



## **Overview of the contents of the Work in Fishing Convention (No. 188) and Recommendation (No. 199), 2007**

While it is always necessary to read the full texts of the Convention and Recommendation, the following provides a general guide to their contents.

### **Scope**

The **Convention** applies to all fishers and fishing vessels engaged in commercial fishing operations. (See Article 2)

Certain types of fishing vessels and limited categories of fishers or fishing vessels may be excluded from the requirements of the Convention, or from certain of its provisions. (See Article 3).

Certain, specified provisions of the Convention may be implemented progressively where it is not possible for a State to implement all the measures in the Convention owing to special problems of a substantial nature in the light of insufficiently developed infrastructure or institutions (See Article 4).

### **Implementation**

It is implemented through: laws, regulations and other measures – the latter may include collective agreements, court decisions, arbitration awards, or other means consistent with national law and practice. (See Article 6).

It contains general requirements covering all fishers and vessels, and higher requirements for larger vessels or those remaining at sea for extended periods.

### **Examples of issues addressed in the Convention**

The following subject areas, among others, are addressed:

- the responsibilities of fishing vessel owners and skippers for the safety of the fishers on board and the safety of the vessels (see Article 8)
- minimum age for work on board fishing vessels and for assignment to certain types of activities (see Article 9);
- medical examination and certification required for work on fishing vessels, with the possibility of exceptions for smaller vessels or those at sea for short periods (see Articles 10 to 12) ;
- manning and hours of rest (see Articles 13 and 14);
- crew lists (see Article 15);
- fishers' work agreements (see Articles 16 to 20);
- repatriation (see Article 21);
- recruitment and placement of fishers, and use of private employment agencies (see Article 22);
- payment of fishers (see Article 23);
- on board accommodation and food (see Articles 25 to 28);
- medical care at sea (see Article 29);
- occupational safety and health (see Articles 31 to 33);
- social security (see Articles 34 to 37); and
- protection in the case of work-related sickness, injury or death (through a system for fishing vessel owners' liability or compulsory insurance, workers' compensation or other schemes) (see Articles 38 to 39).

The Convention includes provisions concerning compliance and enforcement by flag States and ports States (see Articles 40 to 44).

The Convention will enter into force 12 months after the date on which the ratifications of ten Members, eight of which are coastal States, have been registered with the Director-General of the ILO (see Article 48).

The **Recommendation** provides additional guidance on the areas covered by the Convention. It also makes references to some other Codes and Guidelines, including those prepared jointly by the FAO, ILO, IMO and/or WHO, that are relevant to work in the fishing sector.