



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

COFI ●●●
#COFI33



ILO
Founded 1919
UN agency – 1946
Decent Work



Fishing – characteristics of 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.

ILO Declaration on Fundamental Principles and Rights at Work, 1998

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.

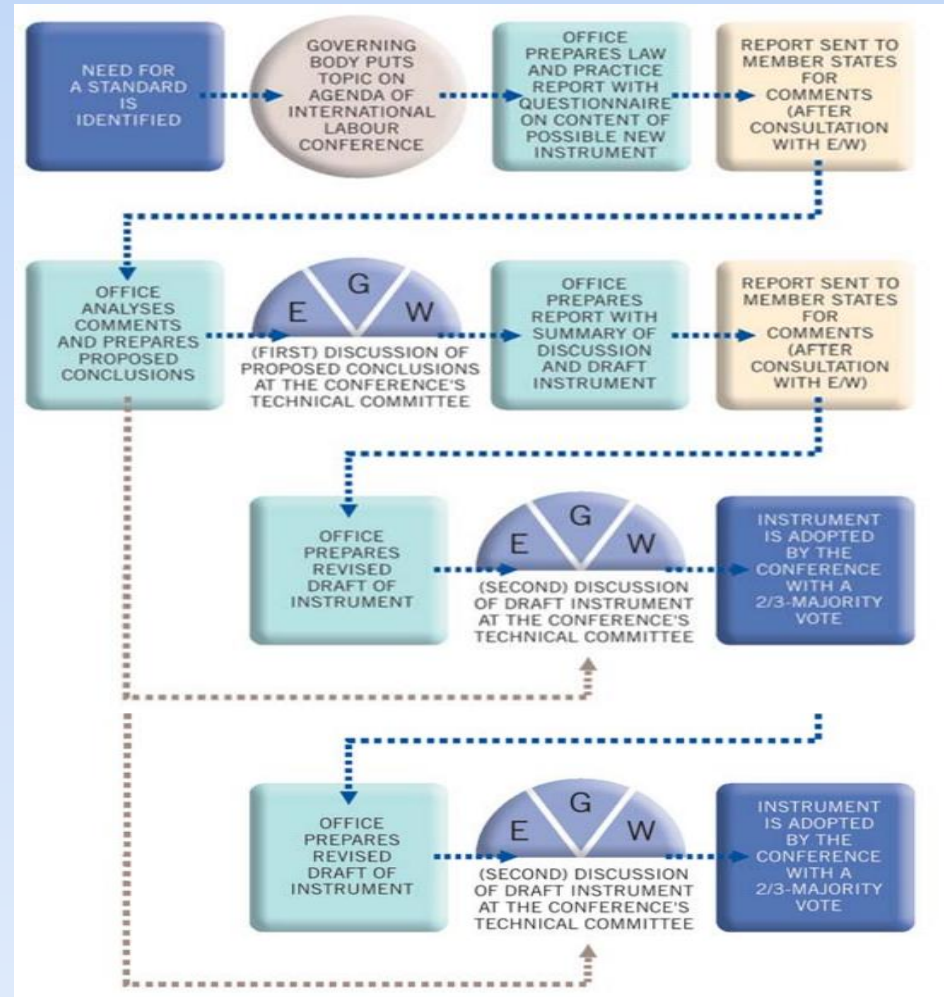


ILO fishing standards

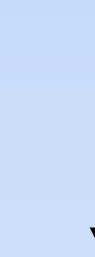




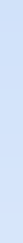
ILO developed consolidated Convention for fishers



2002



2005



2007



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

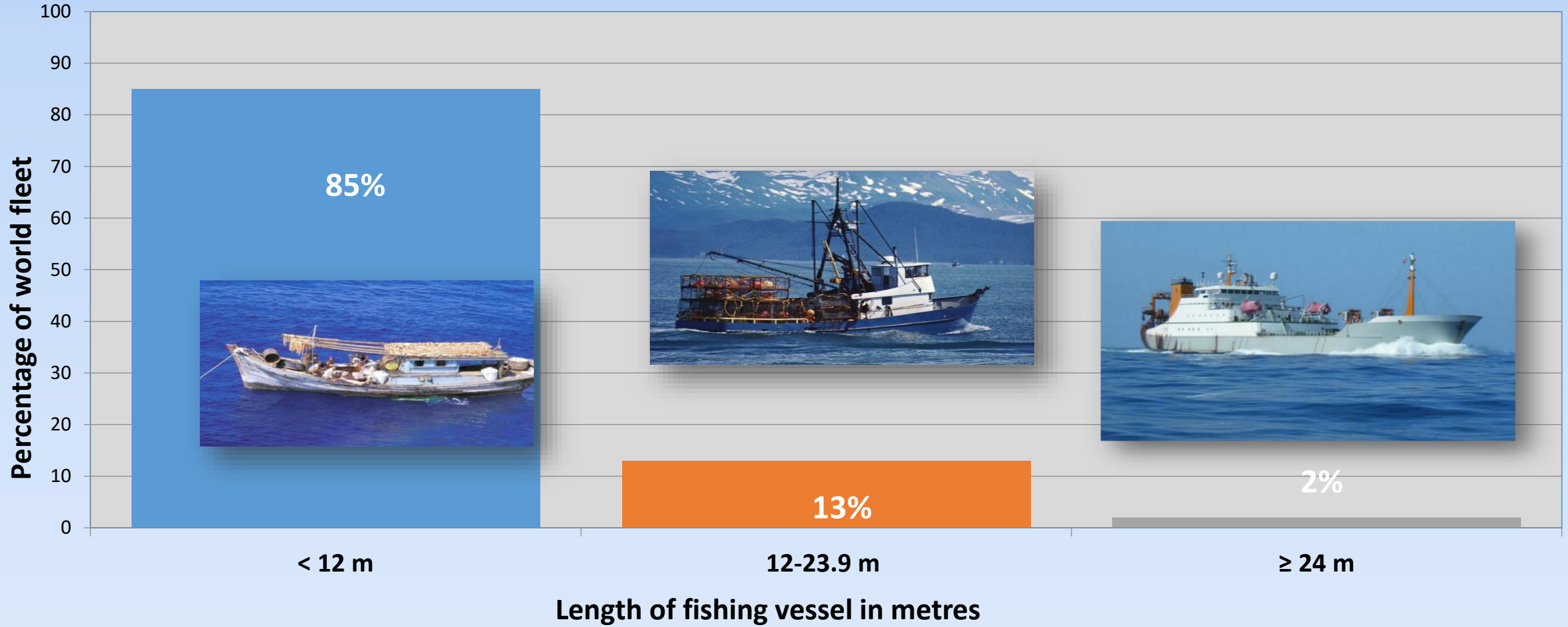
Scope



“all fishers and all fishing vessels engaged in commercial fishing operations.”

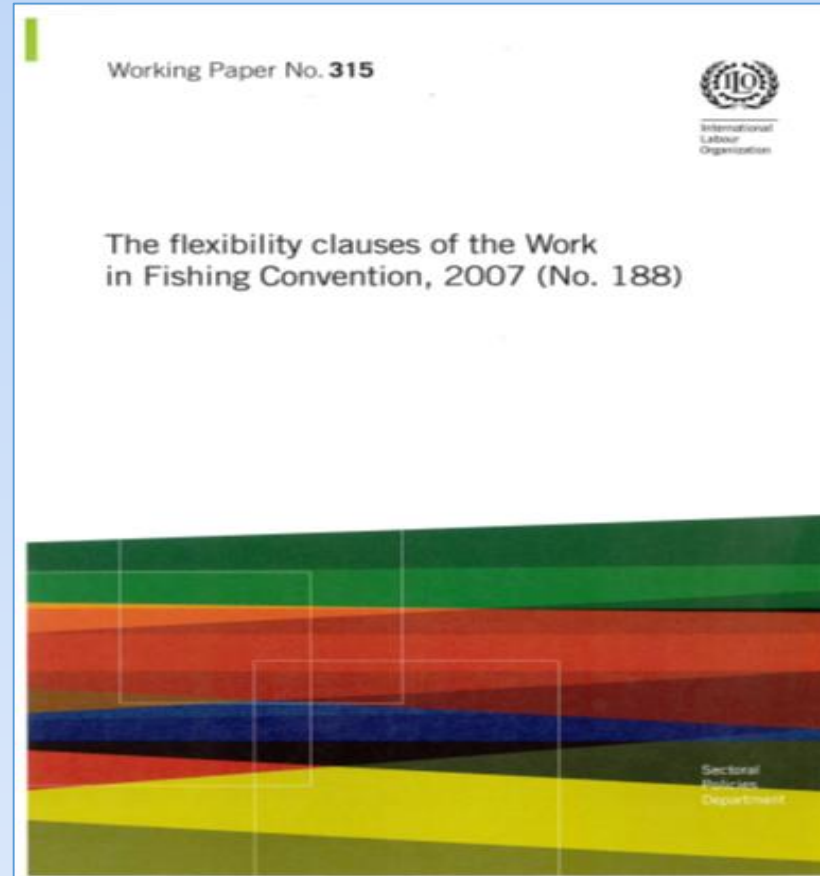


Flexibility needed



Source: FAO (2012)

“Flexibility” clauses explained



Consultation essential





Implementation

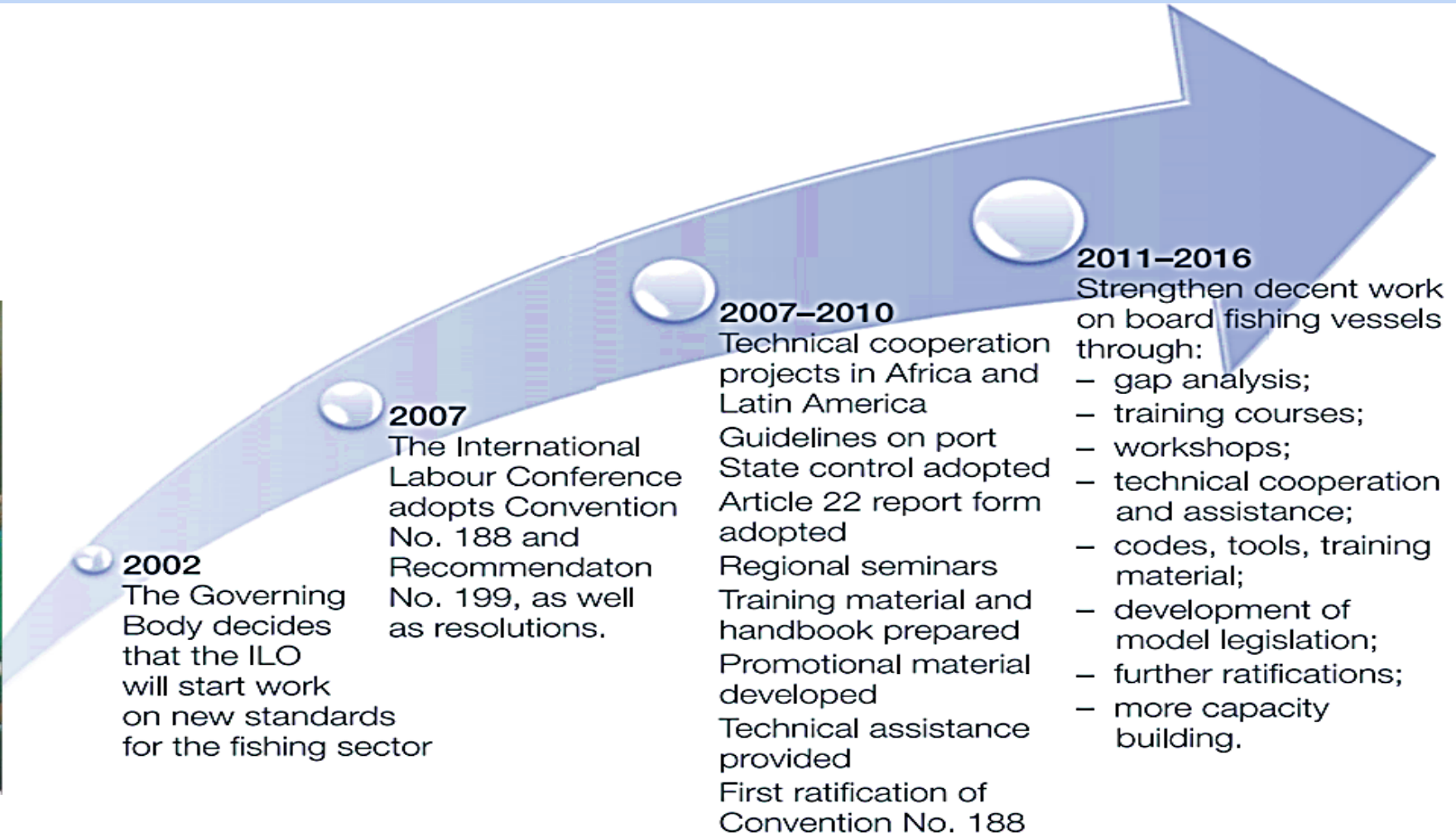
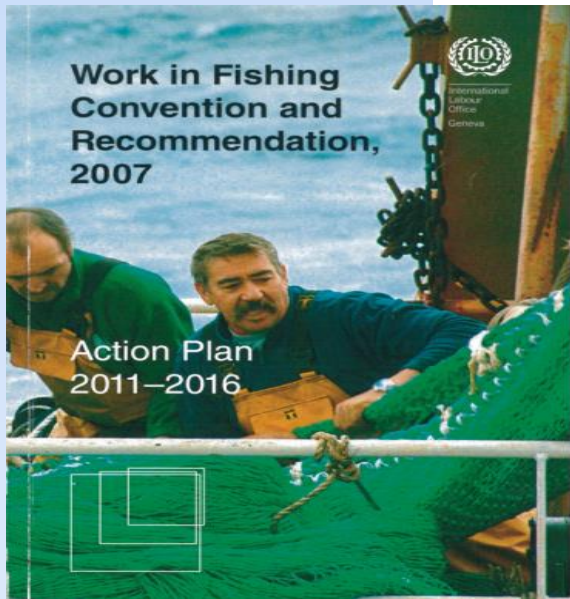
through laws, regulations or other (binding) measures

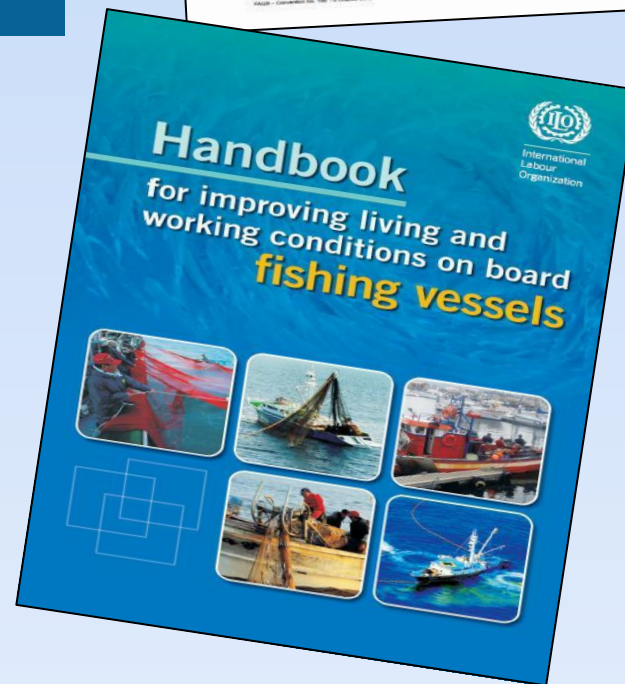
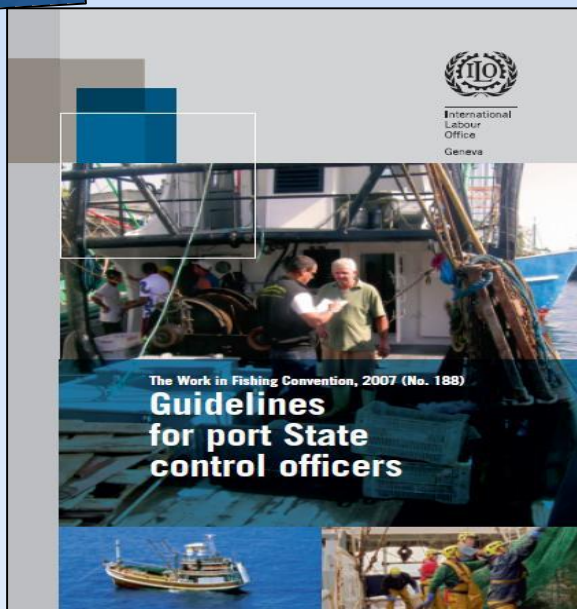
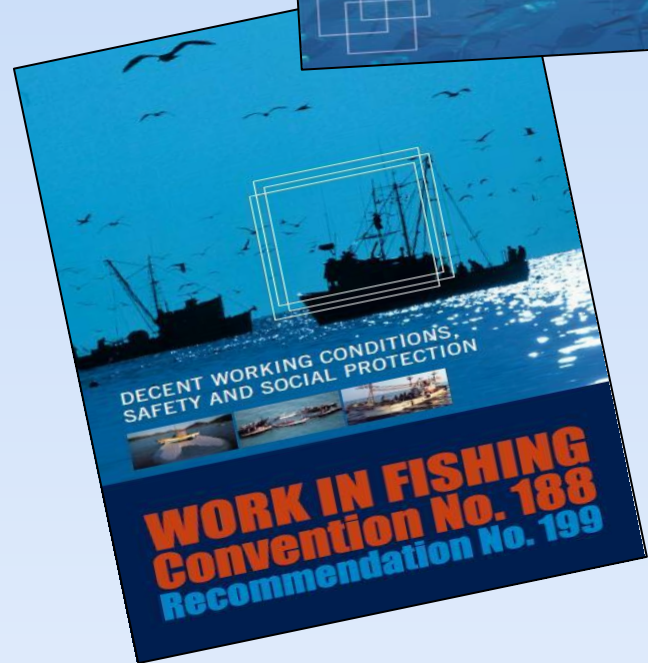
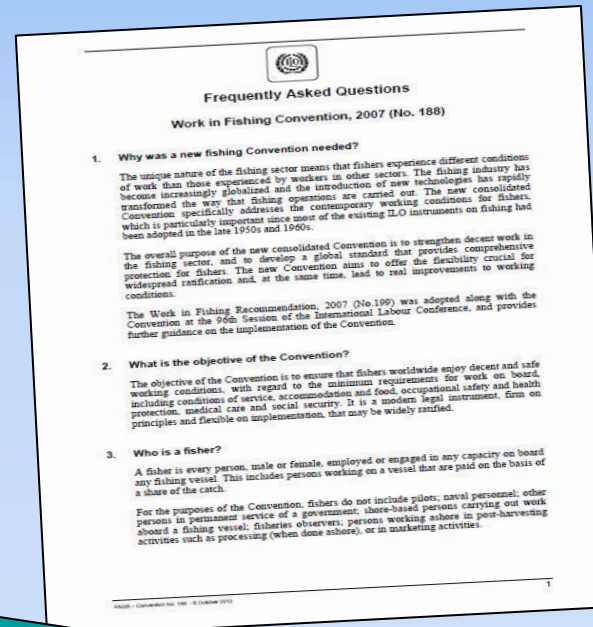
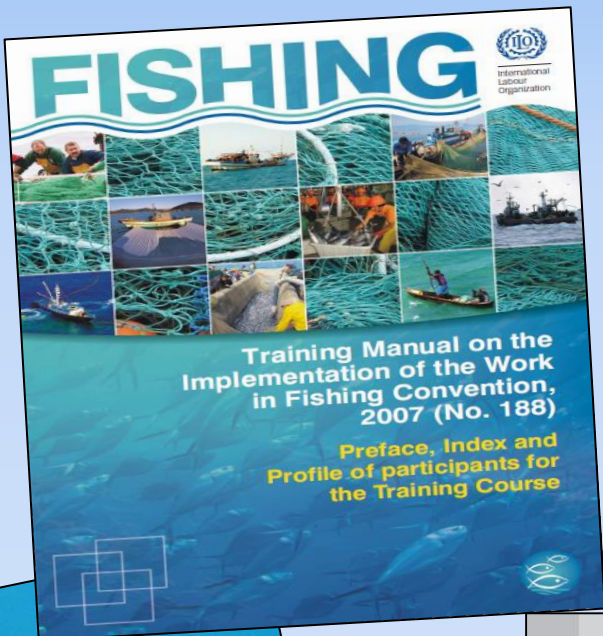
Coordination

designate the responsible competent authority or authorities;

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

Action Plan 2011-16





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)

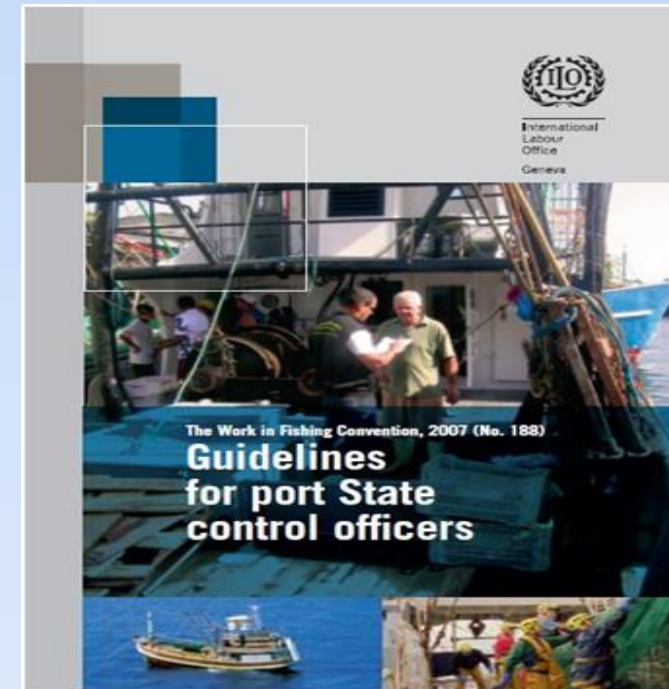
+2 years - ratifying States submit reports to ILO on how they are implementing the Convention (Nov 2018)

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)



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



CBD



FAO



IAEA



ILO



IMO



IOC



ISA



DESA



DOALOS



OHRLLS



UNDP



UNEP



UNESCO



UNHCR



UNIDO



WMO



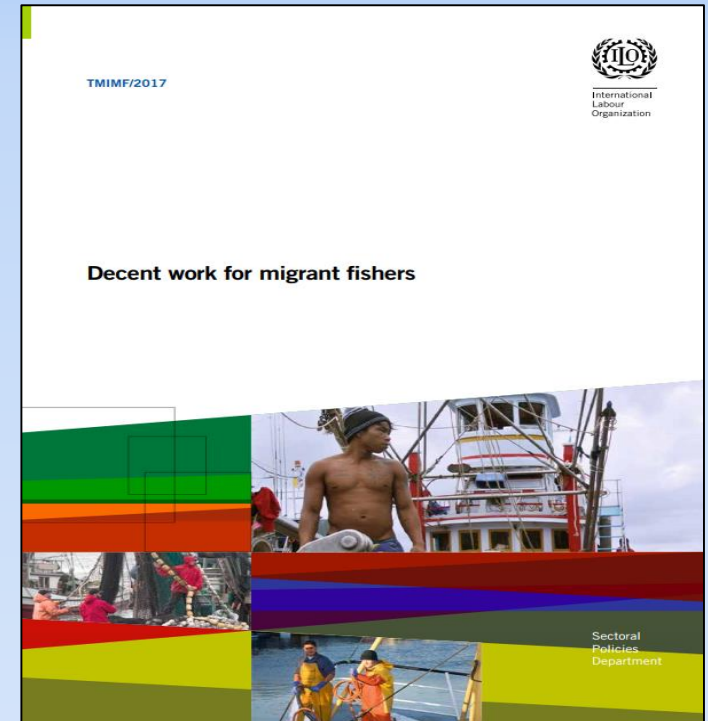
World Bank



ILO Tripartite Meeting on migrant fishers

(18-22 September 2017)

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



ROAD MAP – FAO, ILO, IMO



Questions about the Convention?

What other information would be useful?

www.ilo.org/fishing