

**Tripartite Meeting of Experts on Labour
Standards for the Fishing Sector**Geneva
2-4 September 2003

Final report

Introduction

1. The Tripartite Meeting of Experts on Labour Standards for the Fishing Sector (hereafter referred to as the “Meeting of Experts”) met at the International Labour Office in Geneva from 2 to 4 September 2003. Having decided to place on the agenda of the 92nd (June 2004) Session of the International Labour Conference an item concerning a comprehensive standard on work in the fishing sector, the Governing Body also recommended that this Meeting of Experts should be held to make proposals on the contents of that standard for consideration by the Conference.

Composition

2. This Meeting of Experts was attended by 16 Government experts, 8 Employer experts, 8 Worker experts and 17 advisers. A number of non-governmental and governmental organizations were also represented.
3. The Officers of the Meeting of Experts were :

Chairperson: Mr. E. Sidorov

Vice-Chairpersons: Mr. J. O’Neill (Government expert, Canada)
Mr. J. Magnusson (Employer expert, Iceland)
Mr. P. Mortensen (Worker expert, Denmark)

Opening statements

4. The Secretary-General, stressing the diverse nature of the fishing sector, summarized the history of standard setting for this sector in the ILO. She outlined the work done by the Committee on Conditions of Work in the Fishing Industry, which had paved the way for the adoption of instruments in 1959 and 1966. She recalled that the most recent meeting on fishing in the ILO had been the Tripartite Meeting on Safety and Health in the Fishing Industry in 1999, which had made certain recommendations with regards to the revision of standards. These had been considered by the Governing Body and had been taken into account when it was decided to revise the existing Conventions and Recommendations to bring them up to date and provide comprehensive coverage of important labour issues

concerning work on fishing vessels. They outlined the calendar of events which would lead to the double discussion by the Conference in 2004 and 2005 and the adoption of the new standards. A report summarizing the views of constituents and also containing proposed conclusions on the form and content of the new standards would be drafted by the Office by November this year. This Meeting of Experts should assist the Office in the preparation of the proposed conclusions, which would be based on the replies from constituents as well.

5. The Chairperson urged the Meeting to use its collective knowledge and experience to provide the Office with guidance as to the possible contents of the draft instrument or instruments for the fishing sector to be discussed by the International Labour Conference in 2004 and 2005. The Office would then take these views into account in the preparation of the second report for the 92nd Session of the International Labour Conference in 2004. The Office law and practice report¹ stressed that this sector was diverse. The Meeting should consider the special characteristics of the fishing sector, in particular the widely used share system, which meant that many people working on fishing vessels were considered to be “self-employed” and therefore outside the legal protection provided to other workers.
6. The Deputy Secretary-General gave a summary of the replies received by the Office in response to the questionnaire contained in Report V(1). He indicated that the vast majority of the replies supported the adoption of a Convention supplemented by a Recommendation. While most seemed to agree that the instruments should cover fishing far from the shore, many would like to provide for the possible exclusion of inshore fishing and even more would want to exclude inland and river fishing. Some would like to differentiate between artisanal and family operations and larger scale fishing. However, the majority of replies would like to cover all persons on board appropriate fishing vessels irrespective of nationality. He went on to discuss briefly the gist of the replies on minimum age, medical examinations, medical care, contracts of employment, accommodation, hours of work, safety and health, social security and other issues. A comprehensive summary of the replies would be contained in Report V(2) to be published by the Office and sent to member States by March 2004.
7. The spokesperson for the Employer experts said that this Meeting was held to consider the recent developments in the fishing sector. He referred to the conclusions of the Tripartite Meeting on Safety and Health in the Fishing Industry in 1999 which were pertinent to the revision of the existing standards. He mentioned the low ratification rate of the existing Conventions and proposed that the new instrument should be broad and flexible in order to ensure wide ratification. The new instrument should take into consideration the different conditions in various countries. This Meeting should not duplicate the task of the International Labour Conference of 2004. He stressed that the scope of the new instrument was an important point and in this respect the issues of different fleet sizes, number of workers involved and who should be covered by the Convention should be clarified. The substance of the seven existing instruments should remain and the first part of the new instrument should cover the basic principles applying to all vessels. A separate part should cover the detailed requirements for larger vessels and another part would provide recommendations for smaller vessels that would not be binding.
8. The spokesperson for the Worker experts stated that the fishers welcomed this Meeting as they had for many years wanted to secure the adoption of new and up-to-date ILO fisheries instruments. This Meeting should be considered as a follow-up to the 1999 Expert Meeting

¹ Report V(1), *Conditions of work in the fishing industry*, 92nd Session, International Labour Conference, 2004.

and therefore take on board the conclusions, which it adopted. However, there was a need to reflect the changes, which had occurred since then, especially with regard to the new maritime instrument for seafarers. A great deal of work had been undertaken within the UN system on fisheries. The UN itself and the FAO looked at many issues and there was general agreement that the failure to address the social side of sustainable development had limited the international community's responses and the fishers therefore looked to the ILO to fill this gap. The Worker experts looked forward to participating in this Meeting and to using this valuable opportunity to provide guidance to the Office in the drafting of the new instrument. The group believed that the international community was looking forward to the successful conclusion of this work and would fully participate in a pragmatic and constructive manner. The fishers were aware of the wide differences between various fishing operations and would seek to ensure these and the complex issues they would give rise to would be addressed in a flexible manner. The fishers aspired to a meaningful and widely ratified new instrument, which would reflect the conditions in the sector and make a practical impact on the daily life of fishers.

- 9.** The Government expert from India, speaking on behalf of the Government group, said that there had been a broad discussion within the Government group as to the objective of this exercise. That discussion had highlighted the disparities in laws and customs in different countries engaged in fishing activities. Therefore a deeper discussion on the subject was necessary. He recalled the low rate of ratification of the existing instruments compared with other recent ILO instruments, such as the fundamental instruments. He called for greater thinking and measures to rectify this anomaly. He pointed out that the existing instruments were outdated and the new instrument should be relevant for many decades to come. It should incorporate flexibility and should not be overly prescriptive. He finally stressed that effort should not be focused on the adoption but on the acceptability of the new instrument.
- 10.** The Government expert from Denmark expressed the view that the experience gained from the consolidation of the maritime standards should be taken into account in preparing the new instrument for fishing. The instrument should also identify the basic principles. It should have the necessary flexibility and should take into account the characteristics of different countries.
- 11.** The Government expert from the United Kingdom stated that the new instrument should reflect the diversity of the fishing industry. It should be goal-setting and not prescriptive. It should take full account of special employment characteristics that in some cases might not be covered by an employer-employee relationship. It should also take into account other international instruments, and particularly the proposed consolidated maritime Convention, without conflict or duplication.
- 12.** The Government expert from Norway stressed the need for a new international labour instrument in the fishing industry that would provide global solutions to the living conditions of fishers and which would be widely accepted. He proposed that the procedures adopted in the case of the revision of Convention No. 185 should be adopted and highlighted the importance of enforcement in the new instruments. He finally said that compatibility with the consolidated maritime Convention was important.
- 13.** The representative of the Food and Agriculture Organization of the United Nations (FAO) pointed out that the FAO's Code of Conduct for Responsible Fisheries includes references to ILO standards. The speaker stated that the FAO fully supported the consolidation and revision of these standards and was offering its full cooperation.
- 14.** The representative of the International Maritime Health Association (IMHA) referred to the general principles in health matters in Convention No. 113 and supported the

requirement for medical examinations and the culture of prevention. She indicated that the *ILO/WHO Guidelines for pre-sea and periodic examination for seafarers* could be applicable for fishers. She finally stressed the importance of education of fishers in various fields, such as first aid and radio communication, and the need that the medical guide for ships should be available on deep sea fishing vessels.

15. The representative of the International Collective in Support of Fishworkers indicated that his organization was supportive of the initiative to create a comprehensive standard. He reminded the Meeting of the impact of new techniques, which would enable small-scale fisheries to extend the range of their work and to bring considerable changes to this part of the sector. It was therefore suggested that the new instrument should also cover small-scale fisheries.
16. In response to a question raised by the spokesperson for the Worker experts, the Secretary-General explained that the objective of the first question contained in MELSFS/2003/4 was to request the experts' guidance on the nature of the instrument. Concerns that a new instrument might be overly prescriptive had been raised and needed to be addressed. The outcome of this discussion was expected to provide clarity as to the way the instrument should be drafted.
17. In response to a question raised by the spokesperson for the Employer experts, the Secretary-General clarified that the listing in MELSFS/2003/4, under the heading "Issues to be included in the standard", was merely a list identifying the subject areas covered by the questionnaire. Whether any or which of these would be included in the new instrument was at the sole discretion of the constituents. The Secretary-General pointed out that two questions had to be decided regarding such subject areas. The first would be the question of including or excluding any such subject, and the second was the nature of such regulation (mandatory or non-mandatory).
18. The spokesperson for the Employer experts stressed that the work to be undertaken by the Meeting should be limited to the analysis of existing instruments. No issues should be included which were outside the scope of the existing instruments. Social security and occupational safety and health were already covered by national legislation. It was therefore not appropriate to add issues and concepts to the new instrument other than those already contained in the existing seven instruments.
19. In response, the spokesperson for the Worker experts highlighted that this view raised a fundamental problem. No decision should be taken at this stage to restrict the new instrument. He recalled the conclusions of the meeting in 1999 and pointed out that many maritime standards allowed for application to fishers, if member States decided to do so. Considering the work being done on the consolidated maritime Convention, such an extension of seafarers' rights to fishers might no longer be a viable option. Therefore, there was a need to include regulations formerly found only in maritime instruments in the new fishing sector instrument. Moreover, answers to the questionnaire needed to be fully taken into account before any such decisions could be taken.
20. The Government expert from Namibia emphasized the importance of social security issues, but reminded the Meeting of the fact that not all member States had such legislation. Flexibility was also needed in regards to wages, since these were often determined by collective agreements and therefore not under the influence of governments. Referring to the work done on the consolidated maritime Convention, the speaker suggested that the new instrument's structure should clearly reflect mandatory as well as non-mandatory regulations.

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21. The Government expert from Norway observed that working and living conditions of fishers would have to be addressed and that there was a need for new regulations, taking also into account the diversities existing within the industry. He also recognized that some issues could prove controversial, and reserved his right to come back on question No. 3(b).
 22. The Government expert from Brazil, addressing question No. 3(b), highlighted the issue of prevention and safety at work. He suggested that some categories of fishers, like shellfish harvesters, should also be considered.
 23. The Government expert from Denmark indicated that his delegation was completely open to discussion, without rejecting any item a priori. He suggested that the issue of responsibilities, either from flag States, port States, or labour-supplying countries, as well as the inclusion of a procedure of tacit amendment in the future instrument should be discussed.
 24. The Government expert from Ireland, regarding question No. 3(b), suggested that the reasons for the poor ratification record of the existing fishing instruments should be studied.
 25. The Government expert from Canada reminded the Meeting that fishing was one of the most dangerous occupations. He remarked that it had been observed that young workers were especially prone to accidents, and particular consideration should be given to the issues related to the promotion of occupational safety and health (OSH), via education, with regard to younger workers.
 26. The spokesperson for the Employer experts explained that it was not the intention of his group to discuss the questionnaire, but to point out that the inclusion of new issues in the discussion would be contrary to his group's objectives. He also observed that, in his group's opinion, some of the conclusions reached in the 1999 meeting were binding.
 27. The Secretary-General recalled the decision of the Governing Body that the future standard should also address new issues and complement the work done by various intergovernmental organizations. The Office was, therefore, requested to go beyond the issues covered by the seven instruments, whether these would be discussed during the present Meeting or not.
 28. The spokesperson for the Worker experts introduced the document drafted by his group which proposed a structure for the new instrument, (see Annex I).

Minimum age and work of young persons

29. The Government expert from India, in his function as Chairperson of the Government group, considered that the issues identified by the Office in document MELSFS/2003/4 provided a wide gambit, and that the document submitted by the ITF could be used to move along those issues. As to minimum age, the Government group generally felt that the floor level of the minimum age should be fixed at 16 years and increased to 18 years in case of deep-sea fishing vessels and hazardous activities on board fishing vessels. He further recalled that many young persons between 16 and 18 years of age were trained by family members on family-operated vessels, and that this was necessary. The minimum age in developing countries could be 14 years instead of 16.
30. The Government expert from Chile agreed with a minimum age of 16 years, provided that the compulsory education was completed, the parents authorized employment and the work was not hazardous. As to the suggested lower minimum age for developing countries,

she stressed that fishing activity implied that minors would be separated from their parents for a long time.

- 31.** The Government expert from the United Kingdom favoured a goal-setting rather than a prescriptive approach for young persons between 16 and 18 years of age. She suggested to set a limit of 16 years, while giving special account to the youth and inexperience of young persons between 16 and 18 years of age, without specifying what activity on board fishing vessels was hazardous.
- 32.** The spokesperson for the Employer experts noted the existence of the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Minimum Age Convention, 1973 (No. 138).
- 33.** The Government expert from Norway concurred with a minimum age of 16 years. Certain activities, including night work, should be prohibited for young persons between 16 and 18 years of age. He believed that risk evaluation and management relating to on-board activities of young persons between 16 and 18 years of age was necessary.
- 34.** The Government expert from Brazil stated that young persons between 16 and 18 years of age should be involved in fishing as apprentices, and that persons of 18 years should be required to have a minimum of training.
- 35.** The Government expert from Canada indicated that in his country the minimum age was 16 years, but that special employment, e.g. in diving operations, would necessitate a medical certificate and a certificate of competency. He took it that the two issues went hand in hand.
- 36.** The secretary of the Workers' group drew attention to the conclusions of the Tripartite Meeting on Safety and Health in the Fishing Industry in 1999, according to which fishing was a hazardous occupation. He also referred to Convention No. 182 and to the Worst Forms of Child Labour Recommendation, 1999 (No. 190), and asked the Office for guidance on those instruments. Before setting a minimum age, the compilation of the replies of the member States to the questionnaire should be awaited.
- 37.** The spokesperson for the Employer experts agreed with the Workers regarding the replies of member States, especially in respect of young people involved in artisanal fishing, on family-operated fishing vessels or in apprenticeship.
- 38.** The Secretary-General indicated that Convention No. 182 set the minimum age of 18 years for hazardous occupations. She referred to page 24, footnote 6, of the report of the Tripartite Meeting on Safety and Health in the Fishing Industry in 1999, stating that the Committee could consider fishing as such as a hazardous occupation and set a minimum age of 18 years. However, the Committee could also consider only certain types of fishing as hazardous, in which exceptional case the minimum age would be 18, while for the other activities it could be lower. She further referred to the definition of the term "hazardous occupation" in Article 3(d), and to Article 4(1) of Convention No. 182, and Article 3 of Convention No. 138. Paragraphs 3 and 4 of Recommendation No. 190 set out different types of work considered hazardous.
- 39.** The spokesperson for the Employer experts explained that there was no reason to duplicate Conventions Nos. 138 and 182 in the new instrument since they already existed, especially since Convention No. 182 was most widely ratified. The inclusion of references to specific provisions from these Conventions might deter some countries that had not ratified them from ratifying this instrument.

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40. Although he understood the Employers' reasons, the spokesperson for the Worker experts suggested that it might be best to leave the reference to minimum age in until a final decision could be made by the Conference. He did not want to lose the principles relevant to fishing that were embedded in Conventions Nos. 138 and 182.
 41. The Government expert from India expressed concern over the issue of minimum age and suggested that some categories of fishing were not hazardous and could suffer from a minimum age limitation. He believed certain tasks could be undertaken by persons below the age of 16 especially when in family enterprises.
 42. The Government expert from the United Kingdom stressed that the issue of a minimum age was important to her country and should be included. However, there should be no conflict with existing instruments.
 43. The Government expert from France pointed out that Convention No. 182 dealt with the worst forms of child labour and supported the views expressed by the Government expert from the United Kingdom. He also added that the draft consolidated maritime Labour Convention currently has a reference to a minimum age and that this instrument should remain consistent with that.
 44. The Secretary-General summarized the discussion by noting that it was important to include a provision on minimum age, that was consistent with the provisions of Conventions Nos. 138 and 182.

Medical examinations

45. The Government expert from Brazil raised the issue of responsibility regarding the payment of the costs of medical examination, which was not clear in Convention No. 113.
46. The Government expert from Norway stated that his Government, which had ratified Convention No. 113, considered the issue of medical examination and certification very important and expressed the opinion that they should be included in the new instrument. An administrative appeal for those who had been denied a medical certificate was also needed.
47. The Government expert from the United Kingdom agreed with the Government expert from Norway concerning medical examination. However, in the United Kingdom the relevant fishing industry federations did not support the requirement for medical fitness certificates because of the costs and because of concerns that medical examinations would be too rigorous.
48. The Government expert from Denmark stated that his Government had not ratified Convention No. 113. However, in his country a medical examination system was applied to fishers on the basis of Convention No. 73.
49. The Government expert from France stated that he favoured the requirement for initial and periodic medical examination for fishers.
50. The spokesperson for the Worker experts expressed his agreement with the statement by the Government expert from Norway and supported the requirement for initial and periodic medical examination.

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51. The Government expert from Ireland said that Ireland had not ratified Convention No. 113 but he saw the merit of medical examinations. He added that the possibility of exempting some classes of fishing vessels or fishers should be considered.
 52. The spokesperson for the Employer experts explained that, although only 29 Governments had ratified Convention No. 113, a large majority of countries had a system in place for medical examinations. He added that the possibility of some exemptions should be examined with care.
 53. The Government expert from Chile said that her country had not ratified Convention No. 113 but had initial and periodic medical examination requirements in place, and explained the conditions under which either the worker or the Government absorbed the relevant costs.
 54. An Employer expert from Ecuador expressed the opinion that medical examination should be mandatory at least once a year.
 55. The representative of the International Maritime Health Association stated that the requirement of a medical examination was fundamental. She added that physicians who were involved in medical examinations for fishers should have some knowledge of life on board and gave examples to that effect.
 56. The Secretary-General summarized the discussion and indicated that there was a broad consensus on initial and periodic medical examinations with some clarification required regarding the issue of exemptions. She added that the Office would get further input from the questionnaire when drafting the relevant clause. She also referred to the relevant ILO/WHO guidelines adopted well after Convention No. 113. These would now be taken into consideration when drafting the new instrument.

Medical care on board

57. The spokesperson for the Worker experts explained that core medical standards should be reflected in the new instrument. These required the provision of medical supplies, trained personnel and possibilities to contact outside help. The speaker stressed these three elements were essential and suggested that the new instrument should also contain regulations on the contents of medical chests.
58. The spokesperson for the Employer experts agreed that there was a need for medical chests and appropriately trained personnel but did not believe that Convention No. 164 was altogether relevant due to its low ratification level.
59. The Government expert from Brazil proposed that both wireless medical services as well as emergency evacuations (e.g. by helicopters) needed further discussion.
60. The Government expert from the United Kingdom recalled the discussions in the Government group and pointed out that the aforementioned three elements (medical supplies, training and wireless medical advice) had been generally agreed upon in this group. There had also been a suggestion to introduce risk assessment as a means to determine what steps needed to be taken to ensure safety and health aboard. Should such risk assessment be introduced, guidelines would be needed to supply points of references to base these assessments on (e.g. size of the vessel, number of crew, distance from shore, etc.). Alternatively, a minimum level might have to be introduced, which would most likely find the support of EU Member States due to the existing Directive 92/29/EEC.

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61. The spokesperson for the Government experts outlined the earlier discussions and highlighted the group's consensus regarding the proposed structure of the new instrument. Brief provisions should be included in the Convention, details in a proposed Recommendation, thus ensuring wide ratification.
 62. The Government expert from Canada agreed with the Government expert from the United Kingdom but stressed the need to take account of the different working conditions in the fishing sector.
 63. The spokesperson for the Worker experts referred to ILO Convention No. 164 and the possibility contained in Article 1, paragraph 2, to extend the application to fishers. The speaker suggested examining some of the provisions contained therein as to their applicability to the fishing industry. As regards mandatory requirements a balance needed to be found between prescriptive details and broad general concepts. The speaker endorsed the suggestion by the United Kingdom to introduce risk assessment pointers and reminded the Meeting of the need to incorporate occupational health and safety measures on the new instrument, recalling the Governing Body's classification of the fishing sector as a hazardous industry.
 64. The Secretary-General of the Meeting considered that there was a consensus on the necessity to include relevant provisions for medical care at sea, regarding issues like supplies, training, radio medical advice, etc., with the understanding that there would be a differentiation according to the types of vessels, or the distance at which they operated, for instance. Regarding the extension of Convention No. 164 to deep-sea fishing, she did not feel that there was a clear agreement, but deemed that the issue could be further examined later.

Contracts for work

65. The Government expert from Brazil observed that there was need for a minimum contract, establishing basic requirements related to work on board ships. Contract on a share of the catch basis was not sufficient, in his opinion, and would lead to excessive work. Such a contract could complement the share system.
66. The spokesperson for the Employer experts remarked that the important thing was the existence of a contract between the employer and the employee. He thought that the contents of such a contract should be defined by national legislation, a collective bargaining agreement or otherwise.
67. The spokesperson for the Worker experts expressed his conviction that the future Convention should include provisions for employment contracts, which would form a basis through which all conditions would be defined. It should reflect the terms agreed between parties in a collective bargaining agreement or otherwise. In this respect, the Office could be inspired by the recent agreement on wages of seafarers. Remuneration on a share of the catch basis was not sufficient. A minimum guaranteed wage should be devised that could possibly be supplemented by a share system. Coverage by social insurance, as reflected in the questionnaire, should also be contemplated.
68. The Government expert from Chile observed that the mandatory nature of a contract should not be limited to the definition of a minimum wage, since wages were based on the share of the catch system. Other elements should be included in the contract. She also expressed her difficulty in accepting another type of remuneration than the time-honoured share system, which represents today's reality.

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- 69.** The Government expert from Denmark supported the concept of the employment contract and remarked that EU Member States were governed by a directive on this subject. He agreed that wages should be dealt with. However, a mandatory minimum wage would represent a problem for Denmark, since these issues were left to negotiation between the social partners. The existence of an insurance was regulated by law in Denmark, and there was no need to include this item into the contract. He added that the administration in Denmark would check that the contract was regularly signed, but would not check the details.
 - 70.** The Government expert from Norway remarked that contracts were essential. They should appear in the Convention and be legally enforceable. He thought that provisions for the share of the catch system of remuneration should be retained. He agreed that the negotiation of a minimum wage should be left to the social partners, since an across-the-board minimum wage could soon de facto become a maximum one.
 - 71.** The secretary of the Worker experts observed that a reference to the minimum wage was not new. He suggested that the Office should take on board some of the positions mentioned in the conclusions of the 1988 Meeting of the Committee on Conditions of Work in the Fishing Industry, endorsed by the ILO Governing Body. Moreover, the Decent Work Agenda should also be taken into account. Some issues concerning the seafarers could be extended to fishing. He also invited the Office to take into account the provisions on insurance contained in the FAO Code of Conduct for Responsible Fisheries.
 - 72.** The Government expert from India, on behalf of the Government group, summarized the position of his group by saying that it had been agreed that it was advisable to have a detailed employment contract, though it might not always be feasible.
 - 73.** The Government expert from Norway indicated that Article 3, paragraph 2, of Convention No. 114, had proven to be a major obstacle to ratification for his country. This provision required that fishers sign agreements under conditions which should be prescribed by national law in order to ensure adequate supervision by the competent public authority. However, in Norway the supervision of contracts by a public authority prior to signing was not extended to fishers. Thus, he preferred that such a requirement be left out of the new standard.
 - 74.** The Government expert from Kenya evoked the special case of fishers working in an organized sector (e.g. fish farms), where collective agreements were part of the contract. These fishers enjoyed legal protection and minimum wage, notwithstanding the fact that they may not have written contracts.
 - 75.** The Government expert from Ireland cautioned that the main form of agreement for fishers in his country was the share agreement, with which fishers were satisfied. However, he could see the value in having an insurance provision in the contract for work.
 - 76.** The Government expert from France considered that there was no conflict between remuneration according to the share system and a contract of employment. There could be contracts with clauses on the share of the catch. Moreover, the concept of minimum wage was also compatible with the payment of a share of the catch. The social partners could be allowed to negotiate the period over which a minimum wage applied. In France the minimum wage in fishing was fixed for a one-year-period.
 - 77.** The Government expert from the United Kingdom agreed that there was no conflict between the remuneration according to the share system and a contract of employment. However, in her country many fishers were self-employed, and in that case it was difficult to envisage a contract of employment.

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- 78.** The Secretary-General said that it was recognized that there could and should be a contract, whether a contract of employment for employed fishers, or another form of agreement with the shipowner for share fishers. The thrust was that the share system should be the basis of some form of agreement. The contract should further specify a minimum number of the elements enumerated in Article 6 of Convention No. 114. It remained to be seen whether it should also contain a provision on insurance. Finally, with reference to Annex II of the Report of the Committee on Conditions of Work in the Fishing Industry of 1988, she inquired whether the experts felt that all the conclusions on systems of remuneration and earnings were still relevant and up to date.

Accommodation

- 79.** The spokesperson for the Workers' group considered that all fishing vessels should have adequate accommodation, water and food, except where the duration of the voyage made such a requirement redundant. Open-decked vessels could be exempted. The accommodation provisions should be determined according to the length of the vessel, and the issues of noise and vibration should be addressed.
- 80.** The Government expert from Chile indicated that the Government group had agreed on the supply of necessary food and water according to the type of fishing vessel. The low level of ratifications of Convention No. 126 was due to the standard being too technical and specific. The new standard needed to be less detailed and more general including broad principles. She suggested a broad provision stipulating that fishing vessels should have the necessary accommodation, as well as food, water, hygiene, ventilation, fire protection, environmental pollution, noise, heating, vibration, etc. The scope could correspond to that of Convention No. 126, i.e. the new standard would apply to fishing vessels over 75 tonnes, although Chile could apply such a provision to vessels of 25-75 tonnes.
- 81.** The spokesperson for the Employer experts endorsed the proposals by the Workers concerning accommodation and supply of water. There should be flexibility as to the size of the vessel. Further he asked why so many countries had not ratified Convention No. 126, since the reasons might be able to provide guidance. An Employer expert from Spain added that it would be helpful to have a provision that encouraged the recognition in other States of a medical examination certificate issued by a State which had ratified the Convention.
- 82.** The Government expert from Namibia also supported the Workers and suggested that the vessel size and voyage duration at sea should be considered.
- 83.** The Government expert from India suggested that the extensive details in Convention No. 126 could be the cause for its low ratification rate. He recommended the use of the term "appropriate" to achieve flexibility.
- 84.** The secretary of the Worker experts underlined the necessity for recreation facilities on board vessels that spend extensive periods at sea. He felt that food should be "palatable". There was a need to establish requirements on accommodation, as it was a vital aspect for shipbuilders and fishing vessel owners to know the minimum specifications so that ships could be resold.
- 85.** The Government expert from Norway pointed out that if the term "appropriate" was used, the definition of what was appropriate would need to be discussed and possibly detailed in a Recommendation or in the Convention itself. A requirement could make it mandatory for member States to develop detailed national laws.

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- 86.** The representative of FAO noted that regulations should cover vessels of more than 100 gross tonnes or 24 metres. The provisions on accommodation should be mandatory on vessels which are likely to be out at sea for long periods of time and under the jurisdiction of other countries. Recommendations could be set out for vessels operating near their home ports.
- 87.** The Secretary-General advised the Meeting that a survey to determine the reasons for low ratification of Convention No. 126 was not undertaken. A sufficient degree of details provided technical guidance to shipbuilders. Guidance on this issue could be provided by the discussions on accommodation of the High-Level Tripartite Working Group on Maritime Labour Standards so as to maintain consistency. Concerning food and water, the instrument should contain broad obligations with a degree of objectives to be achieved with guidance placed elsewhere.
- 88.** The Government expert from Kenya agreed with the reasons given for the low ratification level but he added that the lack of awareness of the existence of the relevant standards in some countries was another reason. In this respect, he proposed the holding of regional or subregional seminars to raise awareness. He also pointed out that some countries did not have experts that would be able to implement the obligations in these standards.

Crewing of vessels

- 89.** The Government expert from Chile stated that it should be the shipowners' obligation to ensure appropriate crewing of vessels. She distinguished between manning levels for safety reasons and for fishing operations. The State should be responsible for the former and the shipowner for the latter. The State should also be responsible for the certification of fishers. Finally, she referred to the contents of the STCW-F Convention.
- 90.** The spokesperson for the Worker experts expressed satisfaction that the note on the replies to the questionnaire mentioned that fishing vessels should have sufficiently large crews for safety. Crew requirements for fishing operations should take account of factors such as fatigue and hours of rest. Provisions on social dialogue should be included in the standard so as to ensure adequate manning levels and equipment. Exceptions for very small vessels or one-man crew vessels would be possible. Vessels should be designed in accordance with standards. He finally highlighted the need for training on safety, and the STCW-F Convention should be taken into account.
- 91.** The spokesperson for the Employer experts said that there were two aspects to the issue: number of crew and competency of the crew. Regarding number of crew, the minimum number for safety reasons should be regulated by the competent national authorities, while for normal fishing operations, the decision was up to the shipowner after taking into account relevant safety standards. Regarding competency of the crew, a Convention that was ratified by only ten countries could not be applied in this case. However, some of its clauses could be adapted for the proposed Convention. The qualifications should be of the highest standards. States should draw up standards for deep-sea fishing and fishing in remote areas. An Employer further noted that the STCW-F Convention had received only a few ratifications and had not entered into force. It therefore should not be invoked in the ILO Convention as it could not be considered widely acceptable.
- 92.** The Government expert from Norway stated that his Government had replied positively to question B.7(a). Uniform standards on manning levels were not advisable as conditions varied. Such standards would be an obstacle for ratification. Minimum standards tended to become maximum. Manning levels were related to hours of rest and accident regulations. There should be sufficient and competent crews. Regarding qualifications, Norway applied

IMO standards in this area that were considered as adequate and planned to apply the STCW-F Convention.

- 93.** The Government expert from India referred to Convention No. 125 which he felt was not fully comprehensive and had only ten ratifications. There was a general feeling within the Government group that there should be a clause for sufficient and competent manning, taking into account safety and health requirements. Detailed provisions should be in the Recommendation.
- 94.** The Government expert from Denmark differentiated between crewing and manning. In Denmark the requirements were only for manning (related to safe navigation) that referred to the master and engine officer of the vessel. The social partners should decide crewing levels for operations. Matters such as hours of work and watchkeeping that were related to the issue of manning levels were regulated by either national regulations or other conventions.
- 95.** The Government expert from Ireland stressed the link between crewing and manning levels and OSH. More accidents had taken place on fishing vessels than on other vessels. SOLAS had relevant requirements for vessels over 500 tonnes and so did Ireland. Shipowners should propose manning levels to government, which would either concur or disagree. He finally proposed that in the case of fishing vessels the requirements for manning levels for safety and operations should be applicable to vessels of over 100 tonnes.
- 96.** The Government expert from France considered that the flag State should be responsible for ensuring the appropriate manning and crewing and that public authorities should exercise control over rest periods. France had not ratified the STCW-F Convention but relevant training in training schools was in line with the minimum requirements of that Convention. He supported that safety should be guaranteed by minimum manning levels.
- 97.** The Government expert from the United Kingdom pointed out that the current debate revolved around two different and separate issues. The first concerned the training and qualification of crews, which should not conflict with regulations contained in the STCW-F Convention and the second related to the number of crew members aboard a ship. This latter question was connected with hours of rest, since a sufficiently large crew was needed to ensure both safe navigation as well as sufficient hours of rest.
- 98.** The Government expert from Brazil stressed the importance of the STCW-F Convention, but noted that the regulations contained therein dealt mainly with nautical issues and did not address processing sufficiently. These two issues needed to be dealt with separately.
- 99.** The representative of the FAO reminded the Meeting of the success achieved with the introduction of mandatory safety courses. In a recent publication on these courses, the FAO had reported a 50 per cent drop of fatalities in the Icelandic fishing industry in the course of four years after the introduction of such mandatory safety courses for fishers.
- 100.** The Government expert from Canada agreed with the representative of the FAO and explained that his Government laid great emphasis on a comprehensive safety culture.
- 101.** The secretary of the Workers' group made reference to Chapters 2 and 3 of the STCW-F Convention and IMO STCW-F Diplomatic Conference Resolution No. 5. He pointed out that safety training for all fishers was an integral part of these instruments. The principles and guidance contained in these and other documents such as codes of practice or documents of guidance should be incorporated in the new instrument. Guidance should also be provided regarding equipment and its use. Moreover, the level of crewing should

not be left to the employers' discretion. He concluded by reminding the Meeting of the dangers of fishing stressing the need for a discussion of both crewing as well as qualifications and training, but separating these two issues from one another.

- 102.** The spokesperson for the Employer experts recalled the need for training and urged for an improvement of vocational training for fishers. The speaker stressed that crew concerned with processing should be determined by the shipowner.
- 103.** The Government expert from Norway agreed that safety training was important, but reminded the Meeting of the fact that the STCW-F Convention contained training requirements in Chapter 3, which should not be duplicated by the new instrument.
- 104.** In response to the Government expert from Norway the secretary of the Workers' group agreed and suggested that the Office should strive to find wording which would refer to other standards without duplication.
- 105.** An Employer expert stated that the new instrument should not contain any provisions on processing or numbers of workers and their training. He stated that workers engaged in fishing operations on board the vessel were no different from factory workers on land. In such cases, it was for the employers to decide on the number of persons required to perform the operations.
- 106.** The Secretary-General explained that the use of the word "crewing" in question B.7 of the questionnaire had given rise to some confusion. The Office had sought to use gender-neutral terminology. The discussion had made a distinction between crewing levels necessary for the safety of navigation and crewing for the operational purposes of the vessel. Hours of work was however to be taken into account in both cases as fatigue could impact in all cases on the overall safety of the vessel and all those on board, irrespective of the capacity in which they worked. The discussions had also shown the need to separate issues relating to crewing from those concerning training and qualification. Concluding the discussions on this point, she referred to the consensus to address both issues as separate provisions in the new instrument. Concerning training and qualifications, the provision would be principles-based and avoid duplication with existing instruments adopted in the framework of the IMO.
- 107.** The Government expert from Denmark remarked that part of the wording of Convention No. 180 could be used regarding crewing and fatigue, and that linkage between crewing and training was required. Some guidance was needed, in the non-mandatory part, regarding the qualifications for masters of vessels below 24 metres in length.
- 108.** The Government expert from the United Kingdom recognized that a split existed between qualifications and crewing. Crewing levels for navigation and for fishing should be linked to minimum hours of rest. Guidance on training should be in a non-mandatory part of the instrument.
- 109.** The Government expert from Namibia was of the opinion that question B.7(a) was about crewing in a quantitative manner, and this issue was linked with hours of rest. Training should be seen in terms of IMO standards, i.e. the STWC-F Convention.
- 110.** The Government expert from Norway agreed to the inclusion in the future instrument of general requirements about sufficient and competent crews with a clear link to hours of rest. Training should be treated in relation with the IMO and a dialogue with this Organization should be pursued in this matter.

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111. The Government expert from Chile explained that in her country, there was a difference made between the fishing personnel, that is the crew and the navigation personnel. The maritime authority would determine a safe crewing level. However, this level would vary according to the region, since a great disparity existed between northern and southern Chile.
 112. The secretary of the Workers' group agreed with the Secretary-General's previous comments. He remarked that, when dealing with training, there should be more than just a reference to the STCW-F Convention. He remarked that the FAO, ILO and IMO were working on an updating of the Codes of Safety and Health for Fishing Vessels and Crews. He agreed that a linkage with the issue of hours of work was required.
 113. An Employer expert remarked that in Peru, the crew designated those who are necessary to operate a vessel. They were to be distinguished from the rest of those employed on board.
 114. The Secretary-General thanked the participants for the clarifications brought. She understood that training should be a separate issue, and assured the Meeting that dialogue with the IMO on these issues would be pursued.

Hours of work and rest

115. The Government expert from Brazil stated that this issue was closely linked to the discussion on contracts for work, which should set out the hours of work and rest.
116. The spokesperson for the Employer experts felt that Convention No. 180 had been drafted for merchant shipping and should not be applicable to the fishing industry. The Tripartite Meeting on Safety and Health in the Fishing Industry of 1999 had concluded that the status quo of Recommendation No. 7 should be maintained, and that the Office should carry out a study on hours of work and rest in the fishing industry taking into account the flexibility required in this sector.
117. The spokesperson for the Workers' group considered that when establishing the manning of ships, hours of work and rest had to be taken into account. Thus, the two issues were closely linked. Fatigue was a significant causal factor in the high level of casualties and occupational accidents. Hence, the necessary restrictions should be included in the new standard. Guidance should be sought in Convention No. 180 and the replies to the questionnaire.
118. The Government expert from India indicated that the Government group had agreed to include an Article relating to this issue, in particular hours of rest. There was a need for flexibility as regards hours of work, particularly since fishing had to be done when there was fish around. The health of fishers should be protected while safeguarding competitiveness and ensuring practicability of the provisions.
119. The Government expert from Norway stated that his country would implement new regulations concerning hours of rest on board fishing vessels as from 1 August 2003 in accordance with Directive 2000/34/EC. The solution chosen, in line with the Directive, was to negotiate settlements between the social partners. As the adoption of the abovementioned Directive was a very contentious matter, it should be ensured that it would be seen as the way forward in this area. There had been tough negotiations to develop the Directive. If the standards went beyond it, this issue would become a hindrance to ratification for many countries including Norway. The primary choice to be included in the new standard should be hours of rest.

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120. The Government expert from Chile referred to the rest periods provided in the national legislation. In principle, within a 24-hour period the fishers would work 12 hours and rest 12 hours. In the event that a fishing vessel spent more than 15 days at sea, fishers would have eight hours of rest of which six would be consecutive. She pointed out that the issue of weekly rest was rarely addressed but important for the family life of fishers. In the event that a fishing vessel landed at the port after having spent 15 days at sea, fishers had the right to eight consecutive hours of rest.
 121. The Government expert from the United Kingdom strongly supported Norway. She emphasized that Directive 2000/34/EC established a model for hours of rest, but at the same time provided for objective or technical reasons for variations of rest periods taking into account compensatory rest.
 122. The Government expert from Canada felt that it was a challenge to set hours of work and rest for such a diverse industry, where sometimes there did not exist a typical employment relationship. He referred to national collective agreements stipulating hours of work and rest for inshore fishers, and stressed the difficulty of doing so for each type of fishing.
 123. With reference to the intervention of the spokesperson for the Employer experts, the Secretary-General indicated that on pages 63-72 of Report V(1), the Office had attempted to carry out the required study on hours of work and rest in the fishing industry, including a law and practice overview and a brief summary of Directive 2000/34/EC. She concluded that only the issue of hours of rest should be addressed while retaining flexibility in order not to impede ratification. Thus, the mandatory part of the instrument should include a broad and general provision on hours of rest, and guidance inspired from national laws and practices should be put into the recommendatory part.

Consultation

124. The spokesperson for the Worker experts recalled the resolution concerning future ILO activities in the fisheries sector and social dialogue from the Tripartite Meeting on Safety and Health in the Fishing Industry (1999) and noted that this should be the basis for the relevant provisions.
125. The spokesperson for the Employer experts pointed out that consultations were necessary for lawmakers to develop realistic regulations and therefore supported the inclusion of this provision. They should be held with representative organizations of all persons covered by the new instrument.
126. The Government experts from Canada, France, the United Kingdom, Brazil and Chile acknowledged consultations as a fundamental principle of the ILO as well as being a standard practice in their countries. Some noted the important role of consultations concerning OSH and supported the inclusion of relevant provisions.

Register of persons working on board fishing vessels

127. The Government expert from the United Kingdom pointed out that her country would have a problem keeping a register of all persons on board as they only maintained one on certificated personnel.
128. The Government expert from France said that a register of all persons on board was a standard practice.

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129. The Government expert from Denmark noted they maintain registers for all persons on large vessels but would have a problem for small ships.
 130. The Government expert from Chile suggested that it might be a good idea to include a provision to keep a register of all persons on board as a mandatory one.
 131. The Government expert from Norway stated that Norway had a similar system to that of France. A registry could serve a number of issues such as pension, certificates, accidents and deaths. Therefore, the Office should clarify the purpose of any register of fishers so that a meaningful discussion could be facilitated. Norway would have a problem with a registry of an unrestricted nature. Persons to be included in a registry should fulfil some conditions.
 132. The Government expert from Ireland supported the position of Norway as to the purpose of the registry. Ireland could consider such a registry for the purpose of safety and working conditions but if the purpose was only for statistics then this issue should be considered in more detail.
 133. The Government expert from Canada said that his Government replied positively to the relevant question (C.10(a)). In Canada there was a Professional Fishing Services Certification Board that assisted fishers in the area of OSH. Fishing was a very hazardous occupation with greater levels of injuries and fatalities than other occupations and therefore a registry for the purpose of enhancing OSH in the fishing industry should be supported.
 134. The spokesperson for the Worker experts felt that it was necessary and important to include a provision for a registry and that there were many purposes for this such as statistics, predicting labour demand in the sector, OSH and for developing training policies. Therefore he supported the registry.
 135. The spokesperson for the Employer experts said that there are countries in which a registry is kept for the purpose of facilitating fishers to hold a document. If that was the purpose, the Employers would not have any objection. There could be many purposes for a registry but it should not be to restrict freedom of movement in the labour market and should not be an impediment to working in the industry.
 136. The Government expert from Ireland said that in his country a register was kept of qualified persons in this field and added that the “big brother attitude” should be avoided.
 137. The Government expert from Brazil supported the establishment of a registry but a minimum amount of training should be taken into account when persons were to be employed. Unqualified persons should not be included in the registry.
 138. The Government expert from Denmark proposed that a provision pertinent to the protection of personal information should be included.
 139. The Deputy Secretary-General in summarizing the discussion on OSH said that there was only limited support for a registry, unless it was for the purpose of OSH. There was concern on restricted access to work on fishing vessels and on privacy of personal data.

Occupational safety and health

140. The Government expert from Canada added that his country had regulations on OSH that covered a wide range of issues that included various responsibilities of employers and

workers, equipment, working conditions, etc. that applied in the fishing industry. However, what was needed in addition was the creation of a culture of awareness, understanding and promotion of OSH in the fishing industry. This issue was tied to the integrated approach on OSH for which a general discussion took place at the International Labour Conference in June 2003, during which OSH for young workers was addressed. Similarly, the issue of large and small vessels could be addressed in the case of the fishing industry. He finally stated that OSH should be the foundation of the new instruments and thus special attention should be given to this issue.

- 141.** The spokesperson for the Employer experts said that the purpose of this effort was to revise the existing instruments and OSH was not in the previous instruments. OSH should not be underestimated and was valued by the Employers but as a new issue, it should not be included. OSH was covered by other instruments and was regulated by national regulations that were applied to all workers. Differentiation between workers should be avoided.
- 142.** The spokesperson for the Worker experts pointed out that the issue of OSH was important because of the dangerous nature of fishing. The new instrument should contain provisions on OSH and the Office should play a substantive and active role in this process of policy-making and awareness building. The need to promote a safety culture in the fishing industry was great and should be addressed by seminars and continual promotion of OSH.
- 143.** The Government expert from Ireland agreed with the spokesperson for the Worker experts and the Government expert from Canada and explained that Ireland had considerable legislation in the area of OSH in the fishing sector and strongly endorsed the inclusion of this topic in the new instrument.
- 144.** Agreeing with the other speakers, the Government expert from Norway stated that an opportunity would be missed if OSH was not included in the new instrument. Experience needed to be drawn from other sectors to create specific regulations for the fishing sector and considerably improve working conditions. Risks needed to be reduced by risk assessments and other effective tools to improve the working life of fishers such as ombudsmen, safety councils, information sharing and systemic risk evaluation to complement strategic planning. As regards registries, Norway supported the creation of registers for statistical purposes (such as accident records), but shared concerns on the protection of privacy also raised by other member States.
- 145.** The Government expert from the United Kingdom stated that OSH needed to be included in the new instrument and pointed out that the Office's report contained a description of law and practice in the United Kingdom.
- 146.** The Government expert from Brazil reminded the Meeting of the need for regulation in the fishing sector due to the inherent diversity of the industry and drew the Meeting's attention to the fact that legislation on OSH was, in general, based on urban industrial production and did not sufficiently meet the needs of the fishing sector.
- 147.** The Government expert from Denmark made reference to the comprehensive review of his Government's view in Report V(1) on the question.
- 148.** The Government expert from France agreed that OSH needed to be included and referred to Directive 93/103/EEC concerning the minimum safety and health requirements for work on board fishing vessels, which had been outlined in Report V(1).

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- 149.** In response to a question raised by the secretary of the Employers' group, the Secretary-General explained that OSH was not confined to the question of competency standards. Safety training was also an important element for a safe and healthy workplace.
- 150.** In response to a question raised by the secretary of the Workers' group a representative of the Office drew attention to Conventions Nos. 155 and 161. These provided an important framework for OSH both at national as well as on enterprise levels. These covered all branches, but fishing had highly specialized needs. It was suggested that these might be best addressed in the new instrument.
- 151.** The Government expert from India, in the name of the Government group, recalled that OSH was considered as an essential element of the future instrument. Article 4 of Convention No. 134 should be a source of inspiration in this respect, and be expanded to include risk assessment, chemical safety and other topics. Articles 8 and 9 of the same Convention should also be considered.
- 152.** The spokesperson for the Employer experts reiterated that it was his group's understanding that the purpose of this Meeting was to revise five Conventions and two Recommendations. OSH considerations not being included in these instruments, it seemed difficult to discuss it now. Moreover, there was a global ILO standard on OSH, and he felt that there was no time to draft appropriate provisions in this regard for the future instrument. However, since his group also considered OSH to be of particular importance, he indicated their readiness to discuss with governments, in order to develop specific national policies, in order to reduce accidents and promote training in the sector.
- 153.** The secretary of the Worker experts disagreed with the Employers on the purpose of the present Meeting. He shared the opinion of Governments as to the importance of OSH. He considered it unfortunate that Convention No. 155 expressly provided for a possible exclusion of the fishing sector and suggested that this should be corrected in the new fisheries Convention. He also agreed that Convention No. 134 contained many relevant aspects, though he did not see the necessity to replicate the good work already produced in other instruments. Somehow, the specific dangers inherent to work in the fishing sector must be taken into account in the new instrument.
- 154.** A representative of the Office reminded the Meeting that Convention No. 155 had received 40 ratifications up to now, and that others were expected. The global strategy of the Office was to promote OSH to become a national priority and to complement this approach by a number of sector instruments, such as this one for fishing.
- 155.** The Secretary-General summed up this part of the debate by noting that both the Governments and the Workers saw the inclusion of OSH issues in the future instrument, whereas the Employers felt that other means would be more appropriate.
- 156.** The spokesperson for the Employer experts clarified this point by indicating that his group had a real interest in OSH issues, and agreed to references to be made in the future instrument.
- 157.** The Government expert from Denmark remarked that everyone agreed that this issue was important. Moreover, various mentions made earlier about risk assessment showed that this method should be promoted. He then read the following statement, jointly prepared by the Government experts from Canada and Denmark:
- Having noted that work in the fishing sector is a hazardous occupation and taking into consideration Report V(1) Conditions of work in the fishing sector especially Chapter V "Working and living conditions on board fishing vessels", experts

attending the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector in Geneva from 2 to 4 September 2003 recommend that on board every fishing vessel with a length of 15 metres and above a risk assessment for the working conditions should be carried out.

- The risk assessment should be made by the skipper in consultation with the fishermen on board the vessel and include measures necessary for the safety and health protection of all fishermen on board this vessel and should as a minimum be based on the following general principles of prevention:
 - avoiding risks;
 - evaluating risks and dangerous situations which cannot be avoided;
 - combating the risk at the source;
 - replacing the dangerous by non-dangerous or less dangerous;
 - giving appropriate instructions to all fishermen to avoid noted risks;
 - evaluating the risk of the fishermen in the choice of work equipment;
 - evaluating the fitting-out of the working place.

He remarked that there was no need to wait until 2005 to promote this issue. It was felt important that crews be directly involved in the process.

- 158.** The Government expert from Brazil indicated the need to discuss the recommendation submitted by Denmark and Canada. He understood that the Government group had agreed on protection regarding OSH applicable to all fishing vessels and not only to the ones of over 15 metres in length. There should certainly be risk assessment on bigger vessels, but a minimum of OSH provisions also on smaller ones.
- 159.** The Government expert from the United Kingdom also favoured risk assessment throughout the fishing sector and not only for fishing vessels over 15 metres. In fact, risk assessment was particularly useful on smaller vessels. She agreed to include the recommendation on the application of risk assessment on the basis of the principles stipulated in the paper. Finally, she pointed out that OSH was a fundamental issue to be covered by the new Convention.
- 160.** The Government expert from Denmark agreed with Brazil and the United Kingdom to apply risk assessment to all fishing vessels. He had initially intended not to frighten certain countries, but was glad to take out the limitation.
- 161.** The Government expert from Canada stated that risk assessment was important for all fishing vessels, but at least as a minimum for fishing vessels over 15 metres in length. He understood and endorsed the reservations of the other Governments to the limit and was happy to extend the recommendation.
- 162.** The Government expert from Norway supported the intent of the paper. He disagreed with the rationale of the limit of 15 metres and preferred to extend the proposal to all fishing vessels. He further found the wording somewhat problematic and hoped that the Office could refine it.

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- 163.** The spokesperson for the Employer experts agreed with the principle. However, he cautioned that it was for shipowners to measure and evaluate the risks on board fishing vessels, as they had to pay the cost and insurance premiums, which would be higher, if they did not take the necessary measures for accident prevention. He further pointed out that certain institutions of labour insurance in certain States measured the risks they insured in all industries including the fishing sector.
- 164.** The secretary of the Workers' group subscribed to the philosophy on identifying risks so that these effects could be mitigated. However, as fishing had been formally designated as a hazardous industry we should not wait until 2005 to implement OSH measures on fishing vessels. He also had reservations on the 15-metre threshold and the wording, noting that OSH was relevant to all fishing vessels irrespective of size. He hoped that the Office would include and elaborate on the fisheries-specific aspects of OSH in the draft instrument. His group was concerned about the formulation "in consultation with" and felt that the risk assessment should be undertaken in agreement with the fishers on board the vessel.
- 165.** An Employer expert agreed to risk assessment but was hesitant to label all fishing occupations as hazardous because certain activities were not more dangerous than work ashore. It was up to the employer to assess the safety of operations.
- 166.** The spokesperson for the Employer experts clarified that the fishing vessel owners would assess and evaluate the risks with the necessary technical guidance provided by qualified technical consultants as well as crew members. The evaluations had to be objective and not subject to negotiations.
- 167.** The Government expert from Chile understood the reluctance of the Employers to negotiate, but believed that risk assessment was impossible without the workers. The latter's perception of reality was an important contribution.
- 168.** An Employer expert repeated that risk assessment and calculation was the responsibility of the employer. This work would be carried out in a serious and professional manner with the help of consultations of crew members, e.g. skipper, engineer, etc.
- 169.** The Government expert from Brazil declared that the discussion on OSH should not be restricted to risk assessment. There were other important points, such as the representation of workers at the workplace by means of OSH committees.
- 170.** The Secretary-General concluded that there was a consensus to include an appropriate provision on OSH in the mandatory part, and to elaborate on OSH strategies including risk assessment in the recommendatory part.

Social security

- 171.** The Government expert from India stated that the Government group felt that this issue should be included in the new instrument with a clear provision on social security benefits that should identify a minimum system. The difficulties related to the issues of financing and the diversified nature of work in the fishing industry was recognized.
- 172.** The spokesperson for the Employer experts expressed the view that the workers in the fishing industry should be covered by the general social security systems that exist in each State.

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- 173.** The spokesperson for the Worker experts stated that he was in agreement with the majority of the replies to the questionnaire. Fishers should be entitled to social security that was similar to that offered to other workers. There should be no discrimination. However, positive discrimination in favour of the fishers was possible. He recalled the OSH conclusions in 1999 and stressed that in cases where flag States could not provide special social security protection, vessel owners should establish systems for such social security protection (e.g. for accidents, injuries, deaths, etc.)
- 174.** The Government expert from Norway said that the issue was important and fishers should be covered by appropriate social security schemes. However, persons who were not nationals should be exempted but should be covered by social security schemes in their country of normal residence or by mandatory insurance schemes. Finally he requested the Office to clarify the meaning of question B.10(b).
- 175.** The Secretary-General clarified the question and referred to the specificities of the fishing industry (different categories of workers, different employment relationships, etc.) that could create a problem for a case of universal coverage of all workers. As a first stage, a draft could be conceived that provided for minimum benefits and progressively this could be developed to move towards a universal coverage. Some flexibility should be built into the instrument.
- 176.** The spokesperson for the Worker experts said that he was encouraged that there was a general support on this issue and expressed confidence that the expertise in the Office would provide the appropriate draft on social security. He mentioned the Declaration of Philadelphia that contained reference to social security.
- 177.** The spokesperson for the Employer experts agreed that there was consensus on the inclusion of social security but there was divergence of opinion as to the scope in the draft. The Employers supported brief provisions, whereas some Governments appeared to prefer more detailed provisions.
- 178.** The Secretary-General explained that the Office would like to avoid a certain level of detail and was of the opinion that there should be a broad principle and provision for some minimum coverage, taking into account the specificity of the sector. The idea was not to go into much detail.
- 179.** The spokesperson for the Worker experts stated that there was no divergence of opinions. The general ILO Conventions were applicable to the fishing industry and should be reflected in national regulations. What was required was to establish a linkage between these general Conventions and the new instrument, taking into account the specificities of the fishing industry.

Extension of maritime instruments to fishing

- 180.** The Government expert from India, commencing the discussion on the extension of protection for seafarers to persons working on board fishing vessels, stated that the Government group felt that it should be recognized that there was a problem to be faced in applying the standards for seafarers to fishers. The issue should be addressed in a careful manner, particularly since the scope of the new standard for seafarers was not yet clear. Some countries were of the view that fishers were different from seafarers as vessels were dissimilar but it was generally recognized that the conditions of persons working on large fishing vessels were similar to those of seafarers.

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- 181.** The spokesperson for the Employer experts stated that the Employers' position was that many aspects of seafarers' Conventions should not be extended to fishers. Merchant shipping and fishing were different and that led to the need to have different standards. At the 1999 meeting, questions related to seafarers were debated. The direct or indirect application of maritime instruments to fishers would pose difficulties and therefore this idea was not supported.
- 182.** The spokesperson for the Worker experts said that the Workers' view was different from that of the Employers. It had always been considered that all those Conventions that dealt with seafarers could also cover fishers, as they addressed very similar conditions and many of the seafarers' instruments contained clauses which expressly provided that the standard could be applied to the fishing sector. The comprehensive Convention for seafarers that would replace all existing standards was under preparation and when completed it would be no longer possible to apply provisions which formerly could have been extended to the fishing industry. The application of the principle of substantial equivalence was supported.
- 183.** The spokesperson for the Employer experts stated that they were not aware of the developments concerning the new maritime instrument and therefore could not agree to anything making reference to it. They would be strongly opposed to anything that may appear in the draft Convention in this regard as there was no consensus.
- 184.** The spokesperson for the Worker experts noted that the consolidated maritime labour Convention for seafarers would no longer allow for the extension of the protection afforded in its provisions to fishers. Not to include similar provisions in the new fishing instrument would deprive fishers of the protection they had and which they should be entitled to enjoy.
- 185.** The Secretary-General noted that one possibility could be to include a provision in the new fishing instrument which could seek to extend, *mutatis mutandis*, the protection enjoyed by seafarers to fishermen where the latter would be working under equivalent conditions as seafarers. In some countries, this was the case.

Enforcement and application within the exclusive economic zone

- 186.** The Government expert from Norway pointed out that enforcement was an essential issue and that clear roles should be defined for the flag State, port State, shipowners, fishers and their country of domicile. He suggested the institution of a certification system. The Government expert from Chile supported this view.
- 187.** The spokesperson for the Employer experts expressed reservations on this issue for a number of reasons. For example, what would happen to a vessel operating in the coastal waters, or visiting the port, of a State which had not ratified the Convention? What would happen if the flag State had not ratified the Convention?
- 188.** The spokesperson for the Worker experts strongly agreed with the comments made by the Government expert from Norway.
- 189.** The Government expert from Brazil reminded the Meeting of the concept of substantial equivalence contained in ILO Convention No. 147 and pointed out that this could prove useful for inspections of foreign ships in national waters when complaints are registered.

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- 190.** The Government expert from Ireland explained that the question of port state control was complex. Most ships were only operating domestically. Compliance could be ensured by self-assessment and unannounced inspections.
 - 191.** The Government expert from France drew attention to the current undertaking of his country to ratify ILO Convention No. 178. The speaker endorsed the extension of seafarers' rights to seafarers on fishing vessels and referred to safety management on ships and inspections. Guidelines for objective port state control were needed for the fishing sector.
 - 192.** The spokesperson for the Employer experts referred to his group's earlier statement to ensure it would be clearly reflected in the report.
 - 193.** The spokesperson for the Worker experts referred to Article 62 of UNCLOS and stated that port state control did not work sufficiently well in the fishing sector, since vessels did not leave national waters. Therefore, other systems of control were needed for the fishing sector.
 - 194.** The Government expert from Ireland stressed that the new instrument should be beneficial to all sides and suggested that enforcement should not be overemphasized.

Fisheries observers

- 195.** On the question of observers on board fishing vessels, the spokesperson for the Worker experts noted that they should be given appropriate treatment and suggested safety training to ensure they would not endanger the crew.
- 196.** The spokesperson for the Employer experts emphasized that observers did not have links with the employers, but were either public servants or belonged to their respective inspection bodies and should therefore not be covered by a Convention for workers in the fishing industry.
- 197.** The Government expert from Ireland stated that a clear definition of observers was needed, if they should be included in the new instrument.
- 198.** The Government expert from Brazil noted that once observers were on board a ship, employers had to ensure their safety and health.
- 199.** The Deputy Secretary-General suggested that the safety and health of observers might be best addressed in the non-mandatory part of the standard.
- 200.** The spokesperson for the Worker experts repeated the need for governments to ensure that their officials were given adequate safety training.
- 201.** The Government expert from Chile noted that a large number of observers were not public servants, but were employed by certification bodies or private companies.
- 202.** The Government expert from Norway endorsed the inclusion of observers under the scope of the new instrument, either mandatory or non-mandatory. However, a clear definition of the term "observer" was needed.
- 203.** The Government expert from the United Kingdom suggested that the responsibility of the employer towards the observer could be summed up as "duty of care".

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- 204.** The spokesperson for the Employer experts repeated that observers were not fishing workers and should therefore not be included in the new instrument. This was purely a question of the law of the coastal State and should neither be covered by a Convention nor a Recommendation.

Other matters

- 205.** The Government expert from India, taking into account the poor ratification rate of the existing fishing Conventions, suggested that the future instrument should have the form of a Convention containing principles, supplemented by a Recommendation containing all necessary details.
- 206.** The spokesperson for the Employer experts indicated the preference of his group for a Convention supplemented by a Recommendation.
- 207.** The spokesperson for the Worker experts, reminding the Meeting that his group had suggested a different format, articulated the importance of finding the correct structure, which would facilitate the sorting out of the various issues, and make the instrument readily usable by everyone. He added that the Office should address the gender dimension.
- 208.** The Government expert from the United Kingdom, having remarked that she had come to the Meeting with the understanding that the form of the instrument was already fixed by the Governing Body, declared that her delegation supported the Workers' proposal, which would ensure the necessary flexibility.
- 209.** The Government expert from Norway also supported the form suggested by the Workers, already used for the consolidated Convention for seafarers, since both issues were closely linked. The basic rights of the fishers would be contained in the Articles. Part A of a Code would articulate these rights according to the size of the vessels and the type of fishing, whilst Part B would contain recommendatory items.
- 210.** The Government expert from Denmark also recommended the consolidated Convention structure, and thought that the list of items to be included could be discussed later.
- 211.** The Government expert from France agreed with the preceding speakers for reasons of coherence, and thought that the Office would have to look at the feasibility.
- 212.** The secretary of the Employers' group added that, in principle, the Employers would prefer the traditional format (i.e. a Convention and a Recommendation), as this was clearer. However, as long as the future instrument would provide a clear distinction between the mandatory and non-mandatory part, the Employers could agree to any kind of model.
- 213.** The Secretary-General indicated that the Conference would still be free to decide, and that its discussion would have as a basis the recommendations of the Governing Body relating to a Convention supplemented by a Recommendation. The Office would articulate the mandatory part of the new instrument(s) according to a principle-based approach, in order to build in flexibility and to ensure broad ratification, and leave the details for the recommendatory part. The report would propose two options to the Conference, one following the recommendations of the Governing Body and the other following the new structure as proposed. Considering the tight timeframe, the Office would perhaps not be able to place both options on the table. However, the new text would be drafted in a way as to enable easy switching to an alternative structure.

Discussion and adoption of the Chairperson's summary

- 214.** The Chairperson provided a brief summary in Annex II of areas where consensus had been reached.
- 215.** In respect of the section on minimum age in the Chairman's summary, the spokesperson for the Employer experts believed that references to Conventions Nos. 138 and 182 should rather be included in the preamble of the new Convention than in the Convention text.
- 216.** The secretary of the Workers' group did not find it appropriate to refer to Conventions Nos. 138 and 182 only in the preamble. He felt that the Office could certainly produce provisions that did not duplicate existing Conventions.
- 217.** The Government expert from India inquired whether the employment of persons between 16 and 18 years of age would still be possible.
- 218.** The Secretary-General stated that the text of the new provisions would not specifically refer to Conventions Nos. 138 and 182 but would be inspired by and consistent with them. The reason was the concern to create a living instrument, which did not refer to Conventions that could become outdated in the future.
- 219.** The Government expert from the United Kingdom raised a point concerning the section on OSH of the Chairman's summary. The last sentence concerning the responsibility of employers for OSH was insufficient, given that sometimes there was no employer because there was no employment relationship. The term "vessel owners" should be added.
- 220.** The spokesperson for the Employer experts indicated that, if the vessel owner left the operations in the hands of another party (e.g. operator, charterer), the responsibility was not on the vessel owner any more.
- 221.** The Government expert from the United Kingdom declared that she would be satisfied with the addition "and operators". She reiterated that the term "employers" alone was insufficient due to its connotation of an existing contract of employment.
- 222.** The Secretary-General explained that the Government expert from the United Kingdom merely wanted to include the case of self-employed fishers, i.e. the case where an employment relationship with an employer did not exist.
- 223.** The secretary of the Workers' group believed that this issue should be borne in mind by the Office when drafting the new text.
- 224.** The Government expert from the United Kingdom declared that she would be prepared to leave the wording of the summary as it was, if the Office took on board her concerns for the drafting stage.
- 225.** With reference to the section on medical care in the Chairman's summary, the representative of the IMHA suggested adding a reference to the International Medical Guide for Ships, which was recommended by the ILO, IMO and WHO, and became important in the case that the mentioned radio-medical services did not function.
- 226.** The Government expert from Denmark suggested referring to Convention No. 180 in the last sentence of page 3 of the Chairperson's summary, as he wanted to ensure that it was not going further than the wording of Convention No. 180.

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227. The spokesperson for the Employer experts expressed a desire to see a clear distinction of the difference between safety levels and commercial operating crewing levels.
228. The Government expert from Norway noted that hours of rest were important to all on board and this should be made clear.
229. The Government expert from Denmark wanted it clear that the text did not go beyond what Convention No. 180 entailed.
230. The spokesperson for the Worker experts and the Government expert from Chile wanted the relation between crew numbers and hours of rest to be made clear.
231. The Secretary-General suggested that the Office could rephrase the last sentence of the second paragraph that took into consideration the views expressed. A footnote that included a definition of crew could also be inserted.
232. The spokesperson for the Worker experts suggested that the brackets be removed from the text under the title: Contracts for work: “In the non-mandatory part of the instrument, account could be taken of the elements contained in Annex II to the report of the Committee on Conditions of Work in the Fishing Industry (1988).”, and under: Crewing/manning and qualifications: “Consideration should also be given to including a reference to the guidance provided in joint FAO/ILO/IMO publications concerning training of fishing vessel personnel and safety and health on board fishing vessels.”
233. The spokesperson for the Employer experts suggested that there was no consensus so the text should be deleted and not included in the Chairperson’s summary. The key guide to the training of crew was found in the STCW-F Convention which was mentioned in the previous sentence.
234. The secretary of the Worker experts was “totally astonished” that the Employers would seek to delete references to the detailed guidance provided by three competent United Nations organizations that were relevant to training and certification of crew. The STCW-F Convention only applied to vessels larger than 24 metres. The joint publication recognizes the primacy of the STCW-F Convention and takes it into consideration.
235. The Secretary-General noted that although no consensus was reached on these two sentences in square brackets, there were important discussions held on them. The words would be removed and the comments submitted on the relevant questions to the questionnaire would be duly considered.
236. The spokesperson for the Employer experts explained that a line needed to be drawn separating crewing strength and operational crew’s strength. The crewing strength was determined by national authorities and ensured safe navigation of the vessel. The operational crew’s strength was decided upon by the shipowner, who had the sole discretion to decide on how many people should be engaged in processing on board.
237. Referring to the Meeting’s agenda, the Government expert from Canada pointed out that the Meeting had been convened to identify areas of difficulty on which further consultations were necessary. Consensus regarding all points of discussion need not be reached.
238. The Government expert from India agreed with the Government expert from Canada and expressed his full trust in the Office’s abilities to summarize the discussions accordingly.

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- 239.** The spokesperson for the Employer experts stressed the sensitivity of the issues raised and asked to be furnished with reports in all three languages, to allow his group a final discussion and subsequent acceptance.
- 240.** The Secretary-General assured the Meeting that the Employer experts' request would be met and pointed out that important points for future discussion had been identified. The Secretary-General indicated that further informal consultations would continue on outstanding issues prior to the first discussion at the International Labour Conference in June 2004.
- 241.** The report of the Meeting would be circulated to the Government experts and the social partners for review. After finalization, the report would be incorporated into Report V(2) which was being prepared by the Office to be submitted to the 92nd Session of the International Labour Conference (June, 2004).

Appendix I

Submission by the International Transport Workers' Federation concerning the structure of the proposed new fishing standard

1. As the aim is to secure a single instrument, there will be a need to ensure that the Convention has a suitable structure and that different standards are grouped into common chapters or families.
2. It is suggested that the new instrument should consist of:
 - the **Articles** – the definitions and minimum administrative requirements, as well as the principles and rights provided for in the other sections of the new instrument;
 - **Part A** – mandatory and broken down into a number of sections addressing different standards; and
 - **Part B** – recommendatory and providing detailed prescriptive guidance on how to implement Part A.
3. It is suggested that the Articles should, in addition to containing the definition and legal requirements, also contain a no more favourable treatment clause for vessels calling at a port of a third country, a simplified amendment procedure (equivalent to the International Maritime Organization (IMO) tacit amendment procedure), express reference to the core ILO labour standards and a section on the rights and principles provided for in this fisheries instrument. It is also suggested that the Articles should include the concept of substantial equivalence found in ILO Convention No. 147. This would provide for horizontal flexibility as opposed to vertical flexibility and would permit the achievement of the objective by other means.
4. It is suggested that Part A be subdivided into the following “chapters”:
 - I. Prerequisites for going to sea**
 - minimum requirements for seafarers to work on a ship;
 - minimum age;
 - medical certificate;
 - training and qualifications – including basic safety training, taking into account applicable international instruments (as the STCW-F has not entered into force or secured widespread ratification, to cite the IMO Convention could constitute an impediment to ratification);
 - responsible fishing; and
 - recruitment and placement.
 - II. Conditions of employment and crewing**
 - fishers employment agreements;
 - wages;
 - hours of work or rest and entitlement to leave;
 - repatriation;
 - safe crewing levels; and
 - continuity of employment.
 - III. Accommodation, welfare facilities, food and catering**
 - accommodation and on-board welfare facilities; and
 - food and catering.

IV. Health protection, welfare, medical care and social security

- medical care on board ship and ashore;
- owners' liability in the case of sickness or injury of fishers or other misfortunes;
- health and safety and accident prevention;
- access to shore-based welfare facilities; and
- social security.

V. Compliance and enforcement

- flag State responsibilities;
 - general principles;
 - inspection and enforcement;
 - quality standards;
 - marine casualties;
 - port State responsibilities; and
 - inspections in port.
5. It is suggested that the issue of identity documents should not be addressed and the possibility of applying the new ILO Convention No. 185 (seafarers' identity documents) to the fisheries sector be used.
6. It is also suggested that the following criteria should be used to limit the scope of application within the sub-headings within the various "Chapters":
- length/tonnage (if the latter is used, it will need to be in terms of gross tonnage, rather than the gross registered tonnage, which is used in the current ILO Convention on accommodation); there will also be a need to include a grandfather clause to exclude existing vessels from having to comply with what would be new construction requirements;
 - decked or undecked;
 - area of operation;
 - type of operations;
 - type of gear;
 - whether the vessel visits foreign ports;
 - whether the vessel is owner operated; and
 - the nationality of the crew in the case of social security.

The complications which would be caused through the use of the IMO international tonnage Convention strongly suggests that the length criteria would be preferable.

7. The idea would be to start off with the maximum requirements, which would apply to large fishing vessels operating in distant waters and then add relaxations for other types of vessels and other fishing operations.

Conclusions

8. The above structure has sought to use the innovative approach being developed within the new seafarers' instrument so that the new fisheries instrument could be easily amended and upgraded in the future, should it become widely ratified.

Appendix II

Chairperson's summary

The agenda of the Meeting of Experts, as agreed by the Governing Body at its 285th (November 2002) Session, was to discuss issues to be included in a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector.

In keeping with its agenda, the Meeting of Experts reached consensus on a number of issues. The following is a reflection of areas where consensus was reached and would be of assistance to the Office in drafting proposed Conclusions on a comprehensive standard on the fishing sector for consideration by the 92nd (June 2004) Session of the International Labour Conference. Other issues were discussed on which no consensus was reached.

Minimum age

There was a general consensus that the standard should include provisions on minimum age. Work in fishing was considered to be governed by the provisions of Article 3 of Convention No. 138 and Article 3(d) of Convention No. 182 and paragraphs 3(e) and 4 of Recommendation No. 190. There was consensus that such a provision should be included in the proposed Conclusions, taking due account of the relevant provisions of Conventions Nos. 138 and 182. Such a provision should be clear, simple and non-duplicative.

Medical examinations

As concerns medical examinations, there was a general consensus that the standard should include a provision requiring pre-sea and periodic medical examinations for fishermen. There was also consensus that, as concerns possible exemptions to this requirement, the Office should await the outcome of the analysis of replies to the questionnaire. It was also agreed that the non-binding part of the standard should make reference to the *ILO/WHO Guidelines for pre-sea and periodic medical examinations for seafarers*.

Medical care at sea

Concerning medical care at sea, there was a general consensus that, taking into account areas of operation of vessels and/or length of time at sea, the standard should contain the following principles: fishing vessels should carry appropriate medical supplies and an appropriate medical guide approved by the competent authority; there should be a person on board with training in first aid and/or medical care; vessels should be equipped for, and crew should have access to, radio medical services; there should be measures to ensure rescue at sea for injured or ill persons. The standard should also take into account the need for differentiated treatment within the sector.

Contracts for work

As concerns contractual arrangements, there was a general consensus that the standard should provide that there should be a contract, which could be a contract of employment or articles of agreement for employed fishermen, or another form of agreement with the fishing vessel owner for share fishermen. The contract should further specify a minimum number of the elements referenced in Article 6 of Convention No. 114. An analysis of the replies to the questionnaire would indicate whether the issue of insurance should be included in such a contract.

Accommodation

Concerning accommodation, there was a general consensus that the standard should include a general provision that all fishing vessels should have appropriate accommodation and sufficient food and drinking water for the service of the vessel. There was also consensus that this provision should be followed with a listing of the broad objectives concerning accommodation, with details to be included in the non-mandatory part of the instrument in the form of guidance. The standard should also provide sufficient guidance to shipbuilders for the construction of fishing vessel accommodation. The work on these provisions should take into account the approach taken in the accommodation provisions of the consolidated maritime labour standard for seafarers.

Crewing/manning and qualifications

Concerning the issues of crewing of fishing vessels and of qualifications of persons working on board fishing vessels, the general consensus was that the issues of crewing and qualifications should be dealt with in separate sets of provisions.

As regards crewing, a distinction needs to be made between persons employed as crew and other persons employed for other operational purposes on board the vessel. Fishing vessels should be sufficiently and safely manned, due account taken of hours of rest, and the need to ensure the overall safety of the vessel and of those working on board.

Concerning qualifications, the standard should not duplicate or conflict with the provisions of the STCW-F Convention; consideration should be given to providing guidance on qualifications for masters on vessels under 24 metres in length.

Hours of work or rest

As concerns hours of work or rest, the general consensus was that the mandatory part of the standard should provide that the persons working on board fishing vessels should have minimum periods of rest in accordance with national laws and regulations. Any additional provisions should be in the form of guidance.

Consultation

As concerns the issue of consultation, there was general consensus that the standard should include a provision concerning consultation with representative employers' and workers' organizations, as well as with representative organizations of persons working on board fishing vessels in the development and implementation of national laws and regulations concerning conditions of work in the fishing sector. This was understood to refer to consultation with representative organizations of all persons falling within the scope of the new instrument.

Registers of persons

As concerns the issue of registration, there was qualified support for the inclusion of a recommendatory provision concerning the maintenance by the competent authority of a register of persons on board fishing vessels. There were concerns about the purpose of such a register. On the one hand, there was support for a register for the purpose of improving occupational safety and health, for statistical purposes, and for monitoring implementation of provisions of the standard; on the other hand, there was concern that a register might be used to restrict access to work on board fishing vessels and that it might have implications for the protection of the privacy of personal data. The Office was to provide greater clarity, in the report to the Conference, on the purpose of the register.

Occupational safety and health

Note was taken that the Occupational Safety and Health Convention, 1981 (No. 155), provided for the possible exclusion of fishing from its application. Considering the high rate of injuries and fatalities in the fishing sector, great importance was attached to promoting occupational safety and health. There was therefore consensus that the standard should contain provisions covering this issue. The issues to be addressed could be drawn from those contained in the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), particularly Articles 4, 8 and 9, with modifications appropriate for the fishing sector. The standard should address the use of risk assessment. It was also agreed that a provision could be included concerning consultations, as appropriate, on safety-management systems for fishing vessels, while recognizing the responsibility of employers and owners for health and safety on board such vessels.

Social security

As concerns the issue of social security, there was consensus that the standard should provide that persons working on board fishing vessels should be entitled to benefits applicable to other workers. Account could also be taken of the specificity of the fishing sector in this area in the formulation of the provision to ensure coverage for at least certain minimum benefits. Detailed provisions on this question would not be included.

Structure of the standard

There was consensus that consideration should be given to the structure of the standard proposed by the International Transport Workers' Federation (ITF) in a document submitted by it. However, it was for the International Labour Conference to take a decision on structure. The time available to the Office would be kept in mind and, if this proposal was to be endorsed by the International Labour Conference, the text would be subsequently transformed to take account of that structure.

Other issues

There was consensus that the standard should reflect gender concerns. In particular, in future ILO documents concerning the fishing sector the word "fisherman" should be replaced by the gender-neutral term "fisher".

Issues on which further consultation would be necessary prior to the International Labour Conference in 2004

- Crewing.
- Extension of protection for seafarers to persons working on board fishing vessels.
- Enforcement and application within the exclusive economic zone.
- Fisheries observers.

It was agreed that the Office, to the extent possible in the limited time available, should consult with the Employer and Worker groups and with the Government members of the Governing Body in the preparation of the proposed conclusions on a comprehensive standard (a Convention supplemented by a Recommendation) for the fishing sector, and that further consultations on the development of the standard should take place prior to the discussion of this issue at the 92nd (June 2004) Session of the International Labour Conference.

List of participants
Liste des participants
Lista de participantes

Representative of the Governing Body
of the International Labour Office
Représentant du Conseil d'administration
du Bureau international du Travail
Representante del Consejo de Administración
de la Oficina Internacional del Trabajo

Mr. Evgeny Sidorov, Secretary, Federation of Independent Trade Unions of Russia, Moscow

Government experts
Experts des gouvernements
Expertos de los Gobiernos

BRAZIL BRÉSIL BRASIL

Sr. José Roberto Moniz de Aragão, Engenheiro, Ministério do trabalho e emprego, Rio de Janeiro

CANADA CANADÁ

Mr. Joseph O'Neill, Deputy Minister, Department of Labour, Government of Newfoundland and Labrador, St. Johns

CHILE CHILI

Srta. Claudia Donaire, Abogado Consejero, Ministerio del Trabajo, Santiago de Chile

INDIA INDE

Dr. P.D. Shenoy, Secretary to the Government of India, Ministry of Labour, New Delhi

Advisers/Conseillers techniques/Consejeros Técnicos

Mr. Praful Kumar Pattanaik, Joint Secretary (Fisheries), Government of India, New Delhi

Mr. Arun Kumar Chatterjee, First Secretary, Permanent Mission of India in Geneva

NAMIBIA NAMIBIE

Mr. Bro-Matthew Shinguadja, Labour Commissioner, Labour Commissioner's Office, Windhoek

Advisers/Conseillers techniques/Consejeros Técnicos

Mr. Cornelius Bundje, Marine Superintendent, Ministry of Fisheries and Marine Resources, Walvis Bay

Mr. Ono Angula, Office of the Labour Commissioner, Ministry of Labour, Swapokmund

NORWAY NORVÈGE NORUEGA

Mr. Georg Trzebinski Smefjell, Assistant Director of Department, Norwegian Maritime Directorate, Oslo

Advisers/Conseillers techniques/Consejeros Técnicos

Mr. Haakon Storhaug, Principal Surveyor, Norwegian Maritime Directorate, Oslo

Ms. Wenche M. Lunde, Higher Executive Officer, Norwegian Maritime Directorate, Oslo

SPAIN ESPAGNE ESPANA

Sr. Santos Orizaola Gurria, Asesor Técnico Laboral Marítimo, Ministerio de Trabajo y Asuntos Sociales, Instituto Social de la Marina, Madrid

Government observers

Gouvernements observateurs

Gobiernos observadores

DENMARK DANEMARK DINAMARCA

Mr. Philippe Bauchy, Special Adviser, Danish Maritime Authority, Copenhagen

Adviser/Conseiller technique/Consejero Técnico

Mr. Svend Karstensen, Ship surveyor, Danish Maritime Authority, Copenhagen

FRANCE FRANCIA

M. Philippe Illionnet, sous-directeur des gens de mer, ministère de l'Équipement, des Transports, du Tourisme, du Logement et de la Mer, Paris

Advisers/Conseillers techniques/Consejeros Técnicos

M. Alain Moussat, chef du bureau de l'inspection du travail maritime, secrétariat d'Etat aux transports et à la mer, Direction des affaires maritimes et des gens de mer, Paris

M. Bruno Dupuis, directeur du travail, chargé de mission au bureau des affaires multilatérales de la délégation aux affaires européennes et internationales, ministère des Affaires sociales, du Travail et de la Solidarité, Paris

ICELAND ISLANDE ISLANDIA

Mr. Hlynur Skuli Audunsson, Lawyer, Icelandic Maritime Administration, Kopavogur

IRELAND IRLANDE IRLANDA

Mr. Tom O'Callaghan, Nautical Surveyor, Maritime Safety Directorate, Department of Communication, Marine and Natural Resource, Dublin

KENYA

Mr. Ephraim Waweru Ngare, Counsellor, Permanent Mission of the Republic of Kenya in Geneva

MALAYSIA MALAISIE MALASIA

Mr. Wan Setapa Wan Zulkfli, Labour Attaché, Permanent Mission of Malaysia in Geneva

PHILIPPINES FILIPINAS

Ms. Maria Natividad, Minister, Permanent Mission of the Philippines in Geneva

SOUTH AFRICA AFRIQUE DU SUD SUDÁFRICA

Ms. Lindiwe Lusenga, Counsellor Labour, Permanent Mission of South Africa in Geneva

UNITED KINGDOM ROYAUME-UNI REINO UNIDO

Ms. Mary Martyn, Head of Seafarer Health and Safety Branch, Maritime and Coastguard Agency, Southampton
Adviser/Conseiller technique/Consejero Técnico

Mr. John Downie, Maritime and Coastguard Agency, Southampton

Experts nominated by the Employers' representatives

Experts nommés par les représentants des employeurs

Expertos designados por los representantes de los empleadores

Sr. Patricio Barber Soler, Asesor Legal, Camara de Armadores de Pesqueros Congeladores de Argentina, Capital Federal

Sr. Jaime Conde Solá, Asesor jurídico-laboral, Cooperativa de Armadores de Pesca del Puerto de Vigo, Vigo

Mr. Karl Heinrich Daiber, Board Member, Namibian Employers Federation, Walvis Bay

M^{me} Marie-Christine Hervouet/Dion, chargée de mission aux affaires sociales, Union des armateurs à la pêche de France (U.A.P.F.), Concarneau

Sr. Raul Joniaux Anchundia, Gerente, Pesquera Mariche «PESMAR» C.L., Manta

Mr. Tomonori Kosaka, Executive Managing Director, Japan Fisheries Association, Tokyo

Mr. Jon Magnusson, Attorney at Law, SA Confederation of Icelandic Employers, Reykjavik

Sr. Juan Ribaldo de la Torre, Pass-Presidente, Sociedad Nacional de Pesqueria, San Isidro

Employers – Advisers

Employeurs – Conseillers techniques

Empleadores – Consejeros Tecnicos

Mr. Masashi Nishimura, Manager, International Section, Japan Fisheries Association, Tokyo

Sra. Elsa Patricia Tizón, Director, Sociedad Nacional de Pesqueria, San Isidro

Experts nominated by the Workers' representatives
Experts nommés par les représentants des travailleurs
Expertos designados por les representantes de los Trabajadores

Sr. Horacio Angriman, Centro de Capitanes de Ultramar y Oficiales de la Marina Mercante, Buenos Aires

Mr. Johnny Hansen, Union Officer, Norwegian Seafarers Union, Oslo

Mr. Pil Jae Kim, President, Federation of Korean Seafarers' Union, Pusan

Mr. Hiroyuki Kobori, Member of Central Committee, All-Japan Seamens' Union, Tokyo

Mr. Peter Sand Mortensen, Chairman, International Transport Workers' Federation, Thisted

Sr. Luis Penteado, Director para Assuntos de Pesca, CONTTMAF, Rio de Janeiro

Sra. Elena Rodríguez, Federación Estatal de Transportes, Comunicaciones y Mar – UGT, Madrid

M. Mohamed Sardy, Union marocaine du travail, membre du bureau national, Casablanca

Workers – Advisers
Travailleurs – Conseillers techniques
Trabajadores – Consejeros Tecnicos

Mr. Yuji Iijima, All-Japan Seamens' Union (JSU), Chief of European Office, London

Ms. Hye Kyung Kim, Federation of Korean Seafarers' Unions (FKSU), Seoul

Mr. Hideo Kon, All-Japan Seamens' Union (JSU), Indonesia Representative Office, Jakarta

Mr. Flemming Smidt, ITF, Secretary, Copenhagen

Mr. Jon Whitlow, Secretary Seafarers, Fisheries and Inland Navigation, International Transport Workers' Federation (ITF), London

Representatives of United Nations, specialized agencies
and other official international organizations
Représentants des Nations Unies, des institutions spécialisées
et d'autres organisations internationales officielles
Representantes de las Naciones Unidas, de los organismos especializados
y de otras organizaciones internacionales oficiales

Food and Agriculture Organisation of the United Nations
Organisation des Nations Unies pour l'alimentation et l'agriculture
Organización de la Naciones Unidas para la agricultura y la Alimentación

Mr. Andrew Smith, FAO, Fishery Industry Officer, Fishery Technology Service, Fishery Industries Division, Rome

Representatives of non-governmental international organizations
Représentants d'organisations internationales non gouvernementales
Representantes de organizaciones internacionales no gubernamentales

International Collective in Support of Fishworkers
Collectif international d'appui à la pêche artisanale
Colectivo internacional de apoyo a los pescadores artesanales

Mr. Sebastian Mathew, Programme Advisor (ICSF), International Collective in Support of Fishworkers (ICSF), Chennai

International Organisation of Employers (IOE)
Organisation internationale des employeurs (OIE)
Organización internacional de empleadores (OIE)

M. Jean Dejardin, conseiller, Organisation internationale des employeurs, Genève

International Confederation of Free Trade Unions (ICFTU)
Confédération internationale des syndicats libres (CISL)
Confederación Internacional de Organizaciones Sindicales Libres

Mr. Dan Cunniah, Director, ICFTU Geneva Office, Geneva

Ms. Anna Biondi, Assistant Director, ICFTU Geneva Office, Geneva

International Maritime Health Association
Association internationale de médecine maritime
Asociación Internacional de Medicina Marítima

Ms. M. Luisa Canals, IMHA President, Antwerpen

World Confederation of Labour
Confédération mondiale du travail
Confederación mundial del trabajo

M. Hervé Sea, représentant permanent, Genève