

Friend of the Sea Audit Guidance for the Sustainable Whale Shark Watching Standard



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 organisation 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 whale shark watching standard.

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 has to 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 has to 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:

h) Period of the year during which whale sharks can be spotted in the area.
i) Coordinates 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

- The Friend of the Sea project has been outlined to the company under audit**
(If not, the auditor shall provide a short description to the company)
- The organization was informed of the opportunity, in case of approval, of using the Friend of the Sea logo in association with its whale shark watching activity** *(e.g. boats, marketing material and website)*
- The duration of the audit has been agreed upon**
- The information included in the Preliminary Information Form (PIF) has been confirmed as valid** *(in the case of changes to the PIF, an updated version has to be promptly provided).*

Notes to the auditor

- 1)** The auditor shall fill out all fields in the checklist.
- 2)** The Auditor shall provide an explanation when requirements are not applicable.
- 3)** The Auditor shall write YES when the company complies with a requirement and NO when it does not.
- 4)** The Auditor shall comment and explain the positive or negative answers. Mere "YES," "NO," or "N.A." are not considered as sufficient and additional certification will be requested.
- 5)** Each relevant document shall be added to the final audit report in a separate and numbered attachment.
- 6)** Photographic and videos added to the checklist or attached can represent valid onsite evidence.

3. Audit guidance

According to IUCN Red List, both whale sharks are classified as endangered, with a declining trend all over the world (Pierce & Norman, 2016). Although several NGO, non-profit associations and individuals promote preservation projects, a responsible tourism can be an effective tool for conservation efforts, because it sensitizes people to adopt appropriate behaviours, educating them about whale sharks' threats and their habitat issues, and it is a sustainable source of income for the local economy. For this reason, Friend of the Sea aims to certify all those activities bringing tourists in contact with whale sharks in full respect of their safety and health conservation.

In this section Friend of the Sea wants to provide the auditors and the operators with a complete explanation of the requirements and how to be in compliance with them in order to certify a sustainable whale shark watching activity.

3.1 Authorization and permits

Requirement		Level
1.1	Whale sharks watching operations are authorised by a permit granted by the responsible authority, for a given area, where applicable.	Essential

In many countries, just a limited number of permitted (licensed) operators can undertake commercial whale sharks watching activities. This is important to guarantee the sustainable management of these operations, since, ideally, the number of permits available depends on 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 whale shark 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 permission to practice whale shark 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.

Requirement		Level
1.2	All vessels used in whale shark watching operations are authorised 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 national 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 authorisation to navigation for each vessel under audit. 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 Boats authorized location and approach

Requirement		Level
2.1	In the whale shark area, the maximum speed allowed is 7 knots. Once a whale shark is spotted, boats must have a speed ≤ 3 knots. Chasing whale sharks is not permitted.	Essential

It is important to minimize the impact of human presence during whale watching activities, because in case of disturbance caused by marine tourism, animals show stress responses, shifting from fundamental behavioural activities to vigilance or escape behaviour (Montero-Quintana, Vasquez-Haikin, Merklings, Blanchard, & Osorio-Beristain, 2018).

For this reason, Friend of the Sea certifies those companies that respect speed limits during the whale shark watching activities in order to minimize the risk of disturbance to normal whale shark behaviour, boat strike and vessel crowding, while providing a safe and enjoyable experience for passengers (Whale shark management with particular reference to Ningaloo Marine Park, Wildlife management program no. 57, 2013).

In particular, once that the boat reaches the whale shark area, that can vary from place to place and as a consequence it cannot be defined uniquely, the maximum speed allowed is 7 knots, reduced to ≤ 3 knots when a whale shark(s) is(are) spotted. In order not to stress the animal, it is also forbidden to chase whale sharks.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the boats respect the established speed limits.

Requirement		Level
2.2	Only one boat can interact with whale sharks. If there are more than one boat, the interaction can be allowed alternately.	Essential

In order to avoid of disturbing whale sharks and reduce the risk of boat strike and vessel crowding, providing a safe and enjoyable experience for passengers, it is essential that boats interact one by one with the whale shark(s), thus only the passengers of one boat at a time can swim with the sharks. In presence of more than one boat the interaction is allowed alternately, meaning that only when swimmers of one boat interacted with the sharks and went back to the boat, the second boat is allowed to enter the watching area and let passengers swim with the sharks.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the boats respect the established turns to interact with the sharks.

Requirement		Level
2.3	The boats never intentionally approach whale sharks from the rear. The approach must begin with an inclined route of approximately 30° with respect to the route of whale sharks, to become gradually parallel to their route.	Essential

In order to avoid of disturbing whale sharks and reduce the risk of boat strike and vessel crowding, providing a safe and enjoyable experience for passengers, it is essential that boats never intentionally approach whale sharks from the rear, since it could be intended as a threat from the whale sharks.

For this reason, the approach to the shark(s) must begin with an inclined route of approximately 30° with respect to the route of the whale sharks, to become gradually parallel to their route.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the boats respect the established route of approaching.

Requirement		Level
2.4	The boats shall not intentionally approach whale sharks which appear to be avoiding boats.	Essential

In continuity to the Requirement 2.1 that specify that it is not allowed to chase whale shark(s), if the animals show an escape behaviour, changing their direction to avoid the boat, it is not allowed to intentionally approach that whale shark(s).

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the boats respect the animal intentions of being or not approached.

Requirement		Level
2.5	Engines shall be placed in neutral when boats stop to observe whale sharks.	Essential

In order to reduce the disturbance and to be quickly ready to go away if the whale sharks show an escape behaviour, engines shall be placed in neutral when boats stop to observe whale sharks.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks.

Requirement		Level
2.6	<p>The crew is aware of the position of the whale sharks at any time, in order to avoid collisions or getting too close to the whale sharks.</p> <p>Particular attention must be paid when the tour participants enter the water, and when they get back on the boat.</p>	Essential

It is essential that the crew is always aware of the position of each whale shark at any time, in order to avoid collisions or getting too close to the sharks. In addition, particular attention must be paid when the tour participants enter the water and when they get back on the boat.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the crew maintains a proper behaviour.

Requirement		Level
2.7	<p>The captain and crew of the boat must always pay attention to avoid collisions with marine animals during the cruise phase. If the boat has to anchor, care must be taken to avoid damaging marine organisms.</p>	Essential

It is essential to be always aware of marine animals' presence around the boat, in order to avoid collision that could injury sharks during the cruise phase and the anchorage. The crew must pay particular attention to where to anchor, to avoid damaging corals and other marine organisms.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the captain and the crew maintain a proper behaviour.

3.3 Swim-with whale sharks

Requirement		Level
3.1	<p>The boat must be at least 5 meters (16.5 ft) away from the whale shark to let participants get into the water and swim with the whale shark.</p> <p>In the case of aggregation of whale sharks, the boat must be at least 10 meters (33 ft) from the closest whale shark.</p>	Essential

This and the following requirements in this section ensure that the whale sharks are not harmed or disturbed during interactions and that the experience for swimmers is safe and enjoyable.

It is important to minimize the disturbance to whale sharks, particularly during foraging, because it could be associated to a lower energy intake and this is potentially translated into a reduction in reproductive output or in long-term survival, with local consequences on population trends (Montero-Quintana, Vasquez-Haikin, Merklung, Blanchard, & Osorio-Beristain, 2018).

In order to avoid collisions or disturbing the animals, it is essential that boats let participants get into the water to swim with the whale sharks at the minimum distance of 5 meters. In case of aggregation of whale sharks, meaning a group of 2 or more whale sharks, the boat must maintain a minimum distance of 10 meters from the closest whale shark.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the boats respect the established distances and the crew and tour participants maintain a proper behaviour.

Requirement		Level
3.2	Tour participants must enter the water in a gentle way, trying to reduce the noise to a minimum. Jumping into the water is not recommended.	Recommendation

Given the increasing demand for whale shark tourism, without proper tourism protocols, these activities could have negative consequences on whale shark populations.

For this reason, it is important to educate tour participants to maintain an appropriate behaviour when they swim with whale sharks, in order to minimize their impact and maybe prolong the time of watching. When they enter the water, they shall be gentle avoiding jumping into the water and they shall reduce noises at a minimum. In order to apply the requirement, it is recommended to have a dedicated staff member who takes care of the entry of the participants into the water.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the tour participants maintain a proper behaviour.

Requirement		Level
3.3	Tour participants shall swim gently, keep their fins under the top of the surface while swimming, in order to reduce the noise.	Essential

In order to minimize the impact of the swimming activity and maybe to prolong the time of whale shark watching, once in the water, tour participant shall swim gently to avoid producing noise. When snorkelling, they shall reduce splashes of water by swimming keeping fins under the surface of water. In order to apply the requirement, it is recommended that a member of the staff explains how to behave with whale sharks during the initial briefing and give a reminder to the participants before getting into the water.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the tour participants maintain a proper behaviour when they swim with sharks.

Requirement		Level
3.4	Whale Sharks shall be approached never from the front nor from the rear, from above or from below, but always from the side.	Essential

When tour participants swim with whale sharks, they must respect the animals, avoiding swimming in front or back the animals, or swimming above/below, since this behaviour could disturb the whale sharks. For this reason, tourists must approach whale sharks only from the side.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the tour participants maintain a proper behaviour when they swim with sharks.

Requirement		Level
3.5	Do not touch whale sharks.	Essential

This is a crucial requirement in continuity with the Requirement 3.4. It is forbidden to touch whale sharks during the swim-with activities and several reasons support this requirement: first of all such an intrusive approach could stress the whale sharks, secondly it will reduce the time of interaction with the animals, finally it is possible to facilitate the spreading of pathogens by touching wild animals.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the tour participants maintain a proper behaviour when they swim with sharks.

Requirement		Level
3.6	<p>Keep always a minimum distance of 3 meters (10 ft) from the whale sharks, and minimum 4 meters (13 ft) from the tail.</p> <p>If a shark swims towards you, stay calm and move so as not to hinder its path.</p>	Essential

In order to preserve the animal health state, it is important to maintain a minimum distance of 3 m from each whale shark during a swim-with activity and 4 meters from the tail. This minimum distance includes selfie sticks and any other device/tool/item

too. It is possible that the whale shark swims toward a tour participant. In that case, he/she has to stay quiet avoiding sudden movements or noises and slowly move in order to clear the passage to the animal.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the tour participants maintain a proper behaviour when they swim with sharks.

Requirement		Level
3.7	Do not use the flash while taking pictures of whale sharks.	Essential

It is forbidden to take picture by using the camera flash because it could stress and scare whale sharks, reducing the time of interaction too.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the tour participants maintain a proper behaviour when they swim with sharks.

Requirement		Level
3.8	It's forbidden to use scooter or jet ski.	Essential

In order to avoid stressing the animals or even injury them, it is forbidden to use scooter or jet sky in presence of whale sharks.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the tour participants maintain a proper behaviour when they swim with sharks.

Requirement		Level
3.9	Intentional scuba diving with whale shark is forbidden.	Essential

In order to avoid stressing whale sharks with bubbles and to maintain divers safety, it is forbidden to practice intentional scuba diving with whale sharks. If a whale shark encounter happens while diving, apply all the requirement listed about how to interact and swim with them.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks, evaluating if the tour participants maintain a proper behaviour when they swim with sharks.

Requirement		Level
3.10	The maximum number of swimmers with each whale shark shall be maximum 6 plus a professional guide.	Essential

In order to minimize the disturbance to the whale sharks, the maximum number of swimmers allowed around each whale shark is 6 people plus a professional guide. If the number of participants is greater than 6 people, it is recommended to form groups, in order to allow alternate interaction with the whale shark.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks.

Requirement		Level
3.11	Maximum interaction time into the water with each whale shark is up to 30 minutes.	Essential

30 minutes is the maximum interaction time allowed with each whale shark: this time includes situations where you swim, get back on the boat and reach the shark again to swim again. In cases like this, the interaction time is considered in its entirety, from the first interaction in the water.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks.

3.4 Interaction with whale sharks

Requirement		Level
4.1	Feeding whale sharks and/or other animals is forbidden.	Essential

During the interaction with whale sharks it is firmly forbidden to feed sharks or other animals, in order to minimize the human impact on the wildlife. In fact, whale shark provisioning by guides or tourists can alter the behaviour of sharks around humans, such as attracting them to boats, exposing them to a higher risk of boat strikes and associated disturbance.

The auditor shall verify on-board the compliance with the procedure of approaching whale sharks.

Requirement		Level
4.2	Accurate information is provided to tour participants on how to behave when whale shark(s) are sighted.	Essential

The guides to the whale shark watching activities shall provide accurate information to tour participants in order to teach them how to behave when a shark is sighted.

To collect evidence of this, the auditor shall verify if during the guided tour participants are informed about the standard behaviours to adopt in the presence of whale sharks.

Requirement		Level
4.3	Accurate information is provided to tour participants about environmental issues related to whale sharks and the marine habitat and how everybody can contribute to reduce the impact.	Essential

In connection with the previous Requirement 4.2, the operators should sensitize tour participants to the importance of concerning the marine ecosystems to preserve the whale sharks' health status and survival. Tourists need to be aware of the threats that put at risk the existence of whale sharks, knowing that most of the species are classified as vulnerable/endangered/critically endangered. The guides shall explain to the tour participants how everybody can contribute to reduce the negative impact on sharks' life.

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

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

In order to adequately train the staff and to provide accurate information to tour participants, the operators and crew must follow training programs on the biology and behaviour of target species and on responsible whale shark watching operations.

The auditor shall collect any evidence of training, workshop or course organised by the company to train all staff involved in the whale shark 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 and they shall collect as an evidence of conformity certificates of attendance of the operators and crew.

3.5 Waste management

Requirement		Level
5.1	The company recycles all waste when recycling option is provided locally. In alternative, it appropriately disposes waste.	Essential

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

Requirement		Level
5.2	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
5.3	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 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
5.4	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 does not use CFC, HCFC, HFC or other refrigerants that cause ozone depletion.

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

The auditor shall verify and report on evidence that in case of spotting of floating fishing and equipment lost from other boats the crew act properly, collecting them.

Requirement		Level
5.5.1	All material collected shall be properly disposed of at port. If appropriate disposal facilities are not available, the company shall endeavour 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 company 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 company endeavour to work with port operators to provide adequate, low-cost and accessible disposal facilities.

Requirement		Level
5.5.2	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 company about working with ports to implement gear collection and/or recycling programs for end-of-life gear.

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

This is a crucial requirement to perform a sustainable whale shark watching operation, in order to reduce the polluting impact of the tour that could negatively impact not only on the whale sharks but also on the entire marine ecosystem.

The auditor shall verify the lack of on-board mono-use plastic through an onsite inspection and he shall review received invoices.

Requirement		Level
5.7	Snorkellers are invited to collect any type of garbage found during the dive and bring it back on board the boat. The company will take care to properly dispose of this waste.	Recommendation

In case of garbage found during the diving/snorkelling activity the auditor shall verify if the snorkellers collect and bring on board the waste, that must be properly disposed by the company.

3.6 Energy management

Requirement		Level
6.1	The company shall keep a file of energy consumed per use 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).

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

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

3.7 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 company. 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
7.1	The company shall comply with the following requirements:	
7.1.1	Compliance with International Labour Organization and National Laws on child labour.	Essential

The Minimum Age Convention 1973 (No. 138) establishes the age at which children can legally be employed or otherwise 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
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1. **Hazardous work:** Any work which is likely to jeopardize children’s physical, mental or moral health, safety or morals should not be done 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 company 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
7.1	The company shall comply with the following requirements:	
7.1.2	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 company to review copies of employees’ contracts, wage records, working hours and pay slips signed by workers to assess full compliance. If

the company is not in possession of legal documents that show the minimum wages of the countries 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 company is aware of the minimum wages of the countries 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
7.1	The company shall comply with the following requirements:	
7.1.3	Grant employees' access to health care.	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 company shall have workers' compensation insurance to cover their employees when an illness or injury happens at work. The auditor shall verify that the company 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 company 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
7.1	The company shall comply with the following requirements:	
7.1.4	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 company respects all mandatory safety measures. If a national health and safety standard does not exist in the countries where the company 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 minimised;
- 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
7.1	The company shall comply with the following requirements:	
7.1.5	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 company.

Requirement		Level
7.1	The company shall comply with the following requirements:	
7.1.6	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 labour. 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 company does not retain any passports or other identity documents.

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

Requirement		Level
7.1	The company shall comply with the following requirements:	
7.1.7	No discrimination.	Essential

1. **Discrimination:** (a) any distinction, exclusion or preference made on the basis of race, colour, 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' organisations, 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, colour, sex, religion, political opinion, national extraction or social origin. Physical, verbal or sexual abuse, bullying or harassment are prohibited. The company 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 company.

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
7.1	The company shall comply with the following requirements:	
7.1.8	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 fishermen'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 fishers.

More information about ILO standards on rights on board are available at www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188

Please refer also to the Maritime labour convention (MLC): <https://seafarersrights.org/seafarers-subjects/maritime-labour-convention-mlc/>

3.8 Sustainability commitment

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

The auditor shall verify if the operators introduce tour participants to Friend of the Sea Sustainable Whale Shark Watching project. Friend of the Sea shall provide a standard speech to the operators in order to facilitate the presentation of the project.

Requirement		Level
8.2	In order to continuously improve, the company shall recommend all its tour participants to report 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 whale shark watching operation in the feedback form available on the Friend of the Sea website.

3.9 Other recommendations

Requirement		Level
9.1	The company promotes the undertaking of an assessment of size, distribution and other characteristics of the target whale sharks' population, in order to also assess potential impact of whale shark watching.	Recommendation

In order to assess the potential impact of whale shark watching activities in a selected site, it is important to regularly monitor the size, distribution and other characteristics of the whale shark target population. In absence of other sources of stress or threat for the sharks, a sustainable activity of whale shark watching should not impact on the balance of the population. The company shall involve a marine biologist or a comparable figure with a specific training background in the sharks' field, in order to perform these evaluations.

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

Requirement		Level
9.2	The company cooperates with universities, research groups and NGOs, providing data on local whale sharks.	Recommendation

The cooperation between the company and the academic/scientific groups gives added value to the whale shark watching operations, because, beside the enjoyment of the tour participants, these activities can provide useful data about local whale

sharks distribution and health state. For this reason, the company is highly recommended to cooperate with university, research groups and NGOs.

The auditor shall verify if the company effectively cooperates with academic and not research groups.

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

The operators who guide tour participants during the whale shark 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.

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

Requirement		Level
9.4	The company is carrying on citizen science project(s). Data collected is shared with universities, and/or research groups, and/or NGOs that are working on local whale shark' populations.	Recommendation

In reference to the Requirement 9.2, the company can involve tour participants in the data collection activity, promoting virtuous citizen science projects.

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

Requirement		Level
9.5	The company keeps a logbook with sightings of wounded whale sharks, and it shares the information with the competent authority.	Recommendation

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

Requirement		Level
9.7	It is requested to use only sustainable sunscreen cream, 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. Conclusions

In the last part of the audit report the auditor is requested to flag if the company complies or if does not comply 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 get in compliance with all the 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 Whale Shark Watching requirements

The company DOES NOT COMPLY with Sustainable Whale Shark 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.

5. References

- Montero-Quintana, A., Vasquez-Haikin, J., Merklings, T., Blanchard, P., & Osorio-Beristain, M. (2018). Ecotourism impacts on the behaviour of whale sharks: an experimental approach. *Fauna & Flora International*.
- Pierce, S., & Norman, B. (2016). Rhincodon typus. *The IUCN Red List of Threatened Species*.
- Wildlife, D. o. (2013). Whale shark management with particular reference to Ningaloo Marine Park, Wildlife management program no. 57. *Department of Parks and Wildlife, Perth, Western Australia*.