

# **Note on the proceedings**

Tripartite Meeting on Safety and Health in the Fishing Industry

Geneva, 13-17 December 1999

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## Introduction

The Tripartite Meeting on Safety and Health in the Fishing Industry was held at the headquarters of the International Labour Office in Geneva from 13 to 17 December 1999.

The Office had issued a report<sup>1</sup> to serve as a basis for the Meeting's deliberations. The report provided an overview of recent developments in fishing, including employment, production trends and economic, environmental and legal changes which had, or would have, a major impact on fisheries. It addressed safety and health issues in the fishing industry, including those relevant to small-scale and artisanal fisheries. It included chapters describing national, regional and international measures and activities concerning safety and health in fishing. It contained a review of ILO standards concerning fishing and other maritime labour standards which could be applied to fishing.

The Governing Body had designated Mr. U. Edström of the Workers' group to represent it and to chair the Meeting. The three Vice-Chairpersons elected by the Meeting were: Mr. P. Wilkins (United Kingdom) from the Government group; Mr. A. Hakeem Khan (Pakistan) from the Employers' group; and Mr. O. Jacobsen (Faroe Islands/Denmark) from the Workers' group.

The Meeting was attended by Government representatives from China, Cuba, Denmark, Iceland, India, Indonesia, Mexico, Nigeria, Norway, Russian Federation, Spain, Thailand and United Kingdom; 16 Employer members and 18 Worker members.

Representatives from the following international organizations attended as observers: the Food and Agriculture Organization of the United Nations (FAO), the International Maritime Organization (IMO) and the World Health Organization (WHO). Observers from the European Commission and the Organisation for Economic Co-operation and Development (OECD) also attended.

Representatives from the following non-governmental organizations also attended as observers: the International Christian Maritime Association (ICMA), the International Collective in Support of Fishworkers (ICSF), the International Confederation of Free Trade Unions (ICFTU), the International Maritime Health Association (IMHA), the International Organization of Employers (IOE), the International Transport Workers' Federation (ITF), the Organization of African Trade Union Unity (OATUU) and the World Confederation of Labour (CMT).

The three groups elected their Officers as follows:

<sup>1</sup> ILO, Tripartite Meeting on Safety and Health in the Fishing Industry, Geneva, 1999 (*Safety and health in the fishing industry*), 100 pp.

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*Government group*

*Chairperson:* Mr. J. Bernóðusson (Iceland)

*Vice-Chairperson:* Mr. P. Wilkins (United Kingdom)

*Secretary:* Mr. G. Smefjell (Norway)

*Employers' group*

*Chairperson:* Ms. S. Burness

*Vice-Chairperson:* Mr. F. Addai

*Secretary:* Mr. J. Dejardin (International Organization of Employers) (IOE)

*assisted by:* Mr. A. Yurén (IOE)

*Workers' group*

*Chairperson:* Mr. O. Jacobsen

*Vice-Chairperson:* Mr. B. Bello

*Secretary:* Mr. M. Dickinson (International Transport Workers' Federation) (ITF)

The Secretary-General of the Meeting was Mr. O. de Vries Reilingh. Mr. D. Appave was Deputy Secretary-General. Mr. B. Klerck-Nilssen was Adviser to the Secretary-General. Ms. C. Doumbia-Henry was Legal Adviser. Mr. B. Wagner was the Executive-Secretary and responsible for the Office report. Messrs. D. Gold, J. Myers and D. Pentsov served as Experts. The Clerk of the Meeting was Ms. T. Bezat Powell.

The Chairperson opened the Meeting and noted the importance of fishing to many countries and the difficult conditions experienced by workers in this sector. He said that tripartite meetings such as this one provided an opportunity for those directly involved in a sector to discuss important issues and exchange views and experiences. They were practical means of improving social dialogue and tripartism. As the Director-General, Mr. Juan Somavia, had said, stronger social dialogue and tripartism together formed one of the four strategic objectives of the ILO. The Chairperson said that the Meeting was also an opportunity to bring together representatives of those persons working daily towards the improvement of safety and health for workers for all types of fishing operations and all sizes of fishing vessels. He noted that, in many countries, fishing was a very challenging and often dangerous profession, with high fatality rates. The Meeting would help identify future ILO work to improve this situation. Additionally, he said, the Meeting had been given the task of examining ILO's five Conventions and two Recommendations aimed specifically at the fishing industry, as well as other possibly relevant maritime and general labour standards which may apply to fishing, in order to provide views on these standards for consideration by the

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Working Party on Policy regarding the Revision of Standards established under the Committee on Legal Issues and International Labour Standards of the Governing Body. As Workers' Chairperson of that Working Party, he was particularly interested in this aspect of the Tripartite Meeting. He urged the delegates to seek consensus on conclusions which were practical and which would include both long-term and immediate measures and recommendations to be followed up by the Office.

Ms. K. Hagen, Executive Director, Social Dialogue Sector, welcomed the participants to the ILO. She noted that this was the first meeting specifically concerned with the fishing industry since the ILO's Committee on Conditions of Work in the Fishing Industry met in its last session in 1988. Since that time, the sector had undergone much change. Advances in fishing technology, processing and transport had globalized the fishing industry. Concerns over sustainability of fish stocks, overcapacity of fishing fleets and more general environmental concerns has placed considerable pressure on the sector. Extension of exclusive economic zones and the privatization of major government-owned fleets had caused gains for some and setbacks for others. All these changes had an impact on safety and health. It was therefore necessary to look at safety and health issues in a broad context in order to identify the underlying causes and reduce the high fatality and injury rates. The Meeting, she added, would also provide an opportunity to obtain views from the sector on ILO's Conventions and Recommendations relevant to fishing.

Ms. Hagen described the four strategic objectives of the ILO, as outlined by the Director-General, Mr. Juan Somavia. The first strategic objective, which concerned fundamental principles and rights at work, was touched upon in the Office report and was one of the subjects of a panel discussion. The second, creation of employment, was important to the fishing sector, bearing in mind the many workers in the fishing sector caught up in restructuring, changes in access to resources and pressures to reduce overcapacity in the world fishing fleet. Social protection, the ILO's third strategic objective, encompassed the need for improvements in safety and health at work, which was the primary focus of the Meeting. The ILO's InFocus Programme on SafeWork had set several goals, including the development of preventative policies and programmes to protect workers in hazardous occupations and sectors, and these goals were very relevant to the work of the Meeting. A panel discussion would be devoted to a discussion of tools for improving safety and health in fishing, including tools and programmes available within SafeWork. The fourth strategic objective concerned tripartism and social dialogue. The Meeting itself was an example of social dialogue at the international level. She hoped that the Meeting would help to strengthen such dialogue at the regional, national and local levels. A panel discussion would include a presentation on the ILO InFocus Programme on Strengthening Social Dialogue. She noted that all four objectives were interlinked. Additionally, such cross-cutting issues as gender mainstreaming were essential.

Ms. Hagen concluded by expressing her confidence that the Meeting would agree on conclusions and resolutions that would supply the ILO and its constituents with practically oriented guidance on how it could contribute to the improvement of safety and health in the fishing industry. The Meeting could identify what must be done to protect the lives and health of all those in the fishing sector, and this

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would improve prospects for better lives for workers in the fishing industry as well as their families.

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Part 1

## **Consideration of the agenda item**



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# Report of the discussion

## Introduction

1. The Meeting examined the item on the agenda. In accordance with the provisions of article 7 of the Standing Orders for sectoral meetings, the Officers presided over the discussion.
2. The spokesperson for the Employers' group was Ms. Benonisen and the spokesperson for the Workers' group was Mr. Mortensen.
3. The Meeting held five sittings devoted to the discussion of the agenda item.

## Composition of the Working Parties

4. At its second plenary sitting, the Meeting set up a Working Party, composed of three representatives from each group, to examine discussion point 10 and to report back to the Meeting.

5. At its fifth plenary sitting, in accordance with the provisions of article 13, paragraph 2, of the Standing Orders, the Meeting set up a Working Party to draw up draft conclusions reflecting the views expressed in the course of the Meeting's discussions of the report. The Working Party, presided over by the Government Vice-Chairperson (Mr. Wilkins, United Kingdom), was composed of the following members:

### *Government members:*

Iceland:	Mr. Bernóðusson
Norway:	Mr. Smefjell
Russian Federation:	Ms. Petrenko
Spain:	Mr. Gurrea Moreno
United Kingdom:	Mr. Wilkins

### *Employer members:*

Mr. Addai  
Ms. Benonisen  
Mr. Díaz González  
Mr. Djimanto  
Ms. Hervouet

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*Worker members:*

Mr. Angriman

Mr. Kobori

Mr. Mortensen

Mr. Penteadó

Ms. Skrede

## **Presentation of the report and general discussion**

6. The report that had been prepared for the Meeting by the International Labour Office was introduced by the Executive Secretary. He thanked those who had contributed to the preparation of the report, including those who drew up background papers or provided information. The report focused on commercial maritime fishing, though mention was made of shore-side processing. It included both deep-sea and artisanal fishing. An overview of the world fishing industry provided information on employment, fleet size, fishing as a source of food and certain international developments. Hazards in fishing and available safety and health statistics were discussed. The estimate of 24,000 fatalities annually covered fishing operations, shore-side processing and fish farming.

7. Issues relevant to the high fatality and injury rate associated with fishing, including topics such as training, risk awareness, culture and attitude, the influence of the share system, fatigue, economic pressures and other issues, were examined. Information was provided on national action by governments, fishing-vessel owners and trade unions to improve safety and health in the fishing industry. Regional measures and initiatives were discussed, with particular focus on the extensive regional standards in Europe. The report sought to identify most of the relevant international standards and activities, including the work done by United Nations specialized agencies such as the Food and Agricultural Organization, the International Maritime Organization and the International Labour Organization itself. It also described ongoing activities such as the revision of the FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification or the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, Part B. The report drew attention to ILO standards on occupational safety and health generally and the tools available in the ILO, particularly those in the InFocus Programme on SafeWork, which could be used to improve the safety and health of fishermen.

8. The speaker also mentioned that, taking advantage of the timing of the Meeting, the Governing Body of the ILO had requested that participants review the seven ILO standards specifically concerning fishermen and certain other standards concerning seafarers which might be applicable to fishermen. He concluded by expressing the hope that the outcome of the discussion would help all those concerned with the fishing industry, and contribute to improvements in the lives of all fishermen.

9. The Meeting, as proposed by an observer from the International Collective in Support of Fishworkers, observed one minute's silence in honour of

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the thousands of fishermen who lost their lives in a cyclone in India on 29 October 1999.

10. The Employers' spokesperson complimented the Office for the well-balanced and informative report, which provided an overview of a wide and complex sector. She felt that, in future, aquaculture and sea-farming should also be addressed. The Employers took health and safety and the number of accidents, caused by many factors, very seriously. Improving the conditions of fishermen was, according to her, the joint responsibility of employers and workers.

11. The Workers' spokesperson congratulated the Office for producing an extremely useful document. He noted that there were about 15 million fishermen worldwide, with 90 per cent of them working on vessels less than 24 metres in length, the starting threshold of most international instruments. He mentioned that there was a need to adopt a holistic approach to safety and health in the fishing industry, and that the majority of accidents could be attributed to the human factor. The fact that the remuneration of many fishermen was based on the share system could cause them to take unnecessary risks and to fish in an unsustainable manner. In recent years, he continued, there had been profound regulatory changes; it was generally accepted that the industry was in crisis in many parts of the world due, among other things, to the adoption of 200-mile exclusive economic zones, the extension of coastal state jurisdiction, the development of indigenous fishing industries and overfishing. He welcomed the figures given in the report on depletion rates, which gave a more differentiated picture. The income of most fishermen was unstable because it depended on two factors: the catch and the price for the catch.

12. One solution might be the introduction of a guaranteed minimum wage, as advocated by the meeting of the Committee on Conditions of Work in the Fishing Industry held in 1988. He felt that little consideration had been given to the social consequences of the restructuring of the industry, particularly the extension of the flag of convenience (FOC) system. It was important to establish a safety culture in the industry, both on board the vessel and throughout the enterprise. He noted that the report gave limited information on health issues, probably because of the lack of information. As far as fatigue was concerned, he argued that this depended not only on the daily working hours but also on the total time spent at sea, and he advocated both the introduction of limits on trip lengths or a minimum number of leave days, as in shore occupations.

13. An observer from the International Christian Maritime Association thanked the Office for the excellent report. The Meeting was a great opportunity for the fishing communities around the world that had high hopes for its outcome. He made several suggestions to the participants, such as to encourage flag States to ratify and implement international instruments; the possibility of port state control provisions; the idea of coastal States or insurers requiring compliance with international instruments as a condition for receiving fishing permits or protection and indemnity (P&I) and hull insurance cover; to encourage the fishing industry itself to change its attitude towards fishing vessel safety regulations; and to promote the industry's cooperation with governments and international

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organizations in producing and enforcing reasonable and practical measures to protect people on fishing vessels.

14. An observer from the International Collective in Support of Fishworkers was pleased to see that the report paid attention to small-scale fishing. He emphasized the importance of disaster preparedness, because the number of lives lost due to natural disasters was much greater than the figure given in the report for the number of lives lost on board vessels smaller than 12 metres.

15. An observer from the International Maritime Organization (IMO) commended the excellent report. His organization was very concerned about the safety of fishing vessels and fishermen. The IMO's Secretary General had on many occasions called upon governments to ratify the relevant international instruments, particularly those dealing with training since training would contribute to improving safety and health in the industry.

16. An observer from the International Maritime Health Association said that her organization appreciated the invitation and could provide support in many health matters. It had carried out many studies on fatigue and cardiac risks for example. It was important that governments should enforce the existing rules and regulations. She also stressed the importance of the education of fishermen; it would improve awareness and result in enhanced prevention, as could be seen from experiences in Spain where fishermen were the most important group of maritime workers.

17. An observer from the European Commission commented that his organization was ready to help in any way possible the work of the ILO in improving safety and health in fishing, and welcomed the report and the opportunity to discuss these matters in the Meeting.

### **Priority areas for improving occupational safety and health**

18. The Workers' spokesperson felt that one of the most urgent issues concerned fatigue, including that caused by noise and vibrations. The Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180), was of great importance in that regard. A second issue was training on vessels using different kinds of fishing gear and so on C the joint FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification might provide some useful wording for the Meeting. Social dialogue was a key concept for improving safety and promoting awareness and safety culture among fishermen. There was a lack of implementation and ratification of international instruments, and lack of coverage for vessels under 24 metres long, a category in which many accidents occurred. Port state control for fishing vessels would be desirable, as for other merchant vessels. Loss of income due to disability, death and sickness was a major problem. Pension coverage was poor, and many fishermen would be victims of accidents or disease before reaching their pensionable age. With regard to search and rescue operations, he asked the representative of the International Maritime Organization for clarification concerning the abolition of watch on Channel 16 on VHF and the full implementation of the 1988 GMDSS amendments.

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19. The Employers' spokesperson stressed that training in health and safety was a priority, since many accidents were caused by human error. She felt that it should be the role of governments to set minimum standards for health and safety, based on consensus from dialogue with all parties concerned, not leaving the issue to market forces. Systems for training, skills, medical care and social security should be available. In addition, minimum standards should be set for technical factors, such as equipment and vessel safety.

20. A Worker member from Chile said that while it was true that some accidents were caused by human error, it was not less true that the majority of these errors were due to the fact that economic efficiency was being given priority over safety. This was reflected in the overextension of fishing which made fishermen work more dangerously.

21. The representative of the International Maritime Organization noted that under the 1979 Convention on search and rescue, administrations and governments had established appropriate rescue centres and provided necessary assistance for casualties and other incidents. A global coordination service was offered for these centres, and was now developing sufficient coverage. The 1988 GMDSS amendments should have been fully implemented from February 1999; the Convention and the Torremolinos Protocol of 1993 itself, which also contained the provisions included in the SOLAS Convention, was not yet in force, and countries had to determine what legislation was applicable to fishing vessels.

22. The representative of the Government of Iceland pointed out that his country was working hard to fulfil the standards and give priority to improvements, with an emphasis on raising minimum standards.

23. The representative of the Government of China thought that it was important first to solve the problem of legislation, and labour administration was essential to regulate this dangerous industry. The labour law of China applied to enterprises, employers, workers and social groups (including artisanal and share-system fishing crews), stipulating the responsibility of employers to implement training for workers and employers on accident prevention and to implement safety and health regulations, which included regular medical examinations. There was also specific legislation on fishing: fishing vessels should be regularly inspected, certificates of competency were necessary and vessels should undergo several examinations before entering service. According to regulations on traffic at sea, the Government of China had issued regulations for employers and employees at sea, with regard to their fitness and competency. In accordance with the STCW F Convention, watchkeeping regulations had been established to lay down the responsibilities of captains and sailors/technicians. Workers should be working effectively, not in a state of exhaustion.

24. For those working on larger vessels, special training programmes were provided on techniques for survival at sea, the operation of lifeboats, firefighting facilities and training in their use. Similarly, for employees on small fishing vessels, basic training programmes in survival skills were given. Few serious accidents had occurred since these measures had been implemented, better protecting fishermen's health and safety, raising awareness of the dangers and best practices. China had a training centre, 21 training experts around the country and

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other programmes by provincial governments. Awareness was of paramount importance and the responsibility of shipowners had been enhanced since the reform policy and opening up of the economy. Ownership of fishing vessels had also changed. China had established the Mutual Assistance Association of Fishing Vessel Owners – a voluntary organization that helped its 140,000 members through compensation. Its slogan was: “One protects all and all protect each person”. It provided great help for those involved in accidents or losses. In conclusion, he noted the improved situation in China in three areas: laws and regulations, organization, and mutual assistance.

25. The representative of the Government of Norway appreciated the efforts of the ILO and stressed the importance of the Meeting, but cautioned that it was not possible to legislate safety and health. Fishermen, owners, organizations, training institutions and others had to work together to improve safety and health. The main responsibility lay with employers, but also those who worked in the industry. He proposed the following points: (a) setting minimum standards to improve working and living conditions and safety and health on board, securing the viability of fishing fleets and preventing such improvements becoming a liability; (b) developing programmes and regulations to identify, reduce and minimize risks (the ISM/FSA programmes of the IMO could be developed for fishing vessels, but should be non-mandatory and adapted to fishing); (c) creating standardized reporting systems for accidents and improving data collection, processing and utilization to improve safety on board; (d) making safety and other training courses mandatory for all who wished to work as fishermen; (e) ensuring that only vessels built for fishing could be used for that purpose; (f) allotting space on deck so as to allow fishermen to work safely; (g) improving the relationship between ship, gangway, port and shore to ensure safe passage on and off vessels; and (h) considering quotas in the light of safety for fishermen.

26. An observer representing the International Transport Workers' Federation, and secretary of the Workers' group, welcomed the idea of an ISM code for fishing vessels, as suggested by the representative of the Government of Norway. This type of code could promote the adoption of a safety culture in fishing, but counselled that such a code should avoid generating excessive paperwork, which was a drawback of the ISM in that it had put great pressure on shipping officers.

27. The representative of the Government of Denmark stated that, although his Government had received the invitation only ten days earlier, they had felt it important to attend. Denmark had only ratified the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), but had developed through tripartite consultation many rules on mandatory safety training, mandatory vocational training for young fishermen, medical treatment on board, certification of masters and mates and so on. His country was one of the few to have ratified the STCW-F Convention adopted by the IMO in 1995 and the Torremolinos Protocol of 1993. He hoped that others could benefit from Denmark's experience in this field.

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## Roles of legal, regulatory and other measures

28. The Workers' spokesperson pointed out that one of the main problems concerned the wage "share" system, which was long overdue for replacement by a minimum guaranteed wage, in addition to which there could be a bonus or share system. He quoted the text of the conclusions concerning systems of remuneration and earnings adopted in 1988 by the Committee on Conditions of Work in the Fishing Industry:

[...] Fishermen should enjoy remuneration and a standard of living that are commensurate to those of workers in other types of economic activity. Employed commercial maritime fishermen should achieve a minimum income over fixed periods which bears some relation to the average income for workers ashore. [...] The shared system may not give fishermen a continuous income at all times as it is related to the catch and may therefore not be wholly suitable as the sole basis of remuneration for all categories of fishermen. Accordingly, other systems of remuneration may be considered: (a) a minimum wage on a monthly, weekly or voyage basis combined with a share in the sale of the catch; (b) a wage or salary determined on a daily, weekly or monthly basis; (c) a monthly salary combined with a fish-catching productivity bonus. [...] The modalities of determining fishermen's wages and systems of remuneration are best left to negotiations between fishing-vessel owners and fishermen themselves and their organizations.

This wording agreed on in 1988 could be used as the basis for further discussion. He also supported mandatory safety training for every fisherman before serving at sea, and during service on fishing vessels.

29. The representative of the Government of India fully supported the ILO's important initiative in holding the Meeting, and felt that the topic should be divided between legal and other measures for small and artisanal, and those for large-scale fishing. India had put a ban on monsoon fishing, to avoid problems such as those caused by the Orissa cyclone of 1999. The federal Government was trying to ensure that all state governments adopted uniform legislation to ban fishing during June, July and August, when it was life-threatening to go out to sea; but trawler owners had challenged this in the courts. There was also a biological basis for the ban, as certain species of fish had their breeding season at this time, but not all states had accepted the ban. The livelihoods of people were ensured through a "lean season" scheme, paying out from a kitty during the monsoon period, as well as compensation to the value of 17,500 rupees in the case of injury and 35,000 rupees for death, from insurance funds.

30. A representative of the International Collective in Support of Fishworkers supported the view of the Workers' group on making training compulsory and of previous speakers with regard to monsoon fishing. On the share system, he made a distinction between artisanal and large-scale fishing, and sought clarification on the Workers' group's proposal.

31. The representative of the Government of Denmark felt that pay was a matter for bipartite agreement between employers and workers, and that governments should be excluded.

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32. A Worker member from Spain stressed the need to think about accidents particularly in relation to casual workers, who went to sea lacking experience or training, often with tragic results.

33. The representative of the Government of Mexico asked the Workers' group about the obligatory nature of training – she wanted to know whether it was to be obligatory for employers, workers and/or governments, and who was to finance it.

34. The Workers' spokesperson replied that practice differed from country to country with regard to who provided the finance, but it was important to have paid training; sometimes it was the social partners' responsibility, while in other countries they needed government help. It should cover all persons employed on fishing vessels, including casual workers.

35. The representative of the Government of the United Kingdom reflected on the diverse nature of global industry. The United Kingdom had adopted a number of international measures, but had also adopted since 1975 a comprehensive set of regulations for vessels down to 12 metres and some covering workers in all fishing vessels, and also some powers to inspect smaller vessels. He noted the comments of participants from India on monsoon fishing and problems of funding training. A young trainee would have to pay up to US\$600 for initial training, if support from the employer or government was not available. He stressed the importance of non-mandatory instruments such as the joint FAO/IMO/ILO Document for Guidance on Fishermen's Training and Certification, and suggested that participants might wish to consider non-mandatory instruments in the light of the diverse nature of the fishing industry.

36. A Worker member from Chile observed that the roles of legal and regulatory or negotiated measures should be complementary so as to improve security, safety and the situation of workers. With regard to crews and equipment, fishing vessels needed at least a minimum level of safety equipment and minimum standards. Safety measures and equipment were not given sufficient thought, and there were often problems because safety equipment was not appropriate to the size of the vessel and might even cause accidents. It was therefore essential to improve regulations concerning safety on board fishing vessels.

37. The representative of the Government of the Russian Federation expressed the appreciation of her Government that the ILO had provided the opportunity to hold tripartite consultations on occupational safety and health in the fishing industry. She elaborated on the roles of the Russian State Committee for Fisheries and the various agencies and institutions that played a role in monitoring the safety of the Russian fishing industry, which had the world's largest fishing fleet by tonnage and she provided further details about the size and composition of the fleet. Unfortunately, 90 per cent of the fatalities in the fishing industry concerned workers on board fishing vessels. She listed the Conventions ratified by the Russian Federation and described the existing rules and regulations dealing with safety and health as well as the various training programmes. She regretted that, at present, the existing associations of employers and workers were not dealing with occupational safety and health issues. It was important that instructions on safety measures were made available to all new entrants to the

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fishing industry. She called upon the ILO to study experiences in this field in other countries and to disseminate the results. The same could apply for weather criteria and other instructions to vessel officers. Finally, the ILO might wish to consider normative action in this respect.

38. A representative of the secretariat briefly introduced the InFocus Programme on SafeWork and highlighted some key elements in existing ILO Conventions on occupational safety and health (Nos. 148, 155 and 161) that were applicable to the fishing industry.

### **Promoting enforcement or application of laws, regulations and good practices**

39. The Workers' spokesperson felt that this topic was one that could only be answered by administrations or governments, but existing legislation and regulations were inadequate. A Worker member from Argentina commented on common problems for many Latin American countries, indicating that there was a great need to improve and strengthen the inspection mechanisms if the objective was to encourage better application and observance of existing laws and regulations. Too many responsibilities were being imposed by different bodies, and there was insufficient coordination and excessive overlap between ministries responsible for applying laws and regulations. Account had to be taken of the specifics of the industry. Governments had to promote social dialogue to improve safety and health in fishing, which was a government responsibility. They also had to provide the necessary funding for inspection. Many countries were unable to carry out adequate inspections. He urged participants to use the important opportunity the Meeting offered to revise regulations and consider updating Conventions in this area.

40. The representative of the Government of Iceland noted that his country was also working on management codes for fishing vessels but that they were not talking about minimum standards, but high standards of safety. No fisherman should be allowed to go to sea without having received training through the Training College in Iceland. In November 1999, the Government issued a regulation on self-release appliances for life rafts, and they were working hard on improving the stability of small fishing vessels.

41. The representative of the Government of China stressed that it was essential to ensure that existing regulations were enforced. First, fishermen had to be trained to understand the dangers of the sea and their work in that environment, which would encourage conscientious observance of the regulations. Second, supervisory measures would prevent untrained people from going to sea. These measures should be mandatory.

42. The representative of the Government of the United Kingdom, referring to the Fishing Vessels Safety Trends Initiative (mentioned on page 97 of the report), highlighted the importance of promoting a safety culture. Rather than using an ISM approach, the United Kingdom was using EC Directive 89/391 as regards risk assessment for fishing vessels, but bearing in mind the diversity of vessels and risk assessment problems. Some of these matters were left to the employer-worker

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relationship as to who was responsible, but noting the problem with “share-earning” vessels within this approach.

### **Improving coordination by all ministries, and the role of labour ministries**

43. The Employers’ spokesperson said that her group had considered the questions of enforcement and coordination together as they were closely related. The Employers’ group was of the opinion that the enforcement of existing laws and regulations was the responsibility of the State. However, the State should consult the parties in the fishing industry before setting new regulations because a consensus between the parties on new regulations would facilitate implementation. It was important that there were no overlaps in coverage between the agencies and institutions dealing with safety and health in the industry; coordination had to be improved. She said that everybody in the industry should be aware of the importance of safety and health and that all new entrants should participate in appropriate training courses, including some on health, safety and first aid.

44. The Workers’ spokesperson referred to the United Nations Convention on the Law of the Sea which – in Article 94 – described the duties of the flag State with regard to the enforcement of legislative provisions. The Convention did not exclude fishing vessels from such requirements. He regretted that the ratification rate of existing international instruments was not good. In his view, steps to improve the enforcement of legislative provisions should include the systematic inspection of fishing vessels by flag States, supplemented by effective port state control and even coastal state intervention. Governments should provide the necessary resources for such inspections, which should be used efficiently. It was important to involve the social partners at all levels; where such partners were absent, the ILO should encourage the creation of representative organizations. He reiterated that when talking about an industry, that meant both sides, not only the employers.

45. The representative of the Government of Cuba argued that training was fundamental in the fishing industry, which was an important activity that required much effort. Therefore, his Government was heavily involved in training and had established institutions that provided a wide range of training courses including initial training for workers on health and safety and accident prevention. Training-of-trainers courses were also offered, particularly for vessel officers, who could in turn train crew members. It was important to note that after officers had been trained, the accident rates had decreased. The emphasis in training was at present very much on accident prevention.

46. The representative of the Government of China referred to the existing labour dispute settlement procedures in his country, which provided a tripartite basis for settlement. If that mechanism was to be extended to the fishing industry in future, it would provide better protection to those involved in the industry. He asked the ILO to strengthen the research and dissemination of international experience with labour dispute settlement procedures in the fishing sector.

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47. The representative of the Government of Denmark provided additional information on the fishing safety councils in his country for promoting enforcement. Consultation on legislation took place through these bodies. He underlined the importance of creating consensus and mutual commitment which made implementation easier. With regard to improving coordination between ministries, he said that his Government had delegated the responsibility for all occupational safety and health matters to the Danish Maritime Authority. The Authority also coordinated the investigation and analysis of merchant and shipping fleet accidents.

48. The representative of the Government of Spain believed that for a correct and effective application of the existing standards on safety and health there was a need to involve the social partners. Unfortunately, the results were not always as desired. It might be a good idea to give some kind of economic incentive to vessels or crews with good health and safety records. He would like to learn from others about means that could be used to bring about change.

49. The representative of the Government of Thailand provided information concerning the role of the Government in relation to safety and health. In August 1998, Thailand had revised the labour protection law and extended its coverage to the fishing industry. This included mainly the protection of wages and the requirement of employees' registration and also the minimum age for employment on board fishing vessels.

50. The representative of the Government of India said that there were in fact enough laws and administrative guidelines, but what was needed was better coordination. Some states in India had maritime development authorities which looked at the combined needs of the maritime sector, including fishing. There was a need for better coordination between the activities of the coastal states and the central Government.

51. A representative of the secretariat raised the issue of the importance of insurance cover for promoting safety and health. In this respect he referred to a study carried out in Sri Lanka recently with the support of the ILO. Another representative of the secretariat drew the attention of the participants to the provisions of Article 9 of Convention No. 155 concerning enforcement by an inspection system. Innovative mechanisms were needed for the promotion of standards and of the linkage between productivity and safety and health.

52. The representative of the Government of Indonesia said that his Government included a Ministry for the Sea and Fisheries. This would contribute to the improvement of health and safety in the industry as well as to the promotion of social dialogue. He said that efforts to install a safety culture had been hampered by the low level of education in the industry.

53. The representative of the Government of the Russian Federation said that sectoral agreements were concluded on a tripartite basis between the Government and representatives of the employers and the trade unions. These covered wages, working hours, training, occupational safety and health and medical services for fishermen. Training expenses were covered by vessel owners. All fishermen had to undergo a medical examination upon recruitment. The rules

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foresaw the presence of a medical doctor on board all the large vessels. From March 2000, she said that it would be compulsory for chief mates of fishing vessels where a medical doctor had not been foreseen to have had medical training. Medical care was highly developed on Russian vessels. Vessels were inspected before they went to sea.

54. The representative of the Government of Norway recommended the promotion of a safety culture and self-inspection system based on the existing Code of Safety for Fishermen and Fishing Vessels. In his opinion, legislation and regulation should be kept to the minimum but the responsibility of employers and workers should be increased. It was essential to improve the coordination between all regulatory bodies and the dialogue between all stakeholders should be encouraged. He underlined the need for a common database for all international organizations involved in health and safety in the fishing industry, as well as for the strengthening of preventive measures.

55. The representative of the Government of the United Kingdom agreed that in his country there were good contacts with representatives from the industry on safety and health matters, but representation from the trade unions was lacking. It was of value to consult with industry representatives on new legislation before it was enacted. He raised the issue of how to define a worker: should share fishers be considered as workers or as co-adventurers?

### **Tripartite action in training and measures to improve safety and health**

56. The Employers' spokesperson felt that national governments should set minimum standards on safety and health. The importance of dialogue and cooperation ought to be underlined. Governments should provide the necessary funds for the training of fishermen. Health and safety and first aid should form part of the training packages. She mentioned the problems of the use or abuse of drugs and alcohol and the Employers' group called for a campaign on the prevention of the use of drugs and alcohol.

57. The Workers' spokesperson saw training as the key step towards the promotion of a safety culture. The human element remained the main factor in accidents. The ILO report identified a number of initiatives, and the Office should collect information on best practices which could be disseminated through national and regional seminars. He advocated the establishment of networks and the development of more data sheets for the fishing industry by the InFocus Programme on SafeWork. He referred to Convention No. 155 and Recommendation No. 162 which stipulated that the costs for safety and health training should not be borne by the worker, but by either the government or the employer. This could be agreed at the national level through tripartite consultation.

58. The representative of the Government of India differentiated between the training needs of the traditional fishing sector and those of the modern sector. Many state governments in India had fishery training institutes which provided training for the traditional sector active in coastal waters. However, more attention and resources were needed.

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59. The representative of the Government of Norway reported that vocational training in his country was largely funded by the Government, with a small contribution from the trainees. He referred to a study on the coordination of vocational training in Nordic countries which would soon be published. The setting up of a central advisory body should be considered. Insurance companies and mutual bodies could play an important role in the promotion of preventive measures. He called upon the ILO to collect and disseminate information on occupational safety and health.

60. A representative of the secretariat provided information on the ILO Programme on the Prevention of Drug and Alcohol Abuse in the Maritime Industry and another representative provided information on the International Occupational Safety and Health Information System (CIS).

61. A Worker member from Spain believed that there was a need for clear and precise information on safety and health. Spain had a reasonable safety and health record, but the number of accidents had been on the increase in recent months. The ratification of Conventions should be encouraged for the sake of solidarity. He said that the abuse of drugs and alcohol was not the only cause of accidents; fatigue was another important cause. He mentioned a joint campaign on the prevention of drugs and alcohol abuse in the Valencia region, which had been successful.

62. The representative of the Government of Spain acknowledged the Valencia campaign and noted that, in all cases of prevention, the results had been reasonably good. His country had ratified many Conventions, and probably would soon ratify the Torremolinos Protocol since it had transposed into internal legislation the Community Directive 97/70/CE, which is even more demanding than the Protocol. The labour law provided for a tripartite National Health and Safety Commission. He stated that in order to promote the observance of existing standards, new and imaginative methods had to be developed.

63. A Worker member from Chile recognized that drug abuse existed in many sectors, but objected to workers being called substance abusers. In some parts of Chile, fishermen had to work 18 to 20 hours a day, in the absence of legislation on the minimum size of crews. When they reached exhaustion, some of them felt they had to resort to the use of drugs to combat fatigue. Meaningful social dialogue was not possible in countries where trade unions were weaker or did not exist, sometimes because of overt anti-trade union policies of the government.

64. The representative of the Government of the United Kingdom requested clarification on the drugs and alcohol issue. He said that his country's safety record was good and that he was ready to provide more details. He thought that one of the main issues was the fact that various international organizations dealt with different issues, and their work needed greater coordination. There was scope for better enforcement of safety rules on board large deep-sea vessels (for example the Torremolinos Protocol). Port state control could be introduced for coastal fishing and vessels visiting a region. For smaller vessels, the health and safety issues were not as clear as for larger vessels. There was also a lack of clarity in the definition of the different types of fisheries.

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65. An observer from the World Health Organization and the WHO Collaborating Centre on Maritime Occupational Health in Gdynia, Poland, referred to a meeting held at the ILO in 1997 to consider guidelines on health standards for seafarers and their medical examinations. Following that consultation and the guidelines, his centre had conducted an international training course for doctors from developing and transition countries. There were few medical services specifically for fishermen in developing countries, so it was important to train selected general medical practitioners to deal with fishermen's health and safety problems. WHO intended to continue that work, hoping for continued funding from the ITF.

66. The representative of the Government of China replied to the questions raised by Worker members concerning his country's intentions with regard to ratification of the Torremolinos Convention and Protocol. He would urge the ministries and authorities to make regulations and legislation that would be aligned more closely to those instruments, and hoped that his response answered their question. The Workers' representative thanked him for his reply.

### **Safety and health for small-scale and artisanal fishermen**

67. The Employers' spokesperson stated that there were greater problems for small-scale and informal sector fishermen, and more accidents on small vessels. She suggested that it might be best to approach the problem via the local communities, communicating information to them on health and safety risks. The Employers' group also supported inspection and certification before going to sea, ensuring that the right safety equipment was on board.

68. The Workers' spokesperson agreed, and felt that training (including first aid and basic safety) had to reflect the type of fishing, the educational level or the cultural background. The cost should be borne by government. Stakeholders should be involved in the design and establishment of such schemes. Even for small-scale fishing vessels, there was a need for inspection for basic safety and seaworthiness. A basic problem for ships under 24 metres was that they were not covered by international instruments, and medical examinations were not compulsory. Communities needed general help against poverty, as set out in Agenda 21. Another Worker member noted the importance of the FAO and the ILO in developing a flexible curriculum for small-scale and artisanal fishermen, adapted to local fisheries.

69. The representative of the Government of the United Kingdom stated that there was no proof that vessels under 24 metres were less safe, although he was not directly contesting that. He noted that there were European Directives covering vessels down to 15 metres and others that applied in all cases where workers were employed, and the United Kingdom inspected vessels of 12 metres and also smaller vessels for basic safety requirements.

70. The representative of the Government of India mentioned the special welfare scheme for small-scale and artisanal fishermen, which subsidized housing for vulnerable workers, and also the lean-season scheme, and insurance schemes for sickness, injury and death.

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71. An observer from the International Collective in Support of Fishworkers noted that, according to the FAO, 95 per cent of fishermen were from developing countries, most of them from the small-scale or artisanal sector, and he regretted that they were poorly represented at the Meeting. He noted that safety and health problems were endemic in small-scale fishing, that there were major natural catastrophes affecting such work, and that conflict with large-scale vessels – and even collisions with them – might be one of the biggest problems. He welcomed an ITF statement calling for cooperation between small-scale and industrial fishermen. There should be a campaign in the large-scale industry to talk about the livelihoods and right to life of small-scale and artisanal fishermen.

72. An Employer member from Mauritania discussed the fishing industry in his country, and noted that local fishers were mostly illiterate. Safety gear, such as a lifebelt, was provided by employers but their use was often not understood by workers. There was insufficient respect of the zoning rules that aimed to keep large-scale trawlers out of artisanal areas.

73. The representative of the Government of the Russian Federation observed that in her country, until recently, the safety standards for small fishing vessels were based on current technical requirements, on the stability and free board of small decked and deckless vessels, as well as on procedures with regard to inspection, issuing of ship's documents and supplies on board. Each shipowning company had to form a special commission under a manager to carry out annual examinations of vessels as listed in the Act of Technical Inspection. The Russian Research Institute for the Fishing Fleet (*Giprorybflot*) had recently developed rules for classification, design and equipment of small fishing vessels. In the western regions of the country, pilot implementation of these rules was taking place, and the rules foresaw more precise safety measures to be prescribed for small vessels, supported by state supervision of inspection.

74. An ILO expert talked about indigenous fishers called sea gypsies in Thailand who dived for fish from 11-metre boats, who could not easily comply with new legislation. The various ministries, plus employers, workers, consumers, NGOs and international organizations, could all help find solutions for such fishers in identifying problems, improving productivity and providing help on safety matters. A project was working through village health-care workers to help suggest ideas to improve safety and health among the sea gypsies, and then to develop ways to spread these ideas.

### **Action on safety, health and related issues for vulnerable groups of fishermen**

75. The Employers' spokesperson pointed out that vulnerable groups could include children, older people and the disabled, and referred to the Worst Forms of Child Labour Convention, 1999 (No. 182), which she expected to be widely ratified.

76. The Workers' spokesperson felt that there was no place for child labour in fishing, and hoped that the ILO would strive to eliminate it. Vulnerable groups should be catered for, but he urged the Office to promote greater female

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participation. He referred to considerable abuse faced by foreign crew members, as shown in the report. They were also subject to exploitative contracts, and encountered serious problems when left in foreign ports, reliant on charity. An international instrument to provide for repatriation of fishermen was required. Complex chartering and mortgaging arrangements for boats were posing problems for the Russian Federation; it was often unclear who the employer was, and which State had effective control of the vessel. A Worker member from the Russian Federation spoke of fishermen marooned abroad, the lack of collective agreements, uncertainty about who the shipowner was and who the seamen were. The State had backed down on this issue, and there was no law on vessel ownership, no shipowners' or employers' association, and no one to negotiate with.

77. An observer from the International Collective in Support of Fishworkers fully supported the promotion of greater participation by women in fishing, and denounced the abuse of non-domiciled fishermen on board. He raised the question of cultural sensitivity in relation to child labour exploitation as opposed to fishermen's family members receiving training in fishing skills.

78. The representative of the Government of the United Kingdom expressed his Government's support for all reasonable measures to remove barriers to women's participation, and to prevent the exploitation of vulnerable groups.

79. A Worker member from Spain found that sometimes fishermen were five or six months away from home, and the family frequently had to verify whether social security payments had been made and had to deal with other bureaucratic responsibilities. Fishermen were often too exhausted to do much when they returned home, except to rest. For legal reasons, many fishing workers delegated authority to their family for dealing with the public authorities.

80. The representative of the Government of Norway stated that in his country wives and mothers were included in talks on safety and health, and this could counter the somewhat fatalistic safety and health approach of certain husbands. It could be an effective tool, especially if the husbands were also present at such discussions.

### **Improving data on the incidence and severity of accidents and disease**

81. The Employers' spokesperson stated that reliable data were an important basis for knowledge and prevention, but were also needed for comparison between countries. The ship's captain should be responsible for recording and notification of accidents or illness on board ship.

82. The Workers' spokesperson felt that, as highlighted in the report, harmonization and unification of the collection and collation of data had to be ensured, relating to all aspects of fishermen's employment, especially data on loss of life and accidents, since reliable statistics could form the basis for preventive measures. Such statistics should be widely distributed, and flag States should be made aware of their obligations under international law, including the United

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Nations Convention on the Law of the Sea, to investigate and hold inquiries regarding casualties or navigation incidents on the high seas.

83. The representative of the Government of Iceland emphasized the importance of registration of accidents, including those on smaller vessels. Most accidents in Iceland were on ships which were very well equipped, larger than 25 metres, mostly within the trawler fleet, and most casualties were from the 25 to 39 age group, i.e. those with the most experience. Young and old fishers were relatively less affected. The causes may in part relate to fast working procedures, cramped work space, extreme forces involved in heaving fishing gear, especially on trawlers, loose gear and external factors; the age range of those involved in accidents might suggest a lack of willingness to undergo retraining.

84. The representative of the Government of Norway also found the topic very important, and believed there should be an international database on registration and evaluation of incidents and preventive measures. However, he had the clear impression that there was a high level of underreporting. He suggested greater cooperation between government agencies and insurance companies, perhaps making insurance payments conditional on proper recording. Standardized forms should be developed, and it was essential to share information between member States. He highlighted statistics on Norwegian fishermen aged 39 and above, who suffered 70 per cent of total accidents. Deaths on fishing vessels were mainly among those aged 50-59 or 20-24. Safety training and retraining (which was mandatory in Norway) was essential.

85. The representative of the Government of Spain felt that there were clear problems of inadequate data and unequal weighting of information, and would favour a Convention standardizing the recording and notification of accidents. As compared with the statistics in the report, he noted that deaths and occupational injuries in Spain were more often due to problems on board than to damage of vessels, fires, sinking and so on.

86. An adviser to the representative of the Government of Iceland saw registration as being very important, for it was impossible to solve anything when you did not know or understand the problem, whether for planning training, updating equipment, considering tele-medicine services, stocking a medicine chest or other matters. But reporting was very poor, there was a lack of coordination between the authorities, a fear of claims and other factors, that often led to an underrecording of accidents and illnesses. Iceland had established a registration system covering, inter alia, the location and type of ship, details of the accident, the patient's occupation and experience, and external factors.

87. An observer from the WHO noted that uniformity in data collection would never be attained. Norway, Iceland and Germany were all very meticulous, but there was little uniformity between them, while in developing countries and elsewhere data were often scant. He stressed that data should be collected for intervention actions, not just for academic purposes or publication.

88. An observer from the IMO commented on their work in the early 1990s on refining the recording instruments, which resulted in the Torremolinos Protocol of 1993, which required each party to submit information on casualties. Since then,

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the IMO had been receiving reports from different countries, for submission to the Subcommittee on Flag-State Implementation. Information was being provided on the number of fishermen and fishing vessels, of vessels and lives lost, by cause, and so on, but there had been a very limited response. The primary purpose of this work, for the future, was to evaluate the need for amendment of IMO instruments relating to safety, based on those statistics.

89. An observer from the European Commission recognized this issue as an important problem that was being dealt with by Eurostat and the Directorate-General on Employment. At the 16th Congress of Labour Statisticians, held at the ILO in October 1998, progress was made on harmonizing key fields and parameters –classification of economic aspects, employment aspects, causes, nature of injury – through the adoption of a resolution. An official of the ILO's Bureau of Statistics was dealing with its follow-up, which could provide a minimum basis for better occupational hazard statistics.

90. The representative of the Government of the United Kingdom pointed out that his country had developed a system of accumulating mortality and other statistics – collected by the Marine Accident Investigation Branch. The Maritime Coastguard Agency had been discussing formal safety assessment techniques with the IMO, with a view to finding a more structured approach to responding to statistical information.

91. An ILO expert from the ILO SafeWork Programme stated that data comparisons were difficult, but that the ILO publication *Recording and notification of occupational accidents and diseases: An ILO Code of practice* (Geneva, 1996) provided many useful ideas.

### **ILO action on the revision of relevant codes and other material**

92. The Employers' spokesperson said that her group had considered the above topic and the promotion of social dialogue on safety and health as a single item because the four questions raised in the report's relevant point for discussion were closely interrelated. The ILO was the only organization with a tripartite structure, where governments, employers and workers played an active role in the decision-making process. Tripartism had to be taken into account when collaborating with other organizations. The Employers' group recognized the importance of the data sheets on safety and health hazards. The ILO was urged to continue to collect statistics and other data on occupational safety and health. She said that the position of the Employers' group with regard to new instruments was well known: codes had to be voluntary, enterprise-based and should reflect the reality of the situation.

93. The Workers' spokesperson said that the revision of the FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification was at an advanced stage, and would hopefully be finalized at the 31st Session of the IMO Subcommittee on Standards of Training and Watchkeeping (STW). While it was essential that the Office participated in this work, the Workers' group did not consider that there was a need for any additional consultative structures to be

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established. Moreover, the Workers' group felt that the current draft went a considerable way towards covering all aspects of training and certification, including those relevant to artisanal and small-scale fisheries. The Workers' group was satisfied that the issue of fatigue had received adequate coverage and had been addressed within this document.

94. An observer from the International Maritime Organization said that the document, revised by the joint FAO/ILO/IMO Working Group, had been approved by the IMO's Subcommittee on Training and Certification (STC). The IMO would approve the document, subject to receiving approval from the ILO and FAO. He said that the issue of fatigue had been mentioned regularly during this Meeting. The IMO had done considerable work on fatigue, and many documents were available. Finally, he remarked that the Maritime Safety Committee had established a Subcommittee on Fatigue.

95. The Workers' spokesperson said that the IMO Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF) had established an international correspondence group, coordinated by the Government of Iceland, which was currently revising the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels (Part B), which addressed the technical requirements for construction and equipment, and also the FAO/ILO/IMO Voluntary Guidelines for Small Fishing Vessels (i.e. those decked fishing vessels of 12 metres and over, but less than 24 metres in length). The Workers' group considered that the Office should be involved in this process. He also noted that the Code of Safety and Health Practice for Skippers and Crews was adopted in 1974 and had become somewhat outdated, especially in view of the promulgation of other international instruments. The Workers' group, therefore, considered that the ILO should take a leading role in securing the expeditious revision of this important safety code in cooperation with the FAO and the IMO.

96. An observer from the IMO noted that after the adoption of the Torremolinos Protocol, there were some inconsistencies between the two which made it necessary to update the Code, particularly Part B. If the STCW-F Convention came into force, port state control would be introduced. He made further reference to existing and new regional standards. Once this process was completed, there would be a full set of standards on safety. The IMO had invited the FAO and the ILO to participate in the ratification process.

97. An observer from the FAO said that the IMO had the lead role with regard to the revision of FAO/ILO/IMO material. The FAO had allocated the necessary funds for its participation in its next budget.

98. The representative of the Government of Iceland confirmed that his country was coordinating the international correspondence group on the revision of Part B. Some 13 countries as well as the ILO and the FAO were participating. The address for the website could be found on page 67 (English version). It was expected that the report would be submitted to the IMO in April 2000.

99. The representative of the Government of Norway said that the ILO should play a leading role with regard to information about safety on board fishing vessels. It was important that the information and programmes developed for use

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on board fishing vessels and for organizations and authorities working with fishermen be collected and made user-friendly. At present the information was not easily accessible, and in future it should be presented in such a way that the people for whom it was intended could understand it and also the intentions behind it. He said that there should be easy access to information through the Internet, with all information on fishing and fishermen to be found in one place. Relevant codes, guidelines and publications should include suggestions for follow-up and motivation. He expressed concern about the fragmentation of information and international standards on safety and health, as this would reduce their effectiveness. He also praised the ILO for its use of the Internet for spreading to and gathering from all concerned information on the topics it handled. He felt that, before developing new programmes, there should be an evaluation of existing programmes and their effects, as well as of how they could be used to ensure better programmes in future.

100. An observer from the International Transport Workers' Federation referred to Part A of the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels which was very outdated and could be misleading. The requirements for the ship's medical chest were also misleading, as was the chapter on radio communications owing to the new technological developments. The ILO should take a lead role in its revision.

101. An observer from the International Collective in Support of Fishworkers informed the Meeting that his organization had published a review of existing websites on safety and health in its magazine *Samudra Report*

102. An observer from the European Commission mentioned that the European Centre for Safety and Health in Bilbao (Spain) was responsible for the collection of data on occupational safety and health in the European Union. He did not know whether work had been done on the fishing industry. The Centre also had a website.

103. The Workers' spokesperson noted that the ILO had developed a Code of practice entitled "Prevention of accidents on board ships at sea and in port" which was addressed to merchant shipping. The group considered that a guidance document should be produced for the fishing industry, and specifically for individual fishermen. The difference from the existing FAO/ILO/IMO Code was the target audience. The document should be user-friendly, simple and directed to crew members. It should avoid guidance to authorities or shipowners.

104. An observer from the WHO supported the idea of updating the list of essential drugs on board ships. He said that it was also necessary to update the ILO/IMO/WHO Medical Guide for Ships which had been published in 1988; it had in fact been written five years earlier. The Workers' spokesperson strongly supported the revision of this guide.

105. An observer from the FAO also strongly supported the revision but said that, for the moment, his organization could only provide moral support. In respect of the Code of practice on the prevention of accidents on board ship, he felt that there was little difference between merchant shipping and the fishing industry. The

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observer from the International Maritime Health Association offered help and support for the revision of the medical guide.

106. The representative of the Government of Iceland mentioned the work of the National Lifesaving Association in respect of lifesaving at sea, particularly for fishing vessels. Many of the training activities were conducted by experienced fishermen.

107. An adviser to the representative of the Government of the United Kingdom also supported the idea of updating the medical guide. The Government of the United Kingdom had recently published a medical guide for ship captains. Because of the rapid developments in medicines, this guide included a separate list of recommended medicines, which made it possible to update the list regularly.

108. The Workers' spokesperson said that his group strongly supported the promotion of dialogue at various levels. The Office should give special attention to organizing national and regional tripartite seminars to promote occupational safety and health and social dialogue. This might require the provision of suitable capacity-building measures in order to equip the social partners to fully participate in such dialogue. In this regard, the ILO should consider fisheries as a hazardous occupation and as such give the fishing industry a priority status in pursuing its four strategic objectives. His group was encouraged to note that the Office had issued a press release on 13 December 1999 recognizing that fishing was among the most dangerous of all professions, and hoped that such sentiments would be reflected in the future work programme of the ILO.

109. The representative of the Government of Norway said that dialogue among all those who worked in the industry should be promoted. There should be advisory boards where all stakeholders could meet to discuss challenges and solutions. In Norway, there was the Council for Labour Supervision on Norwegian ships. This Council should be widened to include government agencies. There should be a special focus on the social gains that would follow from improvements in safety. He felt that it would be advisable for the ILO to encourage, sponsor and even arrange meetings at the international level where the concerned parties could meet to discuss challenges and solutions. There should be regional conferences because of the huge variations in the regional challenges to the fishing industry and, therefore, also to the solutions. The use of statistical material in these efforts should be encouraged.

### **Priority work by the ILO to assist constituents on safety and health in fishing**

110. The Workers' spokesperson suggested the following measures in order of priority:

- a recognition that fishing is a hazardous occupation;
- capacity-building through the allocation of funds via the InFocus programme to this important and largely forgotten sector;
- promotion of social dialogue at national, regional and international level;

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- promotion of a safety culture;
  - the adoption of an instrument which would extend port state control to the fisheries sector;
  - the elimination of the abuse of fishermen, which is prevalent in certain sectors of the fishing industry;
  - exploiting the opportunities offered by ILO programmes under the four strategic objectives of the ILO;
  - securing a remuneration system which did not encourage excessive work or overexploitation of fish resources;
  - tackling the problem of fatigue; and
  - encouraging the extension of ILO maritime instruments to fishermen.

111. The Employers' spokesperson stated that, before any further work on safety and health in the fishing industry could be done, it was essential to have the necessary statistical data. Only when these data had been collected could the ILO organize a meeting of experts to draft manuals, codes and handbooks on occupational safety and health in the industry. With regard to new instruments, she would like representatives of the fishing industry to participate fully in the developments of such instruments.

112. The observer from the FAO agreed with the importance of statistics. However, his organization had problems in collecting data from governments – it regularly sent out questionnaires, but the response rate was very poor. With regard to accident statistics, he argued that it was much more important to look at the long-term trends rather than at the actual numbers. He was encouraged by figures from Norway and Iceland indicating that the average age of workers involved in fatal accidents was increasing. This might be the result of the safety training courses for new entrants. Manuals for such courses would have to be updated regularly. He also referred to the issuance of maritime notifications on special or new risks by the United Kingdom. He noted that, in spite of new developments, fatality rates had remained more or less the same, and wondered whether this was because of the frame of mind of fishermen who seemed prepared to accept certain risks. If that was the case, training might have to be targeted on their families so as to influence the fishermen to avoid unnecessary risks. The representative of the Government of the United Kingdom confirmed that maritime notifications were still being issued by his Government.

113. The representative of the Government of Norway proposed the following measures:

- (a) an evaluation of the existing instruments and their effect should be carried out. The ILO should establish a committee of experts to perform the evaluation, which was important to ensure the best possible effects of any new or revised instrument;
- (b) programmes and regulations enabling fishermen to identify potential dangers and to reduce them to a minimum must be developed. The ILO should develop a recommendation, built on the same ideas as the International Safety

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Management Code (ISM) and the Formal Safety Assessment (FSA) programmes, for personnel safety on board fishing vessels. It was important to note that they were not suggesting making the ISM and FSA mandatory on fishing vessels, but that a system should be designed specifically for fishing;

- (c) setting minimum standards for health and safety in such a way as to improve conditions on board, while securing the viability of fishing fleets and preventing improvements in conditions from becoming a liability;
- (d) creating a standardized reporting system for accidents in order to enable comparison of information and make it available internationally;
- (e) designing and organizing standardized safety courses, and persuading flag States to make them mandatory for all who want to work as fishermen;
- (f) encouraging member States to use the available tools of control and motivation to a maximum;
- (g) clarifying and emphasizing the consequences of not observing rules and regulations, in such a way as to improve motivation and safety;
- (h) focusing on the practical solutions to obstacles on the road to improving health and safety in the fishing industry.

The responsible agencies must have sufficient resources to run their programmes, he concluded.

114. The representative of the Government of Spain agreed with most of the measures that were proposed for the ILO in the field of safety and health. He referred to IMO data on occupational accidents between 1995 and 1997, and expressed his concern about the number of fatalities caused by falling overboard. The ILO should recommend measures to prevent such accidents, taking into consideration the different types of fishing.

115. The representative of the Government of Iceland stated that the FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification remained a relevant guide for fishermen's training, but it should be aligned with the STCW-F Convention which covered important aspects of health and safety. He considered that it was important for fishermen to have basic knowledge of stability, as this could change very rapidly while at sea. The success of training and education depended on the willingness of all concerned. If training guides for small vessels were developed, the social and economic conditions should be taken into consideration.

116. A Worker member from Spain repeated his earlier statement that the number of deaths on board ship, particularly in traditional and artisanal fishing in Moroccan waters, had increased considerably in the last few months. This had to be denounced, as it might not be reflected in official statistics.

117. The representative of the Government of Mexico said that it was necessary to establish the causes of death, if possible, and to have a proper way of recording them. There was a need for a good handbook on the prevention of falling overboard. The ILO should provide adequate guidelines on safety and health and should promote an awareness of the dangers of working in the fishing industry.

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118. The representative of the Government of India described the important role of the fishing industry as a major foreign exchange earner in his country. The central and state governments had developed three schemes to support the industry, including the development of modern fishing villages, a savings and relief scheme for fishermen and an accident insurance scheme with the central and state governments sharing the premium for 1.1 million fishermen. Based on this scheme, the insurance companies could provide detailed accident statistics.

119. The observer from the FAO raised the very sensitive issue of suicide, without any real certainty of proof, an issue that had not yet been mentioned. He referred to IMO statistics on the high number of suicides in the merchant navy.

120. An Employer member from Mauritania declared that many African countries had suffered from drought which had displaced livestock rearing and agriculture, and therefore had turned to fishing – namely artisanal fishing – without appropriate training. In his view, it was extremely important to address safety in artisanal fishing. He observed that statistics concerning other regions than Europe were still very inadequate and that it was difficult to provide these even if they were an important factor in the improvement of safety.

121. The representative of the Government of China felt that the ILO should strengthen the cooperation between fishermen and shipowners to improve safety and health. It should also set up a working party to evaluate the reasons why Conventions had not been ratified.

122. A Worker member from Spain said that he did not believe that fishermen easily resorted to suicide. However, if this should happen, it should be stressed that fishermen were courageous since they set out to sea in the face of harsh conditions, not knowing whether they would return to port with their crewmates.

123. An Employer member from Nicaragua said that the ILO, like all others involved, should work to make fishing safer. He was concerned that if the dangerous aspects of fishing were emphasized, the insurance companies would increase the premiums. National and international agreements had transformed the industry and led to improvements. Governments, employers and workers should work together to bring the fishing industry out of the crisis and make the industry safer.

124. The representative of the Government of China recognized the importance of training for fishermen, but many developing countries were facing constraints in equipment and facilities. The ILO should provide the necessary support in this respect.

125. The Workers' spokesperson, with the permission of the Chair, made a statement on the question raised on how to promote social dialogue in the absence of trade unions. He observed that the answer was clear under the terms of reference of the ILO and its instruments. It should be noted that the Workers' Representatives Convention, 1971 (No. 135), states in Article 3:

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For the purpose of this Convention, the term “workers’ representatives” means persons who are recognized as such under national law or practice, whether they are:

- (a) trade union representatives, namely, representatives designated or elected by trade unions or by members of such unions, or
- (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities, which are recognized as the exclusive prerogative of trade unions in the country concerned.

In this context, it was worth noting that Agenda 21, the Programme of Action for Sustainable Development, adopted by the 1992 Rio Earth Summit, addressed the issue of capacity-building and suggested in Chapter 29: “Particular attention should be given to strengthening the capacity of each of the tripartite social partners (governments and employers’ and workers’ organizations) to facilitate greater collaboration towards sustainable development.” Given this, and the specific mandate of the ILO, it was self-evident that the promotion of social dialogue within the fisheries industry would, among other things, require the ILO, member States, and employers to promote trade unions among fishermen, and to strengthen the capacities of existing trade union structures. This would require the allocation of funds through the InFocus programmes to the fisheries sector. The Workers also wanted to clarify the concerns expressed over the status of “share fishermen” in some countries. Clearly they did not own the means of production and had to work on the instructions of the skipper or employer. This meant that they should be considered as workers. Such an analysis was based on a recent determination by the European Court of Justice. The position of skipper/owners was more complex and, while some might be self-employed, others, due to their contractual position with fish processors, ship-owning companies or others, were to all intents and purposes the same as employees.

## **Consideration and adoption by the Meeting of the draft report, the draft conclusions and the report of the Working Party on Standards**

126. The Working Party on Conclusions submitted its draft conclusions to the Meeting at the latter’s sixth sitting.

127. The Working Party on Standards also submitted its report at the Meeting’s sixth sitting.

128. At the same sitting, the Meeting adopted the present report and the draft conclusions which included the recommendations contained in the report of the Working Party on Standards.

Geneva, 17 December 1999.

*(Signed)* Mr. U. Edström,  
Chairperson.

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# Conclusions on safety and health in the fishing industry<sup>1</sup>

The Tripartite Meeting on Safety and Health in the Fishing Industry,

Having met in Geneva from 13 to 17 December 1999,

Adopts this seventeenth day of December 1999 the following conclusions:

## General

1. Fishing is a hazardous occupation when compared to other occupations. Sustained efforts are needed at all levels and by all parties to improve the safety and health of fishermen. The issue of safety and health must be considered broadly in order to identify and mitigate – if not eliminate – the underlying causes of accidents and diseases in this sector. Consideration also needs to be given to the great diversity within the industry based on the size of the vessel, type of fishing and gear, area of operation, etc.

## Priority areas for improving occupational safety and health

2. The areas of priority for improving occupational safety and health in the fishing industry are:

- (a) implementing and improving safety and health training;
- (b) enhancing social dialogue at all levels in the sector;
- (c) extending social protection to cover fishermen where it does not exist;
- (d) collecting and disseminating statistics, data and safety information;
- (e) promoting appropriate international standards;
- (f) providing international guidance for the safety and health of fishermen, particularly on vessels under 24 metres in length;
- (g) addressing the human element aspect, such as fatigue and manning; and
- (h) the implications for fishing vessels of the entry into force of GMDSS and the planned phasing out of radio watchkeeping on VHFCH16.

## Roles of legal, regulatory and other measures

3. International standards concerning the safety of fishing vessels should be ratified and fully implemented, in particular, the STCW-F Convention.

<sup>1</sup> Adopted unanimously.

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4. Safety and health improvements cannot be achieved solely through legislation. A safety culture should be promoted in the fishing industry, including the use of safety management systems appropriate to the enterprise and the dissemination of safety information. Governments, employers and workers' organizations should be involved in the development and implementation of such systems.

### **Promoting enforcement or application of laws, regulations and good practices**

5. Laws and regulations, essential for the promotion of safety and health in the fishing industry, are only of value if they are implemented. Government agencies responsible for enforcement must be given sufficient resources to monitor the implementation of safety and health requirements, ensuring, in particular, that vessel inspection services are adequate.

6. Governments should ratify the ILO's Occupational Safety and Health Convention, 1981 (No. 155), and apply its provisions to the fishing industry.

7. Like workers in other sectors, fishermen should have access to social security protection; this should cover issues such as sickness, disability, occupational injuries, illness compensation, loss of life and pension schemes.

9. When flag-state legislation does not provide for insurance, fishing vessel owners, regardless of the size of the vessels, should carry insurance or other appropriate social security coverage for occupational injuries to fishermen. Insurance should cover medical treatment and compensation as well as survivor benefits.

9. Medical examinations are important to safety and health protection. All fishermen should undergo periodic medical examinations.

### **Improving coordination by all ministries, and the role of labour ministries**

10. Governments should ensure coordination of all ministries and agencies (national, regional and local) with an interest in the safety and health of fishermen and should avoid duplication of efforts. Officials responsible for fishing safety and health issues should have a thorough understanding of the fishing industry and its specific safety and health problems.

### **Tripartite action in training and measures to improve safety and health**

11. Social dialogue is essential to improving the safety and health of fishermen, and it should be promoted at the enterprise, local, national, regional and international level and in all forums where fishing issues are discussed. This should

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include measures to build the capacity of employers' and workers' organizations, and facilitate their emergence where none exists.

12. Employers' and workers' organizations should be consulted during the development, monitoring and revising of laws and regulations relevant to the safety and health of fishermen. The social partners should also be consulted on other non-legislative efforts to address these issues. Standing consultative bodies, drawing on a wide range of interests in the fishing industry, should be established for the purpose of discussing safety and health issues.

13. Training is an essential means of addressing occupational safety and health issues, and occupational safety and health issues should be an integral part of all training programmes for fishermen. Training, including refresher courses, should address different types of fishing gear, fishing operations and disaster preparedness, and should reflect the provisions of the STCW-F Convention, ILO's Vocational Training (Fishermen) Recommendation, 1966 (No. 126), and other relevant international codes and guidance.

14. Governments, employers, workers' organizations and research institutes should contribute to the development of hazardous occupation data sheets for all types of fishing occupations and operations. They should submit studies, manuals and other material to the ILO for inclusion in the ILO's CIS database. Such actions will assist in worldwide dissemination of knowledge, experience and guidance on safety and health in the fishing industry.

## **Safety and health for small-scale and artisanal fishermen**

15. A pragmatic approach is needed to address the safety and health issues of many small-scale and artisanal fishermen. This approach should take into account their vessel types, equipment, education level and cultural background. Development assistance related to poverty alleviation may also be an appropriate means of aiding these fishermen. The costs of safety measures should be met by governments where appropriate, for example, through insurance and national welfare schemes, which should also compensate fishermen for lost income when fishing is prohibited by the competent authority due to extreme weather conditions.

## **Action on safety, health and related issues for vulnerable groups of workers**

16. Governments should take urgent steps to ratify and implement the Worst Forms of Child Labour Convention, 1999 (No. 182). Implementation should include removing children from all hazardous work in the fishing industry. National action programmes to eradicate the worst forms of child labour should include schemes to assist fishing communities.

17. Better employment opportunities should be provided for women in the fishing industry. Furthermore, the involvement of fishermen's spouses and families in safety and health campaigns had been very effective in many countries. Spouses

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and families are also important sources of information on fishermen's safety, health and other problems. School curricula in fishing communities should include basic information on health and safety in fishing.

18. Action should be taken to improve the situation of abandoned fishermen and non-domiciled fishermen. Flag States should ensure compliance with national requirements and minimum international standards in respect of the social conditions, safety and health and environmental conditions on board fishing vessels flying their flag. Coastal States should make provision of decent living and working conditions on board fishing vessels a condition which must be met in order to obtain and retain permission to fish in the coastal State's exclusive economic zone.

### **Improving data on the incidence and severity of accidents and disease**

19. Reliable data and statistics are needed to identify fishermen's safety and health problems and focus response and resources effectively. Underreporting of occupational accidents and diseases of fishermen is a very serious problem. Governments, employers' and workers' organizations should assist in developing or improving reporting systems. Governments should approach insurance providers to exchange information, where appropriate, on accidents, injuries and diseases.

20. Harmonization of data is important. The collection of data on occupational accidents and diseases in the fishing industry can be improved by the use of standardized forms. Statistics and lessons learned should be widely disseminated, especially to employers and fishermen. In order to prevent statistics on fishing from being lost in the general category of "agriculture, hunting, forestry and fishing", governments should adopt classification schemes which are convertible to the International Standard Industrial Classification of all Economic Activities (ISIC), Revision 3, as recommended by the ILO.

21. All maritime casualties involving fishing vessels should be investigated and subject to inquiries in accordance with international Conventions.

22. More information should be collected on occupational diseases and other health problems experienced by fishermen. This information should be collated and be made available to the ILO's constituents in the form of suitable guidelines addressed to fishermen.

### **ILO standards concerning fishermen**

*(The report of the Working Party on Standards is annexed to these conclusions.)*

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## **ILO action to promote safety and health in the fishing industry**

23. The revised text of the *FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification*<sup>1</sup> requires no additional substantive changes prior to completion, and the IMO should be encouraged to finalize and publish this document as soon as possible.

24. The ILO should participate in the revision of the *FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, Part B, Safety and Health Requirements for the Construction and Equipment of Fishing Vessels*, and, following consultation with the IMO, should take a leading role in revising the *Code of Safety for Fishermen and Fishing Vessels, Part A, Safety and Health Practice for Skippers and Crews*.

25. The ILO, in consultation with its tripartite constituents, should develop a user-friendly manual on safety and health in the fishing industry specifically aimed at working fishermen and covering various types of fishing operations as well as both large and small vessels. This manual should reflect the reality of fishing operations.

26. The ILO, together with the IMO and WHO, should undertake to revise the ILO/IMO/WHO Medical Guide for Ships.

27. Moreover, the ILO should:

- consider that fishing is a “hazardous occupation” when implementing the InFocus Programme on SafeWork;
- continue to collect and disseminate information on “best practices” concerning safety and health in the fishing industry;
- develop hazardous occupation data sheets for all aspects of all types of fishing operations;
- promote the holding of tripartite national and regional seminars on safety and health in the fishing industry;
- through the InFocus Programme on Strengthening Social Dialogue, strengthen the framework and institutions for social dialogue and through the Bureaux for Workers’ and Employers’ Activities, enhance the capabilities of the workers’ and employers’ organizations to engage in and contribute to social dialogue in the fishing sector, particularly as concerns safety and health issues;
- through its International Programme on the Elimination of Child Labour (IPEC), assist the endeavours of tripartite constituents to eradicate child labour, and, in particular, its worst forms in the fishing industry;

<sup>1</sup> The proposed title of the revised publication is *FAO/ILO/IMO Document for Guidance on the Training and Certification of Fishing Vessel Personnel*.

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- take into account the problems of abandoned fishermen when considering the issue of abandoned seafarers;
  - address the problem of fatigue;
  - take appropriate measures to eliminate the ill-treatment of fishermen.

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# Annex

## Report of the Working Party on Standards

### Introduction

1. The Working Party met to examine Point 10 of the Suggested points for discussion, which was referred to it by the Meeting. It met on Tuesday, 14 and Wednesday, 15 December 1999 and held three sittings. It was composed of the following members:

#### *Government members*

- China: Mr. Zhang Junfeng  
Denmark: Mr. F. Miller  
Norway: Mr. T.H. Pettersen (adviser)

#### *Employer members*

- Mr. Barber Soler  
Mr. Díaz González  
Mr. J. Magnusson

#### *Worker members*

- Mr. B.A. Bello  
Mr. M. Claes  
Ms. A.B. Skrede

Mr. Miller acted as Chairperson.

2. The questions referred to the Working Party were as follows:

What actions are proposed as regards ILO international labour standards specifically concerning fishermen or relevant to fishermen?

- (i) With respect to the existing instruments concerning fishermen, which ones should be proposed for (a) revision, (b) promotion or ratification (or, in the case of Recommendations, be given effect), or (c) should any of them be considered obsolete? If the information available seems insufficient to propose a course of action with respect to any of the instruments, should member States be invited to provide additional information?
- (ii) Which of the other Conventions and Recommendations adopted specifically for seafarers should be applied to fishing through (a) the adoption of an appropriate protocol, and/or (b) the adoption of new standards?
- (iii) What other issues should be addressed by new standards?

### Examination of instruments concerning fishermen

3. The Working Party began its discussions with the examination of the first question concerning the five Conventions and two Recommendations which had been referred to it.

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The discussions and recommendations of the Working Party on these instruments are as follows:

**I. Minimum Age (Fishermen) Convention, 1959 (No. 112)**

4. The Working Party considered that Convention No. 138 was the modern comprehensive standard on minimum age for admission to employment or work. The Government members of the Working Party indicated that their countries had no particular problems in applying Convention No. 112 which provided for a minimum age of 15 years. There was agreement that the States parties to Convention No. 112 should be encouraged to ratify Convention No. 138. Reference was made to the fact that fishing was a hazardous occupation and should come under Article 3 of Convention No. 138. Member States invited to ratify Convention No. 138 should therefore be requested to specify that Article 3 of Convention No. 138 should apply to maritime fishing. In the view of the Working Party, those countries that had already ratified Convention No. 138 but had specified a minimum age lower than 16 years should also consider applying Article 3 of Convention No. 138 to the fishing industry by submitting to the ILO a new declaration to that effect. The question of abrogating Convention No. 112 should be considered at a later stage in the light of the ratification level of Convention No. 112.

5. Against this background, *the Working Party proposes that the Meeting recommends to the Working Party on Policy regarding the Revision of Standards of the ILO Governing Body's Committee on Legal Issues and International Labour Standards (LILS):*

- (a) *to invite the States parties to the Minimum Age (Fishermen) Convention, 1959 (No. 112) to contemplate ratifying the Minimum Age Convention, 1973 (No. 138), and where the minimum age is less than 16, to specify that Article 3 of Convention No. 138 apply to employment in maritime fishing;*
- (b) *that the Working Party on Policy regarding the Revision of Standards (or the LILS Committee) re-examine the status of Convention No. 112 in due course, with a view to its possible abrogation when the level of ratifications of Convention No. 112 has substantially decreased as a consequence of ratification of Convention No. 138.*

**II. Medical Examination (Fishermen) Convention, 1959 (No. 113)**

6. The Working Party considered that this Convention was not adapted to the existing needs in the fishing sector and that it should therefore be revised. The *ILO/WHO Guidelines for conducting pre-sea and periodic medical fitness examinations for seafarers* will be one of the elements to be taken into account in the revision.

7. Against this background, *the Working Party proposes to recommend to the LILS Committee's Working Party on Policy regarding the Revision of Standards the revision of the Medical Examination (Fishermen) Convention, 1959 (No. 113).*

**III. Fishermen's Articles of Agreement Convention, 1959 (No. 114)**

8. The Working Party considered that this Convention was in need of partial revision in order to include new provisions for an identification document for fishermen based on that applicable to seafarers. It was felt that developments in the fishing industry which had now become a globalized industry necessitated that fishermen be provided with such documents to facilitate matters like visas, shore and port leave as well as repatriation.

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9. Against this background, *the Working Party proposes that the meeting recommends to the LILS Committee's Working Party on Policy regarding the Revision of Standards the partial revision of the Fishermen's Articles of Agreement Convention, 1959 (No. 114).*

**IV. Fishermen's Competency Certificates Convention, 1966 (No. 125)**

10. The Working Party took the view that Convention No. 125 should be revised to take into account developments in the fishing industry, inter alia to bring it up to date with the level of technology on present-day fishing vessels. With reference to the existing IMO Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995, the question was raised whether one international instrument on issues of competency was not sufficient. The Working Party agreed that in the light of the different supervisory mechanisms applicable to IMO and ILO Conventions, the method of adoption of ILO instruments and the need for comprehensive coverage, a revision of Convention No. 125 was appropriate.

11. Against this background, *the Working Party proposes that the Meeting recommends to the LILS Committee's Working Party on Policy regarding the Revision of Standards the revision of the Fishermen's Competency Certificates Convention, 1966 (No. 125).*

**V. Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)**

12. The Working Party had an exchange of views regarding the different options available regarding Convention No. 126. While some members of the Working Party were in favour of promoting the ratification of the Convention, others felt that it was in need of revision. The Working Party agreed that it was necessary to solicit additional information on these issues. In this context, some members underscored the administrative burden on governments with limited resources to respond to various reporting requirements from the ILO, and favoured a survey of selected countries as being more productive and efficient.

13. Against this background, *the Working Party proposes that the Meeting recommends to the LILS Committee's Working Party on Policy regarding the Revision of Standards:*

- (a) to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), or that might point to the need for a full or partial revision of the Convention;*
- (b) that the Working Party on Policy regarding the Revision of Standards (or the LILS Committee) re-examine the status of Convention No. 126 in due course.*

**VI. Hours of Work (Fishing) Recommendation, 1920 (No. 7)**

14. In the discussion on this Recommendation, some members of the Working Party considered that the Recommendation should be revised taking into account the provisions of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180), which allows for the regulation of working time either on the basis of hours of work or hours of rest. It was also noted that working hours and rest periods were directly linked to the question of fatigue which was one of the topical issues under discussion at this Tripartite Meeting. Other members underscored that such an extension might not be appropriate as Convention No. 180

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had not been drafted to take into account the specific conditions in the fishing industry and consequently did not have the required flexibility regarding hours of work. It was also proposed to consider this Recommendation obsolete and to recommend its withdrawal. Following an exchange of views, a proposal was made to request the Office to undertake an examination of the question of working time arrangements in the fishing sector. It was proposed that such a study could examine, inter alia, the applicability of Convention No. 180 to the fishing sector taking into account the specific nature of working time arrangements in this sector including an examination of issues such as effective hours of work as against total hours; the relevance of the provision for an eight-hour working day; the question of manning of fishing vessels; the implications of the diversity of the fishing fleet; the ratification prospects of Convention No. 180; and the relevance of European Community developments in this context. The Working Party agreed that such a study of working time arrangements in the fishing sector should be proposed, that pending the outcome of this study the status quo should be maintained with respect to this Recommendation and that it be re-examined at a later stage in the light of this study.

15. Against this background, *the Working Party proposes that the Meeting recommends to the LILS Committee's Working Party on Policy regarding the Revision of Standards:*

- (a) *the maintenance of the status quo with respect to the Hours of Work (Fishing) Recommendation, 1920 (No. 7);*
- (b) *that the Office undertake a study of working time arrangements and rest periods in the fishing industry;*
- (c) *that the Working Party on Policy regarding the Revision of Standards (or the LILS Committee) re-examine the status of Recommendation No. 7 in due course, in the light of the study on working time arrangements and rest periods in the fishing industry.*

#### **VII. Vocational Training (Fishermen) Recommendation, 1966 (No. 126)**

16. The Working Party agreed to recommend the revision of this Recommendation. Particular reference was made to the need to adapt this Recommendation to new technologies, advances in navigational equipment and to take into account the fact that other international instruments did not adequately address vocational training.

17. Against this background, *the Working Party proposes that the Meeting recommends to the LILS Committee's Working Party on Policy regarding the Revision of Standards the revision of the Vocational Training (Fishermen) Recommendation, 1966 (No. 126).*

### **Extension of maritime Conventions and new standards**

18. The second question referred to the Working Party was whether Conventions and Recommendations adopted specifically for seafarers should be applied to fishing through the adoption of an appropriate protocol, and/or the adoption of new standards. The third question was what other issues should be addressed by new standards. The two questions were dealt with together by the Working Party.

19. After an extensive exchange of views on both questions, the Working Party decided to recommend the convening of a group of experts. It agreed that the terms of reference should be broad enough to enable the group of experts to examine the possibility of

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extending to fishermen ILO instruments applicable to seafarers. The report to be prepared by the Office for the meeting of the group of experts should be comprehensive and should, in addition to the examination of maritime instruments, consider the question of port state control in the fishing industry. The results of the meeting of the group of experts would usefully contribute to any future activity of the Organization.

20. The Working Party also agreed that the group of experts should be tripartite and composed of between six and ten experts from each group to be nominated by the Governing Body. They emphasized the urgent nature of this exercise and expressed a desire for such a meeting to be convened in the next biennium. The Working Party expressed the wish that the Governing Body would invite member States to ensure that any future international labour Conferences adopting standards, which could have direct relevance for the fishing industry, include appropriate representation from that industry so as to avoid a recurrence of the present situation calling for an examination of the applicability of maritime standards to the fishing industry.

21. *The Working Party proposes that the Meeting recommends to the Governing Body:*

- (a) to convene a Meeting of Experts to be held in the course of the next biennium to address the issues referred to in paragraph 19 and with a composition as suggested in paragraph 20;*
- (b) to request the Office to prepare the report for that Meeting.*

Geneva, 17 December 1999.

*(Signed)* F. Miller,  
Chairperson.

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Part 2

**Resolution**



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## Consideration and adoption by the Meeting of the draft resolution

At its third plenary session, the Meeting set up a Working Party on Resolutions, in accordance with article 13, paragraph 1, of the Standing Orders.

The Working Party, presided over by the Chairperson of the Meeting, consisted of the Officers of the Meeting and three representatives from each of the groups. The members of the Working Party were:

### *Officers of the Meeting*

Mr. U. Edström (Chairperson)  
Mr. P. Wilkins (Government Vice-Chairperson)  
Mr. A. Hakeem Khan (Employer Vice-Chairperson)  
Mr. O. Jacobsen (Worker Vice-Chairperson)

### *Government members*

India: Mr. S. Dodd  
Mexico: Ms. L. Sosa Márquez  
Norway: Mr. A. Iversen

### *Employer members*

Ms. S. Burness  
Ms. M. J. González Martínez  
Mr. A. Segura Espinoza

### *Worker members*

Mr. L.A. Almonacid-Alvarado  
Mr. E. McCurdy  
Mr. P.S. Mortensen

At the Meeting's sixth plenary sitting the Chairperson, in accordance with paragraph 8 of article 14 of the Standing Orders, submitted the recommendations of the Working Party on Resolutions regarding the draft resolution before the Meeting. As required by the same provision of the Standing Orders, the Vice-Chairpersons of the Meeting had been consulted on the contents of his oral report.

The Working Party had before it two draft resolutions which had been submitted by the Workers' group; the draft texts were declared receivable.

The Working Party amended the *draft Resolution concerning future ILO activities in the fisheries sector and social dialogue* on the basis of proposals made

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by members of the three groups. The second draft entitled *Resolution concerning standard setting for the fisheries sector* was withdrawn by the Worker members, in light of the work accomplished by the Meeting's Working Party on Standards. The Working Party recommended that the Meeting adopt the draft resolution.

**Resolution concerning the future ILO activities in the fisheries sector and social dialogue**

The observer from the Food and Agriculture Organization (FAO) proposed to replace “social dimension” in the 10th and 11th preambular paragraphs with “social dialogue”. This proposal was not accepted.

The Meeting unanimously adopted the resolution with a minor change in paragraph 1(b).

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## **Text of the resolution adopted by the Meeting**

### **Resolution concerning future ILO activities in the fisheries sector and social dialogue**

The Tripartite Meeting on Safety and Health in the Fishing Industry,

Having met in Geneva from 13 to 17 December 1999,

Noting that the 84th (Maritime) Session of the International Labour Conference which met from 8 to 22 October 1996 adopted a resolution on the application of the Recruitment and Placement of Seafarers Convention, 1996 (No. 179), which revises Convention No. 9, to the fisheries sector and, in doing so, recognized that the current crisis in the fishing industry has serious repercussions on the labour and social standards of fishermen,

Noting also that the International Labour Organization has adopted four strategic objectives covering: the promotion and realization of fundamental principles and rights at work; the creation of greater employment and income opportunities for women and men; the enhancement of the coverage and effectiveness of social protection; and strengthening social dialogue and tripartism, which are of great relevance to the fisheries sector and to the problems fishermen and their organizations face,

Further noting that the United Nations Convention on the Law of the Sea provides the legal framework under which fishing activities are undertaken and that the Convention extended the jurisdiction of coastal States by permitting them to establish 200-mile exclusive economic zones,

Being aware that the 1988 ILO Committee on Conditions of Work in the Fishing Industry had adopted a resolution on the protection of the livelihood of fishermen,

Recalling that the challenges of the sustainable use and conservation of marine living resources of the high seas and the sustainable use and conservation of marine living resources under national jurisdiction were considered at the 1992 Rio Earth Summit and are addressed in Chapter 17 of Agenda 21,

Recalling also that the United Nations Food and Agriculture Organization (FAO) has adopted a Code of Conduct for Responsible Fisheries, the importance of which has been recognized, inter alia, within the United Nations General Assembly and the United Nations Commission for Sustainable Development,

Further recalling that a FAO Ministerial Meeting on Fisheries which was held on 10-11 March 1999 adopted the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries which, inter alia, attached high priority

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to the implementation of the FAO International Plan of Action for the Management of Fishing Capacity,

Recognizing that the concept of sustainable development is essential to the fisheries sector and that sustainable development consists of three integral pillars: environmental, social and economic,

Recognizing also that the moves towards responsible fisheries and the restructuring which is taking place as a result of increased coastal state jurisdiction have profound implications for many fishermen and fishing communities and that the social dimension must be addressed,

Considering that the International Labour Organization is the appropriate United Nations agency to address the social dimension of both the moves to responsible fisheries and the restructuring of the industry and that they should be addressed in the context of the four strategic objectives of the Organization,

Considering also that by bringing to bear the special expertise of the International Labour Organization to address the social dimension of responsible fisheries and the restructuring of the industry, it could substantially assist other United Nations bodies in achieving their objectives related to securing a sustainable fisheries regime;

Adopts this seventeenth day of December 1999 the following resolution:

The Tripartite Meeting on Safety and Health in the Fishing Industry requests the Governing Body of the International Labour Office:

- (1) to instruct the Director-General:
  - (a) to pursue studies relating to the social implications of responsible fisheries and the restructuring of the fisheries industry, in collaboration with other international and regional organizations relevant to the fishing industry;
  - (b) to take all necessary measures so that the fundamental principles and rights at work of fishermen, as well as the interests of the sector as a whole, are not undermined, and to examine how appropriate social adjustment strategies (such as retraining, job creation, early retirement and income support) can lead to the creation of alternative employment opportunities for those persons who have to leave the industry;
  - (c) to take appropriate measures to promote social dialogue within the fisheries sector and, in doing so, to increase the capacity of both the employers' and workers' organizations to respond to the problems which beset the fisheries industry;
- (2) to urge governments and employers' and workers' organizations to formulate and implement agreed strategies, on the basis of tripartite dialogue at the appropriate level, to promote sustainable development within the sector and, thereby, promote increased awareness of the FAO Code of Conduct for Responsible Fisheries.

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Part 3

**Other proceedings**



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## Panel discussions

### Tools for the improvement of safety and health in the fishing industry

*Moderator:* Ms. M. Martyn, Adviser, Government of the United Kingdom

*Panellists:* Mr. D. Gold, InFocus Programme on SafeWork, ILO, Geneva

Ms. L. Hughes, North Pacific Fishing Vessel Owners' Association, Seattle, United States

Dr. S.A. Kristinsson, SAR Helicopter Medical Group, Reykjavik Hospital, Iceland

The nature of the hazards and risks in the fishing industry were examined in this session, including provision of available mortality and morbidity rates and solutions to the safety and health problems in the fishing industry. Mr. David Gold, SafeWork, opened the session emphasizing that occupational safety and health in the fishing industry was linked to productivity, and an adequate emergency response capacity at sea was important. Mr. Gold gave an introduction to the SafeWork programme, highlighting its goals in relation to the fishing industry.

Ms. Hughes of the North Pacific Fishing Vessel Owners' Association, US, spoke about the inherent dangers in commercial fishing. She pointed out that all the hazards of the sea could never be eliminated in totality, however much could be accomplished in reducing the hazards in this high-risk industry. In the US, the commercial fishing industry casualty rate was seven times higher than that of shore-based industry, although 1990-99 saw a significant reduction in casualties. Some of the causes accounting for a high casualty rate were boats being wooden, older, and fishermen pushing their vessels further out to sea as salmon became harder to catch. Furthermore, commercial fishermen were obliged to perform multiple tasks as resources became more scarce. Fishermen fished under increasingly difficult conditions to avoid losing opportunities. Depleted resources and global competitiveness had contributed to the increased risk-taking of fishermen and increased stress.

In describing some of the risk factors, Ms. Hughes explained that: certain gear types were more inherently dangerous than other types; that fishermen had high exposure rates as they could not leave the vessel or workplace; working hours were excessively long, allowing at times for only four hours of rest in a 24-hour period; chronic fatigue was known to decrease alertness and increase the risk of accidents and errors; work was conducted on a moving platform carrying dynamic loads; vessels carrying shifting loads increased the risk of injuries and loss of stability; work was conducted primarily on decks. In addition, housekeeping was very difficult to maintain; work was often on an elevated platform, increasing difficulty and danger levels; work areas were slippery; and some methods of fishing, such as crab fishing, had very high-risk factors associated with them. Due to exposure to

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bad weather conditions, heavy lifting and the generally harsh conditions, the work-life for on-deck workers ended around age 41. Despite the knowledge of these risk factors, obtaining good casualty data was difficult. The Alaska crab fishery saw 200 total accidents in one year, with 66 on crab boats alone (33 per cent of the accidents occurred in crab boats). There were 45 man overboard incidents of which 18 were in crabbing (a 66 per cent probability of entanglement).

Dr. Sigurour Kristinsson, Search and Rescue Helicopter Medical Group, Iceland, spoke next about morbidity and mortality in the fishing industry. He emphasized that being a seaman in Iceland was dangerous and that seamen had a high death rate. Ten per cent of seamen, as well as 15 per cent of seamen on trawlers were injured every year. Research showed that accidents involving seamen were more common the longer they had been on the job, and that there was a three times higher risk of a fatal accident if a seaman had been more than ten years on the job. Various studies had suggested that the fatal accident rate at sea was 35-50 per cent higher than in occupations on land.

Research further demonstrated that seamen were a special group with a high risk of fatal accidents not only at sea but also ashore, such as in traffic accidents and suicides. The association between fatal accidents other than at sea indicated that seamen were affected by their occupation, which increased their adoption of hazardous behaviours or lifestyles. The social isolation of the work on trawlers, depression and seasickness could lead to drug abuse and alcoholism.

A study by Reykjavik Hospital from 1974-1996 found that 8,248 seamen had been injured in marine accidents – 375 per year – among which 98 per cent were men; and 565 seamen (6.8 per cent) had been admitted to hospital. In 1994, in the Barent Sea, of 63 patients on 35 ships with 121 physician contacts, 33 per cent of the cases were noted to be accidents, 67 per cent were illnesses, and 33 per cent of patients had been sent ashore. The majority of accidents occurred on the weather deck, involving hoisting and shooting fishing gear. Workers often got jammed, thrust against objects or fell or stumbled. Most injuries occurred in the upper limb; the most common type of injury was wounds while fractures were also common.

The cost associated with accidents at sea was high, but not much information was available. The total cost of accidents had been estimated at US\$44.3-59.6 million per year.

Mr. Gold explored solutions by providing a sampling of ideas that could be followed at different levels. He highlighted strengthening prevention at the government level, such as through inspection, as an important issue. He pointed out that dialogue between fishermen and employers and boat owners could be stimulated and this could be one role of the government. Mr. Gold spoke about the existence of the ILO's international hazard datasheets on occupations and the usefulness of disseminating the information contained therein. He elaborated on the positive example demonstrated by a study in Thailand among indigenous divers, where training and education had effectively impacted mortality and morbidity rates. Such practical action could be replicated elsewhere and had noticeable positive impacts on individuals' health and on community well-being. Finally, he detailed the importance and usefulness of the CIS information centres and the

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ILO's *Encyclopaedia on Occupational Health and Safety* for the fishing industry and how these could be used.

Speaking on behalf of her non-profit association, Ms. Hughes emphasized that one could not work with vessel owners without involving the crew in order to get effective results. Many owners were also operators, well aware of the risks on board. It was cost-effective when owners could work with crews and empower them to take positive actions. If owners and crew worked together proactively, then advancement could be made, but first owners and crew had to recognize that problems existed and subsequently work together to identify the root causes. Only then could practical solutions be found. Because of the diversity among fishing fleets, government regulations ended up being the lowest common denominator when applied broadly.

Ms. Hughes alerted participants to the risk of inadvertently creating new problems when developing solutions. There were limits to solutions due to fishing vessels having limits on how much mechanization they could handle. Today, all stakeholders were interested in making in-roads on safety problems.

Operational standards in the industry had been developed she said. Illustrated vessel safety manuals containing practical information on good seamanship were available to owners and crew, where emphasis on training was the crux. Her association had developed such a manual in 1986, encouraging the proper use of equipment. Once people saw how equipment could be used correctly, they began to see other ways of doing things.

Ms. Hughes provided numerous examples where risks had been identified and practical solutions had been developed and implemented. Man overboard cases were the hardest to solve and the most prevalent. Single operators and two-person crews were falling over the sides without any means of getting back into the boat. Fishing operations were often conducted by a husband and wife, and when the husband fell overboard, the woman often was unable to get him back into the boat. Rope ladders were successfully introduced as a life-saving measure. Decks were noted as high hazard areas and the introduction of hard hats had been identified as a change in culture in the industry. Workers often perceived they were out of harm's way by wearing hard hats, but in reality this was not true. Ms. Hughes' association had looked at a variety of hard hats and found that many of the hats did not offer adequate protection. Hard hats used on board in most places were really designed for construction, but few things dropped straight on the head at sea – most blows came from the side, so hard hat material needed to be designed differently. Once owners were shown the quality differences in hard hats, certain changes in purchasing behaviour were observed. Life-saving rafts were given as another example where positive change had been made. Ms. Hughes' association had found that many rafts could not be effectively released when necessary, indicating a need for a more effective launching system for rafts. The build-up of ice on crab pots was also a problem. A new system had been developed so that crews could use baseball bats to break up the ice. This practice was now commonly used in the industry. Transport above water was also identified as highly dangerous, so Ms. Hughes' association undertook a voluntary ergonomic study with the local occupational safety and health administration to promote effective changes. A high

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incidence of back injuries in the fish-processing sector had been found. In studying possible interventions, the cost of back injuries indicated that the market could accept a lower weight package than the commonly used 100 pounds (more than 40 kg) boxes. Production increased because workers were able to work more efficiently and could lift more effectively, while the market continued to thrive. Steel-toed boots required by the Occupational Safety and Health Administration (OSHA) proved to be a problem in freezer areas. The association tried a cross-educational process with OSHA, revealing that firm-toed shoes, rather than steel, were adequate for this particular situation. These examples demonstrated that when the various entities worked together for a common goal, great improvements could be realized and the levels of trust greatly increased. Safety was not a destination but an ongoing journey.

Dr. Kristinsson spoke about the development of a new emergency response at sea. In Iceland, it had been found that increased information and medical services led to reduced morbidity and mortality. In Iceland all crew members had to go to basic sea survival and fire-fighting training courses. Medical training for navigation officers was also required. The present emergency medical system in Iceland was to be used daily for regular health care, because fishermen did not have regular access to the health-care system. Digital communication and the transmission of images and photographs to facilitate diagnosis was an asset.

## Discussion

In Cuba, fishermen were young when recruited, and were not given any initial safety training. Retraining was only done when the type of work changed, reflecting changes in fishing methods. Insurance schemes were not major drivers as they were hardly available or affordable. In the US, training and emergency preparedness became required only in the early 1990s. Today, a formal emergency plan was required detailing roles and responsibilities in any emergency event. The majority of training was based on voluntary choice because owners did not want untrained crew members – the risk was too great. Required recurrent training did not exist except for first-aid training. Accident patterns revealed that higher age groups were the most affected, not entry-level-aged workers who received initial training. These patterns demonstrated a need for both initial and ongoing training.

The importance of the technical check-ups of vessels was highlighted. Collisions often occurred because radar equipment was not serviced, or there was improper inspection of the vessels. Vessel maintenance was critical and was often ignored when profits were down. Developing and enforcing a standardized maintenance checklist was seen as important.

The fact that safety was good business was emphasized. It was recognized that accidents in fisheries had a considerable implication on loss in all areas and Ms. Hughes indicated that this message had taken a long time to spread throughout the fleet. Crew were more loyal to owners who paid attention to safety. Workers knew who the good owners were and sought out employment with good owners. This was also shown as a way to offset ineffective regulations. The cost benefit of safe operations was hard to measure but no one could afford to ignore safety or to put crew members at risk.

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In China, fishermen themselves were often unaware of the dangers of their profession. Mr. Gold addressed the fact that it was fundamental to address individual attitudes and create awareness of risks before considering methods aimed at behavioural change. This understanding went beyond traditional approaches in medicine. Creating educational materials to increase individual's receptiveness to change was crucial. The importance of increasing awareness of OSH was indispensable as lack of knowledge and awareness was often an important factor in accidents. There was no cookbook approach towards education and training for artisanal fishing or for large vessels. An analysis of the job, its risks, and safety requirements in relation to productivity was needed. Literacy was another issue that had to be addressed and would affect how training could be provided. It was not a simple task to provide training materials for fishermen, but the steps needed to build a training programme for each individual population could be envisaged.

For the Workers' group, it was crucial that the workplace, the vessel, was in good condition and that a good control system be in place. It was pointed out that there was a Convention which gave governments grounds on which to work on training and education, and on solutions for global maritime safety systems. No common system of safety advisers existed in the fishing industry, and cooperation was needed between shipowners and crew when there was discussion about prevention, which needed also to be supported by trained advisers. The importance of statistics was mentioned in that they had to be used with the same parameters to identify areas where prevention was required. Information was lacking in the fishing industry and was needed. The Workers' group pointed out the importance of the use of proper clothing. Furthermore, the existence of very old fleets of fishing vessels in the world was a problem, as old vessels were inadequate for today's fishing practices, thus rendering them dangerous. Looking at better tools to control OSH on vessels was important. Ninety-five per cent compliance through education, without inspection, could be achieved, indicating the relevance of education and training.

The United States Coast Guard was looking at a required inspection plan. The extension of a voluntary programme was also being explored, so as to encourage minimum standards being met, and a "fix-it" programme being implemented.

Compulsory training courses existed in Spain, and were considered critical. Spain also had courses addressing maritime health problems. Shipowners needed awareness training and had to keep their workers trained. The minimum training was 2.5 days and it was sometimes hard to get people to attend the courses. The Government often heard workers report that the courses had been very good, that work had been going well, but then they went on the ships and did not find the equipment available to apply what they had learned.

Workers felt they needed the government to require that correct equipment was provided. It was acknowledged that demonstration of political will in making these requirements would allow for much action to be taken. Ms. Hughes reiterated that owners who empowered their workers to recognize satisfactory conditions were going to have better results. Many workers were too intimidated to speak up about inadequate conditions but at the same time many refused to work in

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inadequate conditions. It took time to make this gradual shift. It was felt that employers should take awareness courses. Mr. Gold highlighted the importance of educating people to have the same level of awareness among all the groups. Without doing this, there was a risk of failure. Educating employers was just as important as educating workers because ignorance on the part of one group bred a feeling of threat. Protection of life was something everyone wanted in every group and to this end, tripartism could be effective.

Training provided by Ms. Hughes' association was not specific to vessel operations, but rather created a logical framework. There were basic elements that each person needed to know; vessel crew and owners needed to look at where they had had near misses, where equipment should have been placed, where they had talent.

## **The social implications of responsible fisheries**

*Moderator:* Mr. O. Jacobsen, Worker Vice-Chairperson of the Meeting

*Panellists:* Mr. R. Steenblik, Directorate for Food, Agriculture and Fisheries, Organisation for Economic Co-operation and Development (OECD)

Dr. A. Smith, Fishery Industries division, Food and Agriculture Organization of the United Nations (FAO)

Mr. W. Sengenberger, Employment Strategies Department, ILO, Geneva

Mr. Steenblik's presentation focused on problems in OECD fisheries and the economic impact of the transition to responsible fisheries. OECD member countries agreed on the need for a more durable approach to managing fishery resources, and were showing increasing willingness to take whatever measures were necessary to ensure their long-term sustainability. Yet, the sector continued to suffer from biological overexploitation, poor economic performance resulting from overcapitalization and low profitability, and structural and social problems, especially in fishery-dependent coastal communities.

Mr. Steenblik began by describing the OECD's study on the *Transition to responsible fisheries*, which was expected to be published in mid-2000. The study would examine four sets of issues: (i) the costs and benefits of moving to sustainable yield; (ii) the impact of government transfers; (iii) the role of post-harvest policies and practices; and (iv) challenges to managing the adjustment of fishery labour as governments attempt to place their marine fisheries on a more sustainable basis. His presentation focused on the latter issue.

The basic problem of the industry was overexploitation of stocks, he said. More fish could be harvested when stocks were allowed to recover. However, the economic-efficient level of capacity and employment might be as low as half of the present level. Marine harvest fishing had been declining steadily since 1970 in most OECD member countries and in almost all member countries since 1980. In Japan, for instance, the fisheries workforce today was half of what it was in 1970 – the result both of extended jurisdiction by coastal states and technological change.

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The distinctive socio-economic characteristics of the fisheries labour force, and the households and communities in which they live, had important implications for the adjustment process, he said. The majority of marine fishers shared in the proceeds of the catch and work on owner-operated vessels. Most were male and were older on average than the active labour force as a whole. In the fish processing industry, a majority of the workforce was female and often related to a fisher. In some countries, immigrant workers formed a significant percentage of vessel or plant workers. The education level of both fishers and plant workers was lower on average than for the population at large. Community dependence on fishing was declining, but there remained isolated regions that were still heavily dependent on the industry. In sum, the general profile of the population at risk from structural reduction in fisheries employment could be characterized as people with little formal education who live in fisheries-dependent communities remote from other centres of employment – particularly share-workers in harvest fisheries and women working for a wage in coastal processing plants.

Case studies on efforts to reduce capacity and redeployment – via fleet rationalization, special social safety-nets, job creation schemes and other active labour market policies – were briefly summarized. The case studies highlighted the reasons for each country's crisis, which had risen generally from a combination of reduced fishing opportunities, overcapacity and technological change, often abetted by gradualist management approaches. Problems typically built up over many years, culminating in a sudden crisis.

Ideally, structural adjustment should result in the redeployment of labour in an activity with greater value-added. Unfortunately, that was not always possible. Nonetheless, much adjustment could – and indeed had – occurred in the fishing sector without governments having to create special programmes. If history was a reliable guide, however, normal safety nets might not have always been adequate to deal with the job losses that could occur as capacity and effort adjust to the harvestable resources.

Most OECD governments already had active labour market policies and programmes in place to facilitate the redeployment of workers. These included job search services, training and retraining, relocation grants and job creation schemes. Such programmes stood a greater chance of helping to smooth adjustment in the fisheries sector if resources were provided in a proactive and coordinated manner. Very often, however, government agencies responsible for providing services were not forewarned of sudden and dramatic changes in fisheries policies. Consequently, governments frequently had to rely more on passive policies, such as those that provide income transfers to the unemployed and to older fishers (e.g. through early retirement schemes), and schemes to compensate vessel owners for quitting the industry.

There were serious drawbacks to these passive policies, however. For one, they were costly, and in many countries commanded large shares of government fisheries budgets. Worse, they could actually retard adjustment in the sector. It was therefore appropriate to ask whether the social goals of such programmes could be achieved through less costly means, and in ways that lead to more sustainable outcomes in terms of fisheries management. Alternate methods could include the

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creation of industry-financed schemes (perhaps backed by government loan guarantees) that would enable those who were likely to gain from the transition to responsible fisheries to compensate those who were willing to leave the sector. Such an approach – which had been tried in Iceland and was being attempted in the United States – could reduce the burden on taxpayers while at the same time minimize the kind of strategic, rent-seeking behaviour that was often observed in piece-meal government-financed buy-back schemes. With all buy-back schemes, however (which mainly benefit vessel owners), special provisions might have to be made for those members of the crew who were not shareholders in the vessel.

In conclusion, Mr. Steenblik presented policy-relevant conclusions and recommendations on how to help facilitate adjustment in the sector. Avoiding the need for special measures to address the social welfare needs of fishers and communities, through proactive labour-market programmes, was the preferred policy. Where adjustment to fisheries regimes was likely to be large and abrupt, governments would naturally wish to complement such programmes with passive policies as well. However, too often social policies had been used as a safety valve while long-term problems remain unaddressed. Governments should try to smooth the path for adjustment before a crisis hits. They should also try to understand better how their resource management, social protection and labour market policies interact. In many cases the fishery sector could benefit from a more fundamental rethinking and redefinition of the role governments had traditionally played in the sector. Sustainability would necessitate the creation of policy frameworks that not only ensured sustainability of the resource but also provided a coherent set of signals to fishery workers. The long-term goal for sustainable fishing should be to transform the sector into one that was largely capable of adjusting its structure automatically and autonomously.

Dr. Smith presented the UN-Food and Agriculture Organization's Code of Conduct for Responsible Fisheries. He spoke about the general status of the Code and the intention and the agreed activities with which the Code was drafted. The Code had 12 articles in two complementing groups. The relationship with the UN Convention on the Law of the Sea (UNCLOS) had been taken into consideration especially with respect to articles 1 and 2. The Code had been developed keeping in mind the special requirements of the developing countries, even though it had a global scope. The first six articles set out the intentions of the Code. The general framework under which the Code would operate was covered in article 1 – Nature and scope of the Code. The desirable outcomes of the Code were covered in article 2 – Objectives of the Code. The management of the Code by the global community was covered in article 3 – Relationship with other international instruments, and article 4 – Implementation, monitoring and updating. The needs of some areas of the world were covered in article 5 – Special requirements of developing countries. The standards and approaches to achieving the objectives were covered in article 6 – General principles. Therefore the first six articles set out the intentions of the Code including the nature and working relationships, the objectives and principles.

The second set of articles 7 to 12 described what activities are to be undertaken under the Code. The activities of the Code, he said, were described in article 7 – How fisheries will be managed, and article 9 – Fishing operations, included fishing safety which was particularly relevant to the present Meeting.

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Article 9 described aquaculture development including what special features of the practice of culturing aquatic organisms needed be addressed. Article 10 described the integration of fisheries in coastal area management especially how to maintain the role of fisheries within all the other human activities that occur at coasts. Article 11 dealt with the issues of fish trade and post-harvest practices and finally, article 10 described the activities to be undertaken with regard to fisheries research.

Dr. Smith gave examples of where the Code would be useful in addressing the problems related to responsible fishing, for example, the overexploitation of Canadian cod fish stocks. The rights of fishing were not evenly distributed. Property rights for fishing being bought over by companies from other countries was not unusual, and this caused problems to the indigenous fishermen who might then lose their livelihood. In 1989 a study undertaken by the FAO concluded that the world fishing industry was making a loss. The full economic costs of global fish production were greater than its market value. In one way or another fisheries received the difference as a subsidy from other economic activity, hence limiting the availability of economic resources for other purposes including human advancement. More recent studies showed that the trend had reversed, the fleet of large vessels had decreased and that in general the industry was making profits.

Management actions and decision-making were not, he said, always appropriate to local conditions, or did not always include participation by fishing communities. Pollution from human contaminants and habitat stress was damaging the environment, raising fish disease levels and contaminating fish products. For example, the pollution of the Black Sea, the Mediterranean and the run off of bacteria from the Orinoco River in Venezuela into the sea were impacting on fish stocks. The changing use of waters such as aquaculture, irrigation, damming, harbours, marine mining and waste disposal were altering the aquatic habit, most often close to fisheries resources and dependent communities. Aquaculture was rapidly expanding in both marine and inland water, altering habits unbalancing the natural ecology and increasing competition for human space, particularly in coastal zones and the banks of rivers and lakes. Aquaculture production from local areas was often a high value product for domestic trade or international export away from the local area. Aquaculture could sometimes reduce local natural stock productivity and local nutritional standards could decline. These pressures on fish stocks and habitats were causing changes in biological diversity and declining productivity that might be irreversible. If rules were not devised to govern human behaviour competing over limited fish resources, then future generations would suffer from lowered nutrition, decreased incomes – thus keeping fishery-dependent communities permanently in a cycle of poverty.

The general standards and approaches to achieving the objectives of the Code were contained in article 6 of the Code, he noted. Further, the 19 general principles of the Code were encompassed in two general areas of “resources and the environment” and “people”. The principles for “resources and environment”, through duties accepted by all, included: to conserve aquatic ecosystems; to maintain diversity and availability; to use the best scientific evidence available; to prevent overfishing; to reduce uncertainty by using a precautionary approach and managing and conserving aquatic habitats and coastal areas. The principles for “people” included: to ensure compliance control, transparency and objectivity; to

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conduct international trade properly; to prevent disputes; to provide education and training; to assure human safety; to protect fisher and fishworker rights; and to promote, where possible, sustainable aquaculture.

Concerning fisheries management, the Code encouraged States to adopt measures for conservation and sustainable use and to collaborate with all domestic users, regional users and regional and international organizations. They should also adopt management measures in all issues, from fishing capacity to ecosystems, establish frameworks and procedures for management, gather and exchange data and develop knowledge, develop and apply the precautionary approach and apply measures to avoid overcapacity and non-compliance. Article 8 of the Code describes how fisheries should be conducted. The Code specified a range of duties for different categories of States, i.e. all States, flag States – countries with nationally registered fleets, port States – nations with ports open to national and foreign flag vessels. It also described a range of other issues including technical and environmental problems.

The FAO, with the financial assistance of the Government of the United Kingdom (DFID), was executing a project covering 20 African countries to encourage grass-root level cooperation. The Code would be central to this process. The FAO had put most of its information on the World Wide Web. Furthermore, the FAO was developing a fisheries geographical information system (FIGIS) and a prototype would be available on the Internet in April 2000. The Code of conduct was now supported by eight different technical guidelines, which elaborated on various issues raised in the Code.

Dr. Smith said that the most important area of the Code of conduct that concerns this Meeting was article 8.1.10: “States, with the assistance of relevant international organizations, should endeavor to ensure through education and training that all those engaged in fishing operations be given information on the most important provisions of this Code, as well as provisions of relevant international conventions and applicable environmental and other standards that are essential to ensure responsible fishing operations.” This paragraph referred implicitly to the various Conventions of the ILO and IMO with regard to health and safety in the fishing industry. These Conventions, even though some were not yet in force, could be used for guidance by administrations. Concerning flag States, the Code requests that flag States should ensure that registers were maintained and vessels marked, and that safety concerns were in accordance with international agreements. Flag States should also ensure compliance of its flag vessels with international law and international insurance and repatriation coverage for its seafarers.

States, he said, should protect the rights of fishers and fishworkers particularly those that engage in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction.

The FAO, in accordance with its role within the United Nations system, would monitor the application and implementation of the Code and its effects on fisheries and the secretariat would report accordingly to the FAO Committee on Fisheries (COFI). All States, whether members or non-members of FAO, as well as relevant

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international organizations, whether governmental or non-governmental, should actively cooperate with FAO in this work. FAO, through its competent bodies, might revise the Code, taking into account developments in fisheries as well as reports to COFI on the implementation of the Code.

Mr. Sengenberger of the Employment Strategies Department, ILO, spoke about the global employment problems and those of the industrial sector. Worldwide out of a labour force of approximately 3 billion, 1 billion were unemployed or underemployed. They worked less hours than they would like to or get less than a living wage. There were also serious problems of insecurity and anxiety about job loss. This was even true of countries where the overall employment situation was good, for example, the US. While unemployment had come down there were many working poor. One reason for this was that skills did not match the skills needed. There was also a fair degree of discrimination of certain groups like the disabled or young workers whose rate of unemployment was often twice as high as for adult workers. The most important reason for high unemployment was insufficient labour demand due to low economic growth. Mr. Sengenberger spoke of the ILO initiatives to redress the prevailing employment problems. The ILO believed that full employment was still a desirable valid goal. The example of employment trends in Europe was cited. In the European Union countries, unemployment was 10 to 11 per cent on average. However, in countries such as Denmark, Netherlands and Austria it had come down to 5 per cent. In Ireland, the unemployment level had declined from a double digit to single digit levels. This was due to policies taken by governments. Each country had a national pact for employment agreed by the employers, workers and the government. Full employment should be a top priority in the national policy of a country. In addition to full employment there was a need for decent employment. Decent employment meant good jobs. The ILO was working towards these goals. The ILO conducts research, publishes the world employment report, improves labour market information and labour market indicators, provides technical cooperation and country employment assistance and improves employment prospects in country programmes for enterprise development. It had launched programmes on more and better jobs for workers, employment-intensive programmes and a programme on disabled workers. Mr. Sengenberger spoke also about the recent economic crisis in Asia and the Russian Federation which needed a rapid response programme. Similarly, crisis stemming from earthquake and other natural disasters require retraining, rebuilding infrastructure and other employment programmes.

Mr. Sengenberger said that there was no simple method to redress unemployment, underemployment, or inequality of wages. There was a need to strengthen various forms of coordination of macroeconomic policies. There was also a need to address the instability in international financial markets. For example, in a period of two years \$100 billion were invested in Malaysia, Republic of Korea, Thailand and Indonesia which were withdrawn in a short period of time causing social upheavals such as in Indonesia. There must be an effective strategy to reduce such incidents. There should be consultation at the international level, regional level and national level.

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## Discussion

On the topic of industry-funded vessel buy-back schemes, questions focused on the possibility of this encouraging investment in capacity. Mr. Steenblich quoted the research work of Iceland's pre-eminent economist Mr. Ragan Arnason who had pointed out that the buy-back schemes could encourage speculative investment by fishers who would hope to gain from the sale of capacity. However, his understanding of the situation in Iceland, where this scheme had been in operation for several years, was that such an effect was not pronounced. Certainly the effect was less than it would be if the capacity reduction scheme were government-financed.

On the subject of wage structure in the industry it was pointed out that the wage structure in the Spanish fishing industry was lower than other industries ashore. Young workers were reluctant to join the industry. The shortfall was substituted with immigrant workers and in some cases there had been employment of illegal immigrants.

Some participants questioned the justification for the share system when it resulted in a higher rate of injuries and fatalities in the industry and also resulted in the fisher not receiving a minimum wage. The issue of share fishers vis-à-vis fisher workers (i.e. belonging to a trade union) was very controversial and it was pleasing to note that this had not become an issue during this Meeting. This was mainly due to the intervention of Mr. Mortensen, who repeated the conclusions from a 1998 meeting on this issue. Not everyone agreed that the share system results in higher rates of injury, and there was an informal system in place to ensure that crew members receive an adequate wage. The share system was the prevalent form of payment in the smaller vessels sector simply because the vessel owner could not pay a wage if he did not catch fish, therefore the crew member shares the risk and the profit. The share system had proven to be a very sustainable system in times of economic downturn and would be difficult to change.

On the question of the impact of aquaculture on the environment and the FAO's views Mr. Smith said at the offset that he was not an expert on aquaculture. However, he mentioned that he was aware of the problem in South-east Asia where the massive increase in shrimp farming led to a large amount of available coastal land being transferred into fish pond with mangrove areas being cut down and artisanal fishing communities displaced. This development was predicted by FAO some years before it happened. Advice was now included in the Code of conduct to avoid similar problems occurring in the future.

The most appropriate form of fisheries management to effect and increase safety and health in the fishing industry was questioned by some participants. The linkages between management and safety were tenuous and probably the best management system was that which would also result in the best safety system. Some feel that the ITQ's were the best systems for the major fisheries but they suffered from the problems that the property rights could be bought away from the entire community so that they were left without any economic base. What was not generally known was that every worker at sea generated four or five jobs ashore. It would appear that the best type of management system to take this into account would be an ITQ owned by an individual within a certain region where the region

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could be based on the criteria of the rural structure and the seasonal distribution of the stock. This could be combined with a constraint that the ownership of the ITQ cannot be sold outside that region. This would combine the efficiency of the ITQ system and at the same time ensure the sustainability of rural communities that were heavily dependent on fishing. Having said that, each fishery had to be carefully analysed to decide which management regime was best suited for that fishery.

## **Promoting social dialogue and fundamental principles and rights in the fishing industry**

*Moderator:* Mr. Abdul Hakeem Khan, Employer Vice-Chairperson of the Meeting

*Panellists:* Mr. L. Almonacid Alvarado, Federación Nacional de Sindicatos de Oficiales de Naves Especiales de Chile, Valparaiso, Chile

Ms. L. Hughes, North Pacific Fishing Vessel Owners' Association, Seattle, United States

Mr. Y. Ghellab, InFocus Programme on Strengthening Social Dialogue, ILO, Geneva

Mr. J. Ritchotte, InFocus Programme on Promoting the ILO Declaration on Fundamental Principles and Rights at Work, ILO, Geneva

Mr. Almonacid-Alvarado emphasized that social dialogue should be based on the participation of the social partners on an equal footing, as it would not be effective if they were not equal. In various countries, particularly in the developing world, there was a wide gulf between the partners. In many circumstances workers were weakened politically, economically and socially, leading to serious inequalities. Trade unions were crucial for social dialogue and they needed to be strong. To ensure the full development of the fishing industry, economic efficiency needed to be balanced with social concerns. The industry had already witnessed problems with employment levels, which had created economic and social problems for those involved in the industry and their communities. The partners in social dialogue should not forget these problems.

Referring to data from the FAO, he noted that overall fish catches had increased fivefold between 1950 and 1996, with six countries accounting for 50 per cent of these. Of the estimated annual value of US\$80 million of global marine catches, exports accounted for about US\$52 million. Latin American fishery production currently formed 22 per cent of global output and in 1998 its countries' exports amounted to US\$10 million. Globally, there had been a tremendous increase in the number of fishing vessels, particularly between 1991 and 1995. The registered fleet in Latin America accounted for a sizeable amount of the total.

There were, he said, a number of direct negative consequences of globalization in Latin America and the Caribbean including the elimination of jobs through the introduction of new technologies, high staff turnover, lack of access to social security, rights and workplace problems, the concentration of power in few hands

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and community difficulties. The trade union movement in this region was precarious. In countries where fishing was an important sector, although the trade unions were structured, they could not counter the power of employers. In countries where fishing was less important, they were virtually non-existent. Trade unions were economically and politically weakened as a result of deregulation, globalization and neo-liberal policies. There were problems related to poor technical training, collective bargaining, pay not being in line with productivity, excessive working hours, long stays away from families, drug use, lack of social security, safety measures not being complied with on board and a lack of observation of labour standards. The governments should ratify and enforce the relevant labour standards and merchant marine conventions should be extended to fishing. Coordination between the ILO and the IMO should be improved in relation to standards on board fishing ships. The ILO should promote trade unions for fishermen in countries where these did not exist. There should be collective bargaining with no restrictions, full respect of trade unions, the right to safety and health and social security.

It was clear, he said, that social dialogue was crucial and that these problems would not be faced if there was political will amongst governments, employers and workers. Any improvement for workers directly benefited employers. Confrontation should be avoided on the threshold of the new millennium. Workers believed in dialogue but would not give up action. However, industrial action could be replaced by positive action within the framework of social dialogue. Governments and employers should recognize unions as the voice of workers in society and should cease fighting them. With a better understanding between employers and trade unions, there might be a decreased need for governments to bring them around a table.

Ms. Hughes stressed that social dialogue was essential for any safety programme to be successful. She concurred fully with the previous speaker's statement about equal voices. Turning to the safety programme of the North Pacific Fishing Vessel Owners' Association (NPFVOA), she noted that it was the fishermen who started it for themselves as they felt it vital to have such a programme. It was initially quite basic with only five courses covering areas where people in the fishing industry were dying, such as on fire control. Now the programme had greatly expanded and included many courses relating to injury and health. The involvement of the fishermen was extensive and business provided a great deal of support. In fact, the whole industry was part of the programme and played a key role. Inputs on useful activities came from fishermen themselves. As had been said earlier, casualty data were often deficient in the world, but a telephone call from fishermen provided good insight into existing problems on which a workshop would be useful. It was important to hear from those who would benefit from the programmes, as to what would be more effective and useful for them. Inputs from employers and the government were also vital in defining the programme.

The NPFVOA, she said, had developed training materials which the US Coast Guard had considered valid for other countries. It had produced video tapes. A major emphasis of the programme was on hands-on training. Seattle had very diverse fleets ranging from small single operators to some of the largest factory

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trawlers. Fishing was a hazardous industry with work being undertaken under difficult conditions. In the courses organized by the NPFVOA, the equipment actually on the boats was often used, as this made the training more relevant. Sometimes training was also undertaken on the boats themselves. The NPFVOA had a very good fire centre where fires could be simulated for training purposes. As an example of the adaptive nature of their functioning, she noted that when developing an industry training programme, seed money made available by and for a factory trawler fleet training could later lead to the adaptation of materials for smaller boats with smaller crews. Programmes covered ergonomics and injury protection, trawl deck safety, factory safety, ocean standards, safe working loads, cargo handling operations and crane operations and maintenance. The fishing industry had some of the best equipment and new technologies, but to be used safely and effectively, training was required. She concluded by reading a letter written to the NVFPOA noting that "... fishermen used to have a fatalistic attitude toward ... (the) profession", but the NVFPOA had "made a difference: lives are being saved".

Mr. Ghellab recalled that the ILO's work would be structured around four strategic objectives relating to fundamental principles and rights at work, employment, social protection and social dialogue. His presentation would concentrate on social dialogue. The ILO had been conducting work on social dialogue for many years and there had been successes. Social dialogue was an instrument for reaching consensus amongst different partners on social and other issues, and could take place at various levels, including the sectoral, national and enterprise levels. Although social dialogue was known and implemented in some countries, it was not being used everywhere. Experience had shown that in a number of places, important decisions concerning, for example, privatization, the evolution of conditions of employment, the consequences of globalization and enterprise restructuring were being taken without prior consultations of the parties concerned. Many social groups were also excluded from any consultation process such as unemployed workers, youth, migrant workers, and, even, workers as a group. In these cases mechanisms either did not exist or were not functioning properly for various reasons, such as lack of funds or commitment. When important issues were not shared within the framework of the consultation process of social dialogue, the persons affected did not feel committed and any implementation process would be weakened. Social dialogue was a means for taking fair decisions accepted by all parties.

In order to encourage effective social dialogue, he said, the ILO had developed an InFocus Programme (IFP) designed to enhance recognition of the importance of social dialogue not only as an end, but also as a means. The objectives of the IFP were threefold: to promote the concept of social dialogue; to strengthen the institutions, machinery and processes of social dialogue in member States; and, to strengthen the capacity of parties (constituents of the ILO) for social dialogue. As mentioned by Mr. Alvarez, if one party was weak, social dialogue could not be balanced. The IFP was envisaging the development of a number of activities with the active participation of member states. These included: the development of an information based on best practices (e.g. innovative examples of social partners reaching consensus) which could be disseminated; advocacy to promote a social dialogue culture; and the provision of advisory services to build capacities to

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operate social dialogue at different levels. There would be a strong sectoral component which would be of relevance to, for example, the fishing industry. Amongst many others, issues such as conditions of work, safety and health and navigation norms could be areas for consultations at the sectoral level.

Mr. Ritchotte introduced the Declaration on Fundamental Principles and Rights at Work and its implementation. He noted that it was of relevance to the fishing industry which had actually been global before the concept of globalization ever emerged. The industry was, however, now facing the effects of a new form of globalization comprising increased economic and political changes; new and expanded communications and information technologies; and global competition. Of particular concern were social and labour standards. Industrialized countries were questioning how to compete with countries with lower labour costs while the developing countries were questioning how to gain or maintain a competitive advantage with lower costs. These issues were debated in the ILO, the World Trade Organization (WTO) and the OECD. The OECD had conducted research on labour standards and competition which concluded that adhering to standards did not decrease competitiveness. It was clear that there could be competition on criteria other than wages. Two international events were of relevance to the development of the Declaration: the World Summit for Social Development during which Heads of State agreed on core labour standards and the Singapore meeting of the WTO during which trade ministers committed themselves to labour standards and named the ILO as the responsible agency for these.

The Declaration comprised a political commitment of all ILO member States to freedom of association and the right to collective bargaining, and the elimination of forced or compulsory labour, child labour and discrimination. The principles were enshrined in ILO Conventions Nos. 87, 98, 29, 105, 138, 182, 100 and 111.<sup>1</sup> The Declaration applied to all countries whether or not they had ratified the relevant standards. Member States would be assisted in the implementation of the Conventions, or in case that they were not yet in the position to ratify any Convention would receive assistance to realize the principles therein. There was a follow-up to the Declaration to ensure its functioning which consisted of two basic procedures. The first concerned reports from member States on obstacles faced in ratifying the standards which would be discussed in the Governing Body of the ILO each March. The second was a global annual report on each specific area on rotation (e.g. this year on freedom of association and collective bargaining). Employers' and workers' organizations had a key role to play here in submitting comments regardless of whether a government had submitted a report. The Declaration was a promotional instrument not a punitive one to be used for sanctions. Areas for technical cooperation could also be identified.

<sup>1</sup> The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

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## Discussion

An Employer from Mauritania considered this to be an extremely important topic. Social dialogue was an indispensable tool for development today and for the future. Problems could not be solved through force and pressure, only through consensus and cooperation. He supported the ILO's new programmes. In Mauritania cooperation was a reality between trade unions and the employers and it took place at the highest level, including with the Planning Ministry when problems were faced by the social partners. There was a weakness in that there were 330 trade unions and if they worked in isolation they had no strength.

An observer from the International Transport Workers' Federation (ITF) considered that it had come out very clearly that, when discussing occupational safety and health, social dialogue was crucial and essential. Trade unions, employers and governments were necessary components for the proper and effective functioning of society. Even the World Bank was now recognizing the importance of trade unions and they were being invited to discussions on, for example, the effects of structural adjustment on transport. Partners needed to be strong and needed to have equal status and governments needed to give equal weight to employers and workers. Social dialogue should be encouraged and capacity building should take place not only at the national level, but also at the regional level, e.g. in relation to the European Union, MERCOSUR and NAFTA. In the fishing sector, social dialogue existed at various levels, and at the international level there was the ILO and international instruments offering protection in areas such as safety and health and minimum wages. In shipping, the ILO had a standing bipartite body, the Joint Maritime Committee. Perhaps such a structure could be developed for the fishing industry. Social dialogue had to be strengthened at the international level for the fishing industry as it had been affected by globalization. The maritime structure in the ILO should be made more relevant to seafarers and the JMC should meet more often. Governments had a role in facilitation, but preferred to have the social partners discuss amongst themselves first at the industry level. At the current Meeting, there had been agreement to call a group of experts to review whether existing agreements should apply to the fishing industry. The IOE did not have expertise in the fishing industry and it would be preferable to speak to directly involve shipowners on fishing as they knew the industry. The Meeting was discussing trust and cooperation and this demonstrated that the partners had come a long way.

An observer from the International Collective in Support of Fishworkers (ICSF) agreed with the speakers who had stressed the need for strong trade unions and felt that for the fisheries this was an important area on which to reflect. In the new global context, one needed to review how trade unions could effectively negotiate with employers within legal realms. Very often the governments of developing countries were not supportive of the political organization of trade unions and would like to have greater control. He underlined the need for a sector-specific approach to social dialogue, noting that in fisheries there were conflicts between the north and south, large-scale and small-scale players, migrants and local fishermen, and fisheries and aquaculture. He then asked Ms. Hughes for some details about funding. Ms. Hughes responded that in the initial stages, NPFVOA received funding from the Government but later the programme had to be self-

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sufficient and relied on its membership. The levels of dues varied, providing a base and the coverage of overhead costs. They provided affordable, flexible training so that all could use it and charged with cost in mind. If small-boat fishermen with limited budgets were interested in a course, the NPFVOA asked them to find others to help reduce the rates.

Mr. Almonacid-Alvarado recalled the struggle of the trade union movement in his country under the dictatorship when all rights had been taken away. If they had not organized themselves and joined together clandestinely and then come out to put pressure, the dictatorship might have remained.

Mr. Gold of the ILO recalled the provision in the Occupational Safety and Health Convention, 1981 (No. 155), referring to the presence of a safety representative who was a worker, even in the absence of a trade union, to ensure worker participation in discussions of importance such as training. Also, bipartite safety committees with representatives of workers and management often worked together on safety and health issues.

A worker from Spain noted that trade unions were included under the Constitution of his country and these could play a fundamental role in structural adjustments. Funding for training was balanced with workers, employers and the Government participating. There was a sectoral tripartite structure which was responsible for fisheries and it had a training fund. Structures of this nature were important. Social dialogue was vital and trade unions had a key role to play. However, in many countries the governments did not want them to be involved, and there were attempts to weaken them. Governments should instead try to strengthen social dialogue and trade unions.

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## Closing speeches

The Secretary-General provided information on participation in the Meeting and reviewed its outputs. He noted that the discussion in plenary and in the three working parties on the resolution, on standards and on conclusions had clearly shown the relevance of the ILO's work to the fishing sector. In a number of areas concerning safety and health, similar situations calling for similar approaches had been identified. The panel sessions had also provided an opportunity for direct exchange of information and experience on important topics related to fishing. The spirit of social dialogue had prevailed throughout the Meeting and had enabled the adoption of important conclusions, including those from the Working Party on Standards, as well as one resolution. It was now important that the ILO's constituents, as well as the International Labour Office itself, were ready to put the conclusions and resolution into action at both the international and national levels. The Office would need the help of its constituents to undertake several of the recommended activities, particularly those persons who had participated in the Meeting this week, in order to ensure effective and timely follow-up.

Mr. P. Wilkins (representative of the Government of the United Kingdom; Chairperson of the Government group) said that the tasks of the Meeting had been ably assisted by having before it the excellent report prepared by the secretariat. Discussions in both the plenary sessions and working parties had been very open, constructive, informative and useful. The Meeting had provided an opportunity for a very full discussion of the many relevant issues and was a clear example of how social dialogue could work in practice, providing for an open exchange with colleagues from other Governments as well as Employers' and Workers' representatives on a broad range of issues. The Meeting served as a reminder of the serious problems of safety facing many people in the catching side of the fishing industry. The fatalities and injuries experienced by the industry were increased substantially when taking into account such cataclysmic events as the cyclone which had been experienced by India in October 1999, killing thousands of fishermen and others in fishing communities. The Meeting had given the participants a much better understanding of the issues concerning fishing and the diversity of fishing operations worldwide. The human element, training and safety culture issues were important, and that it was necessary to change attitudes in order to minimize risks rather than simply accepting that accidents were inevitable. The problems which fatigue could cause, and need for better data collection and statistics, were also clearly important.

Ms. S. Burness (Chairperson of the Employers' group) thanked the Office and Governing Body for having convened the Meeting. The flexibility of, and approaches taken by, Government and Workers' representatives had allowed the Meeting to overcome what had initially appeared to be incompatible positions and to reach a consensus which allowed all to leave Geneva with a sense of satisfaction. She thanked the Chairperson for his leadership, which had been instrumental to the success of the Meeting, and also thanked the Secretary-General and his team for its work and for producing an excellent discussion document. She also expressed appreciation for the efforts over many years of the Clerk, who was transferring to another department.

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Mr. O. Jacobsen (Chairperson of the Workers' group), said he would gladly accept the invitation by the Office to cooperate with it on the implementation of the conclusions and resolution adopted by the Meeting. He congratulated the Chairperson, Officers and secretariat for how the Meeting had been handled. The efficiency of the Office had greatly facilitated a full and tripartite debate on safety and health of fishermen, and the Workers' group was grateful for that. His group was pleased that the Employers and Governments had also played their full part and this had allowed the emergence of an acceptable compromise despite being confronted with difficult issues, and demonstrated the value of the tripartite system. He particularly thanked the Workers' Activities Branch and the ICFTU for their invaluable support. The conclusions which had been adopted stressed the need for social dialogue, a necessary element in the establishment of a safety culture which would reach all levels of the industry and which had the potential of minimizing the current unacceptably high level of loss of life and personal injury. His group had maintained that the social aspect was integral to the safety and health of fishermen and the conclusions recognized this. An ambitious plan of action had been adopted for the ILO's future work in the sector, and he trusted that the Office would address this in a timely manner. The Meeting had clearly identified fisheries as a hazardous occupation when compared with other sectors, and his group expected the sector to receive the urgent attention it deserved.

The Chairperson commended the participants for their detailed examination of the issues raised in the Office's report. The discussions had added greatly to the collective understanding of the issues and how best to approach them in order to improve safety and health in the fishing industry. He was impressed by the efforts of Governments, Employers' and Workers' delegates to solve, in a practical way, current problems and questions related to fishing. The contribution by observers from different agencies and others had been very useful. The conclusions adopted by the Meeting were comprehensive. They identified priority issues concerning safety and health in the fishing sector. They drew attention to the hazards of the fishing occupation and then invited governments, employers and workers to come together to reduce those hazards. The Meeting also indicated how the Office can fit future work on these issues into the four strategic objectives of the ILO, in particular the InFocus Programmes on SafeWork and Strengthening Social Dialogue. He was pleased that it had also drawn attention to the problem of child labour in the fishing industry, and he hoped that, by continuing to raise this issue in the fishing sector and other sectors, the worst forms of child labour would be eliminated. As Worker-Vice Chairperson of the Working Party on Policy regarding the Revision of Standards established under the Governing Body's Committee on Legal Issues and International Labour Standards, he would ensure that the results of conclusions adopted by the Meeting's special Working Party on Standards – an innovation – would be given full consideration. He also cited the importance of the Resolution concerning future ILO activities in the fisheries sector and social dialogue. The panel sessions, he said, had been an excellent contribution to the Meeting. He then closed by encouraging the participants themselves to take action on the conclusions of the Meeting and to continue to contribute their knowledge and experience to the ILO's efforts to improve safety and health in fishing.

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## **Evaluation questionnaire**



A questionnaire seeking participants' opinions on various aspects of the Meeting was distributed before the end of the Meeting; the response rate was 48.3. Items were rated on a five-point scale. The following table gives the absolute number of respondents who assigned each rating and the weighted average score on each item evaluated.

### 1. How do you rate the Meeting as regards the following

	5 Excellent	4 Good	3 Satis- factory	2 Poor	1 Unsatis- factory	Average score
The choice of agenda item (subject of the Meeting)	8	27	7			4.02
The points for discussion	6	26	11			3.88
The quality of the discussion	7	18	15	1	1	3.69
The Meeting's benefits to the sector	7	19	12	1	1	3.75
The report of the Working Party on Standards	6	26	8		1	3.87
The conclusions	4	24	13	1	1	3.71
The resolution	7	18	12	1	1	3.74
Panel discussion on tools for the improvement of safety and health in the fishing industry	2	16	15	2	1	3.44
Panel discussion on social implications of responsible fisheries	3	16	9	3	1	3.50
Panel discussion on promoting social dialogue and fundamental principles and rights in the fishing industry	2	13	12	2	1	3.40
Opportunity for networking	7	23	9	1		3.90

### 2. How do you rate quality of the report in terms of the following

	5 Excellent	4 Good	3 Satis- factory	2 Poor	1 Unsatis- factory	Average score
Quality of analysis	10	23	8		1	3.97
Objectivity	10	24	6	2		4.00
Comprehensiveness of coverage	8	21	11	3		3.79
Presentation and readability	14	23	5		1	4.13
Amount and relevance of information	12	17	10		1	3.97

### 3. How do you consider the time allotted for discussion?

	Too much	Enough	Too little
Discussion of the report	1	34	6
Panel discussions	3	27	6
Groups	1	31	7
Working Party on Standards	1	28	2
Working Party on Resolutions	1	25	2
Working Party on Conclusions		27	5

**4. How do you rate the practical and administrative arrangements (secretariat, document services, translation, interpretation)?**

5 Excellent	4 Good	3 Satis- factory	2 Poor	1 Unsatis- factory	Average score
22	17	4			4.41

**5. Respondents to the questionnaire**

Government	Employers	Workers	Observers	Total	(Response rate: 48.3%)
4	11	14	4	43	

**6. Participants at the Meeting**

Government	Employers	Workers	Observers	Total
26	16	22	24	89

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**List of participants**

**Liste des participants**

**Lista de participantes**



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Représentant du Conseil d'administration  
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Mr. Flemming Smidt, Economist, Specialarbejderforbundet i Danmark, Copenhagen

Mr. Andrei Pavlov, Chief of General Committee, Russian Fishing Industry Workers' Union, Moscow

Sr. Luis Penteado, Vice-Présidente, Federação Nacional dos Trabalhadores em Transportes Marítimos, Fluviais e Pescadores, Rio de Janeiro

Ms. Anne-Beth Skrede, Union Secretary, Norwegian Seamen's Union, Norsk Sjomannsforbund, Oslo

Sr. Manuel Souto González, Coordinador Pesca, Unión General de Trabajadores, Madrid

Mr. Benedikt Vallson, Economist, Farmanna-og Fiskimannasamband Island (FFSI), Reykjavik

**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**

**European Commission**

**Commission européenne**

**Comisión Europea**

M. Angel Fuente-Martin, Administrateur principal, DG Emploi et Affaires sociales, Santé, Sécurité et Hygiène au travail, Luxembourg

**Food and Agriculture Organization of the United Nations (FAO)**

**Organisation des Nations Unies pour l'alimentation et l'agriculture**

**Organización de las Naciones Unidas para la Agricultura y la Alimentación**

Mr. Andrew Smith, Fishery Technology Officer, Fishery Department, Rome

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**International Maritime Organization (IMO)**

**Organisation maritime internationale**

**Organización Marítima Internacional**

Mr. Alexander Petrov, Head, Technology Section, Maritime Safety Division, London

**Organisation for Economic Co-operation and Development (OECD)**

**Organisation de coopération et de développement économiques**

**Organización de Cooperación y Desarrollo Económicos**

Mr. Ronald P. Steenblik, Senior Policy Analyst, Policies & Environment Division, Paris

**World Health Organization (WHO)**

**Organisation mondiale de la santé**

**Organización Mundial de la Salud**

Mr. Stanislaw Tomaszunas, Institute of Maritime & Tropical Medicine, Gdynia

Representatives of non-governmental international organizations

Représentants d'organisations internationales non gouvernementales

Representantes de organizaciones internacionales no gubernamentales

**International Christian Maritime Association**

**Association maritime chrétienne internationale**

**Asociación Marítima Cristiana Internacional**

Mr. Jacques Harel, General Secretary, Southampton

Mr. Ken Peters, Justice and Welfare Executive Secretary, The Missions to Seamen, London

Mr. Douglas Stevenson, Director, Center for Seafarers' Rights, Seamen's Church Institute, New York

**International Collective in Support of Fishworkers (ICSF)**

**Collectif international d'appui à la pêche artisanale**

**Colectivo Internacional de Apoyo a los Pescadores Artesanales**

Mr. Sebastian Mathew, Executive Secretary, Chennai, India

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**International Confederation of Free Trade Unions (ICFTU)**

**Confédération internationale des syndicats libres**

**Confederación Internacional de Organizaciones Sindicales Libres**

Mr. Dan Cunniah, Director, Geneva

Ms. Anna Biondi, Assistant Director, Geneva

Sr. Jorge Daniel Bianchi, Secretario de Pesca, Centro de Patronos y Oficiales Fuviales, de Pesca y Cabotaje Marítimo, Buenos Aires

Sr. Juan Rinaldi, Asesor Legal, Sindicato Obrero Marítimo Unido, Buenos Aires

**International Maritime Health Association (IMHA)**

Ms. Luisa Canals, Board of Directors, Tarragona

**International Organization of Employers (IOE)**

**Organisation internationale des employeurs**

**Organización Internacional de Empleadores**

Mr. Jean Dejardin, Adviser, Cointrin, Geneva

Mr. Andrés Yurén, Adviser, Cointrin, Geneva

**International Transport Workers' Federation (ITF)**

**Fédération internationale des ouvriers du transport**

**Federación Internacional de los Trabajadores del Transporte**

Mr. Mark Dickinson, Assistant General Secretary, London

Mr. Jon Whitlow, Assistant Secretary, London

Mr. Unis Shaikh, London

Mr. Harald Saersten, Secretary, Norwegian Seamen's Union, Norsk Sjomannsforbund, Oslo

M. António Coelho, Nova Oeiras, Oeiras, Portugal

Mr. Arnjlot Muren, Norwegian Union of Marine Engineers, Alesund

Mr. Asbjorn Furnes, Norsk Sjooffisersforbund, Alesund

**World Confederation of Labour**

**Confédération mondiale du travail (CMT)**

**Confederación Mundial del Trabajo**

M<sup>me</sup> Béatrice Fauchère, Représentante permanente, Genève

