THE ROLE OF TRADE UNION IN THE PROTECTION OF MIGRANT FISHERS INDONESIA
FUNDAMENTAL RIGHTS OF SEAFARERS
IN ACCORDANCE WITH ILO CONVENTION


2. ILO Convention No. 98/1949, The Application of the Principles of the Right to Organise & to Bargain Collectively (ratified by Act No. 18 of 1956)

3. ILO Convention No. 186 (Maritime Labor Convention/Seafarers Bill of Right – not yet ratify)

4. ILO Convention No. 188 (Work on Fishing Sector- not yet ratify)
NATIONAL & INTERNATIONAL REGULATION CONCERNING THE MANNING PROCEDURES & PROTECTION TO SEAFARERS

NATIONAL :
- Indonesian Commercial Code
- Shipping Act No. 17 of 2008
  - Gov. Reg. No. 7 of 2000
  - Gov. Reg. No. 20 of 2010
- DGST Decree No. PY.66/1/4-03
- DGST Circular No.: UK 11/21/12/DJPL-06
  - Reg. of BNP2TKI:
    No.PER.03/KA/I/2013 & PER.12/KA/IV/2013

INTERNATIONAL :
- ILO Conv. No. 98
- ILO MLC
- ILO Conv. No. 188
PROBLEMS OF INDONESIAN FISHING VESSEL CREW

Discrimination, Exploitable & Fraud by the agent
Low Wages
No Social Security & Insurance
No Employment Contract and without Gov. Permit
Lack of attention to Safety factors in Work place (un-seaworthiness Vessel)

EXPLOITABLE & FRAUD
Some cases happened to Indonesian Seafarers who worked on board foreign flagged vessels (recruited & placed on board through illegal Manning procedures):

- **F/V Rong Shen 828**, Indonesia flag, Illegal Fishing, detained by Russian Gov. crew were repatriated without receiving their 4 months remaining salaries.
- **F/V Vetron Group**, Maltese flag, owners did not pay their wages.
- **F/V La Mer No.1**, Maltese flag, owners did not pay their wages.
- **F/V Fong Long Star 17**, Taiwanese flag, Illegal Fishing & ships detained by the authority and owners did not pay their wages.
- **F/V Oyang 70 & 75**, Korean flag, abuses, torture, low wages & stranded in New Zealand.
- **F/V Shin Ji**, Taiwanese flag, abuses, torture, low wages, stranded in New Zealand.
- **F/V Shahs-101**, Russian flag, own by Vostok Fishing Co. Russia, sank causing 7 Indonesia crews missing & 4 Indonesian crew safely, but all of them not get any compensation.
- **163 Ind. Seafarers** stranded in Trinidad Tobago. They worked on Taiwanese flag fishing vessel owned by Kao Jeng Trading Ltd. Taiwan, Illegal Fishing & ships detained by the authority and owners did not pay their wages.
ITF & all the affiliates Strategy, Working Program & Policy in Fisheries Sector

- Campaigning on ILO Conv. 188 of 2007 for ratification by ILO member countries.
- Carrying out political campaigns continuously to stop the use of FOC fishing vessels and establishing the requirement of genuine-link between shipowner and nationality/flag of a ship.
- Carrying out anti-IUU campaigns.
- Expanding ITF influence in fisheries sector through cooperation with FAO, IWC, OECD, UNCSD, ILO and IMO.
- Promoting the necessity of ratification of IMO STCW-F Conv.
- Supporting ITF affiliates in every country in efforts to improve working and living condition of fishery seafarers including attempt to develop a CBA model for general reference.
- Organizing fishery seafarers to prevent/get rid of slavery system in this industry.
- Conducting trainings for ITF Inspectors and port workers in order to carry out inspection against fishing vessels.
- Preparing for a comprehensive research/study on violation of human rights and trade union rights against fishery seafarers in fisheries industry.
- Developing policies on catching method, catch fishing equipment standard and catch/fishing quota as part of promoting the policy “Responsible/Sustainable Fishing” to sustain nature conservation and marine ecology.
PROTECTION & ADVOCATION TO MEMBERS

- BIPARTITE MEETING TO SOLVE THE CLAIM / DISPUTE.
- NEGOTIATION OF CBA.

CLAIM/ADVOCACY COUNSELING

THE TRIPARTITE FORUM
ILO EAST - KPI Training Program
Ambon, 4-15 April 2011
THE LEGAL BASIS OF THE COLLECTIVE BARGAINING AGREEMENT (CBA) TO PROTECT THE SEAFARERS

NATIONAL:

Indonesian Commercial Code
DGST Decree No. PY.66/1/4-03
DGST Circular No :UK 11/21/12/DJPL-06
Reg. of BNP2TKI :
No.PER.03/KA/I/2013 &
PER.12/KA/IV/2013
Act No. 13 of 2003 (Art. 116 to 135)

INTERNASIONAL:

- ILO Conv. 98
- ILO Conv. MLC
  (Guideline B1.4 article 2K)
- ILO Conv.No. 188
  (Annex II)
NORMATIVE PROVISIONS
In the CBA made by KPI

GENERAL
1. APPLICATION
2. DURATION
3. UNION PUBLICATION
4. HOME ALLOTMENT
5. WELFARE FUND & UNION MEMBERS FEE

SPECIFIC
1. WORKING CONTRACT
2. DISCIPLINE & WORKING RULES
3. WAGE
4. WORKING HOURS & REST TIME
5. MEDICAL CARE & TREATMENT
6. INSURANCE
7. TERMINATION PROCEDURE
8. GRIEVANCE PROCEDURE
9. FOOD & ACCOMMODATION
10. WORKING EQUIPMENT
11. LEAVE PAY
12. TRANSPORTATION
13. REPARTITION PROCEDURE
14. EXTRA PAYMENT TO WARLIKE ZONE
15. PERMISSION TO LEAVE WORK

ADDITIONAL
1. EXTRA WORK
2. WAGE LIST
3. HOLIDAY LIST
4. LIST OF VESSEL
Sample of KPI employment contract for Fishing vessel

- Name of Seafarer, Agent & Owner
- Contract Duration
- Monthly Income
- Working Hours
- Medical Care & Treatment
- Working Equipment
- Insurance
- Compensation
- Medical Care & Treatment
- Working Equipment
- Dangerous Area Compensation & Authority of Law
- Agent/Owner Signature
- Seafarers Signature
- KPI Signature
- Gov. Approval
RECRUITMENT & PLACEMENT PROCEDURE FOR SEAFARERS TO FOREIGN VESSEL

**SEAFARER**

**Membership**

**Shipping Owners or Manning Agent**

- *Negosiation & Signed CBA*
- *Document Prepare: IWC & Crew List*

**KPI**

**DGSC**

- Approval IWC, Crew List, Seamens Book mustering & SID apply

**IMIGATION**

- Passport Sign-on

**FOREIGN EMBSS**

- VISA apply

**BNP2TKI**

- KTKLN (overseas workers card)

**FOREIGN affr. Dept. (Ind. Embss)**

**SHIP**

Onboard placement

*Coordination for protection*

**Monitoring & Advocation**

Coordination for protection

Document process