Overview of the ILO Work in Fishing Convention, 2007 (No. 188)

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Regional Meeting on Work in Fishing
12-13 September 2013

Aston Hotel
Makassar, Indonesia



What I will talk about

- Reasons ILO adopted the Work in Fishing Convention, 2007 (No. 188)
- Main contents of the Convention
- What is being done to help countries ratify and implement the Convention
- How the Convention helps migrant fishers

Concept of Decent Work

Decent Work

decent and productive work, in conditions of freedom, equity, security and human dignity

Conditions of work in fishing

- Challenging marine environment
- Labour intensive
- Dangerous equipment and machinery
- Long periods at sea
- Fatigue
- Complex employment relationships



Issues

- Fishers often excluded from protection provided to other workers

- Laws for protecting fishers have not always been clear or appropriate

Aim

Decent Work for Fishers

decent and productive work, in conditions of freedom, equity, security and human dignity



Aim





Environmental Justice Foundation (EJF)

ILO means of action

- Research
- Forum for international, tripartite discussion
- Advocacy
- Technical advisory services
- Technical cooperation
- **International labour standards**

International labour standards

- For all workers
- For specific issues
- For specific sectors



ILO Conventions - binding

ILO Recommendations - guidance

ILO and the fishing sector

- Fishing standards since 1920



Fishing sector today

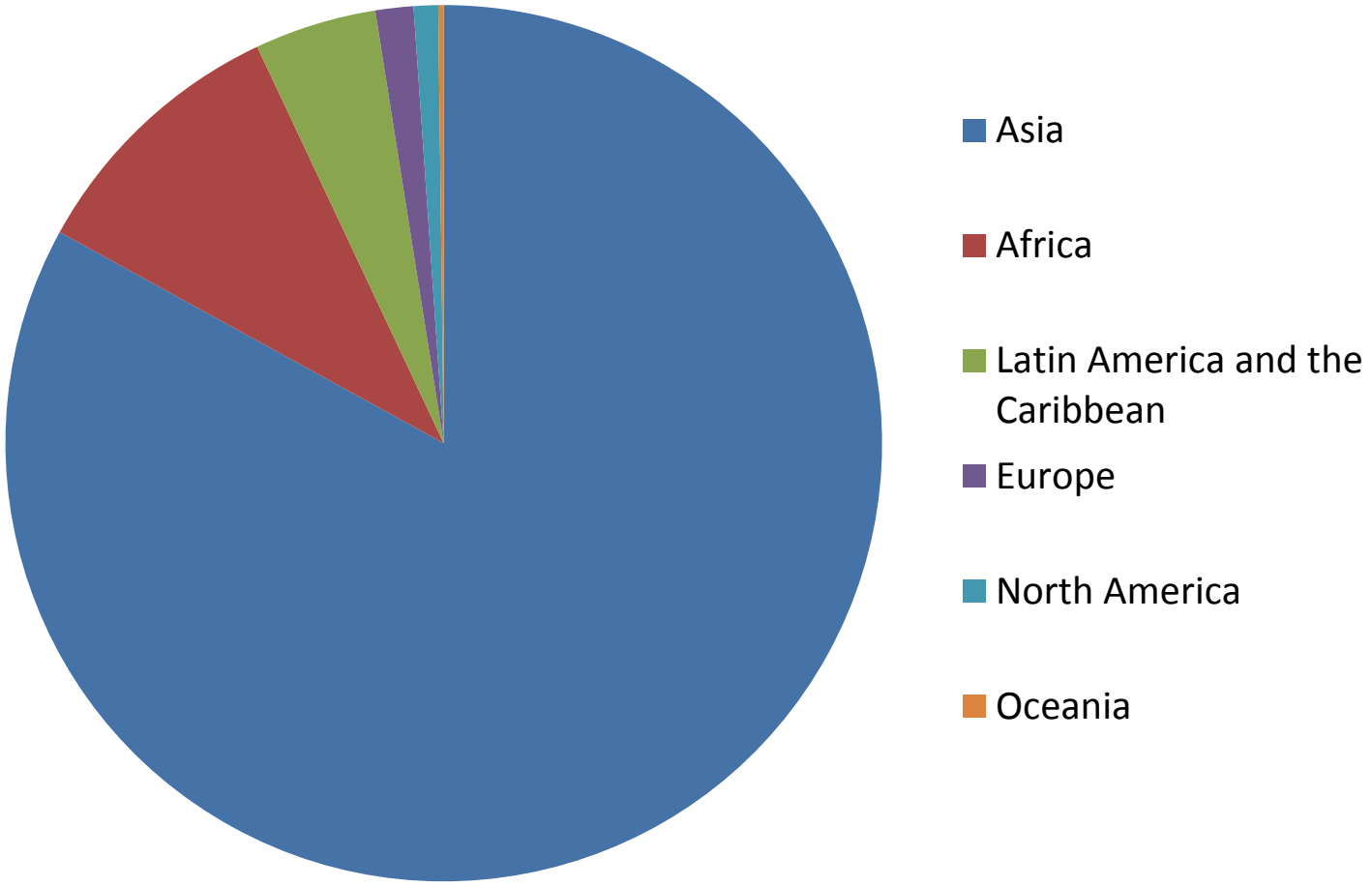
- Increasingly globalized sector
- More migrant fishers





Most fishers are in or from Asia

Capture fishers by region in 2010



Source: FAO (2012)

8 of 10 important fishing countries in Asia

Top 10 countries by motorized fishing fleet…

Source: FAO (2010)

1. China
2. Indonesia
3. Japan
4. Philippines
5. India
6. Vietnam
7. Mexico
8. United States
9. Republic of Korea
10. Cambodia



Top 10 countries by marine capture fishers…

1. China
2. Indonesia
3. Philippines
4. Vietnam
5. India
6. Myanmar
7. Brazil
8. Taiwan (China)
9. Egypt
10. Thailand





Adoption of a standard for fishing



Work in Fishing Convention, 2007 (No. 188)

votes of 437 for, 2 votes against and
22 abstentions

Adoption of a standard for fishing

- Taking into consideration fundamental principles and rights at work

- Recalling the United Nations Convention on the Law of the Sea

Objective of C.188

‘To ensure that fishers have decent conditions of work on board fishing vessels with regard to...

- minimum requirements for work on board fishing vessels
- conditions of service;
- accommodation and food;
- occupational safety and health protection;
- medical care and social security.’

Provisions of C.188





Compliance and enforcement

Scope of C.188

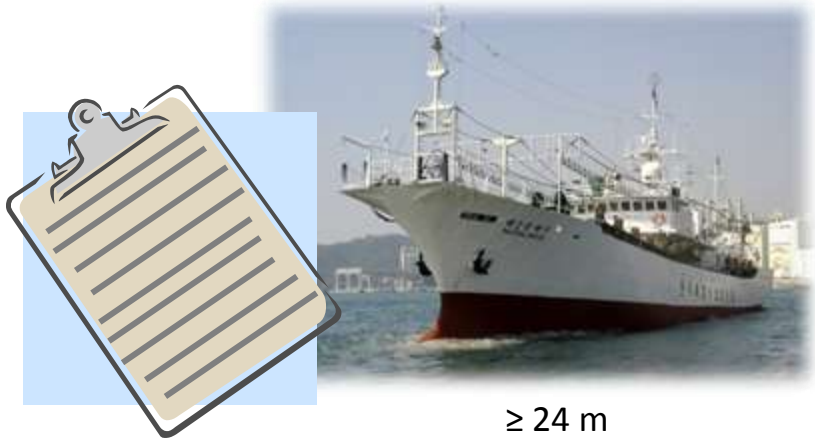
"This Convention applies to all fishers and all fishing vessels engaged in commercial fishing operations."





Stringency of C.188

Higher standards and more specific requirements for vessels of 24 metres in length and over, or remaining more than three days at sea.



≥ 24 m



< 24 m

Less stringent and less specific standards for vessels under 24 metres in length or at sea for less than three days.

Flexibility

Provides flexibility of implementation to account for the global diversity of fishing operations and capacities of countries.

Exclusion possibility

- Inland fishing vessels
- Limited fishers or fishing vessels

Progressive implementation

- Specific provisions listed
- Not allowed for particular fishing vessels

Substantial equivalence

- Certain hours of rest provisions
- Certain accommodation provisions








Consultation



Governments

- Implement and enforce laws, regulations or other measures adopted to fulfil commitments under C.188.

- Designate the competent authority or authorities and establish mechanisms for coordination among relevant authorities.

Fishing vessel owners, skippers, fishers

Fishing vessel owners

- Ensure skippers are provided with the resources and facilities to comply with C.188.
- Not constrain the professional judgment of the skipper regarding the safety of the vessel or the safety of the fishers on board.

Skippers

- Responsible for the safety of the fishers and the safe operation of the vessel.

Fishers

- Comply with the lawful orders of the skipper and applicable safety and health measures.

Main provisions of C.188

Minimum age

- 16 years of age
- 18 years of age if dangerous work



Medical examination

- Fishers require a valid medical certificate



Main provisions of C.188

Manning and hours of rest
- Vessels are manned for safe operation and navigation
- Fishers are given rest of sufficient length for safety and health

Crew list
- Vessels require a crew list

Fisher's work agreement
- Fisher's must have the protection of a work agreement
- Minimum particulars to be included are set out in Annex II

Repatriation
- Fishers are entitled to repatriation
- Cost to be borne by the fishing vessel owner





Main provisions of C.188

Recruitment and placement

- Private recruitment and placement services must be licensed
- Prohibits private services from deterring fishers and requiring fees or charges

Payment of fishers

- Monthly or regular payment
- Means to transmit payment to families at no cost



Accommodation and food

- Accommodation must be of sufficient size and quality
- Food and potable water must be of sufficient quality and quantity
- Food and water must be provided by the vessel owner at no cost to the fisher





Main provisions of C.188

Medical care

- Vessels must carry appropriate medical equipment and supplies
- At least one fisher on board trained in first aid
- Vessels to be equipped with radio or satellite communications
- Fishers have the right to be treated ashore in a timely manner



Main provisions of C.188

Occupational safety and health and accident protection

- To ensure prevention occupational accidents, diseases and work-related risks
  - Training on handling of fishing gear
  - Reporting and investigation of accidents
  - Special consideration for fishers under 18 years old
  - Setting up of joint committees on OSH
  - Risk evaluation to be conducted



Social security

- Fishers are entitled to social security benefits

Protection in the case of work-related sickness, injury or death

- Fishers must have access to appropriate medical care and compensation



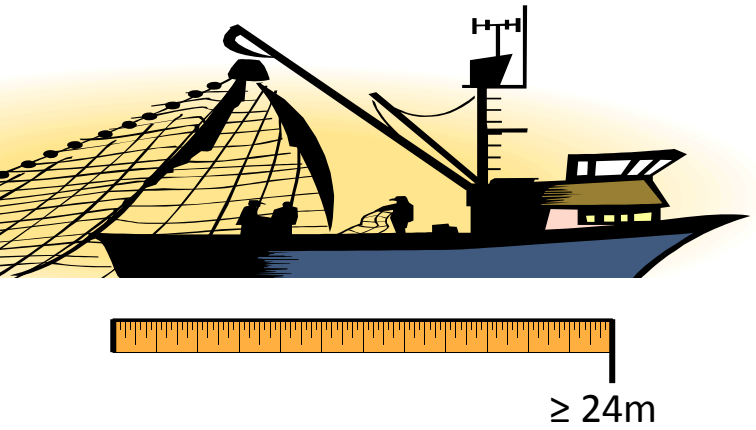
Main provisions of C.188

Compliance and enforcement

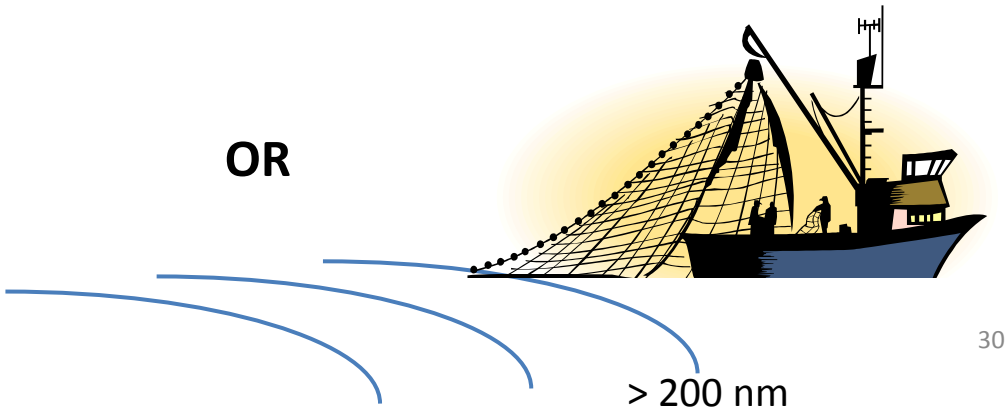
Flag State responsibilities

'Each Member shall effectively exercise its jurisdiction and control over vessels that fly its flag by establishing a system for ensuring compliance with the requirements of this Convention…'

- Must establish an effective system for inspection and appoint a sufficient number of qualified inspectors
- Must issue a valid document stating the vessel has been inspected and complies with the Convention for vessels at sea for more than 3 days and either:



OR



Main provisions of C.188

Port State control





Complaints procedures

Principle of '*no more favourable treatment*'

Benefits

- Secures fair competition
- Improves working conditions
- Promotes social dialogue
- Improves contribution to the economy



- Facilitates coordination amongst relevant ministries and authorities
- Contributes to addressing other fisheries issues





Addressing forced labour and trafficking

Inspecting vessels to see that:

- all fishers are on the crew list
- all fishers have a work agreement
- occupational safety and health protection
- medical supplies and equipment
- child labour (minimum age)

Addressing forced labour and trafficking

Recruitment and placement services:

- No paying for job
- No blacklisting
- Regulation of private recruitment and placement services

ILC Resolutions

- Resolution concerning promotion of the ratification of the Work in Fishing Convention, 2007 (No. 188)
- Resolution concerning port State control
- Resolution concerning tonnage measurement and accommodation
- Resolution concerning promotion of welfare for the fishers



Follow up

- Seminars
- Workshops
- Tools
- Meetings
- Technical cooperation projects



Promotion of C.188

Tools and materials…

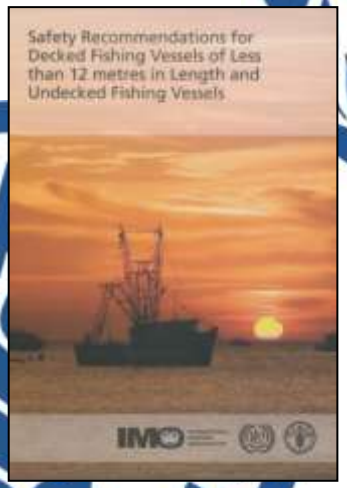


www.ilo.org/fishing

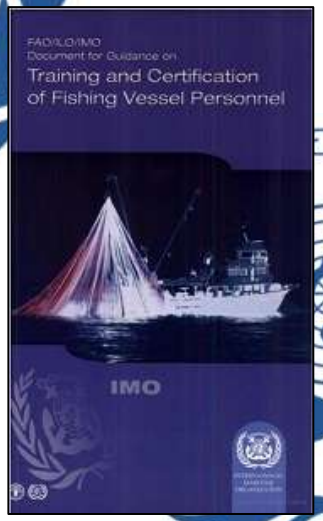
Promotion of C.188

Inter-agency cooperation…







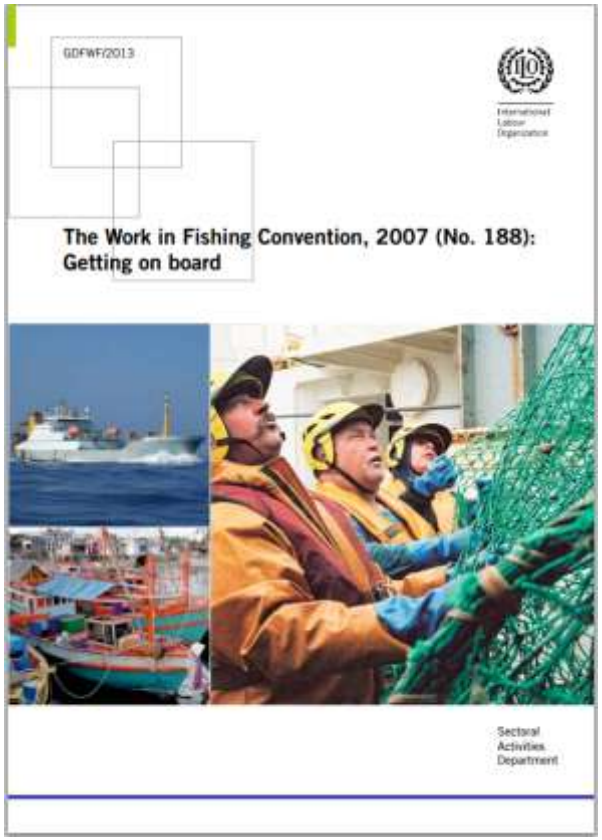




Promotion of C.188

Global Dialogue Forum for the Promotion of the Work in Fishing Convention, 2007 (No. 188)

- Important social and labour issues in the fishing sector
- Contribution of C.188 to addressing these issues
- Sharing of experiences concerning the process towards implementation and ratification of C.188
- Recommendations for future actions by the International Labour Organization and its Members



www.ilo.org/fishing

Entry into force

12 months after ten ratifications by ILO member States

Ratifications of C.188

- Ratification of Bosnia and Herzegovina (4 February 2010) 
- Ratification of Argentina (15 September 2011) 
- Ratification of Morocco (16 May 2013) 
- Ratification of South Africa (20 June 2013) 

Actions by social partners

EXAMPLE:

Europe - social partners' agreement



Way forward

Each ILO member State

- Comparative analysis of national legislation
- Tripartite national consultations
- Coordination and cooperation between relevant authorities and other ILO member States
- National labour inspection in fishing



Some upcoming international activities

October 2013

Improving working and living conditions in fishing (training)
Turin, Italy

Sept/Oct 2015

Meeting of experts on the inspection of working and living conditions on board fishing vessels
Geneva, Switzerland


The modern face of slavery
FACT FILE



Further information

www.ilo.org/fishing

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Thank you