



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

NOTICE TO ALL VESSEL OWNERS AND OPERATORS WHO ARE REQUIRED TO CARRY FISHERIES OBSERVERS

This NOTICE is a reminder to all vessel owners and operators of the responsibility to provide a safe working environment for fisheries observers carried on their vessels.

Mistreatment of observers is unlawful and the detection and prosecution of such violations is one of our highest enforcement priorities.

Under the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations, it is illegal to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel or data collector. These prohibitions apply to everyone onboard your vessel during an observed fishing trip. Federal law also requires the reporting of complaints or incidents of unlawful harassment, sexual harassment, or sexual assault on documented vessels.

Owners and operators whose vessels are subject to observer coverage have a key role in providing a safe working environment. Failing to prevent, or properly respond to, observer mistreatment aboard your vessel can result in substantial penalties.

In the event of observer mistreatment, NOAA will assess your culpability, as the owner or operator of a federally-regulated fishing vessel, based on your actions. This NOTICE provides guidance on steps you can take to protect observers and facilitate compliance with federal law that applies to vessels that are subject to observer coverage.

Prevention

Owners and operators should take proactive measures to prevent any instances of observer mistreatment from occurring on their vessels, including:

1. Screening applicants to avoid hiring operators or crewmembers who may pose a risk;
2. Providing guidance and training to employees regarding appropriate interaction with observers and consequences for any mistreatment of fisheries observers;
3. Supervising employees to ensure observer mistreatment is not taking place.

Response

When a vessel owner or operator learns of potential observer mistreatment, prompt action is critical. Appropriate responses may include:

1. Separating the suspected offender(s) from the observer;





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2. Encouraging the observer to contact the NOAA Workplace Violence Prevention and Response Office (noaa.victimservices@noaa.gov), which can provide confidential counseling to the observer;
3. Providing communications access such as radio, satellite phone, or satellite messenger to the observer to immediately report the incident to the NOAA Office of Law Enforcement if the observer wishes to do so;
4. Collecting information and/or preserving evidence;
5. Taking appropriate disciplinary action against any employees determined to have engaged in misconduct; and
6. Terminating the trip and returning to port and/or evacuating the observer if necessary.

Reporting

Fully cooperating in any ensuing investigation is extremely valuable and will, along with the prevention and response actions described above, be favorably considered in NOAA's evaluation of an owner or operator's potential liability. To report a violation, call the NOAA Office of Law Enforcement at (800) 853-1964.

In addition, under a recent change in federal law, 46 U.S.C. § 10104 now requires "the responsible entity" of a documented vessel to immediately report to the Coast Guard "any complaint or incident of harassment, sexual harassment, or sexual assault in violation of employer policy or law, of which such entity is made aware." The law defines the term "responsible entity of a vessel" to mean "(1) the owner, master, or managing operator of a documented vessel engaged in commercial service; or (2) the employer of a seafarer on such a vessel." A "documented vessel" is a vessel for which a certificate of documentation has been issued under 46 U.S.C. Chapter 121.

Training and Additional Resources

For training and additional resources on protecting observers from sexual assault, sexual harassment, and other misconduct, please contact the NOAA Office of Law Enforcement (<https://www.fisheries.noaa.gov/contact/office-law-enforcement>) or the National Observer Program (<https://www.fisheries.noaa.gov/topic/fishery-observers>).

