

The auditor shall verify and report on evidence that when spotting floating fishing and equipment lost from other boats, the crew collect them.

Requirement		Level
7.5.1	All collected material shall be properly disposed of at port. If appropriate disposal facilities are not available, the company shall endeavor to work with port operators to provide adequate, affordable and accessible disposal facilities.	Recommendation

The auditor shall collect evidence about the procedure used by the unit of certification regarding how they dispose of the gear and all collected material at port.

If a procedure is not in place, the auditor shall suggest the unit of certification endeavor to work with port operators to provide adequate, low-cost and accessible disposal facilities.

Requirement		Level
7.5.2	Where applicable, the company shall work with ports to implement gear collection and/or recycling programs for end-of-life gear.	Recommendation

Where applicable, the auditor shall suggest the unit of certification to work with ports to implement gear collection and/or recycling programs for end-of-life gear.

Requirement		Level
7.6	The company does not hold or handle single-use plastic (e.g.: plastic bottles; straws; cutlery; plates, etc.) on the boat(s).	Essential

This is a crucial requirement to perform a sustainable dolphin or whale watching operation, in order to reduce pollution resulting from the tour that could negatively impact not only marine mammals but the entire marine ecosystem. The auditor shall verify the lack of onboard single-use plastic through an on-site inspection and he/she shall review received invoices.



3.8 Energy management

Requirement		Level
8.1	The company shall keep a file of energy consumed per activity and type of sources (e.g.: gasoline, solar, other), updated at least once a year.	Recommendation

The auditor shall verify and report evidence that the company keeps records of all energy sources (e.g. fossil fuels, solar, wind or hydroelectric energy, etc) and consumption.

These records shall include, as a minimum, the following parameters:

- Energy sources used (type, renewable or not);
- Energy consumption rate per process line (fishing, processing, and transport).

Per use means the energy used for each boat and for the office.

Requirement		Level
8.2	The company shall set yearly objectives to improve its energy efficiency.	Recommendation

The auditor shall verify and report evidence that the unit of certification regularly calculates its carbon footprint per product unit and is actively engaged in reducing it every year.

3.9 Social accountability

The requirements included in this section of the FOS Wild Standard are applicable to all the crew operating on board the vessels supplying the unit of certification. If the review of written documentation is not possible for all requirements, the auditor can assess compliance of these requirements through staff interviews and observations of activities.

Requirement		Level
9.1	The company shall comply with the following requirements:	
9.1.1	Compliance with International Labor Organization and National Laws on child labor.	Essential

The Minimum Age Convention 1973 (No. 138) establishes the age at which children can legally be employed or otherwise work (such as internship and volunteer work) (Table 1). For the purpose of this standard, a child is defined as any person under 15 years of age. A higher age would apply if the national minimum age law stipulates a higher age for work or mandatory schooling. According to the exceptions made in ILO Convention No. 138 for developing countries, if the country permits, the minimum age may be 14 years.

Table 1. The main ILO’s Convention concerning the minimum age of admission to employment and work.

Items	The minimum age at which children can start work	Possible exceptions for developing countries
Hazardous work ¹	18 (16 under strict conditions)	18 (16 under strict conditions)

Basic Minimum Age ²	15	14
Light work ³	13–15	12–14

1 **Hazardous work:** Any work which is likely to jeopardize children’s physical, mental or moral health, safety or morals should not be undertaken by anyone under the age of 18.

2 **Basic Minimum Age:** The minimum age for work should not be below the age for finishing compulsory schooling and in any case not less than 15.

3 **Light work:** Children between the ages of 13 and 15 years old may do light work, as long as it does not threaten their health and safety or hinder their education or vocational orientation and training.

(Adapted from ILO: <https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm>).

The auditor shall ask the unit of certification to review copies of the official identification of all the employees, showing date of birth to assess compliance to this requirement. In addition, the auditor shall collect evidence that hazardous work is not performed by staff below age 18. This includes heavy lifting disproportionate to their size, operating heavy machinery, working night shifts and exposure to any toxic chemicals.

Requirement		Level
9.1	The company shall comply with the following requirements:	
9.1.2	Pay the employees adequate salaries compliant at least with the minimum legal wages.	Essential

1 **Wages:** remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered (ILO: Protection of Wages Convention, 1949 – No. 95).

The auditor shall ask the unit of certification to review copies of employees' contracts, wage records, working hours and pay slips signed by workers to assess full compliance. If the unit of certification is not in possession of legal documents that show the minimum wages of the country in which it operates, the auditor shall gain this information independently and verify that employees are paid at least the minimum wage. This applies also to seasonal/casual workers and foreign crew of vessels fishing outside territorial water. The auditor shall also make sure that the unit of certification is aware of the minimum wages of the country in which it operates.

More information about ILO standards on wages are available at: <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/wages/lang--en/index.htm>

Requirement		Level
9.1	The company shall comply with the following requirements:	
9.1.3	Grant employees' access to health care, where state healthcare is not available.	Essential

1 **Health:** in relation to work, it indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work (ILO: Occupational Safety and Health Convention, 1981 - No. 155).

The unit of certification shall have workers' compensation insurance to cover their employees when an illness or injury happens at work. The auditor shall verify that the unit of certification provides, where necessary, measures to deal with emergencies and accidents, including adequate first-aid arrangements. In the case of a job-related accident or injury, if the workers' compensation insurance does not

cover all the costs of treatment of employees, the unit of certification shall be aware that it must be responsible for that cost. Evidence may be employee insurance covering work-related medical expenses.

More information about ILO standards on healthcare are available at: <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang--en/index.htm>

Requirement		Level
9.1	The company shall comply with the following requirements:	
9.1.4	Apply safety measures required by the law. Nonetheless, compliance with the minimum safety requirements are mandatory, even if not required by local law.	Essential

The auditor shall verify what the local occupational safety regulation requires and collect evidence that the unit of certification respects all mandatory safety measures. If a national health and safety standard does not exist in the countries where the unit of certification operates, or if it does not meet the minimum safety requirements, the auditor shall verify and collect evidence that:

- Hazards and risks in the work environment are minimized;
- There are not immediate dangers to life;
- Safe drinking water is provided to all workers;
- Health and safety training is provided to all workers;
- Personal Protective Equipment (PPE) is provided for all workers.

More information about ILO standards on occupational safety and health are available at

<http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang--en/index.htm>

Requirement		Level
9.1	The company shall comply with the following requirements:	
9.1.5	Keep records of accidents or injuries.	Recommendation

The auditor shall review records of accidents or injuries to workers. In order to avoid future occurrences, these records shall be used for the elaboration and/or constant improvement of a work safety plan for the unit of certification.

Requirement		Level
9.1	The company shall comply with the following requirements:	
9.1.6	No forced or compulsory labor.	Essential

1 Forced or compulsory labour: all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (ILO: Forced Labour Convention, 1930 – No. 29).

All work, including overtime, must be voluntary. The hours worked in excess of the normal working hours must be remunerated at the rates prevailing in the case of overtime for voluntary labor. The wages shall be paid to each worker individually. The auditor shall verify if work contracts are clearly articulated and understood by workers. During the interviews and on-site observations, the auditor shall ensure that the unit of certification does not retain any passports or other identity documents.

More information about ILO standards on forced or compulsory labor are available at: <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang--en/index.htm>

Requirement		Level
9.1	The company shall comply with the following requirements:	
9.1.7	No discrimination.	Essential

1 **Discrimination:** (a) any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies (ILO: Discrimination (Employment and Occupation) Convention, 1958 – No. 111).

Opportunities for recruitment, access to training, promotion, compensation, termination and retirement shall not be made based on race, color, sex, gender, sexual orientation, religion, political opinion, national extraction or social origin. Physical, verbal or sexual abuse, bullying or harassment are prohibited. The unit of certification must have an official anti-discrimination policy, which outlines its procedures and practices. During the interviews and on-site observations, the auditor shall ensure that discrimination does not occur at the unit of certification.

More information about ILO standards on discrimination are available at <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/equality-of-opportunity-and-treatment/lang--en/index.htm>

Requirement		Level
9.1	The company shall comply with the following requirements:	
9.1.8	Rights on board. Only applicable to safari boat tour.	Essential

Accommodation shall be maintained in a clean and habitable condition and shall be kept free of goods and stores that are not the personal property of the occupants or for their safety or rescue. Galley and food storage facilities shall be maintained in a hygienic condition. In addition, the staff's working hours must be managed respecting aspects of safety and health, including prevention of fatigue. Therefore, the auditor shall verify if the vessels are maintained in a clean and habitable condition and check if regular periods of rest of sufficient length are given to the staff.

Safari boat tour: All boat tours that last more than 24 hours and which require staff and guests to sleep on the boat.

3.10 Sustainability commitment

Requirement		Level
10.1	The company introduce to all its tour participants Friend of the Sea Sustainable Dolphin and Whale Watching project.	Essential

The auditor shall verify if the operators introduce tour participants to Friend of the Sea Sustainable Dolphin and Whale Watching project. The operators are requested

to explain during the initial briefing why some of the previous requirements are important to protect the cetaceans, such as, but not limited to, the minimum distance, the way to approach animals, and the prohibition to feed or swim with them. The target is to help tour participants understand the rationale of the project.

Friend of the Sea can provide a standard speech to the operators in order to facilitate the presentation of the project.

Requirement		Level
10.2	In order to continuously improve, the company shall recommend all its tour participants to report to Friend of the Sea (https://friendofthesea.org/contact-us/), in case they perceive that the company does not comply with some of these requirements.	Essential

The auditor shall verify if the operators invite tour participants to express their opinion about the dolphin or whale watching operation in the feedback form available on the Friend of the Sea website.

3.11 Other recommendations

Requirement		Level
11.1	The company supports the collection of data on the assessment of the size, distribution and other characteristics of the target cetacean population, in order to inform assessments of the potential impact of dolphin and whale watching.	Recommendation

In order to assess the potential impact of dolphin and whale watching activities in a given site, it is important to regularly monitor the size, distribution and other characteristics of the target cetacean population. In absence of other sources of stress or threats, a sustainable activity of dolphin and whale watching should not affect the viability of the target population. The company shall consult a marine biologist, or a comparable figure with a specific training background in the field, in order to perform these evaluations.

The auditor shall evaluate if the company effectively promotes research projects focused on the local cetacean population.

Requirement		Level
11.2	The company cooperates with universities, research groups and NGOs, providing data on local cetaceans.	Recommendation

The cooperation between the company and academic/scientific groups adds value to dolphin and whale watching operations, because, beside the enjoyment of tour participants, these activities can provide useful data about local cetacean distribution and health status. For this reason, the company is highly recommended to cooperate with universities, research groups and NGOs.

The auditor shall verify if the company effectively cooperates with research groups.

Requirement		Level
11.3	At least one marine or natural sciences biologist is part of the company's team.	Recommendation

The operators who guide tour participants during the dolphin and whale watching tour should be competent to provide scientifically reliable information. For this reason, at least one marine or natural sciences biologist should be part of the company's team. If not hired, the company should at least consult a marine or natural sciences biologist on how to deliver information to tour participants.

The auditor shall evaluate the operators' CV, which must be attached to the audit report.

Requirement		Level
11.4	The company runs citizen science project(s). The data collected are shared with universities, and/or research groups, and/or NGOs that are working on local cetacean populations.	Recommendation

In reference to Requirement 11.2, the company can involve tour participants in data collection activities, promoting virtuous citizen science projects.

The auditor shall evaluate the existence of such a project, and describe it in the audit.

Requirement		Level
11.5	The company keeps a logbook with sightings of wounded cetaceans, and shares the information with the competent authority.	Recommendation

The auditor shall verify the presence of a logbook with sightings of wounded cetaceans. The company must share these data with the competent authority.

Requirement		Level
11.6	The company uses ducted propellers.	Recommendation

The auditor shall collect evidence of conformity.

Requirement		Level
11.7	The use of boats without an engine is encouraged, where applicable.	Recommendation

The auditor shall verify if the company uses for example kayaks, sail boats, etc. The use of boats without an engine reduce the risk of potentially lethal injuries for cetaceans.

Requirement		Level
11.8	Sustainable sunscreen cream should be used, where applicable.	Recommendation

For further information regarding sustainable sunscreen refer to:



<https://friendofthesea.org/sustainable-standards-and-certifications/sustainable-omega-3-oil-and-uv-creams/>

4 FOS Dolphin and whale watching standards adaptation to scientific groups

Scientific projects aimed at studying cetaceans and their habitat, to understand their behavior, assess their health status and evaluate human impact, are fundamental to detect any possible threat to the survival of cetacean populations in a specific site.

For this reason, Friend of the Sea supports scientific groups that perform research projects following sustainability criteria, adapting FOS Dolphin and whale watching standards to the needs of scientific research. This section refers to the FOS Dolphin and Whale Watching Standard for Scientific Groups. However, this checklist does not substitute local research permits where applicable.

In particular, the Audit guidance has been adapted to facilitate scientific research in the following requirements:

- Requirement 3.2: scientific groups are allowed to shorten the minimum distance if it is indispensable for the collection of scientific data.
- Requirement 3.5: scientific groups are allowed to approach mothers, calf/juvenile pairs, isolated calves/juveniles, mating cetaceans or cetaceans that appear to be resting or avoiding boats if it is required to complete the study.
- Requirement 3.7: the maximum permanence time in the *Watching zone* has been deleted to facilitate data collection for a scientific project requiring longer time spent with cetaceans.
- Section 11: Other recommendations concerning the support of the tourist activity of dolphin and whale watching to scientific research have been deleted. Since Friend of the Sea supports sustainable scientific projects, this section was superfluous.

For a better understanding of the two specifically adapted requirements, please read the following.

Requirement		Level
3.2	<p>Except when cetaceans approach the boats, boats shall always maintain themselves at a minimum distance from the cetaceans. The minimum distance is 100 m (328 ft) from whales and 50 m (164 ft) from dolphins (<i>Watching Zone</i>).</p> <p>A shorter distance is prohibited, unless it is indispensable for the collection of scientific data useful for the research project.</p>	Essential

As already explained in Requirement 3.1, a minimum distance is required to perform a sustainable dolphin and whale watching operation. While for whales the minimum distance is 100 meters (328 ft), for dolphins the minimum distance could be shortened to 50 meters (164 ft). For both, whales and dolphin, sidestepping the *Watching zone* to get closer to the cetacean/s is prohibited, in order to preserve the animal/s well-being as well as human safety.

The minimum distance has been established on the basis of the animal’s speed: boats can get closer to dolphins versus whales, since dolphins are faster than whales and can easily evade the boat if they want. In both cases, if cetaceans change swimming speed, course of travel and orientation during and/or before interaction with humans, it could indicate an avoidance reaction to human activity. (Bejder & Samuels, Evaluating impacts of nature-based tourism on cetaceans, 2003)

The only exception to the requirement is granted to research groups carrying out cetacean-watching scientific projects, while always respecting animals' and scientists' safety: research groups are allowed to approach cetaceans at a shorter distance if it is indispensable for the collection of scientific data.

Boats must always keep a slow and constant no-wake speed (≤ 5 knots).

The auditor shall verify on-board the compliance with the procedure of approaching cetaceans, evaluating if the boats respect the established distances and maintain a proper behavior in the *Watching Zone*.

Requirement		Level
3.5	The boats shall not intentionally approach isolated mothers, calf/juveniles' pairs, isolated calves/juveniles, mating cetaceans nor cetaceans which appear to be resting or avoiding boats, unless it is necessary for the purposes of the scientific project.	Essential

In reference to what explained in Requirement 3.4, the operator should not intentionally approach isolated mothers, calves or juveniles isolated or in pairs. This kind of approach could negatively impact cetaceans' well-being. Moreover, it can endanger the survival of calves that heavily rely on mothers for food and protection. Thus, the operators should be able to identify calves during a watching operation, focusing on their dimension and colour.

The auditor shall verify on-board the compliance with the procedure of approaching and identifying cetaceans, evaluating if the boats respect the established distances and maintain a proper behavior in the *Watching zone*.

The only exception to the requirement is granted to research groups carrying out cetacean-watching scientific projects, while always respecting animals and scientists' safety.

5 Conclusions

In the last part of the audit report, the auditor is requested to flag if the company complies or not with the requirements of sustainability.

The auditor can flag the first option only if there are no essential non-conformities open. Failure to comply with the requirements classified as "Recommendations" does not preclude the certification of the company under audit.

The audit can flag the second option only if the company was not able to comply with all essential requirements. In this case, the auditor shall report why the company did not pass the audit.

In any case, the auditor shall list all the non-conformities detected during the audit, and specify if they have been solved or not (especially with regards to the Essential non-conformities)

“The Auditor shall fill out the following fields:

- The company COMPLIES with Sustainable Dolphin and Whale Watching requirements**

- The company DOES NOT COMPLY with Sustainable Dolphin and Whale Watching requirements**

ESSENTIAL NON-CONFORMITIES (corrective plan to be produced within 3 weeks and correction within 1 year)

List of essential non-conformities

RECOMMENDATIONS (to be communicated within the next inspection)

List of recommendations

Once the audit report is closed, the auditor has up to 10 working days to send it to Friend of the Sea, which will issue the related certificate to the company.

6 References

- Bejder, L. (2005). *Linking short and long terms effects of nature based tourism on cetaceans*. Dalhousie University.
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- Christiansen, F., Lusseau, D., Stensland, E., & Berggren, P. (2010). Effects of tourist boats on the behaviour of Indo-Pacific bottlenose dolphins off the south coast of Zanzibar. *Endangered Species Research*, 91-99.
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