

Food and Agriculture Organization of the United Nations

# Ensuring socially, environmentally and commercially sustainable fisheries (COFI 33, Rome, July 2018



# Work in Fishing Convention C188, 2007 and related work

# **Brandt Wagner, ILO**





# ILO Founded 1919 UN agency – 1946 Decent Work







• Marine environment







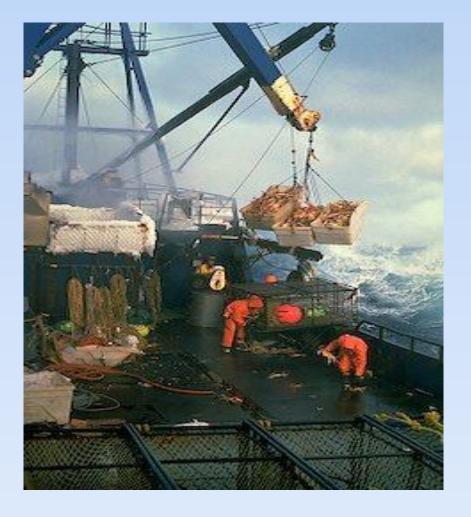
• Labour intensive





• Hazardous occupation

high fatality and injury rates





#### • Long periods at sea

#### Isolation

Inability to get help





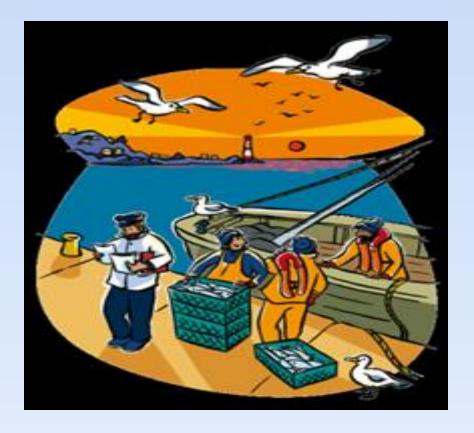
• Fishers (often) live and work on vessel







- Share system
- Lack of written contracts







• Long working hours and fatigue





- Limited trade union representation
- Fragmented fishing vessel owner organizations





- Migrant fishers
  - Visas/work permit issues
  - Recognition of certification, etc.
  - Physical abuse, non-payment
  - FL and trafficking

- Usually begins with the recruitment and placement process







• Child labour

Hazardous work – likely to harm the health, safety or morals of children



#### • Forced 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"



### **Conventions:**

### binding

### ILO supervises application



# Fundamental Principles and Rights at Work

- for all, including fishers

- forced labour;
- child labour;
- discrimination
- freedom of association and the effective recognition of the right to collective bargaining.

#### 2014 Protocol to the ILO Forced Labour Convention

- strengthens the international legal framework by creating new obligations to prevent forced labour, to protect victims and to provide access to remedy, such as compensation for material and physical harm.
- requires governments to take measures to better protect workers, in particular migrant labourers, from fraudulent and abusive recruitment practices and emphasizes the role of employers and workers in the fight against forced labour.

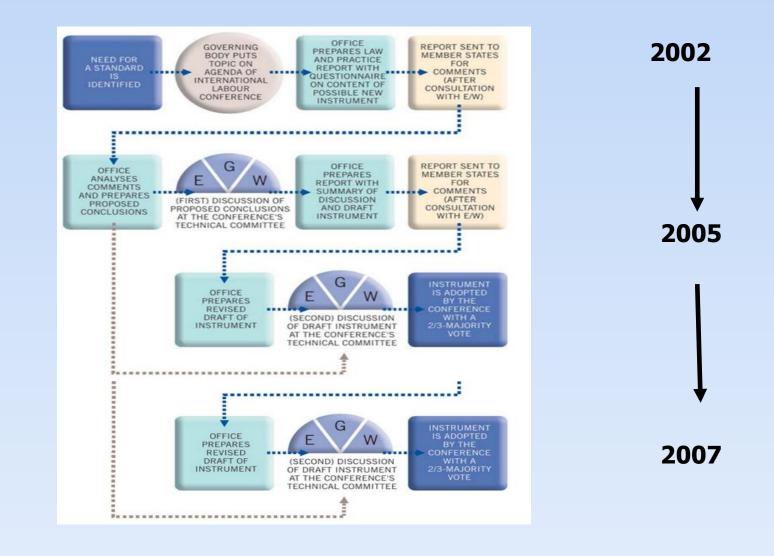


# ILO fishing standards





#### **ILO developed consolidated Convention for fishers**







# Work in Fishing Convention, 2007 (No. 188)



- Responsibilities of fishing vessel owners, skippers and fishers
- Minimum age
- Medical examination
- Hours of rest and manning
- Crew list
- Fisher's work agreement
- Repatriation
- Recruitment and placement of fishers
- Private employment agencies
- Payment of fishers
- Accommodation
- Food and potable water
- Medical care
- Occupational safety & health and accident prevention, risk evaluation
- Social security
- Protection in the case of work-related sickness, injury or death



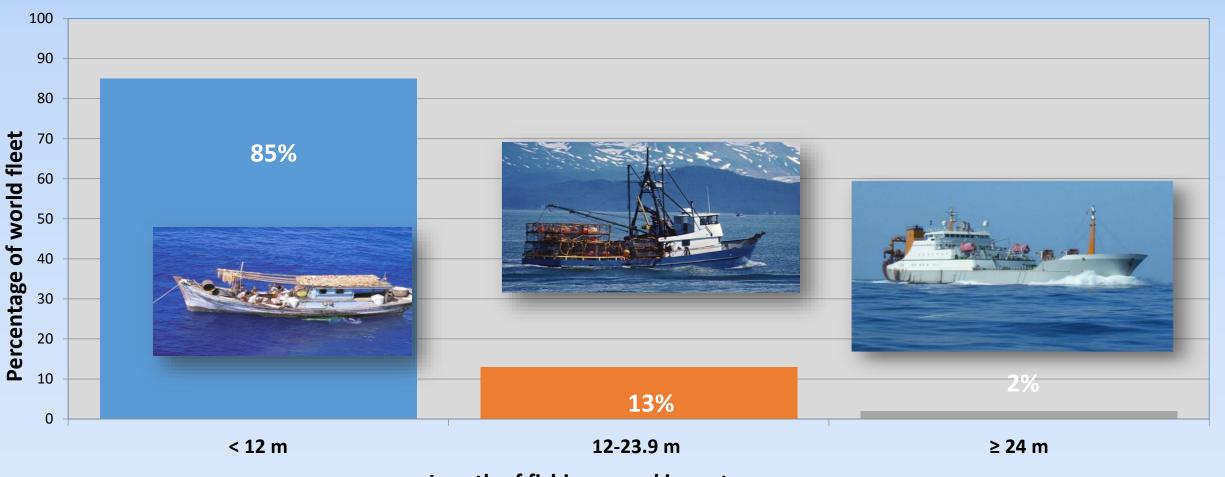


"all fishers and all fishing vessels engaged in commercial fishing operations."



#### **Flexibility needed**



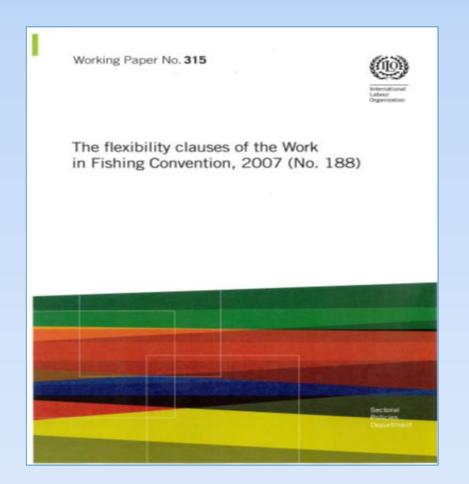


Length of fishing vessel in metres

Source: FAO (2012)

#### "Flexibility" clauses explained





### **Consultation essential**









#### Implementation

through laws, regulations or other (binding) measures

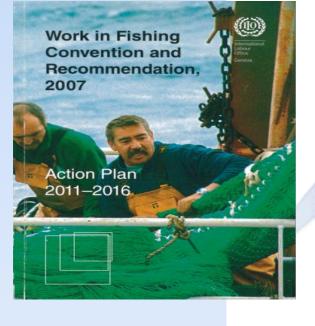
### Coordination

designate the responsible competent authority or authorities;

establish mechanisms for coordination among relevant authorities .... at the national and local levels

# Action Plan 2011-16





#### The

2007

add No. 2002 Red The Governing No. Body decides as a that the ILO will start work on new standards for the fishing sector

The International Labour Conference adopts Convention No. 188 and Recommendaton No. 199, as well as resolutions.

#### 2007-2010

Technical cooperation projects in Africa and Latin America Guidelines on port State control adopted Article 22 report form adopted **Regional seminars** Training material and handbook prepared Promotional material developed Technical assistance provided First ratification of Convention No. 188

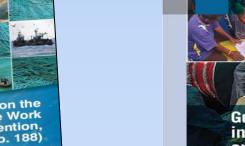
#### 2011-2016

Strengthen decent work on board fishing vessels through:

- gap analysis;
- training courses;
- workshops;
- technical cooperation and assistance;
- codes, tools, training material;
- development of model legislation;
- further ratifications;
- more capacity building.





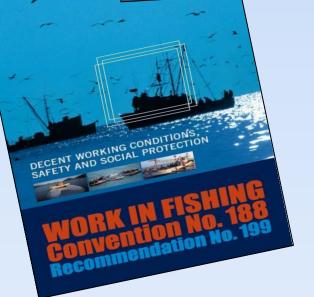


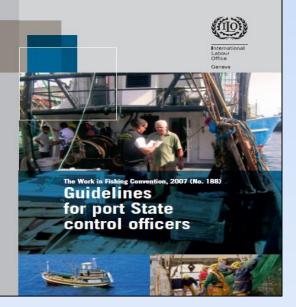


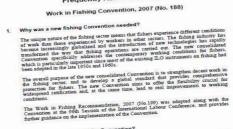
Training Manual on the Implementation of the Work in Fishing Convention, 2007 (No. 188)

Preface, Index and Profile of participants for the Training Course









2. What is the objective of the Convention? The objective of the Convention is to ensure that fishers worldwide enjoy decent and safe working conditions, with regard to the minimum requirements for work on beard, including conditions of service, accommodation and food and and health including underland or and local security. It is a codem lepal instrument, firm on principles and flexible on implementation, that may be widely ratified.

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Frequently Asked Questions

3. Who is a fisher? A fisher is every person, male or female, employed or engaged in any capacity on board any fishing veniel. This includes persons working on a vessel that are paid on the basis of a share of the catch. For the purposes of the Convention, fishers do not include pilots; naval personal; other persons in permanent sective of a government; there-based persons carrying out work aboard a fishing veniel; inherits observer, persons working adore in post-haveening activities such as yoo existing (when done abore), or in marketing activities.

Handbook For improving living and working conditions on board fishing vessels

KAUB - Convention No. 1981 -5 October 2012





# Way forward by States...

- Comparative analysis of national legislation
- Tripartite national consultations then changes to laws, regs, other measures
- Coordination and cooperation between relevant authorities
- National labour inspection in fishing





# Gap analysis matrix

C.188 provision	R.199 provision	National law, reg or measure	gap	How to fill gap



#### **Ratifications of C.188 so far**

- Bosnia and Herzegovina
- Argentina
- Morocco
- South Africa
- Congo
- France
- Norway
- Estonia
- Angola
- Lithuania



### 10 ratifications as of November 2016, so...

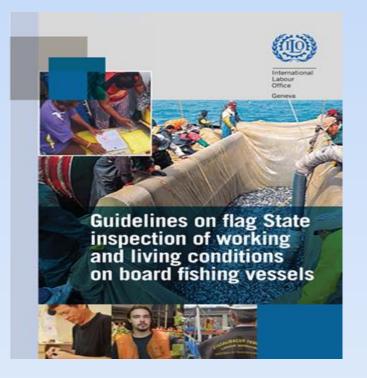
+1 years – Entered into force for ratifying States one year later (Nov 2017)

+2 years - ratifying States submit reports to ILO on how they are implementing the Convention (Nov 2018)

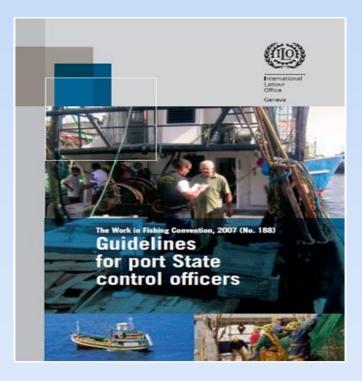
ILO supervisory system reviews reports, may send observations or direct requests to States



Guidelines on flag State inspection of working and living conditions on board fishing vessels



Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)



PROJECTS

Combatting Unacceptable Forms of Work in Thai Fishing and Seafood





- Stronger legal framework based on Forced Labour Protocol (C.29) and Work in Fishing (C.188)
- Building enforcement effectiveness
- Improve Thai industry good labour practices (GLP)
- Supporting migrant workers.



# **SEA Fisheries Project**

Strengthened coordination to combat labour exploitation and trafficking in fisheries in Southeast Asia

#### Where?

Based in Indonesia, covering ten countries in Southeast Asia.

#### **Partners?**

National line ministries, law enforcement agencies, workers' and employers' organizations, industry associations, civil society organizations; regional institutions, international buyers and retailers groups (market States); UN sister agencies and international organizations.





#### GOAL 8

Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

#### GOAL 14

Conserve and sustainably use the oceans, seas and marine resources for sustainable development





# ILO Tripartite Meeting on migrant fishers

(18-22 September 2017)

- Promote C.188, but also IMO Cape Town Agreement, STCW-F
- FAO PSMA

TMIMF/2017	International Abor Organization
Decent work for migrant fishers	
	Sectoral Policies Department

# ROAD MAP – FAO, ILO, IMO



# Questions about the Convention?

# What other information would be useful?

www.ilo.org/fishing