

Points of consensus ¹

Most of the industry applies decent working and living conditions to fishers. There are, however, situations which require improvement. This document focuses on this.

Point 1: Social and labour and related issues facing the fishing sector

1. In many countries the fishing sector is a major source of employment and household incomes. The sector plays an important role in ensuring food security and in the overall economy.
2. Countries face different challenges with regard to the regulation of conditions of work and living in the sector. There is a diversity of the fleets in vessel sizes, types, methods of fishing, duration of trips, the areas of fishing grounds, etc. to be considered.
3. Difficult working and living conditions are common in fishing. It is considered to be among the most hazardous occupations, involving long working hours, strenuous activity, and dangerous machinery.
4. Fishers, particularly migrant fishers, may face greater risk of abandonment when flag States do not live up to their responsibilities towards abandoned fishers. In some cases, abusive conditions have led coastal states to expel foreign vessels from their exclusive economic zones.
5. Illegal, unreported and unregulated (IUU) fishing evades regulations, undermines fisheries management and conservation, and endangers the world food supply. It exacerbates exploitative labour practices, which may have a negative impact on wages and working and living conditions of all fishers. IUU fishing may also involve forced labour and human trafficking, and child labour.
6. In some countries there is a lack of clarity on terms of employment, fundamental rights are not being respected and there is a lack of a systematic approach to occupational safety and health. There is insufficient labour inspection of fishing vessels in many countries. This

¹ These points of consensus, included in the report of the Forum, will be submitted to the October 2013 session of the Governing Body of the ILO for its consideration.

may in some countries be due to a lack of coordination among authorities and training of labour inspectors for the fishing sector or for fisheries/maritime safety inspectors on labour issues.

7. The somewhat negative image of the fishing industry impacts recruitment and retention of fishers despite the industry's positive role in providing employment, household income and food. Gender equality should also be considered.
8. The financial crisis and high fuel prices have had an impact on new building or modification of fishing vessels and equipment to conform to requirements of the Convention. They have also had a wider impact on the sector.
9. Compounded by the globalization of the fishing industry, these challenges highlight the importance, and value of, the ratification and effective implementation of the ILO Work in Fishing Convention, 2007 (No. 188).

Point 2: How does Convention No. 188 contribute to addressing these social and labour and related issues?

10. Convention No. 188 establishes minimum working and living standards that fishers should expect and that fishing vessel owners should follow. Its implementation would establish a minimum level of standards for decent work in the fishing sector.
11. The objective of Convention No. 188 is to ensure that fishers in all countries have decent conditions of work and living on board fishing vessels that meet minimum requirements with regard to work on board, conditions of service, accommodation and food, occupational safety and health protection, medical care, social security and consultation with those directly affected by the Convention. With respect to abandoned fishers, the Convention sets requirements for the repatriation of fishers at the fishing vessel owner's expense and, if the owner fails, the flag State is to take responsibility.
12. The Convention requires consultation and the adoption of laws, regulations or other measures concerning the occupational safety and health of fishers, that will improve working and living conditions, reduce costs associated with accidents, and enhance the image of the industry. This includes requirements for appropriate risk assessment.
13. The enforcement and monitoring procedures of the Convention have primarily a preventative role to play notably in addressing the issue of forced labour and human trafficking, and child labour.
14. Convention No. 188 will put in place a system of flag and port State control inspection of working and living conditions on fishing vessels. This is an essential element of establishing decent working and living conditions for fishers, including migrant fishers, and will also contribute to addressing other issues such as IUU fishing, forced labour and human trafficking, and child labour.

Point 3: Experiences and challenges faced in implementation and ratification of Convention No. 188

15. The experiences of States that are working towards ratification and effective implementation of Convention No. 188 are valuable to other States. Lessons learned from

the process of ratification of the Maritime Labour Convention, 2006 (MLC, 2006), could also pave the way towards accelerating ratification and effective implementation of Convention No. 188. Some countries have combined the two processes. Comparative analyses of national laws and regulations relevant to the fishing sector could stimulate the broader discussions at national level. Some States are at different levels of development and face challenges with respect to small-scale fisheries.

16. Effective coordination among national authorities with responsibilities relevant to the provisions of Convention No. 188 can resolve the issue of overlapping jurisdiction. Social partners' active engagement facilitates the process of coordination among the national authorities, and thereby accelerates ratification and effective implementation. The ratification process varies from country to country which may delay the ratification. So, member States should have a proper and well-prepared plan towards ratification.
17. Social dialogue among those most directly affected by the Convention is an essential element to provide decent work in the fishing sector, and may contribute to greater inclusiveness and stability. It will also provide better tailored solutions to the challenges facing this sector.
18. Countries with small-scale fisheries face unique challenges with respect to ratification and effective implementation of Convention No. 188. The extension of social protection coverage to small-scale fishers through cooperatives is an example of how some countries may apply one of the requirements of Convention No. 188.
19. Given the diversity of the fishing sector, flexibility devices of the Convention allow countries to adapt the Convention's provisions to the specificities of certain categories of fishing vessels or fishers within the framework of the Convention.

Point 4: Recommendations for future actions by the International Labour Organization and its Members

20. In view of the discussion at the Global Dialogue Forum for the Promotion of the Work in Fishing Convention, 2007 (No. 188), the following future actions were recommended:
 - (a) **Governments** are invited to accelerate efforts to ratify and effectively implement Convention No. 188 through tripartite consultation, including through comparative analyses of national laws and regulations and to set timelines for completion of the process. They should provide information and share experiences and best practices amongst themselves. Governments are equally invited to support technical cooperation, for example on the recruitment and the retention of fishers and capacity building for labour inspection. Governments are further invited to cooperate bilaterally and multilaterally to protect migrant fishers and for the implementation of Article 36 of the Convention. Governments should also ensure active cooperation among all the relevant national authorities.
 - (b) **Employers' and workers' organizations** are invited to continue promoting the ratification and effective implementation of Convention No. 188, including in collaboration with the Office, and to explore ways of engaging with national authorities with responsibilities related to the Convention.
 - (c) **The Director-General of the ILO** is invited:
 - (i) Along with regional directors and national ILO representatives, to include the promotion of Convention No. 188 in their meetings with governments and to

send a number of high-level tripartite missions to selected countries, to produce model national provisions to implement Convention No. 188, to prepare gap analysis and to promote the Convention with the same vigour as the MLC, 2006.

- (ii) To promote among ILO constituents ratification and effective implementation of Convention No. 188 and to build capacity of constituents nationally to ratify and effectively implement the Convention, which may include the preparation of issues papers, for example on the flexibility provisions in the Convention, setting up of correspondence groups, establishing tripartite working groups and regional workshops and the dissemination of relevant information.
- (iii) To build and support the capacity of constituents to ratify, effectively implement and evaluate the Convention, through information exchanges involving tripartite groups and labour inspections systems.
- (iv) To discuss with INTERPOL the establishment of a subgroup on forced labour and human trafficking in the fishing sector within its Fisheries Crime Working Group and to discuss ways to jointly promote the ratification and effective implementation of Convention No. 188.
- (v) To discuss with UNODC and INTERPOL the holding of an interagency meeting on forced labour and human trafficking in the fishing sector.
- (vi) To continue to expand strategic partnerships with other UN agencies and international organizations to foster policy and programme coherence in the fishing sector to promote the ratification and effective implementation of Convention No. 188.
- (vii) To promote the need for governments to align fisheries policies with policies on safety at sea and health and safety on board fishing vessels.

Appendix

The Governing Body, at its 317th Session in March 2013, adopted the following programme of sectoral work for 2014–15:

- (a) Preparation of guidelines for flag State inspections under the Work in Fishing Convention, 2007 (No. 188), for review and adoption by a meeting of experts.
- (b) The strengthening of the capacity of tripartite constituents for the implementation and the ratification of Convention No. 188, in accordance with the Action Plan (2011–16), using sectoral tools and in collaboration with other units, the FAO and other international organizations.
- (c) The promotion of FAO–ILO–IMO publications.